COUNCILMEMBERS
Melissa Hernandez, Mayor
Jean Josey, Vice Mayor
Shawn Kumagai, Councilmember
Dr. Sherry Hu, Councilmember
Michael McCorriston, Councilmember

City Council Chamber
Dublin Civic Center
100 Civic Plaza
Dublin, CA 94568
www.dublin.ca.gov

Regular Meeting of the

DUBLIN CITY COUNCIL

Tuesday, March 1, 2022

Location: City Council Chamber
Civic Center
100 Civic Plaza
Dublin, CA 94568

CLOSED SESSION 6:30 PM
REGULAR MEETING 7:00 PM

This meeting will be held in person for the public, and all members of the City Council will be participating in person from the City Council Chamber at Civic Center, 100 Civic Plaza, Dublin, California. Pursuant to California Department of Public Health Guidance for the Use of Face Masks, members of the public attending the meeting that are unvaccinated must wear a face covering while indoors.

Additional Meeting Procedures Available During the COVID-19 Pandemic

This City Council meeting will be broadcast live on Comcast T.V. channel 28 beginning at 7:00 p.m. This meeting will also be livestreamed at www.tv30.org and on the City's website at: https://dublin.ca.gov/ccmeetings

Members of the public who wish to participate in the meeting electronically have the option of giving public comment via Zoom, subject to the following procedures:

• Fill out an online speaker slip available at www.dublin.ca.gov. The speaker slip will be made available at 10:00 a.m. on Tuesday, March 1, 2022. Upon submission, you will receive Zoom link information from the City Clerk. Speakers slips will be accepted until the staff presentation on an agenda item ends, or until the public comment period on non-agenda items is closed.

• Once connected to the Zoom platform using the Zoom link information from the City Clerk, the public speaker will be added to the Zoom webinar as an attendee and muted. The speaker will be able to observe the meeting from the Zoom platform.

• When the agenda item upon which the individual would like to comment is addressed, the City Clerk will announce the speaker in the meeting when it is their time to give public comment. The speaker will then be unmuted to give public comment via Zoom.

CLOSED SESSION 6:30 PM

I. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: Certain property below and adjacent to the Iron Horse Trail from northern city limits to southern city limits (APNs 941-2768-6 -1, 941-205-6-6, and 986-1-3-1)
Agency negotiator: Linda Smith, City Manager
Negotiating parties: County of Alameda
Under negotiation: Price and terms of payment

REGULAR MEETING 7:00 PM

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. REPORT ON CLOSED SESSION

3. ORAL COMMUNICATIONS

3.1 Public Comment

At this time, the public is permitted to address the City Council on non-agendized items. Please step to the podium and clearly state your name for the record. COMMENTS SHOULD NOT EXCEED THREE (3) MINUTES. In accordance with State Law, no action or discussion may take place on any item not appearing on the posted agenda. The Council may respond to statements made or questions asked, or may request Staff to report back at a future meeting concerning the matter. Any member of the public may contact the City Clerk's Office related to the proper procedure to place an item on a future City Council agenda. The exceptions under which the City Council MAY discuss and/or take action on items not appearing on the agenda are contained in Government Code Section 54954.2(b)(1)(2)(3).

4. CONSENT CALENDAR

Consent Calendar items are typically non-controversial in nature and are considered for approval by the City Council with one single action. Members of the audience, Staff or the City Council who would like an item removed from the Consent Calendar for purposes of public input may request the Mayor to remove the item.

4.1 Approval of the February 9, 2022 Special City Council Meeting Minutes and February 15, 2022 Regular City Council Meeting Minutes

The City Council will consider approval of the minutes of the February 9, 2022 Special City Council Meeting and February 15, 2022 Regular City Council Meeting.

STAFF RECOMMENDATION:

Approve the minutes of the February 9, 2022 Special City Council Meeting and February 15, 2022 Regular City Council Meeting.

Staff Report
Attachment 1 - February 9, 2022 Special City Council Meeting Minutes
Attachment 2 - February 15, 2022 Regular City Council Meeting Minutes

4.2 Agreement for Vehicle Maintenance and Repair On-Call Services

The City Council will consider approving an agreement for on-call maintenance and repair services for Dublin Police Services vehicles.

STAFF RECOMMENDATION:

Adopt the **Resolution** Approving an Agreement with Stoneridge Chrysler Jeep Dodge for On-Call Vehicle Maintenance and Repair Services.

Staff Report
Attachment 1 - Resolution Approving an Agreement with Stoneridge Chrysler Jeep Dodge for On-Call Vehicle Maintenance and Repair Services
Attachment 2 - Exhibit A to the Resolution - Contractor Services Agreement with Stoneridge Chrysler Jeep Dodge

4.3 Approval of Plans and Specifications and Award of Contract to Goodfellow Sequoia Joint Venture, Waiver of a Minor Bid Irregularity, and Approval of a Budget Change for the Iron Horse Trail Bridge at Dublin Boulevard, CIP No. ST0118

The City Council will consider approving the plans and specifications, waiving a minor bid irregularity, and awarding a construction contract to Goodfellow Sequoia Joint Venture for the Iron Horse Trail Bridge at Dublin Boulevard Project. The project will construct a pedestrian and bicycle bridge structure, support foundations, and graduated ramps facilitating connection to the existing trail on the north and south sides of Dublin Boulevard at the intersection of Scarlett Drive. The City Council will also consider approving a budget change to increase the project funding.

STAFF RECOMMENDATION:

Adopt the **Resolution** Approving the Plans and Specifications, Waiving a Minor Bid Irregularity, and Awarding a Contract to Goodfellow Sequoia Joint Venture for the Iron Horse Trail Bridge at Dublin Boulevard Project (CIP No. ST0118), and approve the budget change.

Staff Report
Attachment 1 - Resolution Approving the Plans and Specifications, Waiving a Minor Bid Irregularity, and Awarding a Contract to Goodfellow Sequoia Joint Venture for the Iron Horse Trail Bridge at Dublin Boulevard Project, CIP No. ST0118
Attachment 2 - CIP No. ST0118
Attachment 3 - Bid Results
Attachment 4 - Budget Change Form
Attachment 5 - Resolution No. 23-20 Adopting the Supplemental Mitigated Negative Declaration

4.4 City Proclamations for the Month of March

The City Council will consider the following proclamations for the month of March in the City of Dublin: American Red Cross Month, Developmental Disabilities Awareness Month, Irish American Heritage Month, March for Meals, Colorectal Cancer Awareness Month, and Women's History Month.

STAFF RECOMMENDATION:

Approve the proclamations.

Staff Report
Attachment 1 - American Red Cross Proclamation
Attachment 2 - Developmental Disabilities Awareness Month Proclamation
Attachment 3 - Irish American Heritage Month Proclamation
Attachment 4 - March for Meals Proclamation
Attachment 5 - Colorectal Cancer Awareness Month Proclamation
Attachment 6 - Women's History Month Proclamation

4.5 Citywide Multi-Family Objective Design Standards and Zoning Ordinance Amendments (PLPA-2022-00002)

The City Council will consider approval of the Citywide Multi-Family (MF) Objective Design Standards (ODS) and companion amendments to Title 8 (Zoning) of the Dublin Municipal Code. State law requires local jurisdictions to provide a streamlined ministerial approval process for eligible multi-family residential developments, subject to objective zoning and design review standards. The proposed MF ODS and Zoning Ordinance Amendments would ensure that objective zoning and design review standards are in place. The first reading of the Ordinance approving the Citywide MF ODS and Zoning Ordinance Amendments was held at the February 15, 2022 Regular City Council Meeting. The City Council is now being asked to waive the second reading and adopt the Ordinance.

STAFF RECOMMENDATION:

Waive the reading and adopt the **Ordinance** Approving the Citywide Multi-Family Objective Design Standards and Amendments to Dublin Municipal Code Chapter 8.36 (Development Regulations), Chapter 8.104 (Site Development Review), and Chapter 8.116 (Zoning Clearance).

Staff Report
Attachment 1 - Ordinance Approving the Citywide Multi-Family Objective Design Standards and Related Zoning Ordinance Amendments
Attachment 2 - Exhibit A to Attachment 1 - Citywide Multi-Family Objective Design Standards
Attachment 3 - City Council Staff Report, dated February 15, 2022, without Attachments

5. WRITTEN COMMUNICATION – None.

6. PUBLIC HEARING – None.

7. UNFINISHED BUSINESS

7.1 Status of Community Default to East Bay Community Energy Renewable 100 Power

The City Council will receive a report on the status of the default of residential accounts to Renewable 100 electricity through the City's electricity provider, East Bay Community Energy, and will consider the default electricity power portfolio for non-residential accounts.

STAFF RECOMMENDATION:

Receive the report and provide direction on the East Bay Community Energy default electricity power portfolio for non-residential accounts.

Staff Report
Attachment 1 - Resolution 04-21 Requesting East Bay Community Energy (EBCE) Enroll City of Dublin Residential Accounts in Renewable 100 as the Default Electricity Product
Attachment 2 - Resolution 100-20 Adopting the City of Dublin Climate Action Plan 2030 and Beyond
Attachment 3 - Samples of Renewable 100 Residential Outreach
Item 7.1 - PowerPoint Presentation

8. NEW BUSINESS

8.1 Acceptance of Certification of Petition: Referendum Against Ordinance No. 11-21 Regarding the East Ranch Project and Required Elections Code Actions

The City Council will accept the City Clerk's Certificate of Petition certifying the sufficiency of the referendum petition against Ordinance No. 11-21 regarding the East Ranch Project and will consider either repealing Ordinance No. 11-21 or submitting Ordinance No. 11-21 to the qualified voters of the City of Dublin.

STAFF RECOMMENDATION:

Accept the City Clerk's Certificate of Petition (Attachment 1), certifying the sufficiency of the referendum petition against Ordinance No. 11-21, and take one of the following actions as required by the Elections Code:

1. INTRODUCE by title and waive the first reading of an Ordinance Repealing Ordinance No. 11-21 Which Amended the Zoning Map and Approved a Planned Development Zoning District Related State 2 Development Plan and CEQA Findings for the East Ranch Project (Attachment 2); or
2. Pass a motion providing Staff direction to return with a resolution calling and giving notice of a special election [on a specific date] or as part of the November 8, 2022 regular election for the purpose of submitting Ordinance No. 11-21 to the qualified voters of the City.

Staff Report
Attachment 1 - City Clerk Certificate of Sufficiency
Attachment 2 - Ordinance Repealing Ordinance No. 11 -21 Which Amended the Zoning Map and Approved a Planned Development Zoning District Related State 2 Development Plan and CEQA Findings for the East Ranch Project
Attachment 3 - Alameda County Registrar of Voters Certificate to Petition
Item 8.1 - SB 343

8.2 Discussion Regarding City Council Salaries

The City Council will discuss options regarding adjustments to Councilmember salaries.

STAFF RECOMMENDATION:

Discuss and provide direction to Staff regarding adjustments to City Council salaries.

Staff Report
Attachment 1 - Ordinance No. 10-20 Amending Dublin Municipal Code Section 2.08
Attachment 2 - Dublin Municipal Code Section 2.08.020

8.3 Designation of Agency Labor Negotiators, Unrepresented Employee: City Manager and Unrepresented Employee: City Attorney

The City Council will consider the appointment of two Councilmembers as representatives for the City Manager's annual review and performance evaluation, including discussion of compensation matters, and two Councilmembers as representatives for the City Attorney's annual review and performance evaluation, including compensation matters.

STAFF RECOMMENDATION:

Appoint two Councilmembers as representatives for the City Manager's annual review and performance evaluation, including discussion of compensation, and appoint two Councilmembers as representatives for the City Attorney's annual review and performance evaluation, including discussion of compensation.

Staff Report

9. OTHER BUSINESS

Brief information only reports from City Council and/or Staff, including committee reports and reports by City Council related to meetings attended at City expense (AB1234).

10. ADJOURNMENT

This AGENDA is posted in accordance with Government Code Section 54954.2(a)

If requested, pursuant to Government Code Section 54953.2, this agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability- related modification or accommodation, please contact the City Clerk's Office (925) 833-6650 at least 72 hours in advance of the meeting.

Mission

The City of Dublin promotes and supports a high quality of life, ensures a safe and secure environment, fosters new opportunities, provides equity across all programs, and champions a culture of diversity and inclusion.

Agenda Item 4.1

STAFF REPORT
CITY COUNCIL

DATE: March 1, 2022

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Approval of the February 9, 2022 Special City Council Meeting Minutes and February 15, 2022 Regular City Council Meeting Minutes
Prepared by: Marsha Moore, MMC, City Clerk

EXECUTIVE SUMMARY:

The City Council will consider approval of the minutes of the February 9, 2022 Special City Council Meeting and February 1, 2022 Regular City Council Meeting.

STAFF RECOMMENDATION:

Approve the minutes of the February 9, 2022 Special City Council Meeting and February 15, 2022 Regular City Council Meeting.

FINANCIAL IMPACT:

None.

DESCRIPTION:

The City Council will consider approval of the minutes of the February 9, 2022 Special City Council Meeting and February 15, 2022 Regular City Council Meeting.

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The City Council Agenda was posted.

ATTACHMENTS:

1) February 9, 2022 Special City Council Meeting Minutes
2) February 15, 2022 Regular City Council Meeting Minutes

MINUTES OF THE CITY OF DUBLIN CITY COUNCIL

Special Meeting: February 9, 2022

A Special Meeting of the Dublin City Council was held on **Tuesday, February 9, 2022**, via Zoom Communications. The meeting was called to order at 4:31 PM., by Vice Mayor Josey.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Attendees Present	Title
Melissa Hernandez	Mayor (arrived at 4:34 p.m.)
Jean Josey	Vice Mayor
Shawn Kumagai	Councilmember
Michael McCorriston	Councilmember
Dr. Sherry Hu	Councilmember

CLOSED SESSION

I. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: 1 case.
Facts and circumstances: Letter from Kevin Shenkman to City Clerk, dated December 29, 2021

ADJOURNMENT

The meeting was adjourned by Mayor Hernandez at 5:12 p.m.

_____
Mayor

ATTEST:

_____
City Clerk

DRAFT

MINUTES OF THE CITY COUNCIL OF THE CITY OF DUBLIN

Regular Meeting: February 15, 2022

The following are minutes of the actions taken by the City of Dublin City Council. A full video recording of the meeting with the agenda items indexed and time stamped is available on the City's website at: https://dublin.ca.gov/ccmeetings

CLOSED SESSION 5:32 PM

I. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: 1 case.

II. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: 1 case.

Facts and circumstances: Letter from Kevin Shenkman to City Clerk, dated December 29, 2021

REGULAR MEETING

A regular meeting of the Dublin City Council was held on **Tuesday, February 15, 2022**, in the City Council Chamber. The meeting was called to order at 7:02 PM., by Mayor Hernandez.

1) CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Attendee Name	Status
Melissa Hernandez, Mayor	Present
Jean Josey, Vice Mayor	Present
Shawn Kumagai, Councilmember	Present
Michael McCorriston, Councilmember	Present
Dr. Sherry Hu, Councilmember	Present

Mayor Hernandez invited Chief Holmes to share comments with the City Council about fallen Dublin Police Deputy Aubrey Phillips.

2) REPORT ON CLOSED SESSION

Mayor Hernandez reported there was no reportable action.

3) ORAL COMMUNICATIONS

3.1) Employee Introductions

The City Council welcomed the new City of Dublin Staff members, Sarah Monnastes, Human Resources Director and Oliver Castillo, Assistant Civil Engineer with Public Works.

3.2) St. Patrick's Day Celebration Preview

The City Council received a presentation that previews the annual St. Patrick's Day Celebration which will be held the weekend of March 11-13, 2022, including protocols related to the COVID-19 pandemic.

3.3) Public Comment

No public comment was provided.

4) CONSENT CALENDAR

The City Council pulled item 4.3 for further discussion.

4.1) Approved the minutes of the February 1, 2022 Regular City Council Meeting and February 5, 2022 Special City Council Meeting.

4.2) Adopted Resolution No. 12-22 titled, "Approving a Public Art Agreement with Romo Studios for a Public Art Project at Heritage Park" and Resolution No. 13-22 titled, "Approving a Public Art Agreement with Brian Keith for a Public Art Project at Heritage Park," and approved the budget change."

4.4) Received the Payment Issuance Report and Electronic Funds Transfers showing a listing of payments issued from January 1, 2022 - January 31, 2022 totaling $13,690,767.41.

On motion by Vice Mayor Josey, seconded by Mayor Hernandez, and by unanimous vote the City Council adopted the remaining Consent Calendar items.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVED BY:	Jean Josey, Vice Mayor
SECOND:	Melissa Hernandez, Councilmember
AYES:	Hernandez, Kumagai, Josey, McCorriston, Hu

4.3) Receive the City Treasurer's Informational Report of Investments for the Quarter Ending December 31, 2021

Item 4.3 was pulled by Councilmember McCorriston for further discussion.

The Councilmembers asked clarifying questions of Bill Dennehy with Chandler Asset Management.

On motion by Councilmember McCorriston, seconded by Vice Mayor Josey, and by unanimous vote the City Council adopted Consent Calendar item 4.3.

RESULT:	**APPROVED [UNANIMOUS]**
MOVED BY:	Michael McCorriston, Councilmember
SECOND:	Jean Josey, Vice Mayor
AYES:	Hernandez, Kumagai, Josey, McCorriston, Hu

5) WRITTEN COMMUNICATION – None.

6) PUBLIC HEARING

6.1 Fallon East General Plan and Eastern Dublin Specific Plan Amendment (PLPA-2021-00009)

The City Council received a presentation on a General Plan and Eastern Dublin Specific Plan Amendment for approximately 73 acres east of Fallon Road on the GH PacVest and Alameda properties.

Mayor Hernandez opened the public hearing.

There being no public comment, Mayor Hernandez closed the public hearing.

On motion by Vice Mayor Josey, seconded by Councilmember McCorriston, and by unanimous vote, the City Council adopted Resolution No. 14-22 titled, "Approving an Addendum to the Eastern Dublin Specific Plan Environmental Impact Reports and Approving the General Plan and Eastern Dublin Specific Plan Amendment for 72.1 Acres of the GH PacVest Property and the 1.25-Acre Alameda Property."

RESULT:	**ADOPTED [UNANIMOUS]**

MOVED BY:	Jean Josey, Vice Mayor
SECOND:	Michael McCorriston, Councilmember
AYES:	Hernandez, Kumagai, Josey, McCorriston, Hu

6.2 Citywide Multi- Family Objective Design Standards, Zoning Ordinance Amendments, and Master Fee Schedule Amendments (PLPA-2022-00002)

The City Council received a presentation regarding the Citywide Multi-Family (MF) Objective Design Standards (ODS) and companion amendments to Title 8 (Zoning) of the Dublin Municipal Code and amendments to the Master Fee Schedule to establish a fee for Zoning Clearances for Housing Projects Eligible for Streamlined Approval.

Mayor Hernandez opened the public hearing.

There being no public comment, Mayor Hernandez closed the public hearing.

On motion by Councilmember Kumagai, seconded by Vice Mayor Josey, and by unanimous vote, the City Council waived the reading and INTRODUCED the Ordinance approving the Citywide Multi-Family Objective Design Standards and amendments to Dublin Municipal Code Chapter 8.36 (Development Regulations), Chapter 8.104 (Site Development Review), and Chapter 8.116 (Zoning Clearance), including edits to standa 2.6B, 2.6C, and 3.8A, and adopted Resolution No. 15-22 titled, "Amending the Master Fee Schedule by establishing one new application fee, based on time and materials, for Zoning Clearances for Housing Projects Eligible for Streamlined Approval."

RESULT:	**ADOPTED [UNANIMOUS]**
MOVED BY:	Shawn Kumagai, Councilmember
SECOND:	Jean Josey, Vice Mayor
AYES:	Hernandez, Kumagai, Josey, McCorriston, Hu

7) UNFINISHED BUSINESS

7.1 SCS Property Community Outreach

Councilmember Hu recused herself from this item due to her residence being within 500 feet of the SCS property, and therefore considered to be involved in the decision, and left the dais.

The City Council received a presentation and considered approving the Preferred Plan for the SCS Property.

Tom Evans provided public comment.

Ed Fisher provided public comment.

Richard Li provided public comment.

Shirley Lewandowski provided public comment.

Inge Houston provided public comment.

On motion by Councilmember Kumagai, seconded by Vice Mayor Josey, and by a 3-1 roll call vote, with Mayor Hernandez voting no and Councilmember Hu recusing herself, the City Council adopted Resolution No. 16-22 titled, "Approving the Preferred Plan for the SCS Property."

RESULT:	**ADOPTED [3-1]**
MOVED BY:	Shawn Kumagai, Councilmember
SECOND:	Jean Josey, Vice Mayor
AYES:	Kumagai, Josey, McCorriston
NO:	Hernandez
ABSENT:	Hu

Mayor Hernandez called for a recess at 10:41 p.m.

Mayor Hernandez resumed the meeting at 10:54 p.m.

Councilmember Hu returned to the dais.

7.2 Authorize a Budget Shift to Fiscal Year 2021-22 for the Iron Horse Nature Park and Open Space Project Property Community Outreach

The City Council received a presentation and considered shifting funds to Fiscal Year 2021-22 for the Iron Horse Nature Park and Open Space project (CIP No. PK0422) to allow for design work to begin in the current fiscal year on the first phase of the project to meet a State grant deadline for a completed project by December 31, 2023.

On motion by Councilmember Kumagai, seconded by Vice Mayor Josey, and by unanimous vote, the City Council authorized a budget change for the shifting of funds to Fiscal Year 2021-22 for the Iron Horse Nature Park and Open Space Project.

RESULT:	**APPROVED [UNANIMOUS]**
MOVED BY:	Shawn Kumagai, Councilmember
SECOND:	Jean Josey, Vice Mayor
AYES:	Hernandez, Kumagai, Josey, McCorriston, Hu

8) NEW BUSINESS

8.1 Transition to District-Based Councilmember Elections

The City Council received a presentation and considered adopting a resolution of intent to transition from at-large elections to a district-based councilmember election system after receiving a notification threatening litigation under the California Voting Rights Act if the City did not convert from at-large elections for electing members of the City Council to district-based elections.

On motion by Councilmember McCorriston, seconded by Councilmember Kumagai, and by unanimous vote, the City Council adopted Resolution No. 17-22 titled, "Declaring Its Intention to Transition From an At-Large Election System to a District-Based Election System."

RESULT:	**ADOPTED [UNANIMOUS]**
MOVED BY:	Michael McCorriston, Councilmember
SECOND:	Shawn Kumagai, Councilmember
AYES:	Hernandez, Kumagai, Josey, McCorriston, Hu

8.1 Discussion Regarding City Council Salaries

By consensus, the City Council agreed to bring Item 8.2 back to a future City Council meeting in March 2022 due to the late hour.

9) OTHER BUSINESS

The City Council and Staff provided brief information-only reports, including committee reports and reports by City Council related to meetings attended at City expense (AB1234).

By consensus, the City Council directed Staff to bring back an item regarding the installation of community mini-libraries to a future meeting agenda, sometime in late March or April 2022, and directed Staff to bring back a proclamation for Arts Education in the month of March and a proclamation for Arts, Culture, and Creativity for the month of April to the March 15, 2022 City Council meeting.

10) ADJOURNMENT

Mayor Hernandez requested a moment of silence in memory of fallen Dublin Police Deputy Aubrey Phillips and adjourned the meeting at 11:30 p.m. in her honor.

Mayor

ATTEST:

City Clerk

Agenda Item 4.2

STAFF REPORT
CITY COUNCIL

DATE: March 1, 2022

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Agreement for On-Call Vehicle Maintenance and Repair Services
Prepared by: Laura Jammal, Administrative Aide

EXECUTIVE SUMMARY:

The City Council will consider approving an agreement for on-call maintenance and repair services for Dublin Police Services vehicles.

STAFF RECOMMENDATION:

Adopt the **Resolution** Approving an Agreement with Stoneridge Chrysler Jeep Dodge for On-Call Vehicle Maintenance and Repair Services.

FINANCIAL IMPACT:

The cost of these services will be charged to Dublin Police Services in accordance with the adopted operating budget.

DESCRIPTION:

Dublin Police Services utilizes vendors for maintenance and repair services of emergency vehicles on an as-needed basis.

Based on current needs related to the ongoing maintenance and repair of Police vehicles, Staff recommends a service contract with Stoneridge Chrysler Jeep Dodge for a not-to-exceed amount of $90,000 over a roughly two-year term (through June 30, 2024). The maximum compensation amount is based on historical costs, current labor costs, and vehicle conditions.

Section 2.36.100(B)(1) of the Dublin Municipal Code allows for an exception to the competitive bidding process when a specific exception to the formal bid process "where the city's requirements can be met solely by a single patented article or process" or "when a contract or

purchase involves goods of a technical nature, where it would be difficult for a vendor to bid on a standard set of specifications."

The City has deemed Stoneridge Chrysler Jeep Dodge a sole-source provider as the maintenance and repair is specialized, technical in nature, and requires consistency with emergency equipment standards. This contract is therefore exempt from competitive bidding.

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The City Council Agenda was posted.

ATTACHMENTS:

1) Resolution Approving an Agreement with Stoneridge Chrysler Jeep Dodge for On-Call Vehicle Maintenance and Repair Services
2) Exhibit A to the Resolution – Contractor Services Agreement with Stoneridge Chrysler Jeep Dodge

RESOLUTION NO. XX – 22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUBLIN

APPROVING AN AGREEMENT WITH STONERIDGE CHRYSLER JEEP DODGE FOR ON-CALL VEHICLE MAINTENANCE AND REPAIR SERVICES

WHEREAS, the City routinely utilizes vendors that specialize in maintenance and repair of emergency vehicles and related equipment; and

WHEREAS, based on current needs, Staff desires to enter into an agreement with Stoneridge Chrysler Jeep Dodge for on-call maintenance and repair services of emergency vehicles; and

WHEREAS, Section 2.36.100(B)(1) Dublin Municipal Code provides for an exception to competitive bidding when "a contract or purchase involves goods of a technical nature, where it would be difficult for a vendor to bid on a standard set of specifications"; and

WHEREAS, because the services are technical in nature and require consistency with the standards required of emergency vehicles and equipment, the City has deemed Stoneridge Chrysler Jeep Dodge a sole-source vendor; and

WHEREAS, Stoneridge Chrysler Jeep Dodge has proposed a contract for a not-to-exceed amount of $90,000 for on-call vehicle maintenance and repair services beginning March 1, 2022 and ending June 30, 2024.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Dublin does hereby approve the Agreement with Stoneridge Chrysler Jeep Dodge, attached hereto as **Exhibit A**.

BE IT FURTHER RESOLVED that the City Manager is authorized to execute this agreement and make any necessary, non-substantive changes to carry out the intent of this Resolution.

PASSED, APPROVED AND ADOPTED this 1st day of March 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Mayor

ATTEST:

_____
City Clerk

CONTRACTOR SERVICES AGREEMENT BETWEEN THE CITY OF DUBLIN AND STONERIDGE CHRYSLER JEEP DODGE FOR ON-CALL VEHICLE MAINTENANCE AND REPAIR SERVICES

THIS AGREEMENT for vehicle maintenance and repair services is made by and between the City of Dublin ("City") and Stoneridge Chrysler Jeep Dodge ("Contractor") (together sometimes referred to as the "Parties") as of March 1, 2022 (the "Effective Date").

Section 1. SERVICES. Subject to the terms and conditions set forth in this Agreement, Contractor shall provide to City the services described in the Scope of Work attached as Exhibit A at the time and place and in the manner specified therein. In the event of a conflict in or inconsistency between the terms of this Agreement and Exhibit A, the Agreement shall prevail.

1.1 Term of Services. The term of this Agreement shall begin on the Effective Date and shall end on June 30, 2024, the date of completion specified in Exhibit A, and Contractor shall complete the work described in Exhibit A on or before that date, unless the term of the Agreement is otherwise terminated or extended, as provided for in Section 8. The time provided to Contractor to complete the services required by this Agreement shall not affect the City's right to terminate the Agreement, as referenced in Section 8. Notwithstanding the foregoing this Agreement may be extended on a month to month basis for up to 6 months upon the written consent of the Contractor and the City Manager, provided that: a) sufficient funds have been appropriated for such purchase, b) the price charged by the Contractor for the provision of the serves described in Exhibit A does not increase. None of the foregoing shall affect the City's right to terminate the Agreement as provided for in Section 8.

1.2 Standard of Performance. Contractor shall perform all services required pursuant to this Agreement in the manner and according to the standards observed by a competent practitioner of the profession in which Contractor is engaged.

1.3 Assignment of Personnel. Contractor shall assign only competent personnel to perform services pursuant to this Agreement. In the event that City, in its sole discretion, at any time during the term of this Agreement, desires the reassignment of any such persons, Contractor shall, immediately upon receiving notice from City of such desire of City, reassign such person or persons.

1.4 Time. Contractor shall devote such time to the performance of services pursuant to this Agreement as may be reasonably necessary to meet the standard of performance provided in Subsection 1.2 above and to satisfy Contractor's obligations hereunder.

1.5 [Intentionally deleted].

1.6 [Intentionally deleted].

Section 2. COMPENSATION. City hereby agrees to pay Contractor a sum not to exceed $90,000, notwithstanding any contrary indications that may be contained in Contractor's proposal, for services to be performed and reimbursable costs incurred under this Agreement. In the event of a conflict between this Agreement and Contractor's proposal, attached as Exhibit A, regarding the amount of compensation, the Agreement shall prevail. City shall pay Contractor for services rendered pursuant to this Agreement at the time and in the manner set forth herein. The payments specified below shall be the only payments from City to Contractor for services rendered pursuant to this Agreement. Contractor shall submit all invoices to City in the manner specified herein. Except as specifically authorized by City in writing, Contractor shall not bill City for duplicate services performed by more than one person.

Contractor and City acknowledge and agree that compensation paid by City to Contractor under this Agreement is based upon Contractor's estimated costs of providing the services required hereunder, including salaries and benefits of employees and subcontractors of Contractor. Consequently, the Parties further agree that compensation hereunder is intended to include the costs of contributions to any pensions and/or annuities to which Contractor and its employees, agents, and subcontractors may be eligible. City therefore has no responsibility for such contributions beyond compensation required under this Agreement.

2.1 Invoices. Contractor shall submit invoices, not more often than once a month during the term of this Agreement, based on the cost for services performed and reimbursable costs incurred prior to the invoice date. No individual performing work under this Agreement shall bill more than 2,000 hours in a fiscal year unless approved, in writing, by the City Manager or his/her designee. Invoices shall contain the following information:

- The beginning and ending dates of the billing period;
- The total number of hours of work performed under the Agreement by Contractor and each employee, agent, and subcontractor of Contractor performing services hereunder;
- The Contractor's signature;
- Contractor shall give separate notice to the City when the total number of hours worked by Contractor and any individual employee, agent, or subcontractor of Contractor reaches or exceeds 800 hours within a 12-month period under this Agreement and any other agreement between Contractor and City. Such notice shall include an estimate of the time necessary to complete work described in Exhibit A and the estimate of time necessary to complete work under any other agreement between Contractor and City, if applicable.

2.2 Monthly Payment. City shall make monthly payments, based on invoices received, for services satisfactorily performed, and for authorized reimbursable costs incurred. City shall have 30 days from the receipt of an invoice that complies with all of the requirements above to pay Contractor.

2.3 **Final Payment.** City shall pay the last 10% of the total sum due pursuant to this Agreement within 60 days after completion of the services and submittal to City of a final invoice, if all services required have been satisfactorily performed.

2.4 **Total Payment.** City shall pay for the services to be rendered by Contractor pursuant to this Agreement. City shall not pay any additional sum for any expense or cost whatsoever incurred by Contractor in rendering services pursuant to this Agreement. City shall make no payment for any extra, further, or additional service pursuant to this Agreement.

In no event shall Contractor submit any invoice for an amount in excess of the maximum amount of compensation provided above either for a task or for the entire Agreement, unless the Agreement is modified prior to the submission of such an invoice by a properly executed change order or amendment.

2.5 **Hourly Fees.** Fees for work performed by Contractor on an hourly basis shall not exceed the amounts shown on the compensation schedule attached hereto as Exhibit B.

2.6 **[Intentionally deleted].**

2.7 **Payment of Taxes.** Contractor is solely responsible for the payment of employment taxes incurred under this Agreement and any similar federal or state taxes.

2.8 **Payment upon Termination.** In the event that the City or Contractor terminates this Agreement pursuant to Section 8, the City shall compensate the Contractor for all outstanding costs and reimbursable expenses incurred for work satisfactorily completed as of the date of written notice of termination. Contractor shall maintain adequate logs and timesheets to verify costs incurred to that date.

2.9 **Authorization to Perform Services.** The Contractor is not authorized to perform any services or incur any costs whatsoever under the terms of this Agreement until receipt of authorization from the Contract Administrator.

Section 3. FACILITIES AND EQUIPMENT. Except as set forth herein, Contractor shall, at its sole cost and expense, provide all facilities and equipment that may be necessary to perform the services required by this Agreement. City shall make available to Contractor only the facilities and equipment listed in this section, and only under the terms and conditions set forth herein. Contractor shall make a written request to City to use facilities or equipment not otherwise listed herein.

City shall furnish physical facilities such as desks, filing cabinets, and conference space, as may be reasonably necessary for Contractor's use while consulting with City employees and reviewing records and the information in possession of the City. The location, quantity, and time of furnishing those facilities shall be in the sole discretion of the City. In no event shall City be obligated to furnish any facility that may involve incurring any direct expense, including but not limited to computer, long-distance telephone or other communication charges, vehicles, and reproduction facilities.

Section 4. INSURANCE REQUIREMENTS. Before fully executing this Agreement, Contractor, at its own cost and expense, unless otherwise specified below, shall procure the types and amounts of insurance listed below against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the work hereunder by the Contractor and its agents, representatives, employees, and subcontractors. Consistent with the following provisions, Contractor shall provide proof satisfactory to City of such insurance that meets the requirements of this section and under forms of insurance satisfactory in all respects, and that such insurance is in effect prior to beginning work. Contractor shall maintain the insurance policies required by this section throughout the term of this Agreement. The cost of such insurance shall be included in the Contractor's bid. Contractor shall not allow any subcontractor to commence work on any subcontract until Contractor has obtained all insurance required herein for the subcontractor(s) and provided evidence to City that such insurance is in effect. VERIFICATION OF THE REQUIRED INSURANCE SHALL BE SUBMITTED AND MADE PART OF THIS AGREEMENT PRIOR TO EXECUTION. Contractor shall maintain all required insurance listed herein for the duration of this Agreement.

4.1 Workers' Compensation.

4.1.1 General Requirements. Contractor shall, at its sole cost and expense, maintain Statutory Workers' Compensation Insurance and Employer's Liability Insurance for any and all persons employed directly or indirectly by Contractor. The Statutory Workers' Compensation Insurance and Employer's Liability Insurance shall be provided with limits of not less than $1,000,000 per accident. In the alternative, Contractor may rely on a self-insurance program to meet these requirements, but only if the program of self-insurance complies fully with the provisions of the California Labor Code. Determination of whether a self-insurance program meets the standards of the California Labor Code shall be solely in the discretion of the Contract Administrator.

The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the City for all work performed by the Contractor, its employees, agents, and subcontractors.

4.1.2 Submittal Requirements. To comply with Subsection 4.1, Contractor shall submit the following:

a. Certificate of Workers' Compensation Insurance in the amounts specified in the section; and

b. Waiver of Subrogation Endorsement as required by the section.

4.2 Commercial General and Automobile Liability Insurance.

4.2.1 General Requirements. Contractor, at its own cost and expense, shall maintain commercial general liability insurance for the term of this Agreement in an amount not less than $1,000,000 and automobile liability insurance for the term of this Agreement in an amount not less than $1,000,000 per occurrence, combined

single limit coverage for risks associated with the work contemplated by this Agreement. If a Commercial General Liability Insurance or an Automobile Liability form or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the work to be performed under this Agreement or the general aggregate limit shall be at least twice the required occurrence limit. Such coverage shall include but shall not be limited to, protection against claims arising from bodily and personal injury, including death resulting therefrom, and damage to property resulting from activities contemplated under this Agreement, including without limitation, blanket contractual liability and the use of owned and non-owned automobiles.

4.2.2 **Minimum Scope of Coverage.** Commercial general coverage shall be at least as broad as Insurance Services Office Commercial General Liability occurrence form CG 0001 (most recent edition) covering comprehensive General Liability on an "occurrence" basis. Automobile coverage shall be at least as broad as Insurance Services Office Automobile Liability form CA 0001, Code 1 (any auto). No endorsement shall be attached limiting the coverage.

4.2.3 **Additional Requirements.** Each of the following shall be included in the insurance coverage or added as a certified endorsement to the policy:

a. The Insurance shall cover on an occurrence or an accident basis, and not on a claims-made basis.

b. City, its officers, officials, employees, and volunteers are to be covered as additional insureds as respects: liability arising out of work or operations performed by or on behalf of the Contractor; or automobiles owned, leased, hired, or borrowed by the Contractor.

c. Contractor hereby agrees to waive subrogation which any insurer or contractor may require from vendor by virtue of the payment of any loss. Contractor agrees to obtain any endorsements that may be necessary to affect this waiver of subrogation.

d. For any claims related to this Agreement or the work hereunder, the Contractor's insurance coverage shall be primary insurance as respects the City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers shall be excess of the Contractor's insurance and shall not contribute with it.

4.2.4 **Submittal Requirements.** To comply with Subsection 4.2, Contractor shall submit the following:

a. Certificate of Liability Insurance in the amounts specified in the section;

b. Additional Insured Endorsement as required by the section;

c. Waiver of Subrogation Endorsement as required by the section; and

d. Primary Insurance Endorsement as required by the section.

4.3 All Policies Requirements.

4.3.1 Acceptability of Insurers. All insurance required by this section is to be placed with insurers with a Bests' rating of no less than A:VII.

4.3.2 Verification of Coverage. Prior to beginning any work under this Agreement, Contractor shall furnish City with complete copies of all Certificates of Liability Insurance delivered to Contractor by the insurer, including complete copies of all endorsements attached to the policies. All copies of Certificates of Liability Insurance and certified endorsements shall show the signature of a person authorized by that insurer to bind coverage on its behalf. If the City does not receive the required insurance documents prior to the Contractor beginning work, it shall not waive the Contractor's obligation to provide them. The City reserves the right to require complete copies of all required insurance policies at any time.

4.3.3 Deductibles and Self-Insured Retentions. Contractor shall disclose to and obtain the written approval of City for the self-insured retentions and deductibles before beginning any of the services or work called for by any term of this Agreement. At the option of the City, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its officers, employees, and volunteers; or the Contractor shall provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations, claim administration and defense expenses.

4.3.4 Wasting Policies. No policy required by this Section 4 shall include a "wasting" policy limit (i.e. limit that is eroded by the cost of defense).

4.3.5 Endorsement Requirements. Each insurance policy required by Section 4 shall be endorsed to state that coverage shall not be canceled by either party, except after 30 days' prior written notice has been provided to the City.

4.3.6 Subcontractors. Contractor shall include all subcontractors as insureds under its policies or shall furnish separate certificates and certified endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

4.4 Remedies. In addition to any other remedies City may have if Contractor fails to provide or maintain any insurance policies or policy endorsements to the extent and within the time herein required, City may, at its sole option exercise any of the following remedies, which

are alternatives to other remedies City may have and are not the exclusive remedy for Contractor's breach:

- Obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement;

- Order Contractor to stop work under this Agreement or withhold any payment that becomes due to Contractor hereunder, or both stop work and withhold any payment, until Contractor demonstrates compliance with the requirements hereof; and/or

- Terminate this Agreement.

Section 5. INDEMNIFICATION AND CONTRACTOR'S RESPONSIBILITIES. Contractor shall indemnify, defend with counsel acceptable to City, and hold harmless City and its officers, officials, employees, agents and volunteers from and against any and all liability, loss, damage, claims, expenses, and costs (including without limitation, attorney's fees and costs and fees of litigation) (collectively, "Liability") of every nature arising out of or in connection with Contractor's performance of the Services or its failure to comply with any of its obligations contained in this Agreement, except such Liability caused by the sole negligence or willful misconduct of City.

The Contractor's obligation to defend and indemnify shall not be excused because of the Contractor's inability to evaluate Liability or because the Contractor evaluates Liability and determines that the Contractor is not liable to the claimant. The Contractor must respond within 30 days, to the tender of any claim for defense and indemnity by the City, unless this time has been extended by the City. If the Contractor fails to accept or reject a tender of defense and indemnity within 30 days, in addition to any other remedy authorized by law, so much of the money due the Contractor under and by virtue of this Agreement as shall reasonably be considered necessary by the City, may be retained by the City until disposition has been made of the claim or suit for damages, or until the Contractor accepts or rejects the tender of defense, whichever occurs first.

Notwithstanding the forgoing, to the extent this Agreement is a "construction contract" as defined by California Civil Code Section 2782, as may be amended from time to time, such duties of Contractor to indemnify shall not apply when to do so would be prohibited by California Civil Code Section 2782.

In the event that Contractor or any employee, agent, or subcontractor of Contractor providing services under this Agreement is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of City, Contractor shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for PERS benefits on behalf of Contractor or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

Section 6. STATUS OF CONTRACTOR.

6.1 Independent Contractor. At all times during the term of this Agreement, Contractor shall be an independent contractor and shall not be an employee of City. This Agreement shall

not be construed as an agreement for employment. City shall have the right to control Contractor only insofar as the results of Contractor's services rendered pursuant to this Agreement and assignment of personnel pursuant to Subsection 1.3; however, otherwise City shall not have the right to control the means by which Contractor accomplishes services rendered pursuant to this Agreement. Contractor further acknowledges that Contractor performs Services outside the usual course of the City's business; and is customarily engaged in an independently established trade, occupation, or business of the same nature as the Contractor performs for the City, and has the option to perform such work for other entities. Notwithstanding any other City, state, or federal policy, rule, regulation, law, or ordinance to the contrary, Contractor and any of its employees, agents, and subcontractors providing services under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any and all claims to, any compensation, benefit, or any incident of employment by City, including but not limited to eligibility to enroll in the California Public Employees Retirement System (PERS) as an employee of City and entitlement to any contribution to be paid by City for employer contributions and/or employee contributions for PERS benefits.

6.2 **Contractor Not an Agent.** Except as City may specify in writing, Contractor shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. Contractor shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever.

Section 7. LEGAL REQUIREMENTS.

7.1 **Governing Law.** The laws of the State of California shall govern this Agreement.

7.2 **Compliance with Applicable Laws.** Contractor and any subcontractors shall comply with all laws applicable to the performance of the work hereunder.

7.3 **Other Governmental Regulations.** To the extent that this Agreement may be funded by fiscal assistance from another governmental entity, Contractor and any subcontractors shall comply with all applicable rules and regulations to which City is bound by the terms of such fiscal assistance program.

7.4 **Licenses and Permits.** Contractor represents and warrants to City that Contractor and its employees, agents, and any subcontractors have all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required to practice their respective professions. Contractor represents and warrants to City that Contractor and its employees, agents, any subcontractors shall, at their sole cost and expense, keep in effect at all times during the term of this Agreement any licenses, permits, and approvals that are legally required to practice their respective professions. In addition to the foregoing, Contractor and any subcontractors shall obtain and maintain during the term of this Agreement valid Business Licenses from City.

7.5 **Nondiscrimination and Equal Opportunity.** Contractor shall not discriminate, on the basis of a person's race, sex, gender, religion (including religious dress and grooming

practices), national origin, ancestry, physical or mental disability, medical condition (including cancer and genetic characteristics), marital status, age, sexual orientation, color, creed, pregnancy, genetic information, gender identity or expression, political affiliation or belief, military/veteran status, or any other classification protected by applicable local, state, or federal laws (each a "Protected Characteristic"), against any employee, applicant for employment, subcontractor, bidder for a subcontract, or participant in, recipient of, or applicant for any services or programs provided by Contractor under this Agreement.

Contractor shall include the provisions of this Subsection in any subcontract approved by the Contract Administrator or this Agreement.

Section 8. TERMINATION AND MODIFICATION.

8.1 Termination. City may cancel this Agreement at any time and without cause upon written notification to Contractor.

Contractor may cancel this Agreement upon 30 days' written notice to City and shall include in such notice the reasons for cancellation.

In the event of termination, Contractor shall be entitled to compensation for services performed to the effective date of termination; City, however, may condition payment of such compensation upon Contractor delivering to City any or all documents, photographs, computer software, video and audio tapes, and other materials provided to Contractor or prepared by or for Contractor or the City in connection with this Agreement.

8.2 Extension. City may, in its sole and exclusive discretion, extend the end date of this Agreement beyond that provided for in Subsection 1.1. Any such extension shall require a written amendment to this Agreement, as provided for herein. Contractor understands and agrees that, if City grants such an extension, City shall have no obligation to provide Contractor with compensation beyond the maximum amount provided for in this Agreement. Similarly, unless authorized by the Contract Administrator, City shall have no obligation to reimburse Contractor for any otherwise reimbursable expenses incurred during the extension period.

8.3 Amendments. The Parties may amend this Agreement only by a writing signed by all the Parties.

8.4 Assignment and Subcontracting. City and Contractor recognize and agree that this Agreement contemplates personal performance by Contractor and is based upon a determination of Contractor's unique personal competence, experience, and specialized personal knowledge. Moreover, a substantial inducement to City for entering into this Agreement was and is the professional reputation and competence of Contractor. Contractor may not assign this Agreement or any interest therein without the prior written approval of the Contract Administrator. Contractor shall not subcontract any portion of the performance contemplated and provided for herein, other than to the subcontractors noted in the proposal, without prior written approval of the Contract Administrator.

8.5 **Survival.** All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating liability between City and Contractor shall survive the termination of this Agreement.

8.6 **Options upon Breach by Contractor.** If Contractor materially breaches any of the terms of this Agreement, City's remedies shall include, but not be limited to, the following:

8.6.1 Immediately terminate the Agreement;

8.6.2 Retain the plans, specifications, drawings, reports, design documents, and any other work product prepared by Contractor pursuant to this Agreement;

8.6.3 Retain a different contractor to complete the work described in Exhibit A not finished by Contractor; or

8.6.4 Charge Contractor the difference between the cost to complete the work described in Exhibit A that is unfinished at the time of breach and the amount that City would have paid Contractor pursuant to Section 2 if Contractor had completed the work.

Section 9. KEEPING AND STATUS OF RECORDS.

9.1 **Records Created as Part of Contractor's Performance.** All reports, data, maps, models, charts, studies, surveys, photographs, memoranda, plans, studies, specifications, records, files, or any other documents or materials, in electronic or any other form, that Contractor prepares or obtains pursuant to this Agreement and that relate to the matters covered hereunder shall be the property of the City. Contractor hereby agrees to deliver those documents to the City upon termination of the Agreement. It is understood and agreed that the documents and other materials, including but not limited to those described above, prepared pursuant to this Agreement are prepared specifically for the City and are not necessarily suitable for any future or other use. City and Contractor agree that, until final approval by City, all data, plans, specifications, reports and other documents are confidential and will not be released to third parties without prior written consent of both Parties.

9.2 **Contractor's Books and Records.** Contractor shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services or expenditures and disbursements charged to the City under this Agreement for a minimum of 3 years, or for any longer period required by law, from the date of final payment to the Contractor to this Agreement.

9.3 **Inspection and Audit of Records.** Any records or documents that Subsection 9.2 of this Agreement requires Contractor to maintain shall be made available for inspection, audit, and/or copying at any time during regular business hours, upon oral or written request of the City. Under California Government Code Section 8546.7, if the amount of public funds expended under this Agreement exceeds $10,000.00, the Agreement shall be subject to

the examination and audit of the State Auditor, at the request of City or as part of any audit of the City, for a period of 3 years after final payment under the Agreement.

Section 10. MISCELLANEOUS PROVISIONS.

10.1 Attorneys' Fees. If a party to this Agreement brings any action, including an action for declaratory relief, to enforce or interpret the provision of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees in addition to any other relief to which that party may be entitled. The court may set such fees in the same action or in a separate action brought for that purpose.

10.2 Venue. In the event that either party brings any action against the other under this Agreement, the Parties agree that trial of such action shall be vested exclusively in the state courts of California in the County of Alameda or in the United States District Court for the Northern District of California.

10.3 Severability. If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjudged shall remain in full force and effect. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.

10.4 No Implied Waiver of Breach. The waiver of any breach of a specific provision of this Agreement does not constitute a waiver of any other breach of that term or any other term of this Agreement.

10.5 Successors and Assigns. The provisions of this Agreement shall inure to the benefit of and shall apply to and bind the successors and assigns of the Parties.

10.6 Conflict of Interest. Contractor may serve other clients, but none whose activities within the corporate limits of City or whose business, regardless of location, would place Contractor in a "conflict of interest," as that term is defined in the Political Reform Act, codified at California Government Code Section 81000 *et seq.*

Contractor shall not employ any City official in the work performed pursuant to this Agreement. No officer or employee of City shall have any financial interest in this Agreement that would violate California Government Code Section 1090 *et seq.*

Contractor hereby warrants that it is not now, nor has it been in the previous 12 months, an employee, agent, appointee, or official of the City. If Contractor was an employee, agent, appointee, or official of the City in the previous 12 months, Contractor warrants that it did not participate in any manner in the forming of this Agreement. Contractor understands that, if this Agreement is made in violation of California Government Code Section 1090 *et seq.*, the entire Agreement is void and Contractor will not be entitled to any compensation for services performed pursuant to this Agreement, including reimbursement of expenses, and Contractor will be required to reimburse the City for any sums paid to the Contractor.

Contractor understands that, in addition to the foregoing, it may be subject to criminal prosecution for a violation of California Government Code Section 1090 *et seq.,* and, if applicable, will be disqualified from holding public office in the State of California.

10.7 **Solicitation.** Contractor agrees not to solicit business at any meeting, focus group, or interview related to this Agreement, either orally or through any written materials.

10.8 **Contract Administration.** This Agreement shall be administered by the City Manager ("Contract Administrator"). All correspondence shall be directed to or through the Contract Administrator or his or her designee.

10.9 **Notices.** Any written notice to Contractor shall be sent to:
Stoneridge Chrysler Jeep Dodge
4100 Stevens Creek Boulevard
San Jose, CA 95129-1335

Any written notice to City shall be sent to:

City of Dublin
Attn: Police Services
100 Civic Plaza
Dublin, CA 94568

10.10 **Integration.** This Agreement, including the scope of work attached hereto and incorporated herein as Exhibits A, B represents the entire and integrated agreement between City and Contractor and supersedes all prior negotiations, representations, or agreements, either written or oral.

Exhibit A	Scope of Services
Exhibit B	Compensation Schedule & Reimbursable Expenses

10.11 **Counterparts and Electronic Signatures**. This Agreement may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement. Counterparts delivered and/or signatures executed by City-approved electronic or digital means shall have the same force and effect as the use of a manual signature. Both Parties desire this Agreement to be electronically signed in accordance with applicable federal and California law. Either Party may revoke its agreement to use electronic signatures at any time by giving notice to the other Party.

10.12 **Certification per Iran Contracting Act of 2010.** In the event that this contract is for one million dollars ($1,000,000.00) or more, by Contractor's signature below Contractor certifies that Contractor, and any parent entities, subsidiaries, successors or subunits of Contractor are not identified on a list created pursuant to subdivision (b) of Section 2203 of the California Public Contract Code as a person engaging in investment activities in Iran as described in subdivision (a) of Section 2202.5, or as a person described in subdivision (b) of Section 2202.5 of the California Public Contract Code, as applicable.

SIGNATURES ON FOLLOWING PAGE

The Parties have executed this Agreement as of the Effective Date. The persons whose signatures appear below certify that they are authorized to sign on behalf of the respective Party.

CITY OF DUBLIN

Linda Smith, City Manager

Attest:

Marsha Moore, City Clerk

Approved as to Form:

City Attorney

STONERIDGE CHRYSLER JEEP DODGE

DocuSigned by:
Chris Nickerson
02E8B0DA528B43A...

Chris Nickerson, Operations Manager

3070365.1

EXHIBIT A

SCOPE OF SERVICES

Provide repair, maintenance and equipment installation services for emergency police vehicles. Examples include, but are not limited to, engine repair, transmission repair and oil changes. Scope of services are for a term of service beginning March 1, 2022 and ending on June 30, 2024.

EXHIBIT B

COMPENSATION SCHEDULE & REIMBURSABLE EXPENSES

Stoneridge Chrysler Jeep Dodge will be charging labor at $200.00 per hour and parts pricing will be 20% off of list price. The maximum to be charged is $90,000 over the contract term and there are no reimbursable expenses.

Agenda Item 4.3

STAFF REPORT
CITY COUNCIL

DATE: March 1, 2022

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Approval of Plans and Specifications and Award of Contract to Goodfellow Sequoia Joint Venture, Waiver of a Minor Bid Irregularity, and Approval of a Budget Change for the Iron Horse Trail Bridge at Dublin Boulevard, CIP No. ST0118

Prepared by: William Wahbeh, Associate Civil Engineer

EXECUTIVE SUMMARY:

The City Council will consider approving the plans and specifications, waiving a minor bid irregularity, and awarding a construction contract to Goodfellow Sequoia Joint Venture for the Iron Horse Trail Bridge at Dublin Boulevard Project. The project will construct a pedestrian and bicycle bridge structure, support foundations, and graduated ramps facilitating connection to the existing trail on the north and south sides of Dublin Boulevard at the intersection of Scarlett Drive. The City Council will also consider approving a budget change to increase the project funding.

STAFF RECOMMENDATION:

Adopt the **Resolution** Approving the Plans and Specifications, Waiving a Minor Bid Irregularity, and Awarding a Contract to Goodfellow Sequoia Joint Venture for the Iron Horse Trail Bridge at Dublin Boulevard Project (CIP No. ST0118), and approve the budget change.

FINANCIAL IMPACT:

As approved in the Five-Year Capital Improvement Program (CIP), the total budget for the Iron Horse Trail Bridge (CIP No. ST0118) is $11,604,439 (Attachment 2) and is funded with a combination of transportation funds, grants, and the Dublin Crossing Fund. The base bid submitted by Goodfellow Sequoia Joint Venture is $10,202,650.80. Staff recommends a 10% construction contingency in the amount of $1,020,000 to facilitate change orders for unforeseen construction issues, bringing the total potential construction cost to $11,222,650.80.

In addition to the construction contract, the project budget includes expenditures for soft costs which include staff, consultants, permits, fees, and other miscellaneous costs. With these, Staff estimates the total project budget needs to be $14,004,439, requiring a budget increase of

$2,400,000. Of this amount, Staff anticipates covering $600,000 through an appropriation by the Tri-Valley Transportation Council (TVTC), which will be included in the project budget when City Council considers the 2022-2027 CIP later this year.

The remaining increase of $1,800,000 requires City Council approval of a budget increase to utilize State Gas Tax, Measure B and BB, and Eastern Dublin Transportation Impact Fee funds, as shown below:

Current Total Project Funding	**$11,604,439.00**
Project Costs	
Base Bid	$10,202,650.80
Construction Contingency	$1,020,000.00
Soft Costs	$2,781,788.20
Total Estimated Expenditures	**$14,004,439.00**
Funding Shortfall	**$2,400,000.00**
Additional Funding Sources	
State Gas Tax	$400,000.00
Measure B Bike & Ped	$300,000.00
Measure BB Bike & Ped	$200,000.00
Measure BB Local Streets	$400,000.00
Eastern Dublin Transportation Impact Fee	$500,000.00
Tri-Valley Transportation Development Fee (future)	*$600,000.00*
Total Additional Funding	**$2,400,000.00**
Current Proposed Budget Increase	**$1,800,000.00**
Future Budget Increase	**$600,000.00**

DESCRIPTION:

The Five-Year Capital Improvement Program (CIP) includes the Iron Horse Trail Bridge at Dublin Boulevard Project (CIP No. ST0118, Attachment 2). The project will construct a pedestrian and bicycle bridge structure, support foundations, and graduated ramps facilitating connection to the existing at-grade trail on the north and south sides of Dublin Boulevard at the intersection of Scarlett Drive. The bridge ramps will also connect to Don Biddle Community Park, which is located on the north side of Dublin Boulevard adjacent to the Iron Horse Trail. The free-span bridge will be approximately 230 feet in length and provide a minimum of 17 feet of vertical clearance from the Dublin Boulevard surface. The entire length of the project, including landings north and south of Dublin Boulevard, as well as the bridge span itself, is approximately 1,200 feet.

The project will provide a safer and easier crossing for trail users and facilitate improved traffic flow along Dublin Boulevard by providing a grade-separated crossing over Dublin Boulevard for pedestrians, bicyclists, and BART commuters. The terminus of the southeasterly side of the bridge

crossing leads directly to the Dublin-Pleasanton BART Station.

Bid Results and Construction

The City of Dublin issued the bid package on November 12, 2021 for the bridge improvements, which was made up of 43 base bids items and three bid alternate items. A total of nine sealed bids were received on January 20, 2022, with the base bids ranging from $10,202,650.80 to $13,242,978.00. A summary of the bids is provided as Attachment 3. The lowest base bid of $10,202,650.80 was submitted by Goodfellow Sequoia Joint Venture. Staff is not recommending award of any of the add alternate bid items, as the cost for these items was significantly over the Engineers Estimate and they are not necessary to complete the Project.

The bid submitted by Goodfellow Sequoia Joint Venture contained a clerical error for Add Alternate Item 3 (Section TP-47C) in which the entry was incorrectly entered. As the City is not selecting any of the add alternates, this error is found to be immaterial. In addition, the Base Contract Total was written in numbers only and was not spelled out in words. The written numbers were consistent with the summation of the base bid extensions and the total base bid amount; therefore, this omission is found to be immaterial. The Public Contract Code and the City's bid documents define these inconsistencies as "minor bid irregularities," and authorize the City to waive these irregularities and proceed with the award of the contract.

Staff reviewed the bid results, checked references and necessary licenses, and recommends that the City Council waive the minor bid irregularities and award the project construction contract to Goodfellow Sequoia Joint Venture as the lowest responsive bidder. Additionally, to facilitate change orders for unforeseen construction issues and avoid related construction delays, Staff recommends that the City Manager be authorized to approve change orders up to a contingency amount of $1,020,000.00.

Staff expects the project to begin in Spring 2022 and be substantially complete by Spring 2023. As part of the construction sequence, two full road closures of Dublin Boulevard are anticipated. The first closure will allow for setting the prefabricated bridge (Saturday 9:00 p.m. to Sunday 9:00 p.m.) and the second for the pouring of concrete for the bridge deck (Saturday 11:00 p.m. to Sunday 7:00 a.m.). Public notification will be provided well in advance of these closures through on-street signage, posting on the City's website, and contact with surrounding businesses and residences. A motorist detour plan has been designed and coordinated with the City of Pleasanton to minimize impacts to the public during these road closures.

California Environmental Quality Act (CEQA)

On April 7, 2020, the City Council determined that there is no substantial evidence that the project as mitigated will have a significant effect on the environment, and approved Resolution No. 23-20 adopting the Supplemental Mitigated Negative Declaration (Attachment 5).

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

A copy of this Staff Report was sent to Goodfellow Sequoia Joint Venture, Alameda County Transportation Commission's Independent Watchdog Committee, and Bay Area Rapid Transit (BART). The City Council Agenda was posted.

ATTACHMENTS:

1) Resolution Approving the Plans and Specifications, Waiving a Minor Bid Irregularity, and Awarding a Contract to Goodfellow Sequoia Joint Venture for the Iron Horse Trail Bridge at Dublin Boulevard Project, CIP No. ST0118
2) CIP No. ST0118
3) Bid Results
4) Budget Change Form
5) Resolution No. 23-20 Adopting the Supplemental Mitigated Negative Declaration

RESOLUTION NO. XX - 22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUBLIN

APPROVING THE PLANS AND SPECIFICATIONS, WAIVING A MINOR BID IRREGULARITY, AND AWARDING A CONTRACT TO GOODFELLOW SEQUOIA JOINT VENTURE FOR THE IRON HORSE TRAIL BRIDGE AT DUBLIN BOULEVARD PROJECT, CIP NO. ST0118

WHEREAS, on February 20, 2018, the City Council adopted Resolution No. 15-18, approving a new Capital Improvement Program Project, the Iron Horse Trail Bridge at Dublin Boulevard ("Project") and approving a Consulting Services Agreement with Mark Thomas & Company, Inc. for the final design phase for the Project; and

WHEREAS, the design team has completed the plans and specifications for Project, which will construct a pedestrian and bicycle bridge structure, support foundations, and graduated ramps facilitating connection to the existing at-grade trail on the north and south sides of Dublin Boulevard at the intersection of Scarlett Drive; and

WHEREAS, the City of Dublin did, on January 20, 2022, publicly open, examine, and declare all sealed bids for doing the work described in the approved Plans and Specifications for the Project, which Plans and Specifications are hereby expressly referred to for a description of said work and for all particulars relative to the proceedings under the request for bids; and

WHEREAS, Goodfellow Sequoia Joint Venture's bid contained minor bid irregularities in that there was a clerical error in the entry of Alternate Item 3 which is not considered as a basis of the lowest bid price nor are any alternate bid items being awarded, and the base contract total was written in numbers only, not spelled out in words, but consistent with the summation of the base bid extensions, and the Public Contract Code and the City's bid documents authorize the City to waive any minor irregularity and proceed with the award of the contract; and

WHEREAS, said bids were submitted to City Staff and that Goodfellow Sequoia Joint Venture was determined to be the lowest responsive and responsible bidder for doing said work.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Dublin hereby approves the Plans and Specifications for the Project.

BE IT FURTHER RESOLVED that the City Council of the City of Dublin does hereby waive the minor bid irregularities since the clerical errors do not change the lowest bid price on the Base Contract.

BE IT FURTHER RESOLVED that the City Council of the City of Dublin does hereby award the Contract for the Project to the lowest responsive bidder, Goodfellow Sequoia Joint Venture, at a bid of $10,202,650.80, the particulars of which bids are on file in the Office of the Public Works Director.

BE IT FURTHER RESOLVED that the City Council of the City of Dublin does hereby authorize the City Manager or designee to approve the Project Contract Change Orders based on the appropriated funds designated for the Project up to the contingency amount of $1,020,000.

BE IT FURTHER RESOLVED that the City Manager or designee is authorized to execute the Construction Agreement with Goodfellow Sequoia Joint Venture and make any necessary, non-substantive changes to carry out the intent of this Resolution.

PASSED, APPROVED AND ADOPTED this 1st day of March 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Mayor

ATTEST:

_____
City Clerk

Number **ST0118** | **IRON HORSE TRAIL BRIDGE AT DUBLIN BOULEVARD** | Program **STREETS**

PROJECT DESCRIPTION

This project provides for the planning, design, and construction of the Iron Horse Trail bridge for bicycles and pedestrians over Dublin Boulevard. The project will construct a truss arch bridge consistent with the Iron Horse Trail Feasibility Study and preliminary bridge design, approved by the City Council on November 7, 2017. The bridge will provide safer and easier trail access, including access to and from the Dublin-Pleasanton BART station.

The Alameda County Transportation Commission (ACTC) approved an allocation of $1,294,000 of Measure BB discretionary funds in Fiscal Year 2017-2018 for the bridge design and environmental clearance. On June 17, 2019 ACTC approved additional funding in the amount of $4,751,000 of Measure BB and $856,419 of Transportation for Clean Air funds for the construction phase of the project. The project will also receive funding of $1,000,000 for construction from a Developer contribution from the Boulevard Project. Fall 2020 BART approved $1,500,000 of Measure RR Safe Routes to BART Grant for the construction phase of the project.

ANNUAL OPERATING IMPACT: $50,000

MANAGING DEPARTMENT: Public Works

			2020-2025 CAPITAL IMPROVEMENT PROGRAM						
ESTIMATED COSTS		**PRIOR YEARS**	**2020-2021 BUDGET**	**2021-2022**	**2022-2023**	**2023-2024**	**2024-2025**	**FUTURE YEARS**	**TOTALS**
9100	Salaries & Benefits	$17,475	$137,985						$155,460
9200	Contract Services	$816,193	$1,603,347						$2,419,540
9400	Improvements		$9,016,979						$9,016,979
9500	Miscellaneous	$2,460	$10,000						$12,460
TOTAL		**$836,128**	**$10,768,311**						**$11,604,439**

FUNDING SOURCE		**PRIOR YEARS**	**2020-2021 BUDGET**	**2021-2022**	**2022-2023**	**2023-2024**	**2024-2025**	**FUTURE YEARS**	**TOTALS**
2201	State Gas Tax	$12,325	$432,715						$445,040
2204	Measure B Sales Tax - Local Streets Fund (ACTC)		$587,980						$587,980
2205	Measure B Sales Tax - Bike & Pedestrian Fund (ACTC)		$100,000						$100,000
2207	TFCA/Transportation for Clean Air		$856,419						$856,419
2215	Measure BB Sales Tax - Bike & Pedestrian Fund		$100,000						$100,000
2217	Measure BB Grants	$660,320	$5,384,680						$6,045,000
2218	Measure RR - Safe Routes to BART		$1,500,000						$1,500,000
2220	Road Maint. & Rehab. Account (RMRA)	$163,482	$806,518						$970,000
4401	Dublin Crossing Fund		$1,000,000						$1,000,000
TOTAL		**$836,128**	**$10,768,311**						**$11,604,439**

ANNUAL OPERATING IMPACT					**$50,000**	**$50,000**	**$50,000**		

CITY OF DUBLIN
PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION
BID SUMMARY

Project Name: Iron Horse Trail Bridge at Dublin Boulevard

Project No. : ST0118
Bid Date: January 20, 2022

BASE BID				Goodfellow Sequoia JV		Granite Construction		Gordon N. Ball		Myers & Sons		Ghilotti		Granite Rock		MCM Construction		Walsh Construction		Bridgeway Civil Constructors	
ITEM	DESCRIPTION	Qty.	UNIT	Unit Cost	Extension	Unit Cost	Extension	Unit Cost	Extension	Unit Cost	Extension	Unit Cost	Extension	Unit Cost	Extension	Unit Cost	Extension	Unit Cost	Extension	Unit Cost	Extension
1	Mobilization (10% of construction cost)	1	LS	$810,000.00	$810,000.00	$1,000,000.00	$1,000,000.00	$1,100,000.00	$1,100,000.00	$1,100,000.00	$1,100,000.00	$848,000.00	$848,000.00	$1,055,000.00	$1,055,000.00	$1,200,000.00	$1,200,000.00	$538,847.29	$538,847.29	$1,200,000.00	$1,200,000.00
2	COVID Health and Safety Protocol	1	LS	$100,000.00	$100,000.00	$15,000.00	$15,000.00	$15,000.00	$15,000.00	$20,000.00	$20,000.00	$5,000.00	$5,000.00	$5,000.00	$5,000.00	$100,000.00	$100,000.00	$150,000.00	$150,000.00	$10,000.00	$10,000.00
3	Water Pollution Control (Includes SWPPP)	1	LS	$90,000.00	$90,000.00	$50,000.00	$50,000.00	$100,000.00	$100,000.00	$150,000.00	$150,000.00	$48,000.00	$48,000.00	$166,000.00	$166,000.00	$120,000.00	$120,000.00	$175,000.00	$175,000.00	$80,000.00	$80,000.00
4	Traffic Control	1	LS	$175,000.00	$175,000.00	$150,000.00	$150,000.00	$340,000.00	$340,000.00	$250,000.00	$250,000.00	$227,000.00	$227,000.00	$100,000.00	$100,000.00	$200,000.00	$200,000.00	$250,000.00	$250,000.00	$450,000.00	$450,000.00
5	Clearing and Grubbing	1	LS	$250,000.00	$250,000.00	$50,000.00	$50,000.00	$50,000.00	$50,000.00	$25,000.00	$25,000.00	$4,450.00	$4,450.00	$20,000.00	$20,000.00	$25,000.00	$25,000.00	$33,000.00	$33,000.00	$15,000.00	$15,000.00
6	Remove Landscape and Irrigation	7,610	SF	$1.00	$7,610.00	$1.00	$7,610.00	$2.00	$15,220.00	$5.00	$38,050.00	$2.00	$15,220.00	$1.50	$11,415.00	$5.00	$38,050.00	$1.00	$7,610.00	$5.00	$38,050.00
7	Remove Tree	14	EA	$495.00	$6,930.00	$545.00	$7,630.00	$1,000.00	$14,000.00	$500.00	$7,000.00	$550.00	$7,700.00	$1,300.00	$18,200.00	$1,500.00	$21,000.00	$400.00	$5,600.00	$520.00	$7,280.00
8	Roadway Excavation	680	CY	$80.00	$54,400.00	$100.00	$68,000.00	$150.00	$102,000.00	$135.00	$91,800.00	$120.00	$81,600.00	$140.00	$95,200.00	$185.00	$125,800.00	$100.00	$68,000.00	$210.00	$142,800.00
9	Sheeting, Shoring, and Bracing	1	LS	$20,000.00	$20,000.00	$70,000.00	$70,000.00	$150,000.00	$150,000.00	$100,000.00	$100,000.00	$11,500.00	$11,500.00	$240,700.00	$240,700.00	$45,000.00	$45,000.00	$20,000.00	$20,000.00	$20,000.00	$20,000.00
10	Class 2 Aggregate Base	325	CY	$65.00	$21,125.00	$175.00	$56,875.00	$100.00	$32,500.00	$175.00	$56,875.00	$140.00	$45,500.00	$147.00	$47,775.00	$115.00	$37,375.00	$124.00	$40,300.00	$130.00	$42,250.00
11	Hot Mix Asphalt	200	TON	$130.00	$26,000.00	$193.53	$38,706.00	$250.00	$50,000.00	$250.00	$50,000.00	$160.00	$32,000.00	$188.00	$37,600.00	$275.00	$55,000.00	$300.00	$60,000.00	$314.00	** $62,800.00
12	Energy Dissipation Cobblestone	100	SF	$33.00	$3,300.00	$50.00	$5,000.00	$60.00	$6,000.00	$125.00	$12,500.00	$35.00	$3,500.00	$100.00	$10,000.00	$70.00	$7,000.00	$75.00	$7,500.00	$6.00	$600.00
13	Minor Concrete (Sidewalk - ADA Ramp)	7,450	SF	$11.00	$81,950.00	$11.00	$81,950.00	$10.00	$74,500.00	$15.00	$111,750.00	$13.00	$96,850.00	$24.00	$178,800.00	$14.00	$104,300.00	$20.00	$149,000.00	$12.00	$89,400.00
14	Roadside Sign	1	LS	$400.00	$400.00	$400.00	$400.00	$400.00	$400.00	$400.00	$400.00	$385.00	$385.00	$400.00	$400.00	$425.00	$425.00	$950.00	$950.00	$300.00	$300.00
15	Structural Excavation (Retaining Wall)	1,212	CY	$150.00	$181,800.00	$150.00	$181,800.00	$100.00	$121,200.00	$175.00	$212,100.00	$90.00	$109,080.00	$110.00	$133,320.00	$60.00	$72,720.00	$65.00	$78,780.00	$175.00	$212,100.00
16	Structural Backfill (Retaining Wall)	176	CY	$35.00	$6,160.00	$88.00	$15,488.00	$100.00	$17,600.00	$200.00	$35,200.00	$240.00	$42,240.00	$280.00	$49,280.00	$325.00	$57,200.00	$120.00	$21,120.00	$135.00	$23,760.00
17	Structure Excavation (Bridge)	298	CY	$300.00	$89,400.00	$110.00	$32,780.00	$250.00	$74,500.00	$250.00	$74,500.00	$180.00	$53,640.00	$240.00	$71,520.00	$120.00	$35,760.00	$75.00	$22,350.00	$155.00	$46,190.00
18	Structure Backfill (Bridge)	161	CY	$80.00	$12,880.00	$160.00	$25,760.00	$100.00	$16,100.00	$150.00	$24,150.00	$110.00	$17,710.00	$773.00	$124,453.00	$140.00	$22,540.00	$65.00	$10,465.00	$160.00	$25,760.00
19	Light Weight Cellular Concrete Backfill (Class II)	1,435	CY	$150.00	$215,250.00	$90.00	$129,150.00	$140.00	$200,900.00	$85.00	$121,975.00	$140.00	$200,900.00	$124.00	$177,940.00	$125.00	$179,375.00	$136.00	$195,160.00	$90.00	$129,150.00
20	24" Cast-In-Drilled-Hole Concrete Piling	1,406	LF	$250.00	$351,500.00	$270.00	$379,620.00	$330.00	$463,980.00	$265.00	$372,590.00	$280.00	$393,680.00	$275.00	$386,650.00	$300.00	$421,800.00	$325.00	$456,950.00	$360.00	$506,160.00
21	36" Cast-In-Drilled-Hole Concrete Piling	268	LF	$500.00	$134,000.00	$533.00	$142,844.00	$610.00	$163,480.00	$575.00	$154,100.00	$580.00	$155,440.00	$595.00	$159,460.00	$700.00	$187,600.00	$650.00	$174,200.00	$700.00	$187,600.00
22	Prestressing Cast-In-Place Concrete	1	LS	$110,500.00	$110,500.00	$105,000.00	$105,000.00	$100,000.00	$100,000.00	$105,000.00	$105,000.00	$130,000.00	$130,000.00	$127,000.00	$127,000.00	$115,000.00	$115,000.00	$120,000.00	$120,000.00	$130,000.00	$130,000.00
23	Structural Concrete, Retaining Wall	237	CY	$2,200.00	$521,400.00	$3,600.00	$853,200.00	$2,600.00	$616,200.00	$3,500.00	$829,500.00	$3,500.00	$829,500.00	$4,030.00	$955,110.00	$2,000.00	$474,000.00	$5,000.00	$1,185,000.00	$3,000.00	$711,000.00
24	Structural Concrete, Retaining Wall (Footing)	329	CY	$325.00	$106,925.00	$1,000.00	$329,000.00	$550.00	$180,950.00	$1,000.00	$329,000.00	$1,000.00	$329,000.00	$500.00	$164,500.00	$600.00	$197,400.00	$425.00	$139,825.00	$600.00	$197,400.00
25	Structural Concrete, Bridge Footing	95	CY	$450.00	$42,750.00	$700.00	$66,500.00	$750.00	$71,250.00	$1,250.00	$118,750.00	$1,000.00	$95,000.00	$725.00	$68,875.00	$700.00	$66,500.00	$700.00	$66,500.00	$600.00	$57,000.00
26	Structural Concrete, Bridge	156	CY	$1,800.00	$280,800.00	$2,150.00	$335,400.00	$5,000.00	$780,000.00	$2,250.00	$351,000.00	$3,400.00	$530,400.00	$2,200.00	$343,200.00	$3,194.00	$498,264.00	$2,700.00	$421,200.00	$3,000.00	$468,000.00
27	Structural Concrete, Bridge (Polymer Fiber)	349	CY	$2,100.00	$732,900.00	$1,850.00	$645,650.00	$1,200.00	$418,800.00	$2,500.00	$872,500.00	$3,000.00	$1,047,000.00	$2,750.00	$959,750.00	$1,323.00	$461,727.00	$2,800.00	$977,200.00	$2,200.00	$767,800.00
28	Lightweight Concrete	63	CY	$1,500.00	$94,500.00	$1,550.00	$97,650.00	$2,000.00	$126,000.00	$865.00	$54,495.00	$2,000.00	$126,000.00	$2,550.00	$160,650.00	$2,200.00	$138,600.00	$2,600.00	$163,800.00	$1,800.00	$113,400.00
29	Architectural Treatment	5,448	SF	$175.00	$953,400.00	$200.00	$1,089,600.00	$210.00	$1,144,080.00	$25.00	$136,200.00	$200.00	$1,089,600.00	$210.00	$1,144,080.00	$175.00	$953,400.00	$225.00	$1,225,800.00	$215.00	$1,171,320.00
30	Spray-On Concrete Veneer	19,272	SF	$1.00	$19,272.00	$15.00	$289,080.00	$15.00	$289,080.00	$3.50	$67,452.00	$3.00	$57,816.00	$2.00	$38,544.00	$5.00	$96,360.00	$10.00	$192,720.00	$3.00	$57,816.00
31	Joint Seal (MR 1 1/2")	24	LF	$250.00	$6,000.00	$250.00	$6,000.00	$235.00	$5,640.00	$75.00	$1,800.00	$232.00	$5,568.00	$232.00	$5,568.00	$150.00	$3,600.00	$225.00	$5,400.00	$150.00	$3,600.00
32	Bar Reinforcing Steel (Retaining Wall)	72,484	LB	$2.50	$181,210.00	$1.50	$108,726.00	$2.00	$144,968.00	$1.75	$126,847.00	$1.46	$105,826.64	$1.50	$108,726.00	$2.00	$144,968.00	$1.75	$126,847.00	$1.75	$126,847.00
33	Bar Reinforcing Steel (Bridge)	204,940	LB	$1.50	$307,410.00	$1.30	$266,422.00	$1.50	$307,410.00	$1.75	$358,645.00	$1.26	$258,224.40	$1.35	$276,669.00	$2.00	$409,880.00	$1.55	$317,657.00	$1.55	$317,657.00
34	Headed Bar Reinforcement	154	EA	$9.00	$1,386.00	$9.00	$1,386.00	$15.00	$2,310.00	$15.00	$2,310.00	$8.75	$1,347.50	$9.00	$1,386.00	$15.00	$2,310.00	$11.00	$1,694.00	$23.00	$3,542.00
35	Miscellaneous Metal (Bridge)	1,324	LB	$13.00	$17,212.00	$25.00	$33,100.00	$15.00	$19,860.00	$90.00	$119,160.00	$20.00	$26,480.00	$23.00	$30,452.00	$30.00	$39,720.00	$34.00	$45,016.00	$12.00	$15,888.00
36	Bridge Deck Drainage System	1	LS	$93,000.00	$93,000.00	$131,000.00	$131,000.00	$50,000.00	$50,000.00	$85,000.00	$85,000.00	$38,000.00	$38,000.00	$72,000.00	$72,000.00	$75,000.00	$75,000.00	$65,000.00	$65,000.00	$25,000.00	$25,000.00
37	Anti-Graffiti Coating	19,272	SF	$1.40	$26,980.80	$1.25	$24,090.00	$1.50	$28,908.00	$3.25	$62,634.00	$1.25	$24,090.00	$2.25	$43,362.00	$6.50	$125,268.00	$2.25	$43,362.00	$1.50	$28,908.00
38	Metal Bridge Railing	2,169	LF	$500.00	$1,084,500.00	$476.00	$1,032,444.00	$520.00	$1,127,880.00	$865.00	$1,876,185.00	$795.00	$1,724,355.00	$880.00	$1,908,720.00	$900.00	$1,952,100.00	$550.00	$1,192,950.00	$600.00	$1,301,400.00
39	Modified Metal Bridge Railing	460	LF	$380.00	$174,800.00	$355.00	$163,300.00	$500.00	$230,000.00	$850.00	$391,000.00	$760.00	$349,600.00	$880.00	$404,800.00	$900.00	$414,000.00	$425.00	$195,500.00	$570.00	$262,200.00
40	Furnish Prefabricated Steel Truss Bridge (230')	1	EA	$1,660,000.00	$1,660,000.00	$1,782,300.00	$1,782,300.00	$2,000,000.00	$2,000,000.00	$2,250,000.00	$2,250,000.00	$1,688,000.00	$1,688,000.00	$1,980,000.00	$1,980,000.00	$1,800,000.00	$1,800,000.00	$2,480,000.00	$2,480,000.00	$2,300,000.00	$2,300,000.00
41	Erect Prefabricated Steel Truss Bridge (230')	1	EA	$250,000.00	$250,000.00	$350,000.00	$350,000.00	$300,000.00	$300,000.00	$515,000.00	$515,000.00	$808,000.00	$808,000.00	$372,000.00	$372,000.00	$1,100,000.00	$1,100,000.00	$640,000.00	$640,000.00	$205,000.00	$205,000.00
42	Structural Steel (Wave Railing)	1	LS	$200,000.00	$200,000.00	$100,000.00	$100,000.00	$190,000.00	$190,000.00	$115,000.00	$115,000.00	$198,000.00	$198,000.00	$118,000.00	$118,000.00	$215,000.00	$215,000.00	$125,000.00	$125,000.00	$175,000.00	$175,000.00
43	Trail Lighting (Base Bid)	1	LS	$700,000.00	$700,000.00	$679,539.00	$679,539.00	$650,000.00	$650,000.00	$700,000.00	$700,000.00	$700,000.00	$700,000.00	$690,000.00	$690,000.00	$800,000.00	$800,000.00	$975,000.00	$975,000.00	$1,515,000.00	$1,515,000.00
	TOTAL				**$10,202,650.80**		$10,998,000.00		$11,890,716.00	*	$12,475,468.00		$12,561,202.54		$13,062,105.00		$13,139,042.00		$13,170,303.29	*	$13,242,978.00
				LOW BIDDER																	
	Add Alternates																				
1A	**Trail Lighting (Alternative 1)**	1	**LS**	$1,500,000.00	$1,500,000.00	$1,000,000.00	$1,000,000.00	$993,000.00	$993,000.00	$865,000.00	$865,000.00	$1,608,000.00	$1,608,000.00	$1,525,000.00	$1,525,000.00	$1,850,000.00	$1,850,000.00	$232,000.00	$232,000.00	$306,250.00	$306,250.00
1B	**Trail Lighting (Alternative 2)**	1	**LS**	$2,000,000.00	$2,000,000.00	$1,250,000.00	$1,250,000.00	$1,067,000.00	$1,067,000.00	$1,125,000.00	$1,125,000.00	$2,020,000.00	$2,020,000.00	$1,770,000.00	$1,770,000.00	$1,950,000.00	$1,950,000.00	$556,000.00	$556,000.00	$368,750.00	$368,750.00
1C	**Trail Lighting (Alternative 3)**	1	**LS**	$360,000.00	$360,000.00	$1,550,000.00	$1,550,000.00	$1,256,000.00	$1,256,000.00	$1,400,000.00	$1,400,000.00	$2,468,000.00	$2,468,000.00	$2,076,000.00	$2,076,000.00	$2,250,000.00	$2,250,000.00	$967,000.00	$967,000.00	$609,375.00	$609,375.00

** Mathematical error "summation of bid items"*
*** Mathematical error "unit cost extension"*

List of Sub-Contractors

Description	Goodfellow Sequoia JV	Granite Construction	Gordon N. Ball	Myers & Sons	Ghilotti	Granite Rock	MCM Construction	Walsh Construction	Bridgeway Civil Constructors
Electrical	Columbia Electric	W. Bradley Electric	Lee Contractors & Consultants	W Bradley Electric	Columbia Electric	W Bradley Electric	St. Francis Electric	Phoenix Electric	Tennyson Electric
Reinforcing Steel	CMC Rebar	CMC Rebar	CMC Rebar	CMC Rebar	CMC Rebar	CMC Rebar	CMC Rebar	CMC Rebar	CMC Rebar
Cellular Concrete	Cell-Crete Corporation	Cell-Crete Corporation	Cell-Crete Corporation	Cell-Crete Corporation	Cell-Crete Corporation	Cell-Crete Corporation	Conco	Cell-Crete Corporation	Cell-Crete Corporation
CIDH Pile	Drill Tech Drilling	Mahaffey Drilling	Drill Tech Drilling	Mahaffey Drilling	Drill Tech Drilling	West Coast Drilling		Drill Tech Drilling	Mahaffey Drilling
Pre-Stressing	Schwager Davis	Schwager Davis	Schwager Davis	Schwager Davis	Schwager Davis	Schwager Davis	Schwager Davis	Schwager Davis	Schwager Davis
Construction Area Signs			Schotka Construction						
Furnish & Erect Steel Truss Bridge				Adams & Smith	Stinger Bridge & Iron		Stinger Bridge & Iron		
Handrail	CraneVeyor Corporation	CraneVeyor Corporation		Golden Bay Fence	Golden Bay Fence	Golden Bay Fence	Golden Bay Fence	CraneVeyor Corporation	
Joint Seal			Austin Enterprise						
Anti Graffiti			CNJ Enterprise		CNJ Enterprise				
Painting				Techno Coatings		IMRAE Painting	IMRAE Paintng		
Crane Service						Peninsula Crane & Rigging		Maxim Crane Works	
Fence						Oliveira Fence			
Paving & Grading							Bay Cities Paving & Grading		Bay Cities Paving & Grading
Minor Concrete	FBN Vanguard								

CITY OF DUBLIN
FISCAL YEAR 2021-22
BUDGET CHANGE FORM

Budget Change Reference #: _____

City Council's Approval Required

From Un-Appropriated Reserves X get Transfer Between Funds _____

From Designated Reserves _____ Other _____

DECREASE BUDGET AMOUNT		INCREASE BUDGET AMOUNT	
Account	**Amount**	**Account**	**Amount**
EXP: Iron Horse Bridge at DublinBlvd (PK0422)			
ST0118.9400.9401 (Improvements)			$1,800,000
3600.9601.49999 (Transfers In)			$1,800,000
ST0118.2201 (2201.9601.89101) - Gas Tax Fund Transfers Out			$400,000
ST0118.2205 (2205.9601.89101) - Measure B Bike & Ped Fund Transfers Out			$300,000
ST0118.2215 (2215.9601.89101) - Measure BB Bike & Ped Fund Transfers Out			$200,000
ST0118.2214 (2214.9601.89101) - Measure BB Local Streets Fund Transfers Out			$400,000
ST0118.4301 (4301.9601.89101) - EDTIF Fund Transfers Out			$500,000

REASON FOR BUDGET CHANGE

Increase in project cost due to higher bids received for the project

As Presented at the City Council Meeting **3/1/2022**

***********Finance Use Only***********

Posted By: _____ Date: _____

RESOLUTION NO. 23 - 20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUBLIN

* * * * * * * * *

ADOPTING A SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION AND APPROVING A PROJECT FUNDING AGREEMENT WITH THE ALAMEDA COUNTY TRANSPORTATION COMMISSION FOR THE IRON HORSE TRAIL BRIDGE AT DUBLIN BOULEVARD

WHEREAS, the Iron Horse Trail Bridge at Dublin Boulevard Project (PROJECT) is proposing to construct a bicycle and pedestrian bridge in the general vicinity of Dublin Boulevard and Scarlett Drive Intersection; and

WHEREAS, on June 17, 2019, the Alameda County Transportation Commission allocated $5,607,419 in grant funding to the City of Dublin for the Construction phase of the PROJECT; and

WHEREAS, to receive this grant funding a local match of $2,694,581 will be required and adequate local transportation and developer funds are available to meet this requirement; and

WHEREAS, the California Environmental Quality Act (CEQA), together with the State guidelines and City environmental regulations, require that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

WHEREAS, on November 5, 2013, the Dublin City Council adopted Resolution 186-13, incorporated herein by reference, certifying an Environmental Impact Report (EIR) and adopted findings and a Mitigation Monitoring and Reporting Program for the Dublin Crossing Specific Plan project (“Dublin Crossing Specific Plan EIR”, SCH 2012062009) ("DCEIR"); and

WHEREAS, the construction of a bridge (grade-separated) crossing for Iron Horse Trail across Dublin Boulevard was included as a mitigation measure in the DCEIR; and

WHEREAS, on June 2, 2015, the City Council adopted a CEQA Addendum pursuant to CEQA Guidelines Sections 15162 and 15164 for the Amendments to the General Plan, Dublin Crossing Specific Plan, and Eastern Dublin Specific Plan (“Addendum”), concluding that the minor changes proposed would not result in any of the conditions that would require preparation of a Subsequent or Supplemental EIR and therefore that an addendum to the DCEIR should be prepared; the City Council also confirmed the findings of the DCEIR and the statement of overriding considerations originally adopted in 2013; and

WHEREAS, on November 7, 2017, the Dublin City Council approved the Iron Horse Trail Feasibility Study as well as the proposed design of a bridge crossing at Dublin Boulevard; and

WHEREAS, on December 3, 2018, a public meeting was held to discuss the PROJECT; and

WHEREAS, there is a portion of the PROJECT that occurs outside the DCEIR study area on lands that have not previously been studied; and

WHEREAS, the City prepared an Initial Study/Supplemental Mitigated Negative Declaration (IS/SMND) to determine whether supplemental environmental review was required for the currently proposed PROJECT under CEQA standards. The IS/SMND examined whether there were substantial changes to the proposed development, substantial changes in circumstances, or new information, any of which would result in new or more severe significant impacts than analyzed in the DCEIR or whether any other standards for supplement environmental review were met; and

WHEREAS, the IS/SMND for the PROJECT included a wetland delineation study and a cultural resources report, and determined that the DCEIR adequately addresses the potential environmental impacts for the PROJECT with the supplemental analyses set forth in the IS/SMND; and

WHEREAS, all relevant mitigation measures from the DCEIR will be implemented for the PROJECT as the DCEIR adequately describes the impacts and mitigations for the PROJECT; and

WHEREAS, the IS/SMND determined that the PROJECT would not result in any of the conditions set forth in CEQA Guidelines Section 15162 requiring preparation of a Subsequent or Supplemental EIR; and

WHEREAS, a notice of public review and intent to adopt a Supplemental Mitigated Negative Declaration was thereafter duly posted on November 22, 2019, and the draft IS/SMND was circulated for public review from November 25, 2019 to December 16, 2019; and

WHEREAS, the City of Dublin received one comment letter during the public review period; and

WHEREAS, a Staff Report dated April 7, 2020 and incorporated herein by reference described and analyzed the PROJECT and related IS/SMND for the City Council and recommended adoption of the IS/SMND and approval of the PROJECT; and

WHEREAS, the City Council considered the IS/SMND, as well as the prior DCEIR, the Addendum, and all above-referenced reports, recommendations, and testimony before taking any action on the PROJECT.

NOW, THEREFORE BE IT RESOLVED that the foregoing recitals are true and correct and made a part of this Resolution.

BE IT FURTHER RESOLVED that the City Council of the City of Dublin finds the following:

A. The Dublin City Council has reviewed and considered the Supplemental Mitigated Negative Declaration including comments received during the public review period, prior to taking action on the PROJECT.

B. The Supplemental Mitigated Negative Declaration adequately describes the environmental impacts of the PROJECT.

C. The Mitigation Monitoring and Reporting Program, as identified in the DCEIR, adequately describes the impacts and mitigations for this PROJECT and is incorporated by reference herein, to the extent applicable to this PROJECT.

D. On the basis of the whole record before it, the City Council finds that there is no substantial evidence that the PROJECT as approved with mitigation will have a significant effect on the environment.

E. The Supplemental Mitigated Negative Declaration has been completed in compliance with CEQA, the State CEQA Guidelines and the City of Dublin Environmental Regulations.

F. The Supplemental Mitigated Negative Declaration is complete and adequate and reflects the City's independent judgement and analysis as to the environmental effects of the PROJECT.

G. Following adoption of this Resolution, City staff is authorized and directed to file with the County of Alameda a Notice of Determination pursuant to CEQA.

BE IT FURTHER RESOLVED that based on the above findings, the Dublin City Council adopts the Supplemental Mitigated Negative Declaration attached as **Exhibit A** for the PROJECT and the applicable mitigation measures in the DCEIR Mitigation Monitoring and Reporting Program.

BE IT FURTHER RESOLVED that the City Council of the City of Dublin hereby approves the Project Funding Agreement with the Alameda County Transportation Commission attached hereto as **Exhibit B** to this Resolution.

BE IT FURTHER RESOLVED that the City Manager is authorized to execute the Project Funding Agreement.

PASSED, APPROVED, AND ADOPTED this 7th day of April 2020, by the following vote:

AYES: Councilmembers Goel, Hernandez, Josey, Kumagai and Mayor Haubert

NOES:

ABSENT:

ABSTAIN:

David G. Haubert
Mayor

ATTEST:

Caroli P. Sat
City Clerk

DUBLIN
CALIFORNIA

Iron Horse Trail Dublin Boulevard Overcrossing Project

Initial Study/Supplemental Mitigated Negative Declaration

October 2019

Iron Horse Trail Dublin Boulevard Overcrossing
Initial Study/Supplemental Mitigated Negative Declaration

The City of Dublin is considering construction of the Iron Horse Trail Dublin Boulevard Overcrossing (Overcrossing Project) that would include a free-span bridge structure and ramps to connect the bridge with the existing Iron Horse Trail where it occurs on the north and south sides of Dublin Boulevard. The City's decision to construct the overcrossing constitutes a "project" under the California Environmental Quality Act (CEQA) and requires a discretionary action by the City of Dublin (approve the Overcrossing Project for construction). As such, pursuant to the requirements of the California Environmental Quality Act (CEQA), the City must evaluate the potential for construction or operation of the Overcrossing Project to create adverse environmental effects. This Initial Study/Supplemental MND (IS/SMND) has been prepared for the Overcrossing Project pursuant to the rules for supplemental environmental review under Public Resources Code Section 21166 and CEQA Guidelines Section 15162, as described below.

Description of the Proposed Project

The Iron Horse Regional Trail is a major regional pedestrian and bicycle trail through central Alameda and Contra Costa Counties, providing non-motorized access to local communities and regional transit facilities including the nearby Dublin/Pleasanton BART station. Generally following a former Southern Pacific Railroad right-of-way that was abandoned in 1977, the trail passes through the cities of Livermore, Pleasanton, Dublin, San Ramon, Danville, Alamo, Walnut Creek, and Concord and unincorporated areas of the Counties of Contra Costa and Alameda. The Iron Horse Regional Trail is maintained by the East Bay Regional Park District. It has several existing bridges over busy roadways to help improve traffic flow on the roadways and facilitate pedestrian/bicycle movement along the trail.

