# Department of Conservation and Development

## County Planning Commission

## Wednesday, January 10, 2024 – 6:30 P.M.

**STAFF REPORT** **Agenda Item #____**

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|---|---|
| **Project Title:** | Appeal of a 10-lot Major Subdivision |
| **County File(s):** | CDSD21-09581 |
| **Applicant:** | Andy Byde for Calibr Ventures |
| **Owners:** | Calibr Ventures, Inc. |
| **General Plan/Zoning:** | Single-Family Residential-Low Density (SL)/ Single-Family Residential (R-20) |
| **Site Address/Location**: | 3180 Walnut Boulevard, Walnut Creek<br>APN: 180-240-002 |
| **California Environmental Quality Act (CEQA) Status:** | A Mitigated Negative Declaration was prepared for the project indicating no significant environmental impacts. (State Clearing House Number 2023060580) |
| **Project Planner:** | Dominique Vogelpohl, Project Planner (925) 655-2880<br>Dominique.Vogelpohl@dcd.cccounty.us |
| **Staff Recommendation:** | Approve Project (See Section II for Complete Recommendation) |

## I. PROJECT SUMMARY

This is an appeal of the Zoning Administrator's October 16, 2023, decision to approve a major subdivision application for a vesting tentative map to subdivide an approximate 2.88-acre project site into 10 lots ranging in size from 9,292 to 17,659 square-feet. On each new lot, a 2-story, single-family residence is expected to be constructed. The residence on Lot 4 would be restricted for-sale to a moderate-income household, therefore the project is eligible for a Density Bonus, waivers or reductions in development standards, incentives and concessions, and parking reductions

pursuant to the California Density Bonus Law, Gov. Code Section 65915. The project is seeking waivers of development standards to allow: a reduction in minimum lot size for all ten lots, a reduction in minimum average lot width for all lots except Lot 6, reduced front yard and side yard setbacks for the future development of the residences for each lot, and 0-foot accessory structure setbacks for the future development of retaining walls for each lot. The project is also seeking a concession to allow the use of gross acreage for the density calculation. The project also includes exception requests to County Code Section 96-10 that requires utilities to be undergrounded, and Section 914-12.002 that requires detention basins to be at least 15 acre-feet of storage volume. Implementation of the project includes demolition of the existing residence and detached garage, approximately 15,000 cubic yards of grading, and a Tree Permit to allow the removal of 43 onsite trees.

## II. RECOMMENDATION

The Department of Conservation and Development, Community Development Division (CDD) staff recommends the County Planning Commission:

A. UPHOLD the Zoning Administrator's approval of County File #CDSD21-09581, and DENY the appeals of William Goodwin and Kim Asher;

B. FIND that the mitigated negative declaration prepared for County File #CDSD21-09581 adequately analyzes the project's environmental impacts, that there is no substantial evidence that project will have a significant effect on the environment, and that the June 21, 2023, Mitigated Negative Declaration prepared for this project reflects the County's judgement and analysis;

C. ADOPT the June 21, 2023, Mitigated Negative Declaration (MND) and mitigation monitoring and reporting program (MMRP) prepared for this project;

D. APPROVE the Vesting Tentative Map for this project received on June 27, 2022;

E. APPROVE the attached findings and conditions of approval prepared for this project; and

F. DIRECT staff to file a Notice of Determination with the County Clerk.

## III. BACKGROUND

This application was heard at the October 16, 2023, Zoning Administrator hearing, where the Zoning Administrator received testimony from the applicant, neighbors, and

representatives of the applicant. The item was continued as an open hearing to October 16, 2023. At this hearing, the Zoning Administrator took additional testimony and approved County File #CDSD21-09581.

On October 26, 2023, neighboring property owners, William Goodwin and Kim Asher, filed timely appeals of the Zoning Administrator's decision.

## IV. GENERAL INFORMATION

A. General Plan: The project site has a Single-Family Residential-Low Density (SL) General Plan land use designation.

B. Zoning: The project site is zoned Single-Family Residential Zoning District (R-20).

C. California Environmental Quality Act (CEQA) Compliance: A CEQA Initial Study was prepared for this project. The Initial Study identified potentially significant impacts in the areas of Aesthetics, Air Quality, Biological Resources, Tribal and Cultural Resources, Geology and Soils, and Noise, and identified mitigation measures to reduce such impacts to less-than significant levels. The public review comment period for the Initial Study extended from June 21, 2023, through July 21, 2023. The comments received within the comment period are addressed under the *Environmental Review* section of this Staff Report.

## V. SITE/AREA DESCRIPTION

The project site is located in unincorporated Contra Costa County, but is surrounded by the City of Walnut Creek, with the City of Lafayette to the west, the cities of Pleasant Hill and Concord to the north, unincorporated County to the south and Mount Diablo State Park to the east. The project site is located at 3180 Walnut Boulevard at the corner of public road Walnut Boulevard and private road View Lane.

The approximately 2.88-acre project site corresponds to Accessor's Parcel Number (APN) 180-240-002. The project site is located within a residential area, and is surrounded by single-family homes. Walnut Heights Elementary School is located approximately 800 feet to the northeast. Interstate 680 (I-680) is located approximately 0.89 mile southwest of the site. The project site contains an existing vacant single-family residence with a detached garage, which would be demolished prior to project construction. The site was historically cultivated with an orchard since at least 1946.

Orchard remnants, including mature and aging pecan, almond, and walnut trees, are distributed across the site. The site also contains native oaks, with the highest density of native oaks found along the south property line. A drainage swale parallels the entire north property line, terminating in a drainage inlet at the northwest corner of the site. The project site slopes down generally from northeast to southwest, ranging in elevation from approximately 232 feet above sea level (ASL) to approximately 192 feet ASL.

## VI. PROJECT DESCRIPTION

A major subdivision application requesting approval of a vesting tentative map to subdivide an approximate 2.88-acre project site into 10 lots ranging in size from 9,292 to 17,659 square-feet. On each new lot, a 2-story, single-family residence is expected to be constructed. The residence on Lot 4 would be restricted for-sale to a moderate-income household, therefore the project is eligible for a Density Bonus, waivers or reductions in development standards, incentives and concessions, and parking reductions pursuant to the California Density Bonus Law, Gov. Code Section 65915. The project is seeking waivers of development standards to allow: a reduction in minimum lot size for all ten lots, a reduction in minimum average lot width for all lots except Lot 6, reduced front yard and side yard setbacks for the future development of the residences for each lot, and 0-foot accessory structure setbacks for the future development of retaining walls for each lot. The project is also seeking a concession to allow the use of gross acreage for the density calculation. The project also includes exception requests to County Code Section 96-10 that requires utilities to be undergrounded, and Section 914-12.002 that requires detention basins to be at least 15 acre-feet of storage volume. Implementation of the project includes demolition of the existing residence and detached garage, approximately 15,000 cubic yards of grading, and a Tree Permit to allow the removal of 43 onsite trees and work within the dripline of 17 other onsite trees.

*Density Bonus*

The Density Bonus Law (found in California Government Code Sections 65915–65918) requires cities and counties to provide incentives or other concessions to housing developments to produce housing for very low income, lower income, moderate income, or senior housing to facilitate the development of affordable housing. A density bonus is provided to housing development projects that comply with at least one of the following criteria:

- At least 5 percent of the housing units are restricted to very low-income residents.
- At least 10 percent of the housing units are restricted to lower income residents.
- At least 10 percent of the housing units in a for-sale common interest development

are restricted to moderate income residents.

Density Bonus requests are processed pursuant to Section 65915 et seq. of the California Government Code and Title 8, Division 822, Chapter 822-2 (Residential Density Bonus) of the Ordinance Code. The proposed project would restrict Lot 4 for moderate income residents, meeting the requirement that at least 10 percent of the housing units be restricted to moderate income residents. As a result, the proposed project is eligible for a density bonus pursuant to the Residential Density Bonus Ordinance of the Ordinance Code. The calculations detailed below support the proposed project's eligibility under the Density Bonus Law.

*Density Bonus Calculations*

- Project site: 2.46 net acres (proposed right-of-way and private road area is deducted)
- Gross site: 2.88 acres
- Base project: (2.88 acres) * (2.9 dwelling unit(du)/acre) = 8.35 du, fractional unit rounded to nine base units
- Target Unit(s): provide moderate income deed restricted on Lot 4
- Percent of Base Units: (1 moderate income unit)/(9 base units) = 11.1 percent, fractional unit rounded to 12 percent of base units moderate income deed restricted
- Density Bonus Result: 12 percent moderate income deed restricted unit(s) qualifies for 7 percent density bonus
- Density Bonus Calculation: (9 du) * (0.07) = 0.63 du, fractional unit rounded to 1 du; 9 du + 1du = 10 units

Because the proposed project complies with the Density Bonus Law under California Government Code Section 65915, the applicant seeks approval of a concession to utilize gross acreage for the density calculation. A concession or incentive is defined as a reduction in site development standards or a modification of zoning code or architectural design requirements, such as a reduction in setback or minimum square footage requirements; or approval of mixed-use zoning; or other regulatory incentives or concessions that result in identifiable and actual cost reductions.

The table below includes a breakdown of the lot sizes and size of each proposed home. Because the proposed project complies with the Density Bonus Law under California Government Code Section 65915, the applicant seeks approval to waivers from R-20 development standards. The applicant proposes the following development standards listed below.

## Project Summary of Alternative Development Standards

| Lot # | Lot Area (20,000 square feet minimum) | Footprint Area in square feet | Depth (120 feet minimum) | Average Width (120 feet minimum) | Front yard Setback (25 feet minimum) | Side Yard Setback (15 feet, 35 feet aggregate, minimum) | Retaining Walls (structure setbacks in feet) |
|---|---|---|---|---|---|---|---|
| Lot 1 | 9,645 | 2,483 | 145.3 | 66.4 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 2 | 10,889 | 2,533 | 168.6 | 64.6 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 3 | 11,731 | 2,913 | 174.1 | 67.4 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 4* | 10,764 | 2,533 | 150.6 | 71.5 | 1 foot to shunt turn around; 20 feet from street | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 5 | 13,270 | 2,533 | 132 | 100.5 | 20 feet to face of garage; 10 feet to living area | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 6 | 17,659 | 2,483 | 127.2 | 138.8 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 7 | 9,292 | 2,533 | 130.9 | 71 | 20 | 15 feet aggregate, (no yard | 0 |

| Lot # | Lot Area (20,000 square feet minimum) | Footprint Area in square feet | Depth (120 feet minimum) | Average Width (120 feet minimum) | Front yard Setback (25 feet minimum) | Side Yard Setback (15 feet, 35 feet aggregate, minimum) | Retaining Walls (structure setbacks in feet) |
|---|---|---|---|---|---|---|---|
| | | | | | | less than 5 feet) | |
| Lot 8 | 9,555 | 2,913 | 134.5 | 71 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 9 | 9,819 | 2,442 | 138.2 | 71 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 10 | 15,797 | 2,533 | 141.3 | 111.8 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Notes:<br>* Designated as affordable unit | | | | | | | |

*Site Access and Parking*

Regional access to the site is provided via I-680, by way of Ygnacio Valley Road. Local access to the project site would be provided via Walnut Boulevard and a new private street. The proposed project would include approximately 0.16 acres of public roadway dedication along Walnut Boulevard. Other frontage improvements would consist of approximately 927 square-feet of sidewalk improvements. The new private street would be approximately 28-feet wide, with an 8-foot parking lane on one side and 5-foot sidewalk along the southeast section of the proposed roadway, as required by Contra Costa County Fire Protection District (CCCFPD) standards. The proposed project would include an emergency vehicle access turnaround within Lot 4.

*Trees*

The site currently contains 73 trees protected under the Contra Costa Tree Protection and Preservation Ordinance. In total, 30 of the 73 existing trees would be retained

and would be protected during construction.

*Stormwater*
A single landscaped bioretention basin facility would be located within the proposed project, consistent with C.3 stormwater requirements, located on Lot 10. Stormwater generated from the site would be cleaned and retained by the bioretention basins and then placed into a stormwater system. Cleaned and retained stormwater would be released into an existing 30-inch storm drain line within Walnut Boulevard.

*Landscaping*
The proposed project would include approximately 71,948 square-feet of onsite landscaping.

*Utilities*
The proposed project would utilize existing utility connections from the following providers:

- Electricity and Natural Gas: Pacific Gas and Electric Company (PG&E)
- Potable Water: East Bay Municipal Utility District (EBMUD) – The proposed project would connect into an existing EBMUD domestic water line within Walnut Boulevard.
- Wastewater: Central Contra Costa County Sanitary District (Central San) - The proposed project would connect into an existing Central San 8-inch sewer line within Walnut Boulevard.
- Solid Waste: Republic Services

## VII. APPEAL OF THE ZONING ADMINISTRATOR'S DECISION

A. Staff's summary of appeal points and responses for appellant, Kim Asher - 3175 Walnut Boulevard, Walnut Creek (appeal letter attached to this Staff Report):

1. Appeal Point: The additional runoff created by the project will drain into the existing 30" storm drain pipe that ends up in the culvert behind 3175 Walnut Blvd, which will result in the erosion and flooding, and thus, this runoff should remain on the north side of Walnut Boulevard.

   Staff Response: As the County Public Works Department reviewed the project Storm Water Control Plan, they have provided staff response to this appeal point. The project drainage basin will discharge into the north side of Walnut Boulevard, and the storm drain inlet on the south side of the street extends across to the project site and beyond, conveying storm water runoff from 7.7 acres between Walnut Boulevard and Nob Hill Drive, in addition to half of the

subdivision site. The intent of the design is to catch and detain the runoff from the subdivision such that the resultant total runoff leaving the site is reduced to a level that the downstream drainage facilities can accommodate the runoff to the prescribed "design storm" flow rate; in this case, the "ten year" event. As Public Works finds the proposed drainage consistent with County Code Section, Division 914 – Drainage, it is able to tie into this existing storm drain inlet.

B. Staff's summary of appeal points and responses for appellant, William Goodwin – 3131 Walnut Boulevard, Walnut Creek (appeal letter attached to this Staff Report):

1. Appeal Point: The required tree replanting should be required as screening landscaping and be planted in between the neighboring properties of proposed lots 5 and 6. The trees should also be required to be a species that is fast growing and will grow large to achieve adequate screening. At least 15-20 trees would need to be planted in these areas to achieve adequate screening.

   Staff Response: Staff is not opposed to some of the conditioned tree replanting be allocated to the area described above to address this concern. However, staff does not find 15-20 trees appropriate to achieve the desired privacy screening. Overcrowding of trees can result in an unhealthy environment for tree growth, and may destabilize the new retaining walls over time from the roots. Additionally, the conditioned number of trees for replanting is 20 trees, and these trees were intended to promote pedestrian walkability by being planted along the new sidewalks for Walnut Boulevard. If the amount of trees needed to provide privacy screening cannot be accommodated by the already required 20 trees that leaves enough for Walnut Boulevard, then the condition needs to be modified to increase the required number of replanting trees.

   With this, staff is providing a recommended modification to condition of approval #23A: *Tree Replacement Plan: Prior to planning approval of a grading or building permit, the applicant shall submit a Tree Replacement Plan prepared by a licensed arborist or landscape architect for the review and approval of CDD. The Plan shall provide for the planting of at least XX trees, minimum 15-gallons in size. The Plan shall show the trees planted along Walnut Boulevard, and to provide screening between lots 5 and 6 and the neighboring properties, and shall be implemented prior to requesting a final*

*inspection of the residential building permit for each lot.*

2. Appeal Point: There are concerns regarding views and privacy with the closest point of development being 30-feet from a neighboring residence, and on average within 50-100-feet to others. Also contributing to privacy concerns is the grading creating a "hill" where the new residences will be located, approximately 30-feet higher than the lowest neighboring property. Therefore, the property should be graded down approximately 30-feet so the new properties will be about the same grade as the neighboring properties.

   Staff Response: The proposed residential development is not expected to have a negative effect on views or privacy due to the proposed locations of the residences. The project is not requesting any waivers to the 15' minimum rear yard setback requirement (yard areas for lots 1-5 that are adjacent to neighboring properties), or to the 20' minimum secondary frontage setback requirement (yard areas for lots 6-10 that are adjacent to neighboring properties off View Lane). Additionally, the proposed building footprints more than surpass these setback minimums. Also, using topographic maps and County GIS mapping tools, staff also found the closest point of a proposed residence to a neighboring residence to be approximately 65' (lot 4), and on average 97' from the closest neighboring residence. If the proposed development the appellant is referring to is the retaining walls, these walls are necessary due to the existing topography of the project site detailed further below.

   With respect to grading, the project proposes approximately 7,800 cubic yards of cut, but will redistribute that dirt onsite, making the net total zero. The fill is not creating a significant difference in grade as the project site is already a hillside. The elevation of the north end of the property is approximately 190', at the middle of the property is approximately 215', and going back down to the southern end is approximately 200'. The fill is only being used to level off the building pads and yard areas for each lot. Per the project's topographic plans, for the north end of the property lot 5 has the tallest level of fill at 210', but the neighboring properties are at an elevation of approximately 200-2020'. For the south end lot 6 is the tallest at 216', but the neighboring residences are on average over 100' away due to View Lane being between the project site and the neighboring properties. If the project were required to be at the same elevation as the lowest neighboring properties, tons of dirt would have to be hauled offsite, and these potential environmental impacts have not been properly analyzed, but does have the

potential to negatively impact air quality and road conditions. Lastly, staff required the project to provide evidence that even when there are areas of fill the overall building height is not taller than the maximum allowed 35'. The attached House Height Exhibit shows the tallest building height at 34.8', but the average height is 32'.

3. Appeal Point: The project hydrology report is incorrect. Also, the area along the north and west property lines of the project site is a "creek bed" and not a "drainage swell" as described in the mitigated negative declaration. The proposed bioretention basin is insufficient. A third-party report should be required to peer review the hydrology analysis prepared for this project to prevent flooding of neighboring properties.

   Staff Response: The County Public Works Department reviewed the preliminary Storm Water Control Plan (SWCP) and Hydrologic and Hydraulic Analysis and found it supported the runoff mitigation claims of the basin design. A final SWCP and a Stormwater Control Operation and Maintenance Plan (O+M Plan) will be reviewed and approved by Public Works prior to issuance of permits, and will be reviewed for compliance with the County's National Pollutant Discharge Elimination System (NPDES) Permit and the County's Stormwater Management and Discharge Control Ordinance. Therefore, staff does not find it appropriate to require a peer review of these reports.

   Lastly, County GIS mapping systems do not show any creeks on or along the boundaries of the project site. In addition, the State Clearing house distributed the mitigated negative declaration to the California Department of Fish and Wildlife, among a number of other State agencies, and none commented on this project to date.

## VIII. AGENCY COMMENTS

A. Public Works Department, Engineering Services Division (PW): In a memo dated July 10, 2023, PW provided their analysis of the project conditions of approval (COAs). All COAs have been incorporated as COAs for this project.

B. Conservation and Development, Building Inspection Division: In a returned Agency Comment Request form dated July 28, 2021, Building stated they had no comments.

C. Conservation and Development, Housing and Community Improvement: In a memo received on July 17, 2023, Housing provided the requirements of the Inclusionary Housing Ordinance that is a condition of approval for the project.

D. Conservation and Development, Transportation Planning Division: In a memo dated February 18, 2022, Transportation provided analysis on projected Vehicle Miles Traveled (VMT) and Level of Service (LOS) and indicated the requirements of the County's Complete Streets Policy. These comments are addressed in the Traffic section of the attached Findings report.

E. Contra Costa County Fire Protection District (CCCFPD): In a letter dated July 22, 2021, the Fire District stated development must be compliant with the fire and building codes, and local and County Ordinances and adopted standards. These requirements are present in the Vesting Tentative Map attached to this Staff Report, and approval from the Fire District is required prior to issuance of a building permit for residential construction to ensure compliancy with all applicable codes and ordinances.

F. Contra Costa Health Services, Environmental Health (CCEH): In a letter dated July 7, 2021, CCEH stated that a permit from Environmental Health would be required for any well or soil boring, or for any abandoned wells and septic tanks, which must be destroyed; and recommended that project be served by public sewer and water, which this subdivision will be.

G. Central Contra Costa Sanitary District: In an email dated July 7, 2021, the Sanitary District stated the project site is within their service area and sanitary sewer service is available to the project site, and would not be expected to produce an unmanageable added capacity demand on the wastewater system, nor interfere with existing, public facilities. The developer will need to construct an 8-inch diameter onsite public main sewer and private laterals. The Sanitary District's review and approval of all sewer improvements is required prior to construction.

H. East Bay Municipal Utility District (EBMUD): In a letter dated July 6, 2023, EBMUD stated water main extension will be required, and each parcel to be provided

domestic service and its own service connection and meter will require EBMUD review and approval prior to water service, which will include all applicable water efficiency measures under Section 31 of EBMUD's Water Regulations.

I. County Geologist, Darwin Myers Associates (DMA): In a letter dated July 21, 2021, DMA evaluated the adequacy of the project geotechnical report, and recommended Geology mitigation measures for the CEQA Initial Study/Mitigated Negative Declaration. These mitigation measures are included in the conditions of approval.

J. California Historical Resources Information System (CHRIS): In a letter dated July 23, 2021, CHRIS provided their comments on the proposed project indicating that there are no records of previous cultural resource, recommends lead agency contact the local Native American Tribe, the project site has a low possibility of containing unrecorded archaeological site.

K. Native American Tribe Wilton Rancheria: Notification of an opportunity to request consultation and a copy of the CEQA Initial Study/Mitigated Negative Declaration was submitted to the Wilton Rancheria on September 21, 2021. The Wilton Rancheria requested to be contacted if any findings are unearthed due to, ". . . the importance of this location to our tribe and its former use for both occupation and burial as indicated by nearby archaeological records and Cultural Resource Inventories." There was no request for consultation received in response to the notice.

L. Native American Tribe Confederated Villages of Lisjan Nation: Notification of an opportunity to request consultation and a copy of the CEQA Initial Study/Mitigated Negative Declaration was received by the Confederated Villages of Lisjan Nation on January 7, 2023. The Lisjan Nation requested to review a Sacred Lands File search if one had been conducted. Staff provided the Lisjan Nation the Archeological Survey Report prepared by Garcia and Associates (GANDA) which did include a Sacred Lands File search for the project, and the results were negative. The Lisjan Nation stated they had no additional information to add, and requested to be contacted if any findings are unearthed. There was no request for consultation received in response to the notice.

No comments were received from the City of Walnut Creek or the Contra Costa Mosquito & Vector Control District.

All comments received are attached to this Staff Report.

## IX. ENVIRONMENTAL REVIEW

Staff conducted an Initial Study (IS) assessment of potentially significant adverse environmental impacts that could result from the proposed 10-lot subdivision project. Staff determined that although the proposed project could have some environmental impacts, these impacts would be reduced to a less than significant level. Thus, a Mitigated Negative Declaration (MND) was prepared and published for the proposed project. The public review period for the MND started on June 21, 2023, and ended on July 21, 2023. The comments received are responded to below:

1. Wildlife: All special-status animal species that have the potential to be onsite were assessed in the Biological Resource Analysis (BRA) Report, dated in July 2021, and subsequent BRA Report, dated May 2022, prepared by Olberding Environmental, Inc. Potential impacts to biological resources were assessed in the attached mitigated negative declaration (MND) with the use of the BRA reports, and resulted in Mitigation Measures (MM) BIO-1 through MM BIO-3, which include requirements for pre-construction avian surveys, pre-construction bat surveys, and pre-construction reptile surveys and impact avoidance. Implementation of MM BIO-1 and MM BIO-2 require pre-construction surveys for avian and bat species to ensure their nests or roosts are not impacted by project construction. Implementation of MM BIO-3 requires a pre-construction survey for special-status reptile species (including Alameda whipsnake) to ensure no special-status reptile species would be impacted by project construction.

   The project site contains potentially sensitive natural communities identified by the California Department of Fish and Wildlife (CDFW) in the form of riparian habitat and an adjacent ephemeral drainage. However, these sensitive habitats would be avoided and no direct impacts to sensitive natural communities would result from project construction. Furthermore, implementation of MM BIO-4 through MM BIO-6 would reduce potential indirect adverse impacts to onsite sensitive natural communities to less than significant levels by avoiding work in riparian habitat and on-site aquatic features, implementing erosion control measures, and the prevention of substances toxic to fish and wildlife from leaching into riparian habitat or sensitive natural communities.

2. Tree removal: As the construction of the proposed project requires the removal of trees subject to the Contra Costa County Tree Protection and Preservation Ordinance, the applicant would be required to prepare and implement a tree replacement plan. In addition, remaining trees that are proposed for preservation on the project site would be preserved through the implementation of the tree preservations guidelines identified and outlined in the project Arborist Report. Implementation of MM BIO-7, which requires the project applicant to implement a tree replacement plan, and MM BIO-8 requiring the project applicant to implement tree preservation guidelines during construction, will mitigate the potential impacts from tree removal.

   With respect to potential land instability due to tree removal, structural review includes review and approval of a site-specific geotechnical report, and onsite inspection during construction will ensure construction follows approved structural drawings and geotechnical engineer's recommendations. Also, required tree replacement and landscaping will aid in building back any lost soil stability due to tree removal.

3. Traffic congestion and safety: The MND thoroughly evaluated potential safety issues that would result from the proposed project. The proposed project would comply with applicable County General Plan policies outlined in the Public Safety Element. The project consisting of the future construction of 10 single-family dwelling units would anticipate generating an additional seven AM and ten PM new peak period trips, and therefore, does not require a project-specific traffic impact analysis. The project includes installation of a stop sign for vehicles leaving the proposed development. Also, the provided reports that were prepared by County Public Works only show data collected of average traffic speeds throughout the day for Walnut Boulevard; it is not a traffic study that can assist in traffic analysis for this project.

   The project is also consistent with the County's Complete Streets Policy, adopted by the Contra Costa County Board of Supervisors on July 12, 2016, with the requirements of new sidewalks along the new private road and the property's frontage along Walnut Boulevard, providing pedestrian safety. The Public Works department would not be able to require additional sidewalks as the project is not at a magnitude to warrant additional frontage improvements beyond the property frontage.

4. Privacy: 31 trees will remain and would serve as a barrier between the proposed homes and existing homes surrounding the project site. Furthermore, the

proposed project would include a 6-foot-tall fence surrounding the sides and rear of each home, which would further screen views of the site from existing homes in the neighborhood. Also, the required tree replanting plan could be utilized to further promote privacy between properties.

5. Flooding and drainage: Drainage and the project Storm Water Control Plan were reviewed by the County Public Works Department and found to be adequate as described in their report found under sections IX(G-H) of this Staff Report. The Public Works department is also recommending approval of the exception request for the project detention basin due to the small size of the project site and the lack of public entity to maintain such a facility. Public Works supports the granting of this exception and allowing the responsible individual(s) to maintain it along with their obligation to maintain the stormwater management aspects of the basin

6. Undergrounding utilities: Frontage improvements and undergrounding utilities were reviewed by the County Public Works Department and found to be adequate as described in their report found under sections IX(F) of this Staff Report. The Public Works department is also recommending approval of the exception request to underground utilities to the existing power pole located at the southwest corner of the property. All services will remain in place as is with minimal disruptions to neighboring properties. The guy wire supports will not encroach into neighboring yards as is the case with undergrounding. In addition, undergrounding the lines crossing Walnut Boulevard would cause a traffic burden on the community during construction. Therefore, Public Works supports the granting of this exception as leaving the existing overhead utility lines in place will not be detrimental to the public welfare.

7. Light pollution: Lighting impacts were analyzed in MND Aesthetics section, which found that new sources of light and glare would originate from internal and external housing lights and car headlights. MM AES-1 would require a Lighting Plan that would ensure all lighting is reasonable oriented onto the subject property.

8. Strain on public services: The MND determined that all new utility infrastructure that would serve the proposed project will be able to adequately serve the new development. This is also supported by the individual agency comment letters provided to staff that are attached to this Staff Report.

9. Does not meet the R-20 development standards: As previously stated in this report, the project is eligible for a Density Bonus, waivers or reductions in development standards, and incentives and concessions, pursuant to the California Density

Bonus Law, Gov. Code Section 65915. The State Density Bonus Law provides for unlimited number of waivers of development standards in order to construct the project at the proposed density. (Gov. Code, § 65915(b)(1), (e)(1)) Where a development standard would physically prevent the project from being built at the permitted density and with the granted concessions/incentives, the developer may propose to have those standards waived or reduced. As such, waivers to development standards like the ones being requested with this subdivision can be permitted. Also, there were comments stating these reductions in development standards were variances, but these are waivers as defined under Density Bonus Law and not variances. This distinction needs to be made to understand the nature in which they can be requested and permitted.

10. Does not comply with the density requirements of the General Plan: As previously stated in this report, the project is eligible for a Density Bonus, waivers or reductions in development standards, and incentives and concessions, pursuant to the California Density Bonus Law, Gov. Code Section 65915. As the project is eligible for density bonus it is allotted one concession to a development standard, and the applicant requests a concession to the development standard "net acreage" to instead use gross acreage in calculating density. Using gross acreage (2.88 acres) * (2.9 dwelling unit(du)/acre) = 8.35 du, fractional unit rounded to nine base units. When calculating density using density bonus with nine base units: (9 du) * (0.07 density bonus) = 0.63 du, fractional unit rounded to 1 du; 9 du + 1du = 10 units. Therefore, a 10-lot subdivision is consistent with the allowed density for the SL General Plan designation.

    6 additional comment letters were provided after the public comment period for the environmental document, the MND, closed. The same comments and concerns raised during the MND public comment period were conveyed in these additional comment letters. There was one new comment that stated this area is subject to a cap on 2 stories homes, but this is not a code or policy appliable to the County or the City of Walnut Creek. There was also one comment letter in support of the project.

    All comment letters, including those submitted directly to the Zoning Administrator, are attached to this Staff Report.

## X. STAFF ANALYSIS

A. State Density Bonus Law Analysis: The State Density Bonus Law (Gov. Code §§ 65915-65918) incentivizes the building of affordable housing by granting

developers "a density increase over the otherwise maximum allowable gross residential density," as well as other incentives or concessions, waivers of development standards, and parking ratio reductions in return for a commitment to provide affordable housing as part of a development project. If the developer meets the requirements of section 65915, a city or county must award a density bonus. (Gov. Code, § 65915(b))

The residence on Lot 4 would be restricted for-sale to a moderate-income household (12% of 9 base lots), therefore the project is eligible for a Density Bonus, waivers or reductions in development standards, incentives and concessions, and parking reductions under the California Density Bonus Law, Gov. Code Section 65915, subdivision (b)(1)(D). By providing one lot of the nine base units for sale to a moderate-income household, the project qualifies for a 7% density bonus, resulting in one additional unit (9 du x.07 = 9.63, which rounds up to 10). Please note, Government Code section 65915, subdivisions (f)(5) states, "All density calculations resulting in fractional units shall be rounded up to the next whole number." Additionally, subdivision (q) states that "Each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number."

Lastly, Density Bonus Law (Gov. Code § 65915(d)(1)) specifies the only circumstance under which a requested incentive or concession may be denied is the following:

(A) The concession or incentive does not result in identifiable and actual cost reductions.

The requested concession would increase the unit count from 9 to 10 units and would therefore reduce the subdivision improvement costs on a per unit basis. As such, this finding cannot be made.

(B) The concession or incentive would have a specific, adverse impact upon public health and safety and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.

The Mitigated Negative Declaration for this project identifies mitigation measures to reduce any potential impacts bought on by the project to less-than significant levels. The project as conditioned will mitigate any potential impacts on the area, so the project is not anticipated to have an adverse impact upon public health and safety and for which there is no feasible method to satisfactorily mitigate. As a result, this finding cannot be made.

(C) The concession or incentive would be contrary to state or federal law.

The project does not conflict with any other state or federal law.

Furthermore, the Density Bonus Law (Gov. Code § 65915(e)(1)) states "In no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section." The applicant has requested waivers of development standards for lot size and setbacks. The applicant has stated that application of these development standards would physically preclude the construction of the project, at its proposed density, as well as the proposed moderate-income unit.

B. General Plan Consistency: The General Plan land use designation for the project site is Single-Family Residential-low Density (SL). The project is to subdivide approximately 2.88 acres into 10 residential lots and have a new private road off Walnut Boulevard provide access to all 10 lots. The primary land uses permitted in this designation include detached single-family homes and accessory buildings and structures. As the project will result in single-family residential properties, the project is consistent with the allowed uses of this general plan designation.

The General Plan also determines the allowed density for an area. The General Plan land use designation of Single-Family Residential-Low Density (SL) allows 1.0 – 2.9 units per net acre. However, as the project is eligible for density bonus it is allotted one concession to a development standard, and the applicant requests a concession to the development standard "net acreage" to instead use gross acreage in calculating density. Using gross acreage (2.88 acres) * (2.9 dwelling unit(du)/acre) = 8.35 du, fractional unit rounded to nine base units. When

calculating density using density bonus with nine base units: (9 du) * (0.07 density bonus) = 0.63 du, fractional unit rounded to 1 du; 9 du + 1du = 10 units. Therefore, a 10-lot subdivision is consistent with the allowed density for the SL General Plan designation.

Also, the following goals and policies within the County 2005-2020 General Plan are applicable to the project:

Transportation and Circulation Element - The project is consistent with the following General Plan Transportation and Circulation Element goal and policies.

*Goal 5-J: To reduce single-occupant auto commuting and encourage walking and bicycling.*

*Policy 5-16: Curbs and sidewalks shall be provided in appropriate areas.*

*Policy 5-17: Emergency response vehicles shall be accommodated in development project design.*

The Complete Streets Policy, adopted by the Contra Costa County Board of Supervisors on July 12, 2016, requires Complete Streets infrastructure sufficient to enable reasonably safe travel along and across the right of way such as streets, roads, highways, bridges, and other portions of the transportation system. The subdivision project includes a private street and a 5-foot sidewalk on one side of its curb to provide access for pedestrians to Walnut Boulevard, which will also receive new frontage improvements and 5-foot sidewalks. Therefore, the overall surrounding circulation system will be consistent with the Complete Streets policy.

The project has also been reviewed by the Contra Costa County Fire Protection District to verify the project is designed to accommodate proper access for emergency response vehicles. In a letter dated July 22, 2021, the Fire District found the project to meet such access standards.

Housing Element - The project is consistent with the following General Plan

Housing Element goals and policy.

*Goal 1: Maintain and improve the quality of the existing housing stock and residential neighborhoods in Contra Costa County.*

As the project increases the housing stock in a residential neighborhood, it is consistent with this goal of the General Plan.

C. Zoning Compliance: The project would be considered consistent with the R-20 Single-family residential zoning district as a result of the utilization of the Density Bonus, pursuant to Government Code sections 65915(j)(1) and 65915(C)(5) and County Ordinance Code Section 822-2. The State Density Bonus Law provides for unlimited number of waivers of development standards in order to construct the project at the proposed density. (Gov. Code, § 65915(b)(1), (e)(1)) Where a development standard would physically prevent the project from being built at the permitted density and with the granted concessions/incentives, the developer may propose to have those standards waived or reduced.

The applicant is seeking waivers of development standards pertaining to:

- a reduction in minimum lot size for Lots 1-10;
- a reduction in the minimum average lot width for Lots 1-10 except for Lot 6;
- a reduction in minimum front yard and side yard setbacks for the future development of the residences for Lots 1-10; and
- 0-foot accessory structure setbacks for the future development of retaining walls for Lots 1-10.

The proposed lot sizes, average lot width, depth, and setbacks, are shown in the following table. The project is seeking these reductions and waivers as application of the required standard would physically preclude the development of the project at the proposed density with the proposed one moderate income unit and with the application of the available incentives, concessions, and density bonus.

| Lot # | Lot Area (20,000 square feet minimum) | Footprint Area in square feet | Depth (120 feet minimum) | Average Width (120 feet minimum) | Front yard Setback (25 feet minimum) | Side Yard Setback (15 feet, 35 feet aggregate, minimum) | Retaining Walls (structure setbacks in feet) |
|---|---|---|---|---|---|---|---|
| Lot 1 | 9,645 | 2,483 | 145.3 | 66.4 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 2 | 10,889 | 2,533 | 168.6 | 64.6 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 3 | 11,731 | 2,913 | 174.1 | 67.4 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 4* | 10,764 | 2,533 | 150.6 | 71.5 | 1 foot to shunt turn around; 20 feet from street | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 5 | 13,270 | 2,533 | 132 | 100.5 | 20 feet to face of garage; 10 feet to living area | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 6 | 17,659 | 2,483 | 127.2 | 138.8 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 7 | 9,292 | 2,533 | 130.9 | 71 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 8 | 9,555 | 2,913 | 134.5 | 71 | 20 | 15 feet aggregate, | 0 |

| Lot # | Lot Area (20,000 square feet minimum) | Footprint Area in square feet | Depth (120 feet minimum) | Average Width (120 feet minimum) | Front yard Setback (25 feet minimum) | Side Yard Setback (15 feet, 35 feet aggregate, minimum) | Retaining Walls (structure setbacks in feet) |
|---|---|---|---|---|---|---|---|
| | | | | | | (no yard less than 5 feet) | |
| Lot 9 | 9,819 | 2,442 | 138.2 | 71 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 10 | 15,797 | 2,533 | 141.3 | 111.8 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Notes:<br>* Designated as affordable unit | | | | | | | |

D. County Tree Protection and Preservation Ordinance: The County Tree Ordinance provides for the protection of certain trees by regulating tree removal while allowing for reasonable development of private property. The project Arborist Report prepared by certified arborist Jennifer Tso (#WE-10270A) and dated January 10, 2023, provides an inventory and evaluation of all trees on and adjoining the project site that may be impacted by the proposed project. A total of 73 trees were surveyed, numbered, tagged, identified, measured, and evaluated. A total of 43 code-protected trees would be removed, and work would occur within the dripline of 17 additional code-protected trees. There were 16 tree species inventoried, but only 3 species are listed in the County Tree Ordinance under the indigenous species list: 26 Valley Oaks, 13 California Black Walnut trees, and 2 Coast Redwoods. The other tree species include: 7 Almond trees, 5 Holly Oaks, 4 English Walnut trees, 2 Monterey Pines, 4 Privets, 1 Elm, 1 English Hawthorn, 1 Olive tree, 1 Pepper tree, and 7 various fruit trees.

Tree removal and work under the dripline is due to development of the proposed project. The arborist report indicates these trees cannot be avoided and are not

expected to survive, thus, requiring removal. Four trees to be removed are due to poor health condition (a California Black Walnut, 2 Almond trees, and a Plum tree). In addition, remaining trees that are proposed for preservation on and adjacent to the project site would be preserved through the implementation of the tree mitigation measures described in the arborist report. These mitigation measures will be required to be in place throughout the entire construction period.

E. Inclusionary Housing Ordinance: The project is subject to County Ordinance Code, Chapter 822-4, Inclusionary Housing Ordinance. Terms and definitions regarding the Inclusionary Housing Ordinance are pursuant to this chapter. Pursuant to Section 822-4.402(b) of the County Ordinance Code, a residential development of five or more for-sale units shall require at least fifteen percent of the for-sale units to be developed and sold as affordable units. At least twenty percent of the inclusionary units shall be sold at an affordable price to lower-income households. The remaining units shall be sold to moderate-income families at an affordable price.

1. For-Sale Inclusionary Housing and Partial In-Lieu Fee: The applicant, owner, and/or developer (Applicant) is required to construct 1.35 affordable units (9 total base units x 0.15 of total = 1.35 units) for the project. The Applicant has submitted a revised project proposal that included an Inclusionary Housing Plan and density bonus request dated March 22, 2022, that proposed to construct one for-sale moderate income inclusionary unit (affordable to households with an income up to 120% of Area Median Income) on Lot 4 of the property. The unit on Lot 4 is an approximately 2,533-square-foot single-family detached home consisting of four bedrooms. The one moderate-income unit proposed for compliance with the Inclusionary Housing Ordinance requirements is the same moderate-income unit required for compliance with the Density Bonus request. This unit may be referenced as inclusionary unit, density bonus unit, or both in these conditions. The requirements for the one moderate-income unit must comply with both the Inclusionary Housing Ordinance and State Density Bonus law, and the most restrictive requirements would apply.

The Applicant has proposed to pay a partial in-lieu fee for the fractional 0.35 inclusionary unit, and the County has accepted this proposal. The current calculation of the partial in-lieu fee for the fractional inclusionary unit is $15,444.00. The final calculation of the in-lieu fee will be calculated upon payment. This in-lieu fee is non-refundable and non-transferable. A partial in-lieu fee of $15,444.00 will be paid for the fractional .35 unit (.35 = 26% of the fee total of $59,401. 26% of this fee = $15,444.00).

2. Density Bonus Request: The Applicant submitted a revised project description which included a density bonus request dated March 22, 2022, which proposed constructing ten percent of the total dwelling units of a housing development where all units are offered to the public for purchase. The Applicant proposed constructing one moderate-income unit, constituting eleven percent of the total for-sale units in the development.

F. Traffic and Circulation: The site gains access off Walnut Boulevard, a County maintained road. The segment of Walnut Boulevard that fronts the property is approximately 32-feet of pavement within a 50-foot right of way. The ultimate road is intended as 44 feet of pavement within a 64-foot right-of-way. The applicant will be required to dedicate an additional 7 feet of right of way and install curb, a 5-foot sidewalk pavement widening and appurtenant frontage improvements along the project frontage of Walnut Boulevard. The face of curb shall be located 10 feet from the widened right of way line.

There is an existing power pole located at the southwest corner of the property that will conflict with the required frontage improvements. Section 96-10.002 of the County Ordinance Code requires subdividers to underground utility distribution facilities along the project frontage. The applicant proposes to maintain the pole in its existing place and taper the width of the road as it approaches the pole. On July 7, 2022, our office received an exception request per Chapter 92-6 of said Code, from the requirement to underground existing utilities. The request for exception includes the following responses in support of the finding required for the granting of the exceptions:

1) That there are unusual circumstances or conditions affecting the property.

The existing utility poles supporting the overhead lines along the frontage of the project contain electric service from PG&E and various utility services including AT&T, Comcast, and Wave Cable. The existing poles have services branching to an unknown number of homes on Walnut Boulevard and View Lane. In addition, the overhead lines connect to the poles at an unusual angle. Undergrounding of the lines would result in new guy wires extending into the front yard of neighboring properties which would significantly impact neighboring properties.

2) That the exception is necessary for the preservation and enjoyment of the substantial right of the applicant.

   As discussed above, the alignment and angles of the overhead lines connecting to the utility poles present challenges for undergrounding. Additional guy wires and supports will be added encroaching into the neighboring properties that are not a part of this project.

3) That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

   Leaving the existing overhead utility lines in place will not be detrimental to the public welfare. All services will remain in place as is with minimal disruptions to neighboring properties. The guy wire supports will not encroach into neighboring yards as is the case with undergrounding. In addition, undergrounding the lines crossing Walnut Boulevard will cause a traffic burden on the community during construction.

Given the existing site conditions, Public Works will not be averse to the granting of this exception to allow the existing facilities to remain overhead, but the existing pole within the ultimate travel way will need to be relocated behind the sidewalk. In the event the western adjacent property redevelops, or the sidewalk is extended as a safe route to the nearby school, the curb alignment and travel way should not be encumbered by a utility pole.

The on-site private road is proposed to be 28 feet wide with a 5-foot sidewalk along one side for a total width of 33 feet. A minimum 35-foot private access and utility easement should be required to include the back of curb and buffer to back of walk for maintenance access. Additional easement width may be necessary to accommodate utility vaults and appurtenances.

G. Drainage: Division 914 of the County Ordinance Code requires that all storm water entering and/or originating on this property to be collected and conveyed, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having a definable bed and banks or to an existing adequate public storm drainage system which conveys the storm water to an adequate natural watercourse.

The applicant is proposing joint use of the bioretention basin for detention purposes. The applicant has provided a preliminary hydrologic analysis of the detention basin, which determined that the basin will mitigate peak flows from the site to below pre-project levels. Joint use of the basin is allowed, provided the stormwater treatment function of the basin is not used in the storage volume modeling for the detention function.

Section 914-12.002 of the County Ordinance Code sets the minimum storage volume for detention basins at 15 acre-feet, allowing for use of smaller systems with the approval of Public Works, and establishment of a public maintenance entity. On July 7, 2022, our office received an exception request from this requirement per Chapter 92-6 of said Code to allow a smaller basin to be maintained by a private maintenance agreement. The exception request includes the following responses in support of the finding required for the granting of the exceptions:

1) That there are unusual circumstances or conditions affecting the property.

   Due to the size of the site (2.88 acres) and the steep existing ground topography, a basin of fifteen acre-feet is impossible to achieve without exporting excessive volume of soil. In addition, the minimal drainage area of the site produces low stormwater runoff flow rates which do not necessitate the large configuration of the basin described in the code.

2) That the exception is necessary for the preservation and enjoyment of the substantial right of the applicant.

   As discussed above, the site in question cannot accommodate a fifteen-acre-foot basin whiles supporting any kind of development due to the existing topography. Requiring a fifteen-acre-foot basin would be inconsistent with both the State Density Bonus Law and Housing Accountability Act because the requirement would preclude the project at its requested density.

3) That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

   The purpose of the proposed detention basin is to mitigate additional flows generated by development of the site. By directing stormwater runoff into the basin, the development is reducing the overall flow rates leaving the site alleviating impacts downstream. The basin will be privately maintained in accordance with standard maintenance procedures for bioretention and detention basins.

Due to the small size of the project site and the lack of public entity to maintain such a facility, Public Works is not averse to the granting of this exception and allowing the responsible individual(s) to maintain it along with their obligation to maintain the stormwater management aspects of the basin as discussed below.

A preliminary Hydrologic and Hydraulic Analysis was submitted in support of the runoff mitigation claims of the basin design but will be subject to a more thorough review as the project progresses through final design.

H. Stormwater Management and Discharge Control: A Stormwater Control Plan (SWCP) is required for applications that will create and/or redevelop impervious surface area exceeding 10,000 square-feet in compliance with the County's Stormwater Management and Discharge Control Ordinance (§1014) and the County's Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit. This project proposes to create and/or redevelop approximately 43,558 square-feet of impervious surface with the proposed driveways and single-family residential development, which is above the threshold for requiring submittal of a SWCP. A SWCP Exhibit and Report were submitted for Public Works review and are considered adequate for this phase of the project.

I. Floodplain Management: The property does not lie within the Special Flood Hazard Area (100-year flood boundary) as designated on the Federal Emergency Management Agency Flood Insurance Rate Map.

J. Lighting District Annexation: The subject property is not annexed into the lighting district. The property owner will be required, as a condition of approval, to annex

into the County Service Area (CSA) L-100 formed for the Countywide Street Light Financing.

K. Area of Benefit Fee: The applicant shall be required to comply with the Bridge/Thoroughfare Fee Ordinance requirements for the Central County Area of Benefit Fee, as adopted by the Board of Supervisors. These fees must be paid prior to filing the Final Map.

L. Drainage Area Fee and Creek Mitigation: The applicant will be required to comply with the drainage fee requirements for Drainage Area 8 as adopted by the Board of Supervisors. This fee must be paid prior to filing the Final Map.

## XI. CONCLUSION

Staff finds that if the proposed concession and waivers are accepted, the proposed project is consistent with the Single-Family Residential, Low-Density (SL) General Plan land use designation, and complies with the allowed uses and development standards for the Single-Family Residential (R-20) zoning district. Therefore, staff recommends that the County Planning Commission deny the appeals and uphold the Zoning Administrator's approval of CDSD21-09581 per the attached Findings and subject to the attached Conditions of Approval.

Attachments:

1. Findings and Conditions of Approval
2. Letters of Appeal
3. Maps (Parcel Page, General Plan, Zoning, Aerial Photograph)
4. Initial Study/Mitigated Negative Declaration
5. Mitigation Monitoring and Reporting Program
6. Public Comments
7. Agency Comments
8. Arborist Report
9. Vesting Tentative Map
10. Project Plans
11. Staff's Power Point Presentation

# Attachment 1

# Findings and Conditions of Approval

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #CDSD21-09581: ANDY BYDE, CALIBR VENTURES (APPLICANT) and CALIBR VENTURES INC (OWNER)**

## I. Findings

### A. General Plan Growth Management Element Standards

1. **Traffic**: Policy 4-c of the Growth Management Program (GMP) of the Contra Costa County General Plan requires a traffic impact analysis of any project that is estimated to generate 100 or more AM or PM peak hour trips. The project consisting of the future construction of 10 single-family dwelling units would anticipate to generate an additional seven AM and ten PM new peak period trips, and therefore, is not required to have a project-specific traffic impact analysis. Since the project would yield less than 100 peak-hour AM or PM trips, the project would not conflict with the circulation system in the area.

   The Complete Streets Policy, adopted by the Contra Costa County Board of Supervisors on July 12, 2016, requires Complete Streets infrastructure sufficient to enable reasonably safe travel along and across the right of way such as streets, roads, highways, bridges, and other portions of the transportation system. The subdivision project includes a 28-foot-wide private street and a 5-foot sidewalk to connect to new frontage and sidewalk improvements on Walnut Boulevard for pedestrians and persons with disabilities within the project. Therefore, the project will be consistent with the Complete Streets policy.

2. **Water**: The GMP requires new development to demonstrate that adequate water quantity and quality can be provided. The project site currently receives water service from the East Bay Municipal Utility District (EBMUD) and is able to extend services to the project site and provide water to the 10 future residential properties. In a letter dated July 6, 2023, EBMUD stated water main extension will be required, and each lot to be provided domestic service and its own service connection and meter will require EBMUD review and approval prior to water service, which will include all applicable water efficiency measures under Section 31 of EBMUD's Water Regulations. Therefore, the project is not expected to result in a significant increase in demand for water service for the project site or surrounding area.

3. **Sanitary Sewer**: The GMP requires new development to demonstrate that adequate sanitary sewer quantity and quality can be provided. The project site currently receives sanitary sewer service from the Central Contra Costa Sanitary District. In an email dated July 7, 2021, the Sanitary District stated the project site is within their service area and sanitary sewer service is available to the project site, and would not be expected to produce an unmanageable added capacity demand on the wastewater system, nor interfere with existing, public facilities. The developer will need to construct an 8-inch diameter onsite public main sewer and private laterals. The Sanitary District's review and approval of all sewer improvements is required prior to construction. Therefore, the project is not expected to significantly increase the need for sanitary sewer service for the project site or surrounding area.

4. **Fire Protection**: The GMP requires that a fire station be within 1 ½ miles of development in urban, suburban and central business district area, or requires that automatic fire sprinkler systems be installed to satisfy this standard. The project site is located within the service area of the Contra Costa County Fire Protection District (CCCFPD). Fire protection to the project site would be provided by Station No. 1 located at 1330 Civic Drive in Walnut Creek (approximately 1 ½ miles of driving distance to the site). Using an average travel speed of 35 miles per hour, an engine responding from Station No. 1 would take approximately 5 minutes to reach the project site, which meets the 5-minute response standard set by the County General Plan. Also, according to the CAL FIRE Fire Hazard Severity Zone Viewer, the project site is located within a Local Responsibility Area (LRA) and is not classified as a very high fire hazards severity zone, and is not within the State Responsibility Area (SRA). The nearest fire hazard severity zone (FHSZ) within an SRA is 1.8-miles southeast of the project site and is classified as a moderate FHSZ. The nearest VHFHSZ is approximately 3.96 miles southeast of the project site. In addition, as detailed in the comment letter for the project from the Fire District dated July 22, 2023, the project is required to comply with the applicable provisions of the California Fire Code, the California Building Code, and applicable Contra Costa County Ordinances that pertain to emergency access, fire suppression systems, and fire detection/warning systems, and automatic fire sprinklers will be required. Prior to the issuance of building permits, the construction drawings would be reviewed and approved by the fire district. Therefore, the project is not expected to significantly increase the need for fire service to the project site or surrounding area.

5. **Public Protection**: The GMP indicates a Sheriff facility standard of 155 square-feet of Sheriff station space per 1,000 persons of population. The project would increase the population of unincorporated Contra Costa County by approximately 28 persons, which is less than the facility standard and is a non-substantial increase. Therefore, the addition of 10 residential properties to the project area would not significantly affect the provision of police services to the area. Furthermore, the project is conditioned so that the subdivision would be required to establish a Police Services District to Augment Police Services.

6. **Parks and Recreation**: The GMP requires three-acres of neighborhood park per 1,000 in population. The project would increase the population by approximately 28 persons. The project does not adversely impact the County's ability to maintain the standard of having 3-acres of neighborhood parks for every 1,000 members of the population. Furthermore, the project is conditioned that the applicant pays a Park Impact and Park Dedication fee for each residence constructed.

7. **Flood Control and Drainage**: The project site is not located within a 100-year flood hazard area as determined by the Federal Emergency Management Agency (FEMA).

   Division 914 of the County Ordinance Code requires that all storm water entering and/or originating on this property to be collected and conveyed, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having a definable bed and banks or to an existing adequate public storm drainage system which conveys the storm water to an adequate natural watercourse.

   The project is to joint use the bioretention basin for detention purposes. A preliminary hydrologic analysis of the detention basin determined that the basin will mitigate peak flows from the site to below pre-project levels. Joint use of the basin is allowed, provided the stormwater treatment function of the basin is not used in the storage volume modeling for the detention function.

   Section 914-12.002 of the County Ordinance Code sets the minimum storage volume for detention basins at 15 acre-feet, allowing for use of smaller systems with the approval of Public Works, and establishment of a public maintenance entity. An

exception request from this requirement per Chapter 92-6 of said Code to allow a smaller basin to be maintained by a private maintenance agreement. Findings for this exception request are under section E. Due to the small size of the project site and the lack of public entity to maintain such a facility, Public Works is not averse to the granting of this exception and allowing the responsible individual(s) to maintain it along with their obligation to maintain the stormwater management aspects of the basin as discussed in the preliminary Hydrologic and Hydraulic Analysis. This report was submitted in support of the runoff mitigation claims of the basin design, but will be subject to a more thorough review as the project progresses through final design.

Lastly, a Stormwater Control Plan (SWCP) is required for applications that will create and/or redevelop impervious surface area exceeding 10,000 square-feet in compliance with the County's Stormwater Management and Discharge Control Ordinance (§1014) and the County's Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit. This project will create and/or redevelop approximately 43,558 square-feet of impervious surface with driveways and single-family residential development, which is above the threshold for requiring submittal of a SWCP. A SWCP Exhibit and Report were submitted for Public Works review and are considered adequate for this phase of the project.

## B. Tentative Map Findings

**1. The County Planning Agency shall not approve a tentative map unless it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the applicable general plan required by law.**

**Project Finding**: The General Plan land use designation for the project site is Single-Family Residential-low Density (SL). The project is to subdivide 2.88 acres into 10 residential lots and have a new private road off Walnut Boulevard provide access to all 10 lots. The primary land uses permitted in this designation include detached single-family homes and accessory buildings and structures. As the project will result in single-family residential properties, the project is consistent with the allowed uses of this general plan designation.

The General Plan also determines the allowed density for an area. The General Plan land use designation of Single-Family Residential-Low Density (SL) allows 1.0 – 2.9 units per net acre. However, as the project is eligible for density bonus (Gov. Code § 65915) it is allotted one concession to a development standard, and the applicant requests a concession to the development standard "net acreage" in calculating density, and to instead use gross acreage. Using gross acreage (2.88 acres) * (2.9 dwelling unit(du)/acre) = 8.35 du, fractional unit rounded to nine base units. When calculating density using density bonus with nine base units: (9 du) * (0.07 density bonus) = 0.63 du, fractional unit rounded to 1 du; 9 du + 1du = 10 units. Therefore, a 10-lot subdivision is consistent with the allowed density for the SL General Plan designation with the approval of a concession to use gross acreage to calculate density.[1]

Also, the following goals and policies within the County 2005-2020 General Plan are applicable to the project:

- Transportation and Circulation Element - The project is consistent with the following General Plan Transportation and Circulation Element goal and policies.
  *Goal 5-J: To reduce single-occupant auto commuting and encourage walking and bicycling.*
  *Policy 5-16: Curbs and sidewalks shall be provided in appropriate areas.*
  *Policy 5-17: Emergency response vehicles shall be accommodated in development project design.*

  The Complete Streets Policy, adopted by the Contra Costa County Board of Supervisors on July 12, 2016, requires Complete Streets infrastructure sufficient to enable reasonably safe travel along and across the right of way such as streets, roads, highways, bridges, and other portions of the transportation system. The subdivision project includes a private street and a 5-foot sidewalk on one side of its curb to provide access for pedestrians to Walnut Boulevard, which will also receive new frontage improvements and 5-foot sidewalks. Therefore, the overall

[1] Government Code section 65915, subdivisions (f)(5) states, "All density calculations resulting in fractional units shall be rounded up to the next whole number." Additionally, subdivision (q) states that "Each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number."

surrounding circulation system will be consistent with the Complete Streets policy.

The project has also been reviewed by the Contra Costa County Fire Protection District to verify the project is designed to accommodate proper access for emergency response vehicles. In a letter dated July 22, 2021, the Fire District found the project to meet such access standards.

- Housing Element - The project is consistent with the following General Plan Housing Element goals and policy.
  *Goal 1: Maintain and improve the quality of the existing housing stock and residential neighborhoods in Contra Costa County.*

  As the project increases the housing stock in a residential neighborhood, it is consistent with this goal of the General Plan.

**2. The County Planning Agency shall not approve a tentative map unless it shall find that the proposed subdivision fulfills construction requirements.**

**Project Finding**: The project will comply with the collect and convey regulations, storm drainage facilities, and design standards for private roads. Additionally, compliance with the California Building Code and all applicable County Ordinances is required for grading of the property and construction of residential buildings.

**C. Tree Permit Findings**

**The Zoning Administrator is satisfied that the following factors as provided by County Code Section 816-6.8010 for granting a tree permit have been satisfied:**

1. **County Code Section 816-6.8010(2)(A):** The arborist report indicated that four code-protected trees: one California Black Walnut, 2 Almond trees, and one Plum tree, were in poor health and could not be saved.

2. **County Code Section 816-6.8010(2)(G):** New single-family residential development requires removal of 39 code-protected trees and work within the

dripline of 17 code-protected trees, and could not be reasonably accommodated on another area of the lot.

The project Arborist Report prepared by certified arborist Jennifer Tso (#WE-10270A) and dated January 10, 2023, provides an inventory and evaluation of all trees on and adjoining the project site that may be impacted by the proposed project. A total of 73 trees were surveyed, numbered, tagged, identified, measured, and evaluated. 39 code-protected trees would be development related removal, and work would occur within the dripline of 17 additional code-protected trees. There were 16 tree species inventoried, but only 3 species are listed in the County Tree Ordinance under the indigenous species list: 26 Valley Oaks, 12 California Black Walnut trees, and 2 Coast Redwoods. The other tree species include: 5 Almond trees, 5 Holly Oaks, 4 English Walnut trees, 2 Monterey Pines, 4 Privets, 1 Elm, 1 English Hawthorn, 1 Olive tree, 1 Pepper tree, and 6 various fruit trees.

The arborist report indicates these trees cannot be avoided and are not expected to survive, thus requiring removal. In addition, remaining trees that are proposed for preservation on and adjacent to the project site would be preserved through the implementation of the tree mitigation measures described in the arborist report. These mitigation measures will be required to be in place throughout the entire construction period.

## D. County Code Section 96-10.002 (Underground Utilities - Exceptions) Exception Findings

There is an existing power pole located at the southwest corner of the property that will conflict with the required frontage improvements. Section 96-10.002 of the County Ordinance Code requires subdividers to underground utility distribution facilities along the project frontage. Approval of an exception request to this code section would allow the pole to remain in its existing place and taper the width of the road as it approaches the pole.

### 1. That there are unusual circumstances or conditions affecting the property.

**Project Finding**: The existing utility poles supporting the overhead lines along the frontage of the project contain electric service from PG&E and various utility services including AT&T, Comcast, and Wave Cable. The existing poles have services branching to an unknown number of homes on Walnut Boulevard and View Lane. In addition, the overhead lines connect to the poles at an unusual angle. Undergrounding of the lines would result in new guy wires extending into the front yard of neighboring properties which would significantly impact neighboring properties.

2. **That the exception is necessary for the preservation and enjoyment of the substantial right of the applicant.**

   **Project Finding**: As discussed above, the alignment and angles of the overhead lines connecting to the utility poles present challenges for undergrounding. Additional guy wires and supports will be added encroaching into the neighboring properties that are not a part of this project.

3. **That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.**

   **Project Finding**: Leaving the existing overhead utility lines in place will not be detrimental to public welfare. All services will remain in place as is with minimal disruptions to neighboring properties. The guy wire supports will not encroach into neighboring yards as is the case with undergrounding. In addition, undergrounding the lines crossing Walnut Boulevard will cause a traffic burden on the community during construction.

   Given the existing site conditions, Public Works will not be averse to the granting of this exception to allow the existing facilities to remain overhead, but the existing pole within the ultimate travel way will need to be relocated behind the sidewalk. In the event the western adjacent property is redeveloped, or the sidewalk is extended as a safe route to the nearby school, the curb alignment and travel way should not be encumbered by a utility pole.

## E. County Code Section 914-12.002. (Detention Basins – Where Permitted) Exception Findings

Section 914-12.002 of the County Ordinance Code sets the minimum storage volume for detention basins at 15 acre-feet, allowing for use of smaller systems with the

approval of Public Works, and establishment of a public maintenance entity. Approval of an exception request to this code section would allow a smaller basin to be maintained by a private maintenance agreement.

1. **That there are unusual circumstances or conditions affecting the property.**

   **Project Finding**: Due to the size of the project site (2.88 acres) and the steep existing ground topography, a basin of fifteen acre-feet is impossible to achieve without exporting excessive volume of soil. In addition, the minimal drainage area of the site produces low stormwater runoff flow rates which do not necessitate the large configuration of the basin described in the code.

2. **That the exception is necessary for the preservation and enjoyment of the substantial right of the applicant.**

   **Project Finding**: As discussed above, the site in question cannot accommodate a fifteen-acre-foot basin whiles supporting any kind of development due to the existing topography. Requiring a fifteen-acre-foot basin would be inconsistent with both the State Density Bonus Law and Housing Accountability Act because the requirement would preclude the project at its requested density.

3. **That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.**

   **Project Finding**: The purpose of the detention basin is to mitigate additional flows generated by development of the site. By directing stormwater runoff into the basin, the development is reducing the overall flow rates leaving the site alleviating impacts downstream. The basin will be privately maintained in accordance with standard maintenance procedures for bioretention and detention basins.
   Due to the small size of the project site and the lack of public entity to maintain such a facility, Public Works is not averse to the granting of this exception and allowing the responsible individual(s) to maintain it along with their obligation to maintain the stormwater management aspects of the basin as discussed below.

## F. California Environmental Quality Act (CEQA) Findings

A CEQA Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for this project. It was determined that without mitigation the project may result in significant impacts in the environmental areas of Aesthetics, Air Quality, Biological

Resources, Tribal and Cultural Resources, Geology and Soils, and Noise. Therefore, pursuant to California Code of Regulations Section 15070, the IS/MND identified mitigation measures to be incorporated into the project that will reduce the impacts to less than significant levels. The IS/MND was posted for public review on June 21, 2023. The public comment period for accepting comments on the adequacy of the environmental document extended to July 21, 2023, during which thirteen public comment letters were received.

Pursuant to Section 21080.3.1 of the California Public Resources Code (PRC), correspondence detailing the project was provided to the Native American Tribes, the Wilton Rancheria on September 21, 2021, and the Confederated Villages of Lisjan Nation on January 7, 2023. The correspondence formally notified the Tribes of their opportunity to request consultation with the County regarding the potential for the project impacting tribal cultural resources, as defined in Section 21074 of PRC. Both Tribes did not request consultation, but did request to be notified if any findings were unearthed with the development of this project.

## II. CONDITIONS OF APPROVAL FOR COUNTY FILE #CDSD21-09581

### DEPARTMENT OF CONSERVATION AND DEVELOPMENT, COMMUNITY DEVELOPMENT DIVISION (CDD), CONDITIONS OF APPROVAL FOR COUNTY FILE #CDSD21-09581

Project Approval

**1.** County file #CDSD21-09581 and its Vesting Tentative Map for Subdivision 3180 Walnut Boulevard, is APPROVED, by the Department of Conservation and Development, Community Development Division (CDD) as generally shown and based on the following documents submitted to CDD on June 27, 2022, February 14, 2023, and October 5, 2023:

- Vesting Tentative Map for Subdivision 3180 Walnut Boulevard, prepared by DK Engineering;
- Storm Water Control Plan, prepared by DK Engineering;
- Preliminary Grading and Utility Plans, prepared by DK Engineering;
- Architectural Plans, prepared by William Hezmalhalch Architects;
- Site Setbacks Plan, prepared by DK Engineering;
- House Height Exhibit, prepared by DK Engineering;
- Arborist Report, prepared by certified arborist Jennifer Tso (#WE-10270A) and of Traverso Tree Service, dated Jan 10, 2023;

- Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report, prepared by FirstCarbon Solutions, dated December 1, 2022;
- Biological Resource Analysis (BRA) Report, dated in July 2021, and subsequent BRA Report, dated May 2022, prepared by Olberding Environmental, Inc;
- Archaeological Survey Report, prepared by Garcia and Associates (GANDA), dated March 18, 2020;
- Historic Resource Assessment (HRA), prepared by FirstCarbon Solutions, dated December 16, 2022;
- Preliminary Geotechnical Exploration, prepared by ENGEO, dated March 12, 2020; and
- Noise Impact Analysis, prepared by FirstCarbon Solutions, dated September 28, 2022.

**2.** This Subdivision permit includes approval of a Concession to allow the use of gross acreage and not net acreage to calculate density pursuant to Government Code 65915(d) that results in 10 residential lots.

**3.** This Subdivision permit includes approval of Waivers pursuant to Government Code 65915(e)(1) to allow the following development standards:

| Lot # | Lot Area (20,000 square feet minimum) | Footprint Area in square feet | Depth (120 feet minimum) | Average Width (120 feet minimum) | Front yard Setback (25 feet minimum) | Side Yard Setback (15 feet, 35 feet aggregate, minimum) | Retaining Walls (structure setbacks in feet) |
|---|---|---|---|---|---|---|---|
| Lot 1 | 9,645 | 2,483 | 145.3 | 66.4 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 2 | 10,889 | 2,533 | 168.6 | 64.6 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 3 | 11,731 | 2,913 | 174.1 | 67.4 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 4* | 10,764 | 2,533 | 150.6 | 71.5 | 1 foot to shunt turn around; 20 feet from street | 15 feet aggregate, (no yard less than 5 feet) | 0 |

| Lot # | Lot Area (20,000 square feet minimum) | Footprint Area in square feet | Depth (120 feet minimum) | Average Width (120 feet minimum) | Front yard Setback (25 feet minimum) | Side Yard Setback (15 feet, 35 feet aggregate, minimum) | Retaining Walls (structure setbacks in feet) |
|---|---|---|---|---|---|---|---|
| Lot 5 | 13,270 | 2,533 | 132 | 100.5 | 20 feet to face of garage; 10 feet to living area | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 6 | 17,659 | 2,483 | 127.2 | 138.8 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 7 | 9,292 | 2,533 | 130.9 | 71 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 8 | 9,555 | 2,913 | 134.5 | 71 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 9 | 9,819 | 2,442 | 138.2 | 71 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 10 | 15,797 | 2,533 | 141.3 | 111.8 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |

Notes:
* Designated as affordable unit
** Double frontage: 15 feet (20 feet minimum)

**4.** This Subdivision permit includes approval of a Tree Permit to allow removal of 43 code-protected trees, and work within the dripline of 17 code-protected trees:

| Tree # | Tree Species (trunk diameter in inches) | Action | Reason |
|---|---|---|---|
| 301 | Almond (12″) | Work w/in dripline | Development |
| 302 | Valley Oak (17″) | Work w/in dripline | Development |
| 303 | Monterey Pine (36″) | Work w/in dripline | Development |
| 306 | Holly Oak (7″) | Work w/in dripline | Development |
| 309 | California Black Walnut (14″) | Work w/in dripline | Development |

| | | | |
|---|---|---|---|
| 310 | Valley Oak (30″) | Work w/in dripline | Development |
| 314 | Valley Oak (14″) | Work w/in dripline | Development |
| 315 | English Walnut (46″)<br>Multi-stemmed | Remove | Development |
| 316 | California Black Walnut (23″) | Work w/in dripline | Development |
| 321 | California Black Walnut (13″)<br>Multi-stemmed | Remove | Poor health |
| 322 | Valley Oak (13″) | Work w/in dripline | Development |
| 323 | Valley Oak (12″) | Work w/in dripline | Development |
| 324 | Olive (18″) | Work w/in dripline | Development |
| 325 | Almond (18″)<br>Multi-stemmed | Remove | Poor health |
| 326 | California Black Walnut (20″) | Remove | Development |
| 327 | Valley Oak (24″) | Work w/in dripline | Development |
| 328 | Valley Oak (11″) | Work w/in dripline | Development |
| 330 | Plum (10″) | Remove | Poor health |
| 331 | Almond (11″) | Work w/in dripline | Development |
| 332 | Valley Oak (18″) | Remove | Development |
| 333 | Almond (12″)<br>Multi-stemmed | Remove | Poor health |
| 334 | Valley Oak (15″) | Work w/in dripline | Development |
| 335 | Valley Oak (19″) | Remove | Development |
| 338 | Valley Oak (20″) | Work w/in dripline | Development |
| 339 | Valley Oak (8″) | Work w/in dripline | Development |
| 340 | Valley Oak (9″) | Remove | Development |
| 341 | Valley Oak (13″) | Remove | Development |
| 342 | Valley Oak (21″) | Remove | Development |
| 343 | Valley Oak (17″) | Remove | Development |
| 344 | Pecan (20″)<br>Multi-stemmed | Remove | Development |
| 345 | Pecan (7″) | Remove | Development |
| 346 | Valley Oak (15″)<br>Multi-stemmed | Remove | Development |
| 347 | Pecan (31″) | Remove | Development |
| 348 | English Hawthorn (20″)<br>Multi-stemmed | Remove | Development |
| 349 | Pepper (54″)<br>Multi-stemmed | Remove | Development |
| 350 | California Black Walnut (22″) | Remove | Development |
| 351 | California Black Walnut (22″)<br>Multi-stemmed | Remove | Development |

| | | | |
|---|---|---|---|
| 352 | California Black Walnut (32″) Multi-stemmed | Remove | Development |
| 353 | English Walnut (10″) | Remove | Development |
| 354 | Apricot (7″) | Remove | Development |
| 355 | Persimmon (18″) Multi-stemmed | Remove | Development |
| 356 | Valley Oak (18″) | Remove | Development |
| 357 | Pecan (37″) | Remove | Development |
| 358 | Valley Oak (22″) | Remove | Development |
| 359 | Holly Oak (12″) | Remove | Development |
| 360 | Holly Oak (14″) | Remove | Development |
| 361 | Valley Oak (14″) | Remove | Development |
| 362 | Privet (20″) Multi-stemmed | Remove | Development |
| 363 | Holly Oak (7″) | Remove | Development |
| 364 | Privet (7″) | Remove | Development |
| 365 | Privet (18″) Multi-stemmed | Remove | Development |
| 366 | Holly Oak (7″) | Remove | Development |
| 367 | California Black Walnut (14″) Multi-stemmed | Remove | Development |
| 368 | Privet (28″) Multi-stemmed | Remove | Development |
| 369 | Almond (19″) Multi-stemmed | | Development |
| 370 | California Black Walnut (19″) | Remove | Development |
| 371 | English Walnut (18″) | Remove | Development |
| 372 | California Black Walnut (14″) | Remove | Development |
| 373 | English Walnut (26″) Multi-stemmed | Remove | Development |
| 374 | Almond (28″) Multi-stemmed | Remove | Development |

**5.** The maximum number of lots approved for this subdivision is 10 residential lots.

Application Fees

**6.** This application is subject to an initial application deposit of $10,000, which was paid with the application submittal, plus time and materials costs if the application review expenses exceed 100% if the initial deposit. Any additional costs due must be paid within 60 days of the permit effective date or prior to use of the permit,

whichever occurs first. The applicant may obtain current costs by contacting the project planner.

Indemnification

**7.** Prior to recordation of the Final Map or submittal of a building permit, whichever occurs first, Pursuant to Government Code Section 66474.9, the applicant (including the subdivider or any agent thereof) shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the Agency (the County) or its agents, officers, or employees, to attack, set aside, void, or annul, the Agency's approval concerning this subdivision map application, which action is brought within the time period provided in Section 66499.37. The County will promptly notify the subdivider of any such claim, action, or proceeding and cooperate fully in the defense.

Compliance Report

**8.** A permit compliance report shall be submitted to the Department of Conservation and Development, Community Development Division (CDD) for review and approval. The report shall identify all conditions of approval that are administered by the CDD. The report shall document the measures to be taken to satisfy all relevant conditions. Unless otherwise indicated, the permit compliance report will be required to demonstrate compliance with the applicable conditions of this report prior to filing the Final Map or planning approval of a grading or building permit, whichever occurs first.

The permit compliance report will be filed and reviewed through a Condition of Approval Compliance Check application with an initial deposit of $2,000 (subject to time and materials).

Fencing

**9.** Prior to planning approval of a grading or building permit, a fencing plan program shall be submitted to CDD for the review and approval. The approved program shall be attached to the CC&Rs.

Covenants, Conditions and Restrictions (CC&R's)

**10.** Prior to recordation of the Final Map, Covenants, Conditions and Restrictions (CC&R's) shall be submitted to CDD for review and approval. This document shall include the maintenance obligation requirements of Public Works condition(s) of approval. The CC&Rs shall also require occupants to maintain garage spaces in a manner, which makes them available for off-street parking.

Signs/Walls

**11.** Prior to planning approval of a grading or building permit, the details of the design, location, color and type of materials for any proposed signs and/or masonry walls shall be submitted to CDD for review and approval.

Park Impact Fee

**12.** Prior to issuance of a building permit for a new residence, the applicable park impact fee as established by the Board of Supervisors shall be paid.

Park Dedication Fee

**13.** Prior to issuance of a building permit for a new residence, the applicable park dedication fee as established by the Board of Supervisors shall be paid.

Child Care

**14.** Prior to issuance of a building permit for a new residence, a fee for childcare facility needs in the area, as established by the Board of Supervisors, shall be paid.

Police Services District

**15.** Election for Establishment of a Police Services District to Augment Police Services: Prior to the recordation of the Final Map, the owner of the property shall participate in the provision of funding to maintain and augment police services by voting to approve a special tax for the parcels created by this subdivision approval. The tax shall be per parcel annual amount (with appropriate future CPI adjustment) established at the time of voting by the Board of Supervisors. The election to provide for the tax shall be completed prior to filing the Final Map. The property owner shall be responsible for paying the cost of holding the election, payable at

the time the election is requested by the owner. Allow a minimum of three to four months for processing.

Exterior Lighting

**16.** Prior to planning approval of a building permit, a Lighting Plan shall be submitted for review and approval by the CDD. At a minimum, the plan shall include the following measures:

a. All outdoor lighting, including façade, yard, security, and streetlights, shall be oriented down, onto the project site or road.

b. Back shields or functionally similar design elements shall be installed on every lighting pole to reduce lighting from spilling off site, and to ensure that lighting remains within the project site.
**(AES-1)**

Biological Resources

**17.** If project construction-related activities take place during the nesting season (February through August), an avian pre-construction survey for nesting passerine birds and raptors (birds of prey) within the project site and the trees within the adjacent riparian area shall be conducted by a qualified Biologist no more than 14 days prior to the commencement of the tree removal or project construction-related activities. If any bird listed under the Migratory Bird Treaty Act (MBTA) is found to be nesting within the project site or within the area of influence, an adequate protective buffer zone shall be established by a qualified Biologist to protect the nesting site. This buffer shall be a minimum of 75 feet from the project activities for passerine birds, and a minimum of 200 feet for raptors. The distance shall be determined by a qualified Biologist based on the site conditions (topography, if the nest is in a line of sight of the construction and the sensitivity of the birds nesting). The nest site(s) shall be monitored by a qualified Biologist periodically to see if the birds are stressed by the construction activities and if the protective buffer needs to be increased. Once the young have fledged and are flying well enough to avoid project construction zones (typically by August), a qualified Biologist shall determine if the project can proceed

without further regard to the nest site(s). Prior to issuance of a building or grading permit, the CDD shall determine if project construction-related activities will take place during the nesting season, and if so, the avian pre-construction survey shall be reviewed and approved by the CDD.
**(MM BIO-1)**

**18.** If project construction-related activities take place during seasonal periods of bat activity (mid–February through mid–October – ca. February 15–April 15, and August 15–October 30), a bat habitat assessment within the project site shall be conducted by a qualified Bat Biologist to determine suitability of each tree or existing structure as bat roost habitat. Structures found to have no suitable openings can be considered clear for project activities as long as they are maintained so that new openings do not occur. Structures found to provide suitable roosting habitat, but without evidence of use by bats, may be sealed until project activities occur, as recommended by the Bat Biologist. Structures with openings and exhibiting evidence of use by bats shall be scheduled for humane bat exclusion and eviction, conducted during appropriate seasons, and under supervision of a qualified Bat Biologist. Bat exclusion and eviction shall only occur between February 15 and April 15, and from August 15 through October 30, in order to avoid take of non-volant (non-flying or inactive, either young, or seasonally torpid) individuals. Prior to issuance of a building or grading permit, the CDD shall determine if project construction-related activities will take place during seasonal periods of bat activity, and if so, the bat habitat assessment shall be reviewed and approved by the CDD.
**(MM BIO-2)**

**19.** A pre-construction survey for special-status reptile species shall be conducted no more than 48 hours prior to the commencement of tree removal or project construction related activities to determine presence/absence of these species. Worker Environmental Awareness training discussing the potential for these species shall be conducted by a qualified Biologist or Biological Monitor for all construction personnel working within the project site. Prior to issuance of a building or grading permit, the reptile pre-construction survey shall be reviewed and approved by the CDD.
**(MM BIO-3)**

**20.** No work (including vegetation removal) shall take place within the riparian corridor and ephemeral drainage as indicated in the Biological Resource Analysis (BRA) Report completed by Olberding Environmental, Inc (Olberding) dated January 2023, unless evidence is provided to the CDD that the California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), and/or United States Army Corp of Engineers (USACE) reviewed and approved work within these areas. The plan set for a building permit shall show fencing that is approved by a qualified biologist to ensure work does not take place in this area. As-built photos shall be required prior to issuance of a grading or building permit to ensure that this fencing is installed.
**(MM BIO-4)**

**21.** At no time shall silt-laden runoff be allowed to enter on-site aquatic features and their associated habitats. Erosion control measures shall be utilized throughout all phases of operation where sediment runoff from the project may enter these aquatic features. Best Management Practices (BMPs) to avoid erosion, uncontrolled stormwater runoff and bank deterioration shall be implemented, following the requirements of the proposed project's Stormwater Control Plan, and typically include silt fencing, coir rolls, and/or straw bale dikes.
**(MM BIO-5)**

**22.** No substances toxic to fish and wildlife shall be discharged or allowed to leach into the aquatic features present on-site. Materials deleterious or toxic to fish and wildlife, including, but not limited to, asphalt, tires, concrete, construction materials, treated wood, and creosote containing materials, shall not be stockpiled within 100 feet of any aquatic feature present on-site.
**(MM BIO-6)**

Restitution for Tree Removal

**23.** The following measures are intended to provide restitution for the removal of 43 code-protected trees:

A. Tree Replacement Plan: Prior to planning approval of a grading or building permit, the applicant shall submit a Tree Replacement Plan prepared by a licensed arborist or landscape architect for the review and approval of CDD. The Plan shall provide for the planting of at least 20 trees, minimum 15-gallons in size. The Plan shall be implemented prior to requesting a final inspection of the residential building permit for each lot.

B. Required Security to Assure Completion of Plan Improvements: Prior to issuance of a grading or building permit, the applicant shall submit a security (e.g., bond, cash deposit) that is acceptable to CDD to ensure that the Tree Replacement Plan is implemented.

Determination of Security Amount: The security shall provide for a breakdown of all of the following costs:

- A labor and materials estimate for planting the 20 trees, minimum 15-gallons in size, and related irrigation improvements that may be required, prepared by a licensed landscape architect or landscape contractor.
- An additional 20% of the total of the above amounts to address inflation costs.

C. Initial Deposit for Processing of Security: The County ordinance requires that the applicant pay fees to cover all staff time and material costs of staff for processing the landscape improvement security. At the time of submittal of the security, the applicant shall pay an initial deposit of $200.

D. Duration of Security: The security bond for each lot shall be retained by the County for a minimum of 12 months up to 24 months following final building inspection. A prerequisite of releasing the bond between 12 and 24 months shall be to have the applicant arrange for the consulting arborist to inspect the trees and to prepare a report on the trees' health. In the event that CDD determines that the tree(s) intended to be protected has been damaged, and CDD determines that the applicant has not been diligent in providing reasonable restitution, then CDD may require that all part of the security be used to provide for mitigation of the damaged tree(s). Should one security be submitted for all lots, the security may be released upon complying with the requirements stated above and upon approval of a final inspection for the last lot constructed.
**(MM BIO-7)**

**24.** Tree removal shall occur only with an approved grading or building permit.

Contingency Restitution for Work Within the Dripline

**25.** Pursuant to the requirements of Section 816-6.1204 of the Tree Protection and Preservation Ordinance, to address the possibility that construction activity nevertheless damages the tree(s) where work is within their dripline, the applicant shall provide the County with a security (e.g. bond, cash deposit) prior to planning approval of a grading or building permit, to allow for replacement of tree(s) intended to be preserved that are significantly damaged by construction activity. The security shall be based on:

A. Extent of Possible Restitution Improvements – The planting of at least 20 trees, minimum 15-gallons in size, in the vicinity of the affected tree(s), or equivalent planting contribution, and subject to prior review and approval of CDD.

B. Determination of Security Amount: The security shall be submitted for each lot and provide for all of the following costs:
   - A labor and materials estimate for planting 20 trees, minimum 15-gallons in size, and related irrigation improvements that may be required, prepared by a licensed landscape architect or landscape contractor.
   - An additional 20% of the total of the above amounts to address inflation costs.

C. Initial Deposit for Processing of Security – The County Ordinance requires that the applicant cover all time and material costs of staff for processing a tree protection security. The Applicant shall pay an initial fee deposit of $200 at time of submittal of a security.

D. Duration of Security: The security bond for each lot shall be retained by the County for a minimum of 12 months up to 24 months following final building inspection. A prerequisite of releasing the bond between 12 and 24 months shall be to have the applicant arrange for the consulting arborist to inspect the tree(s) and to prepare a report on the trees' health. In the event that CDD determines that the tree intended to be protected has been damaged by development activity, and CDD determines that the applicant has not been diligent in providing reasonable restitution of the damaged trees, then CDD may require that all part of the security be used to provide for mitigation of the

damaged tree(s). Should one security be submitted for all lots, the security may be released upon complying with the requirements stated above and upon approval of a final inspection for the last lot constructed.
**(MM BIO-8)**

Tree Protection

The following Tree Protection conditions shall be implemented during project construction and shall be stated on the site plan for building permit(s) as construction notes:

**26.** The *Tree Protection Recommendations (TPR)* from the approved arborist report shall be present in the construction plans to be submitted for a building permit application, and shall be executed onsite during all phases of construction.

**27.** Prior to issuance of a grading or building permit, the tree protective fencing as depicted in the approved arborist report shall be installed onsite. Color photographs of the installed fencing shall be submitted to CDD staff as evidence that this condition has been satisfied.

**28.** Storage or parking vehicles, building materials, refuse, excavated spoils, or dumping of paint or poisonous materials on or around trees and roots is prohibited.

**29.** Any construction activities that occur within the dripline of a tree, an arborist should be present. The arborist shall have the authority to require implementation of measures to protect the tree(s).

**30.** The applicant shall immediately notify CDD staff of any damage that occurs to any tree during construction. Any tree not approved for destruction or removal that dies or is significantly damaged as a result of this project shall be replaced with a tree or trees of equivalent size and of a species as approved by the CDD to be reasonably appropriate for the situation.

Water Efficient Landscape Ordinance (WELO)

**31.** Prior to planning approval of a building permit for a new residence, a completed WELO Part I for the landscaping specific to that property, shall be submitted to

CDD for review and approval. The approved Landscaping Plans under WELO Part I shall be present in the plans for a building permit.

**32.** Prior to final building inspection, a completed WELO Part II – Certificate of Completion shall be submitted to CDD staff for review and approval.

**33.** All landscaping shall comply with California Model Water Efficient Landscape Ordinance (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495) and/or any applicable State mandated landscape/water related requirements applicable at the time of landscaping installation for the project. To the maximum extent feasible, landscaping plans shall use drought tolerant vegetation for the development.

Air Quality

**34.** The following Bay Area Air Quality Management District, Basic Construction mitigation measures shall be implemented during project construction and shall be stated on the plans for building permit(s) as construction notes:

a. All exposed non-paved surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered at least two times per day and/or non-toxic soil stabilizers shall be applied to exposed non-paved surfaces.
b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered and/or shall maintain at least 2 feet of freeboard.
c. 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.
d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage regarding idling restrictions shall be provided for construction workers at all access points.
g. 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.

h. The prime construction contractor shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall take corrective action within 48 hours of receipt of the complaint. The Bay Area Air Quality Management District (BAAQMD) phone number shall also be visible to ensure compliance with applicable regulations. A copy of this sign shall be provided to the Community Development Division (CDD).
**(MM AIR-1)**

**35.** The following Mitigation Measure shall be implemented during project construction and shall be included on all construction plans:

a. All off-road equipment equal to or greater than 25 horsepower shall meet either United States Environmental Protection Agency (EPA) or California Air Resources Board (ARB) Tier 4 Final off-road emission standards during all construction activities.

b. Prior to issuance of a grading or building permit, a construction management plan shall be submitted to the CDD for review and approval. The construction management plan shall demonstrate that the off-road equipment used on-site to construct the proposed project would comply with Tier 4 Final off-road emission standards. Off-road equipment descriptions and information included in the construction management plan should include, but is not limited to, equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number47T47T.
**(MM AIR-2)**

<u>Cultural Resources</u>

The following Cultural Resources mitigation measures shall be implemented during project construction and shall be stated on the plans for building permit(s) as construction notes:

**36.** All project-related ground disturbance shall be monitored by an archaeologist who meets the Secretary of the Interior's professional qualification standards for archaeology. In the event that significant cultural resources are discovered during construction activities, the applicant/project owner or sponsor shall ensure that operations within a 100-foot radius of the find shall cease and the archaeologist will be consulted to determine whether the resource requires further study. The standard inadvertent discovery clause shall be included on the plans for grading permit(s) as construction notes to inform contractors of this requirement.

Potentially significant cultural resources consist of but are not limited to stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. The archaeologist shall make recommendations to the County concerning appropriate measures, which shall be implemented by the applicant/project owner or sponsor to protect the discovered resources, including but not limited to recordation on appropriate California Department of Parks and Recreation (DPR) forms, evaluation, or excavation of the finds in accordance with CEQA Guidelines, Section 15064.5.
**(MM CUL-1)**

**37.** In the event of accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and 5097.98 shall be followed. If during the course of construction activities there is accidental discovery or recognition of any human remains, the following steps shall be taken:

A. There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98.

B. Where the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the project site in a location not subject to further subsurface disturbance:

- The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission.
- The descendant identified fails to make a recommendation.

- The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.

**(MM CUL-3)**

Geology

**38.** Prior to submittal of a building or grading permit, the project applicant shall incorporate all recommendations provided in the project-Geotechnical Exploration into project plans, which shall be subject to review and approval by the County Geologist, or designee, prior to permit issuance. The geotechnical recommendations shall be implemented including general earthwork recommendations for site preparation, conditioning of expansive soils, removal of buried structures, removal of fill and disturbed soil, surface and subsurface drainage, biofiltration facilities, foundations, concrete flatwork, retaining walls, spread and pier footings, pavement areas, utility trenches, project review, and construction monitoring. Additionally, these include recommendations related to structural design, foundation design, foundation systems, slabs, moisture barriers, seismic design, walls, footings, slabs and walkways, concrete design, corrosion, pavement design, as well as lot maintenance, and future plan reviews.
**(MM GEO-1)**

**39.** The applicant shall retain a qualified Paleontologist to conduct paleontological monitoring during all earth-disturbing construction activities. Should any significant fossils (I.e., bones, teeth, or unusually abundant and well-preserved invertebrates or plants) be unearthed, the construction crew shall not attempt to remove them, as they could be extremely fragile and prone to crumbling, and to ensure their occurrence is properly recorded; instead, all work in the immediate vicinity of the discovery shall be diverted at least 15 feet until a professional paleontologist assesses the find and, if deemed appropriate, salvages it in a timely manner. All recovered fossils shall be deposited in an appropriate repository, such as the University of California Museum of Paleontology (UCMP), where they would be properly curated and made accessible for future study. Prior to issuance of a grading or building permit, evidence shall be provided to CDD that a qualified paleontologist is contracted to implement this mitigation measure.
**(MM GEO-2)**

Construction Restrictions

The following Construction Restrictions shall be implemented during project construction and shall be stated on the plans for building permit(s) as construction notes:
**(MM NOI-1)**

**40.** Unless specifically approved otherwise via prior authorization from the Zoning Administrator, all construction activities shall be limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on State and Federal holidays on the calendar dates that these holidays are observed by the State or Federal government as listed below:

New Year's Day (State and Federal)
Birthday of Martin Luther King, Jr. (State and Federal)
Washington's Birthday (Federal)
Lincoln's Birthday (State)
President's Day (State)
Cesar Chavez Day (State)
Memorial Day (State and Federal)
Juneteenth National Independence Holiday (Federal)
Independence Day (State and Federal)
Labor Day (State and Federal)
Columbus Day (Federal)
Veterans Day (State and Federal)
Thanksgiving Day (State and Federal)
Day after Thanksgiving (State)
Christmas Day (State and Federal)

For specific details on the actual day the State and Federal holidays occur, please visit the following websites:
Federal Holidays: Federal Holidays (opm.gov)
California Holidays: http://www.ftb.ca.gov/aboutftb/holidays.shtml

Transportation of large trucks and heavy equipment is subject to the same restrictions that are imposed on construction activities, except that the hours are limited to 9:00 AM to 4:00 PM.

**41.** Contractor and/or developer shall comply with the following construction requirements:

A. The construction contractor shall ensure that all equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment.
B. The construction contractor shall ensure that unnecessary idling of internal combustion engines (i.e., idling in excess of 5 minutes) is prohibited.
C. The construction contractor shall utilize "quiet" models of air compressors and other stationary noise sources where such market available technology exists.
D. At all times during project grading and construction, the construction contractor shall ensure that stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from the nearest residential land uses.
E. The construction contractor shall designate a noise disturbance coordinator who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (starting too early, bad muffler, and establish reasonable measures necessary to correct the problem. The construction contractor shall visibly post a telephone number for the disturbance coordinator at the construction site.

Street Names

**42.** Prior to the recordation of the Final Map, proposed name(s) shall be submitted for review by the Department of Conservation and Development, GIS/Mapping Section. Alternate street names should be submitted. The Final Map cannot be certified by CDD without the approved street names.

Power Lines

**43.** Where a lot is located within 300 feet of a high voltage electric transmission line, the applicant shall record the following as a deed disclosure:

"The subject property is located near a high voltage electric transmission line. Purchasers should be aware that there is ongoing research on possible potential adverse health effects caused by the exposure to a magnetic field generated by high voltage lines. Although much more research is needed before the question of whether magnetic fields actually cause adverse health effects can be resolved, the

basis for such a hypothesis is established. At this time no risk assessment has been made."

When a Final Subdivision Report issued by the California Department of Real Estate is required, the applicant shall also request that the Department of Real Estate insert the above note in the report.

Will Serve Letters

**44.** Prior to recordation of the Final Map, a copy of a will-serve letter from East Bay Municipal Utility District shall be submitted to CDD.

**45.** Prior to recordation of the Final Map, a copy of a will-serve letter from Central Contra Costa Sanitary District shall be submitted to CDD.

Electric Vehicle

**46.** In accordance with the County's Electric Vehicle (EV) Ordinance, a listed raceway to accommodate a dedicated 208/240-volt branch circuit shall be installed for each new residence.

**DEPARTMENT OF CONSERVATION AND DEVELOPMENT, HOUSING AND COMMUNITY IMPROVEMENT (HCI) DIVISION, CONDITIONS OF APPROVAL FOR COUNTY FILE #CDSD21-09581**

**47.** Inclusionary Housing Ordinance: This project is subject to County Ordinance Code, Chapter 822-4, Inclusionary Housing Ordinance. Terms and definitions regarding the Inclusionary Housing Ordinance are pursuant to this chapter. Pursuant to Section 822-4.402(b) of the County Ordinance Code, a residential development of five or more for-sale units shall require at least fifteen percent of the for-sale units to be developed and sold as affordable units. At least twenty percent of the inclusionary units shall be sold at an affordable price to lower-income households. The remaining units shall be sold to moderate-income families at an affordable price.

**48.** For-Sale Inclusionary Housing and Partial In-Lieu Fee: The applicant, owner, and/or developer (Applicant) is required to construct 1.35 affordable units (9 total base

units x 0.15 of total = 1.35 units) for the project. The Applicant has submitted a revised project proposal that included an Inclusionary Housing Plan and density bonus request dated March 22, 2022, that proposed to construct one for-sale moderate income inclusionary unit (affordable to households with an income up to 120% of Area Median Income) on Lot 4 of the property. The unit on Lot 4 is an approximately 2,533-square-foot single-family detached home consisting of four bedrooms. The one moderate-income unit proposed for compliance with the Inclusionary Housing Ordinance requirements is the same moderate-income unit required for compliance with the Density Bonus request. This unit may be referenced as inclusionary unit, density bonus unit, or both in these conditions. The requirements for the one moderate-income unit must comply with both the Inclusionary Housing Ordinance and State Density Bonus law, and the most restrictive requirements would apply.

The Applicant has proposed to pay a partial in-lieu fee for the fractional 0.35 inclusionary unit, and the County has accepted this proposal. The current calculation of the partial in-lieu fee for the fractional inclusionary unit is $15,444.00. The final calculation of the in-lieu fee will be calculated upon payment. This in-lieu fee is non-refundable and non-transferable. A partial in-lieu fee of $15,444.00 will be paid for the fractional .35 unit (.35 = 26% of the fee total of $59,401. 26% of this fee = $15,444.00)

**49.** Density Bonus Request: The Applicant submitted a revised project description which included a density bonus request dated March 22, 2022, which proposed constructing ten percent of the total dwelling units of a housing development where all units are offered to the public for purchase. The Applicant proposed constructing one moderate-income unit, constituting eleven percent of the total for-sale units in the development.

**50.** Density Bonus – Concession or Incentive: Pursuant to Government Code 65915(d), the Applicant may request one project concession or incentive for providing eleven percent (one unit) for moderate-income units of the total units within the for-sale housing development. The Applicant requested the concession to utilize gross acreage to calculate the maximum density allowed for the site instead of using the net acreage as required in the General Plan.

The County accepted the Applicant's request to use gross acreage when calculating the maximum base density allowed on the property and density bonus. This allowed for a maximum base density of nine units instead of eight units, a six percent density bonus (one unit) for ten units in the housing development.

**51.** Density Bonus – Reduction in Development Standards: Pursuant to Government Code 65915(e), the Applicant proposed a waiver or reduction of the following development standards:

- Lot Area – where the County Ordinance Code requires a minimum parcel size of 20,000 square feet, the proposed lot sizes range from 9,292 to 17,659 square feet.

- Lot Width – where the County Ordinance Code requires a minimum average lot width of 120 feet, the proposed average lot widths range from 66.4 to 138.8 feet.

- Lot Depth – where the County Ordinance Code requires a minimum of 120 feet in depth, the proposed lot depths range from 127.2 to 174.1 feet. The lot depths for all proposed lots comply with the minimum requirement as proposed.

- Housing setbacks - where the County Ordinance Code requires a minimum front yard setback of 25 feet, a minimum side yard of 15 feet, and a minimum aggregate side yard of 35 feet, the proposed front yard setbacks and side yards are per the table under condition of approval #3.

- Retaining Wall Structure Setbacks – where the County Ordinance Code considers all retaining walls over three feet as a structure that must meet all setback requirements, the proposed retaining wall setback is 0 feet on all lots.

**52.** Inclusionary Housing and Density Bonus Developer Agreement: Prior to recordation of the Final Map, Parcel Map, or CDD stamp-approval of plans for issuance of building permits or grading permits for any portion of the residential development, whichever comes first, the Applicant shall execute an Inclusionary Housing and Density Bonus Housing Agreement (Agreement), form to be provided by the County, with the County pursuant to Chapter 822-4 Inclusionary Housing,

Chapter 822-2 Density Bonus, and Government Code 95915 to ensure that the property will be deed restricted for one unit to be affordable and sold to a moderate income household. The 90-day period allows for the preparation, County approval, and recordation of the Agreement prior to the milestones referenced above.

To initiate the County to prepare and execute an Agreement, the Applicant must file a condition of approval compliance review application accompanied by the appropriate fees, documents, and exhibits listed in the most recent Inclusionary Housing Plan Checklist and/or Density Bonus Plan Checklist. The Agreement must be submitted to the Board of Supervisors before execution by all parties and recordation.

The Agreement will establish the process for determining the unit's maximum sales price, buyer eligibility, and additional program details as referenced in Chapter 822-4, Inclusionary Housing Ordinance, and Government Code 65915.

A detailed timeline for the project, including the project's construction, marketing, the Applicant accepting and reviewing applications from qualified households, and the sale of the inclusionary unit.

**53.** General: The following are general terms for granting a density bonus and compliance with the Inclusionary Housing Ordinance.

a. The Applicant hereby represents warrants and covenants that will cause the Agreement to be recorded in the real property records of Contra Costa County, California, and other places the County may reasonably request. The Applicant shall pay fees incurred with any such recording. The recording of the Agreement shall occur after the acceptance of the document by the County and before the recordation of the Final Map, Parcel Map, or CDD stamp-approval of plans for issuance of building permits or grading permits for any portion of the residential development, whichever comes first.

b. The one inclusionary unit in the project shall be available for sale to members of the general public who are income eligible. The Applicant shall not give preference to any particular class or group of persons in selling the units, except that the units must be sold to a household with income no higher than 120% of the Area Median Income. There shall be no discrimination against or

segregation of any person or group of persons on account of race, color, creed, religion, sex, sexual orientation, marital status, national origin, source of income (e.g., SSI), age (except for lawful senior housing), ancestry, or disability, in the sale of the unit in the project nor shall the Applicant or any person claiming under or through the Applicant, establish or permit any such practice or practices of discrimination or segregation concerning the selection, location, number, use or occupancy of homeowners of any unit in connection with employment of persons for construction of the project.

c. County will provide the Applicant with income certification forms to be completed by the potential homebuyers. The income levels of all moderate-income household applicants for the inclusionary/density bonus unit shall be pre-certified by the Applicant (or subsequent holder of the Agreement(s)) prior to submittal to the County for review and approval.

d. Upon violating any of the Agreement's provisions by the Applicant, the County may give written notice to the Applicant specifying the nature of the breach. If the violation is not corrected to the satisfaction of the County within a reasonable period, not longer than thirty (30) days after the date the notice is deemed received, or within such further time as the County determines is necessary to correct the violation, the County may declare a default under the Agreement. Upon declaration of a default or if the County determines that the Applicant has made any misrepresentation in connection with receiving any benefits under this Agreement, the County may apply to a court of competent jurisdiction for such relief at law or in equity as may be appropriate.

**54.** Term of Affordability: The inclusionary unit shall be deed-restricted so that if the home is sold within forty-five (45) years, it must be sold at an affordable sales price to a moderate-income household. The inclusionary unit shall be deed-restricted upon sale to ensure the continued affordability of this unit for the required term of affordability in accordance with Government Code 65915.

**55.** Development Standards: The inclusionary unit must be constructed and finished in compliance with the approved Inclusionary Housing Plan. The unit is subject to the standards of Section 822.4.412 of the County Ordinance.

a. The inclusionary unit must be constructed and occupied before or concurrently with the market rate units within the same residential development. A hold will

be placed on the final inspection/occupancy for all building permits issued within the subdivision to ensure that the inclusionary/density bonus unit meets this requirement.

b. The average number of bedrooms for the inclusionary unit must be equivalent to the average number of bedrooms for market-rate units within the same residential development.

**56.** Marketing and Homebuyer Selection: It is anticipated that the Applicant will construct all project units and market them before construction completion. The Applicant shall submit documentation and other information to the County for review and approval at least 90 days prior to construction completion and prior to the Applicant's request for a final building inspection and final occupancy of the building. The documentation and information required for review and approval are listed in the most recent Inclusionary Housing Plan Checklist or Density Bonus Plan Checklist and include, but are not limited to, the following:

a. Marketing Plan
b. Homebuyer Selection Plan. The homebuyer selection plan should include a provision for a lottery process for the inclusionary/density bonus unit.
c. Marketing Materials, including translated Marketing Materials in Spanish and Chinese.

In addition to other marketing efforts proposed by the Applicant in the marketing plan, the inclusionary unit shall be marketed through local, non-profit, social service, faith-based, and other organizations with potential buyers as clients or constituents. Marketing materials shall be made available online for at least one month before the first sale and shared with County Housing staff to promote to its mailing lists. The Applicant shall translate marketing materials, and the marketing plan shall be submitted to the Department of Conservation and Development before marketing the inclusionary housing unit.

Marketing may also include publicity through local television and radio stations as well as local newspapers, including the Contra Costa Times, Classified Flea Market, El Mensajero, La Opinion, Thoi Bao Magazine, Berkeley/Richmond/San Francisco Posts, Korea Times, El Mundo, Hankook Il Bo, and the Sing Tao Daily.

**57.** Marketing and Homebuyer Selection: The developer shall refer all qualified homebuyers to a HUD Homebuyer Counselor prior to the sale of the inclusionary unit.

**58.** For-Sale Inclusionary/Density Bonus Unit Restrictions: The initial sale of a for-sale inclusionary unit shall occur only to a household that meets the following criteria:

a. The household has not owned a residence within the previous three years; and

b. The household has no more than two hundred fifty thousand dollars in assets. The amount excludes assets reserved for a down payment and closing costs, assets in retirement savings accounts, and medical savings accounts.

c. The purchaser of the for-sale inclusionary/density bonus unit must agree to occupy the dwelling unit as their principal residence.

d. The term of affordability for the inclusionary/density bonus unit is 45 years.

The for-sale inclusionary unit may be resold after the initial sale to a moderate-income purchaser at a moderate-income sales price.

If a moderate-income purchaser cannot be found after diligently marketing the unit widely and after a period determined by DCD, the unit may be sold to an above-moderate-income purchaser at a market price, provided that the sale results in a recapture by the County of financial interest in the unit equal to the sum of:

The difference between the initial affordable sales price and the appraised market value of the unit at the time of the initial sale; and

The County's proportionate share of any appreciation since the time of the initial sale. Appreciation is the difference between the resale price to the above-moderate-income purchaser and the appraised market value at the initial sale. The County's proportionate share of appreciation is equal to the percentage by which the initial affordable sales price was less than the appraised market value at the time of the initial sale.

**59.** Prequalification of Homebuyers and Compliance Review: The Applicant is responsible for marketing and prequalifying potential homebuyers for income qualification. The Applicant shall submit for DCD's review and prequalification prior to the initial sale of the inclusionary/density bonus unit, and the Applicant shall submit to the Department of Conservation and Development for review and approval, all forms, and documentation demonstrating that the buyer of the unit is

qualified as a moderate-income household. A hold shall be placed on the final inspection/ occupancy of all building permits associated with the construction of the residences in the project until documentation has been deemed adequate by the Department of Conservation and Development.

To initiate this prequalification review, the applicant must file a COA Compliance Review Application if there is no open compliance review application for this project.

**60.** Prequalification of Homebuyers and Compliance Review: The Applicant is responsible for keeping the Department of Conservation and Development informed of the contact information of the owner or designee responsible for maintenance and compliance with this permit and how they may be contacted (i.e., mailing addresses, email addresses, and telephone numbers) at all times.

a. Prior to the recordation of the Final Map, Parcel Map, or CDD stamp-approval of plans for issuance of building permits or grading permits for any portion of the residential development, whichever comes first, and with filing a condition of approval compliance review, the Applicant shall provide the name of the contact representing the property owner for permit compliance and their contact information.

b. Should the contact subsequently change (e.g., new designee or owner), within 30 days of the change, the Applicant shall issue a letter to the Department of Conservation and Development with the name of the new party who has been assigned permit compliance responsibility and their contact information. Failure to satisfy this condition may result in the commencement of procedures to revoke the permit.

**PUBLIC WORKS CONDITIONS OF APPROVAL FOR COUNTY FILE #CDSD21-09581**

Applicant shall comply with the requirements of Title 8, Title 9 and Title 10 of the Ordinance Code. Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the site plan/(vesting) tentative map submitted to the Department of Conservation and Development on September 2, 2021.

COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO FILING OF THE FINAL MAP.

General Requirements

**61.** In accordance with Section 92-2.006 of the Ordinance Code, this subdivision shall conform to all applicable provisions of the Subdivision Ordinance (Title 9). Any exceptions therefrom must be specifically listed in this conditional approval statement. The drainage, road and utility improvements outlined below shall require the review and approval of the Public Works Department and are based on the vesting tentative map received by the Department of Conservation and Development, Community Development Division, on June 27, 2022.

**62.** Applicant shall submit improvement plans prepared by a registered civil engineer to the Public Works Department and pay appropriate fees in accordance with the County Ordinance and these conditions of approval. The below conditions of approval are subject to the review and approval of the Public Works Department.

Roadway Improvements (Walnut Boulevard)

**63.** Applicant shall construct curb, 5-foot sidewalk, necessary longitudinal and transverse drainage, street lighting, and pavement widening and transitions along the frontage of Walnut Boulevard. Applicant shall construct face of curb 10 feet from the widened right of way line.

**64.** Applicant shall construct a street type connection with 20-foot radii curb returns in lieu of standard driveway depressions at intersection of Walnut Boulevard and Private Street A.

Road Dedications

**65.** Property owner(s) shall convey to the County, by Offer of Dedication, 7 feet of right-of-way for the planned future width of 64 feet along the Walnut Boulevard frontage.

Access to Adjoining Property

**66.** Proof of Access: Applicant shall furnish proof to the Public Works Department of the acquisition of all necessary rights of way, rights of entry, permits and/or easements for the construction of off-site, temporary or permanent, public and private road and drainage improvements.

Encroachment Permit

**67.** Applicant shall obtain an encroachment permit from the Public Works Department, if necessary, for construction of driveways or other improvements within the right-of-way of Walnut Boulevard.

**68.** Applicant shall obtain an encroachment or other applicable permits from the City of Walnut Creek, if necessary, for construction of off-site utilities our improvements within the corporate limits of the City of Walnut Creek.

Abutter's Rights

**69.** Applicant shall relinquish abutter's rights of access along Walnut Boulevard frontage with the exception of the proposed private road intersection.

Sight Distance

**70.** Applicant shall provide sight distance at the private road intersection with Walnut Blvd. for a design speed of 30 miles per hour.

Private Roads

**71.** Applicant shall construct an on-site roadway system to current County private road standards with a travel width of 28 feet, and a 5-foot sidewalk monolithic to the curb. These improvements shall be located within a minimum 35-foot private access and utility easement. Additional easement width may be necessary to accommodate utility boxes, vaults, etc.

Parking

**72.** Parking shall be prohibited on one side of on-site roadways where the curb-to-curb width is less than 36 feet and on both sides of on-site roadways where the curb-to-curb width is less than 28 feet. "No Parking" signs shall be installed along these portions of the roads subject to the review and approval of the Public Works Department.

Countywide Street Lights Financing

**73.** Property owner(s) shall annex to the Community Facilities District (CFD) 2010-1 formed for Countywide Street Light Financing. Annexation into a streetlight service area does not include the transfer of ownership and maintenance of street lighting on private roads.

Utilities/Undergrounding

**74.** Applicant shall underground all new and existing utility distribution facilities, including those along the frontage of Walnut Boulevard Applicant shall provide joint trench composite plans for the underground electrical, gas, telephone, cable television and communication conduits and cables including the size, location and details of all trenches, locations of building utility service stubs and meters and placements or arrangements of junction structures as a part of the Improvement Plan submittals for the project. The composite drawings and/or utility improvement plans shall be signed by a licensed civil engineer.

Exceptions (Subject to Advisory Agency findings and approval)

Applicant is granted an exception from the utility undergrounding requirement of the Ordinance Code by the advisory agency as provided for in 92-6.002 of said Code. This exception is specific to the Walnut Boulevard frontage and does not preclude relocation of exiting overhead utilities in conflict with required street improvements. because of the several parcels involved and the nature of the area.

Maintenance of Facilities

**75.** The maintenance obligation of all common and open space areas, private roadways, any private streetlights, public and private landscaped areas, perimeter walls/fences,

and on-site drainage facilities shall be included in the covenants, conditions, and restrictions (CC&Rs). The language shall be submitted for the review and approval of the Zoning Administrator and Public Works Department at least 60 days prior to filing of the Final Map.

Drainage Improvements

**76.** Collect and Convey: Applicant shall collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage facility, to a natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the stormwater to a natural watercourse, in accordance with Division 914 of the Ordinance Code. Applicant shall verify the adequacy at any downstream drainage facility accepting stormwater from this project prior to discharging runoff. If the downstream system(s) is inadequate to handle the existing and project condition for the required design storm event, applicant shall construct improvements to make the system adequate. Applicant shall obtain access rights to make any necessary improvements to off-site facilities.

**77.** Detention Basin: The proposed joint use of the drainage basin for both stormwater management, and peak runoff rate reduction will be allowed provided the stormwater management aspects of the basin are not included in the storage volume accounting relative to detention basin routing.

Exceptions (Subject to Advisory Agency findings and approval)

Applicant is granted an exception from the public entity maintenance requirement of the Ordinance Code by the advisory agency as provided for in 92-6.002 of said Code. The maintenance obligation relative to the detention/stormwater management basin will be satisfied in the CC&Rs and Stormwater Maintenance Operation and Maintenance Agreement and Plan.

Miscellaneous Drainage Requirements

**78.** Applicant shall design and construct all storm drainage facilities in compliance with the Ordinance Code and Public Works Department design standards.

**79.** Applicant shall prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.

**80.** A private storm drain easement, conforming to the width specified in Section 914-14.004 of the County Ordinance Code, shall be dedicated over any proposed storm drain line that serves or traverses more than one lot or parcel.

National Pollutant Discharge Elimination System (NPDES)

**81.** The applicant shall be required to comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, or any of its Regional Water Quality Control Boards (San Francisco Bay - Region II).

Compliance shall include developing long-term best management practices (BMPs) for the reduction or elimination of stormwater pollutants. The project design shall incorporate wherever feasible, the following long-term BMPs in accordance with the Contra Costa Clean Water Program for the site's stormwater drainage:

- Minimize the amount of directly connected impervious surface area.
- Install approved full trash capture devices on all catch basins (excluding catch basins within bioretention area) as reviewed and approved by Public Works Department. Trash capture devices shall meet the requirements of the County's NPDES permit.
- Install approved full trash capture devices on all catch basins (excluding catch basins within bioretention area) as reviewed and approved by Public Works Department. Trash capture devices shall meet the requirements of the County's NPDES Permit.
- Place advisory warnings on all catch basins and storm drains using current storm drain markers.
- Offer pavers for household driveways and/or walkways as an option to buyers.
- Construct concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
- Distribute public information items regarding the Clean Water Program and lot specific IMPs to buyers.
- Shared trash bins shall be sealed to prevent leakage, OR, shall be located within a covered enclosure.
- Other alternatives comparable to the above as approved by Public Works.

Stormwater Management and Discharge Control Ordinance

**82.** The applicant shall submit a final Storm Water Control Plan (SWCP) and a Stormwater Control Operation and Maintenance Plan (O+M Plan) to the Public Works Department, which shall be reviewed for compliance with the County's National Pollutant Discharge Elimination System (NPDES) Permit and shall be deemed consistent with the County's Stormwater Management and Discharge Control Ordinance (§1014) prior to filing of the Final Map. All time and materials costs for review and preparation of the SWCP and the O+M Plan shall be borne by the applicant.

**83.** Improvement plans shall be reviewed to verify consistency with the final SWCP and compliance with Provision C.3 of the County's NPDES Permit and the County's Stormwater Management and Discharge Control Ordinance (§1014).

**84.** Stormwater management facilities shall be subject to inspection by the Public Works Department; all time and materials costs for inspection of stormwater management facilities shall be borne by the applicant.

**85.** Prior to filing of the Final Map, the property owner(s) shall enter into a Stormwater Management Facility Operation and Maintenance Agreement with Contra Costa County, in which the property owner(s) shall accept responsibility for and related to the operation and maintenance of the stormwater facilities, and grant access to relevant public agencies for inspection of stormwater management facilities.

**86.** Prior to filing of the Final Map, the property owner(s) shall annex the subject property into Community Facilities District (CFD) No. 2007-1 (Stormwater Management Facilities), which funds responsibilities of Contra Costa County under its NPDES Permit to oversee the ongoing operation and maintenance of stormwater facilities by property owners.

**87.** Any proposed water quality features that are designed to retain water for longer than 72 hours shall be subject to the review of the Contra Costa Mosquito & Vector Control District.

Drainage Area Fee Ordinance

**88.** Applicant shall comply with the drainage fee requirements for Drainage Area 8 as adopted by the Board of Supervisors prior to initiation of the use requested with this application. This fee shall be paid prior to filing of the Final Map.

## ADVISORY NOTES

**ADVISORY NOTES ARE NOT CONDITIONS OF APPROVAL; THEY ARE PROVIDED TO ALERT THE APPLICANT TO ADDITIONAL ORDINANCES, STATUTES, AND LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES THAT MAY BE APPLICABLE TO THIS PROJECT.**

A. NOTICE OF OPPORTUNITY TO PROTEST FEES, ASSESSMENTS, DEDICATIONS, RESERVATIONS, OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

   Pursuant to California Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations, or exactions required as part of this project approval. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and must be delivered to the Community Development Division within a 90-day period that begins on the date that this project is approved. If the 90th day falls on a day that the Community Development Division is closed, then the protest must be submitted by the end of the next business day.

B. This project is subject to the development fees in effect under County Ordinance as July 27, 2022, the date the vesting tentative map application was accepted as complete by the Department of Conservation and Development. These fees are in addition to any other development fees, which may be specified in the conditions of approval.

C. Applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Martinez Area of Benefit as adopted by the Board of Supervisors. Payment is required prior to issuance of a building permit.

D. Although the Stormwater Control Plan has been determined to be preliminarily complete, it remains subject to future revision, as necessary, during preparation of improvement plans in order to bring it into full compliance with C.3 stormwater requirements. Failure to update the SWCP to match any revisions made in the improvement plans may result in a substantial change to the County approval, and the project may be subject to additional public hearings. Revisions to California Environmental Quality Act (CEQA) documents may also be required. This may significantly increase the time and applicant's costs associated with approval of the application.

E. The applicant shall comply with the requirements of the following agencies:
   - Contra Costa County Public Works Department
   - Department of Fish and Wildlife
   - Army Corps of Engineers
   - Contra Costa County, Department of Conservation and Development, Building and Grading Inspection Divisions
   - Contra Costa County Fire Protection District
   - Central Contra Costa Sanitary District
   - East Bay Municipal Utility District

# Attachment 2

# Letters of Appeal

October 25, 2023

CONTRA COSTA COUNTY
2023 OCT 26 AM 11:41
APPLICATION & PERMIT CENTER

Dear Department of Conservation and Development,

We are writing to appeal the zoning administration's decision regarding the drainage plans for the project at 3180 Walnut Blvd.

We are appealing the decision to have the new drainage pipe (from the 3180 Walnut Blvd project) attached to the existing 30" pipe across the street at our property at 3175 Walnut Blvd. **This is a change in drainage pattern resulting in more runoff draining to the 30" city pipe at 3175 Walnut Blvd. which dumps into a culvert at the back of our property.**

There is great concern over the potential erosion caused by the additional water and runoff from these 10 homes. The culvert has tall and mature trees which would be destabilized with the additional water and resulting erosion. We are also concerned about the foundation of our home becoming destabilized with the additional water and erosion. There is a grated manhole cover about ⅓ of the way down our driveway. There is the additional potential that overflow from this outlet would cause flooding of our home, which is downhill from the outlet. During the past years' winter storms the runoff was already at historic levels.

We ask that all drainage and runoff from the 3180 project be routed along the existing route the water currently flows and drains, on the north side of the street. This would keep all drainage routing on the county side of the street. There are existing drainage options on that side of the street to tie into underground.

Sincerely,

John and Kim Asher
3175 Walnut Blvd.
Walnut Creek, CA 94596

Contra Costa County Community Development Division
Attention Application & Permit Center
30 Muir Rd
Martinez, CA 94533

# Notice of Appeal
# 3180 Walnut Boulevard 10-Lot Subdivision (County File #CDSD21-09581)

## I. INTRODUCTION

The 3180 Walnut Blvd project seeks to add ten new, two story, homes on a 2.88 acre lot in the Walnut Heights area of unincorporated Walnut Creek. Hundreds of neighbors expressed their discontent, fear, and trepidation regarding the project through emails, letters, and attending the zoning administrator hearings. All of these are attached to this appeal.

The planning department approved the project in full, and the Zoning Administrator approved the project in full, but was able to obtain the verbal agreement of the out of state developer, Calibr Ventures, to plant fast growing, mature trees in the back periphery of the development. I believe this is not enough, and this appeal prays for the requirement of the following:

1. Fast growing, mature trees at the periphery of the property;
2. Grading the land by at least 30 feet lower so the height of the houses do not tower over neighboring properties and changing community aesthetics; and
3. Increased drainage from the development to prevent flooding.

## II. APPEAL REQUESTS

### A. PLANTING OF FAST GROWING, MATURE TREES AT BACK PERIPHERY OF DEVELOPMENT

While the developer verbally agreed to this at the zoning administrator's request, I request that this become required so that the developer cannot change his mind on a whim. Currently, there is no vegetation separating two of my neighbors' houses from the development, and scarce vegetation separating the others. This means that these families will not have any privacy between their home, and that of the new development. This creates a significant invasion of privacy as these neighbors have young children, and these homes will look directly into their children's bedrooms, and their backyard. The developer already has to plant new trees somewhere on the development, so all the developer needs to do differently is plant the new trees around the back of the development (behind proposed lots 5 & 6). This will create privacy, eliminate sound, and even make the development more aesthetically pleasing.

Said trees cannot be any trees, they need to be specific privacy trees that grow tall and wide, and must be 10+ years old. I researched this and found examples of trees that grow to at least 60 feet tall and 5-6 feet wide (based on the dimensions, the developer would need to buy about 15-20 of these to fill in the back periphery of the development behind lots 5 & 6).

## B. GRADE LAND DOWN BY 20-30 FEET IN ORDER TO PREVENT DEVELOPMENT TOWERING OVER NEIGHBORS AND DRASTICALLY CHANGING THE COMMUNITY

The highest point of the development is less than 20 feet away from some neighboring properties, and within 50-100 feet of all others. This hill that the developer wishes to build the homes, at its highest point, is roughly 30 feet higher than the lowest point of all neighboring properties. The developer plans to build two story homes on top of the hill, rather than remove tons and tons of dirt in order to lower/grade the land before building. By building on top of the hill, the entire development will be roughly 70 feet above the lowest point of numerous neighbors, thereby towering over neighboring properties. This will obstruct views, create privacy concerns (for the same reasons as above), and drastically change the neighborhood which has predominantly single story, rancher homes all on the same level. I request that the developer grade the lot down so it is level with the lowest part of the developer's lot. This means grading the lot down about 30 feet. This will prevent the development from towering over all homes in the area, and keep the homes in the area built on the same grade. It will also help prevent water runoff from going down the hill into neighboring yards and the creek (i.e., it will prevent flooding which will certainly be caused if the development is built on the hill-see below). No neighbors will complain about the removal of dirt, and it will not be an exorbitant cost for the developer to do this.

## C. DEVELOPER'S PROPOSED DRAINAGE IS INADEQUATE AND WILL RESULT IN FLOODING AND SUFFERIN OF NEIGHBORING PARCELS

The developer's hydrology report is terminally flawed and contains euphemistic ideas not proven on site and not based in reality. This project will create 40,755 Sq. Ft. of new impervious surfaces on a property that previously had less than 2,000 Sq. Ft. There currently exists no tangible or positive existing drainage for this 2.88-acre site. Any water collected and the directed offsite presents a clear and present danger to neighboring downstream properties. Any water collected and directed offsite will present a significant impact on erosion, flooding, and siltation of the USGS marked, Department of Fish and Wildlife controlled, ancient unimproved creek bed downstream form this proposed project.

Referring to the "Hydrologic & hydraulic analyses" report prepared by DK Engineering of March 2022. Page 83 of the (NOTICE OF PUBLIC REVIEW AND INTENT TO ADOPT A PROPOSED MITIGATED NEGATIVE DECLARATION) report mentions a "Drainage Swail in the northern and western boundary that collects runoff from a portion of the site and several neighboring parcels." This is not a factual statement as 1) it is an ancient creek bed and 2) it exists at the furthest north end of the property line (behind proposed lot 4) far into the property depth at the highest elevational portion of the 3180 Walnut Blvd property.

This creek currently has no tributary inflows from any buildable portion of this property. Any and all hard surface runoff created from the structures and hardscapes on this proposed development will create new and never before existing direct impact on the downstream creek complex which already has a history of flooding, silting, and erosion and is currently over

capacity.

The proposed bio-retention basin in this project is ineffective and detrimental to downstream properties. It is obvious that no analysis has been done regarding the effects of minor or major flow volume discharge from this basin to downstream properties (for example, the developer has never acknowledged the fact the creek bed this discharges into is a USGS identified Department of Fish and Wildlife controlled ancient tributary of the named Indian Creek complex).

The current drainage infrastructure this proposed development intends to tie into is obviously insufficient to handle extreme weather events and is a danger to downstream properties and potentially lives. The current culvert & pipe from the Northeast back corner of the 3180 Walnut Blvd property is 24" in diameter and travels under the property at 3160 Walnut Blvd. This pipe continues underground across Walnut Blvd. and terminates south of the property at 3151 Walnut Blvd. This 24" galvanized pipe collects flow from upper Nob Hill Dr. through an ancient existing creek and wetland area, passes it through the pipe and ejects any flow into the USGS marked Department of Fish and Wildlife controlled ancient existing unimproved creek bed along Shady Glen Rd. The initiation of the transference pipe in question lies ~2/3 into the depth of the 3180 property, essentially no hydro off flow leaves the property and enters this drainage feature.

There exists a culvert entering a 24" pipe to the South of the property originating behind the 4000 Walnut Blvd. property across View Ln. from the 3180 Walnut Blvd property. The pipe crosses under View Lane and onto the 3180 Walnut Blvd property. There exists no active drain to this pipe on the 3180 Walnut Blvd property, just a (Inspection/cleanout) junction basin covered by a bolted down aluminum plate which is above grade by ~12". From that Junction a ~27" pipe crosses Walnut Blvd. and enters the Curbside collector drain which drains the West side of Walnut Blvd's sidewalk gutter. After this feature, an exit pipe enters the easement under the driveway of 3175 Walnut Blvd. Half way down this driveway exists a 24"open grate access cover which if overwhelmed would directly flood the house and garage of 3175 Walnut Blvd. Moving downhill to the West the pipe terminates through a 30" orifice into the USGS marked Department of Fish and Wildlife controlled ancient waterway which runs along Shady Glen Rd. (This outflow is ~100 yards South of the previously mentioned @4" Galvanized pipe at 3151 Walnut Blvd).

There is no drainage ditch or similar along the frontage length of the 3180 Walnut Blvd property. There is a drainage swage in front of 3160 Walnut Blvd but there is no connection to 3180 Walnut Blvd, nor could there be because of a utility pole in the way.

In summary, there is no active, positive outflow into any water carriage system on the 3180 Walnut Blvd property. Currently any water entering that property soaks into the ground to the point of saturation and pools on the property afterwards. The developer's Engineering firm (DK Engineering) has been loose with the facts and less than truthful in claiming less hydro outflow will enter the surrounding creeks following the project than before. Another third-party report needs to be done to determine the system necessary to prevent flooding in the neighborhood.

## III. CONCLUSION

I hereby request that the appeal division make the developer 1) plant the mature, fast-growing trees; and 2) grade the lot down by at least 30 feet; and 3) increase drainage systems in accordance with a new, third party report.

Thank you,

Bill Goodwin
3131 Walnut Blvd.
Walnut Creek, CA 94596

# Attachment 3

Maps (Parcel Page, General Plan, Zoning, Aerial Photograph)

WALNUT HEIGHTS
M.B.10-245
1- RECORD OF SURVEY 43 L.S.M. 28 7-5-66
2- PARCEL MAP 2 P.M. 12 12-5-67
3- 22L.S.M.42 7-3-63
4- 20P.M. 7 12-23-71
5- 99P.M.28 1-20-82
6- 167PM25 9-26-95

27 28 25 22 23 240

SIMPSON DRIVE
HILL
DRIVE
ECKLEY LANE
VIEW LANE
BLVD.
WALNUT
TO COUNTY 559 OR 420-10/23/40
℄ OF OLD 20' ROAD
N.D.
SD21-9581

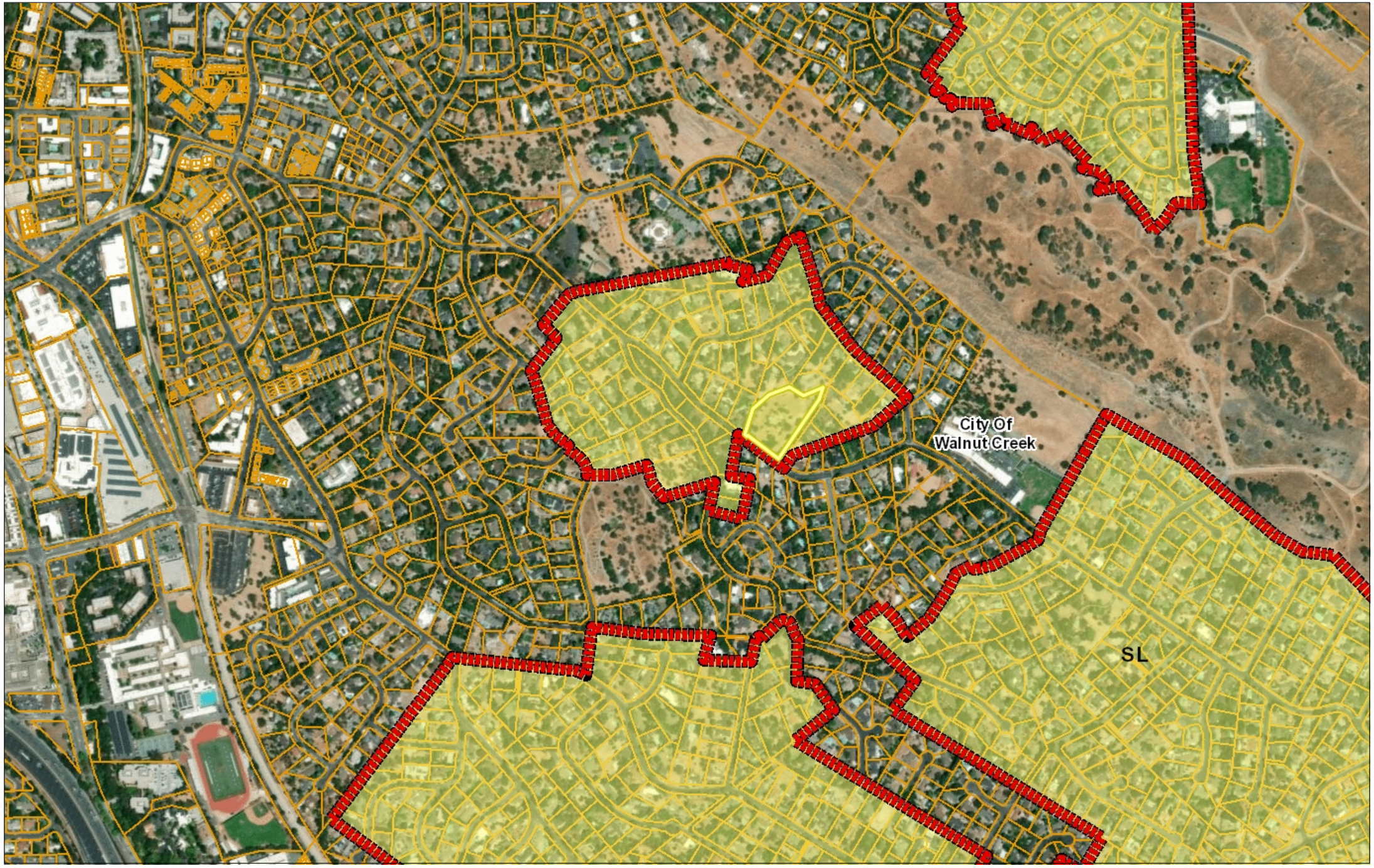
37 .52Ac. "A"
38 .48Ac.
42 .610Ac.
28 .50Ac. "A"
30 .50Ac. C
35 .87Ac. A
40 .59Ac.
36 .65Ac. B
41 .98Ac.
08 .51Ac.
07 .53Ac.
06 .50Ac.
05 .52Ac.
04 .52Ac.
03 .68Ac.
02 2.88Ac.
240
43 .542Ac. "B"
13 .54Ac.
34 .52Ac.
15 .55Ac.
16 .53Ac.
46 .49Ac. "A"
47 .38Ac. "B"
33 .87Ac.
44 .40Ac.
23 .74Ac.
27 .47Ac.
22 .82Ac.
26 .57Ac.
24 .43Ac.
25 .43Ac.

| REVISED | CHANGE | BY |
|---|---|---|
| 11-14-91 | SPLIT-16516/441 | JAC |
| 2-8-96 | 167 PM 25 | TA |
| | | |
| | | |
| | | |

1" = 100'

ASSESSOR'S MAP
BOOK 180 PAGE 24
45 & 14 CONTRA COSTA COUNTY, CALIF.

# General Plan: Single-Family Residential, Low Density (SL)




## Legend

- City Limits

General Plan

- SV (Single Family Residential - Ver
- SL (Single Family Residential - Low
- SM (Single Family Residential - Me
- SH (Single Family Residential - Hig
- ML (Multiple Family Residential - Lo
- MM (Multiple Family Residential - M
- MH (Multiple Family Residential - H
- MV (Multiple Family Residential - V
- MS (Multiple Family Residential - V
- CC (Congregate Care/Senior Housi
- MO (Mobile Home)
- M-1 (Parker Avenue Mixed Use)
- M-2 (Downtown/Waterfront Rodeo I
- M-3 (Pleasant Hill BART Mixed Use
- M-4 (Willow Pass Road Mixed Use)
- M-5 (Willow Pass Road Commercia
- M-6 (Bay Point Residential Mixed U
- M-7 (Pittsburg/Bay Point BART Sta
- M-8 (Dougherty Valley Village Cent
- M-9 (Montalvin Manor Mixed Use)
- M-10 (Willow Pass Business Park M
- M-11 (Appian Way Mixed Use)
- M-12 (Triangle Area Mixed Use)
- M-13 (San Pablo Dam Road Mixed
- M-14 (Heritage Mixed Use)
- CO (Commercial)
- OF (Office)
- BP (Business Park)
- LI (Light Industry)
- HI (Heavy Industry)
- AL, OIBA (Agricultural Lands & Off
- CR (Commercial Recreation)
- ACO (Airport Commercial)
- LF (Landfill)
- PS (Public/Semi-Public)
- PR (Parks and Recreation)
- OS (Open Space)

1: 9,028

0.3 0 0.14 0.3 Miles

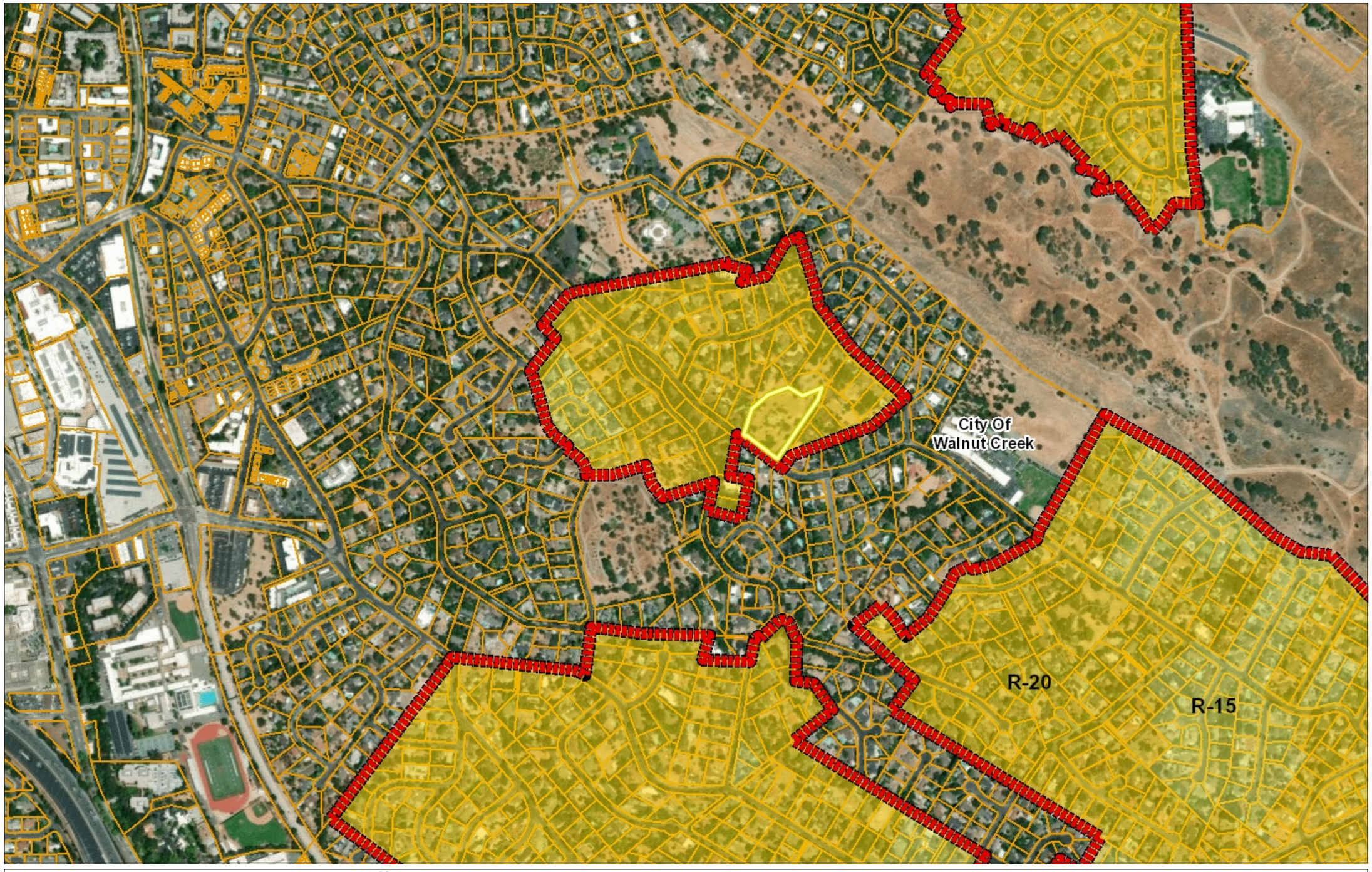
WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

**Notes**

CDSD21-09581

# Zoning: Single-Family Residential (R-20)




## Legend

City Limits

Zoning

- R-6 (Single Family Residential)
- R-6, -FH -UE (Flood Hazard and A
- R-6 -SD-1 (Slope Density Hillside D
- R-6 -TOV -K (Tree Obstruction anc
- R-6, -UE (Urban Farm Animal Exclu
- R-6 -X (Railroad Corridor Combinir
- R-7 (Single Family Residential)
- R-7 -X (Railroad Corridor Combinin
- R-10 (Single Family Residential)
- R-10, -UE (Urban Farm Animal Exc
- R-12 (Single Family Residential)
- R-15 (Single Family Residential)
- R-20 (Single Family Residential)
- R-20, -UE (Urban Farm Animal Exc
- R-40 (Single Family Residential)
- R-40, -FH -UE (Flood Hazard and A
- R-40, -UE (Urban Farm Animal Exc
- R-65 (Single Family Residential)
- R-100 (Single Family Residential)
- D-1 (Two Family Residential)
- D-1 -T (Transitional Combining Dist
- D-1, -UE (Urban Farm Animal Exclu
- M-12 (Multiple Family Residential)
- M-12 -FH (Flood Hazard Combining
- M-17 (Multiple Family Residential)
- M-29 (Multiple Family Residential)
- F-R (Forestry Recreational)
- F-R -FH (Flood Hazard Combining
- F-1 (Water Recreational)
- F-1 -FH (Flood Hazard Combining D
- A-2 (General Agriculture)
- A-2, -BS (Boat Storage Combining
- A-2, -BS -SG (Boat Storage and So
- A-2 -FH (Flood Hazard Combining D
- A-2, -FH -SG (Flood Hazard and Sc
- A-2 -SD-1 (Slope Density Hillside D
- A-2, -SG (Solar Energy Generation

1: 9,028

0.3 0 0.14 0.3 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

**Notes**

CDSD21-09581

# Aerial Photo

0.3 0 0.14 0.3 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Legend

- City Limits
- Assessment Parcels
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations

1: 9,028

**Notes**

CDSD21-09581

# Attachment 4

# Initial Study / Mitigated Negative Declaration

**ENVIRONMENTAL CHECKLIST FORM**

| | | |
|---|---|---|
| **1.** | **Project Title:** | 3180 Walnut Boulevard 10-Lot Subdivision<br>(County File #CDSD21-09581) |
| **2.** | **Lead Agency Name and Address:** | Contra Costa County<br>Department of Conservation and Development<br>30 Muir Road<br>Martinez, CA 94553 |
| **3.** | **Contact Person and Phone Number:** | Dominique Vogelpohl<br>(925) 655-2880<br>Dominique.Vogelpohl@dcd.cccounty.us |
| **4.** | **Project Location:** | 3180 Walnut Boulevard<br>Walnut Creek, CA 94596<br>Assessor's Parcel Numbers: 180-240-002 |
| **5.** | **Project Sponsor's Name and Address:** | Calibr Ventures c/o Andy Byde<br>1908 Cambridge Place<br>Walnut Creek, CA 94598 |
| **6.** | **General Plan Designation:** | The project site is located within the Single-Family Residential – Low Density (SL) General Plan Land Use designation. |
| **7.** | **Zoning:** | The project site is located within the R-20 Single-Family Residential (R-20) District. |

**8.** **Description of Project:** The applicant is requesting approval of a vesting tentative map for a subdivision which proposes to subdivide the approximately 2.88-acre project site into 10 lots ranging in size from 9,292 to 17,659 square feet due to the use of California Density Bonus Law,Government Code Section 65915, which is explained further under *Density Bonus*. On each new lot, a 2-story, 3 to 5-bedroom single-family residence ranging in footprint size of approximately 2,442 to 2,913 square feet, is expected to be constructed (Exhibit 5, Exhibit 6). The proposed project would include a new private street to allow access to the site. Implementation of the project could include more than 15,000 cubic yards of grading. The project also includes exception requests to County Code Section 96-10 that requires utilities to be undergrounded, and Section 914-12.002 that requires detention basins to be at least 15 acre-feet of storage volume.

Density Bonus

The Density Bonus Law (found in California Government Code Sections 65915–65918) requires cities and counties to provide incentives or other concessions to housing developments to produce housing for very low income, lower income, moderate income, or senior housing to facilitate the development of affordable housing. A density bonus is provided to housing development projects that comply with at least one of the following criteria:

- At least 5 percent of the housing units are restricted to very low income residents.
- At least 10 percent of the housing units are restricted to lower income residents.

- At least 10 percent of the housing units in a for-sale common interest development are restricted to moderate income residents.

Density Bonus requests are processed pursuant to Section 65915 et seq. of the California Government Code and Title 8, Division 822, Chapter 822-2 (Residential Density Bonus) of the Ordinance Code.

The proposed project would restrict the home on Lot 4 for moderate income residents, meeting the requirement that at least 10 percent of the housing units be restricted to moderate income residents. As a result, the proposed project is eligible for a density bonus pursuant to the Residential Density Bonus Ordinance of the Ordinance Code. The calculations detailed below support the proposed project's eligibility under the Density Bonus Law.

Density Bonus Calculations

- Project site: 2.46 net acres (proposed right-of-way and road area is deducted)
- Gross site: 2.88 acres
- Base project: (2.88 acres) * (2.9 du/acre) = 8.35 du, fractional unit rounded to nine base units
- Target Unit(s): provide moderate income deed restricted on Lot 4
- Percent of Base Units: (1 moderate income unit)/(9 base units) = 12 percent of base units moderate income deed restricted
- Density Bonus Result: 12 percent moderate income deed restricted unit(s) qualifies for 7 percent density bonus
- Density Bonus Calculation: (9 d/u) * (0.07) = 0.63 d/u, fractional unit rounded to 1 d/u

Because the proposed project complies with the Density Bonus Law under California Government Code Section 65915, the applicant seeks approval of a concession to utilize gross acreage for the density calculation. A concession or incentive is defined as a reduction in site development standards or a modification of zoning code or architectural design requirements, such as a reduction in setback or minimum square footage requirements; or approval of mixed-use zoning; or other regulatory incentives or concessions that result in identifiable and actual cost reductions.

The table below includes a breakdown of the lot sizes and size of each proposed home. Because the proposed project complies with the Density Bonus Law under California Government Code Section 65915, the applicant seeks approval to waivers from R-20 development standards. The applicant proposes the following development standards listed below.

**Project Summary and Alternative Development Standards**

| Lot # | Lot Area (20,000 square feet minimum) | Footprint Area in square feet | Depth (120 feet minimum) | Average Width (120 feet minimum) | Front yard Setback (25 feet minimum) | Side Yard Setback (15 feet, 35 feet aggregate, minimum) | Retaining Walls (structure setbacks in feet) |
|---|---|---|---|---|---|---|---|
| Lot 1 | 9,645 | 2,483 | 145.3 | 66.4 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 2 | 10,889 | 2,533 | 168.6 | 64.6 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 3 | 11,731 | 2,913 | 174.1 | 67.4 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 4* | 10,764 | 2,533 | 150.6 | 71.5 | 1 foot to shunt turn around; 20 feet from street | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 5 | 13,270 | 2,533 | 132 | 100.5 | 20 feet to face of garage; 10 feet to living area | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 6 | 17,659 | 2,483 | 127.2 | 138.8 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 7 | 9,292 | 2,533 | 130.9 | 71 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |

| Lot # | Lot Area (20,000 square feet minimum) | Footprint Area in square feet | Depth (120 feet minimum) | Average Width (120 feet minimum) | Front yard Setback (25 feet minimum) | Side Yard Setback (15 feet, 35 feet aggregate, minimum) | Retaining Walls (structure setbacks in feet) |
|---|---|---|---|---|---|---|---|
| Lot 8 | 9,555 | 2,913 | 134.5 | 71 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 9 | 9,819 | 2,442 | 138.2 | 71 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 10 | 15,797 | 2,533 | 141.3 | 111.8 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Notes:<br>* Designated as an affordable unit. | | | | | | | |

Site Access and Parking

Regional access to the site is provided via I-680, by way of Ygnacio Valley Road. Local access to the project site would be provided via Walnut Boulevard and a new private street. The new private street would be approximately 28 feet wide, with an 8-foot parking lane on one side and 5-foot side walk along the southeast section of the proposed road way, as required by Contra Costa County Fire Protection District (CCCFPD) standards. The proposed project would include an emergency vehicle access turnaround within Lot 4. In addition to street parking, each home would include garage space for 3 to 5 cars.

Roadway and Frontage Improvements

The proposed project would include approximately 0.16 acres of public road way dedication along Walnut Boulevard. Other frontage improvements would consist of approximately 927 square feet of sidewalk improvements.

Trees

The site currently contains 74 trees protected under the Contra Costa Tree Protection and Preservation Ordinance. In total, 30 of the 73 existing trees would be retained and would be protected during construction.

Landscaping

The proposed project would include approximately 71,948 square feet of on-site landscaping.

Lighting

Exterior lighting would be limited to lighting on the exterior of the proposed homes and would meet Ordinance Code requirements.

Utilities

The proposed project would utilize existing utility connections from the following providers:

- Electricity and Natural Gas: Pacific Gas and Electric Company (PG&E)
- Potable Water: East Bay Municipal Utility District (EBMUD)
- Wastewater: Central Contra Costa County Sanitary District (Central San)
- Solid Waste: Republic Services

Stormwater

A single landscaped bioretention basin facility would be located within the proposed project, consistent with C.3 stormwater requirements, located on Lot 10. Stormwater generated from the site would be cleaned and retained by the bioretention basins and then placed into a stormwater system. Cleaned and retained stormwater would be released into an existing 30-inch storm drain line within Walnut Boulevard.

Water

The proposed project would connect into an existing EBMUD domestic water line within Walnut Boulevard.

Wastewater

The proposed project would connect into an existing Central San 8-inch sewer line within Walnut Boulevard.

Phasing and Construction

For the purposes of this environmental analysis, the proposed project is assumed to be constructed in two phases beginning in the first quarter of 2023. Demolition of the existing single-family residence would occur within the first month of construction, followed by site

preparation and grading activities. The proposed project is expected to be operational in the first quarter of 2024.

9. **Surrounding Land Uses and Setting:** The project site is located in unincorporated Contra Costa County (County), California (Exhibit 1). As shown in Exhibit 2, the site is surrounded by the City of Walnut Creek, with the City of Lafayette to the west, the cities of Pleasant Hill and Concord to the north, unincorporated County to the south and Mount Diablo State Park to the east. The project site is located at 3180 Walnut Boulevard at the corner of Walnut Boulevard and View Lane (Exhibit 2).

   The approximately 2.88-acre project site corresponds to Accessor's Parcel Number (APN) 180-240-002. The project site is located within a residential area, and is surrounded by single-family homes. Walnut Heights Elementary School is located approximately 800 feet to the northeast. Interstate 680 (I-680) is located approximately 0.89 mile southwest of the site.

   The project site contains an existing vacant single-family residence with a detached garage, which would be demolished prior to project construction. The site was historically cultivated with an orchard since at least 1946. Orchard remnants, including mature and aging pecan, almond, and walnut trees, are distributed across the site. The site also contains native oaks, with the highest density of native oaks found along the south property line. A drainage swale parallels the entire north property line, terminating in a drainage inlet at the northwest corner of the site. The project site slopes down generally from northeast to southwest, ranging in elevation from approximately 232 feet above sea level (ASL) to approximately 192 feet ASL.

10. **Other Public Agencies Whose Approval is Required** (e.g., permits, financing approval, or participation agreement.)

    Contra Costa County Public Works Department, Contra Costa County Fire District, Contra Costa County Local Area Formation District (LAFCO), East Bay Municipal Utility District, and Central Contra Costa Sanitary District.

11. **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**

    Notice of the proposed project was sent to Native American tribes, as applicable for consultation with Native American tribes under Public Resources Code Sections 21080.3.1. and Government Code Section 65352.3. A Tribal Consultation List from the Native American Heritage Commission, dated June 21, 2022, was used to identify tribes traditionally and culturally affiliated with the project area. No requests for consultation were received.

# ACRONYMS AND ABBREVIATIONS

| | |
|---|---|
| °C | degrees Celsius (Centigrade) |
| °F | degrees Fahrenheit |
| µg/m$^3$ | micrograms per cubic meter |
| ACM | asbestos-containing material |
| ADU | accessory dwelling unit |
| ARB | California Air Resources Board |
| ASL | Above Sea Level |
| ASTM | American Society for Testing and Materials |
| AUHSD | Acalanes Union High School District |
| BAAQMD | Bay Area Air Quality Management District |
| BMP | Best Management Practice |
| BRA | Biological Resources Analysis |
| CAL FIRE | California Department of Forestry and Fire Protection |
| Cal/EPA | California Environmental Protection Agency |
| Cal/OSHA | California Division of Occupational Safety and Health |
| CalEEMod | California Emissions Estimator Model |
| CalRecycle | California Department of Resources Recycling and Recovery |
| Caltrans | California Department of Transportation |
| CBC | California Building Standards Code |
| CCCFPD | Contra Costa County Fire Protection District |
| CCCWP | Contra Costa Clean Water Program |
| CCTA | Contra Costa Transportation Authority |
| CDD | Community Development Division |
| CDF | California Department of Finance |
| CDFW | California Department of Fish and Wildlife |
| Central San | Central Contra Costa County Sanitary District |
| CEQA | California Environmental Quality Act |
| CERCLA | Comprehensive Environmental Response, Compensation, and Liability |
| CESA | Act California Environmental Species Act |
| CFR | Code of Federal Regulations |
| CIP | Capital Improvement Program |
| CNDDB | California Natural Diversity Database |
| CNPS | California Native Plant Society |
| CWMP | Comprehensive Wastewater Management Plan |
| CWP | Contra Costa County Watershed Program |
| DBH | diameter at breast height |
| DPR | California Department of Parks and Recreation |

| | |
|---|---|
| DTSC | Department of Toxic Substances Control |
| du/acre | dwelling unit per acre |
| EBMUD | East Bay Municipal Utility District |
| EBP | East Bay Plain |
| EBRPD | East Bay Regional Park District |
| EIR | Environmental Impact Report |
| EOP | Emergency Operations Plan |
| EPA | United States Environmental Protection Agency |
| FEMA | Federal Emergency Management Agency |
| FHSZ | Fire Hazard Severity Zone |
| FMMP | Farmland Mapping and Monitoring Program |
| GANDA | Garcia and Associates |
| GSA | Groundwater Sustainability Agency |
| HAZNET | Hazardous Waste Information System |
| ITE | Institute of Transportation Engineers |
| LBP | lead-based paint |
| LRA | Local Responsibility Area |
| mgd | million gallons per day |
| MMRP | Mitigation Monitoring and Reporting Program |
| mph | miles per hour |
| MRP | Municipal Regional Permit |
| MS4 | Municipal Separate Storm Sewer System |
| NESHAP | National Emission Standard for Hazardous Air Pollutants |
| NFHL | National Flood Hazard Layer |
| NPDES | National Pollutant Discharge Elimination System |
| PG&E | Pacific Gas and Electric Company |
| PI | Plasticity Index |
| Qa | Holocene alluvium |
| R-20 | Single-Family Residential |
| RCRA | Resource Conservation and Recovery Act |
| RWQCB | Regional Water Quality Control Board |
| SL | Single-Family Residential-Low |
| SRA | State Responsibility Area |
| SSMP | Sewer System Management Plan |
| State Water Board | California State Water Resources Control Board |
| SWF/LF | solid waste facility/landfill |
| SWPPP | Storm Water Pollution Prevention Plan |
| TCR | Tribal Cultural Resource |

| | |
|---|---|
| Tor | Pliocene to late Miocene Orinda formation |
| USDOT | United States Department of Transportation |
| USFWS | United States Fish and Wildlife Service |
| UWMP | Urban Water Management Plan |
| VHFHSZ | Very High Fire Hazard Severity Zone |
| VMT | Vehicle Miles Traveled |
| VOC | volatile organic compounds |
| WCSD | Walnut Creek School District |
| WSCP | Water Shortage Contingency Plan |

| Environmental Factors Potentially Affected | | |
|---|---|---|
| The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact with Mitigation Incorporated" as indicated by the checklist on the following pages. | | |
| ☒ Aesthetics | ☐ Agriculture and Forestry Resources | ☒ Air Quality |
| ☒ Biological Resources | ☒ Cultural Resources | ☐ Energy |
| ☒ Geology/Soils | ☐ Greenhouse Gas Emissions | ☐ Hazards & Hazardous Materials |
| ☐ Hydrology/Water Quality | ☐ Land Use/Planning | ☐ Mineral Resources |
| ☒ Noise | ☐ Population/Housing | ☐ Public Services |
| ☐ Recreation | ☐ Transportation | ☒ Tribal Cultural Resources |
| ☐ Utilities/Services Systems | ☐ Wildfire | ☐ Mandatory Findings of Significance |

**Environmental Determination**

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Dominique Vogelpohl, Project Planner
Contra Costa County
Department of Conservation & Development

06/21/2023
Date

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No 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 building within a State Scenic Highway? | ☐ | ☐ | ☐ | ☒ |
| c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? | ☐ | ☐ | ☒ | ☐ |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | ☐ | ☒ | ☐ | ☐ |

## Environmental Evaluation

### Setting

The project site is located in unincorporated Contra Costa County, California and is surrounded by the City of Walnut Creek, with the City of Lafayette to the west, the cities of Pleasant Hill and Concord to the north, unincorporated County to the south and Mount Diablo State Park to the east. Shell Ridge Open Space lies approximately 0.19 mile to the northeast.

Diablo Foothills Regional Park, managed and maintained by the East Bay Regional Park District (EBRPD), is approximately 2.12 miles east of the project site, between Shell Ridge Open Space and Mount Diablo State Park. The 1,060-acre regional park offers hiking, biking, equestrian trails and panoramic views of the San Francisco Bay Regional. Diablo Hills Regional Park is bounded by two notable landforms: the Castle Rocks of Mount Diablo and the “camel back” ridges that form Shell Ridge. These ridges connect the park to Mount Diablo State Park to the east and Shell Ridge Open Space to the west. Mount Diablo State Park and Shell Ridge Open Space together account for 22,500 acres of open space, one of the largest open space areas of the East Bay Area. Diablo Foothills Regional Park also contains the 15-acre Castle Rock Regional Recreation Area.[1]

Mount Diablo State Park, managed and maintained by the California Department of Parks and Recreation (DPR), lies approximately 2.78 miles to the east of the project site. The more than 20,000-acre park offers hiking, biking, and equestrian trials as well as camping facilities. Mount Diablo’s summit has an elevation of 3,849 feet and offers views of the Farallon Islands to the west, the Sierra

[1] East Bay Regional Park District (EBRPD). 2022. Park Map. https://www.ebparks.org/sites/default/files/diablo_foothills_map.pdf. Accessed June 6, 2023.

Nevada to the east, Mount Loma Prieta to the south, and Lassen Peak nearly 200 miles to the north.[2] Mount Diablo is the most prominent topographical feature in the County.

The California Department of Transportation (Caltrans) manages the State Scenic Highway Program. Existing law provides Caltrans with full possession and control of all State highways. The intent of the State Scenic Highway Program is to protect any freeway, highway, road, or other public right-of-way that traverses an area of exceptional scenic quality by regulating land use and development along scenic highways.[3] The proposed project is not located within a State Scenic Highway corridor. The project site is located approximately 0.90 mile northeast of I-680 and approximately 1.63 miles east of I-24, both of which are officially designated State Scenic Highway.[4] The General Plan defines scenic routes as those roads, streets, or freeways which traverse a scenic corridor of relatively high visual or cultural value. One such scenic route is North Gate Road, located approximately 2.66 miles east of the project site.[5]

Would the project:

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

**Less than significant impact.** No scenic resources, as defined by the General Plan, are located on the project site. As discussed above, there are several scenic resources in within 3 miles of the project site, many of which offer panoramic views of the San Francisco Bay Area. A significant impact would occur if development of the proposed project would have a substantial adverse effect on a scenic vista. The nearest scenic corridor identified by the General Plan is North Gate Road, approximately 2.66 miles to the east of the project site.[6]

Figure 9-1 of the Open Space Element of the County General Plan identifies major scenic ridges and scenic waterways in the County.[7] According to this map, there are no designated scenic vista points in the area of the project site and therefore the project would not displace or obstruct views from a scenic vista. Furthermore, existing views of, and from the project site, would not be affected by the project because the proposed residential development would be built primarily at lower-lying elevations consistent with the existing surrounding residential neighborhood.

**b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a State Scenic Highway?**

**No impact.** As discussed above, the proposed project is not located within a State Scenic Highway. I-680, south of the I-24 junction, is a designated State Scenic Highway and is located approximately 0.90 mile southwest of the project site. The next nearest designated State Scenic Highway is I-24, approximately 1.63 miles west of the project site. Because of topography and intervening

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[2] California Department of Parks and Recreation (DPR). 2018. Mount Diablo State Park. Website: parks.ca.gov/pages/517/files/MountDiabloFinalWebLayout2018.pdf. Accessed June 6, 2023.

[3] California Department of Transportation (Caltrans). 2022. Scenic Highways. Website: https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways. Accessed June 6, 2023.

[4] California Department of Transportation (Caltrans). 2019. State Scenic Highway Interactive Map. Website: https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa. Accessed October 18, 2022.

[5] Contra Costa County. 2005. Contra Costa County General Plan. Transportation and Circulation Element, Figure 5-4 Scenic Routes Plan.

[6] Contra Costa County. 2005. Contra Costa County General Plan. Transportation and Circulation Element, Figure 5-4 Scenic Routes Plan.

[7] Contra Costa County. 2005. Contra Costa County General Plan. Open Space Element, Figure 9-1 Scenic Ridges and Waterways.

development, the site is not visible from these locations, thus precluding the potential for the project to substantially damage scenic resources within a State Scenic Highway. As such, no impact would occur.

**c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?**

**Less than significant impact.** Degradation of visual character or quality requires substantial changes to the existing appearance of a site by constructing elements that are poorly designed or that would conflict with the existing surroundings. As previously discussed, both Diablo Foothills Regional Park and Mount Diablo State Park provide panoramic views of the surrounding areas. Existing development, such as existing homes and vegetation, obstruct or partially obstruct existing views from the project site to the foothills and ridgelines of Mount Diablo to the east. Additionally, the proposed project is not near a scenic corridor as identified by the General Plan.

The proposed project would change the visual character of the site through the demolition of the existing single-family residence and the construction of 10 new single-family homes, as well as a new private roadway. However, the project site is located in a residentially developed area, with single-family homes surrounding the project site to the north, south, west, and east. Therefore, the proposed project would be compatible with the character of existing development in the immediate vicinity.

The project site is located in an urbanized area and is surrounded by existing roads and residential development. The project site is designated as SL and zoned as R-20. Though the proposed project proposes alternate development standards from the R-20 zone, the proposed waivers of the existing development standards are allowed under the State Density Bonus Law, without a rezone or general plan amendment. The alternative development standards include front yard setbacks, side yard setbacks, and lot areas that would be smaller than the minimums outlined in the Ordinance Code. Furthermore, the proposed project would consist of the construction of single-family homes and therefore would be consistent with the nature and character of existing development in the vicinity and site's designation of SL and zoning of R-20. Thus, the proposed project would have a less than significant impact on the existing visual character of the site and its surroundings as well as applicable zoning regulations.

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

**Less than significant impact with mitigation incorporated.** Minimal glare would be introduced in the area. The change in ambient nighttime light levels on the project site, and the extent to which project lighting would spill off the project site and affect adjacent light-sensitive areas, would determine whether the project could adversely affect nighttime views in the area. The new sources of light associated with the proposed new 10 homes would illuminate the surrounding properties and Grayson Creek; thus, the project lighting could create a potentially significant adverse environmental impact due to substantial new light. Consequently, the applicant is required to implement the following mitigation measures to reduce impacts on nighttime views.

**Potential impact.** The change in ambient nighttime light levels on the project site, and the extent to which project lighting would spill off the project site and affect adjacent light-sensitive areas, would determine whether the project could adversely affect nighttime views in the area. Project lighting could create a potentially significant adverse environmental impact due to substantial new light and glare on neighboring properties.

## Mitigation Measures

**MM AES-1** Prior to issuance of a building permit, a Lighting Plan shall be submitted for review and approval by the CDD. At a minimum, the plan shall include the following measures:

a. All outdoor lighting, including façade, yard, security, and streetlights, shall be oriented down, onto the project site or road.
b. Back shields or functionally similar design elements shall be installed on every lighting pole to reduce lighting from spilling off site, and to ensure that lighting remains within the project site.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| **2. Agriculture and Forestry Resources**<br>*In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. 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 nonagricultural 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 4526), 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 nonagricultural use or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☒ |

## Environmental Evaluation

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection (CAL FIRE) regarding the State's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board (ARB).

## Setting

According to the California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) California Important Farmland Finder, the project site is designated as Urban and Built-Up Land.[8] There are no designated agricultural lands or forested areas within the immediate project area.

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 nonagricultural use?**

**No impact.** As stated above, the project site is designated as Urban and Built-Up Land. The project site does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Therefore, the proposed project would not convert such land to nonagricultural use and no impacts would occur.

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

**No impact.** The project site is zoned as R-20 by the Zoning map, which is a Single-Family Residential designation. The site and surrounding area are not encumbered by a Williamson Act Contract. As such, the proposed project would not conflict with existing zoning for agricultural use or a Williamson Act Contract and no impacts would occur.

**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 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?**

**No impact.** As stated previously, the project site is zoned as R-20 by the Zoning map, which is a Single-Family Residential designation. The project site is not zoned as forest land or timberland. Therefore, the proposed project would not conflict with existing zoning or cause rezoning of forest land or timberland and no impacts would occur.

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

**No impact.** According to the California Public Resources Code, "forest land" is land that can support 10 percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.[9] The project site is zoned as R-20 and not zoned for forest use. This condition precludes the possibility of a conflict with a forest zoning designation. While there are existing trees on-site consisting of almond, valley oak, Monterey pine, coast redwood *(Sequoia sempervirens)*, holly oak *(Quercus ilex)*, California black walnut *(Juglans hindsii)*, English walnut *(Juglans regia)*, Siberian elm *(Ulmus pumila)*, olive *(Olea europea)*, plum *(Prunus sp.)*, pecan *(Carya illinoinensis)*, English hawthorn *(Crataegus laevigatum)*, Peruvian pepper *(Schinus molle)*, apricot, persimmon *(Diospyros sp.)*, and privet *(Ligustrum lucidum)* species,[10]

[8] Traverso Tree Service. 2021. Arborist Report for 3180 Walnut Boulevard.
[9] Thomson Reuters Westlaw. 2019. California Code, Public Resources Code 12220.
[10] Traverso Tree Service. 2021. Arborist Report for 3180 Walnut Boulevard.

the tree species do not constitute forest resources. The project site does not contain nor is adjacent to any forest land. As such, the proposed project would not result in the loss of forest land or conversion of forest land to non-forest use. No impacts would occur.

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

**No impact.** As discussed throughout this section, the proposed project would not result in impacts to mapped farmland or forest land. The proposed project would not result in any other changes that could result in the conversion of farmland to non-agriculture uses or the conversion of forest land to non-forest uses because neither agricultural nor forest land exist on the project site or in its vicinity. Therefore, no impact would occur.

## Mitigation Measures

None required.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| **3. Air Quality**<br>*Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.*<br>*Would the project:* | | | | |
| a) Conflict with or obstruct implementation of the applicable air quality plan? | ☐ | ☒ | ☐ | ☐ |
| b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment 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 or) adversely affecting a substantial number of people? | ☐ | ☐ | ☒ | ☐ |

## Environmental Evaluation

### Setting

This section evaluates the potential effects on air quality that may result from implementation of the proposed project. This analysis is based on an *Air Quality, Greenhouse Gases, and Energy Supporting Information* Report completed by FirstCarbon Solutions for the proposed project in October 2022.

Air pollutants relevant to the CEQA checklist questions for Air Quality are briefly described below.

- Ozone is a gas that is formed when reactive organic gases (ROG) and nitrogen oxides ($NO_X$)—both byproducts of internal combustion engine exhaust—undergo slow photochemical reactions in the presence of sunlight. Ozone concentrations are generally highest during the summer months when direct sunlight, light wind, and warm temperature conditions are conducive to its formation. Health effects can include, but not be limited to irritated respiratory system, reduced lung function, and aggravated chronic lung diseases.
- ROG, or volatile organic compounds (VOCs), are defined as any compound of carbon—excluding carbon monoxide (CO), carbon dioxide ($CO_2$), carbonic acid, metallic carbides or carbonates, and ammonium carbonate—that participates in atmospheric photochemical reactions. Although there are slight differences in the definition of ROG and VOCs, the two terms are often used interchangeably.
- Nitrogen dioxide ($NO_2$) forms quickly from $NO_X$ emissions. Health effects from $NO_2$ can include the following: potential to aggravate chronic respiratory disease and respiratory symptoms in sensitive groups; risk to public health implied by pulmonary and extra-pulmonary biochemical and cellular changes and pulmonary structural changes; contribution to atmospheric discoloration; increased visits to hospital for respiratory illnesses.

- CO is a colorless, odorless gas produced by the incomplete combustion of fuels. CO concentrations tend to be the highest during the winter morning, with little to no wind, when surface-based inversions trap the pollutant at ground levels. Because CO is emitted directly from internal combustion engines—unlike ozone—and motor vehicles operating at slow speeds are a primary source of CO in the Sonoma County region, the highest ambient CO concentrations are generally found near congested transportation corridors and intersections. Potential health effects from CO depends on exposure and can include slight headaches; nausea; aggravation of angina pectoris (chest pain) and other aspects of coronary heart disease; decreased exercise tolerance in persons with peripheral vascular disease and lung disease; impairment of central nervous system functions; possible increased risk to fetuses; death.
- Respirable Particulate Matter ($PM_{10}$) and Fine Particulate Matter ($PM_{2.5}$) consist of extremely small, suspended particles or droplets 10 microns and 2.5 microns or smaller in diameter. Some sources of particulate matter, like pollen and windstorms, are naturally occurring. However, in populated areas, most particulate matter is caused by road dust, diesel soot, combustion products, abrasion of tires and brakes, and construction activities. Health effects from short-term exposure (hours/days) can include the following: irrigation of the eyes, nose, throat; coughing; phlegm; chest tightness; shortness of breath; aggravate existing lung disease, causing asthma attacks and acute bronchitis; those with heart disease can suffer heart attacks and arrhythmias. Health effects from long-term exposure can include the following: reduced lung function; chronic bronchitis; changes in lung morphology; or death.
- Toxic Air Contaminants (TACs) refer to a diverse group of air pollutants that can affect human health, but have not had ambient air quality standards established for them. Diesel particulate matter (DPM) is a toxic air contaminant that is emitted from construction equipment and diesel fueled vehicles and trucks. Some short-term (acute) effects of DPM exposure include eye, nose, throat, and lung irritation, coughs, headaches, light-headedness, and nausea. Studies have linked elevated particle levels in the air to increased hospital admissions, emergency room visits, asthma attacks, and premature deaths among those suffering from respiratory problems. Human studies on the carcinogenicity of DPM demonstrate an increased risk of lung cancer, although the increased risk cannot be clearly attributed to diesel exhaust exposure.

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. The proposed project is located in unincorporated Contra Costa County. It is under the jurisdiction of the San Francisco Bay Area Air Basin (Air Basin), where the Bay Area Air Quality Management District (BAAQMD) regulates air quality. The United States Environmental Protection Agency (EPA) is responsible for identifying nonattainment and attainment areas for each criteria pollutant within the Air Basin. The Air Basin is designated nonattainment for State standards for 1-hour and 8-hour ozone, 24-hour respirable particulate matter with an aerodynamic diameter of 10 microns or less ($PM_{10}$), annual $PM_{10}$, and annual fine particulate matter with an aerodynamic diameter of 2.5 microns or less ($PM_{2.5}$).[11]

[11] Bay Area Air Quality Management District (BAAQMD). 2017. California Environmental Quality Act. Air Quality Guidelines. May. Website: https://www.baaqmd.gov/~/media/files/planning-and research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed June 6, 2023.

Would the project:

**a) Conflict with or obstruct implementation of the applicable air quality plan?**

**Less than significant with mitigation incorporated.** The BAAQMD has adopted several air quality policies and plans to address regional air quality standards, the most recent of which is the 2017 Clean Air Plan. The 2017 Clean Air Plan was adopted in April of 2017 and serves as the regional Air Quality Plan (AQP) for the Air Basin for attaining National Ambient Air Quality Standards (NAAQS). The primary goals of the 2017 Clean Air Plan are to protect public health and protect the climate. The 2017 Clean Air Plan acknowledges that the BAAQMD's two stated goals of protection are closely related. As such, the 2017 Clean Air Plan identifies a wide range of control measures intended to decrease both criteria pollutants and greenhouse gas (GHG) emissions. The EPA has established NAAQS for six of some of the most common air pollutants—carbon monoxide, lead, ground level ozone, particulate matter, nitrogen dioxide, and sulfur dioxide—known as "criteria" air pollutants. GHGs are gaseous compounds in the atmosphere that are capable of absorbing infrared radiation, thereby trapping and holding heat in the atmosphere. By increasing the heat in the atmosphere, GHGs are responsible for the greenhouse effect, which ultimately leads to global warming. The 2017 Clean Air Plan also accounts for projections of population growth provided by the Association of Bay Area Governments (ABAG) and Vehicle Miles Traveled (VMT) provided by the Metropolitan Transportation Commission (MTC) and identifies strategies to bring regional emissions into compliance with federal and State air quality standards. A project would be judged to conflict with or obstruct implementation of the 2017 Clean Air Plan if it would result in substantial new regional emissions not foreseen in the air quality planning process.

The BAAQMD does not provide a numerical threshold of significance for project-level consistency analysis with AQPs. Therefore, the following criteria will be used for determining a project's consistency with the AQP.

- Criterion 1: Does the project support the primary goals of the AQP?
- Criterion 2: Does the project include applicable control measures from the AQP?
- Criterion 3: Does the project disrupt or hinder the implementation of any AQP control measures?

***Criterion 1***

The primary goals of the 2017 Clean Air Plan, the current AQP to date, are to:

- Attain air quality standards.
- Reduce population exposure to unhealthy air and protect public health in the Bay Area.
- Reduce GHG emissions and protect the climate.

A measure for determining whether the project supports the primary goals of the AQP is if the project would not result in an increase in the frequency or severity of existing air quality violations, cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the air quality plans. This measure is determined by evaluating whether the proposed project was reasonably accounted for the in the AQP.

The County's General Plan was updated in January 2005,[12] which was prior to the BAAQMD's adoption of the latest 2017 AQP. The project site is designated as Single-Family Residential-Low (SL) by the General Plan Land Use Element and is zoned as R-20 according to the Contra Costa County Zoning Map.

The General Plan states the SL land use designation allows 1.0 to 2.9 single-family units per net acre; based on the site acreage of 2.88 gross acres, a maximum of 9 base units would be allowed.[13] As described in Section 1.4.1–Density Bonus, the State Density Bonus Law requires cities and counties to grant a density bonus and other incentives or concessions to housing development projects in which any of the following are provided:

- At least 5 percent of the housing units are restricted to very low income residents.
- At least 10 percent of the housing units are restricted to lower income residents.
- At least 10 percent of the housing units in a for-sale common interest development are restricted to moderate income residents.

The proposed project would restrict the home on Lot 4 for moderate income residents, ensuring that at least 10 percent of the proposed housing units would be restricted to moderate income residents. As a result, consistent with State Government Code Section 65915(f)(4), the proposed project would be permitted a 7 percent increase in the allowed residential unit density, allowing for an additional unit on the project site.[14]

As the BAAQMD's latest AQP utilizes growth projections from Plan Bay Area 2040, which relies on growth projections and land use patterns from local general plans and was adopted after the adoption of the City's General Plan, development of the project site has been reasonably accounted for in the BAAQMD's latest AQP.

Furthermore, as discussed in Impact 2.3(b), implementation of the proposed project would not exceed the BAAQMD operational or construction thresholds for criteria pollutants on an average daily or annual basis. Therefore, the proposed project would be consistent with the first criterion.

***Criterion 2***

The 2017 Clean Air Plan contains control measures to reduce air pollutants and GHGs at the local, regional, and global levels. Along with the traditional stationary, area, mobile source, and transportation control measures, the 2017 Clean Air Plan contains many control measures designed to protect the climate and promote mixed use, compact development to reduce vehicle emissions and exposure to pollutants from stationary mobile sources. The 2017 Clean Air Plan also includes an account of the implementation status of control measures identified in the prior 2010 Clean Air Plan.

[12] Contra Costa County. 2005. Department of Conservation and Development. General Plan 2020. Website: https://www.contracosta.ca.gov/4732/General-Plan. Accessed June 6, 2023.

[13] Contra Costa County. 2005. Land use Element (reprint 2010). Website: https://www.contracosta.ca.gov/DocumentCenter/View/30913/Ch3-Land-Use-Element?bidId=. Accessed June 6, 2023.

[14] 9 (d/u) X (0.07) = 0.63 d/u; fractional unit rounded to 1 d/u

The table below lists the Clean Air Plan policies relevant to the proposed project and evaluates the consistency with the policies. As shown below, the proposed project would be consistent with applicable measures.

**Project Consistency with Applicable Clean Air Plan Control Measures**

| Control Measure | Project Consistency |
|---|---|
| **Buildings Control Measures** | |
| **BL1:** Green Buildings | **Consistent.** The proposed project would not conflict with implementation of this measure. The proposed project would comply with the latest energy efficiency standards and incorporate applicable energy efficiency features designed to reduce project energy consumption. |
| **BL4:** Urban Heat Island Mitigation | **Consistent.** The proposed project would include a landscaped and irrigated bioretention basin area, which would serve to reduce stormwater runoff. The proposed project has also been designed to maximize the existing trees on-site which would also reduce the urban heat island effect. |
| **Energy Control Measures** | |
| **EN1:** Decarbonize Electricity Generation | **Consistent.** The project applicant would, at a minimum, be required to conform to the energy efficiency requirements of the California Building Standards Code, also known as Title 24. For example, the proposed project would install rooftop solar photovoltaic systems (PV) capable of generating renewable electricity as well as low-flow plumbing fixtures and irrigation heads compliant with Title 24 Standards. Furthermore, the proposed project would include high-efficiency indoor and outdoor lighting. These project design features would decrease electricity demand compared to standard building construction. |
| **EN2:** Decrease Electricity Demand | |
| **Natural and Working Lands Control Measures** | |
| **NW2:** Urban Tree Planting | **Consistent.** Stormwater generated from the site would be cleaned and retained by the bioretention basin and then discharged into the stormwater system. The basin would be landscaped to provide an attractive feature visible within the project and from Walnut Boulevard.<br><br>The project has been designed to maximize the existing trees on-site. In total, 29 of the 74 existing trees would be retained and would be protected during construction. |
| **WA3:** Green Waste Diversion | **Consistent.** The waste service provider for the proposed project would be required to meet the Assembly Bill 341 (AB 341) and Senate Bills 939 (SB 939) and SB 1374 requirements that require waste service providers to divert green waste. In addition, AB 1383 went into effect on January 1, 2022, which |

| Control Measure | Project Consistency |
|---|---|
| | aims to reduce organic waste disposal by 75 percent by 2025 and to secure 20 percent of surplus edible food for the food insecure by 2025. Republic Services provides green waste service for Contra Costa County and would provide all new residents with green waste bins. All vegetation refuse generated during operation of the proposed project would be disposed of off-site. |
| **WA4:** Recycling and Waste Reduction | **Consistent.** The waste service provider for the proposed project would be required to meet the AB 341, SB 939 and SB 1374 requirements that require recyclable waste to be recycled and remove 75 percent from the landfill waste stream by 2020. The proposed would connect into an existing Contra Costa Sanitary District (Central San) 8" sewer line within Walnut Boulevard. |
| **Stationary Control Measures** | |
| **SS36:** Particulate Matter from Trackout | **Consistent with mitigation.** BAAQMD's recommended mitigation measures for construction fugitive dust control would be incorporated into Mitigation Measure (MM) AIR-1 and implemented to reduce fugitive dust and trackout during project construction. In addition, mud and dirt that may be tracked out onto the nearby public roads during construction activities shall be removed promptly by the contractor based on BAAQMD's requirements. Therefore, the proposed project would be consistent with this measure after implementation of MM AIR-1. |
| **SS37:** Particulate Matter from Asphalt Operations | **Consistent.** Asphalt used during the construction of the proposed project would be subject to BAAQMD Regulation 8, Rule 15-Emulsified and Liquid Asphalts. Although this rule does not directly apply to the proposed project, it does limit the reactive organic gas (ROG) content of asphalt available for use during construction through regulating the sale and use of asphalt. By using asphalt from facilities that meet BAAQMD regulations, the proposed project would be consistent with this Clean Air Plan measure. |

| Control Measure | Project Consistency |
|---|---|
| **Transportation Control Measures** | |
| **TR9:** Bicycle and Pedestrian Access and Facilities | **Consistent.** The proposed project would incorporate a 5-foot sidewalk along the southeast section of the new proposed roadway off and along the righthand side of Walnut Boulevard. Sidewalk currently exists along the majority of Walnut Boulevard. Walnut Boulevard currently supports Class III Bicycle facilities on each frontage of the roadway. One Bay Area Rapid Transit (BART) bus stop (Walnut Boulevard and Fraser Drive) serving Bus Line 602 is 400 feet east of the project site. Therefore, the proposed project would incorporate bicycle and pedestrian access in the project design and would be in close proximity to public transit. The proposed project would not conflict with the BAAQMD's efforts to encourage the uses of bicycle and pedestrian facilities as well as transit services. |
| Source: Bay Area Air Quality Management District (BAAQMD). 2017. Final 2017 Clean Air Plan. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?la=en. Accessed June 6, 2023. | |

In summary, the proposed project would not conflict with any applicable measures under the 2017 Clean Air Plan after the implementation of Mitigation Measure (MM) AIR-1; therefore, the proposed project would be consistent with Criterion 2 after incorporation of mitigation.

### *Criterion 3*

The proposed project would constitute the development and operation of 10 single-family homes. The proposed project would be consistent with applicable control measures such as supporting transit, pedestrian, or bicycle facilities. In addition, the proposed project would comply with energy efficiency standards contained in the California Building Code and maintaining landscaping across the project site. Considering this information, the proposed project would not disrupt or hinder implementation of any AQP control measures. Therefore, the proposed project is consistent with Criterion 3.

### Summary

As addressed above, the proposed project would be consistent with all three criteria after the incorporation of MM AIR-1 and the proposed project would not conflict with the 2017 Clean Air Plan. Therefore, impacts associated with conflicting with or obstructing implementation of the 2017 Clean Air Plan would be less than significant with mitigation.

**b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard?**

**Less than significant with mitigation incorporated.** This impact is related to the cumulative effect of a project's regional criteria pollutant emissions. By its nature, air pollution is largely a cumulative impact resulting from emissions generated over a large geographic region. The nonattainment status of regional pollutants is a result of past and present development within the Air Basin, and this

regional impact is a cumulative impact. Therefore, new development projects (such as the proposed project) within the Air Basin would contribute to this impact only on a cumulative basis. No single project would be sufficient in size by itself to result in nonattainment of regional air quality standards. Instead, a project's emissions may be individually limited, but cumulatively considerable when evaluated in combination with past, present, and future development projects.

Potential localized and regional impacts would result in exceedances of State or federal standards for nitrogen oxide ($NO_X$), particulate matter ($PM_{10}$ and $PM_{2.5}$), or carbon monoxide (CO). $NO_X$ emissions are of concern because of potential health impacts from exposure to $NO_X$ emissions during construction and operation and as a precursor in the formation of airborne ozone. $PM_{10}$ and $PM_{2.5}$ are of particular concern during construction because of the potential to emit exhaust emissions from the operation of off-road construction equipment and fugitive dust during earth-disturbing activities (construction fugitive dust). CO emissions are of particular concern during project operation because operational CO hotspots are related to increases in on-road vehicle congestion.

ROG emissions are also important because of their participation in the formation of ground level ozone. Ozone is a respiratory irritant and an oxidant that increases susceptibility to respiratory infections and can cause substantial damage to vegetation and other materials. Elevated ozone concentrations result in reduced lung function, particularly during vigorous physical activity. This health problem is particularly acute in sensitive receptors such as the sick, elderly, and young children.

The cumulative analysis focuses on whether a specific project would result in cumulatively considerable emissions. According to Section 15064(h)(4) of the CEQA Guidelines, the existence of significant cumulative impacts caused by other projects alone does not constitute substantial evidence that the project's incremental effects would be cumulatively considerable. Rather, the determination of cumulative air quality impacts for construction and operational emissions is based on whether the project would result in regional emissions that exceed the BAAQMD regional thresholds of significance for construction and operations on a project level. The thresholds of significance represent the allowable amount of emissions each project can generate without generating a cumulatively considerable contribution to regional air quality impacts. Therefore, a project that would not exceed the BAAQMD thresholds of significance on the project level also would not be considered to result in a cumulatively considerable contribution to these regional air quality impacts. Construction and operational emissions are discussed separately below.

## Construction Emissions

### *Construction Fugitive Dust*

As previously mentioned, fugitive dust ($PM_{10}$ and $PM_{2.5}$) would be generated during earthmoving activities but would largely remain localized near the project site.

The BAAQMD does not recommend a numerical threshold for fugitive dust particulate matter emissions. Instead, the BAAQMD bases the determination of significance for fugitive dust on considering the control measures to be implemented. If all appropriate emissions control measures are implemented as recommended by the BAAQMD, then fugitive dust emissions during construction are not considered significant. These measures may include, but are not limited to,

watering or seeding disturbed areas, covering stockpiles of dirt or aggregate, or other soil stabilization practices.

In addition, the BAAQMD recommends that a series of mitigation measures be implemented for all construction projects, which includes various dust control measures, such as watering disturbed areas daily and reducing vehicle speeds on unpaved roads. As such, the construction mitigation measures recommended by the BAAQMD are included herein as MM AIR-1 to ensure that adequate dust control measures are implemented at the project site. With the incorporation of MM AIR-1, short-term construction impacts associated with violating an air quality standard or contributing substantially to an existing or projected air quality violation would be less than significant for fugitive dust.

***Construction Air Pollutant Emissions: ROG, $NO_X$, $PM_{10}$, and $PM_{2.5}$***

CalEEMod, Version 2020.4.0, was used to estimate the proposed project's construction emissions. CalEEMod provides a consistent platform for estimating construction and operational emissions from a wide variety of land use projects and is the model recommended by the BAAQMD for estimating project emissions. Estimated construction emissions are compared with the applicable thresholds of significance established by the BAAQMD to assess ROG, $NO_X$, exhaust $PM_{10}$, and exhaust $PM_{2.5}$ construction emissions to determine significance for this criterion.

For purposes of this analysis, construction of the proposed project is expected to start in the first quarter of 2023 and conclude in the first quarter of 2024. If the construction schedule is moved to later years, construction emissions would likely decrease because of improvements in technology and more stringent regulatory requirements that would affect future construction equipment. The duration of construction activity and associated equipment represent a reasonable approximation of the expected construction fleet as required by CEQA Guidelines, and provides a conservative analysis of expected emissions.

As shown in the table below, the proposed project would be constructed in 269 net workdays. For a more detailed description of the construction parameters used in estimating air pollutant emissions modeling.[15]

**Preliminary Construction Schedule**

| Construction Activity | Start Date | End Date | Working Days per Week | Total Number of Working Days |
|---|---|---|---|---|
| Demolition | 3/1/2023 | 3/28/2023 | 5 | 20 |
| Site Preparation | 3/29/2023 | 3/31/2023 | 5 | 3 |
| Grading | 4/1/2023 | 4/10/2023 | 5 | 6 |
| Building Construction | 4/11/2023 | 2/12/2024 | 5 | 220 |
| Paving | 2/13/2024 | 2/26/2024 | 5 | 10 |
| Architectural Coating | 2/27/2024 | 3/11/2024 | 5 | 10 |

[15] FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

| Construction Activity | Start Date | End Date | Working Days per Week | Total Number of Working Days |
|---|---|---|---|---|
| Source: CalEEMod Output Files, FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California. | | | | |

The calculations of pollutant emissions from the construction equipment account for the type of equipment, horsepower, and load factors of the equipment, along with the duration of use.[16] The table below presents the average daily construction emissions compared with the BAAQMD's significance thresholds.

**Construction Emissions**

| Construction Activity | Air Pollutants[1] (tons/year) | | | |
|---|---|---|---|---|
| | ROG | $NO_X$ | $PM_{10}$ (Exhaust) | $PM_{2.5}$ (Exhaust) |
| Demolition | 0.02 | 0.15 | 0.01 | 0.01 |
| Site Preparation | 0.00 | 0.02 | 0.00 | 0.00 |
| Grading | 0.00 | 0.04 | 0.00 | 0.00 |
| Building Construction 2023 | 0.17 | 1.36 | 0.06 | 0.06 |
| Building Construction 2024 | 0.03 | 0.21 | 0.01 | 0.01 |
| Paving | 0.01 | 0.04 | 0.00 | 0.00 |
| Architectural Coating | 0.05 | 0.01 | 0.00 | 0.00 |
| **Total Emissions (tons)** | **0.28** | **1.83** | **0.08** | **0.08** |
| **Daily Average** | | | | |
| Total Emissions (lbs) | 562.76 | 3,660.40 | 157.40 | 150.20 |
| Average Daily Emissions (lbs/day)[2] | 2.09 | 13.61 | 0.59 | 0.56 |
| **Significance Threshold (lbs/day)** | **54** | **54** | **82** | **54** |
| **Exceeds Significance Threshold?** | **No** | **No** | **No** | **No** |

Notes:
[1] Totals may not add up due to rounding. Calculations use unrounded totals.
[2] Calculated by dividing the total lbs of emissions by the total number of nonoverlapping working days of construction (269 workdays).
lbs = pounds
$NO_X$ = oxides of nitrogen
$PM_{10}$ = particulate matter 10 microns in diameter
$PM_{2.5}$ = particulate matter 2.5 microns in diameter
ROG = reactive organic gases
Source: CalEEMod Output, FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

[16] FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

As shown in Table *Construction Emissions*, the construction emissions from all construction activities are below the recommended thresholds of significance. Therefore, project construction would have less than significant impact related to emissions of ROG, $NO_X$, exhaust $PM_{10}$, and exhaust $PM_{2.5}$. As previously discussed, the proposed project would implement MM AIR-1 for dust control to reduce potential impacts related to fugitive dust emissions during project construction. Therefore, project construction would have a less than significant impact with mitigation.

## Operational Emissions

### *Operational Air Pollutant Emissions: ROG, $NO_X$, $PM_{10}$, and $PM_{2.5}$*

Operational emissions would include area, energy, and mobile sources. Area sources include emissions from architectural coatings, consumer products, and landscape equipment, while energy sources include emissions from the combustion of natural gas for water and space heating. The proposed project would be designed all-electric; however, natural gas use is included in CalEEMod model as a default option and provides a conservative estimate of emissions. Mobile sources include exhaust and road dust emissions from the vehicles that would travel to and from the project site. Pollutants of concern include ROG, $NO_X$, $PM_{10}$, and $PM_{2.5}$.

Project operations were analyzed starting in 2024, the first calendar year of potential operation. The major sources for proposed operational emissions of ROG, $NO_X$, $PM_{10}$, and $PM_{2.5}$ include motor vehicle traffic, landscaping, and the occasional repainting of buildings.

The average daily and annual emissions are presented in the table below. Operational emissions of the respective pollutants were calculated using CalEEMod, Version 2020.4.0.[17]

**Operational Emissions (Unmitigated)**

| Emissions Source | Criteria Pollutants | | | |
|---|---|---|---|---|
| | ROG | $NO_X$ | $PM_{10}$ (Total) | $PM_{2.5}$ (Total) |
| **Annual Emissions Summary (tons/year)** | | | | |
| Area | 0.18 | <0.01 | 0.01 | 0.01 |
| Energy | 0.00 | 0.02 | <0.01 | <0.01 |
| Mobile (Motor Vehicles) | 0.04 | 0.04 | 0.08 | 0.02 |
| **Total Project Emissions** | **0.22** | **0.06** | **0.09** | **0.04** |
| **Thresholds of Significance** | **10** | **10** | **15** | **10** |
| **Exceeds Significance Threshold?** | **No** | **No** | **No** | **No** |
| **Average Daily Emissions Summary (lbs/day)** | | | | |
| Project Emissions (lbs/year) | 450 | 128 | 189 | 72 |
| **Average Daily Project Emissions (lbs/day)[1]** | **1.23** | **0.35** | **0.52** | **0.20** |
| **Thresholds of Significance** | **54** | **54** | **82** | **54** |
| **Exceeds Significance Threshold?** | **No** | **No** | **No** | **No** |

[17] FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

| Emissions Source | Criteria Pollutants | | | |
|---|---|---|---|---|
| | ROG | $NO_X$ | $PM_{10}$ (Total) | $PM_{2.5}$ (Total) |

Notes:
$NO_X$ = nitrogen oxide
$PM_{10}$ = particulate matter 10 microns or less in diameter
$PM_{2.5}$ = particulate matter 2.5 microns or less in diameter
ROG = reactive organic gases
[1] For average daily emissions, the proposed project is assumed to operate 365 days per year. Therefore, the annual tonnage of emissions is multiplied by 2,000 pounds per ton to identify total pounds of emissions and divided by 365 days per year to identify average daily emissions.
Source: CalEEMod Output, FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

As shown in Table *Operational Emissions*, the proposed project would not exceed the BAAQMD's thresholds of significance during operation, indicating that ongoing project operations would not be considered to have the potential to generate a significant quantity of air pollutants. Therefore, long-term operational impacts associated with criteria pollutant emissions generated by the proposed project would be less than significant.

### *Operational Carbon Monoxide Hotspot*

The CO emissions from traffic generated by the proposed project could be a concern at the local level. Congested intersections can result in the potential for high, localized concentrations of CO, known as a CO hotspot.

The BAAQMD recommends a screening analysis to determine whether a project has the potential to contribute to a CO hotspot. The screening criteria identify when site-specific CO dispersion modeling is necessary. The proposed project would result in a less than significant impact to air quality for local CO if all the following screening criteria are met:

1. The project is consistent with an applicable Congestion Management Program established by the County Congestion Management Agency for designated roads or highways, regional transportation plan, and local congestion management agency plans; and
2. The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour; and
3. The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

*Consistency With an Applicable Congestion Management Program*

Per the County of Contra Costa Transportation Analysis Guidelines,[18] projects of 20 residential units or less would be expected to have less than significant VMT impacts. As a result, since the proposed project would develop 10 residential units, the proposed project would be below the screening

[18] Contra Costa County Conservation and Development Department. Public Works Department 2020. Contra Costa County Transportation Analysis Guidelines. VMT Screening Criteria 2020.

threshold. Therefore, the proposed project would be consistent with the County guidelines and the applicable congestion management agency.

*Increase Traffic Volumes at Affected Intersections to More Than 44,000 Vehicles Per Hour*

As described previously, the proposed project would not exceed the County Transportation Analysis Guidelines threshold and as such, no transportation impact analysis was required for the proposed project, and the project would be expected to result in less than significant impacts related to VMT. Thus, the proposed project's anticipated trip generation would not be expected to result in a significant increase in traffic volumes on nearby intersections. Therefore, the addition of proposed project traffic volumes would not result in nearby intersections experiencing traffic volumes of 44,000 or more vehicles per hour.

*Increase Traffic Volumes at Affected Intersections Where Vertical and/or Horizontal Mixing Is Substantially Limited*

CO hotspots can still occur when a transportation facility's design or orientation prevents the adequate dispersion of CO emissions from vehicles, resulting in the accumulation of local CO concentrations. The design or orientation of a transportation facility that may prevent the dispersion of CO emissions include tunnels, parking garages, bridge underpasses, natural or urban canyons, below-grade roadways, or other features where vertical or horizontal atmospheric mixing is substantially limited. However, adjacent roadways that would receive new vehicle trips generated by the proposed project do not include transportation facilities where vertical or horizontal atmospheric mixing is substantially limited. Walnut Boulevard would receive vehicle trips generated by the proposed project and is an open surface roadway with none of the design features discussed above that could prevent atmospheric mixing.

In summary, the proposed project is consistent with the local Congestion Management Program. Therefore, based on the above criteria, the proposed project would not exceed the CO screening criteria and would have a less than significant impact related to CO.

## Summary

Impacts related to a cumulatively considerable net increase of any criteria pollutant would be less than significant. With the incorporation of MM AIR-1, short-term construction impacts associated with violating an air quality standard or contributing substantially to an existing or projected air quality violation would be less than significant with mitigation for fugitive dust. Emissions from all construction and operational activities are below the recommended thresholds of significance. Therefore, the proposed project would have less than significant impact related to cumulative emissions of ROG, $NO_X$, exhaust $PM_{10}$, and exhaust $PM_{2.5}$. In addition, the proposed project would have a less than significant impact related to CO. Therefore, this impact is less than significant with incorporation of MM AIR-1.

**c) Expose sensitive receptors to substantial pollutant concentrations?**

**Less than significant impact with mitigation incorporated.** The BAAQMD defines a sensitive receptor as the following: "Facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples include schools, hospitals, and residential areas." As specified by the BAAQMD,

health risk and hazard impacts should be analyzed for sensitive receptors within a 1,000-foot radius of the project site.[19] The closest existing sensitive receptors in each direction include the following:

- Single-family residences immediately adjacent to the project site's north, east, south, and west property boundary.

The following four criteria were applied to determine the significance of project emissions to sensitive receptors. The proposed project is considered to have a potentially significant impact if:

- **Criterion 1:** Construction of the project would result in an exceedance of the health risk significance thresholds.
- **Criterion 2:** The cumulative health impact would result in an exceedance of the cumulative health risk significance thresholds.
- **Criterion 3:** Operation of the project would result in an exceedance of the health risk significance thresholds.
- **Criterion 4:** A CO hotspot assessment demonstrates that the project would result in the development of a CO hotspot that could cause an exceedance of the CO ambient air quality standards.

### Criterion 1: Project Construction Toxic Air Pollutants

An assessment was made of the potential health impacts to surrounding sensitive receptors resulting from TAC emissions during construction. A summary of the assessment is provided below.[20]

DPM has been identified by the California Air Resources Board (ARB) as a carcinogenic substance. Major sources of DPM include off-road construction equipment and heavy-duty delivery truck and worker activities. For purposes of this analysis, DPM is represented as exhaust emissions of $PM_{2.5}$.

#### *Estimation of Construction DPM Emissions*

Construction DPM emissions (represented as emission of exhaust $PM_{2.5}$) were estimated using CalEEMod, Version 2020.4.0, as described under the discussion for Impact 2.3(b). As presented in Table *Preliminary Construction Schedule*, the proposed project's construction is anticipated to occur from the first quarter of 2023 through the first quarter of 2024. Construction emissions were calculated for each construction activity, as displayed in Table *Construction Emissions*. On-site and off-site emissions generated during project construction were modeled with a working schedule of 8 hours per day, 5 days per week. Emissions were adjusted by a factor of 4.2 to convert for use with a 24-hour-per-day, 365 day-per-year averaging period.[21]

Based on the analysis presented in this section, emissions were estimated for unmitigated project construction and a mitigated scenario that included cleaner construction equipment. Equipment

[19] Bay Area Air Quality Management District (BAAQMD). 2017. California Environmental Quality Act Air Quality Guidelines. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed June 6, 2023.

[20] FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

[21] FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

tiers refer to a generation of emission standards established by the EPA and ARB that apply to diesel engines in off-road equipment. The "tier" of an engine depends on the model year and horsepower rating; generally, the newer a piece of equipment is, the greater the tier it is likely to have. Excluding engines greater than 750 horsepower, Tier 1 engines were manufactured generally between 1996 and 2003. Tier 2 engines were manufactured between 2001 and 2007. Tier 3 engines were manufactured between 2006 and 2011. Tier 4 engines are the newest and some incorporate hybrid electric technology.

The table below summarizes the emission rates of unmitigated and mitigated DPM during construction of the proposed project, as analyzed for construction of the entire project.

**Project DPM Construction Emissions**

| Scenario | On-site DPM—Area (tons/year) | Off-site DPM—Road Segments (tons/year)[1] | Total Local DPM Emissions (tons/year) |
|---|---|---|---|
| Unmitigated Project Construction DPM | 0.07447 | 0.00063 | 0.0751 |
| Mitigated Project Construction DPM | 0.00463 | 0.00063 | 0.00526 |

Notes:
DPM = diesel particulate matter
[1] In AERMOD and HARP2 model, the off-site emissions are adjusted to represent construction vehicle travel routes from within approximately 1,000 feet of the project site. Off-site emissions shown here do not reflect the 1,000-foot adjustment.
Source: CalEEMod Output and Construction Health Risk Assessment Calculations, FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

### *Estimation of Cancer Risks and Hazards*

The BAAQMD has developed a set of guidelines for estimating cancer risks that provide adjustment factors that emphasize the increased sensitivities and susceptibility of young children to exposures to TACs.[22,23] These adjustment factors include age-sensitivity weighting factors, age-specific daily breathing rates, and age-specific time-at-home factors. As previously discussed, the Maximally Impacted Sensitive Receptor (MIR) would be at a single-family residence immediately adjacent to the project site to the west. The following equations are drawn from the California Office of Environmental Health Hazard Assessment (OEHHA) HRA guidelines and were adjusted with values identified for adjustment in the BAAQMD guidelines.

$$\text{Cancer Risk} = \text{CPF} \times \text{DOSE}_{\text{AIR}} \times \text{ASP} \times \text{ED/AT} \times \text{FAH} \qquad \text{(EQ-1)}$$

Where:

Cancer Risk = Total individual excess cancer risk defined as the cancer risk a hypothetical individual faces if exposed to carcinogenic emissions from a particular source for specified

[22] Bay Area Air Quality Management District (BAAQMD). 2016. BAAQMD Air Toxics NSR Program Health Risk Assessment Guidelines. December. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/permit-modeling/hra_guidelines_12_7_2016_clean-pdf.pdf?la=en. Accessed June 6, 2023.
[23] Bay Area Air Quality Management District (BAAQMD). 2020. BAAQMD Health Risk Assessment Modeling Protocol. December. Website: https://www.baaqmd.gov/~/media/files/ab617-community-health/facility-risk-reduction/documents/baaqmd_hra_modeling_protocol_august_2020-pdf.pdf?la=en. Accessed June 6, 2023.

exposure durations; this risk is defined as an excess risk because it is above and beyond the background cancer risk to the population; cancer risk is expressed in terms of risk per million exposed individuals.

CPF = Inhalation Cancer Potency Factor (1.1 for DPM)
ASP = Age Sensitivity Factor (see table below)
ED = Exposure Duration (duration of construction activity)
AT = Averaging Time for lifetime cancer risk (70 years expressed in days)
FAH = Fraction of time At Home (see table below)

$$DOSE_{AIR} = C_{AIR} \times DBR \times A \times EF \qquad \text{(EQ-2)}$$

Where:

$C_{AIR}$ = TAC concentration from air dispersion model ($\mu g/m^3$)
DBR = Daily Breathing Rate (see table below)
A = Inhalation Absorption factor (1)
EF = Exposure Frequency (see table below)

The BAAQMD- and OEHHB-recommended values for the various cancer risk parameters, shown in EQ-1 and EQ-2, are provided in the table below.

**Exposure Assumptions for Cancer Risk Calculations**

| Receptor Type | Duration During Construction (Years) | Fraction of Time at Home (FAH) | Exposure Frequency (EF) (Days/Year) | Age Sensitivity Factors (ASF) | Daily Breathing Rate (DBR) (L/kg-day) |
|---|---|---|---|---|---|
| **Residences**[1] | | | | | |
| Third Trimester | 0.25 | 1 | 350 | 10 | 361 |
| 0 to <2 Years | 1.1 | 1 | 350 | 10 | 1,090 |

Notes:
(L/kg-day) = liters per kilogram body weight per day.
[1] The daily breathing rates for residential receptors assume the 95th percentile breathing rates for all individuals. BAAQMD assumes residential receptors exposure occurs 24 hours per day for 350 days per year.
All sensitive receptors were modeled as residential receptors, which presents a conservative estimate of health impacts for nonresidential sensitive receptor land uses.
Sources:
Bay Area Air Quality Management District (BAAQMD). 2016. BAAQMD Air Toxics NSR Program Health Risk Assessment Guidelines. December.
Office of Environmental Health Hazard Assessment (OEHHA). 2015. Air Toxics Hot Spots Program Risk Assessment Guidelines. February.
FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

### *Estimation of Non-Cancer Chronic Hazards*

TACs can also cause chronic (long-term) effects related to non-cancer illnesses such as reproductive effects or birth defects, or adverse environmental effects. Non-cancer health risks are conveyed in terms of the hazard index (HI), a ratio of the predicted concentration of the facility's reported TAC

emissions to a concentration considered acceptable to public health professionals. A significant risk is defined as an HI of 1 or greater. An HI of less than 1 indicates that no significant health risks are expected from the facility's TAC emissions. The relationship for the non-cancer hazards of TACs is given by the following equation:

$$HI = C_{ann}/REL$$

Where:

HI = Hazard Index: an expression of the potential for chronic non-cancer health risks
$C_{ann}$ = Annual average TAC concentration ($\mu g/m^3$)
REL = Reference Exposure Level: the DPM concentration at which no adverse health effects are anticipated

Annual concentrations of DPM as predicted by the air dispersion model are used to estimate chronic non-cancer hazards. The OEHHA has defined a REL for DPM of 5 $\mu g/m^3$.

***Estimation of Health Risks and Hazards from Project Construction***

To assess impacts to off-site sensitive receptors, receptor locations within the American Meteorological Society/EPA Regulatory Model (AERMOD) were placed at locations of existing residences and schools located in the vicinity of the project boundary. As previously discussed, project construction is anticipated to start in the first quarter of 2023 and conclude in the first quarter of 2024. The following AERMOD modeling parameters were utilized to identify the DPM concentration at identified receptors.

Sensitive receptors (e.g., schools, daycare facilities, hospitals, care facilities, residences) within approximately 1,000 feet of the project boundary were represented in the model with discrete Cartesian receptors at a flagpole height of ground level for conservative estimate. For schools and parks, a boundary of discrete receptors was placed around the perimeter of that land use to identify potential impacts at the closest point to the project site. The sensitive receptors to the project site represented in the air dispersion modeling include the following:

- Receptor types identified within approximately 1,000 feet of the project boundary included residential, school, and park receptors.
  - The closest sensitive receptors are single-family residences immediately adjacent to the project site boundary to the north, east, south, and west.
  - Walnut Heights Elementary School is approximately 700 feet east of the project site.
  - A public park is approximately 600 feet southwest of the project site

Emissions were characterized in the model using area and line volume sources to represent different activities. The following describes the emission sources as represented in AERMOD:

- On-site construction activities are represented with one polygon area source across the entire project site.
- Off-site construction hauling and vendor truck operation for project construction were represented with line volume sources on Walnut Boulevard. Off-site emissions were adjusted

to account for off-site emissions that would occur within 1,000 feet of the project site (see Off-Site $PM_{2.5}$ Exhaust Adjustment Sheet[24]).

Other AERMOD inputs are described below:

- AERMOD's default regulatory dispersion option was selected. One-hour and annual average options were chosen for pollutant $PM_{2.5}$ (DPM was represented as exhaust $PM_{2.5}$).
- The Urban dispersion coefficient was used as greater than 50 percent of the surrounding three kilometers is developed. For Urban Groups option under Source Pathway, Walnut Creek City and population of 69,695 was used. For Variable Emissions option under Source Pathway, variable factor 4.2 was applied for 8 hours a day on weekdays (all other hours and weekends had variable factor of zero) to reflect that annual emissions are adjusted on weekdays for conservative estimate.
- Meteorological data from the Livermore Municipal Airport Air Monitoring Station was used for lower atmospheric meteorological data. This station was selected as it resembles physical site characteristics and elevation generally representative of the project site. The Oakland Airport Air Monitoring Station provides preprocessed meteorological data for upper atmospheric conditions in the region. Both monitoring stations cover the years 2012-2017. The model used all years of available meteorological data.

To facilitate a standard calculation platform, ARB has developed the Hotspots Analysis and Reporting Program (HARP2) software to identify the health risks associated with various TACs.[25] In this analysis, HARP2 was utilized to estimate the health risks associated with DPM generated during construction activities. Since the project construction lasts 13 months, exposure duration was set to be 1.1 years.

