

ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION PREPARED FOR THE  
BAY POINT MULTI-FAMILY RESIDENTIAL MIXED-USE PROJECT (ALLIANT  
COMMUNITIES LLC) APPLICANT & (AMBROSE RECREATION & PARK DISTRICT /  
DAVID JACOBSON & VIRGINIA DAVIS) OWNERS  
COUNTY FILE #CDDP24-03051

**I. BACKGROUND INFORMATION**

The project proposes a mixed-use 4-story 116,000-square-foot building primarily consisting of 124 affordable residential units, including a density bonus to authorize an additional 24 units beyond the 100 base units that would otherwise be permissible under current residential density requirements for the property. The building square footage also includes approximately 1,488 square feet of ground-level retail space along Willow Pass Road. Lastly, the project also includes 142 off-street parking spaces, a 6,000-square-foot landscape courtyard, and associated access and drainage improvements.

The subject property consists of two adjoining parcels having a combined area of  $\pm 2.49$  acres, located at the southeastern corner of Willow Pass Road and Clearland Drive in the Bay Point area of unincorporated Contra Costa County. On March 4, 2024, the Contra Costa County Zoning Administrator approved a Land Use Permit/Development Plan combination permit (County File #CDLP22-02029), including the adoption of a Mitigated Negative Declaration (SCH #2023090474) for a mixed-use project on a  $\pm 3.25$ -acre site which included the subject property as well as an eastern adjoining parcel. The previously approved project included the same number of affordable housing units within a four-story 129,720-square-foot building. The prior approval also included 2,630 square feet of ground level commercial tenant space, 249 off-street parking spaces, and associated access and drainage improvements.

Thus, the currently proposed project is substantially similar to that previously approved for the project site. The primary change with the present proposal is the reduction of the project site by approximately 0.75 acres. The reduced project acreage has necessitated revisions to the site plan including a slight reduction of building floor area and the elimination of 107 off-street parking spaces, however, the proposed location of all remaining site improvements are essentially unchanged relative to the prior approval.

## II. CEQA ADDENDUM PROTOCOL

For a proposed modification to an approved project, State CEQA Guidelines (Section 15164; Appendix B) provides that an Addendum to an adopted MND may be prepared if only minor technical changes or additions are necessary or none of the following conditions (outlined in CEQA Guidelines Section 15162) calling for the preparation of a subsequent MND have occurred:

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

1. *Substantial changes in the project, which require major revisions to the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.*

The adopted MND considered potentially significant environmental impacts arising from the development of a substantially similar project involving an identical number of housing units within a building at the same location on the project site. The primary revision with the present proposal is the removal of a  $\pm 0.75$ -acre easterly parcel from the development. The reduction of the project area does not result in any significant new environmental impacts because the location and scale of the development are essentially unchanged relative to the prior approval.

The adopted MND identified potentially significant impacts and mitigations relating to Biological Resources, Cultural Resources, Tribal Cultural Resources, Hydrology, and Noise Impacts which may potentially occur as a result of the project. There is no expectation that these previously identified project impacts would be exacerbated by the current proposal. The reduction of site area and subsequent reduction of off-street parking provided within the development have reduced the footprint of ground-disturbance resulting from the project. Thus, it is expected that any impacts resulting from the current proposal would be equivalent or less than those impacts analyzed under the original MND. Therefore, the currently proposed project does not require significant revisions to the adopted MND as it does not involve new significant environmental effects or a substantial increase in the severity of the previously identified significant effects.

2. *Substantial changes with respect to the circumstances under which the project is undertaken which require major revisions to the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.*

The circumstances with respect to the project and its surroundings have not materially changed since the 2024 adoption of the MND for the Bay Point Multi-Family Residential Mixed Use project. The project does not involve any new significant environmental impacts as all proposed improvements are of a substantially similar location and scale as the previously entitled project. Since the current proposal reduces the area of the ground disturbance on the site, the project would not increase the severity of any previously identified project impacts.

3. *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time of MND adoption, shows any of the following.*

- A. The project will have one or more significant effects not discussed in the MND;

The project does not result in any new information of substantial importance that was not discussed previously in the Mitigated Negative Declaration (MND). The project is designed consistently with the assumptions and analysis that was previously conducted. The project results in no new significant project-related impacts beyond those previously considered. Therefore, a subsequent MND is not necessary.