Within the City of Dublin, the existing trail runs from northwest to southeast as it approaches Dublin Boulevard, which is a heavily travelled east-west roadway. Trail users crossing Dublin Boulevard must use the sidewalk along the south side of Dublin Boulevard for approximately 200 feet to cross the street at the existing Scarlett Drive signalized intersection and use the sidewalk along the north side of Dublin Boulevard for approximately 100 feet to get back to the trail (Figure 1).

The primary objective of the Overcrossing Project is to provide a safe crossing for trail users and to facilitate improved traffic flow along Dublin Boulevard by providing a grade-separated bridge crossing over Dublin Boulevard for pedestrians and bicyclists. The Overcrossing Project would

allow trail users to stay on the trail and cross over multiple lanes of automobile traffic on the proposed free-span bridge structure (Figure 2) without disrupting vehicular traffic flow.

The Overcrossing Project would require construction of bridge structure, support foundations, and graduated ramps facilitating connection to the existing at-grade trail on the north and south side of Dublin Boulevard. The bridge ramps will also connect to Don Biddle Park which is currently under construction and is located on the north side of Dublin Boulevard adjacent to the existing Iron Horse Trail right-of-way. The proposed free-span overcrossing structure would be approximately 230 feet in length and provide a minimum of 17 feet of vertical clearance from the Dublin Boulevard road surface (Figure 2). The entire length of the Overcrossing Project, including landings north and south of Dublin Boulevard, as well as the bridge span itself, is approximately 1,200 feet in length. The project area, which includes the total area that would be utilized for project construction encompasses approximately 2 acres (Figure 3).

CEQA Background

On November 5, 2013, the City Council approved Resolutions 186-13 (EIR certification) and 187-13 (Dublin Crossing Specific Plan [DCSP] approval and General Plan amendments), as well as Ordinances 07-13 (Zoning Ordinance and Zoning Map changes) and 08-13 (Development Agreement). The DCSP covers an area of 189 acres and is generally bound by 5th Street to the north, Scarlett Drive to the west, Dublin Boulevard to the south, and Arnold Road to the east. Buildout of the DCSP is currently under way and includes construction of a residential mixed-use project with up to 1,995 single- and multi-family residential units; up to 200,000 square feet of retail, office, and/or commercial uses; a 30-acre Community Park (Don Biddle Park); a 5-acre Neighborhood Park, and a 12-acre school site.

The Dublin Crossing Specific Plan EIR (DCEIR), which was certified as part of the approvals listed above, concluded that build out of the DCSP would result in significant cumulative impacts from short-term construction air quality emissions and long-term operational emissions primarily in the form of vehicle and equipment exhaust.

The DCEIR document determined that the intersection of Scarlett Drive and Dublin Boulevard would operate at an unacceptable Level of Service F in the PM peak hour under both 2035 cumulative no project and 2035 cumulative plus project conditions. The DCEIR concluded that a grade separated crossing of the trail over Dublin Boulevard would allow more green time to be allotted to through traffic on Dublin Boulevard at its intersection with Scarlett Drive. With implementation of DCEIR Mitigation Measure 3.12-3 requiring a grade-separated crossing for the Iron Horse trail over Dublin Boulevard, the Scarlett Drive and Dublin Boulevard intersection would operate at level of service (LOS) C during the PM peak hour. Mitigation Measure 3.12-3 was also established in the DCEIR to reduce future emissions from Dublin Boulevard motorists stopping at the crosswalk at Scarlett Drive during commute hours to allow pedestrians and bicyclists to cross Dublin Boulevard to access the Iron Horse Trail. Mitigation Measure 3.12-3 in

the DCEIR specifically requires construction of a bridge crossing for the Iron Horse Trail over Dublin Boulevard:

- **DCEIR Mitigation Measure 3.12-3: Construction of a Grade Separated Crossing at the Intersection of Scarlett Drive and Dublin Boulevard.** To mitigate the impacts at the intersection of Scarlett Drive and Dublin Boulevard due to higher rate of pedestrians/bicyclists crossings at Dublin Boulevard, a grade separated crossing should be utilized. The grade separated crossing would eliminate the need for at-grade pedestrian actuations at the traffic signal, which would allow more green time to be allocated to through traffic on Dublin Boulevard.

Although impacts at the intersection of Scarlett Drive and Dublin Boulevard could be mitigated to less than significant, the DCEIR determined that the following impacts would remain significant even with implementation of all feasible mitigation:

- **Short-term Construction Air Quality** – The DCEIR concluded that even with all feasible construction mitigation measures, the Dublin Crossing Specific Plan project would generate construction emissions exceeding BAAQMD thresholds.

- **Long-term Operational Air Quality** –With application of the measures/design features regarding area and mobile source emissions within the Specific Plan, the DCEIR determined that operational emissions would exceed the thresholds for ROG, NOx, and PM10.

- **Long-term Operational Impacts to Freeway Ramps** – The Dublin Crossing Specific Plan project would result in significant impacts to the following freeway ramps:

    - Southbound Hacienda Drive to I-580 Eastbound On-ramp under project and cumulative conditions

    - Southbound Tassajara Road to I-580 Westbound On-ramp under cumulative conditions.

    The DCEIR set forth Mitigation Measure 3.12-7 to modify ramp metering rates so that more vehicles could access the freeway. However, because the freeway ramps are operated by Caltrans, the City could not guarantee implementation of this mitigation measure.

Because the DCEIR concluded that, even with implementation of all feasible mitigation measures, these impacts could not be reduced to a less-than-significant level, a Statement of Overriding Considerations was adopted along with the DCEIR pursuant to CEQA Guidelines Section 15064 (a)(2).

Subsequently, on June 2, 2015 the City Council adopted a CEQA Addendum pursuant to CEQA Guidelines Sections 15162 and 15164 for the Amendments to the General Plan, DCSP, and Eastern Dublin Specific Plan related to the Dublin Crossing Specific Plan. The addendum concluded that the minor changes proposed for the General Plan, DCSP, and Eastern Dublin Specific Plan would not result in any of the conditions that would require preparation of a Subsequent or Supplemental EIR and therefore concluded that an addendum to the DCEIR should be prepared. The City Council also confirmed the findings of the Final EIR and the statement of overriding considerations originally adopted in 2013.

Applicable CEQA Requirements and Conclusions

Although a grade-separated overcrossing for the Iron Horse Trail over Dublin Boulevard is described in the DCEIR and is included as a mitigation for traffic impacts, the analysis in the DCEIR does not specifically address the environmental impacts of construction and operation of the Overcrossing Project. Thus, it is the purpose of this document to analyze environmental impacts specifically related to the Overcrossing Project pursuant to the requirements of CEQA Guidelines Section 15162, which identifies the following conditions requiring subsequent environmental review following certification of an EIR:

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which 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 which 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; or

(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 which 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.

The environmental impacts of the Overcrossing Project were therefore analyzed based on CEQA Guidelines Section 15162 in the form of the following questions:

a) *Would the proposed Iron Horse Trail Dublin Boulevard Overcrossing Project involve substantial changes to the project analyzed in the Dublin Crossing EIR that would result in either (1) new significant impacts not identified in the Dublin Crossing EIR or (2) any of the significant unavoidable impacts identified in the DCEIR being substantially more severe?*

Findings: There are no substantial changes to the overall 189-acre project analyzed in the DCSP EIR. The proposed Overcrossing Project will add foundation and footings for the free-span overcrossing of Dublin Boulevard plus ramps to connect with the existing trail at grade. Land use and approved development in the DCSP would not be changed as a result of construction and operation of the overcrossing structure and associated access ramps connecting the structure to the Iron Horse Trail. The project would not result in new or substantially more severe significant impacts.

b) *Have any substantial changes occurred with respect to the circumstances under which the Dublin Crossing Specific Plan is being undertaken such that the proposed Iron Horse Trail Dublin Boulevard Overcrossing Project would involve either new or substantially more severe significant impacts than those identified in the Dublin Crossing EIR?*

Finding: While the DCEIR did not specifically address impacts associated with the Overcrossing Project, the northern landing for the project is located within the westernmost portion of Don Biddle Community Park adjacent to the east side of the Scarlett Drive right-of-way, and the impacts associated with both the park and Scarlett Drive were analyzed in the DCSP.

Construction of the Overcrossing Project would begin after development of the 30-acre Don Biddle Community Park has been completed. Temporary construction impacts of the proposed bridge crossing on park uses will be subject to the mitigation measures established in the DCEIR.

Neither the bridge crossing itself nor the southern landing of the overcrossing are within the area analyzed in the DCEIR. Therefore, the analyses were undertaken for this

IS/SMND, including a wetland delineation study (Appendix B) and a cultural resources report (Appendix C). These analyses substantiate that the modifications to Don Biddle Community Park, along with addition of the proposed bridge crossing and southerly landing to the project area analyzed in the DCEIR would not cause any new or substantially more severe significant impacts than those identified in that EIR.

c) *Is there new information of substantial importance, which was not known and could not have been known at the time of the DCEIR that shows (1) the Overcrossing Project at Dublin Boulevard would result in a new significant effect not addressed in that EIR or a substantially severe significant effect than was identified in that EIR; (2) that mitigation measures or alternatives previously determined to be infeasible are now feasible but the Applicant has declined to adopt them; or (3) mitigation measures or alternatives considerably different from those in the DCEIR would substantially reduce significant effects but the Applicant declines to adopt them?*

Finding: The design of the trail overcrossing of Dublin Boulevard and related construction details were not known and could not have been known at the time of the DCEIR. However, the analyses undertaken for this IS/SMND, including a wetland delineation study and a cultural resources report, have determined there is no new information showing a new or substantially more severe significant effect than those identified in the DCEIR would result. No mitigation measures previously determined to be infeasible are now feasible, nor are any mitigation measures considerably different than those set forth in the DCEIR now needed to address the impacts of the proposed Iron Horse Trail bridge crossing over Dublin Boulevard. All relevant mitigation measures from the DCEIR will be implemented for the bridge crossing project as that EIR adequately describes the impacts and mitigations associated with the proposed development. Appendix D includes a list of the DCEIR mitigation measures that would apply to the Overcrossing Project.

The DCEIR identified and analyzed three alternatives (No Project, Reduced Development, Alternate Use) and did not identify any additional alternatives that were considered and rejected from further analysis because they were infeasible. The three alternatives analyzed in the DCEIR were rejected as they did not attain most basic project objectives, did not significantly reduce Project impacts, and cannot now be feasibly developed since construction of the Specific Plan, as it was approved, is well under way. No alternatives exist that are considerably different than those set forth in the DCEIR which would address the impacts of the proposed Iron Horse Trail bridge crossing over Dublin Boulevard.

d) *Should a subsequent or supplemental EIR or negative declaration be prepared?*

Finding: This IS/SMND evaluates the environmental effects of the proposed Overcrossing Project at Dublin Boulevard and demonstrates that the Overcrossing Project would not

result in any of the conditions set forth in CEQA Guidelines Section 15162 requiring preparation of a Subsequent or Supplemental EIR. Because the proposed Overcrossing Project is subject to mitigation measures set forth in the DCEIR, a Supplemental Mitigated Negative Declaration was therefore prepared.

Conclusion

This Supplemental MND is prepared pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162. The City further determines that the Dublin Crossing Specific Plan EIR adequately addresses the potential environmental impacts for the project with the supplemental analyses set forth in this IS/SMND.

This Supplemental MND will be circulated for public review for 20 days in accordance with CEQA requirements. A 20-day public review is appropriate since the proposed Overcrossing Project does not meet any of the criteria set forth for Projects of Statewide, Regional, or Areawide Significance set forth in CEQA Guidelines Section 15026.

The Dublin Crossing Specific Plan EIR and all resolutions cited above are incorporated herein by reference and are available for public review during normal business hours in the Community Development Department, Dublin City Hall, 100 Civic Plaza, Dublin CA.

DUBLIN
CALIFORNIA

Iron Horse Trail Dublin Boulevard Overcrossing

Initial Study/Supplemental Mitigated Negative Declaration

October 2019

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List of Acronyms

A-P	Alquist-Priolo
AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACE	Altamont Commuter Express
AQMPs	Air Quality Management Plans
BAAQMD	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit
BMPs	Best Management Practices
CAAQS	California Ambient Air Quality Standards(
Cal/EPA	California Environmental Protection Agency
CAP	Clean Air Plan
CAP	Climate Action Plan
CARB	California Air Resources Board
CARE	Community Air Risk Evaluation
CBC	California Building Code
CCAA	California Clean Air Act
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CDMG	California Department of Mines and Geology
CESA	California Endangered Species Act
CEQA	California Environmental Quality Act
CGS	California Geological Survey
CH_4	methane
CNDDB	California Natural Diversity Database
CNRA	California Natural Resources Agency
CO	carbon monoxide
Corps	U.S. Army Corps of Engineers
CRHR	California Register of Historic Resources
CWA	Clean Water Act
dB	decibel
DBH	diameter at breast height
DCEIR	Dublin Crossing Specific Plan EIR
DCSP	Dublin Crossing Specific Plan
DOC	California Department of Conservation
DOSH	Division of Occupational Safety and Health
DTSC	Department of Toxic Substances Control
EACCS	Eastern Alameda County Conservation Strategy
EPA	U.S. Environmental Protection Agency

FCAA	Federal Clean Air Act
FEMA	Federal Environmental Management Agency
FESA	Federal Endangered Species Act
FGC	Fish and Game Code
GHG	greenhouse gas
HAPs	hazardous air pollutants
HOV	high occupancy vehicle
Hp	horsepower
HRS	Hazard Ranking System
IS/SMND	Initial Study/Supplemental MND
LOS	level of service
MBTA	Migratory Bird Treaty Act
MLD	Most Likely Descendent
MUTCD	Manual on Uniform Traffic Control Devices
N_2O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NASA	National Aeronautics and Space Administration
NPDES	National Pollutant Discharge Elimination System
NO_2	nitrogen dioxide
NOI	Notice of Intent
NOx	nitrogen oxide
NPL	National Priority List
NPPA	Native Plant Protection Act
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
NWIC	Northwest Information Center
O_3	Ozone
OHP	Office of Historic Preservation
OPR	Office of Planning and Research
PDAs	Priority Development Areas
PM	particulate matter
$PM_{2.5}$	fine particulate matter
PM_{10}	coarse particulate matter
ROGs	Reactive Organic Gases
SB	Senate Bill
SFHA	Special Flood Hazard Area
SHPO	State Historical Preservation Office
SLF	Sacred Lands File

SO_2	sulfur dioxide
SOx	sulfur oxide
SWPPP	Storm Water Pollution Prevention Plan
USC	United States Code
USFWS	United States Fish and Wildlife Services
USGS	United States Geologic Survey
VMT	Vehicle Miles Travelled
VOCs	volatile organic compounds

Iron Horse Trail Dublin Boulevard Overcrossing
Initial Study/Supplemental Mitigated Negative Declaration

Background and Project Description

Project Title

Iron Horse Trail Dublin Boulevard Overcrossing Project

Lead Agency Name and Address

City of Dublin
100 Civic Plaza
Dublin, CA 94568

Contact Person and Phone Number

Obaid Khan
Transportation and Operations Manager
Phone: 925-833-6630
obaid.khan@dublin.ca.gov

Project Location and Setting

The Iron Horse Regional Trail is a major regional pedestrian and bicycle trail through central Alameda and Contra Costa Counties, generally following a former Southern Pacific Railroad right-of-way that was abandoned in 1977. The Iron Horse Regional Trail was first established in 1986. The trail currently passes through the cities of Livermore, Pleasanton, Dublin, San Ramon, Danville, Alamo, Walnut Creek, and Concord and unincorporated areas of the Counties of Contra Costa and Alameda. The Iron Horse Regional Trail, which is maintained by the East Bay Regional Park District, has several existing bridges over busy roadways to help improve traffic flow on the roadways and facilitate pedestrian/bicycle movement along the trail.

The proposed project is a free-span bridge crossing for the Iron Horse Regional Trail over Dublin Boulevard within the City of Dublin. Currently, the trail runs from northwest to southeast as it approaches Dublin Boulevard, which is a heavily travelled east-west roadway. The existing at-grade trail crossing of Dublin Boulevard is skewed and requires awkward movement for trail users attempting to cross Dublin Boulevard. Trail users approaching Dublin Boulevard from the

southeast are currently required to turn left and use the sidewalk along the south side of Dublin Boulevard for approximately 200 feet, cross the street at the existing Scarlett Drive signalized intersection, and then turn right and use the sidewalk along the north side of Dublin Boulevard for approximately 100 feet to get back to the trail (Figure 1).

The primary objective of the Iron Horse Trail Dublin Boulevard Overcrossing Project is to provide a safe crossing for trail users and facilitate improved traffic flow along Dublin Boulevard by providing a grade-separated bridge crossing over Dublin Boulevard for pedestrians and bicyclists. Construction of the proposed bridge crossing would allow trail users to stay on the trail and cross over multiple lanes of automobile traffic on the proposed bridge (Figure 2) without disrupting vehicular traffic flow.

The overcrossing would require construction of touchdown landings with graduated ramps on the north side of Dublin Boulevard adjacent to the Scarlett Drive right-of-way, within the westernmost portion of Don Biddle Park and on the south side of Dublin Boulevard within the existing Iron Horse Trail right-of-way. The proposed free-span bridge structure would be approximately 230 feet in length and would a minimum 17 feet of clearance over the Dublin Boulevard road surface (Figure 2). The entire Overcrossing Project length, including landings north and south of Dublin Boulevard, as well as the bridge span itself, is approximately 1,200 feet in length.

Adjacent development includes commercial and residential development along Dublin Boulevard including development of the Dublin Crossing Specific Plan area with parks, open space, residential, and commercial uses. The Dublin/Pleasanton BART station is located approximately 0.25 miles south of the project area. The project would provide a grade-separated crossing for Iron Horse Trail users accessing the BART station or heading to and from other regional locations in the vicinity of Dublin Boulevard and the Specific Plan area. The project is included as Mitigation Measure 3.12-3 to reduce emissions in the DCEIR.

Project Applicant's Name and Address

City of Dublin
100 Civic Plaza
Dublin, CA 94568

General Plan Designation and Zoning

Open Space/Park (P)

Technical Studies Prepared Subsequent to the Dublin Specific Plan Crossing EIR

The Initial Study/Supplemental Mitigated Negative Declaration (IS/SMND) presented

below relies and builds on the technical studies and analysis presented in the DCEIR document. In addition to the DCEIR technical reports and their findings which analyzed in detail the impacts of a 189-acre study area, the IS/SMND addresses the entire area affected by the proposed Overcrossing project, including the bridge over Dublin Boulevard and its southerly landing, which are outside of the area analyzed in the DCEIR. In addition, two additional technical studies were completed specifically for the Overcrossing Project: Biological Resources, Appendix B and Cultural Resources Appendix C analysis for the proposed Overcrossing Project. The two additional technical studies are summarized below.

Biological Resources

Based on the current development plan and schedule for the Dublin Crossing Specific Plan, the Don Biddle Community Park will be constructed as far west as the Scarlett Drive right-of-way and will be in use prior to initiation of the construction for the Overcrossing Project's foundations and ramps and the installation of the free-span bridge structure. Thus, the northerly landing of the proposed project would occur within the community park. Within this portion of the Overcrossing Project area, the Chabot Channel and associated riparian vegetation would be restored as part of development of the community park. During construction of the Overcrossing Project, the channel and any restored habitats within the park would be avoided, which is a requirement established in DCEIR Mitigation Measure 3.3-1. Therefore, no additional study of this portion of the project area was initiated during preparation of the IS/SMND.

The portion of the Overcrossing Project area south of Dublin Boulevard as it exists today is flanked by urban development and encompasses the Iron Horse Trail, adjacent annual grassland/ruderal habitats, a large palm tree, and a row of small valley oak trees planted adjacent to the trail (Figure 5). Biologists conducted field surveys of the project area south of Dublin Boulevard in February, March, June, and August of 2018, to evaluate the potential for this portion of the project area to support protected plant and animal species. Field surveys were conducted during the appropriate period during which species could be observed if they were present in the project area. A summary of the individual species with the potential to occur in the project area and the conclusion of the analysis based on biologist's field surveys is included in Appendix A. In addition, biologists conducted a formal wetland delineation which is included as Appendix B. The U.S. Army Corps of Engineers conducted a site visit, concurred with the findings of the formal delineation report, and issued a Preliminary Jurisdictional Determination (Figure 6).

Cultural Resources

No cultural resources are located within the Overcrossing Project area. There were no Cultural Resources or Tribal Cultural Resources identified within the portion of the project area where it overlaps the community park on the north side of Dublin Boulevard, according to the DCEIR.

Also, as stated above, the community park will be in operation prior to construction of the proposed Overcrossing Project. A site survey and archival research for the project area south of Dublin Boulevard did not result in identification of any historic resources. Cultural Resource site survey, archival research and tribal consultation undertaken for the proposed project has been summarized and is included in Appendix C.

Tribal Cultural Resources

Subsequent to certification of the DCEIR, AB 52 was adopted, requiring CEQA Lead Agencies to address potential effects of proposed projects upon Tribal Cultural Resources. A tribal cultural resource is defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

For the Overcrossing Project, the City of Dublin initiated communication with local Native American Tribes in June 2018 to request knowledge or documentation pertaining to tribal resources in the project area. This communication is summarized in Appendix C and includes a letter requesting that a Native American Monitor be present during construction. The Overcrossing Project accommodates this request by including in the Project Description the commitment to retain a Native American Monitor to be present during any construction activity that would result in ground disturbance such as grading, or excavation needed to create foundations and footings.

Project Description

The Overcrossing Project consists of a free-span bridge that would create a grade-separated crossing of Dublin Boulevard where it intersects the Iron Horse Regional Trail within the City of Dublin. Currently, the Trail runs from northwest to southeast as it approaches Dublin Boulevard, which is a heavily traveled east-west roadway. The existing at-grade trail crossing of Dublin Boulevard is skewed. Trail users approaching Dublin Boulevard from the southeast are currently required to turn left and use the sidewalk along the south side of Dublin Boulevard for approximately 200 feet, cross the street at the existing Scarlett Drive signalized intersection,

and then turn right and use the sidewalk along the north side of Dublin Boulevard for approximately 100 feet to get back to the Trail (Figure 1).

The Overcrossing Project would permit trail users to cross over multiple lanes of automobile traffic on Dublin Boulevard, while shortening the delay time at the Scarlet Drive intersection for vehicles travelling along Dublin Boulevard (Figure 2). The Overcrossing Project would require construction of foundation footings to support the free-span bridge structure and the ramps into Don Biddle Community Park on the north side of Dublin Boulevard and along the south side of Dublin Boulevard, connecting to the existing at-grade trail to the north and south of Dublin Boulevard. The approximately 230-foot long free-span overcrossing structure would be fabricated off-site and would be delivered to the project site when it is ready to be installed. The bridge structure, when installed, would provide a minimum of 17 feet of vertical clearance from the Dublin Boulevard road surface (Figure 2). The total length of the Overcrossing Project is approximately 1,200 feet.

Construction Program

The proposed Overcrossing Project would be constructed over a period of approximately 180 working days. All construction and staging will be accommodated within the project area (Figure 3) and perimeter fencing will be established around construction areas to prevent encroachment into adjacent areas and to prevent trail users from coming into direct contact with construction activities. The free-span bridge structure will be fabricated off-site at a manufacturing facility and delivered to the project area for assembly and placement. Assembly of the free-span superstructure will take approximately one week and placement of the structure over Dublin Boulevard will be scheduled to occur one day during non-peak traffic hours over night. Installation of the bridge will adhere to the traffic/transportation mitigation measures identified in the DCEIR which established requirements for construction vehicles and anticipated the potential need to reduce travel lanes or temporarily close Dublin Boulevard (if needed).

A Native American Monitor will be present on the site during construction any time grading or excavation or ground disturbance occurs as a result of requests pertaining to Tribal Cultural Resources as described in AB 52 and summarized above and summarized in more detail in the Cultural Resources Technical Report (Appendix C).

Trail use will be maintained at all times during construction and bridge installation. However, construction may require short-term trail re-routing within the project area to accommodate specific construction tasks north and south of Dublin Boulevard so that the trail remains open at all times during project construction. All temporary trail rerouting will occur within the existing right-of-way for the trail, which was previously disturbed as part of trail construction. The impacts of such temporary rerouting are addressed in this document as part of the overall construction of the proposed Overcrossing Project.

All construction and staging will be accommodated within the project area and perimeter fencing will be established around construction areas to prevent trail users from coming

into contact with construction activities.

Site Access and Circulation

During construction of the foundations and footings and during installation of the free-span bridge structure all construction crews and equipment will gain access to the project area directly from Dublin Boulevard.

Independent Utility of the Iron Horse Trail Dublin Boulevard Overcrossing Project

The proposed Iron Horse Trail bridge crossing over Dublin Boulevard was described in the City of Dublin's Iron Horse Trail Feasibility Study (Feasibility Study) published in 2017 and approved by the City Council on November 7, 2017. The Feasibility Study identified a series of potential improvements to the Iron Horse Trail intended to increase trail access for users of all ages and abilities, and to connect more communities to the Dublin/Pleasanton BART Station. The Feasibility Study focused on access to the multi-use trail near BART stations and explored options for improving trail crossings at Dougherty and Dublin Boulevard.

Because of the existing need to (1) provide a safe crossing for the trail over Dublin Boulevard for pedestrian/bicycle traffic, (2) facilitate vehicular movement along Dublin Boulevard, and (3) implement Mitigation Measure 3.2-1 from the DCEIR, the City of Dublin would pursue a bridge crossing for the trail over Dublin Boulevard even if none of the other trail improvements identified in the Feasibility Study were to be implemented. The proposed Iron Horse Trail bridge crossing therefore has independent utility and is analyzed under CEQA as a separate and distinct project from other potential trail improvements identified in the 2017 Feasibility Study.

Determination

On the basis of this initial study which reflects the independent judgment of the City of Dublin:

I find that the proposed project WILL NOT have a significant effect on the environment other than those disclosed in the certified Dublin Crossing Environmental Impact Report, nor will any of the significant environmental effects disclosed in that document be substantially more severe as the result of the proposed project. Because the proposed project will be subject to the mitigation measures set forth in the Dublin Crossing Environmental Impact Report, a SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION will be prepared.

CITY OF DUBLIN

_____ _____

Obaid Khan Date

Environmental Checklist

The checklist for the Iron Horse Trail Dublin Boulevard Overcrossing focuses on the following key questions:

- Will the Iron Horse Trail Bridge Crossing result in new or substantially more severe impacts compared to those disclosed in the Dublin Crossing EIR?
- Will the Iron Horse Trail Bridge Crossing introduce mitigation measures that were previously found to be infeasible in the Dublin Crossing EIR or mitigation measures that the Dublin Crossing project proponents declined to implement?
- Will the Iron Horse Trail Bridge Crossing implement mitigation measures that would avoid new or substantially more severe impacts compared to those disclosed in the Dublin Crossing EIR?

The answers to these three questions encompass all of the criteria set forth in CEQA Guidelines Section 15162(a) and will be used in the Checklist for the Iron Horse Trail Bridge Crossing as illustrated below. If any of the boxes in either column (1) or (2), below, are checked, a Subsequent or supplemental EIR would be required. If any of the boxes in column (3) are checked, a Supplemental Mitigated Negative Declaration would be prepared. Finally, if only the boxes in Column 4 are checked, a Supplemental Mitigation Negative Declaration would be prepared if the project were subject to mitigation measures from the previous EIR. A Subsequent Negative Declaration would be prepared if the proposed project would not be subject to mitigation from the previous EIR.

Aesthetics

Issues	(1) New or Substantially More Severe Significant Impact	(2) New Information Indicates that a Mitigation Measure or Alternative Previously found to be Infeasible or Declined by Project Proponent now Proposed	(3) New or Substantially More Severe Significant Impact Avoided with Mitigation Incorporated	(4) No New or Substantially More Severe Significant Impact
1. AESTHETICS — Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?				☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				☒
c) Conflict with applicable zoning and other regulations governing scenic quality?				☒
d) Create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area?				☒

Existing Setting

The Overcrossing Project is located north of the Dublin/Pleasanton BART Station, along the Iron Horse Trail right-of-way where it intersects with Dublin Boulevard in the City of Dublin. Surrounding development along Dublin Boulevard is mixed-use, primarily commercial, with new residences located directly adjacent to the east. A community park is being constructed along the north side of Dublin Boulevard adjacent to the Iron Horse Trail as described and addressed in the Dublin Crossing Specific Plan EIR.

Trail users in the project area primarily see urban development and transportation infrastructure in the foreground, with distant views of Pleasanton Ridge to the west, and distant views of Altamont Pass and undeveloped hills to the east when crossing Dublin Boulevard. Even though motorists traveling along Dublin Boulevard in the vicinity of the project area currently see adjacent urban development in the immediate view, distant views of

undeveloped hills to the east are afforded from the roadway, and distant views of undeveloped lands along Pleasanton Ridge are visible to motorists traveling west on Dublin Boulevard.

Regulatory Framework

A scenic vista is a view that possesses visual and aesthetic qualities of high value to the community. Scenic vistas can provide views of natural features or significant structures and buildings. The term "vista" generally implies an expansive view, usually from an elevated point or open area.

I-680 is designated as a State Scenic Highway. According to the State Scenic Highway website, "the scenic aspects of the corridor feature the rolling wooded hills of the Contra Costa range contrasted with the flat Sunol Valley ringed by distance hills to the north and east. While not officially listed, I-580 is eligible for listing as a State Scenic Highway.

The City of Dublin General Plan indicates that I-580, I-680, and Dougherty Road were designated scenic routes by Alameda County in 1966. These are primary routes from which people traveling through Dublin gain their impression of the City. Section 5.6, Implementing Policy B in the City of Dublin General Plan requires that design review be conducted for all projects visible from a designated scenic route. Because a portion of the project area may be visible from I-580, the City of Dublin General Plan requires that design review be conducted for all projects visible from a designated scenic route. In addition, the DCEIR states that the design guidelines set forth in the Dublin Crossing Specific Plan "apply to all new construction within the Specific Plan area." Therefore, the proposed Overcrossing project will be subject to the City's design review process.

Dublin Crossing Specific Plan EIR Findings

The DCEIR concluded that buildout of the Dublin Crossing Specific Plan would not result in significant impacts to aesthetic resources and would not substantially increase light and glare. The analysis leading to this conclusion was based on an compliance with the DCSP and its provisions for design guidelines associated with proposed development.

Design Guidelines included in the DCSP that would apply to the Overcrossing Project include the following:

- Adequate lighting should be provided throughout the site to create a safe and non-threatening environment. The scale, materials, colors, and design detail of light posts and fixtures should reflect the desired character of Dublin Crossing and the architectural style of the surrounding buildings. Light posts should be appropriately scaled to pedestrians near sidewalks and other areas of pedestrian circulation. Extremely tall light posts and fixtures should be avoided.

- Lighting fixtures should be compatible with the architectural style and character of the building. The color, size, placement, and number of fixtures should enhance the overall design and character of the building and site.
- Energy efficient, low voltage lighting is encouraged.
- Exterior lighting should be unobtrusive and not cause glare or spillover into neighboring properties, and lighting fixtures should direct illumination downward to minimize light pollution impacts. Up-lighting, spot-lighting, and decorative color lighting may be appropriate for prominent buildings and features, but illumination should not adversely impact neighboring properties with sensitive uses, such as residential.
- If necessary, security lighting fixtures should be hooded, recessed, and/or located in such a manner to only illuminate the intended area.
- Pedestrian scale fixtures are encouraged and should shine downward and emit a warm light along walkways.
- All building entrances, including alleys, plazas, drive isles, paseos, walkways, common areas, and others should be well lit.
- Lighting sources should be concealed from view to prevent glare and promote lighting uniformity.
- Illuminated bollards or pathway lights should be integrated into the pedestrian circulation system when other lighting is not provided.

Impacts Evaluation

a) Have a substantial adverse effect on a scenic vista?

Since the project area and its immediate surroundings do not currently include views of monuments, or unique buildings that would be classified as scenic resources there would be no adverse effects to scenic resources and no new or significant impacts as a result of construction and operation of the overcrossing.

Trail users and motorists within the project area and vicinity are afforded distant views of undeveloped hills and ridgelines particularly when positioned within the travel lanes of Dublin Boulevard. Once constructed, the free-span bridge overcrossing would be experienced by motorists as a momentary obstruction of the distant views of undeveloped hills or ridgelines afforded from the roadway when traveling along Dublin Boulevard (see below). However, compared to existing conditions, trail users would have expanded views of undeveloped hills and ridgelines afforded by the elevation of the Dublin Boulevard overcrossing structure.

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

There are no scenic resources identified in the project area. The southeast portion of the project area may be momentarily visible to motorists traveling along I-580 which is a designated scenic route. The overcrossing structure would be consistent with the urban character of the existing views from the highway and would not obstruct views or substantially damage scenic resources viewed from the scenic route.

c) Conflict with applicable zoning and other regulations governing scenic quality?

The urban nature of the surroundings and the proximity of the proposed Overcrossing project to BART and the community park make this project and its design consistent with the existing visual character of the site and surrounding area. The visual character of the site within the developed urban environment along Dublin Boulevard would not be substantially changed by construction and operation of the overcrossing. In addition, because the Overcrossing Project is designed to comply with all applicable zoning and other regulations governing scenic quality, no new or substantially more severe significant impacts would result.

d) Create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area?

The DCEIR's analysis of aesthetics is based on the urban design provisions of the Dublin Crossing Specific Plan. Because the proposed Overcrossing Project is subject to the mitigation measures set forth in the DCEIR, it is also subject to the project design features of the Dublin Crossing Specific Plan that were used in the analyses of the DCEIR. As noted in the Regulatory Framework section, above, the Overcrossing Project would be required to comply with design guidelines included in the Dublin Crossing Specific Plan by demonstrating the proposed exterior lighting is non-intrusive while still providing an adequate amount of light. To ensure traffic safety, lighting on bridge structure and bridge approaches would be designed so as not to shine onto Dublin Boulevard motorists. Compliance with these design guidelines would ensure that the proposed Overcrossing Project does not introduce substantial light and glare which would pose a hazard or nuisance. Therefore, the Overcrossing Project would result in no new or substantially more severe significant impacts.

Agricultural and Forestry Resources

ENVIRONMENTAL IMPACTS Issues	(1) New or Substantially More Severe Significant Impact	(2) New Information Indicates that a Mitigation Measure or Alternative that was Previously found to be Infeasible or Declined by Project Proponent now Proposed	(3) New or Substantially More Severe Significant Impact Avoided with Mitigation Incorporated	(4) No New or Substantially More Severe Significant Impact
2. AGRICULTURAL AND FOREST RESOURCES — Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4256), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?				☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?				☒
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				☒

Existing Setting

The project area is not being utilized for agricultural uses and is designated as "Other Land" on the Alameda County Important Farmland Map that is published by the California Department of Conservation (DOC). The narrow corridor within the project area is not suitable for agricultural purposes. In addition, the project area does not contain any forest resources as defined by the California Environmental Quality Act (CEQA) Guidelines.

Dublin Crossing EIR Findings

Because the area and adjacent lands were not being utilized for agricultural uses, nor were any lands in the area mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, the DCEIR concluded that no impacts in relation to agricultural resources would result. In addition, because Dublin Crossing was located within an urban setting with no forest resources within or adjacent to the project area, the DCEIR concluded that no impacts in relation to agricultural resources would result.

Impacts Evaluation

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use?

No lands mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance existing within or adjacent to the proposed Overcrossing projects. No impacts will therefore result.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

The project site for the proposed trail crossing of Dublin Boulevard is not zoned or suitable for agricultural use and is not subject to a Williamson Act contract. No impacts will therefore result.

c) Conflict with existing zoning for, or cause rezoning of, forest land or timberland zoned Timberland?

The project site for the proposed trail crossing of Dublin Boulevard is not zoned or suitable for use as forest or timberland. No impacts will therefore result.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

See Response c), above.

e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

Because the project site and adjacent lands are within an urban setting and not suitable for agricultural or forest use, no impacts will result.

Air Quality

ENVIRONMENTAL IMPACTS Issues	(1) New or Substantially More Severe Significant Impact	(2) New Information Indicates that a Mitigation Measure or Alternative that was Previously found to be Infeasible or Declined by Project Proponent now Proposed	(3) New or Substantially More Severe Significant Impact Avoided with Mitigation Incorporated	(4) No New or Substantially More Severe Significant Impact
3. AIR QUALITY — Would the project:				
a) Conflict with or obstruct implementation of the Bay Area Clean Air Plan?				☒
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?				☒
c) Expose sensitive receptors to substantial pollutant concentrations?				☒
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?				☒

Existing Setting

The City of Dublin is located in eastern Alameda County, which is within the San Francisco Bay Area Air Basin (hereinafter "Basin"). The Basin includes San Mateo, Santa Clara, Alameda, Contra Costa, Napa, and Marin counties, and forms a climatological sub-region. This climatological sub-region stretches from Richmond to San Leandro, bounded to the west by the San Francisco Bay and to the east by the Oakland-Berkeley Hills. The Oakland-Berkeley Hills have a ridgeline height of approximately 1,500 feet, a significant barrier to air flow. In this area, marine air traveling through the Golden Gate, as well as across San Francisco and through the San Bruno Gap, is a dominant weather factor. The Oakland-Berkeley Hills cause the westerly flow of air to split off to the north and south of Oakland, which causes diminished wind speeds.

Criteria Air Pollutants

Local ambient air quality is monitored by the Bay Area Air Quality Management District (BAAQMD) and the California Air Resources Board (CARB). CARB monitors ambient air quality at approximately 250 air-monitoring stations across the State. Air quality monitoring stations usually measure pollutant concentrations ten feet above-ground level; therefore, air quality is often referred to in terms of ground-level concentrations.

Ozone

Ozone (O_3) occurs in two layers of the atmosphere. The layer surrounding the earth's surface is the troposphere. The troposphere extends approximately 10 miles above ground level, where it meets the second layer, the stratosphere. The stratospheric (the "good" O_3) layer extends upward from about 10 to 30 miles and protects life on earth from the sun's harmful ultraviolet rays (UV-B).

What is referred to as “Bad” O_3 is a photochemical pollutant, and needs volatile organic compounds (VOCs), nitrogen oxide (NOx), and sunlight to form; therefore, VOCs and NOx are O_3 precursors. VOCs and NOx are emitted from various sources throughout the area. To reduce O_3 concentrations, it is necessary to control the emissions of these O_3 precursors. High O_3 concentrations can form over large regions when emissions from motor vehicles and stationary sources are carried hundreds of miles from their origins.

Carbon Monoxide

Carbon monoxide (CO) is an odorless, colorless toxic gas that is emitted by mobile and stationary sources as a result of incomplete combustion of hydrocarbons or other carbon-based fuels. In cities, automobile exhaust can cause as much as 95 percent of all CO emissions. At high concentrations, CO can reduce the oxygen-carrying capacity of the blood and cause headaches, dizziness, unconsciousness, and death.

Nitrogen Dioxide

NOx’s are a family of highly reactive gases that are a primary precursor to the formation of ground-level O_3 and react in the atmosphere to form acid rain. Nitrogen dioxide (NO_2), often used interchangeably with NOx, is a reddish-brown gas that can cause breathing difficulties at high levels. Peak readings of NO_2 occur in areas that have a high concentration of combustion sources (e.g., motor vehicle engines, power plants, refineries, and other industrial operations). NOx can irritate and damage the lungs and lower resistance to respiratory infections such as influenza.

Coarse Particulate Matter

Coarse particulate matter (PM_{10}) refers to suspended particulate matter (PM) which is smaller than 10 microns. PM_{10} arises from sources such as road dust, diesel soot, combustion products, construction operations, and dust storms. PM_{10} scatters light and significantly reduces visibility. In addition, these particulates penetrate the lungs and can potentially damage the respiratory tract.

Fine Particulate Matter

Due to recent increased concerns over health impacts related to fine particulate matter, both Federal and State standards have been created for fine particulate matter ($PM_{2.5}$). The impacts of fine particulate matter primarily affect infants, children, the elderly, and those with pre-existing cardiopulmonary disease.

Sulfur Dioxide

Sulfur dioxide (SO_2) is a colorless, pungent gas belonging to the family of sulfur oxide (SOx) gases, formed primarily by combustion of sulfur-containing fossil fuels (primarily coal and oil), and during metal smelting and other industrial processes. SO_2 is often used interchangeably with SOx. The major health concerns associated with exposure to high concentrations of SOx are effects on breathing, respiratory illness, diminishment of pulmonary defenses, and aggravation of existing cardiovascular disease. Emissions of SOx also can damage the foliage of trees and agricultural crops. Together, SOx and NOx are the major precursors to acid rain, which is associated with the acidification of lakes and streams, and the accelerated corrosion of buildings and public monuments.

Toxic Air Contaminants

According to Section 39655 of the California Health and Safety Code, a TAC is "an air pollutant which may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health." In addition, substances that have been listed as federal hazardous air pollutants (HAPs) pursuant to Section 7412 of Title 42 of the United States Code are TACs under the State's air toxics program pursuant to Section 39657 (b) of the California Health and Safety Code.

TACs of particular concern for posing health risks in California are acetaldehyde, benzene, 1-3 butadiene, carbon tetrachloride, hexavalent chromium, para-dichlorobenzene, formaldehyde, methylene chloride, perchlorethylene, and diesel particulate matter.

Reactive Organic Gases and Volatile Organic Compounds

VOCs are organic chemical compounds with sufficiently high vapor pressure such that they will tend to vaporize and enter ambient air under standard conditions. A wide range of carbon-based molecules, such as aldehydes, ketones, and hydrocarbons are VOCs. Hydrocarbons are organic gases, liquids, or solids that are formed solely of hydrogen and carbon. A subset of VOCs is reactive in the context of O_3 formation at urban (and possibly regional) scales. Reactive Organic Gases (ROGs) are defined to be those VOCs that are regulated because they lead to O_3 formation. Both ROGs and VOCs can be emitted from the incomplete combustion of hydrocarbons or other carbon-based fuels. The major sources of VOCs are combustion engine exhaust, oil refineries, and oil-fueled power plants; other common sources are petroleum fuels, solvents, dry cleaning solutions, and paint (via evaporation).

Sensitive Receptors

Sensitive populations are more susceptible to the effects of air pollution than the general population. Sensitive populations are referred to as sensitive receptors. Sensitive receptors include residences, schools, playgrounds, childcare centers, athletic facilities, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes.

Odors

Offensive odors rarely cause physical harm; however, they can be very unpleasant, leading to considerable stress among the public and often generating citizen complaints to local governments and agencies. Facilities commonly known to produce odors include wastewater treatment facilities, chemical manufacturing, painting/coating operations, feed lots/dairies, composting facilities, landfills, and transfer stations. Offensive odors rarely cause physical harm, and no requirements for their control are included in State and Federal air quality regulations. The project does not propose uses identified by the BAAQMD as sources of odors.

Regulatory Setting

Environmental Protection Agency

The principal air quality regulatory mechanism on the Federal level is the Clean Air Act (FCAA) and, in particular, the 1990 amendments to the FCAA and the National Ambient Air Quality Standards (NAAQS) that it establishes. These standards identify levels of air quality for “criteria” pollutants that are considered the maximum levels of ambient (background) air pollutants considered safe, with an adequate margin of safety, to protect the public health and welfare. The criteria pollutants are O_3, CO, NO_2 (a form of NOx), SO_2 (a form of SOx), PM_{10}, $PM_{2.5}$, and lead (Pb); refer to DCEIR Table 3.2-2: National and California Ambient Air Quality Standards. The Environmental Protection Agency (EPA) also has regulatory and enforcement jurisdiction over emission sources beyond State waters (outer continental shelf) and those that are under the

exclusive authority of the Federal government, such as aircraft, locomotives, and interstate trucking.

California Air Resources Board

CARB administers the air quality policy in California. The California Ambient Air Quality Standards (CAAQS) were established in 1969 pursuant to the Mulford-Carrell Act. These standards, included with the NAAQS in DCEIR Table 3.2-2: National and California Ambient Air Quality Standards, are generally more stringent and apply to more pollutants than the NAAQS. In addition to the criteria pollutants, CAAQS have been established for visibility reducing particulates, hydrogen sulfide, and sulfates.

Bay Area Air Quality Management District

The BAAQMD is responsible for regulating stationary, indirect, and area sources of pollution within the Basin. The BAAQMD is one out of 35 air quality management districts that have prepared Air Quality Management Plans (AQMPs) to accomplish the 5 percent annual reduction goal required by the California Clean Air Act (CCAA). The following notes efforts by the BAAQMD to address O_3 and O_3 precursors through the implementation of the Ozone Strategy and Clean Air Plan.

2005 Ozone Strategy

The BAAQMD prepared the Bay Area 2005 Ozone Strategy, which was adopted on January 4, 2006, and describes how the Basin will fulfill CCAA planning requirements for the State 1-hour O_3 standard and transport mitigation requirements through the proposed control strategy. The 2005 Ozone Strategy explains how the BAAQMD plans to achieve these goals with regard to O_3, and also discusses related air quality issues of interest, including the public involvement process, climate change, fine particulate matter, the BAAQMD's Community Air Risk Evaluation (CARE) program, local benefits of O_3 control measures, the environmental review process, national O_3 standards, and photochemical modeling. The 2010 Bay Area Clean Air Plan updates the 2005 Ozone Strategy in accordance with the requirements of the CCAA to achieve the following:

- Implement all feasible measures to reduce O_3; provide a control strategy to reduce O_3, particulate matter, TACs, and greenhouse gases (GHGs) in a single, integrated plan;
- Review progress in improving air quality in recent years; and
- Establish emission control measures to be adopted or implemented in the 2010 to 2012 time-frame.

The BAAQMD adopted their CEQA Air Quality Guidelines to assist lead agencies in evaluating air quality impacts of projects and plans proposed in the Basin. The CEQA Air Quality Guidelines provide BAAQMD-recommended procedures for evaluating potential air quality and GHG

impacts during the environmental review process consistent with CEQA requirements. In addition to providing new thresholds for GHG emissions, the 2011 CEQA Air Quality Guidelines provide updated significance thresholds for criteria pollutants and supersede the BAAQMD's previous CEQA guidance titled BAAQMD CEQA Guidelines: Assessing the Air Quality Impacts of Projects and Plans (1999).

If the project is in excess of the established plan level thresholds a significant air quality impact would occur.

State Air Toxics Program

TACs are another group of pollutants of concern in California. There are hundreds of different types of TACs, with varying degrees of toxicity. Sources of TACs include industrial processes such as petroleum refining and chrome plating operations, commercial operations such as gasoline stations and dry cleaners, and motor vehicle engine exhaust. Public exposure to TACs can result from emissions from normal operations, as well as accidental releases of hazardous materials during upset spill conditions. Health effects of TACs include cancer, birth defects, neurological damage, and death.

Attainment Status

The USEPA has classified air basins as being in "attainment," "nonattainment," or "unclassified" for each criteria air pollutant, based on whether or not the NAAQS have been achieved. If an area is designated unclassified, it is because inadequate air quality data were available as a basis for a nonattainment or attainment designation.

The project area is located within a portion of the Bay Area that is considered in attainment or unclassified for most of the criteria pollutants for State and federal considerations, except for O_3, PM_{10}, and $PM_{2.5}$. Under federal regulations the area is designated an unclassified/ attainment area for PM_{10} standards (see Table 1 below).

Table 1. San Francisco Bay Air Basin Attainment Status[a]

Pollutant	State	Federal
Carbon Monoxide (CO) – 8 hour	Attainment	Attainment
Carbon Monoxide (CO) –1 hour	Attainment	Attainment
Ozone (O_3) – 8 hour	Non-attainment	Non-Attainment
Ozone (O_3) – 1 hour	Non-attainment	N/A[b]
Nitrogen Dioxide (NO_2) – 1 hour	Attainment	Unclassified
Nitrogen Dioxide – Annual Arithmetic Mean	--	Attainment
Sulfur Dioxide (SO_2) – 24 hour	Attainment	Attainment
Sulfur Dioxide (SO_2) – 1 hour	Attainment	Attainment

Pollutant	State	Federal
Sulfur Dioxide (SO_2) – Annual Arithmetic Mean	--	Attainment
Particulate Matter (PM_{10}) – Annual Arithmetic Mean	Non-Attainment	--
Particulate Matter (PM_{10}) – 24 hour	Non-Attainment	Unclassified
Particulate Matter ($PM_{2.5}$) – Annual Arithmetic Mean	Non-attainment	Attainment
Particulate Matter ($PM_{2.5}$) – 24 hour	--	Non-attainment
Sulfates – 24 hour	Attainment	--
Lead – Calendar Quarter	--	Attainment
Lead – 30 Day Average	--	Attainment
Hydrogen Sulfide – 1 hour	Unclassified	--
Vinyl Chloride (Chloroethene) – 24 hour	--	--
Visibility Reducing Particulates[c]	Unclassified	--

Notes: N/A – Not Applicable/No Standard Exists

[a] In order for an area to meet a particular standard, all time tests of the applicable standard must be met. Separate designations are not made for each time component of the standard. For instance, an area might meet the annual criteria of the State PM10 standard but not the 24-hour requirement. In that case, the area fails to meet the standard and would be designated nonattainment for the State PM10 standard. Thus, a single designation is made for each State and Federal standard based on whether or not the area meets all the aspects of the standard.

[b] The Federal 1-hour ozone standard was revoked on June 15, 2005 in all areas except the 14 8-hour ozone nonattainment Early Action Compact (EAC) areas.

Impacts Evaluation

a) Would the Iron Horse Trail Overcrossing Project conflict with or obstruct implementation of the Bay Area Clean Air Plan, violate air quality standards, or contribute substantially to an existing or projected air quality violation?

Short-Term Construction Emissions

The DCEIR concludes that short-term air quality impacts associated with construction activities such as grading, operation of equipment would occur (Impact 3.2-1), potentially exceeding BAAQMD significance thresholds. Thus, even with implementation of all feasible mitigation measures, construction emissions were determined to have a significant unavoidable impact. Because of the variable nature of construction activities on a day-to-day basis and because construction emissions are measured on a pounds-per-day basis, the DCEIR did not quantify emissions of air pollutants. The greatest source of air pollutant emissions during construction of a development as large as the Dublin Crossing Specific Plan would occur during site grading when heavy, diesel-fueled construction equipment is used in large numbers and fugitive dust is generated from large-scale earthmoving activities (PM_{10} and $PM_{2.5)}$).

Site grading and excavation activities associated with the proposed Overcrossing project would be a temporary source of fugitive dust (PM_{10} and $PM_{2.5}$) emissions, as well as emissions from construction equipment. The short-term construction impacts of Overcrossing Project would be much less than for the DCSP, and would not cause the significant construction impacts of the DCSP to be substantially more severe than was disclosed in the Dublin Crossing Specific Plan EIR for the following reasons:

- Because the 2-acre Overcrossing Project area is very small relative to the overall Dublin Crossing Specific Plan's 189-acre area, the area subject to earth moving activities on a daily basis would be far smaller for the Overcrossing Project with substantially fewer emissions of PM_{10} and $PM_{2.5}$ than would occur for grading of the Specific Plan area.
- Whereas large numbers of heavy-duty equipment would be needed to grade the Specific Plan area, the Overcrossing Project would not require heavy-duty earth moving equipment and would be graded using smaller-scale equipment (e.g., bobcats and back hoes), resulting in lower daily emissions.
- Fewer construction workers would be employed for construction of the Overcrossing Project than for development of the Specific Plan, reducing daily emissions from construction worker travel.
- Construction of the Overcrossing Project would not overlap the major grading operations for the DCSP. Daily construction-related air pollutant emissions would therefore not add to the peak construction emissions resulting from the DCSP.
- The Overcrossing Project would be required to implement the mitigation measures taken set forth in the Dublin Crossing Specific Plan EIR to reduce construction-related air pollutant emissions:

  DCEIR Mitigation Measure 3.2-1a. Prior to issuance of any Grading Permit, the Public Works Director and the Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that the following basic construction mitigation measures shall be implemented for all construction projects:

  - 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 track-out 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 mph.
  - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.

- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- A publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints shall be posted. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

DCEIR Mitigation Measure 3.2-1b. Additional Short-Term Construction Best Management. Prior to issuance of any Grading Permit, the Public Works Director and the Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that the following additional construction mitigation measures shall be implemented for all construction projects:

- All excavation, grading, and/or demolition activities shall be suspended when winds (instantaneous gusts) exceed 25 mph.
- Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction.
- Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- Site accesses to a distance of 100 feet from the paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel.
- Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.
- The applicant shall reduce exhaust emissions during construction and, in particular, emissions of NOx, when using construction equipment and vehicles by implementing the following measures:
    - Require the use of diesel haul trucks (e.g., material delivery trucks and soil import/export) that meet EPA 2007 model year NOX emissions requirements
    - The following note shall be included on all grading plans: During project construction, all internal combustion engines/construction, equipment operating

on the project area shall meet EPA-Certified Tier 3 emissions standards, or higher according to the following:

- January 1, 2012, to December 31, 2014: Off-road diesel-powered construction equipment greater than 50 horsepower (hp) shall meet Tier 3 off-road emissions standards. Alternatively, construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- Post-January 1, 2015: Off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. Alternatively, construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

  - The contractor and applicant, if the applicant's equipment is used, shall maintain construction equipment engines by keeping them tuned and regularly serviced to minimize exhaust emissions.
  - Utilize existing power sources (i.e., power poles) when available. This measure would minimize the use of higher polluting gas or diesel generators.
  - Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than five minutes.

- Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings).
- Require that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM.

Long-Term Operational Emissions – Clean Air Plan Consistency

The DCEIR concluded that buildout of the DCSP is consistent with population growth assumptions in the 2010 Bay Area Clean Air Plan, is anticipated to result in reduced Vehicle Miles Travelled (VMT) compared to population growth and is consistent with several of the Clean Air Plan's Control Measures. Operation of the Overcrossing Project would not increase population or vehicle miles traveled. The Overcrossing project facilitates non-motorized travel and would not result in additional long-term emissions or any new or substantially more significant impacts.

Energy Source Emissions

The DCEIR concludes that energy source emissions would be generated as a result of electricity and natural gas (non-hearth) usage including space heating and cooling, water heating, ventilation, lighting, appliances, and electronics. Ongoing operations of Iron Horse Trail Dublin Boulevard Overcrossing project would involve lighting of the bridge crossing (no changes are proposed in relation to trail lighting. The energy consumption and resulting air pollutant emissions of such lighting would be extremely small in relation to the energy demands of the entire Dublin Crossing Specific Plan area. As shown in Table 3.2-6 of the DCEIR, energy use is not a major source of air pollutant emissions (1.2 to 11.0 percent of emissions, depending on pollutant). The electrical consumption associated with bridge lighting would not therefore result in the significant unavoidable operational air pollutant emissions impacts disclosed in the DCEIR being substantially more severe.

Mobile Source Emissions

Ongoing operation of the Overcrossing Project would involve pedestrians and bicyclist using the bridge crossing and would not result in any mobile source emissions. By implementing DCEIR Mitigation Measure 3.12-3 requiring construction of a bridge crossing for the Iron Horse Trail over Dublin Boulevard, the Overcrossing Project would reduce vehicular delay along Dublin Boulevard and thereby result in a slight decrease in mobile source emissions.

b) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under applicable federal or state ambient air quality?

The DCEIR concluded that the Dublin Crossing Specific Plan would result in a significant unavoidable impact from both construction-related and long-term operational emissions, and the Specific Plan's contribution to significant cumulative impacts would therefore be considered to be cumulatively considerable. As discussed above, the Overcrossing Project would result in only very minor increases of criteria pollutants during construction and ongoing operations. The Overcrossing Project would also result in a slight decrease in mobile source emissions by reducing vehicular delay along Dublin Boulevard. Therefore, the proposed Overcrossing Project would not result in the cumulatively considerable contribution to cumulative air quality impacts disclosed in the DCEIR being substantially more severe.

c) Would the project expose sensitive receptors to substantial pollutant concentrations?

The BAAQMD requires that projects be analyzed for the potential to cause localized CO hotspots. Per the BAAQMD CO screening guidelines, a project would have CO impacts if the following were to occur:

- Project traffic would impact intersections or roadway links operating at level of service (LOS) D, E or F or would cause LOS to decline to D, E or F.

- Project traffic would increase traffic volumes on nearby roadways by 10 percent or more.
- Project would contribute to CO concentrations exceeding the State Ambient Air Quality Standard of 9 parts per million (ppm) averaged over 8 hours and 20 ppm for one hour.

The analysis conducted in the DCEIR concluded that CO concentrations at area intersections would be no greater than 16 percent of the applicable 1-hour standard for CO and no greater than 24.9 percent of the applicable 8-hour standard with development of the entire Dublin Crossing Specific Plan. Recognizing that traffic and resulting CO emissions from the proposed Overcrossing Project would be far less than for the Specific Plan project, the Overcrossing Project would not result in a new or substantially more severe impact compared to the impacts disclosed in the Dublin Crossing Specific Plan.

d) Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Construction of the proposed project would allow some uses which generate airborne odors, such as during application of coatings to the bridge structure, which could be considered to generate odors; however, limited exposure and compliance with applicable regulatory requirements during construction will ensure that any impact is less than significant. These potential odors generated during construction would be short-term, intermittent and would not result in a new or substantially more severe significant impact.

Biological Resources

ENVIRONMENTAL IMPACTS Issues	(1) New or Substantially More Severe Significant Impact	(2) New Information Indicates that a Mitigation Measure or Alternative that was Previously Found to be Infeasible or Declined by Project Proponent now Proposed	(3) New or Substantially More Severe Significant Impact Avoided with Mitigation Incorporated	(4) No New or Substantially More Severe Significant Impact
4. BIOLOGICAL RESOURCES — Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with City of Dublin Tree Regulations protecting biological resources?	☐	☐	☐	☒

ENVIRONMENTAL IMPACTS Issues	(1) New or Substantially More Severe Significant Impact	(2) New Information Indicates that a Mitigation Measure or Alternative that was Previously Found to be Infeasible or Declined by Project Proponent now Proposed	(3) New or Substantially More Severe Significant Impact Avoided with Mitigation Incorporated	(4) No New or Substantially More Severe Significant Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Study Methods and Data Sources

Biologists Julia King and Patricia Berryhill from Metis Environmental Group conducted reconnaissance-level surveys of the project area on February 22, March 6, and August 18, 2018 and on September 12, 2019. In addition, a search of the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB) was conducted and the following technical reports prepared for the Dublin Crossing Specific Plan EIR were reviewed:

- Cardno Entrix March 6, 2012, reconnaissance-level survey.
- Jones & Stokes 1995, special-status plant and animal surveys for Camp Parks.
- Jones & Stokes 2006, surveys for vernal pool invertebrates, California red-legged frog, burrowing owls, San Joaquin kit foxes, and other sensitive species including raptors and loggerhead shrikes.
- Steele, K., and D. Petersen. 2005. Floristic survey of Parks Reserve Forces Training Area, Alameda and Contra Counties, California. August.
- Booz Allen Hamilton. 2004. Parks Reserve Forces Training Area, Biological Field Surveys. Prepared for Parks Reserve Forces Training Area, Directorate of Public Works. March 2004. 98 pp + Appendices.

Appendix B includes a formal wetland delineation that was prepared for the portion of the project area located south of Dublin Boulevard. The delineation was submitted to the U.S. Army Corps of Engineers. Staff from the Corps of Engineers have visited the site and a Preliminary Jurisdictional Determination has been issued (Figure 6).

Plant Communities and Habitats

North of Dublin Boulevard, the project area is within the footprint of a community park being developed with turf and landscape plantings. Within the park area, the Chabot Channel and adjacent riparian habitats are subject to ecological restoration treatments during park development. The channel bisects the project area. Ecological restoration efforts are on-going and will result in riparian habitat directly adjacent on both sides of the channel and will include oaks, willows and native grasses adjacent to Chabot Channel. Restoration activities that would occur within the channel and riparian areas are addressed in the DCEIR and the restoration activities would comply with DCEIR Mitigation Measure 3.3-1:

- **DCEIR Mitigation Measure 3.3-1: Prepare and Implement a Wetland Mitigation Plan.** Prior to commencing any activities that would impact wetlands or waters habitat, the project applicant shall obtain all required public agency permits and shall prepare a wetland mitigation plan that ensures no-net-loss of wetland and waters habitat and is approved by the City and applicable resource agencies. The wetland mitigation plan shall include measures for avoidance, minimization, and compensation for wetland impacts. Avoidance and minimization measures may include the designation of buffers around wetland features to be avoided, or project design measures, such as free-span bridges. Compensation measures shall include the preservation and/or creation of wetland or waters. The final mitigation ratios (the amount of wetlands and waters created or preserved compared to the amount impacted) shall be determined by the applicable resource agencies and the City. The wetland mitigation and monitoring plan shall include the following:
  - Descriptions of the wetland types, and their expected functions and values;
  - Performance standards and monitoring protocol to ensure the success of the mitigation wetlands over a period to be determined by the resource agencies;
  - Engineering plans showing the location, size and configuration of wetlands to be created or restored;
  - An implementation schedule showing that construction or preservation of mitigation areas shall commence prior to or concurrently with the initiation of construction; and
  - A description of legal protection measures for the preserved wetlands (i.e., dedication of fee title, conservation easement, and/or an endowment held by an approved conservation organization, government agency or mitigation bank).

South of Dublin Boulevard the following habitats were identified during field surveys conducted in 2018 and 2019:

Non-Native Grassland and Ruderal Vegetation. This habitat type occurs over the majority of the southerly portion of the project area on both sides of the paved trail. This habitat is

dominated by common invasive weed species such as rip-gut brome (*Bromus diandrus*), wild oat (*Avena fatua*), Italian rye grass (*Festuca perennis*), winter vetch (*Vicia sativa*), and prickly ox-tongue (*Helminthotheca echioides*). Landscape bark is spread directly adjacent to the edge of the paved Iron Horse Trail.

Oak Trees. A row of 10- to 15-foot tall valley oak (*Quercus lobata*) trees occurs along the southwest edge of the Iron Horse Trail, extending south from Dublin Boulevard. These trees are all less than 10 inches in diameter at breast height (DBH) as measured at approximately four feet above the ground. A single ornamental palm tree occurs on the northeastern side of the Iron Horse Trail levee near the concrete retaining walls associated with the residential development to the east.

Seasonal Wetlands. Although there are no seasonal wetland features in the project area, biologists mapped seasonal wetlands adjacent to the Iron Horse Trail south of Dublin Boulevard. These wetland areas are shown in the Wetland Delineation provided in Appendix B and are populated with annual herbaceous vegetation species typically found within ephemeral depressions in California. With a slightly alkaline soil underlying the area, the wetland vegetation skews toward alkali tolerant plants species. Saltgrass (*Distichlis spicata*), a dominant perennial species within the study area and alkali heath (*Frankenia salina*), a less common subshrub measuring less than 10 inches high, were observed at the wetland data points. Other species observed included spike rush (*Eleocharis macrostachya*), umbrella sedge (*Cyperus eragrostis*), creeping wild rye (*Lemus tritichoides*), cocklebur (*Xanthium strumarium*), rabbit's foot grass (*Polypogon monospelinensis*), and prickly ox-tongue (*Helminthotheca echioides*).

Special Status Species with the Potential to Occur in the Project Area

Plant species and animal species afforded protections under State and Federal laws and are referred to as having "Special Status." Appendix A includes a summary evaluation of special status species that could occur in the project area based on direct observation of existing conditions observed in the field, findings in the DCEIR, and a query of the CNDDB. Each of the species or groups of species discussed below is also addressed in the DCEIR and in Appendix C of the DCEIR.

Western Burrowing Owl. The western burrowing owl is a ground-nesting owl species that is known from the DCSP area and annual grassland habitats addressed in the DCEIR. The project area north of Dublin Boulevard developed as a community park would not support burrowing owls. However, the non-native annual grassland and ruderal vegetation within the project area located south of Dublin Boulevard is suitable for burrowing owls. Burrowing owls were not observed in the project area during field surveys conducted in February, March and August 2018.

Special Status Plants. Congdon's tarplant has the potential to occur in the project area south of Dublin Boulevard. This Special Status plant species was also found near the BART facility to the

south of the project area in 2000 but it was not observed in the project area during field surveys conducted in August of 2018 and September 2019.

Special Status Habitats in the Project Area

Special status habitats in the project area include the Chabot Channel and the associated riparian habitat being restored adjacent to the channel within the Don Biddle community park north of Dublin Boulevard.

The oak trees located in the project area south of Dublin Boulevard do not meet the definition of Heritage Trees, as described in Section 5.60 of the City of Dublin Municipal Code and are not considered to be special status species.

Regulatory Setting

Regulations that apply to individual species and habitats in the project area are summarized below.

Federal and California Endangered Species Acts. The Federal Endangered Species Act (FESA) of 1973 prohibits federal agencies from authorizing, permitting, or funding any action that would jeopardize the continued existence of a plant or animal species listed or a candidate for listing as Threatened or Endangered under the ESA. If a federal agency is involved with a proposed action or project that may adversely affect a listed plant or animal, that agency must enter into consultation with the United States Fish and Wildlife Services (USFWS) under Section 7(a)(2) of the FESA. Individuals, corporations, and state or local agencies with proposed actions or projects that do not require authorizing, permitting, or funding from a federal agency but that may result in the "take" of listed species or candidate species are required to apply to the USFWS for a Section 10(a) incidental take permit.

The State of California enacted similar laws to the FESA, the California Native Plant Protection Act (NPPA) in 1977 and the California Endangered Species Act (CESA) in 1984. The CESA expanded upon the original NPPA and enhanced legal protection for plants, but the NPPA remains part of the California Fish and Wildlife Code. To align with the FESA, CESA created the categories of "threatened" and "endangered" species. The State converted all animal species listed as "rare" under the FESA into the CESA as threatened species but did not do so for rare plants. Thus, these laws provide the legal framework for protection of California-listed rare, threatened, and endangered plant and animal species. The California Department of Fish and Wildlife (CDFW) implements NPPA and CESA, and its Wildlife and Habitat Data Analysis Branch maintain the California Natural Diversity Database, a computerized inventory of information on the general location and status of California's rarest plants, animals, and natural communities.

Migratory Bird Treaty Act. The Migratory Bird Treaty Act (MBTA) implements international treaties between the United States and other nations devised to protect migratory birds, their parts, eggs, and nests from activities such as hunting, pursuing, capturing, killing, selling, and

shipping, unless expressly authorized in the regulations or by permit. The USFWS administers the MBTA. The State of California has incorporated the protection of birds of prey in Sections 3800, 3513, and 3503.5 of the Fish and Game Code (FGC).

All raptors and their nests are protected from take or disturbance under the MBTA (16 United States Code [USC], section 703, et seq.) and California statute (FGC section 3503.5). The golden eagle and bald eagle are also afforded additional protection under the Eagle Protection Act, amended in 1973 (16 USC, section 669, et seq.).

Waters of the United States. The United States Army Corp of Engineers regulates "Waters of the United States" under Section 404 of the Clean Water Act (CWA). Waters of the U.S. are defined in the Code of Federal Regulations as waters susceptible to use in commerce, including interstate waters and wetlands, all other waters (intrastate waterbodies, including wetlands), and their tributaries (33 CFR 328.3). Potential wetland areas, according to the three criteria used to delineate wetlands as defined in the Corps of Engineers Wetlands Delineation Manual (Environmental Laboratory 1987), are identified by the presence of (1) hydrophytic vegetation, (2) hydric soils, and (3) wetland hydrology.

Areas that are inundated at a sufficient depth and for a sufficient duration to exclude growth of hydrophytic vegetation are subject to Section 404 jurisdiction as "other waters" and are often characterized by an ordinary high-water mark, and herein referred to as non-wetland waters. Non-wetland waters, for example, generally include lakes, rivers, and streams. The placement of fill material into Waters of the U.S. generally requires an individual or nationwide permit from the Corps under Section 404 of the CWA.

Waters of the State. The term "Waters of the State" is defined by the Porter-Cologne Act as "any surface water or groundwater, including saline waters, within the boundaries of the state." The RWQCB protects all waters in its regulatory scope and has special responsibility for wetlands, riparian areas, and headwaters. These waterbodies have high resource value, are vulnerable to filling, and are not systematically protected by other programs. RWQCB jurisdiction includes wetlands and waters that may not be regulated by the Corps under Section 404.

Waters of the State are regulated by the RWQCB under the State Water Quality Certification Program which regulates discharges of fill and dredged material under Section 401 of the CWA and the Porter-Cologne Water Quality Control Act. Projects that require a Corps permit or fall under other federal jurisdiction and have the potential to impact Waters of the State are required to comply with the terms of the Water Quality Certification determination. If a proposed project does not require a federal permit but does involve dredge or fill activities that may result in a discharge to Waters of the State, the RWQCB has the option to regulate the dredge and fill activities under its state authority in the form of Waste Discharge Requirements.

Habitat Conservation Plan/Natural Community Conservation Plan. The Eastern Alameda County Conservation Strategy (EACCS) is a document which is intended help planners protect

endangered species by working with landowners to implement long term conservation stewardship to offset potential impacts associated with urban and agricultural development. The project area does not fall within the boundaries of the EACCS.

Impacts Evaluation

The following mitigation measures established in the DCEIR would apply to the Overcrossing Project:

- **DCEIR Mitigation Measure 3.3-2a: Conduct a Floristic Survey and Consult with CDFG and USFWS if State or Federally Listed Plants are Found and Comply with Incidental Take Permits.** The project applicant shall retain a qualified botanist to conduct rare plant surveys within the construction zone for Congdon's tarplant or other species with potential habitat within the project area during the appropriate time of year in accordance with agency protocols. These plant surveys shall be conducted in accordance with the 2009 California Department of Fish and Game and United States Fish and Wildlife Service rare plant survey protocols. The results of the survey shall be summarized in a report and submitted to CDFW and USFWS and would be valid for two years. If no special-status plants are located during the surveys, no further mitigation measures would be required. If any federal or state plant species are found during the rare plant surveys, the project applicant shall consult with the CDFW and USFWS to obtain incidental take permits under Section 2081 of the CESA and either Section 7 or 10 of the FESA. Consultation with USFWS under Section 7 of the FESA could occur as part of the CWA Section 404 permit process as part of the wetland mitigation, described under Mitigation Measure MM 3.3-1.

- **DCEIR Mitigation Measure 3.3-2b: Develop and Implement Mitigation in Consultation with CDFW if Other Special Status Plant Species Are Found.** If special-status plant species (excluding federal or state listed plants) are found during the rare plant surveys, the project applicant shall notify the CDFW. A mitigation plan shall be developed in consultation with and approved by the CDFW and the City prior to the commencement of any activities that would impact any special status plants. The mitigation plan shall include measures such as transplanting plants, collecting seed or clippings and replanting species in an on-site location, if feasible or other location approved by Department of Fish and Game.

- **DCEIR Mitigation Measure 3.3-3a: Conduct a Burrowing Owl Survey and Impact Assessment.** The project applicant shall retain a qualified biologist to conduct a California burrowing owls surveys and impact assessment following the 2012 California Department of Fish and Game Staff Report on Burrowing Owl Mitigation (CDFW 2012) or as updated at the time of the implementation of the proposed project. The report(s) shall be submitted to California Department of Fish and Game as indicated in the CDFW 2012 Staff Report. If it is determined that project activities may result in impacts to

nesting, occupied, and satellite burrows and/or burrowing owl habitat, the project applicant shall consult with the CDFW and develop a detailed mitigation plan such that the habitat acreage, number of burrows, and burrowing owl impacted are replaced. The mitigation plan shall be based on the requirements set forth in Appendix A of the CDFW 2012 Staff Report on Burrowing Owl Mitigation.

- **DCEIR Mitigation Measure 3.3-3b: Implement Avoidance Measures.** If California burrowing owl are located within the project area and direct impacts can be avoided, the project applicant shall implement the following avoidance measures during all phases of construction to reduce or eliminate potential impacts to California burrowing owls.
  - Avoid disturbing occupied burrows during the nesting period, from 1 February through 31 August.
  - Avoid impacting burrows occupied during the non-breeding season by migratory or non-migratory resident burrowing owls.
  - Avoid direct destruction of burrows through chaining (dragging a heavy chain over an area to remove shrubs), disking, cultivation, and urban, industrial, or agricultural development.
  - Develop and implement a worker awareness program to increase the on-site worker's recognition of and commitment to burrowing owl protection.
  - Place visible markers near burrows to ensure that farm equipment and other machinery does not collapse burrows.
  - Do not fumigate, use treated bait or other means of poisoning nuisance animals in areas where burrowing owls are known or suspected to occur (e.g., sites observed with nesting owls, designated use areas).
  - Restrict the use of treated grain to poison mammals to the months of January and February.

- **DCEIR Mitigation Measure 3.3-3c: Conduct Burrow Exclusion.** In the event that California burrowing owls are located within the project area, the project applicant shall conduct a Burrowing Owl Relocation Plan. If avoidance of burrowing owl or their burrows is not possible, the project applicant in consultation with the California Department of Fish and Wildlife shall prepare a Burrowing Owl Relocation Plan as indicated and following the CDFW 2012 Staff Report. Monitoring of the excluded owls shall be carried out as per the California Department of Fish and Game 2012 Staff Report. Mitigation for permanent impacts to nesting, occupied, and satellite burrow and/or burrowing owls shall be developed based on the CDFW 2012 Staff Report on Burrowing Owl Mitigation.

a) **Would the proposed project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?**

During seasonal surveys of the project area South of Dublin Boulevard in February, March and August of 2018 and in September 2019 there were no burrowing owls observed. However, should the species colonize the annual grassland/ruderal habitat in the project area in the interim period between when the project is approved and when construction is initiated, Mitigation Measure 3.3-3 from the DCEIR would be implemented, reducing the impact to a level that is less than significant.

Conclusion. Because the same types of impacts to special status species that were analyzed for the DCEIR would occur as part of the Overcrossing Project and the same mitigation measures will be implemented, a new or substantially more severe significant impact would be avoided with implementation of DCEIR in Mitigation Measure 3.3-2a and 3.3-2b, and 3.3-3a-c, above.

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

North of Dublin Boulevard, the project area includes a Community Park within which the Chabot Channel and associated riparian habitat restoration adjacent to the channel. The channel and riparian within Community Park are considered to be sensitive habitat types and the Overcrossing Project is intended to be designed and constructed to entirely avoid these habitats. The graduated ramp structure to connect the free-span bridge with at grade elevations north of Dublin Boulevard would not require excavation or encroachment onto the sensitive restored habitats in order for construction to occur. The ramp design would span the restored Chabot Channel and adjacent restored riparian habitat. However, if the channel and vegetation could not be avoided for any reason, Mitigation Measure 3.3-1 from the DCEIR (above) would apply and would reduce the impact to a level considered less than significant.

There are no sensitive natural communities or habitats within the project area south of Dublin Boulevard.

There would be no physical change and no impacts to sensitive natural communities or habitats in the project area during construction of the overcrossing structure or as a result of use of the structure.

Conclusion. As shown in Figure 5 and Figure 6, there are no wetlands in the project area. Seasonal wetlands would not be impacted during construction and operation of the Overcrossing Project, no new or substantially more severe significant impact would occur.

c) **Would the proposed project have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means?**

The design of the ramps connecting the free-span bridge to the Iron Horse Trail north of Dublin Boulevard would span Chabot Channel and associated restored riparian habitat included in the Don Biddle Community Park. There are no wetlands or waters in the project area South of Dublin Boulevard. Wetlands or waters of the U.S. would not be impacted as a result of construction of foundations and footings to support the free-span bridge structure.

Conclusion. No new or substantially more severe significant impact would occur.

d) **Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

Currently, terrestrial species that occur in the area may use the project area to gain access to habitats to the north and south, however doing so would require crossing Dublin Boulevard at grade or crossing I-580. With development of the Overcrossing Project terrestrial species that occur in the area would still need to cross Dublin Boulevard at grade.

The Chabot Channel and associated restored riparian habitats provide cover for localized animal movement. The design of the ramps connecting the bridge structure north of Dublin Boulevard includes spanning these habitats with no physical changes to the substrate. Therefore, the proposed project would have no impact in relation to wildlife movement during construction or subsequent use of the overcrossing.

Conclusion. No new or substantially more severe significant impact would occur.

e) **Conflict with City of Dublin Tree Regulations protecting biological resources?**

The valley oak trees planted on the west side of the Iron Horse Trail do not meet the City of Dublin heritage tree ordinance definition as their size is smaller than specified in the City Code, nor were these trees planted as part of a mitigation requirement or as specified in subsections 1, 2 or 3 of Section 5.60.040 of the City of Dublin municipal code which defines heritage trees. The valley oak trees within the project are all less than approximately 10 inches in diameter at breast height, thus not meeting the minimum size requirement in the code, which protects those trees 24 inches and greater in diameter at breast height.

The project area is not located within the boundaries of any Habitat Conservation Plan.

Conclusion. Because no heritage trees are located within the project area and the project area is not located within the boundaries of any Habitat Conservation Plan, no new or substantially more severe significant impact would occur.

Cultural and Tribal Cultural Resources

ENVIRONMENTAL IMPACTS Issues	(1) New or Substantially More Severe Significant Impact	(2) New Information indicates that a Mitigation Measure or Alternatives that was Previously found to be Infeasible or Declined by Project is Proponent now Proposed	(3) New or Substantially More Severe Significant Impact Avoided with Mitigation Incorporated	(4) No New or Substantially More Severe Significant Impact
5. CULTURAL AND TRIBAL CULTURAL RESOURCES — Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?				☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				☒
c) Disturb any human remains, including those interred outside of dedicated cemeteries?				☒
d) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public				☒

ENVIRONMENTAL IMPACTS Issues	(1) New or Substantially More Severe Significant Impact	(2) New Information indicates that a Mitigation Measure or Alternatives that was Previously found to be Infeasible or Declined by Project is Proponent now Proposed	(3) New or Substantially More Severe Significant Impact Avoided with Mitigation Incorporated	(4) No New or Substantially More Severe Significant Impact
Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.				

Existing Setting

Mission records and ethnographies identify the Native Americans living in the Pleasanton area at the time of European contact in the latter half of the 18th century as members of various groups that are now referred to collectively as Ohlone. On the basis of linguistic evidence, it has been suggested that the ancestors of the Ohlone arrived in the San Francisco Bay area about A.D. 500, having moved south and west from the Sacramento-San Joaquin Delta region. Linguistic evidence has been interpreted to indicate that prior to about A.D. 500, speakers of the Hokan language occupied territories that included the project area until the ancestral Ohlone displaced them (Levy 1978).

Ethnographic Context

At the time of initial contact with European explorers (1772), the project area was occupied by the Ohlone, and more specifically an Ohlone triblet, known as Pelnen, of 300 to 500 who inhabited semi-permanent villages and seasonal campsites (Kroeber 1932; Levy 1978). Although ethnographic information about the Pelnen is sparse, they may have shared the resources of the former Willow Marsh, located in the low-lying area between Dublin and Pleasanton, with the nearby Seunen and Souyen Ohlone tribal groups. This marsh was an important source for seasonal foods such as migratory waterfowl and shorebirds, which provided protein-rich supplements to the typical aboriginal diet of greens, roots and bulbs, seeds, and acorns (Levy 1978).

The arrival of the Spanish led to the rapid demise of native California populations. Diseases, declining birth rates, and the effects of the mission system served to eradicate the aboriginal life ways (which are currently experiencing resurgence among Ohlone descendants). Brought into the missions, the surviving Ohlone along with former neighboring groups of Esselen, Yokuts, and Miwok were transformed from hunters and gatherers into agricultural laborers (Cambra et al. 1996; Levy 1978; Shoup and Milliken 1999).

Project Area Records Search

A literature review and records search was conducted by Patrick Allen, Staff Archaeologist, on June 14, 2018 at the Northwest Information Center (NWIC) housed at Sonoma State University, Rohnert Park (IC File Number 17-3021). The records search area included the project area as well as an additional half-mile radius. The purpose of the records search was to identify any known cultural resources within the immediate vicinity of the project area. The records search also included a review of the Office of Historic Preservation (OHP) Archaeological Determination of Eligibility and the OHP Directory of Historic Properties Data File.

The records search indicated that no prehistoric or historical archaeological resources have been previously recorded within or within a half-mile radius of the project area. A total of 29 historical built-environment resources have been previously recorded within a half-mile radius of the project area; however, none of these resources are located within the project area. These resources include a section of the Southern Pacific Railroad, and buildings and structures associated with the Parks Reserve Forces Training Area, commonly known as Camp Parks. The section of the Southern Pacific Railroad, P-01-001783, is located less than one tenth of a mile northwest of the project area, it no longer extends through the project area.

The records search also indicated that a total of 150 cultural resource studies have been conducted within a half-mile radius of the project area (see full list in Appendix A). Of these 150 studies, 10 intersect or include portions of the project area (see Table 2).

Table 2. Previous Cultural Resource Studies within the Project Area

Report No.	Year	Author(s)	Title
S-000727	1977	Miley Holman and David Chavez	An Archaeological Reconnaissance of Two New Proposed Waste Water Pipeline Routes, Livermore-Amador Valley Water Management Agency, Alameda County, California
S-016307	1994	Alison MacDougall	Cultural Resource Investigation of PG&E's Proposed Willow Pass Substation Addition, Willow Pass Tap, East Dublin BART Dedicated Substation, and Castro Valley Substation Addition, Contra Costa and Alameda Counties, California
S-017993	1995	Brian Hatoff, Barb Voss, Sharon Waetcher, Stephen Wee, Vance Bente	Cultural Resources Inventory Report for the Proposed Mojave Northward Expansion Project

Report No.	Year	Author(s)	Title
S-025313	2002	Rand Herbert, Bryan Larson, Jessica Herrick, Amanda Blosser, Andrew Walters, and Eric Johnson	Final Report: National Register of Historic Places, Inventory and Evaluation of Previously Unevaluated World War II and Cold War Era Buildings, Parks Reserve Forces Training Area, Alameda and Contra Costa Counties, California
S-026071	1998	Shahira Ashkar and Dana McGowan	Parks Reserve Forces Training Area, Built Environment Inventory and Evaluation
S-026096	1981	Earth Metrics Incorporated	Historic Property Survey Report for the Reactivation and Development Plans, Camp Parks, Pleasanton, CA
S-028826	2001	Damon Mark Haydu	A Cultural Resources Study of Portions of the Training Area and Cantonment Area Within Camp Parks (PRFTA), Alameda and Contra Costa Counties, California
S-028835	2004	Jack Meyer and Graham Dalldorf	Geoarchaeological Investigation in the Parks Reserve Forces Training Area, Alameda and Contra Costa Counties, California.
S-029314	2004	Christopher Caputo	Archaeological Survey Report for Portions of the Training Area, Parks RFTA, Alameda and Contra Costa Counties, California.
S-023385	2000	Colin I. Busby and Stuart A. Guedon	Cultural Resources Assessment for an Extension of the Iron Horse Trail Between Dougherty Road and Dublin BART Station, City of Dublin, Alameda County (letter report)

There are no resources listed on the OHP directory within the project area. Numerous industrial buildings and structures associated with National Aeronautics and Space Administration (NASA) and the Parks Reserve Forces Training Area, located less than one tenth of a mile from the project area, are listed in the OHP directory.

Historic Topographic Map and Aerial Review

In addition to the records search, a review was conducted of the historical topographic maps and historic aerials that depict the project area. The Fairchild Aerial Surveys 1938 aerials (Flight C-5750) depict the project area in an undeveloped region with the Southern Pacific Railroad running northwest to southeast. The 1906 United States Geologic Survey (USGS) Pleasanton 15-minute quadrangle map also depicts the project area as undeveloped with only a few roads in the general vicinity. The 1953 USGS Dublin 7.5-minute map shows the project area atop the existing Southern Pacific Railroad line and crossing the convergence of two unnamed seasonal drainages. The 1953 Dublin map also depicts numerous rectangular industrial style buildings to the north/northwest of the project area. These buildings are likely portions of the Parks Reserve Forces Training Area which was commissioned in January of 1943 (http://www.usar.army. mil/Commands/US-Army-Reserve-Command-USARC/Camp- Parks-Main/Camp-Parks/).

A review of the 1950 United States Department of Agriculture Stabilization and Conservation Service survey for Flight BUT-1950 shows the project area south of Camp Parks with small buildings located in between the northern edge of Highway 580 and the diagonal tracks of the Southern Pacific Railroad. The 1961 Dublin 7.5-minute map shows the project area intersecting the Southern Pacific Railroad line and crossing an unnamed seasonal drainage. In addition, the 1961 Dublin quadrangle illustrates numerous buildings associated with NASA located to the northwest of the project area. The Cartwright Aerial Survey from 1965 (Flight CAS-65-130) depicts the project area to the southeast of Camp Parks with the parcels directly surrounding the project area still mostly undeveloped. The 1980 photo revised Dublin topographic quadrangle map indicates that while the majority of the Dublin area has been developed by 1980, the project area remained undeveloped.

Tribal Coordination and Consultation

A request for information on sacred sites or tribal cultural resources (e.g., traditional use or gathering area, place of religious or sacred activity, etc.) within the immediate vicinity of the project area was sent to the Native American Heritage Commission (NAHC) on June 15, 2018 along with a request for a list of Native American tribal representatives with heritage ties to the area. The NAHC responded on June 25, 2018, stating that the Sacred Lands File search was completed with negative results, indicating no resources were known to be present within or near the project site (Appendix C). However, the NAHC did state that the absence of specific site information in the SLF does not indicate the absence of Native American tribal cultural resources. As such, the NAHC recommended that six Native American representatives be contacted to elicit information regarding cultural resource issues related to the project.

Scoping letters were sent via email on July 12, 2018 to all six recommended Native American representatives. Since no written response had been received, follow up phone calls were placed to each representative on July 26, 2018. Ms. Perez, Northern Valley Yokut, indicated that typically railroad tracks follow traditional Native trails and as such she recommends a Native American monitor be present during ground disturbing activities. She also requested a copy of the final report. Ms. Sayers, Indian Canyon Mutsun Band of Costanoan, indicated she has no knowledge of the area or its potential sensitivity. No other responses were received as a result of the outreach efforts. Subsequently, messages and follow up emails describing the project were sent to the contacts who were unable to be reached by phone.

Regulatory Setting

The National Historic Preservation Act of 1966 (NHPA) established the National Register of Historic Places (National Register), which is the official register of designated historic places. The National Register is administered by the National Park Service, and includes listings of buildings, structures, sites, objects, and districts that possess historical, architectural, engineering, archaeological, or cultural significance at the national, state, or local level.

To be eligible for the National Register, a property must be significant under one or more of the following criteria pursuant to 36 Code of Federal Regulations Part 60:

A. Properties that are associated with events that have made a significant contribution to the broad patterns of our history;

B. Properties that are associated with the lives of persons significant in our past;

C. Properties that embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

D. Properties that have yielded, or may be likely to yield, information important in prehistory or history.

In addition to meeting one or more of the aforementioned criteria, an eligible property must also possess historic "integrity," which is "the ability of a property to convey its significance." The National Register criteria recognize seven qualities that define integrity: location, design, setting, materials, workmanship, feeling, and association.

Structures, sites, buildings, districts, and objects over 50 years of age can be listed in the National Register as significant historical resources. Properties under 50 years of age that are of exceptional importance or are contributors to a district can also be included in the National Register. Properties listed in or eligible for listing in the National Register are also eligible for listing in the California Register of Historic Resources (described below), and as such, are considered historical resources for CEQA purposes.

The California Register of Historic Resources (CRHR) is the official state-level list of properties, structures, districts, and objects significant at the local, state, or national level. CRHR-eligible properties are considered to be historical resources under CEQA and must have significance under at least one of the four criteria presented below. A property may be considered a historic resource if it:

(1) is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

(2) is associated with the lives of persons important in our past;

(3) embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

(4) has yielded, or may be likely to yield, information important in prehistory or history.

In order to meet one or more of these criteria, a cultural resource must possess integrity to qualify for listing in the CRHR. Integrity is generally evaluated with reference to qualities including location, design, materials, workmanship, setting, feeling, and association. A potentially eligible site must retain the integrity of the values that would make it significant. Typically, integrity is indicated by evidence of the preservation of the contextual association of artifacts, ecofacts, and features within the archaeological matrix (Criterion 4) or the retention of the features that maintain contextual association with historical developments or personages that render them significant (Criteria 1, 2, or 3). Evidence of the preservation of this context is typically determined by stratigraphic analysis and analysis of diagnostic artifacts and other temporal data (e.g., obsidian hydration, radiocarbon assay) to ascertain depositional integrity or by the level of preservation of historic and architectural features that associate a property with significant events, personages, or styles.

Integrity refers both to the authenticity of a property's historic identity, as shown by the survival of physical characteristics that existed during its historic period and to the ability of the property to convey its significance. This is often not an all-or-nothing scenario (determinations can be subjective); however, the final judgment must be based on the relationship between a property's features and its significance. Section 15064.5 of the CEQA Guidelines indicates a project may have a significant environmental effect if it causes "substantial adverse change" in the significance of an "historical resource" or a "unique archaeological resource" as defined or referenced in CEQA Guidelines Section 15064.5[b, c] (revised October 26, 1998). Such changes include "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired" (CEQA Guidelines 1998 Section 15064.5 [b]).

Impacts Evaluation

a,b) Would the project cause a substantial adverse change in the significance of a historical resource or an archeological resource as defined in CEQA Guidelines Sections 15064 or 15064.5?

Project Area North of Dublin Boulevard

The DCEIR identified 12 cultural resources within the DCSP area. These resources were all components of Camp Parks and as such were evaluated using the National Register of Historic Places (NRHP) criteria. Only one of the resources, the Camp Parks entrance sign (P-01-010333), was determined to be eligible for listing on the NRHP by the State Historical Preservation Office (SHPO) (October 26, 1999). As the resource was determined eligible for listing on the NRHP, it is now also recommended as eligible for listing on the CRHR. The DCEIR concluded no significant impacts to historic or archaeological resources would occur with the incorporation of Mitigation Measures 3.4-2, 3.4-3 which are presented below.

Project Area South of Dublin Boulevard

Technical review and analysis of cultural resources included in Appendix C and summarized above in the project area Records Search section concluded that there are no cultural resources in the project area south of Dublin Boulevard. Therefore, site preparation, excavation and construction of footing, foundations, and access ramps for the Overcrossing Project would not result in disturbance of cultural resources and no new or substantially more severe significant impacts are anticipated other than what has already been identified and mitigated in the DCEIR.

However, as stated in the DCEIR, it is possible unanticipated resources could be uncovered or found during construction. The following Dublin Crossing Specific Plan EIR Mitigation Measure which address potential significant impacts to unknown archaeological or historic resources that could be found or uncovered during construction activities are incorporated into the proposed Overcrossing Project:

- **DCEIR Mitigation Measure 3.4–2: Halt Work/Archaeological Evaluation/Site-Specific Mitigation.** If any potential archaeological, pre-historic or cultural artifacts are encountered during site grading or other construction activities, all ground disturbances within 50 feet of the discovery shall be halted until a qualified archaeologist can identify and evaluate the resource(s) in accordance with State CEQA Guidelines 15064.5(f). The archeological consultant shall immediately notify the project sponsor and the City staff of the encountered archeological deposit. If the deposit does not qualify as an archaeological resource, then no further protection or study is necessary. If the deposit does qualify as an archaeological resource, then the impacts shall be avoided by project activities. If the deposit cannot be avoided, adverse impacts to the deposit shall be addressed in accordance with State CEQA Guidelines 15126.4(b). Measures may include, but are not limited to archaeological data recovery, etc. Upon completion of the assessment by the archaeologist, a professional-quality report shall be submitted to the City, the project applicant, and the Northwest Information Center at Sonoma State University in Rohnert Park. The project applicant shall fund and implement the mitigation in accordance with Section 15064.5(c) through (f) of the CEQA Guidelines and Public Resources Code 21083.2.

Conclusion. With incorporation of the DCEIR mitigation measures above, the Overcrossing Project would not create new or substantially more severe significant impacts to resources as defined by CEQA in Sections 15064 or 15064.5.

c) Would the project disturb any human remains, including those interred outside of formal cemeteries?

As summarized above, there is no evidence to suggest that human remains would be found as a result of subsurface construction activities in the project area. However, the project incorporates the DCEIR mitigation measure (below) which would be implemented in the case that human remains are encountered during subsurface construction activities:

- **DCEIR Mitigation Measure 3.4-4: Halt Work/Coroner's Evaluation/Native American Heritage Consultant/Compliance with Most Likely Descendent Recommendations.** In the event that human remains are encountered during grading and site preparation activities, all ground-disturbing work within 50 feet of the remains shall cease immediately and a qualified archaeologist shall notify the Office of the Alameda County Coroner and advise that office as to whether the remains are likely to be Native American. If determined to be Native American, the Alameda County Coroner's Office shall notify the Native American Heritage Commission of the find, which in turn will then appoint a "Most Likely Descendent. (MLD)." The MLD in consultation with the archaeological consultant and the project sponsor will advise and help formulate an appropriate plan for treatment of the remains, which might include recordation, removal, and scientific study of the remains and any associated artifacts. After completion of the analysis and preparation of the report of findings, the remains and associated grave goods shall be returned to the MLD for burial.

Conclusion. With incorporation of the DCEIR mitigation measures presented above, the Overcrossing Project would not create new or substantially more severe significant impacts to human remains.

d) Would the project cause a substantial adverse change in significance of a tribal cultural resource?

Tribal cultural resources are defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe. The resources must be listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or it is significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.

As discussed above and summarized in Appendix C, the City of Dublin reached out to local tribes regarding Tribal Resources in the project area pursuant to the requirements of AB 52. Following required consultation with Native American representatives, no Tribal Cultural Resources were identified.

Conclusion. No new or substantially more severe significant impacts to Tribal Cultural Resources would result from the Overcrossing Project.

