

## **EXHIBIT D**

### **CALIFORNIA ENVIRONMENTAL QUALITY (CEQA) ACT FINDINGS CONCERNING SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

#### **1919 Williams Street Warehouse Project PLN20-0044**

These findings are made pursuant to the California Environmental Quality Act (Pub. Res. Code section 21000 et seq (CEQA)) and the CEQA Guidelines (Cal. Code Regs. title 14, section 15000 et seq.) by the City of San Leandro Board of Zoning Adjustments/Planning Commission (BZA/PC) in connection with the Environmental Impact Report (EIR) prepared for 1919 Williams Street Project (Case Number PL20-0044), SCH# 2021080547. The EIR includes the Draft EIR and Response to Comments/Final EIR. The Response to Comments/Final EIR is referred to herein as the "Final EIR or FEIR". For the purpose of these findings, the term "EIR" means the Draft and Final EIR documents collectively, unless otherwise specified.

These CEQA findings are included as part of this Exhibit D and attached and incorporated by reference into the staff report, resolution and ordinance associated with approval of the Project. The Mitigation Monitoring and Reporting Program (MMRP) for the Project is attached as Exhibit C to the Resolution for the Project. All Exhibits and attachments are incorporated by reference into each other and into the ordinance or resolution to which the Exhibits are attached.

These findings do not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, the findings provide a summary description of each impact, describe the applicable mitigation measures identified in the EIR and adopted by the City, and state the findings on the significance of each impact after imposition of the adopted mitigation measures. The EIR contains a full analysis of each environmental impact, and explanation of the environmental findings and conclusions summarized below. These findings are based on substantial evidence in the entire administrative record, and references to specific reports and specific pages of documents are not intended to identify those sources as the exclusive basis for the findings. These findings hereby incorporate by reference the discussion and analysis in the EIR that support the EIR determinations regarding significant project impacts and mitigation measures designed to address those impacts, except to the extent that any such determinations and conclusions are specifically modified by these findings. The facts supporting these findings are also found in the record as a whole for the project.

## **EIR: PROJECT DESCRIPTION , PROJECT OBJECTIVES, ALTERNATIVES**

### **EIR PROJECT DESCRIPTION.**

The 1919 Williams Street Project, which would involve the demolition of the existing one-story office and warehouse mixed-use building and associated surface parking followed by the construction of a 221,495 square-foot industrial warehouse and associated site improvements and landscaping. The proposed warehouse structure would have a maximum height of 47.5 feet and include 4,200 square feet of ground floor office space and 3,400 square feet of office space on the second floor along with 213,895 square feet of warehouse space. Additionally, the project would include the construction of 30 dock high loading doors and surface parking. Surface parking would be comprised of 74 standard parking stalls, 59 compact parking stalls, four accessible standard stalls, two accessible van stall, one accessible standard electric vehicle stall, one accessible van electric vehicle stall, 16 electric vehicle charging stations, and 14 clean air/vanpool stalls. The project would require a Conditional Use Permit, Site Plan Review, and a Height Exception.

A full description of the proposed Project analyzed in the EIR is included in Chapter 2 of the Draft EIR with additional information provided in the Final EIR, all of which are incorporated herein by reference.

### **EIR PROJECT OBJECTIVES.**

The EIR describes the objectives for the proposed Project as follows:

- Achieve increased economic benefit from the site.
- Create a modern warehouse that contributes to the aesthetics of the project site.
- Facilitate the evolution of a transforming industrial workplace.
- Create a new efficient and updated warehouse which implements green building design and construction practices capable of achieving Leadership in Energy and Environmental Design (LEED™) certification for the building within the project.
- Encourage productive use of the City's industrial land which is currently underutilized.
- Maintain and protect the City's inventory of larger-scale industrial sites with easy access to freeways, rails, airports, and seaports.

- Support and retain existing industrial uses and employment in the City of San Leandro's industrial sector.

## EIR ALTERNATIVES.

The EIR describes and evaluated the environmental impacts of the following alternatives in the EIR: (1) No Project Alternative and (2) The Renovate Eligible Historic Building Alternative. These are described and analyzed in Chapter 5 of the Draft EIR and are briefly described below.