- B. Significant effects previously examined will be substantially more severe than shown in the previous MND;

The potentially significant project-related impacts expected from the project are not substantially more severe than shown in the previous MND due to the fact that the current proposal involves a substantially similar development at a near identical location on the subject property. The overall project footprint has been reduced, which would expectedly reduce potential construction related

impacts relating to biological resources, hydrology, construction noise, and cultural resources. There is no evidence in the record that any new impacts would result from the project, or that any previously identified impact would increase in severity as a result of the current proposal.

- C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponent declines to adopt the mitigation measure or alternative;

The project proponent has accepted all mitigation measures proposed by the County. Thus, no alternative mitigation measures or alternatives, which would substantially reduce one of more significant effects, were identified for the project that the project proponent declined to adopt.

- D. Mitigation measures or alternatives that are considerably different from those analyzed in the MND would substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measure or alternative.

As mentioned above in section (c), the project proponent accepted all proposed mitigation measures contained in the issued MND. Thus, no alternative mitigation measures or alternatives, which would substantially reduce one of more significant effects, were identified for this project that the project proponent declined to adopt. For this reason, a subsequent MND will not be required.

- b.** *If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.*

The County has determined that a subsequent MND will not be required because no changes or new information resulting in significant project-related environmental impacts not previously discussed have become available. The County has elected to prepare an Addendum to the issued MND with a revised project description.

- c. *Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subsection (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.*

The County is the responsible agency in preparing the Addendum to the issued MND. As discussed above, none of the conditions described in subsection (a) have occurred, thus, a new MND need not be prepared. Therefore, the revision to the Bay Point Multi-Family Residential Mixed Use project (now named Willow Pass apartments) may be granted approval based on the previously-adopted MND.

- d. *A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.*

The County has determined that this project will not require a subsequent MND. Therefore, no additional public notification will occur with the adoption of this addendum.

The purpose of this Addendum is to evaluate the proposed modification to the original project and to demonstrate that the proposed project does not trigger any of the conditions described above. Based on the analysis provided below, an Addendum to the original IS/MND is the appropriate CEQA document.

### **III. SUMMARY OF ANALYSIS**

The Community Development Division has concluded that the proposed revision to previously approved Land Use Permit/Development Plan Combination Permit #CDLP22-02029, will not result in new significant environmental effects not previously considered, nor increase the severity of previously identified significant effects. Therefore, no new mitigation measures would be necessary to reduce any impact to a less than significant level. No change has occurred with respect to circumstances surrounding the project that would cause new or substantially more severe significant environmental effects than those identified in the original

IS/MND. In addition, no new information has become available that shows that the project would cause new or substantially more severe significant environmental effects which have not already been analyzed in the original IS/MND. Therefore, no further environmental review is required beyond this addendum.

#### **IV. PROJECT DESCRIPTION (as previously approved)**

A Land Use Permit / Preliminary and Final Development Plan combination permit to allow the construction of a mixed-use project consisting of 100% affordable multi-family residential apartments and 2,630 square feet of commercial tenant space. The project includes the following elements:

- A stepped three- and four-story building having a footprint of  $\pm 35,822$  square feet, and a total floor area of  $\pm 129,720$  square feet. Commercial tenant space totaling  $\pm 2,630$  square feet is proposed at ground level along the project's Willow Pass Road frontage. The remaining building square-footage consists of 124 dwelling units, two of which are proposed market rate managers units while the remaining 122 are proposed one-to-three bedroom units that will be 100% affordable to lower- and very-low income households.
- A 75% density bonus above the maximum permitted residential density (29 units per net acre) for the project site. The project is eligible for up to an 80% State Density Bonus pursuant to Government Code Sections 65915(b)(1)(G) and 65915(f)(3)(D). The base density allowed for the 3.5-acre (gross)/2.44-acre (net) project site is 71 units. The 80% density bonus would allow for up to 128 dwelling units on the project site. The project includes a total of 124 dwelling units.
- The project includes two concessions: 1) An increase in the 3 story/50-foot maximum building height and 2) An increase in the maximum permitted floor area ratio (0.35). The 100% affordable housing project is entitled to up to five such concessions pursuant to Government Code Section 65915(d)(2)(D).
- 171 total off-street parking spaces, located south and east of the proposed stepped building. The total number of off-street parking spaces includes 47 tandem parking spaces.