Energy Resources

ENVIRONMENTAL IMPACTS Issues	(1) New or Substantially More Severe Significant Impact	(2) New Information indicates that a Mitigation Measure of alternatives that was Previously found to be Infeasible or Declined by Project Proponent is now Proposed	(3) New or Substantially More Severe Significant Impact Avoided with Mitigation Incorporated	(4) No New or Substantially More Severe Significant Impact
6. ENERGY RESOURCES — Would the project:				
a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?				☒
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?				☒

Existing Setting

The Iron Horse Regional Trail is not lighted in the vicinity of Dublin Boulevard and is restricted to non-motorized travel. The trail does not, therefore directly or indirectly consume any energy resources.

Regulatory Framework

Senate Bill 1389, State of California Integrated Energy Policy

In 2002, the Legislature passed Senate Bill 1389, which required the California Energy Commission to develop an integrated energy plan biannually for electricity, natural gas, and transportation fuels, for the California Energy Report. The plan calls for the state to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the least environmental and energy costs. To further this policy, the plan identifies a number of strategies, including assistance to public agencies and fleet operators in implementing incentive programs for Zero Emission Vehicles and their infrastructure needs, and encouragement of urban designs that reduce vehicle miles traveled and accommodate pedestrian and bicycle access.

An overarching goal of the integrated energy plan is to achieve the statewide greenhouse gas reduction targets, while improving overall energy efficiency is the main focus. The integrated energy plan is the State's chief program intended to provide a comprehensive statewide energy strategy to guide energy investments, energy-related regulatory efforts and greenhouse gas reduction measures.

Impacts Evaluation

a) Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

According to CEQA Guidelines Appendix F, conserving energy consists of decreasing overall per capita energy consumption, decreasing reliance on natural gas and oil, and increasing reliance on renewable energy sources. As discussed in relation to Transportation issues, the proposed Overcrossing Project would decrease congestion and reduce idling time at the Dublin Boulevard intersection with Scarlett Drive and also encourage increase use of pedestrian and bicycle travel along the trail. As a result, the proposed project would conserve energy and reduce "the wasteful, inefficient, and unnecessary consumption of energy" associated with automobile travel.

While construction of the Dublin Boulevard overcrossing would consume energy resources, construction activities would avoid use of diesel generators and draw power from the adjacent electrical grid, thereby decreasing reliance on fossil fuels during construction. All construction activities will be subject to DCEIR Mitigation Measure 3.2-1a, Implement Short-term Construction Best Management Practices. As a result, all construction equipment will be required to be well maintained and will not left to idle when not in use. Construction-related travel routes will also be planned to minimize vehicle miles traveled. With the exception of one night of activity to install the bridge structure, all construction activities will occur during daytime hours and nighttime lighting will not be required. Thus, project construction will not result in wasteful, inefficient, or unnecessary consumption of energy.

b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

By (1) decreasing congestion and reducing idling time at the Dublin Boulevard intersection with Scarlett Drive and (2) also encouraging increased use of pedestrian and bicycle travel along Iron Horse Regional Trail, including non-motorized travel to the Dublin/Pleasanton BART station, the proposed Overcrossing Project would assist in reducing use of non-renewable energy and increasing the efficiency of travel within areas near the trail. The project would, therefore, not obstruct any plan for renewable energy or energy efficiency.

Geology, Soils, and Seismicity

ENVIRONMENTAL IMPACTS Issues	(1) New or Substantially More Severe Significant Impact	(2) New Information indicates that a Mitigation Measure of alternatives that was Previously found to be Infeasible or Declined by Project Proponent is now Proposed	(3) New or Substantially More Severe Significant Impact Avoided with Mitigation Incorporated	(4) No New or Substantially More Severe Significant Impact
7. GEOLOGY, SOILS, AND SEISMICITY — Would the project:				
a) Directly or indirectly cause substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?				☒
ii) Strong seismic ground shaking?				☒
iii) Seismic-related ground failure, including liquefaction?				☒
iv) Landslides?				☒
b) Result in substantial soil erosion or the loss of topsoil?				☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?				☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?				☒

ENVIRONMENTAL IMPACTS Issues	(1) New or Substantially More Severe Significant Impact	(2) New Information indicates that a Mitigation Measure of alternatives that was Previously found to be Infeasible or Declined by Project Proponent is now Proposed	(3) New or Substantially More Severe Significant Impact Avoided with Mitigation Incorporated	(4) No New or Substantially More Severe Significant Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				☒
f) Directly or indirectly destroy a unique paleontological resource or unique geologic feature?				☒

Existing Setting

The project area is generally flat with a slope to the southwest. On-site elevation is approximately 336 feet at the intersection of Dublin Boulevard and the Iron Horse Regional Trail. According to the Alameda County Soil Survey (NRCS 1996), the project area is comprised of Clear Lake Clay (0 to 3 percent slopes). Clear Lake clay is a very deep, poorly drained soil. Permeability is slow to very slow, runoff is negligible to high.

Expansive Soils

Results of the Atterberg limits tests conducted for the DCEIR indicate that the clayey soils near the existing ground surface are highly expansive. Expansive soils shrink or swell significantly with changes in moisture content. Clay content and porosity of the soil also influence the change in volume. The most common cause of changing soil moisture content is seasonal fluctuation due to rainfall. The shrinking and swelling caused by expansive clay rich soil often results in damage to overlying structures, including foundations, floor slabs, pavements, sidewalks, and other improvements that are sensitive to soil movements. Usually, damage from expansive soils can be minimized or eliminated by using site-specific engineering techniques.

Erosion Potential

Soil erosion is the process by which soil particles are removed from a land surface by wind, water, or gravity. Topsoil is the uppermost layer of soil, usually the top six to eight inches, and has the highest concentration of organic matter and microorganisms. Topsoil erosion is of concern when the topsoil layer is blown or washed away. Most natural erosion occurs at relatively slow rates; however, the rate of erosion increases where the ground surface is steep and when land is cleared and/or left in a disturbed condition, such as may occur during the preparation and excavation phases of construction activities. According to the Natural Resources Conservation Service (NRCS), the Clear Lake soil at the project area is characterized as having slow to very slow erosion potential.

Liquefaction, Landslide Risk, and Other Soil Hazards

The project area is located within a California Geological Survey (CGS) Seismic Hazard Zone where liquefaction may occur during a strong earthquake. Based on the geotechnical investigation undertaken for the DCEIR, there is the potential for liquefaction to occur within the occasional interbedded layers of loose to medium dense sandy soils that exist below the groundwater table. These potentially liquefiable layers generally range from approximately half of a foot to two feet thick and are overlain by at least ten feet of non-liquefiable cover.

Lateral Spreading

Lateral spreading is the lateral movement of soil towards a free face (such as incised river channel or open body of water) during earthquakes. There are no such features in the project vicinity. Alamo Creek and Tassajara Creek are located more than 1,500 feet to the northwest and 4,000 feet to the east, respectively. Chabot Canal is less than five feet deep and is not anticipated to pose a risk for lateral spreading. Therefore, the risk of lateral spreading to occur within the project area is considered low.

Seismic Compression

Settlement of ground surface can also occur as a result of seismic compression. The unsaturated soils encountered in the borings performed within the project area were predominantly stiff to very stiff clayey soils. Therefore, the potential for significant ground settlement due to seismic compression within the project area is considered low.

Landsliding

The project area is generally flat and there are no major slopes within or adjacent to the project area. Therefore, there is no potential for landsides affecting the project area.

Faults/Seismic Hazards

A fault is a fracture in the crust of the earth along which land on one side has moved relative to land on the other side. Most faults are the result of repeated displacements over a long period of time. A fault trace is the line on the earth's surface defining the fault. An active fault is defined by the State Mining and Geology Board as a fault that has "had surface displacement within Holocene times (about the last 11,000 years)." This definition does not mean that faults lacking evidence of surface displacement within Holocene times are necessarily inactive. A fault may be presumed to be inactive based on satisfactory geologic evidence; however, the evidence necessary to prove inactivity is sometimes difficult to obtain and locally may not exist. A potentially active fault is a fault that shows evidence of surface displacement during Quaternary time (about the last 1.6 million years).

The project area is not located within a currently designated Alquist-Priolo Earthquake Fault Zone.[1] Several active faults in the vicinity of the project area include the Pleasanton, Calaveras, Hayward, and San Andreas faults located approximately two, 10 and 29 miles to the southwest, respectively. The Mount Diablo Thrust and Greenville faults are located approximately two and 8½ miles to the northeast, respectively and the Las Positas Fault is located approximately 10½ miles to the southeast and the Concord-Green Valley fault approximately 12 miles to the northwest of the project area.

Pleasanton Fault

The California Department of Mines and Geology (CDMG) determined that the epicenters for several micro-earthquakes were plotted near the mapped surface location of the Pleasanton Fault, north of Camp Parks. However, according to CDMG it is believed that these earthquakes are associated with the active Calaveras fault, located approximately 1.3 miles west of the Pleasanton fault and there is no confirmed evidence to support historical seismicity on the Pleasanton Fault. No features were found within the project area associated with active faulting.

Ground Shaking

The project area is located within the San Francisco Bay area, which is a region of high seismicity. Similar to all sites located in the San Francisco Bay area, the project area is expected

[1] The Alquist-Priolo Act requires the State Geologist to establish regulatory zones (now referred to as "Earthquake Fault Zones") around the mapped surface traces of active faults. The Act requires local agencies to regulate development within Earthquake Fault Zones. Before a development project can be permitted within an Earthquake Fault Zone, a geologic investigation is required to demonstrate that proposed buildings would not be constructed across active faults. If an active fault is found, a structure for human occupancy cannot be placed over the trace of the fault and must be set back a minimum of 50 feet from the fault.

to experience at least one moderate to large earthquake during the lifespan of the proposed project.

Regulatory Setting

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed in 1972 (originally enacted as the Alquist-Priolo Special Studies Zones Act and renamed in 1994) and is intended to reduce the risk to life and property from surface fault rupture during earthquakes. The main purpose of the law is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. The law only addresses the hazard of surface fault rupture and is not directed toward other earthquake hazards. The Alquist-Priolo Act requires the State Geologist to establish regulatory zones known as "Earthquake Fault Zones" around the surface traces of active faults and to issue appropriate maps. The maps are distributed to all affected cities, counties, and state agencies for their use in planning efforts. Local agencies must regulate most development projects within the zones. Projects include all land divisions and most structures for human occupancy. Before a development project can be permitted within an Earthquake Fault Zone, a geologic investigation is required to demonstrate that proposed buildings would not be constructed across active faults. A site-specific evaluation and written report must be prepared by a licensed geologist. If an active fault is found, a structure for human occupancy cannot be placed over the trace of the fault and must be set back a minimum of 50 feet from the fault.

California Building Standards Code (CBC)

The State of California provides minimum standards for building design through the CBC. The CBC is based on the Uniform Building Code (UBC), which is used widely throughout the United States (generally adopted on a state-by-state or district-by district basis), and has been modified for conditions within California. The CBC requires extensive geotechnical analysis and engineering for grading, foundations, retaining walls, and other structures, including criteria for seismic design. The proposed project is located within Seismic Zone 4, which is expected to experience the greatest effects from earthquakes and requires the most stringent requirements for seismic design.

Seismic Hazards Mapping Act

The CGS provides guidance with regard to seismic hazards under the Seismic Hazards Mapping Act. Seismic hazard zones are identified and mapped by the CGS to assist local governments in land use planning. The intent of the Act is to protect the public from the effects of strong ground shaking, liquefaction, landslides, ground failure, or other hazards caused by earthquakes. In addition, CGS Special Publication 117, Guidelines for Evaluating and Mitigating Seismic Hazards in California, provides guidance for the evaluation and mitigation of

earthquake-related hazards for projects within designated zones of required investigations. The proposed project is located within a CGS Seismic Hazard Zone where liquefaction may occur during a strong earthquake; however, the proposed project is not located within a CGS Seismic Hazard Zone where landslides may occur during a strong earthquake.

Impacts Evaluation

The DCEIR found that ground shaking is likely to occur in the event of a major earthquake on one of the nearby faults resulting in the exposure of people and/or structures to potentially significant adverse effects, including the risk of loss, injury or death. The DCEIR concluded this was potentially significant impact. The EIR also concluded development associated with the DCSP could expose people or structures to potential substantial adverse effects of liquefaction. Implementation of the Overcrossing Project constitutes future development within an area of expansive soils. Adherence to the City's Building Code and CBC requirements along with implementation of the following mitigation measures included in the DCEIR would apply to the Overcrossing Project:

- **DCEIR Mitigation Measure 3.5-3: Preparation of Design-Level Geotechnical Report.** Future development within the project area shall consult with a registered geotechnical engineer to prepare a design level geotechnical report that incorporates the recommendations included in the DCEIR's preliminary geotechnical investigation by Berlogar, Stevens and Associates (March 2012). The design level geotechnical report shall address site preparation and grading (including measures to address potential liquefaction and expansive soils), building foundations, CBC seismic design parameters, and preliminary pavement sections. This report shall be submitted in conjunction with Building Permit application(s) and reviewed and approved by the City. The Report's recommendations shall be incorporated into the project design and construction documents.

(a-c) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: i) rupture of a known earthquake fault, ii) strong seismic ground shaking, iii) seismic-related ground failure, or iv) landslides? Would the project be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Surface Fault Rapture and Seismic Shaking

The project site is located within the seismically-active San Francisco Bay region but is not located within an Alquist-Priolo Earthquake Fault Zone. There are no known earthquake faults crossing the site.

The Association of Bay Area Governments (ABAG) has reported that the Working Group on California Earthquake Probabilities (2007) has estimated that there is a 63 percent probability that one or more major earthquakes would occur in the San Francisco Bay Area between 2007

and 2036. An earthquake occurring on any of the fault lines in the region may induce seismic ground shaking at the project site. The proposed Overcrossing Project will be designed to withstand a major earthquake without collapse based on site-specific geologic conditions and regional earthquake probabilities. The project would not, therefore, result in a new or substantially more severe impact than was disclosed in the DCEIR.

Seismic-Related Ground Failure

Construction of the proposed bridge overcrossing would be required to comply with applicable provisions of the California Building Code, City engineering design requirements, and standard engineering design requirements, as well as any requirements set forth in a site-specific geologic and soils investigation to be undertaken for the project. As a result, the project would not expose people or structures to seismic-related ground failure hazards.

Landslides

The project area is generally flat with no potential for landslides. The north and south bridge approaches require construction of manufactured slopes. Such slopes will be designed to avoid erosion and surficial failure. As a result, no impacts in relation to landslides would result.

Liquefaction

Based on the geotechnical investigation undertaken for the Dublin Crossing Specific Plan, there is the potential for liquefaction to occur in the area within the occasional interbedded layers of loose to medium dense sandy soils that exist below the groundwater table. These potentially liquefiable layers generally range from approximately half a foot to two feet thick and are overlain by at least ten feet of non-liquefiable cover.

The DCEIR requires that future development comply with the City's Building Code, liquefaction regulations of the California. Building Code, and the City's standard engineering practices and design criteria. In addition, Mitigation Measure MM 3.5-3 requires preparation of a design-level geotechnical report, which would address liquefaction and reduce this potentially significant impact to a less than significant level. As a result, the project would not expose people or structures to liquefaction hazards.

d) Would the project result in substantial soil erosion or the loss of topsoil? Would the project be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?

Loss of Topsoil

The project site is generally flat and not adjacent to any steep slopes. The project would require minimal soil disturbance within the project area to prepare foundations and footings for a free-span bridge structure and associated ramps designed to create access to and from the

overcrossing. This minor amount of soil disturbance is not likely to result in any substantial soil erosion.

Expansive Soil

According to the preliminary geotechnical investigation prepared for the Dublin Crossing Specific Plan, soils in the area have a very high expansion potential. A design level geotechnical analysis would be required for the Overcrossing Project as required by DCEIR Mitigation Measure MM 3.5-3. In addition, the proposed project would be required to adhere to the City's Building Code and CBC requirements. Therefore, with compliance with regulatory requirements and measures in the design level geotechnical report which would address expansive soils, the proposed project would not result in a significant or substantially more severe impact than was disclosed in the DCEIR.

e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

The project does not propose the use of septic tanks or alternative wastewater disposal systems. No impacts would result.

f) Would the project directly or indirectly destroy a unique paleontological resource or a unique geologic feature?

As summarized above, there are no known paleontological resources within the project area. In addition, the project incorporates the DCEIR mitigation measure (below) which would be implemented in the case that previously unknown paleontological resources are encountered during subsurface construction activities:

- **DCEIR Mitigation Measure 3.4-3: Halt Work/Paleontological Evaluation/Site-Specific Mitigation**. If paleontological resources are encountered during subsurface construction activities, all work within 50 feet of the discovery shall be redirected until a qualified paleontologist can evaluate the finds. If the paleontological resources are found to be significant, they shall be avoided by project construction activities and recovered by a qualified paleontologist. Upon completion of the recovery, a paleontological assessment shall be conducted by a qualified paleontologist to determine if further monitoring for paleontological resources is required. The assessment shall include: I) the results of any geotechnical investigation prepared for the project area; 2) specific details of the construction plans for the project area; 3) background research; and 4) limited subsurface investigation within the project area. If a high potential to encounter paleontological resources is confirmed, a monitoring plan of further project subsurface construction shall be prepared in conjunction with this assessment. After project subsurface construction has ended, a report documenting monitoring, methods, findings, and further recommendations regarding paleontological resources shall be prepared and submitted to the Community Planning Director.

Conclusion. The Overcrossing Project would not create new or substantially more severe significant impacts to paleontological resources.

Greenhouse Gas Emissions

ENVIRONMENTAL IMPACTS Issues	New or Substantially More Severe Significant Impact	Mitigation Measure Previously found to be Infeasible or Declined by Project Proponent now Proposed	New or Substantially More Severe Significant Impact Avoided with Mitigation Incorporated	No New or Substantially More Severe Significant Impact
8. GREENHOUSE GAS EMISSIONS— Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				☒
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				☒

Existing Setting

Global warming associated with the "greenhouse effect" is a process whereby greenhouse gas (GHG) accumulating in the atmosphere contribute to an increase in the temperature of the earth's atmosphere over time. Therefore, unlike emissions of criteria and toxic air pollutants discussed in above in relation to air quality, emissions of Greenhouse Gases (GHGs) have a broader, global impact. The principal GHGs contributing to global warming and associated climate change are carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and fluorinated compounds. Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the transportation, industrial/manufacturing, utility, residential, commercial, and agricultural sectors.

Regulatory Setting

California Assembly Bill 32 and Executive Order S-3-05

Assembly Bill 32 (AB 32), also known as the Global Warming Solutions Act, was passed in 2006 and established a goal to reduce GHG emissions to 1990 levels by 2020. Prior to the adoption of AB 32, the Governor of California also signed Executive Order S-3-05 into law, which set a long-term objective to reduce GHG emissions to 90 percent below 1990 levels by 2050. The California Environmental Protection Agency (Cal/EPA) is the state agency in charge of coordinating the GHG emissions reduction effort and establishing targets along the way.

In December 2008, CARB approved the Climate Change Scoping Plan, which proposes a comprehensive set of actions designed to reduce California's dependence on oil, diversify energy sources, save energy, and enhance public health, among other goals. Per AB 32, the Scoping Plan must be updated every five years to evaluate the mix of AB 32 policies to ensure that California is on track to achieve the 2020 greenhouse gas reduction goal.

In May 2014, CARB adopted an updated Scoping Plan document. The 2014 Update highlights California's progress toward meeting the "near-term" 2020 greenhouse gas emission reduction goals defined in the 2008 Scoping Plan and evaluates how to align the State's longer-term greenhouse gas reduction strategies with other State policy priorities, such as for water, natural resources, agriculture, clean energy, and transportation and land use.

California Senate Bill 375

Senate Bill 375 (SB 375), known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. It builds on AB 32 by requiring CARB to develop regional GHG reduction targets to be achieved from the automobile and light truck sectors for 2020 and 2035 in comparison to 2005 emissions. The per capita reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035, consistent with the requirements of SB 375, MTC, and the ABAG adopted Plan Bay Area in July 2013. The strategies in the plan are intended to promote compact, mixed-use development close to public transit, jobs, schools, shopping, parks, recreation, and other amenities, particularly within Priority Development Areas (PDAs) identified by local jurisdictions. The project site is located in a PDA.

Executive Order B-30-15

On April 29, 2015, Governor Edmund G. Brown Jr. issued Executive Order B-30-15, setting a new interim statewide greenhouse gas emission reduction target. The purpose of establishing the interim target is to ensure California meets its previously established target of reducing GHG emissions to 80 percent below 1990 levels by 2050, as set forth in Executive Order S-3-05 in 2005.

Under Executive Order B-30-15, the interim target is to reduce greenhouse gas emissions to 40 percent below 1990 levels by 2030.

As a part of this effort, CARB is required to update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons of carbon dioxide equivalent. CARB will initiate a public process in the summer of 2015 to update the State's Climate Change Scoping Plan. The updated Scoping Plan will provide a framework for achieving the 2030 target and will be completed and adopted by CARB in 2016.

This Executive Order also calls for the California Natural Resources Agency (CNRA) to update the State of California's climate adaption strategy, Safeguarding California, every three years. The Safeguarding California plan will identify vulnerabilities to climate change by region and sector, including water, energy, transportation, public health, agriculture, emergency services, forestry, biodiversity and habitat, and ocean and coastal resources. It also will identify actions needed to reduce risks to residents, property, communities, and natural systems from the vulnerabilities. A lead agency or group of agencies will be identified to lead adaptation efforts in each sector. Overall, the CNRA will be responsible for ensuring that the provisions in the State's climate adaption strategy are fully implemented and state agencies must take climate change impacts into account in their planning decisions, including for all infrastructure projects.

Bay Area Air Quality Management District

The BAAQMD is the regional government agency that regulates sources of air pollution within the nine San Francisco Bay Area counties. The BAAQMD regulates GHG emissions through the following plans, programs, and guidelines.

Regional Clean Air Plans

BAAQMD and other air districts prepare clean air plans in accordance with the state and federal Clean Air Acts. The Bay Area 2010 Clean Air Plan (CAP) provides an Atherton Channel Pedestrian and Bicycle Bridge Project 43 Initial Study/Draft Mitigated Negative Declaration comprehensive plan to improve Bay Area air quality and protect public health through implementation of a control strategy designed to reduce emissions and decrease ambient concentrations of harmful pollutants. The most recent CAP also includes measures design to reduce GHG emissions.

BAAQMD CEQA Air Quality Guidelines

BAAQMD's CEQA Air Quality Guidelines include thresholds of significance for GHG emissions and provide additional guidance for tiering under CEQA. Under the CEQA Air Quality Guidelines, a local government may prepare a qualified GHG Reduction Strategy that is consistent with AB 32 goals. If a project is consistent with an adopted qualified GHG Reduction Strategy and General Plan that address the project's GHG emissions, it can be presumed that the project would not have significant GHG emissions under CEQA.

City of Dublin Climate Action Plan

The City of Dublin prepared a Climate Action Plan (CAP) and IS/MND in October 2010. The City's CAP provides background on actions taken to curb GHG emissions; presents Dublin's baseline GHG emissions inventory in 2005 and forecast for GHG emissions in 2020 based on business-as-usual scenario; establishes a GHG emissions reduction target; and presents steps for implementation of the CAP and monitoring and verification of the CAP to achieve the designated emissions reduction target.

The City's CAP serves as the City of Dublin's qualified GHG Reduction Plan and programmatic tiering document for the purposes of CEQA for the analysis of impacts to GHG emissions and climate change. The City has determined that the reduction target under the CAP will reduce the impact from activities under the CAP to a less than significant level under CEQA. If a proposed project is consistent with the applicable emission reduction measures identified in the CAP, the project would be considered to have a less than significant impact (i.e., less than cumulatively considerable contribution to significant cumulative impact) due to GHG emissions and climate change consistent with Public Resources Code Section 21083.3 and CEQA Guidelines Sections 15183.5, 15064, and 15130.

Summary of Dublin Crossing Specific Plan EIR

The DCEIR addressed greenhouse gas emissions associated with buildout of the 189-acre Plan area and its housing, commercial and open space and park uses. Several measures that would be consistent with the CAP measures are included in the DCEIR. leading to the conclusion that the project is consistent with the CAP. Since the CAP is consistent with AB 32, the proposed project would not hinder the State's GHG reduction strategies for meeting the goals established by AB 32.

Impacts Evaluation

a,b) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

The Bay Area AQMD does not have an adopted threshold of significance for construction-related GHG emissions. In its analysis of Greenhouse Gas emissions, the DCEIR determined that GHG emissions would be generated by construction activities, as well as from increased vehicle miles traveled (VMT), area sources, energy consumption, water supply, and solid waste generation. The DCEIR provided quantified emissions for area sources, energy consumption, mobile sources, water supply, and solid waste generation, since these were the only GHG emissions sources large enough to provide for meaningful analysis. Greenhouse gas emissions would occur during construction of the footings, foundation and user-access ramps, and during delivery and installation of the Overcrossing Project. Minimal vehicle trips would be necessary to complete the project. Based on the limited amount of construction-related activities necessary to complete the Overcrossing Project in relation to construction activities needed for buildout of the Dublin Crossing Specific Plan and implementation of Basic Construction Measures discussed in *Section 4.3, Air Quality*, of the DCEIR, the Overcrossing Project would not result in new or substantially more severe significant GHG impacts than were disclosed in the DCEIR.

Hazards and Hazardous Materials

ENVIRONMENTAL IMPACTS Issues	(1) New or Substantially More Severe Significant Impact	(2) New Information Indicates that a Mitigation Measure or Alternative that was Previously found to be Infeasible or Declined by Project Proponent is now Proposed	(3) New or Substantially More Severe Significant Impact Avoided with Mitigation Incorporated	(4) No New or Substantially More Severe Significant Impact
9. HAZARDS AND HAZARDOUS MATERIALS — Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				☒
e) For a project located within an airport land use plan or within the vicinity of a private airstrip, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				☒

ENVIRONMENTAL IMPACTS Issues	(1) New or Substantially More Severe Significant Impact	(2) New Information Indicates that a Mitigation Measure or Alternative that was Previously found to be Infeasible or Declined by Project Proponent is now Proposed	(3) New or Substantially More Severe Significant Impact Avoided with Mitigation Incorporated	(4) No New or Substantially More Severe Significant Impact
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				☒

Existing Setting

Hazardous waste in California is regulated primarily under the authority of the federal Resource Conservation and Recovery Act of 1976, and the California Health and Safety Code. Other California laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup and emergency planning. In California, the Environmental Protection Agency (EPA) has granted most enforcement authority of federal hazardous materials regulations to the California Environmental Protection Agency (Cal/EPA). Under the authority of Cal/EPA, the Department of Toxic Substances Control (DTSC) or the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) is responsible for overseeing the remediation of contaminated sites in the San Francisco Bay area.

Worker health and safety and public safety are key issues when dealing with hazardous materials that may affect human health and the environment. Proper disposal of hazardous material is vital if it is disturbed during project construction. The California Department of Industrial Relations, Division of Occupational Safety and Health (DOSH) enforces state worker health and safety regulations related to construction activities. Regulations include exposure limits, protective clothing, and training requirements to prevent exposure to hazardous materials. DOSH also enforces occupational health and safety regulations specific to lead and asbestos investigations and abatement, which equal or exceed their federal counterparts.

Hazardous waste generators and hazardous materials users in the City are required to comply with regulations enforced by several federal, state, and county agencies. The regulations are designed to reduce the risk associated with the human exposure to hazardous materials and minimize adverse environmental effects. State and federal construction worker health and safety regulations require protective measures during construction activities where workers may be exposed to asbestos, lead, and/or other hazardous materials.

Regulatory Setting

Federal, State, and local regulatory hazardous materials databases record the type of hazardous source, the status for cleanup, monitoring, and/or remediation, and the location of the source. These databases include:

- National Priority List (NPL): Also known as Superfund, the NPL database identifies properties for priority cleanup under the Superfund program. The purpose of this database is to assist the U.S. EPA in prioritizing and determining sites that warrant further investigation through utilizing the Hazard Ranking System (HRS). The EPA requires that the criteria provided by the HRS be used to make a list of national priorities of the known releases or threatened releases of hazardous substances, pollutants, or contaminants in the United States.
- Envirostor: The DTSC's Envirostor database identifies sites that have known contamination or sites for which there may be reasons to investigate further.
- The database includes the following site types: Federal Superfund sites; State Response, including Military Facilities and State Superfund; Voluntary Cleanup; and School sites.
- GeoTracker: This database contains registered underground storage tanks (USTs) as well as other hazardous material sites. The data originates from the State Water Resources Control Board's Hazardous Substance Storage Container Database.

A review of the Envirostor and GeoTracker databases did not identify any hazardous sources on-site or within 1,000 feet of the proposed project site

Impacts Evaluation

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

Hazardous materials and substances are highly regulated at the federal, state, and local levels. As stated in the DCEIR, compliance with all applicable local, state, and federal laws that regulate, control, or respond to hazardous waste, transport, disposal, or clean-up would ensure that construction and operations would have a less than significant impact in regard to hazards and hazardous materials. Because the Overcrossing Project would be subject to the same local, state, and federal laws that regulate, control, or respond to hazardous waste, transport, disposal, or clean-up, no new or substantially more severe impacts would result.

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

Chemicals such as gasoline, diesel fuel, lubricating oil, hydraulic oil, lubricating grease, automatic transmission fluid, paints, solvents, glues, and other substances will be utilized during construction. An accidental release of any of these substances could degrade the water

quality of the surface water runoff and add additional sources of pollution into the drainage system. As stated in the DCEIR, "Handling procedures of the Alameda County Environmental Health Department and the Alameda County Fire Department would be required during all phases of future development within the project area. These measures include standards and regulations regarding the storage, handling, and use of these materials." As a result, the DCEIR concluded that impacts related to reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment would be less than significant. Because the Overcrossing Project would (1) be subject to the same standards and regulations regarding the storage, handling, and use of hazardous materials, (2) involve far lesser amounts of such materials dues to the far small size of the project compared to the Dublin Crossing Specific Plan, (3) have a far shorter construction period (60 days) compared to the Dublin Crossing Specific Plan (intermittent construction activities over 8-12 years), no new or substantially more severe significant impacts would result.

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

The Overcrossing Project is not located within one-quarter mile of an existing or proposed school.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

The location of the Overcrossing Project is not on a list of hazardous materials sites pursuant to Government Code Section 65962.5.

e) For a project located within an airport land use plan or within the vicinity of a private airstrip, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

The closest airport to the project area is the Livermore Municipal Airport which is located approximately five miles east of the project area. According to the Livermore Municipal Airport Master Plan, the project area is not located within the approach zones and is not located within an unacceptable noise contour. Therefore, the Overcrossing Project would not result in a safety hazard or excessive noise levels for any people residing or working in the area.

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

The Overcrossing Project includes a free-span bridge structure with a minimum 17-foot clearance over Dublin Boulevard, which is primarily a six lane east/west arterial and a route of regional significance. Dublin Boulevard is also an important emergency evacuation route within the City. The minimum 17-foot vertical clearance provided by the Overcrossing Project provides for safe passage by large truck-trailer combinations and emergency vehicles, including fire engines and ladder trucks. The Overcrossing Project would not obstruct or impair operation of

Dublin Boulevard and therefore would not physically interfere with an emergency response plan or emergency evacuation plan through the City.

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

As the project area is located in an urban area and is surrounded by existing development, the Overcrossing Project would not expose people or structures to wildfire hazards.

Conclusion

The Overcrossing Project would not result in significant hazardous materials or hazard impacts and there would be no new or substantially more severe significant Impacts.

Hydrology and Water Quality

ENVIRONMENTAL IMPACTS Issues	(1) New or Substantially More Severe Significant Impact	(2) New Information Indicates that a Mitigation Measure or Alternatives that was Previously found to be Infeasible or Declined by Project Proponent is now Proposed	(3) New or Substantially More Severe Significant Impact Avoided with Mitigation Incorporated	(4) No New or Substantially More Severe Significant Impact
10. HYDROLOGY AND WATER QUALITY — Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?				☒
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable management of the basin?				☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through addition of impervious surfaces, in a manner that would:				
1) result in substantial on- or off-site erosion or siltation?				☒
2) substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?				☒
3) create or contribute to runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				☒
4) impede or redirect flood flows?				

ENVIRONMENTAL IMPACTS Issues	(1) New or Substantially More Severe Significant Impact	(2) New Information Indicates that a Mitigation Measure or Alternatives that was Previously found to be Infeasible or Declined by Project Proponent is now Proposed	(3) New or Substantially More Severe Significant Impact Avoided with Mitigation Incorporated	(4) No New or Substantially More Severe Significant Impact
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				☒

Existing Setting

Flooding

National Flood Insurance Rate Maps indicate that a portion of the project area north of Dublin Boulevard is located within Zone X defined as "areas of 0.2 percent annual chance flood; areas of 1 percent annual chance flood with average depths of less than one foot or within drainage areas less than one square mile; and areas protected by levees from one percent annual flood." The portion of the project area south of Dublin Boulevard is designated as Zone AE which is a special flood hazard area subject to inundation by the 1 percent annual flood.

Groundwater

The Overcrossing Project is located within the Livermore Valley Groundwater Basin, which contains a surface area of approximately 109 square miles. The Livermore Valley Groundwater Basin lies approximately 40 miles east of San Francisco and 30 miles southwest of Stockton, within a structural trough of the Diablo Range. The entire floor of the Livermore Valley and portions of the upland areas on all sides of the valley overlie groundwater bearing materials. The materials are mostly continental deposits from alluvial fans, outwash plains, and lakes. They include valley-fill materials, the Livermore Formation and the Tassajara Formation.

Water Quality

The quality of surface and groundwater at the proposed project area is affected by land uses within the entire watershed. Water quality in surface and groundwater bodies is regulated primarily by the State and RWQCBs (discussed below).

Watershed Characteristics

The City of Dublin and the project site are located within the Livermore Drainage Unit, which is one of two major drainage basins in the Alameda Creek Watershed. The 660-square mile Alameda Creek Watershed is the largest watershed in the Bay Area, extending as far south as Mount Hamilton, north to Mount Diablo, east to the Altamont Hills in Livermore, and west to San Francisco Bay. The Overcrossing Project is within an 1,800+ acre watershed that conveys storm flows through natural and man-made features. The largest portion of this watershed is located north of the DCSP and drains south within the main channel of Chabot Channel, concentrating near the intersection of Scarlett Drive and Dublin Boulevard. Much of the area is currently a mapped Federal Environmental Management Agency (FEMA) 100-year floodplain.

Regulatory Setting

Federal Clean Water Act

The principal law governing pollution of the nation's surface waters is the Federal Water Pollution Control Act (Clean Water Act [CWA]). Originally enacted in 1948, it was amended in 1972 and has remained substantially the same since. The CWA consists of two major parts: provisions that authorize federal financial assistance for municipal sewage treatment plant construction and regulatory requirements that apply to industrial and municipal dischargers. The CWA authorizes the establishment of effluent standards on an industry basis. The CWA also requires states to adopt water quality standards that "consist of the designated uses of the navigable waters involved and the water quality criteria for such waters based upon such uses".

National Pollutant Discharge Elimination System

To achieve its objectives, the CWA is based on the concept that all discharges into the nation's waters are unlawful, unless specifically authorized by a permit. The NPDES is the permitting program for discharge of pollutants into surface waters of the United States under Section 402 of the CWA. Thus, industrial and municipal dischargers (point source discharges) must obtain NPDES permits from the appropriate RWQCB (i.e., the Central Valley region). The existing NPDES (Phase I) stormwater program requires municipalities serving more than 1,000,000 persons to obtain a NPDES stormwater permit for any construction project larger than five acres. Proposed NPDES stormwater regulations (Phase II) expand this existing national program to smaller municipalities with populations of 10,000 persons or more and construction sites that disturb more than one acre. For other dischargers, such as those affecting groundwater or

from non-point sources, a Report of Waste Discharge must be filed with the RWQCB. For specified situations, some permits may be waived, and some discharge activities may be handled through being included in an existing General Permit.

Construction activity subject to a General Permit includes any clearing, grading, stockpiling, or excavation that results in soil disturbances of one acre of total land area or more. Construction activities disturbing less than 1 acre are still subject to this permit if the activity is part of a large common plan of development or if significant water quality impairment will result from the activity. The General Permit requires all dischargers whose construction activity disturbs one acre or more to:

- Develop and implement a Storm Water Pollution Prevention Plan (SWPPP) that specifies Best Management Practices (BMPs) to prevent all construction pollutants from contacting stormwater and with the intent of keeping all products of erosion from moving off-site into receiving waters; and,
- Eliminate or reduce non-stormwater discharge to storm sewer systems and other waters of the United States and inspect all BMPs.

Impaired Waterbodies

CWA Section 303(d) and California's Porter-Cologne Water Quality Control Act (described below) require the State to establish the beneficial uses of its State waters and to adopt water quality standards to protect those beneficial uses. Section 303(d) establishes a total maximum daily load (TMDL), which is the maximum quantity of a particular contaminant that a water body can maintain without experiencing adverse effects, to guide the application of State water quality standards. Section 303(d) also requires the State to identify "impaired" streams (water bodies affected by the presence of pollutants or contaminants) and to establish the TMDL for each stream.

Federal Flood Insurance Program

Congress passed the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973. The intent of these acts is to reduce the need for large publicly funded flood control structures and disaster relief by restricting development on floodplains. FEMA administers the NFIP to provide subsidized flood insurance to communities that comply with FEMA regulations limiting development on floodplains. FEMA issues FIRMs for communities participating in the NFIP. FIRMs delineate flood hazard zones in the community.

A Special Flood Hazard Area (SFHA) is an area within a floodplain having a one percent or greater chance of flood occurrence within any given year (commonly referred to as the 100 year flood zone). SFHAs are delineated on flood hazard boundary maps issued by FEMA. The Flood Disaster Protection Act of 1973 and the National Flood Insurance Reform Act of 1994 make flood insurance mandatory for most properties in SFHAs.

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act acts in cooperation with the CWA to establish the SWRCB. The SWRCB is divided into nine regions, each overseen by a RWQCB. The SWRCB, and thus each RWQCB, is responsible for protecting California's surface waters and groundwater supplies. The Porter-Cologne Water Quality Control Act develops Basin Plans that designate the beneficial uses of California's rivers and groundwater basins. The Basin Plans also establish narrative and numerical water quality objectives for those waters. Basin Plans are updated every three years and provide the basis of determining waste discharge requirements, taking enforcement actions, and evaluating clean water grant proposals. The Porter-Cologne Water Quality Control Act is also responsible for implementing CWA Sections 401-402 and 303(d) to SWRCB and RWQCBs.

Regional Water Quality Control Board, San Francisco Bay Region

The San Francisco Bay RWQCB regulates surface water and groundwater quality in San Francisco Bay, including the City of Dublin. The area under the RWQCB's jurisdiction comprises all of the San Francisco Bay segments extending to the mouth of the Sacramento-San Joaquin Delta (Winter Island near Pittsburg). In its efforts to protect surface waters and groundwaters of the San Francisco region, the RWQCB addresses region wide water quality concerns through the creation and triennial update of a Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan, 2011) and adopts, monitors compliance with, and enforces waste discharge requirements and NPDES permits.

The RWQCB's overall mission is to protect surface waters and groundwater in the Region. The Water Board carries out its mission by:

- Addressing Region-wide water quality concerns through the creation and triennial
- Update of a Water Quality Control Plan (Basin Plan);
- Preparing new or revised policies addressing Region-wide water quality concerns;
- Adopting, monitoring compliance with, and enforcing waste discharge requirements and National Pollutant Discharge Elimination System (NPDES) permits;
- Providing recommendations to the State Water Board on financial assistance programs, proposals for water diversion, budget development, and other statewide programs and policies;
- Coordinating with other public agencies that are concerned with water quality control; and
- Informing and involving the public on water quality issues.

Stormwater Pollution Prevention Plan (SWPPP)

The SWPPP has two major objectives: 1) to help identify the sources of sediment and other pollutants that affect the quality of storm water discharges, and 2) to describe and ensure the implementation of BMPs to reduce or eliminate sediment and other pollutants in both stormwater and in non-stormwater discharges.

BMPs include activities, practices, maintenance procedures, and other management practices that reduce or eliminate pollutants in stormwater discharges and authorized non-stormwater discharges. BMPs include treatment requirements, operation procedures, and practices to control site runoff, spillage, leaks, waste disposal, and drainage from raw materials storage. BMP implementation must take into account changing weather conditions and construction activities, and various combinations of BMPs may be used over the life of the project to maintain compliance with the CWA. The General NPDES Permit gives the owner the discretion to determine the most economical, effective, and innovative BMPs to achieve the performance-based goals of the General NPDES Permit.

There are two categories of BMPs: structural and non-structural. Structural BMPs are the specific construction, modification, operation, maintenance, or monitoring of facilities that would minimize the introduction of pollutants into the drainage system or would remove pollutants from the drainage system. Non-structural BMPs are activities, programs, and other nonphysical measures that help reduce pollutants from non-point sources to the drainage system. In general, nonstructural BMPs are source control measures.

The issue of pollution in stormwater and urban runoff has been recognized by both federal and state agencies, and there has been a growing concern regarding activities that discharge water affecting California's surface water, coastal waters, and groundwater. Discharges of water are classified as either point source or non-point source discharges. A point source discharge usually refers to waste emanating from a single, identifiable point. Regulated point sources include municipal wastewater, oil field wastewater, winery discharges, solid waste sites, and other industrial discharges. Point source discharge must be actively managed to protect the state's waters. A non-point source discharge usually is a waste emanating from diffused locations. As a result, specific sources of non-point source pollution may be difficult to identify, treat, or regulate. The goal is to reduce the adverse impact of non-point source discharges on water resources through better management of these activities. Non-point sources include drainage and percolation from a variety of activities such as agriculture, forestry, recreation, and storm runoff with the latter being the most common in the Dublin area.

Impacts Evaluation

a) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

Construction of the Overcrossing Project will require limited grading and excavation to create footings and foundations on the north and south sides of Dublin Boulevard where the free span bridge structure would touch down and connect to ramps extending from the bridge back down to the Iron Horse Trail. Construction disturbance of soil surfaces in the project area will create the potential for surface water to carry sediment from onsite erosion into the storm water system and local waterways. Construction of the proposed project will also require the use of gasoline and diesel powered equipment, such as bulldozers, backhoes, water pumps, and air compressors. Chemicals such as gasoline, diesel fuel, lubricating oil, hydraulic oil, lubricating grease, automatic transmission fluid, paints, solvents, glues, and other substances will be utilized during construction. An accidental release of any of these substances could degrade the water quality of the surface water runoff and add additional sources of pollution into the drainage system.

As stated in the DCEIR for Dublin Crossing Specific Plan, all construction would be required to comply with NPDES permit requirements including preparation of a SWPPP, which would incorporate BMPs to control erosion, siltation, and contaminated runoff from construction sites. The proposed Overcrossing Project will be subject to the same requirements for implementation of BMPs during construction.

The BMPs for storm water quality treatment set forth in the DCEIR include structural and nonstructural measures. Structural measures may include bio-filters, wetlands, infiltration basins, or mechanical structures designed to remove pollutants from stormwater. Non-structural measures such as street sweeping, public education, or hazardous substance recycling centers are preventive measures intended to control the source of pollutants. Typical BMPs that are included within NPDES permit requirements include:

- Use of sand bags and temporary desiltation basins during project grading and construction during the rainy season (November through April) to prevent discharge of sediment-laden runoff into storm water facilities;
- Installation of landscaping as soon as possible after completion of grading to reduce sediment transport during storms;
- Hydroseeding of graded building pads if they are not built upon before the onset of the rainy season;
- Incorporation of structural BMPs (e.g., grease traps, debris, screens, continuous deflection separators, oil/water separators, drain inlet inserts) into the project design to provide detention and filtering of contaminants in urban runoff from the developed site prior to discharge to storm water facilities; and

- Stenciling of catch basins and other publicly visible flood control facilities with the phrase, “Don’t Dump - Pollutes Our Creeks.”

Additionally, prior to construction grading, the project applicant are required to file a Notice of Intent (NOI) to comply with the General Permit and prepare the SWPPP, which addresses the measures that will be included in the project to minimize and control construction and post-construction runoff to the “maximum extent practicable.” Such a notice will be filed for the Overcrossing Project.

Stormwater Pollution Previsions Plans (SWPPPs) would also be prepared, as a separate document, to control short-term construction-related discharge pollutants as required by the CA State Water Resources Control Board Order No. 99-08-DWQ. Project grading plans would conform to the Alameda County Clean Water Program, low impact design (LID) site design measures for water quality protection and would be required to show compliance with the post-construction, long-term requirements of Provision C.3. Project design would be review by the City of Dublin and are subject to City approval. The required SWPPP for the Overcrossing Project will also be reviewed by the Zone 7 Water Agency to ensure adequacy and appropriateness of BMPs.

Typical measures, or their equivalent, will be included in the SWPPP for the overcrossing Project, which will be implemented to prevent storm water pollution and minimize potential sedimentation during construction.

- Restrict grading to dry season (April through October) or use BMPs for wet season erosion control;
- Preclude non-storm water discharges to the storm water system;
- Perform monitoring of discharges to the storm water system;
- Construction practices will include the use of stabilized construction entrances and/or wash racks, street sweeping, use of erosion control devices

Conclusion. No new or substantially more severe impacts beyond what was analyzed and addressed in the DCEIR would occur as a result of construction and operation of the overcrossing structure and user access ramps.

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

The Overcrossing Project could affect groundwater supplies in three ways: use of water during construction, use of water during operations, and increasing impervious surface area leading to reduction in groundwater recharge.

Water use during construction will occur during an estimated 60-day construction period primarily during site excavation and grading to reduce fugitive dust and emissions of PM_{10} and

$PM_{2.5}$. Only minor intermittent use of water may be required as part of long-term maintenance of the bridge structure and its approaches. The DCEIR determined that water used during site grading and construction of the 189-acre Dublin Crossing Specific Plan would not result in significant impacts. Because grading and earthmoving activities associated with the Overcrossing Project would not occur at the same time as grading of the 189-acre Specific Plan area, no significant impacts would result from the Overcrossing project.

The DCEIR concluded that development associated with the Dublin Crossing Specific Plan would not increase impervious areas to the extent adverse impacts to the amount of available groundwater would result. While the DCEIR does not specifically quantify increased impervious surface area, the development of up to 1,995 dwelling units and 200,000 square feet of commercial uses along with required parking areas, a 12-acre school, and 23.8 acres of roadways would represent approximately 62 acres of impervious surface area. Because of the very small increase in impervious surface area that would result from the Overcrossing Project (approximately 0.3 acres), its construction and operation would not affect groundwater or groundwater recharge and impacts would remain less than significant.

c1) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through addition of impervious surfaces in a manner that would result in substantial on- or off-site erosion or siltation?

The project site is generally flat and not adjacent to any steep slopes. The project would require minimal soil disturbance within the project area to prepare foundations and footings for a free-span bridge structure and associated ramps designed to create access to and from the overcrossing. This minor amount of soil disturbance, combined with implementation of best management practices during construction, would not result in any substantial soil erosion or siltation.

c2) Substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?

The DCEIR concludes that development of the 189-acre Specific Plan area for residences, commercial uses, parks and schools would substantially increase the impervious surface area, thereby altering the existing drainage pattern and amount of surface runoff resulting in a potential increase in peak storm water flows (i.e., 10- and 100-year storm events). The mitigation measures to address this potentially significant impact, and the associated regulatory requirements for development are identified in the DCEIR and include requirements for the construction of detention basins and storm drainage plans to accommodate the increased runoff associated with the development of the 189 acres in the Specific Plan area.

The Overcrossing Project's free-span bridge structure foundations and footings and the user access ramps would create minimal additional impervious surface area (approximately 0.3 acres) which would not result in an exceedance of the capacity of existing or planned stormwater drainage systems.

c3) Create or contribute to runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Construction of footings, foundation and user access ramps would involve grading and excavation would have the potential to create storm runoff during construction. However, compliance with regulatory requirements included in the DCEIR as summarized above would not result in any new or substantially more severe impacts associated with water quality and runoff beyond what was analyzed and addressed for the Specific Plan's 189-acre development. Rain falling directly onto the bridge structure would flow down the approach ramps on either side of Dublin Boulevard rather than directly onto Dublin Boulevard. Because the portion of the bridge structure directly above Dublin Boulevard is small in area (less than 0.1 acres) and does not increase impervious surface area within the project site, such diversion of rain water from Dublin Boulevard to the north and south approach ramps would not cause the capacity of any existing or planned stormwater drainage facility to be exceeded. In addition, because the bridge and approach ramps would be open only to non-motorized traffic, the Overcrossing Project would not represent a substantial additional source of polluted runoff.

c4) Impede or redirect flood flows?

The overcrossing project does not include any structures that might impede flood flows.

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

The project is located more than 14 miles from the shore of the San Francisco Bay and approximately 32 miles from the Pacific Ocean. In addition, there are no large water bodies in the vicinity of the project area. Therefore, the proposed project would not be affected by a tsunami or seiche.

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

The proposed Overcrossing Project would comply with all applicable water quality requirements and would not decrease groundwater supplies or substantially interfere with groundwater recharge such that the project may impede sustainable management of the basin. Thus, the proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Conclusion

The Overcrossing Project would not result in any new or substantially more severe significant impacts from flooding.

Land Use and Planning

ENVIRONMENTAL IMPACTS Issues	New or Substantially More Severe Significant Impact	Mitigation Measure Previously found to be Infeasible or Declined by Project Proponent now Proposed	New or Substantially More Severe Significant Impact Avoided with Mitigation Incorporated	No New or Substantially More Severe Significant Impact
11. LAND USE AND PLANNING — Would the project:				
a) Physically divide an established community?				☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				☒

Existing Setting

Land uses along both sides of Dublin Boulevard include a mix of commercial, industrial and residential uses. Lands immediately to the west are zoned M-1 light Industrial and to the east the designation is Priority Development area. The land use north of Dublin Boulevard within the project area is a community park zoned Open Space/Parks (P) that includes a 30-acre community park (Don Biddle Park). The park is a gathering place for the residents of Dublin Crossing and the broader community of Dublin. The project area also is centered along the Iron Horse Regional Trail which is an existing multi-use pathway that runs north-south through Contra Costa and Alameda Counties, connecting the cities of Concord, Walnut Creek, San Ramon, Dublin, Pleasanton, Livermore, and the Town of Danville; and is managed by the East Bay Regional Parks District.

Summary of Dublin Crossing Specific Plan EIR Findings

The DCEIR concluded that development of the 189-acre Specific Plan area would not conflict with planning documents, is compatible with adjacent land uses in terms of scale of development, noise, traffic, and hours of operation compared with existing conditions, and would not physically divide an established community.

The DCEIR requires that development in the Specific Plan area would be subject to the City's design review process, including formal Site Development Review. The DCEIR concludes that implementation of the development standards and design guidelines would ensure compatibility with existing and potential adjacent uses.

With implementation of the development standards and design guidelines and implementation of a formal Site Design Review, the DCEIR concluded that build out of the Specific Plan would be compatible with existing and potential adjacent land uses and would not physically divide an established community.

Impacts Evaluation

a) Would the project physically divide an established community?

The Iron Horse Trail overcrossing project would facilitate safe crossing of Dublin Boulevard for users of the Iron Horse Trail and as such would serve to better connect and not divide established communities. The Overcrossing Project would be subject to the design guidelines and standards included in the DCEIR which prevent incompatibility with adjacent and future land uses in the vicinity.

Conclusion. No new or substantially more severe significant impact would occur.

b) Would the project conflict with the General Plan or other applicable City land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

The overcrossing project is included in the DCEIR as a mitigation measure. The overcrossing project is consistent with City land use, policy, and regulations and would be subject to design guidelines included in the Dublin Crossing Specific Plan.

Conclusion. No new or substantially more severe significant impact.

Mineral Resources

ENVIRONMENTAL IMPACTS Issues	New or Substantially More Severe Significant Impact	Mitigation Measure Previously found to be Infeasible or Declined by Project Proponent now Proposed	New or Substantially More Severe Significant Impact Avoided with Mitigation Incorporated	No New or Substantially More Severe Significant Impact
12. MINERAL RESOURCES — Would the project:				
a) Result in the loss of availability of a known mineral resource that would be either locally important or of value to the region and the residents of the state?				☒

Existing Setting

The DCEIR concludes there are no mineral resources in the DCSP area which includes the Don Biddle Community Park and the project area north of Dublin Boulevard. Mineral resources do not exist on the project area south of Dublin Boulevard (DOC 2018).

Impacts Evaluation

a) **Would the project result in the loss of availability of a known mineral resource that would be either locally important or of value to the region and the residents of the state?**

Because there are no known mineral resources within the project area, no impacts would result from the Overcrossing Project.

Source(s)

California Department of Conservation (DOC), California Geological Survey, http://www.conservation.ca.gov/cgs/minerals/mlc/Pages/Index.aspx, accessed November 5, 2018.

Noise

ENVIRONMENTAL IMPACTS Issues	(1) New or Substantially More Severe Significant Impact	(2) New Information Indicates that a Mitigation Measure or Alternative that was Previously found to be Infeasible or Declined by Project Proponent is now Proposed	(3) New or Substantially More Severe Significant Impact Avoided with Mitigation Incorporated	(4) No New or Substantially More Severe Significant Impact
13. NOISE — Would the project:				
a) Result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				☒
b) Result in generation of excessive groundborne vibration or groundborne noise levels?				☒
c) Exposure of people residing or working in the project area to excessive noise levels from a private airstrip, public airport, or public use airport?				☒

Existing Setting

Mobile and Stationary Noise Sources

Both mobile and stationary noise sources contribute to the existing noise levels within the project area. The primary noise sources are mobile noise sources from car and truck traffic with high volumes of traffic along Interstate 580 (I-580), Interstate 680 (I-680), and noise automobile traffic from adjacent Dublin Boulevard and from vehicles using Scarlett Drive, which will be completed and in use at the time construction is initiated in the project area. Another mobile source of noise, the BART station, is located approximately 1,500 feet south of the project boundary. The station is located within the median of I-580 and any associated noise is generally masked by freeway traffic noise which is audible from the project site. The primary

stationary noise sources are the adjacent commercial and residential uses and includes parking lot noise, as well as heating, ventilation, and air conditioning equipment.

Sensitive Receptors

Land uses that are considered sensitive receptors to noise include residential areas, schools, hospitals, churches, recreational areas, and transient lodging. Residential areas are also considered particularly sensitive to noise during the nighttime hours. Sensitive receptors for the Overcrossing Project would include park users, trail users, and the adjacent residential uses located east of the Iron Horse Trail on the south side of Dublin Boulevard.

Regulatory Setting

State of California Guidelines

The State of California Office of Planning and Research (OPR) Noise Element Guidelines include recommended interior and exterior level standards for local jurisdictions to identify and prevent the creation of incompatible land uses due to noise. The OPR Guidelines describe the compatibility of various land uses with a range of environmental noise levels in terms of dBA CNEL.

According to the Office of Planning and Research (OPR) Guidelines, single-family homes are considered to be “normally acceptable” in exterior noise environments up to 60 CNEL and “conditionally acceptable” up to 70 CNEL. Multiple-family residential uses are “normally acceptable” up to 65 CNEL and “conditionally acceptable” up to 70 CNEL. The State indicates that locating residential units, parks, and institutions (such as churches, schools, libraries, and hospitals) in areas where exterior ambient noise levels exceed 65 dBA CNEL is undesirable. The OPR recommendations also note that, under certain conditions, more restrictive standards than the maximum levels cited may be appropriate. As an example, the standards for quiet suburban and rural communities may be reduced by 5 to 10 dB to reflect their lower existing outdoor noise levels in comparison with urban environments.

City of Dublin Municipal Code

The City’s Municipal Code includes standards pertaining to noise control within the City. Municipal Code Section 5.28.020 prohibits any person within the City to make any loud, or disturbing, or unnecessary, or unusual or habitual noise or any noise which annoys or disturbs or injures or endangers the health, repose, peace or safety of any reasonable person of normal sensitivity present in the area. As noted in the DCEIR, the noise standards set forth in the Municipal Code pertain to stationary sources and do not apply to construction noise. In addition, the standards set forth in the General Plan Noise element do not address noise from trails or construction activities.

Section 8.36.060(C)(3) states that for lots 5,000 square feet or larger, mechanical equipment that generates noise when located within a required setback as allowed by this subsection, and within 10 feet of an existing or potential residence, or an existing paved patio area on adjoining property, shall be enclosed as necessary to reduce noise at the property line to a maximum of 50 dBA at any time.

Summary of Dublin Crossing Specific Plan EIR Noise Impacts

The DCEIR concludes that buildout of the 189-acre Specific Plan area would have the potential to increase noise levels by 3 dBA or more, would exceed the City's noise standard, and that short-term construction noise would impact nearby sensitive receptors.

Mitigation measures set forth in the DCEIR to address significant potential noise impacts are summarized below:

- **DCEIR Mitigation Measure 3.10-1a: Prepare Construction Noise Management Plan.** The project applicant shall prepare a construction noise management plan that identifies measures to be taken to minimize construction noise on surrounding sensitive receptors (e.g., residential uses and schools) and includes specific noise management measures to be included into project plans and specifications subject to review and approval by the City. These measures shall include, but not be limited to the following:
  - All construction equipment shall be equipped with mufflers and sound control devices (e.g., intake silencers and noise shrouds) no less effective than those provided on the original equipment and no equipment shall have an un-muffled exhaust.
  - The contractor shall maintain and tune-up all construction equipment to minimize noise emissions.
  - Stationary equipment shall be placed so as to maintain the greatest possible distance to the sensitive receptors.
  - All equipment servicing shall be performed so as to maintain the greatest possible distance to the sensitive receptors.
  - The project applicant(s) shall provide, to the satisfaction of the City of Dublin Planning Department, a qualified "Noise Disturbance Coordinator." The Noise Disturbance Coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the Disturbance Coordinator shall notify the City within 24 hours of the complaint and determine the cause of the noise complaint (e.g., starting too early, malfunctioning muffler, etc.) and shall implement reasonable measures to resolve the compliant, as deemed acceptable by the Dublin Planning Department. If any notices are sent to residential units immediately surrounding the construction site by the City and all signs posted

at the construction site shall include the contact name and the telephone number for the Noise Disturbance Coordinator.

- Select demolition methods to minimize vibration, where possible (e.g., sawing masonry into sections rather than demolishing it by pavement breakers).

- **DCEIR Mitigation Measure 3.10-1b: Construction Routes Less Disruptive to Sensitive Receptors.** Construction trucks shall utilize a route that is least disruptive to sensitive receptors, preferably major roadways (I-580, I-680, Dublin Boulevard, Dougherty Road, and Arnold Road). Construction trucks should, to the extent practical, avoid the weekday and Saturday a.m. and p.m. peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.)

Impacts Evaluation

a) Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Construction Noise

Noise generated by project construction activities would have a temporary duration (approximately 60 days). Construction-related noise will be generated by vehicular traffic related to onsite workers and delivery of construction materials (including the bridge structure itself), excavation for footings, construction of bridge piers and the trail, and placement of the bridge structure over Dublin Boulevard. The noise levels that would be generated by the Overcrossing Project would be similar to the noise levels addressed in the DCEIR for site construction and operation of heavy-duty trucks, backhoes, and other heavy-duty construction equipment. Because of the variability in daily construction operations (types and amount of equipment and their location at any given time), noise levels from project construction cannot be accurately estimated. Typical noise levels from construction activities are illustrated in Table 3, and typical noise levels from specific types of construction equipment are illustrated in Table 4.

Construction of the Overcrossing Project would have a shorter duration and use fewer pieces of noise-generating equipment than would the large-scale construction of the 189-acre Specific Plan area analyzed in the DEIR. The Overcrossing Project would also not require use of large earthmoving equipment for site grading as would be required for the Specific Plan area. Construction activities for the Overcrossing Project would be conducted during weekday. daytime hours with the exception of installation of the bridge structure over Dublin Boulevard. Because installation of the bridge structure, which would be constructed offsite before being delivered to the project site, would require closure of Dublin Boulevard, the bridge structure would be installed in a single overnight operation. In addition, construction of the Overcrossing

Table 3. Typical Construction Activity Noise Levels

Phase	Noise Level (L_{eq}) at 50 Feet[a]	Noise Level (L_{eq}) at 200 Feet	Noise Level (L_{eq}) at 400 Feet	Noise Level (L_{eq}) at 1,600 Feet
Ground Clearing	84	75	66	54
Excavation	89	80	71	59
Foundations	78	69	60	48
Erection	85	76	67	56
Exterior Finishing	89	80	71	59

NOTES: L_{eq} = equivalent sound level.
[a] 50-foot estimates correspond to a distance of 50 feet from the noisiest piece of equipment associated with a given phase and 200 feet from the other equipment associated with that phase.
SOURCE: Bolt, Baranek, and Newman, 1971.

Table 4. Typical Noise Levels From Construction Equipment

Construction Equipment	Noise Level (dBA, Leq at 50 Feet)
Dump truck	88
Portable air compressor	81
Concrete mixer (truck)	85
Scraper	88
Jackhammer	88
Dozer	87
Paver	89
Generator	76
Backhoe	85

NOTES: dBA = A-weighted decibels. L_{eq} = equivalent sound level.
SOURCE: FTA, 2006.

Project would not overlap the noisiest portion of Specific Plan construction activities such as major grading operations. The Overcrossing Project would comply with all construction noise-related mitigation measures set forth in the DCEIR.

Operational Noise

Because the trail would be used by pedestrians and bicyclists, the Overcrossing Project would not result in long-term stationary noise impacts on sensitive receptors.

Conclusion. No new or substantially more severe impacts would result from the Overcrossing Project.

b) Result in a generation of excessive groundborne vibration or groundborne noise levels?

Project construction can generate varying degrees of ground-borne vibration, depending on the construction procedure and the construction equipment used. Operation of construction equipment generates vibrations that spread through the ground and diminish in amplitude with distance from the source. The effect on buildings located in the vicinity of the construction activities often varies depending on soil type, ground strata, and construction characteristics of the receiver building(s). The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibration at moderate levels, to slight damage at the highest levels. Ground-borne vibrations from construction activities rarely reach levels that damage structures.

The Federal Transit Administration (FTA) has published standard vibration velocities for construction equipment operations. In general, the FTA architectural damage criterion for continuous vibrations (i.e., 0.2 inch/second) appears to be conservative.

The types of construction vibration impact include human annoyance and building damage. Ordinary buildings that are not particularly fragile would not experience any cosmetic damage (e.g., plaster cracks) at distances beyond 30 feet. This distance can vary substantially depending on the soil composition and underground geological layer between vibration source and receiver. In addition, not all buildings respond similarly to vibration generated by construction equipment.

Ground-borne vibration decreases rapidly with distance. As indicated in the DCEIR, based on the FTA data, vibration velocities from typical heavy construction equipment operations that would be used during project construction range from 0.003 to 0.089 inch-per-second peak particle velocity (PPV) at 25 feet from the source of activity. The DCEIR estimated the closest structures to the project construction activities would be approximately 50 feet away. At 50 feet from the source of activity, the DCEIR concluded that construction-related vibration velocities would range from 0.001 to 0.031 inch-per-second PPV, well below the 0.2 inch-per-second PPV significance threshold. The DCEIR thus concluded that vibration impacts associated with construction would be less than significant.

Construction of the Overcrossing Project would not involve the use of large bulldozers[2] for site grading analyzed in the DCEIR for grading of the Specific Plan area. In addition, construction activities for the Overcrossing Project would be separated by a minimum of approximately 70 feet from the closest structures, which are located along the south side of Dublin Boulevard east of the existing Iron Horse trail.

[2] Over the various types of construction equipment analyzed in he DCEIR, large bulldozers would generate the greatest viubration impacts.

Conclusion. No new or substantially more severe impacts would result from the Overcrossing Project.

c) **Would the project expose people residing or working in the area to excessive noise levels from a private airstrip, public airport, or public use airport?**

The closest airport to the project area is the Livermore Municipal Airport which is located approximately 3.5 miles east of the project area. According to the Livermore Municipal Airport Master Plan, the City of Dublin is not located within the approach zones and is not located within an unacceptable noise contour as defined in the City's plan. Therefore, the proposed project would not expose residents or workers in the project area to excess airport-related noise.

Conclusion. No impacts would result from the Overcrossing Project.

Population and Housing

ENVIRONMENTAL IMPACTS Issues	(1) New or Substantially More Severe Significant Impact	(2) New Information Indicates that a Mitigation Measure or Alternative that was Previously found to be Infeasible or Declined by Project Proponent is now Proposed	(3) New or Substantially More Severe Significant Impact Avoided with Mitigation Incorporated	(4) No New or Substantially More Severe Significant Impact
14. POPULATION AND HOUSING — Would the project:				
a) Induce substantial unplanned population growth in the area, either directly or indirectly?				☒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				☒

Existing Setting

The DCEIR concludes that, although the Dublin Crossing Specific Plan would increase the population in the City, the proposed Specific Plan would be consistent with the nature of surrounding development; would be within the estimate of population growth per the City of Dublin Housing Element.

Impacts Evaluation

a) **Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

The Overcrossing Project does not include any residential uses that would directly generate population growth. The Overcrossing Project would enhance the desirability of the Iron Horse Trail by eliminating an awkward at-grade crossing. However, it would be highly unlikely that such an improvement to the trail would be sufficient to indirectly induce population growth in the area beyond that anticipated in the DCEIR.

b) Would the project displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?

The Overcrossing Project includes the construction and operation of a pedestrian and bicycle bridge and would not displace any existing housing or people.

Public Services

ENVIRONMENTAL IMPACTS Issues	(1) New or Substantially More Severe Significant Impact	(2) New Information Indicates that a Mitigation Measure or Alternative that was Previously found to be Infeasible or Declined by Project Proponent is now Proposed	(3) New or Substantially More Severe Significant Impact Avoided with Mitigation Incorporated	(4) No New or Substantially More Severe Significant Impact
15. PUBLIC SERVICES — Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered facilities in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following:				
i) Fire protection?				☒
ii) Police protection?				☒
iii) Schools?				☒
iv) Parks?				☒
v) Other public facilities?				☒

Existing Setting

Fire Protection Services

The project area is served by the Alameda County Fire Department (ACFD), which provides fire protection and suppression services under contract to the City of Dublin. ACDF has 28 fire stations, three of which are located in the City of Dublin. Station No. 17, located at 6200 Madigan Avenue, provides service to the west, and central core sections of Dublin and would provide initial response to the project area. This station, which is located approximately 1.3 miles northeast of the project site, houses one engine and one truck company and could respond to a request for service within five minutes.

Police Protection Services

Police services for the City of Dublin are performed under contract by Alameda County Sheriff personnel located at the Dublin Civic Center, 100 Civic Center Plaza.

Libraries

The Dublin Public Library is located at 200 Civic Plaza and is a partnership between the City of Dublin and the Alameda County Library.

Parks/Recreation Facilities

The City of Dublin's current park system includes thirteen parks and two open space areas. The City's Parks and Community Services Department manages park planning and development, and the Public Works Department coordinates park maintenance.

In addition to the Iron Horse Regional Trail, the City's existing trail network consists of bikeways located along Amador Valley Boulevard, Village Parkway, San Ramon Road, Alamo Creek, Dublin Boulevard, Tassajara Creek and Dougherty Road, a public local trail along Martin Canyon Creek, and a regional trail link along the Iron Horse Trail.

Impacts Evaluation

a) **Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for public services?**

The Overcrossing Project would be constructed to current California Building Code standards and would not involve the provision of any new or physically altered governmental facilities other than the bridge crossing itself. By improving the trail crossing of Dublin Boulevard, there may be an increase in trail use, which could in turn, result in increased police and fire service requests. The number of such calls for service would be minimal compared to the number of calls for service analyzed in the DCEIR for the development of 1,995 residential units, 200,000 square feet of commercial uses, the 30-acre Don Biddle Park and a 5-acre neighborhood park, and a 12-acre elementary school for which the DCEIR determined impacts to be less than significant. In addition, the added safety for trail users of replacing an awkward at-grade crossing of Dublin Boulevard with a grade-separated overcrossing might reduce any potential increase in calls for service resulting from the proposed project. The proposed Overcrossing Project does not involve development of residential uses and would not, therefore, generate any demand for school or library facilities. Because the proposed project involves enhancement of an existing recreational trail, no impacts in relation to recreational facilities would result.

Conclusion

The Overcrossing Project would not result in any new or substantially more severe significant impacts in relation to public services.

Recreation

ENVIRONMENTAL IMPACTS Issues	(1) New or Substantially More Severe Significant Impact	(2) New Information Indicates that a Mitigation Measure or Alternative that was Previously found to be Infeasible or Declined by Project Proponent is now Proposed	(3) New or Substantially More Severe Significant Impact Avoided with Mitigation Incorporated	(4) No New or Substantially More Severe Significant Impact
16. RECREATION — Would the project:				
a) Increase the demand for existing parks or other recreational facilities such that substantial physical deterioration of such a facility could occur or be accelerated?				☒
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				☒

Existing Setting

Parks/Recreation Facilities

The City of Dublin's current park system includes thirteen parks and two open space areas. The City's Parks and Community Services Department manages park planning and development, and the Public Works Department coordinates park maintenance.

In addition to the Iron Horse Regional Trail, the City's existing trail network consists of bikeways located along Amador Valley Boulevard, Village Parkway, San Ramon Road, Alamo Creek, Dublin Boulevard, Tassajara Creek and Dougherty Road, a public local trail along Martin Canyon Creek, and a regional trail link along the Iron Horse Trail.

Impacts Evaluation

a) **Would the project increase the demand for existing parks or other recreational facilities such that substantial physical deterioration of such a facility could occur or be accelerated?**

Connections between the Iron Horse Regional Trail and Don Biddle Park were anticipated as part of the design of the Dublin Crossing Specific Plan. While some pedestrians and bicyclists using the Iron Horse Trail might also utilize Don Biddle Park, the construction and operation of the Overcrossing Project would not be likely to increase such use or to cause substantial deterioration of the park once its construction is complete because:

- The proposed project does not involve development of new housing that generate demand for park facilities;
- Use of Don Biddle Park by trail users was contemplated in the original design of the Dublin Crossing Specific Plan and the park; and
- The primary use of the trail at Dublin Boulevard would be for pedestrian and bicycle movement, and in particular, for access to and from the Dublin/Pleasanton BART station.

b) **Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?**

The Overcrossing Project is itself a recreational facility, the physical environmental effects of which are addressed throughout this document.

Conclusion

No new or substantially more severe Impacts to recreational facilities would result from the Overcrossing Project.

Transportation and Traffic

ENVIRONMENTAL IMPACTS Issues	(1) New or Substantially More Severe Significant Impact	(2) New Information Indicates that a Mitigation Measure or Alternative that was Previously found to be Infeasible or Declined by Project Proponent is now Proposed	(3) New or Substantially More Severe Significant Impact Avoided with Mitigation Incorporated	(4) No New or Substantially More Severe Significant Impact
17. TRANSPORTATION AND TRAFFIC — Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, pedestrian and bicycle facilities?				☒
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?				☒
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?				☒
d) Result in inadequate emergency access?				☒

Existing Setting

Dublin Boulevard

Dublin Boulevard is primarily a six-lane east/west arterial south of the project area and provides access to residential and commercial/retail areas. According to the Tri-Valley Transportation Plan and Action Plan for Routes of Regional Significance (TVTP), Dublin Boulevard is a route of regional significance. Dublin Boulevard extends from the City limit in the west to Fallon Road in the east.

Scarlett Drive

Scarlett Drive is a two-lane north/south collector along the northwest border of the project site. Scarlett Drive begins at Dougherty Road and continues southeast to Houston Place where it

terminates near commercial uses approximately 1,100 feet north of Dublin Boulevard. Scarlett Drive continues south of Dublin Boulevard to Scarlett Court. At the time construction of Overcrossing Project is initiated, Scarlett Drive would have been extended from Dublin Boulevard to Houston Place.

Bicycle and Pedestrian Facilities

The Iron Horse Trail is an East Bay Regional Park District Regional Trail that consists of a 12-foot-wide asphalt surface and extends from Pleasanton to Concord. Within the City of Dublin, the trail extends from the Dublin/Pleasanton BART station to the San Ramon Border. The Iron Horse Trail intersects with the Alamo Creek Trail, Alamo Canal Trail, and the Dougherty Road bike path.

Bay Area Rapid Transit District (BART)

Commuter rail service to Dublin is provided by BART. The closest access to the BART system is located about 0.25 miles south of the project area at the Dublin/Pleasanton Station. BART provides service to San Francisco and many locations in the East Bay. BART is accessible by foot via sidewalks on Dublin Boulevard, Demarcus Boulevard, and Iron Horse Parkway. BART trains operate on 15-minute headways during the commute periods.

Summary of Dublin Crossing EIR Traffic Impacts

<u>Scarlett Drive and Dublin Boulevard Intersection</u>

The DCEIR concluded that build out of the Specific Plan area would create unacceptable operational conditions at certain intersections including the Scarlett Drive and Dublin Boulevard intersection adjacent to the project area. This potential significant impact would occur due to the higher rate of pedestrian/bicyclist crossings at Dublin Boulevard once the Specific Plan area is built out. The DCEIR document concluded that a grade separated crossing could be utilized at this intersection to allow more green time to be allotted to through traffic on Dublin Boulevard. With implementation of the following mitigation measure, the Scarlett Drive and Dublin Boulevard intersection would operate at level of service (LOS) C during the PM peak hour. Therefore, this mitigation measure (below) would reduce this impact to a less than significant level.

- **DCEIR Mitigation Measure 3.12-3: Construction of a Grade Separated Crossing at the Intersection of Scarlett Drive and Dublin Boulevard.** To mitigate the impacts at the intersection of Scarlett Drive and Dublin Boulevard due to higher rate of pedestrians/ bicyclists crossings at Dublin Boulevard, a grade separated crossing should be utilized. The grade separated crossing would eliminate the need for at-grade pedestrian actuations at the traffic signal, which would allow more green time to be allocated to through traffic on Dublin Boulevard.

Dublin Crossing Specific Plan Construction Impacts

Heavy Vehicle Trips

The DCEIR addresses construction related traffic impacts associated with build out of the Specific Plan area over an estimated time period of eight to twelve years. The construction phase would increase the number of daily truck trips in the project vicinity while the site is graded and materials are delivered. All truck movements to and from the site during construction would likely occur on the arterials and collector streets around the project site. While heavy vehicle traffic is common on arterial streets near industrial, commercial, and high density residential land uses, truck traffic on streets directly adjacent to low density residential development should be minimized to the greatest extent possible. Low density residential development occurs along Scarlett Drive, west of the Specific Plan area, north of Dublin Boulevard. Large numbers of heavy vehicle trips on Scarlett Drive during the construction phase may result in a potentially significant impact. The DCEIR concludes that implementation of the following mitigation measure would reduce this impact to a less than significant level.

- **DCEIR Mitigation Measure 3.12-11: Construction Traffic Mitigation Plan(s).** Prior to the issuance of any grading permit or any permit that authorizes construction activities on the Specific Plan site or construction of off-site improvements relating to the Specific Plan, the project applicants shall provide Construction Traffic Mitigation Plan(s) for City Staff review and approval as part of the permit application. The Mitigation Plan(s) shall include measures to minimize the construction traffic entering the roadway system during periods of peak traffic volumes (i.e., AM and PM Peak Hour). The Mitigation Plan(s) shall also include measures to minimize the number of truck trips on Scarlett Drive and should route heavy vehicle traffic to driveways on Dublin Boulevard and Arnold Road to access the site during the construction phase of the project. At a minimum, the Construction Traffic Mitigation Plan should include the following implementation measures:
  - Construction truck routes shall be prepared to designate principal haul routes for trucks delivering materials to and from the construction site.
  - Should a temporary road and/or lane closure be necessary during construction, the project applicant shall provide traffic control activities and personnel, as necessary, to minimize traffic impacts. This may include detour signage, cones, construction area signage, flagmen, and other measures as required for safe traffic handling in the construction zone.
  - The project applicant shall be required to keep a minimum of one lane in each direction free from encumbrances at all times on perimeter streets accessing the project site. In the event a full road closure is required, the contractor shall coordinate with the City to designate proper detour routes and signage to appropriate proper access routes.

Lane Closures

During build out of the DCSP, closure of travel lanes on Dublin Boulevard, Scarlett Drive, and Arnold Road may be needed while constructing frontage improvements, intersection improvements for new proposed roadways (G Street, B Street, Central Parkway East, E Street, D Street, and A Street), and traffic signal modifications where new intersection legs are proposed. Closure of travel lanes during peak commute hours could result in restricted traffic flow on the public streets surrounding the project area and the DCEIR concluded that lane closures would be a potentially significant impact and required implementation of the following mitigation measure:

- **DCEIR Mitigation Measure 3.12-12: Restrict Land Closures Along Dublin Boulevard and Arnold Road to Off-Peak Hours.** During project construction, the lane closures along Dublin Boulevard and Arnold Road shall be restricted to off-peak hours to the greatest extent feasible. In addition, traffic handling plans shall be prepared for construction work in the public right-of-way in accordance with current California Manual on Uniform Traffic Control Devices (MUTCD) standards and guidelines.

Impacts Evaluation

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

The Overcrossing Project implements DCEIR Mitigation Measure 3.12-3, requiring a grade-separated crossing for the Iron Horse trail over Dublin Boulevard. As noted in the DCEIR, the proposed bridge crossing of Iron Horse Trail over Dublin Boulevard is needed for the Scarlett Drive - Dublin Boulevard intersection to operate at an acceptable level of service (LOS) C during the PM peak hour.

The Overcrossing Project would enhance the existing Iron Horse Trail for use by pedestrians and bicyclists and would thus improve non-vehicular access to the Dublin/Pleasanton Station BART Station. The Overcrossing Project does not include any new employment or residential uses that would generate traffic. The project would generate a small amount of temporary traffic during construction from workers and delivery of construction materials, including delivery of the bridge span itself. The only temporary lane closure that would be needed for the proposed project would be for installation of the bridge structure. This structure would be manufactured at an offsite location and delivered to the site. Dublin Boulevard would be closed in both directions overnight for one night while the bridge structure is lifted by crane and installed over Dublin Boulevard. This one-night closure would not conflict with any program, plan, ordinance or policy addressing the area's roadway system.

b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

The Overcrossing Project is a grade-separated crossing for the multi-use Iron Horse Trail over Dublin Boulevard. As stated in CEQA Guidelines Section 15064.3 (b)(2), transportation projects that "reduce, or have no impact on, vehicle miles traveled should be presumed to cause a less than significant transportation impact." Because the proposed overcrossing would enhance bicycle and pedestrian travel, including access to the Dublin/Pleasanton BART station, by replacing an awkward at-grade crossing of Dublin Boulevard with a grade-separated overcrossing the existing, the proposed project would reduce vehicle miles traveled. The proposed project would, therefore, be consistent with CEQA Guidelines Section 15064.3, subdivision (b).

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

The Overcrossing Project would be constructed according to California Building Code and the user access ramps will be subject to ADA requirements. The project would eliminate an awkward at-grade pedestrian and bicycle crossings of Dublin Boulevard with potentially higher exposure of vulnerable users (bicycle and pedestrians) to vehicular traffic. There would be no increase in hazards due to the construction and operation of Overcrossing Project.

d) Result in inadequate emergency access?

By improving traffic flow along Dublin Boulevard, the Overcrossing Project would improve emergency access in the area. Dublin Boulevard would be closed in both directions overnight for one night while the bridge structure is lifted by crane and installed over Dublin Boulevard. This one-night closure would constitute the only closure of vehicular travel lanes required for construction of the proposed project. Emergency access along Dublin Boulevard at the Iron Horse Trail would be constrained during installation of the bridge structure. Because the ACFD maintains fire stations both to the west and east within 1.6 miles and 1.3 miles of the project site, respectively, access for emergency fire response would not be adversely affected during bridge installation.

Conclusion

The Overcrossing Project would not result in a new or substantially more severe impact to transportation or traffic.

Utilities and Service Systems

ENVIRONMENTAL IMPACTS Issues	(1) New or Substantially More Severe Significant Impact	(2) New Information Indicates that a Mitigation Measure that was Previously found to be Infeasible or Declined by Project Proponent is now Proposed	(3) New or Substantially More Severe Significant Impact Avoided with Mitigation Incorporated	(4) No New or Substantially More Severe Significant Impact
18. UTILITIES AND SERVICE SYSTEMS — Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects?				☒
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?				☒
c) Result in a determination by the wastewater treatment provider that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				☒
d) 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 reduction goals?				☒
e) Comply with federal, state, and local statutes or regulations related to solid waste?				☒

Existing Setting

The project site is located within a fully urbanized area with the full range of utilities available in the immediate area. The Dublin San Ramon Services District (DSRSD) is the purveyor of potable

water in the City of Dublin. DSRSD also provides recycled (reclaimed) water for irrigation and other non-potable uses. Existing water infrastructure currently serves developed lands adjacent to the project site.

DSRSD provides wastewater collection services in the project vicinity. DSRSD maintains a variety of collection mains within the existing public streets, including Scarlett Drive and Dublin Boulevard serving developed lands adjacent to the project site.

The City of Dublin Public Works Department maintains the City's stormwater drainage facilities located within public street rights-of-way. The Alameda County Water Conservation District Zone 7 owns and operates regional drainage facilities that collect runoff from the City. Engineered swales direct stormwater from the Iron Horse trail into Zone 7 drainage facilities.

Solid waste services are currently provided by Amador Valley Industries and include the collection of waste, recycling, and organics. Solid waste generated by the proposed project would be deposited at the Altamont Landfill, which has a total estimated permitted capacity of 62,000,000 cubic yards and an estimated closure date of January 2029.

Pacific Gas and Electric Company (PG&E) provides electricity and natural gas service to the City of Dublin. PG&E maintains electrical and natural gas facilities within the Dublin Boulevard right-of-way that currently serve developed lands adjacent to the project site.

Comcast currently provides cable television and internet service; AT&T and numerous long-distance telecommunication companies provide telephone and cellular phone service to developed lands adjacent to the project site.

Regulatory Setting

Title 22 California Code of Regulations

Senate Bill 610 (Chapter 643, Statutes of 2001) and Senate Bill 221 (Chapter 642, Statutes of 2001) amended state law, effective January 1, 2002, in order to improve the link between information on water supply availability and certain land use decisions made by cities and counties. SB 610 Water Supply Assessments and SB 221 Written Verifications of Water Supply are companion measures, which seek to promote more collaborative planning between local water suppliers and cities and counties. Both statutes require detailed information regarding water availability to be provided to the city and county decision-makers prior to approval of specified large development projects and that the information is included in the administrative record that serves as the evidentiary basis for an approval action by the city or county on such projects.

Clean Water Act

The Federal Water Pollution Control Act Amendments of 1972 (CWA (33 U.S.C 1251 et seq.)) have as their goal restoration of the physical, chemical, and biological integrity of the nation's waters. The primary regulatory mechanism to achieve this goal in the National Pollutant Discharge Elimination System (NPDES). The Clean Water Act requires that parties seeking to discharge pollutants into waters of the Unites States obtain a permit under the NPDES. Responsibility for implementing the NPDES program in California has been delegated to the State.

Integrated Waste Management Act

The Integrated Waste Management Act (AB 939) mandates that communities reduce their solid waste. The Act requires local jurisdictions to divert 25 percent of their solid waste by 1995 and 50 percent by 2000, compared to a baseline of 1990. AB 939 also establishes an integrated framework for program implementation, solid waste planning, and solid waste facility and landfill compliance.

Impacts Evaluation

a) **Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects?**

The Overcrossing Project consists of approach ramps and a bridge structure and does not include any landscaped areas that would require irrigation. Thus, the proposed project would not consume water following construction, nor would the project generate any wastewater. Thus, construction of new or expanded water or wastewater facilities would not be required. Electrical infrastructure is available along Dublin. Boulevard. As discussed in relation to Energy Resources, above, a minimal amount of energy will be required for lighting of the bridge and approach structures. This would require connection to the existing electrical utility facilities within the Dublin Boulevard right-of-way. The physical impacts of such a connection are minor and would not require any physical changes to the environment beyond those described and analyzed throughout this document. The proposed project would require any modification to existing natural gas or telecommunications facilities. Thus, no new or substantially more severe significant impacts would occur.

b) **Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?**

The Overcrossing Project would not use any potable water other than during site construction and would not require additional water supplies or new or expanded entitlements. As demonstrated in the Water Supply Assessment for the Dublin Crossing Specific Plan, sufficient water supplies available to serve that project and reasonably foreseeable future development

during normal, dry, and multiple dry years. Thus, no new or substantially more severe significant impacts would occur.

c) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

The Overcrossing Project would not generate any wastewater and no wastewater capacity would be required.

d,e) Would the project 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 reduction goals?

The Overcrossing Project would generate solid waste in the form of asphalt from removal of portions of the existing trail, wood debris, concrete, and trash generated by construction workers. Pursuant to the requirements of Municipal Code Chapter 7.30, a minimum of 50 percent of waste generated during construction will be recycled. Following construction, the proposed project would not generate solid waste. Construction waste generated by the project would be disposed of in accordance with state and local regulations and would not exceed the permitted capacity of existing landfills.

Conclusion

The Overcrossing Project would not result in any demands for utility or service systems that would require the construction of new infrastructure or facilities or the expansion of existing facilities. Thus, no new or substantially more severe significant impacts would occur.

Mandatory Findings of Significance

ENVIRONMENTAL IMPACTS Issues	(1) New or Substantially More Severe Significant Impact	(2) New Information Indicates that a Mitigation Measure or Alternative that was Previously found to be Infeasible or Declined by Project Proponent is now Proposed	(3) New or Substantially More Severe Significant Impact Avoided with Mitigation Incorporated	(4) No New or Substantially More Severe Significant Impact
19. MANDATORY FINDINGS OF SIGNIFICANCE — Would the project:				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?				☒
b) Does the project have impacts that are individually limited, but cumulatively considerable?				☒
c) Does the project have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?				☒

Impacts Evaluation

a) **Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?**

The preceding analysis of Biological Resources, as well as analyses of Cultural and Tribal Cultural Resources demonstrate that proposed Overcrossing Project would not result in a new

significant impact or cause any significant impact disclosed in the Dublin Crossing EIR to become substantially more severe in relation to degradation of the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

b) Does the project have impacts that are individually limited, but cumulatively considerable?

The preceding analyses for each environmental issue demonstrate that the addition of impacts of the proposed Overcrossing Project to those of the Dublin Crossing Specific Plan would not result in a new significant impact or cause any significant impact disclosed in the Dublin Crossing EIR to become substantially more severe. Thus, addition of the impacts of the Overcrossing Project to those of the Dublin Crossing Specific Plan would not cause the contribution of the Specific Plan to any significant cumulative impact disclosed in the DCEIR to become cumulatively considerable, nor would any cumulatively considerable contribution to a significant cumulative impact disclosed in the DCEIR become substantially more severe. In addition, given how minor the impacts of the proposed Overcrossing Project are compared to those of the Dublin Crossing Specific Plan and to those of the cumulative impacts addressed in the DCEIR, the addition of the proposed project to the summary of projections in the adopted City of Dublin General Plan (updated May 2013), the City's Capital Improvement Program, and implementation of the Camp Parks Master Plan, which together formed the basis for the cumulative impacts analysis set forth in the DCEIR, would not cause any less than significant cumulative impact to become significant, nor would any significant cumulative impact become substantially more severe.

c) Does the project have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?

The preceding analyses for each environmental issue demonstrate that the impacts of the proposed Overcrossing Project would not cause any substantial adverse effect on human beings, nor would any of the substantial adverse effects disclosed in the DCEIR become substantially more severe as the result of the proposed project.

Conclusion

The preceding analyses for each environmental issue demonstrate that the impacts of the proposed Overcrossing Project would not result in a new significant impact or cause any significant impact disclosed in the Dublin Crossing EIR to become substantially more severe.