### **Alternative 1 (No Project/Existing Building to Remain)**

The No Project Alternative assumes that the proposed warehouse/office mixed-use building, parking lot, and other accessories associated with the proposed project would not be constructed. Current uses on the project site consist of an existing warehouse/office mixed-use building and associated parking lot located at 1919 Williams Street. See Figure 2-2 in Section 2, *Project Description*, for existing site conditions.

The No Project Alternative would fulfill the last two project objectives to maintain and protect the City's inventory of larger-scale industrial sites and to support and retain existing industrial uses and employment in the industrial sector. However, the other five project objectives would not be fulfilled compared to the proposed project since the No Project Alternative would not achieve economic benefit as the building on site is currently vacant and underutilized, create a modern warehouse that would contribute to the site's aesthetic, facilitate the evolution of a transforming industrial workplace, create a new efficient and updated warehouse, or encourage productive use of the City's industrial land. Furthermore, the property would likely remain in its current state of disrepair and continue to deteriorate.

### **Alternative 2 (Renovate Eligible Historic Buildings)**

Alternative 2 would involve demolition of the existing building at 1919 Williams Street, except for the historically eligible portion of the building. The 1952 portion of the building (outlined in red in Section 5.0, *Alternatives*, Figure 5.1) would be renovated and a modified version of the proposed project would be constructed around it. The building would be renovated in compliance with the Secretary of the Interior's *Standards for the Treatment of Historic Properties Guidelines* (2017) to the extent feasible.

Alternative 2 would achieve six of the project objectives which would include: facilitate the evolution of a transforming industrial workplace, create a new efficient and updated warehouse as the 1952 portion of the building would be primarily used as an office and the new addition would be primarily used as a warehouse, encourage productive use of the City's industrial land, maintain the site as industrial, and support and retain existing industrial uses and employment in the

industrial sector, but not to the same degree as the proposed project as the size and utility of the building in Alternative 2 would be reduced. The overall size of the building under Alternative 2 would be smaller than the proposed project and thus would not utilize the existing parcel to its full extent as it does not maximize the redevelopment potential of the site, and renovations of historic properties are more costly than new construction.

Alternative 1 (No Project) was determined to be the environmentally superior alternative. CEQA requires that, among the alternatives, an “environmentally superior” alternative be selected and that the reasons for such selection be disclosed. In general, the environmentally superior alternative is the alternative that would generate the fewest or least severe adverse impacts. according to CEQA Guidelines Section 15126.6(e)(2), if the environmentally superior alternative is the no project alternative, an environmentally superior alternative shall be identified among the remaining alternatives. As such, Alternative 2 would be the environmentally superior alternative. Refer to Section 5.0, *Alternatives*, for the complete alternatives analysis.

## **ENVIRONMENTAL REVIEW OF THE PROJECT**

Pursuant to CEQA and the CEQA Guidelines, the City published a Notice of Preparation (NOP) on August 27, 2021 pursuant to State CEQA Guidelines Section 15082 (Notice of Preparation and Determination of Scope of EIR), indicating that an EIR would be prepared for the 1919 Williams Street Project and inviting comments on the scope of the Draft EIR. A 31-day public scoping period for the Draft EIR ended on September 27, 2021. The NOP was sent to responsible and trustee agencies, organizations, and other interested parties. A copy of the NOP was sent to the State Clearinghouse to solicit statewide agency participation in determining the scope of the EIR, and to the County Clerk, who posted the NOP for public notice. All comments received on the NOP are included in Appendix NOP of the DEIR.

The City issued a Notice of Availability/Notice of Completion (NOA/NOC) of the Draft EIR on February 28, 2022 announcing the availability of the Draft EIR for public review and comment (DEIR or Draft EIR). The NOA/NOC noticed a 30-day public review and comment period on the Draft EIR, starting March 1, 2022 and ending March 31, 2022.

The City encouraged agencies and interested parties to submit written comments on the Draft EIR via email. Written comments could also be submitted to the City of San Leandro Community Development Department by letter. The City received some letters by U.S. mail, and in most cases, the commenter also submitted its correspondence electronically.

By the end of the comment period, the City received oral or written comments from a total of 2 commenters (including commenters who commented multiple times).

A list of the commenters is provided in Chapter 2, Responses to Comments on the Draft EIR, of the Final EIR.

