November 2025 | Final Environmental Impact Report
State Clearinghouse No. 2023090467

2026 URBAN LIMIT LINE RENEWAL FINAL EIR

Prepared for:

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PLACEWORKS

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1. Introduction

1.1 INTRODUCTION

This Final Environmental Impact Report (FEIR) has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code §§ 21000 et seq.), the State CEQA Guidelines (California Code of Regulations §§ 15000 et seq.), and the Contra Costa County CEQA Guidelines.

According to the CEQA Guidelines, Section 15132, the FEIR shall consist of:

(a) The Draft Environmental Impact Report (DEIR) or a revision of the DEIR;

(b) Comments and recommendations received on the DEIR either verbatim or in summary;

(c) A list of persons, organizations, and public agencies comments on the DEIR;

(d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process; and

(e) Any other information added by the Lead Agency.

Pursuant to Ca. Code Regs. Tit. 14, § 15153 (referred to as "Section 15153") of the State CEQA Guidelines, a lead agency may use an EIR prepared in connection with an earlier project to apply to a later project if the circumstances of the projects are essentially the same. Under Section 15153, the lead agency must determine whether the prior EIR adequately describes: (i) the general environmental setting of the proposed project; (ii) the significant environmental impacts of the proposed project; and (iii) alternatives and mitigation measures related to each significant effect. In this instance, the earlier project was the adoption of the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan (CAAP) 2024 Update for which an Environmental Impact Report (GPEIR) was certified. While the Contra Costa County Urban Limit Line (ULL) was included in the General Plan, it was adopted by voter approval and not established by the General Plan.

An Initial Study for the 2026 Urban Limit Line Renewal (proposed project) evaluated the proposed project as required under Section 15153 to determine whether the GPEIR for the Contra Costa County 2045 General Plan and CAAP 2024 Update adequately evaluated the impacts associated with the proposed project in sufficient detail to serve as the environmental document for the proposed project. The Initial Study concluded that the proposed project meets the criteria of Section 15153, and that no new or increased impacts would result from the proposed project, and therefore the Contra Costa County Board of Supervisors could rely on the certified GPEIR when acting on the proposed project. The Initial Study and GPEIR were circulated for public review in accordance with Section 15153, along with a Notice of Availability that informed readers that the key issues include whether the GPEIR should be used as the Draft EIR for the proposed project and whether there are any additional, reasonable alternatives or mitigation measures that should be considered as ways of avoiding or reducing the significant effects of the proposed project.

The focus of this CEQA process is the determination of the adequacy of the GPEIR, as the Draft EIR for the proposed project, for the purposes of evaluating the impacts of the proposed project. As determined in the Initial Study, the GPEIR adequately describes the significant environmental impacts of the proposed project and the related alternatives and mitigation measures, and the proposed project would result in no new or more significant impacts when compared to those evaluated in the GPEIR. This FEIR responds to comments received on the Initial Study and the GPEIR, as the Draft EIR for the proposed project, during the public review period, which began August 25, 2025, and closed October 9, 2025.

1.2 FORMAT OF THE FEIR

This document is organized as follows:

Section 1, Introduction. This section describes CEQA requirements and content of this FEIR.

Section 2, Tribal Consultation Summary. This section summarizes the Native American consultation process conducted for the proposed project in accordance with AB 52. It should be noted that comments from tribes received during this process do not constitute comments on the Initial Study pursuant to CEQA Guidelines Section 15132.

Section 3, Response to Comments. This section provides a list of agencies and interested persons commenting on the Initial Study, copies of comment letters received during the public review period, and individual responses to written comments. This section also includes responses to verbal comments received at a public hearing held by the County Zoning Administrator on September 15, 2025, regarding the Initial Study. Within each comment letter, individual comments have been numbered, and the comment letter is followed by responses with references to the corresponding comment number.

Section 4, Revisions Associated with the Proposed Project. This section contains revisions to the Initial Study and GPEIR text and figures resulting from comments received by agencies and interested persons as described in Section 3, and/or errors and omissions discovered subsequent to release of the Initial Study for public review. No revisions to the GPEIR, as the Draft EIR for the proposed project, were required.

The responses to comments contain material and revisions that will be added to the text of the FEIR. Contra Costa County staff have reviewed this material and determined that none of this material constitutes the type of significant new information that requires recirculation of the DEIR and Initial Study for further public comment under CEQA Guidelines Section 15088.5. None of this new material indicates that the project will result in a significant new environmental impact not previously disclosed in the Initial Study. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation described in Section 15088.5.

1.3 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES

CEQA Guidelines Section 15204(a) outlines parameters for submitting comments on DEIRs and reminds persons and public agencies that the focus of review and comment of DEIRs should be "on the sufficiency of the document in identifying and analyzing possible impacts on the environment and ways in which significant

effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR."

CEQA Guidelines Section 15204(c) further advises, "Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence." Section 15204(d) also states, "Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency's statutory responsibility." Section 15204(e) states, "This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section."

In accordance with CEQA, Public Resources Code Section 21092.5, copies of the written responses to public agencies will be forwarded to those agencies at least 10 days prior to certifying the EIR. The responses will be forwarded with copies of this FEIR, as permitted by CEQA, and will conform to the legal standards established for response to comments on DEIRs.

2. Tribal Consultation Summary

Assembly Bill (AB) 52 took effect July 1, 2015, and requires inclusion of a section in CEQA documents that analyzes impacts to tribal cultural resources. Under AB 52, a tribal cultural resource is defined as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either included or eligible for inclusion in the California Register of Historic Resources or included in a local register of historical resources, or that the lead agency, supported by substantial evidence, chooses at its discretion to treat as a tribal cultural resource.

AB 52 requires consultation with tribes at an early stage to determine whether a project would have an adverse impact on tribal cultural resources (TCR) and define mitigation to protect them. Per AB 52, within 14 days of deciding to undertake a project or determining that a project application is complete, the lead agency must provide formal written notification to all tribes who have requested it. The tribe then has 30 days of receiving the notification to respond if it wishes to engage in consultation. The lead agency must initiate consultation within 30 days of receiving the request from the tribe. Consultation concludes when both parties have agreed on measures to mitigate or avoid a significant effect to a tribal cultural resource, or a party, after a reasonable effort in good faith, decides that mutual agreement cannot be reached. Regardless of the outcome of consultation, the CEQA document must disclose significant impacts on TCRs and discuss feasible alternatives or mitigation that avoid or lessen the impact.

2.1 PREVIOUS CONSULTATION EFFORTS

Under the 2045 General Plan and GPEIR process, the County conducted tribal consultation pursuant to AB 52 and a related law associated with tribal consultation, SB 18. As part of this process, a record search of the Native American Heritage Commission's (NAHC) Sacred Lands File (SLF) was completed and confirmed negative results for the GPEIR Study Area (which included the whole of the unincorporated county). In accordance with SB 18 requirements, the County sent letters to representatives of the Native American tribes provided by the NAHC on January 15, 2021, formally inviting tribes to consult with the County on the 2045 General Plan. The Confederated Villages of Lisjan Nation Tribe requested consultation and consulted with the County in November 2021 regarding the draft goals, policies, and actions of the General Plan Update. In accordance with AB 52 requirements, an updated invitation for consultation was sent out to the County's AB 52 Tribal Consultation List on October 5, 2023. The Lisjan Tribe responded on October 25, 2023, and requested additional information about the proposed project, which was provided to the tribe. No other tribes responded and no consultation was requested. During the SB 18 consultation process in 2021, the Lisjan Tribe provided comments and edits for the 2045 General Plan in addition to mitigation measures that were incorporated into the GPEIR as Mitigation Measures TCR-1 and TCR-2.

2.2 PROPOSED PROJECT TRIBAL CONSULTATION

Pursuant to AB 52, tribal consultation for the proposed project was conducted in association with the Initial Study released for the proposed project. The County sent letters to representatives of the Native American tribes provided by the NAHC on August 23 and September 9, 2025, inviting tribes to consult with the County on the proposed project. Five tribes responded to the request, as summarized below:

- **Costanoan Rumsen Carmel Tribe**. This tribe responded to the County's request on August 25, 2025, seeking consultation on the proposed project. The County responded on September 16 and October 16 and did not receive a response. The County concluded consultation on November 24, 2025.
- **Amah Mutsun Tribe**. This tribe responded to the County's request on August 26, 2025, with recommendations for TCR protection under the proposed project. The County responded on September 16 and October 16 and did not receive a response. The County concluded consultation on November 24, 2025.
- **Muwekma Ohlone Tribe**. This tribe responded to the County's request on August 27, 2025, and noted services offered by the tribe to assist with TCR protection. The County responded on September 16 and October 16 and did not receive a response. The County concluded consultation on November 24, 2025.
- **Wilton Rancheria Tribe**. This tribe responded to the County's request on September 19, 2025, requesting consultation on the proposed project. The County responded to the tribe's request on September 23 and provided relevant materials for review of the proposed project. The tribe reviewed the materials and provided comments and recommendations related to TCR protections on October 24. The County responded to the tribe's comments on November 5, and the tribe concluded consultation with the County on November 10, 2025.
- L**isjan Nation Tribe**. This tribe responded to the County's request on September 25, 2025, requesting results from the SLF request and project documents associated with the proposed project. The County responded to the tribe's request on October 3 and provided relevant materials for review of the proposed project. The tribe reviewed the materials and indicated they would follow up with comments or questions by November 21. The County concluded consultation on November 24, 2025.

Relevant correspondences with tribes are included as Appendix A, *Tribal Correspondence*, to this document. Consultation proceedings with all tribes concluded by November 24, 2025. No changes to the Initial Study or GPEIR were required as a result of consultation efforts.

3. Response to Comments

Section 15088 of the CEQA Guidelines requires the Lead Agency (Contra Costa County) to evaluate comments on environmental issues received from public agencies and interested parties who reviewed the Initial Study and prepare written responses.

This section provides all comments received on the Initial Study and Contra Costa County's responses to each comment. Comment letters and specific comments are given letters and numbers for reference purposes. Changes to the Initial Study text resulting from comments received are shown in Section 4.2, *Initial Study Revisions,* of this FEIR.

3.1 RESPONSES TO VERBAL COMMENTS

The Contra Costa County Zoning Administrator conducted a public hearing to receive written and oral comments on the proposed project and environmental review on Monday, September 15, 2025, at 3:30 p.m. A list of the commenters and a summary of their comments is as follows.

- **Mark Scheberies, 2647 Reliez Valley Road, Martinez**. Mr. Sheberies stated that moving approximately 50 acres of his family's property outside the ULL was unfair and would cost his family over $1 million in lost property value.
- **Kon Andronis, 148 Gordon Way, Martinez**. Mr. Andronis stated that he purchased 15 acres in 1970 and over time the land use regulations have changed and limited what can be done on the property, but his family still has to pay property taxes.
- **Rick Spencer, 172 Gordon Way, Martinez**. Mr. Spencer stated that he supported Mr. Scheberies and felt it was ridiculous that the County could take a person's property without compensation.
- **Nancy Kilbourn, 150 Oak Bridge Lane, Martinez.** Ms. Kilbourn stated that she represents Friends of the Alhambra Valley and asked several questions about the process.

As none of the comments provided at the hearing concern the adequacy of the CEQA analysis, no response is required.

3.2 RESPONSES TO WRITTEN COMMENTS

The following is a list of agencies and persons that submitted written comments on the Initial Study during the public review period.

Letter Reference	Commenting Person/Agency	Date of Comment	Page No.
Agencies			
A	Department of Toxic Substances Control	September 3, 2025	

3. Response to Comments

Letter Reference	Commenting Person/Agency	Date of Comment	Page No.
B	City of Pleasant Hill	September 18, 2025	
C	California Department of Transportation	October 9, 2025	
Interested Parties			
D	Moita & Moita LLP	October 8, 2025	

3. Response to Comments

LETTER A – Tamara Purvis, Associate Environmental Planner, Department of Toxic Substances Control (2 pages)

3. Response to Comments

Department of Toxic Substances Control

Yana Garcia
Secretary for
Environmental Protection

Katherine M. Butler, MPH, Director
8800 Cal Center Drive
Sacramento, California 95826-3200
dtsc.ca.gov

Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

September 3, 2025

Will Nelson
Assistant Deputy Director
Contra Costa County
30 Muir Road
Martinez, CA 94553
will.nelson@dcd.cccounty.us

RE: MEMORANDUM FOR DRAFT ENVIRONMENTAL IMPACT REPORT FOR CONTRA COSTA COUNTY 2026 URBAN LIMIT LINE RENEWAL DATED AUGUST 27, 2025, STATE CLEARINGHOUSE NUMBER 2023090467

Dear Will Nelson:

The Department of Toxic Substances Control (DTSC) reviewed and submitted a Comment Letter on the Draft Environmental Impact Report for the Contra Costa County 2026 Urban Limit Line Renewal on March 22, 2024. Since the recommendations within the comment letter were not addressed in the latest version of the proposed Project, DTSC wants to reiterate that the comments provided to the updated proposed Project (i.e. Contra Costa County 2026 Urban Limit Line Renewal). DTSC respectfully requests those comments be reflected for the record. A-1

Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like clarification on this memorandum or DTSC's comments for the Project, please respond to this letter or via our CEQA Review email for additional guidance. A-2

3. Response to Comments

Sincerely,

Tamara Purvis

Tamara Purvis
Associate Environmental Planner
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Tamara.Purvis@dtsc.ca.gov

cc: (via email)

Governor's Office of Land Use and Climate Innovation
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Tanya Sundberg
Principal
PlaceWorks / Consulting Firm
tsundberg@placeworks.com

Dave Kereazis
Associate Environmental Planner
HWMP-Permitting Division – CEQA Unit
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

Scott Wiley
Associate Governmental Program Analyst
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Scott.Wiley@dtsc.ca.gov

A-2
cont'd

3. Response to Comments

A. Response to Comments from Department of Toxic Substances Control, dated September 2, 2025.

A-1 The Department of Toxic Substances Control (DTSC) notes that DTSC had previously submitted comments on the DEIR associated with the proposed project on March 22, 2024, and requests the inclusion of those comments in the record for this FEIR.

DTSC's previous comment letter responding to the DEIR for the 2045 General Plan and CAAP 2024 Update is provided in Appendix B, *Department of Toxic Substances Control Correspondence Related to the Proposed Project*, to this FEIR. Responses to these comments were provided in the FEIR certified for the previously adopted 2045 General Plan and CAAP 2024 Update. The previous FEIR is a part of the record of the proposed project and can be viewed at: https://envisioncontracosta2040.org/documents/

While the GPEIR, which analyzed the impacts of implementing the 2045 General Plan and CAAP 2024 Update, is the Draft EIR used for the proposed project, the 2026 Urban Limit Line Renewal is a ballot measure separate from the previously adopted components that were analyzed in the GPEIR. The purpose of this CEQA process is to determine whether the impacts of the proposed project are adequately described by the GPEIR. As concluded in the Initial Study, the proposed project would not result in any new or increased impacts and the GPEIR meets the conditions of Section 15153 to cover the proposed project.

Subsequent correspondence between the County and DTSC occurred after receipt of DTSC's September 2, 2025, comment letter. This correspondence is included in Appendix B. As noted in the County's response to DTSC on September 8, 2025, and within the responses to DTSC's March 22, 2024, comment letter, the comments brought forward by DTSC apply to project-level efforts and have limited applicability at the programmatic level of the proposed project. DTSC's September 8, 2025, response to the County indicates that the agency understands the nature of the proposed project and would like the County to consider its recommendations during future project-level efforts. The County appreciates DTSC's comments and recommendations and will look forward to communicating with DTSC during subsequent relevant CEQA efforts in the future.

A-2 DTSC concludes this letter and invites the County to engage in further correspondence regarding DTSC's comments.

As noted, further correspondence is provided in Appendix B and the County will continue to seek DTSC's input on subsequent projects.

3. Response to Comments

LETTER B – Haley Croffoot, AICP, Senior Planner, Planning Division, City of Pleasant Hill (1 page)

3. Response to Comments

From: Haley Croffoot
To: Will Nelson
Subject: 2026 Urban Limit Line Renewal
Date: Thursday, September 18, 2025 5:51:14 PM

This Message Is From an External Sender
This email originated from outside of Contra Costa County. Please do not click links or open attachments unless you are expecting this email.

Report Suspicious

Hi Will,

The City of Pleasant Hill has reviewed the proposed 2026 Urban Limit Line Renewal project and does not have any comments.

Thanks!

B-1

Haley Croffoot, AICP
Senior Planner, Planning Division
City of Pleasant Hill
100 Gregory Lane
Pleasant Hill, CA 94523
Office: 925.671.5297
Email: hcroffoot@phillca.gov

3. Response to Comments

B. Response to Comments from City of Pleasant Hill, dated September 8, 2025.

B-1 The City of Pleasant Hill notes that it has reviewed the proposed project and has no comments to provide.

The County appreciates the City's comment. Because the comment does not concern the adequacy of the CEQA analysis, no response is required.

3. Response to Comments

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3. Response to Comments

LETTER C – Yunsheng Luo, Branch Chief, Local Development Review, California Department of Transportation (3 pages)

3. Response to Comments

CALIFORNIA STATE TRANSPORTATION AGENCY GAVIN NEWSOM, GOVERNOR

California Department of Transportation

DISTRICT 4
OFFICE OF REGIONAL AND COMMUNITY PLANNING
P.O. BOX 23660, MS–10D | OAKLAND, CA 94623-0660
www.dot.ca.gov

October 9, 2025

SCH #: 2023090467
GTS #: 04-CC-2023-01033
GTS ID: 30908
Co/Rt/Pm: CC/VAR/VAR

Will Nelson, Assistant Deputy Director
Contra Costa County
30 Muir Road
Martinez, CA 94553

Re: Contra Costa County 2026 Urban Limit Line Renewal – Draft Environmental Impact Report (DEIR)

Dear Will Nelson:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Contra Costa 2026 Urban Limit Line Renewal Project. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the August 2025 Initial Study (IS) and the 2045 General Plan and Climate Action and Adaptation Plan Environmental Impact Report (GPEIR), referred to in the IS.

C-1

Please note this correspondence does not indicate an official position or approval by Caltrans on this project and is for informational purposes only.

Project Understanding

The proposed project is an amendment to the Land Use Element of the Contra Costa County 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance. The proposal extends the Urban Limit Line (ULL) and the 65/35 Plan term through December 2051. The proposed project also modifies the ULL review requirements and revises the ULL map.

C-2

Travel Demand Analysis

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Vehicle

"Provide a safe and reliable transportation network that serves all people and respects the environment."

3. Response to Comments

Miles Traveled (VMT) analysis for land use projects, please review Caltrans' Transportation Impact Study Guide (*link*).

The project VMT analysis and significance determination are undertaken in a manner consistent with the Office of Land Use and Climate Innovation's (LCI) Technical Advisory. Per the IS and GPEIR, this project is found to have significant VMT impact. Please consider reviewing relevant transportation plans for more potential VMT mitigation projects.

- Plan Bay Area 2050 (Metropolitan Transportation Commission)
- State Route (SR) 4 Vision Study (CCTA)
- Caltrans Plans and Reports:
  - Contra Costa Interstate (I)680 Comprehensive Multimodal Corridor Plan (CMCP)
  - SR 4 Corridor System Management Plan (CSMP)
  - SR 24 CSMP
  - SR 160 Transportation Concept Report

C-3

Additionally, please note that the Contra Costa Transportation Authority (CCTA) VMT Mitigation Program Study was funded through Caltrans' Sustainable Transportation Planning Program to assist local agencies in identifying and quantifying mitigations to VMT impacts and improve multimodal transportation to serve Contra Costa residents. The County is encouraged to collaborate with Caltrans and CCTA to assess and develop a regional VMT mitigation program to reduce VMT in an effective and feasible manner.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Mary McGee, Transportation Planner, via LDR-D4@dot.ca.gov. For future early coordination opportunities or project referrals, please visit Caltrans LDR website (*link*) or contact LDR-D4@dot.ca.gov.

C-4

Sincerely,

YUNSHENG LUO
Branch Chief, Local Development Review
Office of Regional and Community Planning

"Provide a safe and reliable transportation network that serves all people and respects the environment."

3. Response to Comments

Will Nelson, Assistant Deputy Director
October 9, 2025
Page 3

c: State Clearinghouse

"Provide a safe and reliable transportation network that serves all people and respects the environment."

3. Response to Comments

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C. Response to Comments from the California Department of Transportation, dated October 9, 2025.

C-1 The California Department of Transportation (Caltrans) provides introductory remarks for its comment letter and notes that its Local Development Review Program reviews land use projects and plans to ensure consistency with its mission and State planning priorities.

As this comment does not address the adequacy of the CEQA document, no response is required. Responses to the subsequent comments in the agency's letter are provided below.

C-2 This comment summarizes the components of the proposed project and notes that vehicle miles travelled (VMT) impacts should be assessed pursuant to its Transportation Impact Study Guide.

Caltrans' understanding of the project is correct. A VMT analysis pursuant to the County's Transportation Analysis Guidelines was conducted for the GPEIR, as described in Section 5.16, *Transportation*, of the Draft GPEIR. The County's Guidelines are consistent with Caltrans' Transportation Impact Study Guide.

C-3 Caltrans correctly notes that the proposed project would result in significant and unavoidable impacts with respect to VMT and requests the consideration of relevant transportation plans to help mitigate VMT impacts.

As previously noted in response to Comment A-1, the proposed project would result in no new or increased impacts when compared to those analyzed in the GPEIR. As such, no new mitigation measures would be required to reduce impacts associated with the proposed project. The GPEIR considered VMT reduction strategies from the County's Transportation Demand Ordinance, the California Air Pollution Control Officers Association's (CAPCOA) Handbook for Analyzing Greenhouse Gas Emissions, and 2045 General Plan policies. The GPEIR also notes that, due to the programmatic nature of the 2045 General Plan project (also applicable to the proposed project), the feasibility of any particular VMT reduction measure for any specific future development project is unknown and cannot be determined at this level of analysis. VMT impacts at the programmatic level were therefore determined to be significant and unavoidable. Similarly, the VMT reductions in the transportation plans listed by Caltrans in this comment would be more appropriate to consider when individual projects requiring VMT reductions are evaluated.

The County will consider suggestions for VMT reduction strategies transportation listed by Caltrans in this comment and the potential to collaborate with Caltrans and the Contra Costa Transportation Authority to develop a regional VMT mitigation program. As this comment does not address the adequacy of the CEQA document, no further response is required.

3. Response to Comments

C-4 Caltrans provides closing remarks and invites correspondence to address additional questions on Caltrans' letter.

As this comment does not address the adequacy of the CEQA document, no further response is required.

3. Response to Comments

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3. Response to Comments

LETTER D – Vincent A. Moita and Joseph D. Moita, Moita & Moita LLP (579 pages)

3. Response to Comments

Moita & Moita LLP

Attorneys at Law

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October 8, 2025

VIA EMAIL

Will Nelson
Advance Planning
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Martinez, CA 94553
Phone: (925) 655-2898
Email: William.nelson@dcd.cccounty.us

Re: Inadequacy of the Initial Study Evaluating Use of a Previously Certified Environmental Document for the 2026 Urban Limit Line Renewal Project

Dear Mr. Nelson:

This firm represents Clayton Estates, LLC ("Clayton Estates") and the Moita Family, owners of the Moita/Heartland properties, together totaling approximately 164 acres pre-zoned and identified for annexation and the development of 103 homes under the City of Clayton's Marsh Creek Road Specific Plan ("MCRSP"), adopted in 1995. Currently, 40 acres of the land is within the City of Clayton's Sphere of Influence. We submit these comments in opposition to Contra Costa County's (the "County") Initial Study Evaluating Use of a Previously Certified Environmental Document ("IS") for the 2026 Urban Limit Line Renewal Project (the "Project"). The Project would, among other things, extend the term of the 65/35 Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code) and the County's Urban Limit Line through December 31, 2051, and would newly exclude an additional 13.5 acres of previously planned residential land from within the proposed Urban Limit Line. D-1

The IS concludes that preparation of a new Environmental Impact Report is unnecessary because the project may rely on the 2045 General Plan and 2024 Climate Action and Adaptation Plan Update EIR ("GPEIR"; State Clearinghouse No. 2023090467) to describe and analyze the environmental impacts of the Project, consistent with the criteria of the California Environmental

3. Response to Comments

Quality Act ("CEQA"; Pub. Res. Code §§ 21000 et seq.), Guidelines §15153. That conclusion is legally incorrect. The IS is inadequate under CEQA because it omits critical analysis, fails to address relevant cross-jurisdictional planning efforts, forecloses feasible housing alternatives, and imposes an impermissible housing moratorium with zero analysis at odds with the Housing Crisis Act of 2019. D-1 cont'd

The GPEIR estimated that, by 2045, 23,200 new housing units, 1.2 million square feet of new commercial and office space, and 5 million square feet of new industrial space would be developed in the unincorporated county (the "2045 General Plan Development Scenario"). According to the IS, "[t]his estimate assumes that ***all*** *vacant and underutilized parcels with residential land use designations in the unincorporated county would be developed at the* ***maximum density*** *allowed under the 2045 General Plan.* The estimate of nonresidential (commercial and industrial) development is based on *regional growth projections, historical County permitting data, and projects proposed at the time the estimate was formulated.*" (IS, page 3; emphasis added.) In short, the GPEIR applied totally different methodologies to residential and nonresidential development assumptions, drastically overestimating the number of new residential units and underestimating the new commercial and industrial square footage. This begs the question: Where will employees working at the new commercial and industrial developments live? D-2

The IS ports over the 2045 General Plan Development Scenario and its false assumptions, and the Project further exacerbates the problem by moving another 10,140 net acres outside ethe ULL, thereby increasing the likelihood -- and the impacts -- of creating new "super-commuters" with homes east of the County and jobs located within or west of the County. D-3

The County must prepare a full project-level environmental impact report (EIR) with sufficient transportation, air quality, and greenhouse gas (GHG) analysis to properly analyze and disclose the impacts of the Project, which will further reduce the opportunity for housing development in the County for at least the next 25 years. D-4

I. Legal Background

Under § 15153 of the CEQA Guidelines, a lead agency may use an earlier EIR for a subsequent project "if the circumstances of the projects are essentially the same." The lead agency must follow certain procedures, including evaluating the criteria for a subsequent EIR in CEQA Guidelines § 15162. If one or more of the relevant conditions, listed below, is met then the lead agency cannot rely on the earlier EIR: D-5

- Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects (15162(a)(1));

- Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects (15162(a)(2)); or

- New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following (15162(a)(3)):

  – The project will have one or more significant effects not discussed in the previous EIR or negative declaration (15162(a)(3)(A));

  – Significant effects previously examined will be substantially more severe than shown in the previous EIR (15162(a)(3)(B));

  – Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or (15162(a)(3)(C)); or

  – Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative (15162(a)(3)(D)).

D-5 cont'd

II. Improper Reliance on General Plan EIR (§15153)

The circumstances under which the Project will be undertaken are substantially different from the project analyzed in the GPEIR and would represent a substantial increase in the severity of previously identified significant and unavoidable air quality and transportation impacts. The Project may also result in GHG effects that were not discussed in the GPEIR. As the state legislature has specifically found, "an additional consequence of the state's cumulative housing shortage is a significant increase in greenhouse gas [GHG] emissions caused by the displacement and redirection of populations…" (Cal. Gov. Code § 65589.5.) In the absence of a credible plan to house more people closer to the public transit options available in the County, the County must analyze and propose to mitigate the environmental impacts of moving people further and further away from job centers. *See Defend the Bay v. City of Irvine*, 119 Cal.App.4th 1261 (2004).

D-6

The GPEIR analyzed neither the exclusion of pre-zoned MCRSP lands within the City of Clayton's Sphere of Influence nor contraction of the Urban Limit Line in Census-designated Urban Areas. These are new circumstances and impacts requiring supplemental technical analysis and preparation of a full EIR specific to the Project. Reliance on the GPEIR is therefore unlawful as none of the substantive issues highlighted by the criteria in § 15162 have been analyzed.

D-7

3. Response to Comments

We note also that a lead agency may only employ CEQA guidelines §15153 if it properly notices the availability of the initial study under Guidelines § 15087 and provides a listing of places where copies of the EIR may be examined. Here, the County provided a weblink to https://envisioncontracosta2040.org/documents/. However, upon inspection of the link and associated Final GPEIR, Draft EIR Appendices, and Draft EIR, none of the existing evidentiary record analyzes the City of Clayton's Sphere of Influence or the MCRSP, for which a clear land use conflict exists. Therefore, the IS's XI Land Use and Planning and XIV Population and Housing chart must be amended as shown below:

D-8

XI Land Use and Planning

			CEQA Guidelines Section 15153 - Can an EIR From an Earlier Project be Used?				CEQA Guidelines Section 15162 - Is a Subsequent EIR Needed?		
Environmental Issues	Conclusion of Applicable Sections of GPEIR	Applicable GPEIR Mitigation Measures	Does the GPEIR Adequately Describe Setting?	Does the GPEIR Adequately Describe Impacts?	For Significant Impacts, Does GPEIR Adequately Describe Alternatives?	For Significant Impacts, Does GPEIR Adequately Describe Mitigations?	Do the Proposed Changes Involve New Impacts?	Are There New Circumstances Involving New Impacts	Is There New Information Requiring New Analysis or Verification?
XI. Land Use and Planning									
Would the Project:									
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?	Does not adequately address	Does not adequately address	No	No	No	No	Yes	Yes	Yes

XIV. Population and Housing

			CEQA Guidelines Section 15153 - Can an EIR From an Earlier Project be Used?				CEQA Guidelines Section 15162 - Is a Subsequent EIR Needed?		
Environmental Issues	Conclusion of Applicable Sections of GPEIR	Applicable GPEIR Mitigation Measures	Does the GPEIR Adequately Describe Setting?	Does the GPEIR Adequately Describe Impacts?	For Significant Impacts, Does GPEIR Adequately Describe Alternatives?	For Significant Impacts, Does GPEIR Adequately Describe Mitigations?	Do the Proposed Changes Involve New Impacts?	Are There New Circumstances Involving New Impacts	Is There New Information Requiring New Analysis or Verification?
XIV. Population and Housing									
would the project:									
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and business) or indirectly (for example, through extension of roads or other infrastructure)?	Does not adequately address	Does not adequately address.	No	No	No	No	Yes	Yes	Yes

Page 5 of 13

III. Decision to Not Study Moita / Heartland Lands Relied on False Pretext

First and foremost, a direct statement made at the June 24, 2025, Board of Supervisors meeting by Conservation and Development Director John Kopchick was either intentionally materially misleading or mistaken but objectively wrong. On the topic of the City of Clayton's interest in annexation of the Moita/Heartland land, Conservation and Development Director John Kopchik stated:

> "I would also mention that it's… you know… they would put it inside their urban limit line, they haven't pursued annexation to their sphere, in fact their general plan shows a proposal to contract there sphere to kind of match what our urban limit line proposal looks like so **we have seen no indication that Clayton wants to pursue that over the last 30 years**". John Kopchik, at 5:00.41, June 24, 2025, BOS Meeting.[1] (**bold** added)

D-9

This statement is factually inaccurate and materially misleading, as it misstates the timeline and ignores multiple official actions by the City of Clayton evidencing the City's intent to annex lands within its Sphere of Influence. The City of Clayton adopted the MCRSP in 1995 and later amended and re-ratified the MCRSP in 2005 (i.e., 20 years ago). This misstatement of the evidentiary record likely unduly prejudiced the Board of Supervisors into not recommending analyzing the Moita/ Heartland lands but more importantly this statement came directly from the Director of the Department of Conservation and Development. Presumably then, the same mistaken belief was shared by the entire Department when studying possible adjustments for the Project. Regardless, this statement is not supported by the evidentiary record.

The MCRSP amendment ratification occurred on April 5, 2005, and included Policy IM-8

> "The City shall petition LAFCO to amend its Sphere of Influence to Include the Specific Plan Area as shown in Figure 6." Policy IM-8, MCRSP, adopted 1995, amended 2005.

The 2005 MCRSP included specific language recommending the County respect and implement its planning efforts and adopt the MCRSP for unincorporated portions of the County:

D-10

> "The City of Clayton recommends that the policies of this Specific Plan be applied by Contra Costa County in the unincorporated portions of the study area and in areas beyond the study area but within Clayton's area of development comment, which extends three miles from the City limit. The City shall formally request that the County adopt this Plan and use it for policy application in the area, and the City shall use the Specific Plan as the basis for comments on projects within the study area and the comment area." IM-12, MCRSP, adopted 1995, amended 2005.

[1] https://contra-costa.granicus.com/player/clip/3619

3. Response to Comments

Further, between 2005 and 2025 the City of Clayton confirmed their existing Sphere of Influence as necessary for future build out in 2006, 2009, and 2019 in their LAFCO Municipal Service Reviews (MSRs), providing a clear substantial evidentiary record that the City of Clayton continues to desire to annex the lands identified in the MCRSP.

The City of Clayton's current General Plan, the constitution of the city and its "blueprint" for future development, has been amended and restated eight times in the last 30 years, and most recently on January 17, 2023, less than three years (not decades) ago.

Each amendment and restatement has contained the following official City Policy regarding the Annexation of the City's Sphere of Influence:

> "ANNEXATIONS AND SPHERE OF INFLUENCE
>
> The City of Clayton wishes to have control over those areas that demand services, that make up its urban form, that affect its livelihood and that help create an efficient unit of government services. It is therefore the policy of the City of Clayton to annex all land within its Sphere of Influence and to promote development of land in the City of Clayton.
>
> Support for the concept of City development is included in the scale of community responsiveness to needs, efficiency and consistency of standards.
>
> The Sphere of Influence and Planning Area boundary should be reviewed at least at 5-year increments to determine whether expansion is warranted.
>
> (Amended by Resolution 43-95)
>
> If development is proposed in the un-sphered area north or east of Clayton, Clayton will request expansion of its Sphere at that time to the limits of its Planning Area.
>
> The City of Clayton will be interested in any development along Marsh Creek Road between Clayton and Byron, due to the direct effect on traffic through the City. The Effect on Clayton circulation should be considered in any County proposal"
>
> City of Clayton, General Plan, Land Use Element – Amended January 17, 2023

D-10 cont'd

The City of Clayton's General Plan Map, published in January 2017, specifically identifies the Moita / Heartland land as pre-zoned residential land uses consistent with the MCRSP, despite the conflict with the 2006 voter-adopted Urban Limit Line.

D-11

The MCRSP, adopted in 1995 and amended in 2005 by the City of Clayton, pre-zones the Moita/Heartland properties for residential development. The City of Clayton's existing Sphere of Influence as approved by LAFCO for over 30 years and maintained through numerous MSR cycles extends onto 40± acres of the Moita / Heartland lands. Excluding these lands from potential

housing development for at least another 25 years, without any substantive analysis in the IS is unlawful, and the County's must analyze adequate alternative scenarios. D-11 cont'd

IV. The MCRSP and City of Clayton Sphere of Influence have not been Analyzed

California Gov. Code §56076 explicitly states the Sphere of Influence "means a plan for the probable physical boundaries and service areas of a local agency, as determined by the [LAFCO]." The City of Clayton's Sphere of Influence extends beyond the existing 2006 Urban Limit Line by 26.5 acres for the parcel identified by APN 075-200-021, 1.2 acres for the parcel identified by APN 075-200-022, 5.9 acres for the parcel identified by APN 075-200-028, 6.73 acres for the parcel identified by APN 075-200-025, and 0.4 acres for the parcel identified by APN 075-200-030. The current misalignment of the existing 2006 voter-adopted Urban Limit Line and the City's Sphere of Influence therefore excludes approximately 40.5 cumulative acres from development.

The City of Clayton's adopted Sphere of Influence was originally approved by the County. Such approval would be supplanted by the Project, which seeks to exclude all of the remaining Moita/ Heartland lands from the ULL, a cumulative 13.5 acres (12.9 acres for the parcel identified by APN 075-200-021 and 0.6 acres for the parcel identified by APN 075-200-030). The consequence of excluding this last 13.5 acres, all located fully within the City of Clayton's Sphere of Influence, is a *de facto ban* on possible future annexation as the only possible way for annexation to the City of Clayton for the pre-zoned land would be by a future county wide voter passed ballot measure to amend the Urban Limit Line or local ballot measure to adopt a local Clayton specific Urban Limit Line. As discussed more fully in Section IX of this letter, this creates a *de facto ban* on much-needed housing development that is impermissible without adequate study and is in direct conflict with state housing laws. D-12

Moreover, removing the 13.5 acres from the ULL precludes any feasible contextual ULL movement that would allow development of 29 housing units as contemplated under the MCRSP's development Subsection A. During the last 2006 Urban Limit Line planning process, significant attention was paid to the "Worth Amendment," County Municipal Code Title 8, Division 82-1.018(a). The Worth Amendment, which allows the possibility of shifting the Urban Limit Line by up to 30 acres without voter initiative, was specifically motivated by the Moita / Heartland land because the 2006 ULL did not conform to geographical legal boundaries. See EXHIBIT 1. The Worth Amendment established a path to possibly include this Moita/ Heartland land within the ULL, aligning it with the City of Clayton's Sphere of Influence. The Project, as currently drawn to remove another 13.5 acres of Moita / Heartland property, would foreclose this possibility by making the necessary ULL shift at least 40 acres and outside the reach of the Worth Amendment. Going forward, annexation to allow this 29-unit development would require a voter-approved realignment of the ULL.

CEQA requires agencies to analyze direct physical changes in the environment and reasonably foreseeable indirect physical changes (CEQA Guidelines §15064(d)). Here, based on D-13

substantial evidence available to decisionmakers, including the City of Clayton's Sphere of Influence, the MCRSP, and the City of Clayton's General Plan, the Moita / Heartland lands would foreseeably be annexed and developed for housing within the next 25 years if the Project does not proceed as drawn. So, one unstudied impact of the Project is the loss of 29 new housing units in Contra Costa County in the near term. The IS does not evaluate the impact of this lost housing capacity or the commutes related to households prevented from living in the County. Courts have required EIRs to analyze "impacts in relation to the most probable development patterns," and the "fact that future development may take several forms does not excuse environmental review." *City of Antioch v. City Council of Pittsburg*, 187 Cal.App.3d 1325 (1986). D-13 cont'd

V. Inadequate Alternatives Analysis

CEQA requires evaluation of feasible alternatives that would avoid or reduce environmental impacts (Guidelines §15126.6). Extending the term of the ULL without excluding MCRSP lands is one obvious alternative that the IS and GPEIR failed to consider. The MCRSP lands, including the Moita / Heartland lands, are contemplated for annexation into the City of Clayton. The City of Clayton is located squarely in District 4, and the Central Contra Costa Subregion. The Moita/Heartland lands are located 8.5 miles from Concord Bay Area Rapid Transit (BART) station, 10 miles from the North Concord BART station, and 11 miles from the Pleasant Hill/ Contra Costa Centre BART station. Additionally, the Moita/Heartland property is located 0.8 mile from CCTA's Bus Stop # 83454 with access to regional routes 10 and 310. Compared to cities that have rapidly developed within the last 10 years in the Eastern Subregion, such as Brentwood, Oakley, Discovery Bay and Bethal Island, vehicle miles traveled (VMT) generated by additional development within Clayton on the Moita / Heartland lands would be substantially lower. This has not been studied or robustly analyzed. D-14

Further, the Moita / Heartland lands immediately abut the Clayton Community Park that links to Diablo View Middle School. As planned in 1995, MCRSP calls for a trail network connecting Moita/Heartland proposed housing development to Diablo View Middle School. This aspect of the MCRSP would lower VMT for the new households, lower greenhouse gas emissions, and create a more walkable environment consistent with the 2045 General Plan by linking new homes that are most likely to attract growing families with middle school aged or soon to be middle-school-aged children. Precluding the feasible alternative of annexation of these lands means housing must go elsewhere, creating more significant environmental impacts that the IS and GP EIR have failed to adequately analyze due to the lost housing capacity.

In *Citizens of Goleta Valley v. Board of Supervisors,* 52 Cal.3d 553 (1990), the Supreme Court emphasized that failure to analyze reasonable alternatives invalidates an EIR. The Court provided the "principle that an EIR for any project subject to CEQA review must consider a reasonable range of alternatives to the project, or to the location of the project, which: (1) offer substantial environmental advantages over the project proposal (Pub. Resources Code, § 21002); and (2) may be 'feasibly accomplished in a successful manner' considering the economic, D-15

environmental, social and technological factors involved. (Pub. Resources Code, § 21061.1; Guidelines, § 15364; *Goleta I*, *supra*, 197 Cal.App.3d 1167, 243 Cal.Rptr. 339.) *Citizens of Goleta Valley v. Board of Supervisors*, 801 P.2d 1161, 1168, 276 Cal.Rptr. 410, 417, 52 Cal.3d 553, 566 (Cal., 1990). Here, the range of alternatives studied in the GPEIR was insufficient for the Project, and the County must prepare a full EIR.

D-15 cont'd

VI. The Project Unlawfully Downzones and Creates an Illegal Housing Moratorium

California is in the midst of a housing crisis, and the legislature has responded by restricting local municipalities, including counites, from meaningfully reducing opportunities for prior planned housing.

D-16

The IS's Figure 3, General Plan Land Use Map provided by the Contra Costa County Department of Conservation and Development clearly depicts part if not all of the proposed contraction of the 13.5 acres of Moita / Heartland lands land use designation as RVL (Residential-Very Low Density).

The Project seeks to exclude this residential planned property with zero analysis of the SB 330 implications. SB 330, ratified under California Gov. Code §66300 dictates that Cities or Counties may not downzone land and must comply with the "no net loss" provision codified in Cal. Gov. Code §66300(b)(A) and (i). The lost housing capacity has not been specifically analyzed, and the County has not identified as part of this Project that the lost housing potential will be offset by increased housing opportunity elsewhere. Presumably households that "would have" lived on Moita / Heartland property will instead endure longer commutes (with higher VMT) to schools, BART stations, bus stations, and established infrastructure. Moreover, Cal. Gov. Code §66300(b) mandates that Cities and Counties may not lawfully downzone property from its 2018 General Plan designation.

D-17

Furthermore, even if the County's position is that that the Moita / Heartland land was downzoned from RVL to AL as part of the General Plan 2045 land use element, for which Clayton Estates and the Moita Family received no notice and opposes as a matter of state law inconsistent with Cal. Gov. Code §66300 and for which the Cal. Gov. Code §66300(b)(2) deems "void", the effect of imposing and further restricting development on the 13.5 acres through the Project creates a moratorium on housing development that directly conflicts with Cal. Gov. Code §66300(b)(1)(B)(i) and requires approval by the California Department Housing and Community Development.

D-18

In the context of the IS's reliance on the GPEIR is unwarranted, the GPEIR fails entirely to address the no-net loss provision of Cal. Gov. Code §66300 specific to the Moita/ Heartland land.

[Screen shot of Moita/ Heartland Land on Figure 3 of IS]

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VII. Deficient Cumulative Impacts Review

Excluding pre-zoned lands reduces feasible housing supply and pushes growth outward, causing sprawl, increased VMT, and greenhouse gas emissions. CEQA requires meaningful cumulative analysis, including for reasonably foreseeable indirect impacts on development. Here, the Moita / Heartland lands are located within the Central County Subregion. As identified in Section V. Inadequate Alternative Analysis, the cumulative impacts of preventing the Moita/Heartland land from residential development and further restricting the land with the ULL moratorium until 2051 consequentially pushes sprawl out into the Eastern Subregions of Contra Costa County and into San Joaquin County and beyond. Denying housing within the Central County Subregion does not alleviate demand but instead will shift supply to these alternative locations. The impact of the Project's alignment of the ULL to exclude the Moita/Heartland 13.5 acres has not meaningfully been analyzed in the context of the housing it would prevent by foreclosing the possibility of annexation under the Worth Amendment. The Project directly reduces the County's housing capacity by 29 units within the City of Clayton's Sphere of Influence. D-19

The Project does not occur in a vacuum, and it fails to account for its practical impacts upon the MCRSP's EIR, with State Clearing House Number 1992093057 and attached as EXHIBIT 2.

In *Bakersfield Citizens for Local Control v. City of Bakersfield*, 124 Cal.App.4th 1184 (2004), the court invalidated an EIR for failure to meaningfully analyze cumulative impacts of related projects. The IS and GPEIR suffer from the same defect.

VIII. RHNA Noncompliance and Annexation Feasibility

The City of Clayton is currently out of compliance with its 6th Cycle Housing Element, as it has struggled to identify suitable sites for its housing inventory in the 6th cycle. Without additional capacity within the city limits, the reality is that compliance with future RHNA cycles will become even more difficult to achieve. HCD guidance allows jurisdictions to consider annexations to supplement capacity where feasible. Excluding pre-zoned MCRSP housing lands for urban use under the Project removes one of the few realistic options available to meet RHNA obligations for the current cycle in addition to the future RHNA cycles for the duration of Project's 25-year term. The impact on preventing housing development for another generation must be properly analyzed and made publicly available. D-20

CEQA requires that the environmental consequences of this lost capacity including displaced growth, sprawl, VMT, and GHG increases must be disclosed and analyzed; the IS and GPEIR fail to do so.

IX. De Facto Ban: Ballot Measure Expansion Framework

The Department of Conservation and Development points to future countywide ballot initiatives as a means of expanding the ULL with respect to the City of Clayton, if it ever wishes D-21

to annex lands within its Sphere of Influence. However, this sole mechanism for the Moita/Heartland land's annexation if the Project is approved is so speculative and politically fraught that this suggestion is illusory.

Guidelines §15126.6(f)(1) requires alternatives to be legally, economically, and practically feasible. A countywide ballot initiative is speculative and politically uncertain. Courts have repeatedly rejected reliance on speculative mitigation or alternatives.

In *DeVita v. County of Napa*, 9 Cal.4th 763 (1995), the Supreme Court upheld voter growth boundaries but did not address modern RHNA obligations. More recent precedent, *Hernandez v. City of Encinitas* (San Diego Super. Ct. 2019), invalidated voter-approval requirements for rezonings because they blocked housing element compliance. Likewise, *Buena Vista Gardens Apartments Assn. v. City of San Diego Planning Dept.*, 175 Cal.App.3d 289 (1985), held that local procedures cannot nullify state housing mandates. *Save Our Peninsula Comm. v. Monterey County Bd. of Supervisors*, 87 Cal.App.4th 99 (2001), forbids reliance on speculative assumptions.

D-21 cont'd

Here, the County's suggested reliance on the ballot process therefore constitutes a *de facto ban* on ULL expansion and cannot substitute for CEQA analysis of the foreclosing of meaningful housing.

X. Requested Action

For the reasons above, Clayton Estates respectfully requests that Contra Costa County:

1. Withdraw the Initial Study as legally inadequate.
2. Prepare a full project-level EIR for the 2026 ULL Renewal ballot measure.
3. Analyze impacts of excluding pre-zoned MCRSP lands and impacts on annexation feasibility.
4. Include feasible alternatives such as maintaining the current ULL boundary.
5. Address RHNA obligations and the infeasibility of reliance on ballot measures.

D-22

6. Alternatively, A.) revise the proposed ULL to maintain the existing ULL with respect to the Moita / Heartland land. B.) revise the proposed ULL to include all Moita / Heartland land within the City of Clayton's Sphere of Influence.

X. Conclusion

The IS fails to disclose significant impacts, unlawfully relies on false assumptions, and the Project conflicts with state housing law. Decisions makers and the public have a right to know the full environmental impacts the of the Project, and the County as lead agency has a duty to disclose such impacts. Proceeding without a full EIR exposes the County to legal challenges under CEQA and state housing mandates.

EXHIBIT 1

Worth Amendments to Plan C Compromoise

(Attached)

Worth Amendments to the Plan C Compromise
Presented at February 26, 2005 Urban Limit Line Conference

1. As provided in the Measure J Expenditure Plan, accept minor (less than 30 acres) non-consecutive adjustments to the ULL.

2. Accept City and County requests for tightening of the ULL.

3. Accept adjustments to bring inside the line split parcels in Clayton where city services are needed and where the change will not result in new development beyond that which is currently allowed in the March Creek Specific Plan, including preserving the undeveloped land currently protected by County scenic easements.

4. Bring inside the ULL those areas in the City of Martinez's Sphere of Influence that are already developed and concurrently place outside the ULL an equal number of acres in the waterfront area that are not already developed.

5. If the Federal Government releases the Concord Naval Weapons Station (CNWS) for civilian use, the following shall occur: the ULL will be changed to include up to 1,500 acres of the tidal portion for non-residential development if, concurrently, an amount of land equal to 125% of newly included acreage is placed outside the line from the inland portion of the CNWS.

6. Consistent with the city of San Ramon's voter approved ULL; approve two areas for addition on the west side of town. These were voted upon as part of San Ramon's voter approved General Plan. Approve the automatic line adjustment to include Camp Parks, should it be released from Federal control.

EXHIBIT 2

Marsh Creek Road Specific Plan EIR

Adopted June 28, 1995

(Attached)

MARSH CREEK ROAD SPECIFIC PLAN AND GENERAL PLAN AMENDMENT FINAL EIR

■ ■ ■

Prepared for the
City of Clayton

Certified
June 28, 1995

BRADY AND ASSOCIATES PLANNERS AND LANDSCAPE ARCHITECTS

MARSH CREEK ROAD SPECIFIC PLAN AND GENERAL PLAN AMENDMENT FINAL EIR

■ ■ ■

Prepared for the
City of Clayton

Certified
June 28, 1995

BRADY AND ASSOCIATES PLANNERS AND LANDSCAPE ARCHITECTS

CITY COUNCIL
Julie Pierce, Mayor
Robert Kendall
Peter Laurence
Rich Littorno
Gregory Manning

PLANNING COMMISSION
Gary Hules, Chair
Diane Errington
Robert Staehle
Deborah Tom
Jerry Zimmerman

CITY STAFF
Tom Steele, City Manager
Frances Douglas, City Clerk
Randall Hatch, Community Development Director
Lynn Cupit, Community Development Secretary

CONSULTANTS
Brady and Associates
Planners and Landscape Architects
(see List of Preparers, Appendix F)

RESOLUTION NO. 39-95

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAYTON CERTIFYING THE MARSH CREEK ROAD GENERAL PLAN AMENDMENT AND SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT (EIR), WHICH INCLUDES THE ENVIRONMENTAL IMPACT REPORTS (EIRs) FOR THE HEARTLAND, TEMPS, AND MOITA PROJECTS.

The following certification is based on evidence contained in the record, including the project files, Environmental Impact Report, and public hearing testimony regarding the proposed: Marsh Creek Road General Plan Amendment; Marsh Creek Road Specific Plan; Heartland Project; Temps Project; and Moita Project, which are all proposed projects pending before the City of Clayton.

WHEREAS, a Draft EIR and Final EIR Addendum on the Marsh Creek Road General Plan Amendment and Specific Plan and the Heartland, Temps, and Moita projects were prepared in compliance with the California Environmental Quality Act (CEQA), as amended, by Brady and Associates, Inc. under contract to the City; and

WHEREAS, the Final EIR was presented for review before the City Planning Commission at a duly noticed meeting on May 30, 1995, which was held at the Clayton Community Library Meeting Room at 6125 Clayton Road in Clayton, California, at the conclusion of which the Planning Commission recommended Certification of the Final EIR. The Planning Commission reviewed and considered the information contained in the EIR prior to recommending approval of the General Plan Amendment, Specific Plan or the related projects; and

WHEREAS, the Final EIR was presented for review before the City Council at a duly noticed meeting on June 28, 1995 at Endeavor Hall at 6008 Center Street, Clayton, California. The City Council reviewed and considered the information contained in the EIR prior to approving the General Plan Amendment, Specific Plan or related projects and gave due consideration to all testimony, public comment and documents received; and

WHEREAS, the City of Clayton has acted as Lead Agency in this environmental review, pursuant to CEQA, and the EIR represents the independent judgement of the City of

RESOLUTION NO. 39-95

Clayton regarding the potential impacts of, appropriate mitigation measures for, and possible alternatives to the Marsh Creek Road General Plan Amendment, Marsh Creek Road Specific Plan and the Heartland, Temps, and Moita projects.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clayton that said Council hereby Certifies the Marsh Creek Road General Plan Amendment and Specific Plan Environmental Impact Report (EIR), which includes the Environmental Impact Reports (EIRs) for the Heartland, Temps, and Moita projects, said Reports having been completed in compliance with CEQA.

Adopted by the City Council of the City of Clayton at an adjourned regular meeting of said Council held on June 28, 1995 by the following vote:

AYES: Council Members Laurence, Littorno, Manning, Vice Mayor Kendall, Mayor Pierce
NOES: None
ABSENT: None

Julie K. Pierce, Mayor

ATTEST:

Frances Douglas, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at an adjourned regular meeting held on June 28, 1995.

Frances Douglas, City Clerk

RESOLUTION NO. 40-95

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAYTON RESPONDING TO IMPACTS OF THE MARSH CREEK ROAD GENERAL PLAN AMENDMENT AND SPECIFIC PLAN AS IDENTIFIED IN THE MARSH CREEK ROAD GENERAL PLAN AMENDMENT AND SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT (EIR).

The following resolution is based on evidence contained in the record, including the project files, Environmental Impact Report, and public hearing testimony regarding the proposed Marsh Creek Road General Plan Amendment and Specific Plan ("Project").

WHEREAS, the Draft EIR and Final EIR Addendum were prepared in compliance with the California Environmental Quality Act (CEQA), as amended, by Brady and Associates, Inc. under contract to the City of Clayton. The EIR represents the independent judgement of the City on the project's potential impacts, appropriate mitigation measures, and possible alternatives to the project; and

WHEREAS, CEQA requires the City to make one of the following three findings regarding each significant impact identified in the EIR:

- Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
- Changes or alterations that would limit an identified impact are outside the jurisdiction of the City but are within the responsibility and jurisdiction of another public agency.
- Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR, as discussed under Statement of Overriding Considerations.

The following impacts have resulted in changes or alterations that have been required and incorporated into the project. The mitigation measures identified for each significant impact would avoid or substantially lessen the significant environmental effect to a level of insignificance as identified in the Final EIR. In most cases, with implementation of the

listed mitigation measures, no significant impacts are anticipated as a result of the project. However, there is no mitigation available for four of the identified significant impacts. Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR for these impacts, as discussed below and under a separate Statement of Overriding Considerations (Resolution No. 41-95).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clayton that the following responses to impacts identified in the Marsh Creek Road General Plan Amendment and Specific Plan Environmental Impact Report (EIR) are hereby adopted:

Impact LU-P1: The intensity of development within the planning area would increase under the proposed Specific Plan.

This impact has specific economic, social, or other considerations which make potential mitigation measures or project alternatives infeasible.

Low density urban residential development would occur in portions of the study area that are currently rural, primarily in the area along Marsh Creek Road and in bowls that are not visible from Marsh Creek Road. The amount of land designated for urban residential use would increase from approximately 188 acres to about 210 acres.

Infrastructure improvements, preservation of open space areas, and the careful siting of development under the proposed Plan would partially mitigate the impacts of intensified land use in the planning area. Despite these mitigation measures, which are already included in the proposed Specific Plan, the Plan would result in an unavoidable and significant change in the land use and character of a portion of the study area.

The Specific Plan also allows for the continued commercial use of a portion of the Rodenburg property as a store, and allows for expansion of the store by a maximum size of 3,000 square feet. Although this would create a minor increase in commercial activity in the area, it would be beneficial since it would limit the need for local residents to drive into central Clayton for convenience items.

The No Project, Property Owner Preferred and Extensive Development alternatives would create the same or more significant land use impacts.

- Under the No Project Alternative, rural residential land uses would become more dispersed than under the Specific Plan, and no new open space areas would be dedicated through development projects. Thus the overall effect could be to actually diminish the amount of agricultural land and open space within the study area over the amount that would be preserved by the Specific Plan.
- The Property Owner Preferred Alternative would not significantly alter the location of units allowed in the study area under the Specific Plan; however, it would allow for an intensification of development in the development areas designated under the Specific Plan, which would diminish the rural residential character preserved by the Specific Plan through the Ranchette Residential and Rural Residential designations.
- The extensive residential development allowable under the Extensive Development Alternative would significantly alter the existing rural character in the study area. While development would still be low density, it would be of a higher density than that allowed under the Specific Plan and would allow significantly more development in the bowl areas.
- The Agriculture Preservation Alternative would alter the existing rural character of the study area. Although the density would be slightly higher than under the proposed Plan (2-3 units per acre compared with 1-2 units per acre), it would be concentrated along the flatter areas within the Specific Plan boundary adjacent to Marsh Creek Road. The Heartland property would not be developed to the extent proposed under the proposed Plan. Ranchette development would be allowed under the Plan in areas least visible than those proposed under the Specific Plan. Overall, the significant change to the land use character of the valley floor foreseen under the Plan would still occur, but land use impacts on outlying areas would be reduced.

The Agriculture Preservation Alternative is not considered feasible because the existing zoning of the City and County allows for the theoretical development of 136 units in the study area. The existing zoning establishes an important precedent for the area. The benefits of the project in maintaining the existing development patterns and precedence in the area outweighs the negative effects of the project on the outlying areas of the valley floor.

Impact PARK-P1: The City's Parkland Dedication Ordinance does not conform with the more recently adopted General Plan Growth Management Element in its dedication requirements, and it does not appear to include provisions for funding of park development.

> Mitigation Measure PARK-P1: The City shall revise the Parkland Dedication Ordinance to reflect dedication requirements of the Growth Management Element and to include capital costs for park construction and development.

This mitigation measure is intended to correct the existing discrepancy between the Parkland Dedication Ordinance and the Growth Management Element of the General Plan, thereby mitigating Impact PARK-P1.

Impact MUNI-P1: New reservoirs required to serve Specific Plan development and water lines serving them, could result in environmental impacts that cannot be foreseen until their exact location is determined. Impacts could include soil instability, disruptions of habitat and cultural resources, and visibility of above-ground tanks.

> Mitigation Measure MUNI-P1: Once sites for reservoirs are selected, the specific sites and pipeline alignments should be reviewed for any potential environmental impacts. The city shall consider requiring that tanks be installed underground to minimize their impacts.

This mitigation measure is intended to ensure that appropriate environmental analyses take place prior to the establishment of new reservoirs, water lines, and above-ground tanks, thereby mitigating Impact MUNI-P1.

Impact MUNI-P2: Construction of replacement or parallel sewer lines within the El Molino collector system would require extensive construction on existing local roads, along creek banks, and through residential easements.

> Mitigation Measure MUNI-P2: Once the nature of the El Molino collector system improvements is known, the City should conduct an environmental review of them. All mitigation measures resulting from such a review should be implemented as a part of the collector system improvement project.

Construction would be very disruptive within the affected areas, and could inconvenience residents by disrupting traffic flows and on-street parking, creating construction noise and destroying landscaping in easements. In addition, impacts on creeks could occur when creek areas are dug up for construction. Mitigation Measure MUNI-P2 is intended to ensure that appropriate environmental review and implementation of mitigation measures for the El Molino collector system takes place, thereby bringing Impact MUNI-P2 to a level of insignificance.

Impact MUNI-P3: New underground power lines will need to cross creek beds to serve new development and could create visual and erosional impacts.

> Mitigation Measure MUNI-P3. Facilities that cross creek beds should be integrated into bridge structures.

If power line facilities are integrated into bridge structures it is expected that both visual and erosional impacts will be avoided, thereby mitigating Impact MUNI-P3.

Impact MUNI-P4: The City of Clayton Police Department would be required to increase staffing to serve buildout under the Specific Plan. Development induced by the Plan would contribute to cumulative demand in this area.

> Mitigation Measure MUNI-P4: Staffing should be increased on an as-needed basis to meet growing demand for City of Clayton Police Department police protection services. Proposed development under the Specific Plan should be reviewed by the Police Department, and phased to coordinate with the Department's needs to increase staffing.

This mitigation measure is intended to ensure that staffing of the Police Department is increased as appropriate and that the Police Department will be involved in all development proposals in the Marsh Creek Specific Plan area.

Impact MUNI-P5: Development of neighborhood parks in the study area can increase demand for police services through increased criminal activity and disturbance. This increase in demand could have a cumulative effect on the already understaffed City Police Department.

> Mitigation Measure MUNI-P5:
>
> a. New parks should not be concealed, but within easy view of roads.
> b. Parking areas serving the park should be well-lit.
> c. Signs should be posted notifying park users of opening and closing times.

This mitigation measure is intended to ensure that parks are designed to discourage increased criminal activity and disturbance, thereby mitigating Impact MUNI-P5.

Impact GEO-P1: Major landslide complexes exist on the Heartland property. In addition, a large landslide complex may exist within the southern, heavily-wooded portion of the Temps property and the adjacent properties to the east. Each of these large landslide complexes is shown on Figure 26. Future movement of these landslides could cause significant damage or

destruction of any homes or developed areas which are constructed within or immediately downhill of these landslide complexes. Future landslides could result from heavy rainfall winters and/or a significant earthquake.

> Mitigation Measure GEO-P1: Detailed studies of each landslide complex should be performed prior to the filing of development proposals for the area. These studies should include detailed subsurface explorations of the area, laboratory tests of materials recovered, and slope stability analyses. If instabilities are confirmed, then significant regrading or buttressing of the area along with surface and subsurface drainage improvements would be necessary or the area should remain undeveloped.

Mitigation Measure GEO-P1 is intended to ensure that appropriate site-specific analysis of landslide complexes occur prior to development in the area. With this mitigation, Impact GEO-P1 will be less-than-significant.

Impact GEO-P2: There are numerous small to moderate-sized landslides present within the Plan Area. These smaller landslides include earthflows in clayey hillside areas. In addition, some slumping of creek banks is also occurring along Mt. Diablo Creek. Where development is proposed within or immediately adjacent to these areas, the proposed improvements or structures could be significantly damaged if new movement of the landslide were to occur.

> Mitigation Measure GEO-P2: A specific evaluation of each landslide feature should be made when development is proposed within or immediately adjacent to the area. Landslide evaluation should include subsurface exploration, laboratory testing, and stability analyses. If a hazard is determined to be present, then measures can be taken to minimize the likelihood of future movement. Earthflows can be stabilized using conventional removal and recompaction techniques, while rock bolting or mesh can be used on exposed steeper rock slopes. The specifics of the appropriate mitigation measures for these types of

concerns are typically prepared during the grading plan stage of development, and these measures are quite common in current Bay Area subdivision grading.

Mitigation Measure GEO-P2 is intended to ensure that appropriate site-specific analysis of landslide complexes occur prior to development in the area. With this mitigation, Impact GEO-P2 will be less-than-significant.

Impact GEO-P3: Although the Greenville Structural Trend is not currently designated to be active by the California Division of Mines and Geology, there is evidence that one of the fault traces extending through the Plan Area may be active. Should fault rupture occur along one of these fault traces, serious damage could result due to the offset of the fault.

Mitigation Measure GEO-P3: Any property within the Plan Area which is crossed by one of the fault traces shown on Figure 26 should be subjected to additional studies if development is proposed in the vicinity of the fault area. Such studies should include trenching by a Certified Engineering Geologist to determine whether the portion of the fault within the subject property is active. If the fault is determined to be active, then appropriate setbacks for any habitable structures should be established.

This mitigation measure is intended to protect property and lives to the extent possible given the uncertainty of the Greenville Structural Trend. With this mitigation, Impact GEO-P3 will be less-than-significant.

Impact GEO-P4: Throughout the majority of the Plan Area, clayey soils are present at the ground surface. These soils are relatively thin in the more sloping area and thicker in the valley bottoms. The expansive soils swell upon wetting and shrink when they dry. The shrink/swell behavior can cause damage to foundations, concrete flatwork, and other improvements.

Mitigation Measure GEO-P4: Where expansive soils are present, site specific recommendations by a geotechnical engineer should be provided to minimize damage from the soils. House foundations should typically consist of drilled pier foundations which extend well below the zone of movement of the expansive soils. Slabs and other concrete flatwork should generally be underlain by a layer of non-expansive imported material. Drainage should be carefully controlled to minimize the accumulation of water and increases in swelling of the expansive soils near structures. Roadway sections may also have to be thickened to resist uplift forces of the expansive soils.

This mitigation measure is intended to protect property from the shrink/swell potential in the Marsh Creek Road Specific Plan Area, thereby mitigating Impact GEO-P4.

Impact GEO-P5: Should a significant earthquake occur in the East Bay, then strong ground shaking will likely be experienced throughout the Plan Area. The shaking can damage houses and their foundations as well as other improvements.

Mitigation Measure GEO-P5: All structures and other improvements in the Plan Area should be designed to resist the effects of strong ground shaking. All homes should be designed in accordance with the Uniform Building Code by an experienced engineer to minimize damage from ground shaking.

This mitigation measure is intended to ensure that structures, property, and lives are protected against the dangers of ground shaking as a result of earthquakes, within generally accepted engineering parameters. With Mitigation Measure GEO-P5, Impact GEO-P5 will be less-than-significant.

Impact GEO-P6: Because the majority of the Plan Area consists of sloping hillsides, it is likely that grading will be necessary to develop many development areas. If fill materials are not

properly compacted, then settlement can result which in turn can damage any homes or other improvements bearing on or within the fill materials. Structures which are partially supported by fill materials and partially supported by cuts into bedrock can experience differential performance because of the greater compression of engineered fill than bedrock. Any fill embankments which are constructed on sloping ground can experience lateral movement if the depth of the excavation to prepare the ground for the fill is not adequate.

> Mitigation Measure GEO-P6: All engineered fill materials should be compacted in conformance with conventional engineering design criteria. Keyways and benches should be excavated into undisturbed bedrock or competent native soils if fill materials are to be placed on sloping ground. No house foundation should span from a cut area to a fill area unless all foundations for the home are extended into competent bedrock materials or subexcavated and recompacted under the direction of a geotechnical engineer.

This mitigation measure is intended to prevent against settlement attributed to fill materials and, thereby, mitigating Impact GEO-P6.

Impact GEO-P7: When areas are graded for development, vegetation is removed and bare ground is exposed. During rainfall or irrigation, soils can be eroded from the barren slopes. The eroded soils can then cause damage to facilities within the development as well as downslope of the development, and additional damages can occur to aquatic life in stream channels where sediment-laden water is ultimately conveyed.

> Mitigation Measure GEO-P7: An erosion control plan should be prepared for each project to govern erosion control both during construction and after the completion of the project using appropriate NPDES-related Best Management Practices and obtaining all required permits. During project grading, berms, silt fences, sedimentation basins, and other erosion control measures should be taken to minimize offsite transport of soil. Topsoil should be stockpiled during

grading and redistributed over the ground surface once grading has been completed. Preservation of topsoil is important to the success of revegetation efforts. Following the completion of the development, erosion-resistant vegetation should be planted on all exposed soil areas. All building pads should be sloped to improved areas where the water can be properly collected. All water collected within each development should be conveyed to an appropriate discharge location and the water discharged in a non-erosive manner.

The preparation of an erosion control plan is intended to minimize hazards associated with erosion, thereby mitigating Impact GEO-P7.

Impact HYDRO-P1: Additional on-site flood hazards could be created by stream restoration projects along Mt. Diablo Creek suggested in the Specific Plan.

Mitigation Measure HYDRO-P1: Restoration planning should include a hydraulic analysis of the impacts of stream channel changes on the flood elevation in Mt. Diablo Creek. Channel modifications include changes in hydraulic roughness due to increased vegetation density, and changes in cross-sectional area resulting from bank stabilization and other restoration activities. For each restoration project, proponents should develop maintenance guidelines which protect the natural resource values of restoration projects while maintaining flood protection for the developed areas.

This mitigation measure is intended to prevent on-site flood hazards associated with stream restoration projects along Mt. Diablo Creek, thereby, mitigating Impact HYDRO-P1.

Impact HYDRO-P2: Land Use Policy LU-2, Conservation and Flood Control Buffers and Design Standards DD-8b, recommend creek setbacks of 75 feet to preserve significant riparian

resources, and protect buildings from flood hazards. Enhancements to the riparian system could be used to reduce this setback to 30 feet. This regulation would not be as effective as the 100 foot setback recommended by the California Department of Fish and Game, and therefore some riparian habitat or restoration potential may be lost. The California Department of Fish and Game, and the U.S. Army Corps of Engineers have jurisdiction over some streams and water courses in the Specific Plan Area.

> Mitigation Measure HYDRO-P2: A determination of regulatory jurisdiction should be required for each development plan proposed. A stream alteration agreement and any mitigation agreement required by the Corps should be adopted before construction.

This mitigation measure is intended to ensure that proper environmental analyses and mitigation is performed for development which encroaches into the creek setbacks, as allowed through the Specific Plan. With implementation of this measure, no significant impacts are anticipated.

Impact HYDRO-P3: Detention basins would be required to maintain peak flows at their current level, but they would result in secondary impacts. The downstream storage basins would extend the time of the peak flow, and so may increase the duration of the flood peak downstream of the study area water velocities might also be increased due to an increase in smooth surfaces. Water which has dropped its sediment load in a detention basin would also have a higher erosive potential than water with a full sediment load, so detention basins could increase downstream bank erosion.

> Mitigation Measure HYDRO-P3: The following measures should be implemented to reduce secondary impacts of detention basins:
>
> a. In-flow structures to the detention basin should be designed to divert a portion of the historic runoff and all of the developed runoff to detention while

allowing a major portion of the historic runoff to bypass detention to allow sediment to move downstream.

b. A regular maintenance program for detention basins should be established with full funding for the future.

c. Mitigation Measure HYDRO-P4 should also be implemented to mitigate this impact.

Proper design and maintenance of detention facilities is intended to minimize downstream bank erosion, thereby mitigating Impact HYDRO-P3.

Impact HYDRO-P4: Creek channels in the study area are incised, and there are signs of bank instability in many areas. Development under the Specific Plan would increase the frequency and intensity of flow in creeks, which would lead to further changes in channel morphology and increased channel instability. Channel erosion would increase sediment loads downstream, damage property, and result in the loss of riparian vegetation.

Mitigation Measure HYDRO-P4: Take all appropriate measures to reduce the impact of increased flows to creeks in the study area due to the increase of impervious surfaces related to site development.

a. Provide detention within the storm drainage system to mitigate low flood flows (2-5 year flows), which have the most effect on channel morphology. This can be done by sizing the underground storm drainage system to allow for on-site detention, so that flows can be released at rates close to existing conditions.

b. Design landscaping and roof guttering systems to minimize the direct connection of flow from impervious surfaces to the street drains which direct storm water into creeks. Such practices include construction of roofline drip trenches, water spreaders at the end of downspouts, porous paving for driveways, and directing flows to pervious surfaces, such as lawns.

c. Areas along creeks with the most severe bank erosion problems should be identified and biotechnical slope protection measures should be designed to remediate them. If appropriate, a log or rock check dams should be installed to provide grade control and create a pool/riffle stream bed morphology for wildlife habitat.

d. Roadway improvements should be designed to minimize concentration of runoff. Drainage from roads in flat areas should be dispersed into planted areas as much as possible or carried by vegetated swales into creeks. In hillside areas with roads employing concrete curbs and gutters, properly designed energy dissipator structures should be required at discharge points to control and direct drainage to avoid adjacent or downstream property damage.

The measures outlined above are intended to minimize channel erosion as well as to improve storm runoff water quality. With implementation of Mitigation Measure HYDRO-P4, no significant impacts are anticipated.

Impact HYDRO-P5: Changes in large and small flood flows could result in changes to streambed profiles, erosion and sediment. It will not be possible to assess the cumulative changes to downstream peak flood concentrations until individual projects and their detention facilities in the study area are designed and implemented.

Mitigation Measure HYDRO-P5:

Drainage design for each proposed development, including detention basin outlet hydraulics and improvements to Mt. Diablo Creek for environmental mitigation or flood conveyance, must demonstrate that it does not increase the pre-peak flows in Mt. Diablo Creek.

This mitigation measure is intended to ensure that appropriate analysis and assessment of the cumulative changes to downstream peak flood concentrations takes place, thereby mitigating Impact HYDRO-P5.

Impact HYDRO-P6: Construction activities would expose bare soil to erosion, increasing the sediment supply to local creeks and drainage systems. This sediment presents a maintenance problem at culverts and other drainage facilities, can raise channel bed elevations, increasing flood elevations; it can damage the instream habitat for fish and other organisms. Sediment also provides a mechanism for transport of other pollutants.

Mitigation Measure HYDRO-P6: NPDES permits for construction activities over 5 acres are required. The permit will require an erosion control plan. Proper implementation, inspection and maintenance of the erosion control plan is required for it to be effective.

Implementation of the erosion control plan through the NPDES permit is intended to ensure that impacts related to construction activities and erosion will be kept at a minimum, thereby mitigating Impact HYDRO-P6.

Impact HYDRO-P7: Development would result in increased automobile traffic which will increase the source of hydrocarbons from oil, gas, antifreeze and tire wear. These pollutants are washed into the waters of the Specific Plan Area and carried downstream with rainfall runoff.

Mitigation Measure HYDRO-P7: Best Management Practices (BMP) are currently being developed in a County-wide program, in which Clayton is a participant, to control the non-point sources of pollution. These practices should be followed by development in the Specific Plan Area.

If Best Management Practices are followed by development in the Specific Plan Area, it is expected that Impact HYDRO-P7 will be less-than-significant.

Impact BIO-P1: Development in areas not yet surveyed for special plant status and animal species could reduce habitat, population or the continued viability of these species.

> Mitigation Measure BIO-P1: Site specific environmental review under CEQA, and in keeping with relevant State and federal provisions such as the Federal Endangered Species Act, should be required for all development proposals. Under such review, the mitigation of this impact to a less than significant level should be a condition of project approval. This has already been completed for the Heartland, Temps and Moita properties through this EIR.

Site specific environmental review is intended to make development sensitive to valuable habitat and animal and plant species. With the implementation of Mitigation Measure BIO-P1, no significant impacts are anticipated.

Impact BIO-P2: The proposed placement of public parks adjacent to riparian habitat zones could lead to a degradation of a portion of the riparian habitat and a loss of its value as a corridor for wildlife.

> Mitigation Measure BIO-P2: In developing the parks, one should plant or encourage the natural development of very dense riparian vegetation where creeks run through the parks. Such vegetation will generally discourage regular foot traffic into the riparian zone. A low fence should be placed between any trail or park area and this riparian zone to discourage creek access. The City should monitor the use patterns of the creek zone to determine if adverse impacts are occurring, and use additional protective measures if necessary.

Proper site planning and environmental monitoring of public parks are intended to ensure that the impacts described in Impact BIO-P2 are mitigated.

Impact BIO-P3: Specific Plan buildout would result in conversion of non-native grassland and oak savanna, reducing the extent of habitat that bird and mammalian predators have for foraging.

> Mitigation Measure BIO-P3: Any development project in the study area that would result in the loss of over 10 acres of grassland should include a grassland improvement program with the goal of creating significant proportions of native grasses and associated herbaceous plants in the improvement area. The improvement area should have a size equivalent to the size of the grassland area to be converted, and the standard of success should be the establishment of 20 percent native cover in the improvement area. The grassland improvement program should be approved by a restoration biologist, and should include components such as timed rotation of grazing to assure that sufficient grassland biomass is channeled into small mammals, prohibition on discing and tilling, proscribed burn, and seeding with native grass and wildflower species of recognized local stock.

This mitigation measure is intended to minimize impacts to native grassland and oak savanna, thereby mitigating Impact BIO-P3.

Impact VIS-P1: Development under the Specific Plan would change the study area's appearance from rural residential and agriculture to suburban.

This impact has specific economic, social, or other considerations which make potential mitigation measures or project alternatives infeasible.

The Plan would allow construction of 347 single family residential structures and one neighborhood convenience store. All existing vegetation would be removed from the construction sites, including mature trees that may not be easily replaced by specimens of similar size. The overall density of development and uniformity of houses to be constructed would be a significant departure from the more haphazard rural-residential development and

agricultural uses that currently exists in the area, and it would block views across open space that exists on other portions of the study area.

The No Project, Property Owner Preferred and Extensive Development alternatives would create the same visual impacts and, in some cases, this impact could be more significant.

- Under the No Project Alternative, the study area would retain its rural residential and agricultural visual character; however, since development is still allowable under the No Project Alternative, there would likely be dispersed development, including those areas in the eastern portion of the study area.
- The Property Owner Preferred Alternative would result in similar visual impacts as the proposed project.
- There would be much greater visual impacts with the Extensive Development Alternative when compared to the Specific Plan alternative. Under this alternative, there would be significantly more low-density residential development in the study area, which would have strong visual impacts. This area has a rural visual character which would be lost under this alternative. There would also be more low density residential development in areas that are visible from both the Summit and the North Peak of Mt. Diablo, which are significant viewpoints for recreational users.
- There would be less of a visual impact with the Agriculture Preservation Alternative when compared to the Specific Plan alternative. Under this alternative, there would be still be the visual impact of development along Marsh Creek Road. The density would be slightly higher in this area, which would represent a greater departure from the existing character than is foreseen under the proposed Plan. There would be less development in areas (such as the Heartland property) that are visible from both the Summit and the North Peak of Mount Diablo, which are significant viewpoints for recreational users.

- The Agriculture Preservation Alternative would allow for development of about 361 residential units, 14 more than under the proposed Specific Plan. This would represent roughly a four percent increase over the proposed Plan. Overall, the significant change to the visual character of the valley floor foreseen under the Plan would still occur, but visual impacts on outlying areas would be reduced.

The Agriculture Preservation Alternative is not considered feasible because the existing zoning of the City and County allows for the theoretical development of 136 units in the study area. Existing zoning establishes an important precedent for the area. The benefits of the project in maintaining the existing development patterns and precedence in the area outweighs the negative effects of the project on the outlying areas of the valley floor.

Impact VIS-P2: Views of the study area from Marsh Creek Road, a designated scenic corridor, would be changed to more suburban views in the western portion of the study area.

This impact has specific economic, social, or other considerations which make potential mitigation measures or project alternatives infeasible.

Marsh Creek Road is a designated scenic route, and it currently offers panoramic views of much of the Mount Diablo Creek corridor and the surrounding hillsides. Any development in this corridor is likely to have significant visual impacts when viewed from Marsh Creek Road. There is no mitigation measure available for the overall impact on the road's visual character.

However, the Specific Plan consists of various plans and policies, as mentioned above, that would partially reduce this impact. Building design, siting, landscaping and architectural treatments would be more in keeping with the rural residential character of the surrounding area, reducing any abrupt visual changes in setting as one travels along Marsh Creek Road. Setbacks and vegetated berms along Mt. Diablo Creek, which parallels the road, would further reduce any visual impact the development may have.

The Agriculture Preservation Alternative is not considered feasible because the existing zoning of the City and County allows for the theoretical development of 136 units in the study area. Existing zoning establishes an important precedent for the area. The benefits of the project in maintaining the existing development patterns and precedence in the area outweighs the negative effects of the project on the outlying areas of the valley floor.

Impact VIS-P3: Development Areas allowed under the Specific Plan will be visible from the peak of Mount Diablo, an important viewpoint for recreational users.

This impact has specific economic, social, or other considerations which make potential mitigation measures or project alternatives infeasible.

There is no mitigation measure available for the overall impact of Development Areas visible from Mount Diablo. However, the Specific Plan consists of various plans and policies that would partially reduce this impact.

The Agriculture Preservation Alternative is not considered feasible because the existing zoning of the City and County allows for the theoretical development of 136 units in the study area. Existing zoning establishes an important precedent for the area. The benefits of the project in maintaining the existing development patterns and precedence in the area outweighs the negative effects of the project on the outlying areas of the valley floor.

Impact ARCH-P1: The study area has a high potential for the presence of both prehistoric and historic sites, and several pre-historic and historic cultural resources are known to exist in the area.

Mitigation Measure ARCH-P1:

a. Any areas of development work or road construction which have not yet been subjected to reconnaissance should be subjected to on-foot archaeological survey and historical architectural evaluation of all standing structures over 50 years of age before any development occurs. This has already been completed for the Heartland, Temps and Moita properties through this EIR.

b. Archaeological and historical resources identified in the area, but not yet thoroughly researched and documented, including historic houses, graveyards and Native American sites, should be subjected to more extensive field and archival research before any development occurs on or around them.

c. In the event that cultural resources are uncovered through investigations or construction activities on development parcels, no land or structure alteration should occur in the area of the resources until they are assessed and documented by a qualified archaeologist. A course of action regarding the resources, possibly including site documentation, relocation and/or preservation, should be agreed to by all interested parties before construction begins or continues.

d. If a project site contains a building or structure 45 years old or older, the structure should be evaluated by an architectural historian familiar with the history of Contra Costa County. Any mitigation measures suggested by the architectural historian should be implemented by the applicant.

This mitigation measure is intended to protect cultural resources as described in Impact ARCH-P1, thereby mitigating this impact.

Impact TRA-P1: Some sections of roadways in the planning area may have insufficient sight distances.

Mitigation Measure TRA-P1: Sight distances should meet guidelines provided in the Caltrans Highway Design Manual, Topic 405, p. 400-6, July 1, 1990, as follows:

a. Roadside vegetation adjacent to all intersecting streets should be trimmed or removed to maintain optimum sight distances for pedestrians and drivers.

b. Grading of hillsides adjacent to roadway intersections should be sufficient to insure adequate sight lines.

This mitigation measure is intended to provide appropriate sight distances in the study area, thereby reducing Impact TRA-P1 to a level of insignificance.

Impact TRA-P2: Intersections could be difficult to see at night, unless prominently signed and lighted.

> Mitigation Measure TRA-P2: Street lights should be provided at all intersections in the Specific Plan area along Marsh Creek Road to maximize nighttime safety. Signage should be prominently displayed and easy to read with reflective surfaces for nighttime viewing wherever streetlights do not illuminate the sign. All lights and signage should be subjected to site plan review to seek to ensure sensitive design treatment that conforms to the character of the area.

This mitigation measure is intended to provide appropriate lighting and signage in the study area, thereby mitigating Impact TRA-P2.

Impact TRA-P3: New development would create a need for access to and from transit services in the Marsh Creek Specific Plan Area.

> Mitigation Measure TRA-P3: Development along Marsh Creek Road should include transit planning features such as bus stops and pedestrian access to and from bus stops. These features should be coordinated with the Central Contra Costa Transit Authority and their design should be sensitive to the area.

This mitigation measure is intended to ensure that transit services are appropriately planned for in the Marsh Creek Road Specific Plan Area, thereby mitigating Impact TRA-P3.

Impact TRA-P4: Construction-related truck traffic could damage Marsh Creek Road east of the Specific Plan area, and other roads within the vicinity of the study area.

Mitigation Measure TRA-P4:

a. Construction-related truck traffic should be restricted to Marsh Creek Road west of the Specific Plan area and should only enter the area from the west. No heavy construction vehicles serving Plan area construction should be allowed on Marsh Creek Road east of the Specific Plan area. This could be enforced through a condition of approval placed on individual projects by the City.

b. A program should be established by the City of Clayton to conduct a construction phase evaluation program of the pavement condition along Marsh Creek Road, Clayton Road, and any other roads designated or used as construction routes. This would enable the City to determine any damage to roads attributable to the Specific Plan projects. Project applicants should be responsible for repairing any pavement deterioration.

The implementation of Mitigation Measure TRA-P4 is intended to minimize damage to Marsh Creek Road and other roads within the vicinity of the study area, thereby mitigating Impact TRA-P4.

Impact TRA-C1: Under cumulative conditions, levels of service at the Concord Boulevard/Kirker Pass Road and Clayton Road/Ygnacio Valley Road intersections would deteriorate to unacceptable conditions.

Mitigation Measure TRA-C1:

a. Clayton Road/Ygnacio Valley Road Intersection: When warranted by cumulative traffic volumes, an additional through lane should be provided on the northbound and westbound intersection approaches.

b. Concord Boulevard/Kirker Pass Road Intersection: When warranted by traffic volumes, the following additions should be made to this intersection:

- an additional northbound left turn lane,
- a southbound through lane,

• westbound and eastbound through lanes in the location of the existing exclusive right turn lanes (to form combined right/through lanes).

c. To address the cumulative traffic effects of development whose specific impacts are minor and individually deemed not significant, the City of Clayton should:

1) impose a sub-regional or county-wide traffic impact fee as promulgated by the Contra Costa Transportation Authority and/or TRANSPAC; or

2) in the event no sub-regional or county-wide impact fee is established, enter into a dialogue with adjacent affected jurisdictions in an effort to identify appropriate impact fees and/or measures.

The improvements listed in parts a. and b., which are outside the study area, are intended to improve level of service conditions at the impacted intersections. The measure in part c. is intended to create a mechanism to fund additional improvements that are only partially necessitated by the Specific Plan. In summary, these measures are intended to reduce the identified impact to a less-than-significant level.

Impact NOISE-P1: Additional residential development within the 60 - 70 Ldn contour on Marsh Creek Road, as proposed under the Specific Plan, would expose more homes to outdoor ambient noise levels at or in excess of City and County noise standard.

Mitigation Measure NOISE-P1: Mitigation measures to reduce noise levels indoors and outdoors to meet City standards should be required for each individual Specific Plan project. This could include revising site plans to move development out of noisy areas, installing wooden privacy fences constructed to soundwall standards (five to six feet high, sealed at the base and across the face so that there are no gaps and minimum of one inch board), and/or incorporating berms behind new lots adjacent to Marsh Creek Road, and treatments to

buildings to reduce interior noise levels. To meet indoor noise level requirements it should probably be sufficient to air condition homes, which would allow windows to be kept closed to attenuate noise. Specific Plan Policy DD-13c states that concrete or masonry soundwalls are not to be constructed in the study area to attenuate noise since they have disturbing aesthetic consequences.

The implementation of this mitigation measure is intended to ensure that residential development does not occur in areas with noise levels in excess of City and County noise standards. With this measure, Impact NOISE-P1 is expected to be less-than-significant.

Impact AIR-P1: Dustfall and increased levels of suspended particulate could be a temporary and intermittent nuisance at existing residences in the western sections of the Plan area during project construction.

Mitigation Measure AIR-P1: Contractors should be required to reduce dust generation by adopting the following measures:

a. Earthmoving or other dust-producing activities should be suspended during periods of high winds.

b. Equipment and manpower for watering of all exposed or disturbed soil surfaces should be provided at least twice daily, including weekends and holidays. An appropriate dust palliative or suppressant, added to water before application, should be utilized.

c. Stockpiles of debris, soil, sand or other materials that can be blown by the wind should be watered or covered.

d. Construction area and adjacent streets should be swept of all mud and debris, since this material can be pulverized and later resuspended by vehicle traffic.

e. The speed of all construction vehicles should be limited to 15 miles per hour while on site.

RESOLUTION NO. 40-95

The implementation of this mitigation measure is intended to reduce dust generation during project construction in the Plan area, thereby mitigating Impact AIR-P1. This mitigation measure is also intended to reduce air caused erosion and storm runoff water quality impacts during project construction in the Plan area.

The City of Clayton hereby finds that this resolution has been made through consideration of the Final EIR in conjunction with the findings required under Section 15091 of the State CEQA Guidelines (discussed above and in Resolution No. 41-95), and that this Resolution Responding to Impacts reflects its independent judgement.

Adopted by the City Council of the City of Clayton at an adjourned regular meeting of said council held on June 28, 1995 by the following vote:

AYES: Council Members Laurence, Littorno, Manning, Vice Mayor Kendall, Mayor Pierce

NOES: None

ABSENT: None

Julie K. Pierce, Mayor

ATTEST:

Frances Douglas, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at an adjourned regular meeting held on June 28, 1995.

Frances Douglas, City Clerk

RESOLUTION NO. 41-95

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAYTON ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE UNAVOIDABLE SIGNIFICANT IMPACTS OF THE MARSH CREEK ROAD GENERAL PLAN AMENDMENT AND SPECIFIC PLAN.

The following resolution is based on evidence contained in the record, including the project files, Environmental Impact Report, and public hearing testimony regarding the proposed Marsh Creek Road General Plan Amendment and Specific Plan ("Project").

WHEREAS, the Draft EIR and Final EIR Addendum were prepared in compliance with the California Environmental Quality Act (CEQA), as amended, by Brady and Associates, Inc. under contract to the City of Clayton. The EIR represents the independent judgement of the City on the project's potential impacts, appropriate mitigation measures, and possible alternatives to the project.

The Final EIR, as certified, lists the following unavoidable significant impacts of the General Plan Amendment and Specific Plan:

A. Land Use Compatibility

Impact LU-P1: The intensity of development within the planning area would increase under the proposed Specific Plan.

B. Visual Resources

Impact VIS-P1: Development under the Specific Plan would change the study area's appearance from rural residential and agriculture to suburban.

Impact VIS-P2: Views of the study area from Marsh Creek Road, a designated scenic corridor, would be changed to more suburban views in the western portion of the study area.

Impact VIS-P3: Development Areas allowed under the Specific Plan will be visible from the peak of Mount Diablo, an important viewpoint for recreational users.

WHEREAS, the City of Clayton has evaluated these impacts against the benefits of the proposed project, and has determined that the benefits outweigh the unavoidable adverse impacts of the Marsh Creek Road General Plan Amendment and Specific Plan for the following reasons:

1. The benefits of the project on the City of Clayton and the region's housing stock outweighs the negative land use and visual effects on the study area.
2. Without the Marsh Creek Road General Plan Amendment and Specific Plan, rural residential land uses would become more dispersed and open space would not be dedicated through development projects, causing more significant impacts to land use and visual resources. Without the project, the amount of agricultural land and open space within the study area could be diminished.
3. Without the project, significantly greater adverse impacts could result to the vegetation and wildlife of the study area due to the continuation of adverse activities in creek zones; which include grazing, culverting, vegetation removal, and channelization.
4. The project encourages development that respects and is in character with the special features and natural amenities of the study area.
5. The project encourages the development of upscale custom and semi-custom homes in a range of housing types that are currently unavailable or in limited supply in this area of Clayton and the County.
6. The project provides a plan framework under which individual landowners can develop their lands independently, but in an orderly manner which is harmonious with a comprehensive land use plan for the area.
7. The project provides for public access to open space, a minimization of traffic impacts, and policies which encourage alternative modes of transportation.

RESOLUTION NO. 41-95

WHEREAS, the City of Clayton hereby finds that there are no potential alternatives to avoiding the adverse impacts of the Marsh Creek Road General Plan Amendment and Specific Plan, and that the benefits of the project in directing growth in the Marsh Creek Road Study Area outweigh the adverse impacts.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clayton, that based on these considerations and in conformance with Section 15093 of the CEQA Guidelines, the benefits of the Marsh Creek Road General Plan Amendment and Specific Plan outweigh the unavoidable adverse environmental effects and, therefore, the adverse environmental effects are considered acceptable.

Adopted by the City Council of the City of Clayton at an adjourned regular meeting of said Council held on June 28, 1995 by the following vote:

AYES: Council Members Laurence, Littorno, Manning, Vice Mayor Kendall, Mayor Pierce
NOES: None
ABSENT: None

Julie K. Pierce, Mayor

ATTEST:

Frances Douglas, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at an adjourned regular meeting held on June 28, 1995.

Frances Douglas, City Clerk

RESOLUTION NO. 42-95

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAYTON ADOPTING THE MARSH CREEK ROAD GENERAL PLAN AMENDMENT AND SPECIFIC PLAN MITIGATION MONITORING PROGRAM.

The following resolution is based on evidence contained in the record, including the project files, Environmental Impact Report, and public hearing testimony regarding the proposed Marsh Creek Road General Plan Amendment and Specific Plan ("Project").

WHEREAS, a Draft EIR and Final EIR Addendum on the Marsh Creek Road General Plan Amendment and Specific Plan was prepared in compliance with the California Environmental Quality Act (CEQA), as amended, by Brady and Associates, Inc. under contract to the City of Clayton. The EIR represents the independent judgement of the City on the project's potential impacts, appropriate mitigation measures, and possible alternatives to the project. The impacts of the proposed project and the content of the EIR is summarized in the Resolution of Response to Impacts; and

WHEREAS, the City Council of the City of Clayton has Certified the EIR and adopted a Resolution (Resolution No. 40-95) outlining mitigation measures to be required in response to the impacts of the General Plan Amendment and Specific Plan; and

WHEREAS, a Mitigation Monitoring Program (MMP) was included in the Final EIR which will ensure compliance with adopted mitigation measures for the Marsh Creek Road General Plan Amendment and Specific Plan during the implementation of the Marsh Creek Road General Plan Amendment and Specific Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clayton that the Marsh Creek Road General Plan Amendment and Specific Plan Mitigation Monitoring Program (MMP), which is attached to this resolution as Attachment A is hereby adopted.

RESOLUTION 42-95

Adopted by the City Council of the City of Clayton at a meeting of said Council held on June 28, 1995 by the following vote:

AYES: Council Members Laurence, Littorno, Manning, Vice Mayor Kendall, Mayor Pierce
NOES: None
ABSENT: None

Julie K. Pierce, Mayor

ATTEST:

Frances Douglas, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a meeting held on June 28, 1995.

Frances Douglas, City Clerk

RESOLUTION 42-95, ATTACHMENT A
MITIGATION MEASURES AND MONITORING PROGRAM
FOR THE GENERAL PLAN AMENDMENT AND SPECIFIC PLAN

SEE APPENDIX A
FOR COMPLETE MITIGATION MONITORING PROGRAM

Marsh Creek Road Specific Plan and General Plan Amendment
Final EIR
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Chapter 1
INTRODUCTION AND OVERVIEW

■ ■ ■

A. Introduction

This report describes the environmental consequences of the Marsh Creek Road Specific Plan, assuming full realization of the Plan's land use and circulation policies. The assessment is an informational document, intended to inform decision-makers, responsible agencies, and the public at large of the proposed action and potential environmental consequences of plan approval.

This report merges the Draft EIR (DEIR), dated January 24, 1995 and the Final EIR Addendum, dated May 95, which together constitute the Final Environmental Impact Report (EIR) on the proposed Marsh Creek Road General Plan Amendment and Specific Plan in the City of Clayton, Contra Costa County, California. The Addendum includes an introduction, a summary of issues, environmental impacts and mitigation measures, revisions to the text of the Draft EIR, a list of commentors on the Draft EIR, verbatim copies of comments, and responses to those comments. Some expanded technical appendices are also included. The Draft and Final EIR have been prepared according to the provisions of the California Environmental Quality Act (CEQA).

This EIR also assesses the site-specific consequences of development of three individual parcels under the Specific Plan. These parcels, known as the Heartland, Temps and Moita properties, are each proposed for residential development by their owners after the Specific Plan is adopted.

A General Plan Amendment accompanies this document. The amendment establishes a new planning area boundary and allows the incorporation of the Specific Plan area into the City limits. Environmental impacts generated from these actions are also discussed in this EIR.

For each project component, the EIR also examines alternatives to the proposed action and recommends a set of mitigation measures which would avoid or reduce identified significant impacts.

This EIR is both a program-level EIR and a site-specific EIR. The analysis of the impacts of Specific Plan and General Plan Amendment adoption is conducted at the program level, while analysis of the three development proposals within the study area is at a site-specific level. Greater detail about site-specific resources on other parcels in the study area will be generated during project-level environmental reviews as additional developments are proposed.

B. EIR Scope

The effects of the General Plan Amendment, the proposed Specific Plan and the three specific projects on the following environmental and community factors are assessed in this report:

1. Land Use Compatibility

Compatibility of the General Plan Amendment, proposed plan and the developments with existing residential, agricultural and other land uses in and adjacent to the study area.

2. Policy Consistency

Compatibility of the General Plan Amendment and Specific Plan with City, County and other General Plan land use policies.

3. Population and Housing

Effects of residential development on population and housing characteristics in the City of Clayton.

4. Parks and Open Space

Effects of development on park and open space resources in the study area, particularly requirements for additional neighborhood parks and effects on Mt. Diablo State Park.

5. Municipal Services

Effects on the provision of police and fire protection, water, storm drainage, electricity, sewer systems, solid waste and schools to meet projected demand.

6. Soils, Geology and Seismicity Factors

Potential impacts due to seismic hazards, erosion, landslides, and unstable ground conditions.

7. Hydrology

Potential impacts on regional and local drainage, surface water and groundwater, with particular attention to impacts on the potential flood hazards associated with the four major creeks in the study area.

8. Vegetation and Wildlife

Impacts on existing vegetation and wildlife, particularly with respect to sensitive species and habitats.

9. Visual and Design Factors

Impacts on existing views and compatibility with the existing character of the area, particularly the relationship between the Plan and views from Mt. Diablo State Park, Marsh Creek Road and views from adjacent residential development in the City of Clayton.

10. Archaeological and Historic Resources

Impacts related to the potential disturbance of historic and cultural resources.

11. Traffic, Access and Circulation

Impacts on local streets, intersections and pedestrian activity within and outside of the study area related to increased traffic generated by new developments.

12. Air Quality

Impacts related to air quality, such as construction-generated dust and automobile emissions.

13. Noise

Impacts related to increases in ambient noise levels related to increased traffic generation.

14. Electromagnetic Fields

Potential effects of the transmission lines in the study area on proposed development.

C. Report Organization

The EIR is organized as follows:

Chapter 2, Summary of Findings, presents a brief summary of the project and a summary of the impacts and mitigation measures. Impacts are identified according to their level of significance both with and without suggested mitigation measures.

Chapter 3 describes the proposed Specific Plan and the proposed Heartland, Temps and Moita developments.

Chapter 4 contains an analysis of each impact category described in Section B above. For each impact category the report describes the following:

- The existing setting.
- A discussion of potential effects of the project including cumulative impacts.
- Measures which are recommended to improve the Plan and the development proposals.

Chapter 5 identifies alternative development scenarios to both the Specific Plan and the three project-specific development proposals. A No Project Alternative is included, as required by CEQA.

For the Specific Plan, the following alternatives are included:

- Property Owner Preferred Alternative. The Study Area would be developed according to development densities preferred by landowners.
- Agriculture Preservation Alternative. A smaller portion of the study area would be developed, but at higher densities than foreseen under the proposed Plan.
- Extensive Development Alternative. The Study Area would be developed at a higher density than the proposed Plan.

For the Heartland, Temps and Moita Properties, the mitigated alternatives to address site-specific impacts identified in this EIR are also included.

For each project component, the environmentally superior alternative is identified.

Chapter 6 contains the required CEQA conclusions regarding growth inducement, irreversible impacts, and cumulative impacts.

Chapter 7 contains a bibliography of all references used in the preparation of the EIR.

The end of the EIR contains appendix material referenced in the text of the document including the Mitigation Monitoring Program.

D. Mitigation Monitoring

In compliance with State law, a mitigation monitoring and reporting program has been prepared and adopted for the Specific Plan and will be prepared and adopted for and the three development projects at the time findings are made to ensure successful implementation of required mitigation. The mitigation monitoring program is intended to ensure compliance during project implementation and during the life of the project. The mitigation monitoring program summarizes mitigation measures, specifies monitoring and reporting actions, and identify implementing and funding responsibilities. This EIR does not identify who will pay for or carry out individual mitigation measures, but such information is provided in the mitigation monitoring program.

E. Environmental Review Process

According to State law, lead agencies are required to consult with and respond to any comments received from public agencies having jurisdiction with respect to a proposed project, and to provide the general public and project applicant with an opportunity to comment on the Draft EIR. This Final EIR responded to those comments received and has clarified any errors, omissions, or misinterpretation of discussion or findings in the Draft EIR.

The City determined that the Marsh Creek Road Specific Plan and General Plan Amendment project required the preparation of an EIR and on December 23, 1994 issued a Notice of Preparation. The Draft EIR was made available for public review on February 6, 1995. The CEQA-required 45-day review period ended on March 24, 1995. A public hearing was also held before the City Planning Commission to solicit comments from the public and commission members on March 14, 1995, but no oral comments were received on the Draft EIR.

Copies of all written comments received during the comment period on the Draft EIR are contained as an appendix. Two letters appeared to comment on the Notice of

Preparation, but have been included to be as thorough as possible. Letters received after the close of the comment period are not included.

Letters and individual comments are assigned numbers, indicated in the left margin. Responses corresponding to the numbered comments follow each comment letter.

This Final EIR was presented at a Planning Commission hearing on May 30, 1995, at which the Commission recommended the certification of the EIR as a full disclosure of potential impacts, mitigation measures and alternatives. After Planning Commission action, the City Council formally certified the EIR at their regular meeting of June 28, 1995.

The Final EIR was made available for public review at the City of Clayton Community Development Department and the Clayton Public Library. Commenting public agencies were provided with draft responses to their comments at least 10 days prior to the final City Council certification meeting.

Approval or disapproval of the proposed Plan-related projects (Heartland, Temps and Moita) will occur in public hearings before the City of Clayton. If the projects are approved, recommended mitigation measures could be required as conditions of approval.

F. The Response to Comments Appendix

The Response to Comments is divided into two sections, which are outlined below. This appendix aids the reader to more fully understand the Specific Plan and its implications.

Section I. The *List of Commentors* includes a list of all agencies and individuals who submitted written comments on the Draft EIR.

Section II. The *Comments and Responses* chapter includes a reproduction of each letter received during the public review period and responses to each comment.

Chapter 2
SUMMARY OF FINDINGS

■ ■ ■

This EIR has been prepared to evaluate the environmental impacts of the Marsh Creek Road Specific Plan and a General Plan Amendment to the City General Plan which alters Clayton's planning area boundaries. The Marsh Creek Road Specific Plan has been developed by the City of Clayton to guide and regulate development and conservation activities within the Plan area in a manner that improves its image, benefits community residents, and allows development within a framework of conservation of natural resources.

The Specific Plan contains goals and objectives, a Land Use and Conservation Element, a Resources Element, Design and Development Standards, a Circulation Element, an Infrastructure Element, and an Implementation Element.

The General Plan Amendment establishes policies for the Specific Plan area, creates new planning area boundaries, applies land use designations to undeveloped areas within these boundaries, and corrects inconsistencies in the General Plan document.

This EIR examines the potential significant adverse impacts of implementation of General Plan Amendment, the proposed Specific Plan and three proposed projects, and recommends measures to mitigate those impacts. The three proposed site-specific projects include the Heartland Project, the Temps Project and the Moita Project. The EIR also analyzes the cumulative impacts of all the Specific Plan components. Because adoption of the General Plan Amendment will not result in any adverse environmental effects beyond those of the Specific Plan, Specific Plan and General Plan Amendment impacts are addressed under a common heading of "General Plan Amendment and Specific Plan Area" throughout this document.

A. Summary of Findings

This summary provides an overview of the analysis contained in Chapters 4 and 5: Setting, Impacts and Mitigation Measures and Alternative Analysis. CEQA requires that a summary include discussions of potential areas of controversy; significant impacts; unavoidable significant impacts; implementation of mitigation measures; and alternatives to the project.

1. Potential Areas of Controversy

The potential areas of controversy surrounding the Specific Plan that have been raised either by members of the community or representatives of various agencies include land use and public policy, parks and open space, municipal services, geology, hydrology, vegetation and wildlife, traffic and circulation, air quality, noise and electromagnetic fields. These issues are addressed in detail in this Draft EIR.

2. Significant Impacts

Under CEQA, a significant effect on the environment is defined as a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project. CEQA requires in-depth analysis of those environmental factors that are identified as having a potential to be adversely affected by the project.

Implementation of the Specific Plan has the potential to generate environmental impacts in a number of areas. Impacts in the following areas would be significant without the implementation of mitigation measures, but would be reduced to a less than significant level if the mitigation measures noted in this report are adopted: land use and public policy, parks and recreation, municipal services, traffic, geology, hydrology, vegetation and wildlife, visual, archaeology and noise.

3. Significant Unavoidable Impacts

The Specific Plan could have potentially significant unavoidable impacts on biological resources, primarily through loss of mature trees. It could result in increased exposure of persons to risks and structural damage from earthquake activity; increased intensity of land use and removal of grazing land in the Plan area, and change in the natural open space visual character of the Plan area.

4. Implementation of Mitigation Measures

This EIR discusses specific mitigation measures that would be implemented by the City of Clayton. The mitigation measures presented in the EIR form the basis of a Mitigation Monitoring Program to be implemented by the City in accordance with State law.

5. Alternatives to the Project

A No Project Alternative, three alternatives to the Specific Plan, and three alternative mitigated site plans for the three site-specific projects are analyzed in this EIR. The alternatives include:

- No Project Alternative
- Property Owner Preferred Alternative
- Agriculture Preservation Alternative
- Extensive Development Alternative
- Heartland Mitigated Site Plan Alternative
- Temps Mitigated Site Plan Alternative
- Moita Mitigated Site Plan Alternative

The No Project Alternative was initially identified as the Environmentally Superior Alternative to the Specific Plan; however, the proposed Specific Plan has been selected because CEQA requires that a second alternative be selected among the other alternatives when the No Project Alternative has been identified as environmentally superior. Each of the alternatives is discussed in detail in Chapter 5: Alternatives to the Proposed Actions.

6. Summary Table

Tables 1 through 5 summarize Significant Impacts and Mitigation Measures of the Specific Plan and the three individual proposed projects. This information corresponds with the environmental issues discussed in Chapter 4. The tables summarizing this information are numbered as follows:

- Table 1: Specific Plan and General Plan Amendment
- Table 2: Heartland Project
- Table 3: Temps Project
- Table 4: Moita Project
- Table 5: Cumulative Impacts

Each table is arranged in four columns: (1) environmental impacts; (2) level of significance before mitigation; (3) mitigation measures; and (4) level of significance after mitigation. A series of mitigation measures is noted where more than one measure may be required to achieve a less than significant impact. For a complete description of potential impacts and recommended mitigation measures, please refer to the specific issue in Chapter 4.

Table 1
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE SPECIFIC PLAN

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
LAND USE COMPATIBILITY			
LU-P1: The intensity of development within the planning area would increase under the proposed Specific Plan.	S	No mitigation available.	SU
PARKS AND OPEN SPACE			
PARK-P1: The City's Parkland Dedication Ordinance does not conform with the more recently adopted General Plan Growth Management Element in its dedication requirements, and it does not appear to include provisions for funding of park development.	S	PARK-P1: The City should revise the Parkland Dedication Ordinance to reflect dedication requirements of the Growth Management Element and to include capital costs for park construction and development.	LTS
MUNICIPAL SERVICES			
MUNI-P1: New reservoirs required to serve Specific Plan development and water lines serving them, could result in environmental impacts that cannot be foreseen until their exact location is determined. Impacts could include soil instability, disruptions of habitat and cultural resources, and visibility of above-ground tanks.	S	MUNI-P1: Once sites for reservoirs are selected, the specific sites and pipeline alignments should be reviewed for any potential environmental impacts. The city should consider requiring that tanks be installed underground to minimize their impacts.	LTS
MUNI-P2: Construction of replacement or parallel sewer lines within the El Molino collector system would require extensive construction on existing local roads, along creek banks, and through residential easements.	S	MUNI-P2: Once the nature of the El Molino collector system improvements is known, the City should conduct an environmental review of them. All mitigation measures resulting from such a review should be implemented as a part of the collector system improvement project.	LTS
MUNI-P3: New underground power lines will need to cross creek beds to serve new development and could create visual and erosional impacts.	S	MUNI-P3. Facilities that cross creek beds should be integrated into bridge structures.	LTS

LTS = Less Than Significant S = Significant SU = Significant Unavoidable Impact

SUMMARY: SPECIFIC PLAN

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
MUNI-P4: The City of Clayton Police Department would be required to increase staffing to serve buildout under the Specific Plan. Development induced by the Plan would contribute to cumulative demand in this area.	S	MUNI-P4: Staffing should be increased on an as-needed basis to meet growing demand for City of Clayton Police Department police protection services. Proposed development under the Specific Plan should be reviewed by the Police Department, and phased to coordinate with the Department's needs to increase staffing.	LTS
MUNI-P5: Development of neighborhood parks in the study area can increase demand for police services through increased criminal activity and disturbance. This increase in demand could have a cumulative effect on the already understaffed City Police Department.	S	MUNI-P5: a. New parks should not be concealed, but within easy view of roads. b. Parking areas serving the park should be well-lit. c. Signs should be posted notifying park users of opening and closing times.	LTS
GEOLOGY, SOILS AND SEISMICITY			
GEO-P1: Major landslide complexes exist on the Heartland property. In addition, a large landslide complex may exist within the southern, heavily-wooded portion of the Temps property and the adjacent properties to the east. Each of these large landslide complexes is shown on Figure 26. Future movement of these landslides could cause significant damage or destruction of any homes or developed areas which are constructed within or immediately downhill of these landslide complexes. Future landslides could result from heavy rainfall winters and/or a significant earthquake.	S	GEO-P1: Detailed studies of each landslide complex should be performed prior to the filing of development proposals for the area. These studies should include detailed subsurface explorations of the area, laboratory tests of materials recovered, and slope stability analyses. If instabilities are confirmed, then significant regrading or buttressing of the area along with surface and subsurface drainage improvements would be necessary or the area should remain undeveloped.	LTS

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SUMMARY: SPECIFIC PLAN

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
GEO-P2: There are numerous small to moderate-sized landslides present within the Plan Area. These smaller landslides include earthflows in clayey hillside areas. In addition, some slumping of creek banks is also occurring along Mt. Diablo Creek. Where development is proposed within or immediately adjacent to these areas, the proposed improvements or structures could be significantly damaged if new movement of the landslide were to occur.	S	GEO-P2: A specific evaluation of each landslide feature should be made when development is proposed within or immediately adjacent to the area. Landslide evaluation should include subsurface exploration, laboratory testing, and stability analyses. If a hazard is determined to be present, then measures can be taken to minimize the likelihood of future movement. Earthflows can be stabilized using conventional removal and recompaction techniques, while rock bolting or mesh can be used on exposed steeper rock slopes. The specifics of the appropriate mitigation measures for these types of concerns are typically prepared during the grading plan stage of development, and these measures are quite common in current Bay Area subdivision grading.	LTS
GEO-P3: Although the Greenville Structural Trend is not currently designated to be active by the California Division of Mines and Geology, there is evidence that one of the fault traces extending through the Plan Area may be active. Should fault rupture occur along one of these fault traces, serious damage could result due to the offset of the fault.	S	GEO-P3: Any property within the Plan Area which is crossed by one of the fault traces shown on Figure 26 should be subjected to additional studies if development is proposed in the vicinity of the fault area. Such studies should include trenching by a Certified Engineering Geologist to determine whether the portion of the fault within the subject property is active. If the fault is determined to be active, then appropriate setbacks for any habitable structures should be established.	LTS
GEO-P4: Throughout the majority of the Plan Area, clayey soils are present at the ground surface. These soils are relatively thin in the more sloping area and thicken in the valley bottoms. The expansive soils swell upon wetting and shrink when they dry. The shrink/swell behavior can cause damage to foundations, concrete flatwork, and other improvements.	S	GEO-P4: Where expansive soils are present, site specific recommendations by a geotechnical engineer should be provided to minimize damage from the soils. House foundations should typically consist of drilled pier foundations which extend well below the zone of movement of the expansive soils. Slabs and other concrete flatwork should generally be underlain by a layer of non-expansive imported material. Drainage should be carefully controlled to minimize the accumulation of water and increases in swelling of the expansive soils near structures. Roadway sections may also have to be thickened to resist uplift forces of the expansive soils.	LTS

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GEO-P5: Should a significant earthquake occur in the East Bay, then strong ground shaking will likely be experienced throughout the Plan Area. The shaking can damage houses and their foundations as well as other improvements.	S	GEO-P5: All structures and other improvements in the Plan Area should be designed to resist the effects of strong ground shaking. All homes should be designed in accordance with the Uniform Building Code by an experienced engineer to minimize damage from ground shaking.	LTS
GEO-P6: Because much of the Plan Area consists of sloping hillsides, it is likely that grading will be necessary to develop some development areas. If fill materials are not properly compacted, then settlement can result which in turn can damage any homes or other improvements bearing on or within the fill materials. Structures which are partially supported by fill materials and partially supported by cuts into bedrock can experience differential performance because of the greater compression of engineered fill than bedrock. Any fill embankments which are constructed on sloping ground can experience lateral movement if the depth of the excavation to prepare the ground for the fill is not adequate.	S	GEO-P6: All engineered fill materials should be compacted in conformance with conventional engineering design criteria. Keyways and benches should be excavated into undisturbed bedrock or competent native soils if fill materials are to be placed on sloping ground. No house foundation should span from a cut area to a fill area unless all foundations for the home are extended into competent bedrock materials or subexcavated and recompacted under the direction of a geotechnical engineer.	LTS

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GEO-P7: When areas are graded for development, vegetation is removed and bare ground is exposed. During rainfall or irrigation, soils can be eroded from the barren slopes. The eroded soils can then cause damage to facilities within the development as well as downslope of the development, and additional damages can occur to aquatic life in stream channels where sediment-laden water is ultimately conveyed.	S	GEO-P7: An erosion control plan should be prepared for each project to govern erosion control both during construction and after the completion of the project using appropriate NPDES-related Best Management Practices and obtaining all required permits. During project grading, berms, silt fences, sedimentation basins, and other erosion control measures should be taken to minimize off-site transport of soil. Topsoil should be stockpiled during grading and redistributed over the ground surface once grading has been completed. Preservation of topsoil is important to the success of revegetation efforts. Following the completion of the development, erosion-resistant vegetation should be planted on all exposed soil areas. All building pads should be sloped to improved areas where the water can be properly collected. All water collected within each development should be conveyed to an appropriate discharge location and the water discharged in a non-erosive manner.	LTS
HYDROLOGY			
HYDRO-P1: Additional on-site flood hazards could be created by stream restoration projects along Mt. Diablo Creek suggested in the Specific Plan.	S	HYDRO-P1: Restoration planning should include a hydraulic analysis of the impacts of stream channel changes on the flood elevation in Mt. Diablo Creek. Channel modifications include changes in hydraulic roughness due to increased vegetation density, and changes in cross-sectional area resulting from bank stabilization and other restoration activities. For each restoration project, proponents should develop maintenance guidelines which protect the natural resource values of restoration projects while maintaining flood protection for the developed areas.	LTS

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
HYDRO-P2: Land Use Policy LU-2, Conservation and Flood Control Buffers and Design Standard DD-8b, recommend creek setbacks of 75 feet to preserve significant riparian resources, and protect buildings from flood hazards. Enhancements to the riparian system could be used to reduce this setback to 30 feet. This regulation will not be as effective as the 100 foot setback recommended by the California Department of Fish and Game, and therefore some riparian habitat or restoration potential may be lost. The California Department of Fish and Game, and the U.S. Army Corps of Engineers have jurisdiction over some streams and water courses in the Specific Plan Area.	S	HYDRO-P2: A determination of regulatory jurisdiction should be required for each development plan proposed. A stream alteration agreement and any mitigation agreement required by the Corps should be adopted before construction.	LTS
HYDRO-P3: Detention basins will be required to maintain peak flows at their current level, but they will result in secondary impacts. The downstream storage basins will extend the time of the peak flow, and so may increase duration of the flood peak downstream of the study area. Water velocities might also be increased due to an increase in smooth surfaces. Water which has dropped its sediment load in a detention basin would also have a higher erosive potential than water with a full sediment load, so detention basins could increase downstream bank erosion.	S	HYDRO-P3: The following measures should be implemented to reduce secondary impacts of detention basins: a. In-flow structures to the detention basin should be designed to divert a portion of the historic runoff and all of the developed runoff to detention while allowing a major portion of the historic runoff to bypass detention to allow sediment to move downstream. b. A regular maintenance program for detention basins should be established with full funding for the future. c. Mitigation Measure HYDRO-P4 should also be implemented to mitigate this impact.	LTS

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
HYDRO-P4: Creek channels in the study area are incised, and there are signs of bank instability in many areas. Development under the Specific Plan would increase the frequency and intensity of flow in creeks, which would lead to further changes in channel morphology and increased channel instability. Channel erosion would increase sediment loads downstream, damage property, and result in the loss of riparian vegetation.	S	HYDRO-P4: Take all appropriate measures to reduce the impact of increased flows to creeks in the study area due to the increase of impervious surfaces related to site development. a. Provide detention within the storm drainage system to mitigate low flood flows (2-5 year flows), which have the most effect on channel morphology. This can be done by sizing the underground storm drainage system to allow for on-site detention, so that flows can be released at rates close to existing conditions. b. Design landscaping and roof guttering systems to minimize the direct connection of flow from impervious surfaces to the street drains which direct storm water into creeks. Such practices include construction of roofline drip trenches, water spreaders at the end of downspouts, porous paving for driveways, and directing flows to pervious surfaces, such as lawns. c. Areas along creeks with the most severe bank erosion problems should be identified and biotechnical slope protection measures should be designed to remediate them. If appropriate, a log or rock check dams should be installed to provide grade control and create a pool/riffle stream bed morphology for wildlife habitat. d. Roadway improvements should be designed to minimize concentration of runoff. Drainage from roads in flat areas should be dispersed into planted areas as much as possible or carried by vegetated swales into creeks. In hillside areas with roads employing concrete curbs and gutters, properly designed energy dissipator structures should be required at discharge points to control and direct drainage to avoid adjacent or downstream property damage.	LTS

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HYDRO-P5: Changes in large and small flood flows could result in changes to streambed profiles, erosion and sediment. It will not be possible to assess the cumulative changes to downstream peak flood concentrations until individual projects and their detention facilities in the study area are designed and implemented.	S	HYDRO-P5: Drainage design for each proposed development, including detention basin outlet hydraulics and improvements to Mt. Diablo Creek for environmental mitigation or flood conveyance, must demonstrate that it does not increase the pre-peak or peak flows in Mt. Diablo Creek.	LTS
HYDRO-P6: Construction activities would expose bare soil to erosion, increasing the sediment supply to local creeks and drainage systems. This sediment presents a maintenance problem at culverts and other drainage facilities, can raise channel bed elevations, increasing flood elevations; it can damage the instream habitat for fish and other organisms. Sediment also provides a mechanism for transport of other pollutants.	S	HYDRO-P6: NPDES permits for construction activities over 5 acres are required. The permit will require an erosion control plan. Proper implementation, inspection and maintenance of the erosion control plan is required for it to be effective.	LTS
HYDRO-P7: Development would result in increased automobile traffic which will increase the source of hydrocarbons from oil, gas, antifreeze and tire wear. These pollutants are washed into the waters of the Specific Plan Area and carried downstream with rainfall runoff.	S	HYDRO-P7: Best Management Practices (BMP) are currently being developed in a County-wide program, in which Clayton is a participant, to control the non-point sources of pollution. These practices should be followed by development in the Specific Plan Area.	LTS
VEGETATION AND WILDLIFE			
BIO-P1: Development in areas not yet surveyed for special plant status and animal species could reduce habitat, population or the continued viability of these species.	S	BIO-P1: Site specific environmental review under CEQA and in keeping with relevant State and federal provisions such as the Federal Endangered Species Act, should be required for all development proposals. Under such review, the mitigation of this impact to a less than significant level should be a condition of project approval. This has already been completed for the Heartland, Temps and Moita properties through this EIR.	LTS

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
BIO-P2: The proposed placement of public parks adjacent to riparian habitat zones could lead to a degradation of a portion of the riparian habitat and a loss of its value as a corridor for wildlife.	S	BIO-P2: In developing the parks, one should plant or encourage the natural development of very dense riparian vegetation where creeks run through the parks. Such vegetation will generally discourage regular foot traffic into the riparian zone. A low fence should be placed between any trail or park area and this riparian zone to discourage creek access. The City should monitor the use patterns of the creek zone to determine if adverse impacts are occurring, and use additional protective measures if necessary.	LTS
BIO-P3: Specific Plan buildout would result in conversion of non-native grassland and oak savanna, reducing the extent of habitat that bird and mammalian predators have for foraging.	S	BIO-P3: Any development project in the study area that would result in the loss of over 10 acres of grassland should include a grassland improvement program with the goal of creating significant proportions of native grasses and associated herbaceous plants in the improvement area. The improvement area should have a size equivalent to the size of the grassland area to be converted, and the standard of success should be the establishment of 20 percent native cover in the improvement area. The grassland improvement program should be approved by a restoration biologist, and should include components such as, timed rotation of grazing to assure that sufficient grassland biomass is channeled into small mammals, prohibition on discing and tilling, prescribed burns, and seeding with native grass and wildflower species of recognized local stock.	LTS

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
VISUAL RESOURCES			
VIS-P1: Development under the Specific Plan would change the study area's appearance from rural residential and agriculture to suburban.	S	VIS-P1: There is no specific mitigation measure available for the overall impact on the study area's visual character.	SU
VIS-P2: Views of the study area from Marsh Creek Road, a designated scenic corridor, would be changed to more suburban views in the western portion of the study area.	S	There is no mitigation measure available.	SU
VIS-P3: Development Areas allowed under the Specific Plan will be visible from the peak of Mount Diablo, an important viewpoint for recreational users.	S	There is no mitigation measure available.	SU

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CULTURAL RESOURCES			
ARCH-P1: The study area has a high potential for the presence of both prehistoric and historic sites, and several pre-historic and historic cultural resources are known to exist in the area.	S	ARCH-P1: a. Any areas of development work or road construction which have not yet been subjected to reconnaissance should be subjected to on-foot archaeological survey and historical architectural evaluation of all standing structures over 50 years of age before any development occurs. This has already been completed for the Heartland, Temps and Moita properties through this EIR. b. Archaeological and historical resources identified in the area, but not yet thoroughly researched and documented, including historic houses, graveyards and Native American sites, should be subjected to more extensive field and archival research before any development occurs on or around them. c. In the event that cultural resources are uncovered through investigations or construction activities on development parcels, no land or structure alteration should occur in the area of the resources until they are assessed and documented by a qualified archaeologist. A course of action regarding the resources, possibly including site documentation, relocation and/or preservation, should be agreed to by all interested parties before construction begins or continues. d. If a project site contains a building or structure 45 years old or older, the structure should be evaluated by an architectural historian familiar with the history of Contra Costa County. Any mitigation measures suggested by the architectural historian should be implemented by the applicant.	LTS

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
TRAFFIC AND CIRCULATION			
TRA-P1: Some sections of roadways in the planning area may have insufficient sight distances.	S	TRA-P1: Sight distances should meet guidelines provided in the Caltrans Highway Design Manual, Topic 405, p. 400-6, July 1, 1990, as follows: a. Roadside vegetation adjacent to all intersecting streets should be trimmed or removed to maintain optimum sight distances for pedestrians and drivers. b. Grading of hillsides adjacent to roadway intersections should be sufficient to insure adequate sight lines.	LTS
TRA-P2: Intersections could be difficult to see at night, unless prominently signed and lighted.	S	TRA-P2: Street lights should be provided at all intersections in the Specific Plan area along Marsh Creek Road to maximize nighttime safety. Signage should be prominently displayed and easy to read with reflective surfaces for nighttime viewing wherever streetlights do not illuminate the sign. All lights and signage should be subjected to site plan review to seek to ensure sensitive design treatment that conforms to the character of the area.	LTS
TRA-P3: New development would create a need for access to and from transit services in the Marsh Creek Specific Plan Area.	S	TRA-P3: Development along Marsh Creek Road should include transit planning features such as bus stops and pedestrian access to and from bus stops. These features should be coordinated with the Central Contra Costa Transit Authority and their design should be sensitive to the area.	LTS

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
TRA-P4: Construction-related truck traffic could damage Marsh Creek Road east of the Specific Plan area, and other roads within the vicinity of the study area.	S	TRA-P4: a. Construction-related truck traffic should be restricted to Marsh Creek Road west of the Specific Plan area and should only enter the area from the west. No heavy construction vehicles serving plan area construction should be allowed on Marsh Creek Road east of the Specific Plan area. This could be enforced through a condition of approval placed on individual projects by the City. b. A program should be established by the City of Clayton to conduct a construction phase evaluation program of the pavement condition along Marsh Creek Road, Clayton Road, and any other roads designated or used as construction routes. This would enable the City to determine any damage to roads attributable to the Specific Plan projects. Project applicants should be responsible for repairing any pavement deterioration.	LTS

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
AIR QUALITY			
AIR-P1: Dustfall and increased levels of suspended particulate could be a temporary and intermittent nuisance at existing residences in the western sections of the Plan area during project construction.	LTS	AIR-P1: Contractors should be required to reduce dust generation by adopting the following measures: a. Earthmoving or other dust-producing activities should be suspended during periods of high winds. b. Equipment and manpower for watering of all exposed or disturbed soil surfaces should be provided at least twice daily, including weekends and holidays. An appropriate dust palliative or suppressant, added to water before application, should be utilized. c. Stockpiles of debris, soil, sand or other materials that can be blown by the wind should be watered or covered. d. Construction area and adjacent streets should be swept of all mud and debris, since this material can be pulverized and later resuspended by vehicle traffic. e. The speed of all construction vehicles should be limited to 15 miles per hour while on site.	LTS

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
NOISE			
NOISE-P1: Additional residential development within the 60 - 70 Ldn contour on Marsh Creek Road, as proposed under the Specific Plan, would expose more homes to outdoor ambient noise levels at or in excess of City and County noise standard.	S	NOISE-P1: Mitigation measures to reduce noise levels indoors and outdoors to meet City standards should be required for each individual Specific Plan project. This could include revising site plans to move development out of noisy areas, installing wooden privacy fences constructed to soundwall standards (five to six feet high, sealed at the base and across the face so that there are no gaps and minimum of one inch board), and/or incorporating berms behind new lots adjacent to Marsh Creek Road, and treatments to buildings to reduce interior noise levels. To meet indoor noise level requirements it should probably be sufficient to air condition homes, which would allow windows to be kept closed to attenuate noise. Specific Plan Policy DD-13c states that concrete or masonry soundwalls are not to be constructed in the study area to attenuate noise since they have disturbing aesthetic consequences.	LTS

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Table 2
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE HEARTLAND PROJECT

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
LAND USE COMPATIBILITY			
LU-H1: The proposed Heartland project would change the existing use of the site from open space and grazing to a mixture of low density residential and open space uses and would eliminate the potential for further grazing use on the Heartland site.	S	No mitigation available.	SU
PARKS AND OPEN SPACE			
PARK-H1: This project would generate demand for new park facilities.	S	PARK-H1: The applicant should pay the park development fee required by Section 16.12.010 of the Clayton Municipal Code, entitled "Parkland Dedication" or the City may consider allowing credit for dedication of parkland or amenities such as local parks, pocket parks, greenbelt areas, open space, or common equestrian facilities.	LTS
MUNICIPAL SERVICES			
MUNI-H1: The Heartland site plan does not indicate how water service would be provided for the adjoining Morgan and Moita properties.	S	MUNI-H1: New water lines should be extended to fully serve the Heartland project and be available for extension from the roadway stubs at the Heartland property's east and west boundaries to the Moita and Morgan properties.	LTS
MUNI-H2: Connection of the early phases of the Heartland project in Zone 6 to the existing Irish Canyon reservoir would require the installation of a long water supply line across currently undeveloped land.	LTS	MUNI-H2: If the Zone 6 units of the Heartland project are developed first, they should be permitted to make a temporary connection into the Zone 6 Nob Hill distribution system on Marsh Creek Road. This would permit the project sponsors to avoid disturbing the surrounding grasslands to provide water service until later construction occurs. There is sufficient unused capacity at the Nob Hill reservoir to supply Zone 6 Heartland units until the later uphill phases of the project are constructed and water lines to the Oakhurst Irish Tank are installed.	LTS

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SUMMARY: HEARTLAND PROJECT

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
MUNI-H3: The project would include residential construction on or near heavily wooded areas on Lots 11, 12, 13, 78, 79 and 80, which could result in fire hazards.	S	MUNI-H3: a. Subdivision or development on lots 11, 12, 13, 78, 79 and 80 should not be allowed without careful prior review and approval on the part of the Fire District that will serve the development. b. If brush, tree and vegetation removal is required around building sites to promote fire safety, the visual and biotic consequences of such removal should be considered before building construction or brush or tree removal is allowed.	LTS
MUNI-H4: The project would conflict with roadway standards established by the Contra Costa County Fire District related to cul-de-sac length, gradient and emergency access.	S	MUNI-H4: a. The proposed roadways should be redesigned to a gradient of 15 percent or less. This could require extensive grading, which the City may find unacceptable. In such a case, some lots may have to be eliminated for access reasons. b. An emergency vehicle access alternative/evacuation route should be provided as part of the development. Location and design should be subject to both the City Public Works and Fire District review.	LTS.

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SUMMARY: HEARTLAND PROJECT

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
GEOLOGY, SOILS AND SEISMICITY			
GEO-H1: Plan Policy LU-5a indicates that no development may occur on slopes in excess of 40 percent, and that development is marginally acceptable in areas with slopes between 26 and 40 percent. Steep slopes are often unstable, create wildfire hazards, and generally require significant grading to accommodate any type of building or roadway construction. The following lots would occur in areas that generally have slopes between 26 and 40 percent: 1 through 6, 9 through 17, 23 through 38, 42 through 59, 65 through 90. The following lots, in general, contain slopes in excess of 40 percent: 49 through 54, 73, and 74. In addition, no development with building pads on slopes greater than 26 percent is to occur on the west face of Keller Ridge due to this area's visibility. Lots 58 through 63 fall within the west face of Keller Ridge. Of these, Lots 58 and 59 appear to have slopes greater than 26 percent.	S	GEO-H1: a. The applicant should demonstrate that lots 49-54, 73, and 74 meet the Specific Plan requirements that restrict development to building pads with less than 40 percent slope, or the lots should be removed. All required grading should be consistent with Specific Plan grading guidelines. b. In areas with existing slopes in excess of 26 percent, the applicant should provide data to show that each building pad would comply with all provisions of the Specific Plan, including the prohibition of development of lots with building pads greater than 26 percent slope on the west face of Keller Ridge. Lots and building pads on slopes greater than 26 percent should be studied and approved by the City only if they meet Specific Plan requirements. If the proposed lots are not approved, they should be removed from the project.	LTS
GEO-H2: Three large landslide complexes are apparently present within the Heartland property. One of these complexes is located along the entry road, a second is located in the main development area along the east side of the property, and the third is located along the west side of the proposed road in the northwestern corner of the project. Extensive development is proposed in each of these areas on the preliminary development plan. Future landslide movements of any of these slide complexes could cause serious damage to the proposed development.	S	GEO-H2: In order to construct improvements, including roadways or homesites, within the larger landslides, massive grading should occur, including buttressing and installation of subsurface drainage. All required grading should be consistent with Specific Plan grading guidelines.	LTS

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SUMMARY: HEARTLAND PROJECT

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
GEO-H3: In addition to the large landslide complexes, a number of small to moderate sized landslides are shown within the project. Some of these are in proposed open space areas while others are within or immediately adjacent to roadways and homes. Future movement of these landslides could also cause significant damage to the proposed homes or roadways in the area.	S	GEO-H3: Where small to moderate sized landslides are shown on the current preliminary geologic map of the property, these landslide areas should be further evaluated unless they are in open space and pose no threat to the proposed improvements. Within areas to be developed, the magnitude of these landslides should be determined and remedial measures taken which may include grading, buttressing, drainage improvements, and/or retaining walls. The specifics of the appropriate mitigation measures for these types of concerns are typically prepared during the grading plan stage of development, and these measures are quite common in current Bay Area subdivision grading.	LTS
GEO-H4: The northern of the two main traces of the Greenville Structural Trend Extends through the subject property. Homes and roadways are proposed directly on top of this trace, which bifurcates and becomes two traces in the northwestern corner of the parcel. Future fault offset on either of the traces extending through the property could result in significant damage to portions of the development.	S	GEO-H4: Trenching will have to be performed by a certified engineering geologist to evaluate whether active faulting crosses the site. If active faulting is located, then the site plan should be redesigned to eliminate all habitable structures within 50 feet of the active faults traces. Other improvements which must cross the fault, such as roadways and utilities, should be designed to accommodate possible fault offset.	LTS
HYDROLOGY			
HYDRO-H1: Increased stormwater runoff would increase downstream flood hazards.	S	HYDRO-H1: The project proponent should demonstrate that the drainage system and project design (including measures outlined in Mitigation Measure HYDRO-P4) will reduce the shortening of lag time and reduce the impact of impervious surfaces of sub-basin hydrology and that the project provides storage required to mitigate flows from the 100-year, 3-hour design storm peak to predevelopment levels. The EIR has estimated that the project should provide 8.4 acre-feet of storage. Final calculations will be completed as part of the final design plans and will determine the precise detention sizing.	LTS

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SUMMARY: HEARTLAND PROJECT

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HYDRO-H2: `E' Lane would be built on fill in a finger canyon. The drain on Lot 50 is expected to divert all flow naturally carried in this channel and convey it to the detention pond. The catch basin will also trap debris and sediment, and may be overtopped during high intensity storms. No provision has been made for overland flow of runoff not captured by the drain inlet.	LTS	HYDRO-H2: a. An overland flow path with landscaping should be provided from Lot 50 and along `E' Lane and `A' Drive to Oak Creek for overflow and local drainage. b. Design of fill should address subsurface flow and potential for settlement around foundations. For example, pipes could be installed in fill areas under foundations to collect water and divert it from foundation areas.	LTS
HYDRO-H3: The upper end of `A' Drive at the cul-de-sac would drain westerly to a culvert which would discharge to the headwaters of a finger canyon. The concentrated flow from this culvert discharge could cause significant gullying of the finger canyon and increased sedimentation downstream. The canyon is already showing signs of gullying and instability which would be accelerated by the discharge of concentrated street drainage from a pipe outfall.	S	HYDRO-H3: Soils investigations for any type of property development shall include an analysis of the erodibility of all natural channels. The Soils Engineer shall determine the acceptable, non-erodible velocities for each channel. Site drainage shall be designed to convey as much runoff to the storm drain system as may be practical. The drainage design shall incorporate structural improvements (e.g. dissipater structures, bubble-up boxes, natural appearing rock rip rap, etc.) as well as biotechnical means to protect natural channels and riparian habitat from degradation and erosion.	LTS
HYDRO-H4: The USGS Quad map shows a seasonal spring at the head of Oak Creek, although it was not visible during site inspections. Oak Creek Canyon Road and Lots 38 - 43 would be built on fill at the headwaters of the creek, , but the spring would be removed by landslide repair work.	S	HYDRO-H4: A report should be provided on the location of the spring and groundwater conditions in the vicinity by a qualified hydrogeologist. If the spring is found within the development areas, the Army Corps of Engineers and the Department of Fish and Game should be notified, jurisdiction should be established, and the project should be redesigned to eliminate impacts on the spring.	LTS

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SUMMARY: HEARTLAND PROJECT

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
HYDRO-H5: The runoff to the 'D' Lane cul-de-sac would be piped to Oak Creek, where the outfall could erode the channel bank, require stream bed protection, and reduce the stream habitat value.	LTS	HYDRO-H5: Soils investigations for any type of property development shall include an analysis of the erodibility of all natural channels. The Soils Engineer shall determine the acceptable, non-erodible velocities for each channel. Site drainage shall be designed to convey as much runoff to the storm drain system as may be practical. The drainage design shall incorporate structural improvements (e.g. dissipater structures, bubble-up boxes, natural appearing rock rip rap, etc.) as well as biotechnical means to protect natural channels and riparian habitat from degradation and erosion.	LTS
HYDRO-H6: The alignment of Oak Creek Canyon Road in the vicinity of the 'D' Lane outfall would pass very close to Oak Creek.	S	HYDRO-H6: Bank vegetation replanting and stabilization measures should be included in the design of Oak Creek Canyon Road in the vicinity of the 'D' Lane outfall.	LTS
HYDRO-H7: The Preliminary Development Plan shows a discharge from the detention basin via a headwall inlet which in turn connects to an existing storm drain pipe running southwesterly under Marsh Creek Road and down Diablo Parkway and ultimately discharging to Mt. Diablo Creek. Detention pond discharge from the project could have an adverse impact on Mt. Diablo Creek.	S	HYDRO-H7: The discharge point from the detention pond into Mt. Diablo Creek should be protected with natural rock or other bank hardening measures as outlined in Specific Plan Policy DD-8j. The amount of intervention along Mt. Diablo Creek should be minimized in order to preserve Mt. Diablo Creek in as natural a state as possible.	LTS
HYDRO-H8: The project would intrude on Oak Creek in various segments.	S	See Mitigation Measure BIO-H1.	LTS

LTS = Less Than Significant S = Significant SU = Significant Unavoidable Impact

SUMMARY: HEARTLAND PROJECT

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
VEGETATION AND WILDLIFE			
BIO-H1: Encroachment of development proposed in the Heartland project on Oak Creek would result in a significant loss in its riparian habitat.		BIO-H1: a. Lots 80 and 81 should be deleted from the proposal, or redesigned so the lots do not intrude into the creek setback and culverting of the creek is not required. b. Lots 43 and 44 should be deleted or redesigned to reflect required creek setbacks. c. Oak Creek Canyon Drive should be realigned in the area of Lots 78 and 79 so that the edge of the roadway would be at least 30 feet from the creek. This may require removal of these two parcels.	
(BIO H-1 continued)	S	d. As specified in Specific Plan Policy DD-8e, the Heartland project developer should improve Oak Creek to compensate for allowing Oak Creek Drive to come closer than the standard 75-foot setback from the top of the bank. At a minimum, the restoration plan should encompass an area with a 100-foot width including the channel and should include redefinition of the creek channel from where it currently disappears on the site of the old ranch buildings all the way to Marsh Creek Road. In this vicinity, which includes the general area of Lots 86 through 90, the minimum setbacks of 30 feet from top of bank and 100 feet total should be maintained.	LTS

LTS = Less Than Significant S = Significant SU = Significant Unavoidable Impact

SUMMARY: HEARTLAND PROJECT

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
VISUAL RESOURCES			
VIS-H1: Development under the Specific Plan would change the Heartland site's appearance from rural residential and agriculture to suburban.	S	There is no measure available to entirely mitigate this impact.	SU
VIS-H2: The Heartland project would include four lots on the northern edge of Development Area A1, and nine lots near the southwestern limits of Development Area A3, which could have visual impacts.	S	VIS-H2: The applicant should provide visual simulations of the project as seen from Marsh Creek Road, the Oakhurst playing fields and developed portions of Clayton. If houses are shown to be visible, then their visual impacts should be mitigated to meet the approval of the City, or they should be eliminated from the project.	LTS

LTS = Less Than Significant S = Significant SU = Significant Unavoidable Impact

SUMMARY: HEARTLAND PROJECT

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
TRAFFIC AND CIRCULATION			
TRA-H1: The proposed site plan's "F" Lane, between Oak Creek Canyon Drive and "G" Lane, considered minor cul-de-sac streets based on the 30-foot right-of-way, would be inconsistent with design standards contained in the Specific Plan.	S	TRA-H1: a. The site plan should be redesigned so that "F" Lane between Oak Creek Canyon Drive and "G" Lane is widened to meet standards for a "local street", as defined in the Specific Plan. As a local street (with a minimum right-of-way of 40 feet and a paving width of 28 feet), on-street parking would be allowed on one side, and there would be no restrictions on the number of lots accessing the road. "G" Lane and the remainder of "F" Lane can remain a minor street because lots would be within 500 feet of a street with on-street parking. All required grading for this street should be consistent with Specific Plan grading guidelines. or b. The applicant should demonstrate that adequate parking could be provided on-site for houses more than 800 feet from on-street parking on "F" and "G" Lanes.	
TRA-H2: There is no provision for emergency access to and from the Heartland site.	S	TRA-H2: Please see Mitigation Measure MUNI-H4b.	LTS
TRA-H3: The section of Oak Creek Drive adjacent to Lot 19 would have a 20 percent grade. An 18 percent grade is proposed adjacent to Lot 29.	S	TRA-H3: Please see Mitigation Measure MUNI-H3a.	LTS

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SUMMARY: HEARTLAND PROJECT

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
NOISE			
NOISE-H1: Three lots in the Heartland project would occur within the 60 to 70 dB Ldn noise contour line and would therefore occur in an environment where outdoor noise levels are considered unacceptable according to City standards.	S	NOISE-H1: a. Wooden fences, built to soundwall standards, should be installed around Lots 1, 2 and 3 to attenuate outdoor noise levels. Alternatively, these lots could be removed, or they could be set back at least 270 feet from the edge of Marsh Creek Road. b. Interior noise levels in the three homes should be reduced to less than an L_{dn} of 45 dB by air conditioning the homes so that the windows can remain closed.	LTS

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Table 3
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE TEMPS PROJECT

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
LAND USE COMPATIBILITY			
LU-T1: The proposed Temps project would change the existing use of the site from a low intensity Christmas tree farm and ranchette-type lot to a predominantly low density residential use.	S	There is no measure available to completely mitigate this impact.	SU
LU-T2: The project would be only marginally consistent with the deed restriction on a portion of the site disallowing development above the 680 foot contour.	LTS	LU-T2: The project should be revised to eliminate or redesign Lot 29 and any other urban density development above the 680 foot contour.	LTS
LU-T3: The project may not conform to the Flood Control-Natural Resources Management Easement that extends 100 feet south from the top of bank of Mt. Diablo Creek on the eastern portion of the property.	S	LU-T3: The project applicant should demonstrate that homes can be built on all proposed lots in conformity with the 100-foot setback for all structures, extending 100 feet south from the top of bank along Mt. Diablo Creek on the eastern portion of the site.	LTS
POLICY CONFORMITY			
POL-T1: The Temps project would not be consistent with the allowed maximum density or the minimum lot sizes specified in the Marsh Creek Road Specific Plan.	S	POL-T1: The lots of the Temps site plan should be enlarged and the total number decreased to meet the minimum lot size and density requirements specified for Rural Residential, Low Density and Medium Density development in the Specific Plan.	LTS

LTS = Less Than Significant S = Significant SU = Significant Unavoidable Impact

SUMMARY: TEMPS PROPERTY

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
PARKS AND OPEN SPACE			
PARK-T1: The project would generate demand for new park facilities.	S	PARK-T1: The applicant should pay the park development fee required by Section 16.12.010 of the Clayton Municipal Code, entitled "Parkland Dedication" or the City may consider allowing credit for dedication of parkland or amenities such as local parks, pocket parks, greenbelt areas, open space, or common equestrian facilities.	LTS
MUNICIPAL SERVICES			
MUNI-T1: If the Temps water system were not looped to existing service on Marsh Creek Road, supply problems could occur in the future.	S	MUNI-T1: The on-site distribution system should be connected to Marsh Creek Road at the east end of the project and to Russellmann Road. This would create a looped distribution system, which would significantly improve on-site circulation and delivery capacity. It would also supplement the existing flow capacity along Marsh Creek Road. If the lines are properly sized, this could reduce the need for replacement or parallel mains on Marsh Creek Road.	LTS
MUNI-T2: The Temps project would allow two homes in an isolated area in the Zone 7 elevation band without a dedicated reservoir. This would conflict with general CCWD policy.	S	MUNI-T2: The Temps project applicant should request a waiver from the CCWD Board of Directors to allow construction of two homes in an area of Zone 7 elevation without a dedicated reservoir. If no waiver is granted, the homes should be served with well water (if approved by the City of Clayton), or they should be eliminated from the project.	LTS

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SUMMARY: TEMPS PROPERTY

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
MUNI-T3: Preliminary plans for the Temps project trunk sewer in Russellmann Road are not completely consistent with those shown in the Specific Plan.	LTS	MUNI-T3: The design of the Temp project proposed Russellmann Road sewer should be revised as necessary to conform to final designs for the Mount Diablo Creek collector line. The proposed Russellmann Road sewer should also be designed with sufficient capacity to accommodate wastewater flows produced by additional development in areas D and E.	LTS
MUNI-T4: The project would be inconsistent with Fire District design standards requiring an emergency access.	S	MUNI-T4: An emergency vehicle access/evacuation route should be provided as part of the development plan to serve the 38 homes in the northern section of the site. Consideration should be given to use of the existing driveway bridge connecting to Marsh Creek Road as an emergency access. Location an design of the access should be subject to approval by both the City Engineering Department and the Contra Costa County Fire District.	LTS
GEOLOGY, SOILS AND SEISMICITY			
GEO-T1: A large landslide complex may be present within the tree-covered area in the southern portion of the Temps property. The preliminary development plan indicates that three homes would be developed within or immediately adjacent to this landslide area. In addition, many homes would be constructed downhill of this slide complex. If this landslide is present and future movement occurred, then significant damage could occur to the proposed homes, roadways, and other improvements.	S	GEO-T1: Additional studies should be performed in the area of the possible landslide complex. This should include subsurface investigation, laboratory testing, and slope stability analyses. If these studies determine that landsliding is present, then mitigation measures should be taken to minimize the impact of the landsliding. This would likely include grading, buttressing, and drainage improvements. All required grading should be consistent with Specific Plan grading guidelines.	LTS

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SUMMARY: TEMPS PROPERTY

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
GEO-T2: An earthflow is present in the southwestern corner of the property, and various areas of sloughing along the banks of Mt. Diablo Creek are present. Improvements planned for these areas could be damaged if additional slippage occurs.	S	GEO-T2: A site specific survey should be completed to determine sloughing features of Mt. Diablo Creek in the area of the project, and the proposed creek setbacks should be evaluated against the results of this study. If study results warrant it, the setback should be adjusted to place all development beyond the limits of probable future sloughing. In addition, regrading and drainage improvements should be performed in the area of the earthflow to stabilize these unstable materials.	LTS
GEO-T3: The graded slopes on Lots 27 through 34 would be primarily 2:1, not the 3:1 as recommended by Policy DD-4e of the Specific Plan. (S)	S	GEO-T3: Redesign the grading for 3:1 slopes with variation that mimics the natural topography and provides for natural drainageways.	LTS
HYDROLOGY			
HYDRO-T1: Development would increase the peak runoff to Mt. Diablo Creek, which would increase flood hazards in the Specific Plan Area downstream of the site and also outside of the Specific Plan Area.	S	HYDRO-T1: The project proponent should demonstrate that the drainage system and project design (including measures outlined in Mitigation Measure HYDRO-P5) will reduce the shortening of lag time and reduce the impact of impervious surfaces on sub-basin hydrology , and that the project provides the storage required to reduce mitigated flows from the 100-year, 3-hour design storm peak to predevelopment levels. The EIR has estimated that the project should provide 8.4 acre-feet of storage. Final calculations will be completed as part of the final design plans and will determine the precise detention sizing.	LTS

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SUMMARY: TEMPS PROPERTY

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
HYDRO-T2: Flow to Mt. Diablo Creek would be increased by runoff to the 'A' Drive cul-de-sac which would discharge to the creek from a pipe near the eastern property line, and could increase channel erosion downstream.	S	HYDRO-T2: The existing 12-inch storm drain from the inlet on Lot 26 should be replaced with a swale from Lots 26 to 16, 15, and 14. This swale could be created during the grading proposed for these Lots. This swale would pick up the flow from the cul-de-sac on 'A' Drive and continue between Lots 13 and 14 to Mt. Diablo Creek. This swale would reduce the peak flow from the "detention pipe" and provide some water quality benefits.	LTS
HYDRO-T3: The proposed steep slopes on Lots 27 through 34 would require a concrete brow ditch on Lots 30, 31, 33 and 34, which would be unsightly and inconsistent with Specific Plan Policies requiring naturalistic flood control features.	S	HYDRO-T3: Proposed slopes on Lots 27 through 34 should be decreased to allow for a natural vegetated drainage channel in this area. The channel could flow between Lots 33 and 34 to the park along Russellmann Creek, and then to the creek.	LTS
HYDRO-T4: The project would intrude on Mt. Diablo Creek in various segments.	S	HYDRO-T4: Please see Mitigation Measures BIO-T1 and BIO-T2.	LTS

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SUMMARY: TEMPS PROPERTY

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
VEGETATION AND WILDLIFE			
BIO-T1: Lots 1-11, 13, and 14 would encroach on the riparian habitat of Mt. Diablo Creek in such a manner that they may prevent future natural establishment of riparian vegetation on the upper banks.	S	BIO-T1: a. The project should be redesigned so that the northern lot lines of Lots 1 through 11, 13, and 14 fall at least 50 feet from the top of the bank of Mt. Diablo Creek. If setback reduction is desired, the City shall review and approve the proposed creek setback enhancement program. Such review should include the recommendations of a qualified biologist. b. Fencing should be constructed along the creek setback line on Lots 1 through 11, 13 and 14 to minimize resident intrusions into the creek corridor.	LTS
BIO-T2: The lot lines of Lots 1, 34, and 38 fall closer than the standard 75 feet from Russellmann Creek, and could reduce the growth of riparian habitat along this creek.	S	BIO-T2: As specified in Specific Plan Policy DD-7e, the developer should be required to restore Russellmann Creek through the site. At a minimum, the restoration plan should encompass an area with a 100-foot width, including the channel, and it should include: a. A hydrological analysis of whether or not the creek has been channelized on the property, b. A reconfiguration of the channel to a more natural state if channelization was performed, c. Revegetation of the creek using natural tree invasion or planting, and	LTS

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SUMMARY: TEMPS PROPERTY

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
BIO-T2: Continued.	S	d. Pre- and post-construction monitoring to quantify the properties of the creek and its plant and animal life before and after the restoration effort. Such monitoring shall be every year for five years. As part of the monitoring plan, adverse post-construction events, such as deposition of additional fine sediments in the channel or the failure of plantings to survive, shall be ameliorated.	
BIO-T3: The arched culvert crossing proposed where "A" Drive crosses Russellmann Creek could restrict movement of larger wildlife species into and out of the Mt. Diablo Creek zone or force them to cross the drive itself at a risk of being hit by cars.	LTS	BIO-T3: The culvert or bridge should be designed to allow a natural creek configuration beneath it, and should have a minimum height from the bottom of the creek channel of five feet to allow animals to cross under it.	LTS
VISUAL RESOURCES			
VIS-T1: Development under the Specific Plan would change the Temps property appearance from rural residential and agriculture to suburban.	S	There is no mitigation measure available.	SU
CULTURAL RESOURCES			
ARCH-T1: The Temps project could impact archaeological resources on the site, including sites Ca-CCo-312/313.	S	ARCH-T1: a. Because of the potential for human burials, a Native American observer, approved by the Native American Heritage Commission, should be requested to monitor all grading, excavation and archaeological testing.	LTS

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SUMMARY: TEMPS PROPERTY

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
ARCH-T1: Continued	S	b. In the event that cultural resources are uncovered through investigations or construction activities, no land or structure alteration should occur in the area of these resources until they are assessed and documented by a qualified archaeologist. A course of action regarding the resources, possibly including site documentation, relocation and/or preservation, should be agreed to by all interested parties before construction begins or continues.	
ARCH-T2: The development of parkland within the Temps property could impact archaeological resources. The site plan has been prepared to maintain any known archaeological resources on the site, but development of parkland may have an impact on an archaeologically important site.	S	ARCH-T2: a. Prior to construction, the park site should be covered with a layer of sand and then a layer of fill to protect any artifacts. The layer of sand would be placed to indicate at what level the original site was located if future excavation were to occur. The layer of fill must be of sufficient thickness to accommodate underground utilities, such as sprinkler system pipes. b. A deed restriction should be placed on this property so that if property transfers are made in the future, prospective owners will be apprised of the fact that an archaeological site containing Native American burials is on the property and that it should be protected.	LTS

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SUMMARY: TEMPS PROPERTY

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
TRAFFIC AND CIRCULATION			
TRA-T1: There is no provision for emergency access to and from the Temps project.	S	TRA-T1: Please see Mitigation Measure MUNI-T4.	LTS
NOISE			
NOISE-T1: Thirty-three homes on the Temps property and the proposed park along Russellmann Road would be developed within the 60 dB Ldn contour.	S	NOISE-T1: Site and building design measures specified in Mitigation Measure NOISE-P1 should be adopted to mitigate significant impacts associated with placement of homes within the 60 dB Ldn contour line.	LTS

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Table 4
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE MOITA PROJECT

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
LAND USE COMPATIBILITY			
LU-M1: The proposed Moita project would change the existing use of the site from open space, grazing and a single ranchette house to a mixture of low density residential and open space uses.	S	No measure available to completely mitigate this impact.	SU
LU-M2: The Moita project would not be compatible with the open space and agricultural land uses to its north.	S	LU-M2: The three parcels on the northern edge of the property should be redesigned in a way that would maintain a transition between the residential uses on the site's northern side and the open space and agricultural uses to the north.	LTS
POLICY CONFORMITY			
POL-M1: On the Moita site plan, the roadway serving Lots 7, 8 and 9 is a single loaded street adjacent to agriculture lands. This configuration does not comply with Policy RE-3 of the Specific Plan.	S	POL-M1: The applicant should redesign or eliminate Lots 7, 8 and 9 and their street access in conformance with Policy RE-3 of the Specific Plan.	LTS
PARKS AND OPEN SPACE			
PARK-M1: The Moita project would be inconsistent with Specific Plan Policy RE-2 requiring dedication of undeveloped lands for open space use as a part of development projects.	S	PARK-M1: The Moita project should be reconfigured to allow for dedication of undeveloped lands remaining after project construction for public open space use.	LTS
PARK-M2: The project would generate demand for new park facilities.	S	PARK-M2: The applicant should pay the park development fee required by Section 16.12.010 of the Clayton Municipal Code, entitled "Parkland Dedication" or the City may consider allowing credit for dedication of parkland or amenities such as local parks, pocket parks, greenbelt areas, open space, or common equestrian facilities.	LTS

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SUMMARY: MOITA PROJECT

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
MUNICIPAL SERVICES			
MUNI-M1: The project would include residential construction on or near heavily wooded areas on Lots 5 through 11, which could result in fire hazard.	S	MUNI-M1: a. Subdivision or development on lots 5 through 11 should not be allowed without careful prior review and approval on the part of the Fire District that will serve the development. b. If brush, tree and vegetation removal is required around ranchette building sites to promote fire safety, the visual and biotic consequences of such removal should be considered before building construction or brush or tree removal is allowed.	LTS
MUNI-M2: The project would be inconsistent with Fire District design standards requiring an emergency access.	S	MUNI-M2: A gated, emergency-only access to the site should be provided. Location and design should be subject to both City Engineering and Fire District review, and would probably be through the Heartland access route specified in Mitigation Measure MUNI-H4b.	LTS

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SUMMARY: MOITA PROJECT

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
GEOLOGY, SOILS AND SEISMICITY			
GEO-M1: The project would include several lots with building pads greater than 26 percent. This would conflict with Specific Plan Policy LU-7, which states that building pads should generally be limited to those areas with natural slope of less than 26 percent. According to the applicant's site plan, Lots 2 and 11 would have building pad slopes greater than 26 percent. The building pads on lots 1, 3, and 10 appear to have natural slopes between 25 and 27 percent, and could exceed 26 percent. The building pad on Lot 7 has a slope calculated at 30 percent for this EIR, although the applicant claims it would only be 22 percent. Steep slopes are often unstable, create wildfire hazards, and generally require significant grading to accommodate any type of building or roadway construction. In addition, no development with building pads on slopes greater than 26 percent is to occur on the west face of Keller Ridge, due to this area's visibility. Lots 4, 5, and 7 through 11 fall within the west face of Keller Ridge. Of these, Lots 7,10 and 11 have the potential to accommodate building pads on slopes greater than 26 percent.	S	GEO-M1: a. The applicant should provide more accurate maps which identify the true slope of the lots and building pads of Lots 1, 3, 7, and 10. b. In areas with slopes in excess of 26 percent, the applicant should provide data to show that each building pad would comply with all provisions of the Specific Plan, including the prohibition of development of lots with building pads greater than 26 percent slope on the west face of Keller Ridge. Lots and building pads on slopes greather than 26 percent should be studied and approved by the City only if they meet Specific Plan requirements. If the proposed lots are not approved, they should be removed from the project.	LTS
GEO-M2: Although no large landslide complexes are present within the Moita property, portions of two moderate-sized landslides encroach into the northeastern corner and along the middle of the eastern property line of the project. In addition, a small landslide is present in the swale in the extreme southeastern corner of the parcel. The small landslide does not appear to pose any hazard to the proposed Moita development; but some risk of damage could occur to the Heartland property if significant movement of this landslide were to occur. If the portions of the moderate-sized landslide complexes within the Moita property are not properly corrected, then damage to improvements or homes immediately adjacent to these landslide areas could occur.	S	GEO-M2: In general, the three areas of landsliding are likely to be addressed during the evaluation and grading for the Heartland project. However, the consultant for the Moita property should carefully evaluate the remedial work performed to confirm that it is adequate for mitigation of the hazards within the Moita property. Supplemental grading, drainage improvements, or other mitigation measures on the Moita property should be performed if they are necessary. All required grading should be consistent with Specific Plan grading guidelines.	LTS

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SUMMARY: MOITA PROJECT

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
GEO-M3: One of the traces of the Greenville Structural Trend extends diagonally through the center of the Moita property. If offset of this fault occurred during a significant seismic event, then damage to some improvements may occur. The current conceptual site design indicates that one house may be located across this fault. This structure could be seriously damaged if fault offset occurred.	S	GEO-M3: Trenching should be performed by a certified engineering geologist to evaluate whether active faulting crosses the site. If active faulting is located, then the site plan should be redesigned to eliminate all habitable structures within 50 feet of the active faults traces. Other improvements which must cross the fault, such as roadways and utilities, should be designed to accommodate possible fault offset.	LTS
HYDROLOGY			
HYDRO-M1: Concentrated flow from roadways or pipe outlets would increase erosion and gullying in natural drainages. Since the drainage pipes are not indicated on the current plan for the proposed project, it is assumed that some stormdrain outlets would be directed into the finger canyons on the property. The canyons have a deep layer of loose soil that is vulnerable to gully erosion. The resulting sediment could impact the downstream drainage system.	S	HYDRO-M1: If roadways or property are drained to the finger canyons, flow should be dissipated as much as possible. Vegetation should be planted in the canyons to hold the loose soil.	LTS
VEGETATION AND WILDLIFE			
BIO-M1: The building site on Lot 10 appears to be sited within the existing tree canopy on the site.	S	BIO-M1: The applicant should demonstrate that the home to be constructed on Lot 10 would not adversely impact woodlands and that all tree preservation policies of the Specific Plan would be adhered to on this lot. If this cannot be done, then Lot 10 should be eliminated from the site plan.	LTS

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SUMMARY: MOITA PROJECT

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
BIO-M2: Development of Lots 7, 8 and 9 on the northern edge of the property could ultimately cause the death of five larger oaks in the property's northern section by disrupting or compacting soil too close to the bases of the trees.	S	BIO-M2: (1) A radius of at least 20 feet from the base of all oak trees and other significant trees on the site should be protected from all disturbance during and following construction. b. Any planting done to replace lost or threatened trees should use Blue Oak acorns derived from the site, since this species is faring better than Valley Oak in the relatively dry conditions of the site.	LTS
VISUAL RESOURCES			
VIS-M1: Development under the Specific Plan would change the Moita property appearance from rural residential and agriculture to suburban.	S	There is no mitigation measure available for the overall impact on the site's visual character.	SU
VIS-M2: Lots 5 through 11 would be located at the top of a ravine on the site, which is visible from developed portions of Clayton and is partially visible from the Oakhurst playing fields.	S	VIS-M2: The applicant should provide visual simulations of the project as seen from Marsh Creek Road, the Oakhurst playing fields and developed portions of Clayton. If houses are shown to be visible from these areas, then their visual impacts should be mitigated to meet the approval of the City, or they should be eliminated from the project.	LTS
CULTURAL RESOURCES			
This potential impact would be mitigated through Mitigation Measure ARCH-P1.			

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SUMMARY: MOITA PROJECT

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
TRAFFIC AND CIRCULATION			
TRA-M1: Three units in the Moita project would have to be served by a roadway crossing the A&P Partners property to the north. A road across this property would have growth-inducing impacts and is not foreseen under the provisions of the Specific Plan.	S	TRA-M1: Access to Lots 7, 8 and 9 should be reconfigured so that it would not have growth-inducing impacts to the north, and so the road would not require unacceptable grading or intrusion in the ravine to the south of the lots. If an alternative access cannot be found to serve these sites, Lots 7, 8 and 9 should be eliminated from the site plan to avoid access problems to them.	LTS
TRA-M2: There is no provision for emergency access to and from the Moita project.	S	TRA-M2: Please see Mitigation Measure MUNI-M1.	LTS

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Table 5
SUMMARY OF IMPACTS AND MITIGATION MEASURES
FOR CUMULATIVE IMPACTS

Significant impacts and mitigation measures have only been identified for the Plan's cumulative effect on traffic and circulation. There were no cumulative impacts or mitigation measures identified for the remainder of the environmental subject areas.

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
TRAFFIC AND CIRCULATION			
TRA-C1: Under cumulative conditions, levels of service at the Concord Boulevard/Kirker Pass Road and Clayton Road Ygnacio Valley Road intersections would deteriorate to unacceptable conditions.	S	TRA-C1: a. Clayton Road/Ygnacio Valley Road Intersection: When warranted by cumulative traffic volumes,an additional through lane should be provided on the northbound and westbound intersection approaches. b. Concord Boulevard/Kirker Pass Road Intersection: When warranted by traffic volumes, the following additions should be made to this intersection: • an additional northbound left turn lane, • a southbound through lane, • westbound and eastbound through lanes in the location of the existing exclusive right turn lanes (to form combined right/through lanes). c. To address the cumulative traffic effects of development whose specific impacts are minor and individually deemed not significant, the City of Clayton should: 1) impose a sub-regional or County-wide traffic impact fee as promulgated by the Contra Costa Transportation Authority and/or TRANSPAC, or; 2) in the event no sub-regional or County-wide impact fee is established, enter into a dialogue with adjacent affected jurisdictions in an effort to identify appropriate impact fees and/or measures.	LTS

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Chapter 3
PROJECT DESCRIPTION

■ ■ ■

The project under review has four separate components, each of which is described in this chapter. The four components are:

- Adoption of the Specific Plan itself.
- The Heartland residential development project.
- The Temps residential development project.
- The Moita residential development project.

A. General Location and Area Characteristics

1. Regional Location

As shown in Figure 1, the study area is located just east of the City of Clayton along Marsh Creek Road in central Contra Costa County. Clayton lies to the southeast of Concord on Clayton Road. The study area is approximately two miles from downtown Clayton, seven miles from downtown Concord, and 45 miles from San Francisco. The study area is just north of the northern flanks of Mount Diablo, and the border of Mount Diablo State Park. A small portion of the study area is within Clayton's city limits, a somewhat larger portion is within the City's Sphere of Influence, and all of it is within the City's General Plan-designated Planning Area. Freeways do not exist in close proximity to the study area, but Interstate 680 does provide access between Concord, Walnut Creek and San Jose, while Highway 24 runs from Walnut Creek to Oakland and the central San Francisco Bay Area.

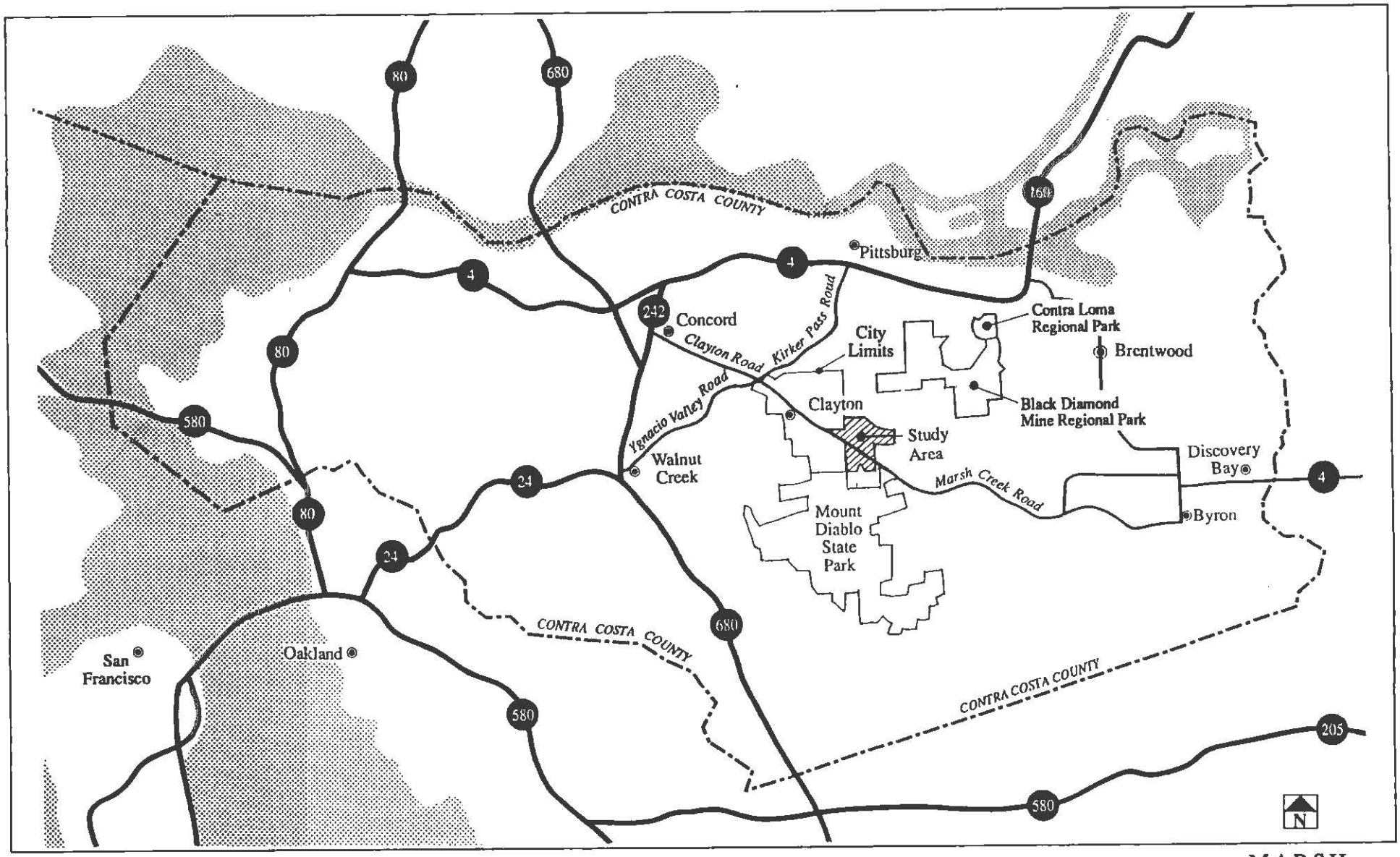


FIGURE 1

Regional Setting

MARSH CREEK ROAD SPECIFIC PLAN EIR

CLAYTON CALIFORNIA

BRADY AND ASSOCIATES, INC.
PLANNERS AND LANDSCAPE ARCHITECTS

2. Study Area Location

As shown in Figure 2, the study area contains roughly 475 acres along Marsh Creek Road, and is generally bounded by the City limits on the west, the crest of a row of hills south of Mt. Diablo Creek north of Mount Diablo State Park on the south, Keller Ridge on the north and the end of rural development and start of open range land on the east.

The major circulation spine in the area is Marsh Creek Road, which extends from Clayton through the study area to Byron in eastern Contra Costa County. The only other roadways in the study area are local and rural roads serving individual parcels, including Pine Lane, which extends to the Oakwood Subdivision, and Russellmann Road, which serves the Easton Christmas tree farm and, beyond the study area, the Concord Mount Diablo Trail Ride Association.

3. Study Area Character

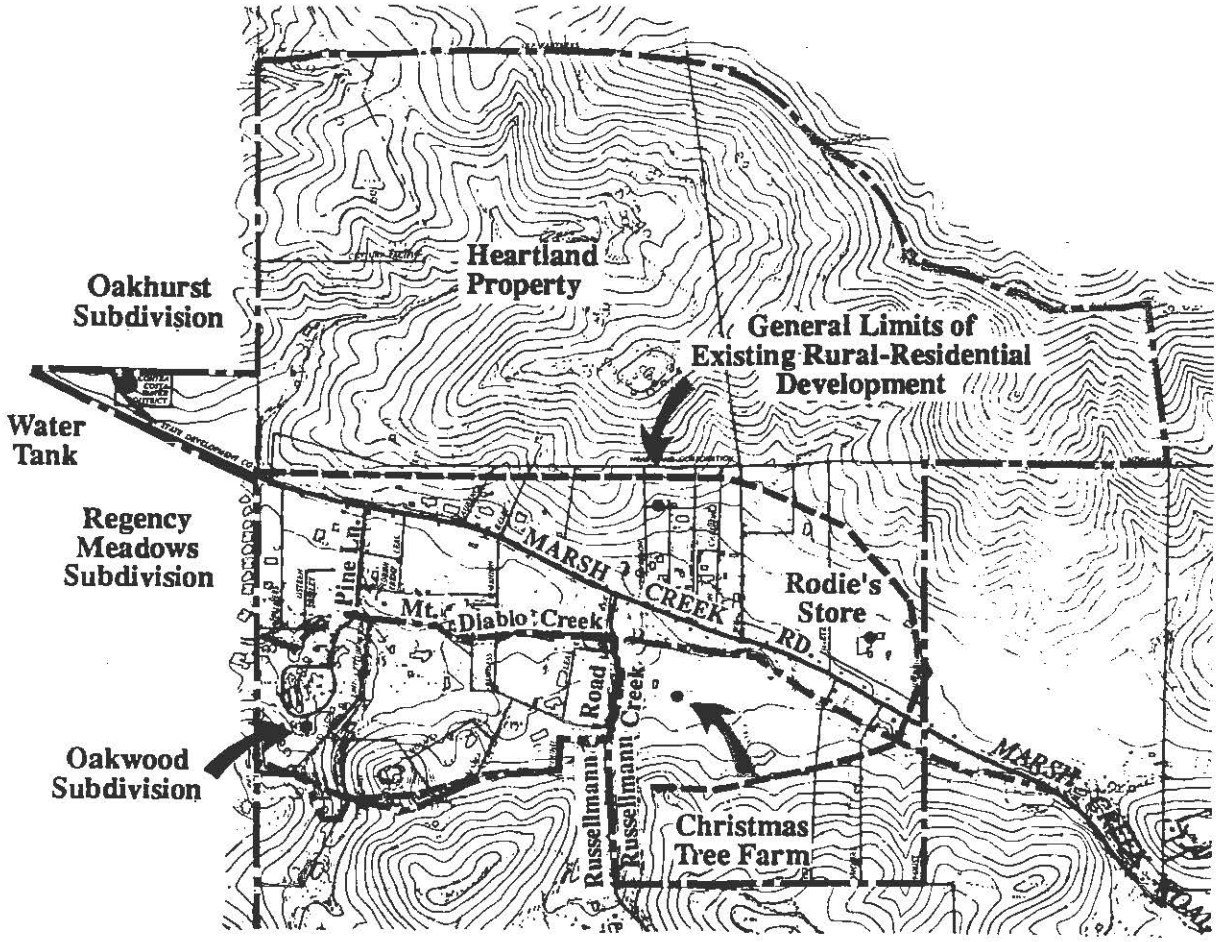
Land uses in the study area are generally rural in nature, with a mixture of agricultural, and rural-residential land uses, with a greater density of development and intensity of use along Marsh Creek Road. Development and land use intensity is also greatest in the western portion of the study area, near the incorporated area of the City of Clayton, and land use becomes less intensive as one moves east along Marsh Creek Road.

The portion of the study area within the City's Sphere of Influence is generally developed with rural-residential single-family houses on lots sized from two to ten acres. Many of the residences in this area have horse pastures and barns on their sites, and the area is generally served by roads without curbs and gutters and rural types of municipal services. The remainder of the area, which is currently outside the City's Sphere of Influence, is used for grazing and as undeveloped open space.

4. Parcelization and Ownership

Parcelization of the Marsh Creek Road area is shown in Figure 3. There are a total of 45 parcels, ranging in size from under one to over 100 acres. This total does not include the Oakwood Subdivision, which is shown as parcel 25 in Figure 3 and adds 15 parcels (for a total of 16 lots) to the study area.

Generally speaking, the smaller parcels are on flat lands along Mt. Diablo Creek and Marsh Creek Road, while larger parcels are on steeper terrain farther from the creek and road.



MARSH CREEK ROAD SPECIFIC PLAN EIR

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FIGURE 2

Study Area Features

Land ownership in the Marsh Creek Road area is shown in Figure 3 and Tables 6 and 7. A total of 34 families and corporations own or control land in the area. Several different individuals own land within several of the families, and banks and investment corporations hold title to some land that is generally controlled by families or developers. Ownership sizes range from less than one to over 100 acres.

5. Existing Development Potential

As shown in Table 6, current County zoning in the study area allows for the theoretical construction of 136 units in the area. This would represent a development increase of about 200 percent in the study area.

However, it is highly unlikely that the County would allow the construction of the theoretical maximum number of units in the study area. Table 7 shows the number of units that might be built in the study area under current County zoning following recent precedents set by the County; in this scenario, only 92 units would probably be allowed in the study area. This would represent an increase of approximately 100 percent over existing development.

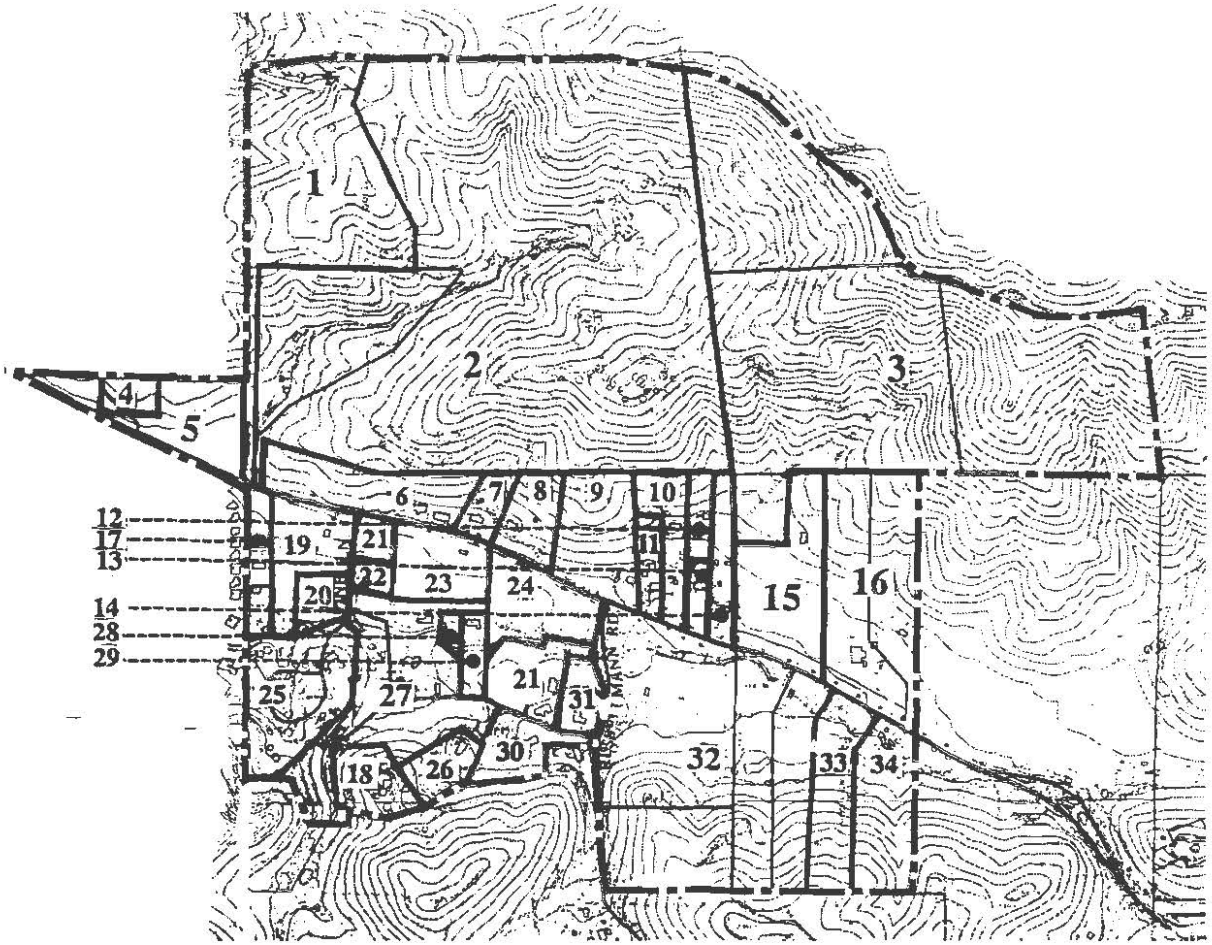
B. Specific Plan

The following summary of the Marsh Creek Road Specific Plan is provided as an aid in review of the EIR. The Specific Plan document includes a more complete description of goals, policies and requirements.

1. Plan Overview

The specific plan is a planning and regulatory tool available to local governments in the state. Under California Law (Government Code Section 65450 et seq.), cities and counties may use specific plans to implement the jurisdiction's adopted general plan. Specific plans are expected to provide an intermediate level of detail between the general plan and individual development projects.

When adopted by the City of Clayton, the Specific Plan will provide a public document that defines the amount and type of development that will be permitted by the City. Once this Plan is adopted, the City will formally recommend that the County use the Plan to set policy direction for the unincorporated portions of the study area. The Plan also sets design parameters and implementation recommendations for future development. Actual development proposals will be subject to review by the City and County for compliance with the Plan. If consistent with the Plan, additional environmental review would only be required for project specific impacts identified in the initial environmental review.



Legend

Ownership Boundary

Parcel Boundary

Specific Plan Boundary

Numbers on this figure are keyed to Table 1, indicating property ownership.

NORTH

5 Acres

0 300 600 1200

Scale in Feet

MARSH CREEK ROAD SPECIFIC PLAN EIR

■ ■ ■

FIGURE 3

Study Area Parcelization and Land Ownership

Table 6
THEORETICAL STUDY AREA BUILDOUT POTENTIAL

Number on Figure 3	Owner	Ownership Area (Acres)	Existing Zoning	Approved or Existing Units	Theoretical Allowed Units[a]	Theoretical New Units[b]
1	Century Pacific (Moita)	25.0	A2	1	6	5
2	Heartland Corporation	138.7	A2	0	26	26
3	Morgan	93.4	A2	1	20	19
4	Contra Costa Water District	1.6	P1	0	0	0
5	North State Development Company	8.2	P1	0	0	0
6	Laurence	8.1	A2	1	1	0
7	Kelly	2.2	A2	1	1	0
8	Soares	4.6	A2	1	1	0
9	James/Iverson	8.4	A2	1	1	0
10	Torson	4.2	A2	1	1	0
11	P. Clark	2.0	A2	1	1	0
12	Carlson	2.2	A2	1	1	0
13	Nielson	1.4	A2	1	1	0
14	Wing	3.6	A2	1	1	0
15	Lietz	12.5	A2	1	2	1
16	Rodenburg	18.5	A2	1	3	2
17	Hellmers	3.1	PUD	3	9	6[c]
18	Bergum	4.6	A2	1	1	0
19	Osteen	6.2	PUD	1	18	17[c]
20	Shirley	2.3	PUD	1	6	5[c]
21	Leal	6.5	A2	0	1	1
22	Tobin/Trent	1.2	A2	1	1	0
23	Manion	5.9	A2	0	1	1

Number on Figure 3	Owner	Ownership Area (Acres)	Existing Zoning	Approved or Existing Units	Theoretical Allowed Units[a]	Theoretical New Units[b]
24	M. Clark	5.9	A2	0	1	1
25	Oakwood Subdivision	11.6	PUD	16	16	0
26	Mazza	4.5	A2	1	1	0
27	Holmes	15.7	A2	2	3	1
28	Sanders	0.9	A2	1	1	0
29	Burgess	2.9	A2	1	1	0
30	Pound	4.4	A2	1	1	0
31	Cooper	3.0	A2	1	1	0
32	Temps	42.8	A2	1	6	5
33	Thomas	8.0	A2	1	1	0
34	Foust	10.3	A2	1	1	0
	Totals			**46**	**136**	**90**

[a] Theoretical Allowed Units are the maximum number of units that could be built under existing zoning, without regard to on-site constraints.

[b] Theoretical New Units are Theoretical Allowed Units less the Approved or Existing Units.

[c] The Theoretical New Units on the Hellmers, Osteen and Shirley properties are already allowed under the existing Clayton General Plan.

Table 7
PROBABLE STUDY AREA BUILDOUT POTENTIAL
(No Project Alternative)

Number on Figure 3	Owner	Ownership Area (Acres)	Existing Zoning	Approved or Existing Units[a]	Probable Allowed Units[b]	Probable New Units
1	Century Pacific (Moita)	25.0	A2	1	1	0
2	Heartland Corporation	138.7	A2	0	3	3
3	Morgan	93.4	A2	1	4	3
4	Contra Costa Water District	1.6	P1	0	0	0
5	North State Development Company	8.2	P1	0	0	0
6	Laurence	8.1	A2	1	1	0
7	Kelly	2.2	A2	1	1	0
8	Soares	4.6	A2	1	1	0
9	James/Iverson	8.4	A2	1	1	0
10	Torson	4.2	A2	1	1	0
11	P. Clark	2.0	A2	1	1	0
12	Carlson	2.2	A2	1	1	0
13	Nielson	1.4	A2	1	1	0
14	Wing	3.6	A2	1	1	0
15	Lietz	12.5	A2	1	2	1
16	Rodenburg	18.5	A2	1	3	2
17	Hellmers	3.1	PUD	3	9	6[c]
18	Bergum	4.6	A2	1	1	0
19	Osteen	6.2	PUD	1	18	17[c]
20	Shirley	2.3	PUD	1	6	5[c]
21	Leal	6.5	A2	0	1	1
22	Tobin/Trent	1.2	A2	1	1	0
23	Manion	5.9	A2	0	1	1
24	M. Clark	5.9	A2	0	1	1
25	Oakwood Subdivision	11.6	PUD	16	16	0
26	Mazza	4.5	A2	1	1	0
27	Holmes	15.7	A2	2	3	1
28	Sanders	0.9	A2	1	1	0

Number on Figure 3	Owner	Ownership Area (Acres)	Existing Zoning	Approved or Existing Units[a]	Probable Allowed Units[b]	Probable New Units
29	Burgess	2.9	A2	1	1	0
30	Pound	4.4	A2	1	1	0
31	Cooper	3.0	A2	1	1	0
32	Temps	42.8	A2	1	6	5
33	Thomas	8.0	A2	1	1	0
34	Foust	10.3	A2	1	1	0
	Totals			**46**	**92**	**46**

[a] Probable Allowed Units are the estimated number of units that would be likely to be allowed on a site under existing zoning, given on-site constraints and previous City and County land use precedents.

[b] Probable New Units are Probable Allowed Units less the Approved or Existing Units.

[c] The Theoretical New Units on the Hellmers, Osteen and Shirley properties are already allowed under the existing Clayton General Plan.

2. Plan Contents

The Plan sets forth detailed land use and circulation standards, implementation requirements, including necessary regulatory schemes and supporting policies to implement the Plan. The Specific Plan includes the following elements:

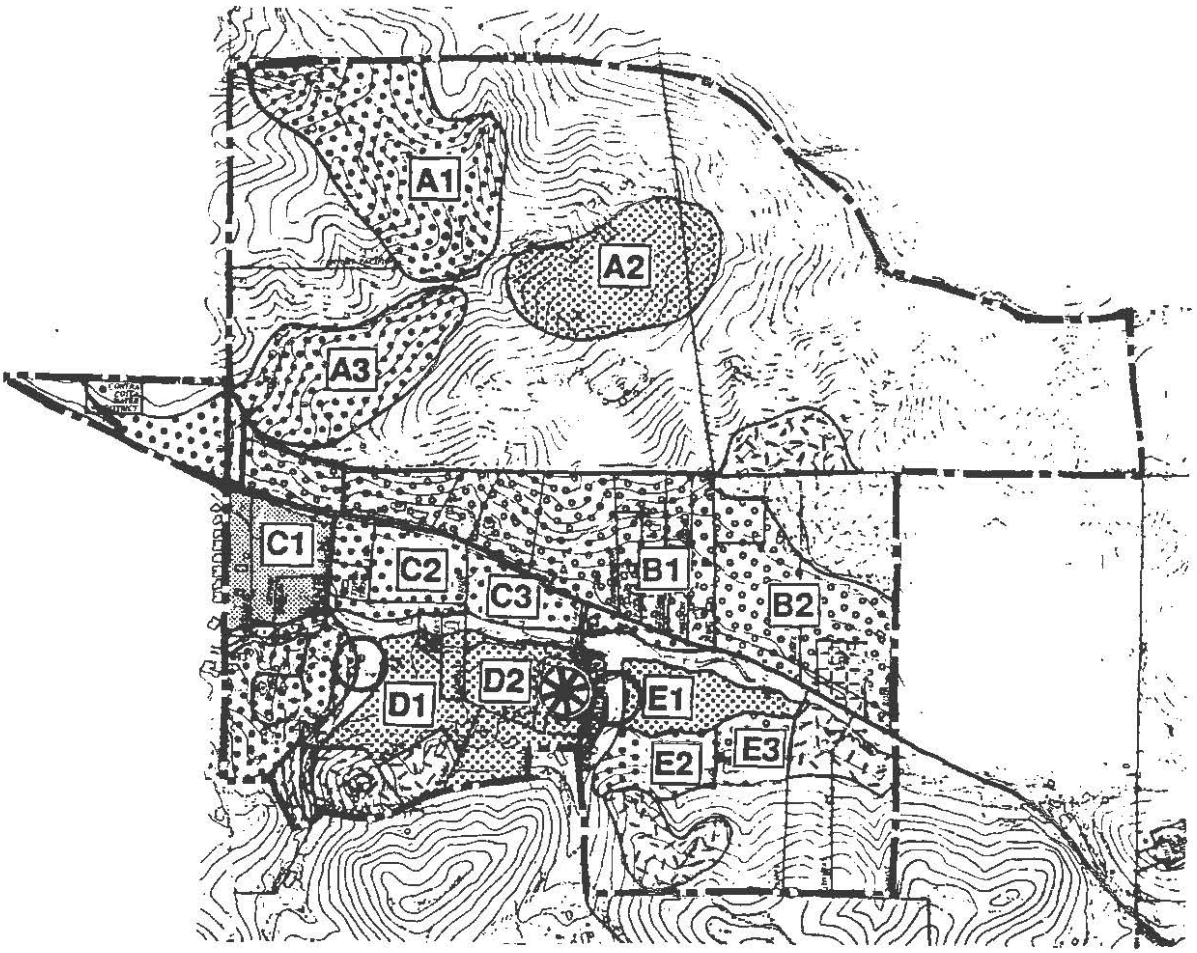
- Plan Goals, which provide the framework for the Housing, Community Design, Parks and Open Space, Natural Resources, Circulation and Public Access, Public Services, Public Safety and Implementation Objectives of the plan.
- Land Use and Conservation Element, which translates framework goals into a specified land use pattern with associated development standards. The Specific Plan's proposed Land Use Plan is shown in Figure 4.
- Resources Element, which specifies the provision of a network of creekside and other trails, and identifies specific measures for natural resources enhancement and protection.
- Design and Development Standards, which are recommendations for site planning, building and open space relationships, and architecture and landscape design.
- Circulation Element, which establishes a circulation system necessary to provide both pedestrian and vehicular access and to accommodate the demands generated by development under the land use scheme. The proposed Circulation Plan is shown in Figure 5.
- Infrastructure Element, which identifies the infrastructure improvements for water service, wastewater and storm drainage that are necessary to implement the plan. Under the plan, urban levels of municipal services would only be extended to areas that are to develop at densities of one unit per acre or more.
- Implementation Element, which establishes steps needed to implement the plan, including General Plan and zoning changes, and phasing and apportionment of capital improvement cost responsibilities.

3. Specific Plan Goals

The following list of planning goals and policies for the Marsh Creek Road Specific Plan provides a framework for the specific land use, circulation, conservation, capital improvement and implementation policies presented in this plan.

1. Maintain the rural character of the study area.

2. Preserve and enhance the natural amenities and features of the study area, including the hillsides and large expanses of open space.



Legend

- Specific Plan Boundary
- Ranchette Residential 1 unit/5 acres
- Rural Residential 0.21 - 1.1 units/acre
- Low Density Residential 1.11 - 1.5 units/acre
- Medium Density Residential 1.51 - 2.2 units/acre
- Suburban Density Residential 2.21 - 3.0 units/acre
- Convenience Commercial
- Open Space
- Conceptual Location of Potential Park Site
- Historic Building and Potential Park Sites
- B1 Development Area Designation

NORTH

5 Acres

0 300 600 1200

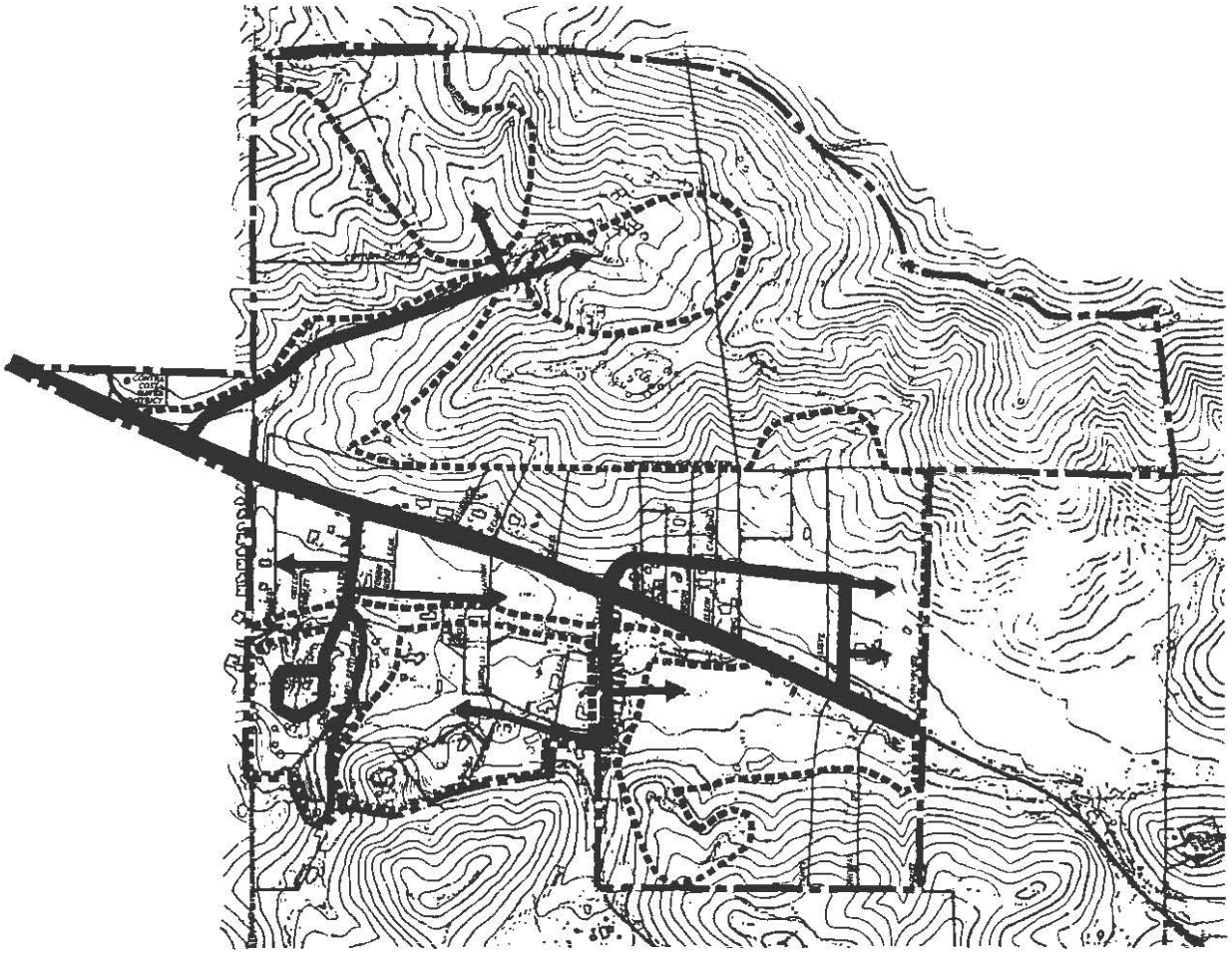
Scale in Feet

MARSH CREEK ROAD SPECIFIC PLAN EIR

■ ■ ■

FIGURE 4

Proposed Land Use Designations



Legend

- Specific Plan Boundary
- Arterial Street (Marsh Creek Road) 82' ROW, 34' pavement
- Collector Street 48' ROW, 32' pavement
- Local Street 44' ROW, 28' pavement
- Development Area Boundaries

NORTH

5 Acres

0 300 600 1200

Scale in Feet

MARSH CREEK ROAD SPECIFIC PLAN EIR

FIGURE 5

Circulation Plan

3. Encourage only development that respects and is in character with the special features and natural amenities of the study area.

4. Encourage upscale custom and semi-custom homes in a range of housing types that are currently unavailable or in limited supply in this area of Clayton and the County.

5. Provide a plan framework under which individual landowners can develop their lands independently, but in an orderly manner which is harmonious with a comprehensive land use plan for the area.

6. Provide for recreational uses and public access to open spaces.

7. Minimize traffic impacts and encourage alternative modes of transportation, such as walking, horse riding and bicycling.

8. Provide for a Specific Plan which is easily understandable to the public and implemented by City planning staff.

4. Specific Plan Buildout Potential

At this time, no site plans have been developed for individual parcels within the study area, so there is no way to say with certainty exactly how many units may be developed under the Specific Plan.

However, the gross acreages within each indicated development area give some indication of probable Specific Plan buildout. As shown in Table 8, the areas delineated for development could probably accommodate a total of 305 new units. When added to 42 units that exist or are approved in the study area, this will create a total of 347 units in the area.

Among the 347 units in the area, 339 would be in development areas with densities of one unit per acre or greater, including development in the Rural Residential designation. Under the Specific Plan, these will be the only homes in the area that receive sewer services. The remaining 8 units, all under the Ranchette designation, would be served with septic systems. Site-specific review would be required when individual development proposals are submitted to determine if a septic system can be supported on the site in compliance with County health regulations.

The Specific Plan also includes a total of 1.8 acres for neighborhood-serving commercial uses on the Rodenburg property. This commercial property will be connected to sewer and water service when development occurs around it.

5. Proposed Annexation Areas

As a part of the implementation of the proposed Specific Plan, the City would ultimately annex the entire Specific Plan area. While this annexation would not occur immediately, it would be a part of the Specific Plan project, and would allow for provision of urban levels of municipal services to these areas.

The areas indicated would also be reorganized into the Contra Costa County Fire District, which serves the City of Clayton. These areas are currently in the service area of the East Diablo Fire District, which does not serve urban areas.

No other annexation or reorganization overseen by LAFCO would be included in the implementation of the Specific Plan. The Moita property and portions of the Heartland and Morgan properties are currently outside the boundaries of the Contra Costa Water District (CCWD), and they would need to be annexed to CCWD in order for water service to be supplied to development areas on these sites. Annexation to CCWD would require Federal Endangered Species Act (FESA) clearance as part of the inclusion approval into the contractual service area for Central Valley Project water supplies. Besides the Moita, Heartland and Morgan properties, the remainder of the study area is already within the CCWD boundaries.

C. Heartland Project

As shown in Figure 6, the Heartland Group, Inc., proposes to construct 90 single-family detached homes on the 138-acre site, which is located near the northwest corner of the study area. Homes would have average lot sizes of 25,168 square feet and a minimum lot size of 15,000 square feet. The development proposal includes 78.7 acres of open space, which constitutes roughly 57 percent of the site. An east-west ridgeline trail is proposed in the southern section of the site in one of the three proposed open space areas.

Table 8
SPECIFIC PLAN BUILDOUT POTENTIAL

Development Area	Major Property Owners	Approximate Acreage[a]	Designation	Anticipated Units[b]	Existing or Approved Units	Net New Units
A1	Heartland	19.6	Low	29	0	29
	Moita	7.2	Low	11	1	10
A2	Heartland	15.9	Medium	35	0	35
	Morgan	2.8	Medium	6	1	5
A3	Heartland	19.5	Low	29	0	29
	North State Development	4.4	Low	6	0	6
B1	Laurence	8.1	Rural	9	2	7
	Kelly	2.2	Rural	2	1	1
	Soares	4.6	Rural	5	1	4
	James/Iverson	8.4	Rural	9	1	8
	Torson	4.2	Rural	4	1	3
	P. Clark	2.0	Rural	2	1	1
	Carlson	2.2	Rural	2	1	1
	Nielson	1.4	Rural	1	1	0
	Wing	3.6	Rural	4	1	3
B2	Lietz	12.5	Rural	14	1	13
	Rodenburg	8.4	Rural	9	1	8
C1	Hellmers	2.8	Suburban	8	3	5
	Osteen	5.8	Suburban	17	1	16
	Shirley	1.9	Suburban	5	1	4
C2	Tobin/Trent	1.2	Low	2	0	2
	Leal	1.6	Low	2	0	2
	Manion	5.9	Low	9	0	9
	Holmes	1.8	Low	2	0	2
C3	M. Clark	5.9	Low	9	0	9
D1	Holmes	8.5	Medium	18	2	16
	Burgess	1.6	Medium	3	1	2
	Sanders	0.6	Medium	1	1	0

Development Area	Major Property Owners	Approximate Acreage[a]	Designation	Anticipated Units[b]	Existing or Approved Units	Net New Units
D2	Cooper	3.0	Medium	6	1	5
	Leal	4.9	Medium	11	2	9
	Pound	4.4	Medium	9	1	8
E1	Temps	10.8	Medium	24	0	24
E2	Temps	3.4	Low	5	0	5
E3	Temps	1.6	Rural	2	1	1
Subtotal				310	28	282
Ranchette	Bergum	3.8	Ranchette	1	0	1
	Mazza	3.1	Ranchette	1	0	1
	Temps	6.7	Ranchette	2	0	2
	Thomas	2.6	Ranchette	1	0	1
	Foust	2.4	Ranchette	1	0	1
	Morgan	6.8	Ranchette	2	0	2
Oakwood Subdivision				16	16	0
TOTAL				**334**	**42**	**290**

[a] Acreages are approximate only. Refinements that may lower the number of anticipated units for an individual property are expected when site specific plans are prepared.

