

**Addendum to the
San Pablo Avenue Specific Plan
Environmental Impact Report
for the
2364 Road 20 Project**

1.1 OVERVIEW

On September 19, 2011, the City of San Pablo certified the San Pablo Avenue Specific Plan environmental impact report (EIR), which included analysis of the potential environmental impacts associated with construction and operation of high-density residential uses at 2364 Road 20 (Project site) in the City of San Pablo. After the certification of the EIR, the property owner submitted applications in 2024 for approval of a Major Design Review, Conditional Use Permit, and Density Bonus with Concessions/Waivers and Variances for the proposed Project. The Project would develop 145 residential units (135 one-bedroom, 10 two-bedroom) in a six-story building with modular construction placed on a 1.04-acre site. The Project would also include a parking garage and surface parking on the first level (44 spaces). The Project would continue to be consistent with the land use and zoning for the Project site specified in the Specific Plan. However, the Project would exceed the allowed building height limit and would encroach into the side yard and creek-bank setback. In response, the Project developer is requesting the grant of a density bonus in exchange for dedicating 100 percent of the allowable dwelling units (145 units) for low-income households. By providing 145 units for low-income households, the Project developer requests receiving two concessions (as allowed by the Density Bonus Law (California Government Code Section 65915(d)(2)(B))). One concession requested is for the required height and one concession is for the side-yard setback. In addition, the Project has requested Density Bonus waivers/reductions or variances to allow for minor encroachments into the 30-foot setback from top of creek-bank to accommodate support piers and a second-level overhang and for an increase in the number of allowable stories from four to six. Density Bonus Law also allows a reduced off-street parking requirement which the Project would meet by providing 44 parking spaces.

1.2 PURPOSE OF ADDENDUM

According to Section 15164 of the California Environmental Quality Act (CEQA) Guidelines, an addendum to a previously certified EIR or adopted negative declaration shall be prepared by a lead agency if changes or additions to the document are necessary but none of the conditions described in Section 15162 requiring the preparation of a subsequent EIR or negative declaration are applicable. An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration. The decision-making body considers the addendum with the final EIR or adopted negative declaration prior to making a decision on the project, as modified.

Section 15162 of the State CEQA Guidelines states that, for a project covered by a certified EIR or adopted negative declaration, preparation of a subsequent EIR or negative declaration is required if one or more of the following conditions occur:

1. Substantial changes are proposed in the project that will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2. Substantial changes occur with respect to the circumstances under which the project is undertaken that will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

- a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
- b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- d. Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

1.3 SCOPE AND CONTENT OF ADDENDUM

This Addendum has been prepared in accordance with the requirements of the CEQA (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (Title 14 California Code of Regulations Section 15000 et seq.). The City of San Pablo considered each of the environmental impacts that were analyzed in the prior EIR and focused on determining whether the modified project would result in an increase in the severity of the impacts identified in the prior EIR or would result in any new impacts not previously considered in the prior EIR.

1.4 PROJECT LOCATION AND EXISTING CONIDITIONS

The 2364 Road 20 project is placed a 1.04-acre site located adjacent to the east of the Road 20 and San Pablo Avenue intersection. The Project site is currently partially developed with existing structures located on the eastern half of the site which include a house, shed, and deck. The house is occupied by residents who currently operate an unpermitted tow truck company from the Project site. An existing paved area on the western half of the Project site is currently used as a parking lot.

1.5 PROJECT CHARACTERISTICS

The project involves approval of a major design review, conditional use permit, and density bonus with concessions/waivers and variances to allow development of 145 residential units (135 one-bedroom, 10 two-bedroom) in a six-story building with modular construction. The project would also include 44 parking spaces in a parking garage and surface parking area.

1.6 DETERMINATION AND ANALYSIS

Based on review of the Project and of the previous analysis, the City of San Pablo determined that the potential environmental impacts associated with a Major Design Review, Conditional Use Permit, Density Bonus Concessions/Waivers, and Variances for a development project on the 2364 Road 20 site have been fully analyzed and addressed in the previously prepared EIR and will not result in conditions outlined in State CEQA Guidelines Section 15162 that would require preparation of a subsequent EIR. Existing policies and implementation measures identified in the Specific Plan EIR will continue to reduce the potential effects of development of the 2364 Road 20 site to less-than-significant levels.