The MIR during project construction were found at a residence immediately adjacent to the project site to the west. The table below presents a summary of the proposed project's construction cancer risk, chronic non-cancer hazard, and annual $PM_{2.5}$ concentration impacts at each MIR. For informational purposes, the table below also presents risks and hazards associated with the maximum impacted school, daycare, and community center. As discussed in Impact 2.3(b), MM AIR-1 would be required to reduce fugitive dust emissions during construction. It should be noted that inclusion of MM AIR-1 only reduces $PM_{2.5}$ fugitive dust and not $PM_{2.5}$ exhaust.

**Estimated Health Risks and Hazards During Project Construction–Unmitigated**

| Impact Scenario | Cancer Risk (risk per million) | Chronic Non-Cancer Hazard Index[4] | Annual $PM_{2.5}$ Concentration ($\mu g/m^3$) |
|---|---|---|---|
| Residential MIR (Off-Site)[1] | **76.7** | 0.079 | **0.395** |
| Park MIR[2] | 5.7 | <0.01 | 0.029 |
| School MIR[3] | 3.3 | <0.01 | 0.017 |
| **BAAQMD Thresholds of Significance** | **10** | **1** | **0.3** |

[24] FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

[25] California Air Resources Board (ARB). HARP Air Dispersion Modeling and Risk Tool. Website: https://ww2.arb.ca.gov/resources/documents/harp-air-dispersion-modeling-and-risk-tool. Accessed June 6, 2023.

| | | | |
|---|---|---|---|
| **Exceeds Individual Source Threshold?** | **Yes** | **No** | **Yes** |

Notes:
MIR = Maximally Impacted Sensitive Receptor
[1] The Off-Site Residential MIR represents a residence immediately to the west of the project site (located at 37°53'43.7"N 122°02'34.6"W).
[2] The Park MIR represents the Lar Rieu Park which is approximately 600 feet southwest of the project site.
[3] The School MIR represents Walnut Heights Elementary School which is approximately 700 feet east of the project site
[4] Chronic non-cancer hazard index was estimated by dividing the annual DPM concentration (as $PM_{2.5}$ exhaust) by the REL of 5 $\mu g/m^3$.
Source: FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

As shown in the table below, $PM_{2.5}$ exhaust emissions generated during unmitigated project construction would result in an incremental cancer risk of approximately 77 individuals per one million for the single-family home immediately to the west of the project site, which exceeds the BAAQMD's significance threshold of 10 individuals per one million. Therefore, the proposed project would be required to implement MM AIR-2, which would require the use of Tier 4 Final engines for all construction equipment equal to or greater than 25 horsepower. With the implementation of MM AIR-2, project construction would result in an approximately 94 percent reduction in on-site $PM_{2.5}$ exhaust emissions. As shown in Table *Project DPM Construction Emissions*, the implementation of MM AIR-2 would ensure that construction DPM emissions would not exceed BAAQMD cancer risk nor annual $PM_{2.5}$ concentration. As such, this impact would be less than significant with implementation of MM AIR-2.

**Estimated Health Risks and Hazards During Project Construction—Mitigated**

| Impact Scenario | Cancer Risk (risk per million) | Chronic Non-Cancer Hazard Index[4] | Annual $PM_{2.5}$ Concentration ($\mu g/m^3$) |
|---|---|---|---|
| Residential MIR (Off-Site)[1] | 4.8 | 0.005 | 0.0246 |
| Park MIR[2] | 0.7 | <0.01 | 0.0038 |
| School MIR[3] | 0.2 | <0.01 | 0.0011 |
| **BAAQMD Thresholds of Significance** | **10** | **1** | **0.3** |
| **Exceeds Individual Source Threshold?** | **No** | **No** | **No** |

Notes:
MIR = Maximally Impacted Sensitive Receptor
[1] The Off-Site Residential MIR represents a residence immediately to the west of the project site (located at 37°53'43.7"N 122°02'34.6"W).
[2] The Park MIR represents the Lar Rieu Park which is approximately 600 feet southwest of the project site.
[3] The School MIR represents Walnut Heights Elementary School which is approximately 700 feet east of the project site
[4] Chronic non-cancer hazard index was estimated by dividing the annual DPM concentration (as $PM_{2.5}$ exhaust) by the REL of 5 $\mu g/m^3$.
Source: FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

The mitigated construction emissions would not cause any exceedance of BAAQMD health risk threshold after incorporating MM AIR-2. Therefore, project construction would not result in

significant health impacts to nearby sensitive receptors with incorporation of the identified mitigation.

***Criterion 2: Cumulative Health Risk Assessment***

The BAAQMD recommends assessing the potential cumulative impacts from sources of TACs within 1,000 feet of a project. For a project-level analysis, BAAQMD provides several tools for use in screening potential sources of TACs. The BAAQMD-provided tools used to assess the potential cumulative impacts from TACs are described below:

- **Health Risks for Local Roadways.** The BAAQMD pre-calculated concentrations and the associated potential cancer risks and PM2.5 concentration increases for each county within their jurisdiction for roadways that carry at least 30,000 average daily trips. For Community Air Risk Evaluation (CARE) Program areas, the BAAQMD also includes local roadways that meet BAAQMD's "major roadway" criteria of 10,000 vehicles or 1,000 trucks per day. The latest available screening tool is in the form of a Geographic Information System (GIS) raster file. The proposed project is located in an 8 Hour Ozone Exceedance CARE area,[26] which means 8-hour ozone levels in this area exceeded the federal standard (75 ppb) three or more times during three recent summers (2011-2013). To ensure a conservative estimate, traffic volume on Walnut Boulevard was obtained from the Walnut Boulevard Traffic Calming Study published in 2019.[27] Daily traffic volume of 4,000 was assumed based on this information, and the cancer risk and PM2.5 concentrations were adjusted with BAAQMD's Roadway Screening Calculator; those results are included in Table *Exposure Assumptions for Cancer Risk Calculations*.
- **Freeway Screening Analysis Tool.** The BAAQMD prepared a GIS tool that contains pre-estimated cancer risk and PM2.5 concentration increases for highways within the Bay Area. The nearest freeways to the proposed project include I-680, approximately 1 mile west of the project site. However, the raster file provides data at all points in the Air Basin.
- **Stationary Source Risk and Hazard Screening Tools.** The BAAQMD prepared a GIS tool with the location of permitted sources and provides a health risk calculator that estimates and refines screen-level cancer risk, a non-cancer health hazard index, and PM2.5 concentrations using emissions data from BAAQMD's permitting database.[28] For each emissions source, the BAAQMD provides conservative estimates of cancer risk and PM2.5 concentrations. Based on information from the GIS tool, there are no BAAQMD-permitted stationary sources within 1,000 feet of the project site.
- **Rail Screening Tools.** The BAAQMD prepared GIS tools that contain estimated cancer risks and PM2.5 concentrations from railroad operations at any point within the Air Basin. No existing railways are within 1,000 feet of the project site. Similar to the other BAAQMD-prepared raster files, the rail tool provides data at all points in the Air Basin.

[26] Bay Area Air Quality Management District (BAAQMD). 2014. Community Air Risk Evaluation Program. Website: https://www.baaqmd.gov/community-health/community-health-protection-program/community-air-risk-evaluation-care-program. Accessed June 6, 2023.

[27] FEHR & PEERS. 2019. Draft Technical Memorandum, Walnut Boulevard Traffic Calming Study.

[28] Bay Area Air Quality Management District (BAAQMD). Permitted Stationary Sources Risk and Hazards. Permitted Stationary Sources Risk and Hazards. Website: https://baaqmd.maps.arcgis.com/apps/webappviewer/index.html?id=2387ae674013413f987b1071715daa65. Accessed June 6, 2023.

***Cumulative Health Risk Assessment at the Maximum Impacted Sensitive Receptor***

A cumulative Health Risk Assessment was performed that examined the cumulative impacts of the proposed project's construction emissions and sources of TAC emissions within 1,000 feet of the project site.

The cumulative health risk results, including health risks from the nearby roadway sources, are summarized during project construction in the table below. Cumulative health risk results shown therein are representative of the health risks to the MIR identified in the construction HRA that would experience the highest concentration of pollutants.

**Summary of the Cumulative Health Impacts at the MIR during Construction**

| Source/Impact Scenario | Source Type | Distance from MIR1 (feet) | Cancer Risk (per million) | Chronic HI | PM2.5 Concentration (mg/m$^3$) |
|---|---|---|---|---|---|
| **Project MIR** | | | | | |
| Project Construction (Unmitigated) | Diesel Construction Equipment | 22 | 76.7 | 0.079 | 0.395 |
| Project Construction (Mitigated) | Diesel Construction Equipment | 22 | 4.8 | 0.005 | 0.025 |
| **Roadways** | | | | | |
| Walnut Boulevard | | 113 | 1.58 | ND | 0.03 |
| Air Basin Major Roadways | | — | 1.4 | ND | 0.026 |
| **Rail** | | | | | |
| Air Basin Railways | | — | 0.3 | ND | <0.001 |
| **Freeways** | | | | | |
| Air Basin Freeways/Highways | | — | 13.0 | ND | 0.237 |
| **Cumulative Health Risks** | | | | | |
| **Cumulative Maximum with Project DPM Emissions (Unmitigated)** | | | **93.0** | **0.079** | **0.688** |
| **Cumulative Maximum with Project DPM Emissions (Mitigated)** | | | **21.1** | **0.005** | **0.318** |
| **BAAQMD's Cumulative Thresholds of Significance** | | | **100** | **10** | **0.8** |
| **Threshold Exceeded in Any Scenario?** | | | **No** | **No** | **No** |

Notes:
HI = Hazard Index
MIR = Maximally Impacted Sensitive Receptor
ND = no data available
µg/m$^3$ = micrograms per cubic meter
[1] The MIR above represents the greatest impacted MIR, which is the residence immediately to the west of the project site (located at 37°53'43.7"N 122°02'34.6"W).
Source: FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

As noted in the table above, the cumulative impacts from the project construction and existing sources of TACs would be less than the BAAQMD's cumulative thresholds of significance. Thus, the cumulative health risk impacts from project construction would be less than significant.

***Criterion 3: Operational Emissions***

The proposed project would result in the development and operation of 10 single-family homes. As previously discussed under Impact 3.2(b), the proposed project would not result in a potential CO hotspot. The proposed project would result in a less than significant VMT impact because it would be below the threshold of 20 residential units established by County guidelines.

Because the proposed project would not exceed Transportation Analysis Guidelines set by the County, the proposed project would not generate significant daily passenger vehicle trips and thus, the proposed project would not generate a significant amount of DPM emissions during operation. However, gasoline-fueled vehicles would still emit relatively small amounts of gasoline TACs such as benzene, isopentane, and toluene during project operation. Nonetheless, the potential cancer risks associated with non-diesel TACs emitted from gasoline vehicles in the San Francisco Bay Air Basin are substantially less than the potential cancer risks associated with DPM emissions, [29] and are therefore not included in this analysis. Furthermore, these emissions would be dispersed throughout the local roadway network and would not solely be generated at the project site. Therefore, the proposed project would not result in significant health impacts to nearby sensitive receptors during operation.

***Criterion 4: Carbon Monoxide Hotspot Assessment***

As discussed in Impact 2.3(b), the proposed project would not generate sufficient vehicle traffic volumes during project operation to substantiate creating a CO hotspot. Therefore, this impact would be less than significant with regard to exposing sensitive receptors to substantial concentrations of CO emissions. As such, the proposed project would result in less than significant impacts related to exposing sensitive receptors to substantial pollutant concentrations.

***Summary***

As described above, the proposed project would not expose sensitive receptors at nearby residences, schools, daycares, or community centers to substantial pollutant concentrations during either construction (with mitigation incorporated) or operations. Therefore, this impact would be less than significant with mitigation incorporated.

**d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?**

**Less than significant impact.** As stated in the BAAQMD 2017 Air Quality Guidelines, odors are generally regarded as an annoyance rather than a health hazard. The ability to detect odors varies considerably among the populations and is subjective. The BAAQMD does not have a recommended odor threshold for construction activities. However, the BAAQMD recommends operational screening criteria that are based on the distance between receptors and types of sources known to generate odors. For projects within the screening distances, the BAAQMD has the following threshold for project operations:

[29] California Air Resources Board (ARB). 2008. Health Risk Assessment for the Union Pacific Railroad Oakland Railyard. Website: https://ww2.arb.ca.gov/sites/default/files/classic//railyard/hra/up_oak_hra.pdf?_ga=2.229617876.913681903.1594937953-503090677.1594937953. Accessed June 6, 2023.

An odor source with five or more confirmed complaints per year averaged over 3 years is considered to have a significant impact on receptors within the screening distance shown in Table 3-3 [of the BAAQMD's guidance].

Two circumstances have the potential to cause odor impacts:

1. A source of odors is proposed to be located near existing or planned sensitive receptors, or
2. A sensitive receptor land use is proposed near an existing or planned source of odor.

Projects that would site an odor source or a receptor farther than the applicable screening distance, shown in the table below, would not likely result in a significant odor impact.

**Odor Screening Distances**

| Land Use/Type of Operation | Project Screening Distance |
|---|---|
| Wastewater Treatment Plant | 2 miles |
| Wastewater Pumping Facilities | 1 mile |
| Sanitary Landfill | 2 miles |
| Transfer Station | 1 mile |
| Composting Facility | 1 mile |
| Petroleum Refinery | 2 miles |
| Asphalt Batch Plant | 2 miles |
| Chemical Manufacturing | 2 miles |
| Fiberglass Manufacturing | 1 mile |
| Painting/Coating Operations | 1 mile |
| Rendering Plant | 2 miles |
| Coffee Roaster | 1 mile |
| Food Processing Facility | 1 mile |
| Confined Animal Facility/Feed Lot/Dairy | 1 mile |
| Green Waste and Recycling Operations | 1 mile |
| Source: Bay Area Air Quality Management District (BAAQMD). 2017. Final 2017 Clean Air Plan. April 19. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?la=en. Accessed October 28, 2022. | |

### Project Construction

Diesel exhaust and ROGs would be emitted during construction of the proposed project, which are objectionable to some; however, emissions would disperse rapidly from the project site and would be short-term and intermittent in duration and frequency. Therefore, project construction would not generate objectionable odors affecting a substantial number of people. As such, construction odor impacts would be less than significant.

### Project Operation

Land uses typically associated with odors include wastewater treatment facilities, waste disposal facilities, agricultural operations, or other operations listed in Table *Estimated Health Risks and Hazards During Project Construction – Unmitigated*. Using GoogleMaps, a chemical manufacturing company (Malaco International, 1910 Olympic Blvd, Walnut Creek, CA 94596) was identified within 2 miles and several coffee roasting shops were identified within the 1-mile screening distances.

Public records retrieved from the BAAQMD[30] show that no odor complaints were received for the chemical manufacturing company or any coffee roasting shops within the 2017 to 2022 timeframe. Public records only identified one unconfirmed odor complaint within a 1-mile radius of the project site between 2017 and 2022. As a result, no confirmed odor complaints were filed for sources near the proposed project site. Therefore, the proposed project as a receptor during operation would not experience peculiar odor impacts from sources of odors.

The proposed project would construct 10 new single-family homes, whose operations could lead to odors from associated residential laundry cleaning, vehicle exhaust, outdoor cooking, and waste disposal. However, such odors generated by project operation would be intermittent and are not expected to be noticeable at distances that would expose a large number of receptors and are not expected to last for prolong periods of time. Therefore, minor sources of odors expected from project operation would not pose an objectionable odor impact to existing and future receptors.

### Summary

The proposed project, as a source, would not generate any peculiar emissions or odors that would adversely affect a substantial number of people. In addition, the proposed project would not place sensitive receptors near substantial existing or planned sources of odors based on BAAQMD guidance. This impact would be less than significant.

## Mitigation Measures

**MM AIR-1** The following Bay Area Air Quality Management District, Basic Construction Mitigation Measures shall be implemented during project construction and shall be included on all construction plans:

a. All exposed non-paved surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and access roads) shall be watered at least two times per day and/or non-toxic soil stabilizers shall be applied to exposed non-paved surfaces.
b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered and/or shall maintain at least 2 feet of freeboard.
c. All visible mud or dirt tracked 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.
d. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.

[30] FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes, as required by the California Airborne Toxics Control Measure (ACTM) Title 13, Section 2485 of California Code of Regulations. Clear signage regarding idling restrictions shall be provided for construction workers at all access points.
g. 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.
h. The prime construction contractor shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The County and the construction contractor shall take corrective action within 48 hours of receipt of the complaint. The Bay Area Air Quality Management District (BAAQMD) phone number shall also be visible to ensure compliance with applicable regulations.

**MM AIR-2** The following Mitigation Measure shall be implemented during project construction and shall be included on all construction plans:

a. All off-road equipment equal to or greater than 25 horsepower shall meet either United States Environmental Protection Agency (EPA) or California Air Resources Board (ARB) Tier 4 Final off-road emission standards during all construction activities.
b. The project applicant shall submit a construction management plan to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval, prior to issuance of any grading and building permits. The construction management plan shall demonstrate that the off-road equipment used on-site to construct the proposed project would comply with Tier 4 Final off-road emission standards. Off-road equipment descriptions and information included in the construction management plan may include but are not limited to equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number 47T47T.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No 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 by the California Department of Fish and Wildlife or United States 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 United States Fish and Wildlife Service? | ☐ | ☒ | ☐ | ☐ |
| c) Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) 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 wildlife nursery sites? | ☐ | ☐ | ☒ | ☐ |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | ☐ | ☒ | ☐ | ☐ |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan? | ☐ | ☐ | ☐ | ☒ |

## Environmental Evaluation

### Setting

This section evaluates the potential effects on biological resources that may result from implementation of the proposed project. This analysis is based on a *Biological Resource Analysis* (BRA) Report completed by Olberding Environmental, Inc (Olberding) for the proposed project in July 2021, the BRA subsequently updated in January 2023. Additional supporting reference materials include a *Pre-Construction Special-Status Plant Survey Report* prepared by Olberding in May 2022 and an *Arborist Report* prepared by Traverso Tree on January 10, 2023.

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 by the California Department of Fish and Wildlife or United States Fish and Wildlife Service?**

**Less than significant with mitigation incorporated**. For the purpose of this analysis, special-status species refers to all species formally listed as threatened and/or endangered under the following:

- Federal Endangered Species Act or the California Endangered Species Act (CESA);
- California Species of Special Concern, designated as Fully Protected by the California Department of Fish and Wildlife (CDFW) and given a California Native Plant Society (CNPS) rank[31] or designated as special-status by city, county, or other reginal planning documents:
  - **Rank 1A**: Plants presumed extirpated in California and either rare or extinct elsewhere
  - **Rank 1B**: Plants rare, threatened, or endangered in California and elsewhere
  - **Rank 2A**: Plants presumed extirpated in California but common elsewhere
  - **Rank 2B**: Plants rare, threatened, or endangered in California but more common elsewhere
  - **Rank 3**: Plants about which more information is needed
  - **Rank 4**: Watch List: Plants of limited distribution

Federal and State listed threatened and/or endangered species are legally protected under FESA/CESA. The designated special-status species listed by the CNPS have no direct legal protection but require an analysis of significance of potential impacts under CEQA Guidelines. Special-status plant and wildlife species typically occur in undeveloped areas. Although it is less likely, it is also possible for them to occur within developed areas.

Olberding conducted a special-status plant and wildlife species database search using the California Natural Diversity Database (CNDDB) and the CNPS Inventory of Rare and Endangered Plants of California within the Walnut Creek quadrangle and eight surrounding quadrangles.[32] Olberding also conducted a reconnaissance-level survey of the project site on July 12, 2021 and a follow up rare plant survey of the project site in April 5, 2022 to determine the potential presence or absence of special-status species listed in the California Natural Diversity Database (CNNDB) and CNPS database and for other potential sensitive species or habitats.[33]

According to the BRA, there are five habitat types present on-site (see Figure 10 of the BRA): developed (0.11 acre), non-native annual grassland (1.31 acres), ephemeral drainage (0.17 acre), mixed woodland (1.01 acres), and riparian (0.05 acre). Much of the project site consists of non-native annual grassland; vegetation observed within this area included wild oat (*Avena fatua*), Italian

[31] All plants appearing on the CNPS List 1 or 2 are considered to meet the CEQA Guidelines Section 15830 criteria. While only some of the plants ranked 3 and 4 meet the definitions of threatened or endangered species, the CNPS recommends that all Rank 3 and Rank 4 plants be evaluated for consideration under CEQA.

[32] Olberding Environmental, Inc. 2021. Biological Resources Assessment Report. 3180 Walnut Boulevard Contra Costa County, California.

[33] Ibid.

rye grass (*Festuca perennis*), ripgut brome (*Bromus 4 diandrus*), soft chess (*Bromus hordeaceus*), and hare barley (*Hordeum murinum ssp. leporinum*).[34]

### Special-status Plant Species

A plant's potential to occur on the project site was based on presence of suitable habitats, soil types, and occurrences recorded by the CNPS Inventory of Rare and Endangered Plants of California CNDDB. Olberding identified 26 special-status plant species have been recorded within a 5-mile radius of the project site (Figure 6 of the BRA).[35] Twenty-two of the 26 special-status plant species recorded within the 5-mile radius were identified as having no potential to occur on the project site due to the absence of suitable habitat (e.g., salt marsh, coastal dunes, serpentine soils, vernal pool, etc.), soil composition, and previous development/disturbance and are therefore excluded from further analysis.[36] According to the BRA, the remaining four special-status plant species were determined to have a low potential to occur, Congdon's tarplant (*Centromadia parryi ssp. Congdonii*), Diablo helianthella (*Helianthella castanea*), Mount Diablo fairy-lantern (*Calochortus pulchellus*), and bent-flowered fiddleneck (*Amsinckia lunaris*). Marginal habitat exists within the grassland portion of the project site, though a large portion of the grassland had been recently disked at the time of Olberding's field survey. Given the potential for these plants to occur, Olberding conducted a focused rare plant survey of the project site in April 2022, during the blooming period for three of these species (Diablo helianthella, Mount Diablo fairy-lantern, and bent-flowered fiddleneck), and none of these species were observed; thus, they are presumed absent[37]. Although the April 2022 survey was conducted outside of the blooming period for Congdon's tarplant (June–November), remnant plants would have been observed if this species was present. Moreover, the July 2021 reconnaissance survey was conducted during the blooming period for this species, and it was not observed. Thus, Congdon's tarplant is also presumed absent from the project site. Attachment 2, Table 2 of the BRA includes a species-specific discussion of all special-status plants with the potential to occur within or in the immediate vicinity of the project site, based on a review of the surrounding quadrangles.

No special-status or rare plants occur within the project site based on multiple field surveys conducted by Olberding. Therefore, the proposed project would have no impact on special-status or rare plants and no mitigation would be required.

### Special-status Wildlife Species

The potential for wildlife to occur on the project site was based on the presence of suitable habitats and occurrences recorded by the CNDDB and United States Fish and Wildlife Service (USFWS) within the Walnut Creek and eight surrounding quadrangles. Forty-one special-status wildlife species have been recorded with the potential to occur within the greater vicinity of the project site based on the literature review.[38] Thirty of the 41 special-status wildlife species were determined either not likely to occur or to have no potential to occur due to absence of suitable habitat and/or site-specific

[34] Olberding Environmental, Inc. 2021. Biological Resources Assessment Report. 3180 Walnut Boulevard Contra Costa County, California.
[35] Ibid.
[36] Ibid.
[37] Olberding Environmental, Inc. 2021. Biological Resources Assessment Report. 3180 Walnut Boulevard Contra Costa County, California.
[38] Olberding Environmental, Inc. 2021. Biological Resources Assessment Report. 3180 Walnut Boulevard Contra Costa County, California.

habitat conditions and are therefore excluded from further analysis. See Attachment 2, Table 2 of the BRA, which includes a species-specific discussion of all 41 special-status wildlife species.

Eleven special-status wildlife species were determined to have potential to occur on the project site: red-shouldered hawk (*Buteo lineatus*), red-tailed hawk (*Buteo jamaicensis*), Cooper's hawk (*Accipiter cooperii*), white-tailed kite (*Elanus leucurus*), American kestrel (*Falco sparverius*) hoary bat (*Lasiurus cinereus*), western red bat (*Lasiurus frantzii*), pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), Yuma myotis (*Myotis yumanensis*), and Alameda whipsnake (*Masticophis lateralis euryxanthus*).[39] These species are addressed in more detail below.

### *Nesting birds: red-shouldered hawk, red-tailed hawk, Cooper's hawk, white-tailed kite, and American kestrel*

The trees and shrubs present throughout the project site and riparian vegetation adjacent to the ephemeral drainage provide nesting habitat for bird species protected under the Migratory Bird Treaty Act (MBTA) and Fish and Game Code. These species include red-shouldered hawk, red-tailed hawk, Cooper's hawk, white-tailed kite, American kestrel, and common songbirds (passerine birds). Construction activities could disturb nesting and breeding birds in trees and shrubs within and around the project site. Potential impacts on special-status and migratory birds that could result from construction and operation of the proposed project include destruction of eggs or occupied nests, mortality of young, and abandonment of nests with eggs or young birds prior to fledging. If MBTA and/or Fish and Game Code protected species' nests are present, impacts to these species would be significant. MM BIO-1 would require pre-construction surveys and modification of construction activities to avoid disturbance of any active nests, including active nests of special-status bird species, if present, which would reduce impacts to migratory and nesting birds and raptors protected under the MBTA and Fish and Game Code (including special-status species) to less than significant levels. Prior to issuance of a building or grading permit, the CDD shall determine if project construction-related activities will take place during the nesting season, and if so, the avian pre-construction survey shall be reviewed and approved by the CDD.

### *Roosting bats: hoary bat, western red bat, pallid bat, Townsend's big-eared bat, and Yuma myotis*

The project site contains existing structures and trees that could provide suitable bat-roosting habitat. Potential direct and indirect impacts could occur to roosting bats due to removal of potential roosting habitat during project construction. These activities could potentially subject bats to risk of death or injury, and they are likely to avoid using the area until such construction activities have dissipated or ceased. Relocation, in turn, could cause hunger or stress among individual bats by displacing them into adjacent territories belonging to other individuals; impacts to these species would be significant. MM BIO-2 would require a roosting bat survey to be conducted prior to the start of project construction to reduce potential impacts to roosting bats to less than significant levels.

### *Alameda whipsnake*

The Alameda whipsnake is one of two subspecies of the California whipsnake. It is distinguished from the chaparral whipsnake (*M. l. lateralis*) by the broad orange striping on its sides. Adults reach approximately three to five feet in length and show a sooty black to dark brown back, cream colored undersides and pinkish tail. This species is typically found in chaparral, northern coastal sage scrub, and coastal sage habitats; however, annual grasslands, oak woodlands, and oak savanna serve as

[39] Ibid.

habitat during the breeding season. Egg-laying occurs near scrub habitat on ungrazed grasslands with scattered shrub cover. The known distribution for Alameda whipsnake includes Sobrante Ridge, Oakland Hills, Mount Diablo, the Black Hills, and Wauhab Ridge.[40]

CNDDB listed 20 occurrences of Alameda whipsnake within 5 miles of the project site. The exact locations of these collections were not recorded in the CNDDB due to the sensitivity of this species. Refer to Attachment 1 Figure 5 of the BRA to see approximate range of listed occurrences. The project site does not overlap with USFWS designated critical habitat (unit: 3) (See Attachment 1 Figure 7 of the BRA). USFWS designated critical habitat for Alameda whipsnake is located approximately 2 miles east within the Shell Ridge Open Space.

The project site contains grassland habitat but lacks scrub or rock outcrop cover which the Alameda whipsnake characteristically prefers. However, the southwestern boundary of the Shell Ridge Open Space is located approximately 0.3 mile northeast of the project site. Alameda whipsnake could utilize the project site for dispersal as it moves to and from more suitable habitat. For these reasons, Alameda whipsnake has a low potential to occur on the project site in a dispersal capacity only.[41]

Project implementation could result in disturbance or loss of this species if present during grading and construction. Implementation of MM BIO-3, which requires a pre-construction survey and conducting an Environmental Awareness training would help to identify and avoid dispersing individuals, minimizing the impacts of project-related activities on the Alameda whipsnake to less than significant. Prior to issuance of a building or grading permit, the reptile pre-construction survey shall be reviewed and approved by the CDD.
In conclusion, project implementation would require grading within suitable habitat for special-status species, as well as the removal of trees and structures that provide suitable habitat for passerine birds and raptors, and roosting bats. Implementation of the recommendations detailed in the BRA, and demonstrated as MM BIO-1 through MM BIO-3 respectively below, would reduce impacts to special-status species to less than significant.

**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 United States Fish and Wildlife Service?**

**Less than significant with mitigation incorporated**. The CDFW maintains a list of natural communities that classifies vegetation types found within the State of California and ranks them based on rarity. Communities ranked S1-S3 are considered sensitive natural communities.[42] Riparian habitats are typically considered sensitive natural communities and are addressed in the environmental review process. The project site contains one sensitive natural community, riparian habitat. This natural community is discussed below.

The BRA identified 0.05 acre of riparian habitat adjacent to an ephemeral drainage, which runs along the northern boundary of the project site. Dominate tree species observed included valley oak

[40] Olberding Environmental, Inc. 2021. Biological Resources Assessment Report. 3180 Walnut Boulevard Contra Costa County, California.
[41] Ibid.
[42] California Department of Fish and Wildlife (CDFW). 2022. Natural Communities List, Sacramento: California Department of Fish and Wildlife. Website: https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities. Accessed January 11, 2023.

(*Quercus lobata*) and black walnut (*Juglans hindsii*). Understory species observed include wild oat (*Avena fatua*), ripgut brome (*Bromus diandrus)*, and soft chess (*Bromus hordeaceus*).[43]

Project construction would avoid direct impacts to on-site sensitive natural communities. While the proposed project would avoid direct impacts to sensitive natural communities, project construction has the potential for indirect (temporary) adverse impacts to on-site aquatic features. Potential temporary indirect impacts include pollutant loading, increased erosion and sedimentation, and debris dispersal. Implementation of MM BIO-4 would reduce potential indirect adverse impacts to on-site sensitive natural communities to less than significant levels by avoiding work in riparian habitat and on-site aquatic features, implementing erosion control measures, and the prevention of substances toxic to fish and wildlife from leaching into riparian habitat or sensitive natural communities. Prior to issuance of a grading or building permit, the riparian corridor and ephemeral drainage will be fenced off to make sure no work takes place in this area, unless evidence is provided to the CDD that the California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), and/or United States Army Corp of Engineers (USACE) reviewed and approved work within these areas.

**c) Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

**Less than significant with mitigation incorporated**. While the project site does not contain seasonal wetlands, 0.17 acre of ephemeral drainage and it associated riparian habitat runs from the northeast to northwest corner of the project site. According to the BRA, this drainage and its associated riparian habitat may be considered jurisdictional by the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and/or the CDFW.[44] As discussed in the checklist question above, project design would avoid direct impacts to the ephemeral drainage, and its associated riparian habitat. Moreover, implementation of MM BIO-4 would reduce potential indirect adverse impacts these on-site aquatic features to a less than significant level through erosion control measures and preventing substances toxic to fish and wildlife from leaching into these features.

**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 wildlife nursery sites?**

**Less than significant impact**. As discussed above, the BRA identified areas of ephemeral drainage which flow from the northeast corner to the northwest corner of the project site flanked by riparian corridors at the eastern and western ends. The ephemeral drainage empties into a partially buried concrete culvert at the northwestern boundary of the project site. The proposed project would not disturb any portion of the ephemeral drainage or riparian habitat. Furthermore, the project site is in an urbanized area and is surrounded by single-family residences which further constrain wildlife movement. For these reasons, the proposed project is not expected to have any significant impact on wildlife corridors or to impede the use of nursery sites, therefore project-related impacts would be less than significant.

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[43] Olberding Environmental, Inc. 2021. Biological Resources Assessment Report. 3180 Walnut Boulevard Contra Costa County, California.

[44] Ibid.

**e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

**Less than significant impact with mitigation incorporated.** Tree removal in the County is regulated under Contra Costa County Code Chapter 816-6, Tree Protection and Preservation Ordinance. According to the Arborist Report prepared for the proposed project, the project site contains 74 trees, 14 of which are protected trees. Based on the proposed project's grading plan, the Arborist Report recommends the preservation of 31 trees and the removal of 43 trees.[45] Of the 43 trees to be removed, four are protected under the County's Tree Protection and Preservation Ordinance.[46] If not properly protected, the trees proposed for preservation could also be subject to injury or inadequate maintenance during construction, which represents a potentially significant impact. The response of individual trees would depend on the amount of excavation and grading, the care with which demolition is undertaken, and the construction methods.

As the construction of the proposed project requires the removal of trees subject to the Contra Costa County Tree Protection and Preservation Ordinance, the applicant would be required to prepare and implement a tree replacement plan. In addition, remaining trees that are proposed for preservation on the project site would be preserved through the implementation of the tree preservations guidelines identified and outlined in the Arborist Report.

As a part of approval for development, the applicant would be required to demonstrate and implement consistency with the County's tree ordinance, including tree removal permits and protection of preserved trees. Implementation of MM BIO-5, which requires the project applicant to implement a tree replacement plan, and MM BIO-6 requiring the project applicant to implement tree preservation guidelines during construction, impacts related to consistency with local policies or ordinances that protect biological resources would be less than significant.

**f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan?**

**No Impact**. The proposed project does not lie within the boundaries of any adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or State HCP.[47] Therefore, no impact would occur.

## Mitigation Measures

**MM BIO-1 Pre-construction Avian Survey**

If project construction-related activities would take place during the nesting season (February through August), pre-construction surveys for nesting passerine birds and raptors (birds of prey) within the project site and the large trees within the adjacent riparian area should be conducted by a qualified Biologist no more than 14 days prior to the commencement of the tree removal or site grading activities. If any bird listed under the Migratory Bird Treaty Act (MBTA) is found to be nesting within the

[45] Traverso Tree. 2023. Arborist Report. 3180 Walnut Boulevard, Walnut Creek, California.
[46] Ibid.
[47] California Department of Fish and Wildlife. 2019. California Natural Community Conservation Plans. Website: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=68626&inline. Accessed December 21, 2022.

project site or within the area of influence, an adequate protective buffer zone should be established by a qualified Biologist to protect the nesting site. This buffer shall be a minimum of 75 feet from the project activities for passerine birds, and a minimum of 200 feet for raptors. The distance shall be determined by a qualified Biologist based on the site conditions (topography, if the nest is in a line of sight of the construction and the sensitivity of the birds nesting). The nest site(s) shall be monitored by a qualified Biologist periodically to see if the birds are stressed by the construction activities and if the protective buffer needs to be increased. Once the young have fledged and are flying well enough to avoid project construction zones (typically by August), a qualified Biologist shall determine if the project can proceed without further regard to the nest site(s). Prior to issuance of a building or grading permit, the CDD shall determine if project construction-related activities will take place during the nesting season, and if so, the avian pre-construction survey shall be reviewed and approved by the CDD.

**MM BIO-2 Pre-construction Bat Survey**

To avoid "take" of special-status bats, the following mitigation measures shall be implemented prior to the removal of any existing trees or structures on the project site:

If project construction-related activities take place during seasonal periods of bat activity (mid–February through mid–October – ca. February 15–April 15, and August 15–October 30), a bat habitat assessment within the project site shall be conducted by a qualified Bat Biologist to determine suitability of each tree or existing structure as bat roost habitat. Structures found to have no suitable openings can be considered clear for project activities as long as they are maintained so that new openings do not occur. Structures found to provide suitable roosting habitat, but without evidence of use by bats, may be sealed until project activities occur, as recommended by the Bat Biologist. Structures with openings and exhibiting evidence of use by bats shall be scheduled for humane bat exclusion and eviction, conducted during appropriate seasons, and under supervision of a qualified Bat Biologist. Bat exclusion and eviction shall only occur between February 15 and April 15, and from August 15 through October 30, in order to avoid take of non-volant (non-flying or inactive, either young, or seasonally torpid) individuals. Prior to issuance of a building or grading permit, the CDD shall determine if project construction-related activities will take place during seasonal periods of bat activity, and if so, the bat habitat assessment shall be reviewed and approved by the CDD.

**MM BIO-3 Pre-construction Reptile Survey and Impact Avoidance**

While potential occurrence of Alameda whipsnake is limited to dispersal throughout the project site, a pre-construction survey for special-status reptile species shall be conducted no more than 48 hours prior to the commencement of tree removal or project construction-related activities to determine presence/absence of these species. Worker Environmental Awareness training discussing the potential for these species shall be conducted by a qualified Biologist or Biological Monitor for all construction personnel working within the project site. Prior to issuance of a

building or grading permit, the reptile pre-construction survey shall be reviewed and approved by the CDD.

**MM BIO-4 Avoidance and Minimization Measures for Riparian Habitat and On-site Aquatic Features**

No work (including vegetation removal) shall take place within the riparian corridor and ephemeral drainage as indicated in the Biological Resource Analysis (BRA) Report completed by Olberding Environmental, Inc (Olberding) dated January 2023, unless evidence is provided to the CDD that the California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), and/or United States Army Corp of Engineers (USACE) reviewed and approved work within these areas. The plan set for a building permit shall show fencing that is approved by a qualified biologist to ensure work does not take place in this area. As-built photos shall be required prior to issuance of a grading or building permit to ensure that this fencing is installed.

**MM BIO-5 Avoidance and Minimization Measures for Riparian Habitat and On-site Aquatic Features**

At no time shall silt-laden runoff be allowed to enter on-site aquatic features and their associated habitats. Erosion control measures shall be utilized throughout all phases of operation where sediment runoff from the project may enter these aquatic features. Best Management Practices (BMPs) to avoid erosion, uncontrolled stormwater runoff and bank deterioration shall be implemented, following the requirements of the proposed project's Stormwater Control Plan, and typically include silt fencing, coir rolls, and/or straw bale dikes.

**MM BIO-6 Avoidance and Minimization Measures for Riparian Habitat and On-site Aquatic Features**

No substances toxic to fish and wildlife shall be discharged or allowed to leach into the aquatic features present on-site. Materials deleterious or toxic to fish and wildlife, including, but not limited to, asphalt, tires, concrete, construction materials, treated wood, and creosote containing materials, shall not be stockpiled within 100 feet of any aquatic feature present on-site.

**MM BIO-7 Prepare and Implement a Tree Replacement Plan**

As a result of tree removal, approval of a Tree Permit under the provisions of the County Tree Ordinance shall be required. The Tree Permit shall include a Tree Replacement Plan. The Tree Replacement Plan shall designate the approximate location, number, species and sizes of new trees to be planted. No tree shall be removed until a building or grading permit is issued.

**MM BIO-8 Implement Tree Preservation Guidelines During Construction**

To protect the trees to remain, approval of a Tree Permit under the provisions of the County Tree Ordinance shall be required. The Tree Permit shall include tree protection mitigation measures as described in the arborist report prepared by

Jennifer Tso (#WE-10270A) of Traverso Tree Service dated January 10, 2023[48], and these mitigation measures shall be implemented during construction through the clearing, grading, and construction phases, and stated on all construction plans.

[48] Traverso Tree. 2023. Arborist Report. 3180 Walnut Boulevard, Walnut Creek, California.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| **5. Cultural Resources** *Would the project:* | | | | |
| a) Cause a substantial adverse change in the significance of a historical resource as pursuant to Section 15064.5? | ☐ | ☐ | ☒ | ☐ |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? | ☐ | ☒ | ☐ | ☐ |
| c) Disturb any human remains, including those interred outside of formal cemeteries? | ☐ | ☒ | ☐ | ☐ |
| **18. Tribal Cultural Resources** *Would the project 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:* | | | | |
| d) 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 | ☐ | ☒ | ☐ | ☐ |
| e) 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. | ☐ | ☒ | ☐ | ☐ |

## Environmental Evaluation

### Setting

This section describes the existing cultural and Tribal Cultural Resources (TCRs) setting and potential effects from the proposed project implementation on the project site and its surrounding area. The analysis in this section is based, in part, on the Historic Resource Assessment (HRA) completed by FCS on December 16, 2022, and an Archaeological Survey Report completed by Garcia and Associates (GANDA) on March 18, 2020.

### Archaeological Survey Report

On March 18, 2020, GANDA completed a cultural resources assessment for the proposed project. The results of this cultural resource assessment were informed by a records search of the Northwest Information System (NWIC) of the California Historical Resources Information System (CHRIS), a

literature and archival review, Native American tribal consultation, and a pedestrian survey of the project site.

### *Northwest Information Records Search*

A records search for the project site and its 0.25-mile radius were conducted on February 24, 2020, at the NWIC, located at Sonoma a State University in Rohnert Park, California. The purpose of this records search was to compile information pertaining to the locations of previously recorded cultural resources and prior cultural resources studies within the study area and its vicinity.

The results of the NWIC records search identified two previously recorded historic-period archaeological resources within 0.25 mile of the project site. Both are historic buildings. The records search identified three studies within 0.25 mile of the project site.

### *Native American Consultation*

A GANDA Archaeologist initiated consultation via email with the Native American Heritage Commission (NAHC) on February 26, 2020, to determine whether any sacred sites were located within the project site or its vicinity. A response was received on February 27, 2020, indicating that no sacred sites were identified within the project site. Native American consultation under Assembly Bill (AB) 52 of CEQA is the responsibility of the Lead Agency, which was completed prior to the preparation of this report.

### *Archaeological Field Survey*

On February 28, 2020, a GANDA Archaeologist conducted an intensive pedestrian survey of the project site. to determine the presence or absence of archaeological resources. The ground surface was examined for the presence of prehistoric artifacts, prehistoric milling surfaces on exposed bedrock, historic-era artifacts, sediment discoloration that might indicate the presence of a cultural midden, and depressions and other features that might indicate the former presence of historic-era structures or buildings. Ground disturbances such as rodent holes, burrows, and cut banks were also visually inspected. No archaeological resources were observed.

### *Historic Resources Assessment*

FCS Staff Archaeologist Taylor Love conducted an architectural field survey and HRA of the project site on November 21, 2022. The project site contains a single-family residence that was constructed in 1954. The residence was assessed on its own merits for inclusion in the California Register of Historical Resources (CRHR) and/or the National Register of Historic Places (NRHP) and was found to be ineligible. Based on the results of the records searches, archival research and architectural field survey, FCS considers the project site to have low sensitivity for historic resources. FCS concluded that there are no unique historic resources located on the project site as defined under California Public Resources Code Sections 15064.5 and 5024.1.

## Cultural Resources

Would the project:

**a) Cause a substantial adverse change in the significance of a historical resource as pursuant to Section 15064.5?**

**Less than significant impact**. CEQA Guidelines Section 15064.5 defines "historical resources" as resources listed in the CRHR, a local register, determined significant by the Lead Agency, or determined to be eligible by the California Historical Resources Commission for listing in the CRHR. The criteria for eligibility are generally set by the National Historic Preservation Act of 1966, which established the NRHP, and which recognizes properties that are significant at the federal, State, and local levels. To be eligible for listing in the NRHP and CRHR, a district, site, building, structure, or object must possess integrity of location, design, setting, materials, workmanship, feeling, and association relative to American history, architecture, archaeology, engineering, or culture.[49] In addition, unless the property possesses exceptional significance, it must be at least 50 years old to be eligible.

Historical significance is assessed against the following NRHP/CRHR criteria:

**Criterion A:** Associated with events that have made a significant contribution to the broad patterns of our history; or

**Criterion B:** Associated with the lives of persons significant in our past; or

**Criterion C:** Embodied of distinctive characteristics of a type, period, or method of construction, or that possess high artistic value, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

**Criterion D:** Yielded, or may be likely to yield information important in prehistory or history.

The GANDA 2020 record search conducted at the NWIC determined that two historic-era resources are within a 0.25-mile radius of the project site, none of which are located within the project boundaries. The 2020 pedestrian survey did not identify any potentially historic resources within the proposed project site. However, the project site does contain one existing single-family residence. According to the HRA, historic topographic maps and records obtained from the Contra Costa County Assessor's Office indicate that construction of the residence was completed in 1954. Therefore, the residence is more than 50 years in age. However, the HRA Report concluded that the assessed property is not eligible for listing in the CRHR under any of the criteria listed above. Therefore, the building on-site does not qualify as significant historical resources under CEQA and impacts would be less than significant.

**b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?**

**Less than significant with mitigation incorporated**. Section 15064.5 of the CEQA Guidelines defines significant archaeological resources as resources that meet the criteria for historical resources, as discussed above, or resources that constitute unique archaeological resources. A project-related

[49] National Register of Historic Places (NRHP). 2022. Publications of the National Register of Historic Places. Website: https://www.nps.gov/subjects/nationalregister/publications.htm. Accessed June 6, 2023.

significant adverse effect could occur if a project were to affect archaeological resources that fall under either of these categories.

As discussed above, the NWIC records search identified two previously recorded historic-period archaeological resources and three studies within 0.25-mile of the project site. Based on the results of the records searches, archival research and field survey, the HRA concluded that the project site has low sensitivity for historic resources. Furthermore, the Archaeological Survey Report concluded that the potential to encounter archaeological resources during project implementation is low. Nevertheless, it is possible that earthmoving activities associated with project construction could encounter previously undiscovered archaeological resources. Archaeological resources can include but are not limited to stone, bone, wood or shell artifacts or features, including hearths and structural elements. Damage or destruction of these resources would be a potentially significant impact. Implementation of MM CUL-1 would reduce this potential impact to less than significant.

**c) Disturb any human remains, including those interred outside of formal cemeteries?**

**Less than significant with mitigation incorporated.** No human remains or cemeteries are known to exist within or near the project site. While it is unlikely that human remains exist within or near the project site, there is always a possibility that subsurface construction activities associated with the proposed project, such as grading or trenching, could potentially damage or destroy previously undiscovered human remains. Accordingly, potential impacts would be limited to construction activities.

In the event of an accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Section 5097.98 must be followed. MM CUL-2 further specifies the procedures to follow in the event human remains are uncovered. Along with compliance with required guidelines and statutes, implementation of MM CUL-2 would reduce potential impacts to human remains to a less than significant level.

## Tribal Cultural Resources

**Would the project 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:**

**d) 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**

**Less than significant with mitigation incorporated**. A review of the CRHR, local registers of historic resources, the NWIC records search results, and NAHC Sacred Lands File search, and the pedestrian survey failed to identify any previously listed TCRs that may be adversely affected by the proposed projects. However, as discussed above, construction activities may result in potentially significant impacts should any undiscovered TCRs be encountered. Implementation of MM CUL-1 and MM CUL-2 would reduce potential impacts to a less than significant level.

**e) 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.**

**Less than significant with mitigation incorporated.** Tribal consultation efforts conducted by Contra Costa County pursuant to AB 52 to identify additional significant TCRs meeting the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1 was initiated on September 22, 2021, and January 5, 2023, respectively. Consultation commenced on September 22, 2022, with Wilton Rancheria and concluded on October 22, 2022. Wilton Rancheria provided no comments pertaining to the proposed project. The County received an additional response on January 7, 2023, from the Confederated Villages of Lisjan Nation formally commencing consultation efforts as well requesting additional information about the proposed project and NAHC Sacred Lands File results. The Confederated Villages of Lisjan Nation received the requested information and were satisfied with the results of the Archaeological Survey report. The tribe provided no further comments. Tribal consultation concluded on February 6, 2023. However, as previously discussed, construction activities may result in potentially significant impacts should any undiscovered TCRs be encountered. Implementation of MM CUL-1 and MM CUL-2 would reduce potential impacts to a less than significant level.

## Mitigation Measures

**MM CUL-1 Unidentified Cultural Materials**

All project-related ground disturbance shall be monitored by an archaeologist who meets the Secretary of the Interior's professional qualification standards for archaeology. In the event that significant cultural resources are discovered during construction activities, the applicant/project owner or sponsor shall ensure that operations within a 100-foot radius of the find shall cease and the archaeologist will be consulted to determine whether the resource requires further study. The standard inadvertent discovery clause shall be included on the grading plans submitted to the City to inform contractors of this requirement. Potentially significant cultural resources consist of but are not limited to stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. The archaeologist shall make recommendations to the City concerning appropriate measures, which shall be implemented by the applicant/project owner or sponsor to protect the discovered resources, including but not limited to recordation on appropriate California Department of Parks and Recreation (DPR) forms, evaluation, or excavation of the finds in accordance with CEQA Guidelines, Section 15064.5.

**MM CUL-2 Encountering Human Remains**

In the event of accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and 5097.98 shall be followed. If during the course of construction activities there is accidental discovery or recognition of any human remains, the following steps shall be taken:

a. There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98.
b. Where the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the project site in a location not subject to further subsurface disturbance:
    - The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission.
    - The descendant identified fails to make a recommendation.
    - The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| **6. Energy** *Would the project:* | | | | |
| a) Result in 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? | ☐ | ☐ | ☒ | ☐ |

## Environmental Evaluation

### Setting

Energy is generally transmitted either in the form of electricity, measured in kilowatts (kW) or megawatts (MW), or natural gas measured in US Therms. Electricity is used primarily for lighting, appliances, and other uses associated with the proposed project. Natural gas is used primarily for space and water heating, when applicable; however, natural gas use is not anticipated in the proposed project. The proposed project would adopt an all-electric design and would not include natural gas use. However, natural gas use is included in CalEEMod to provide a conservative estimate of air quality and GHG emissions; the CalEEMod estimates are used as a basis for the energy consumption calculations referenced in this section.

Would the project:

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

**Less than significant impact**. A significant impact would occur if the proposed project would result in the wasteful, inefficient, or unnecessary use of energy. Construction and operations are discussed separately below.

### Construction

The anticipated construction schedule for the proposed project was assumed to occur from the first quarter of 2023 through the first quarter of 2024, lasting approximately 12 months. Should the construction schedule would move to later years, construction energy demand would likely decrease because of improvements in technology and more stringent regulatory requirements as older, less efficient equipment is replaced by newer and cleaner equipment. The proposed project would require demolition, site preparation, grading, building construction, architectural coating, and paving activities. Project construction would require energy for the manufacturing and transportation of building materials, preparation of the site (e.g., site clearing, and grading), and construction of the building. Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy for these tasks.

The types of on-site equipment used during construction of the proposed project could include gasoline- and diesel-powered construction and transportation equipment, including trucks, bulldozers, frontend loaders, forklifts, and cranes. Construction equipment is estimated to consume a total of 25,905 gallons of diesel fuel over the entire construction duration[50].

Fuel use associated with construction vehicle trips generated by the proposed project was also estimated; trips include construction worker trips, haul truck trips for material transport, and vendor trips for construction material deliveries. Fuel use from these vehicles traveling to the project site was based on (1) the projected number of trips the proposed project would generate during construction, (2) average trip distances by trip type, and (3) fuel efficiencies estimated in the ARB Emissions Factors model (EMFAC) mobile source emission model[51]. In total, the proposed project is estimated to generate 134,771 VMT and a combined 6,473 gallons of gasoline and diesel for vehicle travel during construction.

Other equipment could include construction lighting, field services (office trailers), and electrically driven equipment such as pumps and other tools. Single-wide mobile office trailers, which are commonly used in construction staging areas, generally range in size from 160 square feet to 720 square feet. A typical 720-square-foot office trailer would consume approximately 8,930 kilowatt-hours (kWh) during the 13-month construction[52].

The proposed project's construction is not anticipated to result in unusually high energy use. Limitations on idling of vehicles and equipment and requirements that equipment be properly maintained would result in fuel savings. Similarly, compliance with State regulations would limit idling from on-road and off-road diesel-powered equipment. For example, equipment and fuel are not typically used wastefully due to the added expense associated with renting, maintaining, and fueling the equipment. Therefore, it is anticipated that construction of the proposed project would not result in wasteful, inefficient, and unnecessary energy consumption, and energy impacts during construction would be less than significant.

### Operation

The proposed project would consume energy as part of building operations and transportation activities. The proposed project would be built to all-electric design standards. Energy consumption of the proposed project is summarized in the table below.

**Annual Project Energy Consumption**

| Energy Consumption Activity | Annual Consumption |
|---|---|
| Electricity Consumption | 78,105 kWh |
| Fuel Consumption | 7,341 gallons |

[50] FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.
[51] FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.
[52] FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

| Energy Consumption Activity | Annual Consumption |
|---|---|
| Notes:<br>kBTU = kilo-British Thermal Unit<br>kWh = kilowatt-hour<br>Source: FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California. | |

Unmitigated operation of the proposed project would consume an estimated 78,105 kWh of electricity on an annual basis. The single-family homes would include rooftop solar as part of the construction, consistent with Title 24 requirements. Therefore, a portion of electricity used at the project site would be provided through on-site renewable energy. The proposed project would be considered to result in a potentially significant impact if it would result in wasteful, inefficient, or unnecessary consumption of energy resources. This is assessed below by reviewing whether the proposed project would conflict with the following energy conservation goals:

- Decreasing overall per capita energy consumption;
- Decreasing reliance on fossil fuels such as coal, natural gas, or oil; and
- Increasing reliance on renewable energy sources.

***Decreasing Reliance on Fossil Fuels***

The proposed project would be designed and constructed in accordance with the California Building Code energy efficiency standards. For example, the proposed project would install solar photovoltaic (PV) systems capable of generating renewable electricity, high-efficiency indoor and outdoor lighting, and low-flow plumbing fixtures and irrigation heads that are compliant with the California Building Code. California Building Code energy efficiency standards include a broad set of energy conservation requirements that apply to the structural, mechanical, electrical, and plumbing systems in a building. Compliance with the California Building Code would help reduce the amount of energy required for lighting, water heating, and heating and air conditioning in buildings and promote energy conservation. As a result, the increase in energy conservation and efficiency would reduce the amount of potentially fossil fuel-sourced electricity consumption, and thereby reducing project reliance on fossil fuels. Additionally, the proposed project would adopt an all-electric design, consistent with County Ordinance 2022-02, which would further reduce use of fossil fuels.

Project-related vehicle trips would consume fuel throughout the life of the proposed project resulting from residents' vehicles and delivery vehicles traveling to and from the project site. This analysis evaluated operational fuel consumption based on the proposed project's operational assumptions. Regional access to the project site is provided by I-680, which is 1 mile west of the project site. As a result, the proposed project is located near regional and local roadways that would provide convenient access for future residents and would not result in excessively long VMT. Thus, the location of the proposed project would help minimize fossil fuel reliance with respect to transportation fuel consumption.

***Increasing Reliance on Renewable Energy Sources***

The proposed project would be considered to conflict with this criterion if it did not take steps to increase the reliance on renewable energy sources. As the proposed project constitutes a low-rise residential development, it would be required by the California Building Code to incorporate rooftop

solar. As such, the proposed project would incorporate on-site PV systems, thereby actively increasing future residents' reliance on renewable energy sources. Furthermore, consistent with Moreover, the proposed project would include applicable electric vehicle (EV) charging infrastructure, such as pre-wiring, to facilitate future EV charging within each garage. As a result, the proposed project would incrementally increase overall reliance on renewable energy sources by including on-site renewable energy generation technologies, incorporating an all-electric design, and incorporating EV charging infrastructure to facilitate the future use of EVs.

### Summary

Considering the above analysis, the proposed project would not result in the wasteful, inefficiency, or unnecessary consumption of energy resources. This impact would be less than significant.

**b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?**

**Less than significant impact.**

### Construction

The proposed project would consume energy through the combustion of fossil fuels. Limitations on idling of vehicles and equipment and requirements that equipment be properly maintained would result in fuel savings. California Code of Regulations Title 13 Sections 2449(d)(3) and 2485 limit idling from both on-road and off-road diesel-powered equipment and are enforced by the ARB. The proposed project would be required to comply with these regulations. There are no renewable energy standards that would apply to construction of the proposed project. As a result, construction would not conflict with or obstruct any regulations adopted for the purposes of increasing the use of renewable energy.

### Operation

The proposed project would be served with electricity provided by Pacific Gas and Electric Company (PG&E). In 2021, PG&E obtained 48 percent of its electricity from renewable energy sources, while the remaining electricity was sourced from nuclear (39 percent), large hydroelectric (4 percent), and natural gas (9 percent).[53] PG&E also offers a Solar Choice 50 percent option that sources 71 percent of its power mix from eligible renewable energy sources, and a Solar Choice 100 percent option that sources 94 percent of its power mix from eligible renewable energy sources. Therefore, the proposed project's electricity provider meets the State's current objective of 33 percent. The proposed project's electricity provider would also be required to meet the State's future objective of 60 percent of in-State electricity sales being generated from renewable energy sources by 2030.

Additionally, the proposed project would be required to comply with the applicable Title 24 Energy Efficiency Standards (for example, EV charging infrastructure and solar requirements) in effect at the time building permit applications are submitted. As such, the proposed project would not conflict with or obstruct the applicable plan for renewable energy or energy efficiency. Therefore, the proposed project would result in less than significant impacts related to energy efficiency and renewable energy standards consistency.

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[53] California Energy Commission. 2022. Power Content Label. Website: https://www.energy.ca.gov/programs-and-topics/programs/power-source-disclosure/power-content-label/annual-power-content-2. Accessed June 6, 2023.

**Summary**

As energy consumption resulting from construction and operation of the proposed project would not constitute a conflict with or obstruct a State or local plan for renewable energy or energy efficiency, this impact would be less than significant.

## Mitigation Measures

None required.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| **7. Geology and Soils** *Would the project:* | | | | |
| a) Directly or indirectly cause potential 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? Refer to Division of Mines and Geology Special Publication 42. | ☐ | ☐ | ☒ | ☐ |
| 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? | ☐ | ☒ | ☐ | ☐ |
| 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 site or unique geologic feature? | ☐ | ☒ | ☐ | ☐ |

## Environmental Evaluation

The analysis in this section is based, in part, on the Preliminary Geotechnical Exploration (Geotechnical Exploration) prepared by ENGEO Incorporated (ENGEO) on March 12, 2020.

### Setting

#### *Geotechnical Exploration*

ENGEO conducted a Geotechnical Exploration which included excavation of six test pits within the site on February 25, 2020. During the excavation, ENGEO encountered an existing fill layer that ranged from approximately 1 to 3.5 feet thick, which consisted of sandy silt and sandy clay. Native

surficial soil (Colluvium) deposits consisting of fat clay ranging from few feet to over approximately 8 feet thick were encountered in the mantling bedrock across the site. The site's surficial soil is underlain by mudstone, sandstone, and conglomerate bedrock. The bedrock is highly weathered and very weak near the surface, but becomes less weathered, and moderately strong at depth. Atterberg limit testing of the existing soil encountered at the site yielded a Plasticity Index (PI) of 44 for the native clayey soil and PI of 13 for the mudstone, which indicates that the site soil has a moderate to very high expansion potential. Groundwater was not observed in any of the subsurface explorations at the site. Refer to the Geotechnical Exploration for specific details regarding subsurface conditions and PI testing for site subsurface conditions.

An active fault is defined by the State Mining and Geology Board as one that has had surface displacement within Holocene time (about the last 11,000 years). The Geotechnical Exploration determined that the site is not located within a State of California Earthquake Fault Hazard Zone (1982) for active faults, and no known faults cross the site. The nearest known active fault surface trace is the Mount Diablo Thrust fault, which is mapped approximately 1.3 miles south of the site. Other active faults near the site are summarized in the Geotechnical Exploration and include the Mount Diablo Thrust fault, Calaveras fault, and the Hayward-Rodgers Creek fault. Because of the presence of nearby active faults, the Bay Area Region is considered seismically active. Numerous small earthquakes occur every year in the region, and large (greater than Moment Magnitude 7) earthquakes have been recorded and can be expected to occur in the future.

Based on the field exploration and review of readily available published maps for the site, ENGEO determined that the site is feasible for development of the proposed project.

***Paleontological Records Search Results***

A paleontological records search of the University of California Museum of Paleontology was performed on October 4, 2022, by Dr. Kenneth Finger for the project site. The surface of the project site consists of the Pliocene to late Miocene Orinda formation (Tor), while the surrounding 0.5-mile search area also includes Holocene alluvium (Qa) and late to middle Miocene Monterey Formation. Holocene deposits are too young to be considered fossiliferous. The records search indicated four vertebrate localities in the County, but only a single cetacean vertebra more than 10 miles away from the project site has been entered into the database. The Orinda Formation has 23 vertebrate locations listed for the County as well as three for Alameda County, with a composite assemblage of 140 specimens. The locality nearest the project site is in Orinda, located more than 5 miles to the west.

Would the project:

**a) Directly or indirectly cause potential 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? Refer to Division of Mines and Geology Special Publication 42.**

**Less than significant impact.** The project site is not located in an Alquist-Priolo Earthquake Fault Zone, however, the project site is located in a seismically active region. As discussed above, the nearest known active fault surface trace is the Mount Diablo Thrust fault located approximately 1.3 miles south of the site. Because there are no known active faults crossing the project site and because the project site is not located within an Earthquake Fault Special Study Zone, the Geotechnical Exploration concluded that ground rupture is unlikely. Furthermore, the proposed project's design and construction would comply with the 2022 California Building Standards Code (CBC), as required by Title 7, Section 74-2 of the Ordinance Code, which would reduce impacts related to the rupture of nearby faults. Therefore, the proposed project's impacts related to rupture of a known earthquake fault would be less than significant.

**ii) Strong seismic ground shaking?**

**Less than significant impact.** As discussed above, the proposed project is not located within an Alquist-Priolo Earthquake Zone and no known active faults cross the project site. However, the Geotechnical Exploration states that a moderate to high magnitude earthquake generated within the San Francisco Bay Region could cause considerable shaking at the project site, similar to what has occurred in the past. The intensity of ground shaking is determined by factors such as distance from the fault, magnitude and duration of the earthquake, and site-specific geologic conditions. The proposed project would comply with the 2022 CBC, as required by Section 74-2 of the Ordinance Code, which includes requirements related to seismic safety design features to avoid or minimize potential damage from seismic shaking. Therefore, compliance with applicable State and local regulatory requirements would reduce potentially significant impacts to less than significant.

**iii) Seismic-related ground failure, including liquefaction?**

**Less than significant impact.** Liquefaction is the result of seismic activity and is characterized as the transformation of loosely water-saturated soils from a solid state to a liquid state after ground shaking. For liquefaction to occur, three conditions must be present: (1) shallow groundwater; (2) low density, fine, clean sandy soils; and (3) high-intensity ground motion. The Geotechnical Exploration concluded that because the project site is underlain by weathered mudstone at shallow depths, groundwater was not encountered during the exploration, and the existing fill will be removed and recompacted, the project site is not considered susceptible to liquefaction. As such, impacts would be less than significant.

**iv) Landslides?**

**Less than significant impact.** As shown on Figure 10-6, Geological (Landslide) Hazards, in the Safety Element of the General Plan, the majority of the area located within and near Walnut Creek is not

subject to significant landslide hazards.[54] While the project site does contain some areas with slopes of up to 50 percent,[55] the General Plan identifies the project site as being in an area with slopes of less than 26 degrees. Furthermore, the project site is located in a relatively flat area of the County and surrounded by existing development. As such, the proposed project result in significant impacts related to landslides. Impacts would be less than significant.

**b) Result in substantial soil erosion or the loss of topsoil?**

**Less than significant impact**. The project site contains an existing, vacant, single-family residence. The proposed project includes the demolition of the existing structure and the construction of 10 single-family homes. The proposed project would therefore involve ground-disturbing activities such as grading and excavation that have the potential to cause erosion and loss of topsoil. As discussed above, the Geotechnical Exploration encountered an existing fill layer in the test pits, which ranged from approximately 1 to 3½ feet thick and consists of sandy silt and sandy clay. The Geotechnical Exploration concluded that, since the compaction data of the fill are unknown, all existing fill should be removed to the depth of competent native soil, as evaluated by ENGEO, and replaced with engineered fill. Since the proposed project would disturb more than 1 acre of land during construction, it would be required to obtain a Construction General Permit from the California State Water Resources Control Board (State Water Board) consistent with the County's General Permit (No. CAS612008) and to comply with its conditions and requirements, which are designed to minimize potential erosion issues. Compliance with the County's NPDES permit would ensure that a Stormwater Control Plan is prepared and Best Management Practices (BMPs) are implemented that would prevent sediments and other pollutants from entering the stormwater system. As such, impacts related to soil erosion and loss of topsoil as a result of the proposed project would be less than significant.

**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?**

**Less than significant impact.** As discussed above, the project site is not located in an area that is subject to significant landslide hazards and is not considered susceptible to liquefaction. The Geotechnical Exploration determined that regional subsidence is considered to be low to negligible at the site. Furthermore, given the shallow bedrock on the west wide of the project site, the consistency of the bedrock, and the absence of groundwater the Geotechnical Exploration concluded that the potential for lateral spreading at the project site is negligible.

**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?**

**Less than significant impact with mitigation incorporated.** As described above, ENGEO performed plasticity testing of the site soil and bedrock. PI of the native clay was found to be as high as 44, and the PI of the fine content of the bedrock is 13. These test results indicate that the native clay material on-site has a very high expansion potential and the bedrock has a moderate expansion potential. Expansive soil shrinks and swells as a result of moisture changes, which can cause heaving

[54] Contra Costa County. 2005. Safety Element. Figure 10-6, Geological (Landslide) Hazards.
[55] dk Engineering. 2022. 3180 Walnut Boulevard Hydrologic and Hydraulic Analyses. June 23.

and cracking of slabs-on-grade, pavements, and structures founded on shallow foundations. Successful construction on expansive soil requires special attention during grading, and it is imperative to keep exposed soil moist by occasional sprinkling. If the soil dries, it is extremely difficult to remoisturize without excavation, moisture conditioning, and decompaction because of the clayey nature of the soil. The Geotechnical Exploration included subgrade soil requirements, which have been included herein under MM GEO-1, which would ensure proper methods for construction on expansive soil. With implementation of MM GEO-1, impacts related to expansive soil would be less than significant.

**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?**

**No impact.** The proposed project would utilize existing wastewater utility connection provided by the Central Contra Costa County Sanitary District. Septic tanks or alternative wastewater disposal systems would be used. Therefore, no impact would occur.

**f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

**Less than significant impact with mitigation incorporated.** A significant adverse effect could occur if grading or excavation activities associated with a project would disturb paleontological resources or geologic features that presently exist within the project site.

The project site is located in an urbanized area and is surrounded by existing roads and residential development. The project site has been previously disturbed by past development activities and currently contains an existing single-family home, which would be demolished as part of the proposed project. As discussed above, the proposed project would involve ground-disturbing activities such as grading and excavation. The paleontological records search conducted for the proposed project determined that the surface of the project site consists of the Pliocene to late Miocene Orinda formation (Tor). This area has alternatively been mapped as part of the Green Valley and Tassajara Formation, however, both designations are considered equally fossiliferous due to their similar ages and compositions.[56]

As identified in the Geotechnical Exploration, ENGEO encountered an existing layer of artificial fill on the surface of the project site that consisted of sandy silt and sandy clay, and ranged from approximately 1 to 3.5 feet in depth. While paleontological monitoring of all earth-disturbing activities was recommended by Dr. Finger in his report, this does not include the surface layer of modern fill encountered by ENGEO in their report. As a result of these findings, MM GEO-2 stipulates that paleontological monitoring is required for all earth disturbing activities exceeding the minimum depth of the fill layer at 1 foot. The measure also outlines procedures for the inadvertent discovery of any paleontological resources. With the implementation of MM GEO-2, the proposed project would have a less than significant impact on unique paleontological resources or unique geologic features.

[56] R.W. Graymer, V.E. Langenheim. Regional Geology of Mount Diablo, California: Its Tectonic Evolution on the North America Plate Boundary. GSA Memoir, 217. 2021.

## Mitigation Measures

**MM GEO-1 Implementation of Geology and Soils Measures During Construction**

Prior to submittal of a building or grading permit, the project applicant shall incorporate all recommendations provided in the project-Geotechnical Exploration into project plans, which shall be subject to review and approval by the County Geologist, or designee, prior to permit issuance. The geotechnical recommendations shall be implemented including general earthwork recommendations for site preparation, conditioning of expansive soils, removal of buried structures, removal of fill and disturbed soil, surface and subsurface drainage, biofiltration facilities, foundations, concrete flatwork, retaining walls, spread and pier footings, pavement areas, utility trenches, project review, and construction monitoring. Additionally, these include recommendations related to structural design, foundation design, foundation systems, slabs, moisture barriers, seismic design, walls, footings, slabs and walkways, concrete design, corrosion, pavement design, as well as lot maintenance, and future plan reviews.

**MM GEO-2 Construction Monitoring by a Qualified Paleontologist**

The applicant shall retain a qualified Paleontologist to conduct paleontological monitoring during all earth-disturbing construction activities. Should any significant fossils (I.e., bones, teeth, or unusually abundant and well-preserved invertebrates or plants) be unearthed, the construction crew shall not attempt to remove them, as they could be extremely fragile and prone to crumbling, and to ensure their occurrence is properly recorded; instead, all work in the immediate vicinity of the discovery shall be diverted at least 15 feet until a professional paleontologist assesses the find and, if deemed appropriate, salvages it in a timely manner. All recovered fossils shall be deposited in an appropriate repository, such as the University of California Museum of Paleontology (UCMP), where they would be properly curated and made accessible for future study. Prior to issuance of a grading or building permit, evidence shall be provided to CDD that a qualified paleontologist is contracted to implement this mitigation measure.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No 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 any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | ☐ | ☐ | ☒ | ☐ |

## Environmental Evaluation

The analysis in this section is based, in part, on the emission estimates prepared for the project using CalEEMod[57].

### Setting

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHG). The effect is analogous to the way a greenhouse retains heat. Prominent GHGs that naturally occur in the Earth's atmosphere are water vapor, carbon dioxide ($CO_2$), methane ($CH_4$), oxides of nitrogen ($NO_X$), and ozone. Anthropogenic (human-caused) GHG emissions include releases of these GHGs plus release of human-made gases with high global warming potential (GWP) (ozone-depleting substances such as chlorofluorocarbons [CFCs] and aerosols, hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride ($SF_6$).

Global climate change is not confined to a particular project area and is generally accepted as the consequence of global industrialization over the last 200 years. A typical project, even a very large one, does not generate enough GHG emissions on its own to influence global climate change significantly; hence, the issue of global climate change is, by definition, a cumulative environmental impact. Therefore, this section discusses the proposed project's contribution to the cumulative GHG impact.

Would the project:

**a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

**Less than significant.** Both construction and operational activities have the potential to generate GHG emissions. The proposed project would generate GHG emissions during temporary (short-term) construction activities such as demolition and grading, running of construction equipment engines, movement of on-site heavy-duty construction vehicles, hauling materials to and from the project site, asphalt paving, and construction worker, vendor, and haul truck motor vehicle trips.

[57] FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

Long-term, operational GHG emissions would result from project-generated vehicular traffic, operation of any landscaping equipment, off-site generation of electrical power over the life of the proposed project, the energy required to convey water to and wastewater from the project site, and the emissions associated with the hauling, and disposal of solid waste from the project site.

### Construction Impacts

The proposed project would emit GHG emissions during construction from the off-road equipment, worker vehicles, and any hauling that may occur. The BAAQMD does not presently provide a construction GHG emission threshold but recommends that construction GHG emissions be quantified and disclosed. The BAAQMD also recommends that lead agencies (in this case, Contra Costa County) determine the level of significance of construction GHG emissions. Although neither the County nor the BAAQMD provides a construction-related GHG emission threshold, the Sacramento Metro Air Quality Management District (Sacramento Metro AQMD) has adopted 1,100 MT $CO_2e$ per year as a threshold for construction-related GHG emissions.[58] Therefore, for the purposes of this analysis, the Sacramento Metro AQMD construction threshold is used to evaluate the project's construction-related emissions. The table below summarizes the proposed project's GHG emissions during construction.

**Construction GHG Emissions**

| Construction Phase | MT $CO_2e$ per year |
|---|---|
| Demolition | 23 |
| Site Preparation | 3 |
| Grading | 6 |
| Building Construction 2023 | 254 |
| Building Construction 2024 | 41 |
| Paving | 8 |
| Architectural Coating | 2 |
| **Total Construction Emissions** | **337** |
| **Construction Thresholds[1]** | **1,100** |
| **Exceed Threshold?** | **No** |

Notes:
MT $CO_2e$ = metric tons of carbon dioxide equivalent
Totals may not add up due to rounding.
[1] Construction-related threshold was obtained from SMAQMD's CEQA Guidelines.
Source: CalEEMod Output, FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

As shown in the table above, the proposed project is expected to emit approximately 337 MT $CO_2e$ during construction, resulting in approximately 306 MT $CO_2e$ per year (337 divided by 1.1 years). Because the annual average and the total construction emissions would be less than the applied

[58] Sacramento Metro Air Quality Management District (Sacramento Metro AQMD). 2020. SMAQMD Thresholds of Significance Table. Website: https://www.airquality.org/LandUseTransportation/Documents/CH2ThresholdsTable4-2020.pdf. Accessed June 6, 2023.

threshold of significance, the project's construction-related GHG impacts would be less than significant.

### Operational Impacts

The County adopted its Climate Action Plan (CAP) on December 15, 2015. The CAP is designed to demonstrate consistency with 2020 GHG reduction targets presented by AB 32. In addition, the CAP forecasts the potential GHG emissions and estimated GHG reductions from proposed measures through 2035.[59] The CAP is a qualified GHG reduction strategy and based on communication with the County Department of Conservation and Development, the CAP is appropriate to use to determine whether the proposed project could generate significant GHG emissions.[60]

However, since the CAP was adopted in 2015, SB 32 was adopted in 2017, which requires GHG emissions be reduced to 40 percent below the 1990 levels by 2030. As stated on the County CAP website, the County is currently in the process of updating their CAP and expects it to be completed in late 2023. As a result, a "substantial progress" efficiency threshold was calculated by FCS based on the GHG reduction goals of SB 32/Executive Order B-30-15 to demonstrate consistency with SB 32. To determine significance for the GHG impacts, the proposed project's GHG emissions are assessed against the following thresholds: 4.8 MT $CO_2$e/service population/year for the 2024 operational year and 3.4 MT $CO_2$e/service population/year[61] for the 2030 operational year.

To determine the efficiency thresholds, first FCS determined the 2024 and 2030 CAP reduction target. As shown in Table 3.8 of the Contra Costa County CAP, the County set a 2020 reduction target of 1,193,070 MT $CO_2$e and in 2035 of 596,540 MT $CO_2$e. To determine the 2024 and 2030 reduction targets, FCS calculated the yearly GHG reductions that the County would need to make to reach their 2035 calculated reduction target of 596,540 MT $CO_2$e. [62] This calculation showed that the County would need to reduce annual GHG emissions by 36,939 MT $CO_2$e per year.[63] By 2024, after 4 years of projected reduction at a rate of 36,939 MT $CO_2$e, the County would need to emit no more than 1,045,314 MT $CO_2$e and by 2030 after 10 years of reductions, the County would need to emit no more than 751,133 MT $CO_2$e to meet SB 32 goals of GHG emissions 40 percent below the 1990 levels.[64] Next, the County's GHG reduction target of 1,045,314 MT $CO_2$e in 2024 and 751,133 MT $CO_2$e in 2030 is divided by the estimated 2024 and 2030 unincorporated County service population. According to the County CAP Table 3.4, in 2024 unincorporated County would have 168,072 residents and 48,378 jobs and 173,500 residents and 50,330 jobs in 2030. As a result, the 2024 efficiency threshold of 4.8 MT $CO_2$e/service population/year and 2030 efficiency threshold of 3.4 MT $CO_2$e/service population/year demonstrates the necessary County per capita GHG emissions needed to be consistent with SB 32 GHG reduction goals.

The proposed project would contribute to global climate change through direct and indirect emissions of GHG from mobile sources (e.g., passenger vehicles, trucks), energy (e.g., purchased electricity), water use and wastewater generation, and solid waste generation. All modeling

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[59] Contra Costa County. 2015. Climate Action Plan. December 15.

[60] Contra Costa County. Joseph Lawlor Jr. Personal Communication, email. November 7, 2022.

[61] Calculation: 751,130 MT $CO_2$e/223,830 service population of unincorporated Contra Costa County = 3.36 MT $CO_2$e/service population/year

[62] Contra Costa County. 2015 Climate Action Plan, Table 3.8 Baseline GHG Emissions, Forecasts and Reduction Goals.

[63] Calculation: (626,630 MT $CO_2$e – 72,550 MT $CO_2$e)/15 years = 36,939 MT $CO_2$e per year. Source: Table 3.8 Baseline GHG Emissions, Forecasts and Reduction Goals.

[64] Calculation: [Year 2024] 1,193,070 MT $CO_2$e – (36,939 MT $CO_2$e per year x 4 years) = 1,045,314 MT $CO_2$e 1,193,070 MT $CO_2$e – (36,939 MT $CO_2$e per year x 10 years) = 751,133 MT $CO_2$e

parameters utilized in the Air Quality analysis are also utilized for this GHG analysis, including but not limited to trip generation rates, trip distances, building sizes and operations, energy consumption, water consumption, and waste generation[65].

Operational GHG emissions by source are shown in the table below. The proposed project was analyzed assuming full buildout in the year 2024, immediately following the construction period.

**Operational GHG Emissions**

| Emission Source | Year 2024 Total Emissions | Year 2030 Total Emissions |
|---|---|---|
| | MT $CO_2e$ per year[1] (biogenic $CO_2$ are not included) | |
| Area | 0.5 | 0.5 |
| Energy[2] | 28 | 28 |
| Mobile (Vehicles) | 70 | 59 |
| Waste | 3 | 3 |
| Water | 2 | 2 |
| ***Total Project Emissions*** | ***104*** | ***93*** |
| Service Population[3] | 28 | 28 |
| **SB 32 Efficiency Threshold** | **4.8 MT $CO_2e$/service population/year** | **3.4 MT $CO_2e$/service population/year** |
| **Project Emission Generation (MT $CO_2e$/service population/year)** | **3.7[3]** | **3.3[5]** |
| **Exceeds Threshold?** | **No** | **No** |

Notes:
MT $CO_2e$ = metric tons of carbon dioxide equivalent
[1] Emission totals may not sum exactly due to rounding.
[2] The proposed project would adopt an all-electric design and would not include natural gas use. However, natural gas use is included in CalEEMod to provide a conservative estimate of air quality and GHG emissions.
[3] As discussed in Section 2.14, Population and Housing, the California Department of Finance (CDF) states the average persons per household in the County is 2.84. Therefore, it can be assumed that the proposed project would result in an increase of approximately 28 residents.
[4] Calculation: 104 MT $CO_2e$ per year/28 residents = 3.7 MT $CO_2e$/service population/year. The 104 MT $CO_2e$ excludes biogenic $CO_2$ based on BAAQMD CEQA Guidelines.
[5] Calculation: 93 MT $CO_2e$ per year/28 residents = 3.3 MT $CO_2e$/service population/year. The 93 MT $CO_2e$ excludes biogenic $CO_2$ based on BAAQMD CEQA Guidelines.
Source: CalEEMod Output, FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

As shown in the table above, the proposed project would result in operational GHG Emissions of 104 MT $CO_2e$ in 2024 and 93 MT $CO_2e$ in 2030, which when divided by the service population of 28 residents, would result in 3.7 MT $CO_2e$/service population/year in 2024 and 3.3 MT $CO_2e$/service population/year in 2030. Consequently, the proposed project would not exceed the efficiency thresholds and demonstrates that the proposed project would contribute to meeting the County's CAP GHG reduction targets and SB 32 GHG emission reduction goals. Therefore, the proposed

[65] FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

project would not generate significant amounts of GHG emissions, and impacts would be less than significant.

**b) Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

**Less than significant impact.** The following discusses project consistency with applicable plans adopted for the purpose of reducing GHG emissions, which include ARB's Scoping Plan and County CAP.

### Senate Bill 32 2017 Scoping Plan Update

The 2017 Climate Change Scoping Plan Update addressing the SB 32 targets was adopted on December 14, 2017. The table below provides an analysis of the proposed project's consistency with the 2017 Scoping Plan Update measures. As shown in the table below, many of the measures are not applicable to the proposed project, and the proposed project is consistent with strategies that are applicable.

**Consistency with SB 2017 Scoping Plan Update**

| 2017 Scoping Plan Update Reduction Measure | Project Consistency |
|---|---|
| **SB 350: 50 Percent Renewable Mandate.** Utilities subject to the legislation will be required to increase their renewable energy mix from 33 percent in 2020 to 50 percent in 2030. | **Not applicable.** This measure would apply to utilities and not to individual development projects. The proposed project would purchase electricity from PG&E, which would be subject to the SB 350 Renewable Mandate. |
| **SB 350 Double Building Energy Efficiency by 2030.** This is equivalent to a 20 percent reduction from 2014 building energy usage compared to current projected 2030 levels. | **Not applicable**. This measure applies to existing buildings. New structures are required to comply with Title 24 Energy Efficiency Standards that are expected to increase in stringency over time. The proposed project would comply with the applicable Title 24 Energy Efficiency Standards in effect at the time building permits are submitted. |
| **Low Carbon Fuel Standard.** This measure requires fuel providers to meet an 18 percent reduction in carbon content by 2030. | **Not applicable.** This is a statewide measure that cannot be implemented by a project applicant or lead agency. However, vehicles used by future residents at the project site would benefit from the standards. |
| **Mobile Source Strategy (Cleaner Technology and Fuels Scenario).** Vehicle manufacturers will be required to meet existing regulations mandated by the LEV III and Heavy-Duty Vehicle programs. The strategy includes a goal of having 4.2 million Zero Emission Vehicles (ZEVs) on the road by 2030 and increasing numbers of ZEV trucks and buses. | **Not applicable.** This measure is not applicable to the proposed project; however, vehicles accessing the project site would benefit from the increased availability of cleaner technology and fuels. In addition, as stipulated by the 2022 California Building Code, Title 24, Part 11, Chapter 4, Section 4.106.4.1, new one-family dwellings, such as the proposed project, would be required to implement the applicable provisions of Title 24, Part 6, Section 4.106.4 of the California Building Code to support future electric vehicle supply equipment (EVSE). |
| **Sustainable Freight Action Plan.** The plan's target is to improve freight system efficiency 25 percent by increasing the value of goods and services | **Not applicable.** The proposed project is residential in nature and would not have any major freight vehicles operational. |

| 2017 Scoping Plan Update Reduction Measure | Project Consistency |
|---|---|
| produced from the freight sector, relative to the amount of carbon that it produces by 2030. This would be achieved by deploying over 100,000 freight vehicles and equipment capable of zero emission operation and maximize near-zero emission freight vehicles and equipment powered by renewable energy by 2030. | |
| **Short-lived Climate Pollutant (SLCP) Reduction Strategy.** The strategy requires the reduction of SLCPs by 40 percent from 2013 levels by 2030 and the reduction of black carbon by 50 percent from 2013 levels by 2030. | **Consistent.** Consistent with BAAQMD Regulation 6, Rule 3, no wood-burning devices are proposed as part of the proposed project. Therefore, the proposed project would not include major sources of black carbon. |
| **SB 375 Sustainable Communities Strategies.** Requires Regional Transportation Plans to include a Sustainable Communities Strategy for reduction of per capita VMT. | **Not applicable.** The proposed project does not include the development of a Regional Transportation Plan. |
| **Post-2020 Cap-and-Trade Program.** The Post 2020 Cap-and-Trade Program continues the existing program for another 10 years. The Cap-and-Trade Program applies to large industrial sources such as power plants, refineries, and cement manufacturers. | **Not applicable.** The proposed project is not one targeted by the cap-and-trade system regulations, and, therefore, this measure does not apply to the proposed project. However, the post-2020 Cap-and-Trade Program indirectly affects people and entities who use the products and services produced by the regulated industrial sources when increased cost of products or services (such as electricity and fuel) are transferred to the consumers. |
| **Natural and Working Lands Action Plan.** The ARB is working in coordination with several other agencies at the federal, State, and local levels, stakeholders, and with the public, to develop measures as outlined in the Scoping Plan Update and the governor's Executive Order B-30-15 to reduce GHG emissions and to cultivate net carbon sequestration potential for California's natural and working land. | **Not applicable**. The proposed project is in a built-up urban area and would not be considered natural or working lands. |
| Source of ARB 2017 Scoping Plan Update Reduction Measures: California Air Resources Board (ARB). 2017. California's 2017 Climate Change Scoping Plan. November. | |

As shown in the table above, implementation of the proposed project would not conflict with the reduction measures proposed in SB 32.

### Contra Costa County Climate Action Plan

As described previously, the CAP was adopted on December 15, 2015, and is designed to demonstrate consistency with 2020 GHG reduction targets presented by AB 32. In addition, the CAP forecasts the potential GHG emissions and estimated GHG reductions from proposed measures through 2035.[66] The County's CAP is structured around the following six topic areas: energy

[66] Contra Costa County. 2015. Climate Action Plan. December 15.

efficiency and conservation, renewable energy, land use and transportation, solid waste, water conservation, and government operations.

The proposed project incorporates several design elements that would reduce GHG emissions, such as conformance to the most recent Building Energy Efficiency Standards and CALGreen building regulations, installation of rooftop solar PV system, installation of one EV charging raceway in each garage, highly efficient lighting, and the use of low VOC content architectural coating at 30 grams per liter. Although this worksheet would not be required, the County could require the project include the worksheet to further demonstrate consistency with the CAP because the worksheet is required only on a case-by-case basis.[67] The proposed project would be consistent with the measures in the CAP, as identified in the table below.

**Contra Costa County CAP Consistency**

| Applicable Goals | Measures | Consistency Analysis |
|---|---|---|
| **Energy Efficiency and Conservation** | | |
| Increase energy efficiency in residential and commercial buildingstock, and reduce community-wide electricity and natural gas use. | **EE-1:** Provide opportunities for residential buildings to become more energy efficient. | **Consistent.** The proposed project would comply with the California Building Code and the most recent adopted version of the Building Energy Efficiency Standards. This would improve energy efficiency in the proposed residential homes compared to existing conditions. In addition, the proposed project would include landscaping and storm retention areas with native vegetation, which would reduce the urban heat island effect. Furthermore, the proposed project would be designed as all-electric and would not include natural gas as a source of heating or cooking appliances. |
| | **EE-4:** Reduce urban heat islands through vegetation management and cool surfaces. | |
| **Renewable Energy** | | |
| Increase the production of renewable energy from small-scale and commercial-scale renewable energy installations. | **RE-1:** Promote installation of alternative energy facilities on homes and businesses | **Consistent.** The proposed project would install a PV rooftop solar system in accordance with the requirements contained in Title 24 of the California Building Code, which would increase renewable energy production compared to existing conditions. |
| **Land Use and Transportation** | | |
| Reduce transportation emissions. | **LUT-1:** Maintain and expand access to goods, services, and other destinations through increased transportation alternatives (mobility improvements) and improved proximity (land use improvements). | **Consistent**. The proposed project would include a private garage as part of each home, which would provide secure parking to store bicycles. In addition, the new private street would maintain bicycle access to Grayson Road. These roadway improvements would not prohibit alternative transportation use. |
| | **LUT-4:** Reduce vehicle miles traveled. | **Consistent**. The proposed project site is served by the County Connection bus route #16 and #18, which have stops located 0.6 miles from the |

[67] Contra Costa County. 2015. Climate Action Plan, Page E-1. December 15.

| Applicable Goals | Measures | Consistency Analysis |
|---|---|---|
| | | proposed project site and stops at the Pleasant Hill BART Station. Therefore, the proposed project would be located near existing transit routes that could reduce project resident VMT. |
| **Waste Reduction and Recycling** | | |
| Increase recyclingand composting inthe commercial sector. | **W-1:** Develop a waste reduction strategy to increase recycling and reuse of materials. | **Consistent**. The proposed project site is served by Republic Services for solid waste management, which provides solid waste collection and disposal of residential and commercial solid waste. Republic Services would be required to implement recycling and waste reduction measures as part of service of the proposed project. |
| **Water Conservation** | | |
| Conserve water. | **WE-1:** Reduce water demand. | **Consistent**. The proposed project would be constructed in conformance with CALGreen and the Title 24 Building Code, which requires high-efficiency water fixtures and water-efficient irrigation systems. In addition, the proposed project would include landscaping composed of native plant species that would reduce water demand compared to traditional landscaping. |
| Source: Contra Costa County. 2015. December 15. Climate Action Plan. Website: https://www.contracosta.ca.gov/8681/2015-Climate-Action-Plan. Accessed June 6, 2023. | | |

As shown in the table above, the proposed project's design features, such as rooftop solar PV systems and EV charging raceways, would ensure the proposed project would be consistent with the goals and strategies contained in the CAP. The proposed project would adopt an all-electric design, consistent with County Ordinance 2022-02. Furthermore, the proposed project would be consistent with the 2017 Scoping Plan. Therefore, the proposed project would not conflict with an adopted GHG reduction plan and impacts would be less than significant.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No 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, where such a plan has not been adopted, within two miles of a public airport or public use airport, 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? | ☐ | ☐ | ☒ | ☐ |
| g) Expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires? | ☐ | ☐ | ☒ | ☐ |

## Environmental Evaluation

The analysis in this section is based on the Government Records Report prepared by Envirosite Corporation for the proposed project, generated on September 23, 2022.

### Setting

Envirosite Corporation prepared a Government Records Report for the site in accordance with EPA AAI (40 Code of Federal Regulations [CFR] Part 312) requirements and the American Society for Testing and Materials (ASTM) wE-1527-21 Environmental Site Assessments standard. The report indicates no environmental points of concern on the project site. A number of Hazardous Waste Information System (HAZNET) listings were identified within 0.25 mile of the project site. These listings appear to be associated with private residences and asbestos waste. An unpermitted solid waste facility/landfill (SWF/LF) is located approximately 0.40 mile northwest of the project site and is

the nearest potential point of environmental concern. However, based on the distance between the SWF/LF and the project site, the difference in elevation, and the information available about the SWF/LF site, the facility does not pose an environmental risk to the project site.

Would the project:

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

**Less than significant impact.** The proposed project consists of the construction of 10 single-family homes. Construction activities would require the routine use of substances such as solvents, paints, fuel, and other potentially hazardous substances. These materials are commonly used during construction activities and would be used in limited quantities. Heavy construction equipment such as dozers, excavators, and tractors would likely require the use of petroleum-based substances such as diesel fuel, gasoline, oil, and hydraulic fluid, which are considered hazardous if improperly stored or handled. These activities are standard activities at most construction sites, and the risks associated with the proposed project would be similar to the risks associated with other similar construction sites. The handling, use, and storage of hazardous materials is regulated by numerous agencies, including the California Environmental Protection Agency (Cal/EPA), Caltrans, California Division of Occupational Safety and Health (Cal/OSHA), and the Department of Toxic Substances Control (DTSC), in addition to applicable local regulations. All construction projects must comply with the Hazardous Materials Transportation Act administered by the United States Department of Transportation (USDOT) and implemented in California by Caltrans, as well as the applicable State Water Board NPDES Construction General Permit requirements.

Substances that may be used during project operation include cleaning agents, building maintenance chemicals, and pesticides and herbicides used for landscaping and maintenance. The amount of materials required for these activities would not be large enough to create a significant hazard to the public or environment. Although the proposed project would operate as single-family residences with no significant use of heavy chemicals or pollutants, the transport, use, and disposal of these operational substances is controlled and regulated by the Resource Conservation and Recovery Act (RCRA); Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); and the federal Clean Air Act. Therefore, operation of the proposed project would not create a significant hazard to the public or the environment. Compliance with the applicable local, State, and federal standards, policies, and regulations would help ensure that the routine transport, use, or disposal of hazardous materials would not create a significant hazard. Therefore, impacts are considered less than significant.

**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?**

**Less than significant impact.** During project construction activities, there is always a limited risk of the accidental release of hazardous materials such as gasoline, oil, or fluids from construction equipment. However, use of these materials would be conducted in compliance with applicable federal, State, and local regulations, policies, and ordinances set forth by the EPA, State Water Board, DTSC, Cal/OSHA, Caltrans, RCRA, and Contra Costa Environmental Health Department. These include, but are not limited to, California Health and Safety Code Sections 25270.7, 25270.8, and 25507,

California Vehicle Code Section 23112.5, California Public Utilities Code Section 7673 (PUC General Orders #22-B, 161), California Government Code Sections 51018 and 8670.25.5(a), California Water Code Sections 13271 and 13272, California Labor Code Section 6409.1(b)10, and NPDES Construction General Permit requirements. Compliance with the provisions of these regulations would help minimize the risk of accidental release of hazardous materials into the environment and that appropriate remediation measures are implemented in the event of an accidental release. As such, impacts related to the release of hazardous materials into the environment would be less than significant with the implementation of mitigation.

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

**Less than significant impact.** The nearest school to the project site is Walnut Heights Elementary school, located approximately 0.16 mile east of the site. While construction of the proposed project could emit hazardous emissions, these emissions would be temporary and the project applicant is required to comply with all safe transport, handling, and disposal requirements and regulations. Operation of the proposed single-family homes would be similar to existing residential uses surrounding the site, and not result in the emission or handling of large quantities of hazardous materials, substances, or waste. Therefore, there would be less than significant impacts related to the possibility of hazardous emissions or handling of hazardous materials, substances, or waste within 0.25 mile of a 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?**

**No impact.** The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5[68] and therefore would not create a significant hazard to the public or the environment. As such, no impacts would occur.

**e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?**

**No impact.** The nearest airport to the project site is project site is the Buchanan Field Airport, located over six miles northwest of the project site. The project site is outside of the area affected by federal aviation regulations and the airport influence area and is therefore not subject to the noise and safety regulations pursuant to the Buchanan Field Airport Master Plan.[69] Therefore, the

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[68] Department of Toxic Substances Control (DTSC). Envirostor. 2021 Hazardous Waste and Substances Site List. Website: https://www.envirostor.dtsc.ca.gov/public/search.asp?page=1&cmd=search&business_name=&main_street_name=&city=&zip=&county=&status=ACT%2CBKLG%2CCOM&branch=&site_type=CSITES%2COPEN%2CFUDS%2CCLOSE&npl=&funding=&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST&reporttype=CORTESE&federal_superfund=&state_response=&voluntary_cleanup=&school_cleanup=&operating=&post_closure=&non_operating=&corrective_action=&tiered_permit=&evaluation=&spec_prog=&national_priority_list=&senate=&congress=&assembly=&critical_pol=&business_type=&case_type=&searchtype=&hwmp_site_type=&cleanup_type=&ocieerp=&hwmp=False&permitted=&pc_permitted=&inspections=&inspectionsother=&complaints=&censustract=&cesdecile=&school_district=&orderby=upper%28business_name%29. Accessed June 6, 2023.

[69] Contra Costa County Airport Land Use Commission. 2000. Contra Costa County Airport Land Use Compatibility Plan. Website:https://www.contracosta.ca.gov/DocumentCenter/View/851/Cover-Introduction-and-County-wide-Policies?bidId=. Accessed June 6, 2023.

proposed project is not located within an airport land use plan or within an airport influence area or within 2 miles of a public or public use airport and no impacts would occur.

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

**Less than significant impact.** The proposed project consists of the construction of 10 single-family homes on a site zoned for residential development. Therefore, the proposed project would not result in a significant population increase in the County, and would not significantly affect travel along Walnut Boulevard, Ygnacio Valley Road, or other major evacuation routes. [70]

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

**Less than significant impact.** The project site is located within an urbanized and residential area of the County that has not experienced wildfire. According to topographic data available from Google Earth, the site slopes down generally from northeast to southwest, from an elevation of 232 feet (WGS84) down to a minimum of 192 feet. The project site and surrounding area, including the City of Walnut Creek, is located in a Local Responsibility area in a Non-Very High Fire Hazard Severity Zone (VHFHSZ).[71] Furthermore, the proposed project would be required to adhere to all applicable requirements and regulations related to fire safety, including the California Fire Code and CBC. As such, the proposed project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. As such, impacts would be less than significant.

## Mitigation Measures

None required.

[70] Contra Costa County. 2015. Emergency Operations Plan. Website: https://www.cocosheriff.org/home/showpublisheddocument/168/637284267426930000. Accessed June 6, 2023.

[71] California Department of Forestry and Fire Protection (CAL FIRE). 2009. Contra Costa County: Very High Fire Hazard Severity Zones in LRA as Recommended by CAL FIRE. Website: https://osfm.fire.ca.gov/media/6660/fhszl_map7.pdf. Accessed June 6, 2023.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No 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 groundwater 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 the addition of impervious surfaces, in a manner which would: | ☐ | ☐ | ☒ | ☐ |
| (i) result in substantial erosion or siltation on- or off-site; | ☐ | ☐ | ☒ | ☐ |
| (ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; | ☐ | ☐ | ☒ | ☐ |
| (iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or | ☐ | ☐ | ☒ | ☐ |
| (iv) impede or redirect flood flows? | ☐ | ☐ | ☒ | ☐ |
| 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? | ☐ | ☐ | ☒ | ☐ |

## Environmental Evaluation

The analysis in this section is based on the Hydrologic and Hydraulic Analyses and Stormwater Control Plan prepared by dk Engineering in March 2022.

### Setting

The project site is located within the jurisdiction of the San Francisco Bay RWQCB, Region 2.[72] The State Water Board regulates stormwater discharges under authorities of the federal Clean Water Act and California's Porter-Cologne Water Quality Control Act. The State Water Board issues National Pollutant Discharge Elimination System (NPDES) permits for stormwater discharges, including those from Municipal Separate Storm Sewer Systems (MS4s). The NPDES General Construction Permit

[72] California State Water Resources Control Board (State Water Board). 2022. State and Regional Water Boards. Website: https://www.waterboards.ca.gov/sanfranciscobay/. Accessed June 6, 2023.

applies to all construction activities that would disturb 1 acre of land or more. To comply with the requirements of the Construction General Permit, the project applicant must prepare a Storm Water Pollution Prevention Plan (SWPPP) which identify BMPs that will be employed to prevent soil erosion and discharge of pollutants that could contaminate nearby water resources.

The Contra Costa Clean Water Program (CCCWP) is responsible for the County's compliance with its NPDES permits. The CCCWP's current NPDES permits are the Municipal Regional Permit (MRP) for discharges to the San Francisco Bay and the East Contra Costa County Permit for discharges into the Delta. Contra Costa County Ordinance Title 10, Division 1014, Stormwater Management and Discharge Control, supports the CCCWPs authority in implementing the requirements of the County's NPDES permits.[73] Additionally, the CCCWP assists its member agencies, which consists of the County and 20 other local government agencies, to implement stormwater quality activities in compliance with State and federal requirements.[74]

The project site is located within the EBMUD service area. EBMUD provides potable water to approximately 1.4 million people in a 332-square-mile area, including unincorporated areas within Alameda and Contra Costa counties. The EBMUD's primary water source is the Mokelumne River, with approximately 90 percent of the water supply originating from the Mokelumne River watershed. The remaining 10 percent originates as runoff from the protected watershed lands in the East Bay Area.[75] As detailed in Section 2.18, Utilities and Service Systems, EBMUD's water supply is projected to meet demand during normal years and single dry years out to 2050. However, during multi-year droughts EBMUD would be required to obtain supplemental supplies to meet customer demands.[76]

The project site slopes down generally from northeast to southwest, from an elevation of 232 feet to a minimum of 192 feet, with some areas of the site containing slopes up to 50 percent. There is an existing drainage swale flowing along the northern and western boundary that collects runoff from a portion of the site and several neighboring parcels. The project proposes to drain runoff from each of the private lots to the proposed new private street where it would be conveyed to a bioretention basin located on Lot 10, a natural low point allowing for gravity flow of stormwater runoff. The bioretention basin would serve as a dual-purpose basin for both treatment and retention. Treated stormwater would then be directed to the existing storm drain system in Walnut Boulevard. The proposed storm drain system and bioretention basin would meet County requirements and would effectively accommodate the runoff that would be generated by the proposed project.

[73] Contra Costa Public Works. 2022. Contra Costa County Watershed Program. Website: https://www.contracosta.ca.gov/344/Contra-Costa-County-Watershed-Program. June 6, 2023.

[74] Contra Costa Clean Water Program. 2022. About Us. Website: https://www.cccleanwater.org/about. Accessed June 6, 2023.

[75] East Bay Municipal Utility District (EBMUD). 2021. Urban Water Management Plan 2020. Website: https://www.ebmud.com/water/about-your-water/water-supply/urban-water-management-plan. Accessed June 6, 2023.

[76] East Bay Municipal Utility District (EBMUD). 2021. Water Shortage Contingency Plan 2020. Website: https://www.ebmud.com/water/about-your-water/water-supply/urban-water-management-plan. Accessed June 6. 2023.

Would the project:

**a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?**

**Less than significant impact**. The proposed project has the potential to release water pollutants during both construction and operation. During grading and construction activities, runoff carrying eroded soil and pollutants could enter storm drainage systems, increasing sedimentation and degrading downstream water quality. However, because the proposed project disturbs more than one acre of land, under the NPDES General Construction Permit the preparation and implementation of SWPPP is required. The SWPPP would identify structural and nonstructural BMPs intended to prevent erosion during construction. Compliance with applicable policies and regulations would minimize the potential to degrade water quality in downstream water bodies to the maximum extent possible. As such, the proposed project's construction-related impacts related to surface and groundwater quality would be less than significant.

The proposed project consists of the subdivision of the existing site into 10 lots for the development of 10 single-family homes. Implementation of the proposed project would introduce 40,755 square feet of new impervious surface area as compared to existing conditions, which would increase the generation of runoff that could carry pollutants into waterways. As described in the Stormwater Control Plan, the proposed project would utilize disconnected impervious areas, such as permeable pavers for the project site's driveways, and landscape features including bioretention to treat and manage stormwater. Furthermore, the stormwater runoff would flow through the storm drain system where it would be treated by a bioretention area before it connects with the existing storm drain system in Walnut Boulevard. C.3 is a provision in the MRP which requires permittees to use their planning authorities to include appropriate source control, site design, and stormwater treatment measures in new development and redevelopment projects to address pollutant discharges and prevent increases in runoff flows.[77] The landscaped bioretention basin facility would be consistent with C.3 stormwater requirements and would be located on Lot 10. Furthermore, the proposed project would implement permanent source control BMPs such as landscaping designed to minimize irrigation and runoff and minimal use of fertilizers and pesticides that could contribute to polluted runoff.

The proposed project would be required to comply with the NPDES program and all Ordinance Code requirements related to stormwater pollution, which would minimize the potential to degrade water quality in downstream water bodies to the maximum extent possible, the impacts to surface or groundwater quality would be less than significant.

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

**Less than significant impact.** The project site is not located above an identified groundwater basin or subbasin within the San Francisco Bay Hydrologic Region.[78] However, the EBMUD service area does

[77] Contra Costa Clean Water Program (CCCWP). 2017. Stormwater C.3 Guidebook. Website: https://www.cccleanwater.org/userfiles/kcfinder/files/Stormwater_C3_Guidebook_7th_Edition_2017-05-12%281%29.pdf. Accessed June 6, 2023.

[78] California State Water Resources Control Board (State Water Board). 2016. Groundwater Basins and Subbasins within the San Francisco Bay Hydrologic Region. Website:

include the East Bay Plain Subbasin. In the event of an emergency or prolonged extreme drought conditions, EBMUD will supplement supply using local groundwater resources via its Bayside Groundwater Facility.[79] As detailed in Section 2.18, Utilities and Service Systems, the proposed project would receive potable water from EBMUD via an existing domestic water line within Walnut Boulevard. EBMUD's primary sources of water supply are the Mokelumne River and the East Bay Area watershed runoff. According to the 2020 Water Shortage Contingency Plan (WSCP), under base conditions assumptions EBMUD is projected to meet customer demand out to 2050 during normal years and single dry years. However, during multi-year droughts EBMUD would be required to obtain supplemental supplies to meet customer demands, as mentioned previously.[80] EBMUD does not operate water wells in the vicinity of the project site. The Geotechnical Exploration performed for the project site did not observe static or perched groundwater in any subsurface exploration.

Development of the proposed project would introduce a total of 40,755 square feet of new impervious surfaces on the project site. However, as detailed in the Stormwater Control Plan and the Hydrologic and Hydraulic Analyses, the proposed bioretention basin would allow for treatment and percolation of water into the underlying soils, which would, in turn, contribute to groundwater recharge. The proposed project would also utilize pervious pavers for project site driveways and landscaping features on the project site. No groundwater extraction or utilization is included as a part of the proposed project. Therefore, the proposed project would have a less than significant impact on groundwater supplies or groundwater recharge.

**c) Substantially alter the existing drainage pattern of area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:**

**(i) result in substantial erosion or siltation on- or off-site;**

**Less than significant impact.** Grading and site preparation for the proposed project would create new drainage patterns, including surface runoff being directed to the proposed bioretention basin in Lot 10 via the new private road, and eventually to the existing storm drain system in Walnut Boulevard. As discussed above in Impact 2.10(a), the project's construction activities would be subject to compliance with NPDES requirements, including the General Construction Permit which requires implementation of a SWPPP. The SWPPP would identify structural and nonstructural BMPs intended to prevent erosion during construction. Furthermore, the proposed bioretention catch basin and treatment device would reduce potential sediment from entering downstream waterways. Compliance with NPDES requirements and implementation of on-site treatment features would reduce impacts related to erosion or siltation on- or off-site. Therefore, the proposed project would have a less than significant impact.

https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/groundwater/BasinLinks/Groundwater_Basins_Map_Table.pdf. Accessed June 6, 2023.

[79] East Bay Municipal Utilities District (EBMUD). 2022. Website: https://www.ebmud.com/water/about-your-water/water-supply/bayside-groundwater-project. Accessed June 6, 2023.

[80] East Bay Municipal Utility District (EBMUD). 2021. Water Shortage Contingency Plan 2020. Website: https://www.ebmud.com/water/about-your-water/water-supply/urban-water-management-plan. Accessed June 6. 2023.

**(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;**

**Less than significant impact.** According to the Federal Emergency Management Agency's (FEMA) National Flood Hazard Layer (NFHL), the proposed project is located in Zone X, an area of minimal flood hazard.[81] Furthermore, the Geotechnical Exploration noted that the project site is located outside of the 0.2 percent annual chance floodplain and the General Plan does not identify the project site as being within a 100 Year Floodplain.[82,83] As previously discussed, implementation of the proposed project would result in an increase in impervious surfaces. However, the Hydrologic and Hydraulic Analyses prepared for the proposed project concluded that, with the implementation of the detention/bioretention basin, post-development flows would not exceed pre-development flows, in compliance with C.3 requirements. Furthermore, as detailed in Table 1 Peak Flow Rates of the Hydrologic and Hydraulic Analyses, peak flow rates for 10-year, 25-year and 100-year rainfall events under the post-development with retention scenario are lower than the pre-development peak flow rates. Additionally, if outlets are overwhelmed during a large rainfall event, runoff would release down the proposed new private street and into the catch basins in Walnut Boulevard, similar to the historical drainage pattern of the project site. As such, impacts would be less than significant.

**(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff;**

**Less than significant impact.** As mentioned above, the proposed project would not result in an increase in peak flow as compared to existing flow on-site. The proposed project would be served by existing stormwater drainage systems near the project site. Furthermore, the proposed project would install a bioretention basin on Lot 10, which would act as a dual-purpose basin for treatment and retention, reducing the likelihood of pollutants to be carried off-site. Treated stormwater runoff from the proposed bioretention device would be discharged into the existing public storm drain system in Walnut Boulevard. The selection, sizing, and preliminary design of stormwater treatment and other control measures detailed in the Stormwater Control Plan prepared for the proposed project meet the requirements of the MRP.[84] As such, impacts would be less than significant.

**(iv) impede or redirect flood flows?**

**Less than significant impact.** The proposed project consists of the division of the existing site into 10 lots and the development of 10 single-family homes. The proposed project would increase the amount of impervious surfaces on the project site compared to existing conditions; however, a bioretention basin is proposed along the Walnut Boulevard frontage for stormwater treatment. As described previously, project site runoff would flow through the storm drain system where it would be treated by a bioretention area before it connects with the existing storm drain system in Walnut Boulevard. According to the Hydrologic and Hydraulic Analyses, post-development flows would not exceed pre-development flows and if the outlets of the storm drain system are overwhelmed, runoff will release down the proposed new private street and into catch basins in Walnut Boulevard. As discussed above, the proposed project is located in an area of minimal flood hazard.[85] Furthermore,

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[81] Federal Emergency Management Agency (FEMA). 2020. National Flood Hazard Layer FIRMette. Website: https://msc.fema.gov/portal/search?AddressQuery=wlanut%20creek#searchresultsanchor. Accessed June 6, 2023.
[82] ENGEO Incorporated (ENGEO). 2020. Preliminary Geotechnical Exploration. March.
[83] Contra Costa County. 2005. Contra Costa County General Plan. Safety Element, Figure 10-8 Flood Hazard Areas.
[84] dk Engineering. 2022. Stormwater Control Plan for 3180 Walnut Boulevard. June.
[85] ENGEO Incorporated (ENGEO). 2020. Preliminary Geotechnical Exploration. March.

the project site is not within the 0.2 percent annual chance floodplain or a 100 Year Floodplain.[86,87] Therefore, impacts would be less than significant.

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

**Less than significant impact.** As discussed above, the project site is located outside of the 0.2 percent annual chance floodplain and therefore flooding is not expected at the project site. Additionally, the Geotechnical Exploration noted that, due to the topographic and lithographic features of the project site, the risk of tsunamis, flooding or seiches is considered low to negligible.[88] According to General Plan Figure 10-8, Flood Hazard Areas, the project site is not located in an area identified as a 100 Year Flood Plain,[89] and is located outside a tsunami hazard area.[90] As such, impacts would be less than significant.

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

**Less than significant impact.** The Sustainable Groundwater Management Act allows local water agencies to form a Groundwater Sustainability Agency (GSA) to develop, adopt and implement a groundwater sustainability plan.[91] As discussed previously, EBMUD would provide water to the proposed project. EBMUD, along with the City of Hayward, lies atop the East Bay Plain (EBP) groundwater subbasin and both agencies are the GSAs for the section of the EBP subbasin beneath their respective service areas. EBMUD and the City of Hayward jointly prepared the East Bay Plain Subbasin Groundwater Sustainability Plan in January 2022.[92]

As previously discussed, no groundwater extraction or utilization is included as a part of the proposed project. As such, the proposed project would not interfere with the implementation of any adopted water quality control plan. Furthermore, as discussed above, the proposed project would include a bioretention system that would ensure stormwater runoff would be controlled and directed to the municipal stormwater control systems or percolate into the groundwater basin for recharge. Therefore, based on the implementation of the BMPs discussed above, the incorporation of project-specific design features including a bioretention basin, and project compliance with NPDES permit requirements, project impacts would be less than significant.

## Mitigation Measures

None required.

[86] Ibid.
[87] Contra Costa County. 2005. Contra Costa County General Plan. Safety Element, Figure 10-8 Flood Hazard Areas.
[88] ENGEO Incorporated (ENGEO). 2020. Preliminary Geotechnical Exploration. March.
[89] Contra Costa County. 2005. Contra Costa County General Plan. Safety Element, Figure 10-8 Flood Hazard Areas.
[90] California Department of Conservation. 2019. California Tsunami Maps and Data. Website: https://www.conservation.ca.gov/cgs/tsunami/maps. Accessed June 6, 2023.
[91] East Bay Municipal Utilities District (EBMUD). City of Hayward. 2022. East Bay Plain Subbasin Groundwater Sustainability Plan, Executive Summary. Website: https://www.ebmud.com/water/about-your-water/water-supply/groundwater-sustainability-agencies/east-bay-plain-subbasin-gsp-documents. Accessed June 6, 2023.
[92] Ibid.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No 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? | ☐ | ☐ | ☒ | ☐ |

## Environmental Evaluation

### Setting

The site is designated SL by the General Plan Land Use Element (Exhibit 3), and is zoned as R-20 according to the Zoning Map (Exhibit 4). The SL land use designation allows a for a range of 1.0 to 2.9 single-family units per net acre and the R-20 zoning designation allows for a detached single-family dwelling on each lot and the accessory structures and uses normally auxiliary to it. The project site is surrounded by existing residential development and is bounded by existing roadways Walnut Boulevard to the southwest and View Lane to the southeast.

Would the project:

**a) Physically divide an established community?**

**Less than significant impact**. The physical division of an established community typically refers to the construction of a physical feature, such as an interstate highway or railroad tracks, or removal of a means of access, such as a local road or bridge that would impair mobility within an existing community or between a community and outlying area. The proposed project does not propose the construction of such a feature. The project proposes to divide the existing lot into 10 lots for 10 single-family residential homes. Existing roadways Walnut Boulevard and View Lane would not be altered in a way that would reduce connectivity. Therefore, the proposed project would not physically divide an established community and would improve connectivity within the community. As such, impacts would be less than significant.

The proposed project consists of the division of the existing lot into 10 lots for 10 single-family residential homes, which would be consistent with the land use designation and zoning. As described above, the project applicant is seeking concessions under the Density Bonus Law, including waivers and reductions in development standards relating to minimum lot area and lot width, front yard and side yard setbacks, and retaining wall setbacks. Under California Government Code 65915(e)(1), the proposed project would not be subject to any development standard that would physically preclude the construction of housing unit densities afforded by the Density Bonus Law. Therefore, the proposed project's alternative development standards outlined in Table Project Summary and Alternative Development Standards, would be considered for approval as part of the Density Bonus waivers. With approval of the proposed waivers, the proposed project would not conflict with the current zoning land use designation and impacts would be less than significant.

**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?**

**Less than significant impact**. As discussed above, the project site is zoned R-20 and its land use designation is SL. Primary land uses permitted in the SL designation include detached single-family homes and accessory buildings and structures. Secondary uses generally considered to be compatible with low density homes may be allowed, including home occupations, small residential care and childcare facilities, churches, and other similar places of worship, ADUs, and other uses and structures incidental to the primary uses. The R-20 zoning designation allows for a detached single-family dwelling on each lot and the accessory structures and uses normally auxiliary to it.

## Mitigation Measures

None required.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| **12. Mineral Resources** *Would the project:* | | | | |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State? | ☐ | ☐ | ☐ | ☒ |
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | ☐ | ☐ | ☐ | ☒ |

## Environmental Evaluation

### Setting

According to the General Plan, the mineral extraction industry is responsible for significant employment within the County. The most important mineral resources that are currently mined in the County include crushed rock, currently being extracted near Mount Zion, north of Mount Diablo.[93] This regionally significant deposit of diabase—a volcanic rock—is located approximately 3.80 miles east of the project site.[94] The Clayton Quarry, owned and operated by CEMEX, mines diabase from this deposit in the form of aggregates. The quarry operation is located at 515 Mitchel Canyon Road in Clayton, California approximately 4.70 miles east.[95]

Would the project:

**a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?**

**No impact**. As discussed above, the project site does not contain any known mineral resources. The General Plan identifies significant mineral resource areas of diabase, clay, and domengine sandstone within the County. None of these mineral resource areas are in the vicinity of the project site. The nearest mineral resource area is a deposit of diabase approximately 3.80 miles east of the project site. Therefore, the proposed project would have no impact on a known mineral resource that would be of value to the region and the residents of the State. As such, no impact would occur.

**b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

**No impact**. As discussed above, the project site does not currently support any mineral extraction activity and there are no regionally significant mineral deposits, as identified by the General Plan, in the vicinity of the project site. Furthermore, the project proposes to subdivide the project site into 10 lots for 10 single-family residential homes and would not support any mineral extraction activity. Therefore, the proposed project would not result in the availability of a locally important mineral

[93] Contra Costa County. 2005. Contra Costa County General Plan. Conservation Element.
[94] Contra Costa County. 2005. Contra Costa County General Plan. Conservation Element, Figure 8-4 Mineral Resource Areas.
[95] CEMEX. 2022. About Clayton Quarry. Website: cemexclaytonquarry.com/about-clayton-quarry/. Accessed June 6, 2023.

recovery site as delineated in a local general plan, specific plan, or other land use plan. No impact would occur.

## Mitigation Measures

None required.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| **13. Noise** *Would the project result in:* | | | | |
| a) 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) Generation of excessive groundborne vibration or groundborne noise levels? | ☐ | ☐ | ☒ | ☐ |
| c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | ☐ | ☐ | ☒ | ☐ |

## Environmental Evaluation

### Setting

This Noise Impact Analysis has been prepared by FirstCarbon Solutions (FCS) generated on September 28, 2022.  to determine the off-site and on-site noise impacts associated with the proposed project.

### Characteristics of Noise

The standard unit of measurement of the loudness of sound is the decibel (dB). The 0 point on the dB scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Changes of 3 dB or less are only perceptible in laboratory environments. A change of 3 dB is the lowest change that can be perceptible to the human ear in outdoor environments. While a change of 5 dBA is considered to be the minimum readily perceptible change to the human ear in outdoor environments.

Since the human ear is not equally sensitive to sound at all frequencies, the A-weighted decibel scale (dBA) was derived to relate noise to the sensitivity of humans, it gives greater weight to the frequencies of sound to which the human ear is most sensitive. The A-weighted sound level is the basis for a number of various sound level metrics, including the day/night sound level ($L_{dn}$) and the CNEL, both of which represent how humans are more sensitive to sound at night. In addition, the equivalent continuous sound level ($L_{eq}$) is the average sound energy of time-varying noise over a sample period and the $L_{max}$ is the maximum instantaneous noise level occurring over a sample period.

## Regulatory Framework

The project site is located within Contra Costa County. The County addresses noise in their General Plan[96] and Ordinance Code.[97]

### *Contra Costa County General Plan*

The Noise Element of the General Plan establishes the following noise policies that have relevance to the project. [98]

**Policy 11-1** New projects shall be required to meet acceptable exterior noise level standards as established in the Noise and Land Use Compatibility Guidelines contained in Figure 11-6 [of the Noise Element]. These guidelines, along with the future noise levels shown in the future noise contours maps, should be used by the County as a guide for evaluating the compatibility of "noise-sensitive" projects in potentially noisy areas.

**Policy 11-2** The standard for outdoor noise levels in residential areas is an $L_{dn}$ of 60 dB. However, an $L_{dn}$ of 60 dB or less may not be achievable in all residential areas due to economic or aesthetic constraints. One example is small balconies associated with multi-family housing. In this case, second and third story balconies may be difficult to control to the goal. A common outdoor use area that meets the goal can be provided as an alternative.

**Policy 11-8** Construction activities shall be concentrated during the hours of the day that are not noise-sensitive for adjacent land uses and should be commissioned to occur during normal work hours of the day to provide relative quiet during the more sensitive evening and early morning periods.

According to the County's land use compatibility standards contained in Figure 11-6 of the Noise Element, ambient noise environments are considered normally acceptable for new single-family residential land use development with noise levels ranging up to 60 dBA CNEL/$L_{dn}$. Environments with noise levels ranging from 55 dBA to 70 dBA CNEL/$L_{dn}$ are considered conditionally acceptable for new single-family land use development; and such development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features are included in the design. Environments with noise levels from 70 dBA to 75 dBA CNEL/$L_{dn}$ are considered normally unacceptable for new single-family land use development, and clearly unacceptable for levels above 75 dBA CNEL/$L_{dn}$.

### *Contra Costa County Ordinance Code—Noise Ordinance*

It should be noted that the Ordinance Code does not contain any noise ordinance codes or performance standards that are applicable to the proposed project.

Would the project result in:

[96] Contra Costa County. 2005. Contra Costa County General Plan, Noise Element.
[97] Contra Costa County. 2022. Contra Costa Municipal Code, Title 8 Zoning. Website: https://library.municode.com/ca/contra_costa_county/codes/ordinance_code. Accessed on June 6, 2023.
[98] Contra Costa County. 2005. Contra Costa County General Plan, Noise Element.

**a) 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?**

**Less than significant impact with mitigation incorporated.** A significant impact would occur if the proposed project would generate a substantial temporary or permanent increase in ambient noise levels in the project vicinity in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

***Short-Term Construction Impacts***

A significant impact would occur if construction activities would result in generation of a substantial temporary increase in ambient noise levels which would result in annoyance or sleep disturbance of nearby sensitive receptors. According to the policies of the General Plan, construction activities shall be concentrated during the hours of the day that are not noise-sensitive for adjacent land uses and should be commissioned to occur during normal work hours of the day to provide relative quiet during the more sensitive evening and early morning periods.

Construction of the project is expected to require the use of scrapers, dozers, water trucks, haul trucks, and pickup trucks. The maximum noise level generated by each scraper is assumed to be 85 dBA $L_{max}$ at 50 feet from this equipment. Each dozer would also generate 85 dBA $L_{max}$ at 50 feet. The maximum noise level generated by graders is approximately 85 dBA $L_{max}$ at 50 feet. A characteristic of sound is that each doubling of sound sources with equal strength increases a sound level by 3 dBA. Assuming that each piece of construction equipment operates at some distance from the other equipment, a reasonable worst-case combined noise level during this phase of construction would be 90 dBA $L_{max}$ at a distance of 50 feet from the acoustic center of a construction area. The effect on sensitive receptors is evaluated below.

The closest noise-sensitive receptors to the proposed project construction footprint are single-family residential properties that neighbor the project site to the immediate west and north. The calculated reasonable worst-case noise levels could result in hourly average noise levels of up to 83 dBA $L_{eq}$, at the façade of the nearest receiving residential land use when equipment operate at the nearest project boundary for a full hour[99]. However, these reasonable worst-case construction noise levels would occur only periodically throughout the day as construction equipment operate along the nearest project boundaries. However, these noise levels would drop off at a rate of 6 dBA per doubling of distance as the equipment moves over the project site.

Based on the EPA's Protective Noise Levels, with a combination of walls, doors, and windows, standard construction in accordance with building code requirements for residential developments would provide a minimum of 25 dBA in exterior-to-interior noise reduction with windows closed. During the calculated loudest phase of construction described above the interior noise levels of the nearest off-site residences would be reduced to below 60 dBA $L_{eq}$ (80 dBA – 52 dBA = 55 dBA), which would not be considered a substantial noise impact for daytime noise levels.

The County restricts construction activities to the hours of the day that are not noise-sensitive for adjacent land uses and should be commissioned to occur during normal work hours of the day to provide relative quiet during the more sensitive evening and early morning periods. Therefore,

[99] FirstCarbon Solutions. 2022. Noise Impact Analysis. 3180 Walnut Boulevard Contra Costa County, California.

restricting construction activity to daytime hours, as well as implementing the best management noise reduction techniques and practices outlined in MM NOI-1, would ensure that construction noise would not result in a substantial temporary increase in ambient noise levels that would result in annoyance or sleep disturbance of nearby sensitive receptors. Therefore, with implementation of MM NOI-1, temporary construction noise impacts would be reduced to less than significant.

### *Operational/Stationary Source Noise Impacts*

**Less than significant impact.** A significant impact would occur if operational noise levels generated by stationary noise sources at the proposed project site would result in a substantial permanent increase in ambient noise levels in excess of established standards. As noted in the characteristics of noise discussion, audible increases in noise levels generally refer to a change of 3 dBA or more, as this level has been found to be barely perceptible to the human ear in outdoor environments. A change of 5 dBA is considered the minimum readily perceptible change to the human ear in outdoor environments. Therefore, for purposes of this analysis, an increase of 5 dBA or greater above ambient noise levels or in excess of existing conditions would be considered a substantial permanent increase in ambient noise levels.

The only identified new stationary noise source associate with implementation of the proposed project is new mechanical ventilation system operations for the proposed residential uses.

*Mechanical Equipment Operations*

At the time of this analysis, details were not available pertaining to proposed ground-floor mechanical ventilation systems for the proposed project; therefore, a reference noise level for typical mechanical ventilation systems was used. Noise levels from typical residential mechanical ventilation equipment range from 60 dBA to 70 dBA $L_{eq}$ at a distance of approximately 3 feet.

The nearest sensitive receptor to potential mechanical ventilation system locations is the single-family residence located west of the project site. The façade of this receptor could be located as close as 70 feet from the nearest proposed mechanical ventilation system. At this distance, noise generated by proposed mechanical ventilation equipment would attenuate to 39 dBA $L_{eq}$. If proposed mechanical ventilation systems operated for a 24-hour period, the resulting noise level as measured at these nearest receptors would be 45 dBA CNEL.[100]

Two noise measurement surveys were taken to determine existing noise levels at the project site. The dominant noise source in the project vicinity was found to be traffic noise on adjacent roadways and lawnmowing. Documented existing ambient noise levels on the project site measured 48 dBA $L_{eq}$ at approximately 6 feet off View Lane; and measured 62 dBA $L_{eq}$ directly opposite of 3175 Walnut Boulevard at approximately 15 feet from the edge of the roadway[101]. Therefore, the calculated reasonable worst-case operational noise levels from proposed mechanical ventilation equipment operations would not exceed these existing measured ambient noise levels in the project area, and would therefore not result in a substantial permanent increase in noise levels in excess of established standards. Therefore, the impact of mechanical ventilation equipment operational noise levels on off-site sensitive receptors would be less than significant.

[100] FirstCarbon Solutions. 2022. Noise Impact Analysis. 3180 Walnut Boulevard Contra Costa County, California.
[101] FirstCarbon Solutions. 2022. Noise Impact Analysis. 3180 Walnut Boulevard Contra Costa County, California.

### *Operational/Mobile Source Noise Impacts*

**Less than significant impact.** A significant impact would occur if implementation of the proposed project would result in a substantial increase in traffic noise levels compared with traffic noise levels existing without the project. As noted in the characteristics of noise discussion, audible increases in noise levels generally refer to a change of 3 dBA or more, as this level has been found to be barely perceptible to the human ear in outdoor environments. A change of 5 dBA is considered the minimum readily perceptible change to the human ear in outdoor environments. Therefore, for purposes of this analysis, an increase of 5 dBA or greater above existing noise levels would be considered a substantial permanent increase in traffic noise levels. Another characteristic of noise is that a doubling of sound sources with equal strength is required to result in a perceptible increase (defined to be a 3 dBA or greater) in noise levels.

Generally, a doubling of traffic volumes is required to increase traffic-related noise levels by 3 dBA. The proposed project would develop 10 single-family residences in a residential neighborhood consisting of hundreds of similar single-family residences. As such, the proposed project would not generate traffic volumes sufficient to double traffic volumes along Walnut Boulevard or any other surrounding roadway. As a result, the project would not result in even a 3 dBA increase in traffic noise levels along any roadway segment in the project vicinity, and any increase would be well below the 5 dBA increase that would be considered substantial. Therefore, impacts from project-related traffic noise levels would not result in a substantial permanent increase in traffic noise levels in excess of applicable standards, and the impact would be less than significant.

**b) Generation of excessive groundborne vibration or groundborne noise levels?**

**Less than significant impact.** A significant impact would occur if the project would generate groundborne vibration or groundborne noise levels in excess of established standards. The County has not adopted criteria for groundborne vibration impacts. Therefore, for purposes of this analysis, the Federal Transit Administration's (FTA) vibration impact criteria are utilized. The FTA has established industry accepted standards for vibration impact criteria and impact assessment. These guidelines are published in its Transit Noise and Vibration Impact Assessment Manual.[102]

Groundborne noise is an effect of groundborne vibration and only exists indoors, since it is produced from noise radiated from the motion of the walls and floors of a room, and may also consist of the rattling of windows or dishes on shelves. In general, if groundborne vibration levels do not exceed levels considered to be perceptible, then groundborne noise levels would not be perceptible in most interior environments. Therefore, this analysis focuses on determining exceedances of groundborne vibration levels.

Although groundborne vibration can be felt outdoors, it is typically only an annoyance to people indoors where the associated effects such as the shaking of a building can be notable. When assessing annoyance from groundborne vibration, vibration is typically expressed as root mean square (rms) velocity in units of decibels of 1 microinch per second. To distinguish these vibration levels referenced in decibels from noise levels referenced in decibels, the unit is written as "VdB."

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[102] Federal Transit Administration (FTA). 2018. Transit Noise and Vibration Impact Assessment Manual. September. Website: https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf. Accessed on June 6, 2023.

In extreme cases, excessive groundborne vibration has the potential to cause structural damage to buildings. Common sources of groundborne vibration include construction activities such as blasting, pile driving and operating heavy earthmoving equipment. However, construction vibration impacts on building structures are generally assessed in terms of peak particle velocity (PPV). For purposes of this analysis, project-related impacts are expressed in terms of PPV.

*Short-term Construction Vibration Impacts*

Of the variety of equipment that would be used during construction, large vibratory rollers (that would be used in the construction of the internal roadway) would produce the greatest groundborne vibration levels. Impact equipment such as pile drivers is not expected to be used during construction of this project. Large vibratory rollers produce groundborne vibration levels ranging up to 0.201 inch per second (in/sec) PPV at 25 feet from the operating equipment.

The nearest off-site structure to the project site construction footprint where such heavy equipment would operate is the residence located north of the project site. This nearest off-site structure would be located approximately 70 feet from the nearest construction footprint where the heaviest construction equipment would potentially operate. At this distance, groundborne vibration levels would range up to 0.04 in/sec PPV from operation of the types of equipment that would produce the highest vibration levels. This is well below the FTA's Construction Vibration Impact Criteria of 0.2 in/sec PPV for this type of structure, a building of non-engineered timber and masonry. Therefore, project construction would not result in excessive groundborne vibration levels and this impact would be less than significant.

*Operational Vibration Impacts*

The project would not include any permanent noise sources that would expose persons in the project vicinity to groundborne vibration levels that could be perceptible without instruments at any receiving land use in the project vicinity. Therefore, operational vibration impacts on proposed on-site receptors would be less than significant.

**c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

**Less than significant impact.** The nearest airport to the project site is the Buchanan Field Airport, which is located approximately 6 miles north of the project site. Because of its distance from the airport runways, the project site is located outside of the airport's 55 dBA CNEL noise contours. No private airstrips are located within the vicinity of the project site. Therefore, implementation of the project would not expose persons residing or working in the project site to excessive noise levels associated with private airstrip or public airport noise. No impact would occur.

## Mitigation Measures

**MM NOI-1** The following Mitigation Measure shall be implemented during project construction and shall be included on all construction plans:

a. The construction contractor shall ensure that all equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment.
b. The construction contractor shall ensure that unnecessary idling of internal combustion engines (i.e., idling in excess of 5 minutes) is prohibited.
c. The construction contractor shall utilize "quiet" models of air compressors and other stationary noise sources where such market available technology exists.
d. At all times during project grading and construction, the construction contractor shall ensure that stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from the nearest residential land uses.
e. The construction contractor shall designate a noise disturbance coordinator who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (starting too early, bad muffler, etc.) and establish reasonable measures necessary to correct the problem. The construction contractor shall visibly post a telephone number for the disturbance coordinator at the construction site.
f. Unless specifically approved otherwise by the CDD, all construction activities shall be limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on State and Federal holidays on the calendar dates that these holidays are observed by the State or Federal government as listed below:
   New Year's Day (State and Federal)
   Birthday of Martin Luther King, Jr. (State and Federal)
   Washington's Birthday (Federal)
   Lincoln's Birthday (State)
   President's Day (State)
   Cesar Chavez Day (State)
   Memorial Day (State and Federal)
   Juneteenth National Independence Holiday (Federal)
   Independence Day (State and Federal)
   Labor Day (State and Federal)
   Columbus Day (Federal)
   Veterans Day (State and Federal)
   Thanksgiving Day (State and Federal)
   Day after Thanksgiving (State)
   Christmas Day (State and Federal)
   For specific details on the actual day the State and Federal holidays occur, please visit the following websites:
   Federal: **http://www.opm.gov/Operating_Status_Schedules/fedhol/2015.asp**
   California: **http://www.ftb.ca.gov/aboutFTB/holidays.shtml**
g. Transportation of large trucks and heavy equipment is subject to the same restrictions that are imposed on construction activities, except that the hours are limited to 9:00 AM to 4:00 PM.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| **14. Population and Housing** *Would the project:* | | | | |
| a) 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)? | ☐ | ☐ | ☒ | ☐ |
| b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☒ |

## Environmental Evaluation

### Setting

According to the California Department of Finance (CDF) the estimated population of Contra Costa County was approximately 1,156,555 persons as of January 2022.[103]

Would the project:

**a) 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)?**

**Less than significant impact.** The proposed project consists of the division of the existing site into 10 lots and the construction of 10 single-family homes. According to the CDF, the average persons per household in the County is 2.84;[104] therefore, it can be assumed that the proposed project would result in an increase of approximately 28 new residents. As the site is already zoned for residential use, the development of the proposed project would result in growth that was already envisioned and evaluated as part of the General Plan, and would represent an increase of less than 0.003 percent of the County's total population as of January 2022.[105] According to CDF projections, the County's population is expected to increase to 1,197,341 in 2025 and 1,312,526 in 2040.[106] Furthermore, the General Plan Housing Element, adopted in 2014, projects a 6 percent increase in

[103] California Department of Finance (CDF). 2022. E-4 Population and Housing Estimates for Cities, Counties, and the State, 2020-2022. Website: https://dof.ca.gov/forecasting/Demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2022/. Accessed June 6, 2023.

[104] California Department of Finance (CDF). 2022. E-5 Population and Housing Estimates for Cities, Counties, and State 2020-2022. Website: https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fdof.ca.gov%2Fwp-content%2Fuploads%2FForecasting%2FDemographics%2FDocuments%2FE-5_2022_InternetVersion.xlsx&wdOrigin=BROWSELINK. Accessed June 6, 2023.

[105] (28/1,156,555) * 100 = 0.00242

[106] California Department of Finance (CDF). 2022. Projections. P-1: State Population Projections (2010-2060). Website: https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fdof.ca.gov%2Fwp-content%2Fuploads%2FForecasting%2FDemographics%2FDocuments%2FP2A_County_Total.xlsx&wdOrigin=BROWSELINK. Accessed June 6, 2023.

population from 159,785 to 169,000 within unincorporated areas between 2010 and 2030.[107] As such, the proposed project would not induce substantial unplanned population growth and a less than significant impact would occur.

**b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?**

**No impact**. The project site contains one vacant single-family residence. The proposed project would demolish the existing residence in order to subdivide the site into 10 lots for the development of 10 single-family residential homes. Because the existing single-family residence is vacant, the proposed project would not displace existing people or housing and would provide additional housing opportunities. As such, no impacts would occur.

## Mitigation Measures

None required.

[107] Contra Costa County. 2014. Contra Costa County Housing Element.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| **15. Public Services** *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 any of the public services:* | | | | |
| a) Fire protection? | ☐ | ☐ | ☒ | ☐ |
| b) Police protection? | ☐ | ☐ | ☒ | ☐ |
| c) Schools? | ☐ | ☐ | ☒ | ☐ |
| d) Parks? | ☐ | ☐ | ☒ | ☐ |
| e) Other public facilities? | ☐ | ☐ | ☒ | ☐ |

## Environmental Evaluation

### Setting

#### *Fire*

The project site is located within, and would receive fire protection services from, the CCCFPD. The CCCFPD operates out of 25 fire stations with 27 companies and over 400 employees. In 2018, CCCFPD responded to nearly 75,000 fire and emergency medical service calls with an average response time of 5:35 minutes in central Contra Costa County.[108] The fire station nearest the project site is Station 1 located at 1330 Civic Drive, Walnut Creek, approximately 1.10 miles northwest of the project site.[109]

#### *Police*

The proposed project is located in unincorporated Contra Costa County and would receive police services from the Contra Costa County Office of the Sheriff.[110] The Office of the Sheriff is the largest law enforcement agency in the County, providing police services to over 1,000,000 residents in the County, including unincorporated areas.[111] The Office of the Sheriff patrol division operates out of four station houses and includes the Blackhawk Police Department, K-9 Unit, Watch Commander, and SWAT[112] Valley Station, located at 150 Alamo Plaza #C in Alamo, California, is the nearest station approximately 2.93 miles south of the project site. The Valley Station service area includes the area from Canyon (an unincorporated community west of the Town of Moraga and east of the City of Piedmont) through the City of Walnut Creek near the border of Brentwood and all unincorporated areas to the southern Contra Costa County/Alameda County border. The Valley Station consists of 27

[108] Contra Costa County Fire Protection District (CCCFPD). 2018. Annual Report 2018. Website: https://cccfpd.org/2018-annual-report/. Accessed October 30, 2022.
[109] Contra Costa County Fire Protection District (CCCFPD). 2022. Station Addresses. Website: https://cccfpd.org/station-address/. Accessed October 30, 2022.
[110] Contra Costa County. 2005. Contra Costa County General Plan. Public Facilities/Services Element.
[111] Contra Costa County Office of the Sheriff. 2022. Office of the Sheriff Overview. Website: https://www.cocosheriff.org/about-us/office-of-the-sheriff-overview. Accessed October 27, 2022.
[112] Contra Costa County Office of the Sheriff. 2022. Patrol Division. Website: https://www.cocosheriff.org/bureaus/field-operations/patrol-division. Accessed October 27, 2022.

sworn staff members including one Lieutenant, five Sergeants, 16 Beat Deputies and five special district Deputies.[113]

### *Schools*

There are 18 school districts and one community college district in the County.[114] The project site is located within the Walnut Creek School District (WCSD) and the Acalanes Union High School District (AUHSD).[115] The project site is located within the enrollment boundary of Walnut Heights Elementary school, located approximately 0.16 mile east of the project site and within the WCSD.[116] The project site is also within the enrollment boundary of Las Lomas High School, located approximately 0.68 mile southwest of the project site and within the AUHSD.[117]

### *Parks*

As discussed in Section 16, Recreation, Lar Rieu Park is located approximately 0.09 mile west of the project site and Howe Homestead Park is located approximately 0.36 mile north of the project site. Shell Ridge Open Space, Diablo Foothills Regional Park, and Mount Diablo State Park are also in the vicinity of the project site. Shell Ridge Open Space is located approximately 0.19 mile to the northeast, Diablo Foothills Regional Park is located approximately 2.12 miles east, and Mount Diablo State Park is located approximately 2.78 miles to the east.

### *Library Facilities*

Library services would be provided by the County Library System. The County Library System consists of 26 community libraries serving 351,658 library card holders.[118] The branch nearest the project site is the Walnut Creek Library, located approximately 1 mile northwest of the project site. The library features a large children's wing and garden, a Teen Zone, a Business and Career Center, a Technology Center, a 16-seat Las Trampas conference room, and four group study rooms.[119]

**Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 any of the public services:**

**a) Fire protection?**

**Less than significant impact.** As discussed above, the CCCFPD would provide fire protection and emergency medical services to the project site. The proposed project may increase the need for fire protection service at the project site with an increase in up to 28 new residents. The nearest station

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[113] Contra Costa County Office of the Sheriff. 2022. Valley Station. Website: https://www.cocosheriff.org/bureaus/field-operations/patrol-division/valley-station. Accessed June 6, 2023.

[114] Contra Costa County Office of Education. County School Districts. Website: https://www.cccoe.k12.ca.us/district_resources/county_school_districts. Accessed June 6, 2023.

[115] City of Walnut Creek. 2066. Walnut Creek General Plan 2025, Chapter 2 Quality of Life, Figure 4 School District Boundaries within Planning Area.

[116] Walnut Creek School District (WCSD). 2022. WCSD School Boundaries. Website: https://www.walnutcreeksd.org/Page/45. Accessed June 6, 2023.

[117] Acalanes Union High School District (AUHSD). 2022. Schoolsite Locator. Website: https://portal.schoolsitelocator.com/apps/ssl/?districtcode=12031#. Accessed June 6, 2023.

[118] Contra Costa County Library. 2022. Newsroom. Website: https://ccclib.org/newsroom/#annual-reports. Accessed June 6, 2023.

[119] Contra Costa County Library. 2022. About Walnut Creek Library. Website: https://ccclib.org/about-walnut-creek-library/. Accessed June 6, 2023.

is approximately 1.10 miles away, allowing for efficient response time to the site in the event of an emergency.

Furthermore, the County has adopted the California Fire Code (Ordinance Code Division 722) and the County Fire Marshall would review the proposed project for compliance with the adopted Fire Code and policies related to fire protection. General Plan Goal 7-Y states that upgrades to facilities and staff are regularly reviewed for the CCCFPD to achieve the General Plan's target response time of 5 minutes and General Plan Implementation Measure 10-au states that major development will not be approved if firefighting services are not available or are not adequate for the area. The proposed project would be reviewed by the County Fire Marshall for compliance with Title 7, Division 722 of the Ordinance Code, also known as the County's Fire Code, and would be required to pay the applicable fire facilities fees required by the CCCFPD Ordinance 2021-18. Lastly, the Code of Ordinances Section 818-2.6 states that within unincorporated areas within fire protection service areas where fire facilities are overextended, fire protection facilities fees shall be collected prior to the issuance of building permits for any new development. Compliance with the County Fire Code, applicable General Plan policies and payment of appropriate fees would ensure that the proposed project would have a less than significant impact on fire protection services.

**b) Police protection?**

**Less than significant impact.** The proposed project is anticipated to result in an increase of 28 individuals to the County's population and would result in an increase in demand for police protection services. The County Sheriff's Office would provide police protection services to the proposed project. Valley Station, the nearest station to the project site, is located approximately 2.93 miles south. Based on a driving distance of 4.6 miles, the response time for law enforcement responding to the project site from the Valley Station traveling at an average speed of 35 miles per hour would be 7 minutes, 52 seconds, falling short of the General Plan's target response time of 5 minutes.

General Plan Policy 7-57 indicates a Sheriff facility standard of 155 square feet of Sheriff station space per 1,000 persons of population. To maintain this standard, the project applicant would be required to pay applicable fees to the County Office of the Sheriff to help provide for costs associated with a police facility building and equipment to serve additional demands for police services. Furthermore, General Plan Implementation Measure 7-ar states that public protection facilities need will be included in the 5-year Capital Improvements Program to ensure that the facilities will be available as development proceeds. With the payment of applicable fees, the proposed project would be incompliance with applicable General Plan policies supporting the adequacy of police protection, and would have a less than significant impact on police protection facilities.

**c) Schools?**

**Less than significant impact.** The project site is located within the WCSD and the AUHSD. As discussed previously, the proposed project is estimated to result in an increase to the population of 28 persons. According to the United States Census Bureau's 2021 population estimates,

approximately 22.2 percent of the population is under the age of 18.[120] Therefore, the proposed project is anticipated to result in approximately six people under the age of 18,[121] with a corresponding increase in demand for school services. Walnut Heights Elementary school, located approximately 0.16 mile east of the project site, is a K-5 public elementary school within the WCSD. As of 2021, this school has an enrollment of 400 students.[122] Las Lomas High School, located approximately 0.68 mile southwest of the project site, is a public 9-12 high school within the AUHSD. As of 2021, this school has an enrollment of 1,580 students.[123] The increase in persons under the age of 18 generated by the proposed project would represent 1.5 percent and 0.38 percent of each school's current enrollment,[124] respectively.

The WCSD collects Developer Fees for new construction to offset costs associated with providing school facilities and services to students within the district. Fees for residential development are set as $2.86 per square foot, and credit is given for existing area that is torn down for new construction.[125] The proposed project involves demolishing the existing single-family residence present on the project site. The AUHSD also collects Developers Fees, which are currently set at $4.08 per square foot for residential construction. An agreement between AUHSD, WCSD, Moraga School District, Orinda School District, and Lafayette School District will split the residential fees and commercial fees at 30 percent for the high school district and 70 percent for the elementary school districts.[126]

Therefore, with the payment of the applicable Developer Fees, the proposed project would have a less than significant impact on school facilities.

**d) Parks?**

**Less than significant impact.** The proposed project is anticipated to result in an increase to the County population of 28 individuals, which would increase demand for parks. As discussed above and in Section 16, Recreation, the nearest park is Lar Rieu Park, located approximately 0.09 mile west of the project site, and the next nearest park is Howe Homestead Park located approximately 0.36 mile to the north. Shell Ridge Open Space is located approximately 0.19 mile to the east, Diablo Foothills Regional Park is located approximately 2.12 miles east, and Mount Diablo State Park is located approximately 2.78 miles to the east.

While the proposed project would result in an increase in demand for parks and park services, the proposed project would be required to pay park dedication and park impact fees per the County Department of Conservation and Development. Payment of in lieu park dedication fees may be applied as credit toward park impact fees. With the payment of required impact and in lieu park

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[120] United States Census Bureau. 2021. QuickFacts Contra Costa County, California. Website: https://www.census.gov/quickfacts/contracostacountycalifornia. Accessed June 6, 2023.

[121] 0.222*28 = 6.21

[122] California School Dashboard. 2022. Walnut Heights Elementary. Website: https://www.caschooldashboard.org/reports/07618126005243/2021. Accessed June 6, 2023.

[123] California School Dashboard. 2022. Las Lomas High. Website: https://www.caschooldashboard.org/reports/07616300733725/2021. Accessed June 6, 2023.

[124] (6/400)*100 = 1.5%, (6/1,580)*100 = 0.379%

[125] Walnut Creek School District (WCSD). 2022. WCSD Developer Fee Information. Website: https://www.walnutcreeksd.org/Page/103. Accessed June 6, 2023.

[126] Acalanes Union High School District (AUHSD). 2020. Annual Accounting of Developer Fees for the 2019-2020 Fiscal Year. Website: https://www.acalanes.k12.ca.us/cms/lib/CA01001364/Centricity/Domain/638/2019-2020%20Annual%20Developer%20Fees%20Report.pdf. Accessed June 6, 2023.

dedication fees, the proposed project would have a less than significant impact on existing neighborhood and regional parks.

**e) Library facilities?**

**Less than significant impact.** As discussed above, the County Library System provides library services to the County and the project site. The nearest library branch to the project site is Walnut Creek Library, located approximately 1 mile northwest of the project site. The proposed project would result in approximately 28 additional County residents and would increase demand for library services. The increase of 28 individuals would represent approximately 0.008 percent of the County Library System's 351,658 current cardholders. Therefore, the increase in library users as a result of the proposed project would be negligible. Furthermore, Goal 1, Objective D of the County Library Strategic Plan aims to increase the number of active users in the library system by 10 percent annually, which given the current number of cardholders would be an increase of approximately 35,165 users. Therefore, the increase of potential users from the proposed project's 28 new residents is consistent with demand already anticipated by the County Library, and potential impacts on other public facilities would be less than significant.

## Mitigation Measures

None required.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| **16. Recreation** | | | | |
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | ☐ | ☐ | ☒ | ☐ |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? | ☐ | ☐ | ☒ | ☐ |

## Environmental Evaluation

### Setting

Major park facilities in the County are owned by the federal and State governments, along with an extensive system owned and operated by the EBRPD and water district watershed recreation facilities.[127] As previously discussed in Section 1, Aesthetics, the proposed project is located in the vicinity of Shell Ridge Open Space, Diablo Foothills Regional Park, and Mount Diablo State Park, all of which are identified by the General Plan as major parks and open space areas. Shell Ridge Open Space is 0.19 mile east of the project site. Diablo Foothills Regional Park and Mount Diablo State Park are located more than 2 miles from the project site.

The General Plan Open Space Element Table 9-1, County Park Criteria, identifies a service standard of 2.50 acres per 1,000 population for neighborhood parks and 1.50 acres per 1,000 population for community parks. General Plan Goal 9-K is to achieve a level of park facilities of 4 acres per 1,000 population. This is equivalent to a level of park facilities of 0.004 acres per person. As detailed previously, the County's current population is estimated at 1,156,555 people. A population of this size would require approximately 4,626 acres of parks to meet the goal specified in the General Plan. Shell Ridge Open Space, Diablo Foothills Regional Park and Mount Diablo State Park alone account for over 22,480 acres of parkland.[128] Therefore, the County currently meets its goal of 4 acres of park land per 1,000 people.

**a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

**Less than significant impact**. As discussed in Section 2.14, Population and Housing, the CDF states the average persons per household in the County is 2.84.[129] Therefore, it can be assumed that the

[127] Contra Costa County. 2005. Contra Costa County General Plan. Open Space Element.
[128] 1,420 + 1,060 + 20,000 = 22,480
[129] California Department of Finance (CDF). 2022. E-5 Population and Housing Estimates for Cities, Counties, and State 2020-2022.

proposed project would result in an increase of approximately 28 residents, which could increase demand for existing neighborhood and regional parks in the vicinity of the proposed project.

The project applicant would be required to pay the required park dedication and park impact fees per the County Department of Conservation and Development. Park fees are collected to fund the acquisition and development of parks in the County to serve unincorporated County residents. All residential projects are required to pay a park impact fee, and residential projects requiring a development plan or subdivision may also require dedication of parkland or in lieu fees.[130] As the proposed project includes a subdivision of the existing project site into 10 lots and the development of 10 single-family residences, the project applicant would be required to pay the appropriate in lieu park dedication fees. Payment of in lieu park dedication fees may be applied as credit toward park impact fees. With the payment of required impact and in lieu fees, the proposed project would have a less than significant impact on existing neighborhood and regional parks or other recreational facilities.

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

**Less than significant impact**. As discussed above, the proposed project would subdivide the existing project site into 10 lots for the development of 10 single-family homes. The proposed project does not include the development of recreational facilities. Based on the County's persons per household figures, the proposed project would increase the population by approximately 28 individuals. This increase in population would increase the demand for recreational facilities. The nearest park is Lar Rieu Park, within the City of Walnut Creek, approximately 0.09 mile west of the project site and Shell Ridge Open Space lies approximately 0.19 mile to the east. As discussed previously, the proposed project would be subject to park impact fees and parkland dedication or in lieu fees to the County. With the payment of required fees, the proposed project would have a less than significant impact on recreational facilities.

## Mitigation Measures

None required.

Website: https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fdof.ca.gov%2Fwp-content%2Fuploads%2FForecasting%2FDemographics%2FDocuments%2FE-5_2022_InternetVersion.xlsx&wdOrigin=BROWSELINK. Accessed December 16, 2022.

[130] Department of Conservation and Development. 2022. Park Dedication and Park Impact Fees. Website: https://www.contracosta.ca.gov/DocumentCenter/View/42080/Park-Fees-Overview-PDF. Accessed October 20, 2022.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| **17. Transportation** *Would the project:* | | | | |
| a) Conflict with a program plan, ordinance or policy of the circulation system, including transit, roadway, bicycle and pedestrian facilities? | ☐ | ☐ | ☒ | ☐ |
| b) Would the project 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 (e.g., farm equipment)? | ☐ | ☐ | ☒ | ☐ |
| d) Result in inadequate emergency access? | ☐ | ☐ | ☒ | ☐ |

## Environmental Evaluation

### Setting

Walnut Boulevard runs northwest to southeast along the western boundary of the project site. Walnut Boulevard is a two-lane street with a posted speed of 25 miles per hour (mph) between Homestead Avenue and Mountain View Boulevard.[131] Large portions of Walnut Boulevard in the vicinity of the project site cannot accommodate street parking. From the intersection of Walnut Boulevard and View Lane to the intersection of Walnut Boulevard and Homestead Avenue, approximately 0.50 mile northwest of the project site, the east side of the street does not feature sidewalks. From roughly where the western-most boundary of the project site meets Walnut Boulevard to the intersection of Walnut Boulevard and Homestead Avenue, the west side of the street does not feature sidewalks.

Walnut Boulevard intersects with Ygnacio Valley Road approximately 1.09 mile northwest of the project site. Ygnacio Valley Road is a six-lane, northeast-southwest street with posted speeds between 30 mph and 55 mph and is a main arterial road in the City of Walnut Creek.[132] According to 511 Contra Costa, a County-wide transportation program administered by the Contra Costa Transportation Authority (CCTA), neither Ygnacio Valley Road nor Walnut Boulevard feature bike lanes.[133]

Regional access to the site is provided via I-680 by way of Ygnacio Valley Road. I-680 connects to State Route (SR) 24, SR-4, and SR-242.

Would the project:

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[131] City of Walnut Creek. 2022. Walnut Creek Posted Speed Limits. Website: https://www.google.com/maps/d/viewer?mid=1IHDguHOz5bHloyzvAF23RwTyp8lVn2vv&ll=37.899378772539066%2C-122.0379594&z=13. Accessed June 6, 2023.

[132] Ibid.

[133] 511 Contra Costa. 2022. 511CC's Bike Mapper. Website: https://bike.511contracosta.org/#. Accessed June 6, 2023.

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

**Less than significant impact.** Policy 4-c of the Growth Management Element of the General Plan requires a traffic impact analysis of any project that is estimated to generate 100 or more AM or PM peak-hour trips.[134] The Institute of Transportation Engineers (ITE) estimates a daily trip rate of 9.43 trips per dwelling unit, thus the proposed project's 10 single-family homes would be expected to generate 94 daily trips. The ITE estimates AM peak-hour trip generation rate of 0.70 trips per dwelling unit, and PM peak-hour trip generation rate of 0.94 trips per dwelling unit.[135] The proposed project would develop 10 single-family residences, resulting in 7 AM peak-hour trips and 9 PM peak-hour trips. Therefore, the proposed project would generate less than 100 peak-hour AM or PM trips, and a project-specific traffic impact analysis is not required. The proposed project is not anticipated to conflict with the circulation system in the project vicinity.

The Complete Streets Policy, adopted by the County Board of Supervisors on July 12, 2016, requires Complete Streets infrastructure sufficient to enable reasonably safe travel along and across the right-of-way for each category of users be incorporated into all planning, funding, design, approval, and implementation processes for any construction, reconstruction, retrofit, maintenance, operations, alteration, or repair of streets (including streets, roads, highways, bridges, and other portions of the transportation system).[136]

The proposed project would construct a new private street. The new private street would be approximately 28 feet wide, with an 8-foot parking lane on one side and a 5-foot sidewalk along the southeast section of the proposed roadway, as is required by the CCCFPD standards. Furthermore, the proposed project would include approximately 0.16 acre of public roadway dedication along Walnut Boulevard. Other frontage improvements would consist of approximately 927 square feet of sidewalk improvements.

Because the proposed project would provide sidewalk and parking on the proposed private street and implement 0.16 acre of public roadway dedication and 927 square feet of sidewalk improvements, the proposed project would comply with the Complete Streets Policy. Therefore, impacts would be less than significant.

**b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?**

**Less than significant impact.** CEQA Guidelines Section 15064.3(b) establishes criteria for determining the significance of transportation impacts. VMT is the metric for measuring transportation impacts. The County adopted Transportation Analysis Guidelines in 2020 that provide technical assistance, thresholds of significance and mitigation measures for land development projects.[137] According to County guidelines, small projects can be presumed to cause a less than significant VMT impact. The County defines small projects as those proposing 20 residential units or

[134] Contra Costa County. 2005. Contra Costa County General Plan. Growth Management Element.
[135] Institute of Transportation Engineers. Trip Generation Manual. 11th Edition. Volume 3. Single-Family Detached Housing.
[136] Contra Costa County. 2016. Complete Streets Policy of Contra Costa County.
[137] Contra Costa County Conservation and Development Department. Public Works Department 2020. Contra Costa County Transportation Analysis Guidelines. VMT Screening Criteria. June 23.

less .[138]The project proposes 10 single-family residential units which is under the County guidelines VMT screening criteria threshold. Therefore, impacts are considered less than significant.

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

**Less than significant impact**. The centerline of the proposed private street would be located approximately 135 feet west of the existing View Lane, which bounds the project site to the east, and 447 feet to the west of Fraser Drive. Both View Lane and Fraser Drive do not have through connections, and only serve the single-family homes located directly on them. The proposed private street would be of similar character. Walnut Boulevard has a 25 mph speed limit. The ITE recommends that, for streets with a 35 mph speed limit, there be an intersection separation of over 150 feet. However, because posted speed limits are less than 35 mph, this recommendation does not apply. As previously noted, the proposed new private street would meet the CCCFPD standards. Therefore, the proposed project would result in a less than significant impact due to design features or incompatible uses.

**d) Result in inadequate emergency access?**

**Less than significant impact.** As discussed above, the proposed new private street would be approximately 28-feet-wide as required by the CCCFPD standards. As described in Section 15 Public Services, the project site is in near existing Sheriff and Fire stations. Furthermore, the CCCFPD would review project plans prior to project approval to ensure that adequate emergency access to the proposed buildings would be adequate. Therefore, impacts would be less than significant.

## Mitigation Measures

None required.

[138] Ibid.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| **19. Utilities and Service Systems** *Would the project:* | | | | |
| a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation 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 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? | ☐ | ☐ | ☒ | ☐ |
| 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 management and reduction statutes and regulations related to solid waste? | ☐ | ☐ | ☒ | ☐ |

## Environmental Evaluation

### Setting

The proposed project would obtain water from the EBMUD. The proposed project's wastewater would be collected by sewer lines owned and maintained by Central San and treated at Central San's Treatment Plant in Martinez, California. Stormwater runoff from the project site would be collected in the proposed bioretention basin in Lot 10 before being released to existing stormwater drains in Walnut Boulevard. Solid waste service would be provided by Republic Service and electric power and natural gas would be provided to the project site by PG&E.

Would the project:

**a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?**

**Less than significant impact**. The proposed project's impact on water, wastewater, stormwater drainage, electricity, and natural gas is analyzed below.

***Water***

As described above, the project site is within the service area of EBMUD. The proposed project would connect to an existing EBMUD domestic water line within Walnut Boulevard. EBMUD obtains its water from the Mokelumne River and East Bay Area watershed runoff. The Mokelumne Aqueducts convey the Mokelumne River supply from Pardee Reservoir, located upstream of Camanche Dam, across the Sacramento-San Joaquin River Delta (Delta) to local storage and treatment facilities in the East Bay. After treatment, water is distributed to the incorporated cities and unincorporated communities in Alameda and Contra Costa counties that EBMUD serves.[139]

EBMUD adopted their 2020 Urban Water Management Plan (UWMP) in June of 2021. Average annual water demand is forecasted to be 186 million gallons per day (mgd) in 2025 and 218 mgd in 2050. Specifically, average annual water demand for single-family residential use is forecasted to be 117 mgd in 2025 and 129 mgd in 2050.[140] According to 2020 WSCP, under base conditions assumptions EBMUD is projected to meet customer demand out to 2050 during normal years and single dry years. However, during multi-year droughts EBMUD would be required to obtain supplemental supplies to meet customer demands. EBMUD is contracted to receive water from the Central Valley Project in years when EBMUD's water supplies are relatively low.[141]

The proposed project is zoned R-20 according to the Zoning Map and designated as SL by the General Plan. As the proposed project is consistent with this land use designation and zoning, the proposed project would be considered planned growth that was accounted for in the 2020 UWMP and 2020 WSCP. As previously noted, the proposed project is anticipated to result in an additional 28 residents, which represents approximately 0.002 percent of EBMUD's service population.[142] Therefore, the proposed project would not increase demand such that it would result in the relocation or construction of new or expanded water facilities. As such, the proposed project would have a less than significant impact on water services.

***Wastewater***

As described above, wastewater from the project site would be collected and treated by Central San. The proposed project would connect to an existing Central San 8-inch sewer line within Walnut Boulevard. Central San's Sewer System Management (SSMP) plan was approved on October 6, 2022. According to the SSMP, Central San provides sanitary sewer service to approximately 487,300 customers and 3,000 businesses in the central Contra Costa County area. Central San operates 1,500 miles of collection system piping as well as Central San's Treatment Plant which processes an average daily flow of 34 million gallons of wastewater.[143] The plant has a treatment capacity of 54 mgd and 240 mgd of wet weather flow. This facility is staffed 24 hours a day, 265 days per year.[144]

According to Central San's most recent Comprehensive Wastewater Master Plan (CWMP), completed in 2017, Central San's Collection System has sufficient capacity for existing and future dry weather

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[139] East Bay Municipal Utility District (EBMUD). 2021. Urban Water Management Plan 2020. Website: https://www.ebmud.com/water/about-your-water/water-supply/urban-water-management-plan. Accessed June 6, 2023.

[140] Ibid.

[141] East Bay Municipal Utility District (EBMUD). 2021. Water Shortage Contingency Plan 2020. Website: https://www.ebmud.com/water/about-your-water/water-supply/urban-water-management-plan. Accessed June 6. 2023.

[142] (28/1,400,00)*100 = 0.002

[143] Central Contra Costa Sanitary District (Central San). 2022. Sewer System Management Plan. Website: https://www.centralsan.org/sites/main/files/file-attachments/2020_ssmp_approved_audit_06.05.2020.pdf?1665594125. Accessed June 66, 2023.

[144] Central Contra Costa Sanitary District (Central San). 2022. Treatment Plant. Website: https://www.centralsan.org/treatment-plant. Accessed June 6, 2023.

flows, including peak daily flows, and the capacity of the 10 largest pumping stations is adequate for the peak wet weather flow of a 10-year design event, with the exception of one pumping station which may require expansion when projected future flows are realized. A 10-year sewer system event would have a 1 in 10 chance of occurring each year.[145] Central San's Capital Improvement Program (CIP) includes wet weather capacity improvements to 12 areas throughout the Central San service area within the next 10 years and an additional eight areas within the next 10 to 20 years. The CWMP concluded that no improvements were needed for existing pipelines to accommodate planned growth in the service area.[146] As discussed previously, the proposed project would not result in a significant population increase necessitating new or expanded facilities.

Central San would also review project building plans to determine the availability of public sewers in the area to serve the proposed project, as well as the plumbing for a proposed connection and whether the proposed project would encroach into existing public easements of conflict with Central San facilities.[147] Furthermore, the applicant would be required to pay a one-time Capacity Fee to ensure wastewater infrastructure capacity remains adequate for existing and future development. Central San also imposes an annual Sewer Service Charge on each property connected to its sewer system.[148] With payment of the appropriate fees and Central San's review of the proposed projects building plans, impacts would be less than significant.

***Stormwater***

As discussed in Section 10, Hydrology and Water Quality, implementation of the proposed project would result in an increase in impervious surfaces on the project site and thus an increase in runoff. Stormwater runoff will flow through the storm drain system where it will be treated by a bioretention area before it connects with the existing storm drain system in Walnut Boulevard. The landscaped bioretention basin facility would be consistent with C.3 stormwater requirements. C.3 is a provision in the MRP which requires permittees to use their planning authorities to include appropriate source control, site design, and stormwater treatment measures in new development and redevelopment projects to address pollutant discharges and prevent increases in runoff flows. With implementation of the proposed wastewater collection and treatment features, impacts would be less than significant.

***Electricity and Natural Gas***

According to County Ordinance 2022-02, all building permits issued on or after June 1, 2022**,** for new construction of residential, retail, commercial, office and hotel buildings are required to be all-electric.[149] The proposed project would comply with this ordinance. As noted above, the project site would be serviced by PG&E for electricity and gas services. The proposed project would connect to existing electric lines. No off-site construction of utilities would be required. The process of connecting the project to existing infrastructure is expected to be standard for conveying electrical power to new

[145] Central Contra Costa Sanitary District (Central San). 2017. Comprehensive Wastewater Master Plan, Technical Executive Summary. Website: https://www.centralsan.org/sites/main/files/file-attachments/cwmp_technical_executive_summary.pdf?1510867241. Accessed June 6, 2023.

[146] Central Contra Costa Sanitary District (Central San). 2017. Comprehensive Wastewater Master Plan, Executive Summary. Website: https://www.centralsan.org/sites/main/files/file-attachments/cwmp_executive_summary.pdf?1510867154. Accessed June 6, 2023.

[147] Central Contra Costa Sanitary District (Central San). 2022. New Connections. Website: https://www.centralsan.org/post/new-connections. Accessed June 6, 2023.

[148] Central Contra Costa Sanitary District (Central San). 2022. Frequently Asked Questions. Website: https://www.centralsan.org/permit-faqs. Accessed June 6, 2023.

[149] Contra Costa County. 2022. All-Electric Building Ordinance. Website: https://www.contracosta.ca.gov/8536/All--Electric-Building-Ordinance. Accessed June 6, 2023.

development. Construction of the proposed project would comply with County-approved BMPs for utilities infrastructure improvements and applicable construction-related mitigation measures identified in this IS/MND (e.g., air quality emissions and noise). As such, impacts related to the relocation or construction of new or expanded electric power or natural gas facilities would be less than significant.

**b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?**

**Less than significant impact.** As discussed above, average annual water demand is forecasted to be 186 mgd in 2025 and 218 mgd in 2050. Specifically, average annual water demand for single-family residential use is forecasted to be 117 mgd in 2025 and 129 mgd in 2050. The 2020 WSCP forecasts that EBMUD would have adequate water supplies to meet customer demand out to 2050 during normal years and single dry years and would receive water from the Central Valley Project during multiple dry years.

Average annual water demand for single-family residential use is forecasted to be 117 mgd in 2025 and 129 mgd in 2050. EBMUD's 2020 target for daily per capita water use for residential indoor uses is 55 gallons per capita per day (gpcd).[150] Based on this target rate, the proposed project is anticipated to result in an estimated 1,540 gallons per day of water demand, or 0.00154 mgd.[151] This represents approximately 0.0012 percent of EBMUD's 2050 forecasted single-family residential water demand of 129 mgd.[152] Therefore, the proposed project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years and impacts would be less than significant.

**c) 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?**

**Less than significant impact.** As discussed above, the proposed project would receive wastewater collection and treatment services from Central San and would connect to an existing 8-inch sewer line within Walnut Boulevard. The proposed project is expected to produce approximately 0.0012 mgd of wastewater, which represents approximately 0.0022 percent of Central San's 54 mgd treatment capacity.[153] The CWMP concluded that no improvements were needed for existing pipelines to accommodate planned growth in the service area. Central San would also review project building plans to determine the availability of public sewers in the area to serve the proposed project. Furthermore, the applicant would be required to pay a one-time Capacity Fee to ensure wastewater infrastructure capacity remains adequate for existing and future development. Central San also imposes an annual Sewer Service Charge on each property connected to its sewer system. Therefore, the proposed project would have less than significant impact on wastewater treatment providers.

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[150] East Bay Municipal Utility District (EBMUD). 2021. Urban Water Management Plan 2020. Website: https://www.ebmud.com/water/about-your-water/water-supply/urban-water-management-plan. Accessed June 6, 2023.

[151] (55*28) = 1,540 gpd, (1,540/1,000,000) = 0.00154 mgd

[152] (0.00154/129) = 0.00001194, (0.00001194*100) = ~0.0012

[153] (0.0012/54) = 0.0000222, (0.0000222*100) = 0.0022

**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?**

**Less than significant impact.** Significant impacts could occur if the proposed project would exceed the existing permitted landfill capacity or violates federal, State, and local statutes and regulations. The proposed project consists of the development of 10 single-family homes. As described above, Republic Services is the solid waste services provider for the project site. Solid waste picked up by Republic Services is taken to their Martinez Transfer Station to be compacted before it is transported to Keller Canyon Landfill in Pittsburg, CA.[154] According to the California Department of Resources Recycling and Recovery (CalRecycle), the Keller Canyon Landfill has a maximum permitted throughput of 3,500 tons of solid waste per day and a remaining capacity of 63,408,140 cubic yards as of November 16, 2004. The Keller Canyon Landfill is projected to cease operations on December 31, 2050.[155]

According to CalRecycle's estimated solid generation rates by sector, single-family homes generate between approximately 7.8 and 12.23 pounds per dwelling unit per day of solid waste.[156] As such, the proposed project would generate between 78 and 122.3 pounds, or 0.039 to 0.06115 tons per day. This is less than 0.002 percent of the daily permitted throughput of 3,500 tons at Keller Canyon Landfill. As such, solid waste produced by the proposed project would have a negligible impact on the landfill's total remaining capacity as well as daily permitted throughput, and there would be sufficient capacity to serve the proposed project's solid waste needs. Therefore, impacts would be less than significant.

**e) Comply with federal, State, and local management and reduction statutes and regulations related to solid waste?**

**Less than significant impact.** AB 939 requires local jurisdictions to achieve at least a 50 percent solid waste diversion rate. The County's Department of Conservation and Development Solid Waste and Recycling aims to implement AB 939 through the County Integrated Waste Management Plan. Per Chapter 418-6 of the Ordinance Code, it would be the responsibility of the owner of each premises in the unincorporated area of the County to subscribe and pay for solid waste collection service, or to dispose of on-site solid waste in accordance with Chapter 418-2 of the Ordinance Code. Therefore, it would be up to the occupant to comply with local regulations related to solid waste. Impacts would be less than significant.

## Mitigation Measures

None required.

[154] Republic Services. 2021. Unincorporated Contra Costa 2021 Residential Services Guide. Website: https://www.republicservices.com/cms/documents/municipality/ca/contra-costa-county/CCC-2021_Cust_Guide_BLUE.pdf. Accessed June 6, 2023.

[155] California Department of Resources Recycling and Recovery (CalRecycle). 2019. SWIS Facility/Site Activity Details. Website: https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/4407?siteID=228. Accessed June 6, 2023.

[156] California Department of Resources Recycling and Recovery (CalRecyle). 2019. Estimated Solid Waste Generation Rates. Website: https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates. Accessed June 6, 2023.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| **20. Wildfire** *If located in or near State Responsibility Areas or lands classified as very high fire hazard severity zones, would the project:* | | | | |
| a) Substantially impair an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☒ | ☐ |
| b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? | ☐ | ☐ | ☒ | ☐ |
| c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? | ☐ | ☐ | ☒ | ☐ |
| d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? | ☐ | ☐ | ☒ | ☐ |

## Environmental Evaluation

### Setting

According to the CAL FIRE Fire Hazard Severity Zone Viewer, the project site is located within a Local Responsibility Area (LRA) and is not classified as a very high fire hazards severity zone. The proposed project is not within the State Responsibility Area (SRA). The nearest fire hazard severity zone (FHSZ) within an SRA is 1.80 miles southeast of the project site and is classified as a moderate FHSZ. The nearest VHFHSZ is approximately 3.96 miles southeast of the project site.[157] The General Plan does not identify the project site as a fire hazard zone.[158]

If located in or near State Responsibility Areas or lands classified as very high fire hazard severity zones, would the project:

**a) Substantially impair an adopted emergency response plan or emergency evacuation plan?**

**Less than significant impact**. As discussed above, the proposed project is not located within an SRA or a VHFHSZ. However, the nearest FHSZ is located 1.80 miles southeast of the project site.

The County adopted an Emergency Operations Plan (EOP) in 2015. The purpose of the EOP is to provide the basis for a coordinated response before, during and after an emergency affecting the

[157] California Department of Forestry and Fire Protection (CAL FIRE). 2022. FHSZ Viewer. Website: https://egis.fire.ca.gov/FHSZ/. Accessed June 6, 2023.
[158] Contra Costa County. 2005. Contra Costa County General Plan. Safety Element, Figure 10-10 Fire Hazard Areas.

County and applies to incorporated and unincorporated areas of the County.[159] The proposed project would not interfere with the implementation of the EOP. Furthermore, access to the 10 single-family homes would be provided via a new private street off Walnut Boulevard that would be approximately 28 feet wide with an 8-foot parking lane on one side and a 5-foot sidewalk along the southeast side of the roadway as required by the CCCFPD standards. Additionally, Lot 4 of the proposed project would include an emergency vehicle access easement. As indicated in Section 15, Public Services, the proposed project would be adequately served by police and fire services. The proposed project would comply with General Plan Policy 7-64, which requires new development to pay fair share costs for new fire protection facilities and services. Measure 7-au also provides fire protection agencies the opportunity to review projects and submit conditions of approval for consideration to determine whether road widths, road grades and turnaround radii are adequate for emergency equipment, among other considerations.[160] The CCCFPD has approved the proposed layout of the new private road and turnaround. For these reasons, the proposed project would have a less than significant impact related to emergency response or emergency evacuation.

**b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?**

**Less than significant impact**. As detailed previously, the proposed project is not within an SRA or a VHFHSZ. The General Plan identifies the project site as being in an area with slopes of less than 26 degrees. As discussed in Section 9, Hazards and Hazardous Materials, the site slopes down generally from northeast to southwest, from an elevation of 232 feet (WGS84) down to a minimum of 192 feet and is not subject to significant landslide hazard.

The BAAQMD monitoring stations provide wind speed data from several monitoring stations in the eastern zone of the San Francisco Bay Area. The station nearest the project site is located in Concord, CA approximately 2.88 miles northeast of the project site. The average monthly wind speed recorded at this monitoring location in 2020 ranged from 7 mph to 16 mph.[161] The next nearest monitoring station is located in San Ramon, approximately 11.92 miles south of the project site. This station includes wind speed data from multiple months in 2022. Average monthly wind speed data available from this station range from 0 to 14 mph.[162] Therefore, the project site would not be exposed to high winds which could exacerbate wildfire risks.

Furthermore, the proposed project is surrounded by existing roads and residential development which would reduce risks associated with wildfire. The proposed project would also be required to adhere to all applicable requirements and regulations related to fire safety, including the California Fire Code and CBC. Furthermore, General Plan Measure 7-au, as discussed above, allows fire protection agencies to review the proposed project and submit conditions of approval for

[159] Contra Costa County. 2015. Contra Costa County Emergency Operations Plan. Website: https://www.contracosta.ca.gov/DocumentCenter/View/37349/Contra-Costa-Emergency-Operations-Plan-2015?bidId=. Accessed June 6, 2023.

[160] Contra Costa County. 2005. Contra Costa County General Plan. Public Facilities/Services Element.

[161] Bay Area Air Quality Management District (BAAQMD). 2020. Wind Speed. Website: https://www.baaqmd.gov/about-air-quality/current-air-quality/air-monitoring-data/#/met?date=2020-10-19&id=203&view=monthly&style=chart. Accessed June 6, 2023.

[162] Bay Area Air Quality Management District (BAAQMD). 2022. Wind Speed. Website: https://www.baaqmd.gov/about-air-quality/current-air-quality/air-monitoring-data/#/met?date=2022-10-19&id=203&view=monthly&style=chart. Accessed June 6, 2023.

consideration to determine whether the proposed structures are built in compliance with the standards of the Uniform Building Code, the Uniform Fire Code, other State regulations, and local ordinances regarding the use of fire-retardant materials and detection, warning and extinguishment devices.[163] As noted above, the CCCFPD has approved the proposed turnaround and private road. Therefore, impacts related to exposure of project occupants to pollutant concentrations from a wildfire or uncontrolled spread of wildfire would be less than significant.

**c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?**

**Less than significant impact**. The proposed project is not within an SRA or a VHFHSZ. The proposed project would include the development of a new private road which would provide access to the project site from Walnut Boulevard. As previously discussed, this new road would be approximately 28-feet-wide with an 8-foot parking lane on one side and a 5-foot sidewalk along the southeast section and would comply with CCCFPD standards. Electric and natural gas utilities would be provided by PG&E and new connections to the project site would be undergrounded, minimizing potential impacts to fire risk. Furthermore, the proposed project would not require emergency water sources as the project site would be served by an existing EBMUD domestic water line within Walnut Boulevard. Thus, the proposed project would have a less than significant impact related to the exacerbation of wildfire risk by the installation or maintenance of associated infrastructure.

**d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?**

**Less than significant impact**. The proposed project is not within an SRA or a VHFHSZ. Though some areas of the project site have slopes of up to 50 percent,[164] the majority of the area located within and near Walnut Creek is not subject to significant landslide hazards, including the project site.[165] Furthermore, the project site is located in a developed area and is surrounded by existing roads and residential development. As previously discussed, the Shell Ridge Open Space, which contains topographic features such as slopes and ridges, lies approximately 0.19 mile to the northeast of the project site. Therefore, impacts related downslope flooding or landslides would be less than significant.

## Mitigation Measures

None required.

[163] Contra Costa County. 2005. Contra Costa County General Plan. Public Facilities/Services Element.
[164] dk Engineering. 2022. 3180 Walnut Boulevard Hydrologic & Hydraulic Analyses. June 23.
[165] Contra Costa County. 2005. Contra Costa County General Plan. Safety Element, Figure 10-6, Geological (Landslide) Hazards.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| **21. Mandatory Findings of Significance** | | | | |
| a) Does the project have the potential to substantially 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, substantially 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? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | ☐ | ☒ | ☐ | ☐ |
| c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? | ☐ | ☒ | ☐ | ☐ |

## Environmental Evaluation

**a) Does the project have the potential to substantially 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, substantially 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?**

**Less than significant impact with mitigation incorporated.** The proposed project would demolish existing structures on the project site and construct 10 single-family residences. As described previously in Section 4, Biological Resources, the proposed project would not result in significant impacts to wildlife or plant species with mitigation incorporated. The analysis provides mitigation to prevent erosion control and to protect riparian habitat, nesting birds and raptors, special-status bats, Alameda whipsnake, mixed woodland, and trees within the site. These measures include pre-construction surveys potentially followed by impact avoidance measures, preparation of a tree replacement plan, and implementation of tree preservation guidelines.

Additionally, the proposed project includes mitigation and avoidance measure to reduce construction-related impacts to unidentified cultural materials and the accidental discovery of human remains. Mitigation to reduce potential impacts to paleontological resources include paleontological monitoring during all earth-disturbing construction activities. Based on the discussion provided above, with implementation of the listed mitigation measures, the proposed

project would not substantially 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, substantially reduce the number or restrict the range of a rare of endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

Therefore, impacts would be less than significant with implementation of MM BIO-1 through MM BIO-8, MM CUL-1, MM CUL-2, and MM GEO-2.

**b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?**

**Less than significant impact with mitigation incorporated.** The combined effects of any past, current, and future projects in the project area in combination with the proposed project would not result in significant cumulative impacts. The project is proposed in an area that is mostly developed and there are no planned or proposed developments in the immediate site vicinity that could contribute to cumulative environmental items discussed below.

The proposed project could result in potentially significant impacts related to aesthetics, air quality, biological resources, cultural and tribal cultural resources, geology and soils, paleontological resources, and noise. These impacts would primarily be related to construction period activities, would be temporary in nature, and would not substantially contribute to any potential cumulative impacts associated with these topics. Specifically, since the proposed project would not exceed BAAQMD Thresholds of Significance related to air quality, the proposed project would not result in a cumulatively considerable net increase of construction emissions (with implementation of MM AIR-1 and MM AIR-2), operational emissions, or TACs. As discussed in Section 8 of this IS/MND, GHG emissions-related impacts are inherently cumulative in nature. The proposed project also would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. As such, the proposed plan, in conjunction with other existing, planned, and probable foreseeable projects, would not result in a significant cumulative impact related to GHG emissions generation. Therefore, with implementation of the foregoing mitigation measures, the proposed project would not result in adverse impacts at a project- or cumulative-level.

**c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?**

**Impacts would be less than significant with mitigation incorporated.** Based on the information provided in the Project Description and the responses to Sections 1 through 19 of this IS/MND, the proposed project would not cause substantial adverse effects on human beings, either directly or indirectly, because the project's potential impacts would be mitigated to a less than significant level. With implementation of all mitigation measures discussed herein, the proposed project would not result in substantial adverse effects on human beings.

## Mitigation Measures

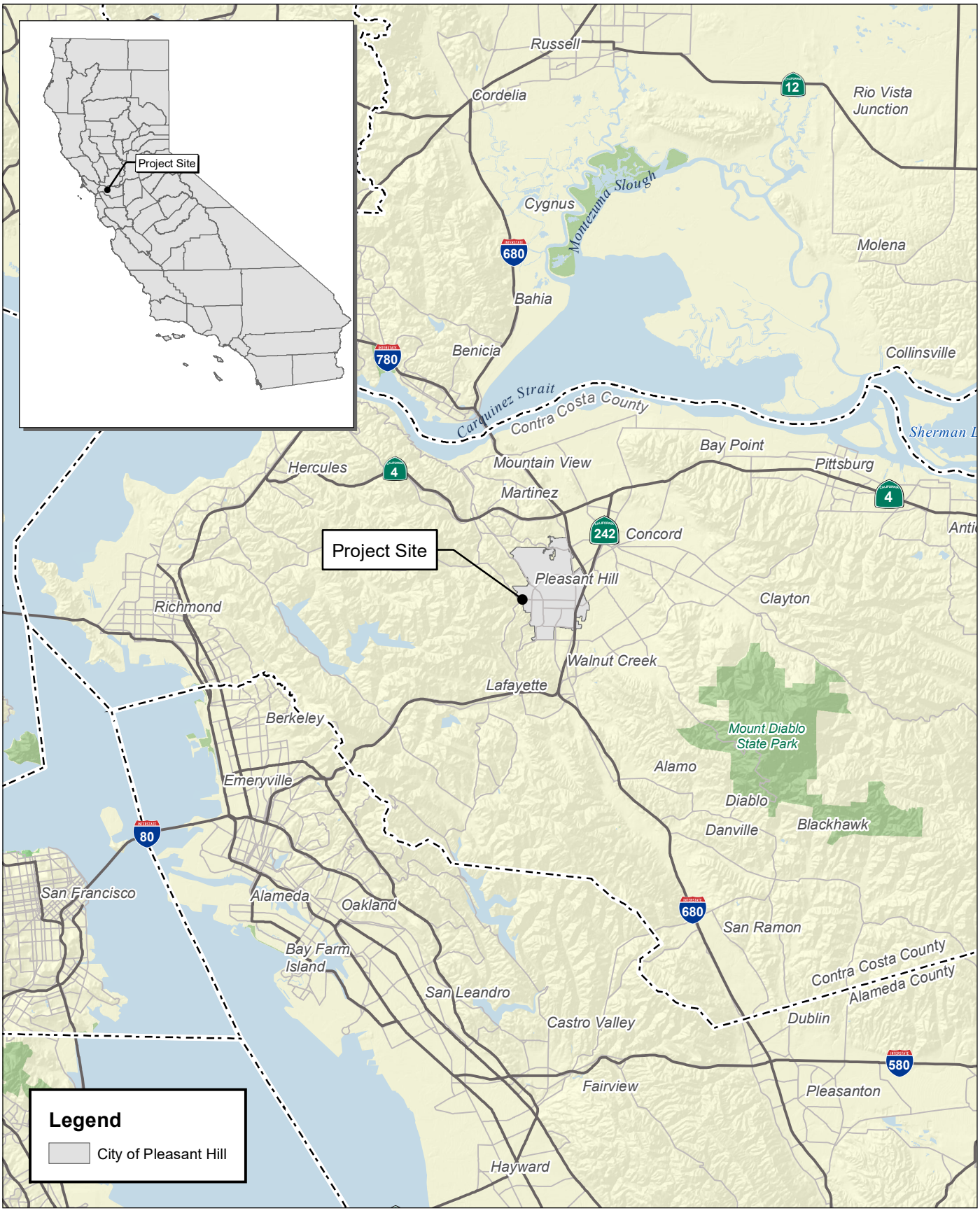
Implement MM AES-1, MM AIR-1, MM AIR-2, MM BIO-1, MM BIO-2, MM BIO-3, MM BIO-4, MM BIO-5, MM BIO-6, MM BIO-7, MM BIO-8, MM CUL-1, MM CUL-2, MM GEO-1, MM GEO-2, and MM NOI-1.

## REFERENCES

References used in the process of preparing the Initial Study Checklist and conduction of the evaluation are stated in the footnotes throughout this Initial Study and available for review at the Contra Costa County Department of Conservation and Development, 30 Muir Rd., Martinez, CA 94553.

## ATTACHMENTS

1. **Exhibit 1: Regional Location Map**
2. **Exhibit 2: Local Vicinity Map**
3. **Exhibit 3: Land Use Map**
4. **Exhibit 4: Zoning Map**
5. **Exhibit 5: Vesting Tentative Map**
6. **Exhibit 6: Site Plan**
7. **Exhibit 7a: Architectural Elevations 1**
8. **Exhibit 7b: Architectural Elevations 2**
9. **Exhibit 7c: Architectural Elevations 3**
10. **Exhibit 8: Mitigation Monitoring and Reporting Program (MMRP)**




Source: Census 2000 Data, The California Spatial Information Library (CaSIL).

FIRSTCARBON SOLUTIONS™

5 2.5 0 5 Miles

# Exhibit 1
# Regional Location Map

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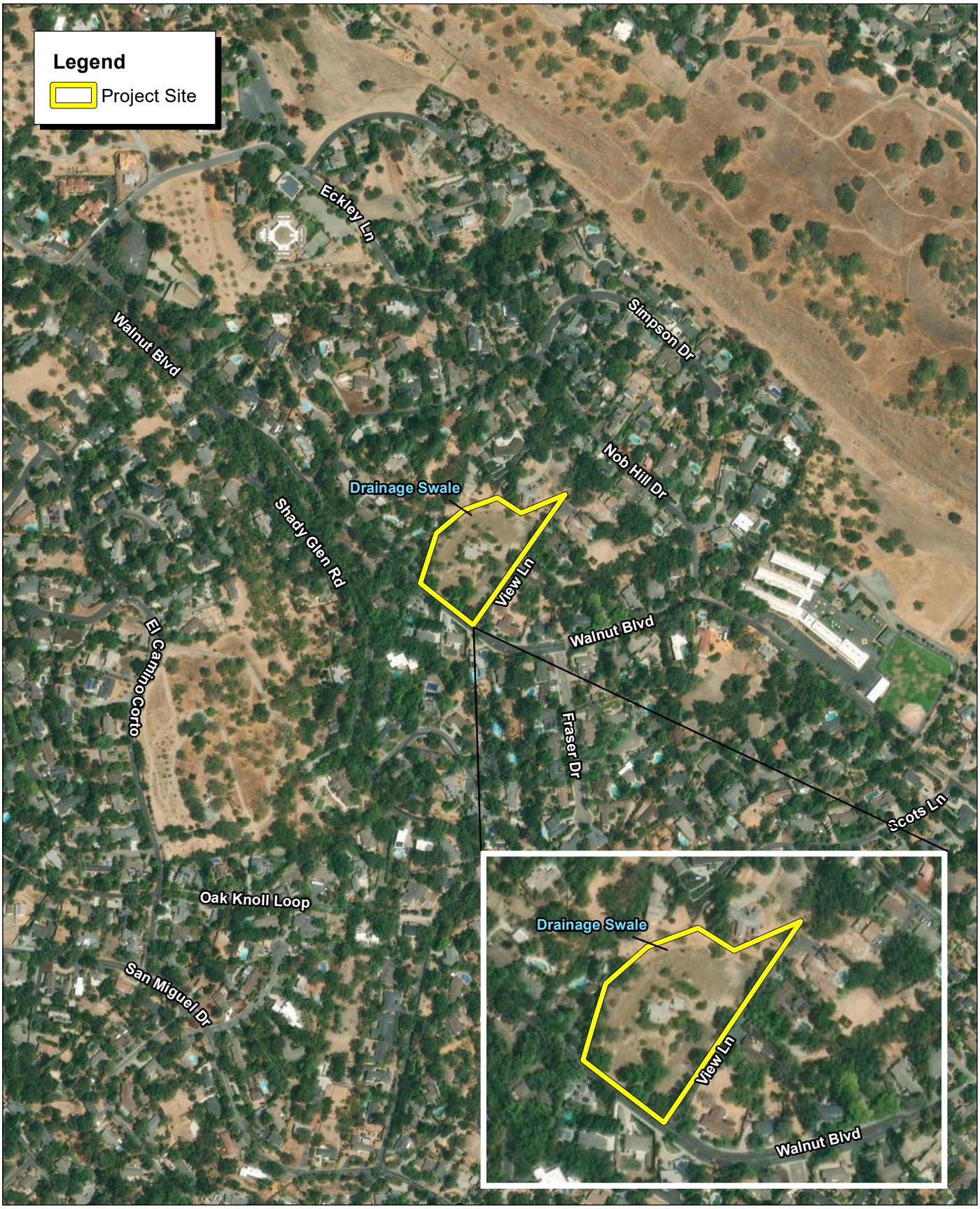
CONTRA COSTA COUNTY
WALNUT BOULEVARD RESIDENTIAL PROJECT
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

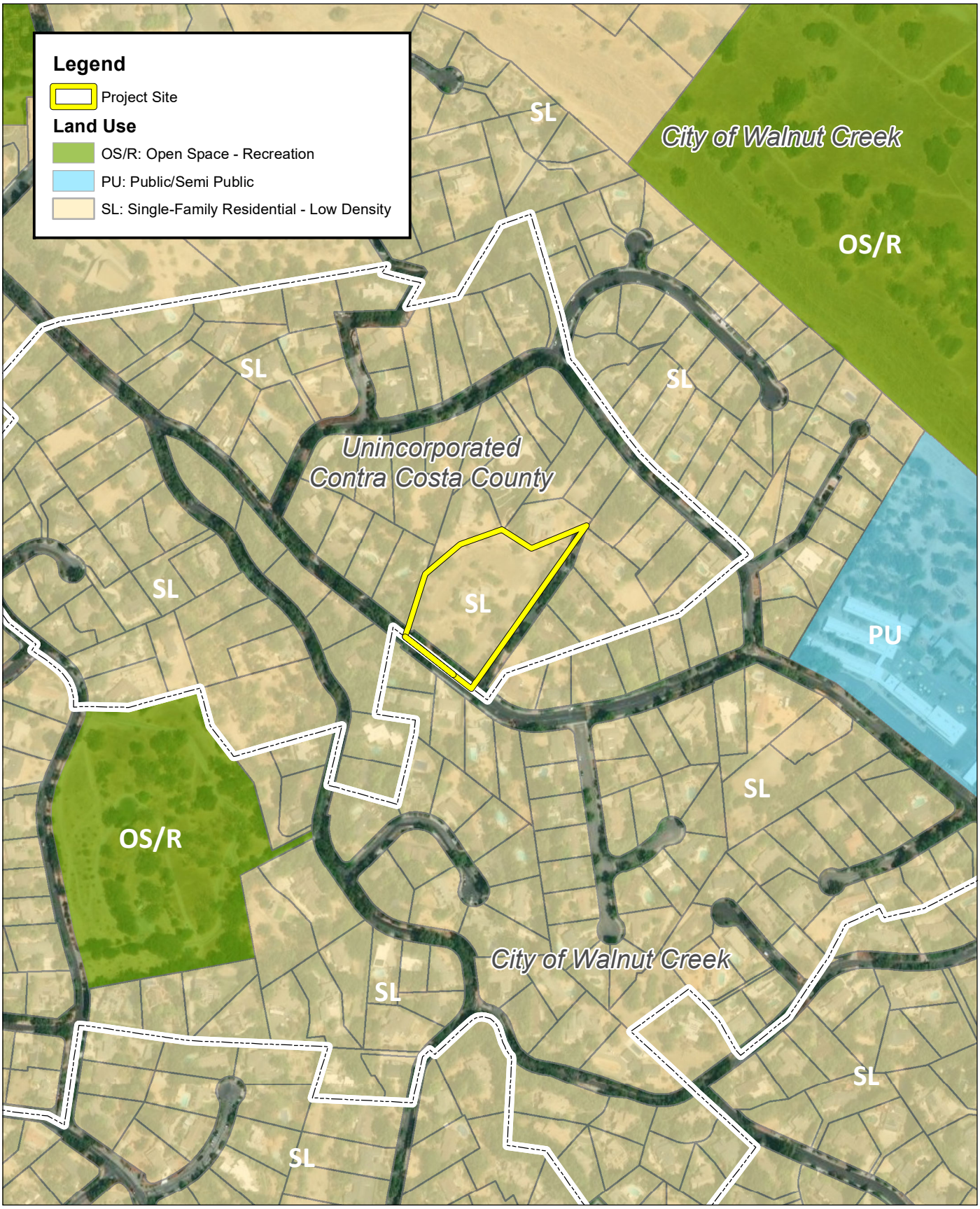



Source: ESRI Aerial Imagery.

FIRSTCARBON SOLUTIONS™

510 255 0 510
Feet

Exhibit 2
Local Vicinity Map

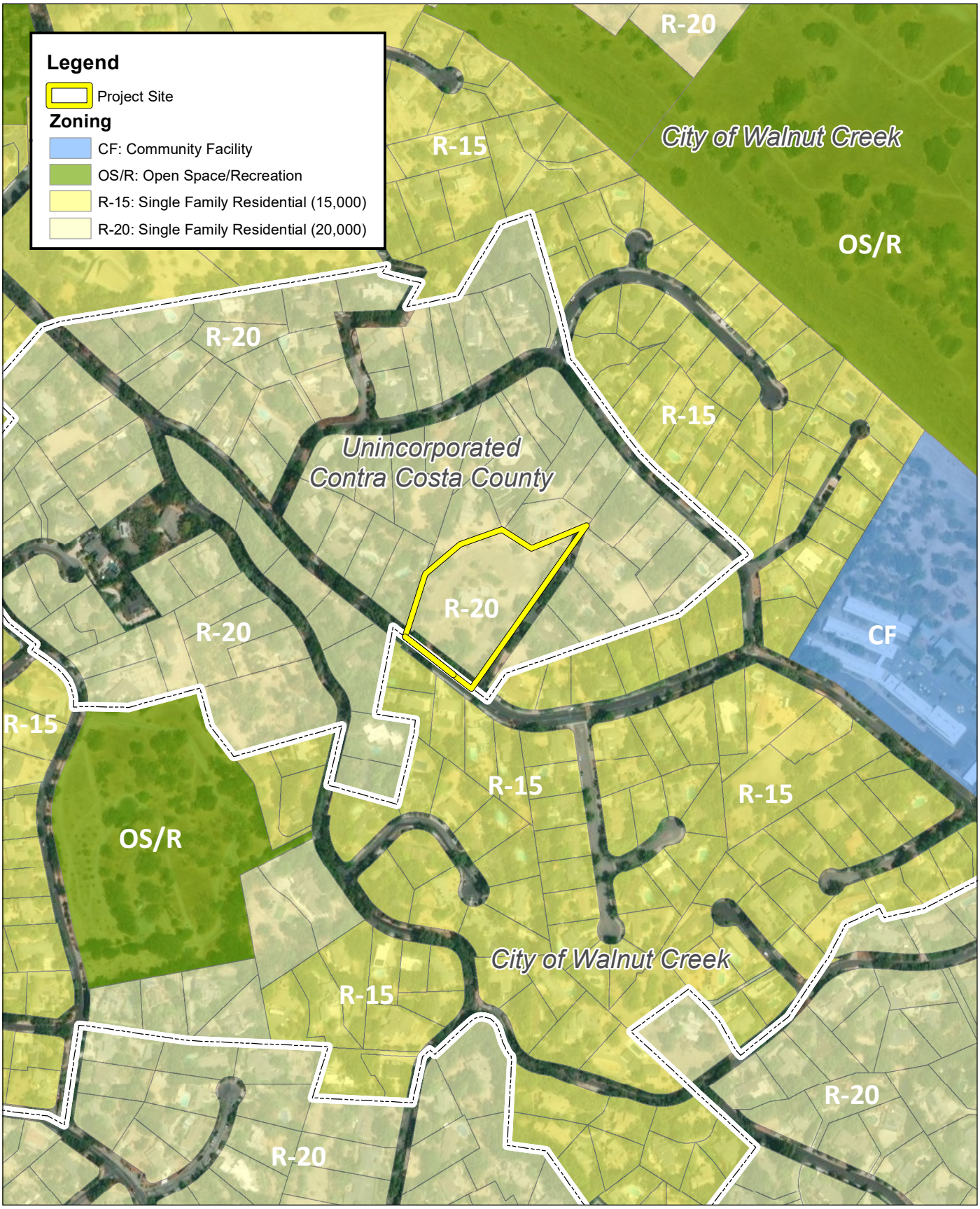



Source: ESRI Aerial Imagery. Contra Costa County. City of Walnut Creek.

FIRSTCARBON SOLUTIONS™

400 200 0 400
Feet

Exhibit 3
Land Use Map



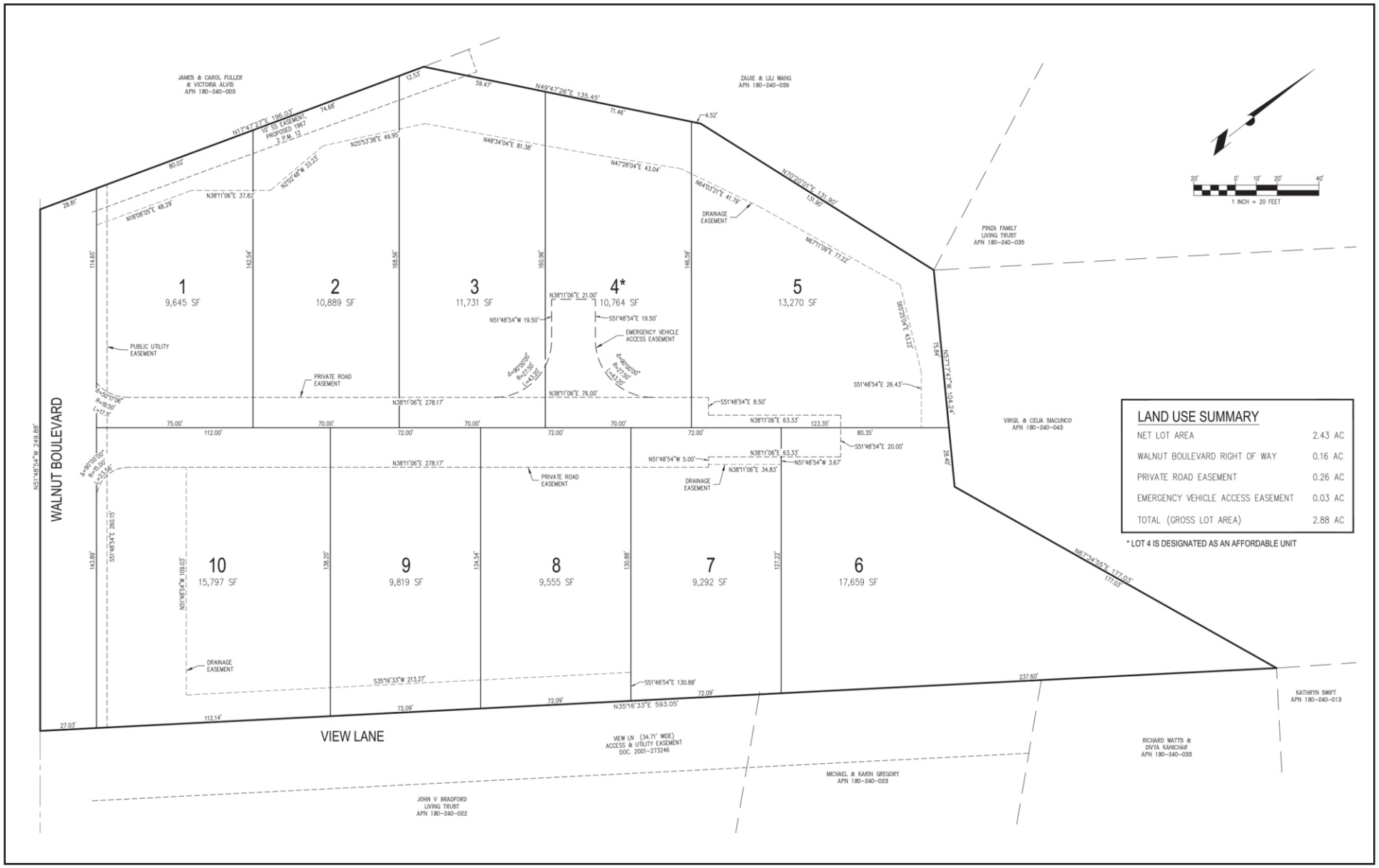

Source: ESRI Aerial Imagery. Contra Costa County. City of Walnut Creek.

FIRSTCARBON SOLUTIONS™

400 200 0 400 Feet

Exhibit 4
Zoning Map

CONTRA COSTA COUNTY




Source: DK Engineering, 12/19/2022.

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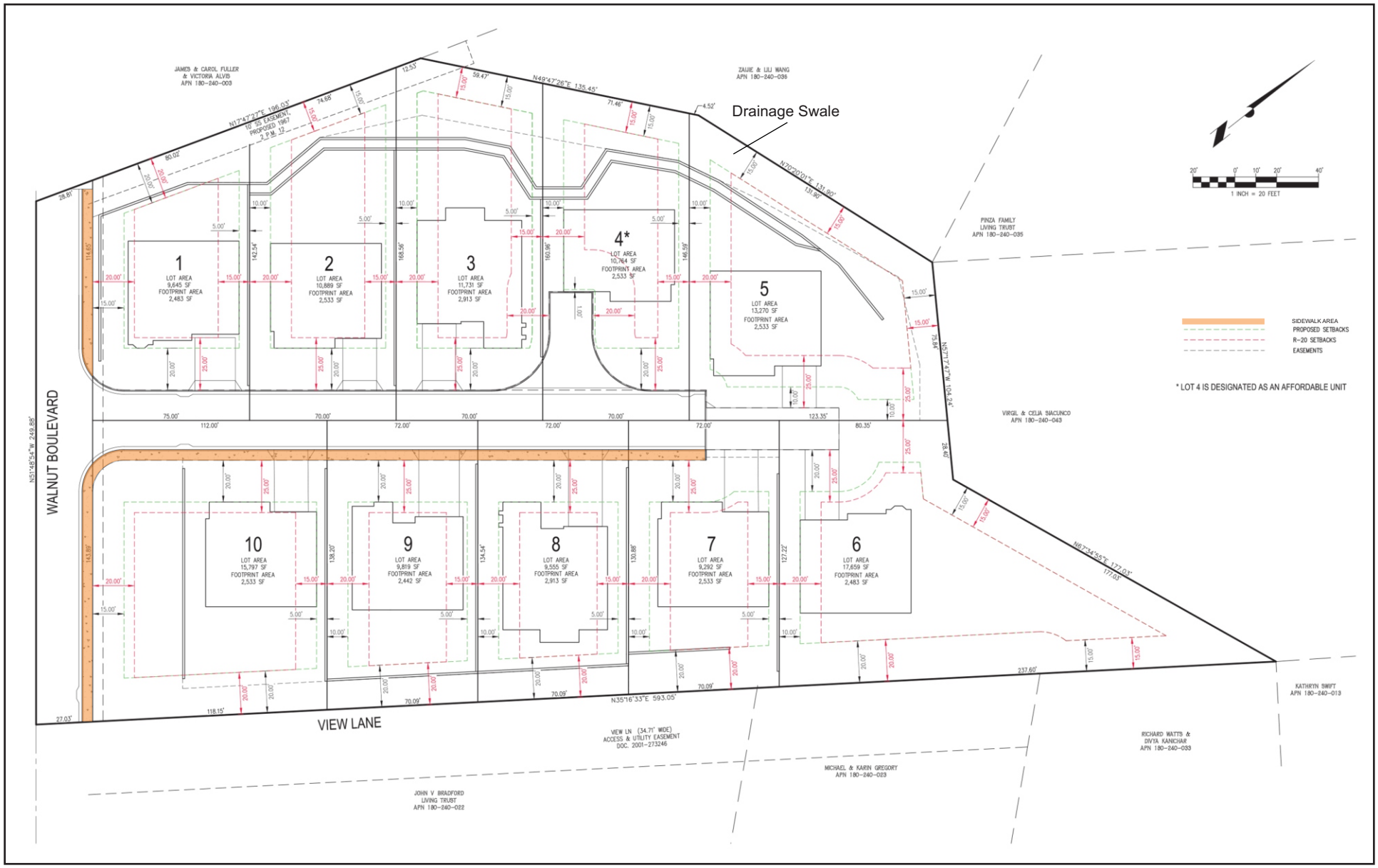
Exhibit 5
Vesting Tentative Map




Source: DK Engineering, 12/19/2022.