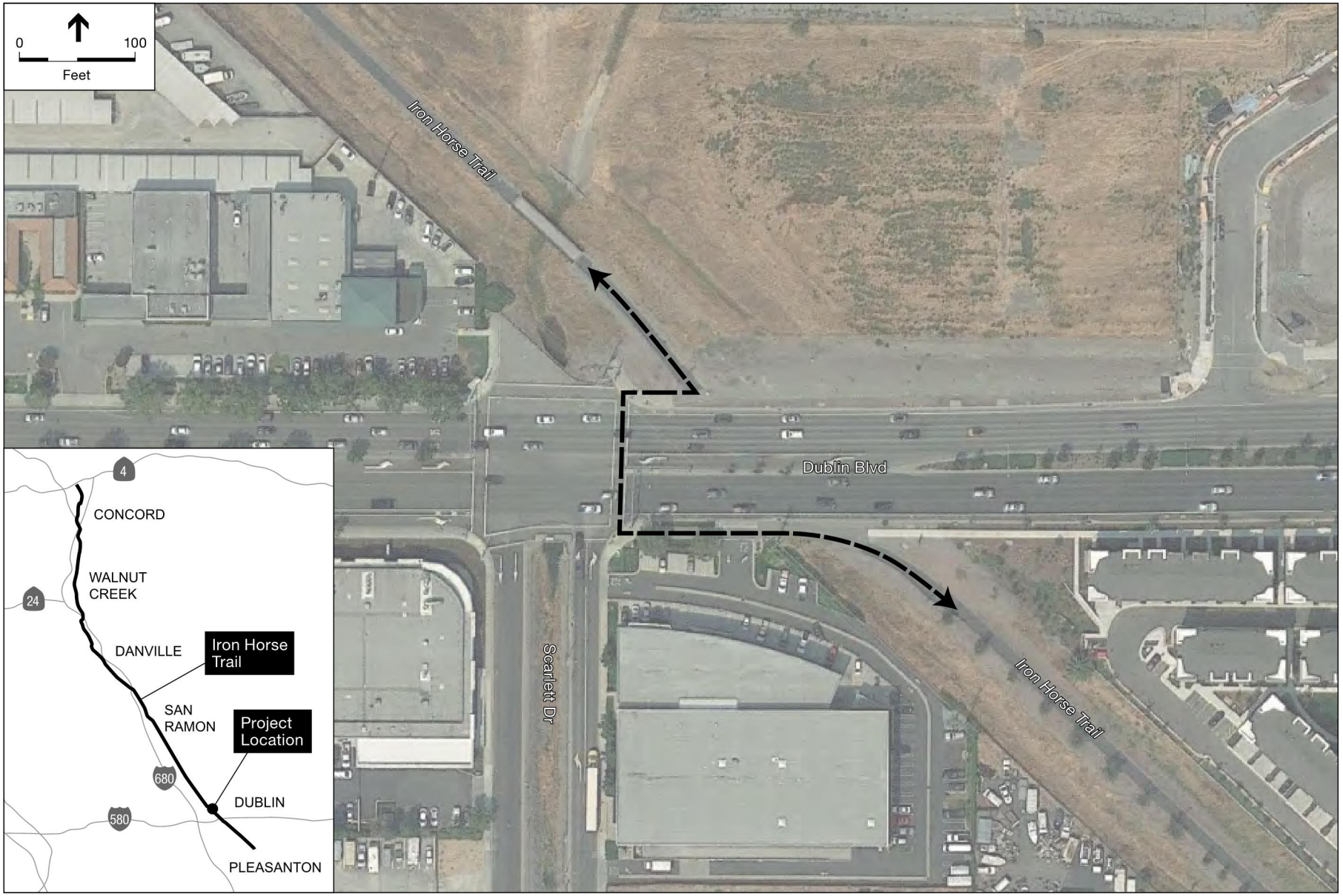
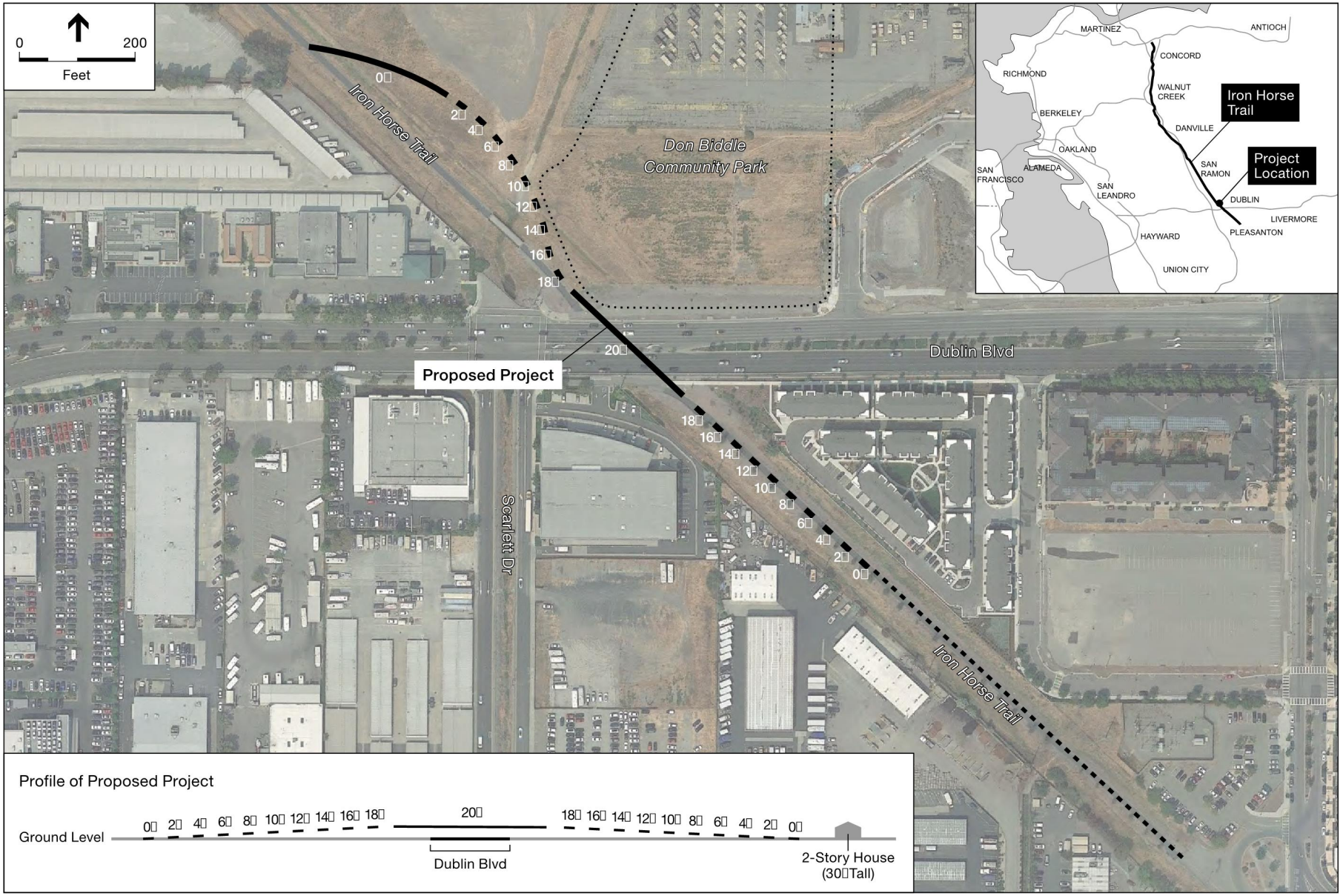


Figure 1: Existing Conditions for Crossing at Dublin Boulevard

SOURCE: Google Earth Pro



Iron Horse Trail Dublin Boulevard Overcrossing Project

Figure 2: Proposed Project

SOURCE: Mark Thomas; Google Earth Pro

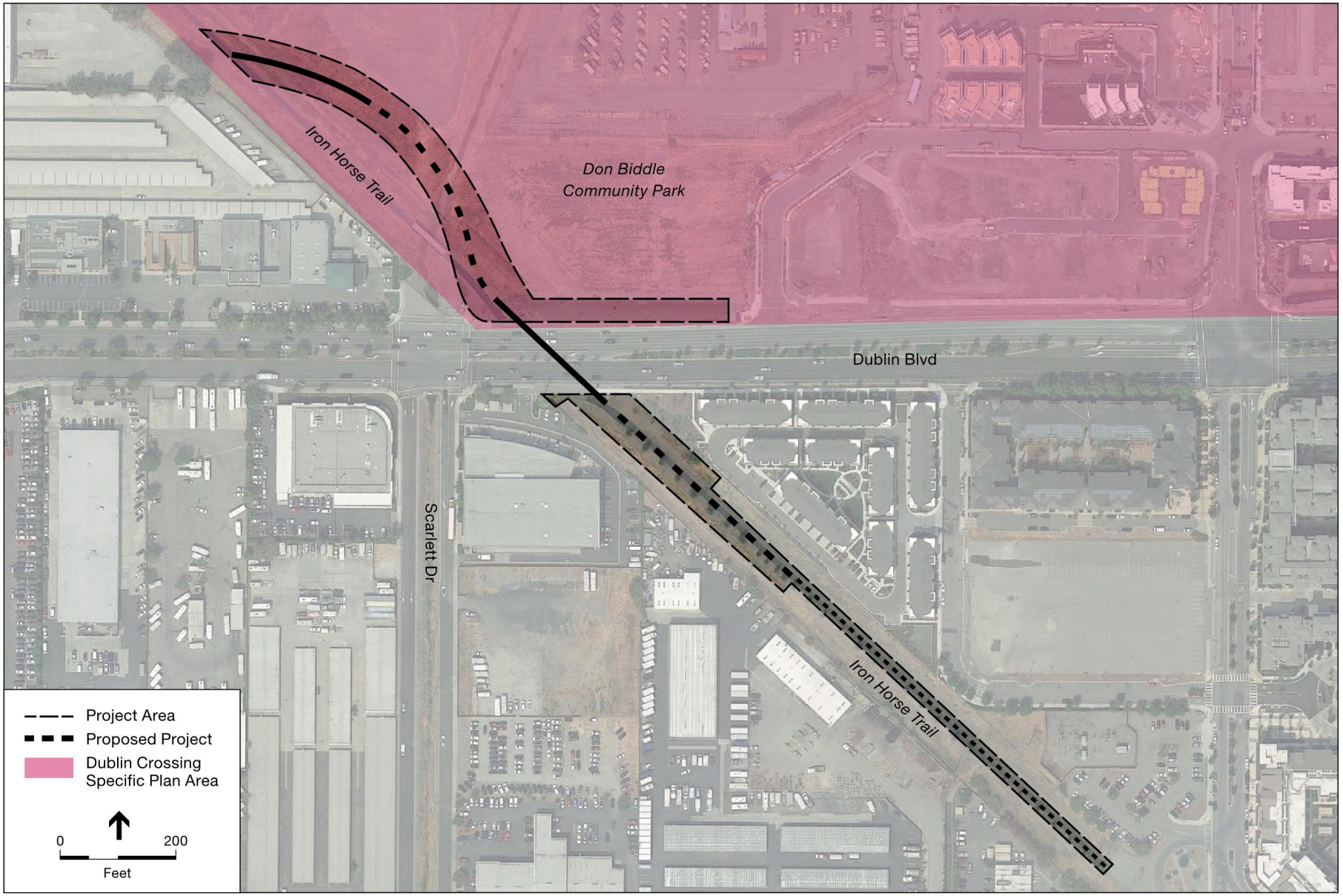


Figure 3: Project Area

SOURCE: Google Earth Pro; Dublin Crossing Specific Plan

Simulated View of Proposed Project

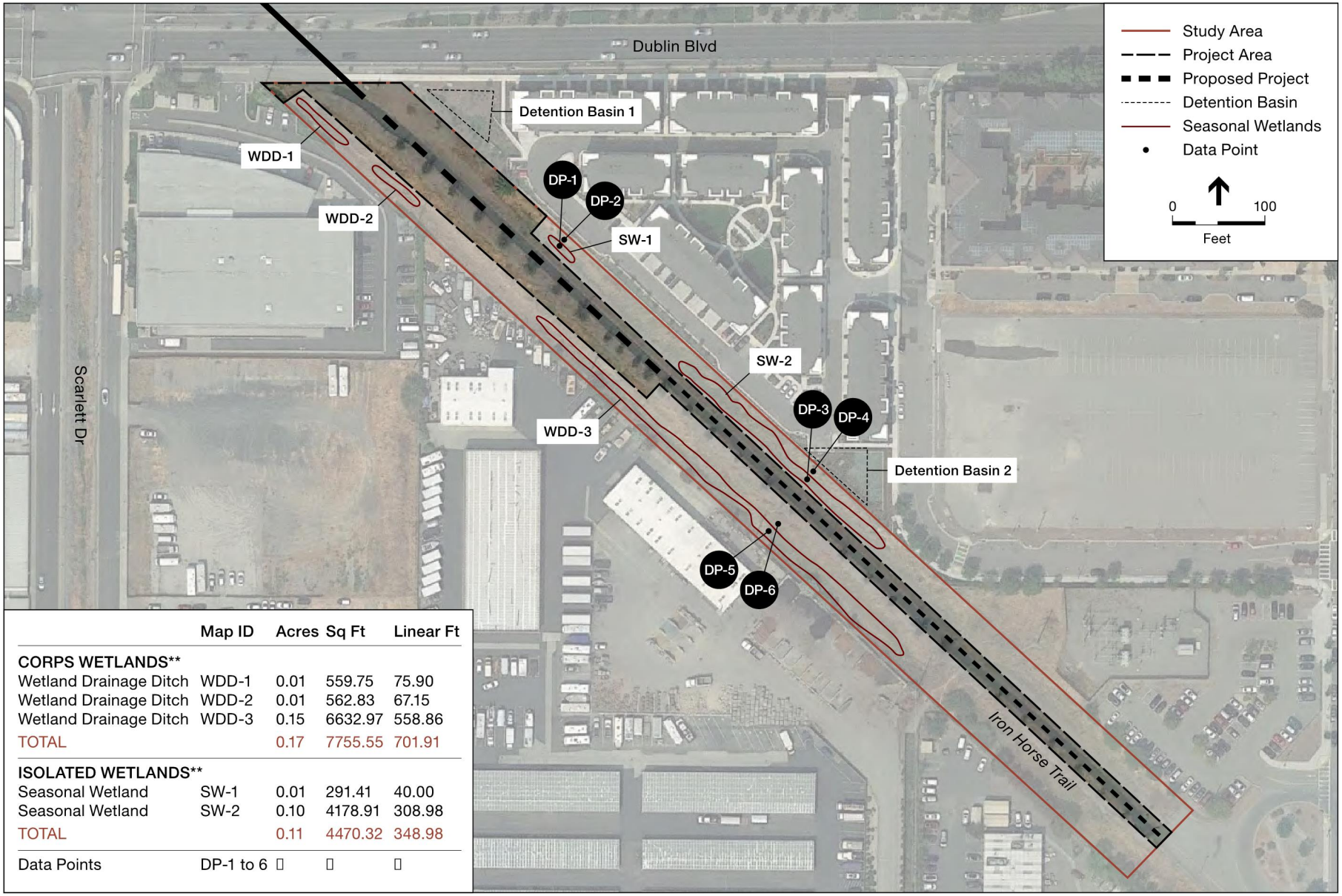
Plan View of Proposed Project with Simulation Viewpoint

Figure 4: Simulated View of Proposed Project

SOURCE: City of Dublin

Figure 5: Project Area South of Dublin Boulevard

SOURCE: Google Earth Pro



	Map ID	Acres	Sq Ft	Linear Ft
CORPS WETLANDS**				
Wetland Drainage Ditch	WDD-1	0.01	559.75	75.90
Wetland Drainage Ditch	WDD-2	0.01	562.83	67.15
Wetland Drainage Ditch	WDD-3	0.15	6632.97	558.86
TOTAL		0.17	7755.55	701.91
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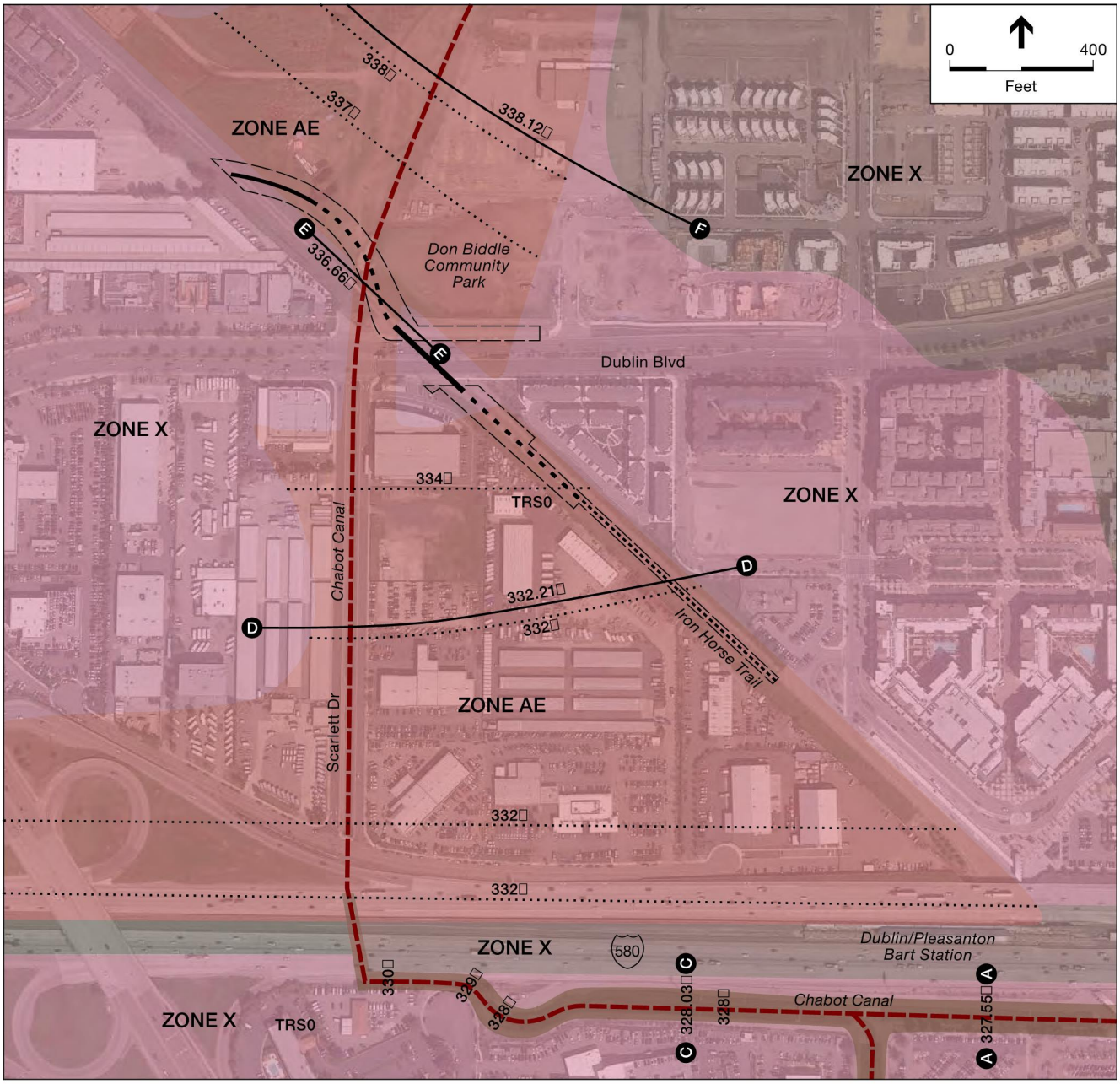
Seasonal Wetland	SW-1	0.01	291.41	40.00
Seasonal Wetland	SW-2	0.10	4178.91	308.98
TOTAL		0.11	4470.32	348.98
Data Points	DP-1 to 6			

Figure 6: Preliminary Jurisdictional Determination

SOURCE: U.S. Army Corps of Engineers



Project Area
Proposed Project
Cross Sections with 1% Annual Chance
332 Water Surface Elevation
Base Flood Elevation Line (BFE)
Profile Baseline

SPECIAL FLOOD HAZARD AREAS

Zone AE
Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile - Zone X
Area of Minimal Flood Hazard - Zone X

Figure 7: Flood Hazard Map

SOURCE: Google Earth Pro; FEMA

Appendices

A Special Status Species Table

B Wetland Delineation Report

C Cultural Resources Technical Study

D DCEIR Mitigation Measures

3214684.1

APPENDIX A

Special Status Species Table

Special Status Species with Potential to Occur in the Project Area for the Iron Horse Trail Dublin Boulevard Overcrossing Project

Species Name	Common Name	Federal, State, & CNPS Listing[1]	Habitat Preferences & Distribution Information	Flowering Phenology/ Life Form	Habitat Suitability & Local Distribution	Potential For Occurrence
Plants						
Centromadia parryi spp. congdonii	Congdon's tarplant	1B.1	Valley and foothill grasslands on alkaline soils sometimes described as heavy white clay.	May-November	Found within Camp Parks and could potentially occur in seasonal wetlands late in the season when they are completely dry.	Low
Chloropyron palmatum	Palmate-bracted salty bird's-beak	FE, SE, 1B.1	Found in Alkali wetland and alkali sinks.	May- October Annual herb (hemiparasitic)	No suitable wetland or alkali vegetation associations present.	None
Juglans hindsii	Northern California black walnut	1B.1	Found in riparian forests and woodlands.	April- May Perennial deciduous tree	Suitable riparian habitat is present adjacent to the proposed project alignment.	Not present

STATUS CODES:

FEDERAL

FE = Listed as Endangered by the USFWS

FT = Listed as Threatened by the USFWS

FC = Candidate for Federal listing

STATE

CE = Listed as Endangered by the State of California

CT = Listed as Threatened by the State of California

CALIFORNIA NATIVE PLANT SOCIETY (CNPS STATUS)

1A – Plants presumed extinct in California

1B – Plants rare, threatened, or endangered in California and elsewhere

2 – Plants rare, threatened, or endangered in California, but more common elsewhere

3 – Plants about which we need more information – a review list

4 – Plants of limited distribution – a watch list

Special Status Species with Potential to Occur in the Project Area for the Iron Horse Trail Dublin Boulevard Overcrossing Project

Scientific Name	Common Name	Listing Status[1]	Habitat Requirements	Habitat Suitability & Local Distribution	Potential for Occurrence
Invertebrates					
Branchinecta lynchi	Vernal Pool Fairy Shrimp	FT, CH	Inhabit clear to tea-colored freshwater vernal pools in grass or mud bottomed swales, or basalt flow depression pools in unplowed grasslands. Often occur in low densities and rarely co-occur with other brachiopod species.	32 known populations in the Central Valley from Shasta to Tulare counties, and along the Central and South Coast Ranges from Solano to San Benito counties. No known occurrences within 5 miles of the proposed project area.	None
Branchinecta longiantenna	Longhorn fairy shrimp	FE	Endemic to the eastern margin of the coastal mountains in seasonally astatic grassland vernal pools.	Drainage ditches adjacent to the repurposed train tracks (Iron Horse Trail levee) is not suitable to support this species.	None
Hygrotus curvipes	Curved-foot hygrotus diving beetle		Lives in mineralized pools, stock ponds, ponds, or in intermittent streams. Distribution is Outer Coast Ranges and San Joaquin delta and in eastern Contra Costa and Alameda Counties.	This species was surveyed for within the Dublin Crossing EIR study area and not detected during 2002-2003 and 2012-2013 surveys.	Low
Ischnura gemina	San Francisco fortail dameselfly		Occurs in quiet, dense marsh habitat and slow moving streams and canals in the San Francisco Bay Region.	This species was surveyed for within the Dublin Crossing EIR study area and not detected during 2002-2003 and 2012-2013 surveys and conditions are similar in the Project Area.	Low
Linderiella occidentalis	California linderiella	-	An aquatic crustacean that inhabits clear large vernal pools and lakes. Most common fairy shrimp in the Central Valley.	Occurrences have been reported north of I-580. Species was not observed during Dublin Crossing EIR surveys in 2002-2003, 2012-2013 and conditions are similar within the Iron Horse Trail Project Area.	Low
Amphibians					
Ambystoma californiense	California tiger salamander	FT, CH, ST, CSC	Range includes the Central Valley and Central Coast ranges from Colusa County south to San Luis Obispo and Kern counties from sea level to 1,054 meters (3,460 feet) in elevation. Need underground refuges, especially ground squirrel burrows and vernal pools or other seasonal water sources for breeding.	No suitable aquatic or upland habitat. Nearest CNDDB (CDFW 2016) record is approximately 2 miles from the proposed project alignment.	None

Special Status Species with Potential to Occur in the Project Area for the Iron Horse Trail Dublin Boulevard Overcrossing Project

Scientific Name	Common Name	Listing Status[1]	Habitat Requirements	Habitat Suitability & Local Distribution	Potential for Occurrence
Rana boylii	foothill yellow-legged frog	CSC	Streams and rivers with rocky substrate and open, sunny banks, in forests, chaparral, and woodlands; Sometimes found in isolated pools, vegetated backwaters, and deep, shaded, spring fed pools; Generally associated with foothill and mountain streams but occurs from sea level to 6,700 feet. (2,040 meters).	No suitable habitat present. Species not known from eastern Alameda County.	None
Rana draytonii	California red-legged frog	FT, CH, CSC	Lowlands or foothills in or near sources of water with shrubby or emergent riparian vegetation. Requires 11-20 weeks of permanent water for larval development; Must have access to estivation habitat; Restricted to freshwater and slightly brackish waters.	Critical habitat for this species is located approximately 2 miles from the project alignment. Alamo Canal is an artificial channel devoid of emergent vegetation. This feature lacks adjacent upland vegetated habitat to support estivating red-legged frogs. Nearest CNDDB (CDFW 2016) record is 2 miles from the proposed project alignment.	None
Reptiles					
Emys marmorata	western pond turtle	CSC	Aquatic; Found in ponds, marshes, rivers, streams, brackish estuarine water and irrigation ditches, usually with aquatic vegetation; Requires basking sites and suitable upland habitat (sandy banks or grassy open fields) up to 0.5 km from water for egg-laying.	There is no permanent water within the study area to support this species.	None
Masticophis lateralis euryxanthus	Alameda Whipsnake (striped Racer)	FT, CH	This is a subspecies of the California whipsnake, (*Masticophis lateralis*). Inhabits valleys, foothills and low mountains associated with northern coastal scrub or chaparral habitat; requires rock outcrops for cover and foraging.	No suitable coastal scrub or chaparral habitat present in project area.	None

Special Status Species with Potential to Occur in the Project Area for the Iron Horse Trail Dublin Boulevard Overcrossing Project

Scientific Name	Common Name	Listing Status[1]	Habitat Requirements	Habitat Suitability & Local Distribution	Potential for Occurrence
Birds					
Accipeter striatus	Sharp-shinned hawk	WL	Inhabits north-facing slopes in conifers, including ponderosa pine, black oak, & Jeffrey pines, preferably in riparian areas. Forages primarily for small birds along woodland edges & openings, hedgerows, brushy pastures, & shorelines. Breeding begins in April; single-brooded.	No suitable nesting habitat is present within proposed project area; however, this species could occur in winter, possible foraging at bird feeders.	None
Accipiter cooperii	Cooper's hawk	WL	Typically found in forests and woodlands. Nest in pines, oaks, Douglas-firs, beeches, spruces and other densely populated woodland tree species.	Breeds across southern Canada and southward to the southern extent of the United States and Central Mexico. Winters throughout the US and Mexico. Similar to sharp-shinned, this species could occur during the non-nesting season as a winter visitor.	None
Agelaius tricolor	Tricolored blackbird	SCT, CSC	Open water, protected nesting substrate (blackberry/cattails), and foraging areas with insect prey. Breeding colonies require a nearby source of water, suitable nesting substrate and natural grassland, woodland, or agricultural cropland biomes in which to forage. Historically, breeding colonies had been strongly associated with emergent marshes, but more recently there has been a shift to non-natively vegetated and active agricultural areas (USFWS 2015).	No suitable nesting habitat is present near the proposed project alignment.	None
Aquila chrysaetos	Golden eagle	FP	Favor partially or completely open space near mountains, hills and cliffs. Utilize habitats ranging from arctic to desert, including tundra, shrublands, grasslands, coniferous forests, farmland and riparian corridors.	No suitable nesting habitat is present within the project site. Agricultural fields provide suitable foraging habitat for this species.	None
Ardea herodias	Great blue heron		A large wading bird that inhabits a variety of aquatic habitats including shores, tide flats, marshes, swamps, ponds, lakes, rivers, and streams. Nests colonially in large trees near water bodies.	No suitable habitat to support nesting colonies is present.	None

Special Status Species with Potential to Occur in the Project Area for the Iron Horse Trail Dublin Boulevard Overcrossing Project

Scientific Name	Common Name	Listing Status[1]	Habitat Requirements	Habitat Suitability & Local Distribution	Potential for Occurrence
Athene cunicularia	Burrowing owl	CSC	Valley bottoms and foothills with low vegetation and fossorial mammal activity such as ground squirrel burrows the species can use for refuge or breeding purposes. Breeding begins in March; single-brooded.	Grassland habitat exists in the Project Area which could potentially be used by burrowing owls. Total foraging area is limited in size and localized foot traffic and trail use likely inhibits colonization. No ground squirrel burrows observed.	Low
Buteo regalis	Ferruginous hawk	WL	Breeds in the northern states and Canada; winters south from California and Texas to Mexico. Wintering habitat consists of open grasslands, deserts, and cultivated fields. Breeding begins in April; single-brooded.	No suitable foraging or wintering habitat present within the project study area.	None
Circus cyaneus	Northern harrier	CSC	Inhabits both freshwater and saltwater marshes and adjacent upland grasslands. Nests on the ground in tall grasses in grasslands and meadows. Breeding begins in March; single-brooded.	No suitable nesting habitat within the proposed project alignment.	None
Elanus leucurus	White-tailed kite	FP	Rolling foothills and valley margins with scattered oaks and river bottomlands or marshes next to deciduous woodland. Open grasslands, meadows, or marshes for foraging close to isolated, dense-topped trees for nesting and perching.	No suitable nesting habitat present within the project site.	None
Eremophila alpestris actia	California horned lark	WL	Common, abundant resident in a variety of open habitats, usually where large trees and shrubs are absent, ranging from low-elevation grasslands and deserts to dwarf shrub habitats above tree line.	No nesting habitat present in the Project Area.	None
Falco mexicanus	Prairie falcon	WL	Nests on cliffs and at times in old raven or eagle stick nests on cliff, bluff, or rock outcrop. Inhabits perennial grasslands, savannahs, rangeland, some agricultural fields, & desert scrub communities. Breeding begins in April; single-brooded.	No suitable nesting habitat present within the project study area.	None

Special Status Species with Potential to Occur in the Project Area for the Iron Horse Trail Dublin Boulevard Overcrossing Project

Scientific Name	Common Name	Listing Status[1]	Habitat Requirements	Habitat Suitability & Local Distribution	Potential for Occurrence
Falco peregrinus anatum	American peregrine falcon	DL, DL, FP	Habitat includes many terrestrial landscapes in North America; mainly cliffs and nesting near water. Utilize open habitat for foraging. Will also utilize artificial habitats like towers, bridges and buildings.	Most widely found in Northern California; migrates long distances along the western coast of the US. No suitable nesting habitat present within the project site.	None
Lanius ludovicianus	Loggerhead shrike	MBTA, SSC	Breeds in grassland or shrublands with open ground. Requires mature shrubs or small trees for nesting. Fence lines are used for perching and maintaining territory. Open areas used for hunting.	Potential foraging habitat in grassland habitat in Project Area. Nesting habitat not present.	None
Mammals					
Antrozous pallidus	Pallid bat	CSC	Deserts, grasslands, shrublands, woodlands and forests. Most common in open, dry habitats with rocky areas for roosting. Roosts must protect from high temperatures. Sensitive to disturbance of roosting sites.	CNDDB reports observations of this bat aprx. 2 miles to the southwest. No roosting habitat within Project area.	None
Myotis yumanensis	Yuma myotis	-/-	Forests and woodlands with sources of water over which to feed. Roosts in buildings, mines, caves, crevices, occasionally under bridges.	CNDDB reports observations of this bat aprx. 2 miles to the southwest. No roosting habitat and no open water foraging habitat within Project area.	None
Vulpes macrotis mutica	San Joaquin Kit Fox	FE, ST	Inhabits annual grasslands or grassy open stages with scattered shrubby vegetation; needs loose-textured sandy soils for burrowing, as well as suitable prey base.	Grassland habitat not suitable within the project area due to total isolation from known occupied habitat.	None

STATE AND FEDERAL LISTING CODES:

FEDERAL
FE = Federally listed as Endangered
FT = Federally listed as Threatened
FPE = Candidate for Federal listing
DL = Delisted
FPD = Federally proposed for delisting
FC = Federal candidate species (former Category 1 candidates)
SC = Species of Concern (NMFS regulated species only)
CH = Critical Habitat (Proposed or Final) is designated

STATE
SE = State listed as Endangered
ST = State listed as Threatened
SR = State listed as Rare
SCE = State candidate for listing as Endangered
SCT = State candidate for listing as Threatened
CSC = California Species of Special Concern
FP = Fully Protected
WL = Watch List

APPENDIX B

Wetland Delineation Report

IRON HORSE TRAIL
DUBLIN BOULEVARD OVERCROSSING PROJECT

Preliminary Delineation of Waters of the United States
Alameda County, California

Prepared for:
City of Dublin

Prepared by:
Metis Environmental Group

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ACRONYMS AND ABBREVIATIONS USED IN THIS DOCUMENT

CFR	Code of Federal Regulations
Corps	United States Army Corps of Engineers
CWA	Clean Water Act
EPA	United States Environmental Protection Agency
FAC	Facultative plant species
FACU	Facultative upland plant species
FACW	Facultative wetland plant species
GIS	Geographic Information System
GPS	Global Positioning System
OBL	Obligate wetland plant species
OHWM	Ordinary highwater mark
NI	No wetland indicator assigned (for plants)
NRCS	Natural Resource Conservation Service
NRPW	Non-relatively permanent waters
NWI	National Wetlands Inventory
RCP	Reinforced Concrete Pipe
RPW	Relatively permanent waters
SWANCC	Solid Waste Agency of Northern Cook County
TNW	Traditionally navigable waters
UPL	Upland plant species
USDA	United States Department of Agriculture
USGS	United States Geological Survey
USFWS	United States Fish and Wildlife Service

CHAPTER 1
Introduction

1.1 Objective

This report documents the extent of potentially jurisdictional waters of the United States, including wetlands and other waters, which occur within the study area for the Iron Horse Trail Dublin Boulevard Overcrossing Project, located within the City of Dublin in Alameda County, California **Figure 1**).

The purpose of this document is to identify features within the study area that meet criteria and conditions suitable to be considered the jurisdiction of the U.S. Army Corps of Engineers (Corps) pursuant to the Clean Water Act, Section 404 and 401, and to provide the background information necessary to support future permit applications (if necessary) under Section 404 and Section 401 of the Clean Water Act for the proposed project.

1.2 Summary of Results

Metis Environmental conducted a formal wetland delineation of the study area on March 6, 2018. The field delineation identified and documented all potentially jurisdictional wetlands and other waters of the U.S. within the delineation study area (Figure 2).

A total of 0.16 acres of Waters of the US and 0.26 acres of Waters of the State were identified in the delineation study area. As indicated in Table 4-1 and included in the summary table below, delineated features in the delineation study area are estimated for each feature type shown in Figure 2.

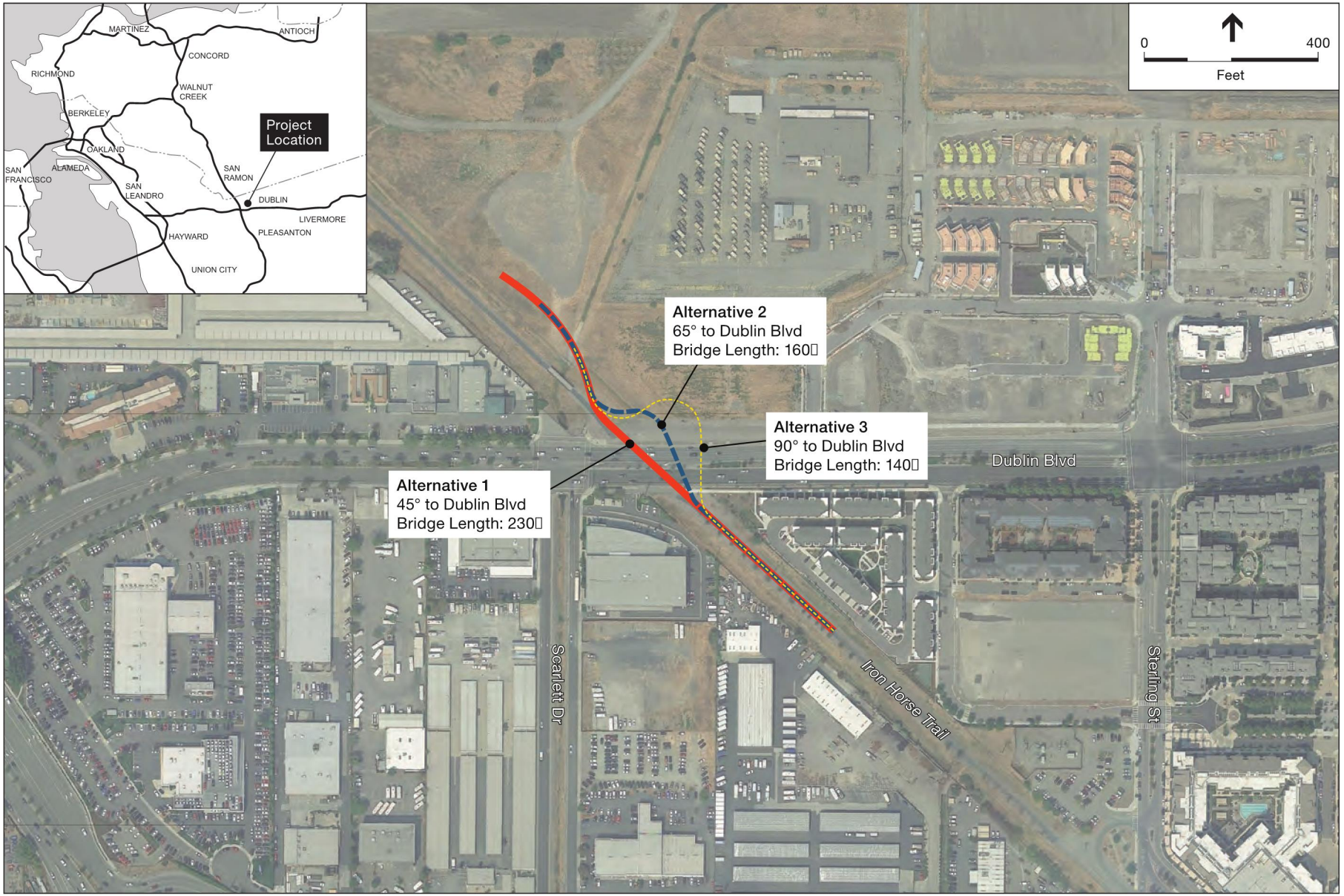
WATERS OF THE US AND STATE WITHIN THE DELINEATION STUDY AREA

Feature Type	Data Points (DP)	Potential State Jurisdiction	Potential Federal Jurisdiction
Seasonal Wetlands			
SW-1	1,2	0.01	
SW-2	3,4	0.09	
Wetland Drainage Ditch			
WDD-1		0.01	0.01

Feature Type	Data Points (DP)	Potential State Jurisdiction	Potential Federal Jurisdiction
WDD-2		0.01	0.01
WDD-3	5,6	0.14	0.14
Total		0.26	0.16

SOURCE: Metis Environmental, 2018.

A detailed summary of all waters of the U.S. and State documented within the delineation study area is presented in Table 4-1 (see Chapter 4). Delineation maps are presented in **Appendix A**; wetland datasheets are provided in **Appendix B**; approved jurisdictional delineation form (Rapanos Form) in **Appendix C**; a 7.5-minute USGS topographic map is located in **Appendix D**; soil maps are provided in **Appendix E**; the climate summary (WETS Table) information table is provided in **Appendix F;** and representative photographs are provided in **Appendix G**.



Iron Horse Trail Dublin Boulevard Overcrossing Project

Preliminary Delineation of Waters of the U.S.

Figure 1: Project Location

SOURCE: Mark Thomas; Google Earth Pro

1.3 Responsible Parties

The Iron Horse Trail Dublin Boulevard Overcrossing project is proposed by the City of Dublin. The contact person for the project is:

Obaid Khan, Transportation and Operations Manager
100 Civic Plaza
City of Dublin, CA 94568
Obaid.Khan@dublin.ca.gov

Contact:
Obaid.Khan@dublin.ca.gov
925-833-6630

1.4 Project Description

1.4.1 Overview

The City of Dublin proposes to construct a grade-separated overcrossing at Dublin Boulevard, just north of the Dublin/Pleasanton BART Station along the multi-use Iron Horse Trail (Figure 1). The overcrossing will span north to south over Dublin Boulevard and will provide an alternative to the existing at-grade trail user-vehicular interface that currently occurs along the Iron Horse Trail where it meets Dublin Boulevard.

North of Dublin Boulevard the overcrossing structure would be integrated into the Dublin Crossing Central Park, within the Dublin Crossing Specific Plan area, along an alignment that would gradually transition to at-grade conditions before re-connecting with the Iron Horse Trail north of Dublin Boulevard. Figure 1 shows the three proposed alternatives being considered for the North side touch down configuration. South of Dublin Boulevard the overcrossing would touch down within the Iron Horse Trail right-of-way and would include a graduated ramp for pedestrians and bicyclists to access the overcrossing. The southern touchdown area is the subject of this report.

CHAPTER 2
Setting

2.1 Delineation Study Area

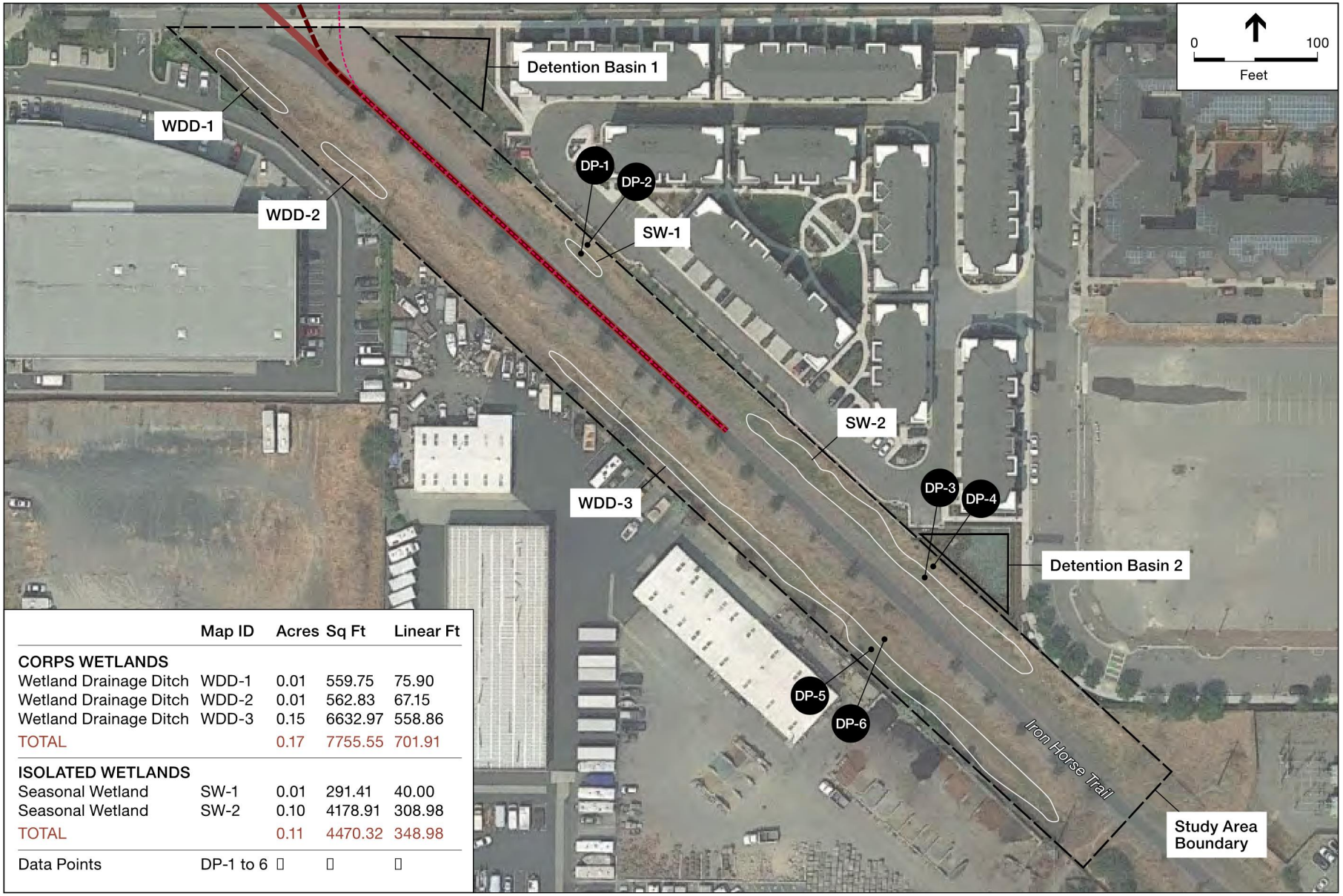
The delineation study area consists of the existing Iron Horse Trail right-of-way where it occurs south of Dublin Boulevard near the intersection of Dublin Boulevard and Scarlett Drive in Dublin, Alameda County, California (**Figure 2**). The delineation study area extends approximately 880 linear feet to the south of Dublin Boulevard and spans approximately 100 feet east to west across the Iron Horse Trail ROW accounting for approximately 2 acres of total area. Non-native annual grassland, ruderal vegetation, seasonal wetland, and landscape trees occur within the study area. North of Dublin Boulevard the overcrossing would touch down within the Dublin Crossing Specific Plan area for which a Jurisdictional Determination has already been approved by the Corps.

Land use in the surrounding area consists of urban subdivision to the east and light commercial development to the west. Additional urban development including the extension of Scarlett Drive and construction of the Dublin Crossing Central Park facility adjacent to the Iron Horse trail on the north side of Dublin Boulevard, (across Dublin Boulevard from the delineation study area), are currently underway and are expected to be in place prior to construction of the proposed overcrossing project.

The study area is defined by a concrete retaining wall along the eastern boundary, adjacent to high density housing and associated parking. The western boundary occurs adjacent to commercial and light industrial development and consists of chain link privacy fencing. The study area is accessible from the paved surface of the Iron Horse Trail where it intersects Dublin Boulevard and exetends south adjacent to the Dublin/Pleasanton BART Station.

2.2 Climate and Topography

The overall Northern California climate is Mediterranean in nature, which is characterized by warm, dry summers and cool, wet winters, with the bulk of precipitation occurring as rain in the winter months. The average annual temperature in Dublin is 60.3º F, while mean annual rainfall is 14.23 inches (USDA, NRCS, 2018).



	Map ID	Acres	Sq Ft	Linear Ft
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ISOLATED WETLANDS				
Seasonal Wetland	SW-1	0.01	291.41	40.00
Seasonal Wetland	SW-2	0.10	4178.91	308.98
TOTAL		0.11	4470.32	348.98
Data Points	DP-1 to 6			

Figure 2: Potential Jurisdictional Wetland Areas

SOURCE: Google Earth Pro

The study area follows the path of the Iron Horse Trail which occurs on a repurposed rail road levee, located at approximately 400 feet above sea level.

2.3 Soils

The United States Department of Agriculture (USDA) Naturals Resource Conservation Service (NRCS) Web Soil Survey (USDA NRCS, 2018) was consulted to determine the soil type occurring within the delineation study area and it is:

- Clear Lake clay, drained, 0 to 2 percent slopes.

A map depicting the soil within the wetland delineation study area is presented in Appendix E. Clear Lake clay is included on the National Hydric Soil list. A brief description of the soil series within the delineation study area follows.

The Clear Lake series consists of very deep, poorly drained soils that are formed in fine textured alluvium derived from mixed rock sources. Clear Lake soils are in flood basins, flood plains and in swales of drainageways (USDA NRCS, 2018).

This series exhibits negligible to high runoff (if assumed concave runoff is always negligible); slow to very slow permeability. A water table is at depths of 4 to 10 feet in the late summer and in some areas is very near the surface during wet months of winter. Clear Lake clay soils are classified as Xeric Endoaquerts.

2.4 Hydrology

Annual rainfall is the only source of water within the study area. Precipitation soaks into the soils and drains off the paved or earthen sloped surface of the Iron Horse Trail where it contributes to water ponding above the soil surface at the toe of the former railroad levee, i.e. within seasonal wetlands. With average rainfall at 14.23 inches for the Dublin area, the rainfall for the winter 2017-2018 is approximately 60-70% of normal to date. Rainfall during the previous winter of 2016-2017 was 45 percent higher than the average. Years preceding 2017 consisted of a five-year drought with substantially lower rainfall totals. For the current water year the total accumulated rainfall is below average for the region.

2.5 Vegetation

Plant communities are assemblages of plant species that occur together in the same area which are defined by species composition and relative abundance. The study area contains non-native annual grassland, ruderal vegetation, seasonal wetland, and a row of native valley oak trees planted by the Urban Forestry Program under Proposition 40 and 84. The upland community is described below, while the wetland community is described in Section 4.2.

Non-native grassland and ruderal vegetation occur over the majority of the study area and it is dominated by common invasive weed species such as rip-gut brome (*Bromus diandrus*), wild oat (*Avena fatua*), Italian rye grass (*Festuca perennis*), winter vetch (*Vicia sativa*), and prickly ox-tongue (*Helminthotheca echioides*). Landscape bark is spread adjacent to the edge of the paved Iron Horse Trail and some areas appear to have been sprayed with herbicide such that vegetation is lacking.

A row of 10 to 15-foot tall valley oak (*Quercus lobata*) trees are planted on the southwest side of the Iron Horse Trail, extending south from Dublin Boulevard. A single ornamental palm tree occurs on the northeastern side of the Iron Horse Trail levee near the concrete retaining walls associated with the residential development to the east.

Directly adjacent to the Iron Horse Trail, constructed water detention basins capture residential runoff from the eastern high density residential development as shown in Figure 2. The detention basins are vegetated with landscape species and are managed for water capture and settling. By definition, the basins are not within the jurisdiction of the state or federal regulatory agencies.

CHAPTER 3
Methods

3.1 Definitions

Many of the terms used throughout this report have specific meanings with respect to the delineation of Waters of the U.S. These terms are defined below:

Waters of the United States: The Code of Federal Regulations (33 CFR § 328.3[a]; 40 CFR § 230.3[s]) defines 'waters of the United States' as:

> (1) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; (2) All interstate waters including interstate wetlands; (3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mud flats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which could affect interstate or foreign commerce including any such waters which are or could be used by interstate or foreign travelers for recreational or other purposes; or from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or which are used or could be used for industrial purposes by industries in interstate commerce; (4) All impoundments of waters otherwise defined as waters of the United States under the definition; (5) Tributaries of waters identified in paragraphs (1) through (4); (6) Territorial seas; and (7) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (1) through (6).

Wetlands: The Corps and the U.S. Environmental Protection Agency (EPA) define wetlands as, "Those areas that are saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for the life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas." Corps wetlands must typically exhibit three parameters: 1) wetland hydrology, 2) hydrophytic vegetation, and 3) hydric soils in order to meet the federal definition.

> **Wetland Hydrology:** This term encompasses all hydrologic characteristics of areas that are periodically inundated or have soils saturated to the surface at some time during the growing season. These include both riverine and non-riverine hydrology indicators, such as sediment deposits, drift lines, and oxidized rhizospheres along living roots in the upper 12 inches of the soil. In the Arid West, hydrologic indicators may be absent in any given year due to annual variability in precipitation and in times of drought. The *Arid West Supplement* (Corps, 2008) cites a technical standard that can be used for disturbed or problematic sites that support wetland vegetation and soils but where wetland hydrology is not apparent. 'This standard calls for 14 or more consecutive days of flooding, ponding, or

a water table 12 inches or less below the soil surface during the growing season at a minimum frequency of 5 years in 10'.

Hydrophytic Vegetation: Hydrophytic vegetation is defined as plant life that occurs in areas where the frequency and duration of inundation or soil saturation produce permanently or periodically saturated soils of sufficient duration to exert a controlling influence on the plant species present. Emphasis is placed on the assemblage of plant species that exert a controlling influence on the character of the plant community, rather than on a single indicator species, i.e., there must be a prevalence of hydrophytic vegetation present in order to satisfy this wetland parameter.

***Wetland Indicator Status*:** Refers to the probability that a plant will occur in a wetland or not. Indicator status categories are as follows:

- *Obligate (OBL)*: almost always occurs in wetlands
- *Facultative wetland (FACW)*: usually occurs in wetlands, sometimes may occur in uplands
- *Facultative (FAC)*: equally likely to occur in wetlands or non-wetlands
- *Facultative upland (FACU)*: usually occurs in uplands but may occasionally occur in wetlands
- *Obligate upland (UPL)*: almost never occurs in wetlands
- *No indicator (NI)*: no indicator assigned due to lack of information

Hydric Soil: A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. Hydric soils are often characterized by redoximorphic features (such as redox concentrations, formerly known as mottles), which form by the reduction, translocation, and/or oxidation of iron and manganese oxides. Hydric soils may lack hydric indicators for a number of reasons. In such cases the same standard used to determine wetland hydrology when indicators are lacking can be used.

Ordinary High Water Mark: Ordinary high water mark (OHWM) is defined in 33 CFR § 328.3[e] as '…that line on the shore established by the fluctuations of water and indicated by physical characteristics, such as a clear, natural line impressed on the bank, shelving, changes in the character of the soil, destruction of terrestrial vegetation, the presence of litter or debris, or other appropriate means that consider the characteristics of the surrounding area'.

Other Waters: The term "other waters of the United States" includes water bodies, such as rivers and streams, that may not meet the full criteria for wetlands designation but that do exhibit evidence of an OHWM and are navigable or hydrologically connected to a navigable water body. Under the latest regulatory guidance, some types of other waters must have a significant nexus to a navigable water body to be considered jurisdictional by the Corps.

Traditionally Navigable Waters: Traditionally navigable waters (TNW) are all waters that are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

Relatively Permanent Waters: Relatively permanent waters (RPW) are non-navigable tributaries of traditional navigable waters that are relatively permanent, meaning they typically flow year-round or have continuous flow at least seasonally (e.g., typically three months).

Non-Relatively Permanent Waters: Non-relatively permanent waters (NRPW) include non-navigable tributaries with ephemeral or seasonal flows lasting less than three months.

Significant Nexus: This term refers to the hydrologic and ecologic connection between a TNW and its tributaries. Under recent guidance from the Corps and EPA certain wetlands and waters must have a significant nexus with a TNW in order to be considered jurisdictional.

Growing Season: The growing season is that part of the year when soil temperatures at 19.7 inches below the soil surface are higher than biologic zero (5°C/41° F). Growing season dates should be determined through onsite observations whenever possible. Since onsite data gathering is often not possible growing season dates can be approximated by using WETS tables from the nearest appropriate WETS station. The WETS table 70% probability average beginning and ending dates for 28° F temperatures can be used to represent the "normal" growing season for wetland determinations (NRCS, 1995). According to the Livermore WETS Station data (see Appendix E) the normal growing season for the study area would be 365 days (USDA, NRCS, 2002).

3.2 Regulatory Setting

Wetlands and other waters (e.g., rivers, streams, and natural ponds) are a subset of waters of the U.S. and receive protection under Section 404 of the Clean Water Act (CWA). The Corps has primary federal responsibility for administering regulations that concern waters of the U.S. and requires a permit if a project proposes placement of structures within navigable waters and/or alteration of waters of the U.S. The EPA has the ultimate authority under the CWA and can veto the Corps' issuance of a permit to fill jurisdictional waters of the U.S.

In recent years several Supreme Court cases have challenged the scope and extent of the Corps' jurisdiction over waters of the United States and have led to several reinterpretations of that authority. The most recent of these decisions are the case of Solid Waste Agency of Northern Cook County (SWANCC) v. the Army Corps of Engineers (January 9, 2001) and Rapanos v. United States (June, 2006). The SWANCC decision found that jurisdiction over non-navigable, isolated, intrastate waters could not be based solely on the use of such waters by migratory birds. The reasoning behind the SWANCC decision could be extended to suggest that waters need a demonstrable connection with a 'navigable water' to be protected under the CWA. The introduction of the term isolated has led to the consideration of the relative connectivity between waters and wetlands as a jurisdictionally relevant factor. The more recent Rapanos case further questioned the definition of "waters of the United States" and the scope of federal regulatory jurisdiction over such waters but resulted in a split decision which did not provide definitive answers but expanded on the concept that a 'significant nexus' with traditional navigable waters was needed for certain waters to be considered within the jurisdiction of the Corps.

On June 5, 2007 the EPA and the Corps released guidance on CWA jurisdiction in response to the Rapanos Supreme Court decisions, which can be used to support a finding of CWA coverage for a particular water body when either a) there is a significant nexus between the stream or wetland in question and navigable waters in the traditional sense; or b) a relatively permanent water body is hydrologically connected to traditional navigable waters and/or a wetland has a surface connection with that water. According to this guidance the Corps and the EPA will take jurisdiction over the following waters: 1) Traditional navigable waters; 2) Wetlands adjacent to traditional navigable waters, including adjacent wetlands that do not have a continuous surface connection to traditional navigable waters; 3) Non-navigable tributaries of traditional navigable waters that are relatively permanent where the tributaries typically flow year-round or have continuous flow at least seasonally (e.g., typically three months); 4) Wetlands adjacent to non-navigable tributaries, as defined above, that have a continuous surface connection to such tributaries (e.g. they are not separated by uplands, a berm, dike, or similar feature).

The EPA and the Corps will claim jurisdiction over the following waters, based on a fact-specific determination of significant nexus, as defined below, to a traditional navigable water: non-navigable tributaries that are not relatively permanent; wetlands adjacent to non-navigable tributaries that are not relatively permanent; and wetlands adjacent to but that do not directly abut a relatively permanent non-navigable tributary.

The EPA and the Corps generally do not assert jurisdiction over the following features: swales or erosional features (e.g., gullies, small washes characterized by low volume, infrequent, or short duration flow); ditches (including roadside ditches) excavated wholly in and draining only uplands and that do not carry a relatively permanent flow of water.

The EPA and the Corps have defined the significant nexus standard as follows:

> A significant nexus analysis assesses the flow characteristics and functions of the tributary itself and the functions performed by all wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical and biological integrity of downstream traditional navigable waters.

Significant nexus analysis includes consideration of hydrologic and ecologic factors including: volume, duration, and frequency of flow; proximity to a traditional navigable water; size of the watershed; average annual rainfall; average annual winter snow pack; potential of tributaries to carry pollutants and flood waters to traditional navigable waters; provision of aquatic habitat that supports a traditional navigable water; potential of wetlands to trap and filter pollutants or store flood waters; and maintenance of water quality in traditional navigable waters.

3.3 Office Preparation

Literature Review

Metis Environmental reviewed the following information relevant to this delineation:

- *Jepson eFlora* (Jepson Flora Project, 2018) and *The Jepson Manual: Higher Plants of California* (Hickman, 1993);
- Google Earth Historic Aerials (1993-2018)
- USDA NRCS, Web Soil Survey online application 2018
- *National Wetland Plant List* (Lichvar and Kartesz, 2012)

3.4 Field Survey Methods

Dates

Metis Environmental Biologists J. King and P. Berryhill conducted a routine delineation of waters of the U.S. within the wetland delineation study area on March 6, 2018.

Field Delineation Methods

Data Collection

Wetland signatures on the project site were investigated within the delineation study area and the delineation study area was walked such that visual coverage was 100 percent. All potential wetlands identified on the ground within the study area were delineated by comparing aerial imagery to existing site conditions.

Data were collected at 6 points within the study area. In accordance with the Corp's guidance, sample points were taken at sites representative of the vegetation, hydrology, and physical characteristics across the wetland types and at adjacent upland areas. Results were extrapolated to nearby wetlands exhibiting similar vegetation and hydrologic conditions. Paired upland data points were established for three wetland data points. Arid West data sheets were used to record information at each data point after field data were gathered.

Determination of Hydrophytic Vegetation

At each data point vegetation was analyzed within a 9-foot radius for herbaceous species. All species noted within the study plots were recorded on the data sheets. The indicator status of each species was confirmed in the field, to the extent feasible, with Arid West 2016 Regional Wetland Plant List (Lichvar, Banks, Kirchner, and Melvin 2016). Dominance and/or prevalence calculations were performed in the field as well. When the vegetation passed either the dominance or prevalence test the point was considered to have hydrophytic vegetation.

Determination of Hydric Soils

Soils were analyzed in accordance with the Corps' *Arid West Manual* (2008). Soil pits were excavated to the maximum depth possible and soil color was matched against a standard color chart (Munsell, 2000). Soils were inspected for redoximorphic features and soil texture was determined. It was then possible to determine if the soils met any of the hydric soils criteria listed on the Arid West data sheets. Where soils did not exhibit hydric soil criteria consideration was given as to whether the data point in question had the potential to be saturated, ponded or have a water table within 12 inches of the surface for 14 or more consecutive days during the growing season. With the presence of wetland vegetation and hydrology, this technical standard can be used to characterize a soil as hydric (Corps, 2008).

Determination of Wetland Hydrology

Hydrology was assessed using the Corps' 2008 *Arid West Manual's* revised hydrology indicators (e.g., water inundation, water marks, inundation visible on aerial imagery, or biotic crusts). Soils in the wetland areas were inundated or saturated at the time of the delineation field work. Where hydrology indicators were weak, consideration was given as to whether the technical standard quoted above for hydrology and soils might reasonably be applied to a given site.

Mapping and Acreage Calculations

Wetland boundaries were recorded in the field by the use of measuring tape and through investigation of aerial signature correspondence on maps. Features were mapped by hand on aerial images and field notes were taken on the specific characteristics of each feature (vegetation type and quality, disturbance levels, etc.). Final mapping included correction of original data as well as digitizing data using field maps, notes, and aerial photographs (air photos over several years). Area calculations for potential wetlands were computed using ArcGIS 10.1 (preliminary acreage calculated with google earth polygon tool).

CHAPTER 4
Results

4.1 Organization

Field delineation results for the study area are presented below. Delineation maps and datasheets for the project, and other supporting information, such as a jurisdictional determination analysis map, a soils map, and representative photographs for the delineation study area are presented in Appendices A through G.

4.2 Results

A total of 0.16 acres of waters of the US and 0.26 acres of waters of the State occur within the delineation study area. **Table 4-1** below presents all delineated features within the delineation study area and summarizes estimated State jurisdictional areas for each feature type.

Five seasonal wetlands (waters of the State) have been identified in the study area:

TABLE 4-1
WATERS OF THE US AND STATE WITHIN THE DELINEATION STUDY AREA

Feature Type	Data Points (DP)	Potential State Jurisdiction	Potential Federal Jurisdiction
Seasonal Wetlands			
SW-1	1,2	0.01	
SW-2	3,4	0.09	
Wetland Drainage Ditch			
WDD-1		0.01	0.01
WDD-2		0.01	0.01
WDD-3	5,6	0.14	0.14
Total		0.26	0.16

SOURCE: Metis Environmental, 2018.

4.2.1 Wetlands

Within the study area seasonal wetlands occur and are represented by sample points1, 3, and 5 (see Appendix B for datasheets). The corresponding upland positions are represented by sample

points 2, 4, and 6. Seasonal Wetland-1 (SW-1), Seasonal Wetland-2 (SW-2), Wetland Drainage Ditch-1 (WDD-1) and Wetland Drainage Ditch-2 (WDD-2), and Wetland Drainage Ditch-3 (WDD-3) are mapped in Appendix A.

Seasonal Wetlands/Wetland Drainage Ditch

The seasonal wetland features within the study area are vegetated with annual herbaceous species typically found within ephemeral depressions in California. With a slightly alkaline soil underlying the study area, the vegetation skews toward alkali tolerant plants species. Saltgrass (*Distichlis spicata*-FAC), a dominant perennial species within the study area and alkali heath (*Frankenia salina*-FACW), a less common subshrub, were observed at the wetland data points. Other species observed at the wetland locations included spike rush (*Eleocharis macrostachya*-OBL), umbrella sedge (*Cyperus eragrostis*-FACW), creeping wild rye (*Lemus* tritichoides-FAC), cocklebur (*Xanthium strumarium*-FAC), rabbit's foot grass (*Polypogon monospelinensis*-FACW), and prickly ox-tongue (*Helminthotheca echioides*-FAC).

The plant species observed in the wetland areas were dominated by hydrophytes and were sufficient in dominance and prevalence to determine vegetative conditions are consistent with wetland criteria. Wetland vegetation criteria were met at sample points 1, 3, and 5. Vegetation at sample points 2, 4 and 6 was not indicative of wetland conditions as it was dominated by upland species associated with non-native annual grasslands habitat.

4.2.2 Soils

Soil at wetland sample point 1, located at the topographic low point within SW-1, exhibited a matrix of very dark gray (2.5 Y 3/1) clay loam from zero to nine inches. Between ten and 15 inches the soil darkens to a black (2.5 Y 2.5/1) clay with depletions colored a light olive brown (2.5 Y 5/6) representing 5 percent of the soil. This soil sample met hydric soil indicator F6: Redox Dark Surface.

Soil sampled at sample point 3 and 5 had a matrix of very dark gray (2.5 Y 3/1) clay loam from zero to five inches. Between six and 14 inches in the soil profile was represented by a black (2.5 Y 2.5/1) clay with depletions colored a light olive brown (2.5 Y 5/6) representing 10 percent of the soil. This soil sample met hydric soil indicator F6: Redox Dark Surface.

Upland sample points 2, 4, and 6 exhibited a matrix of dark olive brown (2.5 Y 3/3) rocky loam. Redox features were lacking in the uplands and this distinction was used to verify the edge of the wetland polygons. The top five inches of the soils were populated with 20 percent base rock that likely spilled over into the low-lying areas adjacent to the recently constructed residential development. When the concrete retaining walls were built to the east this rock material likely was deposited during construction. On the west side of the Iron Horse Trail rock is found on the slope were ballast for the abandoned rail road line was incorporated in the soils during construction and over the years of operation.

4.2.3 Hydrology

Numerous primary wetland hydrology indicators within the seasonal wetlands were recorded at sample point 1 (which represents SW-1) where surface water (A1), high water table (A2), and inundation on aerial imagery (B7) were observed. At sample points 3 and 5 (which represent SW-2, WDD-1 and WDD-2, surface water (A1), saturation (A3), water marks (B1), sediment deposits (B2), inundation visible on aerial imagery (B7) and biotic crust (B12) were observed.

Approximately 2 inches of rainfall was recorded on February 28, 2018 prior to the field visit on March 6, 2018. The study area was observed to have standing water at all the wetland locations.

No visible signs of flow were detected in the seasonal wetlands (SW-1 and SW-2) located on the northeast side of the Iron Horse Trail. These appear to be confined to the limits of the topographic low points between the levee toe to the west and the concrete retaining walls to the east. The Iron Horse Trail levee is an impediment to water reaching the Chabot Channel to the west. In the southern most reach of the study area, a culvert pipe occurs south of the SW-2. This pipe lies a few feet above the elevation at which ponding occurs in SW-2. In the past, prior to subdivision development and retaining wall and detention basin construction, it is likely that water from the east contributed to ponding and water movement along the rail road levee toe. Current land configuration has diverted water into retention basins from the high-density housing to the east. It appears that water that once contributed to SW-1 and SW-2 is now diverted to urban detention basins. It is possible that in the past water flows moved south from the existing location at SW-1 and SW-2. That does not appear to be possible with current barriers to water movement and higher elevation of culvert pipe in relationship to elevation of levee toe.

On the southwestern toe of the Iron Horse Trail culverts exist to the north and south of WDD-1, WDD-2 and WDD-3. Some evidence of water movement to the north was observed. It is likely that under heavy rain fall water moves from the south to the north along the southwestern levee toe and enters the storm drain located at Dublin Boulevard. A culvert pipe is present at the end of the toe swale where it meets Dublin Boulevard to the north. WDD-1 lies adjacent to the culvert pipe at Dublin Boulevard, while WDD-2 and WDD-3 likely contribute water flow under heavy rainfall conditions, appearing to flow from south to north. There were limited signs of vegetation being pressed to the ground along an approximately 240-linear foot section between WDD-2 and WDD-3, but this area lacks a defined bed and bank and supports no wetland vegetation. A swale is formed at the toe of the Iron Horse Trail levee, but the entirety of the toe does not support wetland conditions between the three wetland drainage ditch features.

4.3 Clean Water Act Analysis

A Jurisdictional Determination Analysis Map, which summarizes the information presented here, can be found in Appendix A. This section provides a brief summary of the Section III Clean Water Act Analysis (CWA Analysis), Parts A and B for all delineated features, which is supplemental information requested by the Corp's San Francisco District. Information used to support the CWA Analysis presented herein includes the following: Review of U.S. Geological

Survey (USGS) topographic quadrangles and high-resolution aerials covering the study area and field studies conducted in April 2018.

4.3.1 Corps Jurisdictional Wetlands

Three wetland drainage ditches (WDD-1, WDD-2 and WDD-3) delineated within the study area appear to be tributary to waters of the U.S. and therefore, would potentially fall under the jurisdiction of the Corps based on the presence of a chemical, physical or biological connection to waters of the U.S., as described in further detail below.

WDD-1, WDD-2, and WDD-3 are connected to each other along the toe of the Iron Horse Trail levee and are wetlands located adjacent to a RPW via connection through the storm drain system along Dublin Boulevard. The Chabot Channel is a relatively permanent water as established by its seasonal flow that is present continuously for more than three months of the year, coinciding with the rainy season. The water that collects within WDD-1, WDD-2, and WDD-3 can move to the north under heavy rainfall events, entering the storm drain to Chabot Channel and thus directly tributary to a water of the U.S. Some of the biological functions these wetlands perform include the transport of water and nutrients to downstream waters, processing of organic wastes, attenuation of downstream flooding through interception of surface runoff and water storage onsite, reduction of suspended sediment delivered to downstream waters, groundwater replenishment, and supporting biodiversity at the site and watershed levels through provision of wetland habitat.

4.3.2 Non-Corps Jurisdictional Wetlands/Isolated Wetlands (State Jurisdiction)

Seasonal wetlands (SW-1 and SW-2) delineated within the study area are not tributary to waters of the U.S. and therefore, do not appear to be under the jurisdiction of the Corps based on the absence of a chemical, physical or biological connection to waters of the U.S., as described in further detail below. Therefore, these seasonal wetlands fall within Sections F on the Approved Jurisdictional Delineation Form (Rapanos Form) as issued by the Corps.

It appears that the SW-1 and SW-2 qualify under Section F as non-jurisdictional waters, including wetlands, since these wetlands would likely have been regulated under the “Migratory Bird Rule” prior to the “SWANCC” ruling by the Supreme Court on January 1st 2001. The site provides limited winter foraging for migratory birds within the seasonal wetlands. The seasonal wetlands are inundated for longer than two weeks and function in a low capacity in shore bird or water fowl foraging (SW-2 supports water for a longer period of time). As such, these wetlands would likely be considered waters of the State and regulated by the Regional Water Quality Control Board as isolated wetlands.

Substantiation of the lack of a chemical, physical or biological connection to waters of the U.S. is provided below.

The hydrologic regime on the north side of the Iron Horse Trail consists of a contained system where water does not flow off the 1-acre watershed to enter a water of the U.S. The isolated wetlands within the study area were observed to consist of shallow topographic depressions at the toe of a repurposed rail road levee. Seasonal rainfall sheet flows off the paved surfaces and northeastern levee slope and collects in toe formed at the base of the levee where no outlet for drainage is present, and thus no physical connection to waters of the U.S can be substantiated.

The study area is surrounded by paved road surfaces which prevent the potential movement of water off site. Water which fills the topographic depressions on the site would not exceed a quantity or volume that would flow off the study area based on the small size of the watershed (1 acre). Since water flows are not documented to move off of the study area there is no transport of chemicals or other biological mater from the study area to a waters of the U.S. The nearest potentially Corps jurisdictional feature in the vicinity is Chabot Channel which is separated from connection through the Iron Horse Trail levee.

On site hydrology is limited to direct precipitation and there is no larger contributing watershed located at higher elevations to add water volume to the hydrology of the study area. Rain water that flows off the adjacent development to the east is funneled into onsite detention basins and does not reach SW-1 and SW-2.

Based on the presence of ponded water above the soil surface within the study area, some form of a restrictive layer is present below the top 12 inches of the soil matrix which does not allow for water to permeate the soil in the locations where the seasonal wetlands have formed. Soils are described by the NRCS as having very slow permeability which matches the conditions observed on site. The lack of permeability contributes to the formation of seasonal wetlands on the site and minimizes the potential for subsurface water flows to nearby waters of the U.S.

The seasonal wetlands within the study area meet the three Corps parameters for wetlands but are not located adjacent to and/or abutting a waters of the U.S. and therefore are likely regulated as isolated wetlands by the RWQCB as waters of the State.

CHAPTER 5

Report Preparation and References

5.1 Report Preparation

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Project Manager:	P. Berryhill
Wetland Delineation:	J. King
Report Preparation:	J. King
Graphics:	J. King

5.2 References and Sources Consulted

Cardno, March 13, 2018. *Wetland Delineation Map, Scarlett Drive/Iron Horse Trail Extension Project*, Dublin CA.

Corps, 2008. *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (*Version 2.0*), December 2008, Final Report, [ERDC/EL TR-08-28], U.S. Army Engineer Research and Development Center, Vicksburg, MS.

Environmental Laboratory, 1987. *Corps of Engineers Wetland Delineation Manual*, January 1987, Final Report, Department of the Army Waterways Experiment Station, Vicksburg, Mississippi.

Hickman, J.C., (Ed.) 1993. *The Jepson Manual: Higher Plants of California.* University of California Press, Berkeley, California.

FEMA Flood Map, August 3, 2009. Map 06001CO309G.

Jepson Flora Project (eds.) 2012. *Jepson eFlora*, http://ucjeps.berkeley.edu/IJM.html [Accessed on November 20, 2012]

Lichvar, R.W., D.L. Banks, W.N Kirchner, and N.C. Melvin. 2016. The National Wetland Plant List: 2016 wetland ratings. Pytoneeuron 2016-30: 1-17. Published 28 April 2016 ISSN 2153 733X.

Munsell Soil Color Charts, 2000 revised edition. Munsell Color, Macbeth Division of Kollmorgen Instruments Corporation, New Windsor, NY.

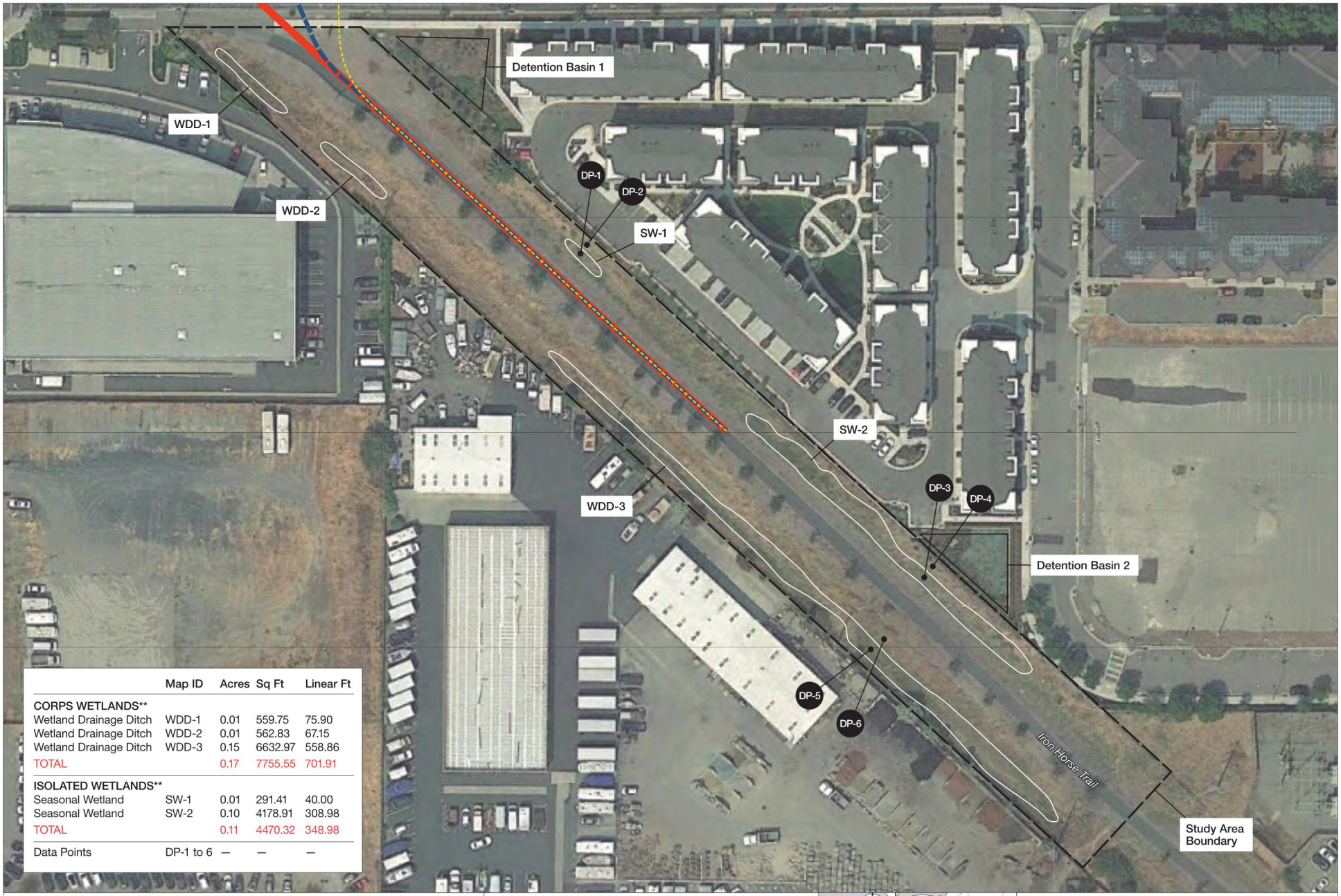
RFB Consulting, *Dublin Crossing Specific Plan Draft Environmental Impact Report* 2013. Appendix C, Biological Resources.

USDA, NRCS, 20, Livermore, Alameda County WETS Table Documentation. https://www.wcc.nrcs.usda.gov/climate/navigate_wets.html [March 20, 2018.]

USDA, NRCS, Soil Survey Staff, Web Soil Survey. Available online at http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx [Accessed on March 28, 2018].

APPENDIX A

Delineation Maps



	Map ID	Acres	Sq Ft	Linear Ft
CORPS WETLANDS**				
Wetland Drainage Ditch	WDD-1	0.01	559.75	75.90
Wetland Drainage Ditch	WDD-2	0.01	562.83	67.15
Wetland Drainage Ditch	WDD-3	0.15	6632.97	558.86
TOTAL		0.17	7755.55	701.91
ISOLATED WETLANDS**				
Seasonal Wetland	SW-1	0.01	291.41	40.00
Seasonal Wetland	SW-2	0.10	4178.91	308.98
TOTAL		0.11	4470.32	348.98
Data Points	DP-1 to 6	—	—	—

LEGEND

Study Area Boundary

Detention Basin

Wetland

Data Point

Alternative 1

Alternative 2

Alternative 3

0 100

Feet

NOTES:

*This exhibit depicts information and data produced in strict accord with the U.S. Army Corps of Engineers wetland delineation methods described in the 1987 Corps of Engineers Wetland Delineation Manual and conforms to specifications per the Corps Sacramento District. However, wetland boundaries have not been legally surveyed and may be subject to minor adjustments if exact locations are required.

**The acreage value for each feature has been rounded to the nearest 1/100 decimal. Summation of these values may not equal the total potential Waters of the U.S. acreage reported.

Metis Environmental Group

IRON HORSE TRAIL
DUBLIN BOULEVARD OVERCROSSING PROJECT
Dublin, California

Wetland Delineation Map*

Preparation Date: 5-31-2018

APPENDIX B

Wetland Datasheets

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Iron Horse at Scarlett Drive. City/County: Alameda Sampling Date: 3/6/2018

Applicant/Owner: State: CA Sampling Point: 1

Investigator(s): J. King, P. Berryhill Section, Township, Range:

Landform (hillslope, terrace, etc.): terrace (NRCS) Local relief (concave, convex, none): Concave Slope (%): 0-2

Subregion (LRR): Lat: 37°42'18.79" Long: 121°54'10.23" Datum:

Soil Map Unit Name: Clear Lake clay, drained. 0 to 2 % slopes NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No (If no, explain in Remarks.)

Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes X No

Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ✓ No	**Is the Sampled Area within a Wetland?** Yes ✓ No
Hydric Soil Present?	Yes ✓ No	
Wetland Hydrology Present?	Yes ✓ No	

Remarks: Facultative community supported by seasonal ponding. Watershed small-consists of slopes from Iron Horse trail + adjacent land to north.

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: ____)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	= Total Cover		
Sapling/Shrub Stratum (Plot size: ____)			
1.			
2.			
3.			
4.			
5.			
	= Total Cover		
Herb Stratum (Plot size: 3 m²)			
1. Distichlis spicata	70	Y	FAC
2. Xanthium strumarium	10	N	FAC
3. Lolium multiflorum	30	Y	FAC
4.			
5.			
6.			
7.			
8.			
	110 = Total Cover		
Woody Vine Stratum (Plot size: ____)			
1.			
2.			
	= Total Cover		

% Bare Ground in Herb Stratum 0 % Cover of Biotic Crust 0

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 66 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	110	x 3 =	330
FACU species	0	x 4 =	0
UPL species	0	x 5 =	0
Column Totals:	110 (A)		330 (B)

Prevalence Index = B/A = 3

Hydrophytic Vegetation Indicators:

✓ Dominance Test is >50%

✓ Prevalence Index is ≤3.0[1]

___ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes ✓ No

Remarks: Wetland vegetation present.

Iron Horse at Scarlett Drive

SOIL

Sampling Point: 1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-9	2.5Y 3/1	100					clay loam	
10-15	2.5Y 2.5/1	95	2.5Y 5/6	5	D	M	clay	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) **(LRR C)**
- ___ 1 cm Muck (A9) **(LRR D)**
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ✓ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Vernal Pools (F9)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) **(LRR C)**
- ___ 2 cm Muck (A10) **(LRR B)**
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes ✓ No ___

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ✓ Surface Water (A1)
- ✓ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1) **(Nonriverine)**
- ___ Sediment Deposits (B2) **(Nonriverine)**
- ___ Drift Deposits (B3) **(Nonriverine)**
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water Marks (B1) **(Riverine)**
- ___ Sediment Deposits (B2) **(Riverine)**
- ___ Drift Deposits (B3) **(Riverine)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes ✓ No ___ Depth (inches): 1"

Water Table Present? Yes ___ No ___ Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes ___ No ___ Depth (inches): _____

Wetland Hydrology Present? Yes ✓ No ___

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: Water about 1" deep in vicinity of soil test pit. H_2O filled hole instantly upon digging pit.

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Iron Horse at Scarlett Drive. City/County: Alameda Sampling Date: 3/6/2018

Applicant/Owner: State: CA Sampling Point: 2

Investigator(s): J. King, P. Berryhill Section, Township, Range:

Landform (hillslope, terrace, etc.): terrace (NRCS) Local relief (concave, convex, none): none Slope (%): 0-2

Subregion (LRR): Lat: 37°42'18.82" Long: 121° 54' 10.08" Datum:

Soil Map Unit Name: Clear Lake clay, drained. 0 to 2 % slopes NWI classification: none

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ____ (If no, explain in Remarks.)

Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes X No ____

Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes ____ No ✓

Hydric Soil Present? Yes ____ No ✓

Wetland Hydrology Present? Yes ____ No ✓

Is the Sampled Area within a Wetland? Yes ____ No ✓

Remarks: Upland position to compare to adjacent swale.

VEGETATION – Use scientific names of plants.

	Absolute % Cover	Dominant Species?	Indicator Status
Tree Stratum (Plot size: ____)			
1.			
2.			
3.			
4.			
	____ = Total Cover		
Sapling/Shrub Stratum (Plot size: ____)			
1.			
2.			
3.			
4.			
5.			
	____ = Total Cover		
Herb Stratum (Plot size: 3 m²)			
1. Brassica nigra	30	Y	UPL
2. Bromus diandrus	35	Y	UPL
3. Avena fatua	10	N	UPL
4. Vicia sativa	10	N	UPL
5.			
6.			
7.			
8.			
	85 = Total Cover		
Woody Vine Stratum (Plot size: ____)			
1.			
2.			
	____ = Total Cover		

% Bare Ground in Herb Stratum 15 % Cover of Biotic Crust 0

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 0 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	0	x 3 =	0
FACU species	0	x 4 =	0
UPL species	85	x 5 =	425
Column Totals:	85 (A)		425 (B)

Prevalence Index = B/A = 5

Hydrophytic Vegetation Indicators:

___ Dominance Test is >50%

___ Prevalence Index is ≤3.0[1]

___ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes ____ No ✓

Remarks: Upland position for comparison to DP1.

Scarlett Drive

SOIL

Sampling Point: 2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-15	2.5 Y 3/3	100						rocky loam

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) **(LRR C)**
- ___ 1 cm Muck (A9) **(LRR D)**
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Vernal Pools (F9)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) **(LRR C)**
- ___ 2 cm Muck (A10) **(LRR B)**
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No ✓

Remarks: Some rocky - base rock - fill debris.

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1) **(Nonriverine)**
- ___ Sediment Deposits (B2) **(Nonriverine)**
- ___ Drift Deposits (B3) **(Nonriverine)**
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water Marks (B1) **(Riverine)**
- ___ Sediment Deposits (B2) **(Riverine)**
- ___ Drift Deposits (B3) **(Riverine)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes _____ No ✓ Depth (inches): _____

Water Table Present? Yes _____ No ✓ Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes _____ No ✓ Depth (inches): _____

Wetland Hydrology Present? Yes _____ No ✓

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: No hydrology. DP2 up slope from the swale described by DP1.

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Iron Horse at Scarlett Drive. City/County: Alameda Sampling Date: 3/6/2018

Applicant/Owner: State: CA Sampling Point: 3

Investigator(s): J. King, P. Berryhill Section, Township, Range:

Landform (hillslope, terrace, etc.): terrace (NRCS) Local relief (concave, convex, none): Concave Slope (%): 0-2

Subregion (LRR): Lat: 37°42'15.78" Long: 121°54'06.16" Datum:

Soil Map Unit Name: Clear Lake clay, drained. 0 to 2 % slopes NWI classification: NONE

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes X No _____

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ✓ No _____	Is the Sampled Area within a Wetland? Yes ✓ No _____
Hydric Soil Present?	Yes ✓ No _____	
Wetland Hydrology Present?	Yes ✓ No _____	

Remarks: Perennial hydrophytic vegetation is supported by seasonal innundation. Soils hydric. Wetland crit. are met.

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	_____ = Total Cover		
Sapling/Shrub Stratum (Plot size: _____)			
1.			
2.			
3.			
4.			
5.			
	_____ = Total Cover		
Herb Stratum (Plot size: 3m²)			
1. Eleocharis macrostachya	65	Y	OBL
2. Distichlis spicata	35	Y	FAC
3. Cyperus eragrostis	1	N	FACW
4.			
5. → "E. palustris" in AridWest			
6.			
7.			
8.			
	101 = Total Cover		
Woody Vine Stratum (Plot size: _____)			
1.			
2.			
	_____ = Total Cover		

% Bare Ground in Herb Stratum 0 % Cover of Biotic Crust 0

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across All Strata: 2 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	65	x 1 =	65
FACW species	1	x 2 =	2
FAC species	35	x 3 =	105
FACU species		x 4 =	
UPL species		x 5 =	
Column Totals:	101 (A)		172 (B)

Prevalence Index = B/A = 1.70

Hydrophytic Vegetation Indicators:

✓ Dominance Test is >50%

✓ Prevalence Index is ≤3.0[1]

___ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes ✓ No _____

Remarks: Emergent wetland species dominant in swale meets hydrophytic criteria for wetland.

Iron Horse at Scarlett Drive

SOIL

Sampling Point: 3

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-10	2.5Y 3/1	100						loam w/rock
10-15	2.5Y 2.5/1	90	2.5Y 5/6	10	D	M		clay

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) **(LRR C)**
- ___ 1 cm Muck (A9) **(LRR D)**
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ✓ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Vernal Pools (F9)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) **(LRR C)**
- ___ 2 cm Muck (A10) **(LRR B)**
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes ✓ No ___

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ✓ Surface Water (A1)
- ___ High Water Table (A2)
- ✓ Saturation (A3)
- ___ Water Marks (B1) **(Nonriverine)**
- ___ Sediment Deposits (B2) **(Nonriverine)**
- ___ Drift Deposits (B3) **(Nonriverine)**
- ___ Surface Soil Cracks (B6)
- ✓ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water Marks (B1) **(Riverine)**
- ___ Sediment Deposits (B2) **(Riverine)**
- ___ Drift Deposits (B3) **(Riverine)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes ✓ No ___ Depth (inches): 1-3"

Water Table Present? Yes ___ No ___ Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes ___ No ___ Depth (inches): _____

Wetland Hydrology Present? Yes ✓ No ___

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: Water perched above soil surface with shallow linear polygon in lowest topo of swale

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Iron Horse at Scarlett Drive. City/County: Alameda Sampling Date: 3/6/2018

Applicant/Owner: State: CA Sampling Point: 4

Investigator(s): J. King, P. Berryhill Section, Township, Range:

Landform (hillslope, terrace, etc.): terrace (NRCS) Local relief (concave, convex, none): Slope (%): 0-2

Subregion (LRR): Lat: 37°42'15.66" Long: 121°54'06.26" Datum:

Soil Map Unit Name: Clear Lake clay, drained. 0 to 2 % slopes NWI classification: none

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No (If no, explain in Remarks.)

Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes X No

Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes ____ No ✓

Hydric Soil Present? Yes ____ No ✓

Wetland Hydrology Present? Yes ____ No ✓

Is the Sampled Area within a Wetland? Yes ____ No ✓

Remarks: Upland position.

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: ____)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	= Total Cover		
Sapling/Shrub Stratum (Plot size: ____)			
1.			
2.			
3.			
4.			
5.			
	= Total Cover		
Herb Stratum (Plot size: 3m²)			
1. Helminthotheca echioides	25	Y	FAC
2. Bromus diandrus	25	Y	UPL
3. Avena fatua	30	Y	UPL
4. Lolium multiflorum	10	N	FAC
5.			
6.			
7.			
8.			
	90 = Total Cover		
Woody Vine Stratum (Plot size: ____)			
1.			
2.			
	= Total Cover		

% Bare Ground in Herb Stratum 10 % Cover of Biotic Crust ____

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 33 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	35	x 3 =	105
FACU species	0	x 4 =	0
UPL species	55	x 5 =	275
Column Totals:	90 (A)		380 (B)

Prevalence Index = B/A = 4.2

Hydrophytic Vegetation Indicators:

___ Dominance Test is >50%

___ Prevalence Index is ≤3.0[1]

___ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes ____ No ✓

Remarks: Upland position for comparison to DP 3.

Iron Horse @ Scarlett Drive

SOIL

Sampling Point: 4

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-15	2.5Y 3/3	100						rocky loam

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) **(LRR C)**
- ___ 1 cm Muck (A9) **(LRR D)**
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Vernal Pools (F9)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) **(LRR C)**
- ___ 2 cm Muck (A10) **(LRR B)**
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No ✓

Remarks: Upland colors. Not hydric.

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1) **(Nonriverine)**
- ___ Sediment Deposits (B2) **(Nonriverine)**
- ___ Drift Deposits (B3) **(Nonriverine)**
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water Marks (B1) **(Riverine)**
- ___ Sediment Deposits (B2) **(Riverine)**
- ___ Drift Deposits (B3) **(Riverine)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes _____ No ✓ Depth (inches): _____

Water Table Present? Yes _____ No ✓ Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes _____ No ✓ Depth (inches): _____

Wetland Hydrology Present? Yes _____ No ✓

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: On slope to swale - no hydric indicators.

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Iron Horse at Scarlett Drive. City/County: Alameda Sampling Date: 3/6/2018

Applicant/Owner: State: CA Sampling Point: 5

Investigator(s): J. King, P. Berryhill Section, Township, Range:

Landform (hillslope, terrace, etc.): terrace (NRCS) Local relief (concave, convex, none): concave Slope (%): 0-2

Subregion (LRR): Lat: 37°42'16.96" Long: 121°54'09.11" Datum:

Soil Map Unit Name: Clear Lake clay, drained. 0 to 2 % slopes NWI classification: none

Are climatic / hydrologic conditions on the site typical for this time of year? Yes x No (If no, explain in Remarks.)

Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes x No

Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes ✓ No

Hydric Soil Present? Yes ✓ No

Wetland Hydrology Present? Yes ✓ No

Is the Sampled Area within a Wetland? Yes ✓ No

Remarks: Historic train track ditch on dowwn hill slope from levee. Some culverts to north + south exist but appear to cease in function. Appears isolated

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size:)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	= Total Cover		
Sapling/Shrub Stratum (Plot size:)			
1.			
2.			
3.			
4.			
5.			
	= Total Cover		
Herb Stratum (Plot size: 3m²)			
1. Xanthium strumarium	20	Y	FAC
2. Polypogon monospeliensis	15	Y	FACW
3. Lemus tritichoides	25	Y	FAC
4. Helminthotheca echioides	10	N	FAC
5. Frankenia Salina	20	Y	FACW
6.			
7.			
8.			
	90 = Total Cover		
Woody Vine Stratum (Plot size:)			
1.			
2.			
	= Total Cover		

% Bare Ground in Herb Stratum 0 % Cover of Biotic Crust 10

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 4 (A)

Total Number of Dominant Species Across All Strata: 4 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species 0	x 1 = 0
FACW species 35	x 2 = 70
FAC species 55	x 3 = 165
FACU species	x 4 =
UPL species	x 5 =
Column Totals: 90 (A)	235 (B)

Prevalence Index = B/A = 2.6

Hydrophytic Vegetation Indicators:

✓ Dominance Test is >50%

✓ Prevalence Index is ≤3.0[1]

__ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

__ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes ✓ No

Remarks: Hydrophyic vegetation sitting in standing water

Iron Horse at
Scarlett Drive

Sampling Point: 5

SOIL

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-5	2.5 3/1	100					clay loam	
5-14	2.5 2.5/1	90	2.5Y 5/6	10	D	M	clay	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) **(LRR C)**
- ___ 1 cm Muck (A9) **(LRR D)**
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ✓ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Vernal Pools (F9)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) **(LRR C)**
- ___ 2 cm Muck (A10) **(LRR B)**
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes ✓ No ___

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ✓ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ✓ Water Marks (B1) **(Nonriverine)**
- ✓ Sediment Deposits (B2) **(Nonriverine)**
- ___ Drift Deposits (B3) **(Nonriverine)**
- ___ Surface Soil Cracks (B6)
- ✓ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ✓ Biotic Crust (B12) Algal Matting
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water Marks (B1) **(Riverine)**
- ___ Sediment Deposits (B2) **(Riverine)**
- ___ Drift Deposits (B3) **(Riverine)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes ✓ No ___ Depth (inches): 12-24"

Water Table Present? Yes ___ No ___ Depth (inches): ___

Saturation Present? (includes capillary fringe) Yes ___ No ___ Depth (inches): ___

Wetland Hydrology Present? Yes ✓ No ___

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: Swale adjacent to Iron Horse trail/levee with no outlet to drain. Outlets occur at a higher elevation than swale bottom. Water a foot+ deep with pronounced algal matting on surface

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Iron Horse @ Scarlett Drive. City/County: Alameda Sampling Date: 3/6/2018

Applicant/Owner: State: CA Sampling Point: 6

Investigator(s): J. King, P. Berryhill Section, Township, Range:

Landform (hillslope, terrace, etc.): terrace (NRCS) Local relief (concave, convex, none): slope Slope (%): 0-2

Subregion (LRR): Lat: 37°42'17.06" Long: 121°54'09.02" Datum:

Soil Map Unit Name: Clear Lake clay, drained. 0 to 2 % slopes NWI classification: none

Are climatic / hydrologic conditions on the site typical for this time of year? Yes x No ____ (If no, explain in Remarks.)

Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes x No ____

Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ____	No ✓	**Is the Sampled Area within a Wetland?** Yes ____ No ✓
Hydric Soil Present?	Yes ____	No ✓	
Wetland Hydrology Present?	Yes ____	No ✓	

Remarks: Upland for comparison to wetland position.

VEGETATION – Use scientific names of plants.

	Absolute % Cover	Dominant Species?	Indicator Status
Tree Stratum (Plot size: ____)			
1.			
2.			
3.			
4.			
	____ = Total Cover		
Sapling/Shrub Stratum (Plot size: ____)			
1.			
2.			
3.			
4.			
5.			
	____ = Total Cover		
Herb Stratum (Plot size: 3m²)			
1. Avena fatua	30	Y	UPL
2. Bromus diandrus	25	Y	UPL
3. Brassica nigra	25	Y	UPL
4. Helminthotheca echioides	5	N	FAC
5.			
6.			
7.			
8.			
	85 = Total Cover		
Woody Vine Stratum (Plot size: ____)			
1.			
2.			
	____ = Total Cover		

% Bare Ground in Herb Stratum 15 % Cover of Biotic Crust 0

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 0 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	5	x 3 =	15
FACU species	0	x 4 =	0
UPL species	80	x 5 =	400
Column Totals:	85 (A)		415 (B)

Prevalence Index = B/A = 4.88

Hydrophytic Vegetation Indicators:

___ Dominance Test is >50%

___ Prevalence Index is ≤3.0[1]

___ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes ____ No ✓

Remarks: Slope from Iron horse trail to swale on south west side.

Iron Horse @
Scarlett Drive

SOIL

Sampling Point: 6

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-13	2.5Y 3/3	100					rocky loam	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) **(LRR C)**
- ___ 1 cm Muck (A9) **(LRR D)**
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Vernal Pools (F9)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) **(LRR C)**
- ___ 2 cm Muck (A10) **(LRR B)**
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No ✓

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1) **(Nonriverine)**
- ___ Sediment Deposits (B2) **(Nonriverine)**
- ___ Drift Deposits (B3) **(Nonriverine)**
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water Marks (B1) **(Riverine)**
- ___ Sediment Deposits (B2) **(Riverine)**
- ___ Drift Deposits (B3) **(Riverine)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes _____ No ✓ Depth (inches): _____

Water Table Present? Yes _____ No ✓ Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes _____ No ✓ Depth (inches): _____

Wetland Hydrology Present? Yes _____ No ✓

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: No hydro. DP on a slope.

APPENDIX C

Approved Jurisdictional Determination Form (Rapanos Form)

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): May 30, 2018

B. DISTRICT OFFICE, FILE NAME, AND NUMBER:
San Francisco District
Iron Horse Bridge Trail Project

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State: California County/parish/borough: Alameda City: Dublin
Center coordinates of site (lat/long in degree decimal format): Lat. 37 42' 20.40"° **N**, Long. 121 54'13.09"° **W**.
Universal Transverse Mercator:
Name of nearest waterbody: Chabot Canal
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: San Francisco Bay
Name of watershed or Hydrologic Unit Code (HUC): 18050004 (San Francisco Bay)
☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc…) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):
☐ Office (Desk) Determination. Date:
☐ Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** "*navigable waters of the U.S.*" within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [*Required*]
☐ Waters subject to the ebb and flow of the tide.
☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain: .

