

**RESOLUTION INDUCING THE FINANCING OF A DISTRIBUTION,
MANUFACTURING AND WAREHOUSING FACILITY FOR THE
BENEFIT OF BARTLETT DAIRY, INC. AS A STRAIGHT-LEASE
TRANSACTION AND AUTHORIZING THE EXECUTION AND
DELIVERY OF AGREEMENTS IN CONNECTION THEREWITH**

WHEREAS, the New York City Industrial Development Agency, New York, New York (the “Agency”) is authorized under the laws of the State of New York, and in particular the New York State Industrial Development Agency Act, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended, and Chapter 1082 of the 1974 Laws of New York, as amended (collectively, the “Act”), to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial and research facilities and thereby advance the job opportunities, general prosperity and economic welfare of the people of the State of New York and to improve their prosperity and standard of living; and

WHEREAS, Bartlett Dairy, Inc. (the “Applicant”), has entered into negotiations with officials of the Agency for the renovation and equipping of a commercial facility (the “Facility”), consisting of the acquisition of an approximately 267,893 square foot parcel of land located at 154-68 Brookville Boulevard (at the corner of Rockaway Boulevard and Nassau Expressway), Jamaica, New York and the construction, furnishing and equipping of an approximately 56,000 square foot facility thereon, all for the use by the Applicant in the warehousing, distributing and manufacturing of milk and other food products, for lease to the Agency by a real estate holding company, Jughandle Realty, LLC, or another real estate holding company affiliated with the Applicant (the “Company”), and sublease by the Agency to the Company for subsequent sub-sublease in whole to the Applicant, and having an approximate total project cost of approximately \$18,393,350 (the “Project”); and

WHEREAS, the Applicant has submitted an application with respect to the Project (the “Application”) to the Agency to initiate the accomplishment of the above; and

WHEREAS, the Application sets forth certain information with respect to the Applicant and the Project, including the following: that the Applicant currently employs 35 full time equivalent employees in The City of New York (the “City”) and expects to employ approximately 147 full time equivalent in the City within the three years following the completion of the Project; that the Applicant must obtain Agency financial assistance in the form of a straight-lease transaction to enable the Applicant to proceed with the Project and thereby establish and expand its operations in the City; and that, based upon the financial assistance provided through the Agency, the Applicant desire to proceed with the Project and establish and expand its operations in the City; and

WHEREAS, the Agency held a public hearing with respect to the Project on July 11, 2019; and

WHEREAS, based upon the Application, the Agency hereby determines that Agency financial assistance and related benefits in the form of a straight-lease transaction between the Agency and the Applicant and the Company are necessary to induce the Applicant to expand its operations and proceed with the Project; and

WHEREAS, the Applicant and/or the Company have entered into or may enter into loan commitments with one or more commercial banks, institutional lenders or governmental entities lenders acceptable to the Applicant and the Agency (collectively, the “Lender”), which may provide funds to the Applicant and/or the Company in the form of a loan to finance a portion of the costs of the Project, and

the Agency and the Applicant and/or the Company will grant one or more mortgages on the Facility to the Lender (collectively, the “Mortgage”); and

WHEREAS, in order to provide financial assistance to the Applicant and the Company for the Project, the Agency intends to grant the Applicant and the Company financial assistance through a straight-lease transaction in the form of real property tax abatements, sales tax exemptions and mortgage recording tax exemptions all pursuant to the Act;

NOW, THEREFORE, NEW YORK CITY INDUSTRIAL DEVELOPMENT AGENCY HEREBY RESOLVES AS FOLLOWS:

Section 1. The Agency hereby determines that the Project and the provision by the Agency of financial assistance to the Applicant and the Company pursuant to the Act in the form of a straight-lease transaction will promote and is authorized by and will be in furtherance of the policy of the State of New York as set forth in the Act and hereby authorizes the Applicant and the Company to proceed with the Project. The Agency further determines that:

(a) the Project shall not result in the removal of any facility or plant of the Applicant or the Company or any other occupant or user of the Facility from outside of the City (but within the State of New York) to within the City or in the abandonment of one or more facilities or plants of the Applicant or the Company or any other occupant or user of the Facility located within the State of New York (but outside of the City);

(b) no funds of the Agency shall be used in connection with the Project for the purpose of preventing the establishment of an industrial or manufacturing plant or for the purpose of advertising or promotional materials which depict elected or appointed government officials in either print or electronic media, nor shall any funds of the Agency be given in connection with the Project to any group or organization which is attempting to prevent the establishment of an industrial or manufacturing plant within the State of New York; and

(c) not more than one-third of the total Project cost is in respect of facilities or property primarily used in making retail sales of goods or services to customers who personally visit such facilities within the meaning of Section 862 of the New York General Municipal Law.

