Exhibit B

CEQA Findings of Fact and Statement of Overriding Considerations for Highway 12 Logistics Center Project

Table of Contents

Acronyms

AB	Assembly Bill
ABAG	Association of Bay Area Governments
AFB	Air Force Base
AMM	avoidance and minimization measures
ARB	California Air Resources Board
BAAQMD	Bay Area Air Quality Management District
BCDC	San Francisco Bay Conservation and Development Commission
BMPs	Best Management Practices
CAAQS	California ambient air quality standards
CalGreen	California Green Building Standards
Cal-OSHA	California Occupational Safety and Health Administration
CalRecycle	California Department of Resources Recycling and Recovery
CAP	Climate Action Plan
CBC	California Building Standards Code
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CFS	Commercial Services & Fabricating
CHRIS	California Historical Resources Information System
City	City of Suisun City
CO	carbon monoxide
CO_2e	Carbon dioxide equivalents
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
dB	decibels
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
EMD	Environmental Management Department
EPA	Environmental Protection Agency
EV	electric vehicle
FAST	Fairfield and Suisun Transit
FEMA	Federal Emergency Management Administration
FSSD	Fairfield-Suisun Sewer District
FSURMP	Fairfield-Suisun Urban Runoff Management Program
g/L	grams per liter

Handbook	California Air Resources Board Air Quality and Land Use Handbook: A Community Health Perspective
HASP	Health and Safety Plan
HCP	Habitat Conservation Plan
HEPA	High Efficiency Particle Arresting
HVAC	Heating, ventilation, and air conditioning
LAFCo	Local Agency Formation Commission
LED	Light emitting diode
LID	Low impact development
LOS	Level of Service
MERV	Minimum Efficiency Reporting Value
Mgd	Millon gallons per day
MLD	Most Likely Descendant
MMRP	Mitigation Monitoring and Reporting Program
MT	Metric tons
MTP	Metropolitan Transportation Plan
NAAQS	national ambient air quality standards
NAHC	Native American Heritage Commission
NCCP	Natural Community Conservation Planning
NOP	notice of preparation
NO_X	nitrogen oxide
NPDES	National Pollutant Discharge and Elimination System
OS	Open Space
OSHA	Occupational Safety and Health Administration
PG&E	Pacific Gas & Electric Company
PM	particulate matter
$PM_{2.5}$	particulate matter with aerodynamic diameter less than 2.5 microns
PM_{10}	particulate matter with aerodynamic diameter less than 10 microns
PPA	Priority Production Area
Ppd	Pounds per day
PPV	peak particle velocity
PUD	Planned Unit Development
proposed project	*Highway 12 Logistics Center Project*
RCRA	Resource Conservation and Recovery Act
ROG	reactive organic gas

RWQCB	Regional Water Quality Control Board
SCPD	Suisun City Police Department
SCS	Sustainable Communities Strategy
SEIR	Supplemental Environmental Impact Report
SID	Solano Irrigation District
SP	Service Population
SR	State Route
SSWA	Solana-Suisun Water Authority
SWPPP	Storm Water Pollution Preventation Plan
SWRCB	State Water Resources Control Board
TAC	toxic air contaminant
TCR	Tribal Cultural Resource
TDM	Transportation Demand Management
Tpd	Tons per day
TRUs	transport refrigeration units
ULL	Urban Limit Line
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
VdB	vibration decibels
VELB	Valley Elderberry Longhorn Beetle
VMT	vehicle miles travelled
VOC	volatile organic compound
WSA	Water Supply Assessment
WWTP	Wastewater Treatment Plant
$\mu g/m^3$	Micrograms per cubic meter

1. Introduction

The Draft Environmental Impact Report (Draft EIR) for the Highway 12 Logistics Center Project (the Project) addressed the environmental effects associated with the proposed Project, and further addressed the effects of alternatives to the proposed project, as required by law (CEQA Guidelines, § 15126.6). As described in the Draft EIR, the proposed Project required a General Plan amendment, annexation, and pre-zoning of approximately 161 acres of land into the City of Suisun City. Approximately 93.4 acres of land would be developed (referred to as the 'Development Area') for warehouse and logistic uses, and the remainder would be Managed Open Space. Upon annexation, the proposed Development Area would be zoned Commercial Services & Fabricating (CFS), and the remaining Annexation Area would be zoned Open Space (OS) or would be within roadway rights-of-way. The Commercial Services & Fabricating zoning would accommodate light manufacturing, research and development, warehousing, and accessory office space. The Open Space zoning would allow agriculture, resource protection and restoration, and resource-related recreation. Construction within the Development Area would be developed over time based on market conditions. At full buildout, the Development Area would accommodate six warehouse buildings of approximately 1.28 million square feet collectively, and truck and trailer parking (collectively approximately 2,024 stalls). Four buildings (Buildings A, B/C, D, and E) would be clustered west of Pennsylvania Avenue and north of the railroad line operated by the California Northern Railroad; one building (Building F) would be bounded by Cordelia Road to the south and southeast and by the railroad line operated by the California Northern Railroad to the north. The last building (Building G) is proposed in the area east of Pennsylvania Avenue, adjacent to undeveloped land to the east and south.

The California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) and the CEQA Guidelines (Cal. Code of Regulations, Title 14, § 15000 et seq.) include what the California Supreme Court has called the "substantive mandate," by which "public agencies [must] refrain from approving projects for which there are feasible alternatives or mitigation measures" that would mitigate or avoid the significant environmental effects of a project as proposed. (*Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal.4th 105, 134 (*Mountain Lion*). (See also Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15002[a][3] and 15021[a][2].) As the Court explained, this substantive mandate "is effectuated in [Public Resources Code] section 21081, which requires the adoption of what are commonly called CEQA Findings. (*Mountain Lion*, *supra*, 16 Cal.4th at p. 134.) "Under this provision, a decisionmaking agency is prohibited from approving a project for which significant environmental effects have been identified unless it makes specific findings about alternatives and mitigation measures." (*Ibid*.) The parallel provision in the CEQA Guidelines requiring CEQA Findings is Section 15091. These Findings of Fact have been prepared to comply with CEQA Guidelines Section 15091.

Section 15091 provides that, when an EIR has been certified that identifies one or more significant environmental impacts, the approving agency must make one or more of the following findings, accompanied by a brief explanation of the rationale, for each identified significant impact:

a) Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the final environmental impact report.

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 environmental impact report.

Another relevant section of the CEQA Guidelines is Section 15092. It states that, after consideration of an EIR, and in conjunction with making the Section 15091 findings identified above, the lead agency may decide whether or how to approve or carry out the project or a project alternative. A project that would result in a significant environmental impact cannot be approved if feasible mitigation measures or feasible alternatives can avoid or substantially lessen the impact. Here, these Findings of Fact explain why the City Council has approved all feasible mitigation measures, has rejected a single mitigation measure (4.6-1n) as infeasible, and has found the alternatives discussed in the EIR (the No Project Alternative, the Reduced Footprint Alternative, and the Reduced Vehicle Miles Traveled Alternative) to be infeasible.

However, before an agency decision-making body can approve a project or alternative with significant unavoidable environmental effects, Section 15093 of the CEQA Guidelines requires that the decision-making body must find that there are specific economic, legal, social, technological, or other considerations that outweigh such significant unavoidable environmental effects. Section 15093 requires the lead agency to document and substantiate any such determination in "statements of overriding considerations" as a part of the record.

In sum, the requirements of Guidelines Sections 15091, 15092, and 15093, as summarized above, are all addressed herein. This document is intended to serve as the findings of fact and statement of overriding considerations authorized by those provisions of the CEQA Guidelines. The findings provide the written analysis and conclusions of the City of Suisun City (City) regarding the Project's environmental impacts, mitigation measures, alternatives to the proposed Project, and the overriding considerations that justify approval of the proposed Project despite its environmental effects.

2. Project Description

The Project site comprises approximately 487 acres of land area, which is primarily in unincorporated Solano County, California, west of the city of Suisun City (Suisun City or City). Approximately 4.5 acres of the Project site is within the existing City jurisdiction.[1] Suisun City is in central Solano County, southwest of the city of Fairfield, and is situated along SR 12, just east of the intersection with Interstate 80, centrally located between the San Francisco Bay Area and the Sacramento Valley.

2.1 Project Objectives

The following project objectives have guided planning for the Project, as well as the analysis included within the EIR:

1 This land area of approximately 487 acres includes the properties that are a part of the Project. This does not include approximately 3.7 acres of roads or 2.1 acres of railroad property that are adjacent to the Project site. The figure of approximately 487 acres also does not include the separately owned approximately five-acre property that is east of Pennsylvania Avenue and is essentially surrounded by the Project ~~s~~ite since the Project applicant does not control this property and the Project does not propose any physical change to this property. While the Project ~~s~~ite does not include the acreage of roads in the acreage total, the impact of improvements required to all roads, and all infrastructure improvements, both on- and off-site, are included in the analysis in the EIR.

- Further the goals and policies of the City of Suisun City General Plan by developing land contemplated to support urban development.
- Promote economic growth through new capital investment, expansion of the tax base, and creation of new employment opportunities.
- Improve the City of Suisun City's jobs-to-housing ratio by locating employment land uses on historically underutilized land near existing infrastructure, transportation corridors, and residential areas.
- Capitalize on the existing Interstate 80 and State Highway 12 transportation corridor, the existing rail facilities that can provide direct rail service unique to this logistics market area, and the increased demand for warehouse and distribution services in the City and region.
- Create a master planned complex of buildings to accommodate the current and future need for warehouse and distribution uses in an economically viable project with coordinated infrastructure and landscaping.
- Create opportunities to generate jobs and attract new employment-creating industries to Suisun City that generate new tax revenue and minimize demands on City services.
- Continue the orderly development of the western gateway of Suisun City and provide a visual environment that gives visitors an immediate positive first impression of Suisun City with attractive building facades and landscaping.
- Preserve and manage areas of the project site with concentrations of wetlands and other sensitive habitat for permanent open space to mitigate impacts and further regional habitat and species preservation goals.
- Implement a range of sustainability measures aimed at conserving resources, decreasing energy and water consumption, and reducing air and water pollution.
- Install circulation improvements along Pennsylvania Avenue and Cordelia Road that provide efficient ingress and egress to the proposed Project, while also ensuring these facilities operate at acceptable levels.
- Design internal circulation to provide efficient ingress and egress while ensuring facilities operate at acceptable levels.
- Offer a project with the scale, location, amenities, and sustainability features necessary to create competitive advantages in attracting and retaining a variety of reputable warehousing and logistics users.

2.2 Project Summary

The Project proposes a General Plan amendment, annexation, and pre-zoning of approximately 161 acres of land into the City of Suisun City (referred to as the 'Annexation Area').[2] Annexation will be required to comply with the

[2] "Pre-zoning" communicates to the Solano Local Agency Formation Commission the intended zoning of the subject properties prior to annexation. Upon annexation, the pre-zoning would become City of Suisun City zoning districts. The land area within the Annexation Area – 161 acres – includes a 5-acre property east of Pennsylvania Avenue that is not a part of the Project site, but that is surrounded by the Project site. The Project does not propose any physical changes, General Plan changes, prezoning, or any other change to this

policies and standards of the Solano Local Agency Formation Commission (LAFCO) and the EIR was prepared so that LAFCO may rely on the analysis and mitigation when considering the boundary changes required for the Project.

Approximately 93 acres of land would be developed (referred to as the 'Development Area') for warehouse and logistic uses, and the remainder would be Managed Open Space. Upon annexation, the proposed Development Area would be zoned Commercial Services & Fabricating (CFS), and the remaining Annexation Area would be zoned Open Space (OS) or would be within public roadway rights-of-way. The Commercial Services & Fabricating zoning would accommodate light manufacturing, research and development, warehousing, and accessory office space. The Open Space zoning district within the City's zoning ordinance is intended to allow agriculture, resource protection and restoration, and resource-related recreation.

The proposed Development Area would be designed to allow for trucks to enter the site from driveway access points along Pennsylvania Avenue and Cordelia Road separate from passenger vehicles to minimize conflicts. Truck access points would be designed to allow for truck stacking to minimize impacts to the public streets. Access to the Project site for passenger vehicles would also be provided at separate driveway access points along both Pennsylvania Avenue and Cordelia Road.

Construction within the Development Area would be developed over time based on market conditions. The Project would also include construction and operation of on- and off-site infrastructure improvements, including stormwater facilities, and water, wastewater, electricity, natural gas, and telecommunications utilities to serve demand resulting from the Project.

Within the Annexation Area, land not otherwise designated as CFS, would be designated OS. The Project envisions primarily unimproved and/or Managed Open Space on this portion of the Annexation Area. The Project site also includes a 4.5-acre parcel northeast of the proposed Annexation Area. This parcel is within the existing City limits and therefore is not proposed for annexation but is included in the overall Project site and the total area to be maintained as Managed Open Space. An additional approximately 332 acres of the Project site that would be maintained within the unincorporated area of Solano County south of Cordelia Road and the railroad line operated by the California Northern Railroad is also proposed as Managed Open Space. These open space areas, comprising approximately 393 acres, would be managed to protect the existing habitat and also to provide for mitigation of development impacts. Any on-site mitigation proposed by the Project would be subject to approval of the appropriate resource agencies. Mitigation required by the City for the proposed Project mandates that the entire Managed Open Space area be protected in perpetuity to prohibit development of, any resource extraction within, and public access to, and public use of the Managed Open Space area.

property, but the acreage is included in the total Annexation Area since annexation of this property would be required to avoid an unincorporated "island."

3. Procedural Findings

Pursuant to Sections 15060(d) and 15082 of the CEQA Guidelines, the City issued a Notice of Preparation (NOP) for the proposed Project on April 1, 2021, and reissued the NOP on May 14, 2021, revised for clarity and to provide additional information related to planned sewer service that was not known at the time of the initial NOP release.

The scoping period began on Friday, May 14, 2021 and extended through June 14, 2021. The City held a public scoping meeting at a regular Planning Commission meeting on April 13, 2021. The NOP was submitted to the State Clearinghouse web portal of the Governor's Office of Planning and Research and was posted on the City's website for public review and to accept comments for a 30-day period through June 14, 2021. In preparing the Draft EIR, the City considered comments submitted in response to the NOP and offered at the public scoping meeting. Appendix A of the Draft EIR includes comments received on the NOP.

The City filed a Notice of Completion, published a Notice of Availability, and the Draft EIR was circulated for a 45-day public review period beginning on August 31, 2023 and concluding on October 17, 2023, during which agencies and organizations submitted public comments and input. After the close of the public review period, the City prepared a Final EIR including copies of comments submitted on the Draft EIR, responses to the comments, and minor changes to the text of the Draft EIR.

The Final EIR was released on July 1, 2024. The Final EIR consists of the Draft EIR; Comments and Responses to Comments on the Draft EIR; Errata to the Draft EIR; and a Mitigation Monitoring and Reporting Program, dated July 1, 2024.

As required by CEQA Guidelines Section 15088(b), public agencies that commented on the Draft EIR are provided at least 10 days to review the proposed responses prior to the date for consideration of the Final EIR for certification. The City sent responses to comments from responsible agencies to those commenting agencies. The City also sent responses to comments to all organizations and individuals that commented on the Draft EIR, in addition to responsible and trustee agencies.

A Planning Commission meeting to consider a recommendation to the City Council for certification of the Final EIR, adoption of the Mitigation Monitoring and Reporting Program, adoption of the CEQA Findings, and adoption of the Statement of Overriding Considerations was held on July 9, 2024. For the Planning Commission meeting, the City staff recommendation was for the Planning Commission to recommend that the City Council approve Alternative 2, the Reduced Footprint Alternative, in lieu of approval of the proposed Project. Staff cited the reduced environmental impacts of Alternative 2 as the basis for the staff recommendation. The Planning Commission disagreed with the staff's recommendation, and instead recommended that the City Council certify the Final EIR and approve the proposed Project, and not Alternative 2. In making its recommendation to the City Council, the Planning Commission cited the greater fiscal benefits to the City that the Project would bring. The Staff Report provided to the Planning Commission included, as Attachment 6, a November 27, 2023, document entitled, *Highway 12 Logistics Center Fiscal Impact Analysis: Final Draft Report prepared by the Goodwin Consulting Group* ("Goodwin Fiscal Study"). This Study compared the fiscal benefits of the Project and Alternative 2, and showed that the proposed Project would generate a net annual fiscal surplus of $1,200,835, while Alternative 2 would generate a net annual surplus of only $499,000. The Goodwin Fiscal Study concluded that these annual funds "may be crucial to the City, allowing it to encourage development of various housing products with a balance of affordable and market-rate units, which could produce fiscal deficits and offset this Project's surplus to some

extent." Based in part on these demonstrated fiscal advantages, and in consideration of ongoing fiscal challenges, the Planning Commission elected to recommend the proposed Project to the City Council instead of Alternative 2.

The Planning Commission, in recommending to the City Council to advance the proposed Project rather than Alternative 2 also cited the additional local employment benefits attributable to the proposed Project. As detailed in the Draft EIR, the proposed Project would employ approximately 1,275 people while Alternative 2 would offer just 528 positions (Draft EIR, page 6-10). The most recent Longitudinal Employer-Household Dynamics Origin-Destination Employment Statistics (LODES) data reported by the U.S. Census reports approximately 3.4 percent of city residents are employed and live within the city while 96.6 percent commute to jobs outside of the city. Approximately 85 percent of local jobs within the city are filled by employees from outside of the city, mainly from the cities of Fairfield and Vacaville. The predominance of residential uses in Suisun City and need for additional employment opportunities is reflected in the City's jobs/housing ratio of 0.41 (Draft EIR, page 4.9-4). The additional jobs that would be provided locally as a part of the proposed Project would be consistent with the Project objectives – in particular, the "…creation of new employment opportunities," the proposed Project's ability to "[i]mprove the City of Suisun City's jobs-to-housing ratio," and "[c]reate opportunities to generate jobs and attract new employment-creating industries to Suisun City…"

The Planning Commission also addressed other advantages of the proposed Project compared to Alternative 2, including the circulation benefits related to the additional street frontage improvements that would be provided as a part of the proposed Project that would not be provided under Alternative 2 and the greater aesthetic improvements. The Planning Commission observed that biological resources impacts would still be able to be mitigated under the proposed Project, and that, since only one impact (criteria air pollutant emissions) would be changed from significant to less than significant under Alternative 2, and considering the fiscal, employment, circulation, and aesthetic benefits, it was appropriate to recommend the proposed Project rather than Alternative 2 to the City Council.

4. Record of Proceedings

In accordance with Public Resources Code Section 21167.6, subdivision (e), the record of proceedings for the City's decision on the Project includes the following documents, which provide evidentiary support for the conclusion reached in these findings:

- The application package, including written documentation, maps, and subsequent amendments and submittals;
- The NOP, comments received on the NOP and all other public notices issued by the City in relation to the EIR (e.g., Notice of Availability);
- The Draft EIR and all appendices to the Draft EIR and technical materials cited in the Draft EIR;
- The Final EIR and all appendices to the Final EIR;
- All presentation materials related to the Project;
- All comments submitted by agencies or members of the public during the comment period on the Draft EIR;
- All studies conducted for the Project and contained or referenced in the Draft EIR or the Final EIR;
- All public reports and documents related to the Project prepared for the City and other agencies;
- All documentary and oral evidence received and reviewed at public hearings and all transcripts and minutes of those hearings related to the Project, the Draft EIR, and the Final EIR;
- The Mitigation Monitoring and Reporting Program for the Project;
- All documents cited in these Findings of Fact & Statement of Overriding Considerations not included within the categories set forth above and below; and
- Any additional items not included above if otherwise required by law (e.g., by Public Resources Code section 21167.6, subdivision [e]).

The documents constituting the record of proceedings are available upon request for review by responsible agencies and interested members of the public, by appointment during normal business hours (8:00 am through 4:30 pm) at City Hall, 701 Civic Center Boulevard, Suisun City, CA 94585.

5. Findings Required Under CEQA

Public Resources Code Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would *substantially lessen* the significant environmental effects of such projects" [emphasis added]. The same statute also states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will *avoid* or *substantially lessen* such significant effects" [emphasis added]. Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

As noted earlier, the California Supreme Court has characterized the statutory directive that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects" as the "substantive mandate" of CEQA. (*Mountain Lion*, *supra*, 16 Cal.4th at p. 134; see also CEQA Guidelines, §§ 15002[a][3] and 15021[a][2].)

The mandate and principles of Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See Public Resources Code Section 21081(a), State CEQA Guidelines Section 15091[a]). For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions.

The first such finding is that "[c]hanges or alterations have been required or incorporated into the project to avoid or substantially lessen the significant environmental effect as identified in the Final EIR" (CEQA Guidelines, Section 15091[a][1]). For purposes of these findings, the term "avoid" refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than-significant level. In contrast, the term "substantially lessen" refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level.

The second permissible finding is that "[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and that such changes have been adopted by such other agency or can and should be adopted by such other agency" (CEQA Guidelines Section 15091[a][2]).

The third potential finding is that "[s]pecific 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" (CEQA Guidelines Section 150919[a][3], italics emphasis added).

As the courts have explained, the inclusion of a proposed mitigation measure in an EIR suggests only that the measure is *potentially* feasible, as determined by lead agency staff. Importantly, it is the agency's decision-makers (here, the City Council) who get to determine whether a "potentially feasible" mitigation measure is "*actually* feasible." As the courts have said, "[t]he issue of feasibility arises at two different junctures: (1) in the assessment of alternatives [and mitigation measures] in the EIR and (2) during the agency's later consideration of whether to approve the project" (*California Native Plant Society v. City of Santa Cruz* [2009] 177 Cal. App. 4th 957, 981 [*CNPS*], citing *Mira Mar Mobile Community v. City of Oceanside* [2004] 119 Cal.App.4th 477, 489 [*Mira Mar*]).

"But 'differing factors come into play at each stage'" (*CNPS*, *supra*, 177 Cal.App.4th at p. 981). "For the first phase—inclusion in the EIR—the standard is whether the alternative [or mitigation measure] is potentially feasible." (*CNPS*, *supra*, 177 Cal.App.4th at p. 981, citing *Mira Mar*, *supra*, 119 Cal.App.4th at p. 489; CEQA Guidelines, § 15126.6, subdivision [a]). "By contrast, at the second phase— the final decision on project approval—the decision-making body evaluates whether the alternatives [or mitigation measures] are actually feasible" (*CNPS*, *supra*, 177 Cal.App.4th at p. 981, citing CEQA Guidelines, § 15091, subdivision [a][3]). "At that juncture, the decisionmakers may reject as infeasible alternatives [or mitigation measures] that were identified in the EIR as potentially feasible" (*CNPS*, *supra*, 177 Cal.App.4th at p. 981, citing *Mira Mar*, *supra*, 119 Cal.App.4th at p. 489).

Thus, "[m]itigation measures are *suggestions* which may or may not be adopted by the decision makers. There is no requirement in CEQA that mitigation measures be adopted. The adoption of mitigations depends, among other matters, upon economic and technological feasibility and practicality" (*No Slo Transit, Inc. v. City of Long Beach* [1987] 197 Cal.App.3d 241, 256, italics added; see also *Native Sun/Lyon Communities v. City of Escondido* [1993] 15 Cal.App.4th 892, 908; *San Diego Citizenry Group v. County of San Diego* [2013] 219 Cal.App.4th 1, 15-19).

"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors (CEQA Guidelines Section 15364). Based on this definition as interpreted in case law, a decisionmaking body can reject EIR alternatives or mitigation measures as *economically* infeasible. To support such a finding, the decisionmakers must conclude, based on substantial evidence, that the marginal costs of alternative or mitigation measure "are so great that a reasonably prudent property owner would not proceed with" the alternative or mitigation measure (See *Uphold Our Heritage v. Town of Woodside* [2007] 147 Cal.App.4th 587, 600 [*Uphold Our Heritage*]).

The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project (*Sierra Club v. County of Napa*, *supra*, 121 Cal.App.4th at pp. 1506-1509; *CNPS*, *supra*, 177 Cal. App. 4th 957, 1001; *Citizens for Open Government v. City of Lodi* [2012] 205 Cal.App.4th 296, 314-315; *Sequoyah Hills Homeowners Assn. v. City of Oakland* [1993] 23 Cal.App.4th 704, 715 [*Sequoyah Hills*]; and *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* [2008] 43 Cal.4th 1143, 43 Cal.4th at pp. 1165, 1166). Moreover, "feasibility" under CEQA encompasses "desirability" to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors. (*City of Del Mar v. City of San Diego* [1982] 133 Cal.App.3d 410, 417; *CNPS*, *supra*, 177 Cal.App.4th at p. 1001; *San Diego Citizenry Group v. County of San Diego*, *supra*, 219 Cal.App.4th at p. 17). In addition, a proposed alternative may also be *legally infeasible*. (*Sequoyah Hills*, *supra*, 23 Cal.App.4th at p. 715 [proposed reduced housing alternative would have violated Government Code section 65589.5, the Housing Accountability Act]).

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons in support of the finding that the project benefits outweigh its unavoidable adverse environmental effects. In the process of considering the EIR for certification, the City has recognized that impact avoidance is not possible in all instances. To the extent that significant adverse environmental impacts will not be reduced to a less-than-significant level with mitigating policies and implementation programs, the City has found that specific economic, social, and other considerations support approval of the proposed Project. Those findings are reflected herein in Section 5.6 (Findings Regarding

Environmental Impacts that Cannot Be Fully Mitigated to a Less-than-Significant Level) below and in Section 7 (Statement of Overriding Considerations).

5.1 Summary of Findings

The Draft EIR identified a number of less-than-significant impacts associated with the Project that do not require mitigation. The Draft EIR also identified significant and potentially significant environmental effects (or impacts) that may be caused in whole or in part by the Project. Most of these significant effects can be fully avoided or substantially lessened through the adoption of feasible mitigation measures. A few effects cannot be, and thus are determined to be significant and unavoidable. For reasons set forth in Section 7, "Statement of Overriding Considerations," however, the City has determined that overriding economic, social, and other considerations outweigh the significant, unavoidable environmental effects of the Project.

The findings of the City with respect to the Project's significant effects and mitigation measures are set forth in the Draft EIR, Final EIR, and these Findings of Fact. This Summary of Findings does not attempt to restate or describe the full analysis of each environmental impact contained in the Draft EIR and Final EIR. Please refer to the Draft EIR and the Final EIR for more detail. The Draft EIR and the Final EIR are herein incorporated by reference and the conclusions of the EIR are summarized in this document.

This Summary of Findings provides a summary description of each potentially significant and significant impact, describes the applicable mitigation measures identified in the Final EIR and adopted by the City Council, and states the findings of the City Council regarding the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Draft EIR and Final EIR and the associated administrative record (described above).

The City Council hereby ratifies, adopts, and incorporates the analysis and explanation in the record into these findings, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the Draft EIR and Final EIR relating to environmental impacts and mitigation measures of the Project, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings. In adopting these Findings, the City Council finds that City staff presented the EIR to the City Council as decision-making body, that the City Council reviewed and considered the information in the EIR prior to approving the Project, and that the EIR reflects the independent judgment and analysis of the City.

The following general findings are made by the City Council:

- For all impacts identified as less-than-significant in the EIR, the less-than-significant impact determination is hereby confirmed by the City Council based on the evidence and analysis provided in the record.
- For all adopted mitigation measures, the City Council finds that each such measure is appropriate and feasible and will lessen the impact to some degree.

Some of the measures identified in these Findings may also be within the jurisdiction and control of other agencies. To the extent any of the mitigation measures are within the jurisdiction of other agencies, the City Council finds those agencies can and should implement those measures within their jurisdiction and control (CEQA Guidelines Section 15091[a][2]).

5.2 Findings Regarding EIR Errata and EIR Recirculation

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR when "significant new information" is added to the EIR after the lead agency gives public notice of the availability of the Draft EIR but before certification. "Information" may include project changes, changes to the environmental setting, or additional data or other information. The Guidelines do not consider new information to be significant unless the lead agency changes the EIR in a way that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect or a feasible way to mitigate the impact that the agency or project proponent has declined to implement.

Section 15088.5 states "significant new information" requiring recirculation may include:

(1) A new significant environmental impact that had not previously been disclosed in the Draft EIR would result from the project or from a new mitigation measure;

(2) A substantial increase in the severity of an environmental impact that had already been identified unless mitigation measures would be adopted to reduce the impact to a level of insignificance;

(3) A feasible project alternative or mitigation measure would considerably lessen the significant environmental impacts of the project, but the proponents will not adopt it; or

(4) The Draft EIR was so inadequate and conclusory that meaningful public review and comment were precluded.

Recirculation is not required if new information added to the EIR only clarifies or makes minor modifications to an otherwise adequate EIR.

5.2.1 Revisions to the EIR and Errata to the Final EIR

In response to comments from the public and other public agencies on the Draft EIR, the City has incorporated minor changes into the Final EIR, which are described in Chapter 3, "Errata," of the Final EIR. Minor changes are incorporated in the following chapters: Chapter 1, "Executive Summary", Chapter 3, "Project Description", Chapter 4, "Environmental Impact Analysis", Chapter 5, "Cumulative Impacts", Chapter 7, "Other CEQA Considerations", and Chapter 8, "References."

Changes to Chapter 1, "Executive Summary" include revisions in Section 1.2.1 to specify the name of a creek bordering the Project Site.

Changes to Chapter 3, "Project Description" include revisions in Section 3.2.2 under the subheading "Wastewater Collection and Treatment" and in Section 3.4.

Changes to Chapter 4, "Environmental Impact Analysis" include revisions in Section 4.1, "Aesthetics" to clarify mitigation requirements in Mitigation Measure 4.1-3. Changes to Section 4.2 "Air Quality" to clarify mitigation requirements in Mitigation Measures 4.2-1a, 4.2-1b, 4.2-1g, 4.2-1h, 4.2-1i, and 4.2-1j and minor typographical revisions are made in the numbering of Impacts 4.2-2 and 4.2-3 to correct the chapter number; Mitigation Measure 4.2-1k was added to support long-term strategies for air monitoring and achieving air quality standards. Changes to Section 4.3, "Biological Resources" include a minor revision to the description of Ledgewood Creek in Section

4.3.1; minor revisions to Mitigation Measure 4.3-8a to clarify the source of a guidance document, and the site protection instrument for the Managed Open Space area; revisions to Mitigation Measure 4.3-9b to clarify the guidance document and incorporate specific ratio requirements; the addition of Mitigation Measures 4.3-9c and 4.3-17f to reduce potential impacts; and minor revisions to Mitigation Measure 4.3-17e to clarify the site protection instrument and prohibit use of rodenticides within the Development Area and Managed Open Space. Changes to Section 4.6, "Greenhouse Gases," include revisions to Mitigation Measure 4.6-1a to add a performance standard for low emissions construction equipment; a minor typographical revision to correct the numbering of Mitigation Measure 4.6-1f; and revisions to Table 4.6-4 to reflect the correct worker passenger vehicle emissions and the subsequent emissions totals; these revisions do not change the significance determination. Changes to Section 4.7, "Hazards and Hazardous Materials," include minor revisions to Mitigation Measure 4.7-3b and the addition of Mitigation Measure 4.7-4. Changes to Section 4.8, "Hydrology and Water Quality," include revisions to Section 4.8.2, "Regulatory Framework," to clarify the relevant regional stormwater program and its responsibilities and to correct a permit order number. Changes to Section 4.10, "Noise and Vibration," include revisions to Mitigation Measures 4.10-1a, 4.10-2a, and 4.10-3a to clarify separation requirements of construction-related activities from surrounding receptors. Changes to Section 4.12, "Transportation and Circulation," include minor revisions to Table 4.12-1 to reflect the correct transit agencies by route; and revisions to Mitigation Measure 4.12-2 to clarify on-site circulation improvement requirements Changes to Section 4.13, "Utilities and Service Systems," include revisions in Section 4.13.1, "Environmental Setting" to clarify regional district responsibilities.

Changes to Chapter 5, "Cumulative Impacts," include revisions to Section 5.3.8, "Hydrology and Water Quality," to reflect that the Fairfield-Suisun Urban Runoff Management Program was replaced by the Solano Stormwater Alliance. Table 5-2 in Section 5.3.10, "Noise and Vibration," is revised to correct a typographical error that has no bearing on the conclusions of the EIR.

Changes to Chapter 6, "Alternatives," include minor revisions in Section 6.5, "Alternatives Analysis," to impact heading numbering for consistency throughout the chapter, revisions to remove erroneous text, and minor corrections to reference table numbers that do not affect the analysis or conclusions of the Draft EIR.

Changes to Chapter 7, "Other CEQA Considerations," include revisions to add a subsection for a discussion of irreversible changes.

Findings: The City Council finds that recirculation of the Draft EIR is not required: (1) because the new information added to the EIR merely clarifies, amplifies, or makes insignificant modifications in an adequate EIR (CEQA Guidelines Section 15088.5[b]); and (2) because no "substantial adverse" impact would result from any of the revisions to the portions of the Draft EIR that were not recirculated (CEQA Guidelines Section 15088.5[e]). No new significant environmental impacts were identified and disclosed in the Final EIR that were not identified and disclosed in the Draft EIR. There was no substantial increase in the severity of an environmental impact as reported in the Draft EIR. No project alternative or mitigation measure that would considerably lessen the significant environmental impacts of the project was deleted from the Final EIR. Changes to mitigation measures were to provide specificity regarding requirements. Thus, recirculation is not necessary as the changes do not constitute significant new information under CEQA.

5.3 Findings Regarding Impacts Not Discussed in the EIR

The City Council agrees with the characterization in the Draft EIR of all impacts of the Project identified as "not discussed further" and finds that there is no impact. The following bulleted list summarizes the impacts of the Project that are not discussed further based on Section 15128 of the CEQA Guidelines.

Aesthetics

As described in Section 4.1.3 of the Draft EIR, the following issue was not further analyzed against thresholds of significance because no significant impact was identified based on technical studies conducted within and in the vicinity of the Project site.

- Damage to Scenic Resources within a State- or County-Designated Scenic Highway

Biological Resources

As described in Section 4.3.3 of the Draft EIR, the following issues were not further analyzed against thresholds of significance because no significant impacts were identified based on technical studies conducted within and in the vicinity of the Project site.

- Monarch Butterfly
- Delta Green Ground Beetle
- Western Bumble Bee
- California Tiger Salamander & Critical Habitat, Central Population
- Western Spadefoot Toad
- Special Status Vernal Pool Crustaceans
- Critical Habitat for Suisun Thistle

Cultural and Tribal Cultural Resources

As described in Section 4.4.4 of the Draft EIR, the following issue was not further analyzed in detail because no significant impact was identified based on technical studies conducted within and in the vicinity of the Project site.

- Cause a Substantial Adverse Change in the Significance of Known Historical Resources

Geology, Soils, Minerals, and Paleontological Resources

As described in Section 4.5.3 of the Draft EIR, the following issues were not further analyzed against thresholds of significance because no significant impacts were identified based on technical studies conducted within and in the vicinity of the Project site.

- Risks to People or Structures Caused by Surface Fault Rupture

- Risks to People or Structures Caused by Liquefaction
- Risks to People or Structures Caused by Landslides
- Soil Suitability for Septic Systems
- Destruction of a Unique Paleontological Resource or Site
- Destruction of a Unique Geologic Feature
- Loss of Mineral Deposits of Statewide or Local Importance

Land Use

As described in Section 4.9.3 of the Draft EIR, the following issues were not further analyzed against thresholds of significance because no significant impacts were identified based on technical studies conducted within and in the vicinity of the Project site.

- Physically Divide an Established Community
- Convert Prime Farmland, Farmland of Statewide Importance, or Unique Farmland
- Conflict with Existing Zoning for an Agricultural Use
- Conflict with Existing Williamson Act Contract
- Conflict with Existing Zoning for, or Cause Rezoning of, Forest Land, Timberland, or Timberland Zoned Timberland Production
- Result in the Loss of Forest Land or Conversion of Forest Land to Non-Forest Use
- Displace Substantial Numbers of People or Existing Housing

Public Services and Recreation

As described in Section 4.11.3 of the Draft EIR, the following issues were not further analyzed against thresholds of significance because no significant impacts were identified based on technical studies conducted within and in the vicinity of the Project site.

- Increased Demand for Schools, Parks, or Other Public Facilities
- Increase the Use of Existing Neighborhood and Regional Parks or Other Recreational Facilities
- Construction or Expansion of Recreational Facilities

5.4 Findings Regarding Less than Significant Impacts Not Requiring Mitigation

The City Council agrees with the characterization in the Draft EIR of all impacts identified as "less than significant" and finds that those impacts have been described accurately and are either less than significant or have no impact, as described in the Draft EIR.

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. However, the impacts where the Project would result in either no impact or a less-than-significant impact, and which require no mitigation, are detailed below. The less-than-significant conclusions and findings for these impacts are consistent with the findings of the EIR. Please refer to the Draft EIR and the Final EIR for more detail.

Aesthetics

Impact 4.1-2. Degradation of Visual Character or Quality

Finding: Less than significant. (Draft EIR, pp. 4.1-21 to 4.1-31)

Explanation: As defined in the CEQA Guidelines Section 15387, the Project site is not located in an "urbanized area," which is "[A] central city or a contiguous group of cities with a population of 50,000 or more, together with adjacent densely populated areas having a population density of at least 1,000 persons per square mile." CEQA Guidelines Section 15387 states that a lead agency may make this determination by reviewing U.S. Census maps, which, in this case, show that the Project site is not designated as an urbanized area (U.S. Census Bureau 2018).

Approximately 81 percent of the Project site—393 acres, is proposed as Managed Open Space. The applicant proposes only grading of relatively small areas focused for the establishment of wetlands, and therefore the visual character and quality of this area would not change and there would be **no impact.**

New warehousing and logistics land uses are proposed on approximately 93 acres of flat grazing land at the Project site. Construction of the Project would occur in phases, as market conditions allow. As each of the buildings, with associated parking, landscaping, and stormwater retention basins, are built, along with the proposed off-site improvements, construction equipment, materials, and personnel would be visible to motorists in foreground and middleground views from the following public roadways: SR 12, Pennsylvania Avenue, Cordelia Road, Cordelia Street, and Beck Avenue. Construction activities in each phase would be short-term and temporary, are a common sight in the nearby developed areas of Fairfield and Suisun City (through which motorists are passing before they arrive at the Project site) and would be scattered across a large area during each phase of construction. Therefore, construction activities would have a **less-than-significant impact** on degradation of visual character.

Operation of the Project would change the visual character of a small portion of the existing open space along the urban fringe through the introduction of new buildings and associated parking areas and urban landscaping, but the visual appearance of the buildings, parking areas, and landscaping under the Project would be visually consistent with existing adjacent industrial development to the west and north. Most of the existing visual character of the Project site would be preserved under the Project. There are no outstanding examples of visual character at the Project site, which consists of flat, rural (non-urbanized) land used for cattle grazing. As stated in Suisun City

General Plan Policy CCD-6.4, the City will not consider urban development that is consistent with General Plan community design policies to represent a degradation of visual character for the purpose of environmental impact analysis. A Planned Unit Development (PUD) has been prepared for City approval to establish the land use, zoning, development standards, and regulations for development consistent with General Plan community design policies (David Babcock & Associates 2023). The PUD is required to comply with the City Municipal Code, General Plan policies, the City's Development Guidelines for Architecture and Site Planning, and Architectural Review requirements and development under the Project is required to be designed and constructed consistent with the PUD. Therefore, the change in visual character at the Project site under the Project is considered a **less-than-significant impact**.

Air Quality

Impact 4.2-4. Result in other emissions (such as those leading to odors) that would adversely affect a substantial number of people.

Finding: Less than significant. (Draft EIR, pp 4.2-42 to 4.2-43)

Explanation: Construction of the Project may temporarily generate odors from construction equipment exhaust, application of asphalt, and architectural coatings. Typical construction techniques would be used, and the odors would be typical of most construction sites and temporary in nature. The Bay Area Air Quality Management District (BAAQMD) does not identify construction sites as containing activities that would generate objectionable odors. Additionally, odors would be confined to the immediate vicinity of the construction equipment and construction activities that would generate other emissions, such as those leading to odors, would be intermittent in nature (i.e., the duration of these activities would not be continuous for an extended period of time). In addition, odor concentrations in the air decline with increasing distance. Furthermore, nuisance odors are regulated under the BAAQMD's Regulation 7, Odorous Substances, which requires abatement of any nuisance generating an odor complaint. Therefore, construction of the Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people and impacts during construction would be **less than significant**. The Project would add new logistics and warehousing uses on the Project site, including the use of diesel-powered trucks, transport refrigeration units, and on-site equipment. The type of facilities that are considered to result in other emissions such as those leading to objectionable odors include wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food processing facilities (BAAQMD 2023). Thus, the Project's proposed land uses are not typical odor-generating facilities. Therefore, the Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. This impact would be **less than significant**.

Biological Resources

Impact 4.3-18. Conservation and Protection Plan Conflicts.

Finding: Less than significant. (Draft EIR, pp. 4.3-95 to 4.3-96)

Explanation: The Project is consistent with the provisions and objectives of the Suisun Marsh Protection Plan. All portions of the Project site that overlap with the Primary and Secondary Management Areas of the Suisun Marsh

Protection Plan would be required to be managed consistent with the Suisun Marsh Protection Plan's goals of preserving and enhancing the quality and diversity of Suisun Marsh wildlife habitats.

The public acquisition recommendations in the Suisun Marsh Protection Plan specify acquisition of lands within and adjacent to the marsh close to population centers like Suisun City so that these lands can be managed as wildlife habitat and provide refuge areas to protect wildfowl, especially during hunting season. The Project would provide new protections for the area of the proposed Managed Open Space that is currently outside of the Suisun March Protection Plan's jurisdiction because it would be managed in perpetuity as wildlife habitat in the proposed Managed Open Space area and would provide refuge to wildfowl, consistent with the land acquisition recommendations of the Suisun Marsh Protection Plan. Mitigation required by the City for the proposed Project mandates that the entire Managed Open Space area be protected in perpetuity to prohibit development of, any resource extraction within, public access to, and public use of the Managed Open Space area.

Because the Project would not conflict with the provisions of any adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan, this impact would be **less than significant**.

Geology, Soils, Minerals, and Paleontological Resources

Impact 4.5-1. Risks to People and Structures Caused by Strong Seismic Ground Shaking.

Finding: Less than significant. (Draft EIR, pp. 4.5-20 to 4.5-21)

Explanation: The Project Development Area and the off-site improvement areas are located in a seismically active area. There is a 72-percent probability of a major, damaging earthquake occurring in the San Francisco Bay Region during the 30-year timeframe of 2013–2043. The Green Valley-Cordelia-Concord Fault System is located approximately 3.2 miles west of the Project site and is classified by CGS as active. The Green Valley Fault System (connected) has the potential to generate a M 6.8 earthquake (Mid Pacific Engineering, Inc. [MPE] 2020). The Vaca-Pittsburg-Kirby Hills Fault Zone and the Great Valley Fault Zone Segment 5 are potentially active and are located approximately 5 miles east of the Project site. A large magnitude earthquake on any of these faults, or along other active faults such as the West Napa (11 miles west of the Project site) or Hayward-Rodgers Creek (22 miles west of the Project site), would subject people and structures at the Project Development Area and the off-site improvement areas to risks from strong seismic ground shaking. Under the Project, all structures and infrastructure in the Development Area and the off-site improvement areas must be designed and built according to the requirements of the seismic design parameters specified in the California Building Standards Code. In addition to the geotechnical report prepared by MPE (2020) for the Project site, which covers the same area as the Project Development Area, an additional, more detailed, geotechnical report would be required prior to preparation of detailed construction plans and prior to building permit application. Therefore, the potential damage under the Project from strong seismic ground shaking would be addressed through proper design as determined by a licensed engineer. The City would review the Project building permit applications for compliance with the California Building Standards Code and implementation of recommendations in the geotechnical study to address seismic hazards. Therefore, impacts related to strong seismic ground shaking under the Project would be **less than significant**.

Impact 4.5-2. Construction-Related Soil Erosion.

Finding: Less than significant. (Draft EIR, pp. 4.5-21 to 4.5-22)

Explanation: Construction activity for the Project (in the area proposed for development and the off-site improvement areas) would include soil removal, trenching, excavation, pipe and footing installation, grading, and revegetation. No work would be performed in the bed or bank of Ledgewood Creek. Construction activities would result in the temporary disturbance of soil and would expose disturbed areas to winter storm events resulting in stormwater runoff. In addition, soil erosion could occur from summer/fall wind events. However, the Project applicant must comply with the Suisun City Grading, Erosion Control, and Creekside Development Ordinance (Title 15, Chapter 15.12 of the Suisun City Municipal Code). The ordinance requires project applicants to obtain a grading permit, which must include submittal of engineered grading plans and a soils and engineering geology report. The report also must include a suite of Best Management Practices (BMPs) to control runoff and erosion. Furthermore, because the Project includes construction activities that would disturb more than 1 acre, the Project applicant must obtain a Construction General Permit from the San Francisco Bay Regional Water Quality Control Board (RWQCB) through the National Pollutant Discharge and Elimination System (NPDES) Stormwater Program. The Construction General Permit requires the implementation of BMPs to reduce sedimentation into surface waters and to control erosion, as well as preparation of a Storm Water Pollution Prevention Plan (SWPPP) that addresses control of water pollution, including sediment, in runoff during construction. Through compliance with these requirements, construction-related water quality impacts related to soil erosion and stormwater runoff under the Project would be **less than significant**.