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **are and are not** "*waters of the U.S.*" within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [*Required*]

1. **Waters of the U.S.**
   a. **Indicate presence of waters of U.S. in review area (check all that apply):** [1]
      ☐ TNWs, including territorial seas
      ☐ Wetlands adjacent to TNWs
      ☐ Relatively permanent waters[2] (RPWs) that flow directly or indirectly into TNWs
      ☐ Non-RPWs that flow directly or indirectly into TNWs
      ☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
      ☒ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
      ☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
      ☐ Impoundments of jurisdictional waters
      ☒ Isolated (interstate or intrastate) waters, including isolated wetlands

   b. **Identify (estimate) size of waters of the U.S. in the review area:**
      Non-wetland waters: linear feet: width (ft) and/or acres.
      Wetlands: 0.15 acres.

   c. **Limits (boundaries) of jurisdiction** based on: **Established by OHWM.**
      Elevation of established OHWM (if known): .

2. **Non-regulated waters/wetlands (check if applicable):**[3]
   ☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
   Explain: **Approximately 0.1 acre isolated wetland with no outlet to downstream receiving bodies. (Metis, 2018)**.

[1] Boxes checked below shall be supported by completing the appropriate sections in Section III below.
[2] For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).
[3] Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW
Identify TNW: .

Summarize rationale supporting determination: .

2. Wetland adjacent to TNW
Summarize rationale supporting conclusion that wetland is "adjacent": .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody[4] is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:
Watershed size: 2 **acres**
Drainage area: 2 **acres**
Average annual rainfall: 14.23 inches
Average annual snowfall: 0 inches

(ii) Physical Characteristics:
(a) Relationship with TNW:
☐ Tributary flows directly into TNW.
☒ Tributary flows through **4** tributaries before entering TNW.

Project waters are **30 (or more)** river miles from TNW.
Project waters are **1-2** river miles from RPW.
Project waters are **20-25** aerial (straight) miles from TNW.
Project waters are **1-2** aerial (straight) miles from RPW.
Project waters cross or serve as state boundaries. Explain: .

[4] Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

Identify flow route to TNW[5]: Wetland SW-3 and SW-4 are tributary to Chabot Channel which drains south to Arroyo Mocho. Arroyo Mocho is a tributary to Arroyo de la Laguna, which flows to Alameda Creek and eventually into San Francisco Bay.
Tributary stream order, if known: 5th order: Chabot Canal.

(b) General Tributary Characteristics (check all that apply):
Tributary is: ☐ Natural
☒ Artificial (man-made). Explain: The toe ditch at the base of the Iron Horse Trail levee is coincedental to construction.
☒ Manipulated (man-altered). Explain: The maintenance of the former rail road levee consisted of periodic land alteration on either side of the levee base.

Tributary properties with respect to top of bank (estimate):
Average width: depending on tributary range is between 8 to 10 feet
Average depth: depending on tributary range is between 6 inches and 2 feet
Average side slopes: **3:1 .**

Primary tributary substrate composition (check all that apply):
☒ Silts ☐ Sands ☐ Concrete
☐ Cobbles ☒ Gravel ☐ Muck
☐ Bedrock ☒ Vegetation. Type/% cover: Seasonal wetland and freshwater emergent vegetation is between 50% and 90% cover within the Iron Horse Trail levee toe ditch
☐ Other. Explain: .

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Stable levee slopes with paved walking trail on levee top.
Presence of run/riffle/pool complexes. Explain: None.
Tributary geometry: **Relatively straight**
Tributary gradient (approximate average slope): 1 %

(c) Flow:
Tributary provides for: **Ephemeral flow**
Estimate average number of flow events in review area/year: **2-5**
Describe flow regime: Winter storm events provide flow from rain fall runoff along the Iron Horse Trail during heavy rainfall. Average storm precipitation fills the levee toe ditches and water remains ponded for a long duration. At the time of heavy rainfall over a short time period the water levels can rise allowing flow to the north where water enters the culvert at Dublin Boulevard to the Chabot Channel.
Other information on duration and volume: .

Surface flow is: **Confined.** Characteristics: .

Subsurface flow: **Unknown**. Explain findings: .
☐ Dye (or other) test performed: .

Tributary has (check all that apply):
☐ Bed and banks
☒ OHWM[6] (check all indicators that apply):
☐ clear, natural line impressed on the bank ☐ the presence of litter and debris
☒ changes in the character of soil ☐ destruction of terrestrial vegetation
☐ shelving ☐ the presence of wrack line
☒ vegetation matted down, bent, or absent ☐ sediment sorting
☐ leaf litter disturbed or washed away ☐ scour
☒ sediment deposition ☐ multiple observed or predicted flow events
☒ water staining ☒ abrupt change in plant community
☐ other (list):
☒ Discontinuous OHWM.[7] Explain: Between WDD-1 and WDD-2, there occurs a higher topographic area (a slight rise in elevation) along the length of the toe ditch which shows only signs of plants being pressed down by water flow, but does not support or exhibit hydrophytic vegetation or standing water. WDD-1 and WDD-2 exhibit standing water and/or distinct hydrophytic vegetation.

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

[5] Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.
[6] A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.
[7] Ibid.

☒ High Tide Line indicated by:
- ☐ oil or scum line along shore objects
- ☐ fine shell or debris deposits (foreshore)
- ☐ physical markings/characteristics
- ☐ tidal gauges
- ☐ other (list):

☒ Mean High Water Mark indicated by:
- ☐ survey to available datum;
- ☐ physical markings;
- ☐ vegetation lines/changes in vegetation types.

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: .

Identify specific pollutants, if known: Various degrees of pollutants are possible. The toe drain lies at the base of a repurposed rail road levee. Could have pollutants in the soil from rail road maintenance and/or construction.

(iv) Biological Characteristics. Channel supports (check all that apply):

- ☐ Riparian corridor. Characteristics (type, average width): .
- ☒ Wetland fringe. Characteristics: Some emergent vegetation occurs along edges of water in toe ditch.
- ☐ Habitat for:
  - ☐ Federally Listed species. Explain findings: .
  - ☐ Fish/spawn areas. Explain findings: .
  - ☐ Other environmentally-sensitive species. Explain findings: .
  - ☐ Aquatic/wildlife diversity. Explain findings: .

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:

Properties:

Wetland size: 0.15 acres

Wetland type. Explain: Seasonal wetland.

Wetland quality. Explain: Low quality seasonal wetland and emergent wetland associated with levee toe. Low diversity of wetland plants and presence of non-native species.

Project wetlands cross or serve as state boundaries. Explain: .

(b) General Flow Relationship with Non-TNW:

Flow is: **Ephemeral flow**. Explain: .

Surface flow is**: Discrete and confined**

Characteristics: .

Subsurface flow: **Unknown**. Explain findings: .

- ☐ Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

- ☐ Directly abutting
- ☒ Not directly abutting
  - ☒ Discrete wetland hydrologic connection. Explain: Culvert pipe located at north end of WDD-1 conveys water into the Chabot Channel upon heavy rainfall events.
  - ☐ Ecological connection. Explain: .
  - ☐ Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

Project wetlands are **30 (or more)** river miles from TNW.

Project waters are **30 (or more)** aerial (straight) miles from TNW.

Flow is from: **Wetland to navigable waters.**

Estimate approximate location of wetland as within the **50 - 100-year** floodplain.

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: Unknown.

Identify specific pollutants, if known: .

(iii) Biological Characteristics. Wetland supports (check all that apply):

- ☐ Riparian buffer. Characteristics (type, average width): .
- ☒ Vegetation type/percent cover. Explain: Seasonal wetland 50-75%.
- ☐ Habitat for:
  - ☐ Federally Listed species. Explain findings: .
  - ☐ Fish/spawn areas. Explain findings: .
  - ☐ Other environmentally-sensitive species. Explain findings: .
  - ☐ Aquatic/wildlife diversity. Explain findings: .

3. Characteristics of all wetlands adjacent to the tributary (if any)

All wetland(s) being considered in the cumulative analysis: **2**

Approximately (0.15) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)
WDD-1 Y	0.01		
WDD-2 Y	0.14		

Summarize overall biological, chemical and physical functions being performed: Overall some of the biological functions these wetlands perform include the transport of water and nutrients to downstream waters, processing of organic wastes, attenuation of downstream flooding through interception of surface runoff and water storage onsite, reduction of suspended sediment delivered to downstream waters, groundwater replenishment, and supporting biodiversity at the site and watershed levels through provision of wetland habitat.

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: .

2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .

3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: Linear wetlands located at the toe of the repurposed Iron Horse Trail levee support seasonal wetland vegetation and standing water for more than 14 days during the growing season. During heavy rainfall water can rise to the level of connecting culvert infrastructure and flow into a relatively permanent water within Chabot Channel.

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
   - ☐ TNWs: linear feet width (ft), Or, acres.
   - ☐ Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**
   - ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: .

☐ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: .

Provide estimates for jurisdictional waters in the review area (check all that apply):
☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .

3. Non-RPWs[8] that flow directly or indirectly into TNWs.
☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):
☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.
☒ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

☒ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: WDD-1 and WDD-2 occur within the toe of the Iron Horse Trail levee which appears only to support water flow during the rainy season. Water roughly flows southeast to northwest entering a culvert at Dublin Boulevard before entering RPW (Chabot Channel) and has a direct connection to the downstream tributary.

Provide acreage estimates for jurisdictional wetlands in the review area: **0.15** acres.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.
☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.
☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. Impoundments of jurisdictional waters.[9]
As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.
☐ Demonstrate that impoundment was created from "waters of the U.S.," or
☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):[10]

---

[8] See Footnote # 3.
[9] To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.
[10] Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA *Memorandum Regarding CWA Act Jurisdiction Following Rapanos.*

☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
☐ which are or could be used for industrial purposes by industries in interstate commerce.
☒ Interstate isolated waters. Explain: SW-1 and SW-2 occur on the northeast side of the Iron Horse Trail levee and are physically isolated from the southern toe ditch which feeds to Chabot Channel.
☐ Other factors. Explain: .

Identify water body and summarize rationale supporting determination: .

Provide estimates for jurisdictional waters in the review area (check all that apply):
☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .
☒ Wetlands:Isolated wetlands SW-1 0.01, SW-2 0.09 acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):
☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
☐ Prior to the Jan 2001 Supreme Court decision in "*SWANCC*," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain:**Wetland meets the three parameter - vegetation, soils, and hydrology criteria for Corps determination of a wetland condition.**
☐ Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):
☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☐ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):
☐ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☐ Wetlands: 0.01acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):
☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: .
☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
☐ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report.
☐ Data sheets prepared by the Corps: .
☐ Corps navigable waters' study: .
☐ U.S. Geological Survey Hydrologic Atlas: .
☐ USGS NHD data.
☐ USGS 8 and 12 digit HUC maps.
☒ U.S. Geological Survey map(s). Cite scale & quad name: Livermore 1:24,000.
☒ USDA Natural Resources Conservation Service Soil Survey. Citation:Web Soil Survey: Alameda County 2018.
☒ National wetlands inventory map(s). Cite name:NWI Online Wetland Mapper.
☐ State/Local wetland inventory map(s): .
☐ FEMA/FIRM maps: .
☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
☒ Photographs: ☒ Aerial (Name & Date):Google Earth Aerial photos between 1993 and 2018.

or ☐ Other (Name & Date): .

☐ Previous determination(s). File no. and date of response letter: .

☐ Applicable/supporting case law: .

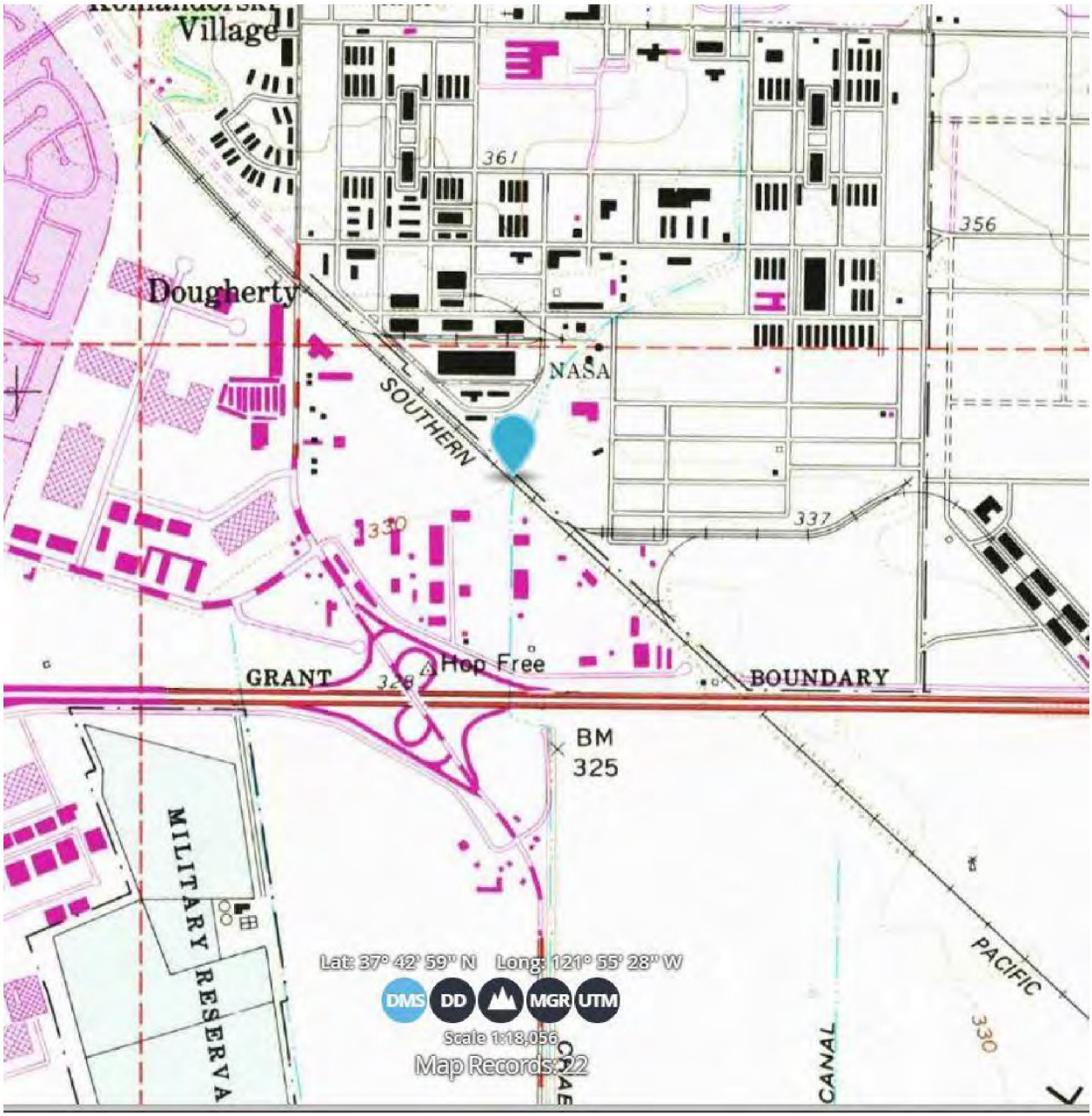
☐ Applicable/supporting scientific literature: .

☐ Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: .

APPENDIX D

USGS 7.5 Minute Topographic Map, Dublin


Village
Dougherty
361
356
NASA
SOUTHERN
330
337
Hop Free
GRANT
328
BOUNDARY
BM
325
MILITARY RESERVA
PACIFIC
CANAL
330
Lat: 37° 42' 59" N Long: 121° 55' 28" W
DMS DD MGR UTM
Scale 1:18,056
Map Records: 22

f

APPENDIX E

Soils Map

Map Scale: 1:3,020 if printed on A landscape (11" x 8.5") sheet.

N

Meters: 0 40 80 160 240

Feet: 0 100 200 400 600

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 10N WGS84

MAP LEGEND

Area of Interest (AOI)

- Area of Interest (AOI)

Soils

- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features

- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features

- Streams and Canals

Transportation

- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background

- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Alameda Area, California
Survey Area Data: Version 11, Sep 13, 2017

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 11, 2015—Jun 17, 2015

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
CdA	Clear Lake clay, drained, 0 to 2 percent slopes, MLRA 14	46.4	98.3%
Pd	Pescadero clay	0.0	0.0%
Sm	Sunnyvale clay loam over clay	0.8	1.6%
Totals for Area of Interest		**47.2**	**100.0%**

APPENDIX F

WETS Tables for Livermore, Alameda County

WETS Table

WETS Station: LIVERMORE, CA								
Requested years: 1971 - 2018								
Month	Avg Max Temp	Avg Min Temp	Avg Mean Temp	Avg Precip	30% chance precip less than	30% chance precip more than	Avg number days precip 0.10 or more	Avg Snowfall
Jan	57.2	38.0	47.6	2.71	1.23	3.27	6	0.0
Feb	61.9	40.6	51.2	2.54	1.26	3.11	6	0.0
Mar	66.3	42.9	54.6	2.20	0.91	2.68	6	0.0
Apr	71.2	44.8	58.0	1.05	0.48	1.28	3	0.0
May	77.5	49.2	63.3	0.39	0.11	0.38	1	0.0
Jun	84.5	53.2	68.8	0.10	0.00	0.09	0	0.0
Jul	89.5	55.8	72.7	0.02	0.00	0.00	0	0.0
Aug	88.9	55.6	72.2	0.06	0.00	0.00	0	0.0
Sep	86.3	54.0	70.1	0.19	0.00	0.16	0	0.0
Oct	77.9	49.0	63.5	0.82	0.24	0.88	2	0.0
Nov	65.2	42.5	53.8	1.69	0.68	2.05	4	0.0
Dec	57.3	37.9	47.6	2.46	1.05	2.99	6	0.0
Annual:					11.31	16.78		
Average	73.6	47.0	60.3	-	-	-	-	-
Total	-	-	-	14.23			35	0.0

GROWING SEASON DATES			
Years with missing data:	24 deg = 5	28 deg = 8	32 deg = 8
Years with no occurrence:	24 deg = 39	28 deg = 8	32 deg = 0
Data years used:	24 deg = 43	28 deg = 40	32 deg = 40
Probability	24 F or higher	28 F or higher	32 F or higher
50 percent *	No occurrence	1/12 to 12/23: 345 days	2/20 to 12/4: 287 days
70 percent *	No occurrence	12/28 to 1/7: 375 days	2/10 to 12/14: 307 days
* Percent chance of the growing season occurring between the Beginning and Ending dates.			

STATS TABLE - total precipitation (inches)													
Yr	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annl
1903	3.19	0.94	5.65	0.81	0.12	0.00	0.00	0.00	0.00	T	2.16	0.59	13.46
1904	0.89	4.18	3.71	1.56	0.24	T	T	0.32	1.62	1.00	0.70	1.42	15.64
1905	2.43	2.30	4.17	0.93	1.89	0.00	0.00	0.00	T	0.00	1.61	1.18	14.51
1906	5.56	2.67	5.18	0.95	1.61	0.56	T	0.00	0.20	0.03	1.34	6.45	24.55
1907	4.13	1.86	6.85	0.47	0.16	0.56	0.00	0.00		0.81	0.04	3.90	18.78
1908	2.27	1.35	0.73	0.28	0.53	T	T	0.00	0.03	0.27	0.60	1.55	7.61
1909	10.18	3.96	1.94		T	0.05	0.00	0.00	0.62	0.75	1.68	5.77	24.95
1910	2.50	1.14	1.90	0.10	T	0.04	T	0.00	0.10	0.29	0.10	1.32	7.49

1911	12.60	1.42	4.45	0.69	0.24	0.07	T	0.00	T	0.43	0.29	1.71	21.90
1912	2.66	0.20	1.99	0.73	0.94	0.65	T	0.00	0.48	0.71	0.44	0.81	9.61
1913	2.63	0.38	1.65	0.54	0.58	0.01	0.27	0.02	T	0.00	2.17	3.17	11.42
1914	7.10	2.11	0.66	0.76	0.45	0.19		0.00	0.00	0.42	0.33	4.96	16.98
1915	4.16	4.79	1.50	0.66	2.66	0.00	M0.00	0.00	T	0.00	0.76	4.41	18.94
1916	11.35	2.17	1.47	0.21	0.05	T	0.00	T	0.44	0.50	0.68	3.28	20.15
1917	1.06	3.37	1.08	0.15	0.02	0.00	T	0.00	0.04	0.00	0.43	0.66	6.81
1918	0.59	3.08	3.32	0.61	M0.00	T	0.00	T	5.72	0.39	2.38	1.51	17.60
1919	1.03	4.58	2.33	0.05	T	0.00	T	T	0.48	0.15	0.33	2.21	11.16
1920	0.22	0.71	3.52	1.07	0.00	0.13	0.00	0.00	T	2.03	1.43	3.81	12.92
1921	3.38	0.59	0.83	0.16	1.05	0.00	0.00	0.00	0.05	0.15	1.17	3.38	10.76
1922	1.51	5.46	1.83	0.23	0.27	T	T	T	0.00	0.54	2.86	5.43	18.13
1923	1.80	0.65	0.15	2.15	T	0.02	0.00	T	0.82	0.25	0.76	0.87	7.47
1924	1.40	0.93	0.65	0.28	0.07	0.00	0.00	T	T	1.30	1.53	2.63	8.79
1925	1.02	3.74	1.14	1.75	1.41	0.04	0.00	0.00	T	T	0.97	1.14	11.21
1926	2.35	3.58	0.16	3.11	0.11	T	0.00	T	0.00	0.93	2.83	0.78	13.85
1927	1.74	3.49	1.54	1.73	0.10	0.18	0.00	T	0.03	1.71	1.43	2.00	13.95
1928	1.46	0.29	3.42	1.43	0.45	0.00	0.00	0.00	0.00	T	1.50	2.76	11.31
1929	1.26	0.87	1.07	0.59	0.03	0.83	0.00	0.00	0.00	0.01	0.00	1.81	6.47
1930	3.64	1.91	1.88	0.63	0.43	0.00	0.00	T	0.20	0.00	1.14	0.26	10.09
1931	3.45	1.67	0.57	0.36	0.93	0.11	T	0.00	T	0.27	1.89	5.63	14.88
1932	1.29	3.15	0.19	0.41	0.37	T	0.00	0.00	0.00	0.00	0.51	2.03	7.95
1933	4.51	0.44	2.09	0.13	0.70	0.03	0.00	0.00	0.01	0.75	0.00	3.69	12.35
1934	1.29	2.86	0.00	0.13	0.60	0.53	0.00	T	0.27	0.62	2.71	2.32	11.33
1935	3.53	0.52	3.16	3.28	0.00	0.00	T	0.04	0.00	0.79	0.21	1.53	13.06
1936	3.28	6.76	0.71	0.63	0.46	0.10	T	T	0.00	0.40	0.02	3.26	15.62
1937	3.38	4.13	5.07	0.68	0.17	0.20	T	0.00	0.00	0.55	2.46	4.57	21.21
1938	2.40	6.14	4.09	0.90	0.02	0.00	0.00	0.00	T	1.00	1.08	0.52	16.15
1939	2.40	1.57	2.18	0.53	0.18	T	T	0.00	0.16	1.23	0.15	0.78	9.18
1940	8.13	5.14	2.60	0.35	0.14	0.00	0.00	0.00	0.25	0.50	0.43	4.63	22.17
1941	3.24	4.19	2.07	2.76	0.23	0.00	0.00	0.03	0.00	0.72	0.89	5.34	19.47
1942	3.89	1.68	1.42	3.10	1.00	0.00	0.00	0.00	0.09	1.08	3.05	1.73	17.04
1943	4.48	1.68	2.39	1.14	T	0.06	0.00	0.00	0.00	0.30	0.53	1.23	11.81
1944	2.36	4.89	1.01	0.94	0.73	T	0.00	0.00	0.00	0.77	3.41	2.03	16.14

1945	0.87	3.68	3.19	0.20	0.17	T	0.00	0.02	0.00	1.07	2.07	M2.50	13.77
1946	0.76	1.23	1.69	0.02	0.61	0.00	0.24	0.00	0.02	0.02	2.93	2.07	9.59
1947	0.69	1.45	2.34	0.53	0.17	0.36	0.00	0.00	T	1.84	0.85	0.51	8.74
1948	0.20	1.11	2.79	2.50	1.03	M0.16	0.03	0.00	T	0.46	0.34	2.71	11.33
1949	1.39	2.47	3.38	0.02	0.34	0.00	0.03	0.16	0.05	0.08	1.20	M0.90	10.02
1950	4.65	1.54	1.44	M0.85	M0.59	0.01	M0.00	0.00	0.08	M1.84	M5.95	4.95	21.90
1951	2.23	M1.81	M1.82	0.55	M0.35	M0.06	M0.00	M0.00	T	1.04	M3.01	6.07	16.94
1952	7.60	1.40	M2.36	2.20	M0.16	0.04	M0.00	0.00	M0.10	0.01	2.11	6.33	22.31
1953	2.07	0.05	M1.12	M1.42	0.61	0.59	M0.00	M0.15	0.00	M0.21	M1.33	M0.64	8.19
1954	2.19	2.27	M3.00	0.73	0.16	M0.27	0.00	0.00	M0.04	MT	1.68	M3.33	13.67
1955	M2.45	1.69	M0.38	M1.28	0.65	0.00	T	M0.01	0.01	M0.01	M1.31	10.15	17.94
1956	5.49	M1.15	0.14	1.92	M0.63	0.00	0.00	0.00	M0.63	0.79	0.03	0.48	11.26
1957	2.65	M2.23	1.30	1.14	M2.65	M0.04	0.00	0.00	M0.05	1.06	0.37	M1.62	13.11
1958	3.16	5.37	4.44	3.74	0.66	0.41	T	T	0.02	0.09	0.14	0.86	18.89
1959	2.45	3.59	0.29	0.35	T	0.00	0.00	0.07	1.89	0.00	T	0.75	9.39
1960	2.98	4.12	0.60	0.48	0.42	0.00	0.02	0.00	0.01	0.05	2.92	1.25	12.85
1961	2.08	1.04	1.92	1.03	0.69	0.19	T	0.13	0.16	0.15	2.24	0.82	10.45
1962	0.73	5.61	1.82	0.22	T	0.00	0.00	T	0.00	3.64	0.28	1.55	13.85
1963	1.40	4.50	2.60	3.47	M0.70	T	0.00	T	0.33	0.93	3.18	0.19	17.30
1964	2.37	0.08	1.57	0.21	0.48	0.32	T	0.12	0.04	0.85	2.44	4.91	13.39
1965	2.11	0.59	1.73	1.53	0.00	0.00	T	0.21	T	0.03	4.22	3.23	13.65
1966	1.05	1.17	0.17	0.33	0.10	0.12	0.17	0.00	0.11	0.00	3.43	2.35	9.00
1967	6.14	0.29	4.15	4.65	0.19	0.48	0.00	T	0.02	0.24	0.88	1.62	18.66
1968	3.93	0.90	2.40	0.43	0.15	0.00	0.00	T	T	0.43	2.48	3.04	13.76
1969	6.28	4.76	0.55	1.24	0.08	T	0.00	0.00	0.00	1.10	0.49	2.34	16.84
1970	5.38	1.18	1.42	0.40	0.07	0.32	0.00	0.00	0.00	0.41	5.24	5.27	19.69
1971	1.19	0.33	1.75	1.37	0.54	T	0.00	T	0.13	0.04	0.46	3.27	9.08
1972	0.90	0.79	0.14	0.64	0.00	0.04		0.00	0.58	2.98		2.22	8.29
1973	5.50			0.29	0.03	T	0.00	0.00	0.08	2.08	3.71	3.80	15.49
1974	1.50	0.71	2.69	1.62	0.00	0.00	0.00	0.00	0.00	0.50	0.66		7.68
1975	0.84	3.65	5.24	1.42	T	0.06	0.10	0.35	0.00	1.27	0.08	0.21	13.22
1976	0.30	1.46	0.48	0.39	0.00	0.18	0.00	0.91	0.95	0.50	0.50	0.73	6.40
1977	1.15	0.83	0.82	0.16	1.01	0.00	0.10	0.00	0.22	0.13		3.07	7.49
1978	5.44	2.95		2.49	0.01	T	0.00	0.00	0.04	0.00	2.16	0.58	13.67

1979	4.52	3.19	1.86	0.88	0.34	0.00	0.06	T	0.00	1.51	1.13	2.66	16.15
1980	4.16	4.24	1.36	1.32	0.48	0.00	0.70	0.00	0.00	0.04	0.28	1.18	13.76
1981	3.97	1.11	2.94	0.61	0.11	0.00	0.00	0.00	0.06	2.07	3.44	2.57	16.88
1982	5.29	2.16	5.58	1.50	0.00	0.28	0.00	M0.01	1.48	2.24	3.72	2.80	25.06
1983	6.28	5.56	6.14	3.51	0.21	0.00	0.00	0.50	1.02	0.27	5.44	3.44	32.37
1984	0.33	1.87	1.00	0.53	0.01	0.03	T	0.00	0.04	1.25	4.71	1.51	11.28
1985	0.48	1.25	2.62	0.32	0.07	0.22	T	0.03	0.13	0.89	2.69	1.97	10.67
1986	2.04	7.11	4.09	0.40	0.14	0.00	0.01	0.00	0.45	0.04	0.08	0.92	15.28
1987	2.73	3.47	2.30	0.16	0.09		0.00	0.00	0.00	0.87	1.40	2.30	13.32
1988	1.78	0.38	0.26	1.15	0.45	0.10	0.00	T	0.00	0.11	1.92	2.03	8.18
1989	0.81	0.95	2.94	0.88	0.08	0.10	0.00	T	1.33	1.13	1.02	0.10	9.34
1990	1.54	2.46	0.87	0.37	1.78	T	0.02	T	0.06	0.08	0.39	1.45	9.02
1991	0.31	2.20	5.87	0.34	0.35	0.08	0.00	0.21	0.04	1.65	0.31	1.19	12.55
1992	1.39	4.61	1.97	0.43	0.00	0.09	0.00	0.00	0.00	0.90	0.15	4.79	14.33
1993	6.41	4.53	2.91	0.63	0.51	0.30	0.00	0.00	T	0.57	2.00	1.81	19.67
1994	0.94	3.33	0.15	1.20	1.78	0.04	T	0.00	T	0.58		1.36	9.38
1995	6.64	0.33	6.66	1.02	0.92	0.70	T	0.00	0.00	0.00	0.01	5.37	21.65
1996	5.17	4.10	2.34	1.91	1.05	0.00	0.00	0.00	0.00	1.08	2.55	4.43	22.63
1997	5.81	0.15	0.06	0.15	0.29	0.17	0.00	0.42	0.00	0.28	4.23	1.95	13.51
1998	5.47	7.30	2.37	1.37	2.00	0.13	0.00	0.00	0.18	0.54	2.48	0.73	22.57
1999	3.23	3.33	1.67	0.99	0.08	0.01	0.00	0.03	0.04	0.15	1.26	0.25	11.04
2000	4.61	4.87	1.25	0.59	0.69	0.18	0.00	0.01	0.24		0.49	0.45	13.38
2001	1.92	2.89	1.22	1.80	0.00	0.12	0.00	0.00	0.09	0.37	1.92	5.09	15.42
2002	0.72	0.62	1.65	0.16	0.68	0.00	0.00	0.00	0.00	0.00	2.65	7.01	13.49
2003	0.66	1.31	1.07	3.09	0.95	0.00	T	0.29	T	0.02	2.02	3.57	12.98
2004	2.19	4.01	0.39	0.18	0.11	0.00	0.00	0.00	0.58	2.77	0.89	3.01	14.13
2005	2.81	3.55	3.41	1.53	1.03	0.05	T	0.00	0.25	0.17	0.65	5.40	18.85
2006	2.22	1.32	4.79	2.60	0.34	T	T	0.00	0.00	0.20	1.68	2.25	15.40
2007	0.52	3.92	0.33	0.44	0.11	0.00	T	0.00	0.21	1.12	0.71	2.05	9.41
2008	4.79	1.89	0.10	0.02	T	0.00	0.00	0.00	0.00	0.33	1.40	1.56	10.09
2009	1.34	3.31	2.29	0.23	0.41	0.11	T	0.00	0.31	2.79	0.21	2.02	13.02
2010	3.53	2.36	1.57	2.10	0.24	0.00	0.00	0.00	T	1.00	2.02	3.87	16.69
2011	0.78	2.69	4.10	0.22	0.46	1.07	0.00	0.00	T	1.06	0.93	0.04	11.35
2012	1.52	0.52	2.57	2.01	0.02	0.12	0.00	0.00	0.01	0.27	3.40	4.22	14.66

2013	1.07	0.47	0.33	0.44	0.14	0.04	0.00	0.00	0.33	0.00	1.30	0.38	4.50
2014	0.08	2.58	1.25	0.98	0.00	0.01	0.00	0.00	0.22	0.17	1.19	8.23	14.71
2015	0.00	1.62	0.25	0.78	0.50	0.33	T	0.01	0.05	0.02	2.49	2.55	8.60
2016	3.95	0.69	3.30	2.14	0.21	0.00	0.00	0.00	0.00	3.34	1.37	2.62	17.62
2017	8.10	6.07	2.09	1.93	0.03	0.02	0.00	T	T	0.18	2.20	0.06	20.68
2018	3.30	0.57											3.87
Notes: Data missing in any month have an "M" flag. A "T" indicates a trace of precipitation.													
Data missing for all days in a month or year is blank.													
Creation date: 2016-07-22													

APPENDIX G

Representative Photographs

Appendix G. Representative photographs of the Iron Horse Trail Bridge Project Area and Wetlands

Photo 1. View south from Dublin Boulevard along the Iron Horse Regional Trail. Project area extends to fencing on east and west.

Photo 2. Seasonal wetland 1 (SW-1) located on the north side of the Iron Horse Trail, exhibiting water filled soil test pit. Vegetation consists of salt grass and annual hydrophytes consistent with seasonal wetland conditions. View is to the north toward Dublin Blvd.

Photo 3. Seasonal Wetland 2 (SW-2) located between Iron Horse Regional Trail levee and a concrete retaining wall associated with adjacent residential development. Water filled soil test pit and dense spike rush are observed at this location.

Photo 4. Seasonal wetland 3 (SW-3) located on the west side of the Iron Horse Regional Trail. Toe ditch exhibits standing water, algal matting, and emergent annual vegetation. Photo shows view to the south.

Photo 5. The northern end of ponding within SW-3 is shown in this photograph.

Photo 6. The northern extent (not inundated but saturated soils) within SW-3. Water flow through upland swale occurs to the north of this location to meet with Seasonal Wetland 4 (SW-4).

Photo 7. Seasonal Wetland 4 (SW-4) occurs in narrow ditch on left side of photograph. Culvert located at Dublin Boulevard intercepts water flows along this area.

Photo 8. Iron Horse Regional Trail to the north of Dublin Boulevard. Northern portion of project area covered in Scarlett Drive Wetland Delineation.

APPENDIX C

Cultural Resources Technical Study

Cultural Resources Technical Report
Iron Horse Trail Project
City of Dublin, Alameda County, California

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Project Number 18-188
Report Number 18-520

October 2018

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Appendices

Appendix A: Previously Recorded Cultural Resource Studies within a Half-Mile of the Project Area
Appendix B: Native American Correspondence / Assembly Bill 52 Notification Letters
Appendix C: Survey Photographs

Management Summary

The City of Dublin's Iron Horse Trail Project (Project) involves the construction of a new overcrossing and pedestrian ramp spanning Dublin Boulevard in Dublin, California. PaleoWest Archaeology (PaleoWest) conducted a cultural resources assessment of the proposed Project area on behalf of Metis Environmental Group in compliance with the California Environmental Quality Act (CEQA). The City of Dublin is the Lead Agency for the purposes of CEQA.

A records search conducted on June 14, 2018 at the Northwest Information Center at Sonoma State University (NWIC). The records search indicated that no prehistoric or historical archaeological resources have been previously recorded within the Project area. A total of 29 resources, all historic-period buildings, are located outside of, but within a half-mile radius of the Project area. A total of 150 cultural resources studies have been conducted within a half-mile of the Project area; 10 of those studies intersect the Project area.

PaleoWest contacted the Native American Heritage Commission (NAHC) on June 15, 2018 with a request for information on sacred sites or tribal cultural resources within the Project area, and for a list of Native American tribal representatives with heritage ties to the area. The NAHC responded on June 25, 2018, stating that a Sacred Lands File (SLF) was completed with negative results but that "the absence of specific site information does not preclude the presence of cultural resources in any project area." PaleoWest contacted the recommended Native American representatives on July 12, 2018, requesting any pertinent cultural resource information they may have regarding the Project area. One round of follow-up phone calls was made on July 26, 2018 and, as a result of these outreach efforts cultural resources monitoring for the Project was recommended by a tribal representative. All communication with Native American representatives is tabulated in Appendix B.

PaleoWest conducted a pedestrian survey of the Project area on July 11, 2018. The survey failed to identify any cultural materials. Based on the results of the records search, communication with local Native American representatives, and the negative results of the pedestrian survey, the archaeological sensitivity of the Project area is considered to be low. Given the negative results of the current cultural resources assessment as well as the negative results for the overlapping Dublin Crossing Specific Plan EIR project area (located immediately adjacent to the current Project), PaleoWest recommends that no significant impacts to cultural resources will occur as a result of the current Project (no new or substantially more severe significant impacts to cultural resources with regard to the Dublin Crossing Specific Plan EIR). In addition, PaleoWest recommends that mitigation measure (MM) 3.4-2 and MM 3.4-4 from the Dublin Crossing Specific Plan EIR be applied for any unanticipated cultural resource discoveries or human remains associated with Project construction activities. These mitigation measures are outlined herein.

1.0 Introduction

1.1 Project Description

The City of Dublin's Iron Horse Trail Project (Project) involves the construction of a grade-separated overcrossing at Dublin Boulevard, north of the Dublin/Pleasanton Bay Area Rapid Transit (BART) Station, along a section of the existing multi-use Iron Horse Trail. The overcrossing will span north to south over Dublin Boulevard and will provide an alternative to the existing at-grade crossing of the Iron Horse Trail where it meets Dublin Boulevard.

North of Dublin Boulevard, the overcrossing structure will be integrated into a community park constructed as a part of the Dublin Crossing Specific Plan project (RBF 2013). The new overcrossing structure would gradually transition to at-grade conditions before reconnecting with the Iron Horse Trail north of Dublin Boulevard. South of Dublin Boulevard, the overcrossing would touch down within the existing Iron Horse Trail right-of-way and would include a graduated ramp for both pedestrians and bicyclists to access the overcrossing. The northern portion of the Project area lies within the Dublin Crossing Specific Plan study area and, as such, was previously assessed for cultural resources as part of the Dublin Crossing Specific Plan Environmental Impact Report (EIR) (RBF 2013).

This Cultural Resources Technical Report was prepared in compliance with the California Environmental Quality Act (CEQA) Sections 15064.5 and 15126.4, as a means of evaluating the potential impacts cultural resources.

1.2 Project Location

The Project area is located in the city of Dublin within the Amador Valley, east of the Pleasanton Ridge, in Alameda County, California (Figure 1). The Project area follows the existing Iron Horse Trail where is crosses Dublin Boulevard (Figure 2). Specifically, the Project area is located to the east of Highway 680, and directly north of Highway 580 in Section 6 of Township 3 South, Range 1 East as depicted on the 1980 Dublin, California 7.5-minute USGS topographic quadrangle map (Figure 3). The elevation of the Project area is approximately 336 feet above mean sea level.

2.0 Regulatory Framework

The California Register of Historic Resources (CRHR) is the official state-level list of properties, structures, districts, and objects significant at the local, state, or national level. CRHR-eligible properties are considered to be historical resources under CEQA and must have significance under at least one of the four criteria presented below. A property may be considered a historic resource if it:

(1) is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

(2) is associated with the lives of persons important in our past;

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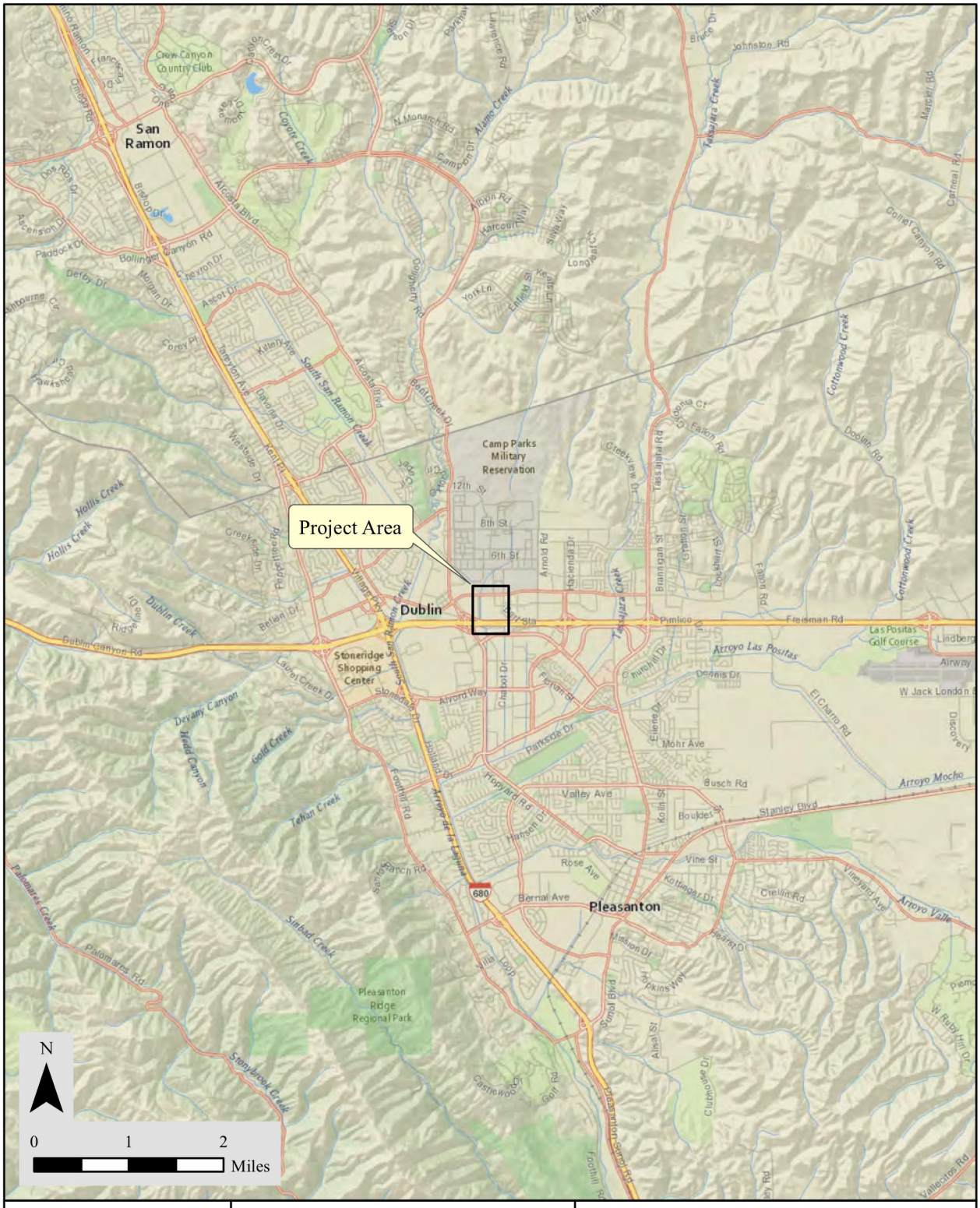
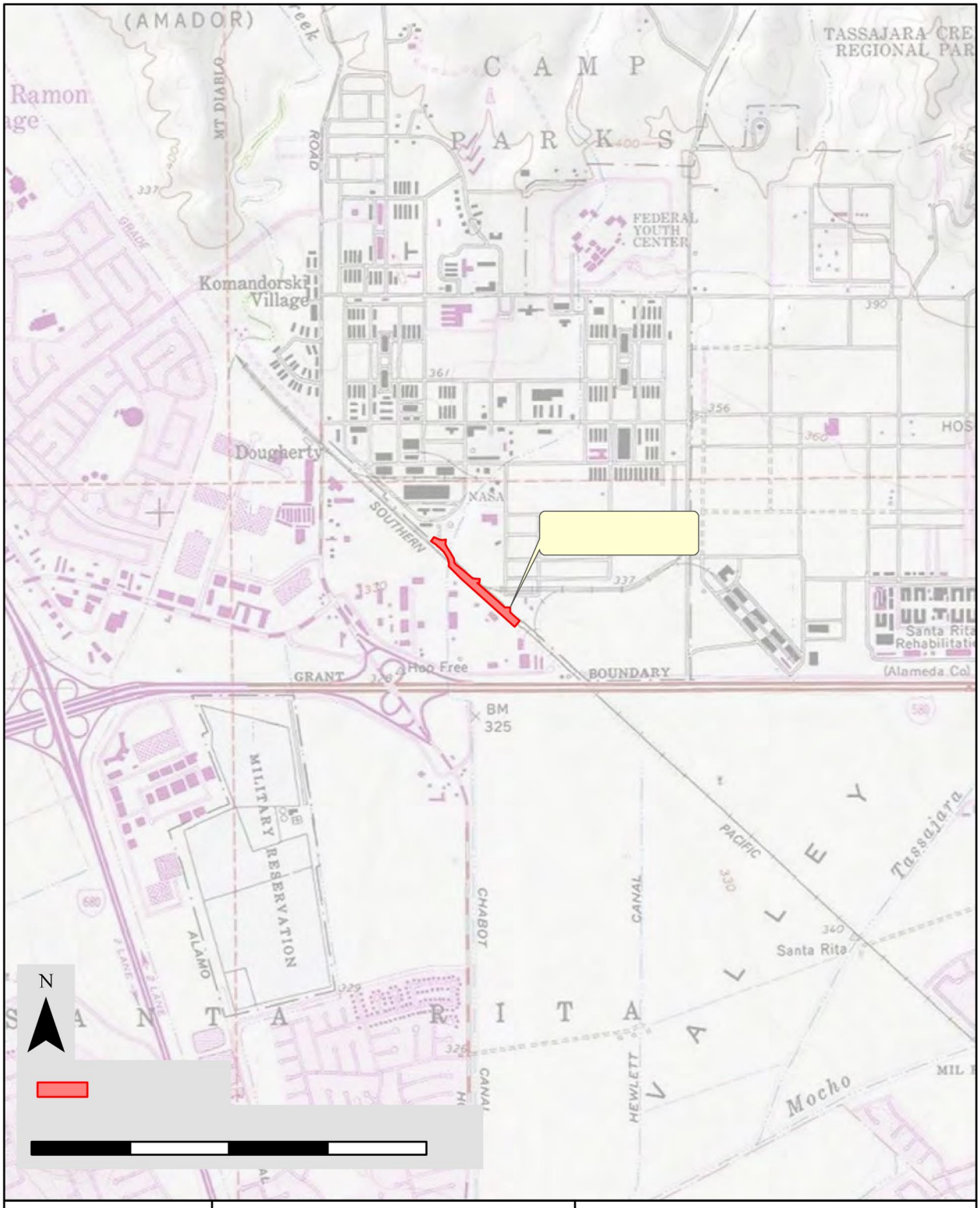
Project Vicinity Map

Figure 1
Metis Environmental Group
Iron Horse Trail Project
Alameda County, CA



PALEO WEST archaeology	Project Area Map	Figure 2 Metis Environmental Group Iron Horse Trail Project Alameda County, CA



PALEO WEST archaeology

(3) embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

(4) has yielded, or may be likely to yield, information important in prehistory or history.

In order to meet one or more of these criteria, a cultural resource must possess integrity to qualify for listing in the CRHR. Integrity is generally evaluated with reference to qualities including location, design, materials, workmanship, setting, feeling, and association. A potentially eligible site must retain the integrity of the values that would make it significant. Typically, integrity is indicated by evidence of the preservation of the contextual association of artifacts, ecofacts, and features within the archaeological matrix (Criterion 4) or the retention of the features that maintain contextual association with historical developments or personages that render them significant (Criteria 1, 2, or 3). Evidence of the preservation of this context is typically determined by stratigraphic analysis and analysis of diagnostic artifacts and other temporal data (e.g., obsidian hydration, radiocarbon assay) to ascertain depositional integrity or by the level of preservation of historic and architectural features that associate a property with significant events, personages, or styles.

Integrity refers both to the authenticity of a property's historic identity, as shown by the survival of physical characteristics that existed during its historic period and to the ability of the property to convey its significance. This is often not an all-or-nothing scenario (determinations can be subjective); however, the final judgment must be based on the relationship between a property's features and its significance.

Section 15064.5 of the CEQA Guidelines indicates a project may have a significant environmental effect if it causes "substantial adverse change" in the significance of an "historical resource" or a "unique archaeological resource" as defined or referenced in CEQA Guidelines Section 15064.5[b, c] (revised October 26, 1998). Such changes include "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired" (CEQA Guidelines 1998 Section 15064.5 [b]).

3.0 Setting

3.1 Environmental Setting

Pleasanton Ridge is a component of the Central Coast Ranges geomorphic province. Within the Central Coast Ranges, non-marine sedimentary rocks, which were deposited during the post-Miocene (within the last five million years), compose the lower lying foothills. Older deposits of marine sedimentary, metamorphic, and volcanic rock with igneous rock intrusions underlie the higher ridges. The Project is located on an alluvial plain that has been subject to episodic flooding, erosion from the surrounding hillsides, and tectonic activity (Wiberg et al. 1996). Alamo Creek is located approximately 1,200 meters to the northwest. The hills to the

north of the Project area consist predominantly of Clear Lake clay (90%), ranging in slope from 0-2 percent (USDA 2017). Additional sediments in the area consist of unnamed alluvial flats, Campbell and Sunnyvale soil series.

The flora and fauna of the area in recent times has been disrupted by many modern activities but continues to thrive in the undeveloped periphery. A combination of woodland and open grassland species can be found. Flora include valley oak (*Quercus lobata*), coast live oak (*Quercus agrifolia*), and a variety of introduced annual grasses. Fauna include Mule Deer (*Odocoileus hemionus*), coyote (Canis latrans), skunk (*Mephitis mephitis*), cottontail rabbit (*Sylvilagus sp.*), squirrel (*Sciurus sp.*), quail (*Lophortyx californicus*), hawk (*Accipitriidae*) and various rodents (Wiberg et al. 1996).

3.2 Prehistoric Context

Research into local prehistoric cultures began in the early 20th century with the work of N. C. Nelson of the University of California at Berkeley, who conducted the first intensive archaeological surveys of the San Francisco Bay region (Nelson 1909). The 425 shellmounds he documented along the bayshore showed that intensive use of shellfish -- a subsistence strategy reflected in both coastal and bayshore middens -- indicated a general economic unity in the region during prehistoric times (Moratto 1984).

In 1911, Nelson supervised excavations at CA-SFR-7 (the Crocker mound) near Hunter's Point. The site was subsequently dated from 1050 B.C. to A.D. 450. L. L. Loud identified archaeological components from this same period in Santa Clara County in 1911 while excavating at CA-SCL-1 (the Ponce, Mayfield, or Castro Mound site). R. J. Drake recognized the same components in San Mateo County in 1941and1942 at CA-SMA-23 (Mills Estate) in San Bruno (Moratto 1984:233).

This work provided the impetus for investigation into the prehistory of central California in the 1920s. J. A. Barr and E. J. Dawson excavated a number of sites and amassed substantial collections in the area from 1893 to the 1930s. Based on artifact comparisons, three distinct cultural traditions were identified, Early, Middle, and Late (Ragir 1972; Schenck and Dawson 1929). In the 1930s J. Lillard and W. Purves of Sacramento Junior College were conducting excavations throughout the Sacramento Delta area. By seriating artifacts and mortuary traditions they identified a three-phase sequence similar to Barr's and Dawson's, including Early, Intermediate, and Recent cultures (Lillard and Purves 1936). This scheme went through several permutations including Early, Transitional, and Late periods (Lillard et al. 1939), and Early, Middle, and Late Horizons (Heizer and Fenenga 1939). In 1948 and again in 1954, Richard Beardsley refined this system and extended it to include the region of San Francisco Bay. The result is referred to as the Central California Taxonomic System (CCTS) (Beardsley

1948, 1954; Moratto 1984). Subsequently the CCTS system of Early, Middle, and Late Horizons was applied widely to site dating and taxonomy throughout central California.

As more data were acquired through continued fieldwork, local exceptions to the CCTS were discovered. Coupled with the accumulation of these exceptions, the development of radiocarbon dating, introduced in the 1950s, and of obsidian hydration in the 1970s, opened up the possibility of dating deposits more accurately. Given the expanse of central California and the complex nature of cultural change over space and time, this single system is limited to providing a general framework for assigning newly found materials to existing cultural chronologies (Hughes 1994). Even though much of the subsequent archaeological investigation in the Central Valley has focused on local variations of the CCTS, the tripartite system of cultural history of the CCTS has been generally associated with adaptive patterns known as the Windmiller, Berkeley, and Augustine.

Windmiller Pattern sites are most often found in the Early period (ca. 6000 to 500 B.C.) but are known to extend into the Middle period, possibly as late as A.D. 500 in the Stockton Area (Moratto 1984). Some scholars have suggested that Windmiller Pattern sites are associated with an influx of people from outside of California who introduced subsistence strategies adapted for a riverine-wetlands environment (Moratto 1984), and that the subsequent Berkeley Pattern developed in the San Francisco Bay region and expanded outward to the Central Valley, eventually replacing the Windmiller Pattern. Windmiller assemblages have been found to overlap in time with those of the Berkeley Pattern (Moratto 1984).

Windmiller Pattern sites are often situated in riverine, marshland, or valley floor settings, as well as atop small knolls above prehistoric seasonal floodplains, locations that provide a wide variety of plant and animal resources. Most Windmiller Pattern sites have contained burials with remains that are extended ventrally, oriented to the west, and that contain copious amounts of mortuary artifacts. These artifacts often include large projectile points and a variety of fishing gear including net weights, bone hooks, and spear points. The faunal remains indicate that the inhabitants hunted a range of large and small mammals. Stone mortars and grinding stones for seed and nut processing are common finds. Other artifacts -- such as charmstones, ochre, quartz crystals, Olivella shell beads and Haliotis shell ornaments -- suggest the practice of ceremonialism and trade.

The Berkeley Pattern appears at around 1550 B.C. in the San Francisco Bay region and expanded outward to the Central Valley after about 500 B.C. This pattern shares some attributes with the Windmiller Pattern at the beginning of the sequence and with the Augustine Pattern (Late period) at the end. Berkeley Pattern sites are much more common and well documented, and therefore better understood than Windmiller Pattern sites. These sites are scattered in more diverse environmental settings, but riverine settings are prevalent.

Deeply stratified midden deposits, which developed over generations of occupation, are common to Berkeley Pattern sites. These middens contain numerous milling and grinding stones for food preparation. The typical body position for burials is tightly flexed with no

particular preference for orientation. Associated grave goods are much less frequent than with either the Windmiller or the Augustine Pattern. Projectile points in this pattern become progressively smaller and lighter over time, culminating in the introduction of bow-and-arrow technology at the beginning of the Late period. Wiberg (1997) claims that large obsidian lanceolate projectile points or blades are unique to the Berkeley Pattern. Olivella shell bead types include Saddle (F) and Saucer (G) types. In addition, Haliotis pendants and ornaments are present. Slate pendants, steatite beads, stone tubes, ear ornaments, and a general reduction of mortuary goods are associated with Berkeley Pattern sites (Fredrickson 1973; Moratto 1984).

The Augustine Pattern characterizes the Late period, which has been dated from about A.D. 900 to about 1750. It is typified by intensive fishing, hunting, and gathering (especially acorns), a large population increase, expanded trade and exchange networks, increased ceremonialism, and the practice of cremation in addition to flexed burials. Certain artifacts are also distinctive in this pattern: bone awls used in basketry, small notched and serrated projectile points that are indicative of bow-and-arrow usage, occasional pottery, clay effigies, bone whistles, and stone pipes. Beginning in the latter half of the 18th century, the Augustine Pattern was disrupted by the Spanish explorers and the mission system (Moratto 1984).

3.3 Local Amador Valley Chronology

Research into the cultural history of the Amador-Livermore Valley indicates that prehistoric occupation of the area began approximately 5,000 years ago during the Early period.

The Meganos Aspect is a cultural pattern that existed sometime between A.D. 450 and 800 and has been documented at various sites in the Amador Valley, overlapping with, and differing from, the Berkeley Pattern occupations that range from 210 B.C. through A.D. 1000 (Wiberg 1997). Heizer first identified the Meganos Aspect in 1938 when he noted an “atypical horizon” at CA-CCO-141 (the Orowood Site) characterized by mortuary practices that were dominated by ventrally extended burials (Bennyhoff 1994b). In 1968, based on the findings at 17 similar sites, Bennyhoff defined the Meganos Aspect as a mixing of Windmiller and Berkeley Pattern traits that was centered in the San Joaquin Valley but spread into parts of the Bay Area during the Late and Terminal phases of the Middle period (Bennyhoff 1994a, 1994b). The classic expression of the Meganos Aspect as defined by Bennyhoff (1994a, 1994b) included non-midden burials that lacked specific orientation of corpse placement, though he noted a westerly trend that he felt was reminiscent of Windmiller burials. In addition, the rarity of grave goods in Meganos burials resembles the Berkeley Pattern. Bennyhoff's characteristic Meganos assemblage is marked by mortar and pestle use (acorn economy). Leaf-shaped obsidian dart points, spear points and knives occur, but chipped stone is relatively rare. Meganos burials are associated with Olivella Saddle (F) and Saucer (G) beads, Haliotis ornaments, quartz crystals, and a few charmstones (Wiberg 1997). The bone industry was less developed than the contemporaneous Berkeley Pattern and mainly included awls, fish spears, and hairpins. With

the discovery of the Meganos Aspect at sites investigated after 1968, Bennyhoff came to recognize that there was more variability within the Meganos culture than he had originally identified. This included interment within habitation areas, more substantial quantities of grave goods, pre-interment fires, and a number of unique artifact forms. Meganos cemeteries in the Stockton area are quite impoverished, while those to the west and south tend to have more associated offerings.

Mission records and ethnographies identify the Native Americans living in the Pleasanton area at the time of European contact in the latter half of the 18th century as members of various groups that are now referred to collectively as Ohlone. On the basis of linguistic evidence, it has been suggested that the ancestors of the Ohlone arrived in the San Francisco Bay area about A.D. 500, having moved south and west from the Sacramento-San Joaquin Delta region. Linguistic evidence has been interpreted to indicate that prior to about A.D. 500, speakers of the Hokan language occupied territories that included the Project area until the ancestral Ohlone displaced them (Levy 1978). This cultural replacement may correspond to the transition in archaeological material culture from the Berkeley to the Augustine Pattern sometime between A.D. 500 and 1000.

3.4 Ethnographic Context

At the time of initial contact with European explorers (1772), the Project area was occupied by the Ohlone, and more specifically an Ohlone triblet, known as Pelnen, of 300 to 500 who inhabited semi-permanent villages and seasonal campsites (Kroeber 1932; Levy 1978). Although ethnographic information about the Pelnen is sparse, they may have shared the resources of the former Willow Marsh, located in the low-lying area between Dublin and Pleasanton, with the nearby Seunen and Souyen Ohlone tribal groups. This marsh was an important source for seasonal foods such as migratory waterfowl and shorebirds, which provided protein-rich supplements to the typical aboriginal diet of greens, roots and bulbs, seeds, and acorns (Levy 1978).

The group known as the Ohlone subdivided into smaller village complexes or tribal groups. These groups were independent political entities, each occupying specific territories defined by physiographic features. Each group controlled access to the natural resources of its territory. Although each tribal group had one or more permanent villages, their territory contained numerous smaller campsites used as needed during a seasonal round of resource exploitation.

Extended families lived in domed structures thatched with tule, grass, wild alfalfa, ferns or carrizo (Levy 1978). Semi-subterranean sweathouses were built in pits excavated in stream banks and covered with a structure against the bank. The tule raft, propelled by double-bladed paddles similar to those used in the Santa Barbara Island region, were used to navigate across San Francisco Bay (Kroeber 1970).

Warfare was quite common in Ohlone culture and usually centered around territorial disputes (Levy 1978). Music, ritual and myth were extensive in Costanoan life. Song was employed in

the telling of myths, in hunting and courtship rituals, and in other ceremonial activities. Musical instruments were typically whistles made of bird bone, and flutes and rattles made of wood from the alder.

Mussels were an important staple in the Ohlone diet as were acorns of the coast live oak, valley oak, tanbark oak and California black oak. Seeds and berries, roots, grasses, and the meat of deer, elk, grizzly, sea lion, rabbit, and squirrel also contributed to the Ohlone diet. Careful management of the land through controlled burning served to insure a plentiful and reliable source of all these foods (Kroeber 1970; Levy 1978).

The arrival of the Spanish led to the rapid demise of native California populations. Diseases, declining birth rates, and the effects of the mission system served to eradicate the aboriginal life ways (which are currently experiencing resurgence among Ohlone descendants). Brought into the missions, the surviving Ohlone along with former neighboring groups of Esselen, Yokuts, and Miwok were transformed from hunters and gatherers into agricultural laborers (Cambra et al. 1996; Levy 1978; Shoup and Milliken 1999). With abandonment of the mission system and Mexican takeover in the 1840s, numerous ranchos were established. Generally, the few Ohlone who remained were then forced, by necessity, to work on the ranchos.

3.5 Historic Background

Spanish and Mexican Periods

Shortly after the Fages expedition, missions were founded at San Francisco and Santa Clara. Their presence led to additional exploration of the area and Native American recruiting forays into the Amador-Livermore Valley. It was not until the founding of Mission San Jose in 1797, however, that people other than native Californians began to use the Project area extensively, as the region provided primary grazing land for Mission San Jose. The mission itself had a lasting effect on the surrounding Ohlone people, and between 1797 and 1810 the mission priests baptized 1,494 people, many of whom came from the areas immediately surrounding the mission settlement. By the end of that period 1,185 people had died at Mission San Jose (Milliken 1995).

As the mission herds grew, Native American vaqueros tended to the cattle, sheep, and horses that grazed the abundant grasses of the valleys to the north of the mission. The trail through Mission Pass, along the Sunol Valley, and east through Pleasanton to the San Joaquin Valley became well-worn. Increasingly, soldiers and mission neophytes were sent along this route to obtain new converts and punish those that had left the mission to return to their traditional homes.

Early American Period

The transition to American control that began with the signing of the Treaty of Guadalupe Hidalgo in 1848 was accelerated with the discovery of gold in that same year. The influx of miners drawn west in search of wealth quickly changed the population dynamics of the area

and ensured that California would remain a part of the United States. Initially, the increased demand for products that ranchers were able to provide generated great profits for Mexican landholders. Along with increased demand, came increased settlement, and American interests soon began to threaten the land grants and livelihoods of established Mexican-heritage residents. A letter written in 1860 by Samuel B. Martin to John Kottinger, a son-in-law of Juan Pablo Bernal who lived in Pleasanton, confirms that the number of sheep brought into the area by settlers, most of them squatters, had grazed the pasture land so close that cattle throughout the area were suffering from lack of food. The drought of 1864 further challenged many families' ability to pay the recently imposed property tax, while profits from cattle were rapidly falling (Hagemann 1965).

In addition, under the American government it became necessary to produce documentary proof of Mexican titles in order for the Mexican grantees to claim their ranchos under a United States patent. Kottinger acted as an attorney and prepared the necessary documents for the United States Land Commissioner and the United States District Court at San Francisco on behalf of the Bernal family. In 1863 the United States government patented their grant to three of the original four grantees (Hagemann 1965).

In 1853, lands including the modern-day towns of Dublin, Pleasanton, and Livermore, as well as part of the Ohlone Regional Wilderness to the south were incorporated into the Murray Township (Hagemann 1965). This township, comprising the eastern half of Alameda County, was named after Michael Murray, who settled in Dublin around 1850.

As more land came under cultivation and the population continued to grow in the second half of the 1800s, Native Americans in the region found it increasingly difficult to find work and provide for themselves and their families. Recent immigrants were performing the labor the Native Americans had once performed for local farmers and ranchers, and the grasslands that had provided much of their traditional sustenance were now under the plow. At least 1,000 former mission Native Americans had lived in the vicinity of Mission San Jose in the early 1840s. By the early 1860s many of the remaining Native Americans from Mission San Jose and Mission Santa Clara gathered at a refuge called Alisal. This refuge was located on the ranch of Agostin Bernal, within modern-day Pleasanton, near the northwestern quadrant of the intersection of Highway 680 and Sunol Boulevard. As stated by Field et al. (1992), "The Alisal rancheria was unquestionably the most prominent and important community of Costañoan descendants from the 1860s onward and well into the 20th century and constitutes the first post-conquest Indian revitalization in the Bay Area." Small groups of other missionized Native Americans also settled at smaller rancherias in Niles and Sunol.

Alisal was a place where surviving Native Americans from all over the Bay Area and central California came together. A new cultural vitality emerged as Costañoan, Miwok, and Yokuts peoples shared aspects of their traditional cultures. Cultural practices such as the Ghost Dance were embraced by the Native Americans at Alisal and showed a distinct blend of the old and new. Those who taught the Ghost Dance believed it would help drive white men from their

land. The men and women of Alisal combined the Ghost Dance with the Kuksu Dance, the World Renewal Ceremonies, and other important traditions. The combination proved to be very powerful for the Native Americans and became an important part of the revitalization of indigenous culture (Field et al. 1992).

Site Specific History

During World War II, Camp Parks, located 0.3 miles north of the Project area, was commissioned by the Navy to house 10,000 servicemen (City of Dublin 2017). Camp Parks was leased and use as the Santa Rite Jail, an Air Force training center, in addition to an Army training center. In 1980, Camp Parks was officially designated as a mobilization and training center by the Army and has been a semi-active installation since.

Few tract homes were present in the Amador Livermore area until 1960 when the Volk-McLain Company began to work on San Ramon Village which would provide several thousand moderately-priced homes in the area. The effort the incorporate Dublin in 1967 was denied by the Alameda County Local Agency Formation Commission. The County policy was to have only one city in the east valley. In response, a subsequent referendum on annexation of Dublin to Pleasanton also failed. Incorporation of Dublin was finally achieved in November of 1981. At this point, the City of Dublin was 3.54 square miles, with 4,428 housing units and an estimated population of 13,700.

By 1986, Camp Parks was annexed into Dublin and the City grew by 4.24 square miles. Between 1995 and 2010, the City expanded to 14.62 square miles, with 15,782 housing units and an estimated population of 40,262.

The Project area is currently a paved trail atop the historic Southern Pacific Railroad alignment. While there are no remnants of the railroad still present, portions of the tracks still exist to the northwest of the Project area

4.0 Results of the Records Search

A literature review and records search was conducted by Patrick Allen, Staff Archaeologist, on June 14, 2018 at the Northwest Information Center (NWIC) housed at Sonoma State University, Rohnert Park (IC File Number 17-3021). The records search area included the Project area as well as an additional half-mile radius. The purpose of the records search was to identify any known cultural resources within the immediate vicinity of the Project area. The records search also included a review of the Office of Historic Preservation (OHP) Archaeological Determination of Eligibility and the OHP Directory of Historic Properties Data File.

The records search indicated that no prehistoric or historical archaeological resources have been previously recorded within or within a half-mile radius of the Project area. A total of 29 historical built-environment resources have been previously recorded within a half-mile radius

of the Project area; however, none of these resources are located within the Project area (Table 1). These resources include a section of the Southern Pacific Railroad, and buildings and structures associated with the Parks Reserve Forces Training Area, commonly known as Camp Parks. The section of the Southern Pacific Railroad, P-01-001783, is located less than one tenth of a mile northwest of the Project area, it no longer extends through the Project area. The records search also indicated that a total of 150 cultural resource studies have been conducted within a half-mile radius of the Project area (see full list in Appendix A). Of these 150 studies, 10 intersect or include portions of the Project area (Table 2).

Table 1
Previously Recorded Historic Resources within a Half-Mile of the Project Area

Primary No. /Trinomial	Age	Type	Description	Eligibility Recommendation
P-01-001783/ CA-ALA-000623H	Historic	Structure	Portion of the Southern Pacific Railroad (recorded in segments)	Not recommended eligible for either CRHR or NRHP (2017)
P-01-010333	Historic	Building	Camp Parks Sign	3S
P-01-010422	Historic	Building	Building 636 (Camp Parks)	6Y
P-01-010468	Historic	Building	Building 610 (Camp Parks)	6Y
P-01-010469	Historic	Building	Building 611(Camp Parks)	6Y
P-01-010470	Historic	Building	Building 620 (Camp Parks)	6Y
P-01-010471	Historic	Building	Building 796 (Camp Parks)	6Y
P-01-010472	Historic	Building	Building 792 (Camp Parks)	6Y
P-01-010475	Historic	Building/Structure	Drainage System and Building 740 (Camp Parks)	6Y
P-01-010479	Historic	Building	Buildings 284, 860, 860A, 861, 880, 881Health Clinic and Regional Medical Training site (Camp Parks)	6Y
P-01-010480	Historic	Building	Buildings 132, 133, 309, 334, 341, 495, 511, 793, 797, 798, and 862 Miscellaneous Storage Facilities (Camp Parks)	6Y
P-01-011868	Historic	Building	Buildings 131 (Camp Parks)	6Y
P-01-011869	Historic	Building	Building 141 (Camp Parks)	6Y
P-01-011870	Historic	Building	Buildings 162 (Camp Parks)	6Y
P-01-011871	Historic	Building	Building 171 (Camp Parks)	6Y
P-01-011872	Historic	Building	Building 180 (Camp Parks)	6Y
P-01-011873	Historic	Building	Building 210 (Camp Parks)	6Y
P-01-011874	Historic	Building	Building 212 (Camp Parks)	6Y
P-01-011906	Historic	Building	Building 637 (Camp Parks)	6Y
P-01-011908	Historic	Building	Building 730 (Camp Parks)	6Y
P-01-011909	Historic	Building	Building 730A (Camp Parks)	6Y
P-01-011910	Historic	Building	Building 730B (Camp Parks)	6Y
P-01-011911	Historic	Building	Building 730C (Camp Parks)	6Y
P-01-011912	Historic	Building	Building 731 (Camp Parks)	6Y
P-01-011913	Historic	Building	Building 732 (Camp Parks)	6Y
P-01-011914	Historic	Building	Building 790 (Camp Parks)	6Y

Primary No. /Trinomial	Age	Type	Description	Eligibility Recommendation
P-01-011915	Historic	Building	Building 791 (Camp Parks)	6Y
P-01-011916	Historic	Building	Building 800 (Camp Parks)	6Y
P-01-011917	Historic	Building	Building 801 (Camp Parks)	6Y

Table 2
Previous Cultural Resource Studies within the Project Area

Report No.	Year	Author(s)	Title
S-000727	1977	Miley Holman and David Chavez	An Archaeological Reconnaissance of Two New Proposed Waste Water Pipeline Routes, Livermore-Amador Valley Water Management Agency, Alameda County, California
S-016307	1994	Alison MacDougall	Cultural Resource Investigation of PG&E's Proposed Willow Pass Substation Addition, Willow Pass Tap, East Dublin BART Dedicated Substation, and Castro Valley Substation Addition, Contra Costa and Alameda Counties, California
S-017993	1995	Brian Hatoff, Barb Voss, Sharon Waetcher, Stephen Wee, Vance Bente	Cultural Resources Inventory Report for the Proposed Mojave Northward Expansion Project
S-025313	2002	Rand Herbert, Bryan Larson, Jessica Herrick, Amanda Blosser, Andrew Walters, and Eric Johnson	Final Report: National Register of Historic Places, Inventory and Evaluation of Previously Unevaluated World War II and Cold War Era Buildings, Parks Reserve Forces Training Area, Alameda and Contra Costa Counties, California
S-026071	1998	Shahira Ashkar and Dana McGowan	Parks Reserve Forces Training Area, Built Environment Inventory and Evaluation
S-026096	1981	Earth Metrics Incorporated	Historic Property Survey Report for the Reactivation and Development Plans, Camp Parks, Pleasanton, CA
S-028826	2001	Damon Mark Haydu	A Cultural Resources Study of Portions of the Training Area and Cantonment Area Within Camp Parks (PRFTA), Alameda and Contra Costa Counties, California
S-028835	2004	Jack Meyer and Graham Dalldorf	Geoarchaeological Investigation in the Parks Reserve Forces Training Area, Alameda and Contra Costa Counties, California.
S-029314	2004	Christopher Caputo	Archaeological Survey Report for Portions of the Training Area, Parks RFTA, Alameda and Contra Costa Counties, California.
S-023385	2000	Colin I. Busby and Stuart A. Guedon	Cultural Resources Assessment for an Extension of the Iron Horse Trail Between Dougherty Road and Dublin BART Station, City of Dublin, Alameda County (letter report)

PaleoWest staff also reviewed the OHP directory for the Project area. There are no resources listed on the OHP directory within the Project area. Numerous industrial buildings and structures associated with National Aeronautics and Space Administration (NASA) and the

Parks Reserve Forces Training Area, located less than one tenth of a mile from the Project area, are listed in the OHP directory.

Historic Topographic Map and Aerial Review

In addition to the records search, PaleoWest completed a review of the historical topographic maps and historic aerials that depict the Project area. The Fairchild Aerial Surveys 1938 aerials (Flight C-5750) depict the Project area in an undeveloped region with the Southern Pacific Railroad running northwest to southeast. The 1906 United States Geologic Survey (USGS) Pleasanton 15-minute quadrangle map also depicts the Project area as undeveloped with only a few roads in the general vicinity. The 1953 USGS Dublin 7.5-minute map shows the Project area atop the existing Southern Pacific Railroad line and crossing the convergence of two unnamed seasonal drainages. The 1953 Dublin map also depicts numerous rectangular industrial style buildings to the north/northwest of the Project area. These buildings are likely portions of the Parks Reserve Forces Training Area which was commissioned in January of 1943 (http://www.usar.army. mil/Commands /US-Army-Reserve-Command-USARC/Camp-Parks-Main/Camp-Parks/). A review of the 1950 United States Department of Agriculture Stabilization and Conservation Service survey for Flight BUT-1950 shows the Project area south of Camp Parks with small buildings located in between the northern edge of Highway 580 and the diagonal tracks of the Southern Pacific Railroad. The 1961 Dublin 7.5-minute map shows the Project area intersecting the Southern Pacific Railroad line and crossing an unnamed seasonal drainage. In addition, the 1961 Dublin quadrangle illustrates numerous buildings associated with NASA located to the northwest of the Project area. The Cartwright Aerial Survey from 1965 (Flight CAS-65-130) depicts the Project area to the southeast of Camp Parks with the parcels directly surrounding the Project area still mostly undeveloped. The 1980 photo revised Dublin topographic quadrangle map indicates that while the majority of the Dublin area has been developed by 1980, the Project area remained undeveloped.

4.1 Native American Coordination

PaleoWest contacted the Native American Heritage Commission (NAHC) for a review of the Sacred Lands File (SLF) on June 15, 2018. The objective of the SLF search was to determine if the NAHC had any knowledge of Native American cultural resources (e.g., traditional use or gathering area, place of religious or sacred activity, etc.) within the immediate vicinity of the Project area. The NAHC responded on June 25, 2018, stating that the SLF was completed with negative results (Appendix B). However, the NAHC did state that the absence of specific site information in the SLF does not indicate the absence of Native American cultural resources. As such, the NAHC recommended that six Native American individuals and/or tribal groups be contacted to elicit information regarding cultural resource issues related to the Project. Initial scoping letters were sent by email on July 12, 2018 to all six recommended individuals. As no written response had been received, follow up phone calls were placed to each individual on July 26, 2018. Ms. Perez, Northern Valley Yokut, indicated that typically railroad tracks follow traditional Native trails and as such she recommends a Native American

monitor be present during ground disturbing activities. She also requested a copy of the final report. Ms. Sayers, Indian Canyon Mutsun Band of Costanoan, indicated she has no knowledge of the area or its potential sensitivity. No other responses were received as a result of the outreach efforts. Subsequently, messages and follow up emails describing the Project were sent to the contacts who were unable to be reached.

5.0 Dublin Crossing EIR Findings

A portion of the current Iron Horse Trail Project area overlaps with land previously assessed in the Dublin Crossings Specific Plan EIR (2013). The Dublin Crossings Specific Plan EIR identified 12 cultural resources within the EIR's project area. These resources were all components of Camp Parks and as such were evaluated using the National Register of Historic Places (NRHP) criteria. Only one of the resources, the Camp Parks entrance sign (P-01-010333), was determined to be eligible for listing on the NRHP by the State Historical Preservation Office (SHPO) (October 26, 1999). As the resource was determined eligible for listing on the NRHP, it is now also recommended as eligible for listing on the CRHR. None of these resources are located within the portion of the Iron Horse Trail Project area that overlaps with the project area for the Dublin Crossing Specific Plan EIR.

The SLF search conducted for the Dublin Crossing Specific Plan EIR also failed to indicate the presence of Native American cultural resources within the Project area. An amendment to the City of Dublin's General Plan was necessary for land use purposes associated with the Dublin Crossing Specific Plan. As such, Senate Bill (SB)18 consultation was conducted and likewise failed to provide any additional information regarding cultural resources within the Project area.

Subsequently, the records search and the pedestrian field survey conducted for the Dublin Crossing Specific Plan EIR failed to identify any new archaeological or historic deposits within the study area. As a result of the cultural resource assessment, two cultural resource mitigation measures (MM) were proposed for the Dublin Crossing Specific Plan EIR to mitigate significant impacts to unknown archaeological resources during construction activities. These MM are outlined below. While the Dublin Crossing Specific Plan EIR indicated that Impact 3.4-1 could potentially affect the NRHP eligible Camp Park Sign, this resource was located outside of the Project area and therefore no mitigation measure was needed.

Mitigation Measure 3.4-2, Halt Work/Archaeological Evaluation/Site-Specific Mitigation, for unanticipated cultural resources.

Mitigation Measure 3.4-4, Halt Work/Coroner's Evaluation/Native American Heritage Consultant/Compliance with Most Likely Descended, for unanticipated discoveries and human remains.

6.0 Methodology and Results of Field Survey of the Iron Horse Trail Project

6.1 Survey Methods

A combination of intensive and reconnaissance pedestrian survey was conducted on July 11, 2018 by Staff Archaeologist Patrick Zingerella (Appendix B, Photos 1-10). The entirety of the Project area was not intensively surveyed due to the developed nature of the entire Project area as well as the fact that the northern half of the Project area was previously investigated for the Dublin Crossing Specific Plan EIR in April 2012.

Exposed ground surface within the Project area was examined for the presence of historic or prehistoric site indicators. Historic site indicators include, but are not limited to foundations, fence lines, ditches, standing buildings, objects or structures such as sheds, or concentrations of materials at least 50 years in age, such as domestic refuse (glass bottles, ceramics, toys, buttons or leather shoes), or refuse from other pursuits such as agriculture (e.g., metal tanks, farm machinery parts, horse shoes) or structural materials (e.g., nails, glass window panes, corrugated metal, wood posts or planks, metal pipes and fittings, etc.). Prehistoric site indicators include but are not limited to areas of darker soil with concentrations of ash, charcoal, animal bone (burned or unburned), shell, flaked stone, ground stone, or even human bone.

6.2 Results of the Archaeological Field Survey

The survey was accessed from the north by trail access parking on Houston Place. The survey commenced north of Dublin Boulevard, and continued southeast along the Project area. Much of the Project area north of Dublin Boulevard is located to the north and east of the existing trail in an area that has been graded for development (Appendix B, Photos 1-9). As a result, surface visibility in this area was excellent (100%). An intensive pedestrian survey (15-meter intervals) was conducted in this area. The Project area located north and west of Chabot Canal contained non-native fill throughout, depth unknown. Sediments were brown, dry and crumbly silty clay with local sub-angular and rounded gravels (Appendix B, Photo 5). This area contained a diffuse, heavily disturbed refuse scatter containing over 20 pieces of plain ironstone tableware fragments, more than 50 glass bottle fragments, and the only temporally diagnostic artifact seen with the Project area: the bottom half of a Homer Loughlin mug with a backstamp indicating its manufacture date as March 1944. This material appears to have been graded into the ground by mechanical means and may have originated from other portions of the property. Because the refuse scatter is not intact and is heavily disturbed, it does not retain any information potential and, as such, was not documented as a cultural resource.

The Project area then crosses Chabot Canal, a channelized north-northeast trending ditch (Appendix B, Photo 6). Surface visibility was very poor (< 5%) in this area and included dried bromes, foxtail and thistle. This area was disturbed by construction of three large culverts (Appendix B, Photo 2). The Project area met with the existing Iron Horse Trail approximately

50 feet southeast of the footbridge over Chabot Canal. This area is located on a mechanically disturbed 4-foot high berm, with asphalt and mulch significantly limiting surface visibility (< 10%). As such, this portion of the Project area does not contain culturally intact soils. The survey proceeded southeast to Dublin Boulevard, at which point surface visibility reduces to nil due to landscaping and paving (Appendix B, Photo 7).

The survey continued to the south of Dublin Boulevard toward the southeast, approximately 500 feet along the existing Iron Horse Trail to the end of the Project area (Appendix B, Photo 8). A single transect was surveyed on both sides of the existing trail. The trail is located on a broad berm approximately 50 feet wide and varying from 3 to 6 feet above the surrounding drainage ditches (Appendix B, Photo 9). Surface visibility was poor (0-10%) throughout. Vegetation consisted of dried bromes, prickly lettuce, foxtail and landscaping with immature oak trees. Mulch was also spread approximately 10 feet on either side of the paved trail. Sediments were brown with a silty clay texture. No prehistoric or historic artifacts were identified in the Project area south of Dublin Boulevard.

No intact historic or prehistoric-era deposits or features were identified on the ground surface within the Project area; however, visibility of the ground surface was limited throughout.

7.0 Project Impacts and Mitigation

PaleoWest conducted a pedestrian cultural resources survey of the Project area on July 11, 2018. No intact cultural resources were observed during the survey. In addition, the records search results indicated that there are no previously recorded cultural resources present within the Project area.

Given the negative results of the current cultural resources assessment as well as the negative results for the overlapping Dublin Crossing Specific Plan project area, PaleoWest recommends that no new or substantially more severe significant impacts to cultural resources will occur as a result of the current Project. PaleoWest recommends that the two cultural resource mitigations measures from the Dublin Crossing Specific Plan EIR be applied to the current Project for the unanticipated discovery of cultural resources and human remains. These mitigation measures are outlined explicitly below (RBF 2013:ES-32).

MM 3.4–2 Halt Work/Archaeological Evaluation/Site-Specific Mitigation. If any potential archaeological, pre-historic or cultural artifacts are encountered during site grading or other construction activities, all ground disturbance within 50 feet of the discovery shall be halted until a qualified archaeologist can identify and evaluate the resource(s) in accordance with State CEQA Guidelines 15064.5(f). The archeological consultant shall immediately notify the project sponsor and the City staff of the encountered archeological deposit. If the deposit does not qualify as an archaeological resource, then no further protection or study is necessary. If the deposit does qualify as an archaeological resource, then the impacts shall be avoided by project activities. If the deposit cannot be avoided, adverse impacts to the deposit shall be addressed in accordance with State CEQA Guidelines 15126.4(b). Measures may include, but

are not limited to archaeological data recovery, etc. Upon completion of the assessment by the archaeologist, a professional-quality report shall be submitted to the City, the project applicant, and the Northwest Information Center at Sonoma State University in Rohnert Park.

MM 3.4-4 Halt Work/Coroner's Evaluation/Native American Heritage Consultant/Compliance with Most Likely Descendent Recommendations. In the event that human remains are encountered during grading and site preparation activities, all ground-disturbing work within 50 feet of the remains shall cease immediately and a qualified archaeologist shall notify the Office of the Alameda County Coroner and advise that office as to whether the remains are likely to be Native American. If determined to be Native American, the Alameda County Coroner's Office shall notify the Native American Heritage Commission of the find, which in turn will then appoint a "Most Likely Descendent. (MLD)." The MLD in consultation with the archaeological consultant and the project sponsor will advise and help formulate an appropriate plan for treatment of the remains, which might include recordation, removal, and scientific study of the remains and any associated artifacts. After completion of the analysis and preparation of the report of findings, the remains and associated grave goods shall be returned to the MLD for burial.

No additional mitigation measures are recommended for this Project; however, should additional actions be proposed outside of the currently defined Project area that have the potential for additional subsurface disturbance, further cultural resource management may be required.

8.0 References Cited

Beardsley, Richard K.

1948 Cultural Sequences in Central California Archaeology, *American Antiquity* 14(1):1-28.

1954 Temporal and Areal Relationships in Central California Archaeology. *University of California Archaeological Survey Reports* 24-25.

Bennyhoff, James

1994a A Delta Intrusion to the Bay in the Late Middle Period in Central California. In *Toward a New Taxonomic Framework for Central California Archaeology: Essays by James A. Bennyhoff and David A. Fredrickson*, edited by Richard E. Hughes, pp.7-14. Contributions of the University of California Archaeological Research Facility 52.

1994b Central California Augustine: Implications for Northern California Archaeology. In *Toward a New Taxonomic Framework for Central California Archaeology: Essays by James A. Bennyhoff and David A. Fredrickson*, edited by Richard E. Hughes, pp.65-74. Contributions of the University of California Archaeological Research Facility 52.

Bennyhoff, James A. and Richard E. Hughes

1987 Shell Bead Ornament Exchange Networks Between California and the Western Great Basin. *Anthropological Papers of the American Museum of Natural History* 64 (2):79-175.

Cambra, Rosemary, Alan Leventhal, Laura Jones, Les Field, and Naveran Sanchez

1996 Archaeological Investigations at Kaphan Umux (Three Wolves) Site, CA SCL 732: A Middle Period Prehistoric Cemetery on Coyote Creek in Southern San Jose, Santa Clara County, California. Report on file at Caltrans District 4 Offices, Oakland, CA.

Cartwright Aerial Surveys

1965 Flight CAS-65-130. Frame ALA 11-42, aerial photographs of Alameda County. Electronic document available from UC Santa Barbara Library.

City of Dublin

2017 City of Dublin General Plan. Prepared for the Community Development Department, Dublin, California, Amended as of November 21, 2017.

Fairchild Aerial Surveys

1938 Flight C-5750. Frame BUU-BUT 281-40, aerial photographs of Alameda County. Electronic document available from UC Santa Barbara Library.

Field, Les, Alan Leventhal, Dolores Sanchez, and Rosemary Cambra

1992 A Contemporary Ohlone Tribal Revitalization Movement: A Perspective From the Muwekma Costonoan/Ohlone Indians of the San Francisco Bay Area. *California History*.

Fredrickson, David A.
1973 Early Cultures of the North Coast Ranges, California. Ph.D. dissertation, Department of Anthropology, University of California, Davis, CA.

Groza, Randy Gannon
2002 An AMS Chronology for Central California Olivella Shell Beads. Unpublished Master's thesis, Department of Anthropology, California State University, San Francisco.

Hagemann Jr., Herbert L.
1965 Abstract of Title: Rancho el Valle de San Jose. *The Pacific Historian*.

Heizer, Robert F. and Franklin Fenega
1939 Archaeological Horizons in Central California. *American Anthropologist* (41):378-399.

Hughes, Richard E.
1994 *Toward a New Taxonomic Framework for Central California Archaeology: Essays by James A. Bennyhoff and David A. Fredrickson*. Contributions of the University of California Archaeological Research Facility 52.

Kroeber, A.L.
1970 *Handbook of the Indians of California*. California Book Company, Berkeley, CA.

Levy, R.
1978 Eastern Miwok. In R. F. Heizer, vol. ed. Handbook of North American Indians Vol.8: California, pp. 398-413. Smithsonian Institution, Washington, D.C.

Lillard, Jeremiah B. and William K. Purves
1936 The Archaeology of the Deer Creek-Cosumnes area, Sacramento County, California. *Sacramento Junior College, Department of Anthropology Bulletin*. Sacramento, CA.

Lillard, Jeremiah B., Robert F. Heizer, and Franklin Fenenga
1939 An Introduction to the Archaeology of Central California. *Sacramento Junior College Department of Anthropology Bulletin* 2. Sacramento, CA.

Milliken, Randall T.
1995 A Time of Little Choice: The Disintegration of Tribal Culture in the San Francisco Bay Area 1769-1810. Ballena Press Publishers Anthropological Papers No. 43, Menlo Park, California.

Milliken, Randall T., Richard T. Fitzgerald, Mark G. Hylkema, Randy Groza, Tom Origer, David G. Bieling, Alan Leventhal, Randy S. Wiberg, Andrew Gottsfield, Donna Gillete, Viviana Bellifemine, Eric Strother, Robert Cartier, and David A. Fredrickson
2007 Punctuated Culture Change in the San Francisco Bay Area. In *California Prehistory: Colonization, Culture, and Complexity*, edited by Terry L. Jones and Kathryn A. Klar, pp. 99-124. Altamira Press, Lanham, MD.

Moratto, M.J.
1984 *California Archaeology*. Academic Press, Orlando, Florida.

Nelson, Nels C.
1909 The Ellis Landing Shellmound. *University of California Publications in American Archaeology and Ethnology* 7(5).

Ragir, Sonia
1972 The Early Horizon in Central California Prehistory. *Contributions of the University of California Archaeological Research Facility* 15. Berkeley.

RBF Consulting
2013 Dublin Crossing Specific Plan Draft Environmental Impact Report. Prepared for the City of Dublin.

Schenck, W. Egbert and Elmer J. Dawson
1929 Archaeology of the Northern San Joaquin Valley. *University of California Publications in American Archaeology and Ethnology* 25(4):289-413. Berkeley.

Shoup, Laurence, and Randall T. Milliken
1999 *Inigo of Rancho Polsomi: The Life and Times of a Mission Indian and his Land*. Malki-Ballena Press, Banning, CA.

United States Department of Agriculture (USDA)
n.d. SSURGO Soil Surveys, United States Department of Agriculture. Web Soil Survey. Available online at https://websoilsurvey.nrcs.usda.gov/. Accessed 6/29/18.

United States Department of Agriculture Stabilization and Conservation Service
1950 Flight BUT-1950. Frame BUT 4G-56, aerial photographs of Alameda County. Electronic document available from UC Santa Barbara Library.

United States Army Reserve
n.d. Camp Parks California. Accessed from http://www.usar.army.mil/Commands/US-Army-Reserve-Command-USARC/Camp-Parks-Main/Camp-Parks/ on June 28, 2018.

United States Geological Survey (USGS)
1906 Pleasanton quadrangle, California [map]. 1:62,500. 15-Minute Series. Reston, Va: United States Department of the Interior.

1953 Dublin quadrangle, California [map]. 1:24,000. 7.5-Minute Series. Reston, Va: United States Department of the Interior.

1961 Dublin quadrangle, California [map]. 1:24,000. 7.5-Minute Series. Reston, Va: United States Department of the Interior.

1980 Dublin quadrangle, California [map]. Photorevised 1980. 1:24,000. 7.5-Minute Series. Reston, Va: United States Department of the Interior.

Vellanoweth, Rene L.

2001 AMS Radiocarbon Dating and Shell Bead Chronologies: Middle Holocene Trade and Interaction in Western North America. *Journal of Archaeological Science* 28: 941–950.

Wiberg, Randy S.

1997 *Archaeological Investigations at Site CA-ALA-42, Alameda County, California: Final Report*. Coyote Press, Salinas, CA.

Wiberg, Randy S., David G. Bieling, Jennifer A. Ferneau, Randall T. Milliken, James P. Quinn, Dwight Simons, and Eric Wohlgemuth

1996 *Archaeological Excavations and Burial Removal at Sites CA-ALA 483, CA-ALA-483 Extension, CA-ALA-555, Pleasanton, Alameda County, California*. Report Submitted to Davidon Homes, Walnut Creek, California (C-2109). Holman and Associates, San Francisco, CA.