The Project site is designated as High Density Residential and a Potential Park Location in the San Pablo Specific Plan. As described previously, the Project requests concessions for height and side yard setback and waivers/variance for an increase in the number of stories and encroachments into the top-of-bank creek setback in exchange for providing 100 percent of the allowable dwelling units (145 units) for low-income households. Related to open space requirements, the Project would construct limited portions of the building inside the required 30-foot setback from the top of bank for the San Pablo Creek. Specifically, eight support columns along the southern portion of the building would allow for overhang on the second level (refer to **Attachment A**). It should be noted that the previously existing development on the site (deck attached to house) extend past the 30-foot setback and a few feet over the San Pablo Creek itself. In addition, there are no sensitive biological resources in or near the portion of San Pablo Creek adjacent

to the project site (see further discussion below). Related to building heights, the tallest buildings in the project area are 2-½ stories in height on the north side of Road 20 (residences addressed at 110 through 114 Road 20). The Project would construct a building double the height of any nearby buildings. However, the Project site is envisioned for future high-density residential uses or a park in the Specific Plan. In addition, surrounding land uses include high-density residential uses located along Road 20 and across San Pablo Creek to the south. While, the Project would not be required to meet requirements for setbacks and building heights with approval of the requested concessions/waivers; the Project is consistent with the San Pablo Avenue Specific Plan intent and vision for future development at the site.

The Project was examined to determine if potentially new or increased significant impacts related to traffic, cultural resources, biological resources, or soils could occur.

Traffic Impact Analysis

A Project-specific Traffic Impact Analysis Report (Traffic Report) was conducted to analyze the potential traffic impacts from implementing the proposed Project. The Traffic Report provides an intersection Level of Service (LOS) analysis and a vehicle miles traveled (VMT) analysis along with evaluations and recommendations concerning Project site access and on-site circulation for vehicles, bicycles, and pedestrians. The Traffic Report is provided as **Attachment A** to this Addendum.

The Traffic Report evaluated traffic conditions at two study intersections (San Pablo Avenue/Road 20-23rd Street (signalized), El Portal Drive/Road 20 (signalized)) during the a.m. and p.m. peak hours for a typical weekday. The study intersections were selected in consultation with City of San Pablo staff. The peak periods were determined to occur between 7:00 a.m. – 9:00 a.m. and 4:00 p.m. – 6:00 p.m. The proposed Project is expected to generate approximately 53 weekday a.m. peak hour trips (12 inbound trips, 41 outbound trips), and 57 weekday p.m. peak hour trips (35 inbound trips, 22 outbound trips). Based on this estimated trip generation, all of the study intersections would continue to operate within applicable jurisdictional LOS standards of LOS D or better during both peak hours under existing plus project conditions. However, it should be noted that the addition of Project trips would further increase the queue lengths that already exceed existing storage lengths at the San Pablo Avenue/Road 20-23rd Street intersection and were considered in the Specific Plan EIR.

The Traffic Report concludes the Project's circulation aisles satisfy the minimum 22 feet requirement from the City of San Pablo Municipal Code. However, the Traffic Report recommended the proposed Project perform a truck turning analysis to confirm a variety of trucks, including garbage trucks and emergency vehicles, can adequately circulate on-site. The Traffic Report continues to conclude that the Project would not conflict with existing and planned pedestrian facilities and would not conflict with existing and planned bicycle facilities. Based on requirements of the proposed Project (i.e., prepare truck turning analysis) and continued operation of intersections at LOS D or better, the Project would not result in any new significant traffic impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of the impacts identified in the Specific Plan EIR.

VMT Analysis

The Governor's Office of Planning and Research (OPR) Technical Advisory (December 2018) provides guidance to analysts and local jurisdictions for implementing VMT as a metric for determining the transportation impact for land use projects. The OPR guidelines state that for analysis purposes, "VMT" refers to automobile VMT, specifically passenger vehicles and light trucks. Heavy truck traffic is typically excluded. The Contra Costa County *Transportation Analysis Guidelines* (June 2020) provide additional guidance on evaluating VMT impacts from projects within the County.

Both the OPR and County guidelines provide standards for identifying which projects should be exempt from further VMT analysis, based on characteristics such as their size, proximity to transit, or expected number of total daily trips. The Traffic Report determined the Project is exempt from VMT requirements per Contra Costa County *Transportation Analysis Guidelines* which states:

There are five screening criteria that lead agencies can apply to screen projects out of conducting project-level VMT analysis. Even if a project satisfies one or more of the screening criteria, lead agencies may still

require a VMT analysis if there is evidence that the project has characteristics that might lead to a significant amount of VMT.