Impact 4.5-3. Potential Damage to Structures and Infrastructure from Construction in Unstable/Expansive Soils.

Finding: Less than significant. (Draft EIR, pp. 4.5-22 to 4.5-24)

Explanation: The results of soil borings and laboratory analyses that are part of the geotechnical report, MPE (2020) found that seismically-induced settlement, static settlement, and differential settlement would be expected from construction in unstable soils in the proposed Development Area. MPE (2020) also noted that because shallow groundwater is present, excavation during or shortly after the rainy season in the near-surface soils may occur when soil moisture is high enough such that substantial aeration or lime-treatment may be required to dry the soils to moisture content where the specified degree of compaction can be achieved. This situation is likely to be true for the off-site improvements under the Project, as well. In addition, due to the high water table, MPE (2020) noted that groundwater is likely to exert substantial pressure on building slabs. This problem could result in soils-related cracking of the slab-on-grade floors. MPE (2020) found that the soils in the proposed Development Area have a moderate to high expansion potential. Soil expansion, including volume changes during seasonal fluctuations in moisture content, could adversely affect interior slabs-on-grade, landscaping hardscapes, and underground pipelines. However, the geotechnical report (MPE 2020) includes recommendations to address all of these issues.

The Project applicant would be required to implement the measures that are determined by the soils and civil/structural engineering studies to be appropriate for under the Project, in accordance with the requirements of the California Building Standards Code and the City of Suisun City. With adherence to the requirements of the California Building Standards Code as applicable to the site-specific nature of the soils, and the required permit application and design review for on-site improvements by the City of Suisun City, impacts under the Project related to construction in unstable/expansive soils would be **less than significant**.

Greenhouse Gas Emissions and Energy

Impact 4.6-2: Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation, or conflict with or obstruction of a State or local plan for renewable energy or energy efficiency.

Finding: Less than significant. (Draft EIR, p. 4.6-28 to 4.6-30)

Explanation: Implementation of the Project would increase the consumption of energy for the duration of construction in the form of electricity, natural gas, and fossil fuels (e.g., gasoline, diesel fuel). The primary energy demands during construction would be fuel consumption associated with offroad equipment and vehicle use. Energy in the form of fuel and electricity would be consumed during this period by construction vehicles and equipment operating on-site, trucks delivering equipment and supplies to the site, and construction workers driving to and from the site. Fuel use was estimated for construction equipment and vehicles, including construction worker commute trips, equipment and material deliveries, and haul truck trips (see Appendix B of the Draft EIR). The Project could also involve the use of battery-powered smaller equipment and on-site electric-powered equipment when such grid power is available, the use of which would supplant the need for gasoline and diesel fuel. The Project does not include unusual characteristics that would necessitate the use of construction equipment that would be less energy-efficient than at comparable construction sites. Construction activities under the Project would be conducted in accordance with all applicable laws and regulations, including applicable federal, state, and local laws that are intended to promote efficient utilization of resources and minimize environmental impacts. Therefore, construction activities associated with the Project would not result in inefficient, wasteful, or unnecessary use of fuel or other energy sources and would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. This construction impact would be **less than significant**.

Energy for operation of the Project would be required for heating and cooling of buildings, lighting, mechanical equipment, warehousing and logistics equipment, vehicle travel, and other needs. Using the California Emissions Estimator Model, electrical and natural gas demands were modeled to estimate building (and parking area) energy use based on the proposed land uses. Energy demands of the Project would be approximately 32,634 megawatt-hours per year for electricity and 6,331 million British thermal units of natural gas, based on energy consumption rates developed for the California Emissions Estimator Model. In addition, fuel consumption associated with worker passenger vehicle and visiting truck trips, as well as on-site equipment use, was calculated. Estimated annual fuel consumption for operations would be approximately 245,645 gallons of gasoline and 1,067 gallons of diesel fuel. The proposed buildings would be constructed to meet all applicable energy efficiency standards at the time of construction and would be required to comply with the current energy performance standards found in Title 24 of the California Code of Regulations, including the Green Building Code (Part 11 of Title 24) Building Energy Efficiency Standards. These energy efficiency standards ensure that building energy consumption would not be wasteful, inefficient, or unnecessary. In addition, the Project site is adjacent to SR 12 and provides convenient and efficient regional access for trucks and also provides local job opportunities for local residence of Suisun City and the surrounding communities that may otherwise commute further. Thus, building operations and operational transportation fuel consumption would not be wasteful, inefficient, or unnecessary. This operational impact would be **less than significant**.

Hazards, Including Wildfire, and Hazardous Materials

Impact 4.7-1. Routine Transport, Use, or Disposal of Hazardous Materials.

Finding: Less than significant. (Draft EIR, p. 4.7-18)

Explanation: Construction of the proposed facilities associated with the logistics center at the Project site, along with the off-site improvements, would involve the routine storage, use, transport, and disposal of small quantities of hazardous materials such as fuels, oils and lubricants, paints and paint thinners, glues, and cleaning fluids (e.g., solvents). In addition, operation of the logistics center would require the routine use, transport, and disposal of hazardous material and waste and may increase exposure to risk of hazards.

Federal and State regulations require adherence to specific guidelines regarding the use, transport, disposal, and accidental release of hazardous materials. The U.S. EPA is responsible for administering the Federal Toxic Substances Control Act and Resource Conservation and Recovery Act (RCRA), which regulate the generation, transportation, treatment, storage, and disposal of hazardous waste. The Solano County Department of Resource Management, Environmental Health Services Division is the Certified Unified Program Agency (CUPA) for the County and is responsible for implementing hazardous waste and materials State standards, including preparation of Hazardous Materials Business Program, California Accidental Release Prevention Program, and managing hazardous material storage tanks. Caltrans and the California Highway Patrol regulate and manage routine transport of hazardous materials on SR 12. The Suisun City Fire Department works cooperatively with the Solano County Environmental Health Services Division to regulate hazardous materials in the city and to respond to local hazardous materials emergencies.

The construction contractor, along with future industrial and commercial tenants, are required by law to comply with the provisions of the California Hazardous Materials Regulations and other federal, State, and local regulations and requirements discussed in Section 4.7 of the Draft EIR, including preparation of a Hazardous Material Business Plan. Design and construction of the SR 12 improvements would be regulated by Caltrans, and hazardous materials at Caltrans projects are addressed in their *Standard Specifications* (Caltrans 2022). Therefore, this impact would be **less than significant**.

Impact 4.7-2. Exposure to Hazardous Materials from Upset and Accident Conditions.

Finding: Less than significant. (Draft EIR, p. 4.7-19)

Explanation: The proposed uses at the Project site would not generate potentially hazardous materials, and would not involve the use, handling, or storage of large quantities of hazardous materials. Compliance with federal, State, and regional/local regulations would reduce the risk or severity of an accident from construction and operation of the Project. Federal regulations such as RCRA, the Comprehensive Environmental Response, Compensation, and Liability Act, the Clean Air Act, Superfund Amendments and Reauthorization Act Title III, and policies and standards of the Occupational Safety and Health Administration (OSHA). In addition, State regulations enforced by CalEPA, CalOSHA, SB 1082 (Unified Program), Assembly Bill (AB) 2185 and AB 2189 (Hazardous Materials Business Emergency Response Plan Program); and State, County, and Suisun City Local Hazard Mitigation Plans are all designed to reduce the risk of hazardous materials release from upset and accident conditions. The Solano County Emergency Operations Plan and Evacuation Annex, of which Suisun City is a participant, provide the necessary coordination among emergency providers and procedures to be implemented to safeguard the public in

the event of an emergency situation (Suisun City General Plan Policy PHS-10.2). Compliance with these regulations, along with the requirements of the Solano County Environmental Health Services Division (the local CUPA) and policies in the Suisun City General Plan, would reduce the risk of accidental hazardous materials release from Project construction and operation to a **less-than-significant** level.

Impact 4.7-4. Creation of Potential Safety Hazards, Including Possible Birdstrike, in the Vicinity of an Airport.

Finding: Less than significant (Draft EIR, pp. 4.7-28 to 4.7-29)

Explanation: The Project site and the off-site improvement areas are approximately 4.5 miles southwest of Travis Air Force Base (AFB). The Project site and off-site improvement areas are located in Airport Land Use Compatibility Plan (ALUCP) land use compatibility Zone D, which requires that: (1) structures are limited to a height that is less than 200 feet above the ground surface, and (2) notice of aircraft overflights must be provided to property owners (ALUC 2015). The maximum height of structures proposed at the Project site is approximately 47 feet. Therefore, the proposed Project would be in compliance with land use compatibility Zone D, and the impact related to potential safety compatibility issues associated with Travis AFB is **less than significant**.

The Project site and off-site improvement areas are also located within the ALUCP's Outer Perimeter; all discretionary projects within the Outer Perimeter must consider the potential for a project to attract hazardous wildlife, wildlife movement, or bird strike hazards as part of environmental review process required by CEQA (ALUC 2015). In 2022, AECOM biologists performed a *Wildlife Hazard Assessment* at the Project Site and determined that the Project is not expected to result in a substantial attraction of birds or other wildlife to the property. In the proposed Development Area, existing vegetation would be removed and replaced with buildings, resulting in a reduction of existing habitat within the Development Area. Anticipated changes to the existing avian habitat associated with construction activities include grading, excavation, permanent development, storm water controls, lighting, irrigation, noise, and increased human presence. The proposed approximately Managed Open Space is unlikely to result in an increase in wildlife activity due to disturbances caused by new lighting, human presence, and noise associated with the new development, in addition to the existing baseline noise and activity from SR 12 vehicular traffic and the Travis AFB air and vehicular traffic. Natural or man-made features that could attract wildlife to the property post-construction include the proposed stormwater detention basins and the created wetlands. However, the stormwater detention basins are unlikely to result in significant additional wildlife attraction because the systems are designed for quick drainage (i.e., detention not retention), and because the basins will be surrounded by development. One of the passes west of Travis AFB which acts as a major flight path for birds is part of the Suisun Marsh. Because the Project site is adjacent to Suisun Marsh, the wetlands at the Project site and in the area are likely to attract birds as they leave and return to the marsh. Although new wetland habitat would be created within the Managed Open Space area as part of the Project, this is not expected to cause an overall increase in the current level of wildlife activity because the created acreage is replacing wetlands that are being removed from the same general location (the Development Area) at a 1:1 ratio. Therefore, the Project would not result in the creation of substantial new safety hazards related to birdstrike or other hazardous wildlife attractants, and this impact is **less than significant**.

Mitigation Measure 4.7-4 is added to detail the requirement that detention basins are designed to discharge stormwater within a period of 48 hours of less.

Mitigation Measure 4.7-4: Detention Basin Design to Drain within 48 Hours or Less

The applicant shall design all detention basins developed for the proposed Project to discharge within 48 hours or less. This specification for detention basin design will be demonstrated in the Final Drainage Study and reviewed by the City for approval prior to the issuance of a grading permit.

Hydrology and Water Quality

Impact 4.8-1. Violate Water Quality Standards or Substantially Degrade Surface or Groundwater Quality.

Finding: Less than significant. (Draft EIR, pp 4.8-29 to 4.8-33.)

Explanation: Approximately 93 acres of cattle grazing land would be converted to urban development in the form of new industrial (i.e., logistics and warehouse) land uses. In addition, off-site improvements related to roadways, water lines, and a sewer line would also occur. Construction and operation under the Project would result in increased stormwater runoff, which could in turn result in transport of sediment and other pollutants to on-site and off-site waterways. These pollutants could degrade receiving water quality thereby violating water quality standards and interfering with implementation of the San Francisco Bay Basin Plan. Furthermore, groundwater quality could be affected either by direct contact during construction-related earthmoving activities, or by indirect contact as a result of percolation of stormwater. Under the Project, the Project applicant must comply with the State Water Resources Control Board (SWRCB) Construction General Permit, which requires preparation and implementation of a SWPPP with site-specific BMPs designed to prevent stormwater runoff and pollutant transport during construction activities. Additionally, long-term operational water quality impacts must be reduced using site design and source control measures to help keep pollutants out of stormwater. Operational stormwater requirements are contained in the Fairfield-Suisun Urban Runoff Management Program *Stormwater C.3 Guidebook* (FSURMP 2012), which is required to achieve compliance with the Fairfield-Suisun Urban Runoff Management Program's NPDES MS4 Phase II General Permit. Furthermore, industrial and commercial facilities require appropriate NPDES permits/waste discharge requirements, and implementation of BMPs consistent with the *California Stormwater Quality Association (CASQA) Industrial/Commercial BMP Handbook* (CASQA 2019) or its equivalent, including annual reporting of any structural control measures and treatment systems. These measures would protect water quality as required by the San Francisco Bay Basin Plan. Therefore, this impact would be **less than significant**.

Impact 4.8-2. Substantially Decrease Groundwater Supplies or Interfere with Groundwater Recharge.

Finding: Less than significant. (Draft EIR, pp. 4.8-33 to 4.8-34.)

Explanation: Potable water for the proposed development at the Project site would be supplied by the Solano Irrigation District (SID). Water supplied by SID for urban uses is obtained from surface water, from Lake Berryessa via the Solano Project (through a contract with the U.S. Bureau of Reclamation). Because the Project would not include drilling new groundwater wells, and because SID would have sufficient surface water supplies to serve the proposed Project through the Second Amendment to the Suisun/Solano Implementation Agreement and Lease Agreement executed in 2022 (Kjeldsen, Sinnock, and Neudeck, Inc. 2022), the Project would not substantially decrease groundwater supplies, and this impact would be **less than significant**.

The Suisun-Fairfield Valley Groundwater Basin is a low priority basin, and therefore a groundwater sustainability plan is not required nor are there any plans to prepare one. The Project would result in new impervious surfaces

over 66 acres of the approximately 93-acre proposed Development Area. However, the remaining approximately 393 acres of the Project site would continue to be available for groundwater recharge through rainwater percolation, because this area of the Project site would continue to be operated with the existing land use (i.e., cattle grazing). The new 66 acres of impervious surfaces would represent only an approximately 13.5-percent decrease in the area available for groundwater recharge at the Project site. Therefore, the Project would not substantially interfere with groundwater recharge, and this impact would be **less than significant**.

Impact 4.8-3. Substantially Alter Drainage Patterns or Add Impervious Surfaces Resulting in Increased Erosion or Siltation.

Finding: Less than significant. (Draft EIR, pp. 4.8-34 to 4.8-36.)

Explanation: The Project would result in new impervious surfaces over the approximately 93-acre proposed Development Area. As described above in Impact 4.10-1, the Project applicant must comply with the SWRCB's Construction General Permit, which requires preparation and implementation of a SWPPP with site-specific BMPs designed to prevent stormwater runoff and pollutant transport during construction activities. Additionally, long-term operational water quality impacts must be reduced using site design and source control measures to help keep pollutants out of stormwater through compliance with the Fairfield-Suisun Urban Runoff Management Program's *Stormwater C.3 Guidebook* (FSURMP 2012), which is required to achieve compliance with the Fairfield-Suisun Urban Runoff Management Program's NPDES MS4 Phase II General Permit. Therefore, this impact would be **less than significant**.

Impact 4.8-4. Substantially Alter Drainage Patterns or Add Impervious Surfaces that would Exceed Storm Drainage Systems, Result in Increased Flooding, or Impede or Redirect Flood Flows.

Finding: Less than significant. (Draft EIR, pp. 4.8-36 to 4.8-39.)

Explanation: The Project would result in new impervious surfaces over the approximately 93-acre proposed Development Area. Storm drainage from proposed building roofs and parking lots would be routed into bioretention facilities for infiltration and treatment prior to discharge to the on-site detention basins. The bottom of the on-site detention basins would also be constructed as a bioretention facility. The detention basins and low impact development (LID) features are based on the Fairfield-Suisun Urban Runoff Management Program *Stormwater C.3 Guidebook* (FSURMP 2012) requirements. The Drainage Master Plan for the Project (Morton & Pitalo 2021) includes modeling results, as required by the City, demonstrating that the Project includes appropriate stormwater runoff design features, properly sized stormwater drainage features, and appropriate stormwater quality treatment features so that the new impervious surfaces would not increase the peak discharge rate of stormwater runoff and would not result in erosion, sedimentation, and on-site or downstream flooding. Furthermore, the Project would be operated according to a site-specific Stormwater Control Plan and a Stormwater Control Operation and Maintenance Plan. City approval of the Project Drainage Master Plan, Stormwater Control Plan, and Stormwater Control Operation and Maintenance Plan would be required prior to approval of improvement plans or issuance of building permits.

New development within the 93-acre development area under the Project would be located within a Federal Emergency Management Administration (FEMA) 100-year floodplain zoned as AO (i.e., areas of sheet flow with an average depth of 1–3 feet) (see Exhibit 4.10-2 in Section 4.8, "Hydrology and Water Quality"). The Project

applicant must comply with the standards set forth in the City's Floodplains and Flood Damage Prevention Ordinance (Municipal Code Chapter 15.08, Article II) Sections 15.08.410 through 15.08.470. Per Municipal Code Section 15.08.370, the Project applicant must apply for a development permit for construction in FEMA flood zones, with approval by the City's floodplain administrator. Municipal Code Section 15.08.420 also requires that within FEMA flood zones AO[3], adequate drainage paths must be provided around structures on slopes to guide floodwaters around and away from proposed structures. Minor grading associated with creation of new wetlands in the Managed Open Space Area would not affect existing flood flows or depths.

Therefore, although new development under the Project in the proposed 93-acre Development Area would alter drainage patterns, add impervious surfaces, and be located in a 100-year floodplain, the new development would not exceed storm drainage system capacity, result in increased flooding, or impede or redirect flood flows, and this impact would be **less than significant.**

Impact 4.8-5 Risk Release of Pollutants from Inundation in a Tsunami, Seiche, or Flood Hazard Zone.

Finding: Less than significant. (Draft EIR, p. 4.8-39)

Explanation: The Project site and the proposed off-site improvement areas are not in a tsunami inundation zone. The nearest large waterbody with potential for seiches is Grizzly Bay/Suisun Bay, approximately 6.5 miles south of the Project site and the off-site improvement areas, and approximately 10 feet lower in elevation; therefore, the potential for inundation of the Project construction storage areas from a seiche is low.

Construction activities within the 93-acre Project Development Area and the proposed off-site improvement areas could result in short-term, temporary storage of materials in a FEMA 100-year flood hazard zone (i.e., classified by FEMA as zone AO and designated by the city as a secondary FP-2 floodplain zones). Inundation of temporary construction material storage areas during a flood could result in downstream transport of pollutants, thereby degrading water quality. However, development in flood zones is subject to the Suisun City Flood Damage Prevention Ordinance (Suisun City Municipal Code, Chapter 15.08, Article II), and requires a permit from the City's floodplain administrator. The permit application must include plans illustrating the location(s) that are designated for temporary construction-related storage of materials and equipment, which the City's floodplain administrator must review and approve. The floodplain administrator may require the construction of temporary berms or dikes around the construction materials/equipment storage areas, to ensure sufficient protection from flood flows, if warranted.

Because the City's floodplain administrator would review and approve all planned locations for storage of construction materials and equipment, and would impose appropriate permit terms and conditions such as the requirement for installation of temporary berms or dikes around storage areas if necessary, this impact is considered **less than significant**.

Impact 4.8-6. Conflict with a Water Quality Control Plan or Sustainable Groundwater Management Plan.

Finding: Less than significant. (Draft EIR, pp. 4.8-39 to 4.8-40.)

3 Area inundated by the Base Flood with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities are also determined.

Explanation: For the same reasons described in Impact 4.8-1 above, under the Project, the required compliance with existing laws, regulations, ordinances, and policies related to water quality control, which are required by law, ensures that the Project would not conflict with the San Francisco Bay Basin Plan. As described in Impact 4.8-2 above, a groundwater sustainability plan for the Suisun-Fairfield Valley Groundwater Basin is not required nor are there any plans to prepare one; therefore, the Project would not conflict with a sustainable groundwater management plan. As further described in Impact 4.8-2, because there are no plans to drill a new groundwater well for water supply, and because the Project would only result in an approximately 13.5-percent reduction in pervious surfaces that provide for existing groundwater recharge at the Project site, the Project would not substantially decrease groundwater supplies or interfere with groundwater recharge, and therefore would not substantially reduce groundwater sustainability in the Suisun-Fairfield Valley Groundwater Basin. Therefore, this impact would be **less than significant**.

Land Use and Planning, Including Agriculture Resources, Population, and Housing

Impact 4.9-1. Conflict with Any Land Use Plan, Policy, or Regulation Adopted for the Purpose of Avoiding or Mitigating an Environmental Effect.

Finding: Less than significant. (Draft EIR, pp. 4.9-11 to 4.9-12.)

Explanation: The Project proposes to annex and pre-zone approximately 161 acres of the approximately 487-acre Project site into the City of Suisun City. Solano Local Agency Formation Commission would require consistency with applicable policies and standards before approval of annexation.

The proposed Development Area would comprise approximately 93 acres within the Annexation Area and would be pre-zoned as CSF as part of the annexation process. The remaining Annexation Area would be pre-zoned as Open Space. The CSF zoning would accommodate light manufacturing, research and development, warehousing, and accessory office space. The Open Space zoning would allow agriculture, resource protection and restoration, and resource-related recreation. The Project proposes Managed Open Space in the Primary and Second Management Areas of Suisun Marsh, as well as Managed Open Space that is outside of the Suisun Marsh Protection Plan. The total Managed Open Space area at the Project site would be approximately 393 acres. With approval of the Project, approval of the proposed General Plan amendment, annexation into the City of Suisun City, and associated zoning changes, development of the proposed Project would not conflict with the City's General Plan or zoning.

With respect to the relationship between the proposed Project and other plans (the City's General Plan, the County's General Plan, Play Bay Area 2050, etc.), policy inconsistencies are not physical effects on the environment under CEQA unless it relates to a physical impact on the environment that is significant in its own right. For an impact to be considered significant under this threshold, any inconsistency would also need to result in a significant adverse change in the environment not already addressed in the other resource sections of the EIR. Specific impacts and policy consistency topics associated with other resource and topic areas are addressed in each technical section of the EIR, as appropriate. Implementation of the Project would not conflict with adopted City General Plan policies or other land use plan, policy, or regulation that would generate any adverse physical impact beyond the impacts addressed in detail in the environmental sections of the EIR. Therefore, under the Project, potential land use conflicts with plans or policies adopted to reduce an environmental effect would be **less than significant**.

Impact 4.9-2. Induce Substantial Population Growth.

Finding: Less than significant. (Draft EIR, pp. 4.9-12 to 4.9-14)

Explanation: The potential for the Project to induce substantial unplanned population growth is analyzed based on the following three factors: (1) does the Project induce unplanned population growth (direct or indirect), (2) is that growth substantial, and (3) does this substantial unplanned growth result in significant adverse environmental impacts.

The Project does not include housing, and therefore would not directly induce population growth.

Indirect population growth from development projects may result from: (1) the extension of roads and infrastructure or increases in infrastructure capacity; (2) the approval of "leapfrog" development (where urban development is approved in a satellite area and this spurs development of the land between the satellite area and the urban edge); or (3) the approval of substantial new land uses or an imbalance of uses which result in a regional draw of people and/or services. The proposed Project Development Area is adjacent to the existing City limits and is within the existing City Sphere of Influence – the area representing the ultimate planned developed area of Suisun City. The Project could indirectly lead to some population growth by creating 1,275 new local jobs. The 1,275 new employees from jobs created under the Project could also indirectly induce additional population growth. The Project supports the City's goals to create opportunities to generate jobs and attract new employment-creating industries to Suisun City. Furthermore, the Development Area of the Project is identified by the Plan Bay Area 2050 as a Priority Production Area, which is defined by the Association of Bay Area Governments as a locally identified place for job growth in middle-wage industries such as manufacturing, logistics, or other trades. The Project would result in an improved balance within the city between local jobs and the local labor force.

Population and employment growth associated with buildout of the Project are not, in and of themselves, an environmental impact under CEQA. However, the direct and indirect effects on the environment associated with unplanned population growth may be considered potentially significant impacts under CEQA. Unplanned population growth can result in new housing, employment, and increased travel demand that requires additional roadways and other transportation infrastructure, with resulting air pollutant emissions and traffic noise; impacts related to the capacity of public facilities and utilities expansions needed to serve new growth; and loss of biological and cultural resources from installation of the supporting infrastructure. These potential impacts are addressed in the individual topic area sections of the EIR. The new and expanded infrastructure under the Project would be planned to meet only the demands for the proposed development and would not create additional utility capacity in the Development Area beyond what would be necessary to serve the Project.

For the reasons listed above, the Project would not directly or indirectly induce substantial unplanned growth that could lead to significant environmental impacts not already detailed throughout the environmental topic area sections of the EIR; therefore, the impact is considered **less than significant**.

Noise and Vibration

Impact 4.10-2. Temporary, short-term exposure of sensitive receptors to increased traffic noise levels from Project construction.

Finding: Less than significant. (Draft EIR, p. 4.10-36)

Explanation: Future development would result in an increase of traffic volumes due to the addition of construction-generated traffic associated with on-site future development and off-site infrastructure improvements. Construction-generated traffic on the local roadway network was analyzed based on a maximum construction-related traffic volume of 500 vehicles daily and assuming 8 hours of construction per day, the Project would result in 63 construction vehicles per hour. All materials would be transported using the local roadway network, thus increasing traffic volumes along affected roadway segments.

To examine the effect of Project-generated traffic increases, traffic noise levels were calculated for roadway segments affected by the Project traffic. Traffic noise levels were modeled using the Federal Highway Administration Highway Noise Prediction Model (FHWA-RD-77-108) under existing conditions, with and without construction traffic. Additional input data included day/night percentages of autos, medium and heavy trucks, vehicle speeds, ground attenuation factors, and roadway widths.

Table 4.10-20 of the Draft EIR summarizes the modeled traffic noise levels for existing and existing plus construction conditions at 50 feet from the centerline of roadways for the Project, which results in a 0.1- to 0.5 dB-increase in short-term traffic noise levels. Construction-related traffic noise would result in an estimated 0.5-dB increase over existing traffic noise levels at Pennsylvania Avenue south of SR-12. There are no noise-sensitive uses along this segment of the roadway. Therefore, implementation of the Project would not result in a substantial temporary or periodic increase in ambient noise levels associated with construction traffic and this impact would be **less than significant.**

Impact 4.10-4. Long-term transportation noise levels at existing noise-sensitive receptors.

Finding: Less than significant. (Draft EIR, pp. 4.10-40 to 4.10-42.)

Explanation: The contribution of the Project to the existing and future traffic noise levels along area roadways was determined by comparing the predicted noise levels with and without traffic generated by the Project. Table 4.10-22 in the Draft EIR summarizes the modeled traffic noise levels at 50 feet from the centerline of affected roadway segments in the vicinity of the Project site. An increase of 3 dBA would be considered substantial. As shown in Table 4.10-20, the modeling conducted shows that future development, in addition to existing conditions, would result in traffic noise level increases ranging from 0.1 dBA to 0.5 dBA L_{dn}, compared to noise levels without the Project. Therefore, long-term noise levels from traffic sources generated by implementation of the Project would not result in a substantial permanent increase in ambient noise levels (an increase of 3 dBA or greater). This impact is considered **less than significant.**

The California Northern Railroad line is oriented west to east, horizontally dividing the Project site and meeting with the Union Pacific Railroad tracks at the eastern perimeter of the Project site. The Project site is bounded to the east by the Union Pacific Railroad line. Single-event train pass-bys were measured at 108 feet from the Union Pacific Railroad track centerline (Suisun City 2010). Based on noise measurements gathered along the Union Pacific Railroad Overland Route line, approximately 43 daily train trips occur through Suisun City. These train trips include Amtrak operations and freight transportation. The Project may result in a one additional rail trip per day. This number of train trips would not increase overall day-night noise level in the area. Also, the new train trips due to the Project, would conceptually reduce traffic trips associated with truck transport of goods to the site. As a result, this impact would be **less than significant.**

Public Services and Recreation

Impact 4.11-1. Increased Demand for Fire Protection Facilities, Services, and Equipment.

Finding: Less than significant. (Draft EIR, pp. 4.11-5 to 4.11-6)

Explanation: After annexation, fire protection services to the Annexation Area would be provided by the Suisun City Fire Department. The department operates out of one fire station located at 621 Pintail Drive in Suisun City, approximately 2.9 miles northeast of the Project site. As discussed in the Draft EIR, Section 4.11.1, in the event of a large-scale fire, the Suisun City Fire Department would request mutual aid from the City of Fairfield.

The City requires new development to demonstrate, to the satisfaction of the City Engineer, that existing services can accommodate the increased demand generated by new development or that project conditions would adequately mitigate for impacts associated with additional demand. The Project would include two tie-ins from existing water transmission mains to supply fire and potable water and meet California Fire Code requirements for fire flow to the 93-acre Development Area. The Suisun City Fire Department would review the Project designs to ensure that adequate emergency access, fire suppression equipment, and other features that reduce fire risk are incorporated into the designs. In addition, the Project would be subject to the requirements of Suisun City Municipal Code Section 3.16, Fees for New Construction, which establishes a fee for new construction to meet the City's current and future needs for capital improvements, including land acquisition and construction of public buildings and other facilities. Payment of the fee would offset the cost of fire service demands associated with the Project.

The Project applicant would be required to incorporate all California Fire Code and California Health and Safety Code requirements, including fire department access, fire hydrants, automatic sprinkler systems, fire alarm systems, fire and explosion hazards safety, and hazardous materials storage and use, into the Project Development Area site designs. Incorporation of all State and local requirements into the Project designs would reduce the dependence on the Suisun City Fire Department equipment and personnel by reducing fire hazards.

Therefore, the Project would not require new fire protection facilities or the expansion of existing fire protection facilities to maintain acceptable service ratios, response times, or other performance objectives for fire protection services, and this impact would be **less than significant**.

Impact 4.11-2. Increased Demand for Police Protection Facilities, Services, and Equipment.

Finding: Less than significant. (Draft EIR, pp. 4.11-6 to 4.11-7.)

Explanation: After annexation, police protection services to the Annexation Area would be provided by the Suisun City Police Department. The police department is located at 701 Civic Center Boulevard, approximately 1.5 miles east of the Project site. The City requires new development to demonstrate, to the satisfaction of the City Engineer, that existing services can accommodate the increased demand generated by new development or that project conditions would adequately mitigate for impacts associated with additional demand. The Suisun City Police Department would review the final Project Development Area site plan to ensure that adequate access for police services is available and that adequate security measures have been incorporated. In addition, the Project applicant would be subject to the requirements of Suisun City Municipal Code Section 3.16, Fees for New Construction, which establishes a fee for new construction to meet the City's current and future needs for capital improvements,

including land acquisition and construction of public buildings and other facilities. Payment of the fee would offset the cost of police service demands associated with the Project.

Because the Project does not include development of new housing, the Project would not generate new residents that require additional police department staffing. The approximately 1,275 new jobs created under the Project would not substantially increase the population in the surrounding area that is served by the Suisun City Police Department. Incorporation of security measures into the Project Development Area designs, such as security gates, security guard shacks at each access point, parking lot illumination, on-site security patrols, and fencing would reduce the need for police protection services by reducing the potential for crime. Therefore, the Project would not result in the need for construction of new police protection facilities or the expansion of existing police protection facilities that could cause an adverse physical environmental effect, and this impact would be **less than significant**.

Transportation and Circulation

Impact 4.12-3. Transit System.

Finding: Less than significant. (Draft EIR, p. 4.12-19)

Explanation: Fixed route bus service operates in the vicinity of the Project site. The closest bus stop is Fairfield and Suisun Transit (FAST) Route 5 approximately 0.6-mile north of the Project site at Pennsylvania Avenue and Woolner Avenue and the FAST Route 7 bus stop approximately 0.75-mile west of the Project site at Beck Avenue and Courage Drive. Based on the Suisun City commute patterns, about 90 percent of commute trips are by car. The Project site is in an area with limited access to public transit. Based on the nature of the proposed uses, it is unlikely that the Project would generate large amounts of new demand for the transit services and facilities that serve the area to a level that would exceed the current local commute transit vehicle capacities. The Project would not conflict with existing or planned transit facilities as there are no existing or planned transit facilities at the Project site or frontages that would be interrupted or impacted. Therefore, this impact would be **less than significant.**

Impact 4.12-5. Emergency Access.

Finding: Less than significant. (Draft EIR, p. 4.12-21)

Explanation: The Project proposes a complete on-site circulation network with multiple ingress and egress. The final site plan must be approved by the Suisun City Fire Department to ensure the emergency access routes meet requirements to facilitate the safe movement of emergency vehicles. This impact would be **less-than-significant.**

Utilities and Service Systems

Impact 4.13-1. Require or Result in the Relocation of or the Construction of New or Expanded Utilities and Service Systems Facilities, the Construction of Which Could Cause Significant Environmental Effects.

Finding: Less than significant. (Draft EIR, pp. 4.13-9 to 4.13-11)

Explanation: The 93-acre area anticipated for development under the Project would require the construction of new or expanded electrical, natural gas, water, and wastewater facilities to serve proposed development of approximately 1.28 million square feet of warehousing and logistics uses. New underground utility lines would be

installed throughout the Project site. Off-site water and sewer line improvements would also be required for Project, as shown on Exhibit 3-9.

Environmental impacts related to constructing or expanding utility infrastructure, including water, sewer, electrical, and natural gas infrastructure, to serve the 93-acre Development Area are addressed throughout the various environmental topic specific sections of the Draft EIR in conjunction with overall development at the Project site. The placement of these utilities has been considered in the other sections of the EIR, such as Section 4.2, "Air Quality," Section 4.3, "Biological Resources," Section 4.4, "Cultural Resources," and Section 4.8, "Hydrology and Water Quality". Where necessary, these sections include mitigation measures that would reduce or avoid the impacts of developing infrastructure on the physical environment under the Project. There is no additional significant impact related to construction of new or expanded utilities and service systems for the Project beyond what is comprehensively analyzed throughout the EIR. Therefore, this impact would be **less than significant**.

Impact 4.13-2. Increased Demand for Water Supplies.

Finding: Less than significant. (Draft EIR, pp. 4.13-11 to 4.13-12.)

Explanation: The Project would require water supply for the anticipated development, provided by the Suisun-Solano Water Authority (SSWA). The City outlines specific requirements to ensure water supplies are available to meet demands created by new development. These requirements include demonstrating water supplies are available to accommodate new development, including during multiple-dry years and adequate fire flow pressure, prior to approval. The SSWA has published Design Standards, Standard Specifications, and Standard Details that include fire flow requirements, with which developers are required to comply. In addition, the City requires new development to include water conservation technologies and water-efficient industrial equipment, in accordance with State law. The proposed on-site and off-site water supply system improvements under the Project are shown in Exhibit 3-9.

The Water Supply Assessment (WSA) prepared for the Project concluded that with implementation of the Second Amendment to the Suisun/Solano Implementation Agreement and Lease Agreement, and annexation into the SSWA's service area, water supply would be sufficient to meet demands of the Project and existing and planned development in the SSWA service area in normal, single-dry, and multiple-dry years. The impact would be **less than significant**.

Impact 4.13-3. Increased Demand for Wastewater Treatment Facilities.

Finding: Less than significant. (Draft EIR, pp. 4.13-12 to 4.13-13.)

Explanation: The Project would require wastewater conveyance and wastewater treatment. Wastewater generated by the Project would be conveyed off-site to a 27-inch sewer main near the intersection of Beck Avenue and Cordelia Road. The proposed on-site and off-site wastewater system improvements under the Project are shown in Exhibit 3-9. As discussed in detail in Draft EIR Section 4.13, "Utilities and Service Systems," no deficiencies in the conveyance pipelines or pump stations in the vicinity of the Project site were identified in the most recent Fairfield-Suisun Sewer District Master Plan. Wastewater would be treated at the Fairfield-Suisun Subregional Wastewater Treatment Plant (WWTP), which has a maximum average dry-weather design treatment capacity of 23.7 mgd; the current average dry weather flow is approximately 16.1 mgd.

The Fairfield-Suisun Sewer District uses a base wastewater flow factor for industrial development of 0.1 gallons per day per square foot (gpd/SF) (Woodard & Curran 2020a: Table 2-2). Under the Project, approximately 1.28 million square feet of building space would be developed. Applying the industrial wastewater flow factor of 0.1 gpd/SF, the proposed Project development would result in 128,000 gpd (0.128 mgd) of wastewater.

Because the amount of wastewater generated by the Project (0.128 mgd) would not exceed the capacity of the existing 27-inch sewer conveyance line at Beck Avenue and Cordelia Road and would not result in an increase in wastewater flows that exceed the current disposal capacity of 23.7 mgd average dry-weather flow at the Fairfield-Suisun Subregional WWTP, this impact would be **less than significant**.

Impact 4.13-4. Increased Generation of Solid Waste in Excess of Capacity and Compliance with Solid Waste Statutes and Regulations.

Finding: Less than significant. (Draft EIR, pp. 4.13-13 to 4.13-14.)

Explanation: Construction of the Project Development Area and the off-site improvements would result in site clearing and the generation of various construction-period wastes, including scrap lumber, scrap finishing materials, various scrap metals, and other recyclable and nonrecyclable construction-related wastes. The California Green Building Standards (CALGreen) Code (Title 24, Part 11 of the California Code of Regulations) requires construction contractors to prepare a Waste Management Plan that identifies a waste hauler and a construction and demolition sorting facility, and a waste log must be maintained to document compliance with CALGreen Code's 65 percent diversion requirement. In addition, the City requires all new construction to comply with its Construction and Demolition Debris Recycling Program.

The California Department of Resources Recycling and Recovery (CalRecycle) estimated Suisun City had a 2020 solid-waste disposal generation rate of 28.8 pounds per day per employee (CalRecycle 2020). Based on this generation rate, the approximately 1,275 employees anticipated under the Project could generate 36,800 pounds per day (18.4 tons per day) (above existing conditions). This estimate of solid waste for the Project is conservative (high) because recycling and waste diversion reduces this amount and is likely to increasingly reduce the waste stream that is sent to landfills in the future as more restrictive regulations require diversion of larger fractions of the waste stream. The City provides recycling programs, such as curbside recycling of paper, plastics, and bottles, to reduce the operational volume of solid waste transported to landfills.

Solid waste in Suisun City is transported by Solano Garbage and disposed of at the Potrero Hills Landfill. According to CalRecycle, the Potrero Hills Landfill has a maximum permitted throughput of 4,330 tons per day and has a total maximum permitted capacity of 83.1 million cubic yards (CalRecycle 2022). The Potrero Hills Landfill has a remaining capacity of approximately 13.9 million cubic yards and an anticipated closure date of February 14, 2048 (CalRecycle 2022). Therefore, the Potrero Hills Landfill has sufficient existing remaining capacity to accept the anticipated increase in solid waste generated by the Project (18.4 tons per day).

The Project would be required to comply with all federal, State, and local solid waste statues and regulations, including compliance with the CALGreen Code, the City's Construction and Demolition Debris Recycling Program, the Suisun City Municipal Code Sections 8.08 (Solid Wastes) and 8.10 (Recyclable Materials), AB 341 related to commercial recycling programs, AB 1826 related to mandatory commercial organics recycling, and other City recycling programs. Implementation of these codes and programs would reduce the volume of solid waste disposed of at the Potrero Hills Landfill and ensure sufficient landfill capacity would be available to accommodate

solid-waste disposal needs under the Project. Therefore, the Project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reductions goals or other federal, state, and local management and reduction status and regulations. Thus, impacts related to increased generation of solid waste would be **less than significant**.

5.5 Findings Regarding Impacts Mitigated to a Level of Less than Significant with Mitigation Incorporated

In accordance with Public Resources Code Section 21081 and CEQA Guidelines Section 15091, subdivision (a), this section provides a specific finding for each potentially significant environmental impact and its associated mitigation measures.

The City Council hereby finds that feasible mitigation measures have been identified in the EIR and these Findings of Fact that will avoid the following potentially significant environmental impacts and thus reduce them to less-than-significant levels. The potentially significant impacts and the mitigation measures that will reduce them to less-than-significant levels are summarized below and herein incorporated by reference. Please refer to the Draft EIR and the Final EIR for more detail.

Air Quality

Impact 4.2-3. Expose Sensitive Receptors to Substantial Pollutant Concentrations.

Construction of the proposed Project could expose sensitive receptors to pollutant concentrations and a health risk assessment was conducted to evaluate potential pollutant exposures due to construction on sensitive receptors. Sources evaluated in the health risk assessment include construction-related emissions and the exposure thereof to existing sensitive receptors (off-site residents, workers, childcare facilities, and schools) located within 1,000 feet of the Project site and within 500 feet of off-site construction traffic. The analysis utilized the EPA's air dispersion model and the latest health risk assessment guidance from the Office of Environmental Health Hazard Assessment (OEHHA) to estimate excess lifetime cancer risks and annual averaged concentrations of particulate matter with an aerodynamic diameter less than 2.5 microns ($PM_{2.5}$). Consistent with BAAQMD and OEHHA guidance, for off-site residential receptors, the probability of contracting cancer risk was evaluated over the construction duration beginning at the age of the 3rd trimester in the womb. For off-site worker receptors, the probability of contracting cancer risk from the proposed Project's emission sources was evaluated over the construction duration beginning at a possible exposure age of 16 years. For off-site student and child (i.e., childcare facilities), the probability of contracting cancer risk from the Project's emission sources was evaluated over the construction duration beginning at a possible exposure age of 4 years (assumes youngest students are in kindergarten) and 0 years, respectively. Excess cancer risk exposure was also evaluated for operational-only Project emission sources using the same starting ages as described above for construction. Additional modeling details and assumptions are provided in Appendix B to the Draft EIR. Although studies indicate that vegetation has the potential to reduce pollutant transport and dispersion[4], the model assumptions do not account for potential screening effects from existing or future vegetation on the Project site. Maximum excess cancer risk for residential and worker during 2.6 years of construction were 1.29 and 0.26 per one million, respectively. The maximum annual $PM_{2.5}$ impacts for construction

4 Vegetation, including plants and trees, has been studied as a means of improving air quality by assisting in the dispersion of near-roadway pollution (CARB 2017).

were 0.144 micrograms per cubic meter ($\mu g/m^3$) and 0.630 $\mu g/m^3$ for residential and worker sensitive receptors, respectively; therefore, annual $PM_{2.5}$ impacts would exceed the health impact threshold and the construction-related impacts related to exposure of sensitive receptors to substantial pollutant concentrations from the Project would be **potentially significant**.

Operation of the proposed Project could expose sensitive receptors to pollutant concentrations and a health risk assessment was conducted to evaluate potential pollutant exposures due to operations on sensitive receptors. Sources evaluated in the health risk assessment include operation-related emissions from the proposed Project to existing sensitive receptors (off-site residents, worker, schools, and childcare facilities) located within 1,000 feet of the Project footprint and 500 feet of off-site traffic routes. Consistent with BAAQMD and OEHHA guidance, operational exposure for off-site sensitive receptors were assessed for 30-year, 25-year, 13-year and 5-year periods for residential, worker, student, and child, respectively. Starting ages for each receptor type were third trimester, 16 years of age, 4 years of age, and 0 year of age for residential, worker, student, and child, respectively. Maximum excess cancer risk for residential (30-year exposure period) and worker (25-year exposure period) were 117.26 and 133.27 per one million, respectively. The maximum annual $PM_{2.5}$ impacts were 0.362 $\mu g/m^3$ and 1.164 $\mu g/m^3$ for residential and worker sensitive receptors, respectively. As a result, excess cancer risk and annual $PM_{2.5}$ impacts exceed the health impact threshold. Therefore, the operation-related impacts related to exposure of sensitive receptors to substantial pollutant concentrations from the Project would be **potentially significant**.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Draft EIR (CEQA Guidelines Section 15091[a][1]). Mitigation is adopted to reduce associated impacts. As described in Section 5.2.2 and in the Errata, Mitigation Measures 4.2-1a, 4.2-1b, 4.2-1g, 4.2-1h, 4.2-1i, and 4.2-1j were revised with non-substantive edits for clarity, and new Mitigation Measure 4.2-1k was added to support the regional air district air monitoring needs, if applicable. Mitigation Measures 4.2-1a and 4.2-1b were revised to clarify the potential occurrence of on-site inspections; additional revisions in Mitigation Measure 4.2-1b were made to add record keeping requirements for equipment and maintenance records and data sheets, as well as the circumstances under which electric tools would not meet project requirements. Mitigation Measure 4.2-1g is revised to require that the mitigation measure be stipulated in future tenant lease agreements and that tenants provide documentation to the City to demonstrate incorporation of the measure. Mitigation Measure 4.2-1h is revised to more specifically detail the signage and training requirements contained in the mitigation measure. Revisions are also included to require the mitigation measure to be stipulated in future tenant lease agreements and to require that future tenants provide documentation to the City to demonstrate incorporation of the measure. Mitigation Measure 4.2-1i is revised to require future tenants to provide documentation to the City to demonstrate incorporation of the measure. Mitigation Measure 4.2-1j is revised to clarify that the measure is applicable to all backup generator and fire pumps, regardless of fuel type, and to add language for preferred engine technology. Mitigation Measure 4.2-1k was added to require the applicant communicate with the Bay Area Air Quality Management District or California Are Resources Board and provide space on the Project Site for an air quality monitoring station, if so requested. The revisions do not change the analysis or conclusions of the Draft EIR.