The City has prepared written responses to comments received during the public review and comment period for the Draft EIR. These comments and the “Response to Comments” are provided in the Final EIR. Chapter 2 of the Final EIR provides all written comments (submitted by email, by mail, or by hand).

The Draft EIR and Final EIR, and all supporting technical documents under City of San Leandro Case # PL20-0044, and all of the documents submitted to or relied on by the City in preparation of the Draft EIR and Final EIR (i.e., Record of Proceedings), are available to view at the City’s website:

<https://www.sanleandro.org/335/CEQA-Documents-Project-Studies>

Public Resources Code Section 21081.6 and State CEQA Guidelines Section 15097 (Mitigation Monitoring or Reporting) require public agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of specified environmental findings related to an EIR. Accordingly, as Lead Agency, the City has prepared a Draft MMRP for the proposed Project; the Draft MMRP is included as Exhibit F to Resolution 2022-004. The intent of the MMRP is to track and successfully implement the mitigation measures identified within the EIR and the MMRP will be adopted as part of the Project to avoid or mitigate significant effects on the environment. The MMRP is designed to ensure compliance with the mitigation measures during and after Project implementation.

Notice of and access to the Final EIR was provided to those state and local agencies who commented on the NOP and Draft EIR, submitted electronically to the State Clearinghouse CEQAnet web portal, posted on the Project site, and mailed to individuals who have requested to specifically be notified of official City actions on the Project. Notice of and access to the Final EIR was also provided to City officials, including the BZA/PC, and made available for public review on the City’s website. Pursuant to CEQA Guidelines, responses to public agency comments on the Draft EIR have been published and made available to all commenting agencies at least 10 days prior to the final certification hearing. The BZA/PC has had an opportunity to review all comments and responses thereto prior to consideration of certification of the EIR and prior to taking any action on the Project.

The Project impacts which are less than-significant after the implementation of mitigation measures are addressed below. The Project impacts which are significant and unavoidable, even with all feasible mitigation measures required and implemented are addressed further below.

## THE ADMINISTRATIVE RECORD

The record, upon which all findings and determinations related to the approval of the Project are based, includes the following:

- a. The EIR and all documents referenced in or relied upon by the EIR.
- b. All information (including written evidence and testimony) provided by City staff to the BZA/PC relating to the EIR, the approvals, and the Project.
- c. All information (including written evidence and testimony) presented to the BZA/PC by the environmental consultant and sub-consultants who prepared the EIR or incorporated into reports presented to the BZA/PC.
- d. All information (including written evidence and testimony) presented to the City from other public agencies relating to the Project or the EIR.
- e. All final applications, letters, testimony, reports, studies, memoranda, maps, and presentations presented by the Project sponsor and its consultants to the City in connection with the Project.
- f. All final information (including written evidence and testimony) presented at any City public hearing or City workshop related to the Project and the EIR.
- g. For documentary and information purposes, all City-adopted land use plans and ordinances, including without limitation general plans, specific plans and ordinances, together with environmental review documents, all documents referenced in and relied upon in such environmental review documents, findings, mitigation monitoring programs and other documentation relevant to planned growth in the area.
- h. The MMRP for the Project.
- i. All other documents composing the record pursuant to Public Resources Code section 21167.6(e).

The City has relied on all of the documents listed above in reaching its decisions on the proposed Project even if not every document was formally presented to City decision-making bodies or City Staff as part of the City files generated in connection with the Project. Without exception, any documents set forth above not found in the Project files fall into one of two categories. Many of them reflect prior planning or legislative decisions of which the City decision-making bodies were aware in approving the Project. (See *City of Santa Cruz v. Local Agency Formation Commission* (1978) 76 Cal.App.3d 381, 391-392; *Dominey v. Department of Personnel Administration* (1988) 205 Cal.App.3d 729, 738, fn. 6.) Other documents influenced the expert advice provided to City Staff or consultants, who then provided advice to the City decision-making bodies for the Project. For that reason,

such documents form part of the underlying factual basis for the City's decisions relating to approval of the Project. (See Pub. Resources Code, § 21167.6, subd. (e)(10); *Browning-Ferris Industries v. City Council of City of San Jose* (1986) 181 Cal.App.3d 852, 866.).