[b] Anticipated units are rounded down, unless the multiplied value has a remainder of 0.75 or more, in which case they are rounded up.

The site would be accessed from Marsh Creek Road through the North State Development Company property to the southwest of the site, as required by the Specific Plan Circulation Element. Individual units would be accessed from the two main roads or from short cul-de-sac streets.

Heartland has developed prototypical elevations and sections for housing units that would be built in the project, which are shown in Figure 7 through 10. There are four sample elevations and one section for each of four types of lots that would exist in the project:

- Flat Pad Lots, in which the building site would be relatively flat. These would be two-story homes.
- Upslope lots, in which the building site would slope up away from the street. These homes would have two stories at the front along the street, but only one story at the rear.

- Downslope lots, in which the building site would slope down away from the street. These homes would appear to be only one story tall from the street, but would have a second story below street level at the rear of the lot.
- Sideslope lots, in which the building site would slope up from the street and from side to side. These homes would be similar to homes on upslope lots, but would also have a staggered or split level along the front elevation.

D. Temps Project

As shown in Figure 11, Mr. Richard (Mike) Temps proposes to construct 40 new single-family detached homes on 42 acres of land located immediately south of Marsh Creek Road and immediately east of Russellmann Road. In total, there would be 41 homes on the site, including the existing Temps residence. Average lot size would be 35,000 square feet, with minimum lot sizes of 10,000 square feet. There would generally be the following three types and sizes of lots in the project:

- Lots 1 through 15, 17 through 25, 27, 31, 32, and 35 through 38 would be situated on the flattest part of the site with moderate lot sizes ranging from 10,280 to 20,700 square feet with an average lot size of 13,550 square feet.
- Lots 16, 26, 28 through 30, 33, and 34 would be transitional lots located in areas of moderate slope along a band of land in the center of the site. These Lots' sizes would range from 21,050 to 99,550 square feet, with an average lot size of 45,150 square feet. The existing Temps residence would be on lot 26, the largest lot within this group.
- Lots 39, 40 and 41 would be ranchette lots on the southern, steeper portion of the site, with sizes ranging from 5.04 to 6.74 acres. The development proposal includes 6.7 acres of park/open space. One developed park, 1.98 acres in size, is proposed adjacent to Russellmann Road. A second undeveloped open space area of 4.75 acres is proposed adjacent to Marsh Creek Road. The proposed parks may be reconfigured or relocated within the designated park/open space area to minimize impacts to potential archaeologically sensitive areas. The site plan also includes a creekside trail in this open space area along Mt. Diablo Creek, which parallels Marsh Creek Road.

All lots in the project would be accessed from Russellmann Road. Most units would be served by one access road with a bridge across Russellmann Creek. Lot 34 would have its own direct access to Russellmann Road. The three ranchette lots would take access along the route of an existing dirt road from the adjacent Frank/Easton/Janke property to the south. No site access would be available to the project from Marsh Creek Road, and the existing bridge across Mt. Diablo Creek serving the Temps residence would be converted to pedestrian only use as part of the creek corridor trail.

FIGURE 6

Heartland Project Site Plan

GENERAL NOTES

Legal Owner/Applicant
Heartland California Clayton Limited Partnership
4650 Columbia Center
701 Fifth Avenue
Seattle, WA 98104
(206) 682-2500

Planners/Engineers/Surveyors
P/A Design Resources, Inc.
Post Office Box 160
Clayton, CA 94517
(510) 689-9000

Architects
DFS Architects
877 Tomasio Valley Road, Suite 201
Walnut Creek, CA 94596
(510) 933-0533

Geotechnical Engineers
Rogers Pacific
396 Civic Drive
Pleasant Hill, CA 94523
(510) 682-7601

Existing Clayton 2000 General Plan
Study Area

Marsh Creek Road Specific Plan
Ranchette Residential (1 DU/5 AC)
Low Density Residential (1.0-1.9 DU/AC)
Medium Density Residential (1.5-2.2 DU/AC)

Existing Contra Costa General Plan (1990-2000)
AL, Agriculture Lands

Existing Zoning
A-2, General Agriculture for agricultural uses and single family residences.

Proposed Zoning
P.U.D. (Planned Unit Development) for single family residential, private open space and public trail system.

Existing Landuse
Agriculture

Proposed Landuse
Detached Single Family Custom Residential

Site Summary

90 Residential Lots		±53.8 acres	37.50%
Average Lot Size	25,168 SF		
Minimum Lot Size	15,000 SF		
Open Space (Parcel A, B & C)		±78.7 acres	56.70%
Street Right of Way		± 6.0 acres	5.80%
		±138.7 acres	100.00%

Gross Density
0.65 D.U.Acre

Net Density
1.73 D.U./Acre

Assessors Parcel Numbers
075-200-011
075-200-012

Public Utilities

Water Service:	Contra Costa Water District Zone 4 (600' - 760') Zone 2 (760- - 880') Zone B (880' - 1000')
Sanitary Sewer:	City of Concord
Gas and Electric:	Pacific Gas and Electric
Telephone:	Pacific Telephone
Cable T.V.:	Concord T.V. Cable

Grading Quantity
±268,000 C.Y. (Balanced on Site)

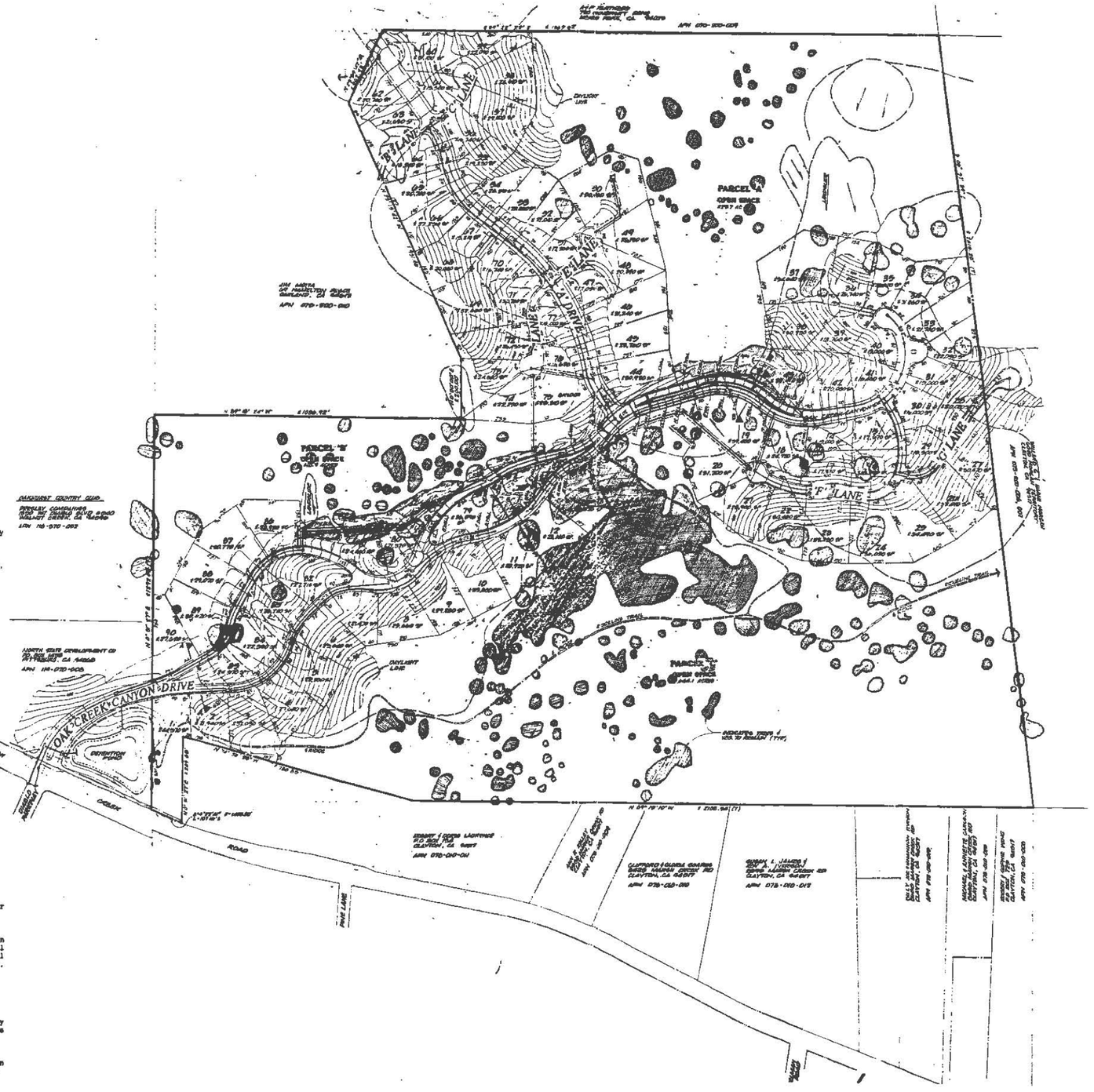
Streets
Oak Creek Canyon Drive and 'A' Drive shall be offered for dedication to the public. 'B' - 'G' Lanes shall be private.

Topography
Topography of this map was photogrammetrically prepared by Sanmon Jensen Wallen & Associates of Oakland, California using aerial photography dated April 12, 1990. Horizontal and vertical control was established by Parsons Zourke & Walker/Associates, Inc.

Contours
Existing: 1 Foot
Proposed: 5 Foot

Boundary
The boundary shown on this map is not based upon a boundary survey, but is an approximate boundary compiled from available record data.

Special Points
There are no existing overhead or underground utilities within the subdivision which will affect the design of the subdivision.



N

0' 200' 400' 800'

MARSH CREEK ROAD SPECIFIC PLAN EIR

CLAYTON
CALIFORNIA

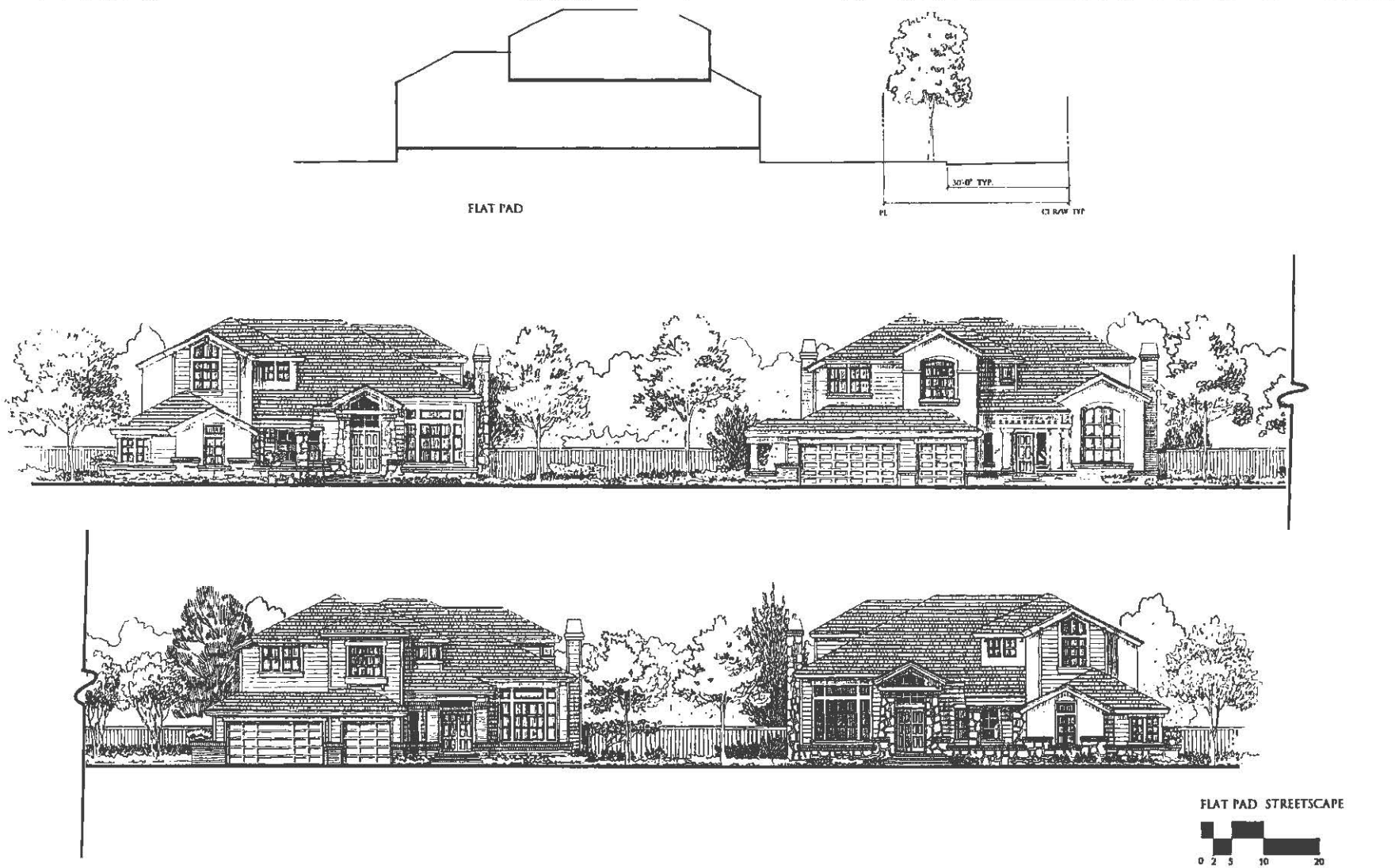


FIGURE 7

Proposed Heartland Unit
Elevations and Section: Flat Pad Lots

MARSH CREEK ROAD SPECIFIC PLAN EIR

CLAYTON
CALIFORNIA

BRADY AND ASSOCIATES, INC.
PLANNERS AND LANDSCAPE ARCHITECTS

FIGURE 8

Proposed Heartland Unit
Elevations and Section: Upslope Lots

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PLANNERS AND LANDSCAPE ARCHITECTS

FIGURE 9

Proposed Heartland Unit
Elevations and Section: Downslope Lots

MARSH CREEK ROAD SPECIFIC PLAN EIR

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PLANNERS AND LANDSCAPE ARCHITECTS

FIGURE 10

Proposed Heartland Unit
Elevations and Section: Sideslope Lots

MARSH CREEK ROAD SPECIFIC PLAN EIR

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PLANNERS AND LANDSCAPE ARCHITECTS

FIGURE 11

Temps Project Site Plan

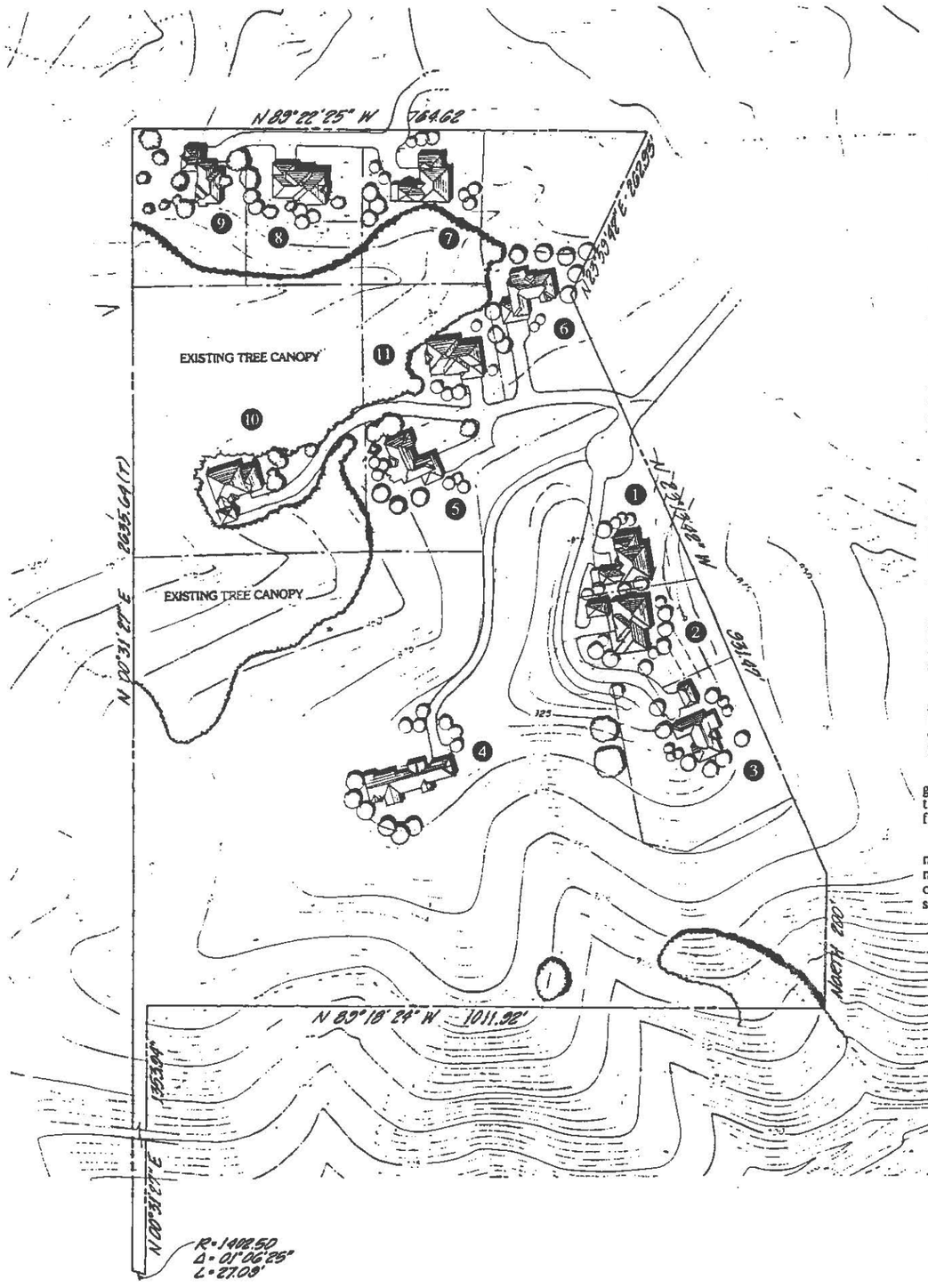
N

0' 85' 170' 340'

MARSH CREEK ROAD SPECIFIC PLAN EIR

CLAYTON CALIFORNIA

BRADY AND ASSOCIATES, INC. PLANNERS AND LANDSCAPE ARCHITECTS



Source: Dahlin Group, Architects and Planners, September 4, 1992

CONCEPTUAL SITE DESIGN

The following design and development standards for the Moita property are intended to be consistent with, or in some areas, more restrictive than the standards proposed in the draft Marsh Creek Road Specific Plan.

1. BUILDING ENVELOPES

a. Maximum Building Envelope Site: 5,000 square feet.

b. Envelope Delineation: Proposed building envelopes shall be delineated by a project proponent in any application for development.

c. Building Envelope Placement: Building envelope placement will be placed on the site to use the maximum screening potential of the existing topography and vegetation offered by the project site.

2. BUILDING SETBACKS

All buildings and building envelopes will conform to the following minimum setbacks as set forth in the Marsh Creek Road Specific Plan:

a. Front Property Line:	25 feet
b. Rear Property Line:	25 feet
c. Side Property Line:	15 feet

3. DEVELOPMENT CLUSTERING

Minimum lot sizes for clustering for the Moita property will be 15,000 square feet, as set forth in the Marsh Creek Road Specific Plan.

4. SITE GRADING

a. Grading Limitations: Site grading shall generally be limited to areas within the defined building envelope, under access roads and driveways, and where necessary due to unusual site conditions.

b. Building Form: Buildings and roads should follow contours. On sloping sites, buildings should be multiple levels in accordance with the "Maximum Building Envelope" standard listed above.

c. Localized Grading: More extensive grading may occur on a limited basis in areas that are not visible from Marsh Creek Road or from existing portions of Clayton.

d. Visual Quality: Where grading occurs, new slopes must be configured to retain the natural character of the site. No artificial slope on the site should exceed the naturally occurring slopes in its immediate vicinity.

5. RIDGELINE AND KNOLL PROTECTION

a. Ridgeline Preservation: Development is prohibited along the tops of ridgelines and knolls.

b. Silhouetting: No development should appear to be silhouetted against the sky when viewed from any point along Marsh Creek Road, or from any publicly owned open space.

6. TREE PRESERVATION

Existing trees should be retained wherever possible as per the City of Clayton's Tree Preservation Ordinance and the final recommendations of the Marsh Creek Road Specific Plan. Trees outside building envelopes or setbacks may not be removed unless removal is consistent with the Tree Preservation Ordinance and is unavoidable for reasons such as access route provision, blockage of stream flow, or poor condition of said tree resulting in hazards.

7. SCREENING AND FENCING

Generally, any fencing is discouraged. However, if fencing is deemed necessary, suggested types for the project could include low (36") split rail, open wood rail fences with light gauge wire mesh, and fences screened with vines or shrubs. Windrow or orchard tree planting can also create screening within the rural spirit of the area. All fencing should be permeable to allow the passage of wildlife. Solid fences, chain link, barbed wire, and/or fences over 36" in height or which utilize bright metal are discouraged.

Elevated decks will require treatment of lower support structures either with screening or landscaping.

FIGURE 12

Moita Project Site Plan

N

0' 100' 200' 400'

MARSH CREEK ROAD SPECIFIC PLAN EIR

CLAYTON CALIFORNIA

BRADY AND ASSOCIATES, INC. PLANNERS AND LANDSCAPE ARCHITECTS

E. Moita Project

As shown in Figure 12, Mr. Jim Moita proposes to construct ten new homes, in addition to the one which is currently under construction, on his 32-acre site. The site is located just west of the Heartland property, in the northwest corner of the study area. The minimum lot size would be 15,000 square feet, with three lots located adjacent to the Heartland development on the east side of the site's high point, and another seven located around a vegetated ravine on the north side of the site. In this area, most of the existing tree canopy would be preserved.

All lots would be accessed from roadways to be built as part of the Heartland project. Seven units would be accessed from a cul-de-sac bulb at the end of "B" Lane on the Heartland site, while the three northern-most lots would be served by a road tying in to Heartland's "A" Drive across the A&P Partners' property to the north.

Chapter 4
SETTINGS, IMPACTS AND MITIGATION MEASURES

■ ■ ■

This section contains an analysis of each environmental issue identified in the City's Initial Study for the project and, as such, constitutes the major portion of the EIR. Sections 4.1 through 4.14 of this chapter describe the environmental setting of the project as it relates to each specific issue; the impacts resulting from implementation of the Specific Plan, the three development proposals within the area, and the associated General Plan Amendment; the cumulative impacts of the proposed projects in conjunction with other projects in the region; and mitigation measures that would reduce identified impacts.

1. Determination of Significance

Under CEQA, a significant effect is defined as a substantial, or potentially substantial, adverse change in the environment (Public Resources Code 21068). The guidelines implementing CEQA direct that this determination be based on scientific and factual data.

2. Issues Addressed in the EIR

The following environmental issues are addressed in this chapter of the EIR:

- Land Use Compatibility
- Policy Conformity
- Population and Housing
- Parks and Open Space
- Municipal Services
- Geology, Soils and Seismicity
- Hydrology
- Vegetation and Wildlife
- Visual Resources
- Archaeological and Historic Resources

- Traffic and Circulation
- Air Quality
- Noise
- Electromagnetic Fields

Through preliminary analysis completed for the Initial Study, it was determined that the proposed project would not result in significant impacts on public safety and toxics or energy use. As a result, these issues have not been investigated further in this EIR.

3. Format of Issue Sections

Each issue section generally has two parts: "Existing Setting" and "Impacts and Mitigation Measures."

The **Existing Setting** section describes conditions for the base year 1992 in the Specific Plan study area as a whole, and on the three project sites under review.

The **Impacts and Mitigation Measures** section describes impacts that would result from implementation of the Specific Plan and the General Plan Amendment, from construction of the three development projects, and from cumulative development under the Specific Plan in conjunction with other development in Clayton and the region.

Two types of environmental impacts are identified in each category:

- potentially significant adverse impacts, which are denoted with an "S"; and
- less than significant impacts which are denoted as "LTS".

Mitigation measures following significant impacts may be required by the City under CEQA to mitigate the impact to less-than-significant levels. Mitigation measures following less-than-significant impacts are recommended to improve the project, but are not required under CEQA.

For each project component, impacts and mitigation measures are numbered consecutively. Impact numbers begin with a reference to the impact section, such as "LAND" for Land Use Compatibility or "AIR" for Air Quality. The numbering

system also distinguishes between impacts and mitigation measures associated with specific components as follows:

- P: Specific Plan and General Plan Amendment;
- H: Heartland project;
- T: Temps project;
- M: Moita project; and
- C: Cumulative impacts.

Thus, an air quality impact related to the Specific Plan and General Plan Amendment would be numbered AIR-P1. An air quality impact identified for the Heartland project discussion would be numbered AIR-H1.

In addition to the identified project-specific impacts, impacts identified for the Specific Plan area as a whole would generally apply to the three individual projects. Thus, mitigation measures specified for the Plan would also apply to each individual project.

4.1 Land Use Compatibility

■ ■ ■

A. Existing Setting

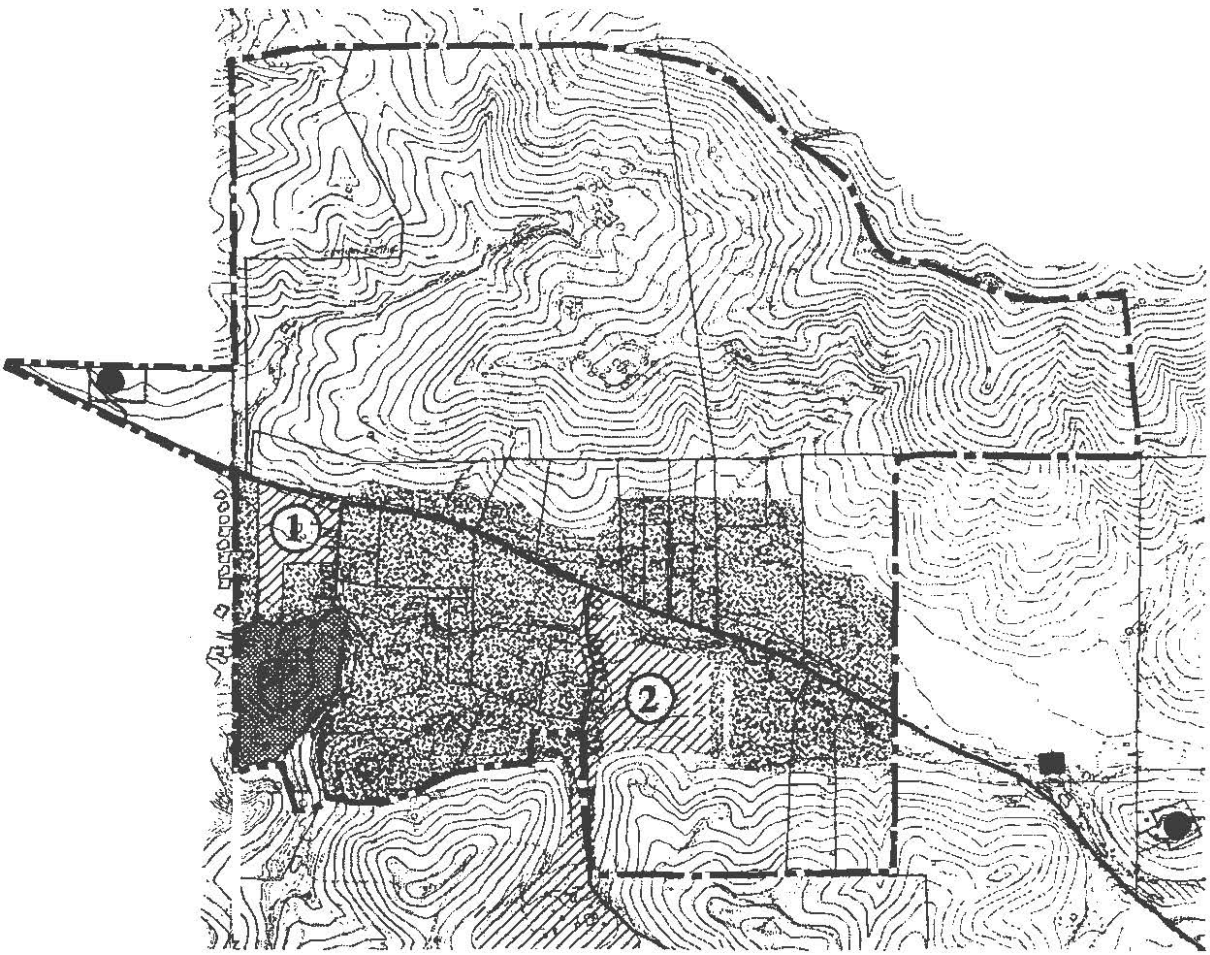
1. Specific Plan Area

a. Land Use in the Plan Area. Land uses in the study area, which are shown in Figure 13, are generally rural in nature, with a mixture of agricultural and rural-residential land uses, and with the greatest density of development and intensity of use along Marsh Creek Road. Development and land use intensity is also greatest in the western portion of the study area, near the incorporated area of the City of Clayton, and land use becomes less intensive as one moves east along Marsh Creek Road.

The portion of the study area within the City's Sphere of Influence, which is located along Marsh Creek Road, is generally developed with rural-residential single-family houses on lots sized from two to ten acres. Many of the residences in this area have horse pastures and barns on their sites, and the area is generally served by roads without curbs and gutters and rural types of municipal services. The Osteen pumpkin farm is in this area along Marsh Creek Road, as is the entry to the Easton Christmas tree farm on the Temps property, which is located south of Marsh Creek Road. This portion of the area also includes the Oakwood subdivision, which is a 16 unit subdivision on roughly 11½ acres, for an average lot size of about 31,000 square feet.

The portion of the study area north of Marsh Creek Road and the Sphere of Influence primarily contains grazing land used for cattle. In addition to this primary use with ancillary ranch houses and barns, the following other uses are present to the north of the road:

- The Rodenburg property contains the Rodie's store, which sells livestock feed and hardware, and which also serves as a storage yard for campers, mobile homes and trailers.
- The Contra Costa Water District maintains a total of four water tanks in three separate locations in and near the study area. One is adjacent to the North State property on the western edge of the study area, one is on Nob Hill east of the area, and a third is further east on Marsh Creek Road.



Legend

Specific Plan Boundary

Residential

Low Density Residential
(Subdivision under development)

Rural-Residential
(1 Unit per 1-20 Acres)

Agriculture and Open Space

1 Pumpkin Farm

2 Christmas Tree Farm

Grazing Land and Open Space

Water Tank

NORTH

5 Acres

0 300 600 1200

Scale in Feet

MARSH CREEK ROAD SPECIFIC PLAN EIR

FIGURE 13

Land Use in the Study Area

- The Heartland property, formerly the Bettencourt Ranch, is currently leased for cattle grazing.

b. Agricultural Land Use in the Study Area. A large portion of the study area is currently designated and used for agricultural purposes. This section reviews the quality of agricultural land in the study area.

(1) Existing Agricultural Uses. Existing agricultural uses in the study area are generally non-intensive and focused on grazing of livestock. Many of the rural-residential parcels along Marsh Creek Road are used for keeping horses. The larger parcels in the area are used for grazing cattle.

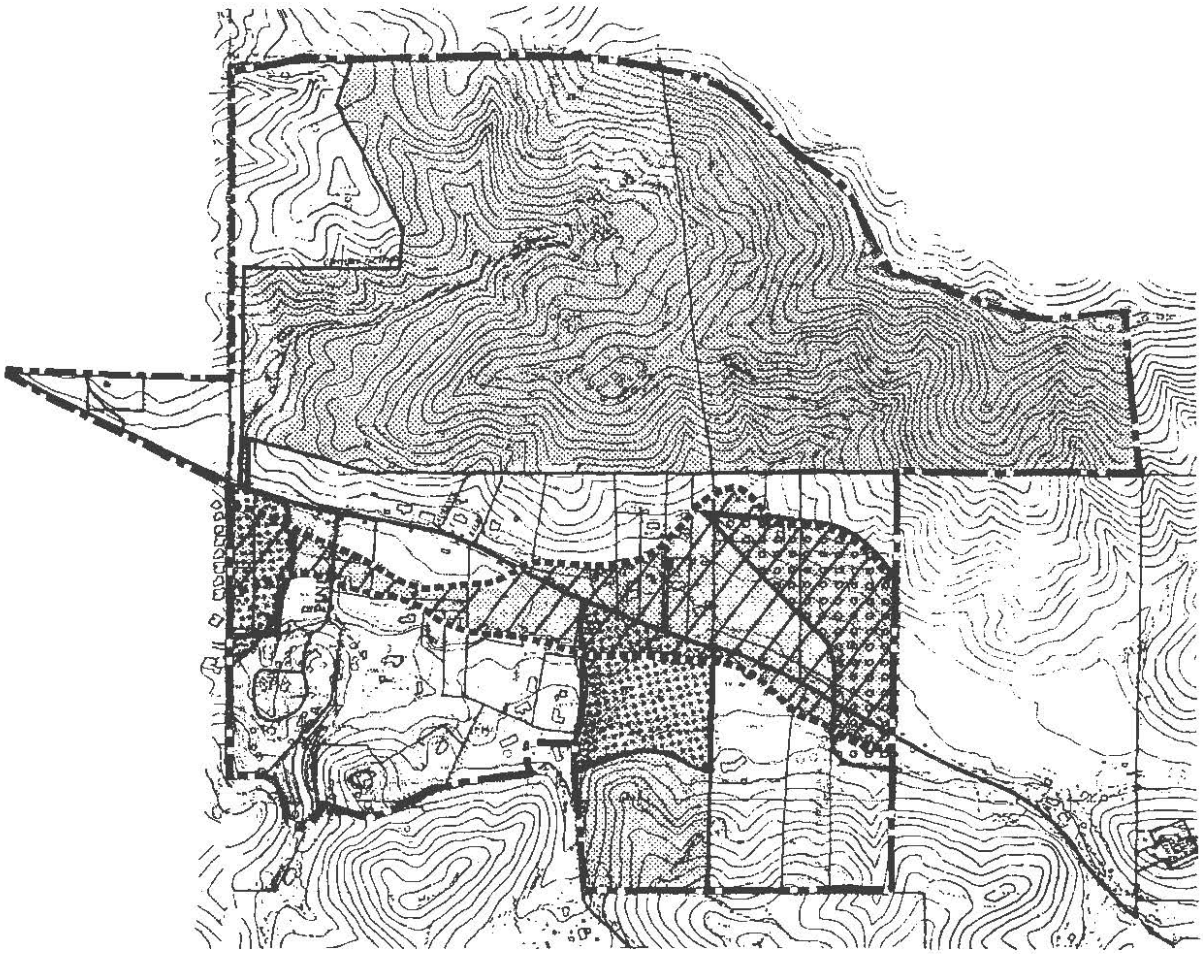
(2) Classification of Prime Agricultural Land. There are three separate land classification systems which determine an area's capability as "prime agricultural land," and these systems often conflict with regard to an area's designation. The application of these three systems to the study area is shown in Figure 14.

(a) US Soil Conservation Service Land Capability Class System. Land Capability Classes classify soils according to their characteristics and slopes. These classifications range from a high of I to a low of VIII. Classes I and II are generally considered to be of prime agricultural significance.

There are a large number of soil types in the study area as identified by the US Soil Conservation Service. These soils range in Land Capability Class from II to VIII. Only those portions of the area designated as Class II soil would be considered prime agricultural land. These areas are generally located along Marsh Creek Road and Mt. Diablo Creek.

(b) US Soil Conservation Service's Important Farmland Inventory (IFI) System. This system ranks lands as Prime Farmland, Farmland of Statewide Importance, Unique Farmland and Farmland of Local Importance. The following designations apply in the study area:

- Most of the area is designated as Grazing Land, which is of relatively low importance.
- Some portions of the Rodenburg, Lietz and Foust properties are designated as Farmland of Local Importance, which is defined as land capable of producing dry land grain on a two-year summer fallow or longer rotation.
- Portions of the Temps property immediately adjacent to Marsh Creek Road are classified as Unique Farmland, which is defined as land of lesser quality soils used for the production of the states leading agricultural cash crops.
- None of the study area is designated as Prime or of Statewide Importance under this system.



Legend

Land Capability Classes

Class II Soils

Important Farmland Inventory System

Unique Farmland

Farmland of Local Importance

Cortese-Knox Act

"Prime Farmland"

Specific Plan Boundary

NORTH

5 Acres

0 300 600 1200

Scale in Feet

MARSH CREEK ROAD SPECIFIC PLAN EIR

■ ■ ■

FIGURE 14

Agricultural Land in the Study Area

(c) Cortese-Knox Local Government Reorganization Act of 1985 Criteria (California Government Code Section 56064). According to these criteria, which are used by the Local Agency Formation Commission (LAFCO) in assessing annexations, lands are considered to be "prime agricultural lands" if they have not been developed for non-agricultural use and if they meet at least one of the following criteria:

1. Land which qualifies for rating as class I or II in the Soil Conservation Service land use capability classification system.

2. Land which qualifies for rating 80 through 100 Storie Index rating.[1]

3. Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre.

4. Land planted with fruit or nut-bearing trees, vines, bushes, or crops which have a nonbearing period of less than five years and which will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars ($200) per acre.

5. Land which has returned from the production of unprocessed agricultural plant products an annual gross value of not less than two hundred dollars ($200) per acre for three of the previous five calendar years.

6. Land which is used to maintain livestock for commercial purposes.[2]

Under these criteria, the following designations of prime farmland would apply:

- Much of the area would be judged prime farmland under Criterion 6, since it is used for commercial production of cattle.
- The Osteen pumpkin farm would be judged as prime farmland under Criterion 5 since it produces over $200 per acre in gross value.
- Lands along Mt. Diablo Creek would be considered as prime farmland under Criterion 1 since they have Class II soils.
- None of the area would meet the Storie Index criterion. Storie indexes in the area do not exceed 51.

[1] The Storie Index measures suitability of soil for agricultural use and runs on a scale of 80 to 100. It is obtained by measuring depth, texture of the surface soil, density of subsoil, drainage, salts and alkali and relief.

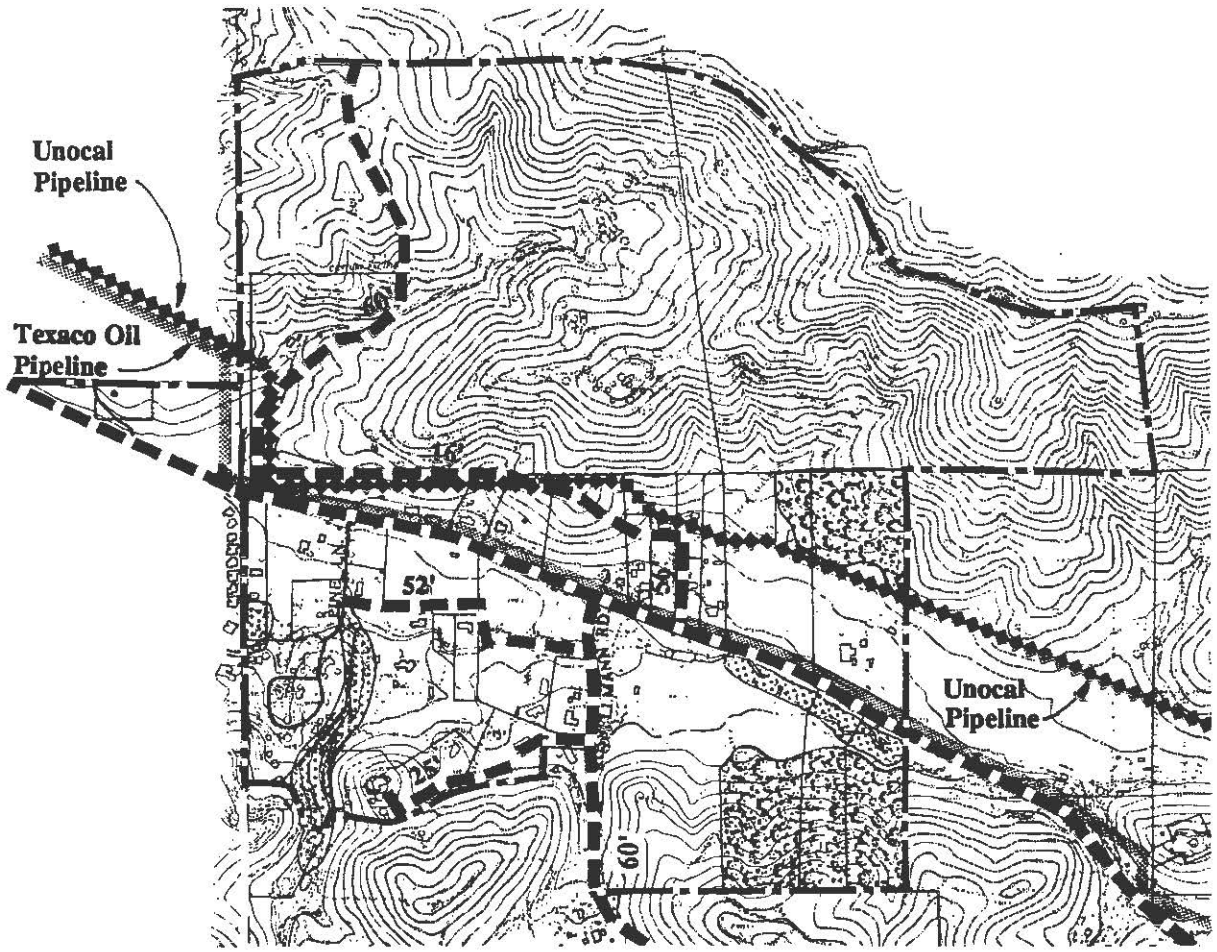
[2] California Government Code Section 56064.

c. Easements and Deed Restrictions. The Marsh Creek Road area has a complex pattern of land ownership, easements and deed restrictions. Land ownership is described in the Specific Plan itself. This section gives more information on easements and deed restrictions relevant to environmental review. More detailed information on other easements and deed restrictions was published in 1991 in *Baseline Data Report #1* for the planning process. Locations of easements and deed restrictions are illustrated in Figure 15.

(1) Natural Resource Easements. The County has required dedication of several easements for drainage and natural resource preservation within the study area.

- A drainage and hiking easement exists along Mt. Diablo Creek at the south end of the Hellmers property.
- A creek easement runs south from the existing reservoir on the Holmes property to Pine Lane.
- A creek setback of 100 feet from the top of bank exists along the south side of Mt. Diablo Creek on the Temps, Thomas and Foust properties.

(2) Deed Restrictions. Five parcels within the study area have permanent restrictions on development placed on them as part of their deeds, as a result of subdivision in 1982. The County required the exclusion of development potential above certain elevations. The Lietz and Rodenburg properties north of Marsh Creek Road may not be developed above the 720-foot contour line, and the eastern portion of the Temps, Thomas and Foust properties south of Marsh Creek Road may not be developed above the 680-foot contour line. The western portion of the Temps property is not subject to this restriction since it was not part of the 1982 subdivision.



Legend

- Utility Easements
- Access/Roadway Easement
- Natural Resource Easement
- Deed Restriction
- 56' Easement Width
- Specific Plan Boundary

NORTH

5 Acres

0 300 600 1200

Scale in Feet

MARSH CREEK ROAD SPECIFIC PLAN EIR

FIGURE 15

Study Area Easements and Deed Restrictions

2. Land Uses Adjacent to the Study Area

The Marsh Creek Road study area is located between urban and suburban densities of land use within the Clayton city limits to the west, and rural and open space uses to the north, south and east.

Within the Clayton city limits, most development has occurred at suburban densities of one to three units per acre. The recent Regency Meadows development south of Marsh Creek Road and immediately adjacent to the study area has been developed at 4 units per acre. Clayton also has an historic town center with limited commercial development in it; the City has approved the Town Center Specific Plan to guide further development in the town center area.

The Oakhurst project is a major residential subdivision on land formerly known as the Keller Ranch to the north and east of the previously developed city, and to the north and west of the study area. This project involves extensive grading, construction of a golf course, and construction of 1,485 residential units, including 812 as single-family homes and 673 multi-family units.

The area south of the study area is rural and steeply sloping, and it accommodates two primary uses in addition to grazing:

- The portion of the Easton Christmas tree farm located southwest of the Temps property, takes up much of the area up to the elevation of 825 feet. The remainder of the property is used for cattle grazing.
- The Concord Mt. Diablo Trail Ride Association property owns 24 parcels of about 0.75 acres each, as well as several larger parcels. The 24 smaller parcels are leased to individual members of the Association on 99-year leases, and most of the leaseholders have private residences on their lots. The Association also operates a club house with a swimming pool and maintains several miles of trails throughout its total holdings.

There are also three single family residences in individual ownership on the slopes of Mount Diablo and at the southern edge of both the Trail Ride property and the study area.

The area to the south of the City of Clayton and the study area is within Mount Diablo State Park, and is therefore protected as open space. The park incorporates 18,000 acres stretching south from Clayton to Blackhawk, and from Walnut Creek in the west to the undeveloped Morgan Territory in the east. A more detailed description of facilities in the park may be found in Section 4.3.

To the north of the study area is the remainder of the Keller Ranch, which is undeveloped, privately-owned land currently used for grazing and as open space. A trail corridor operated by the East Bay Regional Park District extends through this land to the Black Diamond Mine Regional Preserve. There have historically been coal and other mines in this area, but none are in operation today.

The area to the east of the study area is the Marsh Creek watershed and the Morgan Territory. These areas are primarily in private ownership in large parcels of 100 or more acres, with grazing as the primary use, and they represent some of the most idyllic pasture land in Contra Costa County. There have been several subdivisions for lots of five acres and less along both Marsh Creek Road and Morgan Territory Road, and single-family homes have been constructed in some areas. However, the area to the east of the study area is primarily rural, and there is little urban development in Contra Costa County anywhere east of the study area.

3. Heartland Property

As shown in Figure 13, the site is in open space and grazing uses. The site is not subject to environmentally significant deed restrictions or easements. Although the site would not meet criteria for prime farmland of either the Land Capability Class System or the Important Farmland Inventory, it would qualify as prime farmland under Cortese-Knox criteria since it is currently used for cattle grazing.

4. Temps Property

As shown in Figure 13, the western portion of the site contains a Christmas tree farm, while the eastern portion is a ranchette-type lot with one single-family house on it. The lot on the eastern portion of the site contains a deed restriction that disallows development above an elevation of 680 feet. A Flood Control-Natural Resources Management Easement extends 100 feet south from the top of bank of Mt. Diablo Creek on the eastern portion of the property. The northwest corner of the property is classified as Unique Farmland by the County. The Christmas tree farm area is considered prime farmland under the Cortese-Knox Act.

5. Moita Property

As shown in Figure 13, the site is in open space and grazing uses, with one single-family home on it. The site is not subject to environmentally significant deed restrictions or easements. Although the site would not meet criteria for prime farmland of either the Land Capability Class System or the Important Farmland Inventory, it would qualify as prime farmland under Cortese-Knox criteria, since it is currently used for cattle grazing.

B. Impacts and Mitigation Measures

1. General Plan Amendment and Specific Plan Area

a. Changes in Land Use. Table 8 in Chapter 3 provides a summary of the buildout potential of the Specific Plan. No parcels would be required to subdivide or develop. A decision to do so would be at the discretion of each individual property owner.

Impact LU-P1: The intensity of development within the planning area would increase under the proposed Specific Plan. (S)

Low density urban residential development would occur in portions of the study area that are currently rural, primarily in the area along Marsh Creek Road and in bowls that are not visible from Marsh Creek Road. The amount of land designated for urban residential use would increase from approximately 188 acres to about 210 acres.

Infrastructure improvements, preservation of open space areas, and the careful siting of development under the proposed Plan would partially mitigate the impacts of intensified land use in the planning area. Despite these mitigation measures, which are already included in the proposed Specific Plan, the Plan would result in an unavoidable and significant change in the land use and character of a portion of the study area.

The Specific Plan also allows for the continued commercial use of a portion of the Rodenburg property as a store, and allows for expansion of the store by a maximum size of 3,000 square feet. Although this would create a minor increase in commercial activity in the area, it would be beneficial since it would limit the need for local residents to drive into central Clayton for convenience items.

b. Impacts on Agricultural Land. The proposed Plan would allow the conversion of existing agricultural land to residential land uses. Approximately half of the 210 acres designated for urban levels of residential development under the Plan qualify as prime agricultural land under the Cortese-Knox Act, and some areas also qualify under the Land Capability Class and Important Farmland Inventory systems. Some ranchette development would also occur on prime farmlands under various definitions, and this would also result in an incremental loss of some agricultural potential.

However, conversion of a portion of the study area for residential development would not be considered a significant impact on agricultural lands because a small amount of land relative to agricultural land in the County as a whole is involved, existing

agricultural uses in the study area are only marginally economical, and agricultural preservation programs included in the Specific Plan would enhance agriculture in other parts of the study area. Over 170 acres of prime farmland, including lands meeting Land Capability Class and Important Farmland Inventory criteria, would be preserved under the Specific Plan.

c. Compatibility with Easements and Deed Restrictions. The Specific Plan has been formulated to respect easements and deed restrictions in the study area, which are outlined in the existing conditions section above. No impacts would occur in this regard if the Specific Plan is built out as proposed.

d. Compatibility with Adjacent Land Uses. Proposed land use designations would generally not create compatibility conflicts with existing uses because new land uses are not introduced and development levels would only intensify. Residential development would continue to border other residential development, commercial, agricultural or recreational/open space land. In general, the Specific Plan would allow for the most intensive development along the western edge of the study area, where it would be adjacent to other existing development in the City of Clayton, and development would be progressively less dense in the eastern portions of the study area where it would be surrounded by open space and agricultural uses. This would further limit the potential for land use conflicts resulting from the Plan.

However, Specific Plan implementation and buildout could result in some minor compatibility impacts. During plan buildout, some residential developments could be constructed immediately adjacent to existing rural residential units, which could be perceived as an adverse impact by the existing residents. This impact would be mitigated to the extent possible through Policies IM-5 and IM-6, which require the orderly phasing of development from west to east and from existing roadways toward areas without existing roadways. This impact would not be considered significant since it would only be temporary, and it is presumed that most development areas identified in the Plan would eventually be developed.

Plan buildout could also result in minor incompatibilities between urban residential uses and agricultural lands. These potential impacts would be mitigated through Policy DD-2e, which requires setbacks of 80 feet between urban development areas and agriculture.

2. Heartland Property

a. Changes in Land Use.

Impact LU-H1: The proposed Heartland project would change the existing use of the site from open space and grazing to a mixture of low density residential and open space uses and would eliminate the potential for further grazing use on the Heartland Site. (S)

This impact would be partially mitigated through the required dedication of undeveloped open space areas for open space use. However, the impact would be considered significant and could not be completely mitigated.

b. Impacts on Agricultural Land. The site does not meet the criteria for prime farmland of either the land capability class system or the important farmland inventory, so no impact on prime farmland would occur as a result of the project under these definitions. The site does qualify as prime farmland under Cortese-Knox criteria. However, conversion of a portion of the site for residential development would not be considered a significant impact on agricultural lands because a small amount of land is involved, the use is marginally economical, and agricultural preservation programs included in the Specific Plan would enhance agriculture in other parts of the study area.

c. Compatibility with Easements, Deed Restrictions and Williamson Act Contracts. The Heartland site is not subject to a Williamson Act contract, environmentally significant deed restrictions or easements, so no significant impacts would occur in this regard.

d. Compatibility with Existing Uses. The Heartland project would be compatible with the land uses that surround it. The project would not generally be visible from or have an impact on many surrounding parcels, since most of it would occur in a bowl behind a ridge on the site. The project would include undeveloped open space, which would provide for a transition to open space and agricultural parcels to the north and east. A similar type of development would occur on the eastern boundary of the Moita property, resulting in a smooth transition in this area as well.

3. Temps Property

As shown in Figure 13, the western portion of the site contains a Christmas tree farm, while the eastern portion is a ranchette-type lot with one single-family house on it.

a. Changes in Land Use.

Impact LU-T1: The proposed Temps project would change the existing use of the site from a low intensity Christmas tree farm and ranchette-type lot to a predominantly low density residential use. (S)

This impact would be partially mitigated through the required dedication of undeveloped open space areas for open space use. However, the impact would be considered significant and could not be completely mitigated.

b. Impacts on Agricultural Land. The site does not meet the criteria for prime farmland of the land capability class system. The northwest corner of the property is classified as Unique Farmland by the County. The Christmas tree farm area is considered prime farmland under the Cortese-Knox Act. However, conversion of the site for residential development would not be considered a significant impact on agricultural lands because a small amount of land is involved, the existing Christmas tree farm does not provide a necessary agricultural product, and agricultural preservation programs included in the Specific Plan would enhance agriculture in other parts of the study area.

c. Compatibility with Easements, Deed Restrictions and Williamson Act Contracts.

Impact LU-T2: The project would be only marginally consistent with the deed restriction on a portion of the site disallowing development above the 680 foot contour. (LTS)

On the eastern portion of the site, a deed restriction disallows development above an elevation of 680 feet. The project would meet this restriction by including the restricted area in the backyards of Lots 16 and 26, and on ranchette Lot 40. The building envelope for Lots 16 and 26 would be below the 680 foot contour, while the building envelope of Lot 40 would be on the western part of the site where the deed restriction does not apply.

On the western side of the site, where the deed restriction does not apply, several other lots and building sites would be above the 680 foot contour. Lot 29 would be almost entirely above the 680 foot contour, as would the building pads for the three ranchette Lots 39, 40 and 41. While this is consistent with the letter of the deed

restriction, it does not meet the restriction's intent, which was to preclude development on these higher areas. For this reason, this EIR recommends the following mitigation measure to lessen this impact:

> Mitigation Measure LU-T2: The project should be revised to eliminate or redesign Lot 29 and any other urban density development above the 680 foot contour.

This mitigation measure does not preclude development of ranchettes above the 680 foot contour since they would have lower levels of environmental and visual impact.

Impact LU-T3: The project may not conform to the Flood Control-Natural Resources Management Easement that extends 100 feet south from the top of bank of Mt. Diablo Creek on the eastern portion of the property. (S)

This easement was required by the County as a condition for the subdivision of the eastern portion of the Temps property, and is shown on the site plan. However, some of the lots shown on the Temps site plan may not accommodate structures outside the setback, since the easement extends considerably onto some lots. This is particularly true of Lot 10.

> Mitigation Measure LU-T3: The project applicant should demonstrate that homes can be built on all proposed lots in conformity with the 100-foot setback for all structures extending 100 feet south from the top of bank along Mt. Diablo Creek on the eastern portion of the site.

A similar easement is not in place on the western portion of the property.

d. Compatibility with Existing Uses. The Temps project would be compatible with the land uses that surround it. Most of the project would be hidden from general view by vegetation along Mount Diablo Creek. The project would include a transition in use from a relatively dense development along Marsh Creek Road and Mount Diablo Creek to ranchette lots on the southern portion of the site, which would result in a smooth transition to agricultural and open space uses to the south. Similar levels of development could occur under the Specific Plan to the east and west of the site, so compatibility would not be an issue in this area.

4. Moita Property

a. Changes in Land Use.

Impact LU-M1: The proposed Moita project would change the existing use of the site from open space, grazing and a single ranchette house to a mixture of low density residential and open space uses. (S)

This impact would be partially mitigated through the required dedication of undeveloped open space areas for open space use. However, the impact would be considered significant and could not be completely mitigated.

b. Impacts on Agricultural Land. The site does not meet the criteria for prime farmland of either the land capability class system or the important farmland inventory, so no impact on prime farmland would occur as a result of the project under these definitions. The site does qualify as prime farmland under Cortese-Knox criteria. However, conversion of a portion of the site for residential development would not be considered a significant impact on agricultural lands because a small amount of land is involved, the use is marginally economical, and agricultural preservation programs included in the Specific Plan would enhance agriculture in other parts of the study area.

c. Compatibility with Easements, Deed Restrictions and Williamson Act Contracts. The Moita site is not subject to a Williamson Act contract, environmentally significant deed restrictions or easements, so no significant impacts would occur in this regard.

d. Compatibility with Existing Uses.

Impact LU-M2: The Moita project would not be compatible with the open space and agricultural land uses to its north. (S)

The A&P Partners property to the north of the Moita property is designated for continued agricultural and grazing use under County zoning. The project would not provide for a transition between these uses and the denser residential uses on the northern side of the site. Specific Plan Policy DD-2e requires 80 foot setbacks between agricultural land and urban development, and the project would not include this setback on its northern boundaries.

> Mitigation Measure LU-M2: The three parcels on the northern edge of the property should be redesigned in a way that would maintain a transition between the residential uses on the site's northern side and the open space and agricultural uses to the north.

5. Cumulative Impacts

Although buildout of the Specific Plan would significantly change land use patterns and result in the loss of some agricultural land in the study area, Specific Plan implementation should help to minimize cumulative loss of agricultural and open space land in the northeastern portion of the study area and farther east from it.

Specific Plan Policy RE-1 states that no lands outside the identified limit of urban development are to be developed in the future, and the Plan recommends maintaining lands east of the study area in agricultural use, with a minimum parcel size of 20 acres. This recommended minimum parcel size is consistent with the existing minimum parcel size set by the County.

The Specific Plan also includes measures to strengthen and enhance agricultural uses in the study area. Examples of such measures are Policy RE-3, which prohibits development of single-loaded streets facing agricultural areas. Finally, all infrastructure to be built in the area, including roads, water systems and sewers, is sized in the Specific Plan only to serve urban developments identified in the Plan, and Policy LU-10 states that services will not be extended to non-development areas. A lack of infrastructure in rural areas should help to ensure that development does not continue to the east in or beyond the study area in the future.

4.2 Policy Conformity

■ ■ ■

A. Existing Setting

1. Specific Plan Area

a. Contra Costa County Land Use Policies and Regulations. Since most of the study area is outside the incorporated limits of the City of Clayton, land use in the area is regulated by Contra Costa County. County land use policy is dictated by the County General Plan, County Measure C of 1988 and Measure C of 1990, and County zoning.

(1) County General Plan. The Contra Costa County General Plan was adopted by the County Board of Supervisors in January, 1991. The Plan includes nine elements as follows:

- Land Use Element. This Element describes the general distribution and intensity of uses of land for housing, business, industry, open space, public facilities, and other uses, with accompanying maps.
- Growth Management Element, including the Growth Management Program and policies from Measure C of 1988.
- Transportation and Circulation Element. This Element identifies the location and extent of existing and proposed streets, arterials, highways, transportation routes and terminals, and other related facilities.
- Housing Element. This Element contains a comprehensive assessment of current and projected housing needs for all segments of the County, a list of policies to meet the needs, and an inventory of specific action programs to implement the policies.
- Public Facilities Element, including policies regarding water and sewer service, flood control, landfills, public buildings, police and fire protection, solid and hazardous waste management, schools and child care.
- Open Space Element. This Element details plans and measures for preserving open space areas in order to manage the production of resources, to provide outdoor recreation, to preserve the public health and safety, and to identify important agricultural lands.

- Conservation Element. This Element addresses the conservation, development, and use of natural resources such as water, forests, soils, rivers, and mineral deposits.
- Safety Element. This Element establishes policies and programs to protect the community from risks associated with seismic, geologic, flood, wildfire, and other hazards.
- Noise Element. This Element identifies noise problems in the County, defines standards and mitigation measures, and provides coordination with land use policies.

The General Plan Land Use Map, which is included in the Land Use Element, includes designations for the study area as shown in Figure 16. The land use designations found in the study area include the following:

- Single-Family Residential - Very Low Density (SV). This designation allows a maximum of up to 0.9 single-family units per net acre. Primary land uses in this designation include detached single-family homes and accessory structures, and the keeping of a limited number of livestock, consistent with a rural lifestyle.
- Single-Family Residential - Medium Density (SM). This designation allows between 3.0 and 4.9 single-family units per net acre. Sites can range up to 14,519 square feet. Primary land uses permitted in this designation include detached single-family homes and accessory structures.
- Open Space. This General Plan designation includes publicly owned open space lands which are not designated as "Public and Semi-Public," "Watershed," or "Parks and Recreation." Lands designated "Open Space" include wetlands and tidelands and other areas of significant ecological resources, or geologic hazards. The "Open Space" designation also includes privately-owned properties for which future development rights have been deeded to a public or private agency, and steep, unbuildable portions of approved subdivisions which may be deeded to agencies such as the East Bay Regional Park District.

  Lands designated "Open Space" in the study area include the Mt. Diablo Creek riparian corridor and the North State property.

  According to the General Plan, the most appropriate uses in "Open Space" areas involve resource management, such as maintaining critical marsh and other endangered habitats or establishing "safety zones" around identified

policy is the "Urban Limit Line" (ULL) for development, which was approved by the County with the General Plan. According to the General Plan, the County considered five criteria for locating property outside the Urban Limit Line:

(1) Land which qualifies for rating as Class I and Class II in the Soil Conservation Service Land Use Capability Classification;

(2) Open space, parks and other recreation areas;

(3) Lands with slopes in excess of 26 percent;

(4) Wetlands; and

(5) Other areas not appropriate for urban growth because of physical unsuitability for development, unstable geological conditions, inadequate water availability, the lack of appropriate infrastructure, distance from existing development, likelihood of substantial environmental damage or substantial injury to fish or wildlife or their habitat, and other similar factors.

As shown in Figure 16, slightly more than half of the study area is outside the Urban Limit Line, which follows the boundary of the single-family residential land use designation in the area. According to the Measure C, the County cannot approve a General Plan amendment that redesignates land outside the Urban Limit Line for urban land uses.

The Urban Limit Line can only be changed by a 4/5 vote of the County Board of Supervisors. Changes cannot violate the 65/35 standard, and can only be made if the Board makes one or more of a list of seven findings. The only three findings that are likely to apply to the Marsh Creek Road study area are findings (c), (d) and (g), as follows:

(c) a majority of the cities that are party to a preservation agreement and the County have approved a change to the ULL affecting all or any portion of the land covered by the preservation agreement;

(d) a minor change to the ULL would more accurately reflect topographical characteristics or legal boundaries;

(g) a five year periodic review of the ULL has determined, based on the criteria and factors for establishing the ULL set forth above, that new information is available (from city or County growth management studies or otherwise), or circumstances have changed, warranting a change to the ULL.

The County Board of Supervisors will consider an initial review of the ULL. According to County staff, the City could send information on proposed changes to the ULL for this review.[3]

Measure C of 1990 is also advisory to the County Local Agency Formation Commission (LAFCO), which is discouraged by the measure from allowing incorporation of land outside the Urban Limit Line into cities. However, the measure is not binding on LAFCO or the cities in the County, so land outside the Urban Limit Line could be developed under city jurisdiction if it were incorporated into a city by the LAFCO.

(4) County Zoning. County zoning in the study area is shown in Figure 17. The study area is designated under four two classifications: A-2 and P-1.

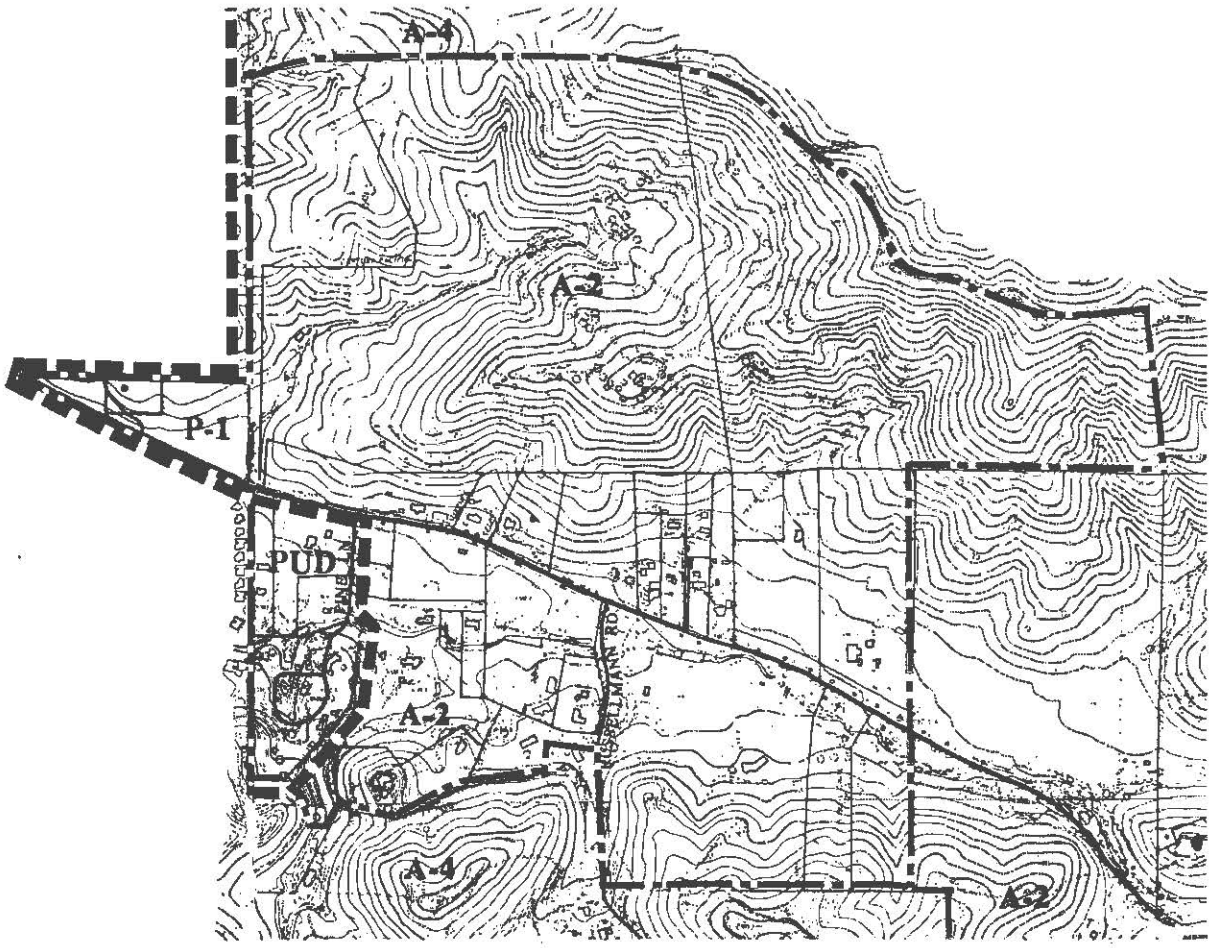
Approximately 95 percent of the area is zoned General Agricultural (A-2), which allows for all types of agriculture, associated structures, limited sales of produce, and one single-family dwelling per parcel. More than one dwelling is allowed with a land use permit. Minimum lot requirements are an area of five acres, a width of 250 feet, and a depth of 200 feet. For lots created before 1974, lots of 40,000 square feet are allowed.

The North State Development property is zoned Planned Unit (P-1), which provides flexible regulation for large-scale development within the limits of the General Plan and standards for health and safety. Development requires an approved final development plan that describes the mix of uses and their relationship to the site, the surroundings and each other. A range of minimum site areas are allowed, depending on the proposed uses. For residential use, five acres are required, with development density based on general plan designations. Non-residential development may occur on sites of 10-acres or more.

(5) County Ordinance 1000. County Ordinance 1000, adopted in the 1960s, limits a subdivided parcel's potential for driveways to feed onto Marsh Creek Road. Under the ordinance, existing parcels have the right to a single access to March Creek Road. If a parcel is subdivided, then the subdivided parcels continue to have the right to only a single access drive, and they must share access along it.

b. City of Clayton Land Use Policies and Regulations. Land use in the City of Clayton is regulated by the City General Plan and by City zoning. The City limits include only a small portion of the study area at the area's western edge, and City land use regulations are only valid in this portion of the study area.

[3] Dennis Barry, Contra Costa County Planning Department, personal communication, March 11, 1991.



Legend

Specific Plan Boundary

County Zoning

A-2	General Agriculture
A-4	Agricultural Preserve
P-1	Planned Unit Development

City Zoning

PUD	Planned Development
	City Limit

NORTH

5 Acres

0 300 600 1200

Scale in Feet

MARSH CREEK ROAD SPECIFIC PLAN EIR

FIGURE 17

City and County Zoning in the Study Area

A slightly larger portion of the study area is within the City's Sphere of Influence. According to the City's General Plan, this area is to be ultimately annexed and served by the City, and proposed land use, circulation and other planning issues are discussed in the General Plan for this area.

The City General Plan includes the entire study area in the City's Planning Area, so the General Plan does indicate overall land use planning direction for the entire area. The General Plan states that lands in the Planning Area but outside the City's Sphere of Influence are not to be annexed by the City,[4] and it suggests that the City would request changes to its Sphere of Influence to accommodate development to the north or east of the existing city. The Plan states that the City's Sphere should be reviewed at least every five years.[5] The City's limits, Sphere of Influence and Planning Area are shown in Figure 18.

(1) City General Plan. The City General Plan consists of General Plan Goals and Objectives and eight separate elements related to land use, circulation, housing, community design, open space and conservation, public safety and seismicity, noise and community facilities. Each of these sections is described briefly below.

(a) General Plan Goals. The General Plan lists nine Goals for the City of Clayton, which are shown below. According to the General Plan, any amendments to the Plan must be shown to be consistent with these goals:

1. To maintain the rural character that has been the pride and distinction of Clayton.

2. To encourage a balance of housing types and densities consistent with the rural character of Clayton.

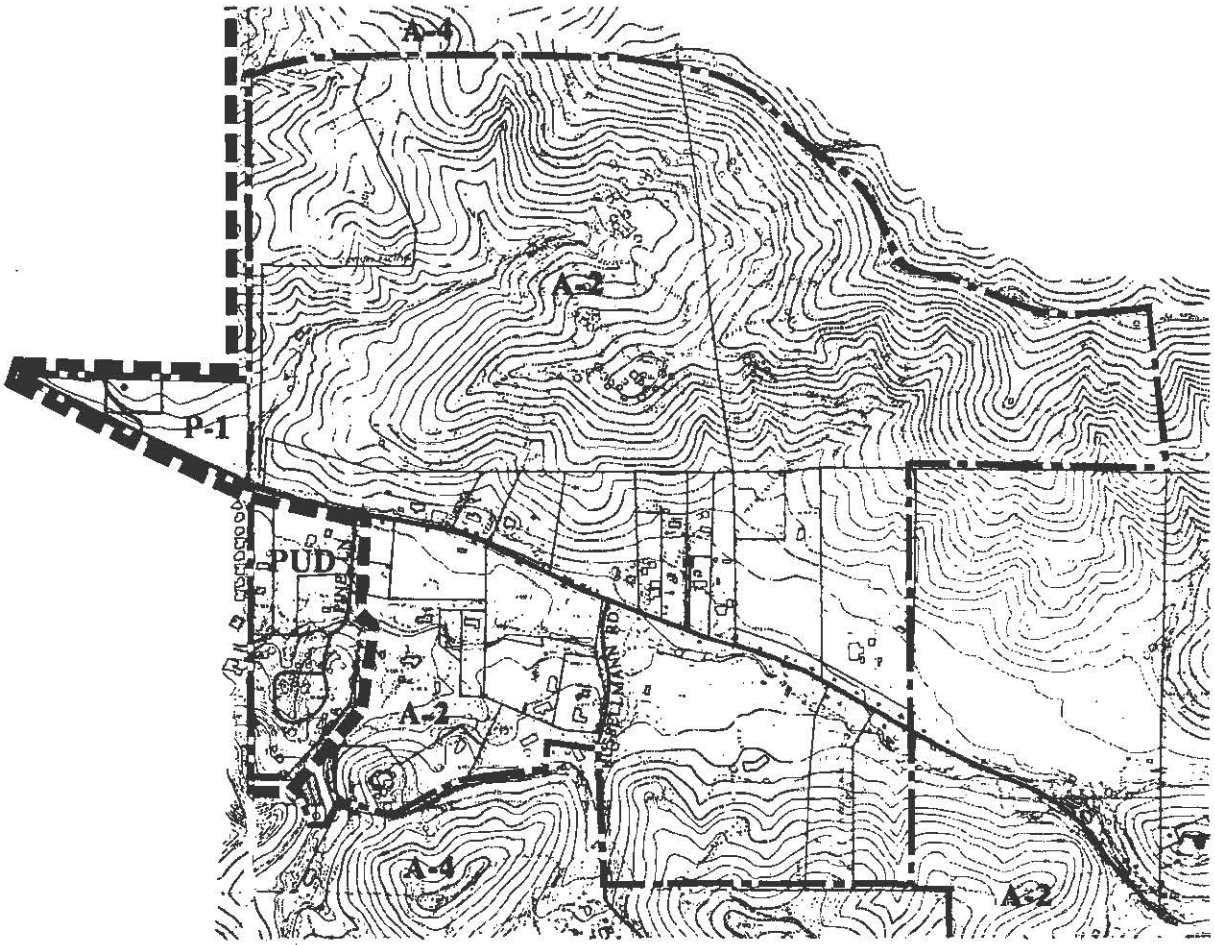
3. To preserve the natural features, ecology, and scenic vistas of the Clayton area.
4. To control development through appropriate zoning, subdivision regulations and code enforcement.

5. To provide a comprehensive, integrated, green-belt system, which includes bicycle, equestrian, and walking paths and is connected to regional systems.

6. To encourage a pedestrian-oriented community with areas of open space and recreational facilities for public use.

[4] *Clayton: 2000 General Plan*, 1985, page I-4.

[5] *Clayton: 2000 General Plan*, 1985, p. II-10.



Legend

Specific Plan Boundary

County Zoning

A-2	General Agriculture
A-4	Agricultural Preserve
P-1	Planned Unit Development

City Zoning

PUD	Planned Development
	City Limit

NORTH

5 Acres

0 300 600 1200

Scale in Feet

MARSH CREEK ROAD SPECIFIC PLAN EIR

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5. To provide a comprehensive, integrated, green-belt system, which includes bicycle, equestrian, and walking paths and is connected to regional systems.

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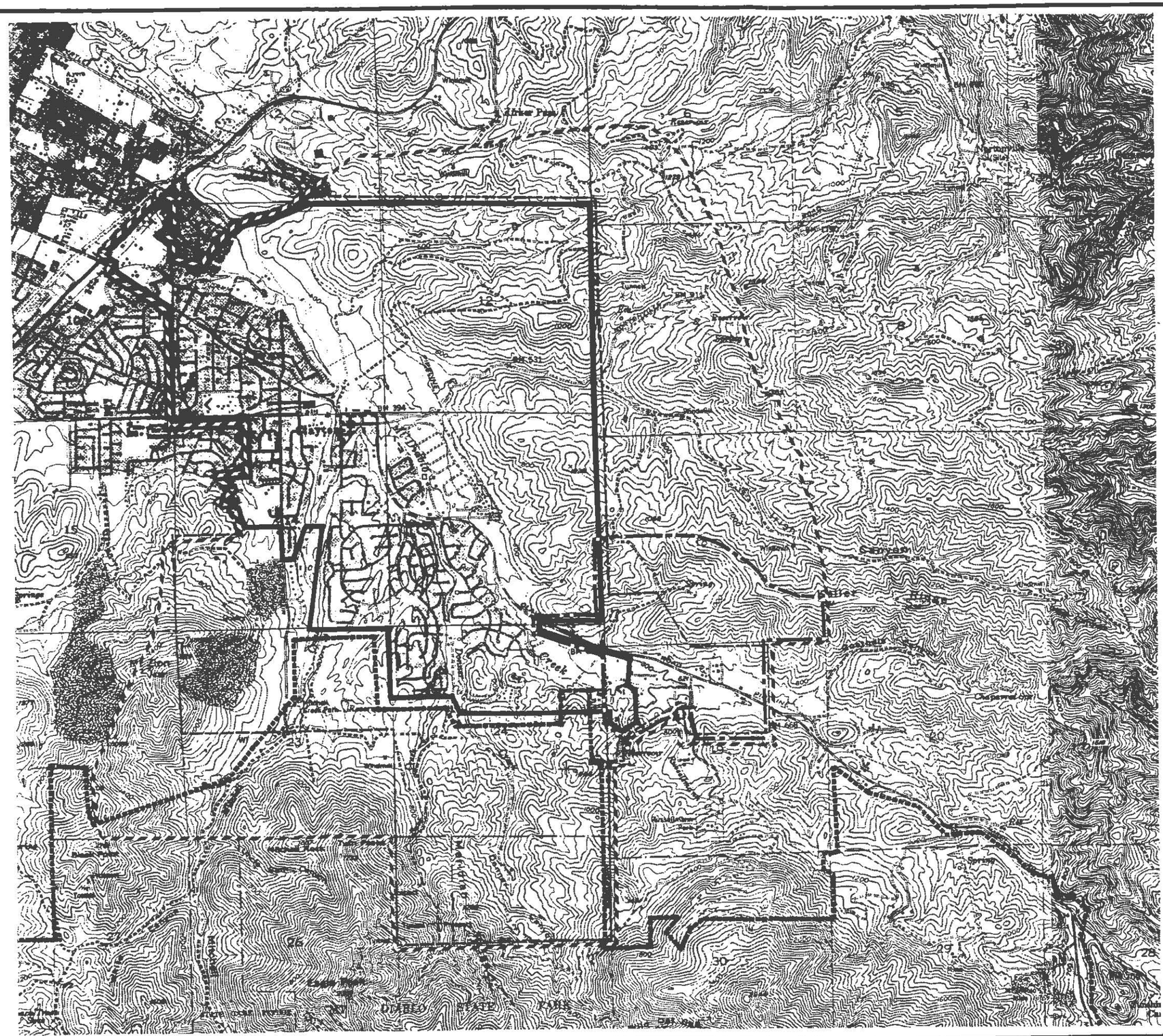

FIGURE 18

Clayton City Limits, Sphere of Influence and Planning Area

City Limits

Sphere of Influence

Plannning Area

Specific Plan Area

State Park Boundary

N

0' 200' 400' 800'

MARSH CREEK ROAD SPECIFIC PLAN EIR

CLAYTON CALIFORNIA

BRADY AND ASSOCIATES, INC. PLANNERS AND LANDSCAPE ARCHITECTS

7. To enhance the sense of identity and pride in and to encourage historical awareness of Clayton.

8. To ensure an adequate commercial tax base for Clayton.

9. To create and maintain an attractive Town Center area and to make it the commercial, civic, and cultural focus for the community.

(b) Land Use Element. The General Plan Land Use Element includes the City's Land Use Map, which shows seven residential densities in most of the city. There are limited commercial designations in the town center and the Kirker Pass corridor, and several parcels including the existing fire station and seminary bearing the Public or Institutional designation. The City's General Plan Land Use Map is shown in Figure 19.

Residential densities in the General Plan include the following:

- Rural Estate (0.2 to 1.0 units per acre).
- Low Density (1.1 to 3.0 units per acre).
- Medium Density (3.1 to 5.0 units per acre).
- High Density (5.1 to 7.5 units per acre).
- Multi-Family Low Density (7.6 to 10.0 units per acre).
- Multi-Family Medium Density (10.1 to 15.0 units per acre).
- Institutional Density (facilities without specified density).

These densities, which are quite low compared to those found in much of the Bay Area, combine with the limited commercial designations and absence of office or industrial designations to help to keep Clayton a primarily low-density, single-family residential town.

The goals, objectives and policies of the Land Use Element further indicate that the City seeks to remain a low-density, single-family residential town. Land use objectives and policies that are relevant to the Marsh Creek Road Specific Plan include the following:

Objective 1. To retain the rural character of Clayton through a predominance but not exclusive use of single-family, low-density residential development balancing needs of the Housing element and preservation of open space.

1a. Establish density designations based on terrain, circulation, adjacent uses and area characteristics.

1b. Identify a variety of densities, which decrease as slope increases.

1c. Permit limited high-density areas.

1d. Preserve historic structures and open space areas with uses such as community facilities, bed and breakfast facilities, or large single-family homes.

1e. Encourage the clustering of development to preserve open space.

Objective 2. To preserve the natural beauty and the feeling of openness in the community by preserving ridgelines and limiting development in the hills.

2a. To prevent deterioration of scenic or sensitive areas, development should be clustered in less sensitive areas and an Open Space designation should be applied to undeveloped portions of parcels.

2b. Promote mitigation measures that maintain the aesthetic quality of the hills in transition areas.

Objective 3. To establish boundaries for the City of Clayton that follow standard principles of urban design and municipal development.

3a. Promote annexation of all land area within the City's Sphere of Influence, provided there is no drain on current City resources.

3b. Encourage Contra Costa County to follow the example of Santa Clara County and other progressive counties in establishing policies supporting city annexation within spheres.

3c. The City should review its Sphere of Influence at least every five years and request a boundary amendment as needed.

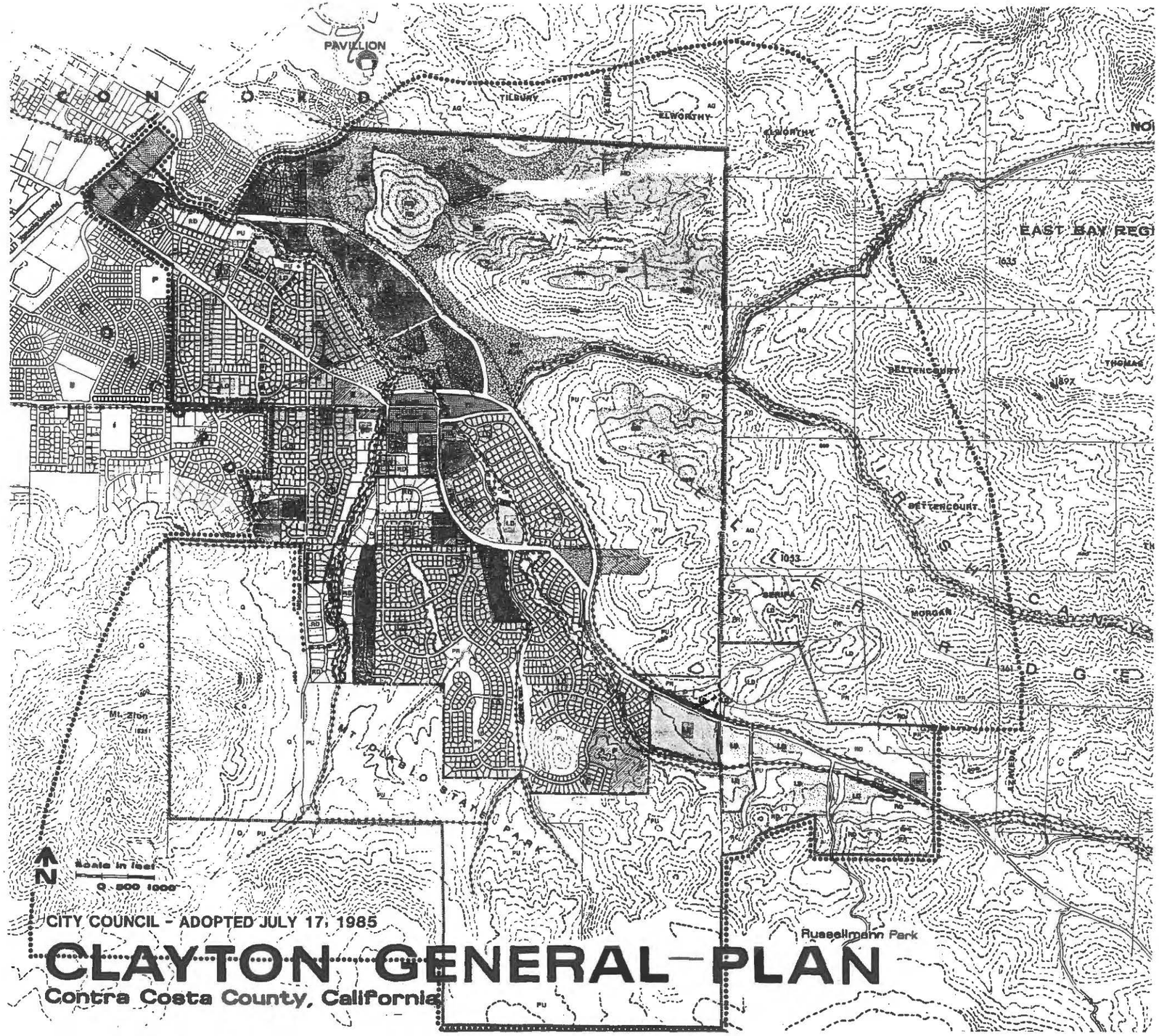

FIGURE 19

Clayton General Plan Land Use Designations

LAND USE KEY

RESIDENTIAL/LAND USE	UNITS/NET ACRE
RURAL ESTATE	(.0 to 1)
LOW DENSITY	(1.1 to 3)
MEDIUM DENSITY	(3.1 to 5)
HIGH DENSITY	(5.1 to 7.5)
MULTIFAMILY LOW DENSITY	(7.5 to 10)
CULTURAL CENTER	
INSTITUTIONAL DENSITY	

COMMERCIAL
- Town Center
- Kirker Corridor
- Convenience Commercial

SCHOOL
- INTERMEDIATE
- ELEMENTARY
- PRIVATE

OPEN SPACE
- PR PRIVATE
- PU PUBLIC/PARK/OPEN SPACE
- AG AGRICULTURE
- Q QUARRY
- PRIVATE/GOLF COURSE
- TRAILS

CITY BOUNDARIES
- CITY LIMITS LINE
- SPHERE OF INFLUENCE
- PLANNING AREA

Draft Revision January, 1995

N

MARSH CREEK ROAD SPECIFIC PLAN EIR

CLAYTON
CALIFORNIA

(c) Circulation Element. The Circulation Element shows major roadways in Clayton and sets goals for the reduction of truck and other traffic and the creation of an effective street and trail network.

(d) Housing Element. The Housing Element addresses the provision of an adequate supply of housing within the city. State law requires that the Element also address the provision of a "fair share" of low- and moderate-income housing. State law requires that Housing Elements be updated every five years. The City adopted its updated Housing Element in Fall of 1993.

The Housing Element includes objectives and policies that seek to:

- Provide alternative housing densities to meet a variety of lifestyles and incomes,
- Promote measures to provide affordable housing, and
- Identify, address and remove governmental constraints that unduly restrict new development.

(e) Community Design Element. The Community Design Element seeks to maintain the rural and historical character of Clayton in the central area of the City and its neighborhoods. To do this, the City has completed a Town Center Specific Plan which seeks the preservation of historic structures and sites. In addition, the Community Design Element has the following objectives and policies that are relevant to the Marsh Creek Road Specific Plan:

Objective 2. To maintain landscape and natural vegetation found in Clayton as a means to provide greenery, open space, development buffer and rural atmosphere.

2a. Maintain the greenbelt system as an edge to streets and development.

2b. Identify areas where vegetation should be preserved.

2c. Require creative landscaping for new developments.

2d. Use vegetation as screens to development.

2e. Coordinate street landscape.

2f. Promote concepts such as landscape districts to provide and maintain vegetation.

Objective 3. Promote use of the greenbelt system to encourage non-motorized travel throughout the City.

3a. Provide signs for the greenbelt system to encourage its use.

3b. Include standards for enhancement and maintenance of the greenbelt/park system in the subdivision ordinance.

3c. Safeguard direct access to points within the greenbelt system for emergency and police vehicle access.

Objective 4. To facilitate circulation within Clayton without encouraging through traffic.

4a. Use the linear form of the Clayton Valley as the basis for directing traffic to either side of the valley floor.

4b. Minimize congestion by controlling arterial intersections.

4c. Locate major arterials and collector streets on the periphery of the central area.

Objective 5. To protect and enhance views of the foothills and Mt. Diablo.

5a. Protect scenic vistas.

5b. Prevent development of ridgelines.

5c. Evaluate developments as to their effect on scenic qualities of the Clayton area.

Objective 6. To prevent aspects of urban blight.

6a. Continue to require undergrounding of utilities within new subdivisions.

6c. Promote alternative measures for needed sound attenuation in order to prevent unsightly or endless walls.

Objective 7. To establish design criteria for different areas of the community.

7b. Develop standards for residential subdivisions promoting design and diversity.

These objectives and policies indicate that resource conservation, particularly on hill slopes, will be important factors for consideration for the Marsh Creek Road Specific Plan.

The Community Design Element also identifies Marsh Creek Road as a Scenic Highway. The objectives and policies relevant to this designation include a 1,000 foot wide corridor along Marsh Creek Road which should be specially treated to enhance the visual quality of the roadway. Objectives and policies related to this Scenic Highway designation are:

Objective 9. To establish a right-of-way/corridor system that will enhance visual and cultural amenities of the scenic route.

9a. Use a boundary of 1,000 feet on each side of the centerline of the route as the basis for scenic project review until a view-oriented plan can be prepared.

9b. Provide a map indicating boundaries of the scenic corridor.

Objective 10. Cooperate with property owners on alternative means to allow development that is compatible with the scenic corridor objectives.

10a. Identify criteria for "scenic" review of development.

10b. Encourage property owner solutions to conflicts between development and view enhancement.

(f) Open Space and Conservation Element. The Open Space and Conservation Element identifies opportunities and programs to conserve open space and natural resources in Clayton. It is directly concerned with the study area in several ways:

- The Element identifies greenbelts in the study area along Mount Diablo Creek and Keller Ridge. Greenbelts are to be acquired as flood control setbacks, or through density transfer, parkland dedication or purchase by public agencies. As noted in Chapter 2, the County has already required development restrictions on several parcels in the study area that align with the Mount Diablo Creek greenbelt.
- The Element states that the City will encourage the State to acquire land to the extent possible along the southern portion of the City.

Objectives and policies of the Open Space and Conservation relevant to the Marsh Creek Road Specific Plan include the following:

Objective 1. To promote the City's greenbelts as the basis of its open space system.

1a. Designate as greenbelt, stream channel areas for flood control setback, maintenance of riparian habitat and preservation of open space.

1b. Designate as greenbelt, areas of significant vegetation, prominent features, or scenic beauty.

1c. Provide non-motorized travel linkage to all areas of the community, to greenbelt paths, to schools, to activity centers and to areas of historical interest.

1d. Promote City/regional mapping of Clayton greenbelt system and city-system linkages to State and regional parks and trails.

1e. Keep improvements along greenbelts to a minimum but provide path improvements to minimize erosion, provide directional markings and create rest areas.

Objective 3. To establish an open space conservation designation to preserve natural resources, to manage resources, to provide for outdoor recreation, to promote health and safety and to ensure orderly growth.

3a. Apply Public Park/Open Space designation to areas of public park and recreation facilities.

3b. Cluster development in order to allow a Private Open Space designation to sites that pose natural limitations such as streams channel, earthquake fault, unstable soil or prominent hilltop or ridge, fire hazard areas, and ground water recharge areas.

3c. Apply Agriculture designation to parcels planned to remain under the jurisdiction of Contra Costa County in agricultural usage.

The Open Space and Conservation Element also addresses parklands. This issue is addressed more specifically in Chapter 4.3 of this report.

(g) Safety Element. This General Plan element seeks to provide adequate geotechnical safety, flood control, fire protection and emergency preparedness.

(h) Noise Element. The Noise Element seeks to maintain or improve the overall community by reducing the levels of noise in the city.

(i) Community Facilities Element. This General Plan element addresses sewers, water supply, drainage facilities, fire protection, schools and municipal facilities in the city.

(j) Growth Management Element. Adopted in 1992, this General Plan Element specifies level of service standards for roadways, parks and other services and infrastructure in Clayton, as required by County Measure C of 1990.

(2) City Zoning. City of Clayton zoning only applies to the small portion of the study area that is within the city limits. As shown on the combined zoning map in Figure 17, the zoning designation for this area is PUD--"Planned Development." This designation allows for residential development on varying lot sizes, provided that certain minimum design standards are followed.

When additional lands are annexed into the City under the Specific Plan, then City zoning would apply to them. It is likely that zoning designations would be similar to those already found in other parts of the City. City zoning is generally consistent with the City's General Plan designations, which are shown in Figure 19.

c. LAFCO Policies. The Contra Costa County Local Agency Formation Commission (LAFCO) is a state-mandated agency that oversees and approves the creation and expansion of local government jurisdictions within the County. LAFCO regulations require that annexations occur within a jurisdiction's Sphere of Influence, and in accordance with regulations contained in the Cortese-Knox Local Government Reorganization Act of 1985.

The Cortese-Knox Act requires that LAFCO approve annexations and other jurisdictional changes with regard to three factors:

- Development is to be guided away from prime agricultural lands towards non-prime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.
- Development is to be guided away from lands that are not yet in a jurisdiction's boundaries or its Sphere of Influence, and guided towards areas that are within the jurisdiction or its Sphere.
- Development is to provide for and satisfy the needs that it would generate for governmental infrastructure and services such as treated water, sewage disposal, storm drainage, fire protection, police service, traffic circulation (including impacts on other areas), school facilities, and parks and recreation.

d. Mount Diablo State Park General Plan. The Resources Agency of the State of California completed a General Plan for Mount Diablo State Park in May, 1990. The plan contains six separate elements on the topics of resources, interpretation, concessions, operations, land use and facilities. The plan has implications for the lands near the study area in the following ways:

- The plan suggests acquisition of lands by the State Park in the study area south of Marsh Creek Road.
- The plan seeks to build a trailhead and staging area to serve the park in the Regency Meadows area.
- The plan suggests construction of a new campground in the State Park just east of the study area.

These and other features of the Mount Diablo State Park General Plan are described in more detail in Section 4.3 of this report, where the project's consistency with Park policies is also described.

2. Heartland Property

As shown in Figures 16 and 17, the site is designated AL, Agricultural Lands in the Contra Costa General Plan and A-2, general agriculture uses, in the County Zoning Ordinance. As shown in Figure 16, the southwestern section of the site is within Clayton's Sphere of Influence. The site is outside of the County Urban Limit Line, which is roughly coterminous with the site's southwestern boundary.

3. Temps Property

As shown in Figures 16 and 17, the site is designated SV, Single Family Residential and AL, Agriculture Lands in the Contra Costa County General Plan and zoned A2, general agricultural uses and single family residences in the County Zoning Ordinance. The Single Family Residential designation allows up to 0.9 units per acre and the A2 designation has a five acre lot minimum. As shown in Figure 16, the site is within Clayton's Sphere of Influence, whose boundary is the same as the site's southern boundary. The northern two-thirds of the site is within the County Urban Limit Line.

4. Moita Property

As shown in Figures 16 and 17, the site is designated AL, Agricultural Lands in the Contra Costa General Plan and A-2, general agriculture uses and single family residences in the County Zoning Ordinance. The site is outside Clayton's Sphere of Influence boundary, which is roughly coterminous with the site's southern boundary,

as shown in Figure 16. The site is also outside of the County Urban Limit Line, which follows the site's western boundary.

B. Impacts and Mitigation Measures

1. General Plan Amendment and Specific Plan

a. Increases in Planned Densities. The Plan designates about 59 acres for Rural Residential development, allowing about 50 new units, 70 acres for Low Density residential development, allowing approximately 102 new units, approximately 59 acres of Medium Density residential development, allowing roughly 120 new units, and about 10 acres for Suburban residential development, allowing approximately 25 new units.[6] In addition, the plan would allow another 8 new "Ranchette" units on lots of five acres or more. In total, the Specific Plan would allow for the development of 305 new units. Approximately 42 units either already exist or are approved for construction in the planning area, which would create a total of 347 residential units at the ultimate buildout of the planning area under the Specific Plan (280 new residential units, when not including the 25 allowed by the existing Clayton General Plan).

The Specific Plan would represent an increase in the number of residential units that could theoretically be constructed in the study area under existing County land use designations. Currently, 136 units could theoretically be constructed in the area, as outlined in Chapter 3. Thus adoption of the Specific Plan would represent expansion of the theoretical buildout potential of the area.

It is unlikely that the County would allow for the construction of the proposed number of units in the study area. Chapter 3 of this EIR estimates that only 92 units could actually be built in the area under existing County regulations. The Specific Plan would allow for an increase of 213 units (232 percent) over the number of units that could be built in the study area under County regulations.

This increase in the number of allowed units would not be considered a significant impact since the locations for development have been carefully chosen, and since no significant unmitigable impacts would occur on traffic, municipal services, air quality, noise or any other factor that can be impacted by density increases. These findings are explained in more detail in the other chapters of this EIR, and represent the only potential impacts that result from a simple increase in number of units. Although changes in overall land use would be significant (as described in Section 4.1), the increase in units in the area would not.

[6] These 25 Suburban new units are already allowed for by the existing Clayton General Plan.

b. Consistency with County Plans and Policies.

(1) General Plan and Zoning. The Specific Plan would be implemented by the City of Clayton, and the area would be annexed to the City prior to development. Thus the Plan would allow for changes from existing County land use plans and policies, as represented in the General Plan and zoning ordinance, but development would be consistent with the Specific Plan and with the City General Plan, as described below.

The Plan would concentrate urban levels of development in areas already designated by the County for Very Low Density Single Family Residential Development. While the densities allowed under the Specific Plan would be higher than those allowed by the County, the areas subject to development are, in many cases, the same as those identified by the County. Only Development Area A would be substantially outside of the single family residential area identified by the County. A potential mitigation measure for this less-than-significant impact is provided in the discussion of the Urban Limit Line below, but it would not be required since no significant impact is identified.

The Specific Plan also includes an open space corridor along Mount Diablo Creek, similar to the one included on the County General Plan Land Use Map for the area.

(2) Measure C of 1990 and the Urban Limit Line. Since development under the Specific Plan would occur under the jurisdiction of the City of Clayton, the County Urban Limit Line would not apply to it. However, County policy states that Measure C is to be advisory to the LAFCO and the cites in the county, so this EIR includes a discussion of the Plan's consistency with the Urban Limit Line.

The Specific Plan would be generally consistent with the Urban Limit Line, and would concentrate urban levels of development within it. Development Areas B, C, D and E would be almost wholly contained within the Urban Limit Line, and discrepancies between the Urban Limit Line and the boundaries of proposed development in these areas probably occur because the Urban Limit Line was mapped on very large scale maps on a County-wide basis, which did not allow for the in-depth analysis of slopes and land capabilities that was completed under the Specific Plan.

Specific Plan Development Area A would be outside the County's identified Urban Limit Line and has slopes of 26 percent or greater. Development would occur in bowl areas that are generally hidden from view from Marsh Creek Road and existing developed portions of Clayton, and it has been assessed by the City as appropriate for development. Although it is located outside the County Urban Limit Line, the Urban Limit Line was set by the County based on a general study of conditions in the County as a whole. The analysis for the Specific Plan has been much more detailed

than the Urban Limit Line Study within the study area, and the designation of Area A for urban levels of development is based on this more detailed study. Moreover, the Urban Limit Line is not binding on cities within the county, so the Specific Plan's deviation from the Urban Limit Line cannot be considered a significant impact.

(3) County Ordinance 1000. Under this ordinance, no newly subdivided parcels may build new driveways onto Marsh Creek Road, with the intent of limiting the number of potential traffic conflict points along this relatively busy roadway. The Specific Plan would be consistent with this ordinance and would actually improve upon it, since development under the Plan would include new collector streets which would allow for routing of traffic onto Marsh Creek Road through a limited number of intersections. The number of driveways and intersections on Marsh Creek Road would decrease under the plan.

c. Consistency with City Policies. California law requires that a Specific Plan be consistent with a jurisdiction's General Plan, and that findings regarding consistency be included in the Specific Plan itself. These findings are found in Chapter 1 of the Specific Plan, and are summarized here for reference.

(1) General Plan Policies. The policies and objectives of the Specific Plan are consistent with the broad goals of the *Clayton 2000 General Plan*. In general, the policies of the City's General Plan call for controlled residential growth in the City, with careful concern for the preservation of natural resources and amenities. Commercial development is to be concentrated in the town center, with only limited commercial uses outside it. These policies are continued in this Specific Plan.

The General Plan states that "Development should be restricted by City policy for major slope areas in excess of 26%." This policy is carried forward in this Specific Plan, but the Specific Plan allows some development in areas with slopes up to 40%, since much of study area has slopes in excess of 26% and development would be overly restricted if it were limited to slopes under 26%. This is consistent with the General Plan, which permits some development and slope correction on slopes over 26 percent in the Marsh Creek Road Specific Plan area.

The General Plan also calls for a "view oriented plan" along Marsh Creek Road. Policies which recommend the clustering of development, the retention of open space and the preservation of trees will ensure that such a plan is implemented in the Marsh Creek Road Specific Plan area.

The policies and objectives of the Specific Plan are consistent with the Growth Management Element of the General Plan. The Growth Management Element specifically addresses circulation and public facilities and services in the City of Clayton. Compliance with the performance standards for traffic services is

specifically addressed in Section 4.11 of this Chapter. In addition, the municipal service and parks provisions of the Specific Plan are consistent with the service and parks standards outlined in the Growth Management Plan. Further discussion of these provisions occurs in Sections 4.4 and 4.5 of this Chapter.

(2) General Plan Land Use Designations. The accompanying General Plan Amendment designates the Marsh Creek Road Specific Plan area for a variety of residential densities in combination with open space. General Plan designations are similar to those proposed in the Specific Plan.

(3) City Zoning. The only existing City zoning in the Specific Plan area is the PD designation on the Oakwood, Hellmers, Shirley and Osteen properties. This designation allows for residential development on varying lot sizes, provided that certain minimum design standards are followed. The proposed Specific Plan is consistent with this zoning, which could be maintained and expanded in the study area.

d. Consistency with LAFCO Policies. Specific Plan implementation would include annexation of areas to be developed at urban densities to both the City of Clayton and the Contra Costa County Fire District.

The Plan recommends that annexation occur when development is proposed and in an orderly fashion moving east from the existing City limits. This would limit leap frog development patterns that result in impacts on infrastructure and public services.

LAFCO regulations require that annexations occur within a jurisdiction's Sphere of Influence, and that no prime agricultural lands be converted to urban uses unless development in other areas would not promote planned, orderly and efficient development. This section assesses Specific Plan compatibility with these concerns.

(1) City Sphere of Influence. The City's Sphere of Influence in the study area is shown in Figures 16 and 18. It includes Development Areas A3, B, C, D and E, so annexation and urban levels of development in these areas would be consistent with the existing Sphere of Influence of the City. However, Areas A1 and A2, as shown in Figure 4, are outside the existing Sphere, so the Sphere would have to be amended before annexation could occur. Properties that would be involved in the expanded Sphere include Heartland, Moita and Morgan. Table 9 shows that approximately 243 acres are within the existing Sphere of Influence and approximately 472 acres would be within the proposed Sphere of Influence. Specific Plan Policy IM-7 states that the City will petition LAFCO to adjust its Sphere of Influence once the Specific Plan is adopted.

(2) Prime Agricultural Lands. Section 56377 of the Cortese-Knox requires that development is to be guided away from prime agricultural lands towards non-prime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area. As outlined in Section 4.1, most lands in the study area, including those to be developed for urban uses, meet the Cortese-Knox criteria to qualify as "prime agricultural lands." However, the development of these lands would not be inconsistent with the Cortese-Knox Act since the areas identified for development have the fewest environmental constraints in the area, the development would be orderly and contiguous with existing development in Clayton, and the Specific Plan would encourage the preservation of large amounts of agricultural land.

Table 9
EXISTING AND PROPOSED SPHERE OF INFLUENCE

Number on Figure 3	Landowner	Existing Acreage in Sphere of Influence	Proposed Acreage in Sphere of Influence
1	Moita	25	25
2	Heartland Corporation	44	139
3	Morgan	4	93
4	Contra Costa Water District	2	2
5	North State Development	8	8
6	Laurence	8	8
7	Kelly	2	2
8	Soares	5	5
9	James/Iverson	8	8
10	Torson	4	4
11	P. Clark	2	2
12	Carlson	2	2
13	Nielson	1	1
14	Wing	4	4
15	Lietz	4	9
16	Rodenburg	0	19
17	Hellmers	3	3
18	Bergum	5	5
19	Osteen	6	6
20	Shirley	2	2
21	Leal	2	7
22	Tobin/Trent	1	1
23	Manion	6	6
24	M. Clark	6	6
25	Friis-Petit/Isakson	12	12
26	Mazza	5	5
27	Holmes	16	16
28	Sanders	1	1
29	Burgess	3	3
30	Pound	4	4
31	Cooper	3	3
32	Temps	35	43
33	Thomas	0	8
34	Foust	10	10
Total		**243**	**472**

Acreages are rounded to the nearest whole acre.

2. Heartland Property

As an adjunct to the above policy conformity discussion for the Specific Plan, this section assesses the proposed Heartland project's compatibility with Specific Plan regulations. As noted in the introduction to Chapter 4, the impact and mitigation measure discussion for the study area as a whole also applies to the Heartland site. The following section is limited to a discussion of the proposed Heartland project's conformity with proposed Specific Plan land use designations. Additional assessment of the project's conformity with specific policies on technical topics is included in the other sections of this EIR.

a. Development Areas. The Heartland project would be generally consistent with Development Areas A1, A2 and A3, as shown in the proposed Specific Plan.

b. Project Density. The project would generally contain the density of development foreseen for the area under the Specific Plan. The Specific Plan shows a total of 91 lots in Development Areas A1, A2 and A3 on the Heartland property. The Heartland site plan includes a total of 90 residential lots, which is within the requirements of the Specific Plan.

In addition, the Specific Plan designates minimum lot sizes under Policy DD-3a. The minimum lot size under the A1 and A3 low density residential designations is 15,000 square feet and the minimum lot size under the A2 medium density designation is 12,000 square feet. The Heartland site plan meets both these requirements.

3. Temps Property

As an adjunct to the above policy conformity discussion for the Specific Plan, this section assesses the proposed Temps project's compatibility with Specific Plan regulations. As noted in the introduction to Chapter 4, the impact and mitigation measure discussion for the study area as a whole also applies to the Temps site. The following section is limited to a discussion of the proposed Temps project's conformity with proposed Specific Plan land use designations. Additional assessment of the project's conformity with specific policies on technical topics is included in the other sections of this EIR.

a. Development Areas. The development areas shown on the Temps site plan are roughly similar to those indicated on the Specific Plan land use diagram.

Lot 29 would extend south to elevations above those for which urban development is foreseen under the Plan. This impact is discussed and mitigated by Impact and Mitigation Measure LU-T2.

b. Project Density.

Impact POL-T1: The Temps project would not be consistent with the allowed maximum density or the minimum lot sizes specified in the Marsh Creek Road Specific Plan. (S)

The project would generally contain a higher density of development than foreseen for the area under the Specific Plan. The Specific Plan shows a total of 31 lots in Development Areas E1, E2, and E3, which are totally contained on the Temps property. The Temps property also includes two areas under one acre each in portions of Development Area C3 and D2 , but there would be development potential of less than one lot in these areas. The Temps site plan includes a total of 38 residential lots in the general vicinity of Development Areas E1, E2, and E3, which is not consistent with the total development potential of 31 lots in the area.

Although clustering of development on one side of the creek is encouraged by the Specific Plan, the lot sizes of the site plan for the Temps property are also inconsistent with the Specific Plan. Policy DD-3a of the Specific Plan requires a minimum lot size of 12,000 square feet for Medium Density Residential and a minimum lot size of 15,000 square feet for Low Density Residential, and Policy DD-3b states that clustering resulting in smaller lot sizes is not allowed in the Rural Residential designation. Lots 3, 5, 6, 9, 11, 18, 22, 23, 24, 25, 35, 36, 37, 38, and 32 are smaller than the specified minimum lot sizes.

> Mitigation Measure POL-T1: The lots of the Temps site plan should be enlarged and the total number decreased to meet the minimum lot size and density requirements specified for Rural Residential, Low Density and Medium Density development in the Specific Plan.

c. Urban Agricultural Interface. The proposed site plan is generally in conformance with the 80-foot setback from existing grazing and agricultural land uses, as required in Policy DD-2e of the Specific Plan. However, if the Temps site plan is redesigned as a result of mitigation measures of this EIR, compliance with the 80-foot setback should be reassessed.

4. Moita Property

As an adjunct to the above policy conformity discussion for the Specific Plan, this section assesses the proposed Moita project's compatibility with Specific Plan regulations. As noted in the introduction to Chapter 4, the impact and mitigation measure discussion for the study area as a whole also applies to the Moita site. The following section is limited to a discussion of the proposed Moita project's conformity with proposed Specific Plan land use designations. Additional assessment of the project's conformity with specific policies on technical topics is included in the other sections of this EIR.

a. Development Areas. The project would include development outside the areas foreseen for development on the Moita property under the Specific Plan. The Specific Plan foresees development on the Moita property in an area limited to the eastern boundary of the site along the Heartland property. Other portions of the property are not indicated for development because of steep slopes, difficulties in access and service provision, and visibility from developed portions of Clayton at the top of the watershed draining through the Oakhurst open space area. Impacts and Mitigation Measures GEO-M1, BIO-M1, BIO-M2, VIS-M2 and TRA-M1 further discuss and mitigate this impact.

b. Project Density. The project would generally contain the density of development foreseen for the area under the Specific Plan. The Specific Plan shows a total of 11 lots with a minimum lot size of 15,000 square feet in Development Area A1 on the Moita property. The Moita site plan includes a total of 11 lots, although one of the lots (Lot 10) is outside the development area identified in the Specific Plan. Removal or reconfiguration of this lot through Mitigation Measure BIO-M1 would mitigate this impact. The existing lot sizes as depicted on the site plan conform to the minimum lot size requirements of the Specific Plan.

c. Urban Agricultural Interface. The proposed site plan is generally in conformance with the 80-foot setback from existing grazing and agricultural land uses, as required in Policy DD-2e of the Specific Plan. However, the proposed site plan is not in conformance with Policy RE-3, which does not allow single loaded street facing lands designated for Agriculture.

Impact POL-M1: On the Moita site plan, the roadway serving Lots 7, 8, and 9 is a single loaded street adjacent to agriculture lands. This configuration does not comply with Policy RE-3 of the Specific Plan. (S)

Mitigation Measure POL-M1: The applicant should redesign or eliminate Lots 7, 8, and 9 and their street access in conformance with Policy RE-3 of the Specific Plan.

5. Cumulative Impacts

Impacts regarding policy conformity are specific to an individual project and do not accumulate to form cumulative impacts on a regional basis. Therefore, no additional cumulative impacts are identified.

4.3 Population and Housing

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C. Existing Setting

1. Population

The U.S. Census Bureau reported that Clayton had an estimated population of 7,317 persons and 2,332 households in 1990. This represents a 69 percent increase in population since 1980. Clayton has grown particularly dramatically since 1988, when construction of the Oakhurst project began. Still, even in 1990, Clayton constituted only about one percent of the total population of Contra Costa County.

According to projections developed by the Clayton Planning Department in cooperation with the Association of Bay Area Governments (ABAG), Clayton's population is expected to increase by about 4,740 persons (61 percent) to a population of 12,440 persons between 1990 and 2005. Contra Costa's population is expected to increase by 20 percent over this period to a population of 946,900 persons, making it the third fastest growing county in the Bay Area behind Sonoma County (28 percent) and Solano County (40 percent). Clayton's average household size is expected to decrease from 3.10 in 1990 to 2.90 by 2005.

According to the U.S. Census Bureau, Clayton's population grew older between 1980 and 1990, with the median age increasing from 31.5 to 37.0 years. Analysis of the change in median age shows the percentage of persons age 44 or younger decreased between 1980 and 1990, while the number of persons age 45 or older increased. The greatest increase was in the 45 to 59 category. Clayton's population is predominantly white, with over 88 percent of the population in this category. This compares to 91 percent in 1980. When Clayton is compared to Contra Costa County as a whole, all non-white categories of race and ethnicity are underrepresented in Clayton.

Clayton's household composition is made up mostly of married couples with children. According to the 1990 Census, over 80 percent of all households in Clayton fit this description. Also, the number of single-parent households is less in Clayton than it is countywide.

2. Housing

a. Housing Stock. Nearly all of the City's housing stock is single-family, detached units. According to the California Department of Finance, Clayton had 2,344 detached single-family units, 245 attached single family units and one mobile home in 1992. In 1980, there were 1,255 detached single family units, 118 attached single family units and 4 mobile homes. In the 12-year period between 1980 and 1992, Clayton grew by 1,213 dwelling units, all of which were single family units. Clayton has the lowest proportion of multi-family housing stock of any city in Contra Costa County.

According to the U.S. Census Bureau, Clayton is overwhelmingly a city of homeowners, with only approximately 7.2 percent (168 units) of its occupied housing stock renter-occupied in 1990. Of these 168 units, 144 were single family detached units, 23 were single family attached units, and one was a mobile home. In contrast to Clayton, 32 percent of Contra Costa County's occupied housing stock was renter-occupied.

Housing prices in Clayton, like those in other Contra Costa County cities, have increased dramatically since 1980. The 1980 Census reported median home value and median contract rent in Clayton at $133,000 and $458 respectively. By 1990, median home value and median rent increased to $302,300 and $1,001, respectively. Clayton's median contract rent is the highest of any city in Contra Costa County. This is probably due in part to the limited amount of rental stock in the city, all of which is in the form of either detached or attached single family units (144 units renter-occupied). Ownership of the median valued house in Clayton is affordable only for those families that earn well above 120 percent of median family income. The housing price affordable to the moderate income household in Clayton is $182,000, whereas the median home value is $302,300. This large disparity indicates that the majority of homes in Clayton are well out of reach for very low and low income households. However, the price of a townhouse or condominium in Clayton is approximately $183,000, which is marginally affordable for moderate-income household.

Overpayment for housing was calculated using data from the U.S. Census Bureau and Department of Housing and Community Development (HCD) guidelines for calculating overpayment. In 1990, 56.2 percent of the city's low-income owner households paid more than 25 percent of their income for housing, and 100 percent of the low-income renter households paid more than 25 percent.

b. Housing Need. Section 65584 of the State Government Code requires all cities and counties in California to meet their respective "fair share" of the affordable and market-rate housing need for the region. The regional need and fair share allocations are determined by the regional council of governments, where they exist. Contra Costa County and the City of Clayton are part of the nine-county San Francisco Bay Area Region and the regional council of governments, called the Association of Bay Area Governments (ABAG). ABAG is required to periodically prepare housing needs determinations, which local jurisdictions are required to reflect in the Housing Elements of their General Plan. ABAG identified a 1988-1995 projected need of 241 affordable units in Clayton. Table 10 shows the 1988-1995 housing needs by income category for the City of Clayton.

According to building permits issued by the City from January 1988 to January 1992, approximately 410 housing units were built during this time. This indicates that the City is well ahead of meeting its fair share of housing. However, the great majority of the units built were affordable only to households in the above moderate income category. The affordability allocation fell short in the very low, low and moderate income categories, as shown in Table 11.

The 20 units which were affordable for very low income households are in a project known as Peace Grove built by Housing for Independent People (HIP). This facility was designed for very low income persons who are mentally disabled. The three units considered affordable to low income households were built as secondary units to existing homes within the city. The two units considered affordable to moderate income households were built in the Oakhurst subdivision. The remaining 385 units which were affordable only to above moderate income households were also built in the Oakhurst subdivision, and include townhomes and condominiums.

In terms of City policies, the General Plan encourages the provision of well-designed affordable housing units in order to provide a mixture of housing types in Clayton. The 1993 Housing Element of the General Plan identifies a variety of ways to implement this basic policy. These programs are grouped into four categories that the City is either currently using or may want to consider to promote affordable housing over the long term. These programs are listed below:

Table 10
CLAYTON HOUSING NEED
1988 - 1995

Total Projected Need	241 Units
Very Low Income	39
Low Income	29
Moderate Income	39
Above Moderate Income	134

Table 11
ADJUSTED HOUSING NEED PROJECTIONS
BY INCOME CATEGORY
City of Clayton (1988-1995)

	Very Low[1]	Low[2]	Moderate[3]	Above Moderate[4]	Total
ABAG Needs					
Projection	39	29	39	134	241
Building Permits (January 1988 to January 1992	20[5]	3[6]	2[7]	385	410
Balance of Need	19	26	37	0	82[8]

[1] Units for households earning less than 50 percent of median income.
[2] Units for households earning between 50 and 80 percent of median income.
[3] Units for households earning between 80 and 120 percent of median income.
[4] Units for households earning more than 120 percent of median income.
[5] This represents the 20-unit project at 1578 Kirker Pass Road (i.e., Peace Grove) built by Housing for Independent People (HIP), designed for very low-income persons who are mentally disabled (approved after January 1992).
[6] This represents second units approved by the City for the elderly.
[7] This represents townhome units reported by the developer to have sold for approximately $175,000.
[8] Needed units are all affordable for very low, low and moderate income groups. This entry can be summed only across its line, and not down its column, since the need for above-moderate housing units has been exceeded.

Source: Association of Bay Area Governments; City of Clayton.

(1) Incentives.

- Density Bonuses
- Fee Reductions or Waivers
- Reduced Development Standards
- Use of Surplus Public Land
- Priority Processing

(2) Increased Site Opportunities.

- Annexation
- Higher Densities
- Second Units
- Mixed-Use Development

(3) Exactions.

- Inclusionary Zoning Programs
- Provisions for in-lieu fees

(4) Direct Production of Affordable Housing by Non-Profit Developer. In conjunction with these programs, City staff has prepared a detailed inventory of all vacant and underutilized sites with potential for the development of affordable housing. The City has identified 217 acres of non-residential land that may be appropriate for General Plan redesignation and rezoning. If redesignated and rezoned, these 217 acres could yield an additional 466 units of housing, 67 of which would be developed as multi-family housing at densities of up to 10 dwelling units per acre. Given this proposed density, affordable housing could be constructed, and the remaining need for affordable units could be partially met.

D. Impacts and Mitigation Measures

1. General Plan Amendment and Specific Plan Area

a. Population. The population of the City of Clayton and the Specific Plan area would increase with occupancy of the proposed residential projects. Although there is no way to tell for sure exactly how many units could be built in the study area, the gross acreages within each indicated development area give some indication of the Specific Plan buildout. The areas delineated for development could probably accommodate a total of 305 new residential units. These units would create housing

for approximately 909 persons, using the ABAG projected average of 2.98 persons per household for the year 2005. Although some residents who would come to live in the Specific Plan area may come from within Clayton, the development would have the overall effect of adding approximately this number of residents to the City.

This impact would be less than significant. No overcrowding or unacceptable growth would result from the development of the Specific Plan area.

b. Housing. Development in the Specific Plan area would add approximately 305 single-family detached residential units to the existing housing stock in Clayton. The City's current housing stock is heavily weighted toward this type of housing, and development in the Plan area would add more of the same. The units would most likely he attractive to families with children.

According to City staff, all of the homes would be affordable only to those in the above moderate income category or higher income categories, which means that housing built in the study area would be affordable to those households earning no less than 120 percent of the median income. The housing would be out of reach to those households in the very low, low and moderate income levels.

However, the City has adopted an inclusionary zoning policy which is described in more detail in the Housing Element. Under this requirement, the City would require new development to include a minimum percentage of moderate- and/or low-income housing, or by requiring developers to pay in-lieu fees to the City for affordable housing. Any new development which would occur in the study area would most likely pay in-lieu fees to the City.

The payment of in-lieu fees to the City by development in the study area would mitigate the lack of affordable housing in the new developments of the Specific Plan area.

2. Heartland Property

a. Population. The Heartland Group, Inc., proposes to construct 90 single family detached homes on a 138-acre site in the Plan area. These units would create housing for approximately 292 persons, using the ABAG projected average of 2.98 persons per household for the year 2005. Although some project residents may come to the project from within Clayton, the development would have the overall effect of adding approximately this number of residents to the City.

This impact would be less than significant. No overcrowding or unacceptable growth would result from the development of this project.

b. Housing. The project would add 90 above-moderate-income single-family homes to the City's housing stock. The City's current housing stock is heavily weighted toward this type of housing, and the Heartland project would add more of the same. The units would most likely be attractive to families with children.

None of these homes would be affordable to those households with very low, low or moderate income levels. However, as mentioned previously, the developers would most likely pay in-lieu fees to the City as part of the City's inclusionary zoning policy, thereby allowing the City to develop affordable housing.

The payment of in-lieu fees to the City by the project developers would mitigate the lack of affordable housing in the new Heartland development.

3. Temps Property

a. Population. Mr. Richard (Mike) Temps proposes to construct 40 new single-family detached homes (in addition to the one existing residence) on a 42-acre site. These units would create housing for approximately 119 persons, using the ABAG projected average of 2.98 persons per household for the year 2005. Although some project residents may come to the project from within Clayton, the development would have the overall effect of adding approximately this number of residents to the City.

This impact would be less than significant. No overcrowding or unacceptable growth would result from the development of this project.

b. Housing. The project would add 40 above-moderate-income single-family homes to the City's housing stock. The City's current housing stock is heavily weighted toward this type of housing, and the Temps project would add more of the same. The units would most likely be attractive to families with children.

None of these homes would be affordable to those households with very low, low or moderate income levels. However, as mentioned previously, the developers would most likely pay in-lieu fees to the City as part of the City's inclusionary zoning policy, thereby allowing the City to develop affordable housing.

The payment of in-lieu fees to the City by the project developers would mitigate the lack of affordable housing in the new Temps development.

4. Moita Property

a. Population. Mr. Jim Moita proposes to construct 10 new single-family detached homes in addition to the one existing home on his 32-acre site. These new units would create housing for approximately 30 persons, using the ABAG projected average of 2.98 persons per household for the year 2005. Although some project residents may come to the project from within Clayton, the development would have the overall effect of adding approximately this number of residents to the City.

This impact would be less than significant. No overcrowding or unacceptable growth would result from the development of this project.

b. Housing. The project would add 10 above-moderate-income single-family homes to the City's housing stock. The City's current housing stock is heavily weighted toward this type of housing, and the Moita project would add more of the same. The units would most likely be attractive to families with children.

None of these homes would be affordable to those households with very low, low or moderate income levels. However, the Moita project developers would most likely pay in-lieu fees to the City as part of the City's inclusionary zoning policy, thereby allowing the City to develop affordable housing.

The payment of in-lieu fees to the City by the project developers would mitigate the lack of affordable housing in the new Moita development.

5. Cumulative Impacts

Specific Plan buildout, together with other development in Clayton and the region as a whole, would cumulatively increase the population and housing stock within the area. However, impacts would not be significant because no overcrowding or unacceptable growth is expected to result from the development of this project or others cumulatively in the region. In addition, no impacts are expected related to affordable housing due to current City policy requiring new development to either include affordable housing or to pay in-lieu fees to the City for affordable housing.

4.4 Parks and Open Space

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A. Existing Setting

1. Open Space in the Study Area

Although most of the study area is currently undeveloped agricultural land or open space, there is no publicly held open space in the area. Specific open space resources in private ownership include the following:

- Creek, trail and conservation easements and deed restrictions, as described in Chapter 4.1 and shown on Figure 15.

2. City of Clayton Parks and Open Space

The City has guidelines regarding provision of a greenbelt and neighborhood parks in the Open Space and Conservation Element of its Clayton 2000 General Plan. As described in Chapter 4.2, the greenbelt is intended as a network of creek rights-of-way, ridgelines and other dedicated open space areas that connect various portions of the area and serve as pedestrian, bicycle and equestrian circulation ways. In addition, the Open Space and Conservation Element has the following goals regarding neighborhood and other parks:

Objective 2. To develop neighborhood parks within the greenbelt system adjacent to other community facilities.

2a. Continue requirement for parkland dedication for neighborhood parks that are compatible with the system of greenbelts.

2b. Set aside neighborhood parkland where new school sites are identified to establish common facilities and help promote their use.

2c. Review each park/greenbelt area for maintenance needs, and identify alternative methods to provide maintenance including homeowner associations, park districts, volunteer measures and dedication to State and regional park systems.

2d. Consider establishment of a community park.

The City's standard for park provision is contained in the General Plan Growth Management Element, and requires 3 acres of developed park land such as athletic fields, picnic areas and tot lots for every 1,000 residents, and 7 additional acres of maintained open spaces such as greenbelts and trails for each 1,000 residents.

The park standard is enforced through Section 16.12.010 of the Clayton Municipal Code, entitled "Parkland Dedication", which requires developers to dedicate land for park purposes or pay parkland dedication fees-in-lieu to the City. Fees-in-lieu of land are based on a flat fee of $2,259 per single-family dwelling unit. The code also calls for .0165 acres of parkland for every single-family dwelling unit. A market study conducted by the City in March 1992 determined that the fair market value of one acre of parkland in the City was $136,925. Hence, .0165 acres of parkland in Clayton has an approximate value of $2,259. It appears that this fee is intended to include both acquisition and development costs for parks, but that the calculation basis in the ordinance reflects only acquisition costs. The ordinance also requires about 6 acres of parkland per 1,000 residents, as compared to the 3 acres of parkland and 7 acres of maintained open space required in the Growth Management Element.

The City of Clayton has one developed neighborhood park at the end of Lydia Lane in the Silver Creek neighborhood. The City has also developed four community ballfields next to the new middle school on Marsh Creek Road, just west of the study area.

There is a park-like open space facility with a swimming pool under the ownership and administration of a homeowners' association in the Dana Hills neighborhood. According to the conditions of approval of annexation for this subdivision, these facilities are available to all Clayton residents.

The City of Clayton also owns an open space area along Donner Creek and adjacent to Mount Diablo State Park. This undeveloped area includes grass covered hills and trails that connect into the State Park.

The City completed a Trail Study for the repair and extension of the City's existing trail system in 1989. The major trails in the study are the Mitchell Creek Trail, the Mt. Diablo Creek Trail, and the Donner Creek Trail. The Mt. Diablo Creek trail currently ends at the edge of the study area in the Regency Meadows subdivision.

3. Mount Diablo State Park[7]

Mount Diablo State Park, which is immediately south of the study area, includes 18,000 acres extending from Clayton to Blackhawk, and from Walnut Creek to the undeveloped Morgan Territory. On its western side, it is coterminous with Diablo Foothills Regional Park and Shell Ridge Recreation Area, which add additional undeveloped open space area.

Mount Diablo State Park was founded as a 630-acre state park and game refuge in 1921, and was thereby one of the first state parks. The park is most well known for the summit of Mount Diablo, which affords panoramic 360-degree views of 35 counties ranging up to 200 miles. Views include the Bay Area, Mount Tamalpais, the Livermore and Pleasanton Valleys, Mount Hamilton, and the Sierra Nevada. Because of its excellent views, the peak was used as the basis for surveying much of California, Nevada and Oregon during the 1800's.

The park is now an important open space resource in rapidly urbanizing Contra Costa County. The park has many miles of trails for hiking, horse-back riding and bicycling. Over 500,000 people visited the park 1988, up from 250,000 ten years before. Within the park, 1,500 acres to the north of the Mount Diablo summit are designated as wilderness as the North Peak Roadless Area.

The State adopted a General Plan for the park in 1989. The plan targets many programs for the entire park. The list below outlines programs that are most relevant to the City of Clayton and the Marsh Creek Road Specific Plan, including some overall park management programs and more specific plans for the northeastern portion of the park:

- The plan suggests acquisition of lands by the State Park in the study area south of Marsh Creek Road. The targeted area, which is shown in Figure 20, does not include lands within the Specific Plan area. According to Park staff, this acquisition is not being actively pursued by the State Park at this time.[8]
- The plan foresees a trailhead and staging area with parking for 6 to 10 cars in the Regency Meadows area. This appears to be a "Priority 1" project in the General Plan.[9]

[7] Information in this section is taken from *Mount Diablo State Park General Plan*, approved in November, 1989.

[8] Felix Arteaga, Park Superintendent, personal communication, March 8, 1991.

[9] Mount Diablo State Park General Plan, November, 1989, pp. 140-143.

- The trailhead and entrance facilities in Mitchell Canyon are to be expanded. This area is also to be the site of a new maintenance yard, a picnic area and an interpretive display.
- The plan suggests construction of a new 50-unit campground with complete utilities and an additional group camp at a relatively low elevation just east of the study area. The location of this proposed campground is shown in Figure 20. This campground is ranked as "Priority 3," which indicates that it is of the lowest importance of the General Plan projects.
- Most portions of the Park adjacent to the study area are targeted for "low intensity" use on the General Plan's Allowable Use Intensity Map. This designation is applied to areas with sensitive resources or steep slopes. The area of the park east of the study area is partially designated for "moderate" and "high" intensity use around the proposed campground and picnic area.
- The General Plan seeks to consolidate or reduce transmission facilities in the Park. While this program is generally targeted at telecommunications facilities on mountain peaks, it could also lead to the relocation of the electrical transmission lines that run from the study area into the Park.

4. East Bay Regional Park District Facilities

The East Bay Regional Park District (EBRPD) operates regional open space facilities in Contra Costa and Alameda Counties. Although there is no EBRPD land in the immediate vicinity of the study area, the Black Diamond Mines and Morgan Territory Regional Preserves are both within ten miles of the area. A regional trail operated by EBRPD connects Black Diamond Mines with Mount Diablo State Park.

The "regional preserve" designation carries a specific definition under EBRPD guidelines. A regional preserve is intended to protect land that contains outstanding natural or cultural features so that they are available for the enjoyment and education of the public. Regional preserves generally are subject to less intensive development and use than regional parks.

a. Black Diamond Mines Regional Preserve. Black Diamond Mines Regional Preserve encompasses about 3,500 acres of rugged hill land northwest of the study area and south of the cities of Antioch and Pittsburg. Coal, referred to colloquially as "black diamonds," was mined in the area from the 1850's until 1902. Sand mining also took place in the area from 1922 to 1945. Today, most of the mines are closed to make the area safe for visitors, but several small sections of the workings are currently open to public access. These historical mining operations are the features which have led to the designation of Black Diamond Mines as a regional preserve.

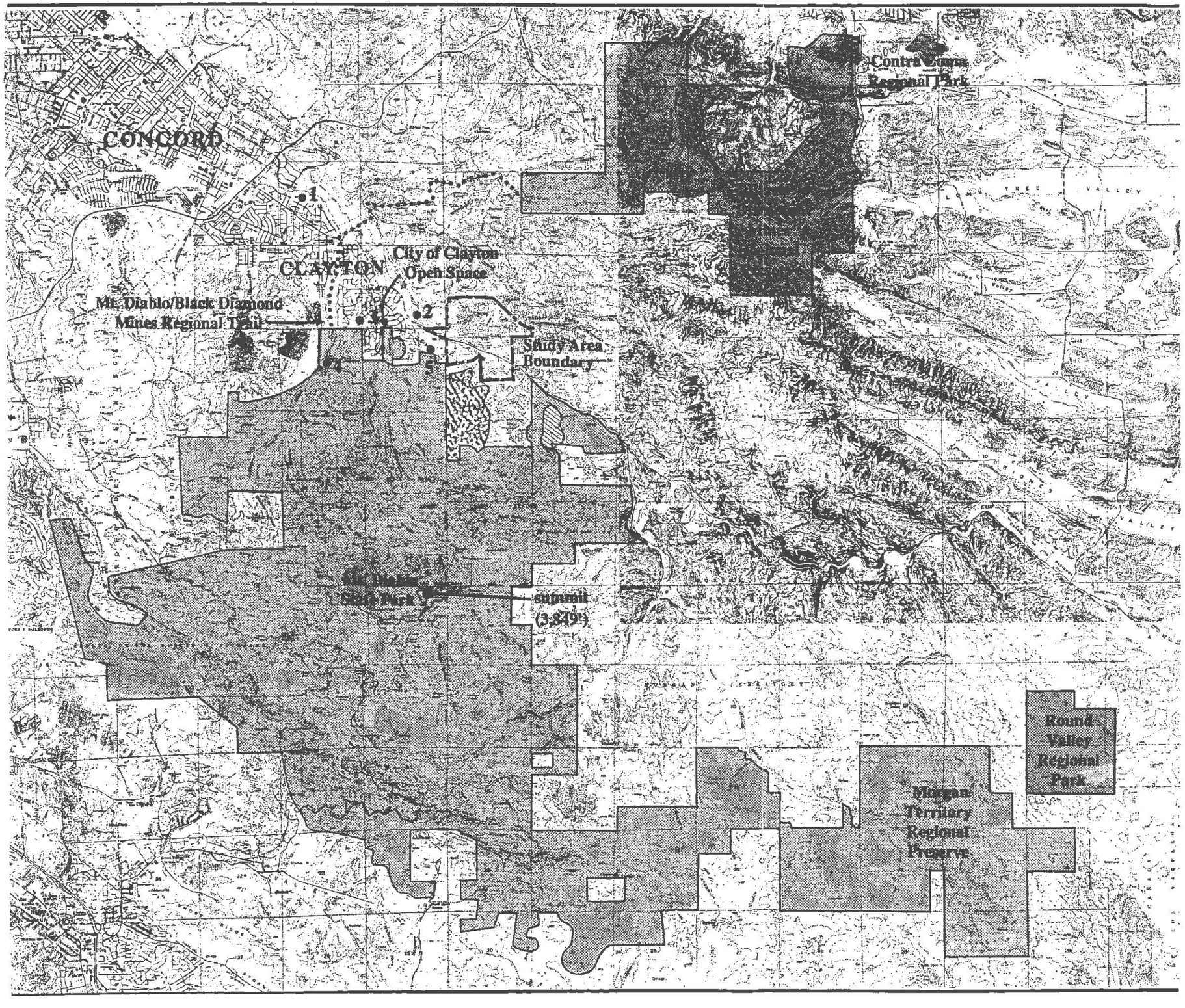


FIGURE 20

Parks and Open Space in the Region

1 Lydia Lane Park

2 City Ballfields
(Under Development)

3 Dana Hills Park and Swimming Pool
(Private)

4 Mitchell Canyon Staging Area
(Proposed State Park Facility Expansion)

5 Regency Meadows Staging Area
(Proposed State Park Facility)

State, Regional and Local Parklands

Potential State Park Campground

Potential State Park Acquisition

250 ACRES

N

MARSH CREEK ROAD SPECIFIC PLAN EIR

CLAYTON
CALIFORNIA

BRADY AND ASSOCIATES, INC. PLANNERS AND LANDSCAPE ARCHITECTS

Contra Loma Regional Park is adjacent to the preserve at its northeastern corner. This park is built around a reservoir with swimming, fishing and marina facilities, and it generally serves the urbanized communities of Antioch and Pittsburg.

The preserve is generally covered with grassland, but it is also the northern limit of the distribution of Coulter pine, black sage, desert olive and dudleya. Several rare plants restricted to the Mount Diablo area are found in the preserve. Deer are common, and mountain lions, bobcats, foxes and coyotes are seen occasionally. Several rare animals are also thought to inhabit the preserve.

A trail easement owned and operated by the EBRPD extends along the former Nortonville Road, also known as Peacock Canyon Road, between Black Diamond Mines and Mount Diablo State Park. This trail is part of a network of regional trails intended to connect regional and other parks throughout the East Bay.

b. Morgan Territory Regional Preserve. Morgan Territory Regional Preserve, located southeast of the study area along Morgan Territory Road, is an area with significant evidence of Native American habitation. It features extensive bedrock mortars and other Native American artifacts, as well as many miles of hiking trails through rolling hills and along ridgetops with expansive views. Historically, the preserve and its immediate area were ranch lands owned by Jeremiah Morgan beginning in 1857.

The area has recently expanded through land acquisition to include a connection to Mount Diablo State Park. There are presently very few developed facilities in it, but additional parking and staging areas may be constructed in the future.

B. Impacts and Mitigation Measures

1. General Plan Amendment and Specific Plan Area

a. Park Land Provision. Buildout under the Specific Plan would result in a study area population of roughly 1,034 persons based on ABAG multipliers of 2.98 persons per household in Clayton.[10] This represents a net increase of roughly 828 persons over the roughly 206 residents that either live in the study area or would under approved development. This increased population would require 2.5 acres of developed parks to meet City standards in the Growth Management Element, while the total population in the study area would require 3.1 acres of developed parks. Since the study area currently has no developed parks, the City should attempt to provide 3.1 acres of developed parks in the study area as part of Specific Plan buildout.

[10] *ABAG Projections - 92* Association of Bay Area Governments, July 1992.

The Specific Plan provides for development of three potential park sites. While no specific park development would be guaranteed under the Plan, the City would review development applications to seek to ensure that park facilities are included in the three designated locations if they are warranted at the time a development proposal is made.

The Temps project already proposes a 1.98 acre park site in the study area. This would fulfill almost two-thirds of the identified park need under Specific Plan buildout. While it is not clear exactly where the additional acreage needed under the plan would be built, the Specific Plan includes mechanisms to seek to ensure adequate park dedication over time.

b. Park Development and Construction. The City of Clayton would need to develop park and recreation facilities to serve residents of the Specific Plan Area. Since this would result in expenses to the City, the City's Municipal Code requires payment of park land development fees by each individual development project.

c. Open Space Impacts. The Specific Plan provides for the preservation of open space by concentrating development in the relatively flat valley of Mt. Diablo Creek and in the valleys where development would not be visible from Marsh Creek Road or Clayton. Most of the northern section of the study area, adjacent to the slopes of Keller Ridge will be preserved by clustering development. In addition, Specific Plan Policy RE-1 protects these lands from being developed by stating that no lands outside the limit of urban development as shown on the Land Use Map can be developed for urban uses under the Plan.

The Growth Management Element requires 7 acres of maintained open space per 1,000 residents, which would amount to 5.8 acres of maintained open space for the 828 new residents in the area, and 7.2 acres for the total buildout population of 1,034. The Specific Plan requires the dedication of undeveloped areas within a development parcel for public open space use. This would promote provision and maintenance of open space in close proximity to development areas, and would provide much more than 7.2 acres of open space. It could be safely assumed that at least 7.2 acres would be in trail corridors and other maintained areas.

The Plan includes policies to preserve the creeks and sets a limit line for urban development which restricts development beyond that line. The line is consistent with existing development areas with the addition of new development on the Moita and Heartland properties plus some pockets of ranchette residential in the southern area of the study area.

The Plan's inclusion of parks and trails along creeks and through open space areas would be consistent with objectives in the City's Open Space and Conservation Element which call for establishment of neighborhood parks in greenbelt systems and

enhancement of existing open space by including trails. The Plan includes trails along all of the creek corridors in the study area and through the Heartland property.

d. Impacts on Mt. Diablo State Park. Mt. Diablo State Park would not be adversely affected by land use changes under the Plan. The General Plan Amendment designates State parklands within the planning area boundary as Open Space/Public Parks.

e. City Parkland Dedication Ordinance.

Impact PARK-P1: The City's Parkland Dedication Ordinance does not conform with the more recently adopted General Plan Growth Management Element in its dedication requirements, and it does not appear to include provisions for funding of park development. (S)

As detailed in the Existing Setting section, the ordinance requires about 6 acres of parkland for every 1,000 residents, while the Growth Management Element requires 3 acres of developed parkland and 7 acres of maintained open space. This discrepancy makes it difficult to assess the adequacy of park and open space provision.

> Mitigation Measure PARK-P1: The City should revise the Parkland Dedication Ordinance to reflect dedication requirements of the Growth Management Element and to include capital costs for park construction and development.

2. Heartland Property

As described in Chapter 3, the Heartland project includes dedication of 78.7 acres, or 56.7 percent of the site, to the project's homeowner's association as open space. A ridge trail is proposed in the southern portion of the site. This trail is intended to link with property to the east and west.

Impact PARK-H1: The project would generate demand for new park facilities. (S)

Open space dedication and trail development would be consistent with Specific Plan regulations, and would partially off-set the need for parks and open space generated by the project. However, the project would also generate a need for developed park and recreation facilities, which would need to be developed by the City.

Mitigation Measure PARK-H1: The applicant should pay the park development fee required by Section 16.12.010 of the Clayton Municipal Code, entitled "Parkland Dedication" or the City may consider allowing credit for dedication of parkland or amenities such as local parks, pocket parks, greenbelt areas, open space, or common equestrian facilities.

3. Temps Property

As described in Chapter 3, the Temps project includes two park open space areas and a creekside trail, which would be dedicated to the City of Clayton. A 4.75 acre open space is proposed adjacent to Mt. Diablo Creek and a 1.98 acre park is proposed adjacent to Russellmann Creek. However, development of park facilities on the Russellmann Creek site would not be included in the project.

Impact PARK-T1: The project would generate demand for new park facilities. (S)

Open space dedication and trail development would be consistent with Specific Plan regulations, and would partially off-set the need for parks and open space generated by the project. However, the project would also generate a need for developed park and recreation facilities, which would need to be developed by the City.

Mitigation Measure PARK-T1: The applicant should pay the park development fee required by Section 16.12.010 of the Clayton Municipal Code, entitled "Parkland Dedication" or the City may consider allowing credit for dedication of parkland or amenities such as local parks, pocket parks, greenbelt areas, open space, or common equestrian facilities.

4. Moita Property

Impact PARK-M1: The Moita project would be inconsistent with Specific Plan Policy RE-2 requiring dedication of undeveloped lands for open space use as a part of development projects. (S)

No dedicated park or open space amenities are included in the Moita development plan, which is shown in Chapter 3. Although roughly half of the site would remain undeveloped due to physical constraints of the terrain, all of the site is proposed to be maintained in private ownership.

Mitigation Measure PARK-M1: The Moita project should be reconfigured to allow for dedication of undeveloped lands remaining after project construction for public open space use.

Impact PARK-M2: The project would generate demand for new park facilities. (S)

The City would need to construct new park and recreation facilities to serve project residents.

> Mitigation Measure PARK-M2: The applicant should pay the park development fee required by Section 16.12.010 of the Clayton Municipal Code, entitled "Parkland Dedication", or the City may consider allowing credit for dedication of parkland or amenities such as local parks, pocket parks, greenbelt areas, open space, or common equestrian facilities.

5. Cumulative Impacts

Specific Plan buildout, together with other development in Clayton and in the region as a whole, would cumulatively increase demand for neighborhood and community parks and for open space resources in the vicinity. However, impacts would not be significant because of the large size of the open space preserves and parks in the area, such as Mt. Diablo State Park and East Bay Regional Park District's Preserves. In addition, the City has built four community ballfields next to the new middle school to provide community recreation facilities.

4.5 Municipal Services and Facilities

■ ■ ■

This chapter discusses the services and facilities available or necessary to meet the needs of existing and potential land uses in the Marsh Creek Road area. Current service or facility locations, capacities, and expansion/extension possibilities are discussed, as are regulations and requirements for each service. Utilities include water, sewer, power, telephone and cable television service. Services include police protection, fire prevention, schools and trash collection. Drainage facilities are discussed in Chapter 4.6.

In general, utility and service provision is expected to be feasible for most types of future development or land use, within certain physical constraints such as access, slopes, and coordination with neighboring uses and among the service providers, especially for utilities. In some cases, jurisdictional boundaries may need to be adjusted. Costs and phasing of future improvements would also be determined as land use changes occurred.

The Clayton General Plan of 1985 states several goals, objectives, and implementation techniques in the Community Facilities and Safety Elements and the Environmental Review Documentation. These elements state that the City intends to provide an efficient infrastructure system, with a comprehensive set of facility plans and programs for improvements to existing infrastructure.

The City's General Plan identifies a system of utility corridors to coordinate extension and improvements of utility services. One such corridor is proposed to be located in the study area in the Marsh Creek Road right-of-way. Within this corridor, water, sewer, gas, electricity, telephone and cable TV providers are expected to coordinate their trenching and installation activities with land owners, developers, and the City and County. Plans for road widening and realignment are also to include adequate right-of-way for this utility trunk line to be installed. A utility corridor in Marsh Creek Road would connect the study area with the existing facilities in the Clayton town center and Concord.

The Texaco oil pipeline is also designated as a utility corridor. This regional fuel line is located in an easement that runs along Marsh Creek Road through the study area and then north through Concord to Martinez.

A. Water

1. Existing Setting

a. Water Supply and Treatment. Public water supply, treatment, storage, and distribution in the study area are provided by the Contra Costa Water District (CCWD). CCWD obtains its water from Rock Slough, near Oakley, in the Delta, under the terms of a contract with the federal government. This contract grants the District a 195,000 acre foot (af) annual allotment of water. In 1988, the District used a record high of approximately 136,864 af.

The recent drought has affected CCWD's water quality. Because Rock Slough is located relatively far downstream within the Delta, it is susceptible to salt water intrusion from San Francisco Bay when freshwater river flows decline during the dry season. This has caused significant taste and odor problems in CCWD's water supply in the past, although it has not been health threatening. It is expected that these problems will recur this year.

CCWD is addressing its water quality problems through development of the Los Vaqueros reservoir on Kellogg Creek, in the eastern foothills of Mount Diablo. High quality winter flows from the Delta will be stored in the reservoir for release during the summer. Water from the reservoir will be mixed with water withdrawn directly from Rock Slough to produce a "blend" that is of substantially higher quality than summer Delta water. The District is currently relocating Vasco Road around the dam inundation area and constructing the reservoir's conveyance facilities. Water from the Los Vaqueros Reservoir should be available to CCWD customers in 1997.

Water distributed by CCWD in the Clayton area is treated at the District's Bollman plant near Highway 4 in Concord. The plant's maximum capacity is now 75 million gallons per day (mgd), which is sufficient for current levels of demand within its service area.

Future treatment plant expansions and system-wide facility improvements are partially funded through the District's connection fee. The fee is based on the size of the new connection's water meter. A 5/8-inch meter for a typical single-family home currently costs $7,140 (as of February 1, 1995). Local Fire District regulations require that all homes in eastern Clayton have a 1-inch meter, to supply a mandatory fire sprinkler system, but CCWD charges the 5/8-inch rate for a 1-inch meter under these circumstances.

Most of the study area is included within CCWD's existing boundary. However, the Moita property and most of the Heartland and Morgan properties are outside the CCWD boundaries, and would require annexation to the District before water service

can be provided. Annexation to CCWD would require Federal Endangered Species Act (FESA) clearance as part of the inclusion approval into the contractual service area for Central Valley Project water supplies. In addition, most of the area is also included within an existing CCWD Improvement District. Improvement Districts provide property tax revenues for operational and maintenance support of the pumping, storage, and distribution facilities that deliver water within each district's service area. As new water customers are added within a district, their property taxes are raised to cover the district's facility assessment.

b. Water Storage and Distribution. Water is pumped from the Bollman treatment plant to Clayton and the study area through an existing network of distribution mains owned by CCWD. There is an existing 12-inch diameter water main in Marsh Creek Road between Seminary and Nob Hill reservoirs. The transmission mains supply a series of small reservoirs and tanks that provide operating and emergency water storage and maintaining operating pressure within local distribution networks.

The local networks are divided into pressure zones whose boundaries are determined by ground elevation. Areas of roughly equal elevation are served by a self-contained network of distribution pipelines that is supplied by one or more reservoirs. The reservoirs for each pressure zone are set approximately 100 feet above the zone's highest service elevation, which creates a suitable range of operating pressures within the distribution system.

The vertical width of pressure zones generally does not exceed 160 feet. Greater differences in elevation would require that the line pressure be reduced before delivery at the lower end of the zone, which means that some of the energy used to pump water up into zone storage would be continually wasted. In areas of relatively flat terrain, pressure zones cover wide areas, with large distribution networks and extensive storage facilities. In steeper terrain, like that found in the study area, pressure zones become narrow bands that follow the contours of the hillsides, only widening out in valley bottoms and small canyons.

As a general rule, storage facilities located in hilly sections of CCWD's service area are sized to provide water only for the topographically defined immediate area. The District discourages the interconnection of equal pressure zones across intervening zones of lower pressure. In addition, it is often not feasible to interconnect systems.

The study area is currently served by distribution pressure zones 6 and 7 which are shown in Figure 21. In addition, zone 8 is within the study area but there are no existing zone 8 facilities. These zones are described below:

(1) Zone 6. This zone extends from elevation 600 to 760, covering most of the valley floor on both sides of Marsh Creek Road. It also extends through the first range of hills into several side canyons, particularly those south of Pine Lane and Russellmann Road, and in the southwest corner of the Heartland site.

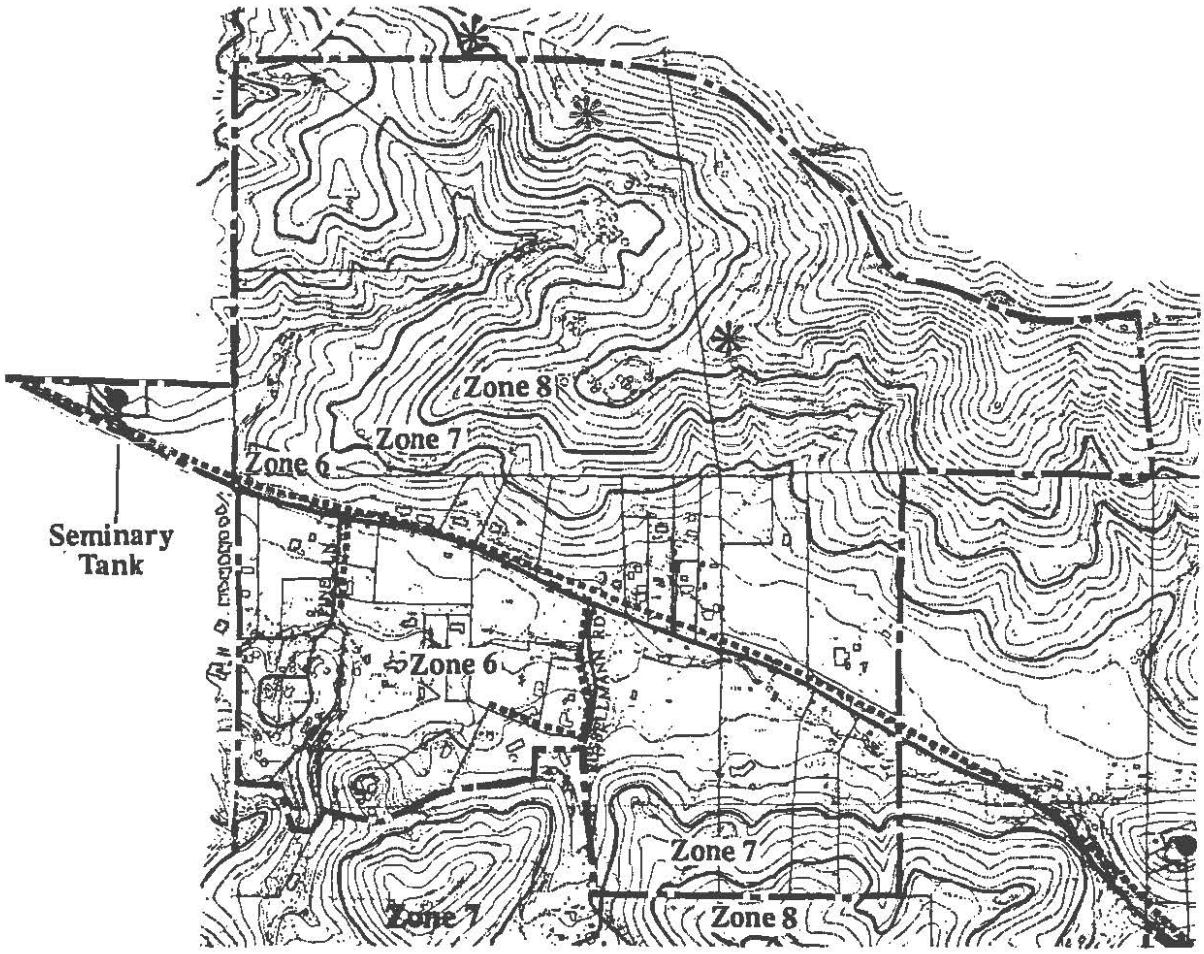
There is an existing 500,000 gallon storage tank serving this zone located on Nob Hill, on the north side of Marsh Creek Road east of the study area. The 12-inch main on Marsh Creek Road supplies the tank from a pumping station located at the Zone 5 (Seminary) storage tank, adjacent to Marsh Creek Road at the western end of the study area. This main is also the principal component of the Zone 6 distribution system, serving the homes and businesses along Marsh Creek Road. Branches of the Zone 6 water main system within the study area extend a short distance up Russellmann Road and to the end of Pine Lane. Most of the developed service area in Zone 6 is located in the upper sections of the Regency Woods subdivision, and in the higher elevation neighborhoods at the end of Regency Drive.

(2) Zone 7. This zone occurs as a relatively narrow hillside band within most of the study area, extending from the top of Zone 6 at elevation 760 up to elevation 880. This zone opens out somewhat on the Temps property in the small bowl behind the first range of hills on Russellmann Road.

There are two existing 250,000 gallon storage tanks serving Zone 7 at the CCWD's Divide reservoir site, located on the crest of Marsh Creek Road toward the Morgan Territory east of the study area. An 8-inch main in Marsh Creek Road connects this tank with the Zone 6 tank and pumping station on Nob Hill, and also serves as the distribution main for portions of Zone 7 located along Marsh Creek Road in the study area. However, there are currently few branches or service connections to this main in the study area. Distribution lines run east of the study area from the Divide tanks on Marsh Creek Road, serving areas on the east side of the crest and on Morgan Territory Road.

A new 830,000 gallon Zone 7 storage tank has recently been constructed at Irish Canyon in the Oakhurst subdivision, northwest of the study area. Excess capacity has been designed into this tank to supply an additional 100 homes in the study area, primarily on the Heartland site. The overland supply main needed to connect Heartland with the new tank is to be constructed by the Heartland developers if the project is developed.

(3) Zone 8. This zone extends from the top of Zone 7 up to elevation 1,000. There are, however, no existing storage or distribution facilities in the study area to serve Zone 8 or higher elevations. CCWD has not formulated a firm policy for installation of the pumping and storage facilities needed to provide water to the



Legend

- Conceptual Pressure Zone Boundary (Water service currently exists only in zone 6).
- Existing Water Main
- Existing Water Tank
- Conceptual location of potential future water tanks
- Specific Plan Boundary

NORTH

5 Acres

0 300 600 1200

Scale in Feet

MARSH CREEK ROAD SPECIFIC PLAN EIR

FIGURE 21

Existing Water Pressure Zones, Tanks and Lines

narrow pressure zones that occur within upper elevations on developable hillsides. Applications for water service have, thus far, been handled on a case by case basis.

c. Alternative Water Supplies. Private wells currently supply many of the homes in the study area with drinking water. County Environmental Health Department officials report that the study area is generally not a good location for wells. Clayey soils have caused a number of reported well failures in the past. These conditions make it unlikely that extensive development can be supported by local groundwater resources.

2. Impacts and Mitigation Measures

a. General Plan Amendment and Specific Plan Area. Development within the study area would increase the use of potable water within the CCWD service area. New water service would be installed to approximately 305 new units. CCWD estimates that the average water demand for each home would be 700 gallons per day (gpd), and it is assumed for this study that each commercial acre would use an average of 2,500 gpd.[1] These usage rates would yield a total water demand of approximately 220,000 gpd within the study area.

(1) Water Supply. CCWD currently has no restrictions on new service connections, so the supply of water is not expected to constrain development within the study area. However, the project would increase the use of potable water within the Bay Area.

It does not appear that Specific Plan buildout would have a significant impact on the CCWD's water supply capacity. However, there is a potential for continued and worsening water shortages throughout California, so water conservation measures such as low flow plumbing fixtures and drought tolerant landscaping are required by Specific Plan Policy DD-21.

(2) Water Facilities. Development within the study area would increase the demand for water service from CCWD and would probably exceed the capacity of existing water storage and distribution facilities in the study area.

The Specific Plan provides a preliminary list of improvements needed within the study area and identifies funding responsibilities for common, area-wide improvements. It also recommends that the City and CCWD establish a schedule for

[1] A recent water use survey performed by CCWD found that retail development uses an average of 2.5 acre feet of water/acre/year, or about 2240 gpd/acre (gross). This figure has been rounded up approximately 10% to estimate future water use in the study area.

the installation of area-wide improvements and develop a funding mechanism to equitably distribute the cost of construction.

Water supply studies based on the adopted Specific Plan would be required for each phase of development. The water supply study will confirm projections for future water demand within the study area, identify the location of needed additions to the area's backbone water system, and calculate pipe sizes, storage capacities, and pumping requirements for the various pressure zones. In addition, the study will define pressure zone boundaries so that water service can be efficiently provided to all development areas using a minimum number of individual storage reservoirs.

This section reviews water supply as it would be provided under the Specific Plan. More detail can be found in Chapter IX of the Specific Plan itself. No additional mitigation measures are necessary to ensure adequate water service in the area.

(a) Development Area A. The Heartland project has a committed storage allotment in the Zone 7 Oakhurst tank, which would serve all Zone 6 and 7 development within Development Area A. Development Area A's Zone 8 homes would be served by a new storage tank and pumping station.

(b) Other Development Areas. This discussion looks at water service to development areas B, C, D and E in the two pressure zones in which development would occur. Development in these areas would be entirely within Zones 6 and 7; Zone 8 development would only occur in Development Area A.

Zone 6. The existing excess capacity at the Nob Hill reservoir of 150,000 gallons would not be adequate to serve the homes proposed in this area under Specific Plan buildout. The Specific Plan identifies one option to remedy this shortfall. This alternative would require the construction of a second tank on Nob Hill. It appears that there is sufficient room on Nob Hill for installation of a new reservoir, but this cannot be confirmed until CCWD inspects the site to verify the location of existing facilities and to evaluate geologic stability. The exact method of providing additional capacity in Zone 6 will be determined by CCWD as development in the area progresses.

The existing Zone 6 distribution system would be extended into each development area from the existing water mains on Marsh Creek Road and Russellmann Road. CCWD has estimated that this would require the installation of either a parallel 12" diameter water main or a replacement 16" diameter main, running west from the Nob Hill reservoir through the project area.

Zone 7.

As discussed in the Specific Plan, two residential lots on the Temps property exist within Zone 7. The Specific Plan assumes that a pumping station to be located in Zone 6 will provide water to the sites. The pumping station would be financed by the project sponsor.

Additional demands on the Zone 6 water supply would not create a significant impact; however, additional analysis will be necessary when the location of a pumping station is determined, or if the project sponsor proposes alternate conveyance methods.

(3) Water District Boundaries. Most of the Specific Plan area falls within the existing boundaries of the CCWD and would not require annexation. However, the Moita property and most of the Heartland and Morgan properties are outside the CCWD boundaries, and would require annexation to the District before water service could be provided. Annexation to CCWD would require Federal Endangered Species Act (FESA) clearance as part of the inclusion approval into the contractual service area for Central Valley Project water supplies. This annexation is specified in the provisions of the Specific Plan itself, and this EIR should provide sufficient environmental background for annexation review by LAFCO, the Bureau of Reclamation and the US Fish and Wildlife Service. Therefore, this is not considered an impact and requires no additional mitigation.

> Impact MUNI-P1. New reservoirs required to serve Specific Plan development and water lines serving them, could result in environmental impacts that cannot be foreseen until their exact location is determined. Impacts could include soil instability, disruptions of habitat and cultural resources, and visibility of above-ground tanks. (S)
>
> > Mitigation Measure MUNI-P1: Once sites for reservoirs are selected, the specific sites and pipeline alignments should be reviewed for any potential environmental impacts. The City should consider requiring that tanks be installed underground to minimize their impacts.

b. Heartland Property. The Heartland project would conform to the approximate unit count shown for the site in the Specific Plan. As a result, the increased demand for potable water and the need for new water distribution and storage facilities would be met through water service provisions in the Specific Plan, and impacts on water service associated with the project would not be significant.

The Preliminary Development Plan for the Heartland project does not show a proposed water distribution system, Zone 8 storage reservoir, or overland connection

to the existing Zone 7 Irish Canyon reservoir. It is assumed that new water lines would be installed within proposed roads. This would result in long, dead-end sections serving areas A2 and A3, but because of the site's rugged terrain, it does not appear feasible to create a looped system. Given the relatively small number of units, the lack of a looped system would not be considered significant.

Impact MUNI-H1: The Heartland site plan does not indicate how water service would be provided for the adjoining Morgan and Moita properties. (S)

> Mitigation Measure MUNI-H1: New water lines should be extended to fully serve the Heartland project and be available for extension from the roadway stubs at the Heartland property's east and west boundaries to the Moita and Morgan properties.

Impact MUNI-H2: Connection of the early phases of the Heartland project in Zone 6 to the existing Irish Canyon reservoir would require the installation of a long water supply line across currently undeveloped land. (LTS)

According to the engineer for the Heartland project, the development is to be constructed in phases, beginning at Marsh Creek Road. If water for the first phase, located in Zone 6, is obtained from Irish Canyon, more than 2,000 feet of water line would have to be run down from the site's north property line to the uphill end of the phase. This would require extensive excavation through undisturbed, grass covered canyons long before full development and homebuilding are scheduled to proceed.

> Mitigation Measure MUNI-H2: If the Zone 6 units of the Heartland project are developed first, they should be permitted to make a temporary connection into the Zone 6 Nob Hill distribution system on Marsh Creek Road. This would permit the project sponsors to avoid disturbing the surrounding grasslands to provide water service until later construction occurs. There is sufficient unused capacity at the Nob Hill reservoir to supply Zone 6 Heartland units until the later uphill phases of the project are constructed and water lines to the Oakhurst Irish Canyon tank are installed.

c. Temps Property. The Temps project would conform to the unit counts projected for the site in the Specific Plan. As a result, the increased demand for potable water and the need for new water distribution and storage facilities would not be considered a significant impact.

The 40 proposed homes would require 56,000 gallons of zone 6 reservoir storage. 150,000 gallons of excess capacity is currently available on Nob Hill, so this would not be considered a significant impact.

The proposed project would also increase flow within the existing 12" diameter Marsh Creek Road water main. It is not known how much excess capacity is now available in this main, but it is unlikely this project alone would trigger the need for additional capacity, so it would not be a significant impact. However, because the project would contribute to the cumulative need for new distribution facilities, the project sponsors would be required to participate in funding programs established by the City for construction of area-wide water system improvements. These programs are described in the Specific Plan.

Impact MUNI-T1: If the Temps water system were not looped to existing service on Marsh Creek Road, supply problems could occur in the future. (S)

> Mitigation Measure MUNI-T1: The on-site distribution system should be connected to Marsh Creek Road at the east end of the project and to Russellmann Road. This would create a looped distribution system, which would significantly improve on-site circulation and delivery capacity. It would also supplement the existing flow capacity along Marsh Creek Road. If the lines are properly sized, this could reduce the need for replacement or parallel mains on Marsh Creek Road.
>
> A connection to Marsh Creek Road at the east end of the Temps property would require a new utility crossing of Mount Diablo Creek. It is expected this line could be either buried underneath the creek or run above ground, mounted on the existing pedestrian bridge.

Impact MUNI-T2: The Temps project would allow two homes in an isolated area in the Zone 7 elevation band without a dedicated reservoir. This would conflict with general CCWD policy. (S)

> Mitigation Measure MUNI-T2: The Temps project applicant should request a waiver from the CCWD Board of Directors to allow construction of two homes in an area of Zone 7 elevation without a dedicated reservoir. If no waiver is granted, the homes should be served with well water (if approved by the City of Clayton), or they should be eliminated from the project. (LS)

d. Moita Property. The Moita project proposes the development of seven more single family homes than are called for in the recommended Specific Plan. It is not expected that this increase would significantly affect the demand for potable water within CCWD's service area or the need for new water distribution and storage facilities.

It appears that all the proposed homes would be located within pressure Zone 8. These homes would be served by the Zone 8 storage reservoir that is also needed for upper elevation development on the Heartland and Morgan properties. The seven

additional homes would require 9,800 gallons of storage capacity, which could be included in the reservoir at the time of construction.

It is expected that the proposed project would connect to the local Zone 8 distribution system at the Heartland site road connection.

e. Cumulative Impacts. Most of the study area lies within the CCWD service area, and all of it was included in water demand projections prepared for the District's most recent Treated Water Master Plan, which was completed in August 1994. Densities were assumed to be lower than proposed in the recommended Specific Plan, but District officials do not expect that new development within CCWD's existing service area would significantly affect its overall water supply capacity.[2] The existing 195,000 acre foot yearly allocation from the Bureau of Reclamation should accommodate build-out within the service area.

Significant water shortages would only be expected to occur when the Bureau of Reclamation is forced to make across-the-board cuts in water allocations in response to drought conditions. CCWD has weathered previous cutbacks by reducing demand through conservation and by supplementing its supply through purchases from the State Water Bank. It is not clear whether additional measures, such as enforced rationing, may be required in the future to balance the District's growing demand for water against a reduced supply from the Central Valley Project. If so, the proposed project would be expected to have a significant adverse cumulative impact on existing water customers within the CCWD service area.

B. Wastewater

1. Existing Setting

a. Wastewater Treatment. Public wastewater treatment for the study area and the City of Clayton is provided by the Central Contra Costa Sanitary District (CCCSD). Wastewater is conveyed through gravity sewer lines and pumping stations to the District's treatment plant located at the intersection of Highway 4 and I-680. Treated effluent is discharged directly into Carquinez Strait.

The CCCSD treatment plant is currently treating approximately 36 million gallons of wastewater per day (mgd), with a total capacity of 45 mgd. Wet weather flows are higher and are somewhat diluted due to the infiltration of rainwater into the system. Based on the rate of growth and the corresponding increase in wastewater flow within the service area during recent years, District officials expect that excess capacity will

[2] Jean Gardner, Contra Costa Water District, personal communication, January 5, 1993.

be sufficient until 1995 or 1996. Continued development will ultimately require the provision of additional treatment capacity.

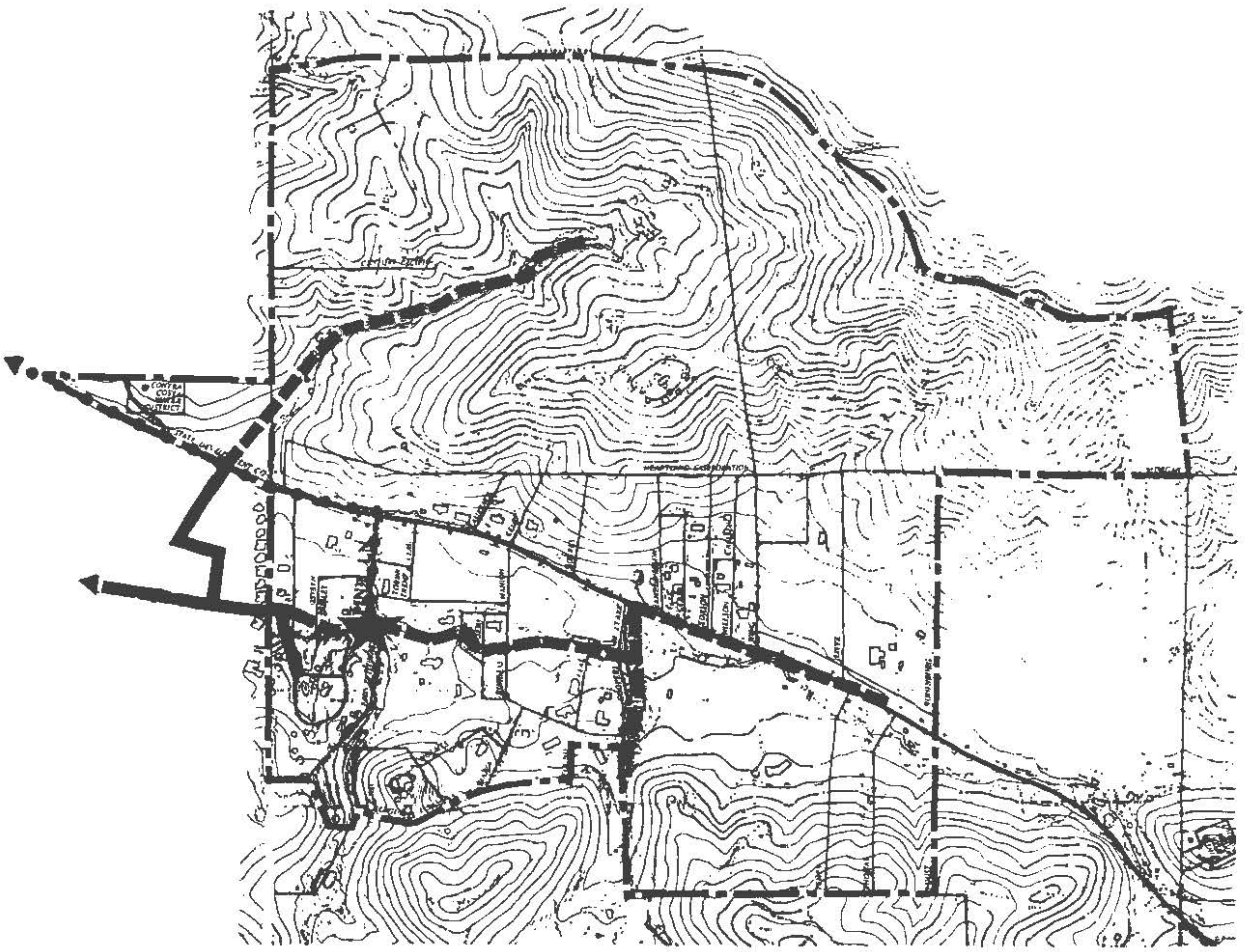
Major capital improvements are funded by the District's connection fees levied on new development. CCCSD officials expect that the current fee structure will provide adequate revenue to finance future treatment plant expansion. As a result, it does not appear that wastewater treatment capacity is likely to constrain development within the study area.

b. Wastewater Collection. Although the collection lines are actually owned by the City of Clayton, the City of Concord Public Works Department operates and maintains Clayton's public wastewater collection system. Concord transports Clayton's wastewater downstream through its system of trunk sewers and pumping stations to the CCCSD treatment plant.

CCCSD charges the City of Concord a per gallon fee for wastewater treatment and for new service connections. Concord passes these costs along to all of its wastewater customers, including those in Clayton, along with additional charges for the operation and maintenance of the collection system. The connection fee for a single family home is currently $2,250.

Existing sewer lines in Clayton are shown in Figure 22. The main trunk line of Clayton's existing sewer collection system runs east along Clayton Road from its beginning at the Concord city line. Local collector lines branch off this main into the many neighborhoods on both sides of Clayton Road. After the trunk line passes through downtown Clayton, it turns south off Clayton Road, just before El Molino Drive, and follows Donner Creek upstream for approximately ½ mile. It then leaves the creek and runs due east along rear lot lines between Bloching Circle and Weatherly Drive to El Molino Drive. From El Molino Drive, the collector follows local roads on a circuitous route that crosses Mount Diablo Creek and finally heads east along El Portal Drive to the end of the Regency Meadows subdivision, at the western edge of the study area.

The El Molino/El Portal segment of the Clayton trunk sewer is currently the upstream end of the City's sewage collection system. All wastewater now flows downhill through these lines to the City of Concord. Future extensions into the study area and the upper end of Clayton Valley would connect either directly into the main on El Portal Drive, or into a branch of this main on Diablo Parkway, which is currently stubbed across Marsh Creek Road. The first segment of the El Portal extension has been installed to serve the Oakwood subdivision and other new homes proposed for construction at the western end of the study area. Oakwood's private collection system will intersect the City's main after crossing Mt. Diablo Creek at Pine Lane.



Legend

- Existing Lines
- Proposed Lines
- Alternative Lines (Require pump station)
- Potential Pump Station Location
- Specific Plan Boundary

NORTH

5 Acres

0 300 600 1200

Scale in Feet

MARSH CREEK ROAD SPECIFIC PLAN EIR

FIGURE 22

Proposed Planning Area Sewer Lines

The Concord Public Works Department recently completed a capacity study of Clayton's main collection system. This indicates that there are several segments of main collector line in Clayton that are currently operating over design capacity during periods of peak wastewater flow. Important points from the report are summarized below:

- Two segments of the El Molino/El Portal sewer are currently operating over capacity. They total approximately 1,300 feet in length and are located in a downstream reach where the sewer line parallels Donner Creek. Several other segments of this system have little remaining excess capacity to support continued development, such as that which is proposed under the Specific Plan. Table 4 in the Specific Plan shows the approximate flow capacities and estimated existing peak flows within each segment of the El Molino/El Portal trunk collector system.
- The report found that the main Clayton Road trunk line that connects the City into Concord's collection system will have less than 10% of its design capacity remaining once the Oakhurst project is completed. A substantial increase in current levels of wastewater production within Clayton would likely require the construction of a parallel, relief trunk sewer main.

- The Mountaire trunk sewer, which drains the El Molino sewer and runs parallel to Concord Boulevard, suffers from capacity problems from approximately Yolanda Circle to Estrada Drive. These problems will be exacerbated by a recent proposal to relieve over-utilized sewers in the areas around Pine Hollow Road/Indiana Drive and Washington Boulevard through the interconnection of the Pine Hollow Road sewer with the El Molino sewer. Once this connection is complete, the Mountaire trunk sewer will be utilized at approximately 100 percent of capacity, without any additional flows from new development.

2. Impacts and Mitigation Measures

a. General Plan Amendment and Specific Plan Area.

(1) Treatment Capacity. Development within the study area would increase the demand for wastewater treatment service within the Contra Costa County Sanitation District. The project would include 297 homes to receive new sewer connections, and approximately 2.6 acres of neighborhood commercial development. It is estimated that the average rate of wastewater production would be approximately 95 gallons per day per capita (gpdc), and approximately 2,000 gpd per acre for commercial properties. If average residential densities are 3.25 persons/home[3], then total average wastewater production would be roughly 97,000 gpd.

This wastewater flow would equal approximately 0.24 percent of the Contra Costa County Sanitation District treatment plant's 45 million gallon capacity, and 1.2 percent of the existing 9 million gallons of excess capacity. As a result, it should not significantly affect the availability of treatment capacity for other unserviced areas within the District.

(2) On-Site Wastewater Collection. Development under the Specific Plan would require the extension of the City's existing wastewater collection system into the study area. To provide sewer service, the existing El Molino trunk sewer that serves the Regency Woods subdivision would be extended east into the study area from its current end on the Hellmers property. As described in the Specific Plan, most of the study area drains naturally toward Mount Diablo Creek, making it a natural route for the new sewer line. Tributary sewers would branch off from this main line into each development area, at connection points determined by road and lot patterns within future subdivisions.

[3] This number of persons per household is higher than the 2.98 persons per household that currently occurs in Clayton to provide a conservative estimate of the sewage treatment needs generated by the project.

The main sewer collector would run east alongside Mount Diablo Creek, north on Russellmann Road to Marsh Creek Road, then east on Marsh Creek Road to the east end of development area B. Many existing parcels along Mount Diablo Creek and Marsh Creek Road front directly on the sewer route, so service connections should be easily made. However, relatively long extensions would be required to reach development area E. Tributary sewers crossing to the south side of Mount Diablo Creek are proposed at Pine Lane and Russellmann Road to serve Development Area D.

The Mount Diablo Creek/Marsh Creek Road collector sewer would serve a majority of the parcels proposed for development within the study area, so many property owners would share responsibility for its construction. The Specific Plan provides preliminary information on the relative benefits of each leg of the sewer line to the various development areas to give an indication of the cost burden to be borne by individual properties. Development areas located at the eastern end of the study area would have to share in the cost of building the entire sewer line, while those at the west end would only contribute to segments located downstream of their point of connection.

The collector sewer would have to be constructed from west to east, beginning at the Hellmers property. This would make it difficult for development to leapfrog to the east end of the study area, because the entire sewer would have to be constructed at once. If no downstream projects are ready to develop, the upstream project sponsor would probably have to pay the whole construction cost and wait for reimbursement at some undetermined time in the future. For this reason, and to limit leapfrogging of development in general, Specific Plan Policy IM-5 states that development should occur in the study area from west to east.

The Specific Plan would require the preparation of an area-wide sewer study to identify the feasible routes for the main sewer line and to calculate the resulting main sizes. This study would also provide a basis for allocating the cost of sewer line construction, based on the number of contributing homes set forth in the adopted Specific Plan. No further mitigation measures are required.

Construction of the trunk sewer within the creek setback could have impacts on the biotic qualities of the riparian corridor. These impacts would be assessed in detail in the sewer line study.

(3) Downstream Wastewater Collection Capacity. Wastewater produced within the study area would increase peak rates of flow in existing, downstream portions of the City's wastewater collection system. As described in the Specific Plan, several sections of the existing El Molino collection system are already operating at or very near capacity. Development of the proposed project would increase rates of

flow in these lines by as much as 275 gpm.[4] Preliminary calculations indicate that flows would exceed capacity by as much as 275 gpm within 10 existing collector segments. This would probably result in frequent surcharging and increased sewer maintenance.

Specific Plan Policy IN-5 mandates that additional capacity be provided on the existing El Molino collector system to accommodate anticipated peak wastewater flows produced by future development within the study area. The discussion following Policy IN-5 describes preliminary estimates of required downstream improvements within the El Molino collector system.

Impact MUNI-P2: Construction of replacement or parallel sewer lines within the El Molino collector system would require extensive construction on existing local roads, along creek banks, and through residential easements. (S)

Construction would be very disruptive within the affected areas, and could inconvenience residents by disrupting traffic flows and on-street parking, creating construction noise and destroying landscaping in easements. In addition, impacts on creeks could occur when creek areas are dug up for construction.

> Mitigation Measure MUNI-P2: Once the nature of the El Molino collector system improvements is known, the City should conduct an environmental review of them. All mitigation measures resulting from such a review should be implemented as a part of the collector system improvement project.

b. Heartland Property. The Heartland project would conform to the approximate unit count shown for the site in the Specific Plan. As a result, increased sewage flows from the project would be accommodated through service provisions in the Specific Plan, and impacts on wastewater service associated with the project would not be significant.

The Specific Plan proposes to connect the Heartland project's gravity on-site wastewater collection system to the existing Diablo Parkway sewer at Marsh Creek Road. An alternative route running west on Marsh Creek Road was also considered to avoid the over-capacity in the El Molino/El Portal system, but the City Engineer has indicated that the City prefers to have wastewater from the entire study area consolidated into the existing trunk system instead of having two separate lines

[4] Peak wastewater flows are based on average daily flows multiplied times a peaking factor. This factor has a maximum value of 5.0, and it declines as the population of contributing wastewater drainage area goes up. Consequently, the study area's peak flow contribution at the upper end of El Portal Drive is greater than at the downstream end of El Molino Drive, where the contributing drainage area's higher population lowers the peak flow factor. Source: "Investigation of Sanitary Sewer System Serving City of Clayton and Adjacent Areas," Govers Engineers, January 1991.

serving the north and south sides of Marsh Creek Road. This approach would allow the costs for improvements to the El Molino/El Portal system to be spread among a maximally large number of new units. It would also avoid new construction on recently paved sections of Marsh Creek Road, which would be necessary if a second trunk sewer were constructed.

c. Temps Property. The Temps project would conform to the approximate unit count shown for the site in the Specific Plan. As a result, increased sewage flows from the project would be accommodated through service provisions in the Specific Plan, and impacts on wastewater service associated with the project would not be significant.

Impact MUNI-T3: Preliminary plans for the Temps project trunk sewer in Russellmann Road are not completely consistent with those shown in the Specific Plan. (LTS)

The Preliminary Development Plan for the Temps project shows that the on-site sewer system would follow the area's internal road system, providing service to all new lots. At the west end of the site, the sewer would run north on Russellmann Road for a distance of approximately 140 feet, where it would join the future Mount Diablo Creek collector line proposed in the Specific Plan. This collector is shown on the project plans on the south side of Mount Diablo Creek, although preliminary layouts prepared for the Specific Plan showed it on the north side.

> Mitigation Measure MUNI-T3: The design of the Temps project proposed Russellmann Road sewer should be revised as necessary to conform to final designs for the Mount Diablo Creek collector line. The proposed Russellmann Road sewer should also be designed with sufficient capacity to accommodate wastewater flows produced by additional development in areas D and E.

d. Moita Property. The Moita project would include seven more residences than are foreseen on the site in the Specific Plan. However, it is not expected that the resulting increased demand for wastewater collection and treatment service would cause any significant impacts.

It appears that eight of the eleven homes proposed for construction on the site would be situated at a lower elevation than the end of the proposed sewer line on the adjoining Heartland site. Concord Public Works Department policy currently prohibits the installation of wastewater pumping stations to serve small groups of homes. However, small pump systems are permitted for individual homes. Each of the eight homes would need its own pump and force main to lift wastewater up to a gravity collector along the project's east property line.

e. Cumulative Impacts. As previously discussed, wastewater produced within the study area under the recommended Specific Plan would equal only a very small percentage of the Sanitary District's current 9 million gallons per day of excess treatment capacity. However, CCCSD projects, of which the study area would be a part, would use up this capacity by 1995 or 1996. Additional treatment capacity would be required at that time, but the District expects that its connection fees and rate structure would provide adequate resources to fund the necessary treatment plant expansion. As a result, the project's cumulative impact would be less than significant.

C. Power

1. Existing Setting

Natural gas and electricity are provided to the Marsh Creek Road area by the Diablo Division of Pacific Gas and Electric Company (PG&E). Current electric service is provided by overhead lines, or by underground facilities where funding has been provided by recent development. It has been City policy to require undergrounding of all utilities along Marsh Creek Road and adjacent areas as development occurs. The latest extension was for the Oakwood development on Pine Lane. The EIR for the Oakwood project noted that underground utilities should be routed in roadway rights-of-way or in easements granted for maintenance and repair access. Those facilities that would cross local creek beds were to be integrated into bridge structures or otherwise have impacts mitigated.

2. Impacts and Mitigation Measures

a. General Plan Amendment and Specific Plan Area. Gas and electric trunk lines in the area are sufficient for meeting the demands of new development, although extensions to specific areas would need to be designed to meet utility standards and funded according to Public Utility Commission (PUC) tariff and franchise law.[5]

Impact MUNI-P3: New underground power lines would need to cross creek beds to serve new development and could create visual and erosional impacts. (S)

> Mitigation Measure MUNI-P3. Facilities that cross creek beds should be integrated into bridge structures.

[5] George Pell, Senior New Business Representative, Pacific Gas and Electric, personal communication, February 26, 1991.

b. Heartland, Temps and Moita Properties. Since existing gas and electric service would be sufficient to serve all Specific Plan buildout, these three individual projects would have no impacts on service provision other than the one identified and mitigated above.

c. Cumulative Impacts. Pacific Gas and Electric Company indicates that no impacts related to gas and electricity provision to cumulative development in the Clayton area are expected.

D. Telephone

1. Existing Setting

Telephone service is provided to the Clayton area by Pacific Bell. Current telephone facilities include overhead lines on poles along the 'backbone' of Marsh Creek Road, with individual connections extending off of this line.

2. Impacts and Mitigation Measures

a. General Plan Amendment and Specific Plan Area. Telephone service can be provided to development under the Specific Plan, and no significant impacts are anticipated. Should a large number of customers be added to this trunk line, new, parallel cables may need to be run along the 'backbone.' Future undergrounding of facilities would be accomplished if funding and an adequate right-of-way is available. Funding may be possible through the collection of development impact fees, establishment of an assessment district and related revenues, and general operational budget monies if demand justifies substantial improvements. The PUC has set standards for tariffs and service provision which would be negotiated between the utility, property owners, developers and contractors, and the City and County. Coordination among these parties would be needed for installation[6].

b. Heartland, Temps and Moita Properties. Since no significant impacts are anticipated to provide additional telephone service to the Specific Plan area as a whole, these three individual projects would have no impacts on service provision.

[6] Frank Glines, Design Engineer for the Clayton area, Pacific Bell, personal communication, February 26, 1991.

c. Cumulative Impacts. Pacific Bell indicates that no impacts related to telephone service provision to cumulative development in the Clayton area are expected.

E. Cable Television

1. Existing Setting

Television signal is provided to residents of the City of Clayton by Concord TV Cable. A City franchise ordinance to formalize conditions for service to Clayton residents is in final draft form and may be adopted in early 1993.

County residents in the Marsh Creek Road area are within the franchise area of the Ponderosa Cable Company. At this time, residents of the study area rely on satellite TV signal because the widely dispersed population makes cable service inefficient[7].

2. Impacts and Mitigation Measures

a. General Plan Amendment and Specific Plan Area. Cable television service could be extended to serve new urban development proposed under the Specific Plan for annexation to the City. Specific PUC guidelines, implemented by the County Franchise Administrator, relate to franchise service area boundaries, phasing of service extensions, fees, and other requirements for provision of services. In general, franchises are expected to serve newly developed areas within their boundaries where there are ten houses, or individual customers located within a quarter-mile of existing service connections[8]. This is predicated on a reasonable access way and existing structures (telephone poles or underground conduit) for feeding their lines[9].

b. Heartland, Temps and Moita Properties. Since no significant impacts are anticipated to provide additional cable TV service to the Specific Plan area as a whole, these three individual projects would have no impacts on service provision.

[7] Claud Cody, Owner, Ponderosa Cable TV, personal communication, March 5, 1991.

[8] Patricia Burke, Assistant Franchise Administrator, County Administrator's Office, personal communication, October 23, 1992.

[9] Robert Powers, Chief Technician, Concord TV Cable, personal communication, February 27, 1991.

c. Cumulative Impacts. No impacts related to cable TV service provision to cumulative development in the Clayton area are expected.

F. Police Protection

1. Existing Setting

The City's Police Department and the County Sheriff serve the Marsh Creek Road area under a mutual aid agreement. The City has jurisdiction over its own territory, up to and including the Oakwood subdivision. The Department currently has nine sworn officers, including a chief, a lieutenant, two sergeants, a corporal, a detective and patrol officers, and two civilian employees. The Department has seven patrol cars. Service is generally adequate, with response times from the headquarters on Oak Street ranging from three to six minutes for all types of calls. However, the Department would like to be able to add at least four officers to meet standard ratios of officers per person of City population. The Department has not had adequate funds to implement planned increases in personnel or equipment during the high growth period of the past few years, despite original estimates of increased tax and fee revenues. The economy has not supported the home sales or commercial enterprises necessary to provide for increased revenues and expanded services.[10]

The County Sheriff also provides patrol and emergency response service to the Marsh Creek Road area. One officer is assigned to a beat in the area through the operations of the Valley Station in Alamo. The Sheriff's office would probably remain the primary agency responsible for patrol and response to calls in the unincorporated area.

The Sheriff's office also operates a rehabilitation center on Marsh Creek Road east of the study area. This center has facilities for inmate processing, and a firing range for officer training. Some concern has been expressed by current area residents about possible inmate escapes, as well as about the noise generated by the firing range.[11] Several daily bus trips carrying inmates to the County courthouse and other destinations pass through the study area on Marsh Creek Road.

[10] Scott Heugley, Sergeant, Clayton Police Department, personal communication, October 23, 1992.

[11] Tom Moore, Assistant Division Commander, Contra Costa County Sheriff, personal communication, February 28, 1991.

2. Impacts and Mitigation Measures

a. General Plan Amendment and Specific Plan Area.

(1) City Police Department. The City of Clayton Police Department would serve the area identified in the Specific Plan for annexation and development by the City. This service area would generally encompass the western section of the study area where existing development is located along Marsh Creek Road.

Impact MUNI-P4: The City of Clayton Police Department would be required to increase staffing to serve buildout under the Specific Plan. Development induced by the Plan would contribute to cumulative demand in this area. (S)

Intensified development in the study area could result in increased criminal activity and traffic problems. Although the types of land uses proposed are typically associated with low crime levels, the Police Department would need to expand their police force, probably by 1.5 staff persons or one beat, to meet increased demands for police service associated with buildout under the Plan.

The Police Department strives to maintain a ratio of one officer per 1,000 city residents. Currently, there are nine officers to serve the City's 9,000 residents. Buildout under the Plan is likely to add about 909 new City residents (assuming 2.98 persons for each of the 305 new residences inside the City limits). To meet the City's goal, at least one new officer would be needed. Until the Police Department's staffing levels are expanded, additional development would adversely impact the Department, possibly by causing delays in response time.[12]

> Mitigation Measure MUNI-P4: Staffing should be increased on an as-needed basis to meet growing demand for City of Clayton Police Department police protection services. Proposed development under the Specific Plan should be reviewed by the Police Department, and phased to coordinate with the Department's needs to increase staffing.

Impact MUNI-P5: Development of neighborhood parks in the study area can increase demand for police services through increased criminal activity and disturbance. This increase in demand could have a cumulative effect on the already understaffed City Police Department. (S)

The Specific Plan shows three potential park sites within the area to be annexed by the City. Parks represent potential areas of concern to the Police Department because they can be difficult to patrol from roadways if they are concealed by vegetation,

[12] Scott Heugley, Sergeant, Clayton Police Department, personal communication, October 23, 1992.

topography or structures. The neighborhood parks proposed for the study area under the Plan are somewhat distanced from the City's central area and could attract groups of people at night who might cause disturbances.

Mitigation Measure MUNI-P5:

a. New parks should not be concealed, but within easy view of roads.

b. Parking areas serving the park should be well-lit.

c. Signs should be posted notifying park users of opening and closing times.

(2) County Sheriff's Department. The County Sheriff's Department serves the unincorporated areas of the County. Because the entire Specific Plan area would be annexed to the City of Clayton, service needs for Sheriff's staffing would not be necessary.

b. Heartland, Temps and Mojta Properties. The City Police Department has not identified any project specific impacts from these projects beyond those identified above for the Specific Plan as a whole.

c. Cumulative Impacts. No cumulative impacts on police protection beyond those associated with buildout of the Specific Plan have been identified by the City Police or County Sheriff's Departments.

G. Fire Prevention and Emergency Access

1. Existing Setting

The East Diablo Fire District serves the majority of the study area, with assistance from the California Department of Forestry and Fire Prevention. Services include fire prevention, fire fighting, and emergency medical aid, as well as public information related to these topics. The East Diablo Fire District serves the unincorporated area around the City of Clayton from Station 51 on Marsh Creek Road, approximately five miles east of the study area. This station has two Class A engines, one type of off-road vehicle, one water tender and a minimum of three fire fighters on duty at all times. The station is staffed 24 hours a day.[13] Response time to the study area is between five and ten minutes. The East Diablo District requires all development to fully conform with the National Fire Code (NFC) which includes provisions for access road width, slope, and strength, fire suppression system design, water supply,

[13] Larry Hine, Assistant Chief, East Diablo Fire District, personal communication, October 19, 1992.

and structural design and materials.[14]

In the past, development areas have been de-annexed from the East Diablo Fire District to the County Fire District at the time of annexation to the City. Within the study area, the North State Property and the portion of the study area currently in the City of Clayton are in the Contra Costa County Fire District. The Contra Costa County Fire District serves this area of Clayton from its Station 11, located at the intersection of Clayton Road and Mitchell Canyon Road, approximately three miles northwest of the study area. This is a three-person engine company, with response time to the study area of approximately five minutes. The County District is considering relocating Station 11 to the Clayton Town Center, but has not acquired property or begun construction. Development impact requirements as part of the Oakhurst Development Agreement will fund the new station. Fire protection system requirements include sprinklers for residences more the 1½ miles from the station or over 10,000 square feet in floor area. Requirements for water supply, hydrants, and access are similar to those of the East Diablo District.[15]

The California Department of Forestry and Fire Prevention has jurisdiction throughout the State. Their primary responsibility is to prevent and fight wildland fires. The Sunshine Forest station, with two Type 3 engines, is located approximately five miles east of the study area on Marsh Creek Road, about a quarter-mile from the East Diablo Fire District's Station 51.[16] It is staffed year-round, with primary emphasis during the burn period from March to October. State Responsibility Areas currently cover approximately 200,000 acres in eastern Contra Costa County, including Mount Diablo State Park. Fire prevention measures include requiring full compliance with Public Resources Code (PRC) sections 4290 and 4291, which specify firebreaks, chimney screens, debris clearing and controlled burns. Controlled burns are becoming less common due to their regional air quality impacts. The Forestry Department has the full backing of the resources of the State, including ground and aerial equipment and personnel in cases where local fire fighting capabilities are inadequate. The Forestry Department is funded through the State, and local impact fees are not collected.[17]

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[14] John Clary, Assistant Chief, East Diablo Fire District, personal communication, February 24, 1991.

[15] Frank Boyle, Chief, Contra Costa County Fire District, personal communication, February 26, 1991.

[16] Dave Shew, Engineer, State Department of Forestry and Fire Prevention, personal communication, October 19, 1992.

[17] John Elliff, Battalion Chief, State Department of Forestry and Fire Prevention, personal communication, February 28, 1991.

In addition to standard fire control issues, wildfire is a concern in the study area, where non-native plant materials, steep slopes, high winds and other conditions make fire fighting especially challenging and increase the risks of fast-spreading fire. The Mount Diablo State Park General Plan calls for fire breaks around the perimeter of the park and within the park to form 'compartments' for fire containment. Fuel modification, a less extreme measure used over a larger area, is also used to control the possible intensity of fires by removing fast burning materials. Similar approaches could be used in the Marsh Creek Road area. Typical fire breaks are 20 to 30-foot wide strips along the edge of a developed area, such as mowed, disced or plowed land. Single-loaded streets, which are residential streets with houses on only one side, can also serve as fire breaks.

The State Park does not consider grazing an adequate means of presuppression, due to the irregular areas covered and intervals of herd movement, the types of vegetation encouraged as feed, impacts on soils and habitat, and nuisance associated with proximity to developed areas. The City of Clayton prefers grazing and it is actively urging the State Park to reconsider this method of presuppression. However, the East Bay Regional Park District has implemented effective fire control programs using grazing on lands under its jurisdiction.

In regard to landscaping, native perennial bunchgrass and other grasslands are generally more effective for fire safety than are exotic annuals, due to their relatively low production of biomass which serves as fuel for fires. Non-combustible plant material may also be used as a screen around developed areas when erosion, wildlife habitat or other factors require vegetated cover.

2. Impacts and Mitigation Measures

a. General Plan Amendment and Specific Plan Area.

(1) Contra Costa County Fire District. Implementation of the Specific Plan would require the annexation of areas to be developed at urban densities to the County Fire District. The District is currently understaffed for its existing demand level and service area; therefore, the addition of 305 new units to the District's service area would be significant.

This impact would be mitigated by the District's recently adopted ordinance allowing the collection of development impact fees for the construction of new fire stations. The ordinance allows the District to collect $300 per single-family dwelling unit, $200 per multi-family dwelling unit and $0.20 per square foot for commercial development.[18]

(2) East Diablo Fire District. The East Diablo Fire District would continue to serve the unincorporated area, and would not be adversely affected by the Plan because the proposed buildout would occur within the newly incorporated area to be served by the Contra Costa County Fire District.

(3) Emergency Access. The Specific Plan includes roadway standards that are somewhat narrower than those required elsewhere in Clayton by the City's Development Standards. These narrower streets are intended to help to preserve the semi-rural character of the study area. The specified roadway widths exceed those required in some other communities in Northern California, and they would not affect the ability of service providers to reach homes in the area.

Future review of specific projects would determine if additional design impacts effecting fire response and emergency access would occur under Specific Plan buildout. The Contra Costa County Fire District requires (1) maximum cul-de-sac lengths of 600 feet, minimum road widths of 36 feet without curbs and 32 feet with curbs; (2) emergency access roads if there is only one access to the development and if the dead-end street is more than 600 feet long; and (3) maximum driveway gradients of 20 percent. The City requires that streets have gradients of no more than 15 percent. The conformance of projects with these requirements would be assessed on a site-specific basis as development projects are proposed.

(4) Wildfire Hazards. Most development under the Specific Plan would occur in urbanized concentrations with water service. The development pattern and water availability would minimize fire hazards in urban areas.

b. Heartland Property.

Impact MUNI-H3: The project would include residential construction on or near heavily wooded areas on Lots 11, 12, 13, 78, 79 and 80, which could result in fire hazards. (S)

Mitigation Measure MUNI-H3:

a. Subdivision or development on lots 11, 12, 13, 78, 79 and 80 should not be allowed without careful prior review and approval on the part of the Fire District that will serve the development.

[18] Chief Frank Boyle, Supervising Inspector, Contra Costa County Fire District, personal communication, November 3, 1992.

b. If brush, tree, and vegetation removal is required around building sites to promote fire safety, the visual and biotic consequences of such removal should be considered before building construction of brush or tree removal is allowed.

Impact MUNI-H4: The project would conflict with roadway standards established by the Contra Costa County Fire District related to cul-de-sac length, gradient and emergency access. (S)

The project does not have an emergency access route and it appears that there are cul-de-sacs that are greater than 600 feet in length. Because the entire site roadway system would function as one very long cul-de-sac, and because of the serious fire safety evacuation hazards raised by long, narrow roads in wooded areas, there is a need for an alternative emergency vehicle access/evacuation route. While the City does not have a maximum cul-de-sac length, it does normally require an emergency access, as the Fire District does; however, the need and feasibility of incorporating an emergency access is determined on a project by project basis. If a site has a secondary access, the City may not require one. The proposed roadway gradients, which exceed 18 to 20 percent in places, would be inconsistent with City maximum grades of 15 percent for public and private roads. Although proposed road grades would comply with Contra Costa County Fire District maximum grades of 20 percent, the more stringent City standards would apply, according to the Fire District.[19b].

Mitigation Measure MUNI-H4:

a. The proposed roadways should be redesigned to a gradient of 15 percent or less. This could require extensive grading, which the City may find unacceptable. In such a case, some lots may have to be eliminated for access reasons.

b. An emergency vehicle access alternative/ evacuation route should be provided as part of the development. Location and design should be subject to both the City Public Works and Fire District review. A route across the A&P Partners property to the Oakhurst subdivision may be possible, although it would be necessary to design such a route carefully to avoid possible growth inducement to the north of the study area.

[19b] Inspector Steve April, Contra Costa Fire District, personal communication, October 1, 1993.

c. Temps Property.

Impact MUNI-T4: The project would be inconsistent with Fire District design standards requiring an emergency access. (S)

There is no provision for emergency access to and from the Temps site. Although the site has two access points on Russellmann Road, one of these access points only serves three homes. This one access is adequate for three homes. The other 38 homes would rely on one access point on Russellmann Road nearest Marsh Creek Road. The City and the Fire District both require emergency access for projects with only one access point. The one access point proposed to serve the 38 homes would not satisfy these standards.