- 14 short term bicycle parking spaces and 34 long term bicycle parking spaces.
- Approximately 17,500 square feet of landscaped courtyard areas, including activity area, children's play area, seating area, and dog park - all for the common use of the future residents.
- A request for an exception from section 914-2.004 (Offsite Collect and Convey) of the County Ordinance Code to authorize onsite stormwater detention infrastructure incorporating a pump system, where collection and conveyance of stormwaters originating on or traversing the project site to an adequate watercourse within an adequate storm drain system is required.
- A request for an exception from 914-12.010 (Detention Basins) to authorize the private maintenance of the proposed detention/stormwater management basin, where maintenance by a public entity is required.
- Underground electrical, water, sanitary sewer, cable, and telecommunication utility connections to existing infrastructure within the Willow Pass Road public right-of-way.
- The construction of 10-foot-wide sidewalks and street lighting along Clearland Drive and Willow Pass Road frontages.

## **V. PROJECT MODIFICATION SINCE IS/MND ADOPTION**

Subsequent to the Zoning Administrator's approval of County File #CDLP22-02029, the project site has been reduced from  $\pm 3.25$  to  $\pm 2.49$  acres in area with the removal of APN 093-081-029 from inclusion in the development plan. The reduced project site necessitates certain project revisions to accommodate the smaller site. Substantive project revisions consist of a reduction in building square footage (116,000 s.f. proposed, 129,729 s.f. previously approved) and a reduction in off-street parking spaces provided by the project (134 total spaces provided, where 180 total spaces were previously approved). The project includes 24 density bonus units (24% above base density) pursuant to Government Resource Code section 65915(b)(1)(g), (c)(1)(B)(ii), (f)(3)(d)(i), which authorizes density bonus up to

80% for this project type. Included with the density bonus proposal is a request for the following three concessions/waivers: 1) allow increased building height up to four stories and 55 feet, 2) waiver to the County Inclusionary Housing Ordinance (IHO) requested to modify the unit affordability levels pursuant to Government Code Section 65915(b)(1)(G), and 3) waiver to the County IHO affordable rents calculation pursuant to Government Code 65915(d)(2)(D). The applicant is also requesting Exceptions to the requirements and regulations of County Code Division 914 for offsite collect and convey, and detention basins.

## **VI. IMPACT ASSESSMENT OF PROPOSED ADDENDUM**

The Department of Conservation and Development, Community Development Division has concluded that the 124-unit Willow Pass Road Apartments project, County File #CDDP24-03051, will not result in new significant environmental effects not previously considered, nor increase the severity of previously identified significant effects. Those impacts include:

**Aesthetics:** The original Initial Study (IS) prepared for the adopted MND found that the project would have no impact on scenic vistas, scenic resources, and the existing visual character of the site and its surroundings. This determination is based on the fact that the site is not proximate to any such visual resources, as designated within the Contra Costa County General Plan. The IS found that the development of multi-family residential units on the facility could potentially result in a new source of substantial light or glare which would adversely affect day or nighttime views. However, considering the vicinity is developed with similar existing multi-family residential land uses, the light emittance from the project was determined to be substantially similar to that of the general vicinity. Therefore, a less than significant impact was determined in this regard.

The revised project involves an identical number of residential units within a building sized comparably with the prior approval in terms of height, square footage, and location on the lot. Aesthetically, the primary effect of the revised project would be the elimination of off-street parking areas, which were displaced when the easternmost 0.75 acres of the original project site was excluded from the development. Since the revised project does not enlarge the residential building site, nor increase its height, there is no reasonable expectation that the project would result in aesthetic impacts not previously considered by the adopted MND. Therefore, no changes have been made to the conclusions of the Aesthetics analysis presented in the original IS/MND. No new or substantially



more severe significant effects would occur, and no additional mitigation measures are necessary.

**Agricultural Resources:** The project site consists of “Urban and Built-Up Land” according to 2016 San Francisco Bay Area Important Farmland Map. No Williamson Act contract is applicable to the subject parcel. Given the fact that the project site is not within an Agricultural zoning district, nor is it designated Agricultural Land in the County General Plan land use element, the project will have no impact on agricultural resources in the County.

**Air Quality:** Operational and construction-related Air Quality impacts for the previously-approved Bay Point Multi-Family Residential project were assessed within the adopted MND based on the development of 124 units on a  $\pm 3.2$ -acre project site. Based on the findings of the *Air Quality and Greenhouse Gas Assessment* (April 20, 2022) prepared by Wolf Environmental, Inc., the prior approval would not result in a conflict with an applicable air quality plan, nor would it result in a cumulatively considerable net increase of any criteria air pollutant beyond thresholds of significance adopted by the Bay Area Air Quality Management District (BAAQMD). Since the project involves the same number of units over a smaller project area, the operational air-quality assessment would be remain consistent with those previously considered in the adopted MND. Since the construction phase for the revised project involves a smaller area of ground disturbance, and would entail less grading with the elimination of 0.75-acres previously designated for off-street parking improvements, the revised project would expectedly result in reduced construction-related air quality impacts. Considering the nature and scale of the project remain substantially similar to the previously approved project, the revised project will have no significant Air Quality impacts beyond the scope of those discussed/considered with the adopted IS/MND.