Section 2. To accomplish the purposes of the Act and to provide financial assistance to the Applicant and the Company for the Project, a straight-lease transaction is hereby authorized subject to the provisions in this Resolution.

Section 3. The Agency authorizes the Applicant and the Company to proceed with the Project as herein authorized. The Applicant and the Company are authorized to proceed with the Project on behalf of the Agency in accordance with this Resolution, the Company Lease Agreement and the Agency Lease Agreement; provided, however, that it is acknowledged and agreed by the Applicant and the Company that (i) nominal leasehold title to or other interest of the Agency in the Facility shall be for purposes of granting financial assistance, and (ii) the Applicant and the Company are hereby constituted the agents for the Agency solely for the purpose of effecting the Project and neither the Agency nor any of its members, directors, officers, employees or agents (other than the Applicant, as aforesaid) shall have personal liability for any such action taken by the Applicant or the Company or any director, officer, employee, agent or affiliate of either, for such purpose.

Section 4. The execution and delivery of a Company Lease Agreement, an Agency Lease Agreement and the Mortgage (each document referenced in this Section 4 being, collectively, the “Agency Documents”), each being substantively the same as approved by the Agency for prior transactions, is hereby authorized. The Chairman, Vice Chairman, Executive Director, Deputy Executive Director and General Counsel of the Agency are each hereby authorized to execute, acknowledge and deliver each such Agency Document. The execution and delivery of each such agreement by one of said officers shall be conclusive evidence of due authorization and approval.

Section 5. The officers of the Agency are hereby designated the authorized representatives of the Agency, and each of them is hereby authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do and cause to be done any and all acts and things necessary or proper for carrying out this Resolution. The Agency recognizes that due to the unusual complexities of the transaction it may become necessary that certain of the terms approved hereby may require modifications which will not affect the intent and substance of the authorizations and approvals by the Agency herein. The Agency hereby authorizes the Chairman, Vice Chairman, Executive Director, Deputy Executive Director or General Counsel to approve modifications to the terms approved hereby which do not affect the intent and substance of this Resolution.

Section 6. The officers of the Agency and other appropriate officials of the Agency and its agents and employees are hereby authorized and directed to take whatever steps may be necessary to cooperate with the Applicant and the Company to assist in the Project.

Section 7. Any costs and expenses incurred by the Agency with respect to the Project and the financial assistance contemplated by this Resolution shall be paid by the Applicant, whether or not the Applicant proceeds with the financing of the Project as contemplated herein or financial assistance by the Agency to the Applicant, through the straight lease transaction between the Agency and the Applicant, is provided as herein authorized (other than by the sole fault of the Agency). By acceptance hereof, the Applicant agrees to pay such costs and expenses and further agrees to indemnify the Agency, its members, directors, officers, employees and agents and hold the Agency and such persons harmless against claims for any loss, liability, damage or injury or cost or expense incurred as a result of action taken by or on behalf of the Agency in good faith with respect to the Project and the financing thereof.

Section 8. This Resolution is subject to the approval of a private investigative report with respect to the Applicant and the Company. The provisions of this Resolution shall continue to be effective until one year from the date hereof whereupon the Agency may, at its option, terminate the effectiveness of this Resolution (except with respect to the matters contained in Section 7 hereof) unless prior to the expiration of such year the Agency shall by subsequent resolution extend the effective period of this Resolution.

Section 9. All covenants, stipulations, obligations and agreements of the Agency contained in this Resolution and contained in the Agency Documents shall be deemed to be the covenants, stipulations, obligations and agreements of the Agency to the full extent authorized or permitted by law, and such covenants, stipulations, obligations and agreements shall be binding upon the Agency and its successors from time to time and upon any board or body to which any powers or duties affecting such covenants, stipulations, obligations and agreements shall be transferred by or in accordance with law. Except as otherwise provided in this Resolution, all rights, powers and privileges conferred and duties and liabilities imposed upon the Agency or the members thereof by the provisions of this Resolution or any of the Agency Documents shall be exercised or performed by the Agency or by such members, officers, board or body as may be required by law to exercise such powers and to perform such duties.