Appendix A
Previously Recorded Cultural Resource Studies within a Half-Mile of the Project Area

Report No.	Year	Author(s)	Title
S-000898	1976	Edward M. Love, Miley Paul Holman, and David Chavez	An Archaeological Reconnaissance of the Proposed Pipeline Routes and Reservoir Locations, Livermore-Amador Valley Water Management Agency, Alameda County, California
S-000914	1976	Miley P. Holman and David Chavez	An Archaeological Reconnaissance of the Proposed Pipeline Routing Changes Along the Dublin Canyon to the San Lorenzo Portion of the Livermore-Amador Valley Waste Treatment Project, Alameda County, California
S-001098	1978	Peter M. Banks	A Preliminary Investigation of the Heritage Park Site, Dublin, Alameda County, California.
S-002019	1979	Miley Paul Holman	An archaeological reconnaissance of the proposed 5 acre building site in Dublin, California (letter report)
S-002020	1979	Miley P. Holman	An archaeological reconnaissance of the development area located on the laborer's training center property near the City of Dublin, Calif. (letter report)
S-002021	1979	Miley P. Holman	Archaeological Field Reconnaissance of the Proposed Kemco Development Area in the City of Dublin, California (letter report)
S-002023	1979	Miley Paul Holman	A field archaeological reconnaissance of the proposed development area known as the "Calmet Project" in the City of Dublin, California (letter report)
S-002024	1979	Miley P. Holman	An Archaeological Field Reconnaissance of the proposed development area known as the Neilsen Property, in Dublin, Alameda County, Calif. (letter report)
S-002400	1980	Michael J. Sawyer and George R. Miller	An Archaeological Reconnaissance of the San Ramon Road / Amador Valley Road Interchange Project, Dublin, Alameda County, California
S-002631	1980	Miley Paul Holman	Archaeological field reconnaissance of the proposed Silvergate development in the City of Dublin, Contra Costa County (letter report)
S-002780	1981	Robert A. Stillinger	An Archaeological Survey of the Proposed Hacienda Business Park, Tract 4857, Pleasanton, California
S-002806	1981	Matthew R. Clark and Miley Paul Holman	Report of Archaeological Survey of Portions of the Proposed Hacienda Business Park Development, Pleasanton, Alameda County, California (letter report)
S-002806a	1982	Miley Paul Holman and Sarah Slater	A report of archaeological site location at the Hacienda Business Park, Pleasanton, California
S-002806b	1982	Miley Paul Holman and Randy Wiberg	Further testing for buried archaeological site material at the Hacienda Business Park, Pleasanton, California
S-002996	1975	Miley Paul Holman	An archaeological reconnaissance of the "Willow West" property, Pleasanton, Alameda County (letter report)
S-006422	1984	Margaret L. Buss	Archaeological Survey Report, improvements to the Hopland Road/Route 580 Interchange, 04-ALA-580 P.M. 19.8/20.0 210-113520
S-006516	1984	Miley Paul Holman	Field Testing of the Abijah Baker House, Hacienda Business Park, and Further Testing for Buried Archaeological Resources, Pleasanton, Alameda County, California
S-007529	1985	Peter M. Banks	An Archaeological Reconnaissance for the San Ramon Road Improvements Project: Phases 2, 3 and 4, Dublin, Alameda County, California.
S-008738	1986	Jo Rainie Rodgers, George P. Rodgers, and Mark Hylkema	A Cultural Resources Investigation of the Proposed Veterans Administration Northern California National Cemetery Sites at Santa Nella and Camp Parks

Report No.	Year	Author(s)	Title
S-008785	1986	R. Paul Hampson	Cultural Resources Reconnaissance of Assessor's Parcel Number 941-1600-5-6, Near Dublin, Alameda County, California
S-008785a	1987	R. Paul Hampson	Archaeological Testing of That Portion of CA- ALA-43 Within Assessor's Parcel Number 941-1600-5-6, Near Dublin, Alameda County, California
S-010762	1990	Mara Melandry	Historic Property Survey Report, proposed reconstruction of the I-580/I-680 interchange in the cities of Dublin and Pleasanton in Alameda County, 04-ALA-580/680, Post Miles 18.2/R21.6, 18.8/21.9, 182-233040
S-010762a	1989	Marcia K. Kelly	Archaeological Survey Report, proposed reconstruction of the I-580/I-680 Interchange in the cities of Dublin and Pleasanton in Alameda County, 4-ALA-580/680, Post Miles 18.2/R21.6, 18.8/21.9, EA 4182-233040
S-010762b	1990	E.W. Blackmer	Historical Architectural Survey Report, 4-Ala- 580/680, 18.2/R21.6, 18.8/21.9, 182-233040 (letter report)
S-011161	1989	Suzanne Baker, Laurence H. Shoup, and Anne Bloomfield	Technical Report - Cultural Resources, BART Dublin/Pleasanton Extension Project
S-011601	1988	Roger H. Werner	Cultural Resources Survey for Proposed Improvements to Dublin Boulevard, Dublin, California
S-012132	1990	Patricia Ryan Farrell and Roger H. Werner	Cultural Resources Survey of a Proposed Dougherty Road Widening in Dublin, Alameda County, California
S-013798	1991	Miley Paul Holman	Archaeological Field Inspection of the Proposed Schaefer Ranch Road Interchange and Hook Ramp Option, Dublin, Alameda County, California (letter report)
S-017993a	1995	Brian Hatoff, Barb Voss, Sharon Waetcher, Stephen Wee, Vance Bente	Proposed Mojave Northward Expansion Project: Appendix A - Native American Consultation
S-017993b	1995	Brian Hatoff, Barb Voss, Sharon Waetcher, Stephen Wee, Vance Bente	Proposed Mojave Northward Expansion Project: Appendix B - Looping Segments - Class 1
S-017993c	1995	Brian Hatoff, Barb Voss, Sharon Waetcher, Stephen Wee, Vance Bente	Proposed Mojave Northward Expansion Project: Appendix C -Monitoring and Emergency Discovery Plan
S-017993d	1995	Brian Hatoff, Barb Voss, Sharon Waetcher, Stephen Wee, Vance Bente	Proposed Mojave Northward Expansion Project: Appendix D - General Construction Information
S-017993e	1995	Brian Hatoff, Barb Voss, Sharon Waetcher, Stephen Wee, Vance Bente	Proposed Mojave Northward Expansion Project: Appendix E - Archaeological Site Records
S-017993f	1995	Brian Hatoff, Barb Voss, Sharon Waetcher, Stephen Wee, Vance Bente	Proposed Mojave Northward Expansion Project: Appendix F - Historic Features Evaluation Forms
S-017993g	1995	Brian Hatoff, Barb Voss, Sharon Waetcher, Stephen Wee, Vance Bente	Proposed Mojave Northward Expansion Project: Appendix G - Railroad Crossing Evaluation Forms
S-017993h	1995	Brian Hatoff, Barb Voss, Sharon Waetcher, Stephen Wee, Vance Bente	Proposed Mojave Northward Expansion Project: Appendix H - Crossing Diagrams and Plan View Maps
S-017993I	1995	Brian Hatoff, Barb Voss, Sharon Waetcher, Stephen Wee, Vance Bente	Proposed Mojave Northward Expansion Project: Appendix I - Railroad Depot NRHP Nomination Forms and Related Records
S-017993j	1995	Brian Hatoff, Barb Voss, Sharon Waetcher, Stephen Wee, Vance Bente	Proposed Mojave Northward Expansion Project: Appendix J - Looping Segment and Compressor Station Site Records

Report No.	Year	Author(s)	Title
S-017993k	1995	Brian Hatoff, Barb Voss, Sharon Waetcher, Stephen Wee, Vance Bente	Proposed Mojave Northward Expansion Project: Appendix K - Historic Site Records / Isolate Forms
S-017993l	1995	Brian Hatoff, Barb Voss, Sharon Waetcher, Stephen Wee, Vance Bente	Proposed Mojave Northward Expansion Project: Appendix L - Photodocumentation
S-017993m	1995	Brian Hatoff, Barb Voss, Sharon Waetcher, Stephen Wee, Vance Bente	Proposed Mojave Northward Expansion Project: Appendix M - Curricula Citae of Key Preparers
S-019293	1997	Matthew R. Clark	An Archaeological Reconnaissance of the Lands of Lester on Dublin Canyon Road, Pleasanton, Alameda County, California
S-020088	1997	Robert Gerry	Cultural Resources Assessment of the Proposed National Guard Armory and Organizational Maintenance Shop at Camp Parks, Alameda County, California
S-021806	1999	Randy S. Wilberg	Assessment of a Possible Archaeological Resource Within Dublin Ranch Areas "F-H" (APN 985-5-1), Dublin, Alameda County, California
S-021807	1999	Randy S. Wilberg	Surface and Subsurface Mechanical Testing for Archaeological Resources at Dublin Ranch Area "E" (APN 985-3-3-2), Dublin, Alameda County, California
S-021808	1999	Randy S. Wilberg	Surface and Subsurface Mechanical Testing for Archaeological Resources at Dublin Ranch Area "A" (APN 985-7-2-8, 985-6-7 and 985-6-8), Dublin, Alameda County, California
S-022071	1999	William Self Associates and Ward M. Hill	Koller Ranch: Architectural Assessment and Subsurface Testing of Site CA-ALA-570, Dublin, Alameda County, CA
S-022501	1999		Historic Property Survey Report and Findings of No Historic Properties Affected for I-680 "Sunol Grade" Southbound Improvement Project in the Cities of Pleasanton and Fremont & Unincorporated Alameda County, and in the City of Milpitas, Santa Clara County, 04-ALA-680 KP 0.0/R35.2 (PM 0.0/R21.9) and 04-SCL-680 KP 12.2/16.0 (PM 7.6/9.9), EA 04-259-253700
S-022501a	1999	Glenn Gmoser, Jeff Rosenthal, William Hildebrandt, and Pat Mikkelsen	Archaeological Survey Report, Archaeological Survey of the I-680 Corridor between Dublin and Milpitas in Alameda and Santa Clara Counties for the "Sunol Grade" Southbound Improvement Project, 04-ALA- 680 PM 0.0/21.9 and 04-SCL-680 PM 7.6/9.9; EA 04-259-253
S-022501b	1999	Elizabeth Krase, Marianne Hurley, and William Kostura	Historic Architecture Survey Report for the I- 680 "Sunol Grade" Southbound Improvement Project in the Cities of Pleasanton and Fremont and unincorporated Alameda County, and in the City of Milpitas, Santa Clara County, 04-ALA-680 KP 0.0/R35.2 (PM 0.0/R21.
S-022501c	1999	Daniel Abeyta	FHWA991122A: I-680 Sunol Grade Southbound Improvement Project, Alameda County
S-023216	2000	William Self Associates	Archaeological Survey Report, Dublin Boulevard Widening Project, Alameda County, California
S-023230	1998	Shahira A. Ashkar	Cultural Resources Inspection at the Proposed Location of a New Front Gate at Parks Reserve Forces Training Area (letter report)

Report No.	Year	Author(s)	Title
S-023257	2000	Holly D. Knudson	Review of the Proposed Nextel Communications Wireless Facility CA-2076A, West Livermore, 6005 Scarlett Court, Dublin, Alameda County, California (letter report)
S-023352	1995	Allen G. Pastron	Archival Literature Search and On-Site Archaeological Surface Reconnaissance of an Approximately 5 Acre Parcel, Located off San Pablo Avenue, near Dublin and Murphy Drives, near the City Limits of Pinole in an Unincorporated Portion of Contra Costa County, California
S-023378	2000	Colin I. Busby and Stuart A. Guedon	Constraints Analysis-Proposed Improvements of the Fallon Road/El Charro Road Interchange, City of Dublin/Unincorporated Alameda County (letter report)
S-023474	1995	Allen G. Pastron	Archival Literature Review and On-Site Archaeological Surface Reconnaissance of an Approximately 30 Acre Parcel, Located on the North Side of Dublin Boulevard, to the West of Tassajara Road, Within the City of Dublin, Alameda County, California
S-023881	2001	Carolyn Losee	Record Search for Sprint Spectrum's Personal Communication Services (PCS) Wireless "South Central Dublin" Site (Ref # SF36XC021D): No Further Recommendations (letter report)
S-023918	2001	Leigh Martin, Marin Pilloud, and Kimberley Popetz	Historic Evaluation Report, Dublin Ranch West, Alameda County, California
S-024417	2001	Colin I. Busby	Historic Properties Survey Report 1-580/ Tassajara Road Interchange Modifications Project, Cities of Dublin and Pleasanton, Alameda County, California, KP 27.2/29.2 (PM 16.9/ 18.2) EA 25770k
S-024417a	2001	Colin I. Busby	Archaeological Survey Report (Negative), I-580/Tassajara Road Interchange Modifications Project, Cities of Dublin and Pleasanton, Alameda County, California
S-024417b	2000	Colin I. Busby	Constraints Analysis - Proposed Improvements of the Tassajara Road Interchange, Pleasanton/Livermore Area, Alameda County
S-024417c	2001	Colin I. Busby	Historic Property Survey Report - Negative Findings
S-024417d	2001	Colin I. Busby	Archaeological Survey Report (Negative), I-580/Tassajara Road Interchange Modifications Project, Cities of Dublin and Pleasanton, Alameda County, California
S-025126	2001	Leigh Martin and William Self	Cultural Resources Assessment Report, Proposed Sewer Rehabilitation, Camp Parks, Dublin, Alameda County, California
S-025266	2000	Miley Holman	Archival Research and Field Inspection of the Proposed Dublin Transit Center EIR Project Area, Dublin, Alameda County, California (letter report)
S-025277	2000	Miley Holman	Phase I Archaeological Study of the Bart/ Dublin/ Pleasanton Extension Mitigation Project at Camp Parks, Alameda County Proposed Construction of Ponds B-9 and B-10 (letter report)
S-025277a	2000	Knox Mellon and John W. Randolph	USA010122K; Proposed Construction of Mitigation Wetlands, Parks Reserve Forces Training Area, Dublin, Alameda and Contra Costa Counties, California
S-025313a	2002	DawnLee DeYoung and Knox Mellon	USA020415A: Re: Inventory and Evaluation of World War II and Cold War Era Buildings, Parks Reserve

Report No.	Year	Author(s)	Title
			Forces Training Area, Alameda and Contra Costa Counties, California
S-026071a	1999	Daniel Abeyta	COE990927D: Re: Identification of Historic Properties at Parks Reserve Forces Training Area, Dublin, CA
S-026075	2002	Damon Haydu and Melinda Button	A Cultural Resources Study of Seven Locations Within the Parks Reserve Forces Training Area, Dublin, Contra Costa and Alameda Counties, California
S-026096a	1981	William Roop and Katherine Flynn	Cultural Resources Literature Search and Field Reconnaissance of Camps Parks, Alameda and Contra Costa Counties, California
S-026096b	1986		Structures Evaluation for National Register of Historic Places for the Parks Reserve Forces Training Area, Contra Costa and Alameda Counties, California
S-026096c	1996	George C. Widdel and Kathryn Gualtieri	COE860227A through I; Re: SPKED-D, Parks Reserve Forces Training Area, Determinations of Eligibility
S-027387	2001	Sara E. P. Gillies	A Cultural Resources Study For the Santa Rita / Dublin Site, Alameda County, California
S-027909	2004	Page and Turnbull, Inc	Dublin Historic Resources Identification Project, Final Report
S-027989	2001	Basin Research Associates	Archaeological Resources Assessment Report, Alameda County Juvenile Hall, City of Dublin, Alameda County, California
S-028003	2002	Colin I. Busby	Archaeological Resources Literature Review, Juvenile Justice Facility Alternative Sites, East County Government Center Alternative Parcel 15A Site, City of Dublin, Alameda County, California (letter report)
S-028645	2003	Miley Paul Holman	Result of a Phase I Archaeological Study of the Tassajara Creek Fence Area West of Tassajara Road, Dublin, Alameda County, California
S-028675	2004	Miley Paul Holman	Archaeological Field Inspection of the Mission Peak Property, East Dublin, Alameda County, California (letter report)
S-029041	2003	Kyle Brown, Aimee Arrigoni, and William Self	Archaeological Assessment Report, Donlon Way Area Specific Plan, City of Dublin, Alameda County, California
S-029304	2004	Miley Paul Holman	Archaeological Field Survey for the 7 Acre Alternate DSRSD Location, Parks Reserve Forces Training Area, Dublin, Alameda County, California (letter report)
S-030166	1990	Frances Welling and Charles Welling	Rasmussen Farm, Addendum to Historical Evaluation Previously Conducted in 1985 by California Archaeological Consultants.
S-030166a	1985	Gary F. Wirth	Historic Architecture Report, Residence - 7436 San Ramon Road, Dublin
S-030248	2005	Beth A. Gordon	Historic Resource Report, SNFCCA0065 / Amador Valley Road, 7557 Amador Valley Boulevard, Dublin, Alameda County, California.
S-030253	2005	Beth A. Gordon	Historic Resource Report, SNFCCA1891A/Komandorski Village, AFRC FMC, CDF Dublin Road, Dublin, Alameda County, California.
S-030533	2000	George McHale	Historical and Archaeological Review for Site Pl-383-01, 6830 Village Parkway, Dublin, Alameda County, CA (50001-25/00)
S-030588	2004	Basin Research Associates	Cultural Resources Report in Support of Eastern Dublin Properties Resource Management Plan (RMP), City of Dublin, Alameda County, California.

Report No.	Year	Author(s)	Title
S-030607	2004	Colin I Busby	Cultural Resources Assessment Report -Archaeology and Built Environment Fallon Villages (Bankhead and Mandeville Properties), City of Dublin, Alameda County
S-030607a	2004	Ward Hill	Historic Evaluation Report Fallon Ranch
S-030611	2004	Colin I Busby	1881 Collier Canyon Road, Livermore (Collier Ranch), Eastern Dublin Properties Resource Management Plan, Supplemental Cultural Resources Review - Built Environment, City of Dublin, Alameda County (APN 905-0001- 004-04) (letter report)
S-030628	2005	Robert Herrmann	Cultural Resources Survey of the Proposed SNFCCA0065/Amador Valley Road Cellular Site, 7557 Amador Valley Road, Dublin, Alameda County, California
S-031643	2006	Eric Strother, James Allan, and William Self	Archaeological Assessment of the Proposed Alamo Creek Trunk Sewer Relocation Project, Dublin, Alameda County, California
S-032162	2005	Lorna Billat	New Tower ("NT") Submission Packet, FCC Form 620, Dublin Ranch, SF-16030A
S-033429	2005	Christian Fish	Draft Cultural Resource Assessment for the Camp Parks RFTA Metering Project, Contra Costa County and Alameda Counties, California
S-033429a	2001	John W. Randolph and Knox Mellon	USA010228B, USA010228C: Re: Proposed Demolition of Building 1160, Parks Reserve Forces Training Area, Dublin, Alameda and Contra Costa Counties; Re: Demolition of Building 341, Parks Reserve Forces Training Area, Alameda and Contra Costa Counties
S-034221	2006	Colin I. Busby	Cultural Resources Assessment Vargas/Fredrich Properties, Dublin, Alameda County (letter report)
S-034997	2008	Miley Paul Holman	Cultural Resources Investigation and Native American Consultation for the Grafton Plaza Project, Dublin, Alameda County, California (letter report)
S-034998	2008	Miley Paul Holman	Cultural Resources Inspection and Native American Consultation for the Nielsen Property, Dublin, Alameda County, California (letter report)
S-035826	2008	Brian F. Byrd	Historic Property Survey Report for the I-580 Westbound High Occupancy Vehicle Lane Project, Greenville Road to San Ramon/Foothill Roads, Alameda County, California: 4-Ala-580, P.M. 8.29/21.43, EA 29082K
S-035854	2008	Suzanne Baker and Nina Ilic	Cultural Resources Monitoring Report, Dublin Historic Park, City of Dublin, California
S-035854a	2009	Suzanne Baker	Cultural Resources Monitoring Report #2, Dublin Historic Park, City of Dublin, California
S-036316	2009	Mitch Marken	Seismic Upgrade of Bay Division Pipeline Nos. 3 and 4 at Hayward Fault Project, Fremont, Alameda County, California: Historic Context and Archaeological Survey Report
S-036316a	1999	Glenn Gmoser, Jeff Rosenthal, William Hildebrandt, and Pat Mikkelsen	Archaeological Survey of the I-680 Corridor between Dublin and Milpitas in Alameda and Santa Clara Counties for the "Sunol Grade" Southbound Improvement Project
S-036316b	2009	Milford Wayne Donaldson and Mitch Marken	COE090417A; San Francisco Public Utilities Commission (SFPUC) Water System Improvement Program, BDPL Pipeline Nos. 3 and 4 at Hayward Fault

Report No.	Year	Author(s)	Title
			Seismic Upgrade Project, Fremont, Alameda County, California
S-036776	2009	Wayne Bonner and Sarah Williams	Cultural Resources Records Search and Site Visit Results for T-Mobile West Corporation a Delaware Corporation Candidae BA42651 (Nielson Ranch), 7478 San Ramon Road, Dublin, Alameda County, California
S-036958	2010	Carolyn Losee	Cultural Resources Investigation for Clearwire #CA-SFO0487A "Schaefer Ranch Water Tank", 10001 Dublin Canyon Road, Castro Valley, Alameda County, California 94552
S-037468	2010	Carrie D. Wills and Erin McMurry	Cultural Resources Records Search and Site Visit for Sprint Nextel Candidate SF74XC432A (Tassajara South), 6089 Madigan Road, Dublin, Alameda County, California. (Letter Report)
S-037500	2010	Carrie D. Wills	Cultural Resources Records Search and Site Visit for T-Mobile West Corporation, a Delaware Corporation Candidate BA22803-A (DSA Dublin High School), 8151 Village Parkway, Dublin, Alameda County, California. (Letter Report)
S-037985	2011	Paul Farnsworth	Archaeological Testing Report for the Arroyo Vista Project, City of Dublin, Alameda County, California.
S-038860	2012	James M. Allan	CEQA Cultural Resources Technical Study, Dougherty Road Improvements Project, Dublin, Alameda County, California (letter report)
S-039062	2009	Colin I. Busby	Results, Field Inventory and Mechanically Assisted Presence/Absence Archeological Testing within CA-Ala-508/H, Dublin, Alameda County
S-039148	2012	Neal Kaptain	Historic Property Survey Report, Iron Horse Trail, City of Pleasanton, Alameda County, California
S-039148a	2012	Neal Kaptain	Archaeological Survey Report for the Iron Horse Trail Project, Caltrans District 04, City of Pleasanton, Alameda County, California, Federal ID No.: TGR2DGL 6075 (018)
S-040270	2012	Amy E. Foutch	PG&E External Corrosion Direct Assessment (ECDA) on DFM 2408-11, Station 41+53, Dublin California (Letter Report)
S-040758	2012	Virginia Hagensieker and Janine M. Loyd	A Cultural Resources Study for a Proposed Recycled Water Expansion Project, Dublin, Alameda County, California
S-040758a	2013	Virginia Hagensiker and Janine M. Loyd	A Cultural Resources Study for a Proposed Recycled Water Expansion Project, Dublin, Alameda County, California (revised)
S-040758b	2015	Julianne Polanco	BUR_2015_0615_001; National Historic Preservation Act (NHPA) Section 106 Consultation for the Western Dublin Recycled Water Expansion Project, Alameda County, California (15-MPRO-110)
S-042292	2011	Aniela Travers	Cultural Resources Analysis; San Ramon Rd d& Shannon Ave/CC120; 6501 Golden Gate Drive, Dublin, Alameda county, CA 94568; EBI Project # 61112580
S-042632	2013	Carolyn Losee	Cultural Resources Investigation for AT&T Mobility CCU1075 "Fallon Rd & Positano Pkwy" 4605 Lockhart Street, Dublin, Alameda County, CA 94568 (letter report)
S-042775	2013	Carolyn Losee	Cultural Resources Investigation for AT&T Mobility CNU0766 "Shannon Park" 8208 Rhoda Avenue, Dublin, Alameda County, CA 94568(letter report)

Report No.	Year	Author(s)	Title
S-042775a	2014	Carolyn Losee and Carol Roland-Nawi	FCC_2014_0421_001, CCU0766 "Pleasanton-Shannon Park 8208 Rhoda Avenue, Dublin, Collocation
S-045735	2014	Carrie D. Wills	Cultural Resources Records Search and site Visit Results for Verizon Wireless Candidate Dublin Ranch, 4605 Lockharte Street, Dublin, Alameda County, California, EBI Project No. 61145616 (letter report)
S-045994	2015	Justin Castells	Submission Packet, FCC Form 620, for proposed New Tower Project, 5220 Fallon Road, Dublin, Alameda County, California, CCU2048 / Tassajara Relo-TEMP/PERM, EBI Project Number: 61149468 (letter report)
S-045994a	2015	Virginia Clifton and MacKensie Cornelius	Cultural Resources Survey, Tassajara Relo - TEMP/PERM / CCU2048, 5220 Fallon Road, Dublin, Alameda County, California 94568, NE 1/4 of the SW 1/4 S27 T02S R01E, EBI Project No. 61149468
S-046736	2014	Carolyn Losee	Cultural Resources Investigation for AT&T CNU4975 "Dougherty Road & North Avenue," 6955 Serra Court, Dublin, Alameda County, California 94568 (letter report)
S-046860	2009	Miley Paul Holman	Cultural Resources Study of the Dublin Ranch North Property, Alameda County, California - (letter report)
S-047534	2014		Section 106 Cultural Resources Investigation
			Report, City of Pleasanton Recycled Water Project (CWSRF) No. C-06-8024-110
S-047534a	2015		Update to the Section 106 Cultural Resources Investigation Report, Recycled Water Project
S-047534b	2015	Steve Brown, Daniel Shoup, and Steve Kirkpatrick	Section 106 Cultural Resource Issues with City of Pleasanton's Recycled Water Project (letter report)
S-047534c	2015	Carol Roland-Nawi and Cedric Irving	EPA_2014_1212_001; Section 106 Consultation for the Pleasanton Recycled Water Project, City of Pleasanton, Alameda County, California
S-047983	2011	Carrie D. Wills	Section 106 Cultural Resources Assessment DSRSD Central Dublin Recycled Water Distribution and Retrofit Project, City of Dublin, Alameda County, California
S-047983a	2012	Milford Wayne Donaldson	BUR111208A; Section 106 Compliance for the Dublin San Ramon Services District (DSRSD) Central Dublin Recycled Water Distribution and Retrofit Project in Alameda County, California (Project #09-CCAO-165)
S-048110	2012	Vicki Beard	Archival Search Results for the Property at 6707 Golden Gate Drive in Dublin, Alameda County
S-048433	2016	Janine M. Origer	Cultural Resources Study for the Dublin San Ramon Services District Regional Wastewater Facility Project, Pleasanton, Alameda County, California
S-048499	1993	Mark R. Hale	Negative Archaeological Survey Report, BART Dublin/Pleasanton Extension Project, East Dublin/Pleasanton Station, Pleasanton, Alameda County, California
S-048940	2016	Jennifer Roland	Phase I Investigation for the Crown Castle Pleasanton Tower Installation Project, Pleasanton, Alameda County, California.
S-048940a	2016	Dana Whitaker	Collocation ("CO") Submission Packet, FCC FORM 612, Crown Castle-Pleasanton / BU #845523-Trileaf Project #625086, 3986 Santos Ranch Road, Pleasanton CA 94588, Alameda County, Dublin Quadrangle (DeLorme), Latitude: 37º 39' 56.77" N. Longitude: 121º 55' 21.89" W

Report No.	Year	Author(s)	Title
S-049423	2017	Carolyn Losee	Cultural Resources Investigations for Trileaf 634236/Crown Castle 830171 "NEW DUBLIN" 10001 Dublin Canyon Road, Castro Valley, Alameda County, California 94546 (letter report)

Appendix B

Native American Correspondence / Assembly Bill 52 Notification Letters

Sacred Lands File & Native American Contacts List Request

NATIVE AMERICAN HERITAGE COMMISSION
1550 Harbor Blvd, Suite 100
West Sacramento, CA 95501
(916) 373-3710
(916) 373-5471 – Fax
nahc@nahc.ca.gov

Information Below is Required for a Sacred Lands File Search

Project: Iron Horse Trail Bike/Pedestrian Overcrossing Project

County: Alameda

USGS Quadrangle

Name: Dublin

Township: 3 South Range: 1 East Section(s): 6 (San Ramon-Amador Landgrant)

Company/Firm/Agency:

Contact Person: Robbie Thomas

Street Address: 517 S. Ivy

City: Monrovia Zip: 91016

Phone: (918) 232-4312 Extension:

Fax:

Email: rthomas@paleowest.com

Project Description:

Cultural resource investigation for the improvement of the Iron Horse Trial bike/pedestrian overcrossing over Dublin Boulevard.

☑ Project Location Map is attached

STATE OF CALIFORNIA Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION
Environmental and Cultural Department
1550 Harbor Blvd., ROOM 100
West SACRAMENTO, CA 95691
(916) 373-3710
Fax (916) 373-5471

June 25, 2018

Robbie Thomas

Paleo West

Sent by Email: rthomas@paleowest.com

Re: Iron Horse Trail Bike Pedestrian Over-crossing, Alameda County

Dear Robbie,

A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the information you have submitted for the above referenced project. The results were negative. However, the absence of specific site information in the SLF does not preclude the presence of cultural resources in any project area. Other sources for cultural resources should also be contacted for information regarding known and/or recorded sites.

Enclosed is a list of Native Americans tribes who may have knowledge of cultural resources in the project area. I suggest you contact all of those indicated, if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from any of these tribes, please notify me. With your assistance we are able to assure that our lists contain current information. If you have any questions or need additional information, please contact me at 916-573-1033 or frank.lienert@nahc.ca.gov.

Sincerely,

Frank Lienert
Associate Governmental Program Analyst

Native American Heritage Commission
Native American Contacts
6/25/2018

Coastanoan Rumsen Carmel Tribe
Tonv Cerda. Chairperson
244 E. 1st Street — Ohlone/Costanoan
Pomona , CA 91766
rumsen@aol.com
(909) 524-8041 Cell
(909) 629-6081

Indian Canvon Mutsun Band of Costanoan
Ann Marie Savers. Chairperson
P.O. Box 28 — Ohlone/Costanoan
Hollister , CA 95024
ams@indiancanyon.org
(831) 637-4238

Amah MutsunTribal Band of Mission San Juan Bautista
Irenne Zwierlein. Chairperson
789 Canada Road — Ohlone/Costanoan
Woodside , CA 94062
amahmutsuntribal@gmail.com
(650) 851-7489 Cell
(650) 851-7747 Office
(650) 332-1526 Fax

North Valley Yokuts Tribe
Katherine Erolinda Perez. Chairperson
P.O. Box 717 — Ohlone/Costanoan
Linden , CA 95236 — Northern Valley Yokuts
canutes@verizon.net — Bay Miwok
(209) 887-3415

Muwekma Ohlone Indian Tribe of the SF Bay Area
Rosemary Cambra. Chairperson
P.O. Box 360791 — Ohlone / Costanoan
Milpitas , CA 95036
muwekma@muwekma.org
(408) 314-1898

(510) 581-5194

The Ohlone Indian Tribe
Andrew Galvan
P.O. Box 3388 — Ohlone/Costanoan
Fremont , CA 94539 — Bay Miwok
chochenyo@AOL.com — Plains Miwok
(510) 882-0527 Cell — Patwin

(510) 687-9393 Fax

This list is current only as of the date of this document and is based on the information available to the Commission on the date it was produced.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resource Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American Tribes with regard to cultural resources assessments for the proposed Iron Horse Trail Bike Pedestrian Over-crossing, Alameda County

PALEOWEST archaeology
626.408.8006 | paleowest.com | 517 South Ivy Avenue | Monrovia, CA 91016

August 2, 2018

Rosemary Cambra, Chairperson
Muwekma Ohlone Indian Tribe of the SF Bay Area
P.O. Box 360791
Milpital, CA 95036
Transmitted via muwekma@muwekma.org

Re: Cultural Resource Investigation for the Iron Horse T[illegible] Pr[illegible]oje[illegible]ubli[illegible]meda County, California

Dear Ms. Cambra,

On behalf of Metis Environmental, PaleoW[illegible]logy (Paleo[illegible]) is c[illegible]cultural resource investigation, in compliance wi[illegible]ornia[illegible]mer[illegible]ual[illegible]CEQA), for the proposed Iron Horse Trail Pha[illegible]oject[illegible]e c[illegible], in Alameda County, California. The proposed P[illegible]lopi[illegible]an [illegible]ng at Dublin Boulevard connecting two com[illegible]the Iron H[illegible]Trail. The P[illegible]ea is located on the Dublin, Calif. 7.5' USGS qu[illegible], v[illegible]Secti[illegible]T3[illegible](see attached map).

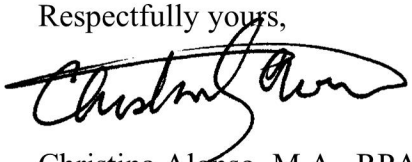
A cultural resource liter[illegible]v and reco[illegible]con[illegible]at the Northwest Information Center (NWIC) hous[illegible]ma St[illegible]ivers[illegible]no less than 150 cultural resource studies h[illegible]cted[illegible]one-[illegible]of the Project area; at least ten of these studies i[illegible]ions[illegible]f the[illegible]records search also indicated that no prehistoric[illegible]l archaeol[illegible]esou[illegible]en recorded within a half-mile radius of the Proj[illegible]tal[illegible]histor[illegible]ilt[illegible]have been previously recorded within a half-[illegible]le ra[illegible]ect[illegible]ho[illegible]f these resources are located within the Pr[illegible]ct a[illegible]

As p[illegible]of the cultural res[illegible]ce inv[illegible]n of the Project area, PaleoWest requested a search of the Nat[illegible]erit[illegible]ion's (NAHC's) *Sacred Lands File* on June 15, 2018. The NAH[illegible]on [illegible]18 indicating that no Native American cultural resources were identifie[illegible]in the[illegible]area. However, should your records show that cultural properties exist [illegible]the Project area shown on the enclosed map, please contact me at (925)253-9070 or v[illegible]at calonso@paleowest.com. I will contact you with a follow-up phone call or email if I do not hear from you.

Your comments are very important to us, and to the successful completion of this Project. I look forward to hearing from you in the near future. Thank you, in advance, for taking the time to review this request.

Sample

Respectfully yours,



Christina Alonso, M.A., RPA
Senior Archaeologist
PaleoWest Archaeology

Sample

Iron Horse Trail

Table #1. Record of Native American Contacts and Comments

Native American Contact	Date of Notification Letter	Date of Phone Contact	
Katherine Erolinda Perez, Chairperson North Valley Yokuts Tribe P.O. Box 717 Linden, CA 95236 209-887-3415 canutes@verizon.net	7/12/18	7/26/18	She mentioned that the trails her tribe made were often used as lines for the railroads. She believes there may be sites located along the railroad. She recommends that the project be monitored by a Native American monitor (Northern Valley Yokut). Please send final report with recommendations Kathy.
Tony Cerda Coastanoan Rumsen Carmel 244 E. 1st Street Pomona, CA 91766 909-524-8040 cell 909-629-6081	7/12/18	7/26/18	Mailbox is full, send follow up email.
Irene Zwierlein, Chairperson Amah Mutsun Tribal Band of Mission San Juan Bautista 789 Canada Road Woodside, CA 94062 650-851-7489 (cell) 650-851-7747 (office) amahmutsuntribal@gmail.com	7/12/18	7/26/18	No answer, left message, sent follow up email
Ann Marie Sayers, Chairperson Indian Canyon Mutsun Band of Costanoan P.O. Box 28 Hollister, CA 95024 831-637-4238 ams@indiancanyon.org	7/12/18	7/26/18	Spoke with Anne Marie, she is unfamiliar with the area. As there are no recorded sites in ¼ mile she has no knowledge of sensitivity of area.
Rosemary Cambra, Chairperson Muwekma Ohlone Indian Tribe of the SF Bay Area P.O. Box 360791 Milpitas, CA 95036 408-314-1898 510-581-5194 muwekma@muwekma.org	7/12/18	7/26/18	No answer, mailbox is full, sent follow up email.
Andrew Galvan The Ohlone Indian Tribe P.O. Box 3152 Fremont, CA 94539 510-882-0527 cell 510-687-9393 fax chochenyo@aol.com	7/12/18	7/26/18	Sent follow up email

DUBLIN
CALIFORNIA
THE NEW
AMERICAN
BACKYARD

August 1, 2018

Andrew Galvan
The Ohlone Indian Tribe
P.O. Box 3388
Fremont CA, 94539
Email address: chochenyo@aol.com

Subject: Notification of Iron Horse Trail Bike/Pedestrian Overcrossing Project

Pursuant to Public Resources Code Section 20180.3.1 and 21080.3.2 (AB 52)

Dear Mr. Galvan:

This letter is formal notification of the City of Dublin's (City) proposed Iron Horse Trail Bike/Pedestrian Overcrossing Project, which is subject to compliance with the California Environmental Quality Act (CEQA). The City is the lead CEQA agency responsible for consulting with California Native American Tribes pursuant to Public Resources Codes Section 2108.3.1 and 21080.3.2 (AB 52). Accordingly, this letter provides a brief description of the proposed project, its location, and lead agency contact information. Pursuant to AB 52, the Ohlone Indian Tribe has 30 days to request in writing its desire to consult on this particular project. The request to consult must be received on or before August 30, 2018, and shall provide the name of the tribe's designated lead contact person. If the Ohlone Indian Tribe does not respond within the period defined above, or writes to decline consultation for the project, the City has no further obligation to consult on this project.

Project Description

The City of Dublin proposes to construct a grade-separated overcrossing at Dublin Boulevard, just north of the Dublin/Pleasanton BART Station, along the existing multi-use Iron Horse Trail (Enclosure 1). The overcrossing will span north to south over Dublin Boulevard and will provide an alternative to the existing at-grade crossing of the Iron Horse Trail where it meets Dublin Boulevard.

North of Dublin Boulevard, the overcrossing structure would be integrated into a community park constructed as part of the Dublin Crossing Specific Plan project. The overcrossing structure would gradually transition to at-grade conditions before re-connecting with the Iron Horse Trail north of Dublin Boulevard. South of Dublin Boulevard, the overcrossing would touch down within the Iron Horse Trail right-of-way and would include a graduated ramp for pedestrians and bicyclists to access the overcrossing.

City Council
925.833.6650
City Manager
925.833.6650
Community Development
925.833.6610
Economic Development
925.833.6650
Finance/IT
925.833.6640
Fire Prevention
925.833.6606
Human Resources
925.833.6605
Parks & Community Services
925.833.6645
Police
925.833.6670
Public Works
925.833.6630

100 Civic Plaza
Dublin, CA 94568
P 925.833.6650
F 925.833.6651
www.dublin.ca.gov

Project Location

The Project is located along the Iron Horse Trail near the intersection of Dublin Boulevard and Scarlett Drive in the city of Dublin, Alameda County, California (Enclosure 1). Specifically, the Project is located on the Livermore 7.5-minute quadrangle map within Section 6 of Township 3 South, Range 1 East.

Contact Information

The City's lead contact for AB 52 Consultation on this project is:
Obaid U. Khan, P.E.
Transportation and Operations Manager
City of Dublin
100 Civic Plaza
Dublin, CA 94568

The City of Dublin invites your participation in the consultation process for the project. If the Ohlone Indian Tribe wishes to consult with the City regarding the Iron Horse Trail Bike/Pedestrian Overcrossing Project, please indicate in writing via letter addressed to Obaid Khan, Transportation and Operations Manager, the lead contact, at the address provided above within 30 days (on or before August 30, 2018, and provide the name of the tribe's designated lead contact person. We would appreciate any responses to this invitation at your earliest convenience.

General comments regarding the project may also be submitted to the City via email at Obaid.Khan@dublin.ca.gov. The transmittal of confidential information through email, such as the location of a cultural resource, is not recommended. If you wish to transmit confidential information, we recommend that you notify the City via formal letter, in person, or over the phone, as the confidentiality of information transmitted via email cannot be guaranteed.

We appreciate you interest in the consultation process for the project and we hope that you will contact Obaid Khan if you have any additional questions or if we may be of further service.
Sincerely,

Obaid U. Khan, P.E.
Transportation and Operations Manager
City of Dublin

Enclosures:
1. Project Location

DUBLIN
CALIFORNIA
THE NEW
AMERICAN
BACKYARD

August 1, 2018

Rosemary Cambra, Chairperson
Muwekma Ohlone Indian Tribe of the SF Bay Area
P.O. Box 360791
Milpitas, CA 95036
Email address: muwekma@muwekma.org

Subject: Notification of Iron Horse Trail Bike/Pedestrian Overcrossing Project

Pursuant to Public Resources Code Section 20180.3.1 and 21080.3.2 (AB 52)

Dear Ms. Cambra:

This letter is formal notification of the City of Dublin's (City) proposed Iron Horse Trail Bike/Pedestrian Overcrossing Project, which is subject to compliance with the California Environmental Quality Act (CEQA). The City is the lead CEQA agency responsible for consulting with California Native American Tribes pursuant to Public Resources Codes Section 2108.3.1 and 21080.3.2 (AB 52). Accordingly, this letter provides a brief description of the proposed project, its location, and lead agency contact information. Pursuant to AB 52, the Muwekma Ohlone Indian Tribe of the SF Bay Area has 30 days to request in writing its desire to consult on this particular project. The request to consult must be received on or before August 30, 2018, and shall provide the name of the tribe's designated lead contact person. If the Muwekma Ohlone Indian Tribe of the SF Bay Area does not respond within the period defined above, or writes to decline consultation for the project, the City has no further obligation to consult on this project.

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Human Resources
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Parks & Community Services
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Project Location

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Contact Information

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Obaid U. Khan, P.E.
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City of Dublin
100 Civic Plaza
Dublin, CA 94568

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Sincerely,

Obaid U. Khan, P.E.
Transportation and Operations Manager
City of Dublin

Enclosures:
1. Project Location

DUBLIN
CALIFORNIA
THE NEW
AMERICAN
BACKYARD

August 1, 2018

Randy Yonemura, Cultural Committee Chair
Ione Band of Miwok Indians
P.O. Box 699 / 9252 Bush St. Suite 2
Plymouth, CA 95669
Email address: randy_yonemura@yahoo.com

Subject: Notification of Iron Horse Trail Bike/Pedestrian Overcrossing Project

Pursuant to Public Resources Code Section 20180.3.1 and 21080.3.2 (AB 52)

Dear Mr. Yonemura:

This letter is formal notification of the City of Dublin's (City) proposed Iron Horse Trail Bike/Pedestrian Overcrossing Project, which is subject to compliance with the California Environmental Quality Act (CEQA). The City is the lead CEQA agency responsible for consulting with California Native American Tribes pursuant to Public Resources Codes Section 2108.3.1 and 21080.3.2 (AB 52). Accordingly, this letter provides a brief description of the proposed project, its location, and lead agency contact information. Pursuant to AB 52, the Ione Band of Miwok Indians has 30 days to request in writing its desire to consult on this particular project. The request to consult must be received on or before August 30, 2018, and shall provide the name of the tribe's designated lead contact person. If the Ione Band of Miwok Indians does not respond within the period defined above, or writes to decline consultation for the project, the City has no further obligation to consult on this project.

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Human Resources
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Parks & Community Services
925.833.6645
Police
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Public Works
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100 Civic Plaza
Dublin, CA 94568
P 925.833.6650
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The City's lead contact for AB 52 Consultation on this project is:
Obaid U. Khan, P.E.
Transportation and Operations Manager
City of Dublin
100 Civic Plaza
Dublin, CA 94568

The City of Dublin invites your participation in the consultation process for the project. If the Ione Band of Miwok Indians wishes to consult with the City regarding the Iron Horse Trail Bike/Pedestrian Overcrossing Project, please indicate in writing via letter addressed to Obaid Khan, Transportation and Operations Manager, the lead contact, at the address provided above within 30 days on or before August 30, 2018, and provide the name of the tribe's designated lead contact person. We would appreciate any responses to this invitation at your earliest convenience.

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We appreciate you interest in the consultation process for the project and we hope that you will contact Obaid Khan if you have any additional questions or if we may be of further service.
Sincerely,

Obaid U. Khan, P.E.
Transportation and Operations Manager
City of Dublin

Enclosures:
1. Project Location

DUBLIN
CALIFORNIA
THE NEW
AMERICAN
BACKYARD

August 1, 2018

Irene Zwierlein, Chairperson
Amah Mutsun Tribal Bank of Mission San Juan Bautista
789 Canada Road
Woodside, CA 94062
Email address: amahmutsuntribal@gmail.com

Subject: Notification of Iron Horse Trail Bike/Pedestrian Overcrossing Project

Pursuant to Public Resources Code Section 20180.3.1 and 21080.3.2 (AB 52)

Dear Ms. Zwierlein:

This letter is formal notification of the City of Dublin's (City) proposed Iron Horse Trail Bike/Pedestrian Overcrossing Project, which is subject to compliance with the California Environmental Quality Act (CEQA). The City is the lead CEQA agency responsible for consulting with California Native American Tribes pursuant to Public Resources Codes Section 2108.3.1 and 21080.3.2 (AB 52). Accordingly, this letter provides a brief description of the proposed project, its location, and lead agency contact information. Pursuant to AB 52, the Amah Mutsun Tribal Bank of Mission San Juan Bautista has 30 days to request in writing its desire to consult on this particular project. The request to consult must be received on or before August 30, 2018, and shall provide the name of the tribe's designated lead contact person. If the Amah Mutsun Tribal Bank of Mission San Juan Bautista does not respond within the period defined above, or writes to decline consultation for the project, the City has no further obligation to consult on this project.

Project Description

The City of Dublin proposes to construct a grade-separated overcrossing at Dublin Boulevard, just north of the Dublin/Pleasanton BART Station, along the existing multi-use Iron Horse Trail (Enclosure 1). The overcrossing will span north to south over Dublin Boulevard and will provide an alternative to the existing at-grade crossing of the Iron Horse Trail where it meets Dublin Boulevard.

North of Dublin Boulevard, the overcrossing structure would be integrated into a community park constructed as part of the Dublin Crossing Specific Plan project. The overcrossing structure would gradually transition to at-grade conditions before re-connecting with the Iron Horse Trail north of Dublin Boulevard. South of Dublin Boulevard, the overcrossing would touch down within the Iron Horse Trail right-of-way and would include a graduated ramp for pedestrians and bicyclists to access the overcrossing.

City Council
925.833.6650
City Manager
925.833.6650
Community Development
925.833.6610
Economic Development
925.833.6650
Finance/IT
925.833.6640
Fire Prevention
925.833.6606
Human Resources
925.833.6605
Parks & Community Services
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Police
925.833.6670
Public Works
925.833.6630

100 Civic Plaza
Dublin, CA 94568
P 925.833.6650
F 925.833.6651
www.dublin.ca.gov

Project Location

The Project is located along the Iron Horse Trail near the intersection of Dublin Boulevard and Scarlett Drive in the city of Dublin, Alameda County, California (Enclosure 1). Specifically, the Project is located on the Livermore 7.5-minute quadrangle map within Section 6 of Township 3 South, Range 1 East.

Contact Information

The City's lead contact for AB 52 Consultation on this project is:
Obaid U. Khan, P.E.
Transportation and Operations Manager
City of Dublin
100 Civic Plaza
Dublin, CA 94568

The City of Dublin invites your participation in the consultation process for the project. If the Amah Mutsun Tribal Bank of Mission San Juan Bautista wishes to consult with the City regarding the Iron Horse Trail Bike/Pedestrian Overcrossing Project, please indicate in writing via letter addressed to Obaid Khan, Transportation and Operations Manager, the lead contact, at the address provided above within 30 days on or before August 30, 2018, and provide the name of the tribe's designated lead contact person. We would appreciate any responses to this invitation at your earliest convenience.

General comments regarding the project may also be submitted to the City via email at Obaid.Khan@dublin.ca.gov. The transmittal of confidential information through email, such as the location of a cultural resource, is not recommended. If you wish to transmit confidential information, we recommend that you notify the City via formal letter, in person, or over the phone, as the confidentiality of information transmitted via email cannot be guaranteed.

We appreciate you interest in the consultation process for the project and we hope that you will contact Obaid Khan if you have any additional questions or if we may be of further service.
Sincerely,

Obaid U. Khan, P.E.
Transportation and Operations Manager
City of Dublin

Enclosures:
1. Project Location

DUBLIN
CALIFORNIA
THE NEW
AMERICAN
BACKYARD

August 1, 2018

Randy Yonemura, Cultural Committee Chair
Ione Band of Miwok Indians
P.O. Box 699 / 9252 Bush St. Suite 2
Plymouth, CA 95669
Email address: randy_yonemura@yahoo.com

Subject: Notification of Iron Horse Trail Bike/Pedestrian Overcrossing Project

Pursuant to Public Resources Code Section 20180.3.1 and 21080.3.2 (AB 52)

Dear Mr. Yonemura:

This letter is formal notification of the City of Dublin's (City) proposed Iron Horse Trail Bike/Pedestrian Overcrossing Project, which is subject to compliance with the California Environmental Quality Act (CEQA). The City is the lead CEQA agency responsible for consulting with California Native American Tribes pursuant to Public Resources Codes Section 2108.3.1 and 21080.3.2 (AB 52). Accordingly, this letter provides a brief description of the proposed project, its location, and lead agency contact information. Pursuant to AB 52, the Ione Band of Miwok Indians has 30 days to request in writing its desire to consult on this particular project. The request to consult must be received on or before August 30, 2018, and shall provide the name of the tribe's designated lead contact person. If the Ione Band of Miwok Indians does not respond within the period defined above, or writes to decline consultation for the project, the City has no further obligation to consult on this project.

Project Description

The City of Dublin proposes to construct a grade-separated overcrossing at Dublin Boulevard, just north of the Dublin/Pleasanton BART Station, along the existing multi-use Iron Horse Trail (Enclosure 1). The overcrossing will span north to south over Dublin Boulevard and will provide an alternative to the existing at-grade crossing of the Iron Horse Trail where it meets Dublin Boulevard.

North of Dublin Boulevard, the overcrossing structure would be integrated into a community park constructed as part of the Dublin Crossing Specific Plan project. The overcrossing structure would gradually transition to at-grade conditions before re-connecting with the Iron Horse Trail north of Dublin Boulevard. South of Dublin Boulevard, the overcrossing would touch down within the Iron Horse Trail right-of-way and would include a graduated ramp for pedestrians and bicyclists to access the overcrossing.

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Project Location

The Project is located along the Iron Horse Trail near the intersection of Dublin Boulevard and Scarlett Drive in the city of Dublin, Alameda County, California (Enclosure 1). Specifically, the Project is located on the Livermore 7.5-minute quadrangle map within Section 6 of Township 3 South, Range 1 East.

Contact Information

The City's lead contact for AB 52 Consultation on this project is:
Obaid U. Khan, P.E.
Transportation and Operations Manager
City of Dublin
100 Civic Plaza
Dublin, CA 94568

The City of Dublin invites your participation in the consultation process for the project. If the Ione Band of Miwok Indians wishes to consult with the City regarding the Iron Horse Trail Bike/Pedestrian Overcrossing Project, please indicate in writing via letter addressed to Obaid Khan, Transportation and Operations Manager, the lead contact, at the address provided above within 30 days on or before August 30, 2018, and provide the name of the tribe's designated lead contact person. We would appreciate any responses to this invitation at your earliest convenience.

General comments regarding the project may also be submitted to the City via email at Obaid.Khan@dublin.ca.gov. The transmittal of confidential information through email, such as the location of a cultural resource, is not recommended. If you wish to transmit confidential information, we recommend that you notify the City via formal letter, in person, or over the phone, as the confidentiality of information transmitted via email cannot be guaranteed.

We appreciate you interest in the consultation process for the project and we hope that you will contact Obaid Khan if you have any additional questions or if we may be of further service.
Sincerely,

Obaid U. Khan, P.E.
Transportation and Operations Manager
City of Dublin

Enclosures:
1. Project Location

DUBLIN
CALIFORNIA
THE NEW
AMERICAN
BACKYARD

August 1, 2018

Katherine Perez, Chairperson
North Valley Yokuts Tribe
P.O. Box 717
Linden, CA 95236
Email address: canutes@verizon.net

Subject: Notification of Iron Horse Trail Bike/Pedestrian Overcrossing Project

Pursuant to Public Resources Code Section 20180.3.1 and 21080.3.2 (AB 52)

Dear Ms. Perez:

This letter is formal notification of the City of Dublin's (City) proposed Iron Horse Trail Bike/Pedestrian Overcrossing Project, which is subject to compliance with the California Environmental Quality Act (CEQA). The City is the lead CEQA agency responsible for consulting with California Native American Tribes pursuant to Public Resources Codes Section 2108.3.1 and 21080.3.2 (AB 52). Accordingly, this letter provides a brief description of the proposed project, its location, and lead agency contact information. Pursuant to AB 52, the North Valley Yokuts Tribe has 30 days to request in writing its desire to consult on this particular project. The request to consult must be received on or before August 30, 2018, and shall provide the name of the tribe's designated lead contact person. If the North Valley Yokuts Tribe does not respond within the period defined above, or writes to decline consultation for the project, the City has no further obligation to consult on this project.

Project Description

The City of Dublin proposes to construct a grade-separated overcrossing at Dublin Boulevard, just north of the Dublin/Pleasanton BART Station, along the existing multi-use Iron Horse Trail (Enclosure 1). The overcrossing will span north to south over Dublin Boulevard and will provide an alternative to the existing at-grade crossing of the Iron Horse Trail where it meets Dublin Boulevard.

North of Dublin Boulevard, the overcrossing structure would be integrated into a community park constructed as part of the Dublin Crossing Specific Plan project. The overcrossing structure would gradually transition to at-grade conditions before re-connecting with the Iron Horse Trail north of Dublin Boulevard. South of Dublin Boulevard, the overcrossing would touch down within the Iron Horse Trail right-of-way and would include a graduated ramp for pedestrians and bicyclists to access the overcrossing.

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F 925.833.6651
www.dublin.ca.gov

Project Location

The Project is located along the Iron Horse Trail near the intersection of Dublin Boulevard and Scarlett Drive in the city of Dublin, Alameda County, California (Enclosure 1). Specifically, the Project is located on the Livermore 7.5-minute quadrangle map within Section 6 of Township 3 South, Range 1 East.

Contact Information

The City's lead contact for AB 52 Consultation on this project is:
Obaid U. Khan, P.E.
Transportation and Operations Manager
City of Dublin
100 Civic Plaza
Dublin, CA 94568

The City of Dublin invites your participation in the consultation process for the project. If the North Valley Yokuts Tribe wishes to consult with the City regarding the Iron Horse Trail Bike/Pedestrian Overcrossing Project, please indicate in writing via letter addressed to Obaid Khan, Transportation and Operations Manager, the lead contact, at the address provided above within 30 days on or before August 30, 2018, and provide the name of the tribe's designated lead contact person. We would appreciate any responses to this invitation at your earliest convenience.

General comments regarding the project may also be submitted to the City via email at Obaid.Khan@dublin.ca.gov. The transmittal of confidential information through email, such as the location of a cultural resource, is not recommended. If you wish to transmit confidential information, we recommend that you notify the City via formal letter, in person, or over the phone, as the confidentiality of information transmitted via email cannot be guaranteed.

We appreciate you interest in the consultation process for the project and we hope that you will contact Obaid Khan if you have any additional questions or if we may be of further service.
Sincerely,

Obaid U. Khan, P.E.
Transportation and Operations Manager
City of Dublin

Enclosures:
1. Project Location

DUBLIN
CALIFORNIA
THE NEW
AMERICAN
BACKYARD

August 1, 2018

Michael Mirelez, Cultural Resource Coordinator
Torres Martinez Desert Cahuilla Indians
P.O. Box 1160
Thermal, CA 92274

Subject: Notification of Iron Horse Trail Bike/Pedestrian Overcrossing Project

Pursuant to Public Resources Code Section 20180.3.1 and 21080.3.2 (AB 52)

Dear Mr. Mirelez:

This letter is formal notification of the City of Dublin's (City) proposed Iron Horse Trail Bike/Pedestrian Overcrossing Project, which is subject to compliance with the California Environmental Quality Act (CEQA). The City is the lead CEQA agency responsible for consulting with California Native American Tribes pursuant to Public Resources Codes Section 2108.3.1 and 21080.3.2 (AB 52). Accordingly, this letter provides a brief description of the proposed project, its location, and lead agency contact information. Pursuant to AB 52, the Torres Martinez Desert Cahuilla Indians has 30 days to request in writing its desire to consult on this particular project. The request to consult must be received on or before August 30, 2018, and shall provide the name of the tribe's designated lead contact person. If the Torres Martinez Desert Cahuilla Indians does not respond within the period defined above, or writes to decline consultation for the project, the City has no further obligation to consult on this project.

Project Description

The City of Dublin proposes to construct a grade-separated overcrossing at Dublin Boulevard, just north of the Dublin/Pleasanton BART Station, along the existing multi-use Iron Horse Trail (Enclosure 1). The overcrossing will span north to south over Dublin Boulevard and will provide an alternative to the existing at-grade crossing of the Iron Horse Trail where it meets Dublin Boulevard.

North of Dublin Boulevard, the overcrossing structure would be integrated into a community park constructed as part of the Dublin Crossing Specific Plan project. The overcrossing structure would gradually transition to at-grade conditions before re-connecting with the Iron Horse Trail north of Dublin Boulevard. South of Dublin Boulevard, the overcrossing would touch down within the Iron Horse Trail right-of-way and would include a graduated ramp for pedestrians and bicyclists to access the overcrossing.

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Dublin, CA 94568
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Project Location

The Project is located along the Iron Horse Trail near the intersection of Dublin Boulevard and Scarlett Drive in the city of Dublin, Alameda County, California (Enclosure 1). Specifically, the Project is located on the Livermore 7.5-minute quadrangle map within Section 6 of Township 3 South, Range 1 East.

Contact Information

The City's lead contact for AB 52 Consultation on this project is:
Obaid U. Khan, P.E.
Transportation and Operations Manager
City of Dublin
100 Civic Plaza
Dublin, CA 94568

The City of Dublin invites your participation in the consultation process for the project. If the Torres Martinez Desert Cahuilla Indians wishes to consult with the City regarding the Iron Horse Trail Bike/Pedestrian Overcrossing Project, please indicate in writing via letter addressed to Obaid Khan, Transportation and Operations Manager, the lead contact, at the address provided above within 30 days on or before August 30, 2018, and provide the name of the tribe's designated lead contact person. We would appreciate any responses to this invitation at your earliest convenience.

General comments regarding the project may also be submitted to the City via email at Obaid.Khan@dublin.ca.gov. The transmittal of confidential information through email, such as the location of a cultural resource, is not recommended. If you wish to transmit confidential information, we recommend that you notify the City via formal letter, in person, or over the phone, as the confidentiality of information transmitted via email cannot be guaranteed.

We appreciate you interest in the consultation process for the project and we hope that you will contact Obaid Khan if you have any additional questions or if we may be of further service.
Sincerely,

Obaid U. Khan, P.E.
Transportation and Operations Manager
City of Dublin

Enclosures:
1. Project Location

DUBLIN
CALIFORNIA
THE NEW
AMERICAN
BACKYARD

August 1, 2018

Don Hankins, President
California Indian Water Commission
P.O. Box 627
Forest Ranch, CA 95942

Subject: Notification of Iron Horse Trail Bike/Pedestrian Overcrossing Project

Pursuant to Public Resources Code Section 20180.3.1 and 21080.3.2 (AB 52)

Dear Mr. Hankins:

This letter is formal notification of the City of Dublin's (City) proposed Iron Horse Trail Bike/Pedestrian Overcrossing Project, which is subject to compliance with the California Environmental Quality Act (CEQA). The City is the lead CEQA agency responsible for consulting with California Native American Tribes pursuant to Public Resources Codes Section 2108.3.1 and 21080.3.2 (AB 52). Accordingly, this letter provides a brief description of the proposed project, its location, and lead agency contact information. Pursuant to AB 52, the California Indian Water Commission has 30 days to request in writing its desire to consult on this particular project. The request to consult must be received on or before August 30, 2018, and shall provide the name of the tribe's designated lead contact person. If the California Indian Water Commission does not respond within the period defined above, or writes to decline consultation for the project, the City has no further obligation to consult on this project.

Project Description

The City of Dublin proposes to construct a grade-separated overcrossing at Dublin Boulevard, just north of the Dublin/Pleasanton BART Station, along the existing multi-use Iron Horse Trail (Enclosure 1). The overcrossing will span north to south over Dublin Boulevard and will provide an alternative to the existing at-grade crossing of the Iron Horse Trail where it meets Dublin Boulevard.

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925.833.6645
Police
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925.833.6630

100 Civic Plaza
Dublin, CA 94568
P 925.833.6650
F 925.833.6651
www.dublin.ca.gov

Project Location

The Project is located along the Iron Horse Trail near the intersection of Dublin Boulevard and Scarlett Drive in the city of Dublin, Alameda County, California (Enclosure 1). Specifically, the Project is located on the Livermore 7.5-minute quadrangle map within Section 6 of Township 3 South, Range 1 East.

Contact Information

The City's lead contact for AB 52 Consultation on this project is:
Obaid U. Khan, P.E.
Transportation and Operations Manager
City of Dublin
100 Civic Plaza
Dublin, CA 94568

The City of Dublin invites your participation in the consultation process for the project. If the California Indian Water Commission wishes to consult with the City regarding the Iron Horse Trail Bike/Pedestrian Overcrossing Project, please indicate in writing via letter addressed to Obaid Khan, Transportation and Operations Manager, the lead contact, at the address provided above within 30 days on or before August 30, 2018, and provide the name of the tribe's designated lead contact person. We would appreciate any responses to this invitation at your earliest convenience.

General comments regarding the project may also be submitted to the City via email at Obaid.Khan@dublin.ca.gov. The transmittal of confidential information through email, such as the location of a cultural resource, is not recommended. If you wish to transmit confidential information, we recommend that you notify the City via formal letter, in person, or over the phone, as the confidentiality of information transmitted via email cannot be guaranteed.

We appreciate you interest in the consultation process for the project and we hope that you will contact Obaid Khan if you have any additional questions or if we may be of further service.
Sincerely,

Obaid U. Khan, P.E.
Transportation and Operations Manager
City of Dublin

Enclosures:
1. Project Location

DUBLIN
CALIFORNIA
THE NEW
AMERICAN
BACKYARD

August 1, 2018

Tony Cerda
Coastanoan Rumsen Carmel Tribe
244 E. 1st Street
Pomona CA, 91766
Email address: rumsen@aol.com

Subject: Notification of Iron Horse Trail Bike/Pedestrian Overcrossing Project

Pursuant to Public Resources Code Section 20180.3.1 and 21080.3.2 (AB 52)

Dear Mr. Cerda:

This letter is formal notification of the City of Dublin's (City) proposed Iron Horse Trail Bike/Pedestrian Overcrossing Project, which is subject to compliance with the California Environmental Quality Act (CEQA). The City is the lead CEQA agency responsible for consulting with California Native American Tribes pursuant to Public Resources Codes Section 2108.3.1 and 21080.3.2 (AB 52). Accordingly, this letter provides a brief description of the proposed project, its location, and lead agency contact information. Pursuant to AB 52, the Coastanoan Rumsen Carmel Tribe has 30 days to request in writing its desire to consult on this particular project. The request to consult must be received on or before August 30, 2018, and shall provide the name of the tribe's designated lead contact person. If the Coastanoan Rumsen Carmel Tribe does not respond within the period defined above, or writes to decline consultation for the project, the City has no further obligation to consult on this project.

Project Description

The City of Dublin proposes to construct a grade-separated overcrossing at Dublin Boulevard, just north of the Dublin/Pleasanton BART Station, along the existing multi-use Iron Horse Trail (Enclosure 1). The overcrossing will span north to south over Dublin Boulevard and will provide an alternative to the existing at-grade crossing of the Iron Horse Trail where it meets Dublin Boulevard.

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100 Civic Plaza
Dublin, CA 94568
P 925.833.6650
F 925.833.6651
www.dublin.ca.gov

Project Location

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Contact Information

The City's lead contact for AB 52 Consultation on this project is:
Obaid U. Khan, P.E.
Transportation and Operations Manager
City of Dublin
100 Civic Plaza
Dublin, CA 94568

The City of Dublin invites your participation in the consultation process for the project. If the Coastanoan Rumsen Carmel Tribe wishes to consult with the City regarding the Iron Horse Trail Bike/Pedestrian Overcrossing Project, please indicate in writing via letter addressed to Obaid Khan, Transportation and Operations Manager, the lead contact, at the address provided above within 30 days (on or before August 30, 2018, and provide the name of the tribe's designated lead contact person. We would appreciate any responses to this invitation at your earliest convenience.

General comments regarding the project may also be submitted to the City via email at Obaid.Khan@dublin.ca.gov. The transmittal of confidential information through email, such as the location of a cultural resource, is not recommended. If you wish to transmit confidential information, we recommend that you notify the City via formal letter, in person, or over the phone, as the confidentiality of information transmitted via email cannot be guaranteed.

We appreciate you interest in the consultation process for the project and we hope that you will contact Obaid Khan if you have any additional questions or if we may be of further service.
Sincerely,

Obaid U. Khan, P.E.
Transportation and Operations Manager
City of Dublin

Enclosures:
1. Project Location

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- ☐ Adult Signature Restricted Delivery $

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Sent To: Amah Mutsun Tribal Bank
Street and Apt. No., or PO Box No.: 789 Canada Rd
City, State, ZIP+4®: Woodside, CA 94062

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
$

Total Postage and Fees
$ 0.68

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Street and Apt. No., or PO Box No.: PO Box 699
City, State, ZIP+4®: Plymouth, CA 95669

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Postage
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Total Postage and Fees
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Sent To: North Valley Yokuts Tribe
Street and Apt. No., or PO Box No.: P.O. Box 717
City, State, ZIP+4®: Linden, CA 95236

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
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Total Postage and Fees
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Street and Apt. No., or PO Box No.: PO Box 1160
City, State, ZIP+4®: Thermal, CA 92274

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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- ☐ Adult Signature Restricted Delivery $

Postage
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Total Postage and Fees
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Sent To: California Indian Water Commission
Street and Apt. No., or PO Box No.: PO Box 627
City, State, ZIP+4®: Forest Ranch, CA 95942

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
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Total Postage and Fees
$ 0.68

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Sent To: The Ohlone Indian Tribe
Street and Apt. No., or PO Box No.: PO Box 3388
City, State, ZIP+4®: Fremont, CA 94539

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Extra Services & Fees *(check box, add fee as appropriate)*
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- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
$

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Appendix C
Survey Photographs

Photo 1: Overview of proposed APE where it diverts from existing trail. View toward north-northwest.

Photo 2: Overview of Chabot Canal and multiple culverts, viewing northeast.

Photo 3: Overview of Iron Horse Trail from northwest portion of APE, viewing southeast.

Photo 4: Overview of survey area north of Dublin Blvd, viewing northwest.

Photo 5: Detail view of surface visibility (100%) in the survey area north of Dublin Blvd.

Photo 6: View of Iron Horse Trail from across Chabot Canal, view toward southwest.

Photo 7: Iron Horse Trail immediately north of Dublin Boulevard, viewing northwest.

Photo 8: Overview of project area south of Dublin Boulevard, viewing southeast.

APPENDIX D

DCEIR Mitigation Measures

Summary of DCEIR Mitigation Measures that would Apply to the Overcrossing Project

The IS/Supplemental MND identifies the specific mitigation measures established in the DCEIR that would apply to the Overcrossing Project. The rationale and conditions that would trigger implementation are described in more detail in the IS/Supplemental MND text.

MM 3.2-1a: Implement Short-term Construction Best Management Practices. Prior to issuance of any Grading Permit, the Public Works Director and the Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that the following basic construction mitigation measures shall be implemented for all construction projects:

- 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 track-out 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 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- A publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints shall be posted. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

MM 3.2-1b: Implement Additional Short-term Construction Best Management Practices. Prior to issuance of any Grading Permit, the Public Works Director and the Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that the following additional construction mitigation measures shall be implemented for all construction projects:

- 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 track-out 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 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.

- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- A publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints shall be posted. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Additional Short-Term Construction Best Management. Prior to issuance of any Grading Permit, the Public Works Director and the Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that the following additional construction mitigation measures shall be implemented for all construction projects:

- All excavation, grading, and/or demolition activities shall be suspended when winds (instantaneous gusts) exceed 25 mph.
- Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction.
- Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- Site accesses to a distance of 100 feet from the paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel.
- Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.
- The applicant shall reduce exhaust emissions during construction and, in particular, emissions of NOx, when using construction equipment and vehicles by implementing the following measures:
    - Require the use of diesel haul trucks (e.g., material delivery trucks and soil import/export) that meet EPA 2007 model year NOX emissions requirements
    - The following note shall be included on all grading plans: During project construction, all internal combustion engines/construction, equipment operating on the project area shall meet EPA-Certified Tier 3 emissions standards, or higher according to the following:
        - January 1, 2012, to December 31, 2014: Off-road diesel-powered construction equipment greater than 50 horsepower (hp) shall meet Tier 3 off-road emissions standards. Alternatively, construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
        - Post-January 1, 2015: Off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. Alternatively, construction

equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

  - The contractor and applicant, if the applicant's equipment is used, shall maintain construction equipment engines by keeping them tuned and regularly serviced to minimize exhaust emissions.
  - Utilize existing power sources (i.e., power poles) when available. This measure would minimize the use of higher polluting gas or diesel generators.
  - Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than five minutes.

- Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings).
- Require that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM.

MM 3.3-2a: Conduct a Floristic Survey and Consult with CDFG and USFWS if State or Federally Listed Plants are Found and Comply with Incidental Take Permits. The project applicant shall retain a qualified botanist to conduct rare plant surveys within the construction zone for Congdon's tarplant or other species with potential habitat within the project area during the appropriate time of year in accordance with agency protocols.

MM 3.3-3a: Conduct a Burrowing Owl Survey and Impact Assessment. The project applicant shall retain a qualified biologist to conduct a California burrowing owls surveys and impact assessment following the 2012 California Department of Fish and Game Staff Report on Burrowing Owl Mitigation (CDFW 2012) or as updated at the time of the implementation of the proposed project.

MM 3.4–2: Halt Work/Archaeological Evaluation/Site-Specific Mitigation. If any potential archaeological, pre-historic or cultural artifacts are encountered during site grading or other construction activities, all ground disturbance within 50 feet of the discovery shall be halted until a qualified archaeologist can identify and evaluate the resource(s) in accordance with State CEQA Guidelines 15064.5(f).

MM 3.4-3: Halt Work/Paleontological Evaluation/Site-Specific Mitigation. If paleontological resources are encountered during subsurface construction activities, all work within 50 feet of the discovery shall be redirected until a qualified paleontologist can evaluate the finds. If the paleontological resources are found to be significant, they shall be avoided by project construction activities and recovered by a qualified paleontologist.

MM 3.4-4: Halt Work/Coroner's Evaluation/Native American Heritage Consultant/Compliance with Most Likely Descendent Recommendations. In the event that human remains are encountered during grading and site preparation activities, all ground-disturbing work within 50 feet of the remains shall cease immediately and a qualified archaeologist shall notify the Office of the Alameda County Coroner and advise that office as to whether the remains are likely to be Native American. If determined to be Native American, the Alameda County Coroner's Office shall notify the Native American Heritage Commission of the find, which in turn will then appoint a "Most Likely Descendent. (MLD)."

MM 3.5-3: Preparation of Design-Level Geotechnical Report. Future development within the project area shall consult with a registered geotechnical engineer to prepare a design level geotechnical report that incorporates the recommendations in the preliminary geotechnical investigation by Berlogar, Stevens and Associates (March 2012). The design level geotechnical report shall address site preparation and grading (including measures to address potential liquefaction and expansive soils), building foundations, CBC seismic design parameters, and preliminary pavement sections. This report shall be submitted in conjunction with building permits applications and shall be reviewed and approved by the City.

MM 3.10-1b: Construction Routes Less Disruptive to Sensitive Receptors. Construction trucks shall utilize a route that is least disruptive to sensitive receptors, preferably major roadways (Interstate 580, Interstate 680, Dublin Boulevard, Dougherty Road, and Arnold Road). Construction trucks should, to the extent practical, avoid the weekday and Saturday a.m. and p.m. peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.).

MM 3.12-12: Restrict Lane Closures Along Dublin Boulevard and Arnold Road to Off-Peak Hours. During project construction, the lane closures along Dublin Boulevard and Arnold Road shall be restricted to off-peak hours to the greatest extent feasible. In addition, traffic handling plans shall be prepared for construction work in the public right-of-way in accordance with current California Manual on Uniform Traffic Control Devices (MUTCD) standards and guidelines.

PROJECT FUNDING AGREEMENT
between
ALAMEDA COUNTY TRANSPORTATION COMMISSION
and the
CITY OF DUBLIN
for the
IRON HORSE TRAIL BIKE AND PEDESTRIAN BRIDGE AT DUBLIN BOULEVARD

This Project Funding Agreement ("AGREEMENT"), dated for reference purposes only as of June 17, 2019, is by and between ALAMEDA COUNTY TRANSPORTATION COMMISSION, a joint powers agency ("ALAMEDA CTC"), and the CITY OF DUBLIN, a public agency ("PROJECT SPONSOR").

This AGREEMENT obligates funds from one or more ALAMEDA CTC administered funding programs as indicated below, and as further specified in Appendix A: Project Control Information and Appendix B: Alameda CTC Administered Funds Obligated by this AGREEMENT, for the PROJECT, as such term is defined in Recital K below.

- ☐ 2000 Measure B
- ☒ 2014 Measure BB
- ☐ Vehicle Registration Fee
- ☒ Transportation Fund for Clean Air
- ☐ CMA TIP

RECITALS

A. The voters of Alameda County, pursuant to the provisions of the Bay Area County Traffic and Transportation Funding Act, Public Utilities Code Section 131000, et seq., approved Measure B at the General Election held in November 1986, authorizing the collection of a one-half cent transaction and use tax over a fifteen (15)-year period to address major transportation needs and congestion in Alameda County and giving Alameda County Transportation Authority ("ACTA") the responsibility for the administration of the proceeds of the tax. The proceeds from the 1986 Measure B tax have been and continue to be used to pay for investments as outlined in the 1986 Alameda County Transportation Expenditure Plan ("1986 TEP"), as it may be amended. Although collection of the 1986 Measure B tax ceased in 2002, capital projects funded wholly or in part by 1986 Measure B funds are still being delivered using these funds.

B. The voters of Alameda County, pursuant to the provisions of the Local Transportation Authority and Improvement Act, Public Utilities Code Section 180000, et seq., approved the reauthorization of Measure B at the General Election held on November 7, 2000, authorizing the collection of a one-half cent transaction and use tax to be collected for twenty (20) years beginning April 1, 2002 and giving Alameda County Transportation Improvement Authority ("ACTIA") responsibility for the administration of the proceeds of the tax.. The proceeds from the 2000 Measure B tax have been and continue to be used to pay for investments as outlined in the 2000 Alameda County Transportation Expenditure Plan ("2000 TEP"), as it may be amended.

C. The voters of Alameda County, pursuant to Section 65089.20 of the Government Code, approved Measure F, the Vehicle Registration Fee ("VRF"), authorizing Alameda County Congestion Management Agency ("ACCMA") to administer the proceeds from a $10 per year vehicle registration fee on

each annual motor-vehicle registration in Alameda County, starting with registrations effective July 2011 with collection beginning in May 2011, six months following approval of Measure F. Vehicles subject to the VRF include all motorized vehicles, including passenger cars, light-duty trucks, medium-duty trucks, heavy-duty trucks, buses of all sizes, motorcycles, and motorized camper homes, unless vehicles are expressly exempted from the payment of the VRF.

D. By resolutions adopted by the ACTA and ACTIA Boards on June 24, 2010, all of ACTA's functions and responsibilities were assigned to, and accepted by, ACTIA. On that same date, the ACTIA and ACCMA Boards took the final actions to create ALAMEDA CTC, a joint powers authority with all responsibilities of ACTIA and ACCMA. Pursuant to resolutions adopted by the ACTIA and ACCMA Boards and the Commission of ALAMEDA CTC, ACCMA and ACTIA were terminated as of the close of business on February 29, 2012, with ALAMEDA CTC designated as the successor entity. All of its predecessors' functions and responsibilities have been assigned to, and accepted by, ALAMEDA CTC.

E. The voters of Alameda County, pursuant to the provisions of the Local Transportation Authority and Improvement Act, California Public Utilities Code Section 180000 et seq., approved Measure BB at the General Election held on November 4, 2014, authorizing the extension of an existing one-half of one percent transaction and use tax scheduled to terminate on March 31, 2022, and the augmentation of the tax by one-half of one percent, and giving ALAMEDA CTC responsibility for the administration of the proceeds of the 2014 Measure BB tax. The duration of the 2014 Measure BB tax will be 30 years from the initial year of collection, which began April 1, 2015, with said tax to terminate/expire on March 31, 2045. The proceeds from the 2014 Measure BB will be used to pay for investments as outlined in the 2014 Alameda County Transportation Expenditure Plan ("2014 TEP"), as it may be amended.

F. As the Transportation Fund for Clean Air ("TFCA") Program Manager in Alameda County, ALAMEDA CTC annually programs 40 percent of the TFCA funds collected in Alameda County. ALAMEDA CTC receives these funds from the Bay Area Air Quality Management District ("BAAQMD"), and then distributes these funds on a reimbursement basis to eligible project sponsors.

G. ALAMEDA CTC is continuing the implementation of the CMA Exchange Program, originally established by the ACCMA, for the purpose of providing local or otherwise unrestricted funds to ALAMEDA CTC for use in projects and programs adopted into the CMA Transportation Improvement Program ("CMA TIP") by ALAMEDA CTC.

H. The funding programs administered by ALAMEDA CTC and available for projects and programs that benefit the Alameda County transportation system, consisting of 1986 Measure B, 2000 Measure B, 2014 Measure BB, VRF, TFCA, and CMA TIP, are collectively defined as and shall be referenced herein as the "ALAMEDA CTC ADMINISTERED FUNDS". Requirements related to 2000 Measure B, VRF and 2014 Measure BB Direct Local Distribution ("DLD") funding distributed pursuant to 2000 Measure B, VRF and 2014 Measure BB Transportation Expenditure Plans are covered by separate agreements between ALAMEDA CTC and DLD recipients.

I. Measure B, Measure BB, VRF, and TFCA funds obligated by this AGREEMENT shall be programmed, allocated, and expended for the purpose defined and in accordance with the provisions set forth in the applicable transportation expenditure plans, or the BAAQMD-approved TFCA County Program Manager Policies.

J. ALAMEDA CTC programs and allocates ALAMEDA CTC ADMINISTERED FUNDS through the ALAMEDA CTC Comprehensive Investment Plan ("CIP") that is updated periodically to summarize the programming and allocations of ALAMEDA CTC ADMINISTERED FUNDS, and the policies, procedures and requirements related to the expenditure of ALAMEDA CTC ADMINISTERED FUNDS.

K. The PROJECT SPONSOR is implementing a project or program ("PROJECT") that is eligible for ALAMEDA CTC ADMINISTERED FUNDS. The PROJECT and the strategy to implement the PROJECT are described in greater detail in Appendix A: Project Control Information.

L. This AGREEMENT obligates funds from one or more of ALAMEDA CTC administered funding programs as specified in Appendix B: Alameda CTC Administered Funds Obligated by this Agreement, for the PROJECT and the phase(s) described in Appendix A: Project Control Information. ALAMEDA CTC ADMINISTERED FUNDS obligated by this AGREEMENT are available to reimburse eligible costs incurred by PROJECT SPONSOR for the PROJECT and the phase(s) described in Appendix A: Project Control Information.

M. The issuance of bonds or another financing mechanism are possible funding options as part of ALAMEDA CTC administered funding programs to meet cash flow requirements of each individual program based on current schedule and project delivery information.

NOW, THEREFORE, it is agreed by and between the parties as follows:

SECTION I

PROJECT SPONSOR AGREES:

1. PROJECT SPONSOR shall implement the PROJECT in accordance with all requirements in this AGREEMENT and the following appendices attached hereto and incorporated herein by reference.

   a. Appendix A: Project Control Information
   b. Appendix B: Alameda CTC Administered Funds Obligated by this Agreement
   c. Appendix C: Alameda CTC Request for Reimbursement and Reporting Requirements
   d. Appendix D: Local Business Contract Equity Program
   e. Appendix E: Deliverables and Due Dates
   f. Appendix F: Project Performance Measures
   g. Appendix G: Transportation Fund for Clean Air Policies and Requirements

2. PROJECT SPONSOR shall perform the necessary work associated with the PROJECT required to implement PROJECT as described in Appendix A: Project Control Information.

3. PROJECT SPONSOR shall inform ALAMEDA CTC in writing of any changes to the information contained in Appendix A: Project Control Information as soon as PROJECT SPONSOR becomes aware of such changes. Per Section III.2, any change that requires an amendment to this AGREEMENT must be approved by ALAMEDA CTC prior to PROJECT SPONSOR implementing the change.

4. PROJECT SPONSOR shall commit to the timing of ALAMEDA CTC ADMINISTERED FUNDS as described in Appendix B: Alameda CTC Administered Funds Obligated by this Agreement.

5. PROJECT SPONSOR shall expend ALAMEDA CTC ADMINISTERED FUNDS received under this AGREEMENT in accordance with all applicable provisions of law and shall return to ALAMEDA CTC all funds that are not expended in accordance with all applicable provisions of law.

6. PROJECT SPONSOR shall be responsible for costs in excess of the total funding obligations shown in Appendix A: Project Control Information. Costs in excess of the total funding obligations will not be reimbursed with ALAMEDA CTC ADMINISTERED FUNDS unless this AGREEMENT is amended in writing or the parties execute a separate agreement for a subsequent phase of the PROJECT.

7. PROJECT SPONSOR shall return to ALAMEDA CTC, on a pro-rated basis, funds realized from the sale of any vehicle(s) purchased with ALAMEDA CTC ADMINISTERED FUNDS, if the sale of the vehicle(s) is completed prior to the last day of the last year listed as the PROJECT'S "Years of Effectiveness" as identified in either Appendix A: Project Control Information or Appendix G: Transportation Fund for Clean Air Policies and Requirements, as applicable. The amount of sale proceeds required to be returned to ALAMEDA CTC shall be proportional to the percentage of ALAMEDA CTC ADMINISTERED FUNDS originally used to purchase the vehicle(s).

8. PROJECT SPONSOR staff costs for any local agency which receives DLD funding shall not be eligible for reimbursement of staff costs from ALAMEDA CTC ADMINISTERED FUNDS allocated to the PROJECT unless staff costs are specifically identified as eligible in Appendix A: Project Control Information. PROJECT SPONSOR staff costs can be included in the total cost and other funding amounts for the purpose of meeting the cost and risk sharing provisions of this AGREEMENT.

9. Fringe benefits rates applied to PROJECT SPONSOR staff costs shall not exceed a maximum rate of 70% of the hourly wage. PROJECT SPONSOR staff costs may include the individual's actual hourly wage plus a fringe benefit of no more than 70% of the hourly wage as approved by a cognizant agency or an independent auditor, and staff costs also may include direct costs including contracts for services, such as legal counsel, that are considered an extension of the PROJECT SPONSOR'S staff.

10. PROJECT SPONSOR overhead, or "indirect," costs are not eligible for reimbursement from ALAMEDA CTC ADMINISTERED FUNDS obligated by this AGREEMENT, and shall not be included in the total eligible PROJECT cost calculations used to determine the ALAMEDA CTC ADMINISTERED FUNDS share of such total eligible PROJECT costs.

11. The cost of maintenance, security, or protection performed by PROJECT SPONSOR or third-party contractors during any temporary suspension of activities associated with the PROJECT will not be considered an eligible cost for reimbursement by ALAMEDA CTC.

12. PROJECT SPONSOR shall advertise, award and administer all professional services contracts for PROJECT work not performed by PROJECT SPONSOR.

13. PROJECT SPONSOR shall invite ALAMEDA CTC staff to participate as a voting member of PROJECT SPONSOR's selection panel for the selection of all professional consultants and furnish drafts of all

professional services contracts utilizing Measure B, Measure BB, and Vehicle Registration Fee funds to ALAMEDA CTC for ALAMEDA CTC's review and approval prior to execution.

14. All locally funded contracts approved by PROJECT SPONSOR, funded wholly or in part with Measure B, Measure BB, and/or Vehicle Registration Fee funds administered by ALAMEDA CTC, except for contracts that also include state and/or federal funds or contracts funding non-capital projects (e.g., transit operations), are required to comply with ALAMEDA CTC's Local Business Contract Equity (LBCE) Program as referenced in Appendix D: Local Business Contract Equity Program. This includes the obligation to report LBE/SLBE/VLSBE participation with all invoices submitted for reimbursement for all contracts partially or wholly funded by ALAMEDA CTC, whether or not the contract requires LBE participation.

15. PROJECT SPONSOR shall require insurance coverage that names ALAMEDA CTC, its governing body, officers, employees and consultants as additional insureds of the PROJECT SPONSOR, professional services consultants and subconsultants, construction services contractors and subcontractors, volunteer service individuals, and any other contractors or subcontractors involved with the PROJECT on all insurance required by PROJECT SPONSOR for PROJECT. PROJECT SPONSOR shall keep and maintain insurance certificates and policy endorsements evidencing the policies on file, and furnish the same to ALAMEDA CTC upon request. ALAMEDA CTC will not be responsible for any premiums or assessments on any policy. If this AGREEMENT includes any TFCA funds, PROJECT SPONSOR shall also comply with the insurance requirements specified in Appendix G: Transportation Fund for Clean Air Policies and Requirements.

16. PROJECT SPONSOR shall provide ALAMEDA CTC with periodic (i.e., monthly, quarterly or semi-annually) progress reports describing the current status of the PROJECT. The required progress reporting frequency schedule and forms are provided in Appendix C: Alameda CTC Request for Reimbursement and Reporting Requirements. Progress reports are due by the last day of each calendar month following the established reporting period in which the work was performed. These reports shall include PROJECT status information such as the scope of work completed to date, total costs incurred, future actions, project performance, issues identification, changes to scope or schedule, and any additional relevant information requested by ALAMEDA CTC.

17. PROJECT SPONSOR shall submit to ALAMEDA CTC a Request for Reimbursement in accordance with the minimum required invoicing frequency established for the PROJECT, but not more than one such request per month, for reimbursement of eligible PROJECT costs and expenses incurred by PROJECT SPONSOR. The required minimum invoicing frequency and invoice forms are provided in Appendix C: Alameda CTC Request for Reimbursement and Reporting Requirements. If PROJECT SPONSOR does not incur any reimbursable expenses during the minimum invoicing period, in lieu of submitting an invoice, PROJECT SPONSOR shall submit a letter or a statement as part of the required progress report for the same period confirming that no reimbursable costs were incurred during the given period. If PROJECT SPONSOR requests reimbursement for costs incurred as a result of a contract or agreement with a third party that contains a contract value of $50,000 or greater, e.g. a consultant, contractor or other entity, PROJECT SPONSOR shall submit an electronic copy of the fully executed contract or agreement to ALAMEDA CTC prior to ALAMEDA CTC authorizing reimbursement of such costs. Each Request for Reimbursement shall also include detailed supporting documentation for the total PROJECT costs with the reimbursable portion of the total costs clearly identified. Supporting documentation for the Request for Reimbursement packages

includes copies of invoices from vendors, consultants, or contractors and summaries of eligible PROJECT SPONSOR staff time charges. PROJECT SPONSOR may suggest an alternative method, subject to approval in advance by ALAMEDA CTC, to document staff costs charged to the PROJECT.

18. PROJECT SPONSOR shall provide a Parcel and Utility Agreement Tracking Log in a format approved by ALAMEDA CTC upon ALAMEDA CTC's request, if the PROJECT includes the acquisition of right-of-way and/or the relocation or protection of utility facilities. PROJECT SPONSOR shall also provide a monthly update of the right-of-way acquisition plan to ALAMEDA CTC.

19. PROJECT SPONSOR shall keep all necessary PROJECT records to demonstrate compliance with this AGREEMENT, including documentation of activities, performance, progress reports, final report, expenses and charges to support invoices submitted to ALAMEDA CTC and other PROJECT reporting requirements as described in Appendix C: Alameda CTC Request for Reimbursement and Reporting Requirements in one central location for a period of not less than five (5) years after the later of (i) ALAMEDA CTC's payment of the final invoice, (ii) the PROJECT SPONSOR'S submittal of the Final Report for ALAMEDA CTC ADMINISTERED FUNDS under this AGREEMENT, and (iii) the end of the PROJECT'S established "Years of Effectiveness" period (as identified in Appendix G: Transportation Fund for Clean Air Policies and Requirements) if any TFCA funds are provided under this AGREEMENT.

a. PROJECT SPONSOR and PROJECT SPONSOR's contractors and subcontractors shall each maintain and make available for inspection and audit all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including, but not limited to, the costs of administering those various contracts.

b. PROJECT SPONSOR shall allow ALAMEDA CTC or its authorized representatives to inspect, audit, or make copies of any PROJECT records for a period of five (5) years after ALAMEDA CTC's payment of the final invoice and the PROJECT SPONSOR'S submittal of the Final Report. The same access also shall be granted to BAAQMD or its authorized representatives for TFCA funds obligated by this AGREEMENT.

20. PROJECT SPONSOR shall comply with all of the following publicity requirements to inform the public on the use of ALAMEDA CTC ADMINISTERED FUNDS on the PROJECT.

a. PROJECT SPONSOR shall credit ALAMEDA CTC as a funding source and display the approved ALAMEDA CTC logo, where practical, on construction informational signs, vehicles or equipment operated or obtained as part of the PROJECT, and on any publically distributed information (e.g., fact sheets, flyers, brochures, maps, schedules, websites, press releases), created for or associated with the PROJECT. For TFCA funding obligated through this AGREEMENT, SPONSOR shall also credit the BAAQMD as a funding source and display the BAAQMD-approved TFCA logo.

b. PROJECT SPONSOR shall provide updated and accurate PROJECT information on the PROJECT SPONSOR's website, or create such a website if none exists, and provide a link to ALAMEDA CTC website.

c. PROJECT SPONSOR shall publish an article in a printed or electronically distributed publication such as a newsletter, local newspaper, e-publications, or website highlighting the

PROJECT and the use of ALAMEDA CTC ADMINISTERED FUNDS at least once per fiscal year. For TFCA funding obligated through this AGREEMENT, SPONSOR shall also credit the BAAQMD as a funding source.

d. PROJECT SPONSOR shall document compliance with the publicity requirements and furnish such documentation upon request, and regularly through the progress and final reporting required by this AGREEMENT, through evidence such as photos of construction and vehicle signage, copies of print, electronic and other media published to satisfy this requirement. For TFCA funding obligated through this AGREEMENT, SPONSOR shall also document that the BAAQMD was credited as a funding source and the BAAQMD-approved TFCA logos were displayed.

e. PROJECT SPONSOR shall notify ALAMEDA CTC and request an exemption as soon as it is reasonably known that the PROJECT SPONSOR is unable to fulfill the requirements under this Section I.20 due to extraordinary circumstances.

21. PROJECT SPONSOR shall, to the extent not otherwise prohibited by law, and to the extent required by the California Public Records Act (California Government Code section 6250 et seq.), place in the public domain any software, written document, or other product developed with ALAMEDA CTC ADMINISTERED FUNDS received through this AGREEMENT.

22. PROJECT SPONSOR shall participate, upon the request of ALAMEDA CTC, in a Public Awareness Program in partnership with ALAMEDA CTC and/or its community advisory committees as a means of informing the public of the benefits derived from the use of ALAMEDA CTC ADMINISTERED FUNDS.

23. PROJECT SPONSOR shall obtain all state, local and federal permits and approvals for work, including environmental approvals in accordance with the National Environment Policy Act (NEPA) and the California Environmental Quality Act (CEQA), as applicable. PROJECT SPONSOR will comply with all applicable state and federal laws and regulations.

24. PROJECT SPONSOR shall render a report or answer any and all inquiries, upon ALAMEDA CTC's request, in regards to its receipt of ALAMEDA CTC ADMINISTERED FUNDS, compliance audit findings, and usage of ALAMEDA CTC ADMINISTERED FUNDS before the ALAMEDA CTC Commission, Independent Watchdog Committee, and/or community advisory committees, as applicable.

25. For TFCA funds obligated by this AGREEMENT, a PROJECT SPONSOR who has failed a BAAQMD financial or performance audit for the PROJECT will be excluded from receiving an award of any TFCA funds for five (5) years from the date of BAAQMD's final audit determination. Existing TFCA funds already awarded to the SPONSOR will not be released until all audit recommendations and remedies have been satisfactorily implemented. A failed BAAQMD financial audit means a final audit report that includes an uncorrected audit finding that confirms an ineligible expenditure of TFCA funds. A failed BAAQMD performance audit means that the PROJECT was not implemented in accordance with the AGREEMENT. SPONSOR shall be afforded a reasonable amount of time to address/cure adverse audit findings.

26. For TFCA funds obligated by this AGREEMENT, PROJECT SPONSOR shall return to ALAMEDA CTC, on a pro-rated basis, TFCA funds received under this Agreement if PROJECT is not

maintained and/or operated throughout, and at least until the conclusion of, its "Years of Effectiveness" as identified in Appendix G: Transportation Fund for Clean Air Policies and Requirements.

27. For TFCA funds obligated by this AGREEMENT, PROJECT SPONSOR shall submit a TFCA Final Report to the ALAMEDA CTC. The required content for the TFCA Final Report is identified in the TFCA Final Report Form referenced in Appendix G.

SECTION II

ALAMEDA CTC AGREES:

1. ALAMEDA CTC shall make a good faith effort to provide all ALAMEDA CTC ADMINISTERED FUNDS obligated by this AGREEMENT.

2. ALAMEDA CTC shall assist PROJECT SPONSOR when able, upon request and as necessary, in resolving issues related to the PROJECT.

3. ALAMEDA CTC shall provide a copy of its approved logo for PROJECT SPONSOR to use as required by this AGREEMENT.

4. ALAMEDA CTC shall provide notice to the PROJECT SPONSOR of any and all expenditures made by PROJECT SPONSOR, which are not in compliance with the AGREEMENT or the applicable ALAMEDA CTC ADMINISTERED FUNDS promptly after ALAMEDA CTC becomes aware of any such expenditures.

5. ALAMEDA CTC shall provide timely notice to PROJECT SPONSOR prior to conducting an audit of expenditures made by PROJECT SPONSOR to determine whether such expenditures are in compliance with this agreement or the applicable ALAMEDA CTC ADMINISTERED FUNDS.

SECTION III

IT IS MUTUALLY AGREED AS FOLLOWS:

1. That ALAMEDA CTC ADMINISTERED FUNDS obligated by this AGREEMENT may be shifted between the phases of the PROJECT or between activities in the same phase of the PROJECT, so long as each of the following occurs: 1) PROJECT SPONSOR submits a written amendment request that provides revised and updated Appendix A: Project Control Information forms documenting the requested funding obligation shift and demonstrating to ALAMEDA CTC's satisfaction that the phase or activity from which the funds were shifted remains fully funded, and 2) the parties execute an amendment to this AGREEMENT incorporating the revised and updated Appendix A forms as described above, which amendment shall be approved by ALAMEDA CTC pursuant to applicable ALAMEDA CTC policies.