Mitigation: The following mitigation measures have been incorporated to reduce this impact to a less-than-significant level (Draft EIR, p. 4.2-39):

Mitigation Measure 4.2-1a: Implement BAAQMD Basic Best Management Practices for Construction-Related Fugitive Dust Emissions

The Project applicant shall require all construction contractors to implement the basic construction best management practices recommended by BAAQMD for construction-related fugitive dust. Emission reduction measures shall include, at a minimum, the following measures. Additional measures may be identified by BAAQMD or contractor as appropriate. The Project applicant shall demonstrate to the City the inclusion of these measures through applicable provisions of construction contracts requiring the use of the BAAQMD basic construction best management practices for fugitive dust prior to the issuance of a grading permit. On-site inspection may occur at any time by the City to verify compliance with mitigation requirements.

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt trackout onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 miles per hour.
- All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.
- Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.

Mitigation Measure 4.2-1b: Implement Construction Exhaust Emissions Control Measures

The Project applicant shall require that the construction contractor(s) comply with the following heavy-duty construction equipment exhaust emissions control measures. Prior to the issuance of grading permits for the Project, the Project applicant shall include all requirements in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant on- or off-road construction equipment for use prior to any ground-disturbing and construction activities. The Project applicant shall demonstrate to the City the inclusion of these measures through applicable provisions

of construction contracts prior to the issuance of a grading permit. On-site inspection may occur at any time by the City to verify compliance with mitigation requirements.

- Use Tier 4 final certified engines for all on-site, diesel-powered construction equipment rated at equal to or greater than 50 horsepower.

- Prohibit the idling of construction equipment and trucks, if diesel-fueled, for more than two minutes. The Project applicant or construction contractor(s) shall provide appropriate signage onsite communicating this requirement to on-site equipment operators.

- Where grid power is available, prohibit portable diesel engines and provide electrical hook ups for electric construction tools, such as saws, drills and compressors, and using electric tools, unless such electric-powered tools would not meet the power or longevity requirements to achieve the construction task, or are otherwise infeasible due to site conditions such as wet or damp circumstances.

- Where grid power is not available, use alternative fuels, such as propane or solar electrical power, for generators at construction sites.

- Use battery-powered equipment for all off-road construction equipment with a power rating below 19 kilowatt (e.g., plate compactors, pressure washers) during construction.

Maintain all equipment and maintenance records and data sheets, including design specifications and emission control tier classifications, onsite and furnish to the lead agency or other regulators upon request.

Mitigation Measure 4.2-1c: Omit the Inclusion of Natural Gas Infrastructure

The City shall require the Project applicant to omit the inclusion of natural gas infrastructure in the design and construction of the proposed Project. The final design drawings must demonstrate the omission of natural gas connections to the Project site and be provided to and approved by the City prior to the issuance of grading permits.

Mitigation Measure 4.2-1d: Implement Mitigation Measure 4.12-1, Transportation Demand Management (TDM) Plan

Mitigation Measure 4.2-1e: Incorporate CALGreen Tier 2 Standards for Electric Vehicle Infrastructure into Project Design

The City shall require the Project applicant to include electric vehicle (EV) capable parking at the rate consistent with the CALGreen Tier 2 standards for the proposed Project land use. The EV capable parking shall include the installation of the enclosed conduit that forms the physical pathway for electrical wiring and adequate panel capacity to accommodate future installation of a dedicated branch and charging stations(s). The total EV capable parking to be provided shall be based on the proposed size and scale of development and the most current CALGreen Tier 2 standards at the time of the application for a building permit.

Mitigation Measure 4.2-1f: Electrification of Yard Equipment

The Project applicant shall stipulate in tenant lease agreements that all yard equipment and similar on-site off-road equipment, such as forklifts, be electric. Prior to the issuance of an occupancy permit, the Project applicant shall provide the City with documentation, to the City's satisfaction, demonstrating that the building occupant shall only use on-site off-road equipment that is electric-powered.

Mitigation Measure 4.2-1g: Electrification of Transportation Refrigeration Units

The Project applicant shall stipulate in tenant lease agreements that all transportation refrigeration units operating on the Project site are required to be electric or alternative zero-emissions technology, including hydrogen fuel cell transport refrigeration and cryogenic transport refrigeration, to reduce emissions of NO_X without substantially increasing other emissions. The Project design shall also include necessary infrastructure; for example, requiring all dock doors serving transportation refrigeration units to be equipped with charging infrastructure to accommodate the necessary plug-in requirements for electric transportation refrigeration units while docked or otherwise idling, as well as the electrical capacity to support the on-site power demand associated with electric transportation refrigeration unit charging requirements. Future tenants must provide documentation to the City to demonstrate compliance with this measure.

Mitigation Measure 4.2-1h: Prohibition of Truck Idling for More than Two Minutes

The Project applicant shall stipulate in tenant lease agreements that onsite idling of all visiting gasoline- or diesel-powered trucks not exceed two minutes, and that appropriate signage and training for on-site workers and truck drivers be provided to support effective implementation of this limit. Signage shall include both interior-and exterior-facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations to CARB, the air district, and the building manager. Facility operators shall train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks. Future tenants must provide documentation to the City to demonstrate compliance with this measure.

Mitigation Measure 4.2-1i: Limitation of Model Year of Visiting Trucks

The Project applicant shall require that lease agreements stipulate that any gasoline- or diesel-powered vehicle, whether owned by tenant(s), that enters or operates on the Project Site and has a gross vehicle weight rating greater than 14,000 pounds, have a model year dated no older than model year 2014. Future tenants must provide documentation to the City to demonstrate compliance with this measure.

Mitigation Measure 4.2-1j: Diesel Backup Generator and Fire Pump Specifications

The Project applicant shall ensure that the backup generators and fire pumps utilize the best available control technology to minimize criteria air pollutant, diesel particulate matter, and greenhouse gas emissions. The preferred technology shall be non-diesel fueled units, should they meet the operational and safety requirements of the Project operations. Should diesel-powered engines be required, such units shall meet or exceed the air board's Tier 4 emission standards. Additionally, once operational, the backup generators and fire pumps shall be maintained in good working order for the life of the equipment, and any

future replacement of the equipment shall be required to be consistent with these emissions specifications. To ensure compliance with this measure, the Project applicant shall ensure that records of the testing schedule for the backup generators and fire pumps are maintained for the life of the equipment and make these records available to the City upon request**.**

Mitigation Measure 4.2-1k: Contribute to Air Quality Monitor if Requested

At least 10 days prior to issuing a grading permit, the City of Suisun City will contact the Bay Area Air Quality Management District (Air District) and inquire as to whether the Air District would have an interest in the installation of an air quality monitoring station within the City of Suisun City, or whether the Air District in coordination with the California Air Resources Board would have such an interest. If, prior to issuance of a building permit, the Air District identifies interest in the installation of an air quality monitoring station, the Project applicant shall offer suitable space within the Project Site for an air quality monitoring station in Suisun City. If no such interest is expressed through communication by the Air District to the City of Suisun City prior to issuance of a building permit, no further action is required.

Significance after Mitigation: As shown in Appendix B to the Draft EIR, with implementation of Mitigation Measures 4.2-1a and 4.2-1b, the maximum annual $PM_{2.5}$ concentrations from construction-related activities would be reduced to 0.048 µg/m^3 and 0.223 µg/m^3 for residential and worker sensitive receptors, respectively, and would be below the recommended threshold of significance. As shown in Appendix B to the Draft EIR, with implementation of Mitigation Measures 4.2-1c through 4.2-1j, cancer risks and maximum annual $PM_{2.5}$ concentrations from exposure to sensitive receptors from operational-related activities would be reduced below the respective recommended thresholds of significance. The maximum excess cancer risk for residential and worker would be reduced to 5.46 and 4.22 per one million, respectively and maximum annual $PM_{2.5}$ concentrations would be reduced to 0.047 µg/m^3 and 0.050 µg/m^3 for residential and worker sensitive receptors, respectively. Mitigation Measure 4.2-1k would support long-term strategies for air monitoring and achieving air quality standards. Therefore, with implementation of Mitigation Measures 4.2-1a through 4.2-1k, Project construction and operational activities would not expose sensitive receptors to substantial pollutant concentrations with implementation and this impact would be **less than significant with mitigation**.

Biological Resources

Impact 4.3-1. Contra Costa Goldfields and Critical Habitat

Explanation: Development of the Project would directly impact an estimated 183 to 231 individual Contra Costa goldfields plants over an approximately 0.03-acre area of occupied habitat for Contra Costa goldfields, would directly impact 38 acres of unoccupied marginal habitat for Contra Costa goldfields, and may indirectly impact occupied Contra Costa goldfields habitat in proposed Managed Open Space as a result of mitigation wetland grading. Construction activities could also harm individuals by spreading non-native invasive plant species already present in the area or introducing new species via unwashed construction vehicles and equipment. The Project would also impact 93 acres of the 737-acre Critical Habitat Subunit 5G. These impacts would be **potentially significant**.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Draft EIR (CEQA Guidelines Section 15091[a][1]). Mitigation is adopted to reduce associated impacts.

Mitigation: The following mitigation measures have been incorporated to reduce this impact to a less-than-significant level (Draft EIR, p. 4.3-71 to 4.3-73):

Mitigation Measure 4.3-1a: Establish New Contra Costa goldfields Habitat and Populations

The Project applicant shall establish/create a minimum of 0.03 acre (1:1 ratio) of Contra Costa goldfields habitat with the performance standard of supporting a minimum of 183 individual Contra Costa goldfields plants at least 2 out of the 10 years of the monitoring period. Establishing new populations of Contra Costa goldfields shall be done in consultation with U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) and with approval from these agencies and may be accomplished by collecting seed from extant populations and salvaging seed and topsoil from occupied Contra Costa goldfields habitat within the proposed Development Area. As described in the Mitigation and Monitoring Plan for the proposed Managed Open Space area (Attachment 7 to Appendix C of the Draft EIR), the new Contra Costa goldfields populations would be established in the 38-acre wetland creation/establishment area within the proposed Managed Open Space area of the Project site, adjacent to the existing large population within the Pescadero silty clay loam soil type. A plan for collecting seed and establishing new populations shall be coordinated with the USFWS during the ESA Section 7 consultation process, as described in the Mitigation and Monitoring Plan.

Mitigation Measure 4.3-1b: Establish and Manage 38 Acres of Wetland Habitat

To ensure a no-net-loss of potential Contra Costa goldfields habitat the Project applicant shall establish/create 38 acres of in-kind, or higher quality, wetland habitat that is suitable for Contra Costa Goldfields within the proposed Managed Open Space area of the Project site, prior to or concurrent with project construction. The established/created wetlands shall be implemented, and performance standards shall be monitored for a minimum of 10 years in accordance with the Mitigation and Monitoring Plan for the proposed Managed Open Space area (Attachment 7 to Appendix C of the Draft EIR). Management actions to be implemented to manage, protect, and enhance wetlands and associated rare plant populations shall include but not be limited to managing grazing practices, invasive plant inspections and maintenance, maintaining fencing and signage, and annual reporting on inspections and maintenance practices to authorizing agencies. Protection and management of the created wetlands shall continue in perpetuity as described in the Mitigation and Monitoring Plan. Prior to site mobilization the project applicant shall secure approval of detailed construction plans for wetland mitigation in the Managed Open Space area from USFWS, CDFW, RWQCB, and San Francisco Bay Conservation and Development Commission (BCDC).

If additional wetland mitigation is required by the USFWS, CDFW, RWQCB, or BCDC to compensate for impacts on unoccupied habitat for Contra Costa Goldfields or if success criteria for created wetlands cannot be fully attained with onsite wetland mitigation, the Project applicant shall purchase wetland mitigation credits from an approved mitigation bank which services the Project site and which supports existing populations of Contra Costa goldfields. The North Suisun Mitigation Bank and Goldfields Conservation Bank currently service the proposed Project site. Purchase of preservation credits may be used to accomplish this compensation; the ratio of credits purchased to habitat impacted shall be approved by USFWS and CDFW. If no mitigation banks that service the proposed Development Area are available, the Project applicant shall use an approved mitigation bank whose service area includes the Solano-Colusa

Vernal Pool Region as defined in the 2006 Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon.

Mitigation Measure 4.3-1c: Preserve and Manage Contra Costa Goldfields Habitat

The Project applicant shall preserve and manage the Contra Costa goldfields occupied habitat in the proposed Managed Open Space area as described in the Mitigation and Monitoring Plan. The Managed Open Space area contains an approximately 17-acre area in the southwestern area of the Project site that currently supports from 8,000 to 7.7 million individual Contra Costa goldfields plants within the Pescadero silty clay loam soil, a 2.4-acre area of occupied habitat currently supporting 267 individual plants in the northern area east of Pennsylvania Road, approximately 107.2 acres of existing unoccupied seasonal wetlands similar to the 38 acres of unoccupied wetland habitat that would be impacted, and 38 acres of the wetland creation/establishment area, all of which will be preserved within the Managed Open Space area. To ensure a no-net-loss of Contra Costa Goldfield Critical Habitat, a minimum of 93.4 acres Contra Costa Goldfield Critical Habitat Subunit 5G shall be preserved and managed within proposed Managed Open Space area. Management actions to be implemented to manage, protect, and enhance Contra Costa goldfields occupied habitat shall include but not be limited to managing grazing practices, invasive plant inspections and maintenance, maintaining fencing and signage, and annual reporting on inspections and maintenance practices to authorizing agencies. Protection and management of the created Contra Costa goldfields habitat shall continue in perpetuity as described in the Mitigation and Monitoring Plan (Attachment 7 to Appendix C to the Draft EIR).

Mitigation Measure 4.3-1d: Install Construction Fencing

To avoid direct or indirect impacts to occupied Contra Costa goldfields habitat during grading activities within the proposed Managed Open Space area of the Project Site, orange construction fencing delineating a non-disturbance buffer from the boundary of occupied Contra Costa goldfields habitat shall be installed before construction activities begin. The size of the non-disturbance buffer shall be established in consultation with the appropriate permitting agencies and shall be of sufficient size to protect the Contra Costa goldfields populations from direct and indirect impacts. The contractor, in consultation with a qualified biologist and in accordance with the Project plans, shall clearly demarcate the boundaries of the non-disturbance buffer. Fencing shall remain in place throughout the duration of construction and shall be fully maintained and inspected daily when project activities are underway. Repairs to the fencing shall be made within 24 hours of identifying the need for repair. After construction is completed, the fencing shall be completely removed.

Mitigation Measures 4.3-1e Limit Introduction and Spread of Invasive Species

To reduce and limit the spread of invasive nonnative plant species on the Project site from invasive or noxious weeds, construction vehicles and equipment shall be cleaned inside and out before arrival at the Project Site; debris will be properly disposed of. Exterior cleaning shall consist of pressure washing vehicles and equipment, with close attention paid to the tracks, feet, and/or tires and on all elements of the undercarriage. Vehicle cabs shall be swept out, and refuse shall be disposed at an approved off-site location. If vehicles are driven in areas of invasive or noxious weeds already present in portions of the Project site, vehicles shall be cleaned before moving from infested areas to areas that are weed-free.

Significance after Mitigation: Implementation of these mitigation measures would offset permanent impacts to occupied Contra Costa goldfields habitat and would ensure that Contra Costa goldfields occupied habitat, which supports 99 percent of the Contra Costa goldfields within the Project site, is preserved and managed for Contra Costa goldfields in perpetuity. The measures described above would ensure no-net loss of potential Contra Costa goldfields habitat area, Contra Costa goldfields Critical Habitat, or threat to the recovery of Contra Costa goldfields. This mitigation will reduce potential impacts to Contra Costa goldfields to a **less-than-significant** level.

Impact 4.3-2. Alkali Milk-Vetch

Development of the Project would directly impact an estimated 12 individual alkali milk-vetch plants over an approximately 0.02-acre area, and 16.3 acres of seasonally saturated annual grassland habitat suitable to support alkali milk-vetch, and may indirectly affect occupied alkali milk-vetch habitat in the proposed Managed Open Space area as a result of mitigation wetland grading. Construction activities could also harm individuals by spreading non-native invasive plant species already present in the area or introducing new species via unwashed construction vehicles and equipment. These impacts would be **potentially significant.**

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Draft EIR (CEQA Guidelines Section 15091[a][1]). Mitigation is adopted to reduce associated impacts.

Mitigation: The following mitigation measures have been incorporated to reduce this impact to a less-than-significant level (Draft EIR, p. 4.3-73 to 4.3-74):

Implement Mitigation Measure 4.3-1e: Limit Introduction and Spread of Invasive Species

Mitigation Measure 4.3-2a: Preserve and Establish Alkali Milk-Vetch Habitat

Within the proposed Managed Open Space area of the Project site, the Project applicant shall (1) preserve the 0.01 acre of seasonally saturated annual grassland habitat occupied with approximately 250 alkali milk-vetch plants, and (2) establish/create the equivalent of 16.3 acres of seasonally saturated annual grassland habitat. Topsoil from occupied alkali milk-vetch habitat within the proposed Development Area shall be collected and used to inoculate the established/created seasonally saturated annual grassland.

Mitigation Measure 4.3-2b: Install Construction Fencing

To ensure no impacts to occupied alkali milk-vetch habitat occurs during grading activities to establish wetlands in the proposed Managed Open Space area of the Project site, a non-disturbance buffer delineated by orange construction fencing shall be installed prior to the start of construction to demarcate the boundary of adjacent occupied alkali milk-vetch habitat. The size of the non-disturbance buffer shall be a minimum of 5 feet and established by an on-site qualified biologist to be of sufficient size to protect alkali milk-vetch populations from direct and indirect impacts. The contractor, in consultation with the qualified biologist and in accordance with the Project plans, shall clearly demarcate the boundaries of the non-disturbance buffer. Fencing shall remain in place throughout the duration of construction and shall be fully maintained and inspected daily when project activities are underway. Repairs to the fencing shall be made within 24 hours of identifying the need for repair. After construction is completed, the fencing shall be completely removed.

Significance after Mitigation: Implementation of Mitigation Measures 4.3-2a and 4.3-2b would avoid and offset permanent impacts to occupied alkali milk-vetch habitat and ensure there is no-net loss of potential alkali milk-vetch habitat area. Implementation of Mitigation Measure 4.3-1e would avoid the introduction and spread of invasive plant species. These mitigation measures would reduce potential impacts to alkali milk-vetch to a **less-than-significant** level.

Impact 4.3-3. Saline Clover

Development of the Project would directly impact an estimated 465 individual saline clover plants over a 1.4-acre area, would directly impact 14.1 acres of vernal pool habitat and 16.3 acres of seasonally saturated annual grassland habitat suitable to support saline clover, and may indirectly affect occupied saline clover habitat in the proposed Managed Open Space area as a result of mitigation wetland grading. Construction activities could also harm individuals by spreading non-native invasive plant species already present in the area or introducing new species via unwashed construction vehicles and equipment. These impacts would be **potentially significant**.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Draft EIR (CEQA Guidelines Section 15091[a][1]). Mitigation is adopted to reduce associated impacts.

Mitigation: The following mitigation measures have been incorporated to reduce this impact to a less-than-significant level (Draft EIR, pp. 4.3-74 to 4.3-75):

Implement Mitigation Measure 4.3-1e. Limit Introduction and Spread of Invasive Species (see above)

Mitigation Measure 4.3-3a: Preserve and Establish Saline Clover Habitat

Within the proposed Managed Open Space portion of the Project site, the Project applicant shall (1) preserve 19.1 acres of saline clover habitat occupied with an estimated 6,335 individual plants; and (2) establish the equivalent of 14.1 acres of vernal pool habitat and 16.3 acres of seasonally saturated annual grassland habitat. The preservation and establishment/creation of vernal pool and seasonally saturated annual grassland habitat within the proposed Managed Open Space area of the Project site as mitigation for the loss of potential habitat for the Contra Costa goldfields will also serve as mitigation for the loss of potential saline clover habitat. Topsoil from occupied saline clover habitat within the proposed Development Area of the Project site shall be collected and used to inoculate the established/created vernal pools and seasonally saturated annual grassland.

Mitigation Measure 4.3-3b: Install Construction Fencing

To ensure no impact to occupied saline clover occurs during grading activities to establish wetlands in the proposed Managed Open Space area of the Project site, orange construction fencing shall be installed prior to the start of construction to demarcate the boundary of adjacent occupied saline clover habitat. The contractor, in consultation with a qualified biologist and in accordance with the Project plans, shall clearly demarcate the boundaries of the non-disturbance buffer. The size of the non-disturbance buffer shall be a minimum of 5 feet and established by an on-site qualified biologist to be of sufficient size to protect saline clover populations from direct and indirect impacts. Fencing shall remain in place throughout the duration of construction and shall be fully maintained and inspected daily when Project activities are underway.

Repairs to the fencing shall be made within 24 hours of identifying the need for repair. After construction is completed, the fencing shall be completely removed.

Significance after Mitigation: Implementation of Mitigation Measures 4.3-3a and 4.3-3b would offset and avoid permanent impacts to occupied saline clover habitat, ensure there is no-net loss of potential saline clover habitat area, and avoid indirect impacts during mitigation wetland grading. Implementation of Mitigation Measure 4.3-1e would avoid the introduction and spread of invasive plant species. These mitigation measures would therefor reduce potential impacts to saline clover to **less than significant**.

Impact 4.3-4. Suisun Marsh Aster

Development of the Project could impact a few individual Suisun Marsh aster plants within the impact footprint and adjacent areas due to construction of a stormwater culvert. This impact would be **potentially significant.**

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Draft EIR (CEQA Guidelines Section 15091[a][1]). Mitigation is adopted to reduce associated impacts.

Mitigation: The following mitigation measures have been incorporated to reduce this impact to a less-than-significant level (Draft EIR, p. 4.3-75 to 4.3-76):

Implement Mitigation Measure 4.3-1e. Limit Introduction and Spread of Invasive Species (see above)

Mitigation Measure 4.3-4a: Conduct Preconstruction Plant Survey and Implement Avoidance Measures

Plant surveys shall be conducted prior to the design of the stormwater culvert outfall to determine the location of Suisun Marsh aster plants in relation to the proposed outfall. If individual plants occur in the proposed location of the stormwater outfall culvert or in an area where impacts could occur to the plants, the location shall be modified to avoid directly or indirectly affecting the plants.

Mitigation Measure 4.3-4b: Mitigate for Impacts on Suisun Marsh Aster

If impacts to individual plants are unavoidable, even with modifications to the Project design, the Project applicant shall establish/create a minimum of 0.002 acres (1:1 ratio) of Suisun Marsh aster habitat in the proposed Managed Open Space portion of the Project site. The performance standard for this mitigation shall be supporting the same or greater number of plants impacted for at least 2 out of the 10 years of the monitoring period. This mitigation measure for establishing new Suisun Marsh aster plants shall be incorporated into the Preliminary Mitigation and Monitoring Plan provided in Attachment 7 of Appendix C to the Draft EIR.

Significance after Mitigation. These mitigation measures would avoid, minimize, and offset permanent impacts to occupied Suisun Marsh aster and would ensure there is no-net loss of potential habitat for the species. Mitigation Measure 4.3-1e would avoid the introduction and spread of invasive plant species. These mitigation measures would therefore reduce potential impacts to long-styled sand-spurrey to **less-than-significant.**

Impact 4.3-5. Long-styled sand-spurrey plants.

Development of the Project would directly impact 14.1 acres of vernal pool habitat and 16.3 acres of seasonally saturated annual grassland habitat suitable to support long-styled sand spurrey. This impact would be **potentially significant**.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Draft EIR (CEQA Guidelines Section 15091[a][1]). Mitigation is adopted to reduce associated impacts.

Mitigation: The following mitigation measures have been incorporated to reduce this impact to a less-than-significant level (Draft EIR, p. 4.3-76):

Implement Mitigation Measure 4.3-1e: Limit Introduction and Spread of Invasive Species (see above)

Mitigation Measure 4.3-5a: Preserve and Establish Long-Styled Sand-Spurrey Habitat

Within the proposed Managed Open Space area of the Project site, the Project applicant shall establish the equivalent of 14.1 acres of vernal pool habitat and 16.3 acres of seasonally saturated annual grassland habitat within the proposed Managed Open Space area as part of the Mitigation and Monitoring Plan to mitigate for elimination of long-styled sand-spurrey habitat. Collection of topsoil within the proposed Development Area within occupied habitat for alkali milk-vetch and saline clover and use of the soil to inoculate established/created seasonally saturated grassland (Mitigation Measures 4.3-2a and 4.3-3a) shall be accomplished such that soil will also contain seeds for long-styled sand-spurrey.

Mitigation Measure 4.3-5b: Install Construction Fencing

The contractor, in consultation with a qualified biologist and in accordance with the Project plans, shall install construction fencing to clearly demarcate the boundaries of a non-disturbance buffer to protect Contra Costa goldfields, alkali milk-vetch, and saline clover populations, if found in the Managed Open Space area within 100 feet from the Project disturbance footprint.

Significance after Mitigation: These mitigation measures would offset and avoid permanent impacts to occupied long-styled sand-spurrey habitat and would ensure there is no-net loss of potential habitat for the species. Mitigation Measure 4.3-1e would avoid the introduction and spread of invasive plant species. These mitigation measures would therefore reduce potential impacts to long-styled sand-spurrey to **less-than-significant.**

Impact 4.3-6. Crotch Bumble Bee.

While several plant species that could provide suitable nectar and pollen sources for the Crotch bumble bee are present within the Project site, this species was not observed in the Project site during a focused habitat survey of burrows and nectar resources conducted during spring 2023. This species is unlikely to occur in the Project site; however, it is unknown whether the species could establish nests or overwintering sites in upland areas before project implementation.

Ground disturbing construction resulting from the Project (including for construction of mitigation wetlands and enhanced upland refugia as mitigation within the Managed Open Space) could destroy nesting colonies or overwintering queens, if present in rodent burrows or in other ground surface features in upland areas of the Project site. Permanent loss of upland annual grassland and seasonal aquatic resources from the Project Site could reduce available floral food resources for this species within the Project site.

The potential destruction of nests sites or queen overwintering sites and loss of adjacent foraging habitat could reduce local populations of this rare bumble bee species and would be considered a **potentially significant** impact.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Draft EIR (CEQA Guidelines Section 15091[a][1]). Mitigation is adopted to reduce associated impacts.

Mitigation: The following mitigation measures have been incorporated to reduce this impact to a less-than-significant level (Draft EIR, pp. 4.3-77 to 4.3-78):

Mitigation Measure 4.3-6a: Avoid, Minimize, and Mitigate for Impacts on Crotch Bumble Bee

Prior to construction, a qualified biologist shall conduct focused surveys for the Crotch bumble bee in potential habitat within the Project site during the Crotch bumble bee worker flight period (March-September, preferably near the peak in July). Surveys shall follow the *USFWS-approved Survey Protocols for the Rusty Patched Bumble Bee (Bombus affinis)* (USFWS 2019). During the survey, the qualified biologist shall flag inactive small mammal burrows and other potential nest or overwintering sites. If the Crotch bumble bee is detected, a site-specific Crotch's Bumble Bee Avoidance and Minimization Plan shall be prepared in coordination with CDFW and implemented. The Plan shall include a description of onsite habitat, potential nest and overwintering sites present, recommendations for avoidance and minimization (such as unoccupied burrow avoidance buffers), potential identification of methods to evaluate potential nest sites for use (e.g., burrow scoping or emergence surveys), and compensatory mitigation for the loss of potential nest sites, such as incorporation of appropriate native flower resources that would support this species throughout the flight period and promote development of queens (i.e., perennial plants) into the Mitigation and Monitoring Plan for the Managed Open Space area, and/or reducing use of harmful pesticides within the Managed Open Space Area.

Significance after Mitigation: Implementation of Mitigation Measure 4.3-6a would avoid and minimize impacts to Crotch bumble bee and would therefore reduce potential impacts to **less than significant**.

Impact 4.3-7. Northern Harrier and Short-Eared Owl.

Northern harriers and short-eared owls have not been documented nesting on the Project site, but suitable nesting habitat for the northern harrier occurs within the non-native grasslands and seasonal wetlands and swales found within the Project site. If a northern harrier or short-eared owl were found to be nesting on the Project site during the construction period, potential impacts to either of these species from the Project could occur, including disturbance to nesting birds and possible mortality of adults and/or young. Disturbances to nest sites for these special status species are possible either during grading or vegetation removal for project construction within the proposed Development Area of the Project Site or from grading required for creation of mitigation wetlands and enhanced upland refugia within the proposed Managed Open Space area in the southern portion of the Project site. Disturbance

that causes nest abandonment or loss of nest productivity (e.g., killing or abandonment of eggs or young) would be a violation of the Migratory Bird Treaty Act and California Fish and Game Code and would be a **potentially significant** impact**.**

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Draft EIR (CEQA Guidelines Section 15091[a][1]). Mitigation is adopted to reduce associated impacts.

Mitigation: The following mitigation measures have been incorporated to reduce this impact to a less-than-significant level (Draft EIR, pp. 4.3-78 to 4.3-79):

Mitigation Measure 4.3-7a: Preconstruction Nesting Survey

A qualified biologist shall conduct a preconstruction nesting survey for northern harrier and short-eared owl if construction is scheduled during the nesting season (February 1 through August 31). Surveys shall be conducted no more than 14 days prior to ground disturbance by walking transects through all suitable habitat (grassland, seasonal wetlands and swales) within the proposed Development Area and the proposed Managed Open Space area of the Project site.

Mitigation Measure 4.3-7b: Implement Non-Disturbance Buffers

If an active northern harrier or short-eared owl nest is detected during the surveys, the nest site shall be protected by implementing a minimum 500-foot radius buffer zone around the nest marked with orange construction fencing. If an active nest is located outside of the Project site, the buffer shall be extended onto the Project site and demarcated where it intersects the Project site. The qualified biologist, in consultation with CDFW, may modify the size of buffer zone based on the type of construction activity that may occur, physical barriers between the construction site and active nest, behavioral factors, and the extent that northern harriers or short-eared owls may have acclimated to disturbance. No construction or earth-moving activity shall occur within the established buffer zone until it is determined by a qualified raptor biologist that the young have fledged or that the nesting cycle is otherwise determined to be complete based on monitoring of the active nest by a qualified biologist.

Significance after Mitigation: Implementation of Mitigation Measures 4.3-7a and 4.3-7b would avoid disturbing a northern harrier or short-eared owl active nest through implementation of preconstruction nesting surveys and non-disturbance buffers, as needed, thus reducing potential impacts to **less than significant**.

Impact 4.3-8. Swainson's Hawk.

Construction of the Project would result in the loss of 92 acres of Swainson’s hawk foraging habitat. Construction activities associated with the Project could disturb nesting Swainson’s hawk if individuals of this species were found to be nesting within one-half mile of construction activities. Therefore, this impact would be **potentially significant**.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Draft EIR (CEQA Guidelines Section 15091[a][1]). Mitigation is adopted to reduce associated impacts. As described in Section 5.2.2 of this Findings document and in the Final EIR Errata, Mitigation Measure 4.3-8a was revised with minor wording modifications.

Mitigation: The following mitigation measures have been incorporated to reduce this impact to a less-than-significant level (Draft EIR, pp. 4.3-79 to 4.3-80):

Mitigation Measure 4.3-8a: Preserve Swainson's Hawk Foraging Habitat

To offset impacts to 92.0 acres of Swainson's hawk foraging habitat, the Project applicant shall provide habitat preservation at a location that will provide foraging habitat value to Swainson's hawks consistent with CDFW guidance as set forth in the *1994 Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California*. CDFW 1994 guidance provides that mitigation lands should be provided if an active nest is located within a 10-mile radius of the Project site, mitigation habitat value shall be equal to or higher than what currently occurs on the Project Site, and at a minimum of 1:1 ratio. Currently, the Project proposes 393.2 acres of Managed Open Space area, of which 205.4 acres consists of annual grasslands and seasonal wetlands considered suitable foraging habitat, shall be preserved and protected in perpetuity. Acreage required to provide a 1:1 compensation acreage for Swainson's hawk foraging habitat would be protected through a conservation easement; a deed restriction would be placed on the remainder of the Managed Open Space that prohibits development of, any resource extraction within, and public access to, and public use of the Managed Open Space area under the Project. Furthermore, the project proposes that the preserved Swainson's hawk foraging habitat would be enhanced by grazing the Managed Open Space area to control the buildup of thatch.

If additional Swainson's hawk foraging habitat mitigation is required by the 1994 CDFW guidance, the Project applicant shall purchase mitigation credits from an approved Swainson's hawk mitigation bank which services the Project site, or preserve suitable foraging habitat off-site at an approved CDFW location so as to satisfy the additional CDFW requirement to offset the permanent loss of foraging habitat.

Mitigation Measure 4.3-8b: Preconstruction Nesting Surveys

Preconstruction surveys for Swainson's hawk shall be conducted prior to initiation of Project construction activities. Surveys shall follow CDFW guidelines for conducting surveys for Swainson's hawk (SHTAC 2000). These preconstruction surveys shall include investigation of all potential nesting trees within a one-half-mile radius around all Project activities and shall be completed for at least two survey periods immediately prior to commencement of project construction. If no nesting Swainson's hawk are found during the first two required survey periods (Survey Period II and III) starting March 20 and extending to April 20, then project construction may commence. If during the third survey period (June 10 to July 30) Swainson's hawks are found to be nesting in the Project vicinity and construction has commenced, the Project applicant shall consult CDFW to determine whether the nesting Swainson's hawk are habituated to the ambient level of noise and disturbance emanating from the Project site and setbacks can be reduced or whether additional measures are needed to avoid adversely affecting nesting activities.

Mitigation Measure 4.3-8c: Implement Nest Buffer

If Swainson's hawks are found to be nesting within 0.25 miles of Project construction, a non-disturbance buffer shall be established to keep all construction activities a minimum of 0.25 miles from the nest site (CDFW 1994). The CDFW shall be consulted regarding the adequacy of the buffer established by the qualified biologist.

Significance after Mitigation: Implementation of Mitigation Measures 4.3-8a through 4.3-8c would compensate for the loss of Swainson's hawk foraging habitat and would avoid adverse effects on Swainson's hawks nesting near the Project site. These measures would reduce potential impacts on Swainson's hawks to less than significant.

Impact 4.3-9. Burrowing Owl.

Construction activities associated with the Project, including for development or for creation of mitigation wetlands within the proposed Managed Open Space area, could impact burrowing owls if found to be present in or near areas of construction. The impact would be **potentially significant**.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Draft EIR (CEQA Guidelines Section 15091[a][1]). Mitigation is adopted to reduce associated impacts. As described in Section 5.2.2 of this Findings document and in the Final EIR Errata, Mitigation Measure 4.3-9b was revised to incorporate specific mitigation ratio requirements for impacted burrows and Mitigation Measure 4.3-9c was added to mitigate potential impacts to burrowing owls.

Mitigation: The following mitigation measures have been incorporated to reduce this impact to a less-than-significant level (Draft EIR, pp. 4.3-80 to 4.3-81):

Mitigation Measure 4.3-9a: Preconstruction Burrowing Owl Nesting Survey

A pre-construction survey for burrowing owls shall be conducted in suitable habitat prior to any ground-disturbance for construction of the Project at the proposed Development Area of the Project site, and off-site improvement areas, and for construction of mitigation wetlands within the proposed Managed Open Space area of the Project site. The pre-construction survey shall be conducted by a qualified raptor biologist following CDFW *Staff Report on Burrowing Owl Mitigation* (CDFW 2012) survey methods to establish the status of burrowing owl on the Project site.

Mitigation Measure 4.3-9b: Avoid Impacts to Occupied Burrows

If preconstruction surveys determine that burrowing owls occupy the Project site during the non-breeding season (September 1 to January 31), occupied burrows shall be avoided by establishing a no-disturbance buffer zone in consultation with CDFW. During the non-breeding season, if a qualified raptor biologist determines in consultation with CDFW that an occupied burrow(s) may be impacted even with implementation of non-disturbance buffers, the Project applicant shall consult CDFW to determine if a passive relocation effort and implementation of a Burrowing Owl Exclusion Plan prepared in accordance with the CDFW guidelines (CDFW 2012) is appropriate to avoid impacts. Implementation of such a Burrowing Owl Exclusion Plan would likely require habitat mitigation consistent with the requirements of the 2012 CDFW Staff Report.

If burrowing owls are found to be present on the Project site or off-site improvement areas during the breeding season (February 1 to August 31), the Project applicant shall consult CDFW and implement the avoidance protocol recommended in the 2012 CDFW guidance (CDFW 2012) whereby occupied burrows will be avoided with a no-disturbance buffer during the breeding season.

At a minimum, impacts to each burrowing owl unoccupied breeding site (i.e., a burrow known to have been used in the past three years for breeding) shall be mitigated by creating one artificial burrow for every burrow impacted (1:1 ratio) in a location within the Managed Open Space area situated within a minimum of 6.5 acres of foraging habitat like the foraging habitat impacted. The same requirements (a 1:1 ratio) shall apply for impacts to non-breeding evicted burrowing owl sites. As an alternative, with the approval of CDFW, burrowing owl mitigation credits may be purchased at a CDFW approved mitigation bank.

Mitigation Measure 4.3-9c: Cap Pipe and Hose

To prevent burrowing owls from sheltering or nesting in exposed material, all construction pipes, culverts, hoses or similar materials greater than two inches in diameter stored at the Project site shall be capped or covered before the end of each work day and shall be inspected thoroughly for wildlife before the pipe or similar structure is buried, capped, used, or moved.

Significance after Mitigation: Implementation of these mitigation measures would avoid disturbing an active burrowing owl nest and avoid harming a burrowing owl during the nonbreeding season. These measures would reduce potential impacts to burrowing owls to **less than significant**.

Impact 4.3-10. California Black Rail.

No habitat for this species is found within the proposed Development Area of the Project site. Therefore, no direct impacts to California black rail would result from construction of the Project.

Construction activity associated with creation of mitigation wetlands in the proposed Managed Open Space area of the Project site could result in impacts to nesting California black rail if construction near marsh areas was to take place during the California black rail nesting season and nesting rails were present. This impact would be **potentially significant**.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Draft EIR (CEQA Guidelines Section 15091[a][1]). Mitigation is adopted to reduce associated impacts.

Mitigation: The following mitigation measures have been incorporated to reduce this impact to a less-than-significant level (Draft EIR, pp. 4.3-81 to 4.3-82):

Mitigation Measure 4.3-10: Preconstruction Nesting Surveys

If construction work is proposed during the black rail nesting season (February 1 through August 31) pre-construction surveys for nesting California black rail shall be conducted in suitable habitat within 700 feet of the work area to determine if setbacks are warranted to protect nesting California black rail from indirect impacts. Surveys shall be conducted using the methodology described in *Site-specific Protocol for Monitoring Marsh Birds: Don Edwards San Francisco Bay and San Pablo Bay National Wildlife Refuges* (Wood et al. 2017), or a variation thereof as approved by CDFW. If the surveys detect the presence of a California black rail nest, or the activity center of vocalizing California black rails, a non-disturbance buffer or other appropriate avoidance measures shall be established in consultation with CDFW.

Significance after Mitigation: Implementation of Mitigation Measure 4.3-10 would avoid disturbance of nesting California black rail, thus reducing potential impacts to **less than significant**.

Impact 4.3-11. Loggerhead Shrike, Suisun Song Sparrow, Grasshopper Sparrow, Tricolored Blackbird.

Direct and indirect impacts to nesting populations of state species of concern including loggerhead shrike, Suisun song sparrow, grasshopper sparrow, or tricolored blackbird could occur through habitat removal or disturbance of potential nest sites during construction. Disturbances to nesting activities are possible either during grading or vegetation removal for construction of the Project, including within the proposed Development Area, or from grading for creation of mitigation wetlands or enhanced upland refugia within the proposed Managed Open Space area in the southern portion of the Project site. Impacts on nesting birds, including these special status species, include visual or auditory disturbance from construction noise and human presence. These types of disturbance could result in nest abandonment or failure by deterring birds from preferred nest and foraging sites, and/or distracting adults from tending to their eggs or young. These impacts would be **potentially significant.**

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Draft EIR (CEQA Guidelines Section 15091[a][1]). Mitigation is adopted to reduce associated impacts.

Mitigation: The following mitigation measure has been incorporated to reduce this impact to a less-than-significant level (Draft EIR, pp. 4.3-82 to 4.3-83):

Mitigation Measure 4.3-11: Preconstruction Nesting Surveys

If construction will occur during the nesting season (February 1 through August 31) in the proposed Development Area of the Project site or for construction of mitigation wetlands within the proposed Managed Open Space area of the Project site, a qualified biologist shall conduct a preconstruction nesting bird survey no more than 14 days prior to any ground-disturbance. Surveys shall be conducted by a qualified biologist to search for nesting of loggerhead shrike, Suisun song sparrow, grasshopper sparrow, or a tricolored blackbird nesting colony. If the surveys find an active tricolored blackbird colony CDFW shall be consulted to develop an appropriate non-disturbance buffer. If nests of loggerhead shrike, Suisun song sparrow, or grasshopper sparrow are found, appropriate buffer zones determined by the qualified biologist shall be established around all active nests to protect nesting adults and their young from direct or indirect impacts related to project construction disturbance. The buffer shall be marked with orange construction fencing. The size of buffer zones shall be determined per recommendations of the qualified biologist based on site conditions and species involved. No construction or earth-moving activity shall occur within the established buffer zone until it is determined by the biologist that the young have fledged or that the nesting cycle is otherwise determined to be complete based on monitoring of the active nest.

Significance after Mitigation: Implementation of Mitigation Measure 4.3-11 would avoid disturbing a nesting loggerhead shrike, Suisun song sparrow, grasshopper sparrow, or a tricolored blackbird nesting colony, thus reducing potential impacts to **less than significant**.

Impact 4.3-12. Construction Impacts on Salt Marsh Harvest Mouse and Suisun Shrew.

Potential for direct construction impacts to a wandering salt marsh harvest mouse or Suisun shrew would not be expected within the area affected by development under the Project because the area affected by development under the Project site is not adjacent to perennial marsh habitat for this species; however, such direct construction impacts could still result from grading to establish mitigation wetlands in the southern portion of the proposed Managed Open Space area, especially during extreme high tides. Similarly, no direct or indirect impact from operations within the area affected by development under the Project would be expected, again because the area affected by development under the Project does not occur adjacent to perennial marsh habitat for this species; however, operational activities could have indirect impacts due to increased food availability associated with development, which could attract and support predators, and introduction of truck and other vehicle traffic and pedestrian activities and nighttime lighting that could result in noise and other disturbances that could affect salt marsh harvest mouse, Suisun shrew and other wildlife species in the adjacent habitats within the proposed Managed Open Space area. Therefore, direct and indirect impacts to salt marsh harvest mouse or Suisun shrew may occur as a result of construction or operation of the Project; these impacts would be **potentially significant**.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Draft EIR (CEQA Guidelines Section 15091[a][1]). Mitigation is adopted to reduce associated impacts.

Mitigation: The following mitigation measures have been incorporated to reduce this impact to a less-than-significant level (Draft EIR, pp. 4.3-84 to 4.3-86):

Mitigation 4.3-12a: Worker Environmental Awareness Training

All workers involved in the clearing of vegetation or other construction activities associated with construction of the proposed Project, including the proposed Development Area or for creation of mitigation wetlands within the proposed Managed Open Space portion of the Project Site, shall participate in a training session led by a qualified biologist prior to initiation of work. This training session shall include information on the ecology and identification of salt marsh harvest mouse and Suisun shrew. The training shall also include information related to the Endangered Species Act and penalties associated with harm done to an individual of a listed species and the need to stop work and inform the on-site biologist in the event of a potential sighting.