2.4: Projects Located in Transit Priority Areas (TPAs). Projects located within a TPA can be presumed to have a less-than significant impact absent substantial evidence to the contrary.

The Traffic Report determined the Project meets the Transit Priority Area exemption because the Project is located within a half mile of a high transit frequency bus stop (under 15-minute headways). Specifically, the Project is located less than a quarter mile from Route 72R of the Alameda-Contra Costa Transit District (AC Transit) which provides a 12-minute headway, operates between 6:00 a.m. and 8:03 p.m., and runs between Contra Costa College in the city of San Pablo and Jack London Square ferry terminal in the city of Oakland. The Project is also located in a Metropolitan Transportation Commission defined transit rich Priority Development Area (PDA) called the “San Pablo Avenue & 23rd Street Corridor.” For these reasons, the Project is exempt from conducting a project specific VMT analysis.

Cultural Resources Study

A project-specific Cultural Resources Identification Study (Cultural Study) was prepared to determine whether the Project could result in significant impacts to historical or archaeological resources as defined by CEQA Section 15064.5. The Cultural Study includes a Northwest Information Center (NWIC) records search; literature, historical map, and aerial photo review; local historical group consultation; archaeological buried site sensitivity analysis; pedestrian survey; and evaluation of the property for inclusion in the California Register of Historical Resources (California Register). The Cultural Study is provided as **Attachment B** to this Addendum.

The Cultural Study identifies the San Pablo Creek runs along the southern end of the parcel and assumed no habitable structures will be constructed within a 30-foot setback from the top bank of the creek. Lastly, the Cultural Study identifies two existing decks on the site, which extend through the 30-foot setback and over the creek top of the bank, which would be removed as part of the project.

NWIC staff conducted a cultural resources records search (File No. 21-1074) of the Project area and a half-mile search radius on February 7, 2022. As part of the records search and background research, the following federal and California inventories were reviewed:

- National Register of Historic Places (National Register) (National Park Service 2022)
- California Points of Historical Interest (OHP 2022a)
- California Historical Landmarks (OHP 2022a)
- Archaeological Determinations of Eligibility (OHP 2012)
- California Inventory of Historic Resources (1976)
- Built Environment Resources Directory for Contra Costa County (OHP 2022b). The directory includes resources reviewed for eligibility for the National Register and the California Historical Landmarks programs through federal and state environmental compliance laws, and resources nominated under federal and state registration programs, including the National Register, California Register, California Historical Landmarks, and California Points of Historical Interest.

No known cultural resources were identified on the Project site and 13 cultural resources were identified within the half-mile search radius of the site. In addition, no cultural resources studies have been previously completed for the Project site, but 45 cultural resource studies have been completed within the half-mile search radius.

Cultural staff reviewed literature, historical maps, and aerial photographs for historical information about the Project area and the vicinity. A 1939 aerial photograph shows the property was undeveloped, and the neighboring parcels to the east and north were sparsely developed and appear to have supported agricultural uses. During World War II, the agricultural land across Road 20 to the north was developed with a temporary defense workers’ housing project called El Portal Park. El Portal Park was later redeveloped with portions used to build a shopping center, tract homes, and Contra Costa Community College. USGS topographic quadrangle maps show the Project area was developed with several buildings sited parallel to Road 20 as early as 1947. The county assessor’s data for the extant building on the property indicates it was constructed in 1943. By 1952, the Project site was in use as a nursery. Aerial photographs appear to show several buildings on the Project site

parallel to the road through about 1980. The western side of the property was cleared of structures by the late 1980s. The property was sold and ceased being used as a nursery in approximately the late 2000s.

On February 1, 2022, an archaeologist conducted a pedestrian survey of the Project area. The exposed ground surface was walked over in single transects spaced approximately 15 meters apart. No cultural materials or anthropogenic soils were identified within the Project area during the survey.

Sensitivity for cultural resources consisting of archaeological sites is considered moderate based upon various factors including being located adjacent to San Pablo Creek, number of previously documented sites in the Project vicinity, accumulating soil environment, and likely shallow ground disturbance from previous site construction. Therefore, the Cultural Study concluded the Project site has moderate sensitivity for buried significant or potentially significant prehistoric or historic-period archaeology sites as a result of historic and modern development.