The custodian of the documents and other materials that constitute the record of the proceedings upon which the City's decisions are based is the Director of Community Development, or his/her designee. Consistent with the procedural requirements of Section 21168.6.7, the EIR and all other documents submitted to or relied upon by the City in the preparation of the EIR can be accessed and downloaded from the following website:

<https://www.sanleandro.org/335/CEQA-Documents-Project-Studies>

### **NO RECIRCULATION REQUIRED DUE TO ABSENCE OF SIGNIFICANT NEW INFORMATION**

The Board of Zoning Adjustments recognizes that the FEIR incorporates information obtained and produced after the DEIR was completed, and that the FEIR contains additions, clarifications, and modifications. The Board of Zoning Adjustments has reviewed and considered the FEIR and all of this information. The new information added in the FEIR merely clarifies and makes insignificant changes to an adequate DEIR, and does not add significant new information to the DEIR that would require recirculation of the EIR under CEQA. The new information added to the EIR does not involve a new significant environmental impact, a substantial increase in the severity of a previously identified significant environmental impact, or a feasible mitigation measure or alternative considerably different from others previously analyzed that the Project sponsor declines to adopt and that would clearly lessen the significant environmental impacts of the Project. No information indicates that the DEIR was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the DEIR. Thus, recirculation of the EIR is not required.

The Board of Zoning Adjustments finds that the changes, clarifications and modifications made to the EIR after the DEIR was circulated for public review and comment do not individually or collectively constitute significant new information within the meaning of Public Resources Code section 21092.1 or CEQA Guidelines section 15088.5.

### **CERTIFICATION OF THE EIR**

In accordance with CEQA, the Board of Zoning Adjustments certifies the EIR based on the following findings:

1. The EIR has been completed in compliance with CEQA and the CEQA guidelines.

2. The Board of Zoning Adjustments has independently reviewed and considered the record and the EIR prior to making its decision to certify the EIR and taking any action to approve the Project.
3. The EIR represents the independent judgment, review and analysis of the City and the Board of Zoning Adjustments.
4. The EIR provides information to the decision-makers and the public on the environmental consequences of the Project.
5. The EIR adequately discusses the potential adverse environmental effects, ways in which such effects might be mitigated, and alternatives to the project which would reduce or avoid such adverse effects.

The Board of Zoning Adjustments reviewed the entirety of the EIR and bases its determination on the substance of the information it contains.

The Board of Zoning Adjustments certifies that the EIR is adequate to support all actions in connection with the approval of the Project and all other actions and recommendations necessary for approval of the Project. The Board of Zoning Adjustments certifies that the EIR is adequate to support approval of the Project.

#### **MITIGATION MONITORING AND REPORTING PROGRAM**

Public Resources Code section 21081.6 and CEQA Guidelines section 15097 require the City to adopt a monitoring and reporting program to ensure that the mitigation measures and revisions to the Project identified in the EIR are implemented. The MMRP is attached as Exhibit D to the Resolution for the Project and incorporated by reference and will be included in the conditions of approval for the Project approval actions. The MMRP satisfies the requirements of CEQA.

The mitigation measures set forth in the MMRP are specific and enforceable and are capable of being fully implemented by the efforts of the City of San Leandro, the applicant, and/or other identified public agencies of responsibility. The mitigation measures to be incorporated into and imposed upon the Project approval will not themselves have new significant environmental impacts or cause a substantial increase in the severity of a previously identified significant environmental impact that were not analyzed in the EIR.

#### **FINDINGS REGARDING IMPACTS**

In accordance with Public Resources Code section 21081 and CEQA Guidelines sections 15091 and 15092, the BZA/PC adopts the findings and conclusions regarding impacts and mitigation measures that are set forth in the EIR and summarized in the MMRP, which are incorporated herein by reference. These findings are summaries of conclusions regarding impacts and mitigation measures

that are set forth in the EIR. They do not repeat the full discussions of environmental impacts, mitigation measures, and related explanations contained in the EIR. The Board of Zoning Adjustments ratifies, adopts, and incorporates, as though fully set

forth herein, the analysis, explanations, findings, responses to comments and conclusions of the EIR. The Board of Zoning Adjustments adopts the reasoning of the EIR, staff reports, and presentations provided by the staff and the Project sponsor as may be modified by these findings.