> Mitigation Measure MUNI-T4: An emergency vehicle access/evacuation route should be provided as part of the development plan to serve the 38 homes in the northern section of the site. Consideration should be given to use of the existing driveway bridge connecting to Marsh Creek Road as an emergency access. Location and design of the access should be subject to both approval by both the City Engineering Department and the Contra Costa County Fire District.

d. Moita Property.

Impact MUNI-M1: The project would include residential construction on or near heavily wooded areas on Lots 5 through 11, which could result in fire hazards. (S)

> Mitigation Measure MUNI-M1:
>
> a. Subdivision or development on lots 5 through 11 should not be allowed without careful prior review and approval on the part of the Fire District that will serve the development.
>
> b. If brush, tree, and vegetation removal is required around ranchette building sites to promote fire safety, the visual and biotic consequences of such removal should be considered before building construction or brush or tree removal is allowed.

Impact MUNI-M2: The project would be inconsistent with Fire District design standards requiring an emergency access. (S)

The project would be accessed through the Heartland site's Marsh Creek Road access and internally from the westernmost roadway within the Heartland development. The

City and the Fire District both require emergency access for projects with only one access point. The one access proposed would not meet these standards.

> Mitigation Measure MUNI-M2: A gated, emergency-only access to the site should be provided. Location and design should be subject to both City Engineering and Fire District review, and would probably be through the Heartland access route specified in Mitigation Measure MUNI-H4b.

e. Cumulative Impacts. According to discussions with the Contra Costa County Fire District, buildout of the Specific Plan area would result in an increase in calls for fire and medical emergency services. However, they do not anticipate any significant cumulative impacts at Plan Buildout, and would be able to provide services to the entire fire district into the future.[20]

H. Schools

1. Existing Setting

The Mount Diablo School District serves the study area and has four facilities near it. Mount Diablo Elementary School is approximately three miles away on Mount Zion Drive in Clayton. Pine Hollow Intermediate School is approximately four miles away, on Pine Hollow Road in Concord. Clayton Valley High School is on Alberta Street in Concord, five miles from the study area.

With extensive residential growth occurring in Clayton in the Oakhurst subdivision, the School District has built an additional school in Clayton, which opened in September, 1993. The new school, called Diablo View Middle School, serves Grades 6 through 8. Grade 6 students formerly housed at Mount Diablo Elementary School have been reassigned to this new middle school and the Pine Hollow Intermediate School, and Grade 6 has been eliminated from the elementary schools. This has created new capacity at Mount Diablo Elementary for Grades K through 5, and it relieved some of the previous burden on Pine Hollow Intermediate School. Diablo View Middle School has an initial capacity of 600 students, with an ultimate capacity of 800 students when the final wing is completed. Additional funding will be necessary to complete the last wing.[21] The District estimates that Diablo View Middle School's current capacity will be fully utilized by 1995/96.

[20] Inspector Richard Ryan, CCCFD, personal communication, January 4, 1993.

[21] *Ibid.*

Mount Diablo Elementary currently serves children in Kindergarten through Grade 5. Current enrollment is 712, with capacity estimated to be 1,032. Pine Hollow Intermediate has a current enrollment of 913 in Grades 6, 7, and 8 with an estimated capacity of 952. Clayton Valley High School has 1,417 students and a capacity of 2,026. Busing to and from school is available for students living more than seven miles from their high school, three miles from their middle school, or 1-1/4 miles from their elementary school. Thus school bus service is available to most elementary school students in the study area, but not to middle and high school students.[22]

Based on recent development activity, the School District estimates that a new single-family home, similar to those expected to be developed under the Specific Plan, is occupied by an average of 0.6 to 0.7 school-age children.

2. Impacts and Mitigation Measures

a. General Plan Amendment and Specific Plan Area. Based on current student generation rates used by the Mt. Diablo School District, new residential units proposed under the Plan would generate approximately 104 new K-5 students, 46 new junior high school students, and 58 new high school students.[23]

There currently is enough capacity to accommodate the new students generated by the project in grades K-12. However, the School District has stated that there would not be sufficient middle school capacity to accommodate students from the Specific Plan area.

The City has assessed this potential impact and has found it to be less-than-significant because students from Concord that attend schools in the Mount Diablo Unified School District could be moved back to Concord schools. Therefore, no mitigation measure is required.

b. Heartland, Temps and Moita Properties. Since the Mount Diablo School District has adequate facilities to accommodate all students that would be generated by Specific Plan buildout, these individual projects would have no project specific effects on school facilities.

[22] Richard Nichols, Research Evaluation, Mount Diablo School District, personal communication, October 19, 1992.

[23] Using actual student generation rates based on a recently completed single-family residential development in Clayton. These rates are .34 for K-5, .15 for grade 6-8 and .19 for grade 9-12.

c. Cumulative Impacts. The Mount Diablo Unified School District has indicated that the generation of additional students under Specific Plan build out, in conjunction with other development foreseen in Clayton, would result in long-term cumulative impacts on School District operations.

The District has stated that development impact fees, currently collected by the School District at the rate of $1.65 per square foot of residential floor space, would not be adequate to fund the final wing of the new middle school.

The City has assessed this potential impact and has found it to be less-than-significant because students from Concord that attend schools in the Mount Diablo Unified School District could be moved back to Concord schools. Therefore, no mitigation measure is required.

I. Trash Collection

1. Existing Setting

Pleasant Hill Bayshore Disposal serves Clayton, the study area, and much of northeast Contra Costa County. The company uses the Acme transfer station in Martinez for transferring trash to the Keller Canyon landfill site near the City of Pittsburg. The landfill site opened in May, 1992 and has a 35 to 40 year capacity.[24]

2. Impacts and Mitigation Measures

a. General Plan Amendment and Specific Plan Area. The new Keller Landfill, which currently serves the site, has adequate capacity (35 to 40 years) to accommodate solid waste generated under buildout of the Specific Plan. While solid waste generated by development under the Specific Plan would have a cumulative impact on the life of the Keller landfill, this is not considered a significant impact because the new landfill does not have any immediate capacity problems.

b. Heartland, Temps and Moita Properties. Since the Keller Landfill will have adequate capacity to accommodate growth generated by the Specific Plan buildout, these projects would have no project-specific effects on trash collection or landfill capacity.

[24] Michelle Bailey, Administrative Assistant, Keller Canyon Landfill.

c. Cumulative Impacts. The City of Clayton has completed its Source Reduction and Recycling Element, which has been incorporated into the Contra Costa County Solid Waste Management Plan. This Element describes the City's plans for collecting and disposing of solid waste, and reducing the per capita waste stream in Clayton by 2000. The Element has identified no anticipated problems in serving Clayton with solid waste disposal services. Therefore, cumulative development, including the Specific Plan study area, would have no significant impacts on solid waste disposal services.

4.6 Geology and Seismicity

■ ■ ■

This section characterizes the geologic, soil and seismic conditions in the study area and identifies potential geologic hazards that could limit, constrain, or shape land use or development in the area. The most significant geotechnical factors within the study area are the type and distribution of geologic units, the locations and types of landslides, and the location and character of two possible branches of the Clayton segment of the Greenville Structural Trend.

A. Existing Setting

1. Specific Plan Area

a. Regional Geologic History. The study area is located within the central portion of the Coast Range Geomorphic Province of California. The area is characterized by northwest-trending ridges, separated by relatively steep, incised, narrow valleys. This geomorphology is the result of a geologic environment which has been, and remains, very active.

Study area geology is dominated by the Mt. Diablo uplift process. A diagram illustrating the sequence of the events which resulted in the creation of Mt. Diablo is presented in Figure 23, together with a cross-section through the mountain. This cross-section illustrates the complex geologic setting of multiple geologic units bounded by faults and other geologic contacts.

The materials which form the core of Mt. Diablo are the oldest bedrock materials exposed at the ground surface in Contra Costa County. These materials belong to the Franciscan Formation and are believed to be basement materials which originated in the Pacific Ocean floor during the Jurassic period, about 150 million years ago. As a result of tectonic activity, these materials moved east with the Pacific Plate until they impacted the western boundary of the American Continental Plate. This movement and impact of the plate boundaries resulted in this rock strata becoming highly distorted.
Serpentine, a molten rock from the earth's core, was extruded through fractures in this material and flowed to the surface of the Franciscan Formation in a number of areas.

The molten material in these fractures hardened and formed a feature called a dike. These Serpentine dikes isolated a plug of the Franciscan Formation material. Lateral compressive forces pushed this plug upward as the relatively weak serpentine "lubricated" the perimeter of the plug.

The plug pushed up through overlying younger sedimentary rock that was formed after the creation of the plug of Franciscan material. Continued compressive forces further pushed this plug upward and it also rotated. Subsequent erosion exposed the Franciscan materials at the ground surface near the peak of what is now Mt. Diablo. A plug of material that reaches the ground surface in this manner is called a piercement structure.

b. Regional Geologic Units. As shown in Figure 24, the geologic setting of Contra Costa County generally involves five geologic units. These units include three sedimentary bedrock materials and two units of more recent, soil-type surficial deposits. The sedimentary bedrock units in Contra Costa County are broadly grouped into the Franciscan Formation, the Great Valley Sequence and Tertiary Formations. The Franciscan Formation is described above. The Great Valley bedrock materials began as sediments which formed during the Cretaceous period, 60 to 130 million years ago, under ancient seas that once existed on the American Continent. These strata have been folded, but less extremely than those of the Franciscan Formation, and the layers are not as highly altered as the Franciscan materials.

The other generalized category of bedrock materials in the county are termed Tertiary deposits because they were formed during the Tertiary period, which extends from 1 to 60 million years ago. These materials are, therefore, geologically younger than the Great Valley Sequence. These sedimentary rocks are folded like their predecessor rock units, but because they have not been in place as long, the geologic processes have not resulted in the strength gain which occurs with geologic time. Therefore, these units are typically the weakest of the three bedrock units.

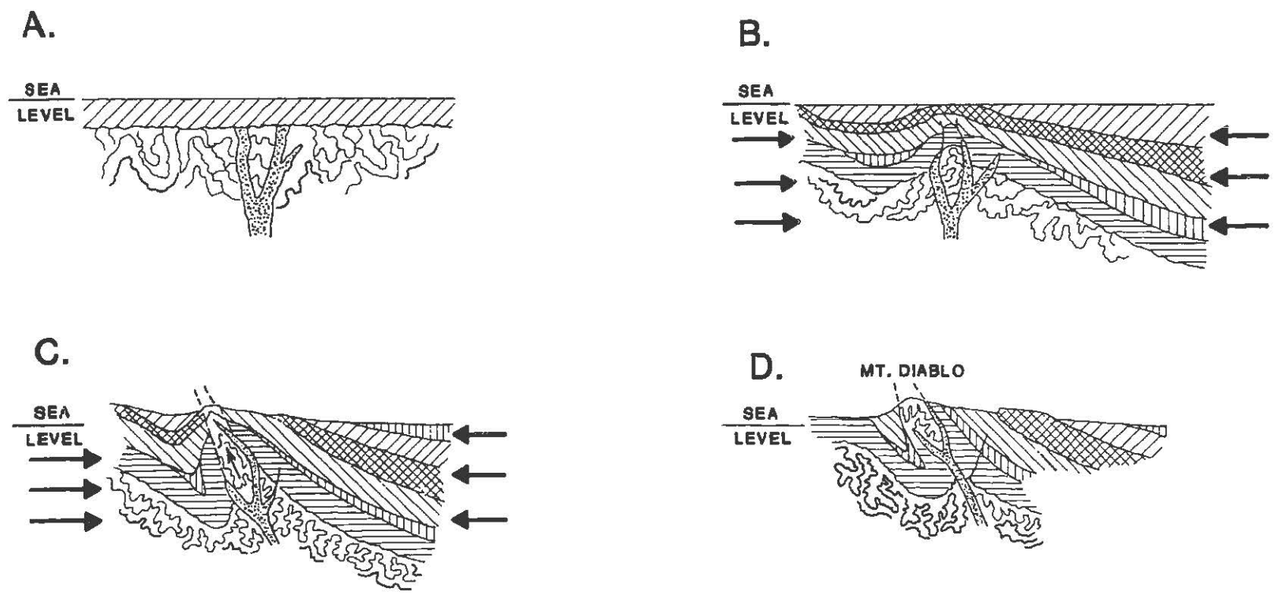
Surficial units in Contra Costa County are generally divided into Quaternary Alluvium and modern sediments. There are no modern sediments in the vicinity of the study area. The materials grouped into the category of Quaternary Alluvium are generally surficial deposits which have been carried downslope from nearby hills by landslide or erosional processes and deposited on the lower valley floor areas.

c. Slopes and Topography. Slopes in the study area are shown in Figure 25. The portion of the study area on the south side of Marsh Creek Road is located along the northeastern portion of Mt. Diablo and generally slopes down hill toward the road. The southern portion of this area is dominated by moderate slopes. Along the northern end of this portion of the study area, a relatively level, alluvial-filled valley

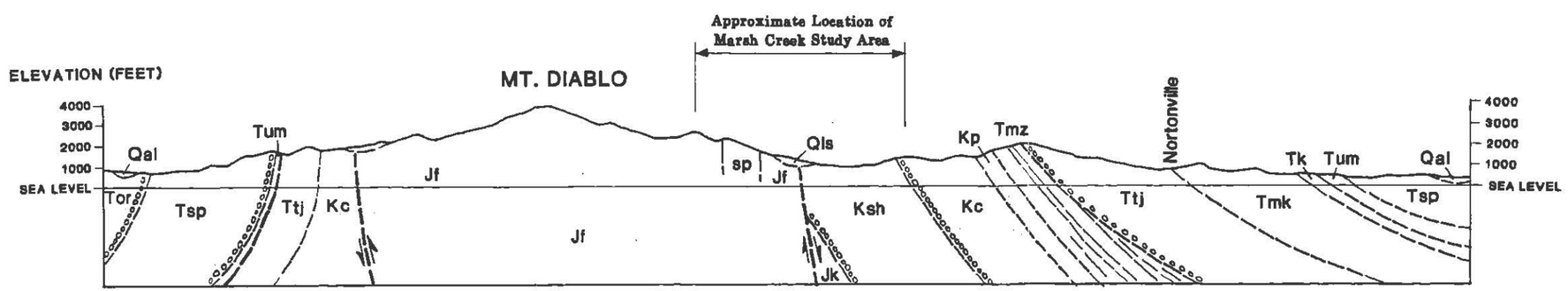
FIGURE 23

Geology of Mount Diablo

Formation of Mount Diablo

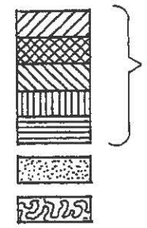


Geologic Cross-Section



Source: Earl H. Pampeyan, 1963

Formation of Mt. Diablo



Sedimentary Units

Serpentine

Franciscan Formation

Geologic Cross-Section

Qls, Qal –	Quaternary Surficial Deposits
Tor, Tsp, Tum, Tk – Ttj, Tmz	Tertiary Bedrock
Kp, Kc, Ksh –	Great Valley Sequence
Jf, sp –	Franciscan Series
———	Geologic Contact
—⇄—	Fault
ooooooooooooooo	Conglomerate Bed

MARSH CREEK ROAD SPECIFIC PLAN EIR

CLAYTON CALIFORNIA

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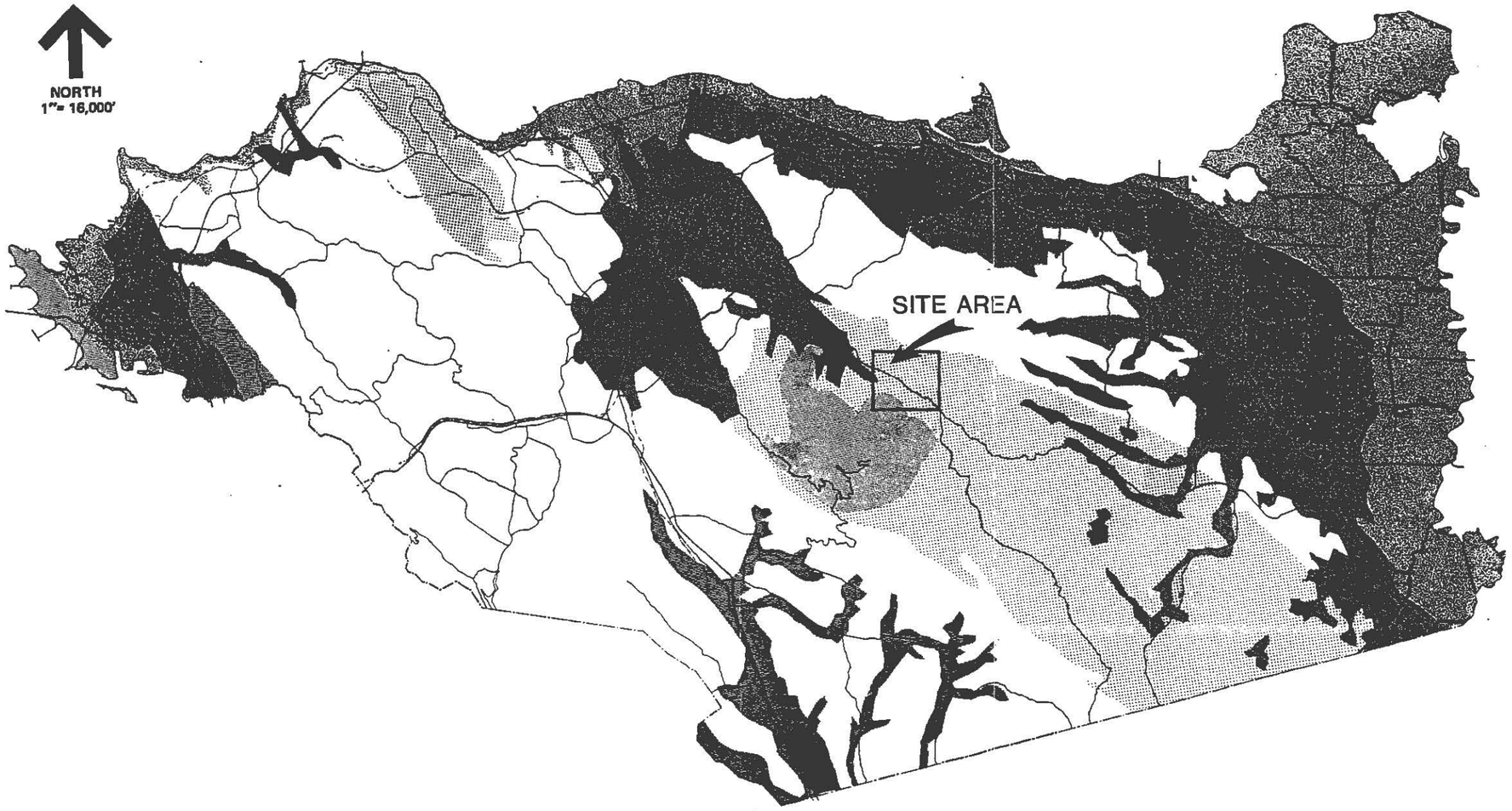
FIGURE 24

Generalized Geologic Map of Contra Costa County



UNIT:	CHARACTERISTICS:
Modern sediments of San Francisco bay estuary and delta lowland.	Soft, water saturated muds, peat and loose sands. Muds and peat subject to differential settlement under load. Local areas may slump and slide. Muds contain expansive clays. Some sands may liquify under earthquake stresses.
Quaternary Alliuvium	Consolidated and unconsolidated sediments. Localised problems for building include expansive clays, hillside earthflows and unstable cut slopes.
Tertiary Formations	Hard marine sandstone and shale overlain by soft non-marine (Pliocene) units. Slope stability conditions range from good (marine sandstone) to poor (Orinda Formation).
Great Valley Sequence	Hard marine sandstone, shale and conglomerate. Foundation and slope stability conditions good to fair subject to sliding where sheared, fractured or contorted.
Franciscan Formation	Hard sandstone, chert and shale, metamorphic rock and basalt. Forms core of Diablo Range and Briones Hills Foundation. Support and slope stability in fresh rock good, subject to sliding where sheared.

N

MARSH CREEK ROAD SPECIFIC PLAN EIR

CLAYTON
CALIFORNIA

Source: Contra Costa County General Plan

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Legend

- 5% - 15%
- 15% - 25%
- 25% - 40%
- 40% - 55%
- 55% and above
- Specific Plan Boundary

NORTH

5 Acres

0 300 600 1200

Scale in Feet

MARSH CREEK ROAD SPECIFIC PLAN EIR

FIGURE 25

Study Area Slopes

floor is present. Several creeks dissect the hillside area. Elevations range from approximately 950 feet near the middle of the southern property boundary to approximately 550 feet in the northwestern corner west of Pine Lane.

The portion of the study area to the north of Marsh Creek Road is bounded on the north by Keller Ridge. Between this ridge line and Marsh Creek Road, several small ridgelines and intervening valleys are present. The most prominent of these valleys occur on the Heartland property in the northwestern corner of the study area.

The topography of the area includes a series of peaks along Keller Ridge which have elevations in excess of 1,300 feet near the eastern portion of the study area and slowly drop to somewhat in excess of 1,000 feet near the northwestern corner of the study area. Along Marsh Creek Road, the elevations are generally in the range of 600 to 700 feet.

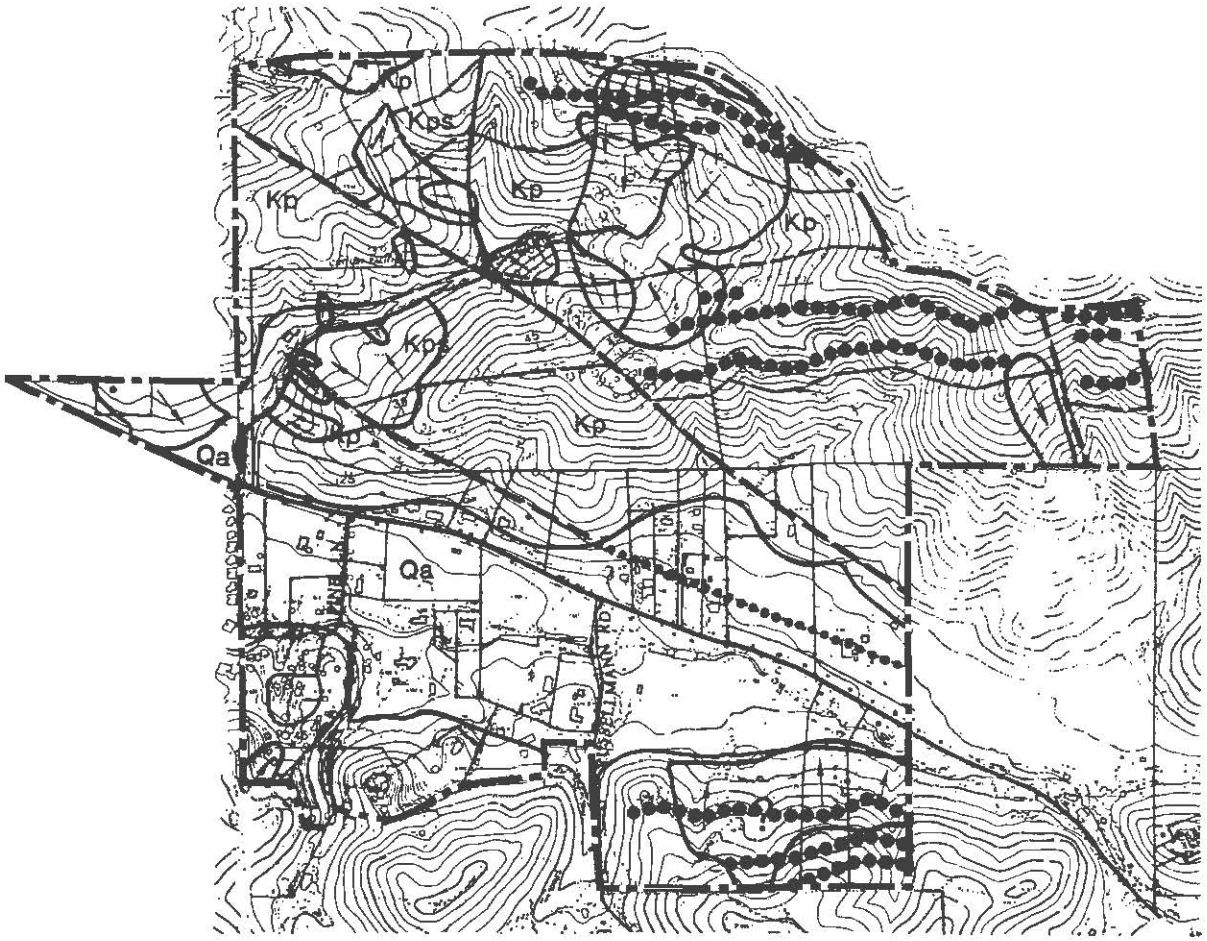
d. Bedrock Geology. Figure 26 shows geologic units in the study area, and is primarily taken from the United State Geological Survey geologic map of the area.[1] The bedrock present across most of the study area consists of units belonging to the Panoche Formation, designated as Kp and Kps in Figure 26. This is a unit within the Great Valley Sequence and is present along both sides of Marsh Creek Road. This unit was formed during the late Cretaceous period, 60 to 100 million years ago, and generally consists of two primary portions, a sandstone unit (Kps) and a clay shale unit (Kp). The sandstone is typically much stronger than the shale and is much less susceptible to erosion. It is the primary material along Keller Ridge, since its resistance to erosion has created this high ridge line. The clay shale unit is located on the sloping areas between the top of Keller Ridge and Marsh Creek Road as well as the lower slopes on the southwest side of the road. Throughout the study area, the Panoche Formation units generally strike in an east-west direction and dip variably to the north at inclinations ranging from approximately 25 degrees to 75 degrees.

There are no Tertiary Formation bedrock units mapped within the study area. However, these units are present approximately one mile north of the Marsh Creek study area.

e. Soils. The soils at the site have been described by the United States Soil Conservation Service.[2] Maps prepared by this agency indicate that the materials along the Keller Ridge area are rock outcrop materials. These materials are classified as having a low expansion potential.

[1] Dibblee, 1980a and 1980b.

[2] Welch, 1977



Legend

- Specific Plan Boundary
- Contact, dashed where gradational or approximately located
- Fault, dashed where inferred: dotted where concealed
- Sandstone bed
- 30 — Inclination of fold axis
- Qa — alluvium
- Kps — sandstone, tan arkosic, with large concretions; minor micaceous shale
- Kp — micaceous clay shale, minor sandstone
- Landslide deposit (Question mark indicates uncertainty in mapping due to heavy vegetation)

NORTH

5 Acres

0 300 600 1200

Scale in Feet

MARSH CREEK ROAD SPECIFIC PLAN EIR

FIGURE 26

Study Area Geology

To the northeast of Marsh Creek Road, the majority of the flanks of the hillside contains soils belonging to the Los Osos soil series. On the southwest side of Marsh Creek Road the majority of the sloped flanks belong to either the Los Gatos or the Gilroy soil series. Along Marsh Creek Road in the valley floor area, most soils belong to the Capay soil series. There are also scattered locations on the sloping area to the southwest side of the roadway which include soils belonging to the Altamont, Cropley, Perkins and Vallecitos soil series. The Soil Conservation Service indicates that these soils typically have plasticity index values of 15 to 30. Generally speaking, all of these materials are highly expansive, clay soils.

Only two soil series in the area are not highly expansive, and these are the Los Gatos and Perkins soils. The Los Gatos soils are very silty, while the Perkins soils are described as gravelly clays. Both possess a moderate expansive potential with plasticity index values estimated to be approximately 5% to 15%. More details regarding the characteristics of the soils in the study area are presented in Table 12.f. Landslides. Contra Costa County contains numerous areas which are prone to landsliding. A photointerpretative landslide map of the portion of the county which includes the study area has been prepared by the United States Geological Survey.[3] The USGS map shows the distribution of suspected landslides throughout the area based on aerial photograph interpretation. The landslides shown on the map are not field-checked, and therefore their existence has not been established. Generally, however, an indication of a landslide on a map such as this merits additional field study. Landslides shown on the map are not classified according to the type of landslide, the depth of landsliding, or the activity status.

[3] Nilsen, 1974a and 1974b.

Table 12
SUMMARY OF STUDY AREA SOIL CHARACTERISTICS

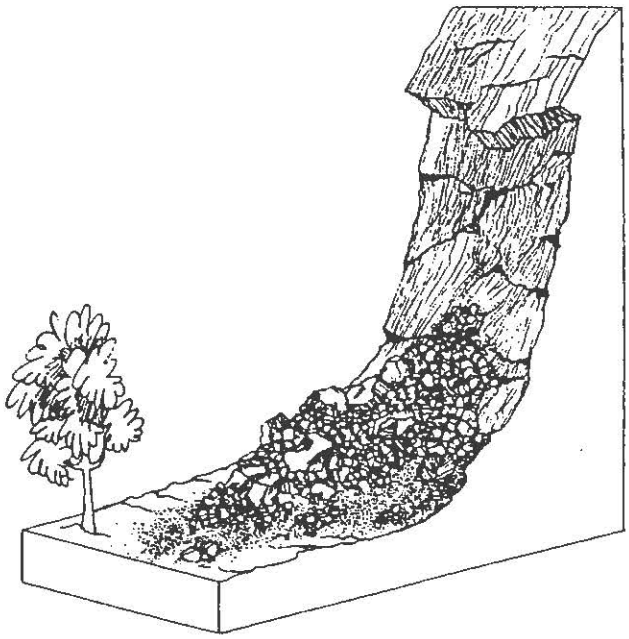
Soil Series	Depth To Bedrock (feet)	Plasticity Index	Shrink/Swell Potential	Corrosivity	Strength	Permeability
Altamont	3½-5	25-30	high	high	low	slow
Capay	>5	25-30	high	high	low	slow
Cropley	>5	25-30	high	high	low	slow
Gilroy	1½-3½	15-20	moderate	moderate	low	slow
Lodo Clay Loam	1-1½	15-20	moderate	moderate	low	slow
Los Gatos	1½-3½	5-10	moderate	moderate	low	slow
Los Osos	2-3½	20-30	high	high	low	slow
Perkins	>5	10-15	moderate	moderate	medium	slow
Rock Outcrop	0-1	5-10	low	low	low to medium	none
Vallecitos	1-1½	5-25	moderate to high	moderate	low to high	slow
Zamora	>5	5-20	moderate to high	moderate to high	medium	moderately slow

Source: Welch, 1977.

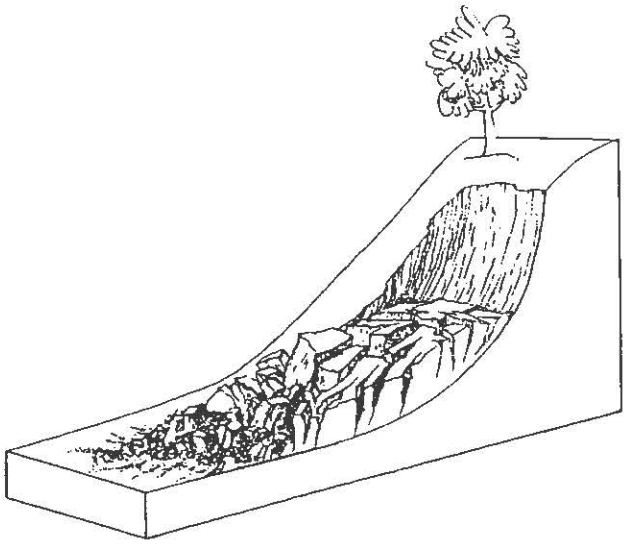
In addition to the landslide distribution indicated by the USGS, additional data regarding landslides was developed for this report based on the geologic map by Dibblee, review of other consultant's reports in the area, aerial photograph interpretation, and field reconnaissance visits to the area. The results of this compilation of existing data regarding the distribution of landslides is shown on Figure 26. One large landslide area on Figure 26 also has question marks, which is a result of the heavily wooded character of these areas which made both aerial photograph evaluation and field reconnaissance difficult.

Figure 26 shows additional slides on north-facing slopes in the hillside area immediately adjacent to Marsh Creek Road on the Temps property. Slide areas within the Heartland boundaries are discussed on page 204.

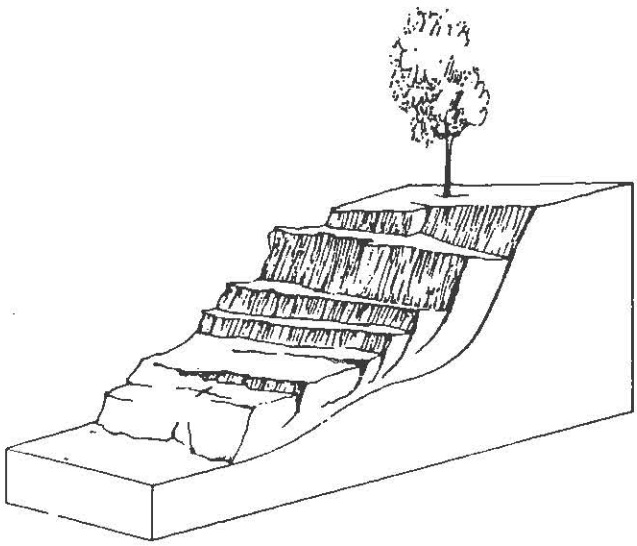
In addition to these landslide features, there are a number of smaller landslides present in the study area. Sketches of typical small landslide types are shown in Figure 27.



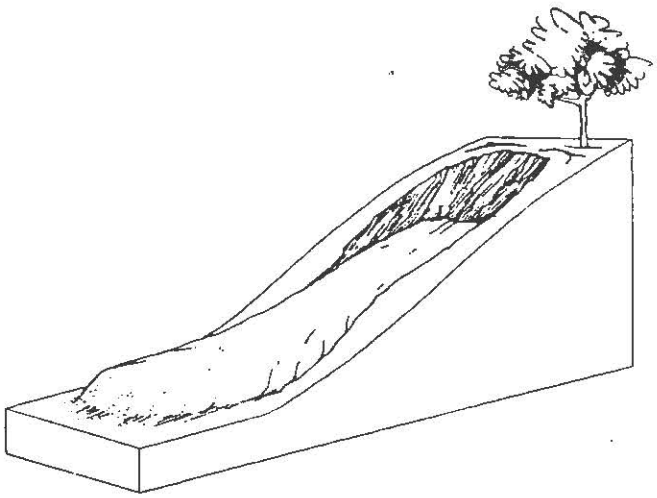
Rockfall: Rock masses that move primarily by falling through the air.



Debris slide: Incoherent or broken masses of rock and other debris that move downslope by sliding on a surface that underlies the deposit.



Slump: Coherent or intact masses that move downslope by rotational slip on surfaces that underlie as well as penetrate the landslide deposit.



Earthflow: Soil and other colluvial materials that move downslope in a manner similar to a viscous fluid.

FIGURE 27

Typical Small Landslide Types

Source: Tor H. Nilsen, 1972

MARSH CREEK ROAD SPECIFIC PLAN EIR

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In some cases these landslides are located along deeply-incised creek banks where undercutting of the toe of the bank is occurring. In other areas, large earthflows are occurring on over-grazed slopes on moderately to steeply sloping ground. In addition, rock falls have occurred in a road-cut for Marsh Creek Road east of the study area. During the recent rainy period of February 27 to March 5, 1991, more than three inches of rain fell in Concord.[4] A significant rockfall occurred during this rainfall period which blocked Marsh Creek Road. This rockfall closely resembled the rockfall shown on Figure 27.

In 1983, a slump-earthflow landslide moved in the vicinity of Marsh Creek east of the study area. The landslide forced the temporary re-routing of Marsh Creek Road until the County repaired the slide in conformance with the recommendations of a consultant hired by the County.[5] It is unlikely that any risk will be posed to the study area by this landslide area.

g. Regional Seismicity. The study area is located in the seismically active San Francisco Bay Area, one of the most active seismic environments in North America. A number of active and potentially active faults pass through Contra Costa County, as shown in Figure 28.

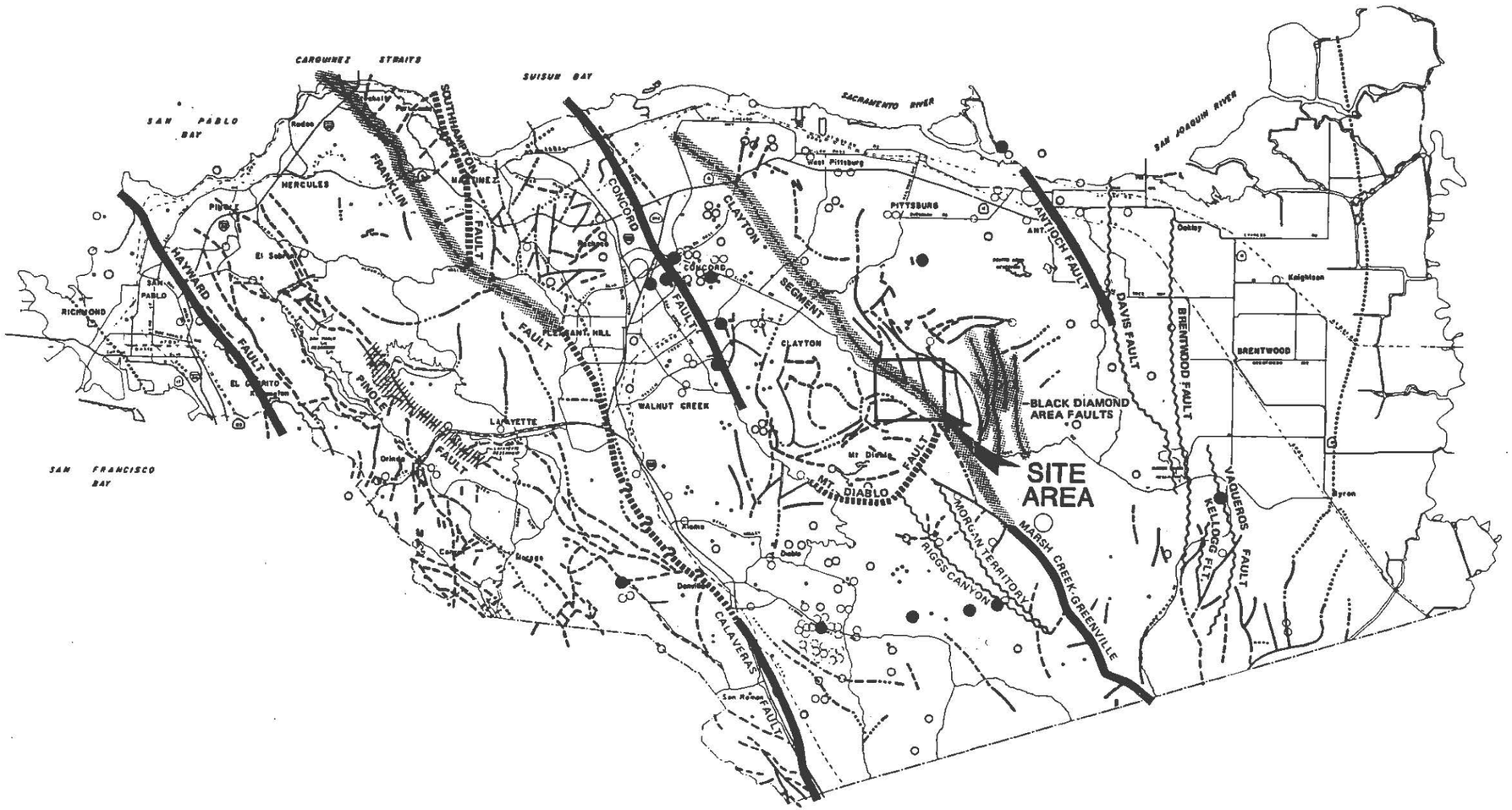
At least 11 earthquakes with magnitudes known or estimated to be in excess of 6.0 have occurred in the San Francisco Bay Area during historical times. These earthquakes are listed below on Table 13.

[4] San Francisco Examiner, 1991

[5] Harding Lawson Associates, 1983

FIGURE 28

Faults in Contra Costa County



Source: Contra Costa County General Plan

Fault Mapping Status

- Fault location
- Approximate location
- Location uncertain

Fault Activity Category

- State of California special studies zone
- Faults with reported Late Pleistocene displacement but not in a state of California special studies zone

Faults without evidence of Late Pleistocene or Holocene surface displacements

- Faults associated with earthquake swarms
- Faults inferred active on the basis of scattered small magnitude earthquakes near the trace of the fault
- Faults inferred active on the basis of a tectonic model

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MARSH CREEK ROAD SPECIFIC PLAN EIR

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Although none of the epicenters of these listed earthquakes were located within Contra Costa County, at least two of the faults that produced these earthquakes extend through or into the County. These earthquakes and the originating faults include the 1836 and 1868 earthquakes on the Hayward fault, and the 1911 and 1984 earthquakes on the Calaveras fault. It is believed that all of these earthquakes caused strong ground shaking in the study area.

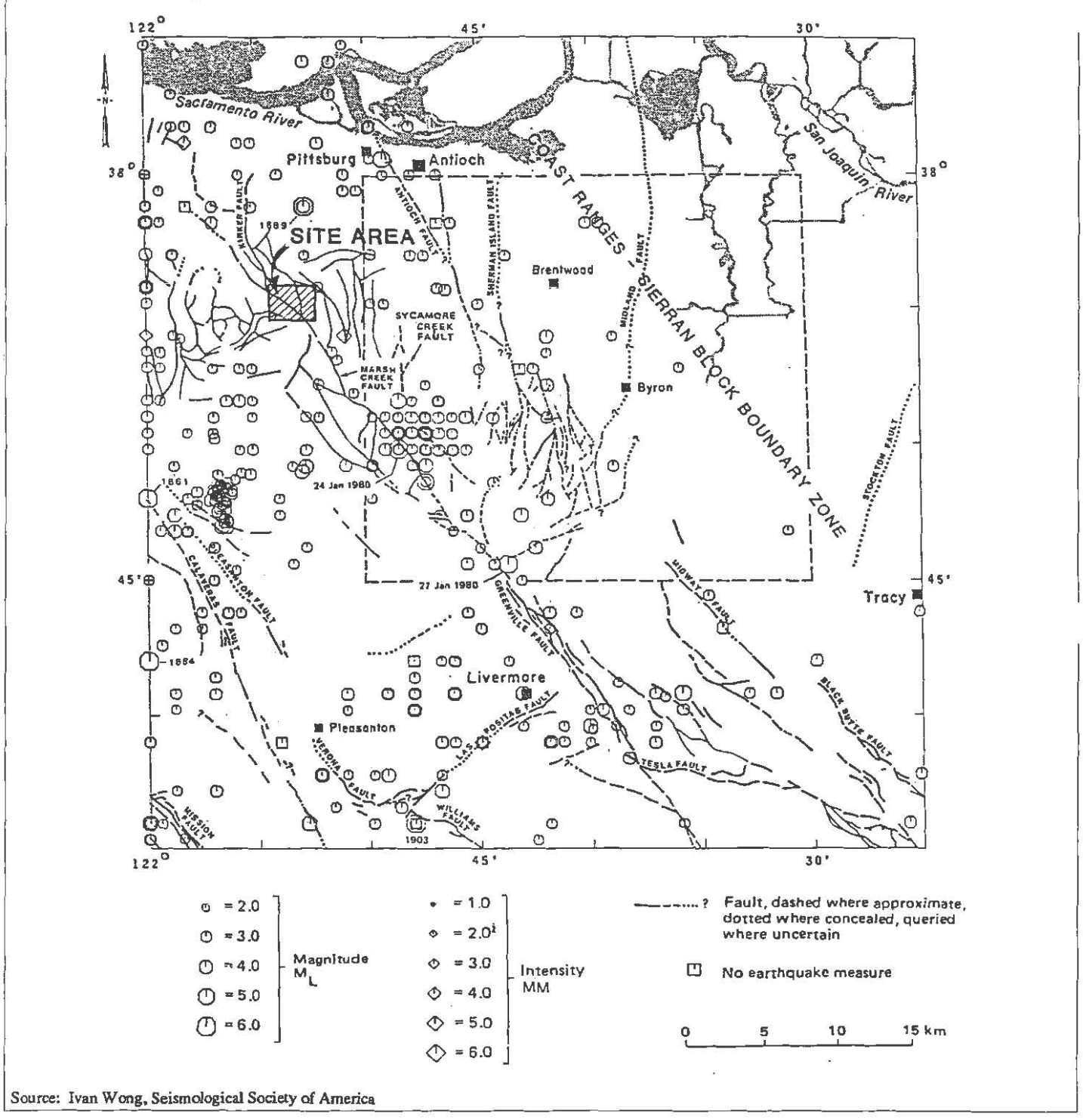
In addition to earthquakes which have originated outside of Contra Costa County, a number of earthquakes have been located in the central or eastern Contra Costa County area. A summary of a map showing the epicenters of earthquakes in the area between 1861 and 1986 is presented on Figure 29.

Table 13
MAJOR HISTORIC BAY AREA EARTHQUAKES

Date	Location	Magnitude	Fault
June 1836	Hayward	6.7	Hayward
June 1838	Woodside	7.0	San Andreas
October 1865	Watsonville	6.2	San Andreas
October 1868	Hayward	6.7	Hayward
April 1892	Vacaville	6.4	Midland?
April 1892	Winters	6.6	Midland?
March 1898	Vallejo	6.3	Franklin?
April 1906	San Francisco	8.3	San Andreas
July 1911	Coyote	6.6	Calaveras
April 1984	Morgan Hill	6.1	Calaveras
October 1989	Santa Cruz	7.1	San Andreas

Source: Brown and Kockelman, 1983, Hoose, 1984 and McNutt and Sydnor, 1990.

Contra Costa County updated its seismic and geologic safety information in 1986. Based on these studies, various tables were produced which presented summary data on each of the inferred active faults in the county, the estimated probability of occurrence of significant earthquakes in the Bay Area during the next 50 years, and estimates of ground motion parameters for fault movements which would effect the county. Data from these tables and their summary report are reproduced as Tables 14, 15, and 16.



Source: Ivan Wong, Seismological Society of America

FIGURE 29

Historical Seismicity Near the Study Area

MARSH CREEK ROAD SPECIFIC PLAN EIR

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Recent updated estimates of earthquake probabilities have also been developed and published by the United States Geological Survey.[6] The USGS estimates that a magnitude 7 earthquake along the northern portion of the Hayward fault has a 28 percent probability of occurrence in the next 30 years, and that magnitude 7 and 8 earthquakes on nearby sections of the San Andreas fault have a 23 percent and 2 percent, respectively, probability of occurrence in the next 30 years. Cumulatively looking at the San Andreas, Hayward, and Rogers Creek faults, the USGS concluded that there is a 67 percent probability of a major earthquake in the Bay Area in the next 30 years.

[6] Working Group on California Earthquake Probabilities, 1990

Table 14
AVAILABLE DATA ON INFERRED ACTIVE FAULTS AFFECTING CONTRA COSTA COUNTY

Fault Name	Historic Damaging Earthquakes	Historic Surface Faulting	Known Microseismic Activity	Estimated Maximum Credible Earthquake		Estimated Maximum Probable Earthquake	
				Preferred Magnitude	From Literature	Preferred Magnitude	From Literature
San Andreas	1938, 1906	Creep & Surface	Yes Rupture	8.5	8.5	8.25	8.25
Hayward	1936, 1868	Creep & Surface	Yes Rupture	7.25	6.8-7.6	6.5	6.75
Calaveras	1861	Surface Rupture	None in Contra Costa County	7.25	6.5-7.5	6.5	6.5
Franklin	1898?	None Known	No	6.25	6.25	N/A	N/A
Concord	1955	Creep	Yes	6.5	6.1-7.25	5.75	5.5
Greenville-Clayton Segment	None Known	None Known	No	6.25	6.25	5.5	N/A
Greenville-Marsh Creek	1980	Surface Rupture	Yes	6.5	6.5	5.75	5.5
Greenville-Segment Unknown					6.9		
Black Diamond Area	None Known	None Known	Scattered clusters in areas near faults	5.5	5.5	N/A	
Antioch	1889, 1965	Reported Creek	Yes	6.5	5.75-6.6	5.75	

Notes:

1. The maximum credible earthquake is the maximum earthquake that appears capable of occurring under the presently known tectonic framework. It is a rational and believable event that is in accord with all known geologic and seismic facts. In determining the maximum credible earthquake, little regard is given to its probability of occurrence, except that its likelihood of occurring is great enough to be of concern. It is conceivable that the maximum credible earthquake might be approached more frequently in one geologic environment than in another.
2. The maximum probable earthquake is the maximum earthquake that is likely to occur during a 100-year interval. It is to be regarded as a probable occurrence, not as an assured event that will occur at a specific time.

Table 15
APPROXIMATE PROBABILITY OF OCCURRENCE OF EARTHQUAKES ON SELECTED BAY AREA FAULTS

Causative Fault	Magnitude	Approximate Probability of Occurrence (over a 50-year period)
San Andreas	7.0 - 8.0 8.0 - 8.5	Likely Intermediate
Hayward	6.0 - 7.0 7.0 - 7.5	Likely Intermediate
Calaveras	6.0 - 7.0 7.0 - 7.5	Likely Intermediate - Low
Concord	5.0 - 6.0 6.0 - 7.0	Likely Intermediate - Low
Antioch	5.0 - 6.0 6.0 - 7.0	Likely Intermediate - Low

Definition of Terms:
Likely: Greater than a 50% probability of occurrence.
Intermediate: A 15-50% probability of occurrence.
Low: Less than a 15% probability of occurrence.

Source: Contra Costa County, 1991.

Table 16
ESTIMATED MAXIMUM PARAMETERS FOR KNOWN FAULTS AFFECTING CONTRA COSTA COUNTY

Fault	San Andreas	Hayward	Calaveras	Antioch	Concord	Clayton/ Greenville
Magnitude	8.25 - 8.5	6.4 - 7.25	6.5 - 7.25	5.75- 6.5	5.75 - 6.5	5.75 - 6.5
Duration of Strong Shaking (Seconds)	25 - 37	18 - 30	18 - 30	7 - 22	7 - 22	7 - 22
Maximum Intensity (M.M.)	IX - XI	VIII - IX	VIII - IX	VII - VIII	VII - VIII	VII - VIII
Distance from Fault to Study Area (Miles)	38	20	10	8	4	-
Peak Horizontal Accelerations on Rock	0.17 - 0.22	0.10 - 0.25	0.15 - 0.40	0.18 - 0.35	0.20 - 0.45	>0.20 - 0.45

Notes:
1. Magnitude Estimates from Table 11. The first listed magnitude for each fault is the maximum probable earthquake; the second is the maximum credible earthquake. The maximum probable earthquake for the San Andreas Fault is the historic 1906 earthquake.

2. Bracketed duration for ground motions are 0.5g within 10 miles of the fault.

Source: Woodward-Clyde Consultants, 1986.

h. Fault Hazards. In addition to the risks of earthquakes, which are shared throughout the Bay Area, specific areas can be subject to the risks of ground rupture on faults that run through them. For this reason, it is important to determine whether there are active faults in the study area.

In order to evaluate whether a fault is active or potentially active, evidence of the most recent period of movement is evaluated. Those faults which have been active during the Holocene epoch, which includes approximately the last 11,000 years, are considered to be active faults, while those faults which have not moved during the Holocene epoch but have been active during the Quaternary period (approximately the last 2 million years) are considered to be potentially active faults.[7] In some cases the date of the most recent fault movement is not known and further studies are proposed.

Those faults which are considered to be active by the California Division of Mines and Geology are placed in what is termed an Alquist-Priolo Special Study Zone. Such a zone is approximately ¼-mile wide with the active fault extending in the middle of the zone. If construction is planned within a Special Study Zone, then detailed geologic studies must be performed to further define the location of the active fault so that no habitable structures are constructed directly on top of this fault. This approach for active fault evaluation is based on the generalized principal that there is a higher probability of future fault movement on those faults which have moved in the geologically-recent past. However, it should be kept in mind that certain faults that have been inactive for a significant period of geologic time may become reactivated in the future. Nonetheless, the development of an entirely new fault or the reactivation of a long-inactive fault is very uncommon and is generally not considered to be a planning concern.

The only fault which extends through the study area that is of concern with regard to activity level is the Clayton segment of the Greenville Structural Trend. Extensive studies have been performed on this fault for the nearby Oakhurst Development, and for the seismic evaluation of the Contra Loma Dam located northeast of the study area. The best estimate for the location of this fault as it passes through the study area is shown on Figure 28. At the present time, the California Division of Mines and Geology does not consider this fault to be active. Earl Hart, of the California Division of Mines and Geology, has indicated that his observations of trenches along this fault did not reveal evidence of recent activity. However, the study for the Contra Loma Dam summarizes various trenches excavated across this fault for nearby projects and indicates that most consultants who excavated these trenches consider the fault to be either active or potentially active.[8] In addition, the study notes that one

[7] Hart, 1988

trench excavated in the Oakhurst area showed evidence of fault off-set of landslide material estimated to be not more than one or two thousand years old. If this is correct, then the fault in that location would be considered to be an active fault. The studies for Oakhurst estimated that future rupture along this fault could cause an offset of up to approximately one foot.[9]

i. Secondary Earthquake Hazards. Earthquakes can cause a number of secondary problems that are a function of soil type and bedrock geology in an area. Ground failure mechanisms include landsliding, liquefaction, lateral spreading, lurching, or differential compaction. All of the landslide areas within the study area may be prone to movement during an earthquake because of the weakened condition of the ground. For example, during the magnitude 5.5 and 5.6 Livermore earthquakes in January 1980, numerous ground failures occurred along Morgan Territory Road and Marsh Creek Road,[10] although there were none within the study area. However, landslides within the study area during a future moderate or stronger earthquake are likely.

Liquefaction is "the transformation of a deposit of cohesionless soils from a solid state to a liquefied state as a consequence of increased pour pressure and reduced effective stress".[11] Soils which are most susceptible to liquefaction are clean, loose, saturated, uniformly-graded, fine-grained sands which lie within 50 feet of the ground surface. The Seismic Safety Element of the Contra Costa County General Plan indicates that there is a moderate to low potential for liquefaction in the alluvial areas along Marsh Creek Road in the study area, but it appears that the liquefaction of these materials is unlikely due to the very clayey character of the materials. Other types of ground failure can occur where relatively weak materials in a high ground water level are present, but it does not appear that this condition is present in the study area.

2. Heartland Property

A previous consultant preformed a preliminary evaluation of the geology of the Heartland property for the applicant.[12] The contents of this report have been reviewed in this EIR and are summarized below.

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[8] Earth Sciences Associates, 1982

[9] Oakhurst Environmental Impact Report

[10] Wilson, et al, 1985

[11] American Society of Civil Engineers, 1978

[12] Rogers/Pacific, 1989.

a. Slopes and Topography. The Heartland property contains two prominent east-west directional ridges located in the northern and southern portions of the parcel. There are several spur ridges, hillslopes and drainage swales which converge in the central portion of the property. An ephemeral channel in the center of the parcel drains storm waters to the southwest near Marsh Creek Road. Most of the site is steeply sloping, with a predominance of slopes over 26 percent. However, slopes on the property vary from 76 percent gradient to relatively level areas near the ranch house.

b. Bedrock Geology. The underlying bedrock at the site is Cretaceous-age arkosic sandstone and micaceous shale of the Panoche Formation. Highly-weathered sandstone outcroppings are exposed on the site's prominent ridgelines and shale bedrock outcrops are exposed in the lower elevation drainage swales and cut slopes.

c. Soils. Sandy and clayey silt cover the bedrock geology in the southwestern most corner of the property. Quaternary-age alluvial deposits cover the Panoche formation bedrock.

d. Landslides. The primary area of concentrated landsliding within the study area is located on the Heartland property. Large, deep-seated landslide deposits are present within the bowl at the northeastern corner of the property. Exploratory borings indicated that the landslides are likely greater than 50 feet deep in these areas. In addition, a number of reactivations of landslides within the larger landslide area were evaluated, and found to typically be reactivations of smaller landslide deposits within the larger landslide masses.

According to the applicant's geotechnical report, significant landslide repair is also needed along the entry road area and in the northwestern corner of the property, but it appears that the landslides in these areas are somewhat shallower. The report states that it would be possible to develop the entry way and northwestern portion of the Heartland site with much lower risk and less grading than would be required in the northeast of the site.

e. Seismicity. Three traces of the ancient Clayton fault were identified on the project site by a review of geologic maps. These fault traces are considered inactive by the California Division of Mines and Geology.

f. Groundwater. Borings were drilled at the site, but groundwater was not encountered; however, perched groundwater could still be encountered during construction activity and the groundwater table is likely to fluctuate during the winter months.

3. Temps Property

A number of studies have been performed for portions of the Temps property. The first three studies were performed for a 32-acre site which included approximately the eastern two-thirds of the current Temps property as well as other properties to the east. These studies were performed by Terrasearch, and included a geologic reconnaissance report,[13] a soil investigation report,[14] and a supplemental subsurface geologic investigation.[15] Subsequent studies were performed by Engeo which guided the construction of Mr. Temps' home on the property.[16] The result of these reports, as well as information from other published sources, is summarized below.

a. Topography. The site can generally be divided into two different portions. The northern portion, where the majority of the development would take place, is relatively flat, with slopes under 26 percent. The southern portion of the site is a moderately sloping, secondary ridge area which trends in an east/west direction, sloping down to the flatter, northern portion of the site. Slopes in the southern section are generally above 26 percent. The northern half of the site is generally open, except for a dense growth of trees along Mt. Diablo Creek at the northern property line. The Temps home is located near the southeastern corner of the northern portion of the property. The western half of the northern area was formerly used as a Christmas tree farm and contains scattered trees. The southern portion of the property is covered with a dense tree canopy.

b. Bedrock Geology. The Temps property is underlain by the shale member of the Panoche Formation. This bedrock material is generally described as micaceous clay shale, with minor sandstone. This bedrock is present near the ground surface within the southern portion of the property. In addition, siltstone and claystone exposures of this bedrock have also been noted on the incised banks of Marsh Creek along the northern property line.

c. Soils. Other than the bedrock exposures along the creek bank, the northern portion of the property is generally blanketed by clayey alluvial materials. These soils are typically very stiff to hard, silty and sandy clays with occasional gravel layers. Laboratory tests indicate that the soils are moderately to highly expansive.

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[13] Terrasearch, 1983

[14] Terrasearch, 1985

[15] Terrasearch, 1986

[16] Engeo, 1987

d. Landslides. Preliminary published geologic maps indicate the presence of a large landslide complex in the wooded area within the southeastern quarter of the Temps property. Reconnaissance studies performed by Terrasearch in the area noted numerous outcrops of undisturbed bedrock and no observations of significant landsliding. However, a recent, shallow earthflow is present within the tree-covered area near the southwestern corner of the property, and could be indicative of landslide potential in the area.

e. Seismicity. Seismicity on the Temps property is not an issue. The property would be subject to groundshaking in the event of an earthquake, but there would be no fault rupturing since there are no fault traces on the site.

4. Moita Property

A geologic reconnaissance of an area including the Moita property has been performed.[17] This reconnaissance included both the Moita property and the majority of the Heartland property to the east. The contents of this reconnaissance are very similar to the information presented previously under Section 2 "Heartland property," and are summarized below.

a. Slopes and Topography. The Moita property is characterized by a knoll area near the eastern property line and moderate to steep slopes descending from this knoll area. The knoll has an elevation of approximately 935 feet. The vegetation at the site generally consists of native grasses with scattered oak trees.

The Moita Property is, in general, steeply sloping. Most of the site contains slopes in excess of 20 percent, and much of the site has slopes greater than 26 percent. However, none of the proposed lots would have building pads with a slope greater than 40 percent.

b. Bedrock Geology. Bedrock underlying the site is identified as belonging to the Cretaceous-Age Panoche Formation. The majority of the site is underlain by the shale member of the Panoche Formation; this member is dark colored, micaceous and contains minor sandstone. A portion of the property (generally including the knoll area), is underlain by the sandstone member of the Panoche Formation. The sandstone member is generally tan in color and has large concretions and minor shale.

[17] Western Geological Consultants, 1989

c. Soils. The reconnaissance report and published maps do not indicate the presence of any significant thicknesses of soil on the property; however, it is likely that there are clay soils present in the valley bottom in the extreme northwestern corner of the property. In general, underlying bedrock is close to the ground surface, and soils are likely to be less than five feet thick.

d. Landslides. There are no massive landslides underlying the Moita property. However, portions of three landslides are present along the eastern property line. These landslides are generally located within the Heartland property, but portions of them extend over the property line into the Moita parcel. The geologic reconnaissance of the Moita property indicates that these landslides are shallow.

e. Seismicity. One trace of the Greenville Structural Trend is identified extending through the center of the site. This fault trends in a northwesterly direction and also extends through the Heartland parcel. This fault trace is currently considered inactive by the California Division of Mines and Geology.

B. Impacts and Mitigation Measures

1. General Plan Amendment and Specific Plan Area

a. Large Landslide Complexes.

Impact GEO-P1: Major landslide complexes exist on the Heartland property. In addition, a large landslide complex may exist within the southern, heavily-wooded portion of the Temps property and the adjacent properties to the east. Each of these large landslide complexes is shown on Figure 26. Future movement of these landslides could cause significant damage or destruction of any homes or developed areas which are constructed within or immediately downhill of these landslide complexes. Future landslides could result from heavy rainfall winters and/or a significant earthquake. (S)

> Mitigation Measure GEO-P1: Detailed studies of each landslide complex should be performed prior to the filing of development proposals for the area. These studies should include detailed subsurface explorations of the area, laboratory tests of materials recovered, and slope stability analyses. If instabilities are confirmed, then significant regrading or buttressing of the area along with surface and subsurface drainage improvements would be necessary or the area should remain undeveloped.

b. Small to Moderate Landslides.

Impact GEO-P2: There are numerous small to moderate-sized landslides present within the Plan Area. Many of these landslides are shown on Figure 26. These smaller landslides include earthflows in clayey hillside areas. In addition, some slumping of creek banks is also occurring along Mt. Diablo Creek. Where development is proposed within or immediately adjacent to these areas, the proposed improvements or structures could be significantly damaged if new movement of the landslide were to occur. (S)

> Mitigation Measure GEO-P2: A specific evaluation of each landslide feature should be made when development is proposed within or immediately adjacent to the area. Landslide evaluation should include subsurface exploration, laboratory testing, and stability analyses. If a hazard is determined to be present, then measures can be taken to minimize the likelihood of future movement. Earthflows can be stabilized using conventional removal and recompaction techniques, while rock bolting or mesh can be used on exposed steeper rock slopes. The specifics of the appropriate mitigation measures for these types of concerns are typically prepared during the grading plan stage of development, and these measures are quite common in current Bay Area subdivision grading.

c. Active Faults.

Impact GEO-P3: Although the Greenville Structural Trend is not currently designated to be active by the California Division of Mines and Geology, there is evidence that one of the fault traces extending through the Plan Area may be active. Should fault rupture occur along one of these fault traces, serious damage could result due to the offset of the fault. (S)

> Mitigation Measure GEO-P3: Any property within the Plan Area which is crossed by one of the fault traces shown on Figure 26 should be subjected to additional studies if development is proposed in the vicinity of the fault area. Such studies should include trenching by a Certified Engineering Geologist to determine whether the portion of the fault within the subject property is active. If the fault is determined to be active, then appropriate setbacks for any habitable structures should be established.

d. Expansive Soils.

Impact GEO-P4: Throughout the majority of the Plan Area, clayey soils are present at the ground surface. These soils are relatively thin in the more sloping area and thicken in the valley bottoms. The expansive soils swell upon wetting and shrink when they dry. The shrink/swell behavior can cause damage to foundations, concrete flatwork, and other improvements. (S)

> Mitigation Measure GEO-P4: Where expansive soils are present, site specific recommendations by a geotechnical engineer should be provided to minimize damage from the soils. House foundations should typically consist of drilled pier foundations which extend well below the zone of movement of the expansive soils. Slabs and other concrete flatwork should generally be underlain by a layer of non-expansive imported material. Drainage should be carefully controlled to minimize the accumulation of water and increases in swelling of the expansive soils near structures. Roadway sections should also be thickened to resist uplift forces of the expansive soils.

e. Strong Ground Shaking During Earthquakes.

Impact GEO-P5: Should a significant earthquake occur in the East Bay, then strong ground shaking would likely be experienced throughout the Plan Area. The shaking can damage houses and their foundations as well as other improvements. (S)

> Mitigation Measure GEO-P5: All structures and other improvements in the Plan Area should be designed to resist the effects of strong ground shaking. All homes should be designed in accordance with the Uniform Building Code by an experienced engineer to minimize damage from ground shaking.

f. Grading.

Impact GEO-P6: Because much of the Plan Area consists of sloping hillsides, it is likely that grading would be necessary to develop some development areas. If fill materials are not properly compacted, then settlement can result which in turn can damage any homes or other improvements bearing on or within the fill materials. Structures which are partially supported by fill materials and partially supported by cuts into bedrock can experience differential performance because of the greater compression of engineered fill than bedrock. Any fill embankments which are constructed on sloping ground can experience lateral movement if the depth of the excavation to prepare the ground for the fill is not adequate. (S)

Mitigation Measure GEO-P6: All engineered fill materials should be compacted in conformance with conventional engineering design criteria. Keyways and benches should be excavated into undisturbed bedrock or competent native soils if fill materials are to be placed on sloping ground. No house foundation should span from a cut area to a fill area unless all foundations for the home are extended into competent bedrock materials or subexcavated and recompacted under the direction of a geotechnical engineer.

g. Erosion.

Impact GEO-P7: When areas are graded for development, vegetation is removed and bare ground is exposed. During rainfall or irrigation, soils can be eroded from the barren slopes. The eroded soils can then cause damage to facilities within the development as well as downslope of the development, and additional damages can occur to aquatic life in stream channels where sediment- laden water is ultimately conveyed. (S)

Mitigation Measure GEO-P7: An erosion control plan should be prepared for each project to govern erosion control both during construction and after the completion of the project using appropriate NPDES-related Best Management Practices and obtaining all required permits. During project grading, berms, silt fences, sedimentation basins, and other erosion control measures should be taken to minimize off-site transport of soil. Topsoil should be stockpiled during grading and redistributed over the ground surface once grading has ben completed. Preservation of topsoil is important to the success of revegetation efforts. Following the completion of the development, erosion-resistant vegetation should be planted on all exposed soil areas. All building pads should be sloped to improved areas where the water can be properly collected. All water collected within each development should be conveyed to an appropriate discharge location and the water discharged in a non-erosive manner.

2. Heartland Property

a. Slopes.

Impact GEO-H1: Plan Policy LU-5a indicates that no development may occur on slopes in excess of 40 percent, and that development is marginally acceptable in areas with slopes between 26 and 40 percent. (S)

Steep slopes are often unstable, create wildfire hazards, and generally require significant grading to accommodate any type of building or roadway construction. The following lots would occur in areas that generally have slopes between 26 and 40 percent: 1 through 6, 9 through 17, 23 through 38, 42 through 59, 65 through 90. The following lots, in general, contain slopes in excess of 40 percent: 49 through 54, 73, and 74.

In addition, no development with building pads on slopes greater than 26 percent is to occur on the west face of Keller Ridge due to this area's visibility. Lots 58 through 63 fall within the west face of Keller Ridge.[18] Of these, Lots 58 and 59 appear to have slopes greater than 26 percent.

Mitigation Measure GEO-H1:

a. The applicant should demonstrate that Lots 49-54, 73, and 74 meet the Specific Plan requirements that restrict development to building pads with less than 40 percent slope, or the lots should be removed. All required grading should be consistent with Specific Plan grading guidelines.
b. In areas with existing slopes in excess of 26 percent, the applicant should provide data to show that each building pad would comply with all provisions of the Specific Plan, including the prohibition of development of lots with building pads greater than 26 percent slope on the west face of Keller Ridge. Lots and building pads on slopes greater than 20 percent should be studied and approved by the City only if they meet Specific Plan requirements. If the proposed lots are not approved, they should be removed from the project.

b. Large Landslide Complexes.

Impact GEO-H2: Three large landslide complexes are apparently present within the Heartland property. One of these complexes is located along the entry road, a second is located in the main development area along the east side of the property, and the third is located along the west side of the proposed road in the northwestern corner of the project. Extensive development is proposed in each of these areas on the preliminary development plan. Future landslide movements of any of these slide complexes could cause serious damage to the proposed development. (S)

[18] The west face of Keller Ridge is defined as the area visible from new Clayton Community Park and Marsh Creek Road and is mapped on Figure 7 of the Specific Plan.

Mitigation Measure GEO-H2: In order to construct improvements, including roadways or homesites, within the larger landslides, massive grading should occur, including buttressing and installation of subsurface drainage. All required grading should be consistent with Specific Plan grading guidelines.

c. Small to Moderate Landslides.

Impact GEO-H3: In addition to the large landslide complexes, a number of small to moderate sized landslides are shown within the project. Some of these are in proposed open space areas while others are within or immediately adjacent to roadways and homes. Future movement of these landslides could also cause significant damage to the proposed homes or roadways in the area. (S)

Mitigation Measure GEO-H3: Where small to moderate sized landslides are shown on the current preliminary geologic map of the property, these landslide areas should be further evaluated unless they are in open space and pose no threat to the proposed improvements. Within areas to be developed, the magnitude of these landslides should be determined and remedial measures taken which may include grading, buttressing, drainage improvements, and/or retaining walls. The specifics of the appropriate mitigation measures for these types of concerns are typically prepared during the grading plan stage of development, and these measures are quite common in current Bay Area subdivision grading.

d. Active Faults.

Impact GEO-H4: The northern of the two main traces of the Greenville Structural Trend Extends through the subject property. Homes and roadways are proposed directly on top of this trace, which bifurcates and becomes two traces in the northwestern corner of the parcel. Future fault offset on either of the traces extending through the property could result in significant damage to portions of the development. (S)

Mitigation Measure GEO-H4: Trenching should be performed by a certified engineering geologist to evaluate whether active faulting crosses the site. If active faulting is located, then the site plan should be redesigned to eliminate all habitable structures within 50 feet of the active faults traces. Other improvements which must cross the fault, such as roadways and utilities, should be designed to accommodate possible fault offset.

3. Temps Property

a. Slopes. As required by Specific Plan Policy LU-5, the proposed Temps project would limit development at densities above one unit per acre to those areas with slopes of less then 26 percent. Those portions of the site with slopes in excess of 26 percent would generally be developed as ranchette lots with sizes over five acres. To meet Specific Plan Policy LU-5, building envelopes on these ranchette lots should be located in flatter portions of each lot with slopes under 26 percent. No further mitigation is required.

b. Large Landslide Complex.

Impact GEO-T1: A large landslide complex may be present within the tree-covered area in the southern portion of the Temps property. The preliminary development plan indicates that three homes would be developed within or immediately adjacent to this landslide area. In addition, many homes would be constructed downhill of this slide complex. If this landslide is present and future movement occurred, then significant damage could occur to the proposed homes, roadways, and other improvements. (S)

> Mitigation Measures GEO-T1: Additional studies should be performed in the area of the possible landslide complex. This should include subsurface investigation, laboratory testing, and slope stability analyses. If these studies determine that landsliding is present, then mitigation measures should be taken to minimize the impact of the landsliding. This would likely include grading, buttressing, and drainage improvements. All required grading should be consistent with Specific Plan grading guidelines.

c. Earthflow and Creek-Bank Slides.

Impact GEO-T2: An earthflow is present in the southwestern corner of the property, and various areas of sloughing along the banks of Mt. Diablo Creek are present. Improvements planned for these areas could be damaged if additional slippage occurs. (S)

> Mitigation Measures GEO-T2: A site specific survey should be completed to determine sloughing features of Mt. Diablo Creek in the area of the project, and the proposed creek setbacks should be evaluated against the results of this study. If study results warrant it, the setback should be adjusted to place all development beyond the limits of

probable future sloughing. In addition, regrading and drainage improvements should be performed in the area of the earthflow to stabilize these unstable materials.

Impact GEO-T3: The graded slopes on Lots 27 through 34 would be primarily 2:1, not the 3:1 as recommended by Policy DD-4e of the Specific Plan. (S)

Mitigation Measures GEO-T3: Lots 27 through 34 should be redesigned to accommodate 3:1 slopes with variation that mimics the natural topography and provides for natural drainageways.

4. Moita Property

a. Slopes.

Impact GEO-M1: The project would include several lots with building pads greater than 26 percent. This would conflict with Specific Plan Policy LU-5, which states that building pads should generally be limited to those areas with natural slope of less than 26 percent. According to the applicant's site plan, Lots 2 and 11 would have building pad slopes greater than 26 percent. The building pads on Lots 1, 3, and 10 appear to have natural slopes between 25 and 27 percent, and could exceed 26 percent. The building pad on Lot 7 has a slope calculated at 30 percent for this EIR, although the applicant claims it would be only 22 percent. Steep slopes are often unstable, create wildfire hazards, and generally require significant grading to accommodate any type of building or roadway construction.

In addition, no development with building pads on slopes greater than 26 percent is to occur on the west face of Keller Ridge, due to this area's visibility. Lots 4, 5, and 7 through 11 fall within the west face of Keller Ridge.[19] Of these, Lots 7, 10 and 11 have the potential to accommodate building pads on slopes greater than 26 percent. (S)

Mitigation Measure GEO-M1:

a. The applicant should provide more accurate maps which identify the true slope of the lots and building pads of Lots 1, 3, 7 and 10.
b. In areas with slopes in excess of 26 percent, the applicant should provide data to show that each building pad would comply with all provisions of the Specific Plan, including the prohibition of development of lots greater than 26 percent slope on the west face of

[19] The west face of Keller Ridge is defined as the area visible from the new Clayton Community Park and Marsh Creek Road and is mapped on Figure 7 of the Specific Plan.

Keller Ridge. Lots and building pads on slopes greater than 26 percent should be studied and approved by the City only if they meet Specific Plan requirements. If the proposed lots are not approved, they should be removed from the project.

b. Small to Moderate-Sized Landslides.

Impact GEO-M2: Although no large landslide complexes are present within the Moita property, portions of two moderate-sized landslides encroach into the northeastern corner and along the middle of the eastern property line of the project. In addition, a small landslide is present in the swale in the extreme southeastern corner of the parcel. The small landslide does not appear to pose any hazard to the proposed Moita development; but some risk of damage could occur to the Heartland property if significant movement of this landslide were to occur. If the portions of the moderate-sized landslide complexes within the Moita property are not properly corrected, then damage to improvements or homes immediately adjacent to these landslide areas could occur. (S)

Mitigation Measure GEO-M2: In general, the three areas of landsliding are likely to be addressed during the evaluation and grading for the Heartland project. However, the consultant for the Moita property should carefully evaluate the remedial work performed to confirm that it is adequate for mitigation of the hazards within the Moita property. Supplemental grading, drainage improvements, or other mitigation measures on the Moita property should be performed if they are necessary. All required grading should be consistent with Specific Plan grading guidelines.

c. Active Faults.

Impact GEO-M3: One of the traces of the Greenville Structural Trend extends diagonally through the center of the Moita property. If offset of this fault occurred during a significant seismic event, then damage to some improvements may occur. The current conceptual site design indicates that one house may be located across this fault. This structure could be seriously damaged if fault offset occurred. (S)

Mitigation Measure GEO-M3: Trenching should be performed by a certified engineering geologist to evaluate whether active faulting crosses the site. If active faulting is located, then the site plan should be redesigned to eliminate all habitable structures within 50 feet of the active faults traces. Other improvements which must cross the fault, such as roadways and utilities, should be designed to accommodate possible fault offset.

5. Cumulative Impacts

Since geotechnical impacts occur on a site-specific basis, no additional cumulative impacts regarding geology and seismicity would occur through development under the Specific Plan in conjunction with other development in the region. Mitigation of site-specific geotechnical impacts would eliminate the potential for geotechnical impacts from cumulative development.

4.7 Hydrology

■ ■ ■

A. Existing Setting

1. Specific Plan Area

This section describes existing hydrologic conditions of the Marsh Creek Road study area, and summarizes local and regional hydrology as they may be affected by potential development in the area. The major issues include flood hazard analysis, channel and bank erosion conditions, and protection of creek riparian corridors and wetlands. Water quality, although less significant as a development parameter, is also discussed.

In calculating flood hazards, hydrologists work with the concept of "recurrence interval" storms. Based on historical data of rainfall or creek flows in an area, hydrologists use probability theory to determine the likely amount of flood flows which may pass through a given area. For example, the "100-year storm" or the "100-year flow" is a storm or flow which has been calculated to occur once every 100 years. This is the same as saying there is a 1% chance of this storm or flow occurring in any one year. Similarly, a 15-year storm has a likelihood of occurring once every 15 years, or a probability of 6.67%. Such storm and flow projections are based on extrapolation from known data, and they do not necessarily represent the actual maximum storms or flows which occur during a given period. For example, a "100-year storm" could occur during three consecutive years in one area, but a storm the size of a "15-year storm" may not occur for 25 or more years in another area.

a. Regional Setting. The study area is in the North Diablo Range Hydrologic Unit defined by the State Water Resources Control Board (SWRCB), and the Contra Costa County Flood Control and Water Conservation District's Major Watershed Zone No. 4A.

As shown in Figure 30, Mt. Diablo Creek is the major water course draining the study area. Mt. Diablo Creek originates on the northern slopes of Mt. Diablo, and flows northwesterly through the study area, the cities of Clayton and Concord, to the Concord Naval Weapons Station. There it joins Seal Creek, which flows into Hastings Slough and discharges to Suisun Bay near Seal Islands.

b. Flood Hazards. Mt. Diablo Creek has not had a history of severe flooding, even though some flooding has occurred in the Clayton Town Center area and in the floodplain between Clayton Road and Kirker Pass Road. Localized flooding has also been reported along the creek. The major floods of record occurred in 1938, 1952, 1955, and 1963. The 1955 and 1963 floods were estimated to be 25-year events. More severe flooding could be expected from a 100-year storm.

Flood hazard analysis is typically conducted by the Federal Emergency Management Agency (FEMA). A 1979 FEMA study covers the City of Clayton and only a portion of the study area along Mt. Diablo Creek downstream of Pine Lane. This study indicates areas of potential flooding from a 100-year storm that are 100- to 200-feet wide in the City, as well as upstream in portions of the study area between Pine Lane to Russellmann Road. Flood zones for the 100-year storm are more extensive downstream of Kirker Pass Road and in the City of Concord. This mapping is done by approximate methods, and no base flood elevations are given.[1] Flood hazards have not been mapped for any of the tributary streams in the study area. FEMA flood zones in the area are shown in Figure 31.

However, the results of the FEMA study are considered unreliable by the Contra Costa County Flood Control District and the City of Clayton. The FEMA study for Mt. Diablo Creek was based on an adjustment of the Pinole Creek gaging record. Pinole Creek originates on Pinole Ridge and flows through western Contra Costa County and the City of Pinole to San Pablo Bay. It is located approximately 16 miles from the study area. The Flood Control District's investigation of the Pinole Creek gage record and its own subsequent study indicate that the 100-year flow used in the FEMA study may be too low.[2] The FEMA-estimated peak flow from the 100-year storm for Mt. Diablo Creek at Kirker Pass Road is 4,060 cubic feet per second (cfs), while the Flood Control District estimate is 6,600 cfs, approximately 63% greater. The extent of the mapped 100-year floodplain would be larger if the 100-year flow estimated by the Flood Control District were used to plot the floodplain boundaries. FEMA had scheduled a restudy of flood hazards in Contra Costa County for 1993, but it is not known at this time if Mt. Diablo Creek or its tributaries in the study area will be included.

[1] Approximate methods for flood hazard evaluation do not include the level of hydraulic modeling use in detailed studies, and no base flood elevations (100-year flood) are reported.

[2] Dr. Baulin (Paul) Wu, personal communication).

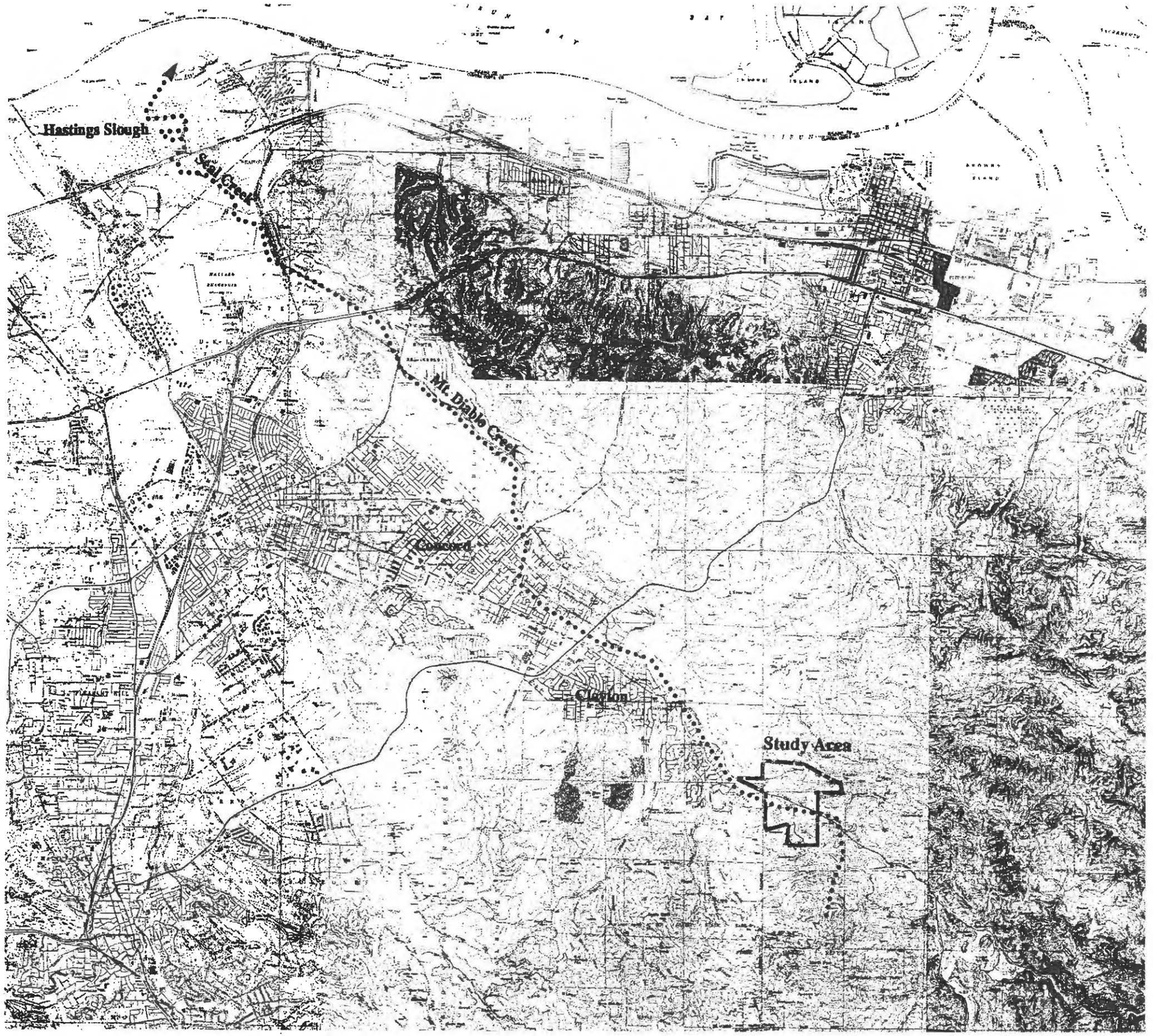


FIGURE 30

Regional Drainage

N

MARSH CREEK ROAD SPECIFIC PLAN EIR

CLAYTON CALIFORNIA

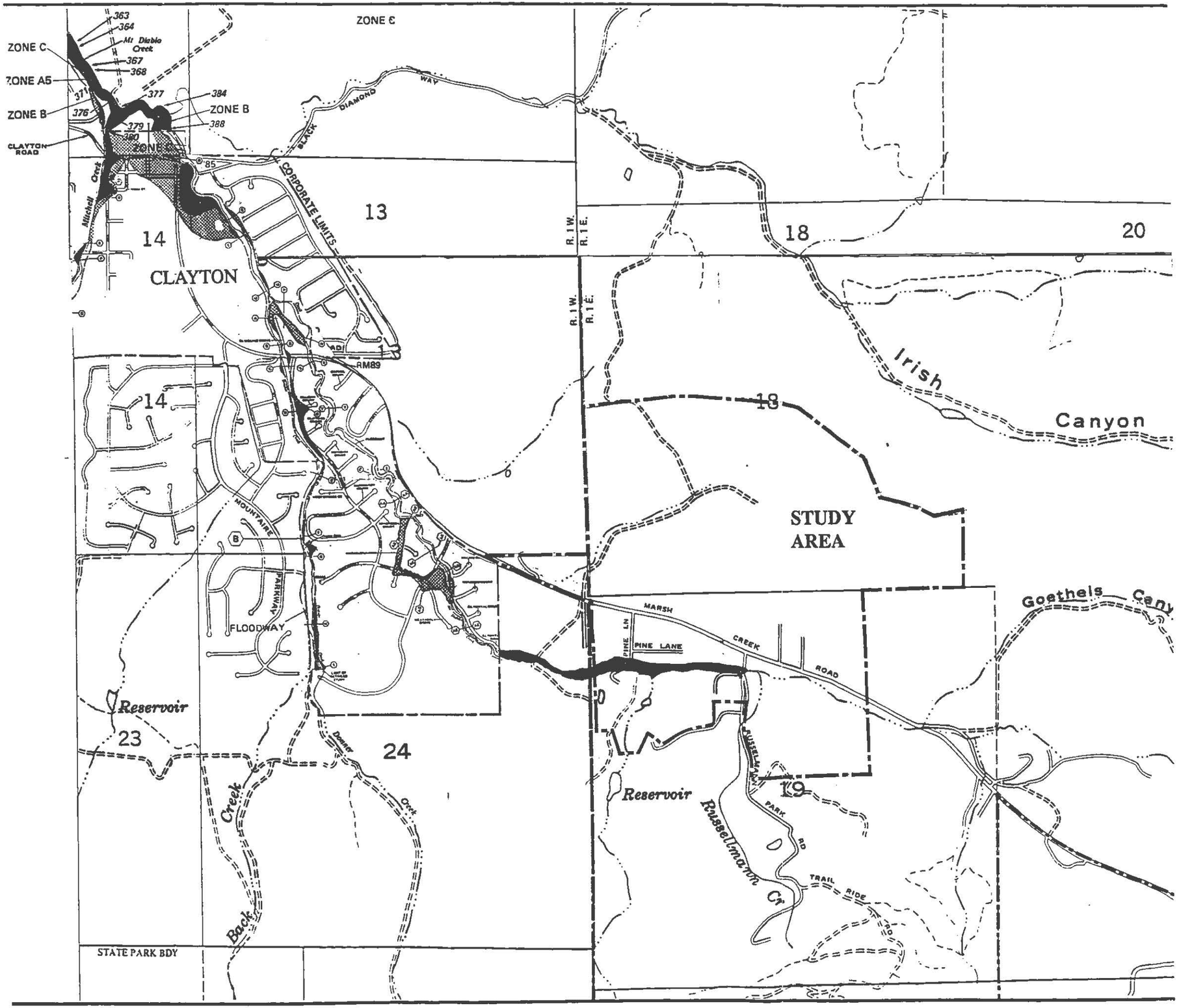


FIGURE 31

FEMA Flood Zones in the Area

500 - year flood plain

100 - year flood plain

Study Area Boundary

Note: This mapping may be incomplete. See text for further discussion.

N

Approximate scale in feet:
0 1000 2000

MARSH CREEK ROAD SPECIFIC PLAN EIR

CLAYTON
CALIFORNIA

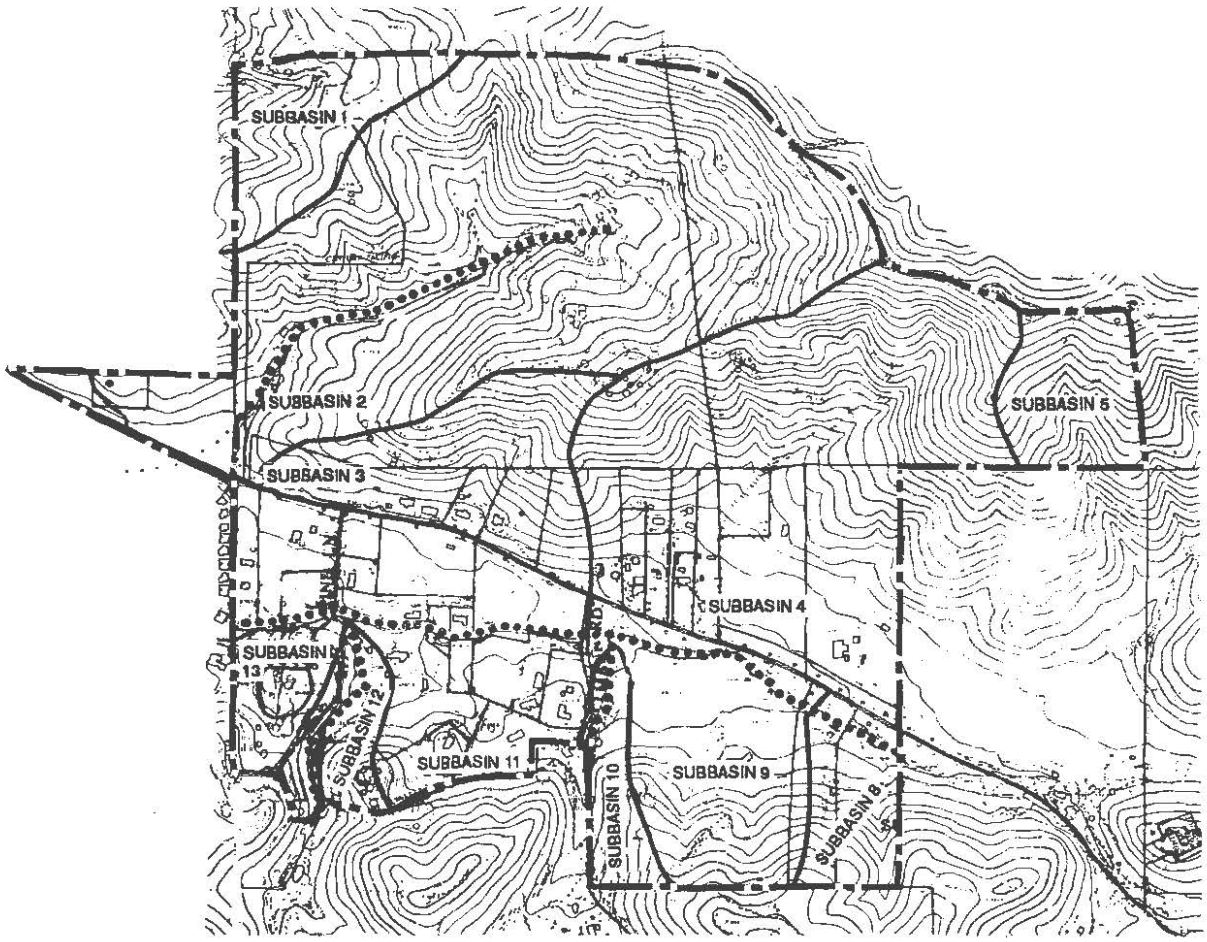
In 1983, the Flood Control District conducted an engineering study of Mt. Diablo Creek and its watershed to identify potential flooding problems. The Flood Control District determined the capacity of Mt. Diablo Creek to be 1,500 to 2,000 cfs, with capacity in some areas as low as 500 cfs, inadequate to convey the 100-year flood. As part of the 1983 study, the Flood Control District also developed a series of design alternatives to improve flood protection by increasing channel capacity in Mt. Diablo Creek. This plan was presented to the cities of Clayton and Concord, but the plan was not implemented.

If a regional flood control plan is developed in the future, it will have to reflect changes in the creek and watershed since the original study, and changes in regulatory requirements for stream channel alteration. For example, the Safeway store in the Clayton Station shopping center has been built at the site of a proposed detention basin, and mitigation for loss of riparian habitat due to stream channelization may be difficult to achieve.

c. Study Area Setting. The drainage subbasins and other hydrological characteristics of the study area are shown in Figure 32. The study area, and the contiguous portions of drainage subbasins that are only partially within it, encompass approximately two square miles of the 30 square-mile Mt. Diablo Creek watershed. Mt. Diablo Creek has four major tributaries, two of which have a portion of their watershed in the study area. These streams are delineated as dotted blue line creeks on the USGS Clayton quadrange map.

Mean seasonal precipitation in the study area is approximately 20 inches per year, occurring primarily between October and April. Streamflow follows the seasonal rains, increasing during the rainy season, and ceasing during the summer. Only Mt. Diablo Creek had observable summer flow after five years of drought when this study began in February 1991. The spring-fed creeks would sustain more frequent flow during non-drought conditions.

The study area may be divided into two separate land-use and vegetation zones along the line of Mt. Diablo Creek. The southerly zone includes the heavily wooded north-facing hills north of Mt. Diablo, with scattered dwellings in the floodplain, while the northerly zone includes heavily grazed grasslands with scattered oak trees and chaparral, and some housing development on the lower slopes and flood plain. The soils in the area are primarily clay loam with moderate to high erosive potential when unprotected on the steeper slopes, and low erosive potential on the flatter floodplain. The heavily grazed northern zone has cattle trails resulting in steep scarps of bare soil that appear as rings around the hillsides. This phenomena contributes significant sediment amounts to Mt. Diablo Creek.



Legend

Specific Plan Boundary

USGS Blueline Creeks

SubWatershed Boundary

Note: Watershed boundaries, pond locations and precipitation are approximate.

NORTH

5 Acres

0 300 600 1200

Scale in Feet

MARSH CREEK ROAD SPECIFIC PLAN EIR

FIGURE 32

Study Area Hydrology

Mt. Diablo Creek originates on the steep northern slope of Mt. Diablo above the study area and flows northerly to Marsh Creek Road where it turns westerly. The floodplain is relatively narrow, with a band of less steep "foothills" on either side between the steeper hill slopes of Keller Ridge to the north and Mt. Diablo to the south. A narrow riparian corridor has been retained through most of the study area. The main Mt. Diablo Creek channel shows signs of bank instability, local erosion, channel incision and widening. These conditions are the response of the creek to changes in its watershed, primarily conversion of vegetation to annual grasses and cattle grazing. Road and house construction also accelerates runoff and increases peak storm flows.

The two main tributaries that join Mt. Diablo Creek in the study area are incised on their upper slopes, but lose channel definition on the lower floodplain before they enter Mt. Diablo Creek. These creeks also show signs of channel response to changes in watershed characteristics, including headcutting in the upper reaches of the watershed, channel incision, and widening. Specific conditions of each creek are discussed in Appendix C.

d. On-Site Flood Hazards. The study area was included in the Flood Control District's 1983 study of the Mt. Diablo Creek watershed, but the first flow estimator point of the study was just upstream of Donner Creek, with a drainage area of approximately 4 square miles, including the 0.75 square mile of the study area. Thus the scale of the District's study is too large for the purposes of this study, so peak flood flows for the individual subbasins identified within the study area have been computed for this report. These estimates of peak runoff for existing conditions can serve as a basis for predicting changes in storm water runoff from proposed development, and are shown in Table 17. A detailed review of the methodology used and the model results are found in Appendix B.

The results in Table 17 indicate that the deeply incised channels in the upper reaches of the study area would not pose a flood hazard to development on the slopes above them. Developments in the floodplain or deltas where there is no incised channel are at greater risk of flooding during severe storms. This is particularly true where major tributaries of Mt. Diablo Creek are unconfined as they flow across the creek's floodplain.

Table 17
HYDROLOGICAL CHARACTERISTICS OF SUBBASINS IN THE STUDY AREA

Subbasin	Peak Runoff (cfs)	Basin Area (Acres)	Basin Area (SqMi)	Max. Elev. (ft)	Min. Elev. (ft)	Channel Length (ft)	Channel Slope (ft/mi)	Length to Centroid (miles)	Modified Mannings Roughness	Time Lag (hrs)	Runoff Curve Number
2 Oak Creek	197	148.2	0.232	1,025	575	3,900	609.2	0.497	0.080	0.39	70
3	131	66.5	0.104	1,052	575	1,500	1,679.0	0.128	0.080	0.13	72
4	259	157.7	0.246	1,300	635	2,850	1,232.0	0.256	0.080	0.23	74
5 Goethel Canyon	336	278.9	0.436	1,375	675	5,700	648.4	0.696	0.075	0.47	68
8	87	47.1	0.074	1,078	650	2,175	1,039.0	0.128	0.075	0.16	66
9	64	37.3	0.058	1,000	610	2,100	*980.6	0.227	0.080	0.21	81
10 Russellmann Creek	255	211.9	0.331	2,946	607	8,000	1,543.7	0.758	0.075	0.47	68
11	63	38.1	0.060	914	575	2,185	823.0	0.227	0.085	0.23	67
12	328	294.3	0.460	2,946	575	9,000	1,391.0	0.947	0.075	0.55	66

NOTE: Subbasins 1 and 13 are not included on this table. Subbasin 1 has only a small portion of its total area in the study area, and the rest of it is currently being altered significantly by the Oakhurst subdivision. Subbasin 13 is made up primarily by the Oakwood subdivision, which includes significant grading that is changing that subbasin. These subbasins were analyzed in the EIRs on the Oakhurst and Oakwood projects.

By providing a proper buffer for protecting riparian habitat on Mt. Diablo Creek in the study area, development planned for the creek's identified floodplain but out of the mapped FEMA flood zone should also be protected from the 100-year flood. The narrow floodplain itself could not be developed because of local flood hazard, but would probably also lie within the buffer zone required by the Department of Fish and Game to protect the riparian corridor. In areas where the creek may have a broader flood plain, the flood potential could be reduced by channel improvements that are sensitive to the biological values of the creek. These improvements should include increasing the amount of riparian vegetation and habitat in areas where growth is sparse or the creek channel is disturbed or unstable, as well as increasing channel capacity.

A detailed mapping of flood zones in the study area would require a hydraulic analysis of flood depths and extent of flooding. The detailed cross-sectional surveys of the creeks and overbank areas required for such an analysis should be conducted during the planning phase for any development proposal on the floodplain of Mt. Diablo Creek or its tributaries. The detailed hydraulic analysis required to accurately delineate the floodplain or floodway where development is allowable under FEMA guidelines should be done before preliminary project design. These studies should also be done in connection with any creek restoration plan to develop a riparian corridor which contains design flood flows and provides increased natural resource values.

e. Wetlands and Stream Corridor Management. The United States Army Corps of Engineers (Corps) has jurisdiction over wetlands and waters of the United States under Section 404 of the Clean Water Act. This jurisdiction extends to the incised natural drainage ways characteristic of the study area, including those areas with little or no emergent vegetation. These areas cannot be filled before first obtaining a permit from the Corps under Section 404 of the Clean Water Act.

The California Department of Fish and Game (Department) also has jurisdiction over the alteration of stream channels. Any watercourse shown as a blue line stream on the U.S.G.S. quad map and watercourses which meet the Fish And Game Commission definition of a stream are protected under California Department of Fish and Game Code Section 1600-1607. Any disturbance of stream bed or banks would require a "Stream Bed Alteration Agreement" between the project proponent and the Department. The Department defines a stream under Title 14, paragraph 1.72:

> A stream (includes creeks and rivers) is a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This includes watercourses having a surface of subsurface flow that supports or has supported riparian vegetation.

All of the creeks and some of the drainage ravines in the study area will meet this criterion, as they currently support riparian vegetation. Determination of the status of drainage ravines which do not currently support riparian vegetation, but may have in the past, and the upstream extent of the stream designation, will need to be made on a case-by-case basis by Department staff. An agreement for mitigation of impacts to stream channels and banks can be arranged between the proponent and the Department. The Department requests a setback of 100 feet on each site of the creek from top of bank.[3]

f. Gullying and Erosion. Almost all of the creek channels and drainage ravines in the study area show signs of active erosion. Channel bed incision, bank steepening and active head cutting of gullies destroy property, threaten riparian habitat, and increase the sediment load to Mt. Diablo Creek. This creek instability indicates the sensitivity of steep slopes and local soils to changes in hydrologic regime. These changes include conversion of vegetation to annual grasses, cattle grazing, and construction of roads and buildings, all of which result in more frequent runoff from less severe storms and higher peak runoff from less frequent, more severe storms.

g. Existing Drainage Facility Maintenance. As described in Appendix A, a large number of corrugated metal pipes exist in the study area to convey existing creeks and storm flows through the area, and particularly under Marsh Creek Road. Many of these pipes are almost totally blocked with sediment, which could present a flooding or ponding hazard in a severe storm. Pipes and other drainage facilities should be cleaned regularly so they can accommodate necessary storm flows.

h. Water Quality. The Regional Water Quality Control Board (RWCQB) is the agency responsible for local water quality issues. Because the study area is not urbanized, its current water quality issues are limited to sediment and nutrient loading from cattle and other animal grazing.

Non-point source runoff is acknowledged to be a problem in all urban areas of the San Francisco Bay Region. Urbanization produces more impervious surface and pollutant problems associated with automobile traffic, including grease, oil and other hydrocarbons. Urbanization also increases impervious surfaces, which results in more frequent runoff and higher runoff velocities that increase pollutant transport. Pollutants can adhere to the clay particles characteristic of the soils in the study area, and hence would be transported with the increased sediment.

Because of these pollution problems, the United States Environmental Protection Agency (EPA) recently adopted regulations requiring municipalities to obtain permits for the discharge of stormwater into receiving waters of the United States. These

[3] Terry Palmisano, Biologist, California Department of Fish and Game, personal communication.

permits would be required for any construction project greater than five acres in size, and for any industrial activity where materials are stored, transported or used in a manner where they may pollute stormwater runoff. The State of California has the authority to issue permits under the EPA guidelines. The State Water Quality Control Board will act for the State, with the Regional Boards having local authority.

The RWQCB has issued general permits that cover construction and industrial activities in its jurisdiction. Construction projects are required to apply for permits 90 to 120 days in advance of construction. The permit takes the form of an agreement between a project applicant and the RWQCB to apply Best Management Practices (BMPs) to reduce pollution in runoff from project sites. BMPs primarily include non-structural approaches such as public education, improved operation and maintenance procedures for storm drains, and prevention of illegal dumping of hazardous wastes such as motor oil in storm drains. The emphasis is on the use of known and proven technologies such as erosion control measures at construction sites, and oil and grease traps on storm sewers.

2. Heartland Property

The Heartland property is located in Subbasin 2, which also includes a portion of the Moita property and would be affected by projects on both sites. As shown in Figure 31, the parcel is not subject to flood hazards.

Several drainage swales converge into the central area of the parcel. In this central area, an ephemeral channel drains storm waters to the southwest. The channel discharges storm waters off-site on a fairly level colluvial flat land area adjacent to Marsh Creek Road.

The basin is drained by Oak Creek, and contains a spring identified on the U.S.G.S. quad map. The spring was not visible during previous or recent site inspections.

Oak Creek, which runs across the site, has sparse vegetation along its steep banks in the upper reaches, is well vegetated and deeply incised in its mid reach, and has been obliterated by cattle grazing in portions of the lower reach. The channel banks show signs of erosion and instability. The drainage ravines in the supper basin contain loose soils which are susceptible to erosion.

3. Temps Property

The Temps property is situated almost entirely in Subbasin 9. The basin drains primarily to Mt. Diablo Creek by overland flow with no defined channel, and a small portion drains to Russellmann Creek.

A portion of Russellmann Creek passes through the northwestern corner of the Temps property, closest to the parcel's western boundary. Mt. Diablo Creek runs along the property's northern boundary adjacent to Marsh Creek Road.

Mt. Diablo Creek is deeply incised in this reach, and has oversteepened banks which are subject to further erosion.

On-site flood hazards are probably restricted to the area immediately adjacent to Mt. Diablo creek although (flood boundaries have not been defined by FEMA for this reach). The steep upper portion of the site could be subject to gully formation and erosion from concentrated flow from impervious surfaces or drainage.

4. Moita Property

The Moita property is situated in the uppermost portion of Subbasin 1 and Subbasin 2. Subbasin 2 is primarily within the Heartland property and would be affected by both the Moita and Heartland projects. The lower portion of Subbasin 1 is almost entirely affected by the Oakhurst Development Project, and City of Clayton facilities.

B. Impacts and Mitigation Measures

1. General Plan Amendment and Specific Plan Area

a. Hydrology and Flooding. Hydrologic analysis for the eight subbasins affected by proposed development was performed using the HEC-1 watershed model. The subbasins were analyzed independently, and no attempt was made to route flows from upstream basins downstream, or to analyze the Mt. Diablo Creek watershed in the study area as a whole. Changes in watershed characteristics were evaluated from the proposed development densities, number of units, maximum building envelope and probable access roadway area allowed by the Plan.[4] The amount of impervious surface was assumed to be equal to the total area of building envelopes plus access roadway. This impervious surface was distributed among the drainage subbasins (identified in the existing conditions report) by the amount and type of development in each subbasin for each alternative. The infiltration rates for each subbasin used in the existing conditions analysis were not changed. Rather, the percent of impervious surface in each subbasin was included in the HEC-1 watershed simulation model. The HEC-1 model assumes no infiltration into impervious surface. Table 18 summarizes the amount of impervious surface for each subbasin under Specific Plan buildout. The calculations were completed for the original Specific Plan land use plan in the February, 1993 Public Review Draft Plan. Development areas have been

[4] Roadway area was estimated at 10% of the area effected by development.

changed marginally since that draft plan, but not in a way that would significantly affect the results in Table 18. The development characteristics used to determine the percent impervious surface for the subbasins impacted by Specific Plan buildout are presented in tables contained in Appendix B. Hydrographs, comparing design storm runoff in each subbasin for existing conditions and for the Specific Plan buildout, are also presented in Appendix B. This comparison demonstrates the need for detention storage.

The hydrologic lag time for the developed conditions was computed from an estimate of the influence of development on the drainage characteristics of the subbasin. Lag time has a significant impact on the peak runoff from the subbasin. More information on the computation of lag time for developed condition and its influence on resulting peak flows is presented in Appendix B.

Detention volumes that would be required under Specific Plan buildout are presented in Table 18 and were calculated from the existing conditions and developed conditions hydrographs by two methods. The "Total Storage" is the volume of storage needed to maintain the outflow from a detention basin at the level of existing conditions inflow throughout the design storm. This is an upper bound on the storage requirement, assuming that outflow has been restricted during the storm to maintain frequent event peaks at existing conditions levels (that is, the 2, 5, 10-year storms, etc.) and some storage volume has already been used when the 100-year peak reduction storage is required. The "Peak Only Storage" column represents the storage that would be required to reduce the post-development 100-year peak to pre-development levels, assuming that outflow will only be restricted to the existing conditions 100-year peak. This is a lower bound on the storage requirement. The exact amount of storage needed cannot be calculated because the storage volume is dependent upon the actual changes in watershed characteristics (including lag time), and the shape of the detention basin.

Increased peak flows resulting from Specific Plan buildout could increase flood hazards along Mt. Diablo Creek within the study area and downstream. Total storage volume requirements for each subbasin are shown in Table 18, and would range from 0.25 to 7.8 acre-feet. Approximately 73 acres of new impervious surface would be created by the Specific Plan buildout. The 100-year, 3-hour peak storm runoff in each subbasin under Specific Plan buildout is summarized in Table 16.

Specific Plan Policy IN-6, which requires detention basins to reduce the post-project peak flow to pre-project levels for the 5, 10, 25, 50 and 100-year 3-hour storms, would mitigate this potential impact, and therefore no further mitigation measures are required.

Stream channels in the Specific Plan Area have over steepened banks which show signs of active erosion. The increased frequency and quantity of runoff to these channels resulting from Specific Plan buildout could increase the rate of bank failure and other erosional problems. This effect would be reduced by Policy DD-8i, which would preserve natural drainages and encourage the creation of meandering vegetated swales to replace natural drainages lost to development. Policy DD-8i includes guidelines that integrate drainage needs into the landscaping of private homes and public spaces.

Springs shown on the USGS quad map for the Specific Plan area are not currently visible, and base flow in Mt. Diablo Creek is extremely low. Increased impervious surface and culverting of stormwater runoff would further reduce groundwater levels, spring and creek flow in the study area. Since the total amount of impervious surface is a small percentage of the total watershed area, this impact would be less than significant.

Table 18
HYDROLOGIC CHARACTERISTICS OF SPECIFIC PLAN BUILDOUT

Sub-Basin[a]	Existing		With Project			Lag Ratio[b]	Total Storage (ac-ft)[c]	Peak Only Storage (ac-ft)[d]
	Peak Flow (cfs)	Time to Peak (hrs)	Impervious Surface (acres)	Peak Flow (cfs)	Time to Peak (hrs)			
2	201	3.0	23.9	333	2.77	.25	7.8	3.2
3	136	2.77	11.2	146	2.77	.75	1.1	0.1
4	270	2.87	15.8	333	2.77	.50	4.1	1.25
8	92	2.80	1.3	95	2.80	.90	0.25	0.02
9	66	2.83	7.8	81	2.77	.50	1.1	0.25
10	262	3.07	20.8	305	2.97	.75	4.2	1.0
11	66	2.87	9.6	82	2.77	.50	1.3	0.3
12	336	3.13	5.6	355	3.07	.90	2.1	0.3

NA This basin not affected by specific buildout.

[a] Subbasin 1 is not included since only a small part of it is in the study area, and it would be impacted considerably by the Oakhurst development. The development in this area under the Specific Plan would have a negligible effect on the subbasin.

[b] Lag ratio is the ratio of the existing conditions hydrologic lag time to the developed conditions lag time. This factor is based on the engineer's judgment of the impact of the proposed development on the hydrologic characteristics of the basin.

[c] The Total Storage is the storage required to maintain the outflow from the detention basin at the predevelopment level for each time interval during the design storm. This is an upper bound on the estimated storage required.

[d] The Peak Only storage is the storage required to maintain the maximum outflow at the predevelopment level for the design storm. This is a lower bound on the estimate of required storage.

Impact HYDRO-P1: Additional on-site flood hazards could be created by stream restoration projects along Mt. Diablo Creek suggested in the Specific Plan. (S)

> Mitigation Measure HYDRO-P1: Restoration planning should include a hydraulic analysis of the impacts of stream channel changes on the flood elevation in Mt. Diablo Creek. Channel modifications include changes in hydraulic roughness due to increased vegetation density, and changes in cross-sectional area resulting from bank stabilization and other restoration activities. For each restoration project, proponents should develop maintenance guidelines which protect the natural resource values of restoration projects while maintaining flood protection for the developed areas.

b. Direct Impacts to Creeks and Drainages. Direct impacts on streams and natural drainages are the result of fill placed for the construction of lots, roadways and other development activities. Pipes are installed under the fill to carry the runoff which previously flowed in the stream channel. The piping of runoff increases the rate of concentration of flow from the watershed and results in increased peak runoff. Direct impacts also occur when storm drains discharge directly into stream channels. These impacts include the construction of the drainage outlet, stream bed and bank protection measures which destroy riparian vegetation and natural stream morphology. Impacts can also result from the implementation of mitigation measures, such as detention basin construction. On-line basins disrupt the riparian system, and can reduce natural sediment loads. Water which has too little sediment can cause increased erosion downstream. The biological impacts of stream channel fill are described in the biology section of the EIR.

Impact HYDRO-P2: Land Use Policy LU-2, Conservation and Flood Control Buffersand Design Standard DD-8b, recommend creek setbacks of 75 feet to preserve significant riparian resources, and protect buildings from flood hazards. Enhancements to the riparian system could be used to reduce this setback to 30 feet. This regulation would not be as effective as the 100 foot setback recommended by the California Department of Fish and Game, and therefore some riparian habitat or restoration potential may be lost. The California Department of Fish and Game, and the U.S. Army Corps of Engineers have jurisdiction over some streams and water courses in the Specific Plan Area. (S)

> Mitigation Measure HYDRO-P2: A determination of regulatory jurisdiction should be required for each development plan proposed. A stream alteration agreement and any mitigation agreement required by the Corps should be adopted before construction.

Impact HYDRO-P3: Impact HYDRO-P3: Detention basins would be required to maintain peak flows at their current level, but they would result in secondary impacts. The downstream storage basins would extend the time of the peak flow, and so may increase the duration of the flood peak downstream of the study area. Water velocities might also be increased due to an increase in smooth surfaces. Water which has dropped its sediment load in a detention basin would also have a higher erosive potential than water with a full sediment load, so detention basins could increase downstream bank erosion. (S)

Mitigation Measure HYDRO-P3: The following measures should be implemented to reduce secondary impacts of detention basin:

a. In-flow structures to the detention basin should be designed to divert a portion of the historic runoff and all of the developed runoff to detention while allowing a major portion of the historic runoff to bypass detention to allow sediment to move downstream.

b. A regular maintenance program for detention basins should be established with full funding for the future.

c. Mitigation Measure HYDRO-P4 should also be implemented to mitigate this impact.

Impact HYDRO-P4: Creek channels in the study area are incised, and there are signs of bank instability in many areas. Development under the Specific Plan would increase the frequency and intensity of flow in creeks, which would lead to further changes in channel morphology and increased channel instability. Channel erosion would increase sediment loads downstream, damage property, and result in the loss of riparian vegetation. (S)

Mitigation Measure HYDRO-P4: Take all appropriate measures to reduce the impact of increased flows to creeks in the study area due to the increase of impervious surfaces related to site development.

a. Provide detention within the storm drainage system to mitigate low flood flows (2-5 year flows), which have the most effect on channel morphology. This can be done by sizing the underground storm drainage system to allow for on-site detention, so that flows can be released at rates close to existing conditions.

b. Design landscaping and roof guttering systems to minimize the direct connection of flow from impervious surfaces to the street drains which direct storm water into creeks. Such practices include construction of roofline drip trenches, water spreaders at the end of downspouts,

porous paving for driveways, and directing flows to pervious surfaces, such as lawns.

c. Areas along creeks with the most severe bank erosion problems should be identified and biotechnical slope protection measures should be designed to remediate them. If appropriate, a log or rock check dams should be installed to provide grade control and create a pool/riffle stream bed morphology for wildlife habitat.

d. Roadway improvements should be designed to minimize concentration of runoff. Drainage from roads in flat areas should be dispersed into planted areas as much as possible or carried by vegetated swales into creeks. In hillside areas with roads employing concrete curbs and gutters, properly designed energy dissipator structures should be required at discharge points to control and direct drainage to avoid adjacent or downstream property damage.

Impact HYDRO-P5: Changes in large and small flood flows could result in changes to streambed profiles, erosion and sediment. It will not be possible to assess the cumulative changes to downstream peak flood concentrations until individual projects and their detention facilities in the study area are designed and implemented. (S)

Mitigation Measure HYDRO-P5: Drainage design for each proposed development, including detention basin outlet hydraulics and improvements to Mt. Diablo Creek for environmental mitigation or flood conveyance, must demonstrate that it does not increase the pre-peak or peak flows in Mt. Diablo Creek.

b. Water Quality. Development in the Specific Plan Area would degrade water quality by increasing pollutant sources and reducing the natural pollutant cleansing ability of the watershed. The impact of the development would be small, as the amount of area affected is relatively small compared to the existing urbanized area in the watershed. However, the cumulative impact of increased development would be considered significant.

Pollutants include those associated with automobile traffic, fertilizers, and pesticides associated with lawns and landscaping. These pollutants attach to the clayey soil particles found in the Specific Plan Area. Construction activities that leave soil bare of vegetation would dramatically increase the amount of sediment available to carry these pollutants. The excess sediment is a pollutant and its subsequent deposition may increase flood hazards. When stormwater is conveyed at high velocity in pipes

there is no opportunity for this sediment to settle out, and no opportunity for vegetation and other biological processes to improve water quality.

Impact HYDRO-P6: Construction activities would expose bare soil to erosion, increasing the sediment supply to local creeks and drainage systems. This sediment presents a maintenance problem at culverts and other drainage facilities, can raise channel bed elevations, increasing flood elevations; it can damage the instream habitat for fish and other organisms. Sediment also provides a mechanism for transport of other pollutants. (S)

> Mitigation Measure HYDRO-P6: NPDES permits for construction activities over 5 acres are required. The permit would require an erosion control plan. Proper implementation, inspection and maintenance of the erosion control plan is required for it to be effective.

Impact HYDRO-P7: Development would result in increased automobile traffic which would increase the source of hydrocarbons from oil, gas, antifreeze and tire wear. These pollutants are washed into the waters of the Specific Plan Area and carried downstream with rainfall runoff. (S)

> Mitigation Management HYDRO-P7: Best Management Practices (BMP) are currently being developed in a County-wide program, in which Clayton is a participant, to control the non-point sources of pollution. These practices should be followed by development in the Specific Plan Area.

Landscaping could provide a source of nutrients, pesticides, and irrigation water to the riparian systems in the Specific Plan Area and downstream. Excess nutrients can cause algal blooms and excess growth of nuisance vegetation, while pesticides can kill valuable aquatic organisms. Increased base flow from irrigation water can disrupt the cycle of seasonal flow and runoff in some areas. These potential impacts would be mitigated to less-than-significant levels by Specific Plan guidelines promoting use of native vegetation in landscaping, low water use plantings, and minimal the use of lawns for landscaping.

1. Heartland Property

The Heartland project would have significant impacts on the hydrology of the watershed in which it is located, on the riparian system of Oak Creek, and on the downstream receiving waters of Mt. Diablo Creek. These impacts include increases in rainfall runoff and degradation of water quality due to construction of impervious surface and culverting of channel flow.

Other impacts include discharge of concentrated flow from storm drains which can cause gullying of natural drainages, filling of natural drainages for roadway and building construction, and development impacts on a natural spring on the site. Water quality would be degraded by sediment from construction activities and urban pollutants which would be introduced into the watershed by increased automobile traffic.

The Oak Creek channel is incised, and there are signs of bank instability. The proposed development would increase the frequency and intensity of flow on-site in Oak Creek which would lead to further changes in channel morphology and increased channel instability. Channel erosion would increase sediment loads downstream, damage property, and result in the loss of riparian vegetation. This impact would be mitigated through implementation of Mitigation Measures HYDRO-P1a through HYDRO-P1d. (O)

Impact HYDRO-H1: Increased stormwater runoff would increase downstream flood hazards. (S)

The project would increase impermeable surfaces on the project site, which would reduce the amount of storm water that percolates into the site and would increase runoff rates. Lag times, which represent the time it takes for storm water to accumulate at a given point, would also be decreased, resulting in larger storm flows from the site.

Peak 100-year runoff from the site would increase from 201 cfs to 337 cfs for the 3-hour, 100-year design storm. This change would require between 8.4 and 3.5 acre-feet of storage to reduce peak flow to predevelopment levels, assuming a worst-case lag time of .10 hours, and depending on how successful the site plan is in reducing peak flows through landscaping, minimization of impervious surfaces, diversion of flows to pervious surfaces and other measures. A comparison of changes in peak runoff and required storage for a range of storms is shown in Table 20. The detention requirements shown are slightly different from those for subbasin 2 in Table 18, since the Heartland project as proposed has marginally larger development areas than those shown under the Specific Plan. Table 19 is a comparison of the storage requirements based on different assumptions about the impact of development on hydrologic lag time. Differences in lag time, which cannot be predicted at this phase of project design development, can make a significant impact on storage requirements. As proposed, the project would include a detention basin with a size of approximately four acre-feet.

Mitigation Measure HYDRO-H1:

The project proponent should demonstrate that the drainage system and project design (including measures outlined in Mitigation Measure HYDRO-P4) would reduce the shortening of lag time and reduce the impact of impervious surfaces of subbasin hydrology and that the project provides the storage required to mitigate flows from the 100-year, 3-hour design storm peak to predevelopment levels. The EIR has estimated that the project should provide 8.4 acre-feet of storage. Final calculations should be completed as part of the final design plans to determine the precise detention sizing.

Impact HYDRO-H2: `E' Lane would be built on fill in a finger canyon. The drain on Lot 50 is expected to divert all flow naturally carried in this channel and convey it to the detention pond. The catch basin would also trap debris and sediment, and may be overtopped during high intensity storms. No provision has been made for overland flow of runoff not captured by the drain inlet. (LTS)

Mitigation Measure HYDRO-H2:

a. An overland flow path with landscaping should be provided from Lot 50 and along `E' Lane and `A' Drive to Oak Creek for overflow and local drainage.

b. Design of fill should address subsurface flow and potential for settlement around foundations. For example, pipes could be installed in fill areas under foundations to collect water and divert it from foundation areas.

Impact HYDRO-H3: The upper end of `A' Drive at the cul-de-sac would drain westerly to a culvert which would discharge to the headwaters of a finger canyon. The concentrated flow from this culvert discharge could cause significant gullying of the finger canyon and increased sedimentation downstream. The canyon is already showing signs of gullying and instability which would be accelerated by the discharge of concentrated street drainage from a pipe outfall. (S)

Table 19
COMPARISON OF LAG TIME IMPACTS ON STORAGE REQUIREMENT FOR THE HEARTLAND PROJECT

Freq. (yrs)	Duration (hrs)	Condition	Lag Time (hrs)	Peak Flow (cfs)	Time to Peak (hrs)	Total Storage[a] (ac-ft)	Peak Only Storage[b] (ac-ft)
100	3	Existing	.39	201	3.0		
100	3	W/ Project	.20	285	2.83	5.9	2.0
100	3	W/ Project	.10	337	2.77	8.4	3.5
100	6	Existing	.39	193	4.53		
100	6	W/ Project	.20	265	4.33	5.8	2.1
100	6	W/ Project	.10	312	4.27	8.1	3.6
5	3	Existing	.39	106	3.00		
5	3	W/ Project	.20	146	2.83	2.25	.9
5	3	W/ Project	.10	175	2.77	3.5	1.8
5	6	Existing	.39	94	4.53		
5	6	W/ Project	.20	146	4.33	2.2	1.2
5	6	W/ Project	.10	162	4.27	3.3	2.0

Table 20
MARSH CREEK ROAD SPECIFIC PLAN
HYDROLOGIC CHARACTERISTICS OF THE HEARTLAND PROJECT

Freq (yrs)	Duration (hrs)	Existing		With Project		Total Storage (ac-ft)	Peak Only Storage (ac-ft)
		Peak Flow (cfs)	Time to Peak (hrs)	Peak Flow (cfs)	Time to Peak (hrs)		
100	3	201	3.0	337	2.77	8.4	3.5
5	3	106	3.0	175	2.77	3.5	1.8
100	6	193	4.53	312	4.27	8.1	3.6
5	6	94	4.53	162	4.27	3.3	2.0

[a] The Total Storage is the storage required to maintain the outflow from the detention basin at the predevelopment level for each time interval during the design storm. This is an upper bound on the estimated storage required.

[b] The Peak Only storage is the storage required to maintain the maximum outflow at the predevelopment level for the design storm. This is a lower bound on the estimate of required storage.

Mitigation Measure HYDRO-H3: Soils investigations for any type of property development shall include an analysis of the erodibility of all natural channels. The Soils Engineer shall determine the acceptable, non-erodible velocities for each channel. Site drainage shall be designed to convey as much runoff to the storm drain system as may be practical. The drainage design shall incorporate structural improvements (e.g. dissipater structures, bubble-up boxes, natural appearing rock rip rap, etc.) as well as biotechnical means to protect natural channels and riparian habitat from degradation and erosion.

Impact HYDRO-H4: The USGS Quad map shows a seasonal spring at the head of Oak Creek, although it was not visible during site inspections. Oak Creek Canyon Road and Lots 38 - 43 would be built on fill at the headwaters of the creek, but the spring would be removed by landslide repair work. (S)

Mitigation Measure HYDRO-H4: A report should be provided on the location of the spring and groundwater conditions in the vicinity by a qualified hydrogeologist. If the spring is found within the development areas, the Army Corps of Engineers and the Department of Fish and Game should be notified, jurisdiction should be established, and the project should be redesigned to eliminate impacts on the spring.

Impact HYDRO-H5: The runoff to the `D' Lane cul-de-sac would be piped to Oak Creek, where the outfall could erode the channel bank, require stream bed protection, and reduce the stream habitat value. (LTS)

Mitigation Measure HYDRO-H5: Soils investigations for any type of property development shall include an analysis of the erodibility of all natural channels. The Soils Engineer shall determine the acceptable, non-erodible velocities for each channel. Site drainage shall be designed to convey as much runoff to the storm drain system as may be practical. The drainage design shall incorporate structural improvements (e.g. dissipater structures, bubble-up boxes, natural appearing rock rip rap, etc.) as well as biotechnical means to protect natural channels and riparian habitat from degradation and erosion.

Impact HYDRO-H6: The alignment of Oak Creek Canyon Road in the vicinity of the `D' Lane outfall would pass very close to Oak Creek. (S)

Mitigation Measure HYDRO-H6: Bank vegetation replanting and stabilization measures should be included in the design of Oak Creek Canyon Road in the vicinity of the `D' Lane outfall.

Impact HYDRO-H7: The Preliminary Development Plan shows a discharge from the detention basin via a headwall inlet which in turn connects to an existing storm drain pipe running southwesterly under Marsh Creek Road and down Diablo Parkway and ultimately discharging to Mt. Diablo Creek. Detention pond discharge from the project would have an adverse impact on Mt. Diablo Creek. (S)

> Mitigation Measure HYDRO-H7: The discharge point from the detention pond into Mt. Diablo Creek should be protected with natural rock or other bank hardening measures as outlined in Specific Plan Policy DD-8j. The amount of intervention along Mt. Diablo Creek should be minimized in order to preserve Mt. Diablo Creek in as natural a state as possible.

Impact HYDRO-H8: The project would intrude on Oak Creek in various segments. (S)

This impact is discussed further and mitigated in the vegetation and wildlife section under Impact and Mitigation BIO-H1.

2. Temps Property

The proposed Temps project would have significant impacts on the hydrology of the watershed in which it is located, and on the riparian system of Mt. Diablo Creek on the site and downstream. These impacts would include increases in rainfall runoff and degradation of water quality due to construction of impervious surface and culverting of channel flow. Other impacts would include discharge of concentrated flow from storm drains which can cause gullying of natural drainages. Sediment from construction activities, gullying, and channel erosion cause problems with downstream drainage systems. Sediment carries urban pollutants which would be introduced into the watershed by increased automobile traffic.

The Mt. Diablo Creek channel is incised, and there are signs of bank instability. The proposed development would increase the frequency and intensity of flow in Mt. Diablo Creek, which would lead to further changes in channel morphology and increased channel instability. Channel erosion would increase sediment loads downstream, damage property, and result in the loss of riparian vegetation. This impact would be mitigated through implementation of Mitigation Measures HYDRO-P1a through HYDRO-P1d.

Impact HYDRO-T1: Development would increase the peak runoff to Mt. Diablo Creek, which would increase flood hazards in the Specific Plan Area downstream of the site and also outside of the Specific Plan Area. (S)

The project would increase impermeable surfaces on the project site, which would reduce the amount of storm water that percolates into the site and would increase runoff rates. Lag times, which represent the time it takes for storm water to accumulate at a given point, would also be decreased, resulting in larger storm flows from the site. Peak 100-year runoff from the site would increase from 66 cfs to 82 cfs for the 3-hour, 100-year design storm. This change would require 1.25 to .3 acre-feet of storage to reduce peak flow to predevelopment levels as shown in Table 21, depending on how successful the site plan is in reducing peak flows through landscaping, minimization of impervious surfaces, diversion of flows to pervious surfaces and other measures. As proposed, the project would include a 180-foot long pipe with an unspecified diameter intended to detain flood flows. The capacity of this pipe would depend on its diameter.

> Mitigation Measure HYDRO-T1: The project proponent should demonstrate that the drainage system and project design (including measures outlined in Mitigation Measure HYDRO-P4) would reduce the shortening of lag time and reduce the impact of impervious surfaces on subbasin hydrology and that the project provides the storage required to reduce mitigated flows from the 100-year, 3-hour design storm peak to predevelopment levels. The EIR has estimated that the project should provide 1.25 acre-feet of storage. Final calculations should be completed as part of the final design plans to determine the precise detention sizing.

This measure will probably require that the proposed detention pipe be redesigned. As proposed, the pipe would have to have a 12-foot diameter to accommodate 0.3 acre-feet, which would probably be costly and difficult to install in the area shown. If storage requirements are larger than 0.3 feet, even larger diameter pipe would be necessary.

Under existing conditions, runoff from most of the development site drains to Mt. Diablo Creek as sheet flow, and does not concentrate into a defined channel with a specific discharge point on Mt. Diablo Creek. The construction of impervious surface and a drainage system would concentrate this flow and discharge it into Mt. Diablo Creek from a "detention pipe". This concentrated discharge would require bank and bed protection. This potential impact would be mitigated through specific Plan Policy DD-8j, which stipulates outfall design.

Table 21
HYDROLOGIC CHARACTERISTICS
TEMPS PROPERTY

Freq (yrs)	Duration (hours)	Existing		With Project		Total Storage (ac-ft)[a]	Peak Only Storage (ac-ft)[b]
		Peak Flow (cfs)	Time to Peak (hrs)	Peak Flow (cfs)	Time to Peak (hrs)		
100	3	66	2.83	82	2.77	1.25	.3
5	3	35	2.83	44	2.77	.8	.2
100	6	62	4.33	76	4.27	1.5	.3
5	6	32	4.33	41	4.27	1.1	.2

[a] The Total Storage is the storage required to maintain the outflow from the detention basin at the predevelopment level for each time interval during the design storm. This is an upper bound on the estimated storage required.

[b] The Peak Only storage is the storage required to maintain the maximum outflow at the predevelopment level for the design storm. This is a lower bound on the estimate of required storage.

Impact HYDRO-T2: Flow to Mt. Diablo Creek would be increased by runoff to the `A' Drive cul-de-sac which would discharge to the creek from a pipe near the eastern property line, and could increase channel erosion downstream. (S)

Mitigation Measure HYDRO-T2: The existing 12-inch storm drain from the inlet on Lot 26 should be replaced with a swale from Lots 26 to 16, 15, and 14. This swale should be created during the grading proposed for these Lots. This swale would pick up the flow from the cul-de-sac on `A' Drive and continue between Lots 13 and 14 to Mt. Diablo Creek. This swale would reduce the peak flow from the "detention pipe" and provide some water quality benefits.

Impact HYDRO-T3: The proposed steep slopes on Lots 27 through 34 would require a concrete brow ditch on Lots 30, 31, 33 and 34, which would be unsightly and inconsistent with Specific Plan Policies requiring naturalistic flood control features. (S)

A vegetated swale could serve as well in this area if slopes were reduced.

Mitigation Measure HYDRO-T3: Proposed slopes on Lots 27 through 34 should be decreased to allow for a natural vegetated drainage channel in this area. The channel could flow between Lots 33 and 34 to the park along Russellmann Creek, and then to the creek.

Impact HYDRO-T4: The project would intrude on Mt. Diablo and Russellmann Creeks in various segments. (S)

This impact is detailed and mitigated in the vegetation and wildlife section under Impacts and Mitigation Measures BIO-T1 and BIO-T2.

3. Moita Property

a. Off-Site Flood Flows. By itself, the proposed Moita property development would have a less-than-significant impact on the hydrology of Subbasin 2. However, its cumulative impacts must be considered in conjunction with those of the Heartland project, so that Mitigation Measures HYDRO-H1a-H1b, and H5 should also be applied to the portion of the Moita development in Subbasin 2. The Oakhurst drainage facilities downstream of the Moita property in Subbasin 1 were not designed for any anticipated increase in runoff from the upstream basin.[5] The Oakhurst drainage system was designed for the 10-year runoff of 25 cfs (the 100-year runoff is 34 cfs) for the 77 acres of the subbasin which includes the Moita property.[6] The 1.75 acres of impervious surface created by the proposed project would increase the 10-year and 100-year runoff to 25.9 and 35.2 cfs respectively. These increases are within the precision of the calculation, and represent a less-than-significant impact.

b. On-Site Flood Flows. Because the Moita property is at the top of the drainage system, there is no problem with on-site flooding. The contribution of the small amount of impervious surface to the total runoff from each subbasin would be very small. Being at the top of the ridge, the development's direct impact on the stream system and drainages would be small, except where concentrated road drainage may discharge into natural drainages.

The Moita site plan depends on access off of the proposed Heartland development roads. Although proposed roads on the Moita property would not have any significant hydrologic impacts as discussed under the Heartland project, Heartland's access roads would have significant impacts.

The project would create impervious surface which would increase the runoff from the site and would reduce groundwater recharge. This potential impact would be mitigated through the detention basin on the Heartland site, through Specific Plan Policy DD-15b, which suggests that landscaping accommodate run-off, and through Policy DD-10c, which encourages roadway drainage in roadside swales, where possible, to increase infiltration.

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[5] Mr. Richard Agresanti, City Engineer, City of Clayton, personal communication.

[6] *Ibid.*

Impact HYDRO-M1: Concentrated flow from roadways or pipe outlets would increase erosion and gullying in natural drainages. Since the drainage pipes are not indicated on the current plan for the proposed project, it is assumed that some stormdrain outlets would be directed into the finger canyons on the property. The canyons have a deep layer of loose soil that is vulnerable to gully erosion. The resulting sediment could impact the downstream drainage system. (S)

Mitigation Measure HYDRO-M1: If roadways or property are drained to the finger canyons, flow should be dissipated as much as possible. Vegetation should be planted in the canyons to hold the loose soil.

4. Cumulative Impacts

Since the Specific Plan area is at the top of the Mt. Diablo Creek watershed, the mitigation measures for the Specific Plan itself would mitigate all downstream impacts in the watershed. No additional analysis is necessary for cumulative impacts of downstream projects, since they would be mitigated through the other projects. The Specific Plan, as mitigated, would not contribute to downstream cumulative impacts.

4.8 Vegetation and Wildlife

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A. Existing Setting

1. Specific Plan Area

The Marsh Creek Planning Area has a variety of biological habitats that include sections of Mt. Diablo Creek, a seasonal stream, and upland areas draining into its seasonal tributaries. This section evaluates biological qualities of these habitats, in order to:

- Identify and describe the biotic communities of the site at a general level;
- Map these communities using black and white aerial photographs and ground confirmation;
- Examine existing resource inventories to determine the rare, endangered or otherwise listed plant and animal species that might occur in the study area and, using these, to develop a list of those species that occur or are likely to occur on the site.

A central resource for this analysis of existing information was the 1985 resource inventory of Mt. Diablo State Park. The Park lies immediately south of the study area and surrounds its southern section. Particularly valuable were the plant inventory of Showers and Hilliard (1985) and the animal inventory of Fong and Taylor (1985). Showers and Hilliard thoroughly reviewed, incorporated, and updated names from the flora of Mary Bowerman, Ph.D. (1944), which is a definitive work for the region. They also analyzed species status designations of the California Native Plant Society as well as state and federal governments. The results of this chapter were also discussed with Dr. Bowerman, who provided much valuable information.

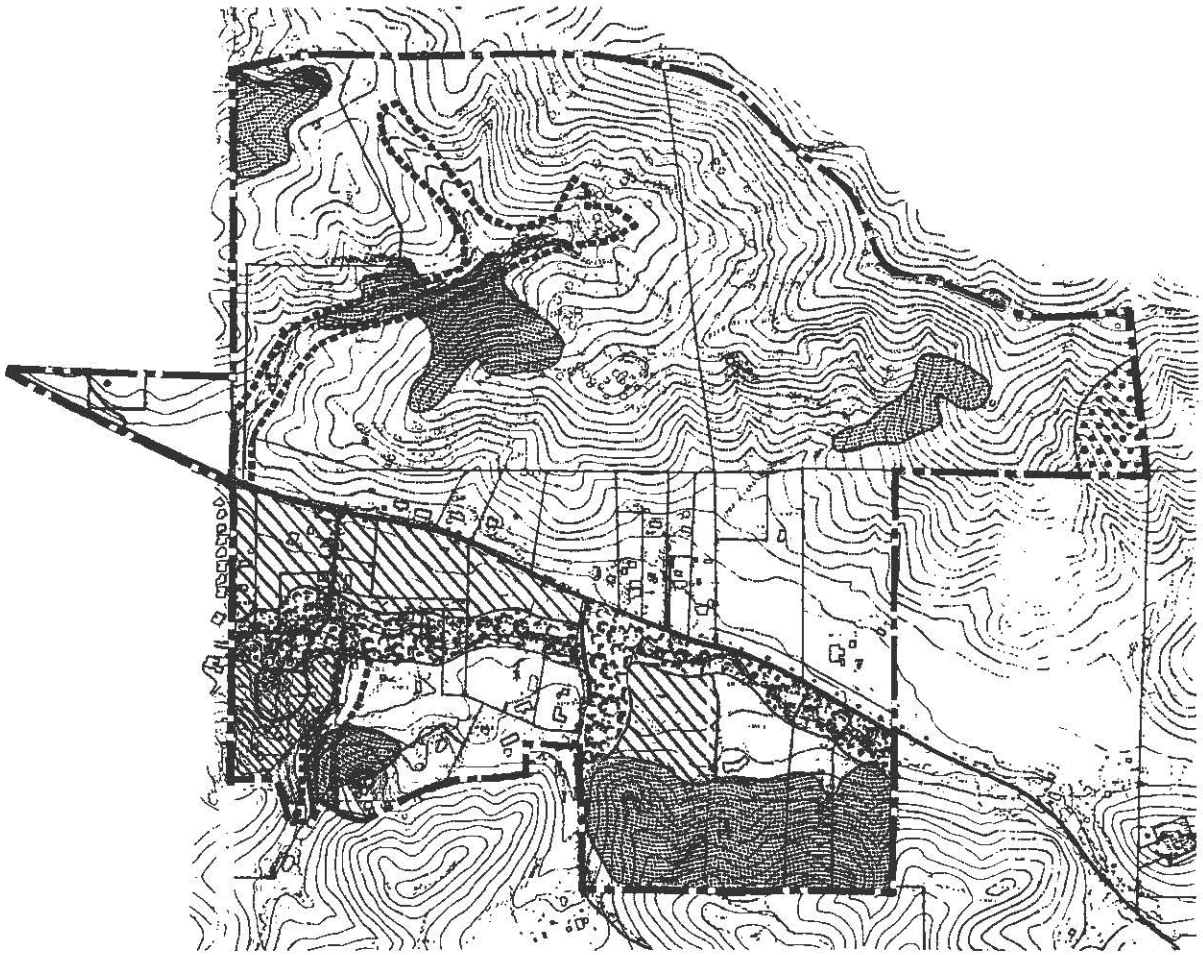
Fong and Taylor likewise provided an analysis of habitats and status designations for animals, but they did not have a definitive species list from which to work since none exists for animal groups except birds. These authors also included information from the Contra Costa Planning Department document on animals of concern (1978). In addition, a checklist of birds found in the Park by Ruth, Gordon, and Pelonio (1987) was also reviewed. Listings of plants from the California Native Plant Society (CNPS) and the California Department of Fish and Game (CDFG) were also reviewed for this report.

a. Plant and Animal Communities in the Study Area. The Marsh Creek Road study area supports four distinct plant communities with associated wildlife. These communities are discussed below. Figure 33 shows the locations and relationships of these communities in the study area.

Names for major units of vegetation change with time. Table D-1 in Appendix D contains tables that show the results of the biotic surveys conducted for this project. The Appendix shows the names of communities as presented in Holland (1986), which are used in this report. Holland's study, published by the Nongame Heritage Program of CDFG, provides the most fine-grained classification of communities available. Equivalent names from Showers and Hilliard (1985) and Meyer and Laudenslayer (1988) are shown, and both of these documents can be used to trace equivalents in earlier treatments of the subject.

(1) Chamise Chaparral. This community is located on a steep, south-facing slope on the far northeastern portion of the study area. It consists of a very uniform stand of two to three-foot-high Chamise (*Adenostema fasciculatum*), which has scattered within it occasional specimens of Black Sage, Sticky Monkey Flower, and Poison Oak. Livestock trails traverse it in many places, and the grasses within the stand have been grazed. Shrubs, trees, grasses, and herbs provide an abundant seed crop for rodents such as the Pinyon Mouse (*Peromyscus truei*), Dusky-footed Woodrat (*Neotoma fuscipes*), and Brush Rabbit (*Sylvilagus bachmani*). Because of the heavy cover, these and other vertebrate prey are more likely to be taken by snakes, such as the Northern Pacific Rattlesnake (*Crotalis viridis oreganus*) and Pacific Gopher Snake (*Pituophis melanoleucus catenifer*), and by mammals like the Gray Fox (*Urocyon cinereoargenteus*), Coyote (*Canis latrans*), and Bobcat (*Lynx rufus*), than by avian predators. Many birds utilize the heavy brush of this community, including the California Quail (*Callipepla californicus*), Wrentit (*Chamaea fasciata*), and California Thrasher (*Toxostoma redivivum*). The rocky outcrops could provide nesting habitat for the Rock Wren (*Salpinctes obsoletus*), White-throated Swift (*Aeronautes saxatalis*), and Common Poorwill (*Phalaenoptilus nuttallii*), as well as denning sites for predatory mammals. This is a young stand of vegetation and with time it would become more diverse in plant species, and thus in animal life too.

(2) Non-Native Grassland. This community occupies the gently to steeply sloping areas on both sides of Marsh Creek Road. Heavy grazing and the earliness of the season prevented identification of any of the dominant plants of this community, but they would undoubtedly include annual grasses from the Mediterranean region of Europe. Slender Wild Oat (*Avena barbata*), Wild Oat (*A. fatua*), Soft Chess (*Bromus mollis*), Ripgut Brome (*B. diandrus*), and Italian Ryegrass (*Lolium multiflorum*) are frequently found, along with Filaree (*Erodium* spp.), Tarweed (*Hemizonia* spp.) and other annual herbs.



Legend

- Chamise Chaparral
- Blue Oak Woodland
- Great Valley Valley Oak Riparian Forest
- Non-Native Grassland
- Agricultural
- Urbanized
- Smaller Creek Zones
- Specific Plan Boundary

NORTH

5 Acres

0 300 600 1200

Scale in Feet

MARSH CREEK ROAD SPECIFIC PLAN EIR

FIGURE 33

Study Area Plant and Animal Communities

Despite the presence of predominantly introduced species, this community has potentially high value for wildlife. It can serve as a nesting site for birds such as the Western Meadowlark (*Sturnella neglecta*) and Horned Lark (*Eremophila alpestris*). The California Vole (*Microtus californicus*) often reaches high population levels, and along with the California Black-tailed Jackrabbit (*Lepus californicus*) and California Ground Squirrel (*Spermophilus beecheyi*). Small mammals serve as a prey base for avian predators like the Black-shouldered Kite (*Elanus caeruleus*), American Kestrel (*Falco sparverius*), Red-tailed Hawk (*Buteo jamaicensis*), and Great Horned Owl (*Bubo virginianus*). Snakes and mammalian predators can also utilize these prey. Insects also feed on the grasses, providing prey for a variety of birds and mammals, while the American Robin (*Turdus migratorius*) feeds primarily on earthworms in grassland areas.

At the present time nearly all of the grassland of the site is heavily grazed, greatly reducing its wildlife value. In some areas, the California Ground Squirrel is abundant because this species prefers grazed areas due to improved visibility for spotting predators. The Burrowing Owl (*Athene cunicularia*) utilizes the burrows of ground squirrels for nesting, and may thus be present on the site. Since grazing causes the numbers of other small mammals to be low, however, the probability of the Burrowing Owl occurring in the study area is also low.

(3) Great Valley Valley Oak Riparian Forest. This and all other riparian forests in California have been given a preliminary designation of rare community by Holland. In its fullest development, this community, and the Great Valley Mixed Riparian Forest with which it shares a number of plants, contains species not found in the study area. Most notable of these is Sycamore (*Platanus racemosa*), a species that is common along Marsh Creek east of the site.

The Riparian Forest on the site, which stretches along Mt. Diablo Creek south of Marsh Creek Road and up Russellmann Creek about one quarter mile, nonetheless has several characteristic riparian trees along with the very large Valley Oaks (*Quercus lobata*) that mark the community in Holland's classification. Large Coast Live Oaks are found, and California Buckeye (*Aesculus californicus*), California Bay (*Umbellularia californica*), and willow (*Salix* sp.) are common.

A number of Hind's Black Walnut trees (*Juglans hindsii*) up to about eight inches basal diameter are also present in this community. These trees are potentially significant because there are only two known groves of native Black Walnuts existing today in California, and one of them exists in Contra Costa County. Most individuals of the species throughout the state have been derived from rootstock of the English Walnut, which was originally taken from wild Northern California Black Walnut trees but may have been altered genetically in the process of domestication. It is

conceivable that the specimens in the study area have a genetic affinity to native black walnut stock.

The aquatic community of Mt. Diablo Creek is low in diversity of fishes. The EIR for the Oakwood Subdivision, which is within the study area, indicated that the California Roach (*Lavinia symmetricus*) and Three-spined Stickleback (*Gasterosteus aculeatus*) are known to occur in downstream reaches of the creek. Up until the recent rains of March, 1991, only very small pools of water existed in the creeks, but normal rainfall in the creeks would fill them. During normal years, pools of water would be expected to remain along the channel through the winter and into late spring. These would be populated by a variety of immature insects with terrestrial adults. Emergence of these adults would provide food for songbirds. Such pools also provide free water for wildlife, and the Pacific Treefrog (*Pseudacris regilla*) and possibly the California Newt (*Taricha torosa torosa*) could breed in the pools. Garter snakes of several species prey heavily on the frogs.

The Ornate Shrew (*Sorex ornatus*) could utilize the area along the creek as its principal habitat, and other rodents that can also survive in drier areas would also use the creek. Larger mammals also feed along creeks, including Raccoons (*Procyon lotor*), Gray Foxes, Bobcats, and Striped Skunks (*Mephitis mephitis*).

The riparian forest provides breeding habitat for a variety of birds that forage beyond the creek, and also supports birds that prefer dense cover and glean insects from the trees. One such species that may occur in the community is the Yellow Warbler (*Dendroica petechia*). Among several others, the Bushtit (*Psaltriparus minimus*) and Northern Oriole (*Icterus galbula*) would be expected.

(4) Blue Oak Woodland. This community consists of rather uniform stands of Blue Oak (*Quercus douglasii*) that are found on low to moderate slopes. Coast Live Oak and California Buckeye are common in some portions of this community. The community type includes denser stands, sometimes considered "forest," as well as open stands and savanna. Trees range from about eight inches to over two feet in diameter, but seedlings, saplings and shrubs are absent. This lack of reproduction is due to the heavy grazing of the area under the trees. Blue Oaks in dry habitats such as the study area grow very slowly. On somewhat moister sites in Sonoma County, Anderson and Pasquinelli (1984) discovered trees of about four inches to two feet in diameter ranged from approximately 40 to over 200 years in age and grew at a rate of less than a tenth of an inch in diameter each year. It would be essentially impossible to replace a lost oak with one of equivalent value.

At the time of this study, several wildflowers were already beginning to grow in this community, most commonly Soap Plant (*Chlorogalum pomeridianum*), Miner's Lettuce (*Montia perfoliata*), Buttercup (*Ranunculus* sp.), and Milk Maids (*Dentaria*

californica). These were more abundant in the study area's southeast margin where grazing pressure appears to be moderate.

Lack of cover and food in the understory of the woodland in most areas has reduced its suitability for mammals, reptiles and amphibians. The main fauna consists of species that nest and forage in the trees. Cavity nesters are especially common, and include the White-Breasted Nuthatch (*Sitta carolinensis*), Plain Titmouse (*Parus inornatus*), Nuttall's Woodpecker (*Picoides nuttallii*), and Western Bluebird (*Sialia mexicana*), which were observed on site visits. The Scrub Jay (*Aphelocoma coerulescens*) and Acorn Woodpecker (*Melanerpes formicivora*), both of which utilize acorns heavily, were common, as was the Northern Flicker (*Colaptes auratus*). Predatory birds that nest in trees and feed in grasslands would not be expected to be common in this woodland because of the lack of prey described above under Non-native Grassland. One predator, the Cooper's Hawk (*Accipiter cooperii*) nests in woodlands and feeds on other birds. It would be expected to utilize this community regularly, and one bird of this species was observed in the study area during the preparation of this report.

(5) Vegetation of Smaller Creeks. Although this habitat type is not identified by Holland, it represents an important secondary riparian habitat throughout the study area. Along smaller creeks, plant and animal communities have many characteristics of the dominant communities described above, but they also have some seasonal riparian characteristics. In the steeper canyons, these creeks have a much higher density of California Bay and California Buckeye trees than surrounding drier areas, which is due to the higher moisture content of the soil and to a topography that receives less direct sunlight. Several ferns were noted along these channels, including Maidenhair Fern (*Adiantum jordanii*), Goldback Fern (*Pityrogramma triangularis*), and California Polypody (*Polypodium californicum*). Snowberry (*Symphoricarpos albus*), a shrub that prefers moist habitats was scattered along most sections of these creeks, and Manroot (*Marah fabaceus*) was also common.

Where the creeks pass through open grassland, they have very little vegetation along their banks. Channels are such that some riparian trees like those described for the Great Valley Valley Oak Riparian Forest would develop if grazing were terminated.

(6) Agricultural. A few sections of the study area are presently being used to farm Christmas trees, while row crops and pumpkins are grown in others. Where these uses could be clearly distinguished in the aerial photographs, they have been mapped separately, and adjacent houses and their landscaping have also been included as part of this community. Agricultural and rural residential lands do have value to wildlife. A variety of birds use them, as do small mammals, snakes, lizards, and invertebrates.

b. Rare and Endangered Plants and Animals.

(1) Plants. Appendix D provides a summary of the rare or otherwise listed plants that may be present in the study area. A few of these species have been observed in the area, but systematic search for them was not a purpose of this analysis at this time. The Appendix provides one basis for flagging some areas as more significant biologically than others, and it also can be used to guide site-specific environmental review when individual parcels are proposed for development. Detailed rare plant surveys will be completed on the Heartland property for this Specific Plan throughout the Spring blooming season, and similar surveys would be necessary on any other properties before they could be developed.

An examination of Table D-2, Appendix D, reveals several things:

- The most sensitive areas botanically are the Chamise Chapparal, and Great Valley Valley Oak Riparian Forest.
- The Chamise Chaparral in the northern portion of the study area has a potential to harbor some of the species found in a Northern Mixed Chaparral community. California Sagebrush (*Artemesia californica*) is a common plant in the Northern Mixed Chaparral community, but the diversity of other woody perennials is so high that it would not be considered truly dominant. Black sage (*Salvia mellifera*), Sticky Monkey Flower (*Diplacus auriantiacus*), Manzanita (*Arctostaphylos* spp.), Toyon (*Heteromeles arbutifolia*), Ceanothus (*Ceanothus* sp.), and Poison Oak (*Toxicodendron diversilobum*) are all common, and occasional small trees of Digger Pine (*Pinus sabiniana*), Interior Live Oak (*Quercus wizlizenii*), and Coast Live Oak (*Q. agrifolia*) are also found. A very diverse flora of other woody perennials, grasses, and herbs is found in this community. It is the likely habitat for most of the sensitive plants that may occur in the study area.
- The Riparian Forest contains one CNPS List 1B plant (Northern California Black Walnut) and one CNPS List 4 plant (Valley Oak). As mentioned above, the Riparian Forest has also been preliminarily designated as a rare community.
- A number of the plants that might occur in the general habitat type and region would be expected in serpentine formations. As mentioned in Section 4.5, serpentine does exist on the Mt. Temps property in the study area, so these plants could occur on these parcels.
- Only one listed plant (Great Valley Gumplant, CNPS List 4) might occur in areas other than the steeper, shrubby habitats or the riparian area.

(2) Animals. CDFG uses the term "special animals" for all categories of listing, which also includes all animals that are in the Natural Diversity Database. These species are shown in Table D-3, Appendix D.

As with the rare plant tabulation, several general conclusions emerge from an examination of the information on special animals:

- The shrubby community (Chamise Chaparral) is an area of major concern. It has the possibility for housing of the Alameda Whipsnake, a threatened species in California. In addition, the Black-chinned Sparrow, two species of bat, the Berkeley Kangaroo Rat, and a number of the mammalian predators could be expected there.
- The Great Valley Valley Oak Riparian Forest is also of concern. It might provide habitat for the Sharp-tailed Snake, Ornate Shrew, and Yellow Warbler.
- Two avian predators of special concern would make use of the Blue Oak Woodland. Cooper's Hawk might use this community on a year round basis, and the Sharp-shinned Hawk in winter.

Grazing has essentially removed the grassland as a productive community for wildlife. Except for the two hawks just mentioned, all of the other raptors rely on mammalian prey for their survival. The Golden Eagle, Northern Harrier, Black-shouldered Kite, and Burrowing Owl are the species in this category that would benefit most from better grassland management. Among mammals, the Badger would probably reap a similar benefit.

c. Areas of Greatest Significance. As indicated in Tables D-2 and D-3, the highest potential for special plants and animals in the study area exists in the Chamise Chaparral on the north, and along Mt. Diablo Creek and the lower section of Russellmann Creek in the central portion of the area. Positive confirmations of two listed plant species (Hind's Black Walnut and Valley Oak) have been made in the creek areas. Some listings for shrubby areas are known to occur, while others are in the "possible" or "probable" categories. Site-specific work would have to be done to confirm species and exact locations.

Land uses along Mt. Diablo Creek have intruded in some areas on the Riparian Forest. Given time, Valley Oaks are likely to reestablish themselves on the terrace above the creek channel. As described above, the smaller seasonal creeks also have a potential for developing more riparian growth than they now have under the condition of heavy grazing.

d. Biotic Corridors. All of the creeks undoubtedly serve a function of allowing the larger mammals of the study area to move from one habitat to another, some as they feed and others as they move through areas of cover from one habitat to another. The creeks are likely to serve as corridors for dispersal in a more comprehensive way as well, allowing plant populations and less mobile animals to disperse over a period of months or years. In a careful study of how small mammals utilize creeks, for example, Cross (1985) found that some species were strictly limited to the creek zone, but that all of the other small mammals used the creek to some extent. If a population died out in one suitable habitat adjacent to the creek zone, the creek would allow for repopulation from a distant habitat that also lay along the creek.

e. Grazing. Grazing in grassland and oak woodland portions of the area is substantially reducing the habitat values of these communities. Their lower potential for rare plant species is largely a consequence of grazing, and grazing may have removed rare species from the entire region.

2. Heartland Property

Field visits were conducted at the Heartland site on February 17, April 6, April 27 and May 5, 1991, to develop a description of its biological features. The site is low in diversity from both botanical and zoological perspectives due to a long history of grazing. Non-native grassland predominates, which is dominated by a few species of introduced annual grasses and common herbaceous plants, many of which are also non-native. Blue-Oak woodland is the other common plant community on the site. Through the center of the property runs a seasonal creek. Wildlife that were resident on the site were also common species, though two or more Species of Special Concern may use the habitat on occasion. No State or federally listed plant or animal species are present, nor are any plant species on the California native Plant Society's Lists. Major concerns are conservation and possible restoration of the seasonal creek and the degree to which oaks would be effected by the project. Inasmuch as the site could develop greater variety over long periods under a different management regime, there may also be some long-term, cumulative impacts associated with development of the common communities found on the site.

a. Plant Communities. Table D-4, Appendix D, lists plants observed on the site, excluding lichens, fungi, mosses, and ferns, which were not inventoried (no rare or endangered species from any of these groups would exist in the area). The grasslands were very low in diversity, even for non-native grasslands. Only five grasses were abundant: Slender Oat, California Wild Oat, Soft Chess, Wild Barley and Annual Ryegrass. The most common other plants in the grasslands were Fiddle Neck, Black Mustard, Field Bindweed, Arroyo Lupine, Storksbill, and California Poppy. Patches of grassland on the north-facing slopes also had Sanicle, Yarrow, Common

Chickweed, Buttercup, Bedstraw, Woodland Star, Harvest Brodiaea, Wavy-leaf Soap Plant, and Blue Dicks in large numbers. All of these plants are very common.

The woodlands of the site are all dominated by Blue Oak, with a smaller number of Valley Oaks. A few very large Coast Live Oaks exist near the upstream end of the southern branch of the seasonal creek. California Buckeyes are scattered through the north-slope sections of these woodlands. Other plants include the grassland species just described and a few other less common plants.

Whereas the non-native grassland would quickly revegetate in any areas disturbed by construction, such is not the case for oak woodlands. These trees grow very slowly. They would eventually repopulate suitable habitats, but regrowth to current sizes would take several decades for small to medium-sized oaks and a century or more for very large ones. An assessment of possible impacts therefore requires some understanding of the numbers and sizes of existing trees; therefore, a survey of trees was conducted using visual estimates of trunk diameters. Values are approximate, to within ten percent of those that actual measurement would yield.

The preponderance of oaks were Blue Oaks (93%), of which 103 were over 25 inches in diameter and 13 were over 35 inches. Only six were under five inches diameter. For Valley Oaks, 19 were over 25 inches and eight over 35 inches. None were less than five inches diameter. These figures indicate that there has been little natural reproduction of the trees for some time. No obvious differences in the size of the trees were found among the various portions of the property; furthermore, both species were found among the woodlands of most portions of the property.

The seasonal creek has wooded and non-wooded sections. Along its lower section, where the narrower portion of the creek's canyon opens out onto more level ground, there is an old dwelling site from which most structures have been removed. A number of planted trees are found there, including Almond, Fig, Mulberry, Locust, and Lombardy Poplar. Native trees also exist, including Valley Oaks of 32 and 41 inches diameter and a Blue Oak of 28 inches. There is also a single Red Willow of 28 inches and a stump of Fremont Cottonwood off of which rise three 8-10 inch trunks. These two trees may be remnants of a previously larger riparian woodland. The open ground in the creek area is strongly dominated by common weeds, particularly Cheese Weed, Field Bindweed, Spring Vetch, and many of the species of the Non-native grassland. Adjacent to the road that enters the homesite from Marsh Creek Road are nearly 100 seedling and sapling oaks, mostly Blue Oaks. These have apparently survived in a place where livestock have not been regularly permitted to graze.

b. Wildlife. Species of wildlife seen on the site, or inferred from sign, are largely common forms, and are listed in Table D-5, Appendix D. Red-winged Blackbirds were breeding in the tall grasses on several portions of the site, and Western Meadowlarks could be heard singing from areas where grasses were shorter. A number of woodland birds were seen, many of which nest in tree cavities. These included the Western Bluebird, Plain Titmouse, and Nuttall's Woodpecker. Tree-nesters like the Scrub Jay, American Robin, and Mourning Dove were also observed.

Several predatory birds were seen, but none nest on the property. One Cooper's Hawk, a Species of Special Concern on lists of the California Department of Fish and Game, was seen on February 17, but not on a subsequent visit; it was probably wintering in the area. Red-tailed Hawks and the American Kestrel were observed overhead.

The most common mammal on the site was the California Ground Squirrel, which was seen in all of the unwooded portions of the site where slopes were moderate to gentle. This rodent is a major prey item of the American Badger, a Species of Special Concern. Three inactive burrows of the badger were noted east of where the U.S.G.S. map designates a spring. The burrows of the ground squirrel are also known to serve as the nesting sites for another Species of Special Concern, the Burrowing Owl. These owls were carefully searched for each time the site was visited, but none were found.

The creek had a few Pacific Treefrogs breeding in small standing water areas near the stock-watering trough at the junction of its two tributaries. Two Western Toads were found in the lower section of the creek, one just off the site. Tracks of raccoon were noted and Striped Skunk along the creek. These limited observations indicate that the creek does support some aquatic forms, and that it serves as a corridor for the movement of wildlife on the site.

Within the steeper portions of the creek canyon, stretching from the old homesite along the southern branch to the spring site, there are occasional rocks in the bed, but most of these were buried by fine sediments. The creek probably had a series of small pools along its length at one time, but, if so, erosion from surrounding heavily grazed hillsides has filled them in. It should be possible to restore the creek to a better condition by removing the fine sediments. If this were done, the creek would support a larger variety of aquatic insects and increased numbers of treefrogs, enriching the diversity of the site.

3. Temps Property

A field survey of the Temps property was conducted on November 23, 1991. Because this date is outside of the flowering season of most of the plants, and at a

time when some resident bird species have migrated south, it was not possible to develop a complete inventory of species. Despite this, observations made were adequate to identify the biological issues on the property, particularly in conjunction with the surveys of the study area as a whole and the Heartland property.

The Temps property consists of two separate parcels with quite different characteristics. Both have Marsh Creek Road as their northern boundary. An eastern parcel of 4.78 acres is vegetated with closely cropped grass and young planted trees except for the channel of Mt. Diablo Creek, which flows for a distance of approximately 615 feet east to west across its northern boundary. The second, western parcel is nearly all planted with Christmas trees. It comprises 18.85 acres. Mt. Diablo Creek enters on its northern margin from the eastern parcel and then flows through it to Russellmann Road, a total distance of approximately 860 feet. Near Russellmann Road, Russellmann Creek joins Mt. Diablo Creek on this western parcel after flowing a distance of about 920 feet along the parcel's western boundary near Russellmann Road.

a. Plant Communities.

(1) Riparian Forest. The most significant community on the site is the Great Valley Valley Oak Riparian Forest, named after the Valley Oak, which occurs along Mt. Diablo and Russellmann Creeks. As discussed in the Specific Plan, this community has been preliminarily designated as rare by the California Department of Fish and Game. Other than the CNPS watch-listed (List A) Valley Oak, it contains no rare, endangered, or otherwise listed plant species in the Clayton area, but does provide a number of habitat values of significance. These include harboring a diverse array of plants and animals and serving as corridors for the movement of wildlife from one area to another. Hind's Black Walnut, which was found, has been designated on "List 1B" of the California Native Plant Society, but only for native walnut forests, not occasional specimens, such as those on the site.

All of the creeks of the Temps property are bordered by the riparian forest community. Table D-6, Appendix D, lists the plants that were observed during the site visit. If a study were done throughout the year, many more species would be discovered, but the listed plants are the larger perennials that dominate the community and provide most of its ecological value. The largest trees are oaks: Valley Oak, Interior Live Oak, and Coast Live Oak. These, California Buckeye, Bigleaf Maple, and Bay Laurel are also found in upland areas, but three trees of the community are limited to riparian areas: Hind's Black Walnut, Arroyo Willow, and Red Willow, all of which were found along both Mt. Diablo and Russellmann Creeks.

The Riparian Forest community along Russellmann Creek has been degraded by human activity associated with the apparent channelizing of the creek and the

Christmas tree farm. Today, most of this creek is vegetated with thickets of Arroyo Willow and Red Willow. However, some large oak trees remain, and this area would have historically had a healthier riparian forest community.

Several shrubs and vines were common in the Riparian Forest. These include Blue Elderberry, Spice Bush, Snowberry, Wild Rose, and California Blackberry, which are generally limited to riparian or other cool, moist habitats, and Himalaya Berry, an introduced species that grows best along creeks. Also found were Coyote Brush, Coffeeberry, and Poison Oak, species with broad tolerances that occupy many plant communities. Seven of these species produce large berry crops each year, and thus are valuable in producing food for birds and mammals. Most of the understory consisted of these valuable plants, but a few sections had a ground cover of Periwinkle, an exotic species that provides little value to wildlife.

(2) Non-native Grassland. This community was limited to a narrow band uphill from the Christmas trees, where some clearing of Oak Woodland has occurred. Based on the growing season inventories performed on the nearby Heartland site and the survey done for the Specific Area Plan, it has been determined that only common plants and animals are present. Therefore, a species list for this community has not been prepared. Native perennial grasses, which can be distinguished by their tufted growth habit at all seasons of the year, were not seen. The open grassy area of the eastern parcel would also be considered as part of this community. As mentioned above, it was very closely cropped, and burrows of the California Ground Squirrel (*Spermophilus beecheyi*) were very common around its edges. This species provides food for some predatory birds.

(3) Landscaped Areas. A number of non-native trees had been planted on the upper bank of Mt. Diablo Creek on the eastern parcel. These reached heights of 10-20 feet and consisted of live oak, black or red oak, Deodar Cedar, spruce, Liquidambar, Mayten Tree, alder, Weeping Willow, and eucalyptus. Trunks were staked, and the spacing was such that a continuous canopy will develop as the trees grow.

b. Wildlife. The Riparian Forest has the potential to serve as habitat for a number of animal species given special status by the State or Federal Governments or the Contra Costa Planning Department (CCCPD). The Sharp-tailed Snake, *Contia tenius*, was listed as "locally depleted" by the CCCPD, as was the Ornate Shrew, *Sorex ornatus*. Both could use the creeks as permanent habitat. The Alameda Whipsnake, *Masticophis lateralis euryxanthus*, is classified as a threatened species in California and is a Category 2 Candidate for Federal listing. It would be able to use the creeks as one of several routes between the Chaparral and Digger Pine Woodland of Mt. Diablo State Park and shrubby habitats on the northern portion of the study area and in the Black Diamond Mines Regional Park. Two special mammal species

would regularly use the creeks as feeding and potentially breeding habitat, and as corridors for movement from one place to another. These are the Grey Fox, *Urocyon cinereoargenteus* (CCCPD - Special Concern) and Bobcat, *Lynx rufus* (CCCPD - Locally Depleted). The Ringtail, *Bassariscus astutus* (CCCPD - Locally Depleted) could use the creeks as corridors. Birds that might use the Riparian Forest as breeding habitat are the Cooper's Hawk, *Accipiter cooperii*, and Yellow Warbler, *Dendroica petechia*, both California Species of Special Concern (CSC). The Sharp-shinned Hawk, *Accipiter striatus* (CSC and Federal Watchlist), Long-eared owl, *Asio otus* (CSC), and Willow Flycatcher, *Empidonax traillii* (CSC and Federally Sensitive Species) could use the forest during winter or in migration. In addition to these less common animals, the Riparian Forest supports many other resident and migrant birds, and would serve as a corridor for mammals such as the Coyote, Striped Skunk, Raccoon, and Blacktail Deer.

c. Plant Census. To document the status of selected portions of the plant communities, the sizes and locations of trees over six inches in diameter (taken about four feet off the ground) and of saplings and seedlings of the trees were tabulated. These data appear in Table D-7, Appendix D.

Table D-7 quantifies an observation that is readily made in the field: the section of Mt. Diablo Creek on the eastern parcel is in very poor condition compared with the section on the western parcel (the Christmas tree farm). After adjusting for differences in the creek length along the two reaches, the western zone has 25 percent more large oaks, 2.5 times as many Buckeyes, five times as many Black Walnuts, one large and two small Bays compared with none, 2.5 times as many willows, and four clusters of Elderberry compared with none. Only in the existence of three Bigleaf Maples does the eastern portion exceed the western. In young trees the difference is even more striking. The western half has 47 saplings of all species compared with only 6 for the eastern portion, and it has over 100 seedlings of all species compared with just one in the eastern portion. In addition to this, oak seedlings are found in the edges of the Christmas trees away from the stream channel, while the comparable portion of the terrace on the eastern portion has been planted with the non-native species described above.

d. Creek Considerations. The Temps property contains two blue line creeks with riparian corridors: Mt. Diablo Creek and Russellmann Creek. Russellmann Creek appears to have been placed in an artificial channel for at least part of its route through the site.

The western section of Mt. Diablo Creek loops right to the edge of Marsh Creek Road in one section. Here the bank is so steep as to defy revegetation. It may be possible, with assistance from the agency responsible for Marsh Creek Road, to move the creek channel completely away from the road prior to the efforts at ecological restoration.

Within the new channel, and portions of the old, there may be a need for a complete bank stabilization plan with use of native willows and other trees.

4. Moita Property

The Moita property consists of a grassy knoll that is dissected on the south and west by two small stream courses into a series of moderately steep hillsides. Non-native grassland predominates, but Blue Oak woodland is also present, primarily on north-facing hillsides of the northeastern section of the site. The ecosystem is low in diversity from both botanical and zoological perspectives due to a long history of grazing. Wildlife of the site are common species, though two or more California designated Species of Special Concern may use the habitat on occasion. No State or Federally listed plant or animal species are present, nor are any plant species from lists of the California Native Plant Society.

a. Plant Communities. Table D-4, found in Appendix D, lists plants observed on the site and the nearby Heartland property, which was the subject of a biotic survey on three spaced dates in the spring of 1991. The grasslands are very low in diversity, even for non-native grasslands. Species seen on the site visit are those that characterize heavily grazed areas. Four non-native grass species were strongly dominant: Slender Oat, Soft Chess, Ripgut Brome, and Annual Ryegrass. Evidence of several forb species existed, including Yellow Star Thistle, Black Mustard, Bull Thistle, Artichoke Thistle, and Hedge Parsley. During the flowering season, other common plants would be expected in the grasslands, such as Fiddle Neck, Hedge Mustard, Field Bindweed, Arroyo Lupine, Storksbill, and California Poppy. In zones where moisture is high, in the more shaded zones of the small stream courses, common plants like Sanicle, Yarrow, Common Chickweed, Buttercup, Bedstraw, Harvest Brodiaea, Wavy-leaf Soap Plant, and Blue Dicks would be expected.

The woodlands of the site are all dominated by Blue Oak, with a smaller number of Valley Oaks. California Buckeye becomes common on the lower portions of the north-facing slopes. In the woodlands, the tree canopy is not tightly closed. As a consequence, the ground under and between trees receives sufficient sunlight to support grassland species like those described above.

The total number of oaks on the site was estimated at 200-250 by making an approximate count from hillsides opposite the two main stands. With a few exceptions, the trees ranged from 8-24 inches in diameter, and there is little evidence of recent reproduction. Since these trees grow very slowly, it would take several decades for small to medium-sized oaks to grow from seed to replace any lost trees.

To assess possible impacts, a tally was made of the species, size, and condition of oaks in or near the designated house sites. Most of these trees had metal tags with

numbers attached to them, suggesting that another study of impacts on oaks had been made. Of 59 trees tallied (approximately 20% of the total trees of the site), 53 were Blue Oaks and only six were Valley Oaks.

b. Wildlife. Species of wildlife seen on the Moita site, or inferred from sign, are largely common forms, and are listed in Table D-5. The Western Meadowlark was seen in several parts of the grassland. Several woodland birds were seen, many of which nest in tree cavities. These include the Northern Flicker, Plain Titmouse, and White-breasted Nuthatch. In summer, the Western Bluebird, which also nests in tree cavities, would also be likely to occur. Nuttall's Woodpecker was not seen, but would be expected. Tree platform-nesters like the Scrub Jay and American Robin were also observed. Two predatory birds were seen: the Red-tailed Hawk and American Kestrel.

Two mammals were very abundant on the property, Botta's Pocket Gopher and the California Ground Squirrel. The latter species is more likely to serve as prey for larger aerial predators like the Red-tailed hawk because it spends a good deal of time above ground. Other small mammals likely to be on the property are the Deer Mouse in wooded zones and the California Vole in grasslands. These rodents are also important prey items for bird and mammalian predators like the Red-tailed hawk, American Kestrel, Bobcat, Grey Fox, and Coyote. The burrows of ground squirrels could possibly used as nesting habitat by one Species of Special Concern, the Burrowing Owl. The American Badger, a second Species of Special Concern digs its own burrow system and preys on the squirrels and pocket gophers. Neither of these species was detected on the property.

B. Impacts and Mitigation Measures

1. General Plan Amendment and Specific Plan Area

a. Riparian Areas. Some bird life would be temporarily disrupted by increased access of humans to creek zones. The species in question, however, are sufficiently tolerant of people that they would not be seriously affected.

Impact BIO-P1: Development in areas not yet surveyed for special plant status and animal species could reduce habitat, population or the continued viability of these species. (S)

The Specific Plan area contains or has potential for a number of special-status plants and animals. These include rare plants in chaparral and serpentine areas, rare animals in these and riparian zones, and possible rare aquatic animals in farm ponds of the area. Development could directly affect such species via activities like grading,

installation of utilities, and construction of dwellings. Indirect impacts on such species could occur via such changes as introduction of pets that could prey on the animals and alteration of the drainage patterns of habitats where the plants survive.

This impact would be largely mitigated by the location of development areas, which avoid especially sensitive communities such as chaparral and serpentine, and by the Specific Plan's required creek setbacks. However, the following mitigation measure should also be required to avoid site-specific impacts:

> Mitigation Measure BIO-P1: Site specific environmental review under CEQA and in keeping with relevant State and federal provisions such as the Endangered Species Act, should be required for all development proposals. Under such review, the mitigation of this impact to a less than significant level should be a condition of project approval. This has already been completed for the Heartland, Temps and Moita properties through this EIR.

Implementation of the Specific Plan would include installation of a sewer line along Mt. Diablo Creek between the study area's western boundary and Russellmann Road. Construction of this line could have adverse environmental impacts. A sewer study, including environmental review, would be required by Plan Policy IN-4. No additional mitigation measures would be necessary.

Impact BIO-P2: The proposed placement of public parks adjacent to riparian habitat zones could lead to a degradation of a portion of the riparian habitat and a loss of its value as a corridor for wildlife. (S)

Parks are proposed adjacent to Oak Creek, Russellmann Creek, and Holmes Creek, the latter two near Mt. Diablo Creek. Recreational activities adjacent to the creek could degrade the vegetation and erode the creek banks.

> Mitigation Measure BIO-P2: In developing the parks, one should plant or encourage the natural development of very dense riparian vegetation where creeks run through the parks. Such vegetation would generally discourage regular foot traffic into the riparian zone. A low fence should be placed between any trail or park area and this riparian zone to discourage creek access. The City should monitor the use patterns of the creek zone to determine if adverse impacts are occurring, and use additional protective measures if necessary.

b. Oak Trees. Removal of oak trees in designated development areas outside of the riparian zones, or creating conditions that would lead to decline of oaks such that the range of oak woodland habitat is significantly reduced, would create an adverse cumulative impact as Specific Plan buildout occurs. As described in the

environmental setting section, oak trees in the study area grow very slowly. The woodlands that contain them provide nesting and wintering habitat for a number of birds, including two Species of Special Concern in California, Cooper's Hawk and the Sharp-shinned Hawk. Removal or decline of woodlands directly impacts these species.

Specific Plan Policy DD-6d, which requires that all projects be designed in such a way that the loss of oaks of six-inch diameter or greater (measured 24 inches above grade) on the site not exceed 25 percent of the original population, would mitigate this impact. Replacement planting as specified in Policy DD-6e is also desirable, but would not be adequate mitigation for this impact for two reasons. First, as stated in the biological description, the growth of oaks on dry sites such as in the project area is extremely slow. Second, it would require monitoring for an excessively long period of at least 25 years to determine if oaks had actually succeeded in establishing themselves for completion of their life cycles.

c. Grasslands.

Impact BIO-P3: Specific Plan buildout would result in conversion of non-native grassland and oak savanna, reducing the extent of habitat that bird and mammalian predators have for foraging. (S)

> Mitigation Measure BIO-P3: Any development project in the study area that would result in the loss of over 10 acres of grassland should include a grassland improvement program with the goal of creating significant proportions of native grasses and associated herbaceous plants in the improvement area. The improvement area should have a size equivalent to the size of the grassland area to be converted, and the standard of success should be the establishment of 20 percent native cover in the improvement area. The grassland improvement program should be approved by a restoration biologist, and should include components such as, timed rotation of grazing to assure that sufficient grassland biomass is channeled into small mammals, prohibition on discing and tilling, prescribed burns, and seeding with native grass and wildflower species of recognized local stock.

2. Heartland Property

Impact BIO-H1: Encroachment of development proposed in the Heartland project on Oak Creek would result in a significant loss in its riparian habitat. (S)

Development of Lots 80, 81, and 86 through 90 would require culverting of the creek in this area, which would be inconsistent with Specific Plan Policy DD-8i.

Restoration of the creek and its continued function as a wildlife corridor could not occur if the creek were culverted in this area. Lots 43 and 44 would also be bisected by the creek.

In addition, portions of Oak Creek Canyon Drive would encroach on the creek. Although the existing dirt road in the area follows the alignment of the north half of Oak Creek Drive north of Lots 78 and 79, this existing road encroaches on the creek zone, so the use of this alignment would impact the creek.

Mitigation Measure BIO-H1:

a. Lots 80 and 81 should be deleted from the proposal, or redesigned so that the lots do not intrude into the creek setback and culverting of the creek is not required.

b. Lots 43 and 44 should be deleted or redesigned to reflect required creek setbacks.

c. Oak Creek Canyon Drive should be realigned in the area of Lots 78 and 79 so that the edge of the roadway would be at least 30 feet from the creek. This may require removal of these two parcels.

d. As specified in Specific Plan Policy DD-8e, the Heartland project developer should improve Oak Creek to compensate for allowing Oak Creek Drive to come closer than the standard 75-foot setback from the top of the bank. At a minimum, the restoration plan should encompass an area with a 100-foot width including the channel and it should include redefinition of the creek channel from where it currently disappears on the site of the old ranch buildings all the way to Marsh Creek Road. In this vicinity, which includes the general area of Lots 86 through 90, the minimum setbacks of 30 feet from top of bank and 100 feet total should be maintained.

The restoration plan should also include:

(1) measures to remove sand and silt that has been deposited in the deeper portions of the creek channel,

(2) revegetation of the lower reaches of the creek where past inhabitants removed most of the riparian vegetation,

(3) demarcation of the creek zone prior to construction and weekly inspection by a biologist during construction to assure that the designated portions of the creek are not impacted, and

(4) pre- and post-construction monitoring to quantify the properties of the creek and its plant and animal life before and after the restoration effort. Such monitoring shall be every year for five years. As part of the monitoring plan, adverse post-construction events, such as deposition of additional fine sediments in the channel or the failure of plantings to survive, shall be ameliorated.

Loss of oaks and open space from development of the Heartland site would not result in significant impacts. There would be no significant impacts on oaks because major concentrations of oaks lie outside the developed area. As shown in the site plan, the majority of the site's oaks would be preserved by the site plan.

3. Temps Property

Impact BIO-T1: Lots 1-11, 13, and 14 would encroach on the riparian habitat of Mt. Diablo Creek in such a manner that they may prevent future natural establishment of riparian vegetation on the upper banks. (S)

Mt. Diablo Creek is a significant natural feature of the planning area and must be allowed to develop a full spectrum of riparian habitats. Riparian habitat includes not only vegetation in the creek channel, but large trees, predominantly Valley Oaks, on the top of the creek bank. Restoration incentives that allow for minimization of creek setbacks, as described in Policy DD-8e of the Specific Plan, shall be reviewed by the City. Such review should include the recommendation of a qualified biologist.

Mitigation Measure BIO-T1:

a. The project should be redesigned so that the northern lot lines of Lots 1 through 11, 13, and 14 fall at least 75 feet from the top of the bank of Mt. Diablo Creek. If setback reduction is desired, the City shall review and approve the proposed creek setback enhancement program. Such review should include the recommendations of a qualified biologist.

b. Fencing should be constructed along the creek setback line on Lots 1 through 11, 13, and 14 to minimize resident intrusions into the creek corridor.

Impact BIO-T2: The lot lines of Lots 1, 34, and 38 fall closer than the standard 75 feet from Russellmann Creek, and could reduce the growth of riparian habitat along this creek. (S)

Mitigation Measure BIO-T2: As specified in Specific Plan Policy DD-8e, the developer should be required to restore Russellmann Creek through the site. At a minimum, the restoration plan should encompass an area with a 100-foot width, including the channel, and it should include:

a. a hydrological analysis of whether or not the creek has been channelized on the property,

b. a reconfiguration of the channel to a more natural state if channelization was performed,

c. revegetation of the creek using natural tree invasion or planting, and

d. pre- and post-construction monitoring to quantify the properties of the creek and its plant and animal life before and after the restoration effort. Such monitoring shall be every year for five years. As part of the monitoring plan, adverse post-construction events, such as deposition of additional fine sediments in the channel or the failure of plantings to survive, shall be ameliorated.

Impact BIO-T3: The arched culvert crossing proposed where "A" Drive crosses Russellmann Creek could restrict movement of larger wildlife species into and out of the Mt. Diablo Creek zone or force them to cross the drive itself at a risk of being hit by cars. (LTS)

Russellmann Creek is one of three main wildlife corridors connecting Mt. Diablo Creek to Mt. Diablo State Park. Any impediment to movement of wildlife along Russellmann must therefore be avoided if at all possible.

Mitigation Measure BIO-T3: The culvert or bridge should be designed to allow a natural creek configuration beneath it, and should have a minimum height from the bottom of the creek channel of five feet to allow animals to cross under it.

The main concentrations of oak trees on this site lie in the southern areas proposed for ranchette parcels of five or more acres. Tree removal could be minimized in this area.

As described above in the biological setting section, the riparian habitat along Mt. Diablo Creek east of the proposed Lot 7 has been seriously degraded by removal of native trees and planting of exotic tree species. If the City of Clayton accepts this portion of the creek as part of a new park, it should plan on restoring this section of the creek to match the habitat characteristics of the creek west of Lot 7.

4. Moita Property

No rare or endangered animals or plants were noted on the site. The loss of a small number of trees and of some grassland habitat would not generally be deemed an impact from a biological perspective. However, several site-specific impacts would occur.

Impact BIO-M1: The building site on Lot 10 appears to be sited within the existing tree canopy on the site. (S)

Although it would potentially be possible to construct a home on Lot 10 without removing significant numbers of trees, grading, construction and disruption from on-going human activity associated with a home in the area would ultimately damage the forest in this area, leading to loss of trees and habitat value. This impact would be inconsistent with Specific Plan Policy LU-3.

> Mitigation Measure BIO-M1: The applicant should demonstrate that the home to be constructed on Lot 10 would not adversely impact woodlands, and that all tree preservation policies of the Specific Plan would be adhered to on this lot. If this cannot be done, then Lot 10 should be eliminated from the site plan.

Impact BIO-M2: Development of Lots 7, 8 and 9 on the northern edge of the property could ultimately cause the death of five larger oaks in the property's northern section by disrupting or compacting soil too close to the bases of the trees. (S)

On the northern edge of the property, the site plan designates three building envelopes. Most of the oaks of this area lie downslope from where construction would be likely to occur, but five Blue Oaks, four in good and one in fair condition and which range in diameter from 20-31 inches, lie in zones where their root systems could be affected by development of the lots. These include one visually unique tree of 31 inch diameter with a number of gnarled trunks. In addition to the oaks, the northwestern corner of this area contains a large Buckeye with eight trunks, the largest of which is 18 inches. A number of burrows of the California Ground Squirrel are located at or near the base of this tree.

In other areas, oaks and other major trees would not be affected by development. In the west-central portion of the site, one building envelope is designated on the site plan. This occurs in an area generally free of trees; of the twelve trees measured from this zone, all but one lie downslope to the north from where construction would be likely to occur. In the east-central portion of the wooded zone, three building sites are designated. It was not possible to determine precise locations of the home sites, but as with the west-central zone, most trees were north of the likely centers of

construction activity. One building envelope is designated in the south-central portion of the property. Only two trees occur here: blue oaks in fair condition measuring 22 and 26 inches in diameter. Both lie to the west of where construction would be most likely to occur. The site plan also designated three lots on the top of the knoll on the property's eastern boundary. Two oaks occur here, but could be avoided by home construction.

There would be no significant impact because fewer than five individual oaks could be lost. Despite the lack of significant loss of trees, however, the City and the developer may wish to require the following mitigation measures:

Mitigation Measure BIO-M2:

a. A radius of at least 20 feet from the base of all oak trees and other significant trees on the site should be protected from all disturbance during and following construction.

b. Any planting done to replace lost or threatened trees should use Blue Oak acorns derived from the site, since this species is faring better than Valley Oak in the relatively dry conditions of the site.

There would be no significant cumulative loss of grassland habitat because less than ten acres of grassland/savanna habitat would be developed. Even though grassland loss would not be enough to trigger mandatory mitigative measures, there is an important acreage of non-native grassland that would remain outside of building envelopes. Better management of this grassland could actually lead to an overall positive biotic impact for the project by creating more habitat for native plants, an improved prey base for predators, and an increase in the predators themselves.

5. Cumulative Impacts

Since the Specific Plan study area is relatively large, cumulative biological impacts resulting from development in the area would be mitigated through the Plan itself and other measures outlined in this section. No additional regional cumulative impacts on biological resources would occur.

4.9 Visual Resources

■ ■ ■

This chapter describes City visual policies, the visual resources which occur in the study area, views of the surrounding region from the study area, and views of the study area from other parts of Clayton and the region.

A. Existing Setting

1. Specific Plan Area

a. City and Regional Visual and Design Policies

(1) City Policies. The City of Clayton General Plan has many goals, objectives and policies that are concerned with the visual character of the city and its visual resources. These goals, objectives and policies may be summarized as follows:

- To maintain the rural character of Clayton.
- To preserve the natural beauty and openness in the community by preventing development on ridgelines and limiting development in the hills.
- To protect and enhance views of the foothills and Mt. Diablo.
- To maintain landscape and natural vegetation found in Clayton as a means to provide greenery, open space, development buffer and rural atmosphere.
- To provide and maintain a greenbelt system as an edge to streets and development.
- To evaluate developments as to their effect on the scenic qualities of the Clayton area.
- To provide for attractive subdivision design, particularly by requiring the undergrounding of utilities and promoting alternatives to soundwalls for needed noise attenuation.

The City has no specific design requirements for residential construction. There are, however, design guidelines for special areas, such as the Oakhurst subdivision and the Town Center. These guidelines have been included in specific plans and conditions

of approval for individual projects. Similar policies could be adopted if development occurred in the study area.

(2) Scenic Highways. The City's Community Design Element identifies Marsh Creek Road as a Scenic Highway. The objectives and policies relevant to this designation include a 1,000 foot wide corridor along Marsh Creek Road which is to be specially treated to enhance the visual quality of the roadway.

Within the study area, Marsh Creek Road is also designated as a scenic route by Contra Costa County.[1] The County's policies regarding scenic routes are similar to those of the City, and include the identification of a scenic corridor along the route that consists of "much of the adjacent area that can be seen from the road." According to the General Plan, controls are to be applied within the scenic corridor "to retain and enhance scenic qualities, restrict unsightly use of land, control height of structures, and provide site design and architectural guidance along the entire scenic corridor." County policies regarding scenic routes include the following:

- To maintain scenic corridors with the intent of protecting attractive natural qualities adjacent to various roads throughout the county.
- To plan scenic corridors in coordination with public parks, recreation areas, bike trails, cultural attractions, and other related public developments.
- To conserve, enhance and protect scenic views observable from scenic routes to the extent possible.
- To encourage design flexibility as one of the governing elements for aesthetic purposes in the construction of roads within scenic corridors.
- To encourage planned unit development for lands designated for urban use along scenic routes.
- To provide special protection for natural topographic features, aesthetic views, vistas, hills and prominent ridgelines at "gateway" sections of scenic routes. Such "gateways" are located at unique transition points in topography or land use, and serve as entrances to regions of the County.

Implementation measures for these policies are:

- Develop and enforce guidelines for development along scenic routes to maintain the visual quality of those routes.
- Develop a corridor improvement program including an interagency joint action and ordinance development program, to protect and enhance scenic qualities.

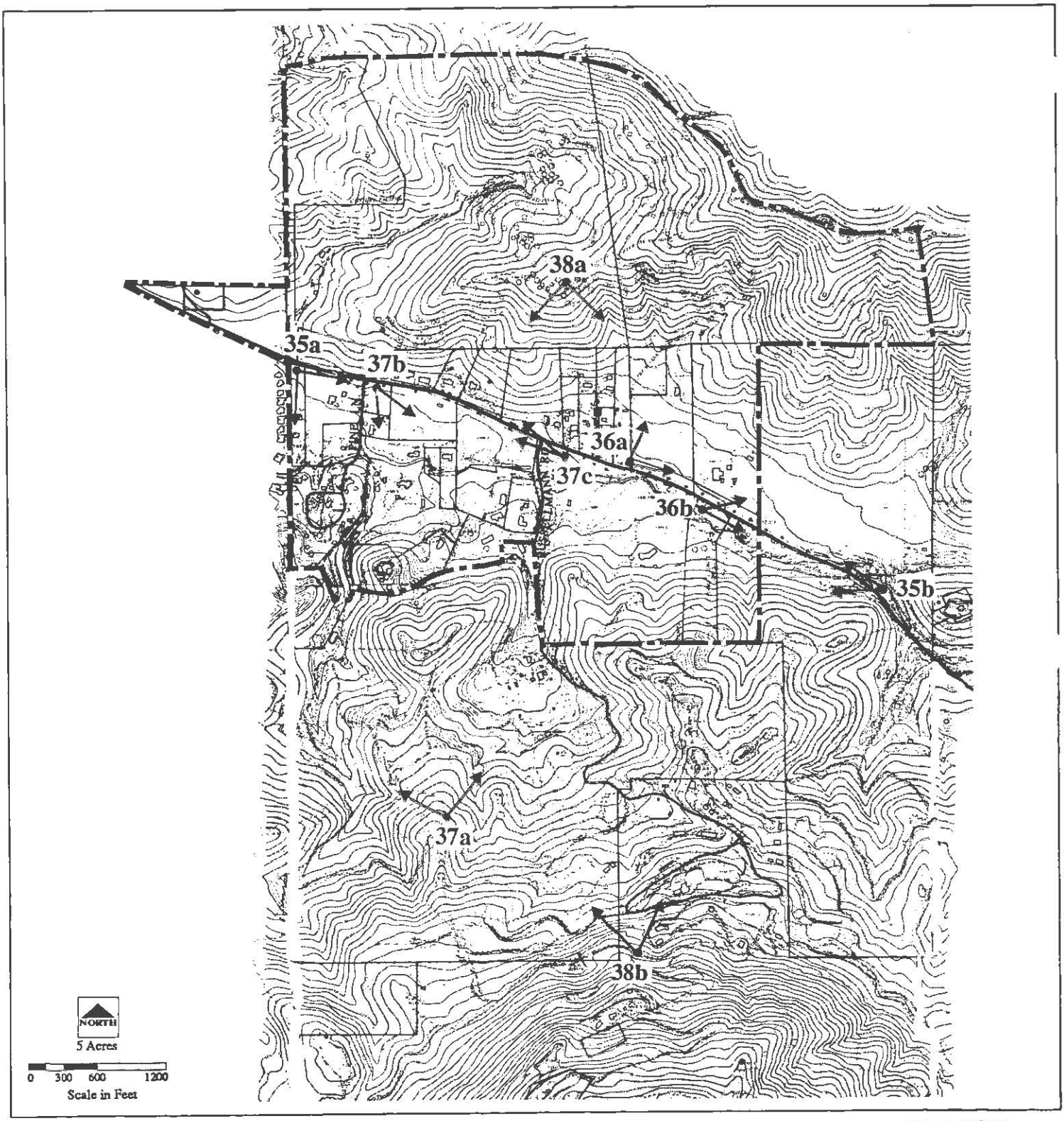
[1] See Contra Costa General Plan Transportation and Circulation Element, pages 5-32 through 5-35.

- Consider the visual qualities and character of the corridor in reviewing plans for new roads, road improvements, or other public projects. This should include width, alignment, grade, slope and curvatures of traffic islands and side paths, drainage facilities, additional setbacks, and landscaping.
- Attain development project design flexibility within the scenic corridor through application of the Planned Unit Development District Zoning.

b. Visual Character of the Study Area. This section is accompanied by 8 photographs of the study area which are found in Figures 35 through 38. A map showing the location from which these photos were taken is shown in Figure 34. An additional map showing visual features in the study area is shown in Figure 39.

The study area is located between the urbanized portions of Clayton and Concord to the northwest, and completely undeveloped grazing lands and open space along Marsh Creek Road and within the Morgan Territory to the southeast. The area provides a visual transition between these two larger areas, with limited rural-residential development in a corridor along Marsh Creek Road, and grazing land and open space on the surrounding slopes. Development is most intensive and visible on the western edge of the study area, and the area has an increasingly rural visual character as one moves east through it.

The area is complex both visually and topographically. It is characterized primarily by the steep slopes of Mount Diablo in the south and other steep slopes and ravines going up to Keller Ridge in the north. These two areas, which are quite different in nature, are separated by the corridor of Mt. Diablo Creek and Marsh Creek Road. Each of these areas is described below.



MARSH CREEK ROAD SPECIFIC PLAN EIR

CLAYTON CALIFORNIA

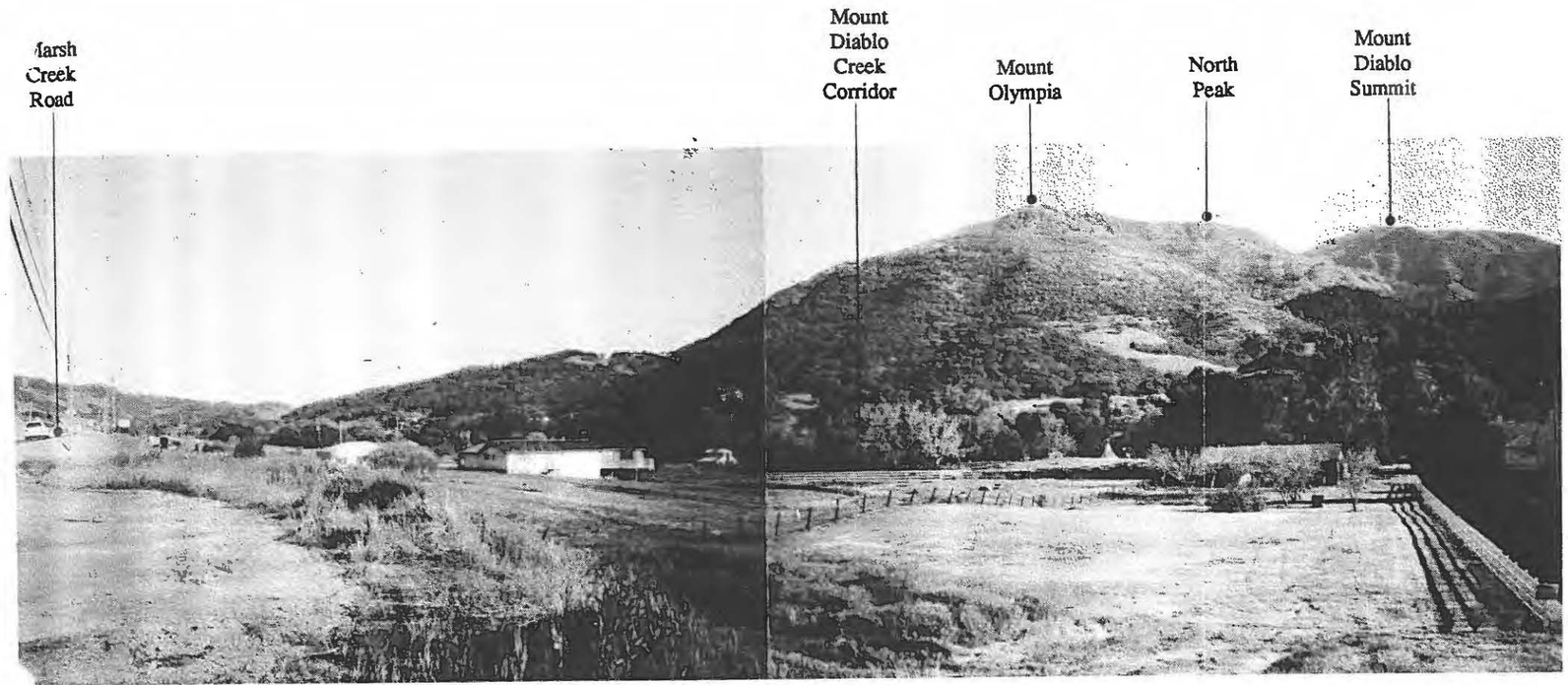
BRADY AND ASSOCIATES, INC. PLANNERS AND LANDSCAPE ARCHITECTS

FIGURE 34

Viewpoint Locations

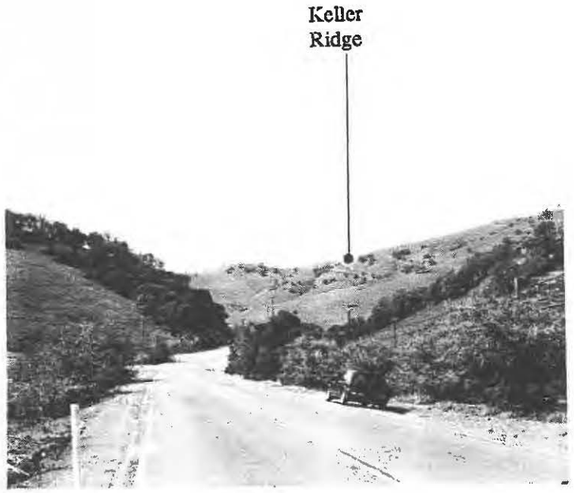
FIGURE 35

Views of the Study Area



35a View of the Mount Diablo Creek Corridor from the study area's western gateway.

35b View from the Knob Hill gateway towards the western study area.



35c View from the eastern gateway into the study area.