Mitigation Measure 4.3-12b: Worker Scheduling Restrictions

Where the Project footprint borders perennial marsh habitat suitable for this species (i.e., within 100 feet), work shall be scheduled to target the dry season to minimize the potential for wet weather, surface flooding, and high water tables in and adjacent work areas such that it might push salt marsh harvest mouse or Suisun shrew to seek refuge in the higher ground of the work areas.

Mitigation Measure 4.3-12c: Vegetation Removal and Installation of Exclusion Fencing

Proposed construction work areas in areas immediately adjacent to brackish marsh habitat shall be protected with exclusion fencing to ensure that individuals of salt marsh harvest mouse or Suisun shrew do not wander into the work area during the construction period. The fence shall be established in all areas subject to

construction disturbance within 50 feet of brackish marsh habitat subsequent to removal of pickleweed and other vegetation as described below Exclusion fencing shall be made of a material that does not allow small mammals to pass through, such as a properly installed silt fence or other material (e.g., plastic or metal) so that the outside is too smooth to be climbed, and shall be buried at least 6 inches below the ground surface and extend a minimum of 2 feet above ground with stakes angling up and away from the work area so small mammals use the stakes to make their way over the fence and out of the work area rather than into it. The exclusion fence shall be installed on all three sides of the development associated with Planning Area 3 (e.g., Pennsylvania Avenue east to the perennial brackish marsh slough channel, south along the channel, and west back to Pennsylvania Avenue) and between areas of proposed created mitigation wetlands and brackish marsh in the proposed Open Space Management Area. The final design and proposed location of the fencing shall be submitted to USFWS and CDFW for review and approval prior to installation.

Prior to installation of the exclusion fence described above, efforts shall be made to ensure that salt marsh harvest mouse and Suisun shrew are not present in areas of salt or brackish marsh or immediately adjacent uplands subject to potential impact from either the development or from construction of created mitigation wetlands within the proposed Open Space Management Area through vegetation removal. Prior to removal of vegetation, a qualified biologist will walk the work zone to ensure no nests of harvest mouse or Suisun shrew are present. Pickleweed and other vegetation shall be removed using hand tools such as weed-whackers from all construction areas within 50 feet of brackish marsh habitat. Immediately after vegetation removal is complete and no evidence of salt marsh harvest mouse or Suisun shrew presence is observed within the construction zone, the temporary exclusion fencing will be placed around the defined work area prior to the start of construction activities to prevent salt marsh harvest mouse or Suisun shrew from moving into construction areas. A biological monitor approved by USFWS and CDFW shall be present during vegetation clearing and installation of the exclusion fence. Fencing shall remain in place throughout the duration of construction and shall be fully maintained and inspected daily when project activities are underway. Repairs to the fencing shall be made within 24 hours of identifying the need for repair. After construction is completed, the fencing shall be completely removed.

Mitigation Measure 4.3-12d: Biological Construction Monitoring

A qualified biologist shall remain on-site during all work involving vegetation clearing and ground disturbance associated with construction of the Development Area (especially near Planning Area 3) or of mitigation wetlands within the Managed Open Space to help ensure that no salt marsh harvest mouse or Suisun shrew are harmed. The biological monitor shall check the integrity of the exclusion fence, search for salt marsh harvest mouse or Suisun shrew that may have wandered into the work area, and monitor construction to ensure impacts to the species do not occur. If a salt marsh harvest mouse is found on the site within the work area, construction should be halted until it appears that the individual has left the project area of its own volition. If a Suisun shrew is found in the work area, the individual should be relocated outside of the work area after coordination with CDFW regarding appropriate relocation methodologies.

Significance after Mitigation: Implementation of Mitigation Measures 4.3-12a through 4.3-12d would prevent direct impacts on salt marsh harvest mouse and Suisun shrew during construction by excluding these species (if present) from the construction footprint in areas adjacent to suitable habitat and requiring biological monitoring during work adjacent to suitable habitat to ensure impacts to this species do not occur. Collectively, these mitigation measures would reduce the potential for direct impacts on these two species to **less than significant**.

Impact 4.3-13. Loss of Upland Refugia.

Construction of the Project would permanently develop 54.17 acres of upland annual grassland and would permanently convert 38 acres of upland annual grassland to seasonal wetlands within the proposed Managed Open Space area. The Project would not result in a loss of upland refugia habitat within the area affected by development under the Project because the area affected by development under the Project does not border areas of perennial marsh habitat. However, construction of mitigation wetlands as part of the Project would convert 54.17 acres of upland annual grassland, that could serve as upland refugia, to seasonal wetlands within the proposed Managed Open Space area. This habitat conversion could result in indirect impacts to wildlife which rely on upland refugia habitat adjacent to tidal marsh. This habitat loss and conversion could result in potential indirect impacts to salt marsh harvest mouse, the Suisun shrew, and other wildlife that rely on upland refugia habitat adjacent to the tidal marsh during high tide events. This impact would be **potentially significant**.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Draft EIR (CEQA Guidelines Section 15091[a][1]). Mitigation is adopted to reduce associated impacts.

Mitigation: The following mitigation measure has been incorporated to reduce this impact to a less-than-significant level (Draft EIR, p. 4.3-87):

> **Mitigation Measure 4.3-13a: Create Upland Refugia in Managed Wetland**
>
> To offset potential loss of annual grassland upland refugia for salt marsh harvest mouse, Suisun shrew and any other species that need upland cover during high tide events, soil from the excavation of mitigation wetlands shall be used to raise the topographic elevation of portions of the remaining 60.2 acres of upland areas within the Managed Open Space area that are adjacent to the perennial brackish tidal marsh such that they would no longer become inundated and would serve as upland refugia during high tide events. Detailed design plans, including a Vegetation Planting Plan, for the upland refugia in the Managed Open Space shall be developed in consultation with USFWS.

Significance after Mitigation: Implementation of Mitigation Measure 4.3-13a would enhance and provide additional upland refugia in the proposed Managed Open Space area of the Project site for salt marsh harvest mouse, Suisun shrew, and any other species that need cover during high tide events and would reduce this potential impact to **less than significant**.

Impact 4.3-14. Nesting Birds.

The removal of vegetation during the February 1 to August 31 breeding season for the Project could result in mortality of nesting avian species if they are present. Therefore, this impact would be **potentially significant**.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Draft EIR (CEQA Guidelines Section 15091[a][1]). Mitigation is adopted to reduce associated impacts.

Mitigation: The following mitigation measures have been incorporated to reduce this impact to a less-than-significant level (Draft EIR, p. 4.3-88):

Mitigation Measure 4.3-14a: Preconstruction Nesting Surveys

If construction is to be conducted during the breeding season of migratory birds (February 1 to August 31), a qualified biologist shall conduct a pre-construction breeding bird survey in areas of suitable habitat within 14 days prior to the onset of construction activity. Nesting bird surveys shall cover the Project footprint in addition to a 500-foot buffer beyond the boundaries of the footprint.

Mitigation Measure 4.3-14b: Nest Zone Buffers

If bird nests are found, appropriate non-disturbance buffer zones shall be established around all active nests to protect nesting adults and their young from direct or indirect impacts related to project construction disturbance. Buffer zones shall be 500 feet for raptors and 250 feet for passerines, and other bird species. The size of the buffer zone may be modified per recommendations of the qualified biologist based on site conditions and species involved. No construction or earth-moving activity shall occur within the established buffer zone until it is determined by the biologist that the young have fledged or that the nesting cycle is otherwise determined to be complete based on monitoring of the active nest.

Significance after Mitigation: Implementation of Mitigation Measures 4.3-14a and 4.3-14b would avoid and minimize potential impacts during construction of the Project on nesting avian species, thus reducing potential impacts to **less than significant**.

Impact 4.3-15. Special Status Fish Species.

Fish species including the Central Valley Evolutionarily Significant Unit of steelhead, the Central Valley fall/late fall-run and the spring run Chinook salmon and the Sacramento River winter run of Chinook Salmon have the potential to occur in Ledgewood Creek. Ledgewood Creek is not currently known to support breeding or rearing habitat for these species; however, it is accessible from Suisun Slough (south and east from the Project Site) and fish in Suisun slough could potentially migrate upstream in search of suitable breeding habitat. Additionally, the Delta smelt, longfin smelt and Sacramento splittail have the potential to occur in the lower reach of Ledgewood Creek and slough channels within the Managed Open Space area. The lower reach of Ledgewood Creek and slough channels within the Managed Open Space area are hydrologically connected to Suisun Slough and may provide suitable spawning habitat for these species.

The Project site is located outside Ledgewood Creek and the slough channels, apart from construction associated with a stormwater outfall culvert. Off-site migration of soil from construction-related ground disturbance associated with the outfall culvert could lead to siltation in adjacent slough channels that could adversely impact special status fish species if present in the slough channels, such as covering of spawning gravels, a decreased respiratory function in fish, increasing turbidity levels and diminishing light penetration to submergent vegetation, and raising of water temperature.

Implementation of a SWPPP, with identification of proper construction techniques and BMPs, would provide assurance that water quality of nearby waterways is not affected by on-site construction activities. For example, silt fence and straw wattles would be installed per the SWPPP along portions of the Project site to prevent water pollutants, including soil, from migrating off-site. In addition, vegetation would only be cleared from the permitted construction footprint; all cleared areas would be subject to soil stabilization requirements to prevent erosion and runoff.

This impact would be **potentially significant** without implementation of the SWPPP and associated BMPs to protect Ledgewood Creek and other adjacent aquatic resources from potential Project-related effects from erosion, sedimentation and pollution.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Draft EIR (CEQA Guidelines Section 15091[a][1]). Mitigation is adopted to reduce associated impacts.

Mitigation: The following mitigation measure has been incorporated to reduce this impact to a less-than-significant level (Draft EIR, pp. 4.3-89 to 4.3-90):

Mitigation Measure 4.3-15a: Implement SWPPP and BMPs

The Project applicant shall comply with requirements described in SWRCB General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order WQ 2022-0057-DWQ) and shall coordinate with the San Francisco Bay Regional Water Quality Control Board to develop and implement SWPPP and erosion control BMPs to minimize any wind- or water-related material discharges. The SWPPP shall provide guidance for measures to protect environmentally sensitive areas, and to prevent and minimize stormwater and non-stormwater discharges. Protective measures shall include the following, at a minimum:

1. Discharge of pollutants into storm drains or watercourses from vehicle and equipment cleaning will be prohibited.

2. Maintenance and refueling areas for equipment will be located a minimum of 50 feet from active stream channels in predesignated staging areas, except at an established commercial gas station or vehicle maintenance facility.

3. Spill containment kits will be maintained on-site at all times during construction operations and/or staging or fueling of equipment.

4. Dust control measures will include the use of water trucks and dust palliatives to control dust in excavation-and-fill areas, and to cover temporary stockpiles when weather conditions warrant such action.

5. Coir rolls or straw wattles that do not contain plastic or synthetic monofilament netting will be installed along or at the base of slopes during construction, to capture sediment.

6. Permanent erosion control measures, such as biofiltration strips and swales to receive stormwater discharges from the highway or other impervious surfaces, will be implemented to the maximum extent practicable.

7. Construction Site Management Practices. The following site restrictions will be implemented to avoid or minimize effects on listed species and their habitats:

    - Routes and boundaries of roadwork will be clearly marked before initiation of construction or grading.

- All equipment will be maintained to prevent leaks of automotive fluids, such as gasoline, oils, or solvents, and a spill response plan will be prepared.

- Hazardous materials, such as fuels, oils, and solvents, will be stored in sealable containers in a designated location that is located at least 100 feet from wetlands and aquatic habitats.

- Before construction activities begin, the contractor, in consultation with a qualified biologist and in accordance with the project plans, will clearly demarcate environmentally sensitive areas adjacent to the project footprint. Temporary fencing will be installed along the perimeter of all environmentally sensitive areas that are to be avoided; will remain in place throughout the duration of construction and will be fully maintained and inspected daily when project activities are underway. Repairs to the fencing will be made within 24 hours of identifying the need for repair. After construction is completed, the fencing will be completely removed.

- Restrict Vehicles and Construction to Designated Work Areas. All construction equipment will be restricted to operating within the designated work areas, staging areas, and access routes. The limits of designated work areas and staging areas (i.e., project footprint) will be clearly marked before beginning construction.

Significance after Mitigation: Implementation of Mitigation Measure 4.3-15a would avoid and minimize potential indirect impacts from construction of the Project on water quality in Ledgewood Creek and other waterways that could support special status fish populations, thus reducing potential impacts to **less than significant.**

Impact 4.3-16. Riparian Habitat.

Construction activities near the riparian corridor of Ledgewood Creek could reduce the value of the riparian wildlife habitat, disrupt the natural wildlife corridor, and could result in degradation of sensitive habitat areas through increased erosion, sedimentation, spills during vehicle refueling, or disposal of food and trash. The increased noise and disturbance associated with operation of the Project could also adversely affect wildlife in the riparian corridor. These impacts would be **potentially significant**.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Draft EIR (CEQA Guidelines Section 15091[a][1]). Mitigation is adopted to reduce associated impacts.

Mitigation: The following mitigation measures have been incorporated to reduce this impact to a less-than-significant level (Draft EIR, p. 4.3-91):

Mitigation Measure 4.3-16a: Construction Best Management Practices

Construction activities shall be implemented using the following BMPs to protect Ledgewood Creek:

- Install temporary fencing during construction. The Project applicant shall install fencing along the boundary of the Riparian Corridor Protection Zone during construction in the vicinity of Ledgewood Creek. Fencing during construction will ensure that construction related ground-disturbances do not encroach into the minimum 50-foot Riparian Corridor Protection Zone

referenced in Mitigation Measure 4.3-12b. The location of the fencing shall be marked in the field with stakes and flagging prior to installation and shown on the construction drawings. The construction specifications shall include clear language that prohibits construction-related activities, vehicle operation, material and equipment storage, and other surface-disturbing activities beyond the fence. Temporary construction fencing shall remain in place throughout the duration of construction and shall be fully maintained and inspected daily when project activities are underway. Repairs to the fencing shall be made within 24 hours of identifying the need for repair. After construction is completed, the temporary fencing shall be completely removed.

- Vehicle Fueling and Maintenance. All fueling and maintenance of vehicles and other equipment as well as locations of staging areas shall occur at least 100 feet from the edge of the riparian area of Ledgewood Creek. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

- Proper Waste Disposal. Food, trash, and other solid wastes shall be disposed of in contained, covered refuse containers and regularly removed from the construction site.

Mitigation Measure 4.3-16b: Riparian Corridor Protection Zone.

The Project applicant shall establish a riparian corridor buffer zone to be protected with permanent fencing upon completion of construction. The western boundary of the proposed Development Area of the Project Site and the permanent fence line adjacent to Ledgewood Creek shall be set back a minimum of 50 feet from the top of the bank or the outside edge of riparian vegetation, whichever distance is greater. Fencing details including the material, specifications, and location of the fence line shall be approved by CDFW prior to installation.

Significance after Mitigation: Mitigation Measure 4.3-16a requires BMPs to avoid direct and indirect impacts to Ledgewood Creek and its riparian habitat. Mitigation Measure 4.3-16b, which requires establishment of a riparian setback from Ledgewood Creek would serve to protect the riparian corridor from operational activities and environmental degradation facilitated by the Project development. These measures would reduce impacts to **less than significant**.

Impact 4.3-17. Wetlands.

Development of the Project within the proposed Development Area would result in permanent impacts to 38 acres of wetlands considered Waters of the U.S and Waters of the State. Project site grading activities would result in the permanent placement of fill material into 16.33 acres of seasonally saturated annual grassland; 14.1 acre of vernal pools; 7.42 acre of alkali seasonal wetlands; and 0.002 acre of perennial brackish marsh would result from implementation of the proposed Project. In addition, grading within the proposed Managed Open Space area to establish/create wetlands may have an indirect adverse effect on the hydrology of adjacent wetlands. These impacts would be **potentially significant**.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Draft EIR (CEQA Guidelines Section 15091[a][1]). Mitigation is adopted to reduce associated impacts. Mitigation Measure 4.3-17e was revised to include only a conservation easement as the site protection instrument associated with the Project, as well as to prohibit the use of rodenticides

within the Development Area and Managed Open Space. Mitigation Measure 4.3-17f is added as an additional mitigation measure to reduce potential impacts to the slough containing perennial brackish marsh wetlands and potentially sensitive natural communities to less than significant and to comply with Fish and Game Code section 1600 et seq.

Mitigation: The following mitigation measures have been incorporated to reduce this impact to a less-than-significant level (Draft EIR, pp. 4.3-92 to 4.3-94):

Implement Mitigation Measure 4.3-13a: Implement SWPPP and BMPs (see Impact 4.3-13, above)

Mitigation Measure 4.3-17a: Secure Permits and Implement All Permit Conditions

The Project applicant shall coordinate with the San Francisco District U.S. Army Corps of Engineers (USACE), the San Francisco Bay RWQCB, and the BCDC to obtain proper permits for the placement of fill material within approximately 38 acres of wetlands and implementation of the Mitigation and Monitoring Plan, which includes construction of mitigation wetlands in the Managed Open Space area of the Project Site within the Suisun Marsh primary and Secondary Management Areas. The Project applicant shall implement all conditions required in these permits. The Mitigation and Monitoring Plan shall be submitted to the San Francisco Bay RWQCB, San Francisco District USACE, and BCDC for review and permit conditioning as part of the permitting process with these agencies.

Mitigation Measure 4.3-17b: Wetland Establishment and Performance Monitoring

The Project applicant shall establish/create wetlands at a 1:1 ratio to include 16.33 acres of Seasonally Saturated Annual Grassland; 14.09 acre of Vernal Pools; 7.42 acres of Alkali Seasonal Wetlands; and 0.002 acre of Perennial Brackish Marsh concurrent with project construction. Performance standards for the established/created wetlands will be monitored for a minimum of 10 years in accordance with the Mitigation and Monitoring Plan for the proposed Managed Open Space (Attachment 7 in Appendix C to the Draft EIR).

If the permits described above specify additional wetland mitigation beyond that described in the Mitigation and Monitoring Plan, the Project applicant shall purchase wetland mitigation credits from an approved mitigation bank which services the proposed Development Area. If no mitigation banks are available that service the proposed Development Area of the Project Site, the Project applicant shall use an approved mitigation bank whose service area includes the Solano-Colusa Vernal Pool Region as defined in the 2006 Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon.

Mitigation Measure 4.3-17c: Avoid Impacts to Existing Wetlands in Managed Open Space

To ensure detailed construction plans will avoid potential indirect impacts to existing wetlands and special status plants and wildlife, the Project applicant shall obtain detailed topographic plans, at minimum of 0.5-foot contours, before implementing the proposed wetland creation activities described in Attachment 7 in Appendix C. This topographic information will be used to conduct a water balance study to determine if construction of the created wetlands in the proposed Managed Open Space could adversely affect ponding and/or soil saturation in adjacent existing wetlands. This study would supplement the "Adequate Hydrology Determination" presented in the Mitigation and Monitoring Plan for the proposed Managed Open Space

(Attachment 7 in Appendix C to the Draft EIR). If it is determined there is an adverse effect on the hydrology of existing wetlands due to grading within the Managed Open Space area to establish/create wetlands that would reduce the extent of the wetlands, construction plans will be modified to avoid alterations to the hydrology of existing wetlands. If the revised plans result in a reduction in available acreage for wetland creation for mitigation, and the acreage of wetlands established needs to be reduced, the project applicant shall purchase wetland mitigation credits to offset the reduced acreage, and/or preserve land offsite, approved by the USFWS, that is suitable for preserving and creating/establishing wetland habitat. The mitigation credits shall be purchased from an approved mitigation bank which services the proposed Development Area. If no mitigation banks are available which service the proposed Development Area, the project applicant shall use an approved mitigation bank whose service area includes the Solano-Colusa Vernal Pool Region as defined in the 2006 Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon. Currently, according to the Regulatory In-lieu Fee and Bank Information Tracking System, there are banks with a service area that encompasses the Project Site with wetland preservation credits (e.g., Goldfields Conservation Bank) and establishment/creation credits (e.g., Elsie Gridley Mitigation Bank) available which may be suitable to off-set wetland impacts that cannot be mitigated on-site. In addition, according to the Regulatory In-lieu Fee and Bank Information Tracking System, there are mitigation banks with preservation and wetland creation credits with service areas that encompass the Solano-Colusa Vernal Pool Region.

Mitigation Measure 4.3-17d: Limit Staging Areas and Access Routes.

To avoid potential impacts to preserved wetlands during construction of the proposed Project, including the proposed Development Area and construction of mitigation wetlands of the proposed Managed Open Space area, the number of access routes, and number and size of staging areas shall be limited to the minimum necessary to achieve the project goal. Routes and boundaries shall be clearly marked/flagged. These areas shall be outside of wetland areas and other sensitive areas proposed for preservation.

Mitigation Measure 4.3-17e. Implement Mitigation and Monitoring Plan

To compensate for loss of wetlands and impacts to rare plant populations the Project applicant shall implement an Agency-approved Mitigation and Monitoring Plan. A draft Mitigation and Monitoring Plan for the proposed Managed Open Space portion of the Project Site (Appendix C, Attachment 7 to the Draft EIR), has been prepared in accordance with the Subpart J – Compensatory Mitigation for Losses of Aquatic Resources outlined in the State Water Resources Control Board Procedures, and in accordance with the State Water Resources Control Board Implementation Guidance dated April 2020. The referenced Mitigation and Monitoring plan may be modified based on recommendations from the USACE, USFWS, and RWQCB during the permitting process. In summary, the Mitigation and Monitoring Plan shall:

- Establish within the Managed Open Space a minimum of 16.35 acres of Seasonally Saturated Annual Grassland; 14.09 acre of Vernal Pools; 7.42 acre of Alkali Seasonal Wetlands; and 0.002 acre of Perennial Brackish Marsh.

- Provide financial assurances to ensure a high level of confidence that the Mitigation and Monitoring Plan will be successfully completed, in accordance with applicable performance standards.

- Design ecological performance standards to assess whether the Mitigation and Monitoring Plan is achieving the overall objectives, so that it can be objectively evaluated to determine if it is developing into the desired resource type, providing the expected conditions or function, and attaining any other applicable metrics such as acres, percent cover of native plants, structural patch richness, control of invasive plants, water depth etc.

- Monitor the site for a minimum of 10 years to determine if the Mitigation and Monitoring Plan is meeting the performance standards;

- Assess the potential effects of changing weather patterns that are currently occurring, and that may occur due to climate change in the foreseeable future and how these changes may impact the long-term viability of the constructed wetlands. The purpose of this assessment is to locate and design the wetlands to avoid and minimize impacts from climate change and to develop adaptive management measures into the Mitigation and Monitoring Plan specifically to minimize these potential effects; and

- Prohibit the use of rodenticides within the Managed Open Space Area and the Development Area, and require appropriate signage in the development area noticing tenants and operators of this requirement.

The Mitigation and Monitoring Plan shall include a conservation easement as the site protection instrument that will restrict use of the proposed Managed Open Space area of the Project Site in accordance with the acreages and ratios set forth by Mitigation Measures 4.3-1a, 4.3-1b, 4.3-1c, 4.3-2a, 4.3-3a, 4.3-5a, 4.3-8a, 4.3-9b, 4.3-13, and 4.3-17b to offset impacts to wetlands and impacts to rare plants and shall include a long-term endowment funded by the proposed Project; the balance of the Managed Open Space area shall be protected through a deed restriction that prohibits development of, any resource extraction within, and public access to, and public use of the Managed Open Space area. The combination of these preservation tools shall manage the Managed Open Space area in perpetuity and in accordance with the Mitigation and Monitoring Plans' Long-Term Management Plan (see Property Analysis Record in the Mitigation and Monitoring Plan, in Appendix C to the Draft EIR).

Mitigation Measure 4.3-17f. Lake and Streambed Alteration Notification:

The Project shall notify CDFW pursuant to Fish and Game Code section 1600 et seq. using the Environmental Permit Information Management System (see: https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS) for Project activities that may substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of any river, stream, or lake, and shall comply with the LSA Agreement, if issued.

Significance after Mitigation: The Project would protect 393.2 acres east of Pennsylvania Avenue and south of Cordelia Road; this area would be designated as Managed Open Space and protected in perpetuity with a conservation easement. Approximately three-fourths of this Managed Open Space is currently within the Suisun Marsh Protection Plan jurisdiction. However, the proposed Managed Open Space area provides additional benefits to enhance the quality and diversity of Suisun Marsh wildlife habitats beyond that provided by the Suisun Marsh Protection Plan. The site protection instrument would create new freshwater wetlands and will provide a sanctuary for wildfowl during hunting season by excluding duck hunting, and foster implementation of Suisun March Protection Plan policies and goals such as managing agricultural lands to support waterfowl and enhancements of

wildlife habitat. The Project would create a long-term endowment to provide funding to support regular site inspections, maintenance actions and sustained stewardship to:

- manage vegetation grazing practices to be compatible with wildlife habitat enhancement and rare plant protections
- implement invasive plant inspections and undertake remedial actions
- clean up dump sites and remove trash before it enters waterways
- prevent damage from homeless encampments
- maintain fences, gates, and signage

In addition, the proposed Managed Open Space area under the Project includes approximately 51.5 acres not currently within the Suisun Marsh Plan jurisdiction. This area will be protected as wildlife habitat and provide refuge to wildfowl consistent with the land acquisition recommendations of the Suisun Marsh Protection Plan. The remaining 331.7 acres is within the primary and Secondary Management Areas of the Suisun Marsh.

Implementation of the proposed Managed Open Space area in accordance with Mitigation Measures 4.3-17a through 4.3-17f would therefore offset permanent impacts to the 16.33 acres of Seasonally Saturated Annual Grassland; 14.09 acres of Vernal Pools; 7.42 acres of Alkali Seasonal Wetlands; and 0.002 acre of Perennial Brackish Marsh and ensure there is no-net loss of wetland area under the Project, thus reducing potential impacts to **less than significant.**

Cultural and Tribal Cultural Resources

Impact 4.4-2. Substantial adverse change to undiscovered historical resources or unique archeological resources.

Grading, utility trenching, and excavation activities are required in the Development Area, off-site infrastructure improvement areas, and for the creation of mitigation wetlands within the proposed Managed Open Space Area. Ground disturbing activities as part of the Project could unearth precontact or historic-era archaeological cultural resources. As discussed above, no known historical resources or known unique archaeological resources have been identified within the Cultural Resources Study Area of the proposed Development Area or in off-site infrastructure improvement areas, through a records search, Native American consultation, fieldwork, and archival research. The fact that a resource is not listed in, or determined to be eligible for listing in, National Register of Historic Places, the California Register of Historical Resources, or not included in a local register of historical resources shall not preclude a lead agency from determining whether the resource may be an historical resource for purposes of CEQA. In addition to assessing whether historical resources potentially impacted by a proposed project are listed or have been identified in a survey process, lead agencies have a responsibility to evaluate them against the California Register criteria prior to making a finding as to a proposed project's impacts to historical resources (Public Resources Code Section 21084.1, CEQA Guidelines Section 15064.5[3]). This impact would be **potentially significant**.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Draft EIR (CEQA Guidelines Section 15091[a][1]). Mitigation is adopted to reduce associated impacts.

Mitigation: The following mitigation measure has been incorporated to reduce this impact to a less-than-significant level (Draft EIR, p. 4.4-18):

> **Mitigation Measure 4.4-2 Stop Work and Evaluate if Materials are Encountered, and Implement a Treatment Plan, as Necessary, to Avoid Potential Effects on Cultural Resources**
>
> During ground disturbing activities, and in the event that archaeological cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural resources are discovered during Project ground disturbing activities, the Project applicant or construction contractor(s) shall ensure that all ground disturbing activity in the area of the discovery are halted until a qualified archaeologist can access the significance of the find. If it is a precontact archeological site, the appropriate Native American group shall be notified. If the archaeologist determines that the find does not meet the California Register of Historical Resources standards of significance for cultural resources, construction may proceed. If the archaeologist determines that further information is needed to evaluate significance, a data recovery plan shall be prepared. If the find is determined to be significant by the qualified archaeologist (i.e., because the find is determined to constitute either an historical resource or a unique archaeological resource), the archaeologist shall work with the Project applicant to avoid disturbance to the resources and, if completed avoidance is not possible, follow accepted professional standards in recording any find including submittal of the standard DPR Record forms and location information to the appropriate California Historical Resources Information System ("CHRIS") office for the Project Site (the Northwest Information Center).

Significance after Mitigation: Implementation of Mitigation Measure 4.4-2 would reduce potentially significant impacts to cultural resources from the Project because mitigation would be developed in coordination with the appropriate federal, state, and/or local agency(ies) and Tribes to avoid, move, record, or otherwise treat discovered cultural resources appropriately, in accordance with pertinent laws and regulations. By providing an opportunity to avoid disturbance, disruption, or destruction of cultural resources under the Project, this impact would be reduced to **less than significant**.

Impact 4.4-3. Disturbance of human remains.

No evidence for precontact or early historic interments was found in the proposed Development Area or in off-site infrastructure improvement areas through background research, Native American correspondence, and field surveys. However, this does not preclude the existence of buried subsurface human remains. Prehistoric archaeological sites including some that contain human remains have been identified in other areas of Solano County. It is possible that unknown human remains could be discovered through ground-disturbing construction activities associated with the Project, and the likelihood of inadvertently exposing currently unknown archaeological resources, including those containing human remains during development of the Project cannot be dismissed. The inadvertent exposure of previously unidentified human remains, including those interred outside of formal cemeteries, during implementation of the Project would be a **potentially significant** impact.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Draft EIR (CEQA Guidelines Section 15091[a][1]). Mitigation is adopted to reduce associated impacts.

Mitigation: The following mitigation measure has been incorporated to reduce this impact to a less-than-significant level (Draft EIR, pp. 4.4-19 to 4.4-20):

Mitigation Measure 4.4-3: Halt Construction if Human Remains are Discovered and Implement Appropriate Actions

In accordance with California law and local policies described above, if human remains are uncovered during Project ground-disturbing activities, the Project applicant and/or their contractor(s) would be required to halt potentially damaging excavation in the area of the burial and notify the County Coroner and a qualified archaeologist to determine the nature of the remains. The coroner would be required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or State lands (California Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, the coroner must contact the Native American Heritage Commission (NAHC) within 24 hours of making that determination (California Health and Safety Code Section 7050[c]). The responsibilities for acting upon notification of a discovery of Native American human remains are identified in California Public Resources Code 5097.9. Following the coroner's findings, the Project applicant and/or contractor(s), a qualified archaeologist, and the NAHC-designated Most Likely Descendant will determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed.

Upon the discovery of Native American remains, the Project applicant and/or their contractor(s) would be required to ensure that the immediate vicinity (according to accepted cultural or archaeological standards and practices) is not damaged or disturbed by further development activity until consultation with the Most Likely Descendant has taken place. The Most Likely Descendant (MLD) would have 48 hours to complete a site inspection and make recommendations after being granted access to the site. A range of possible treatments for the remains, including nondestructive removal and analysis, preservation in place, relinquishment of the remains and associated items to the descendants, or other culturally appropriate treatment may be discussed. California Public Resources Code 5097.9 suggests that the concerned parties may extend discussions beyond the initial 48 hours to allow for the discovery of additional remains. The following is a list of site protection measures that could be employed:

1. record the site with the NAHC or the appropriate Information Center,
2. use an open-space or conservation zoning designation or easement, and
3. record a document with the county in which the property is located.

If the NAHC is unable to identify a MLD or the MLD fails to make a recommendation within 48 hours after being granted access to the site, the Native American human remains and associated grave goods would be reburied with appropriate dignity on the subject property in a location not subject to further subsurface disturbance.

In the event that Native American human remains are found during development of a Project and the Yocha Dehe Wintun Nation or a member of the Tribe is determined to be the MLD, the following additional provisions shall apply.

The Tribe shall complete its inspection and make its MLD recommendation within forty-eight (48) hours of getting access to the site. The Tribe shall have the final determination as to the disposition and treatment of human remains and grave goods. Said determination may include avoidance of the human remains, reburial on-site, or reburial on tribal or other lands that will not be disturbed in the future. The Tribe may wish to rebury said human remains and grave goods or ceremonial and cultural items on or near the site of their discovery, in an area which will not be subject to future disturbances over a prolonged period of time. Reburial of human remains shall be accomplished in compliance with the California Public Resources Code Sections 5097.98(a) and (b).

The term "human remains" encompasses more than human bones because the Tribe's traditions call for the burial of associated cultural items with the deceased (funerary objects), and/or the ceremonial burning of Native American human remains, funerary objects, grave goods, and animals. Ashes, soils, and other remnants of these burning ceremonies, as well as associated funerary objects and unassociated funerary objects buried with or found near the Native American remains are to be treated in the same manner as bones or bone fragments that remain intact.

Significance after Mitigation: Implementation of Mitigation Measure 4.4-3 in compliance with California Health and Safety Code and California Public Resources Code would reduce potential impacts on previously undiscovered human remains. Implementing this mitigation measure ensures that any potential human remains encountered during construction would be treated in an appropriate manner under CEQA and other applicable laws and regulations. By providing consultation with the MLD, this impact under the Project would be reduced to **less than significant**.

Impact 4.4-4. Substantial adverse change in the significance of a tribal cultural resources.

Consultation with tribal governments, public lead agencies, and Project proponents was conducted to review, identify, and address potential adverse impacts to Tribal Cultural Resources (TCRs), and reduce the potential for delay and conflict in the environmental review process. The California NAHC Sacred Lands File records search response on April 9, 2021, indicated that no Native American resources on file at the NAHC fall within the Project site.

Pursuant to the AB 52 consultation requirement, formal AB 52 notification letters were sent on May 14, 2021, by the City to Native American tribal contacts who previously requested to be notified of Solano County projects within their traditionally and culturally affiliated area. The AB 52 notification package included a brief cover letter, complete Project description, and mapping. A response was received from the Yocha Dehe Wintun Nation's Cultural Resources Department (May 19, 2021) stating that after review of the Project, they concluded it is within the aboriginal territories of the Yocha Dehe Wintun Nation, and that they have a cultural interest and authority in the Project area. Based on the information provided, the Tribe has concerns that the Project site could impact known cultural resources, and highly recommend including cultural monitors during ground disturbance, including Cultural Sensitivity Training prior to all ground disturbance activities. Additionally, they requested that the City's environmental document incorporate Yocha Dehe Wintun Nation's Treatment Protocol into the mitigation measures

for the Project, provide the Tribe with a copy of the same, and continue to consult with the Tribe. It is possible that construction of the Project could affect existing or previously undiscovered tribal cultural resources. The impact would be **potentially significant**.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Draft EIR (CEQA Guidelines Section 15091[a][1]). Mitigation is adopted to reduce associated impacts.

Mitigation: The following mitigation measures have been incorporated to reduce this impact to a less-than-significant level (Draft EIR, pp. 4.4-21 to 4.4-22):

Mitigation Measure 4.4-4a: Cultural Sensitivity Training and Non-Disclosure of TCRs

To minimize the potential for destruction of, or damage to, existing or previously undiscovered tribal cultural resources, to identify any such resources at the earliest possible time during Project-related earthmoving activities, and to prevent the disturbance of reburied TCRs, the Project applicant and its construction contractor(s) will implement the following measures:

Cultural sensitivity training shall be provided to assist construction teams with the identification and protection of TCRs prior to the beginning of earth disturbance. This training shall provide a definition and examples of TCRs that may be encountered during construction.

If any resources are encountered, unless otherwise required by law, the site of any reburial of Native American human remains shall not be disclosed and will not be governed by public disclosure requirements of the California Public Records Act, Cal. Govt. Code § 6250 et seq. The Medical Examiner shall withhold public disclosure of information related to such reburial pursuant to the specific exemption set forth in California Government Code Section 6254(r). The Tribe will require that the location for reburial is recorded with the CHRIS on a form that is acceptable to the CHRIS center. The Tribe may also suggest that the landowner enter into an agreement regarding the confidentiality of site information that will run with title on the property.

Mitigation Measure 4.4-4b: Native American Monitoring

To minimize the potential for destruction of, or damage to, existing or previously undiscovered tribal cultural resources and to identify any such resources prior to Project-related earthmoving activities, the Project applicant and its construction contractor(s) will implement the following measures:

Native American Monitors from Yocha Dehe Wintun Nation will be invited to monitor the vegetation grubbing, stripping, grading, or other ground-disturbing activities in the Development Area and off-site improvement areas to determine the presence or absence of any TCRs. Native American Representatives from culturally affiliated tribes act as a representative of their Tribal government and shall be consulted before any cultural studies or ground-disturbing activities begin.

Native American Representatives and Native American Monitors have the authority to identify sites or objects of significance to Native Americans and to request that work be stopped, diverted, or slowed if such sites or objects are identified within the direct impact area; however, only a Native American Representative can recommend appropriate treatment of such sites or objects.

Mitigation Measure 4.4-4c: Treatment of Native American Remains

In the event that Native American human remains are found during development of a Project and the Yocha Dehe Wintun Nation or a member of the Tribe is determined to be the MLD, implement Mitigation Measure 4.4-3.

Mitigation Measure 4.4-4d: Treatment of Cultural Resources

Treatment of all cultural items, including ceremonial items and archeological items will reflect the religious beliefs, customs, and practices of the Tribe. All cultural items, including ceremonial items and archeological items, which may be found at a project site should be turned over to the Tribe for appropriate treatment, unless otherwise ordered by a court or agency of competent jurisdiction. The Project applicant shall waive any and all claims to ownership of Tribal ceremonial and cultural items, including archeological items, which may be found on a project site in favor of the Tribe. If any intermediary, (for example, an archaeologist retained by the Project applicant) is necessary, said entity or individual shall not possess those items for longer than is reasonably necessary, as determined solely by the Tribe.

Significance after Mitigation: Implementation of Mitigation Measures 4.4-4a through 4.4-4d would reduce potentially significant impacts to TCRs by providing an opportunity to avoid disturbance, disruption, or destruction of TCRs; develop mitigation in coordination with the Tribe to monitor ground-disturbance activities and have the authority request that work be stopped, diverted, or slowed if such TCRs are identified within the direct impact area; provide the Tribe final determination as to the disposition and treatment of human remains and grave goods; providing the Tribe appropriate treatment of cultural items, including ceremonial items and archeological items; and develop mitigation in coordination with the appropriate federal, state, and/or local agency(ies) and Tribes to record and evaluate significant discovered inadvertent cultural resources and TCRs appropriately in accordance with pertinent laws and regulations. Implementing these mitigation measures would reduce impacts to **less than significant**.

Hazards, Including Wildfire, and Hazardous Materials

Impact 4.7-3. Exposure of People and the Environment to Existing Hazardous Materials, Including Cortese-listed Sites.

The proposed Project includes off-site roadway widening of SR 12 along the northern property boundary to create turn lanes for the Project entry at Pennsylvania Avenue. The off-site Caltrans highway-widening necessary for the proposed Project would disturb the soils, some of which contain lead. In 2016, Caltrans entered into an agreement with DTSC to ensure the safe reuse of soils contaminated with aerially-deposited lead during construction of highway projects. The agreement requires Caltrans to sample and test soils for lead content, place a certain volume of cover material on top of the soils when the lead content is above specified levels, place the soils only in areas that are at least 5 feet above the maximum water table elevation, cover lead-containing soil stockpiles with plastic until the soil is reused, and properly dispose of excavated soils that are not reused (DTSC 2016a). The developer is required to comply with required setback distances from SR 12 as part of the Project design. With the required setbacks, construction and operation as proposed by the developer would not be likely to encounter soils contaminated with aerially-deposited lead. Because Caltrans is required to implement the conditions of the *Soil Management Agreement for Aerially Deposited Lead-Contaminated Soils* (DTSC 2016b) per California Health and

Safety Code 25187(b)(5), impacts from human health and environmental exposure to aerially-deposited lead at the off-site SR 12 improvements are considered **less than significant**.

New development on the eastern side of the Project site would be subject to hazards, as described in Section 4.7 of the Draft EIR, from potential leachate resulting from the former Fairfield City Dump (also referred to as the Cordelia Road Landfill or Pennsylvania Avenue Landfill) located east of Pennsylvania Avenue and approximately 400 feet south of SR 12 (see Exhibit 4.7-1). As described in detail in Section 4.7, "Hazards and Hazardous Materials," Impact 4.7-3, a Groundwater and Soil Gas Investigation (Brusca Associates 2021) was prepared to evaluate potential human and environmental hazards from the former Pennsylvania Avenue landfill. The laboratory analyses demonstrated that although low levels of several heavy metals were detected in groundwater samples obtained in 2021, the levels were below California maximum contaminant level thresholds, except for nickel, which Brusca Associates (2021) noted that similar slightly elevated levels of nickel in groundwater in the region have been found to be naturally occurring. Additionally, concentrations of VOCs and fixed gases (i.e., methane) detected in soil gas samples collected in 2021 were also below San Francisco Bay RWQCB screening values for indoor air vapor intrusion. Since the nickel is present at a low level and is likely naturally occurring, use of this area for an unlined stormwater detention pond would not represent a substantial degradation of groundwater quality from surface water percolation. Finally, because the soil gas concentrations were all below the respective ESLs, Project-related excavation would not represent a human health hazard from direct contact, and would not represent an indoor air quality issue for future workers in the proposed buildings. Therefore, hazardous materials impacts from the former Pennsylvania Avenue landfill would be **less than significant**.

New development in the northwestern corner of the Project site under the Project would be subject to hazards, as described in Section 4.7 of the Draft EIR, from the contaminated groundwater plume emanating from 1745 Enterprise Drive north of SR 12 (which extends underneath the Project site). As described in detail in Section 4.7, "Hazards and Hazardous Materials," Impact 4.7-3, a Groundwater and Soil Gas Investigation (Brusca Associates 2021) was prepared to evaluate potential human and environmental hazards from the contaminated groundwater. The results of laboratory analyses demonstrated that although low levels of 1,1-dichloroethene and 1,1-dichloroethane were detected in groundwater samples obtained in 2021, the levels were below California maximum contaminant level thresholds and were also below San Francisco Bay RWQCB screening values for indoor air vapor intrusion. Although one sample contained a slightly elevated value of tetrachloroethene, the sample was obtained from an area that would not be underneath Building A and thus indoor air quality would not be affected. Therefore, the very low concentrations of 1,1-dichloroethene, 1,1-dichloroethane, and tetrachloroethene at the Project site in the area of the contaminated groundwater plume emanating from Enterprise Drive would not represent a human health hazard from direct contact or indoor air quality, or an environmental hazard from construction dewatering. This impact under the Project is considered **less than significant**.

Several major high-pressure pipelines containing natural gas and jet fuel, owned by Kinder Morgan and Pacific Gas & Electric Company (PG&E), traverse the Project site and the off-site improvement areas (see Exhibit 4.7-1 in the Draft EIR). In addition, a 36-inch water transmission main owned by the City of Vallejo traverses the Project Site, and other buried underground utility lines may be present at the Project Site such as stormwater, sewer, electrical, or communication cables. Suisun City General Plan Policy 10.8 requires that dedicated pipeline rights-of-way be permanently protected from construction encroachment, particularly in areas where high-pressure pipelines adjoin developable properties. A review of the Pipeline and Hazardous Materials Safety Administration (2021) Pipeline Map Viewer indicated there have been no recorded pipeline releases within 12 miles of the Project site, and AEI (2006) noted that the Kinder Morgan pipelines are subject to continuous inspection by the company and no releases

are known. However, Project-related excavation and earthmoving activities could encounter buried pipelines resulting in accidental rupture or leaks, which could cause a human health and environmental hazard. For security reasons, the Pipeline and Hazardous Materials Safety Administration (2021) Pipeline Map Viewer cannot be used for field verification of exact high-pressure pipeline locations, and the potential presence of other pipelines is unknown. Therefore, this impact is considered **potentially significant**.

Project-related development is proposed on both sides of the active California Northern Railroad, immediately adjacent to the track right-of-way, in the northwestern portion of the Project site. Construction activities around railroad tracks can represent a safety hazard for both construction workers and train operators. Commonly reported soil contamination along railroad corridors includes metals and petroleum products from railroad operations, along with herbicides used for weed control. AEI (2006) noted that because both sides of the tracks are covered with gravel, herbicide use has likely been minimal. Although unlikely, since no hazardous spills in the area have been reported, extended use of the rail lines may have resulted in soil contamination with metals and petroleum products. These constituents could result in human health and environmental hazards if present at high levels and disturbed during construction activities. Therefore, this impact is considered **potentially significant**.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Draft EIR (CEQA Guidelines Section 15091[a][1]). Mitigation is adopted to reduce associated impacts. As described in Section 5.2.2 and in the Errata, Mitigation Measure 4.7-3b is revised to state that existing buried utility lines shall be protected to the satisfaction of the utility owner.