**Biological resources:** The subject property is located in an urbanized area of the County that is not within an identified significant ecological area within the County. Additionally, the project site is not located within the East Contra Costa County Habitat Conservation Plan / Natural Community Conservation Plan (HCCP/NCCP) inventory area. There are no riparian areas, streams, waterways, or trees on or adjacent to the project site. Based on the foregoing considerations, no significant biological impacts were anticipated from the previously approved project. The adopted MND references a biological resources assessment by Live Oak Associates, which considers this special status plant and wildlife species to be absent from the site based on their March 2022 survey. However, the Western Burrowing Owl, a California Special Status species, has a documented occurrence

within 0.4 miles of the project site. Thus, the potential for burrowing owl to overwinter or establish a breeding burrow within the site prior to ground disturbance could not be ruled out. Similarly, although no special status avian species or nesting birds were found to be present on the site, their presence during future construction activities could not be ruled out. Therefore, the adopted IS/MND included the below mitigation measures (**BIO-1** and **BIO-2**) to ensure that no significant impacts to biological resources would result from the project.

***Mitigation Measure BIO-1:*** *Prior to the onset of project ground disturbances, including grading, vegetation removal, and/ or mobilization of equipment, a qualified biologist shall conduct a pair of pre-construction surveys for burrowing owls within the site and within any potentially suitable location within 250 feet of the site where access is feasible. The first survey shall occur approximately 14 days prior to project initiation, and the second survey shall occur within approximately 48 hours of the start of project activities. If the site and immediate site vicinity are determined by the certified biologist to have no potentially suitable habitat for burrowing owls ( i.e., suitable burrows or suitable debris piles that burrowing owls could use for habitat) during the first survey, then no follow-up survey shall be required. If the Project does not commence within 30 days following this survey, a repeat survey shall be needed to ensure site conditions have not changed with regard to burrowing owl habitat.*

*If burrowing owls are identified utilizing burrows within or near the site, a 250-foot buffer shall be established around the active burrows and the burrows shall be periodically monitored by the qualified biologist. No construction activities, including entrance by project personnel, can occur within the buffer until the biologist has confirmed that the burrows are no longer occupied. Once the biologist has confirmed that the burrowing owls have safely self-relocated (including that young of the nest -if any- have fledged), the buffer can be removed, and planned project activities within the buffer can commence.*

***Mitigation Measure BIO-2:*** *Preconstruction survey for migratory Bird Nests: If initial site disturbance activities, including tree removal, grading, and mobilization of project equipment and materials, are to commence during the breeding season ( February 1 to August 31), a certified biologist shall conduct pre-construction surveys for nesting migratory birds onsite and within 250 feet of the construction footprint, including laydown areas and ingress and egress, where accessible. The survey shall occur within 14 days of the onset of ground disturbances if such disturbances are to commence during the nesting bird season. If site impacts will be phased such that impacts to some areas will occur more than 14 days after impacts to other areas, additional surveys shall be*

*conducted such that all areas of the site are surveyed within 14 days of the direct implementation of impacts within those areas.*

*If an active bird nest is detected during these surveys, an appropriate construction-free buffer shall be established. Actual size of the buffer, which will be determined by the project biologist, would depend on the nesting species, topographical relationship of the nest to the project disturbance area, and the type of activity that would occur in the vicinity of the nest. The buffer shall be monitored periodically by the biologist to ensure compliance, and the buffer shall not be removed until the biologist has confirmed that nesting is complete and young of the nest have fledged.*

The revised project does not reduce the effectiveness of either of the above-mentioned biological resources mitigation measures. The revised project reduces the overall footprint of ground disturbing construction activities and thus would expectedly reduce the project potential to adversely impact wildlife species. The environs and circumstances on and surrounding the subject property are essentially unchanged since adoption of the IS/MND. Thus, no impacts beyond those previously considered are expected to result from this application. Therefore, the revised project does not necessitate substantial revision of the Biological Resources section of the adopted IS/MND and no additional mitigation measures are necessary.