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Exhibit 6
Site Plan

Craftsman Elevation

American Foursquare Elevation

Source: CALIBR Ventures. WHA. 12/17/2021

Northern European Elevation

Traditional Elevation

Source: CALIBR Ventures. WHA. 12/17/2021

Spanish Colonial Elevation

Modern Farmhouse Elevation

Source: CALIBR Ventures. WHA. 12/17/2021

# Attachment 5

# Mitigation Monitoring and Reporting Program

Calibr Ventures c/o Andy Byde, (Applicant / Owner)

# Exhibit 8: Mitigation Monitoring and Reporting Program
# County File #CDSD21-09581

**3180 Walnut Boulevard**
**Walnut Creek, CA 94596**

**June 2023**

| **SECTION 1: AESTHETICS** | |
|---|---|
| **Potential Impact**: The change in ambient nighttime light levels on the project site, and the extent to which project lighting would spill off the project site and affect adjacent light-sensitive areas, would determine whether the project could adversely affect nighttime views in the area. Project lighting could create a potentially significant adverse environmental impact due to substantial new light and glare on neighboring properties. | |
| **Mitigation Measures:** | |
| **Aesthetics 1 (AES-1): Prior to issuance of a building permit, a Lighting Plan shall be submitted for review and approval by the CDD. At a minimum, the plan shall include the following measures:**<br>**a. All outdoor lighting, including façade, yard, security, and streetlights, shall be oriented down, onto the project site or road.**<br>**b. Back shields or functionally similar design elements shall be installed on every lighting pole to reduce lighting from spilling off site, and to ensure that lighting remains within the project site.** | |
| Implementing Action: | COA |
| Timing of Verification: | Prior to CDD approval of construction plans for a building permit and during construction. |
| Responsible Department, Agency, or Party: | Project proponent, CDD, and Building Inspection. |
| Compliance Verification: | Submittal of lighting plan(s) for CDD review; Include CDD approved lighting plan(s) in construction plans for CDD review; and Implementation with oversight of Building Inspection during construction. |
| **SECTION 2: AIR QUALITY** | |
| **Potential Impact:** Grading and construction activities could have a potentially significant adverse environmental impact by exposing sensitive receptors to substantial pollutant concentrations. | |
| **Mitigation Measures:** | |
| **Air Quality 1 (AIR-1): The following Bay Area Air Quality Management District, Basic Construction Mitigation Measures shall be implemented during project construction and shall be included on all construction plans:**<br>**a. All exposed non-paved surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and access roads) shall be watered at least two times per day and/or non-toxic soil stabilizers shall be applied to exposed non-paved surfaces.**<br>**b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered and/or shall maintain at least 2 feet of freeboard.**<br>**c. All visible mud or dirt tracked 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 shall be prohibited.**<br>**d. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.** | |

**e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.**

**f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes, as required by the California Airborne Toxics Control Measure (ACTM) Title 13, Section 2485 of California Code of Regulations. Clear signage regarding idling restrictions shall be provided for construction workers at all access points.**

**g. 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.**

**h. The prime construction contractor shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall take corrective action within 48 hours of receipt of the complaint. The Bay Area Air Quality Management District (BAAQMD) phone number shall also be visible to ensure compliance with applicable regulations.**

**Air Quality 2 (AIR-2): The following Mitigation Measure shall be implemented during project construction and shall be included on all construction plans:**

**a. All off-road equipment equal to or greater than 25 horsepower shall meet either United States Environmental Protection Agency (EPA) or California Air Resources Board (ARB) Tier 4 Final off-road emission standards during all construction activities.**

**b. Prior to issuance of a grading or building permit, a construction management plan shall be submitted to the CDD for review and approval. The construction management plan shall demonstrate that the off-road equipment used on-site to construct the proposed project would comply with Tier 4 Final off-road emission standards. Off-road equipment descriptions and information included in the construction management plan should include, but is not limited to, equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number47T47T.**

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| Implementing Action: | COA |
| Timing Verification: | Prior to CDD approval of construction plans for a building permit and during construction. |
| Responsible Department or Agency: | Project proponent, CDD, and Building Inspection. |
| Compliance Verification: | Provide a copy of the Contact Sign required under MM AIR-1h and the Construction Management Plan required under MM AIR-2b for CDD review; Include MM AIR-1 and AIR-2a language on construction plans for CDD review; and Implementation with oversight of Building Inspection during construction. |

**Potential Impact:** Grading and construction activities using diesel powered vehicles and equipment on the site could have a potentially significant adverse environmental impact by creating localized odors.

**Mitigation Measures:**

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| Mitigation Measures **Air Quality 1 and 2** would reduce this impact to a less than significant level. | |
| **SECTION 3: BIOLOGICAL RESOURCES** | |
| **Potential Impact:** Construction activities, including tree removal and site clearance, may impact nesting passerine birds and raptors. | |
| **Mitigation Measures:** | |
| **Biology 1 (BIO-1): If project construction-related activities take place during the nesting season (February through August), an avian pre-construction survey for nesting passerine birds and raptors (birds of prey) within the project site and the trees within the adjacent riparian area shall be conducted by a qualified Biologist no more than 14 days prior to the commencement of the tree removal or project construction-related activities. If any bird listed under the Migratory Bird Treaty Act (MBTA) is found to be nesting within the project site or within the area of influence, an adequate protective buffer zone shall be established by a qualified Biologist to protect the nesting site. This buffer shall be a minimum of 75 feet from the project activities for passerine birds, and a minimum of 200 feet for raptors. The distance shall be determined by a qualified Biologist based on the site conditions (topography, if the nest is in a line of sight of the construction and the sensitivity of the birds nesting). The nest site(s) shall be monitored by a qualified Biologist periodically to see if the birds are stressed by the construction activities and if the protective buffer needs to be increased. Once the young have fledged and are flying well enough to avoid project construction zones (typically by August), a qualified Biologist shall determine if the project can proceed without further regard to the nest site(s). Prior to issuance of a building or grading permit, the CDD shall determine if project construction-related activities will take place during the nesting season, and if so, the avian pre-construction survey shall be reviewed and approved by the CDD.** | |
| Implementing Action: | COA |
| Timing of Verification: | If during the nesting season:<br>Prior to any disturbance of the project site;<br>Prior to issuance of a building or grading permit; and<br>During site clearing and construction. |
| Responsible Department, Agency, or Party: | Project proponent, project biologist (if applicable), CDD, and Building Inspection. |
| Compliance Verification: | Timing of building or grading permit issuance; and<br>If applicable, submittal of avian pre-construction nesting survey for CDD review, and implementation of approved biologist mitigation measures with project biologist and Building Inspection oversight during site clearing and construction activities. |

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| **Potential Impact:** Construction activities, including tree removal and site clearance, may impact nesting bats. | |
| **Mitigation Measures:** | |
| **Biology 2 (BIO-2): If project construction-related activities take place during seasonal periods of bat activity (mid–February through mid–October – ca. February 15–April 15, and August 15–October 30), a bat habitat assessment within the project site shall be conducted by a qualified Bat Biologist to determine suitability of each tree or existing structure as bat roost habitat. Structures found to have no suitable openings can be considered clear for project activities as long as they are maintained so that new openings do not occur. Structures found to provide suitable roosting habitat, but without evidence of use by bats, may be sealed until project activities occur, as recommended by the Bat Biologist. Structures with openings and exhibiting evidence of use by bats shall be scheduled for humane bat exclusion and eviction, conducted during appropriate seasons, and under supervision of a qualified Bat Biologist. Bat exclusion and eviction shall only occur between February 15 and April 15, and from August 15 through October 30, in order to avoid take of non-volant (non-flying or inactive, either young, or seasonally torpid) individuals. Prior to issuance of a building or grading permit, the CDD shall determine if project construction-related activities will take place during seasonal periods of bat activity, and if so, the bat habitat assessment shall be reviewed and approved by the CDD.** | |
| Implementing Action: | COA |
| Timing of Verification: | If during bat-activity season:<br>Prior to any disturbance of the project site;<br>Prior to issuance of a building or grading permit; and<br>During site clearing and construction. |
| Responsible Department, Agency, or Party: | Project proponent, project biologist (if applicable), CDD, and Building Inspection. |
| Compliance Verification: | Timing of building or grading permit issuance; and<br>If applicable, submittal of a bat habitat assessment for CDD review, and implementation of approved biologist mitigation measures with Building Inspection oversight during site clearing and construction activities. |
| **Potential Impact:** Construction activities, including site clearance, may impact the Alameda whipsnake. | |
| **Mitigation Measures:** | |
| **Biology 3 (BIO-3): A pre-construction survey for special-status reptile species shall be conducted no more than 48 hours prior to the commencement of tree removal or project construction-related activities to determine presence/absence of these species. Worker Environmental Awareness training discussing the potential for these species shall be conducted by a qualified Biologist or Biological Monitor for all construction personnel working within the project site.** | |

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| **Prior to issuance of a building or grading permit, the reptile pre-construction survey shall be reviewed and approved by the CDD.** | |
| Implementing Action: | COA |
| Timing of Verification: | Prior to any disturbance of the project site;<br>Prior to issuance of a building or grading permit; and<br>During site clearing and construction. |
| Responsible Department, Agency, or Party: | Project proponent, project biologist (if applicable), CDD, and Building Inspection. |
| Compliance Verification: | Timing of building or grading permit issuance; and Submittal of pre-construction reptile survey for CDD review, and implementation of approved biologist mitigation measures with Building Inspection oversight during site clearing and construction activities. |
| **Potential Impact:** Construction activities, including site clearance, may impact the ephemeral drainage, and its associated riparian habitat. | |
| **Mitigation Measures:** | |
| **Biology 4 (BIO-4): No work (including vegetation removal) shall take place within the riparian corridor and ephemeral drainage as indicated in the Biological Resource Analysis (BRA) Report completed by Olberding Environmental, Inc (Olberding) dated January 2023, unless evidence is provided to the CDD that the California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), and/or United States Army Corp of Engineers (USACE) reviewed and approved work within these areas. The plan set for a building permit shall show fencing that is approved by a qualified biologist to ensure work does not take place in this area. As-built photos shall be required prior to issuance of a grading or building permit to ensure that this fencing is installed.**<br><br>**Biology 5 (BIO-5): At no time shall silt-laden runoff be allowed to enter on-site aquatic features and their associated habitats. Erosion control measures shall be utilized throughout all phases of operation where sediment runoff from the project may enter these aquatic features. Best Management Practices (BMPs) to avoid erosion, uncontrolled stormwater runoff and bank deterioration shall be implemented, following the requirements of the proposed project's Stormwater Control Plan, and typically include silt fencing, coir rolls, and/or straw bale dikes.**<br><br>**Biology 6 (BIO-6): No substances toxic to fish and wildlife shall be discharged or allowed to leach into the aquatic features present on-site. Materials deleterious or toxic to fish and wildlife, including, but not limited to, asphalt, tires, concrete, construction materials, treated wood, and creosote containing materials, shall not be stockpiled within 100 feet of any aquatic feature present on-site.** | |
| Implementing Action: | COA |

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| Timing of Verification: | Prior to any disturbance of the project site; Prior to CDD approval of construction; Prior to issuance of a building or grading permit; and During site clearing and construction. |
| Responsible Department, Agency, or Party: | Project proponent, CDFW, RWQCB and/or USACE (if applicable), project biologist, CDD, and Grading and Building Inspection. |
| Compliance Verification: | Timing of building or grading permit issuance; If applicable, submittal of CDFW, RWQCB and/or USACE approval for CDD review; fencing details on construction plans for CDD review; photos of installed fencing for CDD review; and Implementation with Grading and Building Inspection oversight during site clearing and construction activities. |
| **Potential Impact:** Code-protected trees being removed and work within the dripline of additional trees will occur to allow for project grading and construction. Tree removal has the potential to reduce natural habitat or create soil instability and/or erosion. Work within the dripline has the potential to impact tree health. | |
| **Mitigation Measures:** | |
| **Biology 7 (BIO-7): As a result of tree removal, approval of a Tree Permit under the provisions of the County Tree Ordinance shall be required. The Tree Permit shall include a Tree Replacement Plan. The Tree Replacement Plan shall designate the approximate location, number, species and sizes of new trees to be planted. No tree shall be removed until a building or grading permit is issued.**<br><br>**Biology 8 (BIO-8): To protect the trees to remain, approval of a Tree Permit under the provisions of the County Tree Ordinance shall be required. The Tree Permit shall include tree protection mitigation measures as described in the arborist report prepared by Jennifer Tso (#WE-10270A) of Traverso Tree Service dated January 10, 2023, and these mitigation measures shall be implemented during construction through the clearing, grading, and construction phases, and stated on all construction plans.** | |
| Implementing Action: | COA |
| Timing of Verification: | Prior to submittal of a building permit;<br>Prior to CDD approval of construction plans for a building permit;<br>During site clearing, tree removal, and construction activities;<br>Post restitution tree planting and prior to final building inspection; and |

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| | Prior to the release of tree bonds. |
| Responsible Department, Agency, or Party: | Project proponent, project arborist, CDD, and Building Inspection. |
| Compliance Verification: | Submittal of the required materials per the approved Tree Permit for CDD review;<br>Include CDD approved tree plans and arborist tree mitigation measures in construction plans for CDD review;<br>Implementation of approved arborist mitigation measures during site clearing, tree removal, and construction activities with Building Inspection and Project arborist oversight;<br>As-built photos of trees to remain and planted restitution trees prior to final building inspection; and<br>Verification by that restitution trees are still onsite and in good health prior to CDD release of tree bond(s). |

**SECTION 4: CULTURAL RESOURCES**

**Potential Impact:** The project could cause a substantial adverse change in the significance of a historical resource as defined in California Environmental Quality Act Guidelines Section 15064.5. Subsurface construction activities have the potential to damage or destroy previously undiscovered historic and prehistoric resources. Historic resources can include wood, stone, foundations, and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramics, and other refuse. If during project construction, subsurface construction activities damaged previously undiscovered historic and prehistoric resources, there could be a potentially significant impact.

**Mitigation Measures:**

**Cultural Resources 1 (CUL-1): All project-related ground disturbance shall be monitored by an archaeologist who meets the Secretary of the Interior's professional qualification standards for archaeology. In the event that significant cultural resources are discovered during construction activities, the applicant/project owner or sponsor shall ensure that operations within a 100-foot radius of the find shall cease and the archaeologist will be consulted to determine whether the resource requires further study. The standard inadvertent discovery clause shall be included on the grading plans submitted to the City to inform contractors of this requirement. Potentially significant cultural resources consist of but are not limited to stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. The archaeologist shall make recommendations to the City concerning appropriate measures, which shall be implemented by the applicant/project owner or sponsor to protect the discovered resources, including but not limited to recordation on appropriate California Department of Parks and Recreation (DPR) forms, evaluation, or excavation of the finds in accordance with CEQA Guidelines, Section 15064.5.**

**Cultural Resources 2 (CUL-2): In the event of accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and 5097.98 shall be followed. If during the course of construction activities there is accidental discovery or recognition of any human remains, the following steps shall be taken:**

**a. There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98.**

**b. Where the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the project site in a location not subject to further subsurface disturbance:**

- **The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission.**
- **The descendant identified fails to make a recommendation.**
- **The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.**

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| Implementing Action: | COA |
| Timing of Verification: | Prior to CDD approval of construction plans for a building permit; and During construction. |
| Responsible Department, Agency, or Party: | Project proponent, project archeologist (if applicable), CDD, and Building Inspection. |
| Compliance Verification: | Include MM CUL-1 and MM CUL-2 language on construction plans for CDD review;<br>Implementation with oversight of Building Inspection during construction; and<br>Submittal of archaeologist report, in the event of a find, for CDD review. |

## SECTION 5: GEOLOGY AND SOILS

**Potential Impact:** The project could significantly impact the potential for increased exposure to adverse effects, including the risk of loss, injury or death from seismic-related ground failure, including liquefaction.

**Mitigation Measures:**

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| **Geology 1 (GEO-1): Prior to submittal of a building or grading permit, the project applicant shall incorporate all recommendations provided in the project-Geotechnical Exploration into project plans, which shall be subject to review and approval by the County Geologist, or designee, prior to permit issuance. The geotechnical recommendations shall be implemented including general earthwork recommendations for site preparation, conditioning of expansive soils, removal of buried structures, removal of fill and disturbed soil, surface and subsurface drainage, biofiltration facilities, foundations, concrete flatwork, retaining walls, spread and pier footings, pavement areas, utility trenches, project review, and construction monitoring. Additionally, these include recommendations related to structural design, foundation design, foundation systems, slabs, moisture barriers, seismic design, walls, footings, slabs and walkways, concrete design, corrosion, pavement design, as well as lot maintenance, and future plan reviews.** | |
| Implementing Action: | COA |
| Timing of Verification: | Prior to submittal of a building permit;<br>Prior to CDD approval of construction plans for a building permit;<br>Structural review; and<br>During Construction. |
| Responsible Department, Agency, or Party: | Project proponent, project geotechnical engineer and geologist, peer review of County geologist, CDD, and Grading and Building Inspection. |
| Compliance Verification: | Submittal of required materials per MM GEO-1 for County geologist and CDD review;<br>Include CDD approved geotechnical report and any other pertinent materials/reports/plans in construction plans for CDD review;<br>During structural review by County structural engineers, and<br>During construction with Grading and Building Inspection approval. |
| **Potential Impact:** There is a possibility that previously undiscovered buried fossils and other paleontological resources could be present and accidental discovery could occur. | |
| **Mitigation Measures:** | |
| **Geology 2 (GEO-2): The applicant shall retain a qualified Paleontologist to conduct paleontological monitoring during all earth-disturbing construction activities. Should any significant fossils (I.e., bones, teeth, or unusually abundant and well-preserved invertebrates or plants) be unearthed, the construction crew shall not attempt to remove them, as they could be extremely fragile and prone to crumbling, and to ensure their occurrence is properly recorded; instead, all work in the immediate vicinity of the discovery shall be diverted at least 15 feet until a professional paleontologist assesses the find and, if deemed appropriate, salvages it in a timely manner. All recovered fossils shall be deposited in an appropriate repository, such as the University of California Museum of Paleontology (UCMP), where they would be properly curated and made** | |

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| **accessible for future study. Prior to issuance of a grading or building permit, evidence shall be provided to CDD that a qualified paleontologist is contracted to implement this mitigation measure.** | |
| Implementing Action: | COA |
| Timing of Verification: | Submittal of required materials per MM GEO-2 for CDD review; and Prior to CDD approval of construction plans for a building permit and during construction. |
| Responsible Department, Agency, or Party: | Project proponent, project paleontologist, CDD, and Grading and Building Inspection. |
| Compliance Verification: | Include MM GEO-2 language on construction plans for CDD review; and<br>Implementation with oversight of Grading and Building Inspection and project paleontologist during construction. |
| **Section 13: NOISE** | |
| **Potential Impact:** Construction related noise could impact adjacent sensitive receptors. | |
| **Mitigation Measures:** | |
| **Noise 1 (NOI-1): The following Mitigation Measure shall be implemented during project construction and shall be included on all construction plans:**<br>**a. The construction contractor shall ensure that all equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment.**<br>**b. The construction contractor shall ensure that unnecessary idling of internal combustion engines (i.e., idling in excess of 5 minutes) is prohibited.**<br>**c. The construction contractor shall utilize "quiet" models of air compressors and other stationary noise sources where such market available technology exists.**<br>**d. At all times during project grading and construction, the construction contractor shall ensure that stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from the nearest residential land uses.**<br>**e. The construction contractor shall designate a noise disturbance coordinator who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (starting too early, bad muffler, etc.) and establish reasonable measures necessary to correct the problem. The construction contractor shall visibly post a telephone number for the disturbance coordinator at the construction site.**<br>**f. Unless specifically approved otherwise by the CDD, all construction activities shall be limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on State** | |

**and Federal holidays on the calendar dates that these holidays are observed by the State or Federal government as listed below:**

**New Year's Day (State and Federal)**
**Birthday of Martin Luther King, Jr. (State and Federal)**
**Washington's Birthday (Federal)**
**Lincoln's Birthday (State)**
**President's Day (State)**
**Cesar Chavez Day (State)**
**Memorial Day (State and Federal)**
**Juneteenth National Independence Holiday (Federal)**
**Independence Day (State and Federal)**
**Labor Day (State and Federal)**
**Columbus Day (Federal)**
**Veterans Day (State and Federal)**
**Thanksgiving Day (State and Federal)**
**Day after Thanksgiving (State)**
**Christmas Day (State and Federal)**

**For specific details on the actual day the State and Federal holidays occur, please visit the following websites:**
**Federal: http://www.opm.gov/Operating_Status_Schedules/fedhol/2015.asp**
**California: http://www.ftb.ca.gov/aboutFTB/holidays.shtml**

**g. Transportation of large trucks and heavy equipment is subject to the same restrictions that are imposed on construction activities, except that the hours are limited to 9:00 AM to 4:00 PM.**

| | |
|---|---|
| Implementing Action: | COA |
| Timing of Verification: | Prior to CDD approval of construction plans for a building permit and during construction. |
| Responsible Department, Agency, or Party: | Project proponent, CDD, and Building Inspection. |
| Compliance Verification: | Include MM NOI- language on construction plans for CDD review;<br>Implementation with oversight of Building Inspection during construction |

## SECTION 18: TRIBAL CULTURAL RESOURCES

**Potential Impact:** The project could 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 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). The expected construction and grading could cause ground disturbance which may impact heretofore undocumented cultural resources.

**Mitigation Measures:**

| |
|---|
| Implementation of mitigations measures **Cultural Resources 1 and 2** would reduce the impact on archeological resources during project related work. |
| **Potential Impact:** The project could 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 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. The expected construction and grading could cause ground disturbance which may impact heretofore undocumented cultural resources. |
| **Mitigation Measures:** |
| Implementation of mitigations measures **Cultural Resources 1 and 2** would reduce the impact on archeological resources during project related work. |
| **SECTION 10: MANDATORY FINDINGS OF SIGNIFICANCE** |
| **Potential Impact:** As discussed in individual sections of the Initial Study, the project to create two parcels from the site may impact the quality of the environment (Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geological Resources, Noise, and Tribal Cultural Resources). |
| **Mitigation Measures:** |
| The impact would be reduced to a less than significant level with the adoption of the recommended Mitigation Measures that are specified in the respective sections of the Initial Study. |

# Attachment 6

# Public Comments

Steven Pinza, Esq.
Nob Hill Dr
Walnut Creek, CA 94596

July 17, 2023

Dominque Vogelpohl
Department of Conservation & Development
Community Development Division
30 Muir Rd
Martinez, CA 94553
Via Mail & Email at: Dominique.Vogelpohl@dcd.cccounty.us

Ken Carlson
District IV Supervisor
2255 Contra Costa Blvd #202
Pleasant Hill, CA 94523
Via Mail & Email at: SupervisorCarlson@bos.cccounty.us

RE: 3180 Walnut Blvd Proposed Development (CDSD21-09581)

Dear Dominique & Ken,

My house is directly above the proposed development, and this development will quite literally be built in my backyard without a reasonable setback. I have the following concerns and requests both as the most adversely affected neighboring property and as a homeowner in Walnut Heights, a coveted area of unincorporated Walnut Creek where owners cherish the large lots, privacy & distance from neighbors, wildlife, and so much more.

## I. PRIVACY: NEW DEVELOPMENT WILL CREATE PRIVACY CONCERNS FOR NEIGHBORING PROPERTIES

In an email to Dominique Vogelphol on February 23, 2023, I expressed serious privacy concerns which will arise if this development is built as planned. The new residential development, as proposed, will have significant negative impacts on privacy for the surrounding homes, especially mine. The neighboring homes all have large windows in which the new development, along with everyone who uses the proposed new street would look directly into. With my property in particular, there are literally no trees that border the proposed development, and my house (which stands about 30-50 feet above the lowest part of this development). This will mean that the windows, backyards, and driveways of the proposed development will be able to look directly into my home windows, including the bedrooms of my young daughters. While I asked this out of state developer to plant fast growing, large trees, they've refused to commit to doing so.

## II. PROPOSED LOT SIZES ARE NOT CONSISTENT WITH GENERAL PLAN, ZONING, OR WALNUT HEIGHTS AREA

This proposal asks for ten houses with lot sizes ranging from 9,292 to 17,659. This area is zoned R-20 (min. 20,000 sq. ft lots) and neighboring parcels all have lots exceeding this size. The average proposed lot size for this project is 11,842 which is less than half the size of neighboring parcels, less than all properties in Walnut Heights, and certainly not what is purposed for in the General Plan. R-20 zoning allows for 2.2 du/ac. The parcel is 2.88 acres which means the maximum dwelling units, in accordance with standards (and using the developer requested concession to utilize gross acreage for the density calculation), is 6 units, not 9 like the proposal claims they are allowed. Further, using net lot area of 2.43 acres, only 5 dwelling units allowed. the uniqueness of Walnut Heights, and is a detriment to all neighboring properties and the entire community.

**Table 6-26**
**Single-Family Residential Development Standards**

| Development Standard | General Plan Land Use Category & Zone District | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Very Low | | | Low | | Medium | | High | | |
| | R-100 | R-65 | R-40 | R-20 | R-15 | R-12 | R-10 | R-7 | R-6 | D-1 |
| Max. Density (du/ac) | 0.4 | 0.67 | 1.1 | 2.2 | 2.9 | 3.6 | 4.4 | 6.2 | 7.2 | 10.9 |
| Min. Lot Area (sq. ft.) | 100,000 | 65,000 | 40,000 | 20,000 | 15,000 | 12,000 | 10,000 | 7,000 | 6,000 | 8,000 |
| Min. Lot Size (ft.) | 200 x 200 | 140 x 140 | 140 x 140 | 120 x 120 | 100 x 100 | 100 x 100 | 80 x 90 | 70 x 90 | 60 x 90 | 80 x 90 |
| Front Yard (ft.) | 30 | 25 | 25 | 25 | 20 | 20 | 20 | 20 | 20 | 20 |
| Side Yard (ft.) | 30 | 20 | 20 | 15 | 10 | 10 | 10 | 5 | 5 | 10 |
| Aggregate Side Yard | 60 | 40 | 40 | 35 | 20 | 20 | 20 | 15 | 15 | 20 |
| Rear Yard (ft.) | 30 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 |
| Max. Bldg. Ht. (stories) | 2.5 35 ft. | 2.5 35 ft. | 2.5 35 ft. | 2.5 35 ft. | 2.5 35 ft. | 2.5 35 ft. | 2.5 35 ft. | 2.5 35 ft. | 2.5 35 ft. | 2.5 35 ft. |
| Parking Req. (space/unit) | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 |

Source: Contra Costa County Zoning Code, May 2014.

Under no circumstances should a variance be accepted to allow more than 5-6 swelling units, regardless of any low/moderate income inclusion the developer proposes. It is contrary to the norm of the neighborhood, against the true purpose behind the density bonus, destroys the Walnut Heights charm, and creates a crowded, congested, traffic laced area.

## III. A DEVELOPMENT WITH TEN HOMES WILL INCREASE TRAFFIC, NUMBER OF CARS ON ROAD, AND CREATE A DANGER TO NEIGHBORHOOD

Part of the reason that lots are zoned to be at least 20,000 square feet is because the current layout of the streets and overall neighborhood design could not accommodate more. Adding ten houses compared to half the amount will increase the number of cars on the road significantly on an already busy, two-lane road. Right now, there is no direct path for anyone to walk or bike downtown from Walnut Heights, and although we've requested it for years, we remain without a sidewalk. As such, everyone is forced to walk or ride their bike dangerously close to the street. It's dangerous for pedestrians, bike riders, and children, and installing a sidewalk is long

overdue. Since the development will add a significant number of cars from the new homeowners, their guests, deliveries, etc., the developer here should have to add sidewalks not only in front of his property, but sidewalks all the way to the connecting sidewalk near Eckley Ln. It is commonplace for developers to include new items to benefit a community, and the installation of a sidewalk in this area will surely do that.

## IV. FLOODING WILL INCREASE WITH DEVELOPMENT AS PROPOSED

There is a drainage swale along the north property line and the proposal indicates that they intend to utilize retaining walls but the site maps fail to indicate where the retaining walls will be built. From reading the proposal, it seems to indicate that they intend to build the retaining walls directly on the property line (the proposal states they are seeking a waiver to allow said retaining walls to have zero setback instead of the standard setback which is again intrusive. However, the property line on the north side falls directly in the swale. While I am not an engineer by any means, the logic prevails that 1) the structural integrity of said retaining walls will be compromised when the swale fills with water; and 2) if there is a retaining wall in or close to the swale, the water is going to have to go somewhere and will instead back up onto neighboring properties. This will cause significant issues including flooding and hillside erosion resulting in damage to neighboring houses. Further, the proposal indicates that they intend to use a detention basin and seeks an exemption to the required storage capacity of said basin.

*"Detention basins may be utilized only if they are approved by the public works department and contain at least fifteen acre-feet of storage capacity to provide regional flow mitigation benefits, except that smaller detention basins may be permitted where it can be shown to the satisfaction of the public works department that the development of a regional basin is not practical and that a smaller detention basin can be permanently operated and maintained by a public entity in a cost-effective manner." 914-12.002*

This proposal has not shown that a detention basin should be approved, let alone one of smaller size than required. Further, there has been no showing of who will maintain said basin.

*"The subdivider shall insure the maintenance of a detention basin facility through either an existing public maintenance entity or by the creation of a public maintenance entity. The entity shall have an adequate revenue source to assure perpetual maintenance." 914-12.010*

This proposal states that the stormwater would be released into an existing 30-inch storm drain line within Walnut Boulevard. The existing public storm drains in this area already do not have adequate capacity for stormwater runoff and floods upon significant rain. The streets in the area were severely flooded last year with substantial amounts of water, causing street closures and significant damage to a number of homes in the area. Not only would this project stress an already at capacity system if it were to conform to all County Requirements for Storm Water collection and conveyance for new developments, the proposal seeks to an exception to these requirements.

*(c) It is the purpose of the board of supervisors in enacting this division to protect the health, safety and general welfare of the citizens of the unincorporated areas by: (1) Eliminating, to*

*the maximum extent practicable, illicit stormwater discharges to the stormwater system, pollutants of which otherwise would degrade the water quality of local streams. (2)Minimizing increases in nonpoint source pollution caused by stormwater runoff from development that otherwise would degrade local water quality.(3)Controlling the discharge to the county's stormwater system from spills, dumping, or disposal of materials other than stormwater.( 4)Reducing stormwater runoff rates and volumes and nonpoint source pollution whenever possible through stormwater management controls and ensuring that these management controls are properly maintained and pose no threat to public safety.(5)Promoting no adverse impact (NAI) policies as developed by the Federal Emergency Management Agency (FEMA) and the Association of State Floodplain Managers (ASFPM), to the maximum extent practicable, in an effort to minimize the adverse impact of new development on stormwater quality or quantity. 1014-2.002*

Allowing this project to proceed as proposed will cause significant harm through flooding, does not promote no adverse impact (NAI) policies, and should not be allowed.

## V. NEW SUBSTANTIAL AMOUNT OF LIGHT WILL DRAMATICALLY ADVERSELY AFFECT NEIGHBORS

The proposal admits that the project lighting could *"create a potentially significant adverse environmental impact due to substantial new light and glare on neighboring properties" (page 139).* They propose two mitigation measures: all outdoor lighting shall be oriented down and back shields shall be installed on every lighting pole to reduce lighting from spilling off site. These supposed mitigation measures are not enough to mitigate the environmental impact.

First, the houses in the area will see significant new additional light and glare. Currently there is no light whatsoever in the area. There are no street lights, no lights from homes on the land, etc. With the development, there will be headlights of cars that are driving up the new street shining directly into neighboring properties. There will be 10 new houses all with interior and exterior lighting. There will be new street lamps. The proposal fails to show how simply pointing the exterior lights and street lamps downward is going to do anything about the adverse health effects that the project as proposed will have on the surrounding houses and those who live there.

Second, the wildlife in the area will be negatively affected by the additional lighting. There are owls, bats, deer, racoons, birds, possums and many other animals that call this area home. The additional lights will not only disorient the wildlife, it will negatively affect their safety and the safety of those in the surrounding area when those animals find themselves exposed and/or unable to see due to the lights and dart across the street, etc.

## VI. EXISTING WILDLIFE WILL BE SEVERELY IMPACTED

This project will have a significant adverse impact on existing wildlife. The proposal fails to show how their proposed mitigation strategies of "avoiding disturbances of active nests" and conducting a "survey" prior to construction would reduce potential impacts to less than significant levels. The proposal itself admits this project has the potential to destroy eggs or

occupied nests, increase mortality of young and cause risk of injury or death to several special-status species. Walnut Heights is home to turkeys, deer, raccoons, different hawks, and so much more, and this parcel of land in particular is the main home for all of these animals (since it's been vacant for 20+ years). Allowing ten homes on this parcel will eliminate any land for the animals to reside.

## VII. EXISTING TREES WILL BE REMOVED WITH NO INDICATION THAT NEW ONES WILL BE PLANTED

Per the proposal, this site contains 74 trees protected under the Contra Costa Tree Protection and Preservation Ordinance. The project plans to remove 60% of the protected trees, keep a measly 30 or so trees. The trees are protected for a reason. They provide shade and nesting areas for local wildlife, create privacy, remove greenhouse gasses and are historically significant.
The plan fails to identify which trees are being removed, their species, condition, their respective tree circumference or any other required information when seeking to remove trees. The plan also fails to include any information indicating the effect of the tree removal on soil stability, particularly the ones near the swall/creek. *Contra Costa County Tree Ordinance.* Further, even if the developer replants trees, they will take 20+ years to become mature to their current levels.

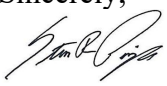
## VIII. CONCLUSION AND REQUESTS

I respectfully request that this letter is included in public remarks, reviewed by the planning department, and discussed with the board of supervisors. I specifically request the following:

1. That the development is a maximum of 5 or 6 units, which allows it to conform to the norm and charm of Walnut Heights;
2. That the developer pays for, and installs, fast growing trees around the entire periphery of the development in order to shield neighboring properties from privacy concerns, and remove less trees than their proposal requests;
3. That the developer takes steps to make the neighborhood safer by installing a sidewalk from View Ln all the way to the connecting sidewalk on Eckley Ln;
4. The developer is allowed one variance, not ten or more as currently requested.

Thank you very much for your consideration.

Sincerely,



Steven Pinza, Esq.
Nob Hill Dr
Walnut Creek, CA 94596

Karin Gregory
20 View Lane
Walnut Creek,CA 94596
July 14, 2023

Dominique Vogelpohl
Department of Conservation and Development
Community Development Division
30 Muir Road Martinez, CA 94553
(925) 655-2880
Dominique.Vogelpohl@dcd.cccounty.us

Subject: Concerns Regarding Proposed 3180 Walnut Boulevard 10-Lot Subdivision (County File #CDSD21-09581)

Dear Dominique,

I hope this letter finds you in good health and high spirits. I am writing to express my deep concerns regarding the housing development project that is set to commence across the street from my residence in the Walnut Heights area of Walnut Creek. As a long-standing member of this community, I feel it is essential to bring attention to the potential implications and challenges this project may pose to the overall well-being and quality of life in our area.

Firstly, I would like to emphasize that I understand the importance of housing development and the need for growth and progress within our county. However, I strongly believe that it is crucial to strike a balance between development and preserving the existing character and harmony of our neighborhood. The proposed project, as it stands, raises several concerns that I would like to bring to your attention:

1. Increased traffic congestion: The introduction of a housing development of this magnitude will inevitably lead to a significant increase in traffic volume on our already congested streets. This could pose serious safety hazards for residents, particularly children and elderly.
2. Strain on Infrastructure: Our neighborhood's infrastructure, including roads, utilities, and public services, may not be adequately equipped to handle the influx of residents that this development will bring. It is imperative that the necessary upgrades and improvements are made to ensure the seamless integration of this project into our community.
3. Environmental Impact: The proposed development may have adverse effects on our local environment, including potential damage to natural habitats, disruption of wildlife, and increased strain on resources such as water and electricity. It is crucial to conduct a

thorough environmental impact assessment to ensure responsible development that minimizes harm to our ecosystem.

4. Aesthetic Concerns: Our community boasts a unique charm and character, which is highly valued by its residents. The proposed project's design and architecture should be in line with the existing style and aesthetics to ensure visual harmony and prevent the development from being an eyesore or detracting from the overall ambiance of our neighborhood.

I kindly request that you consider these concerns and take appropriate action to ensure that the proposed housing development aligns with the best interests of the community. I urge you to engage in a transparent dialogue with residents, holding public meetings to listen to our concerns, answer our questions, and provide regular updates on the progress of the project. This will foster an environment of trust and open communication, enabling us to work collaboratively towards a mutually beneficial outcome.

Additionally, I encourage you to explore alternative locations for the housing development that may be better suited to accommodate the project's requirements without directly impacting our immediate neighborhood. By doing so, we can strike a balance between growth and preservation, creating a win-win situation for all parties involved.

Thank you for your time and consideration. I trust that you will take our concerns seriously and act in the best interest of the community. I look forward to hearing from you regarding the steps that will be taken to address these concerns.

Kind regards,

Karin Gregory

**From:** Eric Dorman
**To:** Dominique Vogelpohl
**Subject:** 3180 Walnut Blvd - concerns about upcoming development
**Date:** Monday, July 17, 2023 9:34:40 PM

---

Hi Dominique ,

I hope you're doing well. I'm the homeowner at 293 Nob Hill Dr, next to 3180 Walnut Blvd, the property that Calibr Ventures plans to develop. I'd had a look over the environmental impact proposal, and I'd like to reach out directly to share some concerns and potential solutions. I've shared a copy of this Andy at Calibr and with Ken Carlson (District IV Supervisor) as well.

First off - I'm supportive of building more housing in the bay area, and have no intention of being a knee-jerk NIMBY and pushing back on this project wholesale. With that said, there's a reason that I bought a house in Walnut Creek as opposed to other cities in the area: for our safe neighborhoods, abundance of mature trees, and privacy. In order to preserve what we all love about this city, it's critical that we be thoughtful about the way we build, that preserves these principles of safety, environmentalism and privacy. I have some concerns about the current plans for 3180 Walnut Blvd that appear to violate these principles, and some suggestions of how they can be addressed without drastic changes to the project.

**1. Concern: Lack of visual privacy between lots 3, 4 and 5, and 293 and 297 Nob Hill, as well as removal of mature vegetation**
**Details:** In the current plan, Lots 3, 4 and 5 will back up directly to 293 and 297 Nob Hill, resulting in lack of privacy for the owners of their lots (293 and 297 will look directly into their backyards and upstairs bedrooms). These lots are all being built with the minimal backyard setbacks allowable by law, which further exacerbates this problem. This is a poor experience both for the owners of the lots and for myself. Even more concerningly, the subdivision development plan (attached) calls for removal of 43 trees. Removing trees (both young and mature) without a plan for replacement seems like the last thing we should be doing in a place where shade and soil erosion prevention are so important. This is deeply concerning.
**Recommendation: Plant mature, drought-tolerant trees along the property line dividing lots 3, 4 and 5 from 293 and 297 Nob Hill.** The California Pepper is a good choice - this is a fast-growing, evergreen, drought-tolerant tree already present throughout Walnut Creek that comes recommended by specialists and Devil Mountain Nursery and Moon Valley Nursery. The trees planted would need to be mature (20ft high) in order to provide privacy, and would need automatic irrigation installed until their roots are established. However, the cost of these trees is likely to be recouped in the increased property value from shade and aesthetics that mature trees provide.

**2. Concern: Above-ground power and utility lines**
**Details:** I saw in an earlier draft of the environmental impact report that the developer is requesting an exception to allow the use of above-ground power lines instead of burying them. Is this correct? If so, this would be very concerning - above-ground power lines, in addition to being an eyesore, pose a fire hazard to surrounding trees and I'm not aware of any new construction in Walnut Creek in which above-ground power is standard.
**Recommendation: Confirm that the plan is to bury power and utility lines below ground.**

**3. Concern: Increasing housing density without increasing neighborhood sidewalk**

**coverage is a safety hazard**
**Details:** The development plan calls for developing 10 single-family homes, which we can conservatively estimate (4 people to a family) means bringing roughly 40 new people to the neighborhood. Presumably these people will want to access Downtown and Ignacio Valley Road on foot, but in order to do so they have no choice but to walk on Walnut Blvd all the way to Homestead Ave on the street, without a single foot of sidewalk coverage. This is a pedestrian death waiting to happen.
**Recommendation: Reduce the number of lots being added. At the very least, install sidewalk on at least one side of the street on Walnut Blvd from the proposed subdivision to Homestead Ave.**

Thanks for taking the time to read. In your role at the Department of Conservation and Development, I know you care deeply about balancing the need to build housing in California with the importance of environmentalism and safety, so I'd love to get your thoughts on this project and the above recommendations. Are you comfortable with this project plan as it's currently drafted? Do you think it might make sense to formally recommend some of the above steps?

Thanks,
Eric Dorman
293 Nob Hill Dr

| | |
|---|---|
| **From:** | John Livingwood |
| **To:** | Dominique Vogelpohl |
| **Subject:** | Concerned Walnut Heights Neighbors (County File # CDSD21-09581) |
| **Date:** | Tuesday, July 18, 2023 8:14:22 AM |
| **Attachments:** | NeighborhoodLetter-County File #CSSD21-09581-7.11.2023_Dominique.pdf |

Dear Dominique,

This email supplements the neighborhood signed letter sent earlier this week to your office at 30 Muir Road, Martinez, CA 94553.

We are writing to express our serious concerns about the proposed development of ten houses at 3180 Walnut Blvd (County File # CDSD21-09581). As home owners and residents of the immediate surrounding area, we are worried about the impact this development will have on our community.

**Firstly, we are concerned about the density of the development**. Our understanding is that the lot is zoned R-20, which means 20,000 square foot lots, and these proposed lots are less than half of that. If the developer conformed to the zoning, they would build ~5 homes, or about half of what they are currently proposing. The density of 10 residences will create privacy issues for all of our homes, increased lights that will enter our windows, increased traffic on an already tight road, drainage issues, wildlife disturbance, and will directly jeopardize many of the reasons we all moved to Walnut Heights.

**Secondly, we are worried about the removal of trees**. The developer plans to remove 40+ trees, and we are concerned that protected trees will be removed under the radar. To mitigate these concerns, we urge the county to hire another arborist to confirm the number of trees being removed.

**Thirdly, we are concerned about the impact on wildlife.** The development will remove deer, wild turkey, western screech owl, and other animal habitat, and we are worried about the disturbance this will cause to the local ecosystem.

**Finally, we are concerned about the downstream impact on our community.** The development will limit views for our properties, and we are worried about the increased light and amplified sound that will come from the development. We are also worried about the impact on traffic and drainage in the area.

We urge the county to mitigate these issues by reducing the density of the development by conforming to the zoning, adding trees for privacy, and exploring alternative measures to benefit the area, such as sidewalks from View Lane all the way to the First Church of Christ, Scientist at 2 Eckley Ln, so we all have a path to walk downtown.

Thank you for your attention to this matter. Please contact us by replying to this email or you can reach John Livingood as the primary contact to discuss any questions you may have.

Sincerely,

John and Amanda Livingood, 3171 Walnut Blvd

John and Kimberly Asher, 3175 Walnut Blvd

Tom and Leanne Corkill, 3161 Walnut Blvd

Michael and Amanda Binswanger, 3181 Walnut Blvd

Jason and Laura Bauer, 3185 Walnut Blvd

**From:** JAMES FULLER
**To:** Dominique Vogelpohl
**Subject:** Planned project at 3180 Walnut Blvd Walnut Creek Ca.
**Date:** Thursday, July 20, 2023 4:36:34 PM

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Ms. Vogelpohl;  My name is James A. Fuller I live at 3160 Walnut Blvd in Walnut Creek my property borders the planned project named above consisting of 10 2story homes. We have lived here and within 1mi of this location most of my life my father who was a local building contractor built most of the homes in this area  before the Rudgear area was developed by Whitecliff Homes. My subcontracting company did most of their projects so I do understand why the developer would like to build here. My issue with the project is it's size and location people that have bought in this area bought here because they wanted big lot's that afforded them some privacy and also allowed them to enjoy the wildlife which is amazing, One of these the spotted newt is actually considered endangered.The Bagot's who lived on the property during the same time period as us had agreed to sell the property to us but the death of my 2 children months apart a few years ago and my wife being moved to a rest home because of Alzhimers put me in a financial  position that made that impossible over 100 neighbors have expressed their displeasure over this Project.I could go on and on about the cutting of trees how the size of each lot is completely opposite of its intended use planned over 75yrs ago and the increase of the already nightmarish traffic. We have owned this land for over 75yrs,I hope you will take my words into consideration as the process moves forward. Sincerely  James A. Fuller.

| | |
|---|---|
| **From:** | Kim Asher |
| **To:** | Dominique Vogelpohl |
| **Subject:** | Proposed development at 3180 Walnut Blvd. |
| **Date:** | Thursday, July 20, 2023 8:21:16 PM |

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Dear Dominique Vogelpohl,

We wanted to share our deep concerns regarding this development of 10 homes in a zoning space for only five. After participating in the zoom conversation with Andy Byde, it is clear this is a purely financial gain decision by Calibr Ventures. This development doesn't fit in at all with our neighborhood. They will be destroying vital animal habitats, increasing traffic congestion on an already busy street with high traffic volume and NO sidewalks. In addition, the lights, noise and sewer/water potential problems are troubling. This development is directly across the street from our house and this is a street with a blind curve, coming down from the school which is jammed with cars during school drop off and pick up as well as commute traffic when cars cut through our neighborhood to get to Ygnacio Valley Road. Building ten homes on a lot zoned for five is NOT truly about building affordable housing as they are building the minimum number required (1/10) to qualify for the density bonus. Rather, it is greed run amok. Please consider the community first and the developer second. Thank you for your consideration.
John and Kim Asher
3175 Walnut Blvd.

| | |
|---|---|
| **From:** | Matthew Gould |
| **To:** | Supervisor Carlson |
| **Cc:** | Dominique Vogelpohl |
| **Subject:** | 3180 Walnut Blvd |
| **Date:** | Thursday, July 20, 2023 8:32:04 PM |

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Good Evening Supervisor Carlson - I am writing to express my concern about the proposed development by CALIBR Development at 3180 Walnut Boulevard in Walnut Creek. I live on Nob Hill Drive, across the street from the proposed development. My concerns are many, but I will list just a few…

- Environmental Impact - this lot is the home to many wild animals that will be displaced. I wonder if a complete biological impact report has been completed? Drainage? Sewer, electrical, etc.?

- Density - The proposal is to squeeze 10 new SFRs in a 2.8 acre lot. The average lot size in this neighborhood is currently is over 1/2 acre. The proposed lot sizes in this development range from 10,000 to 17,000 SF. This developer is clearly trying to squeeze every last drop of profit from a lot that should not host more than 4 or 5 houses maximum. Per Mr. Byde, he expects selling prices of $2-2.5 million each, with the exception of lot 4, for which he will receive some sort of low-moderate housing bonus to pocket.

- Traffic - Walnut Heights Elementary School is only a few hundred yards from this proposed development site. Traffic during mornings and afternoons is already unbearable. Adding 10 homes right in the middle of the traffic jam will create a nightmare scenario. I'm very concerned about the increased threat of child pedestrian accidents in an already dangerous thoroughfare.

I hope you will consider my concerns and the concerns of your other constituents in the neighborhood and block this proposal. It is a sordid attempt to squeeze ten lots out of one by a greed-motivated developer that already carries an unsavory reputation for past developments under the name, Braddock and Logan (Google it). This proposal does not fit our neighborhood and would benefit no one other than the developer. Thank you for your consideration.

Sincerely,
Matthew Gould

| | |
|---|---|
| **From:** | Kathryn Swift |
| **To:** | Dominique Vogelpohl; Supervisor Carlson |
| **Subject:** | Proposed development on 3180 Walnut Blvd |
| **Date:** | Thursday, July 20, 2023 11:26:12 PM |

Ken Carlson, District IV Supervisor
Dominique Vogelpohl, Project Planner Department of Conservation and Development
Community Development Division

Ms. Vogelpohl & Mr. Carlson.

First of all, thank you for what you do. And thank you for reading this letter. (By the way, I am happy to say I voted for you, Ken!)

My name is Kathryn Swift. I live at **395 Nob Hill Drive**, which is behind and diagonally adjacent to 3180 Walnut Blvd. I am writing to you to voice my concerns regarding what will be built on this property, since the decision made here will have a permanent impact on my property, as well as my enjoyment of it. Moreover, I have specific safety concerns I would like to raise to your attention.

I bought my home on Nob Hill 4 years ago with the express intent to have more space between homes/lots, less proximity to my neighbors. My previous home in Pleasant Hill was on a $10K sq ft lot. I deliberately sought out a neighborhood where the average lot size was greater than $10K sq ft. My current lot size is $20K. Most of my neighbors' lots are also in this same range. This makes for a very peaceful, private, rural feeling. There is also very limited fencing here with many neighbors choosing to have no fences to mark the property lines. Families of deer roam free through the neighboring yards, with baby deer born and raised in our backyards. This is what I fell in love with about my home, and why I uprooted after 25 years in my previous home in Pleasant Hill. If 3180 Walnut Blvd is allowed to proceed with ten homes on 2.5 acres as proposed, the additional noise/leaf-blowers, light pollution from ten new houses/street lights, increased fire risk/electrical poles, and increased traffic - both auto, bicycle and pedestrian will be greatly impact my enjoyment of my property for all future years. Sadly, I'd end up living directly adjacent/behind the exact sort of situation I moved away from. My sense of tranquility and privacy would be lost.

Note that the traffic issue is quite a meaningful safety risk, with zero sidewalk along Walnut Blvd for vast stretches, all the way down to Eckley Ln. It is especially unsafe for pedestrians and cyclists since there is zero shoulder for walking. Furthermore, the sidewalk situation causes most pedestrians to detour onto my street (Nob Hill Dr.) using it as the walking route to nearby Walnut Elementary school. Ten additional homes will compound this pedestrian safety risk.

Finally, I am quite concerned with increased ground saturation/potential for flooding. Earlier this year my first floor flooded due to over-saturation of the ground upon which my home sits, which caused water to seep up through the foundation. I had to rip out all of the floor on the first floor, and am still repairing that damage. There is a seasonal culvert which starts at the edge of my property and runs through 3180 Walnut Blvd. Because of its proximity, I believe that ten additional homes/driveways/roads which will cover a large percentage of the ground at 3180 Walnut Blvd will compound my already tenuous flooding situation.

In summary,

- I cherish the peacefulness, quiet, low-light pollution and privacy which result from larger lot sizes, and specifically moved here for this reason.
- The lack of sidewalk/accommodations for pedestrians or bicyclists along Walnut Blvd is already a serious safety problem.
- Building ten homes on 3180 Walnut Blvd places my home at increased risk for future flooding by adding more cement and reducing the ability of the ground to absorb water from future storms.

For these reasons I am imploring for the decision-making bodies to re-scope the approved project on 3180 Walnut Blvd to allow for a **maximum of 4 homes** (since roads will also take up some space from the 2.5 acre lot, and part of the lot which is a seasonal culvert should remain undeveloped) resulting in individual lot sizes of roughly ~$20K sq ft. each.

I would also like to suggest several accommodations that would help mitigate the impact on the neighborhood as well as its local wildlife:

1. Leave ample room in between homes/yards & around the perimeter of the development for wildlife to continue to navigate between houses.
2. Preserve & build around any large native trees (e.g. oak trees)
3. Consider limiting the use of fencing, or using low, see-through or decorative fencing only, and letting parts of the property remain undeveloped (such as the seasonal culvert).
4. Install no street lights
5. Bury any new telephone/power poles
6. Install sidewalk or bike lane from Walnut Elementary to Eckley Ln.
7. Limit square footage footprint of homes (Sorry I do not know what would constitute a conservative size in terms of ground saturation purposes.)

What you decide will have an impact on me for many years to come so I thank you for thoughtful consideration of my concerns and requests.

Sincerely,

Kathryn Swift
395 Nob Hill Drive
Walnut Creek, CA 94596

**From:** Judy Hirabayashi
**To:** Dominique Vogelpohl
**Subject:** Response to proposal for development at 3180 Walnut Blvd.
**Date:** Friday, July 21, 2023 9:55:24 AM

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July 21, 2023

Dear Mr. Carlson and Ms. Vogelpohl,

We are property owners at 3151 Walnut Blvd. I am writing with regard to Caliber Ventures' proposal to build 10 houses at 3180 Walnut Blvd. After reviewing the Proposed Development Plan and attending the developers' informational Zoom for neighbors last night, I am strongly opposed to their proposal for several reasons:

- My two major concerns are the impact the development would have on the amount of/speed of traffic and the safety of Walnut Blvd. for pedestrians and motorists. Our section of Walnut Blvd. is already a dangerous, overused speedway, and adding vehicles for 10 families at that curve can only make the safety and quality of life issues worse. The route from that lot to Walnut Heights School is not safe for children walking to school.
- Secondly, 10 homes are crammed into that lot, out of keeping with the character of the neighborhood. It is clear that the developer opted for 10 homes rather than 6 or 8 in order to benefit from regulations rewarding developers for inclusion of a lower income house. I welcome lower income residents, and hope that the city and county will do more to provide housing for them in our area, but not by creating a poorly located cookie cutter development.

I would of course like for the property to remain a wildlife haven and remnant of the area's history, but understand that that is not likely or even possible. Therefore, I urge the city to respond to the proposal by reducing the number of homes to 5 and adding a contingency that there must be a city/county commitment to additional traffic/safety remediation measures (e.g., several stop signs on Walnut Blvd. between Shady Glen and Walnut Heights School) before the project is approved.

Thank you for all you do to make Walnut Creek a great town. If there is more that I need to do to oppose this development, please let me know.

Judy Hirabayashi
3151 Walnut Blvd

**From:** Christina Chin
**To:** Dominique Vogelpohl
**Subject:** 3180 Walnut Blvd 94596
**Date:** Friday, July 21, 2023 10:35:29 AM

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Dear Ms. Vogelpohl,

I recently learned of the development proposed at 3180 Walnut Blvd 94596. As a resident of 15 years in this beautiful neighborhood, it concerns me that this developer may be permitted to so drastically change the landscape of our neighborhood. My lot is adjacent to 2 lots directly adjacent to the development site. (401 Nob Hill Drive)

As you know, the neighborhood is comprised of lot sizes of approximately 20,000 sq ft or more. This distance between homes contributes greatly to the serenity and beauty of our neighborhood. My backyard overlooks the proposed site. It would be jarring to look out of our yard and back windows to enjoy the breathing space of the nicely spaced out homes with developed foliage and then to see so many homes on land stripped of mature foliage and crammed into less than 3 acres. Please ask the developer to reconsider scaling back number of homes to 5-6 consistent with surrounding landscape.

The majority of owners who form the circle of Nob Hill Drive and Walnut Blvd have chosen not to fence in our back lots. This has created an unofficial " open space" which allows the many deer/fawns, wild turkeys, coyotes, peacocks, snakes, possum, raccoons and lizards to roam and feed freely. The deer in particular find needed relief in the shade of the trees on our very hot summer days. The deer also make a nightly pilgrimage from the creek below up thru this space. The turkeys flap up nightly into the trees to seek refuge from their natural predators.

The turkeys, turkey vultures, ospreys, hawks, wild yellow canaries, owls, wood peckers and California quail all coexist in this space. My 14 year has learned so much about birds while observing them since birth right in our own yard. They can easily identify most birds just watching them fly between trees in this "open space". It has fostered their curiosity in birds and encouraged them to do their own research discovering interesting data on their habitats, feeding and mating habits. We have learned a great deal about our neighbor birds from my youngest. They have shared this knowledge and experience with school mates and teachers at Walnut Heights Elementary School and Walnut Creek Intermediate.

These are some of the beauties you cannot see or measure right here in our community. These are beauties you cannot build or recreate. Please ask the developer to do everything in their power to protect this. Not only for existing residents but for the new neighbors who will purchase these new homes and who we will welcome into the community. Please ask them to reconsider the removal of so many trees as each tree is a potential home or resting spot for so many of our neighbor birds. If trees are removed please ask them to replant mature, native trees to help replace the natural habitat that will be so significantly altered.

Our back lot is not fenced for approximately 50-60 feet to our neighborhood's property line. Please ask developer to consider unfenced, open distance to maintain some sense of this unofficial "open space".

The one area our community falls short in is sideways or bike lanes that would allow us to get out of our cars and walk or bike downtown for exercise, to get to/from our schools and to Safeway to get groceries. Please ask the developer to consider funding some improvements to our community.

Thank you for your consideration of my concerns. Please reach out if you have any questions.

Sincerely,

Christina Chin

**From:** Eryn Holl
**To:** Dominique Vogelpohl
**Subject:** Re: 3180 Walnut Blvd
**Date:** Friday, July 21, 2023 1:00:13 PM

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Hello Ms. Vogelpohl,

I am a resident near the proposed development at 3180 Walnut Blvd. I'm concerned that there has been very little traffic analysis done on this particular area. Literally 0.3 miles up the road is Walnut Heights Elementary school where approximately 330 students ages TK-5 attend. Last year, the district partnered with WCPD, Sheriff's Office, and an outside traffic analysis agency to study the area directly around the school and it was deemed unsafe. Because of this, we have a WCPD officer stationed near the crosswalk to encourage people to slow down. Our crossing guard has had one too many close calls. Those reports should all be available at the district office or school principal for you to review.

This subdivision of 10 homes is a lot for our little roads to handle. We don't have sidewalks for children to walk on. We don't have stop signs from this property up to the school. Our district does not have buses. Let me be more crystal clear, there are zero school buses to get children to school. The only way to get them there is via car or on foot. Most opt for the car because of the safety. Adding 10-20 cars is a lot. As a parent trying to get one child to the elementary school and the other to Walnut Creek Intermediate, the only path is Walnut Blvd and it's already a mess.

I encourage you to please partner with the school district on this before you approve this subdivision.

Thank you,
Eryn

**From:** Diana Doughtie
**To:** Dominique Vogelpohl
**Subject:** 3180 Walnut Blvd Walnut Creek Project
**Date:** Friday, July 21, 2023 9:45:18 PM

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Dear Dominique Vogelpohl:
I live at 3150 Walnut Blvd and am generally supportive of the building project assuming that traffic speeds can be regulated better. We have a raceway many days with people speeding at 40-50 or more mph. We believe that much of this traffic are people cutting through the neighborhood during commute hours but it could be neighbors. Adding more people who will exit onto Walnut Blvd may create more hazards. There may be other neighbors that oppose this project but I believe we need to build more homes and infill is a good way to go as we already have schools and parks. It would be nice if the children in those homes could actually walk safely to Walnut Heights Elementary School. Please add traffic signs to slow down the traffic. A speed bump will not deter these drivers as we have a construction spot at 3160 and most fly over that. Hopefully that will be fixed soon. Diana Doughtie

Sent from my iPhone

**From:** Sue & Gene Dangel
**To:** Dominique Vogelpohl
**Cc:** Supervisor Carlson
**Subject:** 3180 Walnut Blvd.
**Date:** Monday, July 31, 2023 1:48:09 PM

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Dear Ms. Vogelpohl,

My name is Gene Dangel. I live at 3110 Walnut Blvd which is about a block down the hill from the proposed development at 3180 Walnut Blvd. Over this past weekend we were made aware of this project by a neighbor who provided us with a link to the document titled "Notice of Public Review and Intent to Adopt a Proposed Mitigated Negative Declaration" dated June 21, 2023 issued by your office under your signature.

I have read through all 150 pages of the document in order to gain a better understanding of the scope of the proposed project. It is obvious that it is well along in the planning stages and I was surprised that a project of this magnitude, that is so out of character with the surrounding neighborhood, did not deserve a more widespread distribution for public comment. I have to ask what the metric is for who receives notification from the county in these instances?

One cannot help but notice that in almost all cases you have checked the box "no significant impact" or "no significant impact with mitigation" in the report. It is sad that the owners of the properties that will be directly or indirectly impacted by this development receive little or no consideration in evaluating the impact this proposal will inflict on the area. I am not opposed to reasonable development but this is way over the top of reason. I understand that recent legislation has put pressure on cities and counties to provide more affordable housing but this proposal as submitted will do little or nothing to address that issue. I cannot help but view it as an abuse of the intent of the legislation by taking advantage of the California Density Bonus Law. It is laughable to consider that by offering one home at what will likely be just under two million while the other nine will be well over two million comes remotely close to the mark of providing affordable housing, even to moderate income families as stated. This is about an out of state developer squeezing as much profit as possible from the project with no regard whatsoever what it will do to the surrounding community.

Your report states that the developer has submitted "exception requests" for underground utilities and detention basins for storm water runoff. All your report states is that the proposed project will comply with Contra Costa County Stormwater C.3 regulations, but it does not say how that will be accomplished. I read all 190 pages of the C.3 Guidebook and one of the requirements is that a developer must file a detailed plan for the project as to exactly how this will be constructed. As I said earlier we live at the bottom of the hill and along with our neighbors have to deal with flooding during periods of heavy rainfall such as we experienced this past winter. The conclusion in your report simply states that the the stormwater runoff will be less after the development is completed than it is currently but again does not say how. I am requesting a copy of the Stormwater mitigation plan submitted by the developer in their application.

The bigger issue with this proposal is that the developer is requesting a much higher density than is allowed by the current R-20 zoning. All but three of the lots are roughly 10,000 square feet with those three being 17,659, 15,797, and 13, 270 square feet which are well below the 20,000 square feet for R-20 zoning. The Project Summary and Alternative Development Standards chart falls way short of what this development will look like given the setback and side yard waivers being requested. The developer claims that without these waivers it would preclude the project from being developed at the proposed density, again playing the "moderate income" card bonus calculation. A five home subdivision on this parcel would be much more reasonable than what is being proposed. I get that this is a "follow the money" equation for the developer, but not for those who's quality of life will be affected if this project is allowed to move forward as submitted.

I also noted a Walnut Blvd. traffic study published in 2019.27 is referenced in your report. I have been unable to locate that report on the county website. I am also requesting a copy of that report.

Additionally, I am requesting to be copied on any communications, notices of hearings, etc. regarding this proposeddevelopment. Thank you for your cooperation.

Respectfully,
Gene Dangel

| | |
|---|---|
| **From:** | Sue & Gene Dangel |
| **To:** | Dominique Vogelpohl |
| **Subject:** | Fwd: Walnut Blvd Traffic Study |
| **Date:** | Tuesday, August 1, 2023 5:46:39 PM |
| **Attachments:** | WALNUT BLVD, 200" S of SCOTS LANE, 2-4-2020 SPEED.pdf<br>WALNUT BLVD, 200" S of SCOTS LANE, 2-4-2020 VOLUME.pdf |

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Hello again,

Attached is the Walnut Blvd traffic study that was sent to me by John Swann for your review.

Gene

Begin forwarded message:

**From:** John Swann <John.Swann@pw.cccounty.us>
**Subject: RE: Walnut Blvd Traffic Study**
**Date:** August 1, 2023 at 8:09:20 AM PDT
**To:** Sue & Gene Dangel

Good morning Mr. Dangel,

My name is John Swann and I am the Traffic Safety Investigator for Contra Costa County Public Works. Please see the attachments for recent traffic speed and volume counts on Walnut Boulevard in unincorporated Walnut Creek. If you have any questions please feel free to contact me at the phone number below.

Regards,

John Swann
Traffic Safety Investigator
Contra Costa County Public Works
255 Glacier Dr.
Martinez, CA 94553
(925) 374-2144 work cell
John.Swann@pw.cccounty.us

HI-STAR NC-200/NC-350 by MHCORIN
Dir Volume x Speed Program

**CONTRA COSTA COUNTY**
**PUBLIC WORKS DEPARTMENT**
**SPEED / VOLUME COUNTS**

Interval 15 Minutes
Report By J. Wong

Station **200' S of SCOTS LANE**
No. of Lanes **2**

Road No. **4242A**
Road Name **WALNUT BLVD**
Date **4 Feb '20**
Day of Week **Tuesday**

**Counter # 22**

## N / B SPEED IN MILES PER HOUR

| HOUR | 0-9 | 10-14 | 15-19 | 20-24 | 25-29 | 30-34 | 35-39 | 40-44 | 45-49 | 50-54 | 55-59 | 60-64 | 65-69 | 70-74 | 75+ | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 00:00 - 01:00 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **1** |
| 01:00 - 02:00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| 02:00 - 03:00 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **1** |
| 03:00 - 04:00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| 04:00 - 05:00 | 0 | 0 | 0 | 0 | 0 | 3 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **5** |
| 05:00 - 06:00 | 0 | 0 | 0 | 2 | 8 | 10 | 5 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **27** |
| 06:00 - 07:00 | 0 | 0 | 0 | 5 | 6 | 15 | 6 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **34** |
| 07:00 - 08:00 | 0 | 0 | 1 | 19 | 47 | 55 | 16 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **142** |
| 08:00 - 09:00 | 0 | 0 | 2 | 20 | 51 | 57 | 22 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **153** |
| 09:00 - 10:00 | 0 | 0 | 2 | 8 | 37 | 39 | 22 | 5 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | **114** |
| 10:00 - 11:00 | 0 | 0 | 4 | 5 | 29 | 32 | 9 | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | **83** |
| 11:00 - 12:00 | 0 | 0 | 3 | 13 | 24 | 35 | 18 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **94** |
| 12:00 - 13:00 | 0 | 0 | 1 | 8 | 22 | 33 | 25 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **94** |
| 13:00 - 14:00 | 0 | 0 | 2 | 6 | 32 | 34 | 15 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **90** |
| 14:00 - 15:00 | 0 | 0 | 2 | 19 | 34 | 39 | 21 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | **117** |
| 15:00 - 16:00 | 0 | 1 | 1 | 10 | 55 | 57 | 20 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **148** |
| 16:00 - 17:00 | 0 | 0 | 2 | 8 | 29 | 52 | 29 | 2 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | **125** |
| 17:00 - 18:00 | 0 | 0 | 6 | 12 | 35 | 48 | 23 | 6 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | **132** |
| 18:00 - 19:00 | 0 | 0 | 1 | 6 | 17 | 34 | 28 | 2 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | **90** |
| 19:00 - 20:00 | 0 | 0 | 0 | 4 | 9 | 12 | 4 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **30** |
| 20:00 - 21:00 | 0 | 0 | 0 | 0 | 1 | 8 | 5 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **15** |
| 21:00 - 22:00 | 0 | 0 | 0 | 2 | 3 | 5 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **11** |
| 22:00 - 23:00 | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **5** |
| 23:00 - 24:00 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **2** |
| | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | == === |
| **TOTALS** | **0** | **1** | **27** | **148** | **441** | **570** | **273** | **43** | **10** | **0** | **0** | **0** | **0** | **0** | **0** | **1,513** |
| **%** | **0.0%** | **0.1%** | **1.8%** | **9.8%** | **29.1%** | **37.7%** | **18.0%** | **2.8%** | **0.7%** | **0.0%** | **0.0%** | **0.0%** | **0.0%** | **0.0%** | **0.0%** | **100%** |

| >55 | %>55 | >60 | %>60 | >65 | %>65 | 15%ile | 50%ile | 85%ile | Avg Spd |
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| **0** | **0.0%** | **0** | **0.0%** | **0** | **0.0%** | **25** | **31** | **36** | **30.5** |

**M.P.H.**

**NB PEAK**
A.M. = 207
07:30 - 08:30
P.M. = 157
15:15 - 16:15

**SB PEAK**
A.M. = 135
07:30 - 08:30
P.M. = 157
16:30 - 17:30

**POSTED SPEED LIMIT**
**25**
**MPH**

HI-STAR NC-200/NC-350 by MHCORIN
Dir Volume x Speed Program

**CONTRA COSTA COUNTY**
**PUBLIC WORKS DEPARTMENT**
**SPEED / VOLUME COUNTS**

Interval 15 Minutes
Report By J. Wong

Station **200' N of SCOTS LANE**
No. of Lanes **2**

Road No. **4242A**
Road Name **WALNUT BLVD**
Date **4 Feb '20**
Day of Week **Tuesday**

**Counter # 20**

**S / B SPEED IN MILES PER HOUR**

| HOUR | 0-9 | 10-14 | 15-19 | 20-24 | 25-29 | 30-34 | 35-39 | 40-44 | 45-49 | 50-54 | 55-59 | 60-64 | 65-69 | 70-74 | 75+ | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 00:00 - 01:00 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **1** |
| 01:00 - 02:00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| 02:00 - 03:00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| 03:00 - 04:00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| 04:00 - 05:00 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **1** |
| 05:00 - 06:00 | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | **4** |
| 06:00 - 07:00 | 0 | 0 | 0 | 1 | 5 | 6 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **14** |
| 07:00 - 08:00 | 1 | 3 | 11 | 25 | 30 | 19 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **92** |
| 08:00 - 09:00 | 0 | 0 | 7 | 28 | 54 | 28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **117** |
| 09:00 - 10:00 | 1 | 0 | 0 | 20 | 39 | 19 | 4 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **84** |
| 10:00 - 11:00 | 0 | 0 | 1 | 15 | 36 | 18 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **72** |
| 11:00 - 12:00 | 0 | 0 | 2 | 20 | 45 | 16 | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | **86** |
| 12:00 - 13:00 | 0 | 1 | 6 | 31 | 43 | 16 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | **98** |
| 13:00 - 14:00 | 0 | 0 | 5 | 24 | 47 | 15 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **93** |
| 14:00 - 15:00 | 1 | 6 | 22 | 33 | 29 | 9 | 4 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **105** |
| 15:00 - 16:00 | 0 | 1 | 11 | 37 | 45 | 7 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **104** |
| 16:00 - 17:00 | 0 | 1 | 2 | 33 | 71 | 27 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **136** |
| 17:00 - 18:00 | 0 | 2 | 6 | 36 | 64 | 20 | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **134** |
| 18:00 - 19:00 | 0 | 0 | 1 | 14 | 46 | 21 | 1 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | **86** |
| 19:00 - 20:00 | 0 | 0 | 1 | 12 | 33 | 21 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **71** |
| 20:00 - 21:00 | 0 | 0 | 1 | 3 | 24 | 13 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **45** |
| 21:00 - 22:00 | 0 | 0 | 0 | 3 | 26 | 9 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **41** |
| 22:00 - 23:00 | 0 | 0 | 0 | 2 | 6 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **9** |
| 23:00 - 24:00 | 0 | 0 | 0 | 0 | 1 | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **5** |
| | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | == === |
| **TOTALS** | **3** | **14** | **77** | **337** | **645** | **269** | **43** | **5** | **3** | **2** | **0** | **0** | **0** | **0** | **0** | **1,398** |
| **%** | **0.2%** | **1.0%** | **5.5%** | **24.1%** | **46.1%** | **19.2%** | **3.1%** | **0.4%** | **0.2%** | **0.1%** | **0.0%** | **0.0%** | **0.0%** | **0.0%** | **0.0%** | **100%** |

| >55 | %>55 | >60 | %>60 | >65 | %>65 | 15%ile | 50%ile | 85%ile | Avg Spd |
|---|---|---|---|---|---|---|---|---|---|
| **0** | **0.0%** | **0** | **0.0%** | **0** | **0.0%** | **22** | **26** | **31** | **26.4** |

**M.P.H.**

**NB PEAK**
A.M. = 207
07:30 - 08:30
P.M. = 157
15:15 - 16:15

**SB PEAK**
A.M. = 135
07:30 - 08:30
P.M. = 157
16:30 - 17:30

**POSTED SPEED LIMIT**
**25**
**MPH**

HI-STAR NC-200/NC-350 by MHCORIN
Dir Volume x Speed Program

**CONTRA COSTA COUNTY**
**PUBLIC WORKS DEPARTMENT**
**SPEED / VOLUME COUNTS**

Interval 15 Minutes
Report By J. Wong

Station **200' S of SCOTS LANE**
No. of Lanes **2**

Road No. **4242A**
Road Name **WALNUT BLVD**
Date **5 Feb '20**
Day of Week **Wednesday**

**Counter # 22**

## N / B SPEED IN MILES PER HOUR

| HOUR | 0-9 | 10-14 | 15-19 | 20-24 | 25-29 | 30-34 | 35-39 | 40-44 | 45-49 | 50-54 | 55-59 | 60-64 | 65-69 | 70-74 | 75+ | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 00:00 - 01:00 | 0 | 0 | 0 | 1 | 0 | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **4** |
| 01:00 - 02:00 | 0 | 0 | 0 | 0 | 1 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **5** |
| 02:00 - 03:00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| 03:00 - 04:00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| 04:00 - 05:00 | 0 | 0 | 0 | 0 | 1 | 2 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | **5** |
| 05:00 - 06:00 | 0 | 0 | 0 | 1 | 4 | 9 | 4 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **19** |
| 06:00 - 07:00 | 0 | 0 | 0 | 2 | 10 | 15 | 10 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | **39** |
| 07:00 - 08:00 | 0 | 1 | 1 | 1 | 25 | 40 | 18 | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | **90** |
| 08:00 - 09:00 | 0 | 0 | 3 | 24 | 76 | 53 | 18 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **178** |
| 09:00 - 10:00 | 0 | 0 | 2 | 8 | 25 | 54 | 18 | 3 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | **112** |
| 10:00 - 11:00 | 0 | 0 | 1 | 14 | 25 | 28 | 12 | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | **84** |
| 11:00 - 12:00 | 0 | 0 | 2 | 6 | 25 | 33 | 16 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **85** |
| 12:00 - 13:00 | 0 | 0 | 2 | 15 | 20 | 37 | 8 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **83** |
| 13:00 - 14:00 | 0 | 0 | 2 | 6 | 21 | 28 | 10 | 5 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | **73** |
| 14:00 - 15:00 | 0 | 1 | 4 | 24 | 27 | 42 | 9 | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | **111** |
| 15:00 - 16:00 | 0 | 0 | 1 | 4 | 35 | 57 | 30 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **130** |
| 16:00 - 17:00 | 0 | 0 | 4 | 14 | 31 | 59 | 26 | 5 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | **142** |
| 17:00 - 18:00 | 0 | 0 | 4 | 11 | 38 | 61 | 23 | 7 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | **145** |
| 18:00 - 19:00 | 0 | 0 | 1 | 10 | 19 | 32 | 8 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **74** |
| 19:00 - 20:00 | 0 | 0 | 0 | 3 | 11 | 13 | 10 | 3 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | **43** |
| 20:00 - 21:00 | 0 | 0 | 2 | 2 | 8 | 13 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **29** |
| 21:00 - 22:00 | 0 | 0 | 0 | 0 | 6 | 4 | 3 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **15** |
| 22:00 - 23:00 | 0 | 0 | 0 | 1 | 2 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **5** |
| 23:00 - 24:00 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **2** |
| | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | == === |
| **TOTALS** | **0** | **2** | **29** | **147** | **410** | **585** | **232** | **53** | **13** | **2** | **0** | **0** | **0** | **0** | **0** | **1,473** |
| **%** | **0.0%** | **0.1%** | **2.0%** | **10.0%** | **27.8%** | **39.7%** | **15.8%** | **3.6%** | **0.9%** | **0.1%** | **0.0%** | **0.0%** | **0.0%** | **0.0%** | **0.0%** | **100%** |

| >55 | %>55 | >60 | %>60 | >65 | %>65 | 15%ile | 50%ile | 85%ile | Avg Spd |
|---|---|---|---|---|---|---|---|---|---|
| **0** | **0.0%** | **0** | **0.0%** | **0** | **0.0%** | **25** | **31** | **35** | **30.6** |

**M.P.H.**

**NB PEAK**
A.M. = 180
08:15 - 09:15
P.M. = 159
16:15 - 17:15

**SB PEAK**
A.M. = 142
08:15 - 09:15
P.M. = 139
17:00 - 18:00

**POSTED SPEED LIMIT**
**25**
**MPH**

HI-STAR NC-200/NC-350 by MHCORIN
Dir Volume x Speed Program

**CONTRA COSTA COUNTY**
**PUBLIC WORKS DEPARTMENT**
**SPEED / VOLUME COUNTS**

Interval 15 Minutes
Report By J. Wong

Station **200' N of SCOTS LANE**
No. of Lanes **2**

Road No. **4242A**
Road Name **WALNUT BLVD**
Date **5 Feb '20**
Day of Week **Wednesday**

**Counter # 20**

## S / B SPEED IN MILES PER HOUR

| HOUR | 0-9 | 10-14 | 15-19 | 20-24 | 25-29 | 30-34 | 35-39 | 40-44 | 45-49 | 50-54 | 55-59 | 60-64 | 65-69 | 70-74 | 75+ | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 00:00 - 01:00 | 0 | 0 | 0 | 1 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **3** |
| 01:00 - 02:00 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **2** |
| 02:00 - 03:00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| 03:00 - 04:00 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **2** |
| 04:00 - 05:00 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **2** |
| 05:00 - 06:00 | 0 | 0 | 0 | 0 | 3 | 5 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **9** |
| 06:00 - 07:00 | 0 | 0 | 1 | 2 | 4 | 3 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **12** |
| 07:00 - 08:00 | 0 | 1 | 2 | 15 | 22 | 14 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **58** |
| 08:00 - 09:00 | 0 | 6 | 19 | 52 | 40 | 7 | 2 | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | **129** |
| 09:00 - 10:00 | 0 | 1 | 3 | 26 | 37 | 18 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **88** |
| 10:00 - 11:00 | 0 | 1 | 2 | 20 | 34 | 12 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | **70** |
| 11:00 - 12:00 | 0 | 0 | 3 | 39 | 42 | 12 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **96** |
| 12:00 - 13:00 | 0 | 1 | 2 | 29 | 32 | 14 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **80** |
| 13:00 - 14:00 | 0 | 0 | 3 | 15 | 47 | 19 | 4 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | **89** |
| 14:00 - 15:00 | 0 | 7 | 27 | 47 | 26 | 10 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **119** |
| 15:00 - 16:00 | 0 | 2 | 11 | 34 | 63 | 10 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **122** |
| 16:00 - 17:00 | 1 | 3 | 1 | 45 | 56 | 10 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **119** |
| 17:00 - 18:00 | 0 | 0 | 1 | 33 | 73 | 27 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **139** |
| 18:00 - 19:00 | 0 | 0 | 3 | 14 | 52 | 23 | 4 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **97** |
| 19:00 - 20:00 | 0 | 0 | 0 | 12 | 31 | 22 | 8 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **74** |
| 20:00 - 21:00 | 0 | 0 | 0 | 12 | 18 | 16 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **48** |
| 21:00 - 22:00 | 0 | 0 | 1 | 11 | 8 | 9 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **32** |
| 22:00 - 23:00 | 0 | 0 | 0 | 1 | 2 | 2 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **7** |
| 23:00 - 24:00 | 0 | 0 | 0 | 3 | 2 | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **9** |
| | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | == === |
| **TOTALS** | **1** | **22** | **79** | **411** | **593** | **240** | **51** | **6** | **1** | **2** | **0** | **0** | **0** | **0** | **0** | **1,406** |
| **%** | **0.1%** | **1.6%** | **5.6%** | **29.2%** | **42.2%** | **17.1%** | **3.6%** | **0.4%** | **0.1%** | **0.1%** | **0.0%** | **0.0%** | **0.0%** | **0.0%** | **0.0%** | **100%** |

| >55 | %>55 | >60 | %>60 | >65 | %>65 | 15%ile | 50%ile | 85%ile | Avg Spd |
|---|---|---|---|---|---|---|---|---|---|
| **0** | **0.0%** | **0** | **0.0%** | **0** | **0.0%** | **22** | **26** | **31** | **26.1** |

**M.P.H.**

**NB PEAK**
A.M. = 180
08:15 - 09:15
P.M. = 159
16:15 - 17:15

**SB PEAK**
A.M. = 142
08:15 - 09:15
P.M. = 139
17:00 - 18:00

**POSTED SPEED LIMIT**
**25**
**MPH**

**CONTRA COSTA COUNTY**
**PUBLIC WORKS DEPARTMENT**
**TRAFFIC COUNTS**

**HI-STAR NC-200/NC-350 by MHCORBIN**
Dir Volume Program

Road No. **4242A**
Name **WALNUT BLVD**

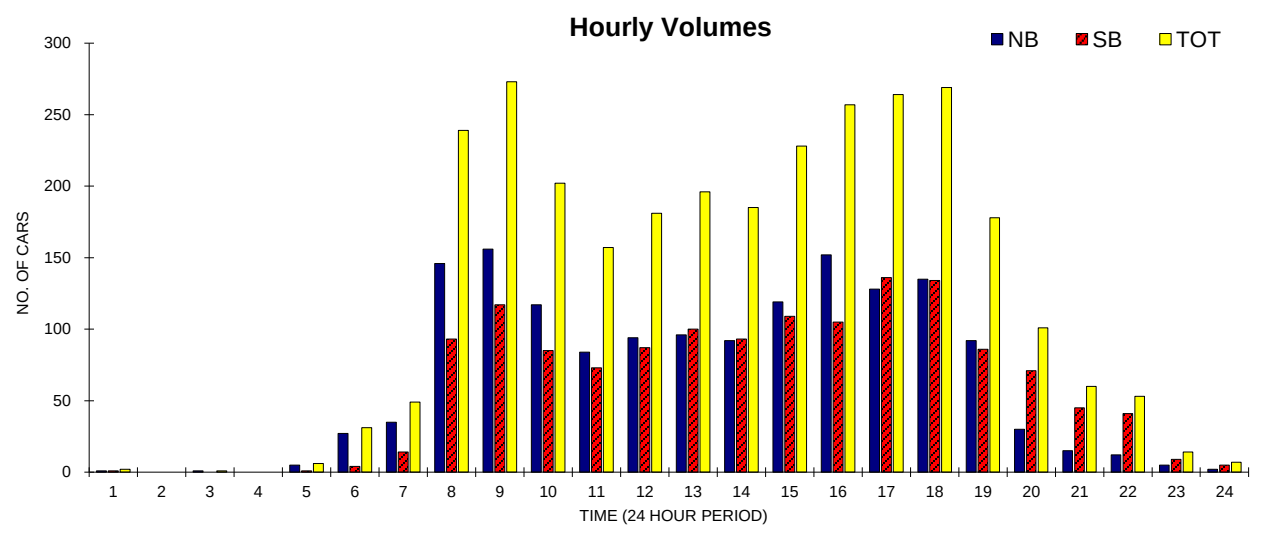
Interval 15 Minutes
No of Lanes 2
Report By J. Wong

Station **NB: 200' S of SCOTS LANE**
**SB: 200' N of SCOTS LANE**
Date Feb 4, 2020
Day of Week Tuesday

| Counter # | 22 | 20 | | |
|---|---|---|---|---|
| **HOUR** | **NB** | **SB** | **TOT** | **AVG** |
| 00:00 - 01:00 | 1 | 1 | 2 | 1 |
| 01:00 - 02:00 | 0 | 0 | 0 | 0 |
| 02:00 - 03:00 | 1 | 0 | 1 | 1 |
| 03:00 - 04:00 | 0 | 0 | 0 | 0 |
| 04:00 - 05:00 | 5 | 1 | 6 | 3 |
| 05:00 - 06:00 | 27 | 4 | 31 | 16 |
| 06:00 - 07:00 | 35 | 14 | 49 | 25 |
| 07:00 - 08:00 | 146 | 93 | 239 | 120 |
| 08:00 - 09:00 | 156 | 117 | 273 | 137 |
| 09:00 - 10:00 | 117 | 85 | 202 | 101 |
| 10:00 - 11:00 | 84 | 73 | 157 | 79 |
| 11:00 - 12:00 | 94 | 87 | 181 | 91 |
| 12:00 - 13:00 | 96 | 100 | 196 | 98 |
| 13:00 - 14:00 | 92 | 93 | 185 | 93 |
| 14:00 - 15:00 | 119 | 109 | 228 | 114 |
| 15:00 - 16:00 | 152 | 105 | 257 | 129 |
| 16:00 - 17:00 | 128 | 136 | 264 | 132 |
| 17:00 - 18:00 | 135 | 134 | 269 | 135 |
| 18:00 - 19:00 | 92 | 86 | 178 | 89 |
| 19:00 - 20:00 | 30 | 71 | 101 | 51 |
| 20:00 - 21:00 | 15 | 45 | 60 | 30 |
| 21:00 - 22:00 | 12 | 41 | 53 | 27 |
| 22:00 - 23:00 | 5 | 9 | 14 | 7 |
| 23:00 - 24:00 | 2 | 5 | 7 | 4 |
| | == === | == === | == === | |
| **TOTAL** | **1,544** | **1,409** | **2,953** | |

**NB PEAK**
A.M. = 212
07:30 - 08:30
P.M. = 161
15:15 - 16:15

**SB PEAK**
A.M. = 136
07:30 - 08:30
P.M. = 157
16:30 - 17:30



**CONTRA COSTA COUNTY**
**PUBLIC WORKS DEPARTMENT**
**TRAFFIC COUNTS**

**HI-STAR NC-200/NC-350 by MHCORBIN**
Dir Volume Program

Interval 15 Minutes
No of Lanes 2
Report By J. Wong

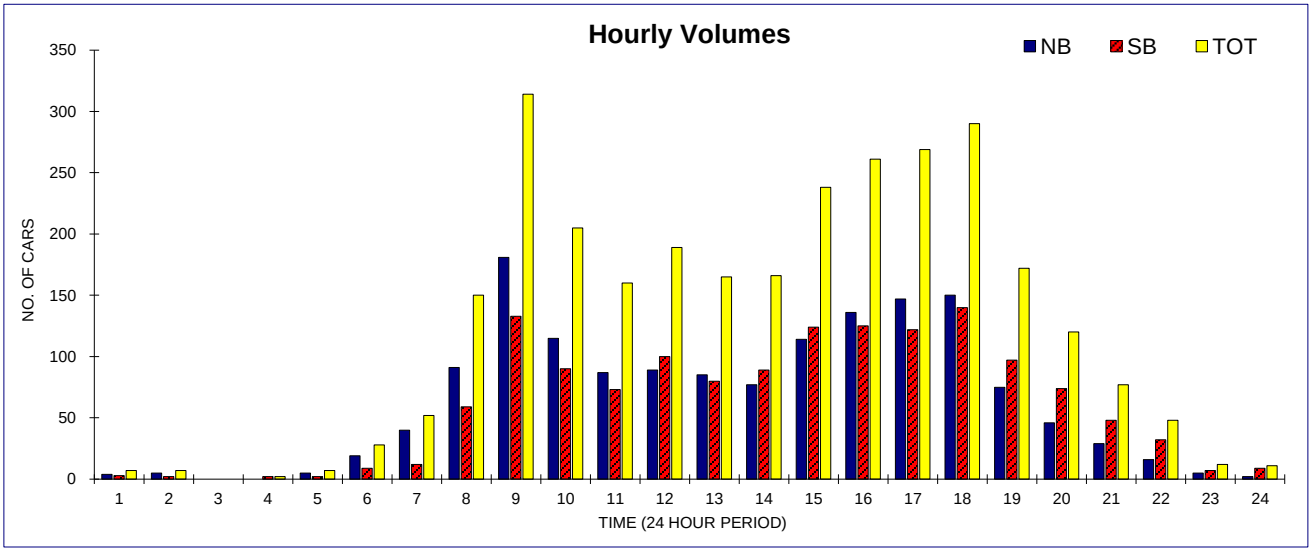
Road No. **4242A**
Name **WALNUT BLVD**

Station **NB: 200' S of SCOTS LANE**
**SB: 200' N of SCOTS LANE**
Date Feb 5, 2020
Day of Week Wednesday

| Counter # | 22 | 20 | | |
|---|---|---|---|---|
| **HOUR** | **NB** | **SB** | **TOT** | **AVG** |
| 00:00 - 01:00 | 4 | 3 | 7 | 4 |
| 01:00 - 02:00 | 5 | 2 | 7 | 4 |
| 02:00 - 03:00 | 0 | 0 | 0 | 0 |
| 03:00 - 04:00 | 0 | 2 | 2 | 1 |
| 04:00 - 05:00 | 5 | 2 | 7 | 4 |
| 05:00 - 06:00 | 19 | 9 | 28 | 14 |
| 06:00 - 07:00 | 40 | 12 | 52 | 26 |
| 07:00 - 08:00 | 91 | 59 | 150 | 75 |
| 08:00 - 09:00 | 181 | 133 | 314 | 157 |
| 09:00 - 10:00 | 115 | 90 | 205 | 103 |
| 10:00 - 11:00 | 87 | 73 | 160 | 80 |
| 11:00 - 12:00 | 89 | 100 | 189 | 95 |
| 12:00 - 13:00 | 85 | 80 | 165 | 83 |
| 13:00 - 14:00 | 77 | 89 | 166 | 83 |
| 14:00 - 15:00 | 114 | 124 | 238 | 119 |
| 15:00 - 16:00 | 136 | 125 | 261 | 131 |
| 16:00 - 17:00 | 147 | 122 | 269 | 135 |
| 17:00 - 18:00 | 150 | 140 | 290 | 145 |
| 18:00 - 19:00 | 75 | 97 | 172 | 86 |
| 19:00 - 20:00 | 46 | 74 | 120 | 60 |
| 20:00 - 21:00 | 29 | 48 | 77 | 39 |
| 21:00 - 22:00 | 16 | 32 | 48 | 24 |
| 22:00 - 23:00 | 5 | 7 | 12 | 6 |
| 23:00 - 24:00 | 2 | 9 | 11 | 6 |
| | == === | == === | == === | |
| **TOTAL** | **1,518** | **1,432** | **2,950** | |

**NB PEAK**
A.M. = 184
08:15 - 09:15
P.M. = 165
16:15 - 17:15

**SB PEAK**
A.M. = 146
08:15 - 09:15
P.M. = 140
17:00 - 18:00



**From:** David Kerns
**To:** Dominique Vogelpohl
**Subject:** RE: 3180 Walnut Blvd Walnut Creek CA by CALIBR Ventures.
**Date:** Tuesday, August 29, 2023 9:32:33 AM

---

Hello Dominique Vogelpohl,

My name is David Kerns. I am very concerned about the proposed subdivision of a single-family parcel to build ten single-family homes located at 3180 Walnut Blvd Walnut Creek CA by CALIBR Ventures.

The proposed development is approximately 500 feet from my residence and 2000 feet from Walnut Heights Elementary [redacted] The proposed development is completely out of character for the surrounding neighborhood. I call on the Commission to reject permit applications for this development for the following reasons:

1) The developer has not provided an adequate public comment period pursuant to CA Government Codes §§ 65585 and §§ 66410 et al.

2) This parcel is a main ecological corridor for wildlife through Walnut Heights to Shell Ridge. Many deer, turkeys, foxes and coyotes can be seen passing through this property on a daily basis. The proposed development will completely disrupt this natural habitat.

3) If completed as planned, this development will result in a significant increase in density, traffic and congestion in an area where elementary school children pass through every school day.

For the safety of our children and the community, please put a halt to this obscene development. I have sent an mail to the planning commission on July 28th, but haven't heard from them yet.

Thank you,
David Kerns

**From:** William Goodwin
**To:** Dominique Vogelpohl
**Subject:** Unincorporated Walnut Creek Second Story
**Date:** Thursday, September 21, 2023 3:52:24 PM

---

Dominique, thank you for your time today!!

The “Second story limitation” issue I was trying to delineate today had to do with a “proximity count” of two story permits given for a particular “area” of the project. As I mentioned previously, I recall my neighbor’s architect noting that the “allotment” of second story addition permits for our particular “area” was almost full following his permit application. (This was for 3141 Walnut Blvd.) (I’m at 3131 Walnut Blvd.)

I’m not sure what ordinance that was referencing, I just recall them talking about it, (this was ~15 years ago).

Thank you for your assistance, --Bill Goodwin--

**From:** Kathleen Ottaviano
**To:** Dominique Vogelpohl
**Subject:** 3180 Walnut Blvd Proposed Project
**Date:** Monday, September 25, 2023 7:52:29 PM

---

Dominique Vogelpohl,

Hello. I live on Nob Hill Drive, near the proposed development on Walnut Blvd. I am writing to let you know that and the planning board know that this project, in my view, is too large for the area. It would be better to have 6 houses maximum. I'm not opposed to housing, we need more single family homes in the county, however, this proposal would negatively impact the feel of the neighborhood.

I appreciate your taking the neighbors view into account when you make your decisions. Again, no more than 6 homes should be built on the property. Also, the entire length of the property on Walnut Blvd should include a side walk.

Regards,
Kathleen Ottaviano
226 A Nob Hill Drive
Walnut Creek, CA 94596

| | |
|---|---|
| **From:** | Jessica C. Guo |
| **To:** | Dominique Vogelpohl |
| **Cc:** | David Kerns |
| **Subject:** | Re: FW: 3180 Walnut Blvd subdivision application #CDSD21-09581 - ZA hearing scheduled for Monday, October 2nd at 130PM |
| **Date:** | Tuesday, September 26, 2023 12:51:12 PM |
| **Attachments:** | image001.png |

Dear Dominique,

Thank you for your quick response, however, I am so surprised to learn this public review already concluded months ago but no one in the neighborhood was aware of it. We will be sure to carefully review documents.

Could you please clarify:

1. Has the land division already been approved?

2. In the October 2 public hearing, will the shortcomings of this report and the lack of Environmental Impact Assessment be addressed?

3. The division of one parcel into ten, in a low density residential area, which is adjacent to the Shell Ridge/Mt.Diablo ecological sensitive area, should be careful considered and not rushed into. Is there any maximum subdivision limit in low density areas by regulation?

Attached are pictures of dear taken in this morning at 3180 WalnutBlvd.

**From:** Kevin Burke
**To:** Dominique Vogelpohl; [redacted]
**Cc:** [redacted]
**Subject:** Contra Costa County community opposition in RCAA"s - 3180 Walnut
**Date:** Wednesday, September 27, 2023 1:17:43 PM

---

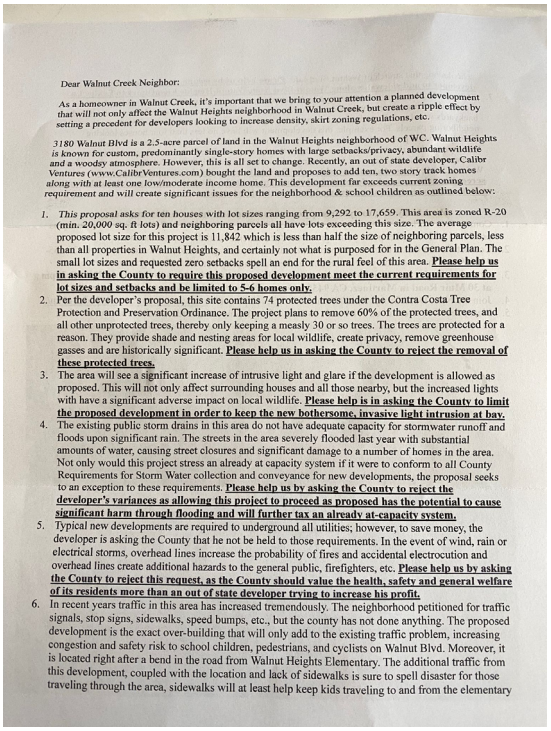
Hi,
A previous letter from East Bay for Everyone asked the County to study the impact of local opposition to higher density housing in Racially Concentrated Areas of Affluence in unincorporated Contra Costa County as part of its Housing Element, pointing to several examples of communities with high concentrations of wealthier, whiter residents organizing to oppose new housing in ways that don't happen in the County's lower income communities with more minorities like Bay Point, Crockett or North Richmond.

I just received this letter in the mail about a proposal to build ten homes on a 2 acre parcel in unincorporated Walnut Creek. I live over a half mile from the proposed development so it is likely a large number of neighbors have been contacted about this. **This is yet another example of extraordinary effort being expended to defeat new housing in the County's racially concentrated areas of affluence**, and one reason why the County may have placed a substantially larger share of its RHNA allocation and additional 2040 General Plan density in lower income areas with more minorities.

We also suggested in our letter that this parcel, **3180 Walnut, would be ideal for rezoning for a higher density**, as it is one of the larger vacant parcels in unincorporated Contra Costa County and would help the County meet both its RHNA and its fair housing goals. As it stands, the 10 unit proposal will provide the first deed restricted affordable unit in this neighborhood probably ever.

Note that **rezoning for a higher density could make it feasible for the developer to provide several of the community benefits the letter is asking for**, including sidewalks, undergrounded utilities and/or traffic calming mitigations.

Thank you,
Kevin Burke

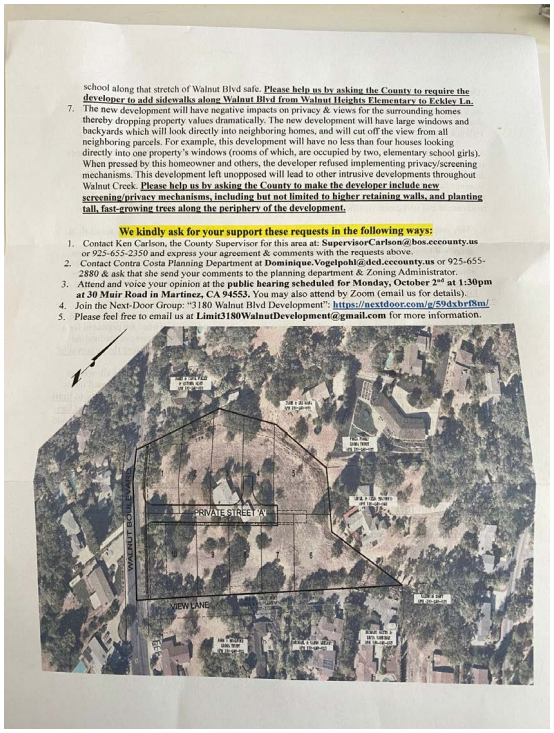


Dear Walnut Creek Neighbor:

As a homeowner in Walnut Creek, it's important that we bring to your attention a planned development that will not only affect the Walnut Heights neighborhood in Walnut Creek, but create a ripple effect by setting a precedent for developers looking to increase density, skirt zoning regulations, etc.

*3180 Walnut Blvd is a 2.5-acre parcel of land in the Walnut Heights neighborhood of WC. Walnut Heights is known for custom, predominantly single-story homes with large setbacks/privacy, abundant wildlife and a woodsy atmosphere.* However, this is all set to change. Recently, an out of state developer, Calibr Ventures (www.CalibrVentures.com) bought the land and proposes to add ten, two story track homes *along with at least one low/moderate income home. This development far exceeds current zoning requirement and will create significant issues for the neighborhood & school children as outlined below:*

1. *This proposal asks for ten houses with lot sizes ranging from 9,292 to 17,659. This area is zoned R-20 (min. 20,000 sq. ft lots)* and neighboring parcels all have lots exceeding this size. The average proposed lot size for this project is 11,842 which is less than half the size of neighboring parcels, less than all properties in Walnut Heights, and certainly not what is purposed for in the General Plan. The small lot sizes and requested zero setbacks spell an end for the rural feel of this area. **Please help us in asking the County to require this proposed development meet the current requirements for lot sizes and setbacks and be limited to 5-6 homes only.**
2. Per the developer's proposal, this site contains 74 protected trees under the Contra Costa Tree Protection and Preservation Ordinance. The project plans to remove 60% of the protected trees, and all other unprotected trees, thereby only keeping a measly 30 or so trees. The trees are protected for a reason. They provide shade and nesting areas for local wildlife, create privacy, remove greenhouse gasses and are historically significant. **Please help us in asking the County to reject the removal of these protected trees.**
3. The area will see a significant increase of intrusive light and glare if the development is allowed as proposed. This will not only affect surrounding houses and all those nearby, but the increased lights with have a significant adverse impact on local wildlife. **Please help is in asking the County to limit the proposed development in order to keep the new bothersome, invasive light intrusion at bay.**
4. The existing public storm drains in this area do not have adequate capacity for stormwater runoff and floods upon significant rain. The streets in the area severely flooded last year with substantial amounts of water, causing street closures and significant damage to a number of homes in the area. Not only would this project stress an already at capacity system if it were to conform to all County Requirements for Storm Water collection and conveyance for new developments, the proposal seeks to an exception to these requirements. **Please help us by asking the County to reject the developer's variances as allowing this project to proceed as proposed has the potential to cause significant harm through flooding and will further tax an already at-capacity system.**
5. *Typical new developments are required to underground all utilities;* however, to save money, the developer is asking the County that he not be held to those requirements. In the event of wind, rain or electrical storms, overhead lines increase the probability of fires and accidental electrocution and overhead lines create additional hazards to the general public, firefighters, etc. **Please help us by asking the County to reject this request, as the County should value the health, safety and general welfare of its residents more than an out of state developer trying to increase his profit.**
6. In recent years traffic in this area has increased tremendously. The neighborhood petitioned for traffic signals, stop signs, sidewalks, speed bumps, etc., but the county has not done anything. The proposed development is the exact over-building that will only add to the existing traffic problem, increasing congestion and safety risk to school children, pedestrians, and cyclists on Walnut Blvd. Moreover, it is located right after a bend in the road from Walnut Heights Elementary. The additional traffic from this development, coupled with the location and lack of sidewalks is sure to spell disaster for those traveling through the area, sidewalks will at least help keep kids traveling to and from the elementary



school along that stretch of Walnut Blvd safe. **Please help us by asking the County to require the developer to add sidewalks along Walnut Blvd from Walnut Heights Elementary to Eckley Ln.**
7. The new development will have negative impacts on privacy & views for the surrounding homes thereby dropping property values dramatically. The new development will have large windows and backyards which will look directly into neighboring homes, and will cut off the view from all neighboring parcels. For example, this development will have no less than four houses looking directly into one property's windows (rooms of which, are occupied by two, elementary school girls). When pressed by this homeowner and others, the developer refused implementing privacy/screening mechanisms. This development left unopposed will lead to other intrusive developments throughout Walnut Creek. **Please help us by asking the County to make the developer include new screening/privacy mechanisms, including but not limited to higher retaining walls, and planting tall, fast-growing trees along the periphery of the development.**

**We kindly ask for your support these requests in the following ways:**

1. Contact Ken Carlson, the County Supervisor for this area at: **SupervisorCarlson@bos.cccounty.us** or *925-655-2350* and express your agreement & comments with the requests above.
2. Contact Contra Costa Planning Department at **Dominique.Vogelpohl@dcd.cccounty.us** or 925-655-2880 & ask that she send your comments to the planning department & Zoning Administrator.
3. Attend and voice your opinion at the **public hearing scheduled for Monday, October 2nd at 1:30pm at 30 Muir Road in Martinez, CA 94553.** You may also attend by Zoom (email us for details).
4. Join the Next-Door Group: "3180 Walnut Blvd Development": **https://nextdoor.com/g/59dxbrf8m/**
5. Please feel free to email us at **Limit3180WalnutDevelopment@gmail.com** for more information.

**From:** Elliot Lowen
**To:** Dominique Vogelpohl
**Cc:** Mary Lowen
**Subject:** The outrageous proposal to develop 3180 Walnut Blvd,, Walnut Creekk, CA 94596
**Date:** Wednesday, September 27, 2023 2:38:57 PM

Hi Dominique,

I am writing to express my outrage at the proposal to develop 3180 Walnut Blvd, Walnut Creek, CA 94596. This development is a disaster waiting to happen.

The proposed development is for 10 houses on a 2.5-acre plot. This is an incredibly high density for a semi-rural area with narrow roads and inadequate infrastructure. This area is already a hodgepodge of city and county-controlled housing, impacting both the City and the county's planning. For example, The developer is asking for exceptions to current development requirements, including the removal of 60% of the protected trees on the property, which as a ripple effect on both the county and city.

This development would have a devastating impact on the neighborhood. The increased traffic would make it even more difficult for residents to enter and exit their driveways, and it would pose a serious safety hazard to students walking to Walnut Heights Elementary School, with the state mandating safe passage. The sewage and drainage systems are already inadequate to serve the current neighborhood, and the additional burden of 10 new homes would be too much. This development would also impact the electrical grid, water supply, and fire protection.

In addition to the practical concerns, this development is also an affront to the existing look and feel of the neighborhood. The high-density housing would be completely out of place in this semi-rural area. The developer has also said that they do not care about privacy mitigation techniques, which means that the new homes would have a significant impact on the privacy of surrounding homeowners.

I urge you to reject this development proposal. It is a bad idea for the neighborhood, the city, and the environment.
Please send my comments to the planning department and zoning administrator.

Sincerely,
Elliott Lowen
4023 Walnut Blvd.
Walnut Creek, CA 94596

In addition to the above, I would like to add that this development is a prime example of how out-of-state developers are exploiting our community. They come in, buy up our land, and then try to cram as many houses as possible onto it, without any regard for the impact on the existing neighborhood or infrastructure.

I urge both you and the City of Walnut Creek to send a strong message to these developers that we will not tolerate their greed and recklessness. Please reject this development proposal and protect our community from further exploitation.

# Attachment 7

# Agency Comments

Contra Costa County
Public Works
Department

Brian M. Balbas, Director
Deputy Directors
Stephen Kowalewski, Chief
Allison Knapp
Warren Lai
Carrie Ricci
Joe Yee

# Memo

July 10, 2023

**TO:** Dominque Vogelpohl, Project Planner, Department of Conservation and Development

**FROM:** Kellen O'Connor, Associate Civil Engineer, Engineering Services Division
By: Anthony DiSilvestre, Staff Engineer, Engineering Services Division

**SUBJECT:** **SUBDIVISION SD21-9581**
**STAFF REPORT & CONDITIONS OF APPROVAL**
(Andy Byde/Walnut Boulevard/Walnut Creek/APN 180-240-002)

**FILE:** SD21-9581

We have reviewed the resubmittal for **subdivision SD21-9581** received by your office on **June 27, 2022**. The attached recommended conditions of approval based on the vesting tentative map include road and drainage requirements. The applicant shall comply with the Ordinance Code requirements as they pertain to this development. The following issues should be carefully considered with this project:

**Background**

The applicant requests approval to subdivide the subject property into 10 lots. The 2.88-acre parcel is located along Walnut Boulevard within the Walnut Creek area of unincorporated Contra Costa County. The site features an existing residence situated on top of a hill centrally located on the property. The site slopes away from the hill with the northern portion sloping north and the southern portion sloping west toward Walnut Boulevard. The Walnut Creek city limit is located west of the site along the centerline of Walnut Boulevard.

**Exception Requests**

On behalf of the applicant, the project engineer submitted two exception requests, one relative to Section 96-10.002 (Exceptions – Underground Utilities) and another to Section 914-12.002. (Detention Basins – Where Permitted). Comments relative to these request are included in the applicable sub-sections of this report.

**Traffic and Circulation**

The site gains access off Walnut Boulevard, a County maintained road. The segment of Walnut Boulevard that fronts the property is approximately 32-feet of pavement within a 50-foot right of way. The ultimate road is intended as 44 feet of pavement within a 64-foot right-of-way. The applicant will be required to dedicate an additional 7 feet of right of way and install curb, a 5-foot

sidewalk pavement widening and appurtenant frontage improvements along the project frontage of Walnut Boulevard. The face of curb shall be located 10 feet from the widened right of way line.

There is an existing power pole located at the southwest corner of the property that will conflict with the required frontage improvements. Section 96-10.002 of the County Ordinance Code requires subdividers to underground utility distribution facilities along the project frontage. The applicant proposes to maintain the pole in its existing place and taper the width of the road as it approaches the pole. On July 7, 2022, our office received an exception request per Chapter 92-6 of said Code, from the requirement to underground existing utilities. The request for exception includes the following responses in support of the finding required for the granting of the exceptions:

1) That there are unusual circumstances or conditions affecting the property.

*The existing utility poles supporting the overhead lines along the frontage of the project contain electric service from PG&E and various utility services including AT&T, Comcast, and Wave Cable. The existing poles have services branching to an unknown number of homes on Walnut Boulevard and View Lane. In addition, the overhead lines connect to the poles at an unusual angle. Undergrounding of the lines would result in new guy wires extending into the front yard of neighboring properties which would significantly impact neighboring properties.*

2) That the exception is necessary for the preservation and enjoyment of the substantial right of the applicant.

*As discussed above, the alignment and angles of the overhead lines connecting to the utility poles present challenges for undergrounding. Additional guy wires and supports will be added encroaching into the neighboring properties that are not a part of this project.*

3) That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

*Leaving the existing overhead utility lines in place will not be detrimental to the public welfare. All services will remain in place as is with minimal disruptions to neighboring properties. The guy wire supports will not encroach into neighboring yards as is the case with undergrounding. In addition, undergrounding the lines crossing Walnut Boulevard will cause a traffic burden on the community during construction.*

Given the existing site conditions, Public Works will not be averse to the granting of this exception to allow the existing facilities to remain overhead, but the existing pole within the ultimate travel way will need to be relocated behind the sidewalk. In the event the western adjacent property redevelops, or the sidewalk is extended as a safe route to the nearby school, the curb alignment and travel way should not be encumbered by a utility pole.

The on-site private road is proposed to be 28 feet wide with a 5-foot sidewalk along one side for a total width of 33 feet. A minimum 35-foot private access and utility easement should be required to include the back of curb and buffer to back of walk for maintenance access. Additional easement width may be necessary to accommodate utility vaults and appurtenances.

**Drainage**

Division 914 of the County Ordinance Code requires that all storm water entering and/or originating on this property to be collected and conveyed, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having a definable bed and banks or to an existing adequate public storm drainage system which conveys the storm water to an adequate natural watercourse.

The applicant is proposing joint use the bioretention basin for detention purposes. The applicant has provided a preliminary hydrologic analysis of the detention basin, which determined that the basin will mitigate peak flows from the site to below pre-project levels. Joint use of the basin is allowed, provided the stormwater treatment function of the basin is not used in the storage volume modeling for the detention function.

Section 914-12.002 of the County Ordinance Code sets the minimum storage volume for detention basins at 15 acre-feet, allowing for use of smaller systems with the approval of Public Works, and establishment of a public maintenance entity. On July 7, 2022, our office received an exception request from this requirement per Chapter 92-6 of said Code to allow a smaller basin to be maintained by the Homeowner's Association (HOA). The exception request includes the following responses in support of the finding required for the granting of the exceptions:

1) That there are unusual circumstances or conditions affecting the property.

*Due to the size of the site (2.88 acres) and the steep existing ground topography, a basin of fifteen acre-feet is impossible to achieve without exporting excessive volume of soil. In addition, the minimal drainage area of the site produces low stormwater runoff flow rates which do not necessitate the large configuration of the basin described in the code.*

2) That the exception is necessary for the preservation and enjoyment of the substantial right of the applicant.

*As discussed above, the site in question cannot accommodate a fifteen-acre-foot basin whiles supporting any kind of development due to the existing topography. Requiring a fifteen-acre-foot basin would be inconsistent with both the State Density Bonus Law and Housing Accountability Act because the requirement would preclude the project at its requested density.*

3) That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

*The purpose of the proposed detention basin is to mitigate additional flows generated by development of the site. By directing stormwater runoff into the basin, the development is reducing the overall flow rates leaving the site alleviating impacts downstream. The basin will be privately maintained in accordance with standard maintenance procedures for bioretention and detention basins.*

Due to the small size of the project site and the lack of public entity to maintain such a facility, Public Works is not averse to the granting of this exception and allowing the HOA to maintain it along with their obligation to maintain the stormwater management aspects of the basin as discussed below.

A preliminary Hydrologic and Hydraulic Analysis was submitted in support of the runoff mitigation claims of the basin design but will be subject to a more thorough review as the project progresses through final design.

**Stormwater Management and Discharge Control**

A Stormwater Control Plan (SWCP) is required for applications that will create and/or redevelop impervious surface area exceeding 10,000 square feet in compliance with the County's Stormwater Management and Discharge Control Ordinance (§1014) and the County's Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit. This project proposes to create and/or redevelop approximately 43,558 square feet of impervious surface with the proposed driveway and single-family homes, which is above the threshold for requiring submittal of a SWCP.

A SWCP Exhibit and Report were submitted for review and is considered adequate for this phase of the project.

**Floodplain Management**

The property does not lie within the Special Flood Hazard Area (100-year flood boundary) as designated on the Federal Emergency Management Agency Flood Insurance Rate Map.

**Lighting District Annexation**

The subject property is not annexed into the lighting district. The property owner will be required, as a condition of approval, to annex into the County Service Area (CSA) L-100 formed for the Countywide Street Light Financing.

**Area of Benefit Fee**

The applicant shall be required to comply with the Bridge/Thoroughfare Fee Ordinance requirements for the Central County Area of Benefit Fee, as adopted by the Board of Supervisors. These fees shall be paid prior to filing the Final Map.

**Drainage Area Fee and Creek Mitigation**

The applicant will be required to comply with the drainage fee requirements for Drainage Area 8 as adopted by the Board of Supervisors. This fee shall be paid prior to filing the Final Map.

Should you have any questions, please contact Anthony DiSilvestre at extension (925) 313-2262 or anthony.disilvestre@pw.cccounty.us, or Kellen O'Connor at extension (925) 313-2278 or kellen.o'connor@pw.cccounty.us.

KO:AD:ss
\\PW-DATA\grpdata\engsvc\Land Dev\SD\SD 9581\Staff Report & COAs SD21-9581.docx
cc: J. LaRocque, Engineering Services
L. Gossett, Engineering Services
K. O'Connor, Engineering Services
A. DiSilvestre, Engineering Services
John Bagot, *owner*
1302 Benedict Court,
Pleasanton, CA 94566
Andy Byde, *applicant*
1908 Cambridge Place
Walnut Creek, CA 94598

# Recommended Conditions of Approval

**PUBLIC WORKS RECOMMENDED**
**CONDITIONS OF APPROVAL FOR PERMIT SD21-9581**

**COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO FILING OF THE FINAL MAP.**

**General Requirements:**

- In accordance with Section 92-2.006 of the Ordinance Code, this subdivision shall conform to all applicable provisions of the Subdivision Ordinance (Title 9). Any exceptions therefrom must be specifically listed in this conditional approval statement. The drainage, road and utility improvements outlined below shall require the review and approval of the Public Works Department and are based on the vesting tentative map received by the Department of Conservation and Development, Community Development Division, on June 27, 2022.

- Applicant shall submit improvement plans prepared by a registered civil engineer to the Public Works Department and pay appropriate fees in accordance with the County Ordinance and these conditions of approval. The below conditions of approval are subject to the review and approval of the Public Works Department.

**Roadway Improvements (Walnut Boulevard):**

- Applicant shall construct curb, 5-foot sidewalk, necessary longitudinal and transverse drainage, street lighting, and pavement widening and transitions along the frontage of Walnut Boulevard. Applicant shall construct face of curb 10 feet from the widened right of way line.

- Applicant shall construct a street type connection with 20-foot radii curb returns in lieu of standard driveway depressions at intersection of Walnut Boulevard and Private Street A.

**Road Dedications:**

- Property owner(s) shall convey to the County, by Offer of Dedication, 7 feet of right-of-way for the planned future width of 64 feet along the Walnut Boulevard frontage.

**Access to Adjoining Property:**

Proof of Access

- Applicant shall furnish proof to the Public Works Department of the acquisition of all necessary rights of way, rights of entry, permits and/or easements for the construction of off-site, temporary or permanent, public and private road and drainage improvements.

Encroachment Permit

- Applicant shall obtain an encroachment permit from the Public Works Department, if necessary, for construction of driveways or other improvements within the right-of-way of Walnut Boulevard.

- Applicant shall obtain an encroachment or other applicable permits from the City of Walnut Creek, if necessary, for construction of off-site utilities our improvements within the corporate limits of the City of Walnut Creek.

**Abutter's Rights**

- Applicant shall relinquish abutter's rights of access along the Walnut Boulevard frontage with the exception of the proposed private road intersection.

**Sight Distance:**

- Applicant shall provide sight distance at the private road intersection with Walnut Blvd. for a design speed of 40 miles per hour.

**Private Roads:**

- Applicant shall construct an on-site roadway system to current County private road standards with a travel width of 28 feet, and a 5-foot sidewalk monolithic to the curb. These improvements shall be located within a minimum 35-foot private access and utility easement. Additional easement width may be necessary to accommodate utility boxes, vaults, etc.

**Parking:**

- Parking shall be prohibited on one side of on-site roadways where the curb-to-curb width is less than 36 feet and on both sides of on-site roadways where the curb-to-curb width is less than 28 feet. "No Parking" signs shall be installed along these portions of the roads subject to the review and approval of the Public Works Department.

**Countywide Street Lights Financing:**

- Property owner(s) shall annex to the Community Facilities District (CFD) 2010-1 formed for Countywide Street Light Financing. Annexation into a streetlight service area does not include the transfer of ownership and maintenance of street lighting on private roads.

**Utilities/Undergrounding:**

- Applicant shall underground all new and existing utility distribution facilities, including those along the frontage of Walnut Boulevard Applicant shall provide joint trench composite plans for the underground electrical, gas, telephone, cable television and communication conduits and cables including the size, location and details of all trenches, locations of building utility service stubs and meters and placements or arrangements of junction structures as a part of the Improvement Plan submittals for the project. The composite drawings and/or utility improvement plans shall be signed by a licensed civil engineer.

Exceptions (Subject to Advisory Agency findings and approval)

Applicant is granted an exception from the utility undergrounding requirement of the Ordinance Code by the advisory agency as provided for in 92-6.002 of said Code. This exception is specific to the Walnut Boulevard frontage and does not preclude relocation of exiting overhead utilities in conflict with required street improvements. because of the several parcels involved and the nature of the area.

**Maintenance of Facilities:**

- The maintenance obligation of all common and open space areas, private roadways, any private streetlights, public and private landscaped areas, perimeter walls/fences, and on-site drainage facilities shall be included in the covenants, conditions, and restrictions (CC&Rs). The language shall be submitted for the review and approval of the Zoning Administrator and Public Works Department at least 60 days prior to filing of the Final Map.

**Drainage Improvements:**

Collect and Convey

- Applicant shall collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage facility, to a natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the stormwater to a natural watercourse, in accordance with Division 914 of the Ordinance Code. Applicant shall verify the adequacy at any downstream drainage facility accepting stormwater from this project prior to discharging runoff. If the downstream system(s) is inadequate to handle the existing and project condition for the required design storm event, applicant shall construct improvements to make the system adequate. Applicant shall obtain access rights to make any necessary improvements to off-site facilities.

Detention Basin

- The proposed joint use of the drainage basin for both stormwater management, and peak runoff rate reduction will be allowed provided the stormwater management aspects of the basin are not included in the storage volume accounting relative to detention basin routing.

Exceptions (Subject to Advisory Agency findings and approval)

Applicant is granted an exception from the public entity maintenance requirement of the Ordinance Code by the advisory agency as provided for in 92-6.002 of said Code. The maintenance obligation relative to the detention/stormwater management basin will be satisfied in the CC&Rs and Stormwater Maintenance Operation and Maintenance Agreement and Plan.

**Miscellaneous Drainage Requirements:**

- Applicant shall design and construct all storm drainage facilities in compliance with the Ordinance Code and Public Works Department design standards.

- Applicant shall prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.

- A private storm drain easement, conforming to the width specified in Section 914-14.004 of the County Ordinance Code, shall be dedicated over any proposed storm drain line that serves or traverses more than one lot or parcel.

**National Pollutant Discharge Elimination System (NPDES):**

- The applicant shall be required to comply with all rules, regulations, and procedures of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, or any of its Regional Water Quality Control Boards San Francisco Bay - Region II.

  Compliance shall include developing long-term best management practices (BMPs) for the reduction or elimination of stormwater pollutants. The project design shall incorporate wherever feasible, the following long-term BMPs in accordance with the Contra Costa Clean Water Program for the site's stormwater drainage:

  - Minimize the amount of directly connected impervious surface area.
  - Install approved full trash capture devices on all catch basins (excluding catch basins within bioretention area) as reviewed and approved by Public Works Department. Trash capture devices shall meet the requirements of the County's NPDES Permit.
  - Place advisory warnings on all catch basins and storm drains using current storm drain markers.
  - Offer pavers for household driveways and/or walkways as an option to buyers.
  - Construct concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
  - Other alternatives comparable to the above as approved by the Public Works Department.

**Stormwater Management and Discharge Control Ordinance:**

- The applicant shall submit a final Storm Water Control Plan (SWCP) and a Stormwater Control Operation and Maintenance Plan (O+M Plan) to the Public Works Department, which shall be reviewed for compliance with the County's National Pollutant Discharge Elimination System (NPDES) Permit and shall be deemed consistent with the County's Stormwater Management and Discharge Control Ordinance (§1014) prior to filing of the Final Map. All time and materials costs for review and preparation of the SWCP and the O+M Plan shall be borne by the applicant.

- Improvement plans shall be reviewed to verify consistency with the final SWCP and compliance with Provision C.3 of the County's NPDES Permit and the County's Stormwater Management and Discharge Control Ordinance (§1014).

- Stormwater management facilities shall be subject to inspection by the Public Works Department; all time and materials costs for inspection of stormwater management facilities shall be borne by the applicant.

- Prior to filing of the Final Map, the property owner(s) shall enter into a Stormwater Management Facility Operation and Maintenance Agreement with Contra Costa County, in which the property owner(s) shall accept responsibility for and related to the operation and maintenance of the stormwater facilities, and grant access to relevant public agencies for inspection of stormwater management facilities.

- Prior to filing of the Final Map, the property owner(s) shall annex the subject property into Community Facilities District (CFD) No. 2007-1 (Stormwater Management Facilities), which funds responsibilities of Contra Costa County under its NPDES Permit to oversee the ongoing operation and maintenance of stormwater facilities by property owners.

- Any proposed water quality features that are designed to retain water for longer than 72 hours shall be subject to the review of the Contra Costa Mosquito & Vector Control District.

**Drainage Area Fee Ordinance:**

- Applicant shall comply with the drainage fee requirements for Drainage Area 8 as adopted by the Board of Supervisors prior to initiation of the use requested with this application. This fee shall be paid prior to filing of the Final Map.

**ADVISORY NOTES**

- Applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Central County Area of Benefit as adopted by the Board of Supervisors. Payment is required prior to issuance of a building permit.

- Although the Stormwater Control Plan has been determined to be preliminarily complete, it remains subject to future revision, as necessary, during preparation of improvement plans in order to bring it into full compliance with C.3 stormwater requirements. Failure to update the SWCP to match any revisions made in the improvement plans may result in a substantial change to the County approval, and the project may be subject to additional public hearings. Revisions to California Environmental Quality Act (CEQA) documents may also be required. This may significantly increase the time and applicant's costs associated with approval of the application.

CONTRA COSTA COUNTY
**DEPARTMENT OF CONSERVATION AND DEVELOPMENT**
COMMUNITY DEVELOPMENT DIVISION
30 Muir Road
Martinez, CA 94553-4601
Phone: 925-655-2700
Fax: 925-655-2758

# AGENCY COMMENT REQUEST

Date 6-28-21

We request your comments regarding the attached application currently under review.

*DISTRIBUTION*

INTERNAL

- ✔ Building Inspection
- Grading Inspection
- Advance Planning
- ✔ Housing Programs
- ✔ Trans. Planning
- Telecom Planner
- ALUC Staff
- HCP/NCCP Staff
- APC PW Staff
- ✔ County Geologist

HEALTH SERVICES DEPARTMENT

- ✔ Environmental Health
- Hazardous Materials

PUBLIC WORKS DEPARTMENT

- ✔ Engineering Services (1 Full-size + 3 email Contacts)
- Traffic
- Flood Control (Full-size)
- Special Districts

LOCAL

- ✔ Fire District _____
  - San Ramon Valley – (email) rwendel@srvfire.ca.gov
  - ✔ Consolidated – (email) fire@cccfpd.org
  - East CCC – (email) brodriguez@eccfpd.org
- ✔ Sanitary District CENTRAL SANITARY
- ✔ Water District EBMUD
- ✔ City of WALNUT CREEK
- ✔ School District(s) Walnut Creek; Acalanes High
- LAFCO
- Reclamation District #_____
- East Bay Regional Park District
- Diablo/Discovery Bay/Crockett CSD
- MAC/TAC_____
- Improvement/Community Association
- ✔ CC Mosquito & Vector Control Dist (email)

OTHERS/NON-LOCAL

- ✔ CHRIS (email only: nwic@sonoma.edu)
- CA Fish and Wildlife, Region 3 – Bay Delta
- Native American Tribes

ADDITIONAL RECIPIENTS

_____

_____

*Please submit your comments to:*

Project Planner Dominique Vogelpohl
Phone # 925-655-2880
E-mail dominique.vogelpohl@dcd.cccounty.u
County File # CDSD21-09581

Prior to July 22, 2021

* * * * *

We have found the following special programs apply to this application:

- Active Fault Zone (Alquist-Priolo)
- Flood Hazard Area, Panel #_____
- 60-dBA Noise Control
- CA EPA Hazardous Waste Site

* * * * *

**AGENCIES:** Please indicate the applicable code section for any recommendation required by law or ordinance. Please send copies of your response to the Applicant and Owner.

Comments: ✔ None Below Attached

Print Name Abed Chowdhury

7/28/21
Signature DATE

Agency phone # 925-655-2821

**3180 Walnut Boulevard, Walnut Creek**

**Vesting Tentative Map SD21-9581**

**Recommended Conditions of Approval for County Inclusionary Housing Ordinance and State Density Bonus Request**

**Inclusionary Housing Ordinance**

1. This project is subject to County Ordinance Code, Chapter 822-4, Inclusionary Housing Ordinance. Terms and definitions regarding the Inclusionary Housing Ordinance are pursuant to this chapter. Pursuant to Section 822-4.402(b) of the County Ordinance Code, a residential development of five or more for-sale units shall require at least fifteen percent of the for-sale units to be developed and sold as affordable units. At least twenty percent of the inclusionary units shall be sold at an affordable price to lower-income households. The remaining units shall be sold to moderate-income families at an affordable price.

**For-Sale Inclusionary Housing and Partial In-Lieu Fee**

2. The applicant, owner, and/or developer (Applicant) is required to construct 1.35 affordable units (9 total base units x 0.15 of total = 1.35 units) for the project. The Applicant has submitted a revised project proposal that included an Inclusionary Housing Plan and density bonus request dated March 22, 2022, that proposed to construct one for-sale moderate income inclusionary unit (affordable to households with an income up to 120% of Area Median Income) on Lot 4 of the property. The unit on Lot 4 is an approximately 2,533-square-foot single-family detached home consisting of four bedrooms. The one moderate-income unit proposed for compliance with the Inclusionary Housing Ordinance requirements is the same moderate-income unit required for compliance with the Density Bonus request. This unit may be referenced as inclusionary unit, density bonus unit, or both in these conditions. The requirements for the one moderate-income unit must comply with both the Inclusionary Housing Ordinance and State Density Bonus law, and the most restrictive requirements would apply.

   The Applicant has proposed to pay a partial in-lieu fee for the fractional 0.35 inclusionary unit, and the County has accepted this proposal. The current calculation of the partial in-lieu fee for the fractional inclusionary unit is $15,444.00. The final calculation of the in-lieu fee will be calculated upon payment. This in-lieu fee is non-refundable and non-transferable. A partial in-lieu fee of $15,444.00 will be paid for the fractional .35 unit (.35 = 26% of the fee total of $59,401. 26% of this fee = $15,444.00)

**Density Bonus Request**

3. The Applicant submitted a revised project description which included a density bonus request dated March 22, 2022, which proposed constructing ten percent of the total dwelling units of a housing development where all units are offered to the public for purchase. The Applicant proposed constructing one moderate-income unit, constituting eleven percent of the total for-sale units in the development.

Density Bonus – Concession or Incentive

Pursuant to Government Code 65915(d), the Applicant may request one project concession or incentive for providing eleven percent (one unit) for moderate-income units of the total units within the for-sale housing development. The Applicant requested the concession to utilize gross acreage to calculate the maximum density allowed for the site instead of using the net acreage as required in the general plan.

The County accepted the Applicant's request to use gross acreage when calculating the maximum base density allowed on the property and density bonus. This allowed for a maximum base density of nine units instead of eight units, a six percent density bonus (one unit) for ten units in the housing development.

Density Bonus – Reduction in Development Standards

Pursuant to Government Code 65915(e), the Applicant proposed a waiver or reduction of the following development standards:

- Lot Area – where the County Ordinance Code requires a minimum parcel size of 20,000 square feet, the proposed lot sizes range from 9,292 to 17,659 square feet.

- Lot Width – where the County Ordinance Code requires a minimum average lot width of 120 feet, the proposed average lot widths range from 66.4 to 138.8 feet.

- Lot Depth – where the County Ordinance Code requires a minimum of 120 feet in depth, the proposed lot depths range from 127.2 to 174.1 feet. The lot depths for all proposed lots comply with the minimum requirement as proposed.

- Retaining Wall Structure Setbacks – where the County Ordinance Code considers all retaining walls over three feet as a structure that must meet all setback requirements, the proposed retaining wall setback is 0 feet on all lots.

The following is a summary table of the proposed reductions in development standards.

| 3180 Walnut Blvd. Proposed Alternative Development Standards | | | | | | |
|---|---|---|---|---|---|---|
| Lot # | Area (20,000 Sq. Ft.) | Depth (120 Ft. Min.) | Average Width (120 Ft. Min.) | Front Yard Setback (25 feet) | Side Yard Setback (35 feet aggregate, no yard less than 15 feet) | Retaining Walls 6' or less |
| Lot 1 | 9,645 | 145.3' | 66.4' | 20 feet | 15 feet aggregate, (no yard less than 5 feet) | 0' |
| Lot 2 | 10,889 | 168.6' | 64.6' | 20 feet | 15 feet aggregate, (no yard less than 5 feet) | 0' |
| Lot 3 | 11,731 | 174.1' | 67.4' | 20 feet | 15 feet aggregate, (no yard less than 5 feet) | 0' |
| Lot 4 | 10,764 | 150.6' | 71.5' | 20 feet | 15 feet aggregate, (no yard less than 5 feet) | 0' |
| Lot 5 | 13,270 | 132.0' | 100.5' | 20 feet | 15 feet aggregate, (no yard less than 5 feet) | 0' |
| Lot 6 | 17,659 | 127.2' | 138.8' | 20 feet | 15 feet aggregate, (no yard less than 5 feet) | 0' |
| Lot 7 | 9,292 | 130.9' | 71.0' | 20 feet | 15 feet aggregate, (no yard less than 5 feet) | 0' |
| Lot 8 | 9,555 | 134.5' | 71.0' | 20 feet | 15 feet aggregate, (no yard less than 5 feet) | 0' |
| Lot 9 | 9,819 | 138.2' | 71.0' | 20 feet | 15 feet aggregate, (no yard less than 5 feet) | 0' |
| Lot 10 | 15,797 | 141.3' | 111.8' | 20 feet | 15 feet aggregate, (no yard less than 5 feet) | 0' |

**Inclusionary Housing and Density Bonus Developer Agreement**

4. **At least 90 days before the recordation of the Final Map, Parcel Map, or CDD stamp-approval of plans for issuance of building permits or grading permits for any portion of the residential development, whichever comes first**, the Applicant shall execute an Inclusionary Housing and Density Bonus Housing Agreement (Agreement), form to be provided by the County, with the County pursuant to Chapter 822-4 Inclusionary Housing, Chapter 822-2 Density Bonus, and Government Code 95915 to ensure that the property will be deed restricted for one unit to be affordable and sold to a moderate income household. The 90-day period allows for the preparation, County approval, and recordation of the Agreement prior to the milestones referenced above.

   To initiate the County to prepare and execute an Agreement, the Applicant must file a condition of approval compliance review application accompanied by the appropriate fees, documents, and exhibits listed in the most recent Inclusionary Housing Plan Checklist and/or Density Bonus Plan Checklist. The Agreement must be submitted to the Board of Supervisors before execution by all parties and recordation.

   The Agreement will establish the process for determining the unit's maximum sales price, buyer eligibility, and additional program details as referenced in Chapter 822-4, Inclusionary Housing Ordinance, and Government Code 65915.

   A detailed timeline for the project, including the project's construction, marketing, the Applicant accepting and reviewing applications from qualified households, and the sale of the inclusionary unit.

**General**

5. The following are general terms for granting a density bonus and compliance with the Inclusionary Housing Ordinance.

   a. The Applicant hereby represents warrants and covenants that will cause the Agreement to be recorded in the real property records of Contra Costa County, California, and other places the County may reasonably request. The Applicant shall pay fees incurred with any such recording. The recording of the Agreement shall occur after the acceptance of the document by the County and before the recordation of the Final Map, Parcel Map, or CDD stamp-approval of plans for issuance of building permits or grading permits for any portion of the residential development, whichever comes first.

   b. The one inclusionary unit in the project shall be available for sale to members of the general public who are income eligible. The Applicant shall not give preference to any particular class or group of persons in selling the units, except that the units must be sold to a household with income no higher than 120% of the Area Median Income. There shall be no discrimination against or segregation of any person or group of persons on account of race, color, creed, religion, sex, sexual orientation, marital status, national origin, source of

income (e.g., SSI), age (except for lawful senior housing), ancestry, or disability, in the sale of the unit in the project nor shall the Applicant or any person claiming under or through the Applicant, establish or permit any such practice or practices of discrimination or segregation concerning the selection, location, number, use or occupancy of homeowners of any unit in connection with employment of persons for construction of the project.

c. The County will provide the Applicant with income certification forms to be completed by the potential homebuyers. The income levels of all moderate-income household applicants for the inclusionary/density bonus unit shall be pre-certified by the Applicant (or subsequent holder of the Agreement(s)) prior to submittal to the County for review and approval.

d. Upon violating any of the Agreement's provisions by the Applicant, the County may give written notice to the Applicant specifying the nature of the breach. If the violation is not corrected to the satisfaction of the County within a reasonable period, not longer than thirty (30) days after the date the notice is deemed received, or within such further time as the County determines is necessary to correct the violation, the County may declare a default under the Agreement. Upon declaration of a default or if the County determines that the Applicant has made any misrepresentation in connection with receiving any benefits under this Agreement, the County may apply to a court of competent jurisdiction for such relief at law or in equity as may be appropriate.

**Term of Affordability**

6. The inclusionary unit shall be deed-restricted so that if the home is sold within forty-five (45) years, it must be sold at an affordable sales price to a moderate-income household. The inclusionary unit shall be deed-restricted upon sale to ensure the continued affordability of this unit for the required term of affordability in accordance with Government Code 65915.

**Development Standards**

7. The inclusionary unit must be constructed and finished in compliance with the approved Inclusionary Housing Plan. The unit is subject to the standards of Section 822.4.412 of the County Ordinance.

    a. The inclusionary unit must be constructed and occupied before or concurrently with the market rate units within the same residential development. A hold will be placed on the final inspection/occupancy for all building permits issued within the subdivision to ensure that the inclusionary/density bonus unit meets this requirement.

    b. The average number of bedrooms for the inclusionary unit must be equivalent to the average number of bedrooms for market-rate units within the same residential development.

**Marketing and Homebuyer Selection**

8. It is anticipated that the Applicant will construct all project units and market them before construction completion. The Applicant shall submit documentation and other information to the County for review and approval **at least 90 days prior to construction completion and prior to the Applicant's request for a final building inspection and final occupancy of the building.** The documentation and information required for review and approval are listed in the most recent Inclusionary Housing Plan Checklist or Density Bonus Plan Checklist and include, but are not limited to, the following:

    a. Marketing Plan
    b. Homebuyer Selection Plan. The homebuyer selection plan should include a provision for a lottery process for the inclusionary/density bonus unit.
    c. Marketing Materials, including translated Marketing Materials in Spanish and Chinese.

    In addition to other marketing efforts proposed by the Applicant in the marketing plan, the inclusionary unit shall be marketed through local, non-profit, social service, faith-based, and other organizations with potential buyers as clients or constituents. Marketing materials shall be made available online for at least one month before the first sale and shared with County Housing staff to promote to its mailing lists. The Applicant shall translate marketing materials, and the marketing plan shall be submitted to the Department of Conservation and Development before marketing the inclusionary housing unit.

    Marketing may also include publicity through local television and radio stations as well as local newspapers, including the Contra Costa Times, Classified Flea Market, El Mensajero, La Opinion, Thoi Bao Magazine, Berkeley/Richmond/San Francisco Posts, Korea Times, El Mundo, Hankook Il Bo, and the Sing Tao Daily.

9. The developer shall refer all qualified homebuyers to a HUD Homebuyer Counselor prior to the sale of the inclusionary unit.

**For-Sale Inclusionary/Density Bonus Unit Restrictions**

10. The initial sale of a for-sale inclusionary unit shall occur only to a household that meets the following criteria:

    a. The household has not owned a residence within the previous three years; and

    b. The household has no more than two hundred fifty thousand dollars in assets. The amount excludes assets reserved for a down payment and closing costs, assets in retirement savings accounts, and medical savings accounts.

    c. The purchaser of the for-sale inclusionary/density bonus unit must agree to occupy the dwelling unit as their principal residence.

    d. The term of affordability for the inclusionary/density bonus unit is 45 years.

The for-sale inclusionary unit may be resold after the initial sale to a moderate-income purchaser at a moderate-income sales price.

If a moderate-income purchaser cannot be found after diligently marketing the unit widely and after a period determined by DCD, the unit may be sold to an above-moderate-income purchaser at a market price, provided that the sale results in a recapture by the County of financial interest in the unit equal to the sum of:

The difference between the initial affordable sales price and the appraised market value of the unit at the time of the initial sale; and

The County's proportionate share of any appreciation since the time of the initial sale. Appreciation is the difference between the resale price to the above-moderate-income purchaser and the appraised market value at the initial sale. The County's proportionate share of appreciation is equal to the percentage by which the initial affordable sales price was less than the appraised market value at the time of the initial sale.

**Prequalification of Homebuyers and Compliance Review**

11. The Applicant is responsible for marketing and prequalifying potential homebuyers for income qualification. The Applicant shall submit for DCD's review and prequalification prior to the initial sale of the inclusionary/density bonus unit, and the Applicant shall submit to the Department of Conservation and Development for review and approval, all forms, and documentation demonstrating that the buyer of the unit is qualified as a moderate-income household. A hold shall be placed on the final inspection/ occupancy of all building permits associated with the construction of the residences in the project until documentation has been deemed adequate by the Department of Conservation and Development.

    To initiate this prequalification review, the applicant must file a COA Compliance Review Application if there is no open compliance review application for this project.

12. The Applicant is responsible for keeping the Department of Conservation and Development informed of the contact information of the owner or designee responsible for maintenance and compliance with this permit and how they may be contacted (i.e., mailing addresses, email addresses, and telephone numbers) at all times.

    a. Prior to the recordation of the Final Map, Parcel Map, or CDD stamp-approval of plans for issuance of building permits or grading permits for any portion of the residential development, whichever comes first, and with filing a condition of approval compliance review, the Applicant shall provide the name of the contact representing the property owner for permit compliance and their contact information.

    b. Should the contact subsequently change (e.g., new designee or owner), within 30 days of the change, the Applicant shall issue a letter to the Department of Conservation and Development with the name of the new party who has been assigned permit compliance responsibility and their contact information. Failure to satisfy this condition may result in the commencement of procedures to revoke the permit.

**CONTRA COSTA COUNTY**
**DEPARTMENT OF CONSERVATION & DEVELOPMENT**
30 Muir Road
Martinez, CA 94553
**Telephone:** (925) 655-2709 **Fax:** (925) 655-2750

**TO:** Dominique Vogelpohl, Project Planner

**FROM:** Robert Sarmiento, Transportation Planning Section RS

**DATE:** February 18, 2022

**SUBJECT:** **3180 Walnut Boulevard (SD21-09581)**

The Transportation Planning Section has reviewed the subject project. Comments are below; in summary, the comments pertain to sidewalks. Please let me know if you have any questions.

## Background

The project is subject to the following policies:

**Vehicle Miles Traveled (VMT)**: On June 23, 2020, in compliance with SB 743 (2013), the Board of Supervisors adopted Transportation Analysis Guidelines (TAG)[1], which defines the County's approach to analyzing VMT impacts from certain projects. As a result of SB 743, VMT is the metric used to define transportation impacts in a CEQA review.

**Level of Service (LOS)**: The County and the Contra Costa Transportation Authority (CCTA) require an LOS analysis in order to comply with the Growth Management Program. CCTA maintains the Technical Procedures Manual[2], which defines the approach to analyzing LOS impacts from certain projects. While LOS is no longer considered an impact under CEQA, SB 743 does allow local jurisdictions to maintain LOS-based policies and standards.

**Contra Costa Complete Streets Policy[3]:** In July 2016, the County adopted the Complete Streets Policy, which ensures that the needs of travelers of all ages and abilities, in a wide variety of travel modes, are considered in all planning, programming, design, construction, operations, and maintenance activities.

## Comments

1. The project will not require a VMT analysis, based on the following:

   ***Project Characteristics***

[1] County Transportation Analysis Guidelines (TAG): link
[2] CCTA Technical Procedures: https://ccta.net/wp-content/uploads/2018/12/Final_Technical_Procedures_Full_Jan2013-1.pdf
[3] Complete Streets Policy:
2016: Complete Streets Resolution link, CS Policy Final Draft link

- Number of Residential Units: 10 units

***VMT Screening Criteria***

- Projects of 20 residential units or less

2. The project will not require an LOS review, based on the following:

   ***Estimated Trip Generation***
   Peak-Hour Trips (based on ITE Category: "Single-Family Detached Housing" land use (Code 210)): 7/10 AM/PM Peak Hour Trips

   ***Threshold for Review***
   From CCTA's Technical Procedures:
   *1.6 Traffic Impact Analysis: The analysis should be conducted for projects that exceed a trip generation threshold of 100 net new peak hour vehicle trips.*
   From the County's TAG:
   *Applicants may be required to prepare a LOS operational analysis if any of the following apply to a proposed project…Development project that adds 50 or more net new peak hour vehicle trips to an intersection.*

3. Consistent with the County's Complete Street Policy, Transportation Planning staff recommends that the project provides sidewalk(s) on the internal private street.

# *Contra Costa County* *Fire Protection District*

July 22, 2021

Ms. Vogelpohl
Department of Conservation and Development
30 Muir Rd.
Martinez, CA 94553

***Subject:*** 10 Lot Residential Subdivision
3180 Walnut Blvd. Walnut Creek
Project # CDSD21-09581
**CCCFPD Project No.: P-2021-03810**

Dear Ms. Vogelpohl:

We have reviewed the major subdivision application to establish a 10 lot residential subdivision at the subject location. The following is required for Fire District approval in accordance with the 2019 California Fire Code (CFC), the 2019 California Building Code (CBC), the 2019 California Residential Code (CRC), and Local and County Ordinances and adopted standards:

1. The Contra Costa County Fire Protection District has development impact fees established in the unincorporated County. Projects within the development impact areas will need to pay the fees prior to Building Permit issuance.

2. Access as shown appears to comply with Fire District requirements.

   Provide emergency apparatus access roadways with all-weather (paved) driving surfaces of not less than 20-feet unobstructed width, and not less than 13 feet 6 inches of vertical clearance, to within 150 feet of travel distance to all portions of the exterior walls of every building. Access shall have a minimum outside turning radius of 45 feet, and must be capable of supporting the imposed fire apparatus loading of 37 tons. Access roadways shall not exceed 20% grade. Grades exceeding 16% shall be constructed of grooved concrete per the attached Fire District standard. (503) CFC

3. Access roadways of **less than 28-feet** unobstructed width shall have signs posted or curbs painted red with the words ***NO PARKING – FIRE LANE*** clearly marked. (22500.1) CVC, (503.3) CFC

   Access roadways of **28 feet or greater, but less than 36-feet** unobstructed width shall have ***NO PARKING – FIRE LANE*** signs posted, allowing for parking on one side only or curbs painted red with the words ***NO PARKING – FIRE LANE*** clearly marked. (22500.1) CVC, (503.3) CFC

4. Turnaround as shown appears to comply with Fire District requirements. *See CCCFPD Ordinance 2019-37 for approved design.*

5. The developer shall provide an adequate and reliable water supply for fire protection with a minimum fire flow of 1000 GPM. Required flow must be delivered from not more than 1

hydrant flowing for a duration of 120 minutes while maintaining 20-pounds residual pressure in the main. (507.1), (B105) CFC

6. The developer shall provide 1 hydrant of the East Bay type in compliance with Chapter 5 and Appendix B and C of the California Fire Code. The proposed location is not acceptable to the Fire District. Placement of the hydrant shall be near the lot line of lots 7 and 8. (C103.1) CFC

7. A land development permit is required for access and water supply review and approval prior to submitting building construction plans.

   The developer shall submit a minimum of two (2) copies of full size, scaled site improvement plans indicating:

   All existing or proposed hydrant locations,
   Fire apparatus access,
   Elevations of building,
   Size of building and type of construction,
   Gates, fences, retaining walls, bio-retention basins, any obstructions to access.
   Striping and signage plan to include "NO PARKING-FIRE LANE" signage

   ***This is a separate submittal from the building construction plans. These plans shall be approved prior to submitting building plans for review.*** (501.3) CFC

8. ***Emergency apparatus access roadways and hydrant shall be installed, in service, and inspected by the Fire District prior to construction or combustible storage on site.*** (501.4) CFC

   ***Note:*** A temporary aggregate base or asphalt grindings roadway is not considered an all-weather surface for emergency apparatus access. The first lift of asphalt concrete paving shall be installed as the minimum roadway material and must be engineered to support the designated gross vehicle weight of 37 tons.

9. The homes as proposed shall be protected with an approved automatic fire sprinkler system complying with the 2016 edition of NFPA 13D or Section R313.3 of the 2019 California Residential Code. Submit a minimum of two (2) sets of plans to this office for review and approval prior to installation. (903.2) CFC, (R313.3) CRC, Contra Costa County Ordinance 2019-37.

10. The developer shall provide traffic signal pre-emption systems (Opticom) on any new or modified traffic signals installed with this development. (21351) CVC

11. Flammable or combustible liquid storage tanks shall ***not*** be located on the site without obtaining approval and necessary permits from the Fire District. (3401.4) CFC

12. The owner shall cut down and remove all weeds, grass, vines, or other growth that is capable of being ignited and endangering property. (304.1.2) CFC

13. Development on any parcel in this subdivision shall be subject to review and approval by the Fire District to ensure compliance with minimum requirements related to fire and life safety. Submit three (3) sets of plans to the Fire District prior to obtaining a building permit. (501.3) CFC

14. The owner or the owner's authorized agent shall be responsible for the development, implementation and maintenance of a written plan establishing a fire prevention program at the project site applicable throughout all phases of the construction. The plan shall be made available for review by the fire code official upon request. (Ch.33) CFC

    The fire prevention program superintendent shall develop and maintain an approved prefire plan in cooperation with the fire chief. The fire chief and fire code official shall be notified of changes affecting the utilization of information contained in such prefire plans. (Ch.33) CFC

Our preliminary review comments shall not be construed to encompass the complete project. Additional plans and specifications may be required after further review.

If you have any questions regarding this matter, please contact this office at (925) 941-3300.

Sincerely,

Todd Schiess
Fire Inspector I

cc: Andy Byde
Calibr Ventures LLC
1908 Cambridge Pl.
Walnut Creek, CA 94598
andy@calibrventures.com

File: 3180 WALNUT BLVD-10 LOT SUB-PLN-P-2021-03810

ANNA M. ROTH, RN, MS, MPH
HEALTH SERVICES DIRECTOR
RANDALL L. SAWYER
DEPUTY HEALTH DIRECTOR
JOCELYN STORTZ, MS, REHS
ENVIRONMENTAL HEALTH DIRECTOR

CONTRA COSTA
HEALTH SERVICES

CONTRA COSTA
ENVIRONMENTAL HEALTH
2120 Diamond Boulevard, Suite 100
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Ph (925) 608-5500
Fax (925) 608-5502
www.cchealth.org/eh/

July 7, 2021

Contra Costa Department of Conservation and Development
Community Development Division
Attn: Dominique Vogelpohl
30 Muir Road
Martinez, CA 94553-4601

**RE:** CDSD21-9581 – Application For Major Subdivision To Create 10 Lots From 1 Existing Parcel
3180 Walnut Blvd., Walnut Creek, CA
APN: 180-240-002
Service Request #: SR0017370

Dear Ms. Vogelpohl:

Contra Costa Environmental Health (CCEH) has received a request for agency comment regarding the above referenced project. The following are our comments [if the project is served by public sewer and public water]:

1. A permit from CCEH is required for any well or soil boring prior to commencing drilling activities, including those associated with water supply, environmental investigation and cleanup, or geotechnical investigation.

2. Any abandoned wells (water, environmental, or geotechnical) and septic tanks must be destroyed under permit from CCEH. If the existence of such wells or septic tanks are known in advance or discovered during construction or other activities, these must be clearly marked, kept secure, and destroyed pursuant to CCEH requirements.

3. It is recommended that the project be served by public sewer and public water.

4. Substantial construction and demolition (C & D) waste could result from this project. Hazardous construction and demolition materials should be separated from those that can be recycled or disposed.

5. Debris from construction or demolition activity must go to a solid waste or recycling facility that complies with the applicable requirements and can lawfully accept the material (e.g., solid waste permit, EA Notification, etc.). The debris must be transported by a hauler that can lawfully transport the material. Debris bins or boxes of one cubic yard or more owned by the collection service operator shall be identified with the name and telephone number of the agent servicing the container.

6. Non-source-separated waste materials must not be brought back to the contractor's yard unless the facility has the appropriate solid waste permit or EA Notification.

These comments do not limit an applicant's obligation to comply with all applicable laws and regulations. If you should have any questions, please do not hesitate to call me at (925) 608-5538.

Sincerely,

W. Eric Fung, REHS
Environmental Health Specialist II

WEF:tf

**From:** Russ Leavitt
**To:** Anne Nounou; Dominique Vogelpohl
**Cc:** Melody LaBella
**Subject:** CDSD21-09581; 10-lot subdivision, 3180 Walnut Blvd, Walnut Creek CA 345596; 180-240-002; x1559
**Date:** Wednesday, July 7, 2021 4:26:45 PM
**Attachments:** image011.png
image012.png
image013.png
image014.png
image015.png

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According to Central Contra Costa Sanitary District (Central San) records, the project site is within Central San's service area and sanitary sewer service is available to the project site. The developer would need to construct a an 8-inch diameter on-site public main sewer and private laterals. The proposed project would not be expected to produce an unmanageable added capacity demand on the wastewater system, nor interfere with existing, public facilities. The developer will be required to submit full-size building plans for Central San Mainline review in advance and to pay fees and charges at the time of mainline plan submission, sewer permit issuance and residential connection to the sewer system. For details, contact Central San's Permit Section at 925-229-7371. Thanks!

**RUSSELL B. LEAVITT**
Engineering Assistant III
v: (925) 229-7255 f: (925) 228-4624
RLEAVITT@centralsan.org

Central Contra Costa Sanitary District
5019 Imhoff Place, Martinez, California 94553-4392

EAST BAY
MUNICIPAL UTILITY DISTRICT

July 6, 2023

Dominique Vogelpohl, Project Planner
Contra Costa County
Department of Conservation and Development
30 Muir Road
Martinez, CA 94553

Re: Notice of Public Review and Intent to Adopt a Proposed Mitigated Negative Declaration for the 3180 Walnut Boulevard 10-Lot Subdivision Project (County File #CDSD21-09581), Contra Costa County

Dear Mr. Vogelpohl:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Mitigated Negative Declaration for the 3180 Walnut Boulevard 10-lot Subdivision Project in Walnut Creek in unincorporated Contra Costa County (County). EBMUD has the following comments.

## WATER SERVICE

EBMUD's Leland Pressure Zone, with a service elevation range between 50 and 250 feet, will serve the proposed development. Once the property is subdivided, separate meters for each lot will be required. A main extension, at the project sponsor's expense, will be required to serve the proposed development. Please see attached EBMUD Applicant Pipeline Design Criteria for California (Waterworks Standards) Code of Regulations, Title 22, Section 64572 (Water Main Separation) and EBMUD requirements for placement of water mains. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed development. Engineering and installation of water mains and services require substantial lead time, which should be provided for in the project sponsor's development schedule.

## WATER CONSERVATION

The project presents an opportunity to incorporate water conservation measures. EBMUD requests that the County include in its conditions of approval a requirement that the project sponsor comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance," (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed



Recycled Paper

at the project sponsor's expense.

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,

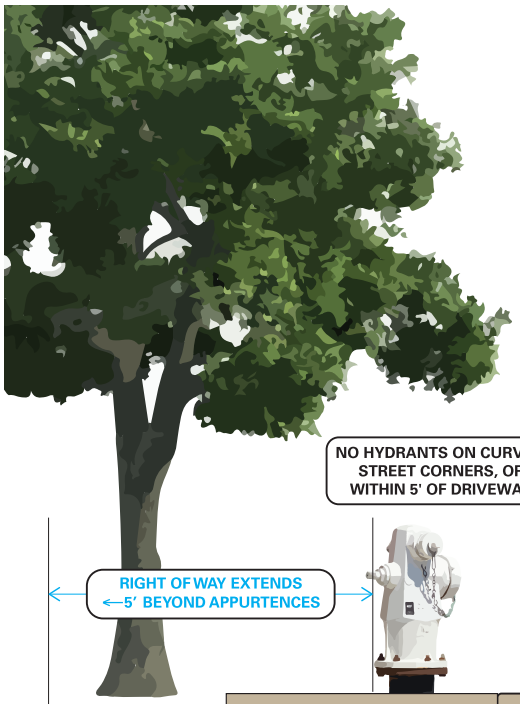
David J. Rehnstrom
Manager of Water Distribution Planning

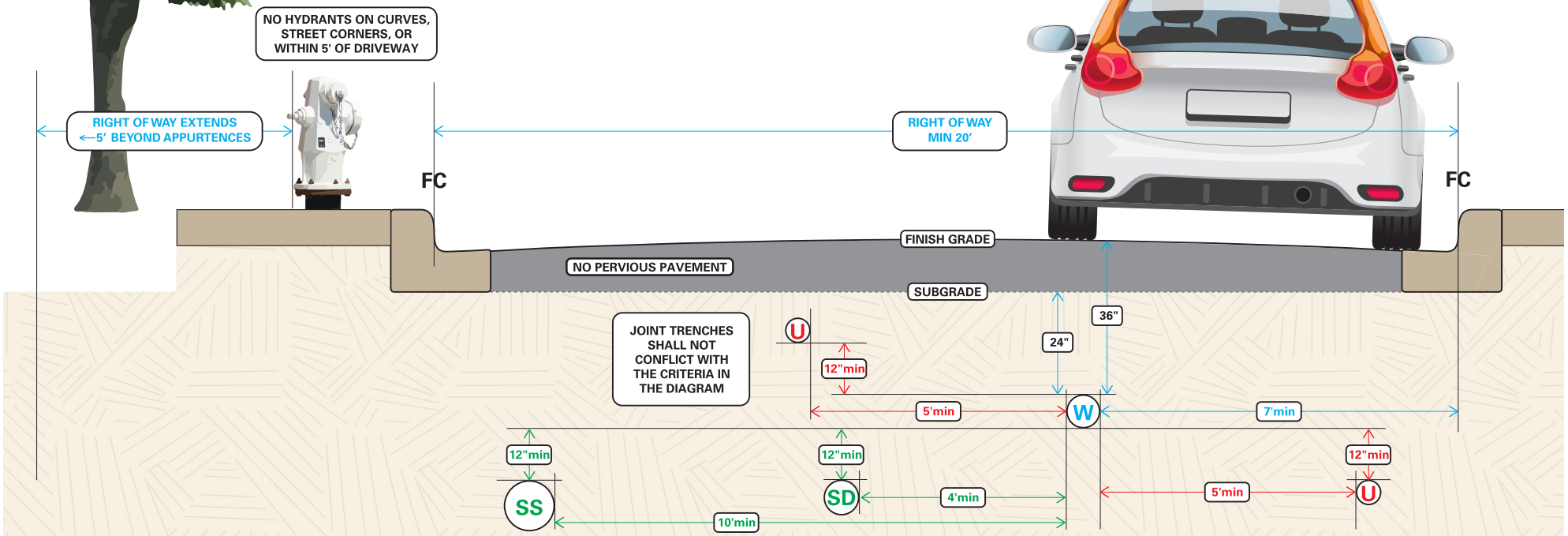
Attachment

DJR:EZ:sjp
wdpd23_156 3180 Walnut Blvd. 10-Lot Subdivision

cc: Andy Byde
Calibr Ventures
1908 Cambridge Place
Walnut Creek, CA 94598

# APPLICANT PIPELINE DESIGN CRITERIA






**W = WATER**
24" cover to subgrade
36" cover to final grade
7' inset from face of curb

**U = UTILITY**
min 12" vertical clearance
min 5' horizontal clearance

**SS = SANITARY SEWER**
min 12" below water
min 10' horizontal clearance

**SD = STORM DRAIN**
min 12" below water
min 4' horizontal clearance

**FC= FACE OF CURB**

EAST BAY MUNICIPAL UTILITY DISTRICT

# Applicant Pipeline Design Criteria

EBMUD values applicant pipeline projects and is committed to providing a thorough and efficient design. To ensure an efficient design process and to avoid significant delays the design criteria below should be adhered to when submitting improvement plans.

Design Criteria

- Water mains shall be seven (7) feet from face of curb.
- Water mains shall maintain a minimum one (1) foot vertical and five (5) foot horizontal clearance from other utilities.
- Gas mains shall meet the one (1) foot vertical separation requirement by installing the gas main below the water main only.
- Water mains shall maintain a minimum ten (10) foot horizontal clearance (O.D. to O.D.) and be located a minimum one (1) foot above any sewer main. Title 22 CCR
- Water mains shall maintain a minimum four (4) feet horizontal clearance (O.D. to O.D.) and be located a minimum one (1) foot above any storm drain. Title 22 CCR
- Water mains shall have a 36-inch cover to final grade and 24-inch cover to pavement subgrade.
- Joint trenches that are in conflict with the criteria above may delay the project. Submit to EBMUD final joint trench plans (no intent plans) which include the size of the joint trench and the utilities located inside.
- Water mains shall not be installed under pervious pavement.
- Water mains installed under decorative pavement, pavers, or stamped concrete will require an additional paving agreement.
- Hydrants shall not be located on curved sections of street, street corners, or within five feet of a driveway.
- Right of ways for 6-inch and 8-inch water mains shall be a minimum of 20 feet wide and extend five (5) feet past the water main centerline.
- Right of ways for 12-inch to 24-inch water mains shall be a minimum of 20 feet wide and extend eight (8) feet past the water main centerline.

Please contact the New Business Office representative assigned to your project if there are any questions regarding the requirements listed above. Meeting this criteria will enable the most efficient design possible.

March 2021

DARWIN MYERS ASSOCIATES
ENVIRONMENTAL RESEARCH ■ ENGINEERING GEOLOGY

July 21, 2021

Dominique Vogelpohl, Planner
Contra Costa County
Department of Conservation & Development
Community Development Division
30 Muir Road
Martinez, CA 94553

**Subject:** **Geologic Peer Review/ 30-Day Comments**
CDSD21-09581/ 3180 Walnut Blvd.
Calibr Ventures, (applicant)/ Bagot Trust (owner)
APN 180-240-002 (11 lots; 2.88 acres)
Walnut Creek Area, Contra Costa County
DMA Project #3024.21

Dear Dominique,

Based on your authorization, we have reviewed the application materials submitted by the project proponent in support of the captioned project. This letter is organized to first outline the purpose of our review; the range of potential geologic, geotechnical and seismic hazards that must be evaluated determine adequacy of the existing data base on potential hazards; and our understanding of the project. We then provide background information on the geologic and seismic setting of the site before commenting on the (a) geotechnical report, (b) stormwater control plan and (c) Vesting Tentative Subdivision Map. We then present, our evaluation and recommendations.

## *Purpose*

The purpose of our review is to provide a professional opinion on the adequacy of the geologic/ and geotechnical report prepared by the applicant's consultants, along with the grading- and drainage-related drawings prepared by the project civil engineers, to allow full processing of the subdivision application. Prior to deeming the application complete, the County requires sufficient data on site conditions to allow: *(i)* delineation the potential geologic hazards based on adequate subsurface data, and *(ii)* the data must be sufficient to serve as the primary basis for preparation of the "Geology and Soils" chapter of the CEQA document. Appendix G of the CEQA Guidelines issued by the State of California identifies the potential geologic and seismic hazards that must be evaluated by the CEQA document (see Table 1).

## *Understanding of the Project*

The application is a request for approval of a Vesting Tentative Subdivision Map that would allow creation of 10 residential lots on the 2.88 ac. project site. As proposed, Lot #10 would be restricted to be sold to a moderate-income household; the other nine (9) lots would be unrestricted. The project site is designated *Single-Family Residential – Low Density* (SL) by the County General Plan, is zoned R-20. Immediate access for all proposed residential lots would be provided by a new private road that would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access Walnut Blvd. As proposed, the private road would have a 28 ft. curb-to-curb road width, which allows parallel parking on one side of the road only. A 5 ft. wide sidewalk is proposed on the southeast side of the road. The site is currently serviced by the Central Contra Costa Sanitary District (CCCSD) and the East Bay Municipal Utility District (EBMUD); no annexations to utility districts would be required. The project includes a request to allow removal of some code-protected trees, and for encroachment of work within the dripline of some trees that are to be retained. The geotechnical report submitted with the application was prepared by Engeo Inc.[1] The Vesting Tentative Subdivision Map, as well as grading and drainage plans, were prepared by d/k Engineering.[2] Additionally, d/k Engineering prepared a Hydrologic & Hydraulic Analyses Report,[3] and the Stormwater Control Plan.[4]

***Table 1***
***Appendix G of State CEQA Guidelines***

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|---|---|---|---|---|
| **7. *GEOLOGY AND SOILS – Would the project:*** | | | | |
| a) Directly or indirectly cause potential 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? | ☐ | ☐ | ☐ | ☐ |
| 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 site or unique geologic feature? | ☐ | ☐ | ☐ | ☐ |

[1] Engeo, Inc., 2020, *Preliminary Geotechnical Exploration, 3180 Walnut Boulevard, Walnut Creek, California,* Engeo, Inc. Job #17043.000.000 (report dated March 12, 2020: date stamped received by DCD on June 23, 2021).

[2] d/k Engineering, 2021, *Vesting Tentative Map, 3180 Walnut Boulevard, Walnut Creek, California,* (5 Sheets, plans dated June 10, 2021).

[3] d/k Engineering, 2021, Walnut Boulevard Hydrologic & Hydraulic Analyses (Developer: Calibr Ventures), d/k Job #21-1007 (report dated June 10, 2021; date stamped received by DCD on June 23, 2021).

[4] d/k Engineering, 2021 *Stormwater Control Plan for 3180 Walnut Boulevard,* (report dated June 2021).

## Scope

The scope of our review included *(i)* geologic analysis of vertical angle aerial photographs using a mirror stereoscope equipped with 3x and 8x binoculars,[5] *(ii)* review of pertinent published geologic reports and maps, *(iii)* review of the Soil Survey of Contra Costa County, *(iv)* review of Safety Element geologic hazard maps and geologic-related Safety Element policies. With that background we *(v)* reviewed the geotechnical report and project plans submitted with the applications, *(vi)* evaluated the data gathered, and *(vii)* prepared the 30-Day comment letter presented herein. In summary, the concern of the County at this point in the processing of the application is evaluation of potential geologic, seismic and geotechnical hazards. Detailed technical data on the design of planned improvements is not required by CEQA.

## Background

1. Active Faults

Figure 1 presents a Vicinity Map. The project site is outlined in red and centered within a red bullseye. The base map shows freeways, parklands and Trails, the local road network, and bedrock faults mapped by the U.S. Geological Survey (USGS). The nearest fault that is considered active by California Geological Survey (CGS) is the northwest trending Concord fault, which passes approximately 2½ mi. to the northwest of the site. The A-P zone encompassing the recently active and potentially active traces of the Concord fault. According to the CGS, recently active and potentially active traces of the active fault may be present anywhere in the A-P zone. The location of future surface rupture generally can be assumed to be along an active major fault trace. Because the project site is not within the A-P zone, the probability of the project experiencing surface rupture can be considered less-than-significant.

It should be recognized that the CGS does not delineate an A-P zone unless it determines there is clear evidence of surface fault rupture during Holocene time (i.e., during the last 11,700 years±). In the case of the Concord fault, review of technical data by CGS geologists found evidence of *(i)* fault related geomorphic features in Holocene deposits, *(ii)* tectonic creep in the central business district of Concord, and *(iii)* a water table barrier in Holocene deposits. Additionally, *(iv)* fault hazard investigations performed for land development project accurately establish at least one active in the central business district of Concord.

Another active fault in Central Contra Costa County is the active Calaveras fault. The Calaveras fault has no proven Holocene offset north of Danville. The portion of the fault that is considered active by the CGS is approximately 5.7 mi. south-southwest of the project site. Although geologic maps have confirmed that the ancestral traces of the Calaveras fault pass through the Walnut Creek area, it has not been placed in an A-P Zone (i.e., no proven surface fault rupture within Holocene time). Nevertheless, ancestral traces of the Calaveras fault are a potential seismic source. Specifically, a 1998 report prepared by Geomatrix found evidence of activity during the Late Quaternary on this fault system within the Walnut Creek area (minor offset with a right-normal-oblique sense of displacement). The alluvium that was offset was dated 31,410 radio-carbon years before present.[6] This is evidence of seismic activity and at least limited fault rupture on the northern branch of the Calaveras fault during the Late Quaternary.

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[5] Pacific Aerial Surveys, 1973, Aerial Photographs #CC3526-2-239 & -240; scale 1:12,000 (flight date May 7, 1973).

[6] Geomatrix, 1998. *Final Report, Walnut Creek Water Treatment Plant Expansion, Seismic Study - Phase II.* Geomatrix Job #3970 (report dated October 30, 1998).

2. Bedrock Geologic Map

In 1994 the U.S. Geological Survey (USGS) issued a digitized bedrock geology map of Contra Costa County.[7] Figure 2 presents a portion of this map. The base map shows the local road network, parcels, topography and creeks. It also shows the bedrock faults that were previously shown in Figure 1. The project site is outlined in red, and fronts on both Oak Road and Jones Road. The geologic map indicates the site located within a southwest-facing slope that is within the outcrop belt of the Green Valley-Tassajara Group. This geologic unit is of Pliocene and late Miocene age and consists of interbedded sedimentary rocks that are chiefly non-marine (clayey sandstone, mudstone, some clean sandstone and lesser amounts of conglomerate and volcanic tuff). Much bedrock and almost all soils that develop within the outcrop belt of these rock are severely expansive.

3. Landslide Deposits

In 1975 the USGS issued quadrangle maps of Contra Costa County that provide an interpretation of surficial deposits (including landslide deposits). The map showing the interpretation of the site and vicinity is presented in the Walnut Creek 7.5-Minute Quadrangle.[8] (This set of USGS landslides map was the source for the landslide hazard map presented on Page 10-24 of the Safety Element of the County General Plan.) The mapping was performed by an unusually well qualified USGS geologist, and the entire County was mapped during a one-year period. The geologist's scope of work was limited to geologic interpretation of stereo pairs of aerial photographs, without the benefit of a site visit or any subsurface data. The landslides are not classified based on their activity status (i.e., active or dormant), depth of slide plane (shallow to deep seated), or type of landslide deposit. Nevertheless, the map fulfills its function, which is to *red flag* sites that may be at risk of landslide damage. These landslide maps were used as a screening criterion by the County (i.e., for project sites that were within an area where there was a concentration of photo-interpretative landslides, or where a landslide was identified on the project site, the County considered there to be a potential hazard; during initial review of applications for land development projects, the Community Development Division has required evaluation of potential landslide hazards.

Figure 3 presents a portion of the Walnut Creek Quadrangle at a scale of 1 in.=820 ft. The project site is outlined in green. The landslide deposits mapped by the USGS are outlined with a red line and with a black arrow used to designate the general direction of landslide displacement. No landslide deposits are mapped on or near the project site. The landslides that are shown are predominantly located in the northeast-facing slope of a prominent ridge that is located ¼ mi. away. Based on this map the risk of landslide displacement impacting the proposed subdivision is considered to be less-than-significant.

4. Seismic Hazard Zone Mapping Act

The provisions of the Seismic Hazard Mapping Act can be found in the California Public Resources Code, Chapter 7.8, Sections 2690-2699.6. This law is similar in many respects to the Alquist-Priolo Earthquake Fault Zone Mapping Act, which has been implemented by the County for the past 40+ years. However, the official Seismic Hazard Zone (SHZ) maps issued by the California Geological Survey (CGS) identify areas that are at risk of earthquake triggered landslides and earthquake triggered liquefaction. Since 1990, the Safety Element of the Contra Costa County General Plan has included hazard maps for liquefaction and landslide potential (see pages 10-15 & 10-24, respectively), along with

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[7] Graymer, R., D.L. Jones & E.E. Brabb, 1994. *Preliminary Geologic Map Emphasizing Bedrock Formations in Contra Costa County, California.* U.S. Geological Survey Open File Report 94-622.

[8] Nilsen, T.H., 1975. *Preliminary Photointerpretative Map of Landslides and Other Surficial Deposits of the Walnut Creek 7.5-Minute Quadrangle, Contra Costa County, California.* U.S. Geological Survey Open File Map 75-277-55.

adopted General Plan goal statements and policies. We consider those policies statements to be comprehensive. They are intended to mitigate hazards posed by liquefaction and landslides, and we do not expect those policies to be invalidated by the SHZ maps. However, as SHZ maps are issued to the County, they will be utilized in place of the mapping that is currently presented in the Safety Element. In 2018 the CGS commenced issuing SHZ maps of Contra Costa County. To data the adopted maps are of the East County and a portion of the North Coast. To date, the SHZ map of the Walnut Creek Quadrangle has not yet been issued. County is required to implement the provisions of this state law. Unless the proposed subdivision project is built-out prior to issuance of the official SHZ map of the Walnut Creek Quadrangle, the project will be subject to the provisions of this state law.

For projects that fall under the authority of the SHZ Mapping Act, the required investigations must be prepared by a certified engineering geologist and/or geotechnical engineer registered in the State of California. A copy of each consultant prepared report, along with evidence of peer review by the local jurisdiction, must be forwarded to the CGS within 30 days of County approval of the report. (This requirement provides the CGS with a basis for modifying the boundary of the hazard zone in the future, as detailed studies define locations within the delineated hazard zone that are free of hazards.) The CGS has adopted guidelines for the required reports, and there are guidelines for the peer review of the reports that are triggered by the SHZ mapping of hazardous areas.

5. Liquefaction

For the 1990 update of the County General Plan, the County retained an experienced consulting firm to prepare a liquefaction potential map using USGS topographic quadrangle maps as the base (scale 1 in.=2,000 ft.). The consultant reviewed published data that was existing at that time, including maps and reports on *(i)* the age and distribution of surficial deposits, *(ii)* the elevation of the groundwater table, and *(iii)* review of geotechnical reports prepared for land development project in critical areas. The resulting map divided the County into three liquefaction potential categories: *Generally High, Generally Moderate to Low, and Generally Low*. During the last 30 years the County has consistently required rigorous evaluation of liquefaction potential in areas rated of *Generally High* potential." Less comprehensive investigations were demanded in the areas rated *Generally Moderate to Low* potential. For project sites rated *Generally Low* liquefaction potential, risks were considered to be less-than-significant. The classification *Generally High* liquefaction does not imply the presence of liquefiable sands on a parcel. The map attempts to be conservative of the side of safety, and where geologically recent fluvial or estuarine deposits are shown on soils maps of the County, the Liquefaction Potential Map places such areas in the *Generally High* category. Site specific investigations are needed to determine if liquefiable sands are present and provide stabilization measures where liquefiable sands are confirmed present.

Figure 3 presents the Liquefaction Potential Map of the project site and vicinity. Because the project site is classified *Generally Low* liquefaction potential, qualitative evaluation of liquefaction potential is all that is required in geotechnical reports. As noted above, the CGS is preparing Liquefaction Potential Maps of Contra Costa County. The work commenced in 2018 with issuance of maps in the East Contra Costa County and proceeded along the North Coast of the County. The most recent map released is a Preliminary Review Copy of the Clayton Quadrangle. At the present time, the official Seismic Hazard Map of the Walnut Creek 7.5-Minute Quadrangle as not yet been issued. When that map is issued by the State of California, the County will utilize the SHZ map to determine identify at-risk sites and require the project proponent to submit a report that evaluates earthquake-trigger liquefaction using methodology required by the CGS and State Mining & Geology Board.

The Safety Element includes policies indicating that at-risk areas require evaluation of liquefaction potential and effective mitigation of the hazard posed to new development. Operative General Plan policies are presented in Table 2.

## *Table 2*
## *General Plan Liquefaction Policies*

**Policy 10-18.** This General Plan shall discourage urban or suburban development in areas susceptible to high liquefaction dangers and where appropriate subject to the policies of 10-20 below, unless satisfactory mitigation measures can be provided, while recognizing that there are low intensity uses such as water-related recreation and agricultural uses that are appropriate in such areas.

**Policy 10-19.** To the extent practicable, the construction of critical facilities, structures involving high occupancies, and public facilities shall not be sited in areas identified as having a high liquefaction potential, or in areas underlain by deposits classified as having a high liquefaction potential.

**Policy 10-20.** Any structures permitted in areas of high liquefaction damage shall be sited, designed and constructed to minimize dangers from damage due to earthquake-induced liquefaction.

**Policy 10-21.** Approvals to allow the construction of public and private development projects in areas of high liquefaction potential shall be contingent on geologic and engineering studies which define and delineate potentially hazardous geologic and/or soils conditions, recommend means of mitigating these adverse conditions, and on proper implementation of the mitigation measures.

6. Soils

According to the Soil Survey of Contra Costa County,[9] the soil series mapped on the site is the Alo clay (AaE, 15-30% slopes). Typical soil profile is a 30 to 40 in. thick A-horizon that is underlain by soft shale and sandstone. Runoff is medium and the hazard of erosion is moderate where the soil is tilled and exposed. With regard to engineering properties, the Alo clay *highly* expansive and *highly* corrosive.

Expansive soils expand when water is added and shrink when they dry out. This continuous change in soils volume causes homes and other structures to move unevenly and crack. Corrosive soils tend to damage concrete and/or uncoated steel that is in contact with the ground. Testing of the soils on the site is needed to confirm foundation conditions. Corrosivity is typically measured after rough grading is completed to ensure that corrosivity testing is based on pad conditions. Design-level geotechnical reports routinely provide specific criteria and standards to avoid/ minimize damage from expansive and corrosive soils.

7. Seismicity

The San Francisco Bay Region is considered one of the most seismically active regions of the United States. Consequently, it can be assumed that the proposed improvements will be subject to one or more major earthquakes during their useful life. Earthquake intensities vary depending on numerous factors, including *(i)* earthquake magnitude, *(ii)* distance of the site from the causative fault, *(iii)* geology of the site, *(iv)* duration of earthquake shaking, and other factors. The USGS has stated that there is a 72 percent chance of at least one magnitude 6.7 or greater earthquake striking the Bay Region between 2014 and 2043.[10]

The Safety Element includes a figure titled "Seismic Ground Response" (General Plan, page 10-13). This map classifies the site as *moderately low damage susceptibility.* Buildings in this zone that are conservatively design and properly constructed typically perform satisfactorily, provided foundation materials and critical slopes are stable. The risk of structural damage from earthquake ground shaking is strongly influenced by building and grading regulations. According to the California Building Code

[9] Welch, L.E. et. al., 1977, *Soil Survey of Contra Costa County, California,* USDA Soil Conservation Service.

[10] Aagaard, Blair, Boatwright, Garcia, Harris, Michael, Schwartz, and De Leo, 2016, *Earthquake Outlook for the San Francisco Bay Region, 2014-204M3*, USGS Fact Sheet 2016-3020, revised August 2016; ver. 1.1)

(CBC), structures requiring building permits require that the design take into account both foundation conditions and proximity of active faults and their associated ground shaking characteristics. Design-level geotechnical reports must include CBC seismic design parameters. Those parameters are used by the structural engineer in the design of civil engineering structures. All grading on the site must comply with the provisions of the County Grading Ordinance. Compliance with building and grading regulations can be expected to keep risks within generally accepted limits.

## *Engeo Investigation*

1. Purpose and Scope

The purpose of the investigation was to provide a preliminary assessment of geotechnical and seismic hazards and provide preliminary recommendations for initial land planning and cost estimating purposes. In summary, the report was intended to identify the primary concerns associated with the residential use of the site. At the time of the investigation, the VTM had not yet been prepared, but based on input from their client it was anticipated that the land development project was to be a five (5) lot residential subdivision.

Engeo's scope of work included: *(i)* site reconnaissance data; *(ii)* review of pertinent geologic maps and reports; *(iii)* limited subsurface exploration of the project site; *(iv)* evaluation of the data gathered; and *(v)* preparation of a report intended document the investigation and present Engeo's evaluation of potential hazards, preliminary earthwork recommendations, comments on the scope of the recommended design level report, along with a statement of limitations. Clearly the scope and intent of the 2020 Engeo investigation was to provide a preliminary characterization of potential geologic and seismic hazards, which will require further investigation to confirm/ modify their preliminary assessment. Additionally, the design level report will provide a full range of geotechnical recommendations for the project based on review of construction drawings.

2. Historical Aerial Photograph Review

Engeo reviewed aerial photographs that covered 77-year period (1939-2016). Prior to 1939 the site served as agricultural land with orchards, small buildings with vacant land. In 1939 the project site is open undeveloped agricultural land that is flanked on the west and east by incised drainage channels. Walnut Blvd. was existing and passes along the south boundary of the site. The first structure observed on the site was present in the 1958 aerials, and by 1968 the drainage swale on the southeast corner of the site had been filled. The 2009 aerial image indicates construction activity and it appeared that the additional fill was placed on the northeast portion of the site. No evidence of heavy erosion or slope failure was observed by Engeo.

3. Subsurface Exploration

Field exploration was performed on February 25, 2020. It consisted of the excavation and logging of six backhoe test pits. Figure 2 of the Engeo report presents an original geologic map of the project site which shows *(i)* location of test pits with the depth to bedrock indicated on the map. The map indicates that the site is a bedrock property (within the outcrop belt of the Green Valley-Tassajara Group). Also shown on the map is the approximate distribution of *(ii)* undocumented fill on the site and *(iii)* colluvium is mapped along the northeast, north and southwest flanks of the property. In areas mapped as bedrock, Engeo's test pits encountered rock at depths of 1 to 3 ft. below the ground surface. Conversely, TP-1 and TP-2 were excavated in areas mapped as undocumented fill. TP-1 penetrated 3½ ft. of artificial fill. Underlaying the fill was native topsoil and colluvial deposits that extended to the full depth of the test pit (9½ ft.). TP-2

penetrated 1½ ft. of artificial fill that was underlain by native topsoil and colluvium that extended to a depth of 9 ½ ft. below the ground surface. The test pit logs are presented in Appendix A of the Engeo report. The logs indicate bedrock on the project site is chiefly mudstone, with the exception of TP-6, which penetrated weathered, poorly sorted sandstone from 1 to 6 ½ ft below the surface, which was underlain by conglomerate. The conglomerate bed is described by Engeo as *pale yellow to reddish yellow, moderately weathered, weak to medium strong,* with matrix material that is described as *fine-grained sand/silt with fine to coarse rounded gravel clasts.* No information is provided on the orientation of bedding.

4. Laboratory Testing

Samples were collected from the walls of the test pits and in the laboratory were tested for data on their engineering properties. The laboratory test data is presented in Appendix B. Testing performed was intended to provide information pertinent to determining the expansion potential of the samples. Engeo tested samples collected a sample from TP-1 at a depth of 4 ft. (sample of native topsoil), and from TP-3 at a depth of 4 ft. (sample of weathered mudstone). The testing included measurement of the liquid limit (LL) and plastic limit (PL), which allows determination of the Plastic Index). The sample of topsoil was found to be highly expansive, and the weathered mudstone sample was found to be slightly to moderately expansive.

5. Preliminary Hazards Evaluation

Engeo considers the project feasible from a geologic/ geotechnical standpoint. The primary concerns are *(i)* disturbed near surface soil and existing undocumented fill, and *(ii)* expansive soils. Other potential hazards include *(v)* earthquake ground shaking, and *(vi)* and an unknown (but potential significant) risk of corrosive soils. The discussion presented in Table 3 provides our assessment of potential hazards, but it is based largely on the investigation and geotechnical report of Engeo, Inc.

6. Preliminary Recommendations

Engeo provides recommendations intended for initial land planning and preliminary estimating purposes that commence on page 7 of their report. Final recommendations are to be provided after a future design-level investigation has been performed, which includes subsurface exploration (borings), laboratory testing of selected samples, and engineering analysis of the data gathered. The resulting recommendations to be presented in the design level report. Nevertheless, the 2020 report provides preliminary recommendations that address *(i)* appropriate foundation systems, *(ii)* earthwork (including clearing, demolition, removal of existing fill and fill compaction), *(iii)* preliminary pavement design recommendations, and *(iv)* a limitations statement that includes the proper use of the report by the project proponent, and the limitations of the investigation methods.

This overview statement of potential geotechnical constraints is followed of a list of selected reference and four maps that that provide background data. Throughout the report are statements that point to the need for geotechnical monitoring. Its chief purpose is to ensure that the geotechnical recommendations in the design level report are properly interpretated and implemented by grading and foundation contractors.

## *Agrichemical Soil Assessment*

In addition to their Geotechnical Exploration report, Engeo performed an agrichemical assessment. [11]

[11] Engeo, Inc., 2021, *Agrichemical Soil Assessment, 3180 Walnut Boulevard, Walnut Creek, California*, Engeo Job #17043.001.000 (dated March 30, 2021)

The purpose of the assessment was to determine if agrichemicals are present within the soils that exceed regulatory screening levels for residential land use. The approach was to collect soil samples at four widely separated locations on the project site (sampling done 3 to 9 inches below the ground surface). Each sample was tested for *(i)* organochlorine pesticides (EPA Method 8081) and for *(ii)* total arsenic and *(iii)* lead (both using EPA Method 6010).

The results of testing can be summarized as follows: organochlorine pesticide and lead concentrations were found to be below the thresholds of regulatory agencies; the arsenic concentrations were above threshold values but are deemed to be indicative of naturally occurring background concentrations that are typical of the San Francisco Bay Region. (The arsenic concentration reported for the project site is not unusual for soil samples collected in Contra Costa County.) The primary conclusions of the report are that the property has not been adversely impacted by past agricultural use, and the soil does not pose a risk to human health.

## *Grading and Drainage Plans*

1. Grading

D/K Engineering, the civil engineers for the project, have prepared preliminary grading and drainage plans. Sheet 4 presents a Preliminary Grading Plan for the project (1 ft. contour interval). That plan shows the horizonal and vertical alignment of the proposed private road, with a hammerhead turnaround at its north terminus; pad elevations on each residential lot; location of proposed retaining walls; and grading required for the proposed C.3 water quality basin. Also shown are lines-of-section that are labeled A-A through D-D. The four cross-sections are presented on Sheet 5. Features shown on the plan may be summarized as follows:

*i.* Private Road. Grades on the private road range up to 9.2% and appear to be consistent with County standards for private roads. A typical section for the road indicates the crown is in the middle; at the edge of pavement on both sides of the road concrete curb-and-gutter are shown.

*ii.* Earthwork Quantities. The anticipated volume of earthwork is approximately 8,000 cu. yds. of cut and 8,000 cu. yds. of fill.

*iii.* Building Pads and Retaining Walls. Pad elevations range from +198 ft. to +216 ft. Five retaining walls are indicated between lots. These walls range up to 5 ft. in height (max.). Additionally, a proposed retaining wall is indicated that will be used to clearly separate Lot #10 from the adjacent stormwater C.3 basin.

*iv.* Perimeter of Site. There are existing drainage channels on the east and west flanks of the site. These existing drainage corridors are to be retained. Along the west flank of the site tiered retaining walls are shown. The upper wall ranges up to 5 ft. in height (max.) and the lower wall range up to approx. 7½ ft. in vertical height. Section D-D indicates a total height of the slope supported by retaining walls is at this line-of-section is 12.3 ft. In the east flank of the project, a single wall will separate the drainage swale from the useable lot areas range up to 4 ft. in height. At line-of-section B-B the wall is indicated to be 3.7 ft. in height. At the northern portion of Lot #5, there is a substantial break in slope with a drainage channel entrenched in bedrock. To protect the building pad from effects of erosion, the upper portion of the slope is proposed to be stabilized with a combination of cut slope and retaining wall. Line-of-section C-C indicates the upper portion of the slope is to be engineered, with a 2 ft. high cut slope, and immediately below the toe of cut a 2.8 ft high retaining wall. The existing channel and its backs are to be retaining in their existing condition.

*v.* Water Quality (C.3) Basin. Section A-A provides details on the geometry of the basin. The design shown is for the floor of the basin at an elevation of +191 ft. and the pad on Lot #10 at +201 ft. At

the P/L between the basin and residential lot a 5 ft high retaining wall is shown, which extends to elevation +196 ft. From that elevation to the floor of the basin a 2:1 (h:v) earthen slope is shown, which flattens to 3:1 (h:v) as it approaches the floor of the basin. The Grading Plan indicates a standpipe in the center of the basin with a grate at the top (grate elevation +192½ ft.) The standpipe is 18 inches in diameter and will serve as the primary spillway (i.e., when the water surface elevation in the basin reaches +192½ ft. it will spill into the standpipe. The piping of the basin outfalls to the existing in Walnut Blvd. storm drainage facilities. Until that point, the basin is designed to allow infiltration of water into the 2½ ft. thick permeable material that has been placed on the basin floor. Water that reaches the base of the infiltration zone will be captured by a culvert at elev. +188.5 ft. and discharged into the Walnut Blvd. storm drainage facilities.

2. Stormwater Control Plan

The project requires compliance with Provision C.3 in the drainage permit. Specifically, development approvals for many applications, including major subdivisions, require that drainage plans include specific stormwater treatment measures (BMPs) as well as implement treatment features to reduce pollutants in stormwater discharges. Provision C.3 establishes thresholds and criteria for implementation of stormwater treatment measures. The C.3 requirements are not only intended to reduce short-term construction related runoff and resultant pollution but are also intended to reduce the long-term adverse effects by requiring permanent runoff control measures as a part of approvals. The plans submitted for the project include a bio-retention basin on a parcel located adjacent to residential Lot #10.

The design and sizing of the water quality basins must satisfy the C.3 requirements of the Regional Water Quality Control Board. Review of the Stormwater Control Plans is performed by the professional staff of the Public Works Department. Our comments are limited to the engineering geologic aspects of the basins: *(i)* setbacks of bio-retention basins from improvements, and *(ii)* importance of requiring long-term commitment to inspection and maintenance of these facilities by competent authority. Therefore, we have no comments on design details of the basin, but we strongly support the location. Topographically, the site nominated for the basin is a down gradient location, on a separate parcel from the 10 proposed residential lots and designed with a retaining wall at the boundary with Lot #10. We anticipate that the design level geotechnical report will review details of the basin including the height and construction parameters for the retaining wall, and perform slope stability analysis to evaluate the proposed use of a 2:1 (h:v) gradient within the basin).

## *DMA Evaluation*

The immediate need of the Department of Conservation & Development is to determine if there is sufficient data to allow the processing of the pending applications, including preparation of the California Environmental Quality Act (CEQA) document. The provisions of CEQA and associated case law acknowledge that final design studies are not needed for the purposes of CEQA compliance. However, there must be sufficient information on the extent of potential geologic and geotechnical hazards, and guidance must be provided to the project designers pertaining to the layout of the planned improvements. Therefore, the type of data needed at this stage of the land development process is limited to the following:

*i.* Evaluation of the site geologic conditions.

*ii.* Preliminary assessment of hazards by the project engineering geologists and geotechnical engineers. The Engeo report in combination with published geologic and seismic documents and maps that provide at least a preliminary characterization of the potential geologic and seismic hazards. The future design-level geotechnical report will provide an opportunity to confirm the

preliminary interpretations presented in year 2020 Engeo report. The design-level report will also provide specific standards and criteria for site grading, drainage and foundation design that are based on the project proponent's approach to development.

In summary, the Engeo report provide provides a preliminary evaluation of potential geologic hazards. Where potentially significant impacts were identified, the report provides recommendations to mitigate significant impacts. Table 3 provides a summary of the findings of the Engeo report, along with our supplemental comments. Note that preliminary assessment of potential hazards and associated recommendations provided by Engeo are intended as guidance to the project proponent, The geotechnical constraints will require further evaluation in the design-level geotechnical report. **Based on the existing data, it is our opinion that the Engeo's *Preliminary Geotechnical Exploration* report is adequate to deem the application complete from a "Geology and Soils" perspective.**

***Table 3***
***Evaluation of Potential Hazards***
***CDSD21-09581 Project Site***

- **Ground Rupture.** The site is not within an Alquist-Priolo Earthquake Fault Zone. On that basis the risk of surface fault rupture within the site is rated "low" (i.e., less-than-significant).
- **Ground Shaking.** The site is within the seismically active San Francisco Bay Region area, where a moderate to high magnitude earthquake is a foreseeable event. The risk of damage from ground shaking is controlled by using sound engineering judgement and compliance with the latest provisions of the California Building Code (CBC), as a minimum. The seismic design provisions of the CBC prescribe minimum lateral forces applied statistically to the structure(s), combined with the gravity forces and dead-and-live loads. The code-prescribed lateral forces are generally considered to be substantially smaller than the comparable forces that would be associated with a major earthquake. The intent of the code is to enable structures to *(i)* resist minor earthquakes without damage, *(ii)* resist moderate earthquakes without structural damage but with some non-structural damage, and *(iii)* resist major earthquakes without collapse but with some structural as well as non-structural damage. Note: on page 5 of the Engeo report 2016 CBC Seismic Design Parameters are provided. With implementation of the CBC and Grading Ordinance these risks can be considered less-than significant.
- **Ground Lurching.** Ground lurching is a result of the rolling motion imparted to the ground surface due to earthquake shaking. Such rolling motion can cause ground cracks to form in weaker soil. Engeo concludes that the relatively shallow depth to bedrock on the project site will keep the lurching-related damage potential to a negligible level (i.e., less-than-significant).
- **Liquefaction/ Cyclic Softening.** This hazard is characterized as a phenomenon in which a saturated, relatively clay free sand is subject to a temporary loss of shear strength because of a buildup of pore pressure. Based on the subsurface investigation, the soils on the site are clayey/ cohesive, the bedrock is too well consolidated to liquefy, and no groundwater was encountered. The existing fill on the site will be over-excavated and then removed from the site or recompacted. Hence the site is not considered a candidate for liquefaction and no further evaluation of the hazard is recommended by Engeo (i.e., the risk of liquefaction is considered less-than-significant)
- **Lateral Spreading.** Lateral spreading is a failure within weak soils, typically due to liquefaction, which causes the soil mass to move toward an open channel or down even a gentle slope. Based on the subsurface investigation, the Engeo report indicates that the risk of a lateral spreading failure is negligible (i.e., less-than-significant).
- **Existing Non-Engineered Fill.** It is the opinion of Engeo all areas of undocumented fill should be over excavated and replaced with engineered fill.
- **Expansive Soil.** Laboratory testing performed for the 2020 Engeo investigation indicates that the native topsoil is very highly expansive. Testing of the matrix material of the mudstone sample from TP-3 indicates that it has a moderate expansion potential. The very highly expansive soils conditions

on the site represent a potentially significant impact. Mitigation of that impact proposed by Engeo include *(i)* special attention during grading to keep exposed soil moist by sprinkling; if the soils are allowed to dry it will be extremely difficult to remoisturize; *(ii)* compaction within a specified range, *(iii)* selection of an appropriate foundation system (i.e., for preliminary foundation design considerations, Engeo suggests consideration be given to use of a post-tensioned rigid mat foundation system, and the discussion in the their report provides typical standards and criteria for this foundation system).

- **Soil Corrosion Potential.** The scope of the Engeo investigation did not include laboratory testing to evaluate the corrosion potential of soils on the site. Engeo does recommend a design level investigation be performed at the appropriate stage of the project. In our opinion, the scope of the design-level report should include laboratory testing of the corrosion potential of foundation soils. Depending on the results of testing, recommendations can be provided to protect concrete and/or ferrous metal that is in contact with the ground from the adverse long-term effects of corrosion. The corrosion potential, while unknown as present, is a potentially a significant impact. Future studies would be aimed at identifying the appropriate design measures to control/ avoid damage to concrete and metals that are in contact with the ground.
- **Groundwater.** It the time of the Engeo subsurface investigation, no groundwater was encountered in test pits that ranged up to 9½ ft. in depth. It should be recognized that groundwater levels may fluctuate seasonally, and may be significantly influenced by irrigation of plantings, water and/or sewer leaks and other factors. The grading contractor should be prepared to handle groundwater during earthwork on the site.
- **Disturbance of Paleontological Resources.** This subject was not addressed by Engeo but is included in Appendix G of the State CEQA Guidelines. CEQA requires that environmental review of projects include assessment of the potential for disturbance of unique paleontological or unique geologic feature (see Table 1, Item f on page 2 of the peer review letter presented herein). In our experience, sedimentary rocks of the Green Valley-Tassajara Group have potential to contain fossils, including vertebrate. Therefore, earth disturbing construction activities on the project site pose a potential to encounter fossil remains of scientific interest. The Society of Vertebrate Paleontology (SVP) has adopted *Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources. (guidelines dated 2010).* The SVP guidelines outline acceptable professional practices in the conduct of paleontological resource assessments and surveys, including *(i)* monitoring, *(ii)* data and fossil recovery, *(iii)* sampling procedures, *(iv)* specimen preparation, *(v)* analysis, and *(vi)* curation. It is our understanding that the primary concern is with protection/ preservation of vertebrate fossils. Vertebrate fossils are not commonly encountered; they are a decidedly unusual occurrence. Nevertheless, there is a relatively low (but significant) potential for the occurrence of vertebrate fossils on the project site. This potential can be mitigated by SVP compliant monitoring of earthwork.

## *DMA Recommendation*

The following are recommended mitigation measures and/or conditions of approval.

**GEO-1 At** least 60 days prior to recording the Final Subdivision Map, the project proponent shall submit a design-level geotechnical report, that is to be based on adequate subsurface exploration, laboratory testing and engineering analysis.

The scope of the geotechnical investigation should fully evaluate the following potential hazards: *(i)* grading, including removal of existing undocumented fill that is deemed to be unsuitable for use in engineered fills, preparation to receive fill, compaction standards for fill, etc., *(ii)* consolidation

settlement, *(iii)* analysis of liquefaction potential, including estimating total settlement and differential settlement, and surface manifestation of liquefaction, *(iv)* foundation design, *(v)* building pads that are cut / fill and/or differential fill thickness pads *(vi)* laboratory testing to evaluate the expansive and corrosion potential soils, and measures designed to protect improvement that are in contact with the ground from these hazard, including the building foundation, garage slabs, flatwork, pavement and utilities, along with R-value testing *(vii)* stability analysis of proposed retaining walls, *(viii)* design-level foundation recommendations, *(ix)* evaluation of the drainage design, including the proposed bio-retention basin, *(x)* address temporary shoring and support of excavations, *(xi)* provide updated California Building Code seismic parameters.

**GEO-2** The geotechnical report shall be subject to review by the County's peer review geologist, and review/approval of the Zoning Administrator. Improvement, grading and building plans shall carry out the recommendations of the approved report.

**GEO-3** The geotechnical report required by GEO-1 routinely includes recommended geotechnical observation and testing services during construction. These services are essential to the success of the project. They allow the geotechnical engineer to *(i)* ensure geotechnical recommendations for the project are properly interpreted and implemented by contractors, *(ii)* allow the geotechnical engineer to view exposed conditions during construction to ensure that field conditions match those that were the basis of the design recommendations in the approved report, and *(iii)* provide the opportunity for field modifications of geotechnical recommendations (with BID approval), based on exposed conditions. The monitoring shall commence during clearing, and extend through grading, placement of engineered fill, installation of recommended drainage facilities, and foundation related work. A ***hard hold*** shall be placed on the "final" grading inspection, pending submittal of a report from the project geotechnical engineer that documents their observation and testing services to that stage of construction, including monitoring and testing of backfilling required for utility and drainage facilities.

Similarly, a ***hard hold*** shall be placed on the final building inspection for each residence, pending submittal of a letter-report from the geotechnical engineer documenting the monitoring services associated with implementation of final grading, drainage, and foundation-related work. The geotechnical monitoring shall include documentation conformance of retaining wall, pier hole drilling/ foundation preparation work and installation of drainage improvements with geotechnical recommendations in the approved report.

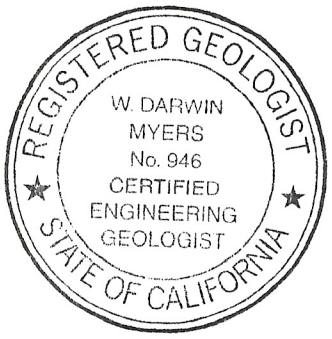
**GEO-4** All grading, excavation and filling shall be conducted during the dry season (April 15 through October 15) only, and all areas of exposed soils shall be revegetated to minimize erosion and subsequent sedimentation. After October 15, only erosion control work shall be allowed by the grading permit. Any modification to the above schedule shall be subject to review by the Grading Inspector, and the review / approval of the Zoning Administrator.

## *Limitations*

This review has been performed to provide technical advice to assist the Community Development Division with discretionary permit decisions. Our services have been limited to review of the documents identified in this peer review letter in combination with geologic analysis of historic aerial photographs. Our opinions and conclusions are made in accordance with generally accepted principles and practices of the engineering geology profession.

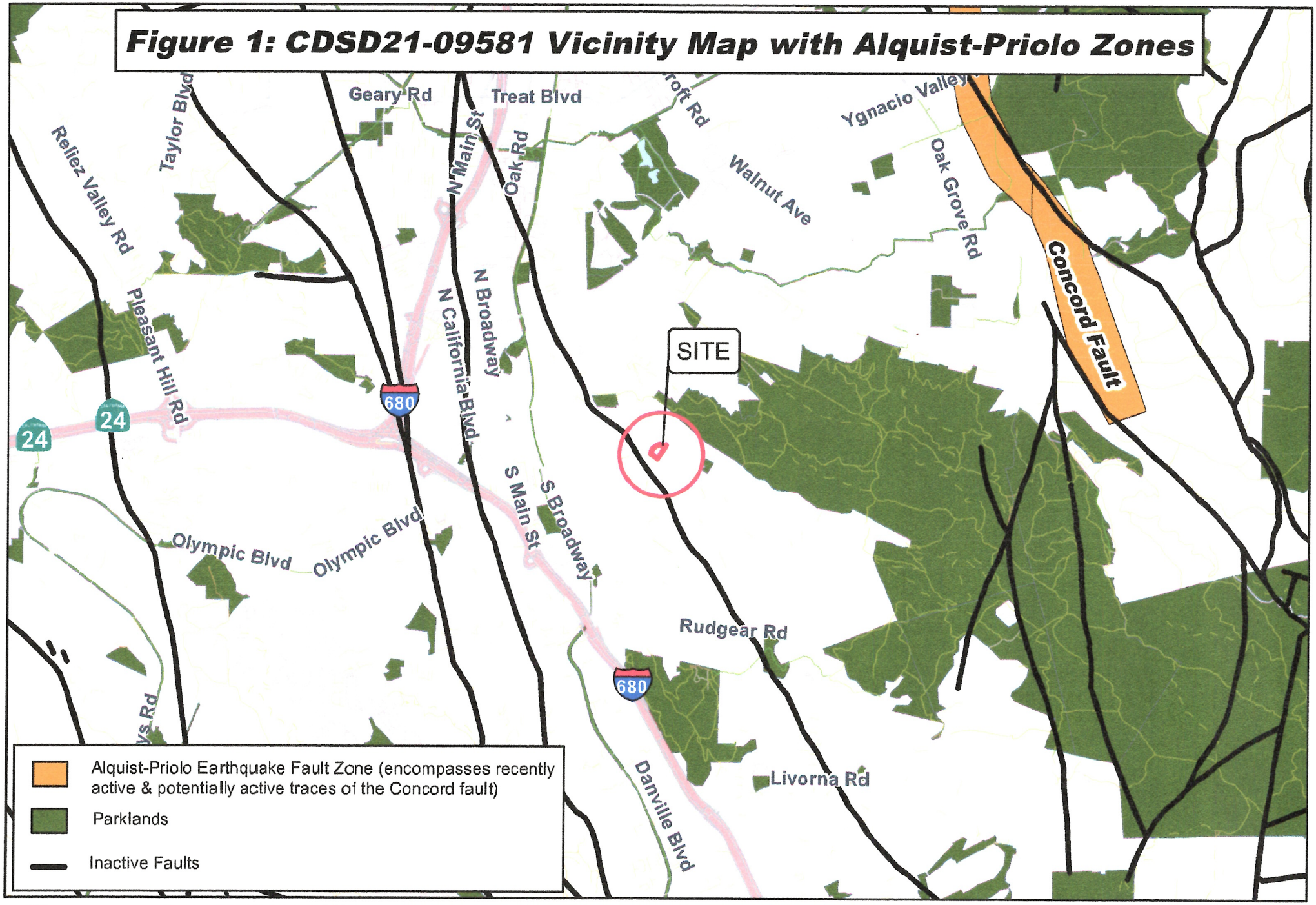
We trust this letter provides the evaluation and comments that you requested. Please call if you have any questions.

Sincerely,
DARWIN MYERS ASSOCIATES




Darwin Myers, CEG 946
Principal

# Figure 1: CDSD21-09581 Vicinity Map with Alquist-Priolo Zones



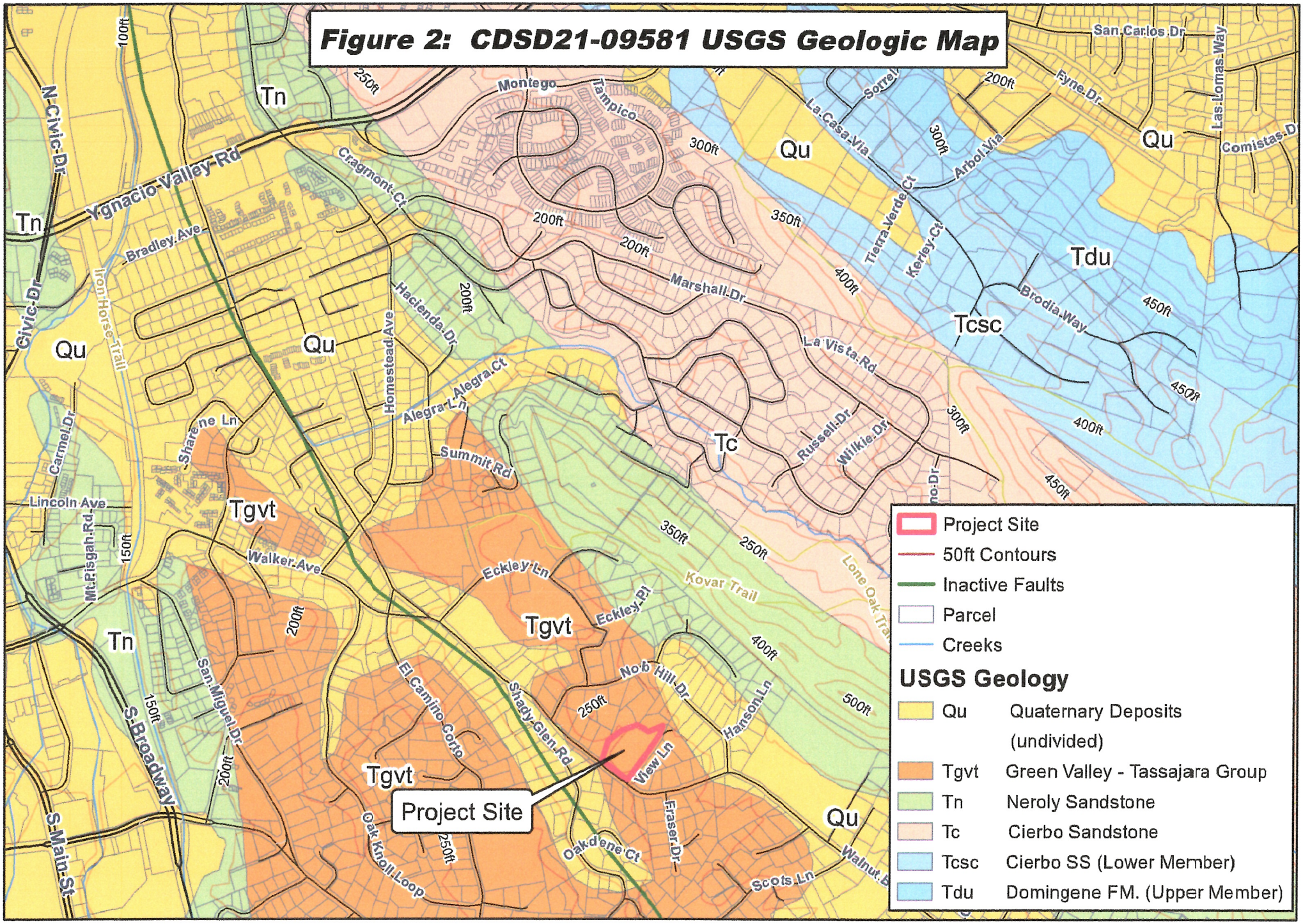

Miles
0 0.25 0.5 1
1 inch = 4000ft

Source: California Geologic Survey
Special Publication 42 (revised 2018)

Map Created 7/8/2021
by Contra Costa County Department of Conservation and Development, GIS Group
30 Muir Road, Martinez, CA 94553
37:59:41.791N 122:07:03.756W

This map was created by the Contra Costa County Department of Conservation and Development with data from the Contra Costa County GIS Program. Some base data, primarily City Limits, is derived from the CA State Board of Equalization's tax rate areas. While obligated to use this data the County assumes no responsibility for its accuracy. This map contains copyrighted information and may not be altered. It may be reproduced in its current state if the source is cited. Users of this map agree to read and accept the County of Contra Costa disclaimer of liability for geographic information.