Mitigation: The following mitigation measures have been incorporated to reduce this impact to a less-than-significant level (Draft EIR, pp. 4.7-26 to 4.7-27):

Mitigation Measure 4.7-3a: Prepare and Implement a Site-Specific Health and Safety Plan

To protect the health of construction workers and the environment, the Project applicant or construction contractor(s) shall prepare and implement a site-specific Health and Safety Plan (HASP) as described below:

- The HASP shall be prepared in accordance with State and federal OSHA regulations (29 CFR 1910.120) and approved by a certified industrial hygienist. Copies of the HASP shall be made available to construction workers for review during their orientation training and/or during regular health and safety meetings. The HASP shall identify potential hazards (including stained or odiferous soils at any location where earthmoving activities would occur within the proposed Development Area), chemicals of concern (i.e., VOCs, heavy metals, and gases), personal protective equipment and devices, decontamination procedures, the need for personal or area monitoring, and emergency response procedures.

- The HASP shall state that if stained or odiferous soil or groundwater is discovered during Project-related construction activities, Project applicants shall retain a licensed environmental professional to conduct a Phase II ESA that includes appropriate soil and/or groundwater analysis. Recommendations contained in the Phase II ESA to address any contamination that is found shall be implemented before initiating ground-disturbing activities in these areas.

- The HASP shall also require notification of the appropriate federal, State, and local agencies if evidence of previously undiscovered soil or groundwater contamination (e.g., stained soil, odorous

groundwater, or groundwater with a surface sheen) or if previously undiscovered underground storage tanks are encountered during construction activities. Any contaminated areas shall be remediated in accordance with recommendations made by the RWQCB, DTSC, the Solano County Environmental Health Division, and/or other appropriate federal, State, or local regulatory agencies.

- The HASP shall address potential accidental damage to utility lines, including high-pressure natural gas and jet fuel lines. The plan shall identify chain-of-command rules for notification of authorities and appropriate actions and responsibilities regarding the safety of the public and workers. A component of the response plan shall include worker education training in response to such situations. The HASP shall include telephone numbers for emergency response providers, as well as the location of the nearest hospital; this information shall also be posted in the construction superintendent's trailer on the job site during construction.

- Because construction activities will be occurring in the immediate vicinity of an active rail line (i.e., California Northern Railroad), the HASP shall address potential railroad safety hazards for Project-related construction workers, including the need to: (1) stay a safe distance away from the tracks while working; (2) refrain from parking or driving vehicles or equipment across the tracks at any location other than the existing Pennsylvania Avenue crossing, and (3) observe all train crossing signals and warning lights. If there is a need for a temporary halt to train traffic on the California Northern Railroad lines during Project-related construction activities, the Project applicant and/or its construction contractor shall coordinate directly with the railroad and shall hold a site safety meeting to inform construction workers of their responsibilities and safety protocols. The appropriate emergency contact numbers for personnel at California Northern Railroad shall be included in the HASP and posted in the construction superintendent's trailer.

Mitigation Measure 4.7-3b: Locate and Avoid Underground Utilities in Areas Where Development is Proposed, and Prepare a Response Plan to be Implemented if Accidental Rupture Occurs

The Project applicant or construction contractor(s) shall implement the following measures before construction begins, to avoid and minimize potential damage to utilities that could result in hazardous materials incidents.

- Prior to the start of earthmoving activities in the vicinity of the pipelines identified on Exhibit 4.7-1, the Project applicant shall coordinate with Kinder Morgan, PG&E, and the City of Vallejo to identify and clearly mark the exact locations of the pipelines. All construction personnel shall be informed of the location of the pipelines during safety briefings throughout the period when construction is occurring. The locations of the pipelines shall be clearly identified on construction drawings and posted in the construction superintendent's trailer.

- Verify with Kinder Morgan that the pipeline underneath the proposed parking lot adjacent to Building A is no longer in service, and coordinate with Kinder Morgan for pipeline removal if necessary.

- As required by Suisun City General Plan Policy PHS-10.8, dedicated pipeline rights-of-way shall be permanently protected from construction encroachment, particularly in areas where high-pressure pipelines (see Exhibit 4.7-1) adjoin proposed development. High-visibility orange exclusionary fencing, or other clearly visible above-ground markers, shall be placed along the pipeline rights-of-way prior to the start of earthmoving activities.

- Verify through field surveys and the use of the Underground Service Alert services, the locations of any other utilities that may be buried at the Project Site in the areas where development is proposed (e.g., stormwater, sewer, water, electrical, or communication cables). Any buried utility lines shall be clearly marked in the field and on the construction drawings and protected to the satisfaction of the utility owner in advance of any Project-related earthmoving activities.

Significance after Mitigation: Implementation of Mitigation Measures 4.7-3a and 4.7-3b would reduce impacts related to hazards and hazardous materials to a **less-than-significant** level because a HASP would be prepared and implemented. The HASP would contain specific training requirements designed to reduce hazards from elevated hazardous materials contamination, site safety issues, and potential accidental pipeline rupture. In addition, the Project applicant would coordinate with Kinder Morgan, PG&E, and the City of Vallejo to mark the location of high-pressure pipeline rights-of-way for avoidance during construction, and would utilize Underground Service Alert to locate, mark, and flag for avoidance any other buried utilities.

Impact 4.7-5. Interference with Emergency Response or Evacuation Plans.

Development under the Project is subject to design review by the City, and is required to comply with City standards relating to appropriate street design to accommodate emergency vehicles and emergency evacuation thoroughfares. Construction equipment would be staged on site, and therefore would not impede emergency access or emergency evacuation routes on the surrounding local roadways. Design and construction of the SR 12 improvements would be regulated by Caltrans, and would be designed for appropriate emergency vehicle access as per the *Highway Design Manual* (Caltrans 2020). Additionally, off-site roadway improvements under the Project would be needed along the north side of Cordelia Road and the west side of Pennsylvania Avenue, along with off-site improvements along Cordelia Avenue and Beck Avenue for water supply and wastewater conveyance pipelines. Project-related construction activities under the Project could result in temporary lane closures, increased truck traffic, and other roadway effects that could slow or stop emergency vehicles, temporarily increasing response times and impeding existing services. Potential reduction of emergency response services during construction of the proposed on-site land uses and the off-site improvements under the Project would be a **potentially significant** impact.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Draft EIR (CEQA Guidelines Section 15091[a][1]). Mitigation is adopted to reduce associated impacts.

Mitigation: The following mitigation measure has been incorporated to reduce this impact to a less-than-significant level (Draft EIR, pp. 4.7-29 to 4.7-30):

Mitigation Measure 4.7-5: Implement Traffic Control Plans

The Project applicant or contractor(s) shall implement traffic control plans for construction activities that may affect road rights-of-way during Project construction. The traffic control plans shall be designed to avoid traffic-related hazards and maintain emergency access during construction phases. The traffic control plans shall illustrate the location of the proposed work area; provide a diagram showing the location of areas where the public right-of-way would be closed or obstructed and the placement of traffic control devices necessary to perform the work; show the proposed phases of traffic control; and identify the time periods when traffic control would be in effect and the time periods when work would prohibit access to private property from a public right-of-way. The plans may be modified by the City or Caltrans in order to

eliminate or avoid traffic conditions that are hazardous to the safety of the public. Traffic control plans shall be submitted to the affected agencies, as appropriate, and shall be submitted to the City for review and approval before City approval of improvement plans, where future construction may cause impacts on traffic.

Significance after Mitigation: Implementation of Mitigation Measure 4.7-5 would reduce impacts related to interference with emergency response or emergency evacuation plans to a **less-than-significant** level because a traffic control plan(s), designed to avoid traffic-related hazards and maintain emergency access during construction phases, would be prepared and submitted to the City and Caltrans, as appropriate, for approval.

Noise and Vibration

Impact 4.10-3. Temporary, short-term exposure of sensitive receptors to potential groundborne noise and vibration from Project construction.

The vibration-sensitive uses (buildings) nearest to the construction sites are residential uses approximately 350 feet to the west, approximately 550 feet to the north, approximately 2,300 feet to the east, and approximately 650 feet to the south. The majority of the construction activities would take place farther from the nearest noise-sensitive uses; most would occur in the central portion of the site where the buildings would be constructed. As discussed in Section 4.10, Impact 4.10-3, the vibration levels at distances of 200 to 650 feet generated by construction equipment anticipated to be used for construction of the Project do not exceed the Caltrans-recommended thresholds. However, for the existing commercial buildings located in the middle of the Project site to the west of the intersection of Pennsylvania Avenue and Cordelia Street, the vibration levels due to construction would exceed the thresholds of building damage, conservatively assuming these structures would occur to be within 100 feet for the pile driver, and within 45 feet for vibratory rollers. Therefore, short-term construction of the Project would exceed the threshold for structural damage and would expose persons to or generate excessive ground-borne noise or vibration. For these reasons, this construction impact would be **potentially significant.**

Long-term operations of the Project would not include any major new sources of groundborne noise or vibration. Maintenance vehicles and delivery trucks would be restricted to existing and improved public roadways, and the anticipated number of trips generated would not have the potential to substantially increase vibration levels at adjacent land uses. Therefore, this impact associated with groundborne noise or vibration from operations of the Project would be **less than significant.**

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Draft EIR (CEQA Guidelines Section 15091[a][1]). Mitigation is adopted to reduce associated impacts. As described in Section 5.2.2 and in the Errata, Mitigation Measure 4.10-2a is revised to clarify the separation requirements of construction-related activities during pile driving activities from surrounding receptors.

Mitigation: The following mitigation measure has been incorporated to reduce this impact to a less-than-significant level (Draft EIR, p. 4.10-39):

Mitigation Measure 4.10-2a: Implement Measures to Reduce Groundborne Noise and Vibration Levels at Sensitive Receptors during Pile Driving Activities.

The Project applicant and contractor(s) for engineering design and construction of all proposed Project components and offsite improvements shall ensure that the following controls are implemented to minimize or avoid construction vibration effects on sensitive receptors:

- Place stationary construction equipment as far as possible from vibration sensitive uses.
- Use smaller construction equipment when practical, particularly smaller vibratory rollers that are as small as practicable, or that have an adjustable vibratory force feature.
- Locate loading areas, staging areas, stationary noise, vibration-generating equipment, etc., at the farthest point within the active pile driving construction area from sensitive receptors.
- Prohibit the use of vibratory rollers near the existing structures.
- If vibratory rollers are required to be used and need to be used within 110 feet of structures, the contractor must use a vibratory roller whose vibratory force can be turned down or turned off.
- A disturbance coordinator shall be designated and this person's contact information shall be posted in a location near the Project Site that is clearly visible to the nearby receivers most likely to be disturbed. The director would manage complaints and concerns resulting from activities that cause vibrations. The severity of the vibration concern should be assessed by the disturbance coordinator, and if necessary, evaluated by a professional with construction vibration expertise.
- The pre-existing condition of all buildings within a 500-foot radius within the immediate vicinity of proposed pile driving activities shall be recorded in the form of a preconstruction survey. The preconstruction survey shall determine conditions that exist before construction begins for use in evaluating the damage caused by construction activities. Fixtures and finishes within a 500-foot radius of construction activities susceptible to damage shall be documented (photographically and in writing) before construction. All damage will be repaired to its pre-existing condition.
- Vibration monitoring shall be conducted before and during pile driving operations occurring within 500 feet of the sensitive receptors. Every attempt shall be made to limit construction-generated vibration levels in accordance with Caltrans recommendations during pile driving and impact activities in the vicinity of the historic structures.
- Pile driving required within a 500-foot radius of sensitive receptors should use alternative installation methods, where possible (e.g., pile cushioning, jetting, predrilling, cast-in-place systems, resonance-free vibratory pile drivers). This would reduce the number and amplitude of impacts required to seat the pile.

Significance after Mitigation: Implementation of Mitigation Measure 4.10-2a would substantially limit the effects of groundborne vibration on sensitive receptors. Pile driving construction would be conducted at least 500 feet from vibration-sensitive receptors, or use alternative methods when within 500 feet from a vibration-sensitive receptor.

Therefore, groundborne noise and vibration levels would be reduced to below the impact threshold levels. The impact is considered **less than significant with mitigation.**

Impact 4.10-5. Long-term non-transportation noise levels at existing noise-sensitive receivers

The long-term operations of the Project could result in non-transportation noise from, but not limited to, the following potential sources:

- landscape and building maintenance activities (e.g., hand tools, power tools, lawn and garden equipment);
- mechanical equipment (e.g., pumps, generators heating, ventilation, and cooling systems);
- garbage collection;
- parking lots; and
- commercial, office, and industrial activities.

The OS zoning of the Managed Open Space area of the Project site would accommodate agriculture, resource protection and restoration, and resource-related recreation. However, the Managed Open Space area would be required to be managed to protect the existing habitat and also to provide for mitigation of development impacts, and noise-generating activities associated with uses such as agriculture or recreation would be minimal.

Landscape maintenance activities include the use of leaf blowers, power tools, and gasoline-powered lawn mowers. Although such activities would likely occur during the daytime hours, the exact hours and locations are unknown at this time. Such activities are intermittent and would occur during the daytime, which is a less noise-sensitive time of day. The use of such equipment is not so frequent that applicable daily noise standards or maximum single-event noise standards would be exceeded for noise-sensitive land uses. This impact would be **less than significant**.

Heating, ventilation, and air conditioning (HVAC) equipment is often mounted on rooftops, located on the ground, or located within mechanical equipment rooms. The noise sources could take the form of fans, pumps, air compressors, and chillers. Packaged rooftop units contain all necessary mechanical equipment, such as fans, pumps, condensers, and compressors, within a single enclosure. HVAC systems would be enclosed and/or shielded to reduce exterior noise levels. Noise from mechanical equipment associated with the operation of Project is required to comply with the California Building Standards Code requirements pertaining to noise attenuation. The closest off-site noise-sensitive land uses in the vicinity of the Project site are single-family residences located approximately 200 feet east of the boundary of the Project site and HVAC would be farther away (200 feet to 300 feet) assuming the HVAC would be located in the center of a rooftop of buildings within the Project site. Furthermore, the HVAC systems would be enclosed and/or shielded to reduce exterior noise. As detailed in Section 4.10 of the Draft EIR, HVAC equipment would not exceed the City's performance standard for noise-sensitive land uses affected by non-transportation noise during the daytime period, and would not result in a substantial permanent increase (more than 3–5 dB) in ambient noise levels in the project vicinity above levels existing without the Project. This impact would be **less than significant.**

Garbage collection activities (e.g., emptying large refuse dumpsters, possibly multiple times per week, and the shaking of containers with a hydraulic lift), could result in instantaneous maximum noise levels of approximately 89 dB L_{max} at 50 feet. Such activities are anticipated to be very brief, intermittent, and would occur during daytime hours, which are considered to be less noise-sensitive times of the day. Garbage collection activities are infrequent, and therefore would not be expected to exceed daily noise standards. Noises would typically emanate from public rights-of-way, which would normally be separated from outdoor gathering spaces associated with residential uses.

Noise associated with garbage collection would not be expected to create single-event noise that would be substantially disruptive to daily activities or cause sleep disturbance. This impact would be **less than significant.**

Parking lots and parking structures include noise sources such as vehicles entering/exiting the lot, alarms/radios, and doors slamming. The Project would introduce approximately 416 new parking stalls at the nearest proposed building (Building A) on the north side of the Project site approximately 500 feet from adjacent noise-sensitive residential uses to the north. As detailed in Section 4.10 of the Draft EIR, noise levels associated with parking would not be distinguishable from the existing ambient noise levels. As a result, this impact would be **less than significant**.

Light manufacturing, research and development, warehousing, and accessory office space noise sources include loading dock activities, air circulation systems, delivery areas, and the operation of trash compactors and air compressors. Such activities could result in intermittent noise levels of approximately 91 dB L_{max} at 50 feet (79 dB L_{max} at 200 feet) (EPA 1971) and high single-event noise levels from backup alarms from delivery trucks during the more noise-sensitive hours of the day. Noise levels could exceed the applicable standards at existing and proposed noise-sensitive receptors, especially if such activities were to occur during the more noise-sensitive hours (e.g., evening, nighttime, and early morning) and create a substantial increase in ambient noise levels at existing noise-sensitive receptors located approximately at 200 feet. Therefore, this impact would be **potentially significant**.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Draft EIR (CEQA Guidelines Section 15091[a][1]). Mitigation is adopted to reduce associated impacts. As described in Section 5.2.2 and in the Errata, Mitigation Measure 4.10-3a is revised to clarify the noise mitigation applicable to residential land uses within 2,500 feet of and within the direct line of sight of major noise-generating activities.

Mitigation: The following mitigation measure has been incorporated to reduce this impact to a less-than-significant level (Draft EIR, p. 4.10-45):

> **Mitigation Measure 4.10-3a: Implement Measures to Reduce Potential Exposure of Sensitive Receptors to Non-Transportation Source–Generated Noise.**
>
> To reduce potential long-term exposure of sensitive receptors to noise generated by Project-related non-transportation noise sources, the Project applicant or contractor(s) for all Project phases shall implement the below measures to assure maximum reduction of Project interior and exterior noise levels from operational activities. The City shall evaluate individual facilities for compliance with the City Noise Ordinance and policies contained in the City's General Plan at the time that tentative subdivision maps and improvements plans are submitted. All Project elements shall comply with City noise standards.
>
> - The proposed land uses shall be designed so that on-site mechanical equipment (e.g., HVAC units, compressors, and generators) and area-source operations (e.g., loading docks, parking lots, and recreational-use areas) are located as far as possible from or shielded from nearby noise-sensitive land uses.
>
> - Air conditioning units shall be shielded to reduce operational noise levels at adjacent dwellings or designed to meet City noise standards. Shielding may include the use of fences or partial equipment enclosures. To provide effectiveness, fences or barriers shall be continuous or solid, with no gaps, and shall block the line of sight to windows of neighboring dwellings.

- Residential land uses located within 2,500 feet of and within the direct line of sight of major noise-generating commercial uses (e.g., loading docks and equipment/vehicle storage repair facilities,) shall be shielded from the line of sight of these facilities by construction of a noise barrier or other design feature that would accomplish equivalent noise mitigating results. To provide effectiveness, noise barriers shall be continuous or solid, with no gaps, and shall block the line of sight to windows of neighboring dwellings.

- Routine testing and preventive maintenance of emergency electrical generators shall be conducted during the less sensitive daytime hours (i.e., 7:00 a.m. to 6:00 p.m.). All electrical generators shall be equipped with noise control (e.g., muffler) devices in accordance with manufacturers' specifications.

- On-site landscape maintenance equipment shall be equipped with properly operating exhaust mufflers and engine shrouds, in accordance with manufacturers' specifications.

- For maintenance areas located within 500 feet of noise-sensitive land uses, the operation of on-site landscape maintenance equipment shall be limited to the least noise-sensitive periods of the day, between the hours of 7 a.m. and 6 p.m.

Significance after Mitigation: Compliance with the applicable City Noise Ordinance and implementation of additional mitigation measures for the control of non-transportation source noise as identified above in Mitigation Measure 4.10-3a would reduce non-transportation source noise levels. Restricting noise-generating activities to daytime hours as outlined in the City's Noise Control Ordinance would reduce the potential for noise impacts at sensitive receptors. Achievable noise reductions from fences or barriers can vary but typically range from approximately 5 to 10 dBA, depending on construction characteristics, height, and location. With enforcement of the above mitigation measure, the Project would be designed to minimize potential impacts. Therefore, implementation of Mitigation Measure 4.10-3a would reduce this impact to a **less-than-significant** level.

Transportation and Circulation

Impact 4.12-1. Near-Term Vehicle-Miles Traveled (VMT).

The City of Fairfield travel demand model, which includes Fairfield and Suisun City, was used to analyze the impact on vehicle miles traveled (VMT) from implementation of the Project.[5] Impacts are identified based on the Project VMT compared against a percentage of a baseline value of VMT. Based on the Suisun City thresholds, the Project VMT-related impact was evaluated against two criteria: (1) a project would result in a significant impact if it would generate an average home-based work VMT per employee that is greater than 85 percent of the citywide average, and (2) if the threshold is exceeded, the project's VMT impact could still be found to be less-than-significant if it did not cause the total citywide VMT to increase. The average home-based work VMT per employee metric in the first criterion evaluates the VMT for all employee trips that travel between home and work. Trips related to non-commute economic activity (i.e., goods deliveries, customer visits, etc.) would not be captured in this metric. The focus of this metric is on passenger vehicle commute trips as being the primary component of VMT for most employment-focused land uses. The total citywide VMT metric in the second criterion evaluates all VMT (for all trip purposes by all users) that occurs within a geographic boundary. Since the Project is expected to generate truck

[5] The City of Fairfield Model was adjusted to ensure the model vehicle trip generation for the project was consistent with ITE trip generation estimate for the Project.

traffic, which is not captured by the average home-based work passenger vehicle commute metric in the first criterion, this total citywide VMT metric includes all vehicle trips. This metric is used to understand whether a project causes trips to shorten and thereby result in a net decrease in areawide VMT.

The VMT analysis results are summarized in Table 4.12-2 of the Draft EIR. Based on the model runs, the citywide average home-based work daily VMT per employee is 14.8, and the 85 percent citywide average threshold is 12.6. The Project is expected to result in 14.2 home-based work daily VMT per employee, which is 1.6 VMT greater than the threshold. The Project would also increase total citywide daily VMT by approximately 10,000. Therefore, this impact would be **potentially significant**.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Draft EIR (CEQA Guidelines Section 15091[a][1]). Mitigation is adopted to reduce associated impacts.

Mitigation: The following mitigation measures have been incorporated to reduce this impact to a less-than-significant level (Draft EIR, pp. 4.12-14 to 4.12-16):

Mitigation Measure 4.12-1: Transportation Demand Management (TDM) Plan.

Prior to issuance of building permits, the Project applicant shall develop a TDM Plan for the proposed Project, including any anticipated phasing, and shall submit the TDM Plan to the City for review and approval. The TDM Plan shall identify trip reduction strategies, as well as mechanisms for funding and overseeing the delivery of trip reduction programs and strategies. The TDM Plan shall be designed to achieve the trip reduction, as required to reduce the commute trip VMT per employee from 14.2 to 12.6, consistent with an 11.3-percent reduction. The analysis prepared to support the TDM Plan shall demonstrate that the selected reduction measures will achieve the necessary VMT reduction.

Based on research in the *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity* (GHG Handbook), Table 4.12-3 describes feasible measures for the Project's TDM Plan aimed to reduce Project-generated trips. The GHG Handbook calculates maximum VMT reduction based on a project's land use type and locational context. The proposed Project is considered a commercial project type in a suburban setting.[6] An 11.3-percent reduction is potentially achievable with implementation of the measures listed below.

Table 4.12-1. TDM Plan

TDM Measure	Description	Maximum VMT Reduction[1]
Commute Trip Reduction Marketing	Designate a TDM Coordinator to plan, implement, and manage commute programs. The TDM Coordinator shall share information via regular emails, bulletin postings, challenges, or events on resources and incentives to encourage employees to use alternative modes of travel to work. Information sharing and marketing promote and educate employees about their travel choices to the employment location beyond driving, such	4.00 precent

[6] *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity* (GHG Handbook), California Air Pollution Control Officers Association, 2021.

TDM Measure	Description	Maximum VMT Reduction[1]
	as carpooling, taking transit, walking, and biking, thereby reducing VMT and GHG emissions.	
Ridesharing Program	Implement a ridesharing program and establish a permanent transportation management association with funding requirements for employers. Ridesharing encourages carpooled vehicle trips in place of single-occupied vehicle trips, thereby reducing the number of trips, VMT, and GHG emissions. Ridesharing must be promoted through a multi-faceted approach. Examples include the following: • Designating a certain percentage of desirable parking spaces for ridesharing vehicles. • Designating adequate passenger loading and unloading and waiting areas for ridesharing vehicles. • Providing an app or website for coordinating rides, or promoting the use of the existing free ridematch program at merge.511.org for the Bay Area. The larger the pool of participants, the more effective the program will be.	4.00 percent
Subsidized or Discounted Transit Program – Work Trips Only	Provide subsidized or discounted, or free transit passes for employees. Reducing the out-of-pocket cost for choosing transit improves the competitiveness of transit against driving, increasing the total number of transit trips and decreasing vehicle trips. This decrease in vehicle trips results in reduced VMT and thus a reduction in GHG emissions.	0.84 percent
End-of-Trip Bicycle Facilities	Install and maintain end-of-trip facilities for employee use. End-of-trip facilities include bike parking, bike lockers, showers, and personal lockers. The provision and maintenance of secure bike parking and related facilities encourages commuting by bicycle, thereby reducing VMT and GHG emissions.	2.50 percent
Employer-Sponsored Vanpool	Implement an incentive to use vanpool services. Vanpooling is a flexible form of public transportation that provides groups of 5 to 15 people with a cost-effective and convenient rideshare option for commuting. The mode shift from long-distance, single-occupied vehicles to shared vehicles reduces overall commute VMT, thereby reducing GHG emissions. Provide an app or website for coordinating rides, or promote the use of the existing free ridematch program at merge.511.org for the Bay Area. The larger the pool of participants, the more effective the program will be.	3.76 percent
Total VMT Reduction (with multiplicative dampening)	**Not applicable.**	**14.3 percent[2]**

Table Notes

1. VMT reduction can range based on the level of effort in promoting and implementing the TDM strategies. A site operator doing just the bare minimum would result in lower VMT reduction, and a site operator willing to promote and invest heavily in TDM programs is expected to achieve the maximum VMT reduction. The reductions and measures are not additive but complementary of one another.
2. The values in the Maximum VMT Reduction column cannot be purely added for a total VMT reduction as effectiveness is reduced or capped when measures are combined. Multiplicative dampening considers the reduced or capped effectiveness of combined

measures based on national research used to develop the calculations in the *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (GHG Handbook)*. The Total VMT Reduction value was calculated with multiplicative dampening.

As part of the TDM Plan, the Project applicant/contractor(s) shall monitor and report its effectiveness at reducing home-based work VMT per employee. Tenant/s shall submit annual reports to the City describing the specific TDM measures that are being implemented, the number of employees on-site, the daily vehicle trips generated by the Project, and length of the trips being generated by the Project. The report shall be prepared by an independent City-approved transportation planning/engineering firm. The TDM Coordinator will provide information to the firm to monitor implementation effectiveness of the approved TDM Plan. To assess the TDM Plan's commute trip reductions, a baseline daily driveway count of vehicle trips shall be conducted before implementation of the TDM Plan and compared to the driveway count after one year of TDM Plan implementation. If the monitoring report shows that there was at least 11.3 percent commute trip VMT reduction, then the TDM Plan is presumed to effectively mitigate the Project impact on VMT. If the monitoring report shows that the TDM Plan does not reduce commute trip VMT by at least 11.3 percent, then the transportation planning/engineering firm shall assess for financial penalties for non-compliance and provide guidance for TDM Plan modification to achieve the VMT reduction goal.

Additionally, if the initial TDM Plan strategies do not reduce commute trip VMT by at least 11.3 percent, the Project shall incorporate additional TMD strategies, such as the following to increase TDM effectiveness in the future:

- Provide enhancements to bus service to the Project site area during peak commute times in coordination with FAST and SolTrans (not quantifiable at this time as future coordination with FAST and SolTrans is required and has not occurred)
- Compliance with a future City VMT/TDM ordinance (not quantifiable at this time as the City does not have a VMT/TDM ordinance)
- Participation in a future City VMT fee program (not quantifiable at this time as the City does not have a VMT fee program)

Significance after Mitigation: Implementation of Mitigation Measure 4.12-1 would reduce VMT to a level of **less-than-significant with mitigation** by implementing a TDM Plan and regularly monitoring its effectiveness through annual reports to the City to ensure VMT reductions are met**.**

Impact 4.12-2. Vehicle System.

The Project proposes 11 vehicular driveways along Pennsylvania Avenue and Cordelia Road. The driveway specifications provide for adequate queuing and site distance to minimize potentially hazardous conditions. Furthermore, the California Northern Railroad crosses Pennsylvania Avenue and divides the Project site. Warning equipment and gate arms are currently provided at the Pennsylvania Avenue crossing. The proposed rail spurs extend north and south of the California Northern Railroad onto the Project site with adequate separation between on-site vehicular circulation. The direct mix of rail and vehicular activity on the site could lead to circulation conflicts and potentially hazardous conditions for vehicles. Therefore, this impact would be **potentially significant.**

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Draft EIR (CEQA Guidelines Section 15091[a][1]). Mitigation is adopted to reduce associated impacts. As described in Section 5.2.2 and in the Errata, Mitigation Measure 4.12-2 was revised to clarify on-site circulation improvement requirements,

Mitigation: The following mitigation measure has been incorporated to reduce this impact to a less-than-significant level (Draft EIR, p. 4.12-18):

Mitigation Measure 4.12-2: Vehicle System Improvements

Prior to issuance of building permits, the Project shall provide site plans that include the following on-site and off-site vehicle system improvements to minimize hazardous conditions.

- Driveway access improvements.
  - The Project site tenant has yet to be determined, and thus the exact operations are still unknown. The Project shall design each driveway width and throat length appropriate for the vehicle types expected to be served. For passenger vehicle access only, provide at least 10 feet driveway width for each direction of travel and a throat length of at least 50 feet to hold the approximate length of two vehicles. For driveways that serve trucks, provide at least 15 feet driveway width for each direction of travel and a throat length that can hold at least one of the longest expected trucks to access the site.
  - Combine driveways #1 and #2 to a single right-in right-out only driveway 300 feet south of the Pennsylvania Avenue and SR-12 intersection. This would improve the sight distance of drivers exiting the driveway and reduce vehicular conflicts with northbound vehicles on Pennsylvania Avenue.
  - Connect the northernmost parking lot accessible by driveways #1 and #2 to the vehicle system of Building B-C. This would improve on-site connectivity and circulation. Vehicles that want to make a left turn in and out from the northernmost parking would use driveway #3.
  - Orient all driveways to be perpendicular to the public road for improved sight distance and vehicle maneuvers.
- On-site circulation improvements.
  - Orient drive aisles to be as close to perpendicular as possible, while maintaining necessary design features for circulation and safety for improved sight distance and vehicle maneuvers.
  - Add directional markers (e.g., signs or painted strips) for on-site circulation guidance and efficiency.
  - At the rail spurs, prohibit vehicles from crossing tracks with the use of signs or physical barriers and remove the adjacent parking spaces.
- Off-site vehicle system improvements.
  - The Suisun City General Plan plans to widen Pennsylvania Avenue and Cordelia Road from a two-lane road to a four-lane road. Coordinate with the City to determine the roadway cross section.

– For vehicle system efficiency and improved safety, add a center two-way left-turn lane between driveways #3 and #11 for vehicle deceleration and acceleration when making left-turns into and out of the Project driveways.

Significance after Mitigation: Implementation of Mitigation Measure 4.12-2 would improve on-site and off-site vehicle system circulation and not have adverse impacts on the vehicle system by providing sufficient on-site driveway storage to minimize potential spillback on the off-site roadway network, designing driveways with adequate sight distance to allow drivers to safely exit the site, installing effective warning and separation equipment to bring attention to vehicle and rail mixed activity areas, and striping or posting signage to direct on-site circulation.

The Project site plan will be required to be adjusted, as necessary, prior to City approval to show adequate driveway throat depths. On Cordelia Road, the center driveway serving Building F will be reconfigured. The site plan will be revised to combine Driveways #1 and #2 and to improve internal circulation. No adjustment is needed to the orientation of the driveways, as all are shown as perpendicular. No adjustment is needed to the orientation of the drive aisles, as they are shown as perpendicular and parallel to the proposed buildings to the extent possible. The Project applicant will be required to add directional markers (e.g., signs or painted strips) for on-site circulation. The impact would be **less-than-significant with mitigation**.

Impact 4.12-4. Pedestrian and Bicycle Systems.

The Project is expected to increase pedestrian and bicycle activity. The existing transportation network along the Project site frontages on Pennsylvania Avenue and Cordelia Road do not provide pedestrian or bicycle facilities. Pedestrian and bicycle facilities are provided in and around the developed parcels near the Project site. The closest major intersection is at SR 12 and Pennsylvania Avenue, adjacent the northeast corner of the area anticipated for development. This signalized intersection provides actuated pedestrian pushbuttons and signals, a marked crosswalk on the east leg for north-south travel, and a marked crosswalk on the southern leg for east-west travel. The north-south crosswalk connects the Project site area south of SR 12 to Fairfield residential and commercial development north of SR 12 on Pennsylvania Avenue. The east-west crosswalk provides pedestrians the option of walking on either the east or west side of Pennsylvania Avenue south of SR 12. Pedestrians traveling south on Pennsylvania Avenue on the east side can continue on Cordelia Road along the Project site frontage. Pedestrians traveling southbound on the west side of Pennsylvania Avenue can access the Project site and continue east on Cordelia Street toward Suisun City. Other nearby sidewalks are located on Cordelia Street west of West Street, Beck Avenue, north of Cordelia Road, and Cordelia Road east of Beck Avenue. The closest existing bicycle facility is the Central County Bikeway, a Class I bicycle path in Suisun City providing east-west travel along SR 12 between Walters Road and the Suisun/Fairfield Amtrak Station at Main Street.

The Suisun City and Fairfield Active Transportation Plans propose to build bicycle facilities that directly connect to the Project site frontages at the following locations:

- SR 12 between Beck Avenue and Illinois Avenue
- Cordelia Road between Beck Avenue and Pennsylvania Avenue
- Cordelia Street between Pennsylvania Avenue and Waterfront Path

A portion of workers could use transit, walk, or bike to and from the Project site. The Project site plan does not provide pedestrian or bicycle facilities along Pennsylvania Avenue or Cordelia Road to connect to existing and planned facilities. Inadequate pedestrian and bicycle facilities and connections to the existing pedestrian and bicycle network and transit stations would expose pedestrian and bicyclists to hazardous conditions. The Suisun City and Fairfield General Plans include policy goals of safe and accessible multimodal system and infrastructure. Therefore, the Project impact on pedestrians and bicyclists would be **potentially significant**.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Draft EIR (CEQA Guidelines Section 15091[a][1]). Mitigation is adopted to reduce associated impacts.

Mitigation: The following mitigation measure has been incorporated to reduce this impact to a less-than-significant level (Draft EIR, pp. 4.12-20 to 4.12-21):

Mitigation Measure 4.12-3: Provide adequate pedestrian and bicycle facilities and improvements along Project Site frontages and on-site

In accordance with Suisun City requirements and design standards, the Project shall provide adequate pedestrian and bicycle facilities along Project Site frontages and on-site to improve the pedestrian and bicycle transportation conditions.

- Pedestrian Facilities List.
  - Continuous sidewalks of at least five feet at the Project Site frontages along both sides of Cordelia Road and Pennsylvania Avenue.
  - Physical barriers between Planning Area No. 1 and Planning Area No. 3 to designed to prevent jaywalking. Use signs to direct pedestrians to the nearby crosswalks.
  - High visibility crosswalks at the Pennsylvania Avenue and Cordelia Road/Cordelia Street intersection.
  - Adequate pedestrian-scale lighting along Project Site frontages and on-site.
  - On-site markings or signage to notify drivers of pedestrians traveling between off-site pedestrian facilities or on-site parking facilities and building access points.
  - At the rail spurs, prohibit bicyclists from crossing tracks with the use of signs or physical barriers.
- Bicycle Facilities List.
  - Continuous bicycle facilities of at least four feet at the Project Site frontages along both sides of Cordelia Road and of Pennsylvania Avenue with even surface pavement, appropriate signage, delineation, and other features to improve the bicycle transportation conditions.
  - Bicycle parking facilities near the site access points.
  - On-site markings or signage to notify drivers of bicyclists traveling between bicycle parking facilities and building access points.

– At the rail spurs, prohibit bicyclists from crossing tracks with the use of signs or physical barriers.

Significance after Mitigation: Implementation of Mitigation Measure 4.12-3 would improve on-site and area pedestrian and bicycle transportation conditions by providing adequate facilities to connect to the existing and future multimodal transportation network. This impact would be **less-than-significant with mitigation**.

5.6 Findings Regarding Impacts That Cannot Be Fully Mitigated To A Less-Than-Significant Level

The following significant environmental impacts of the Project are significant and unavoidable and cannot be mitigated in a manner that would substantially lessen the environmental impact despite the incorporation of Mitigation Measures identified in the EIR and in these Findings. The City finds that the project's environmental, economic, social, and other benefits outweigh and override the significant adverse impact related to change in the environment" (see Section 7, "Statement of Overriding Considerations").

Aesthetics

Impact 4.1-1. Effects on Scenic Vistas

The Project site consists primarily of flat, featureless grazing land that is green in the spring and brown for the remainder of the year; along with wetlands and associated low-growing vegetation that are green most of the year. Most of the Project site would not be developed and therefore would allow for the continuation of existing scenic views in the proposed Managed Open Space areas. However, the Project would include six buildings with a maximum height of up to 47 feet. Nearly all of the proposed Development Area is south of SR 12, west of Pennsylvania Avenue, and north of Cordelia Road.

The 2035 Suisun City General Plan (City of Suisun City 2015a) Policy CCD-6.1 defines locally important scenic vistas as those that are available from public properties and rights-of-way, and states that Suisun City's unique waterfront location and proximity to Suisun Marsh, the Vaca Mountains, Cement Hill, the Potrero Hills, and the Coast Ranges, provide for scenic views. The Project will be required, in part through City review and required revisions to the proposed PUD, to comply with all required policies of the Suisun City 2035 General Plan (City of Suisun City 2015a).

Construction activities in each phase would be short-term and temporary, and background views of the surrounding mountains would not be blocked. Therefore, construction activities would have a **less-than-significant** impact on scenic vistas.

Given the distance of the proposed buildings from West Street in Suisun City (Viewpoint 12), and from the west side of Orehr Road in the City of Fairfield (Viewpoint 8), scenic views from these public locations would not be blocked by Project operation and there would be **no impact**.

Key Community Gateway 1, which encompasses SR 12 eastbound from the northwestern edge of the Project site adjacent to the proposed Development Area, does not constitute a scenic vista (Viewpoints 1a and 1b). This viewshed includes a variety of large, tall, block-style grey and white commercial and industrial buildings on both sides of SR 12, with associated landscape trees in a variety of shapes and sizes. The buildings constructed at the

Project site would have a similar appearance and would be of a similar size as compared to nearby off-site buildings. Ledgewood Creek itself is not visible; instead, the northern edge of a variety of deciduous trees of non-uniform heights and shapes are visible in a narrow line heading southward away from the viewer. The Project site to the south consists of flat, featureless grazing land. The western edge of the Potrero Hills is barely visible to the southeast, and appear as one long, low, brown hill. Therefore, operation of the Project would have **a less-than-significant impact** on scenic vistas for motorists traveling east on SR 12 at Key Community Gateway 1.

From SR 12 westbound at the northeastern edge of the Project site, motorists are afforded a view of wetlands at the Project site in the foreground, and the Coast Ranges and the Howell Mountains in the background; however, most of the viewshed is comprised of the SR 12 pavement, concrete center barrier, tan concrete sound wall, vehicles, signage, high-mast light standards, and power poles along SR 12 (Viewpoint 9). At the Project site, nearly all of the area south of SR 12 from the Union Pacific Railroad line west to Pennsylvania Avenue, and extending south to the Suisun Marsh, would be preserved as Managed Open Space. Therefore, this area would still afford motorists traveling westbound in SR 12 with scenic vistas of the natural environment. Improvements to SR 12 and Pennsylvania Avenue at this intersection would have a similar visual appearance to existing conditions. Because the proposed buildings would be developed approximately 0.6 mile to the west, motorists traveling westbound on SR 12 would still have views of the Coast Ranges and the Howell Mountains. Views of the Coast Ranges to the southwest would be blocked from SR 12 for westbound motorists for a few seconds, west of Pennsylvania Avenue. However, these motorists would still have west and northwest views of the Coast Ranges and the Howell Mountains. Therefore, operation of the Project would have a **less-than-significant** impact on scenic vistas for motorists traveling west on SR 12.

During the Project's operational stage, the proposed buildings would block scenic views of the Coast Ranges, Howell Mountains, Vaca Mountains, and Cement Hill, which are considered by the City to be scenic vistas, from the following public viewpoints:

- Key Community Gateway 2: the north side of Cordelia Road, from the Ledgewood Creek overcrossing to Pennsylvania Avenue (Viewpoints 2 and 6);
- Key Community Gateway 3: Pennsylvania Avenue between SR 12 and Cordelia Road (Viewpoints 3 and 4);
- An approximately 800-foot section of Cordelia Street east of the Pennsylvania Avenue intersection (to the north) (Viewpoint 10).

Continuation of existing open space/grazing land uses on approximately 393 acres of the Project site would preserve most of the existing views. However, scenic views to the north would be blocked by proposed buildings and landscaping from Key Community Gateway 2 and from Viewpoint 10 along Cordelia Street, and scenic views to the southwest would be blocked from Key Community Gateway 3. Scenic views of the Coast Ranges, Howell Mountains, Vaca Mountains, Cement Hill, and the Potrero Hills would still be available from all of these viewpoints looking in other directions. As shown in Exhibit 3-2, the site design at the Project site would provide a line-of-sight corridor from north to south for motorists along Pennsylvania Avenue that would provide limited views of Cement Hill and the Vaca Mountains to the north. Furthermore, most of the proposed Development Area has been planned for development—the Suisun City General Plan designates nearly the entire Development Area (west of Pennsylvania Avenue and north of the California Northern Railroad tracks) for Commercial Mixed Use. The Solano County General Plan (Solano County 2008) designates the proposed Development Area for Urban Commercial and

Urban Industrial land uses. Nevertheless, because the primary scenic views to the north and southwest, respectively, would be permanently blocked by the proposed development from Key Community Gateways 2 and 3, this impact is considered **significant.**

Finding: No feasible mitigation is available that could fully preserve the existing views of the Coast Ranges, Howell Mountains, Cement Hill, or the Vaca Mountains while also accommodating operation of the buildings and landscaping that are proposed as part of the Project. Therefore, this impact is considered **significant and unavoidable**. As described in Section 7, "Statement of Overriding Considerations," specific social, economic, and environmental benefits of the Project outweigh the identified potential unavoidable significant impacts.

Impact 4.1-3: Substantial New Light and Glare and Skyglow Effects

Skyglow is artificial lighting from urbanized uses that alters the rural landscape and, in sufficient quantity, lights up the nighttime sky, and thus reducing the darkness of the night sky and the visibility of the stars. Under current conditions, there are no sources of light that are generated on the Project site. However, the Kings of Auto and NorCal Concrete commercial areas, located at the intersection of Pennsylvania Avenue and Cordelia Road, emit minimal nighttime lighting for security purposes. In addition, just north of the Project site, SR 12 has high-mast light standards. Nighttime lighting is also present west, north, and east of the Project site from commercial, light industrial, and residential development in the cities of Fairfield and Suisun City.

Glare is intense light that shines directly, or is reflected from a surface into a person's eyes. Daytime glare can be caused by reflective surfaces such as unpainted metal roofs, windows, and white or glossy finish paints; nighttime glare can be caused by lighting. Daytime and nighttime glare generated by urban development are present to the west, north, and east of the Project Site, in addition to the Kings of Auto and NorCal Concrete commercial areas located at the intersection of Pennsylvania Avenue and Cordelia Road.

Proposed urban land uses in the Development Area would introduce new street lighting, parking lot lighting, pedestrian way lighting, interior lighted building signage, interior and front-lighted landmark and directory signage, interior lighted (light emitting diode [LED]) security lighting, and architectural lighting. These lights would be visible during nighttime hours and would represent a source of light and glare surrounding developed areas and roadways. Windows, particularly large areas of glass in commercial structures, large buildings that employ white or other light-colored paint colors, along with polished surfaces such as metal roofs, could also create substantial daytime glare. Thus, the Project could represent a substantial new source of light and glare.

As described previously, the Project applicant has prepared a PUD, for City review, revision, and approval, to establish the land use, zoning, development standards, and regulations for development of the Project site (David Babcock & Associates 2023). The PUD is required to comply with the City Municipal Code and General Plan policies and future development within the Project site is required to comply with the PUD.

The Project would increase the amount of nighttime light and glare, as well as daytime glare from reflective surfaces, when compared to existing conditions, even with the lighting standards included in the PUD. This could obscure views of stars and other features of the nighttime sky, as well as create a nuisance for motorists and others at public viewpoints. Suisun City 2035 General Plan policies would reduce impacts that could result from daytime glare and nighttime lighting sources in association with the Project. However, nighttime lighting or glare from commercial and light industrial buildings, parking lots, and streets could still be created and result in adverse effects on nearby public areas. Therefore, this impact is considered **significant**.