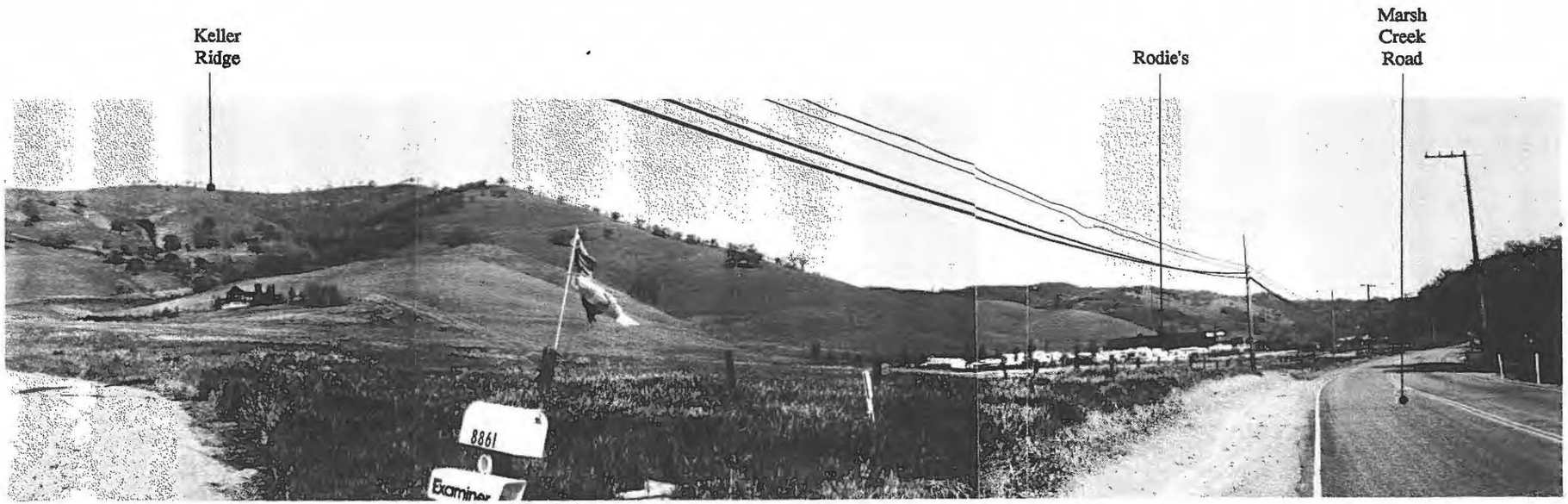
MARSH CREEK ROAD SPECIFIC PLAN EIR

CLAYTON CALIFORNIA

BRADY AND ASSOCIATES, INC. PLANNERS AND LANDSCAPE ARCHITECTS

FIGURE 36

Views of the Study Area



36a View of the northern side of Marsh Creek Road and Rodie's store.

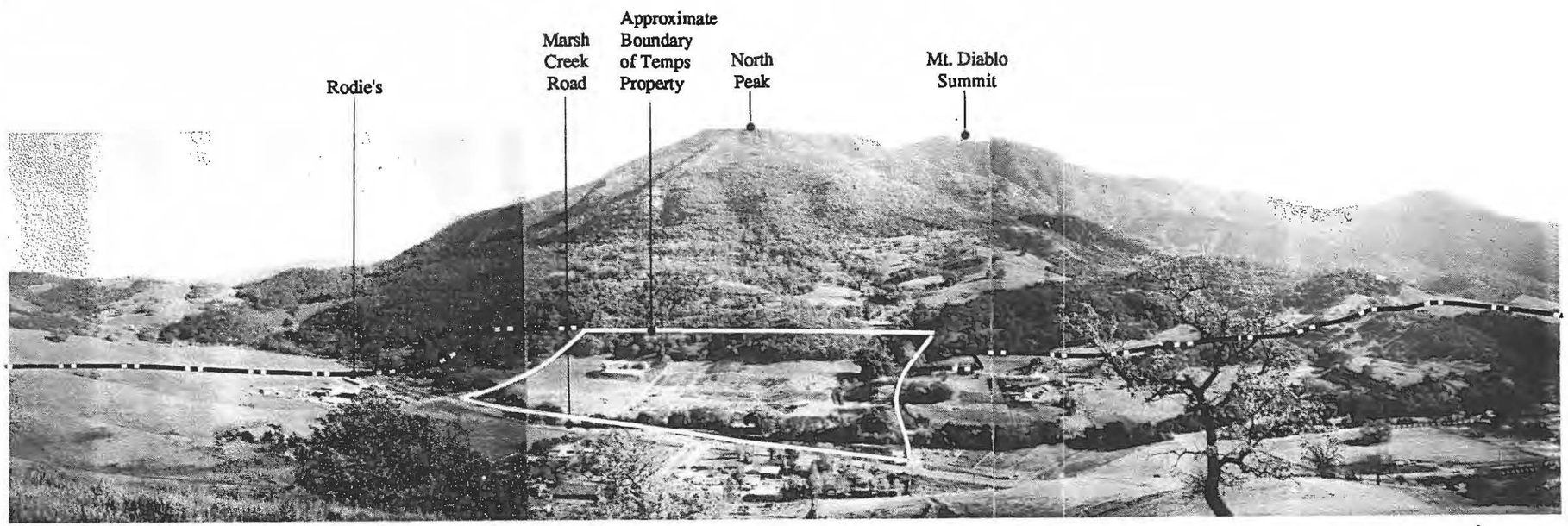
36b Walnut trees along Marsh Creek Road.

MARSH CREEK ROAD SPECIFIC PLAN EIR

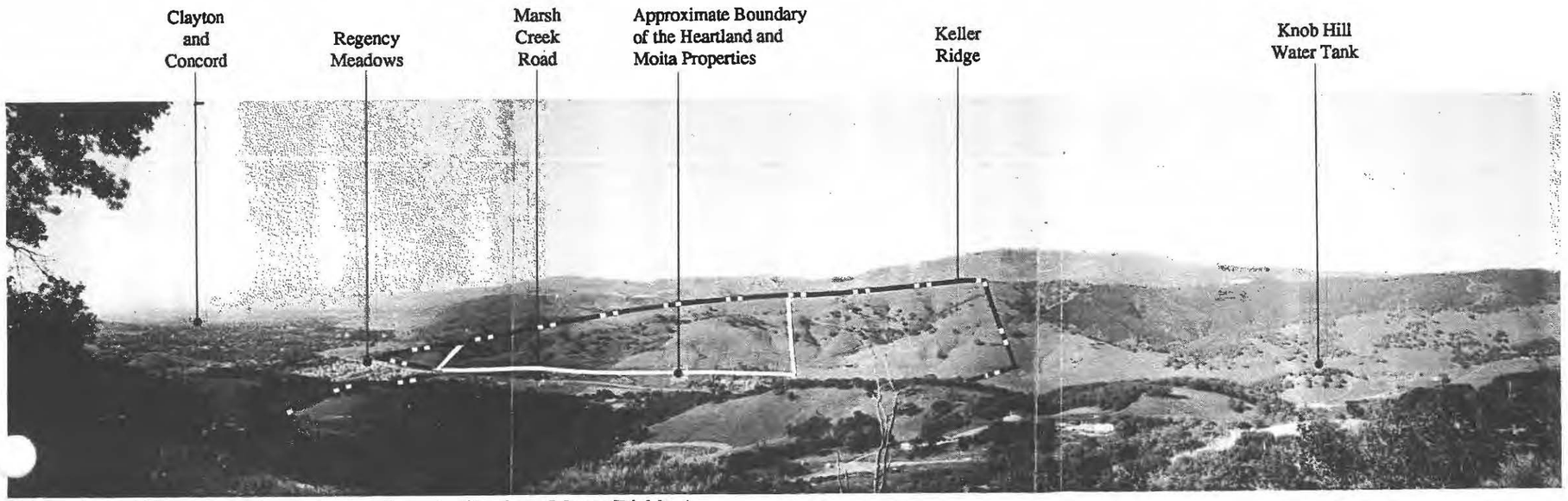
CLAYTON CALIFORNIA

FIGURE 38

Views of the Study Area



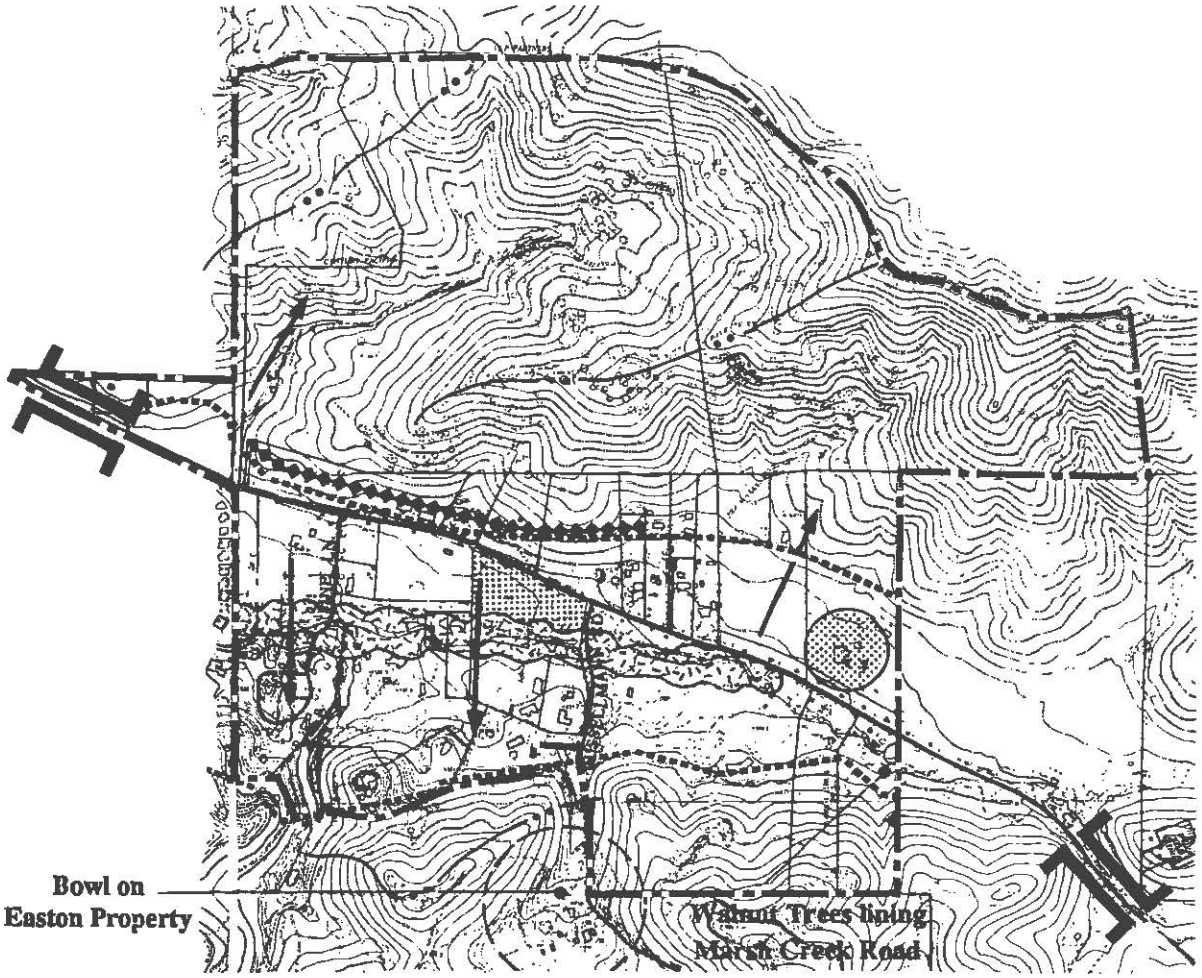
a View of the study area and Mount Diablo from the Heartland site ridge.



38b View of Clayton and the study area from the Southern Mount Diablo Area.

MARSH CREEK ROAD SPECIFIC PLAN EIR

CLAYTON CALIFORNIA



Legend

- View
- Steep Slope Inhibiting View
- Gateway
- Visually Degraded Area
- Ridgeline
- Riparian Corridor
- Visual Unit Boundary
- Specific Plan Boundary

NORTH

5 Acres

0 300 600 1200

Scale in Feet

MARSH CREEK ROAD SPECIFIC PLAN EIR

FIGURE 39

Visual Features of Study Area

(1) Mount Diablo Creek Corridor. Marsh Creek Road and Mount Diablo Creek create a spine through the study area that gives visual orientation and provides most observers with their only vantage points to view the area. The road and creek run from southeast to northwest. In the study area, Marsh Creek Road is a two-lane road with some sharp curves and a generally rural appearance. Mount Diablo Creek is a small stream channel edged with mature riparian vegetation. The road and the creek are quite close together on the eastern side of the study area, but approximately 800 feet apart at the area's western boundary.

The Mount Diablo Creek Corridor visual unit is the only one in the study area that contains any significant development, and this development is concentrated on the western side of the study area. Upon entering the area from the west, one's views are directed primarily to the south, since steep slopes block views to the north. In this area, there is a mixture of various rural-residential uses, including the pumpkin farm, several houses, a teepee, and some horse pastures. In this area, the Oakwood subdivision is plainly visible from the road. This area also includes a horse pasture which is severely overgrazed and has no vegetative cover whatsoever. In summation, this area may be defined as partially developed, and it is visually degraded in some areas (excluding the Oakwood subdivision). A view of the area is included in Figure 35a.

As it moves farther east, the road gets closer to Mount Diablo Creek, and the riparian corridor of the creek becomes more and more visible. The riparian vegetation, which includes tall trees, shields from view a number of homes that exist to the south of the creek.

Near the junction with Russellmann Road, views of the study area to the north open up along Marsh Creek Road. The steep slopes of Keller Ridge are farther back from the road in this area, which allows for views over the flatter areas to grazing lands and hillsides beyond. In this area, there is also a view of the Rodie's store, which is surrounded by a vehicle storage facility that is visually unattractive. A view of this area is shown in Figure 36a. This area also has a segment of roadway whose southern side is bounded by a row of walnut trees, which are shown in Figure 36b. These trees probably once created a very attractive edge, but they are now very overgrown and in need of maintenance or replacement.

(2) Northern Hill Area. This visual unit lies to the north of Marsh Creek Road and is generally homogenous in its rolling slopes and grasslands, which provide bucolic scenes of cattle grazing and occasional rural residential structures. Typical views of this area are shown in Figure 36a, 37a and 38b. Much of this area is visible from Marsh Creek Road, although the valley on the Heartland site is hidden from view from the road by intervening ridges. Only the mouth of this valley can be seen from Marsh Creek Road, and one must actually enter it to see its interior portions.

(3) Southern Hill Area. This visual unit is made up by topography that is similar to those in the Northern Hill Area, but which lie to the south of Marsh Creek Road and Mount Diablo Creek.

This area is partially visible from Marsh Creek Road, since it sits adjacent to the creek's floodplain. This wooded slope provides a backdrop to the Creek Corridor. Figure 37a depicts this view.

c. Gateways. Marsh Creek Road is marked by three important gateways as it traverses and continues beyond the study area. Two of these gateways are located near either end of the study area, and the third to the east beyond the study area.

- As Marsh Creek Road enters the study area from Clayton in the west, the first gateway is at the study area's western boundary. Here, the road goes over a small hill, and is surrounded by the sound walls of the Regency Meadows subdivision on the south and the slopes that contain the Seminary water tank on the north. These features constrict views from the road, creating a narrow visual corridor. However, the sound walls end at the end of the subdivision, and the steep slopes on the north side of the road open up to a small valley as well. At this point, the road slopes down slightly and views open up to the Mount Diablo Creek floodplain. A view of the floodplain and southern study area from this gateway is shown in Figure 35a.
- At Nob Hill, a second gateway along Marsh Creek Road east of the Specific Plan area marks the transition from the Mount Diablo Creek floodplain to the hillier, less developed eastern area. In this area, the road goes through several deep cuts, and Nob Hill creates additional visual interest and cuts off views of the surrounding area. When the views open up again farther east, the southern side of the road is bounded by undeveloped, relatively steep slopes in Mount Diablo State Park, and the northern side of the road is undeveloped grassland. The view on the eastern side of this gateway is shown in Figure 35b.

  For travellers coming from the east, the Nob Hill gateway marks the first view of rural-residential development, and the transition from hills to the Mount Diablo Creek floodplain. Urbanized portions of Clayton are visible several hundred feet farther west.
- Further east, Marsh Creek Road passes over the crest that separates the Mt. Diablo Creek and Marsh Creek watersheds. This rise, which is also marked by steep slopes on either side of the road, marks a clear transition from one area to the other. Coming from the east, there are no views of the study area until this gateway is passed. The view from this gateway is shown in Figure 35c.

d. Views from the Study Area. Views out of the study area are dominated by the surrounding topography's features, including Keller Ridge, Mount Zion and Mount Diablo. Mount Diablo is an especially dominant visual feature in all of Contra Costa County, and it dominates many views from the study area as well.

The specific nature of views out of the area is quite different from each of the four visual units of the area described above, as is outlined below:

(1) Views from the Mount Diablo Creek Corridor. Because of its relatively low elevation and the rolling hills that separate it from the rest of the Clayton Valley, the Mount Diablo Creek Corridor generally does not provide views of much of the surrounding area. Views from the north and east are constricted by Keller Ridge and the Marsh Creek watershed divide, while views to the west occasionally allow glimpses of developed portions of Clayton but are also constricted by intervening hills.

Views from these lower areas are dominated by the major mountains in the area, particularly Mount Diablo and Mount Zion. Mount Diablo is visible anywhere that steep slopes do not constrict views to the south. The part of the mountain that is primarily visible is North Peak, which is closer to the study area but slightly lower than the main summit. Mount Olympia, which is a lower peak on the slopes of North Peak just one-half mile from the area's boundaries, is also highly visible. The main summit of Mount Diablo is farther to the south and can be viewed from many places, but it appears smaller than North Peak. A view of Mount Diablo as seen from the study is shown in Figure 37b.

Mount Zion is the site of the Lone Star Quarry adjacent to the City of Clayton, and it is visible to the west from much of the Creek Corridor visual unit. The quarry looks grey, as compared to the reddish tones of the surrounding mountain, so it stands out clearly. Some urban development is also visible below and to the north of the quarry when one looks out of the study area to the northwest. A view of Mount Zion and the visible urbanized areas is shown in Figure 37c.

(2) Views from the Northern Hill Area. As one gains elevation in the Northern Hill Area above the Mount Diablo Creek floodplain, views become increasingly panoramic to the south and east. From upper elevations along Keller Ridge and other adjacent minor ridgelines, it is possible to see the entire breadth of the study area, and to Mount Diablo and the Morgan Territory beyond. Views from this area are constricted to the north, since the steep slopes continue up to the edge of the study area on the ridgeline. Views are also constricted to the west by intervening topography which curves southwest toward Marsh Creek Road. Thus it is not possible to see existing urban development in the valleys of Clayton and Concord from most of the Northern Hill Area, although some views to urbanized areas are

available from portions of the Heartland site and the top of Keller Ridge. The view south from a ridge on the Heartland site is shown in Figure 38a.

From some portions of the Northern Hill Area such as the Heartland site, it is also possible to get clear views of the Oakhurst subdivision to the north and west. These Development Areas are not visible from lower elevations in the study area, but they can be seen at relatively close range from higher elevations.

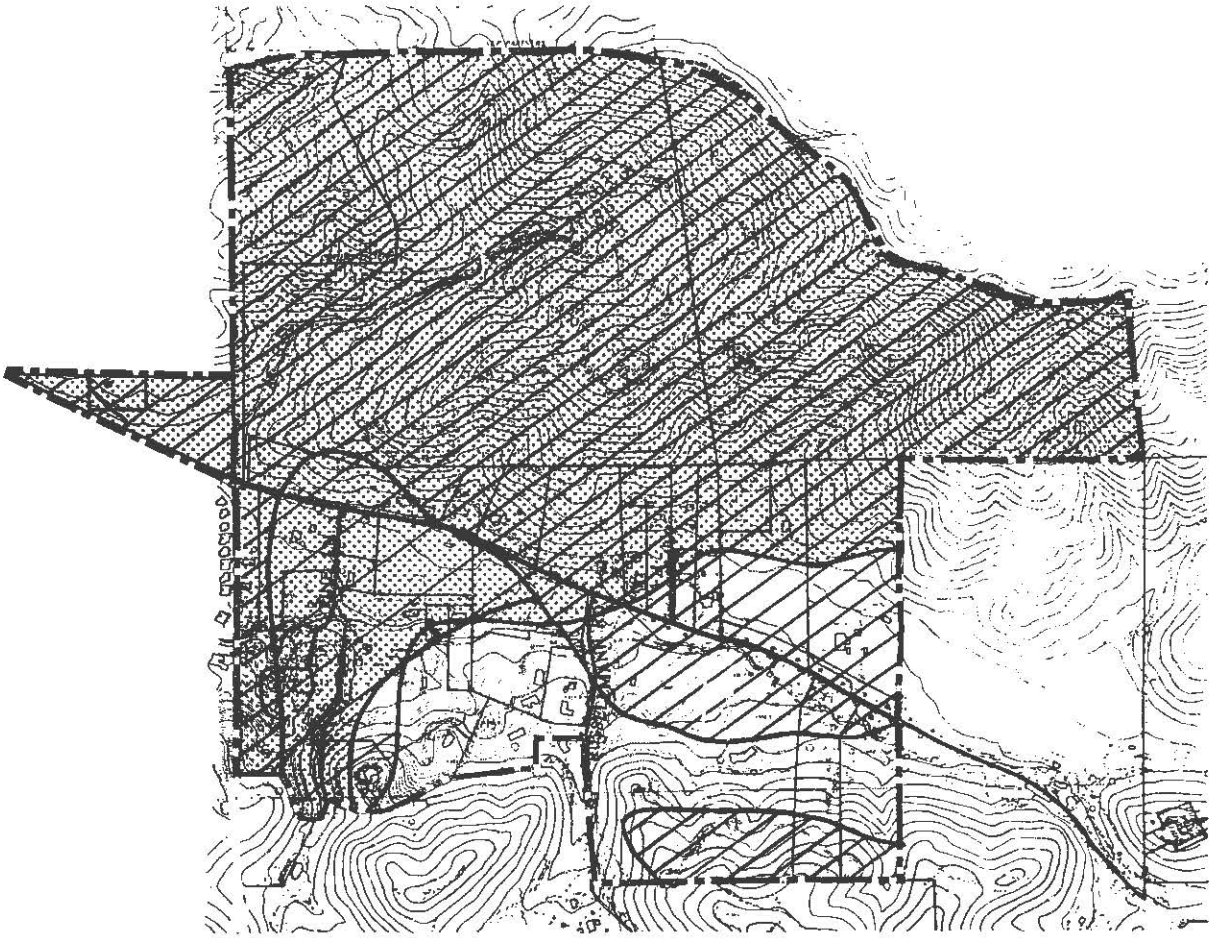
(3) Views from the Southern Hill. The Southern Hill Area is hemmed in on the south and east by the slopes of Mount Diablo, which obstruct views in these directions. However, this area allows panoramic views of Keller Ridge to the north, and of developed portions of Clayton and Concord to the west. An example of these views is shown in Figure 37a.

e. Views of the Study Area.

(1) General Visibility. Because it is surrounded by hills and gateways that separate it from adjacent areas and the City of Clayton, lower portions of the study area are not generally visible from surrounding areas. Some of the higher portions of the Regency Woods and Dana Hills subdivisions have views of the lower study area, but the lower study area is not visible from most of Clayton, Concord or other cities. Most of the study area is also hidden from view from areas to the east, although higher slopes of Keller Ridge can be seen from some areas.

(2) Study Area Visibility from Mount Diablo. Because of its close proximity to Mount Diablo, the study area has the potential to be visible from this important state park. For this report, visual surveys of the study area were completed from the main summit of Mount Diablo, and from North Peak, which is not quite as high but is closer to the study area. The results of these surveys are shown in Figure 40, while photos of the study area from Mount Diablo are shown in Figure 41.

The main summit of Mount Diablo, with an elevation of 3,489 feet, is visited by over 500,000 people each year. Most of these people are attracted to the mountain by the panoramic views that it affords, which range from San Francisco and Marin to the Central Valley and the Sierra Nevada. However, most of the study area itself is not visible from the summit, since it is hidden from view by North Peak, which sits between the summit and the study area and obscures the immediate foreground of the area. As shown in Figures 40 and 41a, most of the Heartland site and some other lands on the north side of Marsh Creek Road are visible from the Mount Diablo summit, but the southern portions of the study area are hidden behind North Peak.



Legend

- Approximate Area Visible from Summit
- Areas Generally Visible from North Peak
- Areas Visible from Specific Points on North Peak
- Specific Plan Boundary

Note: Boundaries of visible areas are approximate

NORTH

5 Acres

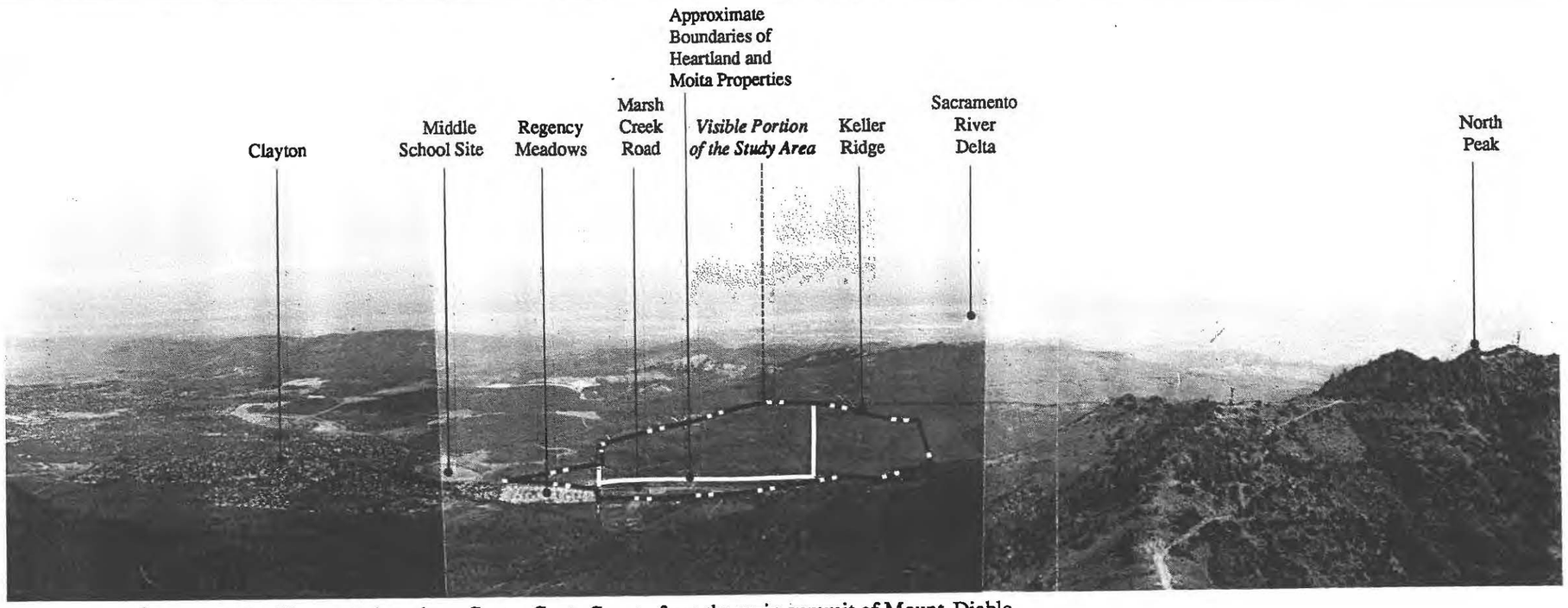
0 300 600 1200

Scale in Feet

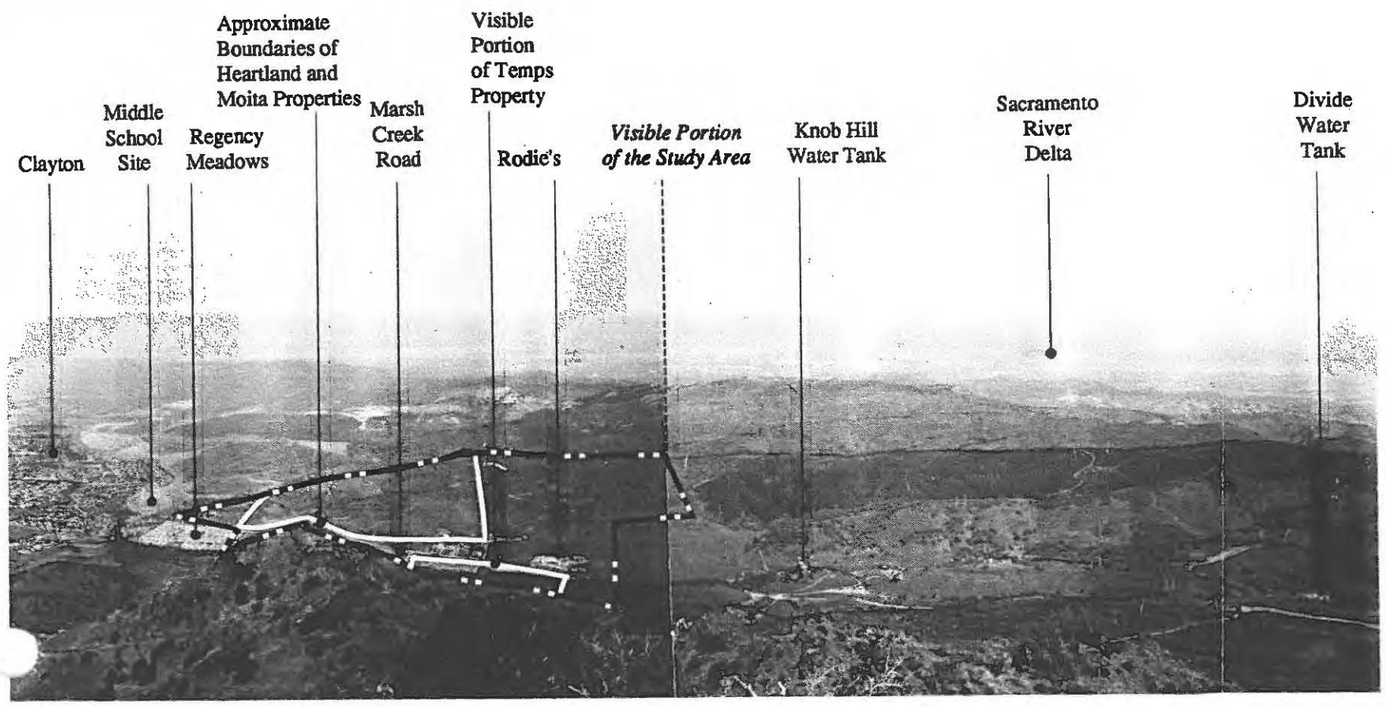
MARSH CREEK ROAD SPECIFIC PLAN EIR

FIGURE 40

Study Area Visibility from Mt. Diablo



41a View of the study area, Clayton and northern Contra Costa County from the main summit of Mount Diablo.



41b View of the study area, Clayton and northern Contra Costa County from North Peak.

FIGURE 41

Views from Mount Diablo

MARSH CREEK ROAD SPECIFIC PLAN EIR

CLAYTON CALIFORNIA

BRADY AND ASSOCIATES, INC. PLANNERS AND LANDSCAPE ARCHITECTS

North Peak is the site of several radio towers, and it is not accessible by car, so it is not visited nearly as much as Mount Diablo's main summit. Moreover, it actually consists of a series of peaks, with the highest to the south and a series of lower crests in a line to the north. Each peak to the north obscures a portion of the study area when viewed from the peak to the south, and the northern-most major peak has much of its view obscured by Mount Olympia, which lies still farther north. As shown in Figures 40 and 41b, this means that most of the southern portion of the study area is hidden by intervening topography when viewed from North Peak, while only the northern portion of the study area can be seen from North Peak. In the view from this peak, the ridge between the Heartland and Moita properties can be seen as the visual border between the developing hillsides of the Oakhurst subdivision and the undeveloped land in the study area. An additional area south of Marsh Creek Road is visible from some particular points on North Peak, but not from others.

Between the main summit and North Peak lies Prospectors Gap, which is a pass between the two peaks. From this area, none of the study area is visible, since it is entirely hidden behind North Peak.

A regional trail connects Mount Diablo State Park with Black Diamond Mines Regional Preserve to the north. This trail runs out of the park along Back Creek and Donner Creek into central Clayton, and then through Peacock Canyon. Due to intervening topography, the study area is not visible from anywhere along this trail.

This analysis shows that within Mount Diablo State Park, only a small triangle of hill slope directly above the study area has unobstructed views of the study area. From most of the park, including the major peaks, the southern portion of the study area is hidden by intervening topography.

2. Heartland and Moita Properties

These two adjacent properties are grouped in this section since they have very similar visual characteristics and views.

a. Visual Character. The Heartland and Moita properties can be characterized as rural ranchland with variable topography, with rough dirt roads leading to the interior of the properties. Site vegetation consists of open grasslands and stands of oak trees. There are two visually prominent ridgelines in the northern and southern portions of the property. These ridges contain very steep slopes. The more level portions of the site occur near Marsh Creek Road to the south. Figure 38a shows views of the sites taken from the upper elevations of the property and Figure 38b shows views of the properties from Mt. Diablo.

b. Views from the Sites. Views of the entire study area, Mount Diablo and parts of Clayton are available from the upper elevations of the Heartland and Moita properties. Views south towards Marsh Creek Road are blocked by intervening topography at lower elevations. Figure 40a shows views of the study area and Mount Diablo from the Heartland site. As shown, the visual character of this view is rural and mountainous.

c. Views of the Sites. As shown in Figure 39, a narrow view of the properties is available from Marsh Creek Road from the west near the gateway to the study area. East of the western gateway, views of the sites are inhibited by steep slopes north of Marsh Creek Road. A narrow view of the southeastern corner of the Heartland site up to the east-west ridge is available from the Marsh Creek Road looking east from the area near the Temps property.

The sites are partially visible from some portions of suburban east Clayton. As shown in Figure 40, the sites are entirely visible from both the Summit and North Peak of Mt. Diablo.

3. Temps Property

a. Visual Character of the Site. The gently sloping northern portion of this property is defined by its open grassland, Christmas tree farm and riparian vegetation along Mt. Diablo Creek along the property's northern boundary. The Temps property is largely undeveloped with the exception of the Christmas tree farm and a large, one-story single-family home located on an elevated portion of the property above Marsh Creek Road. Figure38a depicts the site's overall characteristics.

b. Views from the Site. Mt. Diablo is visible to the south of the property. Keller Ridge is visible to the northwest from higher elevations of the site; however, views to the northwest from lower elevations of the site are limited by intervening riparian vegetation. Views are available of the Northern Hill area to the northeast from both the lower and upper elevations of the site. As shown in Figure 36a, the Rodie's property, which now accommodates unsightly mobile home and trailer storage, is located immediately north of the site across Marsh Creek Road.

c. Views of the Site. Views of the existing home and the interior of the property from Marsh Creek Road are intermittent because of intervening riparian vegetation and topography. The Christmas tree farm is screened from view from Marsh Creek Road by riparian vegetation along Mt. Diablo Creek; however, it is visible from Russellmann Road.

As shown in Figure 40, the site is partially visible from Mt. Diablo's North Peak, but not from the Summit. No other views are available of the property from outside of the Study Area.

B. Impacts and Mitigation Measures

1. General Plan Amendment and Specific Plan Area

Impact VIS-P1: Development under the Specific Plan would change the study area's appearance from rural residential and agriculture to suburban. (S)

The Plan would allow construction of 305 single family residential structures and one neighborhood convenience store. All existing vegetation would be removed from the construction sites, including mature trees that may not be easily replaced by specimens of similar size. The overall density of development and uniformity of houses to be constructed would be a significant departure from the more haphazard rural-residential development and agricultural uses that currently exists in the area, and it would block views across open space that exists on other portions of the study area.

Mitigation Measure VIS-P1: There is no specific mitigation measure available for the overall impact on the study area's visual character. However, the Specific Plan consists of various plans and policies that would partially reduce this impact. The following plans and policies would somewhat mitigate the overall visual impact of development under the Plan:

- Plan policy LU-5 indicates that the visual integrity of Mount Diablo shall be preserved by prohibiting development on the lower slopes of the mountain in the southern portion of the study area.
- Plan policy LU-6 recommends that the natural sense of enclosure in the study area be preserved by locating development so as not to be silhouetted against the sky along ridgelines.
- Plan policy LU-7 states that the visual integrity of the entire study area shall be preserved for viewers in existing portions of Clayton and for travellers along Marsh Creek Road by carefully siting any development.
- The Plan contains numerous design and development standards, such as architectural and streetscape treatments which are in keeping with the rural residential character of the existing study area.

Impact VIS-P2: Views of the study area from Marsh Creek Road, a designated scenic corridor, would be changed to more suburban views in the western portion of the study area. (S)

Marsh Creek Road is a designated scenic route, and it currently offers panoramic views of much of the Mount Diablo Creek corridor and the surrounding hillsides. Any development in this corridor is likely to have significant visual impacts when viewed from Marsh Creek Road. There is no mitigation measure available for the overall impact on the road's visual character.

However, the Specific Plan consists of various plans and policies, as mentioned above, that would partially reduce this impact. Building design, siting, landscaping and architectural treatments would be more in keeping with the rural residential character of the surrounding area, reducing any abrupt visual changes in setting as one travels along Marsh Creek Road. Setbacks and vegetated berms along Mt. Diablo Creek, which parallels the road, would further reduce any visual impact the development may have.

Impact VIS-P3: Development Areas allowed under the Specific Plan would be visible from the peak of Mount Diablo, an important viewpoint for recreational users. (S)

By comparing Figure 4, which contains proposed land uses, and Figure 40, which shows study area visibility form Mount Diablo, Development Area designations A1, A2, A3, B1 and B2 are visible from both the Summit and the North Peak of Mount Diablo. Development Area designations C1, C2 and C3 are visible from the Summit and specific points on North Peak. Development Area E1 is generally visible from North Peak only.

There is no mitigation measure available for the overall impact of Development Areas visible from Mount Diablo. However, the Specific Plan consists of various plans and policies that would partially reduce this impact. According to the Plan, the visual integrity of Mount Diablo is to be preserved by prohibiting development on the lower slopes of the mountain in the southern portion of the study area.

2. Heartland Property

Impact VIS-H1: Development under the Specific Plan would change the Heartland site's appearance from rural residential and agriculture to suburban. (S)

Development of the Heartland site would include the construction of 90 single family residential structures, along urban style roadways with curbs, gutters and sidewalks. Much existing vegetation is likely to be removed from construction sites, including

mature trees that may not be easily replaced by specimens of similar size. The overall density of development and uniformity of houses to be constructed would be a significant departure from the open grazing land that currently exists in the area.

There is no mitigation measure available for the overall impact on the site's visual character. However, the Specific Plan consists of various plans and policies, as mentioned previously, that would partially reduce this impact. The Plan's design and development standards, and architectural and streetscape treatments are in keeping with the rural residential character of the existing study area. The Plan also recommends that the natural sense of enclosure in the study area be preserved by locating development so as not to be silhouetted against the sky along ridgelines. Both of these policies would help to reduce the project's overall visual impact.

Impact VIS-H2: The Heartland project would include four lots on the northern edge of Development Area A1, and nine lots near the southwestern limits of Development Area A3, which could have visual impacts. (S)

The area at the north edge of Development Area A1 is at the top of a creek that flows down to the west, and views from the developed portions of Clayton to the west extend up to this unvegetated area. Lots 59 through 62 are in this area and could be visible from the Oakhurst playing fields or developed portions of Clayton. The area in and near the southwest of Development Area A3 may be visible from Marsh Creek Road and serve as a visual gateway to the area. Lots 1 through 4, 84, 85 and 88 through 90 may all be visible from Marsh Creek Road.

> Mitigation Measure VIS-H2: The applicant should provide visual simulations of the project as seen from Marsh Creek Road, the Oakhurst playing fields and developed portions of Clayton. If houses are shown to be visible, then their visual impacts should be mitigated to meet the approval of the City, or they should be eliminated from the project.

Due to visibility concerns, the Specific Plan prohibits development with building pads on slopes over 26 percent on the west face of Keller Ridge. The project's consistency with this requirement is assessed in Section 4.6 of this EIR, which includes a complete analysis of slope compatibility.

A limited number of units in Development Area A2 would be visible from a small portion of the Regency Woods neighborhood in the City of Clayton. Since a small number of homes in a private residential area would be able to view a small portion of development in area A2, which is surrounded by undeveloped ridgeline, this is not considered a significant impact.

3. Temps Property

Impact VIS-T1: Development under the Specific Plan would change the Temps property appearance from rural residential and agriculture to suburban. (S)

Development of the Temps site would include the construction of 40 single family residential structures, along urban style roadways with curbs, gutters and sidewalks on the northern portion of the site. Much existing vegetation is likely to be removed from construction sites, including mature trees that may not be easily replaced by specimens of similar size. The overall density of development and uniformity of houses to be constructed would be a significant departure from the open land that currently exists in the area.

There is no mitigation measure available for the overall impact on the site's visual character. However, the Specific Plan consists of various plans and policies, as mentioned previously, that would partially reduce this impact. The Plan's design and development standards and architectural and streetscape treatments are in keeping with the rural residential character of the existing study area.

4. Moita Property

Impact VIS-M1: Development under the Specific Plan would change the Moita property appearance from rural residential and agriculture to suburban. (S)

Development of the Moita site would include the construction of 10 single family residential structures, along urban style roadways with curbs, gutters and sidewalks. Much existing vegetation is likely to be removed from construction sites, including mature trees that may not be easily replaced by specimens of similar size. Although this impact would be limited to development areas, the overall density of development and uniformity of houses to be constructed would be a significant departure from the open land that currently exists.

There is no mitigation measure available for the overall impact on the site's visual character. However, the Specific Plan consists of various plans and policies, as mentioned previously, that would partially reduce this impact. The Plan's design and development standards and architectural and streetscape treatments are in keeping with the rural residential character of the existing study area.

Impact VIS-M2: Lots 5 through 11 would be located at the top of a ravine on the site, which is visible from developed portions of Clayton and is partially visible from the Oakhurst playing fields. (S)

The siting of homes on Lots 5 through 11 appears to be approximate, and it is impossible to assess whether homes on these lots would be visible from surrounding areas until more exact siting studies are complete and the cover provided by surrounding vegetation can be assessed. If homes were visible in this area, it would be a violation of Specific Plan Policy LU-7, and would result in a significant impact on visual resources for viewers from open space and roadway areas.

> Mitigation Measure VIS-M2: The applicant should provide visual simulations of the project as seen from Marsh Creek Road, the Oakhurst playing fields and developed portions of Clayton. If houses are shown to be visible from these areas, then their visual impacts should be mitigated to meet the approval of the City, or they should be eliminated from the project.

Due to visibility concerns, the Specific Plan prohibits development with building pads on slopes over 26 percent on the west face of Keller Ridge. The project's consistency with this requirement is assessed in Section 4.6 of this EIR, which includes a complete analysis of slope compatibility.

5. Cumulative Impacts

Buildout of the Specific Plan would significantly change visual character in the study area from agriculture and open space to suburban residential. However, Specific Plan implementation should help to eliminate the possibility of the cumulative loss of agricultural and open space land in the north eastern portion of the study area and farther east from it.

Specific Plan Policy RE-1 states that no lands outside the identified limit of urban development are to be developed in the future. Other policies call for the preservation of trees, the maintenance of rural character, and the abstention from building on ridgelines. These policies will help to preserve the overall rural visual character of the study area.

The Specific Plan also includes measures to strengthen and enhance agricultural uses in the study area. Examples of such measures are Policy LU-10, which states that services will not be extended to non-development areas. A lack of infrastructure in rural areas should help to ensure that development does not continue to the east in or beyond the study area in the future. This would also preserve the overall rural character of lands to the east of the study area.

4.10 Archaeological and Historical Resources

■ ■ ■

A. Existing Setting

1. Specific Plan Area

This section examines both prehistoric and historic baseline cultural resources data for the Marsh Creek Specific Plan study area. It is based on archaeological and historic archival data for the entire plan area, field surveys of the Heartland, Temps and Moita properties, and a general drive through most of the study area. Although the entire Marsh Creek Specific Plan area was not subjected to an archaeological reconnaissance, accessible roads were driven to try to obtain a general overview of the project area. These included Marsh Creek Road, Russellmann Road, and Pine Lane.

Archival information was obtained from the Map, Earth Sciences, and Bancroft Libraries of the University of California, and from the Clayton Historical Society. In addition, a records search was made at the Information Center of the California Archaeological Inventory, Sonoma State University, for previous archaeological work in the area and for locations of recorded archaeological sites. Contact was also made with the Lowie Museum at the University of California, Berkeley, the Treganza Museum at San Francisco State University, and California State University, Hayward with regard to specific sites located in the study area.

To date, not more than roughly 200 of 1,750 acres in the study area have been subjected to systematic cultural resources reconnaissance. The sites identified in this report were found through archival research and a very cursory survey of the area. Large portions of the study area were not available for even a cursory drive-through. Other historic structures may exist in the area, and it is likely that other prehistoric sites exist as well.

a. Ethnographic and Historic Overview. The study area is located on the north slopes of Mount Diablo, one of the most storied landmarks of California. The mountain's isolation, its large size relative to the surrounding countryside and its strange natural features gave rise to numerous legends. Many of the Native American

and Anglo legends focused on the marvelous or diabolical, and Indian myths stated that the place was the home of the evil spirit or devil.[1]

The Clayton area was an important home for Native Americans, and many use sites still exist in the region. However, the Anglo history of the immediate study area and environs is more prosaic, focusing on agriculture and recreation. Nearby mines, located outside the study area to the northeast and southeast, often provided a market for agricultural products and helped supply the people who needed recreation. In more recent times, the study area has become increasingly interconnected with both the town of Clayton and the outside world.

(1) Native American Settlement. Prehistorically, the study area was probably within the ethnographic territory of the Volvon (or Wolwon) group of Bay Miwok speakers. The Bay Miwok spoke one of the five languages classified within the Eastern division of the Miwok language family. Bay Miwok territory extended approximately from Walnut Creek eastward to the Sacramento-San Joaquin delta, and from just south of Mount Diablo north to Suisun Bay. There is some uncertainty as to exact tribelet boundaries, but it is believed that the Volvon tribelet was probably centered in the Clayton area, holding the upper reaches of Mt. Diablo Creek.[2]

It appears that sedentary village life for these Native Americans began between 2500 B.C. and A.D. 1, and that an increasingly complex social organization gradually evolved, including an "evolution from an egalitarian society...to a system of social ranking based upon ascribed status."[3] At various times, influences from both the Napa area and the Delta-San Joaquin Valley region arrived in the Contra Costa area, probably based on both diffusion and population movements.[4]

The Bay Miwok were successful intensive food collectors and hunters who utilized a wide range of resources in a very favorable environment. Plant foods in great variety were gathered on a seasonal basis, with acorns the most important vegetal staple, since they could be stored in large quantity. Deer, elk, and antelope were the most important large game hunted. Game birds, waterfowl, and fish were other major food sources which particularly thrived in the sloughs and marshes of the Delta area.[5]

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[1] Hoover *et al* (1966). Page 50.

[2] See Milliken, 1982; Bennyhoff, 1977 and Levy, 1978.

[3] Moratto, 1984:264.

[4] Fredrickson, 1965:19; 1973:127.

[5] Bennyhoff, 1977.

The population of Bay Miwok groups was probably never very great. Levy[6] estimates no more than 1,700 people lived in all Bay Miwok groups at the time of European contact. Mission records show that 102 Volvon were baptized between 1803 and 1806,[7] and the number of baptized Bay Miwok may have represented about one-quarter of the total aboriginal population.

The absorption of the Volvon and their neighbors, the Chupcan, who lived in the lower Mt. Diablo Creek vicinity, into the Spanish mission system was apparently not without considerable resistance. Accounts indicate that it was unsafe for Spanish travellers to travel in the interior of Contra Costa County. A series of expeditions of soldiers were sent against the indigenous population between 1800 and 1805. One expedition in the summer of 1805 led by Luis Arguello may have invaded Volvon villages and captured a number of people who were brought to Mission San Jose for baptism.

Missionization of the Bay Miwok in the 18th and 19th centuries was an unmitigated disaster for natives of the region. Disease, dietary deficiency, and declining birth rate at the missions resulted in almost 80% population decline by 1832. This population loss, the mingling of ethnic groups at the missions, and the discouragement of traditional social practices resulted in the almost total disintegration of traditional ways of life. After secularization of the missions in the 1830s, some natives went to work on nearby ranchos, perhaps gravitating to home lands and traditional village sites, but little information is available about this period. Milliken believes that it is likely that some Volvon may have become the work force for Salvio Pacheco on his nearby Rancho Monte del Diablo. During the American era many Indian people were forced from these ranchos, completing the "cultural extermination of the Contra Costa Indian peoples."[8]

The early decimation of the Bay Miwok has left us with deficient cultural information about them, and with uncertainty as to exact territorial boundaries and times of occupation. Preservation of archaeological sites is, therefore, important. Data gathered from these sites would aid in reconstructing Bay Miwok culture history and in answering questions relating to possible pre-Miwok populations, time depth of human occupation in the area, and cultural change.

[6] Page 401.

[7] Milliken, (1982) page 17.

[8] Milliken, 1982:25.

(2) Mining and Early Settlement of the Study Area, 1850s - 1860s. During the Spanish and Mexican era of California's history (1776-1846), the study area was unsettled by European-Americans and was not part of any early land grant. Native Americans exclusively occupied and used the study area during this early period. The history of the region therefore begins with the settlement of nearby Clayton, located one mile northwest of the western boundary of the study area.

The first Euro-American settlers in the study area came during the boom mining period of the late 1850s to mid-1860s. During this period of California's history, mining was of central importance, although industrial and agricultural pursuits were growing rapidly. Joel Clayton, the founder of the town which still bears his name, was himself mining oriented, and he reportedly settled at what became Clayton because of the signs of coal deposits in the vicinity.[9] Coal, soon to be a key element in the industrialization of San Francisco, was found in quantity a few miles north of Clayton within a few years. Three towns, Nortonville, Somersville, and Stewartsville, rapidly sprang into existence as coal mining centers during the early 1860s. Nortonville, the closest of the three, was located about three miles east-northeast of Clayton. Clayton became a supply center for this and other nearby coal mining towns, and also served as a social and recreational center, with dance halls for the miners.[10]

Clayton was also the central supply point for the short-lived Mount Diablo mining boom which took place during the summer of 1863. By then, Clayton had developed into a small town with 20 buildings, including two hotels,[11] and it was also connected by stage with Oakland. Miners in the area hoped to discover paying quantities of gold, silver, mercury, coal and other minerals, but they were unsuccessful, and the boom quickly died.

While the mineral rush soon burst, one long lasting mine did result from the intense prospecting efforts during 1863. This was the Welch Quicksilver Mine, which continued to produce mercury from cinnabar off and on until at least 1950.[12] This mine was located in Section 29, about half a mile southeast of the southeast corner of the study area. This mine, also called the Ryne Quicksilver Mine and the Mount

[9] Munro-Fraser, 1882:469; Historic Record Company, 1926:171.

[10] Pettitt, 1969:53, 78; Oakland Tribune, March 29, 1964:7-FL.

[11] Daily Alta California, June 18, 1863:1.

[12] Emanuels, 1986:24-26.

Diablo Mine, at one time produced up to 85 flasks of mercury per month. It was the only commercially valuable quicksilver mine in Contra Costa County.[13]

(3) Early Agriculture. The establishment of both Clayton and nearby mining communities created a demand for agricultural products, making it attractive for small farmers to take up the surrounding public land. Land along Mt. Diablo Creek east of the town was especially attractive to settlers and was already taken up by the 1860s. A public land survey map of the area dated 1867 shows three houses already in existence in the project area in the northern half of Section 19.

The early agriculturalists of the project area found that raising livestock, vegetables, grapes, and orchard products were the most productive uses of the land. Since this region had relatively poor transportation (no railroad or water transportation facilities connected Clayton to the outside world), the farms which developed tended to be diversified and relatively self-sufficient. A local family could live on its own farm produce, together with occasional outside employment and some produce sales. This was the case for a number of prominent families of the study area, including the Russellmann, Frank, Hawes, and Llewellyn families. These families and others built a number of houses in the project area, some of which burned or were otherwise destroyed over the years, and others which still survive.

An 1885 map details the land ownership of the study area as of that point in time. Landowners in the area are defined as McLaughlin, Chapman, Hawes, Llewellyn, Russelmann, Marsh, McDonald and Gondie. Details about the lives and activities of most of these families are unknown, but some information about the Russelmann and Chapman families is available.

H. Fredrick Russelmann, the first member of this family to arrive in the area, purchased land from Joel Marsh in 1876. Joel Marsh was not related to John Marsh, for whom Marsh Creek and Marsh Creek Road are named. Russelmann grew vegetables, had an orchard, and raised livestock. He and his family sold their produce first in the coal fields, then, after the demise of the coal towns, in Pittsburg.[14]

George O. Chapman, a native of New York, was in the Mexican-American War, and came to California in 1849. In the 1850s he joined William Walker's ill-fated expedition to try to conquer and rule Nicaragua and, following Walker's defeat, came

[13] Ransome and Kellogg, 1939:374; California State Mineralogist, 1888:162.

[14] Easton, 1991. The correct spelling of Mr. Russelmann's name was apparently with one "l," but it has since been misspelled on numerous maps with two "l"s. This report uses "Russelmann" to refer to the family and "Russellmann" to refer to place names.

to Clayton. He built the Clayton Hotel in 1863, and acquired a 160-acre ranch in the study area east of Clayton. His son Charles was born in Clayton and worked on the ranch as a youth.[15]

(4) Recreation. Together with agriculture and nearby mining, recreation provided an additional source of livelihood for the people of Clayton and vicinity. As early as the mid-1860s, residents of San Francisco were traveling to Clayton to enjoy the out-of-doors activities which the Mount Diablo area afforded. A tourist of that era would leave San Francisco by boat, arriving in Martinez, the county seat of Contra Costa. At Martinez there was a four-horse stage waiting which whisked the tourist directly to "Clayton's," about 12 miles away by a good road. "Clayton's" was described as a pleasant little town of about 300 people at the foot of the mountain, "...one of the most beautiful and picturesque localities in the State." Horses were available for rent at Clayton's and a hotel existed for travelers.[16]

The recreational theme continued to be an important one for the study area and environs for many decades. The Russelmann family took advantage of the tourist traffic in the area by building a picnic ground and swimming pool on its land that is south of the Specific Plan area. The place had started out as a family picnic and swimming area, but by 1928 had been made public. The original charge to get in was 10 cents per person or 50 cents per car. The grounds were eventually expanded to include a ball diamond, camping facilities, and dressing rooms for the pool. Family memberships for park use were sold after World War II.[17]

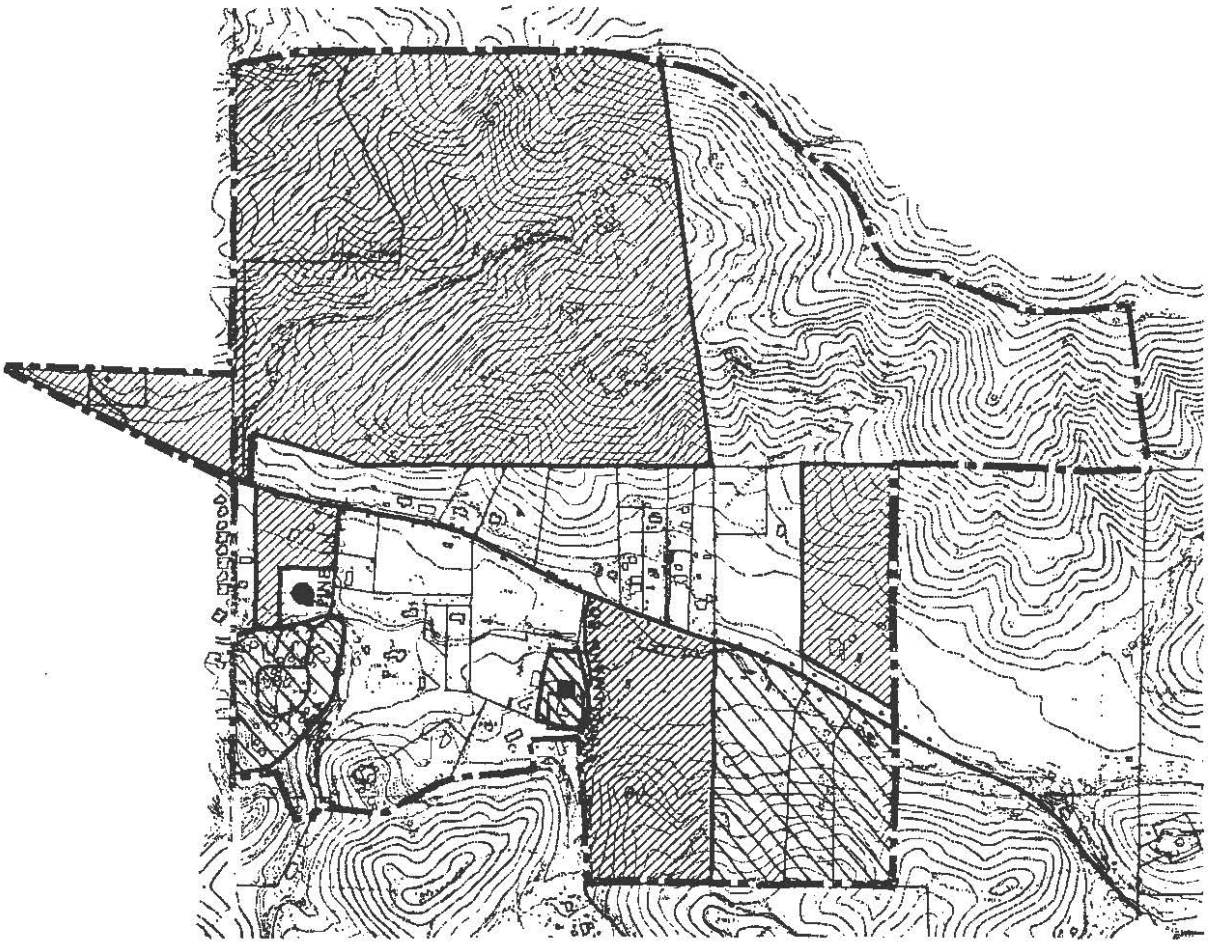
The Chaparral Spring region was apparently also used for recreational purposes. Gus Goethels reportedly owned a cabin there, and a building shows on maps as early as 1898.

b. Known Cultural Resources in the Specific Plan Area. Based on archival research, previous surveys and reconnaissance conducted for this report, it is known that the following cultural resources exist within the study area. The results of the site-specific surveys for the Heartland, Temps and Moita properties are described under their respective "Setting" sections. Locations of previous surveys and historic structures are shown in Figure 42. Exact locations of archaeological resources are not described, in order to protect the resources from possible plundering.

[15] Historic Record Company, 1926:416-417.

[16] Bancroft Scraps, 1867:168.

[17] Easton, 1991.



Legend

- Specific Plan Boundary
- Approximate location of previous cultural resource surveys.
- Cultural resource surveys completed for this report.
- ■ Known Historic Structures
- ● Potentially Historic Structures

Note: This map does not show locations of known archaeological sites, which are not made public in order to protect the resources on site.

NORTH

5 Acres

0 300 600 1200

Scale in Feet

MARSH CREEK ROAD SPECIFIC PLAN EIR

■ ■ ■

FIGURE 42

Cultural Resources in the Study Area

(1) Regional Archaeological Background. In recent years, most archaeological work in the Bay Area has focused on either the San Francisco Bay shore or the Sacramento Delta. There have, however, been a number of relevant excavations in the interior of Contra Costa County. The earliest component thus far identified is from a site in Stone Valley, with a carbon date of about 2500 B.C. Six other components have been identified, ending with a "Late Horizon, Phase 2" component carbon dated at about A.D. 1665 and undoubtedly identified with the Bay Miwok.

Of particular relevance to the study area are excavations conducted in 1980 at Keller Ranch, about a mile and a half to the west of the study area. Excavations were limited to ten excavation units in an area threatened by immediate impact; these units appeared to be off the main and richest part of the site. The excavations, nevertheless, yielded numerous artifacts, human burials, and obsidian hydration readings. Radiocarbon dates indicated the site had been occupied at least from about 1080 B.C. into the late period, and possibly up until Euro-American contact.[18]

(2) Archaeological Sites in the Specific Plan Area. Within the Plan area, there are currently three prehistoric sites recorded, all along Russelmann Creek. Each site is identified by a code number given by the State Archaeological Inventory.

- Ca-CCo-12 was recorded in 1954. According to a 1954 record, the site was impacted by "levelling to make an earth dam."[19] It is located on the west side of Russellmann Road. At least seven burials were found during bulldozing, as well as shell and magnesite beads, obsidian tools, mortars, and bear claws. Only one of the burials was salvaged; the others were destroyed by earth moving. No other systematic excavations were conducted. A systematic on-foot survey and possibly test excavations should be conducted prior to any development activities in this area in order to determine whether portions of the site may remain intact.
- Ca-CCo-312 was originally recorded in 1968 on the Temps property, and some excavation was apparently conducted in that year by San Francisco State University.[20] (See discussion under 3. Temps Property.)
- During the 1969 excavations, site materials were also found on the Temps property and given number Ca-CCo-312a, which was later changed to Ca-CCo-313.(See discussion under 3. Temps Property.)

[18] Holman and Clark, 1982: 144; 153.

[19] Bennyhoff, 1954.

[20] Weil, 1964; Holman and Clark, 1982:22.

Records from the Northwest Information Center of the California Archaeological Inventory, Sonoma State University, indicate that three other small areas within the study area have previously been subjected to archaeological reconnaissance. They comprise approximately 40 acres.[21] Only one study reported the presence of archaeological resources, and this site appeared to be related to one of the three identified above.

(3) Historic Resources. Three historic structures were located during the cursory survey conducted for this Specific Plan project. These structures should be evaluated by an architectural historian. The Llewellyn house is a particularly well preserved example of local Victorian era architecture and may qualify for the National Register of Historic Places.

- The Llewellyn House, a Victorian era two-story frame dwelling dated to about 1880, is located on the Cooper property south of Marsh Creek Road on the west side of Russellmann Road. Although currently vacant, this structure is in excellent condition and undoubtedly is one of the significant historic structures in the project area. This house was once owned by the Easton family, who today own much of the adjoining property and are descendants of H. Frederick Russelmann, a pioneer settler in the area.
- A house and barn are located in the northwest quarter of Section 19, on the Shirley property south of Marsh Creek Road. According to maps, these structures date to sometime between 1898 and 1953 and may thus be over 50 years of age. The barn is quite dilapidated and has asphalt siding. A cursory inspection of the house from a distance indicated that it had been subject to a number of modifications.

(4) Areas of Greatest Potential for Presence of Cultural Resources. Prehistoric site settlement patterns in the interior of Contra Costa County, as well as the location of recorded sites in the immediate vicinity of the project, indicate that much of the study area holds a high potential for prehistoric sites. Particularly likely areas that may hold sites are near water courses and ridgelines, as described below:

- The presence of fresh water was an important variable in determining Native American settlement locations. All areas within several hundred meters of watercourses or springs must be considered of high sensitivity. This would include all of the Mt. Diablo Creek floodplain, Russellmann Creek, and areas adjacent to the unnamed intermittent or seasonal streams which empty into Mt. Diablo Creek.

[21] Bieling and Winters, 1985; Holman, 1982; Quick, 1987.

- In prehistoric times, ridgelines were also often used as transportation or hunting routes. Keller Ridge at the northern boundary of the project area, and secondary ridges north and south of Mt. Diablo Creek should therefore be considered of high sensitivity.

In addition to historic structures, there is a potential for historic archaeological sites in the area. Examples of such potential sites are outlined below:

- An 1867 map shows two houses (the Jones House and the Clark house) located on the north side of Mt. Diablo Creek, as well as the Marsh house located south of the creek.[22]

In sum, predictive factors may be different for prehistoric and historic sites. The only sure way to verify the presence or absence of sites and historic structures in the remaining 1,550 acres of the study area is to conduct an intensive on-foot cultural resources survey.

A trash dump, located in a drainage at the southwest corner of the property and extending slightly into the Moita property, was observed in 1991. It was thought to date from the 1950s to the 1960s. It contained 1960s-era composite aluminum pop-top cans; church-key opened Pabst beer cans; screw-top Clorox bottles; vanilla bottles; coca-cola and brown beer bottles; a Dr. Swett's Root Beer bottle ("Rich in Dextrose"); representational bottles such as a football-shaped and a motorcycle-shaped bottle; ceramic fragments, including patterned china; a lunch box; a book; an old kerosene stove; and large cow bones".

Because no obvious materials over 50 years of age were noted, the dump was not considered significant and was not recorded as an archaeological site. By the time of the 1992 survey, the trash dump had been cleaned up. Bottles and cans were neatly bagged and placed on a nearby knoll, waiting to be hauled away. All that remains of the trash dump are a few small pieces of rusted metal and some bedspring fragments.

2. Heartland Property

An on-foot archaeological reconnaissance of approximately 155 acres was conducted for the Specific Plan in February 1991. The survey included the Heartland site and three smaller properties along Marsh Creek Road. A records search was also conducted for the site.

For this survey, the ground was covered in systematic parallel transects spaced approximately 15 to 50 meters apart, depending on the steepness of the terrain. The

[22] Upson, 1867.

ground was inspected for evidence of cultural occupation, including midden soil, bone, shell, modified lithic materials, fire-cracked rock, and historic structures, debris, and features. The survey uncovered no cultural resources on the Heartland property.

3. Temps Property

a. Known Cultural Resources on the Temps Property. A record search conducted at the California Archaeological Inventory Office, Sonoma State University, Rohnert Park, indicated that prehistoric sites Ca-CCo-312 and Ca-CCo-313 were recorded within the Temps property project area.

Ca-CCo-312 was originally recorded in 1968 on the property and apparently some excavation was conducted in early 1969 by San Francisco State University.[23] Contact with the Treganza Museum at San Francisco State University elicited the information that some artifacts are curated there, but no site report exists. Research notes on the San Francisco State collection by Milliken (1986) indicate that two burials were excavated associated with many burned beads. A steatite pipe was also recovered. Also in 1969, excavations were conducted by California State University, Hayward. At least 1,000 artifacts and 15 burials were produced, with artifacts indicating that "occupation began during the initial stages of Phase I Late Horizon [ca. 700 A.D. to 1000 A.D.] and terminated after the introduction of desert side-notched points ca. A.D. 1450".[24] During the 1969 excavations, site materials were also found at a second site and given number Ca-CCo312a, which was later changed to Ca-CCo-313. The site record for Ca-CCo-313 is currently missing. Susanne Baker reviewed field notes at California State University, Hayward in March 1991. These show that two test units were excavated in Ca-CCo-312a (Ca-CCo-313), but descriptions of this site are lacking. Unfortunately, analysis and final site reports for the Hayward excavations at Ca-CCo-312 and Ca-CCo-313 were never produced. No attempt was made to accurately define site boundaries for either Ca-CCo-312 or Ca-CCo-313.

In July of 1987, Polly Quick conducted an assessment at a specific location adjacent to the project area. It was determined that some archaeological deposit exists. Exact site boundaries could not be determined at that time.[25]

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[23] Weil 1964; Holman and Clark 1982:22.

[24] Green 1970.

[25] Quick 1987.

b. Archaeological Reconnaissance. On April 23, 1991, Suzanne Baker and Michael Smith of Archaeological/Historical Consultants conducted an archaeological reconnaissance of the Temps property. A Native American observer, Andrew Galvan, accompanied the surveyors. Prior to survey, the property owners, Phyllis and Martin Easton, pointed out the approximate location where the 1969 excavations had taken place.

The ground was covered in systematic parallel transects, spaced approximately five meters apart. The ground was inspected for evidence of cultural occupation, including midden soil, shell, bone, modified lithic materials, fire-cracked rock, and historic debris and features.

Most of the property is planted in small Christmas trees. Ground visibility was generally excellent as virtually all grass and shrubs had been removed. There was some vegetation, such as blackberries, along the banks of both creeks, which precluded observation of the banks. A graveled parking lot in the west central part of the property was also an impediment to visibility.

A dense scatter of lithic materials, including obsidian and chert debitage and artifacts (six obsidian projectile points or projectile point fragments were noted), groundstone, fire-cracked rock, and a small amount of shell and burned bone fragments were found in the project area. This was the center of site Ca-CCo-312. These materials were fairly dense in places and scattered lightly in other locations on the property. It seemed likely that much of this material was scattered by agricultural activities.

In order to better determine approximate site boundaries, ten auger holes were excavated with a 6" bore hand auger. It seems clear that Ca-CCo-312 and 313 are one continuous site. A revised, combined, site record was prepared for the site.

Without intensive subsurface test excavation, precise locations of boundaries of archaeological sites are difficult to determine since surface manifestations do not always reflect the presence or absence of subsurface deposits. However, the intensive archaeological reconnaissance, excellent surface ground visibility, and hand augering have allowed better site boundary definition for Ca-CCo-312 and -313 than was previously known.

c. Historic Resources. No sites currently listed on the National Register of Historic Places or the California Inventory of Historic Resources are within the Temps property project area.

4. Moita Property

On November 24, 1992, Michael Smith of Archaeological/Historical Consultants conducted a one-foot reconnaissance of the project area. As much as possible, the ground was covered in systematic parallel transects, spaced at twenty-meter intervals. The ground was inspected for evidence of cultural occupation, including midden soil, bone, shell, modified lithic materials, fire-cracked rock, and historic debris and features.

All parts of the property were inspected. Ground visibility was fair in most of the project area, obscured only by dry grasses kept low by grazing. On or near the central hilltop, construction activities had already commenced at the time of survey and ground visibility was excellent since grasses had been cleared and in some areas the soil had been turned over during excavation for house foundations, the septic system, percolation tests, and the storage tank.

Disturbances to the area have been moderate. Construction activities noted above have been confined to the central hilltop. All parts of the project area have been exposed to some erosional disturbance due to cattle grazing.

In this survey, no cultural resources were discovered on the Moita property.

B. Impacts and Mitigation Measures

1. General Plan Amendment and Specific Plan Area

Impact ARCH-P1: The study area has a high potential for the presence of both prehistoric and historic sites, and several pre-historic and historic cultural resources are known to exist in the area. (S)

Mitigation Measure ARCH-P1:

a. Any areas of development work or road construction which have not yet been subjected to reconnaissance should be subjected to on-foot archaeological survey and historical architectural evaluation of all standing structures over 50 years of age before any development occurs. This has already been completed for the Heartland, Temps and Moita properties through this EIR.

b. Archaeological and historical resources identified in the area, but not yet thoroughly researched and documented, including historic houses, graveyards and Native American sites, should be subjected to more extensive field and archival research before any development occurs on or around them.

c. In the event that cultural resources are uncovered through investigations or construction activities on development parcels, no land or structure alteration should occur in the area of the resources until they are assessed and documented by a qualified archaeologist. A course of action regarding the resources, possibly including site documentation, relocation and/or preservation, should be agreed to by all interested parties before construction begins or continues.

d. If a project site contains a building or structure 45 years old or older, the structure should be evaluated by an architectural historian familiar with the history of Contra Costa County. Any mitigation measure suggested by the architectural historian should be implemented by the applicant.

2. Heartland Property

Archaeological and historical surveys have been conducted on the site and no resources have been found. However, buried or subsurface sites may still exist and could be encountered during land alteration activities associated with the proposed project. This could create a significant impact if uncovered cultural resources are damaged. This potential impact would be mitigated through Mitigation Measure ARCH-P1c.

3. Temps Property

Impact ARCH-T1: The Temps project could impact archaeological resources on the site, including sites Ca-CCo-312/313. (S)

Numerous artifacts were recovered during excavations in 1969 and at least seventeen burials were reported as having been removed from the central site area. Thus the site not only has importance archaeologically, but is of considerable concern to the Native American community.

Most of the Temps project has been designed to avoid development on areas with known archaeological resources. However, several lots lie on an area identified as containing a light scatter of archaeological resources. It is not possible to tell whether archaeological resources are buried on these sites until grading and excavation occur.

Mitigation Measure ARCH-T1:

a. Because of the potential for human burials, a Native American observer, approved by the Native American Heritage Commission, should be requested to monitor all grading, excavation and archaeological testing.

b. In the event that cultural resources are uncovered through investigations or construction activities, no land or structure alteration should occur in the area of these resources until they are assessed and documented by a qualified archaeologist. A course of action regarding the resources, possibly including site documentation, relocation and/or preservation, should be agreed to by all interested parties before construction begins or continues.

Impact ARCH-T2: The development of parkland within the Temps property could impact archaeological resources. The site plan has been prepared to maintain any known archaeological resources on the site, but development of parkland may have an impact on an archaeologically important site. (S)

Mitigation Measure ARCH-T2:

a. Prior to construction, the park site should be covered with a layer of sand and then a layer of fill to protect any artifacts. The layer of sand should be placed to indicate at what level the original site was located if future excavation were to occur. The layer of fill should be of sufficient thickness to accommodate underground utilities, such as sprinkler system pipes.

b. A deed restriction should be placed on this property so that if property transfers are made in the future, prospective owners would be apprised of the fact that an archaeological site containing Native American burials is on the property and that it should be protected.

4. Moita Property

Archaeological and historical surveys have been conducted on the site and no resources have been found. However, buried or subsurface sites may still exist and could be encountered during land alteration activities associated with the proposed project. This could create a significant impact if uncovered cultural resources are damaged. This potential impact would be mitigated through Mitigation Measure ARCH-P1c.

5. Cumulative Impacts

Since cultural resource impacts occur on a site-specific basis, no additional cumulative impacts on cultural resources would occur through development under the Specific Plan in conjunction with other development in the region. Mitigation of site-specific cultural resource impacts through relocation, preservation and documentation would eliminate the potential for cultural resource impacts from cumulative development.

4.11 Traffic and Circulation

■ ■ ■

This chapter examines existing and planned roadways and transit, as well as their operational characteristics, as they relate to the study area.

A. Existing Setting

1. Specific Plan Area

a. Regional Roadways. Access to the Clayton region is provided by a number of freeways and arterial roadways. Interstate 680 serves as the primary north-south route through the region, connecting with Interstate 580 to the south in Pleasanton and Interstate 80 to the north in Fairfield. State Routes 4 and 24 are major east-west routes in the project region, connecting central Contra Costa County with Bay Area locations to the west. State Route 242 extends between I-680 and State Route 4, providing an alternate connection between these two freeways.

From these regional freeway routes, access to Clayton is provided by Ygnacio Valley Road, Kirker Pass Road, Clayton Road, and Marsh Creek Road. Ygnacio Valley Road provides the shortest and most direct route to Walnut Creek, I-680 southbound, and State Route 24. East of Clayton Road, Ygnacio Valley Road becomes Kirker Pass Road and this roadway continues for approximately six miles to the northeast to the City of Pittsburg. Clayton Road extends in a northwest-southeast direction between the cities of Concord and Clayton. It provides Concord and Clayton residents with access to State Route 242 just north of I-680. Marsh Creek Road extends in a southeasterly direction from central Clayton to State Route 4 in the Byron-Brentwood area.

b. Local Roadways. Regional and local roadways serving Clayton are shown in Figure 43.

(1) Clayton Road in the project area serves as the primary access to Clayton from areas to the west and north. It has two travel lanes in each direction with a raised median and turn lanes at major intersections. The posted speed limit is

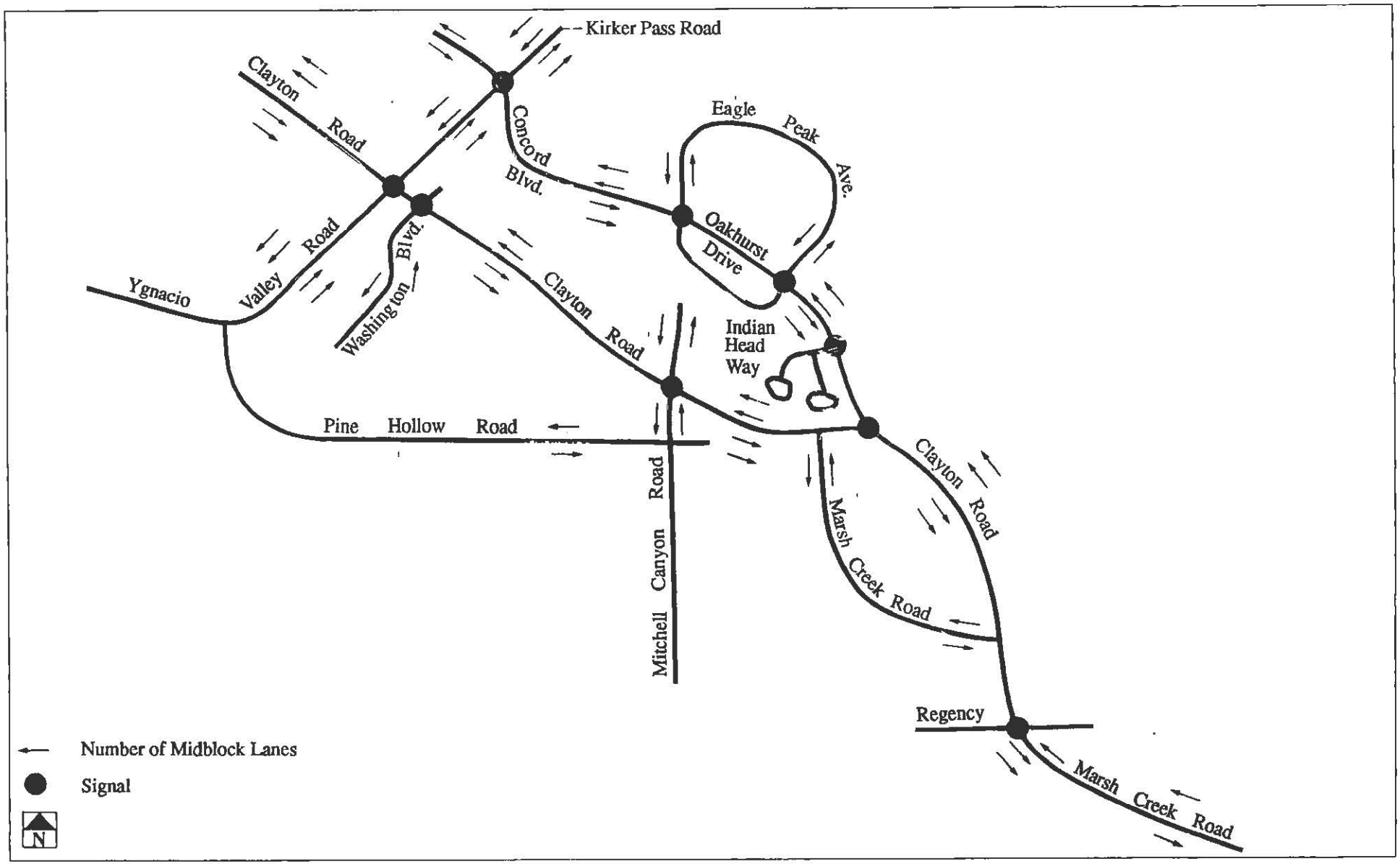

FIGURE 43

Existing Circulation System in Clayton

MARSH CREEK ROAD SPECIFIC PLAN EIR

CLAYTON CALIFORNIA

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35 miles per hour (mph) from Kirker Pass Road to Mitchell Canyon Road, and 25 mph in the town center area. Between El Camino Drive and Mitchell Canyon Road, the road has bicycle lanes in both directions. There are signalized intersections on Clayton Road at Ygnacio Valley Road, Washington Boulevard, Mitchell Canyon Road, Marsh Creek Road (north) and Oakhurst Drive. Clayton Road extends south from Oakhurst Drive to a second (south) signalized intersection with Marsh Creek Road, where it ends, as shown on Figure 43.

(2) Marsh Creek Road extends from downtown Clayton to Byron in eastern Contra Costa County. In central Clayton, it is a two-lane road with turn lanes at some side-street intersections. It has sidewalks, curbs and gutters in areas where new development has occurred, but has unimproved edges on other segments. The posted speed limit is 25 mph. Near the southern end of Clayton south of Marsh Creek Circle, Marsh Creek Road widens but continues as a two-lane road with posted speed limit of 35 mph.

From the Clayton Road (south) intersection to Regency Drive, Marsh Creek Road is a four-lane road with a raised median and turn lanes at major intersections. West of Regency, Marsh Creek Road has two eastbound lanes and one westbound lane. At the west edge of the study area, east of Diablo Parkway, the road narrows to a rural, two-lane road and the posted speed limit increases to 45 mph for eastbound traffic, while remaining 35 mph for westbound traffic. Marsh Creek Road extends southeasterly through the study area and runs roughly 15 miles to Byron.

(3) Concord Boulevard-Oakhurst Drive is a four-lane road that extends northward from Clayton Road to Kirker Pass Road. North of Kirker Pass Road, Concord Boulevard has two lanes and extends through Concord, eventually intersecting with Clayton Road near State Route 242. In Clayton, Concord Boulevard becomes Oakhurst Drive. Concord Boulevard-Oakhurst Drive has traffic signal controls at Kirker Pass Road, Eagle Peak Avenue (both the west [north] and east [south] intersections), Indianhead Way, and Clayton Road.

(4) Pine Hollow Road is a two-lane roadway that connects Ygnacio Valley Road and Alberta Way with Mitchell Canyon Road. This roadway provides an alternate access into Clayton from Ygnacio Valley Road.

(5) Washington Boulevard is a two-lane roadway intersecting Clayton Road south of Ygnacio Valley Road. It serves a shopping center and residential areas southwest of Clayton Road.

(6) Eagle Peak Avenue is a two-lane loop road intersecting Oakhurst Drive at two intersections. It serves residential properties in the northeast area of Clayton.

(7) Mitchell Canyon Road is a two-lane roadway that connects Clayton Road with the north end of Mt. Diablo State Park. It is signal-controlled at Clayton Road.

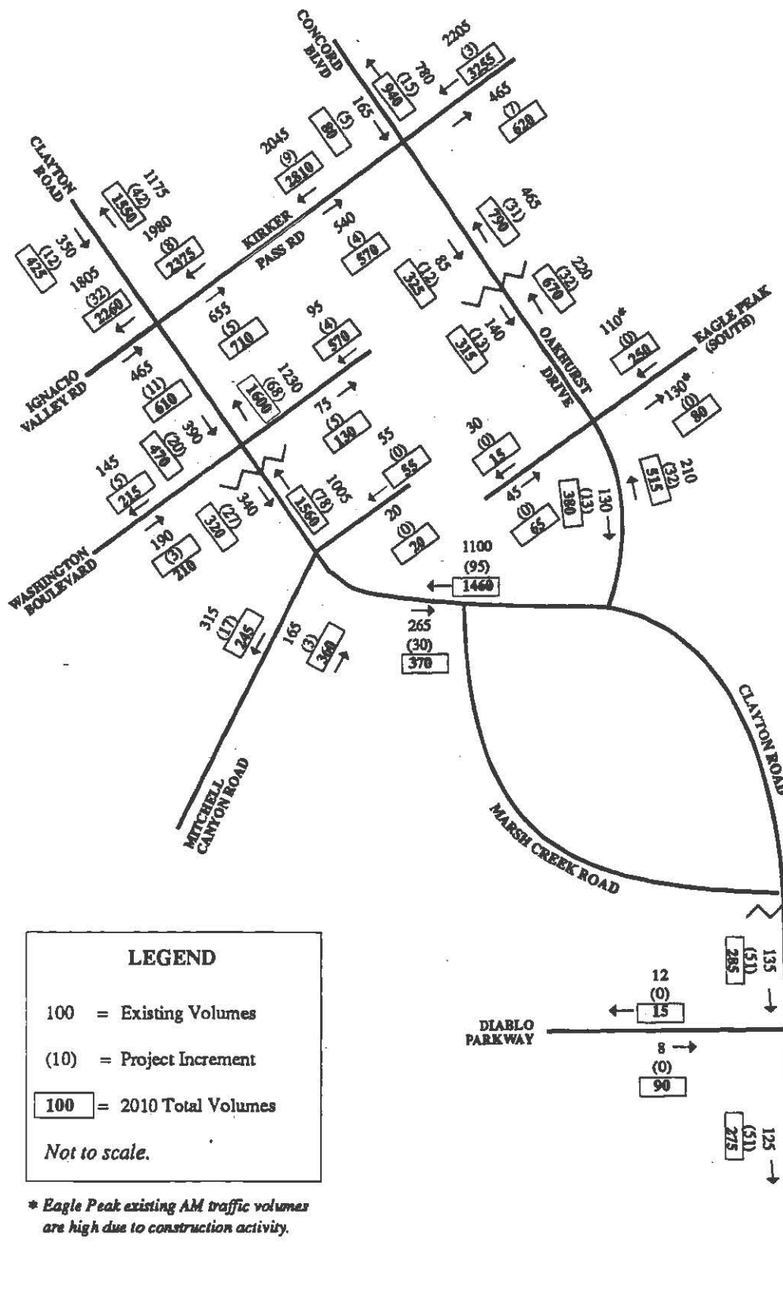
c. Existing Traffic Volumes. Turning movement traffic counts were taken for this study by Crane Transportation Group in February, 1991, March, April and July, 1992, and December 1994 during the weekday AM and PM peak traffic periods. Counts were conducted at the following locations:

- Clayton Road/Ygnacio Valley Road/Kirker Pass Road.
- Concord Boulevard/Kirker Pass Road.
- Clayton Road/Washington Boulevard.
- Clayton Road/Mitchell Canyon Road.
- Oakhurst Drive/Eagle Peak Avenue (east [south]).
- Marsh Creek Road/Regency Drive.
- Marsh Creek Road at the southeast end of the study area.

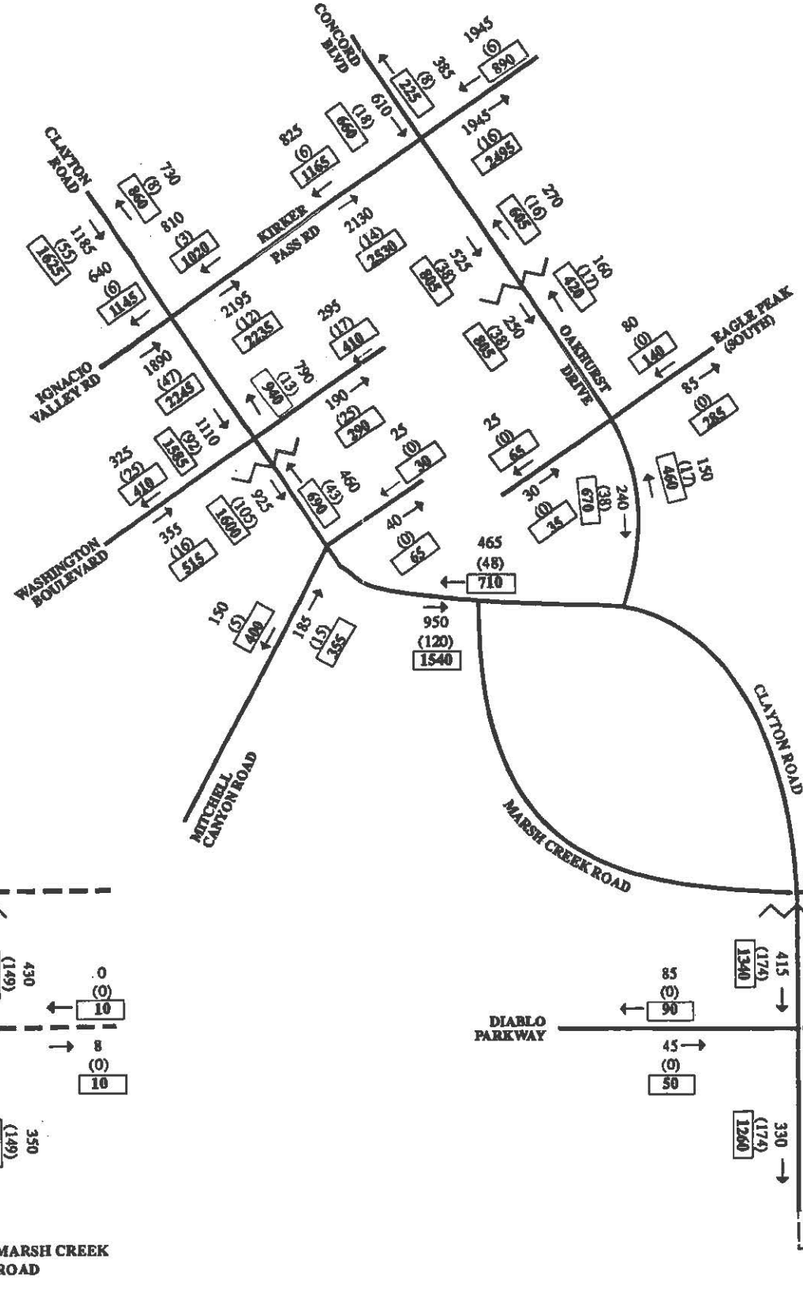
These counts indicated that the AM peak hour occurred between 7:00 and 8:00 a.m., while the PM peak hour occurred from 5:00 to 6:00 p.m.. Turning movement traffic counts were also conducted at various times by Crane Transportation Group and the City of Concord at the Kirker Pass Road/Concord Boulevard and Ygnacio Valley Road/Clayton Road intersections. A summary of these traffic counts is shown in Figure 44.

As shown in Figure 44, the study area currently generates relatively low traffic levels. Traffic counts at project area driveways along Marsh Creek Road indicate that approximately 90 percent of local area drivers travel toward Clayton to the northwest, while the remaining 10 percent travel to the southeast.

d. Intersection Level of Service Operation. When the peak hour demand level of traffic is compared to the capacity of a road, the resulting operating condition or level of congestion is measured by a grading system called Level of Service (LOS). LOS grades may represent operating conditions at intersections or at mid-block points between intersections. However, intersections, rather than roadway segments between intersections, are almost always the capacity-controlling locations for a circulation system. LOS grades range from Level A, indicating uncongested flow and minimum delay to drivers, down to Level F, indicating extreme congestion and delay. At signalized and all-way stop intersections, the LOS grade applies to the entire intersection. At side-street, stop-sign controlled intersections, the LOS grade applies only to specific turning movements. LOS and the grading scales for intersections are further defined in Appendix E. Signalized intersections have been analyzed based



A.M. Peak Hour (7:00 - 8:00)



P.M. Peak Hour (5:00 - 6:00)

Source: Crane Transportation Group

FIGURE 44

AM and PM Peak Hour Approach and Departure Volumes

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MARSH CREEK ROAD SPECIFIC PLAN EIR

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upon Contra Costa County's Measure C level of service software which utilizes the Intersection Capacity Utilization (ICU) analysis methodology. The ICU methodology reports results in a level of service format as well as a volume-to-capacity (V/C) format. The relationship between LOS and V/C ratio is detailed in Appendix E.

Measure C designates roads as "Routes of Regional Significance" and "Basic Routes" throughout Contra Costa County. Minimum acceptable Level of Service standards differ for regionally significant versus basic routes. There are no routes considered regionally significant in Clayton,[1] thus, operation standards for roadway intersections in Clayton are keyed to Measure C land use designations and service level operation standards for basic routes.[2] The two Concord intersections, Clayton Road/Ygnacio Valley Road and Concord Boulevard/Kirker Pass Road involve regionally significant routes (Kirker Pass Road and Ygnacio Valley Road), and the minimum acceptable service level operation standard for these routes is LOS E.[3]

The following summarizes minimum acceptable level of service operation standards applied to study intersections. If service level operation deteriorates below these levels, the intersection operation is considered to be unacceptable:

- Signalized Intersections along Routes of Regional Significance: LOS E — applies to Clayton Road/Ygnacio Valley Road and Concord Boulevard/Kirker Pass Road.[4]
- Signalized Intersections in Downtown Clayton: LOS High D — applies to Clayton Road/Washington Boulevard.
- Signalized Intersections in Residential Clayton: LOS low D (Suburban) -- applies to Oakhurst Drive/Eagle Peak (east [south]) and Clayton Road/Mitchell Canyon Road, and Marsh Creek Road/Regency Drive.

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[1] 1991 Contra Costa Congestion Management Program (CMP), Contra Costa Transportation Authority, adopted October 30, 1991, Draft Routes of Regional Significance: Designations Proposed by Regional Transportation Planning Committees, pp. 11-12.

[2] Technical Procedures, Contra Costa Transportation Authority, Growth Management Program, August, 1992.

[3] Martin Englemann, Contra Costa Transportation Authority, personal communication. This is an interim LOS standard, applicable to intersections when an existing LOS is between A and E (CMP, p. 14).

[4] The Clayton/Ygnacio Valley Road intersection is a "CMP Intersection" because it is the intersection of two CMP 33 principal arterials (Ygnacio Valley Road and Clayton Road north of Ygnacio Valley Road).

Based on traffic counts taken for this report, level of service operation was determined for six study intersections. Tables 22 and 23 indicate that during the AM and PM peak commute hours, there are currently no capacity problems at any analyzed location in Clayton, with all intersections operating acceptably at or better than LOS B during both the weekday morning and evening peak traffic hours. The two primary intersections within Concord providing access to Clayton currently operate acceptably at LOS A during both the morning and evening peak commute hours.

(1) EIR Significance Criteria for Intersections. For the purposes of this report, if intersection operation deteriorates below the acceptable standard due to additions of traffic from project or cumulative development, the traffic impact is considered to be significant, and would require mitigation.

e. Traffic Safety Concerns. At present, there are no unusual or significant traffic safety problems within or immediately north of Clayton.[5] Traffic safety violations within the City primarily relate to drivers not stopping or properly yielding rights-of-way at stop-sign controls in the downtown area. South of Clayton, County accident data indicate that safety problems exist along certain curves on Marsh Creek Road.[6]

f. Planned Road Improvements. Each of the jurisdictions in the study area vicinity has plans to improve roadways and/or intersections in the future.

(1) City of Clayton. The City plans to extend Oakhurst Drive to Center Street, as indicated in Figure 43. The timing for this extension is uncertain, but for purposes of this study it is assumed to occur by project buildout and prior to 2010.

[5] Sergeant Handy, Clayton Police Department, personal communication.

[6] Heather Balinger, Contra Costa County Public Works Department, personal communication.

Table 22
INTERSECTION LEVEL OF SERVICE
AM PEAK HOUR

INTERSECTION	EXISTING	EXISTING + PROJECT	EXISTING + PROJECT + CUMULATIVE
Clayton Road/ Ygnacio Valley Road/Kirker Pass Road	C - .73*	C - .74	E - .92
Concord Boulevard/ Kirker Pass Road	C - .77*	C - .78	F - 1.02 E - .95 (M2)
Clayton Road/Washington Blvd.	A - .47*	A - .49	A - .59
Clayton Road/Mitchell Canyon Road	A - .37*	A - .39	B - .61
Marsh Creek Road/Regency Drive	A - .16*	A - .20	A - .43
Oakhurst Drive/Eagle Peak (east [south])	A - .13*	A - .14	A - .29

LOS: Level of Service
V/C: Volume to Capacity Ratio
* All study intersections are signalized.

M2 Mitigated with an additional northbound left turn lane, and a southbound through lane.

Level of Service operation for study intersections, all of which are signalized, was calculated using the Contra Costa County Measure C intersection analysis methodology

Source: Crane Transportation Group.

Table 23
INTERSECTION LEVEL OF SERVICE
PM PEAK HOUR

INTERSECTION	EXISTING	EXISTING + PROJECT	EXISTING + PROJECT + CUMULATIVE
Clayton Road/ Ygnacio Valley Road/Kirker Pass Road	B - .65*	B - .66	D - .85
Concord Boulevard/ Kirker Pass Road	C - .73*	C - .73	E - 1.00 D - .90 (M2)
Clayton Road/Washington Blvd.	A - .53*	A - .57	C - .79
Clayton Road/Mitchell Canyon Road	A - .42*	A - .46	C - .75
Marsh Creek Road/Regency Drive	A - 15*	A - .21	A - .44
Oakhurst Drive/Eagle Peak (east [south])	A - .10*	A - .11	A - .27

LOS: Level of Service
V/C: Volume to Capacity Ratio
* All study intersections are signalized.

M2 Mitigated with an additional northbound left turn lane, and a southbound through lane.

Level of Service operation for signalized intersections was calculated using the Contra Costa County Measure C intersection analysis methodology.

Source: Crane Transportation Group

(2) City of Concord. Although not yet approved, the City of Concord proposes to widen Ygnacio Valley Road to its maximum planned width in the vicinity of Ayers Road, just west of Clayton Road. This improvement would be done as part of the California State University at Hayward Extension project to be located adjacent to the Ygnacio Valley Road/Ayers Road intersection. An acceleration lane and a deceleration lane would be provided on Ygnacio Valley Road, and the improvements would extend 400 feet on each side of Ayers Road. An eastbound left-turn lane is also proposed at this intersection. Turns are permitted at all approaches to the intersection of Ygnacio Valley Road at Ayers Road.

Other improvements that are being considered in Concord in the future include installation of traffic signal controls on Ygnacio Valley Road at Ayers Road, and at a new intersection (Crystal Ranch Road) approximately halfway between Cowell Road and Ayers Road.[7]

(3) Contra Costa County. The Contra Costa County Five-Year Improvement Program for the Marsh Creek sub-area includes realignment of some curves on Marsh Creek Road to reduce existing safety problems between Clayton and Walnut Boulevard near Byron. The number of curves to be realigned will depend on the availability of funds.[8]

The Contra Costa Congestion Management Program Seven-Year Capital Improvement Program (CIP) includes widening of Ygnacio Valley Road to six lanes.[9]

(4) California Department of Transportation. Caltrans has a number of on-going and future, planned improvements listed for freeways in the Clayton region.[10] They include:

- Freeway widening and interchange improvements on State Route 4 at Willow Pass Road;
- Installation of soundwalls and widening of the off-ramp at the Concord Avenue interchange on State Route 242;
- Widening I-680 from Boyd Road to Willow Pass Road and modifying the interchange at Willow Pass Road;

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[7] John Templeton, City of Concord, personal communication.

[8] Heather Balinger, personal communication.

[9] 1991 Contra Costa Congestion Management Program CIP, page D-5.

[10] Tim Sable, Caltrans, personal communication.

- Modifying interchanges on I-680 between Ygnacio Valley Road and Knoll Avenue.

Major improvements to the State Route 24/I-680 interchange are underway by Caltrans, however, traffic conditions in the Clayton area and along major east-west routes through Walnut Creek such as Ygnacio Valley Road and Treat Boulevard would not be affected by the interchange project, and congestion on these routes is expected to continue even with the State Route 24/I-680 interchange improvement project.

g. Public Transit. Public transit service in the study area vicinity is provided by the Contra Costa County Transit Authority's County Connection. Route 110 provides Clayton residents with access to the Concord BART station via Clayton Road, and to locations along Willow Pass Road and Contra Costa Boulevard, including Willows Shopping Center, Sun Valley Mall, and Diablo Valley College. Route 110C buses operate along Clayton Road, Marsh Creek Road (to Marsh Creek Circle), Mountaire Parkway, and Mountaire Circle. These buses operate on weekdays only with one-hour headways during non-peak (mid-day) periods, and 30-minute headways during the peak periods. The Contra Costa Transit Authority does not have any current plans to expand service on this route.[11]

h. Measure C of 1988. Measure C of 1988 created a ½ percent sales tax in Contra Costa County for the purpose of funding transportation planning and improvements. Measure C also required the establishment of a Growth Management Plan in the County, which has been incorporated as the Growth Management Element of the 1991 County General Plan.

Measure C projects include construction of highway and arterial road improvements, and extension of BART. Programs include a variety of transit services and regional transportation planning and growth management. Measure C funds are to be allocated to jurisdictions participating in the Growth Management Program established by Measure C. All jurisdictions participating in the Growth Management Program are required to adopt traffic Level of Service standards, and to work with the Transportation Authority to develop programs for Routes of Regional Significance, which include all freeways and designated major arterials. Like other provisions of Measure C's Growth Management Program, the emphasis of the traffic service policy is on establishing a structure for sound land use and transportation planning.

[11] Paul Keener, Contra Costa Transit Authority, personal communication.

To be eligible for Measure C funds, the Growth Management Program requires each participating city to take a number of actions, including:

- Establishing a commitment to manage congestion by adopting and applying traffic service standards on streets, roads and regional routes.
- Reducing dependency on the single-occupancy automobile through programs that include an alternative mitigation program in areas that have smaller employers or are primarily residential.
- Anticipating needed investments by adopting a five-year Capital Improvement Program that lists projects, their costs and funding mechanisms.
- Ensuring that new development "pays its own way" through mitigation fee programs.

Measure C also requires that each jurisdiction in the County adopt a General Plan Growth Management Element, which is to include traffic Level of Service standards for roadways not of regional significance keyed to land use types as follows:

"Rural"	LOS: Low C	V/C: 70 - 74	
"Semi-Rural"	LOS: High C	V/C: 75 - 79	
"Suburban		LOS: Low D	V/C: 80 - 84
"Urban"	LOS: High D	V/C: 85 - 89	
"Central Business District"		LOS: Low E	V/C: 90 - 94

Based on these categories, each jurisdiction is required to determine how the traffic service standards are to be applied to their General Plan Land Use and Circulation Elements, and how land areas are to be defined under the land use categories listed above. The City of Clayton's Measure C Growth Management Element Traffic Study (May, 1991) as amended, established the following standards for intersections included in this study:

Location	Adjacent Land Use	Poorest Acceptable Level of Service
Clayton Road/Washington Blvd.	Urban	High D
Clayton Road/Mitchell Canyon Road	Suburban	Low D
Oakhurst Drive/Eagle Peak (east [south])	Suburban	Low D
Marsh Creek Road/Regency Drive	Suburban	Low D

These are consistent with the intersection level of service operation standards listed above.

2. Heartland, Temps and Moita Properties

Since all three individual project sites evaluated in this EIR have relatively low levels of development, they do not individually generate significant amounts of traffic or add to regional traffic volumes. Thus, the discussion of the Specific Plan includes these sites.

For the individual sites, site access would also be a significant issue.

Site access issues would be evaluated for other properties in the Specific Plan area as they are submitted to the City for review.

a. Heartland Property. The Heartland property is now accessed at its southwestern corner from Marsh Creek Road via a dirt road. There are no paved roads on the property.

b. Temps Property. Russellmann Road now provides access to the Christmas tree farm at the edge of the parcel. However, access does not extend any further into the interior of the site. The existing home in the central area of the parcel is accessed by a driveway connecting to Marsh Creek Road, which crosses a bridge over Mt. Diablo Creek.

c. Moita Property. The Moita property is currently accessed through an unpaved road on the Heartland site.

B. Impacts and Mitigation Measures

1. General Plan Amendment and Specific Plan Area

a. Roadway System Changes at Specific Plan Buildout. The following improvements, which are described above, are assumed in this analysis to have occurred prior to project buildout:

- Oakhurst Drive will be extended to Center Street.
- The Diablo Parkway/Marsh Creek Road intersection will have, as a fourth approach leg, the new Oak Creek Canyon Drive, providing access to the proposed Oak Creek Canyon section of the Specific Plan.
- The Russellmann Road extension would become the fourth approach leg of the Russellmann Road/Marsh Creek Road intersection.

Figure 5 illustrates the locations of these intersections in the Specific Plan area.

b. Specific Plan Buildout Trip Generation and Distribution. For purposes of traffic impact evaluation, buildout of the Marsh Creek Road Specific Plan area is assumed by the year 2010. There would potentially be 305 net new units adding traffic to the roadway system with buildout of the Specific Plan.

Table 24 presents peak hour trip generation rates for the project. Project traffic was distributed based on existing distribution patterns and expected future job locations, as well as the locations of schools and shopping opportunities. AM and PM peak hour traffic was generally distributed 90 percent to/from the west along Marsh Creek Road through Clayton via Clayton Road and Oakhurst Drive, and 10 percent to/from the east along Marsh Creek Road toward Byron and east Contra Costa County. As shown on Table 24, the potential 305 new units would be expected to generate 2,900 daily two-way trips, with 60 inbound and 170 outbound AM peak hour trips and 200 inbound and 110 outbound PM peak hour trips. The convenience store on Rodenburg Road is projected to generate 47 inbound and 47 outbound AM peak hour trips and 51 inbound and 53 outbound PM peak hour trips.

c. Intersection Operation. Tables 22 and 23 indicate that during both the AM and PM peak commute hours, all study intersections would operate acceptably at or better than LOS C with the addition of project traffic.

d. Safety Considerations in the Specific Plan Area.

Impact TRA-P1: Some sections of roadways in the planning area may have insufficient sight distances. (S)

Adequate sight distances are of concern in areas with heavy roadside vegetation, steep topography or roadway curves, all of which can obscure sight lines. This is of particular concern at intersections where good visibility in all directions is critical to vehicle and pedestrian safety.

> Mitigation Measure TRA-P1: Sight distances should meet guidelines provided in the Caltrans Highway Design Manual, Topic 405, p. 400-6, July 1, 1990, as follows:

Table 24
TRIP GENERATION

Use	Size	Daily		AM Peak Hour				PM Peak Hour			
				In		Out		In		Out	
		Rate	Vol	Rate	Vol	Rate	Vol	Rate	Vol	Rate	Vol
Single-Family Residences	305	9.55	2900	.19	60	.55	170	.66	200	.35	110
Convenience Store	3,000 sq. ft.	*	N/A	15.51	47	15.51	47	16.94	51	17.63	53

* There is no daily rate provided by ITE.

Source: Compiled by Crane Transportation Group

Trip Rate Source: *Trip Generation*, 5th edition, by the Institute of Transportation Engineers, 1991.

a. Roadside vegetation adjacent to all intersecting streets should be trimmed or removed to maintain optimum sight distances for pedestrians and drivers.

b. Grading of hillsides adjacent to roadway intersections should be sufficient to insure adequate sight lines.

Impact TRA-P2: Intersections could be difficult to see at night, unless prominently signed and lighted. (S)

Mitigation Measure TRA-P2: Street lights should be provided at all intersections in the Specific Plan area along Marsh Creek Road to maximize nighttime safety. Signage should be prominently displayed and easy to read with reflective surfaces for nighttime viewing wherever streetlights do not illuminate the sign. All lights and signage should be subjected to site plan review to promote sensitive design treatment that conforms to the character of the area.

e. Transit Impacts. New development under the Specific Plan would not adversely affect existing transit services because there is available capacity for new riders.

Impact TRA-P3: New development would create a need for access to and from transit services in the Marsh Creek Specific Plan Area. (S)

Mitigation Measure TRA-P3: Development along Marsh Creek Road should include transit planning features such as bus stops and pedestrian access to and from bus stops. These features should be coordinated with the Central Contra Costa Transit Authority, and their design should be sensitive to the area.

f. Construction Traffic.

Impact TRA-P4: Construction-related truck traffic could damage Marsh Creek Road east of the Specific Plan area, and other roads within the vicinity of the study area. (S)

Mitigation Measure TRA-P4:

a. Construction-related truck traffic should be restricted to Marsh Creek Road west of the Specific Plan area and should only enter the area from the west. No heavy construction vehicles serving plan area construction should be allowed on Marsh Creek Road east of the Specific Plan area. This could be enforced through a condition of approval placed on individual projects by the City.

b. A program should be established by the City of Clayton to conduct a construction phase evaluation program of the pavement condition along Marsh Creek Road, Clayton Road, and any other roads designated or used as construction routes. This would enable the City to determine any damage to roads attributable to the Specific Plan projects. Project applicants should be responsible for repairing any pavement deterioration.

2. Site Access

The following specifically addresses the site access impacts and needed mitigation measures for the three individual projects reviewed in this EIR. The development plans for other Specific Plan area properties would be reviewed when site plans are submitted to the City.

a. Heartland Property. Vehicle access to this site is proposed through the adjoining North State Development parcel to the west. The proposed access road, designated Oak Creek Canyon Drive, would intersect Marsh Creek Road at a 90-degree angle opposite the existing Diablo Parkway, with single approach and departure lanes. The proposed intersection configuration is consistent with that proposed in the Specific Plan, which is shown in Figure 5.

Typical on-site collector streets would have two 20-foot wide lanes within varying width right-of-ways. A 4-foot gravel walkway would be provided along one side of

the road. Some streets would split in areas of steep topography, with one lane at a higher elevation than the other. This is consistent with Specific Plan Policy CI-9, recommending split roadways to accommodate slope in areas where required roadway widths would require extensive grading.

Typical local streets would be 36 feet wide with two 10-foot travel lanes and 8-foot parking lanes on each side of the roadway. A 4-foot gravel sidewalk would be provided on local streets along one side of the roadway. Typical minor streets would have two 10-foot travel lanes within a 30-foot right-of-way. On-street parking would be prohibited. All roads would have curbs and gutters. These typical roadway sections are consistent with Specific Plan Policy CI-2, which specifies roadway standards for the planning area.

The proposed collector, local and minor streets would have adequate capacity to accommodate project traffic.

Impact TRA-H1: The proposed site plan's "F" Lane between Oak Creek Canyon Drive and "G" Lane, would be inconsistent with design standards contained in the Specific Plan. (S)

Minor cul-de-sacs would not be wide enough to accommodate on-street parking. Specific Plan Policy CI-2d allows minor cul-de-sacs ; however, on-street parking must be provided on a local or collector road within 500 feet of every unit unless adequate parking can be supplied on-site. Since the ends of"F" and "G" Lanes would be 800 feet from Oak Creek Canyon Drive, lots at the end of these lanes would not meet the Specific Plan's requirements for distance between lots and on-street parking.

The lack of on-street parking for these units is considered a potential safety hazard because guests associated with these lots may use the inadequate width minor street for on-street parking, resulting in partial obstruction of the travel lanes.

Mitigation Measure TRA-H1:

a. The site plan should be redesigned so that "F" Lane between Oak Creek Canyon Drive and "G" Lane is widened to meet standards for a "local street", as defined in the Specific Plan. As a local street (with a minimum right-of-way of 40 feet and a paving width of 28 feet), on-street parking would be allowed on one side, and there would be no restrictions on the number of lots accessing the road. "G" Lane and the remainder of "F" Lane can remain a minor street

because lots would be within 500 feet of a street with on-street parking. All required grading for this street should be consistent with Specific Plan grading guidelines.

or:

b. The applicant should demonstrate that adequate parking could be provided on-site for houses more than 500 feet from on-street parking on "F" and "G" Lanes.

Impact TRA-H2: There is no provision for emergency access to and from the Heartland site. (S)

Because the entire site access roadway system would function as one very long cul-de-sac, and because of the serious fire safety evacuation hazards raised by long, narrow roads in wooded areas, there is a need for an alternative emergency vehicle access/evacuation route.

Mitigation Measure TRA-H2: Please see Mitigation Measure MUNI-H4b.

Impact TRA-H3: The section of Oak Creek Drive adjacent to Lot 19 would have a 20 percent grade. An 18 percent grade is proposed adjacent to Lot 29. (S)

Grades in excess of 15 percent present access problems for heavy vehicles such as fire trucks. This would be a serious safety concern.

Mitigation Measure TRA-H3: Please see Mitigation Measure MUNI-H3a.

b. Temps Property. Vehicle access to this site is proposed via Russellmann Road. The site access road would intersect Russellmann Road at a 90-degree angle, with single approach and departure lanes and a central landscaped median. On-site collector roads would have two 11-foot travel lanes with a 10-foot parking lane on one side. A 4-foot gravel sidewalk would be provided along one side of the road. Typical local streets would have two 10-foot travel lanes with an 8-foot parking lane on one side. A 4-foot gravel sidewalk would be provided along one side of the road. Typical minor streets would have two 10-foot travel lanes; on-street parking would be prohibited. All roads would have curbs and gutters. These typical roadway sections are consistent with Specific Plan Policy CI-2.

The proposed collector, local and minor streets would have adequate capacity to accommodate project traffic. Each residential lot complies with the Specific Plan requirement to be within 500 feet of a local or collector street where on-street parking is allowed.

Impact TRA-T1: There is no provision for emergency access to and from the Temps project. (S)

Mitigation Measure TRA-T1: Please see Mitigation Measure MUNI-T4.

c. Moita Property. The Moita site plan does not include exact roadway specifications for the project. The project would have to be refined to include street widths that match those required in the Specific Plan.

It appears that proposed roadway gradients would be less than 15 percent and meet applicable roadway standards.

Impact TRA-M1: Three units in the Moita project would have to be served by a roadway crossing the A&P Partners property to the north. A road across this property would have growth-inducing impacts and is not foreseen under the provisions of the Specific Plan. (S)

Lots 7, 8 and 9 would be on the north side of a ravine on the site, and could not be reached by the roadway serving the rest of the Moita property to the south. The site plan proposes serving these three lots with a road across the A&P Partners property.

However, no development on the A&P Partners property is foreseen under the Specific Plan, and no roadway is proposed to be developed on this property. A road in this area would open the A&P Partners property to the north for additional development, and would therefore be growth inducing. Alternative access to these three lots from the south might also create problems, since such an access road might have to cross a wooded ravine on the site. Construction of such a road might be inconsistent with the grading and woodland preservation policies of the Specific Plan.

Mitigation Measure TRA-M1: Access to Lots 7, 8 and 9 should be reconfigured so that it would not have growth-inducing impacts to the north, and so the road would not require unacceptable grading or intrusion in the ravine to the south of the lots. If an alternative access cannot be found to serve these sites, lots 7, 8 and 9 should be eliminated from the site plan to avoid access problems to them.

Impact TRA-M2: There is no provision for emergency access to and from the Moita project. (S)

Mitigation Measure TRA-M2: Please see Mitigation Measure MUNI-M1.

3. Cumulative Impacts

Cumulative traffic impacts projected for 2010 development levels have been analyzed in this EIR to consider the traffic impacts of growth in Clayton and surrounding areas. Traffic volume projections from the Contra Costa County Regional Traffic Model[12] were used to determine growth in traffic volumes. The resulting traffic volumes are shown on Figure 44.

In addition, analysis of the Treat Boulevard/Clayton Road intersection and the Ygnacio Valley Road/Ayers Road intersection revealed insignificant traffic changes with respect to the proposed projects. Project traffic on the Treat Boulevard/Clayton Road intersection would result in an increase in the volume-to-capacity ratio of 0.01 during the AM peak hour (which represents a very minor degradation in level of service), and no measurable change during the PM peak hour. At the Ygnacio Valley Road/Ayers Road intersection, project traffic would result in no measurable level of service change during the AM peak hour and an increase in the volume-to-capacity ratio of 0.01 during the PM peak hour.

Impact TRA-C1: Under cumulative conditions, the level of service at the Concord Boulevard/Kirker Pass Road intersection would deteriorate to an unacceptable condition. (S)

As shown in Table 22, weekday AM peak hour intersection operation at this intersection would deteriorate to LOS F, indicating extreme delays. The projected high-level through traffic volume (rather than turning movement volumes) would be the primary cause of service level deterioration.

Mitigation Measure TRA-C1:

Concord Boulevard/Kirker Pass Road Intersection: When warranted by cumulative traffic volumes, the following additions should be made to this intersection:

- an additional northbound Concord Boulevard left turn lane,
- a southbound Concord Boulevard through lane,

Resultant operation:
LOS D (V/C = .90) AM Peak Hour
LOS D (V/C = .90) PM Peak Hour

[12] EMME/2 Project, Central/Lamorinda Sub Area Model, DKS Associates, 1993.

c. To address the cumulative traffic effects of development whose specific impacts are minor and individually deemed not significant, the City of Clayton should:

1) impose a sub-regional or County-wide traffic impact fee as promulgated by the Contra Costa Transportation Authority and/or TRANSPAC, or;

2) in the event no sub-regional or County-wide impact fee is established, enter into a dialogue with adjacent affected jurisdictions in an effort to identify appropriate impact fees and/or measures.

4.12 Air Quality

■ ■ ■

This section examines existing air quality in the study area and the Clayton region, and impacts of Specific Plan implementation on air quality.

A. Existing Setting

1. Study Area Climatic Conditions

The air quality of a given area is dependent not only upon the amount of air pollutants emitted locally or within the air basin, but is also directly related to the weather patterns of the region. Wind speed and direction, temperature, atmosphere, humidity and sunlight all affect emitted pollutants each day.

The study area is located within the San Francisco Bay Area Basin. The basin's climate is characterized by warm, dry summers and cool winters, with precipitation occurring primarily between November and March. Daytime temperatures in Clayton in the summer average 90 degrees Fahrenheit, with many days exceeding 100 degrees. Daytime averages in winter vary between highs in the mid-50s and lows in the 30s. Air pollution in the area is influenced by topographic conditions and regional airflow patterns in conjunction with upwind emission sources. Southwesterly and northwesterly winds carry pollutants into the Concord and Clayton area, with southwesterly winds carrying pollutants from the South Bay/Livermore area, and northwesterly winds carrying pollutants from the North Bay. Depending on meteorological conditions at the time, pollutants in the Concord area would tend to migrate, and may possibly accumulate in the upper portion of Clayton Valley around Clayton and the study area.[1]

[1] City of Clayton General Plan 1985-2000.

2. Existing Regulatory Setting

The 1967 Air Quality Act was the first national comprehensive air quality legislation. It provides authority and requires the Environmental Protection Agency (EPA) to promulgate national ambient air quality standards (NAAQS) for air pollutants which pose a public health concern.

The Act further requires that states develop and submit State Implementation Plans (SIPs) to the EPA. The SIPs are to include control measures and strategies that will be implemented to reduce emissions so that the NAAQS are attained and maintained. In California, the California Air Resources Board designated local lead agencies to develop SIPs for their regions. In the Bay Area, the Association of Bay Area Governments (ABAG), BAAQMD, and the Metropolitan Transportation Commission (MTC) have been designated co-lead agencies charged with the development of SIPs and SIP revisions. BAAQMD is currently in the process of preparing an update of its 1982 Air Quality Plan with an anticipated completion date during this year.

The Study Area is located in the Bay Area Air Quality Management District (BAAQMD), one of the 14 statewide districts designated by the California Air Resources Board (CARB). BAAQMD includes nine counties and more than 90 cities located in the San Francisco Bay Area Basin. The BAAQMD reviews environmental documents and exercises permit control for direct sources of air contaminants. BAAQMD's document review also extends to proposed development projects that would not necessarily result in emission of a significant amount of contaminants, but could attract or generate vehicle trips and resulting pollution.

3. Air Pollutants

Potential sources of air pollutants are categorized as stationary (i.e. industrial uses) or mobile (i.e. vehicles). Potential pollution sources are evaluated in terms of emissions and concentrations. Emissions are the amounts of each pollutant produced or released in the air by the source. Concentrations are measures of the amounts of pollutants in the air, and establish the basis for State and federal air quality standards. Concentrations result when emissions mix with air, and their values are a function not only of the quantity of emissions, but also of the local climate, site topography and distance from the emission source.

Motor vehicles are the largest source of gaseous pollutants affecting the Clayton area. Carbon monoxide, nitrogen oxides and hydrocarbons comprise the basic categories of air pollutants emitted from automobiles. Additionally, automobiles create suspended particulate matter by stirring up roadway dust. These pollutants are described below. Standards related to them are shown in Table 25. As is indicated, the State applies more stringent standards than the federal government in most cases.

a. Ozone. Ozone, the principal ingredient of "smog", is a gas produced from "precursor" compounds known as hydrocarbons and oxides of nitrogen. The season for ozone extends from late spring to early fall; peak hourly concentrations occur in the afternoon. Concentrations are highest when there are strong temperature inversions aloft throughout the day. The ozone standards are set to protect respiratory health and control damage to crops and other vegetation and materials.

The process by which ozone is generated causes it to be uniformly spread out over a wide area. Ozone is not instantaneously produced; it is brewed from its precursors in a series of complex photochemical reactions which occur in warm, sunlit air. It takes a few hours from the time of emission of the precursors for significant concentrations of ozone to be developed. Because of the delay in its production, the gas is not particularly evident near roadways or industrial plants where the precursor compounds are emitted. The highest concentrations may be found miles downwind of such sources, because the capping effect of the temperature inversions allows horizontal movement of pollution to occur with hardly any of the vertical dispersal which might otherwise cause diminishment of ground-level concentrations.

b. Carbon Monoxide. Carbon monoxide is a clear, odorless gas. This pollutant is principally emitted directly as a component of vehicular tailpipe effluence. The season for carbon monoxide is winter; peak hourly concentrations are found during the traffic commute periods and sometimes in late evening. During commute periods the greatest concentrations are to be found near congested roadways. During evenings in which levels are high, the gas is found dispersed throughout urban areas, as if it remains there from the PM commute.

The highest concentrations occur in urbanized areas where traffic conditions combine with meteorological conditions to both enhance emissions and hamper dispersal. Such conditions often occur in winter, when the AM and PM commute periods are in twilight. Colder air temperatures produce greater emissions of carbon monoxide. There is less solar heating of the ground during the commute periods of winter than in other seasons of the year. The vertical "thermal" air currents which would tend to disperse emissions upward and away from ground-level receptors are correspondingly weaker. Roadside concentrations build up, unless the wind is of sufficient speed to stir up turbulence and to provide ventilation. A wind of three m.p.h. is sufficient to disperse and diminish the concentrations. Thus, high carbon monoxide concentrations are evident during calms on winter evenings, particularly when strong nocturnal temperature inversions trap emissions near the ground.

Table 25
SUMMARY OF AIR POLLUTION STANDARDS

Pollutant	Averaging Time	California	Federal
Ozone	1 hour	0.09 ppm	0.12 ppm
Carbon monoxide	8 hours 1 hour	9 ppm 20 ppm	9 ppm 35 ppm
Nitrogen dioxide	Year 1 hour	--- 0.25 ppm	0.05 ppm ---
Sulphur dioxide[a]	Year 24 hours 1 hour	--- 0.05 ppm 0.25 ppm	0.03 ppm 0.14 ppm ---
Suspended particles (>10 microns)	Year 24 hours	30 $\mu g/m^3$ 50 $\mu g/m^3$	50 $\mu g/m^3$ 150 $\mu g/m^3$
Particles	One observation	Visibility <10 miles[b]	---
Sulfates	24 hours 1/4 year	25 $\mu g/m^3$ ---	--- 1.5 $\mu g/m^3$
Lead	30 days 1/4 year	1.5 $\mu g/m^3$ ---	--- 1.5 $\mu g/m^3$
Hydrogen sulfide	1 hour	0.03 ppm	---
Vinyl chloride	24 hours	0.01 ppm	---

[a] There are also Federal "secondary" standards for these pollutants representing goals to be pursued after the primary standards have been attained: sulphur dioxide 0.05 ppm (3-hour); particulates 60 $\mu g/m^3$ (year) and 150 $\mu g/m^3$ (24-hour).

[b] This standard applies when the relative humidity is less than 70 percent.

Source: California Air Resources Board (CARB, 1980-86).

c. Particulate Matter. Resuspension of roadway dust accounts for most suspended particulate matter in the San Francisco Bay Area. PM_{10} refers to particulates of 10 microns in diameter or less, and has been monitored in California since January 1989. Before 1989, monitoring was only for total suspended particulates (TSP), which refers to particulates of 30 microns in diameter or less.

4. Existing Air Quality

To assess existing air quality conditions, the Bay Area Air Quality Management District (BAAQMD) operates a series of air quality monitoring stations throughout the Bay Area. The monitoring station closest to the study area is located in Concord at 2975 Treat Boulevard.

Because of the complex terrain in the region and the study area's particular climatic conditions, measurements taken at the Concord station are not representative of conditions in Clayton or the study area. The Concord station is situated in a flat exposed area, subject to winds coming from Suisun Bay. The study area, on the other hand, is located in the Clayton Valley, which has a tendency to trap air and experience temperature inversions due to its box-end configuration. Valleys with such configurations generally have a greater susceptibility to poor air quality than surrounding plains. Surrounding ridges and mountains tend to block winds, thereby reducing the flushing action that occurs in coastal or exposed areas.

Although not strictly representative of air quality in Clayton, data gathered from the Concord monitoring station are displayed in Table 26. While air quality conditions in Concord and Clayton are different, the Concord data gives the best available indication of air quality in the study area. In fact, according to the Clayton General Plan, the air pollution potential of the study area is mostly influenced by air quality in Concord since the air pollutants from more urbanized areas can migrate to Clayton.

According to Table 26, ozone is the most significant air pollutant in the area. On the worst days, there are exceedances of the State and federal ozone standards throughout the Diablo Valley area, and the entire San Francisco Bay Area is a non-attainment area for ozone. This results primarily from a combination of the climatic conditions and the heavy vehicular traffic in the area. As indicated in Table 26, the federal standard for ozone was exceeded at the Concord monitoring station on an average of 5.75 days per year between 1988-1991, though there has been a decrease in the number of days exceeding standards over the last three years. According to the BAAQMD, ozone levels might actually be higher in rural areas such as the study area

Table 26
LOCAL AIR QUALITY DATA
MONITORING AT 2975 TREAT BLVD. - CONCORD

Pollutant	Principal Sources	Objective	Standard	Year	Maximum Concentrations[a]	Days Over Standard
Ozone	NOX, HC, sunlight and warm temperatures	Prevent eye irritation and reduce respiratory health risk; reduce damage to crops and materials' surfaces	12 pphm (1-hour) Federal 9 pphm State (1-hour)	1983 1984 1985 1986 1987 1988 1989 1990 1991	15 pphm 14 pphm 15 pphm 12 pphm 14 pphm 14 pphm 11 pphm 11 pphm 11 pphm	4 3 2.7 1.3 3 10 6[b] 3[b] 4
Carbon Monoxide	Vehicular traffic	Prevent carboxyhemo-globin levels greater than 2%	9 ppm (8-hour) Federal	1983 1984 1985 1986 1987 1988 1989 1990 1991	5.6 ppm 5.9 ppm 5.3 ppm 5.6 ppm 5.5 ppm 6.6 ppm 5.6 ppm 5.8 ppm 5.3 ppm	0 0 0 0 0 0 0 0 0
Nitrogen dioxide	Vehicular traffic and power generation	Reduce health risk and control ozone production	24 pphm (1-hour) State	1983 1984 1985 1986 1987 1988 1989 1990 1991	10 pphm 10 pphm 10 pphm 11 pphm 13 pphm 11 pphm 10 pphm 9 pphm 12 pphm	0 0 0 0 0 0 0 0 0
Suspended Particulates (>10 microns)	Roads, construc-tion and demolition	Reduce health risk and improve visibility	[c] 100 $\mu g/m^3$ (24-hour) State 150 $\mu g/m^3$ (24-hour) Federal	1983 1984 1985 1986 1987 1988 1989 1990 1991	38 $\mu g/m^3$ 46 $\mu g/m^3$ 43 $\mu g/m^3$ 39 $\mu g/m^3$ 48 $\mu g/m^3$ 29 $\mu g/m^3$ 25.3 $\mu g/m^3$ 21.5 $\mu g/m^3$ 25.1 $\mu g/m^3$	0 0 0 0 0 10 9 6 13

[a] For ozone and nitrogen dioxide, the concentrations are given in parts per hundred million (pphm) and are the peak 1-hour averages of the year. For carbon monoxide the concentrations are given in parts per million (ppm) and are the peak 8-hour averages of the year.

[b] Exceeded State standard, but not Federal.

[c] These data pertain to the annual geometric mean of the daily catch of particles of all sizes, or total suspended particulates (TSP). The standard used for 1981-1983 is the State standard at that time of 100 $\mu g/m^3$; for 1983-1987 the Federal secondary standard at the time of 150 $\mu g/m^3$ is used. The current State standard is 50 $\mu g/m^3$.

Source: Bay Area Air Quality Management District BAAQMD, Air Quality Handbook, published biennially, and "Air Pollution in the Bay Area by Station and Contaminant", published annually.

than in nearby urban areas, depending on meteorological conditions. According to the City of Clayton General Plan, nitrogen oxide and hydrocarbon levels, which create ozone, are estimated to remain constant between 1975 and 2000.

Carbon monoxide concentrations are dependent on local traffic patterns and concentrations in the study area are principally derived from emissions in Clayton. The City's General Plan indicates that likely areas of carbon monoxide concentration are on Kirker Pass Road at the Clayton Road and Concord Boulevard intersections. As Table 26 indicates, the federal 8-hour standard for carbon monoxide has not been exceeded at the monitoring station in Concord in recent years, and it is likely that CO concentrations are low in the study area.[2] Due to the study area's wide variation in elevation and its current undeveloped state, it would be expected to have lower CO levels than are measured in Concord. Carbon monoxide concentrations tend to be most severe at elevations below 600 feet, so the study area would be unlikely to suffer from severe carbon monoxide concentrations.

For particulate matter, Table 26 data reflects PM_{10} and TSP statistics. PM_{10} measurements are reflected for years 1988 through 1991, and the previous years were measured in TSP. The State standard for PM_{10} was exceeded 13 days during 1991 at the Concord station. The Clayton General Plan indicates that particulates (TSPs) are projected to increase steadily between 1975 and 2000.

5. Recent and Pending Air Quality Regulations

A number of measures are currently under consideration at the State, regional and County levels which are intended to improve traffic and air quality conditions in the Bay Area. These measures may have an impact on potential development in the study area, and they are introduced here.

a. State.

(1) Assembly Bill 471 and Proposition 111. AB 471, passed in 1989, requires local jurisdictions in counties with urban development above specified levels to prepare an annually updated Traffic Congestion Management Program. Elements of these programs may include land use controls for congested areas, with traffic level of service specifications. Proposition 111, which was approved on the June 1990 ballot, sets out a proposal to raise revenue for highway improvements. According to AB 471, counties who fail to submit Traffic Congestion Management Programs are not eligible for highway improvement funding that will be made available through Proposition 111.

[2] Dick Duker, Senior Meteorologist, BAAQMD, personal communication, April 4, 1991.

(2) Senate Bill 2559. SB 2559 was passed in 1990. The bill encourages demonstration projects that test the effectiveness of clustering urban developments near mass transit facilities. The California Transportation Commission has drafted implementation guidelines for the program. These guidelines encourage mixed-use development around mass transit facilities. Because there currently are no resources available to implement the program, the guidelines have not yet been reviewed by Caltrans. The program has been extended for another year to allow for the inclusion of certain transportation projects into the process. The program should be completed sometime in 1993 since a preliminary report on its results is due to the legislature in 1994.[3]

(a) Assembly Bill 2783, which makes certain amendments to the Clean Air Bill, has been signed by the governor and is now law. Air quality criteria is now more flexible, leading to changes in the air quality categories which cities fall into. Because of the new designation criteria, the Bay Area has moved from First Tier air quality (L.A. Basin quality) to Third Tier ("serious" air quality).[4]

b. Regional.

(1) Transportation Control Measures. The Bay Area Air Quality Management District (BAAQMD) and the Metropolitan Transportation Commission (MTC) have developed Transportation Control Measures (TCM) to improve transit and lessen automobile usage in the Bay Area. These measures can be found in the TCM portion of BAAQMD's 1991 Clean Air Plan. TCMs may influence land use, and may include measures such as the intensification of land use around transit stations. None of the measures currently under consideration would have a direct impact on the study area. However, the City of Clayton has agreed to participate through TRANSPAC in the implementation of a BAAQMD trip reduction program intended to limit employer-based work trips.

(2) Regional Transportation Plan Update. MTC has updated its Regional Transportation Plan. The plan includes alternative growth scenarios for the Bay Area which would concentrate future development in existing urban areas. The Association of Bay Area Governments (ABAG) provides an assessment of land use scenarios for the plan, looking particularly at the proximity of jobs to housing.

[3] Joan Solenberger, Caltrans, personal communication, August 1992.

[4] John Ballesteros, BAAQMD, October 19, 1992.

(3) Court Ordered Air Quality and Transportation Measures. In a recent court case, MTC and the BAAQMD were ordered to take certain actions to attempt to comply with the goals of the 1982 Air Quality Plan. These measures included consideration of delaying highway construction in the region and the implementation of transportation control measures such as higher bridge tolls, coordination of transit routes and lobbying for a higher gasoline tax. MTC and BAAQMD are currently in the process of implementing the required measures.

(4) Indirect Source Control Program. Indirect emissions sources are developments which do not directly emit air pollutants, but which promote the emission of pollutants through automobile travel or other activities. The California Clean Air Act gives the BAAQMD authority to institute an indirect source control program, under which the District would have to issue permits for land uses which are likely to become indirect emissions sources. Under the Act, however, BAAQMD is not allowed to engage directly in land use control, so the exact implementation of the program is unclear at this time.

(5) BAAQMD Clean Air Plan. To comply with the State Clean Air Act, passed in 1988, the BAAQMD has prepared a Clean Air Plan. It was conditionally approved by the Air Resources Board in April 1992. The Plan strengthens many of the control measures previously established in the 1979 and 1982 Air Quality Plans, removing exemptions contained in some measures, improving some measures and adding new control measures. In general, it contains 50 stationary source control measures and 23 transportation source control measures. The plan will include measures with implications for local governments. The plan may, for example, require local jurisdiction to adopt air quality measurements in their General Plan, as well as trip reduction plans.

c. County.

(1) Contra Costa County Transportation Plan. The Contra Costa Transportation Authority is currently preparing the Countywide Transportation Plan mandated by Measure C, which will incorporate Action Plans for designated Regional Routes prepared by various regional jurisdictions representing cities in the County. The Plan should be completed in 1995. Action Plans identify intersection LOS objectives, land use policies, operational improvements and trip reduction plans. The Central Contra Costa regional organization, which includes the City of Clayton, did not designate Marsh Creek Road as a Regional Route, but the East Contra Costa region did. The County Transportation Authority will need to rectify this discrepancy.

B. Impacts and Mitigation Measures

1. General Plan Amendment and Specific Plan

a. Construction Period Impacts.

(1) Dust Generation.

Impact AIR-P1: Dustfall and increased levels of suspended particulate could be a temporary and intermittent nuisance at existing residences in the western sections of the Plan area during project construction. (S)

The major construction air quality impacts would be due to dust generated by equipment and vehicles. Fugitive dust is emitted both during construction activity and as a result of wind erosion over exposed earth surfaces. Clearing and grading activities comprise the major source of construction dust emissions, but traffic and general disturbance of the soil also generate substantial dust emissions. The effects of construction activities would be increased dustfall and locally elevated levels of suspended particulates.

Construction dust impacts are extremely variable, being dependent on windspeed, soil type, soil moisture, the type of construction activity and acreage affected by construction activity. The highest potential for construction dust impacts would occur during the dry late spring, summer and early fall months when soils are dry.

Construction dust may affect existing residences in the Plan area. Dustfall and increased levels of suspended particulate could be a temporary and intermittent nuisance at these residences. Dust impacts on these residences would be considered potentially significant.

Mitigation Measure AIR-P1: Contractors should be required to reduce dust generation by adopting the following measures:

a. Earthmoving or other dust-producing activities should be suspended during periods of high winds.

b. Equipment and manpower for watering of all exposed or disturbed soil surfaces should be provided at least twice daily, including weekends and holidays. An appropriate dust palliative or suppressant, added to water before application, should be utilized.

c. Stockpiles of debris, soil, sand or other materials that can be blown by the wind should be watered or covered.

d. Construction area and adjacent streets should be swept of all mud and debris, since this material can be pulverized and later resuspended by vehicle traffic.

e. The speed of all construction vehicles should be limited to 15 miles per hour while on site.

The use of watering alone for dust control is estimated to reduce dust emissions by approximately 50 percent. The combined effect of the above measures, including the use of a dust suppressant, would have a control efficiency of 70 to 80 percent, which would reduce project impacts to a less-than-significant level.

b. Long-Term Impacts. Permanent air quality effects of intensified development in the Specific Plan area would be related primarily to the generation of automobile trips. The project's effects on air quality have been analyzed at two scales: local and regional.

(1) Local Scale. On the local scale, the pollutant of greatest concern is carbon monoxide. Carbon monoxide is a colorless, odorless, poisonous gas whose main source in the urban environment is automobile exhaust.

Concentrations of carbon monoxide are highest in the vicinity of heavily-travelled roadways. The rate of generation of carbon monoxide by automobiles is a function of ambient temperature and average vehicle speed. The maximum potential for carbon monoxide problems exists during the winter when temperatures are lowest and stagnant wind conditions persist. Concentrations can be expected to be highest near a major thoroughfare, with concentration dropping off rapidly with distance from the roadway.

Carbon monoxide is not currently a problem air pollutant in the study area, and Specific Plan buildout would not create enough new trips or congestion to significantly increase carbon monoxide concentrations in the area or the region.

(2) Regional Scale. Development of the Specific Plan area would have an effect on air quality within the entire air basin. The primary impacts would be due to vehicle trips associated with the project. Assessment of these potential impacts is important, because the Bay Area is a non-attainment area for three criteria pollutants.

To evaluate the vehicle emissions associated with the Plan, the URBEMI/S-3 computer program, developed by the California Air Resources Board, was applied to the proposed development under the Plan. The allowed development has decreased since this analysis was completed, so the tables represent a conservative estimate.

The annual and daily increases in regional emissions are shown in Tables 27 and 28 for Total Organic Gases (which include hydrocarbons) and oxides of nitrogen (two precursors of ozone) and carbon monoxide. URBEMIS assumes relatively high number of vehicle trips, especially for commercial uses such as the convenience store in the Specific Plan; therefore the URBEMIS results represents a conservative, worst-case scenario.

BAAQMD Guidelines for the evaluation of project impacts consider emission increases of ozone precursors (hydrocarbons and oxides of nitrogen) to be significant if they exceed 150 pounds per day, and carbon monoxide emissions significant if they exceed 550 pounds per day. As shown in Table 28, the Specific Plan would generate less than 150 pounds per day of TOGs and NOX, and less than 550 pounds per day of carbon monoxide. Thus the project's regional air quality impacts would not be considered significant based on this criterion.

However, BAAQMD is currently revising their Impact Assessment Guidelines which contain Thresholds of Significance used to evaluate emissions of criteria pollutants, and revisions should be completed by mid to late 1995. BAAQMD expects the guidelines to contain significantly lower thresholds for daily emissions. This will result in a subsequent increase in projects that will require application of Best Available Control Technologies (BACTs) to offset emissions.[5] Individual projects under the Specific Plan may be built under the new regulations, and may therefore cumulatively exceed the new BAAQMD thresholds and require mitigation.

[5] Randy Wittorp, Bay Area Air Quality Management District, personal communication, January 18, 1995.

Table 27
PROJECT EMISSIONS
(in tons per year)

Unit Type	TOG	CO	NOX
Single-Family Housing	6.6	66.1	12.6
Convenience Market	0	0.2	0.1
Total	6.6	66.3	12.7

TOG = Total Organic Gases (gaseous organic compounds such as hydrocarbon
CO = Carbon Monoxide
NOX = Oxides of Nitrogen

Source: Brady & Associates, Inc. URBEM/S-3 Air Quality Model

Table 28
PROJECT EMISSIONS
(in pounds per day)

Unit Type	TOG	CO	NOX
Single-Family Housing	42.6	425.7	83.5
Convenience Market (16 hr.)	8.4	79.1	17.1
Total	51.0	504.8	100.6

TOG = Total Organic Gases (gaseous organic compounds such as hydrocarbon
CO = Carbon Monoxide
NOX = Oxides of Nitrogen

Source: Brady & Associates, Inc. URBEM/S-3 Air Quality Model

BAAQMD also considers project emissions significant if they exceed one percent of county-wide emissions. County-wide emissions are compared with project emissions in Table 29. Based on the average daily emissions in 1989 for both direct and indirect sources in Contra Costa County, emissions from traffic generated by the proposed Specific Plan were estimated for various land uses; estimated emissions would not exceed one percent of countywide emissions; according to Table 29, Plan emissions would be .001 percent of county-wide emissions.

2. Heartland, Temps and Moita Property

Impacts associated with the Heartland, Temps and Moita projects for air pollution would be identical to those identified for the Specific Plan as a whole. No additional mitigation measures are required.

3. Cumulative Impacts

In order to determine the cumulative impact on air quality of cumulative development in the Clayton area, the number of cumulative PM peak hour vehicle trips for the year 2010 were analyzed. To estimate total cumulative trips, PM peak hour trips passing through the three study intersections at the edges of Clayton were totalled (Clayton Valley Road/Ygnacio Valley Road, Concord Blvd./Kirker Pass Road and Russellmann Road/Marsh Creek Road) represent almost all regional trips generated by Clayton. There would be approximately 4,500 vehicle trips traveling through the three intersections at the PM peak hour in the year 2010. Additionally, since PM peak hour trips generally represent one-tenth of total daily trips, it is assumed that there would be 45,000 cumulative daily trips generated in the Clayton area.

This number, however, does not take into account any trips within Clayton, but it also ignores the fact that some trips are not generated by Clayton. As a result, these numbers cancel each other out, justifying the use of 45,000 cumulative trips.

To evaluate vehicle emissions associated with cumulative impacts of the Plan, the URBEMIS-3 computer program was once again applied, using 45,000 trips as a base. As shown on Table 30, Contra Costa County and Clayton omissions for the year 2010 are compared. According to Table 30, the Specific Plan emissions would generate less than 1% of county-wide emissions, indicating that the Plan would not have a significant cumulative impact on air quality within the County.

Table 29
SPECIFIC PLAN EMISSIONS AS A PERCENT OF CONTRA COSTA COUNTY EMISSIONS
(in pounds per day)

	TOG	CO	NOX
County[(a)]	412,000	780,000	280,000
Specific Plan	51	504.8	100.6
Plan's Percent of County Emissions	.0012	.0064	.00035
Total Percent			.001

[(a)] Average daily emissions for combined direct and indirect sources.

TOG = Total Organic Gases (gaseous organic compounds such as hydrocarbon
CO = Carbon Monoxide
NOX = Oxides of Nitrogen

Source: Emission Inventory 1989, California Air Resources Board, August 1991.

Table 30
CUMULATIVE SPECIFIC PLAN EMISSIONS AS A PERCENT OF CONTRA COSTA COUNTY EMISSIONS

	TOG	CO	NOX
County[a]	412,000	780,000	280,000
Specific Plan	474.8	4,888.9	874.6
Plan's Percent of County Emissions	.001	.006	.003
Total Percent			.01

[a] Average daily emissions for combined direct and indirect sources.

TOG = Total Organic Gases (gaseous organic compounds such as hydrocarbon
CO = Carbon Monoxide
NOX = Oxides of Nitrogen

Source: Emission Inventory 1989, California Air Resources Board, August 1991.

4.13 Noise

■ ■ ■

This chapter outlines noise policies in Clayton and Contra Costa County, and it examines noise levels in the study area, and identifies noise impacts that would be associated with Specific Plan buildout.

A. Existing Setting

1. Measuring Noise Intensity

A unit called a decibel (dB) is used to designate varying levels of sound. The weakest sound normal human ears can hear has a sound level of zero decibels (0 dB). Because the sound level measuring scale is logarithmic, every net gain of 10 decibels (from, for example, 60 dB to 70 dB) indicates a ten-fold increase in the sound energy. This means that a sound ten times more intense than a 0 dB sound has a sound level of 10 dB; a sound 100 times more intense than 0 dB has a sound level of 20 dB, etc.

Noise readings in decibels are normally given in one of three weighted scales: "A", "B", or "C". The "A" scale most accurately reflects the human perceptions of noise and is most commonly used in assessing and comparing community noise levels from different sources.

Noise levels can be considered in absolute terms for a single moment, and they can also be considered over time. There are several ways to measure noise over time. For example, L_{10} refers to noise levels reached or exceeded during no more than 10% of the loudest hour of the day. Day-night noise levels (L_{dn}), on the other hand, are used in State guidelines, and measure the average annual sound level in dBA, with a 10% increase in noise between 10 p.m. and 7 a.m. to account for the greater impact of night-time noise.

Examples of noises ranging from uncomfortably loud to quiet and their corresponding dBA levels are shown in Table 31.

Table 31
SOUND LEVELS AND ILLUSTRATIVE NOISES IN INDOOR AND OUTDOOR ENVIRONMENTS

Overall Level	Noise Source	dBA
Uncomfortably Loud	Military jet aircraft take-off from aircraft carrier at 50 feet	120-130
Very Loud	Power mower Motorcycle at 25 feet	96 90
Moderately Loud	High urban ambient sound Vacuum cleaner Electric typewriter at 10 feet	80 70 64
Quiet	Bird calls Urban ambient sounds	44 40

Source: Excerpted from Melville C. Branch and R. Dale Beland, Outdoor Noise in the Metropolitan Environment, published by the City of Los Angeles, p. 2, 1970.

2. City and County General Plan Noise Elements

Noise standards established in both the City of Clayton and Contra Costa County General Plan Noise Elements are described below. Currently, the study area is mostly unincorporated, and is therefore governed by County policies. If the study area is developed, it is likely that it would fall under City of Clayton jurisdiction through incorporation. If this occurs, City noise standards would apply.

a. City of Clayton Noise Element. The City of Clayton General Plan includes a Noise Element that establishes goals, policies, standards and programs to address existing and foreseeable noise problems. It appraises noise problems in the city based on an inventory of stationary and transportation noise sources. Most of the noise sources in the area are mobile and related to vehicular traffic. Stationary sources include the Concord Pavillion, the quarries in the area, and residential-generated stationary noise sources such as mowers, radios and barking dogs.

The City Noise Element adopts policies which set standards for acceptable noise levels in the City. The policies require sound mitigation to 45 L_{dn} for indoor noise levels and 60 L_{dn} for outdoor noise levels in new developments. Policies also limit truck operations weekdays from 7:00 a.m. to 4:00 p.m., and construction activities from 7:00 a.m. to 5:30 p.m. weekdays and 9:00 a.m. to 6:00 p.m. on weekends when

adjacent neighbors are affected. In addition, the Noise Element also directs that setbacks, soundwalls, orientation and other measures are required where new uses are exposed to noise.[1]

b. Contra Costa County Noise Element. County policies require that new projects meet acceptable exterior noise levels. The standard for outdoor noise levels in residential areas is 60 dB L_{dn}. If the primary noise source is a train bypass, than the standard is 70 dB L_{dn}. The County requires new single-family housing projects to provide for interior noise levels of 45 dB L_{dn} or less.[2]

3. Existing and Projected Clayton Area Noise Levels

There are two types of adverse noise sources in Clayton. These consist of mobile and stationary sources. Neither of these types of noise sources have a significant effect on the study area, which is a rural area with generally low noise levels. However, there is a corridor containing relatively high noise levels along Marsh Creek Road, both in Clayton and in the study area. Noise contours in the city are shown in Figure 45.

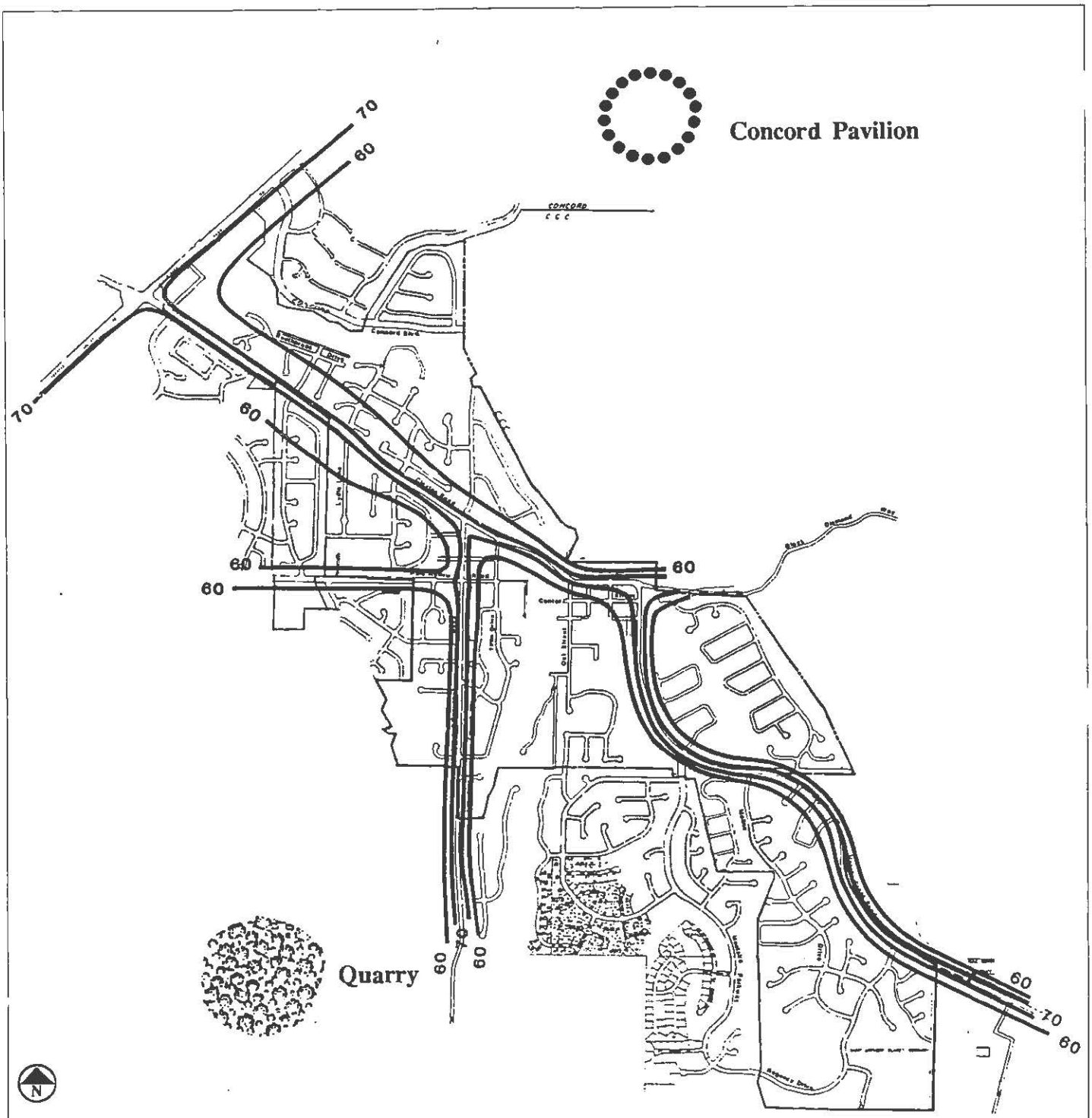
Trucks and automobiles are the most common mobile noise sources in the City, with the predominant source of this noise related to the gravel trucks going to and from the Lone Star Industries Quarry. These trucks generally use Mitchell Canyon Road and do not traverse the study area. Noise from mobile sources is also intensified in the City because Clayton Road and Marsh Creek Road serve as a truck and passenger car through route to eastern Contra Costa County. This through traffic affects noise levels in the study area. The City General Plan shows 60 and 70 dB Ldn noise contours along Marsh Creek Road, and the County General Plan Noise Element similarly shows 60 dB Ldn noise levels approximately 270 feet from the centerline of Marsh Creek Road between Clayton Road and Deer Valley Road for the year 2005.[3] The noise measurements used for the projections in the County General Plan were taken in 1990 and are more recent than those of the City of Clayton, which were taken in 1985, so the County projections have been used in this EIR. The slight discrepancies in these two noise contour projections are not noticeable in Figure 45. In addition, it should be noted that noise contours do not always account for the acoustical shielding provided by site geometry or terrain, and they should be only used as a guideline prior to detailed noise surveys.

The two most prominent fixed point sources of noise in the Clayton area are the Concord Pavillion and the Lone Star Quarry, both outside the City limits. Vibration from the Concord Pavilion can be heard in the evenings when powerful amplifying equipment is being operated. Operational noises from the quarry are generated by

[1] Clayton: 2000 General Plan, Noise Element, p. VIII-2, 1985.

[2] Contra Costa County General Plan Noise Element 1990-2005.

[3] Contra Costa County General Plan Figure 11-5J.



Contour line locations are only approximate.

Although this map does not include the study area, it may be assumed that noise contours along Marsh Creek Road continue to the southeast.

Source: City of Clayton General Plan

FIGURE 45

City of Clayton Noise Contours

MARSH CREEK ROAD SPECIFIC PLAN EIR

CLAYTON CALIFORNIA

BRADY AND ASSOCIATES, INC. PLANNERS AND LANDSCAPE ARCHITECTS

blasting during excavation and other machinery noise. Only vibrational noises from the quarry can be heard in Clayton, and these do not exceed City noise standards. Neither of these uses has a noise impact on the study area.

B. Impacts and Mitigation Measures

1. General Plan Amendment and Specific Plan

a. Long Term Impacts. The primary noise-generating use in the study area would continue to be automobile traffic. As discussed in Chapter 4.10, Traffic and Circulation, the Specific Plan would generate approximately 414 additional trips during the PM peak hour. The majority of these trips would travel west through Clayton. This increase would result in an increase in ambient noise levels along Marsh Creek Road. Although buildout under the Plan would increase ambient noise levels in the study area above the City and County 60 Ldn standards for outdoor residential noise levels, this is not considered a significant impact because noise levels on Marsh Creek Road are already at or exceed adopted noise standards.

Residential uses would generate some noise as a result of radios, lawn mowers and barking dogs, but these are typical of existing residential uses in the study area and they are not considered significant.

Impact NOISE-P1: Additional residential development within the 60 - 70 Ldn contour on Marsh Creek Road, as proposed under the Specific Plan, would expose more homes to outdoor ambient noise levels at or in excess of City and County noise standard. (S)

Many existing homes, particularly those north of Marsh Creek Road, are already located within the 60 to 70 Ldn contour line. Buildout under the Plan would create more residences exposed to noise levels exceeding adopted standards. Future noise levels could be as high as an L_{dn} of 70 dB at new lots closest to Marsh Creek Road. These noise levels would be as much as 10 dB above the City of Clayton's goal for residential outdoor noise exposure. Additionally, indoor noise levels would exceed the interior standard if the windows are open for ventilation. Lots further from the road would be exposed to lower noise levels.

> Mitigation Measure NOISE-P1: Mitigation measures to reduce noise levels indoors and outdoors to meet City standards should be required for each individual Specific Plan project. This could include revising site plans to move development out of noisy areas, installing wooden privacy fences constructed to soundwall standards (five to six feet high, sealed at the base and across the face so that there are no gaps and minimum of one inch board),

and/or incorporating berms behind new lots adjacent to Marsh Creek Road, and treatments to buildings to reduce interior noise levels. To meet indoor noise level requirements it should probably be sufficient to air condition homes, which would allow windows to be kept closed to attenuate noise. Specific Plan Policy DD-13c states that concrete or masonry soundwalls are not to be constructed in the study area to attenuate noise since they have disturbing aesthetic consequences.

b. Construction Period Impacts. Construction associated with the Specific Plan would temporarily increase ambient noise levels on- and off-site. Construction noise would be associated with such activities as grading, hammering, and truck traffic. Typical noise levels associated with construction are shown in Tables 32 and 33.

Policies of the City's Noise Element, which limit construction periods and truck operations, would mitigate any potential significant construction impacts generated by the Plan to less-than-significant levels. As a result, the Plan would not result in any significant short-term impacts that cannot be mitigated.

2. Heartland Property

Impact NOISE-H1: Three lots in the Heartland project would occur within the 60 to 70 dB Ldn noise contour line and would therefore occur in an environment where outdoor noise levels are considered unacceptable according to City standards. (S)

Development on the Heartland property would be predominantly outside the 60 to 70 dB Ldn contour along Marsh Creek Road. Only Lots 1, 2 and 3 would occur within this contour line, and they would be located right on the 60 dB Ldn contour, so impacts would be marginal.

Mitigation Measure NOISE-H1:

a. Wooden fences, built to soundwall standards, should be installed around Lots 1,2 and 3 to attenuate outdoor noise levels. Alternatively, these lots could be removed, or they could be set back at least 270 feet from the edge of Marsh Creek Road.

b. Interior noise levels in the three homes should be reduced to less than an L_{dn} of 45 dB by air conditioning the homes so that the windows can remain closed.

3. Temps Property

Impact NOISE-T1: Thirty-three homes on the Temps property and the proposed park along Russellmann Road would be developed within the 60 dB Ldn contour. This is within the acceptable range for parks, but just at or outside the range for homes. (S)

> Mitigation Measure NOISE-T1: Site and building design measures specified in Mitigation Measure NOISE-P1 should be adopted to mitigate significant impacts associated with placement of homes within the 60 dB Ldn contour line.

4. Moita Property

No significant impacts on noise levels would result from development on the Moita property. None of the proposed homes would occur within the existing 60 dB Ldn contour on Marsh Creek Road.

5. Cumulative Impacts

Buildout under the Specific Plan would increase ambient noise levels in the study area and cumulatively in the City of Clayton. The Plan would not cause standards to be exceeded, because noise levels on this corridor are already at or above noise standards adopted by the City, as well as the County. The increase in noise from Plan construction itself would be marginal.

Table 32
TYPICAL CONSTRUCTION NOISE LEVELS

Construction Phase	Noise Level (dBA,Leq)[a]
Ground Clearing	84
Excavation	89
Foundations	78
Erection	85
Finishing	89

[a] Average noise levels 50 feet from the noisiest source and 200 feet from the rest of the equipment associated with a given construction phase.

Source: Bolt, Beranek, and Newman, 1971, *Noise from Construction Equipment and Operations, Building Equipment, and Home Appliances,* prepared for U.S. Environmental Protection Agency.

Table 33
TYPICAL CONSTRUCTION EQUIPMENT SOUND LEVELS

Construction Equipment	Typical Sound Level (dBA at 50 feet)
Dump Truck	88
Portable Air Compressor	81
Concrete Mixer (Truck)	85
Jackhammer	88
Scraper	88
Dozer	88
Paver	87
Generator	76
Piledriver	76
Rock Drill	105
Pump	98
Pneumatic Tools	85
Backhoe	85

Source: Federal Register, 1974, Vol. 39, No: 121.

4.14 Electromagnetic Fields

■ ■ ■

A. Existing Setting

High voltage transmission lines cross Marsh Creek Road approximately one mile east of the Foust property. These transmission lines are sources of electromagnetic fields (EMFs), which pose a potential threat to human health. There has been a great deal of research about EMFs over the past several years, but there have been no definitive conclusions from this research.

EMFs are imperceptible energy emissions located at the low end of the electromagnetic spectrum, and produced by alternating current as it surges in electric wires. As the term "electromagnetic" suggests, EMFs have two components, an electric charge and a magnetic attraction. Low-frequency EMFs are less blatantly damaging to living cells than higher-frequency forms of radiation such as x-rays, microwaves, or ultraviolet rays, which contain more energy.

It is very difficult to determine what subtle effects, if any, low-frequency fields may have on living tissue over long periods. It is known that the body's cells have their own electric fields, and some laboratory studies have shown that these internal fields can be disrupted by exposure to even low-energy EMFs. Some scientists hypothesize that subsequent cell changes -- notably in cell membranes, genetic material, immune function, and/or hormonal and enzyme activity -- may lead to an increased risk of cancer. However, it is hard to extrapolate from laboratory studies on isolated cells to human beings living in the real world.

A number of studies have looked at the potential health hazard posed by the long-term exposure of both animals and humans to low-frequency electromagnetic radiation. Although some studies have found, for instance, a link between EMFs and increased birth defects in animals, or an increased risk of cancer (especially leukemia, lymphomas, and brain cancer) in electrical workers or even in children living near high-voltage power lines, other studies have found no clear link. The Environmental Protection Agency concluded that EMFs are "a possible, but not proven, cause of

cancer in people." At this time, it is impossible to say whether EMFs pose any risk, and if they do, at what dose.[1]

Given this situation, some jurisdictions have decided not to allow construction of housing near high voltage transmission lines. Required setbacks in various communities range from 300 to 1,000 feet on either side of the lines' right-of-way, but most communities continue to allow residential construction up to the edge of the right-of-way. Some communities also require that developers disclose the potential health risks of EMFs to home buyers. However, there are no clear standards available at this time indicating whether setbacks or other measures are necessary, and some experts feel that development restrictions are not appropriate given the scientific evidence that is available today. If development occurs in the study area, the City or County may want to restrict development near the existing transmission lines, require relocation of the lines to dedicated open space areas, or require disclosure of potential risks to buyers.

B. Impacts and Mitigation Measures

The Specific Plan would not result in any potential impacts related to EMF because land in the vicinity of the transmission line, which is located east of the Study Area, would remain in agricultural use under current County land use designations. The nearest proposed residential areas in the Plan would be at least 3,600 feet away from the transmission corridor. This is much farther back than the maximum 1,000-foot setbacks required by some communities.

[1] University of California at Berkeley, *Wellness Newsletter*, Volume 7, Issue 6, March 1991, pp. 1-2.

Chapter 5
ALTERNATIVES TO THE PROPOSED ACTIONS

■ ■ ■

CEQA guidelines require that a range of reasonable alternatives to a proposed action that could feasibly attain the objectives of the action be described and comparatively evaluated. This alternatives analysis provides a comparison which focuses on an evaluation of differences related to the significant impacts identified for the proposed Plan. New significant adverse impacts which may be created as a result of one of the alternatives are also identified and discussed. A summary of alternative characteristics is shown in Table 34.

This section addresses alternatives to the proposed Specific Plan and each of the three individual projects that are considered in this EIR. Alternatives to the General Plan Amendment are also addressed in this chapter. CEQA requires that the alternatives to be considered must include the "No Project" alternative. In this EIR, the No Project alternative is assessed as a whole, with a single discussion for the Specific Plan area, the General Plan Amendment, and the Heartland, Temps and Moita sites.

As alternatives to the Specific Plan, this EIR addresses three additional plan alternatives: the Property Owner Preferred Alternative, the Agriculture Preservation Alternative, and the Extensive Development Alternative. These alternatives also apply to the proposed General Plan Amendment. The General Plan Amendment corrects inconsistencies in the current General Plan and establishes land use designations in the areas outside the City limits. However, the substantive changes to land use designations only occur within the Marsh Creek Road Specific Plan area, so the alternatives proposed for the Specific Plan are also suitable alternatives for the General Plan Amendment.

In addition, evaluations of mitigated site plan alternatives for each of the three specific project sites are also included. The alternative site plans for the individual projects are shown in Figures 49, 50 and 51. They are conceptual in nature and are not to be taken as formalized site plans. To become development plans, they would require more technical analysis and further study to address such issues as precise cut and fill requirements, slope and drainage analyses, and exact placement of lots.

Table 34
SUMMARY OF ALTERNATIVE CHARACTERISTICS

Alternatives	Land Use	Policy Conformity	Population and Housing	Parks and Open Space	Municipal Services	Geology & Seismicity	Hydrology	Vegetation & Wildlife	Visual Resources	Archaeological Resources	Traffic, Access and Circulation	Air Quality	Noise	Electromagnetic Fields
No Project	0	++	-	+	0	+	0	-	-	+	-	+	+	0
Property Owner Preferred	0	0	-	0	-	0	-	0	--	0	-	0	0	0
Agriculture Preservation	0	0	0	-	0	+	-	+	0	0	0	0	0	0
Extensive Development	-	-	-	-	-	-	-	-	--	-	--	--	-	-
Heartland Mitigated Site Plan Alternative	0	++	+	0	+	++	+	++	++	0	+	0	0	0
Temps Mitigated Site Plan Alternative	0	++	0	0	+	+	+	++	0	0	0	0	0	0
Moita Mitigated Site Plan Alternative	0	++	+	+	+	+	+	++	++	0	++	0	0	0

++ Eliminates Significant Impacts + Eliminates Less-Than-Significant Impacts 0 No difference - Creates a Less-Than Significant Impact -- Creates a Significant Impact

This chapter evaluates each alternative for its environmental impacts, and aginst the goals of the project. The overall goals of the *Marsh Creek Road Specific Plan* are to recognize the unique rural character of the study area, to designate appropriate areas in the study area for residential development, and to guide and regulate development in a manner which both protects and enhances the area's natural amenities and features, and affords recreational opportunities and public access.

As required by State law, this evaluation also identifies the alternative with the least environmental impact, which is known as the "environmentally superior alternative." If the No Project alternative is designated as the environmentally superior alternative, CEQA Guidelines require that one of the other remaining alternatives also be identified as environmentally superior. This EIR identifies an environmentally superior alternative for each project component.

A. No Project Alternative

1. Principal Characteristics

Under the No Project Alternative, existing Contra Costa County policies and regulations governing the study area would continue to control growth and development. As described in the Project Description in Chapter 3 and detailed in Table 6, this scenario could theoretically result in a total of 90 new units in the planning area if the densities shown in existing County zoning were all allowed to occur.

However, site development policies contained in the County General Plan, coupled with recent County decisions regarding development proposals in the area, suggest that a much smaller number of units could actually be allowed under existing County regulations. As illustrated in Table 7, a total of 46 new units would probably be allowed in the study area under the No Project Alternative, for a total of 92 units in the area. Since this is the likely development scenario under existing County regulations, this is the scenario that is evaluated in this chapter as the No Project Alternative.

Under this alternative, there would be fewer units built in the study area than would be allowed under the Specific Plan, but development would be much more scattered throughout the area. The only urban concentration of development would be on the Oakwood, Shirley, Hellmers and Osteen properties, which would be allowed to develop under existing City zoning at up to three units per acre. In the remainder of the area, only one residential unit would be allowed on each lot, and subdivisions of lots would only occur where County zoning and development regulations would allow smaller lots. Most of the study area would take on a rural residential/ranchette character similar to that already found along Marsh Creek Road in the western part of

the study area. Lots would be larger, and houses more dispersed, in areas with slopes and environmental constraints.

2. Evaluation

The following beneficial and adverse effects would occur if this alternative were implemented, as compared to the proposed Specific Plan itself:

a. Land Use Compatibility. No wholesale change in land use of the area would occur. Rural residential development would continue to occur in the study area, but no significant impacts related to the change in land use from rural to urban would occur. However, the No Project Alternative would not fulfill the directive of the Specific Plan to guide development in a manner which protects and enhances the area's natural amenities and features, as no new open space areas would be dedicated through development projects. Thus the overall effect could be to actually diminish the amount of open space within the study area over the amount that would be preserved by the Specific Plan.

b. Policy Conformity. No annexation or changes to the Sphere of Influence of the City of Clayton would be required since all development would be at rural residential levels. This would be a less-than-significant improvement over the Specific Plan, which proposes some development outside the existing Urban Limit Line and Sphere of Influence.

c. Population and Housing. There would be a slightly smaller number of people and housing units under this alternative. Similar to the proposed plan, there would be no significant impact.

d. Parks and Open Space. There would be no significant impacts on Parks and Open Space resources under the No Project alternative because development population is limited.

e. Municipal Services.

(1) Water. There would be relatively little new demand for potable water or for new water distribution and storage facilities under this alternative. It appears that at most 92 homes within the study area might eventually be serviced by CCWD. All would be located within Zone 6, and the existing 150,000 gallons of excess storage capacity on Nob Hill would exceed the study area's total storage requirement by approximately 21,000 gallons. It is unlikely that all of these homes would ever join CCWD though, because the use of groundwater is generally far less expensive than tying into the community water system.

(2) Sewer. There would be relatively little new demand for wastewater collection or treatment service within the study area under this alternative. Unless the use of private septic systems is prohibited by the County Health Department, it appears that no more than about 50 homes would ultimately connect into the City's sewer collection system. The cost of extending new collection lines for only a few, widely separated homes would generally be prohibitively high, except for those parcels located close to the existing sewer lines.

The relatively low flow that would be produced by 50 homes would not significantly affect either the availability of capacity at the treatment plant or the magnitude of peak flows within the existing El Molino collection system. As a result, it does not appear that any off-site sewer improvements would be needed.

(3) Emergency Services. No impacts on the City of Clayton Police Department and the Contra Costa County Fire District would occur, since all development would occur in the County and be served by the County sheriff and the East Diablo Fire District. However, these agencies could be less well equipped to handle an incremental amount of rural residential development than the urban service providers would be to serve the Specific Plan buildout, so the impact of the No Project alternative might be greater than that of the proposed Specific Plan.

(4) Schools. Growth in the study area could occur under the No Project Alternative and could have long-term cumulative impacts on the Mt. Diablo School District, although the impact would be mitigated by development impact fees. School impacts would, however, be less under the No Project Alternative, since fewer students would be generated.

f. Geology, Soils and Seismicity. If the No-Project Alternative were selected, much less grading and development would occur. This would likely result in fewer landslides being repaired. Unrepaired landslides are likely to continue moving, but may not cause significant damage to developed areas. Nevertheless, some damage could occur to adjacent improvements beyond the limits of the property upon which the slide is present, and additional damage to stream channel or other wildlife habitat may result.

g. Hydrology. Buildout under the No Project Alternative would result in only 16.4 acres of impervious surface, mostly in Subbasin 3. Table 35 compares impervious surfaces for three alternatives to the Plan. The increase in peak runoff was not calculated for this alternative, but it is expected that this level of development would result in a negligible increase in off-site peak runoff. Therefore, the impact on flooding of Mt. Diablo Creek in the Specific Plan Area would be less than significant, and the impact on stream channels would also be small, depending upon the location

of development and the amount of storm sewering associated with it. The small amount of impervious surface would have negligible impact on groundwater recharge.

The location of development in the subbasins is not known. It should be assumed that there would be some impact on stream channels or drainages which would require mitigation and therefore would have a significant impact due to restoration or mitigation efforts. Restoration of portions of Mt. Diablo Creek may be necessary even if no significant development occurs in the watershed due to the degraded condition of the stream channel along Marsh Creek Road.

The impact of this alternative would be the same as the Specific Plan. Impacts would be significant because development would result in construction of stream crossings, stream fill and drainage pipes to the creeks. Without specific development plans, it is not possible to determine how many feet of stream channel would be filled or how many road crossings and pipe discharge points would be required.

h. Vegetation and Wildlife. The No Project alternative would have fewer than half the development units of any of the other alternatives, and on the surface it would seem to be the preferred alternative from the standpoint of biological impacts. Because it would not have any new protective measures, however, it could result in significantly greater adverse impact than the Specific Plan and Property Owner Preferred alternatives. Not only would no measures for creek restoration be included in this alternative, but adverse activities in creek zones, which include grazing, culverting, vegetation removal, and channelization could continue.

There is little evidence that woodlands have been adversely unpacted in the recent past, so the No Project alternative would probably not result in degradation of this habitat. For grasslands, this alternative would retain the existing grazing practices, which have generally resulted in a low habitat value for this community in terms of its use by predators. Overall, the adverse impacts of the No Project alternative would be equivalent to those of the Agriculture Preservation and Extensive Development Alternative, though different in kind. Creeks and special-status species could suffer degradation under the No Project Alternative, while oak woodlands and open grassland/savanna would have the greatest adverse impact in the Extensive Development alternative.

Table 35
COMPARISON OF IMPERVIOUS SURFACE
FOR FOUR PROJECT ALTERNATIVES

Subbasin	Total Acreage	Specific Plan Buildout		Owner Preferred		Extensive Development		No Project	
		Acres	Percent	Acres	Percent	Acres	Percent	Acres	Percent
2	148.2	23.9	16.1%	27.0	18.2%	28.6	19.3%	0.4	0.3%
3	55.9	11.2	20.1%	17.4	31.1%	24.4	43.7%	6.5	11.6%
4	157.7	15.8	10.0%	16.9	10.7%	34.5	21.9%	1.6	1.0%
5	278.9	0.0	0.0%	0	0.0%	20.1	7.2%	0.2	0.1%
8	47.1	1.3	2.8%	1.3	2.8%	8.4	17.9%	0.2	0.4%
9	37.3	7.8	20.9%	6.9	18.5%	11.1	29.7%	0.8	2.2%
10	211.9	20.8	9.8%	19.1	9.0%	24.2	11.4%	1.2	0.6%
11	38.1	9.6	25.2%	9.3	24.3%	7.9	20.8%	0.6	1.6%
12	294.3	5.6	1.9%	5.9	2.0%	25.0	8.5%	0.8	0.3%
Total	**1,269.4**	**95.9**	**7.6%**	**103.7**	**8.2%**	**184.2**	**14.5%**	**12.3**	**1.0%**

i. Visual Resources. The study area would retain its rural residential and agricultural visual character; however, since development is still allowable under the No Project Alternative, there would likely be dispersed development, including those areas in the eastern portion of the study area.

j. Archaeological and Historic Resources. The potential for disturbing unknown, subsurface archaeological resources would be reduced since less grading and overall development would occur. Impacts could still occur, however, as some development is still allowable under the No Project Alternative.

k. Traffic and Circulation. Changes in future intersection operation would result from through traffic increases as well as increases from other planned buildout within the City of Clayton. All intersection mitigation measures previously listed for cumulative conditions at Concord intersections would still be required. Marsh Creek Road could have insufficient capacity to handle increased amounts of through traffic, if the right-of-way would only accommodate two lanes (one lane in each direction).

l. Air Quality. Air quality impacts related to construction, such as dust and increased levels of suspended particulates, would be reduced with the No Project Alternative. Since the overall level of development would be lower, there would be reduced trips and reduced vehicle emissions compared with the Specific Plan. However, some trip lengths would be longer since development would be more dispersed, so some air quality impacts would still occur.

m. Noise. Construction period and long-term noise impacts, although not considered significant under the Specific Plan, would be reduced under the No Project alternative.

n. Electromagnetic Fields. As with the Specific Plan, no electromagnetic effects would occur under this alternative.

B. Alternatives to the Proposed Specific Plan

In addition to the No Project Alternative, three alternatives to the Specific Plan are analyzed in this EIR, representing a range of feasible approaches to planning for the area. Each of these alternatives is described briefly, and it is then evaluated for its adverse and beneficial effects when compared to the Specific Plan as proposed.

For the Agriculture Preservation and Extensive Development Alternatives, a qualitative analysis has been completed without the level of detailed analysis that is provided for the proposed project. This is allowed by CEQA. At the request of the Planning Commission, however, a more detailed and quantitative evaluation of the

Property Owner Preferred Alternative is provided, which would allow for a more substantive discussion of the merits of this alternative as compared to the proposed plan.

1. Property Owner Preferred Alternative

a. Principal Characteristics. The Property Owner Preferred Alternative is based on the expressed development preferences of landowners within the Specific Plan area. Although it follows the general outlines of the proposed Specific Plan, it includes significant amounts of additional development in some portions of the study area.

Under this alternative, 334 single-family units would be developed, representing an increase of 29 units over the proposed Specific Plan. More intense residential development would occur primarily north of Marsh Creek Road. A larger expansion of the commercial development on the Rodenburg property would occur. Table 36 and Figure 46 illustrate this alternative.

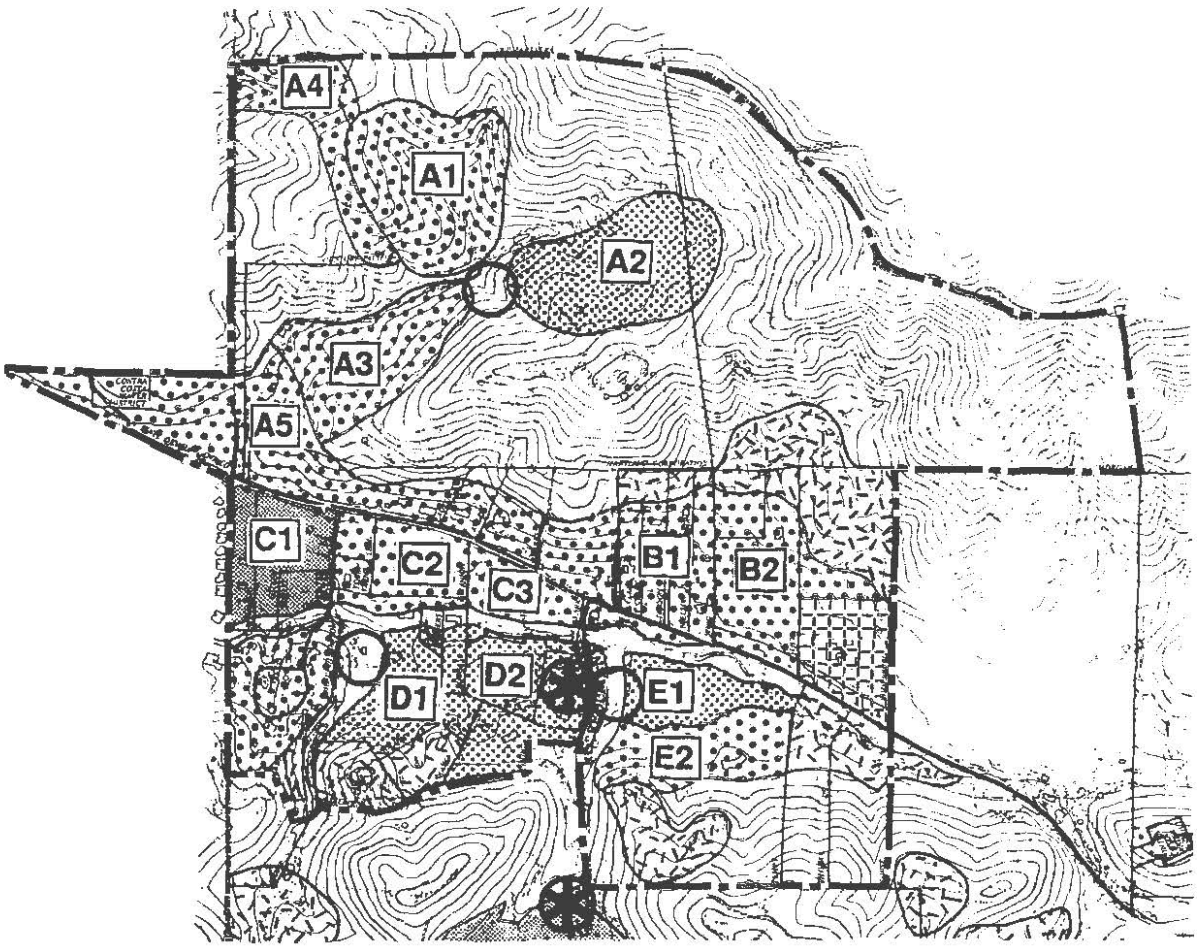
b. Evaluation. The following beneficial and adverse effects would occur if this alternative were implemented, as compared to the proposed Specific Plan itself:

(1) Land Use. This alternative would not significantly alter the location of units allowed in the study area under the Specific Plan; however it would allow for an intensification of development in the development areas designated under the Specific Plan, which would diminish the rural residential character preserved by the Specific Plan through the Ranchette Residential designation.

(2) Policy Conformity. Impacts would be similar to those identified under the Specific Plan, in that some development would occur outside of the City of Clayton's existing Urban Limit Line and Sphere of Influence and require annexation and changes to the Sphere of Influence.

(3) Population and Housing. There would be a greater number of people and housing units under this alternative. Similar to the proposed plan, there would be no significant impact.

(4) Parks and Open Space. This alternative would have the same less-than-significant impacts on parks and open space resources as the Plan. Although an additional 29 units would be developed, the additional 86 persons associated with these extra units would not be enough to alter the ratio of residents to parks, such that a new neighborhood park would be required.



Legend

- Ranchette Residential — 1 unit/5 acres
- Low Density Residential — 1.0 - 1.5 units/acre
- Medium Density Residential — 1.5 - 2.2 units/acre
- Suburban Density Residential — 2.2 - 3.0 units/acre
- Convenience Commercial
- Recreational Residential
- Open Space
- General Location of Park Sites
- Historic Building Sites
- B1 — Development Area Designation

NORTH

5 Acres

0 300 600 1200

Scale in Feet

MARSH CREEK ROAD SPECIFIC PLAN EIR

■ ■ ■

FIGURE 46

Property Owner Preferred Alternative

Table 36
PROPERTY OWNER PREFERRED ALTERNATIVE
BUILDOUT POTENTIAL

Development Area	Major Property Owners	Approximate Acreage	Density	Anticipated Units	Existing or Approved Units	Net New Units
A1	Heartland	18.7	Low	28	0	28
A2	Heartland/Morgan	20.6	Medium	45	0	45
A3	Heartland	14.1	Low	21	0	21
A4	Moita	10.2	Low	15	1	14
A5	North State Heartland Laurence Kelly Soares	34.3	Low	51	3	48
B1	James/Iverson Torson P. Clark Carlson Nielson Wing	26.5	Low	40	8	32
B2	Lietz Rodenburg					
C1	Hellmers Osteen Shirley	12.0	Suburban	36	4	32
C2	Tobin/Trent Leal Manion	13.7	Low	21	2	19
C3	M. Clark					
D1	Holmes Burgess Sanders	22.1	Medium	49	6	43
D2	Cooper Leal Pound Clark					
E1	Temps	11.6	Medium	26	0	26
E2	Temps	10.4	Low	15	1	14
Subtotal				347	25	322
Ranchettes				26	14	12
Oakwood Subdivision				16	16	0
TOTAL				389	55	334

(5) Municipal Services.

(a) Water. The higher number of homes proposed under this alternative would increase the demand for potable water and create a greater need for water storage and distribution facilities within the study area. Under this scenario, the total number of equivalent water services in Zone 6 outside Development Area A would rise from 198 to 248, an increase of 50 services.[1] The total storage requirement would probably be 347,200 gallons, or approximately 197,200 gallons more than is now available at the Nob Hill reservoir. Therefore, a new water tank would probably have to be constructed as the study area approaches build-out under this alternative.

It appears that there is sufficient room on Nob Hill for installation of a new reservoir, but this cannot be confirmed until CCWD inspects the site to verify the location of existing facilities and to evaluate geologic stability.

Development within pressure Zone 7, on Russellmann Road, would be the same as proposed under the recommended plan.

The total number of homes in Development Areas A1 through A4 would decrease by 6, to a total of 108. This exceeds the storage allocation set aside at the Irish Canyon reservoir, but it should not result in a storage deficit. A Zone 8 reservoir for an estimated 46 homes would also have to be constructed under this alternative, and therefore Irish Canyon would only have to provide storage for 62 homes within Zones 6 and 7.

The existing Zone 6 water distribution system along Marsh Creek Road would have to be upgraded and extended into surrounding Development Areas, as described above for the Specific Plan itself. Slightly higher flow capacities would probably be needed in some locations to accommodate higher peak hour demand.

(b) Sewer. The higher number of homes proposed under this alternative would increase the demand for wastewater collection and treatment services within the study area.

Under this scenario, 156 homes would be constructed in Development Area A, representing no significant change from the recommended plan. The number of homes to receive sewer service in the rest of the study area would increase to 166, and 8.5 acres of proposed commercial properties would add another 30 equivalent sewer services. The total number of services in the study area would be 352, or 19% more than in the recommended plan. This increase would not significantly affect treatment capacity within the Contra Costa County Sanitation District.

[1] 30 of these would be equivalent services to the proposed 8.5 acre commercial area.

It is estimated that peak wastewater flows produced by the entire study area would be approximately 50 gpm higher than under the recommended plan. This could require larger pipe sizes along some parts of the proposed Mount Diablo Creek/Marsh Creek Road collection system, but it would probably have little effect on the overall system layout or the location of tributary sewer lines. Construction costs would increase slightly due to larger pipe sizes, but it is expected that the greater number of homes in the study area would generally result in a lower unit cost for construction of the Mount Diablo Creek collector.

This alternative would also increase peak flows within the existing El Molino collector sewer. This could result in larger pipe sizes and a revised schedule for the construction of area-wide improvements. The scope of required work should not change significantly, though, so it would have a very limited effect on the provision of additional sewer capacity.

(c) Emergency Services. As with the Specific Plan, growth in the study area under this alternative could have long-term cumulative impacts on the City of Clayton Police Department. Although the Contra Costa County Fire District may need new stations to accommodate increased growth, development impact fees would mitigate this impact.

(d) Schools. As with the Specific Plan, growth in the study area could have long-term cumulative impacts on the Mt. Diablo School District, although the impact would be mitigated by development impact fees.

(6) Geology, Soils and Seismicity. The effects of the Property Owner Preferred Alternative would be relatively similar to those of the Specific Plan. There are somewhat more extensive development proposed with the Property Owner Preferred Alternative, but the general limits of work are similar and anticipated geotechnical aspects of the construction would also be about the same.

(7) Hydrology. Buildout under the proposed Property Owner Preferred Alternative would increase rainfall runoff and peak stream flows more than the Specific Plan Buildout Alternative due to greater development density and more impervious surface. The hydrological characteristics of this alternative at buildout is shown on Table 37. As in the Specific Plan, these measurements were calculated for a project of similar size, and represent a conservative estimate. Subbasins 2, 3, 4, 8, 9, 10, 11, and 12 would be affected. A greater amount of impervious surface would be created in this alternative. Therefore, the increase in peak runoff, and the impact on potential on-site flooding, would be slightly greater due to greater development density. This alternative would create more impervious surface in Subbasin 3, just upstream of the area of mapped flood hazard. Greater development density would increase changes in flow regime which influence channel stability.

Overall, the impact of this alternative would be the same as the Specific Plan. Impacts would be significant because development would result in construction of stream crossings, stream fill and drainage pipes to the creeks.

(8) Vegetation and Wildlife. The Specific Plan and the Property Owner-Preferred alternative are essentially similar in their impacts on biotic resources. Both would adhere to all of the policies stated in the Specific Plan or included as mitigation measures for the identified impacts. Under both alternatives, a wildlife corridor would be created, and special-status species would be protected by site specific review of new developmental proposals. Both alternatives would also create buffer zones for creeks and require riparian restoration under certain conditions. The Property Owner-Preferred alternative includes two additional zones of low density development (A4 and A5) and increases density in a third (C1). There would be somewhat more impact on oak woodland and/or grassland/savanna habitat as a result. The mitigative measures presented would be applied to both habitats, however, such that the differences in impact between the two alternatives would be nominal.

(9) Visual Resources. The overall visual impacts would be similar under this alternative as under the proposed Specific Plan. However, several specific additional visual impacts would occur. Under this alternative, Lots 5 through 11 on the Moita property would remain, with highly visible homes along the ridgeline.

(10) Archaeological and Historic Resources. The potential archaeological impacts would be essentially the same under this alternative as under the proposed Specific Plan. There would be a marginally greater chance of disturbing cultural resources on additional development parcels such as the Soares, Kelly and North State Development properties, but this would not be a significant difference from the proposed project.

(11) Traffic and Circulation. For purposes of the traffic evaluation, there would potentially be 338 net new units and a 3,750 square foot convenience store adding traffic to the roadway system. This unit number differs from that shown in Table 36 because, for traffic purposes, some of the units shown on the table as "existing or approved" are counted among the net new units adding traffic to the roadway system at buildout. As shown on Table 38, these units would generate 3,228 daily two-way trips, with 64 inbound and 186 outbound AM peak hour trips and 223 inbound and 118 outbound PM peak hour trips. The convenience store on Rodenburg Road would generate about 60 inbound and 60 outbound AM peak hour trips and 65 inbound and 70 outbound PM peak hour trips. In contrast to the Specific Plan project, these additional residential trips would result primarily from increased

Table 37
HYDROLOGIC CHARACTERISTICS
PROPERTY OWNER PREFERRED ALTERNATIVE BUILDOUT

Sub-Basin	Existing		With Project		Lag Ration[a]	Total Storage (ac-ft)[b]	Peak Only Storage (ac-ft)[c]
	Peak Flow (cfs)	Time to Peak (hr)	Peak Flow (cfs)	Time to Peak (hr)			
2	201	3.0	325	2.77	.25	8.1	3.3
3	136	2.77	148	2.77	.75	1.7	0.1
4	270	2.87	335	2.77	.50	4.4	1.3
5	NA	NA	NA	NA	NA	NA	NA
8	92	2.80	95	2.80	.90	.25	.02
9	66	2.83	81	2.77	.50	1.1	.25
10	262	3.07	306	2.97	.75	4.4	1.1
11	66	2.87	83	2.77	.50	1.3	0.3
12	336	3.13	355	3.07	.90	2.1	0.3

NA This basin not affected by this development alternative.

[a] Lag ratio is the ratio of the existing conditions hydrologic lag time to the developed conditions lag time. This factor is based on the engineers judgement of the impact of the proposed development on the hydrologic characteristics of the basin.

[b] The Total Storage is the storage required to maintain the outflow from the detention basin at the predevelopment level for each time interval during the design storm. This is an upper bound on the estimated storage required.

[c] The Peak Only storage is the storage required to maintain the maximum outflow at the predevelopment level for the design storm. This is a lower bound on the estimate of required storage.

numbers of units on Oak Creek Canyon Drive and Pine Lane. There would be a reduction in the overall number of units adding traffic to Rodenburg Road. Overall, project study area traffic volumes would increase about 15 percent during the AM and PM peak commute hours.

These increases would not create significant impacts to study intersection service level operations, and, when compared to the proposed project would change the volume-to-capacity ratios at all study intersections less than 1 percent.

Marsh Creek Road could have insufficient capacity to handle increased amounts of through traffic, if the right-of-way will only accommodate two lanes (one lane in each direction).

Table 38
TRIP GENERATION — PROPERTY OWNER PREFERRED ALTERNATIVE

Use	Size	Daily		AM Peak Hour				PM Peak Hour			
				In		Out		In		Out	
		Rate	Vol	Rate	Vol	Rate	Vol	Rate	Vol	Rate	Vol
Single-Family Residences	338 d.u.	9.55	3,228	.19	64	.55	186	.66	223	.35	118
Convenience Store	3,750 sq. ft.	*	N/A	15.51	60	15.51	60	16.94	65	17.63	70

* There is no daily rate provided by ITE.

Source: Compiled by Crane Transportation Group.

Trip Rate Source: *Trip Generation*, 5th edition, by the Institute of Transportation Engineers, 1991.

(12) Air Quality. This alternative would result in less-than significant impacts similar to those identified under the Plan. The additional 29 units would not produce significantly greater vehicular emissions. They would not cause thresholds of significance to be exceeded for a project because the growth would result in less than 1 percent of the General Plan's projected emissions.

(13) Noise. This alternative would result in noise impacts comparable to those identified under the Plan. The additional units would not increase the decibel level on Marsh Creek Road.

(14) Electromagnetic Fields. This alternative would not be affected by the presence of the overhead power line in the eastern section of the study area.

2. Agriculture Preservation Alternative

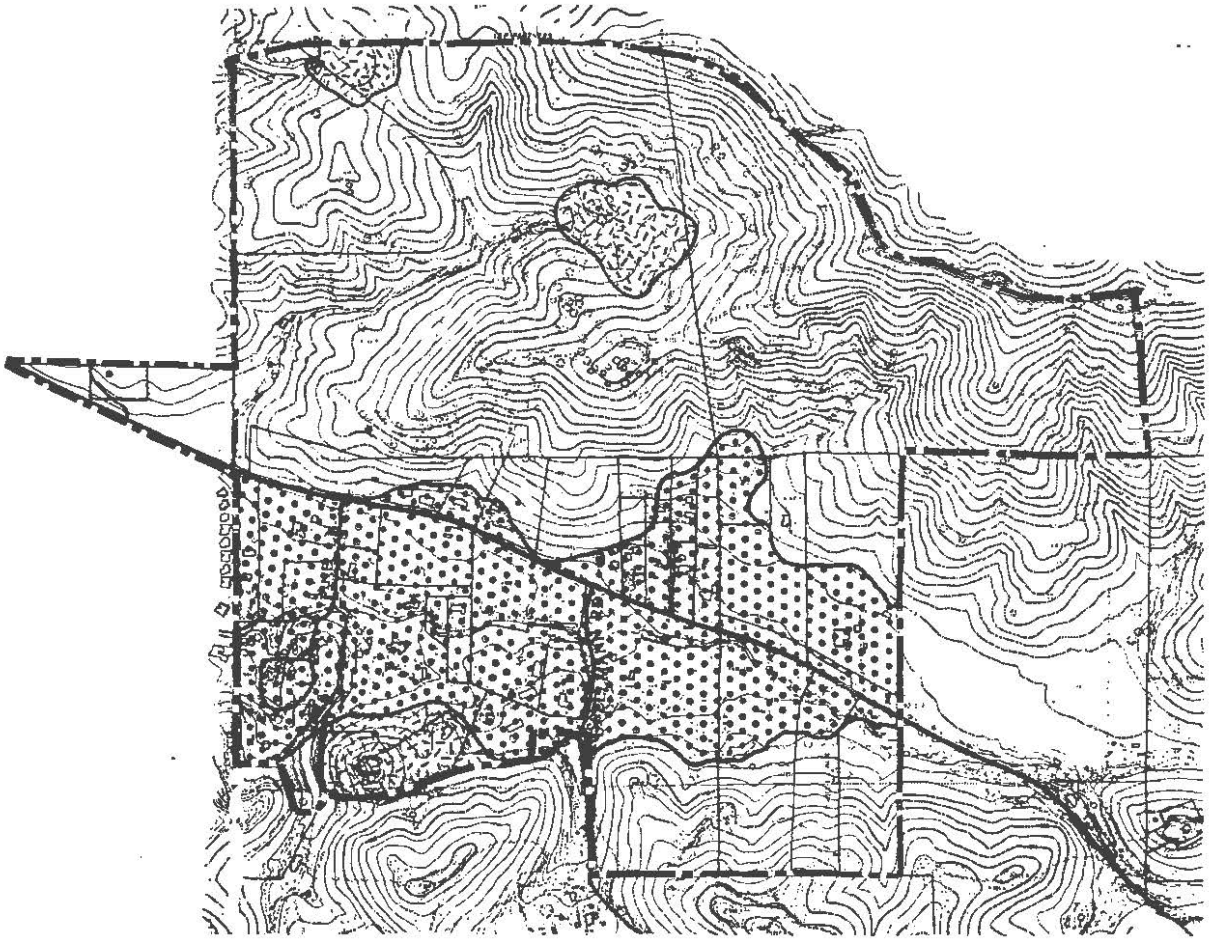
a. Principal Characteristics. The Agriculture Preservation Alternative as shown in Figure 47 would allow for development of 318 residential units, plus those units already existing in agricultural portions of the area for a total of about 361 units. This would be 14 more than under the proposed Specific Plan, which would represent a 4 percent increase over the proposed Plan.

Figure 47 shows the proposed Development Areas under this alternative by land use, allowable densities and total units under buildout. Development Areas would be less dispersed than under the proposed Specific Plan. This alternative would allow for limited residential development in the most developable portions of the study area, while preserving lands in agriculture and open space that are constrained by environmental factors or slopes.

Suburban development would be more concentrated in the alluvial valley of Mt. Diablo Creek, at a density of 2 to 3 units per acre. This density would be similar to densities currently found in other developed parts of Clayton and would be slightly higher than densities under the proposed Plan. This alternative would not promote the creation of a transitional character from suburban to rural use.

Several secluded pockets of ranchette development, at densities of 1 unit per 5 acres, would also be allowed on and adjacent to the Heartland property. These pockets would not be visible from Marsh Creek Road or surrounding development in Clayton.

No commercial development would be designated in the study area under this alternative. The existing Rodie's store could remain but could not be expanded. The Rodenburg property could also be developed for residential use.



Legend

- Ranchette Residential
- Suburban Residential
- Open Space
- Specific Plan Boundary

Housing Type	Density (Units/Acre)	Acres	Approx. Total Units
Ranchette Residential	1 per 5 acres	25	5
Suburban Residential	2-3 per acre	125	313
Totals		**150**	**318**

NORTH

5 Acres

0 300 600 1200

Scale in Feet

MARSH CREEK ROAD SPECIFIC PLAN EIR

FIGURE 47

Agricultural Preservation Alternative

b. Evaluation. The following beneficial and adverse effects would occur if this alternative were implemented, as compared to the proposed Specific Plan itself:

(1) Land Use. Residential development under the Agriculture Preservation Alternative would alter the existing rural character of the study area. Although the density would be slightly higher than under the proposed Plan (2-3 units per acre compared with 1-2 units per acre), it would be concentrated along the flatter areas within the Specific Plan boundary adjacent to Marsh Creek Road. The Heartland property would not be developed to the extent proposed under the proposed Plan. Ranchette development would be allowed under the Plan in areas less visible than those proposed under the Specific Plan. Overall, the significant change to the land use character of the valley floor foreseen under the Plan would still occur, but land use impacts on outlying areas would be reduced.

(2) Policy Conformity. This alternative would generally conform with the City development goals and Specific Plan policies. There would be a general transition in development through the area from west to east. Conflicts between development and natural constraints would be minimized. Chaparral plant communities would be retained in open space and agricultural area, in order to preserve rare plants and animals associated with them. No development would occur on slopes in excess of 26 percent, which is in keeping with the General Plan policy. No development would occur on properties currently under deed restrictions in the area. No development would occur on major ridgelines or in the vicinity of overhead transmission lines in the area.

(3) Population and Housing. There would be slightly more people and housing units under this alternative. The impact on population would be relatively the same as under the proposed plan.

(4) Parks and Open Space. This alternative would require more neighborhood park(s) acreage to meet the City's requirements of 3 acres of park land for every 1,000 residents. With 4 percent more in the amount of units under the Specific Plan, this alternative would require one-tenth acre more of new parkland when compared to the proposed Plan.

(5) Municipal Services.

(a) Water. The increased number of homes proposed under this alternative would increase the demand for potable water, as well as for water storage and distribution facilities, by about 4 percent within the study area.

The 12" Marsh Creek Road water line probably would not have sufficient capacity to provide full fire protection plus maximum day demand within Zone 6 when the study area is built out under this alternative, as is the case under the proposed Plan. To provide additional capacity, a parallel main would most likely have to be installed along some parts of Marsh Creek Road from the Nob Hill Tank to Russellmann Road, and then along Mount Diablo Creek from Russellmann Road to the western boundary of the study area, just as proposed under the Plan.

There would be no need for additional capacity in Zone 7, as there would under the proposed Plan. The Plan calls for either the installation of a hydropneumatic pressure system to boost water pressure from the Nob Hill water tank, or the installation a new storage tank in Zone 7. Neither of these options would be necessary under this alternative.

(b) Sewer. The greater number of homes proposed under this alternative would increase the demand for wastewater collection and treatment services within the study area by about 4 percent. Average wastewater production in the study area would be about 4 percent more than under the recommended plan.

This alternative would concentrate development and the need for sewer service over a smaller portion of the study area. It is expected that all sewered areas could still be drained by gravity, so the proposed Mount Diablo Creek/Marsh Creek Road route would remain the logical choice for the main collector sewer. The network of tributary sewers would be slightly less extensive, and would not reach as far into the surrounding hills than under the recommended plan.

A new sewer line would still need to be constructed along Mount Diablo Creek/Marsh Creek Road route, as under the proposed Plan. There would also need to be downstream improvements on the wastewater collection system along the El Molino Drive alignment, as under the proposed Plan.