**Cultural Resources:** There are no documented occurrences of archaeological or paleontological resources on the subject property, however, the possibility for such resources to exist undiscovered on the property could not be ruled out. For this reason, the original IS/MND found that, absent mitigation, the project could result in significant impacts to cultural resources involving ground disturbance to previously unknown archaeological resources and/or human remains. The approved project included mitigation measure **CUL-1** to ensure that such impacts occur at less than significant levels, if at all. The revised project is entirely contained within the project site for the prior approval, thus, the potential for cultural resources affecting the project is equal or less than that of the prior approval. Therefore, the implementation of the below mitigations ensures that the development of the multi-family residential units will not result in potentially significant impacts to Cultural Resources, beyond those previously considered. No new or substantially more severe significant effects would occur, and no additional mitigation measures are required.

***Mitigation Measure CUL-1:*** *The following mitigation measures shall be implemented during project related ground disturbance, and shall be included on all construction plans:*

*i) All construction personnel, including operators of equipment involved in grading, or trenching activities will be advised of the need to immediately stop work if they observe any indications of the presence of an unanticipated cultural resource discovery ( e.g. wood, stone, foundations, and other structural remains; debris- filled wells or privies; deposits of wood, glass, ceramics). If deposits of prehistoric or historical archaeological materials are encountered during ground disturbance activities, all work within 50 feet of the discovery shall be redirected and a qualified archaeologist, certified by the Society for California Archaeology ( SCA) and/or the Society of Professional Archaeology ( SOPA), shall be contacted to evaluate the finds and, if necessary, develop appropriate treatment measures in consultation with the County and other appropriate agencies. If the cultural resource is also a tribal cultural resource ( TCR) the representative (or consulting) tribe(s) will also require notification and opportunity to consult on the findings.*

*If the deposits are not eligible, avoidance is not necessary. If eligible, deposits will need to be avoided by construction impacts, or such impacts must be mitigated. Upon completion of the archaeological assessment, a report should be prepared documenting the methods, results, and recommendations. The report should be submitted to the Northwest Information Center and appropriate Contra Costa County agencies.*

*ii) Should human remains be uncovered during grading, trenching, or other on-site excavation(s), earthwork within 30 yards of these materials shall be stopped until the County coroner has had an opportunity to evaluate the significance of the human remains and determine the proper treatment and disposition of the remains. Pursuant to California Health and Safety Code Section 7050.5, if the coroner determines the remains may be those of a Native American, the coroner is responsible for contacting the Native American Heritage Commission (NAHC) by telephone within 24 hours. Pursuant to California Public Resource Code Section 5097.98, the NAHC will then determine a Most Likely Descendant (MLD) tribe and contact them. The MLD tribe has 48 hours from the time they are given access to the site to make recommendations to the land owner for treatment and disposition of the ancestor's remains. The land*

*owner shall follow the requirements of Public Resources Code Section 5097.98 for the remains.*

**Energy:** Less than significant Energy impacts were found resulting from wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation. Similarly, the project was found to have less than significant potential to conflict or obstruct a state or local plan for renewable energy efficiency. The project will be subject to conditions of approval for the construction phase of the project including the implementation of best management practices (BMP) to ensure that construction activities are conducted in a manner which avoids wasteful energy consumption to the extent practicable. Since the number of units has not changed with the revised project, there expected energy demand from the operational phase of the project would expectedly be unchanged. The implementation of BMP and adherence to current California Building Code energy efficiency standards ensures that neither the construction nor operation of the mixed-use facility will result in significant energy impacts, and no additional mitigation is required.

**Geology and Soils:** The original IS/MND found the project would have less-than-significant impacts relating to soil erosion, landslides, liquefaction, strong seismic ground shaking, or expansive soils. This determination was based upon the flat topography of the subject property and the fact that it is not within or proximate to a seismic hazard zone, as mapped by the California Geologic Survey. The adopted IS/MND does acknowledge potential erosion concerns, however, these concerns are unrelated to the underlying geology/soils of the project site and are discussed in further detail in the Hydrology and Water Quality (including mitigation measure **HYDRO-1**) section of the IS/MND. The conditions described within the adopted IS/MND have not been altered in the intervening time. Thus, the unchanged physical characteristics of the subject property and the underlying soil composition ensure that the revised project does not present new challenges to developing this property which were not considered in the adopted IS/MND.

Potentially significant impacts to previously unknown paleontological resources could result from the project absent mitigation. The adopted IS/MND concludes that such impacts can be reduced to less than significant levels with the implementation of the above mentioned Cultural Resource mitigation measure (**CUL-1**). No new or substantially more severe significant effects would occur, and no additional mitigation measures are required.