# Figure 2: CDSD21-09581 USGS Geologic Map




N

0 0.075 0.15 0.3 Miles

Source: USGS Open File Report 94-622

Map Created 7/8/2021
by Contra Costa County Department of Conservation and Development, GIS Group
30 Muir Road, Martinez, CA 94553
37:59:41.791N 122:07:03.756W

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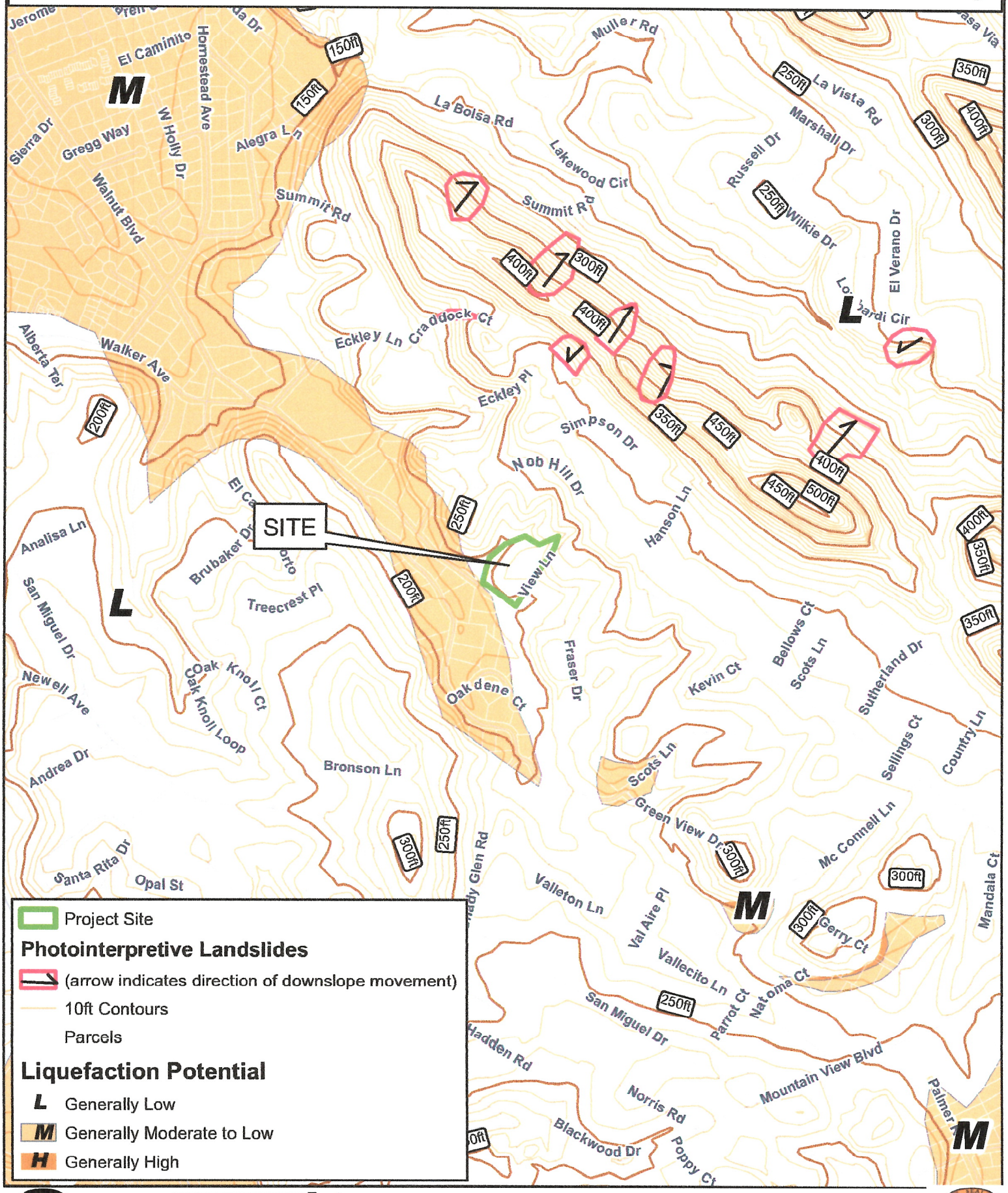
# Figure 3: CDSD21-09581 Landslide & Liquefaction Potential Map




Source: Safety Element Map, Liquefaction Potential ( pg.10-24).

CALIFORNIA HISTORICAL RESOURCES INFORMATION SYSTEM

ALAMEDA
COLUSA
CONTRA COSTA
DEL NORTE
HUMBOLDT
LAKE
MARIN
MENDOCINO
MONTEREY
NAPA
SAN BENITO
SAN FRANCISCO
SAN MATEO
SANTA CLATA
SANTA CRUZ
SOLANO
SONOMA
YOLO

**Northwest Information Center**
Sonoma State University
150 Professional Center Drive, Suite E
Rohnert Park, California 94928-3609
Tel: 707.588.8455
nwic@sonoma.edu
http://www.sonoma.edu/nwic

July 23, 2021 File No.: 20-2687

Dominique Vogelpohl, Project Planner
Contra Costa County
Department of Conservation and Development
Community Development Division
30 Muir Road
Martinez, CA 94553-4601

re: CDSD21-09581 / APN 180-240-002 at 3180 Walnut Blvd, Walnut Creek / Andy Byde: Calibr Ventures LLC

Dear Dominique Vogelpohl:

Records at this office were reviewed to determine if this project could adversely affect cultural resources. Please note that use of the term **cultural resources includes both archaeological sites and historical buildings and/or structures. The review for possible historic-era building/structures, however, was limited to references currently in our office and should not be considered comprehensive.**

**Project Description:** The applicant requests approval of a Major Subdivision application to allow one parcel to become 10 new lots with a density bonus request for one additional lot with density bonus concessions including reduced lot area and reduced average width; the project also requests the approval of a Tree Permit to allow removal and work within the dripline of onsite trees.

**Previous Studies**:
XX This office has no record of any previous cultural resource studies for the proposed project area *(see recommendation below)*.

**Archaeological and Native American Resources Recommendations:**
___ The proposed project area has the possibility of containing unrecorded archaeological site(s). A study is recommended prior to commencement of project activities.

XX We recommend the lead agency contact the local Native American tribe(s) regarding traditional, cultural, and religious heritage values. For a complete listing of tribes in the vicinity of the project, please contact the Native American Heritage Commission at (916)373-3710.

XX The proposed project area has a low possibility of containing unrecorded archaeological site(s). Therefore, no further study for archaeological resources is recommended.

**Built Environment Recommendations:**
XX Since the Office of Historic Preservation has determined that any building or structure 45 years or older may be of historical value, if the project area contains such properties, it is recommended that prior to

commencement of project activities, a qualified professional familiar with the architecture and history of Contra Costa County conduct a formal CEQA evaluation.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the California Historical Resources Information System (CHRIS) Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

For your reference, a list of qualified professionals in California that meet the Secretary of the Interior's Standards can be found at http://www.chrisinfo.org. If archaeological resources are encountered during the project, work in the immediate vicinity of the finds should be halted until a qualified archaeologist has evaluated the situation. If you have any questions please give us a call (707) 588-8455.

Sincerely,

Bryan Much
Coordinator

**From:** Dominique Vogelpohl
**To:** cpd@wiltonrancheria-nsn.gov
**Subject:** RE: Notice of Public Review and Intent to Adopt a Proposed Mitigated Negative Declaration
**Date:** Wednesday, June 21, 2023 3:01:00 PM
**Attachments:** image001.png

---

Hello Venesa,

I am the project planner for this application.

Thank you for reaching out.

The Environmental document is currently in circulation for public comment, which will be end Friday, July 21st.

The full environmental document and supportive studies are available on the State Clearinghouse (SCH) website, if interested: Query the CEQAnet Database (ca.gov) and type in the SCH# 2023060580.

I anticipate this application going to public hearing on Monday, August 7 at 130PM. Would you like me to send you a copy of the report for hearing when available?

And please let me know if you have any questions.

Kind regards,

Dominique Vogelpohl, Project Planner
Department of Conservation and Development
Community Development Division
30 Muir Road Martinez, CA 94553
(925) 655-2880

CONTRA COSTA COUNTY, CALIFORNIA

---

**From:** Cultural Preservation Department Inbox <cpd@wiltonrancheria-nsn.gov>
**Sent:** Wednesday, June 21, 2023 11:15 AM
**To:** Anne Nounou <Anne.Nounou@dcd.cccounty.us>
**Subject:** RE: Notice of Public Review and Intent to Adopt a Proposed Mitigated Negative Declaration

June 21, 2023

**RE: Public Review and Intent to Adopt a Proposed Mitigated Negative Declaration- 3810 Walnut Boulevard 10-Lot Subdivision**

**CONFIDENTIAL**

Hello-

Wilton Rancheria has received notification of the above-mentioned project and has confirmed that this project will be located within the tribes ancestral and culturally affiliated territory. We would like to note the importance of this location to our tribe and its former use for both occupation and burial as indicated by near by archaeological records and Cultural Resource Inventories. We would like to be kept informed about the state of this project as it moves forward. If you would like to consult with us before you move to the next step in your process, do not hesitate to reach out directly to me. I can be reached with the information provided below. Thank you for your time and consideration of our tribal concerns. Respectfully,

**Venesa Kremer**
Lead Monitor
Cultural Resources Assistant
Wilton Rancheria- Cultural Preservation Department
Tel: 916.683.6000 ext.2023
9725 Kent St.  Elk Grover CA 95624
vkremer@wiltonrancheria-nsn.gov
cpd@wiltonrancheria-nsn.gov

| | |
|---|---|
| **From:** | Dominique Vogelpohl |
| **To:** | Corrina Gould |
| **Subject:** | RE: Notice of Opportunity to Request Consultation for Contra Costa County File #CDSD21-09581 (10 lot single-family residential subdivision at 3180 Walnut Boulevard, Walnut Creek, CA) |
| **Date:** | Thursday, January 26, 2023 1:40:00 PM |
| **Attachments:** | image001.png |

Hello Corrina,

Thank you for your comments.

We also make it very clear to developers be aware of such a possibility, and if anything is unearthed to immediately stop work and notify us and all proper agencies.

If anything is uncovered during construction, we will be sure to notify you.

Kind regards,

Dominique Vogelpohl, Project Planner
Department of Conservation and Development
Community Development Division
30 Muir Road Martinez, CA 94553
(925) 655-2880

CONTRA COSTA
COUNTY, CALIFORNIA

---

**From:** Corrina Gould <cvltribe@gmail.com>
**Sent:** Tuesday, January 24, 2023 11:36 AM
**To:** Dominique Vogelpohl <Dominique.Vogelpohl@dcd.cccounty.us>
**Subject:** Re: Notice of Opportunity to Request Consultation for Contra Costa County File #CDSD21-09581 (10 lot single-family residential subdivision at 3180 Walnut Boulevard, Walnut Creek, CA)

Thank you for reaching out to the Tribe about the proposed project. At this time the Tribe has no further information to supply about the proposed site for this plan. As always we encourage developers in our traditional territories to remain cognizant of the facts that our tribal people lived all over the Bay Area and because of colonization and genocidal practices that reached into the late 19th century and early 20thCentury,it is not always possible to know for certain if you may find cultural resources or burials at sites where you anticipate ground disturbance. The Tribe wishes to be contacted if there are any findings.

**'Uni (Respectfully),**

***Corrina Gould, Tribal Chair***
Confederated Villages of Lisjan Nation

On Mon, Jan 23, 2023 at 3:55 PM Dominique Vogelpohl <Dominique.Vogelpohl@dcd.cccounty.us> wrote:

> Hello Corrina,
>
> Apologies for the delay in response.
>
> During this time I have been in correspondence with the project proponent on the matter, verified if any materials are available to provide to you, and if so to also review those materials myself prior to providing.
>
> After corresponding with the project's Cultural Resources team, an Archeological Survey Report prepared by Garcia and Associates (GANDA) environmental consultants (attached to this email) did include a Sacred Lands File search for the project, and the results were negative. The overall results of GANDA's records search conducted at the Northwest Information Center (NWIC), a historic map review, ethnographic and historic background context, and the results of a pedestrian survey of the Project area determined no cultural resources have been documented within the Project area, and the pedestrian
> field survey did not identify any cultural resources. Therefore, the potential to encounter archaeological resources during project implementation is low, and no additional cultural resources investigation is recommended.
>
> Please let me know if you have any other questions.
>
> Sincerely,
>
> Dominique Vogelpohl, Project Planner
> Department of Conservation and Development
> Community Development Division
> 30 Muir Road Martinez, CA 94553
> (925) 655-2880

**From:** Corrina Gould <cvltribe@gmail.com>
**Sent:** Monday, January 9, 2023 3:35 PM
**To:** Dominique Vogelpohl <Dominique.Vogelpohl@dcd.cccounty.us>
**Subject:** Re: Notice of Opportunity to Request Consultation for Contra Costa County File #CDSD21-09581 (10 lot single-family residential subdivision at 3180 Walnut Boulevard, Walnut Creek, CA)

Hello,

Thank you for your email. Can you please send additional information regarding the site? Has there been a Sacred Lands File search at the Native American Heritage Commission with Negative or Positive findings? Once this information is available, we can move forward with possible consultation.

**'Uni (Respectfully),**

***Corrina Gould, Tribal Chair***
Confederated Villages of Lisjan Nation

On Thu, Jan 5, 2023 at 3:39 PM Dominique Vogelpohl <Dominique.Vogelpohl@dcd.cccounty.us> wrote:

> Good afternoon,
>
> Please see the attached letter and information regarding an opportunity to request a consultation for a project for a 10 lot single-family residential subdivision at 3180 Walnut Boulevard, Walnut Creek in Contra Costa County. In accordance with Section 21080.3.1(d) of the PRC, you have 30 days from the receipt of this letter to either request or decline consultation in writing for this project.
>
> In accordance with your request, staff has also sent a hard copy via U.S. Certified mail to the address provided to our department.
>
> If you have any questions, please feel free to contact me.
>
> Sincerely,
>
> Dominique Vogelpohl, Project Planner
> Department of Conservation and Development
> Community Development Division
> 30 Muir Road Martinez, CA 94553
> (925) 655-2880

# Attachment 8

# Arborist Report

Traverso Tree

January 10, 2023

Andy Byde
Calibr Ventures
925-683-5493 | andy@calibrventures.com

**Re: Arborist Report for 3180 Walnut Blvd, Walnut Creek**

Dear Andy,

This arborist report addresses the proposed subdivision at 3180 Walnut Blvd. Per the Contra Costa County Tree Protection and Preservation Ordinance Chapter 816-6 for developed property, the scope of work includes:

- Tag, identify and measure all trees with diameters 6.5" or larger within 50' of proposed improvements. Multi-stemmed trees will be included if the total circumference of their stems exceeds 40".
- Note protected trees, defined as:
    - Any tree that is adjacent to or part of a riparian, foothill woodland or oak savanna area, or part of a stand of 4 or more trees, and measures 6.5" in diameter or more, and is of one of the following species: Bigleaf maple (*Acer macrophyllum*), Box elder (*Acer negundo*), California buckeye (*Aesculus californica)*, White alder (*Alnus rhombifolia*), Madrone (*Arbutus menziesii*), Toyon (*Heteromeles arbutifolia*), California Black Walnut (*Juglans hindsii)*, California juniper (*Juniperus californica*), Tanoak (*Lithocarpus densiflora*), Knobcone pine (*Pinus attentuata*), Digger pine (*Pinus sabiniana*), California sycamore (*Platanus racemosa*), Fremont cottonwood (*Populus fremontii*), Black cottonwood (*Populus trichocarpa*), Coast live oak (*Quercus agrifolia)*, Blue oak (*Q. douglasii*), California black oak (*Q. kellogii*), Valley oak (*Q. lobata*), Interior live oak (*Q. wislizenii*), Yellow willow (*Salix lasiandra*), Red willow (*Salix laevigata*), Arroyo willow (*Salix lasiolepis*), Coast red elderberry (*Sambucus callicarpa*), Coast redwood (*Sequoia sempervirens*), California bay (*Umbellularia californica*).
    - Any tree shown to be preserved on an approved tentative map, development or site plan or required to be retained as a condition of approval.
    - Any tree required to be planted as a replacement for an unlawfully removed tree.
- Assess proposed improvements for potential encroachment.
- Based on proposed encroachment, tree health, structure, and species susceptibility, make recommendations for preservation.
- Provide above information on a Tree Protection Plan, to include: tag #s, approximate dripline, whether a tree is removed or preserved, tree protection fencing locations, and tree protection recommendations.

**Project Summary**

The property is a 2.88 acre site with an existing but uninhabited single-family home in the very center of the property. The original driveway off Walnut Blvd has been reduced to a dirt path. A semi-natural drainage swale parallels the entire north property line, terminating in a culvert at the northwest corner of the property. The proposed project will subdivide the property and construct ten (10) homes, with a road down the center of the property and a bio-retention basin at the south corner.

I included seventy-four (74) trees in my tree inventory, including fourteen (14) protected trees. Orchard remnants, including mature & aging pecans, almonds and walnuts, are distributed across the site, while the highest density of native oaks is found along the south property line. After my site visit, I provided recommendations for preserving key trees along the property lines, both to maintain

screening and to reduce encroachment on off-site and/or spectacular specimens. These recommendations were incorporated into the latest plan set.

It is my opinion that a total of forty-three (43) trees will need to be removed to accommodate the proposed project, which includes four (4) protected trees. The remaining thirty-one (31) trees can be retained given that the protection measures within this report are followed.

**Assumptions & Limitations**

This report is based on my site visit on 5/19/21 and the vesting tentative map package by DK Engineering dated 12/22. It was assumed that the trees and the proposed improvements were accurately surveyed. A few trees were not surveyed, so I approximately located them on the tree protection plan. Their precise locations will not affect the recommendations in this report. Significant changes to the plans shall be reviewed to update the tree protection recommendations.

The health and structure of the trees were assessed visually from ground level. No drilling, root excavation, or aerial inspections were performed. Internal or non-detectable defects may exist and could lead to part or whole tree failures. Due to the dynamic nature of trees and their environment, it is not possible for arborists to guarantee that trees will not fail in the future.

**Discussion**

Due to the significant grading required to construct the site improvements, the majority of the trees in the center of the property & along Walnut Blvd will need to be removed. Of the 43 proposed removals, 4 are considered protected per County ordinance (trees # 340-343). Separately, four are recommended for removal solely based on their poor condition (trees #321, 325, 330 & 333) – while they can be preserved with low encroachment, their declining health means that they will not be an asset for long to both the current and future site. Tree preservation efforts are best focused on healthy trees that can provide benefits for years to come.

Such trees include the valley oaks along the southeast property line along View Lane, at the end of the proposed subdivision road (tree #314, Figure 1),

Figure 1. Proposed grading originally required the removal of valley oak #314 – the design has been adjusted so it can remain at the end of the main road.

Figure 2. Valley oak #310 is across the swale from the proposed retaining walls and homes. An arborist shall be on site during grading beneath its canopy.

and along the west property line. I provided recommendations on where to terminate grading, which reduced overall encroachment along the perimeter and increased the ability to preserve most of the mature trees. Still, I recommend having an arborist on site during grading within the driplines of selected trees to ensure that their roots are not excessively encroached. For instance, oak #310 is located on the west side of the drainage swale – the proposed retaining walls will occur at the top of the bank opposite of this tree (Figure 2). Although the likelihood of encountering large roots is lower, it is not zero, and the worthy character of this tree warrants additional caution with an arborist on site.

Two general recommendations apply across all the trees that will be preserved. The temporary protection fencing must be chain-link on posts driven into the ground. Movable footings or plastic/wire fencing is not sufficient, as these make it easy to move or remove fencing. The contractors may only adjust fencing with my approval – otherwise, encroachment would be far too easy given the size of the development and the site's gentle slopes. If the fencing is moved without my knowledge, the extent of tree impact becomes unknown and can jeopardize the long-term condition of the trees. Additionally, pruning shall be done by certified arborists or tree workers, who receive the credentials from the International Society of Arboriculture (ISA) once they have demonstrated a baseline level of knowledge and skill. Improper pruning of trees results in compromised growth and/or permanently destroys the trees' architecture, leading to increased issues in future years.

Figure 3. The neighbor's Monterey pine #303 is heading into its twilight years and is likely to continue to decline regardless of construction. The species has been rapidly dying throughout the county.

Lastly, although the proposed design has been adjusted to preserve the neighbor's pine (#303, Figure 3), this tree is likely to continue to decline. Monterey pines are short lived, native to coastal regions, and are highly vulnerable to drought stress when planted in inland environments. Once stressed, they become susceptible to infestation by red turpentine beetle and can rapidly die within a few months – this has been observed throughout the county, especially in the last year or two. This specific tree is aging and does not have many years left – it is likely to continue its decline regardless of construction.

**Tree Protection Recommendations (to be printed on site plans)**

Pre-Construction Phase

- Remove trees # 315, 321, 325, 326, 330, 332, 333, 335 & 340-374 (43 trees).
- Mulch from tree removals may be spread out under the driplines of trees that will be retained, keeping at least 12" away from the trunks.
- Prior to construction or grading, contractor shall install 6' chain-link fencing on steel posts driven into the ground to construct a temporary Tree Protection Zone (TPZ) around each tree or grove of trees as indicated on the tree protection plan. Wire or plastic fencing shall not be used as it is easy to damage or remove.

- TPZ fencing shall remain in an upright sturdy manner from the start of grading until the completion of construction. Fencing shall not be adjusted or removed without consulting the project arborist.

Foundation, Grading, and Construction Phase

- The project arborist shall be on-site during excavation/grading within the driplines of trees #310, 327-331, 334 & 335 to monitor root encroachment and to provide additional tree protection recommendations as needed. Roots ≥ 2" shall be cleanly pruned with a handsaw or sawzall, immediately covered, and kept moist till backfilled.
- All pruning – especially of trees #310, 327-331, 334 & 335 - shall be performed by personnel certified by the International Society of Arboriculture (ISA). All pruning shall adhere to ISA and American National Standards Institute (ANSI) Standards and Best Management Practices.
- Should Tree Protection Zone (TPZ) encroachment be necessary, the contractor shall contact the project arborist for consultation and recommendations.
- Contractor shall keep TPZs free of all construction-related materials, debris, fill soil, equipment, etc. The only acceptable material is mulch spread out beneath the trees.
- Should any damage to the trees occur, the contractor shall promptly notify the project arborist to appropriately mitigate the damage.

Landscaping Phase (if applicable)

- The Tree Protection Zone (TPZ) fencing shall remain in place with the same restrictions until landscape contractor notifies and meets with the project arborist.
- Contractor shall avoid trenching and grade changes within oak driplines.
- All planting and irrigation shall be kept a minimum of 10' away from native oaks. All irrigation within the driplines shall be targeted at specific plants, such as drip emitters or bubblers. No overhead irrigation shall occur within the driplines of native oaks.
- All planting within oak driplines shall be compatible with oaks, consisting of plant material that requires little to no water after two years' establishment. A list of oak-compatible plants can be found in a publication from the California Oak Foundation, available at: http://californiaoaks.org/wp-content/uploads/2016/04/CompatiblePlantsUnderAroundOaks.pdf

Thank you for the opportunity to provide this report, and please do not hesitate to contact me if there are any questions or concerns.

*Please see tree inventory table below & attached tree protection plan*.

Sincerely,

Jennifer Tso
Certified Arborist #WE-10270A
Tree Risk Assessor Qualified

## Tree Inventory & Assessment Table

#s: Each tree was given a square metal tag with numbers ranging from #301-374. Their locations are given in the tree protection plan.
**DBH** (Diameter at Breast Height): Trunk diameters in inches were measured at 4.5' above average grade with a diameter tape. Height of measurement may deviate from the standard on atypical trunks; deviations are noted under the "Comments" section.

Health & Structural Condition Rating
**Dead:** Dead or declining past chance of recovery.
**Poor (P):** Stunted or declining canopy, poor foliar color, possible disease or insect issues. Severe structural defects that may or may not be correctable. Usually not a reliable specimen for preservation.
**Fair (F)**: Fair to moderate vigor. Minor structural defects that can be corrected. More susceptible to construction impacts than a tree in good condition.
**Good (G):** Good vigor and color, with no obvious problems or defects. Generally more resilient to impacts.
**Very Good (VG)**: Exceptional specimen with excellent vigor and structure. Unusually nice.

**Dripline:** Canopy radius was visually estimated in each cardinal direction.

Age
**Young (Y):** Within the first 20% of expected life span. High resiliency to encroachment.
**Mature (M):** Between 20% - 80% of expected life span. Moderate resiliency to encroachment.
**Overmature (OM):** In >80% of expected life span. Low resiliency to encroachment.

**DE:** Dripline Encroachment (X indicates encroachment)
**CI:** Anticipated Construction Impact (L = Low, M = Moderate, H = High)

Tree Encroachment Summary

- Trees that will need to be removed: 315, 321, 325, 326, 330, 332, 333, 335, 340-374 (43 trees)
  - Trees #321, 325, 330 & 333 are recommended for removal strictly based on poor condition; they will not be significantly encroached by construction.
  - Protected trees to be removed: #340-343 (4 trees)
- Trees to be saved that will be subjected to dripline encroachment: 301-303, 306, 309, 310, 314, 316, 322-324, 327, 328, 331, 334, 338, 339 (17 trees)
- Trees to be saved that will not be encroached: 304, 305, 307, 308, 311, 312, 313, 317-320, 329, 336, 337 (14 trees)

| # | Species | DBH | Health | Structure | Dripline N | Dripline E | Dripline S | Dripline W | Age | DE | CI | Comments | Action |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 301 | Almond (*Prunus dulcis*) | 12 | F-P | F | 0 | 0 | 12 | 12 | M | X | L | Large dead branches. Multiple branches at 2.5'; diameter measured below. 11' from proposed grading outside retaining wall. | Install temporary protection fencing. |
| 302 | Valley oak (*Quercus lobata*) | 17 | G | F | 0 | 10 | 20 | 20 | M | X | L | Phototropic lean to S due to declining pine. Trunk flare buried. Co-dominant stems at 6' with wide attachment. 11' from proposed limit of grading; 15' from proposed retaining wall. | Install temporary protection fencing. |

| # | Species | DBH | Health | Structure | Dripline N | Dripline E | Dripline S | Dripline W | Age | DE | CI | Comments | Action |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 303 | Monterey pine (*Pinus radiata*) | 36 | F-P | F | 10 | 20 | 20 | 18 | OM | X | L-M | DBH estimated due to clutter below. Sparse canopy with yellowing needles. Debris obscuring base. 28' from proposed retaining wall. **Note: species has been declining in area and is likely to die from drought stress regardless of construction.** | Install temporary protection fencing. |
| 304 | Monterey pine | 17.5 | F | F | 15 | 25 | 0 | 0 | M | | L | Debris obscuring base. Phototropic lean to E. 25' from proposed retaining wall. | None. |
| 305 | Coast redwood (*Sequoia sempervirens*) | 11 | G-F | G | 12 | 12 | 12 | 12 | Y | | L | Off-site; DBH estimated; tag on fence. Top sparse. 22' from proposed retaining wall. | None. |
| 306 | Holly oak (*Quercus ilex*) | 7 | G-F | F | 12 | 12 | 12 | 12 | Y | X | L | Top sparse. 9' from proposed retaining wall. | Install temporary protection fencing. |
| 307 | Coast redwood | 12 | F-P | G | 8 | 8 | 8 | 8 | Y | | L | Off-site; DBH estimated; tag on fence. Browned and sparse foliage; early loss of old foliage. 22' from proposed retaining wall. | Install temporary protection fencing. |
| 308 | Valley oak | 13 | G | F | 10 | 15 | 15 | 10 | Y | | L | Off-site; DBH estimated; tag on fence. Co-dominant stems at 8'. 23' from proposed retaining wall. | Install temporary protection fencing. |
| 309 | California black walnut (*Juglans hindsii*) | 14 | G-F | F | 0 | 25 | 15 | 10 | M | X | L-M | **Protected tree.** Diameter measured at 5' above grade above large co-dominant swelling (other stem removed). Several dead stems & removed scaffolds exaggerating diameter. Remaining canopy healthy. 14' from proposed retaining wall. | Install temporary protection fencing. |
| 310 | Valley oak | 29.5 | G-F | G | 20 | 25 | 25 | 20 | M | X | L-M | **Protected tree.** Top moderately sparse with typical amount of dead lower branches. Wide co-dominant stems at 18'. Swale cuts next to trunk; wide trunk flare. 13' from proposed retaining wall (to be built on opposite side of swale). | Install temporary protection fencing - arborist on site during grading. For lower retaining wall. |
| 311 | California black walnut | 17.5 | G-F | F | 20 | 15 | 0 | 25 | M | | L | **Protected tree.** Off-site tree. 5" dead scaffold, other lower branches dead. Remaining canopy is healthy. Clear of construction. | None. |
| 312 | California black walnut | 26 | F-P | F | 20 | 20 | 20 | 20 | M | X | H | **Protected tree.** Diameter measured at 18" above grade due to swelling for co-dominant stems above (at 6'). Sparse upper canopy. Small diameter dieback at top. | Install temporary protection fencing. |
| 313 | Almond | 9, 6 | G | F | 10 | 12 | 12 | 5 | M | X | H | Good health. Some minor lower dieback. | None. |
| 314 | Valley oak | 14 | VG | G | 15 | 15 | 15 | 15 | Y | X | L | Nice tree. Close to top of swale. Co-dominant stems at 6'. Proposed grading terminates 13' radius from tree. | Install temporary protection fencing. |

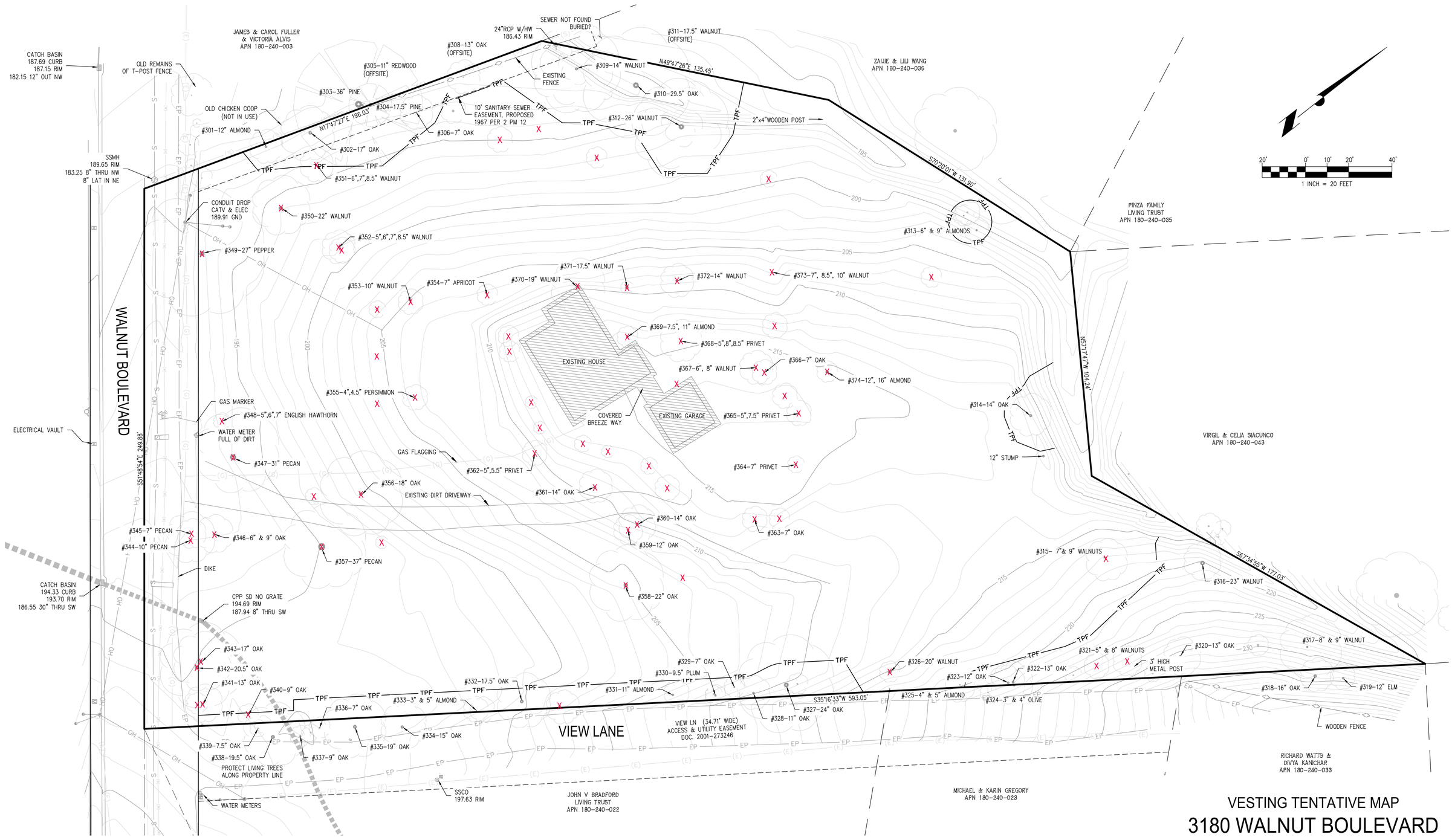
| # | Species | DBH | Health | Structure | Dripline N | Dripline E | Dripline S | Dripline W | Age | DE | CI | Comments | Action |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 315 | English walnut (*Juglans regia*) | 7.5, 9, 7, 7, 9, 6 | P | P | 15 | 10 | 10 | 12 | OM | X | H | Half dead. Rootstock resprouting. Canopy died back to smaller crown. Decay throughout tree. In proposed grading. | Remove. |
| 316 | California black walnut | 23 | G | P | 12 | 12 | 12 | 12 | M | X | L-M | Topped at 12' with healthy regrowth. Trunk sounds hollow. Proposed grading daylights 22' from tree. | Install temporary protection fencing. |
| 317 | California black walnut | 8, 8, 9, 6 | F-P | F | 15 | 10 | 20 | 15 | M | | L | Sparse canopy; one trunk dead. Co-dominant trunks at base. Clear of construction. | None. |
| 318 | Valley oak | 16 | G | G | 20 | 15 | 15 | 12 | M | | L | Off-site tree. Co-dominant stems at 7' with wide attachment. Slightly sparse canopy. Clear of construction. | None. |
| 319 | Siberian elm (*Ulmus pumila*) | 12 | F-P | F-P | 8 | 10 | 10 | 15 | M | | L | Off-site tree. Large branch dieback throughout canopy with remaining foliage healthy. Clear of construction. | None. |
| 320 | Valley oak | 13 | G | G | 18 | 15 | 15 | 15 | M | | L | Very good structure with wide attachments. Large scaffold branch at 3'. Clear of construction. | None. |
| 321 | California black walnut | 8, 5 | VP | P | 15 | 12 | 10 | 0 | OM | | L | Noted as dead on survey. All other stems are dead. Sparse canopy with mistletoe. 18' from proposed limit of grading. | Remove (due to condition). |
| 322 | Valley oak | 13 | VG | G-F | 15 | 15 | 15 | 0 | M | X | L | Buried trunk flare. Minor phototropic lean to E. Power lines to E across road. 10' from proposed limit of grading. | Install temporary protection fencing. |
| 323 | Valley oak | 12 | G | F | 15 | 0 | 10 | 18 | M | X | L | Phototropic lean to NW with bowed top; still understory. Buried trunk flare. 10' from proposed limit of grading. | Install temporary protection fencing. |
| 324 | Olive (*Olea europea*) | 4, 4, 3, 4, 3 | G | G-F | 8 | 8 | 10 | 10 | Y | X | L | Multiple trunks. Minor phototropic lean to S. 12' from proposed limit of grading. | Install temporary protection fencing. |
| 325 | Almond | 4, 4, 5, 5 | P | P | 5 | 3 | 6 | 5 | OM | | L | Aging tree. Several dead trunks, remaining healthy foliage consists of water-sprouts. 10' from proposed limit of grading. | Remove (due to condition). |
| 326 | California black walnut | 20 | VP | P | 10 | 15 | 6 | 12 | OM | X | H | Main trunk decayed and nearly dead - diameter exaggerated. Live branches actually only up to 5" diameter. Sparse stunted foliage with significant mistletoe. 2' from proposed limit of grading. | Remove. |
| 327 | Valley oak | 24 | G | G-F | 20 | 18 | 15 | 25 | M | X | M/M-H | Large branches extended to W, multiple large stems between 5'-7'. Proposed retaining wall 13' from trunk; V-ditch/swale 9' from tree. | Install temporary protection fencing. Arborist on site during grading within tree dripline. Pruning to be done by certified personnel |
| 328 | Valley oak | 11 | G | G-F | 0 | 18 | 15 | 0 | Y | X | L | Trunk winds through branches of larger oak. Proposed retaining wall 13' from trunk; V-ditch/swale 8' from tree. | Install temporary protection fencing. |

| # | Species | DBH | Health | Structure | Dripline N | Dripline E | Dripline S | Dripline W | Age | DE | CI | Comments | Action |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 329 | Valley oak | 7 | VG | F | 0 | 0 | 0 | 20 | Y | | L | Phototropic lean to W. 7' from proposed retaining wall; 4' from proposed V-ditch/swale. | Install temporary protection fencing. |
| 330 | Plum (*Prunus* sp.) | 9.5 | P | F-P | 0 | 10 | 12 | 4 | OM | X | M/M-H | Half dead. In cluster with dead almond and oak. 10' from proposed retaining wall; 6' from proposed V-ditch/swale. | Remove (due to condition). |
| 331 | Almond | 11 | G | F | 10 | 10 | 10 | 10 | M | X | M | Diameter measured at 3' - narrow co-dominant stems at 4' exaggerating DBH. Minor dead lower branches. 9' from proposed retaining wall; 5' from proposed V-ditch/swale. | Install temporary protection fencing. Arborist on site during grading within tree dripline. |
| 332 | Valley oak | 17.5 | F | F | 20 | 15 | 18 | 20 | M | X | H | Small branch dieback and responding with vigorous epicormic growth. Unknown cause of stress. 9' from proposed retaining wall; 5' from proposed V-ditch/swale. | Remove. |
| 333 | Almond | 5, 4, 3 | F-P | F-P | 0 | 10 | 12 | 5 | OM | X | L-M | Dieback with epicormic sprouts comprising canopy. Dead black walnut at base (3" & 4"). 12' from proposed retaining wall; 8' from proposed V-ditch/swale. | Remove (due to condition). |
| 334 | Valley oak | 15 | VG | G-F | 18 | 18 | 18 | 18 | M | X | L | **Protected tree.** Buried flare. Multiple stems at 15' with narrow attachment. 14' from proposed drainage. | Install temporary protection fencing. Arborist on site during grading within tree dripline. |
| 335 | Valley oak | 19 | G | G | 15 | 18 | 15 | 18 | M | X | L-M | **Protected tree.** Buried flare. Some areas of canopy lacking branches. 13' from proposed drainage. | Install temporary protection fencing. Arborist on site during grading within tree dripline. |
| 336 | Valley oak | 7 | G | F | 10 | 0 | 0 | 15 | Y | | L | **Protected tree.** Asymmetrical canopy to NW. 12' from proposed drainage. | Install temporary protection fencing. |
| 337 | Valley oak | 9 | G | G-F | 6 | 15 | 4 | 4 | Y | | L | **Protected tree.** Co-dominant stems at 6' with narrow attachment. Unusually narrow canopy with elongated branches over small road. Buried trunk flare. 18' from proposed drainage. | Install temporary protection fencing. |
| 338 | Valley oak | 19.5 | G | G-F | 18 | 18 | 18 | 18 | M | X | L | **Protected tree.** Co-dominant stems at 8'. Minor small diameter deadwood. Buried trunk flare. 13' from proposed bioretention basin. | Install temporary protection fencing. |
| 339 | Valley oak | 7.5 | G | G | 4 | 10 SE | 10 | 6 | Y | X | L | **Protected tree.** Phototropic lean to SE. 8' from proposed bioretention basin. | Install temporary protection fencing. |
| 340 | Valley oak | 9 | G | G-F | 0 | 15 SE | 12 | 15 | Y | X | H | **Protected tree.** Minor asymmetrical canopy to W. Within 1' of proposed bioretention basin. | Remove. |

| # | Species | DBH | Health | Structure | Dripline N | Dripline E | Dripline S | Dripline W | Age | DE | CI | Comments | Action |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 341 | Valley oak | 13 | G | G-F | 12 | 15 | 15 SE | 0 | M | X | H | **Protected tree.** Phototropic lean to SE has corrected at top. Buried flare. 3' from proposed bioretention basin. | Remove. |
| 342 | Valley oak | 20.5 | G-F | G-F | 18 | 18 | 18 | 18 | M | X | H | **Protected tree.** Multiple large spreading stems at 7'-9' above grade. Some dead branches at outer edge of canopy, 3" dead secondary branch to N. Trunk flare buried. 4" x 6" wound on S side. 3' from proposed bioretention basin; in proposed sidewalk. | Remove. |
| 343 | Valley oak | 17 | G | F | 25 | 0 | 15 S W | 25 | M | X | H | **Protected tree.** Trunk buried. Phototropic lean to NW, not corrected. Within 1' of proposed bioretention basin. | Remove. |
| 344 | Pecan (*Carya illinoinensis*) | 10, 10 | G | F | 0 | 25 | 20 | 15 | M | X | H | Co-dominant stems at 2' with moderate bark inclusion. Asymmetrical canopy due to shading. Trunk wound on street side (car damage) 16" x 8" surrounded by large woundwood. In proposed sidewalk. | Remove. |
| 345 | Pecan | 7 | G | G-F | 12 | 0 | 18 S W | 18 | Y | X | H | Large 2' x 6" scar on N side of trunk, cause unknown. Minor phototropic lean. In proposed sidewalk. | Remove. |
| 346 | Valley oak | 9, 6 | G | G-F | 8 | 20 | 6 | 6 | Y | X | H | Large secondary stem at 2'. Corrected lean to E; cause unknown. End of chain attached to S side of trunk. In proposed bioretention basin. | Remove. |
| 347 | Pecan | 31 | G-F | F | 18 | 18 | 20 | 15 | M | X | H | Evidence of branch failures throughout canopy; hanger in tree. 12" x 14" wide cavity on NW side of trunk, surrounded by thick woundwood - may be from failure of old co-dominant stem. Co-dominant stems at 6'. North stem has large canker at 7' above grade. Some large dieback in upper crown. Within 1' of proposed bioretention basin and sidewalk. | Remove. |
| 348 | English hawthorn (*Crataegus laevigatum*) | 6, 7, 5 | G-F | F | 10 | 10 | 10 | 10 | M | X | H | Multiple stems at 18" above grade. Vigorous epicormic shoots. Understory tree, dominated by pecan. In proposed road. | Remove. |
| 349 | Peruvian pepper (*Schinus molle*) | 27, 27 | G | P | 20 | 20 | 20 | 25 | M | X | H | Tree consists of 2 major trunks - west trunk is horizontal on ground for 3'; other trunk failed at 8' above grade. Large suckers comprise remaining stems - 15" stem failed at base but is alive due to small strip of tissue still attached. <5" oaks within canopy. Within 1' of proposed sidewalk; in proposed grading. | Remove. |
| 350 | California black walnut | 22 | P-VP | P | 5 | 5 | 5 | 10 | M | X | H | Large deadwood, significant dieback. Live foliage healthy. In proposed grading. | Remove. |

| # | Species | DBH | Health | Structure | Dripline N | Dripline E | Dripline S | Dripline W | Age | DE | CI | Comments | Action |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 351 | California black walnut | 7, 6, 8.5 | G-F | P | 5 | 15 | 3 | 0 | M | X | H | Significant phototropic lean, some small twig dieback. Suckers from original trunk. Within 1' of proposed retaining wall. | Remove. |
| 352 | California black walnut | 5, 8.5, 7, 5, 6 | F | G-F | 10 | 5 | 10 | 10 | M | X | H | Actually one tree. Sparse canopy, small twig dieback throughout, including upper canopy. In proposed grading. | Remove. |
| 353 | English walnut | 10 | F-P | F | 5 | 5 | 5 | 5 | M | X | H | Diameter measured at 2.5'; below co-dominant branches. Dieback in upper canopy. In proposed grading. | Remove. |
| 354 | Apricot (*Prunus armeniaca*) | 7 | VP | F | 0 | 5 | 5 | 5 | OM | X | H | Main scaffold dead, remaining canopy very sparse. In proposed grading. | Remove. |
| 355 | Persimmon (*Diospyros* sp.) | 4.5, 4, 4.5, 4.5, 4 | F-P | F | 7 | 5 | 5 | 5 | M | X | H | Top dieback and dead twigs, some water sprouts, sparse canopy. In proposed grading. | Remove. |
| 356 | Valley oak | 18 | F | G-F | 20 | 15 | 5 | 15 | M | X | H | Phototropic lean to N, corrected at 25'. Scaffolds at 15' with included bark. Small twig dieback, somewhat sparse. In proposed grading. | Remove. |
| 357 | Pecan | 37 | G-F | F-P | 25 | 20 | 30 | 45 | M | X | H | Co-dominant stems at 6' with included bark. Sparser canopy on north side, southern side very full. Overextended, heavy limbs, swelling on main scaffolds may indicate internal defects. Decay from prior pruning. In proposed grading. | Remove. |
| 358 | Valley oak | 22 | F-P | F | 20 | 15 | 20 | 15 | Y-M | X | H | Small twig dieback throughout canopy, sparse upper canopy, lots of epicormic growth on main stems and scaffolds. In proposed grading. | Remove. |
| 359 | Holly oak | 12 | F | P/P-VP | 5 | 5 | 0 | 8 | Y | X | H | Co-dominant stems with included bark at 1' wrapping around each other. Sparse upper canopy. In proposed grading. | Remove. |
| 360 | Holly oak | 14 | F-P/P | F-P | 5 | 5 | 10 | 10 | Y | X | H | Diameter measured at 4', twig dieback throughout upper canopy. Interior waterspouts. Decay pocket on N co-dominant stem. In proposed grading. | Remove. |
| 361 | Valley oak | 14 | F | G | 10 | 15 | 10 | 15 | Y | X | H | Dead mistletoe. Epicormic sprouts in interior canopy, small twig dieback in outer canopy. In proposed grading. | Remove. |
| 362 | Privet (*Ligustrum lucidum*) | 5. 5.5, 4, 5 | F-P | VP | 3 | 5 | 5 | 5 | M | X | H | Large shrub with sucker growth and rubbing stems. Twig dieback especially on N side. Chlorotic and sparse canopy. In proposed grading. | Remove. |
| 363 | Holly oak | 7 | G | F/F-P | 3 | 8 | 8 | 8 | Y | X | H | Previously topped at 6' with multiple upright stems. In proposed grading. | Remove. |
| 364 | Privet | 7 | F | F | 5 | 5 | 8 | 5 | M | X | H | Somewhat sparse and chlorotic canopy, nice structure for a privet. Surrounded by shrubs. In proposed grading. | Remove. |

| # | Species | DBH | Health | Structure | Dripline N | Dripline E | Dripline S | Dripline W | Age | DE | CI | Comments | Action |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 365 | Privet | 5, 5, 7.5 | F/F-P | P | 5 | 3 | 7 | 5 | M | X | H | Main stems rubbing/fusing with narrow attachment, some twig dieback on north side. Slightly chlorotic and sparse canopy. In proposed grading. | Remove. |
| 366 | Holly oak | 7 | F/F-P | F | 5 | 3 | 0 | 5 | M | X | H | Lean to south due to partially uprooted (now stable) root ball. Some twig dieback in upper canopy. In proposed grading. | Remove. |
| 367 | California black walnut | 6, 8 | F | F-P | 0 | 0 | 10 | 5 | Y | X | H | Co-dominant stems at 1' with significant included bark. Large scaffold branch on north side previously removed. Twig and tip dieback throughout canopy. In proposed grading. | Remove. |
| 368 | Privet | 8, 5, 5.5, 8.5 | P | F | 10 | 10 | 10 | 10 | M | X | H | Twig dieback throughout, sparse & chlorotic canopy. Small cavity at base between trunks. In proposed grading. | Remove. |
| 369 | Almond | 11, 7.5 | VP | P | 0 | 0 | 0 | 0 | OM | X | H | Small live shoots, large deadwood, severe decline. Less than 5% live canopy. In proposed grading. | Remove. |
| 370 | California black walnut | 19 | F/F-P | F | 5 | 0 | 5 | 0 | M | X | H | Diameter measured at 3'. N scaffold dead; top dieback. In proposed grading. | Remove. |
| 371 | English walnut | 17.5 | P | F | 5 | 0 | 10 | 5 | M | X | H | Leader died back and bark missing on N side of trunk up to 5'. Significant decay in main stem. Dieback and very sparse canopy. In proposed grading. | Remove. |
| 372 | California black walnut | 14 | G-F | F-P | 5 | 5 | 8 | 5 | M | X | H | Diameter measured at 2.5'. Some twig dieback and larger deadwood. In proposed grading. | Remove. |
| 373 | English walnut | 10, 7, 8.5 | F/F-P | F | 10 | 5 | 7 | 10 | M | X | H | Top dieback, live foliage healthy. In proposed grading. | Remove. |
| 374 | Almond | 12, 16 | F-P | F-P | 5 | 0 | 0 | 5 | M | X | H | Large dead limbs, sparse canopy on east side, spiraling trunks. In proposed grading. | Remove. |




NOTE: THE PROPOSED DEVELOPMENT WILL REMOVE 43 TREES FROM THE PROJECT SITE. THE REMAINING 31 TREES WILL BE RETAINED. REFERENCE THE ARBORIST REPORT FOR 3180 WALNUT BOULEVARD DATED MAY 25, 2021 FOR FURTHER DETAILS ON THE TREES TO BE REMOVED.

REGISTERED PROFESSIONAL ENGINEER ANDREW D. PARRY No. 79704 CIVIL STATE OF CALIFORNIA

PRELIMINARY

# VESTING TENTATIVE MAP
# 3180 WALNUT BOULEVARD
## WALNUT CREEK, CALIFORNIA
JANUARY 11, 2023

ENGINEERING SURVEYING • PLANNING
1931 SAN MIGUEL DRIVE, SUITE 100, WALNUT CREEK, CA 94596
WWW.DKENGIN.COM (925) 932-6866

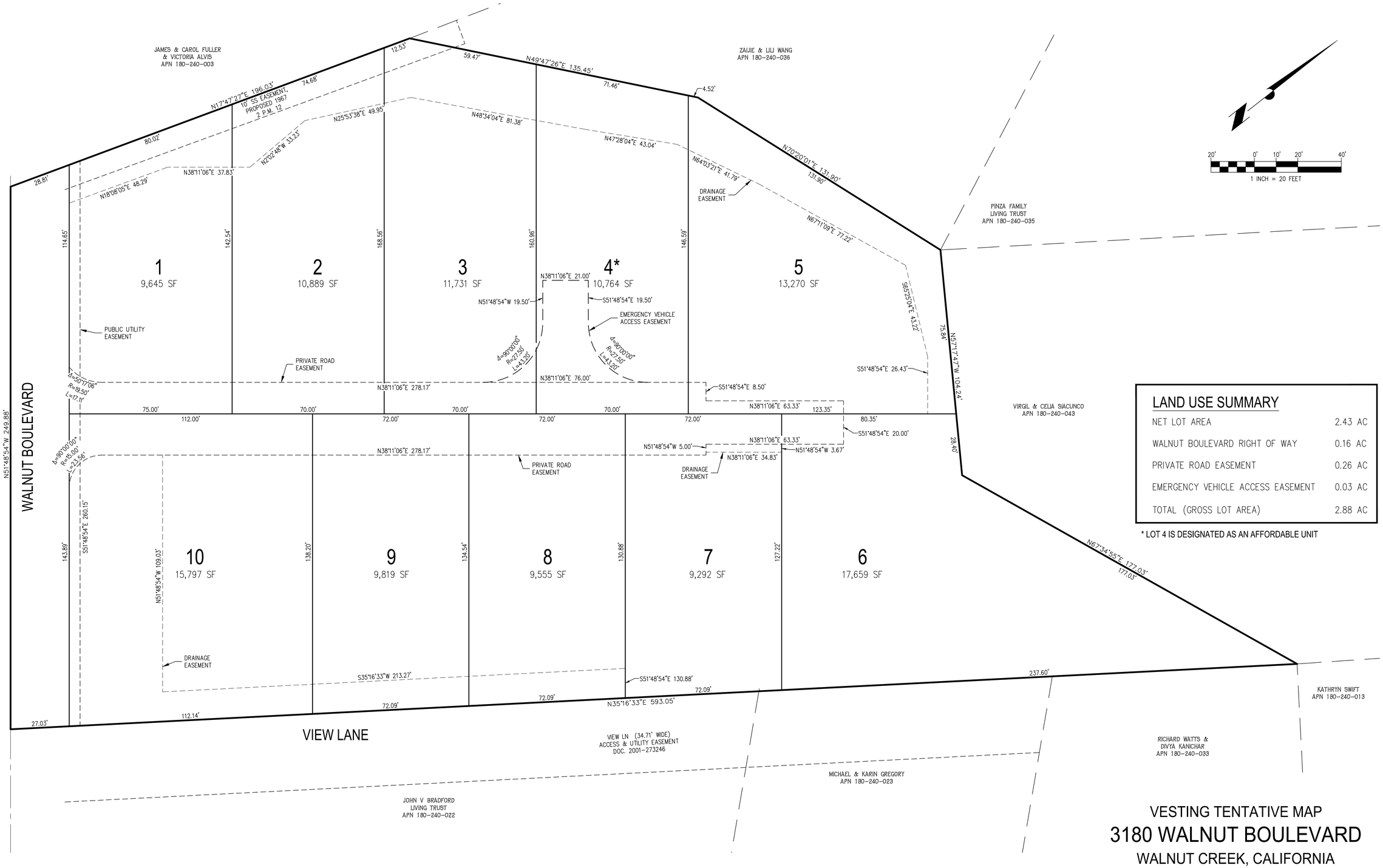
BOUNDARY & TOPOGRAPHIC SURVEY

F:\PROJECTS\2021\21-1007 3180 WALNUT BLVD - WALNUT CREEK\DWG\VIEW-BOUNDARY & TOPO-21071WG 1/11/2023

dk JOB# 21-1007-11

# Attachment 9

# Vesting Tentative Map




## LAND USE SUMMARY

| | |
|---|---|
| NET LOT AREA | 2.43 AC |
| WALNUT BOULEVARD RIGHT OF WAY | 0.16 AC |
| PRIVATE ROAD EASEMENT | 0.26 AC |
| EMERGENCY VEHICLE ACCESS EASEMENT | 0.03 AC |
| TOTAL (GROSS LOT AREA) | 2.88 AC |

* LOT 4 IS DESIGNATED AS AN AFFORDABLE UNIT

20' 0' 10' 20' 40'
1 INCH = 20 FEET

REGISTERED PROFESSIONAL ENGINEER
ANDREW D. PASSEY
No. 71704
CIVIL
STATE OF CALIFORNIA

PRELIMINARY

# VESTING TENTATIVE MAP
# 3180 WALNUT BOULEVARD
## WALNUT CREEK, CALIFORNIA
JUNE 23, 2022

ENGINEERING
SURVEYING • PLANNING
1931 SAN MIGUEL DRIVE, SUITE 100, WALNUT CREEK, CA 94596
WWW.DKENGIN.COM (925) 932-6868

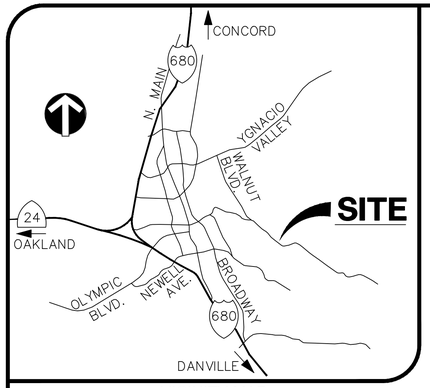
VESTING TENTATIVE MAP

F:\PROJECTS\2021\21-1007 3180 WALNUT BLVD - WALNUT CREEK\DWG\VM\21-1007VM2.DWG 6/27/2022

dk JOB# 21-1007-11

# Attachment 10

# Project Plans




VICINITY MAP

NOT TO SCALE

## ABBREVIATIONS

| | |
|---|---|
| AB | AGGREGATE BASE |
| AC | ASPHALT CONCRETE |
| APN | ASSESSOR'S PARCEL NUMBER |
| BGL | BOTTOM OF GRAVEL LAYER |
| BSW | BACK OF SIDEWALK |
| BW | BOTTOM OF WALL |
| C&G | CURB & GUTTER |
| CB | CATCH BASIN |
| CCC | CONTRA COSTA COUNTY |
| CL | CENTERLINE |
| CONC | CONCRETE |
| CR | CURB RETURN |
| EG | EXISTING GRADE |
| EX | EXISTING |
| FC | FACE OF CURB |
| FG | FINISH GRADE |
| FH | FIRE HYDRANT |
| FI | FIELD INLET |
| FL | FLOW LINE |
| GB | GRADE BREAK |
| LF | LINEAL FEET |
| LIP | LIP OF GUTTER |
| LP | LOW POINT |
| MIN | MINIMUM |
| PL | PROPERTY LINE |
| PVI | POINT OF VERTICAL INTERSECTION |
| R/W | RIGHT OF WAY |
| S/W | SIDEWALK |
| SD | STORM DRAIN |
| SDMH | STORM DRAIN MANHOLE |
| SS | SANITARY SEWER |
| SSMH | SANITARY SEWER MANHOLE |
| TC | TOP OF CURB |
| TGL | TOP OF GRAVEL LAYER |
| TPF | TREE PROTECTION FENCING |
| TSL | TOP OF SOIL LAYER |
| TW | TOP OF WALL |
| TYP | TYPICAL |
| W | WATER MAIN |

## PROJECT TEAM

APPLICANT
CALIBR VENTURES
115 JENNIFER COURT
ALAMO, CA 94507
VICE PRESIDENT: ANDY BYDE

CIVIL ENGINEER
dk ENGINEERING
1931 SAN MIGUEL DRIVE, SUITE 100
WALNUT CREEK, CA 94596
(925) 932-6868
PROJECT MANAGER: SCOTT E. HARTSTEIN

ARBORIST:
TRAVERSO TREE SERVICE, INC
4080 CABRILHO DRIVE
MARTINEZ, CA 94553
(925) 448-3387
ARBORIST: JENNIFER TSO

GEOTECHNICAL ENGINEER:
ENGEO
2010 CROW CANYON PLACE, SUITE 250
SAN RAMON, CA 94583
(925) 866-9000
JERRY CHEN

## SITE INFORMATION

SITE LOCATION: 3180 WALNUT BOULEVARD
WALNUT CREEK, CA

BASIS OF BEARING: BEARINGS SHOWN HEREON ARE ON CALIFORNIA STATE PLANE COORDINATE SYSTEM, ZONE 3 (GRID), HORIZONTAL DATUM USING NAD 83 (2011) (EPOCH 2010.0000) US SURVEY FOOT

BENCHMARK: VERTICAL DATUM NAVD88 GEOID 12B DERIVED FROM OPUS SOLUTION

PARCEL APN NO.: 180-240-002

EXISTING ZONING: R-20

NUMBER OF UNITS: 10 UNITS

SITE ACREAGE: 2.88

EXISTING CONTOURS: 1' INTERVAL

PROPOSED CONTOURS: 1' INTERVAL

UTILITIES & SERVICES:
WATER: EAST BAY MUNICIPAL UTILITY DISTRICT
SEWER: CONTRA COSTA COUNTY SANITARY DISTRICT
GAS & ELECTRIC: PACIFIC GAS & ELECTRIC

## LAND USE SUMMARY

| | |
|---|---|
| NET LOT AREA | 2.43 AC |
| WALNUT BOULEVARD RIGHT OF WAY | 0.16 AC |
| PRIVATE ROAD EASEMENT | 0.26 AC |
| EMERGENCY VEHICLE ACCESS EASEMENT | 0.03 AC |
| TOTAL (GROSS LOT AREA) | 2.88 AC |

## PRELIMINARY EARTHWORK QUANTITIES

| CUT | FILL | IMPORT/EXPORT |
|---|---|---|
| 7,786 | 7,786 | – |

THE SITE EARTHWORK IS A BALANCE.

SITE MAP

SCALE: 1"=50'

## LEGEND

| EXISTING | | PROPOSED |
|---|---|---|
| | PROJECT BOUNDARY | |
| | RIGHT OF WAY LINE | |
| | EASEMENT | |
| | DAYLIGHT | |
| | CONTOUR LINE, MAJOR | |
| | CONTOUR LINE, MINOR | |
| | CURB AND GUTTER | |
| EP | EDGE OF PAVEMENT | |
| | ROAD CENTER LINE | |
| | CONCRETE V-DITCH | |
| <> | FENCE | |
| | RETAINING WALL | |
| | PERVIOUS PAVERS | |
| 24"WALNUT | TREE, TREE TO BE REMOVED | 24"WALNUT |
| | TREE PROTECTION FENCE | TPF |
| D | STORM DRAIN LINE, MANHOLE, FIELD INLET, CATCH BASIN | |
| S CO | SANITARY SEWER LINE, MANHOLE | S |
| W | WATER LINE, METER, VALVE, FIRE HYDRANT | W |
| OH | OVERHEAD LINE | |
| G | RECORD GAS LINE | |
| E | RECORD ELECTRIC LINE | |

## SHEET INDEX



| SHEET | DESCRIPTION |
|---|---|
| 1 | REGIONAL CONTEXT MAP |
| 2 | VESTING TENTATIVE MAP |
| 3 | BOUNDARY & TOPOGRAPHIC SURVEY |
| 4 | PRELIMINARY GRADING & UTILITY PLAN |
| 5 | CROSS SECTIONS & ROAD SECTIONS |
| 6 | CROSS SECTIONS & ROAD SECTIONS |
| 7 | SITE SETBACKS |



REGISTERED PROFESSIONAL ENGINEER ANDREW D. PASSEY No. 74704 CIVIL STATE OF CALIFORNIA

PRELIMINARY

VESTING TENTATIVE MAP

# 3180 WALNUT BOULEVARD

WALNUT CREEK, CALIFORNIA

JUNE 23, 2022


dk ENGINEERING SURVEYING • PLANNING
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WWW.DKENGIN.COM (925) 932-6868


REGIONAL CONTEXT MAP

F:\PROJECTS\2021\21-1007 3180 WALNUT BLVD - WALNUT CREEK\DWG\VTM\21-1007VTM1 6/27/2022

JAMES & CAROL FULLER
& VICTORIA ALVIS
APN 180-240-003

ZAIJIE & LILI WANG
APN 180-240-036

PINZA FAMILY
LIVING TRUST
APN 180-240-035

VIRGIL & CELIA SIACUNCO
APN 180-240-043

RICHARD WATTS &
DIVYA KANICHAR
APN 180-240-033

JOHN V BRADFORD
LIVING TRUST
APN 180-240-022

MICHAEL & KARIN GREGORY
APN 180-240-023

WALNUT BOULEVARD

VIEW LANE

EX. 24" RCP
EL: 186.43

EX CATCH BASIN
187.69 CURB
187.15 RIM
182.15 12" OUT NW

10' SEWER EASEMENT
PER 2 PM 12

CONFORM TO EXISTING
EDGE OF PAVEMENT

EX SSMH
189.65 RIM
183.25 6" THRU NW
6" LAT IN NE

RELOCATE EXISTING
POWER POLE

EX FIRE HYDRANT

SEWER MANHOLE #1
EX 6" INV 188.28 THRU
6" INV 188.53 IN

EX CATCH BASIN
194.33 CURB
193.70 RIM
EX 30" 187.19 THRU SW
30" INV 187.19 IN

SEE SHEET 6

SEE SHEET 5

SEE SHEET 5

GRADING
DAYLIGHT

1 INCH = 20 FEET

## PRELIMINARY EARTHWORK QUANTITIES

| CUT | FILL | IMPORT/EXPORT |
|---|---|---|
| 7,786 | 7,786 | - |

1
9,645 SF
PAD 197

2
10,889 SF
PAD 203

3
11,731 SF
PAD 207

4
10,764 SF
PAD 209.8

5
13,270 SF
PAD 210

10
15,797 SF
PAD 202

9
9,819 SF
PAD 206

8
9,555 SF
PAD 209

7
9,292 SF
PAD 212.1

6
17,659 SF
PAD 216

BIORETENTION BASIN
TSL 191.0
TGL 189.5
BGL 188.5

OUTFALL
191.00

FIELD INLET #1
W/ TRASH RACK
GRATE 195.00
15" INV 191.04 THRU

CATCH BASIN #1
W/ TRASH RACK
TC 195.29
15" INV 191.12 THRU

CATCH BASIN #2
W/ TRASH RACK
TC 195.29
15" INV 191.26 THRU

SEWER MANHOLE #2
RIM 196.3
6" INV 189.42 THRU

SEWER MANHOLE #3
RIM 209.3
6" INV 201.34 OUT

CATCH BASIN #3
W/ TRASH RACK
TC 210.11
12" INV 199.24 IN
15" INV 198.99 OUT

FIELD INLET #2
W/ TRASH RACK
GRATE 208.7
12" INV 200.4 OUT

SEWER MANHOLE #4
RIM 211.4
6" INV 203.83 OUT

FIELD INLET #3
GRATE 192.50
18" INV 187.49 OUT

CATCH BASIN #4
SOLID GRATE W/ TRASH RACK
TC 193.60
30" INV 187.40 THRU
18" INV 187.40 IN

CATCH BASIN #5
W/ TRASH RACK
TC 195.50
30" INV 188.60 OUT

FIRE HYDRANT

BLOW OFF

END WALL

SIDEWALK

6" W

6" SS

15" SD

30" SD

6.0%

9.2%

2.9%

28.00'

5.00'

TW 199.0
BW 193.9

TW 200.0
BW 192.8

TW 200.0
BW 192.5

TW 204.0
BW 196.7

TW 204.0
BW 198.0

TW 205.0
BW 199.4

TW 210.0
BW 205.0

TW 207.0
BW 201.6

TW 210.0
BW 207.0

TW 207.0
BW 200.0

TW 207.0
BW 200.0

TW 209.8
BW 204.0

TW 209.8
BW 204.0

TW 209.8
BW 207.0

TW 199.0
BW 195.6

TW 203.0
BW 199.0

TW 203.0
BW 197.0

TW 203.0
BW 199.0

TW 197.0
BW 194.0

TW 197.0
BW 193.0

TW 193.0
BW 190.8

TW 193.0
BW 191.5

TW 203.0
BW 197.0

TW 207.0
BW 203.4

TW 207.0
BW 203.0

TW 209.0
BW 206.0

TW 206.0
BW 202.0

TW 202.0
BW 197.0

TW 202.0
BW 196.0

TW 206.0
BW 200.0

TW 209.0
BW 206.0

TW 209.0
BW 205.0

TW 209.0
BW 202.0

TW 209.0
BW 208.0

TW 212.1
BW 209.0

TW 212.1
BW 209.0

TW 216.0
BW 212.1

TW 216.0
BW 212.1

VESTING TENTATIVE MAP

# 3180 WALNUT BOULEVARD

WALNUT CREEK, CALIFORNIA

JUNE 23, 2022

ENGINEERING
SURVEYING • PLANNING
1931 SAN MIGUEL DRIVE, SUITE 100, WALNUT CREEK, CA 94596
WWW.DKENGIN.COM (925) 932-6868

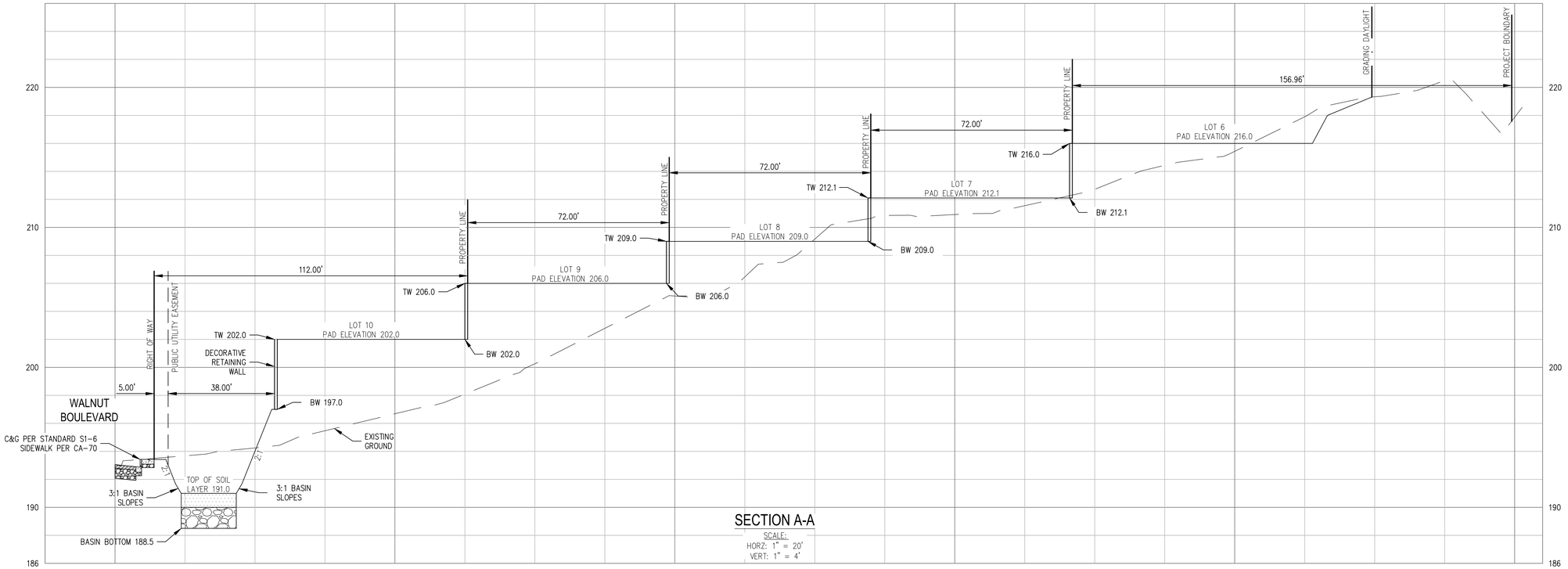
REGISTERED PROFESSIONAL ENGINEER
ANDREW D. PASSEY
No. 71704
CIVIL
STATE OF CALIFORNIA

PRELIMINARY

PRELIMINARY GRADING & UTILITY PLAN

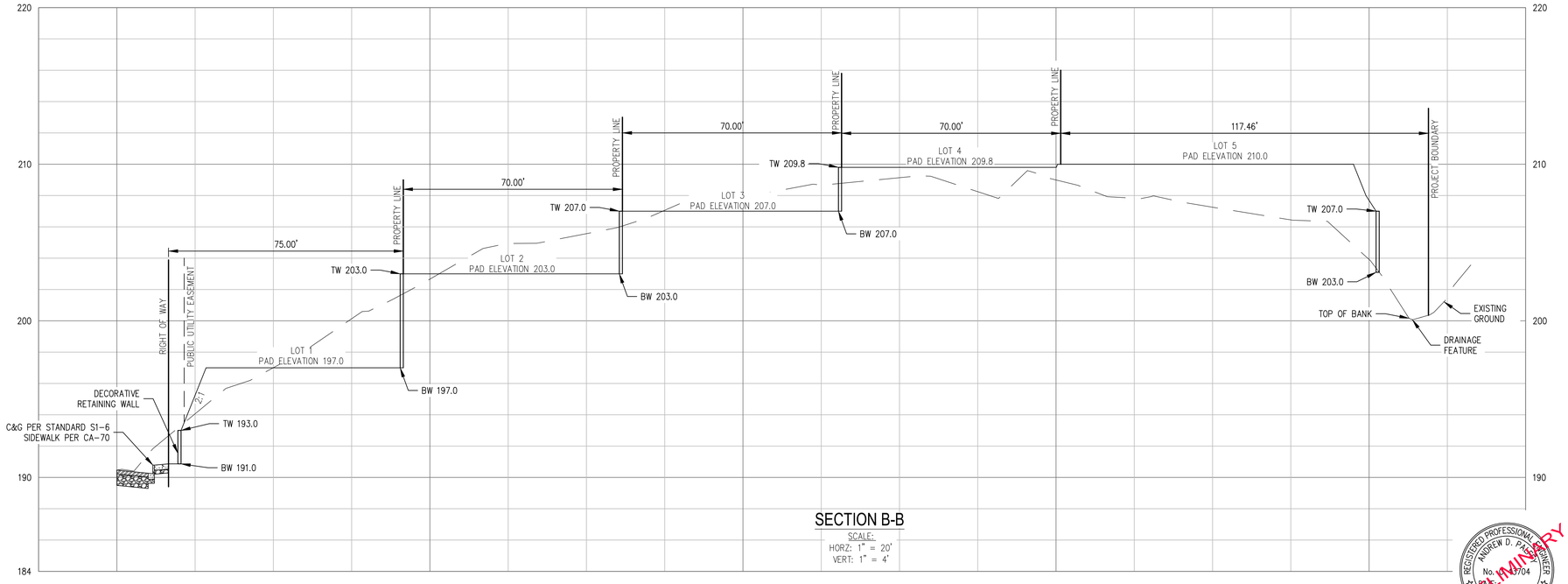
F:\PROJECTS\2021\21-1007 3180 WALNUT BLVD - WALNUT CREEK\DWG\VM\03-GRADING & UTILITY PLAN-21071.DWG 6/27/2022

dk JOB# 21-1007-11




SECTION A-A

SCALE:
HORZ: 1" = 20'
VERT: 1" = 4'




SECTION B-B

SCALE:
HORZ: 1" = 20'
VERT: 1" = 4'

REGISTERED PROFESSIONAL ENGINEER
ANDREW D. PARRY
No. 79704
CIVIL
STATE OF CALIFORNIA

PRELIMINARY

VESTING TENTATIVE MAP

# 3180 WALNUT BOULEVARD

WALNUT CREEK, CALIFORNIA

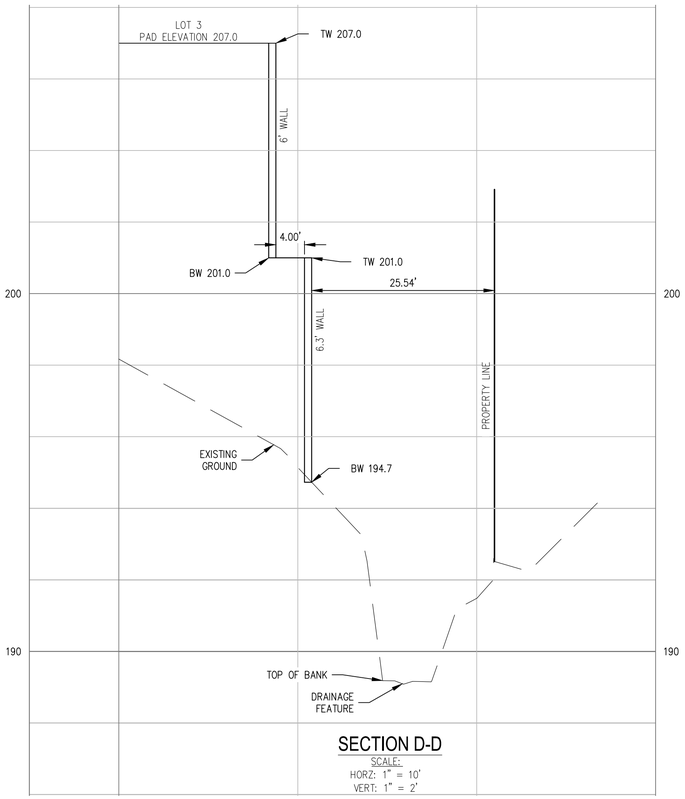
JUNE 23, 2022

ENGINEERING
SURVEYING • PLANNING
1931 SAN MIGUEL DRIVE, SUITE 100, WALNUT CREEK, CA 94596
WWW.DKENGIN.COM (925) 932-6868

CROSS SECTIONS & ROAD SECTIONS

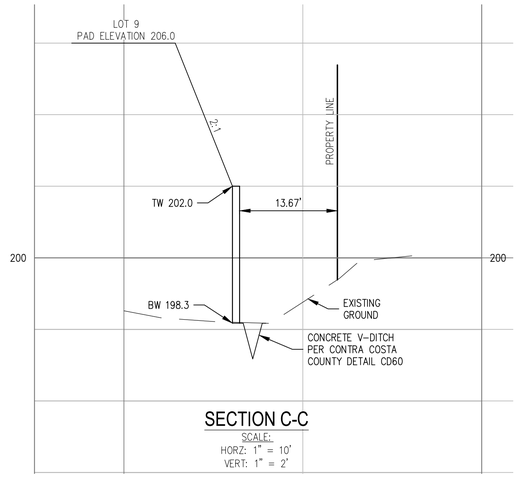
F:\PROJECTS\2021\21-1007 3180 WALNUT BLVD - WALNUT CREEK\DWG\VTM\21-09005 SECTIONS-21072.dwg 6/27/2022

dk JOB# 21-1007-11



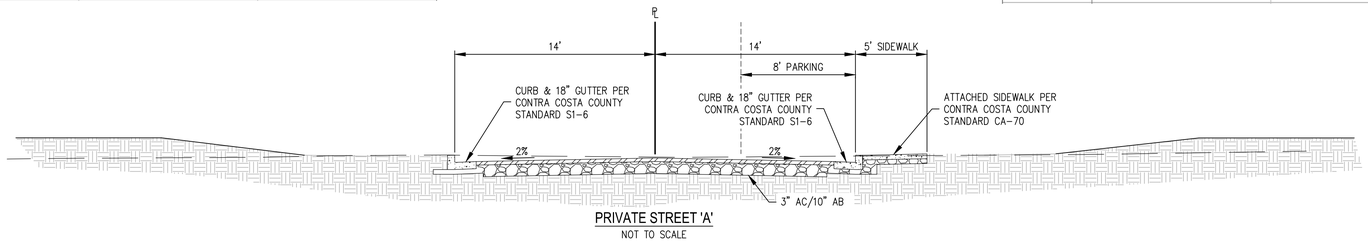

## SECTION D-D

SCALE:
HORZ: 1" = 10'
VERT: 1" = 2'



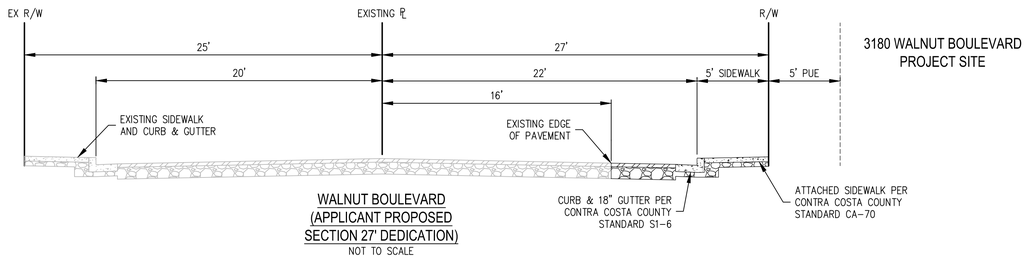

## SECTION C-C

SCALE:
HORZ: 1" = 10'
VERT: 1" = 2'



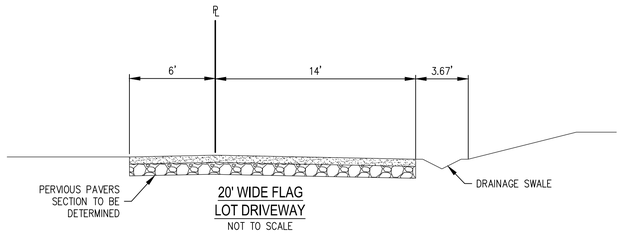

## PRIVATE STREET 'A'

NOT TO SCALE




## WALNUT BOULEVARD (APPLICANT PROPOSED SECTION 27' DEDICATION)

NOT TO SCALE




## 20' WIDE FLAG LOT DRIVEWAY

NOT TO SCALE

REGISTERED PROFESSIONAL ENGINEER
ANDREW D. PARR
No. 69704
CIVIL
STATE OF CALIFORNIA
PRELIMINARY

VESTING TENTATIVE MAP

# 3180 WALNUT BOULEVARD

WALNUT CREEK, CALIFORNIA

JUNE 23, 2022

ENGINEERING
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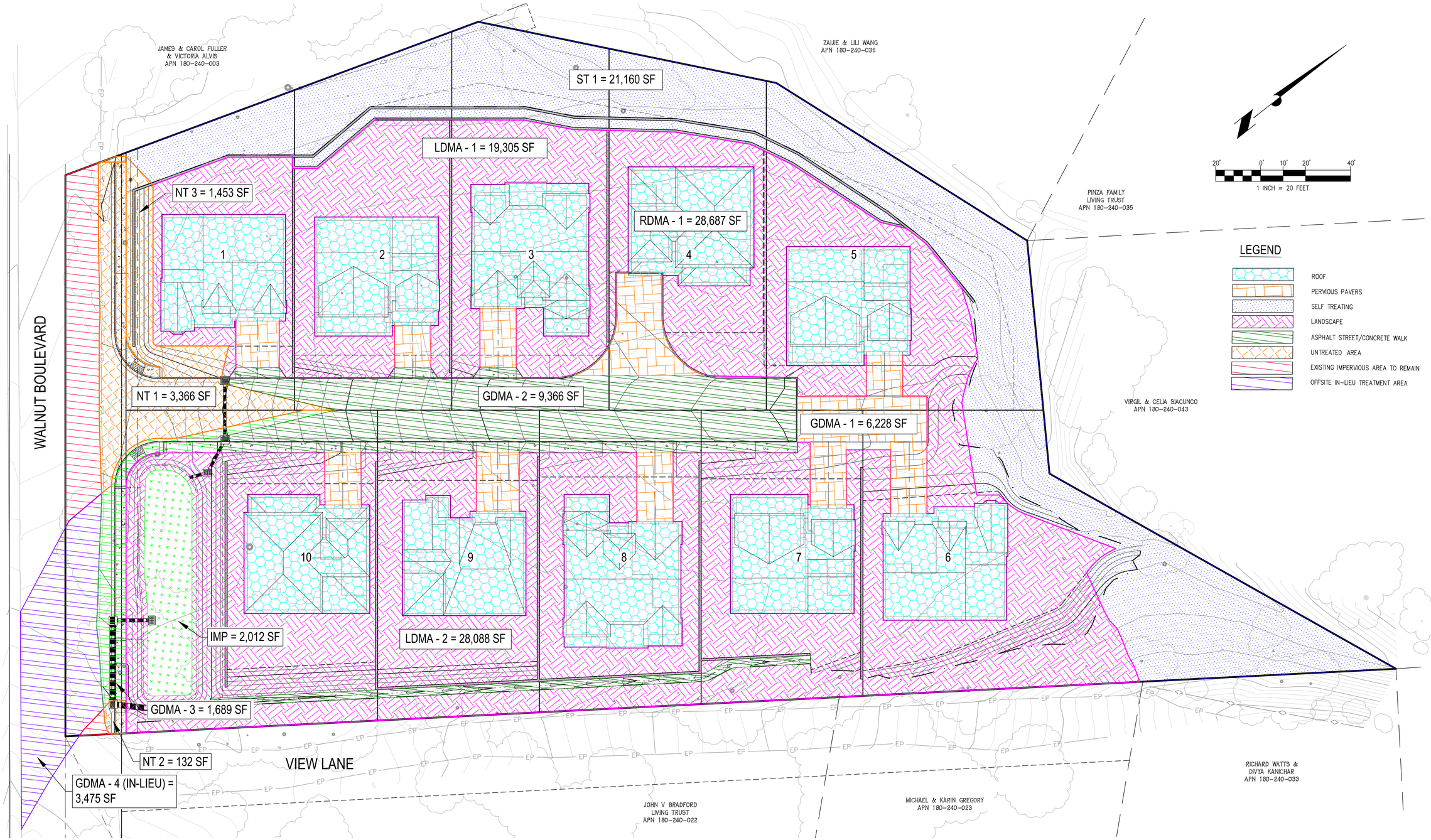
WWW.DKENGIN.COM (925) 932-6868

CROSS SECTIONS & ROAD SECTIONS

F:\PROJECTS\2021\21-1007 3180 WALNUT BLVD - WALNUT CREEK\CIVIL\CW\04-CROSS SECTIONS-21007.DWG 6/27/2022

dk JOB# 21-1007-11




Know what's **below.**
**Call** before you dig.

dk JOB NO: 21-1007

| NO. | DATE | DESCRIPTION | dk | AGENCY |
|---|---|---|---|---|
| | | | | |

REGISTERED PROFESSIONAL ENGINEER
ANDREW M. DANIELS
C 74834
CIVIL
STATE OF CALIFORNIA
PRELIMINARY

3180 WALNUT BLVD

CALIFORNIA

CALIBR VENTURES
3180 WALNUT BLVD
STORMWATER CONTROL PLAN
IMPROVEMENT PLANS
TRACT 9581

TRACT 9581

CONTRA COSTA COUNTY

6/27/2023

F:\Projects\2021\21-1007 3180 Walnut Blvd - Walnut Creek\DWG\IMPROVEMENT PLANS\C9.0 STORMWATER CONTROL PLAN - 2107.dwg


ENGINEERING
SURVEYING • PLANNING
1331 SAN MIGUEL DR., # 100
WALNUT CREEK, CA 94596
PHONE: (925) 932-6868
DK@DKCIVIL.COM


| | |
|---|---|
| DATE: | 06-23-23 |
| SCALE: HORZ. | 1"=20' |
| VERT. | N/A |
| DESIGNED BY: | AMD |
| REVIEWED BY: | ADP |

C9.0

**Project Name:** WALNUT BOULEVARD
**Project Type:** Treatment Only
**Location:** Contra Costa County, CA
**APN:** 180-240-002
**Drainage Area:** 125283 sf
**Mean Annual Precipitation:** 19.5 in

## I. Self-Treating Areas

| DMA Name | Area (sq ft) |
|---|---|
| ST 1 | 21160 |

## IV. Areas Draining to IMPs

### IMP Name: IMP1 (Soil Type: D)

**IMP Type: Bioretention Facility**
**Soil Type: D**

| DMA Name | DMA Area (sq ft) | Post-Project Surface Type | DMA Runoff Factor | DMA Area x Runoff Factor | IMP Sizing | | | |
|---|---|---|---|---|---|---|---|---|
| | | | | | IMP Sizing Factor | Rain Adjust-ment Factor | Minimum Area or Volume | Proposed Area or Volume |
| RDMA - 1 | 28,687 | Conventional Roof | 1.00 | 28,687 | | | | |
| LDMA - 1 | 19,305 | Landscape | 0.10 | 1,931 | | | | |
| GDMA - 1 | 6,228 | Solid Unit Pavers | 0.20 | 1,246 | | | | |
| GDMA - 2 | 9,366 | Concrete or Asphalt | 1.00 | 9,366 | | | | |
| GDMA - 4 (IN-LIEU) | 3,475 | Concrete or Asphalt | 1.00 | 3,475 | | | | |
| GDMA - 3 | 1,689 | Concrete or Asphalt | 1.00 | 1,689 | | | | |
| LDMA - 2 | 28,088 | Landscape | 0.10 | 2,809 | | | | |
| | | | Total | 49,202 | | | | |
| | | | | Area | 0.040 | 1.000 | 1,968 | 2,012 |

JAMES & CAROL FULLER
& VICTORIA ALVIS
APN 180-240-003

ZAIJIE & LILI WANG
APN 180-240-036

PINZA FAMILY
LIVING TRUST
APN 180-240-035

VIRGIL & CELIA SIACUNCO
APN 180-240-043

KATHRYN SWIFT
APN 180-240-013

RICHARD WATTS &
DIVYA KANICHAR
APN 180-240-033

MICHAEL & KARIN GREGORY
APN 180-240-023

JOHN V BRADFORD
LIVING TRUST
APN 180-240-022

WALNUT BOULEVARD

VIEW LANE

VIEW LN (34.71' WIDE)
ACCESS & UTILITY EASEMENT
DOC. 2001-273246

10' SS EASEMENT
PROPOSED 1967
2 P.M. 12

N17°47'27"E 196.03'

N49°47'26"E 135.45'

N70°20'01"E 131.90'

N51°48'54"W 249.88'

N35°16'33"E 593.05'

N57°11'47"W 104.24'

N67°34'55"E 177.03'

1 — LOT AREA 9,645 SF — FOOTPRINT AREA 2,483 SF

2 — LOT AREA 10,889 SF — FOOTPRINT AREA 2,533 SF

3 — LOT AREA 11,731 SF — FOOTPRINT AREA 2,913 SF

4* — LOT AREA 10,764 SF — FOOTPRINT AREA 2,533 SF

5 — LOT AREA 13,270 SF — FOOTPRINT AREA 2,533 SF

6 — LOT AREA 17,659 SF — FOOTPRINT AREA 2,483 SF

7 — LOT AREA 9,292 SF — FOOTPRINT AREA 2,533 SF

8 — LOT AREA 9,555 SF — FOOTPRINT AREA 2,913 SF

9 — LOT AREA 9,819 SF — FOOTPRINT AREA 2,442 SF

10 — LOT AREA 15,797 SF — FOOTPRINT AREA 2,533 SF

20' 0' 10' 20' 40'
1 INCH = 20 FEET

PROPOSED SETBACKS
R-20 SETBACKS
EASEMENTS

* LOT 4 IS DESIGNATED AS AN AFFORDABLE UNIT

PRELIMINARY

REGISTERED PROFESSIONAL ENGINEER
ANDREW D. PARR
No. 74704
CIVIL
STATE OF CALIFORNIA

VESTING TENTATIVE MAP

# 3180 WALNUT BOULEVARD

WALNUT CREEK, CALIFORNIA

JUNE 23, 2022

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SITE SETBACKS

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LIVING TRUST
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VIRGIL & CELIA SIACUNCO
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KATHRYN SWIFT
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RICHARD WATTS &
DIVYA KANICHAR
APN 180-240-033

MICHAEL & KARIN GREGORY
APN 180-240-023

JOHN V BRADFORD
LIVING TRUST
APN 180-240-022

VIEW LN (34.71' WIDE)
ACCESS & UTILITY EASEMENT
DOC. 2001-273246

WALNUT BOULEVARD

VIEW LANE

N51°48'54"W 249.88'

N17°47'27"E 196.03'

10' SS EASEMENT,
PROPOSED 1967
2 P.M. 12

N49°47'26"E 135.45'

N70°20'01"E 131.90'

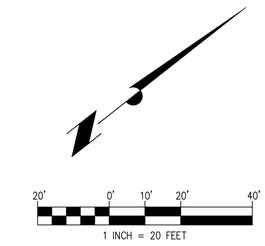
N57°17'47"W 104.24'

N67°34'55"E 177.03'

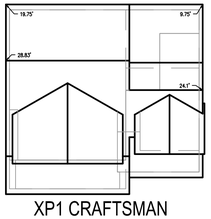
N35°16'33"E 593.05'

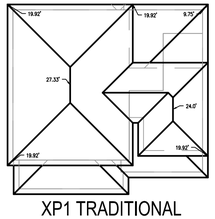
1 PAD 197
2 PAD 203
3 PAD 207
4 PAD 209.8
5 PAD 210
6 PAD 216
7 PAD 212.1
8 PAD 209
9 PAD 206
10 PAD 202

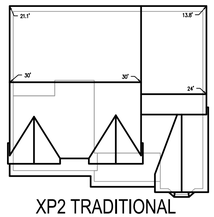
MAX FILL FROM EXISTING GRADE (30.1')
MAX FILL FROM EXISTING GRADE (30.0')
MAX FILL FROM EXISTING GRADE (31.7')
MAX FILL FROM EXISTING GRADE (34.8')
MAX FILL FROM EXISTING GRADE (31.4')
MAX FILL FROM EXISTING GRADE (33.1')
MAX FILL FROM EXISTING GRADE (30.7')
MAX FILL FROM EXISTING GRADE (32.2')
MAX FILL FROM EXISTING GRADE (33.7')
MAX FILL FROM EXISTING GRADE (33.5')

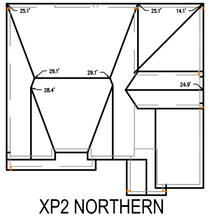


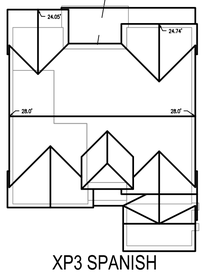

SETBACKS
PAD LIMITS
207.390 EXISTING GROUND ELEV.
24.8' BUILDING HEIGHT

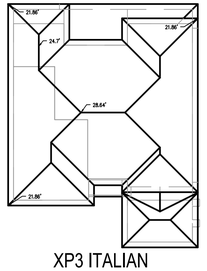

XP1 CRAFTSMAN


XP1 TRADITIONAL


XP2 TRADITIONAL


XP2 NORTHERN EUROPEAN


XP3 SPANISH COLONIAL


XP3 ITALIAN REVIVAL

NOTE: HEIGHTS TO VARIOUS ROOF PEAKS ARE SHOWN IN THE FIGURES TO THE LEFT. BUILDING HEIGHT IS MEASURED FROM THE ROOF PEAK TO EXISTING GROUND.

# HOUSE HEIGHT EXHIBIT
# 3180 WALNUT BOULEVARD
## WALNUT CREEK, CALIFORNIA
JUNE 23, 2022

dk ENGINEERING
SURVEYING • PLANNING
1931 SAN MIGUEL DRIVE, SUITE 100, WALNUT CREEK, CA 94596
WWW.DKENGR.COM (925) 932-6868

dk JOB# 21-1007-11

F:\PROJECTS\2021\21-1007_3180 WALNUT BLVD - WALNUT CREEK\CAD\EXHIBIT\BUILDING HEIGHT CHECK-SITE PLAN-21072.DWG 6/23/2022

Craftsman Elevation

American Foursquare Elevation

Source: CALIBR Ventures. WHA. 12/17/2021

Northern European Elevation

Traditional Elevation

Source: CALIBR Ventures. WHA. 12/17/2021

Spanish Colonial Elevation

Modern Farmhouse Elevation

Source: CALIBR Ventures. WHA. 12/17/2021

# Attachment 11

# Staff's Power Point Presentation

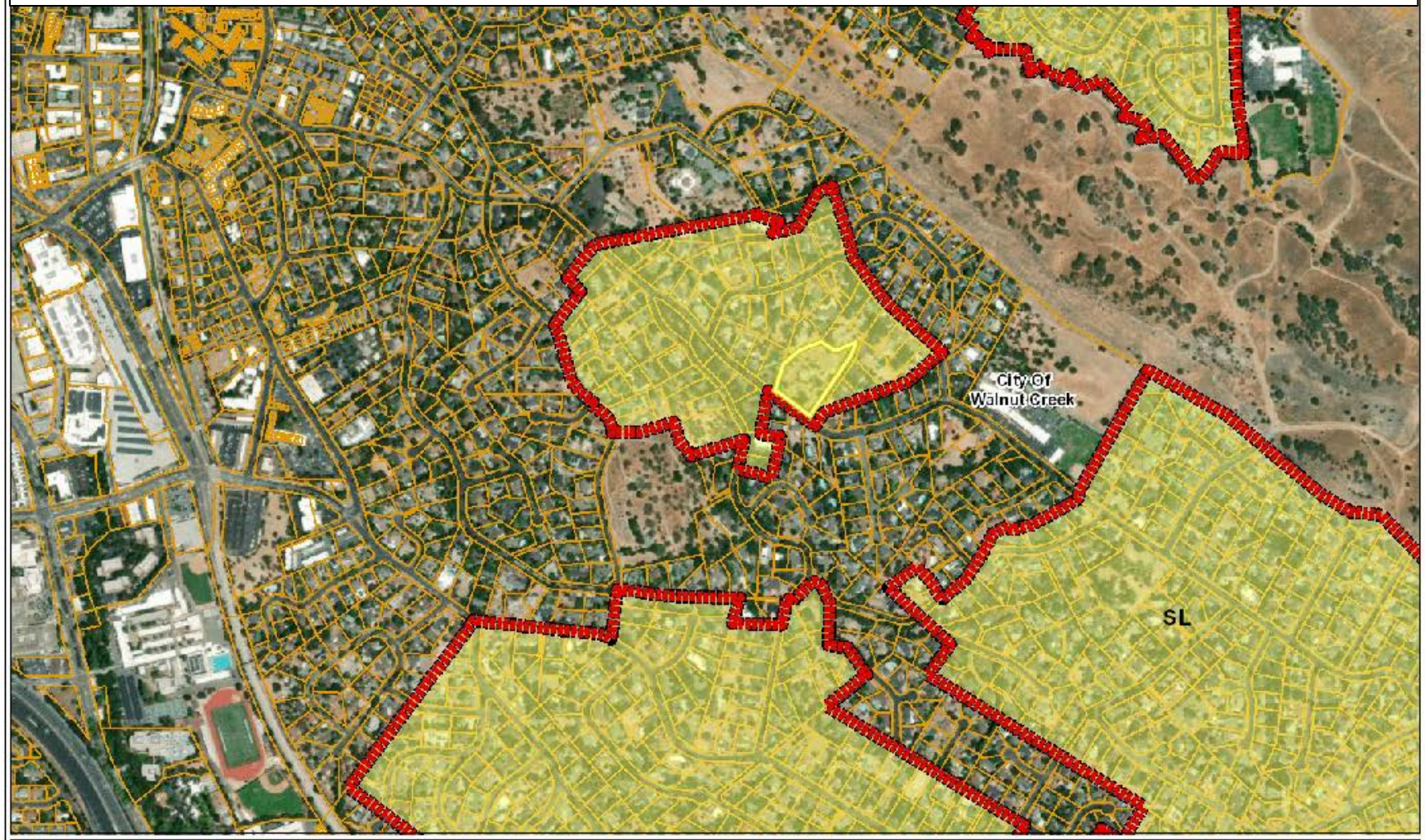
# 10-LOT MAJOR SUBDIVISION APPEAL COUNTY FILE #CDSD21-09581

3180 Walnut Boulevard, Walnut Creek

Contra Costa County Planning Commission

Wednesday, January 10, 2024

# General Plan: Single-Family Residential-Low Density (SL)




Legend

City Limits

General Plan

SV (Single Family Residential - Ver
SL (Single Family Residential - Low
SM (Single Family Residential - Me
SH (Single Family Residential - Higl
ML (Multiple Family Residential - Lc
MM (Multiple Family Residential - M
MH (Multiple Family Residential - Hi
MV (Multiple Family Residential - Vi
MS (Multiple Family Residential - Vi
CC (Congregate Care/Senior Housi
MO (Mobile Home)
M-1 (Parker Avenue Mixed Use)
M-2 (Downtown/Waterfront Rodeo I
M-3 (Pleasant Hill BART Mixed Use
M-4 (Willow Pass Road Mixed Use)
M-5 (Willow Pass Road Commercia
M-6 (Bay Point Residential Mixed U
M-7 (Pittsburg/Bay Point BART Stat
M-8 (Dougherty Valley Village Cent
M-9 (Montalvin Manor Mixed Use)
M-10 (Willow Pass Business Park M
M-11 (Appian Way Mixed Use)
M-12 (Triangle Area Mixed Use)
M-13 (San Pablo Dam Road Mixed
M-14 (Heritage Mixed Use)
CO (Commercial)
OF (Office)
BP (Business Park)
LI (Light Industry)
HI (Heavy Industry)
AL, OBA (Agricultural Lands & Off
CR (Commercial Recreation)
ACO (Airport Commercial)
LF (Landfill)
PS (Public/Semi-Public)
PR (Parks and Recreation)
OS (Open Space)

1:9,028

0.3 0 0.14 0.3 Miles

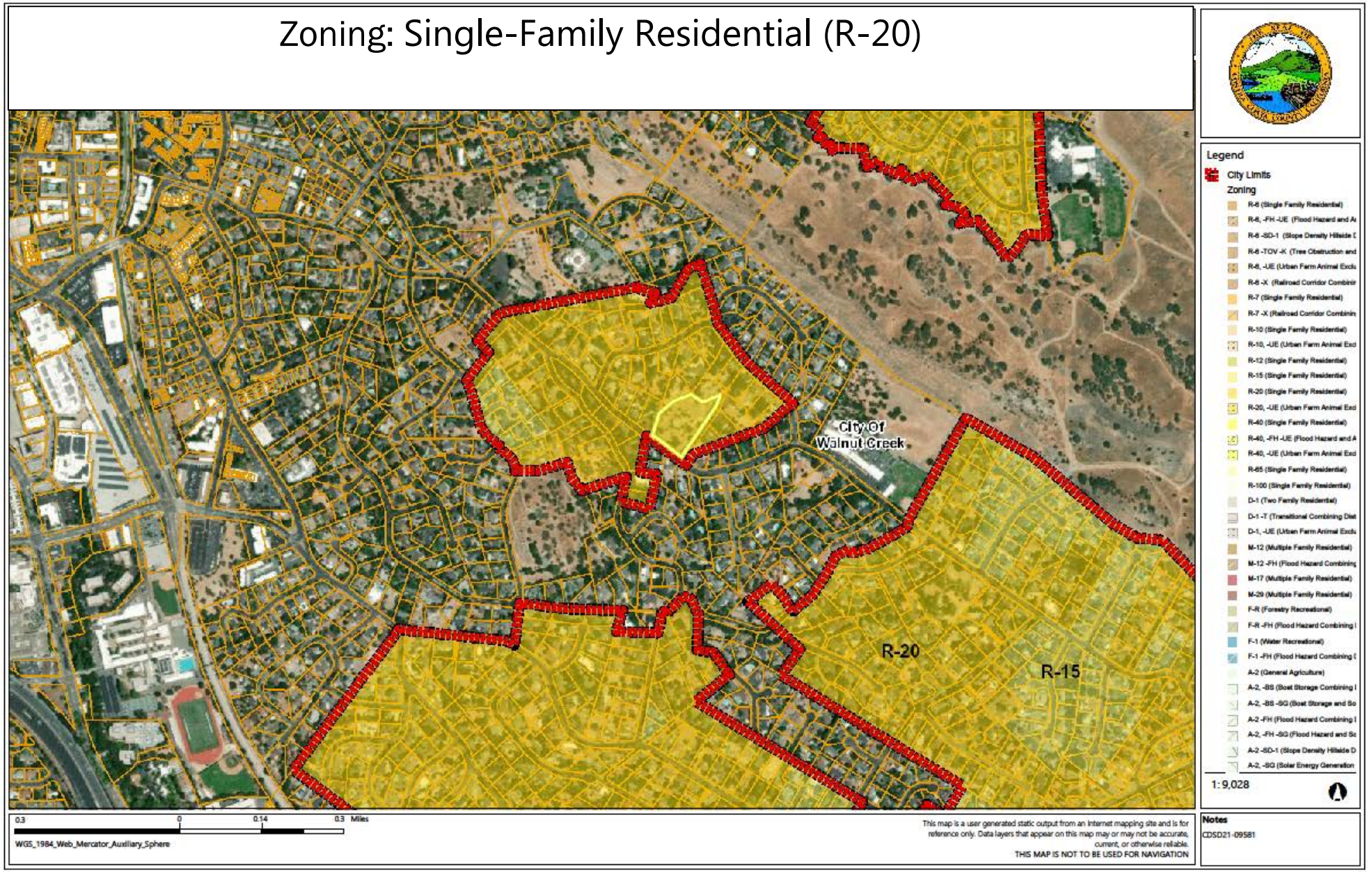
WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

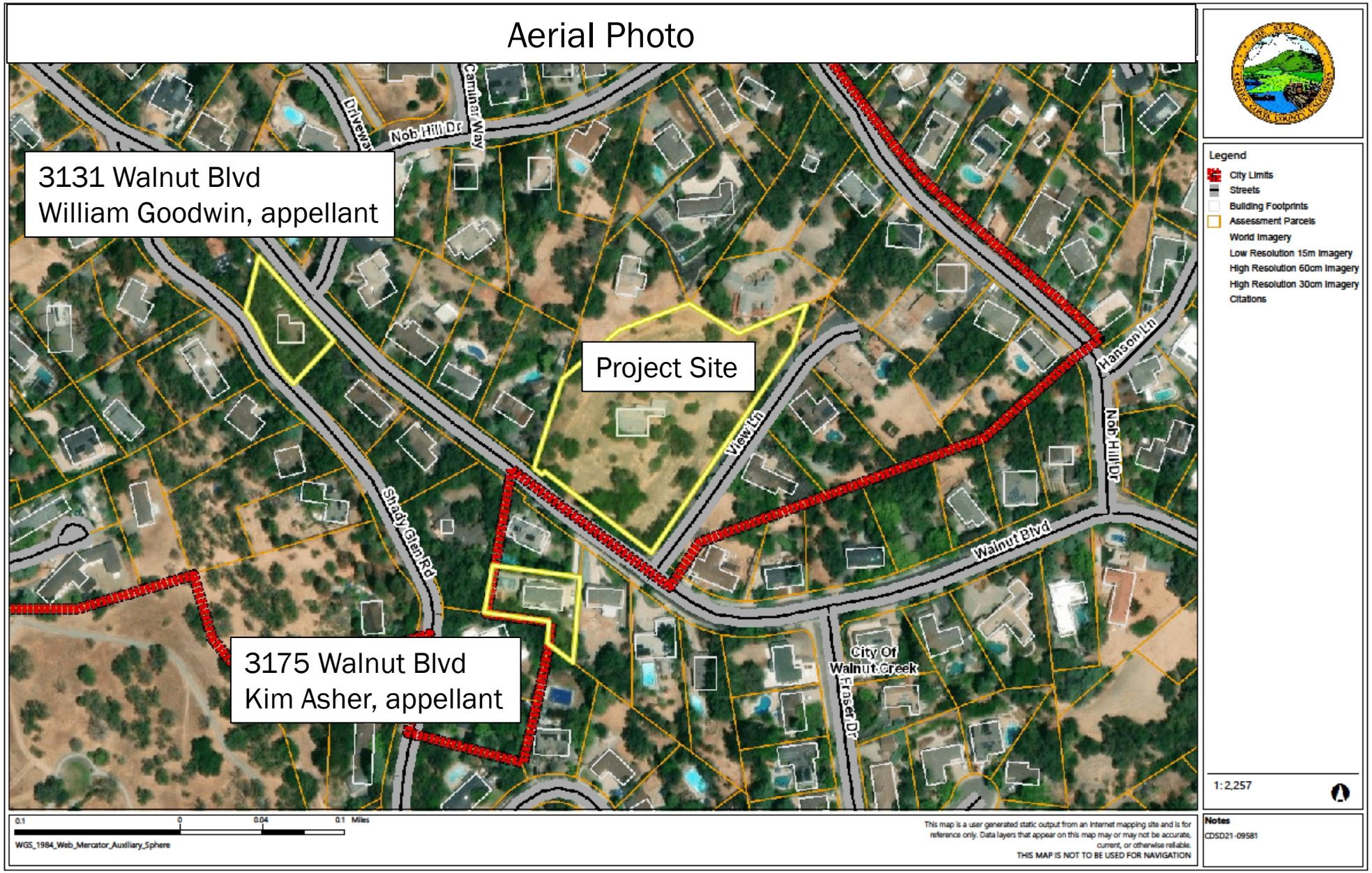
Notes

CDSD21-09581

# Zoning: Single-Family Residential (R-20)



# Aerial Photo



# BACKGROUND

- June 23, 2021: County File #CDSD21-09581 was submitted to the Department of Conservation and Development.
- July 27, 2022: County File #CDSD21-09581 was deemed complete.
- June 21, 2023: The public review period for the Mitigated Negative Declaration extended from June 21, 2023, through July 21, 2023.
- October 2, 2023: County File #CDSD21-09581 was heard at an open hearing of the Zoning Administrator and was continued as an open hearing to October 16, 2023.
- October 16, 2023: Zoning Administrator approved County File #CDSD21-09581.
- October 26, 2023: Neighboring property owners, William Goodwin and Kim Asher, filed appeals of the Zoning Administrator's decision.

# PROJECT DESCRIPTION

- A Vesting Tentative Map for a 10-lot major subdivision of an approximate 2.88-acre project site for single-family residential development.

- Pursuant to the California Density Bonus Law, Gov. Code Section 65915, Lot 4 would be restricted for-sale to a moderate-income household, therefore the project is eligible for a Density Bonus, waivers or reductions in development standards, incentives and concessions, and parking reductions.

- Pursuant to Gov. Code Section 65915(d), a Concession to allow the use of gross acreage and not net acreage to calculate density, which results in 10 residential lots.

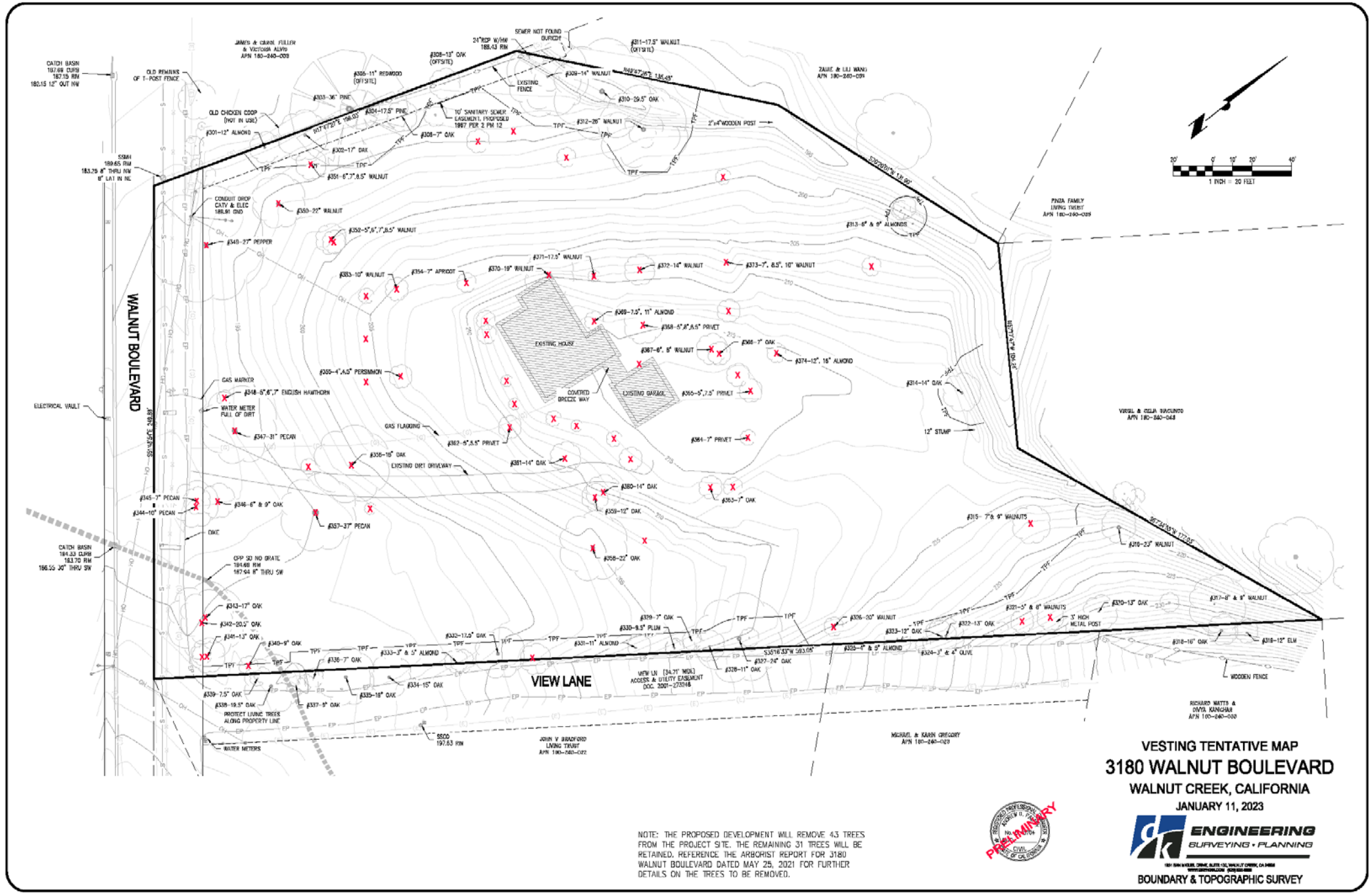
- Pursuant to Gov. Code Section 65915(e)(1), waivers to the following development standards:
  - Lot Area - lot sizes range from 9,292 to 17,659 square-feet (minimum 20,000 square-feet).
  - Average Lot Width - average lot widths range from 66.4’ to 138.8’ (minimum 120’).
  - Lot Depth - lot depths range from 127.2’ to 174.1’ (minimum 120’).
  - Housing setbacks – front yard and side yard setback requirements.
- Tree Permit to remove 43 trees and work within the dripline of 17 additional trees.
- Exception to County Code Section 96-10 that requires utilities to be undergrounded.
- Exception to County Code Section 914-12.002 that requires detention basins to be at least 15 acre-feet of storage volume.
- Approximately 15,000 cubic yards of grading – no off haul of dirt.

# State Density Bonus Law

- The State Density Bonus Law (Gov. Code §§ 65915-65918) incentivizes the building of affordable housing by granting developers "a density increase over the otherwise maximum allowable gross residential density," as well as other incentives or concessions, waivers of development standards, and parking ratio reductions in return for a commitment to provide affordable housing as part of a development project.
- By providing one lot of the nine base units for sale to a moderate-income household, the project qualifies for a 7% density bonus, resulting in one additional unit (9 du x.07 = 9.63, which rounds up to 10).
- Density Bonus Law (Gov. Code § 65915(d)(1)) specifies the only circumstances under which a requested incentive or concession may be denied.
  - The concession or incentive does not result in identifiable and actual cost reductions.
  - The concession or incentive would have a specific, adverse impact upon public health and safety and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.
  - The concession or incentive would be contrary to state or federal law.
- Density Bonus Law (Gov. Code § 65915(e)(1)) states "In no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section."

# Density Bonus Calculations

- Project site: 2.46 net acres (proposed right-of-way and private road area is deducted)
- Gross site: 2.88 acres
- Base project: (2.88 acres) * (2.9 dwelling unit(du)/acre) = 8.35 du, fractional unit rounded to nine base units
- Target Unit(s): provide moderate income deed restricted on Lot 4
- Percent of Base Units: (1 moderate income unit)/(9 base units) = 11.1 percent, fractional unit rounded to 12 percent of base units moderate income deed restricted
- Density Bonus Result: 12 percent moderate income deed restricted unit(s) qualifies for 7 percent density bonus
- Density Bonus Calculation: (9 du) * (0.07) = 0.63 du, fractional unit rounded to 1 du; 9 du + 1du = 10 units




NOTE: THE PROPOSED DEVELOPMENT WILL REMOVE 43 TREES FROM THE PROJECT SITE. THE REMAINING 31 TREES WILL BE RETAINED. REFERENCE THE ARBORIST REPORT FOR 3180 WALNUT BOULEVARD DATED MAY 25, 2021 FOR FURTHER DETAILS ON THE TREES TO BE REMOVED.

PRELIMINARY

VESTING TENTATIVE MAP

# 3180 WALNUT BOULEVARD

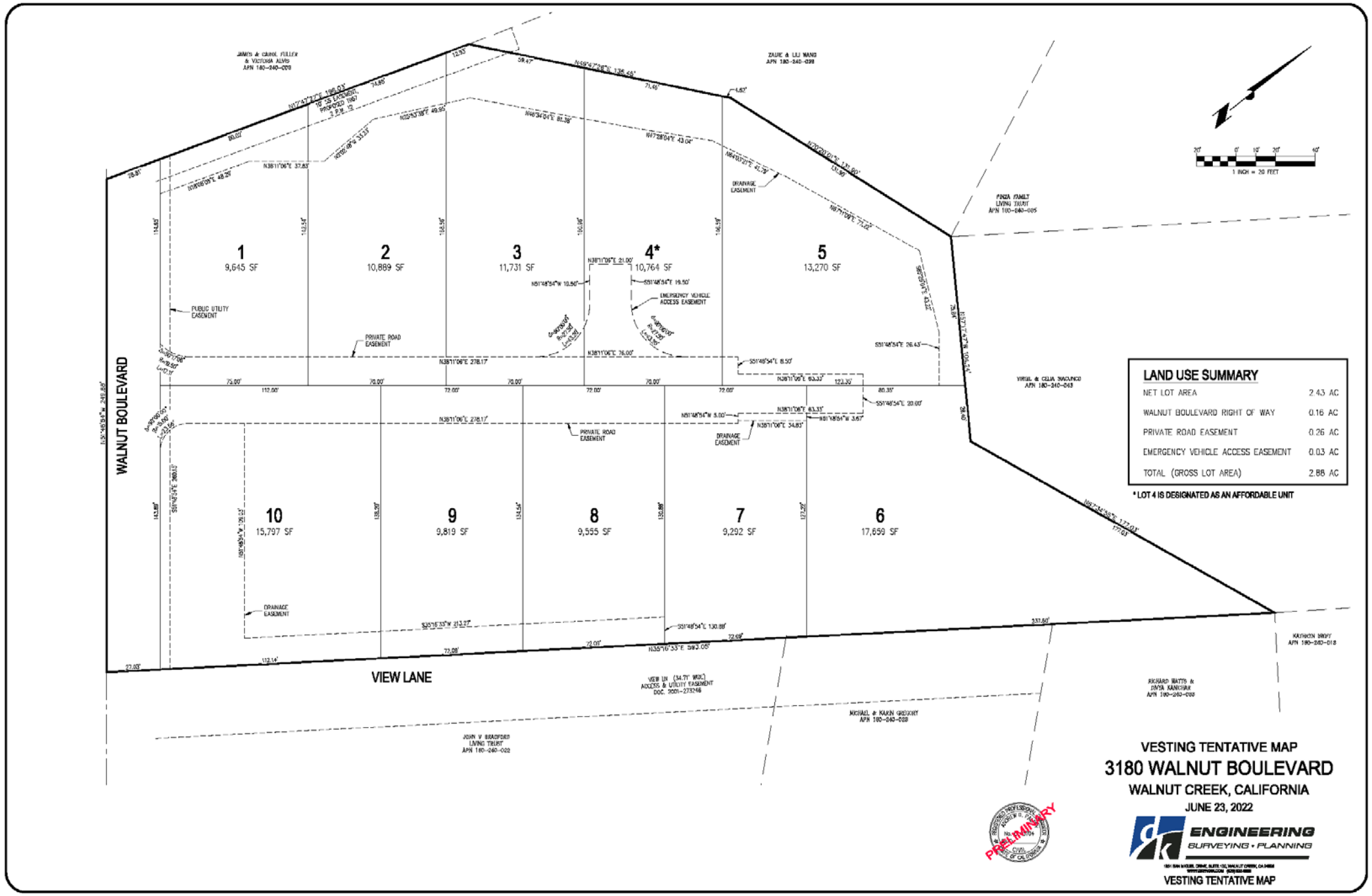
WALNUT CREEK, CALIFORNIA

JANUARY 11, 2023

ENGINEERING SURVEYING • PLANNING

BOUNDARY & TOPOGRAPHIC SURVEY

dk JOB# 21-1007-11




## LAND USE SUMMARY

| | |
|---|---|
| NET LOT AREA | 2.43 AC |
| WALNUT BOULEVARD RIGHT OF WAY | 0.16 AC |
| PRIVATE ROAD EASEMENT | 0.26 AC |
| EMERGENCY VEHICLE ACCESS EASEMENT | 0.03 AC |
| TOTAL (GROSS LOT AREA) | 2.88 AC |

* LOT 4 IS DESIGNATED AS AN AFFORDABLE UNIT

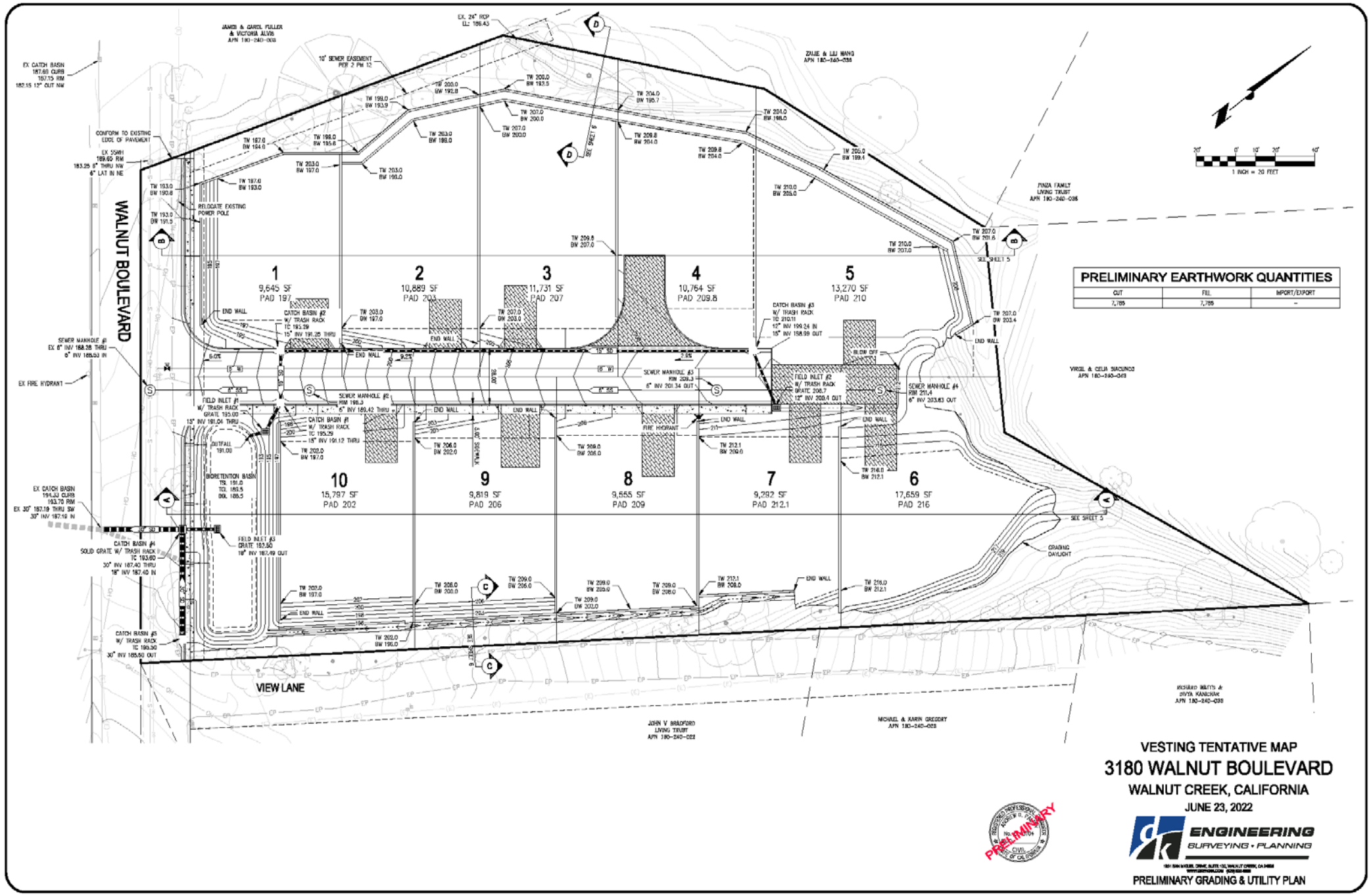
PRELIMINARY

# VESTING TENTATIVE MAP
# 3180 WALNUT BOULEVARD
## WALNUT CREEK, CALIFORNIA
**JUNE 23, 2022**

dk ENGINEERING
SURVEYING • PLANNING

VESTING TENTATIVE MAP

dk JOB# 21-1007-11




## PRELIMINARY EARTHWORK QUANTITIES

| CUT | FILL | IMPORT/EXPORT |
|---|---|---|
| 7,785 | 7,785 | - |

VESTING TENTATIVE MAP

# 3180 WALNUT BOULEVARD

WALNUT CREEK, CALIFORNIA

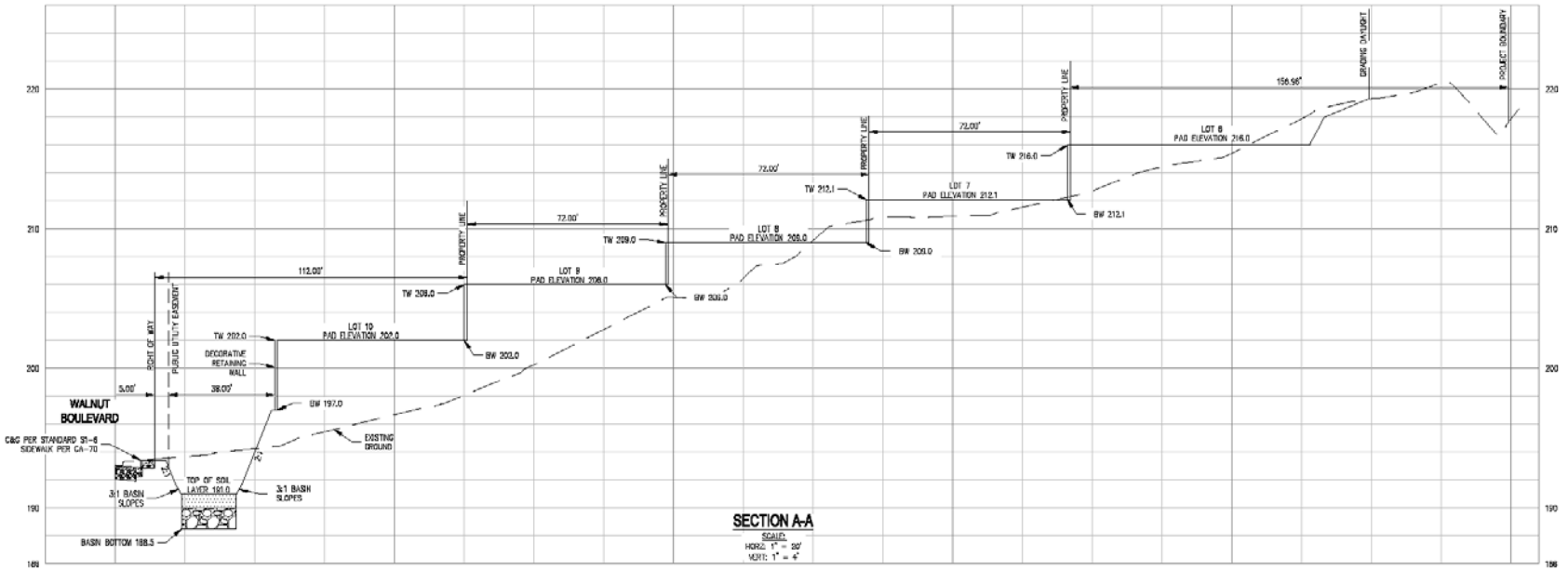
JUNE 23, 2022

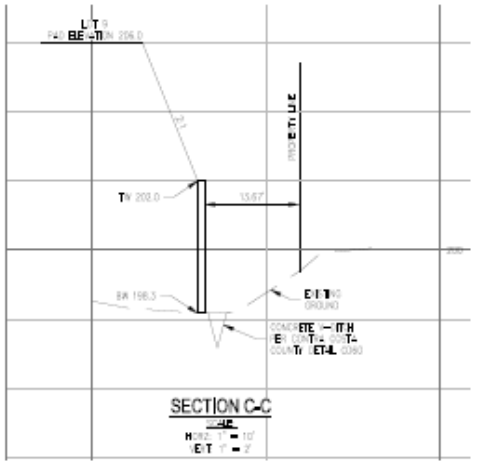
PRELIMINARY

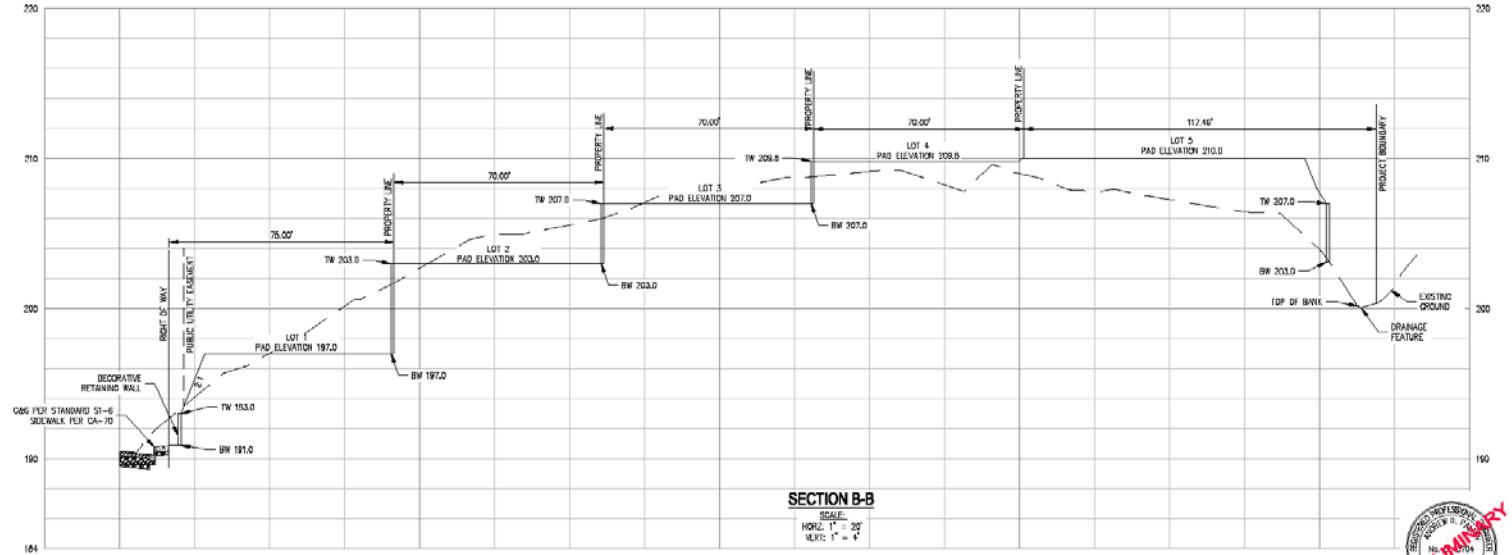
dk ENGINEERING SURVEYING • PLANNING

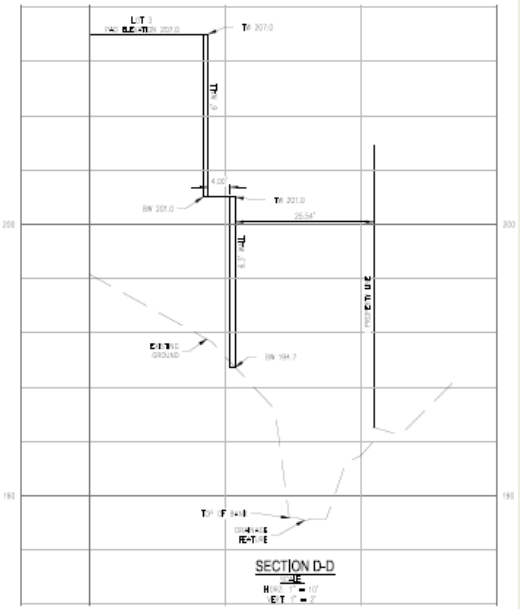
PRELIMINARY GRADING & UTILITY PLAN

dk JOB# 21-1007-11



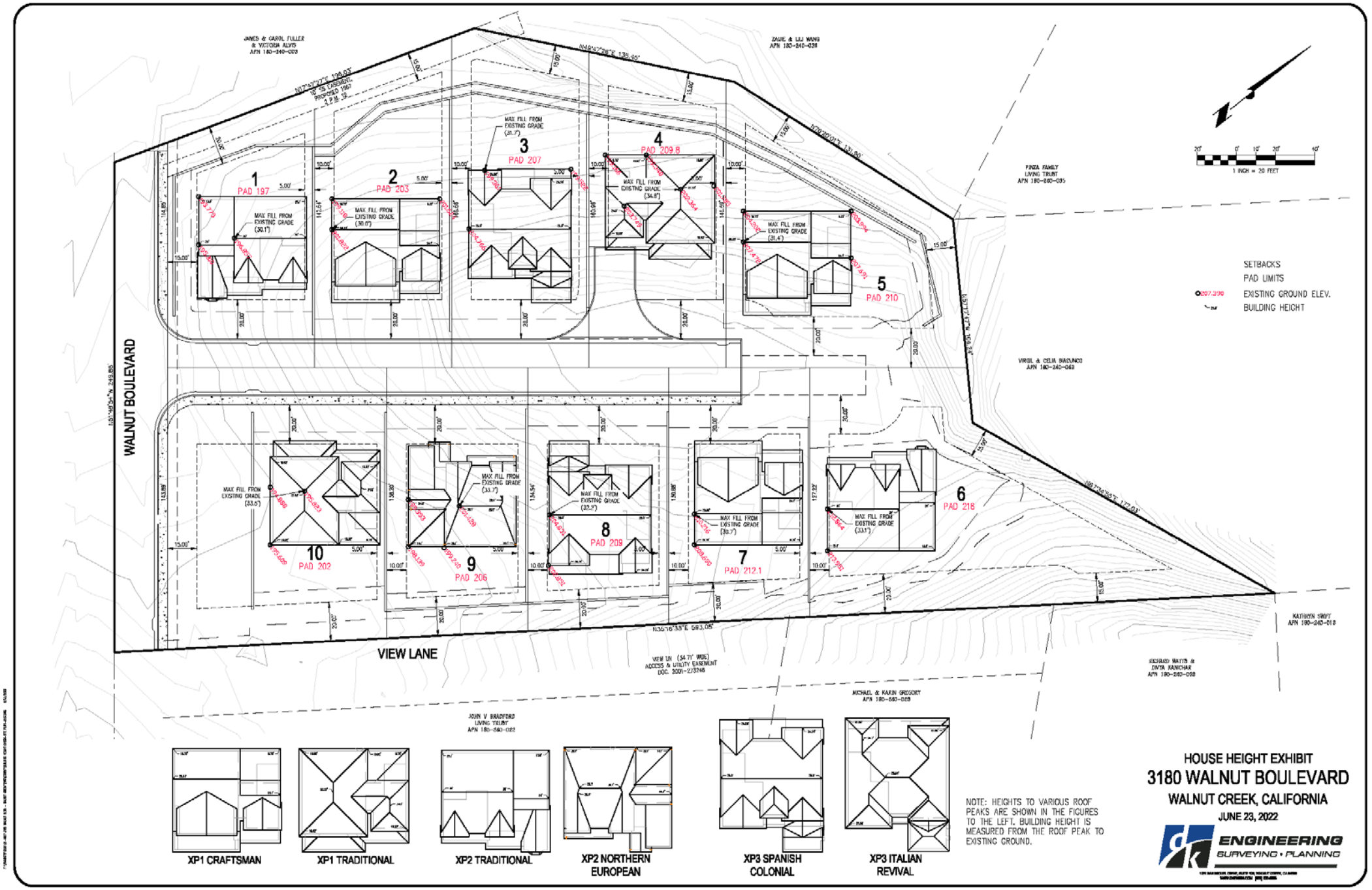




PRELIMINARY

ENGINEERING
SURVEYING + PLANNING

CROSS SECTIONS & ROAD SECTIONS

dk JOB# 21-1007-11




NOTE: HEIGHTS TO VARIOUS ROOF PEAKS ARE SHOWN IN THE FIGURES TO THE LEFT. BUILDING HEIGHT IS MEASURED FROM THE ROOF PEAK TO EXISTING GROUND.

# HOUSE HEIGHT EXHIBIT

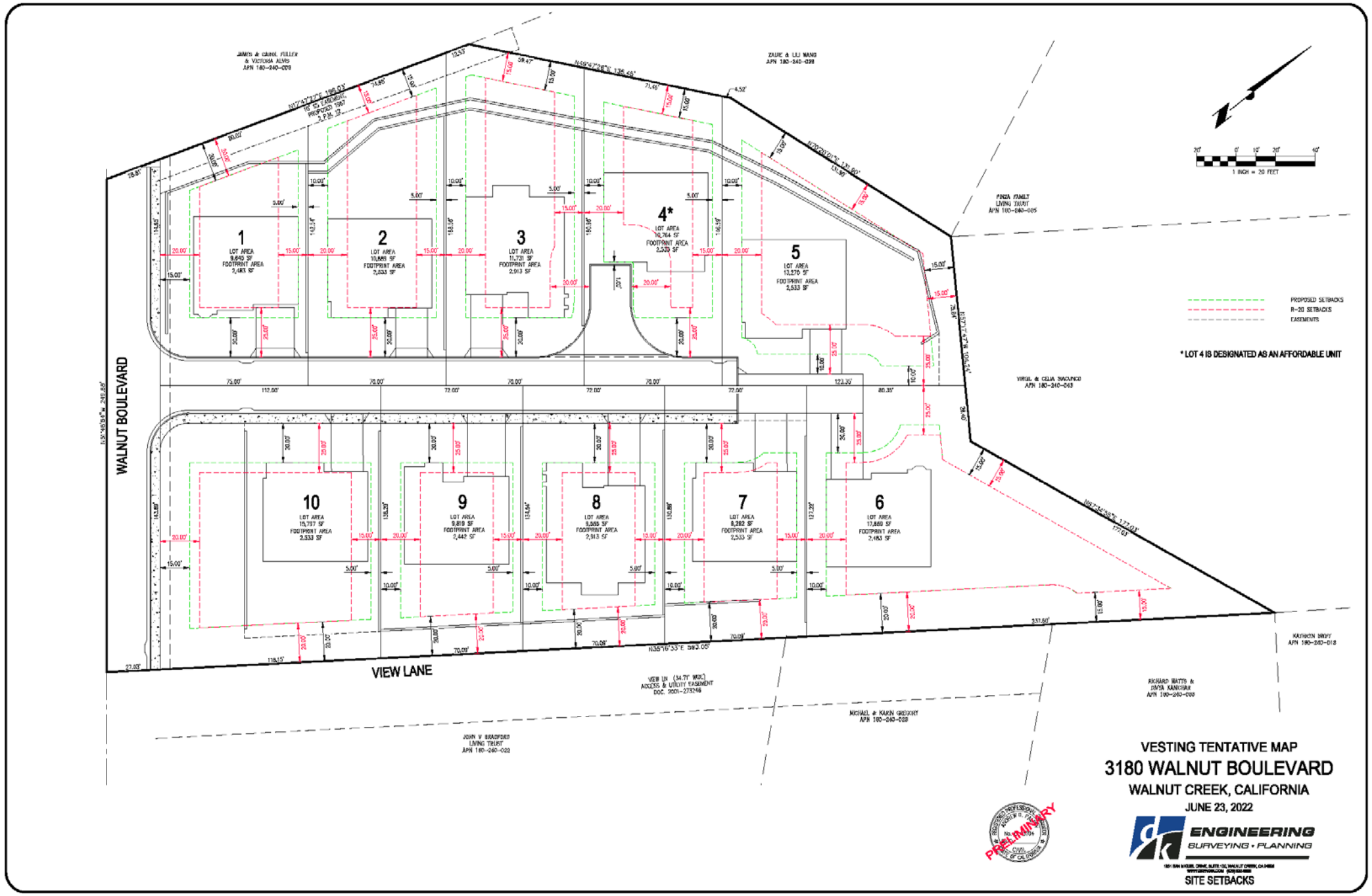
## 3180 WALNUT BOULEVARD

WALNUT CREEK, CALIFORNIA

JUNE 23, 2022

dk ENGINEERING SURVEYING • PLANNING

dk JOB# 21-1007-11




dk JOB# 21-1007-11

SHEET 7 OF 7

Craftsman Elevation

American Foursquare Elevation

Northern European Elevation

Traditional Elevation

Spanish Colonial Elevation

Modern Farmhouse Elevation

# SUMMARY OF APPEAL POINTS

- Appellant, Kim Asher - 3175 Walnut Boulevard, Walnut Creek:
  - The additional runoff created by the project will end up in the culvert that is behind 3175 Walnut Blvd, which will result in erosion and flooding of the property.
  - Runoff should remain on the north side of Walnut Boulevard.

- Appellant, William Goodwin – 3131 Walnut Boulevard, Walnut Creek:
  - The conditioned tree replanting should be required as screening landscaping; large, fast-growing trees to be planted between proposed lots 5 and 6 and the neighboring properties.
  - The project site should be graded down approximately 30-feet so the new properties will be about the same grade as the lowest neighboring properties.
  - A third-party report should be required to peer review the hydrology analysis prepared for this project to prevent flooding of neighboring properties and reduce impact to the “creek”.

# STAFF RESPONSES

- Staff responses to appellant, Kim Asher - 3175 Walnut Boulevard, Walnut Creek:
  - Per the County Public Works Department, the intent of the bioretention basin design is to catch and detain the runoff from the subdivision such that the resultant total runoff leaving the site is reduced to a level that the downstream drainage facilities can accommodate the runoff to the prescribed "design storm" flow rate. The preliminary hydrologic analysis of the detention basin determined that the basin will mitigate peak flows from the site to below pre-project levels.
  - Therefore, the basin is able to tie into this existing storm drain inlet that terminates at 3175 Walnut Blvd.

- Staff responses to appellant, William Goodwin – 3131 Walnut Boulevard, Walnut Creek:
  - If part of the conditioned tree replanting is allocated to addressing this concern of privacy, condition of approval #23A needs to be modified to specify where trees need to be located and require just enough trees to adequately fulfill both needs of the tree replanting.
  - The proposed grading will not significantly affect privacy and views based on building locations' proximity to neighboring residences. The proposed fill is only the grading cut, and is being used to level out the building pads and yard areas for each lot. To have the project graded down approximately 30-feet would be to require removal of the existing hillside to achieve the requested building elevations, and not a modification to the grading plan.
  - As Public Works will review and approve a final Storm Water Control Plan (SWCP) and a Stormwater Control Operation and Maintenance Plan (O+M Plan) prior to issuance of permits, that will be reviewed for compliance with the County's National Pollutant Discharge Elimination System (NPDES) Permit and the County's Stormwater Management and Discharge Control Ordinance, thus staff does not find it appropriate to require a peer review of these reports.
  - County GIS mapping systems do not show any creeks on or along the boundaries of the project site, nor has the California Department of Fish and Wildlife refuted this.

# STAFF RECOMMENDATION

Staff recommends that the County Planning Commission DENY the appeals and UPHOLD the Zoning Administrator's decision to approve County File #CDSD21-09581.

# Department of Conservation and Development

# County Zoning Administrator

# Monday, October 16, 2023 – 1:30 P.M.

**STAFF REPORT** **Agenda Item #____**

| | |
|---|---|
| **Project Title:** | Walnut Boulevard 10-Lot Major Subdivision |
| **County File Number:** | #CDSD21-09581 |
| **Applicant:** | Calibr Ventures c/o Andy Byde |
| **Owner:** | Calibr Ventures, Inc. |
| **Zoning/General Plan:** | Single-Family Residential (R-20) District / Single-Family Residential, Low Density (SL) |
| **Site Address/Location**: | 3180 Walnut Boulevard, Walnut Creek, CA; APN: 180-240-002 |
| **California Environmental Quality Act (CEQA) Status:** | A Mitigated Negative Declaration (MND) has been prepared which indicates that there will be no significant environmental impact as a result of the project. (State Clearing House Number 2023060580) |
| **Project Planner:** | Dominique Vogelpohl (925) 655-2880 |
| **Staff Recommendation:** | Approve (See Section II for Full Recommendation) |

## I. PROJECT SUMMARY

A major subdivision application requesting approval of a vesting tentative map to subdivide an approximate 2.88-acre project site into 10 lots ranging in size from 9,292 to 17,659 square-feet. On each new lot, a 2-story, single-family residence ranging in footprint size from approximately 2,442 to 2,913 square feet, is expected to be constructed. The residence on Lot 4 would be restricted for-sale to a moderate-income household, therefore the project is eligible for a Density Bonus, waivers or reductions in development standards, incentives and concessions, and parking

reductions pursuant to the California Density Bonus Law, Gov. Code Section 65915. The project is seeking waivers of development standards to allow: a reduction in minimum lot size for all ten lots, a reduction in minimum average lot width for all lots except Lot 6, reduced front yard and side yard setbacks for the future development of the residences for each lot, and 0-foot accessory structure setbacks for the future development of retaining walls for each lot. The project is also seeking a concession to allow the use of gross acreage for the density calculation. The project also includes exception requests to County Code Section 96-10 that requires utilities to be undergrounded, and Section 914-12.002 that requires detention basins to be at least 15 acre-feet of storage volume. Implementation of the project includes demolition of the existing residence and detached garage, approximately 15,000 cubic yards of grading, and a Tree Permit to allow the removal of 43 onsite trees.

## II. RECOMMENDATION

Staff recommends that the Zoning Administrator:

A. FIND that the mitigated negative declaration prepared for County File #CDSD21-09581 adequately analyzes the project's environmental impacts, that there is no substantial evidence that project will have a significant effect on the environment, and that the June 21, 2023, Mitigated Negative Declaration prepared for this project reflects the County's judgement and analysis;

B. ADOPT the June 21, 2023, Mitigated Negative Declaration (MND) and mitigation monitoring and reporting program (MMRP) prepared for this project;

C. APPROVE the Vesting Tentative Map for this project received on June 27, 2022;

D. APPROVE the attached findings and conditions of approval prepared for this project; and

E. DIRECT Staff to file a Notice of Determination with the County Clerk.

## III. GENERAL INFORMATION

A. General Plan: The subject property is located within the Single-Family Residential Low Density (SL) General Plan land use designation.

B. Zoning: The subject property is located within the Single-Family Residential (R-

20) District.

C. California Environmental Quality Act (CEQA) Compliance: A CEQA Initial Study was prepared for this project. The Initial Study identified potentially significant impacts in the areas of Aesthetics, Air Quality, Biological Resources, Tribal and Cultural Resources, Geology and Soils, and Noise, and identified mitigation measures to reduce such impacts to less-than significant levels. The public review comment period for the Initial Study extended from June 21, 2023, through July 21, 2023. The comments received within the comment period were addressed under the Environmental Review section of the Staff Report for the October 2, 2023, Zoning Administrator hearing.

## IV. BACKGROUND

The Zoning Administrator (ZA) heard the project at the October 2, 2023, hearing. Following a presentation by the applicant and comments from the public, the Zoning Administrator continued the item to an open hearing on October 16, 2023, to allow for additional time to review the submitted comments and project details. At the hearing, the applicant requested modifications to the recommended Conditions of Approval #51 and #70. Staff has modified these two Conditions of Approval to clarify that the waivers include reduced front yard and side yard setback requirements for the residential development of each new lot, and that the sight distance for the private road intersection with Walnut Boulevard be designed for a speed of 35 miles per hour and not 40 miles per hour. Additionally, the applicant recently submitted the architectural plans to be approved with this application as the residential development proposal for all ten new lots, so Condition of Approval #1 has also been modified to include these plans as part of the project approval. Lastly, since the publication of the Staff Report for the October 2nd ZA hearing, an additional 38 comment letters were submitted. These letters are attached to this Staff Report for the Zoning Administrator's consideration.

## V. PROJECT DESCRIPTION

A major subdivision application requesting approval of a vesting tentative map to subdivide an approximate 2.88-acre project site into 10 lots ranging in size from 9,292 to 17,659 square-feet. On each new lot, a 2-story, single-family residence ranging in footprint size from approximately 2,442 to 2,913 square feet, is expected to be constructed. The residence on Lot 4 would be restricted for-sale to a moderate-income household, therefore the project is eligible for a Density Bonus, waivers or reductions in development standards, incentives and concessions, and parking reductions pursuant to the California Density Bonus Law, Gov. Code Section 65915.

The project is seeking waivers of development standards to allow: a reduction in minimum lot size for all ten lots, a reduction in minimum average lot width for all lots except Lot 6, reduced front yard and side yard setbacks for the future development of the residences for each lot, and 0-foot accessory structure setbacks for the future development of retaining walls for each lot. The project is also seeking a concession to allow the use of gross acreage for the density calculation. The project also includes exception requests to County Code Section 96-10 that requires utilities to be undergrounded, and Section 914-12.002 that requires detention basins to be at least 15 acre-feet of storage volume. Implementation of the project includes demolition of the existing residence and detached garage, approximately 15,000 cubic yards of grading, and a Tree Permit to allow the removal of 43 onsite trees and work within the dripline of 17 other onsite trees.

*Density Bonus*

The Density Bonus Law (found in California Government Code Sections 65915–65918) requires cities and counties to provide incentives or other concessions to housing developments to produce housing for very low income, lower income, moderate income, or senior housing to facilitate the development of affordable housing. A density bonus is provided to housing development projects that comply with at least one of the following criteria:

- At least 5 percent of the housing units are restricted to very low-income residents.
- At least 10 percent of the housing units are restricted to lower income residents.
- At least 10 percent of the housing units in a for-sale common interest development are restricted to moderate income residents.

Density Bonus requests are processed pursuant to Section 65915 et seq. of the California Government Code and Title 8, Division 822, Chapter 822-2 (Residential Density Bonus) of the Ordinance Code. The proposed project would restrict Lot 4 for moderate income residents, meeting the requirement that at least 10 percent of the housing units be restricted to moderate income residents. As a result, the proposed project is eligible for a density bonus pursuant to the Residential Density Bonus Ordinance of the Ordinance Code. The calculations detailed below support the proposed project's eligibility under the Density Bonus Law.

## VI. ARCHITECTURAL PLANS

On October 5, 2023, architectural plans were submitted to be included as part of the project approval. The Site Plan exhibit that was attached to the October 2nd Staff Report has been attached to this Staff Report to show all architectural plans together:

site plans for each new lot with the waiver requested setback reductions, and the floor plans and elevations renderings for each building model type to be built for this subdivision. Staff would like to point out that there are no waiver requests to any rear yard or secondary frontage off View Lane, so there are no waiver requests to the setbacks from any property line that is shared with a neighboring property. Lastly, concerns regarding overall height with the fill from grading were raised at the October 2nd ZA hearing. The House Height Exhibit that was attached to the October 2nd Staff Report is attached to this Staff Report to reaffirm that the overall height for each new residential lot will not be taller than the maximum allowed 35-feet, even with the fill from grading, as the change in grade is accounted for in measuring overall height.

## VII. CONCLUSION

Staff finds that if the proposed concession and waivers are accepted, the proposed project is consistent with the Single-Family Residential, Low-Density (SL) General Plan land use designation, and complies with the allowed uses and development standards for the Single-Family Residential (R-20) zoning district. Therefore, staff recommends that the Zoning Administrator approve CDSD21-09581 per staff's recommendation based on the attached Findings and subject to the attached revised Conditions of Approval.

Attachments:
1. Revised Findings and Conditions of Approval
2. Site Plan, Floor Plans, and Elevations
3. House Height Exhibit
4. Public Comments

# Attachment 1

# **Revised** Findings and Conditions of Approval

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #CDSD21-09581: ANDY BYDE, CALIBR VENTURES (APPLICANT) and CALIBR VENTURES INC (OWNER)**

## I. Findings

### A. General Plan Growth Management Element Standards

1. **Traffic**: Policy 4-c of the Growth Management Program (GMP) of the Contra Costa County General Plan requires a traffic impact analysis of any project that is estimated to generate 100 or more AM or PM peak hour trips. The project consisting of the future construction of 10 single-family dwelling units would anticipate to generate an additional seven AM and ten PM new peak period trips, and therefore, is not required to have a project-specific traffic impact analysis. Since the project would yield less than 100 peak-hour AM or PM trips, the project would not conflict with the circulation system in the area.

   The Complete Streets Policy, adopted by the Contra Costa County Board of Supervisors on July 12, 2016, requires Complete Streets infrastructure sufficient to enable reasonably safe travel along and across the right of way such as streets, roads, highways, bridges, and other portions of the transportation system. The subdivision project includes a 28-foot-wide private street and a 5-foot sidewalk to connect to new frontage and sidewalk improvements on Walnut Boulevard for pedestrians and persons with disabilities within the project. Therefore, the project will be consistent with the Complete Streets policy.

2. **Water**: The GMP requires new development to demonstrate that adequate water quantity and quality can be provided. The project site currently receives water service from the East Bay Municipal Utility District (EBMUD) and is able to extend services to the project site and provide water to the 10 future residential properties. In a letter dated July 6, 2023, EBMUD stated water main extension will be required, and each lot to be provided domestic service and its own service connection and meter will require EBMUD review and approval prior to water service, which will include all applicable water efficiency measures under Section 31 of EBMUD's Water Regulations. Therefore, the project is not expected to result in a significant increase in demand for water service for the project site or surrounding area.

3. **Sanitary Sewer**: The GMP requires new development to demonstrate that adequate sanitary sewer quantity and quality can be provided. The project site currently receives sanitary sewer service from the Central Contra Costa Sanitary District. In an email dated July 7, 2021, the Sanitary District stated the project site is within their service area and sanitary sewer service is available to the project site, and would not be expected to produce an unmanageable added capacity demand on the wastewater system, nor interfere with existing, public facilities. The developer will need to construct an 8-inch diameter onsite public main sewer and private laterals. The Sanitary District's review and approval of all sewer improvements is required prior to construction. Therefore, the project is not expected to significantly increase the need for sanitary sewer service for the project site or surrounding area.

4. **Fire Protection**: The GMP requires that a fire station be within 1 ½ miles of development in urban, suburban and central business district area, or requires that automatic fire sprinkler systems be installed to satisfy this standard. The project site is located within the service area of the Contra Costa County Fire Protection District (CCCFPD). Fire protection to the project site would be provided by Station No. 1 located at 1330 Civic Drive in Walnut Creek (approximately 1 ½ miles of driving distance to the site). Using an average travel speed of 35 miles per hour, an engine responding from Station No. 1 would take approximately 5 minutes to reach the project site, which meets the 5-minute response standard set by the County General Plan. Also, according to the CAL FIRE Fire Hazard Severity Zone Viewer, the project site is located within a Local Responsibility Area (LRA) and is not classified as a very high fire hazards severity zone, and is not within the State Responsibility Area (SRA). The nearest fire hazard severity zone (FHSZ) within an SRA is 1.8-miles southeast of the project site and is classified as a moderate FHSZ. The nearest VHFHSZ is approximately 3.96 miles southeast of the project site. In addition, as detailed in the comment letter for the project from the Fire District dated July 22, 2023, the project is required to comply with the applicable provisions of the California Fire Code, the California Building Code, and applicable Contra Costa County Ordinances that pertain to emergency access, fire suppression systems, and fire detection/warning systems, and automatic fire sprinklers will be required. Prior to the issuance of building permits, the construction drawings would be reviewed and approved by the fire district. Therefore, the project is not expected to significantly increase the need for fire service to the project site or surrounding area.

5. **Public Protection**: The GMP indicates a Sheriff facility standard of 155 square-feet of Sheriff station space per 1,000 persons of population. The project would increase the population of unincorporated Contra Costa County by approximately 28 persons, which is less than the facility standard and is a non-substantial increase. Therefore, the addition of 10 residential properties to the project area would not significantly affect the provision of police services to the area. Furthermore, the project is conditioned so that the subdivision would be required to establish a Police Services District to Augment Police Services.

6. **Parks and Recreation**: The GMP requires three-acres of neighborhood park per 1,000 in population. The project would increase the population by approximately 28 persons. The project does not adversely impact the County's ability to maintain the standard of having 3-acres of neighborhood parks for every 1,000 members of the population. Furthermore, the project is conditioned that the applicant pays a Park Impact and Park Dedication fee for each residence constructed.

7. **Flood Control and Drainage**: The project site is not located within a 100-year flood hazard area as determined by the Federal Emergency Management Agency (FEMA).

   Division 914 of the County Ordinance Code requires that all storm water entering and/or originating on this property to be collected and conveyed, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having a definable bed and banks or to an existing adequate public storm drainage system which conveys the storm water to an adequate natural watercourse.

   The project is to joint use the bioretention basin for detention purposes. A preliminary hydrologic analysis of the detention basin determined that the basin will mitigate peak flows from the site to below pre-project levels. Joint use of the basin is allowed, provided the stormwater treatment function of the basin is not used in the storage volume modeling for the detention function.

   Section 914-12.002 of the County Ordinance Code sets the minimum storage volume for detention basins at 15 acre-feet, allowing for use of smaller systems with the approval of Public Works, and establishment of a public maintenance entity. An

exception request from this requirement per Chapter 92-6 of said Code to allow a smaller basin to be maintained by a private maintenance agreement. Findings for this exception request are under section E. Due to the small size of the project site and the lack of public entity to maintain such a facility, Public Works is not averse to the granting of this exception and allowing the responsible individual(s) to maintain it along with their obligation to maintain the stormwater management aspects of the basin as discussed in the preliminary Hydrologic and Hydraulic Analysis. This report was submitted in support of the runoff mitigation claims of the basin design, but will be subject to a more thorough review as the project progresses through final design.

Lastly, a Stormwater Control Plan (SWCP) is required for applications that will create and/or redevelop impervious surface area exceeding 10,000 square-feet in compliance with the County's Stormwater Management and Discharge Control Ordinance (§1014) and the County's Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit. This project will create and/or redevelop approximately 43,558 square-feet of impervious surface with driveways and single-family residential development, which is above the threshold for requiring submittal of a SWCP. A SWCP Exhibit and Report were submitted for Public Works review and are considered adequate for this phase of the project.

## B. Tentative Map Findings

**1. The County Planning Agency shall not approve a tentative map unless it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the applicable general plan required by law.**

**Project Finding**: The General Plan land use designation for the project site is Single-Family Residential-low Density (SL). The project is to subdivide 2.88 acres into 10 residential lots and have a new private road off Walnut Boulevard provide access to all 10 lots. The primary land uses permitted in this designation include detached single-family homes and accessory buildings and structures. As the project will result in single-family residential properties, the project is consistent with the allowed uses of this general plan designation.

The General Plan also determines the allowed density for an area. The General Plan land use designation of Single-Family Residential-Low Density (SL) allows 1.0 – 2.9 units per net acre. However, as the project is eligible for density bonus (Gov. Code § 65915) it is allotted one concession to a development standard, and the applicant requests a concession to the development standard "net acreage" in calculating density, and to instead use gross acreage. Using gross acreage (2.88 acres) * (2.9 dwelling unit(du)/acre) = 8.35 du, fractional unit rounded to nine base units. When calculating density using density bonus with nine base units: (9 du) * (0.07 density bonus) = 0.63 du, fractional unit rounded to 1 du; 9 du + 1du = 10 units. Therefore, a 10-lot subdivision is consistent with the allowed density for the SL General Plan designation with the approval of a concession to use gross acreage to calculate density.[1]

Also, the following goals and policies within the County 2005-2020 General Plan are applicable to the project:

- Transportation and Circulation Element - The project is consistent with the following General Plan Transportation and Circulation Element goal and policies.
  *Goal 5-J: To reduce single-occupant auto commuting and encourage walking and bicycling.*
  *Policy 5-16: Curbs and sidewalks shall be provided in appropriate areas.*
  *Policy 5-17: Emergency response vehicles shall be accommodated in development project design.*

  The Complete Streets Policy, adopted by the Contra Costa County Board of Supervisors on July 12, 2016, requires Complete Streets infrastructure sufficient to enable reasonably safe travel along and across the right of way such as streets, roads, highways, bridges, and other portions of the transportation system. The subdivision project includes a private street and a 5-foot sidewalk on one side of its curb to provide access for pedestrians to Walnut Boulevard, which will also receive new frontage improvements and 5-foot sidewalks. Therefore, the overall

[1] Government Code section 65915, subdivisions (f)(5) states, "All density calculations resulting in fractional units shall be rounded up to the next whole number." Additionally, subdivision (q) states that "Each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number."

surrounding circulation system will be consistent with the Complete Streets policy.

The project has also been reviewed by the Contra Costa County Fire Protection District to verify the project is designed to accommodate proper access for emergency response vehicles. In a letter dated July 22, 2021, the Fire District found the project to meet such access standards.

- Housing Element - The project is consistent with the following General Plan Housing Element goals and policy.
  *Goal 1: Maintain and improve the quality of the existing housing stock and residential neighborhoods in Contra Costa County.*

  As the project increases the housing stock in a residential neighborhood, it is consistent with this goal of the General Plan.

**2. The County Planning Agency shall not approve a tentative map unless it shall find that the proposed subdivision fulfills construction requirements.**

**Project Finding**: The project will comply with the collect and convey regulations, storm drainage facilities, and design standards for private roads. Additionally, compliance with the California Building Code and all applicable County Ordinances is required for grading of the property and construction of residential buildings.

**C. Tree Permit Findings**

**The Zoning Administrator is satisfied that the following factors as provided by County Code Section 816-6.8010 for granting a tree permit have been satisfied:**

1. **County Code Section 816-6.8010(2)(A):** The arborist report indicated that four code-protected trees: one California Black Walnut, 2 Almond trees, and one Plum tree, were in poor health and could not be saved.

2. **County Code Section 816-6.8010(2)(G):** New single-family residential development requires removal of 39 code-protected trees and work within the

dripline of 17 code-protected trees, and could not be reasonably accommodated on another area of the lot.

The project Arborist Report prepared by certified arborist Jennifer Tso (#WE-10270A) and dated January 10, 2023, provides an inventory and evaluation of all trees on and adjoining the project site that may be impacted by the proposed project. A total of 73 trees were surveyed, numbered, tagged, identified, measured, and evaluated. 39 code-protected trees would be development related removal, and work would occur within the dripline of 17 additional code-protected trees. There were 16 tree species inventoried, but only 3 species are listed in the County Tree Ordinance under the indigenous species list: 26 Valley Oaks, 12 California Black Walnut trees, and 2 Coast Redwoods. The other tree species include: 5 Almond trees, 5 Holly Oaks, 4 English Walnut trees, 2 Monterey Pines, 4 Privets, 1 Elm, 1 English Hawthorn, 1 Olive tree, 1 Pepper tree, and 6 various fruit trees.

The arborist report indicates these trees cannot be avoided and are not expected to survive, thus requiring removal. In addition, remaining trees that are proposed for preservation on and adjacent to the project site would be preserved through the implementation of the tree mitigation measures described in the arborist report. These mitigation measures will be required to be in place throughout the entire construction period.

## D. County Code Section 96-10.002 (Underground Utilities - Exceptions) Exception Findings

There is an existing power pole located at the southwest corner of the property that will conflict with the required frontage improvements. Section 96-10.002 of the County Ordinance Code requires subdividers to underground utility distribution facilities along the project frontage. Approval of an exception request to this code section would allow the pole to remain in its existing place and taper the width of the road as it approaches the pole.

### 1. That there are unusual circumstances or conditions affecting the property.

**Project Finding**: The existing utility poles supporting the overhead lines along the frontage of the project contain electric service from PG&E and various utility services including AT&T, Comcast, and Wave Cable. The existing poles have services branching to an unknown number of homes on Walnut Boulevard and View Lane. In addition, the overhead lines connect to the poles at an unusual angle. Undergrounding of the lines would result in new guy wires extending into the front yard of neighboring properties which would significantly impact neighboring properties.

2. **That the exception is necessary for the preservation and enjoyment of the substantial right of the applicant.**

   **Project Finding**: As discussed above, the alignment and angles of the overhead lines connecting to the utility poles present challenges for undergrounding. Additional guy wires and supports will be added encroaching into the neighboring properties that are not a part of this project.

3. **That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.**

   **Project Finding**: Leaving the existing overhead utility lines in place will not be detrimental to public welfare. All services will remain in place as is with minimal disruptions to neighboring properties. The guy wire supports will not encroach into neighboring yards as is the case with undergrounding. In addition, undergrounding the lines crossing Walnut Boulevard will cause a traffic burden on the community during construction.

   Given the existing site conditions, Public Works will not be averse to the granting of this exception to allow the existing facilities to remain overhead, but the existing pole within the ultimate travel way will need to be relocated behind the sidewalk. In the event the western adjacent property is redeveloped, or the sidewalk is extended as a safe route to the nearby school, the curb alignment and travel way should not be encumbered by a utility pole.

## E. County Code Section 914-12.002. (Detention Basins – Where Permitted) Exception Findings

Section 914-12.002 of the County Ordinance Code sets the minimum storage volume for detention basins at 15 acre-feet, allowing for use of smaller systems with the

approval of Public Works, and establishment of a public maintenance entity. Approval of an exception request to this code section would allow a smaller basin to be maintained by a private maintenance agreement.

1. **That there are unusual circumstances or conditions affecting the property.**

   **Project Finding**: Due to the size of the project site (2.88 acres) and the steep existing ground topography, a basin of fifteen acre-feet is impossible to achieve without exporting excessive volume of soil. In addition, the minimal drainage area of the site produces low stormwater runoff flow rates which do not necessitate the large configuration of the basin described in the code.

2. **That the exception is necessary for the preservation and enjoyment of the substantial right of the applicant.**

   **Project Finding**: As discussed above, the site in question cannot accommodate a fifteen-acre-foot basin whiles supporting any kind of development due to the existing topography. Requiring a fifteen-acre-foot basin would be inconsistent with both the State Density Bonus Law and Housing Accountability Act because the requirement would preclude the project at its requested density.

3. **That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.**

   **Project Finding**: The purpose of the detention basin is to mitigate additional flows generated by development of the site. By directing stormwater runoff into the basin, the development is reducing the overall flow rates leaving the site alleviating impacts downstream. The basin will be privately maintained in accordance with standard maintenance procedures for bioretention and detention basins.
   Due to the small size of the project site and the lack of public entity to maintain such a facility, Public Works is not averse to the granting of this exception and allowing the responsible individual(s) to maintain it along with their obligation to maintain the stormwater management aspects of the basin as discussed below.

## F. California Environmental Quality Act (CEQA) Findings

A CEQA Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for this project. It was determined that without mitigation the project may result in significant impacts in the environmental areas of Aesthetics, Air Quality, Biological

Resources, Tribal and Cultural Resources, Geology and Soils, and Noise. Therefore, pursuant to California Code of Regulations Section 15070, the IS/MND identified mitigation measures to be incorporated into the project that will reduce the impacts to less than significant levels. The IS/MND was posted for public review on June 21, 2023. The public comment period for accepting comments on the adequacy of the environmental document extended to July 21, 2023, during which thirteen public comment letters were received.

Pursuant to Section 21080.3.1 of the California Public Resources Code (PRC), correspondence detailing the project was provided to the Native American Tribes, the Wilton Rancheria on September 21, 2021, and the Confederated Villages of Lisjan Nation on January 7, 2023. The correspondence formally notified the Tribes of their opportunity to request consultation with the County regarding the potential for the project impacting tribal cultural resources, as defined in Section 21074 of PRC. Both Tribes did not request consultation, but did request to be notified if any findings were unearthed with the development of this project.

## II. CONDITIONS OF APPROVAL FOR COUNTY FILE #CDSD21-09581

### DEPARTMENT OF CONSERVATION AND DEVELOPMENT, COMMUNITY DEVELOPMENT DIVISION (CDD), CONDITIONS OF APPROVAL FOR COUNTY FILE #CDSD21-09581

Project Approval

**1.** County file #CDSD21-09581 and its Vesting Tentative Map for Subdivision 3180 Walnut Boulevard, is APPROVED, by the Department of Conservation and Development, Community Development Division (CDD) as generally shown and based on the following documents submitted to CDD on June 27, 2022, February 14, 2023, **and October 5, 2023**:

- Vesting Tentative Map for Subdivision 3180 Walnut Boulevard, prepared by DK Engineering;
- Storm Water Control Plan, prepared by DK Engineering;
- Preliminary Grading and Utility Plans, prepared by DK Engineering;
- **Architectural Plans, prepared by William Hezmalhalch Architects;**
- Site Setbacks Plan, prepared by DK Engineering;
- House Height Exhibit, prepared by DK Engineering;
- Arborist Report, prepared by certified arborist Jennifer Tso (#WE-10270A) and of Traverso Tree Service, dated Jan 10, 2023;

- Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report, prepared by FirstCarbon Solutions, dated December 1, 2022;
- Biological Resource Analysis (BRA) Report, dated in July 2021, and subsequent BRA Report, dated May 2022, prepared by Olberding Environmental, Inc;
- Archaeological Survey Report, prepared by Garcia and Associates (GANDA), dated March 18, 2020;
- Historic Resource Assessment (HRA), prepared by FirstCarbon Solutions, dated December 16, 2022;
- Preliminary Geotechnical Exploration, prepared by ENGEO, dated March 12, 2020; and
- Noise Impact Analysis, prepared by FirstCarbon Solutions, dated September 28, 2022.

**2.** This Subdivision permit includes approval of a Concession to allow the use of gross acreage and not net acreage to calculate density pursuant to Government Code 65915(d) that results in 10 residential lots.

**3.** This Subdivision permit includes approval of Waivers pursuant to Government Code 65915(e)(1) to allow the following development standards:

| Lot # | Lot Area (20,000 square feet minimum) | Footprint Area in square feet | Depth (120 feet minimum) | Average Width (120 feet minimum) | Front yard Setback (25 feet minimum) | Side Yard Setback (15 feet, 35 feet aggregate, minimum) | Retaining Walls (structure setbacks in feet) |
|---|---|---|---|---|---|---|---|
| Lot 1 | 9,645 | 2,483 | 145.3 | 66.4 | 20** | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 2 | 10,889 | 2,533 | 168.6 | 64.6 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 3 | 11,731 | 2,913 | 174.1 | 67.4 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 4* | 10,764 | 2,533 | 150.6 | 71.5 | 1 foot to shunt turn around; 20 feet from street | 15 feet aggregate, (no yard less than 5 feet) | 0 |

| Lot # | Lot Area (20,000 square feet minimum) | Footprint Area in square feet | Depth (120 feet minimum) | Average Width (120 feet minimum) | Front yard Setback (25 feet minimum) | Side Yard Setback (15 feet, 35 feet aggregate, minimum) | Retaining Walls (structure setbacks in feet) |
|---|---|---|---|---|---|---|---|
| Lot 5 | 13,270 | 2,533 | 132 | 100.5 | 20 feet to face of garage; 10 feet to living area | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 6 | 17,659 | 2,483 | 127.2 | 138.8 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 7 | 9,292 | 2,533 | 130.9 | 71 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 8 | 9,555 | 2,913 | 134.5 | 71 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 9 | 9,819 | 2,442 | 138.2 | 71 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 10 | 15,797 | 2,533 | 141.3 | 111.8 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |

Notes:
* Designated as affordable unit
** Double frontage: 15 feet (20 feet minimum)

**4.** This Subdivision permit includes approval of a Tree Permit to allow removal of 43 code-protected trees, and work within the dripline of 17 code-protected trees:

| Tree # | Tree Species (trunk diameter in inches) | Action | Reason |
|---|---|---|---|
| 301 | Almond (12″) | Work w/in dripline | Development |
| 302 | Valley Oak (17″) | Work w/in dripline | Development |
| 303 | Monterey Pine (36″) | Work w/in dripline | Development |
| 306 | Holly Oak (7″) | Work w/in dripline | Development |
| 309 | California Black Walnut (14″) | Work w/in dripline | Development |

| | | | |
|---|---|---|---|
| 310 | Valley Oak (30″) | Work w/in dripline | Development |
| 314 | Valley Oak (14″) | Work w/in dripline | Development |
| 315 | English Walnut (46″)<br>Multi-stemmed | Remove | Development |
| 316 | California Black Walnut (23″) | Work w/in dripline | Development |
| 321 | California Black Walnut (13″)<br>Multi-stemmed | Remove | Poor health |
| 322 | Valley Oak (13″) | Work w/in dripline | Development |
| 323 | Valley Oak (12″) | Work w/in dripline | Development |
| 324 | Olive (18″) | Work w/in dripline | Development |
| 325 | Almond (18″)<br>Multi-stemmed | Remove | Poor health |
| 326 | California Black Walnut (20″) | Remove | Development |
| 327 | Valley Oak (24″) | Work w/in dripline | Development |
| 328 | Valley Oak (11″) | Work w/in dripline | Development |
| 330 | Plum (10″) | Remove | Poor health |
| 331 | Almond (11″) | Work w/in dripline | Development |
| 332 | Valley Oak (18″) | Remove | Development |
| 333 | Almond (12″)<br>Multi-stemmed | Remove | Poor health |
| 334 | Valley Oak (15″) | Work w/in dripline | Development |
| 335 | Valley Oak (19″) | Remove | Development |
| 338 | Valley Oak (20″) | Work w/in dripline | Development |
| 339 | Valley Oak (8″) | Work w/in dripline | Development |
| 340 | Valley Oak (9″) | Remove | Development |
| 341 | Valley Oak (13″) | Remove | Development |
| 342 | Valley Oak (21″) | Remove | Development |
| 343 | Valley Oak (17″) | Remove | Development |
| 344 | Pecan (20″)<br>Multi-stemmed | Remove | Development |
| 345 | Pecan (7″) | Remove | Development |
| 346 | Valley Oak (15″)<br>Multi-stemmed | Remove | Development |
| 347 | Pecan (31″) | Remove | Development |
| 348 | English Hawthorn (20″)<br>Multi-stemmed | Remove | Development |
| 349 | Pepper (54″)<br>Multi-stemmed | Remove | Development |
| 350 | California Black Walnut (22″) | Remove | Development |
| 351 | California Black Walnut (22″)<br>Multi-stemmed | Remove | Development |

| | | | |
|---|---|---|---|
| 352 | California Black Walnut (32″) Multi-stemmed | Remove | Development |
| 353 | English Walnut (10″) | Remove | Development |
| 354 | Apricot (7″) | Remove | Development |
| 355 | Persimmon (18″) Multi-stemmed | Remove | Development |
| 356 | Valley Oak (18″) | Remove | Development |
| 357 | Pecan (37″) | Remove | Development |
| 358 | Valley Oak (22″) | Remove | Development |
| 359 | Holly Oak (12″) | Remove | Development |
| 360 | Holly Oak (14″) | Remove | Development |
| 361 | Valley Oak (14″) | Remove | Development |
| 362 | Privet (20″) Multi-stemmed | Remove | Development |
| 363 | Holly Oak (7″) | Remove | Development |
| 364 | Privet (7″) | Remove | Development |
| 365 | Privet (18″) Multi-stemmed | Remove | Development |
| 366 | Holly Oak (7″) | Remove | Development |
| 367 | California Black Walnut (14″) Multi-stemmed | Remove | Development |
| 368 | Privet (28″) Multi-stemmed | Remove | Development |
| 369 | Almond (19″) Multi-stemmed | | Development |
| 370 | California Black Walnut (19″) | Remove | Development |
| 371 | English Walnut (18″) | Remove | Development |
| 372 | California Black Walnut (14″) | Remove | Development |
| 373 | English Walnut (26″) Multi-stemmed | Remove | Development |
| 374 | Almond (28″) Multi-stemmed | Remove | Development |

**5.** The maximum number of lots approved for this subdivision is 10 residential lots.

Application Fees

**6.** This application is subject to an initial application deposit of $10,000, which was paid with the application submittal, plus time and materials costs if the application review expenses exceed 100% if the initial deposit. Any additional costs due must be paid within 60 days of the permit effective date or prior to use of the permit,

whichever occurs first. The applicant may obtain current costs by contacting the project planner.

Indemnification

**7.** Prior to recordation of the Final Map or submittal of a building permit, whichever occurs first, Pursuant to Government Code Section 66474.9, the applicant (including the subdivider or any agent thereof) shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the Agency (the County) or its agents, officers, or employees, to attack, set aside, void, or annul, the Agency's approval concerning this subdivision map application, which action is brought within the time period provided in Section 66499.37. The County will promptly notify the subdivider of any such claim, action, or proceeding and cooperate fully in the defense.

Compliance Report

**8.** A permit compliance report shall be submitted to the Department of Conservation and Development, Community Development Division (CDD) for review and approval. The report shall identify all conditions of approval that are administered by the CDD. The report shall document the measures to be taken to satisfy all relevant conditions. Unless otherwise indicated, the permit compliance report will be required to demonstrate compliance with the applicable conditions of this report prior to filing the Final Map or planning approval of a grading or building permit, whichever occurs first.

The permit compliance report will be filed and reviewed through a Condition of Approval Compliance Check application with an initial deposit of $2,000 (subject to time and materials).

Fencing

**9.** Prior to planning approval of a grading or building permit, a fencing plan program shall be submitted to CDD for the review and approval. The approved program shall be attached to the CC&Rs.

Covenants, Conditions and Restrictions (CC&R's)

**10.** Prior to recordation of the Final Map, Covenants, Conditions and Restrictions (CC&R's) shall be submitted to CDD for review and approval. This document shall include the maintenance obligation requirements of Public Works condition(s) of approval. The CC&Rs shall also require occupants to maintain garage spaces in a manner, which makes them available for off-street parking.

Signs/Walls

**11.** Prior to planning approval of a grading or building permit, the details of the design, location, color and type of materials for any proposed signs and/or masonry walls shall be submitted to CDD for review and approval.

Park Impact Fee

**12.** Prior to issuance of a building permit for a new residence, the applicable park impact fee as established by the Board of Supervisors shall be paid.

Park Dedication Fee

**13.** Prior to issuance of a building permit for a new residence, the applicable park dedication fee as established by the Board of Supervisors shall be paid.

Child Care

**14.** Prior to issuance of a building permit for a new residence, a fee for childcare facility needs in the area, as established by the Board of Supervisors, shall be paid.

Police Services District

**15.** Election for Establishment of a Police Services District to Augment Police Services: Prior to the recordation of the Final Map, the owner of the property shall participate in the provision of funding to maintain and augment police services by voting to approve a special tax for the parcels created by this subdivision approval. The tax shall be per parcel annual amount (with appropriate future CPI adjustment) established at the time of voting by the Board of Supervisors. The election to provide for the tax shall be completed prior to filing the Final Map. The property owner shall be responsible for paying the cost of holding the election, payable at

the time the election is requested by the owner. Allow a minimum of three to four months for processing.

Exterior Lighting

**16.** Prior to planning approval of a building permit, a Lighting Plan shall be submitted for review and approval by the CDD. At a minimum, the plan shall include the following measures:

a. All outdoor lighting, including façade, yard, security, and streetlights, shall be oriented down, onto the project site or road.

b. Back shields or functionally similar design elements shall be installed on every lighting pole to reduce lighting from spilling off site, and to ensure that lighting remains within the project site.
**(AES-1)**

Biological Resources

**17.** If project construction-related activities take place during the nesting season (February through August), an avian pre-construction survey for nesting passerine birds and raptors (birds of prey) within the project site and the trees within the adjacent riparian area shall be conducted by a qualified Biologist no more than 14 days prior to the commencement of the tree removal or project construction-related activities. If any bird listed under the Migratory Bird Treaty Act (MBTA) is found to be nesting within the project site or within the area of influence, an adequate protective buffer zone shall be established by a qualified Biologist to protect the nesting site. This buffer shall be a minimum of 75 feet from the project activities for passerine birds, and a minimum of 200 feet for raptors. The distance shall be determined by a qualified Biologist based on the site conditions (topography, if the nest is in a line of sight of the construction and the sensitivity of the birds nesting). The nest site(s) shall be monitored by a qualified Biologist periodically to see if the birds are stressed by the construction activities and if the protective buffer needs to be increased. Once the young have fledged and are flying well enough to avoid project construction zones (typically by August), a qualified Biologist shall determine if the project can proceed

without further regard to the nest site(s). Prior to issuance of a building or grading permit, the CDD shall determine if project construction-related activities will take place during the nesting season, and if so, the avian pre-construction survey shall be reviewed and approved by the CDD.
**(MM BIO-1)**

**18.** If project construction-related activities take place during seasonal periods of bat activity (mid–February through mid–October – ca. February 15–April 15, and August 15–October 30), a bat habitat assessment within the project site shall be conducted by a qualified Bat Biologist to determine suitability of each tree or existing structure as bat roost habitat. Structures found to have no suitable openings can be considered clear for project activities as long as they are maintained so that new openings do not occur. Structures found to provide suitable roosting habitat, but without evidence of use by bats, may be sealed until project activities occur, as recommended by the Bat Biologist. Structures with openings and exhibiting evidence of use by bats shall be scheduled for humane bat exclusion and eviction, conducted during appropriate seasons, and under supervision of a qualified Bat Biologist. Bat exclusion and eviction shall only occur between February 15 and April 15, and from August 15 through October 30, in order to avoid take of non-volant (non-flying or inactive, either young, or seasonally torpid) individuals. Prior to issuance of a building or grading permit, the CDD shall determine if project construction-related activities will take place during seasonal periods of bat activity, and if so, the bat habitat assessment shall be reviewed and approved by the CDD.
**(MM BIO-2)**

**19.** A pre-construction survey for special-status reptile species shall be conducted no more than 48 hours prior to the commencement of tree removal or project construction related activities to determine presence/absence of these species. Worker Environmental Awareness training discussing the potential for these species shall be conducted by a qualified Biologist or Biological Monitor for all construction personnel working within the project site. Prior to issuance of a building or grading permit, the reptile pre-construction survey shall be reviewed and approved by the CDD.
**(MM BIO-3)**

**20.** No work (including vegetation removal) shall take place within the riparian corridor and ephemeral drainage as indicated in the Biological Resource Analysis (BRA) Report completed by Olberding Environmental, Inc (Olberding) dated January 2023, unless evidence is provided to the CDD that the California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), and/or United States Army Corp of Engineers (USACE) reviewed and approved work within these areas. The plan set for a building permit shall show fencing that is approved by a qualified biologist to ensure work does not take place in this area. As-built photos shall be required prior to issuance of a grading or building permit to ensure that this fencing is installed.
**(MM BIO-4)**

**21.** At no time shall silt-laden runoff be allowed to enter on-site aquatic features and their associated habitats. Erosion control measures shall be utilized throughout all phases of operation where sediment runoff from the project may enter these aquatic features. Best Management Practices (BMPs) to avoid erosion, uncontrolled stormwater runoff and bank deterioration shall be implemented, following the requirements of the proposed project's Stormwater Control Plan, and typically include silt fencing, coir rolls, and/or straw bale dikes.
**(MM BIO-5)**

**22.** No substances toxic to fish and wildlife shall be discharged or allowed to leach into the aquatic features present on-site. Materials deleterious or toxic to fish and wildlife, including, but not limited to, asphalt, tires, concrete, construction materials, treated wood, and creosote containing materials, shall not be stockpiled within 100 feet of any aquatic feature present on-site.
**(MM BIO-6)**

Restitution for Tree Removal

**23.** The following measures are intended to provide restitution for the removal of 43 code-protected trees:

A. Tree Replacement Plan: Prior to planning approval of a grading or building permit, the applicant shall submit a Tree Replacement Plan prepared by a licensed arborist or landscape architect for the review and approval of CDD. The Plan shall provide for the planting of at least 20 trees, minimum 15-gallons in size. The Plan shall be implemented prior to requesting a final inspection of the residential building permit for each lot.

B. Required Security to Assure Completion of Plan Improvements: Prior to issuance of a grading or building permit, the applicant shall submit a security (e.g., bond, cash deposit) that is acceptable to CDD to ensure that the Tree Replacement Plan is implemented.

Determination of Security Amount: The security shall provide for a breakdown of all of the following costs:

- A labor and materials estimate for planting the 20 trees, minimum 15-gallons in size, and related irrigation improvements that may be required, prepared by a licensed landscape architect or landscape contractor.
- An additional 20% of the total of the above amounts to address inflation costs.

C. Initial Deposit for Processing of Security: The County ordinance requires that the applicant pay fees to cover all staff time and material costs of staff for processing the landscape improvement security. At the time of submittal of the security, the applicant shall pay an initial deposit of $200.

D. Duration of Security: The security bond for each lot shall be retained by the County for a minimum of 12 months up to 24 months following final building inspection. A prerequisite of releasing the bond between 12 and 24 months shall be to have the applicant arrange for the consulting arborist to inspect the trees and to prepare a report on the trees' health. In the event that CDD determines that the tree(s) intended to be protected has been damaged, and CDD determines that the applicant has not been diligent in providing reasonable restitution, then CDD may require that all part of the security be used to provide for mitigation of the damaged tree(s). Should one security be submitted for all lots, the security may be released upon complying with the requirements stated above and upon approval of a final inspection for the last lot constructed.
**(MM BIO-7)**

**24.** Tree removal shall occur only with an approved grading or building permit.

Contingency Restitution for Work Within the Dripline

**25.** Pursuant to the requirements of Section 816-6.1204 of the Tree Protection and Preservation Ordinance, to address the possibility that construction activity nevertheless damages the tree(s) where work is within their dripline, the applicant shall provide the County with a security (e.g. bond, cash deposit) prior to planning approval of a grading or building permit, to allow for replacement of tree(s) intended to be preserved that are significantly damaged by construction activity. The security shall be based on:

A. Extent of Possible Restitution Improvements – The planting of at least 20 trees, minimum 15-gallons in size, in the vicinity of the affected tree(s), or equivalent planting contribution, and subject to prior review and approval of CDD.

B. Determination of Security Amount: The security shall be submitted for each lot and provide for all of the following costs:
   - A labor and materials estimate for planting 20 trees, minimum 15-gallons in size, and related irrigation improvements that may be required, prepared by a licensed landscape architect or landscape contractor.
   - An additional 20% of the total of the above amounts to address inflation costs.

C. Initial Deposit for Processing of Security – The County Ordinance requires that the applicant cover all time and material costs of staff for processing a tree protection security. The Applicant shall pay an initial fee deposit of $200 at time of submittal of a security.

D. Duration of Security: The security bond for each lot shall be retained by the County for a minimum of 12 months up to 24 months following final building inspection. A prerequisite of releasing the bond between 12 and 24 months shall be to have the applicant arrange for the consulting arborist to inspect the tree(s) and to prepare a report on the trees' health. In the event that CDD determines that the tree intended to be protected has been damaged by development activity, and CDD determines that the applicant has not been diligent in providing reasonable restitution of the damaged trees, then CDD may require that all part of the security be used to provide for mitigation of the

damaged tree(s). Should one security be submitted for all lots, the security may be released upon complying with the requirements stated above and upon approval of a final inspection for the last lot constructed.
**(MM BIO-8)**

Tree Protection

The following Tree Protection conditions shall be implemented during project construction and shall be stated on the site plan for building permit(s) as construction notes:

**26.** The *Tree Protection Recommendations (TPR)* from the approved arborist report shall be present in the construction plans to be submitted for a building permit application, and shall be executed onsite during all phases of construction.

**27.** Prior to issuance of a grading or building permit, the tree protective fencing as depicted in the approved arborist report shall be installed onsite. Color photographs of the installed fencing shall be submitted to CDD staff as evidence that this condition has been satisfied.

**28.** Storage or parking vehicles, building materials, refuse, excavated spoils, or dumping of paint or poisonous materials on or around trees and roots is prohibited.

**29.** Any construction activities that occur within the dripline of a tree, an arborist should be present. The arborist shall have the authority to require implementation of measures to protect the tree(s).

**30.** The applicant shall immediately notify CDD staff of any damage that occurs to any tree during construction. Any tree not approved for destruction or removal that dies or is significantly damaged as a result of this project shall be replaced with a tree or trees of equivalent size and of a species as approved by the CDD to be reasonably appropriate for the situation.

Water Efficient Landscape Ordinance (WELO)

**31.** Prior to planning approval of a building permit for a new residence, a completed WELO Part I for the landscaping specific to that property, shall be submitted to

CDD for review and approval. The approved Landscaping Plans under WELO Part I shall be present in the plans for a building permit.

**32.** Prior to final building inspection, a completed WELO Part II – Certificate of Completion shall be submitted to CDD staff for review and approval.

**33.** All landscaping shall comply with California Model Water Efficient Landscape Ordinance (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495) and/or any applicable State mandated landscape/water related requirements applicable at the time of landscaping installation for the project. To the maximum extent feasible, landscaping plans shall use drought tolerant vegetation for the development.

Air Quality

**34.** The following Bay Area Air Quality Management District, Basic Construction mitigation measures shall be implemented during project construction and shall be stated on the plans for building permit(s) as construction notes:

a. All exposed non-paved surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered at least two times per day and/or non-toxic soil stabilizers shall be applied to exposed non-paved surfaces.
b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered and/or shall maintain at least 2 feet of freeboard.
c. 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.
d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage regarding idling restrictions shall be provided for construction workers at all access points.
g. 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.

h. The prime construction contractor shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall take corrective action within 48 hours of receipt of the complaint. The Bay Area Air Quality Management District (BAAQMD) phone number shall also be visible to ensure compliance with applicable regulations. A copy of this sign shall be provided to the Community Development Division (CDD).
**(MM AIR-1)**

**35.** The following Mitigation Measure shall be implemented during project construction and shall be included on all construction plans:

a. All off-road equipment equal to or greater than 25 horsepower shall meet either United States Environmental Protection Agency (EPA) or California Air Resources Board (ARB) Tier 4 Final off-road emission standards during all construction activities.

b. Prior to issuance of a grading or building permit, a construction management plan shall be submitted to the CDD for review and approval. The construction management plan shall demonstrate that the off-road equipment used on-site to construct the proposed project would comply with Tier 4 Final off-road emission standards. Off-road equipment descriptions and information included in the construction management plan should include, but is not limited to, equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number47T47T.
**(MM AIR-2)**

<u>Cultural Resources</u>

The following Cultural Resources mitigation measures shall be implemented during project construction and shall be stated on the plans for building permit(s) as construction notes:

**36.** All project-related ground disturbance shall be monitored by an archaeologist who meets the Secretary of the Interior's professional qualification standards for archaeology. In the event that significant cultural resources are discovered during construction activities, the applicant/project owner or sponsor shall ensure that operations within a 100-foot radius of the find shall cease and the archaeologist will be consulted to determine whether the resource requires further study. The standard inadvertent discovery clause shall be included on the plans for grading permit(s) as construction notes to inform contractors of this requirement.

Potentially significant cultural resources consist of but are not limited to stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. The archaeologist shall make recommendations to the County concerning appropriate measures, which shall be implemented by the applicant/project owner or sponsor to protect the discovered resources, including but not limited to recordation on appropriate California Department of Parks and Recreation (DPR) forms, evaluation, or excavation of the finds in accordance with CEQA Guidelines, Section 15064.5.
**(MM CUL-1)**

**37.** In the event of accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and 5097.98 shall be followed. If during the course of construction activities there is accidental discovery or recognition of any human remains, the following steps shall be taken:

A. There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98.

B. Where the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the project site in a location not subject to further subsurface disturbance:

- The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission.
- The descendant identified fails to make a recommendation.

- The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.

**(MM CUL-3)**

Geology

**38.** Prior to submittal of a building or grading permit, the project applicant shall incorporate all recommendations provided in the project-Geotechnical Exploration into project plans, which shall be subject to review and approval by the County Geologist, or designee, prior to permit issuance. The geotechnical recommendations shall be implemented including general earthwork recommendations for site preparation, conditioning of expansive soils, removal of buried structures, removal of fill and disturbed soil, surface and subsurface drainage, biofiltration facilities, foundations, concrete flatwork, retaining walls, spread and pier footings, pavement areas, utility trenches, project review, and construction monitoring. Additionally, these include recommendations related to structural design, foundation design, foundation systems, slabs, moisture barriers, seismic design, walls, footings, slabs and walkways, concrete design, corrosion, pavement design, as well as lot maintenance, and future plan reviews.
**(MM GEO-1)**

**39.** The applicant shall retain a qualified Paleontologist to conduct paleontological monitoring during all earth-disturbing construction activities. Should any significant fossils (I.e., bones, teeth, or unusually abundant and well-preserved invertebrates or plants) be unearthed, the construction crew shall not attempt to remove them, as they could be extremely fragile and prone to crumbling, and to ensure their occurrence is properly recorded; instead, all work in the immediate vicinity of the discovery shall be diverted at least 15 feet until a professional paleontologist assesses the find and, if deemed appropriate, salvages it in a timely manner. All recovered fossils shall be deposited in an appropriate repository, such as the University of California Museum of Paleontology (UCMP), where they would be properly curated and made accessible for future study. Prior to issuance of a grading or building permit, evidence shall be provided to CDD that a qualified paleontologist is contracted to implement this mitigation measure.
**(MM GEO-2)**

Construction Restrictions

The following Construction Restrictions shall be implemented during project construction and shall be stated on the plans for building permit(s) as construction notes:
**(MM NOI-1)**

**40.** Unless specifically approved otherwise via prior authorization from the Zoning Administrator, all construction activities shall be limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on State and Federal holidays on the calendar dates that these holidays are observed by the State or Federal government as listed below:

New Year's Day (State and Federal)
Birthday of Martin Luther King, Jr. (State and Federal)
Washington's Birthday (Federal)
Lincoln's Birthday (State)
President's Day (State)
Cesar Chavez Day (State)
Memorial Day (State and Federal)
Juneteenth National Independence Holiday (Federal)
Independence Day (State and Federal)
Labor Day (State and Federal)
Columbus Day (Federal)
Veterans Day (State and Federal)
Thanksgiving Day (State and Federal)
Day after Thanksgiving (State)
Christmas Day (State and Federal)

For specific details on the actual day the State and Federal holidays occur, please visit the following websites:
Federal Holidays: Federal Holidays (opm.gov)
California Holidays: http://www.ftb.ca.gov/aboutftb/holidays.shtml

Transportation of large trucks and heavy equipment is subject to the same restrictions that are imposed on construction activities, except that the hours are limited to 9:00 AM to 4:00 PM.

**41.** Contractor and/or developer shall comply with the following construction requirements:

A. The construction contractor shall ensure that all equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment.
B. The construction contractor shall ensure that unnecessary idling of internal combustion engines (i.e., idling in excess of 5 minutes) is prohibited.
C. The construction contractor shall utilize "quiet" models of air compressors and other stationary noise sources where such market available technology exists.
D. At all times during project grading and construction, the construction contractor shall ensure that stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from the nearest residential land uses.
E. The construction contractor shall designate a noise disturbance coordinator who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (starting too early, bad muffler, and establish reasonable measures necessary to correct the problem. The construction contractor shall visibly post a telephone number for the disturbance coordinator at the construction site.

Street Names

**42.** Prior to the recordation of the Final Map, proposed name(s) shall be submitted for review by the Department of Conservation and Development, GIS/Mapping Section. Alternate street names should be submitted. The Final Map cannot be certified by CDD without the approved street names.

Power Lines

**43.** Where a lot is located within 300 feet of a high voltage electric transmission line, the applicant shall record the following as a deed disclosure:

"The subject property is located near a high voltage electric transmission line. Purchasers should be aware that there is ongoing research on possible potential adverse health effects caused by the exposure to a magnetic field generated by high voltage lines. Although much more research is needed before the question of whether magnetic fields actually cause adverse health effects can be resolved, the

basis for such a hypothesis is established. At this time no risk assessment has been made."

When a Final Subdivision Report issued by the California Department of Real Estate is required, the applicant shall also request that the Department of Real Estate insert the above note in the report.

Will Serve Letters

**44.** Prior to recordation of the Final Map, a copy of a will-serve letter from East Bay Municipal Utility District shall be submitted to CDD.

**45.** Prior to recordation of the Final Map, a copy of a will-serve letter from Central Contra Costa Sanitary District shall be submitted to CDD.

Electric Vehicle

**46.** In accordance with the County's Electric Vehicle (EV) Ordinance, a listed raceway to accommodate a dedicated 208/240-volt branch circuit shall be installed for each new residence.

**DEPARTMENT OF CONSERVATION AND DEVELOPMENT, HOUSING AND COMMUNITY IMPROVEMENT (HCI) DIVISION, CONDITIONS OF APPROVAL FOR COUNTY FILE #CDSD21-09581**

**47.** Inclusionary Housing Ordinance: This project is subject to County Ordinance Code, Chapter 822-4, Inclusionary Housing Ordinance. Terms and definitions regarding the Inclusionary Housing Ordinance are pursuant to this chapter. Pursuant to Section 822-4.402(b) of the County Ordinance Code, a residential development of five or more for-sale units shall require at least fifteen percent of the for-sale units to be developed and sold as affordable units. At least twenty percent of the inclusionary units shall be sold at an affordable price to lower-income households. The remaining units shall be sold to moderate-income families at an affordable price.

**48.** For-Sale Inclusionary Housing and Partial In-Lieu Fee: The applicant, owner, and/or developer (Applicant) is required to construct 1.35 affordable units (9 total base

units x 0.15 of total = 1.35 units) for the project. The Applicant has submitted a revised project proposal that included an Inclusionary Housing Plan and density bonus request dated March 22, 2022, that proposed to construct one for-sale moderate income inclusionary unit (affordable to households with an income up to 120% of Area Median Income) on Lot 4 of the property. The unit on Lot 4 is an approximately 2,533-square-foot single-family detached home consisting of four bedrooms. The one moderate-income unit proposed for compliance with the Inclusionary Housing Ordinance requirements is the same moderate-income unit required for compliance with the Density Bonus request. This unit may be referenced as inclusionary unit, density bonus unit, or both in these conditions. The requirements for the one moderate-income unit must comply with both the Inclusionary Housing Ordinance and State Density Bonus law, and the most restrictive requirements would apply.

The Applicant has proposed to pay a partial in-lieu fee for the fractional 0.35 inclusionary unit, and the County has accepted this proposal. The current calculation of the partial in-lieu fee for the fractional inclusionary unit is $15,444.00. The final calculation of the in-lieu fee will be calculated upon payment. This in-lieu fee is non-refundable and non-transferable. A partial in-lieu fee of $15,444.00 will be paid for the fractional .35 unit (.35 = 26% of the fee total of $59,401. 26% of this fee = $15,444.00)

**49.** Density Bonus Request: The Applicant submitted a revised project description which included a density bonus request dated March 22, 2022, which proposed constructing ten percent of the total dwelling units of a housing development where all units are offered to the public for purchase. The Applicant proposed constructing one moderate-income unit, constituting eleven percent of the total for-sale units in the development.

**50.** Density Bonus – Concession or Incentive: Pursuant to Government Code 65915(d), the Applicant may request one project concession or incentive for providing eleven percent (one unit) for moderate-income units of the total units within the for-sale housing development. The Applicant requested the concession to utilize gross acreage to calculate the maximum density allowed for the site instead of using the net acreage as required in the General Plan.

The County accepted the Applicant's request to use gross acreage when calculating the maximum base density allowed on the property and density bonus. This allowed for a maximum base density of nine units instead of eight units, a six percent density bonus (one unit) for ten units in the housing development.

**51.** Density Bonus – Reduction in Development Standards: Pursuant to Government Code 65915(e), the Applicant proposed a waiver or reduction of the following development standards:

- Lot Area – where the County Ordinance Code requires a minimum parcel size of 20,000 square feet, the proposed lot sizes range from 9,292 to 17,659 square feet.

- Lot Width – where the County Ordinance Code requires a minimum average lot width of 120 feet, the proposed average lot widths range from 66.4 to 138.8 feet.

- Lot Depth – where the County Ordinance Code requires a minimum of 120 feet in depth, the proposed lot depths range from 127.2 to 174.1 feet. The lot depths for all proposed lots comply with the minimum requirement as proposed.

- **Housing setbacks - where the County Ordinance Code requires a minimum front yard setback of 25 feet, a minimum side yard of 15 feet, and a minimum aggregate side yard of 35 feet, the proposed front yard setbacks and side yards are per the table under condition of approval #3.**

- Retaining Wall Structure Setbacks – where the County Ordinance Code considers all retaining walls over three feet as a structure that must meet all setback requirements, the proposed retaining wall setback is 0 feet on all lots.

**52.** Inclusionary Housing and Density Bonus Developer Agreement: Prior to recordation of the Final Map, Parcel Map, or CDD stamp-approval of plans for issuance of building permits or grading permits for any portion of the residential development, whichever comes first, the Applicant shall execute an Inclusionary Housing and Density Bonus Housing Agreement (Agreement), form to be provided by the County, with the County pursuant to Chapter 822-4 Inclusionary Housing,

Chapter 822-2 Density Bonus, and Government Code 95915 to ensure that the property will be deed restricted for one unit to be affordable and sold to a moderate income household. The 90-day period allows for the preparation, County approval, and recordation of the Agreement prior to the milestones referenced above.

To initiate the County to prepare and execute an Agreement, the Applicant must file a condition of approval compliance review application accompanied by the appropriate fees, documents, and exhibits listed in the most recent Inclusionary Housing Plan Checklist and/or Density Bonus Plan Checklist. The Agreement must be submitted to the Board of Supervisors before execution by all parties and recordation.

The Agreement will establish the process for determining the unit's maximum sales price, buyer eligibility, and additional program details as referenced in Chapter 822-4, Inclusionary Housing Ordinance, and Government Code 65915.

A detailed timeline for the project, including the project's construction, marketing, the Applicant accepting and reviewing applications from qualified households, and the sale of the inclusionary unit.

**53.** General: The following are general terms for granting a density bonus and compliance with the Inclusionary Housing Ordinance.

a. The Applicant hereby represents warrants and covenants that will cause the Agreement to be recorded in the real property records of Contra Costa County, California, and other places the County may reasonably request. The Applicant shall pay fees incurred with any such recording. The recording of the Agreement shall occur after the acceptance of the document by the County and before the recordation of the Final Map, Parcel Map, or CDD stamp-approval of plans for issuance of building permits or grading permits for any portion of the residential development, whichever comes first.

b. The one inclusionary unit in the project shall be available for sale to members of the general public who are income eligible. The Applicant shall not give preference to any particular class or group of persons in selling the units, except that the units must be sold to a household with income no higher than 120% of the Area Median Income. There shall be no discrimination against or

segregation of any person or group of persons on account of race, color, creed, religion, sex, sexual orientation, marital status, national origin, source of income (e.g., SSI), age (except for lawful senior housing), ancestry, or disability, in the sale of the unit in the project nor shall the Applicant or any person claiming under or through the Applicant, establish or permit any such practice or practices of discrimination or segregation concerning the selection, location, number, use or occupancy of homeowners of any unit in connection with employment of persons for construction of the project.

c. County will provide the Applicant with income certification forms to be completed by the potential homebuyers. The income levels of all moderate-income household applicants for the inclusionary/density bonus unit shall be pre-certified by the Applicant (or subsequent holder of the Agreement(s)) prior to submittal to the County for review and approval.

d. Upon violating any of the Agreement's provisions by the Applicant, the County may give written notice to the Applicant specifying the nature of the breach. If the violation is not corrected to the satisfaction of the County within a reasonable period, not longer than thirty (30) days after the date the notice is deemed received, or within such further time as the County determines is necessary to correct the violation, the County may declare a default under the Agreement. Upon declaration of a default or if the County determines that the Applicant has made any misrepresentation in connection with receiving any benefits under this Agreement, the County may apply to a court of competent jurisdiction for such relief at law or in equity as may be appropriate.

**54.** Term of Affordability: The inclusionary unit shall be deed-restricted so that if the home is sold within forty-five (45) years, it must be sold at an affordable sales price to a moderate-income household. The inclusionary unit shall be deed-restricted upon sale to ensure the continued affordability of this unit for the required term of affordability in accordance with Government Code 65915.