In adopting the mitigation measures referenced and briefly described below, the City intends to adopt each of the mitigation measures recommended in the certified EIR and the full language of each mitigation measure.

### **SIGNIFICANT AND UNAVOIDABLE IMPACTS**

Under Public Resources Code sections 21081(a)(3) and 21081(b), and CEQA Guidelines sections 15091, 15092, and 15093, and to the extent reflected in the EIR and the MMRP, the Board of Zoning Adjustments finds that the following impacts of the Project remain significant and unavoidable, notwithstanding the imposition of all feasible mitigation measures:

#### **Impact CUL-1: The proposed project would involve demolition of a historical resource at 1919 Williams Street which is eligible for the CRHR and local designation. (Draft EIR ES-5)**

As discussed in the EIR (DEIR Section 4.1, the Project would result in a significant and unavoidable cultural resources impact (CUL-1) due to the demolition of the existing building at 1919 Williams Street (eligible for listing in the CRHR under Criterion 3 and eligible for local designation for its embodiment of Modernist-style architecture) which constitutes a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5.

**Mitigation Measure CUL-1 Building Documentation:** Prior to issuance of demolition permits, the City of San Leandro shall ensure that documentation of the buildings and structures proposed for demolition is completed that follows the general guidelines of Historic American Building Survey (HABS)-Level III documentation. The documentation shall include high resolution digital photographic recordation, a historic narrative report, and compilation of historic research. The documentation shall be completed by a qualified architectural historian or historian who meets the Secretary of the Interior's Professional Qualifications Standards for History and/or Architectural History (36 CFR Part 61). The original archival-quality documentation shall be offered as donated material to organizations and repositories that will make it available for current and future generations, including the City of San Leandro and the San Leandro Historical Society where it would be available to local researchers. Prior to the issuance of demolition permits, the City shall confirm documentation has been provided to all

applicable organizations, including the City of San Leandro and the Historic Review Board. (Draft EIR ES-5)

Resulting Significance: Significant and Unavoidable

Finding: The proposed project would involve demolition of the entire building at 1919 Williams Street, an action that would materially impair the significance of this historical resource, which would result in a significant impact and require Mitigation Measure CUL-1, which addresses impacts related to historical resources. No other feasible mitigation measures and no feasible alternatives have been identified that would avoid or substantially lessen this impact to a less than significant level.

Rationale for Finding: Mitigation Measure CUL-1 would minimize significant impacts to the historical resource by ensuring that documentation of the buildings and structures proposed for demolition is completed that follows the general guidelines of Historic American Building Survey (HABS)-Level III documentation. However, the demolition of this historical resource would still remain a significant and unavoidable impact after implementation of required mitigation. The impact is significant and unavoidable and a Statement of Overriding Considerations is required in conjunction with approval of the project.

## **POTENTIALLY SIGNIFICANT BUT MITIGABLE IMPACTS**

Under Public Resources Code section 21081(a)(1) and CEQA Guidelines sections 15091(a)(1) and 15092(b), and to the extent reflected in the EIR, the MMRP, and mitigation measures, the BZA/PC finds that changes or alterations have been required in, or incorporated into, the Project that mitigate to a less than significant level or avoid the Project's potentially significant effects on the environment as identified in the EIR.

The following potentially significant impacts of the Project will be reduced to a less-than-significant level through the implementation of Project mitigation measures, as set forth in the EIR and MMRP. In the case of a conflict between the language in the EIR and the MMRP, the language in the MMRP controls.

## **CULTURAL AND TRIBAL CULTURAL RESOURCES**

**Impact CUL-2:** The proposed project would involve ground disturbance, which has the potential to impact unknown archaeological resources. **(Draft EIR ES-5)**

Activities undertaken during construction of the Project could cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. Although there are no previously recorded prehistoric archaeological resources in the Project site and the Project site has a low potential to uncover previously undiscovered prehistoric archaeological resources, the discovery of historic-era archaeological materials and features in

the Project site, if not appropriately evaluated following discovery, would be a potentially significant impact. Consequently, the impact of the Project would be potentially significant, and mitigation would be required.