(c) Emergency Services. As with the Specific Plan, growth in the study area could have long-term cumulative impacts on the City of Clayton Police Department. Although the Contra Costa County Fire District may need new stations to accommodate increased growth, development impact fees would mitigate this impact.

(d) Schools. As with the Specific Plan, growth in the study area could have long-term cumulative impacts on the Mt. Diablo School District, although the impact would be mitigated by development impact fees.

(6) Geology, Soils and Seismicity. The Agriculture Preservation Alternative would require slightly less grading than the other alternatives. Under this alternative, no development would occur on slopes greater than 26 percent, whereas development would occur in some areas on the Heartland site with slopes up to 40 percent under the proposed Plan. Grading would still need to take place in order to do landslide repairs and to accommodate homes on slopes up to 26 percent.

Other geotechnical impacts would be essentially the same as under the proposed Plan.

Repair of significant landslides on the Heartland site could probably be avoided under this alternative, while still allowing limited ranchette development.

(7) Hydrology. Buildout under the proposed Agriculture Preservation Alternative would cause more of an increase in rainfall runoff and peak stream flows than would occur under the proposed Plan. There would also be a greater a potential increase in on-site flood hazards and channel erosion than under the Specific Plan buildout due to the larger amount of development.

(8) Vegetation and Wildlife. The Agriculture Preservation Alternative would contain the same protective and mitigative measures as in the Specific Plan, only more so. It would retain measures to protect special-status species, creek protection, and creek restoration. Since more open space and agricultural areas would be preserved under this alternative, there would be reduced impacts on habitat areas.

Ranchettes under this alternative could result in less of an impact on special status species because of decreased human use of the land.

The Agriculture Preservation Alternative would allow less development near oak woodland habitats and open areas for foraging predators, thereby lessening adverse biological impacts than under the proposed Plan.

(9) Visual Resources. There would less of a visual impact with this alternative when compared to the Specific Plan alternative. Under this alternative, there would be still be the visual impact of development along Marsh Creek Road. The density would be slightly higher in this area, which would represent a greater departure from the existing character than is foreseen under the proposed Plan.

There would be less development in areas (such as the Heartland property) that are visible from both the Summit and the North Peak of Mount Diablo, which are significant viewpoints for recreational users.

(10) Archaeological and Historic Resources. The potential for uncovering archaeological resources would be about the same under this alternative due to the similar amount of land area disturbed.

(11) Traffic and Circulation. For purposes of the traffic impact evaluation, the Agriculture Preservation Alternative would allow construction of 14 more single family units. There would be approximately 140 more two-way trips per day added to the roadway network. This is about a 5 percent increase in the amount of trips when compared to development allowed under the proposed Plan. This increase is insignificant, and the same intersection and roadway improvements would be needed under this alternative.

(12) Air Quality. This alternative would result in slightly more vehicular emission levels than under the Plan, because development would only slightly more (by about 4 percent) than under the Specific Plan. Just as under the Proposed Plan, this alternative would not cause thresholds of significance to be exceeded for the project because the growth would still result in less than 1 percent of the General Plan's projected emissions.

(13) Noise. Noise impacts related to construction and traffic generation would be slightly more under this alternative. However, differences in noise increases are not likely to be perceptible due to the existing noise levels on Marsh Creek Road.

(14) Electromagnetic Fields. Development would not occur near the overhead power lines in the eastern section of the study area under this alternative, so no impacts would occur.

3. Extensive Development Alternative

a. Principal Characteristics. The Extensive Development Alternative would allow for development of a total of 535 residential units. This would be 188 more than under the proposed Specific Plan, and would represent an increase of roughly 1.6 times the proposed Plan.

Figure 48 shows the proposed Development Areas under this alternative by land use, allowable densities and total units under buildout. Development Areas would be much more intense than under the proposed Specific Plan. The commercial development on the Rodenburg property would be similar to that under the Landowner Preferred Alternative.

b. Evaluation. The following beneficial and adverse effects would occur if this alternative were implemented, as compared to the proposed Specific Plan itself:

(1) Land Use. The extensive residential development allowable under this alterative would significantly alter the existing rural character in the study area.

(2) Policy Conformity. Development would occur on Keller Ridge and on lands outside the Urban Limit Line. Blueline creeks in the area would not be protected by the setbacks proposed under the Specific Plan. The proposed alternative would not achieve the overall goal set forth in the Specific Plan.

(3) Population and Housing. There would be significantly more people and housing units under this alternative.

(4) Parks and Open Space. This alternative would require development of additional neighborhood park(s) to meet the City's requirements of 3 acres of park land for every 1,000 residents. With 1.6 times the amount of units under the Specific Plan, this alternative would require approximately 4.8 acres of new parkland.

(5) Municipal Services.

(a) Water. The higher number of homes proposed under this alternative would increase the demand for potable water, as well as for water storage and distribution facilities, within the study area.

This proposal would increase the number of homes (excluding ranchettes) in Zone 6 to about 436. This exceeds the available storage on Nob Hill by approximately 410,000 gallons,[2] so a new Zone 6 tank would be required. 120,000 gallons of fire storage may also be needed, because, as development within the area becomes denser and more widespread, the likelihood of simultaneous fires in two or more locations increases. Decisions on local fire storage requirements would be made by the Contra Costa County Fire Protection District, in cooperation with CCWD.

[2] Note: Data supplied by Craig Scott, Contra Costa Water District, personal communication, April 14, 1995.

Legend

- Ranchette Residential
- Low Density Residential
- Suburban Residential
- Commercial Convenience
- Open Space
- Specific Plan Boundary

Housing Type	Density (Units/Acre)	Acres	Approx. Total Units
Ranchette Residential	1 per 5 acres	15	5
Low Density Residential	1 per acre	130	130
Suburban Residential	2-3 per acre	160	400
Totals		305	535

NORTH

5 Acres

0 300 600 1200

Scale in Feet

MARSH CREEK ROAD SPECIFIC PLAN EIR

FIGURE 48

Extensive Development Alternative

Development within Zone 7 would increase to a total of 50 homes, which would be spread over several widely separated areas on both sides of Marsh Creek Road. This separation would complicate the provision of storage and distribution facilities. In order to interconnect areas of equal elevation, water lines would have to repeatedly cross low, developed areas located within Zone 6, or run across high, undeveloped hillsides that separate Development Areas in Zone 7. Alternatively, water could be provided through a network of small Zone 7 reservoirs that serve individual distribution systems. The City and CCWD would have to determine the best way to serve these areas, based on the findings of the previously described water supply study.

Under this alternative there would also be 36 homes located within what is now Zone 8, and an additional 13 homes at even higher elevations. CCWD has no established criteria for these higher pressure zones within the Clayton area, so the definition of zone boundaries and the siting of reservoirs and pumping stations would also have to be addressed in future water supply facility studies.

This alternative would not significantly change the number of homes on the Heartland site and adjoining properties. Reserved Zone 7 storage available at Irish Canyon, together with new storage provided for homes within Zone 8, should be adequate for the amount of development proposed in these areas.

(b) Sewer. The higher number of homes proposed under this alternative would increase the demand for wastewater collection and treatment services within the study area.

This alternative would spread development and the need for sewer service over a wider portion of the study area. It is expected that all sewered areas could still be drained by gravity, so the proposed Mount Diablo Creek/Marsh Creek Road route would remain the logical choice for the main collector sewer. The network of tributary sewers would be much more extensive, though, reaching farther into the surrounding hills than under the recommended plan.

Average wastewater production in the study area would be almost twice as high than under the recommended plan. It is not expected that this project alone would have a significant effect on the District's wastewater treatment capacity. However, this alternative's much larger size could significantly increase its cumulative impact when its wastewater flow is combined with other new development in the District.

Higher average flows would also result in higher peak flows, so even more capacity would have to be provided on-site and in the existing El Molino collector sewer. In addition, this project would be more likely to affect the availability of sewer capacity farther downstream, in the main Clayton Road trunk line. If this line's remaining

excess capacity is committed to new developments, it may not be possible to fully implement the City's plan to eliminate existing private septic systems within the downtown area.

In addition, sewer lines would need to be extended a long distance from Development Area A5, along Mt. Diablo Creek to the Laurence, Kelly and Soares properties.

(c) Emergency Services. As with the Specific Plan, growth in the study area could have long-term cumulative impacts on the City of Clayton Police Department. Although the Contra Costa County Fire District may need new stations to accommodate increased growth, development impact fees would mitigate this impact.

(d) Schools. As with the Specific Plan, growth in the study area could have long-term cumulative impacts on the Mt. Diablo School District, although the impact would be mitigated by development impact fees.

(6) Geology, Soils and Seismicity. The Extensive Development Alternative would require substantially more grading than the other alternatives. With increased grading, the types of problems discussed under the grading impact approach would be magnified. The same types of problems could occur, but they would potentially be present over a much broader area. Thus increased care in the mitigation measures would then be necessary. Similarly, much broader areas would be subject to erosion and the possibility of an accident because of a breakdown in the erosion control measures would be substantially increased. This type of a problem could cause significant damage to aquatic life in the area creeks. However, because more extensive grading would be performed to develop the areas, it would be possible to perform more substantial landslide repairs.

(7) Hydrology. Buildout under the proposed Extensive Development Alternative would cause the greatest increase in rainfall runoff and peak stream flows. Changes in peak runoff were not calculated for this alternative, but a proportionately greater potential increase in on-site flood hazards and erosion potential due to greater development density would occur. Impacts on groundwater resources would be more significant as the amount of impervious surface increases.

The impact of this alternative is the same as the Specific Plan. The degree of impact would vary with the intensity of development. Impacts would be significant because development would result in construction of stream crossings, stream fill and drainage pipes to the creeks. Without specific development plans, it is not possible to determine how many feet of stream channel would be filled or how many road crossings and pipe discharge points would be required.

(8) Vegetation and Wildlife. The Extensive Development Alternative would presumably contain the same protective and mitigative measures as in the Specific Plan and Property-Owner Preferred Alternatives. It would thus retain measures to protect special-status species, creek protection, and creek restoration. Because of the increased number of units and the more extensive area of development, however, the success of these measures could be less effective. For example, additional units could eventually result in loss of special status species because of increased human use of the land. Similarly, the presence of more people adjacent to creeks could result in disturbance of some wildlife species and greater loss of riparian vegetation by the direct impact of foot traffic.

In the potential loss of oak woodland habitat and open areas for foraging predators, the Extensive Development Alternative could have significantly greater adverse biological impacts than the previous two alternatives. Even though oaks could be preserved within zones of one-acre residential parcels, the quality of the oak woodland habitat as a whole would be lost. Habitat fragmentation would remove many species from the zone. In addition, urban practices could result in eventual loss of a significant number of individual trees, even if they were protected during construction.

A much greater area of low density residential housing would remove a significant portion of the grassland/savanna habitat, and the loss would not be mitigable within the project area.

(9) Visual Resources. There would be much greater visual impacts with this alternative when compared to the Specific Plan alternative. Under this alternative, there would be significantly more low-density residential development in the study area, which would have strong visual impacts. This area has a rural visual character which would be lost under this alternative.

There would also be much more low density residential development in areas that are visible from both the Summit and the North Peak of Mount Diablo, which are significant viewpoints for recreational users.

(10) Archaeological and Historic Resources. The potential for uncovering archaeological resources would be greater under this alternative due to the increase in land area disturbed.

(11) Traffic and Circulation. For purposes of the traffic impact evaluation the Extensive Development Alternative would allow construction of 535 net new single family units. A development of this size would generate 5,109 daily two-way vehicle trips, with 102 inbound and 294 outbound trips during the AM peak hour and 353 inbound and 187 outbound trips during the PM peak hour. This would represent

more than double the AM and PM peak hour traffic volume that the Specific Plan development level would generate, and would potentially result in as much as a .03 change in volume-to-capacity ratios at signalized intersections. There would be no project-related significant impacts at study intersections.

For cumulative 2010 conditions, this alternative could result in LOS F intersection operation at one or both of the Concord intersections (Clayton Road/Ygnacio Boulevard and Concord Boulevard/Kirker Pass Road).

This alternative could result in the need to expand Marsh Creek Road to four lanes through the Specific Plan area (two lanes in each direction).

Future modeling in the Central County will refine current projections for the Concord/Clayton area. Marsh Creek Road could have insufficient capacity to handle increased amounts of through traffic, if the right-of-way will only accommodate two lanes (one lane in each direction).

(12) Air Quality. This alternative would result in much greater vehicular emission levels than under the Plan, because development would be 1.6 times greater than under the Specific Plan; however, this alternative still would not cause thresholds of significance to be exceeded for the project because the growth would result in less than 1 percent of the General Plan's projected emissions.

(13) Noise. Noise impacts related to construction and traffic generation would be greatest under this alternative; however, noise increases are not likely to be perceptible due to the existing noise levels on Marsh Creek Road.

(14) Electromagnetic Fields. Development would not occur near the overhead power lines in the eastern section of the study area under this alternatives no impacts would occur.

4. Environmentally Superior Alternative

Of the alternatives considered, the Proposed Project would generally result in the lowest degree of environmental impact and is, therefore, identified as the environmentally superior alternative.

C. Alternative to the Heartland Project

1. Mitigated Site Plan Alternative

a. Project Characteristics. Under this alternative, which is shown in Figure 49, the project site would be developed with 57 lots, for an overall lot reduction of 33 lots compared with the proposed site plan. This alternative would also provide for the addition of an emergency access road off "A Drive" across the A&P Partners property to the Oakhurst subdivision, and a bridge that crosses Oak Creek, instead of having it culverted under the road. This alternative would contain similar unit types and lot sizes to the proposed Heartland project. The alternative's density would be slightly lower than the proposed project, at 2.3 units per gross acre. Under this alternative, on-site circulation system would need to be realigned to minimize road gradient. This could require further project redesign to avoid roadways with grades in excess of 15 percent. The alternative would also include widening of "F" Lane so that the right-of-way is 40 feet, which would accommodate a 28-foot paved road.

b. Evaluation. The following beneficial and adverse effects would occur if this alternative were implemented, as compared to the proposed Specific Plan itself:

(1) Land Use. This alternative would not have any significant effects on land use compatibility. However, it would result in significant changes to the land use character of the site similar to the proposed project. Marginally more open space would be preserved.

(2) Policy Conformity. This alternative would not be inconsistent with existing or proposed policies of plans.

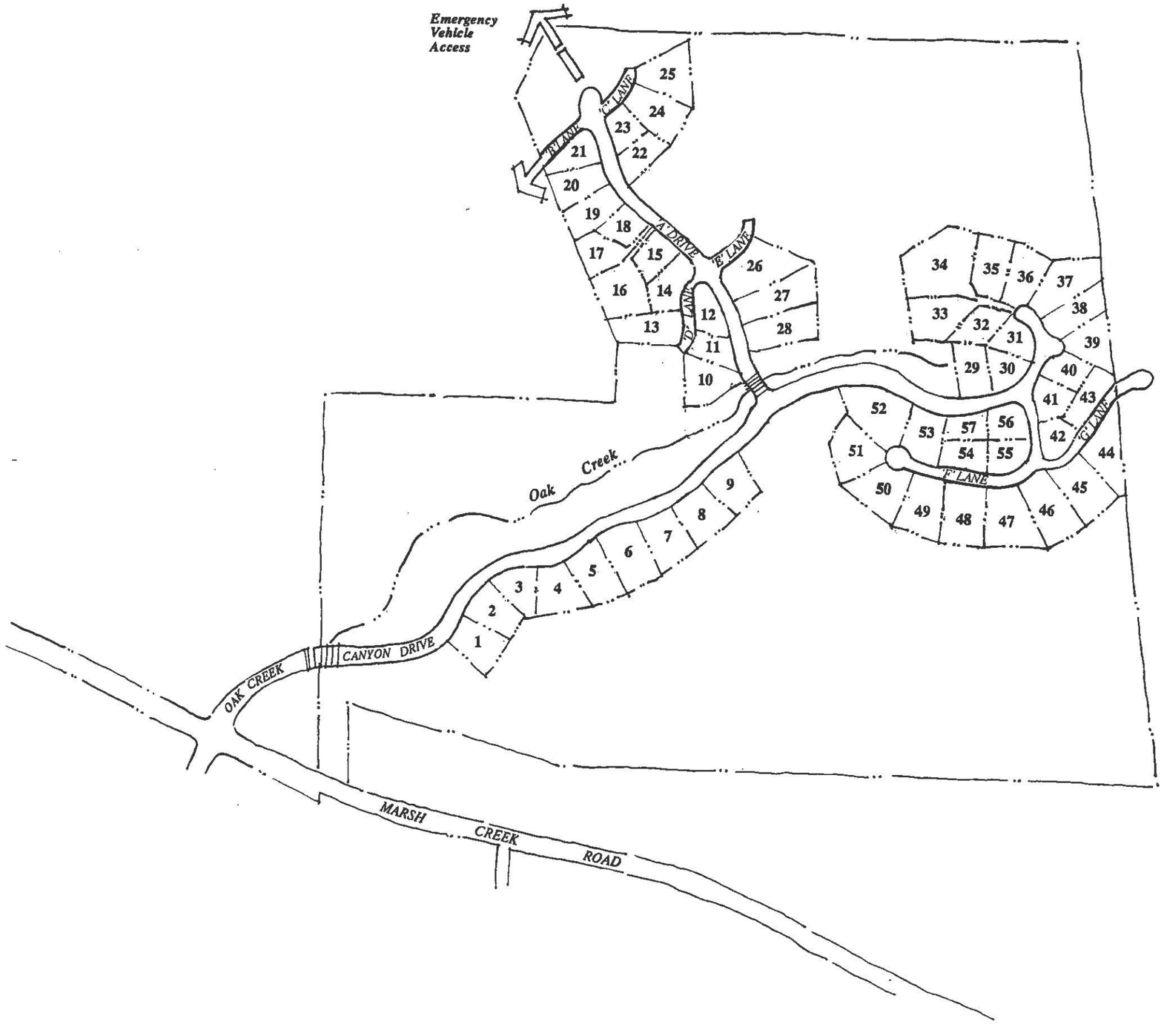
(3) Population and Housing. There would be about one-third less people and housing units under this alternative. This does not constitute a significant difference compared to the proposed project.

(4) Parks and Open Space. The alternative includes three open space areas and several trails, as does the proposed project. Marginally more open space would be preserved.

(5) Municipal Services. Demands for most municipal services would be decreased incrementally, since 33 fewer units would be built. However, this reduction would not result in a significant improvement over the project in any case. If roadways are properly designed, then no roads would exceed 15 percent. However, grading requirements to decrease road gradients could be unacceptably severe, resulting in a need for further elimination of some units. An emergency access road would also be included so that safety hazards would be mitigated.

FIGURE 49

Heartland Project Site Alternative



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(6) Geology, Soils and Seismicity. Development under this alternative would eliminate many lots on slopes in excess of 40 percent. However, lots with natural gradients between 26 and 40 percent would still remain, and would require careful study. Some additional lots may have to be eliminated to meet the Specific Plan's grading requirements. There would still be a need for major landslide repair, and other identified geotechnical impacts would also occur.

(7) Hydrology. Development would not culvert Oak Creek or encroach on its setback, thereby allowing the natural drainage features to remain. Increases in flood flows would also be lessened, requiring a smaller detention basin, but overall flood and water quality impacts would be similar to the proposed project.

(8) Vegetation and Wildlife. Development would not encroach on Oak Creek and diminish its habitat value as a result. No residential development would occur within 75 feet of the creek's upper bank and no road would occur closer than 30 feet from the upper bank, resulting in improved riparian preservation. Other biotic impacts would be similar.

(9) Visual Resources This alternative would have similar visual impacts, but to a lesser extent with the reduction of 33 lots. There would still be the visual impact of changing an area that is largely open space to one with low density residential development. Significant views up the canyon from Marsh Creek Road and from the Oakhurst playing fields would be preserved through the elimination of some lots on the northern and southern edges of the site.

(10) Archaeological and Historic Resources. This alternative would not affect archaeological and historic resources.

(11) Traffic and Circulation. The circulation system would be redesigned to eliminate the couplet on Oak Creek Canyon Road for creek setback purposes. A bridge would be added near the entrance of the project to avoid culverting the underlying creek. Overall traffic and access impacts would be similar to those for the proposed project. In this alternative, adequate on-street parking would be available to all units. No lots on minor cul-de-sac streets would be over 500 feet from streets with on-street parking, as required by the Specific Plan. No minor cul-de-sac streets would have more than eight lots with access on that street, so the site plan would be consistent with the Specific Plan. Access to the Heartland site would be the same in this alternative as in the proposed project, and would cross the North State property to form a four-legged intersection with Diablo Parkway. Access is not shown through the panhandle of the Heartland property because this access would create an unsafe condition due to its proximity to the existing intersection of Diablo Parkway and Marsh Creek Road, and because significant grading would have to occur to develop this access.

(12) Air Quality. This alternative would not have significant effects on air quality, although it would contribute to cumulative fluctuating pollution conditions.

(13) Noise. No homes will be placed at the 60 dBL contour line, eliminating the need for wooden privacy fences.

(14) Electromagnetic Fields. This alternative would not be affected by electromagnetic fields.

2. Environmentally Superior Alternative

Of the alternatives considered, the No Project Alternative would generally result in the lowest degree of environmental impact and is therefore identified as the environmentally superior alternative.

CEQA Guidelines (Section 15126(d)) require that if the environmentally superior alternative is the No Project Alternative, then the EIR shall also identify an environmentally superior alternative among the other alternatives, including the proposed plan. The Mitigated Site Plan is environmentally superior to the proposed project.

D. Alternatives to the Temps Property Site Plan

1. Mitigated Site Plan Alternative

a. Project Characteristics. Under this alternative, which is shown in Figure 50, the project site would be developed with 39 lots. This would result in an overall lot reduction of 2 lots compared with the proposed site plan, which includes 41 lots.

Lot number 38 would be removed to accommodate the 75-foot setback from Russellmann Creek, and Lot 29 would be eliminated, because it is on slopes in excess of 40 percent and is above the 680-foot contour line, making it visually obtrusive. Lot 28 and `new' Lot 29 (previously Lot 30) would be reconfigured. Building envelopes on these lots would be placed below the 680-foot contour line. "B Drive" would be moved approximately 30 feet south to accommodate for the 100-foot setback from Mt. Diablo Creek along Lots 2 through 11. The intersection of "B" Drive and "A" Drive would be reconfigured to accomplish this setback as well. With the elimination of Lot 29, "C Drive" would be eliminated as a cul-de-sac, and Lots 28 and 29 would become flag lots. The existing driveway bridge serving the Temps property would be retained for emergency vehicle access.

This alternative would contain similar unit types and lot sizes to the proposed project. This alternative's density would be slightly lower than the proposed project, at 1.07 units per gross acre.

b. Evaluation. The following beneficial and adverse effects would occur if this alternative were implemented, as compared to the proposed Specific Plan itself:

(1) Land Use. This alternative would not have any significant effects on land use compatibility, but identified significant changes in on-site land use would still occur. By implementing the 100-foot setback from Mt. Diablo Creek, building envelopes along "A" Drive would be significantly closer to the street; thereby reducing front yard setbacks to approximately 25 feet.

(2) Policy Conformity. This alternative would not be inconsistent with most existing or proposed policies of plans. The only exception is that lots would extend into the creek setbacks, which would not be allowed under the Specific Plan.

(3) Population and Housing. There is almost no perceptible difference between this alternative and the proposed plan regarding population and housing.

(4) Parks and Open Space. As with the proposed project, this alternative would include an open space area along Mt. Diablo Creek and a park.

(5) Municipal Services. The reduction of units would result in a slight decrease in the demand for municipal services, but this would not be significant in any case.

(6) Geology, Soils and Seismicity. This alternative would eliminate one lot due to slopes exceeding 40 percent. Other geotechnical impacts would be the same as for the proposed project.

(7) Hydrology. No residential development would occur within 100 feet of Mt. Diablo Creek's upper bank, and within 75 feet of Russellmann Creek. Development would not encroach on Mt. Diablo or Russellmann Creeks and diminish habitat value and water quality related to increased erosion and sedimentation, pollutants, vegetation removal and human activity. Other flooding and water quality impacts would be similar to those for the proposed project.

(8) Vegetation and Wildlife. Development would not encroach on Mt. Diablo or Russellmann Creeks and diminish its habitat value as a result. No residential development would occur within 100 feet of Mt. Diablo Creek's upper bank, and 75 feet of Russellmann Creek, resulting in improved riparian preservation. Other biotic impacts would be similar.

(9) Visual Resources. Visual impacts associated with this alternative would be similar to those for the proposed project.

(10) Archaeological and Historic Resources. This alternative does not affect archaeological and historic resources. Cultural resources on the site would be preserved to the same extent as under the proposed project.

(11) Traffic and Circulation. The proposed road designated "B Drive" would be moved approximately 30 feet south to accommodate for the Mt. Diablo Creek setback of 100 feet along Lots 2 through 11. The intersection of "B" Drive and "A" Drive would be reconfigured to accomplish this setback as well. With elimination of Lot 29, "C Drive" would be eliminated as a cul-de-sac, and Lots 28 and 29 would become flag lots. Overall traffic and access impacts would be similar to those for the proposed project.

(12) Air Quality. This alternative would not have significant effects on air quality, although it would contribute to cumulative fluctuating pollution conditions.

(13) Noise. Nose impacts on new units under this alternative would be similar to those under the proposed project, and the specified mitigation measures would still be necessary.

(14) Electromagnetic Fields. This alternative would not be affected by electromagnetic fields.

2. Environmentally Superior Alternative

Of the alternatives considered, the No Project Alternative would generally result in the lowest degree of environmental impact and is, therefore, identified as the environmentally superior alternative.

CEQA Guidelines (Section 15126(d)) require that if the environmentally superior alternative is the No Project Alternative, then the EIR shall also identify an environmentally superior alternative among the other alternatives, including the proposed plan. The Mitigated Site Plan is the environmentally superior to the proposed project.

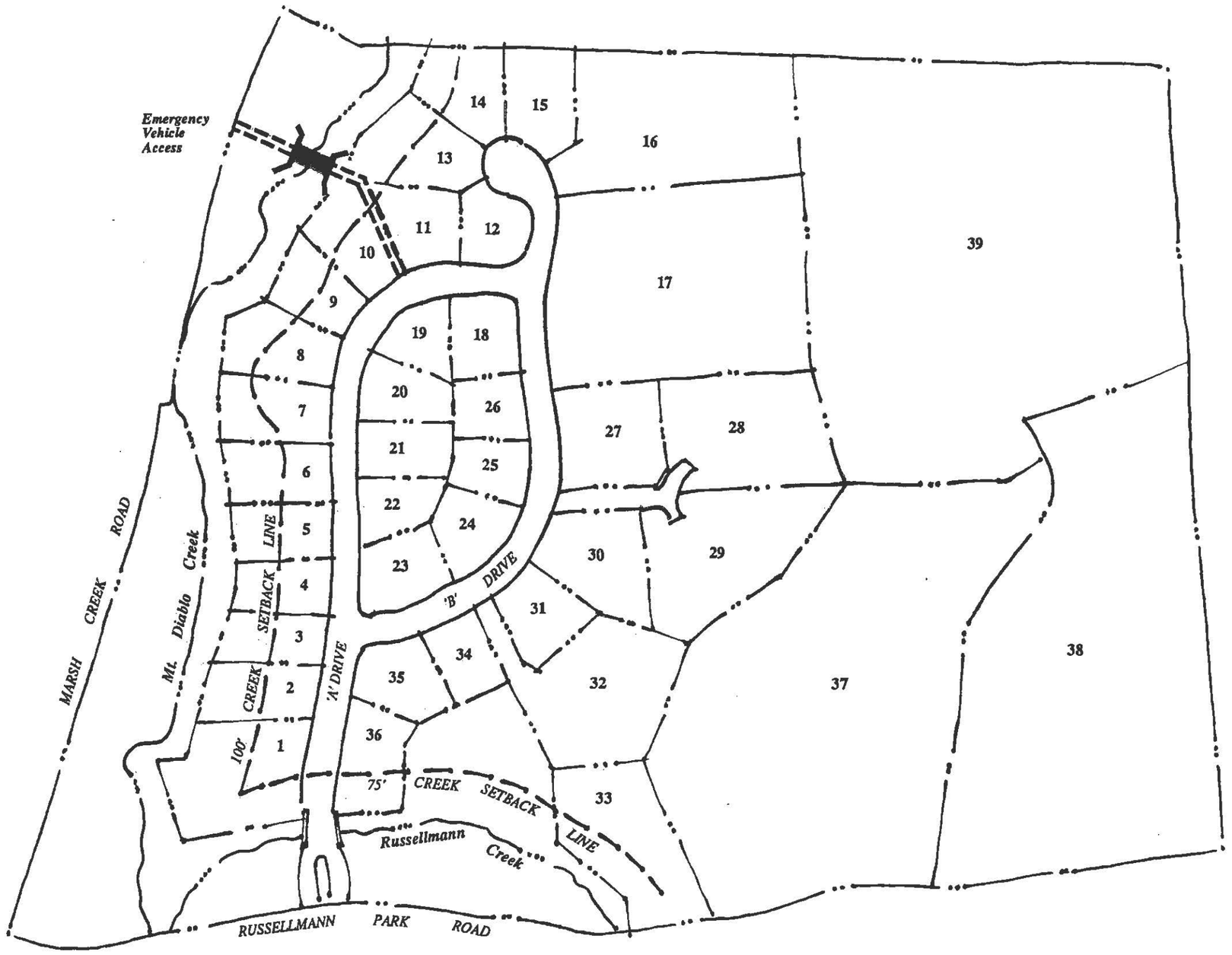
E. Alternative to the Moita Property Site Plan

1. Mitigated Site Plan Alternative

a. Project Characteristics. Under this alternative, which is shown in Figure 51, the project site would be developed with 4 lots. This would result in an overall lot reduction of 7 lots compared with the proposed site plan, which included 11 lots.

FIGURE 50

Temps Project Site Alternative



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This site plan would mitigate most of the impacts associated with the design of the proposed project, including impacts regarding slopes, visual quality, vegetation, and emergency vehicular access. Lots 5 though 11 would be eliminated because some of them would be on lots with slopes of 26 percent or more, some appear to be highly visible, some appear not to comply with Policy RE-3, which does not allow lots on single-loaded streets adjacent to grazing/agricultural uses, some appear to impact oak trees, and some appear to require an access route leading through an adjacent parcel to the north which is not subject to development at this time and are outside of the specific Plan study area.

b. Evaluation. The following beneficial and adverse effects would occur if this alternative were implemented, as compared to the proposed Specific Plan itself:

(1) Land Use. This alternative would not have any significant effects on land use compatibility, and most of the site would retain its current open space/grazing land use and character.

(2) Policy Conformity. This alternative would not be inconsistent with existing or proposed policies of plans.

(3) Population and Housing. There would be fewer people and housing units under this alternative. This does not constitute a significant difference compared to the proposed project.

(4) Parks and Open Space. The alternative would increase open space retention when compared to the proposed project.

(5) Municipal Services. Due to a reduction in overall units, there would be a slight decrease in the demand for municipal services. This would, however, not be significant compared to the proposed project.

(6) Geology, Soils and Seismicity. This alternative would eliminate five lots due to slopes exceeding 40 percent. Other geotechnical impacts would be similar to those under the proposed project, and would include the need for earthquake fault trenching.

(7) Hydrology. This alternative would not significantly affect hydrology.

(8) Vegetation and Wildlife. This alternative would not significantly effect vegetation and wildlife, and would reduce identified impacts on oaks and other trees.

(9) Visual Resources. This alternative would remove lots 7, 8 and 9 because they would be built on a hillside that is visible from the Oakhurst playfields and Marsh Creek Road.

(10) Archaeological and Historic Resources. This alternative would not affect archaeological and historic resources

(11) Traffic and Circulation. This alternative would not affect traffic and circulation because the number of units is so small. However, it would eliminate apparent access problems with the proposed Lots 7, 8 and 19.

(12) Air Quality. This alternative would not have significant effects on air quality, although it would contribute to cumulative fluctuating pollution conditions.

(13) Noise. As with the proposed project, no homes will be placed at the 60 dBL contour line.

(14) Electromagnetic Fields. This alternative would not be affected by electromagnetic fields.

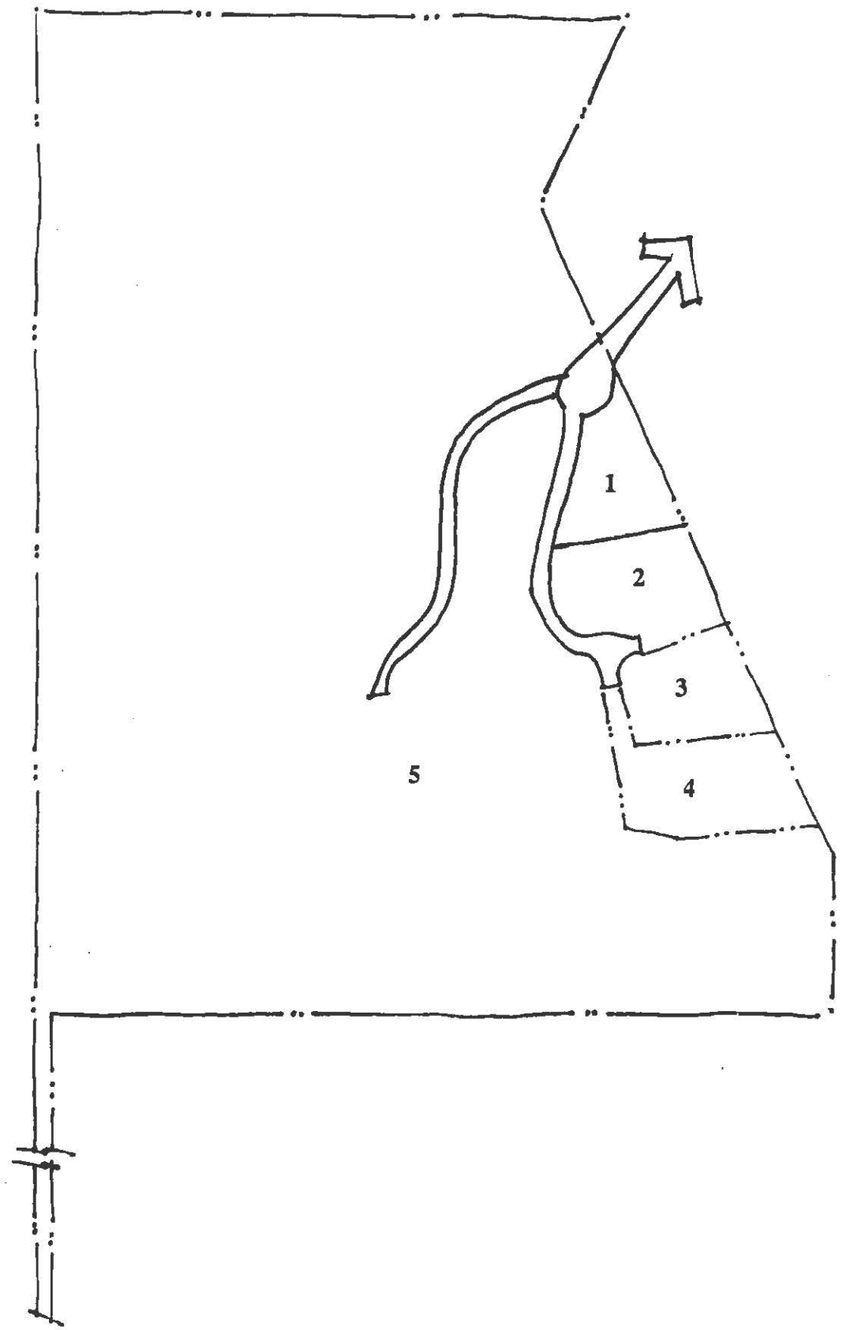
2. Environmentally Superior Alternative

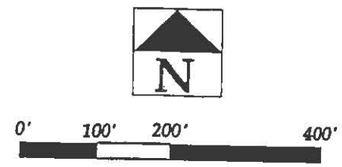
Of the alternatives considered, the No Project Alternative would generally result in the lowest degree of environmental impact and is, therefore, identified as the environmentally superior alternative.

CEQA Guidelines (Section 15126(d)) requires that if the environmentally superior alternative is the No Project Alternative, then the EIR shall also identify an environmentally superior alternative among the other alternatives, including the proposed plan. The Mitigated Site Plan is the environmentally superior to the proposed project.

FIGURE 51

Moita Project
Site Alternative





MARSH
CREEK
ROAD
SPECIFIC
PLAN EIR

CLAYTON
CALIFORNIA

BRADY AND ASSOCIATES, INC. PLANNERS AND LANDSCAPE ARCHITECTS

F. Alternative to the General Plan Amendment

1. Proposed General Plan Amendment

The January, 1994 Clayton General Plan Amendment has been created to accomplish three goals:

- to correct current inconsistencies between General Plan elements;
- to amend Clayton's planning area boundary line and to apply land use designations to parcels outside the City limits but within the planning area; and
- to create policies for the Marsh Creek Road Specific Plan area.

Revisions proposed within the amendment will fulfill these objectives.

2. No Project Alternative

Under the No Project Alternative, implementation of the General Plan Amendment would not occur. Inconsistencies would remain in the General Plan and the Planning Area boundary would remain unchanged without land use designations. The Marsh Creek Road Specific Plan area would be developed at densities similar to those described under the Specific Plan No Project Alternative. Development would not accomplish the goals established in the Specific Plan.

3. Environmentally Superior Alternative

Of the alternatives considered, the proposed General Plan Amendment would result in the lowest degree of environmental impact and is, therefore, the environmentally superior alternative.

Appendix A:
MITIGATION MONITORING PROGRAM

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MITIGATION MEASURES AND MONITORING PROGRAM FOR THE SPECIFIC PLAN

Mitigation Measures	Responsible Entity	Implementation Trigger	Monitoring Frequency
PARKS AND OPEN SPACE			
PARK-P1: The City should revise the Parkland Dedication Ordinance to reflect dedication requirements of the Growth Management Element and to include capital costs for park construction and development.	City of Clayton	Specific Plan Adoption	Once
MUNICIPAL SERVICES			
MUNI-P1: Once sites for reservoirs are selected, the specific sites and pipeline alignments should be reviewed for any potential environmental impacts. The City should consider requiring that tanks be installed underground to minimize their impacts.	Applicants, with review by City of Clayton	Reservoir site selection	Once
MUNI-P2: Once the nature of the El Molino collector system improvements is known, the City should conduct an environmental review of them. All mitigation measures resulting from such a review should be implemented as a part of the collector system improvement project.	City of Clayton	Prior to Approval of Collector System Improvement Project	Once
MUNI-P3. Facilities that cross creek beds should be integrated into bridge structures.	Any entity proposing a utility facility	Tentative Maps	Once when each facility is proposed
MUNI-P4: Staffing should be increased on an as-needed basis to meet growing demand for City of Clayton Police Department police protection services. Proposed development under the Specific Plan should be reviewed by the Police Department, and phased to coordinate with the Department's needs to increase staffing.	City of Clayton	Tentative Maps	Once when each project is proposed
MUNI-P5a: New parks should not be concealed, but within easy view of roads.	City of Clayton	Review of Park Plans	Once when each park is proposed
MUNI-P5b: Parking areas serving the park should be well-lit.	City of Clayton	Review of Park Plans	Once when each park is proposed

Mitigation Measures	Responsible Entity	Implementation Trigger	Monitoring Frequency
MUNI-P5c: Signs should be posted notifying park users of opening and closing times.	City of Clayton	Review of Park Plans	Once when each park is proposed
GEOLOGY, SOILS AND SEISMICITY			
GEO-P1: Detailed studies of each landslide complex should be performed prior to the filing of development proposals for the area. These studies should include detailed subsurface explorations of the area, laboratory tests of materials recovered, and slope stability analyses. If instabilities are confirmed, then significant regrading or buttressing of the area along with surface and subsurface drainage improvements would be necessary or the area should remain undeveloped.	Applicants, with review by City of Clayton	Landslide Evaluation: Tentative Maps	Once when each development is proposed
		Grading Measures: Grading Permits	Once when each development is proposed
GEO-P2: A specific evaluation of each landslide feature should be made when development is proposed within or immediately adjacent to the area. Landslide evaluation should include subsurface exploration, laboratory testing, and stability analyses. If a hazard is determined to be present, then measures can be taken to minimize the likelihood of future movement. Earthflows can be stabilized using conventional removal and recompaction techniques, while rock bolting or mesh can be used on exposed steeper rock slopes. The specifics of the appropriate mitigation measures for these types of concerns are typically prepared during the grading plan stage of development, and these measures are quite common in current Bay Area subdivision grading.	Applicants, with review by City of Clayton	Landslide Evaluation: Tentative Maps	Once when each development is proposed
		Grading Measures: Grading Permits	Once when each development is proposed
		Implementation: Construction	As needed during project grading
GEO-P3: Any property within the Plan Area which is crossed by one of the fault traces shown on Figure 28 should be subjected to additional studies if development is proposed in the vicinity of the fault area. Such studies should include trenching by a Certified Engineering Geologist to determine whether the portion of the fault within the subject property is active. If the fault is determined to be active, then appropriate setbacks for any habitable structures should be established.	Applicants, with review by City of Clayton	Tentative Maps for areas with fault traces	Once when each development in fault trace area is proposed

Mitigation Measures	Responsible Entity	Implementation Trigger	Monitoring Frequency
GEO-P4: Where expansive soils are present, site specific recommendations by a geotechnical engineer should be provided to minimize damage from the soils. House foundations should typically consist of drilled pier foundations which extend well below the zone of movement of the expansive soils. Slabs and other concrete flatwork should generally be underlain by a layer of non-expansive imported material. Drainage should be carefully controlled to minimize the accumulation of water and increases in swelling of the expansive soils near structures. Roadway sections may also have to be thickened to resist uplift forces of the expansive soils.	Applicants, with review by City of Clayton	Building Permits for areas with expansive soil	Once when each development on expansive soil is proposed
GEO-P5: All structures and other improvements in the Plan Area should be designed to resist the effects of strong ground shaking. All homes should be designed in accordance with the Uniform Building Code by an experienced engineer to minimize damage from ground shaking.	Applicants, with review by City of Clayton	Building Permits	Once when each development is proposed
GEO-P6: All engineered fill materials should be compacted in conformance with conventional engineering design criteria. Keyways and benches should be excavated into undisturbed bedrock or competent native soils if fill materials are to be placed on sloping ground. No house foundation should span from a cut area to a fill area unless all foundations for the home are extended into competent bedrock materials or subexcavated and recompacted under the direction of a geotechnical engineer.	Applicants, with review by City of Clayton	Grading and Building Permits	Once for grading permits and once for building permits for each development
GEO-P7: An erosion control plan should be prepared for each project to govern erosion control both during construction and after the completion of the project. During project grading, berms, silt fences, sedimentation basins, and other erosion control measures should be taken to minimize off-site transport of soil. Topsoil should be stockpiled during grading and redistributed over the ground surface once grading has been completed. Preservation of topsoil is important to the success of revegetation efforts. Following the completion of the development, erosion-resistant vegetation should be planted on all exposed soil areas. All building pads should be sloped to improved areas where the water can be properly collected. All water collected within each development should be conveyed to an appropriate discharge location and the water discharged in a non-erosive manner.	Applicants, with review by the City of Clayton	Grading and Building Permits	Once for grading permits and once for building permits for each development

Mitigation Measures	Responsible Entity	Implementation Trigger	Monitoring Frequency
HYDROLOGY			
HYDRO-P1: Restoration planning should include a hydraulic analysis of the impacts of stream channel changes on the flood elevation in Mt. Diablo Creek. Channel modifications include changes in hydraulic roughness due to increased vegetation density, and changes in cross-sectional area resulting from bank stabilization and other restoration activities. For each restoration project, proponents should develop maintenance guidelines which protect the natural resource values of restoration projects while maintaining flood protection for the developed areas.	Applicants, with review by the City of Clayton	Tentative Maps	Once for each development proposed
HYDRO-P2: A determination of regulatory jurisdiction should be required for each development plan proposed. A stream alteration agreement and any mitigation agreement required by the Corps should be adopted before construction.	Applicants, with review by the City of Clayton	Tentative Maps	Once for each development proposed
HYDRO-P3a: In-flow structures to the detention basin should be designed to divert a portion of the historic runoff and all of the developed runoff to detention while allowing a major portion of the historic runoff to bypass detention to allow sediment to move downstream.	Applicants, with review by the City of Clayton	Offer: Tentative Maps	Once for each development proposed
		Dedication: Occupancy	Once for each development proposed
HYDRO-P3b: A regular maintenance program for detention basins should be established with full funding for the future.	Applicants, with review by the City of Clayton	Offer: Tentative Maps	Once for each development proposed
		Dedication: Occupancy	Once for each development proposed
HYDRO-P3c: Mitigation Measure HYDRO-P4 should also be implemented to mitigate this impact.	See HYDRO-P4a - P4d, below.		

Mitigation Measures	Responsible Entity	Implementation Trigger	Monitoring Frequency
HYDRO-P4a: Provide detention within the storm drainage system to mitigate low flood flows (2-5 year flows), which have the most effect on channel morphology. This can be done by sizing the underground storm drainage system to allow for on-site detention, so that flows can be released at rates close to existing conditions.	Applicants, to be reviewed by the City of Clayton	Tentative Maps	Once for each development proposed
HYDRO-P4b: Design landscaping and roof guttering systems to minimize the direct connection of flow from impervious surfaces to the street drains which direct storm water into creeks. Such practices include construction of roofline drip trenches, water spreaders at the end of downspouts, porous paving for driveways, and directing flows to pervious surfaces, such as lawns.	Applicants, to be reviewed by the City of Clayton	Tentative Maps	Once for each development proposed
		Building Permits	Once for each development proposed
HYDRO-P4c: Areas along creeks with the most severe bank erosion problems should be identified and biotechnical slope protection measures should be designed to remediate them. If appropriate, a log or rock check dams should be installed to provide grade control and create a pool/riffle stream bed morphology for wildlife habitat.	Applicants, to be reviewed by City of Clayton	Identification: Tentative Maps	Once for each development proposed
		Design: Building Permits	Once for each development proposed
HYDRO-P4d: Roadway improvements should be designed to minimize concentration of runoff. Drainage from roads in flat areas should be dispersed into planted areas as much as possible or carried by vegetated swales into creeks. In hillside areas with roads employing concrete curbs and gutters, properly designed energy dissipator structures should be required at discharge points to control and direct drainage to avoid adjacent or downstream property damage.	Applicants, to be reviewed by City of Clayton	Tentative Maps	Once for each development proposed
		Building Permits	Once for each development proposed
HYDRO-P5: Drainage design for each proposed development, including detention basin outlet hydraulics and improvements to Mt. Diablo Creek for environmental mitigation or flood conveyance, must demonstrate that it does not increase the pre-peak or peak flows in Mt. Diablo Creek.	Applicants, with review by the City of Clayton. The first project proposed in the area will need to prepare the model and make it available to the City. Subsequent projects will update the model and give updated results to the City	Specific Plan Adoption	On-going, with revisions for each development proposed

Mitigation Measures	Responsible Entity	Implementation Trigger	Monitoring Frequency
HYDRO-P6: NPDES permits for construction activities over 5 acres are required. The permit will require an erosion control plan. Proper implementation, inspection and maintenance of the erosion control plan is required for it to be effective.	Applicants, with review by the Regional Water Quality Control Board	Grading Permits	Once for each development proposed
HYDRO-P7: Best Management Practices (BMP) are currently being developed in a County-wide program, in which Clayton is a participant, to control the non-point sources of pollution. These practices should be followed by development in the Specific Plan Area.	Applicants, with review by the City of Clayton	Tentative Maps	Once for each development proposed
		Building Permits	Once for each development proposed
VEGETATION AND WILDLIFE			
BIO-P1: Site-specific environmental review under CEQA, and in keeping with relevant State and federal provisions such as the Endangered Species Act, should be required for all developmental proposals. Under such review, require that mitigation of this impact to a less than significant level be a condition of project approval. This has already been completed for the Heartland, Temps and Moita properties through this EIR.	Applicants, with review by the City of Clayton	Tentative Maps	Once for each development proposed
BIO-P2: In developing the parks, plant or encourage the natural development of very dense riparian vegetation where creeks run through the parks. Such vegetation will generally discourage regular foot traffic into the riparian zone. A low fence should be placed between any trail or park area and this riparian zone to discourage creek access. The City should monitor the use patterns of the creek zone to determine if adverse impacts are occurring, and use additional protective measures if necessary.	City of Clayton	Planting and Fencing: Review of Park Plans	Once when each park is proposed
		Use and Impacts: Park Opening	Once annually

Mitigation Measures	Responsible Entity	Implementation Trigger	Monitoring Frequency
BIO-P3: Any development project in the study area that would result in the loss of over 10 acres of grassland should include a grassland improvement program with the goal of creating significant proportions of native grasses and associated herbaceous plants in the improvement area. The improvement area should have a size equivalent to the size of the grassland area to be converted, and the standard of success should be the establishment of 20 percent native cover in the improvement area. The grassland improvement program should be approved by a restoration biologist, and should include components such as, timed rotation of grazing to assure that sufficient grassland biomass is channeled into small mammals, prohibition on discing and tilling, prescribed burns, and seeding with native grass and wildflower species of recognized local stock.	Applicants, with review by the City of Clayton	Tentative Maps	Once
		Building Permit	Once
CULTURAL RESOURCES			
ARCH-P1a: Any areas of development work or road construction which have not yet been subjected to reconnaissance should be subjected to on-foot archaeological survey and historical architectural evaluation of all standing structures over 50 years of age before any development occurs. This has already been completed for the Heartland, Temps and Moita properties through this EIR.	Applicants, with review by the City of Clayton	Tentative Maps	Once for each development proposed
ARCH-P1b: Archaeological and historical resources identified in the area, but not yet thoroughly researched and documented, including historic houses, graveyards and Native American sites, should be subjected to more extensive field and archival research before any development occurs on or around them.	Applicants, with review by the City of Clayton	Upon Discovery	Once for each development proposed
ARCH-P1c: In the event that cultural resources are uncovered through investigations or construction activities on development parcels, no land or structure alteration should occur in the area of the resources until they are assessed and documented by a qualified archaeologist. A course of action regarding the resources, possibly including site documentation, relocation and/or preservation, should be agreed to by all interested parties before construction begins or continues.	Applicants, with review by the City of Clayton	Upon Discovery	As needed
ARCH-P1d: If a project site contains a building or structure 45 years old or older, the structure should be evaluated by an architectural historian familiar with the history of Contra Costa County. Any mitigation measures suggested by the architectural historian should be implemented by the applicant.	Applicants, with review by the City of Clayton	Tentative Map	Once for each identified structure

Mitigation Measures	Responsible Entity	Implementation Trigger	Monitoring Frequency
TRAFFIC AND CIRCULATION			
TRA-P1a: Roadside vegetation adjacent to all intersecting streets should be trimmed or removed to maintain optimum sight distances for pedestrians and drivers.	City of Clayton	Occupancy	Once annually
TRA-P1b: Grading of hillsides adjacent to roadway intersections should be sufficient to insure adequate sight lines.	Applicants, with review by the City of Clayton	Grading Permits	Once for each development proposed
TRA-P2: Street lights should be provided at all intersections in the Specific Plan area along Marsh Creek Road to maximize nighttime safety. Signage should be prominently displayed and easy to read with reflective surfaces for nighttime viewing wherever streetlights do not illuminate the sign. All lights and signage should be subjected to site plan review to ensure sensitive design treatment that conforms to the character of the area.	Applicants, with review by the City of Clayton	Tentative Maps	Once for each development proposed
		Building Permits	Once for each development proposed
TRA-P3: Development along Marsh Creek Road should include transit planning features such as bus stops and pedestrian access to and from bus stops. These features should be coordinated with the Central Contra Costa Transit Authority, and their design should be sensitive to the area.	Applicants, with review by the City of Clayton	Tentative Maps	Once for each development proposed
TRA-P4a: Construction-related truck traffic should be restricted to Marsh Creek Road west of the Specific Plan area, and no heavy construction vehicles should be allowed on Marsh Creek Road east of the Specific Plan area. This could be enforced through a condition of approval placed on individual projects by the City.	Applicants, with review by the City of Clayton	Tentative Maps Grading Permits Building Permits	On-going during construction
TRA-P4b: A program should be established by the City of Clayton to conduct a construction phase evaluation program of the pavement condition along Marsh Creek Road, Clayton Road, and any other roads designated or used as construction routes. This would enable the City to determine any damage to roads attributable to the Specific Plan projects. Project applicants should be responsible for repairing any pavement deterioration.	City of Clayton	Onset of construction	On-going during construction

Mitigation Measures	Responsible Entity	Implementation Trigger	Monitoring Frequency
AIR QUALITY			
AIR-P1: Contractors should be required to reduce dust generation by adopting the following measures: a. Earthmoving or other dust-producing activities should be suspended during periods of high winds. b. Equipment and manpower for watering of all exposed or disturbed soil surfaces should be provided at least twice daily, including weekends and holidays. An appropriate dust palliative or suppressant, added to water before application, should be utilized. c. Stockpiles of debris, soil, sand or other materials that can be blown by the wind should be watered or covered. d. Construction area and adjacent streets should be swept of all mud and debris, since this material can be pulverized and later resuspended by vehicle traffic. e. The speed of all construction vehicles should be limited to 15 miles per hour while on site.	Applicants, with review by the City of Clayton	Tentative Maps Grading Permits Building Permits	On-going during construction
NOISE			
NOISE-P1: Mitigation measures to reduce noise levels indoors and outdoors to meet City standards should be required for each individual Specific Plan project. This could include revising site plans to move development out of noisy areas, installing wooden privacy fences constructed to soundwall standards (five to six feet high, sealed at the base and across the face so that are no gaps and minimum of one inch board), and/or incorporating berms behind new lots adjacent to Marsh Creek Road, and treatments to buildings to reduce interior noise levels. Berms are preferable to solid fences. To meet indoor noise level requirements it would probably be sufficient to air condition homes, which would allow windows to be kept closed to attenuate noise. Specific Plan Policy DD-13c states that concrete or masonry soundwalls are not to be constructed in the study area to attenuate noise since they have disturbing aesthetic consequences.	Applicants, with review by the City of Clayton	Site Features: Tentative Maps	Once for each development project
		Building Features: Building Permits	Once for each development project

MITIGATION MEASURES AND MONITORING PROGRAM FOR THE HEARTLAND PROJECT

Mitigation Measures	Responsible Entity	Implementation Trigger	Monitoring Frequency
PARKS AND OPEN SPACE			
PARK-H1: The applicant should pay the park development fee required by Section 16.12.010 of the Clayton Municipal Code, entitled "Parkland Dedication" or the City may consider allowing credit for amenities such as local parks, pocket parks, greenbelt areas, open space, or common equestrian facilities.	Applicant	Building Permit	Once
MUNICIPAL SERVICES			
MUNI-H1: New water lines should be extended to fully serve the Heartland project and be available for extension from roadway stubs at the Heartland property's east and west boundaries to the Moita and Morgan properties.	Applicant, with review by the City of Clayton	Tentative Map	Once with Tentative Map, once infield when constructed
MUNI-H2: If the Zone 6 units of the Heartland project are developed first, they should be permitted to make a temporary connection into the Zone 6 Nob Hill distribution system on Marsh Creek Road. This would permit the project sponsors to avoid disturbing the surrounding grasslands to provide water service until later construction occurs. There is sufficient unused capacity at the Nob Hill reservoir to supply Zone 6 Heartland units until the later uphill phases of the project are constructed and water lines to the Oakhurst Irish Tank are installed.	City of Clayton, Contra Costa Water District	Building Permit	Once
MUNI-H3a: Subdivision or development on Lots 11, 12, 13, 78, 79 and 80 should not be allowed without careful prior review and approval on the part of the Fire District that will serve the development.	Fire District, with review by the City of Clayton	Tentative Map	Once
MUNI-H3b: If brush and vegetation removal is required around building sites to ensure fire safety, the visual and biotic consequences of such removal should be considered before building construction or brush removal is allowed.	City of Clayton	Tentative Map	Once
MUNI-H4a: The proposed roadways should be redesigned to a gradient of 15 percent or less. This could require extensive grading, which the City may find unacceptable. In such a case, some lots may have to be eliminated for access reasons.	Applicant, with review by Fire District and City of Clayton	Tentative Map	Once

Mitigation Measures	Responsible Entity	Implementation Trigger	Monitoring Frequency
MUNI-H4b: An emergency vehicle access alternative/evacuation route should be provided as part of the development. Location and design should be subject to both the City Public Works and Fire District review.	Applicant, with review by Fire District and City of Clayton	Tentative Map	Once
GEOLOGY, SOILS AND SEISMICITY			
GEO-H1a: The applicant should demonstrate that lots 49-54, 73, and 74 meet the Specific Plan requirements that restrict development to building pads with less than 40 percent slope, or the lots should be removed. All required grading should be consistent with Specific Plan grading guidelines.	Applicant, with review by the City of Clayton	Tentative Map	Once
GEO-H1b: In areas with existing slopes in excess of 26 percent, the applicant should provide data to show that each building pad would comply with all provisions of the Specific Plan, including the prohibition of development of lots with building pads greater than 26 percent slope on the west face of Keller Ridge. Lots and building pads on slopes greater than 26 percent should be studied and approved by the City only if they meet Specific Plan requirements. If the proposed lots are not approved, they should be removed from the project.	Applicant, with review by the City of Clayton	Tentative Map	Once
GEO-H2: In order to construct improvements, including roadways or homesites, within the larger landslides, massive grading should occur, including buttressing and installation of subsurface drainage. All required grading should be consistent with Specific Plan grading guidelines.	Applicant, with review by the City of Clayton	Landslide Evaluation: Tentative Map	Once
GEO-H2 continued	Applicant, with review by the City of Clayton	Grading Measures: Grading Permit	Once
	Applicant, with review by the City of Clayton	Implementation: Construction	As needed during project grading

Mitigation Measures	Responsible Entity	Implementation Trigger	Monitoring Frequency
GEO-H3: Where small to moderate sized landslides are shown on the current preliminary geologic map of the property, these landslide areas should be further evaluated unless they are in open space and pose no threat to the proposed improvements. Within areas to be developed, the magnitude of these landslides should be determined and remedial measures taken which may include grading, buttressing, drainage improvements, and/or retaining walls. The specifics of the appropriate mitigation measures for these types of concerns are typically prepared during the grading plan stage of development, and these measures are quite common in current Bay Area subdivision grading.	Applicant, with review by the City of Clayton	Tentative Map	Once
		Grading Measures: Grading Permit	Once
		Implementation: Building Permit	As needed during grading
GEO-H4: Trenching will have to be performed by a certified engineering geologist to evaluate whether active faulting crosses the site. If active faulting is located, then the site plan should be redesigned to eliminate all habitable structures within 50 feet of the active faults traces. Other improvements which must cross the fault, such as roadways and utilities, should be designed to accommodate possible fault offset.	Applicant, with City of Clayton review	Tentative Map	Once
HYDROLOGY			
HYDRO-H1: The project proponent should demonstrate that the drainage system and project design (including measures outlined in Mitigation Measure HYDRO-P4) will reduce the shortening of lag time and reduce the impact of impervious surfaces of sub-basin hydrology and that the project provides storage required to reduce mitigated flows from the 100-year, 3-hour design storm peak to predevelopment levels. The EIR has estimated that the project should provide 8.4 acre-feet of storage. Final calculations will be completed as part of the final design plans and will determine the precise detention sizing.	Applicant, with City of Clayton review	Tentative Map	Once
HYDRO-H2a: An overland flow path with landscaping should be provided from Lot 50 and along 'E' Lane and 'A' Drive to Oak Creek for overflow and local drainage.	Applicant, with City of Clayton review	Tentative Map	Once
HYDRO-H2b: Design of fill should address subsurface flow and potential for settlement around foundations. For example, pipes could be installed in fill areas under foundations to collect water and divert it from foundation areas.	Applicant, with City of Clayton review	Grading Permit	Once

Mitigation Measures	Responsible Entity	Implementation Trigger	Monitoring Frequency
HYDRO-H3: Soils investigations for any type of property development shall include an analysis of the erodibility of all natural channels. The Soils Engineer shall determine the acceptable, non-erodible velocities for each channel. Site drainage shall be designed to convey as much runoff to the storm drain system as may be practical. The drainage design shall incorporate structural improvements (e.g. dissipater structures, bubble-up boxes, natural appearing rock rip rap, etc.) as well as biotechnical means to protect natural channels and riparian habitat from degradation and erosion.	Applicant, with City of Clayton review	Tentative Maps	Once
		Grading Permit	Once
HYDRO-H4: A report should be provided on the location of the spring and groundwater conditions in the vicinity by a qualified hydrogeologist. If the spring is found within the development areas, the Army Corps of Engineers and the Department of Fish and Game should be notified, jurisdiction should be established, and the project should be redesigned to eliminate impacts on the spring.	Applicant, with City of Clayton review	Tentative Map	Once
HYDRO-H5: Soils investigations for any type of property development shall include an analysis of the erodibility of all natural channels. The Soils Engineer shall determine the acceptable, non-erodible velocities for each channel. Site drainage shall be designed to convey as much runoff to the storm drain system as may be practical. The drainage design shall incorporate structural improvements (e.g. dissipater structures, bubble-up boxes, natural appearing rock rip rap, etc.) as well as biotechnical means to protect natural channels and riparian habitat from degradation and erosion.	Applicant, with City of Clayton review	Tentative Map	Once
		Grading Permit	Once
		Verification of Planting: Occupancy	Once
HYDRO-H6: Bank vegetation replanting and stabilization measures should be included in the design of Oak Creek Canyon Road in the vicinity of the 'D' Lane outfall.	Applicant, with City of Clayton review	Tentative Map	Once
		Building Permit	Once
HYDRO-H7: The discharge point from the detention pond into Mt. Diablo Creek should be protected with natural rock or other bank hardening measures as outlined in Specific Plan Policy DD-8j. The amount of intervention along Mt. Diablo Creek should be minimized in order to preserve Mt. Diablo Creek in as natural a state as possible.	Applicant, with City of Clayton review	Tentative Map	Once
		Grading Permit	Once
		Building Permit	Once
		Verification of Construction and Planting: Occupancy	Once

Mitigation Measures	Responsible Entity	Implementation Trigger	Monitoring Frequency
VEGETATION AND WILDLIFE			
BIO-H1a: Lots 80 and 81 should be deleted from the proposal, or redesigned so the lots do not intrude into the creek setback and culverting of the creek is not required.	Applicant, with City of Clayton review	Tentative Map	Once
BIO-H1b: Lots 43 and 44 should be deleted or redesigned to reflect required creek setbacks.	Applicant, with City of Clayton review	Tentative Map	Once
BIO-H1c: Oak Creek Canyon Drive should be realigned in the area of Lots 78 and 79 so that the edge of the roadway would be at least 30 feet from the creek. This may require removal of these two parcels.	Applicant, with City of Clayton review	Tentative Map	Once
BIO-H1d: As specified in Specific Plan Policy DD-8e, the Heartland project developer should improve Oak Creek to compensate for allowing Oak Creek Drive to come closer than the standard 75-foot setback from the top of the bank. At a minimum, the restoration plan should encompass on area with a 100-foot width including the channel and should include redefinition of the creek channel from where it currently disappears on the site of the old ranch buildings all the way to Marsh Creek Road. In this vicinity, which includes the general area of Lots 86 through 90, the minimum setbacks of 30 feet from top of bank and 100 feet total should be maintained.	Applicant, with City of Clayton review	Tentative Map	Once
VISUAL RESOURCES			
VIS-H2: The applicant should provide visual simulations of the project as seen from Marsh Creek Road, the Oakhurst playing fields and developed portions of Clayton. If houses are shown to be visible, then their visual impacts should be mitigated to meet the approval of the City, or they should be eliminated from the project.	Applicant, with City of Clayton review	Tentative Map	Once

Mitigation Measures	Responsible Entity	Implementation Trigger	Monitoring Frequency
TRAFFIC AND CIRCULATION			
TRA-H1a: The site plan should be redesigned so that "F" Lane between Oak Creek Canyon Drive and "G" Lane is widened to meet standards for a "local street", as defined in the Specific Plan. As a local street (with a minimum right-of-way of 40 feet and a paving width of 28 feet), on-street parking would be allowed on one side, and there would be no restrictions on the number of lots accessing the road. "G" Lane and the remainder of "F" Lane can remain a minor street because lots would be within 500 feet of a street with on-street parking. All required grading for this street should be consistent with Specific Plan grading guidelines. or TRA-H1b: The applicant should demonstrate that adequate parking could be provided on-site for houses more than 800 feet from on-street parking on "F" and "G" Lanes.	Applicant, with review by the City of Clayton	Tentative Map	Once
NOISE			
NOISE-H1a: Wooden fences, built to soundwall standards, should be installed around Lots 1, 2 and 3 to attenuate outdoor noise levels. Alternatively, these lots could be removed, or they could be set back at least 270 feet from the edge of Marsh Creek Road.	Applicant, with review by the City of Clayton	Requirement: Tentative Map	Once
		Design: Building Permit	Once
		Verification of construction: Occupancy	Once
NOISE-H1b: Interior noise levels in the three homes should be reduced to less than an L_{dn} of 45 dB by air conditioning the homes so that the windows can remain closed.	Applicant, with review by the City of Clayton	Requirement: Tentative Map	Once
		Design: Building Permit	Once
		Verification of construction: Occupancy	Once

MITIGATION MEASURES AND MONITORING PROGRAM FOR THE TEMPS PROJECT

Mitigation Measures	Responsible Entity	Implementation Trigger	Monitoring Frequency
LAND USE COMPATIBILITY			
LU-T2: The project should be revised to eliminate or redesign Lot 29 and any other urban density development above the 680 foot contour.	Applicant, with review by the City of Clayton	Tentative Map	Once
LU-T3: The project applicant should demonstrate that homes can be built on all proposed lots in conformity with the 100-foot setback for all structures, extending 100 feet south from the top of bank along Mt. Diablo Creek on the eastern portion of the site.	Applicant, with review by the City of Clayton	Tentative Map	Once
POLICY CONFORMITY			
POL-T1: The lots of the Temps site plan should be enlarged and the total number decreased to meet the minimum lot size and density requirements specified for Rural Residential, Low Density and Medium Density development in the Specific Plan.	Applicant, with review by the City of Clayton	Tentative Map	Once
PARKS AND OPEN SPACE			
PARK-T1: The applicant should pay the park development fee required by Section 16.12.010 of the Clayton Municipal Code, entitled "Parkland Dedication" or the City may consider allowing credit for dedication of parkland or amenities such as local parks, pocket parks, greenbelt areas, open space, or common equestrian facilities.	Applicant, with review by the City of Clayton	Building Permit	Once
MUNICIPAL SERVICES			
MUNI-T1: The on-site distribution system should be connected to Marsh Creek Road at the east end of the project and to Russellmann Road. This would create a looped distribution system, which would significantly improve on-site circulation and delivery capacity. It would also supplement the existing flow capacity along Marsh Creek Road. If the lines are properly sized, this could reduce the need for replacement or parallel mains on Marsh Creek Road.	Applicant, with review by the City of Clayton	Tentative Map	Once with Tentative Map, once in field when constructed

Mitigation Measures	Responsible Entity	Implementation Trigger	Monitoring Frequency
MUNI-T2: The Temps project applicant should request a waiver from the CCWD Board of Directors to allow construction of two homes in an area of Zone 7 elevation without a dedicated reservoir. If no waiver is granted, the homes should be served with well water (if approved by the City of Clayton), or they should be eliminated from the project.	Applicant, with review by CCWD and the City of Clayton	Tentative Map	Once
MUNI-T3: The design of the Temp project proposed Russellmann Road sewer should be revised as necessary to conform to final designs for the Mount Diablo Creek collector line. The proposed Russellmann Road sewer should also be designed with sufficient capacity to accommodate wastewater flows produced by additional development in areas D and E.	Applicant, with review by the City of Clayton	Tentative Map	Once
		Building Permit	Once
MUNI-T4: An emergency vehicle access/evacuation route should be provided as part of the development plan to serve the 38 homes in the northern section of the site. Consideration should be given to use of the existing driveway bridge connecting to Marsh Creek Road as an emergency access. Location and design of the access should be subject to approval by both the City Engineering Department and the Contra Costa County Fire District.	Applicant, with review by the Fire District and the City of Clayton	Tentative Map	Once
GEOLOGY, SOILS AND SEISMICITY			
GEO-T1: Additional studies should be performed in the area of the possible landslide complex. This should include subsurface investigation, laboratory testing, and slope stability analyses. If these studies determine that landsliding is present, then mitigation measures should be taken to minimize the impact of the landsliding. This would likely include grading, buttressing, and drainage improvements. All required grading should be consistent with Specific Plan grading guidelines.	Applicant, with review by the City of Clayton	Landslide Evaluation: Tentative Map	Once
		Grading Measures: Grading Permit	Once
		Implementation: Construction	As needed during project grading
GEO-T2: A site specific survey should be completed to determine sloughing features of Mt. Diablo Creek in the area of the project, and the proposed creek setbacks should be evaluated against the results of this study. If study results warrant it, the setback should be adjusted to place all development beyond the limits of probable future sloughing. In addition, regrading and drainage improvements should be performed in the area of the earthflow to stabilize these unstable materials.	Applicant, with review by the City of Clayton	Sloughing Study: Tentative Map	Once
		Grading Measures: Grading Permit	Once
		Implementation: Construction	As needed during grading

Mitigation Measures	Responsible Entity	Implementation Trigger	Monitoring Frequency
GEO-T3: Redesign the grading for 3:1 slopes with variation that mimics the natural topography and provides for natural drainageways.	Applicant, with review by the City of Clayton	Tentative Map	Once
		Grading Permit	Once
HYDROLOGY			
HYDRO-T1: The project proponent should demonstrate that the drainage system and project design (including measures outlined in Mitigation Measure HYDRO-P5) will reduce the shortening of lag time and reduce the impact of impervious surfaces on sub-basin hydrology and that the project provides the storage required to reduce mitigated flows from the 100-year, 3-hour design storm peak to predevelopment levels. The EIR has estimated that the project should provide 8.4 acre-feet of storage. Final calculations will be completed as part of the final design plans and will determine the precise detention sizing.	Applicant, with review by the City of Clayton	Tentative Map	Once
HYDRO-T2: The existing 12-inch storm drain from the inlet on Lot 26 should be replaced with a swale from Lots 26 to 16, 15, and 14. This swale could be created during the grading proposed for these lots. This swale would pick up the flow from the cul-de-sac on 'A' Drive and continue between Lots 13 and 14 to Mt. Diablo Creek. This swale would reduce the peak flow from the "detention pipe" and provide some water quality benefits.	Applicant, with review by the City of Clayton	Tentative Map	Once
		Grading Permit	Once
HYDRO-T3: Proposed slopes on Lots 27 through 34 should be decreased to allow for a natural vegetated drainage channel in this area. The channel could flow between Lots 33 and 34 to the park along Russellmann Creek, and then to the creek.	Applicant, with review by the City of Clayton	Tentative Map	Once
		Grading Permit	Once
VEGETATION AND WILDLIFE			
BIO-T1a: The project should be redesigned so that the northern lot lines of Lots 1 through 11, 13, and 14 fall at least 50 feet from the top of the bank of Mt. Diablo Creek.	Applicant, with review by the City of Clayton	Tentative Map	Once

Mitigation Measures	Responsible Entity	Implementation Trigger	Monitoring Frequency
BIO-T1b: Fencing should be constructed along the creek setback line on Lots 1 through 11, 13 and 14 to minimize resident intrusions into the creek corridor.	Applicant, with review by the City of Clayton	Tentative Map	Once
		Building Permit	Once
		Verification of Construction: Occupancy	Once
BIO-T2: As specified in Specific Plan Policy DD-7e, the developer should be required to restore Russellmann Creek through the site. At a minimum, the restoration plan should encompass an area with a 100-foot width, including the channel, and it should include: a. A hydrological analysis of whether or not the creek has been channelized on the property, b. A reconfiguration of the channel to a more natural state if channelization was performed, c. Revegetation of the creek using natural tree invasion or planting, and d. Pre- and post-construction monitoring to quantify the properties of the creek and its plant and animal life before and after the restoration effort. Such monitoring shall be every year for five years. As part of the monitoring plan, adverse post-construction events, such as deposition of additional fine sediments in the channel or the failure of plantings to survive, shall be ameliorated.	Applicant, with review by the City of Clayton	Tentative Map	Once
		Building Permit	Once
		Verification of planting and restoration: Occupancy	Once annually
BIO-T3: The culvert or bridge should be designed to allow a natural creek configuration beneath it, and should have a minimum height from the bottom of the creek channel of five feet to allow animals to cross under it.	Applicant, with review by the City of Clayton	Tentative Map	Once
		Building Permit	Once
CULTURAL RESOURCES			
ARCH-T1a: Because of the potential for human burials, a Native American observer, approved by the Native American Heritage Commission, should be requested to monitor all grading, excavation and archaeological testing.	Applicant, with review by the City of Clayton	Tentative Map	Once
		Grading Permit	Once
		On-set of grading	On-going during grading, excavation and testing

Mitigation Measures	Responsible Entity	Implementation Trigger	Monitoring Frequency
ARCH-T1b: In the event that cultural resources are uncovered through investigations or construction activities, no land or structure alteration should occur in the area of these resources until they are assessed and documented by a qualified archaeologist. A course of action regarding the resources, possibly including site documentation, relocation and/or preservation, should be agreed to by all interested parties before construction begins or continues.	Applicant, with review by the City of Clayton	Upon Discovery	Once
ARCH-T2a: Prior to construction, the park site should be covered with a layer of sand and then a layer of fill to protect any artifacts. The layer of sand would be placed to indicate at what level the original site was located if future excavation were to occur. The layer of fill must be of sufficient thickness to accommodate underground utilities, such as sprinkler system pipes.	Applicant, with review by the City of Clayton	Tentative Map	Once
		Grading Permit	Once
		Building Permit	Once
ARCH-T2b: A deed restriction should be placed on this property so that if property transfers are made in the future, prospective owners will be apprised of the fact that an archaeological site containing Native American burials is on the property and that it should be protected.	Applicant, with review by the City of Clayton	Tentative Map	Once
		Building Permit	Once
NOISE			
NOISE-T1: Site and building design measures specified in Mitigation Measure NOISE-P1 should be adopted to mitigate significant impacts associated with placement of homes within the 60 dB Ldn contour line.	Applicant, with review by the City of Clayton	Tentative Map	Once
		Building Permit	Once
		Verification of Construction: Occupancy	Once

MITIGATION MEASURES AND MONITORING PROGRAM FOR THE MOITA PROJECT

Mitigation Measures	Responsible Entity	Implementation Trigger	Monitoring Frequency
LAND USE COMPATIBILITY			
LU-M2: The three parcels on the northern edge of the property should be redesigned in a way that shows how they would maintain a transition between the residential uses on the site's northern side and the open space and agricultural uses to the west and north.	Applicant, with City of Clayton review	Tentative Map	Once
POLICY CONFORMITY			
POL-M1: On the Moita site plan, the roadway serving Lots 7, 8 and 9 is a single loaded street adjacent to agriculture lands. This configuration does not comply with Policy RE-3 of the Specific Plan.	Applicant, with City of Clayton review	Tentative Map	Once
PARK-M1: The Moita project should be reconfigured to allow for dedication of undeveloped lands remaining after project construction for public open space use.	Applicant, with City of Clayton review	Tentative Map	Once
PARK-M2: The applicant should pay the park development fee required by Section 16.12.010 of the Clayton Municipal Code, entitled "Parkland Dedication" or the City may consider allowing credit for dedication of parkland or amenities such as local parks, pocket parks, greenbelt areas, open space, or common equestrian facilities.	Applicant, with City of Clayton review	Building Permit	Once
MUNICIPAL SERVICES			
MUNI-M1a: Subdivision or development on lots 5 through 11 should not be allowed without careful prior review and approval on the part of the Fire District that will serve the development.	Fire District, with review by the City of Clayton	Tentative Map	Once
MUNI-M1b: If brush and vegetation removal is required around ranchette building sites to ensure fire safety, the visual and biotic consequences of such removal should be considered before building construction or brush removal is allowed.	City of Clayton	Tentative Map	Once

Mitigation Measures	Responsible Entity	Implementation Trigger	Monitoring Frequency
MUNI-M2: A gated, emergency-only access to the site should be provided. Location and design should be subject to both City Engineering and Fire District review, and would probably be through the Heartland access route specified in Mitigation Measure MUNI-H4b.	Applicant, with review by the Fire District and the City of Clayton	Tentative Map	Once
GEOLOGY, SOILS AND SEISMICITY			
GEO-M1a: The applicant should provide more accurate maps which identify the true slope of the lots and building pads of Lots 1, 3, 7 and 10.	Applicant, with City of Clayton review	Tentative Map	Once
GEO-M1b: In areas with slopes in excess of 26 percent, the applicant should provide data to show that each building pad would comply with all provisions of the Specific Plan, including the prohibition of development of lots with building pads greater than 26 percent slope on the west face of Keller Ridge. Lots and building pads on slopes greater than 26 percent should be studied and approved by the City only if they meet Specific Plan requirements. If the proposed lots are not approved, they should be removed from the project.	Applicant, with City of Clayton review	Tentative Map	Once
GEO-M2: In general, the three areas of landsliding are likely to be addressed during the evaluation and grading for the Heartland project. However, the consultant for the Moita property should carefully evaluate the remedial work performed to confirm that it is adequate for mitigation of the hazards within the Moita property. Supplemental grading, drainage improvements, or other mitigation measures on the Moita property should be performed if they are necessary. All required grading should be consistent with Specific Plan grading guidelines.	Applicant, with City of Clayton review	Landslide Evaluation: Tentative Map	Once
		Grading Measures: Grading Permit	Once
		Implementation: Building Permit	As needed
GEO-M3: Trenching should be performed by a certified engineering geologist to evaluate whether active faulting crosses the site. If active faulting is located, then the site plan should be redesigned to eliminate all habitable structures within 50 feet of the active faults traces. Other improvements which must cross the fault, such as roadways and utilities, should be designed to accommodate possible fault offset.	Applicant, with City of Clayton review	Tentative Map	Once

Mitigation Measures	Responsible Entity	Implementation Trigger	Monitoring Frequency
HYDROLOGY			
HYDRO-M1: If roadways or property are drained to the finger canyons, flow should be dissipated as much as possible. Vegetation should be planted in the canyons to hold the loose soil.	Applicant, with City of Clayton review	Tentative Map	Once
		Grading Permit	Once
		Building Permit	Once
VEGETATION AND WILDLIFE			
BIO-M1: The applicant should demonstrate that the home to be constructed on Lot 10 would not adversely impact the woodlands and all tree preservation policies of the Specific Plan would be adhered to on this property. If this cannot be done, then Lot 10 should be eliminated from the site plan.	Applicant, with City of Clayton review	Tentative Map	Once
		Grading Permit	Once
		Building Permit	Once
BIO-M2a: A radius of at least 20 feet from the base of all oak trees and other significant trees on the site should be protected from all disturbance during and following construction.	Applicant, with City of Clayton review	Tentative Map	Once
		Grading Permit	Once
		Building Permit	Once
BIO-M2b: Any planting done to replace lost or threatened trees should use Blue Oak acorns derived from the site, since this species is faring better than Valley Oak in the relatively dry conditions of the site.	Applicant, with City of Clayton review	Tentative Map	Once
		Building Permit	Once
		Verification of Plantings: Occupancy	Once
VISUAL RESOURCES			
VIS-M2: The applicant should provide visual simulations of the project as seen from Marsh Creek Road, the Oakhurst playing fields and developed portions of Clayton. If houses are shown to be visible from these areas, then their visual impacts should be mitigated to meet the approval of the City, or they should be eliminated from the project.	Applicant, with City of Clayton review	Tentative Map	Once

Mitigation Measures	Responsible Entity	Implementation Trigger	Monitoring Frequency
TRAFFIC AND CIRCULATION			
TRA-M1: Access to Lots 7, 8 and 9 should be reconfigured so that it would not have growth-inducing impacts to the north, and so the road would not require unacceptable grading or intrusion in the ravine to the south of the lots. If an alternative access cannot be found to serve these sites, Lots 7, 8 and 9 should be eliminated from the Site Plan to avoid access problems to them.	Applicant, with City of Clayton review	Tentative Map	Once

MITIGATION MEASURES AND MONITORING PROGRAM FOR CUMULATIVE IMPACTS

Significant impacts and mitigation measures have only been identified for the Plan's cumulative effect on traffic and circulation. There were no cumulative impacts or mitigation measures identified for the remainder of the environmental subject areas.

Mitigation Measures	Responsible Entity	Implementation Trigger	Monitoring Frequency
TRAFFIC AND CIRCULATION			
TRA-C1a: Clayton Road/Ygnacio Valley Road Intersection: When warranted by cumulative traffic volumes, an additional through lane on the northbound and westbound intersection approaches.	City of Concord The City of Clayton will negotiate a fair-share payment for the impacts caused by Clayton traffic at this intersection upon request by the City of Concord, provided that Concord also makes similar payments for improvements in Clayton. The process to allocate fair-share payment will follow the methodology currently being created by the Contra Costa Transportation Authority.	When LOS approaches unacceptable levels	Once

Mitigation Measures	Responsible Entity	Implementation Trigger	Monitoring Frequency
TRA-C1b: Concord Boulevard/Kirker Pass Road Intersection: When warranted by cumulative traffic volumes, the following additions should be made to this intersection: • an additional northbound left-turn lane, • a southbound through lane, • westbound and eastbound through lanes in the location of the existing exclusive right-turn lanes (to form combined right/through lanes).	City of Concord The City of Clayton will negotiate a fair-share payment for the impacts caused by Clayton traffic at thesethis intersectionss upon request by the City of Concord, provided that Concord also makes similar payments for improvements in Clayton. The process to allocate fair-share payment will follow the methodology currently being created by the Contra Costa Transportation Authority.	When LOS approaches unacceptable levels	Once
TRA-C1c: To address the cumulative traffic effects of development whose specific impacts are minor and individually deemed not significant, the City of Clayton will either: 1) impose a sub-regional or County-wide traffic impact fee as promulgated by the Contra Costa Transportation Authority and/or TRANSPAC; or 2) in the event no sub-regional or County-wide impact fee is established, enter into a dialogue with adjacent affected jurisdictions in an effort to identify appropriate impact fees and/or measures	City of Clayton	Tentative Maps	Once for each proposed project

Appendix B
REPORT GLOSSARY

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alluvium: Clay, silt, sand, gavel or similar material deposited by water.

annual: For plants: growing anew from seed each year.

axis: A straight line along which rotation or movement occurs.

basin: In hydrology, an area which drains through a single point. (Synonym: watershed.)

biomass: The amount of living and decomposing matter, including subterannean organisms, in a given volume.

catchment: A basin that catches storm runoff.

colluvium: Rock and soil debris accumulated at the foot of a slope and generally deposited by landslides.

diurnal: Active or functioning during the day. (Opposite of nocturnal.)

emergent vegetation: Vegetation which grows above the level of the water.

ephemeral: Not present at all times. Ephemeral streams dry up when rainfall is limited.

erosion: The process by which material is reoved from the earth's surface, generally through the force of water or wind.

expansive: Having the inclination to expand. Soils are considered to be expansive if they increase in volume as a result of saturation with water.

flow: A liquid-like landslide which conforms to the ground surface. (Compare with slump.)

friable: Easily crumbled or pulverized.

freeboard: The free space between the top of flood waters and the overflow limits of a channel or pond.

gabbro: A coarse-grained igneous rock which is an indicator of tectonic activity.

gabion: A wire basket filled with rocks used to stablize a stream channel against erosion.

gage: A gauge placed in a stream to track the depth of water over time.

ground acceleration: The speed at which the earth increases its movement during an earthquake. It is measured in terms of acceleration of gravity where 1 g = 32 feet per second per second.

ground truthing: The process of visiting a site to methodically confirm the results of mapping from aerial photographs or other sources.

headcutting: The process by which the deeply incised, eroded channel of a stream is elongated upstream. As water flows through the channel, it creates extra erosive force where it falls into an already eroded segment, thereby further eroding the channel through which it flows.

herbaceous: Having little or no wooody tissue, as a leaf, stem or grass.

hogback ridge: A ridge of land formed by the outcropping edges of tilted strata.

hydric: Characterized by or requiring a large amount of water.

hydrophyte: A plant or organism which requires a large amount of water.

igneous rock: Rock which is formed through the cooling and solidification of magma or lava. It tends to be hard and resistant to erosion and weathering.

intergrade: To merge gradually with one another.

limb: One of the two parts of a syncline one either side of the axis.

liquefaction: The process of becoming liquid or acting like a liquid. Some soils can liquify during earthquakes and move as though they were liquids, causing failure of structures built on them.

mesic: Characterized by or requiring a moderate amount of moisture, as compared to hydric and xeric.

outcrop: A place where bedrock or an unconsolidated deposit is exposed at the surface of the ground.

perennial: For streams: present during all seasons of the year (opposite of ephemeral). For plants: persisting with new growth for several years (opposite of annual).

permeability: For soils: the ability to allow water to pass through, thereby lowering surface runoff.

plasticity: The ability of a soil to deform permanently without a change in volume. It is measured as the difference in water content of soil in a plastic state versus that of the soil in a wet liquid state.

quaternary: Of or related to the geologic period beginning at the end of the tertiary period, roughly one million years ago, and extending up to the present.

recurrence interval: The number of years during which a storm or flood flow of a certain size is not expected to recur.

rhyolite: A fine-grained, granite-like igneous rock which is an indicator of tectonic activity.

right lateral strike-slip movement: The movement along a fault that moves to the side, to the right when viewed from the opposite side of the fault, and which slides to the side with little or no vertical offset.

riparian: Related to, living on or located on the bank of a watercourse.

runoff: Water from a storm which runs off of a site and into local watercourses or the local storm drainage system.

sandstone: A sedimentary rock generally consisting of quartz sand united by some cementing agent such as silica. It is relatively soft and susceptible to erosion.

scour: Action of a stream which has the ability to erode or clear debris and silt out of an area.

sedimentary rock: Rock formed from small particles such as sand which are deposited from elsewhere, generally by water.

serpentine: A greenish or brownish mineral with a high magnesium content, often associated with the occurrence of certain rare plants and animals.

shale: A laminated sedimentary rock formed through the consolidation of clay, mud, silt or other very fine particles. Shale is the principal rock type in the Hillside Area.

shrink-swell potential: A soil's ability to change in volume as a result of saturation. See also "expansive."

siltation: The process by which silt settles out of water to the bottom of a pool or stream.

slump: A coherent mass of rock or soil which slides in a rotating manner and does not necessarily conform to the ground surface. (Compare with flow.)

strike: The direction of intersection of an imaginary horizontal plane with an uptilted geological stratum.

stratum: A bed or layer of geological material. (Plural: strata.)

swale: A low-lying or depressed piece of land which often serves as drainage.

sub-basin: A small watershed basin within a larger basin which contributes to stream flows within the basin.

substrate: The base on which an organism lives, generally the soil and its cover.

syncline: A trough of stratified rock in which the beds dip toward each other from either side.

tectonic activity: The movement of large bodies of the earth's crust which causes volcanic activity, earthquakes and the formation of continents.

trellis pattern: One of several typical patterns of stream drainage in which streams meet at right angles as they flow out of an area.

tributary: A small creek or stream that flows into another larger creek or stream.

understory: The plant cover below the canopies of the major trees, generally composed of bushes and tall grasses.

uplift: To cause a portion of the earth's surface to rise above adjacent portions.

vernal pool: A pool which appears only during rainy seasons and which supports vegetation specialized to this type of environment.

watershed: Technically, the dividing line between two basins, this term is now used interchangably with "basin" to denote a single area which drains to a particular stream or body of water.

xeric: Characterized by or requiring a small amount of moisture.

Appendix C
STUDY AREA HYDROLOGIC CHARACTERISTICS BY SUBBASIN

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SUBBASIN 1:

Subbasin 1 is a small area on the northwest boundary of the study site. Only 27 acres of the 127-acre drainage is in study area. A large portion of the drainage area of subbasin 1 is in the Oakhurst Development, and the lower reaches of the basin are currently being graded for construction of the Diablo View Middle School and City playing fields. A small part of the upper reaches of the portion of the subbasin that is within the study area is on the Heartland development site.

The subbasin drains to an unnamed creek, shown as a blue line on the USGS Clayton quadrangle map. The lower portion of the creek channel is undefined at the school site. Drainage from the hill slopes has been diverted by v-ditches to a culvert under Marsh Creek Road, where it will join an existing drainage system flowing to Mt. Diablo Creek.

Ground cover in the upper basin is annual grasses, with scattered oak trees concentrated in drainageways and the creek channel. The soil is a clay loam with moderate-to-rapid runoff and moderate-to-severe erosion potential on bare soil.

Runoff for existing conditions for this subbasin will be quantified when a development proposal on the Heartland site is analyzed as part of the Specific Plan.

SUBBASIN 2:

Subbasin 2 contains 148 acres of annual grassland with scattered trees, denser on the northerly facing slopes and in the drainage ways. Most of the subbasin is within the Heartland site. The subbasin also contains the North State Development Company parcel and the Contra Costa County Water District Seminary Reservoir and Pump Station. The soils are clay loam with moderate-to-severe erosion potential on steeper slopes. The subbasin drains to Oak Creek Canyon, a USGS blueline stream with a spring at the headwaters. The creek channel is steep and narrow, and retains a narrow oak riparian woodland corridor. In March, 1991, the creek had no flow one week

after a rainstorm of 2 to 3 inches over the Bay Area. There was no identifiable spring after five years of drought, despite the recent rains.

Oak Creek Canyon opens from an incised, vegetated channel into a broader floodplain with no defined channel or riparian vegetation. On the northerly side of Marsh Creek Road, the flow from the creek enters a small detention basin and is conveyed under Marsh Creek Road to Mt. Diablo Creek, outside of the study area, through a 70" corrugated metal pipe (cmp).

Oak Creek Canyon and its tributary drainage ravines show signs of active incising and bank instability. Where there is currently no defined channel or vegetation in the lower reaches, California Department of Fish and Game jurisdiction should be established by a Department representative in the field. Construction of a defined channel and restoration of a riparian corridor in this area may be considered as mitigation for loss of riparian values in other portions of the Heartland site or the study area. If spring flow is available in normal runoff years, a retention pond created on this site may have value as a freshwater wetland while also providing flood protection.

SUBBASIN 3:

Subbasin 3 contains approximately 67 acres and is divided approximately in half by Marsh Creek Road. The subbasin is bounded by Mt. Diablo Creek on the south, and by the study area boundary on the west. The northern segment is mostly steep grassland with scattered trees. Several homes have been built on the less steep slope along the north of Marsh Creek Road. Soils are the same clay loam as Subbasins 1 and 2. Runoff from the north collects in an unwooded drainage swale. The drainage swale appears to be stable and is not forming visible gullies.

The southern half of the subbasin is in the floodplain of Mt. Diablo Creek. The northern portion drains along Marsh Creek Road to a 24" cmp, which is currently almost totally blocked with sediment. The pipe passes under the road and discharges into a small earth-lined drainage swale which flows across a horse pasture to Mt. Diablo Creek. In severe storms, it is likely that most runoff flows over Marsh Creek Road since its flow through the pipe is constricted.

Subbasin 3 has few hydrologic constraints on development in its flatter portions. The mapped FEMA floodplain along Mt. Diablo Creek is approximately 100 feet wide in this reach. Even with more accurate assessment of the 100-year floodway and a 100-foot buffer from the top of bank as required by the Department of Fish and Game for preservation of the riparian corridor, there should be room for some development between the creek and Marsh Creek Road. The impact of increased runoff to Mt.

Diablo Creek from development in this subbasin could be mitigated with proper drainage system design and other measures.

SUBBASIN 4:

Subbasin 4 consists of 110 acres. The upper basin is primarily heavily-grazed grassland with a few trees concentrated in the drainage ravines. Soils are clay loam with moderate-to-severe erosion potential on bare ground in the steeper portions, and clay and clay loam with moderate-to-low erosion potential in the floodplain of Mt. Diablo Creek. The heavily grazed middle watershed has severe cattle rings with steep scarps of exposed soil. The runoff from the upper basin collects in two wooded drainage swales which do not appear to be forming active gullies as the watershed above them is less degraded. The subbasin becomes less steep approximately 800 to 1,000 feet north of Marsh Creek Road, and the incised drainage ravines disappear into a broad delta. Several homes have been built in this area. A 24-inch cmp drains the north side of Marsh Creek Road and an 18-inch cmp collects flow from the south side. Both pipes discharge directly into Mt. Diablo Creek, but are currently blocked with sediment. Mt. Diablo Creek passes close to Marsh Creek Road in this reach and the creek has less riparian vegetation and exhibits the most evident degradation within the study area in this reach.

The less steep mid- and lower portions of Subbasin 4 could be developed without directly impacting the wooded swales above. Where there is currently no defined channel or vegetation in the lower reaches, California Department of Fish and Game jurisdiction should be established by a Department representative in the field. Increased runoff to Mt. Diablo Creek resulting from development in this subbasin could be mitigated by proper drainage design, improvements to the existing drainage system along Marsh Creek Road and other measures. Improvements to Marsh Creek Road and Mt. Diablo Creek in this reach, including realignment of Marsh Creek Road to expand the riparian corridor, and biotechnical bank protection on Mt. Diablo Creek should be considered as possible mitigation measures.

SUBBASIN 5:

Subbasin 5 includes Goethels Canyon and Chaparral Springs on the southern slope of Keller Ridge. This 280-acre drainage is heavily wooded with oak on the north-facing slope and chaparral on the steeper south-facing slope. Cattle graze on the intervening grass lands. The creek channel is deeply incised as it passes through the canyon, and opens into the delta formation which is part of the lower reaches of Subbasins 3 and 4. As with Subbasins 3 and 4, Department of Fish and Game jurisdiction over the creek where it flows across the delta will have to be established in the field. Flow

from Subbasin 5 collects in a small pond at Marsh Creek Road where Mt. Diablo Creek passes under Marsh Creek Road in a 72" cmp.

Hydrologic constraints on development in Subbasin 5 are similar to those in Subbasins 3 and 4. Development in the steep upper basin is likely to be constrained by slope steepness and other geotechnical constraints. Development of the upper basin would require roads and site grading, which would severely impact the riparian values of Goethels Canyon and Chaparral Spring. Increased runoff from impervious surfaces would accelerate channel degradation and increase sediment loads in the lower stream channel. Department of Fish and Game jurisdiction will have to be established in the area where the creek channel and riparian vegetation are absent on the lower delta. The energy of flow from Goethels Canyon is currently dissipated in this low delta area.

Mitigation for impacts of accelerated flow in Mt. Diablo Creek would be required if the creek is channelized in this reach to allow development of the delta area. The culvert under Marsh Creek Road is currently causing bank erosion on Mt. Diablo Creek downstream of the crossing. Mitigation for development in this subbasin could include construction of a detention basin, reconfiguration of the culvert, and biotechnical bank protection on Mt. Diablo Creek.

SUBBASIN 8:

Subbasin 8 contains approximately 47 acres of woodland and grazing land. The upper reaches are steep, and the lower reaches are less steep hills and a narrow floodplain of Mt. Diablo Creek. The wooded ravine which drains the subbasin is incising and actively headcutting at its confluence with Mt. Diablo Creek.

If development occurs in this subbasin, a buffer zone around the drainage ravine should be maintained. A riparian corridor around Mt. Diablo Creek which meets Department of Fish and Game requirements should provide adequate flood protection for development in the lower floodplain area.

SUBBASIN 9:

Subbasin 9 contains approximately 37 acres. Approximately half is in the floodplain of Mt. Diablo Creek, and half is foothills slopes. The floodplain is currently part of a tree farm and has horse grazing. There is a large private residence at the base of the foothills.

Subbasin 9 has no defined creek or riparian zone other than Mt. Diablo Creek, and there are few hydrologic constraints on development in it. Protection of the riparian corridor around Mt. Diablo Creek should provide adequate flood protection in the floodplain.

SUBBASIN 10:

Subbasin 10 contains 212 acres of steep wooded hills and terraces which drain to Russellmann Creek. Russellmann Creek is deeply incised in some reaches and indistinct in others. The creek shows signs of active erosion and incising. The heavily grazed slopes of the lower basin have numerous landslides.

The upper reaches of subbasin 10 are the very steep slopes of Mt. Diablo; the middle portion is less steep and includes several dwellings and access roads. The lower section of the basin is a tree farm and the floodplain of Mt. Diablo Creek. Development in the upper basin will be constrained by the steep slopes. Additional development in the middle basin will require mitigation of the impact of increased flow on Russellmann Creek and Mt. Diablo Creek. There is a small detention basin off stream which could be used to regulate flow from development above it. Additional detention facilities could be built in the lower basin.

The current (1979) FEMA flood maps show a 100-year flood zone approximately 100 feet wide along Mt. Diablo Creek downstream of Russellmann Road. A 100-foot buffer zone on each side of the creek should provide adequate flood protection for proposed development in this floodplain. The creek corridor for Department of Fish and Game jurisdiction should be established by a department representative before development is proposed for any area in Subbasin 10.

SUBBASIN 11:

Subbasin 11 is a small, 38-acre basin. Approximately half is wooded north facing slope and isolated hills, and the other half is the floodplain of Mt. Diablo Creek. Several dwellings have been built on the top of the hills and on the less steep slopes. There is no defined drainage channel from Subbasin 11 to Mt. Diablo Creek.

The FEMA floodplain for Mt. Diablo Creek is about 100 feet wide in this subbasin. A 100-foot buffer on each side of the creek to protect the riparian corridor around Mt. Diablo Creek should provide adequate protection from flooding in this reach. The rest of the floodplain has few hydrologic constraints on its development, though provision must be made for transporting flood flows across it.

SUBBASIN 12:

Subbasin 12 contains 294 acres of steep woodland and grazing land which drain to a USGS blueline stream. The hillsides show evidence of landslides, and the stream channel and its tributaries are incising. The small stock pond showed extensive sediment inflow from the recent runoff. The stream is incised and confined by a narrow gorge upstream of the Mt. Diablo Creek floodplain, but loses definition on the floodplain. The California Department of Fish and Game should be consulted to establish regulatory jurisdiction on this reach of creek. The FEMA floodplain mapped in this reach is approximately 100 feet wide, mostly on the northerly side of Mt. Diablo Creek in Subbasin 3.

Increased runoff from development in Subbasin 12 will have to be controlled to minimize impacts on-site and off-site. The existing detention pond can be used to reduce impacts of increased runoff on Mt. Diablo Creek, but it will not protect the on-site creek channel.

SUBBASIN 13:

Subbasin 13 is a small basin of approximately 15 acres, and contains the Oakwood subdivision. The Oakwood project is making substantial changes in the subbasin, including filling an existing stock pond which had acted as a detention basin on the site. The detention function of the pond will be replaced by an underground pipe detention system, which is designed to reduce post-project runoff to pre-project levels.

Appendix D
SUBBASIN DRAINAGE ANALYSIS

■ ■ ■

This appendix outlines the methodology and assumptions used for calculating flood flows in 13 subbasins in and around the study area. The results of the HEC-1 computer runs for flood flow modelling are attached.

Design rainstorm characteristics for the study area have been complied by the Contra Costa County Flood Control and Water Conservation District. For the relatively small watersheds which comprise the study area, short-duration, high-intensity rainstorms will produce the most severe floods. The District recommends that a 100-year, 3-hour storm be used for the conditions in the study area, which results in a total of 2.2 inches of rainfall where the mean seasonal precipitation is 20 inches/year. Using a historical analysis of past storms, this total rainfall may be distributed in 15-minute increments, as shown in Table 1.[1]

As shown in Figure 34, the study area has been divided into 13 subbasins for the purpose of this study. he rainfall runoff from the design storm for existing conditions of land use and soil cover in each subbasin was quantified using the U.S. Army Corps of Engineers' computer program HEC-1 (Flood Hydrograph Package) with the Soil Conservation Service (SCS) Synthetic Unit Hydrograph procedure.[2] This program requires a series of data input values, the sources of which are summarized below:

- Physical characteristics in the subbasins were measured from a 1" = 300' study area base map and the USGS Clayton Quadrangle map.
- Modified Manning's roughness was estimated using the range of values reported by the Flood Control District, Table 3.
- Specific hydrologic conditions in the study area were evaluated through the study of the aerial photographs, supplemented with field reconnaissance.

[1] Longer-duration design storms (6 to 24 hours) are required for detention basin sizing. Longer-duration storms have smaller peaks and larger volumes of runoff, and may impose more severe requirements on basin design.

[2] This technique is described in detail in McCuen (1982).

- Rainfall abstractions, that portion of the rainfall which does not show up as direct runoff, can be calculated in a number of ways. The SCS uses a Runoff Curve Number (CN), and the Flood Control District recommended infiltration rates are listed in Table 5. The district used an infiltration rate of .16 inches/hour for its study of the Mt. Diablo Creek Watershed above Donner Creek. We have used a rate of .18 inches/hour for the relatively undeveloped watersheds in the study area. The District's infiltration rate method was chosen for this study to provide continuity with previous studies.
- The U.S. Soil Conservation Service (SCS) Contra Costa County Soil Survey was used to obtain the Hydrologic Soil Group and Table 4 was used to assign a Curve Number (CN) for the land-use characteristics of each subbasin. The soils in the study area are primarily clay loams in the SCS hydrologic soil groups C and D. These soils yield the highest runoff for a given land use and amount of precipitation.
- The Flood Control District's recommended infiltration rates are listed in Table 5. The District used a rate of .16 inches/hour for its study of the Mt. Diablo Creek watershed above Donner Creek.

The sum of the peak runoff from the individual subbasins will not equal the peak runoff from the entire watershed due to differences in individual subbasin characteristics and the nature of the watershed computer modeling technique. The peaks from each subbasin will not be additive due to differences in timing of peak flows and routing of flows through the connecting stream channels.

TABLE 1

MARSH CREEK ROAD SPECIFIC AREA PLAN
CONTRA COSTA COUNTY DESIGN STORM

100-Year. 3-Hour Storm
20 inches/year Mean Annual Precipitation

TIME (Min)	PRECIPITATION (%)	PRECIPITATION (Inches)
15	3.0	0.0660
30	2.0	0.0440
45	5.0	0.1100
60	2.8	0.0616
75	8.8	0.1936
90	10.2	0.2244
105	5.5	0.1210
120	7.0	0.1540
135	10.5	0.2310
150	11.0	0.2420
165	27.7	0.6094
180	6.5	0.1430
TOTAL	**100.0**	**2.2000**

TABLE 2

MARSH CREEK ROAD SPECIFIC AREA PLAN
EXISTING HYDROLOGY BY THE RATIONAL METHOD
LOT 123

LOT NUMBER	PEAK FLOW (CFS)	AREA (ACRES)	FLOW LENGTH (FEET)	SLOPE (FT/FT)	TIME OF CONCENT. (MIN)	ROUGHNESS ("n")	PRECIP. DEPTH (INCHES)	INTENSITY (IN./HR)	COMPOSITE "C"	"C" MOD-IFICATION FACTOR
123	79.1	83.68	1500	0.0333	38.46	0.45	0.95	1.48	0.51	1.25
82 and 83	125.8	172.26	4200	0.0655	53.14	0.45	1.15	1.30	0.45	1.25

LOT 123 COMPOSITE C VALUE CALCULATION

IMPERV AREA (ACRES)	IMPERV "C"	OPEN AREA (ACRES)	OPEN "C"	COMPOSITE "C"
14.46	0.80	69.21	0.45	0.51

SOURCE: Contra Costa County Flood Control and Water Conservation District

KERBY OVERLAND FLOW EQUATION

$$t_c^{2.14} = \frac{2Ln}{3S^{1/2}}$$

t_c = Time of Concentration (min)
L = Length
n = Roughness
S = Slope

RATIONAL FORMULA

$$Q_p = C_t CiA$$

Q_p = Peak Flow (cfs)
C_t = C Modification Factor
C = Runoff Coefficient
i = Basin Area (acres)

TABLE 2

MARSH CREEK ROAD SPECIFIC AREA PLAN
HYDROLOGIC CHARACTERISTICS USED IN HEC1 MODEL

SUBBASIN		RUN-OFF CURVE NO.	BASIN AREA (ACRES)	BASIN AREA (SQ MI)	MAX ELEV. (FT)	MIN ELEV. (FT)	CHANNEL LENGTH (FT)	CHANNEL LENGTH (MILES)	CHANNEL SLOPE (FT/MI)	LENGTH TO CENT-ROID (MILES)	MODI-FIED MANN-INGS ROUGH-NESS	TIME LAG (HRS)
2	Oak Creek	70	148.2	0.232	1025	575	3900	0.739	609.2	0.497	0.080	0.39
3		72	66.5	0.104	1052	575	1500	0.284	1679.0	0.128	0.080	0.13
4		74	157.7	0.246	1300	635	2850	0.540	1232.0	0.256	0.080	0.23
5	Goethels Canyon	68	278.9	0.436	1375	675	5700	1.080	648.4	0.696	0.075	0.47
6		68	368.0	0.575	1490	675	6300	1.193	683.0	0.715	0.075	0.49
7	Mt. Diablo Creek	65	224.2	0.350	2946	707	7500	1.420	1576.3	1.231	0.075	0.55
8		66	47.1	0.074	1078	650	2175	0.412	1039.0	0.128	0.075	0.16
9		81	37.3	0.058	1000	610	2100	0.398	*980.6	0.227	0.080	0.21
10	Russellmann Creek	68	211.9	0.331	2946	607	8000	1.515	1543.7	0.758	0.075	0.47
11		67	38.1	0.060	914	575	2185	0.412	823.0	0.227	0.085	0.23
12		66	294.3	0.460	2946	575	9000	1.705	1391.0	0.947	0.075	0.55

TABLE 3

SUGGESTED N VALUES FOR UNIT HYDROGRAPH COMPUTATION

MAIN CHANNEL	FEEDER SYSTEM	
	GOOD	POOR
Pipe and/or Concrete Lined Channel	0.020	0.035
Earth Channel	0.030	0.040
Rock-Lined Channel	0.035	0.045
Clear Natural Channel with Minor Improvements	0.040	0.055
Natural Channel with Minor Improvements	0.050	0.065
Natural Channel without Improvements		0.075
Poor Natural Channel		0.085+

TABLE 4

Runoff Curve Numbers for Hydrologic Soil-Cover Complexes of a Typical Watershed in Contra Costa County, CA. (Antecedent Moisture Condition II, and 1_a=0.2S).

Cover	Condition	Hydrologic soil group			
		A	B	C	D
Scrub (native brush)	----	25-30	41-46	57-63	66
Grass-oak (native oaks with understory of forbs and annual grasses)	Good	29-33	43-48	59-65	67
Irrigated pasture	Good	32-37	46-51	62-68	70
Orchard (winter period with understory of cover crop)	Good	37-41	50-55	64-69	71
Range (annual grass)	Fair	46-49	57-60	68-72	74
Small grain (contoured)	Good	61-64	69-72	76-80	81
Truck crops (straight-row)	Good	67-69	74-76	80-85	84
Urban areas:					
Low density (15 to 18 percent impervious surfaces)		69-72	75-78	82-84	86
Medium density (21 to 27 percent impervious surfaces)		72-75	77-80	84-86	88
High density (50 to 75 percent impervious surfaces)		75-75	79-82	86-88	90

URCE: United States Department of Agriculture. Soil Conservation Service. March 1985. National Engineering Handbook, Section 4: Hydrology.

TABLE 5

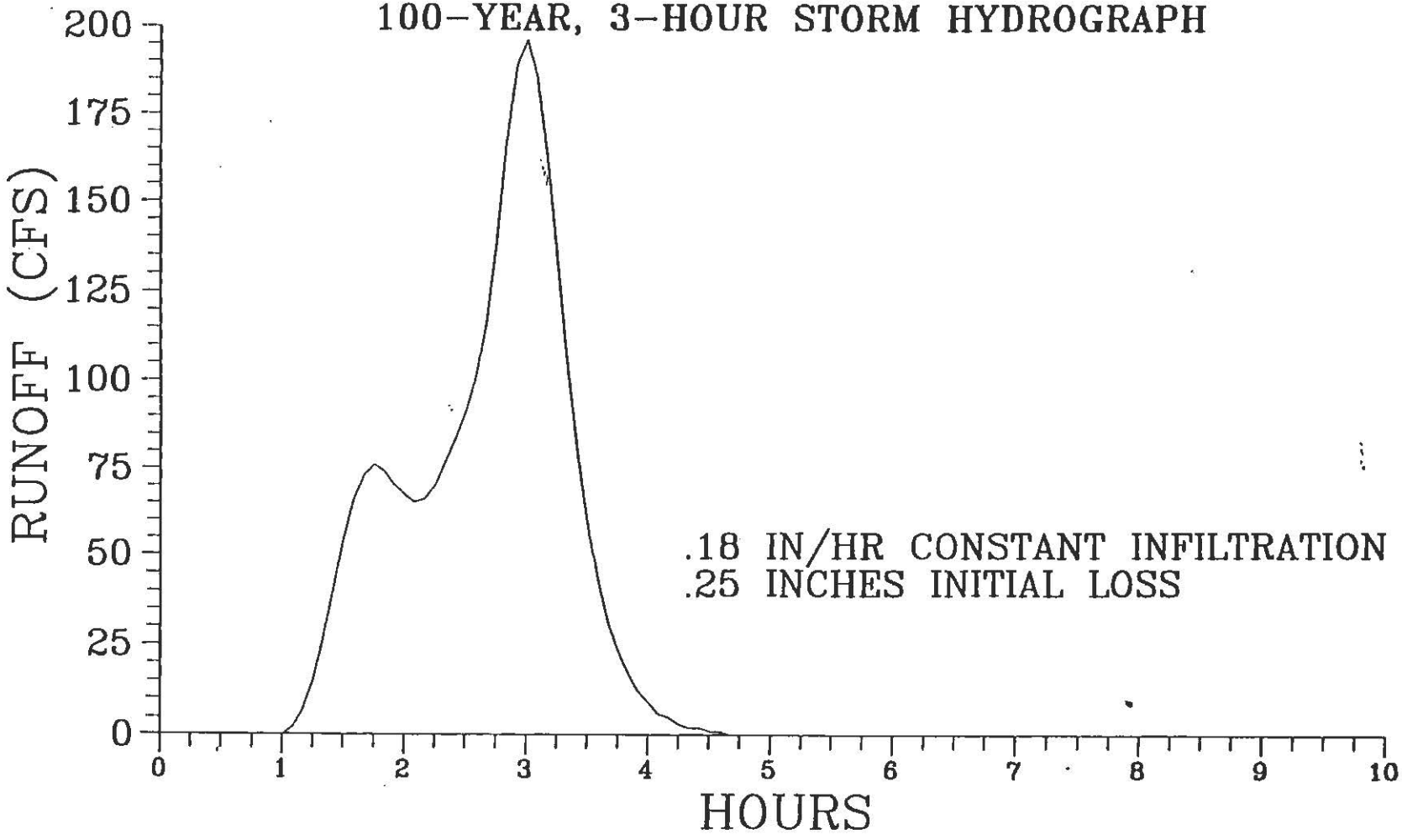
SUGGESTED WATERSHED INFILTRATION RATE

ZONING	WATERSHED INFILTRATION RATE (IN/HR)
Open	.17 - .18
R-40	.14 - .16
R-20	.11 - .14
R-10	.08 - .11
R-6	.05 - .08
Multi-Residential	.04 - .06
Industrial	.03 - .06
Commercial	.02 - .05

Based on CCCFCD Impervious Area Study (1981)

Initial Abstractions = .25 inches

MARSH CREEK SPECIFIC PLAN AREA
SUB-BASIN 2
100-YEAR, 3-HOUR STORM HYDROGRAPH



DATE: 03/06/91

BY: L. FISHBAIN

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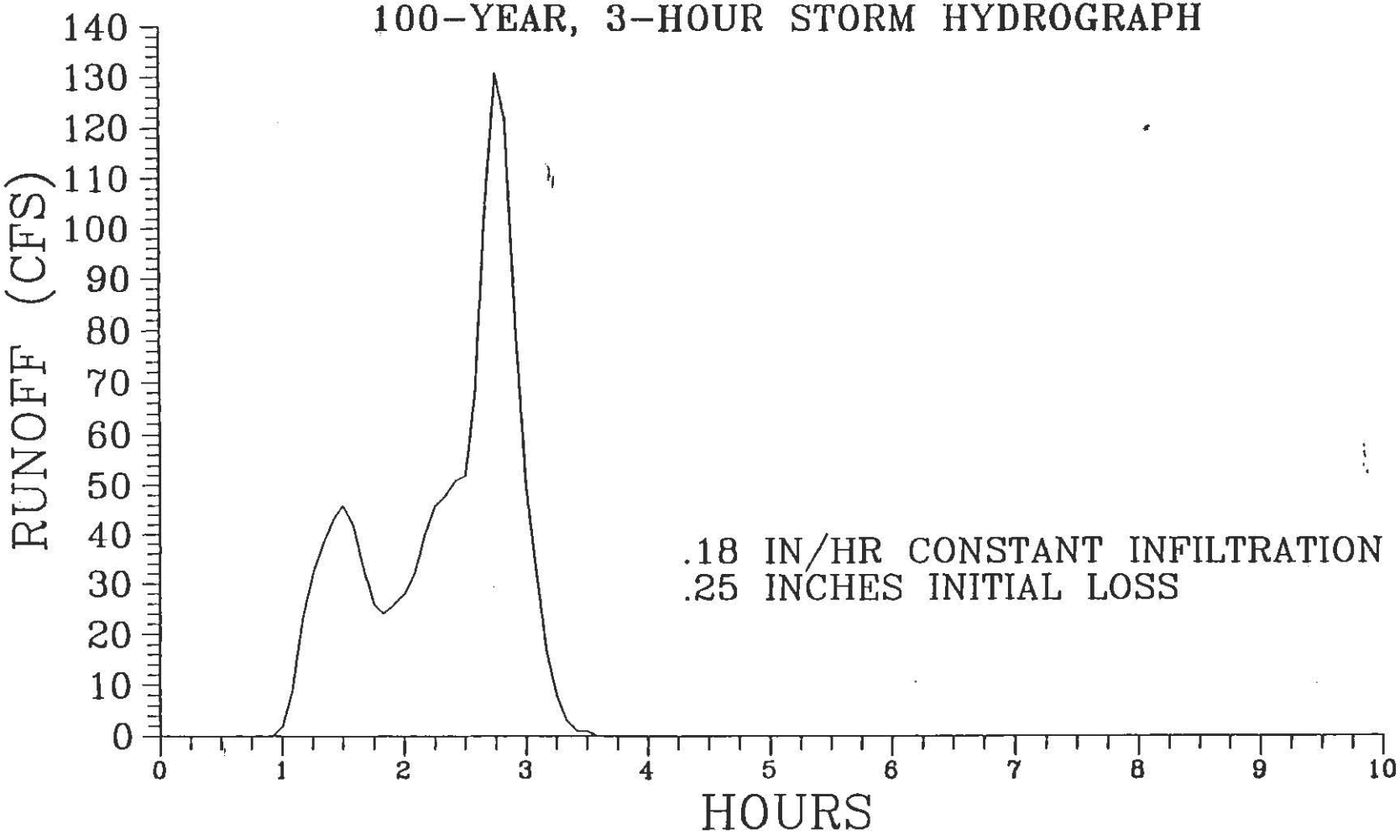
MARSH CREEK SPECIFIC PLAN AREA
SUB-BASIN 3
100-YEAR, 3-HOUR STORM HYDROGRAPH



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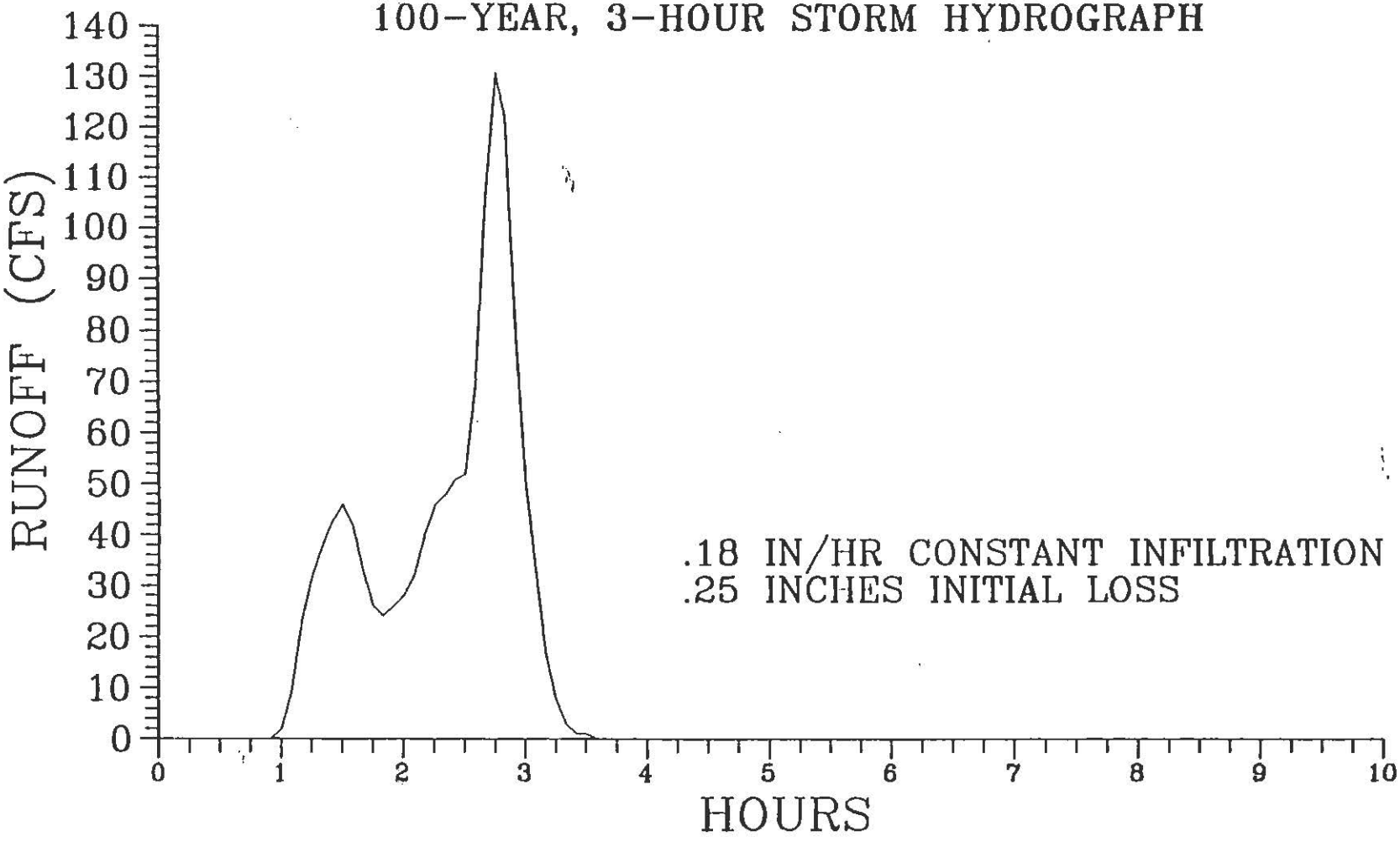
MARSH CREEK SPECIFIC PLAN AREA: SUBBASIN 2

CUMULATIVE AREA (SQ MI)	PEAK FLOW (CFS)	TIME (HR)	TOTAL RAINFALL (INCHES)	TOTAL LOSS (INCHES)	TOTAL EXCESS (INCHES)
.23	196.	3.00	2.20	0.63	1.57

DA	MON	HRMN	ORD	RAIN	LOSS	EXCESS	COMP Q	DA	MON	HRMN	ORD	RAIN	LOSS	EXCESS	COMP Q
1		0000	1	.00	.00	.00	0.	1		0410	51	.00	.00	.00	5.
1		0005	2	.02	.02	.00	0.	1		0415	52	.00	.00	.00	3.
1		0010	3	.02	.02	.00	0.	1		0420	53	.00	.00	.00	2.
1		0015	4	.02	.02	.00	0.	1		0425	54	.00	.00	.00	2.
1		0020	5	.01	.01	.00	0.	1		0430	55	.00	.00	.00	1.
1		0025	6	.01	.01	.00	0.	1		0435	56	.00	.00	.00	1.
1		0030	7	.01	.01	.00	0.	1		0440	57	.00	.00	.00	0.
1		0035	8	.04	.04	.00	0.	1		0445	58	.00	.00	.00	0.
1		0040	9	.04	.04	.00	0.	1		0450	59	.00	.00	.00	0.
1		0045	10	.04	.04	.00	0.	1		0455	60	.00	.00	.00	0.
1		0050	11	.02	.02	.00	0.	1		0500	61	.00	.00	.00	0.
1		0055	12	.02	.02	.00	0.	1		0505	62	.00	.00	.00	0.
1		0100	13	.02	.02	.01	0.	1		0510	63	.00	.00	.00	0.
1		0105	14	.06	.02	.05	2.	1		0515	64	.00	.00	.00	0.
1		0110	15	.06	.02	.05	7.	1		0520	65	.00	.00	.00	0.
1		0115	16	.06	.02	.05	15.	1		0525	66	.00	.00	.00	0.
1		0120	17	.07	.02	.06	27.	1		0530	67	.00	.00	.00	0.
1		0125	18	.07	.02	.06	41.	1		0535	68	.00	.00	.00	0.
1		0130	19	.07	.02	.06	54.	1		0540	69	.00	.00	.00	0.
1		0135	20	.04	.02	.03	66.	1		0545	70	.00	.00	.00	0.
1		0140	21	.04	.02	.03	73.	1		0550	71	.00	.00	.00	0.
1		0145	22	.04	.02	.03	76.	1		0555	72	.00	.00	.00	0.
1		0150	23	.05	.02	.04	74.	1		0600	73	.00	.00	.00	0.
		0155	24	.05	.02	.04	70.	1		0605	74	.00	.00	.00	0.
		0200	25	.05	.02	.04	67.	1		0610	75	.00	.00	.00	0.
1		0205	26	.08	.02	.06	65.	1		0615	76	.00	.00	.00	0.
1		0210	27	.08	.02	.06	66.	1		0620	77	.00	.00	.00	0.
1		0215	28	.08	.02	.06	70.	1		0625	78	.00	.00	.00	0.
1		0220	29	.08	.02	.07	77.	1		0630	79	.00	.00	.00	0.
1		0225	30	.08	.02	.07	84.	1		0635	80	.00	.00	.00	0.
1		0230	31	.08	.02	.07	91.	1		0640	81	.00	.00	.00	0.
1		0235	32	.20	.02	.19	101.	1		0645	82	.00	.00	.00	0.
1		0240	33	.20	.02	.19	116.	1		0650	83	.00	.00	.00	0.
1		0245	34	.20	.02	.19	139.	1		0655	84	.00	.00	.00	0.
1		0250	35	.05	.02	.03	167.	1		0700	85	.00	.00	.00	0.
1		0255	36	.05	.02	.03	189.	1		0705	86	.00	.00	.00	0.
1		0300	37	.05	.02	.03	196.	1		0710	87	.00	.00	.00	0.
1		0305	38	.00	.00	.00	186.	1		0715	88	.00	.00	.00	0.
1		0310	39	.00	.00	.00	164.	1		0720	89	.00	.00	.00	0.
1		0315	40	.00	.00	.00	134.	1		0725	90	.00	.00	.00	0.
1		0320	41	.00	.00	.00	104.	1		0730	91	.00	.00	.00	0.
1		0325	42	.00	.00	.00	78.	1		0735	92	.00	.00	.00	0.
1		0330	43	.00	.00	.00	58.	1		0740	93	.00	.00	.00	0.
1		0335	44	.00	.00	.00	43.	1		0745	94	.00	.00	.00	0.
1		0340	45	.00	.00	.00	31.	1		0750	95	.00	.00	.00	0.
1		0345	46	.00	.00	.00	23.	1		0755	96	.00	.00	.00	0.
1		0350	47	.00	.00	.00	17.	1		0800	97	.00	.00	.00	0.
1		0355	48	.00	.00	.00	12.	1		0805	98	.00	.00	.00	0.
		0400	49	.00	.00	.00	9.	1		0810	99	.00	.00	.00	0.
		0405	50	.00	.00	.00	6.	1		0815	100	.00	.00	.00	0.

MARSH CREEK SPECIFIC PLAN AREA
SUB-BASIN 3
100-YEAR, 3-HOUR STORM HYDROGRAPH



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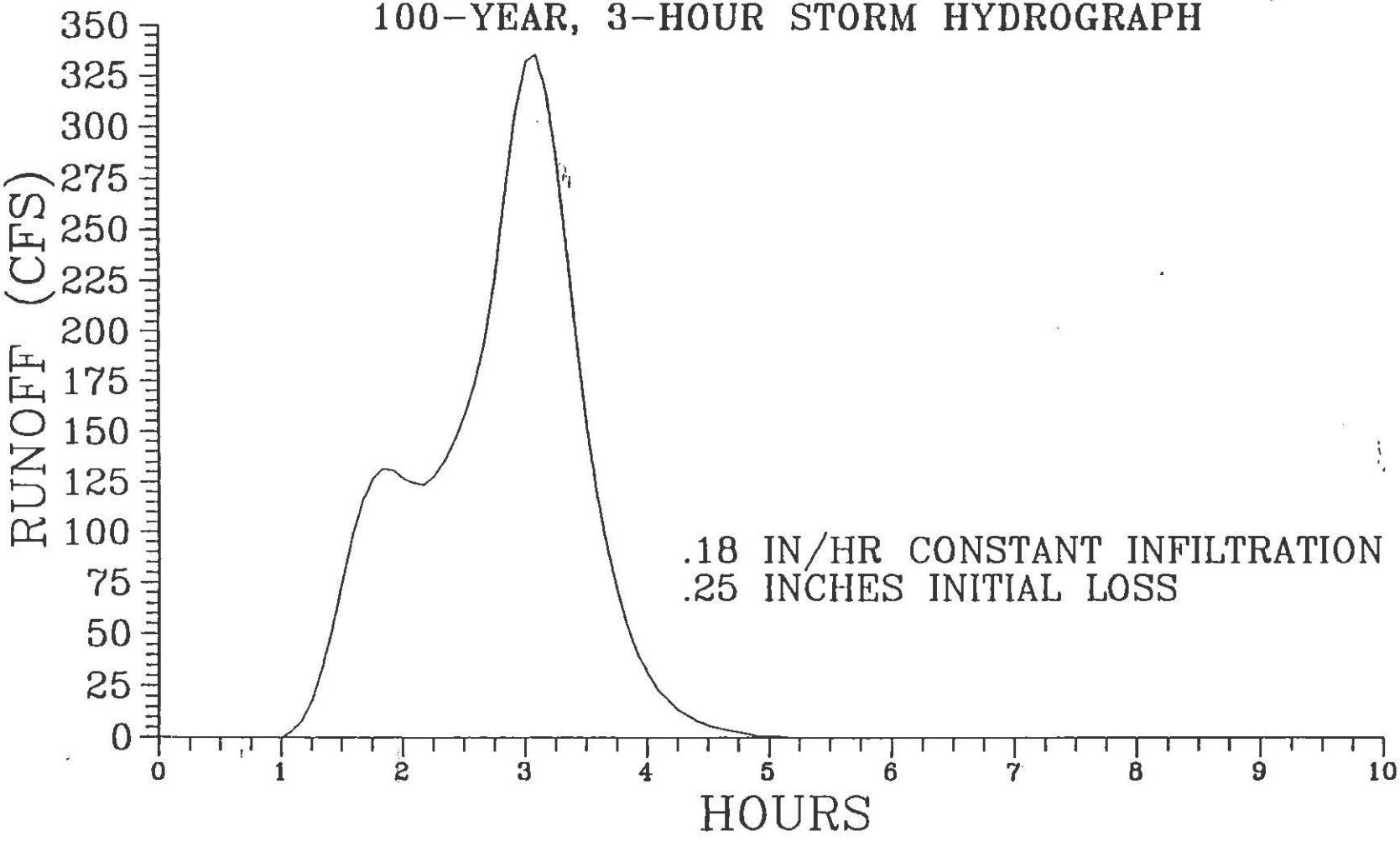
MARSH CREEK SPECIFIC PLAN AREA: SUBBASIN 4

CUMULATIVE AREA (SQ MI)	PEAK FLOW (CFS)	TIME (HR)	TOTAL RAINFALL (INCHES)	TOTAL LOSS (INCHES)	TOTAL EXCESS (INCHES)
.25	259.	2.83	2.28	0.63	1.57

MON	HRMN	ORD	RAIN	LOSS	EXCESS	COMP Q	DA	MON	HRMN	ORD	RAIN	LOSS	EXCESS	COMP Q
1	0000	1	.00	.00	.00	0.	1		0410	51	.00	.00	.00	0.
1	0005	2	.02	.02	.00	0.	1		0415	52	.00	.00	.00	0.
1	0010	3	.02	.02	.00	0.	1		0420	53	.00	.00	.00	0.
1	0015	4	.02	.02	.00	0.	1		0425	54	.00	.00	.00	0.
1	0020	5	.01	.01	.00	0.	1		0430	55	.00	.00	.00	0.
1	0025	6	.01	.01	.00	0.	1		0435	56	.00	.00	.00	0.
1	0030	7	.01	.01	.00	0.	1		0440	57	.00	.00	.00	0.
1	0035	8	.04	.04	.00	0.	1		0445	58	.00	.00	.00	0.
1	0040	9	.04	.04	.00	0.	1		0450	59	.00	.00	.00	0.
1	0045	10	.04	.04	.00	0.	1		0455	60	.00	.00	.00	0.
1	0050	11	.02	.02	.00	0.	1		0500	61	.00	.00	.00	0.
1	0055	12	.02	.02	.00	0.	1		0505	62	.00	.00	.00	0.
1	0100	13	.02	.02	.01	1.	1		0510	63	.00	.00	.00	0.
1	0105	14	.06	.02	.05	7.	1		0515	64	.00	.00	.00	0.
1	0110	15	.06	.02	.05	23.	1		0520	65	.00	.00	.00	0.
1	0115	16	.06	.02	.05	44.	1		0525	66	.00	.00	.00	0.
1	0120	17	.07	.02	.06	63.	1		0530	67	.00	.00	.00	0.
1	0125	18	.07	.02	.06	79.	1		0535	68	.00	.00	.00	0.
1	0130	19	.07	.02	.06	91.	1		0540	69	.00	.00	.00	0.
1	0135	20	.04	.02	.03	97.	1		0545	70	.00	.00	.00	0.
1	0140	21	.04	.02	.03	92.	1		0550	71	.00	.00	.00	0.
1	0145	22	.04	.02	.03	81.	1		0555	72	.00	.00	.00	0.
1	0150	23	.05	.02	.04	70.	1		0600	73	.00	.00	.00	0.
	0155	24	.05	.02	.04	65.	1		0605	74	.00	.00	.00	0.
	0200	25	.05	.02	.04	65.	1		0610	75	.00	.00	.00	0.
1	0205	26	.08	.02	.06	68.	1		0615	76	.00	.00	.00	0.
1	0210	27	.08	.02	.06	77.	1		0620	77	.00	.00	.00	0.
1	0215	28	.08	.02	.06	89.	1		0625	78	.00	.00	.00	0.
1	0220	29	.08	.02	.07	100.	1		0630	79	.00	.00	.00	0.
1	0225	30	.08	.02	.07	109.	1		0635	80	.00	.00	.00	0.
1	0230	31	.08	.02	.07	114.	1		0640	81	.00	.00	.00	0.
1	0235	32	.20	.02	.19	129.	1		0645	82	.00	.00	.00	0.
1	0240	33	.20	.02	.19	168.	1		0650	83	.00	.00	.00	0.
1	0245	34	.20	.02	.19	223.	1		0655	84	.00	.00	.00	0.
1	0250	35	.05	.02	.03	259.	1		0700	85	.00	.00	.00	0.
1	0255	36	.05	.02	.03	248.	1		0705	86	.00	.00	.00	0.
1	0300	37	.05	.02	.03	200.	1		0710	87	.00	.00	.00	0.
1	0305	38	.00	.00	.00	148.	1		0715	88	.00	.00	.00	0.
1	0310	39	.00	.00	.00	102.	1		0720	89	.00	.00	.00	0.
1	0315	40	.00	.00	.00	67.	1		0725	90	.00	.00	.00	0.
1	0320	41	.00	.00	.00	42.	1		0730	91	.00	.00	.00	0.
1	0325	42	.00	.00	.00	25.	1		0735	92	.00	.00	.00	0.
1	0330	43	.00	.00	.00	15.	1		0740	93	.00	.00	.00	0.
1	0335	44	.00	.00	.00	9.	1		0745	94	.00	.00	.00	0.
1	0340	45	.00	.00	.00	6.	1		0750	95	.00	.00	.00	0.
1	0345	46	.00	.00	.00	3.	1		0755	96	.00	.00	.00	0.
1	0350	47	.00	.00	.00	2.	1		0800	97	.00	.00	.00	0.
1	0355	48	.00	.00	.00	1.	1		0805	98	.00	.00	.00	0.
	0400	49	.00	.00	.00	0.	1		0810	99	.00	.00	.00	0.
	0405	50	.00	.00	.00	0.	1		0815	100	.00	.00	.00	0.

MARSH CREEK SPECIFIC PLAN AREA
SUB-BASIN 5
100-YEAR, 3-HOUR STORM HYDROGRAPH



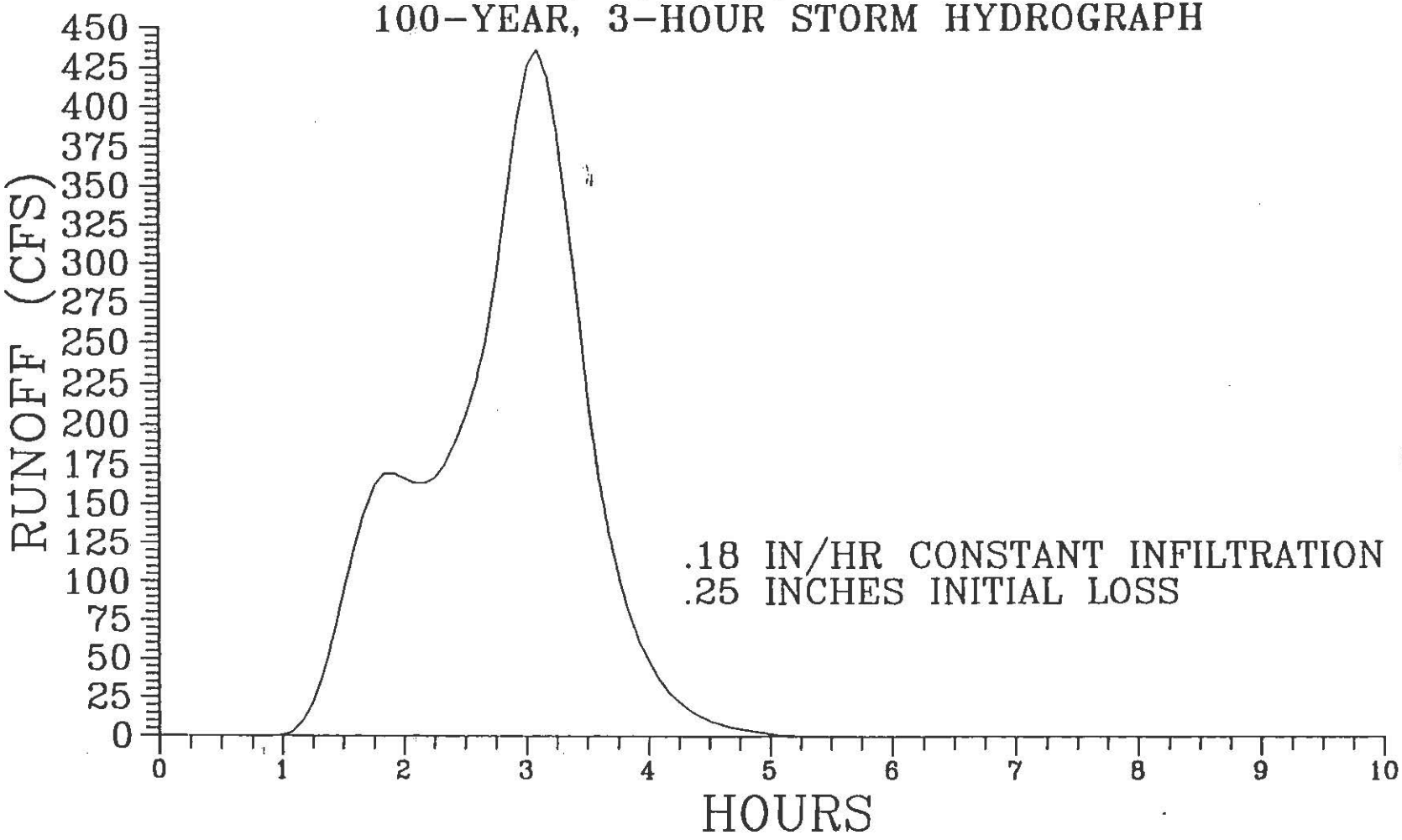
DATE: 03/06/91 BY: L. FISHBAIN		Philip Williams & Associates, Ltd Pier 35, The Embarcadero San Francisco, California 94133

MARSH CREEK SPECIFIC PLAN AREA: SUBBASIN 5

CUMULATIVE AREA (SQ MI)	PEAK FLOW (CFS)	TIME (HR)	TOTAL RAINFALL (INCHES)	TOTAL LOSS (INCHES)	TOTAL EXCESS (INCHES)
.44	336	3.08	2.20	0.63	1.57

** MON	HRMN	ORD	RAIN	LOSS	EXCESS	COMP Q	*	DA MON	HRMN	ORD	RAIN	LOSS	EXCESS	COMP Q
							*	---						
1	0000	1	.00	.00	.00	0.	*	1	0410	51	.00	.00	.00	19.
1	0005	2	.02	.02	.00	0.	*	1	0415	52	.00	.00	.00	14.
1	0010	3	.02	.02	.00	0.	*	1	0420	53	.00	.00	.00	11.
1	0015	4	.02	.02	.00	0.	*	1	0425	54	.00	.00	.00	8.
1	0020	5	.01	.01	.00	0.	*	1	0430	55	.00	.00	.00	6.
1	0025	6	.01	.01	.00	0.	*	1	0435	56	.00	.00	.00	5.
1	0030	7	.01	.01	.00	0.	*	1	0440	57	.00	.00	.00	4.
1	0035	8	.04	.04	.00	0.	*	1	0445	58	.00	.00	.00	3.
1	0040	9	.04	.04	.00	0.	*	1	0450	59	.00	.00	.00	2.
1	0045	10	.04	.04	.00	0.	*	1	0455	60	.00	.00	.00	1.
1	0050	11	.02	.02	.00	0.	*	1	0500	61	.00	.00	.00	1.
1	0055	12	.02	.02	.00	0.	*	1	0505	62	.00	.00	.00	1.
1	0100	13	.02	.02	.01	0.	*	1	0510	63	.00	.00	.00	0.
1	0105	14	.06	.02	.05	3.	*	1	0515	64	.00	.00	.00	0.
1	0110	15	.06	.02	.05	8.	*	1	0520	65	.00	.00	.00	0.
1	0115	16	.06	.02	.05	18.	*	1	0525	66	.00	.00	.00	0.
1	0120	17	.07	.02	.06	34.	*	1	0530	67	.00	.00	.00	0.
1	0125	18	.07	.02	.06	54.	*	1	0535	68	.00	.00	.00	0.
1	0130	19	.07	.02	.06	76.	*	1	0540	69	.00	.00	.00	0.
1	0135	20	.04	.02	.03	98.	*	1	0545	70	.00	.00	.00	0.
1	0140	21	.04	.02	.03	116.	*	1	0550	71	.00	.00	.00	0.
1	0145	22	.04	.02	.03	127.	*	1	0555	72	.00	.00	.00	0.
1	0150	23	.05	.02	.04	132.	*	1	0600	73	.00	.00	.00	0.
	0155	24	.05	.02	.04	131.	*	1	0605	74	.00	.00	.00	0.
	0200	25	.05	.02	.04	127.	*	1	0610	75	.00	.00	.00	0.
1	0205	26	.08	.02	.06	125.	*	1	0615	76	.00	.00	.00	0.
1	0210	27	.08	.02	.06	124.	*	1	0620	77	.00	.00	.00	0.
1	0215	28	.08	.02	.06	128.	*	1	0625	78	.00	.00	.00	0.
1	0220	29	.08	.02	.07	136.	*	1	0630	79	.00	.00	.00	0.
1	0225	30	.08	.02	.07	146.	*	1	0635	80	.00	.00	.00	0.
1	0230	31	.08	.02	.07	158.	*	1	0640	81	.00	.00	.00	0.
1	0235	32	.20	.02	.19	174.	*	1	0645	82	.00	.00	.00	0.
1	0240	33	.20	.02	.19	196.	*	1	0650	83	.00	.00	.00	0.
1	0245	34	.20	.02	.19	228.	*	1	0655	84	.00	.00	.00	0.
1	0250	35	.05	.02	.03	268.	*	1	0700	85	.00	.00	.00	0.
1	0255	36	.05	.02	.03	307.	*	1	0705	86	.00	.00	.00	0.
1	0300	37	.05	.02	.03	332.	*	1	0710	87	.00	.00	.00	0.
1	0305	38	.00	.00	.00	336.	*	1	0715	88	.00	.00	.00	0.
1	0310	39	.00	.00	.00	319.	*	1	0720	89	.00	.00	.00	0.
1	0315	40	.00	.00	.00	287.	*	1	0725	90	.00	.00	.00	0.
1	0320	41	.00	.00	.00	243.	*	1	0730	91	.00	.00	.00	0.
1	0325	42	.00	.00	.00	197.	*	1	0735	92	.00	.00	.00	0.
1	0330	43	.00	.00	.00	154.	*	1	0740	93	.00	.00	.00	0.
1	0335	44	.00	.00	.00	119.	*	1	0745	94	.00	.00	.00	0.
1	0340	45	.00	.00	.00	92.	*	1	0750	95	.00	.00	.00	0.
1	0345	46	.00	.00	.00	71.	*	1	0755	96	.00	.00	.00	0.
1	0350	47	.00	.00	.00	54.	*	1	0800	97	.00	.00	.00	0.
1	0355	48	.00	.00	.00	41.	*	1	0805	98	.00	.00	.00	0.
	0400	49	.00	.00	.00	32.	*	1	0810	99	.00	.00	.00	0.
	0405	50	.00	.00	.00	24.	*	1	0815	100	.00	.00	.00	0.

MARSH CREEK SPECIFIC PLAN AREA
SUB-BASIN 6
100-YEAR, 3-HOUR STORM HYDROGRAPH



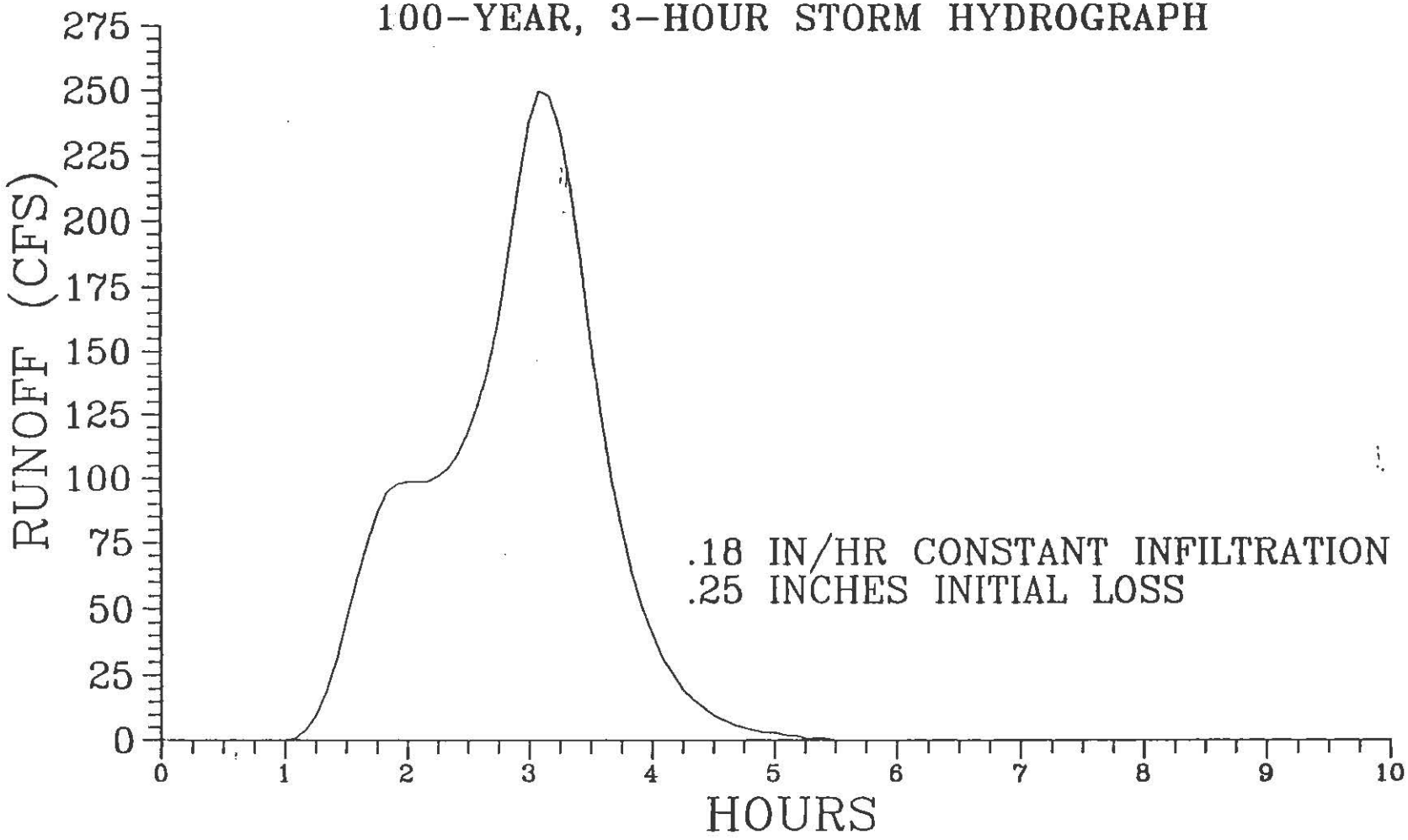
DATE: 03/06/91 BY: L. FISHBAIN		Philip Williams & Associates, Ltd Pier 35, The Embarcadero San Francisco, California 94133

MARSH CREEK SPECIFIC PLAN AREA: SUBBASIN 6

CUMULATIVE AREA (SQ MI)	PEAK FLOW (CFS)	TIME (HR)	TOTAL RAINFALL (INCHES)	TOTAL LOSS (INCHES)	TOTAL EXCESS (INCHES)
.57	436.	3.08	2.20	1.88	.32

MON	HRMN	ORD	RAIN	LOSS	EXCESS	COMP Q	*	DA	MON	HRMN	ORD	RAIN	LOSS	EXCESS	COMP Q
							*								
1	0000	1	.00	.00	.00	0.	*	1	0410	51	.00	.00	.00	28.
1	0005	2	.02	.02	.00	0.	*	1	0415	52	.00	.00	.00	22.
1	0010	3	.02	.02	.00	0.	*	1	0420	53	.00	.00	.00	17.
1	0015	4	.02	.02	.00	0.	*	1	0425	54	.00	.00	.00	13.
1	0020	5	.01	.01	.00	0.	*	1	0430	55	.00	.00	.00	10.
1	0025	6	.01	.01	.00	0.	*	1	0435	56	.00	.00	.00	8.
1	0030	7	.01	.01	.00	0.	*	1	0440	57	.00	.00	.00	6.
1	0035	8	.04	.04	.00	0.	*	1	0445	58	.00	.00	.00	5.
1	0040	9	.04	.04	.00	0.	*	1	0450	59	.00	.00	.00	4.
1	0045	10	.04	.04	.00	0.	*	1	0455	60	.00	.00	.00	3.
1	0050	11	.02	.02	.00	0.	*	1	0500	61	.00	.00	.00	2.
1	0055	12	.02	.02	.00	0.	*	1	0505	62	.00	.00	.00	1.
1	0100	13	.02	.02	.01	1.	*	1	0510	63	.00	.00	.00	1.
1	0105	14	.06	.02	.05	3.	*	1	0515	64	.00	.00	.00	0.
1	0110	15	.06	.02	.05	10.	*	1	0520	65	.00	.00	.00	0.
1	0115	16	.06	.02	.05	22.	*	1	0525	66	.00	.00	.00	0.
1	0120	17	.07	.02	.06	41.	*	1	0530	67	.00	.00	.00	0.
1	0125	18	.07	.02	.06	66.	*	1	0535	68	.00	.00	.00	0.
1	0130	19	.07	.02	.06	94.	*	1	0540	69	.00	.00	.00	0.
1	0135	20	.04	.02	.03	121.	*	1	0545	70	.00	.00	.00	0.
1	0140	21	.04	.02	.03	145.	*	1	0550	71	.00	.00	.00	0.
1	0145	22	.04	.02	.03	162.	*	1	0555	72	.00	.00	.00	0.
1	0150	23	.05	.02	.04	170.	*	1	0600	73	.00	.00	.00	0.
	0155	24	.05	.02	.04	170.	*	1	0605	74	.00	.00	.00	0.
1	0200	25	.05	.02	.04	167.	*	1	0610	75	.00	.00	.00	0.
1	0205	26	.08	.02	.06	164.	*	1	0615	76	.00	.00	.00	0.
1	0210	27	.08	.02	.06	164.	*	1	0620	77	.00	.00	.00	0.
1	0215	28	.08	.02	.06	167.	*	1	0625	78	.00	.00	.00	0.
1	0220	29	.08	.02	.07	176.	*	1	0630	79	.00	.00	.00	0.
1	0225	30	.08	.02	.07	190.	*	1	0635	80	.00	.00	.00	0.
1	0230	31	.08	.02	.07	205.	*	1	0640	81	.00	.00	.00	0.
1	0235	32	.20	.02	.19	225.	*	1	0645	82	.00	.00	.00	0.
1	0240	33	.20	.02	.19	252.	*	1	0650	83	.00	.00	.00	0.
1	0245	34	.20	.02	.19	292.	*	1	0655	84	.00	.00	.00	0.
1	0250	35	.05	.02	.03	341.	*	1	0700	85	.00	.00	.00	0.
1	0255	36	.05	.02	.03	390.	*	1	0705	86	.00	.00	.00	0.
1	0300	37	.05	.02	.03	426.	*	1	0710	87	.00	.00	.00	0.
1	0305	38	.00	.00	.00	436.	*	1	0715	88	.00	.00	.00	0.
1	0310	39	.00	.00	.00	419.	*	1	0720	89	.00	.00	.00	0.
1	0315	40	.00	.00	.00	383.	*	1	0725	90	.00	.00	.00	0.
1	0320	41	.00	.00	.00	331.	*	1	0730	91	.00	.00	.00	0.
1	0325	42	.00	.00	.00	274.	*	1	0735	92	.00	.00	.00	0.
1	0330	43	.00	.00	.00	217.	*	1	0740	93	.00	.00	.00	0.
1	0335	44	.00	.00	.00	170.	*	1	0745	94	.00	.00	.00	0.
1	0340	45	.00	.00	.00	133.	*	1	0750	95	.00	.00	.00	0.
1	0345	46	.00	.00	.00	103.	*	1	0755	96	.00	.00	.00	0.
1	0350	47	.00	.00	.00	80.	*	1	0800	97	.00	.00	.00	0.
1	0355	48	.00	.00	.00	62.	*	1	0805	98	.00	.00	.00	0.
1	0400	49	.00	.00	.00	48.	*	1	0810	99	.00	.00	.00	0.
	0405	50	.00	.00	.00	37.	*	1	0815	100	.00	.00	.00	0.

MARSH CREEK SPECIFIC PLAN AREA
SUB-BASIN 7
100-YEAR, 3-HOUR STORM HYDROGRAPH

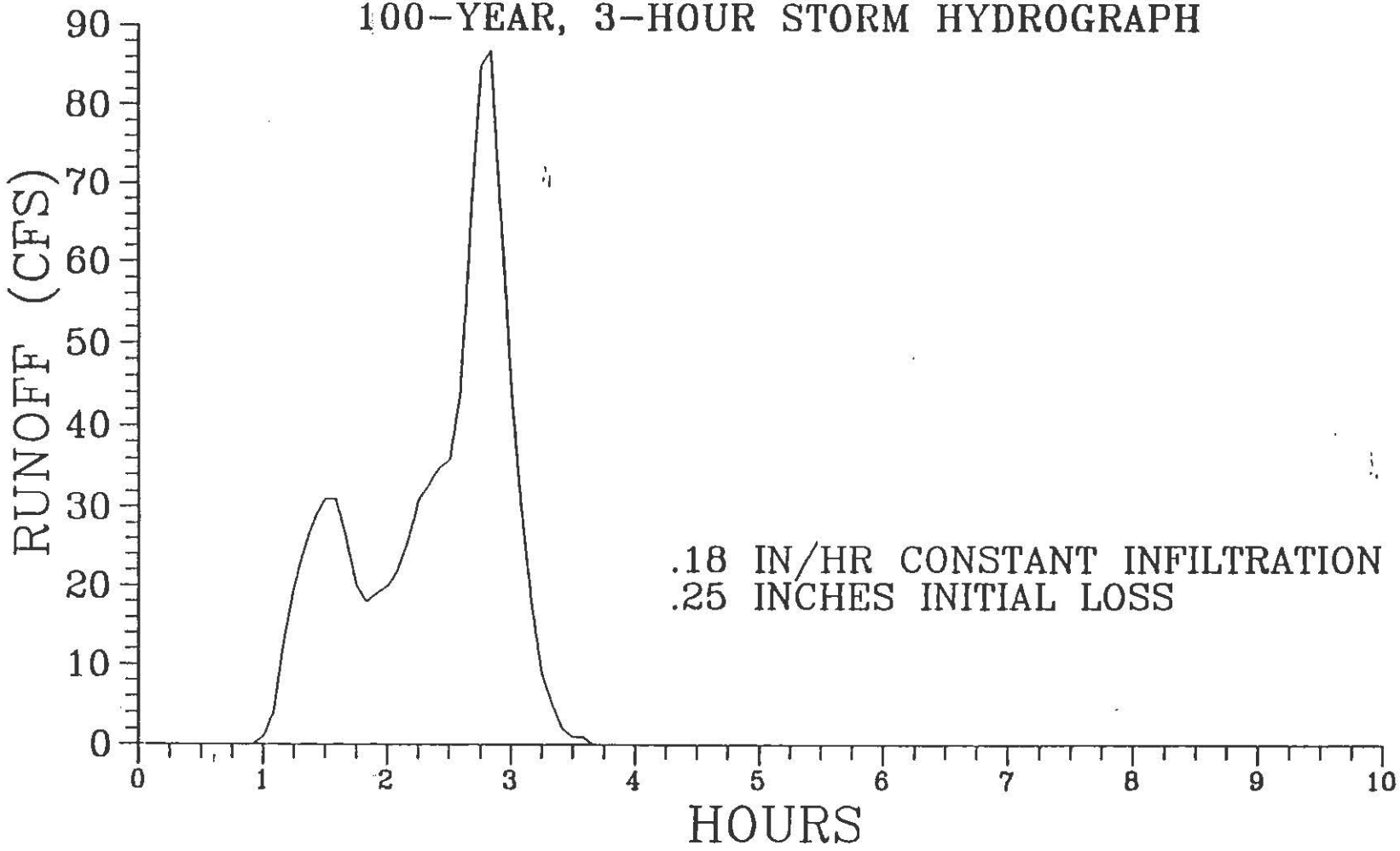


DATE: 03/06/91 BY: L. FISHBAIN		Philip Williams & Associates, Ltd Pier 35, The Embarcadero San Francisco, California 94133	

CUMULATIVE AREA (SQ MI)	PEAK FLOW (CFS)	TIME (HR)	TOTAL RAINFALL (INCHES)	TOTAL LOSS (INCHES)	TOTAL EXCESS (INCHES)
.35	250.	3.08	2.20	1.88	.32

DA	MON	HRMN	ORD	RAIN	LOSS	EXCESS	COMP Q	DA	MON	HRMN	ORD	RAIN	LOSS	EXCESS	COMP Q
		0000	1	.00	.00	.00	0.	1		0410	51	.00	.00	.00	26.
1		0005	2	.02	.02	.00	0.	1		0415	52	.00	.00	.00	20.
1		0010	3	.02	.02	.00	0.	1		0420	53	.00	.00	.00	16.
1		0015	4	.02	.02	.00	0.	1		0425	54	.00	.00	.00	13.
1		0020	5	.01	.01	.00	0.	1		0430	55	.00	.00	.00	10.
1		0025	6	.01	.01	.00	0.	1		0435	56	.00	.00	.00	8.
1		0030	7	.01	.01	.00	0.	1		0440	57	.00	.00	.00	6.
1		0035	8	.04	.04	.00	0.	1		0445	58	.00	.00	.00	5.
1		0040	9	.04	.04	.00	0.	1		0450	59	.00	.00	.00	4.
1		0045	10	.04	.04	.00	0.	1		0455	60	.00	.00	.00	3.
1		0050	11	.02	.02	.00	0.	1		0500	61	.00	.00	.00	3.
1		0055	12	.02	.02	.00	0.	1		0505	62	.00	.00	.00	2.
1		0100	13	.02	.02	.01	0.	1		0510	63	.00	.00	.00	2.
1		0105	14	.06	.02	.05	1.	1		0515	64	.00	.00	.00	1.
1		0110	15	.06	.02	.05	4.	1		0520	65	.00	.00	.00	1.
1		0115	16	.06	.02	.05	10.	1		0525	66	.00	.00	.00	1.
1		0120	17	.07	.02	.06	19.	1		0530	67	.00	.00	.00	0.
1		0125	18	.07	.02	.06	31.	1		0535	68	.00	.00	.00	0.
1		0130	19	.07	.02	.06	46.	1		0540	69	.00	.00	.00	0.
1		0135	20	.04	.02	.03	61.	1		0545	70	.00	.00	.00	0.
1		0140	21	.04	.02	.03	75.	1		0550	71	.00	.00	.00	0.
1		0145	22	.04	.02	.03	87.	1		0555	72	.00	.00	.00	0.
1		0150	23	.05	.02	.04	95.	1		0600	73	.00	.00	.00	0.
1		0155	24	.05	.02	.04	98.	1		0605	74	.00	.00	.00	0.
		0200	25	.05	.02	.04	99.	1		0610	75	.00	.00	.00	0.
		0205	26	.08	.02	.06	99.	1		0615	76	.00	.00	.00	0.
1		0210	27	.08	.02	.06	99.	1		0620	77	.00	.00	.00	0.
1		0215	28	.08	.02	.06	101.	1		0625	78	.00	.00	.00	0.
1		0220	29	.08	.02	.07	104.	1		0630	79	.00	.00	.00	0.
1		0225	30	.08	.02	.07	110.	1		0635	80	.00	.00	.00	0.
1		0230	31	.08	.02	.07	118.	1		0640	81	.00	.00	.00	0.
1		0235	32	.20	.02	.19	129.	1		0645	82	.00	.00	.00	0.
1		0240	33	.20	.02	.19	143.	1		0650	83	.00	.00	.00	0.
1		0245	34	.20	.02	.19	163.	1		0655	84	.00	.00	.00	0.
1		0250	35	.05	.02	.03	188.	1		0700	85	.00	.00	.00	0.
1		0255	36	.05	.02	.03	215.	1		0705	86	.00	.00	.00	0.
1		0300	37	.05	.02	.03	238.	1		0710	87	.00	.00	.00	0.
1		0305	38	.00	.00	.00	250.	1		0715	88	.00	.00	.00	0.
1		0310	39	.00	.00	.00	248.	1		0720	89	.00	.00	.00	0.
1		0315	40	.00	.00	.00	236.	1		0725	90	.00	.00	.00	0.
1		0320	41	.00	.00	.00	215.	1		0730	91	.00	.00	.00	0.
1		0325	42	.00	.00	.00	187.	1		0735	92	.00	.00	.00	0.
1		0330	43	.00	.00	.00	156.	1		0740	93	.00	.00	.00	0.
1		0335	44	.00	.00	.00	127.	1		0745	94	.00	.00	.00	0.
1		0340	45	.00	.00	.00	101.	1		0750	95	.00	.00	.00	0.
1		0345	46	.00	.00	.00	81.	1		0755	96	.00	.00	.00	0.
1		0350	47	.00	.00	.00	64.	1		0800	97	.00	.00	.00	0.
1		0355	48	.00	.00	.00	51.	1		0805	98	.00	.00	.00	0.
1		0400	49	.00	.00	.00	41.	1		0810	99	.00	.00	.00	0.
		0405	50	.00	.00	.00	32.	1		0815	100	.00	.00	.00	0.

MARSH CREEK SPECIFIC PLAN AREA
SUB-BASIN 8
100-YEAR, 3-HOUR STORM HYDROGRAPH



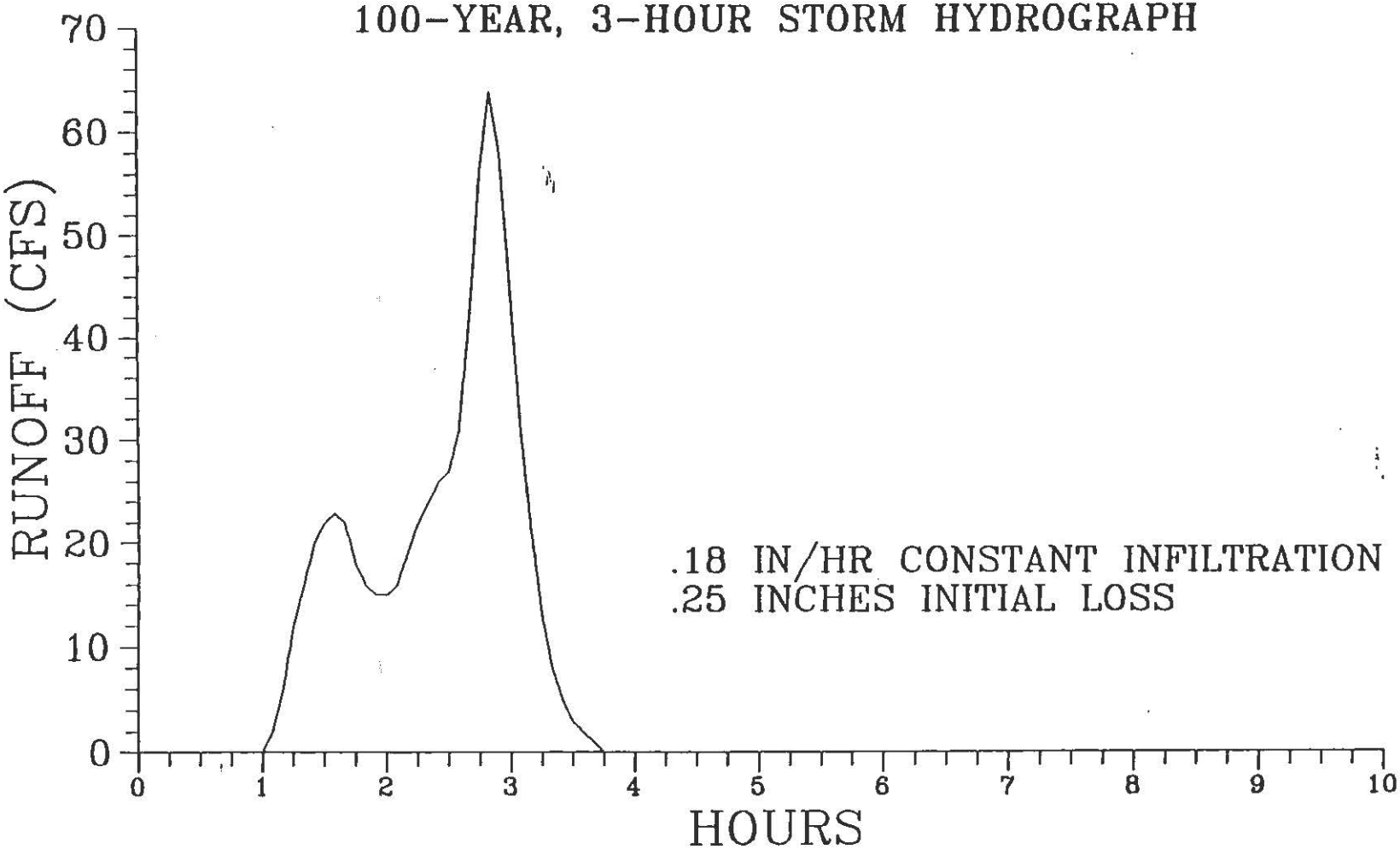
DATE: 03/06/91 BY: L. FISHBAIN		Philip Williams & Associates, Ltd Pier 35, The Embarcadero San Francisco, California 94133

MARSH CREEK SPECIFIC PLAN AREA: SUBBASIN 8

CUMULATIVE AREA (SQ MI)	PEAK FLOW (CFS)	TIME (HR)	TOTAL RAINFALL (INCHES)	TOTAL LOSS (INCHES)	TOTAL EXCESS (INCHES)
.07	87.	2.83	2.20	1.88	.32

MON	HRMN	ORD	RAIN	LOSS	EXCESS	COMP Q	DA	MON	HRMN	ORD	RAIN	LOSS	EXCESS	COMP Q
1	0000	1	.00	.00	.00	0.	1		0410	51	.00	.00	.00	0.
1	0005	2	.02	.02	.00	0.	1		0415	52	.00	.00	.00	0.
1	0010	3	.02	.02	.00	0.	1		0420	53	.00	.00	.00	0.
1	0015	4	.02	.02	.00	0.	1		0425	54	.00	.00	.00	0.
1	0020	5	.01	.01	.00	0.	1		0430	55	.00	.00	.00	0.
1	0025	6	.01	.01	.00	0.	1		0435	56	.00	.00	.00	0.
1	0030	7	.01	.01	.00	0.	1		0440	57	.00	.00	.00	0.
1	0035	8	.04	.04	.00	0.	1		0445	58	.00	.00	.00	0.
1	0040	9	.04	.04	.00	0.	1		0450	59	.00	.00	.00	0.
1	0045	10	.04	.04	.00	0.	1		0455	60	.00	.00	.00	0.
1	0050	11	.02	.02	.00	0.	1		0500	61	.00	.00	.00	0.
1	0055	12	.02	.02	.00	0.	1		0505	62	.00	.00	.00	0.
1	0100	13	.02	.02	.01	1.	1		0510	63	.00	.00	.00	0.
1	0105	14	.06	.02	.05	4.	1		0515	64	.00	.00	.00	0.
1	0110	15	.06	.02	.05	13.	1		0520	65	.00	.00	.00	0.
1	0115	16	.06	.02	.05	20.	1		0525	66	.00	.00	.00	0.
1	0120	17	.07	.02	.06	25.	1		0530	67	.00	.00	.00	0.
1	0125	18	.07	.02	.06	29.	1		0535	68	.00	.00	.00	0.
1	0130	19	.07	.02	.06	31.	1		0540	69	.00	.00	.00	0.
1	0135	20	.04	.02	.03	31.	1		0545	70	.00	.00	.00	0.
1	0140	21	.04	.02	.03	26.	1		0550	71	.00	.00	.00	0.
1	0145	22	.04	.02	.03	20.	1		0555	72	.00	.00	.00	0.
1	0150	23	.05	.02	.04	18.	1		0600	73	.00	.00	.00	0.
	0155	24	.05	.02	.04	19.	1		0605	74	.00	.00	.00	0.
	0200	25	.05	.02	.04	20.	1		0610	75	.00	.00	.00	0.
1	0205	26	.08	.02	.06	22.	1		0615	76	.00	.00	.00	0.
1	0210	27	.08	.02	.06	26.	1		0620	77	.00	.00	.00	0.
1	0215	28	.08	.02	.06	31.	1		0625	78	.00	.00	.00	0.
1	0220	29	.08	.02	.07	33.	1		0630	79	.00	.00	.00	0.
1	0225	30	.08	.02	.07	35.	1		0635	80	.00	.00	.00	0.
1	0230	31	.08	.02	.07	36.	1		0640	81	.00	.00	.00	0.
1	0235	32	.20	.02	.19	44.	1		0645	82	.00	.00	.00	0.
1	0240	33	.20	.02	.19	65.	1		0650	83	.00	.00	.00	0.
1	0245	34	.20	.02	.19	85.	1		0655	84	.00	.00	.00	0.
1	0250	35	.05	.02	.03	87.	1		0700	85	.00	.00	.00	0.
1	0255	36	.05	.02	.03	66.	1		0705	86	.00	.00	.00	0.
1	0300	37	.05	.02	.03	44.	1		0710	87	.00	.00	.00	0.
1	0305	38	.00	.00	.00	30.	1		0715	88	.00	.00	.00	0.
1	0310	39	.00	.00	.00	18.	1		0720	89	.00	.00	.00	0.
1	0315	40	.00	.00	.00	9.	1		0725	90	.00	.00	.00	0.
1	0320	41	.00	.00	.00	5.	1		0730	91	.00	.00	.00	0.
1	0325	42	.00	.00	.00	2.	1		0735	92	.00	.00	.00	0.
1	0330	43	.00	.00	.00	1.	1		0740	93	.00	.00	.00	0.
1	0335	44	.00	.00	.00	1.	1		0745	94	.00	.00	.00	0.
1	0340	45	.00	.00	.00	0.	1		0750	95	.00	.00	.00	0.
1	0345	46	.00	.00	.00	0.	1		0755	96	.00	.00	.00	0.
1	0350	47	.00	.00	.00	0.	1		0800	97	.00	.00	.00	0.
1	0355	48	.00	.00	.00	0.	1		0805	98	.00	.00	.00	0.
	0400	49	.00	.00	.00	0.	1		0810	99	.00	.00	.00	0.
	0405	50	.00	.00	.00	0.	1		0815	100	.00	.00	.00	0.

MARSH CREEK SPECIFIC PLAN AREA
SUB-BASIN 9
100-YEAR, 3-HOUR STORM HYDROGRAPH



DATE: 03/06/91

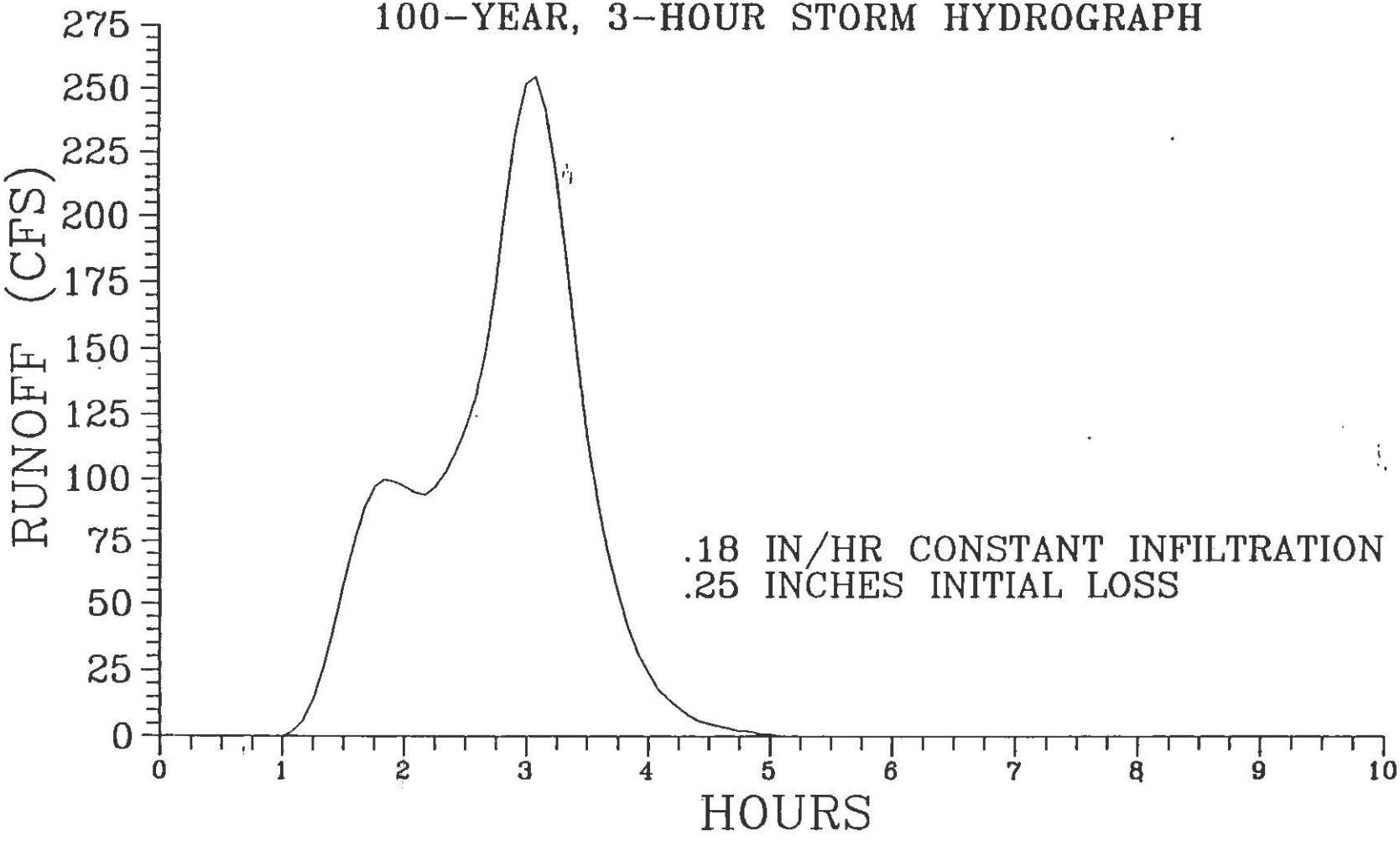
BY: L. FISHBAIN

Philip Williams & Associates, Ltd
Pier 35, The Embarcadero
San Francisco, California 94133

CUMULATIVE AREA (SQ MI)	PEAK FLOW (CFS)	TIME (HR)	TOTAL RAINFALL (INCHES)	TOTAL LOSS (INCHES)	TOTAL EXCESS (INCHES)
.06	64.	2.83	2.20	1.88	.32

DA	MON	HRMN	ORD	RAIN	LOSS	EXCESS	COMP Q		DA	MON	HRMN	ORD	RAIN	LOSS	EXCESS	COMP Q
1		0000	1	.00	.00	.00	0.		1		0410	51	.00	.00	.00	0.
1		0005	2	.02	.02	.00	0.		1		0415	52	.00	.00	.00	0.
1		0010	3	.02	.02	.00	0.		1		0420	53	.00	.00	.00	0.
1		0015	4	.02	.02	.00	0.		1		0425	54	.00	.00	.00	0.
1		0020	5	.01	.01	.00	0.		1		0430	55	.00	.00	.00	0.
1		0025	6	.01	.01	.00	0.		1		0435	56	.00	.00	.00	0.
1		0030	7	.01	.01	.00	0.		1		0440	57	.00	.00	.00	0.
1		0035	8	.04	.04	.00	0.		1		0445	58	.00	.00	.00	0.
1		0040	9	.04	.04	.00	0.		1		0450	59	.00	.00	.00	0.
1		0045	10	.04	.04	.00	0.		1		0455	60	.00	.00	.00	0.
1		0050	11	.02	.02	.00	0.		1		0500	61	.00	.00	.00	0.
1		0055	12	.02	.02	.00	0.		1		0505	62	.00	.00	.00	0.
1		0100	13	.02	.02	.01	0.		1		0510	63	.00	.00	.00	0.
1		0105	14	.06	.02	.05	2.		1		0515	64	.00	.00	.00	0.
1		0110	15	.06	.02	.05	6.		1		0520	65	.00	.00	.00	0.
1		0115	16	.06	.02	.05	12.		1		0525	66	.00	.00	.00	0.
1		0120	17	.07	.02	.06	16.		1		0530	67	.00	.00	.00	0.
1		0125	18	.07	.02	.06	20.		1		0535	68	.00	.00	.00	0.
1		0130	19	.07	.02	.06	22.		1		0540	69	.00	.00	.00	0.
1		0135	20	.04	.02	.03	23.		1		0545	70	.00	.00	.00	0.
1		0140	21	.04	.02	.03	22.		1		0550	71	.00	.00	.00	0.
1		0145	22	.04	.02	.03	18.		1		0555	72	.00	.00	.00	0.
1		0150	23	.05	.02	.04	16.		1		0600	73	.00	.00	.00	0.
		0155	24	.05	.02	.04	15.		1		0605	74	.00	.00	.00	0.
		0200	25	.05	.02	.04	15.		1		0610	75	.00	.00	.00	0.
1		0205	26	.08	.02	.06	16.		1		0615	76	.00	.00	.00	0.
1		0210	27	.08	.02	.06	19.		1		0620	77	.00	.00	.00	0.
1		0215	28	.08	.02	.06	22.		1		0625	78	.00	.00	.00	0.
1		0220	29	.08	.02	.07	24.		1		0630	79	.00	.00	.00	0.
1		0225	30	.08	.02	.07	26.		1		0635	80	.00	.00	.00	0.
1		0230	31	.08	.02	.07	27.		1		0640	81	.00	.00	.00	0.
1		0235	32	.20	.02	.19	31.		1		0645	82	.00	.00	.00	0.
1		0240	33	.20	.02	.19	42.		1		0650	83	.00	.00	.00	0.
1		0245	34	.20	.02	.19	56.		1		0655	84	.00	.00	.00	0.
1		0250	35	.05	.02	.03	64.		1		0700	85	.00	.00	.00	0.
1		0255	36	.05	.02	.03	58.		1		0705	86	.00	.00	.00	0.
1		0300	37	.05	.02	.03	44.		1		0710	87	.00	.00	.00	0.
1		0305	38	.00	.00	.00	31.		1		0715	88	.00	.00	.00	0.
1		0310	39	.00	.00	.00	21.		1		0720	89	.00	.00	.00	0.
1		0315	40	.00	.00	.00	13.		1		0725	90	.00	.00	.00	0.
1		0320	41	.00	.00	.00	8.		1		0730	91	.00	.00	.00	0.
1		0325	42	.00	.00	.00	5.		1		0735	92	.00	.00	.00	0.
1		0330	43	.00	.00	.00	3.		1		0740	93	.00	.00	.00	0.
1		0335	44	.00	.00	.00	2.		1		0745	94	.00	.00	.00	0.
1		0340	45	.00	.00	.00	1.		1		0750	95	.00	.00	.00	0.
1		0345	46	.00	.00	.00	0.		1		0755	96	.00	.00	.00	0.
1		0350	47	.00	.00	.00	0.		1		0800	97	.00	.00	.00	0.
1		0355	48	.00	.00	.00	0.		1		0805	98	.00	.00	.00	0.
		0400	49	.00	.00	.00	0.		1		0810	99	.00	.00	.00	0.
		0405	50	.00	.00	.00	0.		1		0815	100	.00	.00	.00	0.

MARSH CREEK SPECIFIC PLAN AREA
SUB-BASIN 10
100-YEAR, 3-HOUR STORM HYDROGRAPH



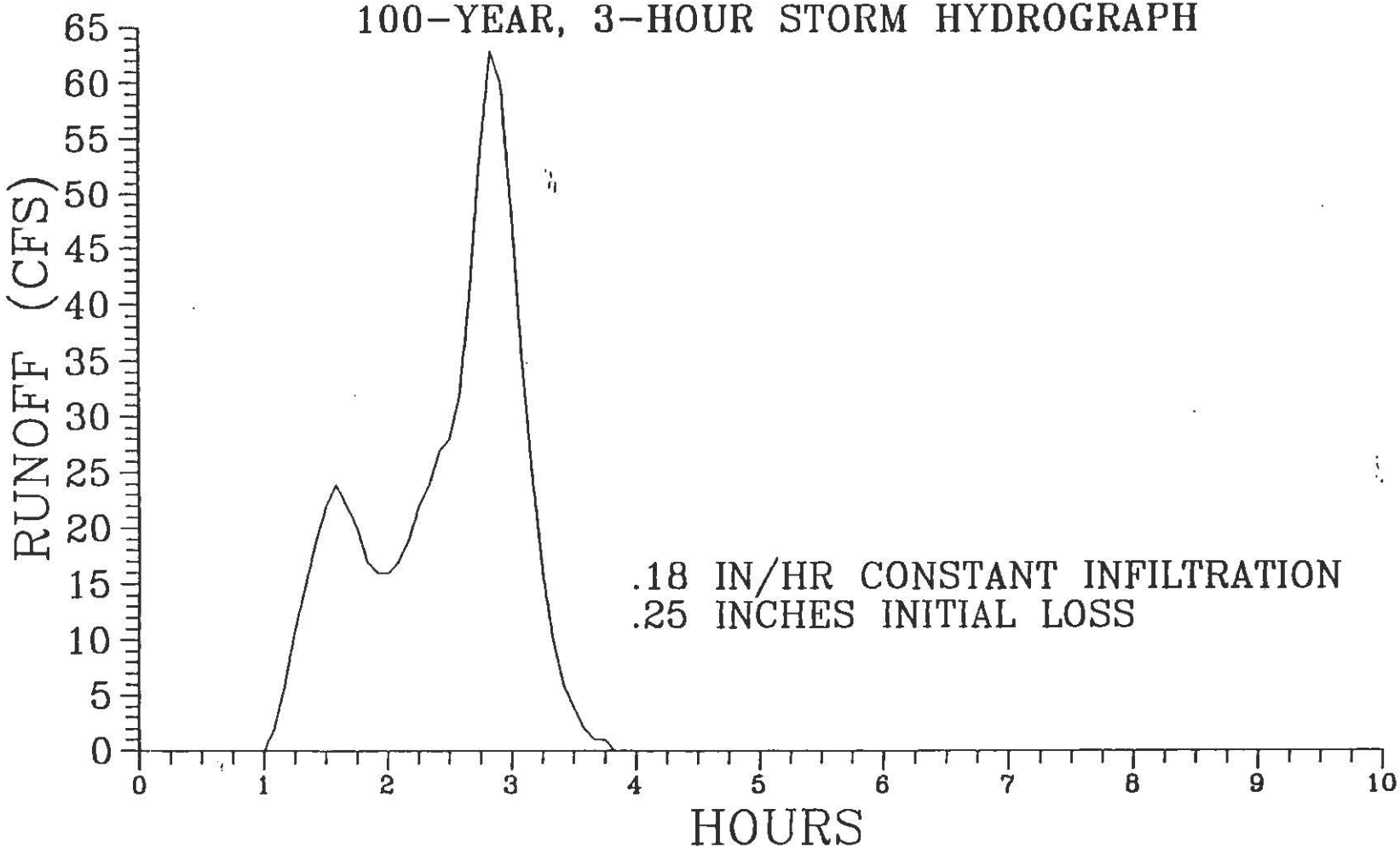
DATE: 03/06/91 BY: L. FISHBAIN		Philip Williams & Associates, Ltd Pier 35, The Embarcadero San Francisco, California 94133	

MARSH CREEK SPECIFIC PLAN AREA: SUBBASIN 10

CUMULATIVE AREA (SQ MI)	PEAK FLOW (CFS)	TIME (HR)	TOTAL RAINFALL (INCHES)	TOTAL LOSS (INCHES)	TOTAL EXCESS (INCHES)
.33	255.	3.00	2.20	1.88	.32

DA	MON	HRMN	ORD	RAIN	LOSS	EXCESS	COMP Q		DA	MON	HRMN	ORD	RAIN	LOSS	EXCESS	COMP Q
1		0000	1	.00	.00	.00	0.		1		0410	51	.00	.00	.00	14.
1		0005	2	.02	.02	.00	0.		1		0415	52	.00	.00	.00	11.
1		0010	3	.02	.02	.00	0.		1		0420	53	.00	.00	.00	8.
1		0015	4	.02	.02	.00	0.		1		0425	54	.00	.00	.00	6.
1		0020	5	.01	.01	.00	0.		1		0430	55	.00	.00	.00	5.
1		0025	6	.01	.01	.00	0.		1		0435	56	.00	.00	.00	4.
1		0030	7	.01	.01	.00	0.		1		0440	57	.00	.00	.00	3.
1		0035	8	.04	.04	.00	0.		1		0445	58	.00	.00	.00	2.
1		0040	9	.04	.04	.00	0.		1		0450	59	.00	.00	.00	2.
1		0045	10	.04	.04	.00	0.		1		0455	60	.00	.00	.00	1.
1		0050	11	.02	.02	.00	0.		1		0500	61	.00	.00	.00	1.
1		0055	12	.02	.02	.00	0.		1		0505	62	.00	.00	.00	0.
1		0100	13	.02	.02	.01	0.		1		0510	63	.00	.00	.00	0.
1		0105	14	.06	.02	.05	2.		1		0515	64	.00	.00	.00	0.
1		0110	15	.06	.02	.05	6.		1		0520	65	.00	.00	.00	0.
1		0115	16	.06	.02	.05	14.		1		0525	66	.00	.00	.00	0.
1		0120	17	.07	.02	.06	26.		1		0530	67	.00	.00	.00	0.
1		0125	18	.07	.02	.06	41.		1		0535	68	.00	.00	.00	0.
1		0130	19	.07	.02	.06	58.		1		0540	69	.00	.00	.00	0.
1		0135	20	.04	.02	.03	74.		1		0545	70	.00	.00	.00	0.
1		0140	21	.04	.02	.03	88.		1		0550	71	.00	.00	.00	0.
1		0145	22	.04	.02	.03	97.		1		0555	72	.00	.00	.00	0.
1		0150	23	.05	.02	.04	100.		1		0600	73	.00	.00	.00	0.
		0155	24	.05	.02	.04	99.		1		0605	74	.00	.00	.00	0.
		0200	25	.05	.02	.04	97.		1		0610	75	.00	.00	.00	0.
1		0205	26	.08	.02	.06	95.		1		0615	76	.00	.00	.00	0.
1		0210	27	.08	.02	.06	94.		1		0620	77	.00	.00	.00	0.
1		0215	28	.08	.02	.06	97.		1		0625	78	.00	.00	.00	0.
1		0220	29	.08	.02	.07	103.		1		0630	79	.00	.00	.00	0.
1		0225	30	.08	.02	.07	111.		1		0635	80	.00	.00	.00	0.
1		0230	31	.08	.02	.07	120.		1		0640	81	.00	.00	.00	0.
1		0235	32	.20	.02	.19	132.		1		0645	82	.00	.00	.00	0.
1		0240	33	.20	.02	.19	149.		1		0650	83	.00	.00	.00	0.
1		0245	34	.20	.02	.19	173.		1		0655	84	.00	.00	.00	0.
1		0250	35	.05	.02	.03	203.		1		0700	85	.00	.00	.00	0.
1		0255	36	.05	.02	.03	233.		1		0705	86	.00	.00	.00	0.
1		0300	37	.05	.02	.03	252.		1		0710	87	.00	.00	.00	0.
1		0305	38	.00	.00	.00	255.		1		0715	88	.00	.00	.00	0.
1		0310	39	.00	.00	.00	242.		1		0720	89	.00	.00	.00	0.
1		0315	40	.00	.00	.00	218.		1		0725	90	.00	.00	.00	0.
1		0320	41	.00	.00	.00	185.		1		0730	91	.00	.00	.00	0.
1		0325	42	.00	.00	.00	149.		1		0735	92	.00	.00	.00	0.
1		0330	43	.00	.00	.00	117.		1		0740	93	.00	.00	.00	0.
1		0335	44	.00	.00	.00	91.		1		0745	94	.00	.00	.00	0.
1		0340	45	.00	.00	.00	70.		1		0750	95	.00	.00	.00	0.
1		0345	46	.00	.00	.00	54.		1		0755	96	.00	.00	.00	0.
1		0350	47	.00	.00	.00	41.		1		0800	97	.00	.00	.00	0.
1		0355	48	.00	.00	.00	31.		1		0805	98	.00	.00	.00	0.
		0400	49	.00	.00	.00	24.		1		0810	99	.00	.00	.00	0.
		0405	50	.00	.00	.00	18.		1		0815	100	.00	.00	.00	0.

MARSH CREEK SPECIFIC PLAN AREA
SUB-BASIN 11
100-YEAR, 3-HOUR STORM HYDROGRAPH



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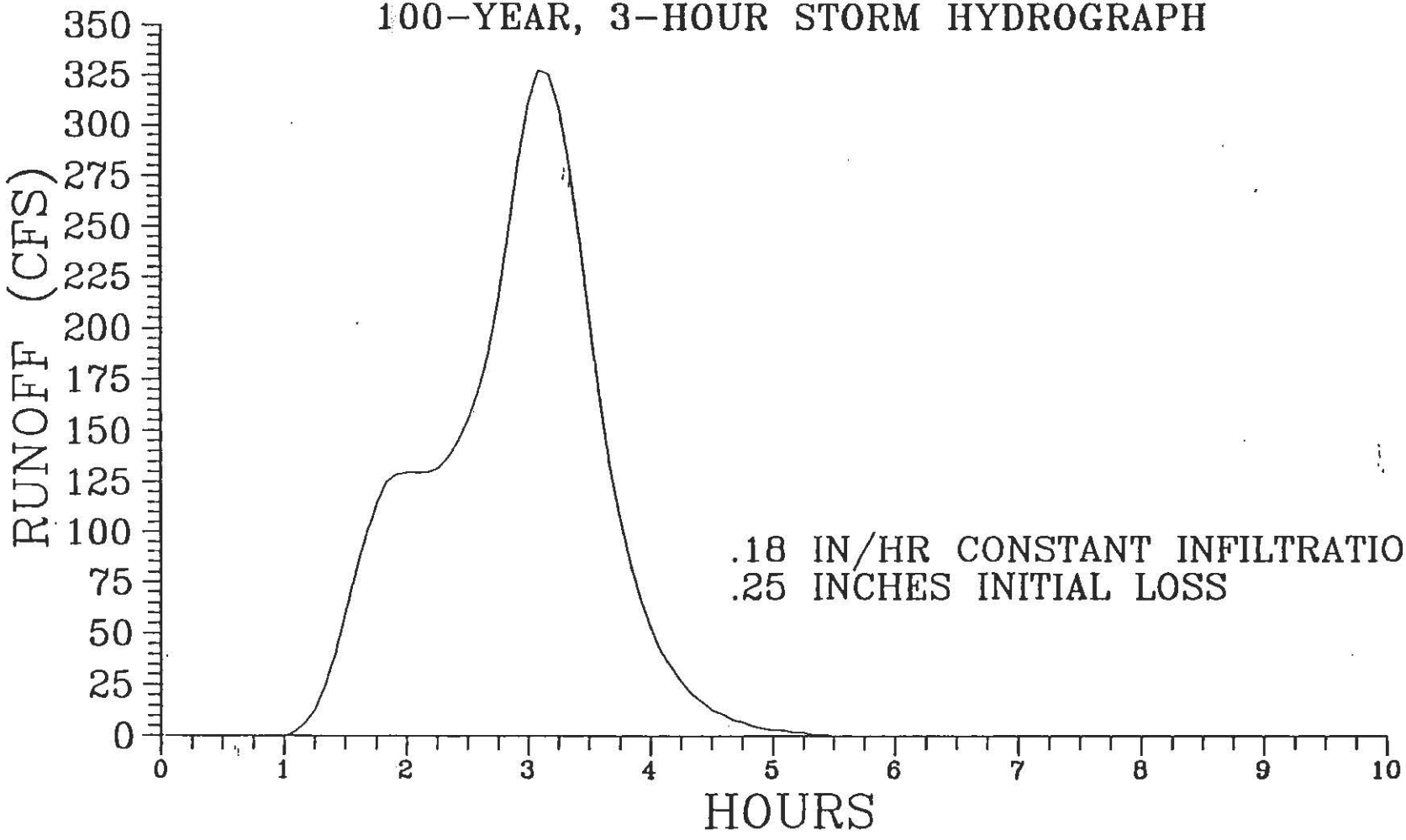
MARSH CREEK SPACIFIC PLAN AREA: SUBBASIN 11

CUMULATIVE AREA (SQ MI)	PEAK FLOW (CFS)	TIME (HR)	TOTAL RAINFALL (INCHES)	TOTAL LOSS (INCHES)	TOTAL EXCESS (INCHES)
.86	63.	2.83	2.20	1.88	.32

DA	MON	HRMN	ORD	RAIN	LOSS	EXCESS	COMP Q	DA	MON	HRMN	ORD	RAIN	LOSS	EXCESS	COMP Q
1		0000	1	.00	.00	.00	0.	1		0410	51	.00	.00	.00	0.
1		0005	2	.02	.02	.00	0.	1		0415	52	.00	.00	.00	0.
1		0010	3	.02	.02	.00	0.	1		0420	53	.00	.00	.00	0.
1		0015	4	.02	.02	.00	0.	1		0425	54	.00	.00	.00	0.
1		0020	5	.01	.01	.00	0.	1		0430	55	.00	.00	.00	0.
1		0025	6	.01	.01	.00	0.	1		0435	56	.00	.00	.00	0.
1		0030	7	.01	.01	.00	0.	1		0440	57	.00	.00	.00	0.
1		0035	8	.04	.04	.00	0.	1		0445	58	.00	.00	.00	0.
1		0040	9	.04	.04	.00	0.	1		0450	59	.00	.00	.00	0.
1		0045	10	.04	.04	.00	0.	1		0455	60	.00	.00	.00	0.
1		0050	11	.02	.02	.00	0.	1		0500	61	.00	.00	.00	0.
1		0055	12	.02	.02	.00	0.	1		0505	62	.00	.00	.00	0.
1		0100	13	.02	.02	.01	0.	1		0510	63	.00	.00	.00	0.
1		0105	14	.06	.02	.05	2.	1		0515	64	.00	.00	.00	0.
1		0110	15	.06	.02	.05	6.	1		0520	65	.00	.00	.00	0.
1		0115	16	.06	.02	.05	11.	1		0525	66	.00	.00	.00	0.
1		0120	17	.07	.02	.06	15.	1		0530	67	.00	.00	.00	0.
1		0125	18	.07	.02	.06	19.	1		0535	68	.00	.00	.00	0.
1		0130	19	.07	.02	.06	22.	1		0540	69	.00	.00	.00	0.
1		0135	20	.04	.02	.03	24.	1		0545	70	.00	.00	.00	0.
1		0140	21	.04	.02	.03	22.	1		0550	71	.00	.00	.00	0.
1		0145	22	.04	.02	.03	20.	1		0555	72	.00	.00	.00	0.
1		0150	23	.05	.02	.04	17.	1		0600	73	.00	.00	.00	0.
		0155	24	.05	.02	.04	16.	1		0605	74	.00	.00	.00	0.
		0200	25	.05	.02	.04	16.	1		0610	75	.00	.00	.00	0.
1		0205	26	.08	.02	.06	17.	1		0615	76	.00	.00	.00	0.
1		0210	27	.08	.02	.06	19.	1		0620	77	.00	.00	.00	0.
1		0215	28	.08	.02	.06	22.	1		0625	78	.00	.00	.00	0.
1		0220	29	.08	.02	.07	24.	1		0630	79	.00	.00	.00	0.
1		0225	30	.08	.02	.07	27.	1		0635	80	.00	.00	.00	0.
1		0230	31	.08	.02	.07	28.	1		0640	81	.00	.00	.00	0.
1		0235	32	.20	.02	.19	32.	1		0645	82	.00	.00	.00	0.
1		0240	33	.20	.02	.19	41.	1		0650	83	.00	.00	.00	0.
1		0245	34	.20	.02	.19	54.	1		0655	84	.00	.00	.00	0.
1		0250	35	.05	.02	.03	63.	1		0700	85	.00	.00	.00	0.
1		0255	36	.05	.02	.03	60.	1		0705	86	.00	.00	.00	0.
1		0300	37	.05	.02	.03	49.	1		0710	87	.00	.00	.00	0.
1		0305	38	.00	.00	.00	36.	1		0715	88	.00	.00	.00	0.
1		0310	39	.00	.00	.00	25.	1		0720	89	.00	.00	.00	0.
1		0315	40	.00	.00	.00	16.	1		0725	90	.00	.00	.00	0.
1		0320	41	.00	.00	.00	10.	1		0730	91	.00	.00	.00	0.
1		0325	42	.00	.00	.00	6.	1		0735	92	.00	.00	.00	0.
1		0330	43	.00	.00	.00	4.	1		0740	93	.00	.00	.00	0.
1		0335	44	.00	.00	.00	2.	1		0745	94	.00	.00	.00	0.
1		0340	45	.00	.00	.00	1.	1		0750	95	.00	.00	.00	0.
1		0345	46	.00	.00	.00	1.	1		0755	96	.00	.00	.00	0.
1		0350	47	.00	.00	.00	0.	1		0800	97	.00	.00	.00	0.
1		0355	48	.00	.00	.00	0.	1		0805	98	.00	.00	.00	0.
		0400	49	.00	.00	.00	0.	1		0810	99	.00	.00	.00	0.
		0405	50	.00	.00	.00	0.	1		0815	100	.00	.00	.00	0.