No covenant, stipulation, obligation or agreement herein contained or contained in any Agency Document shall be deemed to be a covenant, stipulation, obligation or agreement of any member, director, officer, agent or employee of the Agency in his or her individual capacity thereof and neither the members nor the directors of the Agency nor any officer executing any Agency Document shall be liable personally for any amounts payable thereunder or arising from claims thereon or be subject to any personal liability or accountability by reason of the execution and delivery or acceptance thereof.

Section 10. Pursuant to the State Environmental Quality Review Act, being Article 8 of the New York State Environmental Conservation Law and the implementing regulations, the Agency, as lead agency, hereby makes the findings set forth in Exhibit A hereto and incorporated by reference herein.

Section 11. The Chairperson, the Vice Chairperson, the Secretary, the Assistant Secretary, the Executive Director and the Deputy Executive Director and the General Counsel of the Agency, and any member of the Agency, are hereby designated the authorized representatives of the Agency and each of them is hereby authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits, agreements and other documents and to do and cause to be done any and all acts and things necessary or proper for carrying out this Resolution and the Agency Documents.

Section 12. In connection with the Project, the Applicant and Company covenant and agree to comply, and to cause each of their respective contractors, subcontractors, agents, persons or entities to comply, with the requirements of General Municipal Law Sections 875(1) and (3), as such provisions may be amended from time to time.

(a) The Applicant and Company covenant and agree that pursuant to General Municipal Law Section 875(3) the Agency shall have the right to recover, recapture, receive, or otherwise obtain from the Company New York State sales or use tax savings taken or purported to be taken by the Applicant and the Company, and any agent or any other person or entity acting on behalf of the Applicant and the Company, to which the Company is not entitled or which are in excess of the maximum sales or use tax exemption amount authorized in Section 13 of this Resolution or which are for property or services not authorized or taken in cases where the Applicant and the Company, or any agent or any other person or entity acting on behalf of the Applicant and the Company, failed to comply with a material term or condition to use property or services in the manner required by this Resolution or any agreements entered into among the Agency, the Applicant and the Company and/or any agent or any other person or entity acting on behalf of the Applicant and the Company. The Applicant and the Company shall, and shall require each agent and any other person or entity acting on behalf of the Applicant and the Company, to cooperate with the Agency in its efforts to recover, recapture, receive, or otherwise obtain such New York State sales or use tax savings and shall promptly pay over any such amounts to the Agency that it requests. The failure to pay over such amounts to the Agency shall be grounds for the Commissioner of the New York State Department of Taxation and Finance (the "Commissioner") to assess and determine New York State sales or use taxes due from the Company under Article Twenty-Eight of the New York State Tax Law, together with any relevant penalties and interest due on such amounts.

(b) The Applicant and the Company are hereby notified (provided that such notification is not a covenant or obligation and does not create a duty on the part of the Agency to the Company or any other party) that the Agency is subject to certain requirements under the General Municipal Law, including the following:

(i) In accordance with General Municipal Law Section 875(3)(c), if the Agency recovers, recaptures, receives, or otherwise obtains, any amount of New York State sales or use tax savings from the Applicant and the Company, any agent or other person or entity, the Agency shall, within thirty days of coming into possession of such amount, remit it to the Commissioner, together with such information and report that the Commissioner deems necessary to administer payment over of such amount. The Agency shall join the Commissioner as a party in any action or proceeding that the Agency commences to recover, recapture, obtain, or otherwise seek the return of, New York State sales or use tax savings from the Company or any other agent, person or entity.

(ii) In accordance with General Municipal Law Section 875(3)(d), the Agency shall prepare an annual compliance report detailing its terms and conditions described in General Municipal Law Section 875(3)(a) and its activities and efforts to recover, recapture, receive, or otherwise obtain State sales or user tax savings described in General Municipal Law Section 875(3)(b), together with such other information as the Commissioner and the New York State Commissioner of Economic Development may require. Such report shall be filed with the Commissioner, the Director of the Division of the Budget of The State of New York, the New York State Commissioner of Economic Development, the New York State Comptroller, the Council of the City of New York, and may be included with the annual financial statement required by General Municipal Law Section 859(1)(b). Such report shall be filed regardless of whether the Agency is required to file such financial statement described by General Municipal Law Section 859(1)(b). The failure to file or substantially complete such report shall be deemed to be the failure to file or substantially complete the statement required by such General Municipal Law Section 859(1)(b), and the consequences shall be the same as provided in General Municipal Law Section 859(1)(e).