**Mitigation Measure CUL-2 Unanticipated Discovery of Archaeological Resources:** Given the nature of the proposed improvements (i.e., no subterranean components) and existing site conditions, project-related ground disturbance (i.e., excavations) would not be anticipated to include ground disturbance in previously undisturbed areas and would thus be unlikely to impact native (intact) fossiliferous deposits. However, if cultural resources are encountered during ground-disturbing activities, work within 50 feet of the find shall be halted, and an archaeologist meeting the Secretary of the Interior’s Professional Qualifications Standards for archaeology (National Park Service 1983) shall be contacted immediately to evaluate the find (i.e., whether it is a “historical resource” or a “unique archaeological resource”). If the discovery proves to be significant under CEQA, additional work, recommended by the qualified archaeologist, the City, and if appropriate, local Native American Tribes, such as resource avoidance, or, where avoidance is infeasible in light of project design or layout or is unnecessary to avoid significant effects, data recovery excavation, Native American consultation, and archaeological monitoring may be warranted to mitigate significant impacts to cultural resources. In consultation with the archaeologists, the applicant shall implement any measures deemed by City staff to be necessary and feasible to avoid or minimize significant effects to the cultural resources. (Draft EIR ES-5)

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the project, and with the implementation of Mitigation Measure CUL-2, this impact would be reduced to less than significant and avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: Mitigation Measures CUL-2 would require work within 50 feet of the find be halted and an archaeologist meeting the Secretary of the Interior’s Professional Qualifications Standards for archaeology (National Park Service 1983) shall be contacted immediately to evaluate the find if cultural resources are encountered during ground-disturbing activities. In consultation with the archaeologists, the applicant shall implement any measures deemed by City staff to be necessary and feasible to avoid or minimize significant effects to the cultural resources. Mitigation Measure CUL-2 provides for the protection of significant cultural resources from inadvertent destruction during construction. It lays out a program to protect the find and evaluate it for its significance, followed by management measures to preserve it in place and/or conduct data recovery. Preservation in place or data recovery and recordation prior to removal are considered appropriate and adequate measures to mitigate impacts to significant cultural resources pursuant to Public Resources Code Section 21083.2, especially

those encountered in the archaeological context. With implementation of Mitigation Measure CUL-2, impacts to archeological resources would be less than significant.

**Impact TCR-1:** The proposed project would involve ground disturbance, which has the potential to impact tribal cultural resources. **(Draft EIR ES-5)**

The Project could cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074. Although there are no previously recorded archaeological resources that could be considered tribal cultural resources in the Project site and purposeful fill, such as that in the Project site, is not conducive to contain previously unrecorded archaeological resource that could be considered tribal cultural resources, the inadvertent discovery of tribal cultural resources would be a potentially significant impact. Consequently, the impact of the Project would be potentially significant, and mitigation would be required.

**Mitigation Measure TCR-1 Unanticipated Discovery of Tribal Cultural Resources:** In the event that tribal cultural resources of Native American origin are identified during construction, all earth-disturbing work within 50 feet of the find shall be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find and an appropriate Native American representative, based on the nature of the find, is consulted. If the City, in consultation with local Native Americans, determines the resource is a tribal cultural resource and thus significant under CEQA, a cultural resources management plan shall be prepared and implemented in accordance with state guidelines (PRC Section 20184.3 (b)(2)) and in consultation with Native American groups. The plan would include avoidance of the resource or, if avoidance of the resource is infeasible, the plan would outline the appropriate treatment of the resource in coordination with the archaeologist, if applicable, and the appropriate Native American tribal representative(s). The plan shall be reviewed and approved by the City and the consulting Native American tribal representative(s) prior to implementation. (Draft EIR ES-5)

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the project, and with the implementation of Mitigation Measure TCR-1, this impact would be reduced to less than significant and avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: Although no tribal cultural resources were identified at the site or are expected to be present on the site, there is the possibility of encountering undisturbed subsurface tribal cultural resources. Grading of the project site could potentially result in significant impacts on unanticipated tribal cultural resources. To avoid impacting or destroying tribal cultural resources that may be inadvertently unearthed during the project's ground disturbing activities,

Mitigation Measure TCR-1 is required and would ensure that, if evidence of potential subsurface tribal cultural resources is found during ground disturbing activities, activities in the vicinity of the find are halted, appropriate parties are notified, and appropriate evaluation and treatment of said resource(s).