**55.** Development Standards: The inclusionary unit must be constructed and finished in compliance with the approved Inclusionary Housing Plan. The unit is subject to the standards of Section 822.4.412 of the County Ordinance.

a. The inclusionary unit must be constructed and occupied before or concurrently with the market rate units within the same residential development. A hold will

be placed on the final inspection/occupancy for all building permits issued within the subdivision to ensure that the inclusionary/density bonus unit meets this requirement.

b. The average number of bedrooms for the inclusionary unit must be equivalent to the average number of bedrooms for market-rate units within the same residential development.

**56.** Marketing and Homebuyer Selection: It is anticipated that the Applicant will construct all project units and market them before construction completion. The Applicant shall submit documentation and other information to the County for review and approval at least 90 days prior to construction completion and prior to the Applicant's request for a final building inspection and final occupancy of the building. The documentation and information required for review and approval are listed in the most recent Inclusionary Housing Plan Checklist or Density Bonus Plan Checklist and include, but are not limited to, the following:

a. Marketing Plan
b. Homebuyer Selection Plan. The homebuyer selection plan should include a provision for a lottery process for the inclusionary/density bonus unit.
c. Marketing Materials, including translated Marketing Materials in Spanish and Chinese.

In addition to other marketing efforts proposed by the Applicant in the marketing plan, the inclusionary unit shall be marketed through local, non-profit, social service, faith-based, and other organizations with potential buyers as clients or constituents. Marketing materials shall be made available online for at least one month before the first sale and shared with County Housing staff to promote to its mailing lists. The Applicant shall translate marketing materials, and the marketing plan shall be submitted to the Department of Conservation and Development before marketing the inclusionary housing unit.

Marketing may also include publicity through local television and radio stations as well as local newspapers, including the Contra Costa Times, Classified Flea Market, El Mensajero, La Opinion, Thoi Bao Magazine, Berkeley/Richmond/San Francisco Posts, Korea Times, El Mundo, Hankook Il Bo, and the Sing Tao Daily.

**57.** Marketing and Homebuyer Selection: The developer shall refer all qualified homebuyers to a HUD Homebuyer Counselor prior to the sale of the inclusionary unit.

**58.** For-Sale Inclusionary/Density Bonus Unit Restrictions: The initial sale of a for-sale inclusionary unit shall occur only to a household that meets the following criteria:

a. The household has not owned a residence within the previous three years; and

b. The household has no more than two hundred fifty thousand dollars in assets. The amount excludes assets reserved for a down payment and closing costs, assets in retirement savings accounts, and medical savings accounts.

c. The purchaser of the for-sale inclusionary/density bonus unit must agree to occupy the dwelling unit as their principal residence.

d. The term of affordability for the inclusionary/density bonus unit is 45 years.

The for-sale inclusionary unit may be resold after the initial sale to a moderate-income purchaser at a moderate-income sales price.

If a moderate-income purchaser cannot be found after diligently marketing the unit widely and after a period determined by DCD, the unit may be sold to an above-moderate-income purchaser at a market price, provided that the sale results in a recapture by the County of financial interest in the unit equal to the sum of:

The difference between the initial affordable sales price and the appraised market value of the unit at the time of the initial sale; and

The County's proportionate share of any appreciation since the time of the initial sale. Appreciation is the difference between the resale price to the above-moderate-income purchaser and the appraised market value at the initial sale. The County's proportionate share of appreciation is equal to the percentage by which the initial affordable sales price was less than the appraised market value at the time of the initial sale.

**59.** Prequalification of Homebuyers and Compliance Review: The Applicant is responsible for marketing and prequalifying potential homebuyers for income qualification. The Applicant shall submit for DCD's review and prequalification prior to the initial sale of the inclusionary/density bonus unit, and the Applicant shall submit to the Department of Conservation and Development for review and approval, all forms, and documentation demonstrating that the buyer of the unit is

qualified as a moderate-income household. A hold shall be placed on the final inspection/ occupancy of all building permits associated with the construction of the residences in the project until documentation has been deemed adequate by the Department of Conservation and Development.

To initiate this prequalification review, the applicant must file a COA Compliance Review Application if there is no open compliance review application for this project.

**60.** Prequalification of Homebuyers and Compliance Review: The Applicant is responsible for keeping the Department of Conservation and Development informed of the contact information of the owner or designee responsible for maintenance and compliance with this permit and how they may be contacted (i.e., mailing addresses, email addresses, and telephone numbers) at all times.

a. Prior to the recordation of the Final Map, Parcel Map, or CDD stamp-approval of plans for issuance of building permits or grading permits for any portion of the residential development, whichever comes first, and with filing a condition of approval compliance review, the Applicant shall provide the name of the contact representing the property owner for permit compliance and their contact information.

b. Should the contact subsequently change (e.g., new designee or owner), within 30 days of the change, the Applicant shall issue a letter to the Department of Conservation and Development with the name of the new party who has been assigned permit compliance responsibility and their contact information. Failure to satisfy this condition may result in the commencement of procedures to revoke the permit.

**PUBLIC WORKS CONDITIONS OF APPROVAL FOR COUNTY FILE #CDSD21-09581**

Applicant shall comply with the requirements of Title 8, Title 9 and Title 10 of the Ordinance Code. Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the site plan/(vesting) tentative map submitted to the Department of Conservation and Development on September 2, 2021.

COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO FILING OF THE FINAL MAP.

General Requirements

**61.** In accordance with Section 92-2.006 of the Ordinance Code, this subdivision shall conform to all applicable provisions of the Subdivision Ordinance (Title 9). Any exceptions therefrom must be specifically listed in this conditional approval statement. The drainage, road and utility improvements outlined below shall require the review and approval of the Public Works Department and are based on the vesting tentative map received by the Department of Conservation and Development, Community Development Division, on June 27, 2022.

**62.** Applicant shall submit improvement plans prepared by a registered civil engineer to the Public Works Department and pay appropriate fees in accordance with the County Ordinance and these conditions of approval. The below conditions of approval are subject to the review and approval of the Public Works Department.

Roadway Improvements (Walnut Boulevard)

**63.** Applicant shall construct curb, 5-foot sidewalk, necessary longitudinal and transverse drainage, street lighting, and pavement widening and transitions along the frontage of Walnut Boulevard. Applicant shall construct face of curb 10 feet from the widened right of way line.

**64.** Applicant shall construct a street type connection with 20-foot radii curb returns in lieu of standard driveway depressions at intersection of Walnut Boulevard and Private Street A.

Road Dedications

**65.** Property owner(s) shall convey to the County, by Offer of Dedication, 7 feet of right-of-way for the planned future width of 64 feet along the Walnut Boulevard frontage.

Access to Adjoining Property

**66.** Proof of Access: Applicant shall furnish proof to the Public Works Department of the acquisition of all necessary rights of way, rights of entry, permits and/or easements for the construction of off-site, temporary or permanent, public and private road and drainage improvements.

Encroachment Permit

**67.** Applicant shall obtain an encroachment permit from the Public Works Department, if necessary, for construction of driveways or other improvements within the right-of-way of Walnut Boulevard.

**68.** Applicant shall obtain an encroachment or other applicable permits from the City of Walnut Creek, if necessary, for construction of off-site utilities our improvements within the corporate limits of the City of Walnut Creek.

Abutter's Rights

**69.** Applicant shall relinquish abutter's rights of access along Walnut Boulevard frontage with the exception of the proposed private road intersection.

Sight Distance

**70.** Applicant shall provide sight distance at the private road intersection with Walnut Blvd. for a design speed of **35** miles per hour.

Private Roads

**71.** Applicant shall construct an on-site roadway system to current County private road standards with a travel width of 28 feet, and a 5-foot sidewalk monolithic to the curb. These improvements shall be located within a minimum 35-foot private access and utility easement. Additional easement width may be necessary to accommodate utility boxes, vaults, etc.

Parking

**72.** Parking shall be prohibited on one side of on-site roadways where the curb-to-curb width is less than 36 feet and on both sides of on-site roadways where the curb-to-curb width is less than 28 feet. "No Parking" signs shall be installed along these portions of the roads subject to the review and approval of the Public Works Department.

Countywide Street Lights Financing

**73.** Property owner(s) shall annex to the Community Facilities District (CFD) 2010-1 formed for Countywide Street Light Financing. Annexation into a streetlight service area does not include the transfer of ownership and maintenance of street lighting on private roads.

Utilities/Undergrounding

**74.** Applicant shall underground all new and existing utility distribution facilities, including those along the frontage of Walnut Boulevard Applicant shall provide joint trench composite plans for the underground electrical, gas, telephone, cable television and communication conduits and cables including the size, location and details of all trenches, locations of building utility service stubs and meters and placements or arrangements of junction structures as a part of the Improvement Plan submittals for the project. The composite drawings and/or utility improvement plans shall be signed by a licensed civil engineer.

Exceptions (Subject to Advisory Agency findings and approval)

Applicant is granted an exception from the utility undergrounding requirement of the Ordinance Code by the advisory agency as provided for in 92-6.002 of said Code. This exception is specific to the Walnut Boulevard frontage and does not preclude relocation of exiting overhead utilities in conflict with required street improvements. because of the several parcels involved and the nature of the area.

Maintenance of Facilities

**75.** The maintenance obligation of all common and open space areas, private roadways, any private streetlights, public and private landscaped areas, perimeter walls/fences,

and on-site drainage facilities shall be included in the covenants, conditions, and restrictions (CC&Rs). The language shall be submitted for the review and approval of the Zoning Administrator and Public Works Department at least 60 days prior to filing of the Final Map.

Drainage Improvements

**76.** Collect and Convey: Applicant shall collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage facility, to a natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the stormwater to a natural watercourse, in accordance with Division 914 of the Ordinance Code. Applicant shall verify the adequacy at any downstream drainage facility accepting stormwater from this project prior to discharging runoff. If the downstream system(s) is inadequate to handle the existing and project condition for the required design storm event, applicant shall construct improvements to make the system adequate. Applicant shall obtain access rights to make any necessary improvements to off-site facilities.

**77.** Detention Basin: The proposed joint use of the drainage basin for both stormwater management, and peak runoff rate reduction will be allowed provided the stormwater management aspects of the basin are not included in the storage volume accounting relative to detention basin routing.

Exceptions (Subject to Advisory Agency findings and approval)

Applicant is granted an exception from the public entity maintenance requirement of the Ordinance Code by the advisory agency as provided for in 92-6.002 of said Code. The maintenance obligation relative to the detention/stormwater management basin will be satisfied in the CC&Rs and Stormwater Maintenance Operation and Maintenance Agreement and Plan.

Miscellaneous Drainage Requirements

**78.** Applicant shall design and construct all storm drainage facilities in compliance with the Ordinance Code and Public Works Department design standards.

**79.** Applicant shall prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.

**80.** A private storm drain easement, conforming to the width specified in Section 914-14.004 of the County Ordinance Code, shall be dedicated over any proposed storm drain line that serves or traverses more than one lot or parcel.

National Pollutant Discharge Elimination System (NPDES)

**81.** The applicant shall be required to comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, or any of its Regional Water Quality Control Boards (San Francisco Bay - Region II).

Compliance shall include developing long-term best management practices (BMPs) for the reduction or elimination of stormwater pollutants. The project design shall incorporate wherever feasible, the following long-term BMPs in accordance with the Contra Costa Clean Water Program for the site's stormwater drainage:

- Minimize the amount of directly connected impervious surface area.
- Install approved full trash capture devices on all catch basins (excluding catch basins within bioretention area) as reviewed and approved by Public Works Department. Trash capture devices shall meet the requirements of the County's NPDES permit.
- Install approved full trash capture devices on all catch basins (excluding catch basins within bioretention area) as reviewed and approved by Public Works Department. Trash capture devices shall meet the requirements of the County's NPDES Permit.
- Place advisory warnings on all catch basins and storm drains using current storm drain markers.
- Offer pavers for household driveways and/or walkways as an option to buyers.
- Construct concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
- Distribute public information items regarding the Clean Water Program and lot specific IMPs to buyers.
- Shared trash bins shall be sealed to prevent leakage, OR, shall be located within a covered enclosure.
- Other alternatives comparable to the above as approved by Public Works.

Stormwater Management and Discharge Control Ordinance

**82.** The applicant shall submit a final Storm Water Control Plan (SWCP) and a Stormwater Control Operation and Maintenance Plan (O+M Plan) to the Public Works Department, which shall be reviewed for compliance with the County's National Pollutant Discharge Elimination System (NPDES) Permit and shall be deemed consistent with the County's Stormwater Management and Discharge Control Ordinance (§1014) prior to filing of the Final Map. All time and materials costs for review and preparation of the SWCP and the O+M Plan shall be borne by the applicant.

**83.** Improvement plans shall be reviewed to verify consistency with the final SWCP and compliance with Provision C.3 of the County's NPDES Permit and the County's Stormwater Management and Discharge Control Ordinance (§1014).

**84.** Stormwater management facilities shall be subject to inspection by the Public Works Department; all time and materials costs for inspection of stormwater management facilities shall be borne by the applicant.

**85.** Prior to filing of the Final Map, the property owner(s) shall enter into a Stormwater Management Facility Operation and Maintenance Agreement with Contra Costa County, in which the property owner(s) shall accept responsibility for and related to the operation and maintenance of the stormwater facilities, and grant access to relevant public agencies for inspection of stormwater management facilities.

**86.** Prior to filing of the Final Map, the property owner(s) shall annex the subject property into Community Facilities District (CFD) No. 2007-1 (Stormwater Management Facilities), which funds responsibilities of Contra Costa County under its NPDES Permit to oversee the ongoing operation and maintenance of stormwater facilities by property owners.

**87.** Any proposed water quality features that are designed to retain water for longer than 72 hours shall be subject to the review of the Contra Costa Mosquito & Vector Control District.

Drainage Area Fee Ordinance

**88.** Applicant shall comply with the drainage fee requirements for Drainage Area 8 as adopted by the Board of Supervisors prior to initiation of the use requested with this application. This fee shall be paid prior to filing of the Final Map.

## ADVISORY NOTES

**ADVISORY NOTES ARE NOT CONDITIONS OF APPROVAL; THEY ARE PROVIDED TO ALERT THE APPLICANT TO ADDITIONAL ORDINANCES, STATUTES, AND LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES THAT MAY BE APPLICABLE TO THIS PROJECT.**

A. NOTICE OF OPPORTUNITY TO PROTEST FEES, ASSESSMENTS, DEDICATIONS, RESERVATIONS, OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

   Pursuant to California Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations, or exactions required as part of this project approval. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and must be delivered to the Community Development Division within a 90-day period that begins on the date that this project is approved. If the 90th day falls on a day that the Community Development Division is closed, then the protest must be submitted by the end of the next business day.

B. This project is subject to the development fees in effect under County Ordinance as July 27, 2022, the date the vesting tentative map application was accepted as complete by the Department of Conservation and Development. These fees are in addition to any other development fees, which may be specified in the conditions of approval.

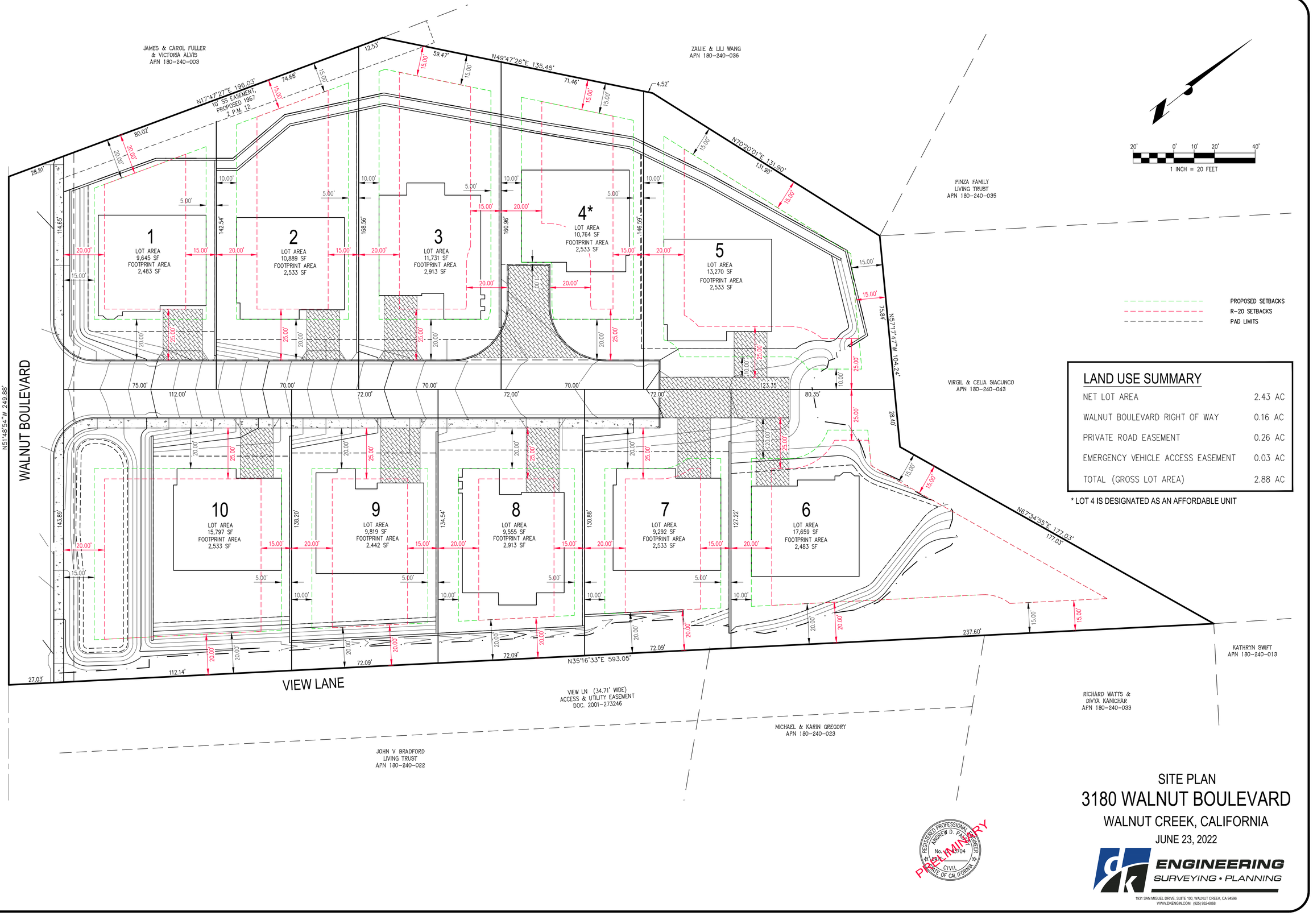
C. Applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Martinez Area of Benefit as adopted by the Board of Supervisors. Payment is required prior to issuance of a building permit.

D. Although the Stormwater Control Plan has been determined to be preliminarily complete, it remains subject to future revision, as necessary, during preparation of improvement plans in order to bring it into full compliance with C.3 stormwater requirements. Failure to update the SWCP to match any revisions made in the improvement plans may result in a substantial change to the County approval, and the project may be subject to additional public hearings. Revisions to California Environmental Quality Act (CEQA) documents may also be required. This may significantly increase the time and applicant's costs associated with approval of the application.

E. The applicant shall comply with the requirements of the following agencies:
   - Contra Costa County Public Works Department
   - Department of Fish and Wildlife
   - Army Corps of Engineers
   - Contra Costa County, Department of Conservation and Development, Building and Grading Inspection Divisions
   - Contra Costa County Fire Protection District
   - Central Contra Costa Sanitary District
   - East Bay Municipal Utility District

# Attachment 2

# Architectural Plans




## LAND USE SUMMARY

| | |
|---|---|
| NET LOT AREA | 2.43 AC |
| WALNUT BOULEVARD RIGHT OF WAY | 0.16 AC |
| PRIVATE ROAD EASEMENT | 0.26 AC |
| EMERGENCY VEHICLE ACCESS EASEMENT | 0.03 AC |
| TOTAL (GROSS LOT AREA) | 2.88 AC |

* LOT 4 IS DESIGNATED AS AN AFFORDABLE UNIT

PRELIMINARY

REGISTERED PROFESSIONAL ENGINEER
ANDREW D. PASSEY
No. 79704
CIVIL
STATE OF CALIFORNIA

# SITE PLAN
# 3180 WALNUT BOULEVARD
## WALNUT CREEK, CALIFORNIA
JUNE 23, 2022

ENGINEERING
SURVEYING • PLANNING
1931 SAN MIGUEL DRIVE, SUITE 100, WALNUT CREEK, CA 94596
WWW.DKENGIN.COM (925) 932-6868

F:\PROJECTS\2021\21-1007 3180 WALNUT BLVD - WALNUT CREEK\DWG\ZONING\PRELIMINARY SITE PLAN-2107.DWG 6/27/2022

dk JOB# 21-1007-11

**PLAN 3**
Modern Farmhouse Elevation

**PLAN 1**
American Foursquare Elevation

**PLAN 3**
Spanish Colonial Elevation

**PLAN 1**
Craftsman Elevation

**PLAN 2**
Northern European Elevation

# CONCEPTUAL STREETSCENE

CALIBR VENTURES

Note: Artist's Conception; Colors, Materials And Application May Vary.

## 3180 WALNUT BOULEVARD

WALNUT CREEK, CA

SS1
NTS

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ARCHITECTS . PLANNERS . DESIGNERS
WHA.
ORANGE COUNTY . LOS ANGELES . BAY AREA . SACRAMENTO

Second Floor 1,675 SF

# PLAN 1

3,326 SF

4 Bdrm | 3.5 Bath | Bonus | Dining

3-Car Garage

First Floor 1,651 SF

CALIBR VENTURES

## 3180 WALNUT BOULEVARD

WALNUT CREEK, CA

A1.1

0 2 4 8

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WHA.

ORANGE COUNTY . LOS ANGELES . BAY AREA . SACRAMENTO

Craftsman Elevation

American Foursquare Elevation

# PLAN 1
Front Elevations

CALIBR VENTURES

Note: Artist's Conception; Colors, Materials And Application May Vary.

## 3180 WALNUT BOULEVARD

WALNUT CREEK, CA

A1.2

0 2 4 8

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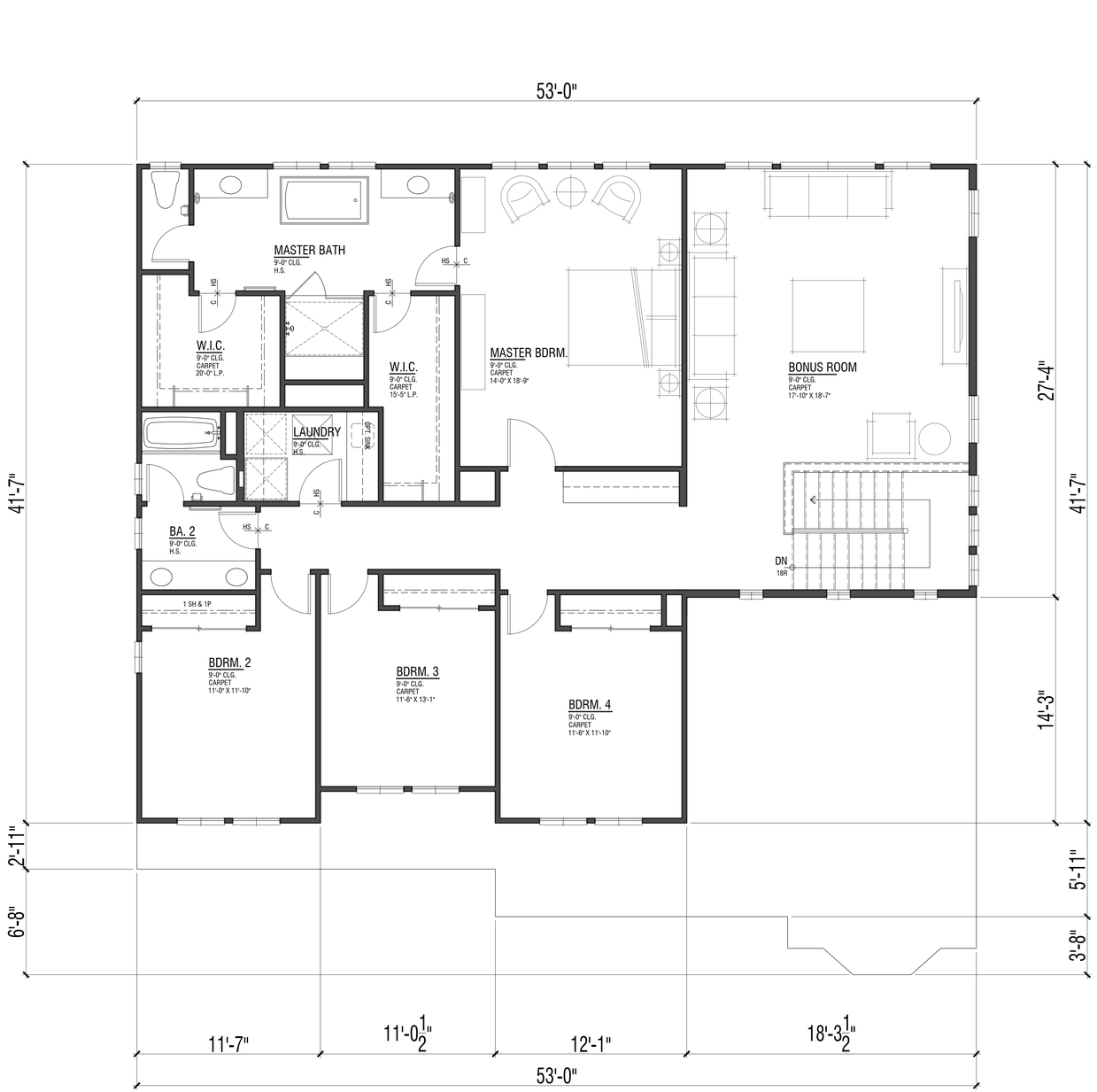


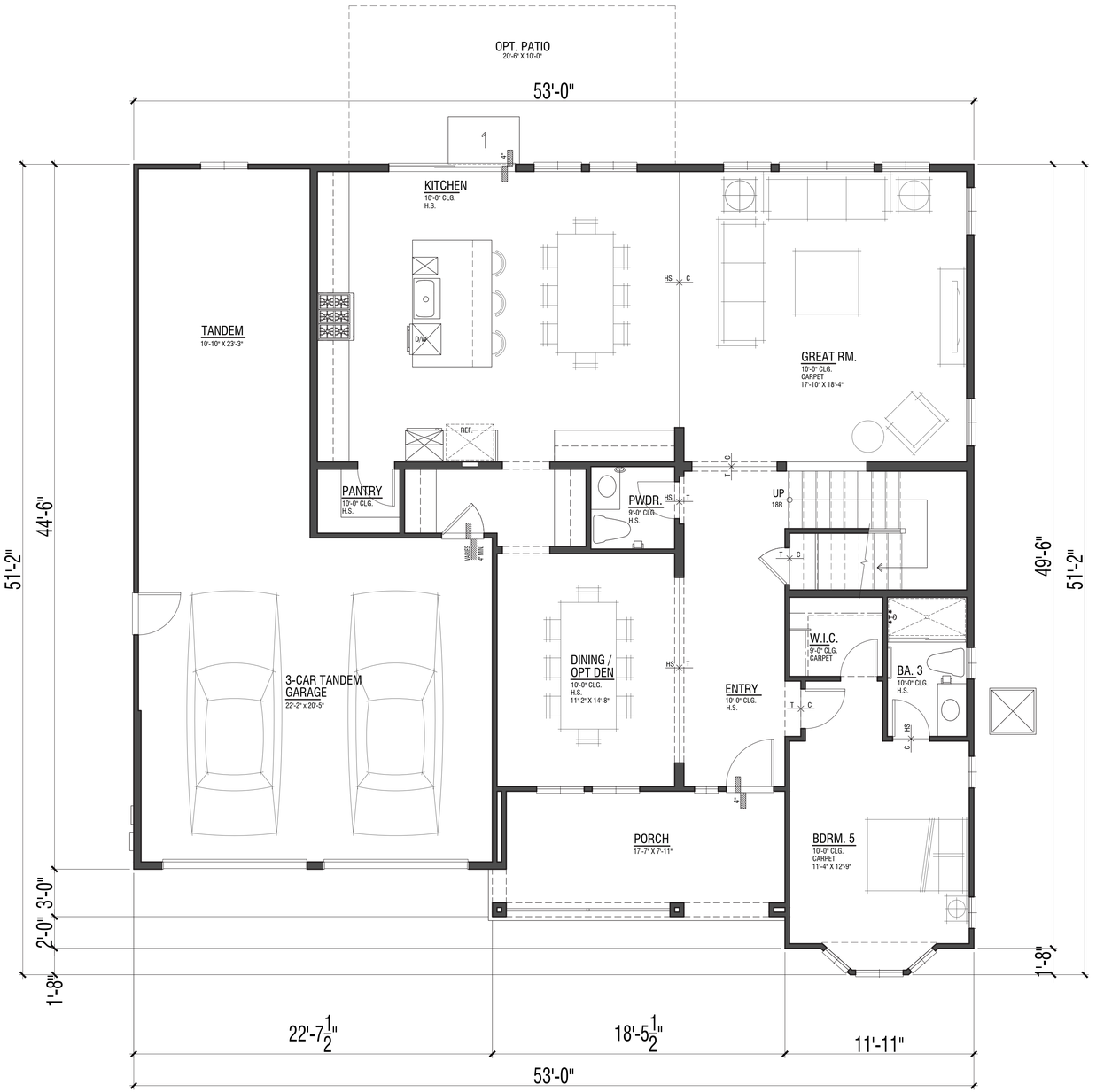


# PLAN 2

3,430 SF

5 Bdrm | 3.5 Bath | Bonus | Dining

3-Car Garage

Second Floor 1,829 SF

First Floor 1,601 SF

CALIBR VENTURES

## 3180 WALNUT BOULEVARD

WALNUT CREEK, CA

A2.1

0 2 4 8

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ORANGE COUNTY . LOS ANGELES . BAY AREA . SACRAMENTO

Northern European Elevation

Traditional Elevation

# PLAN 2
Front Elevations

CALIBR VENTURES

## 3180 WALNUT BOULEVARD

WALNUT CREEK, CA

Note: Artist's Conception; Colors, Materials And Application May Vary.

A2.2

0 2 4 8

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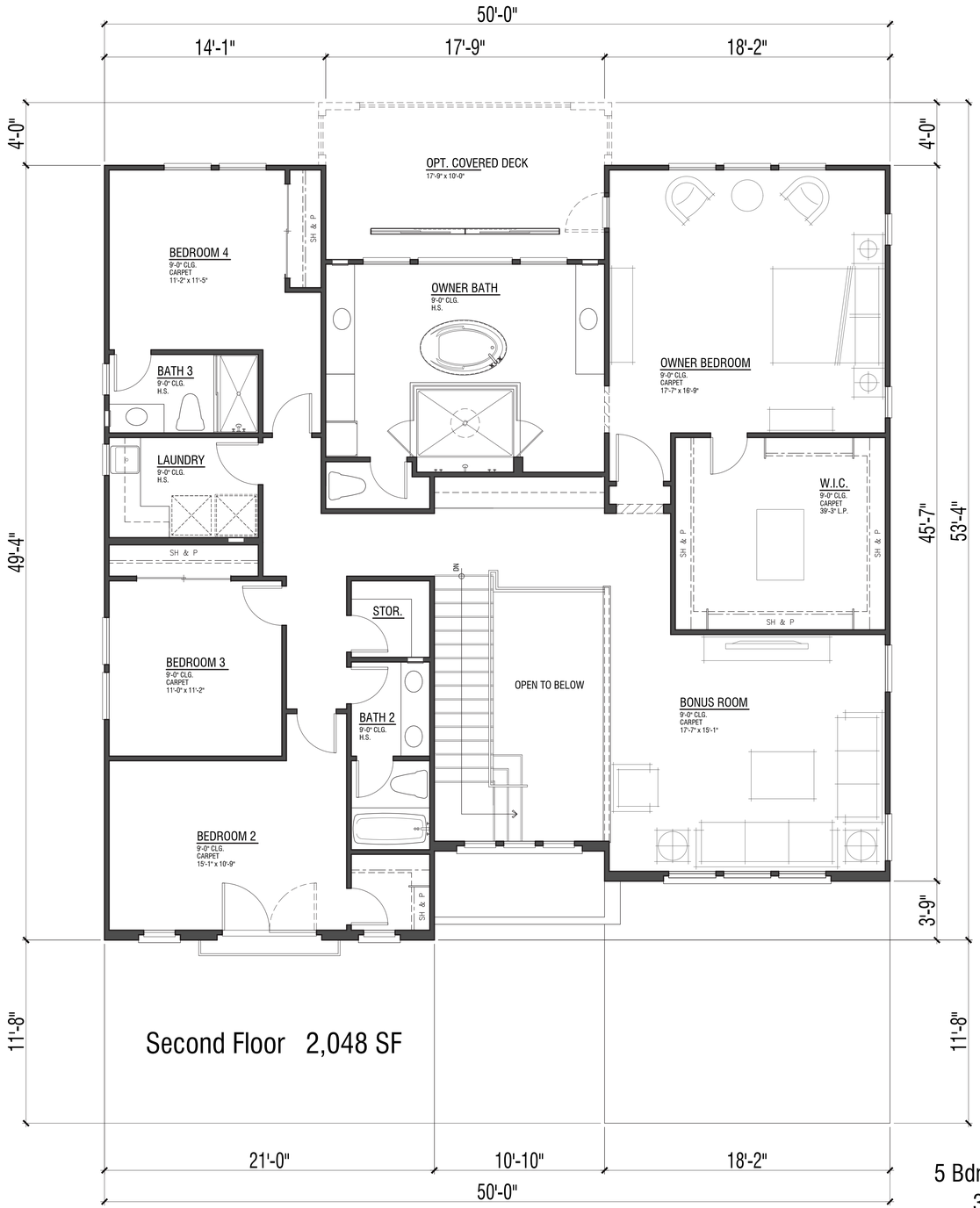


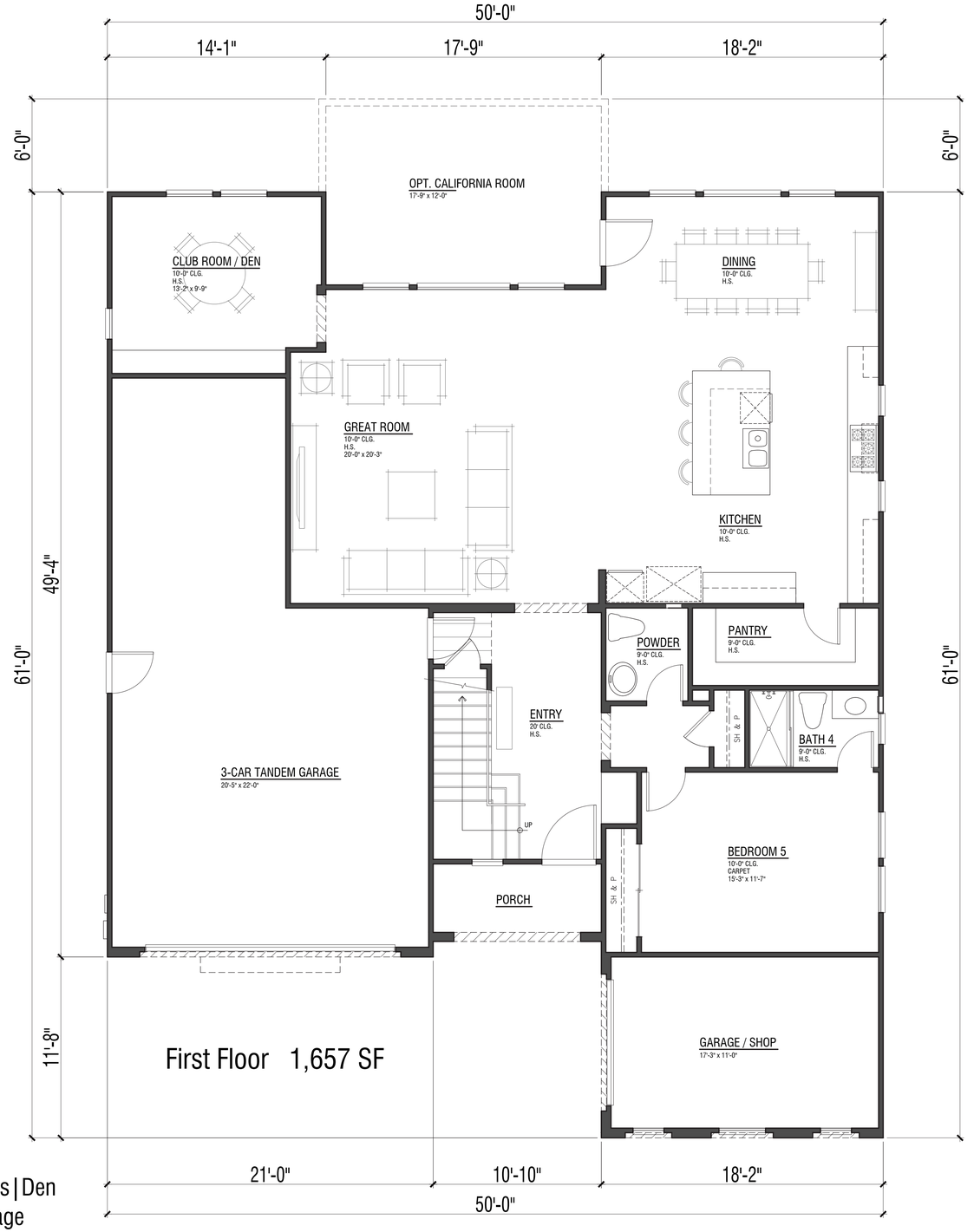


# PLAN 3

3,705 SF
5 Bdrm | 4.5 Bath | Bonus | Den
3-Car Tandem Garage
1-Car Garage / Shop

CALIBR VENTURES

## 3180 WALNUT BOULEVARD

WALNUT CREEK, CA

A3.1

0 2 4 8

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WHA.
ORANGE COUNTY . LOS ANGELES . BAY AREA . SACRAMENTO

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Spanish Colonial Elevation

Modern Farmhouse Elevation

# PLAN 3
Front Elevations

CALIBR VENTURES

## 3180 WALNUT BOULEVARD

WALNUT CREEK, CA

Note: Artist's Conception; Colors, Materials And Application May Vary.

A3.2

0 2 4 8

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WHA.

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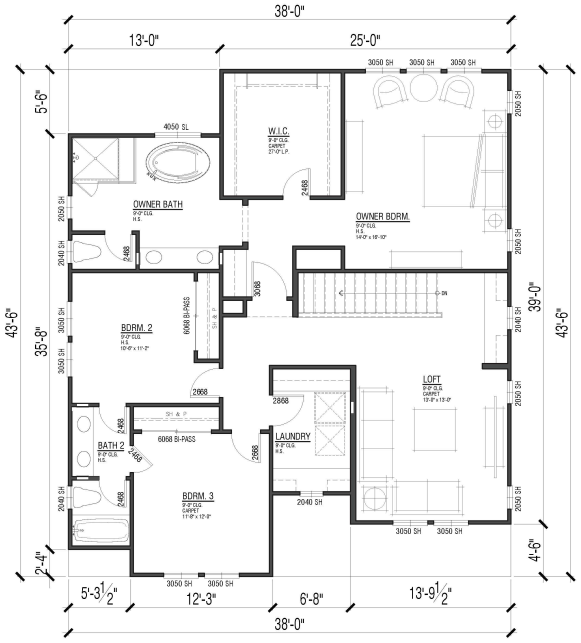
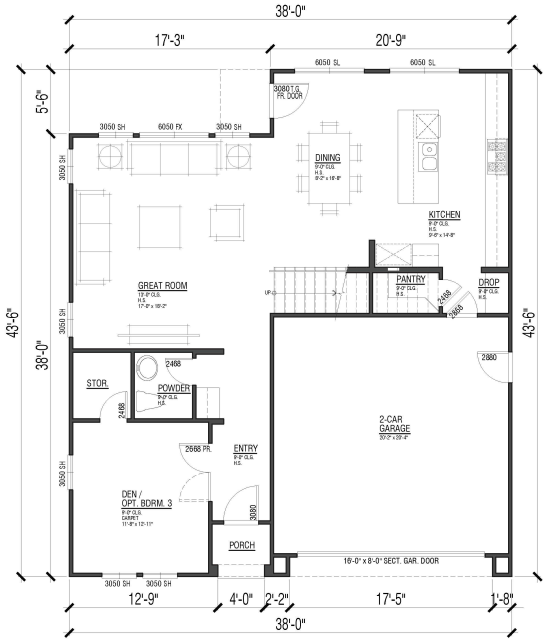
Elevation A

Modern Farmhouse

Color Scheme 1




Second Floor 1,420 SF




First Floor 1,078 SF

Affordable Unit

# Attachment 3

# House Height Exhibit

JAMES & CAROL FULLER
& VICTORIA ALVIS
APN 180-240-003

ZAIJIE & LILI WANG
APN 180-240-036

PINZA FAMILY
LIVING TRUST
APN 180-240-035

VIRGIL & CELIA SIACUNCO
APN 180-240-043

KATHRYN SWIFT
APN 180-240-013

RICHARD WATTS &
DIVYA KANICHAR
APN 180-240-033

MICHAEL & KARIN GREGORY
APN 180-240-023

JOHN V BRADFORD
LIVING TRUST
APN 180-240-022

VIEW LN (34.71' WIDE)
ACCESS & UTILITY EASEMENT
DOC. 2001-273246

WALNUT BOULEVARD

VIEW LANE

N51°48'54"W 249.88'

N17°47'27"E 196.03'

10' SS EASEMENT,
PROPOSED 1967
2 P.M. 12

N49°47'26"E 135.45'

N70°20'01"E 131.90'

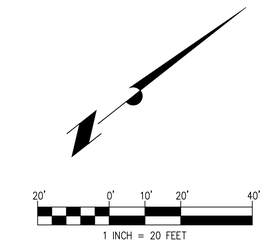
N57°17'47"W 104.24'

N67°34'55"E 177.03'

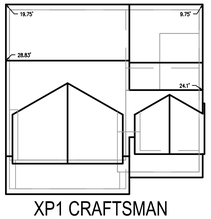
N35°16'33"E 593.05'

1 PAD 197
2 PAD 203
3 PAD 207
4 PAD 209.8
5 PAD 210
6 PAD 216
7 PAD 212.1
8 PAD 209
9 PAD 206
10 PAD 202

MAX FILL FROM EXISTING GRADE (30.1')
MAX FILL FROM EXISTING GRADE (30.0')
MAX FILL FROM EXISTING GRADE (31.7')
MAX FILL FROM EXISTING GRADE (34.8')
MAX FILL FROM EXISTING GRADE (31.4')
MAX FILL FROM EXISTING GRADE (33.1')
MAX FILL FROM EXISTING GRADE (30.7')
MAX FILL FROM EXISTING GRADE (32.2')
MAX FILL FROM EXISTING GRADE (33.7')
MAX FILL FROM EXISTING GRADE (33.5')




SETBACKS
PAD LIMITS
207.390 EXISTING GROUND ELEV.
24.8' BUILDING HEIGHT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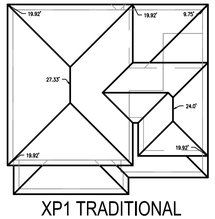
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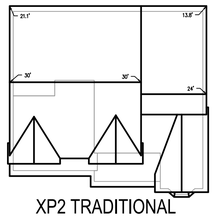
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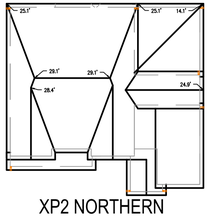
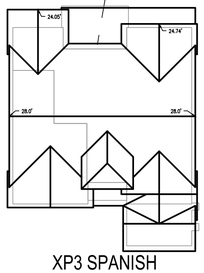
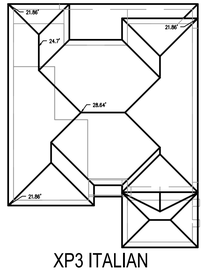

XP2 NORTHERN EUROPEAN


XP3 SPANISH COLONIAL


XP3 ITALIAN REVIVAL

NOTE: HEIGHTS TO VARIOUS ROOF PEAKS ARE SHOWN IN THE FIGURES TO THE LEFT. BUILDING HEIGHT IS MEASURED FROM THE ROOF PEAK TO EXISTING GROUND.

# HOUSE HEIGHT EXHIBIT
# 3180 WALNUT BOULEVARD
## WALNUT CREEK, CALIFORNIA
JUNE 23, 2022

dk ENGINEERING
SURVEYING • PLANNING
1931 SAN MIGUEL DRIVE, SUITE 100, WALNUT CREEK, CA 94596
WWW.DKENGR.COM (925) 932-6868

dk JOB# 21-1007-11

F:\PROJECTS\2021\21-1007_3180 WALNUT BLVD - WALNUT CREEK\CAD\EXHIBIT\BUILDING HEIGHT CHECK-SITE PLAN-21072.DWG 6/23/2022

# Attachment 4

# Public Comments

**From:** [redacted]
**To:** Dominique Vogelpohl
**Subject:** 3180 Walnut Blvd development
**Date:** Wednesday, September 27, 2023 6:02:06 PM

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Dear Dominique Vogelpohl

Please forward my comments to the planning department and zoning administrator:

To my dismay I've learned of planned development at the above mentioned address that seems to far exceed existing long-standing zoning requirements, and will create significant issues for the Walnut Heights neighborhood. I've personally walked this stretch of Walnut Blvd numerous times on hikes from my residence to the Fossil Hill Trail Head on Sutherland Dr.

I'm a libertarian at heart and believe the developer should be able to move forward with a project... but please let's follow the rules and best practice that the City of Walnut Creek and Contra Costa County have insisted upon for all of us previously!

If the existing zoning is R-20, then please keep it as such. Please limit the minimum lot size to 20k sqft. Please keep setbacks intact as is (or as much as possible given new state mandates). Jamming 10 lots on 2.5 acres is outrageous for our neighborhood.

Please reject or at least severely limit the removal of protected trees. There is a county ordinance to protect and preserve trees that others have complied with; this new development should abide by the same standards.

Please insist the strongest measures to limit storm water runoff from new development at this site. While my residence is not directly affected by this location, I have experienced flooding this last year due to inadequate capacity on my street. Everyone downstream from new development that doesn't adequately address this issue by the strongest site mitigation is further jeopardized (or better yet, developer funding increased capacity further down the line to help those that have experienced flooding in the past)

On the same note, the developer should help fund pedestrian safety along Walnut Blvd. The development will add to traffic. It's a very disconcerting walk from Eckley lane to Walnut Heights Elementary School. This would be a way and means to have a sidewalk constructed. If more children had a safe way to walk to school, it would greatly lessen auto traffic at school start and finish. (I would be much safer on my stroll to enjoy Fossil Hill and Shell Ridge hikes also!)

I'm not a NIMBY, but fair is fair. I hope you hold this development to the same standard as previous and factor in as much mitigation as possible for the neighbors directly bordering the development and those of us in the Walnut Heights neighborhood at large.

Most sincerely,
David Shafer
28 Oak Knoll Loop, WC

Get Outlook for iOS

**From:** [redacted]
**To:** Supervisor Carlson; Dominique Vogelpohl
**Subject:** 3180 Walnut Blvd Walnut Creek 94596
**Date:** Thursday, September 28, 2023 11:11:57 AM
**Attachments:** 3180 Walnut Blvd.pdf

---

Dear Supervisor Carlson and Project Planner Vogelpohl,

I am writing with regard to the proposed development at 3180 Walnut Blvd in Walnut Creek.

I fully support all of the opinions and requests as outlined in the attached letter, as request that you respectfully strongly consider all of the 7 requested actions.

In addition to all the concerns contained in the letter, I would like to emphasize the request that if this development is approved in any form, the developer be required to 1) build a sidewalk as outlined in item 6, and the screening mechanisms outlined in item 7.

Our family worked very hard to obtain our property in this area and as a taxpayers, community volunteers, and voters we would be very disappointed should this development proceed under the requested variances and 1) increase traffic to an already overburdened infrastructure, 2) reduce our property values through increased density and reduced lot sizes/layouts.

Thank you for your time and consideration,

Steve Woodhead

**From:** [redacted]
**To:** Dominique Vogelpohl
**Subject:** Proposed development at 3180 Walnut Blvd
**Date:** Thursday, September 28, 2023 4:39:18 PM

---

Ms. Vogelpohl,

I have just learned of the details of the proposed development at 3180 Walnut Boulevard in Walnut Creek and am shocked by the density of the proposed development and the extent of the mature tree removal.

This proposed development is wholly inconsistent with the character and quality of the Walnut Heights neighborhood and is wholly inconsistent with the General Plan.

This proposed development must be consistent with the General Plan and mature trees must be preserved to the greatest extent possible.

Do not betray your local constituents who have invested a great deal of time, talent, and resources to live in and maintain this wonderful neighborhood by capitulating to an out of state developer whose only interest in our community is to take the money and run.

Very truly yours,

John J. Camozzi
840 Hawthorne Dr
Walnut Creek CA  94596

**From:** [redacted]
**To:** Supervisor Carlson; Dominique Vogelpohl
**Subject:** Fwd: Fw: 3180 Walnut Blvd Walnut Creek 94596
**Date:** Thursday, September 28, 2023 1:30:22 PM
**Attachments:** 3180 Walnut Blvd.pdf

---

Dear Supervisor Carlson and Project Planner Vogelpohl,

I am writing with regard to the proposed development at 3180 Walnut Blvd in Walnut Creek.

I fully support all of the opinions and requests as outlined in the attached letter, and respectfully request that you strongly consider all of the 7 requested actions.

I would like to emphasize the request that if this development is approved in any form, the developer be required to 1) build a sidewalk as outlined in item 6, and the screening mechanisms outlined in item 7.

We choose to move to this area particularly for its charm and undeveloped nature, and as a taxpayers, community volunteers, and voters we would be very disappointed should this development proceed under the requested variances and 1) increase traffic to an already overburdened infrastructure, 2) reduce our property values through increased density and reduced lot sizes/layouts.

Thank you

Annabelle Lam

**From:** Carol Glynn
**Sent:** Thursday, September 28, 2023 8:25 PM
**To:** Dominique Vogelpohl <Dominique.Vogelpohl@dcd.cccounty.us>; Supervisor Carlson <supervisorcarlson@bos.cccounty.us>
**Subject:** 3180 Walnut Blvd. Proposed Property

In taking a closer look at the map, I realized I had thought it was the property across from Sutherland that was being developed. I see it's the property further down Walnut Blvd. where the deer often inhabit.

My arguments about protecting the trees & wildlife hold true for both properties.

This development should be restricted to 5 or 6 houses rather than 11 as the Walnut Heights neighborhood is not an area for high density housing. The project would affect traffic, parking, the safety of school children,and the rural structure of the neighborhood. It would also set precedent so other developers could also disregard current requirements for lot sizes, setbacks, the Contra Costa Tree Protection and Preservation Ordinance, etc.

Sincerely,

Carol Glynn

---------- Forwarded message ---------
From: **Carol Glynn**
Date: Thu, Sep 28, 2023 at 7:19 PM
Subject: Proposed Development at 3180 Walnut Blvd.
To: <SupervisorCarlson@bos.cccounty.us>, <Dominique.vogelpohl@dcd.cccounty.us >

I live in the Walnut Heights area and walk by this property daily.

I have just found out that the new out of state owner, Calibr Ventures is asking for approval of 11 homes on this site. The small lot sizes and requested zero setbacks will ruin our rural neighborhood. Please help us by requiring the proposed development meet the current requirements for lot sizes and setbacks and be limited to no more than 5-6 houses.

This property includes 74 protected trees under the Contra Costa Tree Protection and Preservation Ordinance. The project plans to remove 60% of the protected trees and all other unprotected trees. You cannot allow this! These trees are protected for a reason. The coast live oak likely supports 123 species of moths & butterflies. The valley oak likely supports 152. If you take out the protected trees then the birds do not have caterpillars to feed their young. The trees also provide shade & nesting areas and remove greenhouse gasses. You cannot allow any of the protected trees to be removed! Contra Costa Co. has been a leader in setting aside areas like Shell Ridge but the birds & insects need to travel & migrate & need trees throughout our county; not just on those spaces set aside. We need to preserve these trees! Perhaps you could go to Calscape & look up each protected tree and you will see all the species each one supports. If we remove all the habitat within the county on private properties and cover with houses, cement, lawns, & ornamental plants that do not support life, we are going down a road of extinction of species. We need to value our native trees & plants that support our local wildlife. Calibr Ventures have already butchered the eucalyptus trees which our native western bluebird likes to nest in. This out of town corporation wants to make a profit. They do not care about our local wildlife, our rural neighborhood, or our county.

The increased intrusive lights will also impede our wildlife as they travel at night. Motion detector lights are less intrusive to wildlife than lights lit up all night long.

I am concerned also about the increased traffic being so close to Walnut Heights Elementary and to Shell Ridge. Sometimes on week-ends there's no parking on Sutherland & side streets as more & more people learn about Shell Ridge. Also during school events Walnut Blvd. gets really crowded.

The County needs to not allow any of Calibr Ventures requested variances period! They need to conform to all County requirements.

Maybe you should drive down Scots Ln and turn left on Elise Ct. and see how that project was wisely done and how they protected their magnificent Interior Live Oak.

The project should blend into the community & this proposed one surely does not.

I hope you will try your best to do what's right for our rural neighborhood, the safety of our school children, and for the preservation of our protected trees and wildlife.

Thank you.

Carol Glynn

| | |
|---|---|
| **From:** | Dominique Vogelpohl |
| **To:** | Ruben Hernandez |
| **Cc:** | DCD PlanningHearing |
| **Subject:** | Comments for CDSD21-09581 - 10.2.23 ZA |
| **Date:** | Thursday, September 28, 2023 5:42:00 PM |
| **Attachments:** | image001.png |

Hello Ruben,

Someone called in to provide public comment that did not wish to email.

Barry Haley of 96 Amigo Lane, Walnut Creek.

He is in opposition of the project, specifically that the schools cannot handle the increase in population.

Sincerely,

Dominique Vogelpohl, Project Planner
Department of Conservation and Development
Community Development Division
30 Muir Road Martinez, CA 94553
(925) 655-2880

**From:** [redacted]
**To:** Dominique Vogelpohl
**Subject:** Re: CDSD21-09581 - 10.02.2023 ZA AGENDA
**Date:** Friday, September 29, 2023 8:30:46 AM
**Attachments:** image001.png
10.02.2023 ZA AGENDA.pdf

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Dominique,
I appreciate you sending me this staff document. Since I spent 12+ hours reading through the document, my intention is to be balanced and reasonable. But having read the document, I have a bunch of questions:

- At the beginning of the report, the planners state that this area is a mesh of city controlled, county controlled, even Lafayette city impacted. I do not or have come across any assertion by these different cities. If there was an assessment/approval, I'd like to review that and know who signed off on it.
- What are the zoning regulations for housing in this area? I'd like to see a complete list of waivers and exceptions being offered to this developer. Now I can understand if part of the development was creating a play area, Greenbelt, and other enhancements to the community. Based on reading the proposal, the developer is taking no social responsibility to improve the community.
- What are the environmental impacts of building such a lot of housing on this land?
- How will dense housing impact traffic and parking in the area. As mentioned in my original email, walnut Boulevard is already a street that is in serious need of city/county improvements. So far, when improvements are asked for, there's a kind of badminton game it takes place between the city and county for example right at 3180 Walnut Blvd., a public agency dug up the street for infrastructure maintenance. When they were done, they slapped a steel plate and left for eight months. Anyone driving over that steel plate probably needs their tires realigned and re-balanced because it was so out of margins of a safe temporary cover. I know the neighbors complaint but it took eight months?
- How will housing impact schools and other public services in the area? We're very proud of our Walnut Creek school district. I do not see any attempt or assertion by the school district. If there was, I'd like to see it and know what they said. I've already discussed the fact that there is no safe passage to Walnut Heights Elementary school from this area. So we are already out of compliance with state law.
- What are the social benefits of building dense housing in this area? There is no such housing anywhere near it outside or potentially having some interesting parties, I see no social benefit for this development. The developer is not creating parks, play areas or other important parts of being a responsible part of our community in fact, isn't the developers only interest to get a maximum return?
- What are the concerns of residents about building dense housing in this area? I

know there was no survey of residence, adjacent and nearby, which I find incredible. My informal survey, just by talking to about 20 homeowners, is violent disagreement to this whole project, no one argues the right to develop the property. everyone argues that trying to squeeze a maximum number of houses Into space, which is inadequate, is completely wrong

- How will the county address the concerns of residents about building housing in this area? I personally appreciate your high responsiveness and communication. But unfortunately I have to work on Monday and I'm off to London for two weeks. It probably affects others trying to take a day off or arranging childcare to attend. May I suggest revisiting this by using Walnut Heights Elementary school auditorium?
- What is the timeline for building housing in this area? I am keenly aware of the housing shortage. I am also keenly aware of high density housing in St. Louis, New York, etc. failing to live up to its intended. Need what is the rush? Why is the developer doing nothing to enhance the community?
- How can the public participate in the planning process for housing in this area? In my mind, there is a purpose, reason for the existing zoning rules and regulation if the city planners want to waive them, shouldn't there be a public discussion? And shouldn't the public discussion be biased towards meeting or exceeding those zone requirements I certainly know that Walnut Heights and the city of Walnut Creek is in constant review of protected trees as far as I can tell most of them are left standing

I also have questions for the developer call

- What type of dense housing is being proposed? (e.g., apartments, condos, townhouses)
- How many units are being proposed?
- What is the height and density of the proposed development?
- What are the amenities that will be provided for residents? (e.g., green space, playgrounds, parking)
- How will the development be integrated into the surrounding community?

Elliott

On Sep 28, 2023, at 17:16, Dominique Vogelpohl <Dominique.Vogelpohl@dcd.cccounty.us> wrote:

**From:** [redacted]
**To:** Dominique Vogelpohl
**Subject:** Concern over proposed development
**Date:** Friday, September 29, 2023 1:32:25 PM

---

Dear Ms. Vogelpohl,

I'm writing to the Planning Department because of my concern for my neighborhood. I'm a resident of Walnut Creek, concerned about a proposed housing development. The location is 3180 Walnut Boulevard.

I am concerned that the proposed development for ten houses does not meet current requirements for lot sizes and setbacks; existing requirements would allow for only five or six houses. The character of our community would be greatly altered by the increased density of new housing.

The proposed development seems to be proceeding without regard to environmental issues by its blatant plans to remove so many trees, and to dodge county requirements that it must underground all utilities.

Additionally, the developers are asking to be relieved of the requirement to provide adequate stormwater runoff collection in an area that already sees flood damage to existing homes every year.

Overall it seems the developers are trying to do this on the cheap, not following guidelines that exist to preserve and protect.

I request that Contra Costa County officials step up and require developers "Calibre Ventures" to follow the rules.

Sincerely,

Susan Comber
44 Brubaker Ct.
Walnut Creek, CA 94596

**From:** [redacted]
**To:** Supervisor Carlson; Dominique Vogelpohl
**Cc:** [redacted]
**Subject:** 3180 Walnut Blvd, Walnut Creek in Walnut Heights
**Date:** Friday, September 29, 2023 11:24:10 AM

---

**Walnut Heights** needs to maintain its identity and safety.
The out-of-state developer for 3180 Walnut Blvd, doesn't care a bit about the neighborhood or our County. They want to skirt the law and just make money, then never see the results!
**Size of lots**- Please require the developer to f**ollow the zoning R-20,** or minimum of 20,000 sq ft lots.
**Protected trees-** In addition, they should **not** be allowed to take down any of the protected trees (under CC Tree Protection and Preservation Ordinance) in this lot.
**Stormwater collection-** Flooding is also a concern. Last year the neighborhood flooded, streets closed and we are expecting another El Nino! **Do not** allow them to seek an exception to the County requirements for stormwater collection.
**Utilities must be put underground**- Please **reject** their request to waive the requirement to put all new utilities underground. We need protections from winds, rains, storms, fires by putting utilities underground.
**Sidewalks needed-** Please require the developer to **put in sidewalks** so students from Walnut Heights Elem. are not endangered by more traffic while walking to and from school.
I'm sure you'll agree that all these things are necessary for the health and safety of our communities. Please let me know how you respond to each of these requirements.
Thank you,
Connie and Jeff Cushing

**From:** [redacted]
**To:** Dominique Vogelpohl
**Subject:** Planning and Zoning Department
**Date:** Friday, September 29, 2023 1:53:07 PM

---

Dear Supervisor Carlson,

Myself and family have lived in Walnut Heights for over 40 years. I would agree that the county should require a limit of five to six homes and request that the county reject any removal of protected trees. The development will change the character of the area bringing in invasive light intrusion, traffic, and threatening wildlife. There is a great deal of traffic on Walnut Blvd, connected to Walnut Heights Elementary School. The added traffic can create safety hazards involving children of this area. Hopefully the county will require the developer to add sidewalks along Walnut Blvd in an effort to provide safety for children going to school and coming home. The developer should be required to use high retaining walls and fast growing trees along the periphery of the development.

--
Andrew Krompier, M.D.

[redacted]

| | |
|---|---|
| **From:** | Dominique Vogelpohl |
| **To:** | Ruben Hernandez |
| **Cc:** | DCD PlanningHearing |
| **Subject:** | Comments for CDSD21-09581 - 10.2.23 ZA |
| **Date:** | Friday, September 29, 2023 10:02:00 AM |
| **Attachments:** | image001.png |

Hello Ruben,

Someone called in to provide public comment that did not wish to email.

Sandra Larron, 70 Santa Rita Drive, Walnut Creek.

She is in opposition of the project, specifically that the schools cannot handle the increase in population.

Sincerely,

Dominique Vogelpohl, Project Planner
Department of Conservation and Development
Community Development Division
30 Muir Road Martinez, CA 94553
(925) 655-2880

**From:** [redacted]
**To:** Supervisor Carlson
**Cc:** Dominique Vogelpohl
**Subject:** 3180 Walnut Blvd
**Date:** Sunday, October 1, 2023 9:50:27 AM

---

Hello Supervisors and Planning Department,
I am writing as a Walnut Creek resident asking you to please reject the developer's variances on the proposed development at 3180 Walnut Blvd.
The parcels in this beautiful wooded area of homes were created and zoned R20 with thoughtful foresight and environmental consideration.
Please limit the new development to 5-6 homes. You can save the protected trees and foliage, and minimize damage to the neighborhood and our wildlife, which is why we chose to buy our homes in this nested area of Walnut Creek.
Thank you,
Ingrid Driscoll

Sent from my iPhone

**From:** [redacted]
**To:** Supervisor Carlson; Dominique Vogelpohl
**Subject:** 3180 Walnut Blvd Development
**Date:** Sunday, October 1, 2023 10:10:49 AM

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I am not against in-fill development. This type of development is the kind that gives in-fill development a bad name. Any one of the variances asked for is enough to deny the development in my opinion. Put together it would be a terrible development to approve.

If the developer agreed to put ten 1,200 sq foot 3 bdrm, 2 bath starter homes in that development I would have a more favorable view of their plans. Squishing 10 big homes into this lot would be contrary to everything the current zoning seeks to protect.

Thank you for your consideration.

Jim Rogers

16 Latimer Place
Walnut Creek

**From:** [redacted]
**To:** Dominique Vogelpohl
**Subject:** 3180 Walnut Blvd Development
**Date:** Sunday, October 1, 2023 7:39:15 PM

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Ms Vogelpohl - Please note that we are opposed to the referenced development plan as currently proposed.

Susan & Howard Wells
199 Amigo Lane

**From:** [redacted]
**To:** Dominique Vogelpohl
**Subject:** Support for 3180 Walnut blvd
**Date:** Sunday, October 1, 2023 7:52:10 PM

---

Supervisor Carlson,

I write to express my support for the proposed development at 3180 Walnut blvd. I wish it was even denser, but better than nothing. All these absurd restrictions on housing, not only infringe on the basic principle of free market and individual rights to live in the place you want, but are the main cause for the unaffordability of housing.
Projects like this can move things in the right direction, instead of the status quo where the "haves" can keep the "have nots" out, only because they got here first.

Thanks

Roberto Garuti
2597 Oak Rd APT A, Walnut Creek, CA 94597

**From:** [redacted]
**To:** Dominique Vogelpohl
**Subject:** 3180 Walnut Blvd
**Date:** Sunday, October 1, 2023 8:00:04 PM

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Dear Ms. Vogelpohl,

We're homeowners in the Walnut Heights neighborhood of Walnut Creek. We're concerned about several aspects of the proposed development at 3180 Walnut Blvd. Please send our comments noted below to the Planning Department and Zoning Administrator.

Please require the proposed development to meet the current requirements for lot sizes and setbacks and be limited to 5 to 6 homes only. This will also help to keep the amount of invasive light intrusion from the development.

Please reject the removal of many of the protected trees at the development site.

Please reject the developer's variances; allowing this project to proceed as proposed has the potential to cause unneeded damage through flooding, and will further tax an already at capacity system.

Please reject the developer's request to not be held to the requirement of undergrounding all utilities. The safety and general welfare of the community's residents in the event of wind, rain, or electrical storms should be valued.

Please require the developer to add sidewalks along the Walnut Boulevard from Walnut Heights Elementary to Eckley Lane.

Please make the developer include screening/privacy mechanisms, including but not limited to higher retaining walls, and planting tall, fast growing trees along the periphery of the development.

Sincerely,
Natalie and Todd McGregor

**From:** [redacted]
**To:** Dominique Vogelpohl
**Subject:** comments on proposed residential project in Walnut Heights
**Date:** Sunday, October 1, 2023 11:13:49 PM

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Hello,

It come to my attention that County is considering several exceptions from zoning rules and regulations for a project set to begin at 3180 Walnut Blvd in Walnut Creek, CA 94596, and, as a resident of this area, I want to express my concerns , ask your help to make sure this project wont be allowed to cut corners and impact our neighborhood in a negative way.
Walnut Heights is zoned R-20 and characterized by its woodsy atmosphere and rural feel, but, proposed development at 3180 Walnut Blvd intended to proceed with splitting of 2.5-acre parcel onto 10 lots with average size of just around 11000 sq fit - half the size of neighboring parcels , as well as requesting to eliminate 60% of 74 protected trees from this site. There is, also, a concern that developer wont be considering concerns of immediate neighbors regarding their privacy and wont follow fair architecture review practices that otherwise required for all projects permitted by the County.
I would ask you to discuss the matter during planning commission and suggest to limit proposed development to 5-6 homes that would better suite current ordinances, wont require that many trees from being disturbed and have better chances to satisfy immediate neighbor's privacy concerns.

Thank you in advance,
Andrey Yankelevich,
3120 Walnut Blvd,
Walnut Creek CA 94596

**From:** DCD PlanningHearing
**To:** Ruben Hernandez; Will Nelson; Dominique Vogelpohl
**Subject:** FW: 3180 Walnut Blvd. Development
**Date:** Monday, October 2, 2023 11:30:54 AM

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-----Original Message-----
From: Sue & Gene Dangel
Sent: Sunday, October 1, 2023 11:27 PM
To: DCD PlanningHearing <PlanningHearing@dcd.cccounty.us>
Cc: Dominique Vogelpohl <Dominique.Vogelpohl@dcd.cccounty.us>
Subject: 3180 Walnut Blvd. Development

Hello,

My name is Gene Dangel. My wife Sue and I have lived at 3110 Walnut Blvd since 1975. Since writing my original July 31, 2023 letter objecting to the proposed development project at 3180 Walnut Blvd, I have learned a great deal about SB330 and the Bonus Density Law. To say how shocked I am over how this legislation allows a developer to circumvent local zoning ordinances would be an understatement. I will not revisit my earlier objections which have not changed. I have read the staff report and the supporting documents that recommends this project be approved by you at the October 2, 2023 Zoning Administrators hearing. In no particular order I have comments and questions to be entered into the record with hopes that they will be taken into consideration prior to a final decision being reached.

Privacy.
Of particular concern is the loss of privacy to the homes in close proximity to the development by constructing ten two story homes. All ten likely will reach to the maximum thirty five foot hight limit for R-30 zoning. At a minimum there should be a requirement in the landscaping plan that the developer must plant trees that will grow fast enough in a reasonable amount of time to form an appropriate screen between the new construction and the existing homes. Contrary to the staff report, much of the perimeter lacks this landscape feature.

There have been no rear elevation drawings or floor plans in the application or the staff reports. If there are any windows with line of sight into the windows of existing neighboring properties, particularly bedrooms, window placements in the new structures should be designed to protect the privacy of those existing homes.

The developer states that approximately 15,000 cubic yards of dirt will be moved during the grading of the parcel. The grading report submitted by Darwin Meyers approximates 8,000 cubic feet of cut and 8,000 cubic feet of fill. Looks like the 8,000 Cu ft of cut will be the same as the 8,000 cu ft of fill so really only 8,000 cu ft of soil will be moved on site. If the higher elevation of the parcel where the existing structure is located was lowered even seven to ten feet or more, the overall hight of the project would be less imposing to the surrounding properties and the area in general. I expect that the developer will argue that it would be cost prohibitive and render the project not feasible under the BDL. Looking at the grading plan section DD behind lot pad 3 and extending behind others, there are two retaining walls 7.5 ft and 5 ft high tiered 4 ft apart. Retaining walls cost money to engineer and build. I am by no means a civil engineer but if the elevation of the lot pads were lowered then possibly one of the two retaining walls would be unnecessary as well as the five ft retaining walls separating the lots could be reduced in hight further reducing the cost. The retaining walls will be topped with a six ft fence resulting in a total of over eighteen ft to look at even before having to look at a thirty five ft structure. Lowering the overall elevation would go a long way to making the development more acceptable. Sadly, current law allows for the developer to simply state it is not economically viable and places the burden on the county to prove otherwise. Lowering the overall evaluation of the parcel should be a requirement of approval.

Light Pollution.
The staff report states that lighting impacts were analyzed in MND Aesthetics section, what ever that is, found that new sources of external and internal light glare as well as car lights would be present. The applicant and staff

suggests that the lighting plan, yet to be developed and submitted, would utilize “down facing” fixtures to minimize light from spilling off site. Once the project lighting plan is approved, and properties are sold, is there any restriction in proposed CC&R’s to prevent new owners from installing up facing landscape lighting or strings of the popular LED “party lights” that would not comply with the approved lighting plan.

The staff report also states the developer must annex the project into County Service Area L-100 for the county wide streets light financing. Hopefully this is merely a revenue fee to support street lighting in other areas of the county and not a mandate for street lights in the development. Certainly, even with down facing fixtures, light from street lighting will spill off site to adjoining properties. The Walnut Heights area has minimal if any street lights and most residents prefer it that way.

HOA / CC&R’s

Throughout the staff report there is mention of CC&R’s for various functions of the development. Of particular note is the requirement by Public Works that the homeowner(s) shall maintain the bio retention storm runoff basin. Also mentioned is the requirement that owners/occupants maintain garage spaces in a manner, which makes them available for off street parking. What is not mentioned is the HOA mandatory for all owners/occupants of the ten houses proposed, and who establishes the HOA and CC&R’s prior to occupancy? Most importantly, what specifically is the maintenance plan for the bio retention system?

Storm Water Runoff.

I read with interest the waiver requested by the developer to reduce the volume of the of the bio retention basin below the county recommended standard. There were a number of reasons presented but two standout. First is the developer states that unless he is granted the requested waiver for reduced capacity the project is not “feasible” under SB330 and the BDL. Second, is the county public works dept seemed quick to hand off responsibility of the bio retention/stormwater basin to the homeowner(s)/HOA as a condition of approval of the waiver. Those of us that live downstream from this proposed development that have experienced flooding conditions during periods of heavy rains as we saw this past winter, have a difficult time accepting that the “engineers” have determined that stormwater runoff will somehow be less when the project is completed, with the requested below code waivers, than if the parcel remained undeveloped. Contained in the engineering runoff calculations that I do not pretend to understand, more credit appears to be given for landscape areas as “permeable” vs “non-permeable” areas such as asphalt and concrete. Of note in the drainage drawings all of the lot square footage is hash marked “landscape” except for the foot print of the structure and the driveway. I doubt that 100% of that hash marked area will remain “landscape” after the developer or new owners add patios, walkways, or other non-permeable surfaces to the lots. How would that affect the calculations….with waivers.

Inclusionary Housing Element.

The purpose of the Density Bonus Law is to allow for the construction of affordable housing. In the 3180 proposal there is provision for one moderate income unit. Average Moderate Income (AMI) in Contra Costa County for a base family of four is $147,500. That amount can be 80% to 120% of AMI so a family could have an income of $177,00 a year to be eligible. According to the staff report, in order to qualify for the one moderate income unit the applicant cannot have owned a home in the previous three years, not have assets exceeding $250,000 exclusive of monies set aside for a down payment, a retirements savings plan, or a health savings account. The moderate income unit of the development is to be “deed restricted” for 45 years to a moderate income income family adjusted to the future, current AMI. That appears to be for the initial sale of the restricted unit. If no moderate income family can be found at any point within the 45 year restricted period, the property can be sold at market rate to a family above the AMI. Unless the staff report is incomplete or incorrect there appears to be a situation where a developer can request and receive concessions and waivers under the Bonus Density Law to circumvent local zoning and building code ordinances in order to increase density for the sole purpose of increasing profit. There is something wrong with this equation and I seriously doubt it will have any effect on affordable housing what-so-ever.

Under the counties Housing Element in the General Plan Goal 1: is to "maintain and improve the quality of the existing housing stock in residential neighborhoods in Contra Costa County.” The staff recommendation states “As the project increases the housing stocking a residential neighborhood, it is consistent with this goal of the General Plan.” I think the staff has confused quality with quantity. This development may increase the quantity of the homes in the Walnut Heights neighborhood….but it will definitely not improve the quality of the neighborhood.

Respectfully submitted,

Gene Dangel

RE: 3180 Walnut Blvd Development APN: 180-240-002

Dear Zoning Administrator,

We are concerned neighbors who live directly across the street at 3175 Walnut Blvd. The fact that out of state developers are coming to California to take advantage of a "loophole" in our laws is appalling. The precedent this development sets in our neighborhood ruins the aesthetics of our Walnut Heights community where every other home complies with the R-20 zoning. We are not opposed to the proper development of this parcel where it would have 4-5 new homes which is the way the community was designed to be built. The "loophole" I'm referring to is the building of one median priced home in order to then be able to build 4 additional 2.5+million dollar homes is ridiculous. Although this technically abides by the letter of the law it does NOT abide by the spirit and original intention of the law which is to provide more low income housing for multiple families.

1) **At the very least please reject his appeal to use gross density rather than net density to decide the number of feasible homes for the lot size. He is adding a street which is not buildable. This should not count toward total lot size!**

2) We are concerned about the drainage from 43,558 square feet of impervious surface due to single family homes and driveways. **We ask that the "review of the project as it progresses" by public works and stormwater management and discharge control occur during the <u>winter storm months.</u>** The developer's current plan is to ask for a waiver to not provide the required water basin. **The 30" pipe he is planning on draining into runs underneath our driveway (located and maintained on City of Walnut Creek property by the way) and exits/drains into a creek behind our home. The extra runoff is of great concern with potential flooding, erosion causing instability of structure/foundation etc. We request he build the normally required water basin for a development of this size to prevent potential flooding of homes downhill from the development.** We have to add that we find it interesting that public works won't require the street utilities from his county property to be placed underground

because some utilities are attached to a City of Walnut Creek pole across the street; yet public works has no problem allowing the developer to use the storm drain and runoff on my Walnut Creek property across the street.

3) The proposed elevation of the homes is also going to add to the eyesore of the development. **Please require that the developer remove the 15000 or so cubic feet of extra dirt so that homes are as level to the street with the minimum of incline possible. This will help with neighbor's privacy, noise pollution, and overall aesthetics.**

No hard working community wants to see 10 large homes packed into a space designated for 4-5. This development will change the whole feel of our neighborhood and will ultimately decrease the value of our real estate. This development is truly greed run amok.

Please help us keep our community as it was intended.

Respectfully submitted,

John and Kim Asher
3175 Walnut Blvd
Walnut Creek, CA 94596

**From:** [redacted]
**To:** Supervisor Carlson; Dominique Vogelpohl
**Cc:** DCD PlanningHearing
**Subject:** 3180 Walnut Blvd development (today"s 10/2 hearing)
**Date:** Monday, October 2, 2023 10:31:34 AM

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All:

As a long-time local resident concerned about Walnut Creek's (City or County) increasing predilection for more and more high-densitybbuilding,
I submit my comments:

1. re Zero Set-backs - 100% / totally unacceptable. A loud NO!

This is not New York City or places where buildings are literally smack-up against each other. The developer's request for this shows their total disregard for the neighborhood and a reason that people love this area and choose to live here.

2. Removal of 60% of 'protected' trees (?)

Sorry, but if these are 'protected' trees, again, the developer shows disregard for wanting the majority of them gone. Not okay. And what does the County mean by 'protected' if it is so willing to ignore the designation?

The developer would supposedly replace them with other 'fast-growing' trees. Could 'fast-growing' be more precisely defined, and what species of tree, and placement where ? Per the picture of the subject area, most of the trees seem to be in the bottom corner of the lot, against Walnut Blvd, which means removal would allow more traffic noise and minimize the fact that the trees are a buffer. Envision new home developments where a skinny little 'stick' is inserted in the front yard for the homeowner, and declared a 'tree' after most greenery has been removed.

3. Ten 2-storey 'tin soldier' tract houses

Where one house in South Walnut Creek including Walnut Heights could often sit on a one acre (43,560 square feet) parcel, and be single level, this developer would again disregard any semblance of area comformity but opt for houses of doubled height (which allows more houses to be crammed into available space), and lining them up like 'tin soldiers'. Looking at the proposed plat layout, there is no variance in lots (other than area). The lots are just smack next to each other, pretty much straight rectangles. Again, this is at odds with the area that does have some irregularity in the lot lines and space between houses. Ten 2-storey houses is too tall and too many but often developers will disregard what an area IS and try to remake it into something else.

With an appeal for the County to consider the interests of the neighbors of 3180 over that of a developer's proposal for a too dense, too tall, too barren addition to the neighborhood.

Sincerely,
H. Hudson
Walnut Creek CA

**From:** [redacted]
**To:** supervisiorcarlson@bos.cccounty.us; Dominique Vogelpohl
**Subject:** 3180 walnut blvd plan
**Date:** Monday, October 2, 2023 10:44:33 AM

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Hello,

I am a homeowner on Walnut blvd(3436) and I am emailing you regarding the proposed development at 3180 walnut. I am in favor of developing that property but I do think the county should maintain it's guidelines on lot sizes and setbacks. We should not allow the developer to have waivers and variance on density and utilities( storm water, power lines etc) requirements and we should require the developer to install sidewalks from the elementary to school to Eckley lane.

I do believe the area needs upgraded, but with all the poor infrastructure along Walnut Heights( roods, utilities, lack of sidewalks for kids I think this is an opportunity to have that upgraded and at least not increase the burden on old worn out systems and we should absolutely maintain standards for density and setback etc.

thank you and I think the County should provide residents with a plan on when the roads at walnut Heights, Bales and mountain View will be paved. They are an absolute mess.

Thank You

Paul Callahan

**From:** [redacted]
**To:** Dominique Vogelpohl; DCD PlanningHearing
**Cc:** [redacted]
**Subject:** Registered concerns on 3180 Walnut Blvd. density bonus project.
**Date:** Monday, October 2, 2023 11:36:45 AM

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Dominique and Zoning Administrator authorities, I would like to present my following concerns regarding the Bonus Density project proposed at 3180 Walnut Blvd.

1) As a neighbor to this project at a distance within ~100 yards from the property, I would like to ask that story poles be erected at the final height of the finished roofs of each proposed dwelling in this project. I would like to see these elevations prior to final approval of this project so that the neighbors can see the impact of these homes within the view of our properties.
2) I would like to have an archaeologist specializing in Native American affairs present to pre-walk and supervise and earth moving on this construction site as significant Native American artifacts have been found on properties directly adjacent to this address. I would like this to begin prior to groundbreaking or earthmoving on this jobsite.
3) I have concerns regarding privacy on surrounding properties from the windows Etc. specified in the homes on this project. Some views from this project may be up to 40'+ elevated above the surrounding properties lot elevations. This could have a significant negative effect on quality of life and property valuations of effected neighbors.!
4) I request a traffic survey be done on the residential street of Walnut Blvd. within ¼ mile in each direction of this proposed project. This property exists on a N. bound downhill blind corner within 500 feet of an elementary school, a safety impact study should be conducted to ensure driver, resident, school child safety is optimized under the projects road change/widening proposal. Additionally, I would like to ensure that a fire lane be maintained along the frontage of this property disallowing vehicle parking along the street.
5) This property is surrounded on at least two sides by an ancient tributary of the marked and named USGS identified "Indian Creek Complex". This waterway is incorrectly listed within the project as a "Drainage ditch", this ancient connective tributary of Indian Creek is controlled by the Department of Fish and Wildlife and this project needs to abide by any and all laws, rules, regulations of this controlling Governing Body. (Code 1602 Stream Alteration)
6) Properties downstream from this proposed project already flood and have a long history of silting, flooding, and erosion problems. There has been no investigation or addressing of this known problem in relation to effect from the increased runoff potential from this project. I ask that a thorough study of downstream effect be conducted prior to approval of this project, including contacting residents who live on the ancient creek tributary where runoff from this project is proposed to be discharged.
7) The Developer told residents on a zoom call that each proposed home would have a 3 car garage with only two garage doors visible from outside the home. I would like assurance that the additional garage space not be designed to be converted to living space once the home is sold.
8) I would like to ensure that each home has adequate driveway parking so that visitors can park at the homes or on the division's street and not on Walnut Blvd. in front of neighbors established homes.

9) There is a certain proportion of this property that is unbuildable as ancient creek beds, wetlands, and topographical barriers currently exist. I submit that only the buildable "Net" property should be counted in approval acreage versus the "Gross" property measurement.
10) Previous Addition and remodel projects in the direct vicinity of this proposed project have been subject to County Plan Check review with regard to allowance of two story structures within a given area of the project. I'm going to refer to this as a "Second story proximity count" for lack of in depth knowledge surrounding the precise code involved. I request that this "Plan Check ordinance" be looked into as the proposed homes in this project are all 2 story in nature whereas the majority of surrounding established homes are single story California Ranch style homes.
11) I would finally like to express my displeasure with regard to an almost complete lack of inclusion and notification of this proposed major property development within ~100+ yards of my home of 52 years! My first notification came in the form of a mailed letter from Caliber Ventures notifying me of a Zoom call "public forum" surrounding the project. This letter was received in my mailbox July 14 for the call on July 20. It has come to my attention that this project has already been in the works for a year now!! Other neighbors within ~100+ yards of this project have never been informed of this project, some of them have lived adjacent to this property for ~70 years!! The developer lied to participants on the Zoom call surrounding his intentions for improvements on the property, it has come to my attention that some of the signing authorities giving approval of this project have not even personally seen nor walked this property prior to approval! It is my opinion that this process has been pushed through in bad faith to existing residents in the neighborhood. I request the ZA please put approval on hold until such time this project can be properly presented to the residents of the neighborhood and allow us due time to research and file concerns regarding this project.

Thank You, --Bill Goodwin-- 3131 Walnut Blvd.

**From:** [redacted]
**To:** DCD PlanningHearing; Dominique Vogelpohl; Supervisor Carlson
**Subject:** 3180 Walnut Blvd - Proposed Development
**Date:** Monday, October 2, 2023 11:47:37 AM

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Good Morning – I am writing to express my concerns over the proposed CALIBR Development at 3180 Walnut Boulevard in Walnut Creek. The proposal is to squeeze 10 new SFRs in a 2.8 acre lot zoned R20. The average lot size in this neighborhood is over 1/2 acre. The proposed lot sizes in this development range from 10,000 to 17,000 SF. This developer is clearly trying to squeeze every last drop of profit from a lot that should not host more than 4 or 5 houses maximum. Per Mr. Byde, he expects selling prices of $2-2.5 million each, except for lot 4, for which he will receive some sort of low-moderate housing bonus to pocket. The multiple exceptions/variances that CALIBR is requesting is evidence that the project simply does not fit on the proposed site. I ask that the scope of this project be reduced from its current 10 home plan.

I am most concerned about the future safety and traffic. Walnut Heights Elementary School is only a few hundred yards from this proposed development site. Traffic during mornings and afternoons is already unbearable. Adding 10 homes right in the middle of the current traffic jam site will create a nightmare scenario. I'm very concerned about the increased threat of child pedestrian accidents in an already dangerous thoroughfare. Unfortunately, Walnut Blvd is often used as a thoroughfare for commuters, most of which zoom through without regard for speed limit, crossing wildlife, and most importantly pedestrians. It is only a matter of time until there is another car vs pedestrian or bicyclist accident; adding more families to the area without the appropriate safety measures is inviting disaster.

I hope you will consider my concerns and the concerns of your other constituents in the neighborhood and block this proposal. It is a sordid attempt to squeeze ten lots out of one by a greed-motivated developer that already carries an unsavory reputation for past developments under the name, Braddock and Logan (Google it). This proposal does not fit our neighborhood, will almost certainly result in traffic accidents, and would benefit no one other than the developer. Thank you for your consideration. – Matthew Gould

**From:** [redacted]
**To:** Supervisor Carlson; Dominique Vogelpohl
**Subject:** comments re: 3180 Walnut Blvd. WC 94596
**Date:** Monday, October 2, 2023 2:17:12 PM

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Hello Mr. Carlson, Ms. Vogelpohl, & the Zoning Administrator for CCC planning dept.,

I'm a neighbor of 3180 Walnut Blvd. 94596 that was unable to make your 1:30pm planning meeting today. I wanted to attend in support of my Walnut Heights neighborhood effort to encourage the zoning administrator and planning department to uphold the historic integrity of our neighborhood zoning regulations. I am alarmed by the scope of the current project planned for 3180 Walnut Blvd. for a variety of reasons and wish to express my opinions.

1. Please require this land be developed at the current lot sizes and setbacks. We moved to Walnut Heights specifically for our R-20 parceled neighborhood. Changing the parcel size will increase congestion and traffic which has the following implications that I'm concerned with:

a. car traffic: This development will create another street at the bottom of Walnut Blvd right at a hill and curve. Traffic flowing in and out of this new street will be dangerous as it already is for the driveways along that somewhat blind turn with cars going at excessive speeds down the hill. Consideration should be taken for safety. Please prioritize our flow of traffic by requiring R-20 20,000sq ft minimum zoning to be respected at this development site.

b. pedestrian traffic: Car traffic in this area has a direct impact on pedestrian safety, including school children and families walking daily to and from school. The location of this building site will decrease safety on Walnut Blvd. A more congested building site has the potential to directly impact traffic at Walnut Heights Elementary School drop off/pick up times. Any stopped flow of traffic on either side of Walnut Heights Elementary means stopped traffic getting in and out of the school parking lot. A more congested development will correspond with a less safe Walnut Blvd. Please prioritize pedestrian safety in the number of homes this site is allowed to hold. Also, please require this developer to put in sidewalks along Walnut Blvd from Eckley Lane to Walnut Heights Elementary School. This road is very narrow leading to and at the development site and many families walk to school using this road. Not only do families in the immediate vicinity walk, but many families that live down by Walker/Sierra in the more densely populated neighborhood there walk to school using this most efficient route. More congestion will be dangerous to the families that both rely on walking and choose to walk to school daily.

c: elementary school zoning: our schools aren't built for the current population. Our schools have already rezoned for our population changes. We have overcrowded classrooms and schools. While one development won't make or break our schools, changing the zoning regulations set for Walnut Heights sets a dangerous precedent that our infrastructure cannot absorb.

d. Please reject the developer's variances. This juncture with Walnut Blvd is a known flooding site. Maintaining lot sizes of 20,000sq ft or more will inherently protect more of our natural resources to better mitigate flooding, better protect wildlife, and respect the rules that are upheld by individual homeowners in this neighborhood.

2. Please require this development to have underground utilities. It's unconscionable at this point that any utilities be added above ground due to fire hazard in our area. Please prioritize the health, safety, and general welfare of the population that lives here. I have already protested the planned 5G cell tower at the neighboring home to this property. Our community doesn't need more electrical wires, poles, or utilities above ground. Walnut Heights desperately needs your advocacy for requiring underground utilities.

Please forward this email in entirety to the zoning administrator and planning department. Thank you for your attention to this matter that is important to our community and for your advocacy to uphold the integrity of the Walnut Heights neighborhood!

Sincerely,
Jennifer Landgraf, neighbor

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| **From:** | [redacted] |
| **To:** | Dominique Vogelpohl |
| **Subject:** | 3180 Walnut Blvd. Walnut Creek - A big Concern |
| **Date:** | Monday, October 2, 2023 2:47:38 PM |

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**From:** Carla Winter-Evans
**Subject: 3180 Walnut Blvd.**
**Date:** October 2, 2023 at 2:42:01 PM PDT
**To:** dominique.vogelpohl@dcd.cccounty.us

Dear Dominique: I was unable to attend the meeting today, Oct. 2, but as a resident who lives very close to Walnut Blvd., I am distressed and opposed to the degradation of our neighborhood with loss of wildlife habitat, charm and disregard for our zoning requirement which was put into place to safe guard against such corruption that the new owner/developer proposes.

Very disturbing.

Please vote no.

Thank you.

Carla Winter-Evans
224 Oak Knoll Loop
Walnut Creek,CA 94596

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|---|---|
| **From:** | DCD PlanningHearing |
| **To:** | Ruben Hernandez; Will Nelson; Dominique Vogelpohl |
| **Subject:** | FW: 3180 Walnut Blvd development plan |
| **Date:** | Monday, October 2, 2023 4:00:54 PM |

**From:** Jeff Simons
**Sent:** Monday, October 2, 2023 3:25 PM
**To:** DCD PlanningHearing <PlanningHearing@dcd.cccounty.us>
**Subject:** Fwd: 3180 Walnut Blvd development plan

Planning Administrator,

We are residents of Walnut Knolls, near Walnut Heights in a similar neighborhood. As concerned members of the community we write to lodge our opposition to the proposed development of 3180 Walnut Blvd W.C., with 10 houses and a private street on 2.5 acres of land.

Specific points:

- There is no reason to allow any variations to current lot size or setback regulations in this area. The proposed development is directly in the middle of existing residences that match the semi-rural feel of our neighborhoods. There is no reason to allow 10 "Tracy style" 2-story tract homes in the midst of Walnut Heights. These would be completely out of step with existing homes and properties. Current regulations allow for a reasonable 5-6 homes, which we would hope a **local** developer would build with consideration for the neighborhood.
- Virtual clear-cutting of trees goes against all efforts to maintain a green community.
- A new development that is out of character for the neighborhood should certainly not receive any variances that would add pressure to roads and services and could pose problems for existing homes or the wider area.
- The offer of one home priced "under market" is hardly a solution to housing affordability in Walnut Creek. Such a proposal seems a cynical attempt to buy favor with the planning department. There is no way that this parcel is appropriate to address the need for increased housing opportunities in any case.

We greatly value the semi-rural feel of much of this area of Walnut Creek (CC County). It is a strong reason why many people purchase homes here or remain here for many, many years. Home values and therefore tax revenue depend on the attractive living environment. It is not an advantage to Walnut Creek or CC County to slowly erode the qualities that make this area liveable.

Please reject the proposal and invite reasonable development that matches our local communities.

Sincerely,
Jeffery Simons
Cynthia Taylor
Hadden Road, W.C.

**From:** [redacted]
**To:** Dominique Vogelpohl
**Subject:** Fwd: 3180 Walnut Blvd, Walnut Creek - zoning issue
**Date:** Monday, October 2, 2023 4:05:34 PM

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Dominique Vogelpohl - please ensure these comments below are passed on to the Contra Costa County Planning Department and Zoning Administrator. Thank you.

Begin forwarded message:

**From:** Rob Killoran
**Subject: 3180 Walnut Blvd, Walnut Creek - zoning issue**
**Date:** October 2, 2023 at 4:01:03 PM PDT
**To:** SupervisorCarlson@bos.cccounty.us

Mr. Ken Carlson: We are homeowners in Walnut Creek not far from the subject property - we understand there is a planned development for 10 homes on this 2.5 acre parcel - far exceeding current zoning requirements R-20. Calibr Ventures is the developer and is requesting small lot sizes and zero setbacks which does not meet current requirements. We are requesting along with many other homeowners in the area for Contra Costa County to do the following:

1. Require developer to **meet current requirements and setbacks and limit number of houses on this lot to 5 or 6 houses,** not 10.
2. Do NOT allow removal of **protected trees** on the property
3. Do NOT allow **variances** to storm water collection.
4. Require developer to **underground all utilities,** seems obvious given all recent PGE wildfires but developer is asking to not be held to undergrounding.
5. Require developer to **add sidewalks** along Walnut Blvd from Walnut Heights Elementary School to Eckley Lane. Traffic is already a nightmare near the school during drop-off and pickup times, and the sidewalks will help keep kids safe from traffic accidents.
6. Require developer to include new screening/privacy items such as higher retaining walls and planting tall, fast-growing trees along periphery of the development.

The neighborhood is not trying to block the developer, yet simply asking to meet current county zoning requirements, ensure traffic safety and maintain the current rural feel of the neighborhood. Thank you.

Rob & Heidi Killoran
1216 Lindell Dr.
Walnut Creek, CA. 94596

**From:** [redacted]
**To:** Dominique Vogelpohl; Ken Carlson
**Cc:**
**Subject:** Re: Contra Costa County community opposition in RCAA"s - 3180 Walnut
**Date:** Tuesday, October 3, 2023 8:04:56 AM
**Attachments:** image.png

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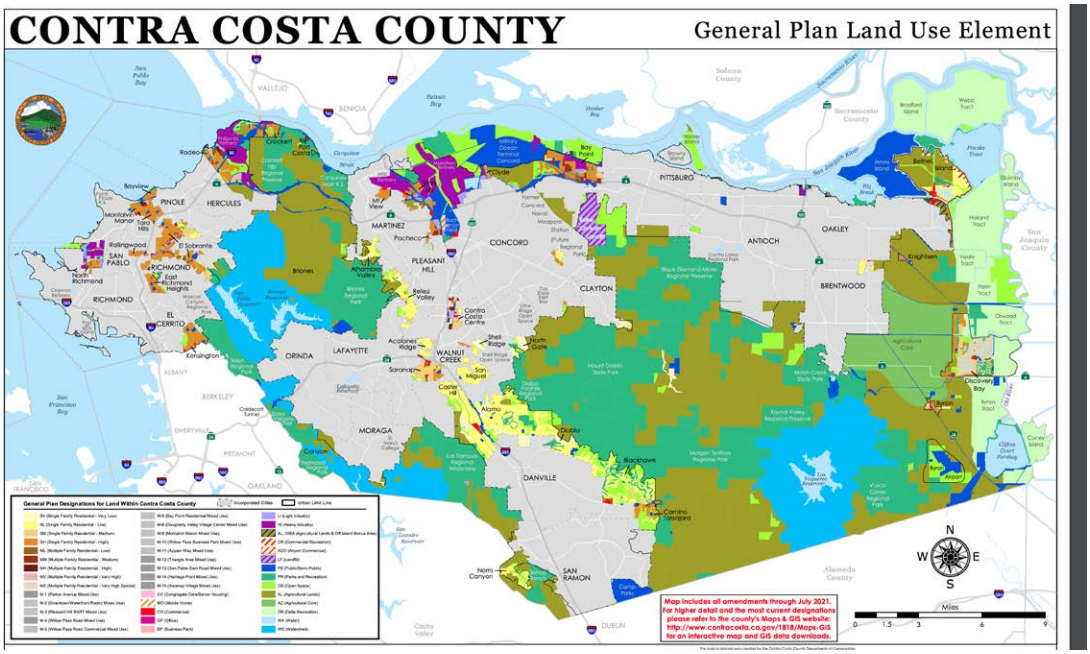
Yesterday the County held a Zoning Administrator hearing for this project which is 10 units at 3180 Walnut Boulevard at a density of 3.5 units per acre.

This is in the San Miguel CDP which is about 80% White with a household median income of $205,000 in 2021.
Across unincorporated County the median income is $88,456 and the average population is 48% White [1][2]

The Administrator did not really have the ability to make any discretionary choices - the applicant was not requesting a variance or conditional use permit. The hearing was only occurring because the County's statute requires it.

Even though nothing in the hearing could be contested, about 25 neighbors drove from Walnut Creek to Martinez at 2pm on a Monday (I was the only caller in favor), citing everything from fire, flooding, trees, the homes are too big, too steep, there are too many homes, what about the schools, there are tribal resources that need investigation, there are wild animals. A decision was continued to the next hearing on October 16. On a separate project heard on the same day to build 10 homes in a R-15 zone in in the Reliez Valley CDP ($183,000 median income, 74% White) a woman made 78 different arguments about a CEQA mitigated negative declaration.

Many commenters said that the Administrator should "respect the R-20 zoning" which forbids lots smaller than 20,000 square feet. **The R-20 zone only exists in the wealthy parts of Contra Costa County and does not exist in the lower income areas with more pollution and fewer White residents - it's the yellow area on the below map.** https://www.contracosta.ca.gov/DocumentCenter/View/30949/Land-Use-Element-Map-PDF?bidId=




Minimum lot size restrictions frequently followed the migration of Black Americans out of the South following World War II. Add in racial covenants (my parents house, R-20, Alamo has one) it is not a coincidence that the wealthiest parts of Contra Costa County with the highest percentage of White residents also have the largest lots. https://www.tom-cui.com/assets/pdfs/LotsEZ_Latest.pdf

**Yesterday's hearing - the fact it existed at all, the fact the County heard hours of testimony from mostly wealthy White residents about a project proposing just 3.5 DUA, in defense of their higher minimum lot size requirements, was a clear example of why the County has continued to produce unequal outcomes across its population.**

**To further fair housing the County should rezone all residential parcels outside of a fire zone for a minimum density of 7 units per acre,** as we recommended in our letter last winter. In addition the County should revisit the use of Zoning Administrator hearings in situations where the Housing Accountability Act forbids the Zoning Administrator from exercising discretion. County staff has limited time to process applications and prepare Housing Element updates that is being taken up reading and then listening to hours of 3 minute long comments about things that cannot legally be changed.

Best,
Kevin Burke

[1] https://data.census.gov/table/ACSST5Y2021.S1901?q=San+Miguel+CDP+(Contra+Costa+County),+California&t=Income+and+Poverty&y=2021
[2] page 6-93 here. https://envisioncontracosta2040.org/wp-content/uploads/2023/06/Contra-Costa-County_2023-31-Housing-Element_Adoption-Draft_clean.pdf

On Wed, Sep 27, 2023 at 1:17 PM Kevin Burke wrote:

> Hi,
> A previous letter from East Bay for Everyone asked the County to study the impact of local opposition to higher density housing in Racially Concentrated Areas of Affluence in

unincorporated Contra Costa County as part of its Housing Element, pointing to several examples of communities with high concentrations of wealthier, whiter residents organizing to oppose new housing in ways that don't happen in the County's lower income communities with more minorities like Bay Point, Crockett or North Richmond.

I just received this letter in the mail about a proposal to build ten homes on a 2 acre parcel in unincorporated Walnut Creek. I live over a half mile from the proposed development so it is likely a large number of neighbors have been contacted about this. **This is yet another example of extraordinary effort being expended to defeat new housing in the County's racially concentrated areas of affluence**, and one reason why the County may have placed a substantially larger share of its RHNA allocation and additional 2040 General Plan density in lower income areas with more minorities.

We also suggested in our letter that this parcel, **3180 Walnut, would be ideal for rezoning for a higher density**, as it is one of the larger vacant parcels in unincorporated Contra Costa County and would help the County meet both its RHNA and its fair housing goals. As it stands, the 10 unit proposal will provide the first deed restricted affordable unit in this neighborhood probably ever.

Note that **rezoning for a higher density could make it feasible for the developer to provide several of the community benefits the letter is asking for**, including sidewalks, undergrounded utilities and/or traffic calming mitigations.

Dear Walnut Creek Neighbor:

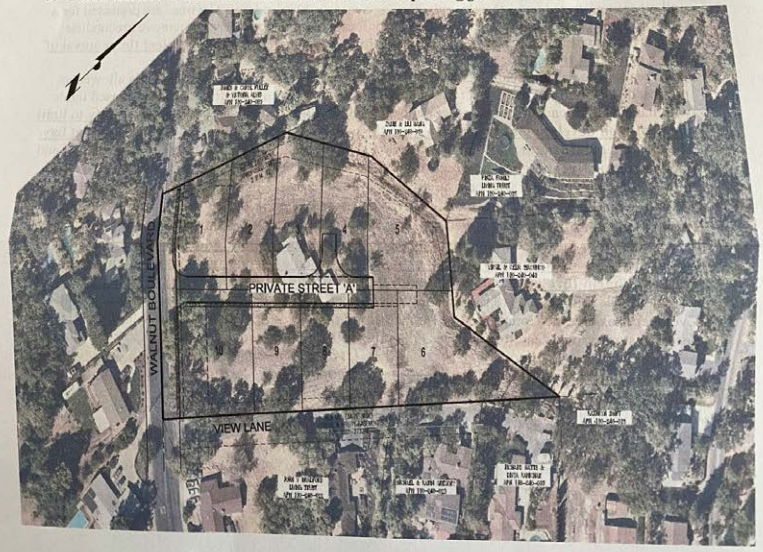
As a homeowner in Walnut Creek, it's important that we bring to your attention a planned development that will not only affect the Walnut Heights neighborhood in Walnut Creek, but create a ripple effect by setting a precedent for developers looking to increase density, skirt zoning regulations, etc.

3180 Walnut Blvd is a 2.5-acre parcel of land in the Walnut Heights neighborhood of WC. Walnut Heights is known for custom, predominantly single-story homes with large setbacks/privacy, abundant wildlife and a woodsy atmosphere. However, this is all set to change. Recently, an out of state developer, Calibr Ventures (www.CalibrVentures.com) bought the land and proposes to add ten, two story track homes along with at least one low/moderate income home. This development far exceeds current zoning requirement and will create significant issues for the neighborhood & school children as outlined below:

1. This proposal asks for ten houses with lot sizes ranging from 9,292 to 17,659. This area is zoned R-20 (min. 20,000 sq. ft lots) and neighboring parcels all have lots exceeding this size. The average proposed lot size for this project is 11,842 which is less than half the size of neighboring parcels, less than all properties in Walnut Heights, and certainly not what is purposed for in the General Plan. The small lot sizes and requested zero setbacks spell an end for the rural feel of this area. **Please help us in asking the County to require this proposed development meet the current requirements for lot sizes and setbacks and be limited to 5-6 homes only.**
2. Per the developer's proposal, this site contains 74 protected trees under the Contra Costa Tree Protection and Preservation Ordinance. The project plans to remove 60% of the protected trees, and all other unprotected trees, thereby only keeping a measly 30 or so trees. The trees are protected for a reason. They provide shade and nesting areas for local wildlife, create privacy, remove greenhouse gasses and are historically significant. **Please help us in asking the County to reject the removal of these protected trees.**
3. The area will see a significant increase of intrusive light and glare if the development is allowed as proposed. This will not only affect surrounding houses and all those nearby, but the increased lights with have a significant adverse impact on local wildlife. **Please help is in asking the County to limit the proposed development in order to keep the new bothersome, invasive light intrusion at bay.**
4. The existing public storm drains in this area do not have adequate capacity for stormwater runoff and floods upon significant rain. The streets in the area severely flooded last year with substantial amounts of water, causing street closures and significant damage to a number of homes in the area. Not only would this project stress an already at capacity system if it were to conform to all County Requirements for Storm Water collection and conveyance for new developments, the proposal seeks to an exception to these requirements. **Please help us by asking the County to reject the developer's variances as allowing this project to proceed as proposed has the potential to cause significant harm through flooding and will further tax an already at-capacity system.**
5. Typical new developments are required to underground all utilities; however, to save money, the developer is asking the County that he not be held to those requirements. In the event of wind, rain or electrical storms, overhead lines increase the probability of fires and accidental electrocution and overhead lines create additional hazards to the general public, firefighters, etc. **Please help us by asking the County to reject this request, as the County should value the health, safety and general welfare of its residents more than an out of state developer trying to increase his profit.**
6. In recent years traffic in this area has increased tremendously. The neighborhood petitioned for traffic signals, stop signs, sidewalks, speed bumps, etc., but the county has not done anything. The proposed development is the exact over-building that will only add to the existing traffic problem, increasing congestion and safety risk to school children, pedestrians, and cyclists on Walnut Blvd. Moreover, it is located right after a bend in the road from Walnut Heights Elementary. The additional traffic from this development, coupled with the location and lack of sidewalks is sure to spell disaster for those traveling through the area, sidewalks will at least help keep kids traveling to and from the elementary school along that stretch of Walnut Blvd safe. **Please help us by asking the County to require the developer to add sidewalks along Walnut Blvd from Walnut Heights Elementary to Eckley Ln.**
7. The new development will have negative impacts on privacy & views for the surrounding homes thereby dropping property values dramatically. The new development will have large windows and backyards which will look directly into neighboring homes, and will cut off the view from all neighboring parcels. For example, this development will have no less than four houses looking directly into one property's windows (rooms of which, are occupied by two, elementary school girls). When pressed by this homeowner and others, the developer refused implementing privacy/screening mechanisms. This development left unopposed will lead to other intrusive developments throughout Walnut Creek. **Please help us by asking the County to make the developer include new screening/privacy mechanisms, including but not limited to higher retaining walls, and planting tall, fast-growing trees along the periphery of the development.**

**We kindly ask for your support these requests in the following ways:**

1. Contact Ken Carlson, the County Supervisor for this area at: **SupervisorCarlson@bos.cccounty.us** or *925-655-2350* and express your agreement & comments with the requests above.
2. Contact Contra Costa Planning Department at **Dominique.Vogelpohl@dcd.cccounty.us** or 925-655-2880 & ask that she send your comments to the planning department & Zoning Administrator.
3. Attend and voice your opinion at the **public hearing scheduled for Monday, October 2nd at 1:30pm at 30 Muir Road in Martinez, CA 94553.** You may also attend by Zoom (email us for details).
4. Join the Next-Door Group: "3180 Walnut Blvd Development": **https://nextdoor.com/g/59dxbrf8m/**
5. Please feel free to email us at **Limit3180WalnutDevelopment@gmail.com** for more information.




Thank you,
Kevin Burke

| | |
|---|---|
| **From:** | DCD PlanningHearing |
| **To:** | Will Nelson; Dominique Vogelpohl |
| **Subject:** | FW: 3180 Walnut Blvd Development |
| **Date:** | Tuesday, October 3, 2023 8:56:47 AM |

Public Comment for 3180 Walnut Blvd Development.

10/2/2023 ZA meeting.

**From:** Gordon Mauger
**Sent:** Monday, October 2, 2023 8:36 AM
**To:** DCD PlanningHearing <PlanningHearing@dcd.cccounty.us>
**Subject:** 3180 Walnut Blvd Development

Zoning Administration,

Regarding the 3180 Walnut Blvd proposed development, I've provided my comments below.

The developer got a bonus, let's have them create a project that provides a bonus to the neighborhood. The bonus would be a project that somewhat fits the area that we all invested in. This project, as proposed, will look nothing like the surrounding area but some mitigation could help.

**MAKE IT PRIVATE AND TO FIT THE AREA**

- Let's not have this development on an elevation that towers over the surroundings. Let's have it fit in by bringing the elevation down to match the properties on Walnut Blvd to the east and west.

- Add large, fast growing trees around the periphery of the development to create privacy for the neighboring properties. Some Oak trees along Walnut Blvd will help match the area.

- Re-design the new homes window placement to ensure that windows do not directly look into the homes of other neighboring homes.

**MAKE THE AREA BETTER**

- A blind downhill turn into the development entrance is fast and dangerous, add a stop sign for the new residents to safely pull out of the development.

- Move current, and future, power lines underground. See PG&E detail below.
  From PG&E:
  Undergrounding powerlines reduces wildfire risk by nearly 98% and permanently eliminates some of the annual costs for vegetation management and maintenance.
  PG&E has proposed to underground 2,100 miles of powerlines in the highest wildfire risk areas for about $3.40 additional per month on the average customer's bill in 2023-2026.

Thanks for your consideration.

Thanks,

Gordon Mauger

**From:** [redacted]
**To:** Dominique Vogelpohl
**Subject:** RE: ***The 3180 Walnut Blvd Development***
**Date:** Tuesday, October 3, 2023 9:11:25 AM

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Dominique,

Thank-you for your e-mail and I did attend the hearing. It was very educational for me as I soon realized the
laws have changed, and developers pretty much have the upper hand when it comes to their projects.

I do have one question. As I mentioned in my e-mail there are two properties (3 houses) that have constructed
storm water collection systems. Is there a requirement that the homeowners maintain the systems integrity?
The reason I ask is if you viewed the video, I annually remove several inches of sediment from the catch basins
in my yard. I suspect the current water collection systems retain sediment as well. If left unchecked, over time their
capacity will diminish which would mean even more water will be funneled through our property.

Thanks in advance!

Andy

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**From:** Dominique Vogelpohl <Dominique.Vogelpohl@dcd.cccounty.us>
**Sent:** Monday, October 02, 2023 1:23 PM
**To:** Andy Wenzel
**Subject:** FW: ***The 3180 Walnut Blvd Development***

Hello Andy,

Thank you for your comments.

This project will be heard at today's Zoning Administrator hearing at 130PM.

I have forwarded your comments and video to the Zoning Administrator.

If you wish to attend the hearing, you may do so in person or ZOOM or by phone. Please see agenda for details: https://www.contracosta.ca.gov/AgendaCenter/ViewFile/Agenda/5648?html=true

Please let me know if you have any questions.

Sincerely,
Dominique Vogelpohl, Project Planner

Department of Conservation and Development Community Development Division
30 Muir Road Martinez, CA 94553
(925) 655-2880

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**From:** DCD PlanningHearing <PlanningHearing@dcd.cccounty.us>
**Sent:** Monday, October 2, 2023 11:34 AM
**To:** Ruben Hernandez <Ruben.Hernandez@dcd.cccounty.us>; Will Nelson <Will.Nelson@dcd.cccounty.us>; Dominique Vogelpohl <Dominique.Vogelpohl@dcd.cccounty.us>
**Subject:** FW: ***The 3180 Walnut Blvd Development***

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**From:** Walnut Heights Neighbor
**Sent:** Monday, October 2, 2023 5:22 AM
**To:** DCD PlanningHearing <PlanningHearing@dcd.cccounty.us>
**Subject:** Fwd: ***The 3180 Walnut Blvd Development***

Please see the letter below which is from another concerned member of the community. This is in regards to 3180 Walnut Blvd in Walnut Creek.

---------- Forwarded message ---------
From: **Andy Wenzel**
Date: Sun, Oct 1, 2023 at 8:20 PM
Subject: ***The 3180 Walnut Blvd Development***
To: <supervisorcarlson@bos.ccounty.us>, <Dominique.Vogelpohl@dcd.ccounty.us>

To Ken Carlson and Dominique Vogelpohl,

My name is Andy Wenzel and I live in the Walnut Heights area. I would like to share my concerns to hopefully prevent several deviances the proposed development at 3180 Walnut Blvd. is requesting. I want to focus on what we experienced with new construction in our neighborhood and the repercussions that followed.

There have been three new homes built behind our property on Amigo Lane where storm water collection and conveyance systems were installed. All of the storm water runoffs from these homes collectively funnel through our property on Arbor Drive. We were assured at various times prior to these constructions by Contra Costa County representatives that the water runoff in a collection and conveyance system would be similar to the current natural in ground drainage. **This has not been the case!** In addition, once these systems are approved there is no follow up that I know of by the county or any entity to assure they are constructed to meet their specifications nor are

there any obligation by the homeowners to maintain the original design capacity of these systems.

In anticipation of more significant storm water runoff from these new homes (especially the last two that were built), we spent thousands of dollars to install an extensive drainage system to mitigate the anticipated storm water runoff that these homes would pose. It was money well spent.

Please view the attached video that was taken this last December. This has now become the norm during periods of wet weather. Prior to the construction of these three homes the storm water runoffs in my estimate amounted to less than one quarter of the volume you see here. Due to our drainage enhancements, we remained unscathed for now however, several of my downstream neighbors have experienced more frequent flooding than in previous years.

It would be irresponsible and unconscionable to allow this developer to bypass the county storm water requirements. As you can see in this video, this is the quantity of water we and our neighbors will continue to endure from just 3 new constructed homes **with the systems installed**. Just imagine the flooding potential and misery from it the downstream neighbors will experience if construction for the 5 to 6 homes(let alone more) at 3180 Walnut Blvd. were done without a proper collection and conveyance system.

In closing, the real question here is why are any of these variances being considered? They are in place to preserve the continuity and character of the neighborhood. The zoning requirements, utility installations, and tree protection ordinances have to be maintained. It is clear the developer is attempting to reduce their construction costs to maximize profits. You should not kowtow to these deviation requests. However, if you choose to do so, you will assure future housing projects in Walnut Creek will seek the same deviations regardless of the harm they will cause to the many established property tax paying homeowners.

Thank-you for your time.

Andy

**From:** [redacted]
**To:** Dominique Vogelpohl
**Subject:** 3180 Walnut Blvd Proposed Development
**Date:** Tuesday, October 3, 2023 2:57:20 PM

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Sent from my iPhone

Begin
>
> Dear Dominique Vogelpohl,
>
> Today I became aware of the above proposed development and want to express my concern and kindly request that you pass this email to all zoning and planning administrators involved.

> The variances the developer is requesting are egregious and not appropriate given the narrow roads, lack of drainage, infrastructure and environmental issues (trees/wildlife) of the area. Only minor variances should be permitted for developments as it is fair that all current and prospective property owners abide by zoning rules. The goals of the out-of-state developer do not align with the existing environment. I understand there is a housing shortage in the Bay Area and feel Walnut Creek has added many new residences with good transit locations to help alleviate congestion. Building the correct amount of homes for the lot size is the right of the developer, in this instance 5 or 6, and the current rules should be respected for Walnut Height residents.
>
> I appreciate any assistance you can provide in including my input on this development and protecting our neighborhood.
>
> Thank you,
>
> Patty Johnson
> 191 Amigo Lane, WC
>
>
> Sent from my iPhone

**From:** [redacted]
**To:** Dominique Vogelpohl
**Subject:** Concerns with a Planned New Development in Walnut Creek
**Date:** Tuesday, October 3, 2023 10:28:47 PM

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Hello Dominique. I hope you can assist.

I am a home owner in Walnut Creek and was just made aware of a development plan near my home on 3180 Walnut Blvd. I have not consulted an official source to confirm if the information is 100% accurate but wanted to express my concerns nonetheless.
My neighborhood primarily consists of single-family homes, generally with good sized lots allowing for privacy and personal outside space. Each home is unique and reflects the homeowner's personal style. All reasons I moved here 23 years ago.

I heard that the an out of state developer plans to build ten two-story track homes on the lot of 3180 Walnut Blvd. That in itself will completely change the feel of the community. I chose to live here versus in a condominium complex or track home neighborhood for a reason. Does a community have any say in stopping this project from moving forward as is or requesting changes to what the developer plans to build?
I worry if this project does move forward, how many others would follow suit?

Notable issues with this development may include:

- Does this proposal meet the current new development requirements
  - For lot sizes and setbacks?
  - For undergrounding all utilities?
  - For storm water collection and or runoff conveyance?
- Will this development remove plant life and trees that currently provide shelter to critters and support better air quality?
- How much additional artificial light will be added contributing to light pollution and potentially confuse nocturnal wildlife and reduce the opportunity for star gazing?
- How will the development address privacy concerns for the existing neighbors surrounding the new construction, especially if the new construction includes two-story homes?
- What are the effects to traffic and noise?

An out of state developer has no ties to this neighborhood and will not understand, and probably not care, that their plans could negatively impact the lives of people (and wildlife) who have made their home in Walnut Creek.

I cherish my life in Walnut Creek and would appreciate if planners and other agencies responsible for reviewing new developments ensure that all t's are crossed and i's are dotted, and if it's possible, maintain the vibe of this town for future generations to enjoy. Please evaluate if this new development has been completely vetted.

Thank you for your time and consideration,
Diana Gottfried
51 Ball Rd
Walnut Creek CA 94596

Date: October 3, 2023

Re: Proposed development of 3180 Walnut Blvd., Walnut Creek, CA

Dear Supervisor Carlson,

I am writing to add my voice objecting to the proposed density of development of the property at 3180 Walnut Blvd. in Walnut Creek. The details of this proposed development were recently called to my attention by a neighbor. As you are aware, Walnut Heights has long been a neighborhood of mostly single family residences on lots with a minimum size of ~0.5 acres. When we purchased our home here in 1993 it was called 'almost Alamo' by the realtor for its semi-rural feel, with a few small farms and homes on larger lots still in the neighborhood, and many large heritage oaks- and it is what drew us to this location. In the last decade or two we have watched as downtown Walnut Creek has turned into an extension of downtown Concord, with high density, high-rise multi-occupancy developments reaching into North Main – and continuing to appear at an astounding rate in spite of growing numbers of empty storefronts. Certainly housing pressures have grown in the area- and the city planners have as a result taken properties in the Walnut Creek-Concord corridor to convert them toward those goals, with proximity to BART a consideration. But original city planners in Walnut Creek recognized the value of having different areas strategically designated for different purposes.

Rampant negative development consequences have also been infiltrating our older neighborhoods as developers- mainly from outside the area, seek to make maximum profits from the demand that continues for residences here in spite of high interest rates. For residents, it has become a battle for the soul of Walnut Creek and its once (beneficially) controlling zoning restrictions on undesirable over-development. The latest assault seems to be several blocks from my residence on Adeline Drive. I am consequently writing to add my objection to the other neighborhood inputs you have received concerning the over-development of the 2.88 acre parcel at 3180 Walnut Blvd., and ask for your consideration of the reasonable requests you have already received to require the developer to:

1) Maintain lot sizes at the ~0.5 acre norm ( larger), limiting the number of new homes to 5-6
2) Maintain/protect the heritage trees on the properties, a practice that has long been a part of preserving Walnut Creek's character and quality of life
3) Adopt practices that limit additional light pollution
4) Ensure adequate drainage engineering in the presence of climate change related issues
5) Underground utilities for both aesthetics as well as minimizing fire risk
6) Design properties and their grounds to maintain an atmosphere of privacy for all both within the development and around it

These echo the points made by others who have contacted you re. the 3180 Walnut proposed development. Thank you for considering this input in your decision making, as it affects so much that is unrecoverable if it is lost.

Sincerely,

Janet Luhmann
16 Adeline Dr, Walnut Creek, CA 94596

**From:** [redacted]
**To:** Dominique Vogelpohl
**Subject:** 3180 Walnut Blvd Development Concerns
**Date:** Wednesday, October 4, 2023 8:49:15 AM

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Hello Ms. Vogelpohl,

I was recently made aware of a proposed development at 3180 Walnut Blvd. As I understand it, the goal is to take a 2.5-acre parcel and turn it into 10 homes with an approximate lot size of 11,000sf and to have zero setbacks. This is extremely concerning to me.

The #1 reason my wife and I bought a home in Walnut Creek (specifically the Walnut Heights / Murwood area) is for the rural feeling that is so hard to come by in the Bay Area. Allowing the development of 10 houses on small lots (relative to the surrounding area) sets a dangerous precedent for developers in the area.

I understand the need to add more housing and am not asking that this development be stopped altogether. I am asking that the development be more appropriate for the area it is being constructed. **My ask is that instead of 10 homes, you permit 5 homes with average lot sizes closer to 20,000 square feet.** This will maintain the rural feel that is so desirable in this part of the Bay Area.

Respectfully,
Peter Jacobs
Walnut Creek Resident

**From:** [redacted]
**To:** Dominique Vogelpohl
**Cc:** [redacted]
**Subject:** 3180 Walnut Blvd development
**Date:** Wednesday, October 4, 2023 8:06:42 PM

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Hello Dominique,

My wife and I are residents of the Walnut Heights neighborhood in Walnut Creek. We have been notified of a new development of homes to be built at 3180 Walnut Blvd. We object to the high density of 10 lots planned for this space which is zoned R-20 for 20,000 sq ft lots versus the average 12,000 sq ft lots of this development. Under R-20 limits, this space should not contain more than six (6) lots. There are other issues pertaining to the cutting of protected trees and minimal utility improvements but I will focus here on what I consider the major issue, i.e., lot sizes being below zoning requirements.

Thank you for your attention,
Robert and Susan Rodriguez

**From:** [redacted]
**To:** Dominique Vogelpohl
**Subject:** 3180 Walnut Boulevard Development
**Date:** Thursday, October 5, 2023 5:28:41 PM

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Dear Dominique,

Please pass on my comments below to the planning department and zoning administrator:

Please require the developer of this project to include new screening/privacy mechanisms, including but not limited to higher retaining walls and planting tall, fast-growing trees along the periphery of the development.

Thank you,
Claire Dudan
Walnut Creek, CA

**From:** [redacted]
**To:** Dominique Vogelpohl
**Subject:** Fwd: Serious environmental concerns for 3180 Walnut Blvd. development
**Date:** Monday, October 9, 2023 11:17:06 AM

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Dear Dominique,

Please see the email that I just sent to Supervisor Carlson.

I would also like to enlist your action to preserve these heritage trees and minimize destruction of these habitat areas.

I am well aware of the limits placed by SB9, but I still believe as a community we can band together to preserve these limited treasures of our community before they are gone forever.

I look forward to your actions to making this happen.

Thank you very much.
Jeff Thomas

---------- Forwarded message ---------
From: **Jeff Thomas**
Date: Mon, Oct 9, 2023 at 11:09 AM
Subject: Serious environmental concerns for 3180 Walnut Blvd. development
To: <supervisorcarlson@bos.cccounty.us>

Dear Supervisor Carlson,

I would respectfully like to request your action to minimize the environmental impacts of this project at 3180 Walnut Blvd.

Specifically, I would like to protect all 74 protected trees on the property as well as follow responsible drainage, and flood plans for the project.

As a community, we have already lost too many heritage trees and eliminated significant riparian corridors and animal habitat. In the midst of serious global warming, we will greatly cheat future generations by not taking local actions to preserve these once in a lifetime trees and habitat areas.

In addition to tree and habitat destruction, this project also eliminates critical stormwater soil absorption. Serious downstream erosion and flood water damage is already a real challenge for our community. This development's added hardscape surfaces will overtax our existing flood control systems and lead to greater future flood damage.

I urge you to preserve these heritage trees and habitat areas. We owe this at a very minimum to the future generations of our community and our planet.

Thank you for your consideration,
Jeff Thomas

**To:** SupervisorCarlson@bos.cccounty.us <supervisorcarlson@bos.cccounty.us>; Dominique.Vogelpohl@dcd.cccounty.us

**Sent:** Friday, October 6, 2023 at 01:27:23 PM PDT
**Subject:** Food for Thought regarding 3180 Walnut Blvd. - a 21st century solution for sustainability

I am writing to you as a resident of the Walnut Heights neighborhood where the above property is found. I also address you as an environmental educator honored by the City and County for my work. Do check out my website below. I was an active Contra Costa County Watershed Forum member, serve currently on the education committee of Save Mount Diablo and have been creating a zero water, biodiverse, climate-change reversing model on land near the subject property.

I pass 3180 Walnut Blvd regularly on my walks and see it as a very important wildlife area especially because of its close proximity to the Walnut Creek Open Space Area, the open lands around Walnut Heights Elementary School and the various religious institutions nearby with raw land around them. I frequently see deer using the subject property as a cross-through. Are you considering how the development will impact wildlife passage?

I will share an idea I once had for the site which has been vacant now for many years. It is a vision that would involve collaboration among government entities, graduate architecture and landscape programs, green building nonprofits and individual developers interested in sustainability I actually envisioned an assortment of new homes and natural areas designed by different innovative building and landscape architects. Each home would be unique. All would be sustainable in design and each would be for sale. Raingardens could be incorporated for their habitat value, for soil enhancement and water cycle normalization.

Such a development would show the public what can be done in this century to recreate our communities through using green building practices and incorporating nature-based regenerative land use principles. It could be an award-winning model of collaboration

between the County, educational institutions, water districts and other agencies and individual businesses for the purpose of demonstrating new paradigms.

At the present time the plan looks quite conventional and appears not to take into account the environmental attributes of the site. There are many trees onsite. Many are native and some unusual, like the pecans at the base adjacent to Walnut Blvd. The plan seems to be one of maximizing the bottom line and minimizing sustainability. I envision homes with solar and water capture features on them as well as raingardens here and there. I doubt that a density as shown in the master plan wouild be consistent with these ideas. I imagine the trees onsite would be lost. What a waste it seems to me! They are the best carbon and solar capturing devices of all - not to mention their other benefits. Mature trees are much more effective in carbon capture than newly planted ones. We would lose their shade and beauty as well.

Please consider these thoughts as you weigh the benefits of the development with the environmental costs. To me it signals old policy priorities when the property could become a model of the exciting and new and healthy with its prime location!

Thank you for listening,

Judy Adler

# Department of Conservation and Development

## County Zoning Administrator

## Monday, October 02, 2023 – 1:30 P.M.

**STAFF REPORT** **Agenda Item #____**

| | |
|---|---|
| **Project Title:** | 10-lot Major Subdivision |
| **County File(s):** | CDSD21-09581 |
| **Applicant:** | Andy Byde for Calibr Ventures |
| **Owners:** | Calibr Ventures, Inc. |
| **General Plan/Zoning:** | Single-Family Residential-Low Density (SL)/ Single-Family Residential (R-20) |
| **Site Address/Location**: | 3180 Walnut Boulevard, Walnut Creek APN: 180-240-002 |
| **California Environmental Quality Act (CEQA) Status:** | A Mitigated Negative Declaration was prepared for the project indicating no significant environmental impacts. (State Clearing House Number 2023060580) |
| **Project Planner:** | Dominique Vogelpohl, Project Planner (925) 655-2880 Dominique.Vogelpohl@dcd.cccounty.us |
| **Staff Recommendation:** | Approve Project (See Section II for Complete Recommendation) |

## I. PROJECT SUMMARY

A major subdivision application requesting approval of a vesting tentative map to subdivide an approximate 2.88-acre project site into 10 lots ranging in size from 9,292 to 17,659 square-feet. On each new lot, a 2-story, single-family residence ranging in footprint size from approximately 2,442 to 2,913 square feet, is expected to be constructed. The residence on Lot 4 would be restricted for-sale to a moderate-income household, therefore the project is eligible for a Density Bonus, waivers or reductions in development standards, incentives and concessions, and

parking reductions pursuant to the California Density Bonus Law, Gov. Code Section 65915. The project is seeking waivers of development standards to allow: a reduction in minimum lot size for all ten lots, a reduction in minimum average lot width for all lots except Lot 6, reduced front yard and side yard setbacks for the future development of the residences for each lot, and 0-foot accessory structure setbacks for the future development of retaining walls for each lot. The project is also seeking a concession to allow the use of gross acreage for the density calculation. The project also includes exception requests to County Code Section 96-10 that requires utilities to be undergrounded, and Section 914-12.002 that requires detention basins to be at least 15 acre-feet of storage volume. Implementation of the project includes demolition of the existing residence and detached garage, approximately 15,000 cubic yards of grading, and a Tree Permit to allow the removal of 43 onsite trees.

## II. RECOMMENDATION

Staff recommends the Zoning Administrator:

A. FIND that the mitigated negative declaration prepared for County File #CDSD21-09581 adequately analyzes the project's environmental impacts, that there is no substantial evidence that project will have a significant effect on the environment, and that the June 21, 2023, Mitigated Negative Declaration prepared for this project reflects the County's judgement and analysis;

B. ADOPT the June 21, 2023, Mitigated Negative Declaration (MND) and mitigation monitoring and reporting program (MMRP) prepared for this project;

C. APPROVE the Vesting Tentative Map for this project received on June 27, 2022;

D. APPROVE the attached findings and conditions of approval prepared for this project; and

E. DIRECT staff to file a Notice of Determination with the County Clerk.

## III. GENERAL INFORMATION

A. General Plan: The project site has a Single-Family Residential-Low Density (SL) General Plan land use designation.

B. Zoning: The project site is zoned Single-Family Residential Zoning District (R-20).

C. California Environmental Quality Act (CEQA) Compliance: A CEQA Initial Study was prepared for this project. The Initial Study identified potentially significant impacts in the areas of Aesthetics, Air Quality, Biological Resources, Tribal and Cultural Resources, Geology and Soils, and Noise, and identified mitigation measures to reduce such impacts to less-than significant levels. The public review comment period for the Initial Study extended from June 21, 2023, through July 21, 2023. The comments received within the comment period are addressed under the *Environmental Review* section of this Staff Report.

## IV. SITE/AREA DESCRIPTION

The project site is located in unincorporated Contra Costa County, but is surrounded by the City of Walnut Creek, with the City of Lafayette to the west, the cities of Pleasant Hill and Concord to the north, unincorporated County to the south and Mount Diablo State Park to the east. The project site is located at 3180 Walnut Boulevard at the corner of public road Walnut Boulevard and private road View Lane.

The approximately 2.88-acre project site corresponds to Accessor's Parcel Number (APN) 180-240-002. The project site is located within a residential area, and is surrounded by single-family homes. Walnut Heights Elementary School is located approximately 800 feet to the northeast. Interstate 680 (I-680) is located approximately 0.89 mile southwest of the site. The project site contains an existing vacant single-family residence with a detached garage, which would be demolished prior to project construction. The site was historically cultivated with an orchard since at least 1946. Orchard remnants, including mature and aging pecan, almond, and walnut trees, are distributed across the site. The site also contains native oaks, with the highest density of native oaks found along the south property line. A drainage swale parallels the entire north property line, terminating in a drainage inlet at the northwest corner of the site. The project site slopes down generally from northeast to southwest, ranging in elevation from approximately 232 feet above sea level (ASL) to approximately 192 feet ASL.

## V. PROJECT DESCRIPTION

A major subdivision application requesting approval of a vesting tentative map to subdivide an approximate 2.88-acre project site into 10 lots ranging in size from 9,292 to 17,659 square-feet. On each new lot, a 2-story, single-family residence ranging in footprint size from approximately 2,442 to 2,913 square feet, is expected to be constructed. The residence on Lot 4 would be restricted for-sale to a

moderate-income household, therefore the project is eligible for a Density Bonus, waivers or reductions in development standards, incentives and concessions, and parking reductions pursuant to the California Density Bonus Law, Gov. Code Section 65915. The project is seeking waivers of development standards to allow: a reduction in minimum lot size for all ten lots, a reduction in minimum average lot width for all lots except Lot 6, reduced front yard and side yard setbacks for the future development of the residences for each lot, and 0-foot accessory structure setbacks for the future development of retaining walls for each lot. The project is also seeking a concession to allow the use of gross acreage for the density calculation. The project also includes exception requests to County Code Section 96-10 that requires utilities to be undergrounded, and Section 914-12.002 that requires detention basins to be at least 15 acre-feet of storage volume. Implementation of the project includes demolition of the existing residence and detached garage, approximately 15,000 cubic yards of grading, and a Tree Permit to allow the removal of 43 onsite trees and work within the dripline of 17 other onsite trees.

*Density Bonus*

The Density Bonus Law (found in California Government Code Sections 65915–65918) requires cities and counties to provide incentives or other concessions to housing developments to produce housing for very low income, lower income, moderate income, or senior housing to facilitate the development of affordable housing. A density bonus is provided to housing development projects that comply with at least one of the following criteria:

- At least 5 percent of the housing units are restricted to very low-income residents.
- At least 10 percent of the housing units are restricted to lower income residents.
- At least 10 percent of the housing units in a for-sale common interest development are restricted to moderate income residents.

Density Bonus requests are processed pursuant to Section 65915 et seq. of the California Government Code and Title 8, Division 822, Chapter 822-2 (Residential Density Bonus) of the Ordinance Code. The proposed project would restrict Lot 4 for moderate income residents, meeting the requirement that at least 10 percent of the housing units be restricted to moderate income residents. As a result, the proposed project is eligible for a density bonus pursuant to the Residential Density Bonus Ordinance of the Ordinance Code. The calculations detailed below support the proposed project's eligibility under the Density Bonus Law.

*Density Bonus Calculations*

- Project site: 2.46 net acres (proposed right-of-way and private road area is deducted)

- Gross site: 2.88 acres
- Base project: (2.88 acres) * (2.9 dwelling unit(du)/acre) = 8.35 du, fractional unit rounded to nine base units
- Target Unit(s): provide moderate income deed restricted on Lot 4
- Percent of Base Units: (1 moderate income unit)/(9 base units) = 11.1 percent, fractional unit rounded to 12 percent of base units moderate income deed restricted
- Density Bonus Result: 12 percent moderate income deed restricted unit(s) qualifies for 7 percent density bonus
- Density Bonus Calculation: (9 du) * (0.07) = 0.63 du, fractional unit rounded to 1 du; 9 du + 1du = 10 units

Because the proposed project complies with the Density Bonus Law under California Government Code Section 65915, the applicant seeks approval of a concession to utilize gross acreage for the density calculation. A concession or incentive is defined as a reduction in site development standards or a modification of zoning code or architectural design requirements, such as a reduction in setback or minimum square footage requirements; or approval of mixed-use zoning; or other regulatory incentives or concessions that result in identifiable and actual cost reductions.

The table below includes a breakdown of the lot sizes and size of each proposed home. Because the proposed project complies with the Density Bonus Law under California Government Code Section 65915, the applicant seeks approval to waivers from R-20 development standards. The applicant proposes the following development standards listed below.

Project Summary of Alternative Development Standards

| Lot # | Lot Area (20,000 square feet minimum) | Footprint Area in square feet | Depth (120 feet minimum) | Average Width (120 feet minimum) | Front yard Setback (25 feet minimum) | Side Yard Setback (15 feet, 35 feet aggregate, minimum) | Retaining Walls (structure setbacks in feet) |
|---|---|---|---|---|---|---|---|
| Lot 1 | 9,645 | 2,483 | 145.3 | 66.4 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |

| Lot # | Lot Area (20,000 square feet minimum) | Footprint Area in square feet | Depth (120 feet minimum) | Average Width (120 feet minimum) | Front yard Setback (25 feet minimum) | Side Yard Setback (15 feet, 35 feet aggregate, minimum) | Retaining Walls (structure setbacks in feet) |
|---|---|---|---|---|---|---|---|
| Lot 2 | 10,889 | 2,533 | 168.6 | 64.6 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 3 | 11,731 | 2,913 | 174.1 | 67.4 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 4* | 10,764 | 2,533 | 150.6 | 71.5 | 1 foot to shunt turn around; 20 feet from street | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 5 | 13,270 | 2,533 | 132 | 100.5 | 20 feet to face of garage; 10 feet to living area | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 6 | 17,659 | 2,483 | 127.2 | 138.8 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 7 | 9,292 | 2,533 | 130.9 | 71 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 8 | 9,555 | 2,913 | 134.5 | 71 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |

| Lot # | Lot Area (20,000 square feet minimum) | Footprint Area in square feet | Depth (120 feet minimum) | Average Width (120 feet minimum) | Front yard Setback (25 feet minimum) | Side Yard Setback (15 feet, 35 feet aggregate, minimum) | Retaining Walls (structure setbacks in feet) |
|---|---|---|---|---|---|---|---|
| Lot 9 | 9,819 | 2,442 | 138.2 | 71 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 10 | 15,797 | 2,533 | 141.3 | 111.8 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Notes:<br>* Designated as affordable unit | | | | | | | |

*Site Access and Parking*

Regional access to the site is provided via I-680, by way of Ygnacio Valley Road. Local access to the project site would be provided via Walnut Boulevard and a new private street. The proposed project would include approximately 0.16 acres of public roadway dedication along Walnut Boulevard. Other frontage improvements would consist of approximately 927 square-feet of sidewalk improvements. The new private street would be approximately 28-feet wide, with an 8-foot parking lane on one side and 5-foot sidewalk along the southeast section of the proposed roadway, as required by Contra Costa County Fire Protection District (CCCFPD) standards. The proposed project would include an emergency vehicle access turnaround within Lot 4.

*Trees*

The site currently contains 73 trees protected under the Contra Costa Tree Protection and Preservation Ordinance. In total, 30 of the 73 existing trees would be retained and would be protected during construction.

*Stormwater*

A single landscaped bioretention basin facility would be located within the proposed project, consistent with C.3 stormwater requirements, located on Lot 10. Stormwater generated from the site would be cleaned and retained by the bioretention basins and then placed into a stormwater system. Cleaned and retained stormwater would

be released into an existing 30-inch storm drain line within Walnut Boulevard.

*Landscaping*

The proposed project would include approximately 71,948 square-feet of onsite landscaping.

*Utilities*

The proposed project would utilize existing utility connections from the following providers:

- Electricity and Natural Gas: Pacific Gas and Electric Company (PG&E)
- Potable Water: East Bay Municipal Utility District (EBMUD) – The proposed project would connect into an existing EBMUD domestic water line within Walnut Boulevard.
- Wastewater: Central Contra Costa County Sanitary District (Central San) - The proposed project would connect into an existing Central San 8-inch sewer line within Walnut Boulevard.
- Solid Waste: Republic Services

## VI. AGENCY COMMENTS

A. Public Works Department, Engineering Services Division (PW): In a memo dated July 10, 2023, PW provided their analysis of the project conditions of approval (COAs). All COAs have been incorporated as COAs for this project.

B. Conservation and Development, Building Inspection Division: In a returned Agency Comment Request form dated July 28, 2021, Building stated they had no comments.

C. Conservation and Development, Housing and Community Improvement: In a memo received on July 17, 2023, Housing provided the requirements of the Inclusionary Housing Ordinance that is a condition of approval for the project.

D. Conservation and Development, Transportation Planning Division: In a memo dated February 18, 2022, Transportation provided analysis on projected Vehicle Miles Traveled (VMT) and Level of Service (LOS) and indicated the requirements of the County's Complete Streets Policy. These comments are addressed in the Traffic section of the attached Findings report.

E. Contra Costa County Fire Protection District (CCCFPD): In a letter dated July 22, 2021, the Fire District stated development must be compliant with the fire and building codes, and local and County Ordinances and adopted standards. These requirements are present in the Vesting Tentative Map attached to this Staff Report, and approval from the Fire District is required prior to issuance of a building permit for residential construction to ensure compliancy with all applicable codes and ordinances.

F. Contra Costa Health Services, Environmental Health (CCEH): In a letter dated July 7, 2021, CCEH stated that a permit from Environmental Health would be required for any well or soil boring, or for any abandoned wells and septic tanks, which must be destroyed; and recommended that project be served by public sewer and water, which this subdivision will be.

G. Central Contra Costa Sanitary District: In an email dated July 7, 2021, the Sanitary District stated the project site is within their service area and sanitary sewer service is available to the project site, and would not be expected to produce an unmanageable added capacity demand on the wastewater system, nor interfere with existing, public facilities. The developer will need to construct an 8-inch diameter onsite public main sewer and private laterals. The Sanitary District's review and approval of all sewer improvements is required prior to construction.

H. East Bay Municipal Utility District (EBMUD): In a letter dated July 6, 2023, EBMUD stated water main extension will be required, and each parcel to be provided domestic service and its own service connection and meter will require EBMUD review and approval prior to water service, which will include all applicable water efficiency measures under Section 31 of EBMUD's Water Regulations.

I. County Geologist, Darwin Myers Associates (DMA): In a letter dated July 21, 2021, DMA evaluated the adequacy of the project geotechnical report, and recommended Geology mitigation measures for the CEQA Initial Study/Mitigated Negative Declaration. These mitigation measures are included in the conditions of approval.

J. California Historical Resources Information System (CHRIS): In a letter dated July

23, 2021, CHRIS provided their comments on the proposed project indicating that there are no records of previous cultural resource, recommends lead agency contact the local Native American Tribe, the project site has a low possibility of containing unrecorded archaeological site.

K. Native American Tribe Wilton Rancheria: Notification of an opportunity to request consultation and a copy of the CEQA Initial Study/Mitigated Negative Declaration was submitted to the Wilton Rancheria on September 21, 2021. The Wilton Rancheria requested to be contacted if any findings are unearthed due to, ". . . the importance of this location to our tribe and its former use for both occupation and burial as indicated by nearby archaeological records and Cultural Resource Inventories." There was no request for consultation received in response to the notice.

L. Native American Tribe Confederated Villages of Lisjan Nation: Notification of an opportunity to request consultation and a copy of the CEQA Initial Study/Mitigated Negative Declaration was received by the Confederated Villages of Lisjan Nation on January 7, 2023. The Lisjan Nation requested to review a Sacred Lands File search if one had been conducted. Staff provided the Lisjan Nation the Archeological Survey Report prepared by Garcia and Associates (GANDA) which did include a Sacred Lands File search for the project, and the results were negative. The Lisjan Nation stated they had no additional information to add, and requested to be contacted if any findings are unearthed. There was no request for consultation received in response to the notice.

No comments were received from the City of Walnut Creek or the Contra Costa Mosquito & Vector Control District.

All comments received are attached to this Staff Report.

## VII. ENVIRONMENTAL REVIEW

Staff conducted an Initial Study (IS) assessment of potentially significant adverse environmental impacts that could result from the proposed 10-lot subdivision project. Staff determined that although the proposed project could have some environmental impacts, these impacts would be reduced to a less than significant level. Thus, a Mitigated Negative Declaration (MND) was prepared and published for

the proposed project. The public review period for the MND started on June 21, 2023, and ended on July 21, 2023. The comments received are responded to below:

1. Wildlife: All special-status animal species that have the potential to be onsite were assessed in the Biological Resource Analysis (BRA) Report, dated in July 2021, and subsequent BRA Report, dated May 2022, prepared by Olberding Environmental, Inc. Potential impacts to biological resources were assessed in the attached mitigated negative declaration (MND) with the use of the BRA reports, and resulted in Mitigation Measures (MM) BIO-1 through MM BIO-3, which include requirements for pre-construction avian surveys, pre-construction bat surveys, and pre-construction reptile surveys and impact avoidance. Implementation of MM BIO-1 and MM BIO-2 require pre-construction surveys for avian and bat species to ensure their nests or roosts are not impacted by project construction. Implementation of MM BIO-3 requires a pre-construction survey for special-status reptile species (including Alameda whipsnake) to ensure no special-status reptile species would be impacted by project construction.

   The project site contains potentially sensitive natural communities identified by the California Department of Fish and Wildlife (CDFW) in the form of riparian habitat and an adjacent ephemeral drainage. However, these sensitive habitats would be avoided and no direct impacts to sensitive natural communities would result from project construction. Furthermore, implementation of MM BIO-4 through MM BIO-6 would reduce potential indirect adverse impacts to onsite sensitive natural communities to less than significant levels by avoiding work in riparian habitat and on-site aquatic features, implementing erosion control measures, and the prevention of substances toxic to fish and wildlife from leaching into riparian habitat or sensitive natural communities.

2. Tree removal: As the construction of the proposed project requires the removal of trees subject to the Contra Costa County Tree Protection and Preservation Ordinance, the applicant would be required to prepare and implement a tree replacement plan. In addition, remaining trees that are proposed for preservation on the project site would be preserved through the implementation of the tree preservations guidelines identified and outlined in the project Arborist Report. Implementation of MM BIO-7, which requires the project applicant to implement a tree replacement plan, and MM BIO-8 requiring the project applicant to implement tree preservation guidelines during construction, will mitigate the potential impacts from tree removal.

   With respect to potential land instability due to tree removal, structural review

includes review and approval of a site-specific geotechnical report, and onsite inspection during construction will ensure construction follows approved structural drawings and geotechnical engineer's recommendations. Also, required tree replacement and landscaping will aid in building back any lost soil stability due to tree removal.

3. Traffic congestion and safety: The MND thoroughly evaluated potential safety issues that would result from the proposed project. The proposed project would comply with applicable County General Plan policies outlined in the Public Safety Element. The project consisting of the future construction of 10 single-family dwelling units would anticipate generating an additional seven AM and ten PM new peak period trips, and therefore, does not require a project-specific traffic impact analysis. The project includes installation of a stop sign for vehicles leaving the proposed development. Also, the provided reports that were prepared by County Public Works only show data collected of average traffic speeds throughout the day for Walnut Boulevard; it is not a traffic study that can assist in traffic analysis for this project.

   The project is also consistent with the County's Complete Streets Policy, adopted by the Contra Costa County Board of Supervisors on July 12, 2016, with the requirements of new sidewalks along the new private road and the property's frontage along Walnut Boulevard, providing pedestrian safety. The Public Works department would not be able to require additional sidewalks as the project is not at a magnitude to warrant additional frontage improvements beyond the property frontage.

4. Privacy: 31 trees will remain and would serve as a barrier between the proposed homes and existing homes surrounding the project site. Furthermore, the proposed project would include a 6-foot-tall fence surrounding the sides and rear of each home, which would further screen views of the site from existing homes in the neighborhood. Also, the required tree replanting plan could be utilized to further promote privacy between properties.

5. Flooding and drainage: Drainage and the project Storm Water Control Plan were reviewed by the County Public Works Department and found to be adequate as described in their report found under sections IX(G-H) of this Staff Report. The Public Works department is also recommending approval of the exception request for the project detention basin due to the small size of the project site and the lack of public entity to maintain such a facility. Public Works supports the granting of this exception and allowing the responsible individual(s) to maintain it

along with their obligation to maintain the stormwater management aspects of the basin

6. Undergrounding utilities: Frontage improvements and undergrounding utilities were reviewed by the County Public Works Department and found to be adequate as described in their report found under sections IX(F) of this Staff Report. The Public Works department is also recommending approval of the exception request to underground utilities to the existing power pole located at the southwest corner of the property. All services will remain in place as is with minimal disruptions to neighboring properties. The guy wire supports will not encroach into neighboring yards as is the case with undergrounding. In addition, undergrounding the lines crossing Walnut Boulevard would cause a traffic burden on the community during construction. Therefore, Public Works supports the granting of this exception as leaving the existing overhead utility lines in place will not be detrimental to the public welfare.

7. Light pollution: Lighting impacts were analyzed in MND Aesthetics section, which found that new sources of light and glare would originate from internal and external housing lights and car headlights. MM AES-1 would require a Lighting Plan that would ensure all lighting is reasonable oriented onto the subject property.

8. Strain on public services: The MND determined that all new utility infrastructure that would serve the proposed project will be able to adequately serve the new development. This is also supported by the individual agency comment letters provided to staff that are attached to this Staff Report.

9. Does not meet the R-20 development standards: As previously stated in this report, the project is eligible for a Density Bonus, waivers or reductions in development standards, and incentives and concessions, pursuant to the California Density Bonus Law, Gov. Code Section 65915. The State Density Bonus Law provides for unlimited number of waivers of development standards in order to construct the project at the proposed density. (Gov. Code, § 65915(b)(1), (e)(1)) Where a development standard would physically prevent the project from being built at the permitted density and with the granted concessions/incentives, the developer may propose to have those standards waived or reduced. As such, waivers to development standards like the ones being requested with this subdivision can be permitted. Also, there were comments stating these reductions in development standards were variances, but these are waivers as defined under Density Bonus Law and not variances. This distinction needs to be

made to understand the nature in which they can be requested and permitted.

10. Does not comply with the density requirements of the General Plan: As previously stated in this report, the project is eligible for a Density Bonus, waivers or reductions in development standards, and incentives and concessions, pursuant to the California Density Bonus Law, Gov. Code Section 65915. As the project is eligible for density bonus it is allotted one concession to a development standard, and the applicant requests a concession to the development standard "net acreage" to instead use gross acreage in calculating density. Using gross acreage (2.88 acres) * (2.9 dwelling unit(du)/acre) = 8.35 du, fractional unit rounded to nine base units. When calculating density using density bonus with nine base units: (9 du) * (0.07 density bonus) = 0.63 du, fractional unit rounded to 1 du; 9 du + 1du = 10 units. Therefore, a 10-lot subdivision is consistent with the allowed density for the SL General Plan designation.

6 additional comment letters were provided after the public comment period for the environmental document, the MND, closed. The same comments and concerns raised during the MND public comment period were conveyed in these additional comment letters. There was one new comment that stated this area is subject to a cap on 2 stories homes, but this is not a code or policy appliable to the County or the City of Walnut Creek. There was also one comment letter in support of the project.

All comment letters are attached to this Staff Report.

## VIII. STAFF ANALYSIS

A. State Density Bonus Law Analysis: The State Density Bonus Law (Gov. Code §§ 65915-65918) incentivizes the building of affordable housing by granting developers "a density increase over the otherwise maximum allowable gross residential density," as well as other incentives or concessions, waivers of development standards, and parking ratio reductions in return for a commitment to provide affordable housing as part of a development project. If the developer meets the requirements of section 65915, a city or county must award a density bonus. (Gov. Code, § 65915(b))

   The residence on Lot 4 would be restricted for-sale to a moderate-income household (12% of 9 base lots), therefore the project is eligible for a Density

Bonus, waivers or reductions in development standards, incentives and concessions, and parking reductions under the California Density Bonus Law, Gov. Code Section 65915, subdivision (b)(1)(D). By providing one lot of the nine base units for sale to a moderate-income household, the project qualifies for a 7% density bonus, resulting in one additional unit (9 du x.07 = 9.63, which rounds up to 10). Please note, Government Code section 65915, subdivisions (f)(5) states, "All density calculations resulting in fractional units shall be rounded up to the next whole number." Additionally, subdivision (q) states that "Each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number."

Lastly, Density Bonus Law (Gov. Code § 65915(d)(1)) specifies the only circumstance under which a requested incentive or concession may be denied is the following:

(A) The concession or incentive does not result in identifiable and actual cost reductions.

The requested concession would increase the unit count from 9 to 10 units and would therefore reduce the subdivision improvement costs on a per unit basis. As such, this finding cannot be made.

(B) The concession or incentive would have a specific, adverse impact upon public health and safety and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.

The Mitigated Negative Declaration for this project identifies mitigation measures to reduce any potential impacts bought on by the project to less-than significant levels. The project as conditioned will mitigate any potential impacts on the area, so the project is not anticipated to have an adverse impact upon public health and safety and for which there is no feasible method to satisfactorily mitigate. As a result, this finding cannot be made.

(C) The concession or incentive would be contrary to state or federal law.

The project does not conflict with any other state or federal law.

Furthermore, the Density Bonus Law (Gov. Code § 65915(e)(1)) states "In no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section." The applicant has requested waivers of development standards for lot size and setbacks. The applicant has stated that application of these development standards would physically preclude the construction of the project, at its proposed density, as well as the proposed moderate-income unit.

B. General Plan Consistency: The General Plan land use designation for the project site is Single-Family Residential-low Density (SL). The project is to subdivide approximately 2.88 acres into 10 residential lots and have a new private road off Walnut Boulevard provide access to all 10 lots. The primary land uses permitted in this designation include detached single-family homes and accessory buildings and structures. As the project will result in single-family residential properties, the project is consistent with the allowed uses of this general plan designation.

The General Plan also determines the allowed density for an area. The General Plan land use designation of Single-Family Residential-Low Density (SL) allows 1.0 – 2.9 units per net acre. However, as the project is eligible for density bonus it is allotted one concession to a development standard, and the applicant requests a concession to the development standard "net acreage" to instead use gross acreage in calculating density. Using gross acreage (2.88 acres) * (2.9 dwelling unit(du)/acre) = 8.35 du, fractional unit rounded to nine base units. When calculating density using density bonus with nine base units: (9 du) * (0.07 density bonus) = 0.63 du, fractional unit rounded to 1 du; 9 du + 1du = 10 units. Therefore, a 10-lot subdivision is consistent with the allowed density for the SL General Plan designation.

Also, the following goals and policies within the County 2005-2020 General Plan are applicable to the project:

Transportation and Circulation Element - The project is consistent with the following General Plan Transportation and Circulation Element goal and policies.

*Goal 5-J: To reduce single-occupant auto commuting and encourage walking and bicycling.*

*Policy 5-16: Curbs and sidewalks shall be provided in appropriate areas.*

*Policy 5-17: Emergency response vehicles shall be accommodated in development project design.*

The Complete Streets Policy, adopted by the Contra Costa County Board of Supervisors on July 12, 2016, requires Complete Streets infrastructure sufficient to enable reasonably safe travel along and across the right of way such as streets, roads, highways, bridges, and other portions of the transportation system. The subdivision project includes a private street and a 5-foot sidewalk on one side of its curb to provide access for pedestrians to Walnut Boulevard, which will also receive new frontage improvements and 5-foot sidewalks. Therefore, the overall surrounding circulation system will be consistent with the Complete Streets policy.

The project has also been reviewed by the Contra Costa County Fire Protection District to verify the project is designed to accommodate proper access for emergency response vehicles. In a letter dated July 22, 2021, the Fire District found the project to meet such access standards.

Housing Element - The project is consistent with the following General Plan Housing Element goals and policy.

*Goal 1: Maintain and improve the quality of the existing housing stock and residential neighborhoods in Contra Costa County.*

As the project increases the housing stock in a residential neighborhood, it is consistent with this goal of the General Plan.

C. Zoning Compliance: The project would be considered consistent with the R-20 Single-family residential zoning district as a result of the utilization of the Density Bonus, pursuant to Government Code sections 65915(j)(1) and 65915(C)(5) and County Ordinance Code Section 822-2. The State Density Bonus Law provides for unlimited number of waivers of development standards in order to construct the project at the proposed density. (Gov. Code, § 65915(b)(1), (e)(1)) Where a development standard would physically prevent the project from being built at the permitted density and with the granted concessions/incentives, the developer may propose to have those standards waived or reduced.

The applicant is seeking waivers of development standards pertaining to:

- a reduction in minimum lot size for Lots 1-10;
- a reduction in the minimum average lot width for Lots 1-10 except for Lot 6;
- a reduction in minimum front yard and side yard setbacks for the future development of the residences for Lots 1-10; and
- 0-foot accessory structure setbacks for the future development of retaining walls for Lots 1-10.

The proposed lot sizes, average lot width, depth, and setbacks, are shown in the following table. The project is seeking these reductions and waivers as application of the required standard would physically preclude the development of the project at the proposed density with the proposed one moderate income unit and with the application of the available incentives, concessions, and density bonus.

| Lot # | Lot Area (20,000 square feet minimum) | Footprint Area in square feet | Depth (120 feet minimum) | Average Width (120 feet minimum) | Front yard Setback (25 feet minimum) | Side Yard Setback (15 feet, 35 feet aggregate, minimum) | Retaining Walls (structure setbacks in feet) |
|---|---|---|---|---|---|---|---|
| Lot 1 | 9,645 | 2,483 | 145.3 | 66.4 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |

| Lot # | Lot Area (20,000 square feet minimum) | Footprint Area in square feet | Depth (120 feet minimum) | Average Width (120 feet minimum) | Front yard Setback (25 feet minimum) | Side Yard Setback (15 feet, 35 feet aggregate, minimum) | Retaining Walls (structure setbacks in feet) |
|---|---|---|---|---|---|---|---|
| Lot 2 | 10,889 | 2,533 | 168.6 | 64.6 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 3 | 11,731 | 2,913 | 174.1 | 67.4 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 4* | 10,764 | 2,533 | 150.6 | 71.5 | 1 foot to shunt turn around; 20 feet from street | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 5 | 13,270 | 2,533 | 132 | 100.5 | 20 feet to face of garage; 10 feet to living area | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 6 | 17,659 | 2,483 | 127.2 | 138.8 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 7 | 9,292 | 2,533 | 130.9 | 71 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 8 | 9,555 | 2,913 | 134.5 | 71 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |

| Lot # | Lot Area (20,000 square feet minimum) | Footprint Area in square feet | Depth (120 feet minimum) | Average Width (120 feet minimum) | Front yard Setback (25 feet minimum) | Side Yard Setback (15 feet, 35 feet aggregate, minimum) | Retaining Walls (structure setbacks in feet) |
|---|---|---|---|---|---|---|---|
| Lot 9 | 9,819 | 2,442 | 138.2 | 71 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 10 | 15,797 | 2,533 | 141.3 | 111.8 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Notes:<br>* Designated as affordable unit | | | | | | | |

D. County Tree Protection and Preservation Ordinance: The County Tree Ordinance provides for the protection of certain trees by regulating tree removal while allowing for reasonable development of private property. The project Arborist Report prepared by certified arborist Jennifer Tso (#WE-10270A) and dated January 10, 2023, provides an inventory and evaluation of all trees on and adjoining the project site that may be impacted by the proposed project. A total of 73 trees were surveyed, numbered, tagged, identified, measured, and evaluated. A total of 43 code-protected trees would be removed, and work would occur within the dripline of 17 additional code-protected trees. There were 16 tree species inventoried, but only 3 species are listed in the County Tree Ordinance under the indigenous species list: 26 Valley Oaks, 13 California Black Walnut trees, and 2 Coast Redwoods. The other tree species include: 7 Almond trees, 5 Holly Oaks, 4 English Walnut trees, 2 Monterey Pines, 4 Privets, 1 Elm, 1 English Hawthorn, 1 Olive tree, 1 Pepper tree, and 7 various fruit trees.

Tree removal and work under the dripline is due to development of the proposed project. The arborist report indicates these trees cannot be avoided and are not expected to survive, thus, requiring removal. Four trees to be removed are due to poor health condition (a California Black Walnut, 2 Almond trees, and a Plum

tree). In addition, remaining trees that are proposed for preservation on and adjacent to the project site would be preserved through the implementation of the tree mitigation measures described in the arborist report. These mitigation measures will be required to be in place throughout the entire construction period.

E. Inclusionary Housing Ordinance: The project is subject to County Ordinance Code, Chapter 822-4, Inclusionary Housing Ordinance. Terms and definitions regarding the Inclusionary Housing Ordinance are pursuant to this chapter. Pursuant to Section 822-4.402(b) of the County Ordinance Code, a residential development of five or more for-sale units shall require at least fifteen percent of the for-sale units to be developed and sold as affordable units. At least twenty percent of the inclusionary units shall be sold at an affordable price to lower-income households. The remaining units shall be sold to moderate-income families at an affordable price.

1. For-Sale Inclusionary Housing and Partial In-Lieu Fee: The applicant, owner, and/or developer (Applicant) is required to construct 1.35 affordable units (9 total base units x 0.15 of total = 1.35 units) for the project. The Applicant has submitted a revised project proposal that included an Inclusionary Housing Plan and density bonus request dated March 22, 2022, that proposed to construct one for-sale moderate income inclusionary unit (affordable to households with an income up to 120% of Area Median Income) on Lot 4 of the property. The unit on Lot 4 is an approximately 2,533-square-foot single-family detached home consisting of four bedrooms. The one moderate-income unit proposed for compliance with the Inclusionary Housing Ordinance requirements is the same moderate-income unit required for compliance with the Density Bonus request. This unit may be referenced as inclusionary unit, density bonus unit, or both in these conditions. The requirements for the one moderate-income unit must comply with both the Inclusionary Housing Ordinance and State Density Bonus law, and the most restrictive requirements would apply.

   The Applicant has proposed to pay a partial in-lieu fee for the fractional 0.35 inclusionary unit, and the County has accepted this proposal. The current

calculation of the partial in-lieu fee for the fractional inclusionary unit is $15,444.00. The final calculation of the in-lieu fee will be calculated upon payment. This in-lieu fee is non-refundable and non-transferable. A partial in-lieu fee of $15,444.00 will be paid for the fractional .35 unit (.35 = 26% of the fee total of $59,401. 26% of this fee = $15,444.00).

2. Density Bonus Request: The Applicant submitted a revised project description which included a density bonus request dated March 22, 2022, which proposed constructing ten percent of the total dwelling units of a housing development where all units are offered to the public for purchase. The Applicant proposed constructing one moderate-income unit, constituting eleven percent of the total for-sale units in the development.

F. Traffic and Circulation: The site gains access off Walnut Boulevard, a County maintained road. The segment of Walnut Boulevard that fronts the property is approximately 32-feet of pavement within a 50-foot right of way. The ultimate road is intended as 44 feet of pavement within a 64-foot right-of-way. The applicant will be required to dedicate an additional 7 feet of right of way and install curb, a 5-foot sidewalk pavement widening and appurtenant frontage improvements along the project frontage of Walnut Boulevard. The face of curb shall be located 10 feet from the widened right of way line.

There is an existing power pole located at the southwest corner of the property that will conflict with the required frontage improvements. Section 96-10.002 of the County Ordinance Code requires subdividers to underground utility distribution facilities along the project frontage. The applicant proposes to maintain the pole in its existing place and taper the width of the road as it approaches the pole. On July 7, 2022, our office received an exception request per Chapter 92-6 of said Code, from the requirement to underground existing utilities. The request for exception includes the following responses in support of the finding required for the granting of the exceptions:

1) That there are unusual circumstances or conditions affecting the property.

The existing utility poles supporting the overhead lines along the frontage of the project contain electric service from PG&E and various utility services

including AT&T, Comcast, and Wave Cable. The existing poles have services branching to an unknown number of homes on Walnut Boulevard and View Lane. In addition, the overhead lines connect to the poles at an unusual angle. Undergrounding of the lines would result in new guy wires extending into the front yard of neighboring properties which would significantly impact neighboring properties.

2) That the exception is necessary for the preservation and enjoyment of the substantial right of the applicant.

   As discussed above, the alignment and angles of the overhead lines connecting to the utility poles present challenges for undergrounding. Additional guy wires and supports will be added encroaching into the neighboring properties that are not a part of this project.

3) That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

   Leaving the existing overhead utility lines in place will not be detrimental to the public welfare. All services will remain in place as is with minimal disruptions to neighboring properties. The guy wire supports will not encroach into neighboring yards as is the case with undergrounding. In addition, undergrounding the lines crossing Walnut Boulevard will cause a traffic burden on the community during construction.

Given the existing site conditions, Public Works will not be averse to the granting of this exception to allow the existing facilities to remain overhead, but the existing pole within the ultimate travel way will need to be relocated behind the sidewalk. In the event the western adjacent property redevelops, or the sidewalk is extended as a safe route to the nearby school, the curb alignment and travel way should not be encumbered by a utility pole.

The on-site private road is proposed to be 28 feet wide with a 5-foot sidewalk along one side for a total width of 33 feet. A minimum 35-foot private access and utility easement should be required to include the back of curb and buffer to back of walk for maintenance access. Additional easement width may be necessary to accommodate utility vaults and appurtenances.

G. Drainage: Division 914 of the County Ordinance Code requires that all storm

water entering and/or originating on this property to be collected and conveyed, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having a definable bed and banks or to an existing adequate public storm drainage system which conveys the storm water to an adequate natural watercourse.

The applicant is proposing joint use of the bioretention basin for detention purposes. The applicant has provided a preliminary hydrologic analysis of the detention basin, which determined that the basin will mitigate peak flows from the site to below pre-project levels. Joint use of the basin is allowed, provided the stormwater treatment function of the basin is not used in the storage volume modeling for the detention function.

Section 914-12.002 of the County Ordinance Code sets the minimum storage volume for detention basins at 15 acre-feet, allowing for use of smaller systems with the approval of Public Works, and establishment of a public maintenance entity. On July 7, 2022, our office received an exception request from this requirement per Chapter 92-6 of said Code to allow a smaller basin to be maintained by a private maintenance agreement. The exception request includes the following responses in support of the finding required for the granting of the exceptions:

1) That there are unusual circumstances or conditions affecting the property.

   Due to the size of the site (2.88 acres) and the steep existing ground topography, a basin of fifteen acre-feet is impossible to achieve without exporting excessive volume of soil. In addition, the minimal drainage area of the site produces low stormwater runoff flow rates which do not necessitate the large configuration of the basin described in the code.

2) That the exception is necessary for the preservation and enjoyment of the substantial right of the applicant.

   As discussed above, the site in question cannot accommodate a fifteen-acre-foot basin whiles supporting any kind of development due to the existing topography. Requiring a fifteen-acre-foot basin would be inconsistent with both the State Density Bonus Law and Housing Accountability Act because the requirement would preclude the project at its requested density.

3) That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

   The purpose of the proposed detention basin is to mitigate additional flows generated by development of the site. By directing stormwater runoff into the basin, the development is reducing the overall flow rates leaving the site alleviating impacts downstream. The basin will be privately maintained in accordance with standard maintenance procedures for bioretention and detention basins.

Due to the small size of the project site and the lack of public entity to maintain such a facility, Public Works is not averse to the granting of this exception and allowing the responsible individual(s) to maintain it along with their obligation to maintain the stormwater management aspects of the basin as discussed below.

A preliminary Hydrologic and Hydraulic Analysis was submitted in support of the runoff mitigation claims of the basin design but will be subject to a more thorough review as the project progresses through final design.

H. Stormwater Management and Discharge Control: A Stormwater Control Plan (SWCP) is required for applications that will create and/or redevelop impervious surface area exceeding 10,000 square-feet in compliance with the County's Stormwater Management and Discharge Control Ordinance (§1014) and the County's Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit. This project proposes to create and/or redevelop approximately 43,558 square-feet of impervious surface with the proposed driveways and single-family residential development, which is above the threshold for requiring submittal of a SWCP. A SWCP Exhibit and Report were submitted for Public Works review and are considered adequate for this phase of the project.

I. Floodplain Management: The property does not lie within the Special Flood Hazard Area (100-year flood boundary) as designated on the Federal Emergency Management Agency Flood Insurance Rate Map.

J. Lighting District Annexation: The subject property is not annexed into the lighting district. The property owner will be required, as a condition of approval, to annex into the County Service Area (CSA) L-100 formed for the Countywide Street Light Financing.

K. Area of Benefit Fee: The applicant shall be required to comply with the Bridge/Thoroughfare Fee Ordinance requirements for the Central County Area of Benefit Fee, as adopted by the Board of Supervisors. These fees must be paid prior to filing the Final Map.

L. Drainage Area Fee and Creek Mitigation: The applicant will be required to comply with the drainage fee requirements for Drainage Area 8 as adopted by the Board of Supervisors. This fee must be paid prior to filing the Final Map.

## IX. CONCLUSION

Staff finds that if the proposed concession and waivers are accepted, the proposed project is consistent with the Single-Family Residential, Low-Density (SL) General Plan land use designation, and complies with the allowed uses and development standards for the Single-Family Residential (R-20) zoning district. Therefore, staff recommends that the Zoning Administrator approve CDSD21-09581 per staff's recommendation based on the attached Findings and subject to the attached Conditions of Approval.

Attachments:

1. Findings and Conditions of Approval
2. Maps (Parcel Page, General Plan, Zoning, Aerial Photograph)
3. Initial Study/Mitigated Negative Declaration
4. Mitigation Monitoring and Reporting Program
5. Public Comments
6. Agency Comments
7. Arborist Report
8. Vesting Tentative Map
9. Project Plans

# Attachment 1

# Findings and Conditions of Approval

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #CDSD21-09581: ANDY BYDE, CALIBR VENTURES (APPLICANT) and CALIBR VENTURES INC (OWNER)**

## I. Findings

### A. General Plan Growth Management Element Standards

1. **Traffic**: Policy 4-c of the Growth Management Program (GMP) of the Contra Costa County General Plan requires a traffic impact analysis of any project that is estimated to generate 100 or more AM or PM peak hour trips. The project consisting of the future construction of 10 single-family dwelling units would anticipate to generate an additional seven AM and ten PM new peak period trips, and therefore, is not required to have a project-specific traffic impact analysis. Since the project would yield less than 100 peak-hour AM or PM trips, the project would not conflict with the circulation system in the area.

   The Complete Streets Policy, adopted by the Contra Costa County Board of Supervisors on July 12, 2016, requires Complete Streets infrastructure sufficient to enable reasonably safe travel along and across the right of way such as streets, roads, highways, bridges, and other portions of the transportation system. The subdivision project includes a 28-foot-wide private street and a 5-foot sidewalk to connect to new frontage and sidewalk improvements on Walnut Boulevard for pedestrians and persons with disabilities within the project. Therefore, the project will be consistent with the Complete Streets policy.

2. **Water**: The GMP requires new development to demonstrate that adequate water quantity and quality can be provided. The project site currently receives water service from the East Bay Municipal Utility District (EBMUD) and is able to extend services to the project site and provide water to the 10 future residential properties. In a letter dated July 6, 2023, EBMUD stated water main extension will be required, and each lot to be provided domestic service and its own service connection and meter will require EBMUD review and approval prior to water service, which will include all applicable water efficiency measures under Section 31 of EBMUD's Water Regulations. Therefore, the project is not expected to result in a significant increase in demand for water service for the project site or surrounding area.

3. **Sanitary Sewer**: The GMP requires new development to demonstrate that adequate sanitary sewer quantity and quality can be provided. The project site currently receives sanitary sewer service from the Central Contra Costa Sanitary District. In an email dated July 7, 2021, the Sanitary District stated the project site is within their service area and sanitary sewer service is available to the project site, and would not be expected to produce an unmanageable added capacity demand on the wastewater system, nor interfere with existing, public facilities. The developer will need to construct an 8-inch diameter onsite public main sewer and private laterals. The Sanitary District's review and approval of all sewer improvements is required prior to construction. Therefore, the project is not expected to significantly increase the need for sanitary sewer service for the project site or surrounding area.

4. **Fire Protection**: The GMP requires that a fire station be within 1 ½ miles of development in urban, suburban and central business district area, or requires that automatic fire sprinkler systems be installed to satisfy this standard. The project site is located within the service area of the Contra Costa County Fire Protection District (CCCFPD). Fire protection to the project site would be provided by Station No. 1 located at 1330 Civic Drive in Walnut Creek (approximately 1 ½ miles of driving distance to the site). Using an average travel speed of 35 miles per hour, an engine responding from Station No. 1 would take approximately 5 minutes to reach the project site, which meets the 5-minute response standard set by the County General Plan. Also, according to the CAL FIRE Fire Hazard Severity Zone Viewer, the project site is located within a Local Responsibility Area (LRA) and is not classified as a very high fire hazards severity zone, and is not within the State Responsibility Area (SRA). The nearest fire hazard severity zone (FHSZ) within an SRA is 1.8-miles southeast of the project site and is classified as a moderate FHSZ. The nearest VHFHSZ is approximately 3.96 miles southeast of the project site. In addition, as detailed in the comment letter for the project from the Fire District dated July 22, 2023, the project is required to comply with the applicable provisions of the California Fire Code, the California Building Code, and applicable Contra Costa County Ordinances that pertain to emergency access, fire suppression systems, and fire detection/warning systems, and automatic fire sprinklers will be required. Prior to the issuance of building permits, the construction drawings would be reviewed and approved by the fire district. Therefore, the project is not expected to significantly increase the need for fire service to the project site or surrounding area.

5. **Public Protection**: The GMP indicates a Sheriff facility standard of 155 square-feet of Sheriff station space per 1,000 persons of population. The project would increase the population of unincorporated Contra Costa County by approximately 28 persons, which is less than the facility standard and is a non-substantial increase. Therefore, the addition of 10 residential properties to the project area would not significantly affect the provision of police services to the area. Furthermore, the project is conditioned so that the subdivision would be required to establish a Police Services District to Augment Police Services.

6. **Parks and Recreation**: The GMP requires three-acres of neighborhood park per 1,000 in population. The project would increase the population by approximately 28 persons. The project does not adversely impact the County's ability to maintain the standard of having 3-acres of neighborhood parks for every 1,000 members of the population. Furthermore, the project is conditioned that the applicant pays a Park Impact and Park Dedication fee for each residence constructed.

7. **Flood Control and Drainage**: The project site is not located within a 100-year flood hazard area as determined by the Federal Emergency Management Agency (FEMA).

   Division 914 of the County Ordinance Code requires that all storm water entering and/or originating on this property to be collected and conveyed, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having a definable bed and banks or to an existing adequate public storm drainage system which conveys the storm water to an adequate natural watercourse.

   The project is to joint use the bioretention basin for detention purposes. A preliminary hydrologic analysis of the detention basin determined that the basin will mitigate peak flows from the site to below pre-project levels. Joint use of the basin is allowed, provided the stormwater treatment function of the basin is not used in the storage volume modeling for the detention function.

   Section 914-12.002 of the County Ordinance Code sets the minimum storage volume for detention basins at 15 acre-feet, allowing for use of smaller systems with the approval of Public Works, and establishment of a public maintenance entity. An

exception request from this requirement per Chapter 92-6 of said Code to allow a smaller basin to be maintained by a private maintenance agreement. Findings for this exception request are under section E. Due to the small size of the project site and the lack of public entity to maintain such a facility, Public Works is not averse to the granting of this exception and allowing the responsible individual(s) to maintain it along with their obligation to maintain the stormwater management aspects of the basin as discussed in the preliminary Hydrologic and Hydraulic Analysis. This report was submitted in support of the runoff mitigation claims of the basin design, but will be subject to a more thorough review as the project progresses through final design.

Lastly, a Stormwater Control Plan (SWCP) is required for applications that will create and/or redevelop impervious surface area exceeding 10,000 square-feet in compliance with the County's Stormwater Management and Discharge Control Ordinance (§1014) and the County's Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit. This project will create and/or redevelop approximately 43,558 square-feet of impervious surface with driveways and single-family residential development, which is above the threshold for requiring submittal of a SWCP. A SWCP Exhibit and Report were submitted for Public Works review and are considered adequate for this phase of the project.

## B. Tentative Map Findings

**1. The County Planning Agency shall not approve a tentative map unless it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the applicable general plan required by law.**

**Project Finding**: The General Plan land use designation for the project site is Single-Family Residential-low Density (SL). The project is to subdivide 2.88 acres into 10 residential lots and have a new private road off Walnut Boulevard provide access to all 10 lots. The primary land uses permitted in this designation include detached single-family homes and accessory buildings and structures. As the project will result in single-family residential properties, the project is consistent with the allowed uses of this general plan designation.

The General Plan also determines the allowed density for an area. The General Plan land use designation of Single-Family Residential-Low Density (SL) allows 1.0 – 2.9 units per net acre. However, as the project is eligible for density bonus (Gov. Code § 65915) it is allotted one concession to a development standard, and the applicant requests a concession to the development standard "net acreage" in calculating density, and to instead use gross acreage. Using gross acreage (2.88 acres) * (2.9 dwelling unit(du)/acre) = 8.35 du, fractional unit rounded to nine base units. When calculating density using density bonus with nine base units: (9 du) * (0.07 density bonus) = 0.63 du, fractional unit rounded to 1 du; 9 du + 1du = 10 units. Therefore, a 10-lot subdivision is consistent with the allowed density for the SL General Plan designation with the approval of a concession to use gross acreage to calculate density.[1]

Also, the following goals and policies within the County 2005-2020 General Plan are applicable to the project:

- Transportation and Circulation Element - The project is consistent with the following General Plan Transportation and Circulation Element goal and policies.
  *Goal 5-J: To reduce single-occupant auto commuting and encourage walking and bicycling.*
  *Policy 5-16: Curbs and sidewalks shall be provided in appropriate areas.*
  *Policy 5-17: Emergency response vehicles shall be accommodated in development project design.*

  The Complete Streets Policy, adopted by the Contra Costa County Board of Supervisors on July 12, 2016, requires Complete Streets infrastructure sufficient to enable reasonably safe travel along and across the right of way such as streets, roads, highways, bridges, and other portions of the transportation system. The subdivision project includes a private street and a 5-foot sidewalk on one side of its curb to provide access for pedestrians to Walnut Boulevard, which will also receive new frontage improvements and 5-foot sidewalks. Therefore, the overall

[1] Government Code section 65915, subdivisions (f)(5) states, "All density calculations resulting in fractional units shall be rounded up to the next whole number." Additionally, subdivision (q) states that "Each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number."

surrounding circulation system will be consistent with the Complete Streets policy.

The project has also been reviewed by the Contra Costa County Fire Protection District to verify the project is designed to accommodate proper access for emergency response vehicles. In a letter dated July 22, 2021, the Fire District found the project to meet such access standards.

- Housing Element - The project is consistent with the following General Plan Housing Element goals and policy.
  *Goal 1: Maintain and improve the quality of the existing housing stock and residential neighborhoods in Contra Costa County.*

  As the project increases the housing stock in a residential neighborhood, it is consistent with this goal of the General Plan.

**2. The County Planning Agency shall not approve a tentative map unless it shall find that the proposed subdivision fulfills construction requirements.**

**Project Finding**: The project will comply with the collect and convey regulations, storm drainage facilities, and design standards for private roads. Additionally, compliance with the California Building Code and all applicable County Ordinances is required for grading of the property and construction of residential buildings.

**C. Tree Permit Findings**

**The Zoning Administrator is satisfied that the following factors as provided by County Code Section 816-6.8010 for granting a tree permit have been satisfied:**

1. **County Code Section 816-6.8010(2)(A):** The arborist report indicated that four code-protected trees: one California Black Walnut, 2 Almond trees, and one Plum tree, were in poor health and could not be saved.

2. **County Code Section 816-6.8010(2)(G):** New single-family residential development requires removal of 39 code-protected trees and work within the

dripline of 17 code-protected trees, and could not be reasonably accommodated on another area of the lot.

The project Arborist Report prepared by certified arborist Jennifer Tso (#WE-10270A) and dated January 10, 2023, provides an inventory and evaluation of all trees on and adjoining the project site that may be impacted by the proposed project. A total of 73 trees were surveyed, numbered, tagged, identified, measured, and evaluated. 39 code-protected trees would be development related removal, and work would occur within the dripline of 17 additional code-protected trees. There were 16 tree species inventoried, but only 3 species are listed in the County Tree Ordinance under the indigenous species list: 26 Valley Oaks, 12 California Black Walnut trees, and 2 Coast Redwoods. The other tree species include: 5 Almond trees, 5 Holly Oaks, 4 English Walnut trees, 2 Monterey Pines, 4 Privets, 1 Elm, 1 English Hawthorn, 1 Olive tree, 1 Pepper tree, and 6 various fruit trees.

The arborist report indicates these trees cannot be avoided and are not expected to survive, thus requiring removal. In addition, remaining trees that are proposed for preservation on and adjacent to the project site would be preserved through the implementation of the tree mitigation measures described in the arborist report. These mitigation measures will be required to be in place throughout the entire construction period.

## D. County Code Section 96-10.002 (Underground Utilities - Exceptions) Exception Findings

There is an existing power pole located at the southwest corner of the property that will conflict with the required frontage improvements. Section 96-10.002 of the County Ordinance Code requires subdividers to underground utility distribution facilities along the project frontage. Approval of an exception request to this code section would allow the pole to remain in its existing place and taper the width of the road as it approaches the pole.

### 1. That there are unusual circumstances or conditions affecting the property.

**Project Finding**: The existing utility poles supporting the overhead lines along the frontage of the project contain electric service from PG&E and various utility services including AT&T, Comcast, and Wave Cable. The existing poles have services branching to an unknown number of homes on Walnut Boulevard and View Lane. In addition, the overhead lines connect to the poles at an unusual angle. Undergrounding of the lines would result in new guy wires extending into the front yard of neighboring properties which would significantly impact neighboring properties.

2. **That the exception is necessary for the preservation and enjoyment of the substantial right of the applicant.**

   **Project Finding**: As discussed above, the alignment and angles of the overhead lines connecting to the utility poles present challenges for undergrounding. Additional guy wires and supports will be added encroaching into the neighboring properties that are not a part of this project.

3. **That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.**

   **Project Finding**: Leaving the existing overhead utility lines in place will not be detrimental to public welfare. All services will remain in place as is with minimal disruptions to neighboring properties. The guy wire supports will not encroach into neighboring yards as is the case with undergrounding. In addition, undergrounding the lines crossing Walnut Boulevard will cause a traffic burden on the community during construction.

   Given the existing site conditions, Public Works will not be averse to the granting of this exception to allow the existing facilities to remain overhead, but the existing pole within the ultimate travel way will need to be relocated behind the sidewalk. In the event the western adjacent property is redeveloped, or the sidewalk is extended as a safe route to the nearby school, the curb alignment and travel way should not be encumbered by a utility pole.

## E. County Code Section 914-12.002. (Detention Basins – Where Permitted) Exception Findings

Section 914-12.002 of the County Ordinance Code sets the minimum storage volume for detention basins at 15 acre-feet, allowing for use of smaller systems with the

approval of Public Works, and establishment of a public maintenance entity. Approval of an exception request to this code section would allow a smaller basin to be maintained by a private maintenance agreement.

1. **That there are unusual circumstances or conditions affecting the property.**

   **Project Finding**: Due to the size of the project site (2.88 acres) and the steep existing ground topography, a basin of fifteen acre-feet is impossible to achieve without exporting excessive volume of soil. In addition, the minimal drainage area of the site produces low stormwater runoff flow rates which do not necessitate the large configuration of the basin described in the code.

2. **That the exception is necessary for the preservation and enjoyment of the substantial right of the applicant.**

   **Project Finding**: As discussed above, the site in question cannot accommodate a fifteen-acre-foot basin whiles supporting any kind of development due to the existing topography. Requiring a fifteen-acre-foot basin would be inconsistent with both the State Density Bonus Law and Housing Accountability Act because the requirement would preclude the project at its requested density.

3. **That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.**

   **Project Finding**: The purpose of the detention basin is to mitigate additional flows generated by development of the site. By directing stormwater runoff into the basin, the development is reducing the overall flow rates leaving the site alleviating impacts downstream. The basin will be privately maintained in accordance with standard maintenance procedures for bioretention and detention basins.
   Due to the small size of the project site and the lack of public entity to maintain such a facility, Public Works is not averse to the granting of this exception and allowing the responsible individual(s) to maintain it along with their obligation to maintain the stormwater management aspects of the basin as discussed below.

## F. California Environmental Quality Act (CEQA) Findings

A CEQA Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for this project. It was determined that without mitigation the project may result in significant impacts in the environmental areas of Aesthetics, Air Quality, Biological

Resources, Tribal and Cultural Resources, Geology and Soils, and Noise. Therefore, pursuant to California Code of Regulations Section 15070, the IS/MND identified mitigation measures to be incorporated into the project that will reduce the impacts to less than significant levels. The IS/MND was posted for public review on June 21, 2023. The public comment period for accepting comments on the adequacy of the environmental document extended to July 21, 2023, during which thirteen public comment letters were received.

Pursuant to Section 21080.3.1 of the California Public Resources Code (PRC), correspondence detailing the project was provided to the Native American Tribes, the Wilton Rancheria on September 21, 2021, and the Confederated Villages of Lisjan Nation on January 7, 2023. The correspondence formally notified the Tribes of their opportunity to request consultation with the County regarding the potential for the project impacting tribal cultural resources, as defined in Section 21074 of PRC. Both Tribes did not request consultation, but did request to be notified if any findings were unearthed with the development of this project.

## II. CONDITIONS OF APPROVAL FOR COUNTY FILE #CDSD21-09581

### DEPARTMENT OF CONSERVATION AND DEVELOPMENT, COMMUNITY DEVELOPMENT DIVISION (CDD), CONDITIONS OF APPROVAL FOR COUNTY FILE #CDSD21-09581

Project Approval

**1.** County file #CDSD21-09581 and its Vesting Tentative Map for Subdivision 3180 Walnut Boulevard, is APPROVED, by the Department of Conservation and Development, Community Development Division (CDD) as generally shown and based on the following documents submitted to CDD on June 27, 2022, and February 14, 2023:

- Vesting Tentative Map for Subdivision 3180 Walnut Boulevard, prepared by DK Engineering;
- Storm Water Control Plan, prepared by DK Engineering;
- Preliminary Grading and Utility Plans, prepared by DK Engineering;
- Site Setbacks Plan, prepared by DK Engineering;
- House Height Exhibit, prepared by DK Engineering;
- Arborist Report, prepared by certified arborist Jennifer Tso (#WE-10270A) and of Traverso Tree Service, dated Jan 10, 2023;

- Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report, prepared by FirstCarbon Solutions, dated December 1, 2022;
- Biological Resource Analysis (BRA) Report, dated in July 2021, and subsequent BRA Report, dated May 2022, prepared by Olberding Environmental, Inc;
- Archaeological Survey Report, prepared by Garcia and Associates (GANDA), dated March 18, 2020;
- Historic Resource Assessment (HRA), prepared by FirstCarbon Solutions, dated December 16, 2022;
- Preliminary Geotechnical Exploration, prepared by ENGEO, dated March 12, 2020; and
- Noise Impact Analysis, prepared by FirstCarbon Solutions, dated September 28, 2022.

**2.** This Subdivision permit includes approval of a Concession to allow the use of gross acreage and not net acreage to calculate density pursuant to Government Code 65915(d) that results in 10 residential lots.

**3.** This Subdivision permit includes approval of Waivers pursuant to Government Code 65915(e)(1) to allow the following development standards:

| Lot # | Lot Area (20,000 square feet minimum) | Footprint Area in square feet | Depth (120 feet minimum) | Average Width (120 feet minimum) | Front yard Setback (25 feet minimum) | Side Yard Setback (15 feet, 35 feet aggregate, minimum) | Retaining Walls (structure setbacks in feet) |
|---|---|---|---|---|---|---|---|
| Lot 1 | 9,645 | 2,483 | 145.3 | 66.4 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 2 | 10,889 | 2,533 | 168.6 | 64.6 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 3 | 11,731 | 2,913 | 174.1 | 67.4 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 4* | 10,764 | 2,533 | 150.6 | 71.5 | 1 foot to shunt turn around; 20 feet from street | 15 feet aggregate, (no yard less than 5 feet) | 0 |

| Lot # | Lot Area (20,000 square feet minimum) | Footprint Area in square feet | Depth (120 feet minimum) | Average Width (120 feet minimum) | Front yard Setback (25 feet minimum) | Side Yard Setback (15 feet, 35 feet aggregate, minimum) | Retaining Walls (structure setbacks in feet) |
|---|---|---|---|---|---|---|---|
| Lot 5 | 13,270 | 2,533 | 132 | 100.5 | 20 feet to face of garage; 10 feet to living area | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 6 | 17,659 | 2,483 | 127.2 | 138.8 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 7 | 9,292 | 2,533 | 130.9 | 71 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 8 | 9,555 | 2,913 | 134.5 | 71 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 9 | 9,819 | 2,442 | 138.2 | 71 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 10 | 15,797 | 2,533 | 141.3 | 111.8 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Notes:<br>* Designated as affordable unit | | | | | | | |

**4.** This Subdivision permit includes approval of a Tree Permit to allow removal of 43 code-protected trees, and work within the dripline of 17 code-protected trees:

| Tree # | Tree Species (trunk diameter in inches) | Action | Reason |
|---|---|---|---|
| 301 | Almond (12″) | Work w/in dripline | Development |
| 302 | Valley Oak (17″) | Work w/in dripline | Development |
| 303 | Monterey Pine (36″) | Work w/in dripline | Development |
| 306 | Holly Oak (7″) | Work w/in dripline | Development |
| 309 | California Black Walnut (14″) | Work w/in dripline | Development |
| 310 | Valley Oak (30″) | Work w/in dripline | Development |

| | | | |
|---|---|---|---|
| 314 | Valley Oak (14″) | Work w/in dripline | Development |
| 315 | English Walnut (46″)<br>Multi-stemmed | Remove | Development |
| 316 | California Black Walnut (23″) | Work w/in dripline | Development |
| 321 | California Black Walnut (13″)<br>Multi-stemmed | Remove | Poor health |
| 322 | Valley Oak (13″) | Work w/in dripline | Development |
| 323 | Valley Oak (12″) | Work w/in dripline | Development |
| 324 | Olive (18″) | Work w/in dripline | Development |
| 325 | Almond (18″)<br>Multi-stemmed | Remove | Poor health |
| 326 | California Black Walnut (20″) | Remove | Development |
| 327 | Valley Oak (24″) | Work w/in dripline | Development |
| 328 | Valley Oak (11″) | Work w/in dripline | Development |
| 330 | Plum (10″) | Remove | Poor health |
| 331 | Almond (11″) | Work w/in dripline | Development |
| 332 | Valley Oak (18″) | Remove | Development |
| 333 | Almond (12″)<br>Multi-stemmed | Remove | Poor health |
| 334 | Valley Oak (15″) | Work w/in dripline | Development |
| 335 | Valley Oak (19″) | Remove | Development |
| 338 | Valley Oak (20″) | Work w/in dripline | Development |
| 339 | Valley Oak (8″) | Work w/in dripline | Development |
| 340 | Valley Oak (9″) | Remove | Development |
| 341 | Valley Oak (13″) | Remove | Development |
| 342 | Valley Oak (21″) | Remove | Development |
| 343 | Valley Oak (17″) | Remove | Development |
| 344 | Pecan (20″)<br>Multi-stemmed | Remove | Development |
| 345 | Pecan (7″) | Remove | Development |
| 346 | Valley Oak (15″)<br>Multi-stemmed | Remove | Development |
| 347 | Pecan (31″) | Remove | Development |
| 348 | English Hawthorn (20″)<br>Multi-stemmed | Remove | Development |
| 349 | Pepper (54″)<br>Multi-stemmed | Remove | Development |
| 350 | California Black Walnut (22″) | Remove | Development |
| 351 | California Black Walnut (22″)<br>Multi-stemmed | Remove | Development |
| 352 | California Black Walnut (32″) | Remove | Development |

| | | | |
|---|---|---|---|
| | Multi-stemmed | | |
| 353 | English Walnut (10″) | Remove | Development |
| 354 | Apricot (7″) | Remove | Development |
| 355 | Persimmon (18″)<br>Multi-stemmed | Remove | Development |
| 356 | Valley Oak (18″) | Remove | Development |
| 357 | Pecan (37″) | Remove | Development |
| 358 | Valley Oak (22″) | Remove | Development |
| 359 | Holly Oak (12″) | Remove | Development |
| 360 | Holly Oak (14″) | Remove | Development |
| 361 | Valley Oak (14″) | Remove | Development |
| 362 | Privet (20″)<br>Multi-stemmed | Remove | Development |
| 363 | Holly Oak (7″) | Remove | Development |
| 364 | Privet (7″) | Remove | Development |
| 365 | Privet (18″)<br>Multi-stemmed | Remove | Development |
| 366 | Holly Oak (7″) | Remove | Development |
| 367 | California Black Walnut (14″)<br>Multi-stemmed | Remove | Development |
| 368 | Privet (28″)<br>Multi-stemmed | Remove | Development |
| 369 | Almond (19″)<br>Multi-stemmed | | Development |
| 370 | California Black Walnut (19″) | Remove | Development |
| 371 | English Walnut (18″) | Remove | Development |
| 372 | California Black Walnut (14″) | Remove | Development |
| 373 | English Walnut (26″)<br>Multi-stemmed | Remove | Development |
| 374 | Almond (28″)<br>Multi-stemmed | Remove | Development |

**5.** The maximum number of lots approved for this subdivision is 10 residential lots.

Application Fees

**6.** This application is subject to an initial application deposit of $10,000, which was paid with the application submittal, plus time and materials costs if the application review expenses exceed 100% if the initial deposit. Any additional costs due must be paid within 60 days of the permit effective date or prior to use of the permit,

whichever occurs first. The applicant may obtain current costs by contacting the project planner.

Indemnification

**7.** Prior to recordation of the Final Map or submittal of a building permit, whichever occurs first, Pursuant to Government Code Section 66474.9, the applicant (including the subdivider or any agent thereof) shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the Agency (the County) or its agents, officers, or employees, to attack, set aside, void, or annul, the Agency's approval concerning this subdivision map application, which action is brought within the time period provided in Section 66499.37. The County will promptly notify the subdivider of any such claim, action, or proceeding and cooperate fully in the defense.

Compliance Report

**8.** A permit compliance report shall be submitted to the Department of Conservation and Development, Community Development Division (CDD) for review and approval. The report shall identify all conditions of approval that are administered by the CDD. The report shall document the measures to be taken to satisfy all relevant conditions. Unless otherwise indicated, the permit compliance report will be required to demonstrate compliance with the applicable conditions of this report prior to filing the Final Map or planning approval of a grading or building permit, whichever occurs first.

The permit compliance report will be filed and reviewed through a Condition of Approval Compliance Check application with an initial deposit of $2,000 (subject to time and materials).

Fencing

**9.** Prior to planning approval of a grading or building permit, a fencing plan program shall be submitted to CDD for the review and approval. The approved program shall be attached to the CC&Rs.

Covenants, Conditions and Restrictions (CC&R's)

**10.** Prior to recordation of the Final Map, Covenants, Conditions and Restrictions (CC&R's) shall be submitted to CDD for review and approval. This document shall include the maintenance obligation requirements of Public Works condition(s) of approval. The CC&Rs shall also require occupants to maintain garage spaces in a manner, which makes them available for off-street parking.

Signs/Walls

**11.** Prior to planning approval of a grading or building permit, the details of the design, location, color and type of materials for any proposed signs and/or masonry walls shall be submitted to CDD for review and approval.

Park Impact Fee

**12.** Prior to issuance of a building permit for a new residence, the applicable park impact fee as established by the Board of Supervisors shall be paid.

Park Dedication Fee

**13.** Prior to issuance of a building permit for a new residence, the applicable park dedication fee as established by the Board of Supervisors shall be paid.

Child Care

**14.** Prior to issuance of a building permit for a new residence, a fee for childcare facility needs in the area, as established by the Board of Supervisors, shall be paid.

Police Services District

**15.** Election for Establishment of a Police Services District to Augment Police Services: Prior to the recordation of the Final Map, the owner of the property shall participate in the provision of funding to maintain and augment police services by voting to approve a special tax for the parcels created by this subdivision approval. The tax shall be per parcel annual amount (with appropriate future CPI adjustment) established at the time of voting by the Board of Supervisors. The election to

provide for the tax shall be completed prior to filing the Final Map. The property owner shall be responsible for paying the cost of holding the election, payable at the time the election is requested by the owner. Allow a minimum of three to four months for processing.

Exterior Lighting

**16.** Prior to planning approval of a building permit, a Lighting Plan shall be submitted for review and approval by the CDD. At a minimum, the plan shall include the following measures:

a. All outdoor lighting, including façade, yard, security, and streetlights, shall be oriented down, onto the project site or road.

b. Back shields or functionally similar design elements shall be installed on every lighting pole to reduce lighting from spilling off site, and to ensure that lighting remains within the project site.
**(AES-1)**

Biological Resources

**17.** If project construction-related activities take place during the nesting season (February through August), an avian pre-construction survey for nesting passerine birds and raptors (birds of prey) within the project site and the trees within the adjacent riparian area shall be conducted by a qualified Biologist no more than 14 days prior to the commencement of the tree removal or project construction-related activities. If any bird listed under the Migratory Bird Treaty Act (MBTA) is found to be nesting within the project site or within the area of influence, an adequate protective buffer zone shall be established by a qualified Biologist to protect the nesting site. This buffer shall be a minimum of 75 feet from the project activities for passerine birds, and a minimum of 200 feet for raptors. The distance shall be determined by a qualified Biologist based on the site conditions (topography, if the nest is in a line of sight of the construction and the sensitivity of the birds nesting). The nest site(s) shall be monitored by a qualified Biologist periodically to see if the birds are stressed by the construction activities and if the protective buffer needs to be increased. Once the young have

fledged and are flying well enough to avoid project construction zones (typically by August), a qualified Biologist shall determine if the project can proceed without further regard to the nest site(s). Prior to issuance of a building or grading permit, the CDD shall determine if project construction-related activities will take place during the nesting season, and if so, the avian pre-construction survey shall be reviewed and approved by the CDD.
**(MM BIO-1)**

**18.** If project construction-related activities take place during seasonal periods of bat activity (mid–February through mid–October – ca. February 15–April 15, and August 15–October 30), a bat habitat assessment within the project site shall be conducted by a qualified Bat Biologist to determine suitability of each tree or existing structure as bat roost habitat. Structures found to have no suitable openings can be considered clear for project activities as long as they are maintained so that new openings do not occur. Structures found to provide suitable roosting habitat, but without evidence of use by bats, may be sealed until project activities occur, as recommended by the Bat Biologist. Structures with openings and exhibiting evidence of use by bats shall be scheduled for humane bat exclusion and eviction, conducted during appropriate seasons, and under supervision of a qualified Bat Biologist. Bat exclusion and eviction shall only occur between February 15 and April 15, and from August 15 through October 30, in order to avoid take of non-volant (non-flying or inactive, either young, or seasonally torpid) individuals. Prior to issuance of a building or grading permit, the CDD shall determine if project construction-related activities will take place during seasonal periods of bat activity, and if so, the bat habitat assessment shall be reviewed and approved by the CDD.
**(MM BIO-2)**

**19.** A pre-construction survey for special-status reptile species shall be conducted no more than 48 hours prior to the commencement of tree removal or project construction related activities to determine presence/absence of these species. Worker Environmental Awareness training discussing the potential for these species shall be conducted by a qualified Biologist or Biological Monitor for all construction personnel working within the project site. Prior to issuance of a

building or grading permit, the reptile pre-construction survey shall be reviewed and approved by the CDD.
**(MM BIO-3)**

**20.** No work (including vegetation removal) shall take place within the riparian corridor and ephemeral drainage as indicated in the Biological Resource Analysis (BRA) Report completed by Olberding Environmental, Inc (Olberding) dated January 2023, unless evidence is provided to the CDD that the California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), and/or United States Army Corp of Engineers (USACE) reviewed and approved work within these areas. The plan set for a building permit shall show fencing that is approved by a qualified biologist to ensure work does not take place in this area. As-built photos shall be required prior to issuance of a grading or building permit to ensure that this fencing is installed.
**(MM BIO-4)**

**21.** At no time shall silt-laden runoff be allowed to enter on-site aquatic features and their associated habitats. Erosion control measures shall be utilized throughout all phases of operation where sediment runoff from the project may enter these aquatic features. Best Management Practices (BMPs) to avoid erosion, uncontrolled stormwater runoff and bank deterioration shall be implemented, following the requirements of the proposed project's Stormwater Control Plan, and typically include silt fencing, coir rolls, and/or straw bale dikes.
**(MM BIO-5)**

**22.** No substances toxic to fish and wildlife shall be discharged or allowed to leach into the aquatic features present on-site. Materials deleterious or toxic to fish and wildlife, including, but not limited to, asphalt, tires, concrete, construction materials, treated wood, and creosote containing materials, shall not be stockpiled within 100 feet of any aquatic feature present on-site.
**(MM BIO-6)**

<u>Restitution for Tree Removal</u>

**23.** The following measures are intended to provide restitution for the removal of 43 code-protected trees:

A. <u>Tree Replacement Plan</u>: Prior to planning approval of a grading or building permit, the applicant shall submit a Tree Replacement Plan prepared by a

licensed arborist or landscape architect for the review and approval of CDD. The Plan shall provide for the planting of at least 20 trees, minimum 15-gallons in size. The Plan shall be implemented prior to requesting a final inspection of the residential building permit for each lot.

B. Required Security to Assure Completion of Plan Improvements: Prior to issuance of a grading or building permit, the applicant shall submit a security (e.g., bond, cash deposit) that is acceptable to CDD to ensure that the Tree Replacement Plan is implemented.

   Determination of Security Amount: The security shall provide for a breakdown of all of the following costs:

   - A labor and materials estimate for planting the 20 trees, minimum 15-gallons in size, and related irrigation improvements that may be required, prepared by a licensed landscape architect or landscape contractor.
   - An additional 20% of the total of the above amounts to address inflation costs.

C. Initial Deposit for Processing of Security: The County ordinance requires that the applicant pay fees to cover all staff time and material costs of staff for processing the landscape improvement security. At the time of submittal of the security, the applicant shall pay an initial deposit of $200.

D. Duration of Security: The security bond for each lot shall be retained by the County for a minimum of 12 months up to 24 months following final building inspection. A prerequisite of releasing the bond between 12 and 24 months shall be to have the applicant arrange for the consulting arborist to inspect the trees and to prepare a report on the trees' health. In the event that CDD determines that the tree(s) intended to be protected has been damaged, and CDD determines that the applicant has not been diligent in providing reasonable restitution, then CDD may require that all part of the security be used to provide for mitigation of the damaged tree(s). Should one security be submitted for all lots, the security may be released upon complying with the requirements stated above and upon approval of a final inspection for the last lot constructed.
   **(MM BIO-7)**

**24.** Tree removal shall occur only with an approved grading or building permit.

Contingency Restitution for Work Within the Dripline

**25.** Pursuant to the requirements of Section 816-6.1204 of the Tree Protection and Preservation Ordinance, to address the possibility that construction activity nevertheless damages the tree(s) where work is within their dripline, the applicant shall provide the County with a security (e.g. bond, cash deposit) prior to planning approval of a grading or building permit, to allow for replacement of tree(s) intended to be preserved that are significantly damaged by construction activity. The security shall be based on:

A. Extent of Possible Restitution Improvements – The planting of at least 20 trees, minimum 15-gallons in size, in the vicinity of the affected tree(s), or equivalent planting contribution, and subject to prior review and approval of CDD.

B. Determination of Security Amount: The security shall be submitted for each lot and provide for all of the following costs:
   - A labor and materials estimate for planting 20 trees, minimum 15-gallons in size, and related irrigation improvements that may be required, prepared by a licensed landscape architect or landscape contractor.
   - An additional 20% of the total of the above amounts to address inflation costs.

C. Initial Deposit for Processing of Security – The County Ordinance requires that the applicant cover all time and material costs of staff for processing a tree protection security. The Applicant shall pay an initial fee deposit of $200 at time of submittal of a security.

D. Duration of Security: The security bond for each lot shall be retained by the County for a minimum of 12 months up to 24 months following final building inspection. A prerequisite of releasing the bond between 12 and 24 months shall be to have the applicant arrange for the consulting arborist to inspect the tree(s) and to prepare a report on the trees' health. In the event that CDD determines that the tree intended to be protected has been damaged by

development activity, and CDD determines that the applicant has not been diligent in providing reasonable restitution of the damaged trees, then CDD may require that all part of the security be used to provide for mitigation of the damaged tree(s). Should one security be submitted for all lots, the security may be released upon complying with the requirements stated above and upon approval of a final inspection for the last lot constructed.
**(MM BIO-8)**

Tree Protection

The following Tree Protection conditions shall be implemented during project construction and shall be stated on the site plan for building permit(s) as construction notes:

**26.** The *Tree Protection Recommendations (TPR)* from the approved arborist report shall be present in the construction plans to be submitted for a building permit application, and shall be executed onsite during all phases of construction.

**27.** Prior to issuance of a grading or building permit, the tree protective fencing as depicted in the approved arborist report shall be installed onsite. Color photographs of the installed fencing shall be submitted to CDD staff as evidence that this condition has been satisfied.

**28.** Storage or parking vehicles, building materials, refuse, excavated spoils, or dumping of paint or poisonous materials on or around trees and roots is prohibited.

**29.** Any construction activities that occur within the dripline of a tree, an arborist should be present. The arborist shall have the authority to require implementation of measures to protect the tree(s).

**30.** The applicant shall immediately notify CDD staff of any damage that occurs to any tree during construction. Any tree not approved for destruction or removal that dies or is significantly damaged as a result of this project shall be replaced with a tree or trees of equivalent size and of a species as approved by the CDD to be reasonably appropriate for the situation.

Water Efficient Landscape Ordinance (WELO)

**31.** Prior to planning approval of a building permit for a new residence, a completed WELO Part I for the landscaping specific to that property, shall be submitted to CDD for review and approval. The approved Landscaping Plans under WELO Part I shall be present in the plans for a building permit.

**32.** Prior to final building inspection, a completed WELO Part II – Certificate of Completion shall be submitted to CDD staff for review and approval.

**33.** All landscaping shall comply with California Model Water Efficient Landscape Ordinance (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495) and/or any applicable State mandated landscape/water related requirements applicable at the time of landscaping installation for the project. To the maximum extent feasible, landscaping plans shall use drought tolerant vegetation for the development.