The Cultural Study concludes no historical or archaeological resources as defined by CEQA Section 15064.5(a) were identified on the Project site as a result of the NWIC records search, literature, map, and aerial photo review, historical society consultation, pedestrian survey, and California Register evaluation. The Cultural Study also concludes that sensitivity for buried archaeological resources is moderate because there is a potential for disturbing previously unknown archaeological resources during ground-disturbing activities associated with Project construction. However, the City of San Pablo's General Plan (Implementing Policy OSC-I-15) requires pre-construction surveys and monitoring during any ground disturbance for all development in areas of historic or archaeological sensitivity. In addition, Implementing Policy OSC-I-16 of the City's General Plan requires educating developers and the community-at-large about the connections between Native American history and the environmental features that characterize the local landscape. Because appreciating, protecting, and preserving known and unknown cultural resources is standard City policy and would be implemented as a condition of approval for the project, potentially significant impacts to unknown cultural resources would be avoided. Based on requirements of the proposed Project (i.e., conformance with Implementing Policy OSC-I-15 and OSC-I-16), the Project would not result in any new significant cultural resource impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of the impacts identified in the Specific Plan EIR.

Biological Resources Study

A project-specific Biological Resources Technical Memorandum (Bio Study) was prepared to evaluate the existing biological conditions of the Project site with the goal of determining whether the site provides any habitat value for endangered, rare, or threatened species. The Bio Study identified the San Pablo Creek runs along the southern end of the Project site and, other than support columns along the southern portion of the building to allow for the overhang of the second level (refer to southern elevation architectural drawings, provided as **Attachment C** to this Addendum), no structures would be constructed within a 30-foot setback from the creek top of bank. The Bio Study also identified two existing decks on the parcel that extend through the 30-foot setback and over the creek top of bank and assumed the decks would be removed as part of the project. The Bio Study is provided as **Attachment D** to this Addendum.

A biologist conducted a reconnaissance survey of the Project site on September 8, 2021, between the hours of 3:00 p.m. and 4:00 p.m. to document existing site conditions, assess vegetation communities, and evaluate the potential for the Project site to support special status species habitat, including sensitive plant and wildlife species. A biologist also conducted record searches of the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB, nine-quad search). The California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants and the United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) were also accessed for the Bio Study to obtain comprehensive information regarding State- and federally-listed species, as well as other special status species and sensitive plant communities considered to have potential to occur or known to occur within the *Richmond, California* USGS 7.5-minute topographic quadrangle and/or surrounding eight quadrangles.

The Bio Study identified the Project site as including developed area on the northern half of the site along Road 20 and a fragment of riparian woodland along San Pablo Creek at the southern edge of the site. The developed

area of the Project site is paved or graveled and surrounded by wooden or chain-link fencing. Existing structures occur on the eastern half of the site, including a house with an attached deck that extends south towards the creek, a large shed at the northeast corner of the site, and a smaller deck at the southeastern edge of the site. The house is currently occupied by tenants who operate a tow truck company from the site. A paved area on the western half of the site is used as a parking lot. Although largely devoid of plants, small patches of ruderal vegetation and escaped ornamentals are present in the developed area. Despite the presence of a perennial creek (San Pablo Creek), the area surrounding the project site is heavily developed and urbanized. The creek itself is disturbed by anthropogenic activity and invasive plant species.

The Bio Study concluded that the narrow band of riparian woodland on either side of San Pablo Creek within and adjacent to the Project site contains both native and non-native species but is disturbed by anthropogenic activities and largely isolated as a result of surrounding residential and commercial development. Riparian vegetation and the aquatic habitat of San Pablo Creek within the Project site may provide marginally suitable habitat for wildlife, including steelhead, Cooper's hawk, nesting birds, and roosting bats. However, the Project is designed to only impact previously developed areas and avoid impacts within 30 feet of the San Pablo Creek top of bank except for support columns along the southern portion of the building to allow for the overhang of the second level. Therefore, implementation of the Project would not affect special status species.