Finding: Changes or alterations have been required in, or incorporated into, the Project that substantially lessen, but do not avoid, the potentially significant environmental effect as identified in the Draft EIR (CEQA Guidelines Section 15091[a][1]). Mitigation is adopted to reduce associated impacts. As described in Section 5.2.2 and in the Errata, Mitigation Measure 4.1-3 is revised to clarify the circumstances under which certain requirements of the exterior lighting plan may be infeasible or impractical.

Mitigation: The following mitigation measure has been incorporated to reduce this impact (Draft EIR, p. 4.1-33). Implementation of Mitigation Measure 4.1-3 would reduce potentially significant impacts from daytime and nighttime glare, and nighttime skyglow effects, to the maximum extent feasible because an exterior lighting plan with measures specifically designed to reduce nighttime light spillover, glare, and skyglow effects would be prepared and implemented. However, even with implementation of this mitigation measure, the proposed Project would contribute to regional nighttime skyglow effects. No additional feasible mitigation measures are available. Therefore, this impact is considered **significant and unavoidable.** As described in Section 7, "Statement of Overriding Considerations," specific social, economic, and environmental benefits of the Project outweigh the identified potential unavoidable significant impacts.

Mitigation Measure 4.1-3: Prepare an Exterior Lighting Plan Including an Off-Site Photometric Analysis.

The Project applicant or contractor(s) shall prepare and submit to the City Planning Division for review and approval, an Exterior Lighting Plan, which shall present the size, orientation, location, height, and appearance of proposed fixtures (Suisun City Municipal Code Title 18, Chapter 18.76.030). Before issuing any occupancy permit, the City will review each site-specific lighting plan to ensure that it includes the following standards:

- Shield or screen all exterior lighting fixtures to direct the light downward and prevent light spill on adjacent properties.
- Place and shield or screen flood and area lighting needed for security so as not to disturb adjacent properties or passing motorists.
- Light fixtures that are of unusually high intensity or brightness (e.g., harsh mercury vapor, low-pressure sodium, or fluorescent bulbs) or that blink or flash, shall not be used. Light-emitting diode (LED) lighting shall be used, except in such cases that LED lighting cannot meet the requirements of the lighting purpose or is otherwise a safety hazard.
- Motion-controlled exterior nighttime lighting, rather than lighting that is always on, shall be used, unless in the case in which an alternative is required for security or other safety purposes.
- Based on an off-site photometric analysis, proposed on-site lighting fixtures shall be demonstrated to avoid spillage onto any property other than the boundaries for which lighting is intended.

Air Quality

Impact 4.2-1. Conflict with or Obstruct Implementation of the Applicable Air Quality Plan.

The BAAQMD 2017 Bay Area Clean Air Plan is the applicable air quality plan that comprehensively addresses control strategies for the reduction of ozone (through the reduction of ozone precursors), $PM_{2.5}$, toxic air contaminants (TACs), and GHG emissions. On an individual project basis, consistency with BAAQMD quantitative thresholds is interpreted as demonstrating support for the 2017 Clean Air Plan goals.

As detailed under Impact 4.2-2 below and shown in Tables 4.2-6 and 4.2-7 of the Draft EIR, the Project would exceed the BAAQMD-recommended thresholds of significance for construction-related emissions and operational annual and maximum daily reactive organic gases (ROG) and nitrogen oxides (NO_X) emissions. These thresholds are established to identify projects that have the potential to generate a level of emissions that would be cumulatively considerable, potentially resulting in significant adverse air quality impacts to the region's existing air quality conditions. Fugitive dust emissions are considered to be significant unless the Project implements the BAAQMD's BMPs for fugitive dust control during construction. Because the Project would exceed the construction-related and operational thresholds of significance for ROG and NO_X, and without implementation of the BMPs for dust management, the Project could result in a level of emissions that would result in a cumulatively considerable contribution to the existing air quality conditions of the San Francisco Bay Area Air Basin. Therefore, the Project could conflict with or obstruct implementation of the 2017 Bay Area Clean Air Plan and this impact would be **potentially significant**.

Finding: Changes or alterations have been required in, or incorporated into, the Project that substantially lessen, but do not avoid, the potentially significant environmental effect as identified in the Draft EIR (CEQA Guidelines Section 15091[a][1]).

Mitigation: The following mitigation measures have been incorporated to reduce this impact (Draft EIR, pp. 4.2-26 to 4.2-29). Implementation of Mitigation Measure 4.2-1a would incorporate measures to minimize fugitive dust from construction activities. Mitigation Measure 4.2-1b would further reduce exhaust emissions, including NO_X, from heavy duty construction equipment use. Implementation of Mitigation Measures 4.2-1a and 4.2-1b together would ensure that construction of the Project would not conflict with or obstruct implementation of the 2017 Bay Area Clean Air Plan. Implementation of Mitigation Measures 4.2-1c through 4.2-1j would reduce energy, area, and mobile source operational emissions associated with the Project. As shown in Table 4.2-9 of the Draft EIR, these mitigation measures would also reduce operational emissions of ROG and NO_X; however, ROG emissions would still exceed the BAAQMD thresholds of significance and Project operations could conflict with or obstruct implementation of the 2017 Bay Area Clean Air Plan. Mitigation Measure 4.2-1k would support long-term strategies for air monitoring and achieving air quality standards. There is no additional feasible mitigation. Therefore, this impact is considered **significant and unavoidable**. As described in Section 7, "Statement of Overriding Considerations," specific social, economic, and environmental benefits of the Project outweigh the identified potential unavoidable significant impacts.

Implement Mitigation Measures 4.2-1a through 4.2-1k

Impact 4.2-2. Result in a Cumulatively Considerable Net Increase of Criteria Air Pollutant and Precursor Emissions.

Construction-related activities would result in temporary emissions of criteria air pollutants and ozone precursors from fugitive dust generation associated with ground disturbing activities (e.g., excavation, grading, and clearing); exhaust emissions from use of off-road equipment and construction vehicle trips associated with import or export of fill, material delivery, and construction worker commutes; and off-gassing of ROG emissions during asphalt paving and application of architectural coatings. As shown in Table 4.2-6 of the Draft EIR, unmitigated construction-related emissions associated with the Project would exceed the average BAAQMD-recommended thresholds of significance. Fugitive dust emissions are considered to be significant unless the project implements the BAAQMD's BMPs for fugitive dust control during construction. Without implementation of the BAAQMD Basic Construction Measures, the Project could result in a cumulatively considerable net increase of criteria pollutants for which the Project region is non-attainment under an applicable federal or state ambient air quality standard. Construction-related impacts from the Project would therefore be **potentially significant**.

After construction, long-term emissions of criteria air pollutants would be generated from energy, area, stationary, and mobile sources during operation of the Project. Area sources would include emissions from use of consumer products, periodic architectural coatings, and landscape equipment. Energy sources are associated with water or space heating and cooling. Mobile sources would involve vehicle trips associated with employee commute trips and visiting trucks, including Transport Refrigeration Units associated with visiting trucks. Stationary source emissions would be associated with the emergency generator and fire pumps at each building. Emergency generators were assumed to operate 100 hours per year based on the maintenance and testing limits per BAAQMD regulations. As shown in Table 4.2-7 of the Draft EIR, unmitigated operational-related emissions associated with the Project would exceed the BAAQMD-recommended significance thresholds for average annual and maximum daily emissions of ROG and NOx. Operational-related impacts from the Project would therefore be **potentially significant.**

Finding: Changes or alterations have been required in, or incorporated into, the Project that substantially lessen, but do not avoid, the potentially significant environmental effect as identified in the Draft EIR (CEQA Guidelines Section 15091[a][1]). Mitigation is adopted to reduce associated impacts.

Mitigation: The following mitigation measures have been incorporated to reduce this impact (Draft EIR, p. 4.2-32). Implementation of Mitigation Measure 4.2-1a would ensure that construction of the Project would incorporate measures to minimize fugitive dust from construction activities. Implementation of Mitigation Measure 4.2-1b would further reduce exhaust emissions, including NO_X, from heavy duty construction equipment use. Implementation of Mitigation Measures 4.2-1c through 4.2-1j would reduce energy, area, and mobile source operational emissions associated with the Project. As shown in Table 4.2-9 of the Draft EIR, these mitigation measures would reduce operational emissions of NO_X to below the BAAQMD thresholds; however, ROG emissions would still exceed the BAAQMD threshold of significance and Project operations would result in a cumulatively considerable net increase of criteria pollutants for which the region is non-attainment under an applicable federal or state ambient air quality standard. While it does not directly reduce emissions, Mitigation Measure 4.2-1k would support long-term strategies for air monitoring and achieving air quality standards. This impact is considered to be **significant and unavoidable**.

Implement Mitigation Measures 4.2-1a through 4.2-1j

Greenhouse Gas Emissions and Energy

Impact 4.6-1. Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.

Construction and operation of the Project would result in GHG emissions. The Project would develop approximately 93 acres of land area, plus off-site improvement areas, and construction of wetlands within the Managed Open Space area. Construction would be short term, occurring in phases, and the generation of construction-related GHG emissions would cease at the end of construction. Operational GHG emissions under the Project would include those associated with vehicular trips; fuel combustion from landscape maintenance equipment; natural gas combustion emissions from on-site natural gas use; off-site generation of electricity used at the site; and solid waste.

The Project's GHG emissions are evaluated against efficiency thresholds for 2030 and for 2045 – efficiency thresholds which allow the City to determine whether the emissions rate of the proposed Project would be consistent with, and support the statewide emissions reduction targets in SB 32 and AB 1279, respectively. The emissions rate, when combined with the methodology for estimating Project-related emissions, is also designed to be appropriate for *new* development (as opposed to existing, on-the-ground development) and also specifically tailored for the types of proposed uses. As detailed in Section 4.6.3 of the Draft EIR, the GHG thresholds for 2030 and 2045 are 13.98 metric tons (MT) of carbon dioxide equivalents (CO_2e)/service population and 3.32 MT CO_2e/service population, respectively.

GHG emissions from construction and operation of the Project were calculated and amortized construction emissions were added to annual operational emissions to calculate the GHG efficiency of the Project. The Project's annual emissions (inclusive of amortized construction and annual operational emissions) are divided by the Project's service population to determine whether the Project is efficient enough to provide its fair share of the State's emissions reduction targets. The service population for the Project is the approximately 1,275 employees that would be accommodated under the Project. Please see Appendix B of the Draft EIR for modeling details, assumptions, inputs, and outputs. Emissions for the Project were estimated for the initial operating years (phased, assumed to start in 2025 and conservatively assumed to reach full operations in 2026) for evaluation against the 2030 threshold. Total Project annual emissions (i.e., operational and amortized construction emissions) were estimated to be 20,707 MT CO_2e for operational year 2026. With a service population of 1,275, the Project GHG efficiency is estimated as 31.43 MT CO_2e/service population.

Therefore, the Project's emissions would be higher than the 2030 GHG efficiency threshold. The primary emission sources associated with the Project is mobile activity, which is primarily the result of visiting truck travel. The service population accounted for in the denominator of the calculation to determine the Project's GHG efficiency ***only*** accounts for the Project's on-site employees, not visiting truck drivers, making the City's threshold approach for the Project conservative (would tend to overstate potential impacts). However, because the Project's GHG efficiency would exceed the 2030 GHG efficiency target, implementation of the Project could result in the generation of GHG emissions at a level that result in a **cumulatively considerable** contribution to the significant cumulative impact of climate change and conflict with State GHG emission targets adopted for the purpose of reducing GHG emissions. This impact is **cumulatively considerable**.

Finding: Changes or alterations have been required in, or incorporated into, the Project that substantially lessen, but do not avoid, the potentially significant environmental effect as identified in the Draft EIR. Mitigation is adopted to reduce associated impacts. However, specific economic considerations make infeasible one of the 14 proposed mitigation measures addressed at GHG emissions: Mitigation Measure 4.6-1n (Purchase and Retire GHG Emissions Credits). (CEQA Guidelines Section 15091[a][1], [a][3]).

Mitigation: The following mitigation measures have been incorporated to reduce this impact (Draft EIR, pp. 6-45). Implementation of Mitigation Measures 4.6-1a through 4.6-1d would reduce emissions associated with offroad equipment use during Project construction. Mitigation Measures 4.6-1e through 4.6-1m would reduce emissions associated with natural gas use, electricity consumption, worker vehicle and truck travel and idling, Transport Refrigeration Unit operations, use of onsite offroad equipment such as forklifts, and backup generators. Implementation of these mitigation measures would reduce the Project's generation of GHG emissions to support the Project's fair share contribution emissions reductions toward the State GHG reduction mandates and the State's goal of statewide carbon neutrality. Even with implementation of Mitigation Measures 4.6-1a through 4.6-1m, the emissions rate would still exceed the GHG efficiency thresholds for 2030 and for 2045. As proposed in the EIR, Mitigation Measure 4.6-1n would further reduce the impacts related to the generation of GHG emissions, as it would require the purchase and retirement of GHG emissions credits based on protocols approved by ARB, consistent with Section 95972 of Title 17 of the California Code of Regulations. Mitigation Measure 4.6-1n would also requires the Project applicant to provide documentation demonstrating that the mitigation credits are real, additional, quantifiable, verifiable, enforceable, permanent, and consistent with the standards set forth in Health and Safety Code section 38562, subdivisions (d)(1) and (d)(2). Mitigation Measure 4.6-1n would ensure that the Project's GHG emissions efficiency would be consistent with that of the State SB 32 regulatory GHG emissions reduction target for 2030 and with the State AB 1279 regulatory GHG emissions reduction target for 2045 over the long-term operations of the Project. Measure 4.6-1n, however, would render the Project economically infeasible. As demonstrated in an economic feasibility analysis prepared by Economic and Planning Systems (EPS) dated September 6, 2024, the Applicant would have to spend nearly 14 million dollars to comply with the measure, which would represent an increase in development cost of approximately 46 percent. EPS concluded that, if the Project does not obtain bond financing to address the costs of certain off-site improvements, the cost of compliance with Measure 4.6-1n would reduce the internal rate of return for the Project to five percent, which "is considered infeasible." Even if bond financing becomes available to offset some of the infrastructure costs of the Project, the resulting internal rate of return of eight percent "remains below typical industry thresholds, particularly in light of the potential risk associated with a project of this magnitude…" and … "likely would not be sufficient to warrant a 'go' decision, given the additional complexity, time, and risk associated, including carbon offset credit pricing risk." For these reasons, Mitigation Measure 4.6-1n is determined to be economically infeasible and is rejected for that reason. If Measure 4.6-1n had been feasible and certain to be effective, with implementation of Mitigation Measures 4.6-1a through 1n, the generation of GHG emissions associated with the Project would not have resulted in a substantial contribution to the significant impact of climate change or conflict with an applicable plan, policy, or regulation adopted for the purposes of reduction GHG emissions. However, the City cannot guarantee the availability of emissions credits meeting the standards outlined in Mitigation Measures 4.6-1n presented above. There is no additional feasible mitigation available. Therefore, with implementation of Mitigation Measures 4.6-1a through 4.6-1n, the proposed Project construction and operations would be cumulatively considerable and significant and unavoidable. Without Mitigation Measure 4.6-1n, the impacts from Project construction and operations would similarly be cumulatively considerable and significant and unavoidable. As described in Section

7, specific social, economic, and environmental benefits of the Project outweigh the identified potential unavoidable significant impacts.

Mitigation Measure 4.6-1a: Use Low or No Emission Construction Equipment

Prior to the issuance of any grading permit, the Project applicant shall provide the Suisun City Planning Department with documentation (e.g., bid documents, purchase orders, and contracts) demonstrating that at least 15 percent of the construction fleet for each project phase shall be alternatively fueled or electric. Alternative fuels shall only include those that involve zero direct GHG emissions.

Mitigation Measure 4.6-1b: Reduce Construction Worker Travel for Meals

The Project applicant shall provide meal options on-site or shuttles between the facility and nearby meal destinations for construction employees.

Mitigation Measure 4.6-c: Limit Model Year of On-road Heavy Duty Haul Trucks

The Project applicant shall require the construction contractor(s) use on-road heavy-duty haul trucks to be model year 2014 or newer if diesel-fueled.

Mitigation Measure 4.6-1d: Limit Idling of Heavy-Duty Construction Equipment & Trucks

The Project applicant shall require the construction contractor(s) forbid the idling of construction equipment and trucks, if diesel-fueled, for more than two minutes. The Project applicant or construction contractor(s) shall provide appropriate signage onsite communicating this requirement to onsite equipment operators.

Mitigation Measure 4.6-1e: Omit the Inclusion of Natural Gas Infrastructure.

The City shall require the Project applicant to omit the inclusion of natural gas infrastructure in the design and construction of the proposed Project. The final design drawings must demonstrate the omission of natural gas connections to the Project Site and be provided to and approved by the City prior to the issuance of grading permits.

Mitigation Measure 4.6-1f: Source Electricity for Project Operations from a Power Mix that is 100 Percent Carbon-free.

Electricity to serve the Project site shall be supplied from a power mix that comprises 100 percent carbon-free electricity sources. The Project applicant shall provide the City with documentation, to the City's satisfaction, demonstrating the Project's electricity demand, including that of EV charging stations and other onsite electric infrastructure required to support electrification of the onsite offroad equipment, will be supplied with 100 percent carbon-free electricity sources. These sources may include, but are not limited to, on-site renewable generation system(s) or PG&E 100 percent solar electricity service option, or a similar 100 percent carbon-free utility option that becomes available in the future and meets the requirements of this mitigation measure.

To ensure that 100 percent of the Project's electricity demand generated by the proposed Project site is supplied with 100 percent carbon-free electricity sources, the project applicant or other appropriate Project

Site operations manager shall maintain records for all electricity consumption and supply associated with the proposed Project's operation and make these records available to the City upon request. These records shall be maintained until such time as the only grid-available power options are inherently carbon-free and this mitigation does not serve to provide any additional Project requirements to reduce electricity-related GHG emissions.

Mitigation Measure 4.6-1g: Implement Mitigation Measure 4.12-1, Transportation Demand Management (TDM) Plan.

Mitigation Measure 4.6-1h: Incorporate CALGreen Tier 2 Standards for Electric Vehicle Infrastructure into Project Design.

The City shall require the Project applicant to include EV capable parking at the rate consistent with the CALGreen Tier 2 standards for the proposed Project land use. The EV capable parking shall include the installation of the enclosed conduit that forms the physical pathway for electrical wiring and adequate panel capacity to accommodate future installation of a dedicated branch and charging stations(s). The total EV capable parking to be provided shall be based on the proposed size and scale of development and the most current CALGreen Tier 2 standards at the time of the application for a building permit.

Mitigation Measure 4.6-1i: Electrification of Yard Equipment

The Project applicant shall stipulate in tenant lease agreements that all yard equipment and similar on-site off-road equipment, such as forklifts, be electric. Prior to the issuance of an occupancy permit, the Project applicant shall provide the City with documentation, to the City's satisfaction, demonstrating that the building occupant shall only use on-site off-road equipment that is electric-powered.

Mitigation Measure 4.6-1j: Electrification of Transportation Refrigeration Units

The Project applicant shall require that all transportation refrigeration units operating on the Project site be electric or alternative zero-emissions technology, including hydrogen fuel cell transport refrigeration and cryogenic transport refrigeration, to reduce emissions of NO_X without substantially increasing other emissions. Any electric or hybrid transportation refrigeration units shall be charged via grid power (i.e., not an idling truck or diesel engine). The Project design shall also include necessary infrastructure; for example, requiring all dock doors serving transportation refrigeration units to be equipped with charging infrastructure to accommodate the necessary plug-in requirements for electric transportation refrigeration units while docked or otherwise idling, as well as the electrical capacity to support the on-site power demand associated with electric transportation refrigeration unit charging requirements.

Mitigation Measure 4.6-1k: Prohibition of Truck Idling for More than Two Minutes

The Project applicant shall require that onsite idling of all visiting gasoline- or diesel-powered trucks not exceed two minutes, and that appropriate signage and training for on-site workers and truck drivers be provided to support effective implementation of this limit.

Mitigation Measure 4.6-1l: Limitation of Model Year of Visiting Trucks

The Project applicant shall require that lease agreements stipulate that any gasoline- or diesel-powered vehicle, whether owned or operated by tenant(s), that enters or operates on the Project Site and has a gross vehicle weight rating greater than 14,000 pounds, have a model year dated no older than model year 2014.

Mitigation Measure 4.6-1m: Use of Reduced GWP Refrigerants

Future buildings and tenants using cold storage shall use R-407F or class of refrigerant that has an equivalent or lower global warming potential (i.e., global warming potential of 1,825 or less). The Project applicant shall require that lease agreements stipulate that any refrigeration unites operated on-site meet these requirements and that equipment specifications and maintenance records demonstrating system and refrigerant type and compliance with service and maintenance requirements to minimize fugitive leaks.

Noise and Vibration

Impact 4.10-1. Temporary, short-term exposure of sensitive receptors to construction noise.

Construction of the Development Area would be phased, subject to market conditions. Construction would typically occur 5 days per week, Monday through Friday, between the hours of 7 a.m. and 8 p.m. On-site construction activities would include site clearing, excavation and fill, grading, utility trenching, foundation and building construction, paving, and architectural coatings. Additional off-site construction activities will include utility trenching and installation and roadway improvements. Residences and businesses located adjacent to areas of construction activity could be exposed to construction noise from on-site construction activity or from off-site construction activity associated with infrastructure improvements. Major noise-generating construction activities could include site grading and excavation, installation of infrastructure, building erection, paving, and landscaping. The highest construction noise levels are typically generated during grading and excavation and lower noise levels typically occur during building construction. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction durations last over extended periods of time. The nearest noise and vibration-sensitive uses to the Project site are single-family residences located north, east, west, and south from the Project site boundary, ranging in distance from 200 feet to 700 feet.

Permitted hours of construction and applicable thresholds in Solano County, City of Suisun City, and the City of Fairfield are described above in Section 4.10.2 of the Draft EIR and summarized in Table 4.10-19 of the Draft EIR. The County of Solano exempts daytime construction noise from applicable standards. However, if construction activities occur during the more noise-sensitive evening and nighttime hours, due to the potential necessity of continuous activity for specific components to maintain structural integrity, noise levels could exceed nighttime exterior and interior noise standards of 55 dB L_{eq} and 45 dB L_{eq}, respectively, at the nearest noise-sensitive receptors.

As shown in Table 4.10-18 of the Draft EIR, construction noise ranges from 57 dBA to 85 dBA (under typical construction activities), and from 66 dBA to 95 dBA (with pile driving). These noise levels exceed the applicable thresholds summarized in Table 4.10-19 of the Draft EIR when construction occurs beyond permitted hours. Therefore, the construction could expose existing off-site sensitive receptors to equipment noise levels that exceed

the applicable noise standards and/or result in a substantial increase in ambient noise levels. This would be a **significant** impact.

Finding: Changes or alterations have been required in, or incorporated into, the Project that substantially lessen, but do not avoid, the potentially significant environmental effect as identified in the Draft EIR (CEQA Guidelines Section 15091[a][1]). Mitigation is adopted to reduce associated impacts. As described in Section 5.2.2 and in the Errata, Mitigation Measure 4.10-1 was revised to remove the reference to feasibility and to remove requirements related to future residences, as the project does not propose any such uses.

Mitigation: The following mitigation measure has been incorporated to reduce this impact (Draft EIR, pp. 4.10-35 to 4.10-36). With implementation of Mitigation Measure 4.10-1, construction would be limited to daytime hours, for which associated noise levels are considered exempt from the provisions of applicable standards established by the City and the County. On-site and off-site impacts from temporary, short-term exposure of sensitive receptors to increased equipment noise would be reduced. With enforcement of the above mitigation measure and existing noise regulations, future development in the Project site and off-site improvements would be designed to minimize potential impacts. For example, when installed properly, acoustic barriers can reduce construction noise levels by approximately 8–10 dB (EPA 1971). This mitigation measure would reduce potential impacts. However, it is not possible to demonstrate that this would avoid significant construction noise impacts in every case. There is no additional feasible mitigation. The impact is considered **significant and unavoidable.** As described in Section 7, specific social, economic, and environmental benefits of the Project outweigh the identified potential unavoidable significant impacts.

Mitigation Measure 4.10-1: Implement Noise-Reducing Construction Practices, Prepare and Implement a Noise Control Plan, and Monitor and Record Construction Noise near Sensitive Receptors.

The Project applicant(s) and their primary contractors for engineering design and construction of all Project phases shall ensure that the following requirements are implemented at each worksite during Project construction to avoid and minimize construction noise effects on sensitive receptors. The Project applicant(s) and primary construction contractor(s) shall employ noise-reducing construction practices. Measures that shall be used to limit noise shall include the measures listed below:

- Noise-generating construction operations shall be limited to the hours between 7 a.m. and 6 p.m. Monday through Friday, and between 8 a.m. and 5 p.m. on Saturdays (conservatively assuming the hours based on Solano County's permitted hours of construction).
- Noisy construction equipment and equipment staging areas shall be located as far as possible from nearby noise-sensitive land uses.
- All construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.
- All motorized construction equipment shall be shut down when not in use to prevent idling.
- Individual operations and techniques shall be replaced with quieter procedures (e.g., using welding instead of riveting, mixing concrete off-site instead of on-site).

- Noise-reducing enclosures shall be used around stationary noise-generating equipment (e.g., compressors and generators) as planned phases are built out and future noise-sensitive receptors are located within 250 feet of future construction activities.
- Written notification of construction activities shall be provided to all noise-sensitive receptors located within 800 feet of typical construction activities and 2,000 feet of pile driving activity. The notification shall include anticipated dates and hours during which construction activities are anticipated to occur and contact information, including a daytime telephone number, for the Project representative to be contacted in the event that noise levels are deemed excessive. Recommendations to assist noise-sensitive land uses in reducing interior noise levels (e.g., closing windows and doors) shall also be included in the notification.
- To the extent necessary to reduce construction noise levels consistent with applicable policies, acoustic barriers (e.g., lead curtains, sound barriers) shall be constructed to reduce construction-generated noise levels at affected noise-sensitive land uses. The barriers shall be designed to obstruct the line of sight between the noise-sensitive land use and on-site construction equipment.

5.7 Findings Regarding Cumulative Impacts

Regarding the Project's potential to result in cumulative impacts, the City hereby finds as follows:

Aesthetics

In order for a cumulatively significant impact related to adverse effects on scenic vistas or degradation of visual character or quality to occur, one or more of the related projects considered in this cumulative analysis must be located within the viewshed of the Project site. There is only one related project within the viewshed of the Project Site: the 71 single-family residential units proposed in Suisun City on the north side of Cordelia Street at the site of the former Crystal Middle School, east of the UPRR, and adjacent to the east end of the proposed new water supply line.

Adverse Effects On Scenic Vistas: As described in the Community Character and Design Element of the City's 2035 General Plan, Suisun City's proximity to Suisun Marsh, the Vaca Mountains, Cement Hill, and the Coastal Range, provides for scenic views (City of Suisun City 2015a). The City's 2035 General Plan EIR found that future development projected under the General Plan would involve land use changes that could permanently alter and block some views of the Suisun Marsh, the Coastal Range, Cement Hill, the Potrero Hills, and the Vaca Mountains, and found this impact to be **cumulatively significant and unavoidable** (City of Suisun City 2015b).

In the vicinity of the Project site, scenic vistas of the mountains to the west and north are available to public viewers in the form of motorists traveling on local streets including School Street, Morgan Street, and Cordelia Street. Scenic vistas of these mountains are available from the west edge of existing development in Suisun City immediately east of the Project Site, including the site of the proposed 71-unit residential project looking west. If the residential development on Cordelia Street were to include two-story buildings, scenic vistas to the west would be blocked from that area of Suisun City's existing development. Thus, the proposed 71-unit residential project considered in this cumulative analysis could result in significant and unavoidable impacts related to scenic vistas. Scenic vistas of these mountains are also available from the Project site and SR 12 to motorists traveling on Cordelia Street, Pennsylvania Avenue, Cordelia Road, and SR 12 westbound (see photographs shown in key viewpoints in Section 4.1 of the Draft EIR, "Aesthetics"). Continuation of existing open space/grazing land uses on 393 acres of the Project site would preserve most of the existing views. Because the proposed buildings would be developed approximately 0.6 mile to the west, motorists traveling westbound on SR 12 would still have views of the Coast Ranges and the Howell Mountains. Furthermore, the site design at the Project site would provide a line-of-sight corridor from north to south for motorists along Pennsylvania Avenue that would provide limited views of Cement Hill and the Vaca Mountains to the north in accordance with City General Plan Policies CCD-3.3 and CCD-6.3. However, under the Project, scenic views to the north at the Project site from Key Community Gateway 2 and from Viewpoint 10 along Cordelia Street would be blocked by proposed buildings and landscaping, and scenic views from Key Community Gateway 3 to the southwest would also be blocked. Scenic views of the Coast Ranges, Howell Mountains, Vaca Mountains, Cement Hill, and the Potrero Hills would still be available from all of these viewpoints at the Project site looking in other directions. Therefore, implementation of the Project would represent a **cumulatively considerable contribution to the significant cumulative impact** related to scenic vistas. There are no feasible mitigation measures that would preserve scenic vistas from these locations while still allowing development to proceed under the Project. This cumulative impact is **significant and unavoidable**.

Degradation of Visual Character: The City's 2035 General Plan EIR found that future development contemplated under the General Plan would involve land use changes that would substantially change visual conditions because open viewsheds, including views of agricultural landscapes, would be replaced with urban development. Although the City determined that it will not consider urban development that is consistent with General Plan community design policies to represent a degradation of visual character, the City determined as part of the 2035 General Plan EIR that the cumulative changes from past, present, and future urban development on visual character would be **cumulatively significant and unavoidable** (City of Suisun City 2015b).

Implementation of the Project in conjunction with the related 71-unit potential residential project considered in this cumulative analysis would introduce new development within the Project site and the adjacent parcel to the east. However, the areas immediately west, north, and east of the Project site are already urbanized with industrial, commercial, and residential development in the cities of Fairfield and Suisun City. Development of the Project would visually change less than one-quarter of the Project site. Construction activities would be short-term and temporary, are a common sight in the nearby developed areas of Fairfield and Suisun City (through which motorists are passing before they arrive at the Project site), and would be scattered across the Project site and the 71-unit residential project site considered in this cumulative analysis during each phase of construction. Operation of the Project would change the visual character of a small portion of the existing open space along the urban fringe through the introduction of new buildings and associated parking areas and urban landscaping. The proposed 71-unit residential project would be visually consistent with existing surrounding residential development in Suisun City, and the Project would be visually consistent with existing adjacent industrial development to the west and north. Most of the existing visual character of the Project site would be preserved under the Project. There are no outstanding examples of visual character at the Project site, which consists of flat, rural (non-urbanized) land used for cattle grazing. As stated in Suisun City General Plan Policy CCD-6.4, the City will not consider urban development that is consistent with General Plan community design policies to represent a degradation of visual character for the purpose of environmental impact analysis. A PUD has been prepared for City review to establish the land use, zoning, development standards, and regulations for development of the Project site consistent with General Plan community design policies (David Babcock & Associates 2023). Development at the Project site would be required by the City through the PUD process to demonstrate consistency with City General Plan community design policies, and would be required to comply with the City Municipal Code, Development Guidelines for Architecture and Site Planning, and Architectural Review requirements through review, revisions, and conditioning of the Project and PUD. Therefore, the Project would have a **less than cumulatively considerable contribution** to the significant cumulative impact associated with adverse changes in visual character or quality.

Lighting and Glare Effects: The Project area is urbanized, and is not a "dark sky" area. The past, present, and reasonably foreseeable future development in the Project area already contributes substantially to nighttime lighting and skyglow effects. This is a **significant cumulative** impact.

Project would result in additional nighttime lighting and skyglow effects from the proposed development. Implementation of Mitigation Measure 4.1-3 would reduce the potentially significant impacts from nighttime lighting, glare, and skyglow effects associated with the Project to the maximum extent feasible because an exterior lighting plan would be prepared for City review and approval and implemented. However, even with implementation of this mitigation measure, the proposed commercial and light industrial development on the Project site would contribute to regional nighttime skyglow effects. No additional feasible mitigation measures are available. Therefore, the Project would result in a **cumulatively considerable contribution** to this significant and unavoidable cumulative impact related to nighttime skyglow effects.

Air Quality

Regional air quality effects are inherently cumulative in nature. The nonattainment status of regional pollutants results from multiple sources in the air basin, both past and present. No single project would be sufficient in size to result in nonattainment of regional air quality standards.

Generation of Short-Term Construction and Long-Term Operational Emissions of Criteria Air Pollutants and Precursors, or Conflict with or Obstruct an Air Quality Plan: The potential for the Project to result in significant criteria air pollutant emissions, and therefore a cumulatively considerable contribution to nonattainment criteria pollutants, is addressed under Impacts 4.2-1, 4.2-2, and 4.2-3 (refer to Section 4.2 of the Draft EIR for details). Therefore, no separate cumulative criteria air pollutant analysis is required. The following cumulative impact discussion for air quality focuses on exposure to $PM_{2.5}$ and TACs.

Exposure of Sensitive Receptors to Substantial Pollutant Concentrations: As discussed in Section 5.3 of Appendix B of the Draft EIR, a quantified analysis of cumulative impacts for annual $PM_{2.5}$ concentrations and excess cancer risk at the maximally exposed individual sensitive receptors was conducted. For this cumulative air quality analysis, the aggregation of health impacts from the Project sources and existing sources were determined for resident, worker, student, and child sensitive receptors. Screening tools provided by the BAAQMD were used to inform existing on-road mobile and railway sources. Since the project-level individual impact analysis identified the need for mitigation, the cumulative analysis incorporated that mitigation for the Project.

Cumulative annual $PM_{2.5}$ concentrations are all well below (less than 35 percent) of the cumulative threshold at each of the maximally exposed individual sensitive receptors (i.e., resident, worker, student, and child). Cumulative excess cancer risk is highest for the maximally exposed individual residential receptor of 11.48 in a million. For worker, student and child, the maximally exposed receptors were all below 10 in a million. Non-cancer chronic cumulative impacts are all well below the threshold for all sensitive receptors.

Based on this quantitative analysis of cumulative air quality impacts, the cumulative impact is **less than cumulatively considerable with mitigation**.

Other Emissions Such as Those Leading to Odors: Odors are a localized impact. The type of facilities that are considered to result in other emissions such as those leading to objectionable odors include wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food processing facilities (BAAQMD 2023). No such uses are present in the vicinity of the Project site. Therefore, there is **no significant cumulative** impact related to odor.

Biological Resources

The geographic scope for this analysis of cumulative impacts of the Project on biological resources includes the Suisun Marsh, the city of Suisun City, the city of Fairfield, and other nearby areas of Solano County.

As described for the cumulative scenario presented in the City of Suisun City 2035 General Plan Final EIR (City of Suisun City 2015b), a document which anticipated the development of the Project site, past development and land conversion, including urban development, agriculture, roads, and water projects, has resulted in substantial regional losses of natural habitat, including vernal pool (i.e., valley floor grasslands), freshwater and saline emergent

wetlands, riparian habitats, and natural waterways. These habitat losses have contributed to the decline of a number of special status plant and wildlife species that are dependent on these habitats and the overall effect of land use conversion on native plants, animals, and habitats has been substantially adverse. The combination of past, present, and reasonably foreseeable future development, including land use conversion described under the Solano County and City of Suisun City general plans, would result in a **significant cumulative** impact to valley floor grasslands, wetlands, and special status species associated with these habitats.

Although many future projects proposed in the city and county would be required to mitigate substantial impacts on biological resources, it may not be possible to mitigate all of these impacts in a manner that results in no net loss within the county and region because there is a finite amount of land and habitat available for compensation of unavoidable losses. Furthermore, as development progresses across the landscape, remaining habitats become more and more fragmented and vulnerable to habitat degradation, due to the indirect effects of surrounding development. Many transportation, commercial, residential, and industrial projects are proposed and underway for the Fairfield/Suisun City area. Recently completed projects within Fairfield and Suisun City have reduced the area's usefulness as a wildlife corridor and future projects would further reduce this function. Therefore, it can be expected that the net loss of native habitat for plants and wildlife, agricultural lands, and open space areas that support important biological resources in Solano County and the nearby region will continue. However, based on the adopted General Plans, development within Suisun City and Fairfield would focus development in existing developed areas while requiring mitigation, including preserving and maintaining large open habitat landscapes connected to surrounding natural habitats. Regardless, this is a **significant cumulative** impact.

Implementation of the Project would result in potentially significant impacts from the loss and degradation of habitat for special-status plants, including Contra Costa goldfields; loss of habitat for special status wildlife, including Swainson's hawk and potentially for burrowing owl; loss of federally protected wetlands; loss of upland refugia for marsh dependent species; degradation of adjacent riparian habitat; disturbance to nest sites; and potential indirect effects from construction and operations on wildlife in adjacent areas. While many of these potential impacts would be avoided or mitigated at no net loss, as described in Section 4.3, "Biological Resources," (e.g., loss of rare plant habitat, wetlands, nest sites), others would be reduced and minimized, leaving potential residual impacts from a net loss of total grassland cover in the region, including upland refugia, degradation of adjacent riparian habitat from further development encroachment, and temporary displacement or harassment of wildlife during construction. While these impacts from the Project would contribute to historic and ongoing losses of biological resources in Solano County and the Suisun Marsh region, implementation of the mitigation measures described in Draft EIR Sections 4.4, "Biological Resources," and Section 4.3 would result in a **less than cumulatively considerable contribution** to significant cumulative biological resources impacts under the Project.

Cultural and Tribal Cultural Resources

The geographic scope for the analysis of cumulative effects on built environment historical resources and historic-era archaeological cultural resources is the Suisun Marsh, the city of Suisun City, the city of Fairfield, and other nearby areas of Solano County and for precontact archaeological resources and human remains, it is the ethnographic territory of the Patwin.

Any past, present, and reasonably foreseeable projects within the geographic scope of cumulative effects would be regulated by applicable federal, state, and local regulations; however, continued urbanization of the region in accordance with applicable land use plans, as well as those approved and proposed development projects, could

result in the disturbance of cultural resources, which includes built environment historical resources, archaeological resources, and human remains. Therefore, the related projects considered in this cumulative analysis could result in a **significant cumulative impact** to cultural and tribal cultural resources.

As discussed in Section 4.4, "Cultural and Tribal Cultural Resources," implementing the Project would not result in impacts on built environment historical resources and therefore would not combine to create considerable changes in and cumulative effects on the built-environment historical resources. Therefore, there would be **no cumulative impacts** related to built environment historical resources from the Project, and this issue is not addressed further in this cumulative analysis.

Because all significant cultural resources are unique and non-renewable members of finite classes, all adverse effects or negative impacts erode a dwindling resource base. The loss of any one archaeological site, burial site, or built-environment historical resource has the potential to affect all others in a region since these resources are best understood in the context of the entirety of the cultural system of which they are a part. Due to the nature of archaeological cultural resources and tribal cultural resources, adverse impacts are site-specific and need to be determined on a project-by-project basis. The Suisun City General Plan includes relevant policies and programs for projects that involve grading, excavation, and potentially other ground-disturbing activities which could disturb or damage as-yet-undiscovered archaeological cultural resources or human remains (Policy OSC-5.1, Policy OSC-5.2, and Program OSC-5.1). These policies and programs are implemented through mitigation measures imposed as a part of the Project EIR and proposed Mitigation Monitoring and Reporting Program.

As discussed in Section 4.4, "Cultural and Tribal Cultural Resources," ground disturbance in the Development Area, off-site infrastructure improvement areas, and areas proposed for the creation of mitigation wetlands within the proposed Managed Open Space area could affect precontact or historic-era archaeological cultural resources, and this impact would be potentially significant. Implementation of Mitigation Measure 4.4-2 would reduce potentially significant impacts to cultural resources to less than significant. It is possible that unknown human remains could be discovered through ground-disturbing construction activities associated with the Project and the impact would be potentially significant. Implementation of Mitigation Measure 4.4-3 would reduce potentially significant impacts to human remains to less than significant. The Project impact to precontact or historic-era archaeological resources from implementation of the Project would be reduced to less than significant. As such, the Project impacts to cultural and tribal cultural resources would be **less than cumulatively considerable**.

Cumulative projects in the ethnographic territory of the Patwin, which includes the Yocha Dehe Wintun Nation, would have the potential to result in a cumulative impact associated with the loss of tribal cultural resources through development activities. These projects would be regulated by applicable federal, state, and local regulations; however, the loss of tribal cultural resources on a regional level may not be adequately mitigated through preservation in place, particularly when preservation in place would make projects infeasible, and because the potential to discover previously unknown tribal cultural resources exists. Therefore, the cumulative destruction of significant tribal cultural resources from projects within the ethnographic territory of the Patwin may result in a **potentially significant cumulative impact** on tribal cultural resources. The Suisun City General Plan includes relevant policies and programs for projects that involve grading, excavation, and potentially other ground-disturbing activities which could disturb or damage as-yet-undiscovered human remains or tribal cultural resources (Program OSC-5.1). These policies and programs are implemented through mitigation measures imposed as a part of the Project EIR and proposed Mitigation Monitoring and Reporting Program.

The City of Suisun contacted traditionally and culturally affiliated California Native American tribal representatives on May 14, 2021 that had requested notice of projects where AB 52 applies within the city. The City requested any information regarding tribal cultural resources (as defined by Public Resources Code 21074) within the Project site so that this information can be incorporated into the planning.

The only response was in a letter dated May 19, 2021 from the Yocha Dehe Wintun Nation's Cultural Resources Department stated that after review of the City's invitation to consult, they concluded it is within the aboriginal territories of the Yocha Dehe Wintun Nation, and that they have a cultural interest and authority in the proposed Development Area. Based on the information provided, the Tribe has concerns that development in this area could impact known cultural resources, and highly recommend including cultural monitors during development and ground disturbance, including Cultural Sensitivity Training prior to all ground disturbance activities. Additionally, they requested that the City incorporate Yocha Dehe Wintun Nation's Treatment Protocol into the mitigation measures for the City's environmental document, provide the Tribe with a copy of the same, and continue to consult with the Tribe.

The California NAHC Sacred Lands File records search response on April 9, 2021 indicated that no Native American resources on file at the NAHC fall within the Project site. However, during AB 52 consultation, the Yocha Dehe Wintun Nation's Cultural Resources Department stated that, after review of the materials provided by the City, they concluded that the Project site is within the aboriginal territories of the Yocha Dehe Wintun Nation, and that they have a cultural interest and authority in the Project area. It is possible that construction of the Project could affect existing or previously undiscovered tribal cultural resources. With implementation of Mitigation Measures 4.4-2, 4.4-3, and 4.4-4a through 4.4-3d, the contribution of the Project to cumulative tribal cultural resources would be reduced through the identification, preservation, or culturally appropriate treatment of discovered resources. Thus, the contribution of the Project to substantial effects related to archaeological and tribal cultural resources, including human remains, would be **less than cumulatively considerable**.

Geology, Soils, Minerals, and Paleontological Resources

The geographic scope for the cumulative analysis of the geology and soils consists of the southwestern margin of the Sacramento Valley and the northeastern margin of the San Francisco Bay Area.

As discussed in detail in Section 4.5, "Geology, Soils, Minerals, and Paleontological Resources" the Project would result in **no impact** to mineral or paleontological resources, and therefore these topics are not evaluated further in this cumulative analysis.

The Project site region has historically been seismically active. The related projects considered in this cumulative analysis could be exposed to hazards from strong seismic ground shaking, as well as hazards from construction in unstable or expansive soils. However, the related projects would be subject to the design and engineering requirements of the California Building Standards Code, which include an analysis of seismic ground shaking, slope instability, liquefaction, and surface rupture attributable to faulting or lateral spreading, plus an evaluation of lateral pressures on basement and retaining walls, liquefaction and soil strength loss, and lateral movement or reduction in foundation soil-bearing capacity. The California Building Standards Code also regulates the analysis of expansive soils for foundations and grading work. The California Building Standards Code requires that measures to reduce damage from seismic effects and expansive/unstable soils be incorporated in structural design. Application of the

California Building Standards Code to the related projects considered in this cumulative analysis would avoid a significant cumulative impact.

The new buildings proposed in the Development Area under the Project would also be subject to hazards from strong seismic ground shaking, and hazards from construction in unstable or expansive soils. A Geotechnical Engineering Report was prepared by Mid Pacific Engineering, Inc. (2020), which contains recommendations to address seismic and geologic hazards for the Project in the Development Area. The recommendations in the geotechnical report are consistent with the California Building Standards Code, and would be incorporated as a part of the design of the Project to reduce seismic and geologic hazards. Therefore, the Project would result in **less than cumulatively considerable contribution** to cumulative impacts related to seismic and geologic hazards.