MARSH CREEK SPECIFIC PLAN AREA
SUB-BASIN 12
100-YEAR, 3-HOUR STORM HYDROGRAPH



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MARSH CREEK SPACIFIC PLAN AREA: SUBBASIN 12

CUMULATIVE AREA (SQ MI)	PEAK FLOW (CFS)	TIME (HR)	TOTAL RAINFALL (INCHES)	TOTAL LOSS (INCHES)	TOTAL EXCESS (INCHES)
.46	328.	3.00	2.20	1.88	.32

DA	MON	HRMN	ORD	RAIN	LOSS	EXCESS	COMP Q		DA	MON	HRMN	ORD	RAIN	LOSS	EXCESS	COMP Q
1		0000	1	.00	.00	.00	0.		1		0410	51	.00	.00	.00	34.
1		0005	2	.02	.02	.00	0.		1		0415	52	.00	.00	.00	27.
1		0010	3	.02	.02	.00	0.		1		0420	53	.00	.00	.00	21.
1		0015	4	.02	.02	.00	0.		1		0425	54	.00	.00	.00	17.
1		0020	5	.01	.01	.00	0.		1		0430	55	.00	.00	.00	13.
1		0025	6	.01	.01	.00	0.		1		0435	56	.00	.00	.00	11.
1		0030	7	.01	.01	.00	0.		1		0440	57	.00	.00	.00	8.
1		0035	8	.04	.04	.00	0.		1		0445	58	.00	.00	.00	7.
1		0040	9	.04	.04	.00	0.		1		0450	59	.00	.00	.00	5.
1		0045	10	.04	.04	.00	0.		1		0455	60	.00	.00	.00	4.
1		0050	11	.02	.02	.00	0.		1		0500	61	.00	.00	.00	3.
1		0055	12	.02	.02	.00	0.		1		0505	62	.00	.00	.00	3.
1		0100	13	.02	.02	.01	0.		1		0510	63	.00	.00	.00	2.
1		0105	14	.06	.02	.05	2.		1		0515	64	.00	.00	.00	2.
1		0110	15	.06	.02	.05	6.		1		0520	65	.00	.00	.00	1.
1		0115	16	.06	.02	.05	13.		1		0525	66	.00	.00	.00	1.
1		0120	17	.07	.02	.06	25.		1		0530	67	.00	.00	.00	0.
1		0125	18	.07	.02	.06	41.		1		0535	68	.00	.00	.00	0.
1		0130	19	.07	.02	.06	60.		1		0540	69	.00	.00	.00	0.
1		0135	20	.04	.02	.03	80.		1		0545	70	.00	.00	.00	0.
1		0140	21	.04	.02	.03	99.		1		0550	71	.00	.00	.00	0.
1		0145	22	.04	.02	.03	114.		1		0555	72	.00	.00	.00	0.
1		0150	23	.05	.02	.04	125.		1		0600	73	.00	.00	.00	0.
		0155	24	.05	.02	.04	129.		1		0605	74	.00	.00	.00	0.
1		0200	25	.05	.02	.04	130.		1		0610	75	.00	.00	.00	0.
1		0205	26	.08	.02	.06	130.		1		0615	76	.00	.00	.00	0.
1		0210	27	.08	.02	.06	130.		1		0620	77	.00	.00	.00	0.
1		0215	28	.08	.02	.06	132.		1		0625	78	.00	.00	.00	0.
1		0220	29	.08	.02	.07	137.		1		0630	79	.00	.00	.00	0.
1		0225	30	.08	.02	.07	145.		1		0635	80	.00	.00	.00	0.
1		0230	31	.08	.02	.07	155.		1		0640	81	.00	.00	.00	0.
1		0235	32	.20	.02	.19	169.		1		0645	82	.00	.00	.00	0.
1		0240	33	.20	.02	.19	188.		1		0650	83	.00	.00	.00	0.
1		0245	34	.20	.02	.19	215.		1		0655	84	.00	.00	.00	0.
1		0250	35	.05	.02	.03	247.		1		0700	85	.00	.00	.00	0.
1		0255	36	.05	.02	.03	283.		1		0705	86	.00	.00	.00	0.
1		0300	37	.05	.02	.03	312.		1		0710	87	.00	.00	.00	0.
1		0305	38	.00	.00	.00	328.		1		0715	88	.00	.00	.00	0.
1		0310	39	.00	.00	.00	326.		1		0720	89	.00	.00	.00	0.
1		0315	40	.00	.00	.00	310.		1		0725	90	.00	.00	.00	0.
1		0320	41	.00	.00	.00	282.		1		0730	91	.00	.00	.00	0.
1		0325	42	.00	.00	.00	246.		1		0735	92	.00	.00	.00	0.
1		0330	43	.00	.00	.00	206.		1		0740	93	.00	.00	.00	0.
1		0335	44	.00	.00	.00	167.		1		0745	94	.00	.00	.00	0.
1		0340	45	.00	.00	.00	133.		1		0750	95	.00	.00	.00	0.
1		0345	46	.00	.00	.00	107.		1		0755	96	.00	.00	.00	0.
1		0350	47	.00	.00	.00	85.		1		0800	97	.00	.00	.00	0.
1		0355	48	.00	.00	.00	67.		1		0805	98	.00	.00	.00	0.
		0400	49	.00	.00	.00	53.		1		0810	99	.00	.00	.00	0.
		0405	50	.00	.00	.00	42.		1		0815	100	.00	.00	.00	0.

Appendix E
BIOTIC SURVEY RESULTS

■ ■ ■

The following seven tables contain results of the biotic surveys conducted in the study area. The tables include the following:

1. Plant and Animal Communities in the Study Area.

2. Rare, Endangered or Otherwise Listed Plants in the Study Area.

3. Special Animals That May Be Present in the Study Area.

4. Flowering Plants Observed on the Heartland Property.

5. Animal Species Observed on the Heartland Property.

6. Plants Observed in the Riparian Forest on the Temps Property.

7. Data on Native Trees on the Temps Property.

Table E-1
Plant and Animal Communities in and Near the Study Area

Holland's Classification (1986)	Equivalent in Showers and Hilliard (1985)	Equivalent in Mayer and Laudenslayer (1988)
SCRUB AND CHAPARRAL		
Coastal Scrub		
Northern Mixed Chaparral	**Mixed Chaparral**	**Mixed Chaparral**
Chaparral		
Chamise Chaparral	**Mixed-Chaparral, Chamise Dominated**	**Chamise-Redshank Chaparral**
GRASSLANDS AND OTHER HERB COMMUNITIES		
Valley and Foothill Grassland		
Non-Native Grassland	**Cismontane Introduced Grassland**	**Annual Grassland**
RIPARIAN AND BOTTOMLAND		
Great Valley Riparian Forest		
Great Valley Valley Oak Riparian Forest	**Southern Riparian Woodland**	**Valley Foothill Riparian**
WOODLAND		
Cismontane Woodland		
Oak Woodland		
Blue Oak Woodland	**Blue Oak Woodland/ Forest**	**Blue Oak Woodland**
Digger Pine Woodland	**Blue Oak Woodland/ Forest**	**Blue Oak-Digger Pine**
FOREST		
Broadleaved Upland Forest		
Oak Forest		
Interior Live Oak Forest	**Live Oak Forest**	**Coastal Oak Woodland**
OTHER (Not in Holland)		
Vegetation of Smaller Creeks	**Southern Riparian Woodland**	None
Agricultural	None	**Cropland; Orchard-Vineyard**

Bold type designates the community names.

Table E-2
Rare, Endangered, or Otherwise Listed Plants in and Near the Study Area

Family Species	CNPS Listing[1]	Other R-E-D[2]	Calif.[3]	Costa Federal[4]	Quad-Habitat	Distribution[5] Contra State County	Clayton rangle	Mt. Diablo Park
Known to Occur								
The following plants are known to occur in the study area.								
Liliaceae								
Calochortus pulchellus Mt. Diablo Fairy Lantern	4	1-1-3	--	--	Mixed Chaparral, Chamise, Digger Pine	X	X	X
Asteraceae								
Eriophyllum jepsonii Jepson's Woolly Sunflower	4	1-1-3	--	--	Mixed Chaparral, Chamise, Digger Pine	X	X	X
Helianthella castanea Diablo Rock Rose	1B	3-2-3	--	2	Mixed Chaparral, Chamsie, Digger Pine	X	X	X
Fagaceae								
Quercus lobata Valley Oak Note: Present along Mt. Diablo Creek and lower Russellmann Creek.	4	1-2-3	-	-	Riparian Forest, Occasionally other woodlands	X	X	X
Juglandaceae								
Juglans hindsii Northern California Black Walnut Note: Found along Mt. Diablo Creek.	1B	3-3-3	-	-	Riparian Forest	X		X
Linaceae								
Hesperolinon breweri Brewer's Dwarf Flax Note: Would be expected only in serpentine areas.	1B	3-2-3	-	2	Mixed Chaparral, Chamise, Digger Pine	X	X	X
Ranunculaceae								
Delphinium californicum Hospital Canyon Larkspur	3	?-?-3	-	2	Woodlands, Forest	X	X	

Family Species	CNPS Listing[1]	Other R-E-D[2]	Calif.[3]	Costa Federal[4]	Quad-Habitat	Distribution[5]: Contra State County	Clayton rangle	Mt. Diablo Park
Possible Occurrence								
The following plants exist in portions of Mt. Diablo State Park adjacent to the study area, and could occur in the study area.								
Liliaceae *Calochortus umbellatus* Oakland Star Tulip	4	1-1-3	--	--	Mixed Chaparral, Chamise, Digger Pine	X		X
Apiaceae *Sanicula saxatilis* Rock Sanicle	1B	3-2-3	CR	--	Mixed Chaparral (Talus), Live Oak	X	X	X
Asteraceae *Erigeron miser* Starved Daisy	4	1-1-3	--	--	Mixed Chaparral (Rocky)	X		X
Asteraceae *Stylocline amphibola* Mt. Diablo Cottonweed Note: Would be expected only in serpentine areas.	4	1-1-3	--	2	Mixed Chaparral, Digger Pine	X		X
Brassicaceae *Streptanthus albidus* ssp. *albidus-* Metcalf Canyon Jewelflower Note: Prefers serpentine formations.	1B	3-2-3	-	1	Mixed Chaparral, Digger Pine	X	X	X
Streptanthus albidus ssp. *peramoenus* Uncommon Jewelflower Note: Prefers serpentine formations.	1B	3-2-3	-	1	Mixed Chaparral, Digger Pine	X	X	X
Streptanthus hispidus Mt. Diablo Jewelflower	1B	3-1-3	-	-	Mixed Chaparral, Chamise, Digger Pine (Openings)	X	X	X
Campanulaceae *Campanula exigua* Chaparral Harebell	4	1-1-3	-	-	Mixed Chaparral, Digger Pine	X		X

Family Species	CNPS Listing[1]	Other R-E-D[2]	Calif.[3]	Costa Federal[4]	Quad-Habitat	Distribution[5] Contra County	Clayton Range	Mt. Diablo Park
Ericaceae								
Arctostaphylos pungens ssp. *laevigata* Contra Costa Manzanita					Mixed Chaparral, Digger Pine	X		
Hydrophyllaceae								
Phacelia phacelioides Mt. Diablo Phacelia Note: Less likely in Blue Oak because of disturbance	1B	2-2-3	-	2	Blue Oak, Live Oak, Mixed Chaparral, Chamise	X	X	X
Malvaceae								
Malacothamnus hallii Hall's Bush Mallow Note: Occurs on serpentine, but is not necessarily limited to it.	4	1-1-3	-	-	Mixed Chaparral, Chamise, Digger Pine	X		X
Scrophulariaceae								
Cordylanthus nidularis Mt. Diablo Bird's Beak	1B	3-3-3	CR	-	Mixed Chaparral, Chamise, Digger Pine	X	X	X
Unlikely to Occur								
The following plants are included for the general region in CNPS documents, but are unlikely to occur in the study area.								
Liliaceae								
Fritillaria agrestis Stinkbells Note: Unlikely: Grasslands and Blue Oak understory are disturbed. Does not occur in Mt. Diablo S.P. Flora.	4	1-1-3	–	–	Blue/Live Oak, Grassland	X		
Asteraceae								
Grindelia camporum var. *parviflorum* Great Valley Gumplant Note: Unlikely due to disturbance of grasslands	4	1-1-3	–	–	Grassland	X		X
Boraginaceae								
Cryptantha hooveri Hoover's Cryptantha Note: Unlikely due to grassland disturbance; not in Mt. Diablo S.P. Flora	4	1-2-3	-	-	Grassland	X		

Family Species	CNPS Listing[1]	Other R-E-D[2]	Calif.[3]	Federal[4]	Quad-Habitat	Distribution[5] Contra Costa County	Clayton State rangle	Mt. Diablo Park
Ericaceae								
Arctostaphylos auriculata Mt. Diablo Manzanita Note: Unlikely: In Mt. Diablo State Park, occurs only in the Black Hills in the southern portion of the park.	1B	3-1-3	-	-	Mixed Chaparral	X	X	X
Polemoniaceae								
Collomia diversifolia Serpentine Collomia Note: Unlikely: Not in Mt. Diablo. S.P. Flora. Prefers serpentine formations.	4	1-1-3	-	-	Mixed Chaparral, Chamise, Digger Pine	X		
Polygonaceae								
Eriogonum truncatum Mt. Diablo Buckwheat Note: Presumed extinct in California.	1A		-	2*	Mixed Chaparral, Chamise, Digger Pine	X	X	

Notes:

[1] California Native Plant Society listing.
- 1A. Presumed Extinct in California
- 1B. Rare or endangered in California and elsewhere
- 2. Rare or endangered in California, more common elsewhere
- 3. Need more information
- 4. Plants of limited distribution

[2] R-E-D Code. The numbers indicate, in order, the relative rarity, endangerment and distribution of the species in question. The higher the number the more critical the concern; ranking ranges from 1 to 3, with unknown status being given a question mark.

[3] Section 1904, California Fish and Game Code
CE = State listed, endangered
CR = State listed, rare
CT = State listed, threatened

[4] USFWS (U.S. Fish and Wildlife Service 1985):
Candidates for listing:
Cat. 1 = Category 1, which are taxa for which the service currently has on file substantial information on biological vulnerability [relating to autecology and distribution] and threat(s) to support the appropriateness of proposing to list the taxa as endangered or threatened species.
Cat. 2 = Category 2, which are taxa for which there is biological information that indicates proposing the list a threatened or endangered is possible appropriate, but for which substantial data on biological vulnerability and threat are not currently known or on file to support the immediate listing.

[5] Distribution for Contra Costa County and the USGS Clayton quadrangle map are taken from the CNPS and discussions with Dr. Mary Bowerman. For Mt. Diablo State Park, distribution is taken from Showers and Hilliard (1985) and Dr. Bowerman.

Table E-3
Special Animals That May Be Present in and Near the Study Area

Species	Status	Distribution: Mt. Diablo State Park	Distribution: Study Area
Invertebrates			
Euphydra editha bayensis Bay Checkerspot	FT	Possible (F)	Unlikely: Associated with serpentine formations.
Ischnura gemina San Francisco Forktail Damselfly	2	No data available.	Possible. Breeds in ponds and marshes. Exists in eastern Contra Costa County.
Branchinecta lynchi Vernal Pool Fairy Shrimp	2R	No data available.	Unlikely. No natural vernal pools in the area.
Linderiella occidentalis California Linderiella	2R	No data available.	Unlikely. No natural vernal pools in the area.
Hygrotus curvipes Curved-foot Diving Beetle	2	No data available.	Possible. Lives in ponds. Has been found in Contra Costa County.
Amphibians			
Ambystoma tigrinum californiense California Tiger Salamander	CSC, 2	Possible (F)	Possible in Blue Oak and grassland. A few breeding sites exist and there are numerous rodent burrows.
Rana aurora draytoni California Red-legged Frog	CSC, 2	Possible (F)	Would not exist. No suitable breeding habitat.
Reptiles			
Contia tenuis Sharp-tailed Snake	CCCPD-LD	Observed (F)	Possible in more mesic areas such as Interior Live Oak Woodland and along larger streams.
Masticophis lateralis euryxanthus Alameda Whipsnake (Striped Racer)	CT, 2	Observed	Possible in Mixed Chaparral, Chamise, and Digger Pine. Utilizes moist soil in riparian habitat to lay eggs.
Birds			
Accipiter cooperii Cooper's Hawk	CSC	Observed (F) Year Rnd Res (R)	Observed. Would utilize Blue Oak, Live Oak.
A. striatus Sharp-shinned Hawk	CSC,W	Observed (F) Win Res (R)	Likely in winter, same areas as Cooper's Hawk.

Species	Status	Distribution Mt. Diablo State Park	Study Area
Aquila chrysaetos Golden Eagle	CSC,CFP	Observed (F) Yr Rnd Res (R)	Expected to forage in open areas prey base not good at present due to heavy grazing.
Circus cyaneus Northern Harrier	CSC	Observed (F)	Same as for Golden Eagle.
Elanus caeruleus Black-shouldered Kite	CFP	Observed (F) Res & Vis (R)	Same as for Golden Eagle.
Falco columbarius Merlin	(listed in Fong)	Possible (F)	An occasional winter visitant.
F. mexicanus Prairie Falcon	CSC	Observed (F) Visitant (R)	Same as for Golden Eagle.
Asio otus Long-eared Owl	CSC	Possible (F)	Possible as winter visitant.
A. flammeus Short-eared Owl	CSC	Possible (F) Visitant (R)	Possible. Prefers open areas with more cover than at present.
Athene cunicularia Burrowing Owl	CSC	Possible (F) Yr Rnd Res (R)	Possible using ground squirrel burrows.
Empidonax traillii Willow Flycatcher	CSC,FSS	Possible (F) Migrant (R)	Could occasionally use Riparian Forest.
Progne subis Purple Martin	CSC, W	Possible (F) Migrant (R)	Small possibility. Would use old woodpecker holes in woodlands.
Dendroica petechia Yellow Warbler	CSC	Possible (F) Migr & Sum Res(R)	Likely. Would use Riparian Forest.
Spizella atrogularis Black-chinned Sparrow	CCCPD-LD	Possible (F) Summer Resident (R)	Likely in Mixed Chaparral and Digger Pine.
Mammals			
Sorex ornatus Ornate Shrew	CCCPD-LD	Possible (F)	Possible along all streams.
Eumops perotis californicus Greater Western Mastiff-Bat	CSC, 2	Probable (F)	Possible. Requires caves, cliffs, buildings. Would be in Mixed Chaparral and nearby if present.

Species	Status	Distribution: Mt. Diablo State Park	Distribution: Study Area
Plecotus t. townsendii Pacific Western Big-eared Bat	CSC, 2	Probable (F)	Probable in southern portion of the site.
Dipodomys heermanni berkeleyensis Berkeley Kangaroo Rat	CO	Observed (F)	Likely in Mixed Chaparral, Digger Pine, Chamise.
Urocyon cinereoargenteus Gray Fox	CCCPD-SC	Observed (F)	Possible along creeks and in wooded areas.
Vulpes macrotis mutica San Joaquin Kit Fox	CT, FE	Possible (F)	Unlikely. Would require better grassland and woodland quality.
Bassariscus astutus Ringtail	CCCPD-LD		Possible. Most likely in Sage, Scrub, Chamise, Digger Pine.
Taxidea taxis Badger	CSC	Possible (F)	Possible. No burrows. Would benefit from more cover in the grasslands.
Felis concolor Mountain Lion	CFP	Observed (F)	Probable on occasion in any area with cover.
Lynx rufus Bobcat	CCCPD-LD	Observed (F)	Probable in most areas.

Legend

Federal:		State:	
Endangered	FE	Endangered	CE
Proposed and Endangered	FPE	Candidate for Endangered	CCE
Threatened	FT	Threatened	CT
Proposed as Threatened	FPT	Candidate for Threatened	CCT
Sensitive Species	FSS	Species of Special Concern	CSC
Category 1 Candidate for Listing (Information exists to support)	1	Fully Protected	CFP
		Other	CO
Category 2 Candidate for Listing (Supporting information incomplete)	2	(Includes several lesser categories)	
~~Recommended for Category 2~~	2R		
Watch List	W		

Contra Costa Planning Department:
(used as a designator only if not covered by a state or federal category)

Locally Depleted	CCCPD-LD
Special Concern	CCCPD-SC

F: Fong and Taylor (1985). R: Additional data on birds from Ruth, Gordon, and Pelonio (1987).
Underlining of *scientific names* indicates those species with the greatest likelihood.

Table E-4
FLOWERING PLANTS OBSERVED ON THE HEARTLAND AND MOITA PROPERTIES

An asterisk (*) following the genus name indicates non-native species. "North Slope" stands for the areas with a north-facing slope that were located south of the creek. "Other Areas" faced south, east and west, and were less heavily wooded than the north slope zones.

Family	Species	Common Name	North Slope	Creek Area	Other Areas
Apiaceae	*Sanicula sp.*	Sanicle	yes	yes	no
Apocynaceae	*Vinca* major*	Periwinkle	no	yes	no
	Achyrachaena mollis	Blow Wives	no	yes	no
	Cirsium vulgare*	Bull Thistle	no	occas	occas
	Senecio vulgaris*	Common Butterweed	no	no	occas
	Silybum marianum*	Milk Thistle	no	yes	no
	Wyethia glabra	Mule's Ears	occas	no	no
	Xanthium sp.*	Cocklebur	no	occas	occas
Boraginaceae	*Amsinckia intermedia*	Fiddle Neck	yes	yes	yes
Brassicaceae	*Brassica* nigra*	Black Mustard	yes	yes	yes
	Capsella bursa-pastoris*	Shepherd's Purse	yes	yes	yes
	Lepidium sp.	Pepper Grass	yes	yes	yes
	Sisymbrium officinale*	Hedge Mustard	yes	yes	yes
Caprifoliaceae	*Sambucus caerulea*	Blue Elderberry	yes	no	no
Caryophyllaceae	*Stellaria* media*	Common Chickweed	yes	occas	no
Convolvulaceae	*Convolvulus* arvensis*	Field Bindweed	occas	occas	yes
Cucurbitaceae	*Mara fabaceus*	California Manroot	occas	occas	no
Fabaceae	*Lathyrus sp.*	Wild Pea	no	no	yes
	Lupinus bicolor	Miniature Lupine	no	occas	yes
	Lupinus succulentus	Arroyo Lupine	yes	yes	yes
	Medicago polymorpha*	Bur Clover	no	no	occas
	Vicia sativa*	Spring Vetch	yes	yes	yes
Fagaceae	*Quercus agrifolia*	Coast Live Oak	occas	occas	occas
	Quercus douglasii	Blue Oak	yes	yes	yes
	Quercus lobata	Valley Oak	yes	yes	yes

Family	Species	Common Name	North Slope	Creek Area	Other Areas
Geraniaceae	*Erodium* botrys*	Storksbill	occas	occas	yes
	Erodium cicutarium*	Redstem Storksbill	yes	yes	yes
	Geranium dissectum*	Cutleaf Geranium	yes	occas	occas
	Geranium molle*	Dove's Foot Geranium	yes	yes	yes
Hippocastanaceae	*Aesculus californica*	California Buckeye	yes	no	no
Malvaceae	*Malva* parviflora*	Cheese Weed	occas	yes	no
Papaveraceae	*Eschscholzia californica*	California Poppy	occas	yes	yes
Polygonaceae	*Rumex* crispus*	Curly Dock	no	yes	no
Portulacaceae	*Montia perfoliata*	Miner's Lettus	occas	yes	no
Ranunculaceae	*Ranunculus sp.*	Buttercup	yes	yes	no
Rosaceae	*Cercocarpus betuloides*	Mountain Mahogany	yes	no	no
Rubiaceae	*Galium sp.*	Bedstraw	yes	yes	occas
Salicaceae	*Populus fremontii*	Fremont's Cottonwood	no	yes	no
	Salix laevigata	Red Willow	no	yes	no
Saxifragaceae	*Lithophragma affinis*	Woodland Star	yes	yes	no
Scrophulariaceae	*Orthocarpus purpurascens*	Red Owl's Clover	no	no	yes
Urticaceae	*Urtica* urens*	Dwarf Nettle	no	yes	no
Liliaceae	*Brodiaea elegans*	harvest Brodiaea	yes	yes	occas
	Chlorogalum pomeridianum	Wavy-leaf Soap Plan	yes	no	no
	Dichlostemma pulchellum	Blue Dicks	yes	occas	no
Poaceae	*Avena* barbata*	Slender Oat	yes	yes	occas
	Avena fatua*	California Wild Oat	occas	occas	yes
	Bromus diandrus*	Ripgut Brome	yes	yes	yes
	Bromus mollis*	Soft Chess	yes	yes	yes
	Bromus rubens*	Foxtail Chess	yes	yes	yes
	Hordeum leporinum*	Wild Barley	yes	yes	yes
	Lolium multiflorum*	Annual Ryegrass	occas	occas	occas

Table E-5
Animal Species Observed on the Heartland and Moita Properties

Class	Species	Common Name	Use of the Site
Amphiphibians	*Pseudacris regilla*	Pacific Tree Frog	Breeding
	Bufo boreas halophilus	Western Toad	Foraging/ Shelter
Reptiles	*Sceloporus occidentalis*	Western Fence Lizard	Breeding
Birds	*Accipiter cooperii*	Cooper's Hawk	Winter foraging
	Buteo jamaicensis	Red-tailed hawk	Foraging
	Cathartes aura	Turkey Vulture	Foraging
	Falco spaverius	American Kestrel	Foraging
	Zenaida macroura	Mourning Dove	Breeding
	Picoides nuttallii	Nuttall's Woodpecker	Breeding
	Corvus corax	Common Raven	Foraging
	Aphelocoma coerulescens	Scrub Jay	Breeding
	Parus inornatus	Plain Titmouse	Breeding
	Troglodytes aedon	House Wren	Breeding
	Mimus polyglottos	Northern Mockingbird	Foraging
	Catharus guttatus	Hermit Thrush	Breeding
	Sialia mexicana	Western Bluebird	Breeding
	Lanius ludovicianus	Loggerhead Shrike	Winter foraging
	Euphagus cyanocephalus	Brewer's Blackbird	Breeding
	Agelaius phoeniceus	Red-winged Blackbird	Breeding
	Sturnella neglecta	Western Meadowlark	Breeding
	Zonotrichia atricapilla	Golden-crowned Sparrow	Winter migrant
	Chondestes grammacus	Lark Sparrow	Possibly breeding
Mammals	*Scapanus latimus*	Broad-handed Mole	Breeding
	Spermophilus beecheyi	California Ground Squirrel	Breeding
	Thomomys bottae	Botta's Pocket Gopher	Breeding
	Canis latrans	Coyote	Foraging

Class	Species	Common Name	Use of the Site
Mammals cont.	*Procyon lotor*	Raccoon	Foraging
	Taxidea taxus	American Badger	Foraging
	Mephitis mephitis	Striped Skunk	Foraging
	Odocoileus hemionus columbianus	Black-tailed Deer	Foraging

Table E-6
Plants Observed in the Riparian Forest of the Temps Property

Type	Common Name	Scientific Name
Trees	Valley Oak	*Quercus lobata*
	Interior Live Oak	*Q. wislizenii*
	Coast Live Oak	*Q. agrifolia*
	Blue Oak	*Q. douglasii*
	California Buckeye	*Aesculus californica*
	Bay Laurel	*Umbellularia californica*
	Hind's Black Walnut	*Juglans hindsii*
	Arroyo Willow	*Salix lasiolepis*
	Red Willow	*S. laevigata*
	Bigleaf Maple	*Acer macrophyllum*
Shrubs and Vines	Blue Elderberry	*Sambucus mexicana*
	Snowberry	*Symphoricarpos albus*
	Himalaya Berry	*Rubus procerus*
	California Blackberry	*R. vitifolius*
	Wild Rose	*Rosa sp.*
	Coffeeberry	*Rhamnus californica*
	Spice Bush	*Calycanthus occidentalis*
	Coyote Brush	*Baccharis pilularis*
	Poison Oak	*Toxicodendron diversilobum*
Others	Periwinkle	*Vinca minor*
	Mugwort	*Artemesia douglasiana*
	Sedge	*Carex sp.*

Table E-7
Data on Native Trees of the Temps Property

Diameter values are in inches, with each value representing one individual. For trees with multiple trunks, only the largest was tabulated. Data for seedlings and saplings are approximate counts.

Location	Species	Diameters	Saplings	Seedlings
Mt. Diablo Creek eastern parcel	Interior Live Oak	38,28,28, 20	0	0
	Coast Live Oak	44, 43, 40, 34, 18	0	0
	Buckeye	15, 12, 10, 10	4	0
	Black Walnut	12	0	0
	Bay	0	0	1
	Bigleaf Maple	26, 16, 10	1	0
	Red Willow	48, 8	1	0
Mt. Diablo Creek western parcel	Valley Oak	38, 32, 28, 28, 28, 16	2	1
	Interior Live Oak	26, 22	0	1
	Coast Live Oak	50, 48, 42, 40, 40, 36, 32	11	115
	Buckeye	24, 22, 21, 20, 20, 20, 20, 15, 15, 15, 12, 10, 9	7	6
	Black Walnut	10, 10, 8, 7, 6, 6, 6	17	9
	Bay	34, 10, 6	26	26
	Red Willow	30, 22, 15, 10, 6	0	0
	Arroyo Willow	2 clusters (each possibly one tree)		
	Elderberry	4 clusters (each possibly one tree)		
Russellmann Creek	Valley Oak	42, 40, 28, 28, 20, 18, 11	1	0
	Interior Live Oak	44	0	0
	Coast Live Oak	34, 20	1	11
	Buckeye	13	0	0
	Black Walnut	8, 6	0	3
	Bay	0	1	2
	Red Willow	0	1	0
	Arroyo Willow	0	120	0
	Elderberry	1 small cluster		

Appendix F
LIST OF PREPARERS

■ ■ ■

Brady and Associates, Project Management

Project Planning, Policy, Municipal Services, Noise, Air Quality, and Visual Assessment, Alternatives Formulation and Evaluation
1828 Fourth Street
Berkeley, California 94710
(510) 540-7331

Sheila Brady, President
David Early, Principal-in-Charge
Diane Kay, Associate Planner
Lyn Hogan, Graphics Manager
Steven Buckley, Assistant Planner
Brad Brewster, Assistant Planner
Bobbette Dann, Assistant Planner
Ross Doyle, Assistant Planner
Sarah Westphal, Graphic Artist
Christina Bishop, Graphic Artist
Shelli Maximova, Word Processor

Alan Kropp and Associates, Geology and Seismicity

Alan Kropp, Principal-in-Charge
Dick Gomm, Project Engineer
John Stewart, Staff Engineer
David Holcomb, Graphic Artist
Beth Henry, Word Processor

Philip Williams and Associates, Hydrology

Jeff Haltiner, Principal-in-Charge
Larry Fishbain, Project Manager

Dr. Philip Northen, Vegetation and Wildlife

Andrew Leahy, Registered Civil Engineer, Sewer and Water Analysis

Archaeological/Historical Consultants, Cultural Resources

Suzanne Baker, Principal Archaeologist
Laurence Shoup, Principal Historian
Michael Smith, Field Archaeologist
Alice Hall, Field Archaeologist
Nelson Baker, Field Archaeologist

Crane Transportation Group, Traffic and Circulation

Mark Crane, Principal-in-Charge
Carolyn Cole, Principal
David Reed, Engineering Analyst

Appendix G:
RESPONSE TO COMMENTS

■ ■ ■

LIST OF COMMENTORS

1. Leigh Jordan, Assistant Coordinator, Northwest Information Center, February 16, 1995.

2. Tom Williams, Associate Civil Engineer, Flood Control Engineering, Contra Costa County Flood Control and Water Conservation District, March 23, 1995.

3. Cindy Horvath, Central Contra Costa Transit Authority, March 7, 1995.

4. Tess Dennis, Environmental Analyst, The Resources Agency of California, March 10, 1995.

5. Seth Adams, Save Mount Diablo, March 22, 1995.

6. Mike Temps, March 22, 1995.

7. Mary Miller, Senior Engineering Technician, City of Concord, March 23, 1995.

8. James Parsons, P/A Design Resources (Representing Heartland), March 24, 1995.

9. Ken Aasen, Acting Regional Manager, Region 3, California Department of Fish and Game, March 24, 1995.

10. Arthur Jensen, Director of Planning, Contra Costa Water District, March 24, 1995.

11. Michael Chiriatti, Jr., Chief, State Clearinghouse, Governor's Office of Planning and Research, March 24, 1995.

COMMENTS AND RESPONSES

A. Format

This chapter includes a reproduction of each letter received during the public review and comment period and responses to each written comment. Each comment and response is labeled with a reference number in the right hand margin.

Where the same comment has been made more than once, a response may direct the reader to a previous response. Where a response requires revisions to the Draft EIR, changes have been made to the text and are shown in Chapters II (Summary of Impacts) and III (Revisions to the Draft) of this Final EIR.

B. Comments and Responses

The following letters were received directly by the City of Clayton in response to the Draft EIR. Each letter is reproduced in its entirety, and is immediately followed by responses to the comments in it. Letters are arranged in order by the date sent.

Letter 1

Historical Resources Information System

ALAMEDA
COLUSA
CONTRA COSTA
DEL NORTE
HUMBOLDT
LAKE
MARIN
MENDOCINO
MONTEREY
NAPA
SAN BENITO
SAN FRANCISCO
SAN MATEO
SANTA CLARA
SANTA CRUZ
SOLANO
SONOMA
YOLO

Northwest Information Center
Foundation Center, Bldg. 300
Sonoma State University
1801 East Cotati Avenue
Rohnert Park, California 94928-3609
(707) 664-2494 • Fax (707) 664-3947

16 February 1995 File No.: 95-CC-1E

Randall Hatch
City of Clayton
PO Box 280
Clayton CA 94517

re: Marsh Creek Road General Plan Amendment and Specific Plan

Dear Mr. Hatch:

Records at this office were reviewed to determine if this project could adversely affect historical resources. The review for possible historic structures, however, was limited to references currently in our office. The Office of Historic Preservation has determined that any building or structure 45 years or older may be of historic value. Therefore, if the project area contains such properties they should be evaluated by an architectural historian prior to commencement of project activities. Please note that use of the term historical resources includes both archaeological sites and historic structures.

1-1

X The proposed project area contains several recorded archaeological sites. In addition, the proposed project area has the possibility of containing unrecorded archaeological sites. Several archaeological studies have been done in the proposed planning area. It is recommended that a review be conducted by this office on a project-by-project basis to provide the most complete and project-area-specific recommendations. If review by this office is not feasible, then it is recommended that an archaeological study be done for each project.

___ The proposed project area contains a listed historic structure ( ). See recommendations in the comments section below.

___ Study # identified one or more historical resources. The recommendations from the report are attached.

___ Study # identified no historical resources. Further study for historical resources is not recommended.

___ There is a low possibility of historical resources. Further study for historical resources is not recommended.

1-2

X Comments: If a future project area contains a building or structure 45 years old or older, it is recommended that it be evaluated by an architectural historian familiar with the history of Contra Costa County.

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) 664-2494.

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FEB 21 1995

Sincerely,

Leigh Jordan
Assistant Coordinator

LETTER 1: LEIGH JORDAN, NORTHWEST INFORMATION CENTER

Response 1-1: The archaeological sites referenced in this comment are described on page 309 of the Draft EIR. The site specific studies suggested in the comment are required in Mitigation Measure ARCH-P1 (DEIR page 314). Specific surveys for the Heartland, Temps and Moita properties were conducted for the Draft EIR.

Response 1-2: This suggested mitigation measure has been added to Mitigation Measure ARCH-P1.

Letter 2

Contra Costa County
FLOOD CONTROL
& Water Conservation District
February 16, 1995

J. Michael Walford
ex officio Chief Engineer
Milton F. Kubicek, Deputy Chief
255 Glacier Drive, Martinez, CA 94553-4897
Telephone: (510) 313-2000
FAX: (510) 313-2333

Randall Hatch
City of Clayton
1005 Oak Street
Clayton, CA 94517

File: 4004-15

Dear Mr. Hatch:

We have reviewed the Notice of Preparation of a Draft Environmental Impact Report, regarding the Marsh Creek Road General Plan Amendment (GPA) and Specific Plan, and submit the following comments:

The increased storm water runoff generated by the development proposed in the GPA will adversely impact Mt. Diablo Creek which is inadequate to convey its existing (historical) design flows downstream to Bailey Road. For this reason the DEIR must address the downstream drainage impacts to Mt. Diablo Creek and require specific mitigation measures to reduce these impact to a level of non-significant.

Some of the impacts that need to be addressed in the DEIR are as follows:

2-1 1. The cumulative impacts from increased runoff generated by continued development in the Mt. Diablo Creek watershed upstream of Bailey Road.

2-2 2. The affects of increased erosive velocities in the downstream natural watercourse.

2-3 3. The affects of increased runoff on bank stability in the downstream natural watercourse.

2-4 4. Should on-site mitigation (detention) be implemented, the affects of increased runoff volume on the downstream natural watercourse needs to be addressed. That is to say flooding occurs now, under existing conditions, and while on-site detention can mitigate peak flows, it does not mitigate the increased runoff volume.

2-5 5. Should some type of detention be implemented, a reliable perpetual source of funding, such as a benefit assessment district, must be implemented to insure necessary maintenance of the detention facility or facilities. Also, an entity responsible to perform the maintenance must be specified.

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FEB 21 1995

2-6 Also, a plan to improve the inadequate portions of Mt. Diablo Creek exists. In 1983, the Flood Control District developed a plan to improve Mt. Diablo Creek from the north side of Bailey Road upstream to Kirker Pass Road. The DEIR should, in addition to other mitigation measures, require development within this specific plan area to contribute to a drainage deficiency fund for Mt. Diablo Creek based on a rate of $0.25 per square foot of new impervious surface area. Payment of the mitigation contribution should be made to Contra Costa County for deposit into the County Deficiency Trust Fund for Mt. Diablo Creek prior to filing of final or parcel map and prior to issuance of building permits. The collected drainage mitigation contribution will be part of the funds used for the ultimate improvements of the downstream drainage system.

If you have any questions, please call Anthony Docto at 313-2395.

Very truly yours,

Tom Williams

Tom Williams
Associate Civil Engineer
Flood Control Engineering

TW/AD:mg
g:\fldctl\work\hat4004.t1

cc: M. Morton, Flood Control Engineering
A. Docto, Flood Control Engineering

LETTER 2: TOM WILLIAMS, CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

Response 2-1: Page 246 of the Draft EIR addresses the cumulative impacts of runoff from additional projects in the Mount Diablo Creek watershed. As stated there, the downstream impacts of additional development in the watershed should be mitigated through individual design solutions for individual projects. The Specific Plan, as mitigated, would not contribute to downstream cumulative impacts.

Response 2-2: Impact HYDRO-P3 has been amended in this Final EIR to indicate that increased downstream velocities are a potential impact of the increased runoff that would result from study area development.

Mitigation Measures HYDRO-P3 and HYDRO-P4 include a number of design recommendations that would help to lessen velocities from runoff increased runoff in downstream creeks. These measures require maintenance of historic non-flood runoff levels, minimization of direct connections between impervious surfaces and storm drains, and dispersion of runoff from roadways to allow for percolation. Each of these measures would help to mitigate increased velocities that could occur in downstream areas. Mitigation HYDRO-P3 has been amended in this Final EIR to reference those mitigation measures listed in HYDRO-P4.

Response 2-3: The impact of increased runoff on bank stability is described and mitigated in Impact and Mitigation Measure HYDRO-P3. Mitigation Measure HYDRO-P4 would also help to address this impact, as clarified in this Final EIR.

Response 2-4: Although flooding occurs today in downstream areas of the watershed, it is incorrect to say that Specific Plan buildout would add significantly to this impact. The Specific Plan requires flood control through detention basins that would avoid any increases to peak flood volumes. Although this will have the affect of lengthening the period of inundation in a flood downstream, it will not create a need for any greater flood control improvements than already are needed. Moreover, if flood conditions did not already exist in downstream areas, then Specific Plan buildout would not cause any flood conditions. While Specific Plan buildout would thus result in longer periods of inundation, it would be incorrect to state that this is a significant impact.

Response 2-5: The language regarding Property Owners Associations has been eliminated from Mitigation Measure HYDRO-P3 in this Final EIR. The City will make a determination on the appropriate financing mechanism when development proceeds.

Response 2-6: The existing need for flood control improvements in the area between Kirker Pass Road and Bailey Road does not result from Specific Plan buildout, and it would not be exacerbated by development under the Plan either. Therefore, it would not be appropriate for the City to require payment to the referenced drainage deficiency fund.

Letter 3

The County Connection

ADMINISTRATIVE OFFICES
2477 ARNOLD INDUSTRIAL WAY
CONCORD, CA 94520-5327
(510) 676-1976
(FAX) (510) 687-7306

CUSTOMER SERVICE/
TRANSPORTATION CENTER
1990 N. CALIFORNIA BLVD, SUITE 100
WALNUT CREEK, CA 94596-3739
(510) 676-7500
(FAX) (510) 932-1478

March 7, 1995

Randall Hatch
Community Development Director
City of Clayton
P.O. Box 280
Clayton, CA 94517

SUBJ: Marsh Creek Road General Plan Amendment and Specific Plan

Dear Mr. ~~Hatch~~ Randy:

Thank you for the opportunity to be part of the land use planning process for this portion of our service area. Staff has reviewed documents pertaining to the above project, and has the following comments for consideration in the development of the Final EIR.

3-1 Currently, the Central Contra Costa Transit Authority (CCCTA) operates Route 110 in the City of Clayton, near the Plan area. At some future date, the City may desire bus service into this area. Such an extension of service beyond its current alignment, however, will be impossible unless additional operating funds are identified and secured. One possible source of funds is that the City could require or encourage the developer to contribute to a fund to pay for transit improvements, i.e., bus stops, turnouts, shelters, etc., as well as future transit extensions.

CCCTA would be happy to work with City staff to this end. In addition, we can provide you with specifications for the above mentioned transit improvements, as well as for road improvements necessary to accommodate a standard 40 foot coach.

In a letter to you dated April 14, 1993, I provided comments to the Marsh Creek Road Specific Plan and Draft EIR that was completed in 1993 (SCH #92093057). At that time, I made recommendations similar to those above. In addition, I requested information on likely destinations for work and school trips to be generated in the study area for use in future bus route planning. If this information exists, could you please forward it to me.

Please call me at (510)676-1976 ext. 201 if you have any questions or need additional information.

Sincerely,

Cindy

Cindy Horvath
- Senior Planner

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MAR - 9 1995

A.G. DESSAYER, CHAIR, Town of Moraga
SHERRY STERRETT, VICE CHAIR, City of Pleasant Hill
ROBERT KENDALL, City of Clayton
LOU ROSAS, City of Concord
ROBERT SCHRODER, Contra Costa County
BEVERLY LANE, Town of Danville
GAYLE B. UILKEMA, City of Lafayette
TIMOTHY FARLEY, City of Martinez
WILLIAM DABEL, City of Orinda
PATRICIA BOOM, City of San Ramon
RON BEAGLEY, City of Walnut Creek
ROBERT C. PATRICK, JR., GENERAL MANAGER

LETTER 3: CINDY HORVATH, CENTRAL CONTRA COSTA TRANSIT AUTHORITY

Response 3-1: This comment is already addressed in the Draft EIR. Bus service on Route 110 is described on page 328 of the Draft EIR. Mitigation Measure TRA-P3 (DEIR page 333) requires cooperation with the Central Contra Costa Transit Authority to include transit planning features in development along Marsh Creek Road.

State of California THE RESOURCES AGENCY OF CALIFORNIA

MEMORANDUM

To: Mr. Douglas P. Wheeler
Secretary for Resources

Date: March 10, 1995

Mr. Randall Hatch
Planning Director
City of Clayton
P.O. Box 280
Clayton, CA 94517

From: **Department of Conservation**
Office of Governmental and Environmental Relations

Subject: Draft Environmental Impact Report (DEIR) for the Marsh Creek Road Specific Plan. **SCH #95013014**

The Department of Conservation has reviewed the City of Clayton's DEIR for the Marsh Creek Road Specific Plan. The Specific Plan has been revised to reflect the reduction in the amount of land designated for development from a 1,750 acre area to approximately 500 acres. As a result of Specific Plan revision, Williamson Act contracted land has been removed from the planning area.

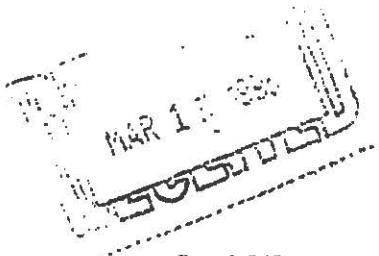
4-1 The Department, which monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act, commends the revision of the Specific Plan to reduce the scope and size of the development area which will protect agricultural and Williamson Act contracted land.

4-2 However, the loss of prime agricultural land should be identified and treated as a significant environmental impact, according to the California Code of Regulations (Section 15000 et seq., Appendix G (y)), which does not differentiate between criteria defining prime agricultural land. Even though the DEIR (Page 93) states that the amount of grazing and agricultural land to be converted is small in relation to agricultural land in Contra Costa County as a whole, the conversion of land identified as prime land according to Cortese-Knox, and the Land Capability System (Class II Soils) should be defined as significant impact and addressed accordingly in the Final Environmental Impact Report (FEIR).

The Department appreciates the opportunity to comment on the revised DEIR. If I can be of further assistance, please feel free to call me at (916) 455-8733.

Tess Dennis
Environmental Analyst

cc: Kenneth E. Trott, Office of Land Conservation
Contra Costa County Resource Conservation District



LETTER 4: TESS DENNIS, THE RESOURCES AGENCY OF CALIFORNIA

Response 4-1: This comment is supportive of the Specific Plan, and does not comment directly on the Draft EIR.

Response 4-2: As noted by the commentor, DEIR page 93 describes the impact of Specific Plan buildout on agricultural land. The DEIR does not differentiate among criteria for defining prime agricultural land in addressing this impact. However, the impact is not considered significant because the plan includes internal mitigation measures. In particular, the plan allows for preservation of over 170 acres of prime farmland.

Despite the fact that approximately 100 acres of land defined as prime agricultural land would be converted under project buildout, most of this land is not actually capable of sustaining economically viable agriculture today. Most of the prime farmland that would be converted is currently used for cattle grazing, and such grazing is only an interim use that owners have implemented to create marginal income pending hoped for development projects.

Letter 5

save MOUNT DIABLO Post Office Box 5376 Walnut Creek, CA 94596 (510) 229-4275

City of Clayton
P.O. Box 280
Clayton, CA 94517-1650

FAX 672-4917

RECEIVED
MAR 24 1995

March 22, 1995

Re: Comments; Marsh Creek Road Specific Plan, Clayton General Plan Amendment, draft Environmental Impact Report

Dear Mayor Pierce; members, City Council; Planning Director Randy Hatch,

Save Mount Diablo appreciates the fine work that you've done on the Marsh Creek Specific Plan. We've considered the new plan at our Board meetings, and more specifically at our most recent Land Use Committee meetings.

Although we understand that our comments are most appropriate at this point in terms of the accuracy of the draft EIR, we believe you've done a good and thorough job in outlining many of the impacts of the development scenarios you've contemplated. For this reason, we'll concentrate many of our comments on the Plan itself, and some of its merits.

We're pleased that Clayton chose to redefine the boundaries of the Specific Plan to emphasize and guide development within the flatter lands adjacent to the City's eastern boundary. Although we share your concerns about lands remaining within the County's jurisdiction, hopefully we can work together to inform the County of our joint concerns. Certainly, if we can communicate the importance of the detailed work and care you've shown in regard to specific design standards, we will have gone a long way toward avoiding many of the less sensitive developments that have been approved at the City's edge in the past.

At our recent meeting, we discussed our plans to work with the City and the County to create an agricultural preserve east of Clayton similar to the Briones Ag Preserve. We have hopes you will consider this option as one way to mitigate further, development of the Specific Plan area.

Although we support many of the standards as the City has outlined them, we're most concerned about specific implementation of slope, creek setback and tree preservation policies.

Please incorporate by reference Save Mount Diablo's previous correspondence, testimony, etc. and that from other parties, agencies and individuals regarding Baseline studies, previous versions of the Specific Plan and Environmental Impact Report, etc, within the administrative record for the new version of the plan and the new dEIR for the General Plan Amendment and Specific Plan.

In regard to the three specific developments considered within the dEIR:

Heartland-Save Mount Diablo believes that the tree removal considered in this plan is excessive, supports the city's intent to remove lots 49-54, 73 and 74 and careful consideration of lots on slopes greater than 26%; would support protection of the headwaters of Oak Creek, and would support the wider creek setback as contemplated by the City. Most importantly, Save Mount Diablo opposes units which would be visible on

[illegible] the same standards for 26-40% slopes

the saddle between the main, visually protected canyons of the parcel, and Clayton, which we call the Heartland Saddle–We believe the City should define this saddle as a major ridge line, and protect it from development.

Tempe-Most importantly, Save Mount Diablo opposes the upper three lots on this parcel, and the narrowing of the creek setback for Mt. Diablo Creek. Save Mount Diablo believes the same standards for 26-40% slopes should be applied to Ranchette, ag and open space areas, in order to preserve the natural character of the City's edge, especially at higher elevations and adjacent to Mt. Diablo

Moita-Save Mount Diablo believes the City should deny this application without prejudice until its design more closely adheres to City standards contemplated within this Plan.

Some specific comments and questions:

Clayton General Plan Amendment-January 24, 1995

page	notes
3	Why do you remove the Slope Conservation category (0 to .1 Units per acre)?
7	In the amended open space categories-PU-Public Park, etc. what types of accessory structures related to park and recreational uses are contemplated? What are their impacts?
8, 18	Agricultural open space (AG) is defined at 20 acre minimum parcel size at this point in the document, but on page 18, 20-40 acres is encouraged. What is the real intent, and which minimum lot size is more appropriate?
11	Save Mount Diablo supports Policies-3c-Apply agricultural designation to parcels which remain under the jurisdiction of Contra Costa County in agricultural usage.*
19	Save Mount Diablo remains concerned about changes in General Plan language which would change your earlier intent of prevention of development on slopes of 26% or greater to policies of restriction. We appreciate the conditions you've imposed; what are the impacts, and which units would be allowed within the Specific Plan area within these 26-40% slope areas, given these conditions?

Marsh Creek Road Specific Plan-January 24, 1995

page	notes
20-21	2 The Plan seeks to "...avoid degradation of habitat for rare and endangered species". What standards are contemplated in avoiding such habitat? Are there minimum buffer areas, etc?
22	2...fire safety–Save Mount Diablo supports the measures the City is incorporating in the Plan in efforts to reduce fire danger; we're concerned, however about recent discussions with the State regarding the need for greater fire prevention at the boundary between the State Park and the City. What standards is the City contemplating at this point to provide a fire buffer at the edge of the Specific Plan boundary. If, as contemplated by Plan goals, the State Park boundary and the City's limits are adjacent in the future, it will be much more difficult to create fire protection buffers in the more rugged and wooded areas at the Plan boundary. The City should institute a fire prevention buffer at the Plan's boundary, now, which could be reconsidered if other areas are planned for in the future.
25, 37	In LU-1-"chaparral, serpentine, rare species shall be preserved without development"; what standards does the City use in determining 'rare'? Save Mount Diablo encourages the use of California Native Plant Society determinations for plants considered rare in this area.
25	Save Mount Diablo believes the City's creek preservation standards are generally good, however LU-2 allows the 75 foot creek setback to be narrowed with mitigation, to no less than 100 feet total. Enhancement can be relatively inexpensive, and we believe this policy will encourage enhancement at the expense of setback. Given the recent experiences with flooding throughout the County, we believe it is essential to err on the side of caution. It may be appropriate to allow a narrowing of setback on tributaries to Mt. Diablo Creek based on enhancement–Save Mount Diablo opposes such a narrowing on Mt. Diablo Creek itself.
26, 29	LU-3 preserves woodlands where possible, yet DD-6d allows removal of up to 25% of the oaks 6" or greater on a project site. This could affect a huge number of trees greater than 6", in addition to even greater numbers of smaller size. For example, what does 'project site' mean? Does it refer to the trees within a building envelope, a lot, or a parcel? It is likely that every lot or building envelope on the Heartland parcel could be clear-cut and still meet this standard for the entire parcel, for example, with a loss of hundreds of trees. Save Mount Diablo believes these are weak standards, and that allowable

removal figures should be tightened and defined. For example, 25% removal might be appropriate related specifically to building envelopes and access routes.

26 LU-5a-encourages 'landslide repair' at the discretion of the City engineer prior to slope calculation. What are the impacts of allowing slope correction, in terms of greater area likely to be considered for development, for example. Save Mount Diablo believes it may be appropriate to consider allowing slope correction in areas of less than 26%, but that such correction should be prevented on slopes of greater than 26%.

26 LU5b-requires plan conformance for development on 26-40% slopes, including the specific standard of not being visible from Marsh Creek Rd or developed parts of Clayton. Which lots would this affect, and what standards are contemplated in terms of visibility? Does this mean that development must be invisible? With or without screening?

27 LU5c protects slopes of greater than 26% on the western face of Keller Ridge, but does not protect the crest of the part of the ridge stretching as a saddle across the Heartland parcel to the Moita parcel. Protecting the face of the ridge without protecting its crest would allow development that would be visibly intrusive; the recent construction of the Morgan parcel road access is a good example of such intrusiveness. We believe the Council should define the saddle as a ridge line, because of its visibility from Clayton.

27 Save Mount Diablo strongly supports LU-12, that undevelopable lands do not accrue development rights.

47 LU-13 allows one unit per parcel on parcels below minimum lot size, but does not preclude subdivision; are there standards in the General Plan which would cover this loophole?

48 Which eight units would be on septic?

28, 51 In Policy Re-2 "When parcels are subdivided, title or development rights shall be offered", should be amended to read, "offered in perpetuity, to be recorded as a deed restriction." In addition, what provisions are contemplated for maintenance of open space areas? Other cities have required assessment districts for maintenance of open space areas, regardless of where title ultimately rests.

53 Why is development shown (Heartland, Morgan for example) within the Sensitive Zones area? Under what conditions would this development be permitted, given Plan standards?

55 DD-1 allows development outside of building envelopes; while this makes sense in terms of access or driveways, it could have great impacts related to other structures such as swimming pools. How are permitted uses defined, what are their impacts? In general, Save Mount Diablo believes all grading and construction should take place within building envelopes, with the exception of access and common infrastructure.

29,59 The Plan very reasonably sets standards related to the words should (as in strongly encouraged) and shall (as in required), but in Policy DD-3 "clustering shall be encouraged" muddies the water in regards to shall Vs should; Save Mount Diablo supports clustering, and shall is still appropriate in this context, perhaps with the caveat "except where it impedes the conservation of natural and visual resources".

60 In DD-3b clustering should be allowed in Ranchette areas, too, to maximize usable open space.

62 In DD-5c, Grading should be prohibited rather than strongly discouraged within 25 vertical feet of the top of a ridge line or knoll. Where would this affect the plan as currently configured?

32 Policy C1-11 is commendable, "trails shall be constructed where possible", but again is ambivalent in its requirements; this policy should require dedication of easement regardless of what may seem possible at the time.

108 Although we note MUNI-P1-design standards for water tanks should be considered now.

Again, compliments on your efforts, and we look forward to addressing the Planning Commission and City Council in the near future.

Sincerely,

Susan Watson

Susan Watson,
President

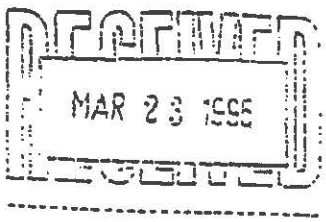
LETTER 5: SETH ADAMS, SAVE MOUNT DIABLO

This letter contains no comments on the Draft EIR. All comments apply to the Specific Plan and General Plan Amendment themselves. They will be addressed as appropriate by City staff and decision-makers.

Letter 6

Richard M. Temps
8820 Marsh Creek Road
Clayton, CA 94517

March 22, 1995



Mr. Randall Hatch, Director of Planning
City of Clayton
1005 Oak Street
Clayton, CA 94517

RE: Marsh Creek Road Specific Plan and E.I.R.

Dear Mr. Hatch:

Hearing Mr. Clarks plea at the planning commission meeting the other evening, about how severely and unfairly the specific plan setback requirements reduce the development possibilities of landowners, prompts me to again revisit the creek setback issue as proposed in the present Marsh Creek Road Specific Plan and E.I.R.

Specific Plan

Design and development standard DD-8d Setback Ownership (page 65) is particularly unfair, contradictory and possibly illegal. The Clayton City Library, City Hall, Police Department, newly constructed Mazzei residence, Diablo Downs Subdivision, and most other existing homes in the area are not, and were not, subject to this condition for development. The same blue line creeks that border each of the above referenced parcels occur in the Specific Plan area. There is nothing particular about the Specific Plan area creeks as compared to the existing city area creeks, to justify such an unfair taking of property rights. There is no justification for making this change simply because of this Specific Plan.

The Creek Corridor Preservation section is contradictory because policies DD-8c and DD-8d prohibit private use and ownership of the creek setback areas, yet policy DD-8g requires public access for multi-use paths offering pedestrian, bicycle, and equestrian use. These policies need to be amended to allow a landowner the necessary flexibility to design a viable project for his parcel on a case by case basis, and still meet the goals and objectives of the Specific Plan. A sharing of the creek setback area by both public and private concerns, seems like a workable concept. The actual creekbeds and adjacent trails could remain in public ownership, but in fairness to future private homeowners, some of the creek setback area should be allowed to be enjoyed by the future families. Safeguards, such as easements, to preclude structures and swimming pools, could protect the creekside area from destructive uses.

The gross injustice of policy DD-8d, as written, may leave a landowner no alternative but to test the legality of this policy in the courts. The overall Specific Plan has been changed considerably this last year, in an effort to avoid legal challenges in the future. The glaring inequity of policy DD-8d would be a "chink in the armor" if it were allowed to remain in the Specific Plan.

I would appreciate a long careful look at policy DD-8d, to see if it is necessary to be included in this Specific Plan. I firmly believe that a careful case by case review and productive dialogue of project proposals, can achieve a far greater mutual satisfaction than forcing such strict guidelines on us.

Specific Plan E.I.R.

Chapter 4.8 Vegetation and Wildlife (page 247)

A field survey of the vegetation and wildlife on the Temps property was conducted on November 23, 1991 by, I presume, Dr. Philip Northen. He describes the plant communities found along the creek banks. Then he goes into great detail to compare the saplings and seedlings found on the western Christmas Tree portion of the property, to that of the eastern portion of the property. He observed and documented, that many more seedlings and saplings were growing on the Christmas Tree portion of the property, than on the Eastern portion of the property. I agree with this finding!

6-1 Using these observations, he goes on to describe Impact BIO-TI on page 267. He concludes in part that: "Restoration incentives that allow for minimization of creek setbacks, as described in policy DD-8e of the Specific Plan, are therefore not appropriate along Mt. Diablo Creek".

This conclusion is flawed, and not correct, because the only reason so many new saplings exist on the Christmas Tree portion of my property is because of frequent overhead sprinkler irrigation from the Christmas Tree Farm.

Contrary to Dr. Northen's finding that the 75' feet of land should simply be left bare, it would be of far greater benefit to the Riparian Corridor if a licensed architect would develop a native species planting plan, with temporary irrigation to be implemented along the creek setback corridor. Establishment of shade trees in a creek riparian corridor is universally acknowledged as one of the most beneficial elements in reestablishing a biotic habitat. The additional trees and shrubs would reduce the visual impact of a subdivision, aid in sound attenuation, and provide a pleasing environment where creekside trails and private backyards can co-exist.

6-1 (cont.)

A huge benefit for City Planners would be the ability to see on paper exactly what the creek setback corridor is going to look like immediately upon completion of the project. A well planned project that specifically addresses all areas of development, including creek corridors, is far more desirable than a plan that simply "allows for the development of a full spectrum of riparian habitats". Realistically, unplanned creekside areas often end up as fire hazards, dumping grounds, and a maintenance headache.

In order for this kind of overall planned design to work effectively, some incentives must be allowed to remain in my development plans. Please leave the door open so that I may prove to you that a more effective, desirable use of this creek setback corridor is possible.

Yours very truly,

Richard M. Temps

Richard M. Temps

RMT/jb

LETTER 6: MIKE TEMPS

Response 6-1: The commentor notes that young trees in the western part of the Temps property are more numerous and healthier than those to the east. However, it is incorrect to infer that this means that a creek restoration program would be highly beneficial in this area.

First, the types of trees growing in the eastern area are largely non-native species that appear to have been planted as part of landscaping. The presence of native vegetation to the west may simply be an indication that this vegetation does not need to compete with introduced non-natives.

Second, desired native tree species, such as Valley Oak, Coast Live Oak and Bays, do not require irrigation to thrive. In fact, studies completed by the project biologist in Sonoma County indicate that irrigation and overwatering can actually harm and kill oaks.

Finally, it is true that a properly designed and implemented restoration plan for the eastern portion of the creek channel on the Temps property might result in marginally faster establishment of riparian vegetation. However, the acceleration in establishment would be only marginal, and would not appear to warrant narrowing of the required creek setback.

 Letter 7

CITY OF CONCORD
PUBLIC WORKS DEPARTMENT
5200 Clayton Road MS 40
Concord, California 94519-2819
FAX: (510) 798-9692

Michael D. Vegas, Public Works Director

Telephone: (510) 671-3367

Concord

CITY COUNCIL
Helen M. Allen, Mayor
Lou Rosas, Vice Mayor
Colleen Coll
Bill McManigal
Michael A. Patrick

Lynnet Keihl, City Clerk
Thomas Wentling, City Treasurer

Edward R. James, City Manager

March 23, 1995

City of Clayton
Mr. Randall Hatch
1005 Oak Street
Clayton, CA 94517

Subject: Marsh Creek Road General Plan Amendment; Specific Plan, Revised; and Draft EIR

Dear Mr. Hatch:

In response to our request Govers Engineers has prepared the attached response to the Marsh Creek Road Specific Plan. In addition to our original concerns as expressed in Mr. Govers' March 15, 1993 letter, and our January 13, 1995 letter, we are now also concerned with the potential overloading of the Mountaire trunk sewer. The proposed development would require construction of a new trunk sewer along Diablo Creek to the Mountaire sewer near El Molino Drive, as well as, a possible enlargement of the Montaire trunk sewer between Yolanda Circle and Camino Estrada Drive. All specified correspondence is attached.

Sincerely,

Mary Miller

Mary Miller
Senior Engineering Technician

Attachment

LTR4MM03.95

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To Randy Hatch	From Mary Miller
Co. City of Clayton	Co. City of Concord
Dept. Comm. Dev.	Phone # 671-3367
Fax # 672-4917	Fax # 798-9692

GOVERS ENGINEERS
Consulting Engineers

March 22, 1995

Mr. Mary Miller
City of Concord
3200 Clayton Road
Concord, CA 94519

Re: Comments on Clayton's Marsh Creek Road Specific Plan

Dear Mary:

As requested in your March 14 letter, I have reviewed the applicable pages of the above Specific Plan and have the following comments:

7-1 1. Our January 1991 Sanitary Sewer System Evaluation included tributary flows from the Regency Meadows Subdivision but no other upstream areas.

2. The projected <u>average</u> sewage flow as shown on page 163 of the report is roughly 97,000 gpd. Applying a peakflow factor of 5 to the flow, it translates to a peak flow of 485,000 gpd. or 0.49 mgd. This nearly doubles the flow in the
7-2 upstream sewers from El Molino Drive at Wright Court. The required capacity of sewers in this upstream area varies from 0.85 mgd. at El Molino Drive and Regency Drive and to 1.05 mgd. at Wright Court. This means that essentially none of the upstream sewers has sufficient capacity to serve the new area without significant surcharges. As indicated in our 1991 investigation, the construction of a new relief or trunk sewer would be required.

3. The impact of the new sewage flows on the downstream sewers extent to that portion of the Mountaire trunk sewer parallel to Concord Boulevard from approximately Yolanda Circle to Estrada Drive. A recent study recommended
7-3 relieving the over-utilized sewers in the Pine Hollow Road/Indiana Drive and Washington Boulevard areas through the construction of a connection of the Pine Hollow Road sewer with the El Camino Drive sewer. This increases the flow in the Mountaire sewer by approximately 0.25 mgd. which brings the utilization to approximately 100 percent in 1,140 lf. of trunk sewer. A replacement of the 15" with an 18" sewer would provide more than adequate capacity here.

4. In our October 1991 investigation of the Ayers Ranch Area sewers, it was
7-4 determined that a reserve capacity of approximately 0.8 mgd. existed in the Olive Drive trunk sewer. Subsequent to that investigation sewage flows were monitored in a manhole in the Olive Drive sewer at Auraillia Court (7/92) and at Netto Court (3/92). Peak sewage flows during weekly periods did not exceed 56 percent of the total capacity confirming the criteria of our study which considered sewage flows at the build-out of the tributary area.

In conclusion, we would like to state that our earlier comments regarding development of this area, as expressed in our March 15, 1993 letter, still are applicable but that in addition to those, we now have also a potential overloading of the Mountaire trunk sewer between Yolanda Circle and Estrada Drive.

If you have any further questions, please call.

Very truly yours,

GOVERS ENGINEERS

John C. Govers

John C. Govers

JCG:rs

Encl.

cc: City of Clayton: Mr. Randall Hatch

LETTER 7: MARY MILLER, CITY OF CONCORD

Response 7-1: This comment is a statement of fact regarding a previous study, and does not pertain directly to the Draft EIR.

Response 7-2: The Draft Specific Plan and Draft EIR both address the exceedance in sewer capacity in the El Molino collector system that would be caused by Specific Plan buildout. Specific Plan Policy IN-5 requires downstream sewer improvements in the El Molino collector system, and Table 4 of the Specific Plan show calculations of capacity deficiency. (Policy IN-5 is mistakenly referenced on page 164 of the DEIR as Policy IN-3; this error is corrected in this Final EIR.) Impact and Mitigation Measure MUNI-P2 of the Draft EIR (page 165) require that environmental review be completed on the El Molino collector system improvements.

Response 7-3: A description of the projected sewage capacity shortfall in the Mountaire trunk sewer has been added to DEIR page 162 in this Final EIR. However, this is not considered a significant impact requiring mitigation in this EIR since replacement of the trunk sewer is a relatively small capital project that would benefit an area larger than the Specific Plan area. The cost for this improvement should be paid for through standard sewer connection fees. The City of Concord assesses sewer connection fees of approximately $2,400 for a 3,000 square foot house, and the cost for this new sewer line would be only about $140 per unit, even if it were assessed only to the houses within the Specific Plan area.

Response 7-4: As stated in the comment, there is adequate sewer capacity to serve Specific Plan buildout in the Olive Drive trunk sewer.

Letter 8

P/A Design Resources, Inc.
Planning ▪ Engineering ▪ Surveying

RECEIVED
MAR 24 1995

March 24, 1995

Mr. Randall Hatch, Planning Director
City of Clayton
1005 Oak Street
Clayton, CA 94517

Re: **Marsh Creek Road Specific Plan and Draft EIR**
prepared January 24, 1995 City of Clayton File #564-92

Dear Randy,

On behalf of our clients, **Heartland**, we have reviewed the revised (down sized) Marsh Creek Road Specific Plan and the Marsh Creek Road General Plan Amendment and Specific Plan (Draft) EIR both dated January 24, 1995 prepared by Brady and Associates. We appreciate the opportunity to make this review and submit the following comments, points and recommendations.

1. page 17, Chapter III of Specific Plan
The word "and" should be inserted between the City Council and Planning Commission in the first paragraph.

2. page 22, Chapter III of Specific Plan, Section H, point 4
The word "road" should be deleted.

3. page 26, Chapter IV of Specific Plan, LU-5a
In the last sentence, the words "for construction of access roads or" should be inserted just before landslide repair. This will allow the access roads (Oak Creek Canyon Drive) to be constructed in the Heartland project, connecting areas A-1, A-2 and A-3 with access to the Moita and Morgan properties. This change should be made at all LU-5a locations throughout the document.

4. page 31, Chapter IV of Specific Plan, CI-2
The word "shall" should be should. The City may want to consider narrower roads in hilly areas to reduce grading and retain trees. If narrower roads are acceptable to the Fire Dept, the City should consider them. This change should be made at all CI-2 locations throughout the document.

5. page 40, Chapter V of Specific Plan, Policy LU-9
In the discussion paragraph following the policy statement, the word "would" in the first sentence should be changed to may. Even though the study area is relatively steep, there are areas that are flatter and hidden and <u>may</u> not need extensive grading to create a flat pad.

2700 Ygnacio Valley Road, Suite 100 Walnut Creek, California 94598-3462 Tel: (510) 210-9300 Fax: (510) 210-9303

6. page 51, Chapter VI of Specific Plan Policy RE-4
In the discussion paragraph following the policy statement, the words "and access roads" should be inserted after the word trails in the second sentence. See comment #3 regarding LU-5a of this letter. This will give consistency to the document.

7. page 57, Chapter VII of Specific Plan, DD-2d
The statement that "all buildings ..... along Marsh Creek Road will be oriented away from the road" may not be possible. This statement should be clarified to say appropriate siting and screening of building along Marsh Creek Road shall be required.

8. page 58, Chapter VII of Specific Plan, DD-2e
The distance of 80' for a rear yard setback is excessive and overly restrictive. This distance should be reduced to 50'.

9. page 60, Chapter VII of Specific Plan, DD-4b
In sentence 4 the "20 percent" wording should be changed to 26 percent to be consistent with the discussion of 26 percent to 40 percent throughout the document for consistency.

10. page 63, Chapter VII of Specific Plan, DD-6a
The requirement to locate trees with a 6" diameter is overly burdensome. A more practical and realistic dimension would be 8".

11. page 70, Chapter VII of Specific Plan, diagram B
This diagram is inconsistent with Figure 13 on page 99. There is no right turn pocket for westbound traffic shown on page 99. What configuration (i.e., protected turn pockets, through lanes, reconfiguration of existing Marsh Creek Road) does the City anticipate?

12. page 97, Chapter VIII of Specific Plan, CI-3a
The phrase "when buildout has been completed" should be added to the end of the last sentence. To incur the cost of a signal prior to sale of the homes (to provide a metering mechanism for the City) is an unfair burden until the project could generate income.

13. page A-2 (page 130) Appendix A
The list of meetings should be updated

END COMMENTS

The additions, deletions and modifications requested herein that the City decides to make should be followed up throughout the body of the Specific Plan text and the body of the EIR text.

With all our suggested modifications made, we reluctantly support its adoption. We do, however, reserve the right to comment further during the upcoming public hearings at the Planning Commission and City Council levels.

This process has been an extremely protracted process. We hope it can now be brought to a close so we can move forward with the actual development application.

Very truly yours,
P/A Design Resources, Inc.

James C. Parsons
Principal

JCP/sw

cc: Heartland

LETTER 8: JAMES PARSONS, P/A DESIGN RESOURCES

This letter contains no comments on the Draft EIR. All comments apply to the Specific Plan and General Plan Amendment themselves. They will be addressed as appropriate by City staff and decision-makers.

Letter 9

STATE OF CALIFORNIA - THE RESOURCES AGENCY PETE WILSON, Governor

DEPARTMENT OF FISH AND GAME
POST OFFICE BOX 47
YOUNTVILLE, CALIFORNIA 94599
(707) 944-5500

March 24, 1995

Mr. Randall Hatch
City of Clayton
1005 Oak Street
Clayton, California 94517

Dear Mr. Hatch:

Marsh Creek Road General Plan Amendment, Specific Plan, and Draft Environmental Impact Report (DEIR), SCH # 95013014

Department of Fish and Game personnel have reviewed the above-named document. The document addresses the General Plan Amendment and Specific Plan requirements to guide development of a 475-acre area north and south of Marsh Creek Road near the City of Clayton. The DEIR also assesses the site-specific impacts associated with the development of three parcels within the planning area, the Heartland, Temps, and Moita properties.

Specific Plan

9-1 While we support mitigation measure BIO-P3, the requirement for a grassland improvement program for any projects which result in the loss of over 10 acres of grassland within the Specific Plan area, it is unclear how this would be accomplished. Where would the lands that would be enhanced be located and at what ratio would the lost grassland be compensated (i.e., 1:1, 2:1)? We recommend that the Specific Plan identify areas to be set aside to accomplish this goal.

9-2 In reference to the potential for California tiger salamander (CTS) to occur within the study area, it is written in Table D-3 that "a few breeding sites exist and there are numerous rodent burrows." These potential breeding sites should be identified in the FEIR. Additionally, in regards to Table D-3, red-legged frogs are often found in habitat similar to that utilized by CTS for breeding. However, in the table it is written that "no suitable

9-3 breeding habitat exists in the area." Please provide the information on which this determination was made.

9-4 Alameda whipsnakes are known to utilize the moist soil found within riparian habitat to lay their eggs. This habitat type should be included in the habitat description provided in Table D-3. Any impacts within the riparian corridors in the study area could potentially impact this species and should be addressed during project specific environmental review. The Alameda whipsnake is protected by the California Endangered Species Act and has been proposed for listing pursuant to the Federal Endangered Species Act. Any unauthorized impacts to this species' habitat could be in violation of both State and Federal law.

9

Heartland

As proposed, the Heartland project would result in a significant loss of riparian habitat (BIO-H1). If riparian/habitat is impacted by the project, we recommend an acreage replacement ratio of 3:1. Tree replacement must be adequate to result in surviving densities equal to existing, undisturbed reference sites. For understory vegetation, we generally require a 1:1 replacement ratio by area. This will allow the vegetation to re-establish in a timely manner which will minimize impacts to the wildlife resources at the site. Additionally, the vegetation should be maintained for five years with a 90 percent success rate occurring at the end of the five-year period. An annual report should be sent to the Department which outlines vegetative growth and overall success including proposals to replace dead or diseased plants.

9-5

The revegetation plan should include a list of plant species to be removed. Trees should be quantified and listed in diameter at breast height (dbh). Understory should be listed in square footage. The plan should identify the proposed mitigation site(s), evaluate site suitability, and specify numbers and density of plant species to be used for revegetation and how the vegetation is to be maintained.

The plan should contain maintenance schedules and provisions for the replacement of dead or dying vegetation. A five-year monitoring program should be included in the plan to evaluate the performance of the mitigation and identify remedial measures if deficiencies are identified.

We recommend that a minimum 100-foot buffer (setback), measured outward from the top of each creekbank, be established along the existing creeks to protect the creeks and vegetation and to provide travel corridors for wildlife. No roads, buildings, or yards should be permitted within this setback.

9-6

It is the policy of this Department that a project should cause no net loss of wetland acreage or wetland habitat value. We recommend that impacts to creeks be avoided. Impacts for fill placed in creeks or wetlands must include the creation of new wetlands from uplands to meet the no-net-loss policy.

Additionally, the Department has direct jurisdiction under Fish and Game Code sections 1601-03 in regard to any proposed activities that would divert or obstruct the natural flow or change the bed, channel, or bank of any stream. We recommend early consultation since modification of the proposed project may be required to avoid impacts to fish and wildlife resources. Formal notification under Fish and Game Code Section 1603 should be made after all other permits and notifications have been obtained. Work cannot be initiated until a streambed alteration agreement has been executed. Any plans to culvert the creek would require review by this agency.

9-7

9-7 (cont.) The U. S. Army Corps of Engineers also has jurisdiction over the placement of fill in streams and wetlands under Section 404 of the Clean Water Act. We recommend that the Corps be contacted to determine if they have jurisdiction and if they require a permit.

Temps Project

9-8 The above comments regarding impacts to creeks and riparian habitat are also applicable to the Temps project. Additionally, we are concerned that rare plant surveys have not been conducted on the site. Surveys should be conducted and provided to the Department for review and approval. Survey results and specific

9-9 mitigation measures should have been included in the document. It has been determined by court ruling that such studies and mitigation measures must be included in the environmental document, otherwise they would be improperly exempted from the process of public and governmental scrutiny which is required under the California Environmental Quality Act (CEQA). A document which requests future studies or future identification of mitigation is inadequate.

Moita Project

9-10 The comments made above regarding rare plant surveys are also applicable to this project. Surveys conducted on the adjacent property are not adequate to make a determination of no significant impacts. Additionally, this Department is concerned about the state-wide loss of oak woodlands. We recommend that all impacts to oaks be avoided. If complete avoidance is not feasible, oak woodland impacts should be mitigated at a replacement ratio of 3:1 for the aerial extent of oak habitat lost. An oak woodland

9-11 mitigation plan should be submitted to this Department for review and approval. The plan should be prepared according to the guidelines provided above for the riparian habitat revegetation plan.

If you have any questions regarding our comments, please contact Caitlin Bean, Environmental Specialist, at (707) 944-5570; or Carl Wilcox, Environmental Services Supervisor, at (707) 944-5525.

Sincerely,

Ken Owen

Acting Regional Manager
Region 3

cc: U. S. Fish and Wildlife Service

LETTER 9: KEN AASEN, CALIFORNIA DEPARTMENT OF FISH AND GAME

Response 9-1: Since this EIR addresses a generalized development program under a General Plan Amendment and Specific Plan, it is not possible for it to identify exact locations where individual mitigation programs, such as the grassland improvement program identified in Mitigation Measure BIO-P3, would occur. Such specificity is only possible when specific projects are proposed. The City will review individual development proposals and their accompanying grassland improvement programs, if required, when they are submitted.

The EIR also addresses three individual development projects, and each of these projects will require grassland mitigation programs. In order to assess the adequacy of the proposed programs, standards for the programs have been added to Mitigation Measure BIO-P3 in this Final EIR.

Response 9-2: Table D-3 incorrectly states that ponds that could support California tiger salamanders are in the study area. The two ponds are actually near the study area. One is on the Easton property in the bowl near the upper Christmas tree farm, the other is near the Mount Diablo Creek/Marsh Creek watershed divide along Marsh Creek Road.

Response 9-3: The ponds that could support the California tiger salamander do not have the potential to support red-legged frogs. The ponds in question lack both emergent vegetation along their banks and steep undercut banks; one of these two conditions is necessary to support red-legged frogs. Moreover, the pond near the watershed divide is seasonal and dries up prior to the time that red-legged frog metamorphosis occurs.

Response 9-4: The suggested information regarding the Alameda whipsnake's use of riparian habitat to lay eggs has been included in Table D-3 in this Final EIR. Specific Plan Policy LU-1 requires that lands used by any rare or endangered animal species be preserved without development.

Impacts from development in riparian corridors would be addressed for each site specific project under the General Plan Amendment and Specific Plan. This analysis has been completed in the Draft EIR for the Heartland and Temps projects (Impacts and Mitigation Measures BIO-H1, BIO-T1 and BIO-T2, DEIR pages 266-268).

Response 9-5: Although the Heartland project as proposed would lead to loss of riparian habitat, the EIR does not contemplate loss of riparian habitat on the Heartland site. Instead, Mitigation Measure BIO-H1 (DEIR pages 266-267) requires elimination or redesign of lots that would intrude into riparian vegetation. Areas where the mitigated project would intrude into the suggested 75-foot creek setback are not riparian zones.

Response 9-6: The City is aware that CDFG recommends 100-foot creek setbacks and avoidance of impacts to creeks. After careful consideration, City decision-makers chose to adopt a suggested setback of 75 feet instead. The "no net loss of wetlands" policy is already stated in federal law, so it does not require restatement in the General Plan Amendment or Specific Plan. Moreover, there are no identified wetlands in the planning area outside of riparian corridors.

Response 9-7: CDFG streambed alteration agreements and Army Corps of Engineers wetlands jurisdiction is discussed on pages 227-228 of the Draft EIR. Mitigation Measure HYDRO-P2 requires the determination of regulatory jurisdiction for each individual project proposed.

Response 9-8: Although the Temps project as proposed would lead to loss of riparian habitat, the EIR does not contemplate loss of riparian habitat on the Temps site. Instead, Mitigation Measure BIO-T1 (DEIR page 268) requires elimination or redesign of lots that would intrude into riparian vegetation. Areas where the mitigated project would intrude into the suggested 75-foot creek setback are not riparian zones.

Response 9-9: It is not true that rare plant surveys have not been conducted on the Temps property. As described on page 258 of the Draft EIR, a field survey of the Temps property was conducted on November 23, 1991. Because this date is outside of the flowering season of most of the plants, and at a time when some resident bird species have migrated south, it was not possible to develop a complete inventory of species. Despite this, observations made were adequate to identify the biological issues on the property, particularly in conjunction with the surveys of the study area as a whole and the Heartland property. The EIR biologist, Dr. Philip Northen, is confident that there is no potential for rare plants to occur on portions of the Temps property proposed for development.

Response 9-10: Although it is not clearly described in the Draft EIR, Dr. Philip Northen conducted a full-day field survey of the Moita property on November 21, 1991. The plant communities observed on the Moita site were depauperate grasslands with litter or no potential to support rare or endangered species. Please see Response 9-9 for additional background.

Response 9-11: The City of Clayton shares CDFG's concerns regarding losses of oak woodland. Specific Plan Policy LU-3 states that woodlands should be preserved wherever possible.

Impact and Mitigation Measure BIO-M1 (Draft EIR pages 269-270) address this issue on the Moita property, since it is only Lot 10 of the Moita project that appears to be within the tree canopy. Under the Mitigation Measure, the applicant must demonstrate that Lot 10 would not adversely impact woodlands. If this cannot be demonstrated, then the lot is to be eliminated.

Letter 10

CONTRA COSTA WATER DISTRICT

1331 Concord Avenue
P.O. Box H20
Concord, CA 94524
(510) 674-8000 FAX (510) 674-8122

Post-it™ Fax Note 7671	Date 4/5/95	# of pages ▶ 1
To DAVID EARLY	From RANDY HATCH	
Co./Dept.	Co. CLAYTON	
Phone #	Phone #	
Fax # 848-4315	Fax #	

March 24, 1995

Directors
Joseph L. Campbell
President
Elizabeth R. Anello
Vice President
Bette Boatmun
Donald P. Freitas
James Pretti
Walter J. Bishop
General Manager

Mr. Randall Hatch, Director
Community Development Department
City of Clayton
1005 Oak Street
Clayton, California 94517

Subject: **Comments on the Marsh Creek Road General Plan Amendment and Specific Plan, Revised, Draft EIR; and the Draft Marsh Creek Road Specific Plan**

Dear Mr. Hatch:

Thank you for the opportunity to review and comment on the Draft EIR for the Marsh Creek Road General Plan Amendment and Specific Plan, Revised, and the Draft General Plan and Specific Plan documents. The Contra Costa Water District (CCWD) comments on the Draft EIR cover the Project Description (Chapter 3); Policy Conformity (Chapter 3.2); Municipal Services and Facilities (Chapter 4.5); Vegetation and Wildlife (Chapter 4.8); and Alternatives to the Proposed Action (Chapter 5) areas. Comments on the Draft Specific Plan, Revised, cover primarily the "Water Service" section of the Infrastructure Element (Chapter IX.). The CCWD has no comment on the Draft General Plan Amendment. The General and Specific Plans cover areas both within and outside the existing CCWD service area boundaries.

The Plans cover an approximate 475 acre area located southeast of the City of Clayton, both north and south of Marsh Creek Road primarily beyond the existing City limits. The General Plan Amendment and Specific Plan, Revised, call for approximately 305 new housing units, a small commercial area (2 acres) and open space and agricultural uses.

10-1

The Draft EIR provides a comprehensive discussion and identification of known and potential habitat areas for listed plant and animal species. However, reference to FESA issues are not apparent (i.e., identification of FESA, its relationship to projects and the FESA clearance process). When lands are annexed to CCWD, the U.S. Bureau of Reclamation requires FESA clearance as part of the inclusion approval into the contractual service area for Central Valley Project (CVP) water supplies. If the Plan includes elements which would require future water service to areas presently outside the CCWD service area, these reporting requirements would need to be addressed. USBR clearance could be expedited if these issues are addressed in the Final EIR. CCWD would generally comment that the Federal Endangered Species Act (FESA) should be addressed in the environmental document, and encourages agencies to coordinate, if necessary, with the U.S. Fish and Wildlife Service.

The two page enclosure covers CCWD's specific comments to the chapters listed above. The first comments address the Draft EIR followed by comments on the Draft Specific Plan. All comments are made in the page order of each document.

10

If you have any questions on the comments or require further information on the CCWD (e.g., service area boundaries) or Federal agency regulatory requirements for inclusion approval that may be helpful in connection with the Final EIR preparation, please contact Dennis Pisila, Senior Planner at 510/674-8119.

Sincerely,

Arthur R. Jensen
Director of Planning

Attachment: Comments on Marsh Creek Road General Plan Amendment & Specific Plan Draft EIR

DP/rlr

cc: Herbert S. Y. Ng, Acting Area Manager, U.S. Bureau of Reclamation, Tracy Field Office
Joel A. Medlin, Field Supervisor, Ecological Services, U.S. Fish & Wildlife Service, Sacramento

10

Marsh Creek Road General Plan Amendment & Specific Plan EIR

10-2 1. Page 63, Part 5, last paragraph. The entire study area is not within the CCWD service area. Portions of development areas identified as A1, A2, and A3, and a portion north of Area B2 are outside of CCWD's service area boundary. Please remove the word "County" from the District's name.

10-3 2. Page 117. The discussion of LAFCO policies should be augmented with an identification of the annexation or reorganization actions necessary for the extension of urban services, such as water supplies. LAFCO and its appointed Conducting Authority or Authorities may need to rely on this EIR as environmental documentation for such decisions. In the case of extending CCWD's water supplies from the Federal Central Valley Project (CVP), this document could also provide information for the U.S. Bureau of Reclamation (USBR) in National Environmental Policy Act (NEPA) documentation.

3. Page 150:

10-4 a. Third paragraph in Water Section, last sentence. Suggested rewording to include current status of Los Vaqueros Reservoir project: "The District is currently relocating Vasco Road and constructing the reservoir's conveyance facilities. CCWD customers will begin to benefit from the better water quality resulting from the project in 1997."

10-5 b. Fourth paragraph, first sentence. Correction to text : "...Bollman plant near Highway 4 in Concord."

10-6 c. Last paragraph. The Facilities Reserve Charge for a 5/8-inch meter for a typical single-family home currently costs $7,140 (rates effective 2-1-95).

10-7 4. Page 151. See comment #1.

10-8 5. Page 152. Correct typo in the third paragraph, second sentence: "... western end..."

10-9 6. Page 155. The existing available capacity of the Nob Hill reservoir has been revised to 150,000 gallons. This volume is cited in CCWD's Final Treated Water Master Plan, August 1994. This change affects text in several other sections of the document.

7. Page 156:

10-10 a. Last sentence in first paragraph appears to contradict the statement earlier in the paragraph that "alternative would require the construction of a second tank..." Suggest removing reference.

10-11 b. First paragraph under "Zone 7" heading. Appears to imply new Zone 7 can be established with a new pump station but no reservoir. CCWD system design practice generally requires a reservoir for each geographically isolated zone.

10-12 c. Item 3 under "Zone 7" heading again states that Specific Plan area falls within CCWD service area. Refer to comment #1.

10-13 8. Page 158. Third paragraph. Refer to comment #5.

10-14 9. Page 159. Part e states that the study area lies within the CCWD service area. See comment #1. Although portions of the Draft EIR's study area is outside CCWD's service area, the

10

10-14 (cont.) Draft EIR's study area is within the area of study for CCWD's Treated Water Master Plan (TWMP). Therefore, development demands projected for the EIR's study area are included in CCWD's TWMP. The most recent TWMP was prepared in August 1994.

10. Pages 253-255. The discussion on rare and endangered plants and animals indicates that this Draft EIR is to be used as guide for more site specific biological surveys as "individual parcels are proposed for development". The discussion does not identify the Federal Endangered Species Act (FESA), which could pose constraints to development if listed species or their habitat are identified in the area. If areas A1, A2 and A3 are to be annexed to CCWD for water supply, the annexation or inclusion into the contractual service area for Central Valley Project (CVP) water supplies must also be approved by the USBR. Any such decision would require FESA clearance which may require additional information presumably from annexation proponents.

10-15

11. Page 368. Nob Hill Reservoir available capacity revised to 150,000 gallons (see comment #5). Page 369, first line: "capacity exceedance is approximately 212,000 gallons" (revised from 111,000 gallons).

10-16

12. Page 376, fourth paragraph, third sentence: "storage requirement exceeds available storage on Nob Hill by approximately 197,200 gallons" (revised from 107,200 gallons).

10-17

13. Page 390, second paragraph, second sentence: "storage requirement exceeds available storage on Nob Hill by approximately 371,000 gallons" (revised from 328,000 gallons).

10-18

14. Page 390. The phrase "future water supply studies" can be confused with the District's Future Water Supply Study project which evaluates alternative water supply options not distribution facility options. Suggest using phrase "future water supply facility studies".

10-19

Marsh Creek Road Specific Plan

1. Page 107. See EIR comment #5 (second paragraph under "other development areas", second sentence from last: reference to Nob Hill available storage).

   Last sentence, same paragraph: "capacity shortfall is approximately 127,200 gallons, which is the storage requirement for 91 homes."

   Last sentence on page. The existing supply shortfall noted in the text for Zone 6 is considered by CCWD staff as relatively minor for existing levels of development. However, the shortfall becomes an issue when planning for future development since any new development in Zone 6 would require additional new storage. The text referencing CCWD opinion should be clarified with these comments.

10-20

2. Page 108, second paragraph under "Zone 7" heading: see EIR comment #6 (regarding new Zone 7 without new storage facility).

3. Page 109. Policy (N-2: Phrase "water supply studies" can be confused with the District's "Future Water Supply Study" project. Suggest rewording to "water supply facility studies (2 places).

4. Page 123, last paragraph: correct misspelling of "Nob Hill".

CAS/JG/DP/rlr - 4

LETTER 10: ARTHUR JENSEN, CONTRA COSTA WATER DISTRICT

Response 10-1: Appropriate references to site annexation and the Federal Endangered Species Act (FESA) have been added to this Final EIR. The site reconnaissance conducted as part of this EIR for the Heartland and Moita sites should be adequate to meet FESA requirements.

Response 10-2: The commentor is correct that proposed development areas on the Moita and Heartland sites are outside the limits of the Contra Costa Water District and would require annexation. Passages regarding the relationship between the CCWD boundary and the study area have been corrected in this Final EIR.

Response 10-3: The discussion regarding LAFCO policies and annexation needs has been revised in this Final EIR to include the needed annexations to the Contra Costa Water District service area.

Response 10-4: The suggested wording has been added in this Final EIR.

Response 10-5: The suggested correction has been made in this Final EIR.

Response 10-6: The amount of the Facilities Reserve Charge has been corrected in this Final EIR.

Response 10-7: Please see Response 10-2.

Response 10-8: The suggested correction has been made in this Final EIR.

Response 10-9: The available capacity of the Nob Hill reservoir has been changed in this Final EIR.

Response 10-10: In order to avoid confusion, the last sentence of the first paragraph on page 156 of the Draft EIR has been removed in this Final EIR.

Response 10-11: The commentor is correct that the Plan proposes to allow two homes in an isolated area in the Zone 7 elevation band without a dedicated reservoir. According to CCWD staff, this type of situation would require a waiver from the CCWD Board of Directors, since it would conflict with general CCWD policy. The need for this waiver has been added as Impact and Mitigation MUNI-T2 in this Final EIR.

Response 10-12: Please see Response 10-2.

Response 10-13: Please see Response 10-9.

Response 10-14: Please see Response 10-2.

Response 10-15: Please see Response 10-1.

Response 10-16: The available capacity of the Nob Hill reservoir has been changed in this Final EIR. The capacity exceedance shown on page 369 has also been changed.

Response 10-17: The capacity exceedance shown on page 376 has been changed in this Final EIR.

Response 10-18: The capacity exceedance shown on page 390 has been changed in this Final EIR.

Response 10-19: The suggested correction has been made in this Final EIR.

Response 10-20: The remaining comments in this letter do not address the Draft EIR; they apply to the Specific Plan and General Plan Amendment themselves. They will be addressed as appropriate by City staff and decision-makers.

Letter 11

STATE OF CALIFORNIA

PETE WILSON, *Governor*

GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
1400 TENTH STREET
SACRAMENTO, CA 95814

March 24, 1995

RANDALL HATCH
CITY OF CLAYTON
1005 OAK STREET
CLAYTON, CA 94517

Subject: MARSH CREEK ROAD GENERAL PLAN AMENDMENT AND SPECIFIC PLAN SCH #: 95013014

Dear RANDALL HATCH:

The State Clearinghouse has submitted the above named draft Environmental Impact Report (EIR) to selected state agencies for review. The review period is now closed and the comments from the responding agency(ies) is(are) enclosed. On the enclosed Notice of Completion form you will note that the Clearinghouse has checked the agencies that have commented. Please review the Notice of Completion to ensure that your comment package is complete. If the comment package is not in order, please notify the State Clearinghouse immediately. Remember to refer to the project's eight-digit State Clearinghouse number so that we may respond promptly.

Please note that Section 21104 of the California Public Resources Code required that:

> "a responsible agency or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency."

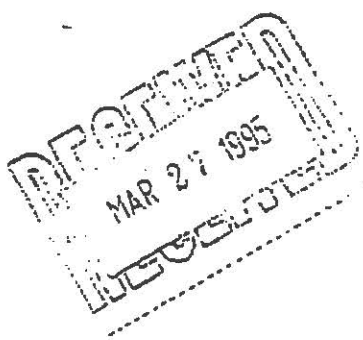
Commenting agencies are also required by this section to support their comments with specific documentation.

These comments are forwarded for your use in preparing your final EIR. Should you need more information or clarification, we recommend that you contact the commenting agency(ies).

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Michael Chiriatti, Jr.
Chief, State Clearinghouse



Enclosures
cc: Resources Agency

State of California **THE RESOURCES AGENCY OF CALIFORNIA**

MEMORANDUM

To: Mr. Douglas P. Wheeler
Secretary for Resources

Date: March 10, 1995

Mr. Randall Hatch
Planning Director
City of Clayton
P.O. Box 280
Clayton, CA 94517

3-23-95

From: **Department of Conservation**
Office of Governmental and Environmental Relations

Subject: Draft Environmental Impact Report (DEIR) for the Marsh Creek Road Specific Plan. **SCH #95013014**

The Department of Conservation has reviewed the City of Clayton's DEIR for the Marsh Creek Road Specific Plan. The Specific Plan has been revised to reflect the reduction in the amount of land designated for development from a 1,750 acre area to approximately 500 acres. As a result of Specific Plan revision, Williamson Act contracted land has been removed from the planning area.

The Department, which monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act, commends the revision of the Specific Plan to reduce the scope and size of the development area which will protect agricultural and Williamson Act contracted land.

However, the loss of prime agricultural land should be identified and treated as a significant environmental impact, according to the California Code of Regulations (Section 15000 et seq., Appendix G (y)), which does not differentiate between criteria defining prime agricultural land. Even though the DEIR (Page 93) states that the amount of grazing and agricultural land to be converted is small in relation to agricultural land in Contra Costa County as a whole, the conversion of land identified as prime land according to Cortese-Knox, and the Land Capability System (Class II Soils) should be defined as significant impact and addressed accordingly in the Final Environmental Impact Report (FEIR).

The Department appreciates the opportunity to comment on the revised DEIR. If I can be of further assistance, please feel free to call me at (916) 455-8733.

Tess Dennis
Environmental Analyst

cc: Kenneth E. Trott, Office of Land Conservation
Contra Costa County Resource Conservation District

Notice of Completion *Supplementary Document M*

See NOTE below

SCH # 95013014

Mail to: State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814 916/445-0613

Project Title: Marsh Creek Road General Plan Amendment, Specific Plan & Draft EIR

Lead Agency: City of Clayton — Contact Person: Randall Hatch

Street Address: 1005 Oak Street/P.O. Box 280 — Phone: 510/672-6690

City: Clayton — Zip: 94517 — County: Contra Costa

Project Location

County: Contra Costa — City/Nearest Community: Clayton

Cross Streets: Marsh Creek Road — Zip Code: 94517 — Total Acres: Approx. 475

Assessor's Parcel No.: Various-see att. — Section: — Twp.: — Range: — Base:

Within 2 Miles: State Hwy #: — Waterways: —

Airports: — Railways: — Schools: Diablo View Middle School

Document Type

CEQA: ☐ NOP ☐ Supplement/Subsequent ☐ Early Cons ☐ EIR (Prior SCH No.) ☐ Neg Dec ☐ Other ☒ Draft EIR

NEPA: ☐ NOI ☐ EA ☐ Draft EIS ☐ FONSI

Other: ☐ Joint Document ☐ Final Document ☐ Other

Local Action Type

☐ General Plan Update ☒ Specific Plan ☐ Rezone ☒ Annexation
☐ General Plan Amendment ☐ Master Plan ☒ Prezone ☐ Redevelopment
☐ General Plan Element ☐ Planned Unit Development ☐ Use Permit ☐ Coastal Permit
☐ Community Plan ☐ Site Plan ☐ Land Division (Subdivision, Parcel Map, Tract Map, etc.) ☒ Other Sphere of Influence Expansion

Development Type

☒ Residential: Units 305 Acres gross 198 for parcels
☐ Office: Sq ft — Acres — Employees — ≤1AC
☐ Commercial: Sq ft — Acres 2 Employees —
☐ Industrial: Sq ft — Acres — Employees —
☐ Educational —
☒ Recreational Approx. 3 AC neighborhood park-Significant open space area.

☐ Water Facilities: Type
☐ Transportation: Type
☐ Mining: Mineral
☐ Power: Type
☐ Waste Treatment: Type
☐ Hazardous Waste: Type
☐ Other:

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Project Issues Discussed in Document

☒ Aesthetic/Visual ☒ Flood Plain/Flooding ☐ Schools/Universities ☒ Water Quality
☒ Agricultural Land ☒ Forest Land/Fire Hazard ☒ Septic Systems ☒ Water Supply/Groundwater
☒ Air Quality ☒ Geologic/Seismic ☒ Sewer Capacity ☒ Wetland/Riparian
☒ Archeological/Historical ☐ Minerals ☒ Soil Erosion/Compaction/Grading ☒ Wildlife
☒ Coastal Zone ☒ Noise ☒ Solid Waste ☒ Growth Inducing
☒ Drainage/Absorption ☒ Population/Housing Balance ☐ Toxic/Hazardous ☒ Landuse
☒ Economic/Jobs ☒ Public Services/Facilities ☒ Traffic/Circulation ☒ Cumulative Effects
☒ Fiscal ☒ Recreation/Parks ☒ Vegetation ☒ Other Electromagnetic fields

Present Land Use/Zoning/General Plan Use Rural Residential, Open Space and Agricultural use. City Zoning: PD. County Zoning: A-2 & A-4. City General Plan: Study Area and Open Space

Project Description General Plan Amendment and Specific Plan to guide development in terms of location, type and density. Plan calls for approximately 305 new housing units, a small 2 AC commercial area and open space and agricultural.

EARINGHOUSE CONTACT: Michael Chiriatti
(916) 445-0613

ATE REVIEW BEGAN: 2.6.95
T REV TO AGENCY: 3.16
NCY REV TO SCH : 3.21
COMPLIANCE : 3.23

ASE NOTE SCH NUMBER ON ALL COMMENTS

ASE FORWARD LATE COMMENTS DIRECTLY TO THE LEAD AGENCY ONLY

D(APCD: 2 (Resources: 2/11)

E SENT by Lead / ... SENT by SCH

CNT	SNT		CNT	SNT	
—	X	Resources			State/Consumer Svcs
—	X	Conservation			
—	X	Fish & Game 3			
—	X	Parks & Rec/OHP	—	X	SWRCB: Wtr Quality
—	X	DWR	—	X	Reg. WQCB # 2
—	X	Caltrans # 4	—	X	NAHC
			—	—	State Lands Comm

LETTER 11: MICHAEL CHIRIATTI, JR., GOVERNOR'S OFFICE OF PLANNING AND RESEARCH

This letter contains no additional substantive comments on the Draft EIR, so no responses are required. Comments from the Resources Agency of California are addressed under Letter 2.

D. Response to Comments from Moita & Moita LLP, dated October 8, 2025.

D-1 Moita & Moita LLP (Commenter) summarizes the components of the proposed project and conclusions of the Initial Study. Commenter offers the opinion that the Initial Study is inadequate due to its failure to consider cross-jurisdictional planning efforts and relevant alternatives, in addition to omitting critical information and imposing a housing moratorium.

As this comment serves as an introduction for Commenter's letter and does not provide substantive detail or evidence that the environmental review is inadequate, no response is required. Claims made in this comment are further elaborated on within subsequent comments and are addressed in the responses to those comments below.

D-2 Commenter makes various claims regarding the validity of the 2045 General Plan Development Scenario. The GPEIR does not estimate that 23,200 new housing units, 1.2 million square feet of new commercial and office space, and 5 million square feet of new industrial space "would be developed" in the unincorporated county over the life of the General Plan. That amount of development, a component of the 2045 General Plan Development Scenario, is what the GPEIR analyzed at the programmatic level. Actual development could be more or less and additional CEQA review could be necessary based on the specifics of any particular project.

The Initial Study used appropriate methodologies for estimating residential and nonresidential development. The residential methodology of multiplying vacant and underutilized acreage by the applicable maximum density allowed is conservative and results in a worst-case, yet also realistic, scenario in terms of environmental impacts. The 2045 General Plan covers the bulk of three Regional Housing Needs Allocation (RHNA) Cycles (Cycles 6, 7, and 8). The County's 6th Cycle RHNA was 7,610 units. That allocation multiplied by three equals 22,830, a quantity similar to the 23,200 units analyzed in the GPEIR. Commenter's suggestion that the residential methodology overestimates potential new units is unfounded given the County's most recent RHNA.

A different methodology was used for estimating nonresidential development because employing the residential methodology resulted in an inflated and unrealistic worst-case scenario. Multiplying vacant and underutilized commercial and industrial acreage by the applicable floor area ratios (FARs) resulted in approximately 41 million square feet of new nonresidential development. That quantity far exceeds regional growth projections for unincorporated Contra Costa County and historical permitting trends. Basing the GPEIR analysis on the nonresidential worst-case scenario would have resulted in unrealistically severe impacts requiring unnecessary mitigation measures or alternatives. As one of the purposes of an EIR is to inform the public and decision-makers of the anticipated impacts of a project, analyzing and mitigating for an unrealistic development scenario

would have been contrary to the intent and purpose of CEQA. The County employed a methodology that resulted in a reasonable estimate of future nonresidential development.

Commenter has not demonstrated how basing the nonresidential development scenario on regional growth projections, historical permitting data, and projects already in the County's development "pipeline" was invalid or underestimated future commercial and industrial development.

D-3 Commenter opines that the 2045 General Plan Development Scenario includes false assumptions, and suggests that "moving another 10,140 acres outside the ULL" would create new "super-commuters" with associated impacts. Commenter does not substantiate these claims with evidence. Furthermore, Commenter's claims appear to be based on their misunderstanding of the 2045 Development Scenario. None of the acreage proposed to be moved outside the ULL is designated for residential, commercial, or industrial use, and the 2045 Development Scenario does not anticipate any conversion of that land to those urban uses. In other words, contracting the ULL as proposed does not displace or prohibit any future urban development that was anticipated to occur under the 2045 Development Scenario. Commenter's assertion that contracting the ULL as proposed would create new "super-commuters" is therefore false.

D-4 Commenter claims that preparation of a new project-level EIR is necessary to properly analyze air quality, transportation, and greenhouse gas emissions (GHG) impacts associated with the proposed project. Commenter also claims that the proposed project would reduce opportunities for housing development.

Commenter does not substantiate these claims with evidence that such impacts under the proposed project could exist. As detailed in the Initial Study, the proposed project would not result in new or increased transportation, air quality, or GHG impacts. The proposed project would not change the adopted 2045 General Plan land use designations in the unincorporated county and the County's ULL does not change the type and intensity of development allowed under these land uses. Therefore, the distribution and quantity of development throughout the unincorporated county under the proposed project would remain the same as contemplated under the 2045 General Plan. Furthermore, Commenter offers no evidence in support of their assertion that the proposed project will reduce opportunities for housing development. However, that assertion and related comments are addressed in the responses to Comments D-16 through D-20.

D-5 Commenter quotes the CEQA Guidelines and does not comment on the adequacy of the environmental review. No response is necessary.

D-6 Commenter claims that the circumstances of the proposed project and 2045 General Plan are significantly different, giving rise to an increase in the severity of air quality, transportation, and GHG emissions impacts.

Commenter provides no evidence to support the claim that the proposed project would move residents away from jobs centers (thereby resulting in increased impacts). As noted in the responses to Comments D-3 and D-4, the proposed project would not change land use designations in the 2045 General Plan Development Scenario. Changes to the Development Scenario designation changes would have the potential to affect the location and type of development that could occur, resulting in the kinds of impacts described in this comment. However, no aspect of the proposed project has the potential to affect how land can be developed under its existing land use designation.

D-7 Commenter claims that the GPEIR did not analyze contractions of the ULL affecting land in the City of Clayton's Sphere of Influence (SOI) and Marsh Creek Road Specific Plan (MCRSP) and in Census-designated urban areas, and that these contractions constitute new circumstances requiring additional analysis.

Commenter does not offer evidence to support the claim that the ULL contractions proposed in urban areas, Clayton's SOI, and the MCRSP area represent a new circumstance that would result in new impacts. As previously noted, the proposed project involves no change to adopted land uses in the unincorporated county, including any land regulated by the MCRSP or within urban areas of the unincorporated county.

While the proposed project does not involve any changes to the regulatory or environmental conditions of the project area (i.e., the unincorporated county), which are generally recognized as the circumstances of a project, if the contractions of the ULL could be cited as changes in circumstances, then these proposed changes would still not meet the criteria of the Section 15162 of the CEQA Guidelines requiring subsequent analysis. A change in circumstances would need to result in new or greater significant impacts to require the preparation of a subsequent CEQA document. The Initial Study demonstrated that there would be no new or more severe impacts associated with the proposed project and as previously noted, no evidence has been brought forward by Commenter to substantiate the claim that new or more severe impacts would occur.

Furthermore, it should be clarified that the MCRSP and its land use designations, which Commenter refers to as "pre-zoning," are not applicable in the unincorporated county and are not relevant to the environmental analysis for the proposed project.

D-8 Commenter claims that the project has not been properly noticed because the City of Clayton's SOI and MCRSP were not analyzed or included in the record. Commenter claims that these documents present a land use conflict with the proposed project.

Commenter is correct that the GPEIR does not analyze the City of Clayton's SOI or the MCRSP. As explained in response to Comment D-7, neither the SOI nor MCRSP are applicable within the unincorporated county. This comment and previous comments bring forward no evidence of a land use conflict. As noted in the Initial Study, neither the 2045 General Plan nor the proposed project create a land use or regulatory conflict.

Commenter is therefore incorrect that Initial Study Sections XI, *Land Use and Planning,* and XIV, *Population and Housing*, must be amended.

Commenter references question b in Section XI, which asks whether a project would 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?" The proposed project does not conflict with Clayton's SOI or the MCRSP because neither is applicable in the unincorporated county. Furthermore, neither Clayton's SOI nor the MCRSP were adopted "for the purpose of avoiding or mitigating an environmental effect." While the MCRSP includes environmental protections, its primary purpose is to guide more intense future development of an area that is largely rural. The proposed project is consistent with aspects of the MCRSP adopted for the purpose of avoiding or mitigating environmental effects because it allows *less* development than the MCRSP, thereby resulting in fewer and less severe impacts in the area covered by the MCRSP.

Commenter also references question a in Section XIV, which asks whether a project would "induce substantial unplanned population growth in an area." As explained above, the proposed project does not change the allowed uses or amount of development that could result from implementation of the 2045 General Plan. It therefore has no impact on population growth.

D-9 Commenter asserts that a statement made by Conservation and Development Director Kopchik regarding the City of Clayton's interest in annexing the Moita/Heartland land was inaccurate and prejudiced the Board of Supervisors and County staff.

Commenter's assertion does not address the adequacy of the environmental review. No response is necessary. However, in the interest of clarifying the record, it should be noted that Director Kopchik's statement is accurate. Since the MCRSP was adopted in June 1995, the City of Clayton has neither applied to the Local Agency Formation Commission (LAFCO) to annex any of the Moita/Heartland property nor expand its SOI to include additional Moita/Heartland property, nor has the City expanded its ULL to include additional Moita/Heartland property. The Growth Management Element of Clayton's General Plan includes Figure 3, a map showing the City's boundary, its SOI, its ULL, and areas labeled "Areas Proposed for Removal from SOI." The portion of Clayton's SOI that is outside its ULL and on the Moita/Heartland property is included in the areas proposed for *removal* from the SOI. Commenter ignores the fact that Clayton's General Plan suggests the City is uninterested in pursuing development of the Moita/Heartland property in a manner consistent with the MCRSP.

D-10 Commenter expands on the points made under Comment D-9. See response to Comment D-9. Comment D-10 does not address the adequacy of the environmental analysis. No additional response is necessary.

D-11 Commenter expands on the points made under Comments D-9 and D-10 and goes on to state that excluding the Moita/Heartland property "from potential housing development for at least another 25 years, without any substantive analysis in the IS is unlawful, and the County must analyze adequate alternative scenarios."

No additional alternatives analysis is necessary. As detailed in the response to Comment D-14, Commenter does not identify additional, reasonable alternatives that should be considered as ways of avoiding or reducing the significant effects of the project. The proposed project neither changes the 2045 General Plan Development Scenario nor affects the City of Clayton's ability to pursue development of the Moita/Heartland property pursuant to the MCRSP.

D-12 Commenter elaborates on the context associated with adoption of the existing 2006 Measure L ULL and its perceived conflicts with land use regulations that would allow for the annexation of land in the City of Clayton's SOI into the City of Clayton.

This comment does not address the adequacy of the environmental review for the proposed project. No response is necessary. Nevertheless, in the interest of clarifying the record, in March 2007 the City of Clayton adopted the County's 2006 voter-approved ULL as it pertained to Clayton's boundaries at the time. The two ULLs (City and County) are separate regulatory instruments that operate independently. Adjusting the County ULL does not adjust the City ULL, meaning contracting the County ULL as proposed would not affect the City's ability to expand its ULL pursuant to the "Worth Amendment" referenced in the comment. The City could pursue an expansion of its ULL to implement all or part of the MCRSP regardless of how the County ULL is adjusted.

D-13 Commenter claims that the proposed project would result in lost housing capacity associated with the Moita/Heartland lands, which must be analyzed as part of the CEQA process for the proposed project.

Commenter acknowledges that development of the Moita/Heartland property would occur through annexation to the City of Clayton. As explained above, the proposed project does not affect the City of Clayton's ULL or SOI, or the City's ability to implement its MCRSP. Because the proposed project would have no impact on Clayton's ability to expand its ULL and SOI and implement the MCRSP, the proposed project would not result in a "loss of 29 new housing units" as Commenter claims. The "loss" of these units therefore need not be analyzed in the CEQA document.

D-14 Commenter states that an alternatives analysis is required for EIRs and suggests that an expansion of the ULL to include the MCRSP is a feasible alternative that reduces impacts and should be studied.

Pursuant to CEQA Guidelines Section 15126.6, the GPEIR included an alternatives analysis that analyzed four alternatives to the 2045 General Plan and 2024 CAAP Update.

The proposed project facilitates implementation of the 2045 General Plan as intended, through continuation of the 65/35 Land Preservation Plan and ULL and does not change the development capacity/projection described in the GPEIR. The proposed project therefore has the same impacts as analyzed in the GPEIR. Thus, the analysis of the alternatives evaluated for the project considered in the GPEIR (adoption of the 2045 General Plan and 2024 CAAP Update) is also appropriate with respect to the current proposed project (2026 Urban Limit Line Renewal). As the 2045 General Plan and 2024 CAAP Update have now been adopted, the alternatives evaluated in the GPEIR, with respect to the proposed project, would feasibly occur through revisions to the proposed project to include amendments to the current 2045 General Plan.

All of the alternatives considered, with the exception of the "No Project/Existing Plans" Alternative, which under the proposed project would entail keeping the existing Measure L-adopted ULL and not approving the 2026 ULL Renewal ballot measure, would reduce impacts associated with VMT, which is the only impact that would be reduced under Commenter's proposed alternative, according to this comment. Additionally, Commenter's proposed alternative involves changes to a small portion of land relative to the entirety of the unincorporated county. The scale of VMT reduction impacts under the proposed alternative would not result in a significant, if any, decrease in VMT at the county-wide level. Nor does Commenter provide any quantitative evidence to substantiate that the alternative would result in a decrease in VMT relative to existing conditions. Thus, the alternative proposed by Commenter is not an additional, reasonable alternative that must be considered because it would not avoid or reduce the significant effects of the project.

As noted in the responses to Comments D-4 and D-6, the proposed project would not result in new or increased significant impacts associated with the perceived lost housing capacity alleged by Commenter. As noted in responses to Comments D-7, D-8, and D-10 through D-13, the City of Clayton's General Plan and MCRSP are inapplicable in the unincorporated county and the proposed project does not impact Clayton's SOI or ULL, or Clayton's ability to implement the MCRSP.

D-15 Commenter claims that the CEQA process for the proposed project failed to analyze reasonable alternatives to the proposed project.

As noted in response to Comment D-14, the EIR being used for the proposed project analyzed four alternatives that meet the parameters for alternatives outlined in Section 15126.6 of the CEQA Guidelines. The proposed project itself, as substantiated in the Initial Study, would not result in any new or more significant impacts when compared to those analyzed in the GPEIR, as discussed in response to Comment D-14. The purpose of analyzing alternatives within the CEQA process is to reduce impacts associated with a proposed project; pursuant to the conclusions of the Section 15153 analysis, the alternatives in the GPEIR adequately cover the significant environmental effects of the

proposed project. The GPEIR analyzed a reasonable range of alternatives that cover the significant impacts of the proposed project. As the 2045 General Plan and 2024 CAAP Update have now been adopted, the alternatives evaluated in the GPEIR, with respect to the proposed project, would feasibly occur through revisions to the proposed project to include amendments to the current 2045 General Plan. With no new or increased significant impacts – and no additional, reasonable alternative identified – no analysis of additional alternatives is required.

D-16 Commenter claims that the land use designations of the Moita/Heartland property depicted in the Initial Study would partially allow its development for residential uses.

The Initial Study mistakenly included a draft version of the 2045 General Plan Land Use Map showing 13.2 acres of the approximately 164-acre Moita/Heartland property designated Residential Very-Low Density (RVL). The land use designations referenced by Commenter do not reflect the final Land Use Map adopted by the County for the 2045 General Plan. The 2045 General Plan Land Use Map adopted in November 2024, which depicts the entire Moita/Heartland property with the Agricultural Land (AL) designation, is shown in Section 4.2 of this document. This comment does not challenge the adequacy of the environmental review. No further response is necessary.

D-17 Commenter asserts that changing the land use designation on a 13.2-acre portion of the Moita/Heartland property from RVL to AL, which Commenter refers to as a "downzone," violated the "no net loss" provisions of Senate Bill (SB) 330.

Commenter's assertion is incorrect. SB 330 does not prohibit regulatory changes that decrease density or the yield of residential units on any particular property. SB 330 requires such decreases to be accompanied by commensurate increases to ensure no net loss of units. The County Board of Supervisors changed the land use designation on the Moita/Heartland property with adoption of the 2045 General Plan in November 2024. By the same action, the Board of Supervisors changed land use designations to increase and decrease density allowances on tens of thousands of acres across the unincorporated county. Increases occurred overwhelmingly in urban areas, while decreases occurred overwhelmingly in rural areas or on lands in urban areas that are inappropriate for intense development because of steep slopes, fire hazards, protected status, etc. The Board's action resulted in a substantial net increase in residential development potential in the unincorporated county. Thus, SB 330's "no net loss" provision was not violated. As explained in responses to several comments above, the proposed project does not change the allowed uses or amount of development that could result from implementation of the 2045 General Plan (i.e., the 20245 General Plan Development Scenario). Therefore, implementation of the proposed project would not result in an increase or decrease of residential units.

D-18 Commenter claims that the owners of the Moita/Heartlands property received no notice of the property's change in designation from RVL to AL in the 2045 General Plan.

Commenter's statement regarding notification does not address the adequacy of the environmental review. No response is necessary. However, in an attempt to be responsive to the concern raised, the County notes that notice was given pursuant to Government Code Sections 65353 and 65091. Specifically, because the number of property owners who would have received notice of the 2045 General Plan land use changes exceeded 1,000, the County provided notice of public hearings by placing a one-eighth page display-ad in the East Bay Times, as allowed under Section 65091(a)(4).

Commenter's statement that the proposed project creates a "housing moratorium" on 13.5 acres of the Moita/Heartland property is inaccurate. The proposed project would not affect a property owner's ability to pursue development under the 2045 General Plan and County Zoning Code. See response to Comment D-17 regarding Commenter's restatement of assertions related to SB 330.

D-19 Commenter claims that the contraction associated with the Moita/Heartland property and the perceived loss in housing capacity resulting from this contraction under the proposed project would result in cumulative impacts associated with sprawl in high VMT areas.

As reiterated throughout the responses to the comments in this letter, the proposed project does not affect the 2045 General Plan Development Scenario and does not involve actions that affect the availability of land for housing in the county. Commenter presents no substantial or credible evidence to support the conclusion that the proposed project would shift residential development from the Moita/Heartland property to other areas of the county with higher VMT impacts. The proposed project changes neither the land uses nor development projections associated with the 2045 General Plan and would continue its implementation as analyzed in the GPEIR.

An analysis of the cumulative impacts of the 2045 General Plan and 2024 CAAP Update pursuant to all CEQA Guidelines Appendix G checklist questions was provided in each topical section of the GPEIR. The geographic scope and nature of the proposed project (i.e., a ballot measure affecting the entirety of the unincorporated county) is such that no other cumulative projects of this scope exist other than the 2045 General Plan and 2024 CAAP Update. The proposed project would have no new or increased impacts when compared to those analyzed in the GPEIR, and therefore these impacts, when combined with other closely related past, present, or reasonably foreseeable projects (i.e., the 2045 General Plan and 2024 CAAP Update), would not be cumulatively considerable.

D-20 Commenter asserts that the proposed project would interfere with the ability of the City of Clayton to meet its current and future Regional Housing Needs Allocation (RHNA) obligations, resulting in environmental impacts associated with the housing capacity loss.

As noted in the responses to Comments D-7, D-8, and D-10 through D-13, the proposed project does not affect the City of Clayton's ULL or SOI or implementation of the MCRSP. With or without the proposed project, the City of Clayton could pursue annexations to meet its RHNA. Commenter's claims that the alleged loss in housing capacity would result in environmental impacts are addressed in the responses to Comments D-4, D-6, D-13, and D-19.

D-21 Commenter asserts that the County's "suggested reliance" on future "countywide ballot initiatives" to expand the City of Clayton's ULL to allow annexation and development of the Moita/Heartland property is so speculative and politically fraught that it constitutes a "de facto ban on ULL expansion and cannot substitute for CEQA analysis of the foreclosing of meaningful housing."

Commenter appears to misunderstand County comments and the process for the City of Clayton to move its ULL. The procedures to move Clayton's ULL are not the same as the County's and would not be affected by the proposed project. As explained in the response to Comment D-12 above, the City of Clayton adopted its own ULL in March 2007. In Section 4 of Resolution 10-2007, the Clayton City Council indicated that the City "shall not make adjustments of greater than 30 acres" to the ULL unless those adjustments were "approved by the voters in accordance with the ULL Principles." "ULL Principles" is a reference to the *Principles of Agreement for Establishing the Urban Limit Line* adopted by the Contra Costa Transportation Authority. The ULL Principles specify a procedure for local jurisdictions (i.e., the cities in Contra Costa County, but not the County itself) to expand their ULLs by more than 30 acres. Specifically, the ULL Principles state that a local jurisdiction may revise or establish a new local ULL at any time by placing a ULL measure on the local ballot, to be approved by the jurisdiction's voters, and recognized by action of the jurisdiction's legislative body. In other words, a city can expand its ULL by more than 30 acres by placing a ULL measure on the local ballot, receiving approval by the city's voters, and having the expanded ULL recognized by action of the city council. A countywide vote is not required for Clayton to expand its ULL to include all or part of the Moita/Heartland property. Commenter's statements under Comment D-21 are predicated on the misunderstanding that a countywide vote, not a citywide vote, would be required to expand Clayton's ULL by more than 30 acres.

D-22 Commenter summarizes the primary concerns detailed within the comment letter and provides conclusionary remarks.

Points 1 through 5 of this comment are addressed in the responses to Comments D-2 through D-21. The 6th point detailing Commenter's preferred course of action with respect to the Moita/Heartland property and its position relative to the ULL does not relate to the environmental analysis for the proposed project and requires no further response.

3. Response to Comments

Following this letter are two attachments, Exhibit 1, *Worth Amendments to Plan C Compromise,* and Exhibit 2, *Marsh Creek Road Specific Plan EIR Adopted June 28, 1995*. These attachments are referenced as supporting materials in certain comments in this letter. As none of the content of these attachments references or comments on the adequacy of this environmental review for the proposed project, no response is required.

3. Response to Comments

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4. Revisions Associated with the Proposed Project

4.1 INTRODUCTION

This section contains revisions to the Initial Study based upon: (1) additional or revised information required to prepare a response to a specific comment; (2) applicable updated information that was not available at the time of Initial Study publication; and/or (3) typographical errors. This section also reflects a minor change made to the proposed ULL map which is reflected in Section 2, *Project Description*, of the Initial Study. This change does not alter or change the conclusions of the environmental analysis for the proposed project. Changes made to the Initial Study are identified here in ~~strikeout text~~ to indicate deletions and in underlined text to indicate additions. No revisions to the GPEIR, as the Draft EIR for the proposed project, were required.

4.2 INITIAL STUDY REVISIONS

Revisions In Response to Comments Received on the Initial Study

Figure 3, *General Plan Land Use Map*, shown on page 17 of the Initial Study is revised to reflect the adopted November 2024 Land Use Map in the 2045 General Plan. This figure is reproduced below.

Revisions to the Initial Study based on Minor Project Modifications

On October 21, 2025, the Board of Supervisors approved a 13-lot subdivision in unincorporated Moraga. During review of that project, County staff identified 35.3 acres on the project site and nearby properties appropriate for ULL contraction due to the presence of steep slopes and sensitive habitat, and being in a Very High Fire Hazard Severity Zone. As a result of this revision to the proposed ULL map, the following revisions are made to the figures and text in the Initial Study.

Section 2.2.4, *Revisions to the Urban Limit Line Map*, pages 24 and 25 of the Initial Study are hereby revised as follows.

Contractions involve moving land outside the boundaries of the ULL, thereby restricting redesignation of the land for future urban development. In total, ~~11,063~~ 11,098 acres are proposed to be moved outside the ULL as contractions. Expansions involve moving land inside the ULL, thereby potentially allowing redesignation of the land for future urban development… If adopted, the proposed adjustments would result in a net ULL contraction of ~~9,460~~ 9,495 acres.

Contractions

Constraints (Figure 6a; 4,403 ~~4,368~~ acres).

4. Revisions Associated with the Proposed Project

Section 2.2.4, Table 1 and Table 2a on pages 26 and 27 of the Initial Study are hereby revised as follows.

Table 1 Summary of ULL Adjustments by Type

Contractions		Expansions	
Type	**Acreage**	**Type**	**Acreage**
Simplify Shoreline	847	Simplify Shoreline	421
Align with City Limits	873	Align with City Limits	923
Restricted Development	3,487	Existing Development	130
Buffer	1,488	Improved Clarity	129
Constraints	4,403 ~~4,368~~		
TOTAL	**11,098 ~~11,063~~**	**TOTAL**	**1,603**
Note: The 500-acre Byron Airport Potential ULL Expansion Area is not included in these acreages.			

Table 2a ULL Contractions

	Restricted Development	Buffers	Constraints	Align with City Limits	Shoreline Simplification
Figure 7a	126	11	19	--	161
Figure 7b	7	115	61	--	--
Figure 7c	206	--	54 ~~19~~	--	--
Figure 7d	235	--	440	168	--
Figure 7e	83	82	201	--	--
Figure 7f	67	41	71	--	--
Figure 7g	130	--	--	192	--
Figure 7h	954	--	220	--	--
Figure 7i	597	260	1	--	--
Figure 7j	--		2,797	1	1
Figure 7k	16	42	--	512	686
Figure 7l	589	448	494	--	--
Figure 7m	341	489	45	--	--
TOTAL	**3,487**	**1,488**	**4,403 ~~4,368~~**	**873**	**847**

Notes:

Figure 7a, covers the communities of North Richmond, Kensington, East Richmond Heights, and Tara Hills near the Cities of Richmond, San Pablo, El Cerrito, and Pinole

Figure 7b, covers the communities of Alhambra Valley and Reliez Valley near the Cities of Martinez, Pleasant Hill, and Lafayette

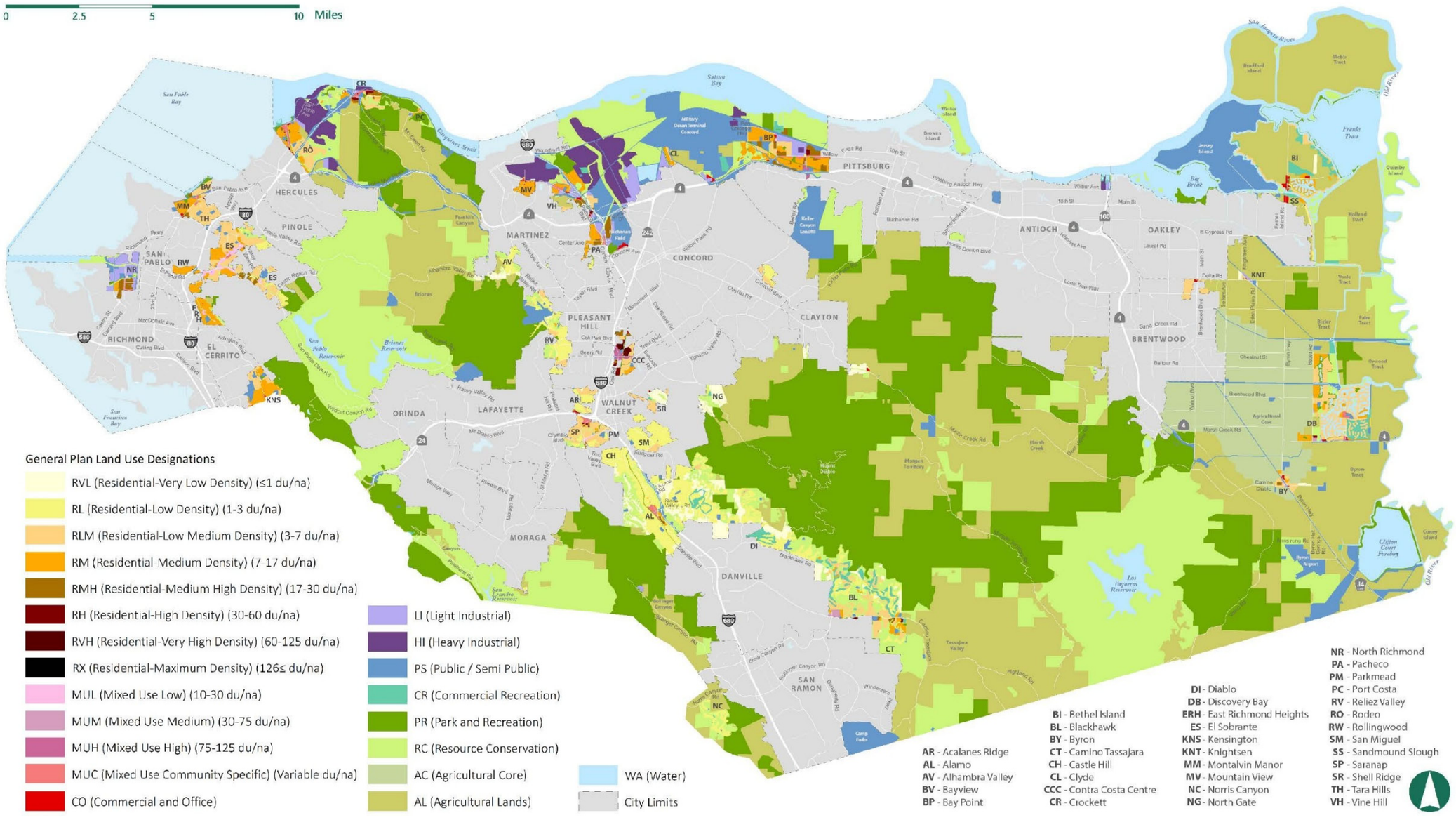
Figure 7c, covers the community of Canyon near the City of Orinda and Town of Moraga

	Restricted Development	Buffers	Constraints	Align with City Limits	Shoreline Simplification
Figure 7d, covers near City of San Ramon and the communities of Norris Canyon and Camino Tassajara and areas near the City of San Ramon and Town of Danville					
Figure 7e, covers near the Town of Danville and the communities of Alamo, Diablo, and Blackhawk near the Town of Danville and city of Walnut Creek					
Figure 7f, covers the community of North Gate and areas near the Cities of Concord and Clayton					
Figure 7g, covers areas near the Cities of Brentwood and Antioch					
Figure 7h, covers the community of Byron and the 500-acre study area near Byron Airport					
Figure 7i, covers the community of Discovery Bay and areas near the City of Brentwood					
Figure 7j, covers the communities of Knightsen and Bethel Island and areas near the Cities of Oakley and Antioch					
Figure 7k, covers areas near the Cities of Pittsburg and Antioch					
Figure 7l, covers the communities of Bay Point and Clyde and areas near the City of Concord and near the Military Ocean Terminal Concord					
Figure 7m, covers the communities of Rodeo and Crockett					
All individual acreages are rounded to the nearest whole number.					

Section 2.2.4, Figures 5, *Proposed Urban Limit Line*, 6a, *ULL Adjustments Where Development is Constrained*, and 7c, *Proposed ULL Adjustments in Area C*, of the Initial Study are hereby revised, as shown in the following pages of this document.

4. Revisions Associated with the Proposed Project

Figure 3 General Plan Land Use Map



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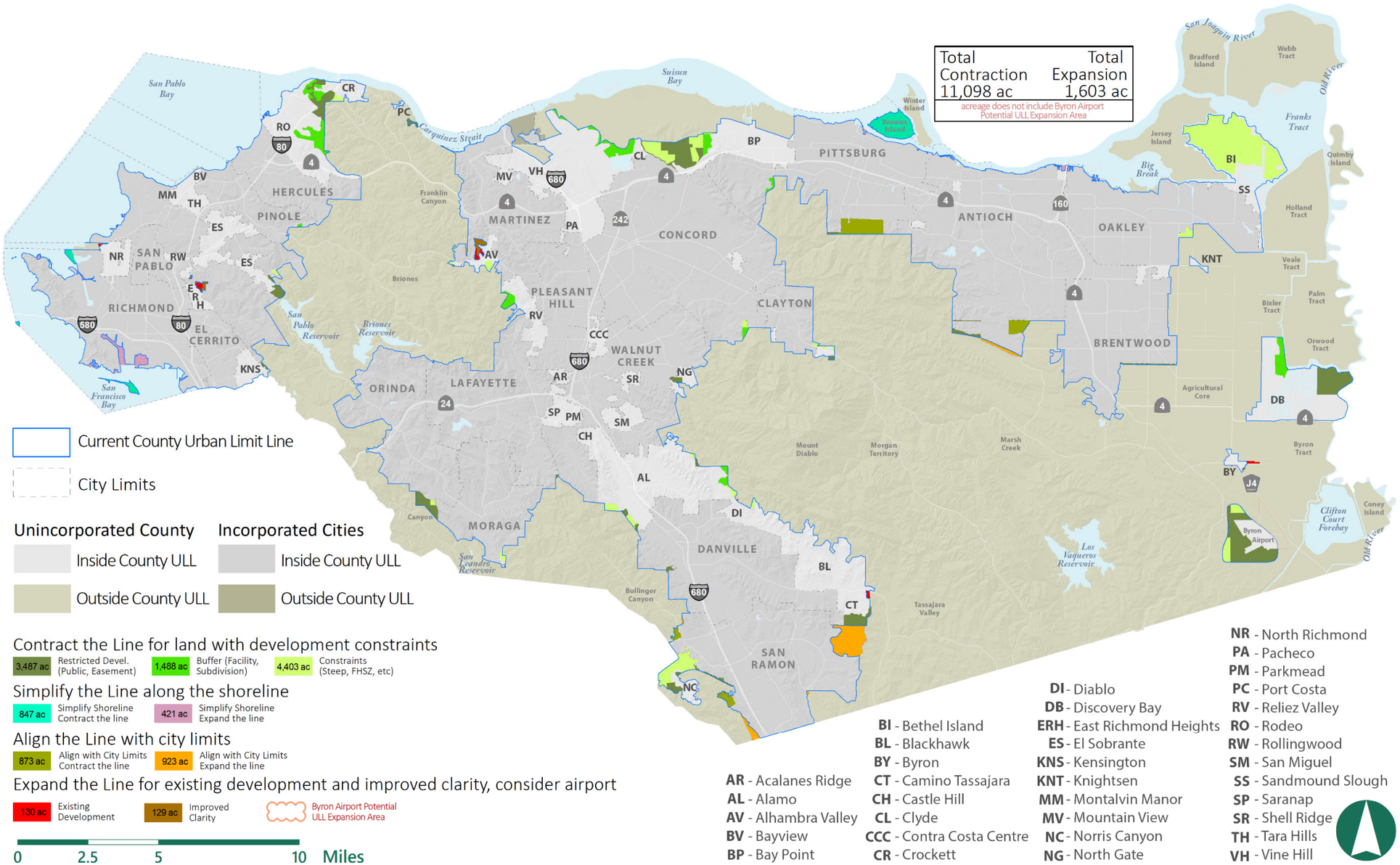
4. Revisions Associated with the Proposed Project

Figure 5 Proposed Urban Limit Line



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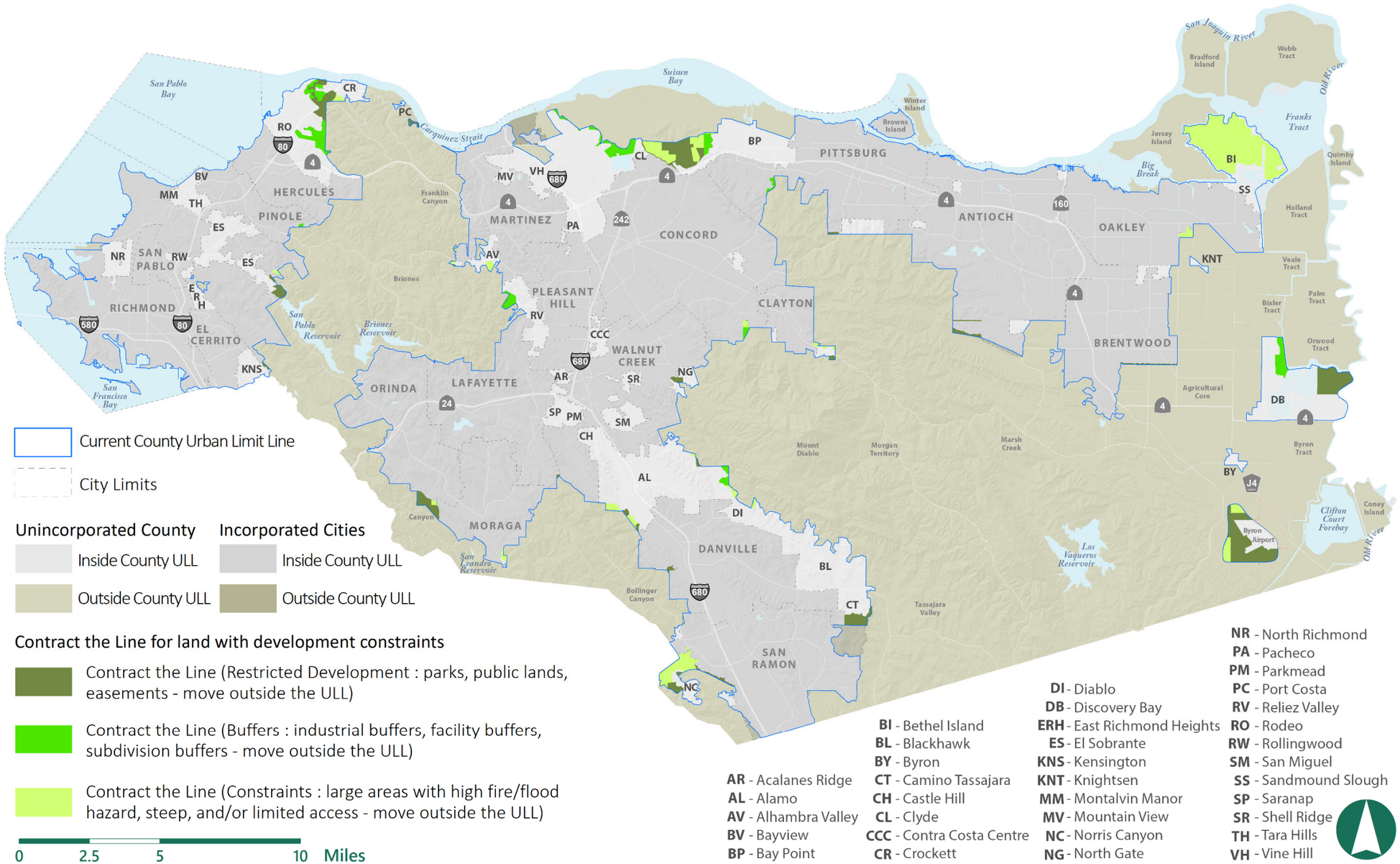
4. Revisions Associated with the Proposed Project

Figure 6a ULL Adjustments Where Development is Constrained



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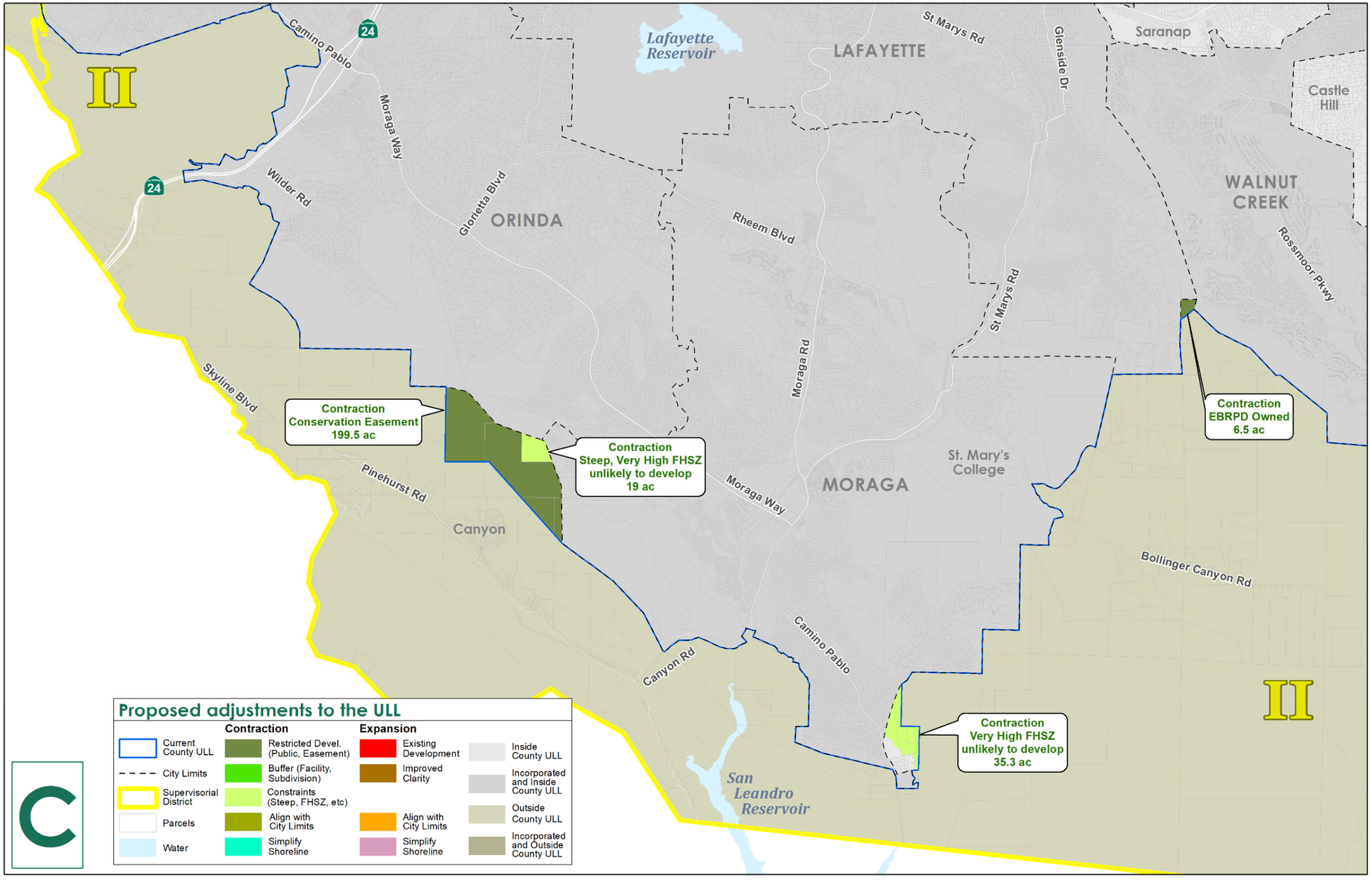
4. Revisions Associated with the Proposed Project

Figure 7c Proposed ULL Adjustments in Area C



APPENDIX A:
TRIBAL CORRESPONDENCE

Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

September 9, 2025

Lawrence Wilson, Jr.
Cultural Specialist
California Valley Miwok Tribe
P.O. Box 695
San Andreas, CA 95249

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Lawrence Wilson, Jr.,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies the California Valley Miwok Tribe of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

The proposed project is a Board of Supervisors action to place a measure on the 2026 Primary Election or General Election ballot asking the voters of Contra Costa County to amend the Land Use Element of the Contra Costa 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code) to extend the Urban Limit Line (ULL) and 65/35 Plan term, modify the ULL periodic review requirement, make revisions to the adopted ULL map, and make other changes to the text of the Ordinance and findings for the ULL adjustment process. Please see additional details about the proposed project in the pages below.

The County prepared an Initial Study for the proposed project in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15153 which allows a lead agency to use an EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same. The Initial Study for the proposed project concludes that the 2024 Environmental Impact Report for the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update (EIR) adequately evaluates the impacts

associated with the proposed project and is sufficient to serve as the environmental document for the proposed project. The Initial Study also concludes that the proposed project would not result in any additional impacts beyond those evaluated in the EIR.

The County values your feedback as part of our review process. Thus, in accordance with Government Code 65352.3(a)(2), we request a written response from you indicating your intent to consult on this proposed project. Please contact Will Nelson at (925) 655-2898 or will.nelson@dcd.cccounty.us, or at the follow address:

Department of Conservation and Development
30 Muir Road
Martinez, CA 94553
Attn: Will Nelson

Sincerely,

Will Nelson, Advance Planning Manager
Department of Conservation and Development
Contra Costa County

PREVIOUS TRIBAL CONSULTATION. The County adopted the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update and certified an EIR evaluating the impacts of implementing these countywide plans, on November 5, 2024. In accordance with SB 18 requirements, the County sent letters to representatives of the Native American tribes provided by the Native American Heritage Commission (NAHC) on January 15, 2021, formally inviting tribes to consult with the County on the 2045 General Plan. In accordance with AB 52 requirements for the EIR, an invitation for consultation was sent out to the County's NAHC-provided Tribal Consultation List on October 5, 2023. Recommendations, comments, edits, and mitigation measures provided by tribes that participated in the tribal consultation process were incorporated into the 2045 General Plan and EIR.

PROJECT BACKGROUND. On November 6, 1990, Contra Costa County voters approved Measure C (Measure C-1990), the 65/35 Contra Costa County Land Preservation Plan (the 65/35 Plan), which established various mechanisms aimed at containing urban sprawl and protecting resources like agricultural land and scenic ridges. The most significant and impactful of these mechanisms are the 65/35 Land Preservation Standard (the 65/35 Standard) and ULL. Pursuant to the 65/35 Standard, no more than 35 percent of the land within the county may be designated for urban uses (residential, commercial, industrial, etc.) in the General Plans of the County and the 19 cities, and at least 65 percent must be designated for nonurban uses, including agriculture, open space, parks, and other non-urban uses. Meanwhile, the ULL establishes a boundary beyond which no land may be designated for urban land uses. Operating together, the 65/35 Standard and ULL limit the geographic extent of urban development in the county.

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1. Extend the term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line through December 31, 2051.
2. Modify the periodic ULL review requirements of the 65/35 Land Preservation Plan Ordinance to align reviews of the ULL with State-mandated Housing Element update cycles.
3. Modify the criteria and factors enumerated in the 65/35 Land Preservation Plan Ordinance for determining whether land should be considered for location outside the ULL, to include:

i. Lands which qualify for rating as Class I or Class II in the Soil Conservation Service Land Use Capability Classification.

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iii. Lands with slopes of 26 percent or greater.

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ix. Other areas not appropriate for urban growth because of separation from existing development, unstable geologic conditions, likelihood of substantial environmental damage or substantial injury to fish or wildlife or their habitat, and other similar factors rendering the land physically unsuitable for intense development.

4. Retain, during the extended term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line, the requirement for voter approval to expand the County's Urban Limit Line by more than 30 acres, except as specifically authorized in the 65/35 Land Preservation Plan Ordinance, and approved by the voters in this ballot measure, namely:

   The Board of Supervisors may, without subsequent voter approval, expand the ULL by any acreage within the boundaries of the Byron Airport Potential ULL Expansion Area illustrated on General Plan Land Use Element Figure LU-2, Urban Limit Line, after holding a public hearing at which the Board adopts the General Plan amendment for the expansion, by a four-fifths vote, after making each of the following findings based on substantial evidence in the record:

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   b. The expanded ULL area will accommodate uses directly linked to aeronautics, such as aviation research and development, aircraft manufacturing/assembly, and aeronautical schools/training facilities.

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6. Retain in both the General Plan and County Ordinance Code the existing procedure for any change to the County's ULL under 30 acres based on a four-fifths vote of the Board of Supervisors after holding a public hearing and making at least one of seven findings, as proscribed in both the General Plan and County Ordinance Code, based on substantial evidence in the record.
7. Modify the enumerated findings proscribed in both the General Plan and County Ordinance Code required for a change to the County's ULL under 30 acres to reflect the modified periodic ULL reviews and to make other non-substantive changes.
8. Retain the 65/35 Standard for land preservation in Contra Costa County, whereby at least 65 percent of the overall County land area will be retained for non-urban uses through the year 2051.
9. Retain protections for the County's prime agricultural land, specifically the area designated in the General Plan as the Agricultural Core, by maintaining the 40-acre minimum parcel size.
10. Approve a new ULL Map for the General Plan (Figure LU-2 in the 2045 General Plan Land Use Element), which reflects the following changes:
    i. Moves 3,487 acres with significant development restrictions, such as ownership by government agencies or encumbrance with conservation or agricultural easements, outside the ULL.
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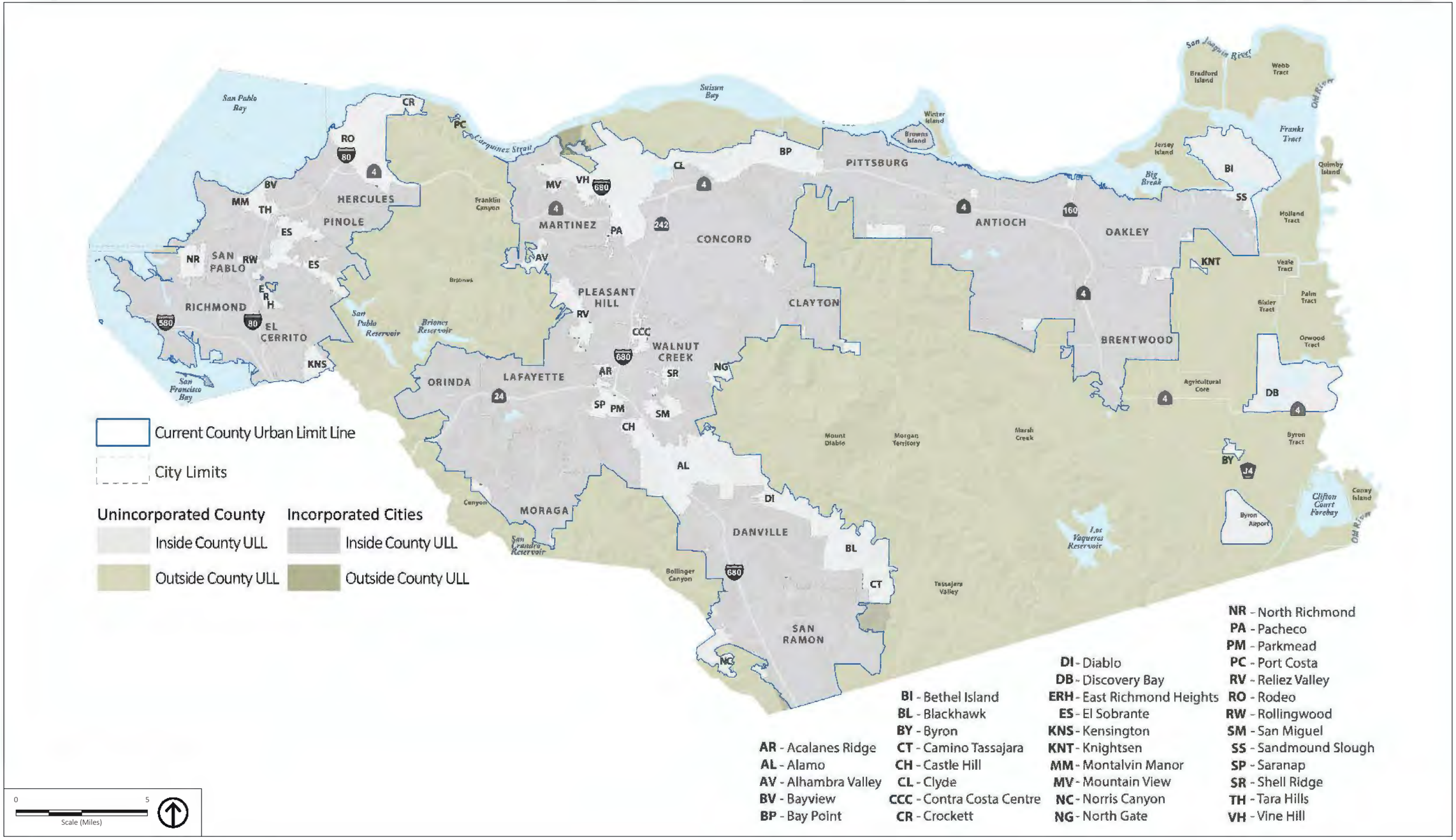
    iii. Moves 4,368 acres with significant development constraints, such as high fire hazards, steep slopes, and flood hazards, outside the ULL.
    iv. Moves 873 acres outside the ULL and 923 acres inside the ULL to align the ULL with city limits.
    v. Moves 847 acres outside the ULL and 421 acres inside the ULL to simplify and improve understanding of the ULL along the county's shoreline.
11. Update administrative sections of the 65/35 Land Preservation Ordinance to correct outdated text and achieve consistency with the changes described in items 1-10 above.

The proposed adjustments to the ULL Map are shown in Figure 2, *Proposed Urban Limit Line*. It is important to note that the proposed project does not change the development potential evaluated in the 2045 General Plan as there are no changes to the Land Use Map or land use designations.

Attachments:

Figure 1 – Current Adopted County Urban Limit Line
Figure 2 – Proposed Urban Limit Line



AR - Acalanes Ridge
AL - Alamo
AV - Alhambra Valley
BV - Bayview
BP - Bay Point
BI - Bethel Island
BL - Blackhawk
BY - Byron
CT - Camino Tassajara
CH - Castle Hill
CL - Clyde
CCC - Contra Costa Centre
CR - Crockett
DI - Diablo
DB - Discovery Bay
ERH - East Richmond Heights
ES - El Sobrante
KNS - Kensington
KNT - Knightsen
MM - Montalvin Manor
MV - Mountain View
NC - Norris Canyon
NG - North Gate
NR - North Richmond
PA - Pacheco
PM - Parkmead
PC - Port Costa
RV - Reliez Valley
RO - Rodeo
RW - Rollingwood
SM - San Miguel
SS - Sandmound Slough
SP - Saranap
SR - Shell Ridge
TH - Tara Hills
VH - Vine Hill

Source: Contra Costa County Department of Conservation and Development 2025.

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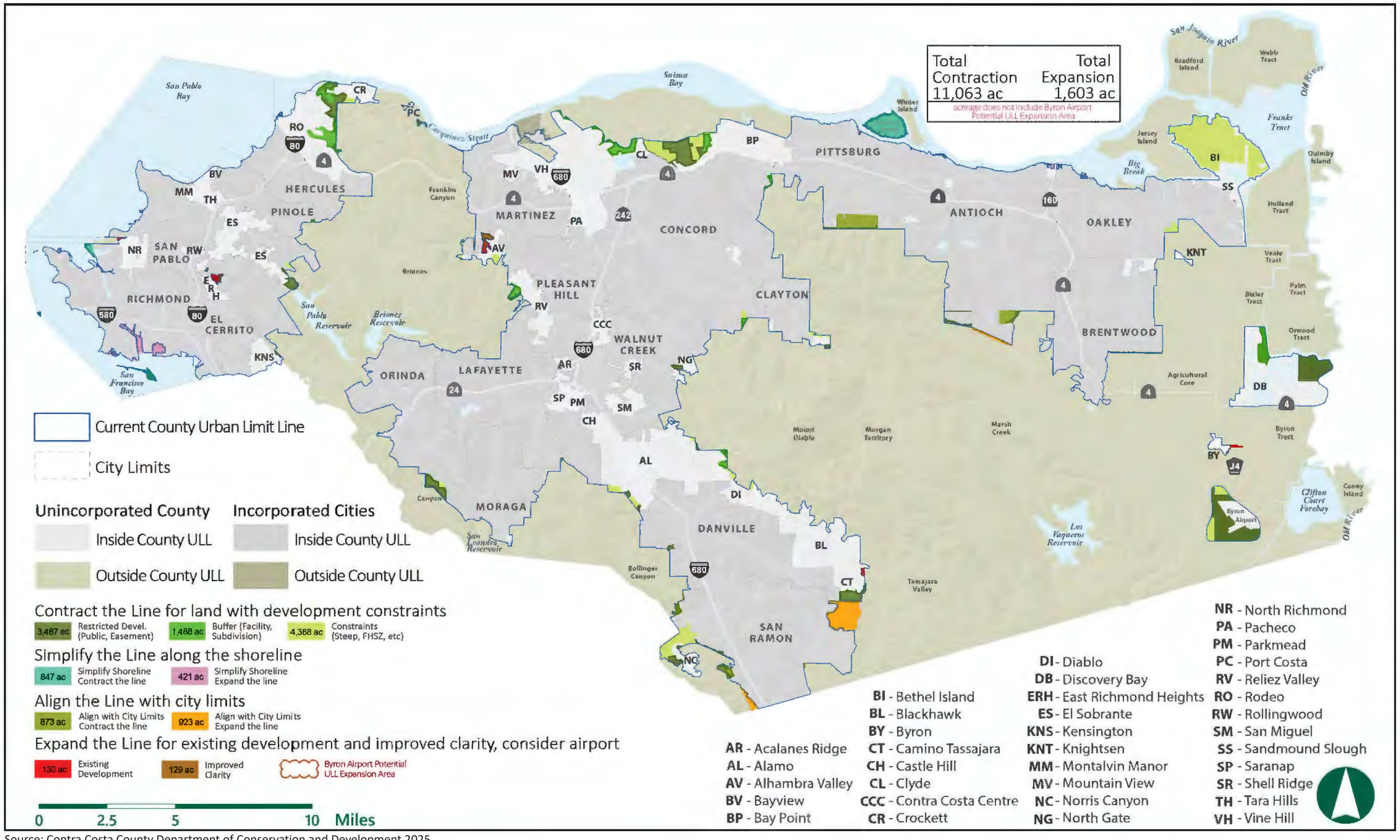
Current Adopted County Urban Limit Line



Source: Contra Costa County Department of Conservation and Development 2025.

Figure 2
Proposed Urban Limit Line

Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

September 9, 2025

Irene Zwierlein
Chairperson
Amah Mutsun Tribal Band of Mission San Juan Bautista
3030 Soda Bay Road
Lakeport, CA 95453

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Irene Zwierlein,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies the Amah Mutsun Tribal Band of Mission San Juan Bautista of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

The proposed project is a Board of Supervisors action to place a measure on the 2026 Primary Election or General Election ballot asking the voters of Contra Costa County to amend the Land Use Element of the Contra Costa 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code) to extend the Urban Limit Line (ULL) and 65/35 Plan term, modify the ULL periodic review requirement, make revisions to the adopted ULL map, and make other changes to the text of the Ordinance and findings for the ULL adjustment process. Please see additional details about the proposed project in the pages below.

The County prepared an Initial Study for the proposed project in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15153 which allows a lead agency to use an EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same. The Initial Study for the proposed project concludes that the 2024 Environmental Impact Report for the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update (EIR) adequately evaluates the impacts

associated with the proposed project and is sufficient to serve as the environmental document for the proposed project. The Initial Study also concludes that the proposed project would not result in any additional impacts beyond those evaluated in the EIR.

The County values your feedback as part of our review process. Thus, in accordance with Government Code 65352.3(a)(2), we request a written response from you indicating your intent to consult on this proposed project. Please contact Will Nelson at (925) 655-2898 or will.nelson@dcd.cccounty.us, or at the follow address:

Department of Conservation and Development
30 Muir Road
Martinez, CA 94553
Attn: Will Nelson

Sincerely,

Will Nelson, Advance Planning Manager
Department of Conservation and Development
Contra Costa County

PREVIOUS TRIBAL CONSULTATION. The County adopted the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update and certified an EIR evaluating the impacts of implementing these countywide plans, on November 5, 2024. In accordance with SB 18 requirements, the County sent letters to representatives of the Native American tribes provided by the Native American Heritage Commission (NAHC) on January 15, 2021, formally inviting tribes to consult with the County on the 2045 General Plan. In accordance with AB 52 requirements for the EIR, an invitation for consultation was sent out to the County's NAHC-provided Tribal Consultation List on October 5, 2023. Recommendations, comments, edits, and mitigation measures provided by tribes that participated in the tribal consultation process were incorporated into the 2045 General Plan and EIR.

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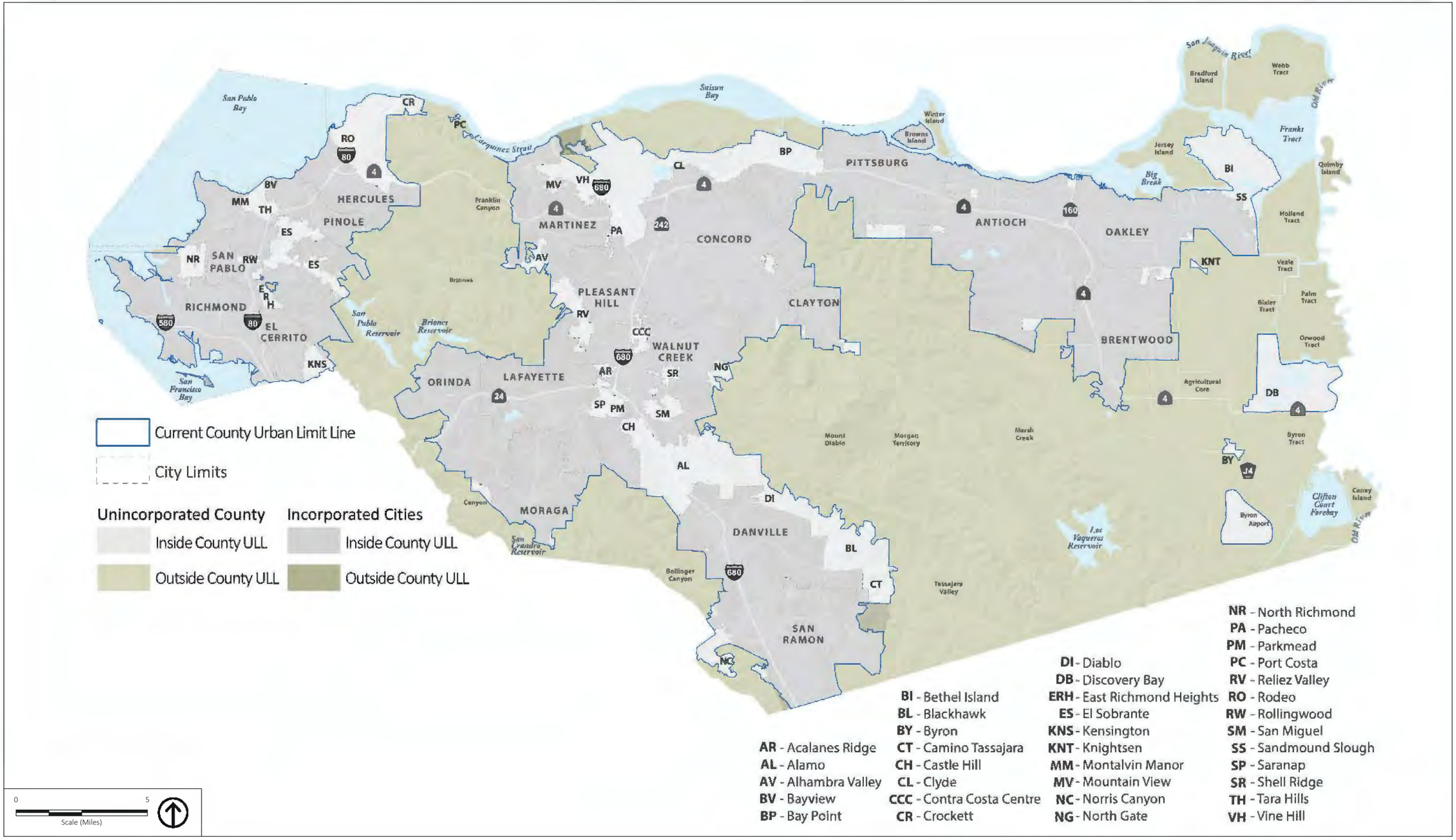

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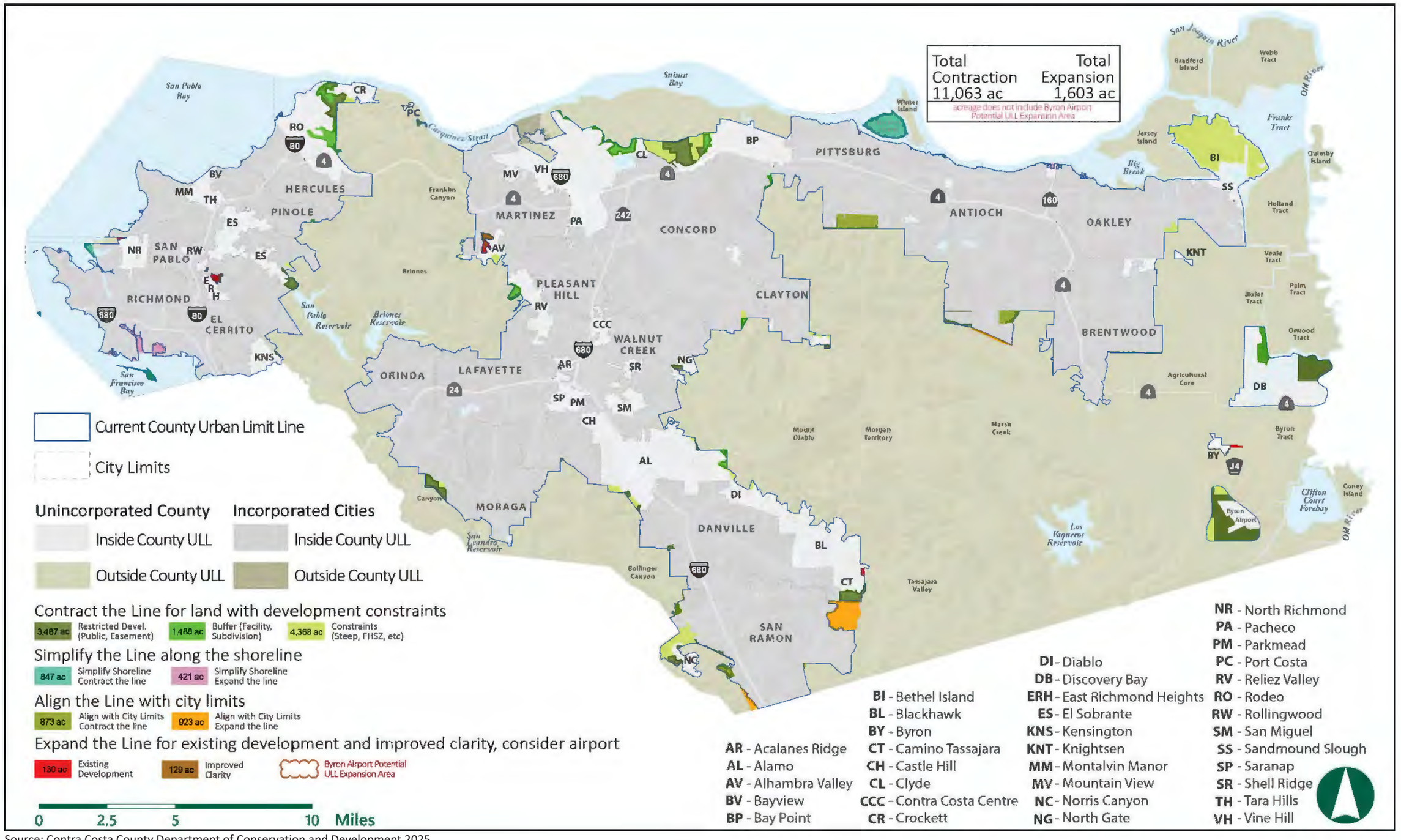

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30 Muir Road
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Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

August 23, 2025

Jesse Galvan, TPHO
Buena Vista Rancheria of
Me-Wuk Indians
1418 20th Street, Suite 200
Sacramento, CA 95811

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Jesse Galvan,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies Buena Vista Rancheria of Me-Wuk Indians of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

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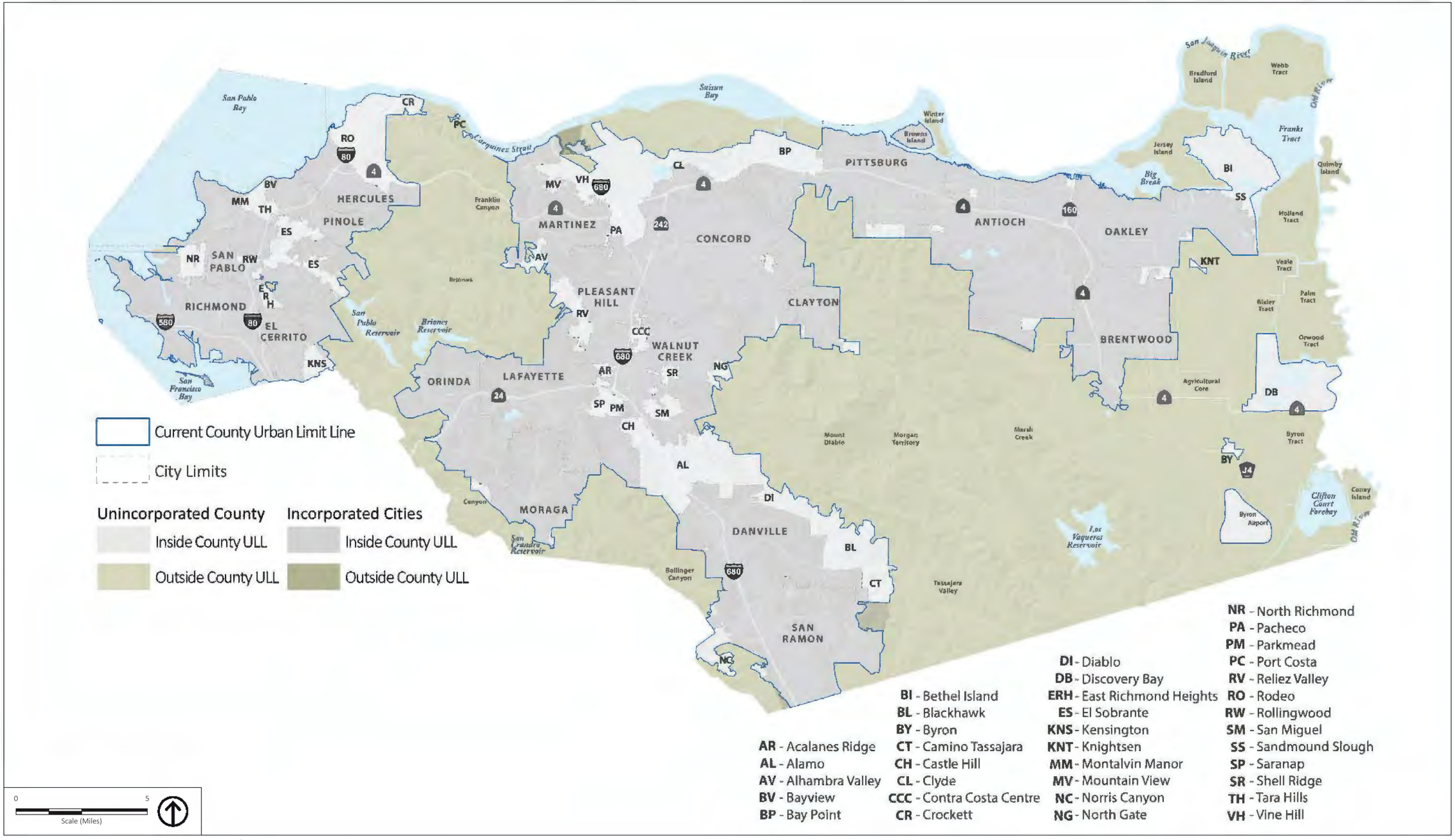

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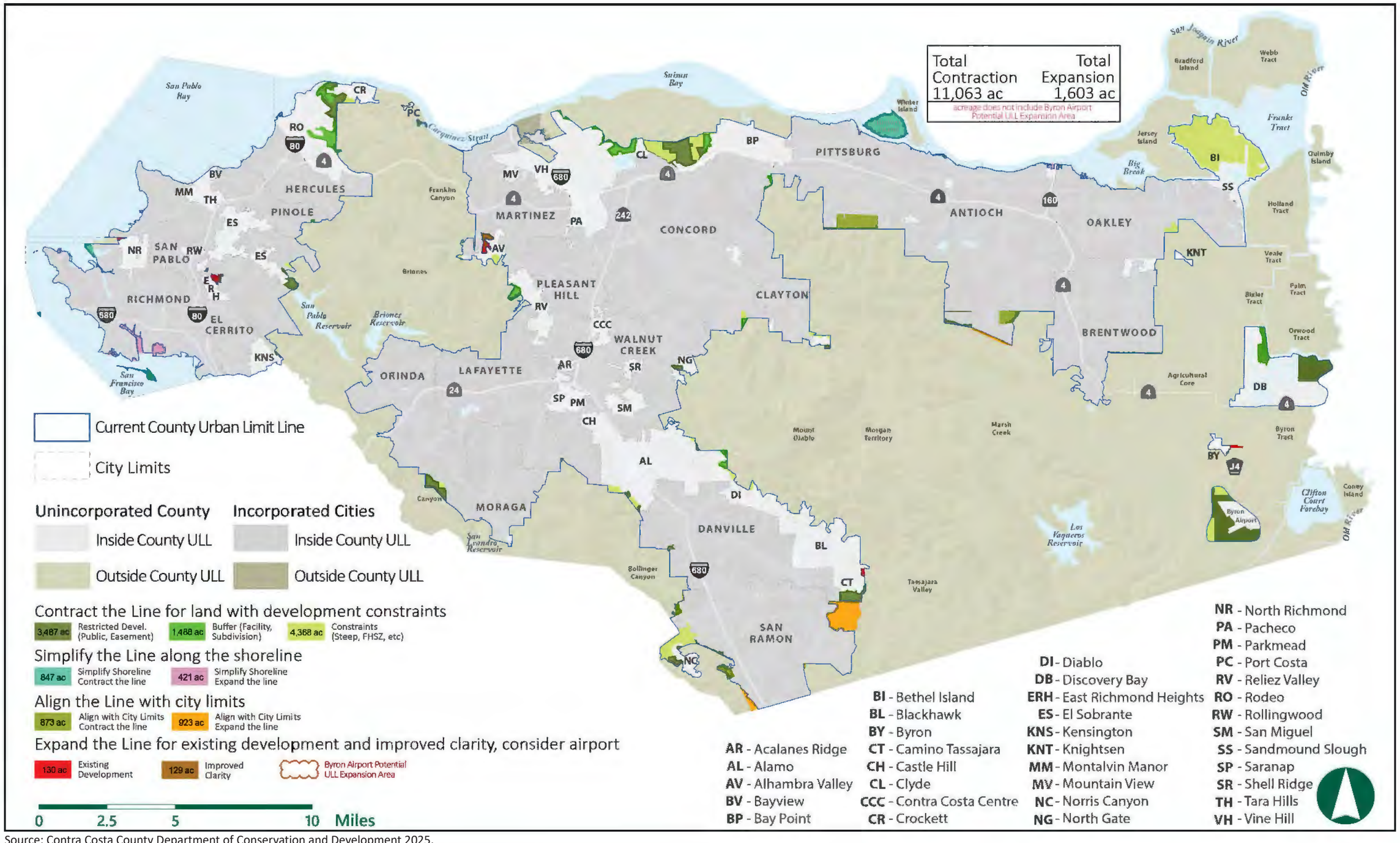

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Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

August 23, 2025

Jessalynn Pastran, Chairperson
Buena Vista Rancheria of
Me-Wuk Indians
1418 20th Street, Suite 200
Sacramento, CA 95811

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Jessalynn Pastran,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies Buena Vista Rancheria of Me-Wuk Indians of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

The proposed project is a Board of Supervisors action to place a measure on the 2026 Primary Election or General Election ballot asking the voters of Contra Costa County to amend the Land Use Element of the Contra Costa 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code) to extend the Urban Limit Line (ULL) and 65/35 Plan term, modify the ULL periodic review requirement, make revisions to the adopted ULL map, and make other changes to the text of the Ordinance and findings for the ULL adjustment process. Please see additional details about the proposed project in the pages below.

The County prepared an Initial Study for the proposed project in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15153 which allows a lead agency to use an EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same. The Initial Study for the proposed project concludes that the 2024 Environmental Impact Report for the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update (EIR) adequately evaluates the impacts

associated with the proposed project and is sufficient to serve as the environmental document for the proposed project. The Initial Study also concludes that the proposed project would not result in any additional impacts beyond those evaluated in the EIR.

The County values your feedback as part of our review process. Thus, in accordance with Government Code 65352.3(a)(2), we request a written response from you indicating your intent to consult on this proposed project. Please contact Will Nelson at (925) 655-2898 or will.nelson@dcd.cccounty.us, or at the follow address:

Department of Conservation and Development
30 Muir Road
Martinez, CA 94553
Attn: Will Nelson

Sincerely,

Will Nelson, Advance Planning Manager
Department of Conservation and Development
Contra Costa County

PREVIOUS TRIBAL CONSULTATION. The County adopted the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update and certified an EIR evaluating the impacts of implementing these countywide plans, on November 5, 2024. In accordance with SB 18 requirements, the County sent letters to representatives of the Native American tribes provided by the Native American Heritage Commission (NAHC) on January 15, 2021, formally inviting tribes to consult with the County on the 2045 General Plan. In accordance with AB 52 requirements for the EIR, an invitation for consultation was sent out to the County's NAHC-provided Tribal Consultation List on October 5, 2023. Recommendations, comments, edits, and mitigation measures provided by tribes that participated in the tribal consultation process were incorporated into the 2045 General Plan and EIR.

PROJECT BACKGROUND. On November 6, 1990, Contra Costa County voters approved Measure C (Measure C-1990), the 65/35 Contra Costa County Land Preservation Plan (the 65/35 Plan), which established various mechanisms aimed at containing urban sprawl and protecting resources like agricultural land and scenic ridges. The most significant and impactful of these mechanisms are the 65/35 Land Preservation Standard (the 65/35 Standard) and ULL. Pursuant to the 65/35 Standard, no more than 35 percent of the land within the county may be designated for urban uses (residential, commercial, industrial, etc.) in the General Plans of the County and the 19 cities, and at least 65 percent must be designated for nonurban uses, including agriculture, open space, parks, and other non-urban uses. Meanwhile, the ULL establishes a boundary beyond which no land may be designated for urban land uses. Operating together, the 65/35 Standard and ULL limit the geographic extent of urban development in the county.

On November 7, 2006, county voters approved Measure L (Measure L-2006), which carried forward most of the elements of Measure C-1990 while also extending the term of the 65/35 Ordinance to December 31, 2026; requiring a four-fifths vote of the County Board of Supervisors and voter approval to expand the ULL by more than 30 acres; requiring periodic reviews of the ULL by the Board of Supervisors; and adopting a new ULL Map. The County's current ULL Map is shown in Figure 1, *Current Adopted County Urban Limit Line.*

PROPOSED PROJECT: The proposed project is a 2026 ballot measure asking the voters of Contra Costa County to amend the Land Use Element of the 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (County Ordinance Code Chapter 82-1) to:

1. Extend the term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line through December 31, 2051.
2. Modify the periodic ULL review requirements of the 65/35 Land Preservation Plan Ordinance to align reviews of the ULL with State-mandated Housing Element update cycles.
3. Modify the criteria and factors enumerated in the 65/35 Land Preservation Plan Ordinance for determining whether land should be considered for location outside the ULL, to include:

i. Lands which qualify for rating as Class I or Class II in the Soil Conservation Service Land Use Capability Classification.

ii. Lands designated as High or Very High Fire Hazard Severity Zones on maps published by the California Department of Forestry and Fire Protection.

iii. Lands with slopes of 26 percent or greater.

iv. Lands at risk from substantial inundation due to flooding or anticipated sea level rise.

v. Lands with recorded development restrictions such as agricultural, conservation, or scenic easements or deeded development rights.

vi. Open space, parks, and other recreation areas.

vii. Wetlands and undevelopable islands.

viii. Areas with inadequate water, sewer, and roadway infrastructure.

ix. Other areas not appropriate for urban growth because of separation from existing development, unstable geologic conditions, likelihood of substantial environmental damage or substantial injury to fish or wildlife or their habitat, and other similar factors rendering the land physically unsuitable for intense development.

4. Retain, during the extended term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line, the requirement for voter approval to expand the County's Urban Limit Line by more than 30 acres, except as specifically authorized in the 65/35 Land Preservation Plan Ordinance, and approved by the voters in this ballot measure, namely:

   The Board of Supervisors may, without subsequent voter approval, expand the ULL by any acreage within the boundaries of the Byron Airport Potential ULL Expansion Area illustrated on General Plan Land Use Element Figure LU-2, Urban Limit Line, after holding a public hearing at which the Board adopts the General Plan amendment for the expansion, by a four-fifths vote, after making each of the following findings based on substantial evidence in the record:

   a. The expansion is necessary to further the economic viability of Byron Airport and attain the County's goals related to economic development.

   b. The expanded ULL area will accommodate uses directly linked to aeronautics, such as aviation research and development, aircraft manufacturing/assembly, and aeronautical schools/training facilities.

   c. The expanded ULL area will not accommodate residential development, logistics/distributions centers, lodging, or any other use not directly linked to aeronautics except for minor ancillary uses necessary to support the airport workforce.

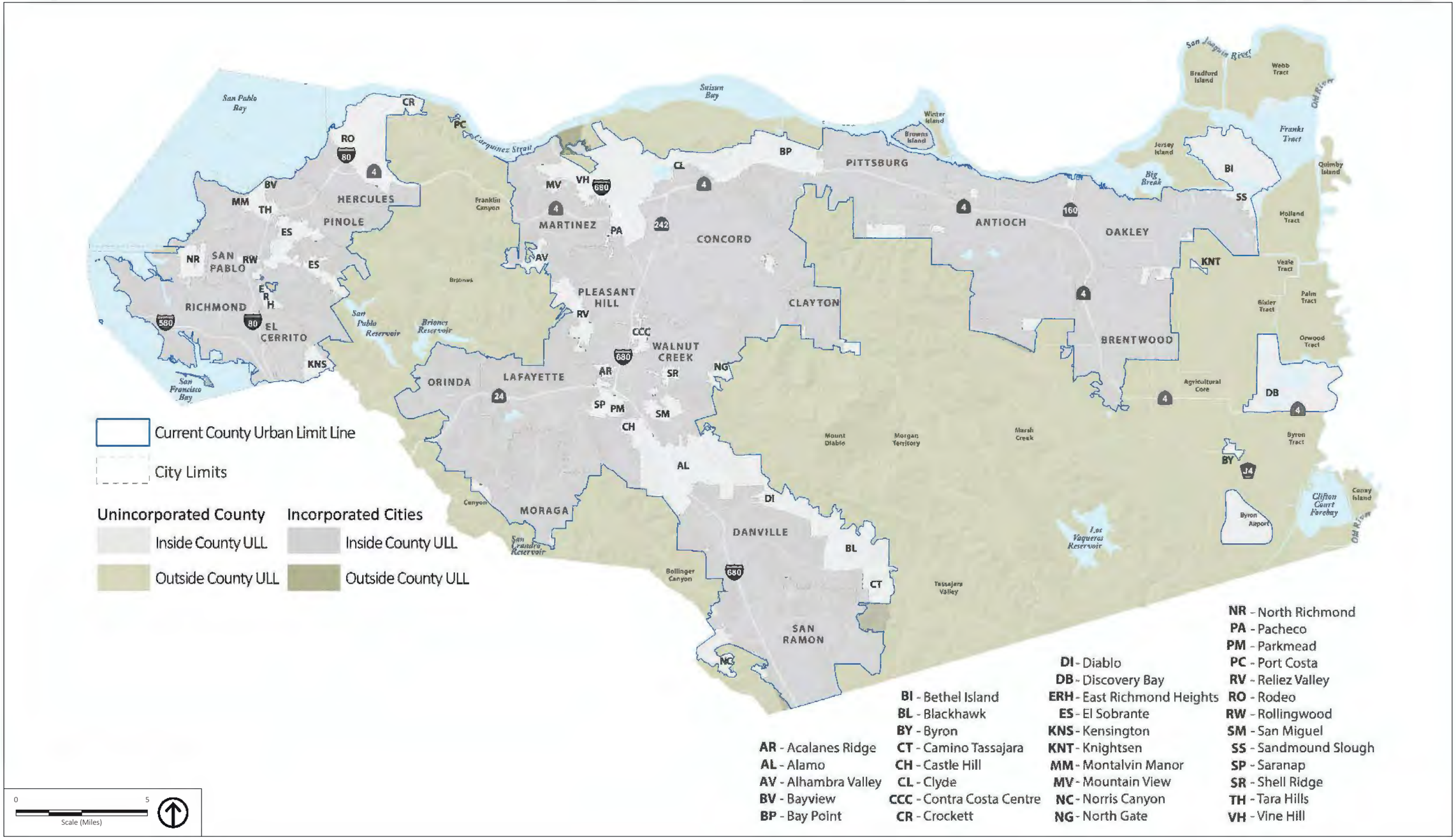
   d. The expansion will not induce sprawl.

5. Retain in both the General Plan and County Ordinance Code the requirement that a four-fifths vote of the Board of Supervisors is necessary to place a measure on the election ballot to expand the ULL boundary by more than 30 acres through the year 2051.
6. Retain in both the General Plan and County Ordinance Code the existing procedure for any change to the County's ULL under 30 acres based on a four-fifths vote of the Board of Supervisors after holding a public hearing and making at least one of seven findings, as proscribed in both the General Plan and County Ordinance Code, based on substantial evidence in the record.
7. Modify the enumerated findings proscribed in both the General Plan and County Ordinance Code required for a change to the County's ULL under 30 acres to reflect the modified periodic ULL reviews and to make other non-substantive changes.
8. Retain the 65/35 Standard for land preservation in Contra Costa County, whereby at least 65 percent of the overall County land area will be retained for non-urban uses through the year 2051.
9. Retain protections for the County's prime agricultural land, specifically the area designated in the General Plan as the Agricultural Core, by maintaining the 40-acre minimum parcel size.
10. Approve a new ULL Map for the General Plan (Figure LU-2 in the 2045 General Plan Land Use Element), which reflects the following changes:
    i. Moves 3,487 acres with significant development restrictions, such as ownership by government agencies or encumbrance with conservation or agricultural easements, outside the ULL.
    ii. Moves 1,488 acres of buffer lands around subdivisions, cemeteries, and industrial facilities, outside the ULL.
    iii. Moves 4,368 acres with significant development constraints, such as high fire hazards, steep slopes, and flood hazards, outside the ULL.
    iv. Moves 873 acres outside the ULL and 923 acres inside the ULL to align the ULL with city limits.
    v. Moves 847 acres outside the ULL and 421 acres inside the ULL to simplify and improve understanding of the ULL along the county's shoreline.
11. Update administrative sections of the 65/35 Land Preservation Ordinance to correct outdated text and achieve consistency with the changes described in items 1-10 above.

The proposed adjustments to the ULL Map are shown in Figure 2, *Proposed Urban Limit Line*. It is important to note that the proposed project does not change the development potential evaluated in the 2045 General Plan as there are no changes to the Land Use Map or land use designations.

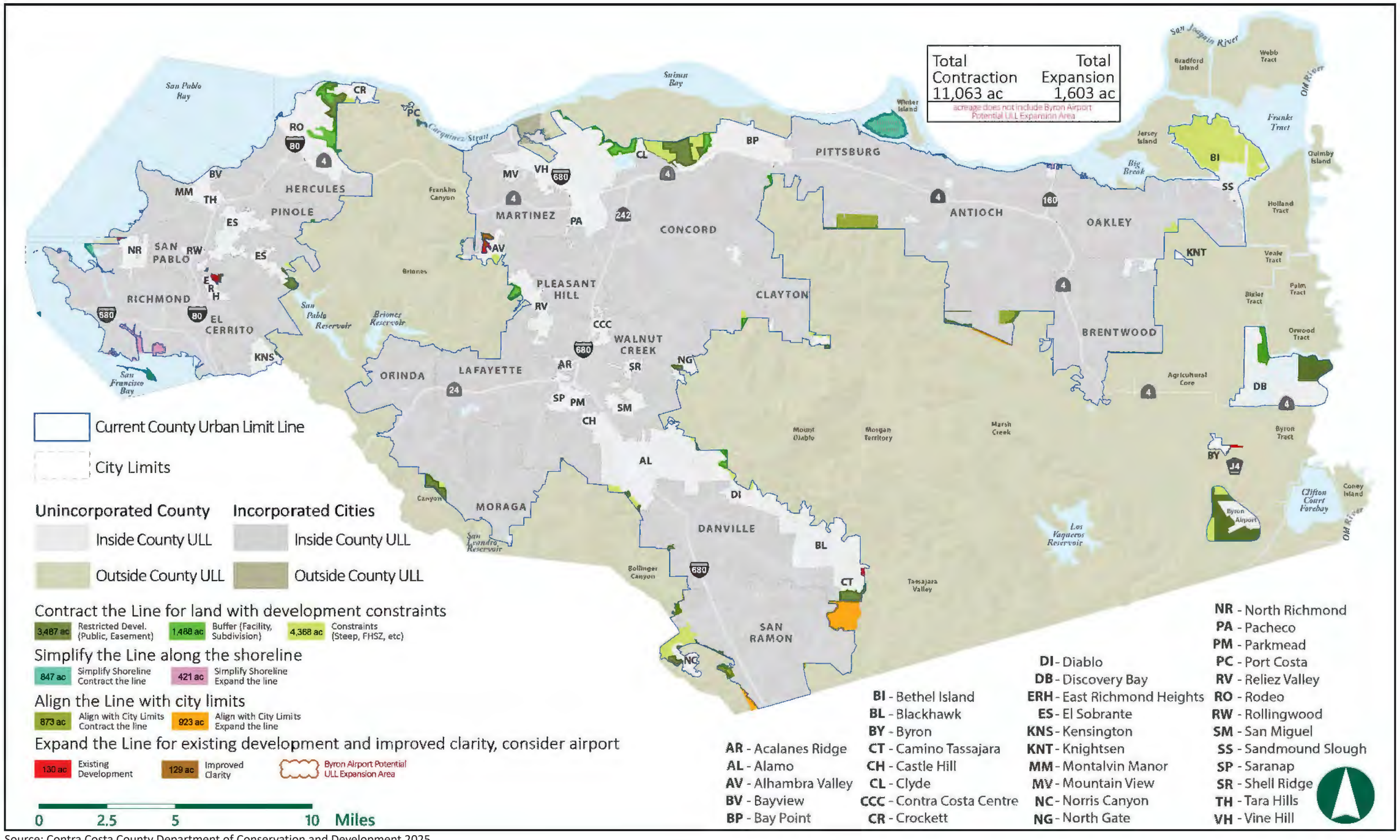
Attachments:

Figure 1 – Current Adopted County Urban Limit Line
Figure 2 – Proposed Urban Limit Line



Source: Contra Costa County Department of Conservation and Development 2025.

Figure 1
Current Adopted County Urban Limit Line



Source: Contra Costa County Department of Conservation and Development 2025.

Figure 2
Proposed Urban Limit Line

Department of Conservation and Development

30 Muir Road
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Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

September 9, 2025

Anthony Wilson
Treasurer
California Valley Miwok Tribe
P.O. Box 695
San Andreas, CA 95249

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Anthony Wilson,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies the California Valley Miwok Tribe of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

The proposed project is a Board of Supervisors action to place a measure on the 2026 Primary Election or General Election ballot asking the voters of Contra Costa County to amend the Land Use Element of the Contra Costa 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code) to extend the Urban Limit Line (ULL) and 65/35 Plan term, modify the ULL periodic review requirement, make revisions to the adopted ULL map, and make other changes to the text of the Ordinance and findings for the ULL adjustment process. Please see additional details about the proposed project in the pages below.

The County prepared an Initial Study for the proposed project in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15153 which allows a lead agency to use an EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same. The Initial Study for the proposed project concludes that the 2024 Environmental Impact Report for the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update (EIR) adequately evaluates the impacts

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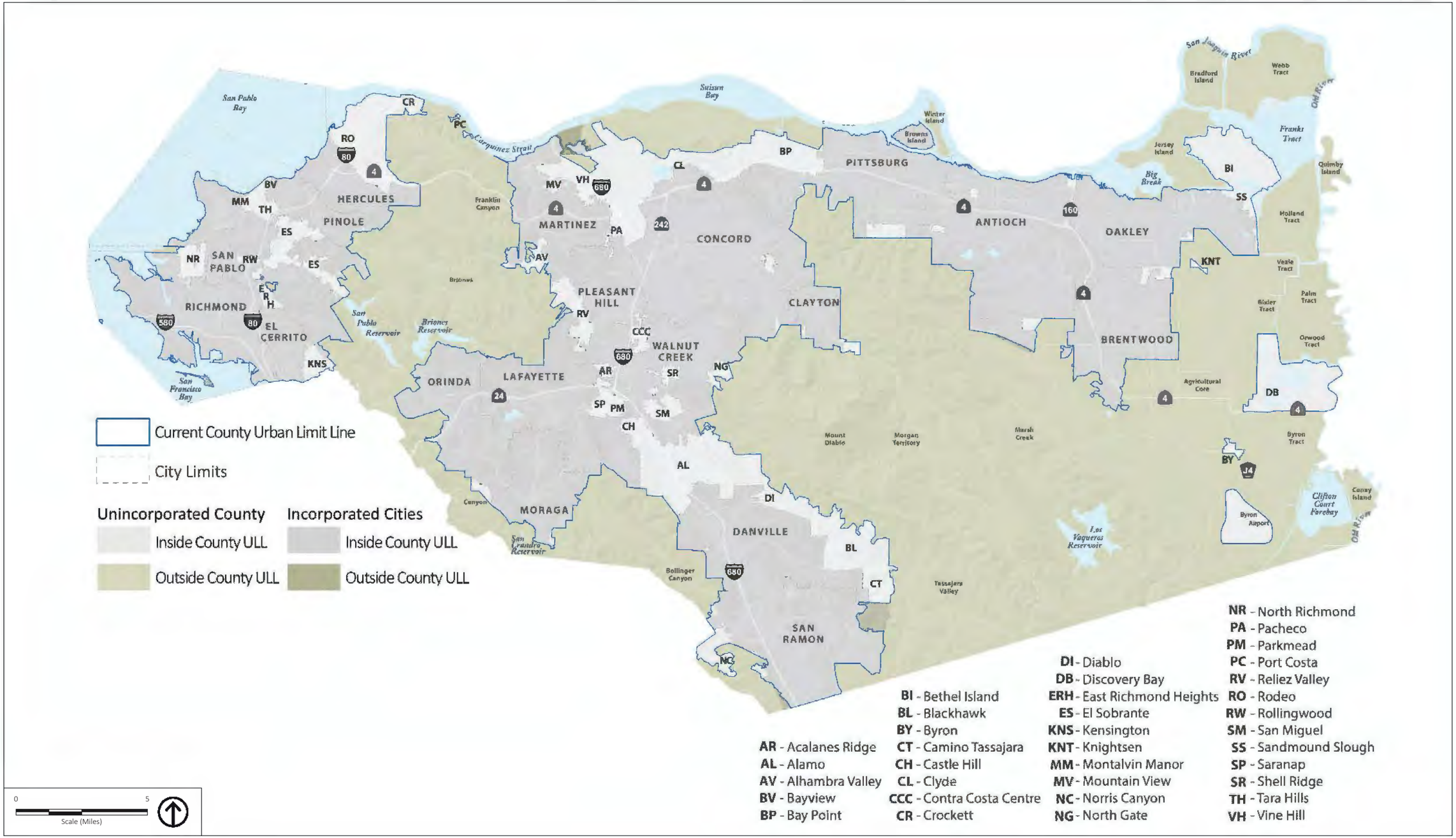

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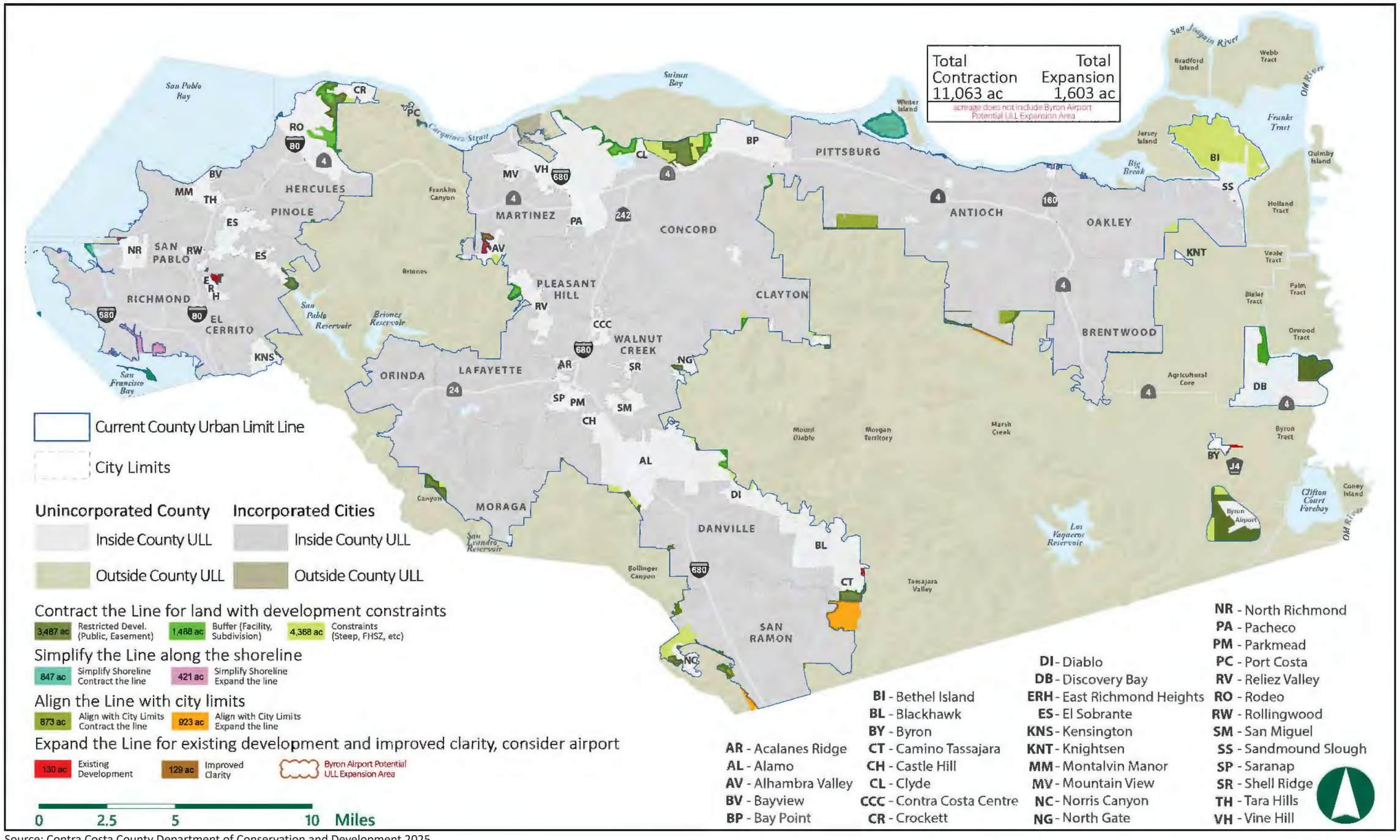

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Contra Costa County

John Kopchik
Director

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Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

September 9, 2025

Michelle Zimmer
Senior Cultural Monitor and Consultant
Amah Mutsun Tribal Band of Mission San Juan Bautista
PO Box 214211
2929 Fulton Avenue, Unit 19
Sacramento, CA 95821

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Michelle Zimmer,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies the Amah Mutsun Tribal Band of Mission San Juan Bautista of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

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The proposed adjustments to the ULL Map are shown in Figure 2, *Proposed Urban Limit Line*. It is important to note that the proposed project does not change the development potential evaluated in the 2045 General Plan as there are no changes to the Land Use Map or land use designations.