**Greenhouse Gas Emissions:** The adopted IS/MND concludes that the type and scale of the multi-family residential development will result in less than significant

impacts related to greenhouse gas (GHG) emissions. This determination was based upon greenhouse gas emissions modeling for the project performed by Wolf Environmental Inc., within the April 20, 2022 *Air Quality and Greenhouse Gas Assessment* prepared for the project. The 124 residential units were estimated to generate approximately 709.6 metric tons/year (MT/yr) of CO<sub>2</sub> emissions, where 1,100 MT/yr is the threshold of significance identified within the 2022 Bay Area Air Quality Management District CEQA guidelines. Since the project does not alter the number of approved units, the projects expected CO<sub>2</sub> emissions would be consistent with the adopted IS/MND. The revised project, substantively consisting of a slight reduction of building square footage and the elimination of 46 off-street parking spaces would result in a substantial increase in GHG generation, nor would it conflict with any applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions. Therefore, no substantial revisions to the adopted IS/MND or new mitigation measures are necessary for the revised project.

**Hazards and Hazardous Material:** No significant impacts were identified relating to hazards and hazardous materials in the adopted IS/MND. This determination was based on the fact that the project does not involve the routine use or transport of hazardous materials to any significant degree. The project site is not identified as a hazardous materials site on the Hazardous Waste Substances Site List (Cortese List) maintained by the State. Therefore, less than significant impacts are expected in this regard. The project site is not located within two miles of an airport, public or private, so no hazards or hazardous material impacts are expected from nearby aviation land uses. The access and improvement plans are required to comply with the standards and requirements of applicable building codes and County ordinances. Therefore, no significant impacts would result from design hazards related thereto. The conditions and circumstances described in this analysis have not significantly changed in the intervening time since the IS/MND was adopted on March 4, 2024. Based on the project type, scale, and surroundings, less than significant impacts relating to hazards and hazardous materials would result from the project.

**Hydrology and Water Quality:** The primary hydrologic concerns discussed in the adopted IS/MND relate to the adequacy of existing downstream drainage infrastructure to accept stormwater discharge from the site. County staff with the Department of Public Works, Engineering Services Division, advised that the project site lies partially within Formed Watershed Drainage Area (DA) 48B and partially within DA48D. Downstream facilities within DA 48B are presently inadequate, a condition which could be exacerbated by the increased site discharged associated with the development, potentially resulting in flooding,

substantial erosion, or polluted runoff. To mitigate this existing condition, the adopted IS/MND included the mitigation measures below, **HYDRO-1** and **HYDRO-2**:

***Mitigation Measure HYDRO- 1:** The implementation of a drainage plan to match postconstruction flow rates with pre-construction flow rates through the use of an on-site stormwater detention system will ensure that the project does not increase the volume of stormwater outfall from the project into existing storm drainage infrastructure relative to present conditions. Prior to the issuance of a building or grading permit (whichever occurs first), the applicant shall submit a final drainage plan with hydrology and hydraulic calculations for the review and approval of the County Department of Public Works, Engineering Services Division.*

***Mitigation Measure HYDRO- 2:** In the event that the on- site stormwater detention system described in Mitigation Measure HYDRO- 1 does not sufficiently mitigate downstream flows, the applicant shall be required to improve the downstream DA 48B to accept post construction flows. Prior to the issuance of a building or grading permit (whichever occurs first), the applicant shall submit a final drainage plan with hydrology and hydraulic calculations for the review and approval of the County Department of Public Works, Engineering Services Division.*

Mitigation Measure **HYDRO-1** requires the project drainage plan to match pre- and post-construction flow rates through the use of on-site stormwater detention to regulate the volume of water discharged into the existing downstream infrastructure. The final drainage plan is required to demonstrate with hydrology and hydraulic calculations that the post-construction discharge does not exceed that of present conditions. In the event that on-site detention is inadequate, mitigation measure **HYDRO-2** requires the project proponent to improve downstream infrastructure within DA48B to make it adequate to accommodate the project. Since the revised project reduces the area of development by approximately  $\frac{3}{4}$  acres, the amount of impervious surface area is substantially reduced. Therefore, the volume of stormwater to detain on site before discharging into downstream infrastructure would also be reduced for the revised project. The implementation of mitigation measures **HYDRO-1** and **HYDRO-2** will ensure that the revised project would not substantially alter the existing drainage pattern resulting in erosion, siltation, or an increased rate of runoff originating from the site. The site has access to a municipal water supply, so it would not have significant effects on groundwater recharge. The projects

compliance with Contra Costa County C.3 requirements, and the implementation of a Storm Water Pollution Prevention Plan will ensure that impacts resulting from stormwater originating from or traversing the property will remain at less than significant impact levels. In cumulative consideration of the above, no new impacts beyond those previously considered will occur with the project and no new mitigation is needed.