2. ALAMEDA CTC and the PROJECT SPONSOR may jointly authorize an "Administrative Amendment" for any minor schedule revisions, deliverables, or budget revisions that do not increase the total ALAMEDA CTC ADMINISTERED FUNDS obligated by this AGREEMENT. Any change in the PROJECT scope

of work must be approved by ALAMEDA CTC prior to implementation of the change by the PROJECT SPONSOR. Administrative amendment requests sent to ALAMEDA CTC must include a revised Appendix A: Project Control Information which reflects the requested changes by the PROJECT SPONSOR.

3. For the purposes of this AGREEMENT, (i) a "Contract" shall mean and refer to a third party agreement with the PROJECT SPONSOR for services related to PROJECT, including agreements with another public agency, consultant firm, contractor or entity; (ii) "PROJECT SPONSOR Staff" costs include costs related to staff dedicated directly to management, oversight, or development work on the project and may include direct costs including contracts for services, such as legal counsel, that are considered an extension of PROJECT SPONSOR Staff; (iii) "Capital" with respect to any Right-of-Way Capital phase shall mean and refer to the cost to acquire real property, access rights and other property interests; and (iv) "Agreement Expiration Date" shall mean and refer to the expiration date of this AGREEMENT.

4. Funds expended for work directly related to the phases of the PROJECT covered by this AGREEMENT prior to the applicable allowable start date identified in Appendix B: Alameda CTC Administered Funds Obligated by this Agreement will not be considered for reimbursement pursuant to this AGREEMENT. In all cases, reimbursable costs will be limited to those costs shown in Appendix A: Project Control Information.

5. ALAMEDA CTC ADMINISTERED FUNDS obligated by this AGREEMENT are subject to fund availability and any new requirements and policies imposed by ALAMEDA CTC. The AGREEMENT shall be amended, as necessary, to reflect the applicable requirements.

6. If additional local, state or federal funding is obtained to partially offset ALAMEDA CTC ADMINISTERED FUNDS planned for the PROJECT, ALAMEDA CTC ADMINISTERED FUNDS will not be transferred from the PROJECT until after it is ensured that all phases of the PROJECT can be fully delivered. ALAMEDA CTC ADMINISTERED FUNDS offset by additional local, state or federal funding shall be available for PROJECT only after all other funding planned for PROJECT, as described in Appendix A: Project Control Information, has been committed and/or encumbered to the PROJECT.

7. Should any portion of PROJECT be financed with federal or state funds, all applicable laws, rules and policies relating to the use of such funds shall apply, notwithstanding other provisions of this AGREEMENT.

8. For TFCA funds obligated by this AGREEMENT, this AGREEMENT is subject to the current BAAQMD-approved TFCA County Program Manager Fund Policies included in Appendix G: Transportation Fund for Clean Air Policies and Requirements and any new requirements imposed by the BAAQMD upon ALAMEDA CTC with respect to the TFCA funds distributed hereunder. ALAMEDA CTC will only distribute TFCA funds under this AGREEMENT to the extent the documented project costs are eligible under the applicable BAAQMD TFCA Policies.

9. The laws of the State of California shall govern this AGREEMENT.

10. All correspondence and communications will contain ALAMEDA CTC project number and name for PROJECT in a clearly identifiable location. For projects with TFCA funds obligated by this

AGREEMENT, all correspondence and communications will also contain the TFCA project number as identified in Appendix G: Transportation Fund for Clean Air Policies and Requirements.

11. ALAMEDA CTC reserves the right to conduct technical and financial audits of PROJECT work and records when determined to be necessary or appropriate and PROJECT SPONSOR agrees, and shall require its contractors and subcontractors to agree, to cooperate with ALAMEDA CTC by making all appropriate and relevant PROJECT records promptly available for audit and copying.

12. PROJECT costs incurred by PROJECT SPONSOR are only eligible for reimbursement on a pro-rated basis unless specifically provided for in Appendix A: Project Control Information, and PROJECT SPONSOR is expected to concurrently seek reimbursement from the other sources shown in Project A: Project Control Information. Pro-rated basis, as used herein, equals the amount of ALAMEDA CTC ADMINISTERED FUNDS obligated by this AGREEMENT to a phase, divided by the total funding for the phase, as shown in Appendix A: Project Control Information. For any Request for Reimbursement which includes such expenditures, PROJECT SPONSOR shall (i) report the total expenditures during the reimbursement period, (ii) indicate the percentage of the total expenditures for the phase expected to be funded by ALAMEDA CTC ADMINISTERED FUNDS obligated by this AGREEMENT, and (iii) request reimbursement for the dollar amount which equals the product of such total expenditures and such percentage.

13. ALAMEDA CTC approval of PROJECT SPONSOR submitted Requests for Reimbursement will be contingent on the submittal of progress reports and deliverables by PROJECT SPONSOR as required by this AGREEMENT. In the event that progress reports and deliverables are not complete and current, approval of Requests for Reimbursement shall be withheld until an acceptable remedy has been implemented and approved by ALAMEDA CTC. If PROJECT SPONSOR fails to submit the required deliverables or otherwise fails to meet the reporting and invoicing requirements of this AGREEMENT, ALAMEDA CTC may deobligate funds from the PROJECT and this AGREEMENT. Not less than thirty (30) days prior to the effective date of any such action, ALAMEDA CTC will endeavor to notify PROJECT SPONSOR in writing that the required deliverables, invoicing and reporting is overdue.

14. Request for Reimbursements submitted after the Agreement Expiration Date identified in Appendix B: Alameda CTC Administered Funds Obligated by this AGREEMENT will not be considered for reimbursement by ALAMEDA CTC unless an exception is requested by the PROJECT SPONSOR no less than sixty (60) days before the Agreement Expiration Date, and the exception is approved by ALAMEDA CTC. ALAMEDA CTC will deobligate any remaining ALAMEDA CTC ADMINISTERED FUNDS from PROJECT and this AGREEMENT.

15. Each Right-of-Way transaction which is funded either wholly or in part with ALAMEDA CTC ADMINISTERED FUNDS shall be subject to repayment or reimbursement to ALAMEDA CTC under ALAMEDA CTC Policies in effect as of the effective date of this AGREEMENT, irrespective of the party holding title to the real estate which is the subject of the Right-of-Way transaction in question. The parties agree that Section III.16(a) through Section III.16(f), the provisions of which are intended to provide further detail regarding the application of such Policies, shall govern the extent to which such repayment is required and the conditions applicable to any such repayment. If such Policies are amended after the effective date of this AGREEMENT by ALAMEDA CTC, the PROJECT SPONSOR and ALAMEDA CTC shall execute an amendment to this AGREEMENT which references the revised Policies.

16. For the purposes of the following provisions, "ALAMEDA CTC Share" shall mean the percentage share of the original property purchase price funded by ALAMEDA CTC ADMINISTERED FUNDS (i.e., if the purchase was fully funded by ALAMEDA CTC ADMINISTERED FUNDS, ALAMEDA CTC Share shall equal 100%); any appraisal required under Section III.16(a) and Section III.16(f) only, shall be conducted at no cost to ALAMEDA CTC; "Fair Market Value" of a given property shall mean the net proceeds from the sale of such property if such sale occurs in an open market transaction or by auction, or the value of the property determined by an independent third-party appraisal of the property if some or all of the property is retained by PROJECT SPONSOR or otherwise transferred to any other party without an auction or open market transaction; and "CPI" means the Consumer Price Index, All Items for All Urban Consumers, San Francisco-Oakland, San Jose, CA.

a. If any property is acquired for the PROJECT using ALAMEDA CTC ADMINISTERED FUNDS to finance some or all of the acquisition, and the PROJECT is cancelled or otherwise does not begin construction within three (3) years after the effective date of AGREEMENT (as such deadline may be extended by agreement between the parties hereto), then PROJECT SPONSOR shall, within one (1) year after such cancellation decision or the expiration of such three (3) year period, reimburse ALAMEDA CTC for the greater of the following: ALAMEDA CTC Share of the property's Fair Market Value or the full amount of ALAMEDA CTC ADMINISTERED FUNDS used to acquire the property, as escalated by the increase in the CPI during the most recent period for which CPI data is available which is equal in length to the period between the date ALAMEDA CTC ADMINISTERED FUNDS were paid to PROJECT SPONSOR and the date reimbursement is made to ALAMEDA CTC.

b. If any property is acquired for the PROJECT using ALAMEDA CTC ADMINISTERED FUNDS to finance some or all of the acquisition and only a portion of the acquired property is required for the PROJECT, and if the PROJECT begins construction within three (3) years after the effective date of this AGREEMENT (as such deadline may be extended by agreement between the parties hereto), then PROJECT SPONSOR shall, within one (1) year after PROJECT completion, reimburse ALAMEDA CTC for ALAMEDA CTC Share of the Fair Market Value of any property determined to be "excess property".

c. If the PROJECT begins construction within three (3) years after the effective date of this AGREEMENT (as such deadline may be extended by agreement between the parties hereto), then except as provided in subparagraph (d) below, no reimbursement is due with respect to any property interest acquired for the project using ALAMEDA CTC ADMINISTERED FUNDS if the entirety of the acquired property is required for the PROJECT.

d. If PROJECT SPONSOR anticipates receiving net revenues (i.e., rental or other income generated by the property, less reasonable costs for insurance, maintenance and related items) from any property acquired using ALAMEDA CTC ADMINISTERED FUNDS, PROJECT SPONSOR shall notify ALAMEDA CTC on how PROJECT SPONSOR will use such revenue to offset other project costs, and document such revenue separately in project reimbursement requests.

e. If PROJECT is suspended, PROJECT SPONSOR shall pay all property management costs.

f. Property that is required for the PROJECT and acquired wholly or in part with ALAMEDA CTC ADMINISTERED FUNDS shall be available for PROJECT construction within ten (10) years of ALAMEDA CTC reimbursement to the PROJECT SPONSOR. If, after ten (10) years, PROJECT has not been completed, PROJECT SPONSOR shall reimburse ALAMEDA CTC Share of the fair market value of the property, based on the net proceeds from the sale of the property or an appraisal of the property conducted at no cost to ALAMEDA CTC, within one (1) year after the expiration of this ten (10) year period.

17. If condemnation procedures are required to obtain possession to Right-of-Way, ALAMEDA CTC will consider the required deposit as an eligible cost and reimburse the PROJECT SPONSOR upon request. PROJECT SPONSOR shall submit documentation of the final order of condemnation settlement within ninety (90) days after the date of the court recording of the final order of condemnation. If the amount of ALAMEDA CTC reimbursement to the PROJECT SPONSOR is higher than ALAMEDA CTC Share of the amount of settlement in the final order of condemnation, the PROJECT SPONSOR shall pay ALAMEDA CTC the difference between the amount reimbursed and ALAMEDA CTC Share of the amount settled plus ALAMEDA CTC Share of the interest accrued to the deposit account within one (1) year of the final order of condemnation.

18. PROJECT SPONSOR shall not initiate condemnation of any property until full funding for the construction of the PROJECT has been secured.

19. Reimbursement to PROJECT SPONSOR by ALAMEDA CTC for PROJECT Right-of-Way is limited to the following (and net of any relocation payments provided by other sources):

a. The cost to purchase all real property required for the PROJECT free and clear of liens and/or conflicting easements, including the costs for preparation of documents, negotiations and legal services.

b. The cost of damages to owners of the remainder of real property not actually taken but injuriously affected by PROJECT.

c. The cost of relocation payments and services provided to owners and occupants pursuant to the appropriate State laws and regulations when the PROJECT displaces an individual, family, business, farm operation or nonprofit organization.

d. The cost of demolition and/or the sale of all improvements on the right-of-way. Proceeds from the sale of any such improvements shall be credited to the PROJECT and used to offset PROJECT costs.

e. The cost of all unavoidable utility relocation, protection or removal necessary for the completion of the PROJECT.

f. The cost of all necessary hazardous material and hazardous waste treatment, encapsulation or removal and protective storage for which PROJECT SPONSOR accepts responsibility and where the actual generator cannot be identified and recovery made.

20. If PROJECT SPONSOR materially breaches this AGREEMENT, including but not limited to failing to deliver the PROJECT within the schedule defined by this AGREEMENT without compelling reason, failing to file required progress reports in the time specified by this AGREEMENT, or failing to comply with applicable regulations, ALAMEDA CTC may either terminate this AGREEMENT or suspend payments to PROJECT SPONSOR until such time as PROJECT SPONSOR makes reasonable efforts to comply with this AGREEMENT.

21. Neither ALAMEDA CTC, nor its governing body or any officer, consultant, or employee thereof shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by PROJECT SPONSOR in connection with the PROJECT. It is also understood and agreed, pursuant to Government Code Section 895.4, PROJECT SPONSOR shall fully defend, protect, indemnify and hold harmless ALAMEDA CTC, its governing body, and all its officers, employees, agents, representatives, and successors-in-interest, against any and all liability, loss, expense, including reasonable attorneys' fees, or claims for injury (as defined in Government Code Section 810.8) or damages occurring by reason of anything done or omitted to be done by PROJECT SPONSOR in connection with PROJECT, including the performance of the PROJECT or operation or use of the equipment that is subject to this AGREEMENT. If TFCA funds are obligated by this AGREEMENT, PROJECT SPONSOR shall also fully defend, protect, indemnify and hold harmless BAAQMD, its governing body, and all its officers, employees, agents, representatives, and successors-in-interest, from any liability imposed on BAAQMD for injury (as defined in Government Code Section 810.8) occurring by reason of anything done or omitted to be done by PROJECT SPONSOR in connection with PROJECT.

22. Neither PROJECT SPONSOR, nor its governing body or any officer, consultant, or employee thereof shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by ALAMEDA CTC under or in connection with any work, authority or jurisdiction delegated to ALAMEDA CTC under this AGREEMENT. It is also understood and agreed, pursuant to Government Code Section 895.4, ALAMEDA CTC shall fully defend, protect, indemnify and hold harmless PROJECT SPONSOR, its governing body, and all its officers, employees, agents, representatives, and successors-in-interest, against any and all liability, loss, expense, including reasonable attorneys' fees, or claims for injury (as defined in Government Code Section 810.8) or damages occurring by reason of anything done or omitted to be done by ALAMEDA CTC in connection with PROJECT, including the performance of the PROJECT or operation or use of the equipment that is subject to this AGREEMENT.

23. Nothing in the provisions of this AGREEMENT is intended to create duties or obligations to or rights in third parties not party to this AGREEMENT. This AGREEMENT gives no rights or benefits to anyone other than ALAMEDA CTC and PROJECT SPONSOR and has no third-party beneficiaries.

24. All legal actions by either party against the other arising from this AGREEMENT, or for the failure to perform in accordance with the applicable standard of care, or for any other cause of action, will be subject to the statutes of limitations of the State of California.

25. Should it become necessary to enforce the terms of this AGREEMENT, the prevailing party shall be entitled to recover reasonable expenses and attorney's fees from the other party.

26. This AGREEMENT shall terminate upon the Agreement Expiration Date identified in Appendix B: Funds Obligated by this AGREEMENT unless this AGREEMENT is extended by mutual agreement of the parties. Notwithstanding the foregoing, Sections I.7, I.19, III.21 and III.22 shall survive the termination or expiration of this AGREEMENT.

27. This AGREEMENT, including its Recitals and Appendices, constitutes the entire AGREEMENT. This AGREEMENT may be changed only as allowed in Sections III.1 and Section III.2 of this AGREEMENT or by a written amendment executed by both parties.

[Signatures on the next page]

CITY OF DUBLIN
(PROJECT SPONSOR)

By: _____

Linda Smith Date
City Manager

ALAMEDA COUNTY
TRANSPORTATION COMMISSION
(ALAMEDA CTC)

By: _____

Tess Lengyel Date
Executive Director

Recommended

By: _____

Gary Huisingh Date
Deputy Executive Director of
Projects

Reviewed as to Budget/Financial Controls:

By: _____

Patricia Reavey Date
Deputy Executive Director of
Finance and Administration

Approved as to Legal Form:

By: _____

John Bakker Date
Legal Counsel to CITY OF DUBLIN

Approved as to Legal Form:

By: _____

Wendel Rosen LLP Date
Legal Counsel to ALAMEDA CTC

LIST OF APPENDICES

APPENDIX A: PROJECT CONTROL INFORMATION

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Appendix A-2	Project Scope Detail By Phase
Appendix A-3	Project Milestone Schedule
Appendix A-5	Project Funding Summary by Phase and Fund Source
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APPENDIX B: ALAMEDA CTC ADMINISTERED FUNDS OBLIGATED BY THIS AGREEMENT

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Note: Appendix G is only included and attached to this AGREEMENT if TFCA funds are obligated and applicable to AGREEMENT.

APPENDIX A

PROJECT CONTROL INFORMATION

Appendix Index

Appendix A-1	Project Description
Appendix A-2	Project Scope Detail by Phase with Funds Obligated by the Agreement
Appendix A-3	Project Milestone Schedule
Appendix A-4	Project Funding Summary by Phase and Fund Source
Appendix A-5	Project Phase Cost Detail

APPENDIX A-1

PROJECT DESCRIPTION

Project Title: Iron Horse Trail Bike and Pedestrian Bridge at Dublin Boulevard

Project Description:

This project will construct a Class 1 bicycle and pedestrian bridge over Dublin Boulevard near the intersection of Scarlett Drive in the vicinity of the East Dublin Pleasanton BART Station. The bridge will connect two existing segments of the Iron Horse Trail, creating a total separation of bicyclists and pedestrians from motorized vehicles.

APPENDIX A-2

PROJECT SCOPE DETAIL BY PHASE

The ALAMEDA CTC ADMINISTERED FUNDS obligated by this AGREEMENT are to support the project phase(s) identified and described below:

CONSTRUCTION

- The ALAMEDA CTC funds obligated in this AGREEMENT will fund the Construction phase of the Project.

APPENDIX A-3

PROJECT MILESTONE SCHEDULE

Phase/Milestone	Begin (Mo/Yr)	End (Mo/Yr)
Preliminary Engineering/Environmental Studies	11/2017	12/2019
CEQA Approval	9/2019	05/2020
NEPA Approval	NA	NA
Final Design (Plans, Specifications and Estimate (PS&E)	06/2018	07/2020
Right of Way Certification	06/2019	09/2020
Ready to List		12/2020
Construction	03/2021	09/2022
Final Invoice/ Closeout		12/2022

Environmental Clearance Status:

	CEQA (Mo/Yr)	NEPA (Mo/Yr)
Environmental Document Type	IS/SMND*	N/A
Begin Environmental Process	03/2019	
Draft Circulation (if known)	11/2019	
Date of Public Meeting (if known)		
Final Draft Submitted		
Actual Certification Date	TBD	
Percent Complete	90	

* Initial Study/Supplemental Mitigated Negative Declaration

APPENDIX A-4

PROJECT FUNDING SUMMARY BY PHASE AND FUND SOURCE

PROJECT FUNDING SUMMARY BY PHASE AND FUND SOURCE					
PHASE	**Alameda CTC Administered Funds**		**Matching Funds**	**Total Funding**	**Reimbursement Ratio Percentage**
	MBB TEP-42	**TFCA CPM 2019/20**			
Construction Capital	$4,751,000	$856,419	$2,694,581	$8,302,000	**67.5%**
Total Funding	**$4,751,000**	**$856,419**	**$2,694,581**	**$8,302,000**	

Notes:

1. PROJECT SPONSOR shall be reimbursed eligible costs in the percentage of Total ALAMEDA CTC ADMINISTERED FUNDS to Total Funding per the Reimbursement Ratio Percentage for each phase. Each Alameda CTC Administered Fund amount identified is a not-to-exceed amount. The Reimbursement Ratio is defined as ALAMEDA CTC ADMINISTERED FUNDS divided by the Total Funding.

APPENDIX A-5

PROJECT PHASE COST DETAIL

This Project Phase Cost Detail summarizes the total cost for each phase with ALAMEDA CTC ADMINISTERED FUNDS obligated in this AGREEMENT.

PHASE COST DETAIL				
CONSTRUCTION PHASE	**MBB TEP-42**	**TFCA CPM 2019/20**	**Matching Funds**	**Total Cost**
Contract(s)/Other Direct Costs[1]	$4,751,000	$856,419	$2,694,581	**$8,302,000**
Total Phase Cost *(Staff + Contract Costs)*	**$4,751,000**	**$856,419**	**$2,694,581**	**$8,302,000**

Notes:

1. Contracts funded with any combination of Measure B, Measure BB, Vehicle Registration Fee and local funds that do not contain State or federal funds are subject to Alameda CTC's Local Business Contract Equity Program (refer to Appendix D).

APPENDIX B

ALAMEDA CTC ADMINISTERED FUNDS OBLIGATED BY THIS AGREEMENT

The following Table B-1 identifies the ALAMEDA CTC ADMINISTERED FUNDS obligated by this AGREEMENT and establishes a unique allowable start date for each obligated fund source.

TABLE B-1
FUNDS OBLIGATED BY THIS AGREEMENT
AND ALLOWABLE START AND EXPENDITURE DEADLINE DATES

Fund Source	Fund Subset	Phase	Commission Approval Date	Allowable Start Date	Expenditure Deadline Date	Obligated Amount
MBB	TEP-42	Construction	6/17/19	7/1/19	*The Agreement Expiration Date serves as the expenditure deadline date.*	$4,751,000
TFCA	19/20 CPM	Construction	6/17/19	7/1/19	11/1/21 *Estimated date (See Notes 6 & 7)*	$856,419
Total Alameda CTC Administered Funds Obligated by AGREEMENT:						**$5,607,419**

Agreement Expiration Date:	**December 31, 2023**

Notes:

1. ALAMEDA CTC reimbursement amounts by fund source for PROJECT shall not exceed the total amount obligated by this AGREEMENT, by fund source.
2. The Commission Approval Date is the date of the meeting at which the Commission approved the allocation.
3. The Allowable Start Date identified for each fund source is the earliest date at which costs eligible for reimbursement by the fund source indicated may be incurred. Any costs incurred on the PROJECT before this date will not be eligible for reimbursement under this AGREEMENT.
4. The Expenditure Deadline Date is the last date by which eligible reimbursable costs may be incurred. Any costs incurred on the PROJECT after this date will not be eligible for reimbursement under this AGREEMENT.
5. The Agreement Expiration Date shall mean and refer to the expiration date of this AGREEMENT.
6. For TFCA funds obligated by this agreement, the Expenditure Deadline Date in the above table is two (2) years from the date when ALAMEDA CTC first received funds from BAAQMD, unless an extended deadline is approved at the time of programming or an extension has been approved by the ALAMEDA CTC. An estimated deadline date is noted in the above table if at the time of this agreement the Alameda CTC has yet to receive funds from BAAQMD. Extended deadlines will be reflected in an amended Table B-1, once approved.
7. ALAMEDA CTC may approve up to two one-year extensions to the Expenditure Deadline Date. Any additional extensions require approval from both ALAMEDA CTC and BAAQMD.

APPENDIX B (CONT.)

Reimbursement of ALAMEDA CTC ADMINISTERED FUNDS obligated by this AGREEMENT shall be in accordance with the Drawdown Limitation Schedule below.

TABLE B-2
ALAMEDA CTC ADMINISTERED FUNDS
REIMBURSEMENT - DRAWDOWN LIMITATION SCHEDULE

No.	Fiscal Year	Quarter	Fund Source	Drawdown Limitation Amount	Cumulative Drawdown Limitation Amount
1	FY 2020-21	3	TFCA	$400,000	$400,000
2	FY 2020-21	4	TFCA	$456,419	$856,419
3	FY 2020-21	4	MBB	$1,001,000	$1,857,419
4	FY 2021-22	1	MBB	$1,000,000	$2,857,419
5	FY 2021-22	2	MBB	$1,000,000	$3,857,419
6	FY 2021-22	3	MBB	$1,000,000	$4,857,419
7	FY 2021-22	4	MBB	$750,000	$5,607,419

Notes:

1. Fiscal Year (FY) begins July 1 and ends June 30.
2. Quarter 1 begins July 1 and ends September 30; Quarter 2 begins October 1 and ends December 31; Quarter 3 begins January 1 and ends March 31; and Quarter 4 begins April 1 and ends June 30.
3. ALAMEDA CTC shall endeavor to transmit payments to PROJECT SPONSOR following the receipt and approval of a complete Request for Reimbursement(s) submitted by the PROJECT SPONSOR.
4. Actual reimbursements from ALAMEDA CTC to the PROJECT SPONSOR shall not exceed the Cumulative Drawdown Limitation Amount without Alameda CTC's written approval. Any portion of a reimbursement request, which exceeds the applicable Cumulative Drawdown Limitation without such prior approval by ALAMEDA CTC shall be deferred until the following quarter or until sufficient capacity in the cumulative drawdown limitation amount is achieved.

APPENDIX C

REQUEST FOR REIMBURSEMENT AND REPORTING REQUIREMENTS

The below table establishes the required minimum frequency for Requests for Reimbursement and Progress Reports. Requests for Reimbursements and Progress Reports are required either monthly, quarterly, or semi-annually, as indicated below with an "X".

REQUEST FOR REIMBURSEMENT AND PROGRESS REPORTING FREQUENCY AND DUE DATES			
Frequency Required *(as checked)*	**Minimum Frequency**	**Period Covered**	**Due Dates**
☐	Monthly *(once every month)*	One month	By 30 days following the end of billed activity
☐	Quarterly *(once every 3 months)*	Quarter 1: 7/1– 9/30 Quarter 2: 10/1 – 12/31 Quarter 3: 1/1– 3/31 Quarter 4: 4/1– 6/30	By October 31st By January 31st By April 30th By July 31st
☒	Semi-annually *(once every 6 months)*	Quarters 1 & 2: 7/1 – 12/31 Quarters 3 & 4: 1/1 – 6/30	By January 31st By July 31st
☒	Annually *(TFCA Annual Report)*	Fiscal Year: 7/1 – 6/30	By July 31st
☒	Final Request for Reimbursement	Any work period eligible under Appendix B.	Must be submitted prior to the Agreement Expiration Date

Notes:

1. For all projects, the maximum frequency for Requests for Reimbursement is one (1) per month.
2. If no costs were incurred during the reporting period, a progress report for the corresponding period is still required.
3. TFCA funding requires annual reporting to BAAQMD in addition to the minimum required frequency for Alameda CTC progress reports and invoices.
4. Requests for Reimbursement must be submitted prior to the Agreement Expiration Date in order to be eligible for reimbursement.

REQUEST FOR REIMBURSEMENT AND REPORTING FORMS

Any PROJECT SPONSOR awarded ALAMEDA CTC Administered Funds shall use the following forms included in the link below for progress reporting, final reporting, request for reimbursements, and requests for amendments to this funding agreement. Note that the format and required content of these forms is subject to change.

List of Downloadable Forms: https://www.alamedactc.org/funding/reporting-and-grant-forms/

1. Request for Reimbursement (RFR) Form
2. Alameda CTC Progress Report Form
3. Alameda CTC Final Report Form
4. Transportation Fund for Clean Air Program Reporting Forms (Interim and Final Report)
5. Amendment Request Form

APPENDIX D

LOCAL BUSINESS CONTRACT EQUITY PROGRAM

As noted in Section I.14, PROJECT SPONSOR is obligated to comply with all applicable provisions of the Alameda CTC Local Business Contract Equity (LBCE) Program, incorporated herein by reference as if attached hereto.

The following resources are available to guide Project Sponsors through the LBCE Program requirements for procurement and contracting processes:

- Sample template language for professional and construction services is available from ALAMEDA CTC's website: https://www.alamedactc.org/get-involved/contract-equity

- The LBCE Program Guidelines, available at the above link, includes a Project Sponsor Responsibility Checklist. Appendix B of the LBCE Program Guidelines identifies the Responsibilities of Sponsor Agencies.

- Direct inquiries about the LBCE Program to ALAMEDA CTC's LBCE Liaison Officer:

  Seung Cho
  Director of Procurement and Information Technology
  Alameda County Transportation Commission
  Email: scho@alamedactc.org
  Phone: (510) 208-7472

APPENDIX E

DELIVERABLES AND DUE DATES

Project Deliverables and Due Dates: The Deliverables and Due Dates table below shows deliverables and due dates, if any, for the phases listed in Appendix A-2 Project Phase Descriptions that contain ALAMEDA CTC ADMINISTERED FUNDS.

Deliverables and Due Dates		
Deliverable	**Deliverable**	**Deliverable Due Date to Alameda CTC**
1	Alameda CTC Progress Report #1: January to June, 2020	July 31, 2020
2	FY 2019-20 TFCA Interim Report (for BAAQMD)	July 31, 2020
3	Alameda CTC Progress Report #2: July to December, 2020	January 31, 2021
4	Documentation of contract award	Prior to first invoice
5	Alameda CTC Progress Report #3: January to June, 2021	July 31, 2021
6	FY 2020-21 TFCA Interim Report (for BAAQMD)	July 31, 2021
7	Alameda CTC Progress Report #4: July to December, 2021	January 31, 2022
8	Alameda CTC Progress Report #5: January to June, 2022	July 31, 2022
9	FY 2021-22 TFCA Interim Report (for BAAQMD)	July 31, 2022
10	Alameda CTC Progress Report #6: July to December, 2022 *(Only due if Final Invoice & Final Reports cannot be submitted by January 31, 2023)*	January 31, 2023
11	Documentation of project completion /contract acceptance	Within 3 months of project completion, but no later than the agreement expiration date.
12	TFCA Final Report (for BAAQMD) *(To include documentation of required funding agency credit/logo usage.)*	
13	Final Invoice	
12	Alameda CTC Final Report	

Note:

1. Alameda CTC shall withhold payment of reimbursement requests until past due deliverables are received and approved.

APPENDIX F

PROJECT PERFORMANCE MEASURES

Project Performance Measures: The Project Performance Measures and Targets describes what outcome-based performance measure(s) the PROJECT SPONSOR plans to evaluate to ensure that the project/program is meeting its objectives.

Project Performance Outcomes
• Improves trail connectivity/provide gap closure for bicyclist and pedestrian users. • Encourages alternative transportation modes for both commuting and recreation. • Improves safety by decreasing conflicts between non-motorized and motorized traffic. • Improves transit access and general congestion relief.

Note:

1. It is expected that the Project will achieve the performance measures targets and/or project outcomes as established herein.

APPENDIX G

TRANSPORTATION FUND FOR CLEAN AIR POLICIES AND REQUIREMENTS

The contents of Appendix G is only included and attached to this AGREEMENT if TFCA funds are obligated and applicable to AGREEMENT.

Appendix Index

Appendix G-1	TFCA Project Number and "Years of Effectiveness"
Appendix G-2	BAAQMD-approved TFCA County Program Manager Fund Policies
Appendix G-3	Minimum required insurance for TFCA-funded projects
Appendix G-4	Reporting Forms to BAAQMD for TFCA-funded projects

APPENDIX G-1

TFCA PROJECT NUMBER AND "YEARS OF EFFECTIVENESS"

The PROJECT's established TFCA Project Number is to be included on all PROJECT reports and invoices.

The PROJECT's established period for TFCA "Years of Effectiveness" is used by Alameda CTC and BAAQMD to evaluate the cost effectiveness of the PROJECT and represents the minimum period of time PROJECT SPONSOR is to maintain and/or operate the PROJECT, per BAAQMD requirements. It is not intended to reflect the number of years a capital project is expected to last.

TFCA Project Number:

- 20ALA05

TFCA "Years of Effectiveness":

- 10 years

APPENDIX G-2

BAAQMD-APPROVED TFCA COUNTY PROGRAM MANAGER FUND POLICIES

Projects awarded TFCA County Program Manager funding by Alameda CTC are to be consistent with the BAAQMD's Board-Adopted TFCA County Program Manager Fund Policies.

The following policies apply to the BAAQMD TFCA County Program Manager funding awarded to PROJECT:

- *BAAQMD Board-Adopted TFCA County Program Manager Fund Policies for FYE 2020*

- These Policies are available for view and download from the Alameda CTC's website:
- https://www.alamedactc.org/wp-content/uploads/2019/07/FYE_2020_TFCA_CPM_Policies_only.pdf?x33781

Note: The above link provides a copy of *Appendix D: Board-Adopted TFCA County Program Manager Fund Policies for FYE 2020* from BAAQMD's TFCA County Program Manager Fund Expenditure Plan Guidance, Fiscal Year Ending 2020. As incorporated into this AGREEMENT, (i) the term "Air District" in the policies shall be deemed to mean and refer to BAAQMD, (ii) "Program Manager" shall be deemed to mean and refer to ALAMEDA CTC, and (iii) "GRANTEE" shall be deemed to mean and refer to SPONSOR.

APPENDIX G-3

TFCA INSURANCE REQUIREMENTS

[See Below and Attached]

Note: The below Alameda CTC insurance requirements for TFCA projects are followed by a copy of BAAQMD's Insurance Guidelines, Appendix F of BAAQMD's TFCA *County Program Manager Fund Expenditure Plan Guidance, Fiscal Year Ending (FYE) 2020*. As incorporated into this Agreement, (i) the term "Air District" in the attached shall be deemed to mean and refer to BAAQMD, (ii) "County Program Manager" shall be deemed to mean and refer to ALAMEDA CTC, and (iii) "Grantee" shall be deemed to mean and refer to SPONSOR.

INSURANCE REQUIREMENTS

Verification of Coverage

SPONSOR is required to provide certificates and/or other evidence of the required insurance coverage prior to the execution of a fund-transfer agreement and annually thereafter throughout and until project completion. Certificates, policies and other evidence provided shall specify that the ALAMEDA CTC and BAAQMD shall receive 30 days advanced notice of cancellation from the insurers.

Additionally, SPONSOR is to require all professional services consultants, contractors and subcontractors involved with the PROJECT to name ALAMEDA CTC, its officers, employees and consultants as additional insured on all insurance required by SPONSOR for PROJECT.

Minimum Scope of Insurance

Throughout the Term of the AGREEMENT, SPONSOR shall obtain and maintain in full force and effect the Liability Insurance and Property Insurance as set forth below:

1. **Liability Insurance:** with a limit of not less than $1,000,000 per occurrence. Such insurance shall be of the type usual and customary to the business of SPONSOR, and to the operation of the vehicles, vessels, engines or equipment operated by Sponsor.
2. **Property Insurance:** in an amount of not less than the insurable value of SPONSOR's vehicles, vessels, engines or equipment funded under the Agreement, and covering all risks of loss, damage or destruction of such vehicles, vessels, engines or equipment.
3. **Workers Compensation Insurance:** As required by California law and employers' insurance with a limit not less than $1 million.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII. The ALAMEDA CTC may, at its sole discretion, waive or alter this requirement or accept self-insurance in lieu of any required policy of insurance.

County Program Manager Fund Expenditure Plan Guidance FYE 2020

Appendix F: Insurance Guidelines

This appendix provides guidance on the insurance coverage and documentation typically required for TFCA County Program Manager Fund projects. Note that the Air District reserves the right to specify different types or levels of insurance in the Funding Agreement.
The typical Funding Agreement requires that each Grantee provide documentation showing that they meet the following requirements for each of their projects. The County Program Manager is not required to meet these requirements itself, unless it is acting as a Grantee.

1. Liability Insurance:

Corporations and Public Entities - a limit of not less than $1,000,000 per occurrence. Such insurance shall be of the type usual and customary to the business of the Grantee, and to the operation of the vehicles, engines or equipment operated by the Project Sponsor.

Single Vehicle Owners - a limit of not less than $750,000 per occurrence. Such insurance shall be of the type usual and customary to the business of the Grantee, and to the operation of the vehicles, engines or equipment operated by the Grantee.

2. Property Insurance:

New Equipment Purchases - an amount of not less than the insurable value of Grantee's vehicles, engines or equipment funded under this Agreement, and covering all risks of loss, damage or destruction of such vehicles, engines or equipment.

Retrofit Projects - 2003 model year vehicles or engines or newer in an amount of not less than the insurable value of Grantee's vehicles, engines or equipment funded under this Agreement, and covering all risks of loss, damage or destruction of such vehicles, engines or equipment.

3. Workers Compensation Insurance:

Construction projects – including but not limited to bike/pedestrian paths, bike lanes, smart growth and vehicle infrastructure, as required by California law and employers' insurance with a limit not less than $1 million.

4. Acceptability of Insurers:

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII. The Air District may, at its sole discretion, waive or alter this requirement or accept self-insurance in lieu of any required policy of insurance.

The following table lists the type of insurance coverage generally required for each project type. The requirements may differ in specific cases. County Program Managers should contact the Air District liaison with questions, especially about unusual projects.

County Program Manager Fund Expenditure Plan Guidance FYE 2020

Project Category	Liability	Property	Workers Compensation
Vehicle purchase and lease	X	X	
Engine retrofits	X	X	
Operation of shuttle services	X		X
Operation of vanpools	X		
Construction of bike/pedestrian path or overpass	X		X
Construction of bike lanes	X		X
Construction of cycle tracks/separated bikeways	X		X
Construction of smart growth/traffic calming projects	X		X
Construction of vehicle fueling/charging infrastructure	X	X	X
Arterial management/signal timing	X		X
Purchase and installation of bicycle lockers and racks	X	X	X
Transit marketing programs	X		
Ridesharing projects	X		X
Bike Share projects	X	X	X
Transit pass subsidy or commute incentives	X		
Guaranteed Ride Home Program	X		

APPENDIX G-4

REPORTING FORMS FOR TFCA-FUNDED PROJECTS

TFCA Interim Report Form:

The latest electronic version of the BAAQMD TFCA Interim Report form is available from the Alameda CTC's website at: https://www.alamedactc.org/funding/reporting-and-grant-forms/reimbursement-and-reporting-forms/

TFCA Final Report Form:

The latest electronic version of the BAAQMD TFCA Final Report forms are available from the Alameda CTC's website at: https://www.alamedactc.org/funding/reporting-and-grant-forms/reimbursement-and-reporting-forms/

Note: There are four TFCA report form templates. Use the appropriate form, as follows:

- Form 1 - Trip Reduction Projects, for shuttles/feeder bus operations, ridesharing and transportation demand management (TDM) programs, and Smart Growth projects
- Form 2 - Alternative Fuel Vehicles, for all vehicle projects
- Form 3 - Bicycle Projects, for bicycle lanes, bike sharing, lockers and racks
- Form 4 - Arterial Management, for signal timing coordination and upgrades and transit signal priority (TSP)

Agenda Item 4.4

STAFF REPORT

CITY COUNCIL

DATE: March 1, 2022

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: City Proclamations for the Month of March
Prepared by: Cierra Fabrigas, Executive Aide

EXECUTIVE SUMMARY:

The City Council will consider the following proclamations for the month of March in the City of Dublin: American Red Cross Month, Developmental Disabilities Awareness Month, Irish American Heritage Month, March for Meals, Colorectal Cancer Awareness Month, and Women's History Month.

STAFF RECOMMENDATION:

Approve the proclamations.

FINANCIAL IMPACT:

None.

DESCRIPTION:

The City Council will consider the following proclamation for the month of February:

1. American Red Cross Month
2. Developmental Disabilities Awareness Month
3. Irish American Heritage Month
4. March for Meals
5. Colorectal Cancer Awareness Month
6. Women's History Month

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The City Council Agenda was posted.

ATTACHMENTS:

1) American Red Cross Month Proclamation
2) Developmental Disabilities Awareness Month Proclamation
3) Irish American Heritage Month Proclamation
4) March for Meals Proclamation
5) Colorectal Cancer Awareness Month Proclamation
6) Women's History Month Proclamation

A PROCLAMATION OF THE CITY COUNCIL
CITY OF DUBLIN, CALIFORNIA

"American Red Cross Month"

WHEREAS, founded in 1898, the American Red Cross, a leading voluntary agency chartered and authorized by Congress to act in times of need, provides compassionate assistance to people afflicted by personal, local, or national disasters; and

WHEREAS, each year, the President of the United States proclaims March as "Red Cross Month" providing an opportunity to honor and celebrate the everyday heroes who help fulfill the American Red Cross mission; and

WHEREAS, due to the coronavirus pandemic, families continue to depend on the American Red Cross every day for emergency support, including supplying blood products for patients in need of transfusions due to surgery, cancer treatments, or trauma; and

WHEREAS, the American Red Cross Bay Area Chapter has helped 530 families with temporary housing, clothing, food, and mental health counseling during 260 local disasters last year alone; and

WHEREAS, people have counted on the American Red Cross for the information and skills they need to be safe at home, work, school, and play, and last year the American Red Cross Bay Area Chapter trained 28,900 people in lifesaving CPR, First Aid, and water safety; and

WHEREAS, the American Red Cross staff deployed with the U.S. Military to provide emergency communications, counseling, financial assistance, and a caring presence to 1,300 local military families; and

WHEREAS, American Red Cross Blood Services supports Bay Area hospitals, providing them annually with more than 74,228 units of red cells, platelets, and plasma to patients in need.

NOW, THEREFORE, BE IT RESOLVED that the Dublin City Council does hereby proclaim March 2022 as American Red Cross Month in the City of Dublin and thanks the American Red Cross for their invaluable work and efforts not only in our community, but around the country.

DATED: March 1, 2022

Mayor Melissa Hernandez

Vice Mayor Jean Josey

Councilmember Sherry Hu

Councilmember Shawn Kumagai

Councilmember Michael McCorriston

A PROCLAMATION OF THE CITY COUNCIL
CITY OF DUBLIN, CALIFORNIA

"Developmental Disabilities Awareness Month"

WHEREAS, on the heels of the deinstitutionalization movement of the seventies and early eighties laying the foundation for significant social change, in 1987 President Ronald Reagan proclaimed the month of March as "Developmental Disabilities Awareness Month," calling upon Americans to provide the "encouragement and opportunities" necessary for people with developmental disabilities to reach their potential; and

WHEREAS, each March, the National Association of Councils on Developmental Disabilities (NACDD), and partners work together to create a social media campaign that highlights the many ways in which people with and without disabilities come together to form strong, diverse communities; and

WHEREAS, the campaign theme for 2022 is Worlds Imagined; and

WHEREAS, the campaign seeks to raise awareness about the inclusion of people with developmental disabilities in all facets of community life, as well as awareness of the barriers that people with disabilities still sometimes face in connecting to the communities in which they live; and

WHEREAS, the City of Dublin's mission promotes and supports a high quality of life, ensures a safe and secure environment, fosters new opportunities, provides equity across all programs, and champions a culture of diversity and inclusion.

NOW, THEREFORE, BE IT RESOLVED that the Dublin City Council does hereby proclaim March 2022 as Developmental Disabilities Awareness Month in the City of Dublin and urges every citizen to increase awareness about developmental disabilities and support inclusion and equity for all.

DATED: March 1, 2022

Mayor Melissa Hernandez

Vice Mayor Jean Josey

Councilmember Sherry Hu

Councilmember Shawn Kumagai

Councilmember Michael McCorriston

A PROCLAMATION OF THE CITY COUNCIL
CITY OF DUBLIN, CALIFORNIA

"Irish American Heritage Month"

WHEREAS, Irish American Heritage Month is a time to celebrate the contributions which Irish Americans have made to the United States; and

WHEREAS, the first recorded celebration of Irish Americans dates back to 1762 with the first St. Patrick's Day parade in New York City; the parade became an annual event which was initially organized by military units but after the War of 1812, Irish fraternal societies took over the organization; and

WHEREAS, the City of Dublin annually celebrates Irish American Heritage through many activities including the St. Patrick's Day festivities and events surrounding Irish Heritage; and

WHEREAS, this year's events will be held Friday, March 11 through Sunday, March 13 and will feature a variety of Irish and Irish-inspired food, arts and crafts, service, and entertainment offerings.

NOW, THEREFORE, BE IT RESOLVED that the Dublin City Council does hereby proclaim March 2022 as Irish American Heritage Month in the City of Dublin and encourages citizens to celebrate the achievements and contributions of Irish Americans to the City of Dublin and the rich Irish American Heritage of our community.

DATED: March 1, 2022

Mayor Melissa Hernandez

Vice Mayor Jean Josey

Councilmember Sherry Hu

Councilmember Shawn Kumagai

Councilmember Michael McCorriston

A PROCLAMATION OF THE CITY COUNCIL
CITY OF DUBLIN, CALIFORNIA

"March for Meals Month"

WHEREAS, on March 22, 1972, President Richard Nixon signed into law a measure that amended the Older Americans Act of 1965 and established a national nutrition program for seniors 60 years and older; and

WHEREAS, Meals on Wheels America established the March for Meals campaign in March 2002 to recognize the historic month and the importance of the Older Americans Act Nutrition Programs, and to raise awareness about the escalating problem of senior hunger in America; and

WHEREAS, the 2022 observance of March for Meals celebrates 20 years of the collaboration of local community organizations, businesses, government agencies, and compassionate individuals in supporting Meals on Wheels programs that deliver vital and critical services by donating, volunteering, and raising awareness about senior hunger and isolation; and

WHEREAS, Meals on Wheels programs, both Congregate and Home-Delivered in Dublin, have served our communities admirably for more than 40 years in California; and

WHEREAS, volunteers for Meals on Wheels programs in Dublin are the backbone of the program and they not only deliver essential meals to seniors and individuals with disabilities who are at significant risk of hunger and isolation, but also demonstrate care for and attention to their welfare; and

WHEREAS, Meals on Wheels of Alameda County's program has delivered warmth and joy to 3,200 senior neighbors this last holiday season; and

WHEREAS, Meals on Wheels programs in Dublin provide nutritious meals to seniors throughout the city that help them maintain their health and independence, thereby preventing unnecessary falls, hospitalizations and/or premature institutionalization.

NOW, THEREFORE, BE IT RESOLVED that the Dublin City Council does hereby proclaim March 2022 as March for Meals Month in the City of Dublin and urges every citizen to take this month to honor our Meals on Wheels of Alameda County programs, the seniors they serve, and the volunteers who care for them. Our recognition of, and involvement in, the National 2022 March for Meals can enrich our entire community and help combat senior hunger and isolation in America.

DATED: March 1, 2022

Mayor Melissa Hernandez

Vice Mayor Jean Josey

Councilmember Sherry Hu

Councilmember Shawn Kumagai

Councilmember Michael McCorriston

A PROCLAMATION OF THE CITY COUNCIL
CITY OF DUBLIN, CALIFORNIA

"Colorectal Cancer Awareness Month"

WHEREAS, in an effort to increase public awareness and raise funds for research and treatment, President Bill Clinton proclaimed the month of March as Colorectal Cancer Awareness Month; and

WHEREAS, colorectal cancer is one of only a few cancers that can be prevented because colorectal cancer screening allows doctors to find and remove hidden growths before they become cancer; and

WHEREAS, according to the American Cancer Society, colorectal cancer is the third leading cause of cancer deaths among men and women in the United States, and currently there is no cure; and

WHEREAS, the Center for Disease Control's "Colorectal Cancer Control Program" provides funding to state health departments and other organizations to increase the rate of colorectal cancer screenings; and

WHEREAS, Colorectal Cancer Awareness Month is an opportunity to offer education on the signs and symptoms of colorectal cancer and the importance of early detection and screening.

NOW, THEREFORE, BE IT RESOLVED that the Dublin City Council does hereby proclaim March 2022 as Colorectal Cancer Awareness Month in the City of Dublin and encourages citizens to raise awareness about colonoscopies and this important life-saving measure.

DATED: March 1, 2022

Mayor Melissa Hernandez

Vice Mayor Jean Josey

Councilmember Sherry Hu

Councilmember Shawn Kumagai

Councilmember Michael McCorriston

A PROCLAMATION OF THE CITY COUNCIL
CITY OF DUBLIN, CALIFORNIA

"Women's History Month"

WHEREAS, American women of every race, class, and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways; and

WHEREAS, American women have played and continue to play critical economic, cultural, and social roles in every sphere of life in the City of Dublin and the Nation by constituting a significant portion of the labor force working inside and outside of the home; and

WHEREAS, the National Women's History Alliance theme for 2022 is "Women Providing Healing, Promoting Hope", both a tribute to the ceaseless work of caregivers and frontline workers during this ongoing pandemic and a recognition of the thousands of ways in which women of all cultures have provided both healing and hope throughout history; and

WHEREAS, American women of every race, class, and ethnic background have served as leaders in the forefront of every major progressive social change movement; and

WHEREAS, American women have served our country courageously in the military; and

WHEREAS, despite these contributions, the role of American women in history has been consistently overlooked and undervalued in the literature, teaching, and study of American history.

NOW, THEREFORE, BE IT RESOLVED that the Dublin City Council does hereby proclaim March 2022 as Women's History Month in the City of Dublin to recognize women for their invaluable work and their role not only in our community, but around the country.

DATED: March 1, 2022

Mayor Melissa Hernandez

Vice Mayor Jean Josey

Councilmember Sherry Hu

Councilmember Shawn Kumagai

Councilmember Michael McCorriston

Agenda Item 4.5

STAFF REPORT
CITY COUNCIL

DATE: March 1, 2022

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Citywide Multi-Family Objective Design Standards and Zoning Ordinance Amendments (PLPA-2022-00002)
Prepared by: Michael P. Cass, Principal Planner

EXECUTIVE SUMMARY:

The City Council will consider approval of the Citywide Multi-Family (MF) Objective Design Standards (ODS) and companion amendments to Title 8 (Zoning) of the Dublin Municipal Code. State law requires local jurisdictions to provide a streamlined ministerial approval process for eligible multi-family residential developments, subject to objective zoning and design review standards. The proposed MF ODS and Zoning Ordinance Amendments would ensure that objective zoning and design review standards are in place. The first reading of the Ordinance approving the Citywide MF ODS and Zoning Ordinance Amendments was held at the February 15, 2022 Regular City Council Meeting. The City Council is now being asked to waive the second reading and adopt the Ordinance.

STAFF RECOMMENDATION:

Waive the reading and adopt the **Ordinance** Approving the Citywide Multi-Family Objective Design Standards and Amendments to Dublin Municipal Code Chapter 8.36 (Development Regulations), Chapter 8.104 (Site Development Review), and Chapter 8.116 (Zoning Clearance).

FINANCIAL IMPACT:

The costs associated with preparing the Citywide Multi-Family Objective Design Standards include staff and consultant time. The consultant costs are offset by a Senate Bill 2 grant.

DESCRIPTION:

Senate Bill 35 (SB 35) provides for a streamlined ministerial approval process for multi-family residential developments in cities and counties that have made insufficient progress toward meeting their assigned Regional Housing Needs Allocation, subject to meeting certain eligibility

criteria and objective zoning and design review standards. Eligible developments must include a specified level of affordability, be on an infill site, comply with existing general plan or zoning provisions, and comply with other requirements such as location and demolition restrictions.

In response to the legislation, Staff prepared Multi-Family Objective Design Standards (MF ODS) with assistance from RRM Design Group, and prepared companion amendments to the Dublin Municipal Code (DMC). Without the MF ODS, the City would have little control over the design of future eligible housing projects where the developer has requested streamlined approval. Companion amendments to the DMC include, Section 8.36.020 (Agricultural and Residential Development Regulations), Section 8.104.020 (Exemptions from SDR), Section 8.116.020 (Applications Requiring a Zoning Clearance), Section 8.116.030 (Application), 8.116.040 (Approval), and Section 8.116.050 (Expiration of Zoning Clearance).

On February 15, 2022, the City Council waived the first reading and introduced the Ordinance (Attachment 1) approving the Citywide MF ODS (Attachment 2) with minor text amendments which have been incorporated, and DMC Amendments. Please refer to Attachment 3 for a complete discussion of the proposed amendments.

ENVIRONMENTAL DETERMINATION:

The California Environmental Quality Act (CEQA), together with State Guidelines and City of Dublin CEQA Guidelines and Procedures require that certain projects be reviewed for environmental impacts and that environmental documents be prepared. The proposed Citywide Multi-Family Objective Design Standards and Zoning Ordinance Amendments are exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that they would not have a significant effect on the environment and, thus, are not subject to CEQA review.

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

In accordance with State law, a public notice was published in the *East Bay Times* on February 5, 2022, and February 10, 2022, and posted at several locations throughout the City. Additionally, the City Council Agenda was posted.

ATTACHMENTS:

1) Ordinance Approving the Citywide Multi-Family Objective Design Standards and Related Zoning Ordinance Amendments
2) Exhibit A to Attachment 1 – Citywide Multi-Family Objective Design Standards
3) City Council Staff Report, dated February 15, 2022, without Attachments

ORDINANCE NO. X-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUBLIN

APPROVING THE CITYWIDE MULTI-FAMILY OBJECTIVE DESIGN STANDARDS AND AMENDMENTS TO DUBLIN MUNICIPAL CODE CHAPTER 8.36 (DEVELOPMENT REGULATIONS), CHAPTER 8.104 (SITE DEVELOPMENT REVIEW) AND CHAPTER 8.116 (ZONING CLEARANCE) EFFECTIVE CITY-WIDE PLPA-2022-00002

WHEREAS, the City occasionally initiates amendments to the Zoning Ordinance to clarify, add, or amend certain provisions to ensure that the Zoning Ordinance remains current with federal and state law, internally consistent, simple to understand and implement, and relevant to changes occurring in the community; and

WHEREAS, Senate Bill 35 (SB 35) was part of a legislative package aimed at addressing the State's housing shortage and high housing costs; and

WHEREAS, SB 35 provides a streamlined ministerial approval process for multi-family residential developments in cities and counties that have made insufficient progress towards meeting their assigned Regional Housing Needs Allocation, subject to meeting certain eligibility criteria and objective zoning and design review standards; and

WHEREAS, in response, the City of Dublin prepared the proposed Citywide Multi-Family Objective Design Standards, attached as **Exhibit A**, and companion Zoning Ordinance Amendments to meet the requirements of SB 35; and

WHEREAS, the Planning Commission held a duly noticed public hearing on January 25, 2022, during which all interested persons were heard, and adopted Resolution No. 22-01 recommending City Council adoption of the proposed Citywide Multi-Family Objective Design Standards and related Zoning Ordinance Amendments; and

WHEREAS, a Staff Report was submitted to the Dublin City Council recommending approval of the proposed Citywide Multi-Family Objective Design Standards and related Zoning Ordinance Amendments; and

WHEREAS, the City Council held a public hearing on the proposed Citywide Multi-Family Objective Design Standards and related Zoning Ordinance Amendments on February 15, 2022, at which time all interested parties had the opportunity to be heard; and

WHEREAS, proper notice of said hearing was given in all respects as required by law; and

WHEREAS, the City Council did hear and consider all said reports, recommendations and testimony herein above set forth and used its independent judgment to evaluate the project.

NOW, THEREFORE, the City Council of the City of Dublin does ordain as follows:

Section 1. Pursuant to Section 8.120.050.B of the Dublin Municipal Code, the City Council hereby finds that the proposed Citywide Multi-Family Objective Design Standards and related Zoning Ordinance Amendments are consistent with the General Plan and all applicable Specific Plans in that the amendments are necessary to comply with State law and are consistent with applicable land use regulations and development policies. Specifically, General Plan Policy A.3 is to "maintain streamlined procedures for processing new residential development applications."

Section 2. The California Environmental Quality Act (CEQA), together with State Guidelines and City of Dublin CEQA Guidelines and Procedures, require that certain projects be reviewed for environmental impacts and that environmental documents be prepared. The City Council hereby finds the proposed Citywide Multi-Family Objective Design Standards and related Zoning Ordinance Amendments to Title 8 of the Dublin Municipal Code (Zoning Ordinance) are exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that the amendments will not have a significant effect on the environment and, thus, are not subject to CEQA review.

Section 3. Thirty days following the adoption of the Ordinance, the Dublin Municipal Code is amended as follows:

Section 8.36.020 (Agricultural and Residential Development Regulations) of Title 8 of the Dublin Municipal Code is amended to add the following subsection:

B. All new multi-family residential development shall comply with the Citywide Multi-Family Objective Design Standards, which are hereby adopted and incorporated by reference herein. Copies of the adopted standards are on file with the Planning Division, 100 Civic Plaza, Dublin, California, for use and examination by the public. Said standards are adopted by reference and incorporated as fully as if set out at length herein, and as may be amended from time to time pursuant to Government Code Section 65850 et seq.

Section 8.104.020 (Exemptions from Site Development Review) of Title 8 of the Dublin Municipal Code is amended to add the following subsection:

J. Housing Projects Eligible for Streamlined Approval. Housing projects that are eligible for a streamlined approval process pursuant to Government Code Section 65913.4, provided the Community Development Director or his/her designee approves a Zoning Clearance in accordance with Chapter 8.116.

Subsection B of Section 8.104.090 (Required Findings) of Title 8 of the Dublin Municipal Code is amended as follows:

B. The proposal is consistent with the provisions of Title 8, Zoning Ordinance**.** For new multi-family residential development only, the proposal is either consistent with all of the Citywide Multi-family Objective Design Standards adopted pursuant to Section 8.36.020(B); alternatively, if the proposal deviates from one or more objective design standards, then the proposal is consistent with the purpose and intent of the applicable standard.

Section 8.116.020 (Applications Requiring a Zoning Clearance) of Title 8 of the Dublin Municipal Code is amended to add the follow subsection:

J. Housing Projects Eligible for Streamlined Approval. Housing projects that meet all eligibility criteria as set forth in Government Code Section 65913.4.

Section 8.116.030 (Application) of Title 8 of the Dublin Municipal Code is amended to add the follow subsection:

J. Housing Projects Eligible for Streamlined Approval. If the Zoning Clearance is for a housing project that is eligible for streamlined approval pursuant to Government Code Section 65913.4, the Applicant shall submit a "Zoning Clearance for Housing Projects Eligible for Streamlined Approval" application form provided by the Community Development Department with information requested on the form.

Section 8.116.040 (Approval) of Title 8 of the Dublin Municipal Code is amended to add the following subsection:

J. Housing Projects Eligible for Streamlined Approval. Housing projects that are eligible for a streamlined approval process pursuant to Government Code Section 65913.4 shall be reviewed for consistency with the Citywide Multi-Family Objective Design Standards contained in Section 8.36.020(B) and all other applicable objective standards within Title 8, Zoning Ordinance. The Zoning Clearance approval for a housing project eligible for streamlined approval shall be a completed "Zoning Clearance for Housing Projects Eligible for Streamlined Approval" application form and any pertinent attachments as required on the form with the date and signature of the Community Development Director or his/her designee.

Section 8.116.050 (Expiration of Zoning Clearance) of Title 8 of the Dublin Municipal Code is amended to add the following subsection:

J. Housing Projects Eligible for Streamlined Approval. A Zoning Clearance issued in conjunction with a housing project eligible for streamlined approval shall expire in accordance with Government Code Section 65913.4(f).

Section 4. Effective Date. This Ordinance shall take effect and be enforced thirty (30) days following its final adoption.

Section 5. **Posting.** The City Clerk of the City of Dublin shall cause this Ordinance to be posted in at least three (3) public places in the City of Dublin in accordance with Section 36933 of the Government Code of the State of California.

PASSED, APPROVED AND ADOPTED this 1st day of March 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Mayor

ATTEST:

_____
City Clerk

DUBLIN
CALIFORNIA

CITYWIDE MULTI-FAMILY OBJECTIVE DESIGN STANDARDS

PUBLIC REVIEW
JANUARY 2022

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ACKNOWLEDGMENTS

CITY COUNCIL

Melissa Hernandez - Mayor
Jean Josey - Vice Mayor
Sherry Hu
Shawn Kumagai
Michael McCorriston

PLANNING COMMISSION

Dawn Benson
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DUBLIN
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DUBLIN
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CHAPTER 1

INTRODUCTION

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CHAPTER 1 - INTRODUCTION

1.1 PURPOSE

The purpose of the Multi-family Objective Design Standards is to ensure that new multi-family development in Dublin provides high quality architecture, appropriately connects to its surroundings, includes well designed amenities and open spaces, promotes sustainability, and contributes to walkable and safe environments. The Multi-family Objective Design Standards are intended to guide property owners, applicants/developers and design professionals and provide clear design direction that enhances an area's unique character and ensures a high-quality living environment that will be desirable and hold its value over time, while encouraging creative design that enriches the community of Dublin.

1.2 ORGANIZATION AND APPLICABILITY

The following Multi-family Objective Design Standards are organized into two primary sections: Site Planning and Building Design. The Site Planning Chapter includes objective standards for site layout and building placement, vehicular access and parking, and outdoor spaces and amenities. The Building Design Chapter includes objective standards for building form and massing, façade articulation, unit entries, fenestration, colors and materials, parking structure design, and accessory structures and utilities.

The Multi-family Objective Design Standards supplement existing development standards described in Title 8 (Zoning) of the Dublin Municipal Code and Planned Development zoning districts, as well as in adopted specific plans, such as the Downtown Dublin Specific Plan, Dublin Crossing Specific Plan, Dublin Village Historic Area Specific Plan, and Eastern Dublin Specific Plan. If there is any conflict between these standards and those in another adopted document, the more restrictive standard shall apply.

All new multi-family residential development shall comply with the Multi-Family Objective Design Standards contained herein. To be eligible for a streamlined approval process, the development must meet the specific eligibility criteria as set forth in Government Code Section 65913.4. Projects that are eligible for streamlined approval shall be consistent with all Multi-Family Objective Design Standards contained herein. The discretionary Site Development Review (SDR) Permit process described in Dublin Municipal Code Chapter 8.104 shall be used for all developments that are not eligible for streamlined approval. Applicants requesting any deviation from these Multi-Family Objective Design Standards shall be reviewed under the discretionary SDR Permit process. Allowing flexibility through a discretionary SDR Permit shall not be construed as allowing dilution of the quality and character of a project.

For a glossary of relevant terms used throughout this document, please refer to **Appendix A**.

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CHAPTER 2

SITE PLANNING OBJECTIVE STANDARDS

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CHAPTER 2 - SITE PLANNING OBJECTIVE STANDARDS

Site planning refers to the arrangement of buildings and parking areas, the size and location of pedestrian spaces and parking areas, and how these features relate to one another. Topics in this Chapter include building placement, vehicular surface parking and access, bicycle parking, pedestrian circulation and access, and private and common usable outdoor space.

2.1 BUILDING PLACEMENT

A. Buildings located adjacent to the primary street shall have unit front entries facing the street.

B. For buildings not located along the primary street, unit front entries shall be oriented to face internal common open space areas such as landscaped courtyards, plazas, or paseos.

C. Each dwelling unit fronting a primary or side street shall include at least one street-facing porch, balcony, and/or patio.

2.1.A Buildings located adjacent to the primary street shall have unit front entries facing the street

2.1.B Buildings not located along the primary street shall have unit front entries oriented to face internal common open space areas

2.1.D A minimum five-foot wide landscape buffer shall be located adjacent to all ground level private outdoor spaces to provide additional privacy and security

D. A minimum five-foot wide landscape buffer shall be located adjacent to all ground level private outdoor spaces to provide additional privacy and security for the residents. The buffer shall be planted with dense evergreen shrubs and vines which grow to or are maintained at a three-foot minimum height. Stoops are permitted to encroach into the five-foot wide landscape buffer.

E. Ground floor units shall be located, oriented, and/or screened to prevent visual intrusion of vehicle lights into habitable ground floor spaces.

F. Projects with six or more dwelling units shall cluster mailboxes in a common centralized location that is internal to the site. Clustered mailboxes shall utilize the same colors and/or materials to the main buildings on the site.

2.2 VEHICULAR SURFACE PARKING AND ACCESS

A. When alley or side street access is available, primary access to parking areas shall be taken from this location, rather than the primary street.

B. Enhanced paving treatment using patterned and/or colored pavers, brick, or decorative colored and scored concrete shall be used as follows:

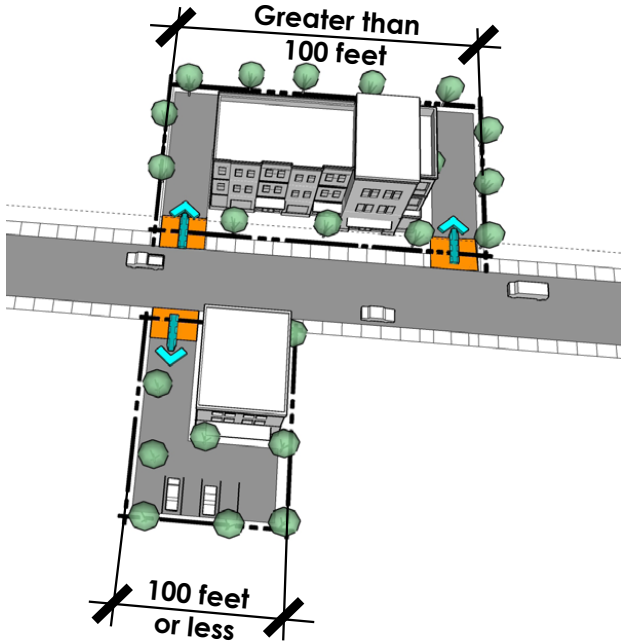
   i. Entry Drives - Minimum 12 feet deep across the width of each entry drive.

   ii. Pedestrian Crossings - Minimum one foot wider than connecting walkways across the length of the intersecting primary and side streets.

C. For interior lots with less than 100 linear feet of street frontage, a maximum of one vehicle access point from the street is permitted. For interior lots with 100 linear feet or more of street frontage, a maximum of two vehicle access points from the street is permitted. For corner lots, one vehicular access point is permitted per street frontage, with an overall maximum of two vehicular access points permitted. Vehicle access points shall be located near the property line furthest from the intersection.

D. For developments with controlled entrances, including vehicular access gates to parking areas, access shall be located a minimum of 20 feet from the back of sidewalk along Collector, Local Residential, or Private streets, and 40 feet from the back of sidewalk along Arterial roadways to accommodate vehicle(s) entering the site without queuing into the street.

2.2.B Project entries and pedestrian crossings shall feature enhanced paving



2.2.C Interior lots with a street frontage width less than 100 feet, one access point is permitted. Interior lots with a street fronting width greater than 100 feet may have up to two access points.

2.2.E Surface parking areas for developments shall be screened from the street

E. Surface parking areas for developments shall be screened from the street. Screening may be accomplished through building placement, landscape features, and/or low walls. Low walls for screening shall be set back at least three feet from the back of public sidewalks with evergreen shrubs and/or vines provided between the sidewalk and wall.

F. Developments with more than 20 units shall provide at least one ride share pick-up and drop-off and/or delivery location within 100 feet of an entrance to the primary building.

   i. Ride share pick-up and drop-off and/or delivery locations shall be clearly visible from the roadway and/or primary driveway entrances and provide a passenger loading space or temporary parking space to avoid passenger loading within vehicular circulation routes.

   ii. Ride share pick-up and drop-off and/or delivery locations shall provide waiting area with a minimum of one bench and one waste/recycling receptacle. Benches shall be covered or located under trees. The waiting area may be located within a building lobby, clubhouse, or common building if the pick-up location is visible from this location.

2.3 BICYCLE PARKING

A. Short-term bicycle parking shall be provided in the form of permanent, readily visible bicycle racks. Bicycle racks must allow both wheels to be locked to the rack. Racks shall be located within 200 feet of the primary building entrance. Bicycle racks and associated bicycle maneuvering shall not impede upon the public sidewalk path of travel and shall not be placed within the public right-of-way.

B. At least one long-term bicycle storage space is required for each unit and may be located within a designated space within the unit, within individual lockable containers outside of the unit, or within a secure, long-term bicycle parking area.

C. Secure, long-term bicycle parking areas shall be enclosed and designed within a parking structure or building, or within a lockable storage enclosure.

   i. Lockable storage enclosures shall not be visible from the right-of-way.

   ii. Enclosures must be designed with materials and colors used in the primary building or shall be screened with dense evergreen shrubs and trees.

2.3.A Short-term bicycle racks shall be located in a visible location within 200 feet of the building entrance

2.3.C Long-term bicycle parking shall be located in a secure area within a parking structure or building, or within a lockable storage enclosure

2.4.A On-site pedestrian circulation and access shall be provided to connect the site

2.4.B Differing/contrasting paving materials shall be used to distinguish primary entries to buildings

2.4 PEDESTRIAN CIRCULATION AND ACCESS

A. Paved on-site pedestrian circulation and access shall be provided according to the following standards:

   i. Connecting residential units to other areas of the site, such as parking areas, common outdoor areas, waste and recycling enclosures, pet waste stations, and pedestrian amenities.

   ii. Connecting public sidewalks to building entries and parking areas.

   iii. Connecting building entrances to all bus/transit stops directly adjacent to the project.

B. Primary entries to buildings shall provide decorative paving that contrasts in color and texture from the adjacent walkway paving to accentuate the entrances.

C. Pedestrian walkways on private property shall be designed with the following conditions:

   i. Constructed of firm and slip-resistant materials such as concrete, stamped concrete, or concrete pavers.

   ii. Designed with a minimum width of four feet.

   iii. Flanked on both sides of the walkways with landscaping, including a mix of turf or low groundcovers and low shrubs that do not exceed four feet in height.

   iv. Evergreen canopy trees spaced to shade at least 50 percent of the overall walkway length at maturity.

   v. Pedestrian scale lighting fixtures located at least five feet away from adjacent residential dwellings. Design of pedestrian-scale lighting fixtures shall be consistent with building lighting fixtures.

2.5 PRIVATE OUTDOOR SPACE

A. The equivalent of 10 percent or more of the floor area of each unit shall be provided as private outdoor space. For units on upper floors, this outdoor space may be provided by decks and balconies. This requirement may be satisfied by more than one private outdoor space area.

B. Private outdoor space, including balconies provided to meet private outdoor space requirements shall be provided at a minimum of 60 square feet per unit with a minimum dimension of six feet in any direction.

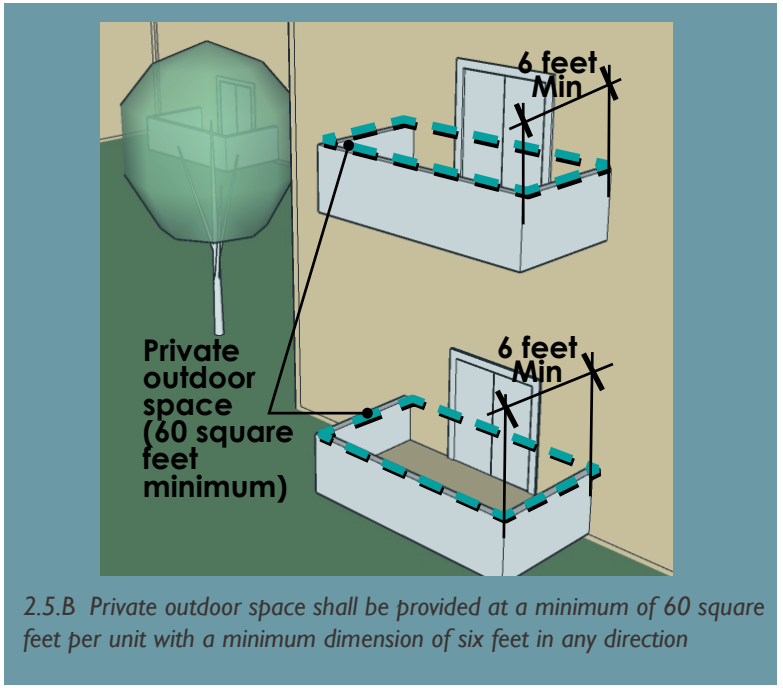
2.5.A Private outdoor space shall be provided for each unit

2.6 COMMON USABLE OUTDOOR SPACE

A. Common usable outdoor space shall be provided at minimum 30 percent of the net site area. For example, a one-acre net site would be required to provide 13,068 square feet of common usable outdoor space in one or multiple locations within a project.

B. A minimum of one pet waste bag and disposal station shall be provided per common usable outdoor space where pets congregate.

C. Common usable outdoor space shall be arranged to maximize visibility by project residents. Barriers shall be designed with transparency to afford opportunities for surveillance through the barrier.



2.5.B Private outdoor space shall be provided at a minimum of 60 square feet per unit with a minimum dimension of six feet in any direction

Total Number of Outdoor Amenities	
Number of Units	**Required Number of Amenities**
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20, plus 1 for each 100, or fraction thereof, over 100

2.6.D.iv Outdoor Amenity Table

2.6.D.v Example of outdoor lounging furniture

D. Outdoor Amenity Requirements.

i. Outdoor amenities shall be provided as a component of required Common Usable Outdoor Space.

ii. Each common usable outdoor space shall be designed with a minimum of 500 square feet of dedicated and improved open space, with a minimum dimension of 10 feet in any direction.

iii. Each common usable outdoor amenity space shall include a minimum of one secure in-place waste/recycling receptacle and one covered seating area, unless otherwise specified in this section.

iv. The number of amenities within common usable outdoor space shall be based on the number of units within the multi-family project as shown in the Outdoor Amenity Table. Where more than one amenity is required, a combination of the outdoor amenities identified in subsection v. shall be provided.

v. Amenity requirements shall be satisfied with one or more of the following:

a. Children's play area, with at least four pieces of play equipment, designed for children of all abilities and ages five years and younger.

b. A landscaped and improved gathering space,

1. Space shall contain the following:
   a. At least four picnic tables or equivalent lounging furniture.
   b. A minimum of five shade trees.
   c. At least two barbecue fixtures and/or two fire pits,
   d. Minimum two secure in-place waste/recycling receptacles,
   e. Shade coverage for a minimum of 25% of the gathering space area (shade sail, umbrella, trellis, gazebo, or additional evergreen shade trees beyond the minimum requirement),
2. Gathering areas may be provided either at ground level, or on roof decks/ terraces but shall not be located on roofs directly adjacent to single-family zoning districts.

3. Barbecue fixtures and/or fire pits shall be located at least 20 feet away from adjacent existing and proposed residential units.

c An illuminated, regulation size tennis or multipurpose court and incorporating shielded cut-off light fixtures.

d. A dedicated and improved illuminated space containing at least one regulation size Bocce, Petanque, or other similar type court. The space shall contain a minimum of three benches or equivalent lounging furniture (at least one covered by an overhead shade canopy or evergreen tree), at least two secure in-place waste/recycling receptacles, and a minimum of three shade trees.

e. An enclosed, off-leash dog run/relief/wash area including signage and pet waste bag and disposal stations adjacent to all entrances/exits.

   i. The dog area shall contain at least one three-dimensional dog-oriented improvement (e.g. rock, jumps, fire hydrant).

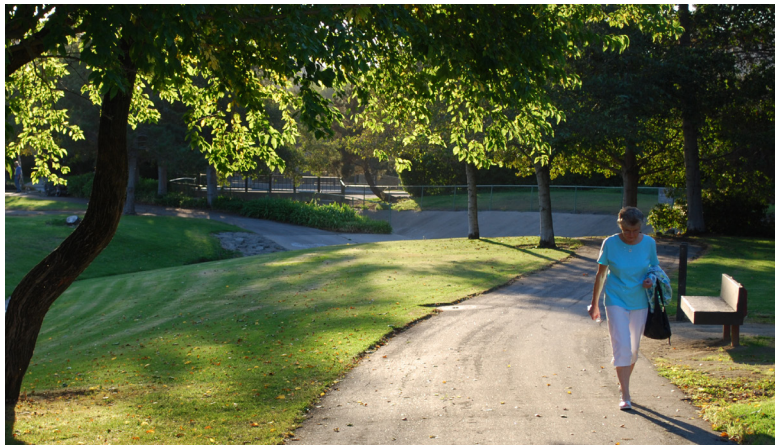
   ii. One potable water connection with dog bowl refilling and dog wash capabilities.

   iii. A minimum of three benches or equivalent lounging furniture (at least one covered by an overhead shade canopy or evergreen tree), at least two secure in-place waste/recycling receptacles, and a minimum of three shade trees.

f. Enclosed pool area with a minimum of an 800-square-foot swimming pool with at least one changing area and/or restroom. The pool area shall include at least three lounge chairs, two side tables, and one outdoor umbrella. Pool area shall include perimeter landscaping consisting of evergreen species and at least three shade trees that do not drop leaves, nuts, or fruits.

2.6.D.v.b Gathering areas shall consist of at least four picnic tables, or equivalent lounging furniture, with at least 25% of the area covered

2.6.D.v.f &g Amenity areas could include a swimming pool and/or spas



2.6.D.v.h Paved and accessible walking path/trail shall be at least five-feet wide with pedestrian scale lighting and seating areas

2.6.D.v.i Community garden shall include at least one potting station, compost bin, and tool shed

g. Enclosed spa area with a minimum of two spas, one changing area or restroom, and a landscaped area containing evergreen species and a minimum of two shade trees, at least two chairs, and one side table.

h. Minimum ¼ mile paved and accessible walking path/trail that is at least five-feet wide, with at least one pedestrian scale light and bench or equivalent lounging furniture provided for every 250 feet of path/trail. Seating areas along the path/trail shall be located adjacent to or in close proximity to the trail, and shall be covered or located under evergreen canopy trees.

i. Community garden with at least one potting station containing a minimum two-foot by four-foot table, one compost bin, one shed sized to accommodate gardening tools and designed to match the primary building colors, materials, and architectural style. The community garden shall have at least one potable water connection and have irrigation provided to all garden beds.

j. Other outdoor amenities mutually agreed upon between the developer and the City of Dublin.

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CHAPTER 3

BUILDING DESIGN OBJECTIVE STANDARDS

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CHAPTER 3 - BUILDING DESIGN OBJECTIVE STANDARDS

Building forms, façades, and detailing influence cohesiveness, comfort, and aesthetic pride. Topics in this Chapter include building massing and form, façade articulation, roof forms, building and unit entries, fenestration, parking structure design, building materials and lighting, and accessory structures and utilities.

3.1 BUILDING FORM AND MASSING

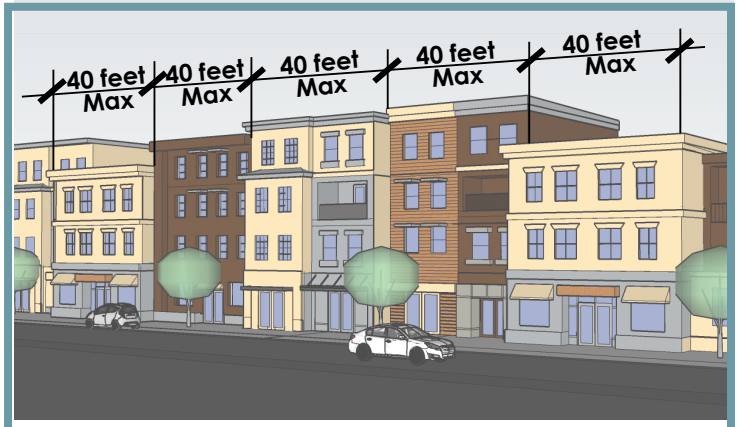
Building massing and design delineate individual units or clusters of units, articulation, distinction, and identity through varied heights, setbacks, projections, and recesses. Materials and colors emphasize changes in building elements and massing.

A. Building façades visible from the primary or side street shall not extend more than 40 feet in length without a five-foot variation in depth in the wall plane. Building entrances, front porches, upper-story setbacks, and projections such as stoops, bays, overhangs, and trellises count towards this requirement.

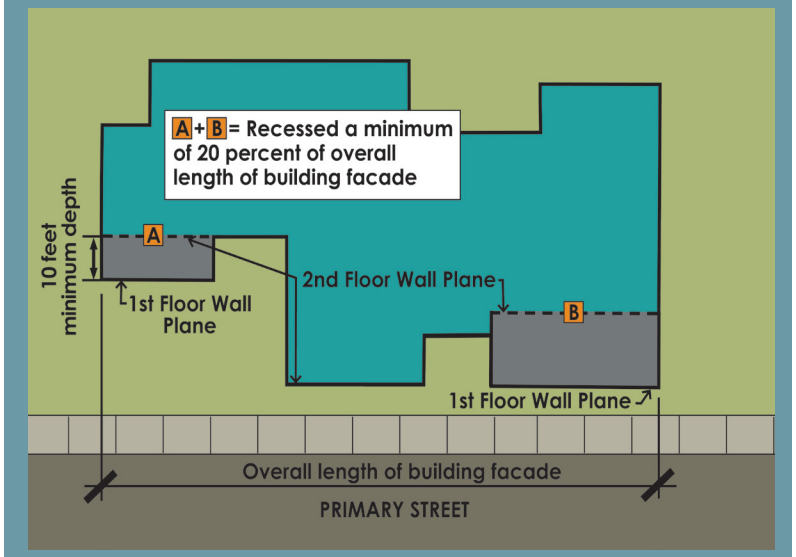
B. Buildings greater than two stories shall be designed to differentiate a defined base, a middle or body, and a top, cornice, or parapet cap. Buildings less than two stories shall include a defined base and top.

3.1 Building design shall include varied heights, setbacks, and wall plane variation

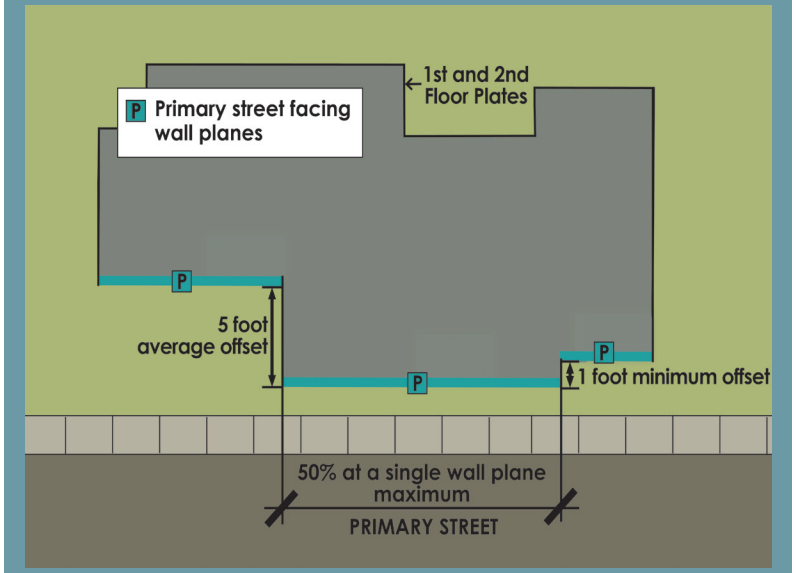
Building design lacking materials and colors is not permitted



3.1.A Building façades visible from a primary or side street shall not extend more than 40 feet without a five-foot variation in depth in the wall plane



3.1.C Upper floor areas stepped back from the primary street



3.1.D Building elevations longer than 50 feet along a primary street shall have no more than 50 percent of a building façade on a single plane

C. A building located adjacent to a primary street frontage shall recess portions of any wall plane above two stories. A minimum of 20 percent of the upper floor facades (measured by the length of first floor wall plane adjacent to the primary street) shall be recessed. The average stepback shall be 10 feet minimum for the upper floors as measured from the first-floor building wall plane. (See Figure 3.1.C)

D. If the elevation facing a primary street is longer than 50 feet, no more than 50 percent of a building façade shall be on a single plane. An average of a five-foot offset, with a minimum of one foot offset, is required for the remaining 50 percent of the building façade.

E. Elevations not facing a primary street shall have no more than 75 percent of a building façade on a single plane. An average of a five-foot offset, with a minimum of one foot offset, is required for the remaining 25 percent of the building façade.

3.2 FAÇADE ARTICULATION

A. Buildings shall be designed with the same suite of building details, articulation, and materials on all sides.

B. Walls that are publicly visible from a primary or side street shall not run in a continuous horizontal plane for more than 40 feet without incorporating articulation features such as glazing, overhangs, cornices, canopies, columns, pilasters, trellises, arches, or clearly defined projecting or recessed architectural element(s).

C. Building elements that do not provide authentic structural support but are provided to add aesthetic appeal, such as pilasters, columns, and unsupported trellises shall be designed to appear functional.

   i. Cantilevered balconies are only allowed on buildings with contemporary architectural styles.

   ii. All other architectural styles shall incorporate a column, post, corbel, brace, or decorative support cable to ensure the building element appears structurally supported and not tacked on or unsupported.

D. Garage doors shall be recessed into the garage wall, with a minimum of four inches, provided between the face of the garage door and the adjacent primary wall plane, to accentuate shadow patterns and relief.

E. Where a balcony or ground floor patio is located adjacent to a window of an adjoining dwelling unit, the balcony railings or patio wall and/or fencing shall be constructed with limited openings and utilize materials which provide a minimum of 85 percent screening of balcony or ground floor patio areas (measured from the finished floor of private outdoor spaces to top of the railing, fencing, and/or wall).

3.2.B Building walls that are visible from a primary or side street shall not run in a continuous horizontal plane for more than 40 feet without incorporating articulation techniques

3.2.D Garage doors shall be recessed into the wall plane

3.3.A Roof lines shall be vertically articulated with a change in form or ridgeline height

3.3.D Parapets shall be articulated to feature stylistic architectural details

3.3 ROOF FORMS

A. Roof lines shall not extend more than 40 feet in length without a change in form or ridgeline as described below:

   i. Vary roof forms, such as hip, gable, shed, flat, and mansard.

   ii. Incorporate architectural elements, such as parapets, varying cornices, and reveals.

   iii. Vary roof height at least two feet from adjacent roofs, as measured from the highest point of the roof lines.

B. Parapets shall be provided around the perimeter of a flat roof and shall be high enough to screen all rooftop mechanical equipment from being visible from a public area or along the public right-of-way. Parapets shall be at least six inches above the tallest rooftop equipment.

C. Interior side of parapet wall shall not be visible from the public right-of-way.

D. Parapet shall be capped with precast treatments, continuous banding, or projecting cornices, dentils, or similar edge treatment consistent with the identified traditional or universally recognized architectural style.

3.4 BUILDING AND UNIT ENTRIES

A. Individual building and/or unit entry design shall incorporate architectural treatments (e.g., feature window details, tower, decorative veneer or siding, porch/stoop), projecting elements above the entrance, and/or changes in roof line or wall planes.

B. Primary entrances located on the ground floor shall include one or more of the following:

   i. Stoop:
      a. Serving a maximum of two units.
      b. Stair width shall be a minimum four feet in width. Lowest riser shall be set back to ensure railings do not encroach in the public right-of-way.
      c. Entry landing shall be a minimum five feet in depth.
      d. Either projected or recessed weather protection with a minimum depth of 36 inches.

   ii. Front Porch:
      a. Minimum dimension of four feet of depth.
      b. Either projected or recessed weather protection with a minimum depth of 36 inches.
      c. Maximum porch floor height from the sidewalk grade shall be five feet.

3.4.B.i Stoop Entry

3.4.B.ii Front Porch Entry

3.4.B.iii Terrace Entry

3.4.B.iv Frontage Court Entry

iii. Terrace:
   a. May serve as entry to multiple units.
   b. Maximum terrace floor height from the sidewalk or walkway grade shall be five feet.
   c. Maximum wall/fence/hedge height surrounding terrace shall be 42 inches above terrace floor.
   d. Lowest riser shall be set back to ensure railings do not encroach in the public right-of-way.

iv. Frontage Court:
   a. May serve as entry to multiple units.
   b. Minimum width along primary frontage shall be 25 feet.
   c. Maximum width along primary frontage shall be 50 percent of the façade length or 80 feet, whichever is less.
   d. Minimum depth of 15 feet and maximum depth of 50 feet shall be maintained.

3.5 FENESTRATION

A. Functional and decorative shutters shall maintain the same dimensions as the associated glazing. Functional and decorative shutters shall be half the width of the associated window glazing (for paired shutters), or matching width for a single shutter.

B. Window materials, color, and style shall be consistent on all elevations.

C. Window trim, sills, and shutters shall be differentiated with accent materials or colors that vary from the adjacent building wall surfaces.

D. One of the following window treatments shall be provided on all elevations:

   i. Windows shall be recessed at least two inches from surrounding exterior wall to the window glass surface.

   ii. Built-up sills and trim, at a minimum ½ inch thick, shall be used to create surface relief and texture.

3.5.A Shutters shall reflect the same dimensions as the associated glazing

3.5.B Window materials, colors, and style shall be consistent on all elevations and match the architectural style of the building

3.6.B.ii. Parking structure walls shall feature decorative architectural elements such as screens, awnings, trellises, louvers, and/or grills to enhance wall articulation and provide screening

3.6.D Vertical planting shall be provided to quickly screen non-descript exterior parking structure walls.

3.6 PARKING STRUCTURES

A. Parking structure walls visible from the street shall not extend more than 40 feet in length without a three-foot variation in depth in the wall plane.

B. Exterior parking structure wall surfaces shall mimic the primary building(s) on the site in regards to materials, colors, and design elements such as fenestration, railings, and building opening sizes and shapes and also utilize one or more of the following articulation methods:

   i. Applied materials such as brick, stone, and/or siding which extend at least six inches from the face of the structure to the face of the applied materials.

      1. Painted, smooth concrete, or stucco walls shall not be included as articulated materials.

   ii. Decorative architectural features such as cut metal screens, awnings, trellises, louvers, and/or decorative security grills.

   iii. Parking structures two-stories or less shall apply such articulation to a minimum of 25 percent of the total wall area.

   iv. Parking structures three stories and more shall apply such articulation to a minimum of 35 percent of the total wall area.

C. Parking structures facing primary streets shall provide a minimum of a five-foot planting area between the parking structure wall and public street.

D. Vertical planting shall be located to provide screening to wall surfaces located between openings, entrances, and architectural accent features. Planting shall be evergreen screening vegetation that will grow to a minimum of 75 percent of the height of the parking structure, with container size selected to achieve this height of at least 50 percent within at least two (2) years from time of installation.

E. For semi-subterranean parking structures facing a primary street, the parking structure walls shall be limited to four feet in height above the average grade along the primary street, and articulated materials requirements per sections A, B, and C shall be incorporated.

F. Parking structures located directly adjacent to a public right-of-way shall provide at least one centrally located exterior pedestrian gathering space such as a plaza or courtyard between the parking structure and the primary roadway. Pedestrian gathering space shall include at least two benches facing the street (covered or shaded by trees), one waste receptacle, and at least four short-term bike racks.

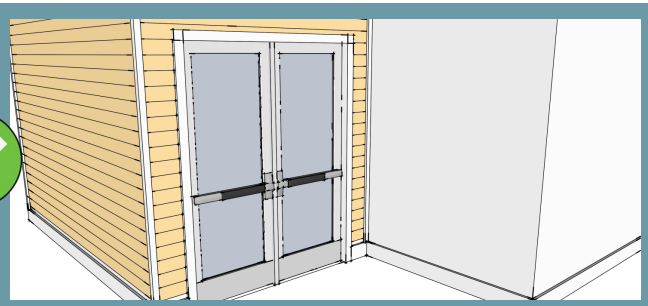
G. Parking structures facing Arterial roadways shall provide commercial mixed-uses and/or habitable uses along 75 percent of the street frontage, where permitted by zoning. Non-parking structure space shall be a minimum depth of 30 feet.

H. Stormwater source controls shall be integrated into parking garages. Projects shall plumb interior parking garage floor drains to a stormwater treatment measure or the sanitary sewer, with approval from Dublin San Ramon Services District. Open levels of parking garages shall be directed to a stormwater treatment measure and sized in accordance with the Municipal Regional Stormwater NPDES Permit.

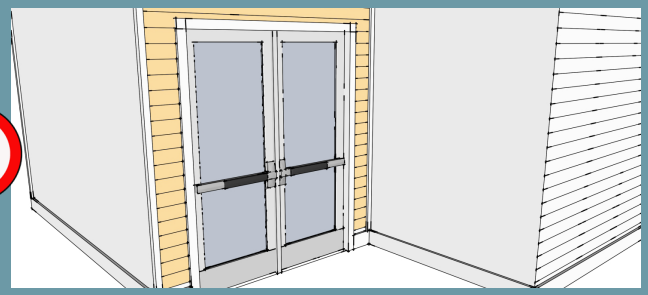
I. Projects shall incorporate green stormwater infrastructure, sized in accordance with the Municipal Regional Stormwater NPDES Permit, as part of landscape and drainage plans.

3.6.F. Parking structures located directly adjacent to a public right-of-way shall provide at least one centrally located pedestrian gathering space

3.6.G Parking structures facing Arterial roadways shall provide commercial mixed-uses and/or habitable uses along the street frontage



3.7.A Material changes shall occur at inside corners of walls or at architecture features that break up the wall plane



Materials changes shall not be located at the outside corners or within the wall plane

3.7.D Limit bright and vibrant colors to trim and accent materials

3.7 BUILDING MATERIALS, COLORS, AND LIGHTING

A. Building materials shall wrap building corners and changes shall occur at inside corners of intersecting walls or at architecture features that break up the wall plane, such as columns.

B. Guardrail and railing design, color, finish, and materials shall be consistent with the primary structure.

C. Use of accent materials such as glass, tile, brick, stone, concrete, or plaster shall be incorporated to highlight building features.

D. Bright/vibrant color schemes shall be limited to trim and accent elements. Bright/vibrant colors are not permitted as a primary wall surface.

E. All building-mounted and site light fixtures shall be fully shielded and utilize cohesive colors and finishes which reflect the primary building's architectural style.

3.8 ANCILLARY STRUCTURES, EQUIPMENT, AND UTILITIES

A. A minimum of 200 cubic feet of accessory storage space shall be provided for each unit within the development. The storage shall be located within 500 feet of the dwelling unit or within the project's parking garage.

B. Accessory storage space may be located within a private garage or carport, or private outdoor space (e.g. patio, or balcony) assigned to the unit, and shall not be located within the habitable area. If accessory storage is provided on a patio or balcony, the amount of storage space shall be in addition to the private open space requirement and shall be designed with materials used within the primary building.

C. In ground and wall mounted utility elements such as wires, conduits, junction boxes, transformers, ballasts, backflow devices, irrigation controllers, switch and panel boxes, and utilities such as gas and electrical meters shall be concealed from public view by evergreen landscaping and/ or architectural features, such as a wall or trellis.

D. Equipment and utility wall and fencing screening shall incorporate the materials and colors of the primary building design. Landscape screening shall be selected and planted to completely conceal utility elements.