Air Quality

**34.** The following Bay Area Air Quality Management District, Basic Construction mitigation measures shall be implemented during project construction and shall be stated on the plans for building permit(s) as construction notes:

a. All exposed non-paved surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered at least two times per day and/or non-toxic soil stabilizers shall be applied to exposed non-paved surfaces.
b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered and/or shall maintain at least 2 feet of freeboard.
c. 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.
d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage regarding idling restrictions shall be provided for construction workers at all access points.

g. 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.
h. The prime construction contractor shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall take corrective action within 48 hours of receipt of the complaint. The Bay Area Air Quality Management District (BAAQMD) phone number shall also be visible to ensure compliance with applicable regulations. A copy of this sign shall be provided to the Community Development Division (CDD). **(MM AIR-1)**

**35.** The following Mitigation Measure shall be implemented during project construction and shall be included on all construction plans:

a. All off-road equipment equal to or greater than 25 horsepower shall meet either United States Environmental Protection Agency (EPA) or California Air Resources Board (ARB) Tier 4 Final off-road emission standards during all construction activities.

b. Prior to issuance of a grading or building permit, a construction management plan shall be submitted to the CDD for review and approval. The construction management plan shall demonstrate that the off-road equipment used on-site to construct the proposed project would comply with Tier 4 Final off-road emission standards. Off-road equipment descriptions and information included in the construction management plan should include, but is not limited to, equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number47T47T. **(MM AIR-2)**

<u>Cultural Resources</u>

The following Cultural Resources mitigation measures shall be implemented during project construction and shall be stated on the plans for building permit(s) as construction notes:

**36.** All project-related ground disturbance shall be monitored by an archaeologist who meets the Secretary of the Interior's professional qualification standards for archaeology. In the event that significant cultural resources are discovered during construction activities, the applicant/project owner or sponsor shall ensure that

operations within a 100-foot radius of the find shall cease and the archaeologist will be consulted to determine whether the resource requires further study. The standard inadvertent discovery clause shall be included on the plans for grading permit(s) as construction notes to inform contractors of this requirement. Potentially significant cultural resources consist of but are not limited to stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. The archaeologist shall make recommendations to the County concerning appropriate measures, which shall be implemented by the applicant/project owner or sponsor to protect the discovered resources, including but not limited to recordation on appropriate California Department of Parks and Recreation (DPR) forms, evaluation, or excavation of the finds in accordance with CEQA Guidelines, Section 15064.5.
**(MM CUL-1)**

**37.** In the event of accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and 5097.98 shall be followed. If during the course of construction activities there is accidental discovery or recognition of any human remains, the following steps shall be taken:

A. There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98.

B. Where the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the project site in a location not subject to further subsurface disturbance:

- The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission.
- The descendant identified fails to make a recommendation.
- The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.

**(MM CUL-3)**

Geology

**38.** Prior to submittal of a building or grading permit, the project applicant shall incorporate all recommendations provided in the project-Geotechnical Exploration into project plans, which shall be subject to review and approval by the County Geologist, or designee, prior to permit issuance. The geotechnical recommendations shall be implemented including general earthwork recommendations for site preparation, conditioning of expansive soils, removal of buried structures, removal of fill and disturbed soil, surface and subsurface drainage, biofiltration facilities, foundations, concrete flatwork, retaining walls, spread and pier footings, pavement areas, utility trenches, project review, and construction monitoring. Additionally, these include recommendations related to structural design, foundation design, foundation systems, slabs, moisture barriers, seismic design, walls, footings, slabs and walkways, concrete design, corrosion, pavement design, as well as lot maintenance, and future plan reviews.
**(MM GEO-1)**

**39.** The applicant shall retain a qualified Paleontologist to conduct paleontological monitoring during all earth-disturbing construction activities. Should any significant fossils (I.e., bones, teeth, or unusually abundant and well-preserved invertebrates or plants) be unearthed, the construction crew shall not attempt to remove them, as they could be extremely fragile and prone to crumbling, and to ensure their occurrence is properly recorded; instead, all work in the immediate vicinity of the discovery shall be diverted at least 15 feet until a professional paleontologist assesses the find and, if deemed appropriate, salvages it in a timely manner. All recovered fossils shall be deposited in an appropriate repository, such as the University of California Museum of Paleontology (UCMP), where they would

be properly curated and made accessible for future study. Prior to issuance of a grading or building permit, evidence shall be provided to CDD that a qualified paleontologist is contracted to implement this mitigation measure.
**(MM GEO-2)**

Construction Restrictions

The following Construction Restrictions shall be implemented during project construction and shall be stated on the plans for building permit(s) as construction notes:
**(MM NOI-1)**

**40.** Unless specifically approved otherwise via prior authorization from the Zoning Administrator, all construction activities shall be limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on State and Federal holidays on the calendar dates that these holidays are observed by the State or Federal government as listed below:

New Year's Day (State and Federal)
Birthday of Martin Luther King, Jr. (State and Federal)
Washington's Birthday (Federal)
Lincoln's Birthday (State)
President's Day (State)
Cesar Chavez Day (State)
Memorial Day (State and Federal)
Juneteenth National Independence Holiday (Federal)
Independence Day (State and Federal)
Labor Day (State and Federal)
Columbus Day (Federal)
Veterans Day (State and Federal)
Thanksgiving Day (State and Federal)
Day after Thanksgiving (State)
Christmas Day (State and Federal)

For specific details on the actual day the State and Federal holidays occur, please visit the following websites:
Federal Holidays: Federal Holidays (opm.gov)

California Holidays: http://www.ftb.ca.gov/aboutftb/holidays.shtml

Transportation of large trucks and heavy equipment is subject to the same restrictions that are imposed on construction activities, except that the hours are limited to 9:00 AM to 4:00 PM.

**41.** Contractor and/or developer shall comply with the following construction requirements:

A. The construction contractor shall ensure that all equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment.
B. The construction contractor shall ensure that unnecessary idling of internal combustion engines (i.e., idling in excess of 5 minutes) is prohibited.
C. The construction contractor shall utilize "quiet" models of air compressors and other stationary noise sources where such market available technology exists.
D. At all times during project grading and construction, the construction contractor shall ensure that stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from the nearest residential land uses.
E. The construction contractor shall designate a noise disturbance coordinator who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (starting too early, bad muffler, and establish reasonable measures necessary to correct the problem. The construction contractor shall visibly post a telephone number for the disturbance coordinator at the construction site.

Street Names

**42.** Prior to the recordation of the Final Map, proposed name(s) shall be submitted for review by the Department of Conservation and Development, GIS/Mapping Section. Alternate street names should be submitted. The Final Map cannot be certified by CDD without the approved street names.

Power Lines

**43.** Where a lot is located within 300 feet of a high voltage electric transmission line, the applicant shall record the following as a deed disclosure:

"The subject property is located near a high voltage electric transmission line. Purchasers should be aware that there is ongoing research on possible potential adverse health effects caused by the exposure to a magnetic field generated by high voltage lines. Although much more research is needed before the question of whether magnetic fields actually cause adverse health effects can be resolved, the basis for such a hypothesis is established. At this time no risk assessment has been made."

When a Final Subdivision Report issued by the California Department of Real Estate is required, the applicant shall also request that the Department of Real Estate insert the above note in the report.

Will Serve Letters

**44.** Prior to recordation of the Final Map, a copy of a will-serve letter from East Bay Municipal Utility District shall be submitted to CDD.

**45.** Prior to recordation of the Final Map, a copy of a will-serve letter from Central Contra Costa Sanitary District shall be submitted to CDD.

Electric Vehicle

**46.** In accordance with the County's Electric Vehicle (EV) Ordinance, a listed raceway to accommodate a dedicated 208/240-volt branch circuit shall be installed for each new residence.

**DEPARTMENT OF CONSERVATION AND DEVELOPMENT, HOUSING AND COMMUNITY IMPROVEMENT (HCI) DIVISION, CONDITIONS OF APPROVAL FOR COUNTY FILE #CDSD21-09581**

**47.** Inclusionary Housing Ordinance: This project is subject to County Ordinance Code, Chapter 822-4, Inclusionary Housing Ordinance. Terms and definitions regarding the Inclusionary Housing Ordinance are pursuant to this chapter. Pursuant to Section 822-4.402(b) of the County Ordinance Code, a residential development of five or more for-sale units shall require at least fifteen percent of the for-sale units to be developed and sold as affordable units. At least twenty percent of the inclusionary units shall be sold at an affordable price to lower-income households.

The remaining units shall be sold to moderate-income families at an affordable price.

**48.** For-Sale Inclusionary Housing and Partial In-Lieu Fee: The applicant, owner, and/or developer (Applicant) is required to construct 1.35 affordable units (9 total base units x 0.15 of total = 1.35 units) for the project. The Applicant has submitted a revised project proposal that included an Inclusionary Housing Plan and density bonus request dated March 22, 2022, that proposed to construct one for-sale moderate income inclusionary unit (affordable to households with an income up to 120% of Area Median Income) on Lot 4 of the property. The unit on Lot 4 is an approximately 2,533-square-foot single-family detached home consisting of four bedrooms. The one moderate-income unit proposed for compliance with the Inclusionary Housing Ordinance requirements is the same moderate-income unit required for compliance with the Density Bonus request. This unit may be referenced as inclusionary unit, density bonus unit, or both in these conditions. The requirements for the one moderate-income unit must comply with both the Inclusionary Housing Ordinance and State Density Bonus law, and the most restrictive requirements would apply.

The Applicant has proposed to pay a partial in-lieu fee for the fractional 0.35 inclusionary unit, and the County has accepted this proposal. The current calculation of the partial in-lieu fee for the fractional inclusionary unit is $15,444.00. The final calculation of the in-lieu fee will be calculated upon payment. This in-lieu fee is non-refundable and non-transferable. A partial in-lieu fee of $15,444.00 will be paid for the fractional .35 unit (.35 = 26% of the fee total of $59,401. 26% of this fee = $15,444.00)

**49.** Density Bonus Request: The Applicant submitted a revised project description which included a density bonus request dated March 22, 2022, which proposed constructing ten percent of the total dwelling units of a housing development where all units are offered to the public for purchase. The Applicant proposed constructing one moderate-income unit, constituting eleven percent of the total for-sale units in the development.

**50.** Density Bonus – Concession or Incentive: Pursuant to Government Code 65915(d), the Applicant may request one project concession or incentive for providing eleven percent (one unit) for moderate-income units of the total units within the for-sale housing development. The Applicant requested the concession to utilize gross acreage to calculate the maximum density allowed for the site instead of using the net acreage as required in the General Plan.
The County accepted the Applicant's request to use gross acreage when calculating the maximum base density allowed on the property and density bonus. This allowed for a maximum base density of nine units instead of eight units, a six percent density bonus (one unit) for ten units in the housing development.

**51.** Density Bonus – Reduction in Development Standards: Pursuant to Government Code 65915(e), the Applicant proposed a waiver or reduction of the following development standards:

- Lot Area – where the County Ordinance Code requires a minimum parcel size of 20,000 square feet, the proposed lot sizes range from 9,292 to 17,659 square feet.

- Lot Width – where the County Ordinance Code requires a minimum average lot width of 120 feet, the proposed average lot widths range from 66.4 to 138.8 feet.

- Lot Depth – where the County Ordinance Code requires a minimum of 120 feet in depth, the proposed lot depths range from 127.2 to 174.1 feet. The lot depths for all proposed lots comply with the minimum requirement as proposed.

- Retaining Wall Structure Setbacks – where the County Ordinance Code considers all retaining walls over three feet as a structure that must meet all setback requirements, the proposed retaining wall setback is 0 feet on all lots.

**52.** Inclusionary Housing and Density Bonus Developer Agreement: Prior to recordation of the Final Map, Parcel Map, or CDD stamp-approval of plans for issuance of building permits or grading permits for any portion of the residential development, whichever comes first, the Applicant shall execute an Inclusionary

Housing and Density Bonus Housing Agreement (Agreement), form to be provided by the County, with the County pursuant to Chapter 822-4 Inclusionary Housing, Chapter 822-2 Density Bonus, and Government Code 95915 to ensure that the property will be deed restricted for one unit to be affordable and sold to a moderate income household. The 90-day period allows for the preparation, County approval, and recordation of the Agreement prior to the milestones referenced above.

To initiate the County to prepare and execute an Agreement, the Applicant must file a condition of approval compliance review application accompanied by the appropriate fees, documents, and exhibits listed in the most recent Inclusionary Housing Plan Checklist and/or Density Bonus Plan Checklist. The Agreement must be submitted to the Board of Supervisors before execution by all parties and recordation.

The Agreement will establish the process for determining the unit's maximum sales price, buyer eligibility, and additional program details as referenced in Chapter 822-4, Inclusionary Housing Ordinance, and Government Code 65915.

A detailed timeline for the project, including the project's construction, marketing, the Applicant accepting and reviewing applications from qualified households, and the sale of the inclusionary unit.

**53.** General: The following are general terms for granting a density bonus and compliance with the Inclusionary Housing Ordinance.

a. The Applicant hereby represents warrants and covenants that will cause the Agreement to be recorded in the real property records of Contra Costa County, California, and other places the County may reasonably request. The Applicant shall pay fees incurred with any such recording. The recording of the Agreement shall occur after the acceptance of the document by the County and before the recordation of the Final Map, Parcel Map, or CDD stamp-approval of plans for issuance of building permits or grading permits for any portion of the residential development, whichever comes first.

b. The one inclusionary unit in the project shall be available for sale to members of the general public who are income eligible. The Applicant shall not give preference to any particular class or group of persons in selling the units,

except that the units must be sold to a household with income no higher than 120% of the Area Median Income. There shall be no discrimination against or segregation of any person or group of persons on account of race, color, creed, religion, sex, sexual orientation, marital status, national origin, source of income (e.g., SSI), age (except for lawful senior housing), ancestry, or disability, in the sale of the unit in the project nor shall the Applicant or any person claiming under or through the Applicant, establish or permit any such practice or practices of discrimination or segregation concerning the selection, location, number, use or occupancy of homeowners of any unit in connection with employment of persons for construction of the project.

c. County will provide the Applicant with income certification forms to be completed by the potential homebuyers. The income levels of all moderate-income household applicants for the inclusionary/density bonus unit shall be pre-certified by the Applicant (or subsequent holder of the Agreement(s)) prior to submittal to the County for review and approval.

d. Upon violating any of the Agreement's provisions by the Applicant, the County may give written notice to the Applicant specifying the nature of the breach. If the violation is not corrected to the satisfaction of the County within a reasonable period, not longer than thirty (30) days after the date the notice is deemed received, or within such further time as the County determines is necessary to correct the violation, the County may declare a default under the Agreement. Upon declaration of a default or if the County determines that the Applicant has made any misrepresentation in connection with receiving any benefits under this Agreement, the County may apply to a court of competent jurisdiction for such relief at law or in equity as may be appropriate.

**54.** Term of Affordability: The inclusionary unit shall be deed-restricted so that if the home is sold within forty-five (45) years, it must be sold at an affordable sales price to a moderate-income household. The inclusionary unit shall be deed-restricted upon sale to ensure the continued affordability of this unit for the required term of affordability in accordance with Government Code 65915.

**55.** Development Standards: The inclusionary unit must be constructed and finished in compliance with the approved Inclusionary Housing Plan. The unit is subject to the standards of Section 822.4.412 of the County Ordinance.

a. The inclusionary unit must be constructed and occupied before or concurrently with the market rate units within the same residential development. A hold will be placed on the final inspection/occupancy for all building permits issued within the subdivision to ensure that the inclusionary/density bonus unit meets this requirement.
b. The average number of bedrooms for the inclusionary unit must be equivalent to the average number of bedrooms for market-rate units within the same residential development.

**56.** Marketing and Homebuyer Selection: It is anticipated that the Applicant will construct all project units and market them before construction completion. The Applicant shall submit documentation and other information to the County for review and approval at least 90 days prior to construction completion and prior to the Applicant's request for a final building inspection and final occupancy of the building. The documentation and information required for review and approval are listed in the most recent Inclusionary Housing Plan Checklist or Density Bonus Plan Checklist and include, but are not limited to, the following:

a. Marketing Plan
b. Homebuyer Selection Plan. The homebuyer selection plan should include a provision for a lottery process for the inclusionary/density bonus unit.
c. Marketing Materials, including translated Marketing Materials in Spanish and Chinese.

In addition to other marketing efforts proposed by the Applicant in the marketing plan, the inclusionary unit shall be marketed through local, non-profit, social service, faith-based, and other organizations with potential buyers as clients or constituents. Marketing materials shall be made available online for at least one month before the first sale and shared with County Housing staff to promote to its mailing lists. The Applicant shall translate marketing materials, and the marketing plan shall be submitted to the Department of Conservation and Development before marketing the inclusionary housing unit.

Marketing may also include publicity through local television and radio stations as well as local newspapers, including the Contra Costa Times, Classified Flea Market, El Mensajero, La Opinion, Thoi Bao Magazine, Berkeley/Richmond/San Francisco Posts, Korea Times, El Mundo, Hankook Il Bo, and the Sing Tao Daily.

**57.** Marketing and Homebuyer Selection: The developer shall refer all qualified homebuyers to a HUD Homebuyer Counselor prior to the sale of the inclusionary unit.

**58.** For-Sale Inclusionary/Density Bonus Unit Restrictions: The initial sale of a for-sale inclusionary unit shall occur only to a household that meets the following criteria:

a. The household has not owned a residence within the previous three years; and

b. The household has no more than two hundred fifty thousand dollars in assets. The amount excludes assets reserved for a down payment and closing costs, assets in retirement savings accounts, and medical savings accounts.

c. The purchaser of the for-sale inclusionary/density bonus unit must agree to occupy the dwelling unit as their principal residence.

d. The term of affordability for the inclusionary/density bonus unit is 45 years.

The for-sale inclusionary unit may be resold after the initial sale to a moderate-income purchaser at a moderate-income sales price.

If a moderate-income purchaser cannot be found after diligently marketing the unit widely and after a period determined by DCD, the unit may be sold to an above-moderate-income purchaser at a market price, provided that the sale results in a recapture by the County of financial interest in the unit equal to the sum of:

The difference between the initial affordable sales price and the appraised market value of the unit at the time of the initial sale; and

The County's proportionate share of any appreciation since the time of the initial sale. Appreciation is the difference between the resale price to the above-moderate-income purchaser and the appraised market value at the initial sale. The County's proportionate share of appreciation is equal to the percentage by which the initial affordable sales price was less than the appraised market value at the time of the initial sale.

**59.** Prequalification of Homebuyers and Compliance Review: The Applicant is responsible for marketing and prequalifying potential homebuyers for income qualification. The Applicant shall submit for DCD's review and prequalification prior

to the initial sale of the inclusionary/density bonus unit, and the Applicant shall submit to the Department of Conservation and Development for review and approval, all forms, and documentation demonstrating that the buyer of the unit is qualified as a moderate-income household. A hold shall be placed on the final inspection/ occupancy of all building permits associated with the construction of the residences in the project until documentation has been deemed adequate by the Department of Conservation and Development.

To initiate this prequalification review, the applicant must file a COA Compliance Review Application if there is no open compliance review application for this project.

**60.** Prequalification of Homebuyers and Compliance Review: The Applicant is responsible for keeping the Department of Conservation and Development informed of the contact information of the owner or designee responsible for maintenance and compliance with this permit and how they may be contacted (i.e., mailing addresses, email addresses, and telephone numbers) at all times.

a. Prior to the recordation of the Final Map, Parcel Map, or CDD stamp-approval of plans for issuance of building permits or grading permits for any portion of the residential development, whichever comes first, and with filing a condition of approval compliance review, the Applicant shall provide the name of the contact representing the property owner for permit compliance and their contact information.

b. Should the contact subsequently change (e.g., new designee or owner), within 30 days of the change, the Applicant shall issue a letter to the Department of Conservation and Development with the name of the new party who has been assigned permit compliance responsibility and their contact information. Failure to satisfy this condition may result in the commencement of procedures to revoke the permit.

**PUBLIC WORKS CONDITIONS OF APPROVAL FOR COUNTY FILE #CDSD21-09581**

Applicant shall comply with the requirements of Title 8, Title 9 and Title 10 of the Ordinance Code. Any exceptions must be stipulated in these Conditions of Approval.

Conditions of Approval are based on the site plan/(vesting) tentative map submitted to the Department of Conservation and Development on September 2, 2021.

COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO FILING OF THE FINAL MAP.

General Requirements

**61.** In accordance with Section 92-2.006 of the Ordinance Code, this subdivision shall conform to all applicable provisions of the Subdivision Ordinance (Title 9). Any exceptions therefrom must be specifically listed in this conditional approval statement. The drainage, road and utility improvements outlined below shall require the review and approval of the Public Works Department and are based on the vesting tentative map received by the Department of Conservation and Development, Community Development Division, on June 27, 2022.

**62.** Applicant shall submit improvement plans prepared by a registered civil engineer to the Public Works Department and pay appropriate fees in accordance with the County Ordinance and these conditions of approval. The below conditions of approval are subject to the review and approval of the Public Works Department.

Roadway Improvements (Walnut Boulevard)

**63.** Applicant shall construct curb, 5-foot sidewalk, necessary longitudinal and transverse drainage, street lighting, and pavement widening and transitions along the frontage of Walnut Boulevard. Applicant shall construct face of curb 10 feet from the widened right of way line.

**64.** Applicant shall construct a street type connection with 20-foot radii curb returns in lieu of standard driveway depressions at intersection of Walnut Boulevard and Private Street A.

Road Dedications

**65.** Property owner(s) shall convey to the County, by Offer of Dedication, 7 feet of right-of-way for the planned future width of 64 feet along the Walnut Boulevard frontage.

Access to Adjoining Property

**66.** Proof of Access: Applicant shall furnish proof to the Public Works Department of the acquisition of all necessary rights of way, rights of entry, permits and/or easements for the construction of off-site, temporary or permanent, public and private road and drainage improvements.

Encroachment Permit

**67.** Applicant shall obtain an encroachment permit from the Public Works Department, if necessary, for construction of driveways or other improvements within the right-of-way of Walnut Boulevard.

**68.** Applicant shall obtain an encroachment or other applicable permits from the City of Walnut Creek, if necessary, for construction of off-site utilities our improvements within the corporate limits of the City of Walnut Creek.

Abutter's Rights

**69.** Applicant shall relinquish abutter's rights of access along Walnut Boulevard frontage with the exception of the proposed private road intersection.

Sight Distance

**70.** Applicant shall provide sight distance at the private road intersection with Walnut Blvd. for a design speed of 40 miles per hour.

Private Roads

**71.** Applicant shall construct an on-site roadway system to current County private road standards with a travel width of 28 feet, and a 5-foot sidewalk monolithic to the curb. These improvements shall be located within a minimum 35-foot private access and utility easement. Additional easement width may be necessary to accommodate utility boxes, vaults, etc.

Parking

**72.** Parking shall be prohibited on one side of on-site roadways where the curb-to-curb width is less than 36 feet and on both sides of on-site roadways where the curb-to-curb width is less than 28 feet. "No Parking" signs shall be installed along these portions of the roads subject to the review and approval of the Public Works Department.

Countywide Street Lights Financing

**73.** Property owner(s) shall annex to the Community Facilities District (CFD) 2010-1 formed for Countywide Street Light Financing. Annexation into a streetlight service area does not include the transfer of ownership and maintenance of street lighting on private roads.

Utilities/Undergrounding

**74.** Applicant shall underground all new and existing utility distribution facilities, including those along the frontage of Walnut Boulevard Applicant shall provide joint trench composite plans for the underground electrical, gas, telephone, cable television and communication conduits and cables including the size, location and details of all trenches, locations of building utility service stubs and meters and placements or arrangements of junction structures as a part of the Improvement Plan submittals for the project. The composite drawings and/or utility improvement plans shall be signed by a licensed civil engineer.

Exceptions (Subject to Advisory Agency findings and approval)

Applicant is granted an exception from the utility undergrounding requirement of the Ordinance Code by the advisory agency as provided for in 92-6.002 of said Code. This exception is specific to the Walnut Boulevard frontage and does not preclude relocation of exiting overhead utilities in conflict with required street improvements. because of the several parcels involved and the nature of the area.

Maintenance of Facilities

**75.** The maintenance obligation of all common and open space areas, private roadways, any private streetlights, public and private landscaped areas, perimeter walls/fences,

and on-site drainage facilities shall be included in the covenants, conditions, and restrictions (CC&Rs). The language shall be submitted for the review and approval of the Zoning Administrator and Public Works Department at least 60 days prior to filing of the Final Map.

Drainage Improvements

**76.** Collect and Convey: Applicant shall collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage facility, to a natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the stormwater to a natural watercourse, in accordance with Division 914 of the Ordinance Code. Applicant shall verify the adequacy at any downstream drainage facility accepting stormwater from this project prior to discharging runoff. If the downstream system(s) is inadequate to handle the existing and project condition for the required design storm event, applicant shall construct improvements to make the system adequate. Applicant shall obtain access rights to make any necessary improvements to off-site facilities.

**77.** Detention Basin: The proposed joint use of the drainage basin for both stormwater management, and peak runoff rate reduction will be allowed provided the stormwater management aspects of the basin are not included in the storage volume accounting relative to detention basin routing.

Exceptions (Subject to Advisory Agency findings and approval)

Applicant is granted an exception from the public entity maintenance requirement of the Ordinance Code by the advisory agency as provided for in 92-6.002 of said Code. The maintenance obligation relative to the detention/stormwater management basin will be satisfied in the CC&Rs and Stormwater Maintenance Operation and Maintenance Agreement and Plan.

Miscellaneous Drainage Requirements

**78.** Applicant shall design and construct all storm drainage facilities in compliance with the Ordinance Code and Public Works Department design standards.

**79.** Applicant shall prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.

**80.** A private storm drain easement, conforming to the width specified in Section 914-14.004 of the County Ordinance Code, shall be dedicated over any proposed storm drain line that serves or traverses more than one lot or parcel.

National Pollutant Discharge Elimination System (NPDES)

**81.** The applicant shall be required to comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, or any of its Regional Water Quality Control Boards (San Francisco Bay - Region II).

Compliance shall include developing long-term best management practices (BMPs) for the reduction or elimination of stormwater pollutants. The project design shall incorporate wherever feasible, the following long-term BMPs in accordance with the Contra Costa Clean Water Program for the site's stormwater drainage:

- Minimize the amount of directly connected impervious surface area.
- Install approved full trash capture devices on all catch basins (excluding catch basins within bioretention area) as reviewed and approved by Public Works Department. Trash capture devices shall meet the requirements of the County's NPDES permit.
- Install approved full trash capture devices on all catch basins (excluding catch basins within bioretention area) as reviewed and approved by Public Works Department. Trash capture devices shall meet the requirements of the County's NPDES Permit.
- Place advisory warnings on all catch basins and storm drains using current storm drain markers.
- Offer pavers for household driveways and/or walkways as an option to buyers.
- Construct concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
- Distribute public information items regarding the Clean Water Program and lot specific IMPs to buyers.
- Shared trash bins shall be sealed to prevent leakage, OR, shall be located within a covered enclosure.
- Other alternatives comparable to the above as approved by Public Works.

Stormwater Management and Discharge Control Ordinance

**82.** The applicant shall submit a final Storm Water Control Plan (SWCP) and a Stormwater Control Operation and Maintenance Plan (O+M Plan) to the Public Works Department, which shall be reviewed for compliance with the County's National Pollutant Discharge Elimination System (NPDES) Permit and shall be deemed consistent with the County's Stormwater Management and Discharge Control Ordinance (§1014) prior to filing of the Final Map. All time and materials costs for review and preparation of the SWCP and the O+M Plan shall be borne by the applicant.

**83.** Improvement plans shall be reviewed to verify consistency with the final SWCP and compliance with Provision C.3 of the County's NPDES Permit and the County's Stormwater Management and Discharge Control Ordinance (§1014).

**84.** Stormwater management facilities shall be subject to inspection by the Public Works Department; all time and materials costs for inspection of stormwater management facilities shall be borne by the applicant.

**85.** Prior to filing of the Final Map, the property owner(s) shall enter into a Stormwater Management Facility Operation and Maintenance Agreement with Contra Costa County, in which the property owner(s) shall accept responsibility for and related to the operation and maintenance of the stormwater facilities, and grant access to relevant public agencies for inspection of stormwater management facilities.

**86.** Prior to filing of the Final Map, the property owner(s) shall annex the subject property into Community Facilities District (CFD) No. 2007-1 (Stormwater Management Facilities), which funds responsibilities of Contra Costa County under its NPDES Permit to oversee the ongoing operation and maintenance of stormwater facilities by property owners.

**87.** Any proposed water quality features that are designed to retain water for longer than 72 hours shall be subject to the review of the Contra Costa Mosquito & Vector Control District.

Drainage Area Fee Ordinance

**88.** Applicant shall comply with the drainage fee requirements for Drainage Area 8 as adopted by the Board of Supervisors prior to initiation of the use requested with this application. This fee shall be paid prior to filing of the Final Map.

## ADVISORY NOTES

**ADVISORY NOTES ARE NOT CONDITIONS OF APPROVAL; THEY ARE PROVIDED TO ALERT THE APPLICANT TO ADDITIONAL ORDINANCES, STATUTES, AND LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES THAT MAY BE APPLICABLE TO THIS PROJECT.**

A. NOTICE OF OPPORTUNITY TO PROTEST FEES, ASSESSMENTS, DEDICATIONS, RESERVATIONS, OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

   Pursuant to California Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations, or exactions required as part of this project approval. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and must be delivered to the Community Development Division within a 90-day period that begins on the date that this project is approved. If the 90th day falls on a day that the Community Development Division is closed, then the protest must be submitted by the end of the next business day.

B. This project is subject to the development fees in effect under County Ordinance as July 27, 2022, the date the vesting tentative map application was accepted as complete by the Department of Conservation and Development. These fees are in addition to any other development fees, which may be specified in the conditions of approval.

C. Applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Martinez Area of Benefit as adopted by the Board of Supervisors. Payment is required prior to issuance of a building permit.

D. Although the Stormwater Control Plan has been determined to be preliminarily complete, it remains subject to future revision, as necessary, during preparation of improvement plans in order to bring it into full compliance with C.3 stormwater requirements. Failure to update the SWCP to match any revisions made in the improvement plans may result in a substantial change to the County approval, and the project may be subject to additional public hearings. Revisions to California Environmental Quality Act (CEQA) documents may also be required. This may significantly increase the time and applicant's costs associated with approval of the application.

E. The applicant shall comply with the requirements of the following agencies:
   - Contra Costa County Public Works Department
   - Department of Fish and Wildlife
   - Army Corps of Engineers
   - Contra Costa County, Department of Conservation and Development, Building and Grading Inspection Divisions
   - Contra Costa County Fire Protection District
   - Central Contra Costa Sanitary District
   - East Bay Municipal Utility District

# Attachment 2

Maps (Parcel Page, General Plan, Zoning, Aerial Photograph)

WALNUT HEIGHTS
M.B.10-245
1- RECORD OF SURVEY 43 L.S.M. 28 7-5-66
2- PARCEL MAP 2 P.M. 12 12-5-67
3- 22L.S.M.42 7-3-63
4- 20P.M. 7 12-23-71
5- 99P.M.28 1-20-82
6- 167PM25 9-26-95

27 28 25 22 23 240

SIMPSON DRIVE
HILL
DRIVE
ECKLEY LANE
VIEW LANE
BLVD.
WALNUT
TO COUNTY 559 OR 420-10/23/40
℄ OF OLD 20' ROAD
N.D.
SD21-9581

37 .52Ac. "A"
38 .48Ac.
42 .610Ac.
28 .50Ac. "A"
30 .50Ac. C
35 .87Ac. A
40 .59Ac.
36 .65Ac. B
41 .98Ac.
08 .51Ac.
07 .53Ac.
06 .50Ac.
05 .52Ac.
04 .52Ac.
03 .68Ac.
02 2.88Ac.
240
43 .542Ac. "B"
13 .54Ac.
34 .52Ac.
15 .55Ac.
16 .53Ac.
46 .49Ac. "A"
47 .38Ac. "B"
33 .87Ac.
44 .40Ac.
23 .74Ac.
27 .47Ac.
22 .82Ac.
26 .57Ac.
24 .43Ac.
25 .43Ac.

| REVISED | CHANGE | BY |
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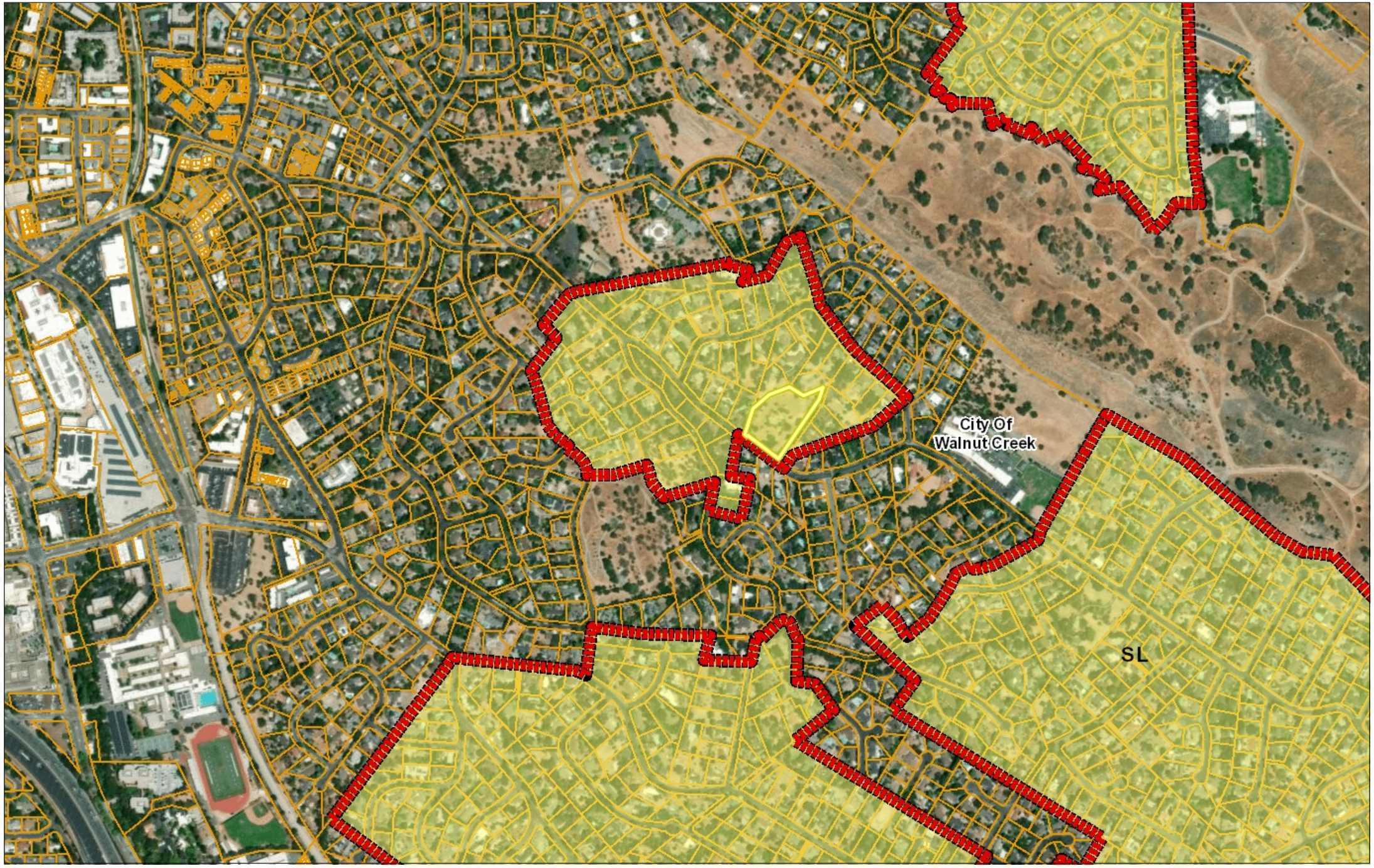
1" = 100'

ASSESSOR'S MAP
BOOK 180 PAGE 24
45 & 14 CONTRA COSTA COUNTY, CALIF.

# General Plan: Single-Family Residential, Low Density (SL)




## Legend

- City Limits

General Plan

- SV (Single Family Residential - Ver
- SL (Single Family Residential - Low
- SM (Single Family Residential - Me
- SH (Single Family Residential - Hig
- ML (Multiple Family Residential - Lo
- MM (Multiple Family Residential - M
- MH (Multiple Family Residential - H
- MV (Multiple Family Residential - V
- MS (Multiple Family Residential - V
- CC (Congregate Care/Senior Housi
- MO (Mobile Home)
- M-1 (Parker Avenue Mixed Use)
- M-2 (Downtown/Waterfront Rodeo I
- M-3 (Pleasant Hill BART Mixed Use
- M-4 (Willow Pass Road Mixed Use)
- M-5 (Willow Pass Road Commercia
- M-6 (Bay Point Residential Mixed U
- M-7 (Pittsburg/Bay Point BART Sta
- M-8 (Dougherty Valley Village Cent
- M-9 (Montalvin Manor Mixed Use)
- M-10 (Willow Pass Business Park M
- M-11 (Appian Way Mixed Use)
- M-12 (Triangle Area Mixed Use)
- M-13 (San Pablo Dam Road Mixed
- M-14 (Heritage Mixed Use)
- CO (Commercial)
- OF (Office)
- BP (Business Park)
- LI (Light Industry)
- HI (Heavy Industry)
- AL, OIBA (Agricultural Lands & Off
- CR (Commercial Recreation)
- ACO (Airport Commercial)
- LF (Landfill)
- PS (Public/Semi-Public)
- PR (Parks and Recreation)
- OS (Open Space)

1: 9,028

0.3 0 0.14 0.3 Miles

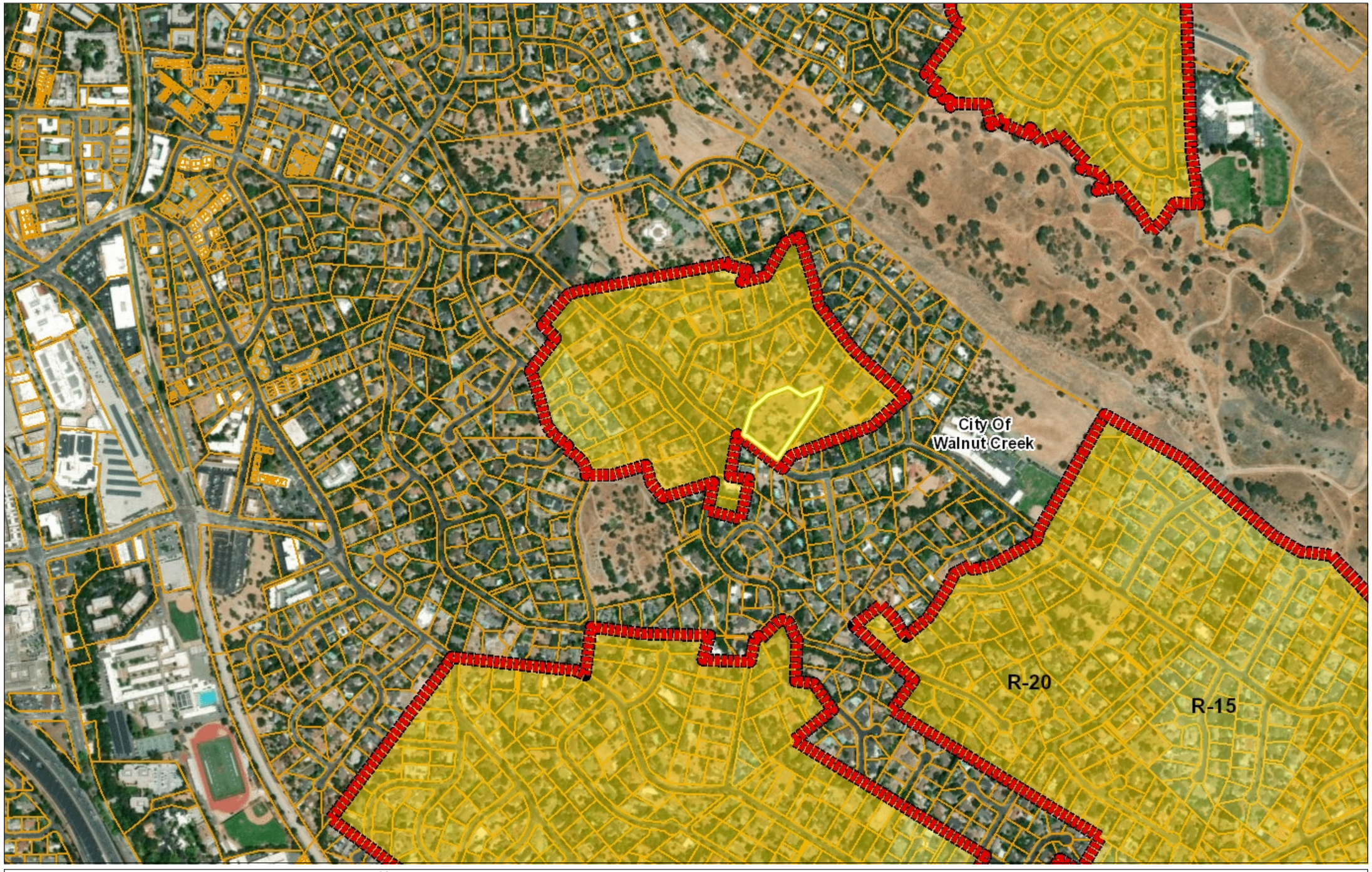
WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

**Notes**

CDSD21-09581

# Zoning: Single-Family Residential (R-20)




## Legend

City Limits

Zoning

- R-6 (Single Family Residential)
- R-6, -FH -UE (Flood Hazard and A
- R-6 -SD-1 (Slope Density Hillside D
- R-6 -TOV -K (Tree Obstruction anc
- R-6, -UE (Urban Farm Animal Exclu
- R-6 -X (Railroad Corridor Combinir
- R-7 (Single Family Residential)
- R-7 -X (Railroad Corridor Combinin
- R-10 (Single Family Residential)
- R-10, -UE (Urban Farm Animal Exc
- R-12 (Single Family Residential)
- R-15 (Single Family Residential)
- R-20 (Single Family Residential)
- R-20, -UE (Urban Farm Animal Exc
- R-40 (Single Family Residential)
- R-40, -FH -UE (Flood Hazard and A
- R-40, -UE (Urban Farm Animal Exc
- R-65 (Single Family Residential)
- R-100 (Single Family Residential)
- D-1 (Two Family Residential)
- D-1 -T (Transitional Combining Dist
- D-1, -UE (Urban Farm Animal Exclu
- M-12 (Multiple Family Residential)
- M-12 -FH (Flood Hazard Combining
- M-17 (Multiple Family Residential)
- M-29 (Multiple Family Residential)
- F-R (Forestry Recreational)
- F-R -FH (Flood Hazard Combining
- F-1 (Water Recreational)
- F-1 -FH (Flood Hazard Combining D
- A-2 (General Agriculture)
- A-2, -BS (Boat Storage Combining
- A-2, -BS -SG (Boat Storage and So
- A-2 -FH (Flood Hazard Combining D
- A-2, -FH -SG (Flood Hazard and Sc
- A-2 -SD-1 (Slope Density Hillside D
- A-2, -SG (Solar Energy Generation

1: 9,028

0.3 0 0.14 0.3 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

**Notes**

CDSD21-09581

# Aerial Photo

0.3 0 0.14 0.3 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Legend

- City Limits
- Assessment Parcels
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations

1: 9,028

**Notes**

CDSD21-09581

# Attachment 3

# Initial Study / Mitigated Negative Declaration

**ENVIRONMENTAL CHECKLIST FORM**

| | | |
|---|---|---|
| **1.** | **Project Title:** | 3180 Walnut Boulevard 10-Lot Subdivision<br>(County File #CDSD21-09581) |
| **2.** | **Lead Agency Name and Address:** | Contra Costa County<br>Department of Conservation and Development<br>30 Muir Road<br>Martinez, CA 94553 |
| **3.** | **Contact Person and Phone Number:** | Dominique Vogelpohl<br>(925) 655-2880<br>Dominique.Vogelpohl@dcd.cccounty.us |
| **4.** | **Project Location:** | 3180 Walnut Boulevard<br>Walnut Creek, CA 94596<br>Assessor's Parcel Numbers: 180-240-002 |
| **5.** | **Project Sponsor's Name and Address:** | Calibr Ventures c/o Andy Byde<br>1908 Cambridge Place<br>Walnut Creek, CA 94598 |
| **6.** | **General Plan Designation:** | The project site is located within the Single-Family Residential – Low Density (SL) General Plan Land Use designation. |
| **7.** | **Zoning:** | The project site is located within the R-20 Single-Family Residential (R-20) District. |

**8.** **Description of Project:** The applicant is requesting approval of a vesting tentative map for a subdivision which proposes to subdivide the approximately 2.88-acre project site into 10 lots ranging in size from 9,292 to 17,659 square feet due to the use of California Density Bonus Law,Government Code Section 65915, which is explained further under *Density Bonus*. On each new lot, a 2-story, 3 to 5-bedroom single-family residence ranging in footprint size of approximately 2,442 to 2,913 square feet, is expected to be constructed (Exhibit 5, Exhibit 6). The proposed project would include a new private street to allow access to the site. Implementation of the project could include more than 15,000 cubic yards of grading. The project also includes exception requests to County Code Section 96-10 that requires utilities to be undergrounded, and Section 914-12.002 that requires detention basins to be at least 15 acre-feet of storage volume.

Density Bonus

The Density Bonus Law (found in California Government Code Sections 65915–65918) requires cities and counties to provide incentives or other concessions to housing developments to produce housing for very low income, lower income, moderate income, or senior housing to facilitate the development of affordable housing. A density bonus is provided to housing development projects that comply with at least one of the following criteria:

- At least 5 percent of the housing units are restricted to very low income residents.
- At least 10 percent of the housing units are restricted to lower income residents.

- At least 10 percent of the housing units in a for-sale common interest development are restricted to moderate income residents.

Density Bonus requests are processed pursuant to Section 65915 et seq. of the California Government Code and Title 8, Division 822, Chapter 822-2 (Residential Density Bonus) of the Ordinance Code.

The proposed project would restrict the home on Lot 4 for moderate income residents, meeting the requirement that at least 10 percent of the housing units be restricted to moderate income residents. As a result, the proposed project is eligible for a density bonus pursuant to the Residential Density Bonus Ordinance of the Ordinance Code. The calculations detailed below support the proposed project's eligibility under the Density Bonus Law.

Density Bonus Calculations

- Project site: 2.46 net acres (proposed right-of-way and road area is deducted)
- Gross site: 2.88 acres
- Base project: (2.88 acres) * (2.9 du/acre) = 8.35 du, fractional unit rounded to nine base units
- Target Unit(s): provide moderate income deed restricted on Lot 4
- Percent of Base Units: (1 moderate income unit)/(9 base units) = 12 percent of base units moderate income deed restricted
- Density Bonus Result: 12 percent moderate income deed restricted unit(s) qualifies for 7 percent density bonus
- Density Bonus Calculation: (9 d/u) * (0.07) = 0.63 d/u, fractional unit rounded to 1 d/u

Because the proposed project complies with the Density Bonus Law under California Government Code Section 65915, the applicant seeks approval of a concession to utilize gross acreage for the density calculation. A concession or incentive is defined as a reduction in site development standards or a modification of zoning code or architectural design requirements, such as a reduction in setback or minimum square footage requirements; or approval of mixed-use zoning; or other regulatory incentives or concessions that result in identifiable and actual cost reductions.

The table below includes a breakdown of the lot sizes and size of each proposed home. Because the proposed project complies with the Density Bonus Law under California Government Code Section 65915, the applicant seeks approval to waivers from R-20 development standards. The applicant proposes the following development standards listed below.

**Project Summary and Alternative Development Standards**

| Lot # | Lot Area (20,000 square feet minimum) | Footprint Area in square feet | Depth (120 feet minimum) | Average Width (120 feet minimum) | Front yard Setback (25 feet minimum) | Side Yard Setback (15 feet, 35 feet aggregate, minimum) | Retaining Walls (structure setbacks in feet) |
|---|---|---|---|---|---|---|---|
| Lot 1 | 9,645 | 2,483 | 145.3 | 66.4 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 2 | 10,889 | 2,533 | 168.6 | 64.6 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 3 | 11,731 | 2,913 | 174.1 | 67.4 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 4* | 10,764 | 2,533 | 150.6 | 71.5 | 1 foot to shunt turn around; 20 feet from street | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 5 | 13,270 | 2,533 | 132 | 100.5 | 20 feet to face of garage; 10 feet to living area | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 6 | 17,659 | 2,483 | 127.2 | 138.8 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 7 | 9,292 | 2,533 | 130.9 | 71 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |

| Lot # | Lot Area (20,000 square feet minimum) | Footprint Area in square feet | Depth (120 feet minimum) | Average Width (120 feet minimum) | Front yard Setback (25 feet minimum) | Side Yard Setback (15 feet, 35 feet aggregate, minimum) | Retaining Walls (structure setbacks in feet) |
|---|---|---|---|---|---|---|---|
| Lot 8 | 9,555 | 2,913 | 134.5 | 71 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 9 | 9,819 | 2,442 | 138.2 | 71 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Lot 10 | 15,797 | 2,533 | 141.3 | 111.8 | 20 | 15 feet aggregate, (no yard less than 5 feet) | 0 |
| Notes:<br>* Designated as an affordable unit. | | | | | | | |

Site Access and Parking

Regional access to the site is provided via I-680, by way of Ygnacio Valley Road. Local access to the project site would be provided via Walnut Boulevard and a new private street. The new private street would be approximately 28 feet wide, with an 8-foot parking lane on one side and 5-foot side walk along the southeast section of the proposed road way, as required by Contra Costa County Fire Protection District (CCCFPD) standards. The proposed project would include an emergency vehicle access turnaround within Lot 4. In addition to street parking, each home would include garage space for 3 to 5 cars.

Roadway and Frontage Improvements

The proposed project would include approximately 0.16 acres of public road way dedication along Walnut Boulevard. Other frontage improvements would consist of approximately 927 square feet of sidewalk improvements.

Trees

The site currently contains 74 trees protected under the Contra Costa Tree Protection and Preservation Ordinance. In total, 30 of the 73 existing trees would be retained and would be protected during construction.

Landscaping

The proposed project would include approximately 71,948 square feet of on-site landscaping.

Lighting

Exterior lighting would be limited to lighting on the exterior of the proposed homes and would meet Ordinance Code requirements.

Utilities

The proposed project would utilize existing utility connections from the following providers:

- Electricity and Natural Gas: Pacific Gas and Electric Company (PG&E)
- Potable Water: East Bay Municipal Utility District (EBMUD)
- Wastewater: Central Contra Costa County Sanitary District (Central San)
- Solid Waste: Republic Services

Stormwater

A single landscaped bioretention basin facility would be located within the proposed project, consistent with C.3 stormwater requirements, located on Lot 10. Stormwater generated from the site would be cleaned and retained by the bioretention basins and then placed into a stormwater system. Cleaned and retained stormwater would be released into an existing 30-inch storm drain line within Walnut Boulevard.

Water

The proposed project would connect into an existing EBMUD domestic water line within Walnut Boulevard.

Wastewater

The proposed project would connect into an existing Central San 8-inch sewer line within Walnut Boulevard.

Phasing and Construction

For the purposes of this environmental analysis, the proposed project is assumed to be constructed in two phases beginning in the first quarter of 2023. Demolition of the existing single-family residence would occur within the first month of construction, followed by site

preparation and grading activities. The proposed project is expected to be operational in the first quarter of 2024.

9. **Surrounding Land Uses and Setting:** The project site is located in unincorporated Contra Costa County (County), California (Exhibit 1). As shown in Exhibit 2, the site is surrounded by the City of Walnut Creek, with the City of Lafayette to the west, the cities of Pleasant Hill and Concord to the north, unincorporated County to the south and Mount Diablo State Park to the east. The project site is located at 3180 Walnut Boulevard at the corner of Walnut Boulevard and View Lane (Exhibit 2).

   The approximately 2.88-acre project site corresponds to Accessor's Parcel Number (APN) 180-240-002. The project site is located within a residential area, and is surrounded by single-family homes. Walnut Heights Elementary School is located approximately 800 feet to the northeast. Interstate 680 (I-680) is located approximately 0.89 mile southwest of the site.

   The project site contains an existing vacant single-family residence with a detached garage, which would be demolished prior to project construction. The site was historically cultivated with an orchard since at least 1946. Orchard remnants, including mature and aging pecan, almond, and walnut trees, are distributed across the site. The site also contains native oaks, with the highest density of native oaks found along the south property line. A drainage swale parallels the entire north property line, terminating in a drainage inlet at the northwest corner of the site. The project site slopes down generally from northeast to southwest, ranging in elevation from approximately 232 feet above sea level (ASL) to approximately 192 feet ASL.

10. **Other Public Agencies Whose Approval is Required** (e.g., permits, financing approval, or participation agreement.)

    Contra Costa County Public Works Department, Contra Costa County Fire District, Contra Costa County Local Area Formation District (LAFCO), East Bay Municipal Utility District, and Central Contra Costa Sanitary District.

11. **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**

    Notice of the proposed project was sent to Native American tribes, as applicable for consultation with Native American tribes under Public Resources Code Sections 21080.3.1. and Government Code Section 65352.3. A Tribal Consultation List from the Native American Heritage Commission, dated June 21, 2022, was used to identify tribes traditionally and culturally affiliated with the project area. No requests for consultation were received.

# ACRONYMS AND ABBREVIATIONS

| | |
|---|---|
| °C | degrees Celsius (Centigrade) |
| °F | degrees Fahrenheit |
| µg/m$^3$ | micrograms per cubic meter |
| ACM | asbestos-containing material |
| ADU | accessory dwelling unit |
| ARB | California Air Resources Board |
| ASL | Above Sea Level |
| ASTM | American Society for Testing and Materials |
| AUHSD | Acalanes Union High School District |
| BAAQMD | Bay Area Air Quality Management District |
| BMP | Best Management Practice |
| BRA | Biological Resources Analysis |
| CAL FIRE | California Department of Forestry and Fire Protection |
| Cal/EPA | California Environmental Protection Agency |
| Cal/OSHA | California Division of Occupational Safety and Health |
| CalEEMod | California Emissions Estimator Model |
| CalRecycle | California Department of Resources Recycling and Recovery |
| Caltrans | California Department of Transportation |
| CBC | California Building Standards Code |
| CCCFPD | Contra Costa County Fire Protection District |
| CCCWP | Contra Costa Clean Water Program |
| CCTA | Contra Costa Transportation Authority |
| CDD | Community Development Division |
| CDF | California Department of Finance |
| CDFW | California Department of Fish and Wildlife |
| Central San | Central Contra Costa County Sanitary District |
| CEQA | California Environmental Quality Act |
| CERCLA | Comprehensive Environmental Response, Compensation, and Liability |
| CESA | Act California Environmental Species Act |
| CFR | Code of Federal Regulations |
| CIP | Capital Improvement Program |
| CNDDB | California Natural Diversity Database |
| CNPS | California Native Plant Society |
| CWMP | Comprehensive Wastewater Management Plan |
| CWP | Contra Costa County Watershed Program |
| DBH | diameter at breast height |
| DPR | California Department of Parks and Recreation |

| | |
|---|---|
| DTSC | Department of Toxic Substances Control |
| du/acre | dwelling unit per acre |
| EBMUD | East Bay Municipal Utility District |
| EBP | East Bay Plain |
| EBRPD | East Bay Regional Park District |
| EIR | Environmental Impact Report |
| EOP | Emergency Operations Plan |
| EPA | United States Environmental Protection Agency |
| FEMA | Federal Emergency Management Agency |
| FHSZ | Fire Hazard Severity Zone |
| FMMP | Farmland Mapping and Monitoring Program |
| GANDA | Garcia and Associates |
| GSA | Groundwater Sustainability Agency |
| HAZNET | Hazardous Waste Information System |
| ITE | Institute of Transportation Engineers |
| LBP | lead-based paint |
| LRA | Local Responsibility Area |
| mgd | million gallons per day |
| MMRP | Mitigation Monitoring and Reporting Program |
| mph | miles per hour |
| MRP | Municipal Regional Permit |
| MS4 | Municipal Separate Storm Sewer System |
| NESHAP | National Emission Standard for Hazardous Air Pollutants |
| NFHL | National Flood Hazard Layer |
| NPDES | National Pollutant Discharge Elimination System |
| PG&E | Pacific Gas and Electric Company |
| PI | Plasticity Index |
| Qa | Holocene alluvium |
| R-20 | Single-Family Residential |
| RCRA | Resource Conservation and Recovery Act |
| RWQCB | Regional Water Quality Control Board |
| SL | Single-Family Residential-Low |
| SRA | State Responsibility Area |
| SSMP | Sewer System Management Plan |
| State Water Board | California State Water Resources Control Board |
| SWF/LF | solid waste facility/landfill |
| SWPPP | Storm Water Pollution Prevention Plan |
| TCR | Tribal Cultural Resource |

| | |
|---|---|
| Tor | Pliocene to late Miocene Orinda formation |
| USDOT | United States Department of Transportation |
| USFWS | United States Fish and Wildlife Service |
| UWMP | Urban Water Management Plan |
| VHFHSZ | Very High Fire Hazard Severity Zone |
| VMT | Vehicle Miles Traveled |
| VOC | volatile organic compounds |
| WCSD | Walnut Creek School District |
| WSCP | Water Shortage Contingency Plan |

| Environmental Factors Potentially Affected | | |
|---|---|---|
| The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact with Mitigation Incorporated" as indicated by the checklist on the following pages. | | |
| ☒ Aesthetics | ☐ Agriculture and Forestry Resources | ☒ Air Quality |
| ☒ Biological Resources | ☒ Cultural Resources | ☐ Energy |
| ☒ Geology/Soils | ☐ Greenhouse Gas Emissions | ☐ Hazards & Hazardous Materials |
| ☐ Hydrology/Water Quality | ☐ Land Use/Planning | ☐ Mineral Resources |
| ☒ Noise | ☐ Population/Housing | ☐ Public Services |
| ☐ Recreation | ☐ Transportation | ☒ Tribal Cultural Resources |
| ☐ Utilities/Services Systems | ☐ Wildfire | ☐ Mandatory Findings of Significance |

**Environmental Determination**

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Dominique Vogelpohl, Project Planner
Contra Costa County
Department of Conservation & Development

06/21/2023
Date

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No 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 building within a State Scenic Highway? | ☐ | ☐ | ☐ | ☒ |
| c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? | ☐ | ☐ | ☒ | ☐ |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | ☐ | ☒ | ☐ | ☐ |

## Environmental Evaluation

### Setting

The project site is located in unincorporated Contra Costa County, California and is surrounded by the City of Walnut Creek, with the City of Lafayette to the west, the cities of Pleasant Hill and Concord to the north, unincorporated County to the south and Mount Diablo State Park to the east. Shell Ridge Open Space lies approximately 0.19 mile to the northeast.

Diablo Foothills Regional Park, managed and maintained by the East Bay Regional Park District (EBRPD), is approximately 2.12 miles east of the project site, between Shell Ridge Open Space and Mount Diablo State Park. The 1,060-acre regional park offers hiking, biking, equestrian trails and panoramic views of the San Francisco Bay Regional. Diablo Hills Regional Park is bounded by two notable landforms: the Castle Rocks of Mount Diablo and the “camel back” ridges that form Shell Ridge. These ridges connect the park to Mount Diablo State Park to the east and Shell Ridge Open Space to the west. Mount Diablo State Park and Shell Ridge Open Space together account for 22,500 acres of open space, one of the largest open space areas of the East Bay Area. Diablo Foothills Regional Park also contains the 15-acre Castle Rock Regional Recreation Area.[1]

Mount Diablo State Park, managed and maintained by the California Department of Parks and Recreation (DPR), lies approximately 2.78 miles to the east of the project site. The more than 20,000-acre park offers hiking, biking, and equestrian trials as well as camping facilities. Mount Diablo’s summit has an elevation of 3,849 feet and offers views of the Farallon Islands to the west, the Sierra

[1] East Bay Regional Park District (EBRPD). 2022. Park Map. https://www.ebparks.org/sites/default/files/diablo_foothills_map.pdf. Accessed June 6, 2023.

Nevada to the east, Mount Loma Prieta to the south, and Lassen Peak nearly 200 miles to the north.[2] Mount Diablo is the most prominent topographical feature in the County.

The California Department of Transportation (Caltrans) manages the State Scenic Highway Program. Existing law provides Caltrans with full possession and control of all State highways. The intent of the State Scenic Highway Program is to protect any freeway, highway, road, or other public right-of-way that traverses an area of exceptional scenic quality by regulating land use and development along scenic highways.[3] The proposed project is not located within a State Scenic Highway corridor. The project site is located approximately 0.90 mile northeast of I-680 and approximately 1.63 miles east of I-24, both of which are officially designated State Scenic Highway.[4] The General Plan defines scenic routes as those roads, streets, or freeways which traverse a scenic corridor of relatively high visual or cultural value. One such scenic route is North Gate Road, located approximately 2.66 miles east of the project site.[5]

Would the project:

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

**Less than significant impact.** No scenic resources, as defined by the General Plan, are located on the project site. As discussed above, there are several scenic resources in within 3 miles of the project site, many of which offer panoramic views of the San Francisco Bay Area. A significant impact would occur if development of the proposed project would have a substantial adverse effect on a scenic vista. The nearest scenic corridor identified by the General Plan is North Gate Road, approximately 2.66 miles to the east of the project site.[6]

Figure 9-1 of the Open Space Element of the County General Plan identifies major scenic ridges and scenic waterways in the County.[7] According to this map, there are no designated scenic vista points in the area of the project site and therefore the project would not displace or obstruct views from a scenic vista. Furthermore, existing views of, and from the project site, would not be affected by the project because the proposed residential development would be built primarily at lower-lying elevations consistent with the existing surrounding residential neighborhood.

**b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a State Scenic Highway?**

**No impact.** As discussed above, the proposed project is not located within a State Scenic Highway. I-680, south of the I-24 junction, is a designated State Scenic Highway and is located approximately 0.90 mile southwest of the project site. The next nearest designated State Scenic Highway is I-24, approximately 1.63 miles west of the project site. Because of topography and intervening

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[2] California Department of Parks and Recreation (DPR). 2018. Mount Diablo State Park. Website: parks.ca.gov/pages/517/files/MountDiabloFinalWebLayout2018.pdf. Accessed June 6, 2023.

[3] California Department of Transportation (Caltrans). 2022. Scenic Highways. Website: https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways. Accessed June 6, 2023.

[4] California Department of Transportation (Caltrans). 2019. State Scenic Highway Interactive Map. Website: https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa. Accessed October 18, 2022.

[5] Contra Costa County. 2005. Contra Costa County General Plan. Transportation and Circulation Element, Figure 5-4 Scenic Routes Plan.

[6] Contra Costa County. 2005. Contra Costa County General Plan. Transportation and Circulation Element, Figure 5-4 Scenic Routes Plan.

[7] Contra Costa County. 2005. Contra Costa County General Plan. Open Space Element, Figure 9-1 Scenic Ridges and Waterways.

development, the site is not visible from these locations, thus precluding the potential for the project to substantially damage scenic resources within a State Scenic Highway. As such, no impact would occur.

**c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?**

**Less than significant impact.** Degradation of visual character or quality requires substantial changes to the existing appearance of a site by constructing elements that are poorly designed or that would conflict with the existing surroundings. As previously discussed, both Diablo Foothills Regional Park and Mount Diablo State Park provide panoramic views of the surrounding areas. Existing development, such as existing homes and vegetation, obstruct or partially obstruct existing views from the project site to the foothills and ridgelines of Mount Diablo to the east. Additionally, the proposed project is not near a scenic corridor as identified by the General Plan.

The proposed project would change the visual character of the site through the demolition of the existing single-family residence and the construction of 10 new single-family homes, as well as a new private roadway. However, the project site is located in a residentially developed area, with single-family homes surrounding the project site to the north, south, west, and east. Therefore, the proposed project would be compatible with the character of existing development in the immediate vicinity.

The project site is located in an urbanized area and is surrounded by existing roads and residential development. The project site is designated as SL and zoned as R-20. Though the proposed project proposes alternate development standards from the R-20 zone, the proposed waivers of the existing development standards are allowed under the State Density Bonus Law, without a rezone or general plan amendment. The alternative development standards include front yard setbacks, side yard setbacks, and lot areas that would be smaller than the minimums outlined in the Ordinance Code. Furthermore, the proposed project would consist of the construction of single-family homes and therefore would be consistent with the nature and character of existing development in the vicinity and site's designation of SL and zoning of R-20. Thus, the proposed project would have a less than significant impact on the existing visual character of the site and its surroundings as well as applicable zoning regulations.

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

**Less than significant impact with mitigation incorporated.** Minimal glare would be introduced in the area. The change in ambient nighttime light levels on the project site, and the extent to which project lighting would spill off the project site and affect adjacent light-sensitive areas, would determine whether the project could adversely affect nighttime views in the area. The new sources of light associated with the proposed new 10 homes would illuminate the surrounding properties and Grayson Creek; thus, the project lighting could create a potentially significant adverse environmental impact due to substantial new light. Consequently, the applicant is required to implement the following mitigation measures to reduce impacts on nighttime views.

**Potential impact.** The change in ambient nighttime light levels on the project site, and the extent to which project lighting would spill off the project site and affect adjacent light-sensitive areas, would determine whether the project could adversely affect nighttime views in the area. Project lighting could create a potentially significant adverse environmental impact due to substantial new light and glare on neighboring properties.

## Mitigation Measures

**MM AES-1** Prior to issuance of a building permit, a Lighting Plan shall be submitted for review and approval by the CDD. At a minimum, the plan shall include the following measures:

a. All outdoor lighting, including façade, yard, security, and streetlights, shall be oriented down, onto the project site or road.
b. Back shields or functionally similar design elements shall be installed on every lighting pole to reduce lighting from spilling off site, and to ensure that lighting remains within the project site.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| **2. Agriculture and Forestry Resources**<br>*In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. 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 nonagricultural 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 4526), 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 nonagricultural use or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☒ |

## Environmental Evaluation

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection (CAL FIRE) regarding the State's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board (ARB).

## Setting

According to the California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) California Important Farmland Finder, the project site is designated as Urban and Built-Up Land.[8] There are no designated agricultural lands or forested areas within the immediate project area.

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 nonagricultural use?**

**No impact.** As stated above, the project site is designated as Urban and Built-Up Land. The project site does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Therefore, the proposed project would not convert such land to nonagricultural use and no impacts would occur.

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

**No impact.** The project site is zoned as R-20 by the Zoning map, which is a Single-Family Residential designation. The site and surrounding area are not encumbered by a Williamson Act Contract. As such, the proposed project would not conflict with existing zoning for agricultural use or a Williamson Act Contract and no impacts would occur.

**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 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?**

**No impact.** As stated previously, the project site is zoned as R-20 by the Zoning map, which is a Single-Family Residential designation. The project site is not zoned as forest land or timberland. Therefore, the proposed project would not conflict with existing zoning or cause rezoning of forest land or timberland and no impacts would occur.

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

**No impact.** According to the California Public Resources Code, "forest land" is land that can support 10 percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.[9] The project site is zoned as R-20 and not zoned for forest use. This condition precludes the possibility of a conflict with a forest zoning designation. While there are existing trees on-site consisting of almond, valley oak, Monterey pine, coast redwood *(Sequoia sempervirens)*, holly oak *(Quercus ilex)*, California black walnut *(Juglans hindsii)*, English walnut *(Juglans regia)*, Siberian elm *(Ulmus pumila)*, olive *(Olea europea)*, plum *(Prunus sp.)*, pecan *(Carya illinoinensis)*, English hawthorn *(Crataegus laevigatum)*, Peruvian pepper *(Schinus molle)*, apricot, persimmon *(Diospyros sp.)*, and privet *(Ligustrum lucidum)* species,[10]

[8] Traverso Tree Service. 2021. Arborist Report for 3180 Walnut Boulevard.
[9] Thomson Reuters Westlaw. 2019. California Code, Public Resources Code 12220.
[10] Traverso Tree Service. 2021. Arborist Report for 3180 Walnut Boulevard.

the tree species do not constitute forest resources. The project site does not contain nor is adjacent to any forest land. As such, the proposed project would not result in the loss of forest land or conversion of forest land to non-forest use. No impacts would occur.

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

**No impact.** As discussed throughout this section, the proposed project would not result in impacts to mapped farmland or forest land. The proposed project would not result in any other changes that could result in the conversion of farmland to non-agriculture uses or the conversion of forest land to non-forest uses because neither agricultural nor forest land exist on the project site or in its vicinity. Therefore, no impact would occur.

## Mitigation Measures

None required.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| **3. Air Quality**<br>*Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.*<br>*Would the project:* | | | | |
| a) Conflict with or obstruct implementation of the applicable air quality plan? | ☐ | ☒ | ☐ | ☐ |
| b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment 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 or) adversely affecting a substantial number of people? | ☐ | ☐ | ☒ | ☐ |

## Environmental Evaluation

### Setting

This section evaluates the potential effects on air quality that may result from implementation of the proposed project. This analysis is based on an *Air Quality, Greenhouse Gases, and Energy Supporting Information* Report completed by FirstCarbon Solutions for the proposed project in October 2022.

Air pollutants relevant to the CEQA checklist questions for Air Quality are briefly described below.

- Ozone is a gas that is formed when reactive organic gases (ROG) and nitrogen oxides ($NO_X$)—both byproducts of internal combustion engine exhaust—undergo slow photochemical reactions in the presence of sunlight. Ozone concentrations are generally highest during the summer months when direct sunlight, light wind, and warm temperature conditions are conducive to its formation. Health effects can include, but not be limited to irritated respiratory system, reduced lung function, and aggravated chronic lung diseases.
- ROG, or volatile organic compounds (VOCs), are defined as any compound of carbon—excluding carbon monoxide (CO), carbon dioxide ($CO_2$), carbonic acid, metallic carbides or carbonates, and ammonium carbonate—that participates in atmospheric photochemical reactions. Although there are slight differences in the definition of ROG and VOCs, the two terms are often used interchangeably.
- Nitrogen dioxide ($NO_2$) forms quickly from $NO_X$ emissions. Health effects from $NO_2$ can include the following: potential to aggravate chronic respiratory disease and respiratory symptoms in sensitive groups; risk to public health implied by pulmonary and extra-pulmonary biochemical and cellular changes and pulmonary structural changes; contribution to atmospheric discoloration; increased visits to hospital for respiratory illnesses.

- CO is a colorless, odorless gas produced by the incomplete combustion of fuels. CO concentrations tend to be the highest during the winter morning, with little to no wind, when surface-based inversions trap the pollutant at ground levels. Because CO is emitted directly from internal combustion engines—unlike ozone—and motor vehicles operating at slow speeds are a primary source of CO in the Sonoma County region, the highest ambient CO concentrations are generally found near congested transportation corridors and intersections. Potential health effects from CO depends on exposure and can include slight headaches; nausea; aggravation of angina pectoris (chest pain) and other aspects of coronary heart disease; decreased exercise tolerance in persons with peripheral vascular disease and lung disease; impairment of central nervous system functions; possible increased risk to fetuses; death.
- Respirable Particulate Matter ($PM_{10}$) and Fine Particulate Matter ($PM_{2.5}$) consist of extremely small, suspended particles or droplets 10 microns and 2.5 microns or smaller in diameter. Some sources of particulate matter, like pollen and windstorms, are naturally occurring. However, in populated areas, most particulate matter is caused by road dust, diesel soot, combustion products, abrasion of tires and brakes, and construction activities. Health effects from short-term exposure (hours/days) can include the following: irrigation of the eyes, nose, throat; coughing; phlegm; chest tightness; shortness of breath; aggravate existing lung disease, causing asthma attacks and acute bronchitis; those with heart disease can suffer heart attacks and arrhythmias. Health effects from long-term exposure can include the following: reduced lung function; chronic bronchitis; changes in lung morphology; or death.
- Toxic Air Contaminants (TACs) refer to a diverse group of air pollutants that can affect human health, but have not had ambient air quality standards established for them. Diesel particulate matter (DPM) is a toxic air contaminant that is emitted from construction equipment and diesel fueled vehicles and trucks. Some short-term (acute) effects of DPM exposure include eye, nose, throat, and lung irritation, coughs, headaches, light-headedness, and nausea. Studies have linked elevated particle levels in the air to increased hospital admissions, emergency room visits, asthma attacks, and premature deaths among those suffering from respiratory problems. Human studies on the carcinogenicity of DPM demonstrate an increased risk of lung cancer, although the increased risk cannot be clearly attributed to diesel exhaust exposure.

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. The proposed project is located in unincorporated Contra Costa County. It is under the jurisdiction of the San Francisco Bay Area Air Basin (Air Basin), where the Bay Area Air Quality Management District (BAAQMD) regulates air quality. The United States Environmental Protection Agency (EPA) is responsible for identifying nonattainment and attainment areas for each criteria pollutant within the Air Basin. The Air Basin is designated nonattainment for State standards for 1-hour and 8-hour ozone, 24-hour respirable particulate matter with an aerodynamic diameter of 10 microns or less ($PM_{10}$), annual $PM_{10}$, and annual fine particulate matter with an aerodynamic diameter of 2.5 microns or less ($PM_{2.5}$).[11]

[11] Bay Area Air Quality Management District (BAAQMD). 2017. California Environmental Quality Act. Air Quality Guidelines. May. Website: https://www.baaqmd.gov/~/media/files/planning-and research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed June 6, 2023.

Would the project:

**a) Conflict with or obstruct implementation of the applicable air quality plan?**

**Less than significant with mitigation incorporated.** The BAAQMD has adopted several air quality policies and plans to address regional air quality standards, the most recent of which is the 2017 Clean Air Plan. The 2017 Clean Air Plan was adopted in April of 2017 and serves as the regional Air Quality Plan (AQP) for the Air Basin for attaining National Ambient Air Quality Standards (NAAQS). The primary goals of the 2017 Clean Air Plan are to protect public health and protect the climate. The 2017 Clean Air Plan acknowledges that the BAAQMD's two stated goals of protection are closely related. As such, the 2017 Clean Air Plan identifies a wide range of control measures intended to decrease both criteria pollutants and greenhouse gas (GHG) emissions. The EPA has established NAAQS for six of some of the most common air pollutants—carbon monoxide, lead, ground level ozone, particulate matter, nitrogen dioxide, and sulfur dioxide—known as "criteria" air pollutants. GHGs are gaseous compounds in the atmosphere that are capable of absorbing infrared radiation, thereby trapping and holding heat in the atmosphere. By increasing the heat in the atmosphere, GHGs are responsible for the greenhouse effect, which ultimately leads to global warming. The 2017 Clean Air Plan also accounts for projections of population growth provided by the Association of Bay Area Governments (ABAG) and Vehicle Miles Traveled (VMT) provided by the Metropolitan Transportation Commission (MTC) and identifies strategies to bring regional emissions into compliance with federal and State air quality standards. A project would be judged to conflict with or obstruct implementation of the 2017 Clean Air Plan if it would result in substantial new regional emissions not foreseen in the air quality planning process.

The BAAQMD does not provide a numerical threshold of significance for project-level consistency analysis with AQPs. Therefore, the following criteria will be used for determining a project's consistency with the AQP.

- Criterion 1: Does the project support the primary goals of the AQP?
- Criterion 2: Does the project include applicable control measures from the AQP?
- Criterion 3: Does the project disrupt or hinder the implementation of any AQP control measures?

***Criterion 1***

The primary goals of the 2017 Clean Air Plan, the current AQP to date, are to:

- Attain air quality standards.
- Reduce population exposure to unhealthy air and protect public health in the Bay Area.
- Reduce GHG emissions and protect the climate.

A measure for determining whether the project supports the primary goals of the AQP is if the project would not result in an increase in the frequency or severity of existing air quality violations, cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the air quality plans. This measure is determined by evaluating whether the proposed project was reasonably accounted for the in the AQP.

The County's General Plan was updated in January 2005,[12] which was prior to the BAAQMD's adoption of the latest 2017 AQP. The project site is designated as Single-Family Residential-Low (SL) by the General Plan Land Use Element and is zoned as R-20 according to the Contra Costa County Zoning Map.

The General Plan states the SL land use designation allows 1.0 to 2.9 single-family units per net acre; based on the site acreage of 2.88 gross acres, a maximum of 9 base units would be allowed.[13] As described in Section 1.4.1–Density Bonus, the State Density Bonus Law requires cities and counties to grant a density bonus and other incentives or concessions to housing development projects in which any of the following are provided:

- At least 5 percent of the housing units are restricted to very low income residents.
- At least 10 percent of the housing units are restricted to lower income residents.
- At least 10 percent of the housing units in a for-sale common interest development are restricted to moderate income residents.

The proposed project would restrict the home on Lot 4 for moderate income residents, ensuring that at least 10 percent of the proposed housing units would be restricted to moderate income residents. As a result, consistent with State Government Code Section 65915(f)(4), the proposed project would be permitted a 7 percent increase in the allowed residential unit density, allowing for an additional unit on the project site.[14]

As the BAAQMD's latest AQP utilizes growth projections from Plan Bay Area 2040, which relies on growth projections and land use patterns from local general plans and was adopted after the adoption of the City's General Plan, development of the project site has been reasonably accounted for in the BAAQMD's latest AQP.

Furthermore, as discussed in Impact 2.3(b), implementation of the proposed project would not exceed the BAAQMD operational or construction thresholds for criteria pollutants on an average daily or annual basis. Therefore, the proposed project would be consistent with the first criterion.

***Criterion 2***

The 2017 Clean Air Plan contains control measures to reduce air pollutants and GHGs at the local, regional, and global levels. Along with the traditional stationary, area, mobile source, and transportation control measures, the 2017 Clean Air Plan contains many control measures designed to protect the climate and promote mixed use, compact development to reduce vehicle emissions and exposure to pollutants from stationary mobile sources. The 2017 Clean Air Plan also includes an account of the implementation status of control measures identified in the prior 2010 Clean Air Plan.

[12] Contra Costa County. 2005. Department of Conservation and Development. General Plan 2020. Website: https://www.contracosta.ca.gov/4732/General-Plan. Accessed June 6, 2023.

[13] Contra Costa County. 2005. Land use Element (reprint 2010). Website: https://www.contracosta.ca.gov/DocumentCenter/View/30913/Ch3-Land-Use-Element?bidId=. Accessed June 6, 2023.

[14] 9 (d/u) X (0.07) = 0.63 d/u; fractional unit rounded to 1 d/u

The table below lists the Clean Air Plan policies relevant to the proposed project and evaluates the consistency with the policies. As shown below, the proposed project would be consistent with applicable measures.

**Project Consistency with Applicable Clean Air Plan Control Measures**

| Control Measure | Project Consistency |
|---|---|
| **Buildings Control Measures** | |
| **BL1:** Green Buildings | **Consistent.** The proposed project would not conflict with implementation of this measure. The proposed project would comply with the latest energy efficiency standards and incorporate applicable energy efficiency features designed to reduce project energy consumption. |
| **BL4:** Urban Heat Island Mitigation | **Consistent.** The proposed project would include a landscaped and irrigated bioretention basin area, which would serve to reduce stormwater runoff. The proposed project has also been designed to maximize the existing trees on-site which would also reduce the urban heat island effect. |
| **Energy Control Measures** | |
| **EN1:** Decarbonize Electricity Generation | **Consistent.** The project applicant would, at a minimum, be required to conform to the energy efficiency requirements of the California Building Standards Code, also known as Title 24. For example, the proposed project would install rooftop solar photovoltaic systems (PV) capable of generating renewable electricity as well as low-flow plumbing fixtures and irrigation heads compliant with Title 24 Standards. Furthermore, the proposed project would include high-efficiency indoor and outdoor lighting. These project design features would decrease electricity demand compared to standard building construction. |
| **EN2:** Decrease Electricity Demand | |
| **Natural and Working Lands Control Measures** | |
| **NW2:** Urban Tree Planting | **Consistent.** Stormwater generated from the site would be cleaned and retained by the bioretention basin and then discharged into the stormwater system. The basin would be landscaped to provide an attractive feature visible within the project and from Walnut Boulevard.<br><br>The project has been designed to maximize the existing trees on-site. In total, 29 of the 74 existing trees would be retained and would be protected during construction. |
| **WA3:** Green Waste Diversion | **Consistent.** The waste service provider for the proposed project would be required to meet the Assembly Bill 341 (AB 341) and Senate Bills 939 (SB 939) and SB 1374 requirements that require waste service providers to divert green waste. In addition, AB 1383 went into effect on January 1, 2022, which |

| Control Measure | Project Consistency |
|---|---|
| | aims to reduce organic waste disposal by 75 percent by 2025 and to secure 20 percent of surplus edible food for the food insecure by 2025. Republic Services provides green waste service for Contra Costa County and would provide all new residents with green waste bins. All vegetation refuse generated during operation of the proposed project would be disposed of off-site. |
| **WA4:** Recycling and Waste Reduction | **Consistent.** The waste service provider for the proposed project would be required to meet the AB 341, SB 939 and SB 1374 requirements that require recyclable waste to be recycled and remove 75 percent from the landfill waste stream by 2020. The proposed would connect into an existing Contra Costa Sanitary District (Central San) 8" sewer line within Walnut Boulevard. |
| **Stationary Control Measures** | |
| **SS36:** Particulate Matter from Trackout | **Consistent with mitigation.** BAAQMD's recommended mitigation measures for construction fugitive dust control would be incorporated into Mitigation Measure (MM) AIR-1 and implemented to reduce fugitive dust and trackout during project construction. In addition, mud and dirt that may be tracked out onto the nearby public roads during construction activities shall be removed promptly by the contractor based on BAAQMD's requirements. Therefore, the proposed project would be consistent with this measure after implementation of MM AIR-1. |
| **SS37:** Particulate Matter from Asphalt Operations | **Consistent.** Asphalt used during the construction of the proposed project would be subject to BAAQMD Regulation 8, Rule 15-Emulsified and Liquid Asphalts. Although this rule does not directly apply to the proposed project, it does limit the reactive organic gas (ROG) content of asphalt available for use during construction through regulating the sale and use of asphalt. By using asphalt from facilities that meet BAAQMD regulations, the proposed project would be consistent with this Clean Air Plan measure. |

| Control Measure | Project Consistency |
|---|---|
| **Transportation Control Measures** | |
| **TR9:** Bicycle and Pedestrian Access and Facilities | **Consistent.** The proposed project would incorporate a 5-foot sidewalk along the southeast section of the new proposed roadway off and along the righthand side of Walnut Boulevard. Sidewalk currently exists along the majority of Walnut Boulevard. Walnut Boulevard currently supports Class III Bicycle facilities on each frontage of the roadway. One Bay Area Rapid Transit (BART) bus stop (Walnut Boulevard and Fraser Drive) serving Bus Line 602 is 400 feet east of the project site. Therefore, the proposed project would incorporate bicycle and pedestrian access in the project design and would be in close proximity to public transit. The proposed project would not conflict with the BAAQMD's efforts to encourage the uses of bicycle and pedestrian facilities as well as transit services. |
| Source: Bay Area Air Quality Management District (BAAQMD). 2017. Final 2017 Clean Air Plan. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?la=en. Accessed June 6, 2023. | |

In summary, the proposed project would not conflict with any applicable measures under the 2017 Clean Air Plan after the implementation of Mitigation Measure (MM) AIR-1; therefore, the proposed project would be consistent with Criterion 2 after incorporation of mitigation.

### *Criterion 3*

The proposed project would constitute the development and operation of 10 single-family homes. The proposed project would be consistent with applicable control measures such as supporting transit, pedestrian, or bicycle facilities. In addition, the proposed project would comply with energy efficiency standards contained in the California Building Code and maintaining landscaping across the project site. Considering this information, the proposed project would not disrupt or hinder implementation of any AQP control measures. Therefore, the proposed project is consistent with Criterion 3.

### Summary

As addressed above, the proposed project would be consistent with all three criteria after the incorporation of MM AIR-1 and the proposed project would not conflict with the 2017 Clean Air Plan. Therefore, impacts associated with conflicting with or obstructing implementation of the 2017 Clean Air Plan would be less than significant with mitigation.

**b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard?**

**Less than significant with mitigation incorporated.** This impact is related to the cumulative effect of a project's regional criteria pollutant emissions. By its nature, air pollution is largely a cumulative impact resulting from emissions generated over a large geographic region. The nonattainment status of regional pollutants is a result of past and present development within the Air Basin, and this

regional impact is a cumulative impact. Therefore, new development projects (such as the proposed project) within the Air Basin would contribute to this impact only on a cumulative basis. No single project would be sufficient in size by itself to result in nonattainment of regional air quality standards. Instead, a project's emissions may be individually limited, but cumulatively considerable when evaluated in combination with past, present, and future development projects.

Potential localized and regional impacts would result in exceedances of State or federal standards for nitrogen oxide ($NO_X$), particulate matter ($PM_{10}$ and $PM_{2.5}$), or carbon monoxide (CO). $NO_X$ emissions are of concern because of potential health impacts from exposure to $NO_X$ emissions during construction and operation and as a precursor in the formation of airborne ozone. $PM_{10}$ and $PM_{2.5}$ are of particular concern during construction because of the potential to emit exhaust emissions from the operation of off-road construction equipment and fugitive dust during earth-disturbing activities (construction fugitive dust). CO emissions are of particular concern during project operation because operational CO hotspots are related to increases in on-road vehicle congestion.

ROG emissions are also important because of their participation in the formation of ground level ozone. Ozone is a respiratory irritant and an oxidant that increases susceptibility to respiratory infections and can cause substantial damage to vegetation and other materials. Elevated ozone concentrations result in reduced lung function, particularly during vigorous physical activity. This health problem is particularly acute in sensitive receptors such as the sick, elderly, and young children.

The cumulative analysis focuses on whether a specific project would result in cumulatively considerable emissions. According to Section 15064(h)(4) of the CEQA Guidelines, the existence of significant cumulative impacts caused by other projects alone does not constitute substantial evidence that the project's incremental effects would be cumulatively considerable. Rather, the determination of cumulative air quality impacts for construction and operational emissions is based on whether the project would result in regional emissions that exceed the BAAQMD regional thresholds of significance for construction and operations on a project level. The thresholds of significance represent the allowable amount of emissions each project can generate without generating a cumulatively considerable contribution to regional air quality impacts. Therefore, a project that would not exceed the BAAQMD thresholds of significance on the project level also would not be considered to result in a cumulatively considerable contribution to these regional air quality impacts. Construction and operational emissions are discussed separately below.

## Construction Emissions

### *Construction Fugitive Dust*

As previously mentioned, fugitive dust ($PM_{10}$ and $PM_{2.5}$) would be generated during earthmoving activities but would largely remain localized near the project site.

The BAAQMD does not recommend a numerical threshold for fugitive dust particulate matter emissions. Instead, the BAAQMD bases the determination of significance for fugitive dust on considering the control measures to be implemented. If all appropriate emissions control measures are implemented as recommended by the BAAQMD, then fugitive dust emissions during construction are not considered significant. These measures may include, but are not limited to,

watering or seeding disturbed areas, covering stockpiles of dirt or aggregate, or other soil stabilization practices.

In addition, the BAAQMD recommends that a series of mitigation measures be implemented for all construction projects, which includes various dust control measures, such as watering disturbed areas daily and reducing vehicle speeds on unpaved roads. As such, the construction mitigation measures recommended by the BAAQMD are included herein as MM AIR-1 to ensure that adequate dust control measures are implemented at the project site. With the incorporation of MM AIR-1, short-term construction impacts associated with violating an air quality standard or contributing substantially to an existing or projected air quality violation would be less than significant for fugitive dust.

***Construction Air Pollutant Emissions: ROG, $NO_X$, $PM_{10}$, and $PM_{2.5}$***

CalEEMod, Version 2020.4.0, was used to estimate the proposed project's construction emissions. CalEEMod provides a consistent platform for estimating construction and operational emissions from a wide variety of land use projects and is the model recommended by the BAAQMD for estimating project emissions. Estimated construction emissions are compared with the applicable thresholds of significance established by the BAAQMD to assess ROG, $NO_X$, exhaust $PM_{10}$, and exhaust $PM_{2.5}$ construction emissions to determine significance for this criterion.

For purposes of this analysis, construction of the proposed project is expected to start in the first quarter of 2023 and conclude in the first quarter of 2024. If the construction schedule is moved to later years, construction emissions would likely decrease because of improvements in technology and more stringent regulatory requirements that would affect future construction equipment. The duration of construction activity and associated equipment represent a reasonable approximation of the expected construction fleet as required by CEQA Guidelines, and provides a conservative analysis of expected emissions.

As shown in the table below, the proposed project would be constructed in 269 net workdays. For a more detailed description of the construction parameters used in estimating air pollutant emissions modeling.[15]

**Preliminary Construction Schedule**

| Construction Activity | Start Date | End Date | Working Days per Week | Total Number of Working Days |
|---|---|---|---|---|
| Demolition | 3/1/2023 | 3/28/2023 | 5 | 20 |
| Site Preparation | 3/29/2023 | 3/31/2023 | 5 | 3 |
| Grading | 4/1/2023 | 4/10/2023 | 5 | 6 |
| Building Construction | 4/11/2023 | 2/12/2024 | 5 | 220 |
| Paving | 2/13/2024 | 2/26/2024 | 5 | 10 |
| Architectural Coating | 2/27/2024 | 3/11/2024 | 5 | 10 |

[15] FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

| Construction Activity | Start Date | End Date | Working Days per Week | Total Number of Working Days |
|---|---|---|---|---|
| Source: CalEEMod Output Files, FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California. | | | | |

The calculations of pollutant emissions from the construction equipment account for the type of equipment, horsepower, and load factors of the equipment, along with the duration of use.[16] The table below presents the average daily construction emissions compared with the BAAQMD's significance thresholds.

**Construction Emissions**

| Construction Activity | Air Pollutants[1] (tons/year) | | | |
|---|---|---|---|---|
| | ROG | $NO_X$ | $PM_{10}$ (Exhaust) | $PM_{2.5}$ (Exhaust) |
| Demolition | 0.02 | 0.15 | 0.01 | 0.01 |
| Site Preparation | 0.00 | 0.02 | 0.00 | 0.00 |
| Grading | 0.00 | 0.04 | 0.00 | 0.00 |
| Building Construction 2023 | 0.17 | 1.36 | 0.06 | 0.06 |
| Building Construction 2024 | 0.03 | 0.21 | 0.01 | 0.01 |
| Paving | 0.01 | 0.04 | 0.00 | 0.00 |
| Architectural Coating | 0.05 | 0.01 | 0.00 | 0.00 |
| **Total Emissions (tons)** | **0.28** | **1.83** | **0.08** | **0.08** |
| **Daily Average** | | | | |
| Total Emissions (lbs) | 562.76 | 3,660.40 | 157.40 | 150.20 |
| Average Daily Emissions (lbs/day)[2] | 2.09 | 13.61 | 0.59 | 0.56 |
| **Significance Threshold (lbs/day)** | **54** | **54** | **82** | **54** |
| **Exceeds Significance Threshold?** | **No** | **No** | **No** | **No** |

Notes:
[1] Totals may not add up due to rounding. Calculations use unrounded totals.
[2] Calculated by dividing the total lbs of emissions by the total number of nonoverlapping working days of construction (269 workdays).
lbs = pounds
$NO_X$ = oxides of nitrogen
$PM_{10}$ = particulate matter 10 microns in diameter
$PM_{2.5}$ = particulate matter 2.5 microns in diameter
ROG = reactive organic gases
Source: CalEEMod Output, FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

[16] FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

As shown in Table *Construction Emissions*, the construction emissions from all construction activities are below the recommended thresholds of significance. Therefore, project construction would have less than significant impact related to emissions of ROG, $NO_X$, exhaust $PM_{10}$, and exhaust $PM_{2.5}$. As previously discussed, the proposed project would implement MM AIR-1 for dust control to reduce potential impacts related to fugitive dust emissions during project construction. Therefore, project construction would have a less than significant impact with mitigation.

## Operational Emissions

### *Operational Air Pollutant Emissions: ROG, $NO_X$, $PM_{10}$, and $PM_{2.5}$*

Operational emissions would include area, energy, and mobile sources. Area sources include emissions from architectural coatings, consumer products, and landscape equipment, while energy sources include emissions from the combustion of natural gas for water and space heating. The proposed project would be designed all-electric; however, natural gas use is included in CalEEMod model as a default option and provides a conservative estimate of emissions. Mobile sources include exhaust and road dust emissions from the vehicles that would travel to and from the project site. Pollutants of concern include ROG, $NO_X$, $PM_{10}$, and $PM_{2.5}$.

Project operations were analyzed starting in 2024, the first calendar year of potential operation. The major sources for proposed operational emissions of ROG, $NO_X$, $PM_{10}$, and $PM_{2.5}$ include motor vehicle traffic, landscaping, and the occasional repainting of buildings.

The average daily and annual emissions are presented in the table below. Operational emissions of the respective pollutants were calculated using CalEEMod, Version 2020.4.0.[17]

**Operational Emissions (Unmitigated)**

| Emissions Source | Criteria Pollutants | | | |
|---|---|---|---|---|
| | ROG | $NO_X$ | $PM_{10}$ (Total) | $PM_{2.5}$ (Total) |
| **Annual Emissions Summary (tons/year)** | | | | |
| Area | 0.18 | <0.01 | 0.01 | 0.01 |
| Energy | 0.00 | 0.02 | <0.01 | <0.01 |
| Mobile (Motor Vehicles) | 0.04 | 0.04 | 0.08 | 0.02 |
| **Total Project Emissions** | **0.22** | **0.06** | **0.09** | **0.04** |
| **Thresholds of Significance** | **10** | **10** | **15** | **10** |
| **Exceeds Significance Threshold?** | **No** | **No** | **No** | **No** |
| **Average Daily Emissions Summary (lbs/day)** | | | | |
| Project Emissions (lbs/year) | 450 | 128 | 189 | 72 |
| **Average Daily Project Emissions (lbs/day)[1]** | **1.23** | **0.35** | **0.52** | **0.20** |
| **Thresholds of Significance** | **54** | **54** | **82** | **54** |
| **Exceeds Significance Threshold?** | **No** | **No** | **No** | **No** |

[17] FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

| Emissions Source | Criteria Pollutants | | | |
|---|---|---|---|---|
| | ROG | $NO_X$ | $PM_{10}$ (Total) | $PM_{2.5}$ (Total) |

Notes:
$NO_X$ = nitrogen oxide
$PM_{10}$ = particulate matter 10 microns or less in diameter
$PM_{2.5}$ = particulate matter 2.5 microns or less in diameter
ROG = reactive organic gases
[1] For average daily emissions, the proposed project is assumed to operate 365 days per year. Therefore, the annual tonnage of emissions is multiplied by 2,000 pounds per ton to identify total pounds of emissions and divided by 365 days per year to identify average daily emissions.
Source: CalEEMod Output, FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

As shown in Table *Operational Emissions*, the proposed project would not exceed the BAAQMD's thresholds of significance during operation, indicating that ongoing project operations would not be considered to have the potential to generate a significant quantity of air pollutants. Therefore, long-term operational impacts associated with criteria pollutant emissions generated by the proposed project would be less than significant.

### *Operational Carbon Monoxide Hotspot*

The CO emissions from traffic generated by the proposed project could be a concern at the local level. Congested intersections can result in the potential for high, localized concentrations of CO, known as a CO hotspot.

The BAAQMD recommends a screening analysis to determine whether a project has the potential to contribute to a CO hotspot. The screening criteria identify when site-specific CO dispersion modeling is necessary. The proposed project would result in a less than significant impact to air quality for local CO if all the following screening criteria are met:

1. The project is consistent with an applicable Congestion Management Program established by the County Congestion Management Agency for designated roads or highways, regional transportation plan, and local congestion management agency plans; and
2. The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour; and
3. The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

*Consistency With an Applicable Congestion Management Program*

Per the County of Contra Costa Transportation Analysis Guidelines,[18] projects of 20 residential units or less would be expected to have less than significant VMT impacts. As a result, since the proposed project would develop 10 residential units, the proposed project would be below the screening

[18] Contra Costa County Conservation and Development Department. Public Works Department 2020. Contra Costa County Transportation Analysis Guidelines. VMT Screening Criteria 2020.

threshold. Therefore, the proposed project would be consistent with the County guidelines and the applicable congestion management agency.

*Increase Traffic Volumes at Affected Intersections to More Than 44,000 Vehicles Per Hour*

As described previously, the proposed project would not exceed the County Transportation Analysis Guidelines threshold and as such, no transportation impact analysis was required for the proposed project, and the project would be expected to result in less than significant impacts related to VMT. Thus, the proposed project's anticipated trip generation would not be expected to result in a significant increase in traffic volumes on nearby intersections. Therefore, the addition of proposed project traffic volumes would not result in nearby intersections experiencing traffic volumes of 44,000 or more vehicles per hour.

*Increase Traffic Volumes at Affected Intersections Where Vertical and/or Horizontal Mixing Is Substantially Limited*

CO hotspots can still occur when a transportation facility's design or orientation prevents the adequate dispersion of CO emissions from vehicles, resulting in the accumulation of local CO concentrations. The design or orientation of a transportation facility that may prevent the dispersion of CO emissions include tunnels, parking garages, bridge underpasses, natural or urban canyons, below-grade roadways, or other features where vertical or horizontal atmospheric mixing is substantially limited. However, adjacent roadways that would receive new vehicle trips generated by the proposed project do not include transportation facilities where vertical or horizontal atmospheric mixing is substantially limited. Walnut Boulevard would receive vehicle trips generated by the proposed project and is an open surface roadway with none of the design features discussed above that could prevent atmospheric mixing.

In summary, the proposed project is consistent with the local Congestion Management Program. Therefore, based on the above criteria, the proposed project would not exceed the CO screening criteria and would have a less than significant impact related to CO.

## Summary

Impacts related to a cumulatively considerable net increase of any criteria pollutant would be less than significant. With the incorporation of MM AIR-1, short-term construction impacts associated with violating an air quality standard or contributing substantially to an existing or projected air quality violation would be less than significant with mitigation for fugitive dust. Emissions from all construction and operational activities are below the recommended thresholds of significance. Therefore, the proposed project would have less than significant impact related to cumulative emissions of ROG, $NO_X$, exhaust $PM_{10}$, and exhaust $PM_{2.5}$. In addition, the proposed project would have a less than significant impact related to CO. Therefore, this impact is less than significant with incorporation of MM AIR-1.

**c) Expose sensitive receptors to substantial pollutant concentrations?**

**Less than significant impact with mitigation incorporated.** The BAAQMD defines a sensitive receptor as the following: "Facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples include schools, hospitals, and residential areas." As specified by the BAAQMD,

health risk and hazard impacts should be analyzed for sensitive receptors within a 1,000-foot radius of the project site.[19] The closest existing sensitive receptors in each direction include the following:

- Single-family residences immediately adjacent to the project site's north, east, south, and west property boundary.

The following four criteria were applied to determine the significance of project emissions to sensitive receptors. The proposed project is considered to have a potentially significant impact if:

- **Criterion 1:** Construction of the project would result in an exceedance of the health risk significance thresholds.
- **Criterion 2:** The cumulative health impact would result in an exceedance of the cumulative health risk significance thresholds.
- **Criterion 3:** Operation of the project would result in an exceedance of the health risk significance thresholds.
- **Criterion 4:** A CO hotspot assessment demonstrates that the project would result in the development of a CO hotspot that could cause an exceedance of the CO ambient air quality standards.

### Criterion 1: Project Construction Toxic Air Pollutants

An assessment was made of the potential health impacts to surrounding sensitive receptors resulting from TAC emissions during construction. A summary of the assessment is provided below.[20]

DPM has been identified by the California Air Resources Board (ARB) as a carcinogenic substance. Major sources of DPM include off-road construction equipment and heavy-duty delivery truck and worker activities. For purposes of this analysis, DPM is represented as exhaust emissions of $PM_{2.5}$.

#### *Estimation of Construction DPM Emissions*

Construction DPM emissions (represented as emission of exhaust $PM_{2.5}$) were estimated using CalEEMod, Version 2020.4.0, as described under the discussion for Impact 2.3(b). As presented in Table *Preliminary Construction Schedule*, the proposed project's construction is anticipated to occur from the first quarter of 2023 through the first quarter of 2024. Construction emissions were calculated for each construction activity, as displayed in Table *Construction Emissions*. On-site and off-site emissions generated during project construction were modeled with a working schedule of 8 hours per day, 5 days per week. Emissions were adjusted by a factor of 4.2 to convert for use with a 24-hour-per-day, 365 day-per-year averaging period.[21]

Based on the analysis presented in this section, emissions were estimated for unmitigated project construction and a mitigated scenario that included cleaner construction equipment. Equipment

[19] Bay Area Air Quality Management District (BAAQMD). 2017. California Environmental Quality Act Air Quality Guidelines. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed June 6, 2023.

[20] FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

[21] FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

tiers refer to a generation of emission standards established by the EPA and ARB that apply to diesel engines in off-road equipment. The "tier" of an engine depends on the model year and horsepower rating; generally, the newer a piece of equipment is, the greater the tier it is likely to have. Excluding engines greater than 750 horsepower, Tier 1 engines were manufactured generally between 1996 and 2003. Tier 2 engines were manufactured between 2001 and 2007. Tier 3 engines were manufactured between 2006 and 2011. Tier 4 engines are the newest and some incorporate hybrid electric technology.

The table below summarizes the emission rates of unmitigated and mitigated DPM during construction of the proposed project, as analyzed for construction of the entire project.

**Project DPM Construction Emissions**

| Scenario | On-site DPM—Area (tons/year) | Off-site DPM—Road Segments (tons/year)[1] | Total Local DPM Emissions (tons/year) |
|---|---|---|---|
| Unmitigated Project Construction DPM | 0.07447 | 0.00063 | 0.0751 |
| Mitigated Project Construction DPM | 0.00463 | 0.00063 | 0.00526 |

Notes:
DPM = diesel particulate matter
[1] In AERMOD and HARP2 model, the off-site emissions are adjusted to represent construction vehicle travel routes from within approximately 1,000 feet of the project site. Off-site emissions shown here do not reflect the 1,000-foot adjustment.
Source: CalEEMod Output and Construction Health Risk Assessment Calculations, FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

### *Estimation of Cancer Risks and Hazards*

The BAAQMD has developed a set of guidelines for estimating cancer risks that provide adjustment factors that emphasize the increased sensitivities and susceptibility of young children to exposures to TACs.[22,23] These adjustment factors include age-sensitivity weighting factors, age-specific daily breathing rates, and age-specific time-at-home factors. As previously discussed, the Maximally Impacted Sensitive Receptor (MIR) would be at a single-family residence immediately adjacent to the project site to the west. The following equations are drawn from the California Office of Environmental Health Hazard Assessment (OEHHA) HRA guidelines and were adjusted with values identified for adjustment in the BAAQMD guidelines.

$$\text{Cancer Risk} = \text{CPF} \times \text{DOSE}_{\text{AIR}} \times \text{ASP} \times \text{ED/AT} \times \text{FAH} \qquad \text{(EQ-1)}$$

Where:

Cancer Risk = Total individual excess cancer risk defined as the cancer risk a hypothetical individual faces if exposed to carcinogenic emissions from a particular source for specified

[22] Bay Area Air Quality Management District (BAAQMD). 2016. BAAQMD Air Toxics NSR Program Health Risk Assessment Guidelines. December. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/permit-modeling/hra_guidelines_12_7_2016_clean-pdf.pdf?la=en. Accessed June 6, 2023.
[23] Bay Area Air Quality Management District (BAAQMD). 2020. BAAQMD Health Risk Assessment Modeling Protocol. December. Website: https://www.baaqmd.gov/~/media/files/ab617-community-health/facility-risk-reduction/documents/baaqmd_hra_modeling_protocol_august_2020-pdf.pdf?la=en. Accessed June 6, 2023.

exposure durations; this risk is defined as an excess risk because it is above and beyond the background cancer risk to the population; cancer risk is expressed in terms of risk per million exposed individuals.

CPF = Inhalation Cancer Potency Factor (1.1 for DPM)
ASP = Age Sensitivity Factor (see table below)
ED = Exposure Duration (duration of construction activity)
AT = Averaging Time for lifetime cancer risk (70 years expressed in days)
FAH = Fraction of time At Home (see table below)

$$DOSE_{AIR} = C_{AIR} \times DBR \times A \times EF \qquad \text{(EQ-2)}$$

Where:

$C_{AIR}$ = TAC concentration from air dispersion model ($\mu g/m^3$)
DBR = Daily Breathing Rate (see table below)
A = Inhalation Absorption factor (1)
EF = Exposure Frequency (see table below)

The BAAQMD- and OEHHB-recommended values for the various cancer risk parameters, shown in EQ-1 and EQ-2, are provided in the table below.

**Exposure Assumptions for Cancer Risk Calculations**

| Receptor Type | Duration During Construction (Years) | Fraction of Time at Home (FAH) | Exposure Frequency (EF) (Days/Year) | Age Sensitivity Factors (ASF) | Daily Breathing Rate (DBR) (L/kg-day) |
|---|---|---|---|---|---|
| **Residences**[1] | | | | | |
| Third Trimester | 0.25 | 1 | 350 | 10 | 361 |
| 0 to <2 Years | 1.1 | 1 | 350 | 10 | 1,090 |

Notes:
(L/kg-day) = liters per kilogram body weight per day.
[1] The daily breathing rates for residential receptors assume the 95th percentile breathing rates for all individuals. BAAQMD assumes residential receptors exposure occurs 24 hours per day for 350 days per year.
All sensitive receptors were modeled as residential receptors, which presents a conservative estimate of health impacts for nonresidential sensitive receptor land uses.
Sources:
Bay Area Air Quality Management District (BAAQMD). 2016. BAAQMD Air Toxics NSR Program Health Risk Assessment Guidelines. December.
Office of Environmental Health Hazard Assessment (OEHHA). 2015. Air Toxics Hot Spots Program Risk Assessment Guidelines. February.
FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

### *Estimation of Non-Cancer Chronic Hazards*

TACs can also cause chronic (long-term) effects related to non-cancer illnesses such as reproductive effects or birth defects, or adverse environmental effects. Non-cancer health risks are conveyed in terms of the hazard index (HI), a ratio of the predicted concentration of the facility's reported TAC

emissions to a concentration considered acceptable to public health professionals. A significant risk is defined as an HI of 1 or greater. An HI of less than 1 indicates that no significant health risks are expected from the facility's TAC emissions. The relationship for the non-cancer hazards of TACs is given by the following equation:

$$HI = C_{ann}/REL$$

Where:

HI = Hazard Index: an expression of the potential for chronic non-cancer health risks
$C_{ann}$ = Annual average TAC concentration ($\mu g/m^3$)
REL = Reference Exposure Level: the DPM concentration at which no adverse health effects are anticipated

Annual concentrations of DPM as predicted by the air dispersion model are used to estimate chronic non-cancer hazards. The OEHHA has defined a REL for DPM of 5 $\mu g/m^3$.

***Estimation of Health Risks and Hazards from Project Construction***

To assess impacts to off-site sensitive receptors, receptor locations within the American Meteorological Society/EPA Regulatory Model (AERMOD) were placed at locations of existing residences and schools located in the vicinity of the project boundary. As previously discussed, project construction is anticipated to start in the first quarter of 2023 and conclude in the first quarter of 2024. The following AERMOD modeling parameters were utilized to identify the DPM concentration at identified receptors.

Sensitive receptors (e.g., schools, daycare facilities, hospitals, care facilities, residences) within approximately 1,000 feet of the project boundary were represented in the model with discrete Cartesian receptors at a flagpole height of ground level for conservative estimate. For schools and parks, a boundary of discrete receptors was placed around the perimeter of that land use to identify potential impacts at the closest point to the project site. The sensitive receptors to the project site represented in the air dispersion modeling include the following:

- Receptor types identified within approximately 1,000 feet of the project boundary included residential, school, and park receptors.
  - The closest sensitive receptors are single-family residences immediately adjacent to the project site boundary to the north, east, south, and west.
  - Walnut Heights Elementary School is approximately 700 feet east of the project site.
  - A public park is approximately 600 feet southwest of the project site

Emissions were characterized in the model using area and line volume sources to represent different activities. The following describes the emission sources as represented in AERMOD:

- On-site construction activities are represented with one polygon area source across the entire project site.
- Off-site construction hauling and vendor truck operation for project construction were represented with line volume sources on Walnut Boulevard. Off-site emissions were adjusted

to account for off-site emissions that would occur within 1,000 feet of the project site (see Off-Site $PM_{2.5}$ Exhaust Adjustment Sheet[24]).

Other AERMOD inputs are described below:

- AERMOD's default regulatory dispersion option was selected. One-hour and annual average options were chosen for pollutant $PM_{2.5}$ (DPM was represented as exhaust $PM_{2.5}$).
- The Urban dispersion coefficient was used as greater than 50 percent of the surrounding three kilometers is developed. For Urban Groups option under Source Pathway, Walnut Creek City and population of 69,695 was used. For Variable Emissions option under Source Pathway, variable factor 4.2 was applied for 8 hours a day on weekdays (all other hours and weekends had variable factor of zero) to reflect that annual emissions are adjusted on weekdays for conservative estimate.
- Meteorological data from the Livermore Municipal Airport Air Monitoring Station was used for lower atmospheric meteorological data. This station was selected as it resembles physical site characteristics and elevation generally representative of the project site. The Oakland Airport Air Monitoring Station provides preprocessed meteorological data for upper atmospheric conditions in the region. Both monitoring stations cover the years 2012-2017. The model used all years of available meteorological data.

To facilitate a standard calculation platform, ARB has developed the Hotspots Analysis and Reporting Program (HARP2) software to identify the health risks associated with various TACs.[25] In this analysis, HARP2 was utilized to estimate the health risks associated with DPM generated during construction activities. Since the project construction lasts 13 months, exposure duration was set to be 1.1 years.

The MIR during project construction were found at a residence immediately adjacent to the project site to the west. The table below presents a summary of the proposed project's construction cancer risk, chronic non-cancer hazard, and annual $PM_{2.5}$ concentration impacts at each MIR. For informational purposes, the table below also presents risks and hazards associated with the maximum impacted school, daycare, and community center. As discussed in Impact 2.3(b), MM AIR-1 would be required to reduce fugitive dust emissions during construction. It should be noted that inclusion of MM AIR-1 only reduces $PM_{2.5}$ fugitive dust and not $PM_{2.5}$ exhaust.

**Estimated Health Risks and Hazards During Project Construction–Unmitigated**

| Impact Scenario | Cancer Risk (risk per million) | Chronic Non-Cancer Hazard Index[4] | Annual $PM_{2.5}$ Concentration ($\mu g/m^3$) |
|---|---|---|---|
| Residential MIR (Off-Site)[1] | **76.7** | 0.079 | **0.395** |
| Park MIR[2] | 5.7 | <0.01 | 0.029 |
| School MIR[3] | 3.3 | <0.01 | 0.017 |
| **BAAQMD Thresholds of Significance** | **10** | **1** | **0.3** |

[24] FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

[25] California Air Resources Board (ARB). HARP Air Dispersion Modeling and Risk Tool. Website: https://ww2.arb.ca.gov/resources/documents/harp-air-dispersion-modeling-and-risk-tool. Accessed June 6, 2023.

| | | | |
|---|---|---|---|
| **Exceeds Individual Source Threshold?** | **Yes** | **No** | **Yes** |

Notes:
MIR = Maximally Impacted Sensitive Receptor
[1] The Off-Site Residential MIR represents a residence immediately to the west of the project site (located at 37°53'43.7"N 122°02'34.6"W).
[2] The Park MIR represents the Lar Rieu Park which is approximately 600 feet southwest of the project site.
[3] The School MIR represents Walnut Heights Elementary School which is approximately 700 feet east of the project site
[4] Chronic non-cancer hazard index was estimated by dividing the annual DPM concentration (as $PM_{2.5}$ exhaust) by the REL of 5 $\mu g/m^3$.
Source: FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

As shown in the table below, $PM_{2.5}$ exhaust emissions generated during unmitigated project construction would result in an incremental cancer risk of approximately 77 individuals per one million for the single-family home immediately to the west of the project site, which exceeds the BAAQMD's significance threshold of 10 individuals per one million. Therefore, the proposed project would be required to implement MM AIR-2, which would require the use of Tier 4 Final engines for all construction equipment equal to or greater than 25 horsepower. With the implementation of MM AIR-2, project construction would result in an approximately 94 percent reduction in on-site $PM_{2.5}$ exhaust emissions. As shown in Table *Project DPM Construction Emissions*, the implementation of MM AIR-2 would ensure that construction DPM emissions would not exceed BAAQMD cancer risk nor annual $PM_{2.5}$ concentration. As such, this impact would be less than significant with implementation of MM AIR-2.

**Estimated Health Risks and Hazards During Project Construction—Mitigated**

| Impact Scenario | Cancer Risk (risk per million) | Chronic Non-Cancer Hazard Index[4] | Annual $PM_{2.5}$ Concentration ($\mu g/m^3$) |
|---|---|---|---|
| Residential MIR (Off-Site)[1] | 4.8 | 0.005 | 0.0246 |
| Park MIR[2] | 0.7 | <0.01 | 0.0038 |
| School MIR[3] | 0.2 | <0.01 | 0.0011 |
| **BAAQMD Thresholds of Significance** | **10** | **1** | **0.3** |
| **Exceeds Individual Source Threshold?** | **No** | **No** | **No** |

Notes:
MIR = Maximally Impacted Sensitive Receptor
[1] The Off-Site Residential MIR represents a residence immediately to the west of the project site (located at 37°53'43.7"N 122°02'34.6"W).
[2] The Park MIR represents the Lar Rieu Park which is approximately 600 feet southwest of the project site.
[3] The School MIR represents Walnut Heights Elementary School which is approximately 700 feet east of the project site
[4] Chronic non-cancer hazard index was estimated by dividing the annual DPM concentration (as $PM_{2.5}$ exhaust) by the REL of 5 $\mu g/m^3$.
Source: FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

The mitigated construction emissions would not cause any exceedance of BAAQMD health risk threshold after incorporating MM AIR-2. Therefore, project construction would not result in

significant health impacts to nearby sensitive receptors with incorporation of the identified mitigation.

***Criterion 2: Cumulative Health Risk Assessment***

The BAAQMD recommends assessing the potential cumulative impacts from sources of TACs within 1,000 feet of a project. For a project-level analysis, BAAQMD provides several tools for use in screening potential sources of TACs. The BAAQMD-provided tools used to assess the potential cumulative impacts from TACs are described below:

- **Health Risks for Local Roadways.** The BAAQMD pre-calculated concentrations and the associated potential cancer risks and PM2.5 concentration increases for each county within their jurisdiction for roadways that carry at least 30,000 average daily trips. For Community Air Risk Evaluation (CARE) Program areas, the BAAQMD also includes local roadways that meet BAAQMD's "major roadway" criteria of 10,000 vehicles or 1,000 trucks per day. The latest available screening tool is in the form of a Geographic Information System (GIS) raster file. The proposed project is located in an 8 Hour Ozone Exceedance CARE area,[26] which means 8-hour ozone levels in this area exceeded the federal standard (75 ppb) three or more times during three recent summers (2011-2013). To ensure a conservative estimate, traffic volume on Walnut Boulevard was obtained from the Walnut Boulevard Traffic Calming Study published in 2019.[27] Daily traffic volume of 4,000 was assumed based on this information, and the cancer risk and PM2.5 concentrations were adjusted with BAAQMD's Roadway Screening Calculator; those results are included in Table *Exposure Assumptions for Cancer Risk Calculations*.
- **Freeway Screening Analysis Tool.** The BAAQMD prepared a GIS tool that contains pre-estimated cancer risk and PM2.5 concentration increases for highways within the Bay Area. The nearest freeways to the proposed project include I-680, approximately 1 mile west of the project site. However, the raster file provides data at all points in the Air Basin.
- **Stationary Source Risk and Hazard Screening Tools.** The BAAQMD prepared a GIS tool with the location of permitted sources and provides a health risk calculator that estimates and refines screen-level cancer risk, a non-cancer health hazard index, and PM2.5 concentrations using emissions data from BAAQMD's permitting database.[28] For each emissions source, the BAAQMD provides conservative estimates of cancer risk and PM2.5 concentrations. Based on information from the GIS tool, there are no BAAQMD-permitted stationary sources within 1,000 feet of the project site.
- **Rail Screening Tools.** The BAAQMD prepared GIS tools that contain estimated cancer risks and PM2.5 concentrations from railroad operations at any point within the Air Basin. No existing railways are within 1,000 feet of the project site. Similar to the other BAAQMD-prepared raster files, the rail tool provides data at all points in the Air Basin.

[26] Bay Area Air Quality Management District (BAAQMD). 2014. Community Air Risk Evaluation Program. Website: https://www.baaqmd.gov/community-health/community-health-protection-program/community-air-risk-evaluation-care-program. Accessed June 6, 2023.

[27] FEHR & PEERS. 2019. Draft Technical Memorandum, Walnut Boulevard Traffic Calming Study.

[28] Bay Area Air Quality Management District (BAAQMD). Permitted Stationary Sources Risk and Hazards. Permitted Stationary Sources Risk and Hazards. Website: https://baaqmd.maps.arcgis.com/apps/webappviewer/index.html?id=2387ae674013413f987b1071715daa65. Accessed June 6, 2023.

***Cumulative Health Risk Assessment at the Maximum Impacted Sensitive Receptor***

A cumulative Health Risk Assessment was performed that examined the cumulative impacts of the proposed project's construction emissions and sources of TAC emissions within 1,000 feet of the project site.

The cumulative health risk results, including health risks from the nearby roadway sources, are summarized during project construction in the table below. Cumulative health risk results shown therein are representative of the health risks to the MIR identified in the construction HRA that would experience the highest concentration of pollutants.

**Summary of the Cumulative Health Impacts at the MIR during Construction**

| Source/Impact Scenario | Source Type | Distance from MIR1 (feet) | Cancer Risk (per million) | Chronic HI | PM2.5 Concentration (mg/m$^3$) |
|---|---|---|---|---|---|
| **Project MIR** | | | | | |
| Project Construction (Unmitigated) | Diesel Construction Equipment | 22 | 76.7 | 0.079 | 0.395 |
| Project Construction (Mitigated) | Diesel Construction Equipment | 22 | 4.8 | 0.005 | 0.025 |
| **Roadways** | | | | | |
| Walnut Boulevard | | 113 | 1.58 | ND | 0.03 |
| Air Basin Major Roadways | | — | 1.4 | ND | 0.026 |
| **Rail** | | | | | |
| Air Basin Railways | | — | 0.3 | ND | <0.001 |
| **Freeways** | | | | | |
| Air Basin Freeways/Highways | | — | 13.0 | ND | 0.237 |
| **Cumulative Health Risks** | | | | | |
| **Cumulative Maximum with Project DPM Emissions (Unmitigated)** | | | **93.0** | **0.079** | **0.688** |
| **Cumulative Maximum with Project DPM Emissions (Mitigated)** | | | **21.1** | **0.005** | **0.318** |
| **BAAQMD's Cumulative Thresholds of Significance** | | | **100** | **10** | **0.8** |
| **Threshold Exceeded in Any Scenario?** | | | **No** | **No** | **No** |

Notes:
HI = Hazard Index
MIR = Maximally Impacted Sensitive Receptor
ND = no data available
µg/m$^3$ = micrograms per cubic meter
[1] The MIR above represents the greatest impacted MIR, which is the residence immediately to the west of the project site (located at 37°53'43.7"N 122°02'34.6"W).
Source: FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

As noted in the table above, the cumulative impacts from the project construction and existing sources of TACs would be less than the BAAQMD's cumulative thresholds of significance. Thus, the cumulative health risk impacts from project construction would be less than significant.

***Criterion 3: Operational Emissions***

The proposed project would result in the development and operation of 10 single-family homes. As previously discussed under Impact 3.2(b), the proposed project would not result in a potential CO hotspot. The proposed project would result in a less than significant VMT impact because it would be below the threshold of 20 residential units established by County guidelines.

Because the proposed project would not exceed Transportation Analysis Guidelines set by the County, the proposed project would not generate significant daily passenger vehicle trips and thus, the proposed project would not generate a significant amount of DPM emissions during operation. However, gasoline-fueled vehicles would still emit relatively small amounts of gasoline TACs such as benzene, isopentane, and toluene during project operation. Nonetheless, the potential cancer risks associated with non-diesel TACs emitted from gasoline vehicles in the San Francisco Bay Air Basin are substantially less than the potential cancer risks associated with DPM emissions, [29] and are therefore not included in this analysis. Furthermore, these emissions would be dispersed throughout the local roadway network and would not solely be generated at the project site. Therefore, the proposed project would not result in significant health impacts to nearby sensitive receptors during operation.

***Criterion 4: Carbon Monoxide Hotspot Assessment***

As discussed in Impact 2.3(b), the proposed project would not generate sufficient vehicle traffic volumes during project operation to substantiate creating a CO hotspot. Therefore, this impact would be less than significant with regard to exposing sensitive receptors to substantial concentrations of CO emissions. As such, the proposed project would result in less than significant impacts related to exposing sensitive receptors to substantial pollutant concentrations.

***Summary***

As described above, the proposed project would not expose sensitive receptors at nearby residences, schools, daycares, or community centers to substantial pollutant concentrations during either construction (with mitigation incorporated) or operations. Therefore, this impact would be less than significant with mitigation incorporated.

**d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?**

**Less than significant impact.** As stated in the BAAQMD 2017 Air Quality Guidelines, odors are generally regarded as an annoyance rather than a health hazard. The ability to detect odors varies considerably among the populations and is subjective. The BAAQMD does not have a recommended odor threshold for construction activities. However, the BAAQMD recommends operational screening criteria that are based on the distance between receptors and types of sources known to generate odors. For projects within the screening distances, the BAAQMD has the following threshold for project operations:

[29] California Air Resources Board (ARB). 2008. Health Risk Assessment for the Union Pacific Railroad Oakland Railyard. Website: https://ww2.arb.ca.gov/sites/default/files/classic//railyard/hra/up_oak_hra.pdf?_ga=2.229617876.913681903.1594937953-503090677.1594937953. Accessed June 6, 2023.

An odor source with five or more confirmed complaints per year averaged over 3 years is considered to have a significant impact on receptors within the screening distance shown in Table 3-3 [of the BAAQMD's guidance].

Two circumstances have the potential to cause odor impacts:

1. A source of odors is proposed to be located near existing or planned sensitive receptors, or
2. A sensitive receptor land use is proposed near an existing or planned source of odor.

Projects that would site an odor source or a receptor farther than the applicable screening distance, shown in the table below, would not likely result in a significant odor impact.

**Odor Screening Distances**

| Land Use/Type of Operation | Project Screening Distance |
|---|---|
| Wastewater Treatment Plant | 2 miles |
| Wastewater Pumping Facilities | 1 mile |
| Sanitary Landfill | 2 miles |
| Transfer Station | 1 mile |
| Composting Facility | 1 mile |
| Petroleum Refinery | 2 miles |
| Asphalt Batch Plant | 2 miles |
| Chemical Manufacturing | 2 miles |
| Fiberglass Manufacturing | 1 mile |
| Painting/Coating Operations | 1 mile |
| Rendering Plant | 2 miles |
| Coffee Roaster | 1 mile |
| Food Processing Facility | 1 mile |
| Confined Animal Facility/Feed Lot/Dairy | 1 mile |
| Green Waste and Recycling Operations | 1 mile |
| Source: Bay Area Air Quality Management District (BAAQMD). 2017. Final 2017 Clean Air Plan. April 19. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?la=en. Accessed October 28, 2022. | |

### Project Construction

Diesel exhaust and ROGs would be emitted during construction of the proposed project, which are objectionable to some; however, emissions would disperse rapidly from the project site and would be short-term and intermittent in duration and frequency. Therefore, project construction would not generate objectionable odors affecting a substantial number of people. As such, construction odor impacts would be less than significant.

### Project Operation

Land uses typically associated with odors include wastewater treatment facilities, waste disposal facilities, agricultural operations, or other operations listed in Table *Estimated Health Risks and Hazards During Project Construction – Unmitigated*. Using GoogleMaps, a chemical manufacturing company (Malaco International, 1910 Olympic Blvd, Walnut Creek, CA 94596) was identified within 2 miles and several coffee roasting shops were identified within the 1-mile screening distances.

Public records retrieved from the BAAQMD[30] show that no odor complaints were received for the chemical manufacturing company or any coffee roasting shops within the 2017 to 2022 timeframe. Public records only identified one unconfirmed odor complaint within a 1-mile radius of the project site between 2017 and 2022. As a result, no confirmed odor complaints were filed for sources near the proposed project site. Therefore, the proposed project as a receptor during operation would not experience peculiar odor impacts from sources of odors.

The proposed project would construct 10 new single-family homes, whose operations could lead to odors from associated residential laundry cleaning, vehicle exhaust, outdoor cooking, and waste disposal. However, such odors generated by project operation would be intermittent and are not expected to be noticeable at distances that would expose a large number of receptors and are not expected to last for prolong periods of time. Therefore, minor sources of odors expected from project operation would not pose an objectionable odor impact to existing and future receptors.

### Summary

The proposed project, as a source, would not generate any peculiar emissions or odors that would adversely affect a substantial number of people. In addition, the proposed project would not place sensitive receptors near substantial existing or planned sources of odors based on BAAQMD guidance. This impact would be less than significant.

## Mitigation Measures

**MM AIR-1** The following Bay Area Air Quality Management District, Basic Construction Mitigation Measures shall be implemented during project construction and shall be included on all construction plans:

a. All exposed non-paved surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and access roads) shall be watered at least two times per day and/or non-toxic soil stabilizers shall be applied to exposed non-paved surfaces.
b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered and/or shall maintain at least 2 feet of freeboard.
c. All visible mud or dirt tracked 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.
d. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.

[30] FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes, as required by the California Airborne Toxics Control Measure (ACTM) Title 13, Section 2485 of California Code of Regulations. Clear signage regarding idling restrictions shall be provided for construction workers at all access points.
g. 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.
h. The prime construction contractor shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The County and the construction contractor shall take corrective action within 48 hours of receipt of the complaint. The Bay Area Air Quality Management District (BAAQMD) phone number shall also be visible to ensure compliance with applicable regulations.

**MM AIR-2** The following Mitigation Measure shall be implemented during project construction and shall be included on all construction plans:

a. All off-road equipment equal to or greater than 25 horsepower shall meet either United States Environmental Protection Agency (EPA) or California Air Resources Board (ARB) Tier 4 Final off-road emission standards during all construction activities.
b. The project applicant shall submit a construction management plan to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval, prior to issuance of any grading and building permits. The construction management plan shall demonstrate that the off-road equipment used on-site to construct the proposed project would comply with Tier 4 Final off-road emission standards. Off-road equipment descriptions and information included in the construction management plan may include but are not limited to equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number 47T47T.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No 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 by the California Department of Fish and Wildlife or United States 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 United States Fish and Wildlife Service? | ☐ | ☒ | ☐ | ☐ |
| c) Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) 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 wildlife nursery sites? | ☐ | ☐ | ☒ | ☐ |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | ☐ | ☒ | ☐ | ☐ |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan? | ☐ | ☐ | ☐ | ☒ |

## Environmental Evaluation

### Setting

This section evaluates the potential effects on biological resources that may result from implementation of the proposed project. This analysis is based on a *Biological Resource Analysis* (BRA) Report completed by Olberding Environmental, Inc (Olberding) for the proposed project in July 2021, the BRA subsequently updated in January 2023. Additional supporting reference materials include a *Pre-Construction Special-Status Plant Survey Report* prepared by Olberding in May 2022 and an *Arborist Report* prepared by Traverso Tree on January 10, 2023.

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 by the California Department of Fish and Wildlife or United States Fish and Wildlife Service?**

**Less than significant with mitigation incorporated**. For the purpose of this analysis, special-status species refers to all species formally listed as threatened and/or endangered under the following:

- Federal Endangered Species Act or the California Endangered Species Act (CESA);
- California Species of Special Concern, designated as Fully Protected by the California Department of Fish and Wildlife (CDFW) and given a California Native Plant Society (CNPS) rank[31] or designated as special-status by city, county, or other reginal planning documents:
  - **Rank 1A**: Plants presumed extirpated in California and either rare or extinct elsewhere
  - **Rank 1B**: Plants rare, threatened, or endangered in California and elsewhere
  - **Rank 2A**: Plants presumed extirpated in California but common elsewhere
  - **Rank 2B**: Plants rare, threatened, or endangered in California but more common elsewhere
  - **Rank 3**: Plants about which more information is needed
  - **Rank 4**: Watch List: Plants of limited distribution

Federal and State listed threatened and/or endangered species are legally protected under FESA/CESA. The designated special-status species listed by the CNPS have no direct legal protection but require an analysis of significance of potential impacts under CEQA Guidelines. Special-status plant and wildlife species typically occur in undeveloped areas. Although it is less likely, it is also possible for them to occur within developed areas.

Olberding conducted a special-status plant and wildlife species database search using the California Natural Diversity Database (CNDDB) and the CNPS Inventory of Rare and Endangered Plants of California within the Walnut Creek quadrangle and eight surrounding quadrangles.[32] Olberding also conducted a reconnaissance-level survey of the project site on July 12, 2021 and a follow up rare plant survey of the project site in April 5, 2022 to determine the potential presence or absence of special-status species listed in the California Natural Diversity Database (CNNDB) and CNPS database and for other potential sensitive species or habitats.[33]

According to the BRA, there are five habitat types present on-site (see Figure 10 of the BRA): developed (0.11 acre), non-native annual grassland (1.31 acres), ephemeral drainage (0.17 acre), mixed woodland (1.01 acres), and riparian (0.05 acre). Much of the project site consists of non-native annual grassland; vegetation observed within this area included wild oat (*Avena fatua*), Italian

[31] All plants appearing on the CNPS List 1 or 2 are considered to meet the CEQA Guidelines Section 15830 criteria. While only some of the plants ranked 3 and 4 meet the definitions of threatened or endangered species, the CNPS recommends that all Rank 3 and Rank 4 plants be evaluated for consideration under CEQA.

[32] Olberding Environmental, Inc. 2021. Biological Resources Assessment Report. 3180 Walnut Boulevard Contra Costa County, California.

[33] Ibid.

rye grass (*Festuca perennis*), ripgut brome (*Bromus 4 diandrus*), soft chess (*Bromus hordeaceus*), and hare barley (*Hordeum murinum ssp. leporinum*).[34]

### Special-status Plant Species

A plant's potential to occur on the project site was based on presence of suitable habitats, soil types, and occurrences recorded by the CNPS Inventory of Rare and Endangered Plants of California CNDDB. Olberding identified 26 special-status plant species have been recorded within a 5-mile radius of the project site (Figure 6 of the BRA).[35] Twenty-two of the 26 special-status plant species recorded within the 5-mile radius were identified as having no potential to occur on the project site due to the absence of suitable habitat (e.g., salt marsh, coastal dunes, serpentine soils, vernal pool, etc.), soil composition, and previous development/disturbance and are therefore excluded from further analysis.[36] According to the BRA, the remaining four special-status plant species were determined to have a low potential to occur, Congdon's tarplant (*Centromadia parryi ssp. Congdonii*), Diablo helianthella (*Helianthella castanea*), Mount Diablo fairy-lantern (*Calochortus pulchellus*), and bent-flowered fiddleneck (*Amsinckia lunaris*). Marginal habitat exists within the grassland portion of the project site, though a large portion of the grassland had been recently disked at the time of Olberding's field survey. Given the potential for these plants to occur, Olberding conducted a focused rare plant survey of the project site in April 2022, during the blooming period for three of these species (Diablo helianthella, Mount Diablo fairy-lantern, and bent-flowered fiddleneck), and none of these species were observed; thus, they are presumed absent[37]. Although the April 2022 survey was conducted outside of the blooming period for Congdon's tarplant (June–November), remnant plants would have been observed if this species was present. Moreover, the July 2021 reconnaissance survey was conducted during the blooming period for this species, and it was not observed. Thus, Congdon's tarplant is also presumed absent from the project site. Attachment 2, Table 2 of the BRA includes a species-specific discussion of all special-status plants with the potential to occur within or in the immediate vicinity of the project site, based on a review of the surrounding quadrangles.

No special-status or rare plants occur within the project site based on multiple field surveys conducted by Olberding. Therefore, the proposed project would have no impact on special-status or rare plants and no mitigation would be required.

### Special-status Wildlife Species

The potential for wildlife to occur on the project site was based on the presence of suitable habitats and occurrences recorded by the CNDDB and United States Fish and Wildlife Service (USFWS) within the Walnut Creek and eight surrounding quadrangles. Forty-one special-status wildlife species have been recorded with the potential to occur within the greater vicinity of the project site based on the literature review.[38] Thirty of the 41 special-status wildlife species were determined either not likely to occur or to have no potential to occur due to absence of suitable habitat and/or site-specific

[34] Olberding Environmental, Inc. 2021. Biological Resources Assessment Report. 3180 Walnut Boulevard Contra Costa County, California.
[35] Ibid.
[36] Ibid.
[37] Olberding Environmental, Inc. 2021. Biological Resources Assessment Report. 3180 Walnut Boulevard Contra Costa County, California.
[38] Olberding Environmental, Inc. 2021. Biological Resources Assessment Report. 3180 Walnut Boulevard Contra Costa County, California.

habitat conditions and are therefore excluded from further analysis. See Attachment 2, Table 2 of the BRA, which includes a species-specific discussion of all 41 special-status wildlife species.

Eleven special-status wildlife species were determined to have potential to occur on the project site: red-shouldered hawk (*Buteo lineatus*), red-tailed hawk (*Buteo jamaicensis*), Cooper's hawk (*Accipiter cooperii*), white-tailed kite (*Elanus leucurus*), American kestrel (*Falco sparverius*) hoary bat (*Lasiurus cinereus*), western red bat (*Lasiurus frantzii*), pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), Yuma myotis (*Myotis yumanensis*), and Alameda whipsnake (*Masticophis lateralis euryxanthus*).[39] These species are addressed in more detail below.

### *Nesting birds: red-shouldered hawk, red-tailed hawk, Cooper's hawk, white-tailed kite, and American kestrel*

The trees and shrubs present throughout the project site and riparian vegetation adjacent to the ephemeral drainage provide nesting habitat for bird species protected under the Migratory Bird Treaty Act (MBTA) and Fish and Game Code. These species include red-shouldered hawk, red-tailed hawk, Cooper's hawk, white-tailed kite, American kestrel, and common songbirds (passerine birds). Construction activities could disturb nesting and breeding birds in trees and shrubs within and around the project site. Potential impacts on special-status and migratory birds that could result from construction and operation of the proposed project include destruction of eggs or occupied nests, mortality of young, and abandonment of nests with eggs or young birds prior to fledging. If MBTA and/or Fish and Game Code protected species' nests are present, impacts to these species would be significant. MM BIO-1 would require pre-construction surveys and modification of construction activities to avoid disturbance of any active nests, including active nests of special-status bird species, if present, which would reduce impacts to migratory and nesting birds and raptors protected under the MBTA and Fish and Game Code (including special-status species) to less than significant levels. Prior to issuance of a building or grading permit, the CDD shall determine if project construction-related activities will take place during the nesting season, and if so, the avian pre-construction survey shall be reviewed and approved by the CDD.

### *Roosting bats: hoary bat, western red bat, pallid bat, Townsend's big-eared bat, and Yuma myotis*

The project site contains existing structures and trees that could provide suitable bat-roosting habitat. Potential direct and indirect impacts could occur to roosting bats due to removal of potential roosting habitat during project construction. These activities could potentially subject bats to risk of death or injury, and they are likely to avoid using the area until such construction activities have dissipated or ceased. Relocation, in turn, could cause hunger or stress among individual bats by displacing them into adjacent territories belonging to other individuals; impacts to these species would be significant. MM BIO-2 would require a roosting bat survey to be conducted prior to the start of project construction to reduce potential impacts to roosting bats to less than significant levels.

### *Alameda whipsnake*

The Alameda whipsnake is one of two subspecies of the California whipsnake. It is distinguished from the chaparral whipsnake (*M. l. lateralis*) by the broad orange striping on its sides. Adults reach approximately three to five feet in length and show a sooty black to dark brown back, cream colored undersides and pinkish tail. This species is typically found in chaparral, northern coastal sage scrub, and coastal sage habitats; however, annual grasslands, oak woodlands, and oak savanna serve as

[39] Ibid.

habitat during the breeding season. Egg-laying occurs near scrub habitat on ungrazed grasslands with scattered shrub cover. The known distribution for Alameda whipsnake includes Sobrante Ridge, Oakland Hills, Mount Diablo, the Black Hills, and Wauhab Ridge.[40]

CNDDB listed 20 occurrences of Alameda whipsnake within 5 miles of the project site. The exact locations of these collections were not recorded in the CNDDB due to the sensitivity of this species. Refer to Attachment 1 Figure 5 of the BRA to see approximate range of listed occurrences. The project site does not overlap with USFWS designated critical habitat (unit: 3) (See Attachment 1 Figure 7 of the BRA). USFWS designated critical habitat for Alameda whipsnake is located approximately 2 miles east within the Shell Ridge Open Space.

The project site contains grassland habitat but lacks scrub or rock outcrop cover which the Alameda whipsnake characteristically prefers. However, the southwestern boundary of the Shell Ridge Open Space is located approximately 0.3 mile northeast of the project site. Alameda whipsnake could utilize the project site for dispersal as it moves to and from more suitable habitat. For these reasons, Alameda whipsnake has a low potential to occur on the project site in a dispersal capacity only.[41]

Project implementation could result in disturbance or loss of this species if present during grading and construction. Implementation of MM BIO-3, which requires a pre-construction survey and conducting an Environmental Awareness training would help to identify and avoid dispersing individuals, minimizing the impacts of project-related activities on the Alameda whipsnake to less than significant. Prior to issuance of a building or grading permit, the reptile pre-construction survey shall be reviewed and approved by the CDD.
In conclusion, project implementation would require grading within suitable habitat for special-status species, as well as the removal of trees and structures that provide suitable habitat for passerine birds and raptors, and roosting bats. Implementation of the recommendations detailed in the BRA, and demonstrated as MM BIO-1 through MM BIO-3 respectively below, would reduce impacts to special-status species to less than significant.

**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 United States Fish and Wildlife Service?**

**Less than significant with mitigation incorporated**. The CDFW maintains a list of natural communities that classifies vegetation types found within the State of California and ranks them based on rarity. Communities ranked S1-S3 are considered sensitive natural communities.[42] Riparian habitats are typically considered sensitive natural communities and are addressed in the environmental review process. The project site contains one sensitive natural community, riparian habitat. This natural community is discussed below.

The BRA identified 0.05 acre of riparian habitat adjacent to an ephemeral drainage, which runs along the northern boundary of the project site. Dominate tree species observed included valley oak

[40] Olberding Environmental, Inc. 2021. Biological Resources Assessment Report. 3180 Walnut Boulevard Contra Costa County, California.
[41] Ibid.
[42] California Department of Fish and Wildlife (CDFW). 2022. Natural Communities List, Sacramento: California Department of Fish and Wildlife. Website: https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities. Accessed January 11, 2023.

(*Quercus lobata*) and black walnut (*Juglans hindsii*). Understory species observed include wild oat (*Avena fatua*), ripgut brome (*Bromus diandrus)*, and soft chess (*Bromus hordeaceus*).[43]

Project construction would avoid direct impacts to on-site sensitive natural communities. While the proposed project would avoid direct impacts to sensitive natural communities, project construction has the potential for indirect (temporary) adverse impacts to on-site aquatic features. Potential temporary indirect impacts include pollutant loading, increased erosion and sedimentation, and debris dispersal. Implementation of MM BIO-4 would reduce potential indirect adverse impacts to on-site sensitive natural communities to less than significant levels by avoiding work in riparian habitat and on-site aquatic features, implementing erosion control measures, and the prevention of substances toxic to fish and wildlife from leaching into riparian habitat or sensitive natural communities. Prior to issuance of a grading or building permit, the riparian corridor and ephemeral drainage will be fenced off to make sure no work takes place in this area, unless evidence is provided to the CDD that the California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), and/or United States Army Corp of Engineers (USACE) reviewed and approved work within these areas.

**c) Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

**Less than significant with mitigation incorporated**. While the project site does not contain seasonal wetlands, 0.17 acre of ephemeral drainage and it associated riparian habitat runs from the northeast to northwest corner of the project site. According to the BRA, this drainage and its associated riparian habitat may be considered jurisdictional by the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and/or the CDFW.[44] As discussed in the checklist question above, project design would avoid direct impacts to the ephemeral drainage, and its associated riparian habitat. Moreover, implementation of MM BIO-4 would reduce potential indirect adverse impacts these on-site aquatic features to a less than significant level through erosion control measures and preventing substances toxic to fish and wildlife from leaching into these features.

**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 wildlife nursery sites?**

**Less than significant impact**. As discussed above, the BRA identified areas of ephemeral drainage which flow from the northeast corner to the northwest corner of the project site flanked by riparian corridors at the eastern and western ends. The ephemeral drainage empties into a partially buried concrete culvert at the northwestern boundary of the project site. The proposed project would not disturb any portion of the ephemeral drainage or riparian habitat. Furthermore, the project site is in an urbanized area and is surrounded by single-family residences which further constrain wildlife movement. For these reasons, the proposed project is not expected to have any significant impact on wildlife corridors or to impede the use of nursery sites, therefore project-related impacts would be less than significant.

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[43] Olberding Environmental, Inc. 2021. Biological Resources Assessment Report. 3180 Walnut Boulevard Contra Costa County, California.

[44] Ibid.

**e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

**Less than significant impact with mitigation incorporated.** Tree removal in the County is regulated under Contra Costa County Code Chapter 816-6, Tree Protection and Preservation Ordinance. According to the Arborist Report prepared for the proposed project, the project site contains 74 trees, 14 of which are protected trees. Based on the proposed project's grading plan, the Arborist Report recommends the preservation of 31 trees and the removal of 43 trees.[45] Of the 43 trees to be removed, four are protected under the County's Tree Protection and Preservation Ordinance.[46] If not properly protected, the trees proposed for preservation could also be subject to injury or inadequate maintenance during construction, which represents a potentially significant impact. The response of individual trees would depend on the amount of excavation and grading, the care with which demolition is undertaken, and the construction methods.

As the construction of the proposed project requires the removal of trees subject to the Contra Costa County Tree Protection and Preservation Ordinance, the applicant would be required to prepare and implement a tree replacement plan. In addition, remaining trees that are proposed for preservation on the project site would be preserved through the implementation of the tree preservations guidelines identified and outlined in the Arborist Report.

As a part of approval for development, the applicant would be required to demonstrate and implement consistency with the County's tree ordinance, including tree removal permits and protection of preserved trees. Implementation of MM BIO-5, which requires the project applicant to implement a tree replacement plan, and MM BIO-6 requiring the project applicant to implement tree preservation guidelines during construction, impacts related to consistency with local policies or ordinances that protect biological resources would be less than significant.

**f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan?**

**No Impact**. The proposed project does not lie within the boundaries of any adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or State HCP.[47] Therefore, no impact would occur.

## Mitigation Measures

**MM BIO-1 Pre-construction Avian Survey**

If project construction-related activities would take place during the nesting season (February through August), pre-construction surveys for nesting passerine birds and raptors (birds of prey) within the project site and the large trees within the adjacent riparian area should be conducted by a qualified Biologist no more than 14 days prior to the commencement of the tree removal or site grading activities. If any bird listed under the Migratory Bird Treaty Act (MBTA) is found to be nesting within the

[45] Traverso Tree. 2023. Arborist Report. 3180 Walnut Boulevard, Walnut Creek, California.
[46] Ibid.
[47] California Department of Fish and Wildlife. 2019. California Natural Community Conservation Plans. Website: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=68626&inline. Accessed December 21, 2022.

project site or within the area of influence, an adequate protective buffer zone should be established by a qualified Biologist to protect the nesting site. This buffer shall be a minimum of 75 feet from the project activities for passerine birds, and a minimum of 200 feet for raptors. The distance shall be determined by a qualified Biologist based on the site conditions (topography, if the nest is in a line of sight of the construction and the sensitivity of the birds nesting). The nest site(s) shall be monitored by a qualified Biologist periodically to see if the birds are stressed by the construction activities and if the protective buffer needs to be increased. Once the young have fledged and are flying well enough to avoid project construction zones (typically by August), a qualified Biologist shall determine if the project can proceed without further regard to the nest site(s). Prior to issuance of a building or grading permit, the CDD shall determine if project construction-related activities will take place during the nesting season, and if so, the avian pre-construction survey shall be reviewed and approved by the CDD.

**MM BIO-2 Pre-construction Bat Survey**

To avoid "take" of special-status bats, the following mitigation measures shall be implemented prior to the removal of any existing trees or structures on the project site:

If project construction-related activities take place during seasonal periods of bat activity (mid–February through mid–October – ca. February 15–April 15, and August 15–October 30), a bat habitat assessment within the project site shall be conducted by a qualified Bat Biologist to determine suitability of each tree or existing structure as bat roost habitat. Structures found to have no suitable openings can be considered clear for project activities as long as they are maintained so that new openings do not occur. Structures found to provide suitable roosting habitat, but without evidence of use by bats, may be sealed until project activities occur, as recommended by the Bat Biologist. Structures with openings and exhibiting evidence of use by bats shall be scheduled for humane bat exclusion and eviction, conducted during appropriate seasons, and under supervision of a qualified Bat Biologist. Bat exclusion and eviction shall only occur between February 15 and April 15, and from August 15 through October 30, in order to avoid take of non-volant (non-flying or inactive, either young, or seasonally torpid) individuals. Prior to issuance of a building or grading permit, the CDD shall determine if project construction-related activities will take place during seasonal periods of bat activity, and if so, the bat habitat assessment shall be reviewed and approved by the CDD.

**MM BIO-3 Pre-construction Reptile Survey and Impact Avoidance**

While potential occurrence of Alameda whipsnake is limited to dispersal throughout the project site, a pre-construction survey for special-status reptile species shall be conducted no more than 48 hours prior to the commencement of tree removal or project construction-related activities to determine presence/absence of these species. Worker Environmental Awareness training discussing the potential for these species shall be conducted by a qualified Biologist or Biological Monitor for all construction personnel working within the project site. Prior to issuance of a

building or grading permit, the reptile pre-construction survey shall be reviewed and approved by the CDD.

**MM BIO-4 Avoidance and Minimization Measures for Riparian Habitat and On-site Aquatic Features**

No work (including vegetation removal) shall take place within the riparian corridor and ephemeral drainage as indicated in the Biological Resource Analysis (BRA) Report completed by Olberding Environmental, Inc (Olberding) dated January 2023, unless evidence is provided to the CDD that the California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), and/or United States Army Corp of Engineers (USACE) reviewed and approved work within these areas. The plan set for a building permit shall show fencing that is approved by a qualified biologist to ensure work does not take place in this area. As-built photos shall be required prior to issuance of a grading or building permit to ensure that this fencing is installed.

**MM BIO-5 Avoidance and Minimization Measures for Riparian Habitat and On-site Aquatic Features**

At no time shall silt-laden runoff be allowed to enter on-site aquatic features and their associated habitats. Erosion control measures shall be utilized throughout all phases of operation where sediment runoff from the project may enter these aquatic features. Best Management Practices (BMPs) to avoid erosion, uncontrolled stormwater runoff and bank deterioration shall be implemented, following the requirements of the proposed project's Stormwater Control Plan, and typically include silt fencing, coir rolls, and/or straw bale dikes.

**MM BIO-6 Avoidance and Minimization Measures for Riparian Habitat and On-site Aquatic Features**

No substances toxic to fish and wildlife shall be discharged or allowed to leach into the aquatic features present on-site. Materials deleterious or toxic to fish and wildlife, including, but not limited to, asphalt, tires, concrete, construction materials, treated wood, and creosote containing materials, shall not be stockpiled within 100 feet of any aquatic feature present on-site.

**MM BIO-7 Prepare and Implement a Tree Replacement Plan**

As a result of tree removal, approval of a Tree Permit under the provisions of the County Tree Ordinance shall be required. The Tree Permit shall include a Tree Replacement Plan. The Tree Replacement Plan shall designate the approximate location, number, species and sizes of new trees to be planted. No tree shall be removed until a building or grading permit is issued.

**MM BIO-8 Implement Tree Preservation Guidelines During Construction**

To protect the trees to remain, approval of a Tree Permit under the provisions of the County Tree Ordinance shall be required. The Tree Permit shall include tree protection mitigation measures as described in the arborist report prepared by

Jennifer Tso (#WE-10270A) of Traverso Tree Service dated January 10, 2023[48], and these mitigation measures shall be implemented during construction through the clearing, grading, and construction phases, and stated on all construction plans.

[48] Traverso Tree. 2023. Arborist Report. 3180 Walnut Boulevard, Walnut Creek, California.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| **5. Cultural Resources** *Would the project:* | | | | |
| a) Cause a substantial adverse change in the significance of a historical resource as pursuant to Section 15064.5? | ☐ | ☐ | ☒ | ☐ |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? | ☐ | ☒ | ☐ | ☐ |
| c) Disturb any human remains, including those interred outside of formal cemeteries? | ☐ | ☒ | ☐ | ☐ |
| **18. Tribal Cultural Resources** *Would the project 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:* | | | | |
| d) 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 | ☐ | ☒ | ☐ | ☐ |
| e) 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. | ☐ | ☒ | ☐ | ☐ |

## Environmental Evaluation

### Setting

This section describes the existing cultural and Tribal Cultural Resources (TCRs) setting and potential effects from the proposed project implementation on the project site and its surrounding area. The analysis in this section is based, in part, on the Historic Resource Assessment (HRA) completed by FCS on December 16, 2022, and an Archaeological Survey Report completed by Garcia and Associates (GANDA) on March 18, 2020.

### Archaeological Survey Report

On March 18, 2020, GANDA completed a cultural resources assessment for the proposed project. The results of this cultural resource assessment were informed by a records search of the Northwest Information System (NWIC) of the California Historical Resources Information System (CHRIS), a

literature and archival review, Native American tribal consultation, and a pedestrian survey of the project site.

### *Northwest Information Records Search*

A records search for the project site and its 0.25-mile radius were conducted on February 24, 2020, at the NWIC, located at Sonoma a State University in Rohnert Park, California. The purpose of this records search was to compile information pertaining to the locations of previously recorded cultural resources and prior cultural resources studies within the study area and its vicinity.

The results of the NWIC records search identified two previously recorded historic-period archaeological resources within 0.25 mile of the project site. Both are historic buildings. The records search identified three studies within 0.25 mile of the project site.

### *Native American Consultation*

A GANDA Archaeologist initiated consultation via email with the Native American Heritage Commission (NAHC) on February 26, 2020, to determine whether any sacred sites were located within the project site or its vicinity. A response was received on February 27, 2020, indicating that no sacred sites were identified within the project site. Native American consultation under Assembly Bill (AB) 52 of CEQA is the responsibility of the Lead Agency, which was completed prior to the preparation of this report.

### *Archaeological Field Survey*

On February 28, 2020, a GANDA Archaeologist conducted an intensive pedestrian survey of the project site. to determine the presence or absence of archaeological resources. The ground surface was examined for the presence of prehistoric artifacts, prehistoric milling surfaces on exposed bedrock, historic-era artifacts, sediment discoloration that might indicate the presence of a cultural midden, and depressions and other features that might indicate the former presence of historic-era structures or buildings. Ground disturbances such as rodent holes, burrows, and cut banks were also visually inspected. No archaeological resources were observed.

### *Historic Resources Assessment*

FCS Staff Archaeologist Taylor Love conducted an architectural field survey and HRA of the project site on November 21, 2022. The project site contains a single-family residence that was constructed in 1954. The residence was assessed on its own merits for inclusion in the California Register of Historical Resources (CRHR) and/or the National Register of Historic Places (NRHP) and was found to be ineligible. Based on the results of the records searches, archival research and architectural field survey, FCS considers the project site to have low sensitivity for historic resources. FCS concluded that there are no unique historic resources located on the project site as defined under California Public Resources Code Sections 15064.5 and 5024.1.

## Cultural Resources

Would the project:

**a) Cause a substantial adverse change in the significance of a historical resource as pursuant to Section 15064.5?**

**Less than significant impact**. CEQA Guidelines Section 15064.5 defines "historical resources" as resources listed in the CRHR, a local register, determined significant by the Lead Agency, or determined to be eligible by the California Historical Resources Commission for listing in the CRHR. The criteria for eligibility are generally set by the National Historic Preservation Act of 1966, which established the NRHP, and which recognizes properties that are significant at the federal, State, and local levels. To be eligible for listing in the NRHP and CRHR, a district, site, building, structure, or object must possess integrity of location, design, setting, materials, workmanship, feeling, and association relative to American history, architecture, archaeology, engineering, or culture.[49] In addition, unless the property possesses exceptional significance, it must be at least 50 years old to be eligible.

Historical significance is assessed against the following NRHP/CRHR criteria:

**Criterion A:** Associated with events that have made a significant contribution to the broad patterns of our history; or

**Criterion B:** Associated with the lives of persons significant in our past; or

**Criterion C:** Embodied of distinctive characteristics of a type, period, or method of construction, or that possess high artistic value, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

**Criterion D:** Yielded, or may be likely to yield information important in prehistory or history.

The GANDA 2020 record search conducted at the NWIC determined that two historic-era resources are within a 0.25-mile radius of the project site, none of which are located within the project boundaries. The 2020 pedestrian survey did not identify any potentially historic resources within the proposed project site. However, the project site does contain one existing single-family residence. According to the HRA, historic topographic maps and records obtained from the Contra Costa County Assessor's Office indicate that construction of the residence was completed in 1954. Therefore, the residence is more than 50 years in age. However, the HRA Report concluded that the assessed property is not eligible for listing in the CRHR under any of the criteria listed above. Therefore, the building on-site does not qualify as significant historical resources under CEQA and impacts would be less than significant.

**b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?**

**Less than significant with mitigation incorporated**. Section 15064.5 of the CEQA Guidelines defines significant archaeological resources as resources that meet the criteria for historical resources, as discussed above, or resources that constitute unique archaeological resources. A project-related

[49] National Register of Historic Places (NRHP). 2022. Publications of the National Register of Historic Places. Website: https://www.nps.gov/subjects/nationalregister/publications.htm. Accessed June 6, 2023.

significant adverse effect could occur if a project were to affect archaeological resources that fall under either of these categories.

As discussed above, the NWIC records search identified two previously recorded historic-period archaeological resources and three studies within 0.25-mile of the project site. Based on the results of the records searches, archival research and field survey, the HRA concluded that the project site has low sensitivity for historic resources. Furthermore, the Archaeological Survey Report concluded that the potential to encounter archaeological resources during project implementation is low. Nevertheless, it is possible that earthmoving activities associated with project construction could encounter previously undiscovered archaeological resources. Archaeological resources can include but are not limited to stone, bone, wood or shell artifacts or features, including hearths and structural elements. Damage or destruction of these resources would be a potentially significant impact. Implementation of MM CUL-1 would reduce this potential impact to less than significant.

**c) Disturb any human remains, including those interred outside of formal cemeteries?**

**Less than significant with mitigation incorporated.** No human remains or cemeteries are known to exist within or near the project site. While it is unlikely that human remains exist within or near the project site, there is always a possibility that subsurface construction activities associated with the proposed project, such as grading or trenching, could potentially damage or destroy previously undiscovered human remains. Accordingly, potential impacts would be limited to construction activities.

In the event of an accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Section 5097.98 must be followed. MM CUL-2 further specifies the procedures to follow in the event human remains are uncovered. Along with compliance with required guidelines and statutes, implementation of MM CUL-2 would reduce potential impacts to human remains to a less than significant level.

## Tribal Cultural Resources

**Would the project 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:**

**d) 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**

**Less than significant with mitigation incorporated**. A review of the CRHR, local registers of historic resources, the NWIC records search results, and NAHC Sacred Lands File search, and the pedestrian survey failed to identify any previously listed TCRs that may be adversely affected by the proposed projects. However, as discussed above, construction activities may result in potentially significant impacts should any undiscovered TCRs be encountered. Implementation of MM CUL-1 and MM CUL-2 would reduce potential impacts to a less than significant level.

**e) 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.**

**Less than significant with mitigation incorporated.** Tribal consultation efforts conducted by Contra Costa County pursuant to AB 52 to identify additional significant TCRs meeting the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1 was initiated on September 22, 2021, and January 5, 2023, respectively. Consultation commenced on September 22, 2022, with Wilton Rancheria and concluded on October 22, 2022. Wilton Rancheria provided no comments pertaining to the proposed project. The County received an additional response on January 7, 2023, from the Confederated Villages of Lisjan Nation formally commencing consultation efforts as well requesting additional information about the proposed project and NAHC Sacred Lands File results. The Confederated Villages of Lisjan Nation received the requested information and were satisfied with the results of the Archaeological Survey report. The tribe provided no further comments. Tribal consultation concluded on February 6, 2023. However, as previously discussed, construction activities may result in potentially significant impacts should any undiscovered TCRs be encountered. Implementation of MM CUL-1 and MM CUL-2 would reduce potential impacts to a less than significant level.

## Mitigation Measures

**MM CUL-1 Unidentified Cultural Materials**

All project-related ground disturbance shall be monitored by an archaeologist who meets the Secretary of the Interior's professional qualification standards for archaeology. In the event that significant cultural resources are discovered during construction activities, the applicant/project owner or sponsor shall ensure that operations within a 100-foot radius of the find shall cease and the archaeologist will be consulted to determine whether the resource requires further study. The standard inadvertent discovery clause shall be included on the grading plans submitted to the City to inform contractors of this requirement. Potentially significant cultural resources consist of but are not limited to stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. The archaeologist shall make recommendations to the City concerning appropriate measures, which shall be implemented by the applicant/project owner or sponsor to protect the discovered resources, including but not limited to recordation on appropriate California Department of Parks and Recreation (DPR) forms, evaluation, or excavation of the finds in accordance with CEQA Guidelines, Section 15064.5.

**MM CUL-2 Encountering Human Remains**

In the event of accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and 5097.98 shall be followed. If during the course of construction activities there is accidental discovery or recognition of any human remains, the following steps shall be taken:

a. There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98.
b. Where the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the project site in a location not subject to further subsurface disturbance:
    - The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission.
    - The descendant identified fails to make a recommendation.
    - The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| **6. Energy** *Would the project:* | | | | |
| a) Result in 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? | ☐ | ☐ | ☒ | ☐ |

## Environmental Evaluation

### Setting

Energy is generally transmitted either in the form of electricity, measured in kilowatts (kW) or megawatts (MW), or natural gas measured in US Therms. Electricity is used primarily for lighting, appliances, and other uses associated with the proposed project. Natural gas is used primarily for space and water heating, when applicable; however, natural gas use is not anticipated in the proposed project. The proposed project would adopt an all-electric design and would not include natural gas use. However, natural gas use is included in CalEEMod to provide a conservative estimate of air quality and GHG emissions; the CalEEMod estimates are used as a basis for the energy consumption calculations referenced in this section.

Would the project:

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

**Less than significant impact**. A significant impact would occur if the proposed project would result in the wasteful, inefficient, or unnecessary use of energy. Construction and operations are discussed separately below.

### Construction

The anticipated construction schedule for the proposed project was assumed to occur from the first quarter of 2023 through the first quarter of 2024, lasting approximately 12 months. Should the construction schedule would move to later years, construction energy demand would likely decrease because of improvements in technology and more stringent regulatory requirements as older, less efficient equipment is replaced by newer and cleaner equipment. The proposed project would require demolition, site preparation, grading, building construction, architectural coating, and paving activities. Project construction would require energy for the manufacturing and transportation of building materials, preparation of the site (e.g., site clearing, and grading), and construction of the building. Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy for these tasks.

The types of on-site equipment used during construction of the proposed project could include gasoline- and diesel-powered construction and transportation equipment, including trucks, bulldozers, frontend loaders, forklifts, and cranes. Construction equipment is estimated to consume a total of 25,905 gallons of diesel fuel over the entire construction duration[50].

Fuel use associated with construction vehicle trips generated by the proposed project was also estimated; trips include construction worker trips, haul truck trips for material transport, and vendor trips for construction material deliveries. Fuel use from these vehicles traveling to the project site was based on (1) the projected number of trips the proposed project would generate during construction, (2) average trip distances by trip type, and (3) fuel efficiencies estimated in the ARB Emissions Factors model (EMFAC) mobile source emission model[51]. In total, the proposed project is estimated to generate 134,771 VMT and a combined 6,473 gallons of gasoline and diesel for vehicle travel during construction.

Other equipment could include construction lighting, field services (office trailers), and electrically driven equipment such as pumps and other tools. Single-wide mobile office trailers, which are commonly used in construction staging areas, generally range in size from 160 square feet to 720 square feet. A typical 720-square-foot office trailer would consume approximately 8,930 kilowatt-hours (kWh) during the 13-month construction[52].

The proposed project's construction is not anticipated to result in unusually high energy use. Limitations on idling of vehicles and equipment and requirements that equipment be properly maintained would result in fuel savings. Similarly, compliance with State regulations would limit idling from on-road and off-road diesel-powered equipment. For example, equipment and fuel are not typically used wastefully due to the added expense associated with renting, maintaining, and fueling the equipment. Therefore, it is anticipated that construction of the proposed project would not result in wasteful, inefficient, and unnecessary energy consumption, and energy impacts during construction would be less than significant.

### Operation

The proposed project would consume energy as part of building operations and transportation activities. The proposed project would be built to all-electric design standards. Energy consumption of the proposed project is summarized in the table below.

**Annual Project Energy Consumption**

| Energy Consumption Activity | Annual Consumption |
|---|---|
| Electricity Consumption | 78,105 kWh |
| Fuel Consumption | 7,341 gallons |

[50] FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.
[51] FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.
[52] FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

| Energy Consumption Activity | Annual Consumption |
|---|---|
| Notes:<br>kBTU = kilo-British Thermal Unit<br>kWh = kilowatt-hour<br>Source: FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California. | |

Unmitigated operation of the proposed project would consume an estimated 78,105 kWh of electricity on an annual basis. The single-family homes would include rooftop solar as part of the construction, consistent with Title 24 requirements. Therefore, a portion of electricity used at the project site would be provided through on-site renewable energy. The proposed project would be considered to result in a potentially significant impact if it would result in wasteful, inefficient, or unnecessary consumption of energy resources. This is assessed below by reviewing whether the proposed project would conflict with the following energy conservation goals:

- Decreasing overall per capita energy consumption;
- Decreasing reliance on fossil fuels such as coal, natural gas, or oil; and
- Increasing reliance on renewable energy sources.

***Decreasing Reliance on Fossil Fuels***

The proposed project would be designed and constructed in accordance with the California Building Code energy efficiency standards. For example, the proposed project would install solar photovoltaic (PV) systems capable of generating renewable electricity, high-efficiency indoor and outdoor lighting, and low-flow plumbing fixtures and irrigation heads that are compliant with the California Building Code. California Building Code energy efficiency standards include a broad set of energy conservation requirements that apply to the structural, mechanical, electrical, and plumbing systems in a building. Compliance with the California Building Code would help reduce the amount of energy required for lighting, water heating, and heating and air conditioning in buildings and promote energy conservation. As a result, the increase in energy conservation and efficiency would reduce the amount of potentially fossil fuel-sourced electricity consumption, and thereby reducing project reliance on fossil fuels. Additionally, the proposed project would adopt an all-electric design, consistent with County Ordinance 2022-02, which would further reduce use of fossil fuels.

Project-related vehicle trips would consume fuel throughout the life of the proposed project resulting from residents' vehicles and delivery vehicles traveling to and from the project site. This analysis evaluated operational fuel consumption based on the proposed project's operational assumptions. Regional access to the project site is provided by I-680, which is 1 mile west of the project site. As a result, the proposed project is located near regional and local roadways that would provide convenient access for future residents and would not result in excessively long VMT. Thus, the location of the proposed project would help minimize fossil fuel reliance with respect to transportation fuel consumption.

***Increasing Reliance on Renewable Energy Sources***

The proposed project would be considered to conflict with this criterion if it did not take steps to increase the reliance on renewable energy sources. As the proposed project constitutes a low-rise residential development, it would be required by the California Building Code to incorporate rooftop

solar. As such, the proposed project would incorporate on-site PV systems, thereby actively increasing future residents' reliance on renewable energy sources. Furthermore, consistent with Moreover, the proposed project would include applicable electric vehicle (EV) charging infrastructure, such as pre-wiring, to facilitate future EV charging within each garage. As a result, the proposed project would incrementally increase overall reliance on renewable energy sources by including on-site renewable energy generation technologies, incorporating an all-electric design, and incorporating EV charging infrastructure to facilitate the future use of EVs.

### Summary

Considering the above analysis, the proposed project would not result in the wasteful, inefficiency, or unnecessary consumption of energy resources. This impact would be less than significant.

**b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?**

**Less than significant impact.**

### Construction

The proposed project would consume energy through the combustion of fossil fuels. Limitations on idling of vehicles and equipment and requirements that equipment be properly maintained would result in fuel savings. California Code of Regulations Title 13 Sections 2449(d)(3) and 2485 limit idling from both on-road and off-road diesel-powered equipment and are enforced by the ARB. The proposed project would be required to comply with these regulations. There are no renewable energy standards that would apply to construction of the proposed project. As a result, construction would not conflict with or obstruct any regulations adopted for the purposes of increasing the use of renewable energy.

### Operation

The proposed project would be served with electricity provided by Pacific Gas and Electric Company (PG&E). In 2021, PG&E obtained 48 percent of its electricity from renewable energy sources, while the remaining electricity was sourced from nuclear (39 percent), large hydroelectric (4 percent), and natural gas (9 percent).[53] PG&E also offers a Solar Choice 50 percent option that sources 71 percent of its power mix from eligible renewable energy sources, and a Solar Choice 100 percent option that sources 94 percent of its power mix from eligible renewable energy sources. Therefore, the proposed project's electricity provider meets the State's current objective of 33 percent. The proposed project's electricity provider would also be required to meet the State's future objective of 60 percent of in-State electricity sales being generated from renewable energy sources by 2030.

Additionally, the proposed project would be required to comply with the applicable Title 24 Energy Efficiency Standards (for example, EV charging infrastructure and solar requirements) in effect at the time building permit applications are submitted. As such, the proposed project would not conflict with or obstruct the applicable plan for renewable energy or energy efficiency. Therefore, the proposed project would result in less than significant impacts related to energy efficiency and renewable energy standards consistency.

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[53] California Energy Commission. 2022. Power Content Label. Website: https://www.energy.ca.gov/programs-and-topics/programs/power-source-disclosure/power-content-label/annual-power-content-2. Accessed June 6, 2023.

**Summary**

As energy consumption resulting from construction and operation of the proposed project would not constitute a conflict with or obstruct a State or local plan for renewable energy or energy efficiency, this impact would be less than significant.

## Mitigation Measures

None required.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| **7. Geology and Soils** *Would the project:* | | | | |
| a) Directly or indirectly cause potential 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? Refer to Division of Mines and Geology Special Publication 42. | ☐ | ☐ | ☒ | ☐ |
| 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? | ☐ | ☒ | ☐ | ☐ |
| 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 site or unique geologic feature? | ☐ | ☒ | ☐ | ☐ |

## Environmental Evaluation

The analysis in this section is based, in part, on the Preliminary Geotechnical Exploration (Geotechnical Exploration) prepared by ENGEO Incorporated (ENGEO) on March 12, 2020.

### Setting

#### *Geotechnical Exploration*

ENGEO conducted a Geotechnical Exploration which included excavation of six test pits within the site on February 25, 2020. During the excavation, ENGEO encountered an existing fill layer that ranged from approximately 1 to 3.5 feet thick, which consisted of sandy silt and sandy clay. Native

surficial soil (Colluvium) deposits consisting of fat clay ranging from few feet to over approximately 8 feet thick were encountered in the mantling bedrock across the site. The site's surficial soil is underlain by mudstone, sandstone, and conglomerate bedrock. The bedrock is highly weathered and very weak near the surface, but becomes less weathered, and moderately strong at depth. Atterberg limit testing of the existing soil encountered at the site yielded a Plasticity Index (PI) of 44 for the native clayey soil and PI of 13 for the mudstone, which indicates that the site soil has a moderate to very high expansion potential. Groundwater was not observed in any of the subsurface explorations at the site. Refer to the Geotechnical Exploration for specific details regarding subsurface conditions and PI testing for site subsurface conditions.

An active fault is defined by the State Mining and Geology Board as one that has had surface displacement within Holocene time (about the last 11,000 years). The Geotechnical Exploration determined that the site is not located within a State of California Earthquake Fault Hazard Zone (1982) for active faults, and no known faults cross the site. The nearest known active fault surface trace is the Mount Diablo Thrust fault, which is mapped approximately 1.3 miles south of the site. Other active faults near the site are summarized in the Geotechnical Exploration and include the Mount Diablo Thrust fault, Calaveras fault, and the Hayward-Rodgers Creek fault. Because of the presence of nearby active faults, the Bay Area Region is considered seismically active. Numerous small earthquakes occur every year in the region, and large (greater than Moment Magnitude 7) earthquakes have been recorded and can be expected to occur in the future.

Based on the field exploration and review of readily available published maps for the site, ENGEO determined that the site is feasible for development of the proposed project.

***Paleontological Records Search Results***

A paleontological records search of the University of California Museum of Paleontology was performed on October 4, 2022, by Dr. Kenneth Finger for the project site. The surface of the project site consists of the Pliocene to late Miocene Orinda formation (Tor), while the surrounding 0.5-mile search area also includes Holocene alluvium (Qa) and late to middle Miocene Monterey Formation. Holocene deposits are too young to be considered fossiliferous. The records search indicated four vertebrate localities in the County, but only a single cetacean vertebra more than 10 miles away from the project site has been entered into the database. The Orinda Formation has 23 vertebrate locations listed for the County as well as three for Alameda County, with a composite assemblage of 140 specimens. The locality nearest the project site is in Orinda, located more than 5 miles to the west.

Would the project:

**a) Directly or indirectly cause potential 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? Refer to Division of Mines and Geology Special Publication 42.**

**Less than significant impact.** The project site is not located in an Alquist-Priolo Earthquake Fault Zone, however, the project site is located in a seismically active region. As discussed above, the nearest known active fault surface trace is the Mount Diablo Thrust fault located approximately 1.3 miles south of the site. Because there are no known active faults crossing the project site and because the project site is not located within an Earthquake Fault Special Study Zone, the Geotechnical Exploration concluded that ground rupture is unlikely. Furthermore, the proposed project's design and construction would comply with the 2022 California Building Standards Code (CBC), as required by Title 7, Section 74-2 of the Ordinance Code, which would reduce impacts related to the rupture of nearby faults. Therefore, the proposed project's impacts related to rupture of a known earthquake fault would be less than significant.

**ii) Strong seismic ground shaking?**

**Less than significant impact.** As discussed above, the proposed project is not located within an Alquist-Priolo Earthquake Zone and no known active faults cross the project site. However, the Geotechnical Exploration states that a moderate to high magnitude earthquake generated within the San Francisco Bay Region could cause considerable shaking at the project site, similar to what has occurred in the past. The intensity of ground shaking is determined by factors such as distance from the fault, magnitude and duration of the earthquake, and site-specific geologic conditions. The proposed project would comply with the 2022 CBC, as required by Section 74-2 of the Ordinance Code, which includes requirements related to seismic safety design features to avoid or minimize potential damage from seismic shaking. Therefore, compliance with applicable State and local regulatory requirements would reduce potentially significant impacts to less than significant.

**iii) Seismic-related ground failure, including liquefaction?**

**Less than significant impact.** Liquefaction is the result of seismic activity and is characterized as the transformation of loosely water-saturated soils from a solid state to a liquid state after ground shaking. For liquefaction to occur, three conditions must be present: (1) shallow groundwater; (2) low density, fine, clean sandy soils; and (3) high-intensity ground motion. The Geotechnical Exploration concluded that because the project site is underlain by weathered mudstone at shallow depths, groundwater was not encountered during the exploration, and the existing fill will be removed and recompacted, the project site is not considered susceptible to liquefaction. As such, impacts would be less than significant.

**iv) Landslides?**

**Less than significant impact.** As shown on Figure 10-6, Geological (Landslide) Hazards, in the Safety Element of the General Plan, the majority of the area located within and near Walnut Creek is not

subject to significant landslide hazards.[54] While the project site does contain some areas with slopes of up to 50 percent,[55] the General Plan identifies the project site as being in an area with slopes of less than 26 degrees. Furthermore, the project site is located in a relatively flat area of the County and surrounded by existing development. As such, the proposed project result in significant impacts related to landslides. Impacts would be less than significant.

**b) Result in substantial soil erosion or the loss of topsoil?**

**Less than significant impact**. The project site contains an existing, vacant, single-family residence. The proposed project includes the demolition of the existing structure and the construction of 10 single-family homes. The proposed project would therefore involve ground-disturbing activities such as grading and excavation that have the potential to cause erosion and loss of topsoil. As discussed above, the Geotechnical Exploration encountered an existing fill layer in the test pits, which ranged from approximately 1 to 3½ feet thick and consists of sandy silt and sandy clay. The Geotechnical Exploration concluded that, since the compaction data of the fill are unknown, all existing fill should be removed to the depth of competent native soil, as evaluated by ENGEO, and replaced with engineered fill. Since the proposed project would disturb more than 1 acre of land during construction, it would be required to obtain a Construction General Permit from the California State Water Resources Control Board (State Water Board) consistent with the County's General Permit (No. CAS612008) and to comply with its conditions and requirements, which are designed to minimize potential erosion issues. Compliance with the County's NPDES permit would ensure that a Stormwater Control Plan is prepared and Best Management Practices (BMPs) are implemented that would prevent sediments and other pollutants from entering the stormwater system. As such, impacts related to soil erosion and loss of topsoil as a result of the proposed project would be less than significant.

**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?**

**Less than significant impact.** As discussed above, the project site is not located in an area that is subject to significant landslide hazards and is not considered susceptible to liquefaction. The Geotechnical Exploration determined that regional subsidence is considered to be low to negligible at the site. Furthermore, given the shallow bedrock on the west wide of the project site, the consistency of the bedrock, and the absence of groundwater the Geotechnical Exploration concluded that the potential for lateral spreading at the project site is negligible.

**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?**

**Less than significant impact with mitigation incorporated.** As described above, ENGEO performed plasticity testing of the site soil and bedrock. PI of the native clay was found to be as high as 44, and the PI of the fine content of the bedrock is 13. These test results indicate that the native clay material on-site has a very high expansion potential and the bedrock has a moderate expansion potential. Expansive soil shrinks and swells as a result of moisture changes, which can cause heaving

[54] Contra Costa County. 2005. Safety Element. Figure 10-6, Geological (Landslide) Hazards.
[55] dk Engineering. 2022. 3180 Walnut Boulevard Hydrologic and Hydraulic Analyses. June 23.

and cracking of slabs-on-grade, pavements, and structures founded on shallow foundations. Successful construction on expansive soil requires special attention during grading, and it is imperative to keep exposed soil moist by occasional sprinkling. If the soil dries, it is extremely difficult to remoisturize without excavation, moisture conditioning, and decompaction because of the clayey nature of the soil. The Geotechnical Exploration included subgrade soil requirements, which have been included herein under MM GEO-1, which would ensure proper methods for construction on expansive soil. With implementation of MM GEO-1, impacts related to expansive soil would be less than significant.

**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?**

**No impact.** The proposed project would utilize existing wastewater utility connection provided by the Central Contra Costa County Sanitary District. Septic tanks or alternative wastewater disposal systems would be used. Therefore, no impact would occur.

**f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

**Less than significant impact with mitigation incorporated.** A significant adverse effect could occur if grading or excavation activities associated with a project would disturb paleontological resources or geologic features that presently exist within the project site.

The project site is located in an urbanized area and is surrounded by existing roads and residential development. The project site has been previously disturbed by past development activities and currently contains an existing single-family home, which would be demolished as part of the proposed project. As discussed above, the proposed project would involve ground-disturbing activities such as grading and excavation. The paleontological records search conducted for the proposed project determined that the surface of the project site consists of the Pliocene to late Miocene Orinda formation (Tor). This area has alternatively been mapped as part of the Green Valley and Tassajara Formation, however, both designations are considered equally fossiliferous due to their similar ages and compositions.[56]

As identified in the Geotechnical Exploration, ENGEO encountered an existing layer of artificial fill on the surface of the project site that consisted of sandy silt and sandy clay, and ranged from approximately 1 to 3.5 feet in depth. While paleontological monitoring of all earth-disturbing activities was recommended by Dr. Finger in his report, this does not include the surface layer of modern fill encountered by ENGEO in their report. As a result of these findings, MM GEO-2 stipulates that paleontological monitoring is required for all earth disturbing activities exceeding the minimum depth of the fill layer at 1 foot. The measure also outlines procedures for the inadvertent discovery of any paleontological resources. With the implementation of MM GEO-2, the proposed project would have a less than significant impact on unique paleontological resources or unique geologic features.

[56] R.W. Graymer, V.E. Langenheim. Regional Geology of Mount Diablo, California: Its Tectonic Evolution on the North America Plate Boundary. GSA Memoir, 217. 2021.

## Mitigation Measures

**MM GEO-1 Implementation of Geology and Soils Measures During Construction**

Prior to submittal of a building or grading permit, the project applicant shall incorporate all recommendations provided in the project-Geotechnical Exploration into project plans, which shall be subject to review and approval by the County Geologist, or designee, prior to permit issuance. The geotechnical recommendations shall be implemented including general earthwork recommendations for site preparation, conditioning of expansive soils, removal of buried structures, removal of fill and disturbed soil, surface and subsurface drainage, biofiltration facilities, foundations, concrete flatwork, retaining walls, spread and pier footings, pavement areas, utility trenches, project review, and construction monitoring. Additionally, these include recommendations related to structural design, foundation design, foundation systems, slabs, moisture barriers, seismic design, walls, footings, slabs and walkways, concrete design, corrosion, pavement design, as well as lot maintenance, and future plan reviews.

**MM GEO-2 Construction Monitoring by a Qualified Paleontologist**

The applicant shall retain a qualified Paleontologist to conduct paleontological monitoring during all earth-disturbing construction activities. Should any significant fossils (I.e., bones, teeth, or unusually abundant and well-preserved invertebrates or plants) be unearthed, the construction crew shall not attempt to remove them, as they could be extremely fragile and prone to crumbling, and to ensure their occurrence is properly recorded; instead, all work in the immediate vicinity of the discovery shall be diverted at least 15 feet until a professional paleontologist assesses the find and, if deemed appropriate, salvages it in a timely manner. All recovered fossils shall be deposited in an appropriate repository, such as the University of California Museum of Paleontology (UCMP), where they would be properly curated and made accessible for future study. Prior to issuance of a grading or building permit, evidence shall be provided to CDD that a qualified paleontologist is contracted to implement this mitigation measure.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No 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 any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | ☐ | ☐ | ☒ | ☐ |

## Environmental Evaluation

The analysis in this section is based, in part, on the emission estimates prepared for the project using CalEEMod[57].

### Setting

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHG). The effect is analogous to the way a greenhouse retains heat. Prominent GHGs that naturally occur in the Earth's atmosphere are water vapor, carbon dioxide ($CO_2$), methane ($CH_4$), oxides of nitrogen ($NO_X$), and ozone. Anthropogenic (human-caused) GHG emissions include releases of these GHGs plus release of human-made gases with high global warming potential (GWP) (ozone-depleting substances such as chlorofluorocarbons [CFCs] and aerosols, hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride ($SF_6$).

Global climate change is not confined to a particular project area and is generally accepted as the consequence of global industrialization over the last 200 years. A typical project, even a very large one, does not generate enough GHG emissions on its own to influence global climate change significantly; hence, the issue of global climate change is, by definition, a cumulative environmental impact. Therefore, this section discusses the proposed project's contribution to the cumulative GHG impact.

Would the project:

**a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

**Less than significant.** Both construction and operational activities have the potential to generate GHG emissions. The proposed project would generate GHG emissions during temporary (short-term) construction activities such as demolition and grading, running of construction equipment engines, movement of on-site heavy-duty construction vehicles, hauling materials to and from the project site, asphalt paving, and construction worker, vendor, and haul truck motor vehicle trips.

[57] FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

Long-term, operational GHG emissions would result from project-generated vehicular traffic, operation of any landscaping equipment, off-site generation of electrical power over the life of the proposed project, the energy required to convey water to and wastewater from the project site, and the emissions associated with the hauling, and disposal of solid waste from the project site.

### Construction Impacts

The proposed project would emit GHG emissions during construction from the off-road equipment, worker vehicles, and any hauling that may occur. The BAAQMD does not presently provide a construction GHG emission threshold but recommends that construction GHG emissions be quantified and disclosed. The BAAQMD also recommends that lead agencies (in this case, Contra Costa County) determine the level of significance of construction GHG emissions. Although neither the County nor the BAAQMD provides a construction-related GHG emission threshold, the Sacramento Metro Air Quality Management District (Sacramento Metro AQMD) has adopted 1,100 MT $CO_2e$ per year as a threshold for construction-related GHG emissions.[58] Therefore, for the purposes of this analysis, the Sacramento Metro AQMD construction threshold is used to evaluate the project's construction-related emissions. The table below summarizes the proposed project's GHG emissions during construction.

**Construction GHG Emissions**

| Construction Phase | MT $CO_2e$ per year |
|---|---|
| Demolition | 23 |
| Site Preparation | 3 |
| Grading | 6 |
| Building Construction 2023 | 254 |
| Building Construction 2024 | 41 |
| Paving | 8 |
| Architectural Coating | 2 |
| **Total Construction Emissions** | **337** |
| **Construction Thresholds[1]** | **1,100** |
| **Exceed Threshold?** | **No** |

Notes:
MT $CO_2e$ = metric tons of carbon dioxide equivalent
Totals may not add up due to rounding.
[1] Construction-related threshold was obtained from SMAQMD's CEQA Guidelines.
Source: CalEEMod Output, FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

As shown in the table above, the proposed project is expected to emit approximately 337 MT $CO_2e$ during construction, resulting in approximately 306 MT $CO_2e$ per year (337 divided by 1.1 years). Because the annual average and the total construction emissions would be less than the applied

[58] Sacramento Metro Air Quality Management District (Sacramento Metro AQMD). 2020. SMAQMD Thresholds of Significance Table. Website: https://www.airquality.org/LandUseTransportation/Documents/CH2ThresholdsTable4-2020.pdf. Accessed June 6, 2023.

threshold of significance, the project's construction-related GHG impacts would be less than significant.

### Operational Impacts

The County adopted its Climate Action Plan (CAP) on December 15, 2015. The CAP is designed to demonstrate consistency with 2020 GHG reduction targets presented by AB 32. In addition, the CAP forecasts the potential GHG emissions and estimated GHG reductions from proposed measures through 2035.[59] The CAP is a qualified GHG reduction strategy and based on communication with the County Department of Conservation and Development, the CAP is appropriate to use to determine whether the proposed project could generate significant GHG emissions.[60]

However, since the CAP was adopted in 2015, SB 32 was adopted in 2017, which requires GHG emissions be reduced to 40 percent below the 1990 levels by 2030. As stated on the County CAP website, the County is currently in the process of updating their CAP and expects it to be completed in late 2023. As a result, a "substantial progress" efficiency threshold was calculated by FCS based on the GHG reduction goals of SB 32/Executive Order B-30-15 to demonstrate consistency with SB 32. To determine significance for the GHG impacts, the proposed project's GHG emissions are assessed against the following thresholds: 4.8 MT $CO_2$e/service population/year for the 2024 operational year and 3.4 MT $CO_2$e/service population/year[61] for the 2030 operational year.

To determine the efficiency thresholds, first FCS determined the 2024 and 2030 CAP reduction target. As shown in Table 3.8 of the Contra Costa County CAP, the County set a 2020 reduction target of 1,193,070 MT $CO_2$e and in 2035 of 596,540 MT $CO_2$e. To determine the 2024 and 2030 reduction targets, FCS calculated the yearly GHG reductions that the County would need to make to reach their 2035 calculated reduction target of 596,540 MT $CO_2$e. [62] This calculation showed that the County would need to reduce annual GHG emissions by 36,939 MT $CO_2$e per year.[63] By 2024, after 4 years of projected reduction at a rate of 36,939 MT $CO_2$e, the County would need to emit no more than 1,045,314 MT $CO_2$e and by 2030 after 10 years of reductions, the County would need to emit no more than 751,133 MT $CO_2$e to meet SB 32 goals of GHG emissions 40 percent below the 1990 levels.[64] Next, the County's GHG reduction target of 1,045,314 MT $CO_2$e in 2024 and 751,133 MT $CO_2$e in 2030 is divided by the estimated 2024 and 2030 unincorporated County service population. According to the County CAP Table 3.4, in 2024 unincorporated County would have 168,072 residents and 48,378 jobs and 173,500 residents and 50,330 jobs in 2030. As a result, the 2024 efficiency threshold of 4.8 MT $CO_2$e/service population/year and 2030 efficiency threshold of 3.4 MT $CO_2$e/service population/year demonstrates the necessary County per capita GHG emissions needed to be consistent with SB 32 GHG reduction goals.

The proposed project would contribute to global climate change through direct and indirect emissions of GHG from mobile sources (e.g., passenger vehicles, trucks), energy (e.g., purchased electricity), water use and wastewater generation, and solid waste generation. All modeling

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[59] Contra Costa County. 2015. Climate Action Plan. December 15.

[60] Contra Costa County. Joseph Lawlor Jr. Personal Communication, email. November 7, 2022.

[61] Calculation: 751,130 MT $CO_2$e/223,830 service population of unincorporated Contra Costa County = 3.36 MT $CO_2$e/service population/year

[62] Contra Costa County. 2015 Climate Action Plan, Table 3.8 Baseline GHG Emissions, Forecasts and Reduction Goals.

[63] Calculation: (626,630 MT $CO_2$e – 72,550 MT $CO_2$e)/15 years = 36,939 MT $CO_2$e per year. Source: Table 3.8 Baseline GHG Emissions, Forecasts and Reduction Goals.

[64] Calculation: [Year 2024] 1,193,070 MT $CO_2$e – (36,939 MT $CO_2$e per year x 4 years) = 1,045,314 MT $CO_2$e 1,193,070 MT $CO_2$e – (36,939 MT $CO_2$e per year x 10 years) = 751,133 MT $CO_2$e

parameters utilized in the Air Quality analysis are also utilized for this GHG analysis, including but not limited to trip generation rates, trip distances, building sizes and operations, energy consumption, water consumption, and waste generation[65].

Operational GHG emissions by source are shown in the table below. The proposed project was analyzed assuming full buildout in the year 2024, immediately following the construction period.

**Operational GHG Emissions**

| Emission Source | Year 2024 Total Emissions | Year 2030 Total Emissions |
|---|---|---|
| | MT $CO_2e$ per year[1] (biogenic $CO_2$ are not included) | |
| Area | 0.5 | 0.5 |
| Energy[2] | 28 | 28 |
| Mobile (Vehicles) | 70 | 59 |
| Waste | 3 | 3 |
| Water | 2 | 2 |
| ***Total Project Emissions*** | ***104*** | ***93*** |
| Service Population[3] | 28 | 28 |
| **SB 32 Efficiency Threshold** | **4.8 MT $CO_2e$/service population/year** | **3.4 MT $CO_2e$/service population/year** |
| **Project Emission Generation (MT $CO_2e$/service population/year)** | **3.7[3]** | **3.3[5]** |
| **Exceeds Threshold?** | **No** | **No** |

Notes:
MT $CO_2e$ = metric tons of carbon dioxide equivalent
[1] Emission totals may not sum exactly due to rounding.
[2] The proposed project would adopt an all-electric design and would not include natural gas use. However, natural gas use is included in CalEEMod to provide a conservative estimate of air quality and GHG emissions.
[3] As discussed in Section 2.14, Population and Housing, the California Department of Finance (CDF) states the average persons per household in the County is 2.84. Therefore, it can be assumed that the proposed project would result in an increase of approximately 28 residents.
[4] Calculation: 104 MT $CO_2e$ per year/28 residents = 3.7 MT $CO_2e$/service population/year. The 104 MT $CO_2e$ excludes biogenic $CO_2$ based on BAAQMD CEQA Guidelines.
[5] Calculation: 93 MT $CO_2e$ per year/28 residents = 3.3 MT $CO_2e$/service population/year. The 93 MT $CO_2e$ excludes biogenic $CO_2$ based on BAAQMD CEQA Guidelines.
Source: CalEEMod Output, FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

As shown in the table above, the proposed project would result in operational GHG Emissions of 104 MT $CO_2e$ in 2024 and 93 MT $CO_2e$ in 2030, which when divided by the service population of 28 residents, would result in 3.7 MT $CO_2e$/service population/year in 2024 and 3.3 MT $CO_2e$/service population/year in 2030. Consequently, the proposed project would not exceed the efficiency thresholds and demonstrates that the proposed project would contribute to meeting the County's CAP GHG reduction targets and SB 32 GHG emission reduction goals. Therefore, the proposed

[65] FirstCarbon Solutions. 2022. Air Quality, Greenhouse Gas Emissions, and energy Supporting Information Report. 3180 Walnut Boulevard Contra Costa County, California.

project would not generate significant amounts of GHG emissions, and impacts would be less than significant.

**b) Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

**Less than significant impact.** The following discusses project consistency with applicable plans adopted for the purpose of reducing GHG emissions, which include ARB's Scoping Plan and County CAP.

### Senate Bill 32 2017 Scoping Plan Update

The 2017 Climate Change Scoping Plan Update addressing the SB 32 targets was adopted on December 14, 2017. The table below provides an analysis of the proposed project's consistency with the 2017 Scoping Plan Update measures. As shown in the table below, many of the measures are not applicable to the proposed project, and the proposed project is consistent with strategies that are applicable.

**Consistency with SB 2017 Scoping Plan Update**

| 2017 Scoping Plan Update Reduction Measure | Project Consistency |
|---|---|
| **SB 350: 50 Percent Renewable Mandate.** Utilities subject to the legislation will be required to increase their renewable energy mix from 33 percent in 2020 to 50 percent in 2030. | **Not applicable.** This measure would apply to utilities and not to individual development projects. The proposed project would purchase electricity from PG&E, which would be subject to the SB 350 Renewable Mandate. |
| **SB 350 Double Building Energy Efficiency by 2030.** This is equivalent to a 20 percent reduction from 2014 building energy usage compared to current projected 2030 levels. | **Not applicable**. This measure applies to existing buildings. New structures are required to comply with Title 24 Energy Efficiency Standards that are expected to increase in stringency over time. The proposed project would comply with the applicable Title 24 Energy Efficiency Standards in effect at the time building permits are submitted. |
| **Low Carbon Fuel Standard.** This measure requires fuel providers to meet an 18 percent reduction in carbon content by 2030. | **Not applicable.** This is a statewide measure that cannot be implemented by a project applicant or lead agency. However, vehicles used by future residents at the project site would benefit from the standards. |
| **Mobile Source Strategy (Cleaner Technology and Fuels Scenario).** Vehicle manufacturers will be required to meet existing regulations mandated by the LEV III and Heavy-Duty Vehicle programs. The strategy includes a goal of having 4.2 million Zero Emission Vehicles (ZEVs) on the road by 2030 and increasing numbers of ZEV trucks and buses. | **Not applicable.** This measure is not applicable to the proposed project; however, vehicles accessing the project site would benefit from the increased availability of cleaner technology and fuels. In addition, as stipulated by the 2022 California Building Code, Title 24, Part 11, Chapter 4, Section 4.106.4.1, new one-family dwellings, such as the proposed project, would be required to implement the applicable provisions of Title 24, Part 6, Section 4.106.4 of the California Building Code to support future electric vehicle supply equipment (EVSE). |
| **Sustainable Freight Action Plan.** The plan's target is to improve freight system efficiency 25 percent by increasing the value of goods and services | **Not applicable.** The proposed project is residential in nature and would not have any major freight vehicles operational. |

| 2017 Scoping Plan Update Reduction Measure | Project Consistency |
|---|---|
| produced from the freight sector, relative to the amount of carbon that it produces by 2030. This would be achieved by deploying over 100,000 freight vehicles and equipment capable of zero emission operation and maximize near-zero emission freight vehicles and equipment powered by renewable energy by 2030. | |
| **Short-lived Climate Pollutant (SLCP) Reduction Strategy.** The strategy requires the reduction of SLCPs by 40 percent from 2013 levels by 2030 and the reduction of black carbon by 50 percent from 2013 levels by 2030. | **Consistent.** Consistent with BAAQMD Regulation 6, Rule 3, no wood-burning devices are proposed as part of the proposed project. Therefore, the proposed project would not include major sources of black carbon. |
| **SB 375 Sustainable Communities Strategies.** Requires Regional Transportation Plans to include a Sustainable Communities Strategy for reduction of per capita VMT. | **Not applicable.** The proposed project does not include the development of a Regional Transportation Plan. |
| **Post-2020 Cap-and-Trade Program.** The Post 2020 Cap-and-Trade Program continues the existing program for another 10 years. The Cap-and-Trade Program applies to large industrial sources such as power plants, refineries, and cement manufacturers. | **Not applicable.** The proposed project is not one targeted by the cap-and-trade system regulations, and, therefore, this measure does not apply to the proposed project. However, the post-2020 Cap-and-Trade Program indirectly affects people and entities who use the products and services produced by the regulated industrial sources when increased cost of products or services (such as electricity and fuel) are transferred to the consumers. |
| **Natural and Working Lands Action Plan.** The ARB is working in coordination with several other agencies at the federal, State, and local levels, stakeholders, and with the public, to develop measures as outlined in the Scoping Plan Update and the governor's Executive Order B-30-15 to reduce GHG emissions and to cultivate net carbon sequestration potential for California's natural and working land. | **Not applicable**. The proposed project is in a built-up urban area and would not be considered natural or working lands. |
| Source of ARB 2017 Scoping Plan Update Reduction Measures: California Air Resources Board (ARB). 2017. California's 2017 Climate Change Scoping Plan. November. | |

As shown in the table above, implementation of the proposed project would not conflict with the reduction measures proposed in SB 32.

### Contra Costa County Climate Action Plan

As described previously, the CAP was adopted on December 15, 2015, and is designed to demonstrate consistency with 2020 GHG reduction targets presented by AB 32. In addition, the CAP forecasts the potential GHG emissions and estimated GHG reductions from proposed measures through 2035.[66] The County's CAP is structured around the following six topic areas: energy

[66] Contra Costa County. 2015. Climate Action Plan. December 15.

efficiency and conservation, renewable energy, land use and transportation, solid waste, water conservation, and government operations.

The proposed project incorporates several design elements that would reduce GHG emissions, such as conformance to the most recent Building Energy Efficiency Standards and CALGreen building regulations, installation of rooftop solar PV system, installation of one EV charging raceway in each garage, highly efficient lighting, and the use of low VOC content architectural coating at 30 grams per liter. Although this worksheet would not be required, the County could require the project include the worksheet to further demonstrate consistency with the CAP because the worksheet is required only on a case-by-case basis.[67] The proposed project would be consistent with the measures in the CAP, as identified in the table below.

**Contra Costa County CAP Consistency**

| Applicable Goals | Measures | Consistency Analysis |
|---|---|---|
| **Energy Efficiency and Conservation** | | |
| Increase energy efficiency in residential and commercial buildingstock, and reduce community-wide electricity and natural gas use. | **EE-1:** Provide opportunities for residential buildings to become more energy efficient. | **Consistent.** The proposed project would comply with the California Building Code and the most recent adopted version of the Building Energy Efficiency Standards. This would improve energy efficiency in the proposed residential homes compared to existing conditions. In addition, the proposed project would include landscaping and storm retention areas with native vegetation, which would reduce the urban heat island effect. Furthermore, the proposed project would be designed as all-electric and would not include natural gas as a source of heating or cooking appliances. |
| | **EE-4:** Reduce urban heat islands through vegetation management and cool surfaces. | |
| **Renewable Energy** | | |
| Increase the production of renewable energy from small-scale and commercial-scale renewable energy installations. | **RE-1:** Promote installation of alternative energy facilities on homes and businesses | **Consistent.** The proposed project would install a PV rooftop solar system in accordance with the requirements contained in Title 24 of the California Building Code, which would increase renewable energy production compared to existing conditions. |
| **Land Use and Transportation** | | |
| Reduce transportation emissions. | **LUT-1:** Maintain and expand access to goods, services, and other destinations through increased transportation alternatives (mobility improvements) and improved proximity (land use improvements). | **Consistent**. The proposed project would include a private garage as part of each home, which would provide secure parking to store bicycles. In addition, the new private street would maintain bicycle access to Grayson Road. These roadway improvements would not prohibit alternative transportation use. |
| | **LUT-4:** Reduce vehicle miles traveled. | **Consistent**. The proposed project site is served by the County Connection bus route #16 and #18, which have stops located 0.6 miles from the |

[67] Contra Costa County. 2015. Climate Action Plan, Page E-1. December 15.

| Applicable Goals | Measures | Consistency Analysis |
|---|---|---|
| | | proposed project site and stops at the Pleasant Hill BART Station. Therefore, the proposed project would be located near existing transit routes that could reduce project resident VMT. |
| **Waste Reduction and Recycling** | | |
| Increase recyclingand composting inthe commercial sector. | **W-1:** Develop a waste reduction strategy to increase recycling and reuse of materials. | **Consistent**. The proposed project site is served by Republic Services for solid waste management, which provides solid waste collection and disposal of residential and commercial solid waste. Republic Services would be required to implement recycling and waste reduction measures as part of service of the proposed project. |
| **Water Conservation** | | |
| Conserve water. | **WE-1:** Reduce water demand. | **Consistent**. The proposed project would be constructed in conformance with CALGreen and the Title 24 Building Code, which requires high-efficiency water fixtures and water-efficient irrigation systems. In addition, the proposed project would include landscaping composed of native plant species that would reduce water demand compared to traditional landscaping. |
| Source: Contra Costa County. 2015. December 15. Climate Action Plan. Website: https://www.contracosta.ca.gov/8681/2015-Climate-Action-Plan. Accessed June 6, 2023. | | |

As shown in the table above, the proposed project's design features, such as rooftop solar PV systems and EV charging raceways, would ensure the proposed project would be consistent with the goals and strategies contained in the CAP. The proposed project would adopt an all-electric design, consistent with County Ordinance 2022-02. Furthermore, the proposed project would be consistent with the 2017 Scoping Plan. Therefore, the proposed project would not conflict with an adopted GHG reduction plan and impacts would be less than significant.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No 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, where such a plan has not been adopted, within two miles of a public airport or public use airport, 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? | ☐ | ☐ | ☒ | ☐ |
| g) Expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires? | ☐ | ☐ | ☒ | ☐ |

## Environmental Evaluation

The analysis in this section is based on the Government Records Report prepared by Envirosite Corporation for the proposed project, generated on September 23, 2022.

### Setting

Envirosite Corporation prepared a Government Records Report for the site in accordance with EPA AAI (40 Code of Federal Regulations [CFR] Part 312) requirements and the American Society for Testing and Materials (ASTM) wE-1527-21 Environmental Site Assessments standard. The report indicates no environmental points of concern on the project site. A number of Hazardous Waste Information System (HAZNET) listings were identified within 0.25 mile of the project site. These listings appear to be associated with private residences and asbestos waste. An unpermitted solid waste facility/landfill (SWF/LF) is located approximately 0.40 mile northwest of the project site and is

the nearest potential point of environmental concern. However, based on the distance between the SWF/LF and the project site, the difference in elevation, and the information available about the SWF/LF site, the facility does not pose an environmental risk to the project site.

Would the project:

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

**Less than significant impact.** The proposed project consists of the construction of 10 single-family homes. Construction activities would require the routine use of substances such as solvents, paints, fuel, and other potentially hazardous substances. These materials are commonly used during construction activities and would be used in limited quantities. Heavy construction equipment such as dozers, excavators, and tractors would likely require the use of petroleum-based substances such as diesel fuel, gasoline, oil, and hydraulic fluid, which are considered hazardous if improperly stored or handled. These activities are standard activities at most construction sites, and the risks associated with the proposed project would be similar to the risks associated with other similar construction sites. The handling, use, and storage of hazardous materials is regulated by numerous agencies, including the California Environmental Protection Agency (Cal/EPA), Caltrans, California Division of Occupational Safety and Health (Cal/OSHA), and the Department of Toxic Substances Control (DTSC), in addition to applicable local regulations. All construction projects must comply with the Hazardous Materials Transportation Act administered by the United States Department of Transportation (USDOT) and implemented in California by Caltrans, as well as the applicable State Water Board NPDES Construction General Permit requirements.

Substances that may be used during project operation include cleaning agents, building maintenance chemicals, and pesticides and herbicides used for landscaping and maintenance. The amount of materials required for these activities would not be large enough to create a significant hazard to the public or environment. Although the proposed project would operate as single-family residences with no significant use of heavy chemicals or pollutants, the transport, use, and disposal of these operational substances is controlled and regulated by the Resource Conservation and Recovery Act (RCRA); Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); and the federal Clean Air Act. Therefore, operation of the proposed project would not create a significant hazard to the public or the environment. Compliance with the applicable local, State, and federal standards, policies, and regulations would help ensure that the routine transport, use, or disposal of hazardous materials would not create a significant hazard. Therefore, impacts are considered less than significant.

**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?**

**Less than significant impact.** During project construction activities, there is always a limited risk of the accidental release of hazardous materials such as gasoline, oil, or fluids from construction equipment. However, use of these materials would be conducted in compliance with applicable federal, State, and local regulations, policies, and ordinances set forth by the EPA, State Water Board, DTSC, Cal/OSHA, Caltrans, RCRA, and Contra Costa Environmental Health Department. These include, but are not limited to, California Health and Safety Code Sections 25270.7, 25270.8, and 25507,

California Vehicle Code Section 23112.5, California Public Utilities Code Section 7673 (PUC General Orders #22-B, 161), California Government Code Sections 51018 and 8670.25.5(a), California Water Code Sections 13271 and 13272, California Labor Code Section 6409.1(b)10, and NPDES Construction General Permit requirements. Compliance with the provisions of these regulations would help minimize the risk of accidental release of hazardous materials into the environment and that appropriate remediation measures are implemented in the event of an accidental release. As such, impacts related to the release of hazardous materials into the environment would be less than significant with the implementation of mitigation.

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

**Less than significant impact.** The nearest school to the project site is Walnut Heights Elementary school, located approximately 0.16 mile east of the site. While construction of the proposed project could emit hazardous emissions, these emissions would be temporary and the project applicant is required to comply with all safe transport, handling, and disposal requirements and regulations. Operation of the proposed single-family homes would be similar to existing residential uses surrounding the site, and not result in the emission or handling of large quantities of hazardous materials, substances, or waste. Therefore, there would be less than significant impacts related to the possibility of hazardous emissions or handling of hazardous materials, substances, or waste within 0.25 mile of a 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?**

**No impact.** The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5[68] and therefore would not create a significant hazard to the public or the environment. As such, no impacts would occur.

**e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?**

**No impact.** The nearest airport to the project site is project site is the Buchanan Field Airport, located over six miles northwest of the project site. The project site is outside of the area affected by federal aviation regulations and the airport influence area and is therefore not subject to the noise and safety regulations pursuant to the Buchanan Field Airport Master Plan.[69] Therefore, the

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[68] Department of Toxic Substances Control (DTSC). Envirostor. 2021 Hazardous Waste and Substances Site List. Website: https://www.envirostor.dtsc.ca.gov/public/search.asp?page=1&cmd=search&business_name=&main_street_name=&city=&zip=&county=&status=ACT%2CBKLG%2CCOM&branch=&site_type=CSITES%2COPEN%2CFUDS%2CCLOSE&npl=&funding=&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST&reporttype=CORTESE&federal_superfund=&state_response=&voluntary_cleanup=&school_cleanup=&operating=&post_closure=&non_operating=&corrective_action=&tiered_permit=&evaluation=&spec_prog=&national_priority_list=&senate=&congress=&assembly=&critical_pol=&business_type=&case_type=&searchtype=&hwmp_site_type=&cleanup_type=&ocieerp=&hwmp=False&permitted=&pc_permitted=&inspections=&inspectionsother=&complaints=&censustract=&cesdecile=&school_district=&orderby=upper%28business_name%29. Accessed June 6, 2023.

[69] Contra Costa County Airport Land Use Commission. 2000. Contra Costa County Airport Land Use Compatibility Plan. Website:https://www.contracosta.ca.gov/DocumentCenter/View/851/Cover-Introduction-and-County-wide-Policies?bidId=. Accessed June 6, 2023.

proposed project is not located within an airport land use plan or within an airport influence area or within 2 miles of a public or public use airport and no impacts would occur.