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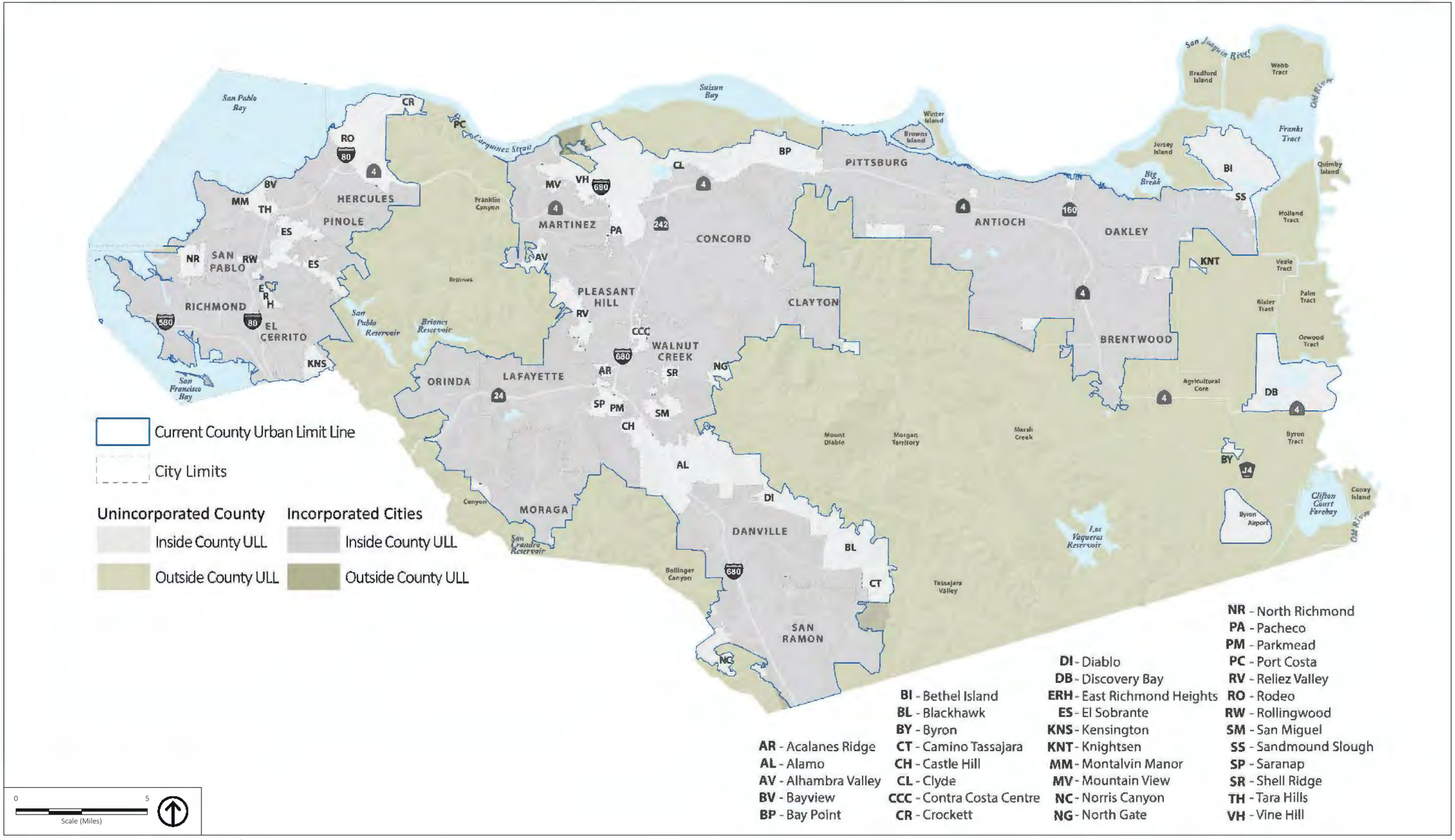
Figure 2 – Proposed Urban Limit Line



Source: Contra Costa County Department of Conservation and Development 2025.

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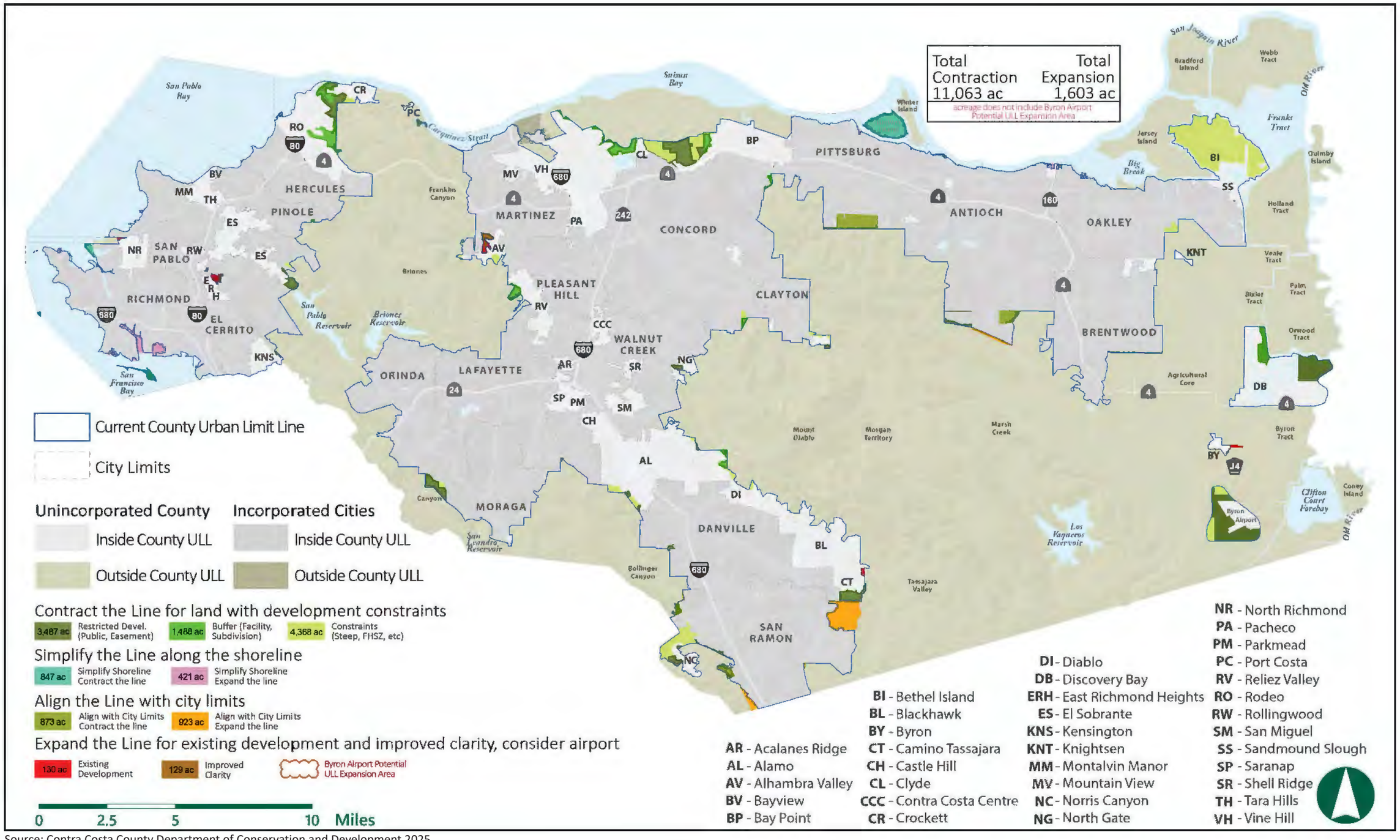

Source: Contra Costa County Department of Conservation and Development 2025.

Figure 2
Proposed Urban Limit Line

Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

August 23, 2025

Ed Ketchum
Vice-Chairperson
Amah Mutsun Tribal Band

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Ed Ketchum,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies the Amah Mutsun Tribal Band of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

The proposed project is a Board of Supervisors action to place a measure on the 2026 Primary Election or General Election ballot asking the voters of Contra Costa County to amend the Land Use Element of the Contra Costa 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code) to extend the Urban Limit Line (ULL) and 65/35 Plan term, modify the ULL periodic review requirement, make revisions to the adopted ULL map, and make other changes to the text of the Ordinance and findings for the ULL adjustment process. Please see additional details about the proposed project in the pages below.

The County prepared an Initial Study for the proposed project in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15153 which allows a lead agency to use an EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same. The Initial Study for the proposed project concludes that the 2024 Environmental Impact Report for the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update (EIR) adequately evaluates the impacts

associated with the proposed project and is sufficient to serve as the environmental document for the proposed project. The Initial Study also concludes that the proposed project would not result in any additional impacts beyond those evaluated in the EIR.

The County values your feedback as part of our review process. Thus, in accordance with Government Code 65352.3(a)(2), we request a written response from you indicating your intent to consult on this proposed project. Please contact Will Nelson at (925) 655-2898 or will.nelson@dcd.cccounty.us, or at the follow address:

Department of Conservation and Development
30 Muir Road
Martinez, CA 94553
Attn: Will Nelson

Sincerely,

Will Nelson, Advance Planning Manager
Department of Conservation and Development
Contra Costa County

PREVIOUS TRIBAL CONSULTATION. The County adopted the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update and certified an EIR evaluating the impacts of implementing these countywide plans, on November 5, 2024. In accordance with SB 18 requirements, the County sent letters to representatives of the Native American tribes provided by the Native American Heritage Commission (NAHC) on January 15, 2021, formally inviting tribes to consult with the County on the 2045 General Plan. In accordance with AB 52 requirements for the EIR, an invitation for consultation was sent out to the County's NAHC-provided Tribal Consultation List on October 5, 2023. Recommendations, comments, edits, and mitigation measures provided by tribes that participated in the tribal consultation process were incorporated into the 2045 General Plan and EIR.

PROJECT BACKGROUND. On November 6, 1990, Contra Costa County voters approved Measure C (Measure C-1990), the 65/35 Contra Costa County Land Preservation Plan (the 65/35 Plan), which established various mechanisms aimed at containing urban sprawl and protecting resources like agricultural land and scenic ridges. The most significant and impactful of these mechanisms are the 65/35 Land Preservation Standard (the 65/35 Standard) and ULL. Pursuant to the 65/35 Standard, no more than 35 percent of the land within the county may be designated for urban uses (residential, commercial, industrial, etc.) in the General Plans of the County and the 19 cities, and at least 65 percent must be designated for nonurban uses, including agriculture, open space, parks, and other non-urban uses. Meanwhile, the ULL establishes a boundary beyond which no land may be designated for urban land uses. Operating together, the 65/35 Standard and ULL limit the geographic extent of urban development in the county.

On November 7, 2006, county voters approved Measure L (Measure L-2006), which carried forward most of the elements of Measure C-1990 while also extending the term of the 65/35 Ordinance to December 31, 2026; requiring a four-fifths vote of the County Board of Supervisors and voter approval to expand the ULL by more than 30 acres; requiring periodic reviews of the ULL by the Board of Supervisors; and adopting a new ULL Map. The County's current ULL Map is shown in Figure 1, *Current Adopted County Urban Limit Line.*

PROPOSED PROJECT: The proposed project is a 2026 ballot measure asking the voters of Contra Costa County to amend the Land Use Element of the 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (County Ordinance Code Chapter 82-1) to:

1. Extend the term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line through December 31, 2051.
2. Modify the periodic ULL review requirements of the 65/35 Land Preservation Plan Ordinance to align reviews of the ULL with State-mandated Housing Element update cycles.
3. Modify the criteria and factors enumerated in the 65/35 Land Preservation Plan Ordinance for determining whether land should be considered for location outside the ULL, to include:

i. Lands which qualify for rating as Class I or Class II in the Soil Conservation Service Land Use Capability Classification.

ii. Lands designated as High or Very High Fire Hazard Severity Zones on maps published by the California Department of Forestry and Fire Protection.

iii. Lands with slopes of 26 percent or greater.

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vii. Wetlands and undevelopable islands.

viii. Areas with inadequate water, sewer, and roadway infrastructure.

ix. Other areas not appropriate for urban growth because of separation from existing development, unstable geologic conditions, likelihood of substantial environmental damage or substantial injury to fish or wildlife or their habitat, and other similar factors rendering the land physically unsuitable for intense development.

4. Retain, during the extended term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line, the requirement for voter approval to expand the County's Urban Limit Line by more than 30 acres, except as specifically authorized in the 65/35 Land Preservation Plan Ordinance, and approved by the voters in this ballot measure, namely:

   The Board of Supervisors may, without subsequent voter approval, expand the ULL by any acreage within the boundaries of the Byron Airport Potential ULL Expansion Area illustrated on General Plan Land Use Element Figure LU-2, Urban Limit Line, after holding a public hearing at which the Board adopts the General Plan amendment for the expansion, by a four-fifths vote, after making each of the following findings based on substantial evidence in the record:

   a. The expansion is necessary to further the economic viability of Byron Airport and attain the County's goals related to economic development.

   b. The expanded ULL area will accommodate uses directly linked to aeronautics, such as aviation research and development, aircraft manufacturing/assembly, and aeronautical schools/training facilities.

   c. The expanded ULL area will not accommodate residential development, logistics/distributions centers, lodging, or any other use not directly linked to aeronautics except for minor ancillary uses necessary to support the airport workforce.

   d. The expansion will not induce sprawl.

5. Retain in both the General Plan and County Ordinance Code the requirement that a four-fifths vote of the Board of Supervisors is necessary to place a measure on the election ballot to expand the ULL boundary by more than 30 acres through the year 2051.
6. Retain in both the General Plan and County Ordinance Code the existing procedure for any change to the County's ULL under 30 acres based on a four-fifths vote of the Board of Supervisors after holding a public hearing and making at least one of seven findings, as proscribed in both the General Plan and County Ordinance Code, based on substantial evidence in the record.
7. Modify the enumerated findings proscribed in both the General Plan and County Ordinance Code required for a change to the County's ULL under 30 acres to reflect the modified periodic ULL reviews and to make other non-substantive changes.
8. Retain the 65/35 Standard for land preservation in Contra Costa County, whereby at least 65 percent of the overall County land area will be retained for non-urban uses through the year 2051.
9. Retain protections for the County's prime agricultural land, specifically the area designated in the General Plan as the Agricultural Core, by maintaining the 40-acre minimum parcel size.
10. Approve a new ULL Map for the General Plan (Figure LU-2 in the 2045 General Plan Land Use Element), which reflects the following changes:
    i. Moves 3,487 acres with significant development restrictions, such as ownership by government agencies or encumbrance with conservation or agricultural easements, outside the ULL.
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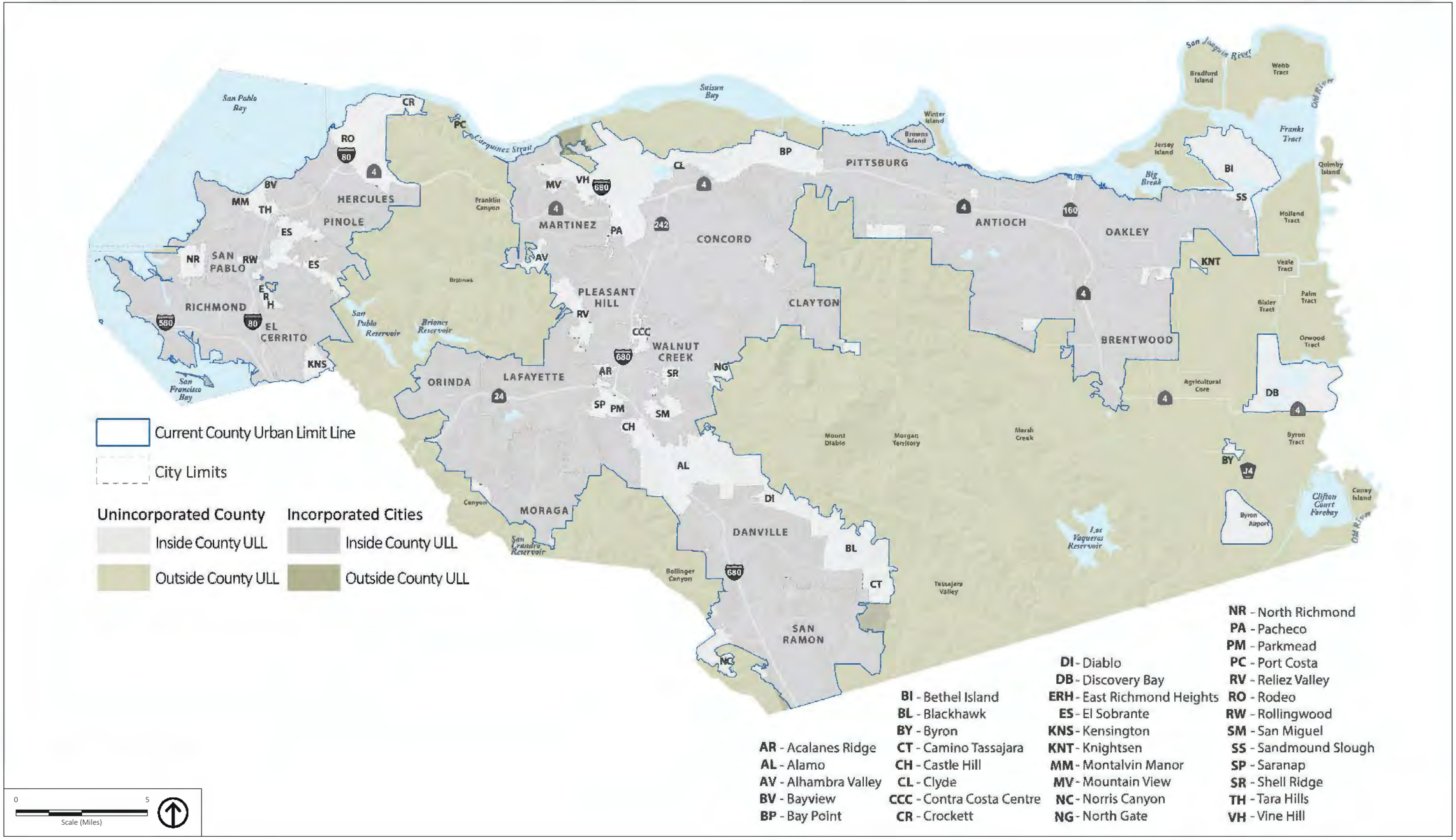

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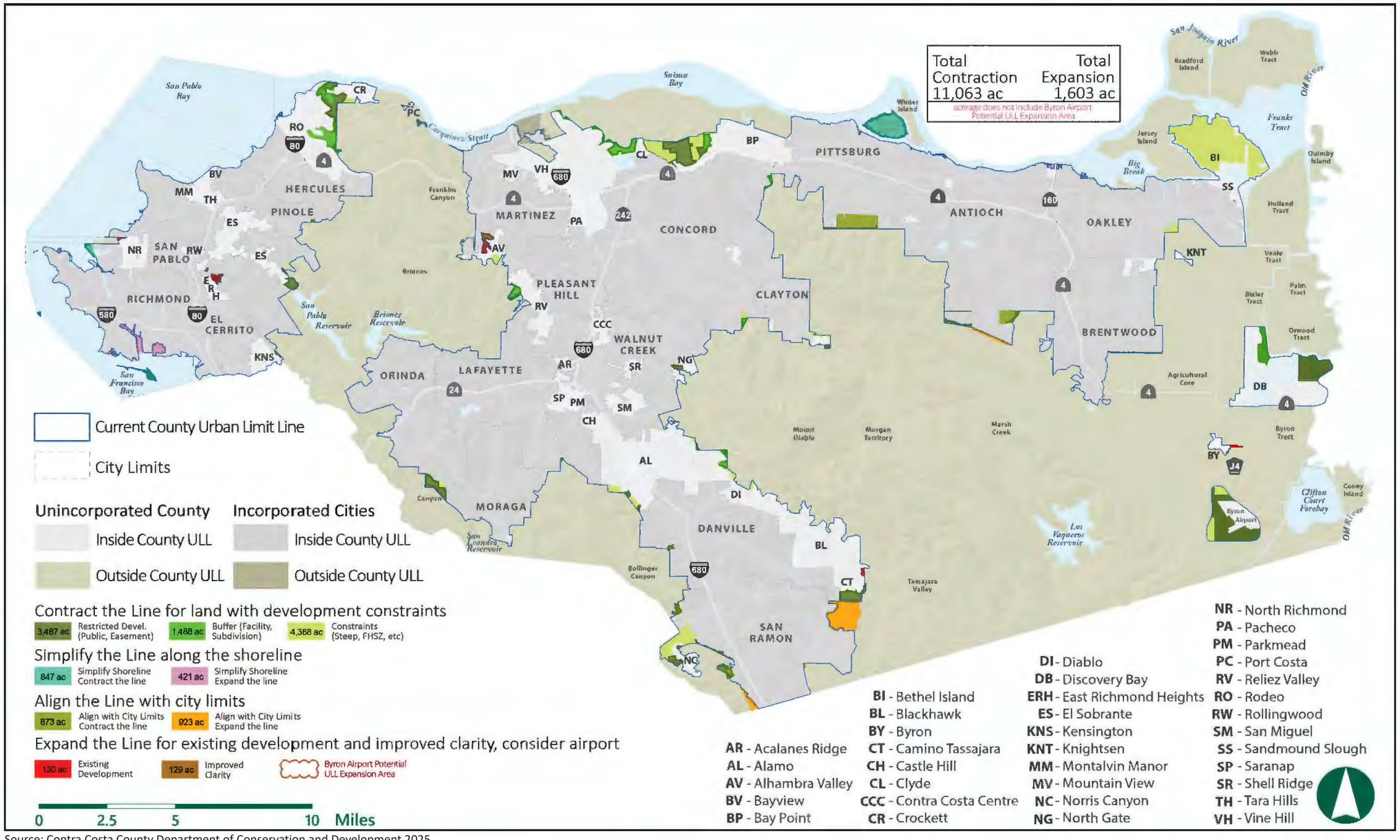

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Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

September 9, 2025

Garry Zimmer
Senior Cultural Monitor and Consultant
Amah Mutsun Tribal Band of Mission San Juan Bautista
PO Box 214211
2929 Fulton Avenue, Unit 19
Sacramento, CA 95821

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Garry Zimmer,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies the Amah Mutsun Tribal Band of Mission San Juan Bautista of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

The proposed project is a Board of Supervisors action to place a measure on the 2026 Primary Election or General Election ballot asking the voters of Contra Costa County to amend the Land Use Element of the Contra Costa 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code) to extend the Urban Limit Line (ULL) and 65/35 Plan term, modify the ULL periodic review requirement, make revisions to the adopted ULL map, and make other changes to the text of the Ordinance and findings for the ULL adjustment process. Please see additional details about the proposed project in the pages below.

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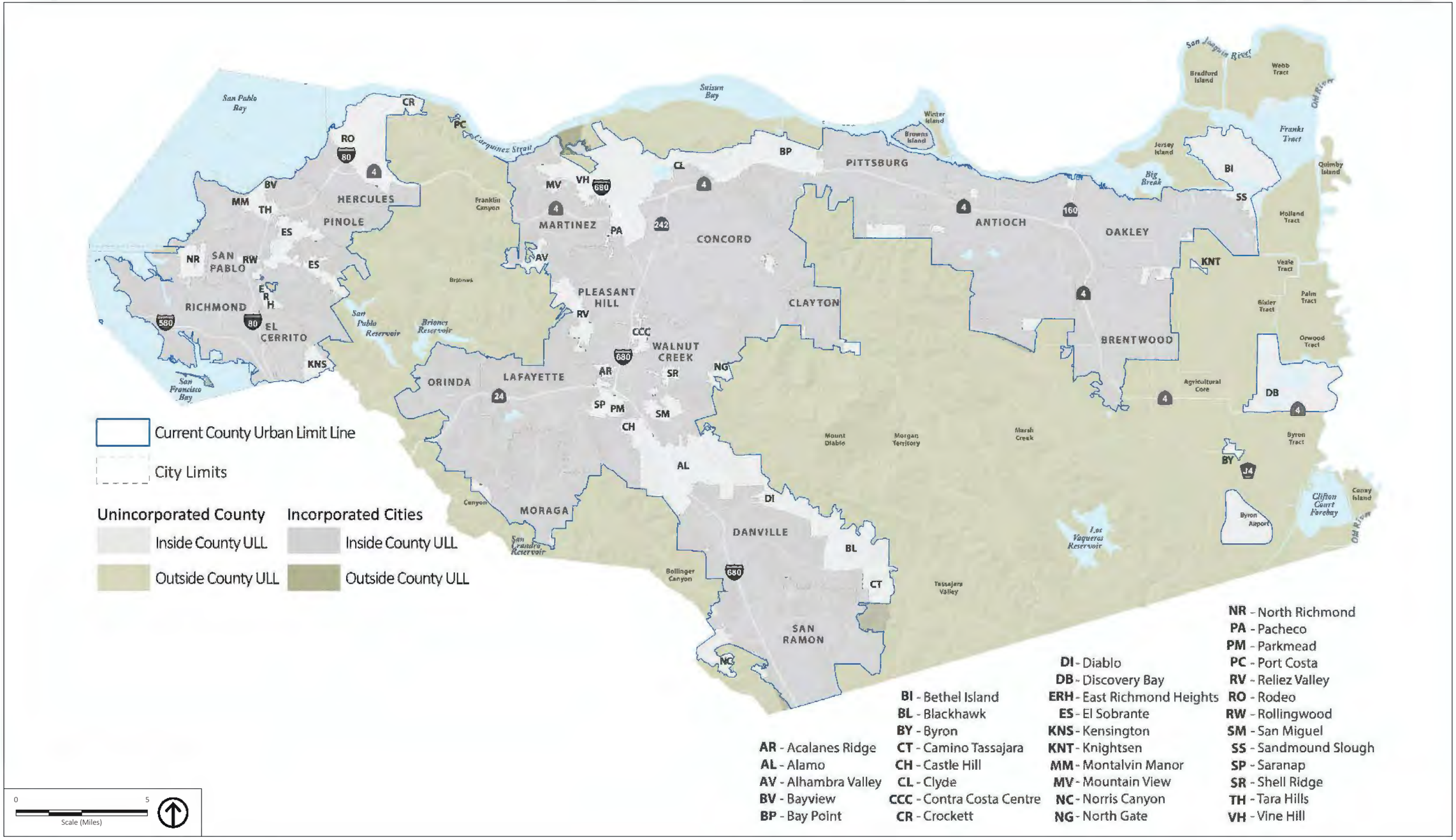

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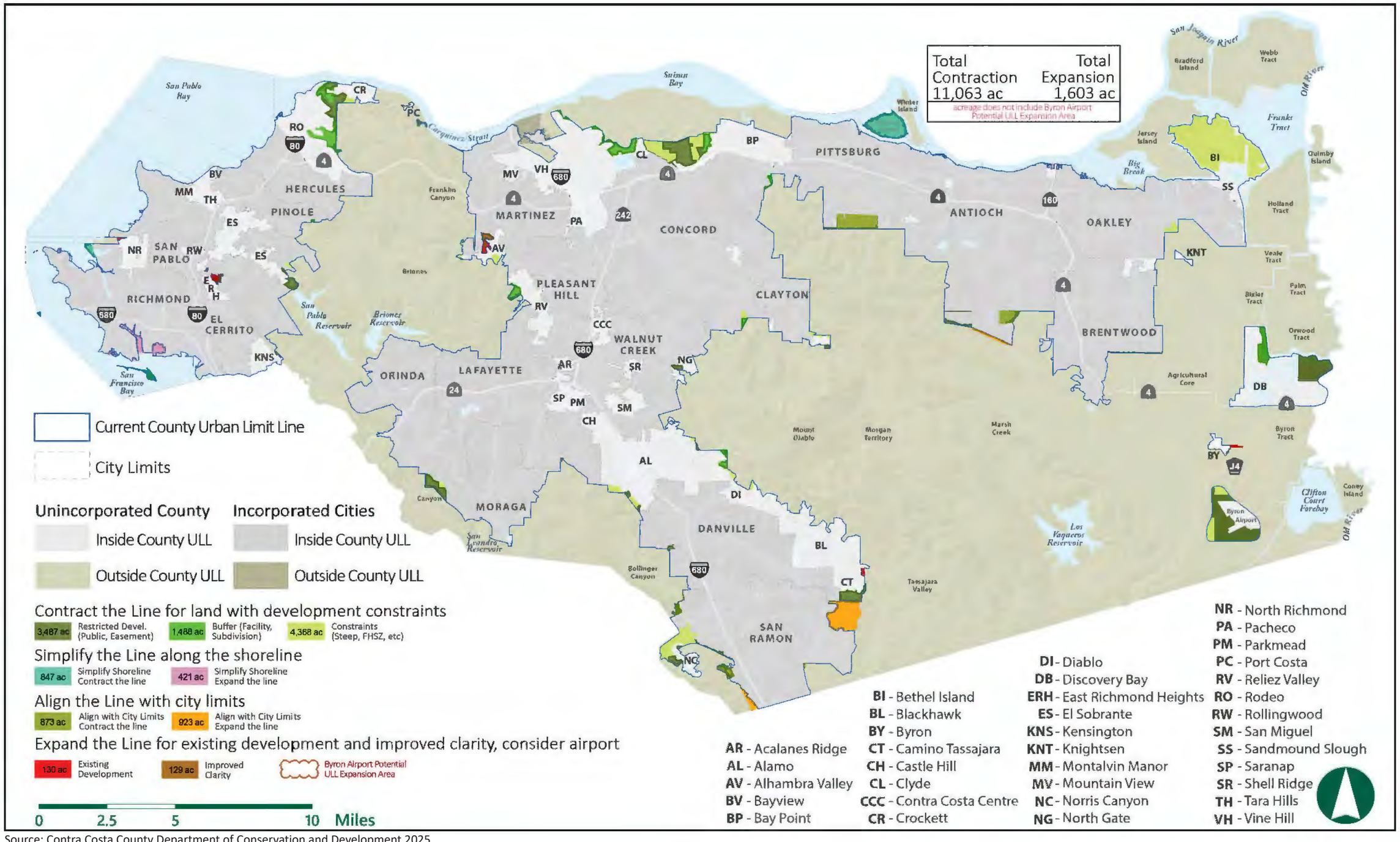

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Department of Conservation and Development

30 Muir Road
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Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

August 23, 2025

Valentin Lopez
Chairperson
Amah Mutsun Tribal Band
P.O. Box 5272
Galt, CA 95632

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Valentin Lopez,

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   d. The expansion will not induce sprawl.

5. Retain in both the General Plan and County Ordinance Code the requirement that a four-fifths vote of the Board of Supervisors is necessary to place a measure on the election ballot to expand the ULL boundary by more than 30 acres through the year 2051.
6. Retain in both the General Plan and County Ordinance Code the existing procedure for any change to the County's ULL under 30 acres based on a four-fifths vote of the Board of Supervisors after holding a public hearing and making at least one of seven findings, as proscribed in both the General Plan and County Ordinance Code, based on substantial evidence in the record.
7. Modify the enumerated findings proscribed in both the General Plan and County Ordinance Code required for a change to the County's ULL under 30 acres to reflect the modified periodic ULL reviews and to make other non-substantive changes.
8. Retain the 65/35 Standard for land preservation in Contra Costa County, whereby at least 65 percent of the overall County land area will be retained for non-urban uses through the year 2051.
9. Retain protections for the County's prime agricultural land, specifically the area designated in the General Plan as the Agricultural Core, by maintaining the 40-acre minimum parcel size.
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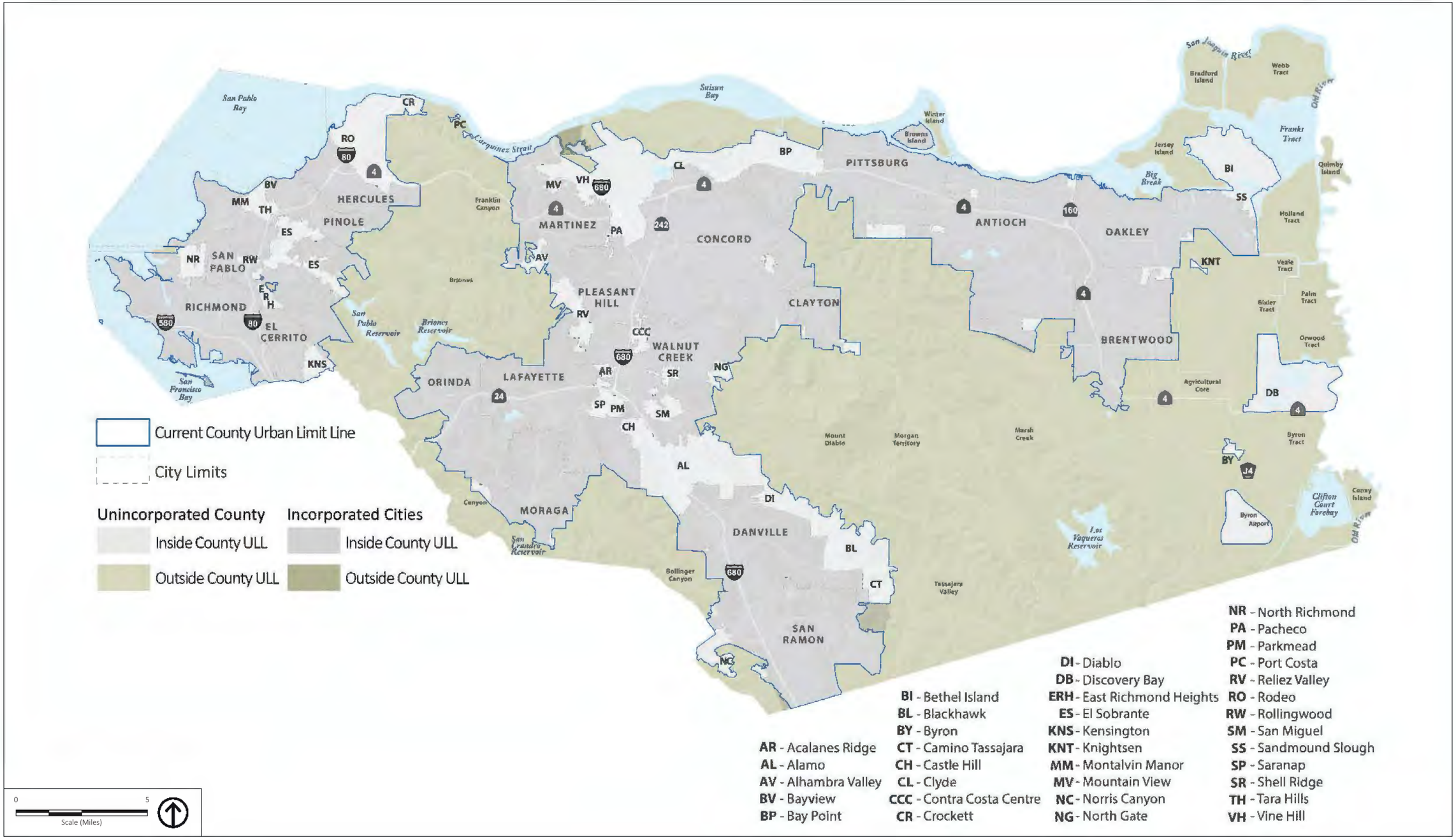
11. Update administrative sections of the 65/35 Land Preservation Ordinance to correct outdated text and achieve consistency with the changes described in items 1-10 above.

The proposed adjustments to the ULL Map are shown in Figure 2, *Proposed Urban Limit Line*. It is important to note that the proposed project does not change the development potential evaluated in the 2045 General Plan as there are no changes to the Land Use Map or land use designations.

Attachments:

Figure 1 – Current Adopted County Urban Limit Line
Figure 2 – Proposed Urban Limit Line



Source: Contra Costa County Department of Conservation and Development 2025.

Figure 1
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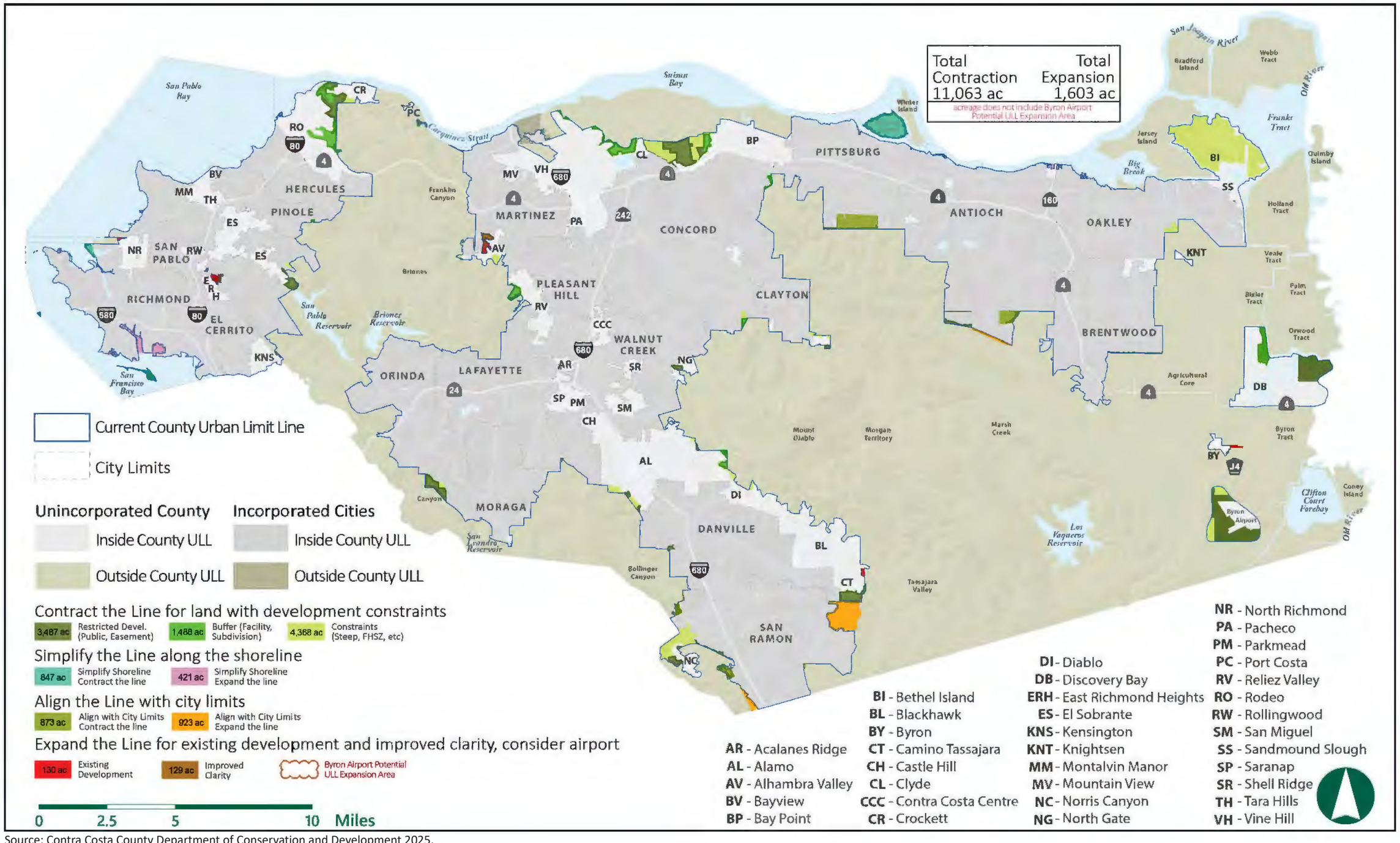

Source: Contra Costa County Department of Conservation and Development 2025.

Figure 2
Proposed Urban Limit Line

Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

September 9, 2025

Christopher Zimmer
Councilman
Senior Cultural Monitor and Consultant
Amah Mutsun Tribal Band of Mission San Juan Bautista
PO Box 214211
2929 Fulton Avenue, Unit 19
Sacramento, CA 95821

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Christopher Zimmer,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies the Amah Mutsun Tribal Band of Mission San Juan Bautista of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

The proposed project is a Board of Supervisors action to place a measure on the 2026 Primary Election or General Election ballot asking the voters of Contra Costa County to amend the Land Use Element of the Contra Costa 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code) to extend the Urban Limit Line (ULL) and 65/35 Plan term, modify the ULL periodic review requirement, make revisions to the adopted ULL map, and make other changes to the text of the Ordinance and findings for the ULL adjustment process. Please see additional details about the proposed project in the pages below.

The County prepared an Initial Study for the proposed project in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15153 which allows a lead agency to use an EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same. The Initial Study for the proposed project concludes that the 2024 Environmental Impact Report for the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update (EIR) adequately evaluates the impacts

associated with the proposed project and is sufficient to serve as the environmental document for the proposed project. The Initial Study also concludes that the proposed project would not result in any additional impacts beyond those evaluated in the EIR.

The County values your feedback as part of our review process. Thus, in accordance with Government Code 65352.3(a)(2), we request a written response from you indicating your intent to consult on this proposed project. Please contact Will Nelson at (925) 655-2898 or will.nelson@dcd.cccounty.us, or at the follow address:

Department of Conservation and Development
30 Muir Road
Martinez, CA 94553
Attn: Will Nelson

Sincerely,

Will Nelson, Advance Planning Manager
Department of Conservation and Development
Contra Costa County

PREVIOUS TRIBAL CONSULTATION. The County adopted the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update and certified an EIR evaluating the impacts of implementing these countywide plans, on November 5, 2024. In accordance with SB 18 requirements, the County sent letters to representatives of the Native American tribes provided by the Native American Heritage Commission (NAHC) on January 15, 2021, formally inviting tribes to consult with the County on the 2045 General Plan. In accordance with AB 52 requirements for the EIR, an invitation for consultation was sent out to the County's NAHC-provided Tribal Consultation List on October 5, 2023. Recommendations, comments, edits, and mitigation measures provided by tribes that participated in the tribal consultation process were incorporated into the 2045 General Plan and EIR.

PROJECT BACKGROUND. On November 6, 1990, Contra Costa County voters approved Measure C (Measure C-1990), the 65/35 Contra Costa County Land Preservation Plan (the 65/35 Plan), which established various mechanisms aimed at containing urban sprawl and protecting resources like agricultural land and scenic ridges. The most significant and impactful of these mechanisms are the 65/35 Land Preservation Standard (the 65/35 Standard) and ULL. Pursuant to the 65/35 Standard, no more than 35 percent of the land within the county may be designated for urban uses (residential, commercial, industrial, etc.) in the General Plans of the County and the 19 cities, and at least 65 percent must be designated for nonurban uses, including agriculture, open space, parks, and other non-urban uses. Meanwhile, the ULL establishes a boundary beyond which no land may be designated for urban land uses. Operating together, the 65/35 Standard and ULL limit the geographic extent of urban development in the county.

On November 7, 2006, county voters approved Measure L (Measure L-2006), which carried forward most of the elements of Measure C-1990 while also extending the term of the 65/35 Ordinance to December 31, 2026; requiring a four-fifths vote of the County Board of Supervisors and voter approval to expand the ULL by more than 30 acres; requiring periodic reviews of the ULL by the Board of Supervisors; and adopting a new ULL Map. The County's current ULL Map is shown in Figure 1, *Current Adopted County Urban Limit Line.*

PROPOSED PROJECT: The proposed project is a 2026 ballot measure asking the voters of Contra Costa County to amend the Land Use Element of the 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (County Ordinance Code Chapter 82-1) to:

1. Extend the term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line through December 31, 2051.
2. Modify the periodic ULL review requirements of the 65/35 Land Preservation Plan Ordinance to align reviews of the ULL with State-mandated Housing Element update cycles.
3. Modify the criteria and factors enumerated in the 65/35 Land Preservation Plan Ordinance for determining whether land should be considered for location outside the ULL, to include:

i. Lands which qualify for rating as Class I or Class II in the Soil Conservation Service Land Use Capability Classification.

ii. Lands designated as High or Very High Fire Hazard Severity Zones on maps published by the California Department of Forestry and Fire Protection.

iii. Lands with slopes of 26 percent or greater.

iv. Lands at risk from substantial inundation due to flooding or anticipated sea level rise.

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ix. Other areas not appropriate for urban growth because of separation from existing development, unstable geologic conditions, likelihood of substantial environmental damage or substantial injury to fish or wildlife or their habitat, and other similar factors rendering the land physically unsuitable for intense development.

4. Retain, during the extended term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line, the requirement for voter approval to expand the County's Urban Limit Line by more than 30 acres, except as specifically authorized in the 65/35 Land Preservation Plan Ordinance, and approved by the voters in this ballot measure, namely:

   The Board of Supervisors may, without subsequent voter approval, expand the ULL by any acreage within the boundaries of the Byron Airport Potential ULL Expansion Area illustrated on General Plan Land Use Element Figure LU-2, Urban Limit Line, after holding a public hearing at which the Board adopts the General Plan amendment for the expansion, by a four-fifths vote, after making each of the following findings based on substantial evidence in the record:

   a. The expansion is necessary to further the economic viability of Byron Airport and attain the County's goals related to economic development.

   b. The expanded ULL area will accommodate uses directly linked to aeronautics, such as aviation research and development, aircraft manufacturing/assembly, and aeronautical schools/training facilities.

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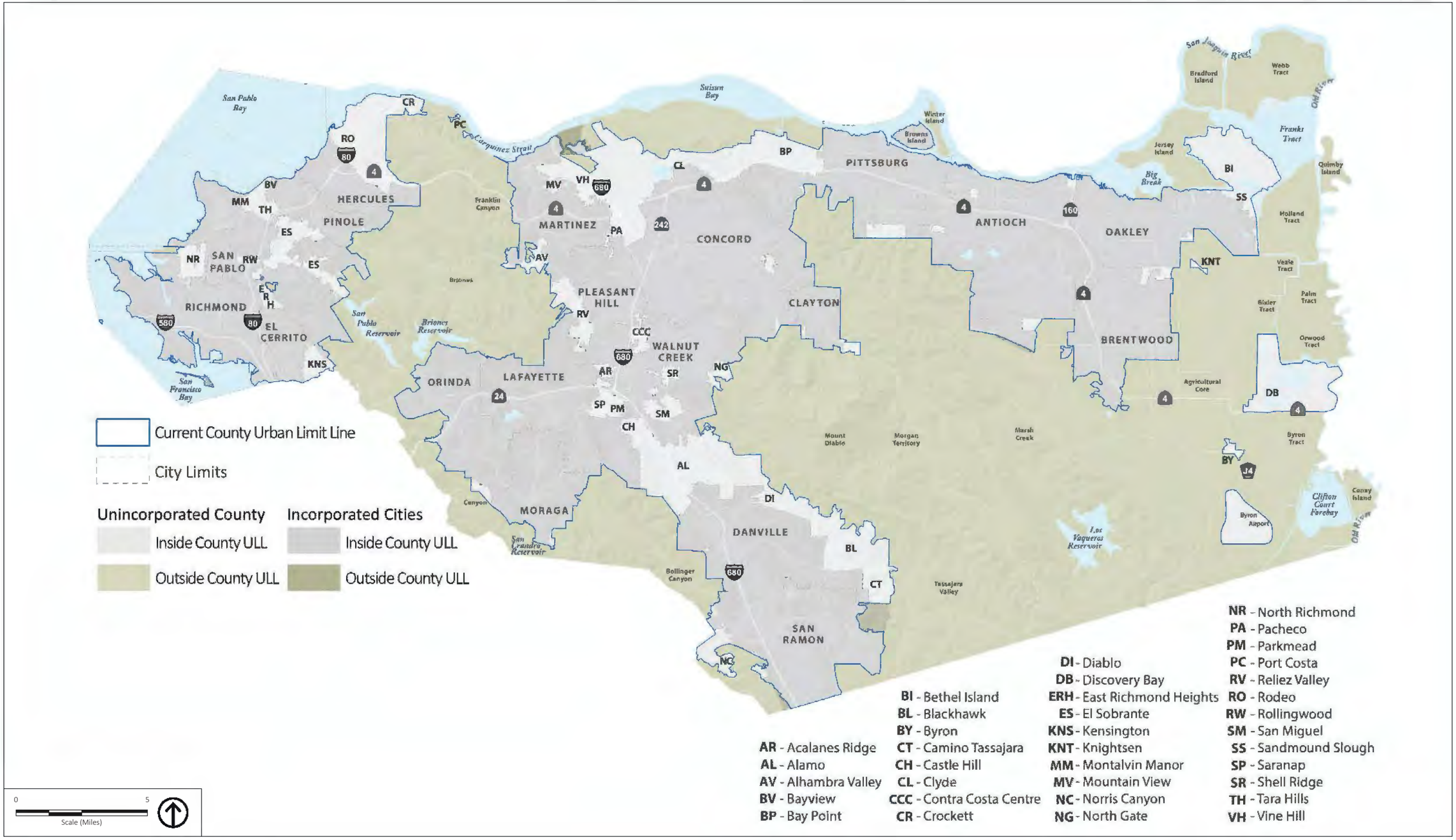

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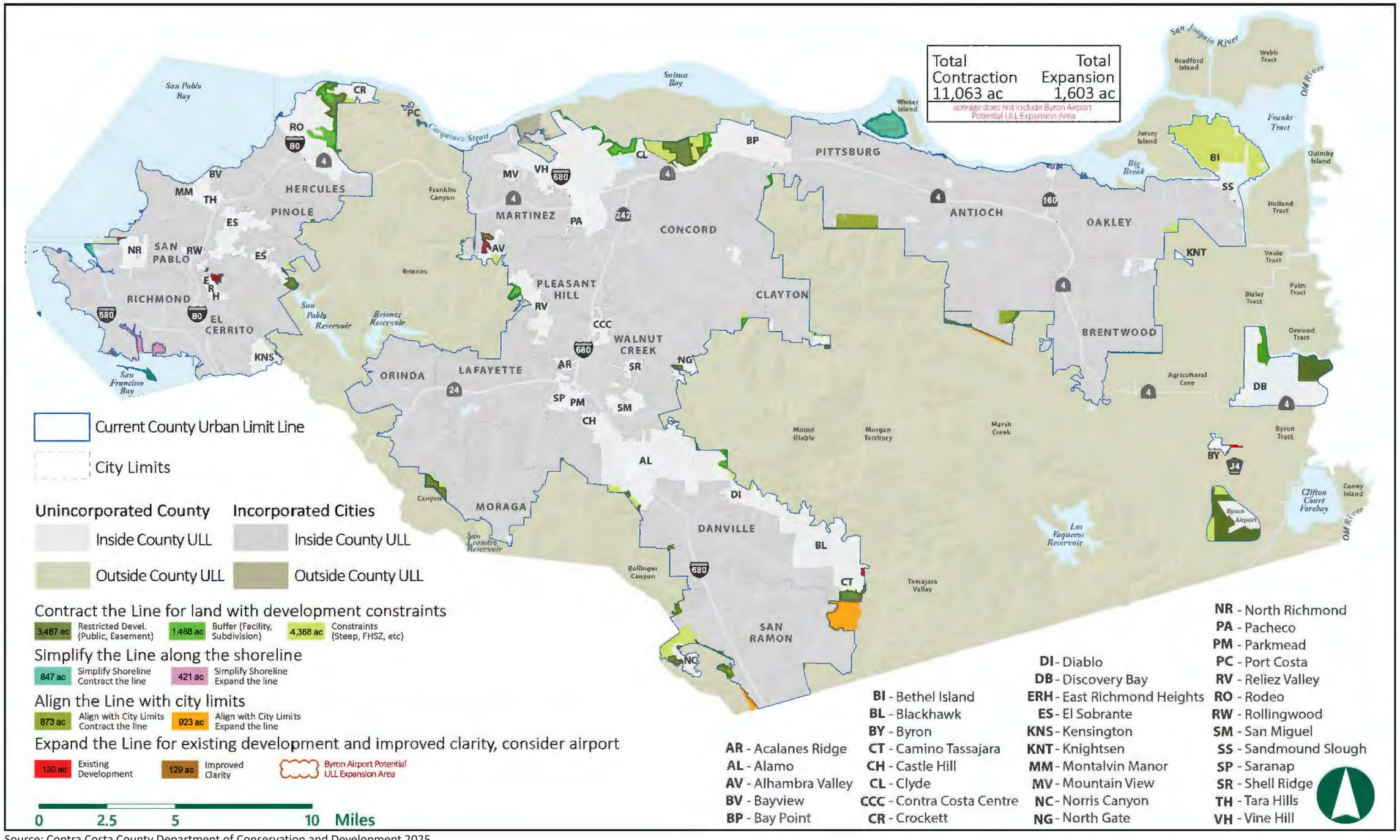

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Figure 2
Proposed Urban Limit Line

Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

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Ruben Hernandez
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Gabriel Lemus
Deputy Director

September 9, 2025

Shelby Brown
Councilwoman
Senior Cultural Monitor and Consultant
Amah Mutsun Tribal Band of Mission San Juan Bautista
PO Box 214211
2929 Fulton Avenue, Unit 19
Sacramento, CA 95821

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Shelby Brown,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies the Amah Mutsun Tribal Band of Mission San Juan Bautista of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

The proposed project is a Board of Supervisors action to place a measure on the 2026 Primary Election or General Election ballot asking the voters of Contra Costa County to amend the Land Use Element of the Contra Costa 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code) to extend the Urban Limit Line (ULL) and 65/35 Plan term, modify the ULL periodic review requirement, make revisions to the adopted ULL map, and make other changes to the text of the Ordinance and findings for the ULL adjustment process. Please see additional details about the proposed project in the pages below.

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The County values your feedback as part of our review process. Thus, in accordance with Government Code 65352.3(a)(2), we request a written response from you indicating your intent to consult on this proposed project. Please contact Will Nelson at (925) 655-2898 or will.nelson@dcd.cccounty.us, or at the follow address:

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Attn: Will Nelson

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Contra Costa County

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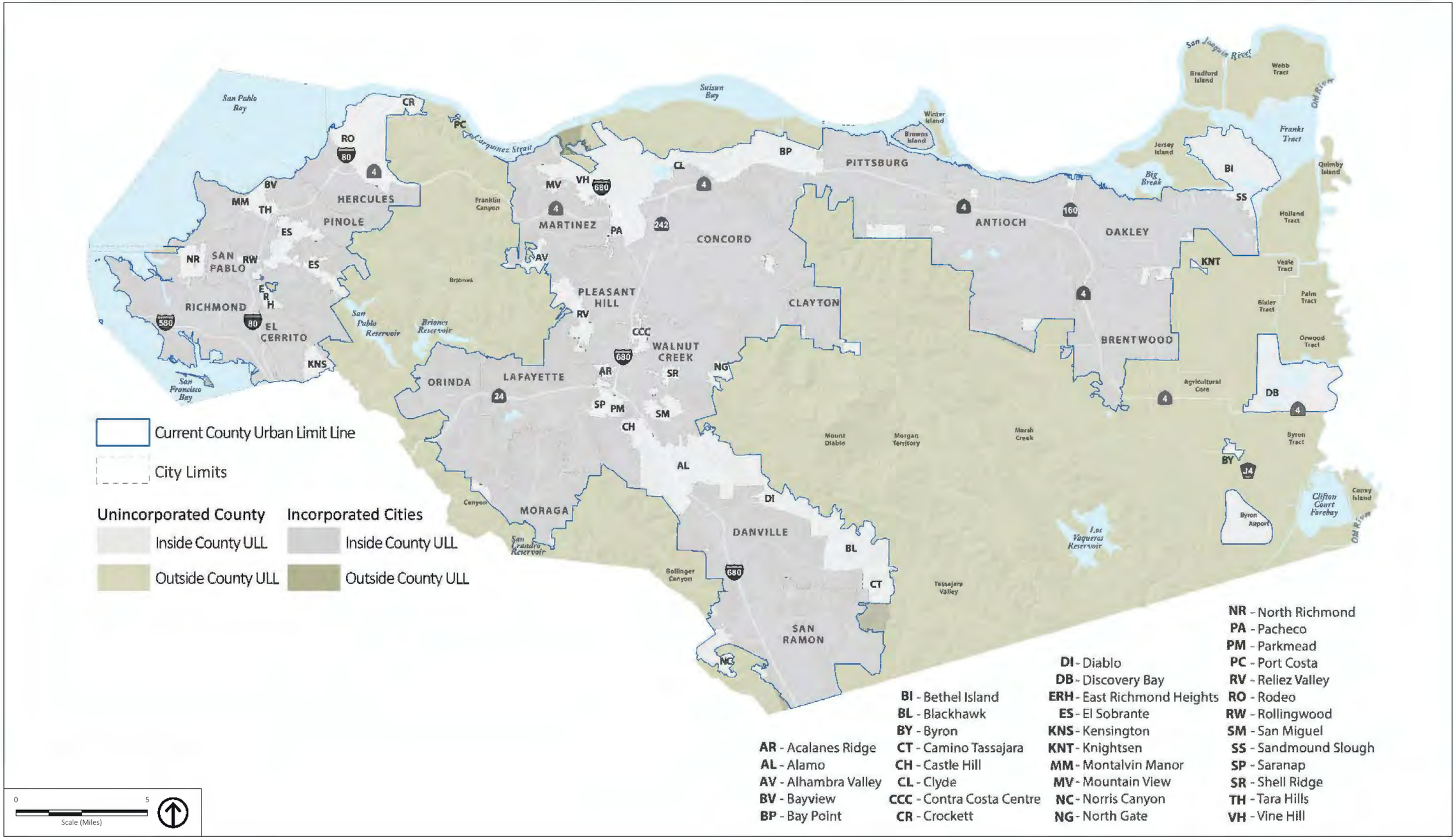

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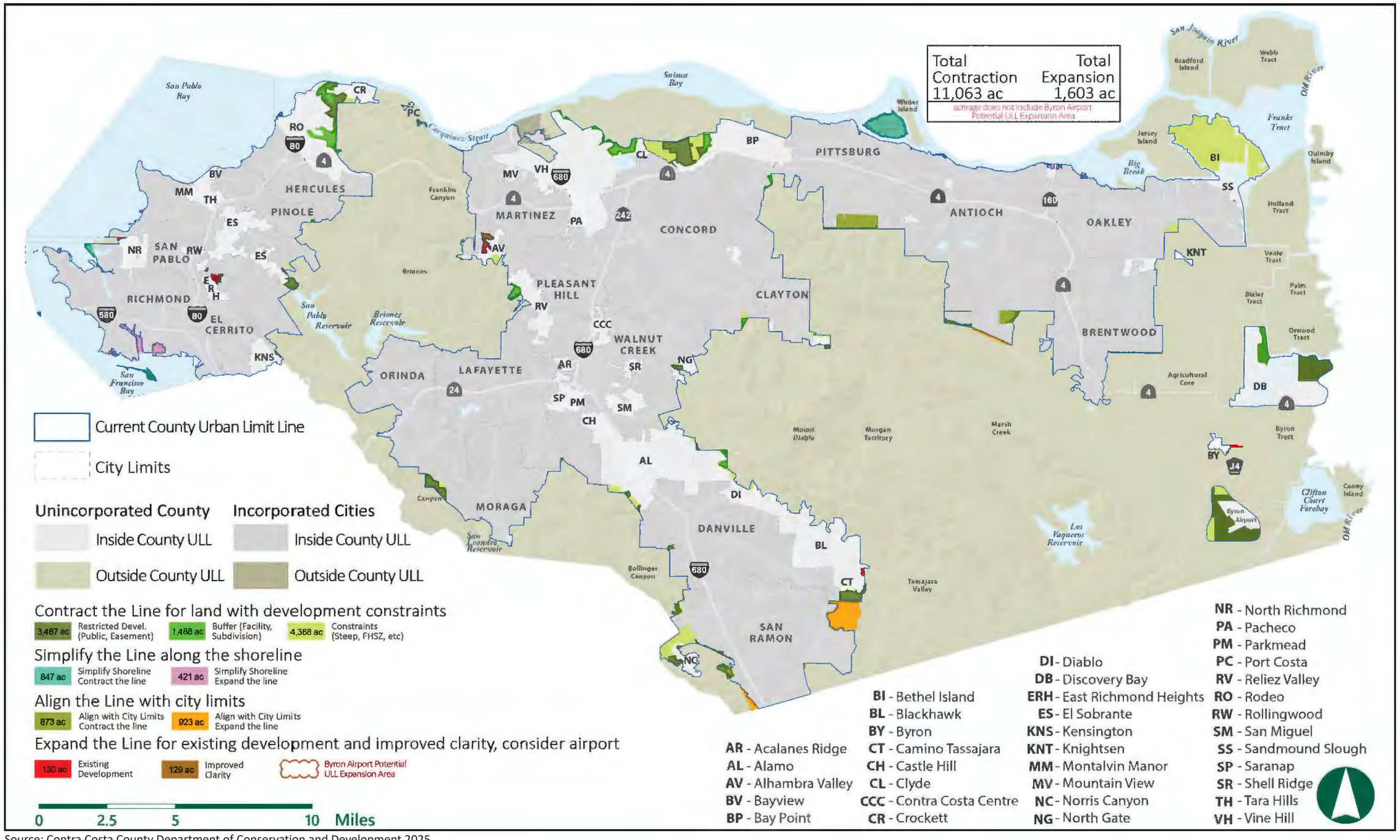

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Proposed Urban Limit Line

Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

August 23, 2025

Debra Grimes
Tribal Cultural Resources Specialist
Calaveras Band of Mi-Wuk Indians
P.O. Box 899
West Point, CA 95255

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Debra Grimes,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies the Calaveras Band of Mi-Wuk Indians of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

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PROPOSED PROJECT: The proposed project is a 2026 ballot measure asking the voters of Contra Costa County to amend the Land Use Element of the 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (County Ordinance Code Chapter 82-1) to:

1. Extend the term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line through December 31, 2051.
2. Modify the periodic ULL review requirements of the 65/35 Land Preservation Plan Ordinance to align reviews of the ULL with State-mandated Housing Element update cycles.
3. Modify the criteria and factors enumerated in the 65/35 Land Preservation Plan Ordinance for determining whether land should be considered for location outside the ULL, to include:

i. Lands which qualify for rating as Class I or Class II in the Soil Conservation Service Land Use Capability Classification.

ii. Lands designated as High or Very High Fire Hazard Severity Zones on maps published by the California Department of Forestry and Fire Protection.

iii. Lands with slopes of 26 percent or greater.

iv. Lands at risk from substantial inundation due to flooding or anticipated sea level rise.

v. Lands with recorded development restrictions such as agricultural, conservation, or scenic easements or deeded development rights.

vi. Open space, parks, and other recreation areas.

vii. Wetlands and undevelopable islands.

viii. Areas with inadequate water, sewer, and roadway infrastructure.

ix. Other areas not appropriate for urban growth because of separation from existing development, unstable geologic conditions, likelihood of substantial environmental damage or substantial injury to fish or wildlife or their habitat, and other similar factors rendering the land physically unsuitable for intense development.

4. Retain, during the extended term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line, the requirement for voter approval to expand the County's Urban Limit Line by more than 30 acres, except as specifically authorized in the 65/35 Land Preservation Plan Ordinance, and approved by the voters in this ballot measure, namely:

   The Board of Supervisors may, without subsequent voter approval, expand the ULL by any acreage within the boundaries of the Byron Airport Potential ULL Expansion Area illustrated on General Plan Land Use Element Figure LU-2, Urban Limit Line, after holding a public hearing at which the Board adopts the General Plan amendment for the expansion, by a four-fifths vote, after making each of the following findings based on substantial evidence in the record:

   a. The expansion is necessary to further the economic viability of Byron Airport and attain the County's goals related to economic development.

   b. The expanded ULL area will accommodate uses directly linked to aeronautics, such as aviation research and development, aircraft manufacturing/assembly, and aeronautical schools/training facilities.

   c. The expanded ULL area will not accommodate residential development, logistics/distributions centers, lodging, or any other use not directly linked to aeronautics except for minor ancillary uses necessary to support the airport workforce.

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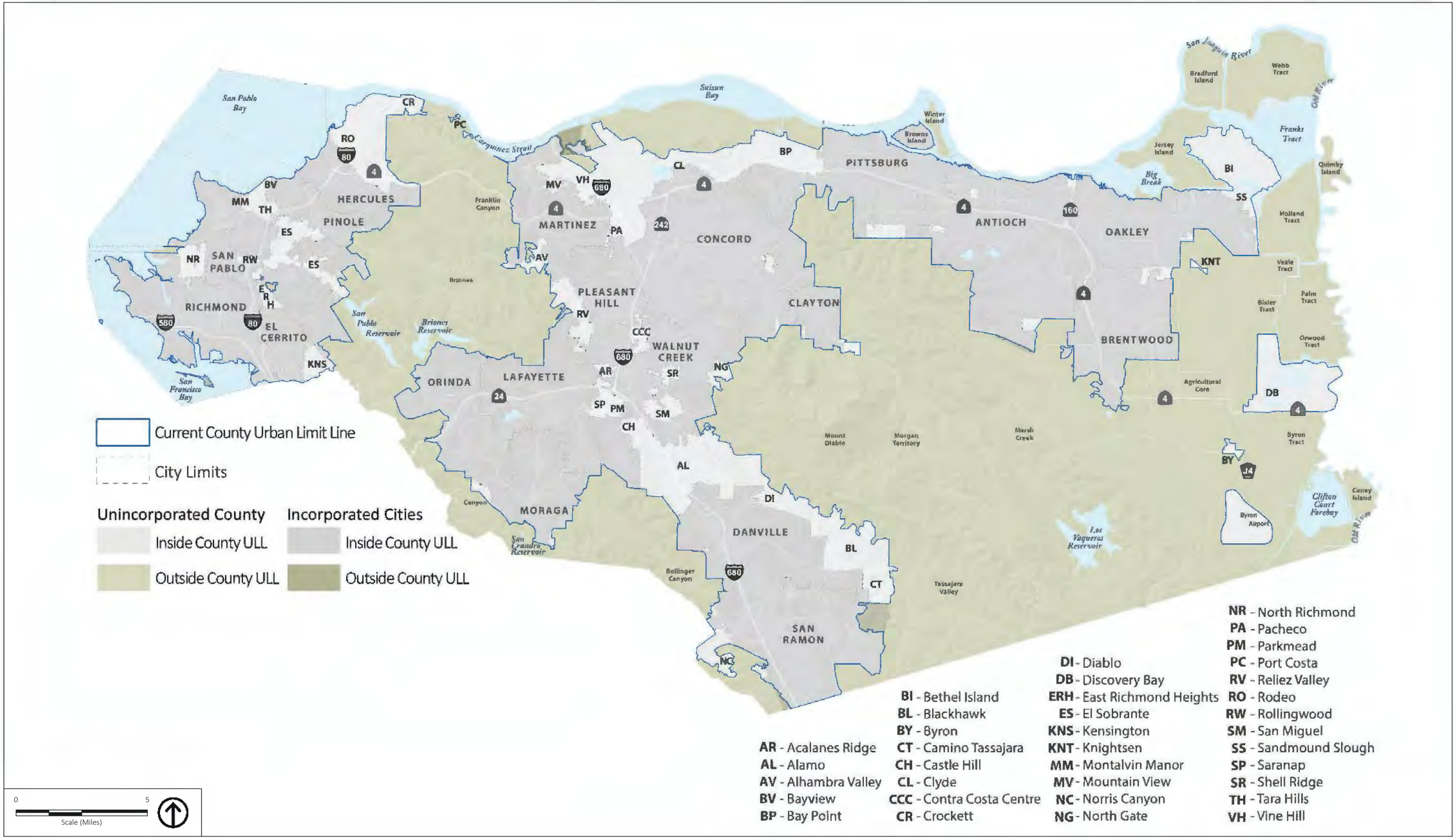
5. Retain in both the General Plan and County Ordinance Code the requirement that a four-fifths vote of the Board of Supervisors is necessary to place a measure on the election ballot to expand the ULL boundary by more than 30 acres through the year 2051.
6. Retain in both the General Plan and County Ordinance Code the existing procedure for any change to the County's ULL under 30 acres based on a four-fifths vote of the Board of Supervisors after holding a public hearing and making at least one of seven findings, as proscribed in both the General Plan and County Ordinance Code, based on substantial evidence in the record.
7. Modify the enumerated findings proscribed in both the General Plan and County Ordinance Code required for a change to the County's ULL under 30 acres to reflect the modified periodic ULL reviews and to make other non-substantive changes.
8. Retain the 65/35 Standard for land preservation in Contra Costa County, whereby at least 65 percent of the overall County land area will be retained for non-urban uses through the year 2051.
9. Retain protections for the County's prime agricultural land, specifically the area designated in the General Plan as the Agricultural Core, by maintaining the 40-acre minimum parcel size.
10. Approve a new ULL Map for the General Plan (Figure LU-2 in the 2045 General Plan Land Use Element), which reflects the following changes:
    i. Moves 3,487 acres with significant development restrictions, such as ownership by government agencies or encumbrance with conservation or agricultural easements, outside the ULL.
    ii. Moves 1,488 acres of buffer lands around subdivisions, cemeteries, and industrial facilities, outside the ULL.
    iii. Moves 4,368 acres with significant development constraints, such as high fire hazards, steep slopes, and flood hazards, outside the ULL.
    iv. Moves 873 acres outside the ULL and 923 acres inside the ULL to align the ULL with city limits.
    v. Moves 847 acres outside the ULL and 421 acres inside the ULL to simplify and improve understanding of the ULL along the county's shoreline.
11. Update administrative sections of the 65/35 Land Preservation Ordinance to correct outdated text and achieve consistency with the changes described in items 1-10 above.

The proposed adjustments to the ULL Map are shown in Figure 2, *Proposed Urban Limit Line*. It is important to note that the proposed project does not change the development potential evaluated in the 2045 General Plan as there are no changes to the Land Use Map or land use designations.

Attachments:

Figure 1 – Current Adopted County Urban Limit Line
Figure 2 – Proposed Urban Limit Line



Source: Contra Costa County Department of Conservation and Development 2025.

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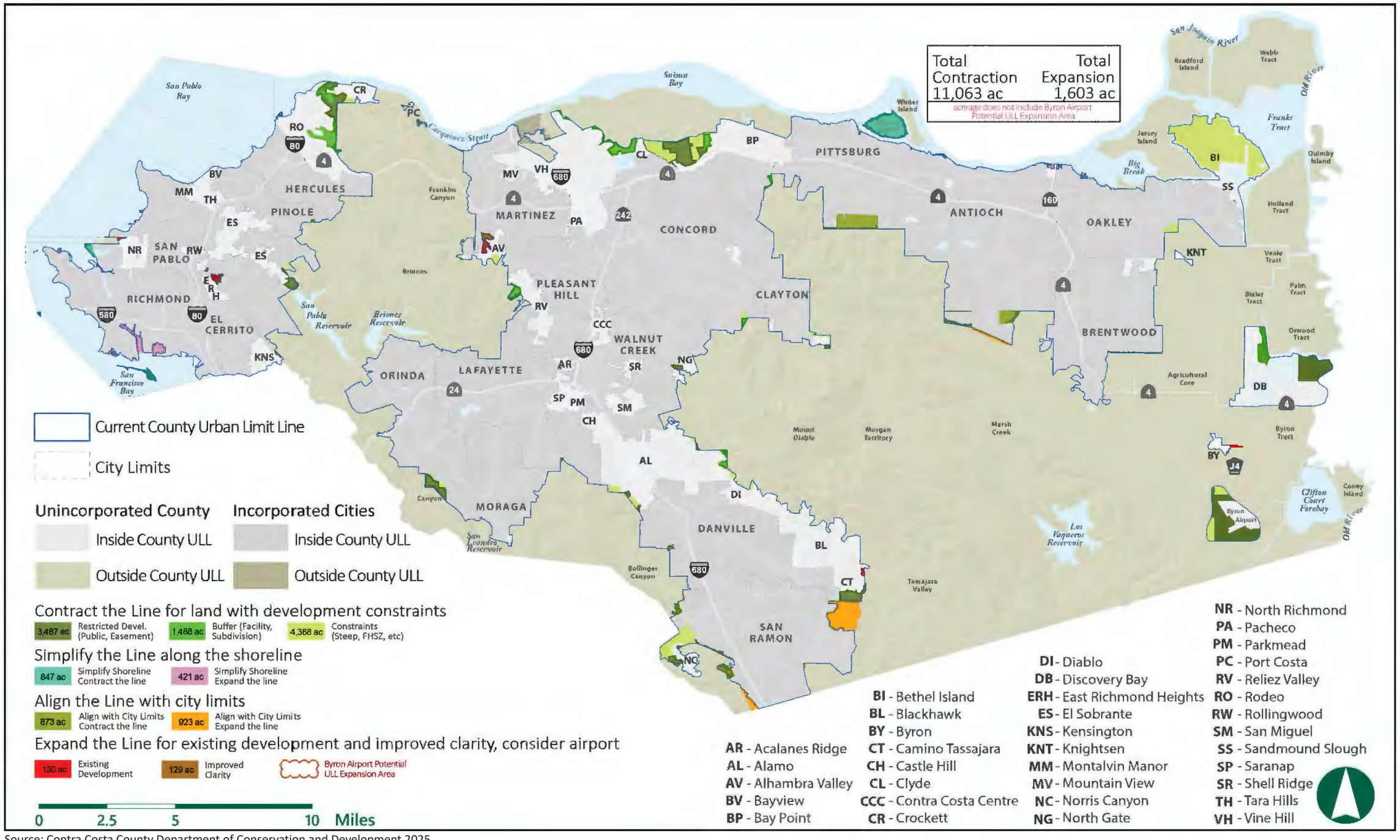

Source: Contra Costa County Department of Conservation and Development 2025.

Figure 2
Proposed Urban Limit Line

Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

August 23, 2025

Stephanie Suess
Community and Resources Development Director
Chicken Ranch Rancheria of Me-Wuk Indians
P.O. Box 1159
Jamestown, CA 95327

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Stephanie Suess,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies Chicken Ranch Rancheria of Me-Wuk Indians of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

The proposed project is a Board of Supervisors action to place a measure on the 2026 Primary Election or General Election ballot asking the voters of Contra Costa County to amend the Land Use Element of the Contra Costa 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code) to extend the Urban Limit Line (ULL) and 65/35 Plan term, modify the ULL periodic review requirement, make revisions to the adopted ULL map, and make other changes to the text of the Ordinance and findings for the ULL adjustment process. Please see additional details about the proposed project in the pages below.

The County prepared an Initial Study for the proposed project in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15153 which allows a lead agency to use an EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same. The Initial Study for the proposed project concludes that the 2024 Environmental Impact Report for the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update (EIR) adequately evaluates the impacts

associated with the proposed project and is sufficient to serve as the environmental document for the proposed project. The Initial Study also concludes that the proposed project would not result in any additional impacts beyond those evaluated in the EIR.

The County values your feedback as part of our review process. Thus, in accordance with Government Code 65352.3(a)(2), we request a written response from you indicating your intent to consult on this proposed project. Please contact Will Nelson at (925) 655-2898 or will.nelson@dcd.cccounty.us, or at the follow address:

Department of Conservation and Development
30 Muir Road
Martinez, CA 94553
Attn: Will Nelson

Sincerely,

Will Nelson, Advance Planning Manager
Department of Conservation and Development
Contra Costa County

PREVIOUS TRIBAL CONSULTATION. The County adopted the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update and certified an EIR evaluating the impacts of implementing these countywide plans, on November 5, 2024. In accordance with SB 18 requirements, the County sent letters to representatives of the Native American tribes provided by the Native American Heritage Commission (NAHC) on January 15, 2021, formally inviting tribes to consult with the County on the 2045 General Plan. In accordance with AB 52 requirements for the EIR, an invitation for consultation was sent out to the County's NAHC-provided Tribal Consultation List on October 5, 2023. Recommendations, comments, edits, and mitigation measures provided by tribes that participated in the tribal consultation process were incorporated into the 2045 General Plan and EIR.

PROJECT BACKGROUND. On November 6, 1990, Contra Costa County voters approved Measure C (Measure C-1990), the 65/35 Contra Costa County Land Preservation Plan (the 65/35 Plan), which established various mechanisms aimed at containing urban sprawl and protecting resources like agricultural land and scenic ridges. The most significant and impactful of these mechanisms are the 65/35 Land Preservation Standard (the 65/35 Standard) and ULL. Pursuant to the 65/35 Standard, no more than 35 percent of the land within the county may be designated for urban uses (residential, commercial, industrial, etc.) in the General Plans of the County and the 19 cities, and at least 65 percent must be designated for nonurban uses, including agriculture, open space, parks, and other non-urban uses. Meanwhile, the ULL establishes a boundary beyond which no land may be designated for urban land uses. Operating together, the 65/35 Standard and ULL limit the geographic extent of urban development in the county.

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PROPOSED PROJECT: The proposed project is a 2026 ballot measure asking the voters of Contra Costa County to amend the Land Use Element of the 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (County Ordinance Code Chapter 82-1) to:

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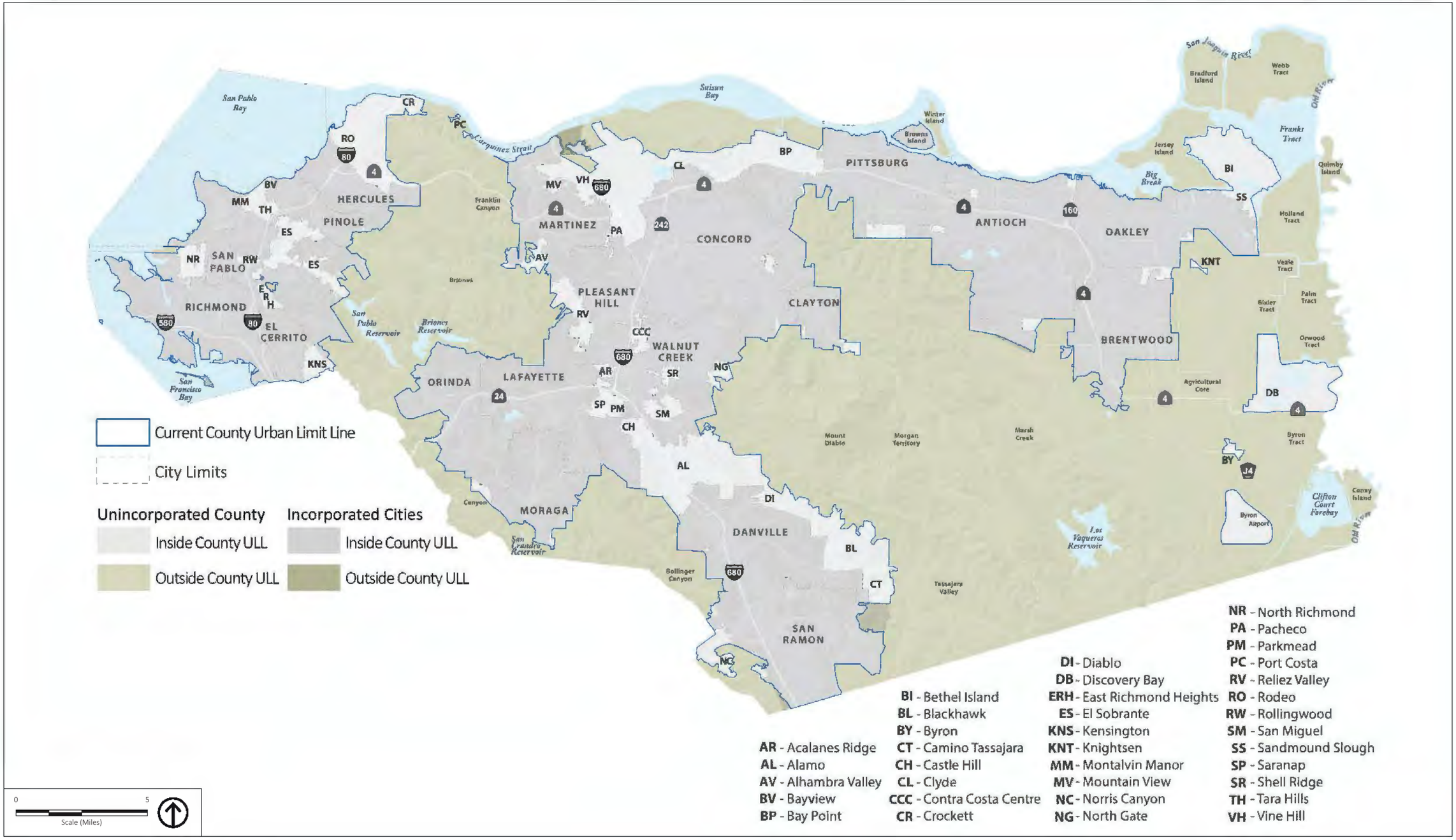

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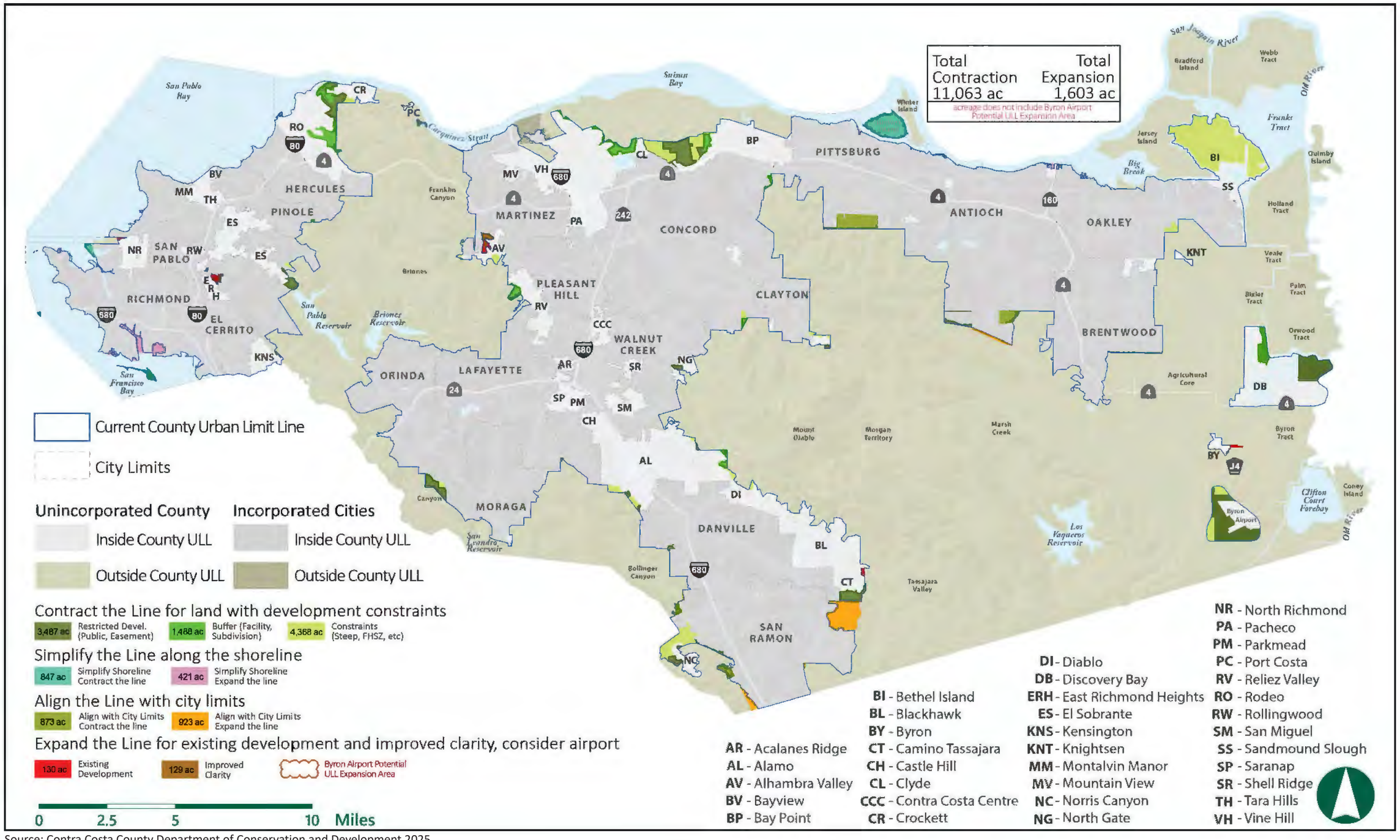

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Figure 2
Proposed Urban Limit Line

Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

August 23, 2025

Cheyenne Gould
Tribal Cultural Resources Manager
The Confederated Villages of Lisjan Nation
10926 Edes Avenue
Oakland, CA 94603

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Cheyenne Gould,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies The Confederated Villages of Lisjan Nation of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

The proposed project is a Board of Supervisors action to place a measure on the 2026 Primary Election or General Election ballot asking the voters of Contra Costa County to amend the Land Use Element of the Contra Costa 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code) to extend the Urban Limit Line (ULL) and 65/35 Plan term, modify the ULL periodic review requirement, make revisions to the adopted ULL map, and make other changes to the text of the Ordinance and findings for the ULL adjustment process. Please see additional details about the proposed project in the pages below.

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Sincerely,

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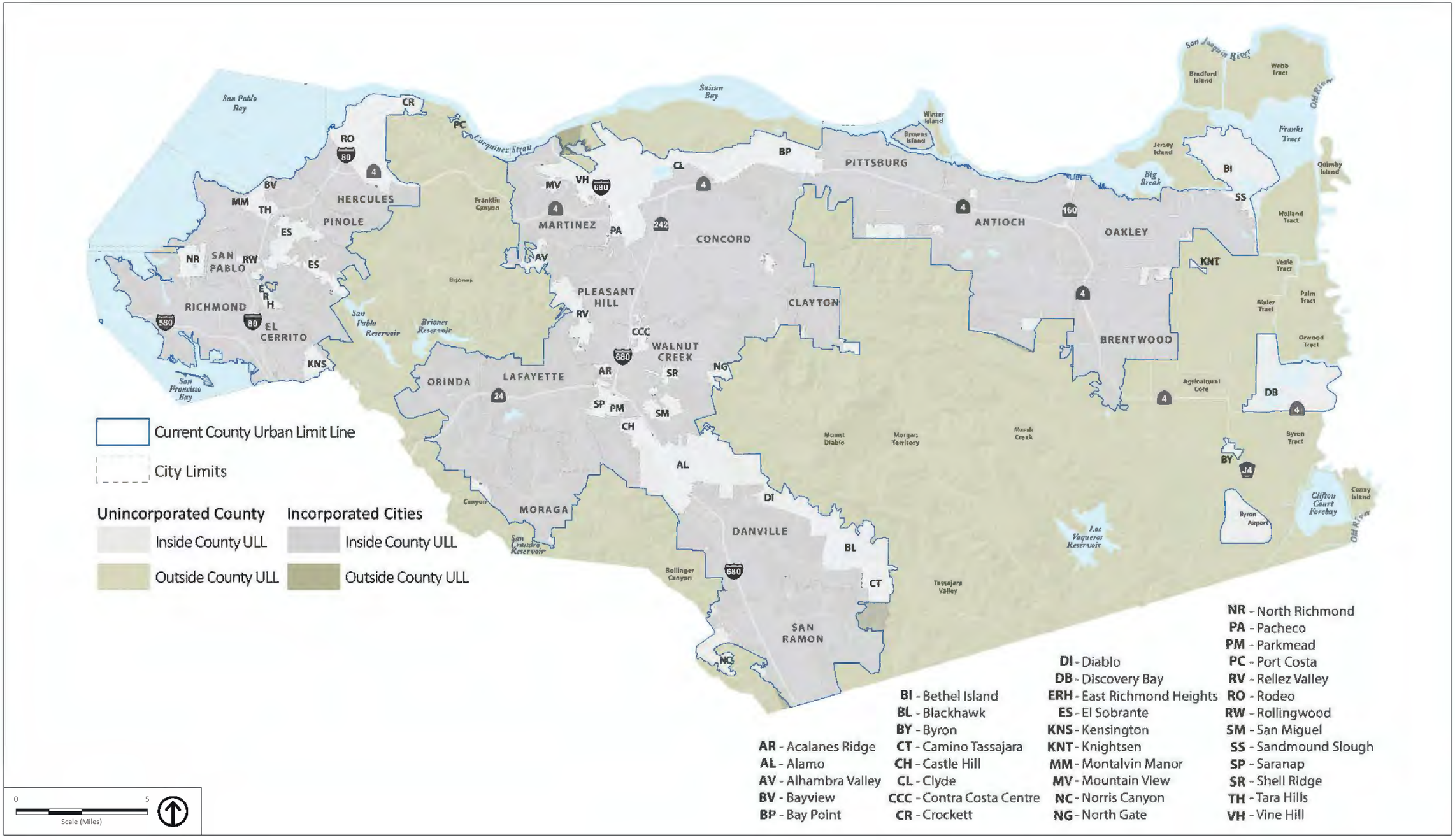

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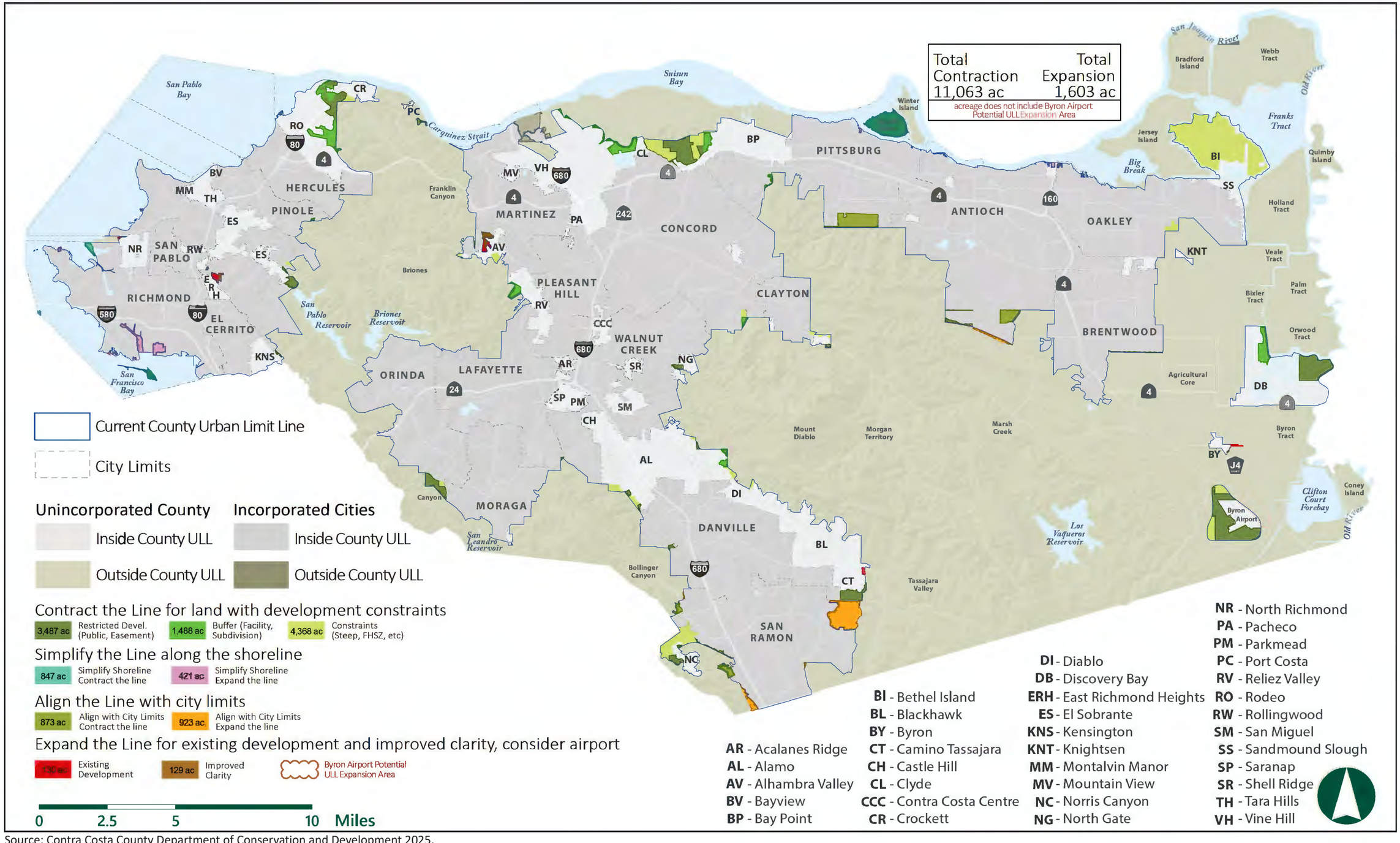

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30 Muir Road
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Contra Costa County

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Gabriel Lemus
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August 23, 2025

Corrina Gould
Chairperson
The Confederated Villages of Lisjan Nation
10926 Edes Avenue
Oakland, CA 94603

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

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In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies The Confederated Villages of Lisjan Nation of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

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The County prepared an Initial Study for the proposed project in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15153 which allows a lead agency to use an EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same. The Initial Study for the proposed project concludes that the 2024 Environmental Impact Report for the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update (EIR) adequately evaluates the impacts associated with the proposed project and is sufficient to serve as the environmental document

for the proposed project. The Initial Study also concludes that the proposed project would not result in any additional impacts beyond those evaluated in the EIR.

The County values your feedback as part of our review process. Thus, in accordance with Government Code 65352.3(a)(2), we request a written response from you indicating your intent to consult on this proposed project. Please contact Will Nelson at (925) 655-2898 or will.nelson@dcd.cccounty.us, or at the follow address:

Department of Conservation and Development
30 Muir Road
Martinez, CA 94553
Attn: Will Nelson

Sincerely,

Will Nelson, Advance Planning Manager
Department of Conservation and Development
Contra Costa County

PREVIOUS TRIBAL CONSULTATION. The County adopted the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update and certified an EIR evaluating the impacts of implementing these countywide plans, on November 5, 2024. In accordance with SB 18 requirements, the County sent letters to representatives of the Native American tribes provided by the Native American Heritage Commission (NAHC) on January 15, 2021, formally inviting tribes to consult with the County on the 2045 General Plan. In accordance with AB 52 requirements for the EIR, an invitation for consultation was sent out to the County's NAHC-provided Tribal Consultation List on October 5, 2023. Recommendations, comments, edits, and mitigation measures provided by tribes that participated in the tribal consultation process were incorporated into the 2045 General Plan and EIR.

PROJECT BACKGROUND. On November 6, 1990, Contra Costa County voters approved Measure C (Measure C-1990), the 65/35 Contra Costa County Land Preservation Plan (the 65/35 Plan), which established various mechanisms aimed at containing urban sprawl and protecting resources like agricultural land and scenic ridges. The most significant and impactful of these mechanisms are the 65/35 Land Preservation Standard (the 65/35 Standard) and ULL. Pursuant to the 65/35 Standard, no more than 35 percent of the land within the county may be designated for urban uses (residential, commercial, industrial, etc.) in the General Plans of the County and the 19 cities, and at least 65 percent must be designated for nonurban uses, including agriculture, open space, parks, and other non-urban uses. Meanwhile, the ULL establishes a boundary beyond which no land may be designated for urban land uses. Operating together, the 65/35 Standard and ULL limit the geographic extent of urban development in the county.

On November 7, 2006, county voters approved Measure L (Measure L-2006), which carried forward most of the elements of Measure C-1990 while also extending the term of the 65/35 Ordinance to December 31, 2026; requiring a four-fifths vote of the County Board of Supervisors and voter approval to expand the ULL by more than 30 acres; requiring periodic reviews of the ULL by the Board of Supervisors; and adopting a new ULL Map. The County's current ULL Map is shown in Figure 1, *Current Adopted County Urban Limit Line.*

PROPOSED PROJECT: The proposed project is a 2026 ballot measure asking the voters of Contra Costa County to amend the Land Use Element of the 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (County Ordinance Code Chapter 82-1) to:

1. Extend the term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line through December 31, 2051.
2. Modify the periodic ULL review requirements of the 65/35 Land Preservation Plan Ordinance to align reviews of the ULL with State-mandated Housing Element update cycles.
3. Modify the criteria and factors enumerated in the 65/35 Land Preservation Plan Ordinance for determining whether land should be considered for location outside the ULL, to include:

i. Lands which qualify for rating as Class I or Class II in the Soil Conservation Service Land Use Capability Classification.

ii. Lands designated as High or Very High Fire Hazard Severity Zones on maps published by the California Department of Forestry and Fire Protection.

iii. Lands with slopes of 26 percent or greater.

iv. Lands at risk from substantial inundation due to flooding or anticipated sea level rise.

v. Lands with recorded development restrictions such as agricultural, conservation, or scenic easements or deeded development rights.

vi. Open space, parks, and other recreation areas.

vii. Wetlands and undevelopable islands.

viii. Areas with inadequate water, sewer, and roadway infrastructure.

ix. Other areas not appropriate for urban growth because of separation from existing development, unstable geologic conditions, likelihood of substantial environmental damage or substantial injury to fish or wildlife or their habitat, and other similar factors rendering the land physically unsuitable for intense development.

4. Retain, during the extended term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line, the requirement for voter approval to expand the County's Urban Limit Line by more than 30 acres, except as specifically authorized in the 65/35 Land Preservation Plan Ordinance, and approved by the voters in this ballot measure, namely:

   The Board of Supervisors may, without subsequent voter approval, expand the ULL by any acreage within the boundaries of the Byron Airport Potential ULL Expansion Area illustrated on General Plan Land Use Element Figure LU-2, Urban Limit Line, after holding a public hearing at which the Board adopts the General Plan amendment for the expansion, by a four-fifths vote, after making each of the following findings based on substantial evidence in the record:

   a. The expansion is necessary to further the economic viability of Byron Airport and attain the County's goals related to economic development.

   b. The expanded ULL area will accommodate uses directly linked to aeronautics, such as aviation research and development, aircraft manufacturing/assembly, and aeronautical schools/training facilities.

   c. The expanded ULL area will not accommodate residential development, logistics/distributions centers, lodging, or any other use not directly linked to aeronautics except for minor ancillary uses necessary to support the airport workforce.

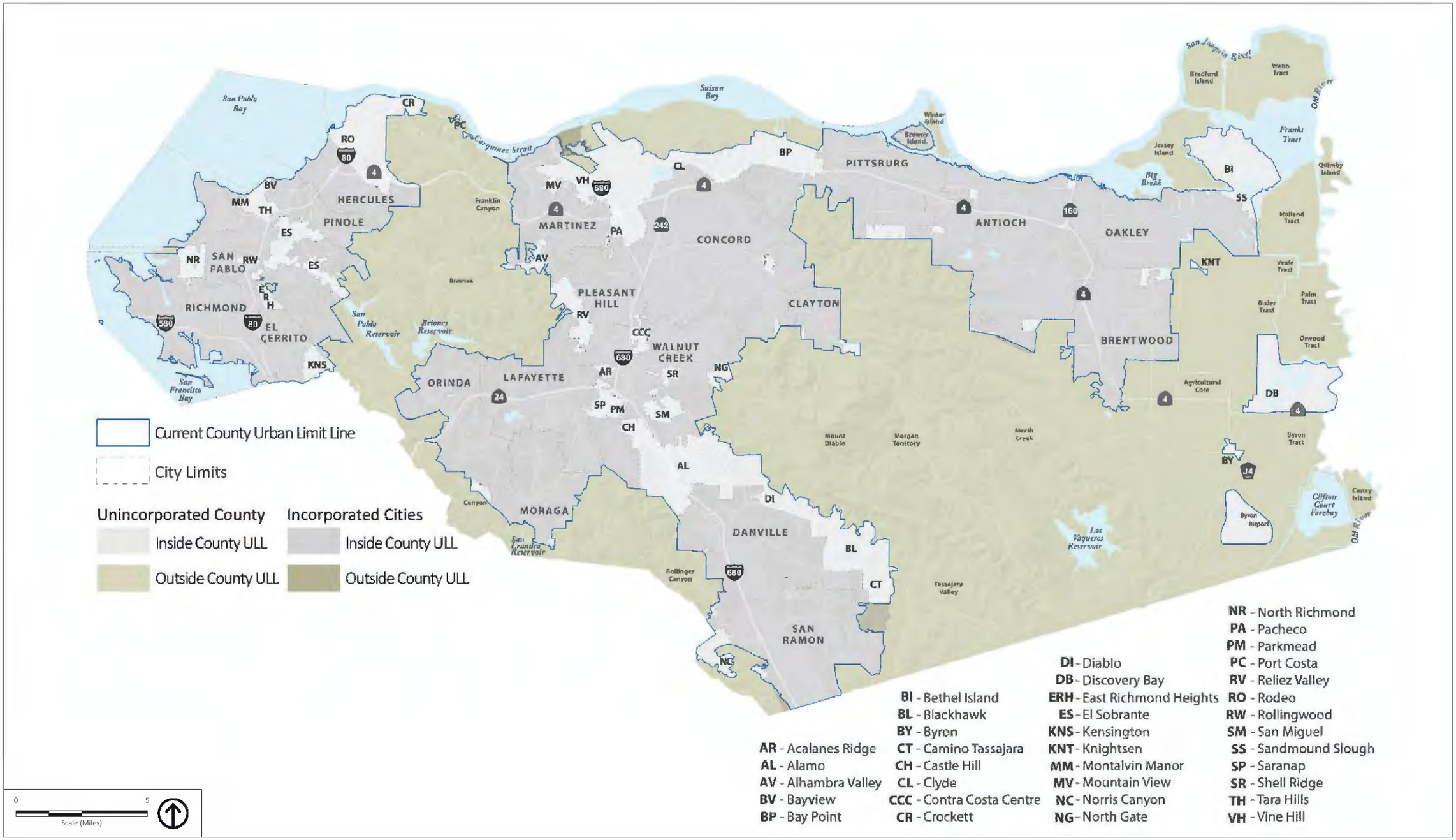
   d. The expansion will not induce sprawl.

5. Retain in both the General Plan and County Ordinance Code the requirement that a four-fifths vote of the Board of Supervisors is necessary to place a measure on the election ballot to expand the ULL boundary by more than 30 acres through the year 2051.
6. Retain in both the General Plan and County Ordinance Code the existing procedure for any change to the County's ULL under 30 acres based on a four-fifths vote of the Board of Supervisors after holding a public hearing and making at least one of seven findings, as proscribed in both the General Plan and County Ordinance Code, based on substantial evidence in the record.
7. Modify the enumerated findings proscribed in both the General Plan and County Ordinance Code required for a change to the County's ULL under 30 acres to reflect the modified periodic ULL reviews and to make other non-substantive changes.
8. Retain the 65/35 Standard for land preservation in Contra Costa County, whereby at least 65 percent of the overall County land area will be retained for non-urban uses through the year 2051.
9. Retain protections for the County's prime agricultural land, specifically the area designated in the General Plan as the Agricultural Core, by maintaining the 40-acre minimum parcel size.
10. Approve a new ULL Map for the General Plan (Figure LU-2 in the 2045 General Plan Land Use Element), which reflects the following changes:
    i. Moves 3,487 acres with significant development restrictions, such as ownership by government agencies or encumbrance with conservation or agricultural easements, outside the ULL.
    ii. Moves 1,488 acres of buffer lands around subdivisions, cemeteries, and industrial facilities, outside the ULL.
    iii. Moves 4,368 acres with significant development constraints, such as high fire hazards, steep slopes, and flood hazards, outside the ULL.
    iv. Moves 873 acres outside the ULL and 923 acres inside the ULL to align the ULL with city limits.
    v. Moves 847 acres outside the ULL and 421 acres inside the ULL to simplify and improve understanding of the ULL along the county's shoreline.
11. Update administrative sections of the 65/35 Land Preservation Ordinance to correct outdated text and achieve consistency with the changes described in items 1-10 above.

The proposed adjustments to the ULL Map are shown in Figure 2, *Proposed Urban Limit Line*. It is important to note that the proposed project does not change the development potential evaluated in the 2045 General Plan as there are no changes to the Land Use Map or land use designations.

Attachments:

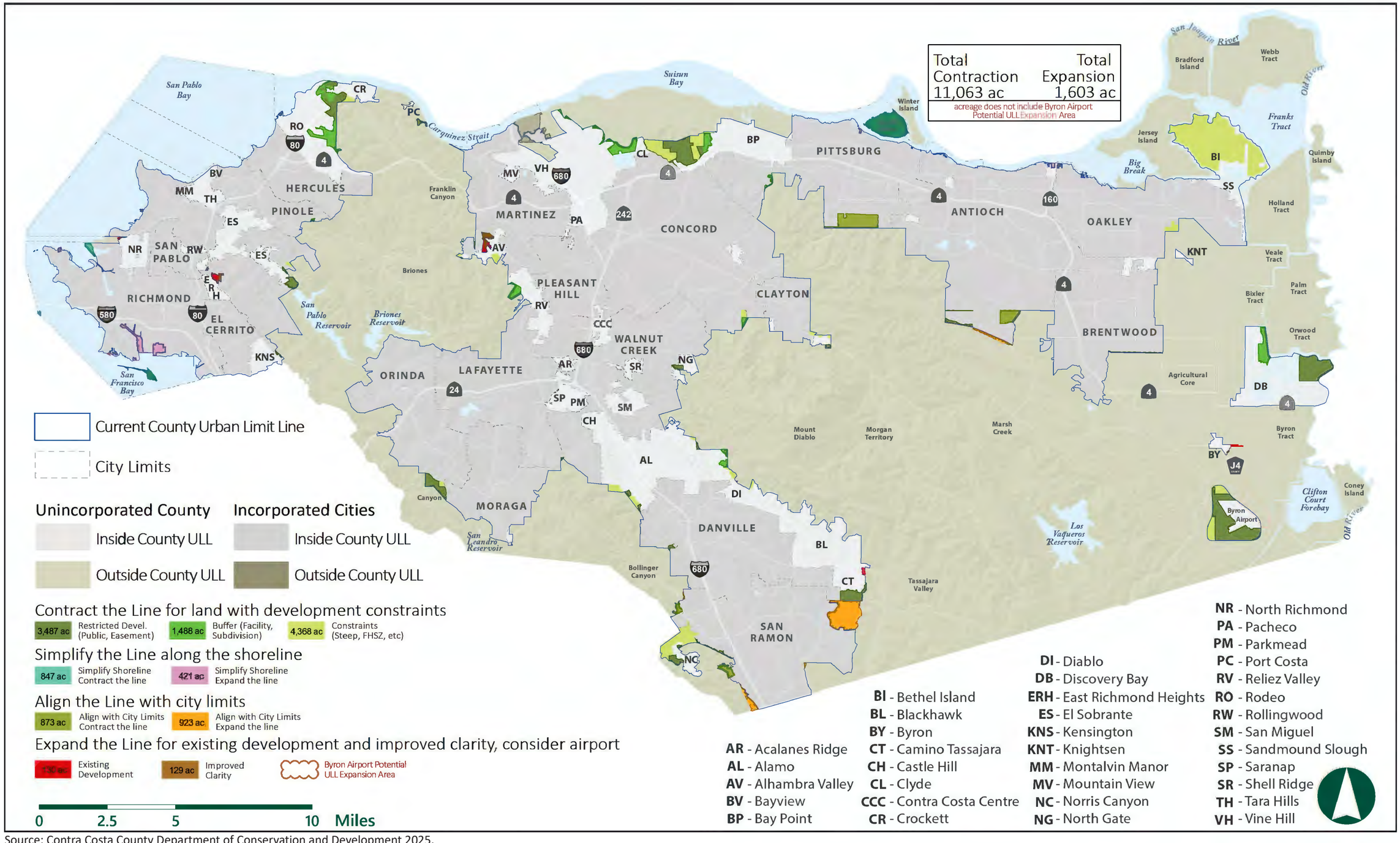
Figure 1 – Current Adopted County Urban Limit Line
Figure 2 – Proposed Urban Limit Line



AR - Acalanes Ridge
AL - Alamo
AV - Alhambra Valley
BV - Bayview
BP - Bay Point
BI - Bethel Island
BL - Blackhawk
BY - Byron
CT - Camino Tassajara
CH - Castle Hill
CL - Clyde
CCC - Contra Costa Centre
CR - Crockett
DI - Diablo
DB - Discovery Bay
ERH - East Richmond Heights
ES - El Sobrante
KNS - Kensington
KNT - Knightsen
MM - Montalvin Manor
MV - Mountain View
NC - Norris Canyon
NG - North Gate
NR - North Richmond
PA - Pacheco
PM - Parkmead
PC - Port Costa
RV - Reliez Valley
RO - Rodeo
RW - Rollingwood
SM - San Miguel
SS - Sandmound Slough
SP - Saranap
SR - Shell Ridge
TH - Tara Hills
VH - Vine Hill

Source: Contra Costa County Department of Conservation and Development 2025.

Figure 1
Current Adopted County Urban Limit Line



Source: Contra Costa County Department of Conservation and Development 2025.

Figure 2
Proposed Urban Limit Line

Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

August 23, 2025

Michael Derry
Historian
Guidiville Rancheria of California
P.O. Box 339
Talmage, CA 95481

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Michael Derry,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies Guidiville Rancheria of California of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

The proposed project is a Board of Supervisors action to place a measure on the 2026 Primary Election or General Election ballot asking the voters of Contra Costa County to amend the Land Use Element of the Contra Costa 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code) to extend the Urban Limit Line (ULL) and 65/35 Plan term, modify the ULL periodic review requirement, make revisions to the adopted ULL map, and make other changes to the text of the Ordinance and findings for the ULL adjustment process. Please see additional details about the proposed project in the pages below.

The County prepared an Initial Study for the proposed project in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15153 which allows a lead agency to use an EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same. The Initial Study for the proposed project concludes that the 2024 Environmental Impact Report for the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update (EIR) adequately evaluates the impacts associated with the proposed project and is sufficient to serve as the environmental document

for the proposed project. The Initial Study also concludes that the proposed project would not result in any additional impacts beyond those evaluated in the EIR.

The County values your feedback as part of our review process. Thus, in accordance with Government Code 65352.3(a)(2), we request a written response from you indicating your intent to consult on this proposed project. Please contact Will Nelson at (925) 655-2898 or will.nelson@dcd.cccounty.us, or at the follow address:

Department of Conservation and Development
30 Muir Road
Martinez, CA 94553
Attn: Will Nelson

Sincerely,

Will Nelson, Advance Planning Manager
Department of Conservation and Development
Contra Costa County

PREVIOUS TRIBAL CONSULTATION. The County adopted the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update and certified an EIR evaluating the impacts of implementing these countywide plans, on November 5, 2024. In accordance with SB 18 requirements, the County sent letters to representatives of the Native American tribes provided by the Native American Heritage Commission (NAHC) on January 15, 2021, formally inviting tribes to consult with the County on the 2045 General Plan. In accordance with AB 52 requirements for the EIR, an invitation for consultation was sent out to the County's NAHC-provided Tribal Consultation List on October 5, 2023. Recommendations, comments, edits, and mitigation measures provided by tribes that participated in the tribal consultation process were incorporated into the 2045 General Plan and EIR.

PROJECT BACKGROUND. On November 6, 1990, Contra Costa County voters approved Measure C (Measure C-1990), the 65/35 Contra Costa County Land Preservation Plan (the 65/35 Plan), which established various mechanisms aimed at containing urban sprawl and protecting resources like agricultural land and scenic ridges. The most significant and impactful of these mechanisms are the 65/35 Land Preservation Standard (the 65/35 Standard) and ULL. Pursuant to the 65/35 Standard, no more than 35 percent of the land within the county may be designated for urban uses (residential, commercial, industrial, etc.) in the General Plans of the County and the 19 cities, and at least 65 percent must be designated for nonurban uses, including agriculture, open space, parks, and other non-urban uses. Meanwhile, the ULL establishes a boundary beyond which no land may be designated for urban land uses. Operating together, the 65/35 Standard and ULL limit the geographic extent of urban development in the county.

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The proposed adjustments to the ULL Map are shown in Figure 2, *Proposed Urban Limit Line*. It is important to note that the proposed project does not change the development potential evaluated in the 2045 General Plan as there are no changes to the Land Use Map or land use designations.

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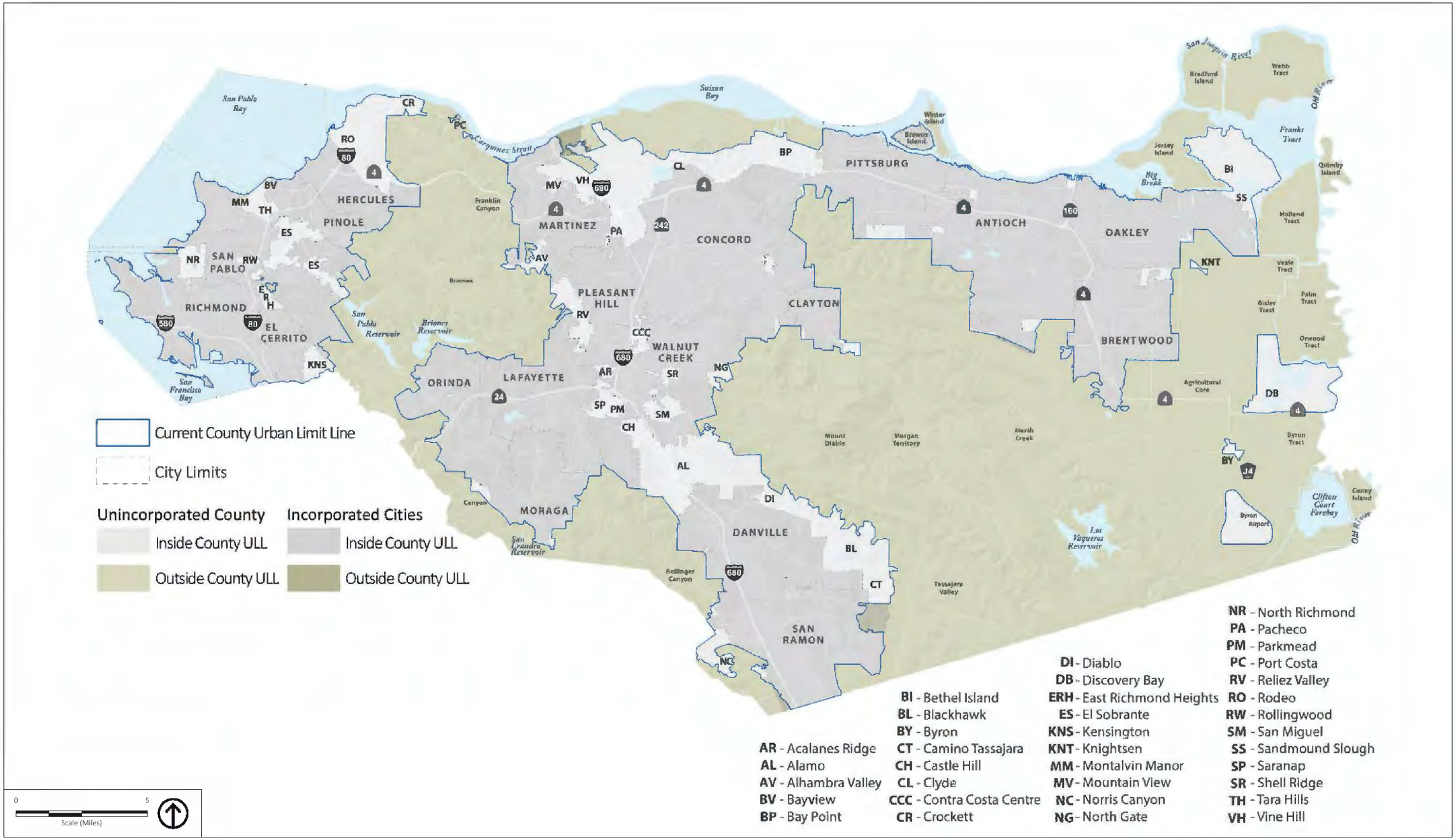

Source: Contra Costa County Department of Conservation and Development 2025.

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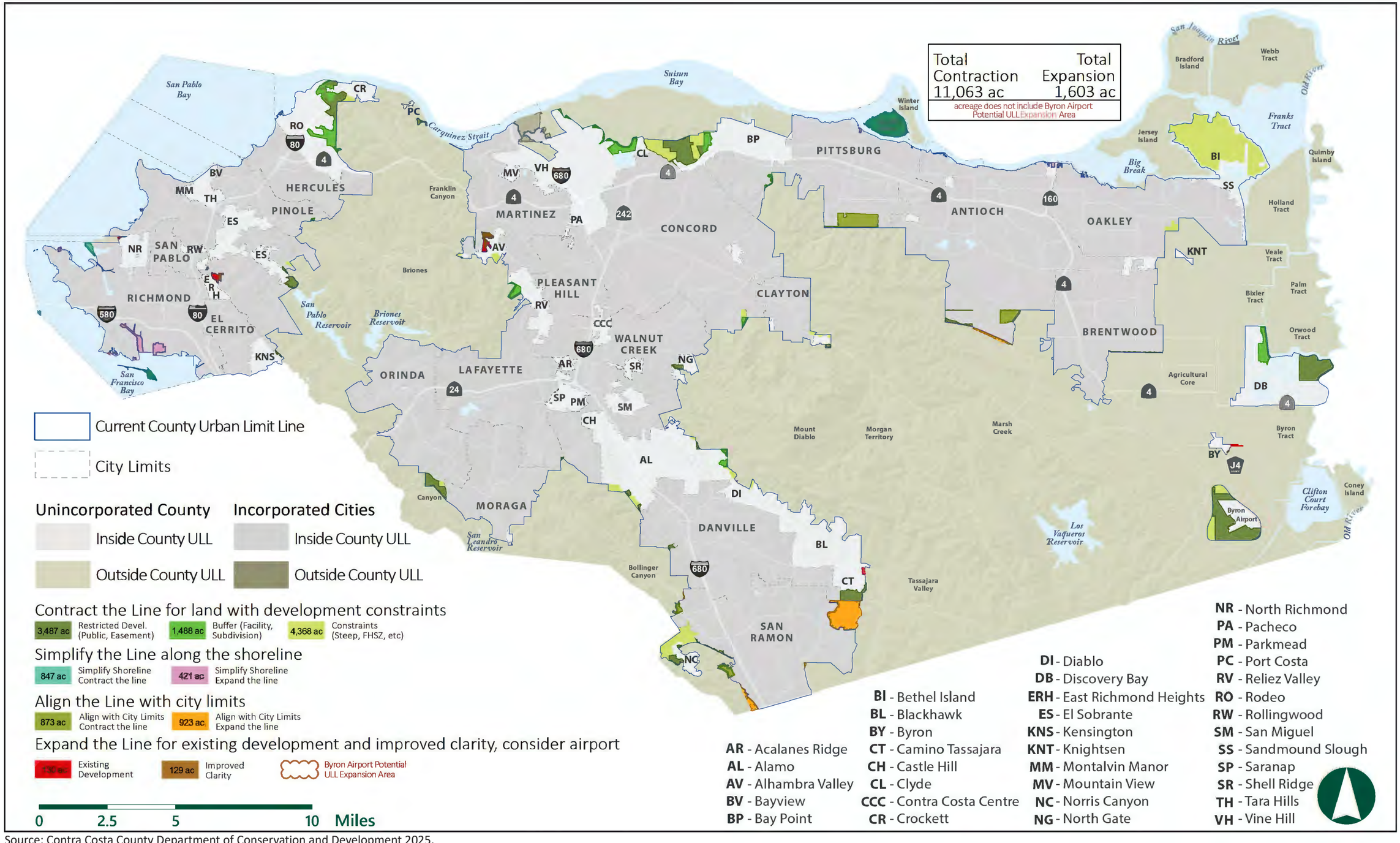
Current Adopted County Urban Limit Line



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Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

August 23, 2025

Joanna Portillo-Hsu
Environmental and Planning Manager
Chicken Ranch Rancheria of Me-Wuk Indians
P.O. Box 1159
Jamestown, CA 95327

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Joanna Portillo-Hsu,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies Chicken Ranch Rancheria of Me-Wuk Indians of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

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30 Muir Road
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Sincerely,

Will Nelson, Advance Planning Manager
Department of Conservation and Development
Contra Costa County

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    iv. Moves 873 acres outside the ULL and 923 acres inside the ULL to align the ULL with city limits.
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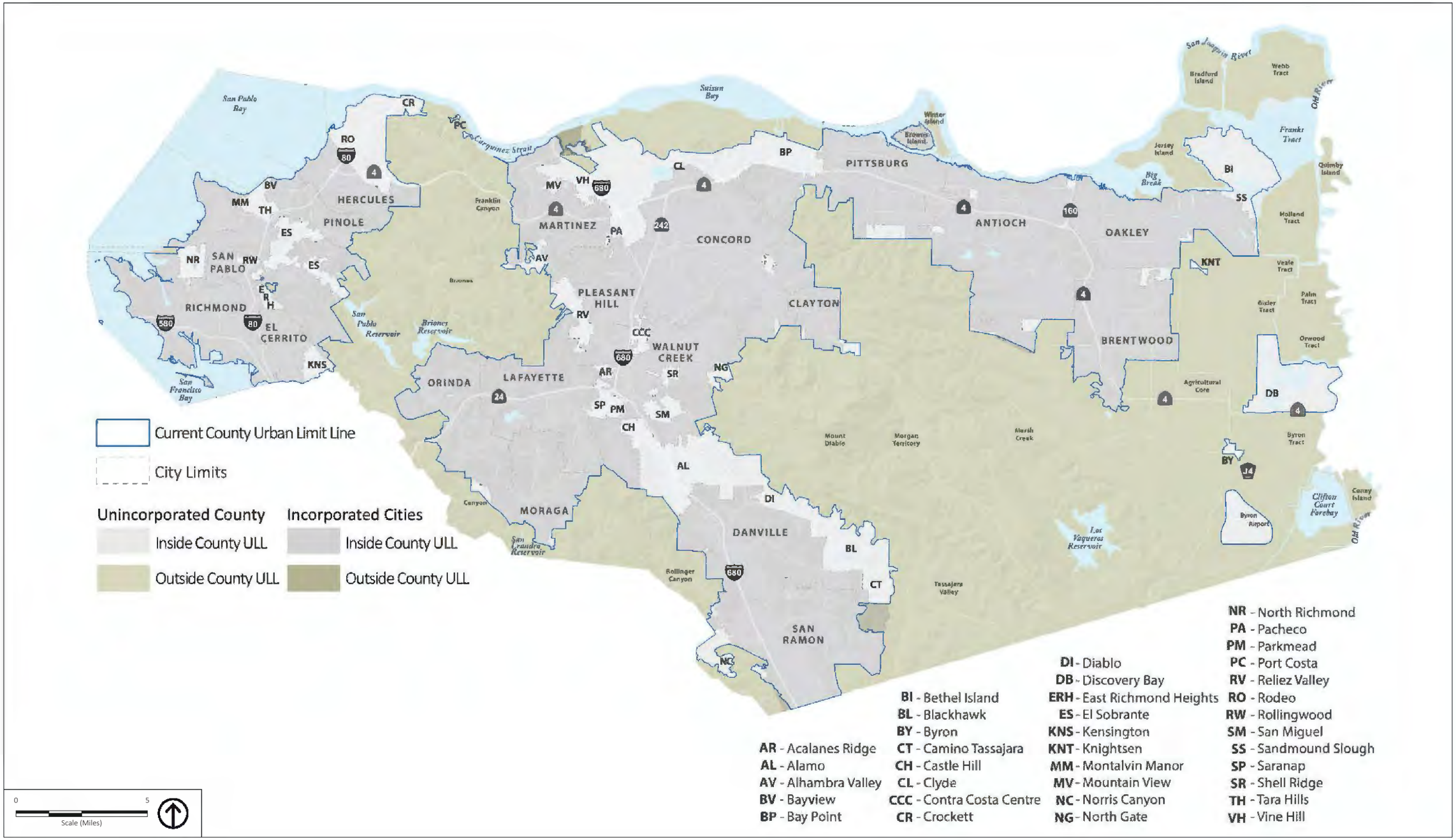
The proposed adjustments to the ULL Map are shown in Figure 2, *Proposed Urban Limit Line*. It is important to note that the proposed project does not change the development potential evaluated in the 2045 General Plan as there are no changes to the Land Use Map or land use designations.

Attachments:

Figure 1 – Current Adopted County Urban Limit Line
Figure 2 – Proposed Urban Limit Line



Source: Contra Costa County Department of Conservation and Development 2025.

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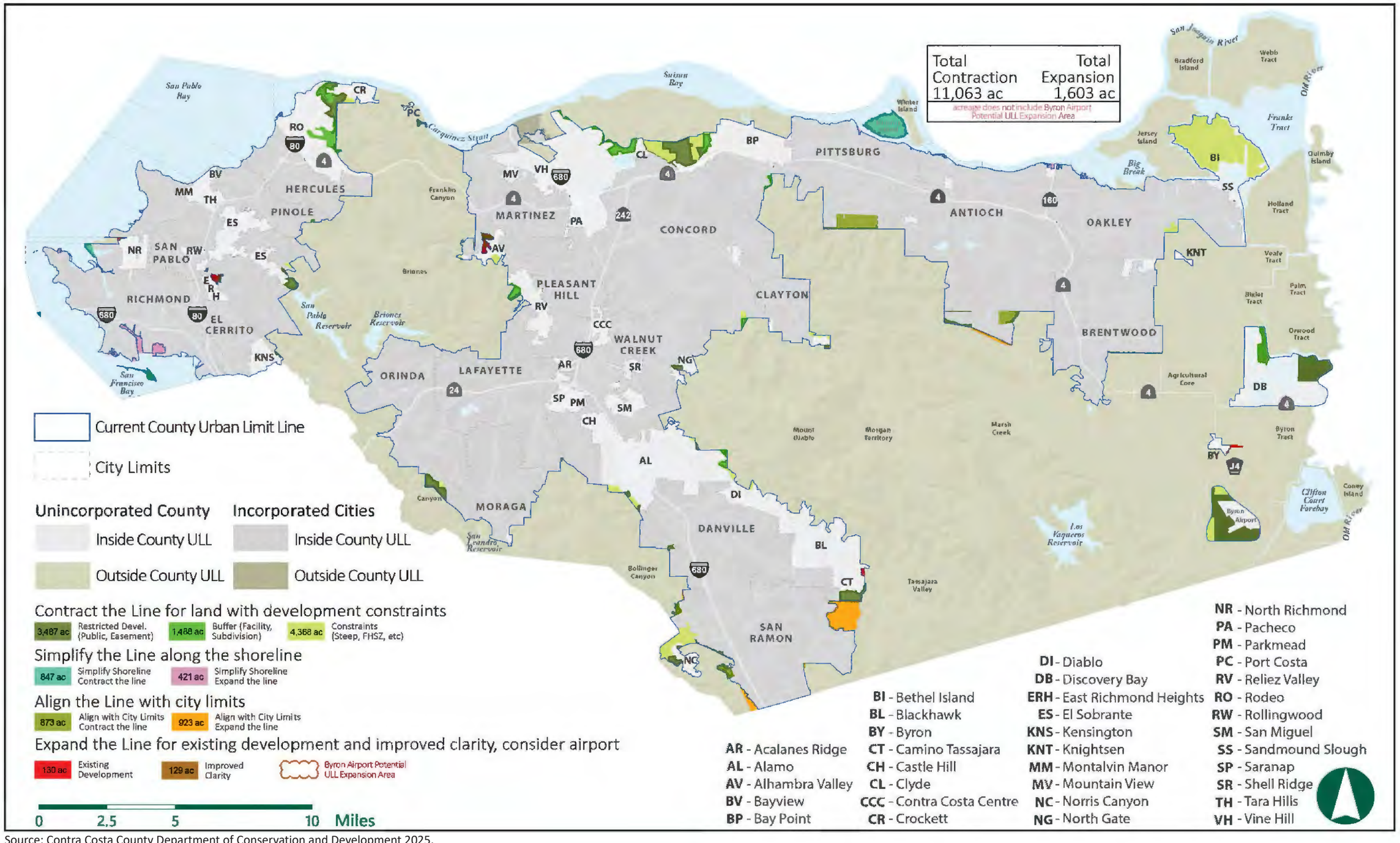

Source: Contra Costa County Department of Conservation and Development 2025.

Figure 2
Proposed Urban Limit Line

Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

August 23, 2025

Monica Fox
Tribal Administrator
Chicken Ranch Rancheria of Me-Wuk Indians
P.O. Box 1159
Jamestown, CA 95327

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Monica Fox,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies Chicken Ranch Rancheria of Me-Wuk Indians of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

The proposed project is a Board of Supervisors action to place a measure on the 2026 Primary Election or General Election ballot asking the voters of Contra Costa County to amend the Land Use Element of the Contra Costa 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code) to extend the Urban Limit Line (ULL) and 65/35 Plan term, modify the ULL periodic review requirement, make revisions to the adopted ULL map, and make other changes to the text of the Ordinance and findings for the ULL adjustment process. Please see additional details about the proposed project in the pages below.

The County prepared an Initial Study for the proposed project in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15153 which allows a lead agency to use an EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same. The Initial Study for the proposed project concludes that the 2024 Environmental Impact Report for the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update (EIR) adequately evaluates the impacts

associated with the proposed project and is sufficient to serve as the environmental document for the proposed project. The Initial Study also concludes that the proposed project would not result in any additional impacts beyond those evaluated in the EIR.

The County values your feedback as part of our review process. Thus, in accordance with Government Code 65352.3(a)(2), we request a written response from you indicating your intent to consult on this proposed project. Please contact Will Nelson at (925) 655-2898 or will.nelson@dcd.cccounty.us, or at the follow address:

Department of Conservation and Development
30 Muir Road
Martinez, CA 94553
Attn: Will Nelson

Sincerely,

Will Nelson, Advance Planning Manager
Department of Conservation and Development
Contra Costa County

PREVIOUS TRIBAL CONSULTATION. The County adopted the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update and certified an EIR evaluating the impacts of implementing these countywide plans, on November 5, 2024. In accordance with SB 18 requirements, the County sent letters to representatives of the Native American tribes provided by the Native American Heritage Commission (NAHC) on January 15, 2021, formally inviting tribes to consult with the County on the 2045 General Plan. In accordance with AB 52 requirements for the EIR, an invitation for consultation was sent out to the County's NAHC-provided Tribal Consultation List on October 5, 2023. Recommendations, comments, edits, and mitigation measures provided by tribes that participated in the tribal consultation process were incorporated into the 2045 General Plan and EIR.

PROJECT BACKGROUND. On November 6, 1990, Contra Costa County voters approved Measure C (Measure C-1990), the 65/35 Contra Costa County Land Preservation Plan (the 65/35 Plan), which established various mechanisms aimed at containing urban sprawl and protecting resources like agricultural land and scenic ridges. The most significant and impactful of these mechanisms are the 65/35 Land Preservation Standard (the 65/35 Standard) and ULL. Pursuant to the 65/35 Standard, no more than 35 percent of the land within the county may be designated for urban uses (residential, commercial, industrial, etc.) in the General Plans of the County and the 19 cities, and at least 65 percent must be designated for nonurban uses, including agriculture, open space, parks, and other non-urban uses. Meanwhile, the ULL establishes a boundary beyond which no land may be designated for urban land uses. Operating together, the 65/35 Standard and ULL limit the geographic extent of urban development in the county.

On November 7, 2006, county voters approved Measure L (Measure L-2006), which carried forward most of the elements of Measure C-1990 while also extending the term of the 65/35 Ordinance to December 31, 2026; requiring a four-fifths vote of the County Board of Supervisors and voter approval to expand the ULL by more than 30 acres; requiring periodic reviews of the ULL by the Board of Supervisors; and adopting a new ULL Map. The County's current ULL Map is shown in Figure 1, *Current Adopted County Urban Limit Line.*

PROPOSED PROJECT: The proposed project is a 2026 ballot measure asking the voters of Contra Costa County to amend the Land Use Element of the 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (County Ordinance Code Chapter 82-1) to:

1. Extend the term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line through December 31, 2051.
2. Modify the periodic ULL review requirements of the 65/35 Land Preservation Plan Ordinance to align reviews of the ULL with State-mandated Housing Element update cycles.
3. Modify the criteria and factors enumerated in the 65/35 Land Preservation Plan Ordinance for determining whether land should be considered for location outside the ULL, to include:

i. Lands which qualify for rating as Class I or Class II in the Soil Conservation Service Land Use Capability Classification.

ii. Lands designated as High or Very High Fire Hazard Severity Zones on maps published by the California Department of Forestry and Fire Protection.

iii. Lands with slopes of 26 percent or greater.

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vi. Open space, parks, and other recreation areas.

vii. Wetlands and undevelopable islands.

viii. Areas with inadequate water, sewer, and roadway infrastructure.

ix. Other areas not appropriate for urban growth because of separation from existing development, unstable geologic conditions, likelihood of substantial environmental damage or substantial injury to fish or wildlife or their habitat, and other similar factors rendering the land physically unsuitable for intense development.

4. Retain, during the extended term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line, the requirement for voter approval to expand the County's Urban Limit Line by more than 30 acres, except as specifically authorized in the 65/35 Land Preservation Plan Ordinance, and approved by the voters in this ballot measure, namely:

   The Board of Supervisors may, without subsequent voter approval, expand the ULL by any acreage within the boundaries of the Byron Airport Potential ULL Expansion Area illustrated on General Plan Land Use Element Figure LU-2, Urban Limit Line, after holding a public hearing at which the Board adopts the General Plan amendment for the expansion, by a four-fifths vote, after making each of the following findings based on substantial evidence in the record:

   a. The expansion is necessary to further the economic viability of Byron Airport and attain the County's goals related to economic development.

   b. The expanded ULL area will accommodate uses directly linked to aeronautics, such as aviation research and development, aircraft manufacturing/assembly, and aeronautical schools/training facilities.

   c. The expanded ULL area will not accommodate residential development, logistics/distributions centers, lodging, or any other use not directly linked to aeronautics except for minor ancillary uses necessary to support the airport workforce.

   d. The expansion will not induce sprawl.

5. Retain in both the General Plan and County Ordinance Code the requirement that a four-fifths vote of the Board of Supervisors is necessary to place a measure on the election ballot to expand the ULL boundary by more than 30 acres through the year 2051.
6. Retain in both the General Plan and County Ordinance Code the existing procedure for any change to the County's ULL under 30 acres based on a four-fifths vote of the Board of Supervisors after holding a public hearing and making at least one of seven findings, as proscribed in both the General Plan and County Ordinance Code, based on substantial evidence in the record.
7. Modify the enumerated findings proscribed in both the General Plan and County Ordinance Code required for a change to the County's ULL under 30 acres to reflect the modified periodic ULL reviews and to make other non-substantive changes.
8. Retain the 65/35 Standard for land preservation in Contra Costa County, whereby at least 65 percent of the overall County land area will be retained for non-urban uses through the year 2051.
9. Retain protections for the County's prime agricultural land, specifically the area designated in the General Plan as the Agricultural Core, by maintaining the 40-acre minimum parcel size.
10. Approve a new ULL Map for the General Plan (Figure LU-2 in the 2045 General Plan Land Use Element), which reflects the following changes:
    i. Moves 3,487 acres with significant development restrictions, such as ownership by government agencies or encumbrance with conservation or agricultural easements, outside the ULL.
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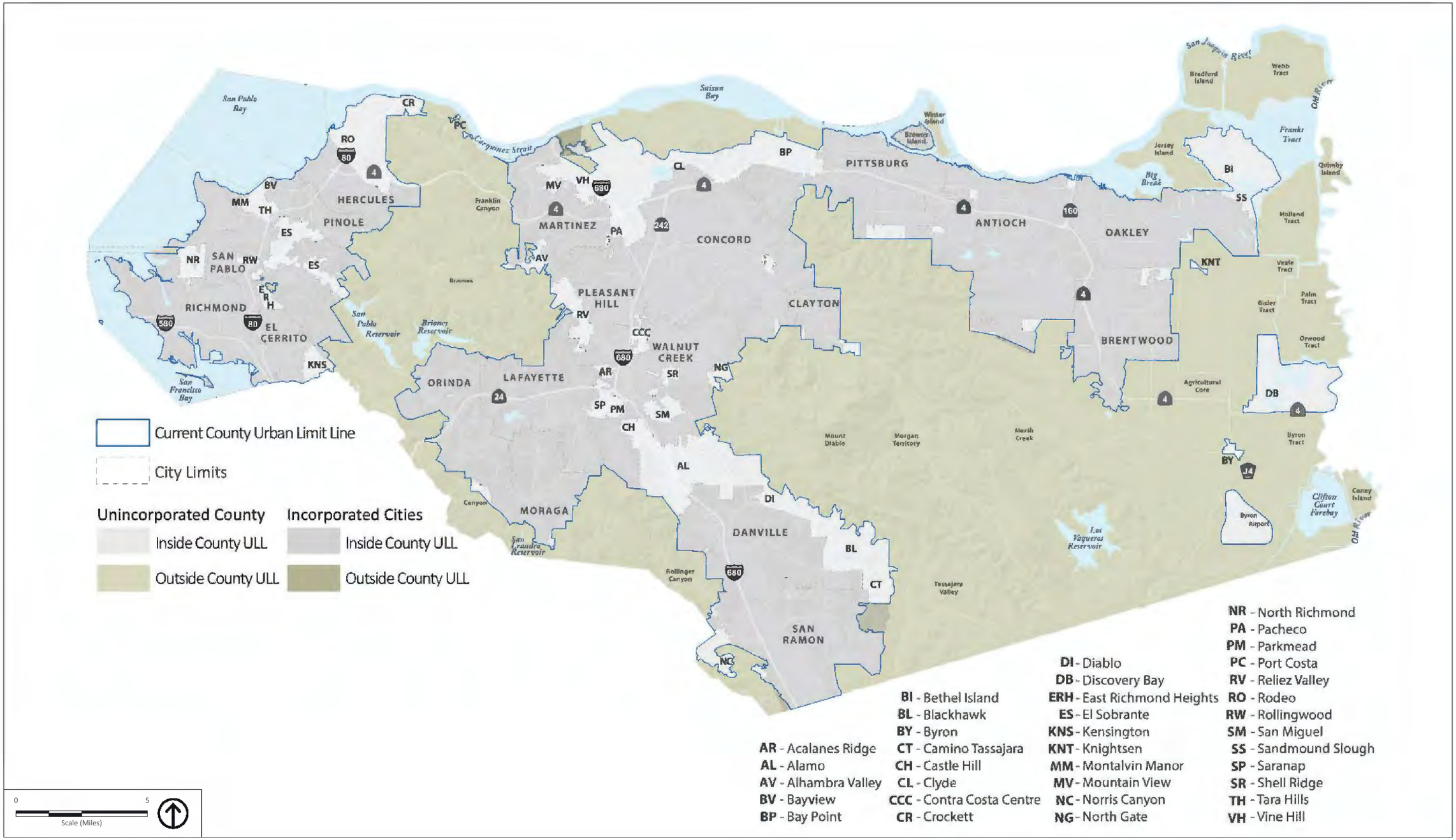

Source: Contra Costa County Department of Conservation and Development 2025.

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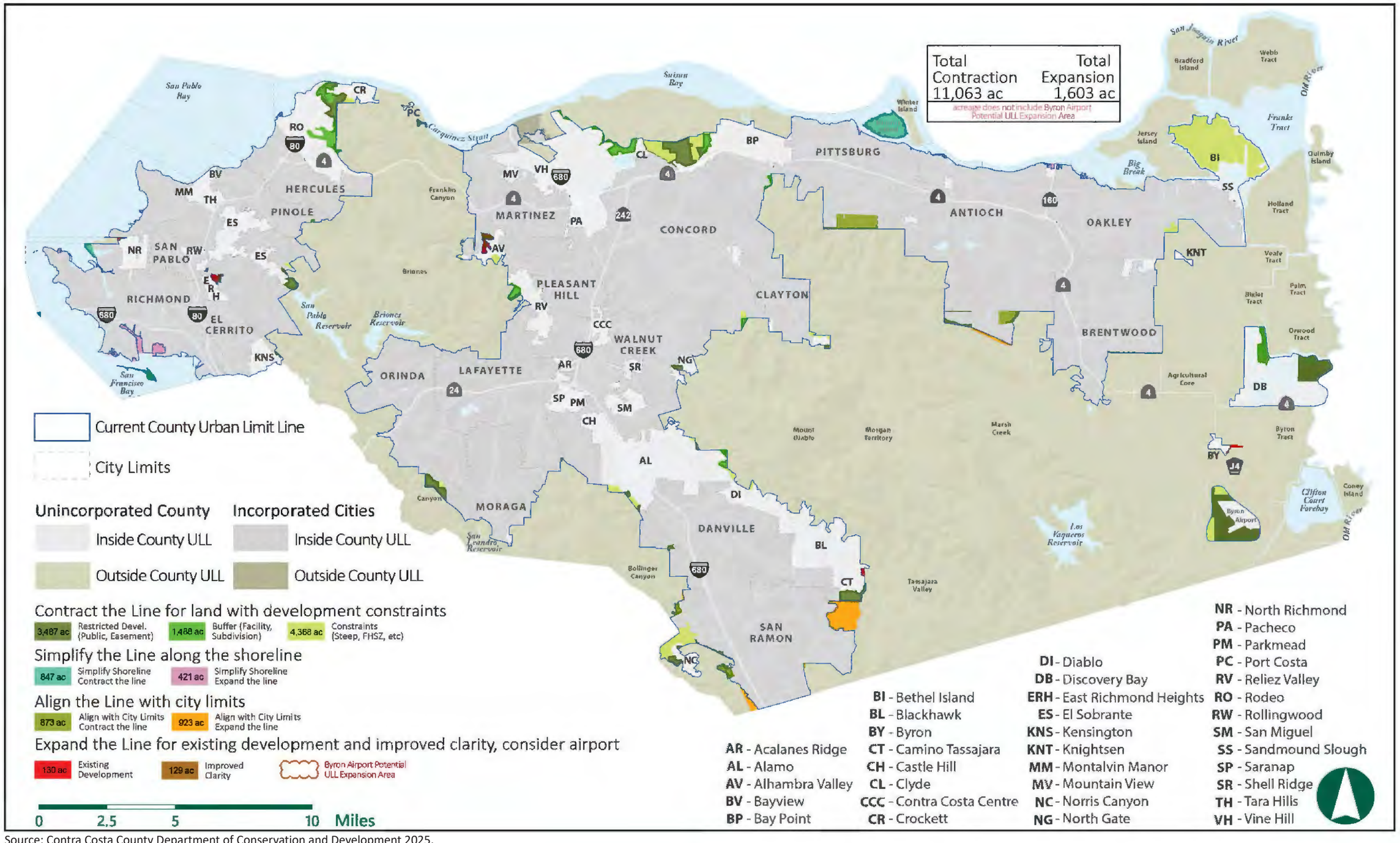

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Figure 2
Proposed Urban Limit Line

Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

August 23, 2025

Bunny Tarin
Tribal Administrator
Guidiville Rancheria of California
P.O. Box 339
Talmage, CA 95481

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Bunny Tarin,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies Guidiville Rancheria of California of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

The proposed project is a Board of Supervisors action to place a measure on the 2026 Primary Election or General Election ballot asking the voters of Contra Costa County to amend the Land Use Element of the Contra Costa 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code) to extend the Urban Limit Line (ULL) and 65/35 Plan term, modify the ULL periodic review requirement, make revisions to the adopted ULL map, and make other changes to the text of the Ordinance and findings for the ULL adjustment process. Please see additional details about the proposed project in the pages below.

The County prepared an Initial Study for the proposed project in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15153 which allows a lead agency to use an EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same. The Initial Study for the proposed project concludes that the 2024 Environmental Impact Report for the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update (EIR) adequately evaluates the impacts associated with the proposed project and is sufficient to serve as the environmental document

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The County values your feedback as part of our review process. Thus, in accordance with Government Code 65352.3(a)(2), we request a written response from you indicating your intent to consult on this proposed project. Please contact Will Nelson at (925) 655-2898 or will.nelson@dcd.cccounty.us, or at the follow address:

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30 Muir Road
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Attn: Will Nelson

Sincerely,

Will Nelson, Advance Planning Manager
Department of Conservation and Development
Contra Costa County

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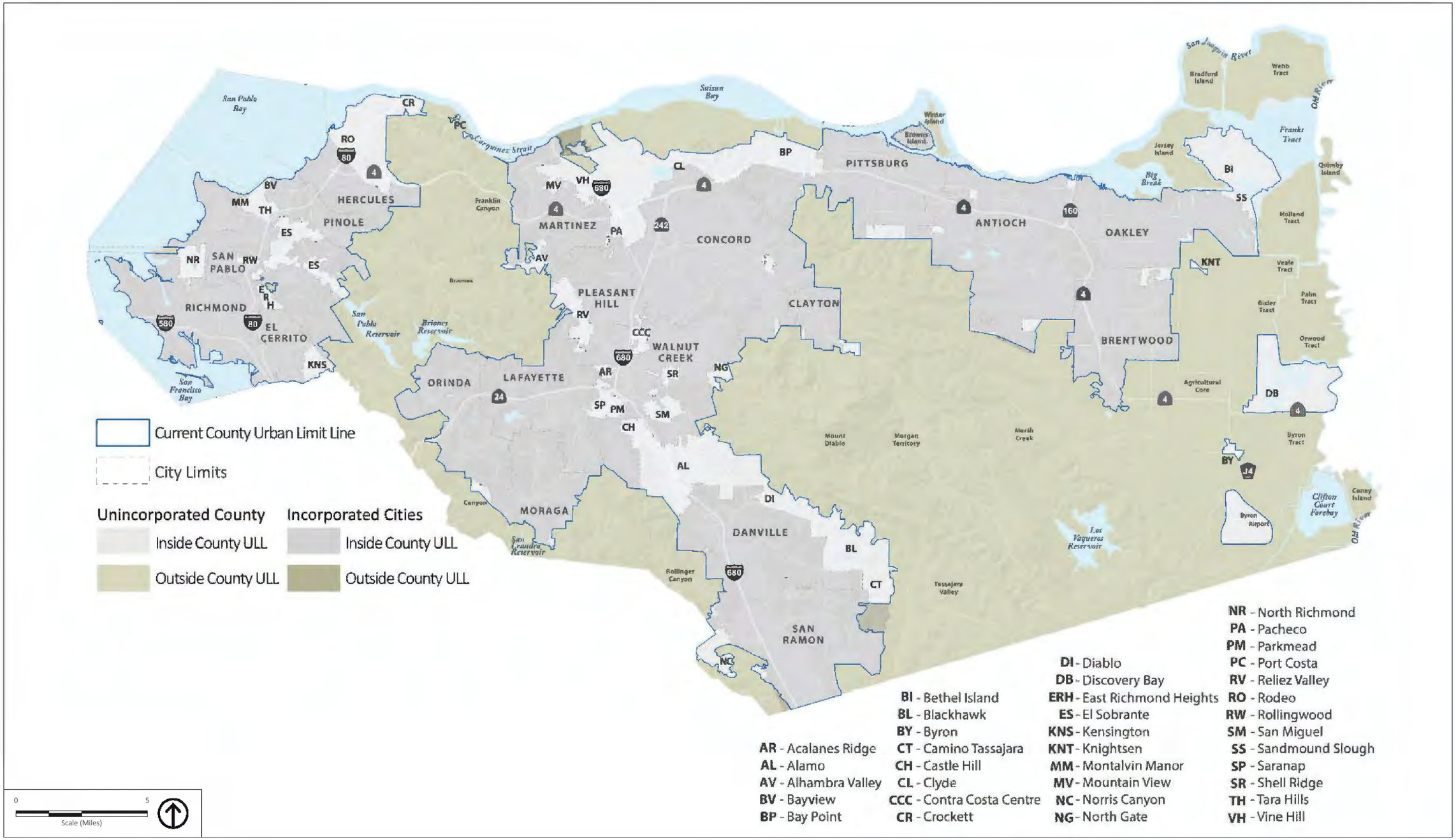

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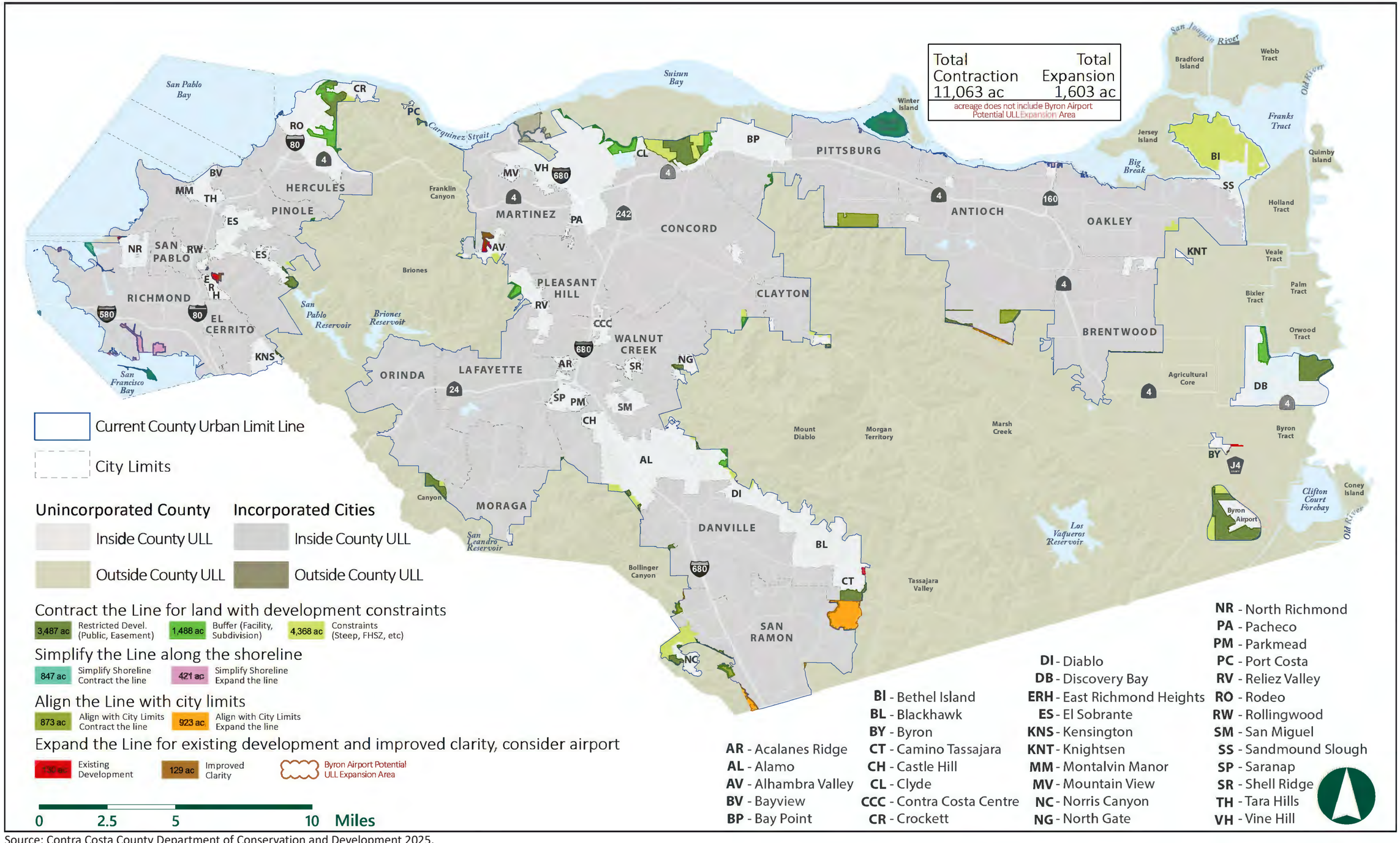

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Proposed Urban Limit Line

Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

August 23, 2025

Cynthia Reyes
Cultural Manager
Chicken Ranch Rancheria of Me-Wuk Indians
P.O. Box 1159
Jamestown, CA 95327

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Cynthia Reyes,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies Chicken Ranch Rancheria of Me-Wuk Indians of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

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   b. The expanded ULL area will accommodate uses directly linked to aeronautics, such as aviation research and development, aircraft manufacturing/assembly, and aeronautical schools/training facilities.

   c. The expanded ULL area will not accommodate residential development, logistics/distributions centers, lodging, or any other use not directly linked to aeronautics except for minor ancillary uses necessary to support the airport workforce.

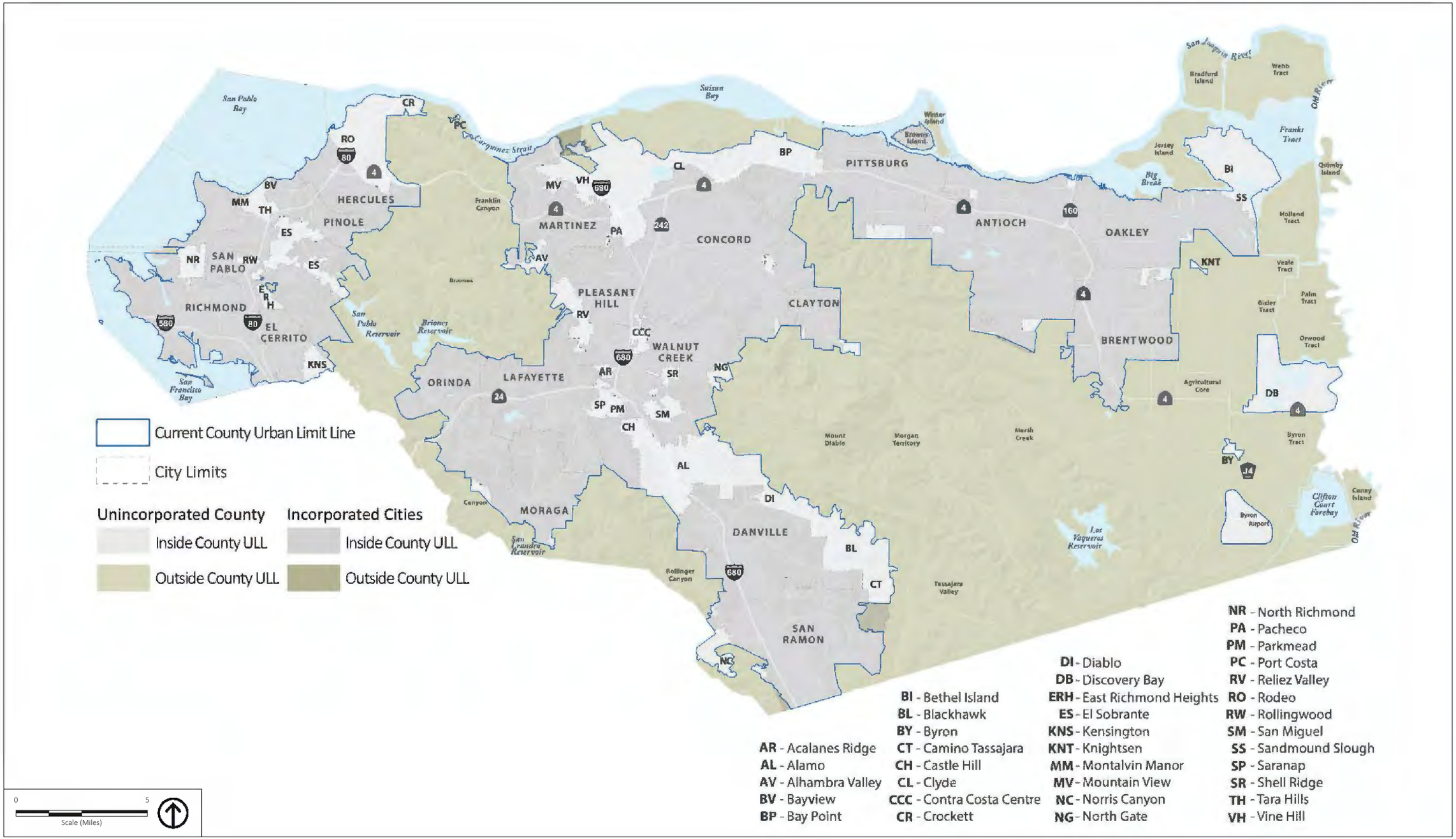
   d. The expansion will not induce sprawl.

5. Retain in both the General Plan and County Ordinance Code the requirement that a four-fifths vote of the Board of Supervisors is necessary to place a measure on the election ballot to expand the ULL boundary by more than 30 acres through the year 2051.
6. Retain in both the General Plan and County Ordinance Code the existing procedure for any change to the County's ULL under 30 acres based on a four-fifths vote of the Board of Supervisors after holding a public hearing and making at least one of seven findings, as proscribed in both the General Plan and County Ordinance Code, based on substantial evidence in the record.
7. Modify the enumerated findings proscribed in both the General Plan and County Ordinance Code required for a change to the County's ULL under 30 acres to reflect the modified periodic ULL reviews and to make other non-substantive changes.
8. Retain the 65/35 Standard for land preservation in Contra Costa County, whereby at least 65 percent of the overall County land area will be retained for non-urban uses through the year 2051.
9. Retain protections for the County's prime agricultural land, specifically the area designated in the General Plan as the Agricultural Core, by maintaining the 40-acre minimum parcel size.
10. Approve a new ULL Map for the General Plan (Figure LU-2 in the 2045 General Plan Land Use Element), which reflects the following changes:
    i. Moves 3,487 acres with significant development restrictions, such as ownership by government agencies or encumbrance with conservation or agricultural easements, outside the ULL.
    ii. Moves 1,488 acres of buffer lands around subdivisions, cemeteries, and industrial facilities, outside the ULL.
    iii. Moves 4,368 acres with significant development constraints, such as high fire hazards, steep slopes, and flood hazards, outside the ULL.
    iv. Moves 873 acres outside the ULL and 923 acres inside the ULL to align the ULL with city limits.
    v. Moves 847 acres outside the ULL and 421 acres inside the ULL to simplify and improve understanding of the ULL along the county's shoreline.
11. Update administrative sections of the 65/35 Land Preservation Ordinance to correct outdated text and achieve consistency with the changes described in items 1-10 above.

The proposed adjustments to the ULL Map are shown in Figure 2, *Proposed Urban Limit Line*. It is important to note that the proposed project does not change the development potential evaluated in the 2045 General Plan as there are no changes to the Land Use Map or land use designations.

Attachments:

Figure 1 – Current Adopted County Urban Limit Line
Figure 2 – Proposed Urban Limit Line



Source: Contra Costa County Department of Conservation and Development 2025.

Figure 1
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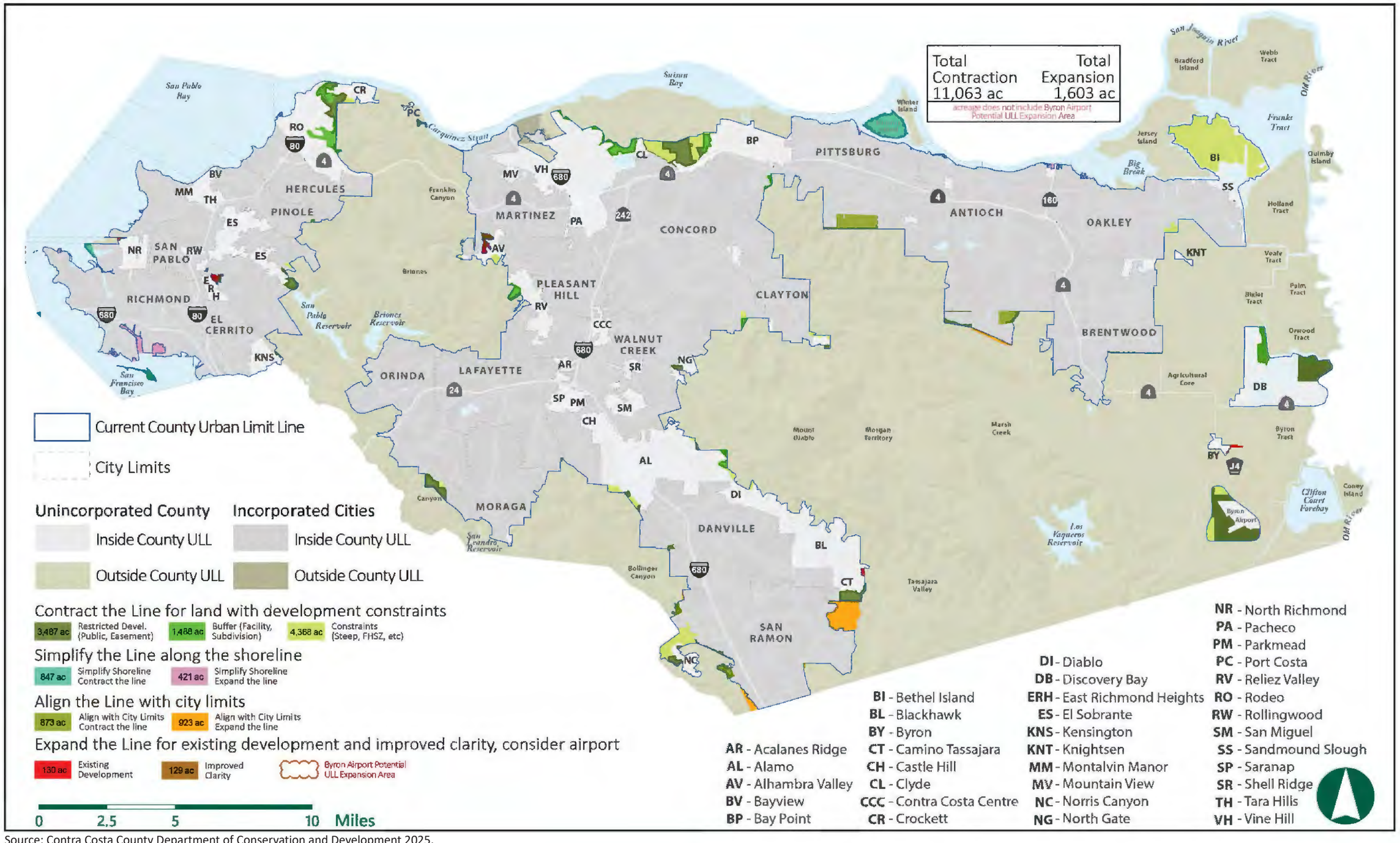

Source: Contra Costa County Department of Conservation and Development 2025.

Figure 2
Proposed Urban Limit Line

Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

August 23, 2025

Gloria Grimes, Chairperson
Calaveras Band of Mi-Wuk Indians
P.O. Box 899
West Point, CA 95255

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Gloria Grimes,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies the Calaveras Band of Mi-Wuk Indians of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

The proposed project is a Board of Supervisors action to place a measure on the 2026 Primary Election or General Election ballot asking the voters of Contra Costa County to amend the Land Use Element of the Contra Costa 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code) to extend the Urban Limit Line (ULL) and 65/35 Plan term, modify the ULL periodic review requirement, make revisions to the adopted ULL map, and make other changes to the text of the Ordinance and findings for the ULL adjustment process. Please see additional details about the proposed project in the pages below.

The County prepared an Initial Study for the proposed project in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15153 which allows a lead agency to use an EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same. The Initial Study for the proposed project concludes that the 2024 Environmental Impact Report for the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update (EIR) adequately evaluates the impacts

associated with the proposed project and is sufficient to serve as the environmental document for the proposed project. The Initial Study also concludes that the proposed project would not result in any additional impacts beyond those evaluated in the EIR.

The County values your feedback as part of our review process. Thus, in accordance with Government Code 65352.3(a)(2), we request a written response from you indicating your intent to consult on this proposed project. Please contact Will Nelson at (925) 655-2898 or will.nelson@dcd.cccounty.us, or at the follow address:

Department of Conservation and Development
30 Muir Road
Martinez, CA 94553
Attn: Will Nelson

Sincerely,

Will Nelson, Advance Planning Manager
Department of Conservation and Development
Contra Costa County

PREVIOUS TRIBAL CONSULTATION. The County adopted the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update and certified an EIR evaluating the impacts of implementing these countywide plans, on November 5, 2024. In accordance with SB 18 requirements, the County sent letters to representatives of the Native American tribes provided by the Native American Heritage Commission (NAHC) on January 15, 2021, formally inviting tribes to consult with the County on the 2045 General Plan. In accordance with AB 52 requirements for the EIR, an invitation for consultation was sent out to the County's NAHC-provided Tribal Consultation List on October 5, 2023. Recommendations, comments, edits, and mitigation measures provided by tribes that participated in the tribal consultation process were incorporated into the 2045 General Plan and EIR.

PROJECT BACKGROUND. On November 6, 1990, Contra Costa County voters approved Measure C (Measure C-1990), the 65/35 Contra Costa County Land Preservation Plan (the 65/35 Plan), which established various mechanisms aimed at containing urban sprawl and protecting resources like agricultural land and scenic ridges. The most significant and impactful of these mechanisms are the 65/35 Land Preservation Standard (the 65/35 Standard) and ULL. Pursuant to the 65/35 Standard, no more than 35 percent of the land within the county may be designated for urban uses (residential, commercial, industrial, etc.) in the General Plans of the County and the 19 cities, and at least 65 percent must be designated for nonurban uses, including agriculture, open space, parks, and other non-urban uses. Meanwhile, the ULL establishes a boundary beyond which no land may be designated for urban land uses. Operating together, the 65/35 Standard and ULL limit the geographic extent of urban development in the county.

On November 7, 2006, county voters approved Measure L (Measure L-2006), which carried forward most of the elements of Measure C-1990 while also extending the term of the 65/35 Ordinance to December 31, 2026; requiring a four-fifths vote of the County Board of Supervisors and voter approval to expand the ULL by more than 30 acres; requiring periodic reviews of the ULL by the Board of Supervisors; and adopting a new ULL Map. The County's current ULL Map is shown in Figure 1, *Current Adopted County Urban Limit Line.*

PROPOSED PROJECT: The proposed project is a 2026 ballot measure asking the voters of Contra Costa County to amend the Land Use Element of the 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (County Ordinance Code Chapter 82-1) to:

1. Extend the term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line through December 31, 2051.
2. Modify the periodic ULL review requirements of the 65/35 Land Preservation Plan Ordinance to align reviews of the ULL with State-mandated Housing Element update cycles.
3. Modify the criteria and factors enumerated in the 65/35 Land Preservation Plan Ordinance for determining whether land should be considered for location outside the ULL, to include:

i. Lands which qualify for rating as Class I or Class II in the Soil Conservation Service Land Use Capability Classification.

ii. Lands designated as High or Very High Fire Hazard Severity Zones on maps published by the California Department of Forestry and Fire Protection.

iii. Lands with slopes of 26 percent or greater.

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ix. Other areas not appropriate for urban growth because of separation from existing development, unstable geologic conditions, likelihood of substantial environmental damage or substantial injury to fish or wildlife or their habitat, and other similar factors rendering the land physically unsuitable for intense development.

4. Retain, during the extended term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line, the requirement for voter approval to expand the County's Urban Limit Line by more than 30 acres, except as specifically authorized in the 65/35 Land Preservation Plan Ordinance, and approved by the voters in this ballot measure, namely:

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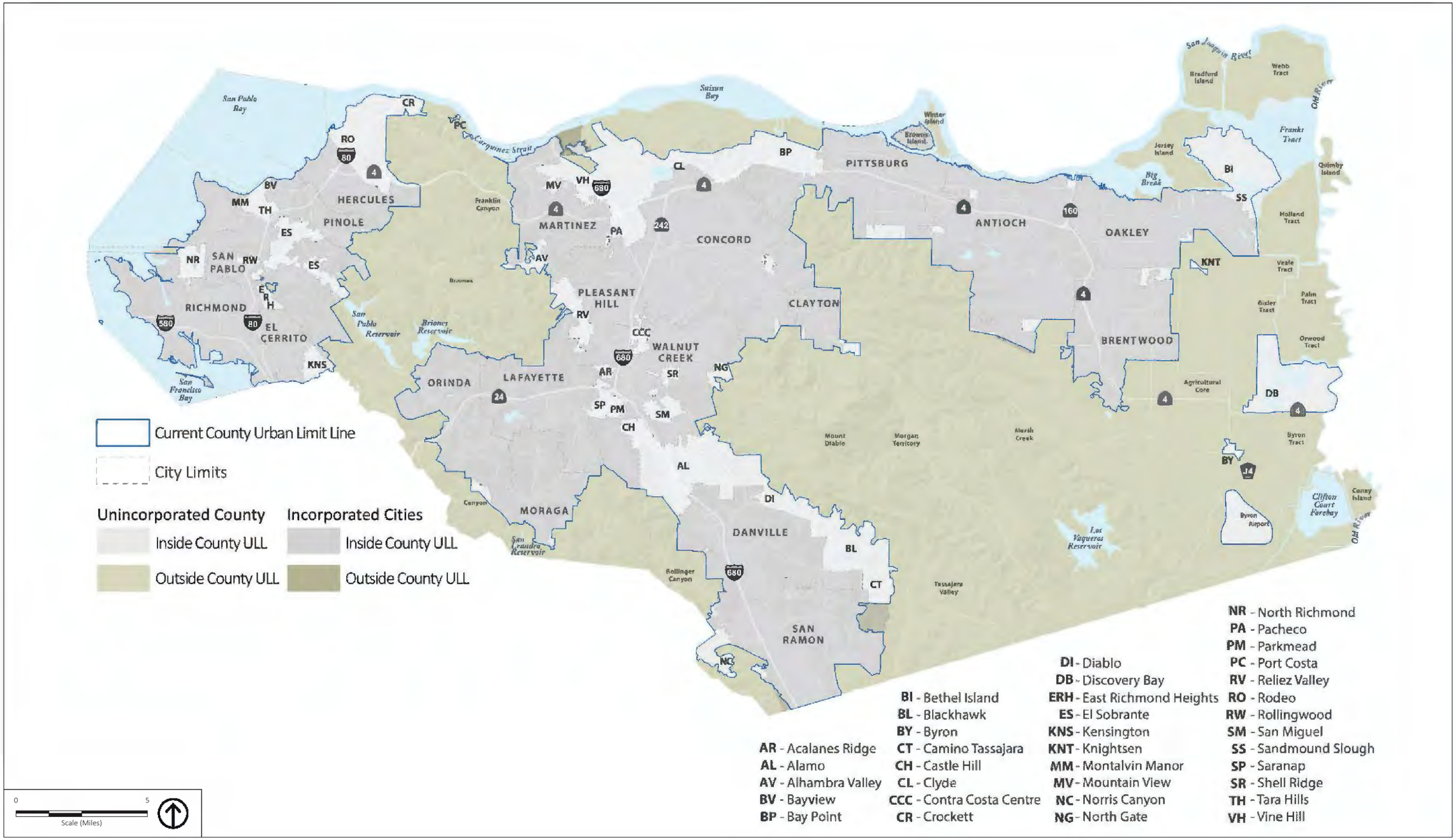

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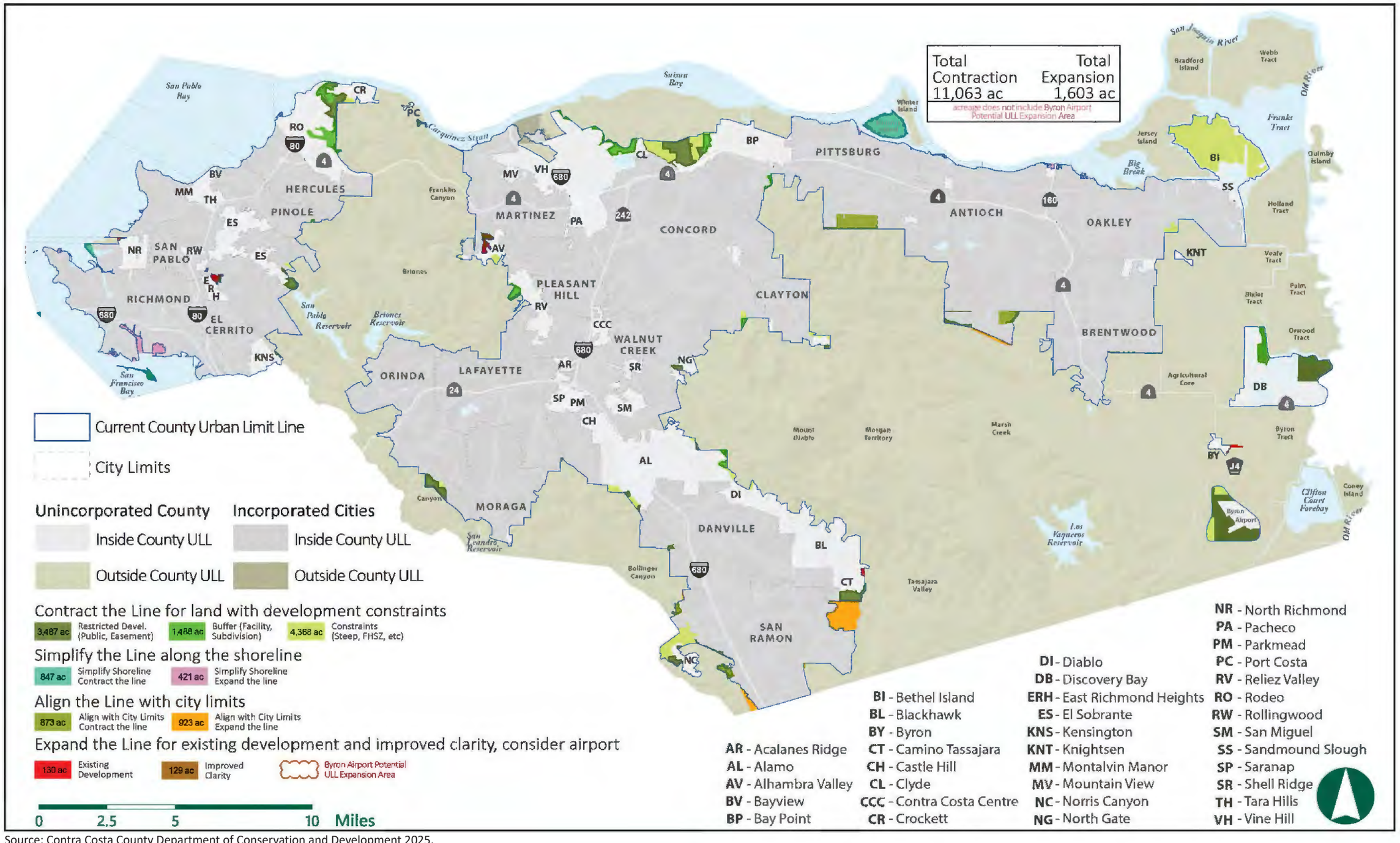

Source: Contra Costa County Department of Conservation and Development 2025.

Figure 2
Proposed Urban Limit Line

Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

August 23, 2025

Adam Lewis
Tribal Cultural Resources Specialist
Calaveras Band of Mi-Wuk Indians
6286 Jeansworld Boulevard
Murphys, CA 95247

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Adam Lewis,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies the Calaveras Band of Mi-Wuk Indians of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

The proposed project is a Board of Supervisors action to place a measure on the 2026 Primary Election or General Election ballot asking the voters of Contra Costa County to amend the Land Use Element of the Contra Costa 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code) to extend the Urban Limit Line (ULL) and 65/35 Plan term, modify the ULL periodic review requirement, make revisions to the adopted ULL map, and make other changes to the text of the Ordinance and findings for the ULL adjustment process. Please see additional details about the proposed project in the pages below.

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Attn: Will Nelson

Sincerely,

Will Nelson, Advance Planning Manager
Department of Conservation and Development
Contra Costa County

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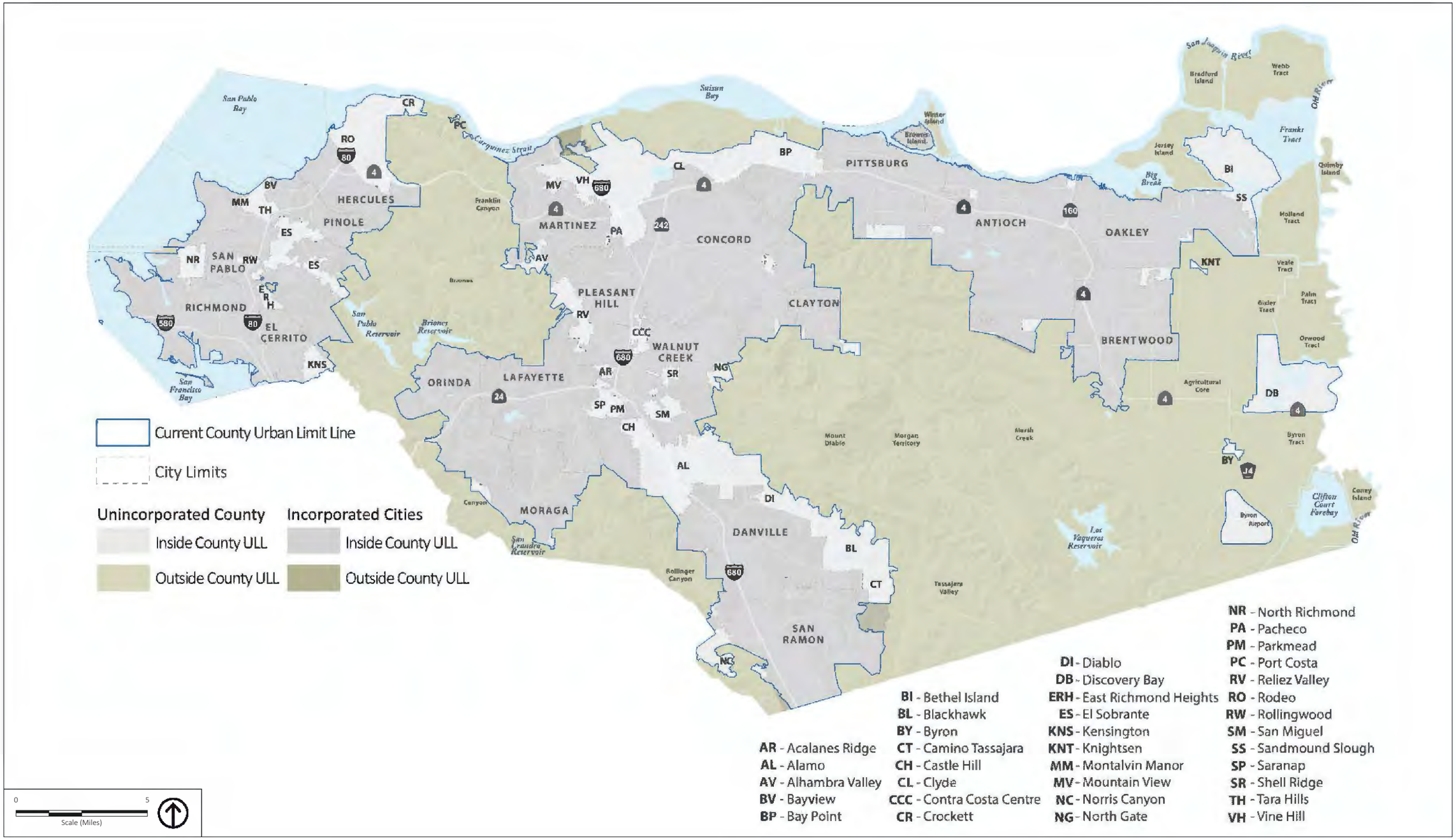

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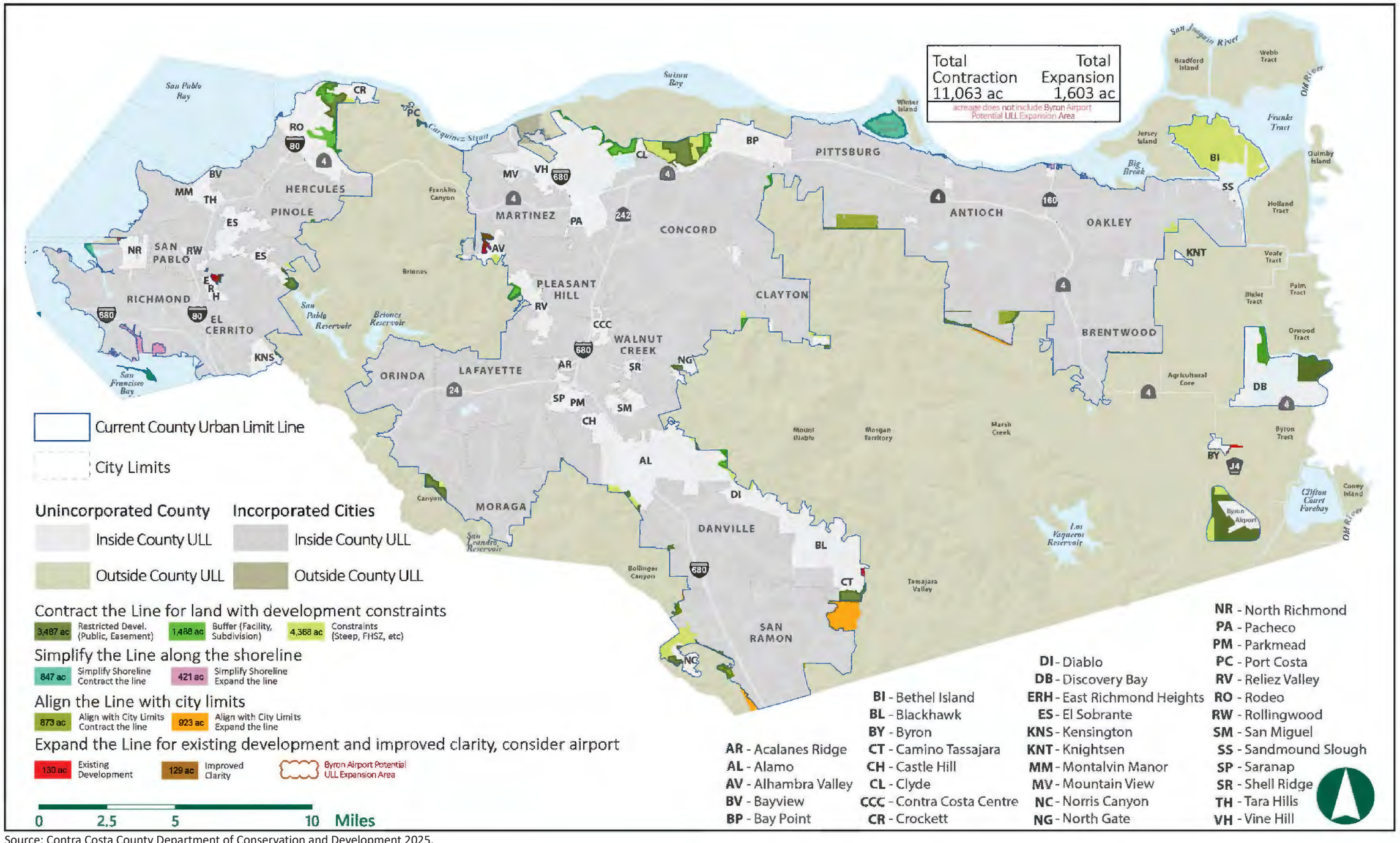

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Figure 2
Proposed Urban Limit Line

Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

August 23, 2025

Desiree Vigil
THPO
The Ohlone Indian Tribe
259 Winwood Avenue
Pacifica, CA 94044

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Desiree Vigil,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies The Ohlone Indian Tribe of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

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30 Muir Road
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Will Nelson, Advance Planning Manager
Department of Conservation and Development
Contra Costa County

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PROPOSED PROJECT: The proposed project is a 2026 ballot measure asking the voters of Contra Costa County to amend the Land Use Element of the 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (County Ordinance Code Chapter 82-1) to:

1. Extend the term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line through December 31, 2051.
2. Modify the periodic ULL review requirements of the 65/35 Land Preservation Plan Ordinance to align reviews of the ULL with State-mandated Housing Element update cycles.
3. Modify the criteria and factors enumerated in the 65/35 Land Preservation Plan Ordinance for determining whether land should be considered for location outside the ULL, to include:

i. Lands which qualify for rating as Class I or Class II in the Soil Conservation Service Land Use Capability Classification.

ii. Lands designated as High or Very High Fire Hazard Severity Zones on maps published by the California Department of Forestry and Fire Protection.

iii. Lands with slopes of 26 percent or greater.

iv. Lands at risk from substantial inundation due to flooding or anticipated sea level rise.

v. Lands with recorded development restrictions such as agricultural, conservation, or scenic easements or deeded development rights.

vi. Open space, parks, and other recreation areas.

vii. Wetlands and undevelopable islands.

viii. Areas with inadequate water, sewer, and roadway infrastructure.

ix. Other areas not appropriate for urban growth because of separation from existing development, unstable geologic conditions, likelihood of substantial environmental damage or substantial injury to fish or wildlife or their habitat, and other similar factors rendering the land physically unsuitable for intense development.

4. Retain, during the extended term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line, the requirement for voter approval to expand the County's Urban Limit Line by more than 30 acres, except as specifically authorized in the 65/35 Land Preservation Plan Ordinance, and approved by the voters in this ballot measure, namely:

   The Board of Supervisors may, without subsequent voter approval, expand the ULL by any acreage within the boundaries of the Byron Airport Potential ULL Expansion Area illustrated on General Plan Land Use Element Figure LU-2, Urban Limit Line, after holding a public hearing at which the Board adopts the General Plan amendment for the expansion, by a four-fifths vote, after making each of the following findings based on substantial evidence in the record:

   a. The expansion is necessary to further the economic viability of Byron Airport and attain the County's goals related to economic development.

   b. The expanded ULL area will accommodate uses directly linked to aeronautics, such as aviation research and development, aircraft manufacturing/assembly, and aeronautical schools/training facilities.

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   d. The expansion will not induce sprawl.

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6. Retain in both the General Plan and County Ordinance Code the existing procedure for any change to the County's ULL under 30 acres based on a four-fifths vote of the Board of Supervisors after holding a public hearing and making at least one of seven findings, as proscribed in both the General Plan and County Ordinance Code, based on substantial evidence in the record.
7. Modify the enumerated findings proscribed in both the General Plan and County Ordinance Code required for a change to the County's ULL under 30 acres to reflect the modified periodic ULL reviews and to make other non-substantive changes.
8. Retain the 65/35 Standard for land preservation in Contra Costa County, whereby at least 65 percent of the overall County land area will be retained for non-urban uses through the year 2051.
9. Retain protections for the County's prime agricultural land, specifically the area designated in the General Plan as the Agricultural Core, by maintaining the 40-acre minimum parcel size.
10. Approve a new ULL Map for the General Plan (Figure LU-2 in the 2045 General Plan Land Use Element), which reflects the following changes:
    i. Moves 3,487 acres with significant development restrictions, such as ownership by government agencies or encumbrance with conservation or agricultural easements, outside the ULL.
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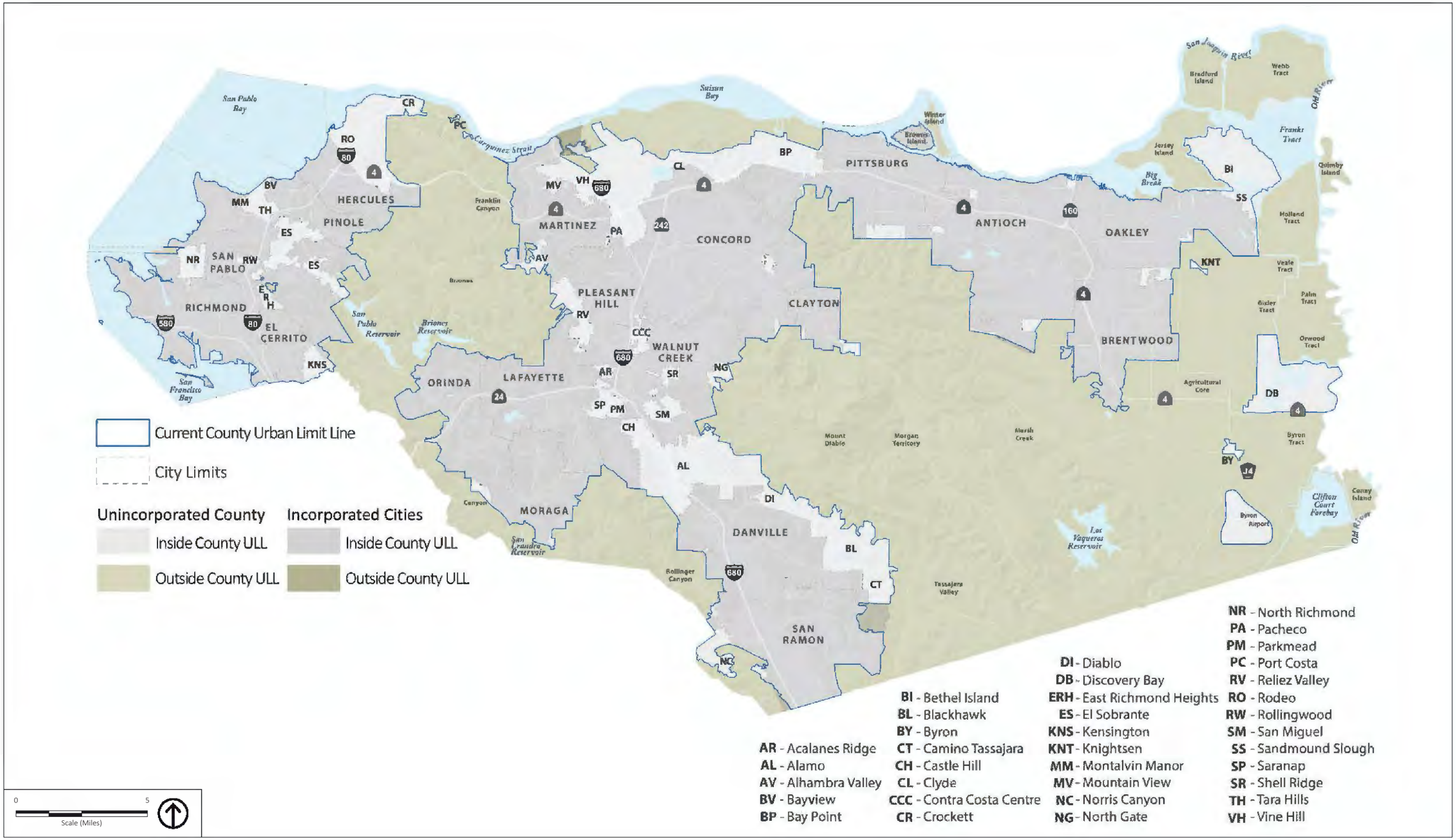
    iv. Moves 873 acres outside the ULL and 923 acres inside the ULL to align the ULL with city limits.
    v. Moves 847 acres outside the ULL and 421 acres inside the ULL to simplify and improve understanding of the ULL along the county's shoreline.
11. Update administrative sections of the 65/35 Land Preservation Ordinance to correct outdated text and achieve consistency with the changes described in items 1-10 above.

The proposed adjustments to the ULL Map are shown in Figure 2, *Proposed Urban Limit Line*. It is important to note that the proposed project does not change the development potential evaluated in the 2045 General Plan as there are no changes to the Land Use Map or land use designations.

Attachments:

Figure 1 – Current Adopted County Urban Limit Line
Figure 2 – Proposed Urban Limit Line



Source: Contra Costa County Department of Conservation and Development 2025.

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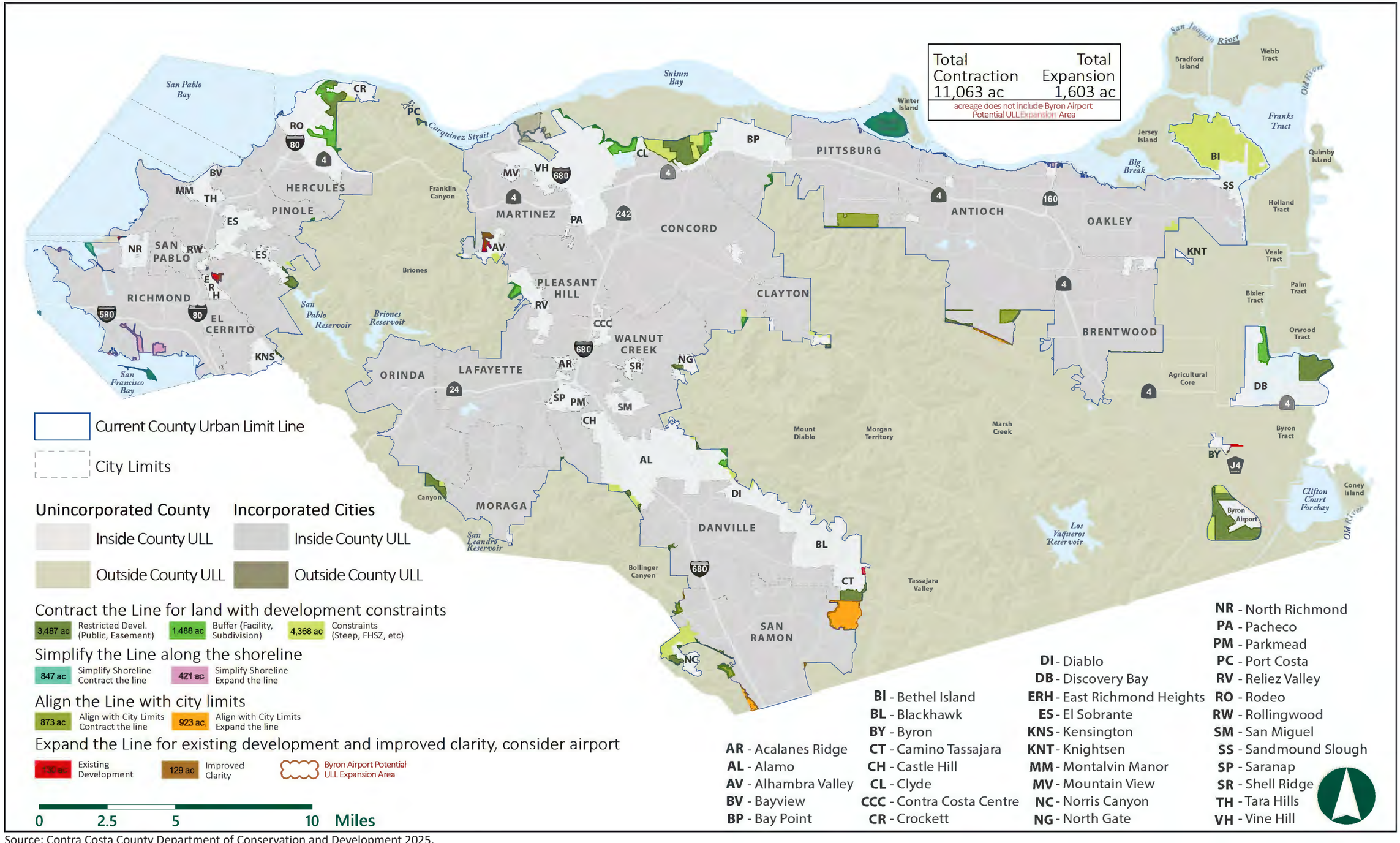

Source: Contra Costa County Department of Conservation and Development 2025.

Figure 2
Proposed Urban Limit Line

Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

August 23, 2025

Jereme Dutschke
Cultural Resources Coordinator
Ione Band of Miwok Indians
P.O. Box 699
Plymouth, CA 95669

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Jereme Dutschke,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies the Ione Band of Miwok Indians of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

The proposed project is a Board of Supervisors action to place a measure on the 2026 Primary Election or General Election ballot asking the voters of Contra Costa County to amend the Land Use Element of the Contra Costa 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code) to extend the Urban Limit Line (ULL) and 65/35 Plan term, modify the ULL periodic review requirement, make revisions to the adopted ULL map, and make other changes to the text of the Ordinance and findings for the ULL adjustment process. Please see additional details about the proposed project in the pages below.

The County prepared an Initial Study for the proposed project in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15153 which allows a lead agency to use an EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same. The Initial Study for the proposed project concludes that the 2024 Environmental Impact Report for the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update (EIR) adequately evaluates the impacts associated with the proposed project and is sufficient to serve as the environmental document

for the proposed project. The Initial Study also concludes that the proposed project would not result in any additional impacts beyond those evaluated in the EIR.

The County values your feedback as part of our review process. Thus, in accordance with Government Code 65352.3(a)(2), we request a written response from you indicating your intent to consult on this proposed project. Please contact Will Nelson at (925) 655-2898 or will.nelson@dcd.cccounty.us, or at the follow address:

Department of Conservation and Development
30 Muir Road
Martinez, CA 94553
Attn: Will Nelson

Sincerely,

Will Nelson, Advance Planning Manager
Department of Conservation and Development
Contra Costa County

PREVIOUS TRIBAL CONSULTATION. The County adopted the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update and certified an EIR evaluating the impacts of implementing these countywide plans, on November 5, 2024. In accordance with SB 18 requirements, the County sent letters to representatives of the Native American tribes provided by the Native American Heritage Commission (NAHC) on January 15, 2021, formally inviting tribes to consult with the County on the 2045 General Plan. In accordance with AB 52 requirements for the EIR, an invitation for consultation was sent out to the County's NAHC-provided Tribal Consultation List on October 5, 2023. Recommendations, comments, edits, and mitigation measures provided by tribes that participated in the tribal consultation process were incorporated into the 2045 General Plan and EIR.

PROJECT BACKGROUND. On November 6, 1990, Contra Costa County voters approved Measure C (Measure C-1990), the 65/35 Contra Costa County Land Preservation Plan (the 65/35 Plan), which established various mechanisms aimed at containing urban sprawl and protecting resources like agricultural land and scenic ridges. The most significant and impactful of these mechanisms are the 65/35 Land Preservation Standard (the 65/35 Standard) and ULL. Pursuant to the 65/35 Standard, no more than 35 percent of the land within the county may be designated for urban uses (residential, commercial, industrial, etc.) in the General Plans of the County and the 19 cities, and at least 65 percent must be designated for nonurban uses, including agriculture, open space, parks, and other non-urban uses. Meanwhile, the ULL establishes a boundary beyond which no land may be designated for urban land uses. Operating together, the 65/35 Standard and ULL limit the geographic extent of urban development in the county.