(iii) The foregoing requirements of this Section 12 shall apply to any amounts of New York State sales or use tax savings that the Agency recovers, recaptures, receives, or otherwise obtains, regardless of whether the Agency, the Applicant or the Company or any agent or other person or entity acting on behalf of the Applicant or the Company characterizes such benefits recovered, recaptured, received, or otherwise obtained, as a penalty or liquidated or contract damages or otherwise. The foregoing requirements shall also apply to any interest or penalty that the Agency imposes on any such amounts or that are imposed on such amounts by operation of law or by judicial order or otherwise. Any such amounts or payments that the Agency recovers, recaptures, receives, or otherwise obtains, together with any interest or penalties thereon, shall be deemed to be New York State sales or use taxes and the Agency shall receive any such amounts or payments, whether as a result of court action or otherwise, as trustee for and on account of New York State.

Section 13. In connection with the Project, the Agency intends to grant the Applicant and the Company sales tax exemptions in an amount not to exceed \$835,787, real property tax exemptions and a mortgage recording tax exemption.

Section 14. This Resolution shall take effect immediately.

ADOPTED: July 16, 2019

ACCEPTED: _____, 2019

JUGHANDLE REALTY, LLC

By: _____
Name:
Title:

BARTLETT DAIRY, INC.

By: _____
Name:
Title:

Exhibit A

NEW YORK CITY INDUSTRIAL DEVELOPMENT AGENCY FINDINGS STATEMENT PURSUANT TO THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT

1. INTRODUCTION AND DESCRIPTION OF THE PROPOSED ACTION

This Findings Statement has been prepared in accordance with Article 8 of the Environmental Conservation Law, the State Environmental Quality Review Act (SEQRA), and its implementing regulations promulgated at 6 NYCRR Part 617.

This Findings Statement sets forth the findings of the New York City Industrial Development Agency (the Agency) with respect to potential environmental impacts related to a project proposed by Jughandle Realty, LLC (the Applicant) at the intersection of Rockaway Boulevard and Nassau Expressway in Queens, NY. Bartlett Dairy, Inc. (“Bartlett”), the operating company who will be leasing the space from the Applicant, delivers dairy and other food products to a variety of customers in the tri-state area. The applicant intends to construct a 55,750 square foot warehouse and distribution facility which will include office space and a mechanics shop. The project is the relocation of Bartlett’s operations to a site that can adequately support parking for its fleet of approximately 60 trucks, as well as space to expand the warehouse to support anticipated growth.

In order to facilitate this project, the New York City Economic Development Corporation (NYCEDC)—together with the Department of Small Business Services (NYCSBS) in coordination with Jughandle Realty, LLC (the “Applicant”) sought a single demapping action. This action included the elimination of an 8.75-acre unbuilt portion of the Nassau Expressway (the “Proposed Action”) and authority to dispose of this property. This land (known as the “Project Area”) is currently shown on the official City Map as a portion of the Nassau Expressway right-of-way, and therefore required a demapping prior to development. The ULURP application (C 180517 MMQ) was approved by New York City Council on June 13, 2019 ([LU 0415-2019](#)). Subsequent to this approval, the City will sell a 6.15-acre portion of this larger 8.75-acre City-owned site to the Applicant. The larger 8.75-acre site is located immediately north of JFK Airport, between Rockaway Boulevard to the northeast, the Nassau Expressway to the south, and Lot 90 to the west. The 6.15-acre portion that will be sold to the Applicant is the eastern most portion of the larger site.

Specifically, the Applicant is seeking approval from the Agency for financial assistance consisting of exemptions from City real property taxes, City and State mortgage recording taxes, and City and State sales and use taxes.

The proposed project will allow Bartlett to return to Queens after being dislocated when the Elmhurst facility abruptly closed, bringing back the jobs that were lost to Newark when they relocated there. The tax savings will also enable Bartlett to reinvest funds in purchasing necessary equipment and fund a portion of the development while enabling Bartlett to keep the prices of its products at a competitive level.