Implementation of the related projects considered in this cumulative analysis involve substantial earthmoving activities that would disturb soils and could result in soil erosion, if not properly controlled. All of the cumulative projects, including Caltrans projects, that disturb one acre or more are required by law to prepare a SWPPP and implement site-specific BMPs that are specifically designed to prevent construction-related erosion. Caltrans projects that disturb less than 1 acre are required to prepare and implement a Water Pollution Control Program. The related projects would also be required to obtain grading permits from the applicable jurisdictions (i.e., City of Suisun City, Solano County, or City of Fairfield), which require submittal of a soils report and a geotechnical report, along with detailed grading plans for review and approval, showing how erosion would be reduced. Permit conditions would be imposed by the applicable jurisdiction (such as straw wattles and watering of the soil surface during construction) to reduce potential erosion impacts. Furthermore, off-site improvements to SR 12 (or improvements to any other state highway that may be necessary for the other cumulative projects considered in this analysis) are under the jurisdiction of Caltrans and must be conducted in accordance with Caltrans' Construction BMP Manual, which contains specific requirements to comply with SWRCB erosion and water quality permit terms and conditions. Application of these existing stormwater and erosion control requirements to the related projects considered in this cumulative analysis would avoid a significant cumulative impact.

Implementation of the Project would result in earthmoving activities within the Development Area, as well as minor grading for installation of new wetlands in the proposed Managed Open Space area. These earthmoving activities would disturb soils and could result in soil erosion, if not properly controlled. However, as described above for the related projects, the Project applicant for the Project, and Caltrans for the off-site SR 12 improvements under the Project, would be required to prepare a SWPPP and implement BMPs specifically designed to prevent construction-related erosion. In addition, a grading permit from the City, including plans demonstrating how erosion would be controlled, would be required for the Project. Therefore, the Project would result in **less than cumulatively considerable contributions** to cumulative impacts related to soil erosion.

Greenhouse Gas Emissions and Energy

GHGs typically persist in the atmosphere for extensive periods time—long enough to be dispersed throughout the globe and result in long-term global impacts that contribute to climate change. As such, the Project would not, by itself, result in climate change; however, cumulative emissions from many projects and plans all contribute to global GHG concentrations and the climate system. Accordingly, GHG emissions are inherently cumulative.

Section 4.6, "Greenhouse Gas Emissions and Energy," provide detailed analyses of this cumulative impact for the Project. As explained in more detail in Section 4.6, because GHG emissions generated by the Project would exceed

the GHG efficiency threshold, implementation of the Project could result in the generation of GHG emissions at a level that may have a significant impact on the environment and conflict with State GHG emission targets adopted for the purpose of reducing the emissions of GHGs. This impact is **potentially cumulatively considerable**.

Implementation of Mitigation Measures 4.6-1a through 1m would reduce the generation of long-term operational GHG emissions of the Project as well as align the long-term operations of the Project with the actions for new commercial development identified in the Final 2022 Scoping Plan update for carbon neutrality. Mitigation Measure 4.-1n further reduces the Project's impacts related to the generation of GHG emissions, as it requires the purchase and retirement of GHG emissions credits based on protocols approved by ARB, consistent with Section 95972 of Title 17 of the California Code of Regulations. As proposed in the EIR, Mitigation Measure 4.6-1n also would require the Project applicant to provide documentation demonstrating that the mitigation credits are real, additional, quantifiable, verifiable, enforceable, permanent, and consistent with the standards set forth in Health and Safety Code Section 38562, subdivisions (d)(1) and (d)(2). Mitigation Measure 4.6-1n would ensure that the Project's GHG emissions efficiency would be consistent with that of the State SB 32 regulatory GHG emissions reduction target for 2030 and with the State AB 1279 regulatory GHG emissions reduction target for 2045 over the long-term operations of the Project. For reasons discussed in connection with Impact 4.6-1, however, Measure 4.6-1n would render the Project economically infeasible. As demonstrated in an economic feasibility analysis prepared by EPS dated September 6, 2024, the Applicant would have to spend nearly 14 million dollars to comply with the measure, which would represent an increase in development cost of approximately 46 percent. EPS concluded that, if the Project does not obtain bond financing to address the costs of certain offsite improvements, the cost of compliance with Measure 4.6-1n would reduce the internal rate of return for the Project to five percent, which "is considered infeasible." Even if bond financing becomes available to offset some of the infrastructure costs of the Project, the resulting internal rate of return of eight percent "remains below typical industry thresholds, particularly in light of the potential risk associated with a project of this magnitude…" and … "likely would not be sufficient to warrant a 'go' decision, given the additional complexity, time, and risk associated, including carbon offset credit pricing risk." For these reasons, Mitigation Measure 4.6-1n is determined to be economically infeasible and is rejected for that reason. If Measure 4.6-1n had been feasible and certain to be effective, with implementation of Mitigation Measures 4.6-1a through 1n, the generation of GHG emissions associated with the Project would not have resulted in a substantial contribution to the significant impact of climate change or conflict with an applicable plan, policy, or regulation adopted for the purposes of reduction GHG emissions. However, the City cannot guarantee the availability of emissions credits meeting the standards detailed in Mitigation Measures 4.6-1n presented in Section 6.5.6 of the EIR. There is no additional feasible mitigation available. Therefore, with implementation of Mitigation Measures 4.6-1a through 4.6-1n, proposed Project construction and operations would be cumulatively considerable and significant and unavoidable. Without Mitigation Measure 4.6-1n, the impacts of the Project would similarly result in a substantial contribution to the significant impact of climate change. There is no additional feasible mitigation. This impact is **cumulatively considerable and unavoidable**.

Energy efficiency or the lack of energy efficiency is not itself an environmental impact, though it could potentially be an indicator of an environmental effect. All adverse environmental effects related to the Project's energy demand are evaluated throughout the environmental topic-specific sections of the EIR.

Solano County and the cities within the county implement general plans that include goals and policies to reduce energy demands through the use design features, building materials, and building practices; encourage the use of renewable energy sources; promote land uses and patterns that would not cause wasteful, inefficient, and unnecessary consumption of energy; and ensure adequate electricity and natural gas and related distribution systems

are available to meet energy demands. Developments within other parts of the region, as with the City, are required to implement Building Energy Efficiency Standards (Title 24 of the California Code of Regulations) and other applicable regulations. Therefore, there is **no significant cumulative impact** related to land uses and patterns that cause wasteful, inefficient, and unnecessary consumption of energy.

Hazards, Including Wildfire, and Hazardous Materials

The geographic scope for this cumulative analysis related to hazards, hazardous materials, and wildfire consists of the Project site, and the local surrounding area.

As discussed in Section 4.7, "Hazards, Hazardous Materials, and Wildfire," there would be **no impact** related to wildfire attributable to the Project. Therefore, this topic is not evaluated further in this cumulative analysis.

The related projects considered in this cumulative analysis would involve routine transport use and disposal of hazardous materials, the potential for accidental spills of hazardous materials, and airport safety hazards for public-use airports. However, the projects considered in the cumulative analysis are site-specific and therefore would not combine to create cumulatively significant impacts in and of themselves. Although the Project would result in an increase in routine use, transportation, and disposal of hazardous materials, as well as public airport hazards, existing federal, State, and local regulations create and enforce standards for these activities regardless of the amount or scale of use and therefore **no significant cumulative impact** would occur.

The related projects considered in this cumulative analysis could result in construction within a Cortese-listed site or other known hazardous materials site. However, in those cases, environmental site assessments that are specific to each project are required, results would be reported to the Solano County Department of Environmental Health Services, and coordination with the SWRCB and/or DTSC would occur prior to the start of construction activities as required by state and local laws and regulations. Federal, State, and local regulations create and enforce standards for activities at known hazardous materials sites regardless of the amount or scale of use, and therefore the related projects would result in no cumulative impact. Although the Project would result in construction within the area of potential effects from off-site known hazardous materials, the appropriate on-site hazardous materials reports have been prepared, which detail the results of soil and groundwater sampling. These reports demonstrated that the Project would not expose new construction workers, employees, or the environment to existing off-site hazardous materials. Therefore, the Project would **not result in a cumulatively considerable contribution** to this cumulative impact.

The related projects considered in this cumulative analysis could result in construction along State highways regulated by Caltrans, which has formal procedures that are followed to reduce human health and ecological risks from the handling of disposal of hazardous materials and the reuse of soils contaminated with aerially-deposited lead. Earthmoving activities for improvements associated with the related projects could result in human health and ecological risks from exposure to known hazardous materials (e.g., underground pipelines containing fuel, persistent agricultural chemicals in soil, etc.). However, in those cases, environmental site assessments that are specific to each project are required, results would be reported to the Solano County Department of Environmental Health Services, and coordination with the SWRCB and/or DTSC would occur prior to the start of construction activities as required by state and local laws and regulations. Federal, State, and local regulations create and enforce standards for activities at known hazardous materials sites regardless of the amount or scale of use, and therefore the related projects would result in no cumulative impact. The Project could result in human health and ecological risks from

exposure to known hazardous materials (e.g., underground pipelines containing fuel, and metals/herbicide exposure along railroad tracks) that are present in the Project area during construction activities. However, implementing Mitigation Measures 4.9-3a and 4.9-3b would reduce the impacts of hazards associated with improvements under the Project to a less-than-significant level. Hazardous materials impacts would be site-specific. Implementation of the Project in conjunction with development of the related projects would not present a public health and safety hazard to people or the environment, and therefore the Project would result in **no significant cumulative impact**.

Many of the related projects considered in this cumulative analysis would result in roadway improvements that could result in temporary lane closures, increased truck traffic, and other roadway effects that could slow or stop emergency vehicles, temporarily increasing response times and impeding existing services. Therefore, the related projects would result in a significant impact. Construction of the Project would result in the need for off-site roadway improvements that could also result in short-term lane closures and increased slow-moving construction truck traffic that could temporarily reduce emergency response times. Implementing Mitigation Measure 4.9-5 would ensure that the roadway work associated with the Project does not increase emergency response times or impede existing emergency services. Furthermore, none of the related projects would involve roadway work at the same locations as the Project. Implementation of the Project (with mitigation measures incorporated) in conjunction with development of the related projects would not present a hazard related to emergency vehicle response times or access, and therefore the Project would be **less than cumulatively considerable with mitigation**.

Hydrology, Flooding, and Water Quality

The geographic scope for this cumulative analysis related to hydrology and water quality consists of the San Francisco Bay hydrologic region.

Construction-Related Degradation of Water Quality or Interference with Implementation of the Basin Plan

Water quality in the Project region is under the jurisdiction of the San Francisco Bay RWQCB, which is charged with protecting beneficial uses of surface water and groundwater as identified in the *Water Quality Control Plan for the San Francisco Bay Basin* (Basin Plan) (San Francisco Bay RWQCB 2023). Construction activities associated with the projects considered in this cumulative analysis would create the potential for soil erosion and sedimentation of drainage systems, both within and downstream of each project site and any associated off-site improvement areas. The construction processes may also result in accidental release of pollutants to surface waters, along with groundwater. Soil erosion and accidental spills of hazardous materials could result in downstream sedimentation and degradation of water quality. However, as discussed in detail in Subsection 4.10.2, "Regulatory Framework," the related projects considered in this cumulative analysis would be required by law to prepare and implement a SWPPP as required by the SWRCB's Construction General Permit with appropriate BMPs (such as source control, revegetation, and erosion control) at each site and any associated off-site improvement areas, and to prepare grading plans and implement City of Suisun City or City of Fairfield permit terms, to maintain surface and groundwater quality conditions in adjacent receiving waters. Projects that involve improvements within Caltrans rights-of-way must comply with the Caltrans Construction NPDES Permit and implement the requirements of the Caltrans Construction Site BMP Manual (Caltrans 2017). Therefore, the related projects considered in this cumulative analysis would have no significant cumulative impact.

The Project would also create the potential for soil erosion and sedimentation of drainage systems, both within and downstream of the Project site and the associated off-site improvement areas. The construction processes may also

result in accidental release of pollutants to surface waters (such as Ledgewood Creek and Pennsylvania Avenue Creek), along with groundwater. However, the Project would also be required to adhere to the same applicable requirements designed to prevent water quality degradation including SWPPPs with BMPs, along with City grading permit terms, as discussed above. Therefore, temporary, short-term construction of the Project would result in **less than cumulatively considerable contributions** to cumulative impacts from degradation of water quality or interference with implementation of the Basin Plan.

Operational Degradation of Water Quality or Interference with Implementation of the Basin Plan

The related projects considered in this cumulative analysis would change the long-term potential for contaminant discharges because new impervious surfaces would be developed, and thus there would be a potential for the cumulative projects to cause or contribute to increased long-term discharges of urban contaminants (e.g., oil and grease, fuel, trash, pesticides, fertilizers). However, all project applicants are required to comply with the Solano County Regional MS4 Permit, which regulates operational water quality. Projects that involve improvements within Caltrans rights-of-way must comply with the Caltrans Operational NPDES Permit and the Caltrans PPDG Handbook (Caltrans 2019). All of the projects considered in this cumulative analysis must incorporate site-specific design and treatment measures that would be implemented to reduce post-construction runoff and control urban runoff pollution in compliance with the MS4 permit (or the Caltrans Operational NPDES Permit for Caltrans work) through the incorporation of BMPs, LID, and hydromodification management techniques. This includes the requirement to treat stormwater runoff through evapotranspiration, infiltration, stormwater harvesting and reuse, or biotreatment. Therefore, the related projects considered in this cumulative analysis would have no significant cumulative impact.

The Project would result in new impervious surfaces from buildings, roads, and parking areas within the Development Area. Therefore, the Project could cause or contribute to increased long-term discharges of urban contaminants such as oil and grease, fuel, trash, pesticides, and fertilizers. A Drainage Master Plan for the Project has been prepared, which demonstrates incorporation of stormwater design and treatment measures for the proposed Development Area as required by the Fairfield-Suisun Urban Runoff Management Program *Stormwater C.3 Guidebook* (FSURMP 2012), which is currently the appropriate guidance document for projects in Suisun City (Solano Stormwater Alliance 2024). Therefore, the Project would result in a **less than cumulatively considerable contribution** to cumulative impacts from operational degradation of water quality or interference with implementation of the Basin Plan.

Exceedance of Drainage Systems Resulting in Hydromodification or Flooding

Potential changes to the hydrologic and geomorphic processes in a watershed as a result of impervious surfaces and exceedance of drainage infrastructure capacity from urbanization include increased runoff volumes and dry weather flows, increased frequency and number of stormwater runoff events, increased long-term cumulative duration of flows, as well as increased peak flows. Exceedance of drainage infrastructure capacity results in hydromodification, which intensifies the erosion and sediment transport process, and often leads to changes in stream channel geometry, and streambed and streambank properties, which can result in degradation and loss of riparian habitat, and downgradient sediment deposition. In addition, operational stormwater discharges, if not properly detained, could exceed drainage system capacity resulting in flooding. However, all of the related projects considered in this cumulative analysis must prepare drainage plans in compliance with the Fairfield-Suisun Urban Runoff Management Program to protect and improve stormwater quality. The Fairfield-Suisun Urban Runoff Management Program requires that measures for long-term BMPs that protect water quality and control runoff flow be

incorporated into new development and substantial redevelopment projects. All projects are required to design and implement water quality and runoff controls per the Fairfield-Suisun Urban Runoff Management Program's *Stormwater C.3 Guidebook* (FSURMP 2012) which is currently the appropriate guidance document for projects in Suisun City (Solano Stormwater Alliance 2024). Drainage Master Plans for all of the projects considered in this cumulative analysis must include hydraulic, floodplain, hydrologic, and water quality analyses for each site-specific proposed development. Projects that involve improvements within Caltrans rights-of-way must comply with the Caltrans Operational NPDES Permit (SWRCB 2022) and implement the operational stormwater controls specified in the Caltrans PPDG Handbook (Caltrans 2019). Stormwater modeling results contained in plans must demonstrate that the projects as designed include appropriate stormwater runoff design features, properly sized stormwater drainage features, and appropriate stormwater quality treatment features so that the new impervious surfaces would not increase peak discharge rate of stormwater runoff and would not result in erosion, sedimentation, and on-site or downstream flooding. Therefore, implementation of the related projects considered in this cumulative analysis would avoid a significant cumulative impact.

A Drainage Master Plan was prepared for the Project (Morton and Pitalo 2021). Drainage from proposed building roofs and parking lots would be routed into bioretention facilities for infiltration and treatment prior to discharge to the on-site detention basins. The bottom of the on-site detention basins would also be constructed as a bioretention facility. LID features may include disconnected roof drains and disconnected pavement. The proposed on-site detention basin volumes are based on the 100-year, 24-hour storm event with outflows restricted to 95 percent of pre-development flows or less (as required by the City). The Drainage Master Plan demonstrates incorporation of stormwater design and treatment measures for the proposed Development Area as required by the Fairfield-Suisun Urban Runoff Management Program *Stormwater C.3 Guidebook* (FSURMP 2012), which is currently the appropriate guidance document for projects in Suisun City (Solano Stormwater Alliance 2024). Therefore, the Project would result in a **less than cumulatively considerable contribution** to cumulative impacts associated with exceedance of stormwater drainage systems resulting in hydromodification and flooding.

Impedance or Redirection of Flood Flows and Risk Release of Pollutants from Inundation

All of the cumulative projects considered in this analysis that would be located within FEMA 100-year floodplains require compliance with the City of Suisun City or City of Fairfield Flood Damage Prevention Ordinance. These ordinances require individual project applicants to apply for a development permit for construction in FEMA flood zones, with approval by the city's floodplain administrator. The permit application must include plans showing elevations of proposed structures and the elevations of areas proposed for materials and equipment storage; proposed floodproofing; and include certification from a registered civil engineer or architect that the floodproofed buildings would meet the city's floodproofing criteria. In addition, adequate drainage paths must be provided around structures on slopes to guide floodwaters around and away from proposed structures. The site-specific permits each contain terms and conditions that are designed to reduce flood damage at each project site. In Suisun City, the permit application must include plans illustrating the location(s) that are designated for temporary construction-related storage of materials and equipment, which the city's floodplain administrator must review and approve. The floodplain administrator may require the construction of temporary berms or dikes around the construction materials/equipment storage areas, to ensure sufficient protection from flood flows, if warranted. The related projects considered in this cumulative analysis are required to obtain a permit from the floodplain administrator and prepare plans demonstrating compliance with each city's flood damage prevention ordinance before building permits would be issued. Therefore, implementation of the related projects considered in this cumulative analysis would avoid any significant cumulative impact.

The proposed Development Area under the Project would be situated within a FEMA 100-year floodplain. However, the Project would be required to comply with City of Suisun City Flood Damage Prevention Ordinance. As described above, this ordinance requires the Project applicant to include plans showing elevations of proposed structures and the elevations of areas proposed for materials and equipment storage; proposed floodproofing; and include certification from a registered civil engineer or architect that the floodproofed buildings would meet the City's floodproofing criteria. In addition, adequate drainage paths must be provided around structures on slopes to guide floodwaters around and away from proposed structures. The permit from the City for floodplain development would contain terms and conditions that are designed to reduce flood damage. Therefore, the Project would result in result in a **less than cumulatively considerable contribution** to cumulative impacts associated with impedance or redirection of flood flows and risk of inundation from temporary storage of materials and/or equipment in a flood zone.

Substantial Interference with Groundwater Recharge or Impede Implementation of Groundwater Sustainability Plans

The Suisun–Fairfield Valley Groundwater Basin is considered to have stable groundwater levels. Deep percolation of applied surface water from irrigated lands and seepage from SID canals and drains provide beneficial recharge to the underlying aquifers. On an annual basis, the total average recharge from seepage, deep percolation of applied water, and deep percolation of precipitation is about 45,000 acre-feet, while the total average SID and private groundwater pumping is about 30,000 acre-feet (Davids Engineering, Inc. 2018). The related projects considered in this cumulative analysis would create new impervious surfaces as a result of new urban development. The new impervious surfaces would, in turn, reduce the area that is available for percolation of rainwater through the soil and into the groundwater aquifer. Most of the projects considered in this cumulative analysis consist of urban infill projects in existing developed areas, and therefore would not result in a substantial reduction in groundwater recharge. Therefore, the cumulative impact of the related projects considered in this cumulative analysis would avoid a significant cumulative impact.

Development of approximately 66 acres of new impervious surfaces under the Project would result in a decrease of only approximately 13.5 percent of the existing pervious surfaces that are currently available for groundwater recharge at the Project site. Furthermore, no new groundwater wells would be drilled to support the Project; rather, surface water would be supplied by SID. Therefore, the Project would result in a **less than cumulatively considerable contribution** to cumulative impacts from substantial interference with groundwater recharge.

The related projects considered in this cumulative analysis, along with the Project, are located within the Suisun–Fairfield Valley Groundwater Basin. Because the California Department of Water Resources has designated the Suisun–Fairfield Valley Groundwater Basin as a low priority basin, a groundwater sustainability plan is not required and has not been prepared. Thus, there would be **no cumulative impact** relating to the potential for impeding implementation of a groundwater sustainability plan.

Land Use Planning, Population, and Housing

The geographic scope for this cumulative analysis related to land use, planning, population, and housing consists of the City of Suisun City, the City of Fairfield, and the southern portion of Solano County.

Cumulative development within the region would result in substantial changes in land use, and individual projects would need to be considered in context of their compliance with adopted land use plans. Plans with which

compliance may be analyzed include general plans, habitat conservation plans, and regional transportation plans. Implementation of the Project would not conflict with plans, policies, or regulations in a way that would generate any adverse physical impacts beyond those addressed in detail in the environmental sections of the Draft EIR (e.g., agriculture, air quality, biological resources, cultural resources, etc.). Land use inconsistencies are not physical effects in and of themselves and combinations of policy inconsistencies would not rise to the level of a physical effect. Cumulative effects of the physical changes related to the Project are discussed in the other topics in this section. **No cumulatively considerable** impacts would occur.

Like land use policy inconsistency, population growth is not considered a significant cumulative effect because it is not a physical environmental impact. However, the direct and indirect effects, such as housing and infrastructure needs that are related to population growth, can lead to physical environmental effects.

The county and incorporated cities implement general plans and specific or master plans that could potentially accommodate substantially greater population and employment growth compared to regional forecasts and planning efforts. Increased population and employment in the region could generate the need for additional housing and infrastructure, which could lead to conversion of undeveloped land and associated adverse physical environmental impacts of the sort that are considered in this topic-specific sections of the EIR and this summary of impacts in the EIR, as appropriate. Considering the indirect effects from past, present, and future development under the cumulative projects, the potential for population growth in the region is a significant cumulative impact.

The Project does not propose housing that would generate new residents in the city. Development of new building space under the Project could indirectly lead to some population growth by creating new local jobs. However, based on 2022 estimates, the city had a jobs-to-housing ratio of 0.41, which indicates a predominance of residential uses and less jobs potentially available to workers. The Project supports the City's goals to create opportunities to generate jobs and attract new employment-creating industries to Suisun City. Furthermore, the Project contributes to meeting the Plan Bay Area 2050's goal of a 1.2 jobs/housing balance for North Solano County by improving the City of Suisun City's jobs-to-housing ratio by locating employment land uses on historically underutilized land near existing infrastructure, transportation corridors, and residential areas. New and expanded infrastructure would be planned to meet demands for new development and would not create additional utility capacity in the Development Area beyond what would be necessary to serve the Project. Specific indirect impacts associated with increased population, such as traffic congestion, air quality degradation, and noise generation, are addressed in each section of the EIR and this summary of impacts disclosed in the EIR, as appropriate. These sections provide a detailed analysis of other relevant environmental effects as a result of development of the Project. The Project would not induce substantial planned or unplanned population growth, and these impacts are **less than cumulatively considerable**.

Noise and Vibration

The geographic scope for this cumulative analysis related to noise and vibration consists of the Project site and immediately adjacent areas for construction noise and vibration impacts, and roadways in the vicinity of the Project site. Traffic noise from passenger and commercial trains and transit vehicles would be the primary noise sources under cumulative conditions. Stationary noise sources from commercial areas, waste removal, and construction and maintenance activities also would contribute to the cumulative noise environment.

Construction noise generated by the Project, in combination with construction activities for other projects that may be constructed simultaneously could, without mitigation, substantially increase ambient noise levels in the Project site vicinity. However, no other projects are within proximity close enough to result in cumulative construction noise contributions. Therefore, the Project would result in **no cumulative impacts** from construction-related noise and vibration.

As discussed in detail in Section 4.10, "Noise and Vibration," operational noise sources associated with the Project would be less than significant with implementation of Mitigation Measure 4.10-3a to reduce non-transportation source noise levels. Also, vehicular traffic would be the dominant noise source under cumulative conditions. Long-term noise levels from traffic and non-transportation sources generated by the Project would not result in a substantial permanent increase in ambient noise levels under future cumulative conditions. As a result, this impact is considered **less than cumulatively considerable**.

The Project's contribution to the existing and future traffic noise levels along area roadways was determined by comparing the predicted noise levels with and without traffic that would have been generated by the Project. Table 5-2 of the Draft EIR summarizes the modeled traffic noise levels at 50 feet from the centerline of affected roadway segments in the vicinity of the Project site. Exhibit 5-1 and Exhibit 5-2 illustrate traffic noise contours for cumulative and cumulative plus Project conditions, respectively. As noted in Section 4.12, Transportation and Circulation, of the Draft EIR, a 3-dBA increase in noise level is barely perceptible (Caltrans 2013). An increase of 0.6 dBA was modeled for the roadway segment of Pennsylvania Avenue from SR-12 to south of SR-12, as shown in Table 5-2 of the Draft EIR. Modeled roadway noise levels assume no natural or artificial shielding between the roadway and the receptor.

Table 5-2. Predicted Traffic Noise Levels, Cumulative Conditions, L_{dn} at 50 Feet, dB

Roadway Segment	Segment Location	Cumulative No Project	Cumulative Plus Proposed Project	Net Change	Significant Impact?
Chadbourne Road	From SR-12 to Cordelia Road	67.7	67.7	0.0	No
Beck Avenue	From SR-12 to North of SR-12	66.9	66.9	0.0	No
Beck Avenue	From SR-12 to South of SR-12	65.5	65.6	0.1	No
West Texas Street	From Beck Avenue to Pennsylvania Avenue	67.7	67.7	0.0	No
SR-12	From Beck Avenue to Pennsylvania Avenue	76.5	76.5	0.0	No
Cordelia Road	From Beck Avenue to Pennsylvania Avenue	61.0	61.3	0.2	No
Pennsylvania Avenue	From SR-12 to North of SR-12	67.7	67.8	0.1	No
Pennsylvania Avenue	From SR-12 to South of SR-12[a]	62.7	63.3	0.6	No
SR-12	From Marina Boulevard to Grizzly Island Road	75.9	75.9	0.0	No
SR-12	From Emperor Drive to Walters Road	74.2	74.2	0.0	No

Notes: dB = A-weighted decibels; L_{dn} = day-night average noise level
a There are no noise-sensitive uses along this segment of the roadway.
Source: AECOM 2023

As shown in Table 5-2, the modeling conducted for the Project shows that traffic would increase noise levels by 0 dBA to 0.6 dBA L_{dn} compared to cumulative no Project conditions. Traffic generated under cumulative conditions by the Project would not contribute to a substantial increase in future traffic noise conditions. Therefore, long-term

noise levels from traffic generated by the Project would not result in a substantial permanent increase in ambient noise levels (an increase of 3 dBA or greater) under future cumulative conditions. As a result, this impact is considered **less than cumulatively considerable**.

Public Services and Recreation

The geographic scope for this cumulative analysis related to public services and recreation consists of the city of Suisun City.

The Project would not increase the population in the area such that there would be physical environmental effects to schools, parks, other public facilities (i.e., libraries), or recreation facilities. Therefore, **no cumulative impacts** would occur in relation to these public services.

The related projects considered in this cumulative analysis would result in new urban development, which would in turn result in the need for fire and police protection services. The Project would also develop new land uses that could potentially result in an increase demand for fire and police protection services. In terms of cumulative impacts, appropriate service providers are responsible for ensuring adequate provision of public services within their service boundaries. Therefore, the following discussion analyzes the cumulative impacts on fire and police protection services from implementation of the Project and future, related projects within their respective service areas.

Fire Protection Services

The Suisun City Fire Department would provide fire protection services to the Annexation Area, inclusive of the proposed Development Area under the Project, after annexation of this area into the City limits. The Suisun City Fire Department is an All-hazards/All-risk Fire Department that covers the 4.5 square miles that encompass the boundaries of the City of Suisun City. New development within the Suisun City Fire Department service area would increase demand for fire protection services and facilities, potentially resulting in the need for additional staff members, facilities, and equipment. Individual development projects would be required to assess impacts related to fire protection services during the environmental review process to ensure that the Suisun City Fire Department has sufficient facilities and equipment to meet demand. Furthermore, all projects are required to pay the Fees for New Construction per Section 3.16 of the Suisun City Municipal Code to ensure fire protection personnel and equipment is provided to meet increased demand for fire protection services. The related projects would also be required to incorporate applicable requirements of the California Fire Code, reducing demands on fire suppression equipment and personnel. Therefore, the related projects considered in this cumulative analysis would result in **no cumulative impact**.

The Project applicant would be required to incorporate all requirements of the California Fire Code, California Health and Safety Code, and City standards into Project designs for the Project. Incorporation of all State and local requirements into Project designs would reduce the dependence on the Suisun City Fire Department equipment and personnel by reducing fire hazards. Furthermore, the Project applicant for the Project would pay the Fees for New Construction per Section 3.16 of the Suisun City Municipal Code, which establishes a fee for new construction to meet the City's current and future needs for capital improvements, including land acquisition and construction of public buildings and other facilities. Payment of the fee would offset the cost of fire service demands. Therefore, the Project would have a **less than cumulatively considerable contribution** to the cumulative impact related to increased fire protection services and facilities.

Police Protection Services

The Suisun City Police Department provides law enforcement services to the city and would provide services to the Annexation Area, inclusive of the proposed Development Area under the Project, after annexation. The Suisun City Police Department prepared a *Police Department Staffing and Facility Assessment* to comprehensively study the Suisun City Police Department's future staffing and facility needs to maintain appropriate levels of service (Matrix Consulting Group 2021). The assessment recommended that by 2030 a total of 22 patrol officers would be required to adequately respond to calls for service (Matrix Consulting Group 2021). New development within the Suisun City Police Department service area would increase demand for fire protection services and facilities, potentially resulting in the need for additional staff members, facilities, and equipment. Individual development projects would be required to assess impacts related to police protection services during the environmental review process to ensure that the Suisun City Police Department has sufficient facilities and equipment to meet demand. All projects must pay the required Fees for New Construction per Section 3.16 of the Suisun City Municipal Code to ensure police protection personnel and equipment is provided to meet increased demand for police protection services. Therefore, the related projects considered in this cumulative analysis would result in **no cumulative impact**.

It is anticipated that employment opportunities created by the Project would not substantially increase the City's population. In addition, because the Project do not include development of new housing, the Project would not generate new residents that require additional Suisun City Police Department staffing to maintain the officer-to-population service ratio. The Project would not affect Suisun City Police Department response times or other performance objectives because project applicants would pay the required Fees for New Construction per Section 3.16 of the Suisun City Municipal Code to ensure police protection personnel and equipment is provided to meet increased demand for police protection services. Furthermore, the Project would annex into a community facilities district and incorporate security measures into Project designs, such as security gates, parking lot illumination, on-site security patrols, and fencing, which would reduce the need for police protection services by reducing the potential for crime. Therefore, the Project would **result in no cumulative impacts** related to increased police protection services and facilities.

Transportation and Circulation

The geographic scope of the cumulative transportation analysis is the roadway network within Suisun City.

The Project would not conflict with programs, plans, ordinances, and policies addressing the circulation system – either in project level or a cumulative sense. Conflict with programs, plans, ordinances, and policies are a possible indicator of an adverse physical impact, but not an environmental impact. The Project would not increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) – either at the project level or cumulative level. Mitigation Measure 4.12-2 would ensure that access points and internal circulation is free from any traffic hazard. Individual projects are reviewed and conditioned for consistency with City standards, which are designed to avoid such impacts. The site plan for the Project does not provide pedestrian or bicycle facilities along Pennsylvania Avenue or Cordelia Road that connect to existing and planned facilities. Inadequate pedestrian and bicycle facilities and connections to the existing pedestrian and bicycle network and transit stations would expose pedestrian and bicyclists to hazardous conditions. However, Mitigation Measure 4.12-3 of the EIR would reduce this potential impact for the Project to less than significant. The Project would provide a complete on-site circulation network with multiple ingress and egress. The final site plan must be approved by the Suisun City Fire Department to ensure the emergency access routes meet requirements to facilitate

the safe movement of emergency vehicles. The contributions of the Project to area transit, pedestrian, and bicycle travel would not be cumulatively considerable compared to the overall growth of the area and Suisun City and would not result in significant cumulative impacts. The impact is **less than cumulatively considerable**.

A VMT analysis for cumulative and cumulative plus Project conditions was conducted consistent with the Suisun City VMT-based CEQA thresholds. The City of Fairfield travel demand model (year 2035), which includes Fairfield and Suisun City, was used to analyze the Project's impact on VMT.[7] The cumulative VMT assessment uses the same significance criteria described in Impact 4.12-1. As shown in Table 5-3 of the Draft EIR, the modeling results indicate that the cumulative citywide average home-based work daily VMT per employee is 13.7, and thus the 85 percent citywide average threshold is 11.7. The Project is expected to result in 12.9 home-based work daily VMT per employee, which is 1.2 VMT greater than the threshold. The Project would also increase total citywide daily VMT by approximately 1,000.

However, the TDM Plan described in Mitigation Measure 4.12-1 shall be designed to achieve the trip reduction, as required to reduce the commute trip VMT per employee to the threshold value of 11.7 for the Project. The analysis prepared to support the TDM Plan shall demonstrate that the selected reduction measures will achieve the necessary VMT reduction. The criterion to evaluate VMT impacts were specifically established to ensure that an individual projects that meet these criteria would support the citywide VMT reduction targets, which account for past, present, and future land use operations. Therefore, with implementation of Mitigation Measure 4.12-1, the Project would result in a **less-than-cumulatively-considerable contribution to this impact**.

Utilities

The geographic scope for utilities consists of future development that would occur within each utility provider's service area. Utilities and service systems would be provided to the Project by the SSWA, the City of Suisun City, and Fairfield-Suisun Sewer District, and PG&E. The related projects discussed in this section include future development that would occur within each provider's service area.

Environmental impacts related to constructing or expanding utility infrastructure, including water, sewer, electrical, and natural gas infrastructure, to serve the Development Area under the Project are analyzed throughout the various environmental topic specific sections of this cumulative analysis in conjunction with overall development in the Project Site. The placement of these utilities has been considered in the other sections of the cumulative analysis in the Draft EIR, such as Section 5.3.2, "Air Quality," Section 5.3.3, "Biological Resources," Section 5.3.4, "Cultural and Tribal Cultural Resources," Section 5.3.8, "Hydrology and Water Quality," and other sections that specifically analyze the potential impacts from the development of the Project site. Where necessary, these sections include mitigation measures that would reduce or avoid the impacts of developing infrastructure on the physical environment. There is no additional significant impact related to construction of new or expanded utilities and service systems within the Development Area under the Project beyond what is comprehensively analyzed throughout the EIR.

7 The 2035 Fairfield Travel Model includes the City of Fairfield and City of Suisun City approved and pending projects and General Plan Buildout assumptions for land uses and roadway improvements.

Water Supply

Water supply for the Development Area under the Project would be provided by the SSWA. The SSWA's Urban Water Management Plan, which was adopted by the SSWA Board of Directors on June 13, 2016, addresses water supply and demand issues, water supply reliability, water conservation, and water shortage contingencies within the SSWA's service area. Water supplies and demands within the SSWA service area would be the same during normal, single-dry, and multiple-dry years. Table 4.13-1 in Section 4.13, "Utilities and Service Systems," of the EIR identifies surface water supply and demand within SSWA service area from 2020 to 2040 in normal, single dry, and multiple dry years excluding the Project. As shown in Table 4.13-1 of Section 4.13, SSWA would have water supplies that meet demands in all water years.

As described in Section 5.4 "Findings Regarding Less than Significant Impacts" under Impact 4.13-2, the SID commissioned a WSA for the Project. With implementation of the Second Amendment to the Suisun/Solano Implementation Agreement and Lease Agreement and annexation of the Project Site, the WSA concluded that SSWA water supply would be sufficient to meet demands of the Project and existing and planned development in SSWA service area in normal, single-dry, and multiple dry years (Kjeldsen, Sinnock, and Neudeck 2022). A significant cumulative impact would not occur. Therefore, the Project **would not result in a cumulatively considerable contribution** to cumulative impacts related to water supply demand.

Wastewater Treatment Facilities

Development in the Project region would create an increased need for wastewater treatment. Wastewater flows collected from Fairfield-Suisun Sewer District pump stations are ultimately transported into the Fairfield-Suisun Subregional WWTP. The WWTP currently treats 16.1 mgd average dry-weather flow (Woodard & Curran 2020a). In the long term, the 2020 Fairfield-Suisun Sewer District Master Plan Update estimates that at buildout of the Fairfield-Suisun Sewer District service area, the average daily flow could reach 23.0 mgd (Woodard & Curran 2020a).

Buildout of the Development Area of the Project would result in new land uses that would generate additional wastewater, which would in turn increase the demand for wastewater treatment at the Fairfield-Suisun Subregional WWTP. The 2020 Fairfield-Suisun Sewer District Master Plan did not include any wastewater flows from the Project because the Project site is outside of the City limits. A technical memorandum for the Project was prepared to assess the sewer impacts on the existing Fairfield-Suisun Sewer District system. The technical memorandum noted that the type of uses may generate somewhat lower flows than typical industrial uses assumed in the 2020 Fairfield-Suisun Sewer District Master Plan; the unit flow factor should therefore be considered a conservative estimate of potential wastewater generation (Woodward & Curran 2020b).

Wastewater generated by the Project would be conveyed off site to Fairfield-Suisun Subregional WWTP for treatment. The Fairfield-Suisun Subregional WWTP has a maximum average dry-weather design treatment capacity of 23.7 mgd and the current average dry weather flow is approximately 16.1 mgd (Woodard & Curran 2020a). The Project-related wastewater flows were estimated to be 0.128 mgd. Therefore, the Project wastewater flows would not exceed the current Fairfield-Suisun Subregional WWTP disposal capacity and the Fairfield-Suisun Subregional WWTP would have adequate capacity to serve the projected demand under the Project, in addition to its existing and future commitments. A significant cumulative impact would not occur, and the Project **would not result in a cumulatively considerable contribution** to cumulative impacts related to wastewater treatment.

Solid Waste

Solid waste in Suisun City is transported by Solano Garbage and disposed of at the Potrero Hills Landfill. According to CalRecycle, the Potrero Hills Landfill has a maximum permitted throughput of 4,330 tons per day and has a total maximum permitted capacity of 83.1 million cubic yards (CalRecycle 2022). The Potrero Hills Landfill has a remaining capacity of approximately 13.9 million cubic yards and an anticipated closure date of February 14, 2048 (CalRecycle 2022).

Future development would comply with all federal, State, and local solid waste statues and regulations, including Compliance with the CALGreen Code, the City's the Construction and Demolition Debris Recycling Program, Sections 8.08 (Solid Wastes) and 8.10 (Recyclable Materials) of the Suisun City Municipal Code, Assembly Bill 341 (commercial recycling programs), Assembly Bill 1826 (mandatory commercial organics recycling), and other City recycling programs. Implementation of these codes and programs would reduce the volume of solid waste disposed of at the Potrero Hills Landfill and ensure sufficient landfill capacity would be available to accommodate solid-waste disposal needs for the Project and future development associated with the related projects considered in this cumulative analysis. Therefore, **no significant cumulative** impact would occur.

Electricity & Natural Gas

Increased demand for electrical and natural gas supplies and infrastructure is a byproduct of all future land uses and development in Solano County and the region. Energy is consumed for heating, cooling, and electricity in homes and businesses; for public infrastructure and service operations; and for agriculture, industry, and commercial uses. Regional growth would involve new building construction, development projects and plans, transportation facilities, and other activities that would demand additional energy resources. Local jurisdictions and service providers are responsible for ensuring adequate provision of these utilities and would be responsible for upgrading their existing electrical and natural gas distribution systems or constructing new distribution systems to meet the demands of individual projects. Land use change throughout the region will require the construction of new energy infrastructure, the construction and operation of which could have **significant cumulative impacts**.

Electricity and natural gas service for the Project site would be provided by Pacific Gas and Electric Company. Service laterals would be extended to buildings from existing facilities along Pennsylvania Avenue and Cordelia Road. On-site electrical transmission infrastructure and natural gas lines would be installed underground and would generally follow the alignment of the internal roadway network.

Environmental impacts related to constructing or expanding utility infrastructure, including electrical and natural gas infrastructure, to serve the Development Area under the Project are analyzed throughout the various environmental topic specific sections of the EIR in conjunction with overall development in the Project site. The placement of these utilities has been considered in the other sections of the EIR, such as Section 4.2, "Air Quality," Section 4.3, "Biological Resources," Section 4.4, "Cultural and Tribal Cultural Resources," Section 4.8, "Hydrology and Water Quality," and other sections that specifically analyze the potential impacts from the development of the Project site. Where necessary, these sections include mitigation measures that would reduce or avoid the impacts of developing infrastructure on the physical environment. There is no additional significant impact related to construction of new or expanded utilities and service systems within the Development Area beyond what is comprehensively analyzed throughout the EIR. Therefore, **no cumulatively considerable** impact would occur.

5.8 Findings Regarding Growth Inducing Impacts

The Project does not include a residential component and no new homes would be built at the Project site. The Project would include development of currently undeveloped areas that are planned for development, which would result in infrastructure being extended into these locations. Extensions of existing local utility lines (i.e., water, sewer, and electricity) would be installed to serve the Project site. However, these utility extensions would be sized only to serve the needs of the Project, and would not have additional capacity created to serve any other development. The Project would improve Pennsylvania Avenue and Cordelia Road along the site frontages. These roadway improvements would accommodate the increased traffic generated by the Project. The new and expanded infrastructure is designed to meet demands of the Project, and would not create additional utility capacity in the Development Area beyond what would be necessary to serve the Project. Therefore, the Project does not include an extension of utilities or roads that would indirectly induce population growth.

The Project would create approximately 1,275 new jobs (Economic & Planning Systems [EPS] 2021). The Project supports the City's goals to create opportunities to generate jobs and attract new employment-creating industries to Suisun City. Furthermore, the Plan Bay Area 2050 jobs/housing balance for northern Solano County would be 1.2 by 2050, indicating a near balance between jobs and housing (Association of Bay Area Governments [ABAG] 2021). The Project contributes to this goal by improving the City of Suisun City's jobs-to-housing ratio by locating employment land uses on historically underutilized land near existing infrastructure, transportation corridors, and residential areas. Furthermore, the Development Area is identified by the Plan Bay Area 2050 as a Priority Production Area, which are defined as locally identified places for job growth in middle-wage industries like manufacturing, logistics, or other trades (ABAG 2021). The Development Area is also within the City's existing Sphere of Influence, within which employment-generating development is anticipated. Therefore, the Project's employment opportunities would not be growth inducing.

5.9 Mitigation Monitoring and Reporting Program

A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the Project (see Public Resources Code section 21081.6, subd. (a)(1); CEQA Guidelines section 15097). The City will use the MMRP to track compliance with mitigation measures. The MMRP will remain available for public review during the compliance period.

6. Project Alternatives

When a lead agency has determined that, even with the adoption of all feasible mitigation measures, a proposed project would still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA.

As noted under the heading "Findings Required Under CEQA", an alternative may be "infeasible" if it fails to fully achieve the lead agency's underlying goals and objectives with respect to the project.

When significant effects are identified in the EIR for the project, CEQA Guidelines Section 15126.6 requires the EIR to consider and discuss alternatives to the proposed actions as a way of avoiding the significant effects. Subdivision (a) states:

> An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The Lead Agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

Subdivision (b) states the purpose of the alternatives analysis is to discuss alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project, even if the alternatives would impede, to some degree, the attainment of the project objectives or if the alternative or alternative location would be more costly.

Subdivision (c) describes the selection process for a range of reasonable alternatives and states that the range must include those that could feasibly accomplish most of the project's basic objectives and could avoid or substantially lessen one or more of the significant effects. The EIR must briefly describe the rationale for selecting the alternatives and identify alternatives that were considered by the lead agency but rejected as infeasible and briefly explain the agency's reasons underlying that determination. Factors that may be used to eliminate alternatives from consideration include an alternative's failure to meet most of the basic project objectives, infeasibility, or the inability to avoid significant environmental effects. Thus, the range of alternatives is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to allow a reasoned choice. The EIR must include enough information about each alternative to allow meaningful evaluation, analysis, and comparison with the Project. Alternatives are limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine only the ones that the lead agency determines could feasibly attain most of the basic project objectives.