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

**Less than significant impact.** The proposed project consists of the construction of 10 single-family homes on a site zoned for residential development. Therefore, the proposed project would not result in a significant population increase in the County, and would not significantly affect travel along Walnut Boulevard, Ygnacio Valley Road, or other major evacuation routes. [70]

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

**Less than significant impact.** The project site is located within an urbanized and residential area of the County that has not experienced wildfire. According to topographic data available from Google Earth, the site slopes down generally from northeast to southwest, from an elevation of 232 feet (WGS84) down to a minimum of 192 feet. The project site and surrounding area, including the City of Walnut Creek, is located in a Local Responsibility area in a Non-Very High Fire Hazard Severity Zone (VHFHSZ).[71] Furthermore, the proposed project would be required to adhere to all applicable requirements and regulations related to fire safety, including the California Fire Code and CBC. As such, the proposed project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. As such, impacts would be less than significant.

## Mitigation Measures

None required.

[70] Contra Costa County. 2015. Emergency Operations Plan. Website: https://www.cocosheriff.org/home/showpublisheddocument/168/637284267426930000. Accessed June 6, 2023.

[71] California Department of Forestry and Fire Protection (CAL FIRE). 2009. Contra Costa County: Very High Fire Hazard Severity Zones in LRA as Recommended by CAL FIRE. Website: https://osfm.fire.ca.gov/media/6660/fhszl_map7.pdf. Accessed June 6, 2023.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No 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 groundwater 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 the addition of impervious surfaces, in a manner which would: | ☐ | ☐ | ☒ | ☐ |
| (i) result in substantial erosion or siltation on- or off-site; | ☐ | ☐ | ☒ | ☐ |
| (ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; | ☐ | ☐ | ☒ | ☐ |
| (iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or | ☐ | ☐ | ☒ | ☐ |
| (iv) impede or redirect flood flows? | ☐ | ☐ | ☒ | ☐ |
| 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? | ☐ | ☐ | ☒ | ☐ |

## Environmental Evaluation

The analysis in this section is based on the Hydrologic and Hydraulic Analyses and Stormwater Control Plan prepared by dk Engineering in March 2022.

### Setting

The project site is located within the jurisdiction of the San Francisco Bay RWQCB, Region 2.[72] The State Water Board regulates stormwater discharges under authorities of the federal Clean Water Act and California's Porter-Cologne Water Quality Control Act. The State Water Board issues National Pollutant Discharge Elimination System (NPDES) permits for stormwater discharges, including those from Municipal Separate Storm Sewer Systems (MS4s). The NPDES General Construction Permit

[72] California State Water Resources Control Board (State Water Board). 2022. State and Regional Water Boards. Website: https://www.waterboards.ca.gov/sanfranciscobay/. Accessed June 6, 2023.

applies to all construction activities that would disturb 1 acre of land or more. To comply with the requirements of the Construction General Permit, the project applicant must prepare a Storm Water Pollution Prevention Plan (SWPPP) which identify BMPs that will be employed to prevent soil erosion and discharge of pollutants that could contaminate nearby water resources.

The Contra Costa Clean Water Program (CCCWP) is responsible for the County's compliance with its NPDES permits. The CCCWP's current NPDES permits are the Municipal Regional Permit (MRP) for discharges to the San Francisco Bay and the East Contra Costa County Permit for discharges into the Delta. Contra Costa County Ordinance Title 10, Division 1014, Stormwater Management and Discharge Control, supports the CCCWPs authority in implementing the requirements of the County's NPDES permits.[73] Additionally, the CCCWP assists its member agencies, which consists of the County and 20 other local government agencies, to implement stormwater quality activities in compliance with State and federal requirements.[74]

The project site is located within the EBMUD service area. EBMUD provides potable water to approximately 1.4 million people in a 332-square-mile area, including unincorporated areas within Alameda and Contra Costa counties. The EBMUD's primary water source is the Mokelumne River, with approximately 90 percent of the water supply originating from the Mokelumne River watershed. The remaining 10 percent originates as runoff from the protected watershed lands in the East Bay Area.[75] As detailed in Section 2.18, Utilities and Service Systems, EBMUD's water supply is projected to meet demand during normal years and single dry years out to 2050. However, during multi-year droughts EBMUD would be required to obtain supplemental supplies to meet customer demands.[76]

The project site slopes down generally from northeast to southwest, from an elevation of 232 feet to a minimum of 192 feet, with some areas of the site containing slopes up to 50 percent. There is an existing drainage swale flowing along the northern and western boundary that collects runoff from a portion of the site and several neighboring parcels. The project proposes to drain runoff from each of the private lots to the proposed new private street where it would be conveyed to a bioretention basin located on Lot 10, a natural low point allowing for gravity flow of stormwater runoff. The bioretention basin would serve as a dual-purpose basin for both treatment and retention. Treated stormwater would then be directed to the existing storm drain system in Walnut Boulevard. The proposed storm drain system and bioretention basin would meet County requirements and would effectively accommodate the runoff that would be generated by the proposed project.

[73] Contra Costa Public Works. 2022. Contra Costa County Watershed Program. Website: https://www.contracosta.ca.gov/344/Contra-Costa-County-Watershed-Program. June 6, 2023.

[74] Contra Costa Clean Water Program. 2022. About Us. Website: https://www.cccleanwater.org/about. Accessed June 6, 2023.

[75] East Bay Municipal Utility District (EBMUD). 2021. Urban Water Management Plan 2020. Website: https://www.ebmud.com/water/about-your-water/water-supply/urban-water-management-plan. Accessed June 6, 2023.

[76] East Bay Municipal Utility District (EBMUD). 2021. Water Shortage Contingency Plan 2020. Website: https://www.ebmud.com/water/about-your-water/water-supply/urban-water-management-plan. Accessed June 6. 2023.

Would the project:

**a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?**

**Less than significant impact**. The proposed project has the potential to release water pollutants during both construction and operation. During grading and construction activities, runoff carrying eroded soil and pollutants could enter storm drainage systems, increasing sedimentation and degrading downstream water quality. However, because the proposed project disturbs more than one acre of land, under the NPDES General Construction Permit the preparation and implementation of SWPPP is required. The SWPPP would identify structural and nonstructural BMPs intended to prevent erosion during construction. Compliance with applicable policies and regulations would minimize the potential to degrade water quality in downstream water bodies to the maximum extent possible. As such, the proposed project's construction-related impacts related to surface and groundwater quality would be less than significant.

The proposed project consists of the subdivision of the existing site into 10 lots for the development of 10 single-family homes. Implementation of the proposed project would introduce 40,755 square feet of new impervious surface area as compared to existing conditions, which would increase the generation of runoff that could carry pollutants into waterways. As described in the Stormwater Control Plan, the proposed project would utilize disconnected impervious areas, such as permeable pavers for the project site's driveways, and landscape features including bioretention to treat and manage stormwater. Furthermore, the stormwater runoff would flow through the storm drain system where it would be treated by a bioretention area before it connects with the existing storm drain system in Walnut Boulevard. C.3 is a provision in the MRP which requires permittees to use their planning authorities to include appropriate source control, site design, and stormwater treatment measures in new development and redevelopment projects to address pollutant discharges and prevent increases in runoff flows.[77] The landscaped bioretention basin facility would be consistent with C.3 stormwater requirements and would be located on Lot 10. Furthermore, the proposed project would implement permanent source control BMPs such as landscaping designed to minimize irrigation and runoff and minimal use of fertilizers and pesticides that could contribute to polluted runoff.

The proposed project would be required to comply with the NPDES program and all Ordinance Code requirements related to stormwater pollution, which would minimize the potential to degrade water quality in downstream water bodies to the maximum extent possible, the impacts to surface or groundwater quality would be less than significant.

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

**Less than significant impact.** The project site is not located above an identified groundwater basin or subbasin within the San Francisco Bay Hydrologic Region.[78] However, the EBMUD service area does

[77] Contra Costa Clean Water Program (CCCWP). 2017. Stormwater C.3 Guidebook. Website: https://www.cccleanwater.org/userfiles/kcfinder/files/Stormwater_C3_Guidebook_7th_Edition_2017-05-12%281%29.pdf. Accessed June 6, 2023.

[78] California State Water Resources Control Board (State Water Board). 2016. Groundwater Basins and Subbasins within the San Francisco Bay Hydrologic Region. Website:

include the East Bay Plain Subbasin. In the event of an emergency or prolonged extreme drought conditions, EBMUD will supplement supply using local groundwater resources via its Bayside Groundwater Facility.[79] As detailed in Section 2.18, Utilities and Service Systems, the proposed project would receive potable water from EBMUD via an existing domestic water line within Walnut Boulevard. EBMUD's primary sources of water supply are the Mokelumne River and the East Bay Area watershed runoff. According to the 2020 Water Shortage Contingency Plan (WSCP), under base conditions assumptions EBMUD is projected to meet customer demand out to 2050 during normal years and single dry years. However, during multi-year droughts EBMUD would be required to obtain supplemental supplies to meet customer demands, as mentioned previously.[80] EBMUD does not operate water wells in the vicinity of the project site. The Geotechnical Exploration performed for the project site did not observe static or perched groundwater in any subsurface exploration.

Development of the proposed project would introduce a total of 40,755 square feet of new impervious surfaces on the project site. However, as detailed in the Stormwater Control Plan and the Hydrologic and Hydraulic Analyses, the proposed bioretention basin would allow for treatment and percolation of water into the underlying soils, which would, in turn, contribute to groundwater recharge. The proposed project would also utilize pervious pavers for project site driveways and landscaping features on the project site. No groundwater extraction or utilization is included as a part of the proposed project. Therefore, the proposed project would have a less than significant impact on groundwater supplies or groundwater recharge.

**c) Substantially alter the existing drainage pattern of area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:**

**(i) result in substantial erosion or siltation on- or off-site;**

**Less than significant impact.** Grading and site preparation for the proposed project would create new drainage patterns, including surface runoff being directed to the proposed bioretention basin in Lot 10 via the new private road, and eventually to the existing storm drain system in Walnut Boulevard. As discussed above in Impact 2.10(a), the project's construction activities would be subject to compliance with NPDES requirements, including the General Construction Permit which requires implementation of a SWPPP. The SWPPP would identify structural and nonstructural BMPs intended to prevent erosion during construction. Furthermore, the proposed bioretention catch basin and treatment device would reduce potential sediment from entering downstream waterways. Compliance with NPDES requirements and implementation of on-site treatment features would reduce impacts related to erosion or siltation on- or off-site. Therefore, the proposed project would have a less than significant impact.

https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/groundwater/BasinLinks/Groundwater_Basins_Map_Table.pdf. Accessed June 6, 2023.

[79] East Bay Municipal Utilities District (EBMUD). 2022. Website: https://www.ebmud.com/water/about-your-water/water-supply/bayside-groundwater-project. Accessed June 6, 2023.

[80] East Bay Municipal Utility District (EBMUD). 2021. Water Shortage Contingency Plan 2020. Website: https://www.ebmud.com/water/about-your-water/water-supply/urban-water-management-plan. Accessed June 6. 2023.

**(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;**

**Less than significant impact.** According to the Federal Emergency Management Agency's (FEMA) National Flood Hazard Layer (NFHL), the proposed project is located in Zone X, an area of minimal flood hazard.[81] Furthermore, the Geotechnical Exploration noted that the project site is located outside of the 0.2 percent annual chance floodplain and the General Plan does not identify the project site as being within a 100 Year Floodplain.[82,83] As previously discussed, implementation of the proposed project would result in an increase in impervious surfaces. However, the Hydrologic and Hydraulic Analyses prepared for the proposed project concluded that, with the implementation of the detention/bioretention basin, post-development flows would not exceed pre-development flows, in compliance with C.3 requirements. Furthermore, as detailed in Table 1 Peak Flow Rates of the Hydrologic and Hydraulic Analyses, peak flow rates for 10-year, 25-year and 100-year rainfall events under the post-development with retention scenario are lower than the pre-development peak flow rates. Additionally, if outlets are overwhelmed during a large rainfall event, runoff would release down the proposed new private street and into the catch basins in Walnut Boulevard, similar to the historical drainage pattern of the project site. As such, impacts would be less than significant.

**(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff;**

**Less than significant impact.** As mentioned above, the proposed project would not result in an increase in peak flow as compared to existing flow on-site. The proposed project would be served by existing stormwater drainage systems near the project site. Furthermore, the proposed project would install a bioretention basin on Lot 10, which would act as a dual-purpose basin for treatment and retention, reducing the likelihood of pollutants to be carried off-site. Treated stormwater runoff from the proposed bioretention device would be discharged into the existing public storm drain system in Walnut Boulevard. The selection, sizing, and preliminary design of stormwater treatment and other control measures detailed in the Stormwater Control Plan prepared for the proposed project meet the requirements of the MRP.[84] As such, impacts would be less than significant.

**(iv) impede or redirect flood flows?**

**Less than significant impact.** The proposed project consists of the division of the existing site into 10 lots and the development of 10 single-family homes. The proposed project would increase the amount of impervious surfaces on the project site compared to existing conditions; however, a bioretention basin is proposed along the Walnut Boulevard frontage for stormwater treatment. As described previously, project site runoff would flow through the storm drain system where it would be treated by a bioretention area before it connects with the existing storm drain system in Walnut Boulevard. According to the Hydrologic and Hydraulic Analyses, post-development flows would not exceed pre-development flows and if the outlets of the storm drain system are overwhelmed, runoff will release down the proposed new private street and into catch basins in Walnut Boulevard. As discussed above, the proposed project is located in an area of minimal flood hazard.[85] Furthermore,

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[81] Federal Emergency Management Agency (FEMA). 2020. National Flood Hazard Layer FIRMette. Website: https://msc.fema.gov/portal/search?AddressQuery=wlanut%20creek#searchresultsanchor. Accessed June 6, 2023.
[82] ENGEO Incorporated (ENGEO). 2020. Preliminary Geotechnical Exploration. March.
[83] Contra Costa County. 2005. Contra Costa County General Plan. Safety Element, Figure 10-8 Flood Hazard Areas.
[84] dk Engineering. 2022. Stormwater Control Plan for 3180 Walnut Boulevard. June.
[85] ENGEO Incorporated (ENGEO). 2020. Preliminary Geotechnical Exploration. March.

the project site is not within the 0.2 percent annual chance floodplain or a 100 Year Floodplain.[86,87] Therefore, impacts would be less than significant.

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

**Less than significant impact.** As discussed above, the project site is located outside of the 0.2 percent annual chance floodplain and therefore flooding is not expected at the project site. Additionally, the Geotechnical Exploration noted that, due to the topographic and lithographic features of the project site, the risk of tsunamis, flooding or seiches is considered low to negligible.[88] According to General Plan Figure 10-8, Flood Hazard Areas, the project site is not located in an area identified as a 100 Year Flood Plain,[89] and is located outside a tsunami hazard area.[90] As such, impacts would be less than significant.

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

**Less than significant impact.** The Sustainable Groundwater Management Act allows local water agencies to form a Groundwater Sustainability Agency (GSA) to develop, adopt and implement a groundwater sustainability plan.[91] As discussed previously, EBMUD would provide water to the proposed project. EBMUD, along with the City of Hayward, lies atop the East Bay Plain (EBP) groundwater subbasin and both agencies are the GSAs for the section of the EBP subbasin beneath their respective service areas. EBMUD and the City of Hayward jointly prepared the East Bay Plain Subbasin Groundwater Sustainability Plan in January 2022.[92]

As previously discussed, no groundwater extraction or utilization is included as a part of the proposed project. As such, the proposed project would not interfere with the implementation of any adopted water quality control plan. Furthermore, as discussed above, the proposed project would include a bioretention system that would ensure stormwater runoff would be controlled and directed to the municipal stormwater control systems or percolate into the groundwater basin for recharge. Therefore, based on the implementation of the BMPs discussed above, the incorporation of project-specific design features including a bioretention basin, and project compliance with NPDES permit requirements, project impacts would be less than significant.

## Mitigation Measures

None required.

[86] Ibid.
[87] Contra Costa County. 2005. Contra Costa County General Plan. Safety Element, Figure 10-8 Flood Hazard Areas.
[88] ENGEO Incorporated (ENGEO). 2020. Preliminary Geotechnical Exploration. March.
[89] Contra Costa County. 2005. Contra Costa County General Plan. Safety Element, Figure 10-8 Flood Hazard Areas.
[90] California Department of Conservation. 2019. California Tsunami Maps and Data. Website: https://www.conservation.ca.gov/cgs/tsunami/maps. Accessed June 6, 2023.
[91] East Bay Municipal Utilities District (EBMUD). City of Hayward. 2022. East Bay Plain Subbasin Groundwater Sustainability Plan, Executive Summary. Website: https://www.ebmud.com/water/about-your-water/water-supply/groundwater-sustainability-agencies/east-bay-plain-subbasin-gsp-documents. Accessed June 6, 2023.
[92] Ibid.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No 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? | ☐ | ☐ | ☒ | ☐ |

## Environmental Evaluation

### Setting

The site is designated SL by the General Plan Land Use Element (Exhibit 3), and is zoned as R-20 according to the Zoning Map (Exhibit 4). The SL land use designation allows a for a range of 1.0 to 2.9 single-family units per net acre and the R-20 zoning designation allows for a detached single-family dwelling on each lot and the accessory structures and uses normally auxiliary to it. The project site is surrounded by existing residential development and is bounded by existing roadways Walnut Boulevard to the southwest and View Lane to the southeast.

Would the project:

**a) Physically divide an established community?**

**Less than significant impact**. The physical division of an established community typically refers to the construction of a physical feature, such as an interstate highway or railroad tracks, or removal of a means of access, such as a local road or bridge that would impair mobility within an existing community or between a community and outlying area. The proposed project does not propose the construction of such a feature. The project proposes to divide the existing lot into 10 lots for 10 single-family residential homes. Existing roadways Walnut Boulevard and View Lane would not be altered in a way that would reduce connectivity. Therefore, the proposed project would not physically divide an established community and would improve connectivity within the community. As such, impacts would be less than significant.

The proposed project consists of the division of the existing lot into 10 lots for 10 single-family residential homes, which would be consistent with the land use designation and zoning. As described above, the project applicant is seeking concessions under the Density Bonus Law, including waivers and reductions in development standards relating to minimum lot area and lot width, front yard and side yard setbacks, and retaining wall setbacks. Under California Government Code 65915(e)(1), the proposed project would not be subject to any development standard that would physically preclude the construction of housing unit densities afforded by the Density Bonus Law. Therefore, the proposed project's alternative development standards outlined in Table Project Summary and Alternative Development Standards, would be considered for approval as part of the Density Bonus waivers. With approval of the proposed waivers, the proposed project would not conflict with the current zoning land use designation and impacts would be less than significant.

**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?**

**Less than significant impact**. As discussed above, the project site is zoned R-20 and its land use designation is SL. Primary land uses permitted in the SL designation include detached single-family homes and accessory buildings and structures. Secondary uses generally considered to be compatible with low density homes may be allowed, including home occupations, small residential care and childcare facilities, churches, and other similar places of worship, ADUs, and other uses and structures incidental to the primary uses. The R-20 zoning designation allows for a detached single-family dwelling on each lot and the accessory structures and uses normally auxiliary to it.

## Mitigation Measures

None required.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| **12. Mineral Resources** *Would the project:* | | | | |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State? | ☐ | ☐ | ☐ | ☒ |
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | ☐ | ☐ | ☐ | ☒ |

## Environmental Evaluation

### Setting

According to the General Plan, the mineral extraction industry is responsible for significant employment within the County. The most important mineral resources that are currently mined in the County include crushed rock, currently being extracted near Mount Zion, north of Mount Diablo.[93] This regionally significant deposit of diabase—a volcanic rock—is located approximately 3.80 miles east of the project site.[94] The Clayton Quarry, owned and operated by CEMEX, mines diabase from this deposit in the form of aggregates. The quarry operation is located at 515 Mitchel Canyon Road in Clayton, California approximately 4.70 miles east.[95]

Would the project:

**a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?**

**No impact**. As discussed above, the project site does not contain any known mineral resources. The General Plan identifies significant mineral resource areas of diabase, clay, and domengine sandstone within the County. None of these mineral resource areas are in the vicinity of the project site. The nearest mineral resource area is a deposit of diabase approximately 3.80 miles east of the project site. Therefore, the proposed project would have no impact on a known mineral resource that would be of value to the region and the residents of the State. As such, no impact would occur.

**b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

**No impact**. As discussed above, the project site does not currently support any mineral extraction activity and there are no regionally significant mineral deposits, as identified by the General Plan, in the vicinity of the project site. Furthermore, the project proposes to subdivide the project site into 10 lots for 10 single-family residential homes and would not support any mineral extraction activity. Therefore, the proposed project would not result in the availability of a locally important mineral

[93] Contra Costa County. 2005. Contra Costa County General Plan. Conservation Element.
[94] Contra Costa County. 2005. Contra Costa County General Plan. Conservation Element, Figure 8-4 Mineral Resource Areas.
[95] CEMEX. 2022. About Clayton Quarry. Website: cemexclaytonquarry.com/about-clayton-quarry/. Accessed June 6, 2023.

recovery site as delineated in a local general plan, specific plan, or other land use plan. No impact would occur.

## Mitigation Measures

None required.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| **13. Noise** *Would the project result in:* | | | | |
| a) 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) Generation of excessive groundborne vibration or groundborne noise levels? | ☐ | ☐ | ☒ | ☐ |
| c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | ☐ | ☐ | ☒ | ☐ |

## Environmental Evaluation

### Setting

This Noise Impact Analysis has been prepared by FirstCarbon Solutions (FCS) generated on September 28, 2022.  to determine the off-site and on-site noise impacts associated with the proposed project.

### Characteristics of Noise

The standard unit of measurement of the loudness of sound is the decibel (dB). The 0 point on the dB scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Changes of 3 dB or less are only perceptible in laboratory environments. A change of 3 dB is the lowest change that can be perceptible to the human ear in outdoor environments. While a change of 5 dBA is considered to be the minimum readily perceptible change to the human ear in outdoor environments.

Since the human ear is not equally sensitive to sound at all frequencies, the A-weighted decibel scale (dBA) was derived to relate noise to the sensitivity of humans, it gives greater weight to the frequencies of sound to which the human ear is most sensitive. The A-weighted sound level is the basis for a number of various sound level metrics, including the day/night sound level ($L_{dn}$) and the CNEL, both of which represent how humans are more sensitive to sound at night. In addition, the equivalent continuous sound level ($L_{eq}$) is the average sound energy of time-varying noise over a sample period and the $L_{max}$ is the maximum instantaneous noise level occurring over a sample period.

## Regulatory Framework

The project site is located within Contra Costa County. The County addresses noise in their General Plan[96] and Ordinance Code.[97]

### *Contra Costa County General Plan*

The Noise Element of the General Plan establishes the following noise policies that have relevance to the project. [98]

**Policy 11-1** New projects shall be required to meet acceptable exterior noise level standards as established in the Noise and Land Use Compatibility Guidelines contained in Figure 11-6 [of the Noise Element]. These guidelines, along with the future noise levels shown in the future noise contours maps, should be used by the County as a guide for evaluating the compatibility of "noise-sensitive" projects in potentially noisy areas.

**Policy 11-2** The standard for outdoor noise levels in residential areas is an $L_{dn}$ of 60 dB. However, an $L_{dn}$ of 60 dB or less may not be achievable in all residential areas due to economic or aesthetic constraints. One example is small balconies associated with multi-family housing. In this case, second and third story balconies may be difficult to control to the goal. A common outdoor use area that meets the goal can be provided as an alternative.

**Policy 11-8** Construction activities shall be concentrated during the hours of the day that are not noise-sensitive for adjacent land uses and should be commissioned to occur during normal work hours of the day to provide relative quiet during the more sensitive evening and early morning periods.

According to the County's land use compatibility standards contained in Figure 11-6 of the Noise Element, ambient noise environments are considered normally acceptable for new single-family residential land use development with noise levels ranging up to 60 dBA CNEL/$L_{dn}$. Environments with noise levels ranging from 55 dBA to 70 dBA CNEL/$L_{dn}$ are considered conditionally acceptable for new single-family land use development; and such development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features are included in the design. Environments with noise levels from 70 dBA to 75 dBA CNEL/$L_{dn}$ are considered normally unacceptable for new single-family land use development, and clearly unacceptable for levels above 75 dBA CNEL/$L_{dn}$.

### *Contra Costa County Ordinance Code—Noise Ordinance*

It should be noted that the Ordinance Code does not contain any noise ordinance codes or performance standards that are applicable to the proposed project.

Would the project result in:

[96] Contra Costa County. 2005. Contra Costa County General Plan, Noise Element.
[97] Contra Costa County. 2022. Contra Costa Municipal Code, Title 8 Zoning. Website: https://library.municode.com/ca/contra_costa_county/codes/ordinance_code. Accessed on June 6, 2023.
[98] Contra Costa County. 2005. Contra Costa County General Plan, Noise Element.

**a) 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?**

**Less than significant impact with mitigation incorporated.** A significant impact would occur if the proposed project would generate a substantial temporary or permanent increase in ambient noise levels in the project vicinity in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

***Short-Term Construction Impacts***

A significant impact would occur if construction activities would result in generation of a substantial temporary increase in ambient noise levels which would result in annoyance or sleep disturbance of nearby sensitive receptors. According to the policies of the General Plan, construction activities shall be concentrated during the hours of the day that are not noise-sensitive for adjacent land uses and should be commissioned to occur during normal work hours of the day to provide relative quiet during the more sensitive evening and early morning periods.

Construction of the project is expected to require the use of scrapers, dozers, water trucks, haul trucks, and pickup trucks. The maximum noise level generated by each scraper is assumed to be 85 dBA $L_{max}$ at 50 feet from this equipment. Each dozer would also generate 85 dBA $L_{max}$ at 50 feet. The maximum noise level generated by graders is approximately 85 dBA $L_{max}$ at 50 feet. A characteristic of sound is that each doubling of sound sources with equal strength increases a sound level by 3 dBA. Assuming that each piece of construction equipment operates at some distance from the other equipment, a reasonable worst-case combined noise level during this phase of construction would be 90 dBA $L_{max}$ at a distance of 50 feet from the acoustic center of a construction area. The effect on sensitive receptors is evaluated below.

The closest noise-sensitive receptors to the proposed project construction footprint are single-family residential properties that neighbor the project site to the immediate west and north. The calculated reasonable worst-case noise levels could result in hourly average noise levels of up to 83 dBA $L_{eq}$, at the façade of the nearest receiving residential land use when equipment operate at the nearest project boundary for a full hour[99]. However, these reasonable worst-case construction noise levels would occur only periodically throughout the day as construction equipment operate along the nearest project boundaries. However, these noise levels would drop off at a rate of 6 dBA per doubling of distance as the equipment moves over the project site.

Based on the EPA's Protective Noise Levels, with a combination of walls, doors, and windows, standard construction in accordance with building code requirements for residential developments would provide a minimum of 25 dBA in exterior-to-interior noise reduction with windows closed. During the calculated loudest phase of construction described above the interior noise levels of the nearest off-site residences would be reduced to below 60 dBA $L_{eq}$ (80 dBA – 52 dBA = 55 dBA), which would not be considered a substantial noise impact for daytime noise levels.

The County restricts construction activities to the hours of the day that are not noise-sensitive for adjacent land uses and should be commissioned to occur during normal work hours of the day to provide relative quiet during the more sensitive evening and early morning periods. Therefore,

[99] FirstCarbon Solutions. 2022. Noise Impact Analysis. 3180 Walnut Boulevard Contra Costa County, California.

restricting construction activity to daytime hours, as well as implementing the best management noise reduction techniques and practices outlined in MM NOI-1, would ensure that construction noise would not result in a substantial temporary increase in ambient noise levels that would result in annoyance or sleep disturbance of nearby sensitive receptors. Therefore, with implementation of MM NOI-1, temporary construction noise impacts would be reduced to less than significant.

### *Operational/Stationary Source Noise Impacts*

**Less than significant impact.** A significant impact would occur if operational noise levels generated by stationary noise sources at the proposed project site would result in a substantial permanent increase in ambient noise levels in excess of established standards. As noted in the characteristics of noise discussion, audible increases in noise levels generally refer to a change of 3 dBA or more, as this level has been found to be barely perceptible to the human ear in outdoor environments. A change of 5 dBA is considered the minimum readily perceptible change to the human ear in outdoor environments. Therefore, for purposes of this analysis, an increase of 5 dBA or greater above ambient noise levels or in excess of existing conditions would be considered a substantial permanent increase in ambient noise levels.

The only identified new stationary noise source associate with implementation of the proposed project is new mechanical ventilation system operations for the proposed residential uses.

*Mechanical Equipment Operations*

At the time of this analysis, details were not available pertaining to proposed ground-floor mechanical ventilation systems for the proposed project; therefore, a reference noise level for typical mechanical ventilation systems was used. Noise levels from typical residential mechanical ventilation equipment range from 60 dBA to 70 dBA $L_{eq}$ at a distance of approximately 3 feet.

The nearest sensitive receptor to potential mechanical ventilation system locations is the single-family residence located west of the project site. The façade of this receptor could be located as close as 70 feet from the nearest proposed mechanical ventilation system. At this distance, noise generated by proposed mechanical ventilation equipment would attenuate to 39 dBA $L_{eq}$. If proposed mechanical ventilation systems operated for a 24-hour period, the resulting noise level as measured at these nearest receptors would be 45 dBA CNEL.[100]

Two noise measurement surveys were taken to determine existing noise levels at the project site. The dominant noise source in the project vicinity was found to be traffic noise on adjacent roadways and lawnmowing. Documented existing ambient noise levels on the project site measured 48 dBA $L_{eq}$ at approximately 6 feet off View Lane; and measured 62 dBA $L_{eq}$ directly opposite of 3175 Walnut Boulevard at approximately 15 feet from the edge of the roadway[101]. Therefore, the calculated reasonable worst-case operational noise levels from proposed mechanical ventilation equipment operations would not exceed these existing measured ambient noise levels in the project area, and would therefore not result in a substantial permanent increase in noise levels in excess of established standards. Therefore, the impact of mechanical ventilation equipment operational noise levels on off-site sensitive receptors would be less than significant.

[100] FirstCarbon Solutions. 2022. Noise Impact Analysis. 3180 Walnut Boulevard Contra Costa County, California.
[101] FirstCarbon Solutions. 2022. Noise Impact Analysis. 3180 Walnut Boulevard Contra Costa County, California.

### *Operational/Mobile Source Noise Impacts*

**Less than significant impact.** A significant impact would occur if implementation of the proposed project would result in a substantial increase in traffic noise levels compared with traffic noise levels existing without the project. As noted in the characteristics of noise discussion, audible increases in noise levels generally refer to a change of 3 dBA or more, as this level has been found to be barely perceptible to the human ear in outdoor environments. A change of 5 dBA is considered the minimum readily perceptible change to the human ear in outdoor environments. Therefore, for purposes of this analysis, an increase of 5 dBA or greater above existing noise levels would be considered a substantial permanent increase in traffic noise levels. Another characteristic of noise is that a doubling of sound sources with equal strength is required to result in a perceptible increase (defined to be a 3 dBA or greater) in noise levels.

Generally, a doubling of traffic volumes is required to increase traffic-related noise levels by 3 dBA. The proposed project would develop 10 single-family residences in a residential neighborhood consisting of hundreds of similar single-family residences. As such, the proposed project would not generate traffic volumes sufficient to double traffic volumes along Walnut Boulevard or any other surrounding roadway. As a result, the project would not result in even a 3 dBA increase in traffic noise levels along any roadway segment in the project vicinity, and any increase would be well below the 5 dBA increase that would be considered substantial. Therefore, impacts from project-related traffic noise levels would not result in a substantial permanent increase in traffic noise levels in excess of applicable standards, and the impact would be less than significant.

**b) Generation of excessive groundborne vibration or groundborne noise levels?**

**Less than significant impact.** A significant impact would occur if the project would generate groundborne vibration or groundborne noise levels in excess of established standards. The County has not adopted criteria for groundborne vibration impacts. Therefore, for purposes of this analysis, the Federal Transit Administration's (FTA) vibration impact criteria are utilized. The FTA has established industry accepted standards for vibration impact criteria and impact assessment. These guidelines are published in its Transit Noise and Vibration Impact Assessment Manual.[102]

Groundborne noise is an effect of groundborne vibration and only exists indoors, since it is produced from noise radiated from the motion of the walls and floors of a room, and may also consist of the rattling of windows or dishes on shelves. In general, if groundborne vibration levels do not exceed levels considered to be perceptible, then groundborne noise levels would not be perceptible in most interior environments. Therefore, this analysis focuses on determining exceedances of groundborne vibration levels.

Although groundborne vibration can be felt outdoors, it is typically only an annoyance to people indoors where the associated effects such as the shaking of a building can be notable. When assessing annoyance from groundborne vibration, vibration is typically expressed as root mean square (rms) velocity in units of decibels of 1 microinch per second. To distinguish these vibration levels referenced in decibels from noise levels referenced in decibels, the unit is written as "VdB."

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[102] Federal Transit Administration (FTA). 2018. Transit Noise and Vibration Impact Assessment Manual. September. Website: https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf. Accessed on June 6, 2023.

In extreme cases, excessive groundborne vibration has the potential to cause structural damage to buildings. Common sources of groundborne vibration include construction activities such as blasting, pile driving and operating heavy earthmoving equipment. However, construction vibration impacts on building structures are generally assessed in terms of peak particle velocity (PPV). For purposes of this analysis, project-related impacts are expressed in terms of PPV.

*Short-term Construction Vibration Impacts*

Of the variety of equipment that would be used during construction, large vibratory rollers (that would be used in the construction of the internal roadway) would produce the greatest groundborne vibration levels. Impact equipment such as pile drivers is not expected to be used during construction of this project. Large vibratory rollers produce groundborne vibration levels ranging up to 0.201 inch per second (in/sec) PPV at 25 feet from the operating equipment.

The nearest off-site structure to the project site construction footprint where such heavy equipment would operate is the residence located north of the project site. This nearest off-site structure would be located approximately 70 feet from the nearest construction footprint where the heaviest construction equipment would potentially operate. At this distance, groundborne vibration levels would range up to 0.04 in/sec PPV from operation of the types of equipment that would produce the highest vibration levels. This is well below the FTA's Construction Vibration Impact Criteria of 0.2 in/sec PPV for this type of structure, a building of non-engineered timber and masonry. Therefore, project construction would not result in excessive groundborne vibration levels and this impact would be less than significant.

*Operational Vibration Impacts*

The project would not include any permanent noise sources that would expose persons in the project vicinity to groundborne vibration levels that could be perceptible without instruments at any receiving land use in the project vicinity. Therefore, operational vibration impacts on proposed on-site receptors would be less than significant.

**c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

**Less than significant impact.** The nearest airport to the project site is the Buchanan Field Airport, which is located approximately 6 miles north of the project site. Because of its distance from the airport runways, the project site is located outside of the airport's 55 dBA CNEL noise contours. No private airstrips are located within the vicinity of the project site. Therefore, implementation of the project would not expose persons residing or working in the project site to excessive noise levels associated with private airstrip or public airport noise. No impact would occur.

## Mitigation Measures

**MM NOI-1** The following Mitigation Measure shall be implemented during project construction and shall be included on all construction plans:

a. The construction contractor shall ensure that all equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment.
b. The construction contractor shall ensure that unnecessary idling of internal combustion engines (i.e., idling in excess of 5 minutes) is prohibited.
c. The construction contractor shall utilize "quiet" models of air compressors and other stationary noise sources where such market available technology exists.
d. At all times during project grading and construction, the construction contractor shall ensure that stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from the nearest residential land uses.
e. The construction contractor shall designate a noise disturbance coordinator who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (starting too early, bad muffler, etc.) and establish reasonable measures necessary to correct the problem. The construction contractor shall visibly post a telephone number for the disturbance coordinator at the construction site.
f. Unless specifically approved otherwise by the CDD, all construction activities shall be limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on State and Federal holidays on the calendar dates that these holidays are observed by the State or Federal government as listed below:
   New Year's Day (State and Federal)
   Birthday of Martin Luther King, Jr. (State and Federal)
   Washington's Birthday (Federal)
   Lincoln's Birthday (State)
   President's Day (State)
   Cesar Chavez Day (State)
   Memorial Day (State and Federal)
   Juneteenth National Independence Holiday (Federal)
   Independence Day (State and Federal)
   Labor Day (State and Federal)
   Columbus Day (Federal)
   Veterans Day (State and Federal)
   Thanksgiving Day (State and Federal)
   Day after Thanksgiving (State)
   Christmas Day (State and Federal)
   For specific details on the actual day the State and Federal holidays occur, please visit the following websites:
   Federal: **http://www.opm.gov/Operating_Status_Schedules/fedhol/2015.asp**
   California: **http://www.ftb.ca.gov/aboutFTB/holidays.shtml**
g. Transportation of large trucks and heavy equipment is subject to the same restrictions that are imposed on construction activities, except that the hours are limited to 9:00 AM to 4:00 PM.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| **14. Population and Housing** *Would the project:* | | | | |
| a) 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)? | ☐ | ☐ | ☒ | ☐ |
| b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☒ |

## Environmental Evaluation

### Setting

According to the California Department of Finance (CDF) the estimated population of Contra Costa County was approximately 1,156,555 persons as of January 2022.[103]

Would the project:

**a) 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)?**

**Less than significant impact.** The proposed project consists of the division of the existing site into 10 lots and the construction of 10 single-family homes. According to the CDF, the average persons per household in the County is 2.84;[104] therefore, it can be assumed that the proposed project would result in an increase of approximately 28 new residents. As the site is already zoned for residential use, the development of the proposed project would result in growth that was already envisioned and evaluated as part of the General Plan, and would represent an increase of less than 0.003 percent of the County's total population as of January 2022.[105] According to CDF projections, the County's population is expected to increase to 1,197,341 in 2025 and 1,312,526 in 2040.[106] Furthermore, the General Plan Housing Element, adopted in 2014, projects a 6 percent increase in

[103] California Department of Finance (CDF). 2022. E-4 Population and Housing Estimates for Cities, Counties, and the State, 2020-2022. Website: https://dof.ca.gov/forecasting/Demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2022/. Accessed June 6, 2023.

[104] California Department of Finance (CDF). 2022. E-5 Population and Housing Estimates for Cities, Counties, and State 2020-2022. Website: https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fdof.ca.gov%2Fwp-content%2Fuploads%2FForecasting%2FDemographics%2FDocuments%2FE-5_2022_InternetVersion.xlsx&wdOrigin=BROWSELINK. Accessed June 6, 2023.

[105] (28/1,156,555) * 100 = 0.00242

[106] California Department of Finance (CDF). 2022. Projections. P-1: State Population Projections (2010-2060). Website: https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fdof.ca.gov%2Fwp-content%2Fuploads%2FForecasting%2FDemographics%2FDocuments%2FP2A_County_Total.xlsx&wdOrigin=BROWSELINK. Accessed June 6, 2023.

population from 159,785 to 169,000 within unincorporated areas between 2010 and 2030.[107] As such, the proposed project would not induce substantial unplanned population growth and a less than significant impact would occur.

**b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?**

**No impact**. The project site contains one vacant single-family residence. The proposed project would demolish the existing residence in order to subdivide the site into 10 lots for the development of 10 single-family residential homes. Because the existing single-family residence is vacant, the proposed project would not displace existing people or housing and would provide additional housing opportunities. As such, no impacts would occur.

## Mitigation Measures

None required.

[107] Contra Costa County. 2014. Contra Costa County Housing Element.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| **15. Public Services** *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 any of the public services:* | | | | |
| a) Fire protection? | ☐ | ☐ | ☒ | ☐ |
| b) Police protection? | ☐ | ☐ | ☒ | ☐ |
| c) Schools? | ☐ | ☐ | ☒ | ☐ |
| d) Parks? | ☐ | ☐ | ☒ | ☐ |
| e) Other public facilities? | ☐ | ☐ | ☒ | ☐ |

## Environmental Evaluation

### Setting

#### *Fire*

The project site is located within, and would receive fire protection services from, the CCCFPD. The CCCFPD operates out of 25 fire stations with 27 companies and over 400 employees. In 2018, CCCFPD responded to nearly 75,000 fire and emergency medical service calls with an average response time of 5:35 minutes in central Contra Costa County.[108] The fire station nearest the project site is Station 1 located at 1330 Civic Drive, Walnut Creek, approximately 1.10 miles northwest of the project site.[109]

#### *Police*

The proposed project is located in unincorporated Contra Costa County and would receive police services from the Contra Costa County Office of the Sheriff.[110] The Office of the Sheriff is the largest law enforcement agency in the County, providing police services to over 1,000,000 residents in the County, including unincorporated areas.[111] The Office of the Sheriff patrol division operates out of four station houses and includes the Blackhawk Police Department, K-9 Unit, Watch Commander, and SWAT[112] Valley Station, located at 150 Alamo Plaza #C in Alamo, California, is the nearest station approximately 2.93 miles south of the project site. The Valley Station service area includes the area from Canyon (an unincorporated community west of the Town of Moraga and east of the City of Piedmont) through the City of Walnut Creek near the border of Brentwood and all unincorporated areas to the southern Contra Costa County/Alameda County border. The Valley Station consists of 27

[108] Contra Costa County Fire Protection District (CCCFPD). 2018. Annual Report 2018. Website: https://cccfpd.org/2018-annual-report/. Accessed October 30, 2022.
[109] Contra Costa County Fire Protection District (CCCFPD). 2022. Station Addresses. Website: https://cccfpd.org/station-address/. Accessed October 30, 2022.
[110] Contra Costa County. 2005. Contra Costa County General Plan. Public Facilities/Services Element.
[111] Contra Costa County Office of the Sheriff. 2022. Office of the Sheriff Overview. Website: https://www.cocosheriff.org/about-us/office-of-the-sheriff-overview. Accessed October 27, 2022.
[112] Contra Costa County Office of the Sheriff. 2022. Patrol Division. Website: https://www.cocosheriff.org/bureaus/field-operations/patrol-division. Accessed October 27, 2022.

sworn staff members including one Lieutenant, five Sergeants, 16 Beat Deputies and five special district Deputies.[113]

### *Schools*

There are 18 school districts and one community college district in the County.[114] The project site is located within the Walnut Creek School District (WCSD) and the Acalanes Union High School District (AUHSD).[115] The project site is located within the enrollment boundary of Walnut Heights Elementary school, located approximately 0.16 mile east of the project site and within the WCSD.[116] The project site is also within the enrollment boundary of Las Lomas High School, located approximately 0.68 mile southwest of the project site and within the AUHSD.[117]

### *Parks*

As discussed in Section 16, Recreation, Lar Rieu Park is located approximately 0.09 mile west of the project site and Howe Homestead Park is located approximately 0.36 mile north of the project site. Shell Ridge Open Space, Diablo Foothills Regional Park, and Mount Diablo State Park are also in the vicinity of the project site. Shell Ridge Open Space is located approximately 0.19 mile to the northeast, Diablo Foothills Regional Park is located approximately 2.12 miles east, and Mount Diablo State Park is located approximately 2.78 miles to the east.

### *Library Facilities*

Library services would be provided by the County Library System. The County Library System consists of 26 community libraries serving 351,658 library card holders.[118] The branch nearest the project site is the Walnut Creek Library, located approximately 1 mile northwest of the project site. The library features a large children's wing and garden, a Teen Zone, a Business and Career Center, a Technology Center, a 16-seat Las Trampas conference room, and four group study rooms.[119]

**Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 any of the public services:**

**a) Fire protection?**

**Less than significant impact.** As discussed above, the CCCFPD would provide fire protection and emergency medical services to the project site. The proposed project may increase the need for fire protection service at the project site with an increase in up to 28 new residents. The nearest station

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[113] Contra Costa County Office of the Sheriff. 2022. Valley Station. Website: https://www.cocosheriff.org/bureaus/field-operations/patrol-division/valley-station. Accessed June 6, 2023.

[114] Contra Costa County Office of Education. County School Districts. Website: https://www.cccoe.k12.ca.us/district_resources/county_school_districts. Accessed June 6, 2023.

[115] City of Walnut Creek. 2066. Walnut Creek General Plan 2025, Chapter 2 Quality of Life, Figure 4 School District Boundaries within Planning Area.

[116] Walnut Creek School District (WCSD). 2022. WCSD School Boundaries. Website: https://www.walnutcreeksd.org/Page/45. Accessed June 6, 2023.

[117] Acalanes Union High School District (AUHSD). 2022. Schoolsite Locator. Website: https://portal.schoolsitelocator.com/apps/ssl/?districtcode=12031#. Accessed June 6, 2023.

[118] Contra Costa County Library. 2022. Newsroom. Website: https://ccclib.org/newsroom/#annual-reports. Accessed June 6, 2023.

[119] Contra Costa County Library. 2022. About Walnut Creek Library. Website: https://ccclib.org/about-walnut-creek-library/. Accessed June 6, 2023.

is approximately 1.10 miles away, allowing for efficient response time to the site in the event of an emergency.

Furthermore, the County has adopted the California Fire Code (Ordinance Code Division 722) and the County Fire Marshall would review the proposed project for compliance with the adopted Fire Code and policies related to fire protection. General Plan Goal 7-Y states that upgrades to facilities and staff are regularly reviewed for the CCCFPD to achieve the General Plan's target response time of 5 minutes and General Plan Implementation Measure 10-au states that major development will not be approved if firefighting services are not available or are not adequate for the area. The proposed project would be reviewed by the County Fire Marshall for compliance with Title 7, Division 722 of the Ordinance Code, also known as the County's Fire Code, and would be required to pay the applicable fire facilities fees required by the CCCFPD Ordinance 2021-18. Lastly, the Code of Ordinances Section 818-2.6 states that within unincorporated areas within fire protection service areas where fire facilities are overextended, fire protection facilities fees shall be collected prior to the issuance of building permits for any new development. Compliance with the County Fire Code, applicable General Plan policies and payment of appropriate fees would ensure that the proposed project would have a less than significant impact on fire protection services.

**b) Police protection?**

**Less than significant impact.** The proposed project is anticipated to result in an increase of 28 individuals to the County's population and would result in an increase in demand for police protection services. The County Sheriff's Office would provide police protection services to the proposed project. Valley Station, the nearest station to the project site, is located approximately 2.93 miles south. Based on a driving distance of 4.6 miles, the response time for law enforcement responding to the project site from the Valley Station traveling at an average speed of 35 miles per hour would be 7 minutes, 52 seconds, falling short of the General Plan's target response time of 5 minutes.

General Plan Policy 7-57 indicates a Sheriff facility standard of 155 square feet of Sheriff station space per 1,000 persons of population. To maintain this standard, the project applicant would be required to pay applicable fees to the County Office of the Sheriff to help provide for costs associated with a police facility building and equipment to serve additional demands for police services. Furthermore, General Plan Implementation Measure 7-ar states that public protection facilities need will be included in the 5-year Capital Improvements Program to ensure that the facilities will be available as development proceeds. With the payment of applicable fees, the proposed project would be incompliance with applicable General Plan policies supporting the adequacy of police protection, and would have a less than significant impact on police protection facilities.

**c) Schools?**

**Less than significant impact.** The project site is located within the WCSD and the AUHSD. As discussed previously, the proposed project is estimated to result in an increase to the population of 28 persons. According to the United States Census Bureau's 2021 population estimates,

approximately 22.2 percent of the population is under the age of 18.[120] Therefore, the proposed project is anticipated to result in approximately six people under the age of 18,[121] with a corresponding increase in demand for school services. Walnut Heights Elementary school, located approximately 0.16 mile east of the project site, is a K-5 public elementary school within the WCSD. As of 2021, this school has an enrollment of 400 students.[122] Las Lomas High School, located approximately 0.68 mile southwest of the project site, is a public 9-12 high school within the AUHSD. As of 2021, this school has an enrollment of 1,580 students.[123] The increase in persons under the age of 18 generated by the proposed project would represent 1.5 percent and 0.38 percent of each school's current enrollment,[124] respectively.

The WCSD collects Developer Fees for new construction to offset costs associated with providing school facilities and services to students within the district. Fees for residential development are set as $2.86 per square foot, and credit is given for existing area that is torn down for new construction.[125] The proposed project involves demolishing the existing single-family residence present on the project site. The AUHSD also collects Developers Fees, which are currently set at $4.08 per square foot for residential construction. An agreement between AUHSD, WCSD, Moraga School District, Orinda School District, and Lafayette School District will split the residential fees and commercial fees at 30 percent for the high school district and 70 percent for the elementary school districts.[126]

Therefore, with the payment of the applicable Developer Fees, the proposed project would have a less than significant impact on school facilities.

**d) Parks?**

**Less than significant impact.** The proposed project is anticipated to result in an increase to the County population of 28 individuals, which would increase demand for parks. As discussed above and in Section 16, Recreation, the nearest park is Lar Rieu Park, located approximately 0.09 mile west of the project site, and the next nearest park is Howe Homestead Park located approximately 0.36 mile to the north. Shell Ridge Open Space is located approximately 0.19 mile to the east, Diablo Foothills Regional Park is located approximately 2.12 miles east, and Mount Diablo State Park is located approximately 2.78 miles to the east.

While the proposed project would result in an increase in demand for parks and park services, the proposed project would be required to pay park dedication and park impact fees per the County Department of Conservation and Development. Payment of in lieu park dedication fees may be applied as credit toward park impact fees. With the payment of required impact and in lieu park

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[120] United States Census Bureau. 2021. QuickFacts Contra Costa County, California. Website: https://www.census.gov/quickfacts/contracostacountycalifornia. Accessed June 6, 2023.

[121] 0.222*28 = 6.21

[122] California School Dashboard. 2022. Walnut Heights Elementary. Website: https://www.caschooldashboard.org/reports/07618126005243/2021. Accessed June 6, 2023.

[123] California School Dashboard. 2022. Las Lomas High. Website: https://www.caschooldashboard.org/reports/07616300733725/2021. Accessed June 6, 2023.

[124] (6/400)*100 = 1.5%, (6/1,580)*100 = 0.379%

[125] Walnut Creek School District (WCSD). 2022. WCSD Developer Fee Information. Website: https://www.walnutcreeksd.org/Page/103. Accessed June 6, 2023.

[126] Acalanes Union High School District (AUHSD). 2020. Annual Accounting of Developer Fees for the 2019-2020 Fiscal Year. Website: https://www.acalanes.k12.ca.us/cms/lib/CA01001364/Centricity/Domain/638/2019-2020%20Annual%20Developer%20Fees%20Report.pdf. Accessed June 6, 2023.

dedication fees, the proposed project would have a less than significant impact on existing neighborhood and regional parks.

**e) Library facilities?**

**Less than significant impact.** As discussed above, the County Library System provides library services to the County and the project site. The nearest library branch to the project site is Walnut Creek Library, located approximately 1 mile northwest of the project site. The proposed project would result in approximately 28 additional County residents and would increase demand for library services. The increase of 28 individuals would represent approximately 0.008 percent of the County Library System's 351,658 current cardholders. Therefore, the increase in library users as a result of the proposed project would be negligible. Furthermore, Goal 1, Objective D of the County Library Strategic Plan aims to increase the number of active users in the library system by 10 percent annually, which given the current number of cardholders would be an increase of approximately 35,165 users. Therefore, the increase of potential users from the proposed project's 28 new residents is consistent with demand already anticipated by the County Library, and potential impacts on other public facilities would be less than significant.

## Mitigation Measures

None required.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| **16. Recreation** | | | | |
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | ☐ | ☐ | ☒ | ☐ |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? | ☐ | ☐ | ☒ | ☐ |

## Environmental Evaluation

### Setting

Major park facilities in the County are owned by the federal and State governments, along with an extensive system owned and operated by the EBRPD and water district watershed recreation facilities.[127] As previously discussed in Section 1, Aesthetics, the proposed project is located in the vicinity of Shell Ridge Open Space, Diablo Foothills Regional Park, and Mount Diablo State Park, all of which are identified by the General Plan as major parks and open space areas. Shell Ridge Open Space is 0.19 mile east of the project site. Diablo Foothills Regional Park and Mount Diablo State Park are located more than 2 miles from the project site.

The General Plan Open Space Element Table 9-1, County Park Criteria, identifies a service standard of 2.50 acres per 1,000 population for neighborhood parks and 1.50 acres per 1,000 population for community parks. General Plan Goal 9-K is to achieve a level of park facilities of 4 acres per 1,000 population. This is equivalent to a level of park facilities of 0.004 acres per person. As detailed previously, the County's current population is estimated at 1,156,555 people. A population of this size would require approximately 4,626 acres of parks to meet the goal specified in the General Plan. Shell Ridge Open Space, Diablo Foothills Regional Park and Mount Diablo State Park alone account for over 22,480 acres of parkland.[128] Therefore, the County currently meets its goal of 4 acres of park land per 1,000 people.

**a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

**Less than significant impact**. As discussed in Section 2.14, Population and Housing, the CDF states the average persons per household in the County is 2.84.[129] Therefore, it can be assumed that the

[127] Contra Costa County. 2005. Contra Costa County General Plan. Open Space Element.
[128] 1,420 + 1,060 + 20,000 = 22,480
[129] California Department of Finance (CDF). 2022. E-5 Population and Housing Estimates for Cities, Counties, and State 2020-2022.

proposed project would result in an increase of approximately 28 residents, which could increase demand for existing neighborhood and regional parks in the vicinity of the proposed project.

The project applicant would be required to pay the required park dedication and park impact fees per the County Department of Conservation and Development. Park fees are collected to fund the acquisition and development of parks in the County to serve unincorporated County residents. All residential projects are required to pay a park impact fee, and residential projects requiring a development plan or subdivision may also require dedication of parkland or in lieu fees.[130] As the proposed project includes a subdivision of the existing project site into 10 lots and the development of 10 single-family residences, the project applicant would be required to pay the appropriate in lieu park dedication fees. Payment of in lieu park dedication fees may be applied as credit toward park impact fees. With the payment of required impact and in lieu fees, the proposed project would have a less than significant impact on existing neighborhood and regional parks or other recreational facilities.

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

**Less than significant impact**. As discussed above, the proposed project would subdivide the existing project site into 10 lots for the development of 10 single-family homes. The proposed project does not include the development of recreational facilities. Based on the County's persons per household figures, the proposed project would increase the population by approximately 28 individuals. This increase in population would increase the demand for recreational facilities. The nearest park is Lar Rieu Park, within the City of Walnut Creek, approximately 0.09 mile west of the project site and Shell Ridge Open Space lies approximately 0.19 mile to the east. As discussed previously, the proposed project would be subject to park impact fees and parkland dedication or in lieu fees to the County. With the payment of required fees, the proposed project would have a less than significant impact on recreational facilities.

## Mitigation Measures

None required.

Website: https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fdof.ca.gov%2Fwp-content%2Fuploads%2FForecasting%2FDemographics%2FDocuments%2FE-5_2022_InternetVersion.xlsx&wdOrigin=BROWSELINK. Accessed December 16, 2022.

[130] Department of Conservation and Development. 2022. Park Dedication and Park Impact Fees. Website: https://www.contracosta.ca.gov/DocumentCenter/View/42080/Park-Fees-Overview-PDF. Accessed October 20, 2022.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| **17. Transportation** *Would the project:* | | | | |
| a) Conflict with a program plan, ordinance or policy of the circulation system, including transit, roadway, bicycle and pedestrian facilities? | ☐ | ☐ | ☒ | ☐ |
| b) Would the project 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 (e.g., farm equipment)? | ☐ | ☐ | ☒ | ☐ |
| d) Result in inadequate emergency access? | ☐ | ☐ | ☒ | ☐ |

## Environmental Evaluation

### Setting

Walnut Boulevard runs northwest to southeast along the western boundary of the project site. Walnut Boulevard is a two-lane street with a posted speed of 25 miles per hour (mph) between Homestead Avenue and Mountain View Boulevard.[131] Large portions of Walnut Boulevard in the vicinity of the project site cannot accommodate street parking. From the intersection of Walnut Boulevard and View Lane to the intersection of Walnut Boulevard and Homestead Avenue, approximately 0.50 mile northwest of the project site, the east side of the street does not feature sidewalks. From roughly where the western-most boundary of the project site meets Walnut Boulevard to the intersection of Walnut Boulevard and Homestead Avenue, the west side of the street does not feature sidewalks.

Walnut Boulevard intersects with Ygnacio Valley Road approximately 1.09 mile northwest of the project site. Ygnacio Valley Road is a six-lane, northeast-southwest street with posted speeds between 30 mph and 55 mph and is a main arterial road in the City of Walnut Creek.[132] According to 511 Contra Costa, a County-wide transportation program administered by the Contra Costa Transportation Authority (CCTA), neither Ygnacio Valley Road nor Walnut Boulevard feature bike lanes.[133]

Regional access to the site is provided via I-680 by way of Ygnacio Valley Road. I-680 connects to State Route (SR) 24, SR-4, and SR-242.

Would the project:

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[131] City of Walnut Creek. 2022. Walnut Creek Posted Speed Limits. Website: https://www.google.com/maps/d/viewer?mid=1IHDguHOz5bHloyzvAF23RwTyp8lVn2vv&ll=37.899378772539066%2C-122.0379594&z=13. Accessed June 6, 2023.

[132] Ibid.

[133] 511 Contra Costa. 2022. 511CC's Bike Mapper. Website: https://bike.511contracosta.org/#. Accessed June 6, 2023.

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

**Less than significant impact.** Policy 4-c of the Growth Management Element of the General Plan requires a traffic impact analysis of any project that is estimated to generate 100 or more AM or PM peak-hour trips.[134] The Institute of Transportation Engineers (ITE) estimates a daily trip rate of 9.43 trips per dwelling unit, thus the proposed project's 10 single-family homes would be expected to generate 94 daily trips. The ITE estimates AM peak-hour trip generation rate of 0.70 trips per dwelling unit, and PM peak-hour trip generation rate of 0.94 trips per dwelling unit.[135] The proposed project would develop 10 single-family residences, resulting in 7 AM peak-hour trips and 9 PM peak-hour trips. Therefore, the proposed project would generate less than 100 peak-hour AM or PM trips, and a project-specific traffic impact analysis is not required. The proposed project is not anticipated to conflict with the circulation system in the project vicinity.

The Complete Streets Policy, adopted by the County Board of Supervisors on July 12, 2016, requires Complete Streets infrastructure sufficient to enable reasonably safe travel along and across the right-of-way for each category of users be incorporated into all planning, funding, design, approval, and implementation processes for any construction, reconstruction, retrofit, maintenance, operations, alteration, or repair of streets (including streets, roads, highways, bridges, and other portions of the transportation system).[136]

The proposed project would construct a new private street. The new private street would be approximately 28 feet wide, with an 8-foot parking lane on one side and a 5-foot sidewalk along the southeast section of the proposed roadway, as is required by the CCCFPD standards. Furthermore, the proposed project would include approximately 0.16 acre of public roadway dedication along Walnut Boulevard. Other frontage improvements would consist of approximately 927 square feet of sidewalk improvements.

Because the proposed project would provide sidewalk and parking on the proposed private street and implement 0.16 acre of public roadway dedication and 927 square feet of sidewalk improvements, the proposed project would comply with the Complete Streets Policy. Therefore, impacts would be less than significant.

**b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?**

**Less than significant impact.** CEQA Guidelines Section 15064.3(b) establishes criteria for determining the significance of transportation impacts. VMT is the metric for measuring transportation impacts. The County adopted Transportation Analysis Guidelines in 2020 that provide technical assistance, thresholds of significance and mitigation measures for land development projects.[137] According to County guidelines, small projects can be presumed to cause a less than significant VMT impact. The County defines small projects as those proposing 20 residential units or

[134] Contra Costa County. 2005. Contra Costa County General Plan. Growth Management Element.
[135] Institute of Transportation Engineers. Trip Generation Manual. 11th Edition. Volume 3. Single-Family Detached Housing.
[136] Contra Costa County. 2016. Complete Streets Policy of Contra Costa County.
[137] Contra Costa County Conservation and Development Department. Public Works Department 2020. Contra Costa County Transportation Analysis Guidelines. VMT Screening Criteria. June 23.

less .[138]The project proposes 10 single-family residential units which is under the County guidelines VMT screening criteria threshold. Therefore, impacts are considered less than significant.

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

**Less than significant impact**. The centerline of the proposed private street would be located approximately 135 feet west of the existing View Lane, which bounds the project site to the east, and 447 feet to the west of Fraser Drive. Both View Lane and Fraser Drive do not have through connections, and only serve the single-family homes located directly on them. The proposed private street would be of similar character. Walnut Boulevard has a 25 mph speed limit. The ITE recommends that, for streets with a 35 mph speed limit, there be an intersection separation of over 150 feet. However, because posted speed limits are less than 35 mph, this recommendation does not apply. As previously noted, the proposed new private street would meet the CCCFPD standards. Therefore, the proposed project would result in a less than significant impact due to design features or incompatible uses.

**d) Result in inadequate emergency access?**

**Less than significant impact.** As discussed above, the proposed new private street would be approximately 28-feet-wide as required by the CCCFPD standards. As described in Section 15 Public Services, the project site is in near existing Sheriff and Fire stations. Furthermore, the CCCFPD would review project plans prior to project approval to ensure that adequate emergency access to the proposed buildings would be adequate. Therefore, impacts would be less than significant.

## Mitigation Measures

None required.

[138] Ibid.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| **19. Utilities and Service Systems** *Would the project:* | | | | |
| a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation 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 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? | ☐ | ☐ | ☒ | ☐ |
| 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 management and reduction statutes and regulations related to solid waste? | ☐ | ☐ | ☒ | ☐ |

## Environmental Evaluation

### Setting

The proposed project would obtain water from the EBMUD. The proposed project's wastewater would be collected by sewer lines owned and maintained by Central San and treated at Central San's Treatment Plant in Martinez, California. Stormwater runoff from the project site would be collected in the proposed bioretention basin in Lot 10 before being released to existing stormwater drains in Walnut Boulevard. Solid waste service would be provided by Republic Service and electric power and natural gas would be provided to the project site by PG&E.

Would the project:

**a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?**

**Less than significant impact**. The proposed project's impact on water, wastewater, stormwater drainage, electricity, and natural gas is analyzed below.

***Water***

As described above, the project site is within the service area of EBMUD. The proposed project would connect to an existing EBMUD domestic water line within Walnut Boulevard. EBMUD obtains its water from the Mokelumne River and East Bay Area watershed runoff. The Mokelumne Aqueducts convey the Mokelumne River supply from Pardee Reservoir, located upstream of Camanche Dam, across the Sacramento-San Joaquin River Delta (Delta) to local storage and treatment facilities in the East Bay. After treatment, water is distributed to the incorporated cities and unincorporated communities in Alameda and Contra Costa counties that EBMUD serves.[139]

EBMUD adopted their 2020 Urban Water Management Plan (UWMP) in June of 2021. Average annual water demand is forecasted to be 186 million gallons per day (mgd) in 2025 and 218 mgd in 2050. Specifically, average annual water demand for single-family residential use is forecasted to be 117 mgd in 2025 and 129 mgd in 2050.[140] According to 2020 WSCP, under base conditions assumptions EBMUD is projected to meet customer demand out to 2050 during normal years and single dry years. However, during multi-year droughts EBMUD would be required to obtain supplemental supplies to meet customer demands. EBMUD is contracted to receive water from the Central Valley Project in years when EBMUD's water supplies are relatively low.[141]

The proposed project is zoned R-20 according to the Zoning Map and designated as SL by the General Plan. As the proposed project is consistent with this land use designation and zoning, the proposed project would be considered planned growth that was accounted for in the 2020 UWMP and 2020 WSCP. As previously noted, the proposed project is anticipated to result in an additional 28 residents, which represents approximately 0.002 percent of EBMUD's service population.[142] Therefore, the proposed project would not increase demand such that it would result in the relocation or construction of new or expanded water facilities. As such, the proposed project would have a less than significant impact on water services.

***Wastewater***

As described above, wastewater from the project site would be collected and treated by Central San. The proposed project would connect to an existing Central San 8-inch sewer line within Walnut Boulevard. Central San's Sewer System Management (SSMP) plan was approved on October 6, 2022. According to the SSMP, Central San provides sanitary sewer service to approximately 487,300 customers and 3,000 businesses in the central Contra Costa County area. Central San operates 1,500 miles of collection system piping as well as Central San's Treatment Plant which processes an average daily flow of 34 million gallons of wastewater.[143] The plant has a treatment capacity of 54 mgd and 240 mgd of wet weather flow. This facility is staffed 24 hours a day, 265 days per year.[144]

According to Central San's most recent Comprehensive Wastewater Master Plan (CWMP), completed in 2017, Central San's Collection System has sufficient capacity for existing and future dry weather

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[139] East Bay Municipal Utility District (EBMUD). 2021. Urban Water Management Plan 2020. Website: https://www.ebmud.com/water/about-your-water/water-supply/urban-water-management-plan. Accessed June 6, 2023.

[140] Ibid.

[141] East Bay Municipal Utility District (EBMUD). 2021. Water Shortage Contingency Plan 2020. Website: https://www.ebmud.com/water/about-your-water/water-supply/urban-water-management-plan. Accessed June 6. 2023.

[142] (28/1,400,00)*100 = 0.002

[143] Central Contra Costa Sanitary District (Central San). 2022. Sewer System Management Plan. Website: https://www.centralsan.org/sites/main/files/file-attachments/2020_ssmp_approved_audit_06.05.2020.pdf?1665594125. Accessed June 66, 2023.

[144] Central Contra Costa Sanitary District (Central San). 2022. Treatment Plant. Website: https://www.centralsan.org/treatment-plant. Accessed June 6, 2023.

flows, including peak daily flows, and the capacity of the 10 largest pumping stations is adequate for the peak wet weather flow of a 10-year design event, with the exception of one pumping station which may require expansion when projected future flows are realized. A 10-year sewer system event would have a 1 in 10 chance of occurring each year.[145] Central San's Capital Improvement Program (CIP) includes wet weather capacity improvements to 12 areas throughout the Central San service area within the next 10 years and an additional eight areas within the next 10 to 20 years. The CWMP concluded that no improvements were needed for existing pipelines to accommodate planned growth in the service area.[146] As discussed previously, the proposed project would not result in a significant population increase necessitating new or expanded facilities.

Central San would also review project building plans to determine the availability of public sewers in the area to serve the proposed project, as well as the plumbing for a proposed connection and whether the proposed project would encroach into existing public easements of conflict with Central San facilities.[147] Furthermore, the applicant would be required to pay a one-time Capacity Fee to ensure wastewater infrastructure capacity remains adequate for existing and future development. Central San also imposes an annual Sewer Service Charge on each property connected to its sewer system.[148] With payment of the appropriate fees and Central San's review of the proposed projects building plans, impacts would be less than significant.

***Stormwater***

As discussed in Section 10, Hydrology and Water Quality, implementation of the proposed project would result in an increase in impervious surfaces on the project site and thus an increase in runoff. Stormwater runoff will flow through the storm drain system where it will be treated by a bioretention area before it connects with the existing storm drain system in Walnut Boulevard. The landscaped bioretention basin facility would be consistent with C.3 stormwater requirements. C.3 is a provision in the MRP which requires permittees to use their planning authorities to include appropriate source control, site design, and stormwater treatment measures in new development and redevelopment projects to address pollutant discharges and prevent increases in runoff flows. With implementation of the proposed wastewater collection and treatment features, impacts would be less than significant.

***Electricity and Natural Gas***

According to County Ordinance 2022-02, all building permits issued on or after June 1, 2022**,** for new construction of residential, retail, commercial, office and hotel buildings are required to be all-electric.[149] The proposed project would comply with this ordinance. As noted above, the project site would be serviced by PG&E for electricity and gas services. The proposed project would connect to existing electric lines. No off-site construction of utilities would be required. The process of connecting the project to existing infrastructure is expected to be standard for conveying electrical power to new

[145] Central Contra Costa Sanitary District (Central San). 2017. Comprehensive Wastewater Master Plan, Technical Executive Summary. Website: https://www.centralsan.org/sites/main/files/file-attachments/cwmp_technical_executive_summary.pdf?1510867241. Accessed June 6, 2023.

[146] Central Contra Costa Sanitary District (Central San). 2017. Comprehensive Wastewater Master Plan, Executive Summary. Website: https://www.centralsan.org/sites/main/files/file-attachments/cwmp_executive_summary.pdf?1510867154. Accessed June 6, 2023.

[147] Central Contra Costa Sanitary District (Central San). 2022. New Connections. Website: https://www.centralsan.org/post/new-connections. Accessed June 6, 2023.

[148] Central Contra Costa Sanitary District (Central San). 2022. Frequently Asked Questions. Website: https://www.centralsan.org/permit-faqs. Accessed June 6, 2023.

[149] Contra Costa County. 2022. All-Electric Building Ordinance. Website: https://www.contracosta.ca.gov/8536/All--Electric-Building-Ordinance. Accessed June 6, 2023.

development. Construction of the proposed project would comply with County-approved BMPs for utilities infrastructure improvements and applicable construction-related mitigation measures identified in this IS/MND (e.g., air quality emissions and noise). As such, impacts related to the relocation or construction of new or expanded electric power or natural gas facilities would be less than significant.

**b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?**

**Less than significant impact.** As discussed above, average annual water demand is forecasted to be 186 mgd in 2025 and 218 mgd in 2050. Specifically, average annual water demand for single-family residential use is forecasted to be 117 mgd in 2025 and 129 mgd in 2050. The 2020 WSCP forecasts that EBMUD would have adequate water supplies to meet customer demand out to 2050 during normal years and single dry years and would receive water from the Central Valley Project during multiple dry years.

Average annual water demand for single-family residential use is forecasted to be 117 mgd in 2025 and 129 mgd in 2050. EBMUD's 2020 target for daily per capita water use for residential indoor uses is 55 gallons per capita per day (gpcd).[150] Based on this target rate, the proposed project is anticipated to result in an estimated 1,540 gallons per day of water demand, or 0.00154 mgd.[151] This represents approximately 0.0012 percent of EBMUD's 2050 forecasted single-family residential water demand of 129 mgd.[152] Therefore, the proposed project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years and impacts would be less than significant.

**c) 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?**

**Less than significant impact.** As discussed above, the proposed project would receive wastewater collection and treatment services from Central San and would connect to an existing 8-inch sewer line within Walnut Boulevard. The proposed project is expected to produce approximately 0.0012 mgd of wastewater, which represents approximately 0.0022 percent of Central San's 54 mgd treatment capacity.[153] The CWMP concluded that no improvements were needed for existing pipelines to accommodate planned growth in the service area. Central San would also review project building plans to determine the availability of public sewers in the area to serve the proposed project. Furthermore, the applicant would be required to pay a one-time Capacity Fee to ensure wastewater infrastructure capacity remains adequate for existing and future development. Central San also imposes an annual Sewer Service Charge on each property connected to its sewer system. Therefore, the proposed project would have less than significant impact on wastewater treatment providers.

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[150] East Bay Municipal Utility District (EBMUD). 2021. Urban Water Management Plan 2020. Website: https://www.ebmud.com/water/about-your-water/water-supply/urban-water-management-plan. Accessed June 6, 2023.

[151] (55*28) = 1,540 gpd, (1,540/1,000,000) = 0.00154 mgd

[152] (0.00154/129) = 0.00001194, (0.00001194*100) = ~0.0012

[153] (0.0012/54) = 0.0000222, (0.0000222*100) = 0.0022

**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?**

**Less than significant impact.** Significant impacts could occur if the proposed project would exceed the existing permitted landfill capacity or violates federal, State, and local statutes and regulations. The proposed project consists of the development of 10 single-family homes. As described above, Republic Services is the solid waste services provider for the project site. Solid waste picked up by Republic Services is taken to their Martinez Transfer Station to be compacted before it is transported to Keller Canyon Landfill in Pittsburg, CA.[154] According to the California Department of Resources Recycling and Recovery (CalRecycle), the Keller Canyon Landfill has a maximum permitted throughput of 3,500 tons of solid waste per day and a remaining capacity of 63,408,140 cubic yards as of November 16, 2004. The Keller Canyon Landfill is projected to cease operations on December 31, 2050.[155]

According to CalRecycle's estimated solid generation rates by sector, single-family homes generate between approximately 7.8 and 12.23 pounds per dwelling unit per day of solid waste.[156] As such, the proposed project would generate between 78 and 122.3 pounds, or 0.039 to 0.06115 tons per day. This is less than 0.002 percent of the daily permitted throughput of 3,500 tons at Keller Canyon Landfill. As such, solid waste produced by the proposed project would have a negligible impact on the landfill's total remaining capacity as well as daily permitted throughput, and there would be sufficient capacity to serve the proposed project's solid waste needs. Therefore, impacts would be less than significant.

**e) Comply with federal, State, and local management and reduction statutes and regulations related to solid waste?**

**Less than significant impact.** AB 939 requires local jurisdictions to achieve at least a 50 percent solid waste diversion rate. The County's Department of Conservation and Development Solid Waste and Recycling aims to implement AB 939 through the County Integrated Waste Management Plan. Per Chapter 418-6 of the Ordinance Code, it would be the responsibility of the owner of each premises in the unincorporated area of the County to subscribe and pay for solid waste collection service, or to dispose of on-site solid waste in accordance with Chapter 418-2 of the Ordinance Code. Therefore, it would be up to the occupant to comply with local regulations related to solid waste. Impacts would be less than significant.

## Mitigation Measures

None required.

[154] Republic Services. 2021. Unincorporated Contra Costa 2021 Residential Services Guide. Website: https://www.republicservices.com/cms/documents/municipality/ca/contra-costa-county/CCC-2021_Cust_Guide_BLUE.pdf. Accessed June 6, 2023.

[155] California Department of Resources Recycling and Recovery (CalRecycle). 2019. SWIS Facility/Site Activity Details. Website: https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/4407?siteID=228. Accessed June 6, 2023.

[156] California Department of Resources Recycling and Recovery (CalRecyle). 2019. Estimated Solid Waste Generation Rates. Website: https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates. Accessed June 6, 2023.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| **20. Wildfire** *If located in or near State Responsibility Areas or lands classified as very high fire hazard severity zones, would the project:* | | | | |
| a) Substantially impair an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☒ | ☐ |
| b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? | ☐ | ☐ | ☒ | ☐ |
| c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? | ☐ | ☐ | ☒ | ☐ |
| d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? | ☐ | ☐ | ☒ | ☐ |

## Environmental Evaluation

### Setting

According to the CAL FIRE Fire Hazard Severity Zone Viewer, the project site is located within a Local Responsibility Area (LRA) and is not classified as a very high fire hazards severity zone. The proposed project is not within the State Responsibility Area (SRA). The nearest fire hazard severity zone (FHSZ) within an SRA is 1.80 miles southeast of the project site and is classified as a moderate FHSZ. The nearest VHFHSZ is approximately 3.96 miles southeast of the project site.[157] The General Plan does not identify the project site as a fire hazard zone.[158]

If located in or near State Responsibility Areas or lands classified as very high fire hazard severity zones, would the project:

**a) Substantially impair an adopted emergency response plan or emergency evacuation plan?**

**Less than significant impact**. As discussed above, the proposed project is not located within an SRA or a VHFHSZ. However, the nearest FHSZ is located 1.80 miles southeast of the project site.

The County adopted an Emergency Operations Plan (EOP) in 2015. The purpose of the EOP is to provide the basis for a coordinated response before, during and after an emergency affecting the

[157] California Department of Forestry and Fire Protection (CAL FIRE). 2022. FHSZ Viewer. Website: https://egis.fire.ca.gov/FHSZ/. Accessed June 6, 2023.
[158] Contra Costa County. 2005. Contra Costa County General Plan. Safety Element, Figure 10-10 Fire Hazard Areas.

County and applies to incorporated and unincorporated areas of the County.[159] The proposed project would not interfere with the implementation of the EOP. Furthermore, access to the 10 single-family homes would be provided via a new private street off Walnut Boulevard that would be approximately 28 feet wide with an 8-foot parking lane on one side and a 5-foot sidewalk along the southeast side of the roadway as required by the CCCFPD standards. Additionally, Lot 4 of the proposed project would include an emergency vehicle access easement. As indicated in Section 15, Public Services, the proposed project would be adequately served by police and fire services. The proposed project would comply with General Plan Policy 7-64, which requires new development to pay fair share costs for new fire protection facilities and services. Measure 7-au also provides fire protection agencies the opportunity to review projects and submit conditions of approval for consideration to determine whether road widths, road grades and turnaround radii are adequate for emergency equipment, among other considerations.[160] The CCCFPD has approved the proposed layout of the new private road and turnaround. For these reasons, the proposed project would have a less than significant impact related to emergency response or emergency evacuation.

**b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?**

**Less than significant impact**. As detailed previously, the proposed project is not within an SRA or a VHFHSZ. The General Plan identifies the project site as being in an area with slopes of less than 26 degrees. As discussed in Section 9, Hazards and Hazardous Materials, the site slopes down generally from northeast to southwest, from an elevation of 232 feet (WGS84) down to a minimum of 192 feet and is not subject to significant landslide hazard.

The BAAQMD monitoring stations provide wind speed data from several monitoring stations in the eastern zone of the San Francisco Bay Area. The station nearest the project site is located in Concord, CA approximately 2.88 miles northeast of the project site. The average monthly wind speed recorded at this monitoring location in 2020 ranged from 7 mph to 16 mph.[161] The next nearest monitoring station is located in San Ramon, approximately 11.92 miles south of the project site. This station includes wind speed data from multiple months in 2022. Average monthly wind speed data available from this station range from 0 to 14 mph.[162] Therefore, the project site would not be exposed to high winds which could exacerbate wildfire risks.

Furthermore, the proposed project is surrounded by existing roads and residential development which would reduce risks associated with wildfire. The proposed project would also be required to adhere to all applicable requirements and regulations related to fire safety, including the California Fire Code and CBC. Furthermore, General Plan Measure 7-au, as discussed above, allows fire protection agencies to review the proposed project and submit conditions of approval for

[159] Contra Costa County. 2015. Contra Costa County Emergency Operations Plan. Website: https://www.contracosta.ca.gov/DocumentCenter/View/37349/Contra-Costa-Emergency-Operations-Plan-2015?bidId=. Accessed June 6, 2023.

[160] Contra Costa County. 2005. Contra Costa County General Plan. Public Facilities/Services Element.

[161] Bay Area Air Quality Management District (BAAQMD). 2020. Wind Speed. Website: https://www.baaqmd.gov/about-air-quality/current-air-quality/air-monitoring-data/#/met?date=2020-10-19&id=203&view=monthly&style=chart. Accessed June 6, 2023.

[162] Bay Area Air Quality Management District (BAAQMD). 2022. Wind Speed. Website: https://www.baaqmd.gov/about-air-quality/current-air-quality/air-monitoring-data/#/met?date=2022-10-19&id=203&view=monthly&style=chart. Accessed June 6, 2023.

consideration to determine whether the proposed structures are built in compliance with the standards of the Uniform Building Code, the Uniform Fire Code, other State regulations, and local ordinances regarding the use of fire-retardant materials and detection, warning and extinguishment devices.[163] As noted above, the CCCFPD has approved the proposed turnaround and private road. Therefore, impacts related to exposure of project occupants to pollutant concentrations from a wildfire or uncontrolled spread of wildfire would be less than significant.

**c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?**

**Less than significant impact**. The proposed project is not within an SRA or a VHFHSZ. The proposed project would include the development of a new private road which would provide access to the project site from Walnut Boulevard. As previously discussed, this new road would be approximately 28-feet-wide with an 8-foot parking lane on one side and a 5-foot sidewalk along the southeast section and would comply with CCCFPD standards. Electric and natural gas utilities would be provided by PG&E and new connections to the project site would be undergrounded, minimizing potential impacts to fire risk. Furthermore, the proposed project would not require emergency water sources as the project site would be served by an existing EBMUD domestic water line within Walnut Boulevard. Thus, the proposed project would have a less than significant impact related to the exacerbation of wildfire risk by the installation or maintenance of associated infrastructure.

**d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?**

**Less than significant impact**. The proposed project is not within an SRA or a VHFHSZ. Though some areas of the project site have slopes of up to 50 percent,[164] the majority of the area located within and near Walnut Creek is not subject to significant landslide hazards, including the project site.[165] Furthermore, the project site is located in a developed area and is surrounded by existing roads and residential development. As previously discussed, the Shell Ridge Open Space, which contains topographic features such as slopes and ridges, lies approximately 0.19 mile to the northeast of the project site. Therefore, impacts related downslope flooding or landslides would be less than significant.

## Mitigation Measures

None required.

[163] Contra Costa County. 2005. Contra Costa County General Plan. Public Facilities/Services Element.
[164] dk Engineering. 2022. 3180 Walnut Boulevard Hydrologic & Hydraulic Analyses. June 23.
[165] Contra Costa County. 2005. Contra Costa County General Plan. Safety Element, Figure 10-6, Geological (Landslide) Hazards.

| Environmental Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| **21. Mandatory Findings of Significance** | | | | |
| a) Does the project have the potential to substantially 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, substantially 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? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | ☐ | ☒ | ☐ | ☐ |
| c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? | ☐ | ☒ | ☐ | ☐ |

## Environmental Evaluation

**a) Does the project have the potential to substantially 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, substantially 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?**

**Less than significant impact with mitigation incorporated.** The proposed project would demolish existing structures on the project site and construct 10 single-family residences. As described previously in Section 4, Biological Resources, the proposed project would not result in significant impacts to wildlife or plant species with mitigation incorporated. The analysis provides mitigation to prevent erosion control and to protect riparian habitat, nesting birds and raptors, special-status bats, Alameda whipsnake, mixed woodland, and trees within the site. These measures include pre-construction surveys potentially followed by impact avoidance measures, preparation of a tree replacement plan, and implementation of tree preservation guidelines.

Additionally, the proposed project includes mitigation and avoidance measure to reduce construction-related impacts to unidentified cultural materials and the accidental discovery of human remains. Mitigation to reduce potential impacts to paleontological resources include paleontological monitoring during all earth-disturbing construction activities. Based on the discussion provided above, with implementation of the listed mitigation measures, the proposed

project would not substantially 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, substantially reduce the number or restrict the range of a rare of endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

Therefore, impacts would be less than significant with implementation of MM BIO-1 through MM BIO-8, MM CUL-1, MM CUL-2, and MM GEO-2.

**b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?**

**Less than significant impact with mitigation incorporated.** The combined effects of any past, current, and future projects in the project area in combination with the proposed project would not result in significant cumulative impacts. The project is proposed in an area that is mostly developed and there are no planned or proposed developments in the immediate site vicinity that could contribute to cumulative environmental items discussed below.

The proposed project could result in potentially significant impacts related to aesthetics, air quality, biological resources, cultural and tribal cultural resources, geology and soils, paleontological resources, and noise. These impacts would primarily be related to construction period activities, would be temporary in nature, and would not substantially contribute to any potential cumulative impacts associated with these topics. Specifically, since the proposed project would not exceed BAAQMD Thresholds of Significance related to air quality, the proposed project would not result in a cumulatively considerable net increase of construction emissions (with implementation of MM AIR-1 and MM AIR-2), operational emissions, or TACs. As discussed in Section 8 of this IS/MND, GHG emissions-related impacts are inherently cumulative in nature. The proposed project also would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. As such, the proposed plan, in conjunction with other existing, planned, and probable foreseeable projects, would not result in a significant cumulative impact related to GHG emissions generation. Therefore, with implementation of the foregoing mitigation measures, the proposed project would not result in adverse impacts at a project- or cumulative-level.

**c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?**

**Impacts would be less than significant with mitigation incorporated.** Based on the information provided in the Project Description and the responses to Sections 1 through 19 of this IS/MND, the proposed project would not cause substantial adverse effects on human beings, either directly or indirectly, because the project's potential impacts would be mitigated to a less than significant level. With implementation of all mitigation measures discussed herein, the proposed project would not result in substantial adverse effects on human beings.

## Mitigation Measures

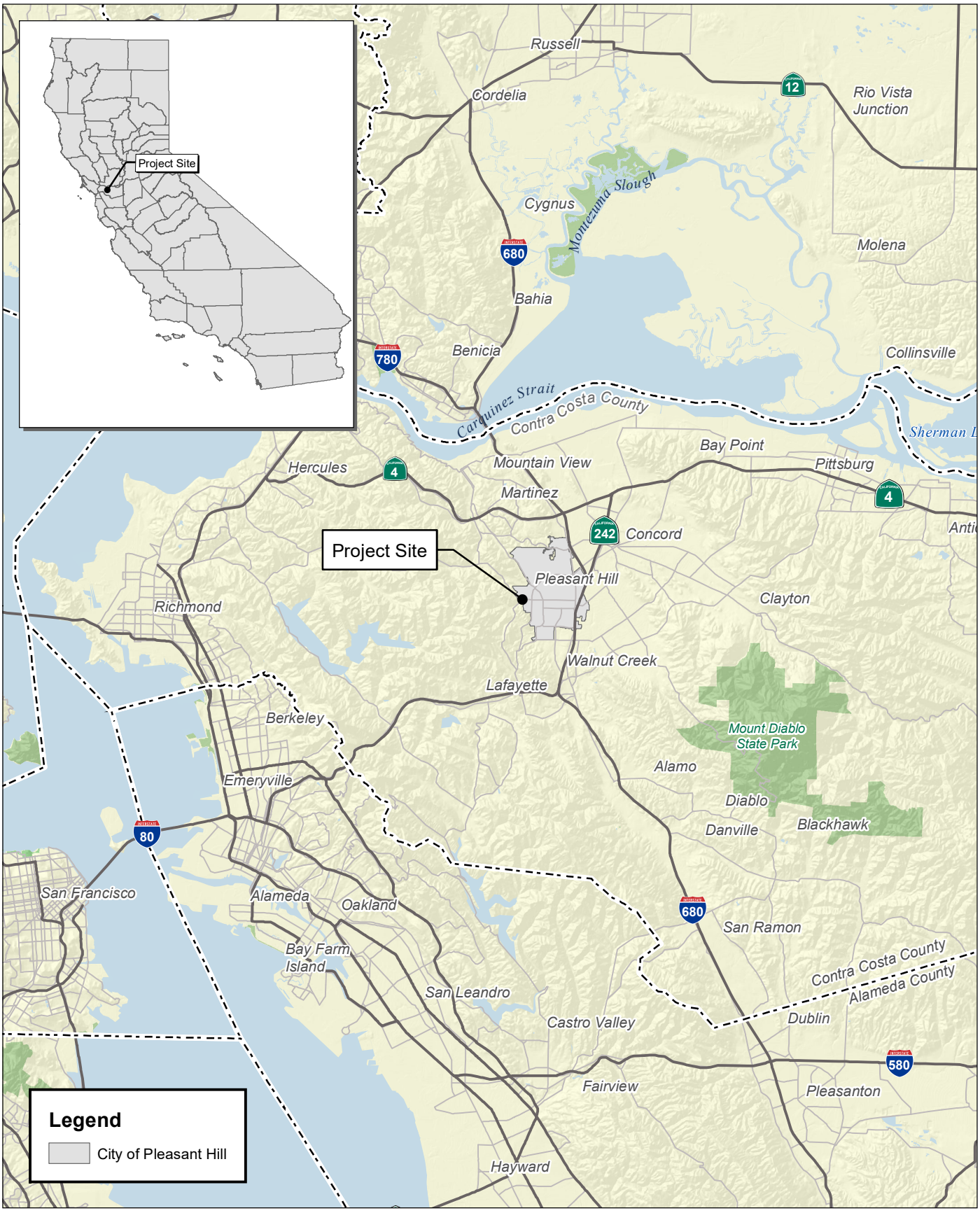
Implement MM AES-1, MM AIR-1, MM AIR-2, MM BIO-1, MM BIO-2, MM BIO-3, MM BIO-4, MM BIO-5, MM BIO-6, MM BIO-7, MM BIO-8, MM CUL-1, MM CUL-2, MM GEO-1, MM GEO-2, and MM NOI-1.

## REFERENCES

References used in the process of preparing the Initial Study Checklist and conduction of the evaluation are stated in the footnotes throughout this Initial Study and available for review at the Contra Costa County Department of Conservation and Development, 30 Muir Rd., Martinez, CA 94553.

## ATTACHMENTS

1. **Exhibit 1: Regional Location Map**
2. **Exhibit 2: Local Vicinity Map**
3. **Exhibit 3: Land Use Map**
4. **Exhibit 4: Zoning Map**
5. **Exhibit 5: Vesting Tentative Map**
6. **Exhibit 6: Site Plan**
7. **Exhibit 7a: Architectural Elevations 1**
8. **Exhibit 7b: Architectural Elevations 2**
9. **Exhibit 7c: Architectural Elevations 3**
10. **Exhibit 8: Mitigation Monitoring and Reporting Program (MMRP)**




Source: Census 2000 Data, The California Spatial Information Library (CaSIL).

FIRSTCARBON SOLUTIONS™

5 2.5 0 5 Miles

# Exhibit 1
# Regional Location Map

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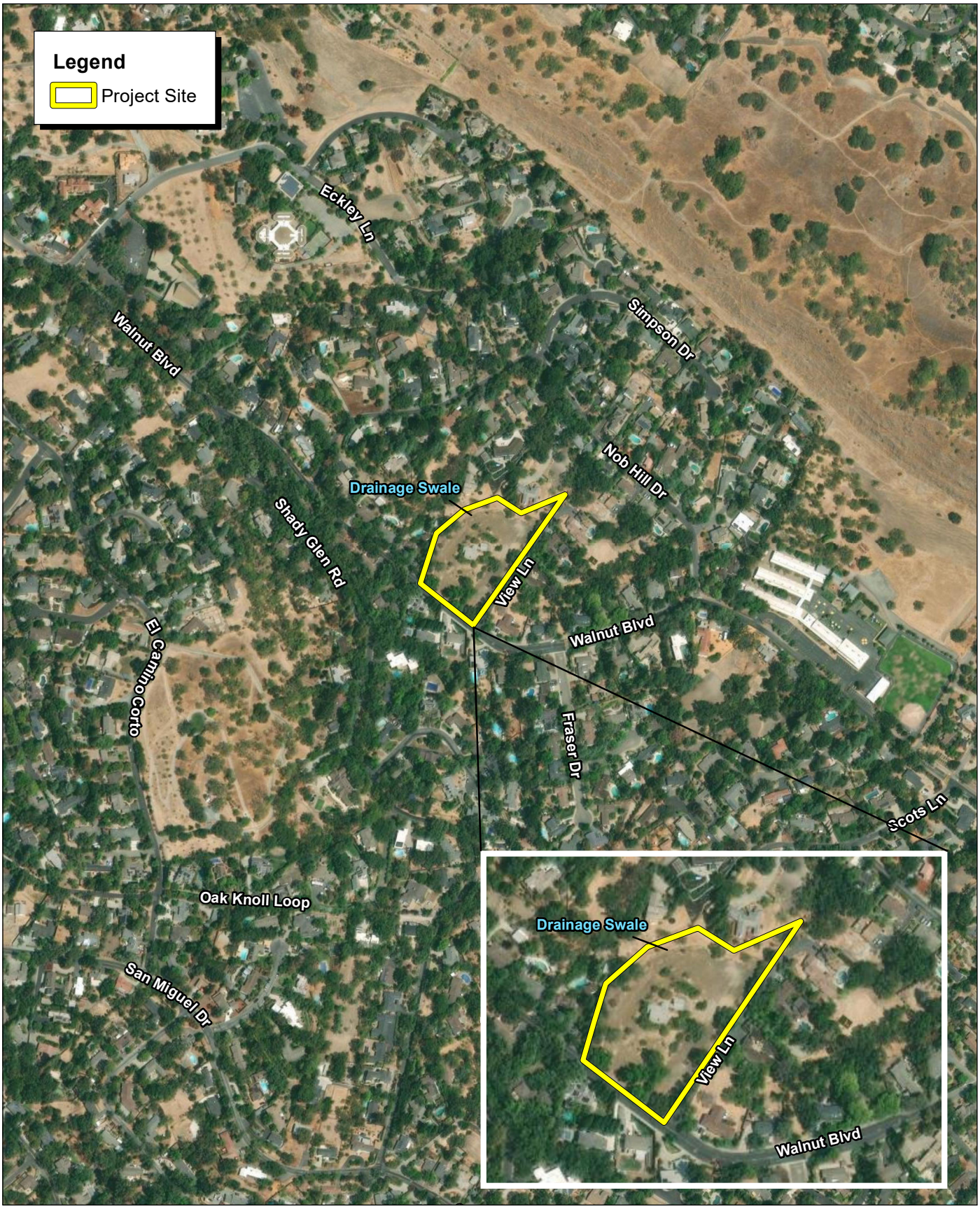
CONTRA COSTA COUNTY
WALNUT BOULEVARD RESIDENTIAL PROJECT
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

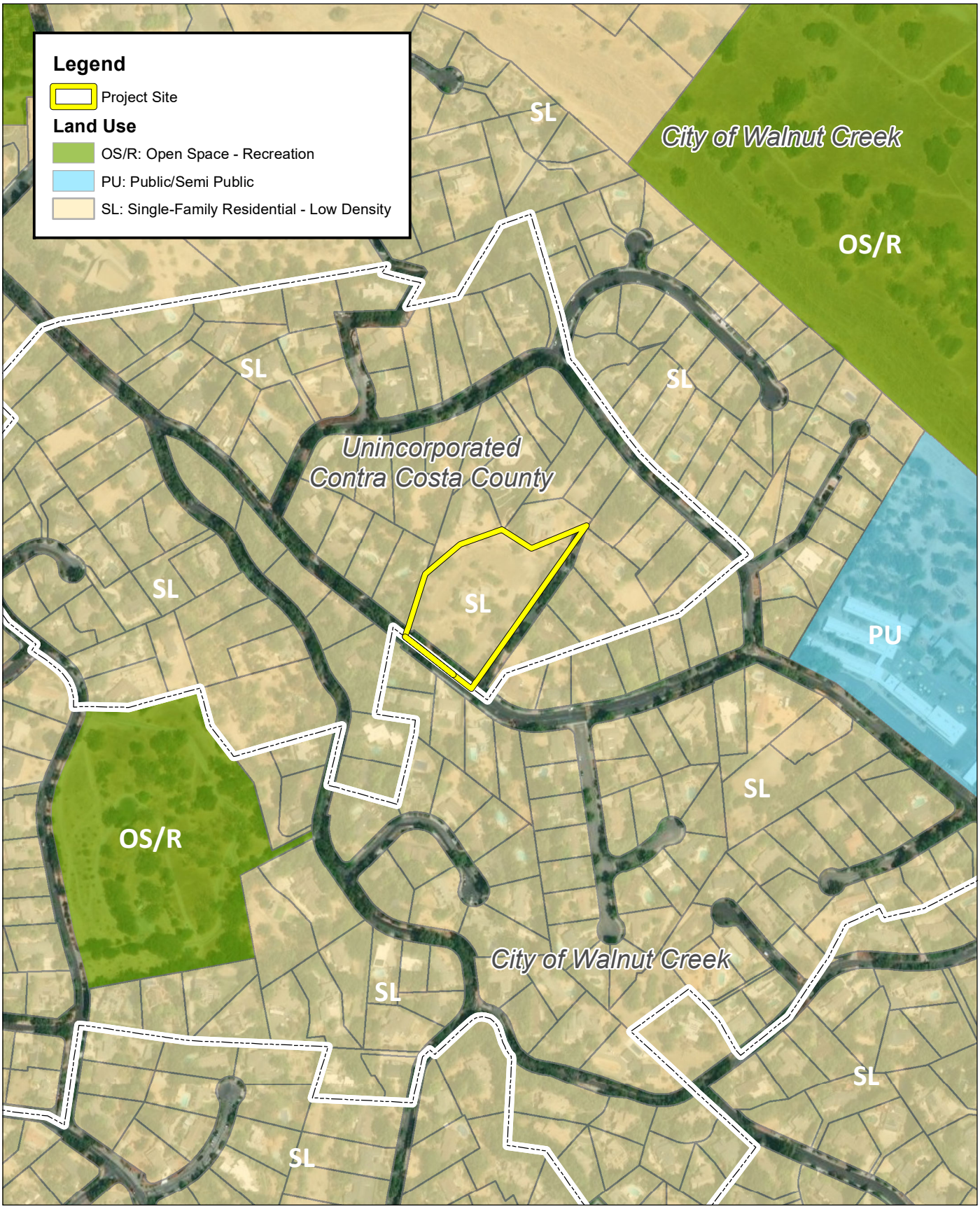



Source: ESRI Aerial Imagery.

FIRSTCARBON SOLUTIONS™

510 255 0 510
Feet

Exhibit 2
Local Vicinity Map

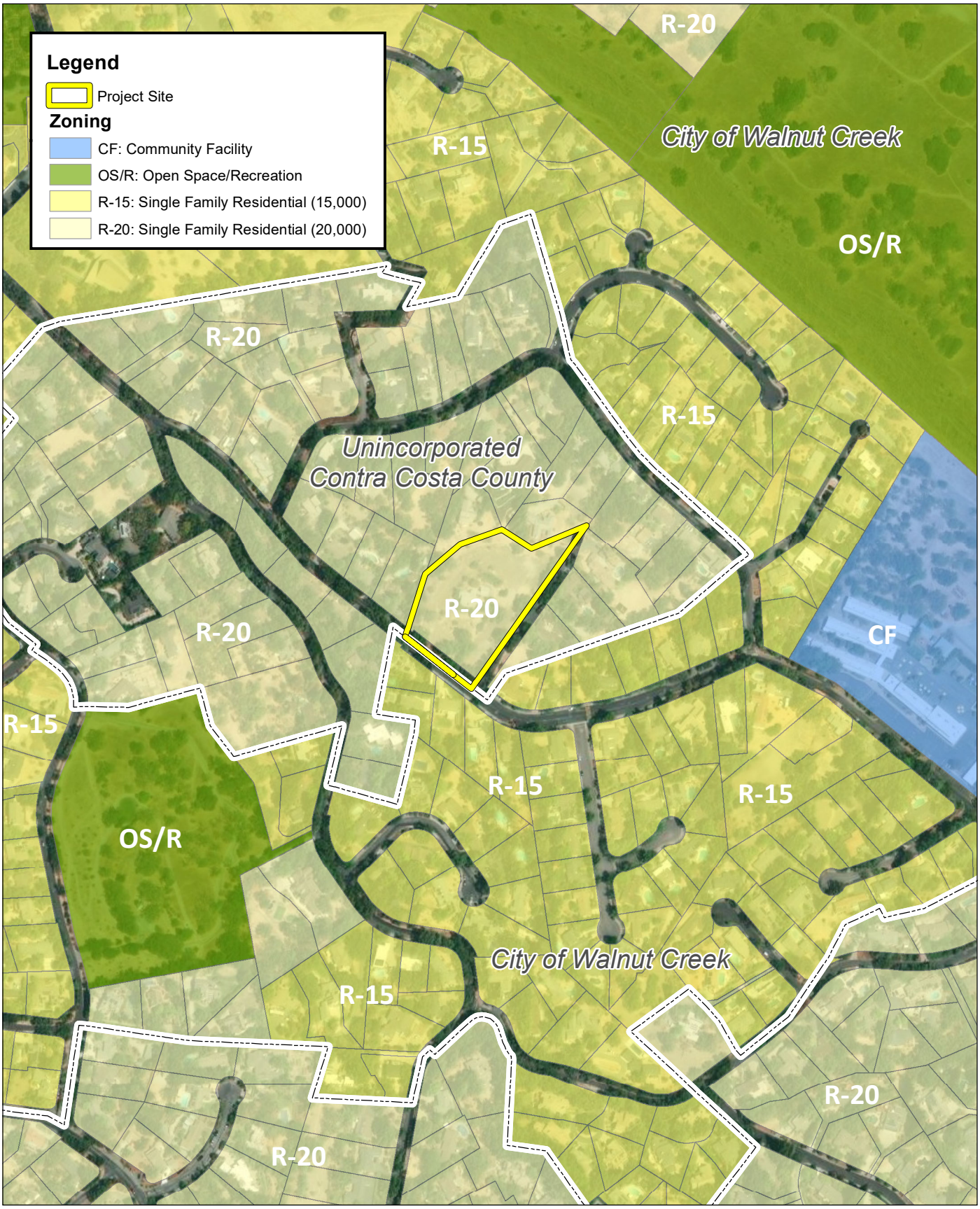



Source: ESRI Aerial Imagery. Contra Costa County. City of Walnut Creek.

FIRSTCARBON SOLUTIONS™

400 200 0 400
Feet

Exhibit 3
Land Use Map



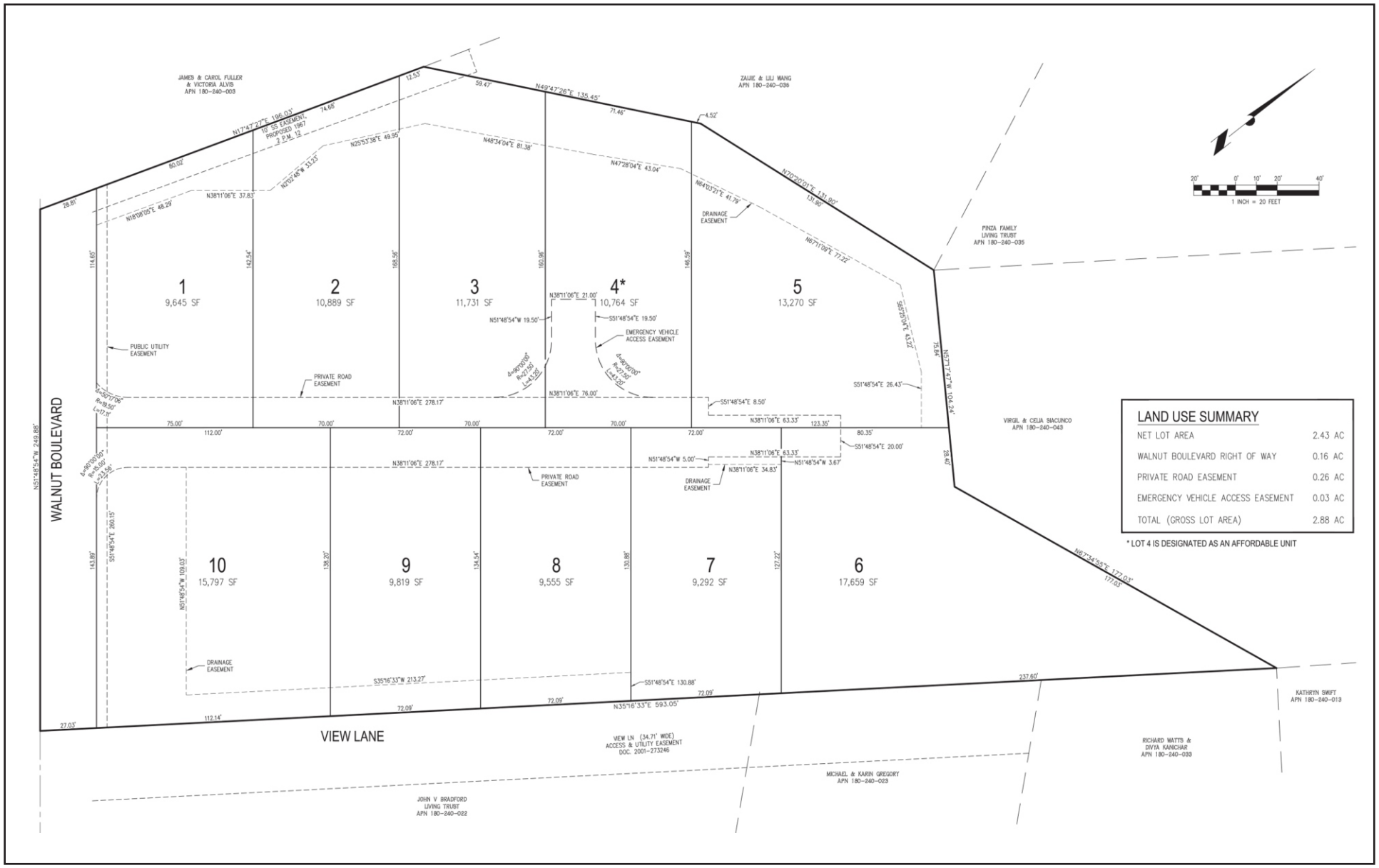

Source: ESRI Aerial Imagery. Contra Costa County. City of Walnut Creek.

FIRSTCARBON SOLUTIONS™

400 200 0 400 Feet

Exhibit 4
Zoning Map

CONTRA COSTA COUNTY




Source: DK Engineering, 12/19/2022.

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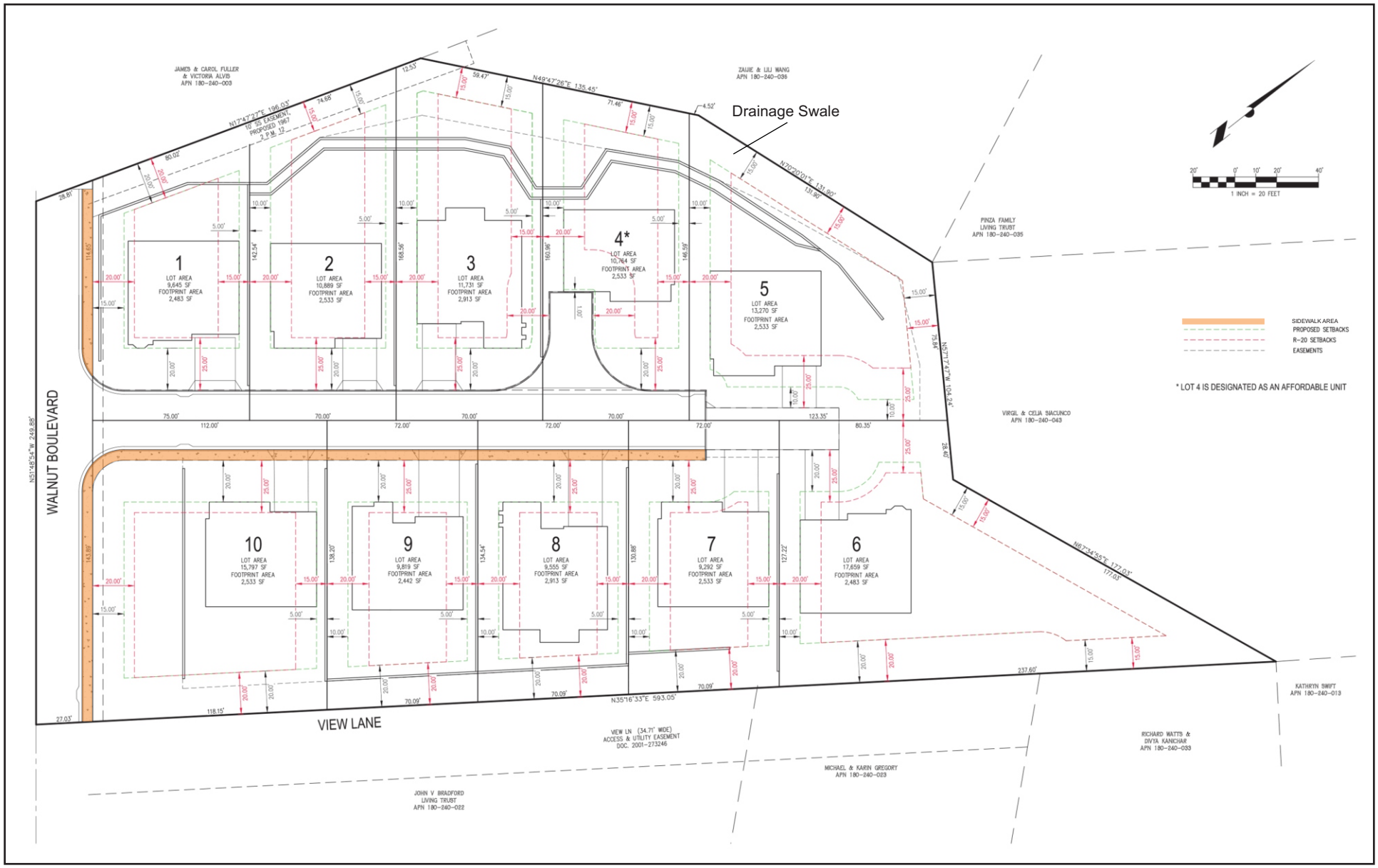
Exhibit 5
Vesting Tentative Map




Source: DK Engineering, 12/19/2022.

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Exhibit 6
Site Plan

Craftsman Elevation

American Foursquare Elevation

Source: CALIBR Ventures. WHA. 12/17/2021

Northern European Elevation

Traditional Elevation

Source: CALIBR Ventures. WHA. 12/17/2021

Spanish Colonial Elevation

Modern Farmhouse Elevation

Source: CALIBR Ventures. WHA. 12/17/2021

# Attachment 4

# Mitigation Monitoring and Reporting Program

Calibr Ventures c/o Andy Byde, (Applicant / Owner)

# Exhibit 8: Mitigation Monitoring and Reporting Program
# County File #CDSD21-09581

**3180 Walnut Boulevard**
**Walnut Creek, CA 94596**

**June 2023**

| **SECTION 1: AESTHETICS** | |
|---|---|
| **Potential Impact**: The change in ambient nighttime light levels on the project site, and the extent to which project lighting would spill off the project site and affect adjacent light-sensitive areas, would determine whether the project could adversely affect nighttime views in the area. Project lighting could create a potentially significant adverse environmental impact due to substantial new light and glare on neighboring properties. | |
| **Mitigation Measures:** | |
| **Aesthetics 1 (AES-1): Prior to issuance of a building permit, a Lighting Plan shall be submitted for review and approval by the CDD. At a minimum, the plan shall include the following measures:**<br>**a. All outdoor lighting, including façade, yard, security, and streetlights, shall be oriented down, onto the project site or road.**<br>**b. Back shields or functionally similar design elements shall be installed on every lighting pole to reduce lighting from spilling off site, and to ensure that lighting remains within the project site.** | |
| Implementing Action: | COA |
| Timing of Verification: | Prior to CDD approval of construction plans for a building permit and during construction. |
| Responsible Department, Agency, or Party: | Project proponent, CDD, and Building Inspection. |
| Compliance Verification: | Submittal of lighting plan(s) for CDD review; Include CDD approved lighting plan(s) in construction plans for CDD review; and Implementation with oversight of Building Inspection during construction. |
| **SECTION 2: AIR QUALITY** | |
| **Potential Impact:** Grading and construction activities could have a potentially significant adverse environmental impact by exposing sensitive receptors to substantial pollutant concentrations. | |
| **Mitigation Measures:** | |
| **Air Quality 1 (AIR-1): The following Bay Area Air Quality Management District, Basic Construction Mitigation Measures shall be implemented during project construction and shall be included on all construction plans:**<br>**a. All exposed non-paved surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and access roads) shall be watered at least two times per day and/or non-toxic soil stabilizers shall be applied to exposed non-paved surfaces.**<br>**b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered and/or shall maintain at least 2 feet of freeboard.**<br>**c. All visible mud or dirt tracked 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 shall be prohibited.**<br>**d. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.** | |

**e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.**

**f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes, as required by the California Airborne Toxics Control Measure (ACTM) Title 13, Section 2485 of California Code of Regulations. Clear signage regarding idling restrictions shall be provided for construction workers at all access points.**

**g. 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.**

**h. The prime construction contractor shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall take corrective action within 48 hours of receipt of the complaint. The Bay Area Air Quality Management District (BAAQMD) phone number shall also be visible to ensure compliance with applicable regulations.**

**Air Quality 2 (AIR-2): The following Mitigation Measure shall be implemented during project construction and shall be included on all construction plans:**

**a. All off-road equipment equal to or greater than 25 horsepower shall meet either United States Environmental Protection Agency (EPA) or California Air Resources Board (ARB) Tier 4 Final off-road emission standards during all construction activities.**

**b. Prior to issuance of a grading or building permit, a construction management plan shall be submitted to the CDD for review and approval. The construction management plan shall demonstrate that the off-road equipment used on-site to construct the proposed project would comply with Tier 4 Final off-road emission standards. Off-road equipment descriptions and information included in the construction management plan should include, but is not limited to, equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number47T47T.**

| | |
|---|---|
| Implementing Action: | COA |
| Timing Verification: | Prior to CDD approval of construction plans for a building permit and during construction. |
| Responsible Department or Agency: | Project proponent, CDD, and Building Inspection. |
| Compliance Verification: | Provide a copy of the Contact Sign required under MM AIR-1h and the Construction Management Plan required under MM AIR-2b for CDD review; Include MM AIR-1 and AIR-2a language on construction plans for CDD review; and Implementation with oversight of Building Inspection during construction. |

**Potential Impact:** Grading and construction activities using diesel powered vehicles and equipment on the site could have a potentially significant adverse environmental impact by creating localized odors.

**Mitigation Measures:**

| | |
|---|---|
| Mitigation Measures **Air Quality 1 and 2** would reduce this impact to a less than significant level. | |
| **SECTION 3: BIOLOGICAL RESOURCES** | |
| **Potential Impact:** Construction activities, including tree removal and site clearance, may impact nesting passerine birds and raptors. | |
| **Mitigation Measures:** | |
| **Biology 1 (BIO-1): If project construction-related activities take place during the nesting season (February through August), an avian pre-construction survey for nesting passerine birds and raptors (birds of prey) within the project site and the trees within the adjacent riparian area shall be conducted by a qualified Biologist no more than 14 days prior to the commencement of the tree removal or project construction-related activities. If any bird listed under the Migratory Bird Treaty Act (MBTA) is found to be nesting within the project site or within the area of influence, an adequate protective buffer zone shall be established by a qualified Biologist to protect the nesting site. This buffer shall be a minimum of 75 feet from the project activities for passerine birds, and a minimum of 200 feet for raptors. The distance shall be determined by a qualified Biologist based on the site conditions (topography, if the nest is in a line of sight of the construction and the sensitivity of the birds nesting). The nest site(s) shall be monitored by a qualified Biologist periodically to see if the birds are stressed by the construction activities and if the protective buffer needs to be increased. Once the young have fledged and are flying well enough to avoid project construction zones (typically by August), a qualified Biologist shall determine if the project can proceed without further regard to the nest site(s). Prior to issuance of a building or grading permit, the CDD shall determine if project construction-related activities will take place during the nesting season, and if so, the avian pre-construction survey shall be reviewed and approved by the CDD.** | |
| Implementing Action: | COA |
| Timing of Verification: | If during the nesting season:<br>Prior to any disturbance of the project site;<br>Prior to issuance of a building or grading permit; and<br>During site clearing and construction. |
| Responsible Department, Agency, or Party: | Project proponent, project biologist (if applicable), CDD, and Building Inspection. |
| Compliance Verification: | Timing of building or grading permit issuance; and<br>If applicable, submittal of avian pre-construction nesting survey for CDD review, and implementation of approved biologist mitigation measures with project biologist and Building Inspection oversight during site clearing and construction activities. |

| | |
|---|---|
| **Potential Impact:** Construction activities, including tree removal and site clearance, may impact nesting bats. | |
| **Mitigation Measures:** | |
| **Biology 2 (BIO-2): If project construction-related activities take place during seasonal periods of bat activity (mid–February through mid–October – ca. February 15–April 15, and August 15–October 30), a bat habitat assessment within the project site shall be conducted by a qualified Bat Biologist to determine suitability of each tree or existing structure as bat roost habitat. Structures found to have no suitable openings can be considered clear for project activities as long as they are maintained so that new openings do not occur. Structures found to provide suitable roosting habitat, but without evidence of use by bats, may be sealed until project activities occur, as recommended by the Bat Biologist. Structures with openings and exhibiting evidence of use by bats shall be scheduled for humane bat exclusion and eviction, conducted during appropriate seasons, and under supervision of a qualified Bat Biologist. Bat exclusion and eviction shall only occur between February 15 and April 15, and from August 15 through October 30, in order to avoid take of non-volant (non-flying or inactive, either young, or seasonally torpid) individuals. Prior to issuance of a building or grading permit, the CDD shall determine if project construction-related activities will take place during seasonal periods of bat activity, and if so, the bat habitat assessment shall be reviewed and approved by the CDD.** | |
| Implementing Action: | COA |
| Timing of Verification: | If during bat-activity season:<br>Prior to any disturbance of the project site;<br>Prior to issuance of a building or grading permit; and<br>During site clearing and construction. |
| Responsible Department, Agency, or Party: | Project proponent, project biologist (if applicable), CDD, and Building Inspection. |
| Compliance Verification: | Timing of building or grading permit issuance; and<br>If applicable, submittal of a bat habitat assessment for CDD review, and implementation of approved biologist mitigation measures with Building Inspection oversight during site clearing and construction activities. |
| **Potential Impact:** Construction activities, including site clearance, may impact the Alameda whipsnake. | |
| **Mitigation Measures:** | |
| **Biology 3 (BIO-3): A pre-construction survey for special-status reptile species shall be conducted no more than 48 hours prior to the commencement of tree removal or project construction-related activities to determine presence/absence of these species. Worker Environmental Awareness training discussing the potential for these species shall be conducted by a qualified Biologist or Biological Monitor for all construction personnel working within the project site.** | |

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| **Prior to issuance of a building or grading permit, the reptile pre-construction survey shall be reviewed and approved by the CDD.** | |
| Implementing Action: | COA |
| Timing of Verification: | Prior to any disturbance of the project site;<br>Prior to issuance of a building or grading permit; and<br>During site clearing and construction. |
| Responsible Department, Agency, or Party: | Project proponent, project biologist (if applicable), CDD, and Building Inspection. |
| Compliance Verification: | Timing of building or grading permit issuance; and Submittal of pre-construction reptile survey for CDD review, and implementation of approved biologist mitigation measures with Building Inspection oversight during site clearing and construction activities. |
| **Potential Impact:** Construction activities, including site clearance, may impact the ephemeral drainage, and its associated riparian habitat. | |
| **Mitigation Measures:** | |
| **Biology 4 (BIO-4): No work (including vegetation removal) shall take place within the riparian corridor and ephemeral drainage as indicated in the Biological Resource Analysis (BRA) Report completed by Olberding Environmental, Inc (Olberding) dated January 2023, unless evidence is provided to the CDD that the California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), and/or United States Army Corp of Engineers (USACE) reviewed and approved work within these areas. The plan set for a building permit shall show fencing that is approved by a qualified biologist to ensure work does not take place in this area. As-built photos shall be required prior to issuance of a grading or building permit to ensure that this fencing is installed.**<br><br>**Biology 5 (BIO-5): At no time shall silt-laden runoff be allowed to enter on-site aquatic features and their associated habitats. Erosion control measures shall be utilized throughout all phases of operation where sediment runoff from the project may enter these aquatic features. Best Management Practices (BMPs) to avoid erosion, uncontrolled stormwater runoff and bank deterioration shall be implemented, following the requirements of the proposed project's Stormwater Control Plan, and typically include silt fencing, coir rolls, and/or straw bale dikes.**<br><br>**Biology 6 (BIO-6): No substances toxic to fish and wildlife shall be discharged or allowed to leach into the aquatic features present on-site. Materials deleterious or toxic to fish and wildlife, including, but not limited to, asphalt, tires, concrete, construction materials, treated wood, and creosote containing materials, shall not be stockpiled within 100 feet of any aquatic feature present on-site.** | |
| Implementing Action: | COA |

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| Timing of Verification: | Prior to any disturbance of the project site; Prior to CDD approval of construction; Prior to issuance of a building or grading permit; and During site clearing and construction. |
| Responsible Department, Agency, or Party: | Project proponent, CDFW, RWQCB and/or USACE (if applicable), project biologist, CDD, and Grading and Building Inspection. |
| Compliance Verification: | Timing of building or grading permit issuance; If applicable, submittal of CDFW, RWQCB and/or USACE approval for CDD review; fencing details on construction plans for CDD review; photos of installed fencing for CDD review; and Implementation with Grading and Building Inspection oversight during site clearing and construction activities. |
| **Potential Impact:** Code-protected trees being removed and work within the dripline of additional trees will occur to allow for project grading and construction. Tree removal has the potential to reduce natural habitat or create soil instability and/or erosion. Work within the dripline has the potential to impact tree health. | |
| **Mitigation Measures:** | |
| **Biology 7 (BIO-7): As a result of tree removal, approval of a Tree Permit under the provisions of the County Tree Ordinance shall be required. The Tree Permit shall include a Tree Replacement Plan. The Tree Replacement Plan shall designate the approximate location, number, species and sizes of new trees to be planted. No tree shall be removed until a building or grading permit is issued.**<br><br>**Biology 8 (BIO-8): To protect the trees to remain, approval of a Tree Permit under the provisions of the County Tree Ordinance shall be required. The Tree Permit shall include tree protection mitigation measures as described in the arborist report prepared by Jennifer Tso (#WE-10270A) of Traverso Tree Service dated January 10, 2023, and these mitigation measures shall be implemented during construction through the clearing, grading, and construction phases, and stated on all construction plans.** | |
| Implementing Action: | COA |
| Timing of Verification: | Prior to submittal of a building permit;<br>Prior to CDD approval of construction plans for a building permit;<br>During site clearing, tree removal, and construction activities;<br>Post restitution tree planting and prior to final building inspection; and |

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| | Prior to the release of tree bonds. |
| Responsible Department, Agency, or Party: | Project proponent, project arborist, CDD, and Building Inspection. |
| Compliance Verification: | Submittal of the required materials per the approved Tree Permit for CDD review;<br>Include CDD approved tree plans and arborist tree mitigation measures in construction plans for CDD review;<br>Implementation of approved arborist mitigation measures during site clearing, tree removal, and construction activities with Building Inspection and Project arborist oversight;<br>As-built photos of trees to remain and planted restitution trees prior to final building inspection; and<br>Verification by that restitution trees are still onsite and in good health prior to CDD release of tree bond(s). |

**SECTION 4: CULTURAL RESOURCES**

**Potential Impact:** The project could cause a substantial adverse change in the significance of a historical resource as defined in California Environmental Quality Act Guidelines Section 15064.5. Subsurface construction activities have the potential to damage or destroy previously undiscovered historic and prehistoric resources. Historic resources can include wood, stone, foundations, and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramics, and other refuse. If during project construction, subsurface construction activities damaged previously undiscovered historic and prehistoric resources, there could be a potentially significant impact.

**Mitigation Measures:**

**Cultural Resources 1 (CUL-1): All project-related ground disturbance shall be monitored by an archaeologist who meets the Secretary of the Interior's professional qualification standards for archaeology. In the event that significant cultural resources are discovered during construction activities, the applicant/project owner or sponsor shall ensure that operations within a 100-foot radius of the find shall cease and the archaeologist will be consulted to determine whether the resource requires further study. The standard inadvertent discovery clause shall be included on the grading plans submitted to the City to inform contractors of this requirement. Potentially significant cultural resources consist of but are not limited to stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. The archaeologist shall make recommendations to the City concerning appropriate measures, which shall be implemented by the applicant/project owner or sponsor to protect the discovered resources, including but not limited to recordation on appropriate California Department of Parks and Recreation (DPR) forms, evaluation, or excavation of the finds in accordance with CEQA Guidelines, Section 15064.5.**

**Cultural Resources 2 (CUL-2): In the event of accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and 5097.98 shall be followed. If during the course of construction activities there is accidental discovery or recognition of any human remains, the following steps shall be taken:**

**a. There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98.**

**b. Where the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the project site in a location not subject to further subsurface disturbance:**

- **The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission.**
- **The descendant identified fails to make a recommendation.**
- **The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.**

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| Implementing Action: | COA |
| Timing of Verification: | Prior to CDD approval of construction plans for a building permit; and During construction. |
| Responsible Department, Agency, or Party: | Project proponent, project archeologist (if applicable), CDD, and Building Inspection. |
| Compliance Verification: | Include MM CUL-1 and MM CUL-2 language on construction plans for CDD review;<br>Implementation with oversight of Building Inspection during construction; and<br>Submittal of archaeologist report, in the event of a find, for CDD review. |

## SECTION 5: GEOLOGY AND SOILS

**Potential Impact:** The project could significantly impact the potential for increased exposure to adverse effects, including the risk of loss, injury or death from seismic-related ground failure, including liquefaction.

**Mitigation Measures:**

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| **Geology 1 (GEO-1): Prior to submittal of a building or grading permit, the project applicant shall incorporate all recommendations provided in the project-Geotechnical Exploration into project plans, which shall be subject to review and approval by the County Geologist, or designee, prior to permit issuance. The geotechnical recommendations shall be implemented including general earthwork recommendations for site preparation, conditioning of expansive soils, removal of buried structures, removal of fill and disturbed soil, surface and subsurface drainage, biofiltration facilities, foundations, concrete flatwork, retaining walls, spread and pier footings, pavement areas, utility trenches, project review, and construction monitoring. Additionally, these include recommendations related to structural design, foundation design, foundation systems, slabs, moisture barriers, seismic design, walls, footings, slabs and walkways, concrete design, corrosion, pavement design, as well as lot maintenance, and future plan reviews.** | |
| Implementing Action: | COA |
| Timing of Verification: | Prior to submittal of a building permit;<br>Prior to CDD approval of construction plans for a building permit;<br>Structural review; and<br>During Construction. |
| Responsible Department, Agency, or Party: | Project proponent, project geotechnical engineer and geologist, peer review of County geologist, CDD, and Grading and Building Inspection. |
| Compliance Verification: | Submittal of required materials per MM GEO-1 for County geologist and CDD review;<br>Include CDD approved geotechnical report and any other pertinent materials/reports/plans in construction plans for CDD review;<br>During structural review by County structural engineers, and<br>During construction with Grading and Building Inspection approval. |
| **Potential Impact:** There is a possibility that previously undiscovered buried fossils and other paleontological resources could be present and accidental discovery could occur. | |
| **Mitigation Measures:** | |
| **Geology 2 (GEO-2): The applicant shall retain a qualified Paleontologist to conduct paleontological monitoring during all earth-disturbing construction activities. Should any significant fossils (I.e., bones, teeth, or unusually abundant and well-preserved invertebrates or plants) be unearthed, the construction crew shall not attempt to remove them, as they could be extremely fragile and prone to crumbling, and to ensure their occurrence is properly recorded; instead, all work in the immediate vicinity of the discovery shall be diverted at least 15 feet until a professional paleontologist assesses the find and, if deemed appropriate, salvages it in a timely manner. All recovered fossils shall be deposited in an appropriate repository, such as the University of California Museum of Paleontology (UCMP), where they would be properly curated and made** | |

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| **accessible for future study. Prior to issuance of a grading or building permit, evidence shall be provided to CDD that a qualified paleontologist is contracted to implement this mitigation measure.** | |
| Implementing Action: | COA |
| Timing of Verification: | Submittal of required materials per MM GEO-2 for CDD review; and Prior to CDD approval of construction plans for a building permit and during construction. |
| Responsible Department, Agency, or Party: | Project proponent, project paleontologist, CDD, and Grading and Building Inspection. |
| Compliance Verification: | Include MM GEO-2 language on construction plans for CDD review; and<br>Implementation with oversight of Grading and Building Inspection and project paleontologist during construction. |
| **Section 13: NOISE** | |
| **Potential Impact:** Construction related noise could impact adjacent sensitive receptors. | |
| **Mitigation Measures:** | |
| **Noise 1 (NOI-1): The following Mitigation Measure shall be implemented during project construction and shall be included on all construction plans:**<br>**a. The construction contractor shall ensure that all equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment.**<br>**b. The construction contractor shall ensure that unnecessary idling of internal combustion engines (i.e., idling in excess of 5 minutes) is prohibited.**<br>**c. The construction contractor shall utilize "quiet" models of air compressors and other stationary noise sources where such market available technology exists.**<br>**d. At all times during project grading and construction, the construction contractor shall ensure that stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from the nearest residential land uses.**<br>**e. The construction contractor shall designate a noise disturbance coordinator who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (starting too early, bad muffler, etc.) and establish reasonable measures necessary to correct the problem. The construction contractor shall visibly post a telephone number for the disturbance coordinator at the construction site.**<br>**f. Unless specifically approved otherwise by the CDD, all construction activities shall be limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on State** | |

**and Federal holidays on the calendar dates that these holidays are observed by the State or Federal government as listed below:**

**New Year's Day (State and Federal)**
**Birthday of Martin Luther King, Jr. (State and Federal)**
**Washington's Birthday (Federal)**
**Lincoln's Birthday (State)**
**President's Day (State)**
**Cesar Chavez Day (State)**
**Memorial Day (State and Federal)**
**Juneteenth National Independence Holiday (Federal)**
**Independence Day (State and Federal)**
**Labor Day (State and Federal)**
**Columbus Day (Federal)**
**Veterans Day (State and Federal)**
**Thanksgiving Day (State and Federal)**
**Day after Thanksgiving (State)**
**Christmas Day (State and Federal)**

**For specific details on the actual day the State and Federal holidays occur, please visit the following websites:**
**Federal: http://www.opm.gov/Operating_Status_Schedules/fedhol/2015.asp**
**California: http://www.ftb.ca.gov/aboutFTB/holidays.shtml**

**g. Transportation of large trucks and heavy equipment is subject to the same restrictions that are imposed on construction activities, except that the hours are limited to 9:00 AM to 4:00 PM.**

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| Implementing Action: | COA |
| Timing of Verification: | Prior to CDD approval of construction plans for a building permit and during construction. |
| Responsible Department, Agency, or Party: | Project proponent, CDD, and Building Inspection. |
| Compliance Verification: | Include MM NOI- language on construction plans for CDD review;<br>Implementation with oversight of Building Inspection during construction |

## SECTION 18: TRIBAL CULTURAL RESOURCES

**Potential Impact:** The project could 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 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). The expected construction and grading could cause ground disturbance which may impact heretofore undocumented cultural resources.

**Mitigation Measures:**

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| Implementation of mitigations measures **Cultural Resources 1 and 2** would reduce the impact on archeological resources during project related work. |
| **Potential Impact:** The project could 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 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. The expected construction and grading could cause ground disturbance which may impact heretofore undocumented cultural resources. |
| **Mitigation Measures:** |
| Implementation of mitigations measures **Cultural Resources 1 and 2** would reduce the impact on archeological resources during project related work. |
| **SECTION 10: MANDATORY FINDINGS OF SIGNIFICANCE** |
| **Potential Impact:** As discussed in individual sections of the Initial Study, the project to create two parcels from the site may impact the quality of the environment (Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geological Resources, Noise, and Tribal Cultural Resources). |
| **Mitigation Measures:** |
| The impact would be reduced to a less than significant level with the adoption of the recommended Mitigation Measures that are specified in the respective sections of the Initial Study. |

# Attachment 5

# Public Comments

Steven Pinza, Esq.
Nob Hill Dr
Walnut Creek, CA 94596

July 17, 2023

Dominque Vogelpohl
Department of Conservation & Development
Community Development Division
30 Muir Rd
Martinez, CA 94553
Via Mail & Email at: Dominique.Vogelpohl@dcd.cccounty.us

Ken Carlson
District IV Supervisor
2255 Contra Costa Blvd #202
Pleasant Hill, CA 94523
Via Mail & Email at: SupervisorCarlson@bos.cccounty.us

RE: 3180 Walnut Blvd Proposed Development (CDSD21-09581)

Dear Dominique & Ken,

My house is directly above the proposed development, and this development will quite literally be built in my backyard without a reasonable setback. I have the following concerns and requests both as the most adversely affected neighboring property and as a homeowner in Walnut Heights, a coveted area of unincorporated Walnut Creek where owners cherish the large lots, privacy & distance from neighbors, wildlife, and so much more.

## I. PRIVACY: NEW DEVELOPMENT WILL CREATE PRIVACY CONCERNS FOR NEIGHBORING PROPERTIES

In an email to Dominique Vogelphol on February 23, 2023, I expressed serious privacy concerns which will arise if this development is built as planned. The new residential development, as proposed, will have significant negative impacts on privacy for the surrounding homes, especially mine. The neighboring homes all have large windows in which the new development, along with everyone who uses the proposed new street would look directly into. With my property in particular, there are literally no trees that border the proposed development, and my house (which stands about 30-50 feet above the lowest part of this development). This will mean that the windows, backyards, and driveways of the proposed development will be able to look directly into my home windows, including the bedrooms of my young daughters. While I asked this out of state developer to plant fast growing, large trees, they've refused to commit to doing so.

## II. PROPOSED LOT SIZES ARE NOT CONSISTENT WITH GENERAL PLAN, ZONING, OR WALNUT HEIGHTS AREA

This proposal asks for ten houses with lot sizes ranging from 9,292 to 17,659. This area is zoned R-20 (min. 20,000 sq. ft lots) and neighboring parcels all have lots exceeding this size. The average proposed lot size for this project is 11,842 which is less than half the size of neighboring parcels, less than all properties in Walnut Heights, and certainly not what is purposed for in the General Plan. R-20 zoning allows for 2.2 du/ac. The parcel is 2.88 acres which means the maximum dwelling units, in accordance with standards (and using the developer requested concession to utilize gross acreage for the density calculation), is 6 units, not 9 like the proposal claims they are allowed. Further, using net lot area of 2.43 acres, only 5 dwelling units allowed. the uniqueness of Walnut Heights, and is a detriment to all neighboring properties and the entire community.

**Table 6-26**
**Single-Family Residential Development Standards**

| Development Standard | General Plan Land Use Category & Zone District | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Very Low | | | Low | | Medium | | High | | |
| | R-100 | R-65 | R-40 | R-20 | R-15 | R-12 | R-10 | R-7 | R-6 | D-1 |
| Max. Density (du/ac) | 0.4 | 0.67 | 1.1 | 2.2 | 2.9 | 3.6 | 4.4 | 6.2 | 7.2 | 10.9 |
| Min. Lot Area (sq. ft.) | 100,000 | 65,000 | 40,000 | 20,000 | 15,000 | 12,000 | 10,000 | 7,000 | 6,000 | 8,000 |
| Min. Lot Size (ft.) | 200 x 200 | 140 x 140 | 140 x 140 | 120 x 120 | 100 x 100 | 100 x 100 | 80 x 90 | 70 x 90 | 60 x 90 | 80 x 90 |
| Front Yard (ft.) | 30 | 25 | 25 | 25 | 20 | 20 | 20 | 20 | 20 | 20 |
| Side Yard (ft.) | 30 | 20 | 20 | 15 | 10 | 10 | 10 | 5 | 5 | 10 |
| Aggregate Side Yard | 60 | 40 | 40 | 35 | 20 | 20 | 20 | 15 | 15 | 20 |
| Rear Yard (ft.) | 30 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 |
| Max. Bldg. Ht. (stories) | 2.5 35 ft. | 2.5 35 ft. | 2.5 35 ft. | 2.5 35 ft. | 2.5 35 ft. | 2.5 35 ft. | 2.5 35 ft. | 2.5 35 ft. | 2.5 35 ft. | 2.5 35 ft. |
| Parking Req. (space/unit) | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 |

Source: Contra Costa County Zoning Code, May 2014.

Under no circumstances should a variance be accepted to allow more than 5-6 swelling units, regardless of any low/moderate income inclusion the developer proposes. It is contrary to the norm of the neighborhood, against the true purpose behind the density bonus, destroys the Walnut Heights charm, and creates a crowded, congested, traffic laced area.

## III. A DEVELOPMENT WITH TEN HOMES WILL INCREASE TRAFFIC, NUMBER OF CARS ON ROAD, AND CREATE A DANGER TO NEIGHBORHOOD

Part of the reason that lots are zoned to be at least 20,000 square feet is because the current layout of the streets and overall neighborhood design could not accommodate more. Adding ten houses compared to half the amount will increase the number of cars on the road significantly on an already busy, two-lane road. Right now, there is no direct path for anyone to walk or bike downtown from Walnut Heights, and although we've requested it for years, we remain without a sidewalk. As such, everyone is forced to walk or ride their bike dangerously close to the street. It's dangerous for pedestrians, bike riders, and children, and installing a sidewalk is long

overdue. Since the development will add a significant number of cars from the new homeowners, their guests, deliveries, etc., the developer here should have to add sidewalks not only in front of his property, but sidewalks all the way to the connecting sidewalk near Eckley Ln. It is commonplace for developers to include new items to benefit a community, and the installation of a sidewalk in this area will surely do that.

## IV. FLOODING WILL INCREASE WITH DEVELOPMENT AS PROPOSED

There is a drainage swale along the north property line and the proposal indicates that they intend to utilize retaining walls but the site maps fail to indicate where the retaining walls will be built. From reading the proposal, it seems to indicate that they intend to build the retaining walls directly on the property line (the proposal states they are seeking a waiver to allow said retaining walls to have zero setback instead of the standard setback which is again intrusive. However, the property line on the north side falls directly in the swale. While I am not an engineer by any means, the logic prevails that 1) the structural integrity of said retaining walls will be compromised when the swale fills with water; and 2) if there is a retaining wall in or close to the swale, the water is going to have to go somewhere and will instead back up onto neighboring properties. This will cause significant issues including flooding and hillside erosion resulting in damage to neighboring houses. Further, the proposal indicates that they intend to use a detention basin and seeks an exemption to the required storage capacity of said basin.

*"Detention basins may be utilized only if they are approved by the public works department and contain at least fifteen acre-feet of storage capacity to provide regional flow mitigation benefits, except that smaller detention basins may be permitted where it can be shown to the satisfaction of the public works department that the development of a regional basin is not practical and that a smaller detention basin can be permanently operated and maintained by a public entity in a cost-effective manner." 914-12.002*

This proposal has not shown that a detention basin should be approved, let alone one of smaller size than required. Further, there has been no showing of who will maintain said basin.

*"The subdivider shall insure the maintenance of a detention basin facility through either an existing public maintenance entity or by the creation of a public maintenance entity. The entity shall have an adequate revenue source to assure perpetual maintenance." 914-12.010*

This proposal states that the stormwater would be released into an existing 30-inch storm drain line within Walnut Boulevard. The existing public storm drains in this area already do not have adequate capacity for stormwater runoff and floods upon significant rain. The streets in the area were severely flooded last year with substantial amounts of water, causing street closures and significant damage to a number of homes in the area. Not only would this project stress an already at capacity system if it were to conform to all County Requirements for Storm Water collection and conveyance for new developments, the proposal seeks to an exception to these requirements.

*(c) It is the purpose of the board of supervisors in enacting this division to protect the health, safety and general welfare of the citizens of the unincorporated areas by: (1) Eliminating, to*

*the maximum extent practicable, illicit stormwater discharges to the stormwater system, pollutants of which otherwise would degrade the water quality of local streams. (2)Minimizing increases in nonpoint source pollution caused by stormwater runoff from development that otherwise would degrade local water quality.(3)Controlling the discharge to the county's stormwater system from spills, dumping, or disposal of materials other than stormwater.( 4)Reducing stormwater runoff rates and volumes and nonpoint source pollution whenever possible through stormwater management controls and ensuring that these management controls are properly maintained and pose no threat to public safety.(5)Promoting no adverse impact (NAI) policies as developed by the Federal Emergency Management Agency (FEMA) and the Association of State Floodplain Managers (ASFPM), to the maximum extent practicable, in an effort to minimize the adverse impact of new development on stormwater quality or quantity. 1014-2.002*

Allowing this project to proceed as proposed will cause significant harm through flooding, does not promote no adverse impact (NAI) policies, and should not be allowed.

## V. NEW SUBSTANTIAL AMOUNT OF LIGHT WILL DRAMATICALLY ADVERSELY AFFECT NEIGHBORS

The proposal admits that the project lighting could *"create a potentially significant adverse environmental impact due to substantial new light and glare on neighboring properties" (page 139).* They propose two mitigation measures: all outdoor lighting shall be oriented down and back shields shall be installed on every lighting pole to reduce lighting from spilling off site. These supposed mitigation measures are not enough to mitigate the environmental impact.

First, the houses in the area will see significant new additional light and glare. Currently there is no light whatsoever in the area. There are no street lights, no lights from homes on the land, etc. With the development, there will be headlights of cars that are driving up the new street shining directly into neighboring properties. There will be 10 new houses all with interior and exterior lighting. There will be new street lamps. The proposal fails to show how simply pointing the exterior lights and street lamps downward is going to do anything about the adverse health effects that the project as proposed will have on the surrounding houses and those who live there.

Second, the wildlife in the area will be negatively affected by the additional lighting. There are owls, bats, deer, racoons, birds, possums and many other animals that call this area home. The additional lights will not only disorient the wildlife, it will negatively affect their safety and the safety of those in the surrounding area when those animals find themselves exposed and/or unable to see due to the lights and dart across the street, etc.

## VI. EXISTING WILDLIFE WILL BE SEVERELY IMPACTED

This project will have a significant adverse impact on existing wildlife. The proposal fails to show how their proposed mitigation strategies of "avoiding disturbances of active nests" and conducting a "survey" prior to construction would reduce potential impacts to less than significant levels. The proposal itself admits this project has the potential to destroy eggs or

occupied nests, increase mortality of young and cause risk of injury or death to several special-status species. Walnut Heights is home to turkeys, deer, raccoons, different hawks, and so much more, and this parcel of land in particular is the main home for all of these animals (since it's been vacant for 20+ years). Allowing ten homes on this parcel will eliminate any land for the animals to reside.

## VII. EXISTING TREES WILL BE REMOVED WITH NO INDICATION THAT NEW ONES WILL BE PLANTED

Per the proposal, this site contains 74 trees protected under the Contra Costa Tree Protection and Preservation Ordinance. The project plans to remove 60% of the protected trees, keep a measly 30 or so trees. The trees are protected for a reason. They provide shade and nesting areas for local wildlife, create privacy, remove greenhouse gasses and are historically significant.
The plan fails to identify which trees are being removed, their species, condition, their respective tree circumference or any other required information when seeking to remove trees. The plan also fails to include any information indicating the effect of the tree removal on soil stability, particularly the ones near the swall/creek. *Contra Costa County Tree Ordinance.* Further, even if the developer replants trees, they will take 20+ years to become mature to their current levels.

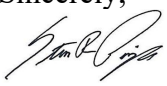
## VIII. CONCLUSION AND REQUESTS

I respectfully request that this letter is included in public remarks, reviewed by the planning department, and discussed with the board of supervisors. I specifically request the following:

1. That the development is a maximum of 5 or 6 units, which allows it to conform to the norm and charm of Walnut Heights;
2. That the developer pays for, and installs, fast growing trees around the entire periphery of the development in order to shield neighboring properties from privacy concerns, and remove less trees than their proposal requests;
3. That the developer takes steps to make the neighborhood safer by installing a sidewalk from View Ln all the way to the connecting sidewalk on Eckley Ln;
4. The developer is allowed one variance, not ten or more as currently requested.

Thank you very much for your consideration.

Sincerely,



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20 View Lane
Walnut Creek,CA 94596
July 14, 2023

Dominique Vogelpohl
Department of Conservation and Development
Community Development Division
30 Muir Road Martinez, CA 94553
(925) 655-2880
Dominique.Vogelpohl@dcd.cccounty.us

Subject: Concerns Regarding Proposed 3180 Walnut Boulevard 10-Lot Subdivision (County File #CDSD21-09581)

Dear Dominique,

I hope this letter finds you in good health and high spirits. I am writing to express my deep concerns regarding the housing development project that is set to commence across the street from my residence in the Walnut Heights area of Walnut Creek. As a long-standing member of this community, I feel it is essential to bring attention to the potential implications and challenges this project may pose to the overall well-being and quality of life in our area.

Firstly, I would like to emphasize that I understand the importance of housing development and the need for growth and progress within our county. However, I strongly believe that it is crucial to strike a balance between development and preserving the existing character and harmony of our neighborhood. The proposed project, as it stands, raises several concerns that I would like to bring to your attention:

1. Increased traffic congestion: The introduction of a housing development of this magnitude will inevitably lead to a significant increase in traffic volume on our already congested streets. This could pose serious safety hazards for residents, particularly children and elderly.
2. Strain on Infrastructure: Our neighborhood's infrastructure, including roads, utilities, and public services, may not be adequately equipped to handle the influx of residents that this development will bring. It is imperative that the necessary upgrades and improvements are made to ensure the seamless integration of this project into our community.
3. Environmental Impact: The proposed development may have adverse effects on our local environment, including potential damage to natural habitats, disruption of wildlife, and increased strain on resources such as water and electricity. It is crucial to conduct a

thorough environmental impact assessment to ensure responsible development that minimizes harm to our ecosystem.

4. Aesthetic Concerns: Our community boasts a unique charm and character, which is highly valued by its residents. The proposed project's design and architecture should be in line with the existing style and aesthetics to ensure visual harmony and prevent the development from being an eyesore or detracting from the overall ambiance of our neighborhood.

I kindly request that you consider these concerns and take appropriate action to ensure that the proposed housing development aligns with the best interests of the community. I urge you to engage in a transparent dialogue with residents, holding public meetings to listen to our concerns, answer our questions, and provide regular updates on the progress of the project. This will foster an environment of trust and open communication, enabling us to work collaboratively towards a mutually beneficial outcome.

Additionally, I encourage you to explore alternative locations for the housing development that may be better suited to accommodate the project's requirements without directly impacting our immediate neighborhood. By doing so, we can strike a balance between growth and preservation, creating a win-win situation for all parties involved.

Thank you for your time and consideration. I trust that you will take our concerns seriously and act in the best interest of the community. I look forward to hearing from you regarding the steps that will be taken to address these concerns.

Kind regards,

Karin Gregory

**From:** Eric Dorman
**To:** Dominique Vogelpohl
**Subject:** 3180 Walnut Blvd - concerns about upcoming development
**Date:** Monday, July 17, 2023 9:34:40 PM

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Hi Dominique ,

I hope you're doing well. I'm the homeowner at 293 Nob Hill Dr, next to 3180 Walnut Blvd, the property that Calibr Ventures plans to develop. I'd had a look over the environmental impact proposal, and I'd like to reach out directly to share some concerns and potential solutions. I've shared a copy of this Andy at Calibr and with Ken Carlson (District IV Supervisor) as well.

First off - I'm supportive of building more housing in the bay area, and have no intention of being a knee-jerk NIMBY and pushing back on this project wholesale. With that said, there's a reason that I bought a house in Walnut Creek as opposed to other cities in the area: for our safe neighborhoods, abundance of mature trees, and privacy. In order to preserve what we all love about this city, it's critical that we be thoughtful about the way we build, that preserves these principles of safety, environmentalism and privacy. I have some concerns about the current plans for 3180 Walnut Blvd that appear to violate these principles, and some suggestions of how they can be addressed without drastic changes to the project.

**1. Concern: Lack of visual privacy between lots 3, 4 and 5, and 293 and 297 Nob Hill, as well as removal of mature vegetation**
**Details:** In the current plan, Lots 3, 4 and 5 will back up directly to 293 and 297 Nob Hill, resulting in lack of privacy for the owners of their lots (293 and 297 will look directly into their backyards and upstairs bedrooms). These lots are all being built with the minimal backyard setbacks allowable by law, which further exacerbates this problem. This is a poor experience both for the owners of the lots and for myself. Even more concerningly, the subdivision development plan (attached) calls for removal of 43 trees. Removing trees (both young and mature) without a plan for replacement seems like the last thing we should be doing in a place where shade and soil erosion prevention are so important. This is deeply concerning.
**Recommendation: Plant mature, drought-tolerant trees along the property line dividing lots 3, 4 and 5 from 293 and 297 Nob Hill.** The California Pepper is a good choice - this is a fast-growing, evergreen, drought-tolerant tree already present throughout Walnut Creek that comes recommended by specialists and Devil Mountain Nursery and Moon Valley Nursery. The trees planted would need to be mature (20ft high) in order to provide privacy, and would need automatic irrigation installed until their roots are established. However, the cost of these trees is likely to be recouped in the increased property value from shade and aesthetics that mature trees provide.

**2. Concern: Above-ground power and utility lines**
**Details:** I saw in an earlier draft of the environmental impact report that the developer is requesting an exception to allow the use of above-ground power lines instead of burying them. Is this correct? If so, this would be very concerning - above-ground power lines, in addition to being an eyesore, pose a fire hazard to surrounding trees and I'm not aware of any new construction in Walnut Creek in which above-ground power is standard.
**Recommendation: Confirm that the plan is to bury power and utility lines below ground.**

**3. Concern: Increasing housing density without increasing neighborhood sidewalk**

**coverage is a safety hazard**
**Details:** The development plan calls for developing 10 single-family homes, which we can conservatively estimate (4 people to a family) means bringing roughly 40 new people to the neighborhood. Presumably these people will want to access Downtown and Ignacio Valley Road on foot, but in order to do so they have no choice but to walk on Walnut Blvd all the way to Homestead Ave on the street, without a single foot of sidewalk coverage. This is a pedestrian death waiting to happen.
**Recommendation: Reduce the number of lots being added. At the very least, install sidewalk on at least one side of the street on Walnut Blvd from the proposed subdivision to Homestead Ave.**

Thanks for taking the time to read. In your role at the Department of Conservation and Development, I know you care deeply about balancing the need to build housing in California with the importance of environmentalism and safety, so I'd love to get your thoughts on this project and the above recommendations. Are you comfortable with this project plan as it's currently drafted? Do you think it might make sense to formally recommend some of the above steps?

Thanks,
Eric Dorman
293 Nob Hill Dr

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| **From:** | John Livingwood |
| **To:** | Dominique Vogelpohl |
| **Subject:** | Concerned Walnut Heights Neighbors (County File # CDSD21-09581) |
| **Date:** | Tuesday, July 18, 2023 8:14:22 AM |
| **Attachments:** | NeighborhoodLetter-County File #CSSD21-09581-7.11.2023_Dominique.pdf |

Dear Dominique,

This email supplements the neighborhood signed letter sent earlier this week to your office at 30 Muir Road, Martinez, CA 94553.

We are writing to express our serious concerns about the proposed development of ten houses at 3180 Walnut Blvd (County File # CDSD21-09581). As home owners and residents of the immediate surrounding area, we are worried about the impact this development will have on our community.

**Firstly, we are concerned about the density of the development**. Our understanding is that the lot is zoned R-20, which means 20,000 square foot lots, and these proposed lots are less than half of that. If the developer conformed to the zoning, they would build ~5 homes, or about half of what they are currently proposing. The density of 10 residences will create privacy issues for all of our homes, increased lights that will enter our windows, increased traffic on an already tight road, drainage issues, wildlife disturbance, and will directly jeopardize many of the reasons we all moved to Walnut Heights.

**Secondly, we are worried about the removal of trees**. The developer plans to remove 40+ trees, and we are concerned that protected trees will be removed under the radar. To mitigate these concerns, we urge the county to hire another arborist to confirm the number of trees being removed.

**Thirdly, we are concerned about the impact on wildlife.** The development will remove deer, wild turkey, western screech owl, and other animal habitat, and we are worried about the disturbance this will cause to the local ecosystem.

**Finally, we are concerned about the downstream impact on our community.** The development will limit views for our properties, and we are worried about the increased light and amplified sound that will come from the development. We are also worried about the impact on traffic and drainage in the area.

We urge the county to mitigate these issues by reducing the density of the development by conforming to the zoning, adding trees for privacy, and exploring alternative measures to benefit the area, such as sidewalks from View Lane all the way to the First Church of Christ, Scientist at 2 Eckley Ln, so we all have a path to walk downtown.

Thank you for your attention to this matter. Please contact us by replying to this email or you can reach John Livingood as the primary contact to discuss any questions you may have.

Sincerely,

John and Amanda Livingood, 3171 Walnut Blvd

John and Kimberly Asher, 3175 Walnut Blvd

Tom and Leanne Corkill, 3161 Walnut Blvd

Michael and Amanda Binswanger, 3181 Walnut Blvd

Jason and Laura Bauer, 3185 Walnut Blvd

**From:** JAMES FULLER
**To:** Dominique Vogelpohl
**Subject:** Planned project at 3180 Walnut Blvd Walnut Creek Ca.
**Date:** Thursday, July 20, 2023 4:36:34 PM

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Ms. Vogelpohl;  My name is James A. Fuller I live at 3160 Walnut Blvd in Walnut Creek my property borders the planned project named above consisting of 10 2story homes. We have lived here and within 1mi of this location most of my life my father who was a local building contractor built most of the homes in this area  before the Rudgear area was developed by Whitecliff Homes. My subcontracting company did most of their projects so I do understand why the developer would like to build here. My issue with the project is it's size and location people that have bought in this area bought here because they wanted big lot's that afforded them some privacy and also allowed them to enjoy the wildlife which is amazing, One of these the spotted newt is actually considered endangered.The Bagot's who lived on the property during the same time period as us had agreed to sell the property to us but the death of my 2 children months apart a few years ago and my wife being moved to a rest home because of Alzhimers put me in a financial  position that made that impossible over 100 neighbors have expressed their displeasure over this Project.I could go on and on about the cutting of trees how the size of each lot is completely opposite of its intended use planned over 75yrs ago and the increase of the already nightmarish traffic. We have owned this land for over 75yrs,I hope you will take my words into consideration as the process moves forward. Sincerely  James A. Fuller.

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| **From:** | Kim Asher |
| **To:** | Dominique Vogelpohl |
| **Subject:** | Proposed development at 3180 Walnut Blvd. |
| **Date:** | Thursday, July 20, 2023 8:21:16 PM |

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Dear Dominique Vogelpohl,

We wanted to share our deep concerns regarding this development of 10 homes in a zoning space for only five. After participating in the zoom conversation with Andy Byde, it is clear this is a purely financial gain decision by Calibr Ventures. This development doesn't fit in at all with our neighborhood. They will be destroying vital animal habitats, increasing traffic congestion on an already busy street with high traffic volume and NO sidewalks. In addition, the lights, noise and sewer/water potential problems are troubling. This development is directly across the street from our house and this is a street with a blind curve, coming down from the school which is jammed with cars during school drop off and pick up as well as commute traffic when cars cut through our neighborhood to get to Ygnacio Valley Road. Building ten homes on a lot zoned for five is NOT truly about building affordable housing as they are building the minimum number required (1/10) to qualify for the density bonus. Rather, it is greed run amok. Please consider the community first and the developer second. Thank you for your consideration.
John and Kim Asher
3175 Walnut Blvd.

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| **From:** | Matthew Gould |
| **To:** | Supervisor Carlson |
| **Cc:** | Dominique Vogelpohl |
| **Subject:** | 3180 Walnut Blvd |
| **Date:** | Thursday, July 20, 2023 8:32:04 PM |

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Good Evening Supervisor Carlson - I am writing to express my concern about the proposed development by CALIBR Development at 3180 Walnut Boulevard in Walnut Creek. I live on Nob Hill Drive, across the street from the proposed development. My concerns are many, but I will list just a few…

- Environmental Impact - this lot is the home to many wild animals that will be displaced. I wonder if a complete biological impact report has been completed? Drainage? Sewer, electrical, etc.?

- Density - The proposal is to squeeze 10 new SFRs in a 2.8 acre lot. The average lot size in this neighborhood is currently is over 1/2 acre. The proposed lot sizes in this development range from 10,000 to 17,000 SF. This developer is clearly trying to squeeze every last drop of profit from a lot that should not host more than 4 or 5 houses maximum. Per Mr. Byde, he expects selling prices of $2-2.5 million each, with the exception of lot 4, for which he will receive some sort of low-moderate housing bonus to pocket.

- Traffic - Walnut Heights Elementary School is only a few hundred yards from this proposed development site. Traffic during mornings and afternoons is already unbearable. Adding 10 homes right in the middle of the traffic jam will create a nightmare scenario. I'm very concerned about the increased threat of child pedestrian accidents in an already dangerous thoroughfare.

I hope you will consider my concerns and the concerns of your other constituents in the neighborhood and block this proposal. It is a sordid attempt to squeeze ten lots out of one by a greed-motivated developer that already carries an unsavory reputation for past developments under the name, Braddock and Logan (Google it). This proposal does not fit our neighborhood and would benefit no one other than the developer. Thank you for your consideration.

Sincerely,
Matthew Gould

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| **From:** | Kathryn Swift |
| **To:** | Dominique Vogelpohl; Supervisor Carlson |
| **Subject:** | Proposed development on 3180 Walnut Blvd |
| **Date:** | Thursday, July 20, 2023 11:26:12 PM |

Ken Carlson, District IV Supervisor
Dominique Vogelpohl, Project Planner Department of Conservation and Development
Community Development Division

Ms. Vogelpohl & Mr. Carlson.

First of all, thank you for what you do. And thank you for reading this letter. (By the way, I am happy to say I voted for you, Ken!)

My name is Kathryn Swift. I live at **395 Nob Hill Drive**, which is behind and diagonally adjacent to 3180 Walnut Blvd. I am writing to you to voice my concerns regarding what will be built on this property, since the decision made here will have a permanent impact on my property, as well as my enjoyment of it. Moreover, I have specific safety concerns I would like to raise to your attention.

I bought my home on Nob Hill 4 years ago with the express intent to have more space between homes/lots, less proximity to my neighbors. My previous home in Pleasant Hill was on a $10K sq ft lot. I deliberately sought out a neighborhood where the average lot size was greater than $10K sq ft. My current lot size is $20K. Most of my neighbors' lots are also in this same range. This makes for a very peaceful, private, rural feeling. There is also very limited fencing here with many neighbors choosing to have no fences to mark the property lines. Families of deer roam free through the neighboring yards, with baby deer born and raised in our backyards. This is what I fell in love with about my home, and why I uprooted after 25 years in my previous home in Pleasant Hill. If 3180 Walnut Blvd is allowed to proceed with ten homes on 2.5 acres as proposed, the additional noise/leaf-blowers, light pollution from ten new houses/street lights, increased fire risk/electrical poles, and increased traffic - both auto, bicycle and pedestrian will be greatly impact my enjoyment of my property for all future years. Sadly, I'd end up living directly adjacent/behind the exact sort of situation I moved away from. My sense of tranquility and privacy would be lost.

Note that the traffic issue is quite a meaningful safety risk, with zero sidewalk along Walnut Blvd for vast stretches, all the way down to Eckley Ln. It is especially unsafe for pedestrians and cyclists since there is zero shoulder for walking. Furthermore, the sidewalk situation causes most pedestrians to detour onto my street (Nob Hill Dr.) using it as the walking route to nearby Walnut Elementary school. Ten additional homes will compound this pedestrian safety risk.

Finally, I am quite concerned with increased ground saturation/potential for flooding. Earlier this year my first floor flooded due to over-saturation of the ground upon which my home sits, which caused water to seep up through the foundation. I had to rip out all of the floor on the first floor, and am still repairing that damage. There is a seasonal culvert which starts at the edge of my property and runs through 3180 Walnut Blvd. Because of its proximity, I believe that ten additional homes/driveways/roads which will cover a large percentage of the ground at 3180 Walnut Blvd will compound my already tenuous flooding situation.

In summary,

- I cherish the peacefulness, quiet, low-light pollution and privacy which result from larger lot sizes, and specifically moved here for this reason.
- The lack of sidewalk/accommodations for pedestrians or bicyclists along Walnut Blvd is already a serious safety problem.
- Building ten homes on 3180 Walnut Blvd places my home at increased risk for future flooding by adding more cement and reducing the ability of the ground to absorb water from future storms.

For these reasons I am imploring for the decision-making bodies to re-scope the approved project on 3180 Walnut Blvd to allow for a **maximum of 4 homes** (since roads will also take up some space from the 2.5 acre lot, and part of the lot which is a seasonal culvert should remain undeveloped) resulting in individual lot sizes of roughly ~$20K sq ft. each.

I would also like to suggest several accommodations that would help mitigate the impact on the neighborhood as well as its local wildlife:

1. Leave ample room in between homes/yards & around the perimeter of the development for wildlife to continue to navigate between houses.
2. Preserve & build around any large native trees (e.g. oak trees)
3. Consider limiting the use of fencing, or using low, see-through or decorative fencing only, and letting parts of the property remain undeveloped (such as the seasonal culvert).
4. Install no street lights
5. Bury any new telephone/power poles
6. Install sidewalk or bike lane from Walnut Elementary to Eckley Ln.
7. Limit square footage footprint of homes (Sorry I do not know what would constitute a conservative size in terms of ground saturation purposes.)

What you decide will have an impact on me for many years to come so I thank you for thoughtful consideration of my concerns and requests.

Sincerely,

Kathryn Swift
395 Nob Hill Drive
Walnut Creek, CA 94596

**From:** Judy Hirabayashi
**To:** Dominique Vogelpohl
**Subject:** Response to proposal for development at 3180 Walnut Blvd.
**Date:** Friday, July 21, 2023 9:55:24 AM

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July 21, 2023

Dear Mr. Carlson and Ms. Vogelpohl,

We are property owners at 3151 Walnut Blvd. I am writing with regard to Caliber Ventures' proposal to build 10 houses at 3180 Walnut Blvd. After reviewing the Proposed Development Plan and attending the developers' informational Zoom for neighbors last night, I am strongly opposed to their proposal for several reasons:

- My two major concerns are the impact the development would have on the amount of/speed of traffic and the safety of Walnut Blvd. for pedestrians and motorists. Our section of Walnut Blvd. is already a dangerous, overused speedway, and adding vehicles for 10 families at that curve can only make the safety and quality of life issues worse. The route from that lot to Walnut Heights School is not safe for children walking to school.
- Secondly, 10 homes are crammed into that lot, out of keeping with the character of the neighborhood. It is clear that the developer opted for 10 homes rather than 6 or 8 in order to benefit from regulations rewarding developers for inclusion of a lower income house. I welcome lower income residents, and hope that the city and county will do more to provide housing for them in our area, but not by creating a poorly located cookie cutter development.

I would of course like for the property to remain a wildlife haven and remnant of the area's history, but understand that that is not likely or even possible. Therefore, I urge the city to respond to the proposal by reducing the number of homes to 5 and adding a contingency that there must be a city/county commitment to additional traffic/safety remediation measures (e.g., several stop signs on Walnut Blvd. between Shady Glen and Walnut Heights School) before the project is approved.

Thank you for all you do to make Walnut Creek a great town. If there is more that I need to do to oppose this development, please let me know.

Judy Hirabayashi
3151 Walnut Blvd

**From:** Christina Chin
**To:** Dominique Vogelpohl
**Subject:** 3180 Walnut Blvd 94596
**Date:** Friday, July 21, 2023 10:35:29 AM

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Dear Ms. Vogelpohl,

I recently learned of the development proposed at 3180 Walnut Blvd 94596. As a resident of 15 years in this beautiful neighborhood, it concerns me that this developer may be permitted to so drastically change the landscape of our neighborhood. My lot is adjacent to 2 lots directly adjacent to the development site. (401 Nob Hill Drive)

As you know, the neighborhood is comprised of lot sizes of approximately 20,000 sq ft or more. This distance between homes contributes greatly to the serenity and beauty of our neighborhood. My backyard overlooks the proposed site. It would be jarring to look out of our yard and back windows to enjoy the breathing space of the nicely spaced out homes with developed foliage and then to see so many homes on land stripped of mature foliage and crammed into less than 3 acres. Please ask the developer to reconsider scaling back number of homes to 5-6 consistent with surrounding landscape.

The majority of owners who form the circle of Nob Hill Drive and Walnut Blvd have chosen not to fence in our back lots. This has created an unofficial " open space" which allows the many deer/fawns, wild turkeys, coyotes, peacocks, snakes, possum, raccoons and lizards to roam and feed freely. The deer in particular find needed relief in the shade of the trees on our very hot summer days. The deer also make a nightly pilgrimage from the creek below up thru this space. The turkeys flap up nightly into the trees to seek refuge from their natural predators.

The turkeys, turkey vultures, ospreys, hawks, wild yellow canaries, owls, wood peckers and California quail all coexist in this space. My 14 year has learned so much about birds while observing them since birth right in our own yard. They can easily identify most birds just watching them fly between trees in this "open space". It has fostered their curiosity in birds and encouraged them to do their own research discovering interesting data on their habitats, feeding and mating habits. We have learned a great deal about our neighbor birds from my youngest. They have shared this knowledge and experience with school mates and teachers at Walnut Heights Elementary School and Walnut Creek Intermediate.

These are some of the beauties you cannot see or measure right here in our community. These are beauties you cannot build or recreate. Please ask the developer to do everything in their power to protect this. Not only for existing residents but for the new neighbors who will purchase these new homes and who we will welcome into the community. Please ask them to reconsider the removal of so many trees as each tree is a potential home or resting spot for so many of our neighbor birds. If trees are removed please ask them to replant mature, native trees to help replace the natural habitat that will be so significantly altered.

Our back lot is not fenced for approximately 50-60 feet to our neighborhood's property line. Please ask developer to consider unfenced, open distance to maintain some sense of this unofficial "open space".

The one area our community falls short in is sideways or bike lanes that would allow us to get out of our cars and walk or bike downtown for exercise, to get to/from our schools and to Safeway to get groceries. Please ask the developer to consider funding some improvements to our community.

Thank you for your consideration of my concerns. Please reach out if you have any questions.

Sincerely,

Christina Chin

**From:** Eryn Holl
**To:** Dominique Vogelpohl
**Subject:** Re: 3180 Walnut Blvd
**Date:** Friday, July 21, 2023 1:00:13 PM

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Hello Ms. Vogelpohl,

I am a resident near the proposed development at 3180 Walnut Blvd. I'm concerned that there has been very little traffic analysis done on this particular area. Literally 0.3 miles up the road is Walnut Heights Elementary school where approximately 330 students ages TK-5 attend. Last year, the district partnered with WCPD, Sheriff's Office, and an outside traffic analysis agency to study the area directly around the school and it was deemed unsafe. Because of this, we have a WCPD officer stationed near the crosswalk to encourage people to slow down. Our crossing guard has had one too many close calls. Those reports should all be available at the district office or school principal for you to review.

This subdivision of 10 homes is a lot for our little roads to handle. We don't have sidewalks for children to walk on. We don't have stop signs from this property up to the school. Our district does not have buses. Let me be more crystal clear, there are zero school buses to get children to school. The only way to get them there is via car or on foot. Most opt for the car because of the safety. Adding 10-20 cars is a lot. As a parent trying to get one child to the elementary school and the other to Walnut Creek Intermediate, the only path is Walnut Blvd and it's already a mess.

I encourage you to please partner with the school district on this before you approve this subdivision.

Thank you,
Eryn

**From:** Diana Doughtie
**To:** Dominique Vogelpohl
**Subject:** 3180 Walnut Blvd Walnut Creek Project
**Date:** Friday, July 21, 2023 9:45:18 PM

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Dear Dominique Vogelpohl:
I live at 3150 Walnut Blvd and am generally supportive of the building project assuming that traffic speeds can be regulated better. We have a raceway many days with people speeding at 40-50 or more mph. We believe that much of this traffic are people cutting through the neighborhood during commute hours but it could be neighbors. Adding more people who will exit onto Walnut Blvd may create more hazards. There may be other neighbors that oppose this project but I believe we need to build more homes and infill is a good way to go as we already have schools and parks. It would be nice if the children in those homes could actually walk safely to Walnut Heights Elementary School. Please add traffic signs to slow down the traffic. A speed bump will not deter these drivers as we have a construction spot at 3160 and most fly over that. Hopefully that will be fixed soon. Diana Doughtie

Sent from my iPhone

**From:** Sue & Gene Dangel
**To:** Dominique Vogelpohl
**Cc:** Supervisor Carlson
**Subject:** 3180 Walnut Blvd.
**Date:** Monday, July 31, 2023 1:48:09 PM

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Dear Ms. Vogelpohl,

My name is Gene Dangel. I live at 3110 Walnut Blvd which is about a block down the hill from the proposed development at 3180 Walnut Blvd. Over this past weekend we were made aware of this project by a neighbor who provided us with a link to the document titled "Notice of Public Review and Intent to Adopt a Proposed Mitigated Negative Declaration" dated June 21, 2023 issued by your office under your signature.

I have read through all 150 pages of the document in order to gain a better understanding of the scope of the proposed project. It is obvious that it is well along in the planning stages and I was surprised that a project of this magnitude, that is so out of character with the surrounding neighborhood, did not deserve a more widespread distribution for public comment. I have to ask what the metric is for who receives notification from the county in these instances?

One cannot help but notice that in almost all cases you have checked the box "no significant impact" or "no significant impact with mitigation" in the report. It is sad that the owners of the properties that will be directly or indirectly impacted by this development receive little or no consideration in evaluating the impact this proposal will inflict on the area. I am not opposed to reasonable development but this is way over the top of reason. I understand that recent legislation has put pressure on cities and counties to provide more affordable housing but this proposal as submitted will do little or nothing to address that issue. I cannot help but view it as an abuse of the intent of the legislation by taking advantage of the California Density Bonus Law. It is laughable to consider that by offering one home at what will likely be just under two million while the other nine will be well over two million comes remotely close to the mark of providing affordable housing, even to moderate income families as stated. This is about an out of state developer squeezing as much profit as possible from the project with no regard whatsoever what it will do to the surrounding community.

Your report states that the developer has submitted "exception requests" for underground utilities and detention basins for storm water runoff. All your report states is that the proposed project will comply with Contra Costa County Stormwater C.3 regulations, but it does not say how that will be accomplished. I read all 190 pages of the C.3 Guidebook and one of the requirements is that a developer must file a detailed plan for the project as to exactly how this will be constructed. As I said earlier we live at the bottom of the hill and along with our neighbors have to deal with flooding during periods of heavy rainfall such as we experienced this past winter. The conclusion in your report simply states that the the stormwater runoff will be less after the development is completed than it is currently but again does not say how. I am requesting a copy of the Stormwater mitigation plan submitted by the developer in their application.

The bigger issue with this proposal is that the developer is requesting a much higher density than is allowed by the current R-20 zoning. All but three of the lots are roughly 10,000 square feet with those three being 17,659, 15,797, and 13, 270 square feet which are well below the 20,000 square feet for R-20 zoning. The Project Summary and Alternative Development Standards chart falls way short of what this development will look like given the setback and side yard waivers being requested. The developer claims that without these waivers it would preclude the project from being developed at the proposed density, again playing the "moderate income" card bonus calculation. A five home subdivision on this parcel would be much more reasonable than what is being proposed. I get that this is a "follow the money" equation for the developer, but not for those who's quality of life will be affected if this project is allowed to move forward as submitted.

I also noted a Walnut Blvd. traffic study published in 2019.27 is referenced in your report. I have been unable to locate that report on the county website. I am also requesting a copy of that report.

Additionally, I am requesting to be copied on any communications, notices of hearings, etc. regarding this proposeddevelopment. Thank you for your cooperation.

Respectfully,
Gene Dangel

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| **From:** | Sue & Gene Dangel |
| **To:** | Dominique Vogelpohl |
| **Subject:** | Fwd: Walnut Blvd Traffic Study |
| **Date:** | Tuesday, August 1, 2023 5:46:39 PM |
| **Attachments:** | WALNUT BLVD, 200" S of SCOTS LANE, 2-4-2020 SPEED.pdf<br>WALNUT BLVD, 200" S of SCOTS LANE, 2-4-2020 VOLUME.pdf |

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Hello again,

Attached is the Walnut Blvd traffic study that was sent to me by John Swann for your review.

Gene

Begin forwarded message:

**From:** John Swann <John.Swann@pw.cccounty.us>
**Subject: RE: Walnut Blvd Traffic Study**
**Date:** August 1, 2023 at 8:09:20 AM PDT
**To:** Sue & Gene Dangel

Good morning Mr. Dangel,

My name is John Swann and I am the Traffic Safety Investigator for Contra Costa County Public Works. Please see the attachments for recent traffic speed and volume counts on Walnut Boulevard in unincorporated Walnut Creek. If you have any questions please feel free to contact me at the phone number below.

Regards,

John Swann
Traffic Safety Investigator
Contra Costa County Public Works
255 Glacier Dr.
Martinez, CA 94553
(925) 374-2144 work cell
John.Swann@pw.cccounty.us

HI-STAR NC-200/NC-350 by MHCORIN
Dir Volume x Speed Program

**CONTRA COSTA COUNTY**
**PUBLIC WORKS DEPARTMENT**
**SPEED / VOLUME COUNTS**

Interval 15 Minutes
Report By J. Wong

Station **200' S of SCOTS LANE**
No. of Lanes **2**

Road No. **4242A**
Road Name **WALNUT BLVD**
Date **4 Feb '20**
Day of Week **Tuesday**

**Counter # 22**

## N / B SPEED IN MILES PER HOUR

| HOUR | 0-9 | 10-14 | 15-19 | 20-24 | 25-29 | 30-34 | 35-39 | 40-44 | 45-49 | 50-54 | 55-59 | 60-64 | 65-69 | 70-74 | 75+ | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 00:00 - 01:00 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **1** |
| 01:00 - 02:00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| 02:00 - 03:00 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **1** |
| 03:00 - 04:00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| 04:00 - 05:00 | 0 | 0 | 0 | 0 | 0 | 3 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **5** |
| 05:00 - 06:00 | 0 | 0 | 0 | 2 | 8 | 10 | 5 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **27** |
| 06:00 - 07:00 | 0 | 0 | 0 | 5 | 6 | 15 | 6 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **34** |
| 07:00 - 08:00 | 0 | 0 | 1 | 19 | 47 | 55 | 16 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **142** |
| 08:00 - 09:00 | 0 | 0 | 2 | 20 | 51 | 57 | 22 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **153** |
| 09:00 - 10:00 | 0 | 0 | 2 | 8 | 37 | 39 | 22 | 5 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | **114** |
| 10:00 - 11:00 | 0 | 0 | 4 | 5 | 29 | 32 | 9 | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | **83** |
| 11:00 - 12:00 | 0 | 0 | 3 | 13 | 24 | 35 | 18 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **94** |
| 12:00 - 13:00 | 0 | 0 | 1 | 8 | 22 | 33 | 25 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **94** |
| 13:00 - 14:00 | 0 | 0 | 2 | 6 | 32 | 34 | 15 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **90** |
| 14:00 - 15:00 | 0 | 0 | 2 | 19 | 34 | 39 | 21 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | **117** |
| 15:00 - 16:00 | 0 | 1 | 1 | 10 | 55 | 57 | 20 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **148** |
| 16:00 - 17:00 | 0 | 0 | 2 | 8 | 29 | 52 | 29 | 2 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | **125** |
| 17:00 - 18:00 | 0 | 0 | 6 | 12 | 35 | 48 | 23 | 6 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | **132** |
| 18:00 - 19:00 | 0 | 0 | 1 | 6 | 17 | 34 | 28 | 2 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | **90** |
| 19:00 - 20:00 | 0 | 0 | 0 | 4 | 9 | 12 | 4 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **30** |
| 20:00 - 21:00 | 0 | 0 | 0 | 0 | 1 | 8 | 5 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **15** |
| 21:00 - 22:00 | 0 | 0 | 0 | 2 | 3 | 5 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **11** |
| 22:00 - 23:00 | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **5** |
| 23:00 - 24:00 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **2** |
| | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | == === |
| **TOTALS** | **0** | **1** | **27** | **148** | **441** | **570** | **273** | **43** | **10** | **0** | **0** | **0** | **0** | **0** | **0** | **1,513** |
| **%** | **0.0%** | **0.1%** | **1.8%** | **9.8%** | **29.1%** | **37.7%** | **18.0%** | **2.8%** | **0.7%** | **0.0%** | **0.0%** | **0.0%** | **0.0%** | **0.0%** | **0.0%** | **100%** |

| >55 | %>55 | >60 | %>60 | >65 | %>65 | 15%ile | 50%ile | 85%ile | Avg Spd |
|---|---|---|---|---|---|---|---|---|---|
| **0** | **0.0%** | **0** | **0.0%** | **0** | **0.0%** | **25** | **31** | **36** | **30.5** |

**M.P.H.**

**NB PEAK**
A.M. = 207
07:30 - 08:30
P.M. = 157
15:15 - 16:15

**SB PEAK**
A.M. = 135
07:30 - 08:30
P.M. = 157
16:30 - 17:30

**POSTED SPEED LIMIT**
**25**
**MPH**

HI-STAR NC-200/NC-350 by MHCORIN
Dir Volume x Speed Program

**CONTRA COSTA COUNTY**
**PUBLIC WORKS DEPARTMENT**
**SPEED / VOLUME COUNTS**

Interval 15 Minutes
Report By J. Wong

Station **200' N of SCOTS LANE**
No. of Lanes **2**

Road No. **4242A**
Road Name **WALNUT BLVD**
Date **4 Feb '20**
Day of Week **Tuesday**

**Counter # 20**

**S / B SPEED IN MILES PER HOUR**

| HOUR | 0-9 | 10-14 | 15-19 | 20-24 | 25-29 | 30-34 | 35-39 | 40-44 | 45-49 | 50-54 | 55-59 | 60-64 | 65-69 | 70-74 | 75+ | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 00:00 - 01:00 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **1** |
| 01:00 - 02:00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| 02:00 - 03:00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| 03:00 - 04:00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| 04:00 - 05:00 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **1** |
| 05:00 - 06:00 | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | **4** |
| 06:00 - 07:00 | 0 | 0 | 0 | 1 | 5 | 6 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **14** |
| 07:00 - 08:00 | 1 | 3 | 11 | 25 | 30 | 19 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **92** |
| 08:00 - 09:00 | 0 | 0 | 7 | 28 | 54 | 28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **117** |
| 09:00 - 10:00 | 1 | 0 | 0 | 20 | 39 | 19 | 4 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **84** |
| 10:00 - 11:00 | 0 | 0 | 1 | 15 | 36 | 18 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **72** |
| 11:00 - 12:00 | 0 | 0 | 2 | 20 | 45 | 16 | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | **86** |
| 12:00 - 13:00 | 0 | 1 | 6 | 31 | 43 | 16 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | **98** |
| 13:00 - 14:00 | 0 | 0 | 5 | 24 | 47 | 15 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **93** |
| 14:00 - 15:00 | 1 | 6 | 22 | 33 | 29 | 9 | 4 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **105** |
| 15:00 - 16:00 | 0 | 1 | 11 | 37 | 45 | 7 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **104** |
| 16:00 - 17:00 | 0 | 1 | 2 | 33 | 71 | 27 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **136** |
| 17:00 - 18:00 | 0 | 2 | 6 | 36 | 64 | 20 | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **134** |
| 18:00 - 19:00 | 0 | 0 | 1 | 14 | 46 | 21 | 1 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | **86** |
| 19:00 - 20:00 | 0 | 0 | 1 | 12 | 33 | 21 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **71** |
| 20:00 - 21:00 | 0 | 0 | 1 | 3 | 24 | 13 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **45** |
| 21:00 - 22:00 | 0 | 0 | 0 | 3 | 26 | 9 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **41** |
| 22:00 - 23:00 | 0 | 0 | 0 | 2 | 6 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **9** |
| 23:00 - 24:00 | 0 | 0 | 0 | 0 | 1 | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **5** |
| | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | == === |
| **TOTALS** | **3** | **14** | **77** | **337** | **645** | **269** | **43** | **5** | **3** | **2** | **0** | **0** | **0** | **0** | **0** | **1,398** |
| **%** | **0.2%** | **1.0%** | **5.5%** | **24.1%** | **46.1%** | **19.2%** | **3.1%** | **0.4%** | **0.2%** | **0.1%** | **0.0%** | **0.0%** | **0.0%** | **0.0%** | **0.0%** | **100%** |

| >55 | %>55 | >60 | %>60 | >65 | %>65 | 15%ile | 50%ile | 85%ile | Avg Spd |
|---|---|---|---|---|---|---|---|---|---|
| **0** | **0.0%** | **0** | **0.0%** | **0** | **0.0%** | **22** | **26** | **31** | **26.4** |

**M.P.H.**

**NB PEAK**
A.M. = 207
07:30 - 08:30
P.M. = 157
15:15 - 16:15

**SB PEAK**
A.M. = 135
07:30 - 08:30
P.M. = 157
16:30 - 17:30

**POSTED SPEED LIMIT**
**25**
**MPH**

HI-STAR NC-200/NC-350 by MHCORIN
Dir Volume x Speed Program

**CONTRA COSTA COUNTY**
**PUBLIC WORKS DEPARTMENT**
**SPEED / VOLUME COUNTS**

Interval 15 Minutes
Report By J. Wong

Station **200' S of SCOTS LANE**
No. of Lanes **2**

Road No. **4242A**
Road Name **WALNUT BLVD**
Date **5 Feb '20**
Day of Week **Wednesday**

**Counter # 22**

## N / B SPEED IN MILES PER HOUR

| HOUR | 0-9 | 10-14 | 15-19 | 20-24 | 25-29 | 30-34 | 35-39 | 40-44 | 45-49 | 50-54 | 55-59 | 60-64 | 65-69 | 70-74 | 75+ | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 00:00 - 01:00 | 0 | 0 | 0 | 1 | 0 | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **4** |
| 01:00 - 02:00 | 0 | 0 | 0 | 0 | 1 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **5** |
| 02:00 - 03:00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| 03:00 - 04:00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| 04:00 - 05:00 | 0 | 0 | 0 | 0 | 1 | 2 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | **5** |
| 05:00 - 06:00 | 0 | 0 | 0 | 1 | 4 | 9 | 4 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **19** |
| 06:00 - 07:00 | 0 | 0 | 0 | 2 | 10 | 15 | 10 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | **39** |
| 07:00 - 08:00 | 0 | 1 | 1 | 1 | 25 | 40 | 18 | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | **90** |
| 08:00 - 09:00 | 0 | 0 | 3 | 24 | 76 | 53 | 18 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **178** |
| 09:00 - 10:00 | 0 | 0 | 2 | 8 | 25 | 54 | 18 | 3 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | **112** |
| 10:00 - 11:00 | 0 | 0 | 1 | 14 | 25 | 28 | 12 | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | **84** |
| 11:00 - 12:00 | 0 | 0 | 2 | 6 | 25 | 33 | 16 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **85** |
| 12:00 - 13:00 | 0 | 0 | 2 | 15 | 20 | 37 | 8 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **83** |
| 13:00 - 14:00 | 0 | 0 | 2 | 6 | 21 | 28 | 10 | 5 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | **73** |
| 14:00 - 15:00 | 0 | 1 | 4 | 24 | 27 | 42 | 9 | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | **111** |
| 15:00 - 16:00 | 0 | 0 | 1 | 4 | 35 | 57 | 30 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **130** |
| 16:00 - 17:00 | 0 | 0 | 4 | 14 | 31 | 59 | 26 | 5 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | **142** |
| 17:00 - 18:00 | 0 | 0 | 4 | 11 | 38 | 61 | 23 | 7 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | **145** |
| 18:00 - 19:00 | 0 | 0 | 1 | 10 | 19 | 32 | 8 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **74** |
| 19:00 - 20:00 | 0 | 0 | 0 | 3 | 11 | 13 | 10 | 3 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | **43** |
| 20:00 - 21:00 | 0 | 0 | 2 | 2 | 8 | 13 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **29** |
| 21:00 - 22:00 | 0 | 0 | 0 | 0 | 6 | 4 | 3 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **15** |
| 22:00 - 23:00 | 0 | 0 | 0 | 1 | 2 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **5** |
| 23:00 - 24:00 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **2** |
| | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | == === |
| **TOTALS** | **0** | **2** | **29** | **147** | **410** | **585** | **232** | **53** | **13** | **2** | **0** | **0** | **0** | **0** | **0** | **1,473** |
| **%** | **0.0%** | **0.1%** | **2.0%** | **10.0%** | **27.8%** | **39.7%** | **15.8%** | **3.6%** | **0.9%** | **0.1%** | **0.0%** | **0.0%** | **0.0%** | **0.0%** | **0.0%** | **100%** |

| >55 | %>55 | >60 | %>60 | >65 | %>65 | 15%ile | 50%ile | 85%ile | Avg Spd |
|---|---|---|---|---|---|---|---|---|---|
| **0** | **0.0%** | **0** | **0.0%** | **0** | **0.0%** | **25** | **31** | **35** | **30.6** |

**M.P.H.**

**NB PEAK**
A.M. = 180
08:15 - 09:15
P.M. = 159
16:15 - 17:15

**SB PEAK**
A.M. = 142
08:15 - 09:15
P.M. = 139
17:00 - 18:00

**POSTED SPEED LIMIT**
**25**
**MPH**

HI-STAR NC-200/NC-350 by MHCORIN
Dir Volume x Speed Program

**CONTRA COSTA COUNTY**
**PUBLIC WORKS DEPARTMENT**
**SPEED / VOLUME COUNTS**

Interval 15 Minutes
Report By J. Wong

Station **200' N of SCOTS LANE**
No. of Lanes **2**

Road No. **4242A**
Road Name **WALNUT BLVD**
Date **5 Feb '20**
Day of Week **Wednesday**

**Counter # 20**

## S / B SPEED IN MILES PER HOUR

| HOUR | 0-9 | 10-14 | 15-19 | 20-24 | 25-29 | 30-34 | 35-39 | 40-44 | 45-49 | 50-54 | 55-59 | 60-64 | 65-69 | 70-74 | 75+ | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 00:00 - 01:00 | 0 | 0 | 0 | 1 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **3** |
| 01:00 - 02:00 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **2** |
| 02:00 - 03:00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| 03:00 - 04:00 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **2** |
| 04:00 - 05:00 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **2** |
| 05:00 - 06:00 | 0 | 0 | 0 | 0 | 3 | 5 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **9** |
| 06:00 - 07:00 | 0 | 0 | 1 | 2 | 4 | 3 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **12** |
| 07:00 - 08:00 | 0 | 1 | 2 | 15 | 22 | 14 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **58** |
| 08:00 - 09:00 | 0 | 6 | 19 | 52 | 40 | 7 | 2 | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | **129** |
| 09:00 - 10:00 | 0 | 1 | 3 | 26 | 37 | 18 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **88** |
| 10:00 - 11:00 | 0 | 1 | 2 | 20 | 34 | 12 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | **70** |
| 11:00 - 12:00 | 0 | 0 | 3 | 39 | 42 | 12 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **96** |
| 12:00 - 13:00 | 0 | 1 | 2 | 29 | 32 | 14 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **80** |
| 13:00 - 14:00 | 0 | 0 | 3 | 15 | 47 | 19 | 4 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | **89** |
| 14:00 - 15:00 | 0 | 7 | 27 | 47 | 26 | 10 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **119** |
| 15:00 - 16:00 | 0 | 2 | 11 | 34 | 63 | 10 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **122** |
| 16:00 - 17:00 | 1 | 3 | 1 | 45 | 56 | 10 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **119** |
| 17:00 - 18:00 | 0 | 0 | 1 | 33 | 73 | 27 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **139** |
| 18:00 - 19:00 | 0 | 0 | 3 | 14 | 52 | 23 | 4 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **97** |
| 19:00 - 20:00 | 0 | 0 | 0 | 12 | 31 | 22 | 8 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **74** |
| 20:00 - 21:00 | 0 | 0 | 0 | 12 | 18 | 16 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **48** |
| 21:00 - 22:00 | 0 | 0 | 1 | 11 | 8 | 9 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **32** |
| 22:00 - 23:00 | 0 | 0 | 0 | 1 | 2 | 2 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **7** |
| 23:00 - 24:00 | 0 | 0 | 0 | 3 | 2 | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **9** |
| | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | = === | == === |
| **TOTALS** | **1** | **22** | **79** | **411** | **593** | **240** | **51** | **6** | **1** | **2** | **0** | **0** | **0** | **0** | **0** | **1,406** |
| **%** | **0.1%** | **1.6%** | **5.6%** | **29.2%** | **42.2%** | **17.1%** | **3.6%** | **0.4%** | **0.1%** | **0.1%** | **0.0%** | **0.0%** | **0.0%** | **0.0%** | **0.0%** | **100%** |

| >55 | %>55 | >60 | %>60 | >65 | %>65 | 15%ile | 50%ile | 85%ile | Avg Spd |
|---|---|---|---|---|---|---|---|---|---|
| **0** | **0.0%** | **0** | **0.0%** | **0** | **0.0%** | **22** | **26** | **31** | **26.1** |

**M.P.H.**

**NB PEAK**
A.M. = 180
08:15 - 09:15
P.M. = 159
16:15 - 17:15

**SB PEAK**
A.M. = 142
08:15 - 09:15
P.M. = 139
17:00 - 18:00

**POSTED SPEED LIMIT**
**25**
**MPH**

**CONTRA COSTA COUNTY**
**PUBLIC WORKS DEPARTMENT**
**TRAFFIC COUNTS**

**HI-STAR NC-200/NC-350 by MHCORBIN**
Dir Volume Program

Road No. **4242A**
Name **WALNUT BLVD**

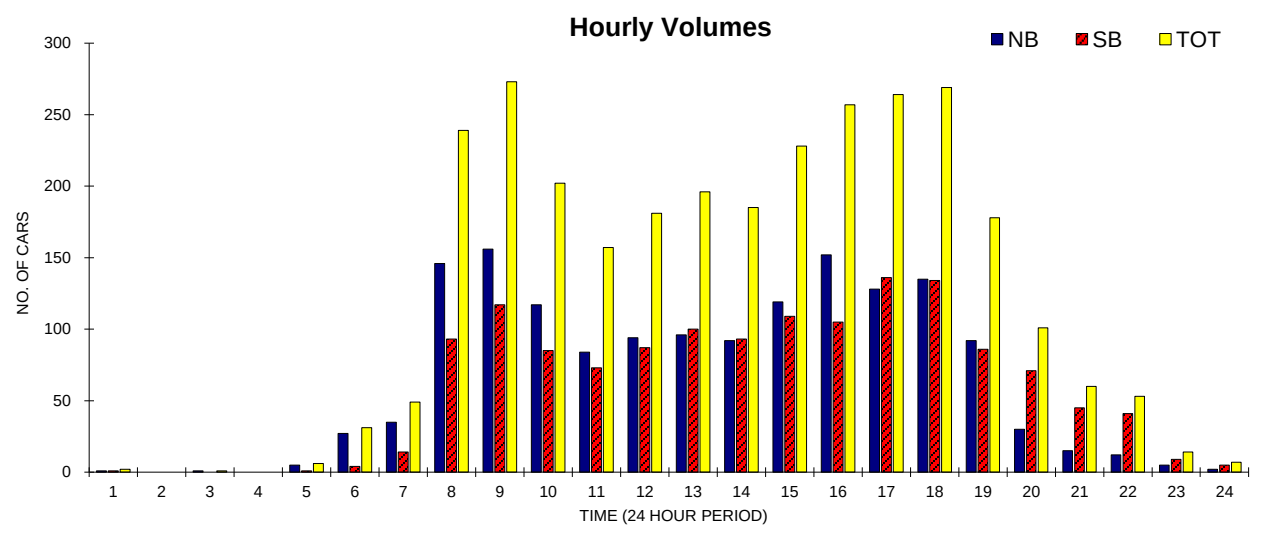
Interval 15 Minutes
No of Lanes 2
Report By J. Wong

Station **NB: 200' S of SCOTS LANE**
**SB: 200' N of SCOTS LANE**
Date Feb 4, 2020
Day of Week Tuesday

| Counter # | 22 | 20 | | |
|---|---|---|---|---|
| **HOUR** | **NB** | **SB** | **TOT** | **AVG** |
| 00:00 - 01:00 | 1 | 1 | 2 | 1 |
| 01:00 - 02:00 | 0 | 0 | 0 | 0 |
| 02:00 - 03:00 | 1 | 0 | 1 | 1 |
| 03:00 - 04:00 | 0 | 0 | 0 | 0 |
| 04:00 - 05:00 | 5 | 1 | 6 | 3 |
| 05:00 - 06:00 | 27 | 4 | 31 | 16 |
| 06:00 - 07:00 | 35 | 14 | 49 | 25 |
| 07:00 - 08:00 | 146 | 93 | 239 | 120 |
| 08:00 - 09:00 | 156 | 117 | 273 | 137 |
| 09:00 - 10:00 | 117 | 85 | 202 | 101 |
| 10:00 - 11:00 | 84 | 73 | 157 | 79 |
| 11:00 - 12:00 | 94 | 87 | 181 | 91 |
| 12:00 - 13:00 | 96 | 100 | 196 | 98 |
| 13:00 - 14:00 | 92 | 93 | 185 | 93 |
| 14:00 - 15:00 | 119 | 109 | 228 | 114 |
| 15:00 - 16:00 | 152 | 105 | 257 | 129 |
| 16:00 - 17:00 | 128 | 136 | 264 | 132 |
| 17:00 - 18:00 | 135 | 134 | 269 | 135 |
| 18:00 - 19:00 | 92 | 86 | 178 | 89 |
| 19:00 - 20:00 | 30 | 71 | 101 | 51 |
| 20:00 - 21:00 | 15 | 45 | 60 | 30 |
| 21:00 - 22:00 | 12 | 41 | 53 | 27 |
| 22:00 - 23:00 | 5 | 9 | 14 | 7 |
| 23:00 - 24:00 | 2 | 5 | 7 | 4 |
| | == === | == === | == === | |
| **TOTAL** | **1,544** | **1,409** | **2,953** | |

**NB PEAK**
A.M. = 212
07:30 - 08:30
P.M. = 161
15:15 - 16:15

**SB PEAK**
A.M. = 136
07:30 - 08:30
P.M. = 157
16:30 - 17:30



**CONTRA COSTA COUNTY**
**PUBLIC WORKS DEPARTMENT**
**TRAFFIC COUNTS**

**HI-STAR NC-200/NC-350 by MHCORBIN**
Dir Volume Program

Interval 15 Minutes
No of Lanes 2
Report By J. Wong

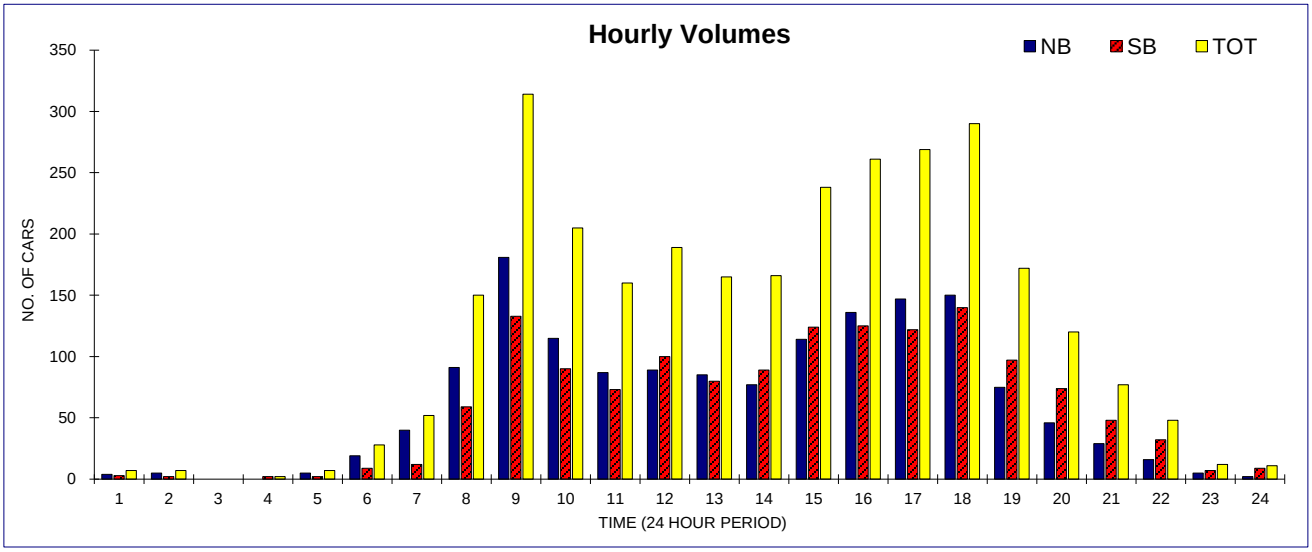
Road No. **4242A**
Name **WALNUT BLVD**

Station **NB: 200' S of SCOTS LANE**
**SB: 200' N of SCOTS LANE**
Date Feb 5, 2020
Day of Week Wednesday

| Counter # | 22 | 20 | | |
|---|---|---|---|---|
| **HOUR** | **NB** | **SB** | **TOT** | **AVG** |
| 00:00 - 01:00 | 4 | 3 | 7 | 4 |
| 01:00 - 02:00 | 5 | 2 | 7 | 4 |
| 02:00 - 03:00 | 0 | 0 | 0 | 0 |
| 03:00 - 04:00 | 0 | 2 | 2 | 1 |
| 04:00 - 05:00 | 5 | 2 | 7 | 4 |
| 05:00 - 06:00 | 19 | 9 | 28 | 14 |
| 06:00 - 07:00 | 40 | 12 | 52 | 26 |
| 07:00 - 08:00 | 91 | 59 | 150 | 75 |
| 08:00 - 09:00 | 181 | 133 | 314 | 157 |
| 09:00 - 10:00 | 115 | 90 | 205 | 103 |
| 10:00 - 11:00 | 87 | 73 | 160 | 80 |
| 11:00 - 12:00 | 89 | 100 | 189 | 95 |
| 12:00 - 13:00 | 85 | 80 | 165 | 83 |
| 13:00 - 14:00 | 77 | 89 | 166 | 83 |
| 14:00 - 15:00 | 114 | 124 | 238 | 119 |
| 15:00 - 16:00 | 136 | 125 | 261 | 131 |
| 16:00 - 17:00 | 147 | 122 | 269 | 135 |
| 17:00 - 18:00 | 150 | 140 | 290 | 145 |
| 18:00 - 19:00 | 75 | 97 | 172 | 86 |
| 19:00 - 20:00 | 46 | 74 | 120 | 60 |
| 20:00 - 21:00 | 29 | 48 | 77 | 39 |
| 21:00 - 22:00 | 16 | 32 | 48 | 24 |
| 22:00 - 23:00 | 5 | 7 | 12 | 6 |
| 23:00 - 24:00 | 2 | 9 | 11 | 6 |
| | == === | == === | == === | |
| **TOTAL** | **1,518** | **1,432** | **2,950** | |

**NB PEAK**
A.M. = 184
08:15 - 09:15
P.M. = 165
16:15 - 17:15

**SB PEAK**
A.M. = 146
08:15 - 09:15
P.M. = 140
17:00 - 18:00



**From:** David Kerns
**To:** Dominique Vogelpohl
**Subject:** RE: 3180 Walnut Blvd Walnut Creek CA by CALIBR Ventures.
**Date:** Tuesday, August 29, 2023 9:32:33 AM

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Hello Dominique Vogelpohl,

My name is David Kerns. I am very concerned about the proposed subdivision of a single-family parcel to build ten single-family homes located at 3180 Walnut Blvd Walnut Creek CA by CALIBR Ventures.

The proposed development is approximately 500 feet from my residence and 2000 feet from Walnut Heights Elementary [redacted] The proposed development is completely out of character for the surrounding neighborhood. I call on the Commission to reject permit applications for this development for the following reasons:

1) The developer has not provided an adequate public comment period pursuant to CA Government Codes §§ 65585 and §§ 66410 et al.

2) This parcel is a main ecological corridor for wildlife through Walnut Heights to Shell Ridge. Many deer, turkeys, foxes and coyotes can be seen passing through this property on a daily basis. The proposed development will completely disrupt this natural habitat.

3) If completed as planned, this development will result in a significant increase in density, traffic and congestion in an area where elementary school children pass through every school day.

For the safety of our children and the community, please put a halt to this obscene development. I have sent an mail to the planning commission on July 28th, but haven't heard from them yet.

Thank you,
David Kerns

**From:** William Goodwin
**To:** Dominique Vogelpohl
**Subject:** Unincorporated Walnut Creek Second Story
**Date:** Thursday, September 21, 2023 3:52:24 PM

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Dominique, thank you for your time today!!

The “Second story limitation” issue I was trying to delineate today had to do with a “proximity count” of two story permits given for a particular “area” of the project. As I mentioned previously, I recall my neighbor’s architect noting that the “allotment” of second story addition permits for our particular “area” was almost full following his permit application. (This was for 3141 Walnut Blvd.) (I’m at 3131 Walnut Blvd.)

I’m not sure what ordinance that was referencing, I just recall them talking about it, (this was ~15 years ago).

Thank you for your assistance, --Bill Goodwin--

**From:** Kathleen Ottaviano
**To:** Dominique Vogelpohl
**Subject:** 3180 Walnut Blvd Proposed Project
**Date:** Monday, September 25, 2023 7:52:29 PM

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Dominique Vogelpohl,

Hello. I live on Nob Hill Drive, near the proposed development on Walnut Blvd. I am writing to let you know that and the planning board know that this project, in my view, is too large for the area. It would be better to have 6 houses maximum. I'm not opposed to housing, we need more single family homes in the county, however, this proposal would negatively impact the feel of the neighborhood.

I appreciate your taking the neighbors view into account when you make your decisions. Again, no more than 6 homes should be built on the property. Also, the entire length of the property on Walnut Blvd should include a side walk.

Regards,
Kathleen Ottaviano
226 A Nob Hill Drive
Walnut Creek, CA 94596

| | |
|---|---|
| **From:** | Jessica C. Guo |
| **To:** | Dominique Vogelpohl |
| **Cc:** | David Kerns |
| **Subject:** | Re: FW: 3180 Walnut Blvd subdivision application #CDSD21-09581 - ZA hearing scheduled for Monday, October 2nd at 130PM |
| **Date:** | Tuesday, September 26, 2023 12:51:12 PM |
| **Attachments:** | image001.png |

Dear Dominique,

Thank you for your quick response, however, I am so surprised to learn this public review already concluded months ago but no one in the neighborhood was aware of it. We will be sure to carefully review documents.

Could you please clarify:

1. Has the land division already been approved?

2. In the October 2 public hearing, will the shortcomings of this report and the lack of Environmental Impact Assessment be addressed?

3. The division of one parcel into ten, in a low density residential area, which is adjacent to the Shell Ridge/Mt.Diablo ecological sensitive area, should be careful considered and not rushed into. Is there any maximum subdivision limit in low density areas by regulation?

Attached are pictures of dear taken in this morning at 3180 WalnutBlvd.

**From:** Kevin Burke
**To:** Dominique Vogelpohl; [redacted]
**Cc:** [redacted]
**Subject:** Contra Costa County community opposition in RCAA"s - 3180 Walnut
**Date:** Wednesday, September 27, 2023 1:17:43 PM

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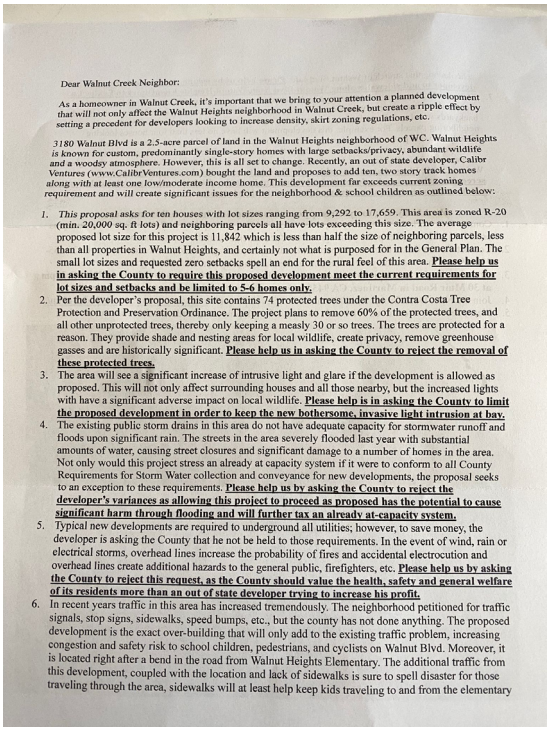
Hi,
A previous letter from East Bay for Everyone asked the County to study the impact of local opposition to higher density housing in Racially Concentrated Areas of Affluence in unincorporated Contra Costa County as part of its Housing Element, pointing to several examples of communities with high concentrations of wealthier, whiter residents organizing to oppose new housing in ways that don't happen in the County's lower income communities with more minorities like Bay Point, Crockett or North Richmond.

I just received this letter in the mail about a proposal to build ten homes on a 2 acre parcel in unincorporated Walnut Creek. I live over a half mile from the proposed development so it is likely a large number of neighbors have been contacted about this. **This is yet another example of extraordinary effort being expended to defeat new housing in the County's racially concentrated areas of affluence**, and one reason why the County may have placed a substantially larger share of its RHNA allocation and additional 2040 General Plan density in lower income areas with more minorities.

We also suggested in our letter that this parcel, **3180 Walnut, would be ideal for rezoning for a higher density**, as it is one of the larger vacant parcels in unincorporated Contra Costa County and would help the County meet both its RHNA and its fair housing goals. As it stands, the 10 unit proposal will provide the first deed restricted affordable unit in this neighborhood probably ever.