2. DOCUMENTS RELEVANT TO THE FINDINGS STATEMENT

This Findings Statement is based on a) the JFK North Environmental Assessment Statement (EAS), dated November 30, 2018 (City Environmental Quality Review [CEQR] No. 17DME006Q); and b) the Negative Declaration, dated November 30, 2018. The EAS and Negative Declaration are both referenced via link to the [NYC MOEC website](#).

a. CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) EAS

The Mayor's Office of Environmental Coordination (MOEC) assumed lead agency status for environmental review. To implement the proposed project, the Applicant was seeking a single demapping action. The action included the elimination of an 8.75 -acre unbuilt portion of the Nassau Expressway and authority to dispose of this property. The EAS analyzed a proposed project consistent with what is being proposed now for the Agency's approval.

Pursuant to the methodology of the *2014 CEQR Technical Manual*, preliminary analyses conducted for the EAS determined that the following technical areas did not trigger CEQR thresholds and/or were found unlikely to result in significant impacts, and therefore did not require detailed analyses: land use, zoning and public policy; socioeconomic conditions; community facilities and services; open space; shadows; historic and cultural resources; urban design and visual resources; natural resources; hazardous materials, water and sewer infrastructure, solid waste and sanitation services; energy; transportation; air quality; greenhouse gas emissions and climate change; noise; public health; neighborhood character; or construction. Supplemental screening analyses were prepared for land use, zoning and public policy; historic and cultural resources; natural resources; hazardous materials; water and sewer infrastructure; transportation; air quality; noise and neighborhood character. The screening analyses determined that the proposed project is not expected to adversely affect these technical areas.

The following measures were identified in the EAS to ensure that the proposed project would not result in significant adverse impacts:

Hazardous Materials

To avoid potential significant adverse impacts related to hazardous materials, the Applicant must:

- develop and submit a Remedial Action Plan (RAP) to NYCDEP for the Proposed Project for review and approval as a closing condition. The RAP must delineate the requirements for items including: transportation and disposal of soils; soil stockpiling; dust control; air monitoring; de-watering; engineering controls; capping with concrete/asphalt and/or imported clean fill, etc. he RAP must indicate that for all areas, which will be landscaped or covered with grass (not capped), a minimum of one (1) foot of NYCDEP approved clean fill/top soil must be imported from an approved facility/source and graded across all landscaped/grass covered areas of the sites not capped with concrete/asphalt. The clean fill/top soil must be segregated at the source/facility, have qualified environmental personnel collect representative samples at a frequency of one (1) sample for every 250 cubic yards, analyze the samples for TCL VOCs by EPA Method 8260, SVOCs by EPA Method 8270, pesticides by EPA Method 8081, PCBs by EPA Method 8082, and TAL metals by a New York State Department of Health Environmental Laboratory Approval Program certified laboratory, compared to NYSDEC 6 NYCRR Part 375 Environmental Remediation Programs. Upon completion of the investigation activities, the applicant must submit a detailed clean soil report to NYCDEP for review and approval prior to importation and placement on-site. The report must include, at a minimum, an executive summary, narrative of the field activities, laboratory data, and comparison of soil analytical results (i.e., NYSDEC 6 NYCRR Part 375 Environmental Remediation Programs).
- submit a site-specific Construction Health and Safety Plan (CHASP) on the basis of possible exposure of workers and/or community to contaminants from the Proposed Project. The CHASP must identify the possible locations and risks associated with the potential contaminants that may be encountered, and the administrative and engineering controls that will be utilized to mitigate concerns.

- Soil disturbance must not occur without NYCDEP's written approval of the RAP and CHASP.
- A vapor barrier must be incorporated into the design and construction of the Proposed Project. The Applicant must include the manufacturer's specifications of the proposed vapor barrier in the RAP.