**Land Use and Planning:** The original IS/MND found the project would not physically divide an established community, nor would it conflict with any applicable habitat conservation plan or community conservation plan. The revised development is of a substantially similar type and scale, and the revised project does not develop any other lands that were not a part of the original project area. Given the lack of substantive change in the nature, scale, or location of the project the project revision would not result in any new impact that would divide an established community. The project site is consistent with applicable General Plan land use policies and is located outside of the Habitat Conservation Plan/Natural Community Conservation Plan HCP/NCCP inventory area. Thus, no impacts conflicting with such policies would result from the project, consistent with the findings of the adopted MND.

**Mineral Resources:** Neither the original project nor the revised project involves the removal or extraction of mineral resources identified in the County's General Plan. There are no known mineral resources on the project site or in the vicinity. Therefore, no impact would be expected in this regard.

**Noise:** The adopted IS/MND found the potential for significant noise-related impacts during project construction, absent mitigation. The prior study concluded that such impacts could be reduced to less than significant levels with the implementation of mitigation measure **NOI-1[a-f]**, which limits the hours and dates on which construction activities may occur, requires mufflers on all internal combustion engines, and notification of neighbors prior to beginning construction activity. Since the noise impacts resulting from the project are related to the construction phase of the project, and the revised project involves a smaller area of development, there is no expectation that the project revision would exacerbate noise impacts relative to the original project. The nature of grading and construction activities necessary to implement project construction will be substantively unchanged with the project revision, thus, the effectiveness of the adopted mitigation measure **NOI-1(a-f)** will not be impaired by the project revision. Therefore, the revised project remains consistent with the findings of the adopted IS/MND. No significant new impacts are anticipated



beyond those previously considered. Therefore, no additional mitigation is required.

***NOI-1a:*** *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 \(opm.gov\)](https://www.opm.gov/federal-holidays/)

*California Holidays:* <http://www.ftb.ca.gov/aboutftb/holidays.shtml>

***Mitigation Measure NOI-1b:*** *Transportation of heavy equipment (e.g., graders, cranes, excavators, etc.) and trucks to and from the site shall be limited to weekdays between the hours of 9:00 AM and 4:00 PM and prohibited on Federal and State holidays. This restriction does not apply to typical material and equipment delivery or grading activities.*

***Mitigation Measure NOI-1c:*** *The applicant shall require their contractors and subcontractors to fit all internal combustion engines with mufflers*

*which are in good condition and shall locate stationary noise-generating equipment such as air compressors as far away from existing residences as possible.*

***Mitigation Measure NOI-1d:*** *The applicant shall notify neighbors within 300 feet of the subject property at least one week in advance of grading and construction activities.*

***Mitigation Measure NOI-1e:*** *The applicant shall designate a construction noise coordinator who will be responsible for implementing the noise control measures and responding to complaints. This person's name and contact information shall be posted clearly on a sign at the project site and shall also be included in the notification to properties within 300 feet of the project site. The construction noise coordinator shall be available during all construction activities and shall maintain a log of complaints, which shall be available for review by County staff upon request.*

***Mitigation Measure NOI-1f:*** *Prior to the issuance of building permits, a preconstruction meeting shall be held with the job inspectors, designated construction noise coordinator, and the general contractor/onsite manager in attendance. The purpose of the meeting is to confirm that all noise mitigation measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed and in place prior to beginning grading or construction activities. The applicant shall provide written confirmation to CDD staff verifying the time and date that the meeting took place and identifying those in attendance.*

**Population and Housing:** The adopted IS/MND determined that the construction of 124 residential units would not induce substantial unplanned population growth, directly or indirectly, due to the project location within a built-out urbanized area of unincorporated Contra Costa County. The nature, scale, and location of the project have not substantively changed; therefore, the revised project remains consistent with the adopted IS/MND. The project site is devoid of structure development; therefore, the project has no potential to displace people within existing housing. Therefore, the revised project remains consistent with the adopted IS/MND and would not result in any new significant impact relating to population and housing.