Note that **rezoning for a higher density could make it feasible for the developer to provide several of the community benefits the letter is asking for**, including sidewalks, undergrounded utilities and/or traffic calming mitigations.

Thank you,
Kevin Burke

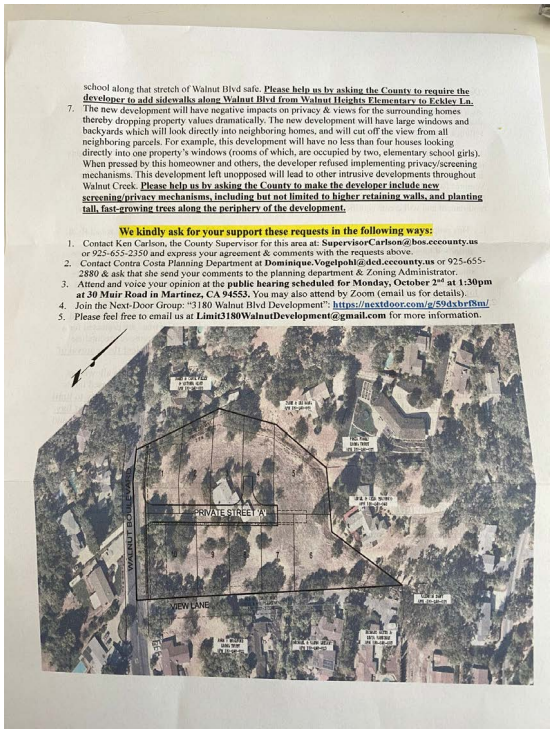


Dear Walnut Creek Neighbor:

As a homeowner in Walnut Creek, it's important that we bring to your attention a planned development that will not only affect the Walnut Heights neighborhood in Walnut Creek, but create a ripple effect by setting a precedent for developers looking to increase density, skirt zoning regulations, etc.

*3180 Walnut Blvd is a 2.5-acre parcel of land in the Walnut Heights neighborhood of WC. Walnut Heights is known for custom, predominantly single-story homes with large setbacks/privacy, abundant wildlife and a woodsy atmosphere.* However, this is all set to change. Recently, an out of state developer, Calibr Ventures (www.CalibrVentures.com) bought the land and proposes to add ten, two story track homes *along with at least one low/moderate income home. This development far exceeds current zoning requirement and will create significant issues for the neighborhood & school children as outlined below:*

1. *This proposal asks for ten houses with lot sizes ranging from 9,292 to 17,659. This area is zoned R-20 (min. 20,000 sq. ft lots)* and neighboring parcels all have lots exceeding this size. The average proposed lot size for this project is 11,842 which is less than half the size of neighboring parcels, less than all properties in Walnut Heights, and certainly not what is purposed for in the General Plan. The small lot sizes and requested zero setbacks spell an end for the rural feel of this area. **Please help us in asking the County to require this proposed development meet the current requirements for lot sizes and setbacks and be limited to 5-6 homes only.**
2. Per the developer's proposal, this site contains 74 protected trees under the Contra Costa Tree Protection and Preservation Ordinance. The project plans to remove 60% of the protected trees, and all other unprotected trees, thereby only keeping a measly 30 or so trees. The trees are protected for a reason. They provide shade and nesting areas for local wildlife, create privacy, remove greenhouse gasses and are historically significant. **Please help us in asking the County to reject the removal of these protected trees.**
3. The area will see a significant increase of intrusive light and glare if the development is allowed as proposed. This will not only affect surrounding houses and all those nearby, but the increased lights with have a significant adverse impact on local wildlife. **Please help is in asking the County to limit the proposed development in order to keep the new bothersome, invasive light intrusion at bay.**
4. The existing public storm drains in this area do not have adequate capacity for stormwater runoff and floods upon significant rain. The streets in the area severely flooded last year with substantial amounts of water, causing street closures and significant damage to a number of homes in the area. Not only would this project stress an already at capacity system if it were to conform to all County Requirements for Storm Water collection and conveyance for new developments, the proposal seeks to an exception to these requirements. **Please help us by asking the County to reject the developer's variances as allowing this project to proceed as proposed has the potential to cause significant harm through flooding and will further tax an already at-capacity system.**
5. *Typical new developments are required to underground all utilities;* however, to save money, the developer is asking the County that he not be held to those requirements. In the event of wind, rain or electrical storms, overhead lines increase the probability of fires and accidental electrocution and overhead lines create additional hazards to the general public, firefighters, etc. **Please help us by asking the County to reject this request, as the County should value the health, safety and general welfare of its residents more than an out of state developer trying to increase his profit.**
6. In recent years traffic in this area has increased tremendously. The neighborhood petitioned for traffic signals, stop signs, sidewalks, speed bumps, etc., but the county has not done anything. The proposed development is the exact over-building that will only add to the existing traffic problem, increasing congestion and safety risk to school children, pedestrians, and cyclists on Walnut Blvd. Moreover, it is located right after a bend in the road from Walnut Heights Elementary. The additional traffic from this development, coupled with the location and lack of sidewalks is sure to spell disaster for those traveling through the area, sidewalks will at least help keep kids traveling to and from the elementary



school along that stretch of Walnut Blvd safe. **Please help us by asking the County to require the developer to add sidewalks along Walnut Blvd from Walnut Heights Elementary to Eckley Ln.**
7. The new development will have negative impacts on privacy & views for the surrounding homes thereby dropping property values dramatically. The new development will have large windows and backyards which will look directly into neighboring homes, and will cut off the view from all neighboring parcels. For example, this development will have no less than four houses looking directly into one property's windows (rooms of which, are occupied by two, elementary school girls). When pressed by this homeowner and others, the developer refused implementing privacy/screening mechanisms. This development left unopposed will lead to other intrusive developments throughout Walnut Creek. **Please help us by asking the County to make the developer include new screening/privacy mechanisms, including but not limited to higher retaining walls, and planting tall, fast-growing trees along the periphery of the development.**

**We kindly ask for your support these requests in the following ways:**

1. Contact Ken Carlson, the County Supervisor for this area at: **SupervisorCarlson@bos.cccounty.us** or *925-655-2350* and express your agreement & comments with the requests above.
2. Contact Contra Costa Planning Department at **Dominique.Vogelpohl@dcd.cccounty.us** or 925-655-2880 & ask that she send your comments to the planning department & Zoning Administrator.
3. Attend and voice your opinion at the **public hearing scheduled for Monday, October 2nd at 1:30pm at 30 Muir Road in Martinez, CA 94553.** You may also attend by Zoom (email us for details).
4. Join the Next-Door Group: "3180 Walnut Blvd Development": **https://nextdoor.com/g/59dxbrf8m/**
5. Please feel free to email us at **Limit3180WalnutDevelopment@gmail.com** for more information.

**From:** Elliot Lowen
**To:** Dominique Vogelpohl
**Cc:** Mary Lowen
**Subject:** The outrageous proposal to develop 3180 Walnut Blvd,, Walnut Creekk, CA 94596
**Date:** Wednesday, September 27, 2023 2:38:57 PM

Hi Dominique,

I am writing to express my outrage at the proposal to develop 3180 Walnut Blvd, Walnut Creek, CA 94596. This development is a disaster waiting to happen.

The proposed development is for 10 houses on a 2.5-acre plot. This is an incredibly high density for a semi-rural area with narrow roads and inadequate infrastructure. This area is already a hodgepodge of city and county-controlled housing, impacting both the City and the county's planning. For example, The developer is asking for exceptions to current development requirements, including the removal of 60% of the protected trees on the property, which as a ripple effect on both the county and city.

This development would have a devastating impact on the neighborhood. The increased traffic would make it even more difficult for residents to enter and exit their driveways, and it would pose a serious safety hazard to students walking to Walnut Heights Elementary School, with the state mandating safe passage. The sewage and drainage systems are already inadequate to serve the current neighborhood, and the additional burden of 10 new homes would be too much. This development would also impact the electrical grid, water supply, and fire protection.

In addition to the practical concerns, this development is also an affront to the existing look and feel of the neighborhood. The high-density housing would be completely out of place in this semi-rural area. The developer has also said that they do not care about privacy mitigation techniques, which means that the new homes would have a significant impact on the privacy of surrounding homeowners.

I urge you to reject this development proposal. It is a bad idea for the neighborhood, the city, and the environment.
Please send my comments to the planning department and zoning administrator.

Sincerely,
Elliott Lowen
4023 Walnut Blvd.
Walnut Creek, CA 94596

In addition to the above, I would like to add that this development is a prime example of how out-of-state developers are exploiting our community. They come in, buy up our land, and then try to cram as many houses as possible onto it, without any regard for the impact on the existing neighborhood or infrastructure.

I urge both you and the City of Walnut Creek to send a strong message to these developers that we will not tolerate their greed and recklessness. Please reject this development proposal and protect our community from further exploitation.

# Attachment 6

# Agency Comments

Contra Costa County
Public Works
Department

Brian M. Balbas, Director
Deputy Directors
Stephen Kowalewski, Chief
Allison Knapp
Warren Lai
Carrie Ricci
Joe Yee

# Memo

July 10, 2023

**TO:** Dominque Vogelpohl, Project Planner, Department of Conservation and Development

**FROM:** Kellen O'Connor, Associate Civil Engineer, Engineering Services Division
By: Anthony DiSilvestre, Staff Engineer, Engineering Services Division

**SUBJECT:** **SUBDIVISION SD21-9581**
**STAFF REPORT & CONDITIONS OF APPROVAL**
(Andy Byde/Walnut Boulevard/Walnut Creek/APN 180-240-002)

**FILE:** SD21-9581

We have reviewed the resubmittal for **subdivision SD21-9581** received by your office on **June 27, 2022**. The attached recommended conditions of approval based on the vesting tentative map include road and drainage requirements. The applicant shall comply with the Ordinance Code requirements as they pertain to this development. The following issues should be carefully considered with this project:

**Background**

The applicant requests approval to subdivide the subject property into 10 lots. The 2.88-acre parcel is located along Walnut Boulevard within the Walnut Creek area of unincorporated Contra Costa County. The site features an existing residence situated on top of a hill centrally located on the property. The site slopes away from the hill with the northern portion sloping north and the southern portion sloping west toward Walnut Boulevard. The Walnut Creek city limit is located west of the site along the centerline of Walnut Boulevard.

**Exception Requests**

On behalf of the applicant, the project engineer submitted two exception requests, one relative to Section 96-10.002 (Exceptions – Underground Utilities) and another to Section 914-12.002. (Detention Basins – Where Permitted). Comments relative to these request are included in the applicable sub-sections of this report.

**Traffic and Circulation**

The site gains access off Walnut Boulevard, a County maintained road. The segment of Walnut Boulevard that fronts the property is approximately 32-feet of pavement within a 50-foot right of way. The ultimate road is intended as 44 feet of pavement within a 64-foot right-of-way. The applicant will be required to dedicate an additional 7 feet of right of way and install curb, a 5-foot

sidewalk pavement widening and appurtenant frontage improvements along the project frontage of Walnut Boulevard. The face of curb shall be located 10 feet from the widened right of way line.

There is an existing power pole located at the southwest corner of the property that will conflict with the required frontage improvements. Section 96-10.002 of the County Ordinance Code requires subdividers to underground utility distribution facilities along the project frontage. The applicant proposes to maintain the pole in its existing place and taper the width of the road as it approaches the pole. On July 7, 2022, our office received an exception request per Chapter 92-6 of said Code, from the requirement to underground existing utilities. The request for exception includes the following responses in support of the finding required for the granting of the exceptions:

1) That there are unusual circumstances or conditions affecting the property.

*The existing utility poles supporting the overhead lines along the frontage of the project contain electric service from PG&E and various utility services including AT&T, Comcast, and Wave Cable. The existing poles have services branching to an unknown number of homes on Walnut Boulevard and View Lane. In addition, the overhead lines connect to the poles at an unusual angle. Undergrounding of the lines would result in new guy wires extending into the front yard of neighboring properties which would significantly impact neighboring properties.*

2) That the exception is necessary for the preservation and enjoyment of the substantial right of the applicant.

*As discussed above, the alignment and angles of the overhead lines connecting to the utility poles present challenges for undergrounding. Additional guy wires and supports will be added encroaching into the neighboring properties that are not a part of this project.*

3) That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

*Leaving the existing overhead utility lines in place will not be detrimental to the public welfare. All services will remain in place as is with minimal disruptions to neighboring properties. The guy wire supports will not encroach into neighboring yards as is the case with undergrounding. In addition, undergrounding the lines crossing Walnut Boulevard will cause a traffic burden on the community during construction.*

Given the existing site conditions, Public Works will not be averse to the granting of this exception to allow the existing facilities to remain overhead, but the existing pole within the ultimate travel way will need to be relocated behind the sidewalk. In the event the western adjacent property redevelops, or the sidewalk is extended as a safe route to the nearby school, the curb alignment and travel way should not be encumbered by a utility pole.

The on-site private road is proposed to be 28 feet wide with a 5-foot sidewalk along one side for a total width of 33 feet. A minimum 35-foot private access and utility easement should be required to include the back of curb and buffer to back of walk for maintenance access. Additional easement width may be necessary to accommodate utility vaults and appurtenances.

**Drainage**

Division 914 of the County Ordinance Code requires that all storm water entering and/or originating on this property to be collected and conveyed, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having a definable bed and banks or to an existing adequate public storm drainage system which conveys the storm water to an adequate natural watercourse.

The applicant is proposing joint use the bioretention basin for detention purposes. The applicant has provided a preliminary hydrologic analysis of the detention basin, which determined that the basin will mitigate peak flows from the site to below pre-project levels. Joint use of the basin is allowed, provided the stormwater treatment function of the basin is not used in the storage volume modeling for the detention function.

Section 914-12.002 of the County Ordinance Code sets the minimum storage volume for detention basins at 15 acre-feet, allowing for use of smaller systems with the approval of Public Works, and establishment of a public maintenance entity. On July 7, 2022, our office received an exception request from this requirement per Chapter 92-6 of said Code to allow a smaller basin to be maintained by the Homeowner's Association (HOA). The exception request includes the following responses in support of the finding required for the granting of the exceptions:

1) That there are unusual circumstances or conditions affecting the property.

*Due to the size of the site (2.88 acres) and the steep existing ground topography, a basin of fifteen acre-feet is impossible to achieve without exporting excessive volume of soil. In addition, the minimal drainage area of the site produces low stormwater runoff flow rates which do not necessitate the large configuration of the basin described in the code.*

2) That the exception is necessary for the preservation and enjoyment of the substantial right of the applicant.

*As discussed above, the site in question cannot accommodate a fifteen-acre-foot basin whiles supporting any kind of development due to the existing topography. Requiring a fifteen-acre-foot basin would be inconsistent with both the State Density Bonus Law and Housing Accountability Act because the requirement would preclude the project at its requested density.*

3) That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

*The purpose of the proposed detention basin is to mitigate additional flows generated by development of the site. By directing stormwater runoff into the basin, the development is reducing the overall flow rates leaving the site alleviating impacts downstream. The basin will be privately maintained in accordance with standard maintenance procedures for bioretention and detention basins.*

Due to the small size of the project site and the lack of public entity to maintain such a facility, Public Works is not averse to the granting of this exception and allowing the HOA to maintain it along with their obligation to maintain the stormwater management aspects of the basin as discussed below.

A preliminary Hydrologic and Hydraulic Analysis was submitted in support of the runoff mitigation claims of the basin design but will be subject to a more thorough review as the project progresses through final design.

**Stormwater Management and Discharge Control**

A Stormwater Control Plan (SWCP) is required for applications that will create and/or redevelop impervious surface area exceeding 10,000 square feet in compliance with the County's Stormwater Management and Discharge Control Ordinance (§1014) and the County's Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit. This project proposes to create and/or redevelop approximately 43,558 square feet of impervious surface with the proposed driveway and single-family homes, which is above the threshold for requiring submittal of a SWCP.

A SWCP Exhibit and Report were submitted for review and is considered adequate for this phase of the project.

**Floodplain Management**

The property does not lie within the Special Flood Hazard Area (100-year flood boundary) as designated on the Federal Emergency Management Agency Flood Insurance Rate Map.

**Lighting District Annexation**

The subject property is not annexed into the lighting district. The property owner will be required, as a condition of approval, to annex into the County Service Area (CSA) L-100 formed for the Countywide Street Light Financing.

**Area of Benefit Fee**

The applicant shall be required to comply with the Bridge/Thoroughfare Fee Ordinance requirements for the Central County Area of Benefit Fee, as adopted by the Board of Supervisors. These fees shall be paid prior to filing the Final Map.

**Drainage Area Fee and Creek Mitigation**

The applicant will be required to comply with the drainage fee requirements for Drainage Area 8 as adopted by the Board of Supervisors. This fee shall be paid prior to filing the Final Map.

Should you have any questions, please contact Anthony DiSilvestre at extension (925) 313-2262 or anthony.disilvestre@pw.cccounty.us, or Kellen O'Connor at extension (925) 313-2278 or kellen.o'connor@pw.cccounty.us.

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\\PW-DATA\grpdata\engsvc\Land Dev\SD\SD 9581\Staff Report & COAs SD21-9581.docx
cc: J. LaRocque, Engineering Services
L. Gossett, Engineering Services
K. O'Connor, Engineering Services
A. DiSilvestre, Engineering Services
John Bagot, *owner*
1302 Benedict Court,
Pleasanton, CA 94566
Andy Byde, *applicant*
1908 Cambridge Place
Walnut Creek, CA 94598

# Recommended Conditions of Approval

**PUBLIC WORKS RECOMMENDED**
**CONDITIONS OF APPROVAL FOR PERMIT SD21-9581**

**COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO FILING OF THE FINAL MAP.**

**General Requirements:**

- In accordance with Section 92-2.006 of the Ordinance Code, this subdivision shall conform to all applicable provisions of the Subdivision Ordinance (Title 9). Any exceptions therefrom must be specifically listed in this conditional approval statement. The drainage, road and utility improvements outlined below shall require the review and approval of the Public Works Department and are based on the vesting tentative map received by the Department of Conservation and Development, Community Development Division, on June 27, 2022.

- Applicant shall submit improvement plans prepared by a registered civil engineer to the Public Works Department and pay appropriate fees in accordance with the County Ordinance and these conditions of approval. The below conditions of approval are subject to the review and approval of the Public Works Department.

**Roadway Improvements (Walnut Boulevard):**

- Applicant shall construct curb, 5-foot sidewalk, necessary longitudinal and transverse drainage, street lighting, and pavement widening and transitions along the frontage of Walnut Boulevard. Applicant shall construct face of curb 10 feet from the widened right of way line.

- Applicant shall construct a street type connection with 20-foot radii curb returns in lieu of standard driveway depressions at intersection of Walnut Boulevard and Private Street A.

**Road Dedications:**

- Property owner(s) shall convey to the County, by Offer of Dedication, 7 feet of right-of-way for the planned future width of 64 feet along the Walnut Boulevard frontage.

**Access to Adjoining Property:**

Proof of Access

- Applicant shall furnish proof to the Public Works Department of the acquisition of all necessary rights of way, rights of entry, permits and/or easements for the construction of off-site, temporary or permanent, public and private road and drainage improvements.

Encroachment Permit

- Applicant shall obtain an encroachment permit from the Public Works Department, if necessary, for construction of driveways or other improvements within the right-of-way of Walnut Boulevard.

- Applicant shall obtain an encroachment or other applicable permits from the City of Walnut Creek, if necessary, for construction of off-site utilities our improvements within the corporate limits of the City of Walnut Creek.

**Abutter's Rights**

- Applicant shall relinquish abutter's rights of access along the Walnut Boulevard frontage with the exception of the proposed private road intersection.

**Sight Distance:**

- Applicant shall provide sight distance at the private road intersection with Walnut Blvd. for a design speed of 40 miles per hour.

**Private Roads:**

- Applicant shall construct an on-site roadway system to current County private road standards with a travel width of 28 feet, and a 5-foot sidewalk monolithic to the curb. These improvements shall be located within a minimum 35-foot private access and utility easement. Additional easement width may be necessary to accommodate utility boxes, vaults, etc.

**Parking:**

- Parking shall be prohibited on one side of on-site roadways where the curb-to-curb width is less than 36 feet and on both sides of on-site roadways where the curb-to-curb width is less than 28 feet. "No Parking" signs shall be installed along these portions of the roads subject to the review and approval of the Public Works Department.

**Countywide Street Lights Financing:**

- Property owner(s) shall annex to the Community Facilities District (CFD) 2010-1 formed for Countywide Street Light Financing. Annexation into a streetlight service area does not include the transfer of ownership and maintenance of street lighting on private roads.

**Utilities/Undergrounding:**

- Applicant shall underground all new and existing utility distribution facilities, including those along the frontage of Walnut Boulevard Applicant shall provide joint trench composite plans for the underground electrical, gas, telephone, cable television and communication conduits and cables including the size, location and details of all trenches, locations of building utility service stubs and meters and placements or arrangements of junction structures as a part of the Improvement Plan submittals for the project. The composite drawings and/or utility improvement plans shall be signed by a licensed civil engineer.

Exceptions (Subject to Advisory Agency findings and approval)

Applicant is granted an exception from the utility undergrounding requirement of the Ordinance Code by the advisory agency as provided for in 92-6.002 of said Code. This exception is specific to the Walnut Boulevard frontage and does not preclude relocation of exiting overhead utilities in conflict with required street improvements. because of the several parcels involved and the nature of the area.

**Maintenance of Facilities:**

- The maintenance obligation of all common and open space areas, private roadways, any private streetlights, public and private landscaped areas, perimeter walls/fences, and on-site drainage facilities shall be included in the covenants, conditions, and restrictions (CC&Rs). The language shall be submitted for the review and approval of the Zoning Administrator and Public Works Department at least 60 days prior to filing of the Final Map.

**Drainage Improvements:**

Collect and Convey

- Applicant shall collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage facility, to a natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the stormwater to a natural watercourse, in accordance with Division 914 of the Ordinance Code. Applicant shall verify the adequacy at any downstream drainage facility accepting stormwater from this project prior to discharging runoff. If the downstream system(s) is inadequate to handle the existing and project condition for the required design storm event, applicant shall construct improvements to make the system adequate. Applicant shall obtain access rights to make any necessary improvements to off-site facilities.

Detention Basin

- The proposed joint use of the drainage basin for both stormwater management, and peak runoff rate reduction will be allowed provided the stormwater management aspects of the basin are not included in the storage volume accounting relative to detention basin routing.

Exceptions (Subject to Advisory Agency findings and approval)

Applicant is granted an exception from the public entity maintenance requirement of the Ordinance Code by the advisory agency as provided for in 92-6.002 of said Code. The maintenance obligation relative to the detention/stormwater management basin will be satisfied in the CC&Rs and Stormwater Maintenance Operation and Maintenance Agreement and Plan.

**Miscellaneous Drainage Requirements:**

- Applicant shall design and construct all storm drainage facilities in compliance with the Ordinance Code and Public Works Department design standards.

- Applicant shall prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.

- A private storm drain easement, conforming to the width specified in Section 914-14.004 of the County Ordinance Code, shall be dedicated over any proposed storm drain line that serves or traverses more than one lot or parcel.

**National Pollutant Discharge Elimination System (NPDES):**

- The applicant shall be required to comply with all rules, regulations, and procedures of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, or any of its Regional Water Quality Control Boards San Francisco Bay - Region II.

  Compliance shall include developing long-term best management practices (BMPs) for the reduction or elimination of stormwater pollutants. The project design shall incorporate wherever feasible, the following long-term BMPs in accordance with the Contra Costa Clean Water Program for the site's stormwater drainage:

  - Minimize the amount of directly connected impervious surface area.
  - Install approved full trash capture devices on all catch basins (excluding catch basins within bioretention area) as reviewed and approved by Public Works Department. Trash capture devices shall meet the requirements of the County's NPDES Permit.
  - Place advisory warnings on all catch basins and storm drains using current storm drain markers.
  - Offer pavers for household driveways and/or walkways as an option to buyers.
  - Construct concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
  - Other alternatives comparable to the above as approved by the Public Works Department.

**Stormwater Management and Discharge Control Ordinance:**

- The applicant shall submit a final Storm Water Control Plan (SWCP) and a Stormwater Control Operation and Maintenance Plan (O+M Plan) to the Public Works Department, which shall be reviewed for compliance with the County's National Pollutant Discharge Elimination System (NPDES) Permit and shall be deemed consistent with the County's Stormwater Management and Discharge Control Ordinance (§1014) prior to filing of the Final Map. All time and materials costs for review and preparation of the SWCP and the O+M Plan shall be borne by the applicant.

- Improvement plans shall be reviewed to verify consistency with the final SWCP and compliance with Provision C.3 of the County's NPDES Permit and the County's Stormwater Management and Discharge Control Ordinance (§1014).

- Stormwater management facilities shall be subject to inspection by the Public Works Department; all time and materials costs for inspection of stormwater management facilities shall be borne by the applicant.

- Prior to filing of the Final Map, the property owner(s) shall enter into a Stormwater Management Facility Operation and Maintenance Agreement with Contra Costa County, in which the property owner(s) shall accept responsibility for and related to the operation and maintenance of the stormwater facilities, and grant access to relevant public agencies for inspection of stormwater management facilities.

- Prior to filing of the Final Map, the property owner(s) shall annex the subject property into Community Facilities District (CFD) No. 2007-1 (Stormwater Management Facilities), which funds responsibilities of Contra Costa County under its NPDES Permit to oversee the ongoing operation and maintenance of stormwater facilities by property owners.

- Any proposed water quality features that are designed to retain water for longer than 72 hours shall be subject to the review of the Contra Costa Mosquito & Vector Control District.

**Drainage Area Fee Ordinance:**

- Applicant shall comply with the drainage fee requirements for Drainage Area 8 as adopted by the Board of Supervisors prior to initiation of the use requested with this application. This fee shall be paid prior to filing of the Final Map.

**ADVISORY NOTES**

- Applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Central County Area of Benefit as adopted by the Board of Supervisors. Payment is required prior to issuance of a building permit.

- Although the Stormwater Control Plan has been determined to be preliminarily complete, it remains subject to future revision, as necessary, during preparation of improvement plans in order to bring it into full compliance with C.3 stormwater requirements. Failure to update the SWCP to match any revisions made in the improvement plans may result in a substantial change to the County approval, and the project may be subject to additional public hearings. Revisions to California Environmental Quality Act (CEQA) documents may also be required. This may significantly increase the time and applicant's costs associated with approval of the application.

CONTRA COSTA COUNTY
**DEPARTMENT OF CONSERVATION AND DEVELOPMENT**
COMMUNITY DEVELOPMENT DIVISION
30 Muir Road
Martinez, CA 94553-4601
Phone: 925-655-2700
Fax: 925-655-2758

# AGENCY COMMENT REQUEST

Date 6-28-21

We request your comments regarding the attached application currently under review.

*DISTRIBUTION*

INTERNAL

- ✔ Building Inspection
- Grading Inspection
- Advance Planning
- ✔ Housing Programs
- ✔ Trans. Planning
- Telecom Planner
- ALUC Staff
- HCP/NCCP Staff
- APC PW Staff
- ✔ County Geologist

HEALTH SERVICES DEPARTMENT

- ✔ Environmental Health
- Hazardous Materials

PUBLIC WORKS DEPARTMENT

- ✔ Engineering Services (1 Full-size + 3 email Contacts)
- Traffic
- Flood Control (Full-size)
- Special Districts

LOCAL

- ✔ Fire District _____
  - San Ramon Valley – (email) rwendel@srvfire.ca.gov
  - ✔ Consolidated – (email) fire@cccfpd.org
  - East CCC – (email) brodriguez@eccfpd.org
- ✔ Sanitary District CENTRAL SANITARY
- ✔ Water District EBMUD
- ✔ City of WALNUT CREEK
- ✔ School District(s) Walnut Creek; Acalanes High
- LAFCO
- Reclamation District #_____
- East Bay Regional Park District
- Diablo/Discovery Bay/Crockett CSD
- MAC/TAC_____
- Improvement/Community Association
- ✔ CC Mosquito & Vector Control Dist (email)

OTHERS/NON-LOCAL

- ✔ CHRIS (email only: nwic@sonoma.edu)
- CA Fish and Wildlife, Region 3 – Bay Delta
- Native American Tribes

ADDITIONAL RECIPIENTS

_____

_____

*Please submit your comments to:*

Project Planner Dominique Vogelpohl
Phone # 925-655-2880
E-mail dominique.vogelpohl@dcd.cccounty.u
County File # CDSD21-09581

Prior to July 22, 2021

* * * * *

We have found the following special programs apply to this application:

- Active Fault Zone (Alquist-Priolo)
- Flood Hazard Area, Panel #_____
- 60-dBA Noise Control
- CA EPA Hazardous Waste Site

* * * * *

**AGENCIES:** Please indicate the applicable code section for any recommendation required by law or ordinance. Please send copies of your response to the Applicant and Owner.

Comments: ✔ None Below Attached

Print Name Abed Chowdhury

7/28/21
Signature DATE

Agency phone # 925-655-2821

**3180 Walnut Boulevard, Walnut Creek**

**Vesting Tentative Map SD21-9581**

**Recommended Conditions of Approval for County Inclusionary Housing Ordinance and State Density Bonus Request**

**Inclusionary Housing Ordinance**

1. This project is subject to County Ordinance Code, Chapter 822-4, Inclusionary Housing Ordinance. Terms and definitions regarding the Inclusionary Housing Ordinance are pursuant to this chapter. Pursuant to Section 822-4.402(b) of the County Ordinance Code, a residential development of five or more for-sale units shall require at least fifteen percent of the for-sale units to be developed and sold as affordable units. At least twenty percent of the inclusionary units shall be sold at an affordable price to lower-income households. The remaining units shall be sold to moderate-income families at an affordable price.

**For-Sale Inclusionary Housing and Partial In-Lieu Fee**

2. The applicant, owner, and/or developer (Applicant) is required to construct 1.35 affordable units (9 total base units x 0.15 of total = 1.35 units) for the project. The Applicant has submitted a revised project proposal that included an Inclusionary Housing Plan and density bonus request dated March 22, 2022, that proposed to construct one for-sale moderate income inclusionary unit (affordable to households with an income up to 120% of Area Median Income) on Lot 4 of the property. The unit on Lot 4 is an approximately 2,533-square-foot single-family detached home consisting of four bedrooms. The one moderate-income unit proposed for compliance with the Inclusionary Housing Ordinance requirements is the same moderate-income unit required for compliance with the Density Bonus request. This unit may be referenced as inclusionary unit, density bonus unit, or both in these conditions. The requirements for the one moderate-income unit must comply with both the Inclusionary Housing Ordinance and State Density Bonus law, and the most restrictive requirements would apply.

   The Applicant has proposed to pay a partial in-lieu fee for the fractional 0.35 inclusionary unit, and the County has accepted this proposal. The current calculation of the partial in-lieu fee for the fractional inclusionary unit is $15,444.00. The final calculation of the in-lieu fee will be calculated upon payment. This in-lieu fee is non-refundable and non-transferable. A partial in-lieu fee of $15,444.00 will be paid for the fractional .35 unit (.35 = 26% of the fee total of $59,401. 26% of this fee = $15,444.00)

**Density Bonus Request**

3. The Applicant submitted a revised project description which included a density bonus request dated March 22, 2022, which proposed constructing ten percent of the total dwelling units of a housing development where all units are offered to the public for purchase. The Applicant proposed constructing one moderate-income unit, constituting eleven percent of the total for-sale units in the development.

Density Bonus – Concession or Incentive

Pursuant to Government Code 65915(d), the Applicant may request one project concession or incentive for providing eleven percent (one unit) for moderate-income units of the total units within the for-sale housing development. The Applicant requested the concession to utilize gross acreage to calculate the maximum density allowed for the site instead of using the net acreage as required in the general plan.

The County accepted the Applicant's request to use gross acreage when calculating the maximum base density allowed on the property and density bonus. This allowed for a maximum base density of nine units instead of eight units, a six percent density bonus (one unit) for ten units in the housing development.

Density Bonus – Reduction in Development Standards

Pursuant to Government Code 65915(e), the Applicant proposed a waiver or reduction of the following development standards:

- Lot Area – where the County Ordinance Code requires a minimum parcel size of 20,000 square feet, the proposed lot sizes range from 9,292 to 17,659 square feet.

- Lot Width – where the County Ordinance Code requires a minimum average lot width of 120 feet, the proposed average lot widths range from 66.4 to 138.8 feet.

- Lot Depth – where the County Ordinance Code requires a minimum of 120 feet in depth, the proposed lot depths range from 127.2 to 174.1 feet. The lot depths for all proposed lots comply with the minimum requirement as proposed.

- Retaining Wall Structure Setbacks – where the County Ordinance Code considers all retaining walls over three feet as a structure that must meet all setback requirements, the proposed retaining wall setback is 0 feet on all lots.

The following is a summary table of the proposed reductions in development standards.

| 3180 Walnut Blvd. Proposed Alternative Development Standards | | | | | | |
|---|---|---|---|---|---|---|
| Lot # | Area (20,000 Sq. Ft.) | Depth (120 Ft. Min.) | Average Width (120 Ft. Min.) | Front Yard Setback (25 feet) | Side Yard Setback (35 feet aggregate, no yard less than 15 feet) | Retaining Walls 6' or less |
| Lot 1 | 9,645 | 145.3' | 66.4' | 20 feet | 15 feet aggregate, (no yard less than 5 feet) | 0' |
| Lot 2 | 10,889 | 168.6' | 64.6' | 20 feet | 15 feet aggregate, (no yard less than 5 feet) | 0' |
| Lot 3 | 11,731 | 174.1' | 67.4' | 20 feet | 15 feet aggregate, (no yard less than 5 feet) | 0' |
| Lot 4 | 10,764 | 150.6' | 71.5' | 20 feet | 15 feet aggregate, (no yard less than 5 feet) | 0' |
| Lot 5 | 13,270 | 132.0' | 100.5' | 20 feet | 15 feet aggregate, (no yard less than 5 feet) | 0' |
| Lot 6 | 17,659 | 127.2' | 138.8' | 20 feet | 15 feet aggregate, (no yard less than 5 feet) | 0' |
| Lot 7 | 9,292 | 130.9' | 71.0' | 20 feet | 15 feet aggregate, (no yard less than 5 feet) | 0' |
| Lot 8 | 9,555 | 134.5' | 71.0' | 20 feet | 15 feet aggregate, (no yard less than 5 feet) | 0' |
| Lot 9 | 9,819 | 138.2' | 71.0' | 20 feet | 15 feet aggregate, (no yard less than 5 feet) | 0' |
| Lot 10 | 15,797 | 141.3' | 111.8' | 20 feet | 15 feet aggregate, (no yard less than 5 feet) | 0' |

**Inclusionary Housing and Density Bonus Developer Agreement**

4. **At least 90 days before the recordation of the Final Map, Parcel Map, or CDD stamp-approval of plans for issuance of building permits or grading permits for any portion of the residential development, whichever comes first**, the Applicant shall execute an Inclusionary Housing and Density Bonus Housing Agreement (Agreement), form to be provided by the County, with the County pursuant to Chapter 822-4 Inclusionary Housing, Chapter 822-2 Density Bonus, and Government Code 95915 to ensure that the property will be deed restricted for one unit to be affordable and sold to a moderate income household. The 90-day period allows for the preparation, County approval, and recordation of the Agreement prior to the milestones referenced above.

   To initiate the County to prepare and execute an Agreement, the Applicant must file a condition of approval compliance review application accompanied by the appropriate fees, documents, and exhibits listed in the most recent Inclusionary Housing Plan Checklist and/or Density Bonus Plan Checklist. The Agreement must be submitted to the Board of Supervisors before execution by all parties and recordation.

   The Agreement will establish the process for determining the unit's maximum sales price, buyer eligibility, and additional program details as referenced in Chapter 822-4, Inclusionary Housing Ordinance, and Government Code 65915.

   A detailed timeline for the project, including the project's construction, marketing, the Applicant accepting and reviewing applications from qualified households, and the sale of the inclusionary unit.

**General**

5. The following are general terms for granting a density bonus and compliance with the Inclusionary Housing Ordinance.

   a. The Applicant hereby represents warrants and covenants that will cause the Agreement to be recorded in the real property records of Contra Costa County, California, and other places the County may reasonably request. The Applicant shall pay fees incurred with any such recording. The recording of the Agreement shall occur after the acceptance of the document by the County and before the recordation of the Final Map, Parcel Map, or CDD stamp-approval of plans for issuance of building permits or grading permits for any portion of the residential development, whichever comes first.

   b. The one inclusionary unit in the project shall be available for sale to members of the general public who are income eligible. The Applicant shall not give preference to any particular class or group of persons in selling the units, except that the units must be sold to a household with income no higher than 120% of the Area Median Income. There shall be no discrimination against or segregation of any person or group of persons on account of race, color, creed, religion, sex, sexual orientation, marital status, national origin, source of

income (e.g., SSI), age (except for lawful senior housing), ancestry, or disability, in the sale of the unit in the project nor shall the Applicant or any person claiming under or through the Applicant, establish or permit any such practice or practices of discrimination or segregation concerning the selection, location, number, use or occupancy of homeowners of any unit in connection with employment of persons for construction of the project.

c. The County will provide the Applicant with income certification forms to be completed by the potential homebuyers. The income levels of all moderate-income household applicants for the inclusionary/density bonus unit shall be pre-certified by the Applicant (or subsequent holder of the Agreement(s)) prior to submittal to the County for review and approval.

d. Upon violating any of the Agreement's provisions by the Applicant, the County may give written notice to the Applicant specifying the nature of the breach. If the violation is not corrected to the satisfaction of the County within a reasonable period, not longer than thirty (30) days after the date the notice is deemed received, or within such further time as the County determines is necessary to correct the violation, the County may declare a default under the Agreement. Upon declaration of a default or if the County determines that the Applicant has made any misrepresentation in connection with receiving any benefits under this Agreement, the County may apply to a court of competent jurisdiction for such relief at law or in equity as may be appropriate.

**Term of Affordability**

6. The inclusionary unit shall be deed-restricted so that if the home is sold within forty-five (45) years, it must be sold at an affordable sales price to a moderate-income household. The inclusionary unit shall be deed-restricted upon sale to ensure the continued affordability of this unit for the required term of affordability in accordance with Government Code 65915.

**Development Standards**

7. The inclusionary unit must be constructed and finished in compliance with the approved Inclusionary Housing Plan. The unit is subject to the standards of Section 822.4.412 of the County Ordinance.

    a. The inclusionary unit must be constructed and occupied before or concurrently with the market rate units within the same residential development. A hold will be placed on the final inspection/occupancy for all building permits issued within the subdivision to ensure that the inclusionary/density bonus unit meets this requirement.

    b. The average number of bedrooms for the inclusionary unit must be equivalent to the average number of bedrooms for market-rate units within the same residential development.

**Marketing and Homebuyer Selection**

8. It is anticipated that the Applicant will construct all project units and market them before construction completion. The Applicant shall submit documentation and other information to the County for review and approval **at least 90 days prior to construction completion and prior to the Applicant's request for a final building inspection and final occupancy of the building.** The documentation and information required for review and approval are listed in the most recent Inclusionary Housing Plan Checklist or Density Bonus Plan Checklist and include, but are not limited to, the following:

    a. Marketing Plan
    b. Homebuyer Selection Plan. The homebuyer selection plan should include a provision for a lottery process for the inclusionary/density bonus unit.
    c. Marketing Materials, including translated Marketing Materials in Spanish and Chinese.

    In addition to other marketing efforts proposed by the Applicant in the marketing plan, the inclusionary unit shall be marketed through local, non-profit, social service, faith-based, and other organizations with potential buyers as clients or constituents. Marketing materials shall be made available online for at least one month before the first sale and shared with County Housing staff to promote to its mailing lists. The Applicant shall translate marketing materials, and the marketing plan shall be submitted to the Department of Conservation and Development before marketing the inclusionary housing unit.

    Marketing may also include publicity through local television and radio stations as well as local newspapers, including the Contra Costa Times, Classified Flea Market, El Mensajero, La Opinion, Thoi Bao Magazine, Berkeley/Richmond/San Francisco Posts, Korea Times, El Mundo, Hankook Il Bo, and the Sing Tao Daily.

9. The developer shall refer all qualified homebuyers to a HUD Homebuyer Counselor prior to the sale of the inclusionary unit.

**For-Sale Inclusionary/Density Bonus Unit Restrictions**

10. The initial sale of a for-sale inclusionary unit shall occur only to a household that meets the following criteria:

    a. The household has not owned a residence within the previous three years; and

    b. The household has no more than two hundred fifty thousand dollars in assets. The amount excludes assets reserved for a down payment and closing costs, assets in retirement savings accounts, and medical savings accounts.

    c. The purchaser of the for-sale inclusionary/density bonus unit must agree to occupy the dwelling unit as their principal residence.

    d. The term of affordability for the inclusionary/density bonus unit is 45 years.

The for-sale inclusionary unit may be resold after the initial sale to a moderate-income purchaser at a moderate-income sales price.

If a moderate-income purchaser cannot be found after diligently marketing the unit widely and after a period determined by DCD, the unit may be sold to an above-moderate-income purchaser at a market price, provided that the sale results in a recapture by the County of financial interest in the unit equal to the sum of:

The difference between the initial affordable sales price and the appraised market value of the unit at the time of the initial sale; and

The County's proportionate share of any appreciation since the time of the initial sale. Appreciation is the difference between the resale price to the above-moderate-income purchaser and the appraised market value at the initial sale. The County's proportionate share of appreciation is equal to the percentage by which the initial affordable sales price was less than the appraised market value at the time of the initial sale.

**Prequalification of Homebuyers and Compliance Review**

11. The Applicant is responsible for marketing and prequalifying potential homebuyers for income qualification. The Applicant shall submit for DCD's review and prequalification prior to the initial sale of the inclusionary/density bonus unit, and the Applicant shall submit to the Department of Conservation and Development for review and approval, all forms, and documentation demonstrating that the buyer of the unit is qualified as a moderate-income household. A hold shall be placed on the final inspection/ occupancy of all building permits associated with the construction of the residences in the project until documentation has been deemed adequate by the Department of Conservation and Development.

    To initiate this prequalification review, the applicant must file a COA Compliance Review Application if there is no open compliance review application for this project.

12. The Applicant is responsible for keeping the Department of Conservation and Development informed of the contact information of the owner or designee responsible for maintenance and compliance with this permit and how they may be contacted (i.e., mailing addresses, email addresses, and telephone numbers) at all times.

    a. Prior to the recordation of the Final Map, Parcel Map, or CDD stamp-approval of plans for issuance of building permits or grading permits for any portion of the residential development, whichever comes first, and with filing a condition of approval compliance review, the Applicant shall provide the name of the contact representing the property owner for permit compliance and their contact information.

    b. Should the contact subsequently change (e.g., new designee or owner), within 30 days of the change, the Applicant shall issue a letter to the Department of Conservation and Development with the name of the new party who has been assigned permit compliance responsibility and their contact information. Failure to satisfy this condition may result in the commencement of procedures to revoke the permit.

**CONTRA COSTA COUNTY**
**DEPARTMENT OF CONSERVATION & DEVELOPMENT**
30 Muir Road
Martinez, CA 94553
**Telephone:** (925) 655-2709 **Fax:** (925) 655-2750

**TO:** Dominique Vogelpohl, Project Planner

**FROM:** Robert Sarmiento, Transportation Planning Section RS

**DATE:** February 18, 2022

**SUBJECT:** **3180 Walnut Boulevard (SD21-09581)**

The Transportation Planning Section has reviewed the subject project. Comments are below; in summary, the comments pertain to sidewalks. Please let me know if you have any questions.

## Background

The project is subject to the following policies:

**Vehicle Miles Traveled (VMT)**: On June 23, 2020, in compliance with SB 743 (2013), the Board of Supervisors adopted Transportation Analysis Guidelines (TAG)[1], which defines the County's approach to analyzing VMT impacts from certain projects. As a result of SB 743, VMT is the metric used to define transportation impacts in a CEQA review.

**Level of Service (LOS)**: The County and the Contra Costa Transportation Authority (CCTA) require an LOS analysis in order to comply with the Growth Management Program. CCTA maintains the Technical Procedures Manual[2], which defines the approach to analyzing LOS impacts from certain projects. While LOS is no longer considered an impact under CEQA, SB 743 does allow local jurisdictions to maintain LOS-based policies and standards.

**Contra Costa Complete Streets Policy[3]:** In July 2016, the County adopted the Complete Streets Policy, which ensures that the needs of travelers of all ages and abilities, in a wide variety of travel modes, are considered in all planning, programming, design, construction, operations, and maintenance activities.

## Comments

1. The project will not require a VMT analysis, based on the following:

   ***Project Characteristics***

[1] County Transportation Analysis Guidelines (TAG): link
[2] CCTA Technical Procedures: https://ccta.net/wp-content/uploads/2018/12/Final_Technical_Procedures_Full_Jan2013-1.pdf
[3] Complete Streets Policy:
2016: Complete Streets Resolution link, CS Policy Final Draft link

- Number of Residential Units: 10 units

***VMT Screening Criteria***

- Projects of 20 residential units or less

2. The project will not require an LOS review, based on the following:

   ***Estimated Trip Generation***
   Peak-Hour Trips (based on ITE Category: "Single-Family Detached Housing" land use (Code 210)): 7/10 AM/PM Peak Hour Trips

   ***Threshold for Review***
   From CCTA's Technical Procedures:
   *1.6 Traffic Impact Analysis: The analysis should be conducted for projects that exceed a trip generation threshold of 100 net new peak hour vehicle trips.*
   From the County's TAG:
   *Applicants may be required to prepare a LOS operational analysis if any of the following apply to a proposed project…Development project that adds 50 or more net new peak hour vehicle trips to an intersection.*

3. Consistent with the County's Complete Street Policy, Transportation Planning staff recommends that the project provides sidewalk(s) on the internal private street.

# *Contra Costa County* *Fire Protection District*

July 22, 2021

Ms. Vogelpohl
Department of Conservation and Development
30 Muir Rd.
Martinez, CA 94553

***Subject:*** 10 Lot Residential Subdivision
3180 Walnut Blvd. Walnut Creek
Project # CDSD21-09581
**CCCFPD Project No.: P-2021-03810**

Dear Ms. Vogelpohl:

We have reviewed the major subdivision application to establish a 10 lot residential subdivision at the subject location. The following is required for Fire District approval in accordance with the 2019 California Fire Code (CFC), the 2019 California Building Code (CBC), the 2019 California Residential Code (CRC), and Local and County Ordinances and adopted standards:

1. The Contra Costa County Fire Protection District has development impact fees established in the unincorporated County. Projects within the development impact areas will need to pay the fees prior to Building Permit issuance.

2. Access as shown appears to comply with Fire District requirements.

   Provide emergency apparatus access roadways with all-weather (paved) driving surfaces of not less than 20-feet unobstructed width, and not less than 13 feet 6 inches of vertical clearance, to within 150 feet of travel distance to all portions of the exterior walls of every building. Access shall have a minimum outside turning radius of 45 feet, and must be capable of supporting the imposed fire apparatus loading of 37 tons. Access roadways shall not exceed 20% grade. Grades exceeding 16% shall be constructed of grooved concrete per the attached Fire District standard. (503) CFC

3. Access roadways of **less than 28-feet** unobstructed width shall have signs posted or curbs painted red with the words ***NO PARKING – FIRE LANE*** clearly marked. (22500.1) CVC, (503.3) CFC

   Access roadways of **28 feet or greater, but less than 36-feet** unobstructed width shall have ***NO PARKING – FIRE LANE*** signs posted, allowing for parking on one side only or curbs painted red with the words ***NO PARKING – FIRE LANE*** clearly marked. (22500.1) CVC, (503.3) CFC

4. Turnaround as shown appears to comply with Fire District requirements. *See CCCFPD Ordinance 2019-37 for approved design.*

5. The developer shall provide an adequate and reliable water supply for fire protection with a minimum fire flow of 1000 GPM. Required flow must be delivered from not more than 1

hydrant flowing for a duration of 120 minutes while maintaining 20-pounds residual pressure in the main. (507.1), (B105) CFC

6. The developer shall provide 1 hydrant of the East Bay type in compliance with Chapter 5 and Appendix B and C of the California Fire Code. The proposed location is not acceptable to the Fire District. Placement of the hydrant shall be near the lot line of lots 7 and 8. (C103.1) CFC

7. A land development permit is required for access and water supply review and approval prior to submitting building construction plans.

   The developer shall submit a minimum of two (2) copies of full size, scaled site improvement plans indicating:

   All existing or proposed hydrant locations,
   Fire apparatus access,
   Elevations of building,
   Size of building and type of construction,
   Gates, fences, retaining walls, bio-retention basins, any obstructions to access.
   Striping and signage plan to include "NO PARKING-FIRE LANE" signage

   ***This is a separate submittal from the building construction plans. These plans shall be approved prior to submitting building plans for review.*** (501.3) CFC

8. ***Emergency apparatus access roadways and hydrant shall be installed, in service, and inspected by the Fire District prior to construction or combustible storage on site.*** (501.4) CFC

   ***Note:*** A temporary aggregate base or asphalt grindings roadway is not considered an all-weather surface for emergency apparatus access. The first lift of asphalt concrete paving shall be installed as the minimum roadway material and must be engineered to support the designated gross vehicle weight of 37 tons.

9. The homes as proposed shall be protected with an approved automatic fire sprinkler system complying with the 2016 edition of NFPA 13D or Section R313.3 of the 2019 California Residential Code. Submit a minimum of two (2) sets of plans to this office for review and approval prior to installation. (903.2) CFC, (R313.3) CRC, Contra Costa County Ordinance 2019-37.

10. The developer shall provide traffic signal pre-emption systems (Opticom) on any new or modified traffic signals installed with this development. (21351) CVC

11. Flammable or combustible liquid storage tanks shall ***not*** be located on the site without obtaining approval and necessary permits from the Fire District. (3401.4) CFC

12. The owner shall cut down and remove all weeds, grass, vines, or other growth that is capable of being ignited and endangering property. (304.1.2) CFC

13. Development on any parcel in this subdivision shall be subject to review and approval by the Fire District to ensure compliance with minimum requirements related to fire and life safety. Submit three (3) sets of plans to the Fire District prior to obtaining a building permit. (501.3) CFC

14. The owner or the owner's authorized agent shall be responsible for the development, implementation and maintenance of a written plan establishing a fire prevention program at the project site applicable throughout all phases of the construction. The plan shall be made available for review by the fire code official upon request. (Ch.33) CFC

    The fire prevention program superintendent shall develop and maintain an approved prefire plan in cooperation with the fire chief. The fire chief and fire code official shall be notified of changes affecting the utilization of information contained in such prefire plans. (Ch.33) CFC

Our preliminary review comments shall not be construed to encompass the complete project. Additional plans and specifications may be required after further review.

If you have any questions regarding this matter, please contact this office at (925) 941-3300.

Sincerely,

Todd Schiess
Fire Inspector I

cc: Andy Byde
Calibr Ventures LLC
1908 Cambridge Pl.
Walnut Creek, CA 94598
andy@calibrventures.com

File: 3180 WALNUT BLVD-10 LOT SUB-PLN-P-2021-03810

ANNA M. ROTH, RN, MS, MPH
HEALTH SERVICES DIRECTOR
RANDALL L. SAWYER
DEPUTY HEALTH DIRECTOR
JOCELYN STORTZ, MS, REHS
ENVIRONMENTAL HEALTH DIRECTOR

CONTRA COSTA
HEALTH SERVICES

CONTRA COSTA
ENVIRONMENTAL HEALTH
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Concord, California 94520
Ph (925) 608-5500
Fax (925) 608-5502
www.cchealth.org/eh/

July 7, 2021

Contra Costa Department of Conservation and Development
Community Development Division
Attn: Dominique Vogelpohl
30 Muir Road
Martinez, CA 94553-4601

**RE:** CDSD21-9581 – Application For Major Subdivision To Create 10 Lots From 1 Existing Parcel
3180 Walnut Blvd., Walnut Creek, CA
APN: 180-240-002
Service Request #: SR0017370

Dear Ms. Vogelpohl:

Contra Costa Environmental Health (CCEH) has received a request for agency comment regarding the above referenced project. The following are our comments [if the project is served by public sewer and public water]:

1. A permit from CCEH is required for any well or soil boring prior to commencing drilling activities, including those associated with water supply, environmental investigation and cleanup, or geotechnical investigation.

2. Any abandoned wells (water, environmental, or geotechnical) and septic tanks must be destroyed under permit from CCEH. If the existence of such wells or septic tanks are known in advance or discovered during construction or other activities, these must be clearly marked, kept secure, and destroyed pursuant to CCEH requirements.

3. It is recommended that the project be served by public sewer and public water.

4. Substantial construction and demolition (C & D) waste could result from this project. Hazardous construction and demolition materials should be separated from those that can be recycled or disposed.

5. Debris from construction or demolition activity must go to a solid waste or recycling facility that complies with the applicable requirements and can lawfully accept the material (e.g., solid waste permit, EA Notification, etc.). The debris must be transported by a hauler that can lawfully transport the material. Debris bins or boxes of one cubic yard or more owned by the collection service operator shall be identified with the name and telephone number of the agent servicing the container.

6. Non-source-separated waste materials must not be brought back to the contractor's yard unless the facility has the appropriate solid waste permit or EA Notification.

These comments do not limit an applicant's obligation to comply with all applicable laws and regulations. If you should have any questions, please do not hesitate to call me at (925) 608-5538.

Sincerely,

W. Eric Fung, REHS
Environmental Health Specialist II

WEF:tf

**From:** Russ Leavitt
**To:** Anne Nounou; Dominique Vogelpohl
**Cc:** Melody LaBella
**Subject:** CDSD21-09581; 10-lot subdivision, 3180 Walnut Blvd, Walnut Creek CA 345596; 180-240-002; x1559
**Date:** Wednesday, July 7, 2021 4:26:45 PM
**Attachments:** image011.png
image012.png
image013.png
image014.png
image015.png

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According to Central Contra Costa Sanitary District (Central San) records, the project site is within Central San's service area and sanitary sewer service is available to the project site. The developer would need to construct a an 8-inch diameter on-site public main sewer and private laterals. The proposed project would not be expected to produce an unmanageable added capacity demand on the wastewater system, nor interfere with existing, public facilities. The developer will be required to submit full-size building plans for Central San Mainline review in advance and to pay fees and charges at the time of mainline plan submission, sewer permit issuance and residential connection to the sewer system. For details, contact Central San's Permit Section at 925-229-7371. Thanks!

**RUSSELL B. LEAVITT**
Engineering Assistant III
v: (925) 229-7255 f: (925) 228-4624
RLEAVITT@centralsan.org

Central Contra Costa Sanitary District
5019 Imhoff Place, Martinez, California 94553-4392

EAST BAY
MUNICIPAL UTILITY DISTRICT

July 6, 2023

Dominique Vogelpohl, Project Planner
Contra Costa County
Department of Conservation and Development
30 Muir Road
Martinez, CA 94553

Re: Notice of Public Review and Intent to Adopt a Proposed Mitigated Negative Declaration for the 3180 Walnut Boulevard 10-Lot Subdivision Project (County File #CDSD21-09581), Contra Costa County

Dear Mr. Vogelpohl:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Mitigated Negative Declaration for the 3180 Walnut Boulevard 10-lot Subdivision Project in Walnut Creek in unincorporated Contra Costa County (County). EBMUD has the following comments.

## WATER SERVICE

EBMUD's Leland Pressure Zone, with a service elevation range between 50 and 250 feet, will serve the proposed development. Once the property is subdivided, separate meters for each lot will be required. A main extension, at the project sponsor's expense, will be required to serve the proposed development. Please see attached EBMUD Applicant Pipeline Design Criteria for California (Waterworks Standards) Code of Regulations, Title 22, Section 64572 (Water Main Separation) and EBMUD requirements for placement of water mains. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed development. Engineering and installation of water mains and services require substantial lead time, which should be provided for in the project sponsor's development schedule.

## WATER CONSERVATION

The project presents an opportunity to incorporate water conservation measures. EBMUD requests that the County include in its conditions of approval a requirement that the project sponsor comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance," (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed



Recycled Paper

at the project sponsor's expense.

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,

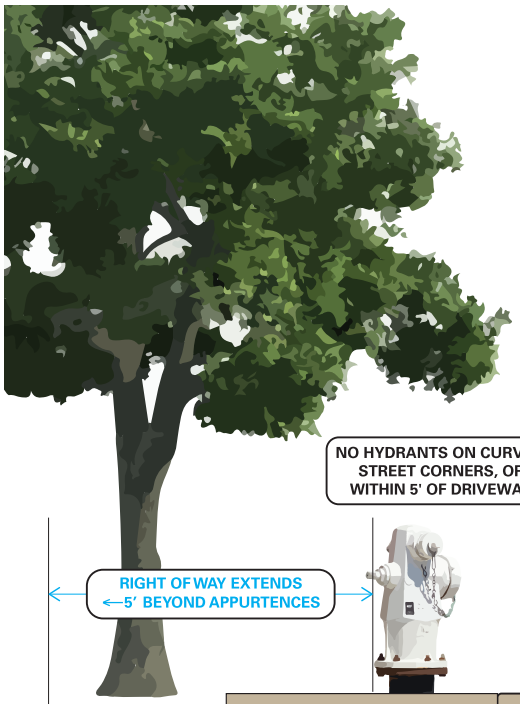
David J. Rehnstrom
Manager of Water Distribution Planning

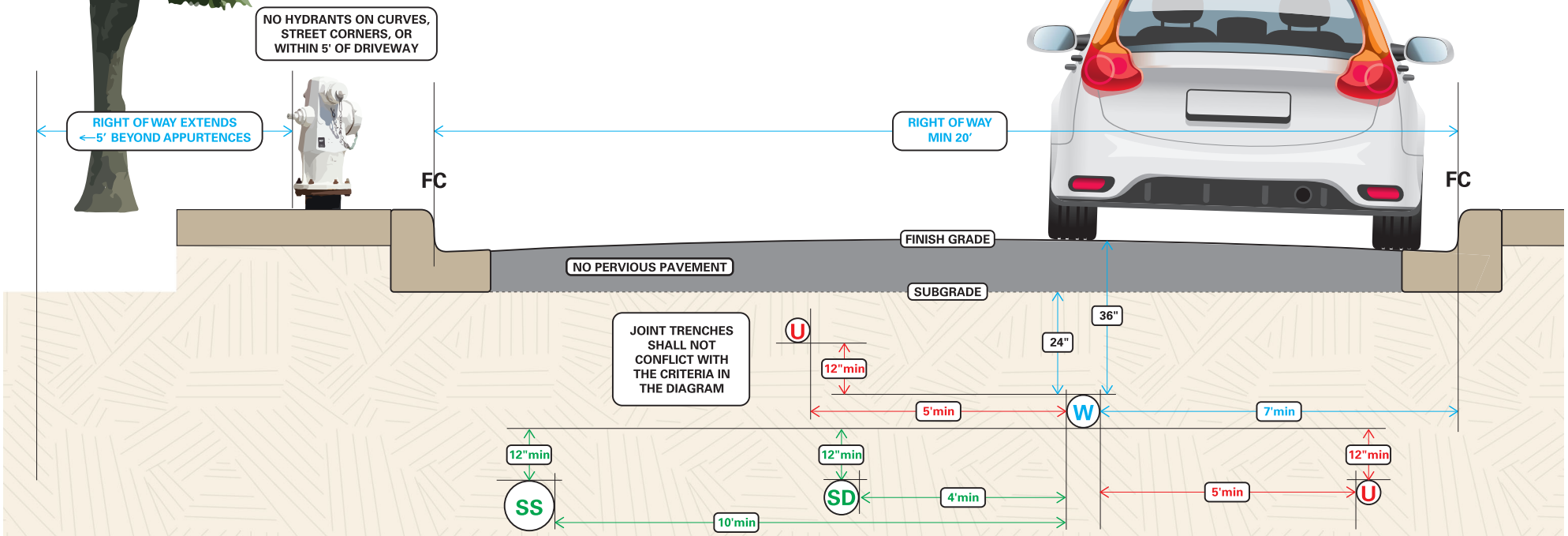
Attachment

DJR:EZ:sjp
wdpd23_156 3180 Walnut Blvd. 10-Lot Subdivision

cc: Andy Byde
Calibr Ventures
1908 Cambridge Place
Walnut Creek, CA 94598

# APPLICANT PIPELINE DESIGN CRITERIA






**W = WATER**
24" cover to subgrade
36" cover to final grade
7' inset from face of curb

**U = UTILITY**
min 12" vertical clearance
min 5' horizontal clearance

**SS = SANITARY SEWER**
min 12" below water
min 10' horizontal clearance

**SD = STORM DRAIN**
min 12" below water
min 4' horizontal clearance

**FC= FACE OF CURB**

EAST BAY MUNICIPAL UTILITY DISTRICT

# Applicant Pipeline Design Criteria

EBMUD values applicant pipeline projects and is committed to providing a thorough and efficient design. To ensure an efficient design process and to avoid significant delays the design criteria below should be adhered to when submitting improvement plans.

Design Criteria

- Water mains shall be seven (7) feet from face of curb.
- Water mains shall maintain a minimum one (1) foot vertical and five (5) foot horizontal clearance from other utilities.
- Gas mains shall meet the one (1) foot vertical separation requirement by installing the gas main below the water main only.
- Water mains shall maintain a minimum ten (10) foot horizontal clearance (O.D. to O.D.) and be located a minimum one (1) foot above any sewer main. Title 22 CCR
- Water mains shall maintain a minimum four (4) feet horizontal clearance (O.D. to O.D.) and be located a minimum one (1) foot above any storm drain. Title 22 CCR
- Water mains shall have a 36-inch cover to final grade and 24-inch cover to pavement subgrade.
- Joint trenches that are in conflict with the criteria above may delay the project. Submit to EBMUD final joint trench plans (no intent plans) which include the size of the joint trench and the utilities located inside.
- Water mains shall not be installed under pervious pavement.
- Water mains installed under decorative pavement, pavers, or stamped concrete will require an additional paving agreement.
- Hydrants shall not be located on curved sections of street, street corners, or within five feet of a driveway.
- Right of ways for 6-inch and 8-inch water mains shall be a minimum of 20 feet wide and extend five (5) feet past the water main centerline.
- Right of ways for 12-inch to 24-inch water mains shall be a minimum of 20 feet wide and extend eight (8) feet past the water main centerline.

Please contact the New Business Office representative assigned to your project if there are any questions regarding the requirements listed above. Meeting this criteria will enable the most efficient design possible.

March 2021

DARWIN MYERS ASSOCIATES
ENVIRONMENTAL RESEARCH ■ ENGINEERING GEOLOGY

July 21, 2021

Dominique Vogelpohl, Planner
Contra Costa County
Department of Conservation & Development
Community Development Division
30 Muir Road
Martinez, CA 94553

**Subject:** **Geologic Peer Review/ 30-Day Comments**
CDSD21-09581/ 3180 Walnut Blvd.
Calibr Ventures, (applicant)/ Bagot Trust (owner)
APN 180-240-002 (11 lots; 2.88 acres)
Walnut Creek Area, Contra Costa County
DMA Project #3024.21

Dear Dominique,

Based on your authorization, we have reviewed the application materials submitted by the project proponent in support of the captioned project. This letter is organized to first outline the purpose of our review; the range of potential geologic, geotechnical and seismic hazards that must be evaluated determine adequacy of the existing data base on potential hazards; and our understanding of the project. We then provide background information on the geologic and seismic setting of the site before commenting on the (a) geotechnical report, (b) stormwater control plan and (c) Vesting Tentative Subdivision Map. We then present, our evaluation and recommendations.

## *Purpose*

The purpose of our review is to provide a professional opinion on the adequacy of the geologic/ and geotechnical report prepared by the applicant's consultants, along with the grading- and drainage-related drawings prepared by the project civil engineers, to allow full processing of the subdivision application. Prior to deeming the application complete, the County requires sufficient data on site conditions to allow: *(i)* delineation the potential geologic hazards based on adequate subsurface data, and *(ii)* the data must be sufficient to serve as the primary basis for preparation of the "Geology and Soils" chapter of the CEQA document. Appendix G of the CEQA Guidelines issued by the State of California identifies the potential geologic and seismic hazards that must be evaluated by the CEQA document (see Table 1).

## *Understanding of the Project*

The application is a request for approval of a Vesting Tentative Subdivision Map that would allow creation of 10 residential lots on the 2.88 ac. project site. As proposed, Lot #10 would be restricted to be sold to a moderate-income household; the other nine (9) lots would be unrestricted. The project site is designated *Single-Family Residential – Low Density* (SL) by the County General Plan, is zoned R-20. Immediate access for all proposed residential lots would be provided by a new private road that would


1308 PINE STREET ■ MARTINEZ, CA 94553 ■ 925/209-9994

access Walnut Blvd. As proposed, the private road would have a 28 ft. curb-to-curb road width, which allows parallel parking on one side of the road only. A 5 ft. wide sidewalk is proposed on the southeast side of the road. The site is currently serviced by the Central Contra Costa Sanitary District (CCCSD) and the East Bay Municipal Utility District (EBMUD); no annexations to utility districts would be required. The project includes a request to allow removal of some code-protected trees, and for encroachment of work within the dripline of some trees that are to be retained. The geotechnical report submitted with the application was prepared by Engeo Inc.[1] The Vesting Tentative Subdivision Map, as well as grading and drainage plans, were prepared by d/k Engineering.[2] Additionally, d/k Engineering prepared a Hydrologic & Hydraulic Analyses Report,[3] and the Stormwater Control Plan.[4]

***Table 1***
***Appendix G of State CEQA Guidelines***

| | | | | |
|---|---|---|---|---|
| **7. *GEOLOGY AND SOILS – Would the project:*** | | | | |
| a) Directly or indirectly cause potential 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? | ☐ | ☐ | ☐ | ☐ |
| 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 site or unique geologic feature? | ☐ | ☐ | ☐ | ☐ |

[1] Engeo, Inc., 2020, *Preliminary Geotechnical Exploration, 3180 Walnut Boulevard, Walnut Creek, California,* Engeo, Inc. Job #17043.000.000 (report dated March 12, 2020: date stamped received by DCD on June 23, 2021).

[2] d/k Engineering, 2021, *Vesting Tentative Map, 3180 Walnut Boulevard, Walnut Creek, California,* (5 Sheets, plans dated June 10, 2021).

[3] d/k Engineering, 2021, Walnut Boulevard Hydrologic & Hydraulic Analyses (Developer: Calibr Ventures), d/k Job #21-1007 (report dated June 10, 2021; date stamped received by DCD on June 23, 2021).

[4] d/k Engineering, 2021 *Stormwater Control Plan for 3180 Walnut Boulevard,* (report dated June 2021).

## Scope

The scope of our review included *(i)* geologic analysis of vertical angle aerial photographs using a mirror stereoscope equipped with 3x and 8x binoculars,[5] *(ii)* review of pertinent published geologic reports and maps, *(iii)* review of the Soil Survey of Contra Costa County, *(iv)* review of Safety Element geologic hazard maps and geologic-related Safety Element policies. With that background we *(v)* reviewed the geotechnical report and project plans submitted with the applications, *(vi)* evaluated the data gathered, and *(vii)* prepared the 30-Day comment letter presented herein. In summary, the concern of the County at this point in the processing of the application is evaluation of potential geologic, seismic and geotechnical hazards. Detailed technical data on the design of planned improvements is not required by CEQA.

## Background

1. Active Faults

Figure 1 presents a Vicinity Map. The project site is outlined in red and centered within a red bullseye. The base map shows freeways, parklands and Trails, the local road network, and bedrock faults mapped by the U.S. Geological Survey (USGS). The nearest fault that is considered active by California Geological Survey (CGS) is the northwest trending Concord fault, which passes approximately 2½ mi. to the northwest of the site. The A-P zone encompassing the recently active and potentially active traces of the Concord fault. According to the CGS, recently active and potentially active traces of the active fault may be present anywhere in the A-P zone. The location of future surface rupture generally can be assumed to be along an active major fault trace. Because the project site is not within the A-P zone, the probability of the project experiencing surface rupture can be considered less-than-significant.

It should be recognized that the CGS does not delineate an A-P zone unless it determines there is clear evidence of surface fault rupture during Holocene time (i.e., during the last 11,700 years±). In the case of the Concord fault, review of technical data by CGS geologists found evidence of *(i)* fault related geomorphic features in Holocene deposits, *(ii)* tectonic creep in the central business district of Concord, and *(iii)* a water table barrier in Holocene deposits. Additionally, *(iv)* fault hazard investigations performed for land development project accurately establish at least one active in the central business district of Concord.

Another active fault in Central Contra Costa County is the active Calaveras fault. The Calaveras fault has no proven Holocene offset north of Danville. The portion of the fault that is considered active by the CGS is approximately 5.7 mi. south-southwest of the project site. Although geologic maps have confirmed that the ancestral traces of the Calaveras fault pass through the Walnut Creek area, it has not been placed in an A-P Zone (i.e., no proven surface fault rupture within Holocene time). Nevertheless, ancestral traces of the Calaveras fault are a potential seismic source. Specifically, a 1998 report prepared by Geomatrix found evidence of activity during the Late Quaternary on this fault system within the Walnut Creek area (minor offset with a right-normal-oblique sense of displacement). The alluvium that was offset was dated 31,410 radio-carbon years before present.[6] This is evidence of seismic activity and at least limited fault rupture on the northern branch of the Calaveras fault during the Late Quaternary.

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[5] Pacific Aerial Surveys, 1973, Aerial Photographs #CC3526-2-239 & -240; scale 1:12,000 (flight date May 7, 1973).

[6] Geomatrix, 1998. *Final Report, Walnut Creek Water Treatment Plant Expansion, Seismic Study - Phase II.* Geomatrix Job #3970 (report dated October 30, 1998).

2. Bedrock Geologic Map

In 1994 the U.S. Geological Survey (USGS) issued a digitized bedrock geology map of Contra Costa County.[7] Figure 2 presents a portion of this map. The base map shows the local road network, parcels, topography and creeks. It also shows the bedrock faults that were previously shown in Figure 1. The project site is outlined in red, and fronts on both Oak Road and Jones Road. The geologic map indicates the site located within a southwest-facing slope that is within the outcrop belt of the Green Valley-Tassajara Group. This geologic unit is of Pliocene and late Miocene age and consists of interbedded sedimentary rocks that are chiefly non-marine (clayey sandstone, mudstone, some clean sandstone and lesser amounts of conglomerate and volcanic tuff). Much bedrock and almost all soils that develop within the outcrop belt of these rock are severely expansive.

3. Landslide Deposits

In 1975 the USGS issued quadrangle maps of Contra Costa County that provide an interpretation of surficial deposits (including landslide deposits). The map showing the interpretation of the site and vicinity is presented in the Walnut Creek 7.5-Minute Quadrangle.[8] (This set of USGS landslides map was the source for the landslide hazard map presented on Page 10-24 of the Safety Element of the County General Plan.) The mapping was performed by an unusually well qualified USGS geologist, and the entire County was mapped during a one-year period. The geologist's scope of work was limited to geologic interpretation of stereo pairs of aerial photographs, without the benefit of a site visit or any subsurface data. The landslides are not classified based on their activity status (i.e., active or dormant), depth of slide plane (shallow to deep seated), or type of landslide deposit. Nevertheless, the map fulfills its function, which is to *red flag* sites that may be at risk of landslide damage. These landslide maps were used as a screening criterion by the County (i.e., for project sites that were within an area where there was a concentration of photo-interpretative landslides, or where a landslide was identified on the project site, the County considered there to be a potential hazard; during initial review of applications for land development projects, the Community Development Division has required evaluation of potential landslide hazards.

Figure 3 presents a portion of the Walnut Creek Quadrangle at a scale of 1 in.=820 ft. The project site is outlined in green. The landslide deposits mapped by the USGS are outlined with a red line and with a black arrow used to designate the general direction of landslide displacement. No landslide deposits are mapped on or near the project site. The landslides that are shown are predominantly located in the northeast-facing slope of a prominent ridge that is located ¼ mi. away. Based on this map the risk of landslide displacement impacting the proposed subdivision is considered to be less-than-significant.

4. Seismic Hazard Zone Mapping Act

The provisions of the Seismic Hazard Mapping Act can be found in the California Public Resources Code, Chapter 7.8, Sections 2690-2699.6. This law is similar in many respects to the Alquist-Priolo Earthquake Fault Zone Mapping Act, which has been implemented by the County for the past 40+ years. However, the official Seismic Hazard Zone (SHZ) maps issued by the California Geological Survey (CGS) identify areas that are at risk of earthquake triggered landslides and earthquake triggered liquefaction. Since 1990, the Safety Element of the Contra Costa County General Plan has included hazard maps for liquefaction and landslide potential (see pages 10-15 & 10-24, respectively), along with

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[7] Graymer, R., D.L. Jones & E.E. Brabb, 1994. *Preliminary Geologic Map Emphasizing Bedrock Formations in Contra Costa County, California.* U.S. Geological Survey Open File Report 94-622.

[8] Nilsen, T.H., 1975. *Preliminary Photointerpretative Map of Landslides and Other Surficial Deposits of the Walnut Creek 7.5-Minute Quadrangle, Contra Costa County, California.* U.S. Geological Survey Open File Map 75-277-55.

adopted General Plan goal statements and policies. We consider those policies statements to be comprehensive. They are intended to mitigate hazards posed by liquefaction and landslides, and we do not expect those policies to be invalidated by the SHZ maps. However, as SHZ maps are issued to the County, they will be utilized in place of the mapping that is currently presented in the Safety Element. In 2018 the CGS commenced issuing SHZ maps of Contra Costa County. To data the adopted maps are of the East County and a portion of the North Coast. To date, the SHZ map of the Walnut Creek Quadrangle has not yet been issued. County is required to implement the provisions of this state law. Unless the proposed subdivision project is built-out prior to issuance of the official SHZ map of the Walnut Creek Quadrangle, the project will be subject to the provisions of this state law.

For projects that fall under the authority of the SHZ Mapping Act, the required investigations must be prepared by a certified engineering geologist and/or geotechnical engineer registered in the State of California. A copy of each consultant prepared report, along with evidence of peer review by the local jurisdiction, must be forwarded to the CGS within 30 days of County approval of the report. (This requirement provides the CGS with a basis for modifying the boundary of the hazard zone in the future, as detailed studies define locations within the delineated hazard zone that are free of hazards.) The CGS has adopted guidelines for the required reports, and there are guidelines for the peer review of the reports that are triggered by the SHZ mapping of hazardous areas.

5. Liquefaction

For the 1990 update of the County General Plan, the County retained an experienced consulting firm to prepare a liquefaction potential map using USGS topographic quadrangle maps as the base (scale 1 in.=2,000 ft.). The consultant reviewed published data that was existing at that time, including maps and reports on *(i)* the age and distribution of surficial deposits, *(ii)* the elevation of the groundwater table, and *(iii)* review of geotechnical reports prepared for land development project in critical areas. The resulting map divided the County into three liquefaction potential categories: *Generally High, Generally Moderate to Low, and Generally Low*. During the last 30 years the County has consistently required rigorous evaluation of liquefaction potential in areas rated of *Generally High* potential." Less comprehensive investigations were demanded in the areas rated *Generally Moderate to Low* potential. For project sites rated *Generally Low* liquefaction potential, risks were considered to be less-than-significant. The classification *Generally High* liquefaction does not imply the presence of liquefiable sands on a parcel. The map attempts to be conservative of the side of safety, and where geologically recent fluvial or estuarine deposits are shown on soils maps of the County, the Liquefaction Potential Map places such areas in the *Generally High* category. Site specific investigations are needed to determine if liquefiable sands are present and provide stabilization measures where liquefiable sands are confirmed present.

Figure 3 presents the Liquefaction Potential Map of the project site and vicinity. Because the project site is classified *Generally Low* liquefaction potential, qualitative evaluation of liquefaction potential is all that is required in geotechnical reports. As noted above, the CGS is preparing Liquefaction Potential Maps of Contra Costa County. The work commenced in 2018 with issuance of maps in the East Contra Costa County and proceeded along the North Coast of the County. The most recent map released is a Preliminary Review Copy of the Clayton Quadrangle. At the present time, the official Seismic Hazard Map of the Walnut Creek 7.5-Minute Quadrangle as not yet been issued. When that map is issued by the State of California, the County will utilize the SHZ map to determine identify at-risk sites and require the project proponent to submit a report that evaluates earthquake-trigger liquefaction using methodology required by the CGS and State Mining & Geology Board.

The Safety Element includes policies indicating that at-risk areas require evaluation of liquefaction potential and effective mitigation of the hazard posed to new development. Operative General Plan policies are presented in Table 2.

## *Table 2*
## *General Plan Liquefaction Policies*

**Policy 10-18.** This General Plan shall discourage urban or suburban development in areas susceptible to high liquefaction dangers and where appropriate subject to the policies of 10-20 below, unless satisfactory mitigation measures can be provided, while recognizing that there are low intensity uses such as water-related recreation and agricultural uses that are appropriate in such areas.

**Policy 10-19.** To the extent practicable, the construction of critical facilities, structures involving high occupancies, and public facilities shall not be sited in areas identified as having a high liquefaction potential, or in areas underlain by deposits classified as having a high liquefaction potential.

**Policy 10-20.** Any structures permitted in areas of high liquefaction damage shall be sited, designed and constructed to minimize dangers from damage due to earthquake-induced liquefaction.

**Policy 10-21.** Approvals to allow the construction of public and private development projects in areas of high liquefaction potential shall be contingent on geologic and engineering studies which define and delineate potentially hazardous geologic and/or soils conditions, recommend means of mitigating these adverse conditions, and on proper implementation of the mitigation measures.

6. Soils

According to the Soil Survey of Contra Costa County,[9] the soil series mapped on the site is the Alo clay (AaE, 15-30% slopes). Typical soil profile is a 30 to 40 in. thick A-horizon that is underlain by soft shale and sandstone. Runoff is medium and the hazard of erosion is moderate where the soil is tilled and exposed. With regard to engineering properties, the Alo clay *highly* expansive and *highly* corrosive.

Expansive soils expand when water is added and shrink when they dry out. This continuous change in soils volume causes homes and other structures to move unevenly and crack. Corrosive soils tend to damage concrete and/or uncoated steel that is in contact with the ground. Testing of the soils on the site is needed to confirm foundation conditions. Corrosivity is typically measured after rough grading is completed to ensure that corrosivity testing is based on pad conditions. Design-level geotechnical reports routinely provide specific criteria and standards to avoid/ minimize damage from expansive and corrosive soils.

7. Seismicity

The San Francisco Bay Region is considered one of the most seismically active regions of the United States. Consequently, it can be assumed that the proposed improvements will be subject to one or more major earthquakes during their useful life. Earthquake intensities vary depending on numerous factors, including *(i)* earthquake magnitude, *(ii)* distance of the site from the causative fault, *(iii)* geology of the site, *(iv)* duration of earthquake shaking, and other factors. The USGS has stated that there is a 72 percent chance of at least one magnitude 6.7 or greater earthquake striking the Bay Region between 2014 and 2043.[10]

The Safety Element includes a figure titled "Seismic Ground Response" (General Plan, page 10-13). This map classifies the site as *moderately low damage susceptibility.* Buildings in this zone that are conservatively design and properly constructed typically perform satisfactorily, provided foundation materials and critical slopes are stable. The risk of structural damage from earthquake ground shaking is strongly influenced by building and grading regulations. According to the California Building Code

[9] Welch, L.E. et. al., 1977, *Soil Survey of Contra Costa County, California,* USDA Soil Conservation Service.

[10] Aagaard, Blair, Boatwright, Garcia, Harris, Michael, Schwartz, and De Leo, 2016, *Earthquake Outlook for the San Francisco Bay Region, 2014-204M3*, USGS Fact Sheet 2016-3020, revised August 2016; ver. 1.1)

(CBC), structures requiring building permits require that the design take into account both foundation conditions and proximity of active faults and their associated ground shaking characteristics. Design-level geotechnical reports must include CBC seismic design parameters. Those parameters are used by the structural engineer in the design of civil engineering structures. All grading on the site must comply with the provisions of the County Grading Ordinance. Compliance with building and grading regulations can be expected to keep risks within generally accepted limits.

## *Engeo Investigation*

1. Purpose and Scope

The purpose of the investigation was to provide a preliminary assessment of geotechnical and seismic hazards and provide preliminary recommendations for initial land planning and cost estimating purposes. In summary, the report was intended to identify the primary concerns associated with the residential use of the site. At the time of the investigation, the VTM had not yet been prepared, but based on input from their client it was anticipated that the land development project was to be a five (5) lot residential subdivision.

Engeo's scope of work included: *(i)* site reconnaissance data; *(ii)* review of pertinent geologic maps and reports; *(iii)* limited subsurface exploration of the project site; *(iv)* evaluation of the data gathered; and *(v)* preparation of a report intended document the investigation and present Engeo's evaluation of potential hazards, preliminary earthwork recommendations, comments on the scope of the recommended design level report, along with a statement of limitations. Clearly the scope and intent of the 2020 Engeo investigation was to provide a preliminary characterization of potential geologic and seismic hazards, which will require further investigation to confirm/ modify their preliminary assessment. Additionally, the design level report will provide a full range of geotechnical recommendations for the project based on review of construction drawings.

2. Historical Aerial Photograph Review

Engeo reviewed aerial photographs that covered 77-year period (1939-2016). Prior to 1939 the site served as agricultural land with orchards, small buildings with vacant land. In 1939 the project site is open undeveloped agricultural land that is flanked on the west and east by incised drainage channels. Walnut Blvd. was existing and passes along the south boundary of the site. The first structure observed on the site was present in the 1958 aerials, and by 1968 the drainage swale on the southeast corner of the site had been filled. The 2009 aerial image indicates construction activity and it appeared that the additional fill was placed on the northeast portion of the site. No evidence of heavy erosion or slope failure was observed by Engeo.

3. Subsurface Exploration

Field exploration was performed on February 25, 2020. It consisted of the excavation and logging of six backhoe test pits. Figure 2 of the Engeo report presents an original geologic map of the project site which shows *(i)* location of test pits with the depth to bedrock indicated on the map. The map indicates that the site is a bedrock property (within the outcrop belt of the Green Valley-Tassajara Group). Also shown on the map is the approximate distribution of *(ii)* undocumented fill on the site and *(iii)* colluvium is mapped along the northeast, north and southwest flanks of the property. In areas mapped as bedrock, Engeo's test pits encountered rock at depths of 1 to 3 ft. below the ground surface. Conversely, TP-1 and TP-2 were excavated in areas mapped as undocumented fill. TP-1 penetrated 3½ ft. of artificial fill. Underlaying the fill was native topsoil and colluvial deposits that extended to the full depth of the test pit (9½ ft.). TP-2

penetrated 1½ ft. of artificial fill that was underlain by native topsoil and colluvium that extended to a depth of 9 ½ ft. below the ground surface. The test pit logs are presented in Appendix A of the Engeo report. The logs indicate bedrock on the project site is chiefly mudstone, with the exception of TP-6, which penetrated weathered, poorly sorted sandstone from 1 to 6 ½ ft below the surface, which was underlain by conglomerate. The conglomerate bed is described by Engeo as *pale yellow to reddish yellow, moderately weathered, weak to medium strong,* with matrix material that is described as *fine-grained sand/silt with fine to coarse rounded gravel clasts.* No information is provided on the orientation of bedding.

4. Laboratory Testing

Samples were collected from the walls of the test pits and in the laboratory were tested for data on their engineering properties. The laboratory test data is presented in Appendix B. Testing performed was intended to provide information pertinent to determining the expansion potential of the samples. Engeo tested samples collected a sample from TP-1 at a depth of 4 ft. (sample of native topsoil), and from TP-3 at a depth of 4 ft. (sample of weathered mudstone). The testing included measurement of the liquid limit (LL) and plastic limit (PL), which allows determination of the Plastic Index). The sample of topsoil was found to be highly expansive, and the weathered mudstone sample was found to be slightly to moderately expansive.

5. Preliminary Hazards Evaluation

Engeo considers the project feasible from a geologic/ geotechnical standpoint. The primary concerns are *(i)* disturbed near surface soil and existing undocumented fill, and *(ii)* expansive soils. Other potential hazards include *(v)* earthquake ground shaking, and *(vi)* and an unknown (but potential significant) risk of corrosive soils. The discussion presented in Table 3 provides our assessment of potential hazards, but it is based largely on the investigation and geotechnical report of Engeo, Inc.

6. Preliminary Recommendations

Engeo provides recommendations intended for initial land planning and preliminary estimating purposes that commence on page 7 of their report. Final recommendations are to be provided after a future design-level investigation has been performed, which includes subsurface exploration (borings), laboratory testing of selected samples, and engineering analysis of the data gathered. The resulting recommendations to be presented in the design level report. Nevertheless, the 2020 report provides preliminary recommendations that address *(i)* appropriate foundation systems, *(ii)* earthwork (including clearing, demolition, removal of existing fill and fill compaction), *(iii)* preliminary pavement design recommendations, and *(iv)* a limitations statement that includes the proper use of the report by the project proponent, and the limitations of the investigation methods.

This overview statement of potential geotechnical constraints is followed of a list of selected reference and four maps that that provide background data. Throughout the report are statements that point to the need for geotechnical monitoring. Its chief purpose is to ensure that the geotechnical recommendations in the design level report are properly interpretated and implemented by grading and foundation contractors.

## *Agrichemical Soil Assessment*

In addition to their Geotechnical Exploration report, Engeo performed an agrichemical assessment. [11]

[11] Engeo, Inc., 2021, *Agrichemical Soil Assessment, 3180 Walnut Boulevard, Walnut Creek, California*, Engeo Job #17043.001.000 (dated March 30, 2021)

The purpose of the assessment was to determine if agrichemicals are present within the soils that exceed regulatory screening levels for residential land use. The approach was to collect soil samples at four widely separated locations on the project site (sampling done 3 to 9 inches below the ground surface). Each sample was tested for *(i)* organochlorine pesticides (EPA Method 8081) and for *(ii)* total arsenic and *(iii)* lead (both using EPA Method 6010).

The results of testing can be summarized as follows: organochlorine pesticide and lead concentrations were found to be below the thresholds of regulatory agencies; the arsenic concentrations were above threshold values but are deemed to be indicative of naturally occurring background concentrations that are typical of the San Francisco Bay Region. (The arsenic concentration reported for the project site is not unusual for soil samples collected in Contra Costa County.) The primary conclusions of the report are that the property has not been adversely impacted by past agricultural use, and the soil does not pose a risk to human health.

## *Grading and Drainage Plans*

1. Grading

D/K Engineering, the civil engineers for the project, have prepared preliminary grading and drainage plans. Sheet 4 presents a Preliminary Grading Plan for the project (1 ft. contour interval). That plan shows the horizonal and vertical alignment of the proposed private road, with a hammerhead turnaround at its north terminus; pad elevations on each residential lot; location of proposed retaining walls; and grading required for the proposed C.3 water quality basin. Also shown are lines-of-section that are labeled A-A through D-D. The four cross-sections are presented on Sheet 5. Features shown on the plan may be summarized as follows:

*i.* Private Road. Grades on the private road range up to 9.2% and appear to be consistent with County standards for private roads. A typical section for the road indicates the crown is in the middle; at the edge of pavement on both sides of the road concrete curb-and-gutter are shown.

*ii.* Earthwork Quantities. The anticipated volume of earthwork is approximately 8,000 cu. yds. of cut and 8,000 cu. yds. of fill.

*iii.* Building Pads and Retaining Walls. Pad elevations range from +198 ft. to +216 ft. Five retaining walls are indicated between lots. These walls range up to 5 ft. in height (max.). Additionally, a proposed retaining wall is indicated that will be used to clearly separate Lot #10 from the adjacent stormwater C.3 basin.

*iv.* Perimeter of Site. There are existing drainage channels on the east and west flanks of the site. These existing drainage corridors are to be retained. Along the west flank of the site tiered retaining walls are shown. The upper wall ranges up to 5 ft. in height (max.) and the lower wall range up to approx. 7½ ft. in vertical height. Section D-D indicates a total height of the slope supported by retaining walls is at this line-of-section is 12.3 ft. In the east flank of the project, a single wall will separate the drainage swale from the useable lot areas range up to 4 ft. in height. At line-of-section B-B the wall is indicated to be 3.7 ft. in height. At the northern portion of Lot #5, there is a substantial break in slope with a drainage channel entrenched in bedrock. To protect the building pad from effects of erosion, the upper portion of the slope is proposed to be stabilized with a combination of cut slope and retaining wall. Line-of-section C-C indicates the upper portion of the slope is to be engineered, with a 2 ft. high cut slope, and immediately below the toe of cut a 2.8 ft high retaining wall. The existing channel and its backs are to be retaining in their existing condition.

*v.* Water Quality (C.3) Basin. Section A-A provides details on the geometry of the basin. The design shown is for the floor of the basin at an elevation of +191 ft. and the pad on Lot #10 at +201 ft. At

the P/L between the basin and residential lot a 5 ft high retaining wall is shown, which extends to elevation +196 ft. From that elevation to the floor of the basin a 2:1 (h:v) earthen slope is shown, which flattens to 3:1 (h:v) as it approaches the floor of the basin. The Grading Plan indicates a standpipe in the center of the basin with a grate at the top (grate elevation +192½ ft.) The standpipe is 18 inches in diameter and will serve as the primary spillway (i.e., when the water surface elevation in the basin reaches +192½ ft. it will spill into the standpipe. The piping of the basin outfalls to the existing in Walnut Blvd. storm drainage facilities. Until that point, the basin is designed to allow infiltration of water into the 2½ ft. thick permeable material that has been placed on the basin floor. Water that reaches the base of the infiltration zone will be captured by a culvert at elev. +188.5 ft. and discharged into the Walnut Blvd. storm drainage facilities.

2. Stormwater Control Plan

The project requires compliance with Provision C.3 in the drainage permit. Specifically, development approvals for many applications, including major subdivisions, require that drainage plans include specific stormwater treatment measures (BMPs) as well as implement treatment features to reduce pollutants in stormwater discharges. Provision C.3 establishes thresholds and criteria for implementation of stormwater treatment measures. The C.3 requirements are not only intended to reduce short-term construction related runoff and resultant pollution but are also intended to reduce the long-term adverse effects by requiring permanent runoff control measures as a part of approvals. The plans submitted for the project include a bio-retention basin on a parcel located adjacent to residential Lot #10.

The design and sizing of the water quality basins must satisfy the C.3 requirements of the Regional Water Quality Control Board. Review of the Stormwater Control Plans is performed by the professional staff of the Public Works Department. Our comments are limited to the engineering geologic aspects of the basins: *(i)* setbacks of bio-retention basins from improvements, and *(ii)* importance of requiring long-term commitment to inspection and maintenance of these facilities by competent authority. Therefore, we have no comments on design details of the basin, but we strongly support the location. Topographically, the site nominated for the basin is a down gradient location, on a separate parcel from the 10 proposed residential lots and designed with a retaining wall at the boundary with Lot #10. We anticipate that the design level geotechnical report will review details of the basin including the height and construction parameters for the retaining wall, and perform slope stability analysis to evaluate the proposed use of a 2:1 (h:v) gradient within the basin).

## *DMA Evaluation*

The immediate need of the Department of Conservation & Development is to determine if there is sufficient data to allow the processing of the pending applications, including preparation of the California Environmental Quality Act (CEQA) document. The provisions of CEQA and associated case law acknowledge that final design studies are not needed for the purposes of CEQA compliance. However, there must be sufficient information on the extent of potential geologic and geotechnical hazards, and guidance must be provided to the project designers pertaining to the layout of the planned improvements. Therefore, the type of data needed at this stage of the land development process is limited to the following:

*i.* Evaluation of the site geologic conditions.

*ii.* Preliminary assessment of hazards by the project engineering geologists and geotechnical engineers. The Engeo report in combination with published geologic and seismic documents and maps that provide at least a preliminary characterization of the potential geologic and seismic hazards. The future design-level geotechnical report will provide an opportunity to confirm the

preliminary interpretations presented in year 2020 Engeo report. The design-level report will also provide specific standards and criteria for site grading, drainage and foundation design that are based on the project proponent's approach to development.

In summary, the Engeo report provide provides a preliminary evaluation of potential geologic hazards. Where potentially significant impacts were identified, the report provides recommendations to mitigate significant impacts. Table 3 provides a summary of the findings of the Engeo report, along with our supplemental comments. Note that preliminary assessment of potential hazards and associated recommendations provided by Engeo are intended as guidance to the project proponent, The geotechnical constraints will require further evaluation in the design-level geotechnical report. **Based on the existing data, it is our opinion that the Engeo's *Preliminary Geotechnical Exploration* report is adequate to deem the application complete from a "Geology and Soils" perspective.**

***Table 3***
***Evaluation of Potential Hazards***
***CDSD21-09581 Project Site***

- **Ground Rupture.** The site is not within an Alquist-Priolo Earthquake Fault Zone. On that basis the risk of surface fault rupture within the site is rated "low" (i.e., less-than-significant).
- **Ground Shaking.** The site is within the seismically active San Francisco Bay Region area, where a moderate to high magnitude earthquake is a foreseeable event. The risk of damage from ground shaking is controlled by using sound engineering judgement and compliance with the latest provisions of the California Building Code (CBC), as a minimum. The seismic design provisions of the CBC prescribe minimum lateral forces applied statistically to the structure(s), combined with the gravity forces and dead-and-live loads. The code-prescribed lateral forces are generally considered to be substantially smaller than the comparable forces that would be associated with a major earthquake. The intent of the code is to enable structures to *(i)* resist minor earthquakes without damage, *(ii)* resist moderate earthquakes without structural damage but with some non-structural damage, and *(iii)* resist major earthquakes without collapse but with some structural as well as non-structural damage. Note: on page 5 of the Engeo report 2016 CBC Seismic Design Parameters are provided. With implementation of the CBC and Grading Ordinance these risks can be considered less-than significant.
- **Ground Lurching.** Ground lurching is a result of the rolling motion imparted to the ground surface due to earthquake shaking. Such rolling motion can cause ground cracks to form in weaker soil. Engeo concludes that the relatively shallow depth to bedrock on the project site will keep the lurching-related damage potential to a negligible level (i.e., less-than-significant).
- **Liquefaction/ Cyclic Softening.** This hazard is characterized as a phenomenon in which a saturated, relatively clay free sand is subject to a temporary loss of shear strength because of a buildup of pore pressure. Based on the subsurface investigation, the soils on the site are clayey/ cohesive, the bedrock is too well consolidated to liquefy, and no groundwater was encountered. The existing fill on the site will be over-excavated and then removed from the site or recompacted. Hence the site is not considered a candidate for liquefaction and no further evaluation of the hazard is recommended by Engeo (i.e., the risk of liquefaction is considered less-than-significant)
- **Lateral Spreading.** Lateral spreading is a failure within weak soils, typically due to liquefaction, which causes the soil mass to move toward an open channel or down even a gentle slope. Based on the subsurface investigation, the Engeo report indicates that the risk of a lateral spreading failure is negligible (i.e., less-than-significant).
- **Existing Non-Engineered Fill.** It is the opinion of Engeo all areas of undocumented fill should be over excavated and replaced with engineered fill.
- **Expansive Soil.** Laboratory testing performed for the 2020 Engeo investigation indicates that the native topsoil is very highly expansive. Testing of the matrix material of the mudstone sample from TP-3 indicates that it has a moderate expansion potential. The very highly expansive soils conditions

on the site represent a potentially significant impact. Mitigation of that impact proposed by Engeo include *(i)* special attention during grading to keep exposed soil moist by sprinkling; if the soils are allowed to dry it will be extremely difficult to remoisturize; *(ii)* compaction within a specified range, *(iii)* selection of an appropriate foundation system (i.e., for preliminary foundation design considerations, Engeo suggests consideration be given to use of a post-tensioned rigid mat foundation system, and the discussion in the their report provides typical standards and criteria for this foundation system).

- **Soil Corrosion Potential.** The scope of the Engeo investigation did not include laboratory testing to evaluate the corrosion potential of soils on the site. Engeo does recommend a design level investigation be performed at the appropriate stage of the project. In our opinion, the scope of the design-level report should include laboratory testing of the corrosion potential of foundation soils. Depending on the results of testing, recommendations can be provided to protect concrete and/or ferrous metal that is in contact with the ground from the adverse long-term effects of corrosion. The corrosion potential, while unknown as present, is a potentially a significant impact. Future studies would be aimed at identifying the appropriate design measures to control/ avoid damage to concrete and metals that are in contact with the ground.
- **Groundwater.** It the time of the Engeo subsurface investigation, no groundwater was encountered in test pits that ranged up to 9½ ft. in depth. It should be recognized that groundwater levels may fluctuate seasonally, and may be significantly influenced by irrigation of plantings, water and/or sewer leaks and other factors. The grading contractor should be prepared to handle groundwater during earthwork on the site.
- **Disturbance of Paleontological Resources.** This subject was not addressed by Engeo but is included in Appendix G of the State CEQA Guidelines. CEQA requires that environmental review of projects include assessment of the potential for disturbance of unique paleontological or unique geologic feature (see Table 1, Item f on page 2 of the peer review letter presented herein). In our experience, sedimentary rocks of the Green Valley-Tassajara Group have potential to contain fossils, including vertebrate. Therefore, earth disturbing construction activities on the project site pose a potential to encounter fossil remains of scientific interest. The Society of Vertebrate Paleontology (SVP) has adopted *Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources. (guidelines dated 2010).* The SVP guidelines outline acceptable professional practices in the conduct of paleontological resource assessments and surveys, including *(i)* monitoring, *(ii)* data and fossil recovery, *(iii)* sampling procedures, *(iv)* specimen preparation, *(v)* analysis, and *(vi)* curation. It is our understanding that the primary concern is with protection/ preservation of vertebrate fossils. Vertebrate fossils are not commonly encountered; they are a decidedly unusual occurrence. Nevertheless, there is a relatively low (but significant) potential for the occurrence of vertebrate fossils on the project site. This potential can be mitigated by SVP compliant monitoring of earthwork.

## *DMA Recommendation*

The following are recommended mitigation measures and/or conditions of approval.

**GEO-1 At** least 60 days prior to recording the Final Subdivision Map, the project proponent shall submit a design-level geotechnical report, that is to be based on adequate subsurface exploration, laboratory testing and engineering analysis.

The scope of the geotechnical investigation should fully evaluate the following potential hazards: *(i)* grading, including removal of existing undocumented fill that is deemed to be unsuitable for use in engineered fills, preparation to receive fill, compaction standards for fill, etc., *(ii)* consolidation

settlement, *(iii)* analysis of liquefaction potential, including estimating total settlement and differential settlement, and surface manifestation of liquefaction, *(iv)* foundation design, *(v)* building pads that are cut / fill and/or differential fill thickness pads *(vi)* laboratory testing to evaluate the expansive and corrosion potential soils, and measures designed to protect improvement that are in contact with the ground from these hazard, including the building foundation, garage slabs, flatwork, pavement and utilities, along with R-value testing *(vii)* stability analysis of proposed retaining walls, *(viii)* design-level foundation recommendations, *(ix)* evaluation of the drainage design, including the proposed bio-retention basin, *(x)* address temporary shoring and support of excavations, *(xi)* provide updated California Building Code seismic parameters.

**GEO-2** The geotechnical report shall be subject to review by the County's peer review geologist, and review/approval of the Zoning Administrator. Improvement, grading and building plans shall carry out the recommendations of the approved report.

**GEO-3** The geotechnical report required by GEO-1 routinely includes recommended geotechnical observation and testing services during construction. These services are essential to the success of the project. They allow the geotechnical engineer to *(i)* ensure geotechnical recommendations for the project are properly interpreted and implemented by contractors, *(ii)* allow the geotechnical engineer to view exposed conditions during construction to ensure that field conditions match those that were the basis of the design recommendations in the approved report, and *(iii)* provide the opportunity for field modifications of geotechnical recommendations (with BID approval), based on exposed conditions. The monitoring shall commence during clearing, and extend through grading, placement of engineered fill, installation of recommended drainage facilities, and foundation related work. A ***hard hold*** shall be placed on the "final" grading inspection, pending submittal of a report from the project geotechnical engineer that documents their observation and testing services to that stage of construction, including monitoring and testing of backfilling required for utility and drainage facilities.

Similarly, a ***hard hold*** shall be placed on the final building inspection for each residence, pending submittal of a letter-report from the geotechnical engineer documenting the monitoring services associated with implementation of final grading, drainage, and foundation-related work. The geotechnical monitoring shall include documentation conformance of retaining wall, pier hole drilling/ foundation preparation work and installation of drainage improvements with geotechnical recommendations in the approved report.

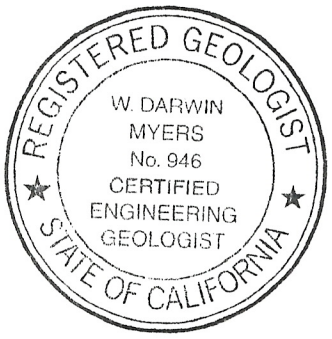
**GEO-4** All grading, excavation and filling shall be conducted during the dry season (April 15 through October 15) only, and all areas of exposed soils shall be revegetated to minimize erosion and subsequent sedimentation. After October 15, only erosion control work shall be allowed by the grading permit. Any modification to the above schedule shall be subject to review by the Grading Inspector, and the review / approval of the Zoning Administrator.

## *Limitations*

This review has been performed to provide technical advice to assist the Community Development Division with discretionary permit decisions. Our services have been limited to review of the documents identified in this peer review letter in combination with geologic analysis of historic aerial photographs. Our opinions and conclusions are made in accordance with generally accepted principles and practices of the engineering geology profession.

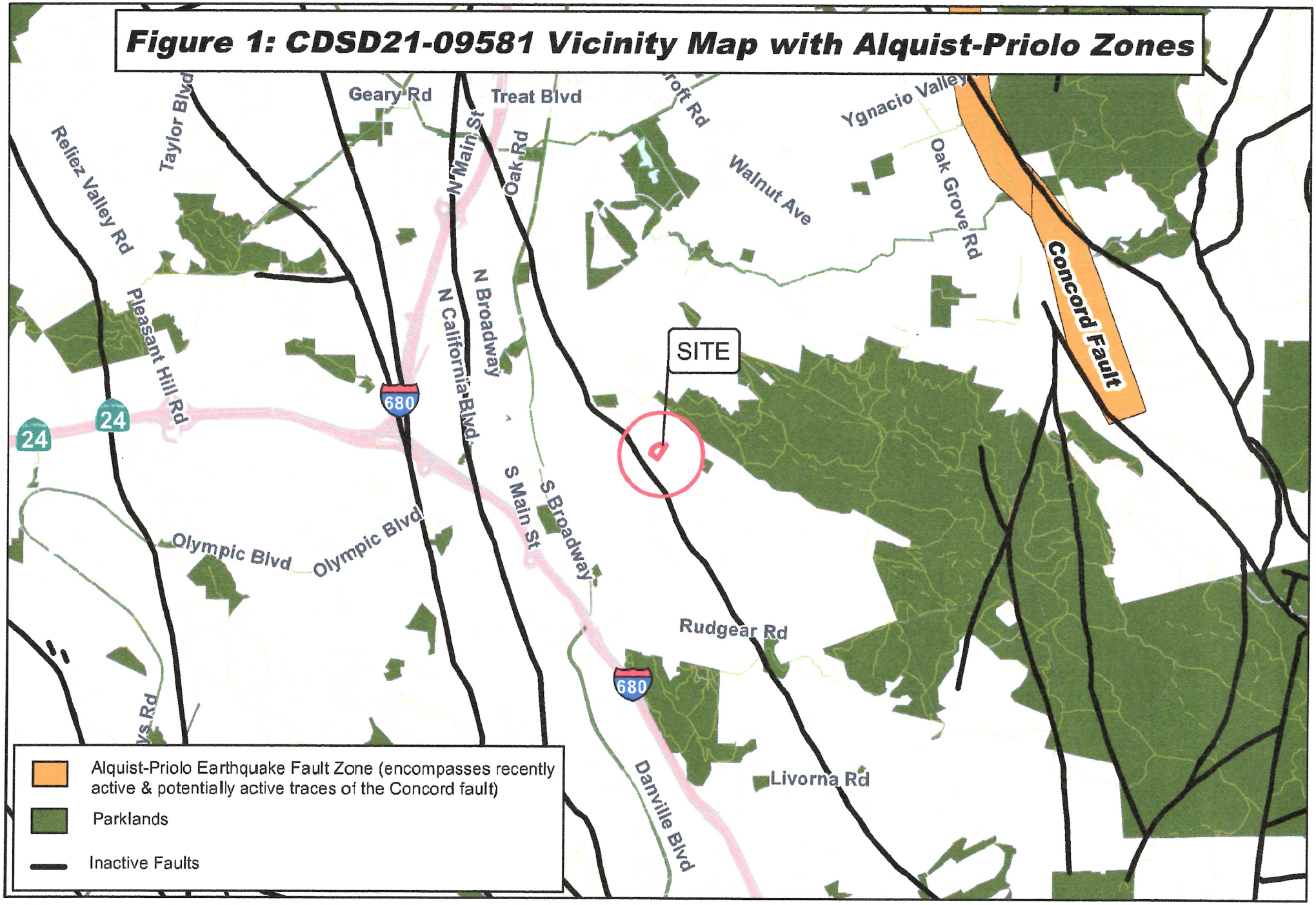
We trust this letter provides the evaluation and comments that you requested. Please call if you have any questions.

Sincerely,
DARWIN MYERS ASSOCIATES




Darwin Myers, CEG 946
Principal

# Figure 1: CDSD21-09581 Vicinity Map with Alquist-Priolo Zones



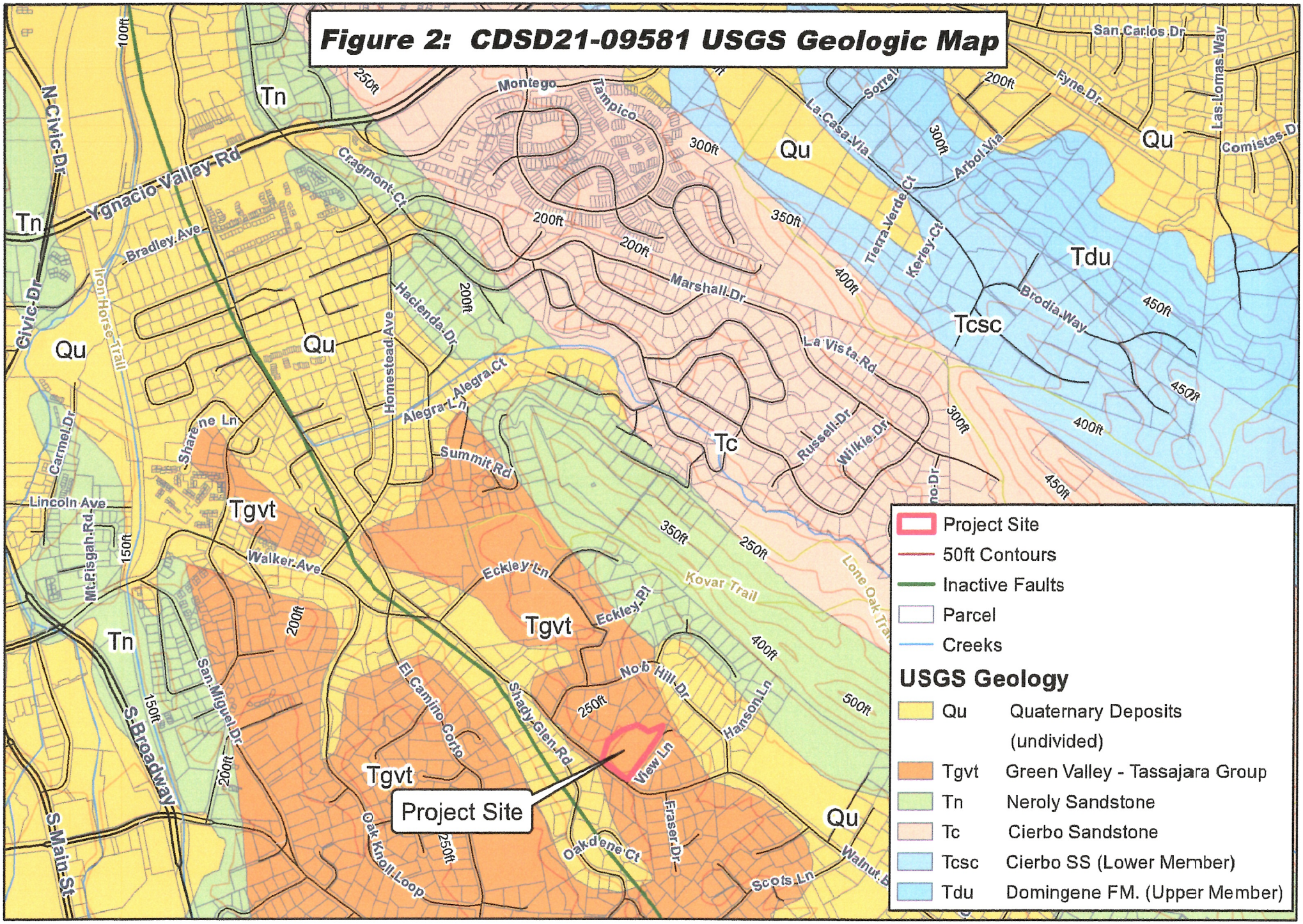

Miles
0 0.25 0.5 1
1 inch = 4000ft

Source: California Geologic Survey
Special Publication 42 (revised 2018)

Map Created 7/8/2021
by Contra Costa County Department of Conservation and Development, GIS Group
30 Muir Road, Martinez, CA 94553
37:59:41.791N 122:07:03.756W

This map was created by the Contra Costa County Department of Conservation and Development with data from the Contra Costa County GIS Program. Some base data, primarily City Limits, is derived from the CA State Board of Equalization's tax rate areas. While obligated to use this data the County assumes no responsibility for its accuracy. This map contains copyrighted information and may not be altered. It may be reproduced in its current state if the source is cited. Users of this map agree to read and accept the County of Contra Costa disclaimer of liability for geographic information.

# Figure 2: CDSD21-09581 USGS Geologic Map




N

0 0.075 0.15 0.3 Miles

Source: USGS Open File Report 94-622

Map Created 7/8/2021
by Contra Costa County Department of Conservation and Development, GIS Group
30 Muir Road, Martinez, CA 94553
37:59:41.791N 122:07:03.756W

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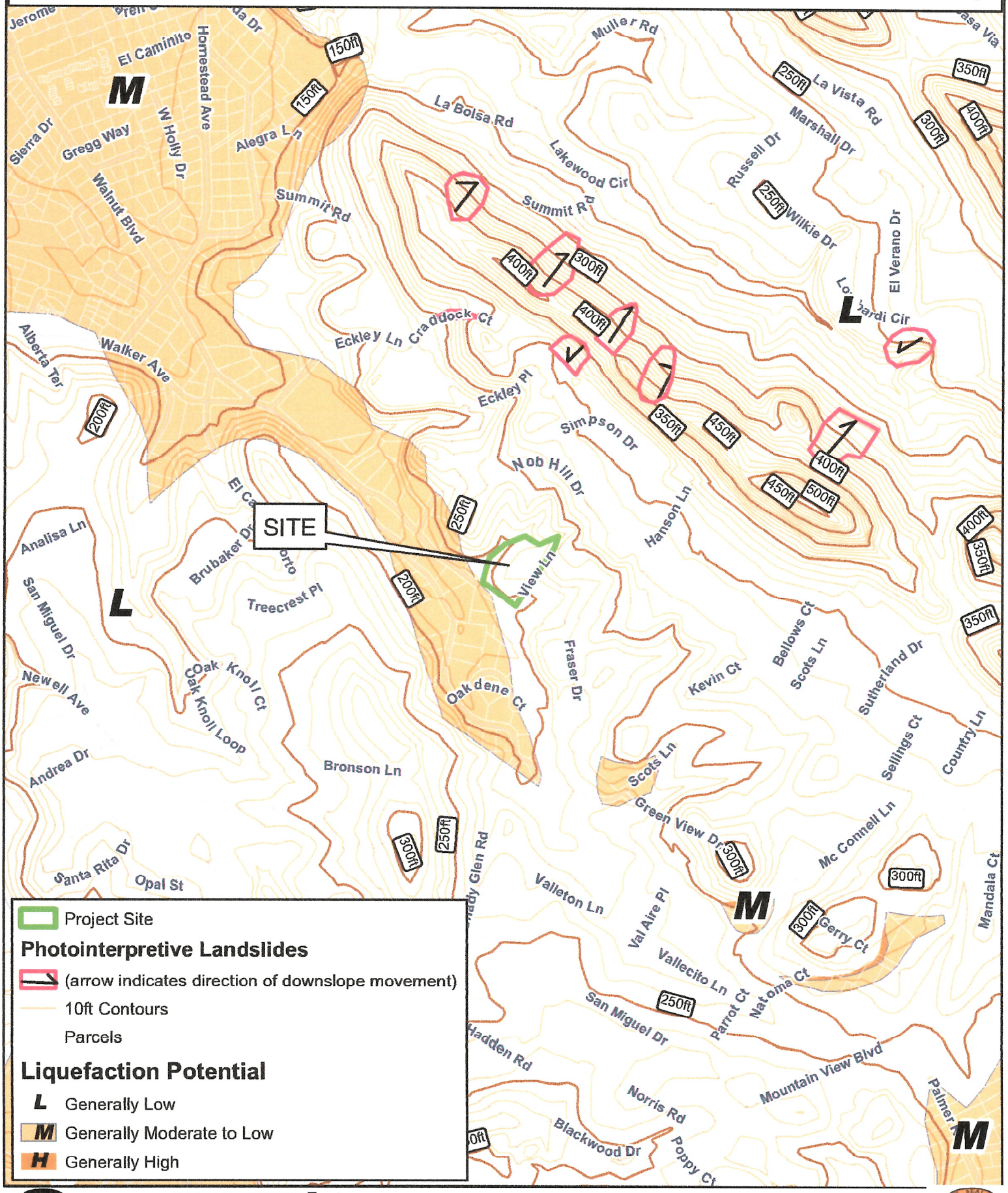
# Figure 3: CDSD21-09581 Landslide & Liquefaction Potential Map




Source: Safety Element Map, Liquefaction Potential ( pg.10-24).

CALIFORNIA HISTORICAL RESOURCES INFORMATION SYSTEM

ALAMEDA
COLUSA
CONTRA COSTA
DEL NORTE
HUMBOLDT
LAKE
MARIN
MENDOCINO
MONTEREY
NAPA
SAN BENITO
SAN FRANCISCO
SAN MATEO
SANTA CLATA
SANTA CRUZ
SOLANO
SONOMA
YOLO

**Northwest Information Center**
Sonoma State University
150 Professional Center Drive, Suite E
Rohnert Park, California 94928-3609
Tel: 707.588.8455
nwic@sonoma.edu
http://www.sonoma.edu/nwic

July 23, 2021 File No.: 20-2687

Dominique Vogelpohl, Project Planner
Contra Costa County
Department of Conservation and Development
Community Development Division
30 Muir Road
Martinez, CA 94553-4601

re: CDSD21-09581 / APN 180-240-002 at 3180 Walnut Blvd, Walnut Creek / Andy Byde: Calibr Ventures LLC

Dear Dominique Vogelpohl:

Records at this office were reviewed to determine if this project could adversely affect cultural resources. Please note that use of the term **cultural resources includes both archaeological sites and historical buildings and/or structures. The review for possible historic-era building/structures, however, was limited to references currently in our office and should not be considered comprehensive.**

**Project Description:** The applicant requests approval of a Major Subdivision application to allow one parcel to become 10 new lots with a density bonus request for one additional lot with density bonus concessions including reduced lot area and reduced average width; the project also requests the approval of a Tree Permit to allow removal and work within the dripline of onsite trees.

**Previous Studies**:
XX This office has no record of any previous cultural resource studies for the proposed project area *(see recommendation below)*.

**Archaeological and Native American Resources Recommendations:**
___ The proposed project area has the possibility of containing unrecorded archaeological site(s). A study is recommended prior to commencement of project activities.

XX We recommend the lead agency contact the local Native American tribe(s) regarding traditional, cultural, and religious heritage values. For a complete listing of tribes in the vicinity of the project, please contact the Native American Heritage Commission at (916)373-3710.

XX The proposed project area has a low possibility of containing unrecorded archaeological site(s). Therefore, no further study for archaeological resources is recommended.

**Built Environment Recommendations:**
XX Since the Office of Historic Preservation has determined that any building or structure 45 years or older may be of historical value, if the project area contains such properties, it is recommended that prior to

commencement of project activities, a qualified professional familiar with the architecture and history of Contra Costa County conduct a formal CEQA evaluation.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the California Historical Resources Information System (CHRIS) Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

For your reference, a list of qualified professionals in California that meet the Secretary of the Interior's Standards can be found at http://www.chrisinfo.org. If archaeological resources are encountered during the project, work in the immediate vicinity of the finds should be halted until a qualified archaeologist has evaluated the situation. If you have any questions please give us a call (707) 588-8455.

Sincerely,

Bryan Much
Coordinator

**From:** Dominique Vogelpohl
**To:** cpd@wiltonrancheria-nsn.gov
**Subject:** RE: Notice of Public Review and Intent to Adopt a Proposed Mitigated Negative Declaration
**Date:** Wednesday, June 21, 2023 3:01:00 PM
**Attachments:** image001.png

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Hello Venesa,

I am the project planner for this application.

Thank you for reaching out.

The Environmental document is currently in circulation for public comment, which will be end Friday, July 21st.

The full environmental document and supportive studies are available on the State Clearinghouse (SCH) website, if interested: Query the CEQAnet Database (ca.gov) and type in the SCH# 2023060580.

I anticipate this application going to public hearing on Monday, August 7 at 130PM. Would you like me to send you a copy of the report for hearing when available?

And please let me know if you have any questions.

Kind regards,

Dominique Vogelpohl, Project Planner
Department of Conservation and Development
Community Development Division
30 Muir Road Martinez, CA 94553
(925) 655-2880

CONTRA COSTA COUNTY, CALIFORNIA

---

**From:** Cultural Preservation Department Inbox <cpd@wiltonrancheria-nsn.gov>
**Sent:** Wednesday, June 21, 2023 11:15 AM
**To:** Anne Nounou <Anne.Nounou@dcd.cccounty.us>
**Subject:** RE: Notice of Public Review and Intent to Adopt a Proposed Mitigated Negative Declaration

June 21, 2023

**RE: Public Review and Intent to Adopt a Proposed Mitigated Negative Declaration- 3810 Walnut Boulevard 10-Lot Subdivision**

**CONFIDENTIAL**

Hello-

Wilton Rancheria has received notification of the above-mentioned project and has confirmed that this project will be located within the tribes ancestral and culturally affiliated territory. We would like to note the importance of this location to our tribe and its former use for both occupation and burial as indicated by near by archaeological records and Cultural Resource Inventories. We would like to be kept informed about the state of this project as it moves forward. If you would like to consult with us before you move to the next step in your process, do not hesitate to reach out directly to me. I can be reached with the information provided below. Thank you for your time and consideration of our tribal concerns. Respectfully,

**Venesa Kremer**
Lead Monitor
Cultural Resources Assistant
Wilton Rancheria- Cultural Preservation Department
Tel: 916.683.6000 ext.2023
9725 Kent St.  Elk Grover CA 95624
vkremer@wiltonrancheria-nsn.gov
cpd@wiltonrancheria-nsn.gov

| | |
|---|---|
| **From:** | Dominique Vogelpohl |
| **To:** | Corrina Gould |
| **Subject:** | RE: Notice of Opportunity to Request Consultation for Contra Costa County File #CDSD21-09581 (10 lot single-family residential subdivision at 3180 Walnut Boulevard, Walnut Creek, CA) |
| **Date:** | Thursday, January 26, 2023 1:40:00 PM |
| **Attachments:** | image001.png |

Hello Corrina,

Thank you for your comments.

We also make it very clear to developers be aware of such a possibility, and if anything is unearthed to immediately stop work and notify us and all proper agencies.

If anything is uncovered during construction, we will be sure to notify you.

Kind regards,

Dominique Vogelpohl, Project Planner
Department of Conservation and Development
Community Development Division
30 Muir Road Martinez, CA 94553
(925) 655-2880

CONTRA COSTA
COUNTY, CALIFORNIA

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**From:** Corrina Gould <cvltribe@gmail.com>
**Sent:** Tuesday, January 24, 2023 11:36 AM
**To:** Dominique Vogelpohl <Dominique.Vogelpohl@dcd.cccounty.us>
**Subject:** Re: Notice of Opportunity to Request Consultation for Contra Costa County File #CDSD21-09581 (10 lot single-family residential subdivision at 3180 Walnut Boulevard, Walnut Creek, CA)

Thank you for reaching out to the Tribe about the proposed project. At this time the Tribe has no further information to supply about the proposed site for this plan. As always we encourage developers in our traditional territories to remain cognizant of the facts that our tribal people lived all over the Bay Area and because of colonization and genocidal practices that reached into the late 19th century and early 20thCentury,it is not always possible to know for certain if you may find cultural resources or burials at sites where you anticipate ground disturbance. The Tribe wishes to be contacted if there are any findings.

**'Uni (Respectfully),**

***Corrina Gould, Tribal Chair***
Confederated Villages of Lisjan Nation

On Mon, Jan 23, 2023 at 3:55 PM Dominique Vogelpohl <Dominique.Vogelpohl@dcd.cccounty.us> wrote:

> Hello Corrina,
>
> Apologies for the delay in response.
>
> During this time I have been in correspondence with the project proponent on the matter, verified if any materials are available to provide to you, and if so to also review those materials myself prior to providing.
>
> After corresponding with the project's Cultural Resources team, an Archeological Survey Report prepared by Garcia and Associates (GANDA) environmental consultants (attached to this email) did include a Sacred Lands File search for the project, and the results were negative. The overall results of GANDA's records search conducted at the Northwest Information Center (NWIC), a historic map review, ethnographic and historic background context, and the results of a pedestrian survey of the Project area determined no cultural resources have been documented within the Project area, and the pedestrian
> field survey did not identify any cultural resources. Therefore, the potential to encounter archaeological resources during project implementation is low, and no additional cultural resources investigation is recommended.
>
> Please let me know if you have any other questions.
>
> Sincerely,
>
> Dominique Vogelpohl, Project Planner
> Department of Conservation and Development
> Community Development Division
> 30 Muir Road Martinez, CA 94553
> (925) 655-2880

**From:** Corrina Gould <cvltribe@gmail.com>
**Sent:** Monday, January 9, 2023 3:35 PM
**To:** Dominique Vogelpohl <Dominique.Vogelpohl@dcd.cccounty.us>
**Subject:** Re: Notice of Opportunity to Request Consultation for Contra Costa County File #CDSD21-09581 (10 lot single-family residential subdivision at 3180 Walnut Boulevard, Walnut Creek, CA)

Hello,

Thank you for your email. Can you please send additional information regarding the site? Has there been a Sacred Lands File search at the Native American Heritage Commission with Negative or Positive findings? Once this information is available, we can move forward with possible consultation.

**'Uni (Respectfully),**

***Corrina Gould, Tribal Chair***
Confederated Villages of Lisjan Nation

On Thu, Jan 5, 2023 at 3:39 PM Dominique Vogelpohl <Dominique.Vogelpohl@dcd.cccounty.us> wrote:

> Good afternoon,
>
> Please see the attached letter and information regarding an opportunity to request a consultation for a project for a 10 lot single-family residential subdivision at 3180 Walnut Boulevard, Walnut Creek in Contra Costa County. In accordance with Section 21080.3.1(d) of the PRC, you have 30 days from the receipt of this letter to either request or decline consultation in writing for this project.
>
> In accordance with your request, staff has also sent a hard copy via U.S. Certified mail to the address provided to our department.
>
> If you have any questions, please feel free to contact me.
>
> Sincerely,
>
> Dominique Vogelpohl, Project Planner
> Department of Conservation and Development
> Community Development Division
> 30 Muir Road Martinez, CA 94553
> (925) 655-2880

# Attachment 7

# Arborist Report

Traverso Tree

January 10, 2023

Andy Byde
Calibr Ventures
925-683-5493 | andy@calibrventures.com

**Re: Arborist Report for 3180 Walnut Blvd, Walnut Creek**

Dear Andy,

This arborist report addresses the proposed subdivision at 3180 Walnut Blvd. Per the Contra Costa County Tree Protection and Preservation Ordinance Chapter 816-6 for developed property, the scope of work includes:

- Tag, identify and measure all trees with diameters 6.5" or larger within 50' of proposed improvements. Multi-stemmed trees will be included if the total circumference of their stems exceeds 40".
- Note protected trees, defined as:
    - Any tree that is adjacent to or part of a riparian, foothill woodland or oak savanna area, or part of a stand of 4 or more trees, and measures 6.5" in diameter or more, and is of one of the following species: Bigleaf maple (*Acer macrophyllum*), Box elder (*Acer negundo*), California buckeye (*Aesculus californica)*, White alder (*Alnus rhombifolia*), Madrone (*Arbutus menziesii*), Toyon (*Heteromeles arbutifolia*), California Black Walnut (*Juglans hindsii)*, California juniper (*Juniperus californica*), Tanoak (*Lithocarpus densiflora*), Knobcone pine (*Pinus attentuata*), Digger pine (*Pinus sabiniana*), California sycamore (*Platanus racemosa*), Fremont cottonwood (*Populus fremontii*), Black cottonwood (*Populus trichocarpa*), Coast live oak (*Quercus agrifolia)*, Blue oak (*Q. douglasii*), California black oak (*Q. kellogii*), Valley oak (*Q. lobata*), Interior live oak (*Q. wislizenii*), Yellow willow (*Salix lasiandra*), Red willow (*Salix laevigata*), Arroyo willow (*Salix lasiolepis*), Coast red elderberry (*Sambucus callicarpa*), Coast redwood (*Sequoia sempervirens*), California bay (*Umbellularia californica*).
    - Any tree shown to be preserved on an approved tentative map, development or site plan or required to be retained as a condition of approval.
    - Any tree required to be planted as a replacement for an unlawfully removed tree.
- Assess proposed improvements for potential encroachment.
- Based on proposed encroachment, tree health, structure, and species susceptibility, make recommendations for preservation.
- Provide above information on a Tree Protection Plan, to include: tag #s, approximate dripline, whether a tree is removed or preserved, tree protection fencing locations, and tree protection recommendations.

**Project Summary**

The property is a 2.88 acre site with an existing but uninhabited single-family home in the very center of the property. The original driveway off Walnut Blvd has been reduced to a dirt path. A semi-natural drainage swale parallels the entire north property line, terminating in a culvert at the northwest corner of the property. The proposed project will subdivide the property and construct ten (10) homes, with a road down the center of the property and a bio-retention basin at the south corner.

I included seventy-four (74) trees in my tree inventory, including fourteen (14) protected trees. Orchard remnants, including mature & aging pecans, almonds and walnuts, are distributed across the site, while the highest density of native oaks is found along the south property line. After my site visit, I provided recommendations for preserving key trees along the property lines, both to maintain

screening and to reduce encroachment on off-site and/or spectacular specimens. These recommendations were incorporated into the latest plan set.

It is my opinion that a total of forty-three (43) trees will need to be removed to accommodate the proposed project, which includes four (4) protected trees. The remaining thirty-one (31) trees can be retained given that the protection measures within this report are followed.

**Assumptions & Limitations**

This report is based on my site visit on 5/19/21 and the vesting tentative map package by DK Engineering dated 12/22. It was assumed that the trees and the proposed improvements were accurately surveyed. A few trees were not surveyed, so I approximately located them on the tree protection plan. Their precise locations will not affect the recommendations in this report. Significant changes to the plans shall be reviewed to update the tree protection recommendations.

The health and structure of the trees were assessed visually from ground level. No drilling, root excavation, or aerial inspections were performed. Internal or non-detectable defects may exist and could lead to part or whole tree failures. Due to the dynamic nature of trees and their environment, it is not possible for arborists to guarantee that trees will not fail in the future.

**Discussion**

Due to the significant grading required to construct the site improvements, the majority of the trees in the center of the property & along Walnut Blvd will need to be removed. Of the 43 proposed removals, 4 are considered protected per County ordinance (trees # 340-343). Separately, four are recommended for removal solely based on their poor condition (trees #321, 325, 330 & 333) – while they can be preserved with low encroachment, their declining health means that they will not be an asset for long to both the current and future site. Tree preservation efforts are best focused on healthy trees that can provide benefits for years to come.

Such trees include the valley oaks along the southeast property line along View Lane, at the end of the proposed subdivision road (tree #314, Figure 1),

Figure 1. Proposed grading originally required the removal of valley oak #314 – the design has been adjusted so it can remain at the end of the main road.

Figure 2. Valley oak #310 is across the swale from the proposed retaining walls and homes. An arborist shall be on site during grading beneath its canopy.

and along the west property line. I provided recommendations on where to terminate grading, which reduced overall encroachment along the perimeter and increased the ability to preserve most of the mature trees. Still, I recommend having an arborist on site during grading within the driplines of selected trees to ensure that their roots are not excessively encroached. For instance, oak #310 is located on the west side of the drainage swale – the proposed retaining walls will occur at the top of the bank opposite of this tree (Figure 2). Although the likelihood of encountering large roots is lower, it is not zero, and the worthy character of this tree warrants additional caution with an arborist on site.

Two general recommendations apply across all the trees that will be preserved. The temporary protection fencing must be chain-link on posts driven into the ground. Movable footings or plastic/wire fencing is not sufficient, as these make it easy to move or remove fencing. The contractors may only adjust fencing with my approval – otherwise, encroachment would be far too easy given the size of the development and the site's gentle slopes. If the fencing is moved without my knowledge, the extent of tree impact becomes unknown and can jeopardize the long-term condition of the trees. Additionally, pruning shall be done by certified arborists or tree workers, who receive the credentials from the International Society of Arboriculture (ISA) once they have demonstrated a baseline level of knowledge and skill. Improper pruning of trees results in compromised growth and/or permanently destroys the trees' architecture, leading to increased issues in future years.

Figure 3. The neighbor's Monterey pine #303 is heading into its twilight years and is likely to continue to decline regardless of construction. The species has been rapidly dying throughout the county.

Lastly, although the proposed design has been adjusted to preserve the neighbor's pine (#303, Figure 3), this tree is likely to continue to decline. Monterey pines are short lived, native to coastal regions, and are highly vulnerable to drought stress when planted in inland environments. Once stressed, they become susceptible to infestation by red turpentine beetle and can rapidly die within a few months – this has been observed throughout the county, especially in the last year or two. This specific tree is aging and does not have many years left – it is likely to continue its decline regardless of construction.

**Tree Protection Recommendations (to be printed on site plans)**

Pre-Construction Phase

- Remove trees # 315, 321, 325, 326, 330, 332, 333, 335 & 340-374 (43 trees).
- Mulch from tree removals may be spread out under the driplines of trees that will be retained, keeping at least 12" away from the trunks.
- Prior to construction or grading, contractor shall install 6' chain-link fencing on steel posts driven into the ground to construct a temporary Tree Protection Zone (TPZ) around each tree or grove of trees as indicated on the tree protection plan. Wire or plastic fencing shall not be used as it is easy to damage or remove.

- TPZ fencing shall remain in an upright sturdy manner from the start of grading until the completion of construction. Fencing shall not be adjusted or removed without consulting the project arborist.

Foundation, Grading, and Construction Phase

- The project arborist shall be on-site during excavation/grading within the driplines of trees #310, 327-331, 334 & 335 to monitor root encroachment and to provide additional tree protection recommendations as needed. Roots ≥ 2" shall be cleanly pruned with a handsaw or sawzall, immediately covered, and kept moist till backfilled.
- All pruning – especially of trees #310, 327-331, 334 & 335 - shall be performed by personnel certified by the International Society of Arboriculture (ISA). All pruning shall adhere to ISA and American National Standards Institute (ANSI) Standards and Best Management Practices.
- Should Tree Protection Zone (TPZ) encroachment be necessary, the contractor shall contact the project arborist for consultation and recommendations.
- Contractor shall keep TPZs free of all construction-related materials, debris, fill soil, equipment, etc. The only acceptable material is mulch spread out beneath the trees.
- Should any damage to the trees occur, the contractor shall promptly notify the project arborist to appropriately mitigate the damage.

Landscaping Phase (if applicable)

- The Tree Protection Zone (TPZ) fencing shall remain in place with the same restrictions until landscape contractor notifies and meets with the project arborist.
- Contractor shall avoid trenching and grade changes within oak driplines.
- All planting and irrigation shall be kept a minimum of 10' away from native oaks. All irrigation within the driplines shall be targeted at specific plants, such as drip emitters or bubblers. No overhead irrigation shall occur within the driplines of native oaks.
- All planting within oak driplines shall be compatible with oaks, consisting of plant material that requires little to no water after two years' establishment. A list of oak-compatible plants can be found in a publication from the California Oak Foundation, available at: http://californiaoaks.org/wp-content/uploads/2016/04/CompatiblePlantsUnderAroundOaks.pdf

Thank you for the opportunity to provide this report, and please do not hesitate to contact me if there are any questions or concerns.

*Please see tree inventory table below & attached tree protection plan*.

Sincerely,

Jennifer Tso
Certified Arborist #WE-10270A
Tree Risk Assessor Qualified

## Tree Inventory & Assessment Table

#s: Each tree was given a square metal tag with numbers ranging from #301-374. Their locations are given in the tree protection plan.
**DBH** (Diameter at Breast Height): Trunk diameters in inches were measured at 4.5' above average grade with a diameter tape. Height of measurement may deviate from the standard on atypical trunks; deviations are noted under the "Comments" section.

Health & Structural Condition Rating
**Dead:** Dead or declining past chance of recovery.
**Poor (P):** Stunted or declining canopy, poor foliar color, possible disease or insect issues. Severe structural defects that may or may not be correctable. Usually not a reliable specimen for preservation.
**Fair (F)**: Fair to moderate vigor. Minor structural defects that can be corrected. More susceptible to construction impacts than a tree in good condition.
**Good (G):** Good vigor and color, with no obvious problems or defects. Generally more resilient to impacts.
**Very Good (VG)**: Exceptional specimen with excellent vigor and structure. Unusually nice.

**Dripline:** Canopy radius was visually estimated in each cardinal direction.

Age
**Young (Y):** Within the first 20% of expected life span. High resiliency to encroachment.
**Mature (M):** Between 20% - 80% of expected life span. Moderate resiliency to encroachment.
**Overmature (OM):** In >80% of expected life span. Low resiliency to encroachment.

**DE:** Dripline Encroachment (X indicates encroachment)
**CI:** Anticipated Construction Impact (L = Low, M = Moderate, H = High)

Tree Encroachment Summary

- Trees that will need to be removed: 315, 321, 325, 326, 330, 332, 333, 335, 340-374 (43 trees)
  - Trees #321, 325, 330 & 333 are recommended for removal strictly based on poor condition; they will not be significantly encroached by construction.
  - Protected trees to be removed: #340-343 (4 trees)
- Trees to be saved that will be subjected to dripline encroachment: 301-303, 306, 309, 310, 314, 316, 322-324, 327, 328, 331, 334, 338, 339 (17 trees)
- Trees to be saved that will not be encroached: 304, 305, 307, 308, 311, 312, 313, 317-320, 329, 336, 337 (14 trees)

| # | Species | DBH | Health | Structure | Dripline N | Dripline E | Dripline S | Dripline W | Age | DE | CI | Comments | Action |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 301 | Almond (*Prunus dulcis*) | 12 | F-P | F | 0 | 0 | 12 | 12 | M | X | L | Large dead branches. Multiple branches at 2.5'; diameter measured below. 11' from proposed grading outside retaining wall. | Install temporary protection fencing. |
| 302 | Valley oak (*Quercus lobata*) | 17 | G | F | 0 | 10 | 20 | 20 | M | X | L | Phototropic lean to S due to declining pine. Trunk flare buried. Co-dominant stems at 6' with wide attachment. 11' from proposed limit of grading; 15' from proposed retaining wall. | Install temporary protection fencing. |

| # | Species | DBH | Health | Structure | Dripline N | Dripline E | Dripline S | Dripline W | Age | DE | CI | Comments | Action |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 303 | Monterey pine (*Pinus radiata*) | 36 | F-P | F | 10 | 20 | 20 | 18 | OM | X | L-M | DBH estimated due to clutter below. Sparse canopy with yellowing needles. Debris obscuring base. 28' from proposed retaining wall. **Note: species has been declining in area and is likely to die from drought stress regardless of construction.** | Install temporary protection fencing. |
| 304 | Monterey pine | 17.5 | F | F | 15 | 25 | 0 | 0 | M | | L | Debris obscuring base. Phototropic lean to E. 25' from proposed retaining wall. | None. |
| 305 | Coast redwood (*Sequoia sempervirens*) | 11 | G-F | G | 12 | 12 | 12 | 12 | Y | | L | Off-site; DBH estimated; tag on fence. Top sparse. 22' from proposed retaining wall. | None. |
| 306 | Holly oak (*Quercus ilex*) | 7 | G-F | F | 12 | 12 | 12 | 12 | Y | X | L | Top sparse. 9' from proposed retaining wall. | Install temporary protection fencing. |
| 307 | Coast redwood | 12 | F-P | G | 8 | 8 | 8 | 8 | Y | | L | Off-site; DBH estimated; tag on fence. Browned and sparse foliage; early loss of old foliage. 22' from proposed retaining wall. | Install temporary protection fencing. |
| 308 | Valley oak | 13 | G | F | 10 | 15 | 15 | 10 | Y | | L | Off-site; DBH estimated; tag on fence. Co-dominant stems at 8'. 23' from proposed retaining wall. | Install temporary protection fencing. |
| 309 | California black walnut (*Juglans hindsii*) | 14 | G-F | F | 0 | 25 | 15 | 10 | M | X | L-M | **Protected tree.** Diameter measured at 5' above grade above large co-dominant swelling (other stem removed). Several dead stems & removed scaffolds exaggerating diameter. Remaining canopy healthy. 14' from proposed retaining wall. | Install temporary protection fencing. |
| 310 | Valley oak | 29.5 | G-F | G | 20 | 25 | 25 | 20 | M | X | L-M | **Protected tree.** Top moderately sparse with typical amount of dead lower branches. Wide co-dominant stems at 18'. Swale cuts next to trunk; wide trunk flare. 13' from proposed retaining wall (to be built on opposite side of swale). | Install temporary protection fencing - arborist on site during grading. For lower retaining wall. |
| 311 | California black walnut | 17.5 | G-F | F | 20 | 15 | 0 | 25 | M | | L | **Protected tree.** Off-site tree. 5" dead scaffold, other lower branches dead. Remaining canopy is healthy. Clear of construction. | None. |
| 312 | California black walnut | 26 | F-P | F | 20 | 20 | 20 | 20 | M | X | H | **Protected tree.** Diameter measured at 18" above grade due to swelling for co-dominant stems above (at 6'). Sparse upper canopy. Small diameter dieback at top. | Install temporary protection fencing. |
| 313 | Almond | 9, 6 | G | F | 10 | 12 | 12 | 5 | M | X | H | Good health. Some minor lower dieback. | None. |
| 314 | Valley oak | 14 | VG | G | 15 | 15 | 15 | 15 | Y | X | L | Nice tree. Close to top of swale. Co-dominant stems at 6'. Proposed grading terminates 13' radius from tree. | Install temporary protection fencing. |

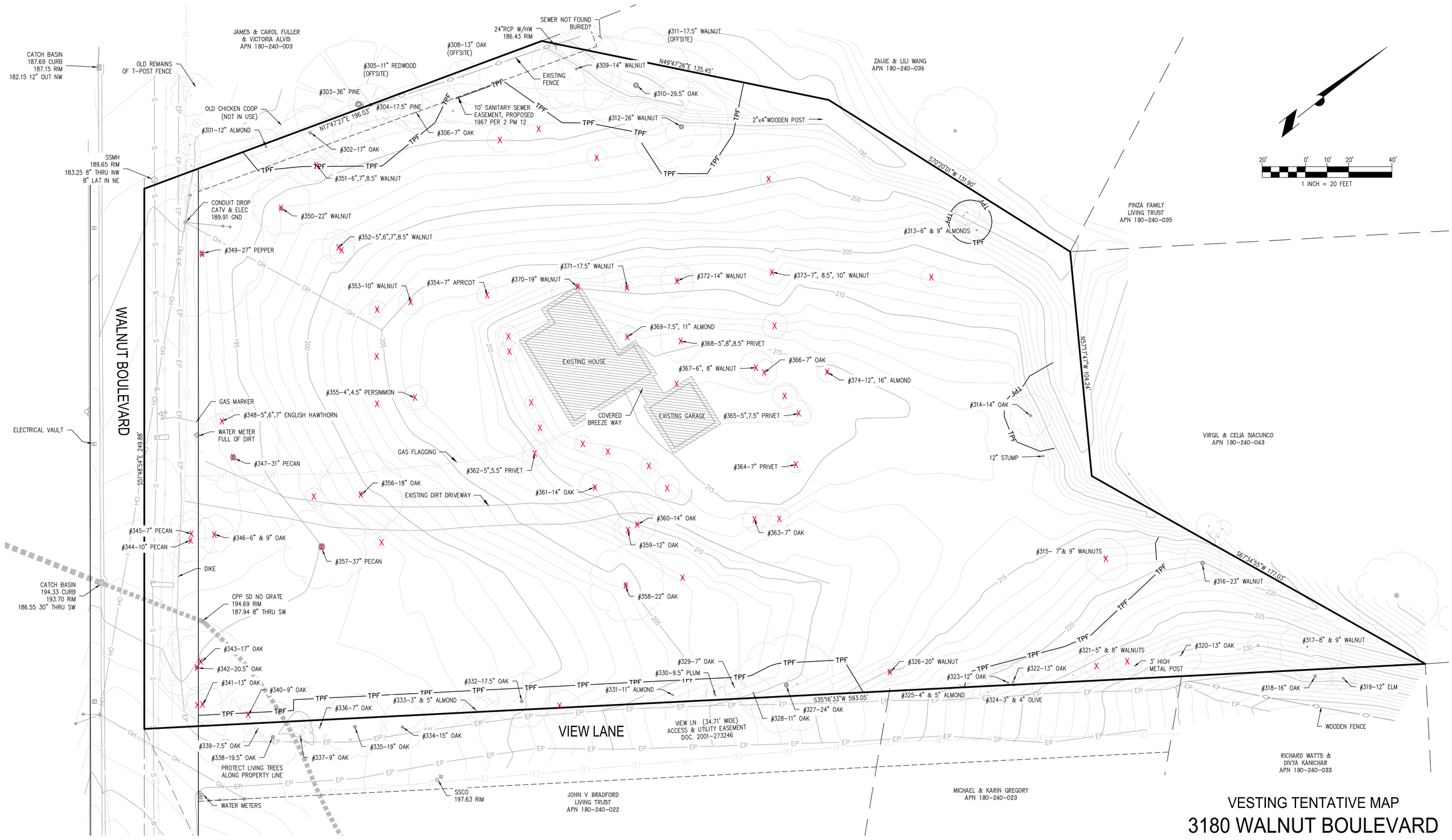
| # | Species | DBH | Health | Structure | Dripline N | Dripline E | Dripline S | Dripline W | Age | DE | CI | Comments | Action |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 315 | English walnut (*Juglans regia*) | 7.5, 9, 7, 7, 9, 6 | P | P | 15 | 10 | 10 | 12 | OM | X | H | Half dead. Rootstock resprouting. Canopy died back to smaller crown. Decay throughout tree. In proposed grading. | Remove. |
| 316 | California black walnut | 23 | G | P | 12 | 12 | 12 | 12 | M | X | L-M | Topped at 12' with healthy regrowth. Trunk sounds hollow. Proposed grading daylights 22' from tree. | Install temporary protection fencing. |
| 317 | California black walnut | 8, 8, 9, 6 | F-P | F | 15 | 10 | 20 | 15 | M | | L | Sparse canopy; one trunk dead. Co-dominant trunks at base. Clear of construction. | None. |
| 318 | Valley oak | 16 | G | G | 20 | 15 | 15 | 12 | M | | L | Off-site tree. Co-dominant stems at 7' with wide attachment. Slightly sparse canopy. Clear of construction. | None. |
| 319 | Siberian elm (*Ulmus pumila*) | 12 | F-P | F-P | 8 | 10 | 10 | 15 | M | | L | Off-site tree. Large branch dieback throughout canopy with remaining foliage healthy. Clear of construction. | None. |
| 320 | Valley oak | 13 | G | G | 18 | 15 | 15 | 15 | M | | L | Very good structure with wide attachments. Large scaffold branch at 3'. Clear of construction. | None. |
| 321 | California black walnut | 8, 5 | VP | P | 15 | 12 | 10 | 0 | OM | | L | Noted as dead on survey. All other stems are dead. Sparse canopy with mistletoe. 18' from proposed limit of grading. | Remove (due to condition). |
| 322 | Valley oak | 13 | VG | G-F | 15 | 15 | 15 | 0 | M | X | L | Buried trunk flare. Minor phototropic lean to E. Power lines to E across road. 10' from proposed limit of grading. | Install temporary protection fencing. |
| 323 | Valley oak | 12 | G | F | 15 | 0 | 10 | 18 | M | X | L | Phototropic lean to NW with bowed top; still understory. Buried trunk flare. 10' from proposed limit of grading. | Install temporary protection fencing. |
| 324 | Olive (*Olea europea*) | 4, 4, 3, 4, 3 | G | G-F | 8 | 8 | 10 | 10 | Y | X | L | Multiple trunks. Minor phototropic lean to S. 12' from proposed limit of grading. | Install temporary protection fencing. |
| 325 | Almond | 4, 4, 5, 5 | P | P | 5 | 3 | 6 | 5 | OM | | L | Aging tree. Several dead trunks, remaining healthy foliage consists of water-sprouts. 10' from proposed limit of grading. | Remove (due to condition). |
| 326 | California black walnut | 20 | VP | P | 10 | 15 | 6 | 12 | OM | X | H | Main trunk decayed and nearly dead - diameter exaggerated. Live branches actually only up to 5" diameter. Sparse stunted foliage with significant mistletoe. 2' from proposed limit of grading. | Remove. |
| 327 | Valley oak | 24 | G | G-F | 20 | 18 | 15 | 25 | M | X | M/M-H | Large branches extended to W, multiple large stems between 5'-7'. Proposed retaining wall 13' from trunk; V-ditch/swale 9' from tree. | Install temporary protection fencing. Arborist on site during grading within tree dripline. Pruning to be done by certified personnel |
| 328 | Valley oak | 11 | G | G-F | 0 | 18 | 15 | 0 | Y | X | L | Trunk winds through branches of larger oak. Proposed retaining wall 13' from trunk; V-ditch/swale 8' from tree. | Install temporary protection fencing. |

| # | Species | DBH | Health | Structure | Dripline N | Dripline E | Dripline S | Dripline W | Age | DE | CI | Comments | Action |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 329 | Valley oak | 7 | VG | F | 0 | 0 | 0 | 20 | Y | | L | Phototropic lean to W. 7' from proposed retaining wall; 4' from proposed V-ditch/swale. | Install temporary protection fencing. |
| 330 | Plum (*Prunus* sp.) | 9.5 | P | F-P | 0 | 10 | 12 | 4 | OM | X | M/M-H | Half dead. In cluster with dead almond and oak. 10' from proposed retaining wall; 6' from proposed V-ditch/swale. | Remove (due to condition). |
| 331 | Almond | 11 | G | F | 10 | 10 | 10 | 10 | M | X | M | Diameter measured at 3' - narrow co-dominant stems at 4' exaggerating DBH. Minor dead lower branches. 9' from proposed retaining wall; 5' from proposed V-ditch/swale. | Install temporary protection fencing. Arborist on site during grading within tree dripline. |
| 332 | Valley oak | 17.5 | F | F | 20 | 15 | 18 | 20 | M | X | H | Small branch dieback and responding with vigorous epicormic growth. Unknown cause of stress. 9' from proposed retaining wall; 5' from proposed V-ditch/swale. | Remove. |
| 333 | Almond | 5, 4, 3 | F-P | F-P | 0 | 10 | 12 | 5 | OM | X | L-M | Dieback with epicormic sprouts comprising canopy. Dead black walnut at base (3" & 4"). 12' from proposed retaining wall; 8' from proposed V-ditch/swale. | Remove (due to condition). |
| 334 | Valley oak | 15 | VG | G-F | 18 | 18 | 18 | 18 | M | X | L | **Protected tree.** Buried flare. Multiple stems at 15' with narrow attachment. 14' from proposed drainage. | Install temporary protection fencing. Arborist on site during grading within tree dripline. |
| 335 | Valley oak | 19 | G | G | 15 | 18 | 15 | 18 | M | X | L-M | **Protected tree.** Buried flare. Some areas of canopy lacking branches. 13' from proposed drainage. | Install temporary protection fencing. Arborist on site during grading within tree dripline. |
| 336 | Valley oak | 7 | G | F | 10 | 0 | 0 | 15 | Y | | L | **Protected tree.** Asymmetrical canopy to NW. 12' from proposed drainage. | Install temporary protection fencing. |
| 337 | Valley oak | 9 | G | G-F | 6 | 15 | 4 | 4 | Y | | L | **Protected tree.** Co-dominant stems at 6' with narrow attachment. Unusually narrow canopy with elongated branches over small road. Buried trunk flare. 18' from proposed drainage. | Install temporary protection fencing. |
| 338 | Valley oak | 19.5 | G | G-F | 18 | 18 | 18 | 18 | M | X | L | **Protected tree.** Co-dominant stems at 8'. Minor small diameter deadwood. Buried trunk flare. 13' from proposed bioretention basin. | Install temporary protection fencing. |
| 339 | Valley oak | 7.5 | G | G | 4 | 10 SE | 10 | 6 | Y | X | L | **Protected tree.** Phototropic lean to SE. 8' from proposed bioretention basin. | Install temporary protection fencing. |
| 340 | Valley oak | 9 | G | G-F | 0 | 15 SE | 12 | 15 | Y | X | H | **Protected tree.** Minor asymmetrical canopy to W. Within 1' of proposed bioretention basin. | Remove. |

| # | Species | DBH | Health | Structure | Dripline N | Dripline E | Dripline S | Dripline W | Age | DE | CI | Comments | Action |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 341 | Valley oak | 13 | G | G-F | 12 | 15 | 15 SE | 0 | M | X | H | **Protected tree.** Phototropic lean to SE has corrected at top. Buried flare. 3' from proposed bioretention basin. | Remove. |
| 342 | Valley oak | 20.5 | G-F | G-F | 18 | 18 | 18 | 18 | M | X | H | **Protected tree.** Multiple large spreading stems at 7'-9' above grade. Some dead branches at outer edge of canopy, 3" dead secondary branch to N. Trunk flare buried. 4" x 6" wound on S side. 3' from proposed bioretention basin; in proposed sidewalk. | Remove. |
| 343 | Valley oak | 17 | G | F | 25 | 0 | 15 S W | 25 | M | X | H | **Protected tree.** Trunk buried. Phototropic lean to NW, not corrected. Within 1' of proposed bioretention basin. | Remove. |
| 344 | Pecan (*Carya illinoinensis*) | 10, 10 | G | F | 0 | 25 | 20 | 15 | M | X | H | Co-dominant stems at 2' with moderate bark inclusion. Asymmetrical canopy due to shading. Trunk wound on street side (car damage) 16" x 8" surrounded by large woundwood. In proposed sidewalk. | Remove. |
| 345 | Pecan | 7 | G | G-F | 12 | 0 | 18 S W | 18 | Y | X | H | Large 2' x 6" scar on N side of trunk, cause unknown. Minor phototropic lean. In proposed sidewalk. | Remove. |
| 346 | Valley oak | 9, 6 | G | G-F | 8 | 20 | 6 | 6 | Y | X | H | Large secondary stem at 2'. Corrected lean to E; cause unknown. End of chain attached to S side of trunk. In proposed bioretention basin. | Remove. |
| 347 | Pecan | 31 | G-F | F | 18 | 18 | 20 | 15 | M | X | H | Evidence of branch failures throughout canopy; hanger in tree. 12" x 14" wide cavity on NW side of trunk, surrounded by thick woundwood - may be from failure of old co-dominant stem. Co-dominant stems at 6'. North stem has large canker at 7' above grade. Some large dieback in upper crown. Within 1' of proposed bioretention basin and sidewalk. | Remove. |
| 348 | English hawthorn (*Crataegus laevigatum*) | 6, 7, 5 | G-F | F | 10 | 10 | 10 | 10 | M | X | H | Multiple stems at 18" above grade. Vigorous epicormic shoots. Understory tree, dominated by pecan. In proposed road. | Remove. |
| 349 | Peruvian pepper (*Schinus molle*) | 27, 27 | G | P | 20 | 20 | 20 | 25 | M | X | H | Tree consists of 2 major trunks - west trunk is horizontal on ground for 3'; other trunk failed at 8' above grade. Large suckers comprise remaining stems - 15" stem failed at base but is alive due to small strip of tissue still attached. <5" oaks within canopy. Within 1' of proposed sidewalk; in proposed grading. | Remove. |
| 350 | California black walnut | 22 | P-VP | P | 5 | 5 | 5 | 10 | M | X | H | Large deadwood, significant dieback. Live foliage healthy. In proposed grading. | Remove. |

| # | Species | DBH | Health | Structure | Dripline N | Dripline E | Dripline S | Dripline W | Age | DE | CI | Comments | Action |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 351 | California black walnut | 7, 6, 8.5 | G-F | P | 5 | 15 | 3 | 0 | M | X | H | Significant phototropic lean, some small twig dieback. Suckers from original trunk. Within 1' of proposed retaining wall. | Remove. |
| 352 | California black walnut | 5, 8.5, 7, 5, 6 | F | G-F | 10 | 5 | 10 | 10 | M | X | H | Actually one tree. Sparse canopy, small twig dieback throughout, including upper canopy. In proposed grading. | Remove. |
| 353 | English walnut | 10 | F-P | F | 5 | 5 | 5 | 5 | M | X | H | Diameter measured at 2.5'; below co-dominant branches. Dieback in upper canopy. In proposed grading. | Remove. |
| 354 | Apricot (*Prunus armeniaca*) | 7 | VP | F | 0 | 5 | 5 | 5 | OM | X | H | Main scaffold dead, remaining canopy very sparse. In proposed grading. | Remove. |
| 355 | Persimmon (*Diospyros* sp.) | 4.5, 4, 4.5, 4.5, 4 | F-P | F | 7 | 5 | 5 | 5 | M | X | H | Top dieback and dead twigs, some water sprouts, sparse canopy. In proposed grading. | Remove. |
| 356 | Valley oak | 18 | F | G-F | 20 | 15 | 5 | 15 | M | X | H | Phototropic lean to N, corrected at 25'. Scaffolds at 15' with included bark. Small twig dieback, somewhat sparse. In proposed grading. | Remove. |
| 357 | Pecan | 37 | G-F | F-P | 25 | 20 | 30 | 45 | M | X | H | Co-dominant stems at 6' with included bark. Sparser canopy on north side, southern side very full. Overextended, heavy limbs, swelling on main scaffolds may indicate internal defects. Decay from prior pruning. In proposed grading. | Remove. |
| 358 | Valley oak | 22 | F-P | F | 20 | 15 | 20 | 15 | Y-M | X | H | Small twig dieback throughout canopy, sparse upper canopy, lots of epicormic growth on main stems and scaffolds. In proposed grading. | Remove. |
| 359 | Holly oak | 12 | F | P/P-VP | 5 | 5 | 0 | 8 | Y | X | H | Co-dominant stems with included bark at 1' wrapping around each other. Sparse upper canopy. In proposed grading. | Remove. |
| 360 | Holly oak | 14 | F-P/P | F-P | 5 | 5 | 10 | 10 | Y | X | H | Diameter measured at 4', twig dieback throughout upper canopy. Interior waterspouts. Decay pocket on N co-dominant stem. In proposed grading. | Remove. |
| 361 | Valley oak | 14 | F | G | 10 | 15 | 10 | 15 | Y | X | H | Dead mistletoe. Epicormic sprouts in interior canopy, small twig dieback in outer canopy. In proposed grading. | Remove. |
| 362 | Privet (*Ligustrum lucidum*) | 5. 5.5, 4, 5 | F-P | VP | 3 | 5 | 5 | 5 | M | X | H | Large shrub with sucker growth and rubbing stems. Twig dieback especially on N side. Chlorotic and sparse canopy. In proposed grading. | Remove. |
| 363 | Holly oak | 7 | G | F/F-P | 3 | 8 | 8 | 8 | Y | X | H | Previously topped at 6' with multiple upright stems. In proposed grading. | Remove. |
| 364 | Privet | 7 | F | F | 5 | 5 | 8 | 5 | M | X | H | Somewhat sparse and chlorotic canopy, nice structure for a privet. Surrounded by shrubs. In proposed grading. | Remove. |

| # | Species | DBH | Health | Structure | Dripline N | Dripline E | Dripline S | Dripline W | Age | DE | CI | Comments | Action |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 365 | Privet | 5, 5, 7.5 | F/F-P | P | 5 | 3 | 7 | 5 | M | X | H | Main stems rubbing/fusing with narrow attachment, some twig dieback on north side. Slightly chlorotic and sparse canopy. In proposed grading. | Remove. |
| 366 | Holly oak | 7 | F/F-P | F | 5 | 3 | 0 | 5 | M | X | H | Lean to south due to partially uprooted (now stable) root ball. Some twig dieback in upper canopy. In proposed grading. | Remove. |
| 367 | California black walnut | 6, 8 | F | F-P | 0 | 0 | 10 | 5 | Y | X | H | Co-dominant stems at 1' with significant included bark. Large scaffold branch on north side previously removed. Twig and tip dieback throughout canopy. In proposed grading. | Remove. |
| 368 | Privet | 8, 5, 5.5, 8.5 | P | F | 10 | 10 | 10 | 10 | M | X | H | Twig dieback throughout, sparse & chlorotic canopy. Small cavity at base between trunks. In proposed grading. | Remove. |
| 369 | Almond | 11, 7.5 | VP | P | 0 | 0 | 0 | 0 | OM | X | H | Small live shoots, large deadwood, severe decline. Less than 5% live canopy. In proposed grading. | Remove. |
| 370 | California black walnut | 19 | F/F-P | F | 5 | 0 | 5 | 0 | M | X | H | Diameter measured at 3'. N scaffold dead; top dieback. In proposed grading. | Remove. |
| 371 | English walnut | 17.5 | P | F | 5 | 0 | 10 | 5 | M | X | H | Leader died back and bark missing on N side of trunk up to 5'. Significant decay in main stem. Dieback and very sparse canopy. In proposed grading. | Remove. |
| 372 | California black walnut | 14 | G-F | F-P | 5 | 5 | 8 | 5 | M | X | H | Diameter measured at 2.5'. Some twig dieback and larger deadwood. In proposed grading. | Remove. |
| 373 | English walnut | 10, 7, 8.5 | F/F-P | F | 10 | 5 | 7 | 10 | M | X | H | Top dieback, live foliage healthy. In proposed grading. | Remove. |
| 374 | Almond | 12, 16 | F-P | F-P | 5 | 0 | 0 | 5 | M | X | H | Large dead limbs, sparse canopy on east side, spiraling trunks. In proposed grading. | Remove. |




NOTE: THE PROPOSED DEVELOPMENT WILL REMOVE 43 TREES FROM THE PROJECT SITE. THE REMAINING 31 TREES WILL BE RETAINED. REFERENCE THE ARBORIST REPORT FOR 3180 WALNUT BOULEVARD DATED MAY 25, 2021 FOR FURTHER DETAILS ON THE TREES TO BE REMOVED.

REGISTERED PROFESSIONAL ENGINEER ANDREW D. PARRY No. 79704 CIVIL STATE OF CALIFORNIA

PRELIMINARY

# VESTING TENTATIVE MAP
# 3180 WALNUT BOULEVARD
## WALNUT CREEK, CALIFORNIA
JANUARY 11, 2023

ENGINEERING SURVEYING • PLANNING
1931 SAN MIGUEL DRIVE, SUITE 100, WALNUT CREEK, CA 94596
WWW.DKENGIN.COM (925) 932-6866

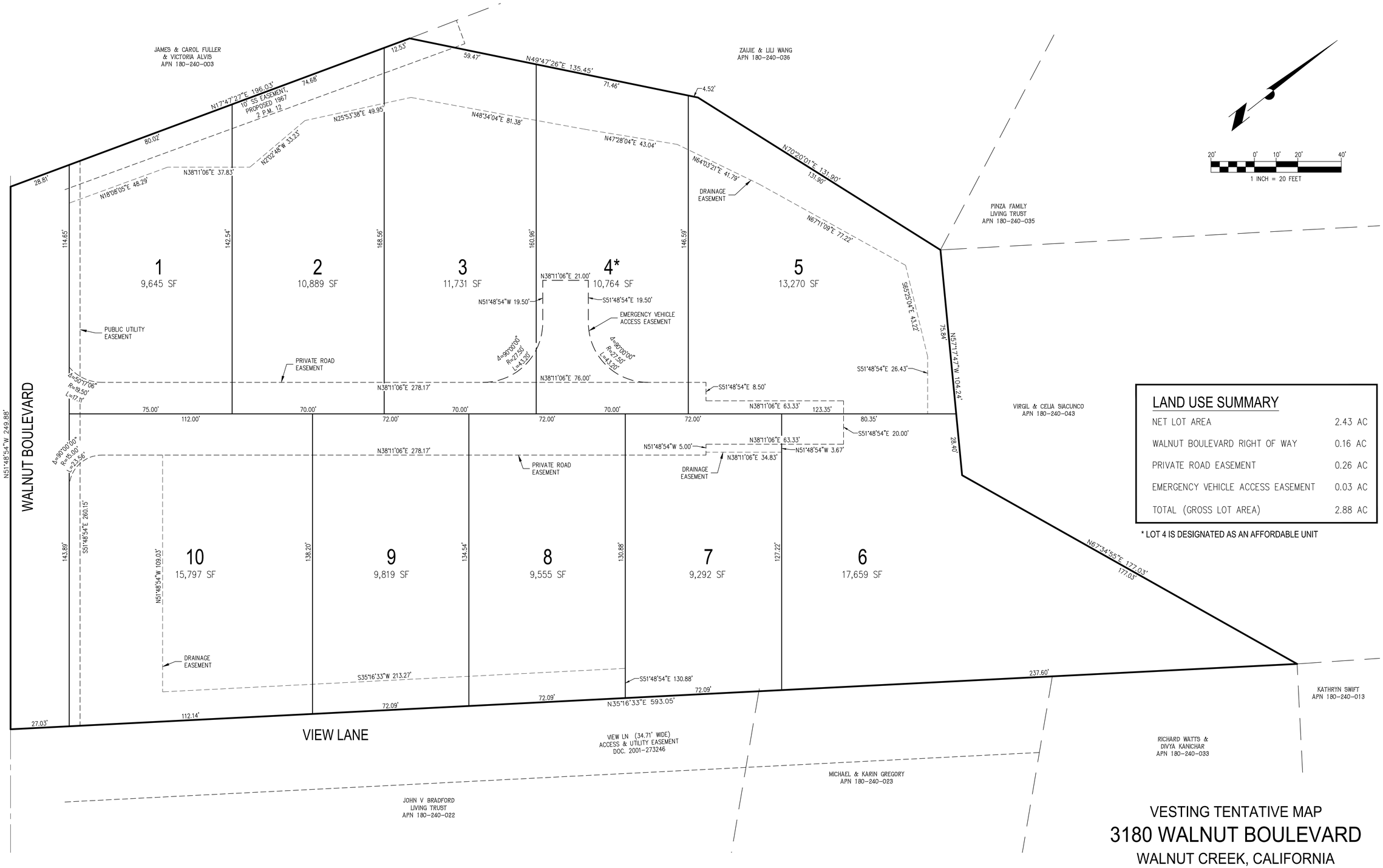
BOUNDARY & TOPOGRAPHIC SURVEY

F:\PROJECTS\2021\21-1007 3180 WALNUT BLVD - WALNUT CREEK\DWG\VIEW-BOUNDARY & TOPO-21071WG 1/11/2023

dk JOB# 21-1007-11

# Attachment 8

# Vesting Tentative Map




## LAND USE SUMMARY

| | |
|---|---|
| NET LOT AREA | 2.43 AC |
| WALNUT BOULEVARD RIGHT OF WAY | 0.16 AC |
| PRIVATE ROAD EASEMENT | 0.26 AC |
| EMERGENCY VEHICLE ACCESS EASEMENT | 0.03 AC |
| TOTAL (GROSS LOT AREA) | 2.88 AC |

* LOT 4 IS DESIGNATED AS AN AFFORDABLE UNIT

20' 0' 10' 20' 40'
1 INCH = 20 FEET

REGISTERED PROFESSIONAL ENGINEER
ANDREW D. PASSEY
No. 71704
CIVIL
STATE OF CALIFORNIA

PRELIMINARY

# VESTING TENTATIVE MAP
# 3180 WALNUT BOULEVARD
## WALNUT CREEK, CALIFORNIA
JUNE 23, 2022

ENGINEERING
SURVEYING • PLANNING
1931 SAN MIGUEL DRIVE, SUITE 100, WALNUT CREEK, CA 94596
WWW.DKENGIN.COM (925) 932-6868

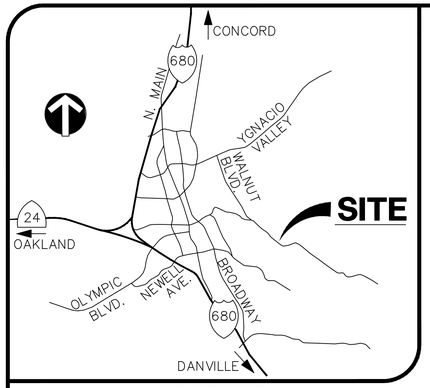
VESTING TENTATIVE MAP

F:\PROJECTS\2021\21-1007 3180 WALNUT BLVD - WALNUT CREEK\DWG\VM\21-1007VM2.DWG 6/27/2022

dk JOB# 21-1007-11

# Attachment 9

# Project Plans




VICINITY MAP

NOT TO SCALE

## ABBREVIATIONS

| | |
|---|---|
| AB | AGGREGATE BASE |
| AC | ASPHALT CONCRETE |
| APN | ASSESSOR'S PARCEL NUMBER |
| BGL | BOTTOM OF GRAVEL LAYER |
| BSW | BACK OF SIDEWALK |
| BW | BOTTOM OF WALL |
| C&G | CURB & GUTTER |
| CB | CATCH BASIN |
| CCC | CONTRA COSTA COUNTY |
| CL | CENTERLINE |
| CONC | CONCRETE |
| CR | CURB RETURN |
| EG | EXISTING GRADE |
| EX | EXISTING |
| FC | FACE OF CURB |
| FG | FINISH GRADE |
| FH | FIRE HYDRANT |
| FI | FIELD INLET |
| FL | FLOW LINE |
| GB | GRADE BREAK |
| LF | LINEAL FEET |
| LIP | LIP OF GUTTER |
| LP | LOW POINT |
| MIN | MINIMUM |
| PL | PROPERTY LINE |
| PVI | POINT OF VERTICAL INTERSECTION |
| R/W | RIGHT OF WAY |
| S/W | SIDEWALK |
| SD | STORM DRAIN |
| SDMH | STORM DRAIN MANHOLE |
| SS | SANITARY SEWER |
| SSMH | SANITARY SEWER MANHOLE |
| TC | TOP OF CURB |
| TGL | TOP OF GRAVEL LAYER |
| TPF | TREE PROTECTION FENCING |
| TSL | TOP OF SOIL LAYER |
| TW | TOP OF WALL |
| TYP | TYPICAL |
| W | WATER MAIN |

## PROJECT TEAM

APPLICANT
CALIBR VENTURES
115 JENNIFER COURT
ALAMO, CA 94507
VICE PRESIDENT: ANDY BYDE

CIVIL ENGINEER
dk ENGINEERING
1931 SAN MIGUEL DRIVE, SUITE 100
WALNUT CREEK, CA 94596
(925) 932-6868
PROJECT MANAGER: SCOTT E. HARTSTEIN

ARBORIST:
TRAVERSO TREE SERVICE, INC
4080 CABRILHO DRIVE
MARTINEZ, CA 94553
(925) 448-3387
ARBORIST: JENNIFER TSO

GEOTECHNICAL ENGINEER:
ENGEO
2010 CROW CANYON PLACE, SUITE 250
SAN RAMON, CA 94583
(925) 866-9000
JERRY CHEN

## SITE INFORMATION

SITE LOCATION: 3180 WALNUT BOULEVARD
WALNUT CREEK, CA

BASIS OF BEARING: BEARINGS SHOWN HEREON ARE ON CALIFORNIA STATE PLANE COORDINATE SYSTEM, ZONE 3 (GRID), HORIZONTAL DATUM USING NAD 83 (2011) (EPOCH 2010.0000) US SURVEY FOOT

BENCHMARK: VERTICAL DATUM NAVD88 GEOID 12B DERIVED FROM OPUS SOLUTION

PARCEL APN NO.: 180-240-002

EXISTING ZONING: R-20

NUMBER OF UNITS: 10 UNITS

SITE ACREAGE: 2.88

EXISTING CONTOURS: 1' INTERVAL

PROPOSED CONTOURS: 1' INTERVAL

UTILITIES & SERVICES:
WATER: EAST BAY MUNICIPAL UTILITY DISTRICT
SEWER: CONTRA COSTA COUNTY SANITARY DISTRICT
GAS & ELECTRIC: PACIFIC GAS & ELECTRIC

## LAND USE SUMMARY

| | |
|---|---|
| NET LOT AREA | 2.43 AC |
| WALNUT BOULEVARD RIGHT OF WAY | 0.16 AC |
| PRIVATE ROAD EASEMENT | 0.26 AC |
| EMERGENCY VEHICLE ACCESS EASEMENT | 0.03 AC |
| TOTAL (GROSS LOT AREA) | 2.88 AC |

## PRELIMINARY EARTHWORK QUANTITIES

| CUT | FILL | IMPORT/EXPORT |
|---|---|---|
| 7,786 | 7,786 | – |

THE SITE EARTHWORK IS A BALANCE.

SITE MAP

SCALE: 1"=50'

## LEGEND

| EXISTING | | PROPOSED |
|---|---|---|
| | PROJECT BOUNDARY | |
| | RIGHT OF WAY LINE | |
| | EASEMENT | |
| | DAYLIGHT | |
| | CONTOUR LINE, MAJOR | |
| | CONTOUR LINE, MINOR | |
| | CURB AND GUTTER | |
| EP | EDGE OF PAVEMENT | |
| | ROAD CENTER LINE | |
| | CONCRETE V-DITCH | |
| <> | FENCE | |
| | RETAINING WALL | |
| | PERVIOUS PAVERS | |
| 24"WALNUT | TREE, TREE TO BE REMOVED | 24"WALNUT |
| | TREE PROTECTION FENCE | TPF |
| D | STORM DRAIN LINE, MANHOLE, FIELD INLET, CATCH BASIN | |
| S CO | SANITARY SEWER LINE, MANHOLE | S |
| W | WATER LINE, METER, VALVE, FIRE HYDRANT | W |
| OH | OVERHEAD LINE | |
| G | RECORD GAS LINE | |
| E | RECORD ELECTRIC LINE | |

## SHEET INDEX



| SHEET | DESCRIPTION |
|---|---|
| 1 | REGIONAL CONTEXT MAP |
| 2 | VESTING TENTATIVE MAP |
| 3 | BOUNDARY & TOPOGRAPHIC SURVEY |
| 4 | PRELIMINARY GRADING & UTILITY PLAN |
| 5 | CROSS SECTIONS & ROAD SECTIONS |
| 6 | CROSS SECTIONS & ROAD SECTIONS |
| 7 | SITE SETBACKS |



REGISTERED PROFESSIONAL ENGINEER ANDREW D. PASSEY No. 74704 CIVIL STATE OF CALIFORNIA

PRELIMINARY

VESTING TENTATIVE MAP

# 3180 WALNUT BOULEVARD

WALNUT CREEK, CALIFORNIA

JUNE 23, 2022


dk ENGINEERING SURVEYING • PLANNING
1931 SAN MIGUEL DRIVE, SUITE 100, WALNUT CREEK, CA 94596
WWW.DKENGIN.COM (925) 932-6868


REGIONAL CONTEXT MAP

F:\PROJECTS\2021\21-1007 3180 WALNUT BLVD - WALNUT CREEK\DWG\VTM\21-1007VTM1 6/27/2022

JAMES & CAROL FULLER
& VICTORIA ALVIS
APN 180-240-003

ZAIJIE & LILI WANG
APN 180-240-036

PINZA FAMILY
LIVING TRUST
APN 180-240-035

VIRGIL & CELIA SIACUNCO
APN 180-240-043

RICHARD WATTS &
DIVYA KANICHAR
APN 180-240-033

JOHN V BRADFORD
LIVING TRUST
APN 180-240-022

MICHAEL & KARIN GREGORY
APN 180-240-023

WALNUT BOULEVARD

VIEW LANE

EX. 24" RCP
EL: 186.43

EX CATCH BASIN
187.69 CURB
187.15 RIM
182.15 12" OUT NW

10' SEWER EASEMENT
PER 2 PM 12

CONFORM TO EXISTING
EDGE OF PAVEMENT

EX SSMH
189.65 RIM
183.25 6" THRU NW
6" LAT IN NE

RELOCATE EXISTING
POWER POLE

EX FIRE HYDRANT

SEWER MANHOLE #1
EX 6" INV 188.28 THRU
6" INV 188.53 IN

EX CATCH BASIN
194.33 CURB
193.70 RIM
EX 30" 187.19 THRU SW
30" INV 187.19 IN

SEE SHEET 6

SEE SHEET 5

SEE SHEET 5

GRADING
DAYLIGHT

1 INCH = 20 FEET

## PRELIMINARY EARTHWORK QUANTITIES

| CUT | FILL | IMPORT/EXPORT |
|---|---|---|
| 7,786 | 7,786 | - |

1
9,645 SF
PAD 197

2
10,889 SF
PAD 203

3
11,731 SF
PAD 207

4
10,764 SF
PAD 209.8

5
13,270 SF
PAD 210

10
15,797 SF
PAD 202

9
9,819 SF
PAD 206

8
9,555 SF
PAD 209

7
9,292 SF
PAD 212.1

6
17,659 SF
PAD 216

BIORETENTION BASIN
TSL 191.0
TGL 189.5
BGL 188.5

OUTFALL
191.00

FIELD INLET #1
W/ TRASH RACK
GRATE 195.00
15" INV 191.04 THRU

CATCH BASIN #1
W/ TRASH RACK
TC 195.29
15" INV 191.12 THRU

CATCH BASIN #2
W/ TRASH RACK
TC 195.29
15" INV 191.26 THRU

SEWER MANHOLE #2
RIM 196.3
6" INV 189.42 THRU

SEWER MANHOLE #3
RIM 209.3
6" INV 201.34 OUT

CATCH BASIN #3
W/ TRASH RACK
TC 210.11
12" INV 199.24 IN
15" INV 198.99 OUT

FIELD INLET #2
W/ TRASH RACK
GRATE 208.7
12" INV 200.4 OUT

SEWER MANHOLE #4
RIM 211.4
6" INV 203.83 OUT

FIELD INLET #3
GRATE 192.50
18" INV 187.49 OUT

CATCH BASIN #4
SOLID GRATE W/ TRASH RACK
TC 193.60
30" INV 187.40 THRU
18" INV 187.40 IN

CATCH BASIN #5
W/ TRASH RACK
TC 195.50
30" INV 188.60 OUT

FIRE HYDRANT

BLOW OFF

END WALL

SIDEWALK

6" W

6" SS

15" SD

30" SD

6.0%

9.2%

2.9%

28.00'

5.00'

TW 199.0
BW 193.9

TW 200.0
BW 192.8

TW 200.0
BW 192.5

TW 204.0
BW 196.7

TW 204.0
BW 198.0

TW 205.0
BW 199.4

TW 210.0
BW 205.0

TW 207.0
BW 201.6

TW 210.0
BW 207.0

TW 207.0
BW 200.0

TW 207.0
BW 200.0

TW 209.8
BW 204.0

TW 209.8
BW 204.0

TW 209.8
BW 207.0

TW 199.0
BW 195.6

TW 203.0
BW 199.0

TW 203.0
BW 197.0

TW 203.0
BW 199.0

TW 197.0
BW 194.0

TW 197.0
BW 193.0

TW 193.0
BW 190.8

TW 193.0
BW 191.5

TW 203.0
BW 197.0

TW 207.0
BW 203.4

TW 207.0
BW 203.0

TW 209.0
BW 206.0

TW 206.0
BW 202.0

TW 202.0
BW 197.0

TW 202.0
BW 196.0

TW 206.0
BW 200.0

TW 209.0
BW 206.0

TW 209.0
BW 205.0

TW 209.0
BW 202.0

TW 209.0
BW 208.0

TW 212.1
BW 209.0

TW 212.1
BW 209.0

TW 216.0
BW 212.1

TW 216.0
BW 212.1

VESTING TENTATIVE MAP

# 3180 WALNUT BOULEVARD

WALNUT CREEK, CALIFORNIA

JUNE 23, 2022

ENGINEERING
SURVEYING • PLANNING
1931 SAN MIGUEL DRIVE, SUITE 100, WALNUT CREEK, CA 94596
WWW.DKENGIN.COM (925) 932-6868

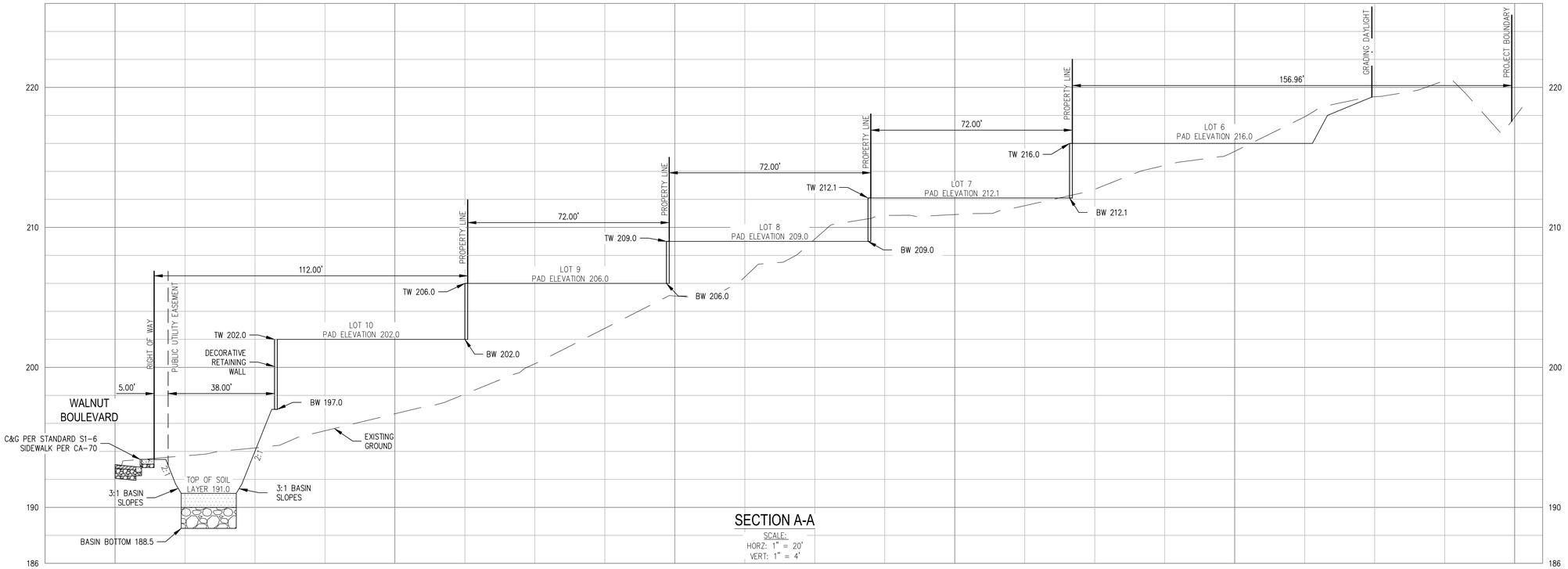
REGISTERED PROFESSIONAL ENGINEER
ANDREW D. PASSEY
No. 71704
CIVIL
STATE OF CALIFORNIA

PRELIMINARY

PRELIMINARY GRADING & UTILITY PLAN

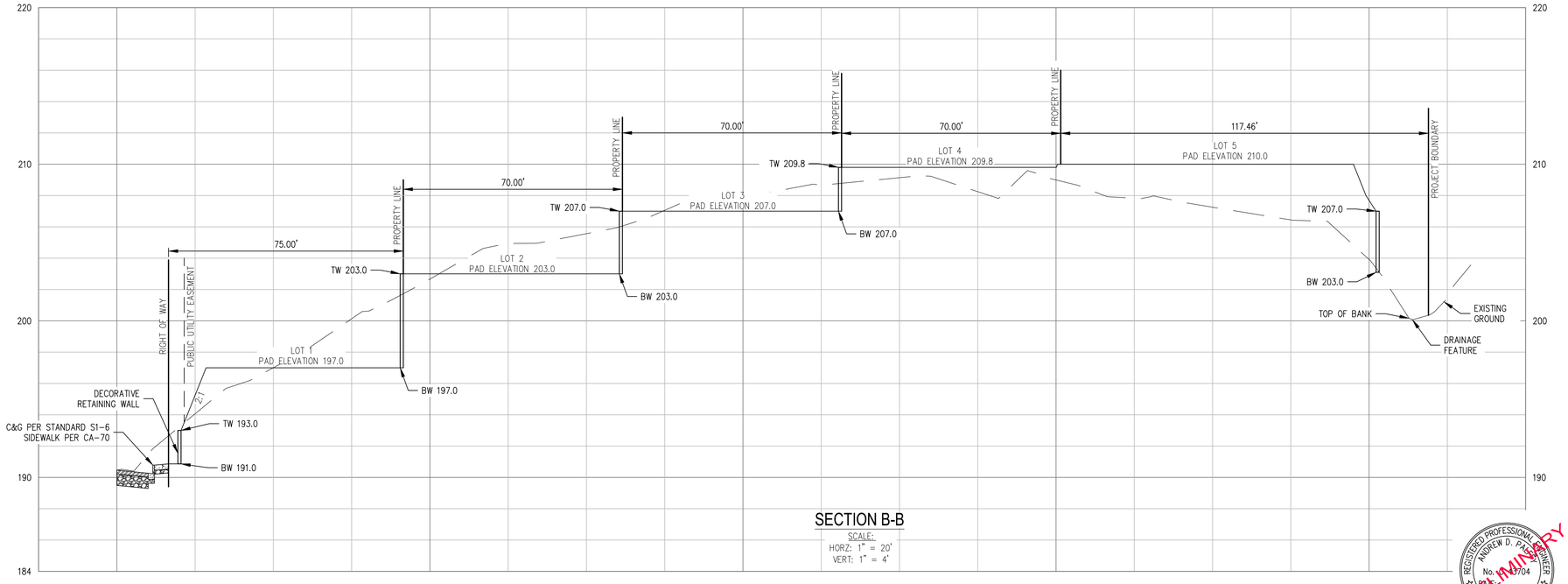
F:\PROJECTS\2021\21-1007 3180 WALNUT BLVD - WALNUT CREEK\DWG\VM\03-GRADING & UTILITY PLAN-21071.DWG 6/27/2022

dk JOB# 21-1007-11




SECTION A-A

SCALE:
HORZ: 1" = 20'
VERT: 1" = 4'




SECTION B-B

SCALE:
HORZ: 1" = 20'
VERT: 1" = 4'

REGISTERED PROFESSIONAL ENGINEER
ANDREW D. PARRY
No. 79704
CIVIL
STATE OF CALIFORNIA

PRELIMINARY

VESTING TENTATIVE MAP

# 3180 WALNUT BOULEVARD

WALNUT CREEK, CALIFORNIA

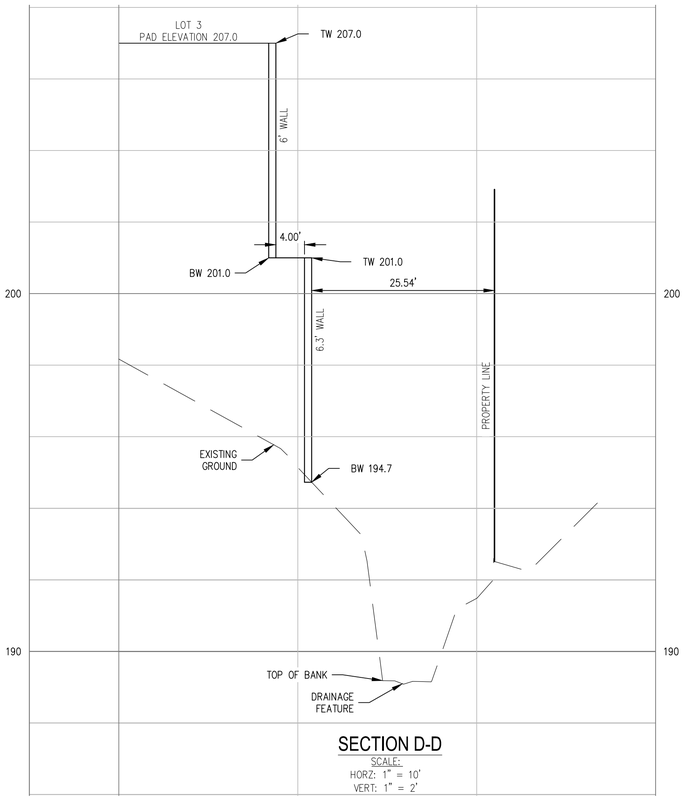
JUNE 23, 2022

ENGINEERING
SURVEYING • PLANNING
1931 SAN MIGUEL DRIVE, SUITE 100, WALNUT CREEK, CA 94596
WWW.DKENGIN.COM (925) 932-6868

CROSS SECTIONS & ROAD SECTIONS

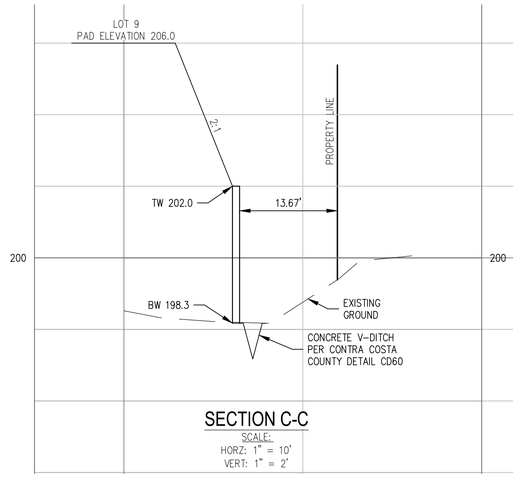
F:\PROJECTS\2021\21-1007 3180 WALNUT BLVD - WALNUT CREEK\DWG\VTM\21-09005 SECTIONS-21072.dwg 6/27/2022

dk JOB# 21-1007-11



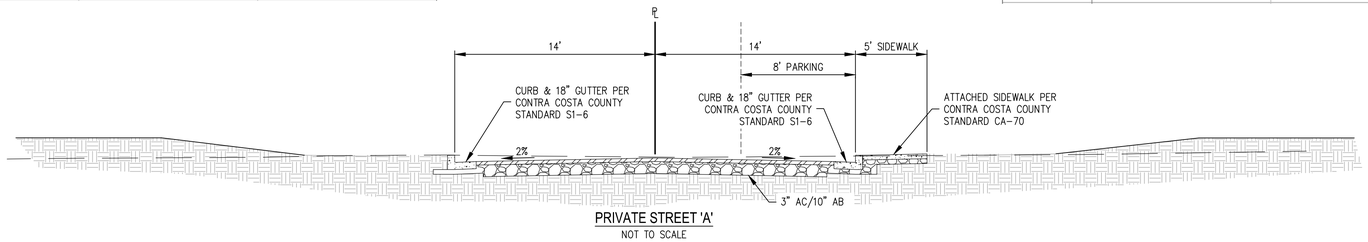

## SECTION D-D

SCALE:
HORZ: 1" = 10'
VERT: 1" = 2'



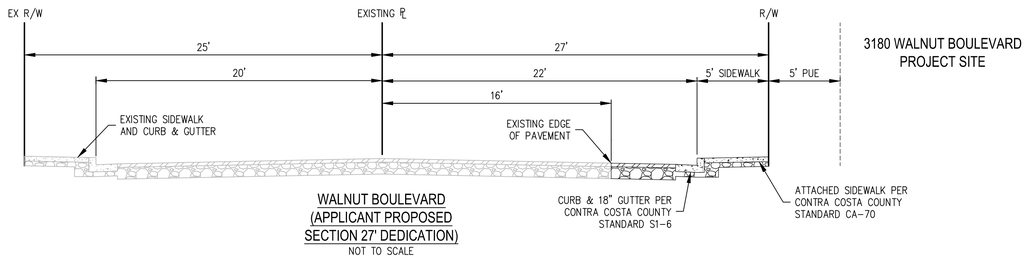

## SECTION C-C

SCALE:
HORZ: 1" = 10'
VERT: 1" = 2'



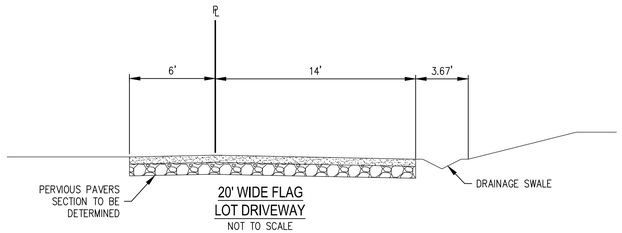

## PRIVATE STREET 'A'

NOT TO SCALE




## WALNUT BOULEVARD (APPLICANT PROPOSED SECTION 27' DEDICATION)

NOT TO SCALE




## 20' WIDE FLAG LOT DRIVEWAY

NOT TO SCALE

REGISTERED PROFESSIONAL ENGINEER
ANDREW D. PARR
No. 69704
CIVIL
STATE OF CALIFORNIA
PRELIMINARY

VESTING TENTATIVE MAP

# 3180 WALNUT BOULEVARD

WALNUT CREEK, CALIFORNIA

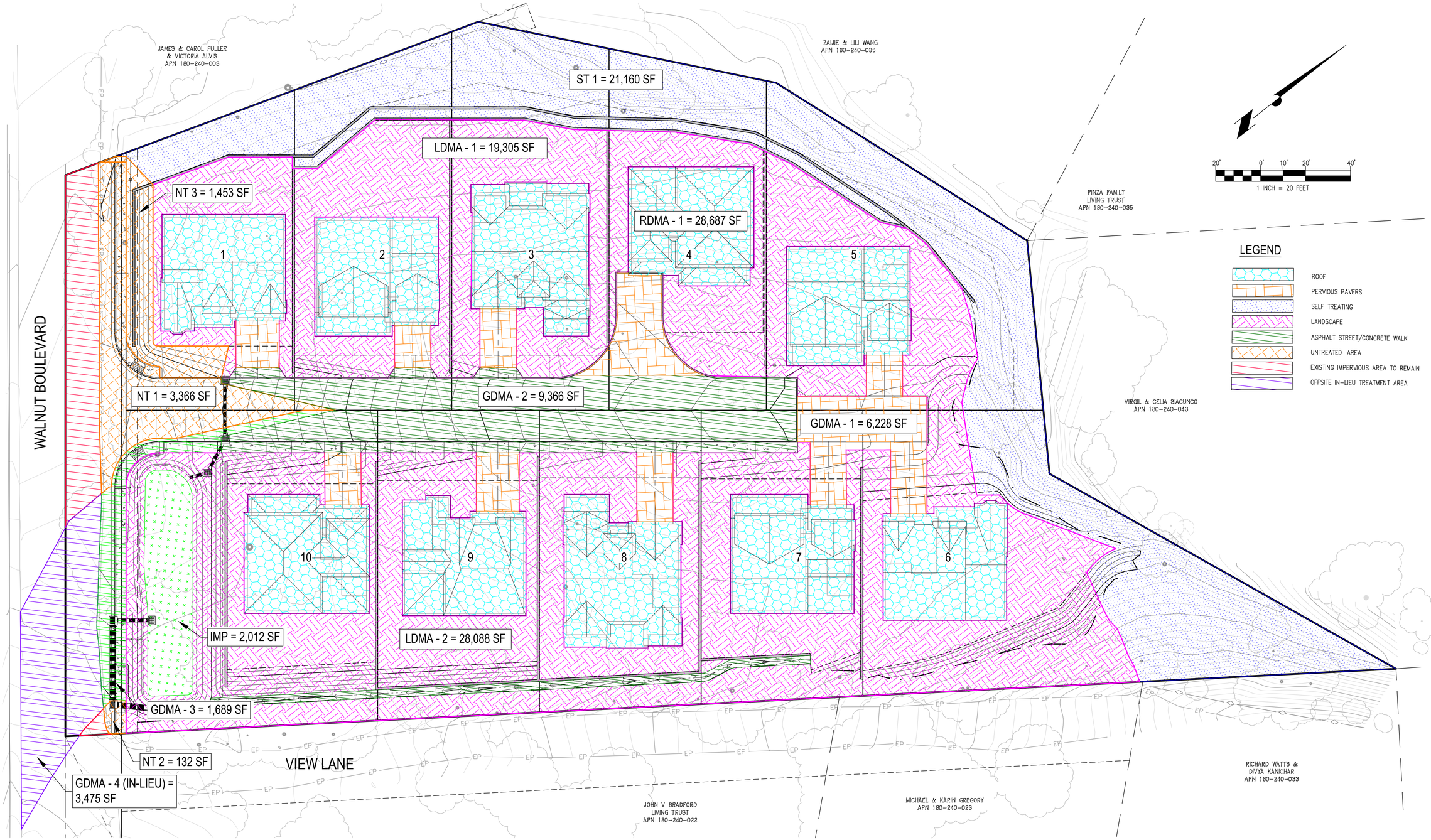
JUNE 23, 2022

ENGINEERING
SURVEYING • PLANNING
1931 SAN MIGUEL DRIVE, SUITE 100, WALNUT CREEK, CA 94596
WWW.DKENGIN.COM (925) 932-6868

CROSS SECTIONS & ROAD SECTIONS

F:\PROJECTS\2021\21-1007 3180 WALNUT BLVD - WALNUT CREEK\CIVIL\CW\04-CROSS SECTIONS-21007.DWG 6/27/2022

dk JOB# 21-1007-11




Know what's **below.**
**Call** before you dig.

dk JOB NO: 21-1007

| NO. | DATE | DESCRIPTION | dk | AGENCY |
|---|---|---|---|---|
| | | | | |

REGISTERED PROFESSIONAL ENGINEER
ANDREW M. DANIELS
C 74834
CIVIL
STATE OF CALIFORNIA
PRELIMINARY

3180 WALNUT BLVD

CALIFORNIA

CALIBR VENTURES
3180 WALNUT BLVD
STORMWATER CONTROL PLAN
IMPROVEMENT PLANS
TRACT 9581

TRACT 9581

CONTRA COSTA COUNTY

6/27/2023

F:\Projects\2021\21-1007 3180 Walnut Blvd - Walnut Creek\DWG\IMPROVEMENT PLANS\C9.0 STORMWATER CONTROL PLAN - 2107.dwg


ENGINEERING
SURVEYING • PLANNING
1331 SAN MIGUEL DR., # 100
WALNUT CREEK, CA 94596
PHONE: (925) 932-6868
DK@DKCIVIL.COM


| | |
|---|---|
| DATE: | 06-23-23 |
| SCALE: HORZ. | 1"=20' |
| VERT. | N/A |
| DESIGNED BY: | AMD |
| REVIEWED BY: | ADP |

C9.0

**Project Name:** WALNUT BOULEVARD
**Project Type:** Treatment Only
**Location:** Contra Costa County, CA
**APN:** 180-240-002
**Drainage Area:** 125283 sf
**Mean Annual Precipitation:** 19.5 in

## I. Self-Treating Areas

| DMA Name | Area (sq ft) |
|---|---|
| ST 1 | 21160 |

## IV. Areas Draining to IMPs

### IMP Name: IMP1 (Soil Type: D)

**IMP Type: Bioretention Facility**
**Soil Type: D**

| DMA Name | DMA Area (sq ft) | Post-Project Surface Type | DMA Runoff Factor | DMA Area x Runoff Factor | IMP Sizing | | | |
|---|---|---|---|---|---|---|---|---|
| | | | | | IMP Sizing Factor | Rain Adjust-ment Factor | Minimum Area or Volume | Proposed Area or Volume |
| RDMA - 1 | 28,687 | Conventional Roof | 1.00 | 28,687 | | | | |
| LDMA - 1 | 19,305 | Landscape | 0.10 | 1,931 | | | | |
| GDMA - 1 | 6,228 | Solid Unit Pavers | 0.20 | 1,246 | | | | |
| GDMA - 2 | 9,366 | Concrete or Asphalt | 1.00 | 9,366 | | | | |
| GDMA - 4 (IN-LIEU) | 3,475 | Concrete or Asphalt | 1.00 | 3,475 | | | | |
| GDMA - 3 | 1,689 | Concrete or Asphalt | 1.00 | 1,689 | | | | |
| LDMA - 2 | 28,088 | Landscape | 0.10 | 2,809 | | | | |
| | | | Total | 49,202 | | | | |
| | | | | Area | 0.040 | 1.000 | 1,968 | 2,012 |

JAMES & CAROL FULLER
& VICTORIA ALVIS
APN 180-240-003

ZAIJIE & LILI WANG
APN 180-240-036

PINZA FAMILY
LIVING TRUST
APN 180-240-035

VIRGIL & CELIA SIACUNCO
APN 180-240-043

KATHRYN SWIFT
APN 180-240-013

RICHARD WATTS &
DIVYA KANICHAR
APN 180-240-033

MICHAEL & KARIN GREGORY
APN 180-240-023

JOHN V BRADFORD
LIVING TRUST
APN 180-240-022

WALNUT BOULEVARD

VIEW LANE

VIEW LN (34.71' WIDE)
ACCESS & UTILITY EASEMENT
DOC. 2001-273246

N51°48'54"W 249.88'

N17°47'27"E 196.03'

10' SS EASEMENT
PROPOSED 1967
2 P.M. 12

N49°47'26"E 135.45'

N70°20'01"E 131.90'

N57°11'47"W 104.24'

N67°34'55"E 177.03'

N35°16'33"E 593.05'

1 — LOT AREA 9,645 SF — FOOTPRINT AREA 2,483 SF

2 — LOT AREA 10,889 SF — FOOTPRINT AREA 2,533 SF

3 — LOT AREA 11,731 SF — FOOTPRINT AREA 2,913 SF

4* — LOT AREA 10,764 SF — FOOTPRINT AREA 2,533 SF

5 — LOT AREA 13,270 SF — FOOTPRINT AREA 2,533 SF

6 — LOT AREA 17,659 SF — FOOTPRINT AREA 2,483 SF

7 — LOT AREA 9,292 SF — FOOTPRINT AREA 2,533 SF

8 — LOT AREA 9,555 SF — FOOTPRINT AREA 2,913 SF

9 — LOT AREA 9,819 SF — FOOTPRINT AREA 2,442 SF

10 — LOT AREA 15,797 SF — FOOTPRINT AREA 2,533 SF

20' 0' 10' 20' 40'
1 INCH = 20 FEET

PROPOSED SETBACKS
R-20 SETBACKS
EASEMENTS

* LOT 4 IS DESIGNATED AS AN AFFORDABLE UNIT

PRELIMINARY

REGISTERED PROFESSIONAL ENGINEER
ANDREW D. PARR
No. 74704
CIVIL
STATE OF CALIFORNIA

VESTING TENTATIVE MAP

# 3180 WALNUT BOULEVARD

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SITE SETBACKS

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dk JOB# 21-1007-11

JAMES & CAROL FULLER
& VICTORIA ALVIS
APN 180-240-003

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APN 180-240-036

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LIVING TRUST
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VIEW LN (34.71' WIDE)
ACCESS & UTILITY EASEMENT
DOC. 2001-273246

WALNUT BOULEVARD

VIEW LANE

N51°48'54"W 249.88'

N17°47'27"E 196.03'

10' SS EASEMENT,
PROPOSED 1967
2 P.M. 12

N49°47'26"E 135.45'

N70°20'01"E 131.90'

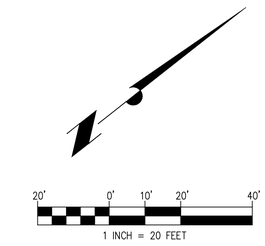
N57°17'47"W 104.24'

N67°34'55"E 177.03'

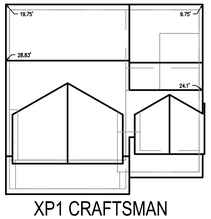
N35°16'33"E 593.05'

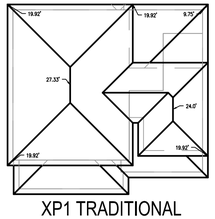
1 PAD 197
2 PAD 203
3 PAD 207
4 PAD 209.8
5 PAD 210
6 PAD 216
7 PAD 212.1
8 PAD 209
9 PAD 206
10 PAD 202

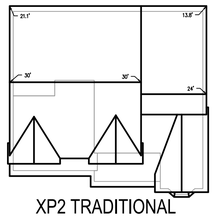
MAX FILL FROM EXISTING GRADE (30.1')
MAX FILL FROM EXISTING GRADE (30.0')
MAX FILL FROM EXISTING GRADE (31.7')
MAX FILL FROM EXISTING GRADE (34.8')
MAX FILL FROM EXISTING GRADE (31.4')
MAX FILL FROM EXISTING GRADE (33.1')
MAX FILL FROM EXISTING GRADE (30.7')
MAX FILL FROM EXISTING GRADE (32.2')
MAX FILL FROM EXISTING GRADE (33.7')
MAX FILL FROM EXISTING GRADE (33.5')

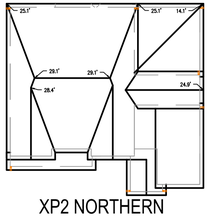


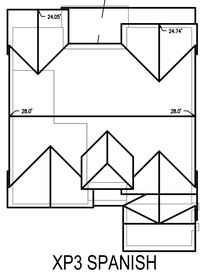

SETBACKS
PAD LIMITS
207.390 EXISTING GROUND ELEV.
24.8' BUILDING HEIGHT

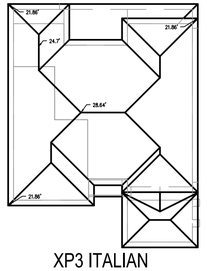

XP1 CRAFTSMAN


XP1 TRADITIONAL


XP2 TRADITIONAL


XP2 NORTHERN EUROPEAN


XP3 SPANISH COLONIAL


XP3 ITALIAN REVIVAL

NOTE: HEIGHTS TO VARIOUS ROOF PEAKS ARE SHOWN IN THE FIGURES TO THE LEFT. BUILDING HEIGHT IS MEASURED FROM THE ROOF PEAK TO EXISTING GROUND.

# HOUSE HEIGHT EXHIBIT
# 3180 WALNUT BOULEVARD
## WALNUT CREEK, CALIFORNIA
JUNE 23, 2022

dk ENGINEERING
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dk JOB# 21-1007-11

F:\PROJECTS\2021\21-1007_3180 WALNUT BLVD - WALNUT CREEK\CAD\EXHIBIT\BUILDING HEIGHT CHECK-SITE PLAN-21072.DWG 6/23/2022

Craftsman Elevation

American Foursquare Elevation

Source: CALIBR Ventures. WHA. 12/17/2021

Northern European Elevation

Traditional Elevation

Source: CALIBR Ventures. WHA. 12/17/2021

Spanish Colonial Elevation

Modern Farmhouse Elevation

Source: CALIBR Ventures. WHA. 12/17/2021