The Bio Study also concludes that if any trees or vegetation must be impacted as part of construction activities, the City of San Pablo's General Plan (Implementing Policy OSC-I-8) requires scheduling of construction and vegetation removal outside of nesting bird season or conducting a preconstruction nesting bird survey. If removal of mature trees is required, the General Plan (Implementing Policy OSC I-9) requires a pre-construction acoustic survey to determine if bats are present. Any disturbance to San Pablo Creek water quality through removal of the deck structures would be avoided through implementation of best management practices (BMPs) such as preparing and implementing a stormwater pollution prevention plan, as required by Implementing Policy OSC I-9 in the General Plan and the Municipal Code (Chapter 17.40). Because protecting nesting birds, roosting bats, and water quality is standard City policy and would be implemented as a condition of approval for the project, potentially significant impacts to special status species and their habitats will be avoided. Based on requirements of the proposed Project (i.e., conformance with Implementing Policy OSC-I-8 and OSC-I-9), the Project would not result in any new significant biological resource impacts beyond those identified in the Specific Plan EIR or a substantial increase in the severity of the impacts identified in the Specific Plan EIR.

Geotechnical (Soils) Analysis

Based on historic uses at the site, a Project-specific Soil Analysis was conducted to analyze the potential environmental issues with onsite soils. Three soil discrete samples were collected from the site and no known past environmental issues or concerns exist at the site. Soil samples were analyzed for the presence of asbestos, organochlorine pesticides, polychlorinated biphenyls (PCBs), volatile organic compounds (VOCs), semi-volatile organics, metals, total petroleum hydrocarbon (TPH) as gasoline with benzene, toluene, ethylbenzene, and xylene (BTEX) and Methyl tert-butyl ether (MTBE), and TPH-diesel and TPH-motor oil. The Soil Analysis is provided as **Attachment E** to this Addendum.

Only arsenic was detected in the three soil samples at concentration of 6.2 milligrams per kilogram (mg/kg), 6.5 mg/kg, and 9.4 mg/kg which exceed the environmental screening levels (ESL) standards. However, the indicated level is not considered to be high enough to be a concern because background arsenic levels are naturally elevated in the Bay Area, and in any case are not high enough to warrant soluble threshold limit concentration (STLC) testing. The San Francisco Regional Water Quality Control Board (RWQCB) references a 2011 Master's thesis that evaluates background arsenic concentrations in the San Francisco Bay Region.¹ This thesis proposes an upper (99th percentile) estimate of background arsenic of 11 mg/kg within undifferentiated urbanized Bay Area flatland soils.

Chromium was detected in one soil sample at a concentration of 67 mg/kg, above the Tier 1-ESLs. Soluble threshold limit concentrations (STLC) is used to define the "soluble fraction" that classifies a "waste" as California hazardous. Non-hazardous disposal facilities utilize a rule-of-thumb guideline to interpret total contaminant concentrations relative to the STLC hazardous waste criteria. Soils or waste with total contaminant concentrations in excess of 10 times the STLC (50 mg/kg) have the potential to be classified as hazardous and they are also analyzed by the California Waste Extraction Test (WET) when the subsequent solute analysis results exceed the STLC for chromium (5 mg/L). The result of the STLC for chromium was not detected in the lab. Therefore, the soil is not considered to be a California hazardous waste.

Overall, the project site does not contain any substantial soil contaminants that are considered hazardous to future residential uses.

The Project would be consistent with the overall assumptions for development on the vacant site as presented in the Specific Plan and the Project would not result in any new significant impacts or increase the severity of any potentially significant impacts identified in the San Pablo Avenue Specific Plan EIR. The circumstances under which the Project would be undertaken have not substantially changed such that new or substantially increased impacts would occur. Further, there is no new information of substantial importance which was not known and could not have been known at the time the Specific Plan EIR was certified that shows the Project would have any new significant impacts or increase the severity of any potentially significant impacts identified in the San Pablo Avenue Specific Plan EIR. Therefore, no subsequent EIR or negative declaration is required. The Project would not result in any new significant impacts related to hazardous materials beyond those identified in the Specific Plan EIR or a substantial increase in the severity of the impacts identified in the Specific Plan EIR.

¹ California State Water Resources Control Board, 2011. *Establishing Background Arsenic in Soil of the Urbanized San Francisco Bay Region*. Available at: https://www.waterboards.ca.gov/sanfranciscobay/water_issues/available_documents/2011_Arsenic_Background_Duverge.pdf Accessed December 5, 2024.