**Public Services:** The project site is located within an urbanized area of unincorporated Contra Costa County and has convenient access to existing public roadway and all necessary utility infrastructure within public rights-of-way abutting the project site. Since the number of residential units has not changed

with the project revision, there would be no discernable impact on the demand for public services (e.g. fire, police, school, etc.) resulting from the project. Thus, the project remains consistent with the adopted IS/MND and it is expected that existing public services (e.g. police protection, fire protection, schools, hospitals, and libraries) can adequately serve the project.

**Recreation:** Since the project does not involve a substantial increase in population, it would not expectedly result in a significant increase in the use of area recreation facilities. The project does not include recreational facilities which might have an adverse physical effect on the environment. No significant Recreation impacts were identified in the adopted IS/MND, and the project has not substantially changed in a manner that would result in significant impacts in this regard. No new mitigation is necessary.

**Transportation/Traffic:** The traffic analysis previously conducted for the project found that the project would have no significant impact on the implementation of the County's congestion management program which manages the regional transportation system in the County. The primary vehicular access for the project is via a driveway located along Clearland Drive, consistent with the prior approval, with additional access for emergency access vehicles provided via a second driveway along the project's Willow Pass Road frontage. Since the revised project involves an identical number of residential units, and the project access design has not substantively changed, the traffic resulting from the project would also expectedly be unchanged. Therefore, there are no new transportation or traffic-related impacts beyond those previously considered in the project MND.

**Tribal Cultural Resources:** There are no listed or eligible Historical Resources on the vacant subject property, as defined by Public Resources Code section 21074. The project will have no impact in this regard. The project has the potential for significant impact to heretofore unknown tribal cultural resource during ground disturbing activities absent mitigation. The adopted IS/MND determined that such impacts would be less than significant with the implementation of mitigation measure **CUL-1**. Since the revised project does not involve any substantial change to the type, scale or location of the previously considered project, no new significant impacts to Tribal Cultural Resources are expected. Thus, with the implementation of the adopted mitigations, the project will have less than significant impact in this regard.

**Utilities and Service Systems:** The original IS/MND found that the project would have less than significant impact on utilities and service systems. This is based on

the fact that the project area is developed with water, sanitary sewer, and storm drain infrastructure. The project is not of a large enough scale to require any significant system upgrades to existing sewer, water, gas, or electrical infrastructure to accommodate the development. Water and sewer service is available via existing Golden State Water District and Delta Diablo Sanitary District infrastructure located within the Willow Pass Road right-of-way adjacent to the site. County planning staff solicited comments on the project from these local agencies and the comments received in response did not indicate that existing sewer or water infrastructure lacked sufficient capacity to accommodate the project. There are concerns with the capacity of downstream drainage infrastructure discussed in the Hydrology & Water Quality section of the IS/MND, however, the implementation of mitigation measures **HYRDO-1** and **HYDRO-2** ensures that the existing stormwater infrastructure is sufficient to accept discharge from the project site. Therefore, the revised project remains consistent with the adopted IS/MND. No significant infrastructure upgrades or expansion will occur as a result of the revised project beyond those contemplated in the adopted IS/MND. Thus, no new or substantially more severe significant effects would occur and no additional mitigation measures are required.

**Wildfire:** The project site is not located within a CAL FIRE High or Very-High Fire hazard severity zone. Considering the parcels “urban unzoned” land classification, no impacts are expected in this regard. This is consistent with the findings of the adopted IS/MND.

**Mandatory Findings of Significance:** In cumulative consideration of the above, the development of the multifamily residential project will not result in new or more severe environmental impacts than those previously identified with the original IS/MND. The development does not have the potential to significantly degrade the quality of the environment or substantially reduce the habitat of fish or wildlife species. Most surrounding properties have already been developed with similar land uses. Since the 124-unit project does not exceed the previously considered 124-unit development scenario, the conclusions of the prior IS/MND remain consistent with the current project. Considering that the project is compatible with surrounding land use and will not result in significant demand for new/expanded public services requiring additional infrastructure, the potential for greater environmental impacts than previously considered is relatively low. The project is of a nature and scale that has minimal impacts in areas such as population, traffic, public utilities and aesthetics, it will not result in impacts that are individually limited but cumulatively considerable. The implementation of previously identified mitigation measures as conditions of approval for Development Plan #CDLP22-02029 ensure that the project will not result in

environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

**VII. OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED**

- Contra Costa County Building Inspection Division
- Contra Costa County Grading Division
- Contra Costa County Public Works Department
- Contra Costa Environmental Health
- Delta Diablo Sanitary District
- Golden State Water District
- Contra Costa County Fire Protection District