Water and Sewer Infrastructure

Since the Project Site is located in the Jamaica Bay Watershed, a drainage area of concern, the Proposed Project is required to comply with stipulations of the Jamaica Bay Watershed Protection Plan. As part of the Proposed Project, a Post-Construction Stormwater Management BMP will be implemented to meet NYCDEP and NYSDEC stormwater management criteria, so that peak discharge leaving the site will match existing conditions. As no existing connection to the stormwater sewers was identified, a NYCDEP sewer connection permit is expected. A hydraulic analysis of the existing sewer system may be needed at the time of submittal of the site connection permit application to determine whether the existing sewer system is capable of supporting higher density development and related increase in wastewater flow, or whether there will be a need to upgrade the existing sewer system. Additionally, NYCDEP Drainage Plans do not identify the Project Site as part of the drainage area of the Rockaway Boulevard sewer, therefore an amended drainage plan (ADP) may be required prior to construction. Specific determinations will be made by NYCDEP prior to granting necessary permits. Once these directions are followed by the Applicant, no significant adverse impacts on Water and Sewer Infrastructure are anticipated to occur as a result of Proposed Project.

Transportation

The Project Site is located along Rockaway Boulevard, an arterial roadway also designated as a truck route. The Project Site's existing driveway, located on Rockaway Boulevard between 145th Avenue and 145th Road, would serve as the entrance to the facility. A new driveway and curb cut would be constructed along Rockaway Boulevard between 145th Drive and 146th Avenue, and would be used for site egress (right turns out only). It is expected that trucks would enter the site by turning left from Rockaway Boulevard. As an existing median currently blocks this action, a modification would be required to allow left-turns into the site. Trucks leaving the site would exit through the main driveway or egress driveway and turn right onto Rockaway Boulevard, then access the Nassau Expressway. As a pre-closing condition, NYCEDC would require the Applicant to submit detailed plans to NYCDOT, including site plans identifying the following: all proposed site entrances, the removal/relocation of various utilities and any sidewalk appurtenances (i.e., signs, poles, fire hydrants, etc.) located less than seven feet from the outside edge of any curb cut splays, sidewalk widths, adjacent street geometry (as per AASHTO, MUTCD and DOT specifications), and the adjustment of any manholes and/or catch basins required when the median is trimmed to add a left-turn bay at the unsignalized location of Rockaway Boulevard between 145th Road and 145th Avenue.

b. NEGATIVE DECLARATION

With the adoption of the Negative Declaration on November 30, 2018, The Mayor's Office of Environmental Coordination (MOEC) determined that the proposed project would have no significant effect on the quality of the environment. The measures outline in section 2 a. above would ensure that the proposed project would not result in significant adverse impacts. No other significant effects upon the environment that would require the preparation of an Environmental Impact Statement were foreseeable.

3. NYCIDA FINDINGS

The proposed project would involve financial assistance proposed to be conferred by the Agency, which would consist of payments in lieu of New York City real property taxes and New York City and State mortgage recording taxes.

Upon reviewing the previously completed EAS and Negative Declaration, and the material provided to the Agency by the Applicant in support of the proposed action, the Agency has determined that the proposed project is comparable to the analysis framework presented and analyzed in the previously completed EAS.

The Agency finds that the EAS has made a thorough and comprehensive analysis of the relevant areas of concern under SEQRA and its implementing regulations, appropriately assessed the potential environmental and land use impacts of the EAS Proposed Action, identified measures to avoid adverse impacts to the extent practicable, and set forth appropriate conditions to be imposed as conditions of approval. Furthermore, the Agency has carefully considered the EAS and the Co-Lead Agencies Negative Declaration and finds that this document is an accurate reflection of the EAS findings related to the Proposed Action. The Board of Directors of the Agency hereby adopts and incorporates by reference the Co-Lead Agencies Negative Declaration (including the conditions therein).

Having considered the EAS and the Negative Declaration, the Agency certifies that:

- the requirements of SEQRA, including 6 NYCRR §617.9, have been met and fully satisfied;
- the Agency has considered the relevant environmental impacts, facts and conclusions disclosed in the EAS and Negative Declaration and weighed and balanced relevant environmental impacts with social, economic and other considerations;
- the proposed project has been designed and is expected to achieve goals and objectives while minimizing the potential for significant adverse environmental impacts; and that
- consistent with social, economic and other essential considerations from among the reasonable alternatives available, the proposed project would avoid or minimize adverse environmental impacts to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable in the EAS and the Co-Lead Agencies Negative Declaration.

Based on the foregoing, the Agency finds that the proposed project will not generate any additional significant adverse environmental impacts beyond those identified and analyzed in the FGEIS and therefore concludes that the preparation of a supplemental FGEIS is not required.