The concept of feasibility is described in detail in Section 5 of these Findings of Fact ("Findings Required Under CEQA"). As noted there, "(f)easible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors" (CEQA Guidelines Section 15364.) The concept of feasibility permits agency decision-makers to consider the extent to which an alternative is able to meet some or all of a project's objectives. In addition, the definition of feasibility encompasses desirability to the extent that an agency's determination of infeasibility represents a reasonable balancing of competing economic, environmental, social, and technological factors.

Section 15126.6(f) of the CEQA Guidelines provides a discussion of factors that can be taken into account in determining the feasibility of alternatives. These factors include:

- Project objectives;

- Avoid or substantially lessen significant effects;
- Site suitability;
- Other plans or regulatory limitations;
- Economic viability;
- Availability of infrastructure;
- Jurisdictional boundaries/regional context;
- Property ownership and control; and
- Other reasons for rejecting as infeasible (e.g., effects cannot be reasonably ascertained or implementation is remote and speculative).

In accordance with CEQA Guidelines Section 15126.6, a reasonable range of alternatives to the Project are described in Chapter 6 of the Draft EIR and summarized below. The project objectives, which informed the development of alternatives, are provided in Section 2.1 of this document.

6.1 Alternatives Considered and Rejected from Detailed Analysis

Section 15126.6(c) of the CEQA Guidelines specifies that an EIR should (1) identify alternatives that were considered by the lead agency but were eliminated from detailed consideration because they were determined to be infeasible during the scoping process; and (2) briefly explain the reasons underlying the lead agency's determination. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives; (ii) infeasibility; and/or (iii) inability to avoid significant environmental impacts.

The following alternatives were considered but then rejected from the more detailed analysis provided for other alternatives:

6.1.1 Off-Site Alternative

Based on the lack of ability to meet the Project Objectives, the lack of available properties of a suitable size and location in Suisun City and elsewhere in Solano and Napa counties, the lack of control of other sites, and the environmental constraints on the other sites controlled by the applicant, an off-site alternative is not feasible (Colliers Northern California 2023). In addition, Plan Bay Area 2050 identifies areas north of Cordelia Road and the railroad line operated by the California Northern Railroad within the Project Site as a Priority Production Area (ABAG/MTC 2022). Priority Production Areas are places for job growth in middle-wage industries like manufacturing, logistics or other trades. Economic Strategies in Plan Bay Area 2050 include: "EC6. Retain and invest in key industrial lands. Implement local land use policies to protect key industrial lands, identified as Priority Production Areas, while funding key infrastructure improvements in these areas" (ABAG/MTC 2021).

6.2 Alternatives Analyzed in the EIR

The alternatives selected for further detailed review within the EIR focus on alternatives that could the Project's significant environmental impacts, while still meeting most of the basic project objectives. Those alternatives include:

6.2.1 Alternative 1: No Project (Buildout of Existing Land Use Designations) Alternative

CEQA Guidelines Section 15126.6(e)(2) states that a discussion of the "No Project" alternative must consider "what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans."

Alternative 1 assumes that the current land use designations as set forth in the Suisun City General Plan would remain unchanged. As previously described in detail in Chapter 3, "Project Description" and shown on Exhibit 6-1, the portion of the Project site that is west of Pennsylvania Avenue and north of the California Northern Railroad tracks is designated for Commercial Mixed-Use development in the existing City of Suisun City General Plan. The remainder of the Project site is designated as Agriculture and Open Space under the Suisun City General Plan (City of Suisun City 2015a), and as Marsh, Extensive Agriculture, and Park & Recreation under the Solano County General Plan (Solano County 2008). Alternative 1 assumes that the approximately 161 acres north of Cordelia Road and Cordelia Street within the City's Sphere of Influence would be annexed into the City. Development under Alternative 1 would be consistent with the existing Commercial Mixed Use land use designation in the area shown on Exhibit 6-1 would occur at some point in the future. The remainder of the approximately 487-acre Alternative 1 site would continue as Agriculture and Open Space within the City's Sphere of Influence and Marsh, Extensive Agriculture, and Parks and Recreation within the County's jurisdiction.

Commercial mixed uses could include a shopping center, but could also include research, assembly, fabrication, storage, distribution, and processing uses; professional offices; public services and facilities; and other compatible uses, such as higher-density dwelling units (Suisun City General Plan Table 3-1). Alternative 1 assumes a mix of commercial uses, including retail and commercial services. These land use assumptions, as compared to the Project, are summarized in Table 6-1 of the Draft EIR. As shown in Table 6-1, the developed land area and building square footage would be reduced under Alternative 1 compared to the Project, with a corresponding increase in the amount of agricultural and open space land that would be assumed to continue into the future. While commercial services and retail would require a higher employment density (per square foot of building space) compared to the Project, the total number of employees under Alternative 1 would decrease compared to the Project.

The increased number of employees and shoppers/clients under Alternative 1 would result in a corresponding increase in trip generation compared to the Project. The estimated number of trips per day for potential future land uses that could be encompassed under the commercial mixed-use land use designation, as compared to the Project, are shown in Table 6-2 of the Draft EIR.

As shown in Table 6-2, Alternative 1 would involve a higher number of daily vehicular trips when compared to the Project due to higher visitor and customer patronage, though Alternative 1 would have a lower percentage of heavy-duty truck trips and a relatively higher percentage of passenger vehicle and light-duty vehicles. The uses assumed

to develop under Alternative 1 would require some number of delivery vehicles, and could involve some heavy-duty trucks for delivery depending on the scale of individual commercial uses developed under this alternative.

Regardless of the type and mix of commercial development that would be built under Alternative 1, as with the Project, new infrastructure would be required. This infrastructure would include increased off-site sewer treatment and new on- and off-site sewer conveyance lines; increased off-site water supply and new on-site water supply pipelines; new on-site stormwater drainage facilities such as detention basins, LID features, and conveyance lines; off-site electrical and natural gas supply and on-site conveyance lines; and off-site roadway improvements (i.e., Pennsylvania Avenue road widening and turn lanes, and potential turn lanes on SR 12), as well as a new internal on-site circulation network.

Ability of Alternative 1 to Meet Project Objectives

Alternative 1 would meet land use requirements as defined by the City of Suisun City General Plan, but may not as effectively meet the project objectives. While areas of the Alternative 1 site would remain zoned for Agriculture and Open Space and Marsh, Extensive Agriculture, and Park & Recreation under the Suisun City General Plan and Solano County General Plan, respectively, these areas would not be preserved and managed to further regional habitat and species preservation goals, as sought by the project objectives to "[p]reserve and manage areas of the Project Site with concentrations of wetlands and other sensitive habitat for permanent open space to mitigate impacts and further regional habitat and species preservation goals." The Development Area under Alternative 1 may still accommodate and attract research and development, fabrication, and storage and distribution commercial uses. However, it may not provide the space necessary to accommodate the current and future need for warehouse and distribution services in the City and region. This alternative would therefore be less effective than the Project in meeting the following project objectives: "[c]apitalize on the existing Interstate 80 and State Highway 12 transportation corridor, the existing rail facilities that can provide direct rail service unique to this logistics market area, and the increased demand for warehouse and distribution services in the City and region"; "[c]reate a master planned complex of buildings to accommodate the current and future need for warehouse and distribution uses in an economically viable project with coordinated infrastructure and landscaping"; and "[o]ffer a project with the scale, location, amenities, and sustainability features necessary to create competitive advantages in attracting and retaining a variety of reputable warehousing and logistics users." In addition, the ability of the anticipated land use types to generate new employment opportunities would be reduced under Alternative 1, thereby not meeting the project objective to "[c]reate opportunities to generate jobs and attract new employment-creating industries to Suisun City that generate new tax revenue and minimize demands on City services.

Findings for Project Alternative 1

Finding: The City Council finds Alternative 1 to be infeasible for a number of independent, but complementary reasons. First, the Alternative fails to meet the above-quoted project objectives as well as the Project does. Second, Alternative 1 is theoretical and is not supported by a pending development application. In contrast, the Project is proposed by a successful developer with a proven track record of successful logistics projects and will result within a foreseeable time frame in an actual physical project that will employ local residents and generate tax revenues for Suisun City, thereby helping to fund local government services. As the courts have said, a "public agency may approve a developer's choice of a project once its significant adverse environmental effects have been reduced to an acceptable level that is, all avoidable significant damage to the environment has been eliminated and that which remains is otherwise acceptable" (*Laurel Hills Homeowners Assn. v. City Council* [1978] 83 Cal.App.3d 515, 521).

Third, Alternative 1 would provide the City with no concrete fiscal benefits within any kind of foreseeable time frame, whereas the Project would generate a very substantial annual fiscal surplus that will help the City in addressing its long-term fiscal challenges and in funding important City services such as police and fire protection. As the City's Finance Director Lakhwinder Deol and Accounting Services Manager Elizabeth Luna said in a letter transmitting a document entitled, *Annual Comprehensive Financial Report Fiscal Year Ended June 30, 2022*, to the Mayor, City Council, and citizens of Suisun City, the City "lags substantially behind the state average in per capita sales tax and property tax generated due to a lack of retail and industry in the city. This is primarily due to its geographical location, and *the city has not experienced the commercial development observed in adjacent cities*." (Italics added.) Indeed, the Draft EIR noted that "[t]he predominance of residential uses in Suisun City is reflected in the City's jobs/housing ratio of 0.41, as most of the city's residents commute to jobs in Fairfield, Vacaville, and Travis AFB (Placeworks 2022). While approximately 96.6 percent of Suisun City residents commute outside of the city for work, it is likely that many of these individuals are commuting to the AFB or into Fairfield as 49.6 percent of employed residents in Suisun City live within 10 miles of their place of employment (Placeworks 2022)." (DEIR, p. 4.9-4.)

The letter from Ms. Lakhwinder and Ms. Luna stated that "Fiscal year 2022 was unprecedentedly challenging[.]" The letter added that "[w]ith the loss of Redevelopment Agency in 2012, the ongoing challenge the City faces is how to generate ongoing sources of General Fund revenue to pay for core services that include police, fire, streets, facility maintenance, graffiti removal, youth services, senior services, recreation, and community services. The dissolution of the Redevelopment Agency took away the funding source of the City to plan economic development around the Marina including the cost of dredging every five to seven years." The authors went on to say that "[t]he General Fund operating budget is projecting revenues of approximately $23.4 million including transfer ins from other funds and operating expenditures of approximately $26.5 million. The General Fund budget projected a structural deficit of $3.1 million. To balance the FY 2022-23 General Fund budget, the City is using the Measure S funds and General Fund beginning fund balances. *With ongoing expenditures exceeding ongoing revenues, the City's General Fund is facing a significant challenge in the upcoming years*." (Italics added.)

The Project will help the City deal head-on with this "significant challenge." As the Draft EIR noted, the Project "supports the City's goals to create opportunities to generate jobs and attract new employment-creating industries to Suisun City." (DEIR, p. 4.9-13.) The same document explains that "the Plan Bay Area 2050 jobs/housing balance for northern Solano County would be 1.2 by 2050, indicating a near balance between jobs and housing (ABAG 2021). The proposed Project contributes to this goal by improving the City of Suisun City's jobs-to-housing ratio by locating employment land uses on historically underutilized land near existing infrastructure, transportation corridors, and residential areas. Furthermore, the Development Area is identified by the Plan Bay Area 2050 as a PPA, which are defined as locally identified places for job growth in middle-wage industries like manufacturing, logistics, or other trades (ABAG 2021).: (*Id*. at pp. 4.9-13 - 4.9-14.)

The previously-mentioned Goodwin Fiscal Study concluded that the Project would generate a net annual fiscal surplus of $1,200,835, and noted these annual funds "may be crucial to the City, allowing it to encourage development of various housing products with a balance of affordable and market-rate units, which could produce fiscal deficits and offset this Project's surplus to some extent." The fact that the Project will generate so much money for City services in the foreseeable future, while the No Project Alternative will not, makes the No Project Alternative, particularly when compared to the Project, inconsistent with the project objective to "[p]romote economic growth through new capital investment, expansion of the tax base, and creation of new employment opportunities." For this reason alone, in addition to the other reasons described above, the No Project Alternative is

infeasible. The No Project Alternative also represents an undesirable policy outcome, and is infeasible for that reason as well.

6.2.2 Alternative 2: Reduced Footprint Alternative

Alternative 2 was developed to reduce the land area affected by development with a focus on reducing potential impacts to biological resources and reducing the number of heavy-duty truck trips and associated air pollutant emissions as compared with the Project.

Alternative 2 would include fewer buildings and would reduce the total building square footage added to the site, as compared with the Project, and would reduce also the area affected by parking, circulation, and other impervious surfaces. While the area affected by development would be reduced under Alternative 2, the total land area proposed for Managed Open Space would be expanded. The overall acreage (approximately 487 acres) of the Alternative 2 site would not change as compared with the Project. The Alternative 2 site boundaries, with the reduced Development Area and increased Managed Open Space area, are shown on Exhibit 6-2 of the Draft EIR.

The necessary supporting infrastructure under Alternative 2—wastewater, water supply, stormwater, electrical and natural gas, and parking—would be reduced as compared to that of the Project, since the area proposed for development would be reduced, and since the demand for infrastructure would be reduced (see Exhibit 6-3 and Exhibit 6-4). The locations of proposed on-site detention basins and LID features that would be implemented under Alternative 2 to detain and treat stormwater runoff are shown on Exhibit 6-3 of the Draft EIR. The locations of wastewater and water supply pipelines, and electrical and natural gas supply lines, are shown on Exhibit 6-4. Off-site sewer and water conveyance pipelines would still be necessary under Alternative 2, and would be installed in the same locations as the Project (see Exhibit 3-9 in Chapter 3 of the Draft EIR, "Project Description").

Under Alternative 2, the internal driveway that would be developed to access Building A would be modified by moving its location approximately 390 feet south of the SR 12/Pennsylvania Avenue intersection (see Exhibit 6-3 and Exhibit 6-4). Since the volume of truck trips would be reduced under Alternative 2, off-site roadway improvements to SR 12 would not be necessary. Furthermore, under Alternative 2, only the west side of Pennsylvania Avenue would require street frontage improvements (to accommodate an additional lane for driveway access, along with sidewalks and bicycle lanes), as compared to the Project, where both the east and west sides of Pennsylvania Avenue would require street frontage improvements. Similar to the Project, Alternative 2 would require roadway improvements to the north side of Cordelia Street to accommodate an additional lane, along with a sidewalk and bicycle lane on the north side of Cordelia Street.

The Project site and Alternative 2 site are situated within USFWS-designated critical habitat Subunit 5G for Contra Costa Goldfields (*Lasthenia conjugens*), which is a small, yellow-flowered annual in the sunflower family. It is federally listed as endangered and is considered rare and endangered (List 1B.1) by the California Native Place Society. It is associated with vernal pools and seasonally saturated flats and depressions in annual grasslands (Solano County Water Agency 2012). The locations where development would occur under Alternative 2 were specifically selected to avoid a documented population of approximately 102 individual Contra Costa Goldfield plants in an approximately 0.007-acre area that would be subject to development under the Project, but that would not be developed under Alternative 2 (Huffman-Broadway Group, Inc. 2022). Reducing the development footprint under Alternative 2 would also preserve an additional 42 acres of designated Contra Costa Goldfield Critical Habitat, which otherwise would be lost to development under the Project (see Exhibit 6-5 of the Draft EIR).

Alternative 2 would also preserve approximately 32 acres of wetland habitat that would otherwise be filled due to development under the Project. The land use assumptions for Alternative 2, as compared to the Project, are summarized in Table 6-3 of the Draft EIR.

As shown in Table 6-3, the developed land area and building square footage would be reduced under Alternative 2, with a corresponding increase in the amount of preserved open space. The number of employees under Alternative 2 would also decrease, since the amount of development at the Alternative 2 site would decrease, as compared with the Project. The estimated acreage, square footage, and parking associated with each Planning Area and building under Alternative 2, as compared to the Project, are shown in Table 6-4 of the Draft EIR.

The decreased number of employees and smaller development area under Alternative 2 would result in a corresponding decrease in trip generation. The estimated number of trips per day for Alternative 2, as compared to the Project, are shown in Table 6-5 of the Draft EIR.

As with the Project, Alternative 2 would include annexation and pre-zoning of 161 acres of the approximately 487-acre site into the City of Suisun City. However, 51 acres of land area would be proposed for development as compared to approximately 93 acres of land area proposed for development under the Project; the remaining 84 acres of the annexation area would be part of the Managed Open Space area (managed open space is discussed in Chapter 3 of the Draft EIR, "Project Description"). The 51 acres of developed land under Alternative 2 would be pre-zoned as Commercial Services and Fabricating as part of the annexation process, similar to what would occur with the Project.

The area that would encompass the proposed Building C under Alternative 2 (on the west side of the site south of the California Northern Railroad tracks), is currently designated for Agriculture and Open Space land uses in the Suisun City General Plan. As with the Project (which will develop this same area as Building F), a General Plan amendment would be required to change the land use designation of this approximately 12-acre area from Agriculture and Open Space to the Commercial Mixed Use General Plan land use designation.

As with the Project, under Alternative 2, no new urban development would occur within either the Primary or Secondary Management Areas of the Suisun Marsh Protection Plan; land at the site that is within the Suisun Marsh Protection Plan boundary would be contemplated for managed open space (see Exhibit 3-3 in Chapter 3, "Project Description"). Because the area affected by development would be reduced under Alternative 2, there would be a corresponding increase in the amount of land that would be retained as managed open space, as compared to the Project (i.e., 437 acres under Alternative 2 compared to 393 acres under the Project), as shown in Table 6-3 of the Draft EIR.

Because the area proposed for development would be smaller under Alternative 2 as compared to the Project (i.e., approximately 51 acres compared to 93 acres), the construction time period would be substantially reduced. Construction of the area contemplated for development under Alternative 2 is anticipated to require approximately 18 months. Construction would typically occur 5 days per week, Monday through Friday, between the hours of 7 a.m. and 8 p.m. The same types of on-site and off-site construction activities would occur under Alternative 2 as compared to the Project with similar types and numbers of equipment.

Ability of Alternative 2 to Meet Project Objectives

As the Planning Commission observed in rejecting City staff's recommendation that the Commission endorse Alternative 2, the very substantial reduction the scale of development under the alternative translates into a very substantial reduction in tax generation, with all of the attendant benefits that tax revenues bring to the City. Alternative 2 would also generate substantially fewer new jobs for local residents, with a corresponding reduction in the attendant local economic benefits created by new jobs. In the judgment of the City Council, as the legislative body responsible for the City's fiscal health, and for ensuring the provision of services to City residents, Alternative 2 is substantially less effective than the Project in meeting the project objective to "[c]reate opportunities to generate jobs and attract new employment-creating industries to Suisun City that generate new tax revenue and minimize demands on City services." Moreover, because of its reduced scale, Alternative 2 is also less effective than the Project in meeting the following project objectives: "[c]apitalize on the existing Interstate 80 and State Highway 12 transportation corridor, the existing rail facilities that can provide direct rail service unique to this logistics market area, and the increased demand for warehouse and distribution services in the City and region"; "[c]reate a master planned complex of buildings to accommodate the current and future need for warehouse and distribution uses in an economically viable project with coordinated infrastructure and landscaping"; and "[o]ffer a project with the scale, location, amenities, and sustainability features necessary to create competitive advantages in attracting and retaining a variety of reputable warehousing and logistics users."

Findings for Project Alternative 2

Finding: The City Council finds the Reduced Footprint Alternative to be infeasible for a number of independent but complementary reasons. First, it would constitute an undesirable policy outcome in that it would represent a lost opportunity for generating taxes to fund City services. As the Planning Commission noted, all of the Project's impacts on biological resources can be mitigated to less than significant levels. Thus, the primary environmental rationale for Alternative 2 is less compelling than it might have been if the Project would generate significant and unavoidable impacts to such resources. In light of the effectiveness of Project mitigation measures addressing biological resource impacts, the City Council sees no compelling reason to forego the very real fiscal benefits of the Project.

Second, and relatedly, Alternative 2 is far less effective than the Project in meeting the above-referenced project objective regarding generating tax revenues, which is a key policy issue for the City, as described above in connection with the City Council's rejection of Alternative 1. As the Goodwin Fiscal Study determined, the Project will generate a net annual fiscal surplus of $1,200,835, while Alternative 2 would generate a net annual surplus of only $499,000. The City Council agrees with the Planning Commission that this differential in fiscal benefit between the Project and the Reduced Footprint Alternative is very significant in terms of how well the Project can help the City to face its ongoing fiscal challenges and how well it can meet its obligation to continue to provide services to its residents. Speaking of the surplus that the Project would create, the Goodwin Fiscal Study concluded that these annual funds "may be crucial to the City, allowing it to encourage development of various housing products with a balance of affordable and market-rate units, which could produce fiscal deficits and offset this Project's surplus to some extent." Based on the Goodwin Fiscal Study, the Planning Commission found the fiscal benefits of the Project to be so great, and so important to the City and its fiscal situation, as to make the Project preferable to Alternative 2. The City Council agrees.

Third, as noted above, Alternative 2, because of its reduced scale, would be less effective than the Project in meeting the following project objectives: "[c]apitalize on the existing Interstate 80 and State Highway 12 transportation

corridor, the existing rail facilities that can provide direct rail service unique to this logistics market area, and the increased demand for warehouse and distribution services in the City and region"; "[c]reate a master planned complex of buildings to accommodate the current and future need for warehouse and distribution uses in an economically viable project with coordinated infrastructure and landscaping"; and "[o]ffer a project with the scale, location, amenities, and sustainability features necessary to create competitive advantages in attracting and retaining a variety of reputable warehousing and logistics users." Because the Project includes substantially more square footage than Alternative 2, the Project has the potential to generate more jobs, attract more businesses, and absorb a greater portion of the regional market demand for warehouse and distribution services. As explained earlier in the findings rejecting Alternative 1, Suisun City is a small municipality with a paucity of jobs in need of new development to generate revenue and jobs, with the multiplying economic benefits that result from more money and employment in the community.

6.2.3 Alternative 3: Reduce Criteria Air Pollutant and GHG Emissions and Transportation-Related Energy Consumption

Alternative 3 is intended to reduce potential impacts related to air pollutant emissions, GHG emissions, vehicular travel demand (measured according to VMT), and energy use associated with transportation. Under Alternative 3, the approximately 161 acres north of Cordelia Road and Cordelia Street within the City's Sphere of Influence would be annexed into the city. Instead of logistics and warehousing uses alone, as with the Project, Alternative 3 would include office space in addition to warehousing and logistics uses. The office space provided under Alternative 3 would focus on providing local employment opportunities for local residents who are currently commuting to other cities for employment. Some of the larger variances between local jobs and occupations of local residents are in the health care and social assistance and administration and support sectors. These sectors employ relatively larger numbers of local residents, but local jobs in these sectors are relatively less available. Examining all of the sectors that would tend to provide employment in office environments (information, finance and insurance, real estate, professional, scientific, and technical services, management of companies, etc.), approximately half of the city's deficit of local jobs to match local resident occupations are in sectors that would typically occupy office space. There is also a deficit, however, for local jobs in transportation and warehousing – approximately 500 local residents are employed in the transportation and warehousing sector while there are approximately 100 jobs available in this sector in Suisun City (U.S. Census Bureau 2020). Approximately 10 percent of the local deficit in local jobs are in sectors that would typically occupy warehouse settings. Therefore, Alternative 3 would include both office space and warehousing space, keeping the same employment total as the Project of 1,275, but would provide these uses in proportions that correlate with the current deficits in local employment.

Instead of the approximately 1.28 million square feet in warehousing use proposed as a part of the Project, Alternative 3 would include 203,000 square feet of warehousing space. In addition, Alternative 3 would provide 268,000 square feet of office space. Alternative 3 would provide approximately 1,100 office setting jobs and approximately 200 jobs in a warehousing, logistics, and transportation setting. The total area affected by development under Alternative 3 would be approximately 46 acres, compared with the approximately 93 acres included within the proposed Development Area under the Project.

While Alternative 3 is focused on reducing air pollutant emissions, greenhouse gas emissions, transportation impacts, and transportation energy impacts, it would develop approximately the same area of land as contemplated under Alternative 2, and would focus development in the same areas as under Alternative 2 in order to reduce biological resources impacts compared with the Project.

The capacity for supporting infrastructure under Alternative 3—wastewater generation, water supply, stormwater, electrical and natural gas, and parking areas—would be similar to the Project since the same level of employment is anticipated, and since the demand for water, wastewater, and solid waste is largely driven by the level of employment. The demand for natural gas and electricity may increase under Alternative 3 as compared with the Project with greater need for space heating and lighting. As with the Project, Alternative 3 would require on-site detention and LID features. As with the Project, Alternative 3 would require access from adjacent roads, internal circulation, and frontage improvements. Overall, infrastructure requirements would be similar to the Project and areas affected by off-site improvements would be similar, as well.

With the reduction in space devoted to warehousing uses, the number of daily heavy duty truck trips would be reduced under Alternative 3 compared with the Project, but the total number of daily trips would increase since office uses generally produce a higher number of vehicular trips per square foot of building space. While the Project would attract approximately 2,310 trips per day in total, Alternative 3 would produce an estimated 2,980 trips per day. However, while the Project would produce approximately 750 truck trips per day, Alternative 3 would reduce this amount to approximately 120 trips per day.

Because the area proposed for development and the building square footage construction would be reduced under Alternative 3 as compared to the Project (i.e., 46 acres compared to 93 acres), the construction time period would be substantially reduced. Construction of the area contemplated for development under Alternative 3 is anticipated to require approximately 15 months. Construction would typically occur 5 days per week, Monday through Friday, between the hours of 7 a.m. and 8 p.m. The same types of on-site and off-site construction activities would occur under Alternative 3 as compared to the Project with similar types and numbers of equipment.

Ability of Alternative 3 to Meet Project Objectives

This alternative would meet land use requirements as defined by the City of Suisun City General Plan, but would be less effective than the Project in meeting the following key project objectives that recognize the benefits of the project site as a potential logistics center: "[c]apitalize on the existing Interstate 80 and State Highway 12 transportation corridor, the existing rail facilities that can provide direct rail service unique to this logistics market area, and the increased demand for warehouse and distribution services in the City and region"; "[c]reate a master planned complex of buildings to accommodate the current and future need for warehouse and distribution uses in an economically viable project with coordinated infrastructure and landscaping"; and "[o]ffer a project with the scale, location, amenities, and sustainability features necessary to create competitive advantages in attracting and retaining a variety of reputable warehousing and logistics users." While the addition of space for office uses would result in the same estimated number of jobs created for the site as the Project would, the corresponding reduction in space available for warehousing and distribution uses would not meet the need for these services in the City and region, as sought by the project objectives.

In addition, Alternative 3 is theoretical in the sense that it does not reflect the intentions of the Project applicant, which is a warehouse developer and not a housing developer. This developer, Buzz Oates Construction, Inc., has a proven track record of successful logistics projects, and proposes to build its project within a foreseeable time frame. This Project represents an actual physical project that will actually get built and employ local residents and generate tax revenues for Suisun City. As the courts have said, a "public agency may approve a developer's choice of a project once its significant adverse environmental effects have been reduced to an acceptable level that is, all avoidable significant damage to the environment has been eliminated and that which remains is otherwise

acceptable" (*Laurel Hills Homeowners Assn. v. City Council* [1978] 83 Cal.App.3d 515, 521). Because of the theoretical nature of Alternative 3, it is also inferior to the Project with respect to the key project objective of "[c]reat[ing] opportunities to generate jobs and attract new employment-creating industries to Suisun City that generate new tax revenue and minimize demands on City services."

Findings for Project Alternative 3

Finding: The City Council rejects Alternative 3 as infeasible because of its inability to meet project objectives related to the goals of providing space for warehousing and distribution uses and generating tax revenues to help fund City services. As explained in the findings rejecting Alternatives 1 and 2, the City is in need of tax revenues in the near term in order to improve its fiscal situation and to continue to fund City services. The Project is a "bird in the hand" that will bring wealth and jobs to the City in the foreseeable future. All of the fiscal considerations discussed in connection with Alternatives 1 and 2 apply with respect to Alternative 3 as well.

6.3 Environmentally Superior Alternative

CEQA requires that, among the alternatives, an "environmentally superior" alternative be identified and that the reasons for such selection be disclosed. The environmentally superior alternative is the alternative that would generate the fewest or least severe adverse impacts. As shown in Table 6-9 of the Draft EIR and as described above, Alternative 2 would have the greatest number of reduced impacts. Therefore, Alternative 2 is the Environmentally Superior Alternative. This alternative provides the greatest reduction in potential environmental effects compared to the Project. For reasons explained earlier, however, the City Council has rejected Alternative 2 as infeasible.

7. Statement of Overriding Considerations

As set forth in the preceding sections, the City Council of Suisun City's approval of the Highway 12 Logistics Center Project will result in significant adverse environmental effects that cannot be avoided even with the adoption of all feasible mitigation measures. Despite the occurrence of these effects, however, the City Council chooses to approve the Project due to the economic, social, and other benefits that will render the significant effects acceptable.

Pursuant to Public Resources Code Section 21081(b) and Guidelines Section 15093, the City Council of Suisun City has balanced the benefits of the Project against the unavoidable adverse impacts and has adopted all of mitigation measures in the EIR, with the exception of one, Mitigation Measure 4.6-1n, which was determined to be infeasible. The City Council has also examined alternatives to the Project and determined them to be infeasible.

The EIR identifies and discusses significant effects that may occur as a result of implementation of the Project. By implementing the EIR mitigation measures determined to be feasible, as adopted by the City Council's Resolution, these significant effects can be mitigated to a level of less than significant except for the unavoidable significant impacts discussed below.

In making this Statement of Overriding Considerations in support of the findings of fact and approval of the Project, the City Council finds that the environmental effects of the Project have been reduced to the extent feasible by the mitigation measures, that the City Council has considered the information contained in the Final EIR, as well as the public testimony and record in proceedings in which the Project was considered, and that the benefits, as discussed further below, outweigh the potential unavoidable adverse impacts and render those potential adverse potential environmental impacts acceptable based upon the City Council's statements of overriding considerations.

A. BENEFITS OF THE PROPOSED PROJECT AND A STATEMENT OF OVERRIDING CONSIDERATIONS

The City of Suisun City has independently reviewed the information in the EIR and the record of proceedings, made a reasonable and good faith effort to eliminate or substantially lessen the impacts resulting from the Project to the extent feasible.

In the judgment of the City Council, the Project and its general benefits outweigh its unavoidable significant effects. It is the position of the City Council that any one of these reasons is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the City Council would stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this section, and in the documents found in the Record of Proceedings, as defined in Section 4 of this document.

The City Council finds that adoption and implementation of the Project would provide economic, social, legal, and other considerable benefits:

- The Project promotes development and conservation consistent with the City of Suisun City General Plan. For example, the Project is consistent with Economic Development Element Policy ED-3.1: The City will encourage development that improves the balance between local jobs and housing, including new commercial and industrial development, home-based businesses, business incubators, and other uses that produce high-

quality local jobs. The Project is also consistent with Open Space and Conservation Element Policy OSC-3.5: New developments adjacent to watercourses, Suisun Slough, and Suisun Marsh shall include buffer areas, as needed, to avoid flood hazards, protect water quality, and preserve habitat for wildlife."

- The Project is consistent with Plan Bay Area 2050, which identifies the Development Area portion of the Project site as a Priority Production Area (PPA) (ABAG 2021). PPAs are defined as locally identified places for job growth in middle-wage industries like manufacturing, logistics, or other trades (ABAG 2021). An area must be zoned for industrial use or have a predominantly industrial use, at least one-half mile from a major rail commute hub, and be located in a jurisdiction with a certified housing element to be defined as a PPA (ABAG 2023). (DEIR, p. 4.9-7.)

- The Project will develop a strategically located master planned complex of buildings to meet the increased demand for warehouse and distribution services in the City and region.

- The Project promotes new local employment opportunities for existing and future residents of the City and region.

- The Project will increase the tax base of the City and includes fiscal benefits. More specifically, as the Goodwin Fiscal Study determined, the Project will generate a net annual fiscal surplus of $1,200,835, which will assist the City with its ongoing fiscal challenges and help to fund key public services such as police and fire protection.

- The Project ensures the permanent protection and preservation of 393 acres of open space through implementation of a conservation easement.

The City Council has considered these benefits and considerations and has considered the potentially significant and significant unavoidable environmental effects of the Project. The City Council has determined that the economic, legal, social, technological, and other benefits of the Project outweigh the identified environmental impacts. The City Council has determined that the Project benefits set forth above override the significant and unavoidable environmental costs associated with implementation of the Project.

The City Council adopts mitigating policies outlined in the CEQA Findings of Fact and the EIR as mitigation measures and adopts a Mitigation Monitoring and Reporting Program consistent with the content requirements described in CEQA Guidelines Section 15097.

The City Council finds that any residual or remaining effects on the environment resulting from the Project, identified as significant and unavoidable in the CEQA Findings of Fact, are acceptable, due to each of the benefits, individually and collectively, set forth in this Statement of Overriding Considerations. The City Council makes this statement of overriding considerations in accordance with CEQA Guidelines Section 15093 in support of approval of the Project.

8. Conclusion

The City prepared the Final EIR pursuant to CEQA and the CEQA Guidelines. The City Council has independently determined that the Final EIR fully and adequately addresses the impacts and mitigation measures of the Highway 12 Logistics Center Project. The alternatives identified and considered in the Final EIR meet the test of "reasonable" analysis, and this consideration provides the City Council with important information from which to make an

informed decision. Substantial evidence in the record from public meetings and other sources demonstrates various benefits and considerations including economic, fiscal, and environmental benefits that the City would achieve from the implementation of the Project. The City Council has balanced these benefits and considerations against the significant and unavoidable environmental impacts that would result from the Project and has concluded that those impacts are outweighed by the benefits of the Project. Upon balancing the environmental risk and countervailing benefits, the City Council has concluded that the benefits that the City will derive from the implementation of the Project outweigh those environmental risks. The City Council hereby determines that the above-described Project benefits override the significant and unavoidable environmental impacts of the Project.

In sum, the City Council finds that any residual or remaining effects on the environment resulting from adoption and implementation of the Highway 12 Logistics Center Project are acceptable due to the benefits set forth in this Statement of Overriding Considerations.

9. References

ABAG. *See* Association of Bay Area Governments.

AECOM. 2023. Draft City of Suisun City Highway 12 Logistics Center Environmental Impact Report.

AEI Consultants. 2006. Phase I Environmental Site Assessment, Gentry-Suisun Project, Suisun City, California 94533. AEI Project No. 117644. Walnut Creek, CA.

ALUC. *See* Solano County Airport Land Use Commission.

Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC). 2021. Plan Bay Area 2050. Available: https://www.planbayarea.org/finalplan2050. Accessed April 23, 2024.

_____. 2022. GIS. Priority Production Areas (current). Available: https://opendata.mtc.ca.gov/datasets/b12f7039ab4f465599a2dd75cdf9c957_0/explore. Accessed April 23, 2024.

BAAQMD. *See* Bay Area Air Quality Management District.

Bay Area Air Quality Management District. 2023. CEQA Air Quality Guidelines, Chapter 5, Project-Level Air Quality Impacts. Available: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-5-project-air-quality-impacts_final-pdf.pdf?rev=de582fe349e545989239cbbc0d62c37a&sc_lang=en. Accessed: April 23, 2024.

Brusca Associates, Inc. 2021. *Groundwater and Soil Gas Investigation, Pennsylvania Avenue Property, APNs 0032-010-390 and 0032-020-100, Pennsylvania Avenue South of Highway 12, Fairfield, Solano County, California*. Prepared for: Buzz Oates Construction, Inc. Brusca Project No. 137-005. Roseville, CA.

California Department of Fish and Wildlife. 1994. Staff report regarding mitigation for impacts to Swainson's hawks (*Buteo swainsonii*) in the Central Valley of California. 14 pps. November 1, 1994.

_____. 2012. Staff Report on Mitigation for Disturbance of Burrowing Owl.

California Department of Resources Recycling and Recovery. 2020. Jurisdictional Diversion/Disposal Rate Detail. Suisun City. Available: https://www2.calrecycle.ca.gov/LGCentral/DiversionProgram/slcp/capacityplanning/recycling/JurisdictionDiversionDetail?year=2020&jurisdictionID=518. Accessed April 23, 2024.

———. 2022. Solid Waste Information System. Facility/Site Summary Details: Potrero Hills Landfill (48-AA-0075). Available: https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1194?siteID=3591. April 23, 2024.

California Department of Toxic Substances Control.
2016a (March). *Community Update: Statewide Agreement for Caltrans for Reuse of Aerially Deposited Lead-Contaminated Soils.* DTSC Fact Sheet. Available: https://dot.ca.gov/-/media/dot-

media/programs/environmental-analysis/documents/env/f0004055-caltrans-fs-a11y.pdf. Accessed August 19, 2024.

———. 2016b (June). *Soil Management Agreement for Aerially Deposited Lead-Contaminated Soils.* Available: https://dot.ca.gov/programs/environmental-analysis/hazardous-waste/contaminants-waste/aerially-deposited-lead. Accessed August 19, 2024.

California Department of Transportation. 2013. Technical Noise Supplement. Sacramento, CA. Prepared by IFC Jones & Stokes, Sacramento, CA.

———. 2017. *Construction Site Best Management Practices (BMP) Manual*. CTSW-RT-17-314.18.1. Available: https://dot.ca.gov/programs/construction/storm-water-and-water-pollution-control/manuals-and-handbooks. Accessed April 23, 2024.

———. 2019. *Stormwater Quality Handbooks, PPDG Project Planning and Design Guide.* Available: https://dot.ca.gov/-/media/dot-media/programs/design/documents/f0005755-final-ppdgjuly-2017-rev4292019a11y2.pdf. Accessed April 23, 2024.

———. 2020 (April). Transportation and Construction Vibration Guidance Manual. Division of Environmental Analysis, Environmental Engineering, Hazardous Waste, Air, Noise, Paleontology Office, Sacramento, CA. ———. 2022. *Standard Plans and Specifications.* Available: https://dot.ca.gov/programs/design/october-2022-ccs-standard-plans-and-standard-specifications. Accessed April 23, 2024.

CalRecycle. *See* California Department of Resources Recycling and Recovery.

Caltrans. *See* California Department of Transportation.

California Stormwater Quality Association. 2019. *Industrial/Commercial BMP Handbook.* Available: https://www.casqa.org/resources/bmp-handbooks/industrial-commercial. Accessed April 23, 2024.

CASQA. *See* California Stormwater Quality Association.

CDFW. *See* California Department of Fish and Wildlife.

City of Suisun City. 2010. Suisun City 2035 General Plan, Volume II Technical Background Reports, Chapter 9 Noise and Vibration. Available: https://www.suisun.com/files/sharedassets/suisuncity/v/1/departments/development-services/documents/background_reports_fin_-_vol_2_-_ch_9_-_noise.pdf. Accessed: April 23, 2024.

_____. 2015a. City of Suisun City 2035 General Plan. Available: https://www.suisun.com/departments/development-services/planning/general-plan/. Accessed April 23, 2024.

_____. 2015b. Suisun City 2035 General Plan, Volume III Environmental Impact Report. Available: https://www.suisun.com/Departments/Development-Services/Planning/General-Plan. Accessed April 23, 2024.

Colliers Northern California. 2023 (March). Northern California Industrial Markets. Year-End 2022 Report & 2023 Forecast. Special Report.

Davids Engineering, Inc. 2018. *Solano Irrigation District 2018 Water Management Plan.* Available: https://www.sidwater.org/106/Water-Management. Accessed April 23, 2024.

David Babcock & Associates. 2023. *Draft Highway 12 Logistics Center Planned Unit Development*. March 3, 2023.

EPA. *See* U.S. Environmental Protection Agency.

Economic & Planning Systems, Inc. (EPS). 2021 (July). Suisun Gentry Project Economic Impact Analysis. Prepared for Buzz Oates. Sacramento, California.

Economic & Planning Systems, Inc. (EPS). 2024 (September). Suisun Highway 12 Logistics Center – Carbon Mitigation Feasibility Impact. Prepared for Buzz Oates. Sacramento, California.

EPS. *See* Economic & Planning Systems, Inc.

Fairfield-Suisun Urban Management Runoff Program. 2012. *Stormwater C.3 Guidebook*. Available: https://www.suisun.com/files/sharedassets/suisuncity/v/1/departments/public-works/documents/stormwater_c.3_guidebook.pdf. Accessed April 23, 2024.

FSURMP. *See* Fairfield-Suisun Urban Management Runoff Program.

Huffman-Broadway Group, Inc. 2022. *Biological Resources Report Highway 12 Logistics Center Suisun City, Solano County, California.* San Rafael, CA.

Kjeldsen, Sinnock, and Neudeck, Inc. 2022. *Water Supply Assessment – Logistics Center and Highway 12 Logistics Center Projects.* Prepared for: Solano Irrigation District & Suisun Solano Water Authority. Stockton, CA.

Matrix Consulting Group. 2021 (May). Police Department Staffing and Facility Assessment. Available: https://www.suisun.com/files/sharedassets/suisuncity/v/1/government/clerk/agenda-archive/2021-city-council-agendas/suisun-city-council-agenda-may-18-2021-corrected-special-meeting.pdf. Accessed April 23, 2024.

Mid Pacific Engineering, Inc. 2020. Geotechnical Engineering Report, Gentry Project, Highway 12 and Pennsylvania Avenue, Suisun City, California. MPE Project No. 05240-01. West Sacramento, CA.

Morton and Pitalo, Inc. 2021. *Draft Drainage Master Plan – Suisun City, Solano County, California, Highway 12 Logistics Center (Suisun Gentry)*. Mortan and Pitalo Project No. 20-0009-00 (v.1). Folsom, CA.

MPE. *See* Mid Pacific Engineering, Inc.

Pipeline and Hazardous Materials Safety Administration. 2021. National Piping Mapping System Public Map Viewer. Available: https://pvnpms.phmsa.dot.gov/PublicViewer/. Accessed April 23, 2024.

RWQCB. *See* San Francisco Bay Regional Water Quality Control Board.

San Francisco Bay Regional Water Quality Control Board. 2023. *Water Quality Control Plan (Basin Plan) for the San Francisco Bay Basin*. Available: https://www.waterboards.ca.gov/sanfranciscobay/basin_planning.html. Accessed April 23, 2024.

SHTAC. *See* Swainson's Hawk Technical Advisory Committee.

Solano County. 2008. *Solano County General Plan*. Available: https://www.solanocounty.com/depts/rm/planning/general_plan.asp. Accessed April 23, 2024.

Solano County Airport Land Use Commission (ALUC). 2015. *Travis Air Force Base Land Use Compatibility Plan.* Available: https://www.solanocounty.com/civicax/filebank/blobdload.aspx?BlobID=34765. Accessed April 23, 2024.

Solano County Water Agency. 2012. *Solano Habitat Conservation Plan.* Available: https://www.scwa2.com/solano-multispecies-habitat-conservation-plan/. Accessed April 23, 2024.

Solano Stormwater Alliance. 2024. Businesses. Available: https://solanostormwater.org/businesses/. Accessed: April 23, 2024.

Swainson's Hawk Technical Advisory Committee. 2000. Recommended Timing And Methodology For Swainson's Hawk Nesting Surveys In California's Central Valley. May. Available: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline. Accessed: April 23, 2024.

U.S. Census Bureau. 2018. Urban Area Maps and Lists, Urban and Rural Census Resources, 2010 Census. Available: https://www.census.gov/geographies/reference-maps/2010/geo/2010-census-urban-areas.html. Accessed April 23, 2024.

_____. 2020. Longitudinal Employer-Household Dynamics. Available: https://onthemap.ces.census.gov/. Accessed April 23, 2024.

U.S. Environmental Protection Agency. 1971 (December 31st). Noise from Construction Equipment and Operations, Building Equipment, and Home Appliances.

Wood, J.K., Nur, N., Salas, L. and O.M.W. Richmond. 2017. *Site-specific Protocol for Monitoring Marsh Birds: Don Edwards San Francisco Bay and San Pablo Bay National Wildlife Refuges*. Prepared for the U.S. Fish and Wildlife Service, Pacific Southwest *Region Refuge Inventory and Monitoring Initiative*. Point Blue Conservation Science. Petaluma, CA.

Woodard & Curran. 2020a. *Fairfield-Suisun Sewer District Wastewater Collection System Master Plan Update*. Prepared for: Fairfield-Suisun Sewer District.

_____. 2020b. Technical Memorandum. Gentry Project No. DUR-2020-013 Capacity Assessment. Attached as Appendix B to *Sewer Master Plan for Highway 12 Logistics Center (Suisun Gentry)*, prepared by Morton and Pitalo, Inc.

See also the references cited in the Draft EIR and the Final EIR Errata and Responses to Comments chapters (Chapters 3 and 2, respectively).