E. Detached garages or carports and other accessory buildings/ structures shall be designed using roof forms, materials, colors, and details used on the primary structure. Prefabricated metal carports and accessory structures are not permitted.

   i. If carports are utilized, they shall incorporate decorative support posts that are at least six inches wide.

3.8.C Equipment/utility elements shall be concealed or screened from public view

Exposed equipment/utility elements are not permitted

3.8.G Surface ventilation features shall match the adjacent roof or wall material and/or color

3.8.H Downspouts shall not be prominently located and shall be placed at the inside edges of the building walls and designed to match the other building accents

F. Refuse areas shall be located within a building, incorporated into the building design, or located within a detached enclosure designed and placed as follows:

   i. To the rear or sides of the buildings, and not visible from the street or public right-of-way.

   ii. Incorporate the materials and colors of the primary building design.

   iii. Be screened with a minimum three-foot-wide planting area containing fast growing evergreen vegetation.

G. All flashing, sheet metal vents, exhaust fans/ventilators, and pipe stacks shall be painted to match the adjacent roof or wall material and/or color. All wall mounted utilities shall be located at interior corners of building walls or behind building elements that conceal the utilities from public view.

H. Scuppers, downspouts, and drains shall be internalized or located at the inside edges of building walls, porches, or columns. External scuppers, downspouts, and drains are not permitted on prominent or highly visible portions of a wall surface. If they are provided, they shall be painted and/or constructed of decorative materials that match other building accents.

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APPENDIX A

GLOSSARY OF TERMS

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APPENDIX A - GLOSSARY OF TERMS

The following Glossary of Terms provides definitions of terms and phrases used in the Objective Design Standards. For other definitions, please refer to Chapter 8.08 (Definitions) of the Dublin Municipal Code.

Brackets. A projection from a vertical surface providing structural or visual support under cornices, balconies, windows, or any other overhanging member.

Carport. A structure, or portion of a structure, accessible to vehicles, with a solid weatherproof roof that is permanently open on at least two sides, used as parking or storage of one or more motor vehicles.

Common Usable Outdoor Space. Exterior space area that is readily accessible for use by the residents and users within the development. Designed and reserved for outdoor living and social gathering, active and passive recreation, and pedestrian access and amenities.

Contemporary Architectural Style. A building designed utilizing modern and post-modern character and materials, such as minimal and non-traditional adornments, simple geometric massing, and flat roofs.

Controlled Entrances. Vehicular access to a residential development or property that is obstructed by a gate which residents or visitors can open from their car or home.

Cornice. The uppermost division of an entablature; a projecting shelf along the top of a wall supported by a series of brackets; the exterior trim at the meeting of a roof and wall, consisting of soffit, fascia, and crown molding.

Façade. The exterior face or elevation of the building, extending from grade to the eaves or the top of the parapet wall and the entire width of the building elevation.

Fenestration. The arrangement, proportioning, and design of windows, doors, and other exterior openings in a building.

Frontage Court. An open courtyard area in front of a building's entrance(s).

Gable Roof. A roof having a gable at one or both ends; a roof sloping downward in two opposite directions from a central ridge, so as to form a gable at each end.

Hipped Roof. A roof which slopes upward from all four sides of a building, requiring a hip rafter at each corner.

Juliet Balcony. An ornamental railing applied at a full-length window, projecting slightly beyond the plane of the window, threshold or sill, having the appearance of a balcony.

Lounging Furniture. A cohesive set of outdoor furnishings to comfortably accommodate at least four people, such as exterior couches and/or chairs.

Luminaire. A complete lighting system, including a lamp or lamps and a fixture.

Mansard Roof. A roof with a steep lower slope and a flatter upper slope on all sides, either of convex or concave shape.

Net Site Area. Total area within the property lines of a project that is available for development, excluding all non-buildable areas such as the public right-of-way, creek setbacks, and easements which may be included within the parcel.

Parapet. A low protective wall or railing along the edge of a roof, balcony, or similar structure; in an exterior wall, the part entirely above the roof.

Pilaster. A partial pier or column, often with a base, shaft, and capital that is embedded in a flat wall and projects slightly; may be constructed as a projection of the wall itself.

Primary Street. A public or private street that provides access to the major entry of a project or structure.

Private Outdoor Space. Consist of balconies, decks, patios, fenced yards, and other similar areas located immediately adjacent to a residence and only available for use by the individuals residing in the residence.

Publicly Visible. Capable of being seen by a person of average height and visual acuity while walking or driving on a street.

Shutter. Hinged panels, sometimes louvered, fixed on the outside a window that can be closed for security or privacy or to keep out light.

Side Street. A minor or subsidiary street that may intersects with or adjoin a Primary Street.

Traditional or Universally Recognized Architectural Style. There is no predominate residential architectural style in Dublin. Traditional or universally recognized residential architectural styles include, but are not limited to Contemporary, Craftsman, European Cottage, Mediterranean, Monterey, Spanish Eclectic, and Tuscan. Refer to the Dublin Crossing Specific Plan for additional information on details and styles.

This project was funded by a HCD SB 2 Planning Grant

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STAFF REPORT
CITY COUNCIL

DATE: February 15, 2022

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Citywide Multi-Family Objective Design Standards, Zoning Ordinance Amendments, and Master Fee Schedule Amendments (PLPA-2022-00002)
Prepared by: Michael P. Cass, Principal Planner

EXECUTIVE SUMMARY:

The City Council will consider approval of the Citywide Multi-Family (MF) Objective Design Standards (ODS) and companion amendments to Title 8 (Zoning) of the Dublin Municipal Code. State law requires local jurisdictions to provide a streamlined ministerial approval process for eligible multi-family residential developments, subject to objective zoning and design review standards. The proposed MF ODS and Zoning Ordinance Amendments would ensure that objective zoning and design review standards are in place. The City Council will also consider adopting amendments to the Master Fee Schedule to establish a fee for Zoning Clearances for Housing Projects Eligible for Streamlined Approval.

STAFF RECOMMENDATION:

Conduct a public hearing, deliberate, waive the reading and INTRODUCE the **Ordinance** Approving the Citywide Multi-Family Objective Design Standards and Amendments to Dublin Municipal Code Chapter 8.36 (Development Regulations), Chapter 8.104 (Site Development Review), and Chapter 8.116 (Zoning Clearance), and adopt the **Resolution** Amending the Master Fee Schedule by Establishing an Application Fee, Based on Time and Materials, for Zoning Clearances for Housing Projects Eligible for Streamlined Approval Effective Citywide.

FINANCIAL IMPACT:

The costs associated with preparing the Citywide Multi-Family Objective Design Standards include staff and consultant time. The consultant costs are offset by a Senate Bill 2 grant. Additionally, the City Council will consider adopting changes to the Master Fee Schedule pertaining to Zoning Clearance for housing projects eligible for streamlined approval. The new application fee is proposed to be based on time and materials to ensure the City recovers the actual costs associated

with processing these applications.

DESCRIPTION:

Background

Senate Bill 35

Senate Bill 35 (SB 35) provides for a streamlined ministerial approval process for multi-family residential developments in cities and counties that have made insufficient progress toward meeting their assigned Regional Housing Needs Allocation (RHNA), subject to meeting certain eligibility criteria and objective zoning and design review standards. Eligible developments must include a specified level of affordability, be on an infill site, comply with existing general plan or zoning provisions, and comply with other requirements such as location and demolition restrictions.

The legislation defines "objective standards" as standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion. For example, an objective standard for a building setback would provide a specific measurable distance that is required, whereas a subjective or discretionary guideline might use a term such as a "generous" setback is required.

The State Department of Housing and Community Development (HCD) is responsible for annually determining which cities and counties are subject to SB 35 and for publishing Streamlined Ministerial Approval Process Guidelines. The SB 35 streamlined ministerial process is in effect until January 1, 2026. It is unknown if the State legislature will extend or replace SB 35. In accordance with HCD's most recent determination (last updated July 8, 2021), Dublin has made insufficient progress toward meeting the City's lower-income RHNA (very-low- and low-income) and is, therefore, subject to the streamlined ministerial approval process for proposed developments with at least 50% affordability.

Proposed Project

In response to the legislation, Staff prepared Multi-Family Objective Design Standards (MF ODS) with assistance from RRM Design Group (the consultant), and prepared companion amendments to the Dublin Municipal Code. Without the MF ODS, the City would have little control over the design of future eligible housing projects where the developer has requested streamlined approval. The proposed project also includes amending the Master Fee Schedule to establish an application fee, based on time and materials, for a Zoning Clearance for Housing Projects Eligible for Streamlined Approval.

To prepare the Citywide MF ODS, Staff and the consultant completed the following steps:

- *Review Existing Policy Documents*: Reviewed the City's existing policy documents, including the Bicycle and Pedestrian Master Plan, Downtown Dublin Specific Plan, Dublin Crossing Specific Plan, Dublin Village Historic Area Specific Plan, Eastern Dublin Specific Plan, Scarlett Court Design Guidelines, SDR Guidelines, Streetscape Master Plan, and the Zoning Ordinance.
- *Driving Tour*: Conducted a driving tour of multi-family residential developments in Dublin

to identify successful and unsuccessful elements of projects.

- *Other Jurisdiction Analysis:* Reviewed example MF ODS for other jurisdictions and identified topics and sample standards to be covered in the City's MF ODS.
- *Translated Subjective Language to Objective Design Standards:* Translated existing subjective design guidelines into objective design standards. The new standards were drafted to reinforce the intent of the existing language.
- *Review of Draft.* Draft MF ODS were reviewed by the Building and Safety Division, and the Public Works Department.

Analysis

Citywide Multi-family Objective Design Standards

The purpose of the MF ODS is to ensure that new multi-family development in Dublin provides high quality architecture, appropriately connects to surroundings, includes well designed amenities and open spaces, promotes sustainability, and contributes to walkable and safe environments. The MF ODS are intended to guide property owners, applicants/developers, and design professionals, and provide clear design direction that enhances an area's unique character and ensures a high-quality living environment that will be desirable and hold its value over time, while encouraging creative design that enriches the community of Dublin.

The MF ODS will be incorporated into the Zoning Ordinance and supplement existing development standards described in the DMC and Planned Development zoning districts, as well as in adopted specific plans. If there is any conflict between these standards and those in another adopted document, the more restrictive standard shall apply.

The Citywide MF ODS include four chapters: 1) Introduction; 2) Site Planning; 3) Building Design; and 4) Glossary of Terms. The Site Planning objective design standards cover building placement, vehicular surface parking and access, bicycle parking, pedestrian circulation and access, private outdoor space, and common usable outdoor space. The Building Design objective design standards cover building form and massing, façade articulation, roof forms, building and unit entries, fenestration, parking structures, building materials, colors, and lighting, and ancillary structures, equipment, and utilities.

Zoning Ordinance Amendments

In addition to the MF ODS, Staff prepared companion amendments to the Dublin Municipal Code (DMC) including, Section 8.36.020 (Agricultural and Residential Development Regulations), Section 8.104.020 (Exemptions from SDR), Section 8.116.020 (Applications Requiring a Zoning Clearance), Section 8.116.030 (Application), Section 8.116.040 (Approval), and Section 8.116.050 (Expiration of Zoning Clearance). The proposed amendments include the following:

- Specify that all new multi-family residential development shall comply with the Citywide MF ODS;
- Specify that housing projects eligible for streamlined approval are exempt from an SDR Permit in accordance with State law provided that a Zoning Clearance is approved;
- Establish a required finding that a proposal for a new multi-family residential development complies with the Citywide MF ODS; alternatively, if the proposal deviates from one or

more objective design standards, then the proposal meets the purpose and intent of the applicable standard(s); and

- Add housing projects eligible for streamline approval to the Zoning Clearance Chapter of the Zoning Ordinance.

Applicability

The Citywide MF ODS would apply to all new multi-family developments within Dublin. Projects that qualify for the SB 35 streamlined ministerial approval process would be required to comply with all of the ODS. All other projects would be subject to the MF ODS but through the City's discretionary SDR Permit process could be allowed to deviate from the MF ODS when the purpose and intent of the standard is met through alternate means. Allowing flexibility through a discretionary SDR Permit shall not be construed as applying the lowest common denominator that dilutes the quality and character of a project.

The Zoning Ordinance will continue to regulate development standards (such as building height, setbacks, and lot coverage), while the new objective design standards will regulate design criteria (such as site layout, building orientation, pedestrian connections, and building design) to ensure that new multi-family housing maintains a design quality reflective of the community.

Fee Amendments

The California Constitution authorizes local governments to recover the reasonable costs of providing services. Housing projects eligible for a streamlined approval process would be subject to a Zoning Clearance to review the proposal for consistency with the Citywide MF ODS and all other applicable objective standards within the Zoning Ordinance. The actual cost for Planning Staff to review a "Zoning Clearance for Housing Projects Eligible for Streamlined Approval" application would vary significantly depending on the scope of work. Therefore, Staff recommends establishing an application fee based on actual time and materials to recover the City's full costs.

Staff prepared a draft Ordinance approving the Citywide Multi-Family Objective Design Standards and approving amendments to the Dublin Municipal Code (Attachments 1 and 2). Refer to Attachment 3 for a redlined version of proposed zoning text changes where <u>underlined</u> text is proposed to be added. In addition, a draft Resolution amending the Master Fee Schedule to establish an application fee for a Zoning Clearance for Housing Projects Eligible for Streamlined Approval is included as Attachment 4.

<u>Consistency with the General Plan, Specific Plans, and Zoning Ordinance</u>

The proposed Citywide MF ODS and Zoning Ordinance Amendments are consistent with the Dublin General Plan and all applicable specific plans in that the amendments are necessary to comply with State law and are consistent with applicable land use regulations and development policies. Amendments to the Zoning Ordinance are proposed to ensure consistency with State law and implementation of the MF ODS.

ENVIRONMENTAL DETERMINATION:

The California Environmental Quality Act (CEQA), together with State Guidelines and City of Dublin CEQA Guidelines and Procedures require that certain projects be reviewed for

environmental impacts and that environmental documents be prepared. The proposed Citywide Multi-Family Objective Design Standards and Zoning Ordinance Amendments are exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that they would not have a significant effect on the environment and, thus, are not subject to CEQA review.

PLANNING COMMISSION REVIEW:

On June 8, 2021, the Planning Commission received a presentation and provided feedback on the City's MF ODS. On January 25, 2022, the Planning Commission unanimously adopted Resolution No. 22-01 (Attachment 5), recommending City Council approval of the Citywide MF ODS and related Zoning Ordinance Amendments.

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

In accordance with State law, a public notice was published in the *East Bay Times* on February 5, 2022, and February 10, 2022, and posted at several locations throughout the City. Additionally, the City Council Agenda was posted.

ATTACHMENTS:

1) Ordinance Approving the Citywide Multi-Family Objective Design Standards and Related Zoning Ordinance Amendments
2) Exhibit A to Attachment 1 – Citywide Multi-Family Objective Design Standards
3) Redlines of Proposed Zoning Ordinance Amendments
4) Resolution Amending the Master Fee Schedule by Establishing One New Application Fee, Based on Time and Materials, for Zoning Clearance for Housing Projects Eligible for Streamlined Approval
5) Planning Commission Resolution No. 22-01 (without exhibits)

Agenda Item 7.1

STAFF REPORT
CITY COUNCIL

DATE: March 1, 2022

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Status of Community Default to East Bay Community Energy Renewable 100 Power
Prepared by: Shannan Young, Environmental & Sustainability Manager

EXECUTIVE SUMMARY:

The City Council will receive a report on the status of the default of residential accounts to Renewable 100 electricity through the City's electricity provider, East Bay Community Energy, and will consider the default electricity power portfolio for non-residential accounts.

STAFF RECOMMENDATION:

Receive the report and provide direction on the East Bay Community Energy default electricity power portfolio for non-residential accounts.

FINANCIAL IMPACT:

There is no impact to the General Fund but a discussion regarding the potential cost impacts of the Renewable 100 electricity power portfolio for non-residential accounts is included below. Municipal electricity accounts are currently supplied with the Renewable 100 power portfolio.

DESCRIPTION:

Background

At its January 12, 2021 meeting, the City Council adopted Resolution 04-21 (Attachment 1) requesting East Bay Community Energy (EBCE) enroll City of Dublin residential accounts in Renewable 100 as the default product. Renewable 100 is 100% greenhouse gas (GHG) emission-free and 100% renewable power (California-based wind and solar). The action was taken in support of the City's Climate Action Plan 2030 and Beyond (CAP 2030) which was approved by the Council via Resolution 100-20 (Attachment 2) on September 15, 2020.

CAP 2030 includes 22 measures that have the potential to achieve GHG emissions reductions of approximately 48,000 metric tons carbon dioxide equivalent by 2025. Approximately 28% of those GHG emissions reductions are expected to be achieved through the default enrollment of

residential accounts into Renewable 100 beginning in January 2022. An additional 25% GHG emissions reductions can be achieved by transitioning non-residential accounts (e.g., commercial and industrial accounts) to Renewable 100. CAP 2030 Measure CF-1, Opt Up to 100% Renewable and Carbon-Free Electricity, planned for enrollment of all community-wide accounts into a GHG-free electric power portfolio, but due to the rapidly evolving Covid-19 pandemic and economic uncertainty in January 2021, it was decided to postpone consideration of transitioning non-residential accounts to Renewable 100 to a later date since those accounts typically use more electricity than residential accounts.

Residential Account Transition

EBCE anticipated that the enrollment of residential accounts into Renewable 100 would occur in October 2021, however the transition was delayed until January 2022 to align with similar default transitions occurring in the cities of Pleasanton, Hayward, and Albany. These three cities requested that all accounts, including non-residential accounts, be defaulted to Renewable 100. To help EBCE staff manage the activities required to transition the four cities, all the transitions were scheduled for January 2022.

Individual account transitions do not occur all at once. The exact date of an account transitioning to Renewable 100 is based on the individual Pacific Gas & Electric (PG&E) meter read date, which varies from customer to customer. Residents enrolled in California Alternate Rates for Energy (CARE) and Family Electric Rate Assistance (FERA) programs, as well as Medical Baseline accounts will remain on EBCE's Bright Choice power portfolio which is offered at a 1% discount compared to PG&E's standard rates and provides approximately 5% more renewable energy than PG&E's standard service. All customers retain the option to choose Bright Choice at any time. The discounted Bright Choice rates will be reflected on a customer's PG&E bill in one or two billing cycles, depending on the timing of the customer request in relation to the meter read date.

Residential Outreach

Outreach to residents about the transition to Renewable 100 is occurring via several methods, as shown in Table 1 below. Residents have been provided information regarding why the transition is occurring, what their choices are, and how they can take action if they desire to remain on Bright Choice or opt out to PG&E. Samples of the outreach material are provided in Attachment 3.

Table 1. Renewable 100 Residential Outreach

Communication Method	Message Provided By	Date Provided
Press Release	EBCE	11/22/2021
Direct mail notification, by letter (Notice 1)	EBCE	Beginning 11/30/2021 (sent to customers based on their meter read dates)
Backyard Brief Newsletter	City	12/1/2021
Print and digital ads in The Independent	EBCE	8 weeks in December 2021 and January 2022
Tabling at the Holiday Tree Lighting Ceremony	City and EBCE	12/2/2021
Tabling at Breakfast with Santa	City and EBCE	12/4/2021
Email to customers with email addresses on file with PG&E (Notice 1)	EBCE	12/7/2021 and 12/8/2021
Webinars	EBCE	Various dates beginning 12/8/2021
City of Dublin News Flash	City	12/8/2021 (City list) 12/13/2021 (Environmental list)
Social media posts (Twitter and Facebook) – retweet of 11/22/2021 press release	City	12/2/2021 and 12/8/2021
Direct mail notification by postcard (Notice 2)	EBCE	Beginning 1/2/2022 (sent to customers based on their meter read dates)
Email to customers with email addresses on file with PG&E (Notice 2)	EBCE	1/11/2022
Direct mail notification	City	February 2022
City Report	City	February 2022
Web page updates	City and EBCE	On-going

Consideration of Non-Residential Accounts Transition to Renewable 100

To reach the CAP 2030 goals, community-wide participation in and engagement with many of the 22 measures is required. This includes setting the default for non-residential electricity accounts from EBCE's discount power product, Bright Choice, to Renewable 100. Non-residential accounts consume approximately 46.4% of the total electricity used in Dublin, which equates to about 11,844 metric tons carbon dioxide equivalent. This is a little more than a third of the remaining GHG emissions reductions that can be achieved by 2025 with the measures in CAP 2030.

Table 2 below shows average monthly electricity usage and associated billing for the different rate categories in Dublin. With the exception of A10 and E20P, these are estimates using summary rates, based on annual kilowatt hours (kWh) electricity usage, and averaged using the March 2021

Joint Rate Comparison blended rates, which are available from EBCE at https://ebce.org/rates/. The numbers for A10 and E20P rate categories are based upon EBCE territory-wide averages for each of these two rate categories instead of Dublin-specific usage. This is necessary because Senate Bill 1476, Public Utilities, Customer Privacy, Advanced Metering Infrastructure, requires aggregated data from a minimum of 15 customers to ensure customer data privacy.

Table 2. Average Monthly Electricity Usage for Non-Residential Accounts in Dublin

Summary Rate & Rate Category	Accounts	Avg. Monthly Usage (kWh)	Monthly Bright Choice Avg.	Monthly Renewable 100 Avg.	Monthly Bright Choice Avg. Discount	Monthly Renewable 100 Avg. Premium	Increase
A1- Small/ Medium Commercial	193	346.5	$91.38	$95.22	$0.38	$3.47	3.8%
A1 TOU* - Small/ Medium Commercial	1,630	1,463.5	$395.40	$411.65	$1.60	$14.65	3.7%
A10 - Small/ Medium Commercial**	1	11,747	$2,819.72	$2,950.85	$13.86	$117.47	4.2%
A10 TOU – Small/ Medium Commercial	211	15,548.6	$3,641.02	$3,814.70	$18.35	$155.33	4.3%
E19 – Large Commercial	121	31,561.3	$6,215.38	$6,564.76	$33.77	$315.61	5.1%
E20P -Large Commercial**	1	754,170	$131,029.50	$139,310.28	$739.09	$7,541.69	5.8%

* TOU means time-of-use. TOU rates change based on the time of day, with higher rates during peak electricity use times, typically 4 pm to 9 pm.
** A10 and E20P rates based upon territory-wide averages, not actual Dublin accounts

The rate categories shown above roughly correspond with the size of electricity load consumed by the customer. Rate A1 is for a typical small business such as a small office or small food establishment. The next rate category, A10, is for operations that involve higher load activities such as power tools or refrigeration, such as a small market or grocery store. Rate categories E19 and E20 involve the largest commercial or industrial scale enterprises, such as those with heavy machinery or giant conditioned spaces that require a lot of onsite energy use. A large grocery store could be in the E19 rate category.

PG&E's Annual Rate Setting

A factor that will impact electricity rates of all customers in PG&E's territory was approved in December 2021 by the California Public Utilities Commission (CPUC) as part of PG&E's annual rate review and true-up. To generate revenue needed to complete maintenance and repairs to the electric grid and to prevent equipment failures that spark wildfires, the CPUC approved a 10%

rate increase for the transmission and distribution of electricity. The transmission and distribution fee, which on the PG&E bill is referenced as the PG&E electric delivery charge, is determined based on the amount of electricity consumed, the rate category, and the time of day it is consumed. The fee is lower during off-peak hours and highest in peak hours (4 pm to 9 pm). The 10% rate increase went into effect on January 1.

Status of Default Enrollments

EBCE has been tracking enrollment status in Dublin, Albany, Hayward, and Pleasanton to determine how the new community default enrollments are impacting customer decisions to opt down to Bright Choice or opt out to PG&E. Tables 3 and 4 below show residential account enrollment status and non-residential account enrollment status, respectively. As can be seen in the tables, most of the enrollment actions taken since November 2021, when outreach concerning the default enrollments began, have been taken by residential customers. As of January 4, 2022, 3.47% of residential customers in Dublin acted to either stay on EBCE's Bright Choice power or opt out to PG&E. This is a relatively low rate of enrollment actions compared to Albany, Hayward, and Pleasanton (12.42%, 11.86%, and 5.39%, respectively). The non-residential enrollment actions in those cities have been minor compared to the residential actions. In all three cities, fewer than 2% of non-residential customers made enrollment actions to either opt out of the default enrollment to Renewable 100 or opt down to Bright Choice. Non-residential accounts in Dublin are currently in Bright Choice. Noticing to date has been targeted to residential accounts about the default enrollment to Renewable 100, however non-residential accounts may have taken action in response to the outreach. This may explain the non-residential enrollment action since November 2021 in Dublin.

Table 3. EBCE Residential Account Enrollment Status

	As of January 4, 2022		Change from November 2021	
	Total Eligible	Total % Move to/Stay on Bright Choice	% Opt Out	% Move to/Stay on Bright Choice
Dublin	25,126	3.20%	0.27%	3.20%
Albany	6,674	13.35%	0.21%	12.21%
Hayward	50,425	12.51%	0.19%	11.67%
Pleasanton	28,105	5.46%	0.66%	4.73%
All EBCE	608,087	1.72%	0.10%	1.58%

Table 4. EBCE Non-Residential Account Enrollment Status

	As of January 4, 2022		Change from November 2021	
	Total Eligible	Total % Move to/Stay on Bright Choice	% Opt Out	% Move to/Stay on Bright Choice
Dublin	2,377	0.34%	0.05%	0.34%
Albany	668	2.25%	-0.03%	1.34%
Hayward	7,376	1.99%	0.10%	1.01%
Pleasanton	3,980	2.56%	0.19%	1.76%
All EBCE	65,985	4.11%	0.04%	3.93%

Conclusion and Next Steps

Dublin made great strides to meet the goals established in CAP 2030 to reduce GHG emissions by 40% below 1990 levels by 2030 and achieve carbon neutrality by 2045 when the City Council requested that the EBCE Board default residential accounts to Renewable 100. The City can make additional gains towards achieving the goals by requesting the EBCE Board do the same with non-residential accounts. As with the residential consumers, commercial and industrial users would retain the option to remain on Bright Choice or opt out to PG&E.

With City Council direction to default non-residential accounts to Renewable 100, Staff would bring a resolution back to the City Council for adoption at the next meeting. This would allow EBCE time to align Dublin's transition with those occurring in Berkeley and San Leandro in October 2022. Staff would partner with EBCE to conduct a robust outreach effort to commercial and industrial customers about the default to Renewable 100.

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The City Council Agenda was posted.

ATTACHMENTS:

1) Resolution 04-21 Requesting East Bay Community Energy (EBCE) Enroll City of Dublin Residential Accounts in Renewable 100 as the Default Electricity Product
2) Resolution 100-20 Adopting the City of Dublin Climate Action Plan 2030 and Beyond
3) Samples of Renewable 100 Residential Outreach

RESOLUTION NO. 04 – 21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUBLIN

REQUESTING EAST BAY COMMUNITY ENERGY ENROLL CITY OF DUBLIN RESIDENTIAL ACCOUNTS IN RENEWABLE 100 AS THE DEFAULT ELECTRICITY PRODUCT

WHEREAS, the City of Dublin has been a leader in the fight against climate change, having adopted its first Climate Action Plan in 2010 with an update in 2013, with the goal to reduce greenhouse gas emissions to 1990 levels by 2020; and

WHEREAS, on September 15, 2020, the City Council of the City of Dublin adopted the City of Dublin Climate Action Plan 2030 and Beyond that includes a goal of reducing greenhouse gas emissions by 40% below 1990 levels by 2030 to align with California Senate Bill 32 and to put the City on a path to reach carbon neutrality by 2045; and

WHEREAS, Climate Action Plan 2030 and Beyond identifies renewable and carbon-free electricity as the biggest opportunity to reduce greenhouse gas emissions within the City of Dublin; and

WHEREAS, the City of Dublin's electricity provider, East Bay Community Energy (EBCE), offers a 100% carbon-free and 100% renewable electricity product called Renewable 100; and

WHEREAS, enrolling residential accounts in the Renewable 100 carbon-free electricity option is the most cost-effective way to reduce greenhouse gas emissions in Dublin and would cost the average homeowner approximately four dollars per month more than current electricity rates; and

WHEREAS, residential accounts on California Alternate Rates for Energy (CARE), Family Electric Rate Assistance (FERA), and medical baseline accounts will remain on the current default electric power product, EBCE's Bright Choice power product, offered at a slight discount compared to Pacific Gas & Electric's (PG&E) standard product; and

WHEREAS, the City of Dublin and EBCE will reach out to commercial, industrial, and institutional customers to encourage opting-up to the Renewable 100 power portfolio and the City of Dublin intends to re-evaluate Renewable 100 as the default product for these customers within the next year; and

WHEREAS, residential customers in the City of Dublin would retain the option to "opt down" to an electric power portfolio with a lower percentage of carbon-free electricity or "opt out" to PG&E's electricity; and

WHEREAS, establishing a renewable and carbon-free default electricity product for residential customers would allow Dublin to showcase its environmental leadership and demonstrate efforts to create a sustainable community in line with the goals of Climate Action Plan 2030 and Beyond.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Dublin does request that East Bay Community Energy hereby enroll the City of Dublin in the Renewable 100 electric power portfolio as the default electricity product for all residential accounts, except for CARE, FERA, and medical baseline accounts which would remain on the Bright Choice electric power portfolio.

BE IT FURTHER RESOLVED that the City Council of the City of Dublin requests that the EBCE Board consider Dublin's Renewable 100 default power portfolio request at the earliest possible upcoming EBCE Board Meeting.

PASSED, APPROVED AND ADOPTED this 12th day of January 2021, by the following vote:

AYES: Councilmembers Hu, Josey, Kumagai, McCorriston and Mayor Hernandez

NOES:

ABSENT:

ABSTAIN:

DocuSigned by:
97C94F7A46A8461...
Mayor

ATTEST:
DocuSigned by:
9BB70815D22F40A...
City Clerk

RESOLUTION NO. 100 - 20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUBLIN

* * * * * * * * *

ADOPTING THE CITY OF DUBLIN CLIMATE ACTION PLAN 2030 AND BEYOND

WHEREAS, on November 16, 2010 the City Council adopted Resolution 167-10 approving the City of Dublin Climate Action Plan establishing greenhouse gas (GHG) reduction goals for 2020; and

WHEREAS, under the California Environmental Quality Act (CEQA) a city may prepare a qualified GHG Reduction Strategy or Climate Action Plan to evaluate a community's cumulative impact due to GHG emissions from future planned development; and

WHEREAS, if a project is consistent with an adopted, qualified GHG Reduction Strategy or Climate Action Plan, the Strategy/Plan can be used as a basis for determining that the project would have a less than significant impact on a community's cumulative GHG emissions under CEQA; and

WHEREAS, on October 15, 2013 the City Council adopted Resolution 177-13 approving the City of Dublin Climate Action Plan Update to use as a basis for determining that a future project that was consistent with the adopted Climate Action Plan Update would have a less than significant impact on Dublin's cumulative GHG emissions under CEQA through 2020; and

WHEREAS, the City of Dublin is on track to meet the 2020 GHG reduction goals established by the Plans; and

WHEREAS, in 2016, the California Legislature adopted Senate Bill (SB) 32 to extend the State's commitment to GHG emissions reductions by tightening the target to 40% below 1990 levels by 2030; and

WHEREAS, in 2018, Governor Brown adopted Executive Order (EO) B-55-18 setting a Statewide goal of reaching carbon neutrality by no later than 2045; and

WHEREAS, on December 17, 2019, the City Council provided consensus to align the City's future Climate Action Plan with both SB 32 and EO B-55-18 goals and consensus to proceed with the draft strategies and measures to achieve those goals; and

WHEREAS, the Climate Action Plan 2030 and Beyond establishes the following targets:

1. Reduce GHG emissions to 40% below 1990 levels by 2030
2. Reach carbon neutrality by 2045; and

WHEREAS, the Climate Action Plan 2030 and Beyond contains 22 measures grouped into the five strategies listed below to reduce GHG emissions by roughly 73,000 metric tons carbon dioxide equivalent by 2030:

1. 100% Renewable and Carbon-Free Electricity
2. Building Efficiency and Electrification
3. Sustainable Mobility and Land Use

4. Material and Waste Management
5. Municipal Leadership; and

WHEREAS, the implementation of the Climate Action Plan 2030 and Beyond will result in co-benefits in the following areas: economic growth, reduced traffic congestion, improved public health, healthier ecosystems, robust landscapes, carbon sequestration, enhanced resilience, equity and inclusion, community leadership and partnerships, and cutting-edge technologies; and

WHEREAS, the City Council held a properly noticed public hearing on the Climate Action Plan 2030 and Beyond and related Negative Declaration on September 15, 2020; and

WHEREAS, the City Council did review and consider the Negative Declaration and the Climate Action Plan 2030 and Beyond and all said reports, recommendations, and testimony herein and set forth prior to making its decision on the Climate Action Plan 2030 and Beyond.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Dublin does hereby approve and adopt the Climate Action Plan 2030 and Beyond attached hereto as **Exhibit A** to the Resolution and authorizes Staff to make any non-substantive grammatical or editing changes in the final document.

PASSED, APPROVED AND ADOPTED this 15th day of September 2020, by the following vote:

AYES: Councilmembers Goel, Hernandez, Josey, Kumagai and Mayor Haubert

NOES:

ABSENT:

ABSTAIN:

DocuSigned by:
4B4A9732E4974C5...
Mayor

ATTEST:

DocuSigned by:
9BB70815D22F40A...
City Clerk

Attachment 3

Recipient Name Here
123 Local Address Ln
City, ST 12345

The East Bay's Public Power Agency

Contact us
1-833-699-EBCE (3223)
customer-support@ebce.org

Visit and follow us
ebce.org
@PoweredbyEBCE

Electricity Accounts Will Transition to 100% Renewable Energy in January 2022.

To help achieve its Climate Action Plan goals, the City of Dublin receives its electricity from East Bay Community Energy (EBCE), a local energy provider supplying greener electricity to the East Bay community. In 2022, Dublin residents will default to 100% renewable energy available through EBCE.

In January 2021, the Dublin City Council voted to set the default electricity option for Dublin residents to EBCE's Renewable 100 service starting in January 2022. Renewable 100 service is sourced from California wind and solar facilities including EBCE's new 57.5 megawatt wind farm in Livermore, and costs an additional 1 cent per kilowatt-hour above PG&E rates—that's about $5 more per month for a typical home.

EBCE also offers their Bright Choice service, which is priced 1% below PG&E rates and contains approximately 5% more renewable energy than PG&E. Customers who prefer to power their home with Bright Choice are welcome to do so by visiting **ebce.org/Dublin** and clicking on "Remain on Bright Choice," or by calling 1-833-699-EBCE (3223) during business hours (9AM–5PM on weekdays). Take action by December 22 if you prefer to avoid automatic enrollment in Renewable 100. Customers who participate in CARE, FERA, and Medical Baseline programs will remain on Bright Choice service automatically, but can still choose Renewable 100. Customers can change their EBCE service or return to PG&E service anytime.

EBCE will be hosting a series of webinars to review the basics about their service, and to answer any questions. Details are available at **ebce.org/Dublin**.

EAST BAY COMMUNITY ENERGY

DUBLIN CALIFORNIA

Agencia de energía pública del Área este de la Bahía de San Francisco

Contáctenos
customer-support@ebce.org
1-833-699-EBCE (3223)

Visítenos y síganos
ebce.org
@PoweredbyEBCE

Las cuentas de electricidad pasarán a energía 100 % renovable en enero de 2022.

Para ayudar a cumplir sus objetivos del Plan de Acción Climática (Climate Action Plan), la ciudad de Dublin recibe su electricidad de East Bay Community Energy (EBCE), un proveedor de energía local que provee electricidad menos contaminante a la comunidad de East Bay. En 2022, los residentes de Dublin pasarán de forma predeterminada a energía 100 % renovable disponible mediante EBCE.

En enero de 2021, el ayuntamiento de Albany votó fijar como opción predeterminada de electricidad para los residentes de Dublin al servicio Renewable 100 de EBCE a partir de enero de 2022. El servicio Renewable 100, que viene de instalaciones de energía eólica y solar de California, incluido el nuevo parque eólico de 57.5 megavatios de EBCE en Livermore y cuesta 1 centavo más por kilovatio hora por encima de las tasas de PG&E—alrededor de $5 más por mes para un hogar típico.

EBCE también ofrece su servicio de Bright Choice, que cuesta 1 % menos que las tarifas de PG&E y contiene aproximadamente 5 % más de energía renovable que PG&E. Los clientes que prefieran tener energía en sus hogares o comercios con Bright Choice pueden hacerlo visitando **ebce.org/Dublin** y haciendo clic en "Seguir en Bright Choice" ("Remain on Bright Choice") o llamando al 1-833-699-EBCE (3223) durante el horario de atención (de 9 a. m. a 5 p. m. en días de semana). Actúe antes del 22 de diciembre si prefiere evitar la inscripción automática en Renewable 100. Los clientes que participen en programas de Tarifas Alternativas de Energía en California (California Alternate Rates for Energy, CARE), el Programa Familiar de Reducción de las Tarifas de Energía (Family Electric Rate Assistance, FERA) y Medical Baseline seguirán automáticamente en el servicio de Bright Choice, pero aun así pueden elegir Renewable 100. Los clientes pueden cambiar su servicio de EBCE o volver al de PG&E en cualquier momento.

EBCE organizará una serie de webinarios para revisar los aspectos básicos de su servicio y responder preguntas. La información está disponible en **ebce.org/Dublin**.

EAST BAY COMMUNITY ENERGY

DUBLIN CALIFORNIA

东湾公共电力机构

联系我们
customer-support@ebce.org
1-833-699-EBCE (3223)

访问并关注我们
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@PoweredbyEBCE

电力账户将于 2022 年 1 月转移至 100% 可再生能源计划。

为实现气候行动计划目标，都柏林市通过东湾社区能源 (EBCE) 获取电力，EBCE 是为东湾社区提供绿色电力的当地能源供应商。到 2022 年，都柏林居民将默认使用 EBCE 提供的 100% 可再生能源。

2021 年 6 月，都柏林市议会投票决定，将都柏林居民的默认电力选项设置为从 2022 年 1 月开始使用 EBCE 的 Renewable 100 服务。Renewable 100 服务来自加利福尼亚的风能和太阳能设施，其中包括 EBCE 在利弗莫尔新建的 57.5 兆瓦风电场，每千瓦时的费用相比 PG&E 费率高出 1 美分，以典型家庭为例，每月大约多出 5 美元电费。

同时，EBCE 还提供 Bright Choice 服务，相比 PG&E，该计划服务价格费率降低 1%，并且包含的可再生能源大约增加了 5%。若客户想要选择 Bright Choice 为家庭供电，欢迎访问 ebce.org/Dublin 并单击“继续使用 Bright Choice”，或在工作时间致电 1-833-699-EBCE (3223)（工作日上午 9 点至下午 5 点）进行购买。若您不希望自动加入 Renewable 100 计划，请在 12 月 22 日之前更改服务。参加加州能源优惠计划 (CARE)、家庭电费补助计划 (FERA) 和/或医疗用电补助配给计划 (Medical Baseline) 的客户将继续使用 Bright Choice 服务，但也可以选择 Renewable 100 计划服务。客户可以随时更改自己的 EBCE 服务或返回 PG&E 服务。

EBCE 将举办一系列网络研讨会，回顾其服务项目的相关基础知识，并回答所有问题。有关详细信息，请访问 ebce.org/Dublin。

NOVEMBER 22, 2021

Press Release

Seven East Bay Cities Choose Solar and Wind for Electric Service

In 2022, East Bay Community Energy will serve more than 150,000 electricity accounts with 100% wind and solar energy

Alameda County, California (November 22, 2021) - East Bay Community Energy, the public agency formed by 14 local cities and Alameda County, today announced seven cities within its purview have taken an ambitious step in supporting renewable energy and combating climate change by transitioning most of their electricity supply to solar and wind sources via EBCE's Renewable 100 program. The cities of Albany, Berkeley, Dublin, Hayward, Piedmont, Pleasanton, and San Leandro are choosing 100% clean sources for both their own municipal electricity accounts and for the electricity consumed by most local residents and businesses. This collective transition marks a 50% adoption rate* of the Renewable 100 program among EBCE member cities, which would place EBCE at the #2 spot nationally in number of green power customers, compared to all other electricity providers, according to the National Renewable Energy Lab annual rankings (PDF).

The City of Piedmont set Renewable 100 as the default service for residents when EBCE launched in 2018. The cities of Albany, Dublin, Hayward, and Pleasanton are transitioning customers to Renewable 100 in January 2022, with Berkeley and San Leandro following later in the year. Residential customers who are on income and/or medical-qualifying discounts – such as the California Alternate Rates for Energy (CARE) and Medical Baseline programs – will remain on Bright Choice (EBCE's money-saving service plan), as will commercial accounts in Dublin during the January 2022 transition.

Recently, EBCE celebrated the completion of its new 57.5 megawatt wind energy center in Livermore that is a foundation of Renewable 100's supply. With various clean power projects under its belt and in the pipeline, including a 15-year contract for 112 megawatts of solar power from a new solar development in Kern County, EBCE is tracking toward its goal of providing 100% clean energy by 2030 for all EBCE customers — 15 years ahead of California's target date.

"With the backdrop of recent international negotiations on climate change, it is remarkable to see the scale of what can be accomplished when forward-thinking communities get together to tackle a problem," said EBCE CEO Nick Chaset.

For more information visit ebce.org/transition-to-renewable-energy/

Statements from elected officials in each city:

● "Cleaner, renewable power is a vital part of all of our efforts to mitigate the worst effects of climate change. Albany couldn't move towards this goal without EBCE and our partner cities who have also chosen to take this step. We may be a small part of the solution to a global problem, but this change represents a big step for our community," said **Albany City Councilmember Aaron Tiedemann**

● "The City of Berkeley is thrilled to join other East Bay cities to bring clean, renewable energy to our residents and businesses," said **Jesse Arreguín, Mayor of Berkeley**. "Transitioning to Renewable 100 brings us closer to reaching our Fossil Fuel-Free goals, and demonstrates Berkeley's leadership to address the urgency of climate change and reduce our impact on the environment."

● "Last year, the Dublin City Council adopted the Climate Action Plan 2030 and Beyond (CAP2030). The CAP 2030 is a plan that will guide Dublin toward a greener future and help us reach carbon neutrality by 2045," said **Dublin Mayor Melissa Hernandez**. "As a member of the EBCE Board of Directors, I am excited for Dublin to offer EBCE's Renewable 100 program. This is an important step in reaching our climate action goals."

● "The City of Hayward is proud to join our fellow cities in Alameda County in choosing 100% renewable energy as one of the many ways we are doing our part to address the current climate crisis," said **Hayward Mayor Barbara Halliday**.

● "As world leaders have come together to take action against the existential threat that climate change poses to all of Earth's ecosystems, I am proud that the city of Piedmont is a leader in using 100 percent renewable energy for our electrical needs," said **Teddy Gray King, Mayor of Piedmont** and EBCE alternate. "In partnership with EBCE and with the adoption of our own reach codes, I am confident that Piedmonters are doing their part to reduce carbon emissions and promote a clean, green, sustainable future."

● "As Pleasanton updates its Climate Action Plan 2.0 to be carbon neutral by 2045, the transition to 100% renewable energy with EBCE's Renewable 100 service is an important step toward

reducing overall greenhouse gas emissions in Pleasanton for the long-term benefit of our community," said **Pleasanton City Councilmember and EBCE Board member Kathy Narum**.

● "Transitioning to Renewable 100 is a major step for San Leandro to meet our climate and energy goals," said **Pauline Cutter, Mayor of San Leandro**. "We're looking forward to working with EBCE to get the word out to our residents and businesses on this milestone. The action of today's transitional step will benefit our future generations."

About East Bay Community Energy (EBCE)

EBCE is a not-for-profit public agency that operates a Community Choice Energy program for Alameda County and fourteen incorporated cities, serving more than 1.7 million residential and commercial customers. EBCE initiated service in June 2018 and expanded to the cities of Pleasanton, Newark, and Tracy in April 2021. As one of 19 community choice aggregation (CCA) programs operating in California, EBCE is part of the movement to expedite the climate action goals of their communities and those of California. EBCE is committed to providing clean power at competitive rates while reinvesting in its local communities. For more information about East Bay Community Energy, visit ebce.org.

Contact:

Dan Lieberman, Marketing Director, dlieberman@ebce.org or 925-579-1591

** EBCE member cities can select the preferred electricity supply mix not only for their municipal accounts, but they also set the "default" power service for all customers in their jurisdiction. Individual customers can then change their power preference, or can return to their incumbent Investor-Owned Utility, PG&E, for power. EBCE currently offers customers two options: Bright Choice, which has more renewable energy at lower rates than PG&E; or Renewable 100, which is sourced from 100% California wind and solar resources at a slightly premium cost.*

EAST BAY COMMUNITY ENERGY

DUBLIN
CALIFORNIA

DID YOU KNOW?

PUBLIC NOTICE

East Bay Community Energy (EBCE) began serving Dublin residential, business, and municipal electricity customers in 2018 with its renewable energy service. To help meet the greenhouse gas emissions reductions goals set in the City of Dublin's *Climate Action Plan*, the Dublin City Council voted this year to set the default electricity option for Dublin residences to EBCE's *Renewable 100* service, starting in January 2022. Residents enrolled in California Alternate Rates for Energy (CARE) and Family Electric Rate Assistance (FERA) programs, as well as medical baseline accounts, remain on the discounted Bright Choice electric service.

Renewable 100 service is sourced from California wind and solar facilities, including a new wind farm in Livermore. *Renewable 100* costs an additional one-cent per kilowatt-hour above PG&E rates. That's about five dollars more per month for a typical Dublin home.

Customers who prefer to power their home with *Bright Choice* are welcome to do so by visiting ebce.org/Dublin and clicking on "Remain on Bright Choice," or by calling 1-833-699-EBCE (3223) during business hours (9:00 a.m. to 5:00 p.m., Monday through Friday). Customers can change their EBCE service or return to Pacific Gas & Electric (PG&E) service at any time. The choice to opt-down to Bright Choice or return to PG&E service will be reflected on the PG&E bill in one to two billing cycles, depending on the timing of the customer request in relation to the meter read date.

To learn more about your electric service choices, please visit ebce.org/compare-plans-residential. Customers can also contact EBCE's call center at 1-833-699-EBCE (3223) during business hours (9:00 a.m. to 5:00 p.m., Monday through Friday).

EAST BAY COMMUNITY ENERGY

DUBLIN CALIFORNIA

City of Dublin
100 Civic Plaza
Dublin, CA 94568

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PERMIT NO. 400

CARRIER ROUTE
PRESORT

RESIDENTIAL POSTAL CUSTOMER
ECRWSS

DUBLIN
CALIFORNIA

Status of Community Default to East Bay Community Energy Renewable 100 Power

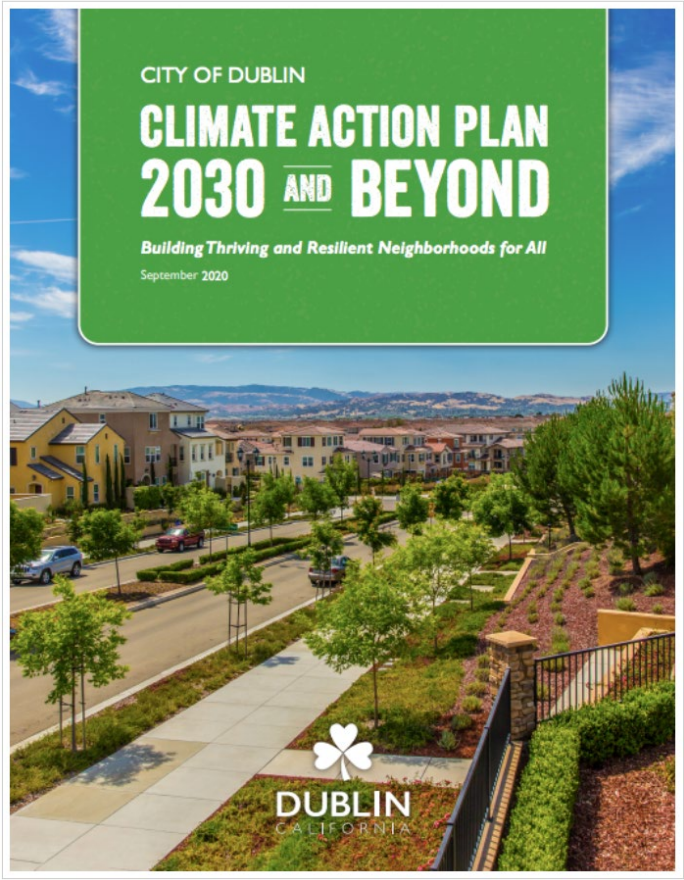
March 1, 2022

Outline

- Background
- Status of Residential Account Transition
- Consideration of Non-Residential Account Transition
- Conclusions and Next Steps

Background

- Climate Action Plan 2030 and Beyond adopted in September 2020.
- Measure CF-1 has greenhouse gas (GHG) emissions reduction potential equal to 53% of total CAP 2030 reductions.
- January 12, 2021 Resolution 04-21 adopted requesting residential enrollment in Renewable 100.



Residential Account Transition

- Residential accounts began transitioning in January 2022 with the exception of:
  - California Alternate Rates for Energy (CARE)
  - Family Electric Rate Assistance (FERA)
  - Medical Baseline Accounts
- All accounts in Pleasanton, Hayward, and Albany transitioned at the same time.

Residential Account Transition

- Outreach began with a press release issued by EBCE in November 2021.
- Direct mail, social media, print and digital ads, webinars, web pages, City Report, and tabling.

Residential Account Transition

Table 3. EBCE Residential Account Enrollment Status

	As of January 4, 2022		Change from November 2021	
	Total Eligible	Total % Move to/Stay on Bright Choice	% Opt Out	% Move to/Stay on Bright Choice
Dublin	25,126	3.20%	0.27%	3.20%
Albany	6,674	13.35%	0.21%	12.21%
Hayward	50,425	12.51%	0.19%	11.67%
Pleasanton	28,105	5.46%	0.66%	4.73%
All EBCE	608,087	1.72%	0.10%	1.58%

Consideration of Non-Residential Account Transition

- Non-residential accounts consume approximately 46.4% of total electricity used in Dublin.
- This is slightly more than 1/3 of the GHG emissions reductions remaining in total in CAP 2030.

Consideration of Non-Residential Account Transition

Table 2. Average Monthly Electricity Usage for Non-Residential Accounts in Dublin

Summary Rate & Rate Category	Accounts	Avg. Monthly Usage (kWh)	Monthly Bright Choice Avg.	Monthly Renewable 100 Avg.	Monthly Bright Choice Avg. Discount	Monthly Renewable 100 Avg. Premium	Increase
A1- Small/ Medium Commercial	193	346.5	$91.38	$95.22	$0.38	$3.47	3.8%
A1 TOU* - Small/ Medium Commercial	1,630	1,463.5	$395.40	$411.65	$1.60	$14.65	3.7%
A10 - Small/ Medium Commercial**	1	11,747	$2,819.72	$2,950.85	$13.86	$117.47	4.2%
A10 TOU – Small/ Medium Commercial	211	15,548.6	$3,641.02	$3,814.70	$18.35	$155.33	4.3%
E19 – Large Commercial	121	31,561.3	$6,215.38	$6,564.76	$33.77	$315.61	5.1%
E20P -Large Commercial**	1	754,170	$131,029.50	$139,310.28	$739.09	$7,541.69	5.8%

* TOU means time-of-use. TOU rates change based on the time of day, with higher rates during peak electricity use times, typically 4 pm to 9 pm.

** A10 and E20P rates based upon territory-wide averages, not actual Dublin accounts

Consideration of Non-Residential Account Transition

Table 4. EBCE Non-Residential Account Enrollment Status

	As of January 4, 2022		Change from November 2021	
	Total Eligible	Total % Move to/Stay on Bright Choice	% Opt Out	% Move to/Stay on Bright Choice
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Hayward	7,376	1.99%	0.10%	1.01%
Pleasanton	3,980	2.56%	0.19%	1.76%
All EBCE	65,985	4.11%	0.04%	3.93%

Conclusion and Next Steps

- With the default of residential accounts to Renewable 100, Dublin has made great strides to meet CAP 2030 goals:
  - Reduce GHG emissions by 40% below 1990 levels by 2030
  - Achieve carbon neutrality by 2045
- If City Council desires to consider transitioning non-residential accounts to Renewable 100, Staff will bring the item for adoption at an upcoming City Council meeting.

Staff Recommendation

- Receive the report and provide direction on the East Bay Community Energy default electricity power portfolio for non-residential accounts.

Agenda Item 8.1

STAFF REPORT
CITY COUNCIL

DATE: March 1, 2022

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Acceptance of Certification of Petition: Referendum Against Ordinance No. 11-21 Regarding the East Ranch Project and Required Elections Code Actions
Prepared by: Marsha Moore, MMC, City Clerk and Jordyn Bishop, Assistant City Attorney

EXECUTIVE SUMMARY:

The City Council will accept the City Clerk's Certificate of Petition certifying the sufficiency of the referendum petition against Ordinance No. 11-21 regarding the East Ranch Project and will consider either repealing Ordinance No. 11-21 or submitting Ordinance No. 11-21 to the qualified voters of the City of Dublin.

STAFF RECOMMENDATION:

Accept the City Clerk's Certificate of Petition (Attachment 1) certifying the sufficiency of the referendum petition against Ordinance No. 11-21, and take one of the following actions as required by the Elections Code:

1) INTRODUCE by title and waive the first reading of an Ordinance Repealing Ordinance No. 11-21 Which Amended the Zoning Map and Approved a Planned Development Zoning District Related State 2 Development Plan and CEQA Findings for the East Ranch Project (Attachment 2); or
2) Pass a motion providing Staff direction to return with a resolution calling and giving notice of a special election [on a specific date] or as part of the November 8, 2022 regular election for the purpose of submitting Ordinance No. 11-21 to the qualified voters of the City.

FINANCIAL IMPACT:

The estimated cost range for an all vote-by-mail special election would be $309,501-$378,279 and the estimated cost range of a special election with voting locations would be $653,391-$722,169. If the City Council decides to call a special election in Fiscal Year 21-22, Staff will bring a budget change back with the resolution calling the election. If a special election is called in Fiscal Year 22-

23, appropriate funds will be added to the budget being prepared for City Council approval in June 2022.

The November 8, 2022 general municipal election will be consolidated with the Alameda County election, and Staff has already budgeted for that election. Placing the Ordinance on this ballot would incur additional costs related to printing, typesetting, and translating the measure.

DESCRIPTION:

On December 7, 2021, the City Council introduced Ordinance No. 11-21 titled, "Amending the Zoning Map and Approving a Planned Development Zoning District with Related State 2 Development Plan and CEQA Findings for the East Ranch Project PLPA 2020-00028." Ordinance No. 11-21 was adopted by the City Council on December 21, 2021.

On December 23, 2021, pursuant to Elections Code Section 9238, subd. (b)(2)(B), a proposed summary of a referendum titled, "Referendum Against an Ordinance Passed by the City Council Ordinance No. 11-21 An Ordinance of the City Council of the City of Dublin, Amending Zoning Map and Approving a Planned Development Zoning District with Related State 2 Development Plan and CEQA Findings for the East Ranch Project, PLPA 2020-00028 (APNs 905-0002-001-01 and 905-0002-002-00)" (the "Referendum") was sent to the City Clerk by the proponent. On December 28, 2021, the City Attorney issued an approved summary to the City Clerk and the Referendum's proponent for circulation.

Pursuant to Elections Code Section 9238, subd. (b)(2)(B)(vi), the proponent had 30 days from receipt of the City Attorney's approved summary to submit the petition. The Referendum petition against Ordinance No. 11-21 was submitted to the City Clerk on January 27, 2022, within the 30-day period specified by the Elections Code. To qualify, a referendum petition must contain signatures of at least 10% of registered Dublin voters based on the last official Report of Registration to the Secretary of State. The Report of Registration at the time of filing the petition identified 34,389 registered voters, establishing the 10% threshold at 3,439.

The Referendum petition was determined to be sufficient for filing, following the City Clerk's prima facie review. The prima facie process reviews the format of all pages and sections of the petition for substantial compliance with Elections Code, and examines the information provided by all signers of the petition for completeness. The City Clerk's technical review determined the Referendum petition appeared, on its face, to comply with all formal requirements. The City Clerk then completed a prima facie review of signatures and identified 5,202 unverified signatures, meeting the required number of signatures to qualify the petition for further examination.

On January 27, 2022, the Referendum petition was delivered to the Alameda County Registrar of Voters for signature examination using the voter registration records to verify the number of valid signatures of Dublin voters. The signature examination was required to be certified by the Registrar within 30 working days from the date the petition was filed with the elections official or by March 11, 2022.

The Registrar of Voters determines the number of unverified legible signatures (in contrast to the City Clerk's prima facie review which includes both legible and illegible signatures). Performing a full check of signatures affixed to the petition as provided by Elections Code Section 9115, the Registrar of Voters determined that the petition contained the minimum number of valid signatures necessary to qualify the referendum for consideration by the City Council. On February 22, 2022, the Registrar submitted to the City Clerk a certificate of sufficiency of the petition dated February 17, 2022 (Attachment 3).

Analysis

Following certification of the Referendum petition, the Elections Code requires that the City Council either repeal Ordinance No. 11-21 in its entirety, or submit Ordinance No. 11-21 to the voters for approval.

Option to Repeal Ordinance 11-21

The first option is to repeal the entire ordinance against which the Referendum petition was filed.

If the City Council decides to repeal Ordinance No. 11-21, Staff has prepared an ordinance repealing Ordinance No. 11-21 in its entirety (Attachment 2). If the City Council decides to pursue this option, they could take action at the March 1, 2022 meeting to introduce by title and waive the first reading of an ordinance repealing Ordinance No. 11-21. If the motion passes, Staff would return at the next regular City Council meeting on March 15, 2022 to recommend waiving the second reading and adopting an ordinance repealing Ordinance No. 11-21. If adopted, the ordinance would repeal Ordinance No. 11-21 30 days after adoption. Ordinance No. 11-21 would remain suspended until then.

Should the City Council choose to proceed with repeal of Ordinance 11-21, it shall not be enacted again by the legislative body for a period of one year after the date of adoption of the ordinance repealing Ordinance No. 11-21.

Option to Call an Election to Vote on Ordinance 11-21

The other option is for the City Council to call an election for the purpose of submitting Ordinance No. 11-21 to voters of the City. The election must be held not less than 88 days from the date the election is called and can be no later than the next regular municipal election. If the City Council decides to pursue this option, the City Council should provide direction to Staff to return with a resolution calling and giving notice of a special election [on a specific date] or the November 8, 2022 regular election for the purpose of submitting Ordinance No. 11-21 to the qualified voters of the City. If the City Council directs Staff to return with a resolution for the purpose of calling an election at the next regular City Council meeting on March 15, 2022, this would require the election to be held between June 11, 2022 and November 8, 2022. The 88th day and last day to call a special election for consolidation with the June 7, 2022 primary election is March 11, 2022.

While the City Council may call a special election date other than an established election date, Staff recommends utilizing an established date to ensure the greater likelihood of sharing elections costs with other jurisdictions. Below are the estimated costs for a Standalone Special Election.

Type of Standalone Special Election	Estimated cost (Based on 34,389 registered voters)
Standalone Special Election	$19-$21 per voter or $653,391-$722,169
Standalone Vote by Mail Election	$9-$11 per voter or $309,501-$378,279

If an election is called, Ordinance No. 11-21 would remain suspended and would not become effective until a majority of the voters voting on the ordinance vote in favor of it. If a majority of the voters do not vote in favor of it, the ordinance shall not go into effect, and shall not be again enacted by the legislative body for a period of one year from the date of disapproval by the voters.

This one-year period would begin upon certification of the results of the election, the canvass for which is required to be completed by the fourth Friday following the election date, and then results must be certified by the City Council.

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The City Council Agenda was posted, and the referendum proponent was provided with a copy of this staff report.

ATTACHMENTS:

1) City Clerk Certificate of Sufficiency
2) Ordinance Repealing Ordinance No. 11-21 Which Amended the Zoning Map and Approved a Planned Development Zoning District Related State 2 Development Plan and CEQA Findings for the East Ranch Project
3) Alameda County Registrar of Voters Certificate to Petition

CITY CLERK CERTIFICATE TO PETITION TITLED, "REFERENDUM AGAINST AN ORDINANCE PASSED BY THE CITY COUNCIL ORDINANCE NO. 11-21 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUBLIN, AMENDING ZONING MAP AND APPROVING A PLANNED DEVELOPMENT ZONING DISTRICT WITH RELATED STATE 2 DEVELOPMENT PLAN AND CEQA FINDINGS FOR THE EAST RANCH PROJECT, PLPA 2020-00028 (APNS 905-0002-001-01 AND 905-0002-002-00)"

I, Marsha Moore, City Clerk for the City of Dublin, County of Alameda, State of California, herby certify that:

A petition titled, "Referendum Against an Ordinance Passed by the City Council Ordinance No. 11-21 An Ordinance of the City Council of the City of Dublin, Amending Zoning Map and Approving a Planned Development Zoning District with Related State 2 Development Plan and CEQA Findings for the East Ranch Project, PLPA 2020-00028 (APNs 905-0002-001-01 and 905-0002-002-00)," was filed in this office on January 27, 2022; and

Pursuant to Elections Code section 9237 to be sufficient, the petition must have been signed by not less than 3,439 or ten percent of the qualified registered voters of the City of Dublin according to the county elections official's last official Report of Registration to the Secretary of State; and

The Alameda County Registrar of Voters report of Registration to the Secretary of State was prepared on January 14, 2022 and showed that there were 34,389 registered voters in the City of Dublin; and

Prima facie review of the petition identified 5,202 unverified signatures affixed to the petition; and

The petition was submitted to the Alameda County Registrar of Voters for verification of signatures on January 27, 2022; and

The Alameda County Registrar of Voters conducted a line-by-line examination based on provisions in Election Code Section 9115 by examining the records of registration for Alameda County, current and in effect at the time of such signing, to determine that number of qualified voters signed the petitions and from that examination determined that the petition contained 4,635 signatures of qualified registered voters; therefore

I have determined that the referendum petition is found sufficient for the City Council of the City of Dublin to take action pursuant to the California Elections Code.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Dublin on this 23rd day of February 2022.

CITY OF DUBLIN 19 82 CALIFORNIA

Marsha Moore

Marsha Moore, MMC, City Clerk

ORDINANCE NO. XX – 22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUBLIN

REPEALING ORDINANCE NO. 11 - 21 WHICH AMENDED THE ZONING MAP AND APPROVED A PLANNED DEVELOPMENT ZONING DISTRICT WITH RELATED STAGE 2 DEVELOPMENT PLAN AND CEQA FINDINGS FOR THE EAST RANCH PROJECT

PLPA 2020-00028

(APNs 905-0002-001-01 and 905-0002-002-00)

WHEREAS, on December 21, 2021, the City Council adopted Ordinance No. 11 - 21 Amending Zoning Map and Approving a Planned Development Zoning District with Related State 2 Development Plan and CEQA Findings for the East Ranch Project, PLPA 2020-00028 (APNs 905-0002-001-01 and 905-0002-002-00); and

WHEREAS, on December 23, 2021, a referendum proponent filed a proposed summary of a referendum titled, "Referendum Against an Ordinance Passed by the City Council Ordinance No. 11-21 An Ordinance of the City Council of the City of Dublin, Amending Zoning Map and Approving a Planned Development Zoning District with Related State 2 Development Plan and CEQA Findings for the East Ranch Project, PLPA 2020-00028 (APNs 905-0002-001-01 and 905-0002-002-00)" ("Referendum"), with the City Clerk pursuant to Elections Code section 9238(b)(2)(B); and

WHEREAS, on December 28, 2021, the City Attorney issued an approved summary to the City Clerk and the proponent for circulation; and

WHEREAS, on January 27, 2022, the Referendum petition was accepted for filing following the City Clerk's prima facie review and determination that the number of signatures on the Referendum petition exceeded 3,439, the minimum number of signatures required; and

WHEREAS, on January 27, 2022, the City Clerk submitted the Referendum petition to the Alameda County Registrar of Voters for examination and a determination, from the records of registration, as to whether or not the Referendum petition was signed by the requisite number of voters; and

WHEREAS, on February 22, 2022, the Alameda County Registrar of Voters submitted to the City Clerk a Certificate to Petition dated February 17, 2022 determining that the Referendum petition contains 4,635 valid signatures of qualified registered voters in the City of Dublin and that the Referendum petition is therefore sufficient; and

WHEREAS, on March 1, 2022, the City Council accepted the City Clerk's Certificate of Petition, certifying the results of the examination and sufficiency of the Referendum petition filed; and

WHEREAS, pursuant to Elections Code section 9241, the City Council is required to submit an ordinance to the voters if it does not entirely repeal the ordinance against which a sufficient referendum petition is filed.

NOW, THEREFORE, The City Council of the City of Dublin does ordain as follows:

Section 1. Recitals. The City Council finds that the above Recitals are true and correct and are incorporated herein by reference.

Section 2. Repeal. Ordinance No. 11 - 21 Amending Zoning Map and Approving a Planned Development Zoning District with Related State 2 Development Plan and CEQA Findings for the East Ranch Project, PLPA 2020-00028 (APNs 905-0002-001-01 and 905-0002-002-00) is hereby repealed in its entirety.

Section 3. Severability. The provisions of this Ordinance are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the ordinance or their applicability to other persons or circumstances.

Section 4. Effective Date. This Ordinance shall take effect and be enforced thirty (30) days following its final adoption.

Section 5. Posting. The City Clerk of the City of Dublin shall cause this Ordinance to be posted in at least three (3) public places in the City of Dublin in accordance with Section 36933 of the Government Code of the State of California.

PASSED, APPROVED AND ADOPTED this __th day of _____ 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Mayor

ATTEST:

_____
City Clerk

REGISTRAR OF VOTERS CERTIFICATE TO PETITION

I, **Tim Dupuis**, Registrar of Voters for the County of Alameda, State of California, hereby certify that: a Petition Entitled: REFERENDUM OF ORDINANCE NO. 11-21, was filed with City Clerk of Dublin within the statutory time limit and forwarded to this office for verification on January 27, 2022; and

The petition contained **5,216** unverified signatures: and

Pursuant to California Elections Code section 9215, to be sufficient, the petition must have been signed by **3,439** qualified registered voters of the City of Dublin, that number being equal to ten percent of the total registered voters of the City at the last Report of Registration to the Secretary of State; and

I have examined, or caused to be examined, signatures on the petition pursuant to California Elections Code sections 9211 and 9115; and

Have determined that the petition contained **4,635** valid signatures of qualified registered voters in the City of Dublin based on the line-by-line examination set forth in Section 9115 (b) of the California Elections Code: and
That this number represents the total number of signatures needed to qualify the initiative; therefore

The petition is found to be sufficient to require the City Council of the City of Dublin to take the appropriate action specified in the California Elections Code.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this **17th day** of **February 2022.**

DocuSigned by:
Tim Dupuis
C504117C2A294A7...

Tim Dupuis
Registrar of Voters
County of Alameda
State of California

March 1, 2022

SB 343

Senate Bill 343 mandates supplemental materials that have been received by the City Clerk's office that relate to an agenda item after the agenda packets have been distributed to the City Council be available to the public.

The attached documents were received in the City Clerk's office after distribution of the March 1, 2022, Regular City Council meeting agenda packet.

Item 8.1

CITY MANAGER'S OFFICE MEMORANDUM

DATE: February 28, 2022

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Item 8.1: Acceptance of Certification of Petition: Referendum Against Ordinance No. 11-21 Regarding the East Ranch Project and Required Elections Code Actions

The March 1, 2022, City Council Meeting includes an item to accept certification of petition for the Referendum against Ordinance No. 11-21 regarding the East Ranch Project. After the posting of the agenda and staff report, correspondence was received from Trumark and Staff has revised their recommendation.

Attached is an updated Staff Report with the following updated recommendation:

Accept the City Clerk's Certificate of Petition (Attachment 1) certifying the sufficiency of the referendum petition against Ordinance No. 11-21, and INTRODUCE by title and waive the first reading of an Ordinance Repealing Ordinance No. 11-21 Which Amended the Zoning Map and Approved a Planned Development Zoning District Related State 2 Development Plan and CEQA Findings for the East Ranch Project (Attachment 2).

The correspondence received from Trumark has been attached to the staff report.

Agenda Item 8.1

STAFF REPORT
CITY COUNCIL

DATE: **March 1, 2022**

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Acceptance of Certification of Petition: Referendum Against Ordinance No. 11-21 Regarding the East Ranch Project and Required Elections Code Actions

Prepared by: Marsha Moore, MMC, City Clerk and Jordyn Bishop, Assistant City Attorney

EXECUTIVE SUMMARY:

The City Council will accept the City Clerk's Certificate of Petition certifying the sufficiency of the referendum petition against Ordinance No. 11-21 regarding the East Ranch Project and will consider either repealing Ordinance No. 11-21 or submitting Ordinance No. 11-21 to the qualified voters of the City of Dublin. Staff is recommending that the ordinance be repealed at the written request of the project applicant, Trumark Homes.

STAFF RECOMMENDATION:

Accept the City Clerk's Certificate of Petition (Attachment 1) certifying the sufficiency of the referendum petition against Ordinance No. 11-21, and ~~take one of the following actions as required by the Elections Code:~~ INTRODUCE by title and waive the first reading of an Ordinance Repealing Ordinance No. 11-21 Which Amended the Zoning Map and Approved a Planned Development Zoning District Related State 2 Development Plan and CEQA Findings for the East Ranch Project (Attachment 2)~~; or~~

~~2) Pass a motion providing Staff direction to return with a resolution calling and giving notice of a special election [on a specific date] or as part of the November 8, 2022 regular election for the purpose of submitting Ordinance No. 11-21 to the qualified voters of the City.~~

FINANCIAL IMPACT:

The estimated cost range for an all vote-by-mail special election would be $309,501-$378,279 and the estimated cost range of a special election with voting locations would be $653,391-$722,169. If the City Council decides to call a special election in Fiscal Year 21-22, Staff will bring a budget change back with the resolution calling the election. If a special election is called in Fiscal Year 22-23, appropriate funds will be added to the budget being prepared for City Council approval in June 2022.

The November 8, 2022 general municipal election will be consolidated with the Alameda County election, and Staff has already budgeted for that election. Placing the Ordinance on this ballot would incur additional costs related to printing, typesetting, and translating the measure.

DESCRIPTION:

On December 7, 2021, the City Council introduced Ordinance No. 11-21 titled, "Amending the Zoning Map and Approving a Planned Development Zoning District with Related State 2 Development Plan and CEQA Findings for the East Ranch Project PLPA 2020-00028." Ordinance No. 11-21 was adopted by the City Council on December 21, 2021.

On December 23, 2021, pursuant to Elections Code Section 9238, subd. (b)(2)(B), a proposed summary of a referendum titled, "Referendum Against an Ordinance Passed by the City Council Ordinance No. 11-21 An Ordinance of the City Council of the City of Dublin, Amending Zoning Map and Approving a Planned Development Zoning District with Related State 2 Development Plan and CEQA Findings for the East Ranch Project, PLPA 2020-00028 (APNs 905-0002-001-01 and 905-0002-002-00)" (the "Referendum") was sent to the City Clerk by the proponent. On December 28, 2021, the City Attorney issued an approved summary to the City Clerk and the Referendum's proponent for circulation.

Pursuant to Elections Code Section 9238, subd. (b)(2)(B)(vi), the proponent had 30 days from receipt of the City Attorney's approved summary to submit the petition. The Referendum petition against Ordinance No. 11-21 was submitted to the City Clerk on January 27, 2022, within the 30-day period specified by the Elections Code. To qualify, a referendum petition must contain signatures of at least 10% of registered Dublin voters based on the last official Report of Registration to the Secretary of State. The Report of Registration at the time of filing the petition identified 34,389 registered voters, establishing the 10% threshold at 3,439.

The Referendum petition was determined to be sufficient for filing, following the City Clerk's prima facie review. The prima facie process reviews the format of all pages and

sections of the petition for substantial compliance with Elections Code, and examines the information provided by all signers of the petition for completeness. The City Clerk's technical review determined the Referendum petition appeared, on its face, to comply with all formal requirements. The City Clerk then completed a prima facie review of signatures and identified 5,202 unverified signatures, meeting the required number of signatures to qualify the petition for further examination.

On January 27, 2022, the Referendum petition was delivered to the Alameda County Registrar of Voters for signature examination using the voter registration records to verify the number of valid signatures of Dublin voters. The signature examination was required to be certified by the Registrar within 30 working days from the date the petition was filed with the elections official or by March 11, 2022.

The Registrar of Voters determines the number of unverified legible signatures (in contrast to the City Clerk's prima facie review which includes both legible and illegible signatures). Performing a full check of signatures affixed to the petition as provided by Elections Code Section 9115, the Registrar of Voters determined that the petition contained the minimum number of valid signatures necessary to qualify the referendum for consideration by the City Council. On February 22, 2022, the Registrar submitted to the City Clerk a certificate of sufficiency of the petition dated February 17, 2022 (Attachment 3).

On Monday, February 28, the applicant for the East Ranch Project, Trumark Homes, submitted a letter to the City Council (Attachment 4) in which it requested that the City Council repeal Ordinance No. 11-21.

Analysis

Following certification of the Referendum petition, the Elections Code requires that the City Council either repeal Ordinance No. 11-21 in its entirety, or submit Ordinance No. 11-21 to the voters for approval.

Option to Repeal Ordinance 11-21

The first option is to repeal the entire ordinance against which the Referendum petition was filed.

If the City Council decides to repeal Ordinance No. 11-21, Staff has prepared an ordinance repealing Ordinance No. 11-21 in its entirety (Attachment 2). If the City Council decides to pursue this option, they could take action at the March 1, 2022 meeting to introduce by title and waive the first reading of an ordinance repealing Ordinance No. 11-21. If the motion passes, Staff would return at the next regular City Council meeting on March 15, 2022 to

recommend waiving the second reading and adopting an ordinance repealing Ordinance No. 11-21. If adopted, the ordinance would repeal Ordinance No. 11-21 30 days after adoption. Ordinance No. 11-21 would remain suspended until then.

Should the City Council choose to proceed with repeal of Ordinance 11-21, it shall not be enacted again by the legislative body for a period of one year after the date of adoption of the ordinance repealing Ordinance No. 11-21.

Option to Call an Election to Vote on Ordinance 11-21
The other option is for the City Council to call an election for the purpose of submitting Ordinance No. 11-21 to voters of the City. The election must be held not less than 88 days from the date the election is called and can be no later than the next regular municipal election. If the City Council decides to pursue this option, the City Council should provide direction to Staff to return with a resolution calling and giving notice of a special election [on a specific date] or the November 8, 2022 regular election for the purpose of submitting Ordinance No. 11-21 to the qualified voters of the City. If the City Council directs Staff to return with a resolution for the purpose of calling an election at the next regular City Council meeting on March 15, 2022, this would require the election to be held between June 11, 2022 and November 8, 2022. The 88th day and last day to call a special election for consolidation with the June 7, 2022 primary election is March 11, 2022.

While the City Council may call a special election date other than an established election date, Staff recommends utilizing an established date to ensure the greater likelihood of sharing elections costs with other jurisdictions. Below are the estimated costs for a Standalone Special Election.

Type of Standalone Special Election	**Estimated cost (Based on 34,389 registered voters)**
Standalone Special Election	$19-$21 per voter or $653,391-$722,169
Standalone Vote by Mail Election	$9-$11 per voter or $309,501-$378,279

If an election is called, Ordinance No. 11-21 would remain suspended and would not become effective until a majority of the voters voting on the ordinance vote in favor of it. If a majority of the voters do not vote in favor of it, the ordinance shall not go into effect, and shall not be again enacted by the legislative body for a period of one year from the date of disapproval by the voters.

This one-year period would begin upon certification of the results of the election, the canvass for which is required to be completed by the fourth Friday following the election date, and

then results must be certified by the City Council.

Since the applicant has requested that Ordinance No. 11-21 be repealed, Staff is recommending that the City Council take such action. As was noted above, repealing Ordinance No. 11-21 will have the same result as if the City Council placed Ordinance No. 11-21 on the ballot and the voters did not approve it. Repeal will avoid the cost and effort required to hold the election on the referendum. It should be noted, however, that the applicant's letter indicates that it will be pursuing an alternative path for obtaining approval of its housing project on the site. The December 7, 2021 staff report on the project described the limits state law imposes on the City's ability to disapprove housing projects that are consistent with applicable, objective standards. Staff believes that the applicant's statement may be a reference to those provisions of state law.

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The City Council Agenda was posted, and the referendum proponent was provided with a copy of this staff report.

ATTACHMENTS:

1) City Clerk Certificate of Sufficiency
2) Ordinance Repealing Ordinance No. 11-21 Which Amended the Zoning Map and Approved a Planned Development Zoning District Related State 2 Development Plan and CEQA Findings for the East Ranch Project
3) Alameda County Registrar of Voters Certificate to Petition
4) February 28, 2022 letter from Trumark Homes

CITY CLERK CERTIFICATE TO PETITION TITLED, "REFERENDUM AGAINST AN ORDINANCE PASSED BY THE CITY COUNCIL ORDINANCE NO. 11-21 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUBLIN, AMENDING ZONING MAP AND APPROVING A PLANNED DEVELOPMENT ZONING DISTRICT WITH RELATED STATE 2 DEVELOPMENT PLAN AND CEQA FINDINGS FOR THE EAST RANCH PROJECT, PLPA 2020-00028 (APNS 905-0002-001-01 AND 905-0002-002-00)"

I, Marsha Moore, City Clerk for the City of Dublin, County of Alameda, State of California, herby certify that:

A petition titled, "Referendum Against an Ordinance Passed by the City Council Ordinance No. 11-21 An Ordinance of the City Council of the City of Dublin, Amending Zoning Map and Approving a Planned Development Zoning District with Related State 2 Development Plan and CEQA Findings for the East Ranch Project, PLPA 2020-00028 (APNs 905-0002-001-01 and 905-0002-002-00)," was filed in this office on January 27, 2022; and

Pursuant to Elections Code section 9237 to be sufficient, the petition must have been signed by not less than 3,439 or ten percent of the qualified registered voters of the City of Dublin according to the county elections official's last official Report of Registration to the Secretary of State; and

The Alameda County Registrar of Voters report of Registration to the Secretary of State was prepared on January 14, 2022 and showed that there were 34,389 registered voters in the City of Dublin; and

Prima facie review of the petition identified 5,202 unverified signatures affixed to the petition; and

The petition was submitted to the Alameda County Registrar of Voters for verification of signatures on January 27, 2022; and

The Alameda County Registrar of Voters conducted a line-by-line examination based on provisions in Election Code Section 9115 by examining the records of registration for Alameda County, current and in effect at the time of such signing, to determine that number of qualified voters signed the petitions and from that examination determined that the petition contained 4,635 signatures of qualified registered voters; therefore

I have determined that the referendum petition is found sufficient for the City Council of the City of Dublin to take action pursuant to the California Elections Code.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Dublin on this 23rd day of February 2022.

CITY OF DUBLIN 19 82 CALIFORNIA

Marsha Moore

Marsha Moore, MMC, City Clerk

ORDINANCE NO. XX – 22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUBLIN

REPEALING ORDINANCE NO. 11 - 21 WHICH AMENDED THE ZONING MAP AND APPROVED A PLANNED DEVELOPMENT ZONING DISTRICT WITH RELATED STAGE 2 DEVELOPMENT PLAN AND CEQA FINDINGS FOR THE EAST RANCH PROJECT

PLPA 2020-00028

(APNs 905-0002-001-01 and 905-0002-002-00)

WHEREAS, on December 21, 2021, the City Council adopted Ordinance No. 11 - 21 Amending Zoning Map and Approving a Planned Development Zoning District with Related State 2 Development Plan and CEQA Findings for the East Ranch Project, PLPA 2020-00028 (APNs 905-0002-001-01 and 905-0002-002-00); and

WHEREAS, on December 23, 2021, a referendum proponent filed a proposed summary of a referendum titled, "Referendum Against an Ordinance Passed by the City Council Ordinance No. 11-21 An Ordinance of the City Council of the City of Dublin, Amending Zoning Map and Approving a Planned Development Zoning District with Related State 2 Development Plan and CEQA Findings for the East Ranch Project, PLPA 2020-00028 (APNs 905-0002-001-01 and 905-0002-002-00)" ("Referendum"), with the City Clerk pursuant to Elections Code section 9238(b)(2)(B); and

WHEREAS, on December 28, 2021, the City Attorney issued an approved summary to the City Clerk and the proponent for circulation; and

WHEREAS, on January 27, 2022, the Referendum petition was accepted for filing following the City Clerk's prima facie review and determination that the number of signatures on the Referendum petition exceeded 3,439, the minimum number of signatures required; and

WHEREAS, on January 27, 2022, the City Clerk submitted the Referendum petition to the Alameda County Registrar of Voters for examination and a determination, from the records of registration, as to whether or not the Referendum petition was signed by the requisite number of voters; and

WHEREAS, on February 22, 2022, the Alameda County Registrar of Voters submitted to the City Clerk a Certificate to Petition dated February 17, 2022 determining that the Referendum petition contains 4,635 valid signatures of qualified registered voters in the City of Dublin and that the Referendum petition is therefore sufficient; and

WHEREAS, on March 1, 2022, the City Council accepted the City Clerk's Certificate of Petition, certifying the results of the examination and sufficiency of the Referendum petition filed; and

WHEREAS, pursuant to Elections Code section 9241, the City Council is required to submit an ordinance to the voters if it does not entirely repeal the ordinance against which a sufficient referendum petition is filed.

NOW, THEREFORE, The City Council of the City of Dublin does ordain as follows:

Section 1. Recitals. The City Council finds that the above Recitals are true and correct and are incorporated herein by reference.

Section 2. Repeal. Ordinance No. 11 - 21 Amending Zoning Map and Approving a Planned Development Zoning District with Related State 2 Development Plan and CEQA Findings for the East Ranch Project, PLPA 2020-00028 (APNs 905-0002-001-01 and 905-0002-002-00) is hereby repealed in its entirety.

Section 3. Severability. The provisions of this Ordinance are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the ordinance or their applicability to other persons or circumstances.

Section 4. Effective Date. This Ordinance shall take effect and be enforced thirty (30) days following its final adoption.

Section 5. Posting. The City Clerk of the City of Dublin shall cause this Ordinance to be posted in at least three (3) public places in the City of Dublin in accordance with Section 36933 of the Government Code of the State of California.

PASSED, APPROVED AND ADOPTED this __th day of _____ 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Mayor

ATTEST:

_____
City Clerk

REGISTRAR OF VOTERS CERTIFICATE TO PETITION

I, **Tim Dupuis**, Registrar of Voters for the County of Alameda, State of California, hereby certify that: a Petition Entitled: REFERENDUM OF ORDINANCE NO. 11-21, was filed with City Clerk of Dublin within the statutory time limit and forwarded to this office for verification on January 27, 2022; and

The petition contained **5,216** unverified signatures: and

Pursuant to California Elections Code section 9215, to be sufficient, the petition must have been signed by **3,439** qualified registered voters of the City of Dublin, that number being equal to ten percent of the total registered voters of the City at the last Report of Registration to the Secretary of State; and

I have examined, or caused to be examined, signatures on the petition pursuant to California Elections Code sections 9211 and 9115; and

Have determined that the petition contained **4,635** valid signatures of qualified registered voters in the City of Dublin based on the line-by-line examination set forth in Section 9115 (b) of the California Elections Code: and
That this number represents the total number of signatures needed to qualify the initiative; therefore

The petition is found to be sufficient to require the City Council of the City of Dublin to take the appropriate action specified in the California Elections Code.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this **17th day** of **February 2022.**

DocuSigned by:
Tim Dupuis
C504117C2A294A7...

Tim Dupuis
Registrar of Voters
County of Alameda
State of California

DocuSign Envelope ID: 017B3D8A-484D-4F4C-AF0C-633432E42076

TRUMARK
Daiwa House Group

Tony Bosowski
Division President
Direct Dial: (925) 999-3966
Email: tbosowski@trumarkco.com

February 25, 2022

Via email council@dublin.ca.gov

Dublin City Council
Dublin City Hall
100 Civic Plaza
Dublin, CA 94568

Re: Referendum of Ordinance 11-21 regarding East Ranch Project
Request for Repeal of Ordinance
March 1, 2022 Council Hearing

Honorable Councilmembers:

I am writing on behalf of Trumark Homes, the applicant for the East Ranch project referenced in Ordinance 11-21. We have reviewed the recently published staff report and understand sufficient signatures have been validated on the referendum petition challenging that ordinance and that the matter will be considered by the Council at its March 1st hearing.

As the staff report explains in detail, Elections Code section 9241 gives the Council the choice either to "entirely repeal the ordinance against which the petition is filed" or place the matter on the ballot. We respectfully request that the Council repeal Ordinance 11-21.

We are of course extremely disappointed at the actions of project opponents who apparently want to see our property left undeveloped, notwithstanding its designation for housing in the General Plan and the Eastern Dublin Specific Plan for decades. This is particularly troublesome given the significant resources Trumark Homes invested in seeking approval of a housing project that provides the mid-point, rather than the maximum, of previously approved density ranges.

We appreciate the enormous efforts you and your staff have devoted to ensuring the East Ranch project would implement existing laws and policies in a way that best promotes the City's interests. However, we do not wish to allow project opponents to burden the City, its residents or Trumark Homes with the substantial costs and distractions of an election. Instead, we will be pursuing an alternative path for obtaining approval of our much needed housing project at this site. We accordingly request that the Council repeal Ordinance 11-21.

Thank you for your consideration of this matter.

Tony Bosowski

Tony Bosowski
Division President

Agenda Item 8.2

STAFF REPORT
CITY COUNCIL

DATE: March 1, 2022

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Discussion Regarding City Council Salaries
Prepared by: Marsha Moore, MMC, City Clerk

EXECUTIVE SUMMARY:

The City Council will discuss options regarding adjustments to Councilmember salaries. This item is continued from the February 15, 2022 City Council Meeting agenda.

STAFF RECOMMENDATION:

Discuss and provide direction to Staff regarding adjustments to City Council salaries.

FINANCIAL IMPACT:

Should the City Council adopt an increase at the maximum allowed by law, the financial impact of a partial year (December 2022 – June 2023), including salary-based taxes and contributions, would be an increase of $3,951.60. The full year (12 months) additional cost would be $7,903.20.

DESCRIPTION:

Government Code Section 36516(a) allows a general law city to provide a salary to City Councilmembers. An increase in compensation is allowed by ordinance, and "may not exceed an amount equal to 5% for each calendar year from the operative date of the last adjustment of salary in effect when the ordinance or amendment is enacted" (Government Code Section 36516(4)).

The City Council last adjusted salaries for the City Council in December 2020 (Attachment 1), which became effective after the November 2020 election. City Councilmembers' salary is currently set at $1,285.10 per month. Dublin Municipal Code Section 2.08.40 (Attachment 2) provides an additional $100 per month to the Mayor over the salary received as a Councilmember. The Mayor's current salary is $1,385.10 per month.

The allowable increase for calendar years 2020 through 2022 was calculated as follows:

Current compensation (established in 2020):	$1,285.10
5% increase, 2020 to 2021:	$1,349.36
5% increase, 2021 to 2022:	$1,416.82

If the maximum increase is adopted, the financial impact for a partial year (December 2022 – June 2023) including salary-based taxes and contributions would be $3,951.60. The full year (12 months) additional cost would be $7,903.20.

If it wishes to take such action, the City Council can direct Staff to prepare an ordinance for consideration. In accordance with Dublin Municipal Code Section 2.08.020B and State Law, the increase would not become effective until newly elected Councilmembers are sworn into office following certification of the November 2022 election.

The City Council could also consider:

- Increasing the salaries by an amount less than the maximum permitted by law
- Not increasing the current salary (take no action)
- Reducing current salaries
- Eliminating salaries altogether

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The City Council Agenda was posted.

ATTACHMENTS:

1) Ordinance No. 10-20 Amending Dublin Municipal Code Section 2.08.020 and Providing for an Increase in the Salary for Members of the City Council
2) Dublin Municipal Code Section 2.08.020

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ORDINANCE NO. 10 – 20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUBLIN

* * * * * * * * *

AMENDING DUBLIN MUNICIPAL CODE SECTION 2.08.020 AND PROVIDING FOR AN INCREASE IN THE SALARY FOR MEMBERS OF THE CITY COUNCIL

THE CITY COUNCIL OF THE CITY OF DUBLIN DOES ORDAIN AS FOLLOWS:

Section 1. PURPOSE

Ordinance No. 6-82 established salaries for members of the City Council, as amended by Ordinances No. 22-85, 8-87, 4-88, 3-89, 1-90, 6-91, 23-99, 7-02, 7-04, 3-06, 5-08, 2-12, 10-16 and 07-18. The purpose of this Ordinance is to modify salaries for members of the City Council in accordance with the annual cost-of-living adjustment authorized by Government Code Section 36516. The salary increase shall become effective when new Councilmembers are sworn into office following the certification of the November 2020 General Municipal Election and is payable at the same time and in the same manner as the salary paid to the officers and employees of the City. The increase in the salary from $1,211.33 a month to $1,285.10 a month amounts to an increase equal to 3% for each calendar year from December 2018 as authorized by Section 36516.

Section 2: AMENDMENT OF MUNICIPAL CODE

Section 2.08.020, Subsection A of the Dublin Municipal Code is hereby amended to read as follows: Pursuant to Section 36516 of the Government Code which provides that a City Council may enact an ordinance providing that each member of the City Council shall receive a salary which shall be determined by a schedule of population for cities, the members of the City Council shall receive a salary of one thousand two hundred eighty-five dollars and ten cents ($1,285.10) per month.

Section 3: EFFECTIVE DATE AND POSTING OF ORDINANCE

This Ordinance shall take effect and be in force thirty (30) days from and after the date of the passage. The City Clerk of the City of Dublin shall cause this Ordinance to be posted in at least three (3) public places in the City of Dublin in accordance with Section 36933 of the Government Code of the State of California.

PASSED, APPROVED AND ADOPTED this 18th day of August 2020, by the following vote:

AYES: Councilmembers Hernandez, Josey, and Kumagai

NOES: Councilmember Goel and Mayor Haubert

ABSENT:

ABSTAIN:

DocuSigned by:
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Mayor

ATTEST:

DocuSigned by:
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City Clerk

2.08.020 Salary for members established.

A. Pursuant to Section 36516 of the Government Code which provides that a City Council may enact an ordinance providing that each member of the City Council shall receive a salary which shall be determined by a schedule of population for cities, the members of the City Council shall receive a salary of one thousand two hundred eighty-five dollars and ten cents ($1,285.10) per month.

B. No Councilmember shall be eligible to receive the increase provided herein until one (1) or more Councilmembers begin a new term of office. (Ord. 10-20 § 2; Ord. 7-18 § 2; Ord. 10-16 § 2; Ord. 2-12 § 2; Ord. 17-09 § 1 (part): Ord. 5-08 § 2; Ord. 3-06 § 2; Ord. 7-04 § 2; Ord. 7-02 § 2; Ord. 23-99 § 2; Ord. 6-91 § 2; Ord. 1-90 § 2; Ord. 3-89 §§ 2, 3: Ord. 4-88 §§ 2, 3: Ord. 8-87 §§ 3, 4: Ord. 22-85 § 3: Ord. 6, 1982)

2.08.040 Mayor's salary.

The Mayor shall receive a monthly salary of one hundred dollars ($100), in addition to that which he/she receives as a Councilmember. (Ord. 17-09 § 1 (part): Ord. 13-92 § 2)

Agenda Item 8.3

STAFF REPORT
CITY COUNCIL

DATE: March 1, 2022

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Designation of Agency Labor Negotiators, Unrepresented Employee: City Manager and Unrepresented Employee: City Attorney
Prepared by: Marsha Moore, MMC, City Clerk

EXECUTIVE SUMMARY:

The City Council will consider the appointment of two Councilmembers as representatives for the City Manager's annual review and performance evaluation, including discussion of compensation matters, and two Councilmembers as representatives for the City Attorney's annual review and performance evaluation, including compensation matters.

STAFF RECOMMENDATION:

Appoint two Councilmembers as representatives for the City Manager's annual review and performance evaluation, including discussion of compensation, and appoint two Councilmembers as representatives for the City Attorney's annual review and performance evaluation, including discussion of compensation.

FINANCIAL IMPACT:

None.

DESCRIPTION:

The Brown Act allows the City Council to meet in closed session to discuss the performance of employees that report to the City Council. Additionally, it allows the City Council to meet in closed session with its designated representatives—usually referred to as "labor negotiators"—to discuss the compensation of such employees. Any final action on the proposed compensation must be taken in open session.

The City Council will consider and discuss the appointment of two Councilmembers to serve as the City's representatives for the City Manager's annual review and performance evaluation including discussion of compensation, and two members of the City Council as the City's representatives in

the performance evaluation process and in labor negotiations with the City Attorney.

It has been the City's custom for many years to appoint the labor negotiators prior to reviewing the City Manager's and City Attorney's performance. Doing so allows the negotiators to have compensation discussions with the City Manager or City Attorney during or after the review process. The negotiators have also been consulted on scheduling and process for the performance review. At the end of the process, the representatives will report their recommendation to the City Council in an open session. The last time such committees were convened was 2021; the two designated labor negotiators for the City Manager were Mayor Hernandez and Vice Mayor Josey, and the two designated labor negotiators for the City Attorney were Councilmember Kumagai and Councilmember Hu.

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The City Council Agenda was posted.

ATTACHMENTS:

None.