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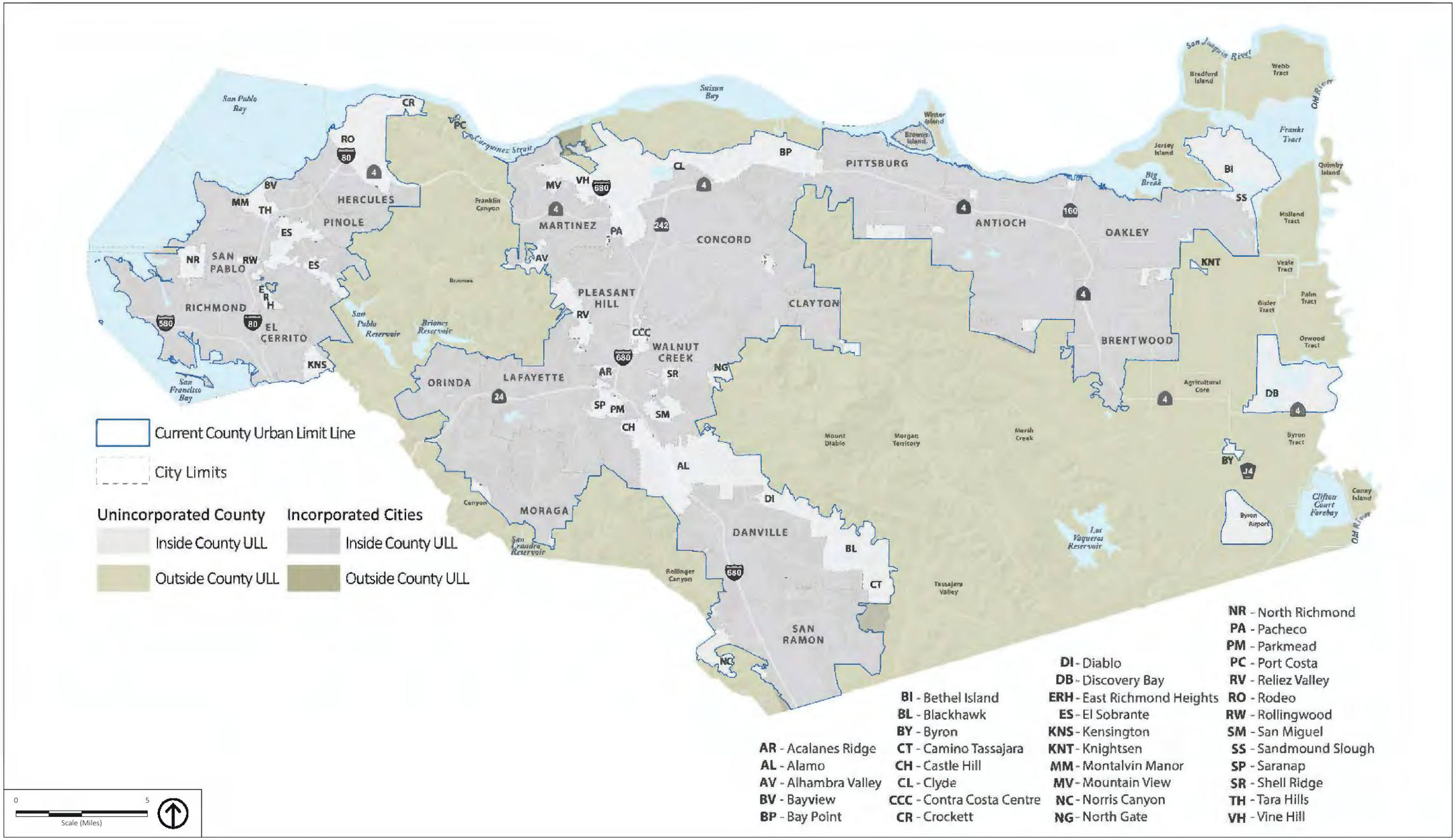

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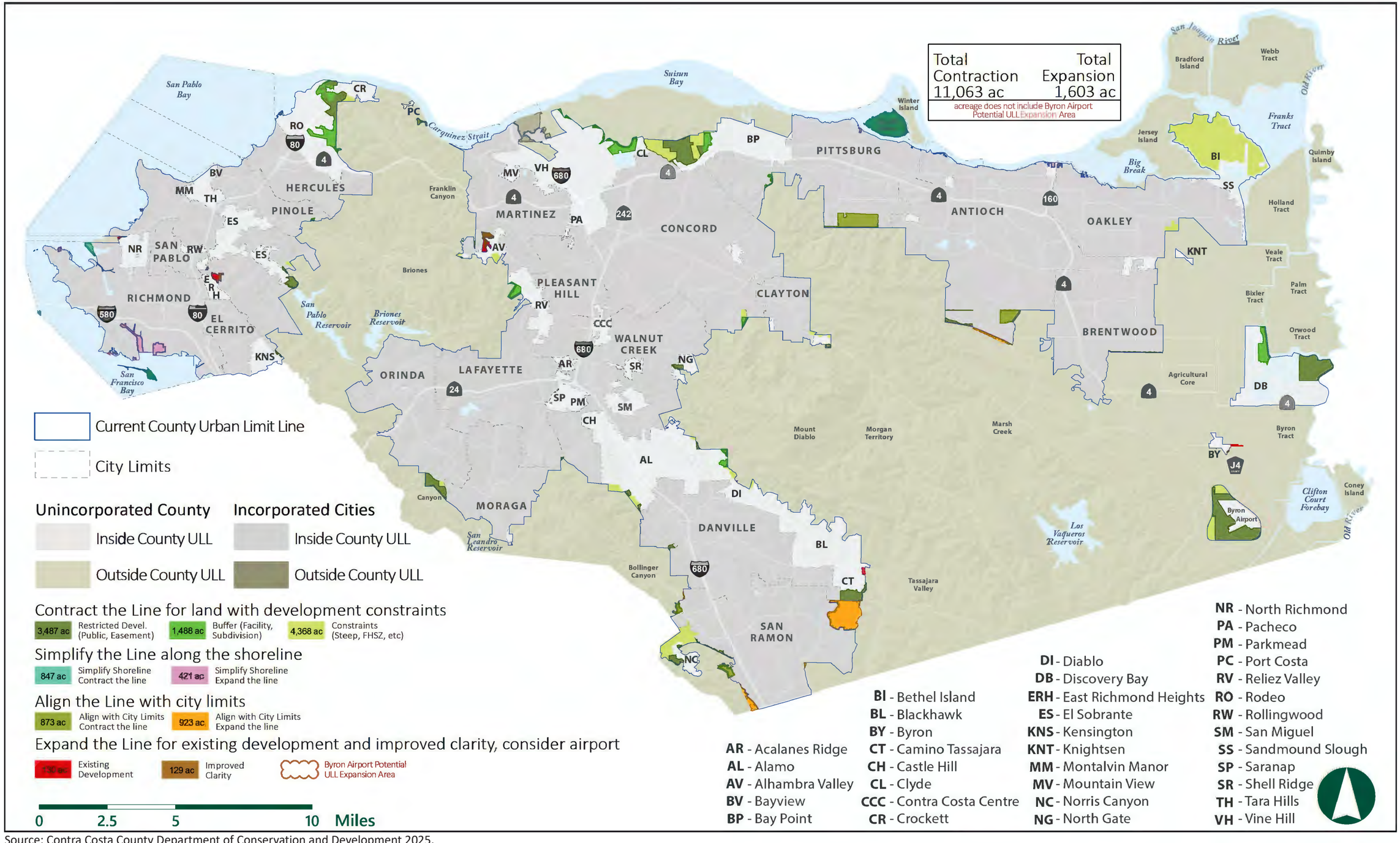

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Figure 2
Proposed Urban Limit Line

Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

August 23, 2025

Sara Dutschke
Chairperson
Ione Band of Miwok Indians
P.O. Box 699
Plymouth, CA 95669

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Sara Dutschke,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies the Ione Band of Miwok Indians of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

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Sincerely,

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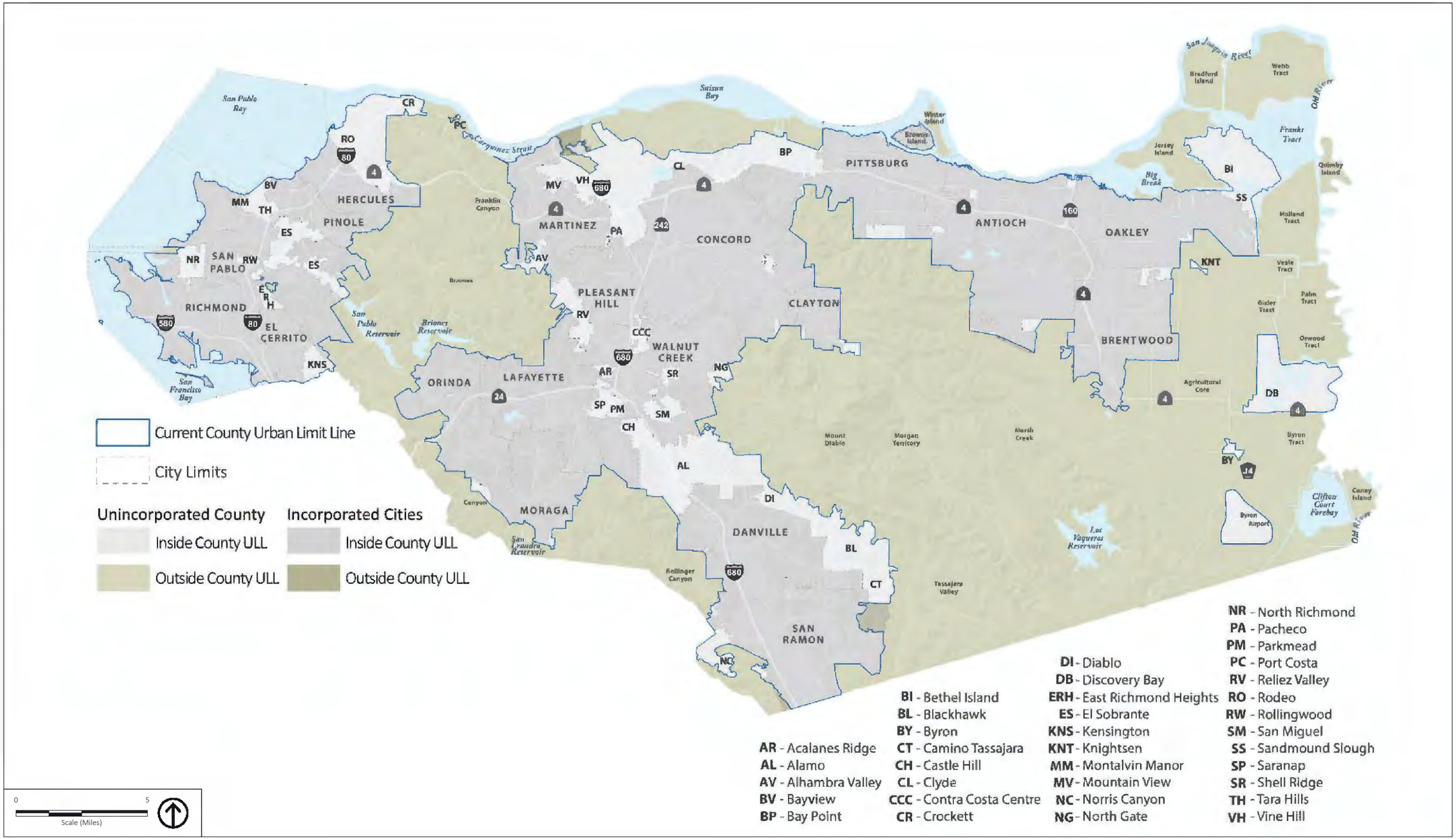

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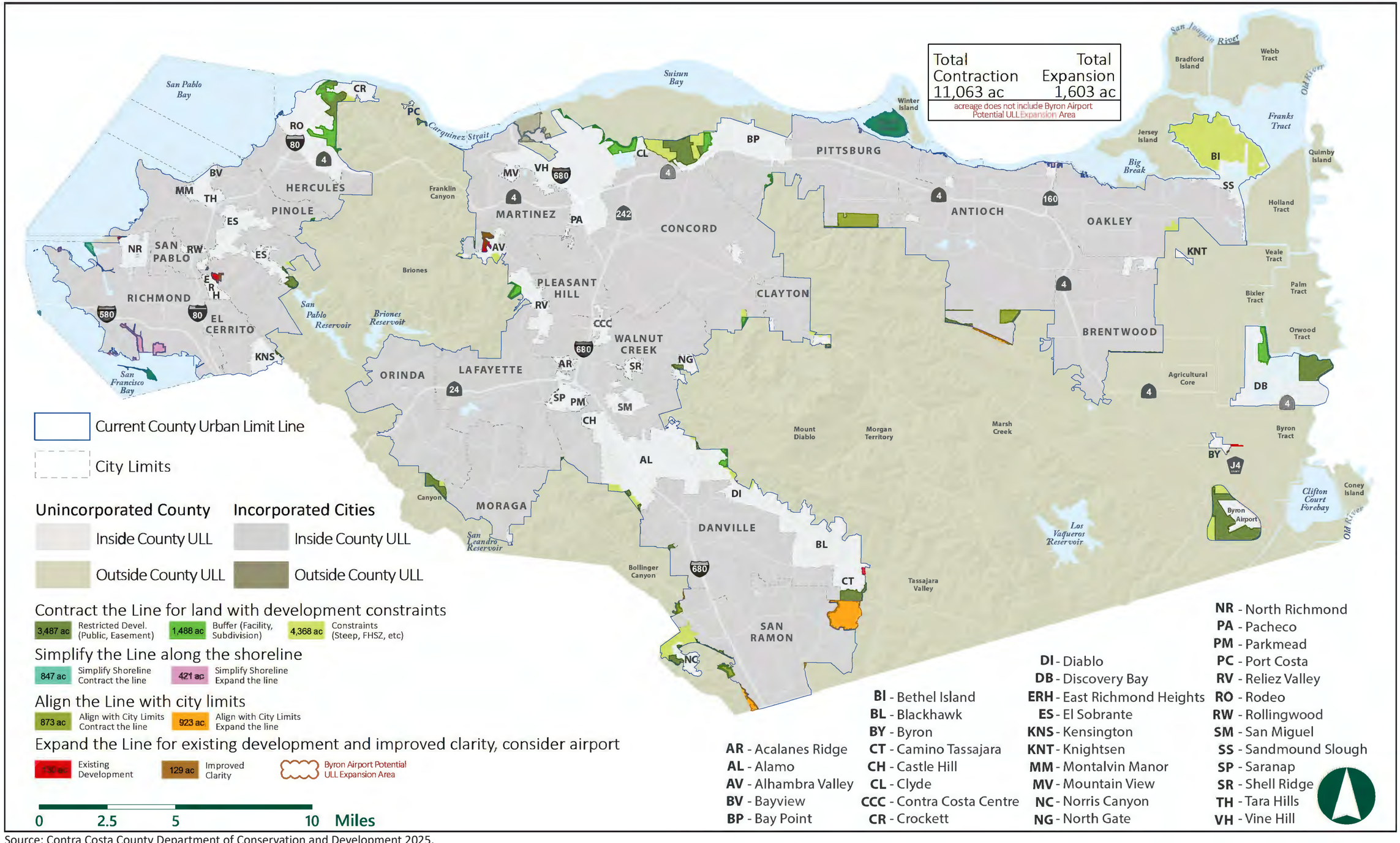

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30 Muir Road
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Contra Costa County

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Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

August 23, 2025

Adam Dalton
Chairperson
Jackson Rancheria Band of Miwuk Indians
P.O. Box 1090
Jackson, CA 95642

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Adam Dalton,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies Jackson Rancheria Band of Miwuk Indians of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

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The County values your feedback as part of our review process. Thus, in accordance with Government Code 65352.3(a)(2), we request a written response from you indicating your intent to consult on this proposed project. Please contact Will Nelson at (925) 655-2898 or will.nelson@dcd.cccounty.us, or at the follow address:

Department of Conservation and Development
30 Muir Road
Martinez, CA 94553
Attn: Will Nelson

Sincerely,

Will Nelson, Advance Planning Manager
Department of Conservation and Development
Contra Costa County

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On November 7, 2006, county voters approved Measure L (Measure L-2006), which carried forward most of the elements of Measure C-1990 while also extending the term of the 65/35 Ordinance to December 31, 2026; requiring a four-fifths vote of the County Board of Supervisors and voter approval to expand the ULL by more than 30 acres; requiring periodic reviews of the ULL by the Board of Supervisors; and adopting a new ULL Map. The County's current ULL Map is shown in Figure 1, *Current Adopted County Urban Limit Line.*

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1. Extend the term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line through December 31, 2051.
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3. Modify the criteria and factors enumerated in the 65/35 Land Preservation Plan Ordinance for determining whether land should be considered for location outside the ULL, to include:

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ii. Lands designated as High or Very High Fire Hazard Severity Zones on maps published by the California Department of Forestry and Fire Protection.

iii. Lands with slopes of 26 percent or greater.

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ix. Other areas not appropriate for urban growth because of separation from existing development, unstable geologic conditions, likelihood of substantial environmental damage or substantial injury to fish or wildlife or their habitat, and other similar factors rendering the land physically unsuitable for intense development.

4. Retain, during the extended term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line, the requirement for voter approval to expand the County's Urban Limit Line by more than 30 acres, except as specifically authorized in the 65/35 Land Preservation Plan Ordinance, and approved by the voters in this ballot measure, namely:

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   b. The expanded ULL area will accommodate uses directly linked to aeronautics, such as aviation research and development, aircraft manufacturing/assembly, and aeronautical schools/training facilities.

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6. Retain in both the General Plan and County Ordinance Code the existing procedure for any change to the County's ULL under 30 acres based on a four-fifths vote of the Board of Supervisors after holding a public hearing and making at least one of seven findings, as proscribed in both the General Plan and County Ordinance Code, based on substantial evidence in the record.
7. Modify the enumerated findings proscribed in both the General Plan and County Ordinance Code required for a change to the County's ULL under 30 acres to reflect the modified periodic ULL reviews and to make other non-substantive changes.
8. Retain the 65/35 Standard for land preservation in Contra Costa County, whereby at least 65 percent of the overall County land area will be retained for non-urban uses through the year 2051.
9. Retain protections for the County's prime agricultural land, specifically the area designated in the General Plan as the Agricultural Core, by maintaining the 40-acre minimum parcel size.
10. Approve a new ULL Map for the General Plan (Figure LU-2 in the 2045 General Plan Land Use Element), which reflects the following changes:
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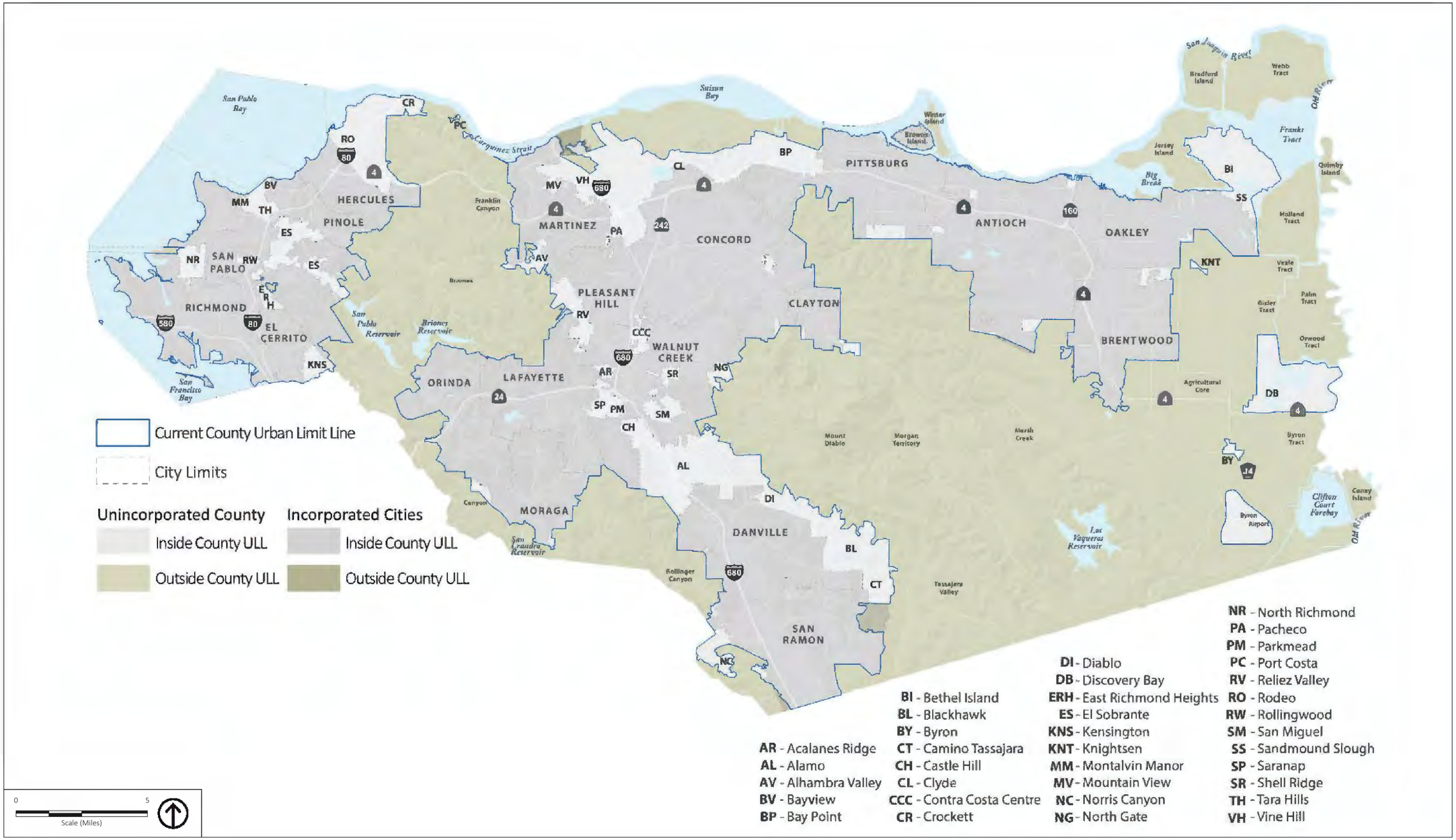
11. Update administrative sections of the 65/35 Land Preservation Ordinance to correct outdated text and achieve consistency with the changes described in items 1-10 above.

The proposed adjustments to the ULL Map are shown in Figure 2, *Proposed Urban Limit Line*. It is important to note that the proposed project does not change the development potential evaluated in the 2045 General Plan as there are no changes to the Land Use Map or land use designations.

Attachments:

Figure 1 – Current Adopted County Urban Limit Line
Figure 2 – Proposed Urban Limit Line



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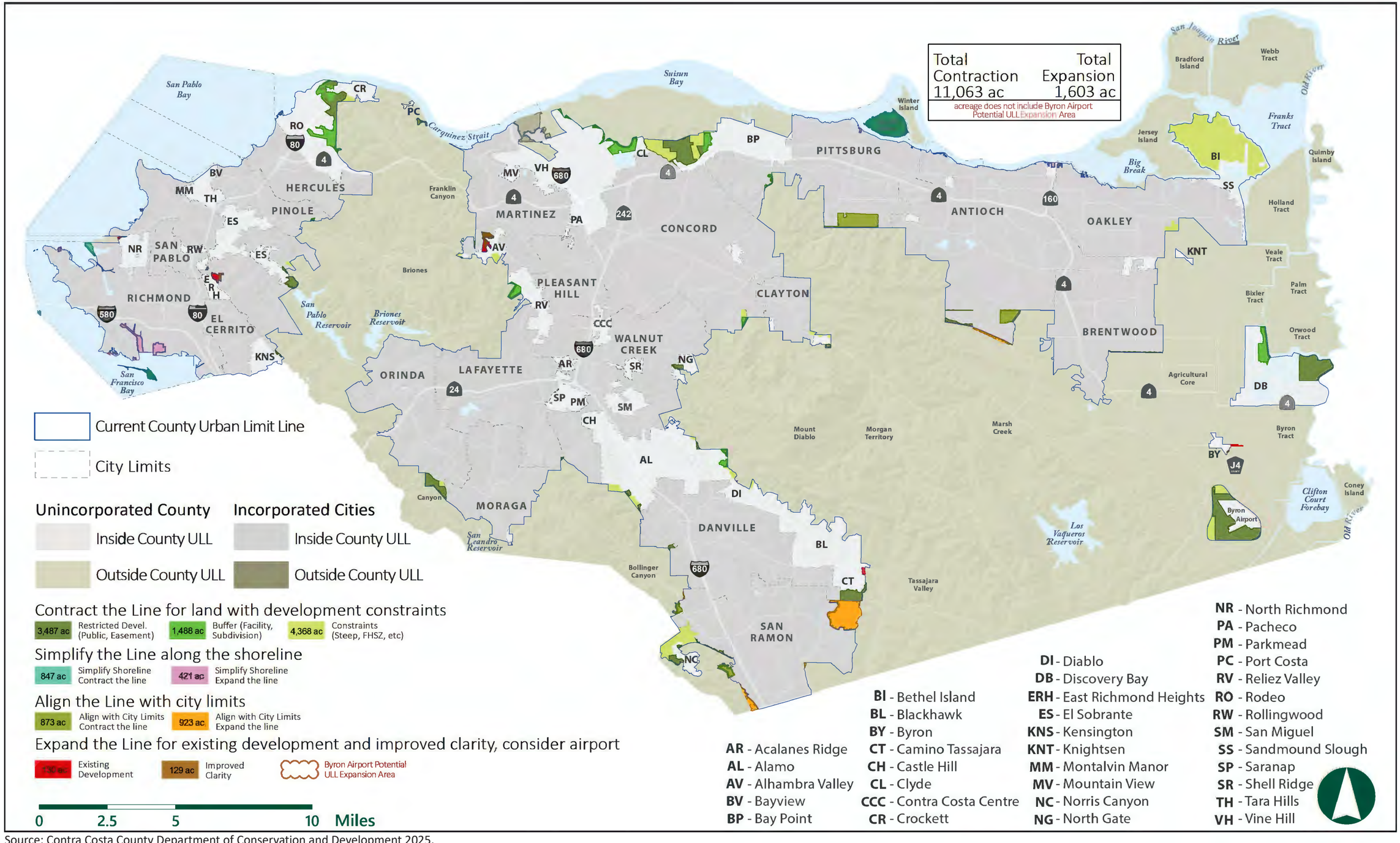

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Figure 2
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Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

August 23, 2025

Rolland Fillmore
Cultural Preservation Representative
Jackson Rancheria Band of Miwuk Indians
P.O. Box 1090
Jackson, CA 95642

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Rolland Fillmore,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies Jackson Rancheria Band of Miwuk Indians of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

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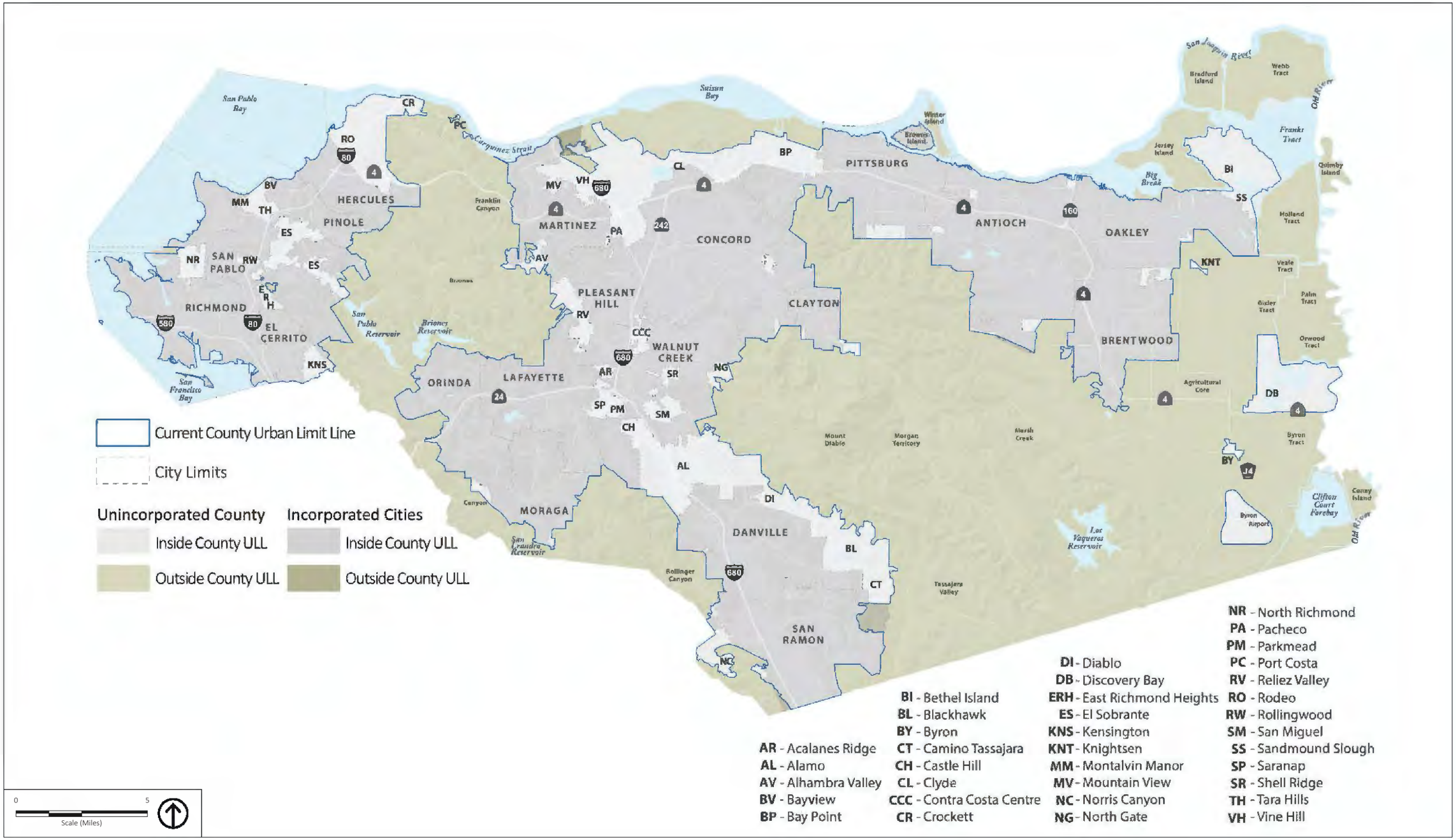

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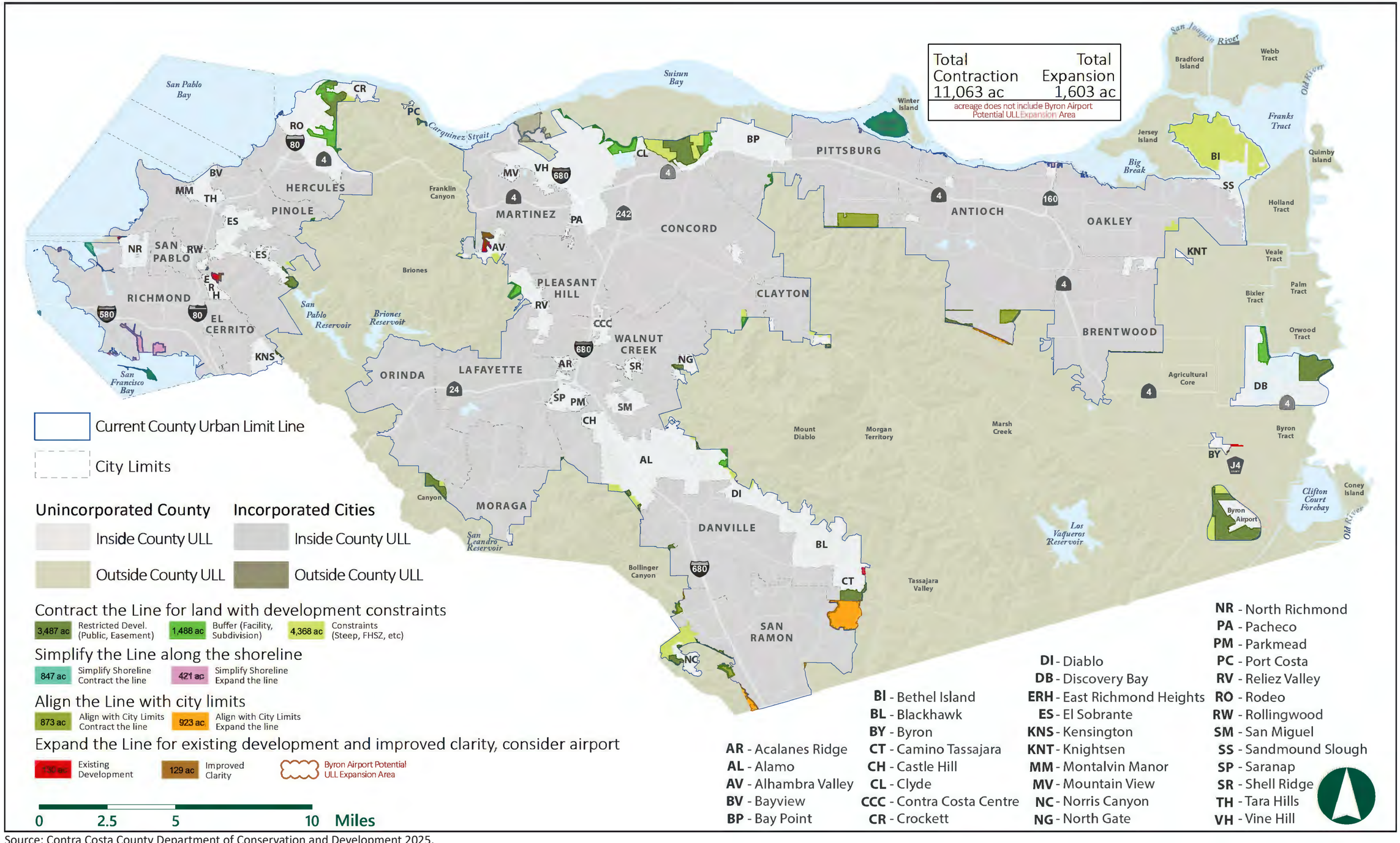

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Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

August 23, 2025

Richard Massiatt
Councilmember/MLD Tribal Representative
Muwekma Ohlone Tribe of the San Francisco Bay Area
1169 S. Main Street, Suite 336
Manteca, CA 95377

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Richard Massiatt,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies the Muwekma Ohlone Tribe of the San Francisco Bay Area of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

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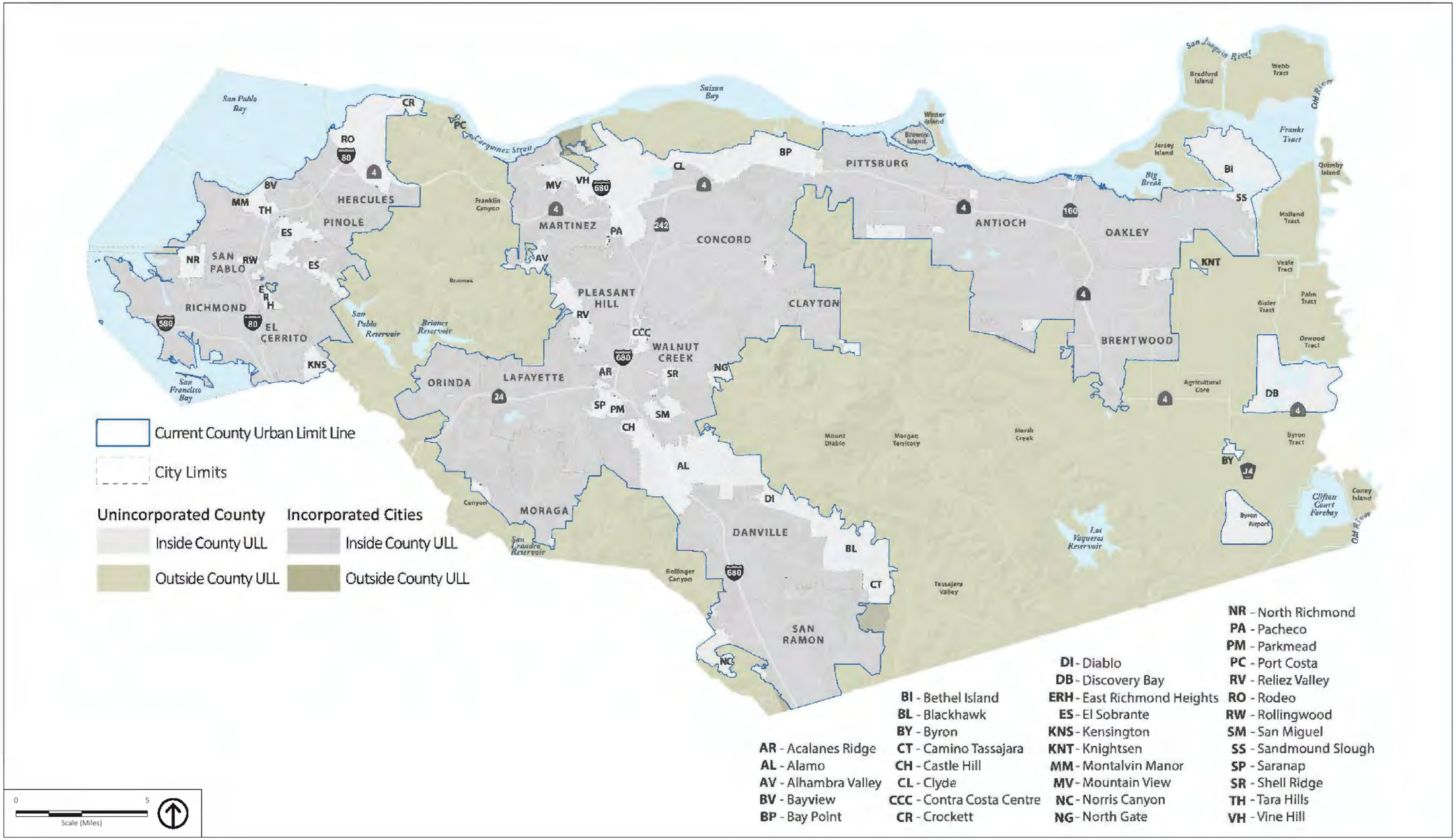

Source: Contra Costa County Department of Conservation and Development 2025.

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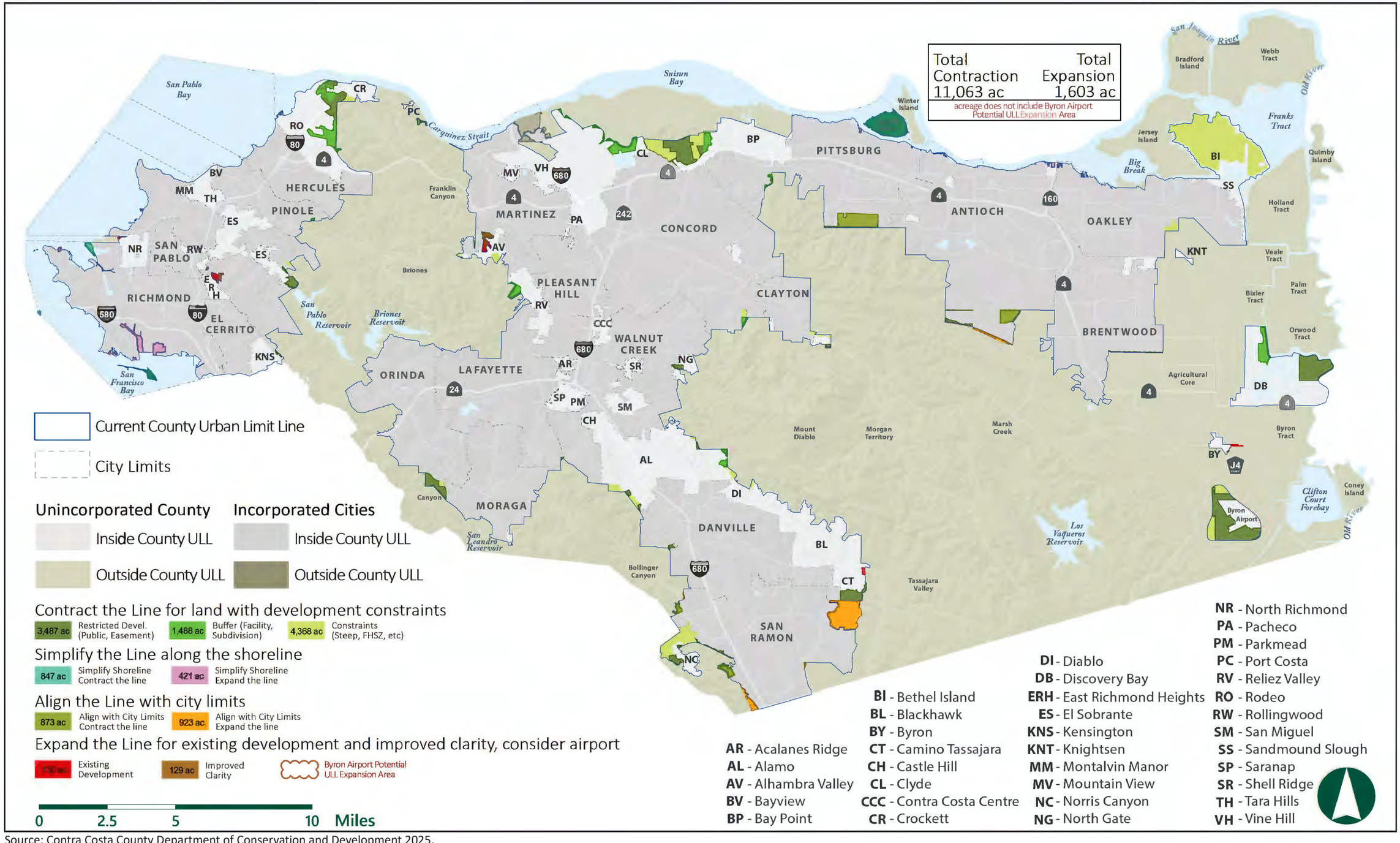

Source: Contra Costa County Department of Conservation and Development 2025.

Figure 2
Proposed Urban Limit Line

Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

August 23, 2025

Charlene Nijmeh
Chairperson
Muwekma Ohlone Tribe of the San Francisco Bay Area
1169 S. Main Street, Suite 336
Manteca, CA 95377

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Charlene Nijmeh,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies the Muwekma Ohlone Tribe of the San Francisco Bay Area of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

The proposed project is a Board of Supervisors action to place a measure on the 2026 Primary Election or General Election ballot asking the voters of Contra Costa County to amend the Land Use Element of the Contra Costa 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code) to extend the Urban Limit Line (ULL) and 65/35 Plan term, modify the ULL periodic review requirement, make revisions to the adopted ULL map, and make other changes to the text of the Ordinance and findings for the ULL adjustment process. Please see additional details about the proposed project in the pages below.

The County prepared an Initial Study for the proposed project in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15153 which allows a lead agency to use an EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same. The Initial Study for the proposed project concludes that the 2024 Environmental Impact Report for the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update (EIR) adequately evaluates the impacts

associated with the proposed project and is sufficient to serve as the environmental document for the proposed project. The Initial Study also concludes that the proposed project would not result in any additional impacts beyond those evaluated in the EIR.

The County values your feedback as part of our review process. Thus, in accordance with Government Code 65352.3(a)(2), we request a written response from you indicating your intent to consult on this proposed project. Please contact Will Nelson at (925) 655-2898 or will.nelson@dcd.cccounty.us, or at the follow address:

Department of Conservation and Development
30 Muir Road
Martinez, CA 94553
Attn: Will Nelson

Sincerely,

Will Nelson, Advance Planning Manager
Department of Conservation and Development
Contra Costa County

PREVIOUS TRIBAL CONSULTATION. The County adopted the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update and certified an EIR evaluating the impacts of implementing these countywide plans, on November 5, 2024. In accordance with SB 18 requirements, the County sent letters to representatives of the Native American tribes provided by the Native American Heritage Commission (NAHC) on January 15, 2021, formally inviting tribes to consult with the County on the 2045 General Plan. In accordance with AB 52 requirements for the EIR, an invitation for consultation was sent out to the County's NAHC-provided Tribal Consultation List on October 5, 2023. Recommendations, comments, edits, and mitigation measures provided by tribes that participated in the tribal consultation process were incorporated into the 2045 General Plan and EIR.

PROJECT BACKGROUND. On November 6, 1990, Contra Costa County voters approved Measure C (Measure C-1990), the 65/35 Contra Costa County Land Preservation Plan (the 65/35 Plan), which established various mechanisms aimed at containing urban sprawl and protecting resources like agricultural land and scenic ridges. The most significant and impactful of these mechanisms are the 65/35 Land Preservation Standard (the 65/35 Standard) and ULL. Pursuant to the 65/35 Standard, no more than 35 percent of the land within the county may be designated for urban uses (residential, commercial, industrial, etc.) in the General Plans of the County and the 19 cities, and at least 65 percent must be designated for nonurban uses, including agriculture, open space, parks, and other non-urban uses. Meanwhile, the ULL establishes a boundary beyond which no land may be designated for urban land uses. Operating together, the 65/35 Standard and ULL limit the geographic extent of urban development in the county.

On November 7, 2006, county voters approved Measure L (Measure L-2006), which carried forward most of the elements of Measure C-1990 while also extending the term of the 65/35 Ordinance to December 31, 2026; requiring a four-fifths vote of the County Board of Supervisors and voter approval to expand the ULL by more than 30 acres; requiring periodic reviews of the ULL by the Board of Supervisors; and adopting a new ULL Map. The County's current ULL Map is shown in Figure 1, *Current Adopted County Urban Limit Line.*

PROPOSED PROJECT: The proposed project is a 2026 ballot measure asking the voters of Contra Costa County to amend the Land Use Element of the 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (County Ordinance Code Chapter 82-1) to:

1. Extend the term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line through December 31, 2051.
2. Modify the periodic ULL review requirements of the 65/35 Land Preservation Plan Ordinance to align reviews of the ULL with State-mandated Housing Element update cycles.
3. Modify the criteria and factors enumerated in the 65/35 Land Preservation Plan Ordinance for determining whether land should be considered for location outside the ULL, to include:

i. Lands which qualify for rating as Class I or Class II in the Soil Conservation Service Land Use Capability Classification.

ii. Lands designated as High or Very High Fire Hazard Severity Zones on maps published by the California Department of Forestry and Fire Protection.

iii. Lands with slopes of 26 percent or greater.

iv. Lands at risk from substantial inundation due to flooding or anticipated sea level rise.

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vi. Open space, parks, and other recreation areas.

vii. Wetlands and undevelopable islands.

viii. Areas with inadequate water, sewer, and roadway infrastructure.

ix. Other areas not appropriate for urban growth because of separation from existing development, unstable geologic conditions, likelihood of substantial environmental damage or substantial injury to fish or wildlife or their habitat, and other similar factors rendering the land physically unsuitable for intense development.

4. Retain, during the extended term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line, the requirement for voter approval to expand the County's Urban Limit Line by more than 30 acres, except as specifically authorized in the 65/35 Land Preservation Plan Ordinance, and approved by the voters in this ballot measure, namely:

   The Board of Supervisors may, without subsequent voter approval, expand the ULL by any acreage within the boundaries of the Byron Airport Potential ULL Expansion Area illustrated on General Plan Land Use Element Figure LU-2, Urban Limit Line, after holding a public hearing at which the Board adopts the General Plan amendment for the expansion, by a four-fifths vote, after making each of the following findings based on substantial evidence in the record:

   a. The expansion is necessary to further the economic viability of Byron Airport and attain the County's goals related to economic development.

   b. The expanded ULL area will accommodate uses directly linked to aeronautics, such as aviation research and development, aircraft manufacturing/assembly, and aeronautical schools/training facilities.

   c. The expanded ULL area will not accommodate residential development, logistics/distributions centers, lodging, or any other use not directly linked to aeronautics except for minor ancillary uses necessary to support the airport workforce.

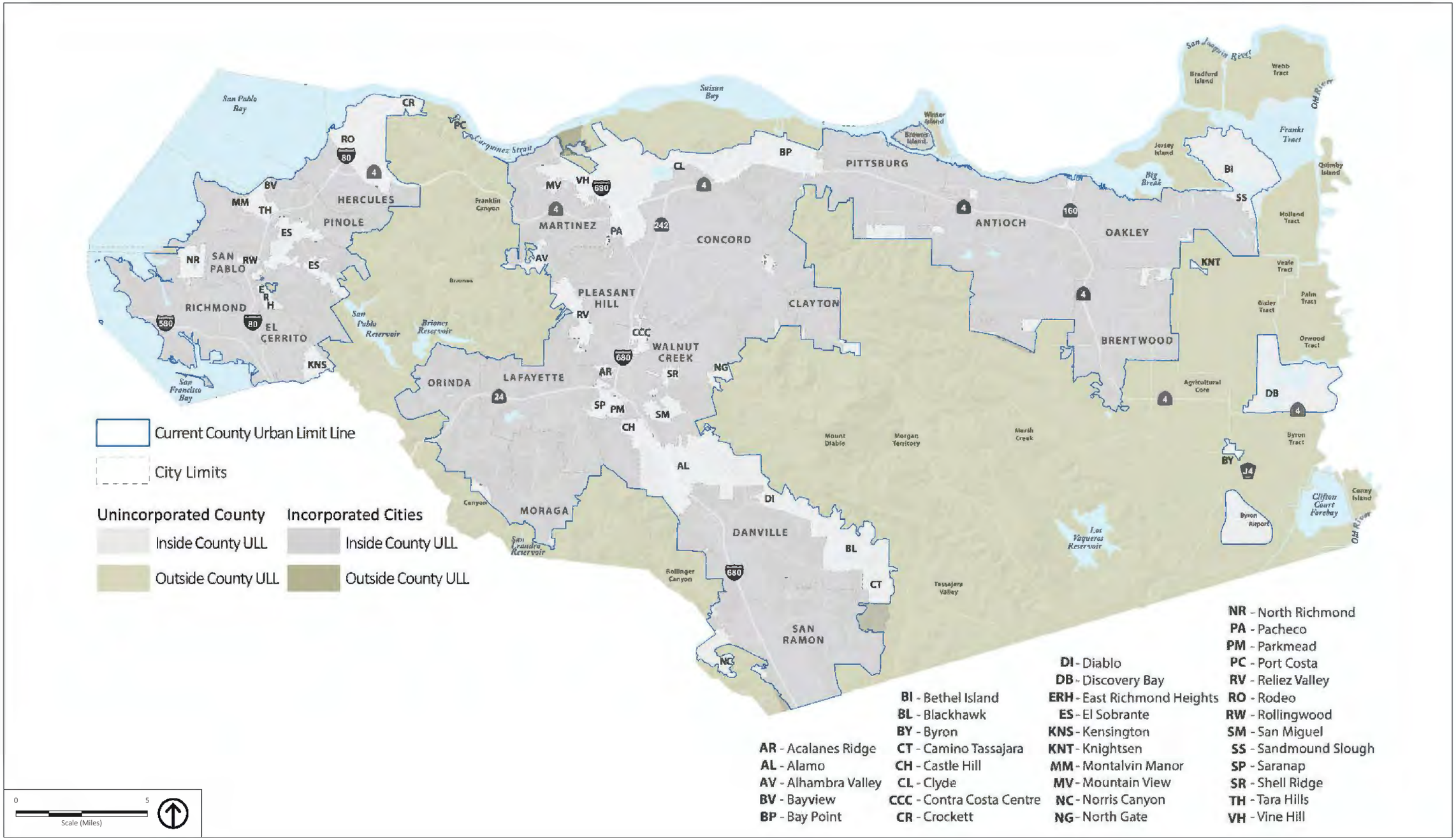
   d. The expansion will not induce sprawl.

5. Retain in both the General Plan and County Ordinance Code the requirement that a four-fifths vote of the Board of Supervisors is necessary to place a measure on the election ballot to expand the ULL boundary by more than 30 acres through the year 2051.
6. Retain in both the General Plan and County Ordinance Code the existing procedure for any change to the County's ULL under 30 acres based on a four-fifths vote of the Board of Supervisors after holding a public hearing and making at least one of seven findings, as proscribed in both the General Plan and County Ordinance Code, based on substantial evidence in the record.
7. Modify the enumerated findings proscribed in both the General Plan and County Ordinance Code required for a change to the County's ULL under 30 acres to reflect the modified periodic ULL reviews and to make other non-substantive changes.
8. Retain the 65/35 Standard for land preservation in Contra Costa County, whereby at least 65 percent of the overall County land area will be retained for non-urban uses through the year 2051.
9. Retain protections for the County's prime agricultural land, specifically the area designated in the General Plan as the Agricultural Core, by maintaining the 40-acre minimum parcel size.
10. Approve a new ULL Map for the General Plan (Figure LU-2 in the 2045 General Plan Land Use Element), which reflects the following changes:
    i. Moves 3,487 acres with significant development restrictions, such as ownership by government agencies or encumbrance with conservation or agricultural easements, outside the ULL.
    ii. Moves 1,488 acres of buffer lands around subdivisions, cemeteries, and industrial facilities, outside the ULL.
    iii. Moves 4,368 acres with significant development constraints, such as high fire hazards, steep slopes, and flood hazards, outside the ULL.
    iv. Moves 873 acres outside the ULL and 923 acres inside the ULL to align the ULL with city limits.
    v. Moves 847 acres outside the ULL and 421 acres inside the ULL to simplify and improve understanding of the ULL along the county's shoreline.
11. Update administrative sections of the 65/35 Land Preservation Ordinance to correct outdated text and achieve consistency with the changes described in items 1-10 above.

The proposed adjustments to the ULL Map are shown in Figure 2, *Proposed Urban Limit Line*. It is important to note that the proposed project does not change the development potential evaluated in the 2045 General Plan as there are no changes to the Land Use Map or land use designations.

Attachments:

Figure 1 – Current Adopted County Urban Limit Line
Figure 2 – Proposed Urban Limit Line



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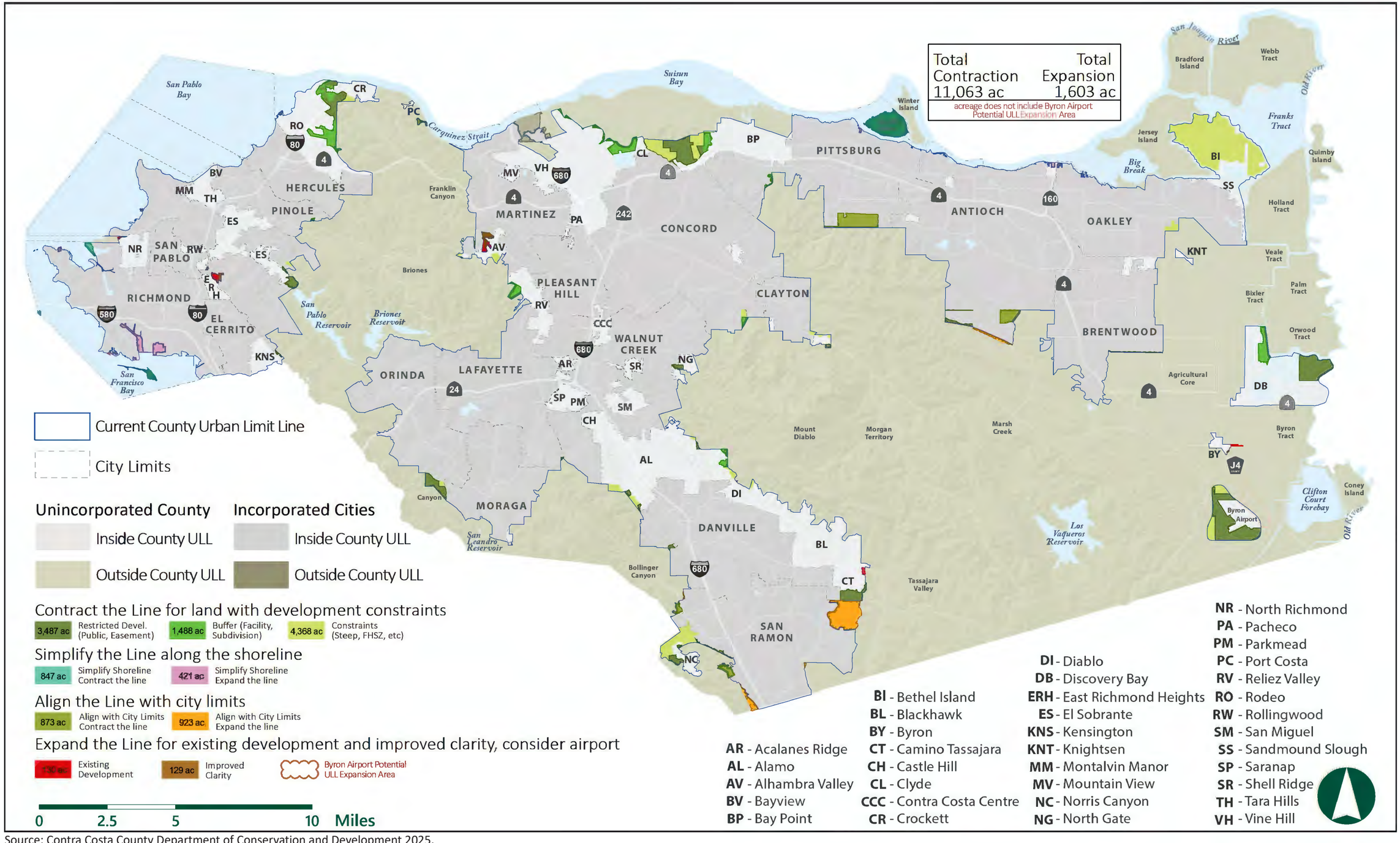

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Department of Conservation and Development

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Phone:1-855-323-2626

Contra Costa County

John Kopchik
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Deputy Director

Gabriel Lemus
Deputy Director

August 23, 2025

Cosme Valdez
Chairperson
Nashville Enterprise Miwok-Maidu-Nishinam Tribe
P.O. Box 580986
Elk Grove, CA 95758-0017

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Cosme Valdez,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies the Nashville Enterprise Miwok-Maidu-Nishinam Tribe of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

The proposed project is a Board of Supervisors action to place a measure on the 2026 Primary Election or General Election ballot asking the voters of Contra Costa County to amend the Land Use Element of the Contra Costa 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code) to extend the Urban Limit Line (ULL) and 65/35 Plan term, modify the ULL periodic review requirement, make revisions to the adopted ULL map, and make other changes to the text of the Ordinance and findings for the ULL adjustment process. Please see additional details about the proposed project in the pages below.

The County prepared an Initial Study for the proposed project in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15153 which allows a lead agency to use an EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same. The Initial Study for the proposed project concludes that the 2024 Environmental Impact Report for the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update (EIR) adequately evaluates the impacts

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The County values your feedback as part of our review process. Thus, in accordance with Government Code 65352.3(a)(2), we request a written response from you indicating your intent to consult on this proposed project. Please contact Will Nelson at (925) 655-2898 or will.nelson@dcd.cccounty.us, or at the follow address:

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Contra Costa County

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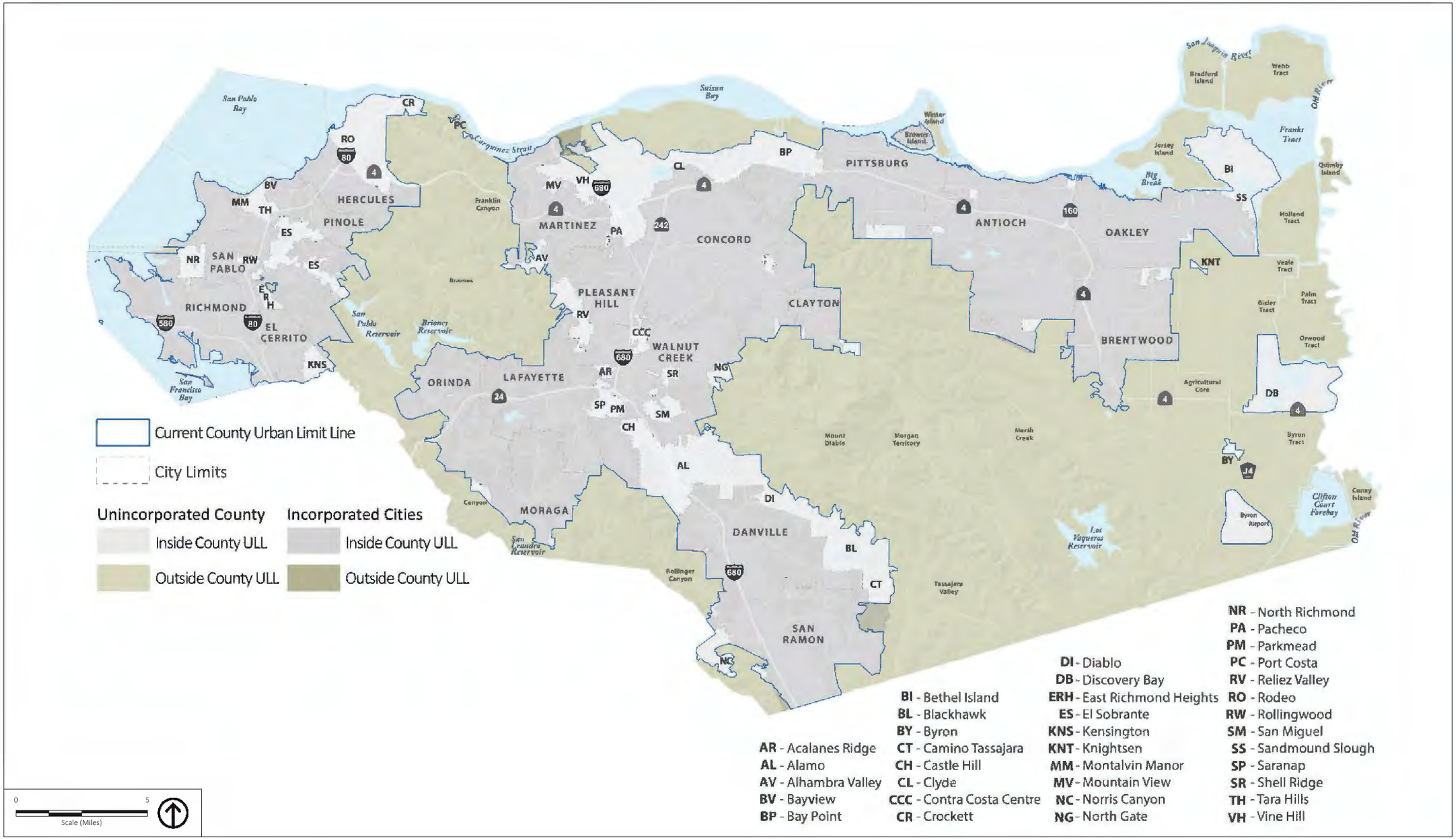

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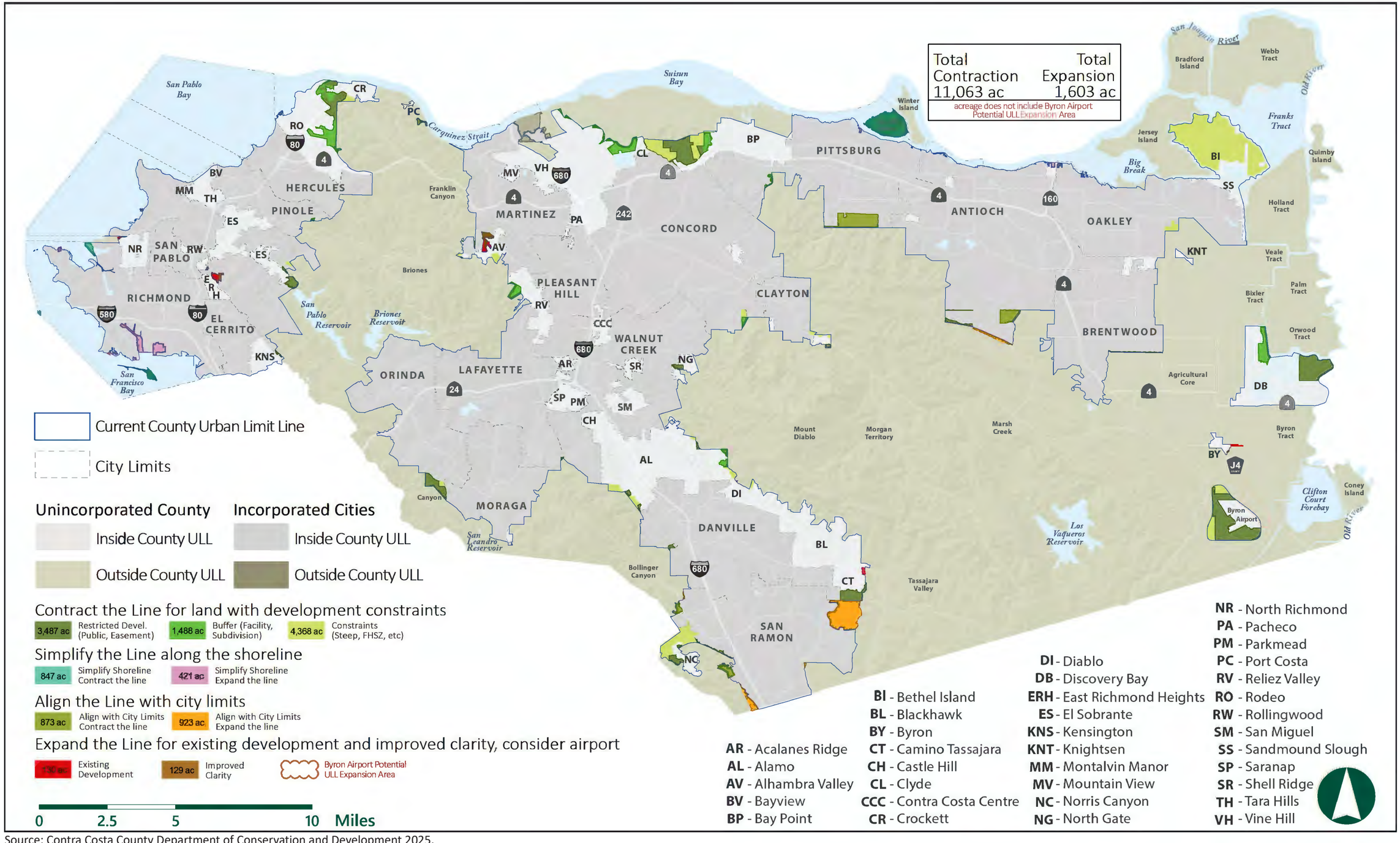

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Proposed Urban Limit Line

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Contra Costa County

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Director

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Gabriel Lemus
Deputy Director

August 23, 2025

Leland Valdez
Cultural Resources
Nashville Enterprise Miwok-Maidu-Nishinam Tribe
P.O. Box 580986
Elk Grove, CA 95758-0017

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

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   The Board of Supervisors may, without subsequent voter approval, expand the ULL by any acreage within the boundaries of the Byron Airport Potential ULL Expansion Area illustrated on General Plan Land Use Element Figure LU-2, Urban Limit Line, after holding a public hearing at which the Board adopts the General Plan amendment for the expansion, by a four-fifths vote, after making each of the following findings based on substantial evidence in the record:

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7. Modify the enumerated findings proscribed in both the General Plan and County Ordinance Code required for a change to the County's ULL under 30 acres to reflect the modified periodic ULL reviews and to make other non-substantive changes.
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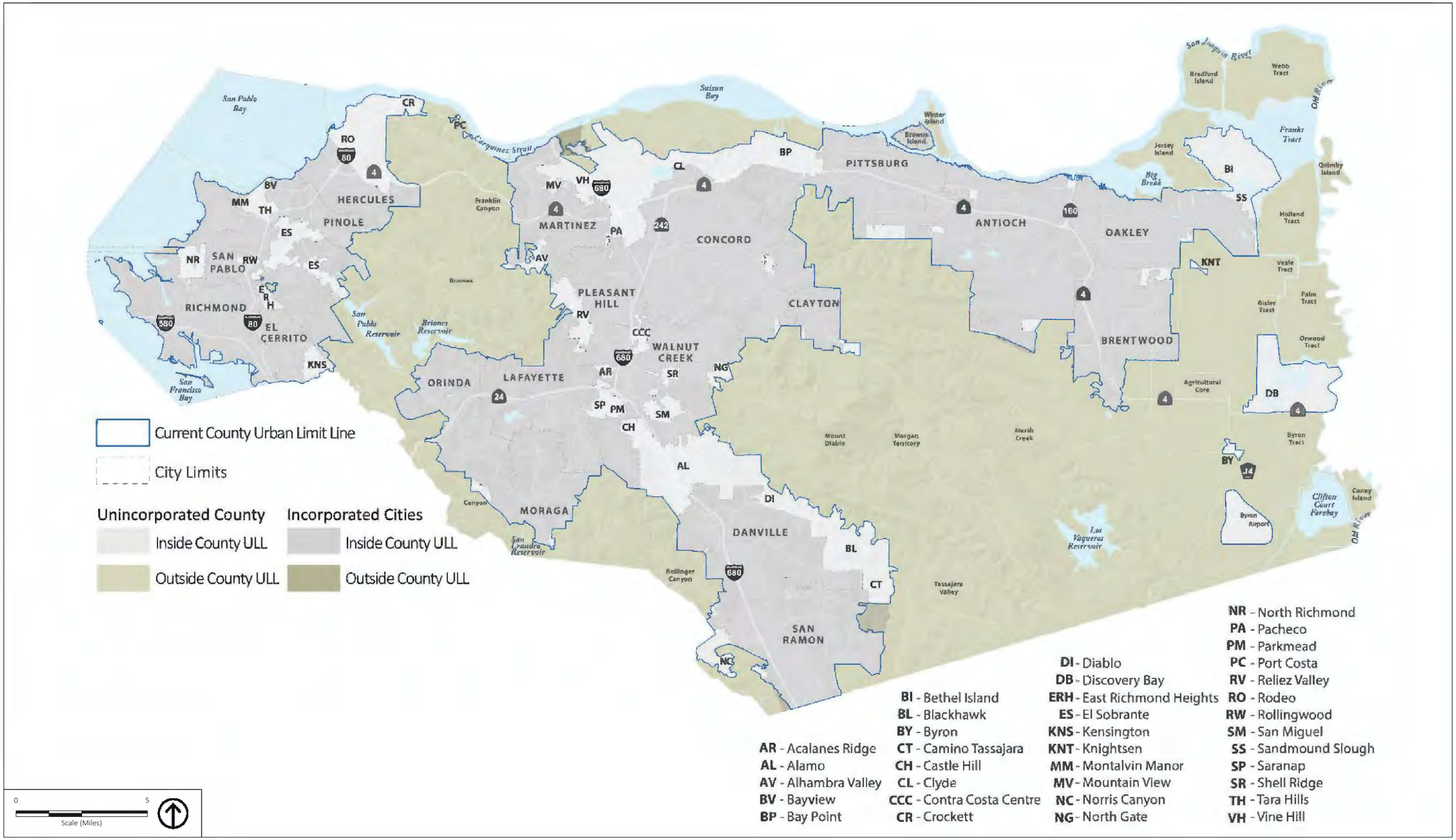
Figure 1 – Current Adopted County Urban Limit Line
Figure 2 – Proposed Urban Limit Line



Source: Contra Costa County Department of Conservation and Development 2025.

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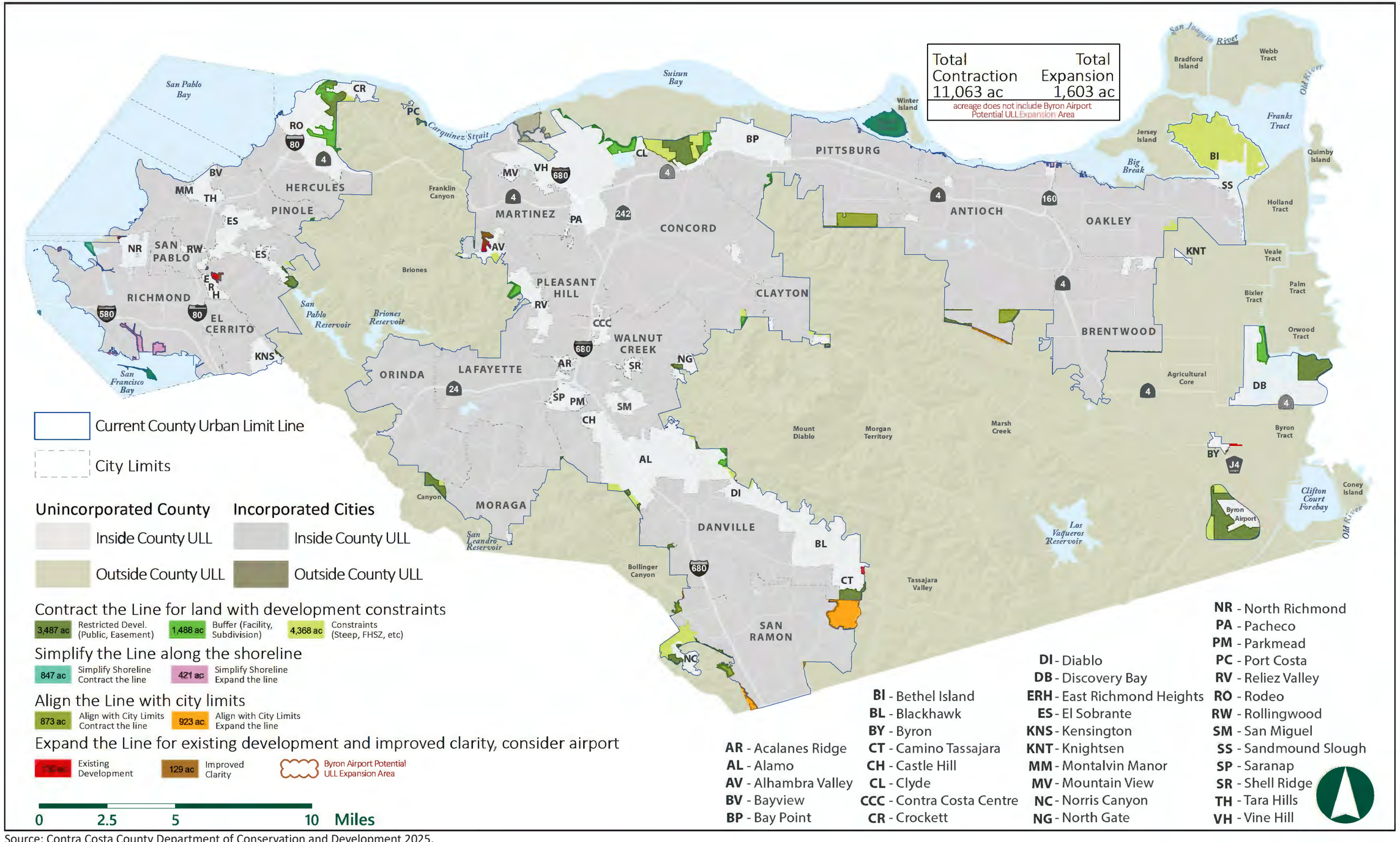

Source: Contra Costa County Department of Conservation and Development 2025.

Figure 2
Proposed Urban Limit Line

Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

August 23, 2025

Katherine Perez
Chairperson
Northern Valley Yokut-Ohlone Tribe
P.O. Box 717
Linden, CA 95236

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Katherine Perez,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies the Northern Valley Yokut-Ohlone Tribe of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

The proposed project is a Board of Supervisors action to place a measure on the 2026 Primary Election or General Election ballot asking the voters of Contra Costa County to amend the Land Use Element of the Contra Costa 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code) to extend the Urban Limit Line (ULL) and 65/35 Plan term, modify the ULL periodic review requirement, make revisions to the adopted ULL map, and make other changes to the text of the Ordinance and findings for the ULL adjustment process. Please see additional details about the proposed project in the pages below.

The County prepared an Initial Study for the proposed project in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15153 which allows a lead agency to use an EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same. The Initial Study for the proposed project concludes that the 2024 Environmental Impact Report for the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update (EIR) adequately evaluates the impacts associated with the proposed project and is sufficient to serve as the environmental document

for the proposed project. The Initial Study also concludes that the proposed project would not result in any additional impacts beyond those evaluated in the EIR.

The County values your feedback as part of our review process. Thus, in accordance with Government Code 65352.3(a)(2), we request a written response from you indicating your intent to consult on this proposed project. Please contact Will Nelson at (925) 655-2898 or will.nelson@dcd.cccounty.us, or at the follow address:

Department of Conservation and Development
30 Muir Road
Martinez, CA 94553
Attn: Will Nelson

Sincerely,

Will Nelson, Advance Planning Manager
Department of Conservation and Development
Contra Costa County

PREVIOUS TRIBAL CONSULTATION. The County adopted the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update and certified an EIR evaluating the impacts of implementing these countywide plans, on November 5, 2024. In accordance with SB 18 requirements, the County sent letters to representatives of the Native American tribes provided by the Native American Heritage Commission (NAHC) on January 15, 2021, formally inviting tribes to consult with the County on the 2045 General Plan. In accordance with AB 52 requirements for the EIR, an invitation for consultation was sent out to the County's NAHC-provided Tribal Consultation List on October 5, 2023. Recommendations, comments, edits, and mitigation measures provided by tribes that participated in the tribal consultation process were incorporated into the 2045 General Plan and EIR.

PROJECT BACKGROUND. On November 6, 1990, Contra Costa County voters approved Measure C (Measure C-1990), the 65/35 Contra Costa County Land Preservation Plan (the 65/35 Plan), which established various mechanisms aimed at containing urban sprawl and protecting resources like agricultural land and scenic ridges. The most significant and impactful of these mechanisms are the 65/35 Land Preservation Standard (the 65/35 Standard) and ULL. Pursuant to the 65/35 Standard, no more than 35 percent of the land within the county may be designated for urban uses (residential, commercial, industrial, etc.) in the General Plans of the County and the 19 cities, and at least 65 percent must be designated for nonurban uses, including agriculture, open space, parks, and other non-urban uses. Meanwhile, the ULL establishes a boundary beyond which no land may be designated for urban land uses. Operating together, the 65/35 Standard and ULL limit the geographic extent of urban development in the county.

On November 7, 2006, county voters approved Measure L (Measure L-2006), which carried forward most of the elements of Measure C-1990 while also extending the term of the 65/35 Ordinance to December 31, 2026; requiring a four-fifths vote of the County Board of Supervisors and voter approval to expand the ULL by more than 30 acres; requiring periodic reviews of the ULL by the Board of Supervisors; and adopting a new ULL Map. The County's current ULL Map is shown in Figure 1, *Current Adopted County Urban Limit Line.*

PROPOSED PROJECT: The proposed project is a 2026 ballot measure asking the voters of Contra Costa County to amend the Land Use Element of the 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (County Ordinance Code Chapter 82-1) to:

1. Extend the term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line through December 31, 2051.
2. Modify the periodic ULL review requirements of the 65/35 Land Preservation Plan Ordinance to align reviews of the ULL with State-mandated Housing Element update cycles.
3. Modify the criteria and factors enumerated in the 65/35 Land Preservation Plan Ordinance for determining whether land should be considered for location outside the ULL, to include:

i. Lands which qualify for rating as Class I or Class II in the Soil Conservation Service Land Use Capability Classification.

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4. Retain, during the extended term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line, the requirement for voter approval to expand the County's Urban Limit Line by more than 30 acres, except as specifically authorized in the 65/35 Land Preservation Plan Ordinance, and approved by the voters in this ballot measure, namely:

   The Board of Supervisors may, without subsequent voter approval, expand the ULL by any acreage within the boundaries of the Byron Airport Potential ULL Expansion Area illustrated on General Plan Land Use Element Figure LU-2, Urban Limit Line, after holding a public hearing at which the Board adopts the General Plan amendment for the expansion, by a four-fifths vote, after making each of the following findings based on substantial evidence in the record:

   a. The expansion is necessary to further the economic viability of Byron Airport and attain the County's goals related to economic development.

   b. The expanded ULL area will accommodate uses directly linked to aeronautics, such as aviation research and development, aircraft manufacturing/assembly, and aeronautical schools/training facilities.

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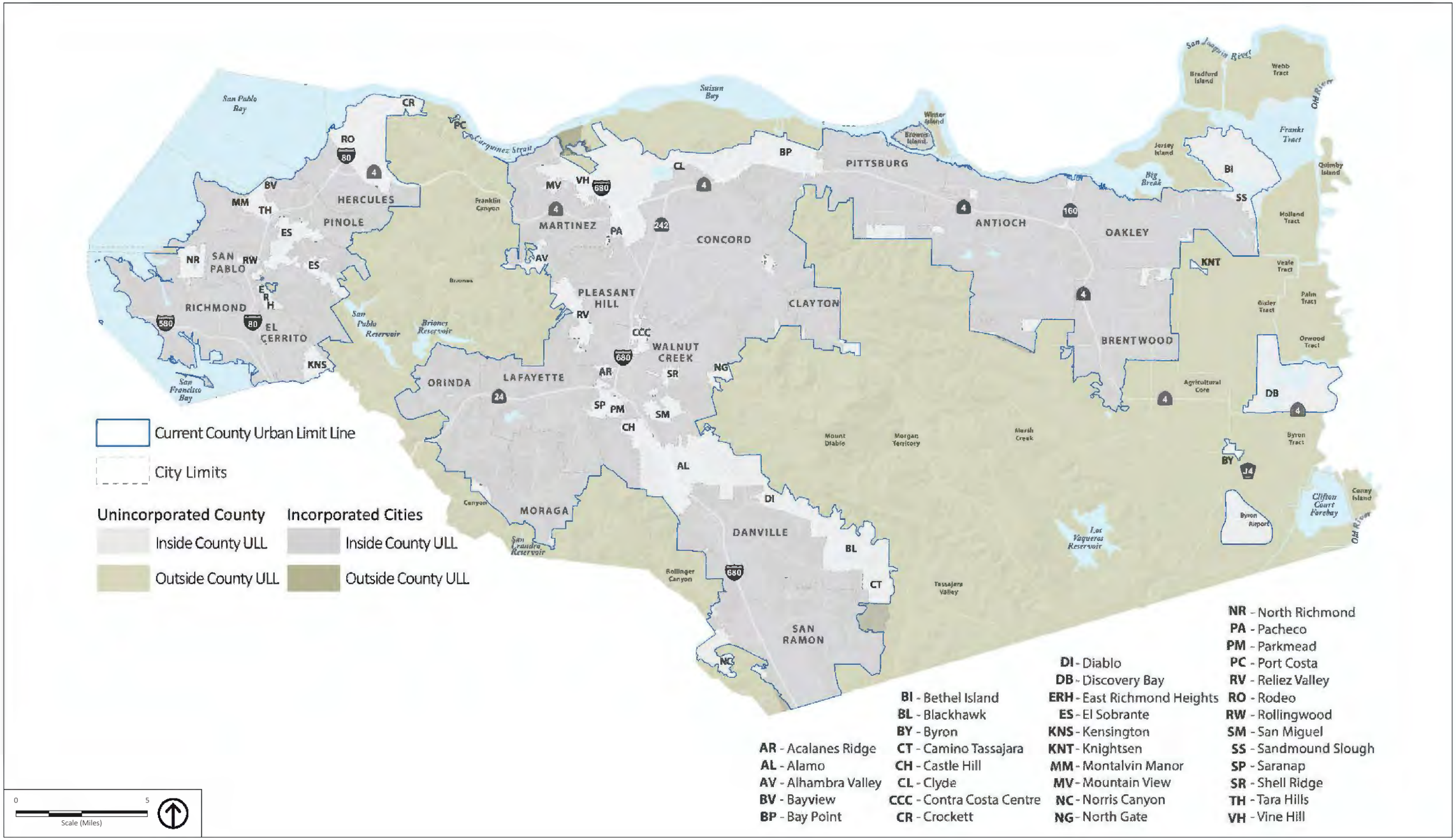

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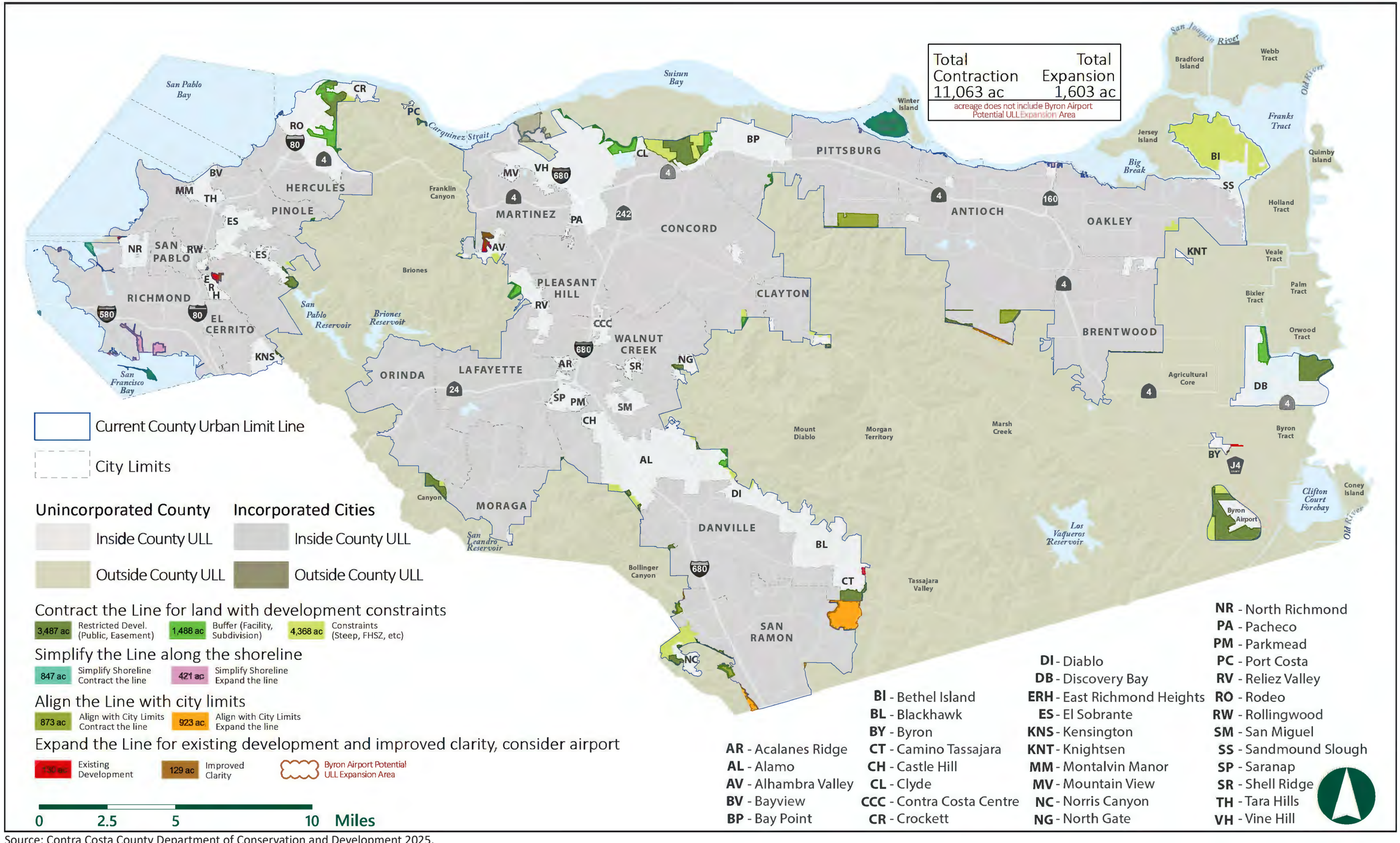

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Gabriel Lemus
Deputy Director

August 23, 2025

Timothy Perez
Tribal Compliance Officer
Northern Valley Yokut-Ohlone Tribe
P.O. Box 717
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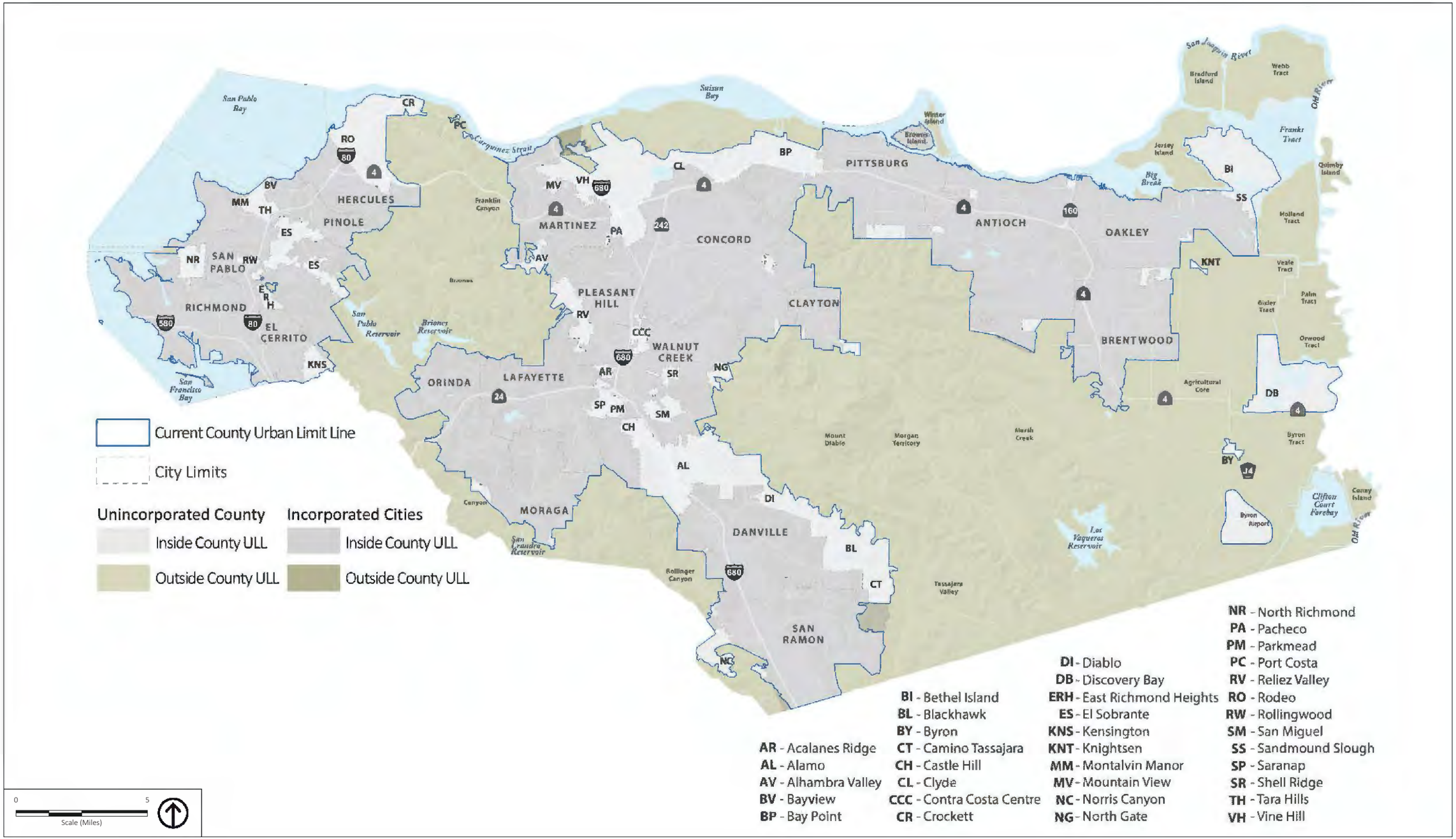

AR - Acalanes Ridge
AL - Alamo
AV - Alhambra Valley
BV - Bayview
BP - Bay Point
BI - Bethel Island
BL - Blackhawk
BY - Byron
CT - Camino Tassajara
CH - Castle Hill
CL - Clyde
CCC - Contra Costa Centre
CR - Crockett
DI - Diablo
DB - Discovery Bay
ERH - East Richmond Heights
ES - El Sobrante
KNS - Kensington
KNT - Knightsen
MM - Montalvin Manor
MV - Mountain View
NC - Norris Canyon
NG - North Gate
NR - North Richmond
PA - Pacheco
PM - Parkmead
PC - Port Costa
RV - Reliez Valley
RO - Rodeo
RW - Rollingwood
SM - San Miguel
SS - Sandmound Slough
SP - Saranap
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TH - Tara Hills
VH - Vine Hill

Source: Contra Costa County Department of Conservation and Development 2025.

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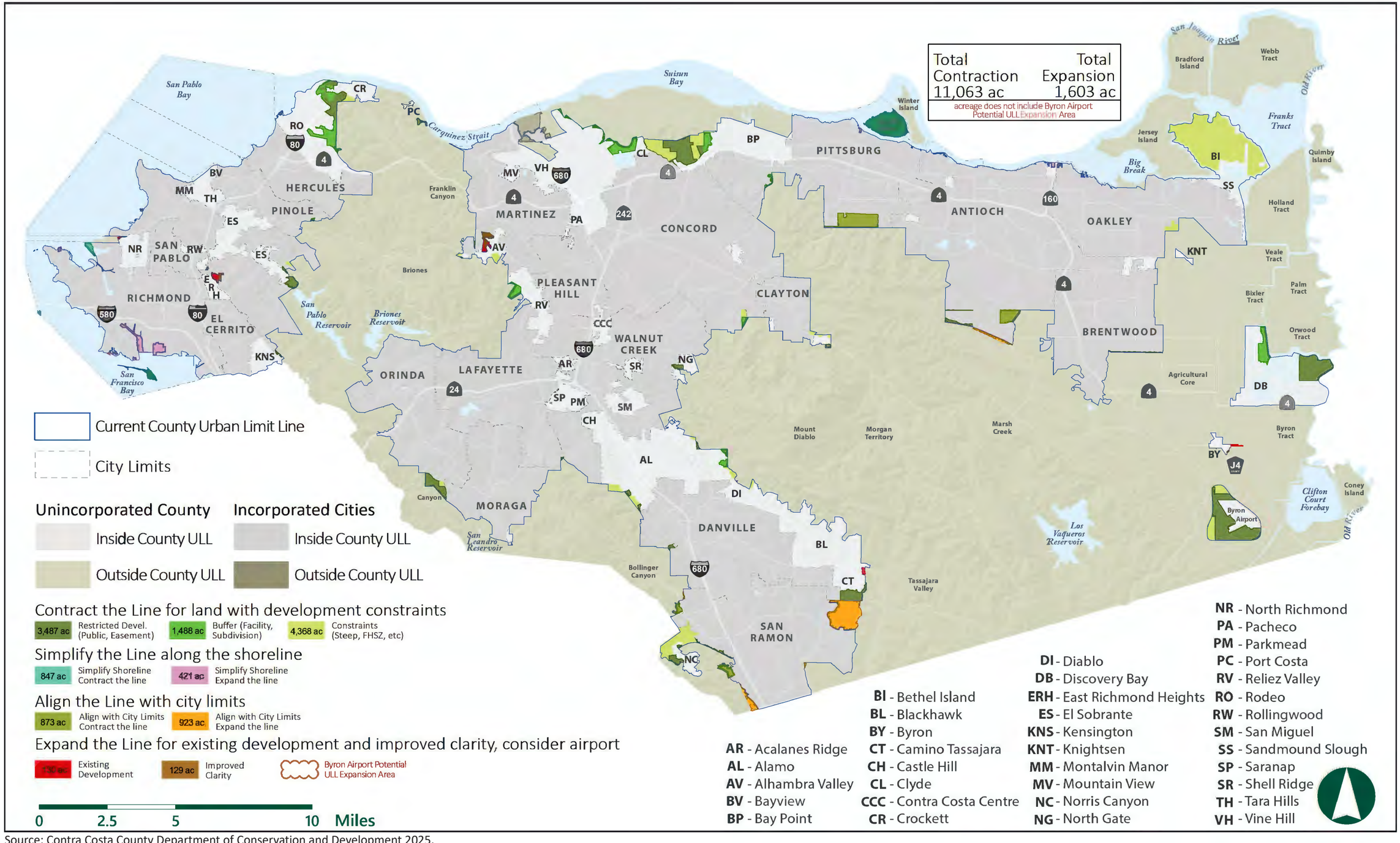

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Contra Costa County

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Gabriel Lemus
Deputy Director

August 23, 2025

Andrew Galvan
Chairperson
The Ohlone Indian Tribe
P.O. Box 3388
Fremont, CA 94539

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PROPOSED PROJECT: The proposed project is a 2026 ballot measure asking the voters of Contra Costa County to amend the Land Use Element of the 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (County Ordinance Code Chapter 82-1) to:

1. Extend the term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line through December 31, 2051.
2. Modify the periodic ULL review requirements of the 65/35 Land Preservation Plan Ordinance to align reviews of the ULL with State-mandated Housing Element update cycles.
3. Modify the criteria and factors enumerated in the 65/35 Land Preservation Plan Ordinance for determining whether land should be considered for location outside the ULL, to include:

i. Lands which qualify for rating as Class I or Class II in the Soil Conservation Service Land Use Capability Classification.

ii. Lands designated as High or Very High Fire Hazard Severity Zones on maps published by the California Department of Forestry and Fire Protection.

iii. Lands with slopes of 26 percent or greater.

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vi. Open space, parks, and other recreation areas.

vii. Wetlands and undevelopable islands.

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ix. Other areas not appropriate for urban growth because of separation from existing development, unstable geologic conditions, likelihood of substantial environmental damage or substantial injury to fish or wildlife or their habitat, and other similar factors rendering the land physically unsuitable for intense development.

4. Retain, during the extended term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line, the requirement for voter approval to expand the County's Urban Limit Line by more than 30 acres, except as specifically authorized in the 65/35 Land Preservation Plan Ordinance, and approved by the voters in this ballot measure, namely:

   The Board of Supervisors may, without subsequent voter approval, expand the ULL by any acreage within the boundaries of the Byron Airport Potential ULL Expansion Area illustrated on General Plan Land Use Element Figure LU-2, Urban Limit Line, after holding a public hearing at which the Board adopts the General Plan amendment for the expansion, by a four-fifths vote, after making each of the following findings based on substantial evidence in the record:

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   b. The expanded ULL area will accommodate uses directly linked to aeronautics, such as aviation research and development, aircraft manufacturing/assembly, and aeronautical schools/training facilities.

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   d. The expansion will not induce sprawl.

5. Retain in both the General Plan and County Ordinance Code the requirement that a four-fifths vote of the Board of Supervisors is necessary to place a measure on the election ballot to expand the ULL boundary by more than 30 acres through the year 2051.
6. Retain in both the General Plan and County Ordinance Code the existing procedure for any change to the County's ULL under 30 acres based on a four-fifths vote of the Board of Supervisors after holding a public hearing and making at least one of seven findings, as proscribed in both the General Plan and County Ordinance Code, based on substantial evidence in the record.
7. Modify the enumerated findings proscribed in both the General Plan and County Ordinance Code required for a change to the County's ULL under 30 acres to reflect the modified periodic ULL reviews and to make other non-substantive changes.
8. Retain the 65/35 Standard for land preservation in Contra Costa County, whereby at least 65 percent of the overall County land area will be retained for non-urban uses through the year 2051.
9. Retain protections for the County's prime agricultural land, specifically the area designated in the General Plan as the Agricultural Core, by maintaining the 40-acre minimum parcel size.
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    i. Moves 3,487 acres with significant development restrictions, such as ownership by government agencies or encumbrance with conservation or agricultural easements, outside the ULL.
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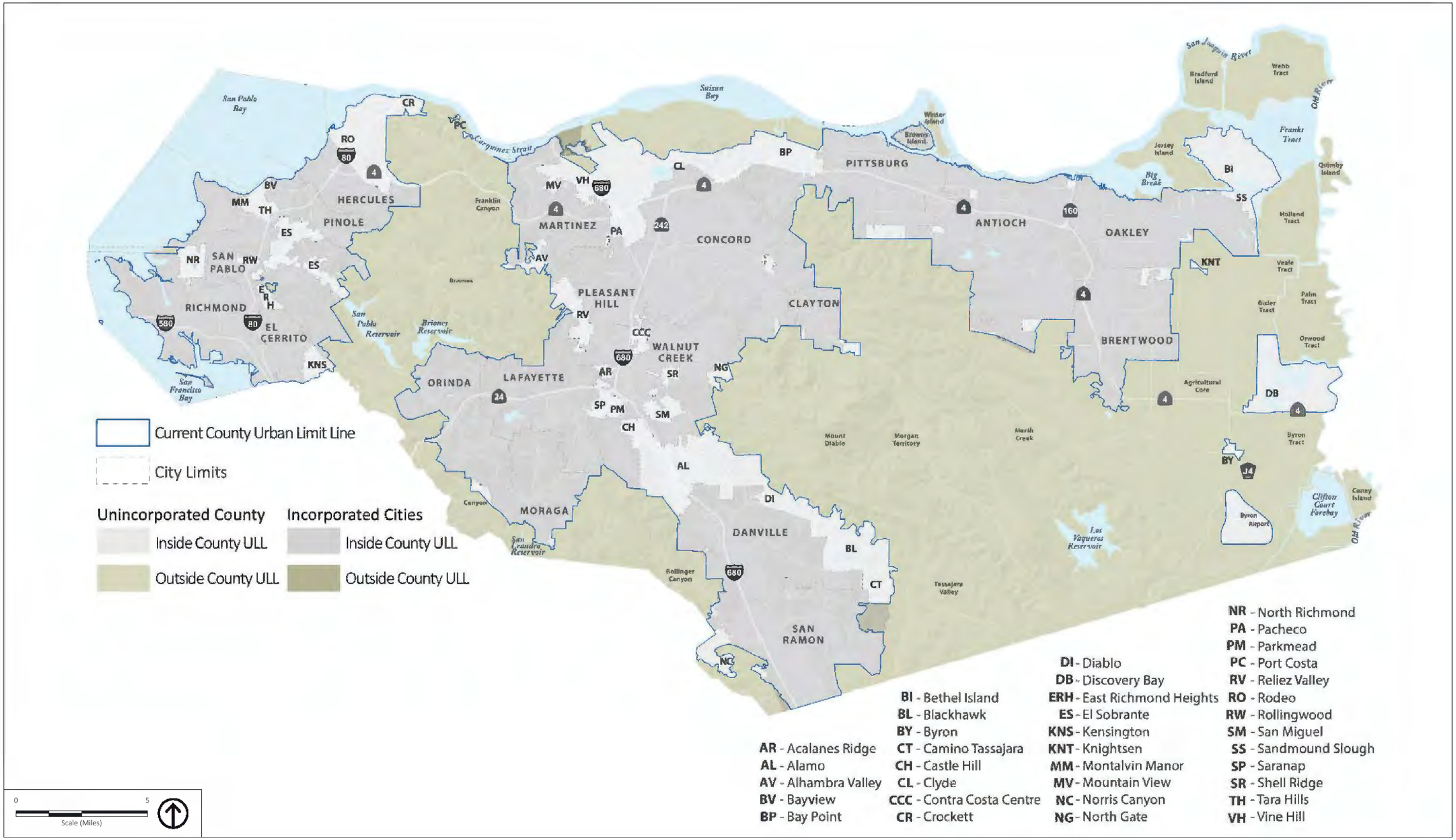
    v. Moves 847 acres outside the ULL and 421 acres inside the ULL to simplify and improve understanding of the ULL along the county's shoreline.
11. Update administrative sections of the 65/35 Land Preservation Ordinance to correct outdated text and achieve consistency with the changes described in items 1-10 above.

The proposed adjustments to the ULL Map are shown in Figure 2, *Proposed Urban Limit Line*. It is important to note that the proposed project does not change the development potential evaluated in the 2045 General Plan as there are no changes to the Land Use Map or land use designations.

Attachments:

Figure 1 – Current Adopted County Urban Limit Line
Figure 2 – Proposed Urban Limit Line



Source: Contra Costa County Department of Conservation and Development 2025.

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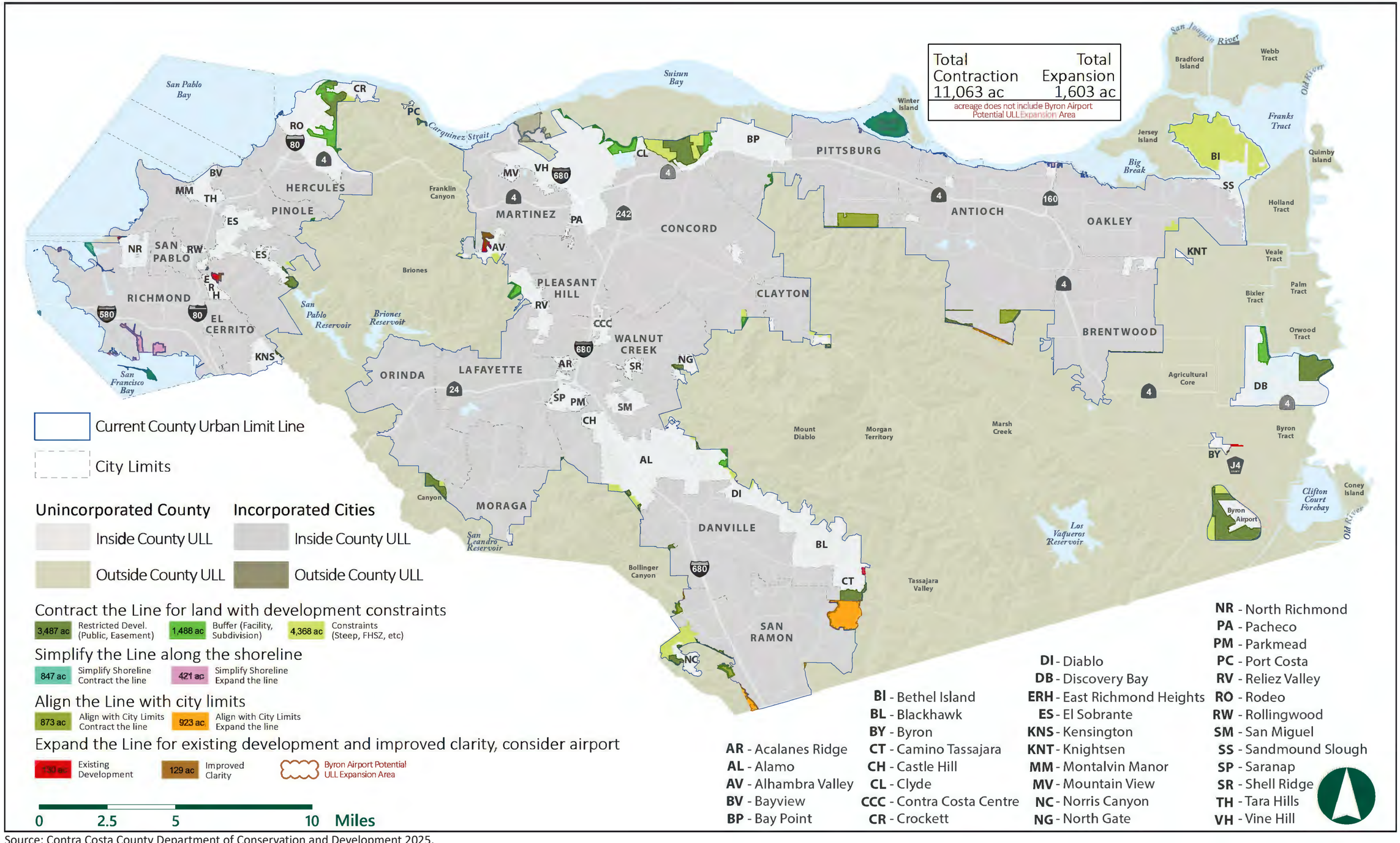

Source: Contra Costa County Department of Conservation and Development 2025.

Figure 2
Proposed Urban Limit Line

Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

August 23, 2025

Vincent Medina
Cultural Leader
The Ohlone Indian Tribe
17365 Via Del Rey
San Lorenzo, CA 94580

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Vincent Medina,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies The Ohlone Indian Tribe of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

The proposed project is a Board of Supervisors action to place a measure on the 2026 Primary Election or General Election ballot asking the voters of Contra Costa County to amend the Land Use Element of the Contra Costa 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code) to extend the Urban Limit Line (ULL) and 65/35 Plan term, modify the ULL periodic review requirement, make revisions to the adopted ULL map, and make other changes to the text of the Ordinance and findings for the ULL adjustment process. Please see additional details about the proposed project in the pages below.

The County prepared an Initial Study for the proposed project in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15153 which allows a lead agency to use an EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same. The Initial Study for the proposed project concludes that the 2024 Environmental Impact Report for the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update (EIR) adequately evaluates the impacts associated with the proposed project and is sufficient to serve as the environmental document

for the proposed project. The Initial Study also concludes that the proposed project would not result in any additional impacts beyond those evaluated in the EIR.

The County values your feedback as part of our review process. Thus, in accordance with Government Code 65352.3(a)(2), we request a written response from you indicating your intent to consult on this proposed project. Please contact Will Nelson at (925) 655-2898 or will.nelson@dcd.cccounty.us, or at the follow address:

Department of Conservation and Development
30 Muir Road
Martinez, CA 94553
Attn: Will Nelson

Sincerely,

Will Nelson, Advance Planning Manager
Department of Conservation and Development
Contra Costa County

PREVIOUS TRIBAL CONSULTATION. The County adopted the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update and certified an EIR evaluating the impacts of implementing these countywide plans, on November 5, 2024. In accordance with SB 18 requirements, the County sent letters to representatives of the Native American tribes provided by the Native American Heritage Commission (NAHC) on January 15, 2021, formally inviting tribes to consult with the County on the 2045 General Plan. In accordance with AB 52 requirements for the EIR, an invitation for consultation was sent out to the County's NAHC-provided Tribal Consultation List on October 5, 2023. Recommendations, comments, edits, and mitigation measures provided by tribes that participated in the tribal consultation process were incorporated into the 2045 General Plan and EIR.

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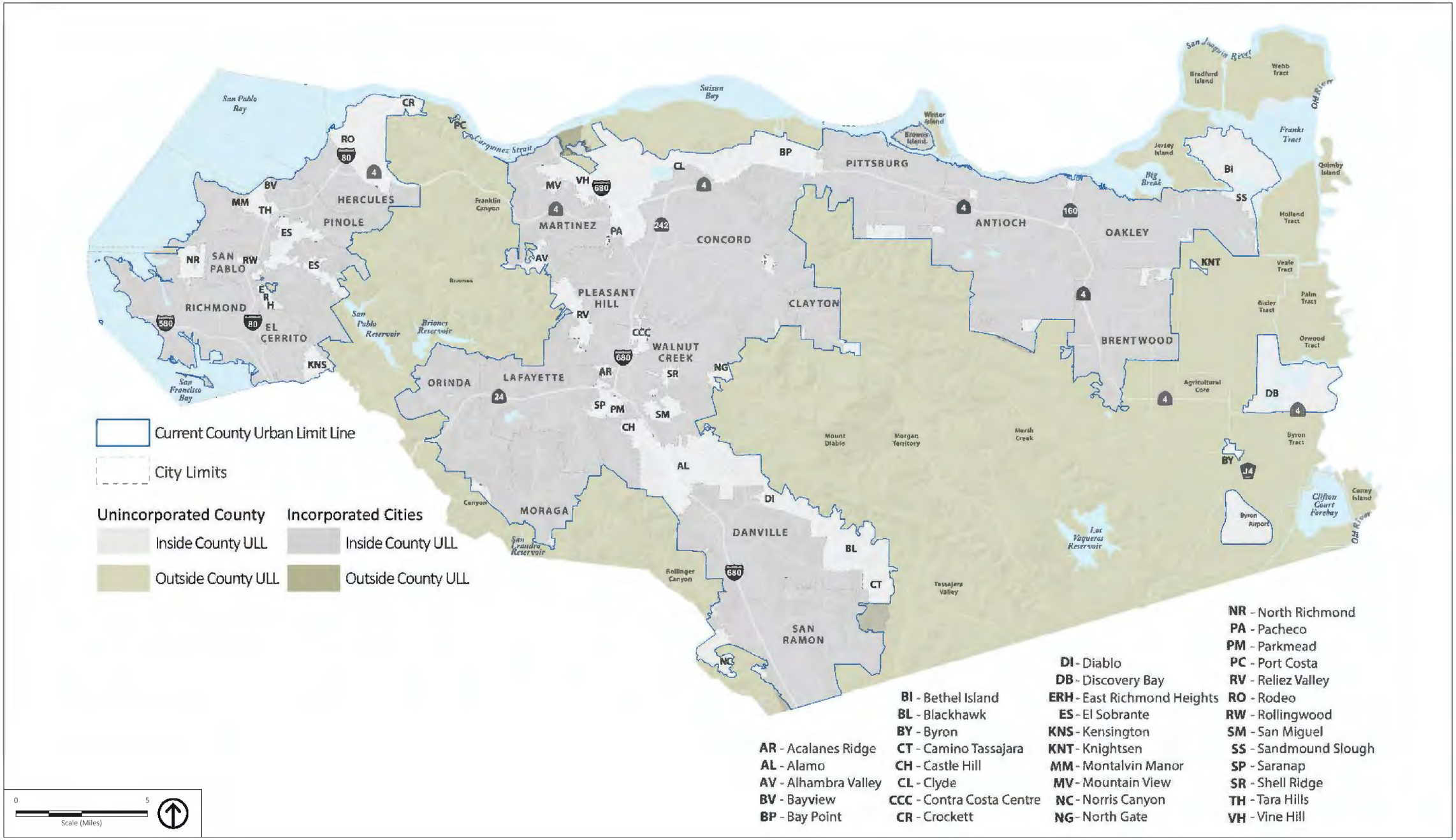

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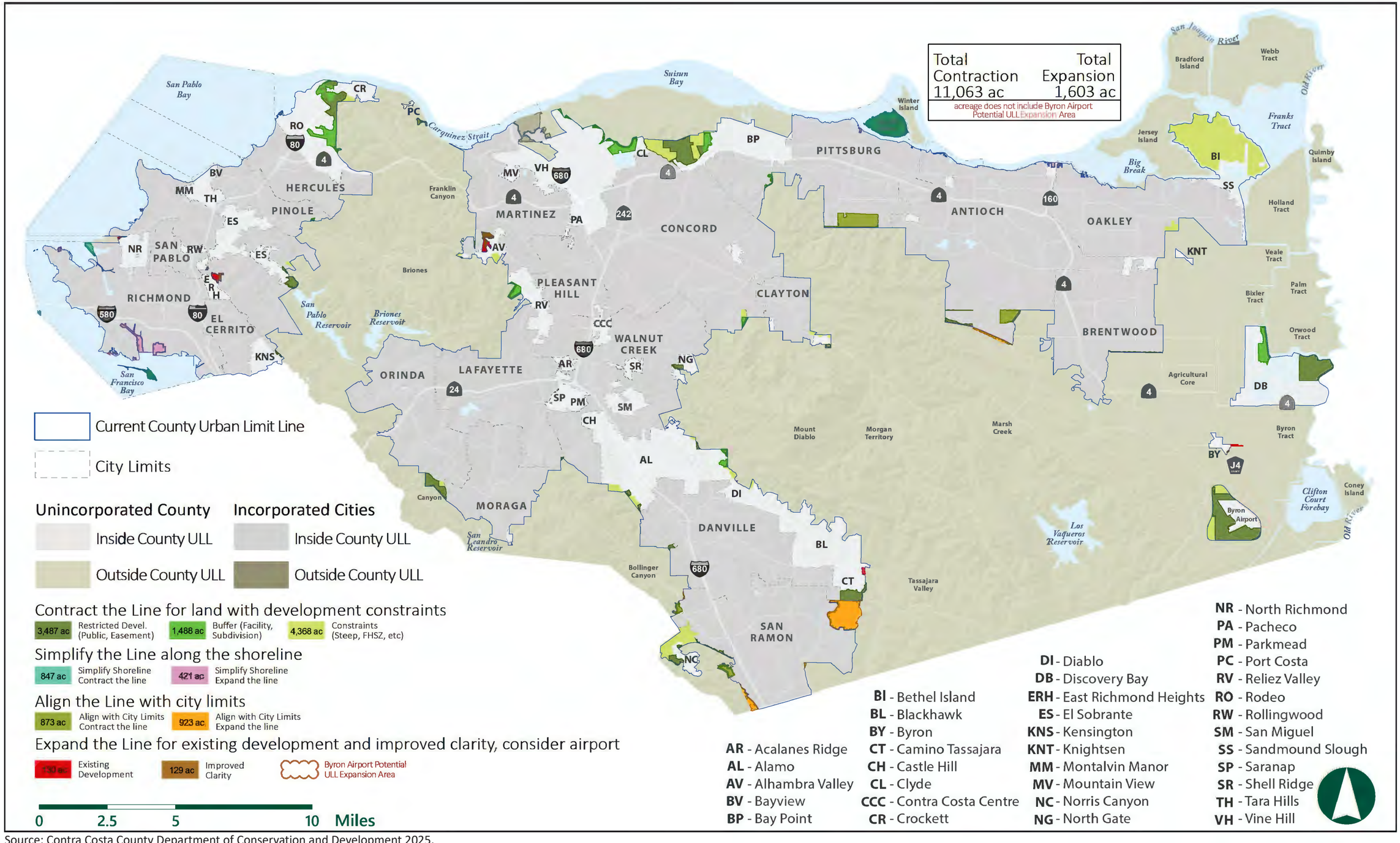

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Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

September 9, 2025

Ann Marie Sayers
Retired Honorable Elder
Indian Canyon Mutsun Band of Costanoan
P.O. Box 28
Hollister, CA 95024

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Ann Marie Sayers,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies the Indian Canyon Mutsun Band of Costanoan of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

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The County values your feedback as part of our review process. Thus, in accordance with Government Code 65352.3(a)(2), we request a written response from you indicating your intent to consult on this proposed project. Please contact Will Nelson at (925) 655-2898 or will.nelson@dcd.cccounty.us, or at the follow address:

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Sincerely,

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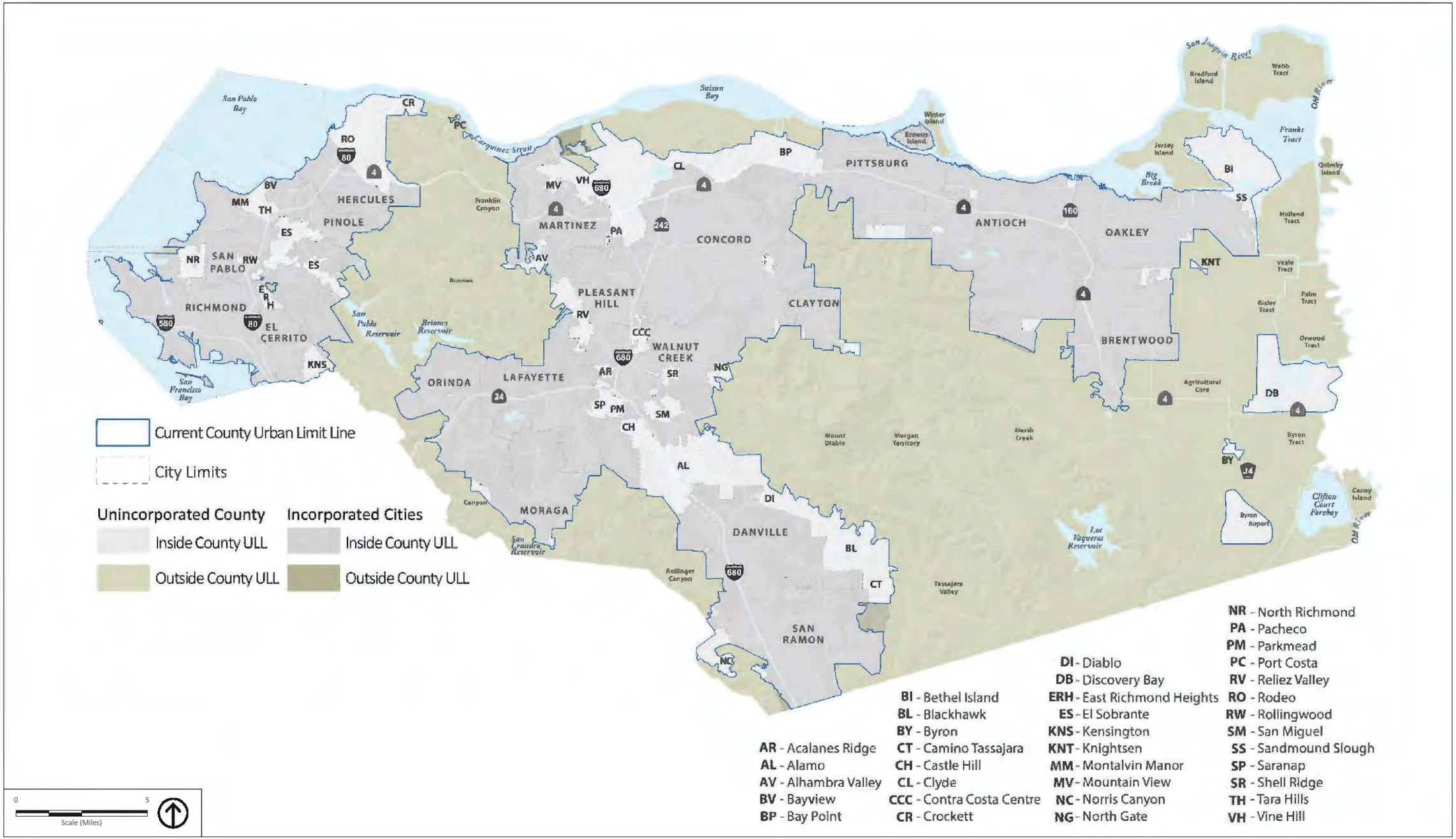

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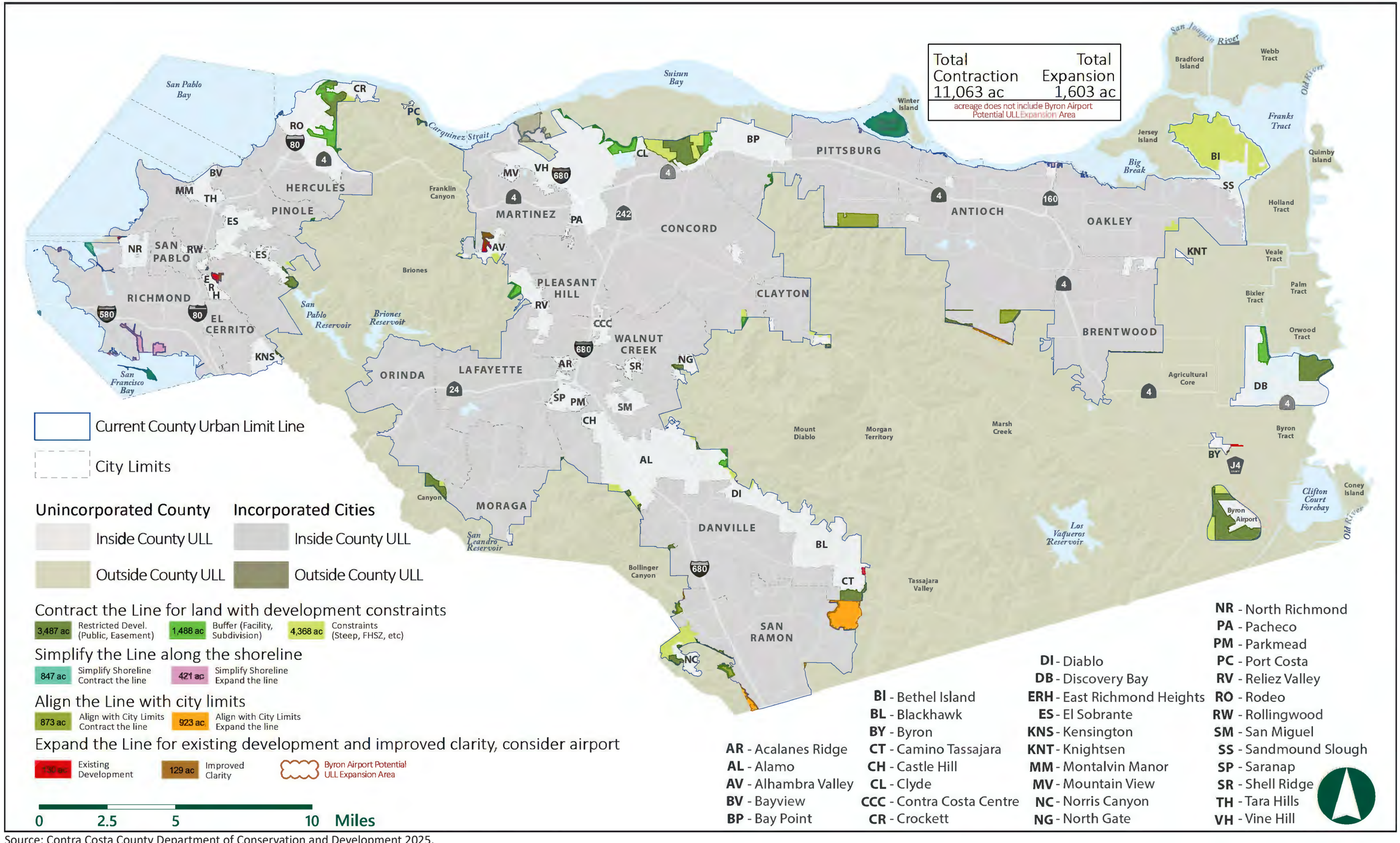

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Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

August 23, 2025

Kanyon Sayers-Roods
MLD Contact
Indian Canyon Mutsun Band of Costanoan
1615 Pearson Street
San Jose, CA 95122

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Kanyon Sayers-Roods,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies the Indian Canyon Mutsun Band of Costanoan of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

The proposed project is a Board of Supervisors action to place a measure on the 2026 Primary Election or General Election ballot asking the voters of Contra Costa County to amend the Land Use Element of the Contra Costa 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code) to extend the Urban Limit Line (ULL) and 65/35 Plan term, modify the ULL periodic review requirement, make revisions to the adopted ULL map, and make other changes to the text of the Ordinance and findings for the ULL adjustment process. Please see additional details about the proposed project in the pages below.

The County prepared an Initial Study for the proposed project in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15153 which allows a lead agency to use an EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same. The Initial Study for the proposed project concludes that the 2024 Environmental Impact Report for the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update (EIR) adequately evaluates the impacts associated with the proposed project and is sufficient to serve as the environmental document

for the proposed project. The Initial Study also concludes that the proposed project would not result in any additional impacts beyond those evaluated in the EIR.

The County values your feedback as part of our review process. Thus, in accordance with Government Code 65352.3(a)(2), we request a written response from you indicating your intent to consult on this proposed project. Please contact Will Nelson at (925) 655-2898 or will.nelson@dcd.cccounty.us, or at the follow address:

Department of Conservation and Development
30 Muir Road
Martinez, CA 94553
Attn: Will Nelson

Sincerely,

Will Nelson, Advance Planning Manager
Department of Conservation and Development
Contra Costa County

PREVIOUS TRIBAL CONSULTATION. The County adopted the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update and certified an EIR evaluating the impacts of implementing these countywide plans, on November 5, 2024. In accordance with SB 18 requirements, the County sent letters to representatives of the Native American tribes provided by the Native American Heritage Commission (NAHC) on January 15, 2021, formally inviting tribes to consult with the County on the 2045 General Plan. In accordance with AB 52 requirements for the EIR, an invitation for consultation was sent out to the County's NAHC-provided Tribal Consultation List on October 5, 2023. Recommendations, comments, edits, and mitigation measures provided by tribes that participated in the tribal consultation process were incorporated into the 2045 General Plan and EIR.

PROJECT BACKGROUND. On November 6, 1990, Contra Costa County voters approved Measure C (Measure C-1990), the 65/35 Contra Costa County Land Preservation Plan (the 65/35 Plan), which established various mechanisms aimed at containing urban sprawl and protecting resources like agricultural land and scenic ridges. The most significant and impactful of these mechanisms are the 65/35 Land Preservation Standard (the 65/35 Standard) and ULL. Pursuant to the 65/35 Standard, no more than 35 percent of the land within the county may be designated for urban uses (residential, commercial, industrial, etc.) in the General Plans of the County and the 19 cities, and at least 65 percent must be designated for nonurban uses, including agriculture, open space, parks, and other non-urban uses. Meanwhile, the ULL establishes a boundary beyond which no land may be designated for urban land uses. Operating together, the 65/35 Standard and ULL limit the geographic extent of urban development in the county.

On November 7, 2006, county voters approved Measure L (Measure L-2006), which carried forward most of the elements of Measure C-1990 while also extending the term of the 65/35 Ordinance to December 31, 2026; requiring a four-fifths vote of the County Board of Supervisors and voter approval to expand the ULL by more than 30 acres; requiring periodic reviews of the ULL by the Board of Supervisors; and adopting a new ULL Map. The County's current ULL Map is shown in Figure 1, *Current Adopted County Urban Limit Line.*

PROPOSED PROJECT: The proposed project is a 2026 ballot measure asking the voters of Contra Costa County to amend the Land Use Element of the 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (County Ordinance Code Chapter 82-1) to:

1. Extend the term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line through December 31, 2051.
2. Modify the periodic ULL review requirements of the 65/35 Land Preservation Plan Ordinance to align reviews of the ULL with State-mandated Housing Element update cycles.
3. Modify the criteria and factors enumerated in the 65/35 Land Preservation Plan Ordinance for determining whether land should be considered for location outside the ULL, to include:

i. Lands which qualify for rating as Class I or Class II in the Soil Conservation Service Land Use Capability Classification.

ii. Lands designated as High or Very High Fire Hazard Severity Zones on maps published by the California Department of Forestry and Fire Protection.

iii. Lands with slopes of 26 percent or greater.

iv. Lands at risk from substantial inundation due to flooding or anticipated sea level rise.

v. Lands with recorded development restrictions such as agricultural, conservation, or scenic easements or deeded development rights.

vi. Open space, parks, and other recreation areas.

vii. Wetlands and undevelopable islands.

viii. Areas with inadequate water, sewer, and roadway infrastructure.

ix. Other areas not appropriate for urban growth because of separation from existing development, unstable geologic conditions, likelihood of substantial environmental damage or substantial injury to fish or wildlife or their habitat, and other similar factors rendering the land physically unsuitable for intense development.

4. Retain, during the extended term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line, the requirement for voter approval to expand the County's Urban Limit Line by more than 30 acres, except as specifically authorized in the 65/35 Land Preservation Plan Ordinance, and approved by the voters in this ballot measure, namely:

   The Board of Supervisors may, without subsequent voter approval, expand the ULL by any acreage within the boundaries of the Byron Airport Potential ULL Expansion Area illustrated on General Plan Land Use Element Figure LU-2, Urban Limit Line, after holding a public hearing at which the Board adopts the General Plan amendment for the expansion, by a four-fifths vote, after making each of the following findings based on substantial evidence in the record:

   a. The expansion is necessary to further the economic viability of Byron Airport and attain the County's goals related to economic development.

   b. The expanded ULL area will accommodate uses directly linked to aeronautics, such as aviation research and development, aircraft manufacturing/assembly, and aeronautical schools/training facilities.

   c. The expanded ULL area will not accommodate residential development, logistics/distributions centers, lodging, or any other use not directly linked to aeronautics except for minor ancillary uses necessary to support the airport workforce.

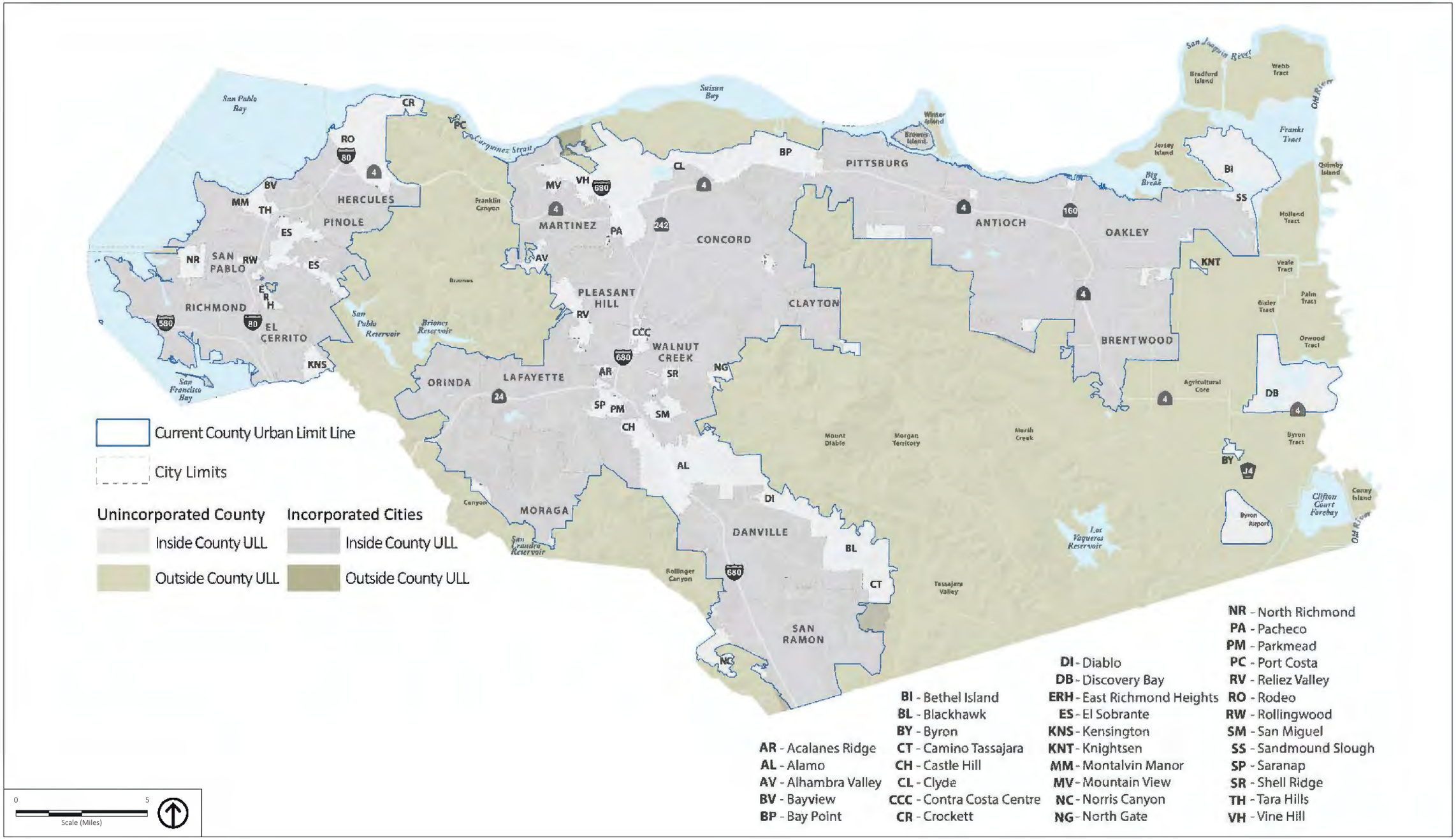
   d. The expansion will not induce sprawl.

5. Retain in both the General Plan and County Ordinance Code the requirement that a four-fifths vote of the Board of Supervisors is necessary to place a measure on the election ballot to expand the ULL boundary by more than 30 acres through the year 2051.
6. Retain in both the General Plan and County Ordinance Code the existing procedure for any change to the County's ULL under 30 acres based on a four-fifths vote of the Board of Supervisors after holding a public hearing and making at least one of seven findings, as proscribed in both the General Plan and County Ordinance Code, based on substantial evidence in the record.
7. Modify the enumerated findings proscribed in both the General Plan and County Ordinance Code required for a change to the County's ULL under 30 acres to reflect the modified periodic ULL reviews and to make other non-substantive changes.
8. Retain the 65/35 Standard for land preservation in Contra Costa County, whereby at least 65 percent of the overall County land area will be retained for non-urban uses through the year 2051.
9. Retain protections for the County's prime agricultural land, specifically the area designated in the General Plan as the Agricultural Core, by maintaining the 40-acre minimum parcel size.
10. Approve a new ULL Map for the General Plan (Figure LU-2 in the 2045 General Plan Land Use Element), which reflects the following changes:
    i. Moves 3,487 acres with significant development restrictions, such as ownership by government agencies or encumbrance with conservation or agricultural easements, outside the ULL.
    ii. Moves 1,488 acres of buffer lands around subdivisions, cemeteries, and industrial facilities, outside the ULL.
    iii. Moves 4,368 acres with significant development constraints, such as high fire hazards, steep slopes, and flood hazards, outside the ULL.
    iv. Moves 873 acres outside the ULL and 923 acres inside the ULL to align the ULL with city limits.
    v. Moves 847 acres outside the ULL and 421 acres inside the ULL to simplify and improve understanding of the ULL along the county's shoreline.
11. Update administrative sections of the 65/35 Land Preservation Ordinance to correct outdated text and achieve consistency with the changes described in items 1-10 above.

The proposed adjustments to the ULL Map are shown in Figure 2, *Proposed Urban Limit Line*. It is important to note that the proposed project does not change the development potential evaluated in the 2045 General Plan as there are no changes to the Land Use Map or land use designations.

Attachments:

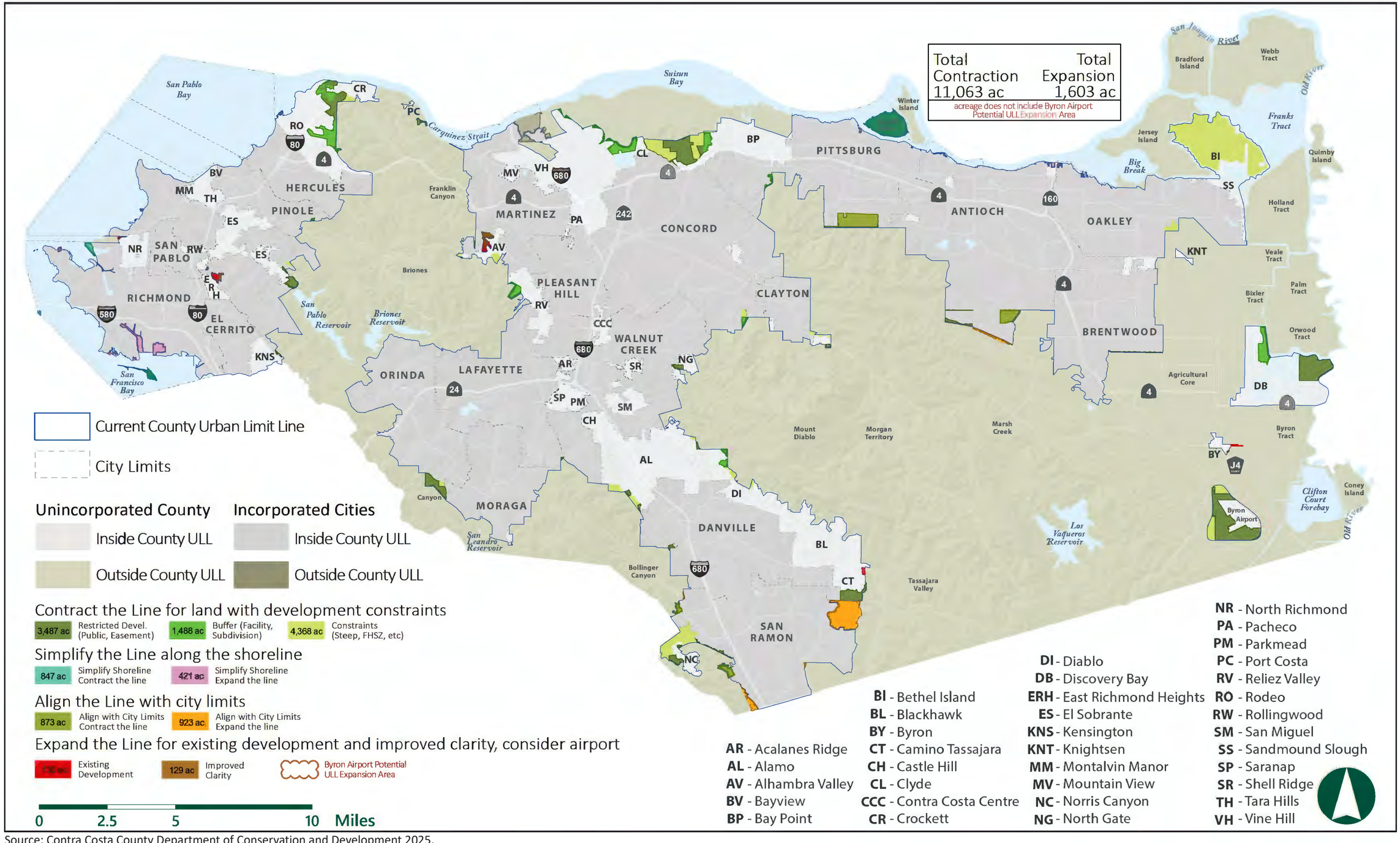
Figure 1 – Current Adopted County Urban Limit Line
Figure 2 – Proposed Urban Limit Line



AR - Acalanes Ridge
AL - Alamo
AV - Alhambra Valley
BV - Bayview
BP - Bay Point
BI - Bethel Island
BL - Blackhawk
BY - Byron
CT - Camino Tassajara
CH - Castle Hill
CL - Clyde
CCC - Contra Costa Centre
CR - Crockett
DI - Diablo
DB - Discovery Bay
ERH - East Richmond Heights
ES - El Sobrante
KNS - Kensington
KNT - Knightsen
MM - Montalvin Manor
MV - Mountain View
NC - Norris Canyon
NG - North Gate
NR - North Richmond
PA - Pacheco
PM - Parkmead
PC - Port Costa
RV - Reliez Valley
RO - Rodeo
RW - Rollingwood
SM - San Miguel
SS - Sandmound Slough
SP - Saranap
SR - Shell Ridge
TH - Tara Hills
VH - Vine Hill

Source: Contra Costa County Department of Conservation and Development 2025.

Figure 1
Current Adopted County Urban Limit Line



Source: Contra Costa County Department of Conservation and Development 2025.

Figure 2
Proposed Urban Limit Line

Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

August 23, 2025

Kenneth Woodrow
Chairperson
Wuksachi Indian Tribe-Eshom Valley Band
1179 Rock Haven Court
Salinas, CA 93906

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Kenneth Woodrow,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies the Wuksachi Indian Tribe-Eshom Valley Band of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

The proposed project is a Board of Supervisors action to place a measure on the 2026 Primary Election or General Election ballot asking the voters of Contra Costa County to amend the Land Use Element of the Contra Costa 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code) to extend the Urban Limit Line (ULL) and 65/35 Plan term, modify the ULL periodic review requirement, make revisions to the adopted ULL map, and make other changes to the text of the Ordinance and findings for the ULL adjustment process. Please see additional details about the proposed project in the pages below.

The County prepared an Initial Study for the proposed project in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15153 which allows a lead agency to use an EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same. The Initial Study for the proposed project concludes that the 2024 Environmental Impact Report for the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update (EIR) adequately evaluates the impacts associated with the proposed project and is sufficient to serve as the environmental document

for the proposed project. The Initial Study also concludes that the proposed project would not result in any additional impacts beyond those evaluated in the EIR.

The County values your feedback as part of our review process. Thus, in accordance with Government Code 65352.3(a)(2), we request a written response from you indicating your intent to consult on this proposed project. Please contact Will Nelson at (925) 655-2898 or will.nelson@dcd.cccounty.us, or at the follow address:

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Martinez, CA 94553
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Sincerely,

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Department of Conservation and Development
Contra Costa County

PREVIOUS TRIBAL CONSULTATION. The County adopted the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update and certified an EIR evaluating the impacts of implementing these countywide plans, on November 5, 2024. In accordance with SB 18 requirements, the County sent letters to representatives of the Native American tribes provided by the Native American Heritage Commission (NAHC) on January 15, 2021, formally inviting tribes to consult with the County on the 2045 General Plan. In accordance with AB 52 requirements for the EIR, an invitation for consultation was sent out to the County's NAHC-provided Tribal Consultation List on October 5, 2023. Recommendations, comments, edits, and mitigation measures provided by tribes that participated in the tribal consultation process were incorporated into the 2045 General Plan and EIR.

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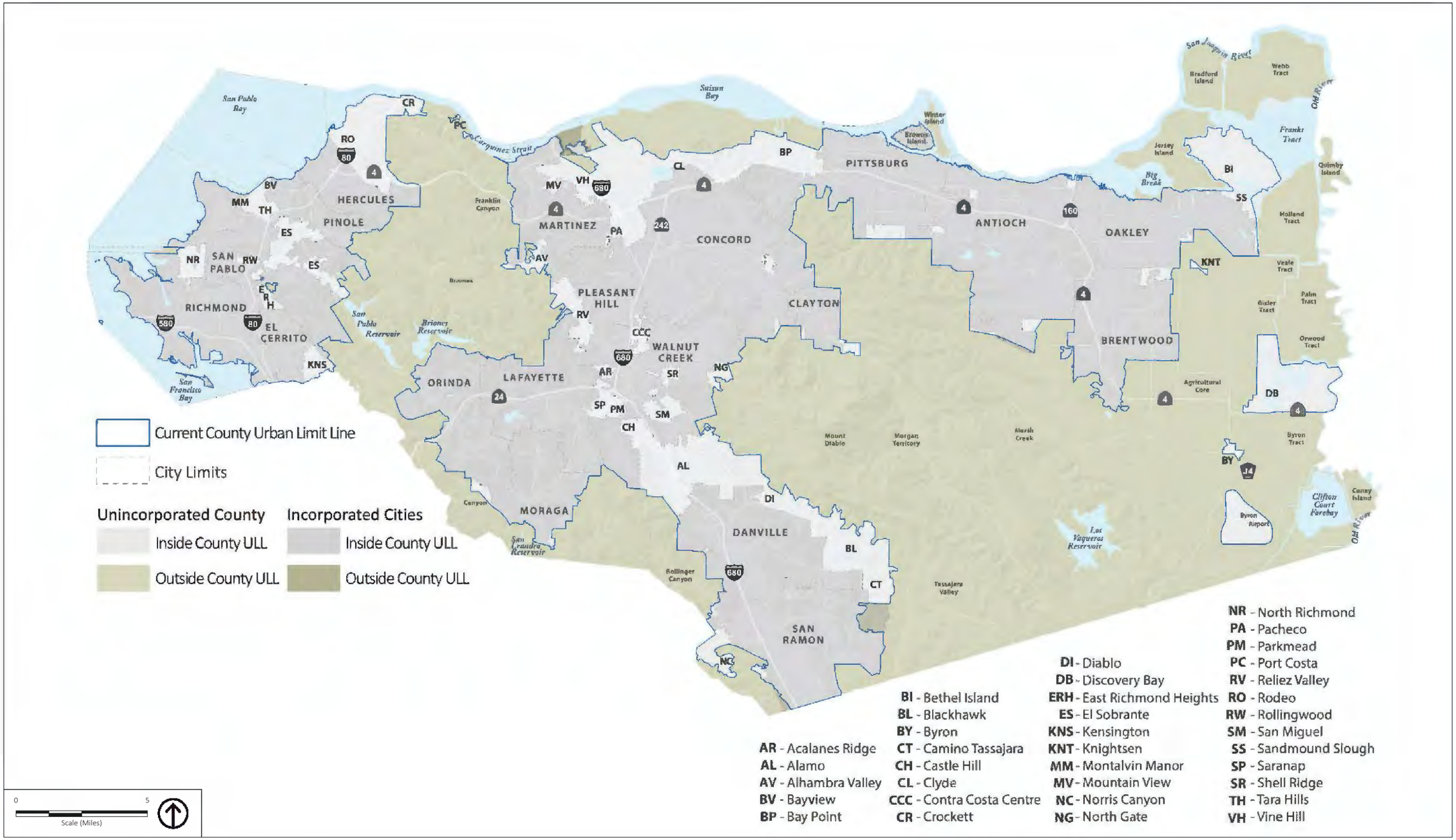

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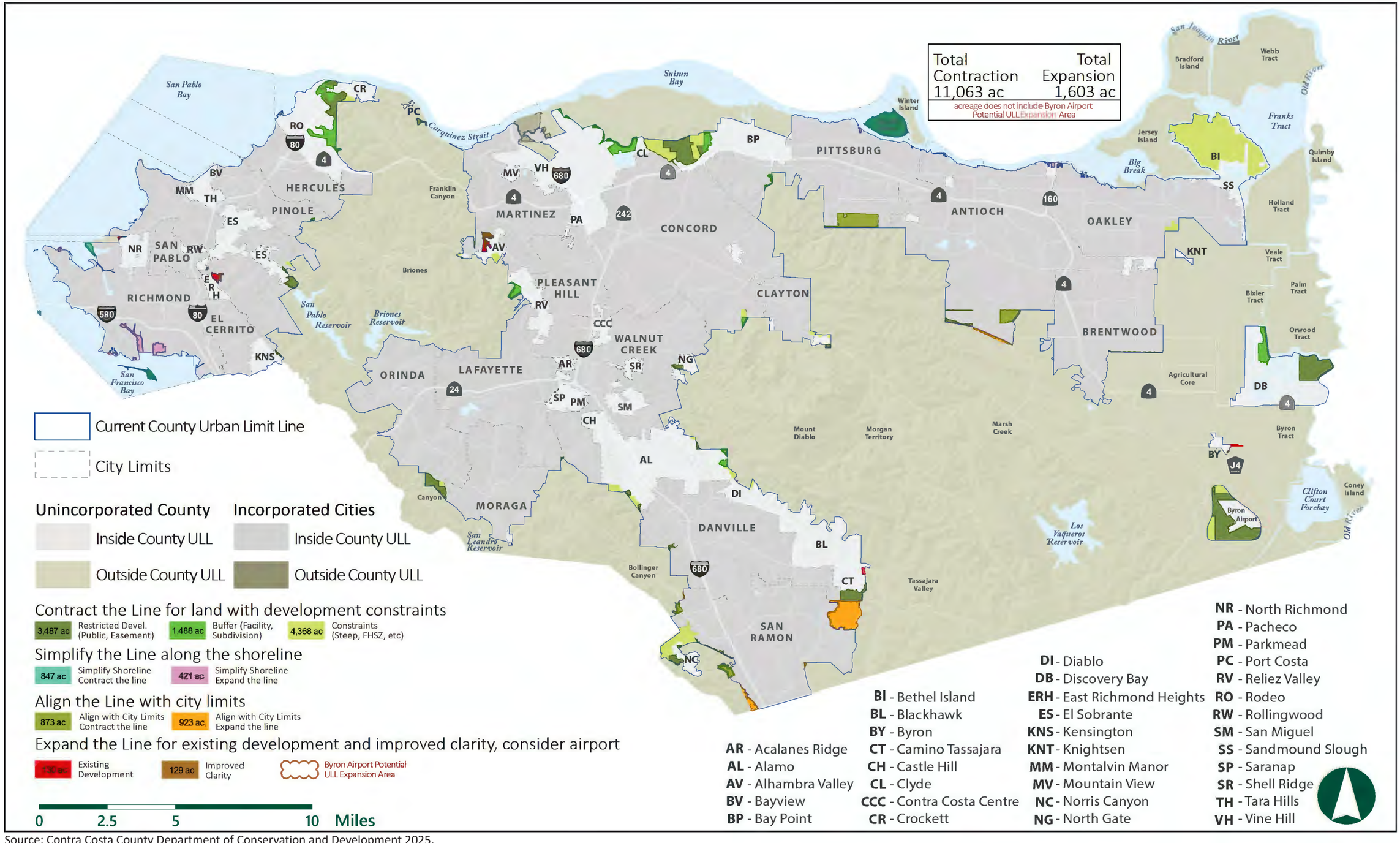

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Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

August 23, 2025

Neil Peyron
Chairperson
Tule River Indian Tribe
P.O. Box 589
Porterville, CA 93258

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Neil Peyron,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies the Tule River Indian Tribe of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

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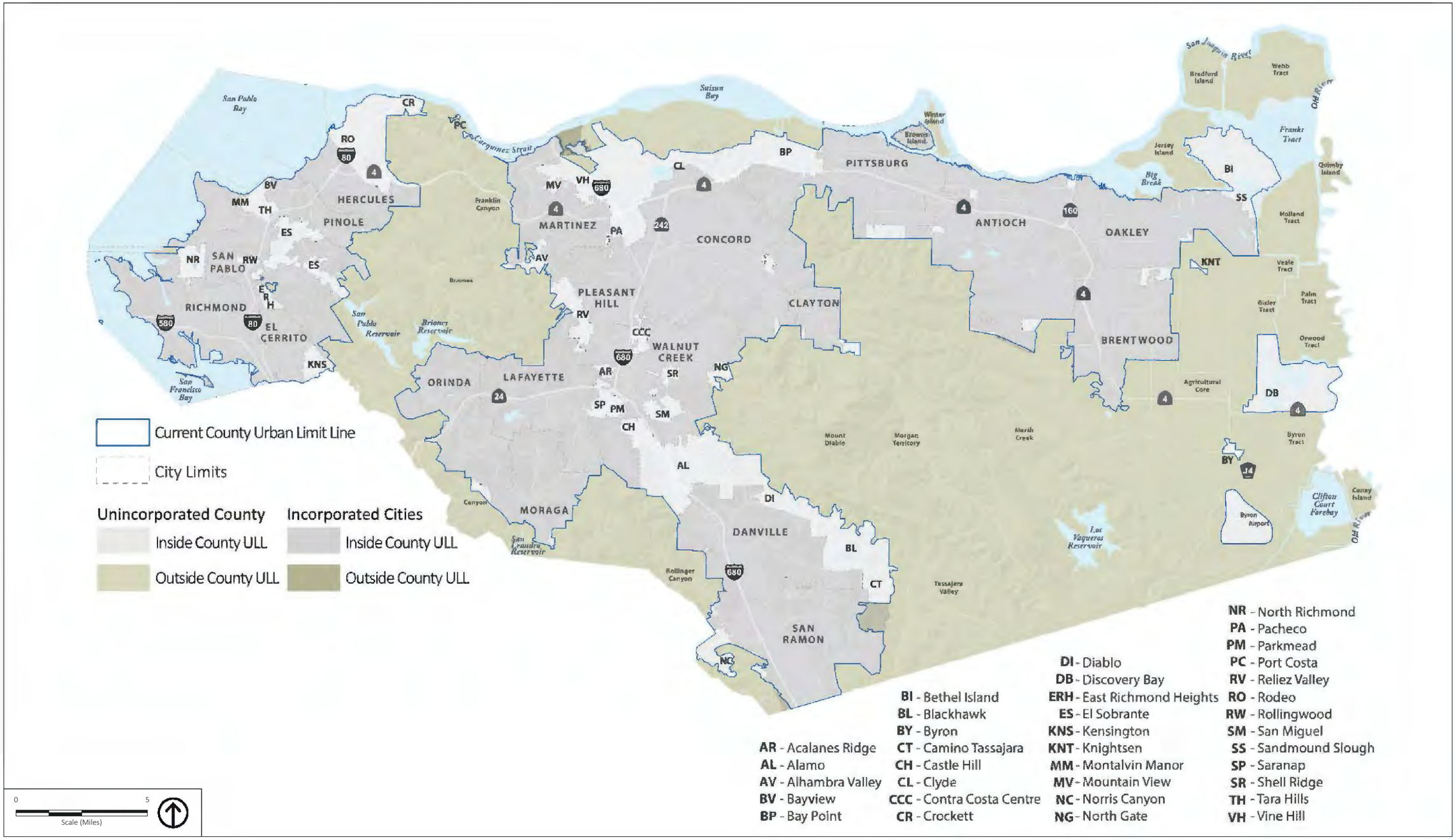
    iii. Moves 4,368 acres with significant development constraints, such as high fire hazards, steep slopes, and flood hazards, outside the ULL.
    iv. Moves 873 acres outside the ULL and 923 acres inside the ULL to align the ULL with city limits.
    v. Moves 847 acres outside the ULL and 421 acres inside the ULL to simplify and improve understanding of the ULL along the county's shoreline.
11. Update administrative sections of the 65/35 Land Preservation Ordinance to correct outdated text and achieve consistency with the changes described in items 1-10 above.

The proposed adjustments to the ULL Map are shown in Figure 2, *Proposed Urban Limit Line*. It is important to note that the proposed project does not change the development potential evaluated in the 2045 General Plan as there are no changes to the Land Use Map or land use designations.

Attachments:

Figure 1 – Current Adopted County Urban Limit Line
Figure 2 – Proposed Urban Limit Line



Source: Contra Costa County Department of Conservation and Development 2025.

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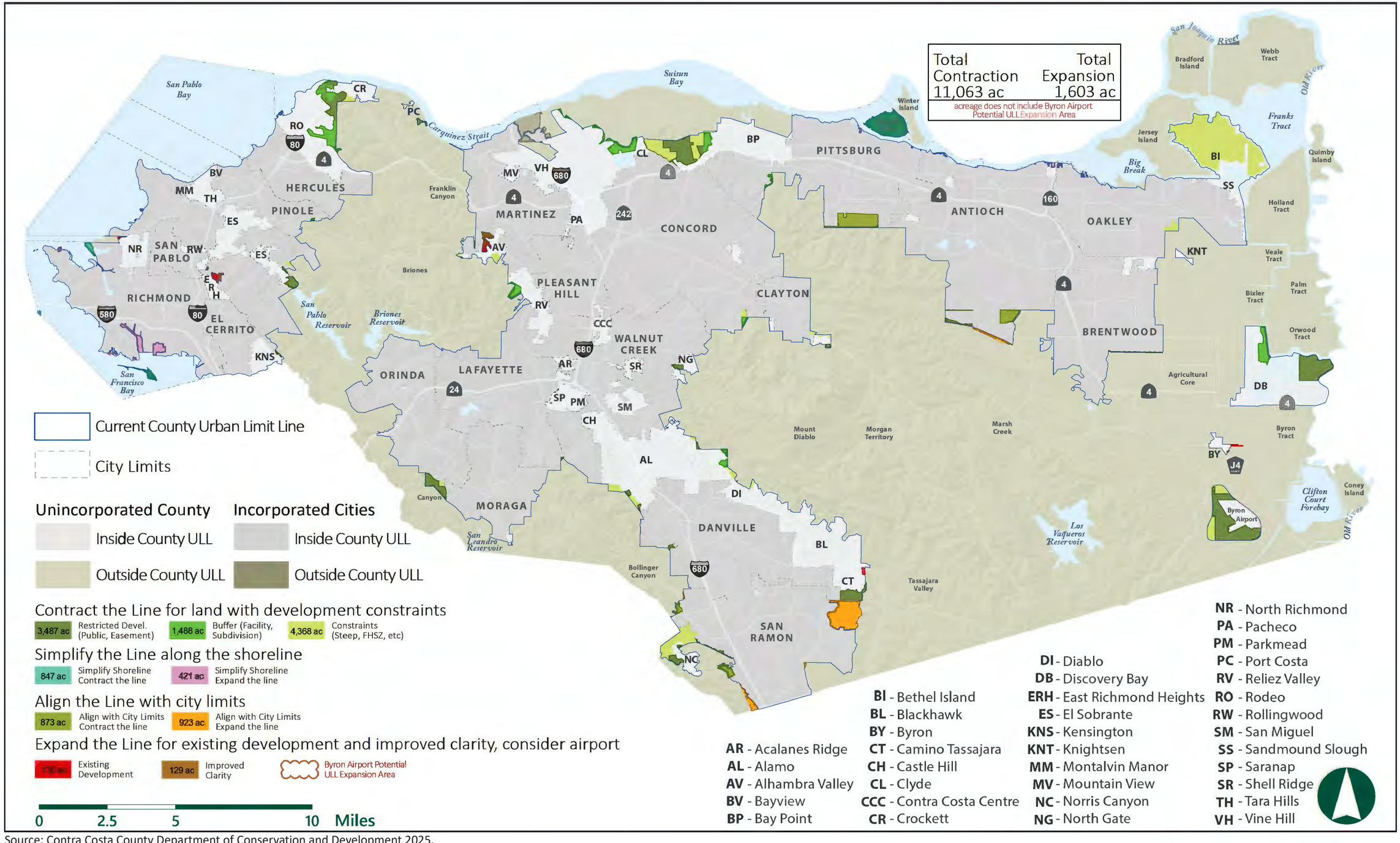

Source: Contra Costa County Department of Conservation and Development 2025.

Figure 2
Proposed Urban Limit Line

Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

September 9, 2025

Kerri Vera
Environmental Department
Tule River Indian Tribe
340 North Reservation Road
Porterville, CA 93258

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Kerri Vera,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies the Tule River Indian Tribe of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

The proposed project is a Board of Supervisors action to place a measure on the 2026 Primary Election or General Election ballot asking the voters of Contra Costa County to amend the Land Use Element of the Contra Costa 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code) to extend the Urban Limit Line (ULL) and 65/35 Plan term, modify the ULL periodic review requirement, make revisions to the adopted ULL map, and make other changes to the text of the Ordinance and findings for the ULL adjustment process. Please see additional details about the proposed project in the pages below.

The County prepared an Initial Study for the proposed project in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15153 which allows a lead agency to use an EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same. The Initial Study for the proposed project concludes that the 2024 Environmental Impact Report for the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update (EIR) adequately evaluates the impacts associated with the proposed project and is sufficient to serve as the environmental document

for the proposed project. The Initial Study also concludes that the proposed project would not result in any additional impacts beyond those evaluated in the EIR.

The County values your feedback as part of our review process. Thus, in accordance with Government Code 65352.3(a)(2), we request a written response from you indicating your intent to consult on this proposed project. Please contact Will Nelson at (925) 655-2898 or will.nelson@dcd.cccounty.us, or at the follow address:

Department of Conservation and Development
30 Muir Road
Martinez, CA 94553
Attn: Will Nelson

Sincerely,

Will Nelson, Advance Planning Manager
Department of Conservation and Development
Contra Costa County

PREVIOUS TRIBAL CONSULTATION. The County adopted the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update and certified an EIR evaluating the impacts of implementing these countywide plans, on November 5, 2024. In accordance with SB 18 requirements, the County sent letters to representatives of the Native American tribes provided by the Native American Heritage Commission (NAHC) on January 15, 2021, formally inviting tribes to consult with the County on the 2045 General Plan. In accordance with AB 52 requirements for the EIR, an invitation for consultation was sent out to the County's NAHC-provided Tribal Consultation List on October 5, 2023. Recommendations, comments, edits, and mitigation measures provided by tribes that participated in the tribal consultation process were incorporated into the 2045 General Plan and EIR.

PROJECT BACKGROUND. On November 6, 1990, Contra Costa County voters approved Measure C (Measure C-1990), the 65/35 Contra Costa County Land Preservation Plan (the 65/35 Plan), which established various mechanisms aimed at containing urban sprawl and protecting resources like agricultural land and scenic ridges. The most significant and impactful of these mechanisms are the 65/35 Land Preservation Standard (the 65/35 Standard) and ULL. Pursuant to the 65/35 Standard, no more than 35 percent of the land within the county may be designated for urban uses (residential, commercial, industrial, etc.) in the General Plans of the County and the 19 cities, and at least 65 percent must be designated for nonurban uses, including agriculture, open space, parks, and other non-urban uses. Meanwhile, the ULL establishes a boundary beyond which no land may be designated for urban land uses. Operating together, the 65/35 Standard and ULL limit the geographic extent of urban development in the county.

On November 7, 2006, county voters approved Measure L (Measure L-2006), which carried forward most of the elements of Measure C-1990 while also extending the term of the 65/35 Ordinance to December 31, 2026; requiring a four-fifths vote of the County Board of Supervisors and voter approval to expand the ULL by more than 30 acres; requiring periodic reviews of the ULL by the Board of Supervisors; and adopting a new ULL Map. The County's current ULL Map is shown in Figure 1, *Current Adopted County Urban Limit Line.*

PROPOSED PROJECT: The proposed project is a 2026 ballot measure asking the voters of Contra Costa County to amend the Land Use Element of the 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (County Ordinance Code Chapter 82-1) to:

1. Extend the term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line through December 31, 2051.
2. Modify the periodic ULL review requirements of the 65/35 Land Preservation Plan Ordinance to align reviews of the ULL with State-mandated Housing Element update cycles.
3. Modify the criteria and factors enumerated in the 65/35 Land Preservation Plan Ordinance for determining whether land should be considered for location outside the ULL, to include:

i. Lands which qualify for rating as Class I or Class II in the Soil Conservation Service Land Use Capability Classification.

ii. Lands designated as High or Very High Fire Hazard Severity Zones on maps published by the California Department of Forestry and Fire Protection.

iii. Lands with slopes of 26 percent or greater.

iv. Lands at risk from substantial inundation due to flooding or anticipated sea level rise.

v. Lands with recorded development restrictions such as agricultural, conservation, or scenic easements or deeded development rights.

vi. Open space, parks, and other recreation areas.

vii. Wetlands and undevelopable islands.

viii. Areas with inadequate water, sewer, and roadway infrastructure.

ix. Other areas not appropriate for urban growth because of separation from existing development, unstable geologic conditions, likelihood of substantial environmental damage or substantial injury to fish or wildlife or their habitat, and other similar factors rendering the land physically unsuitable for intense development.

4. Retain, during the extended term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line, the requirement for voter approval to expand the County's Urban Limit Line by more than 30 acres, except as specifically authorized in the 65/35 Land Preservation Plan Ordinance, and approved by the voters in this ballot measure, namely:

   The Board of Supervisors may, without subsequent voter approval, expand the ULL by any acreage within the boundaries of the Byron Airport Potential ULL Expansion Area illustrated on General Plan Land Use Element Figure LU-2, Urban Limit Line, after holding a public hearing at which the Board adopts the General Plan amendment for the expansion, by a four-fifths vote, after making each of the following findings based on substantial evidence in the record:

   a. The expansion is necessary to further the economic viability of Byron Airport and attain the County's goals related to economic development.

   b. The expanded ULL area will accommodate uses directly linked to aeronautics, such as aviation research and development, aircraft manufacturing/assembly, and aeronautical schools/training facilities.

   c. The expanded ULL area will not accommodate residential development, logistics/distributions centers, lodging, or any other use not directly linked to aeronautics except for minor ancillary uses necessary to support the airport workforce.

   d. The expansion will not induce sprawl.

5. Retain in both the General Plan and County Ordinance Code the requirement that a four-fifths vote of the Board of Supervisors is necessary to place a measure on the election ballot to expand the ULL boundary by more than 30 acres through the year 2051.
6. Retain in both the General Plan and County Ordinance Code the existing procedure for any change to the County's ULL under 30 acres based on a four-fifths vote of the Board of Supervisors after holding a public hearing and making at least one of seven findings, as proscribed in both the General Plan and County Ordinance Code, based on substantial evidence in the record.
7. Modify the enumerated findings proscribed in both the General Plan and County Ordinance Code required for a change to the County's ULL under 30 acres to reflect the modified periodic ULL reviews and to make other non-substantive changes.
8. Retain the 65/35 Standard for land preservation in Contra Costa County, whereby at least 65 percent of the overall County land area will be retained for non-urban uses through the year 2051.
9. Retain protections for the County's prime agricultural land, specifically the area designated in the General Plan as the Agricultural Core, by maintaining the 40-acre minimum parcel size.
10. Approve a new ULL Map for the General Plan (Figure LU-2 in the 2045 General Plan Land Use Element), which reflects the following changes:
    i. Moves 3,487 acres with significant development restrictions, such as ownership by government agencies or encumbrance with conservation or agricultural easements, outside the ULL.
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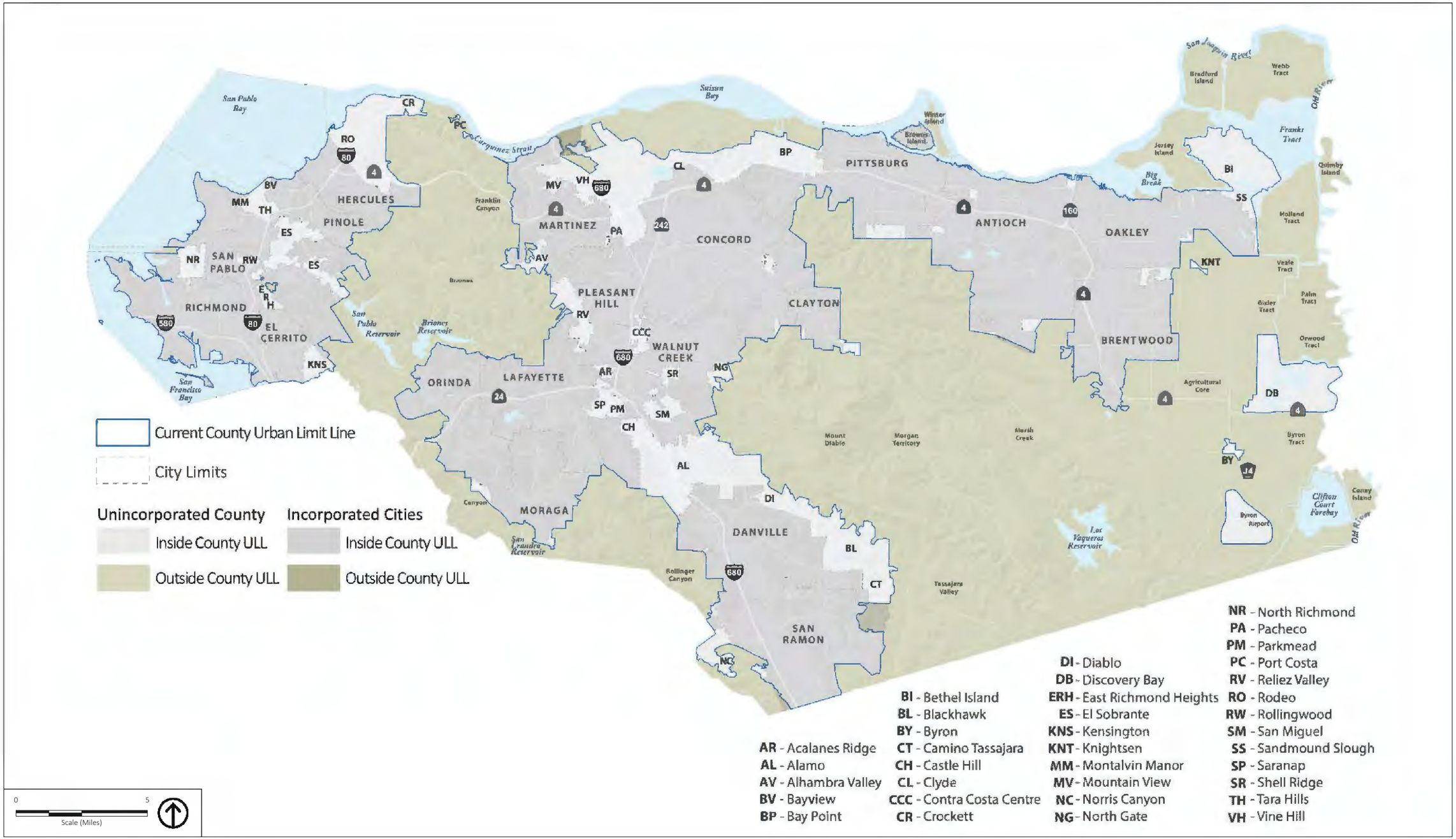

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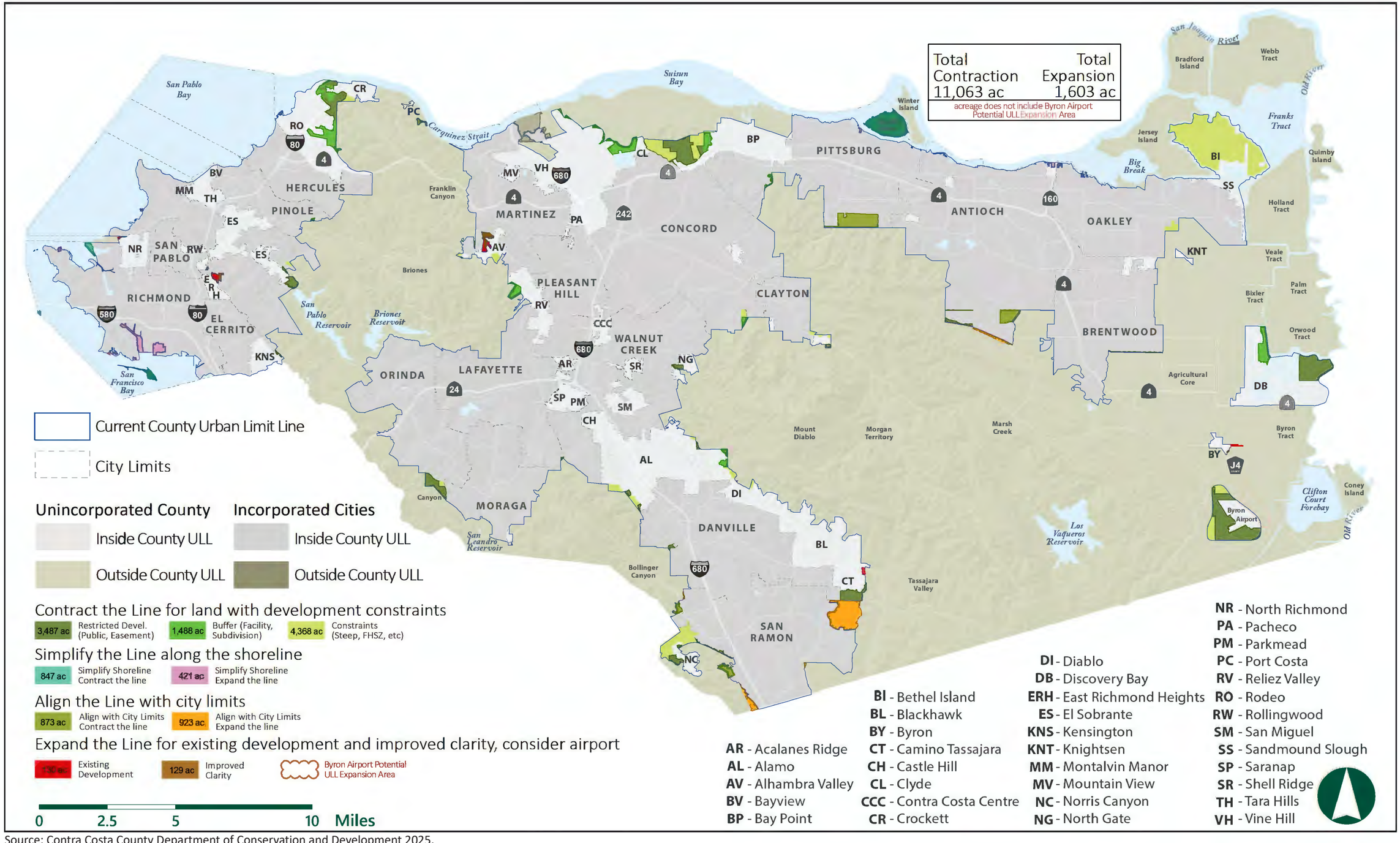

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Figure 2
Proposed Urban Limit Line

Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

September 9, 2025

Cultural Preservation Department
Wilton Rancheria
9728 Kent Street
Elk Grove, CA 95624

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Sir or Madam,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies Wilton Rancheria of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

The proposed project is a Board of Supervisors action to place a measure on the 2026 Primary Election or General Election ballot asking the voters of Contra Costa County to amend the Land Use Element of the Contra Costa 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code) to extend the Urban Limit Line (ULL) and 65/35 Plan term, modify the ULL periodic review requirement, make revisions to the adopted ULL map, and make other changes to the text of the Ordinance and findings for the ULL adjustment process. Please see additional details about the proposed project in the pages below.

The County prepared an Initial Study for the proposed project in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15153 which allows a lead agency to use an EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same. The Initial Study for the proposed project concludes that the 2024 Environmental Impact Report for the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update (EIR) adequately evaluates the impacts associated with the proposed project and is sufficient to serve as the environmental document

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Department of Conservation and Development
Contra Costa County

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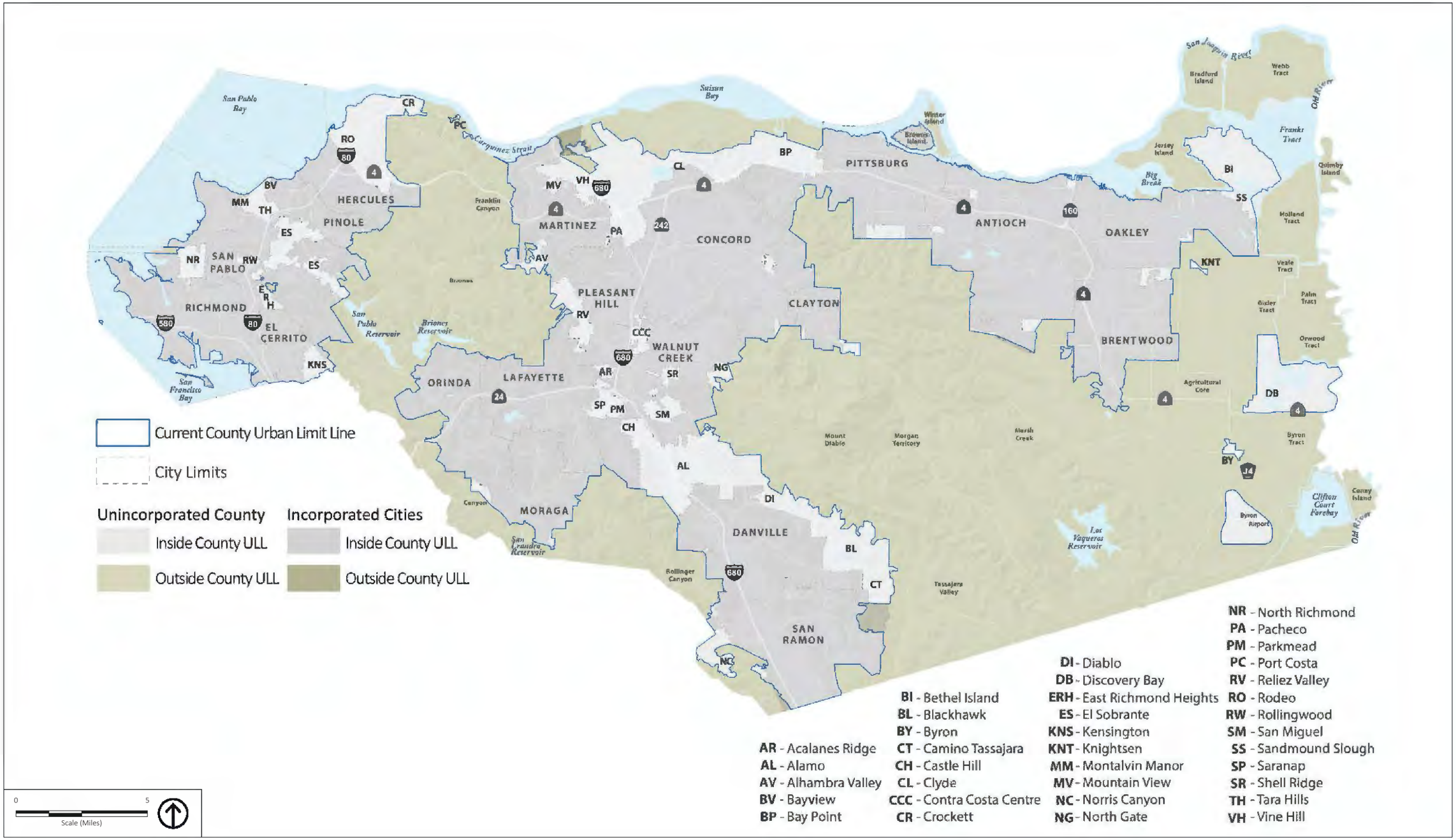

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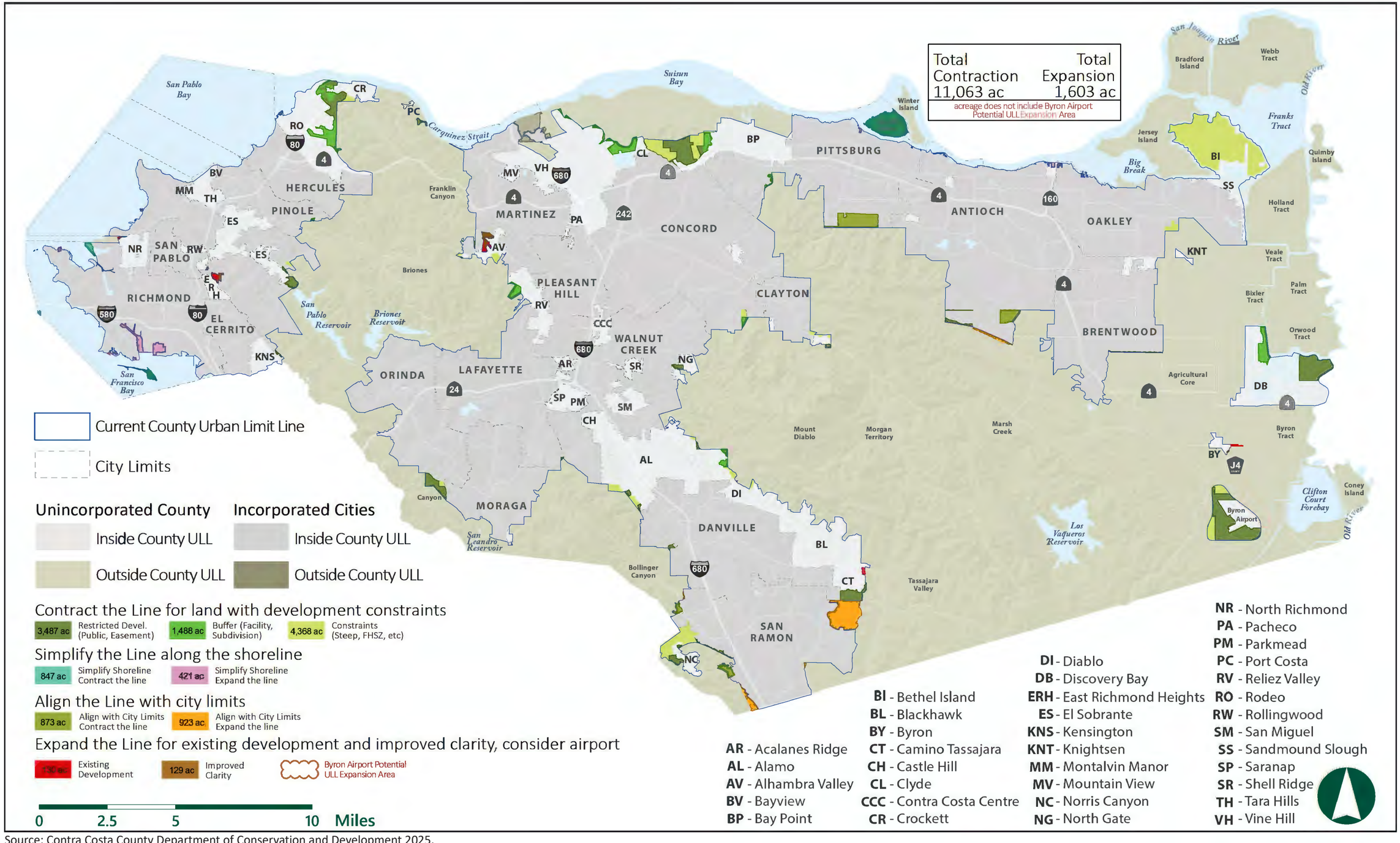

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Proposed Urban Limit Line

Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

August 23, 2025

Herbert Griffin
Executive Director of Cultural Preservation
Wilton Rancheria
9728 Kent Street
Elk Grove, CA 95624

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Herbert Griffin,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies Wilton Rancheria of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

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Department of Conservation and Development
Contra Costa County

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   a. The expansion is necessary to further the economic viability of Byron Airport and attain the County's goals related to economic development.

   b. The expanded ULL area will accommodate uses directly linked to aeronautics, such as aviation research and development, aircraft manufacturing/assembly, and aeronautical schools/training facilities.

   c. The expanded ULL area will not accommodate residential development, logistics/distributions centers, lodging, or any other use not directly linked to aeronautics except for minor ancillary uses necessary to support the airport workforce.

   d. The expansion will not induce sprawl.

5. Retain in both the General Plan and County Ordinance Code the requirement that a four-fifths vote of the Board of Supervisors is necessary to place a measure on the election ballot to expand the ULL boundary by more than 30 acres through the year 2051.
6. Retain in both the General Plan and County Ordinance Code the existing procedure for any change to the County's ULL under 30 acres based on a four-fifths vote of the Board of Supervisors after holding a public hearing and making at least one of seven findings, as proscribed in both the General Plan and County Ordinance Code, based on substantial evidence in the record.
7. Modify the enumerated findings proscribed in both the General Plan and County Ordinance Code required for a change to the County's ULL under 30 acres to reflect the modified periodic ULL reviews and to make other non-substantive changes.
8. Retain the 65/35 Standard for land preservation in Contra Costa County, whereby at least 65 percent of the overall County land area will be retained for non-urban uses through the year 2051.
9. Retain protections for the County's prime agricultural land, specifically the area designated in the General Plan as the Agricultural Core, by maintaining the 40-acre minimum parcel size.
10. Approve a new ULL Map for the General Plan (Figure LU-2 in the 2045 General Plan Land Use Element), which reflects the following changes:
    i. Moves 3,487 acres with significant development restrictions, such as ownership by government agencies or encumbrance with conservation or agricultural easements, outside the ULL.
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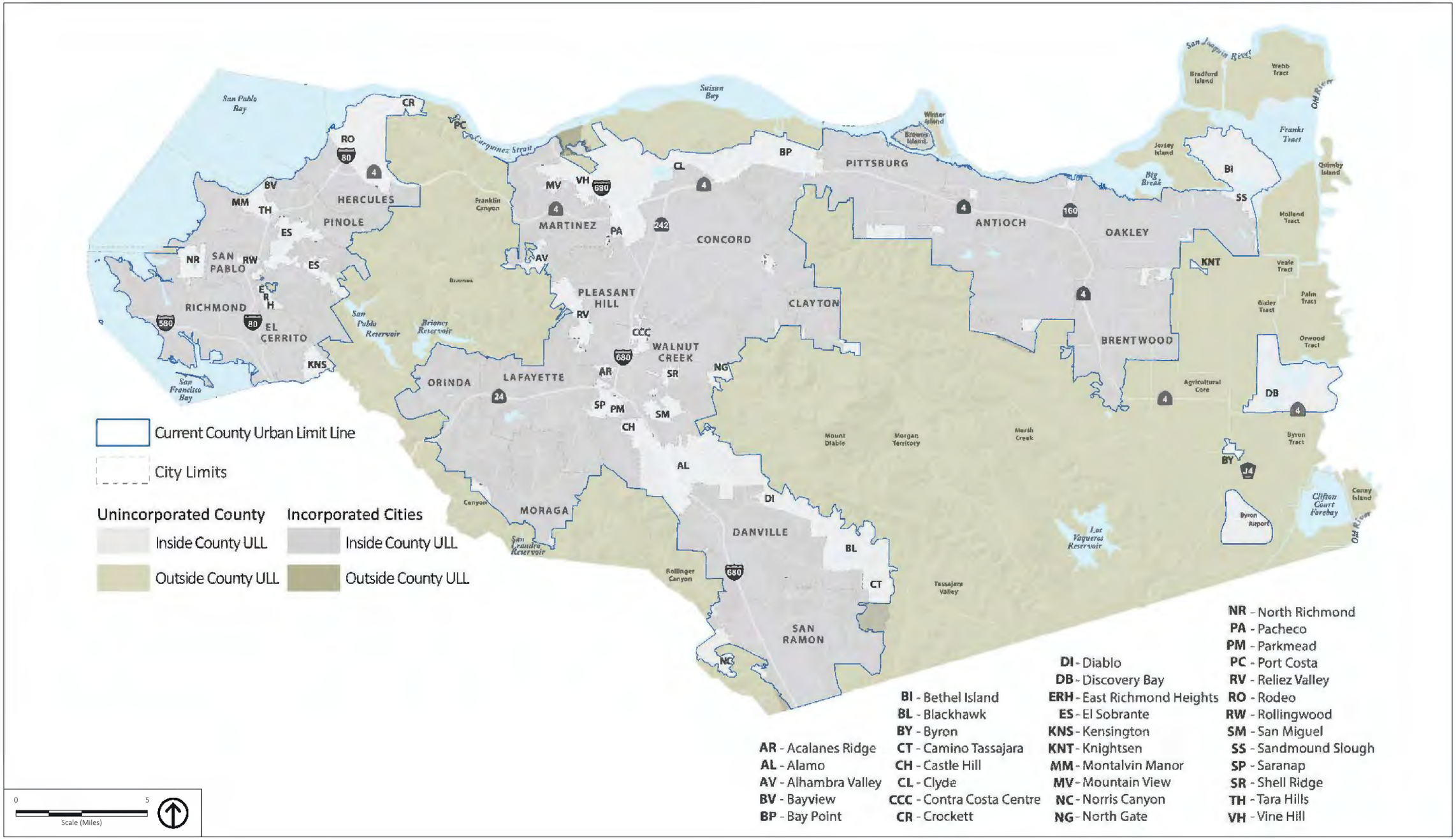
    iii. Moves 4,368 acres with significant development constraints, such as high fire hazards, steep slopes, and flood hazards, outside the ULL.
    iv. Moves 873 acres outside the ULL and 923 acres inside the ULL to align the ULL with city limits.
    v. Moves 847 acres outside the ULL and 421 acres inside the ULL to simplify and improve understanding of the ULL along the county's shoreline.
11. Update administrative sections of the 65/35 Land Preservation Ordinance to correct outdated text and achieve consistency with the changes described in items 1-10 above.

The proposed adjustments to the ULL Map are shown in Figure 2, *Proposed Urban Limit Line*. It is important to note that the proposed project does not change the development potential evaluated in the 2045 General Plan as there are no changes to the Land Use Map or land use designations.

Attachments:

Figure 1 – Current Adopted County Urban Limit Line
Figure 2 – Proposed Urban Limit Line



Source: Contra Costa County Department of Conservation and Development 2025.

Figure 1
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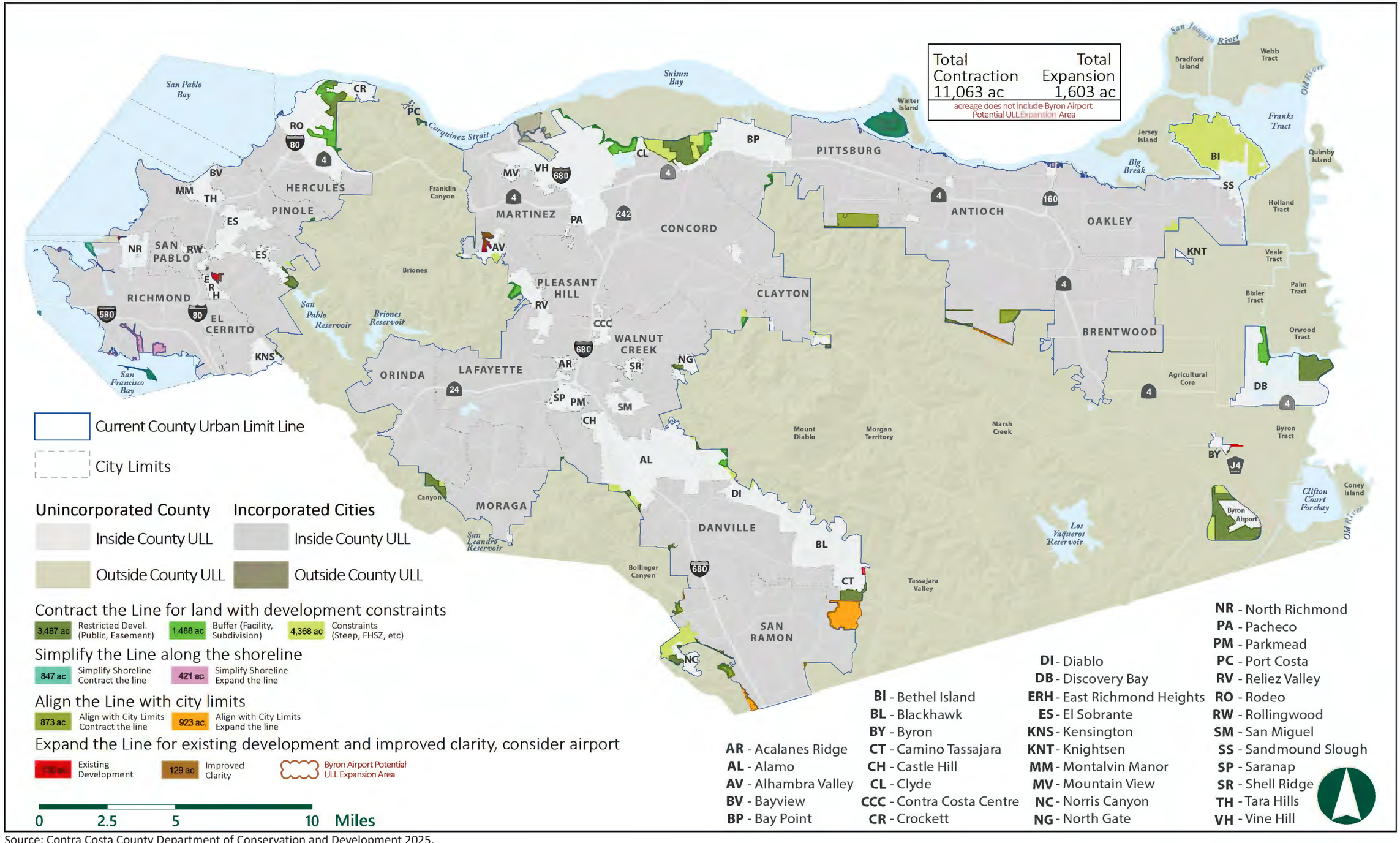

Source: Contra Costa County Department of Conservation and Development 2025.

Figure 2
Proposed Urban Limit Line

Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

September 9, 2025

Michelle St. Claire
Executive Director of Cultural Preservation
Wilton Rancheria
9728 Kent Street
Elk Grove, CA 95624

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Michelle St. Claire,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies Wilton Rancheria of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

The proposed project is a Board of Supervisors action to place a measure on the 2026 Primary Election or General Election ballot asking the voters of Contra Costa County to amend the Land Use Element of the Contra Costa 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code) to extend the Urban Limit Line (ULL) and 65/35 Plan term, modify the ULL periodic review requirement, make revisions to the adopted ULL map, and make other changes to the text of the Ordinance and findings for the ULL adjustment process. Please see additional details about the proposed project in the pages below.

The County prepared an Initial Study for the proposed project in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15153 which allows a lead agency to use an EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same. The Initial Study for the proposed project concludes that the 2024 Environmental Impact Report for the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update (EIR) adequately evaluates the impacts associated with the proposed project and is sufficient to serve as the environmental document

for the proposed project. The Initial Study also concludes that the proposed project would not result in any additional impacts beyond those evaluated in the EIR.

The County values your feedback as part of our review process. Thus, in accordance with Government Code 65352.3(a)(2), we request a written response from you indicating your intent to consult on this proposed project. Please contact Will Nelson at (925) 655-2898 or will.nelson@dcd.cccounty.us, or at the follow address:

Department of Conservation and Development
30 Muir Road
Martinez, CA 94553
Attn: Will Nelson

Sincerely,

Will Nelson, Advance Planning Manager
Department of Conservation and Development
Contra Costa County

PREVIOUS TRIBAL CONSULTATION. The County adopted the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update and certified an EIR evaluating the impacts of implementing these countywide plans, on November 5, 2024. In accordance with SB 18 requirements, the County sent letters to representatives of the Native American tribes provided by the Native American Heritage Commission (NAHC) on January 15, 2021, formally inviting tribes to consult with the County on the 2045 General Plan. In accordance with AB 52 requirements for the EIR, an invitation for consultation was sent out to the County's NAHC-provided Tribal Consultation List on October 5, 2023. Recommendations, comments, edits, and mitigation measures provided by tribes that participated in the tribal consultation process were incorporated into the 2045 General Plan and EIR.

PROJECT BACKGROUND. On November 6, 1990, Contra Costa County voters approved Measure C (Measure C-1990), the 65/35 Contra Costa County Land Preservation Plan (the 65/35 Plan), which established various mechanisms aimed at containing urban sprawl and protecting resources like agricultural land and scenic ridges. The most significant and impactful of these mechanisms are the 65/35 Land Preservation Standard (the 65/35 Standard) and ULL. Pursuant to the 65/35 Standard, no more than 35 percent of the land within the county may be designated for urban uses (residential, commercial, industrial, etc.) in the General Plans of the County and the 19 cities, and at least 65 percent must be designated for nonurban uses, including agriculture, open space, parks, and other non-urban uses. Meanwhile, the ULL establishes a boundary beyond which no land may be designated for urban land uses. Operating together, the 65/35 Standard and ULL limit the geographic extent of urban development in the county.

On November 7, 2006, county voters approved Measure L (Measure L-2006), which carried forward most of the elements of Measure C-1990 while also extending the term of the 65/35 Ordinance to December 31, 2026; requiring a four-fifths vote of the County Board of Supervisors and voter approval to expand the ULL by more than 30 acres; requiring periodic reviews of the ULL by the Board of Supervisors; and adopting a new ULL Map. The County's current ULL Map is shown in Figure 1, *Current Adopted County Urban Limit Line.*

PROPOSED PROJECT: The proposed project is a 2026 ballot measure asking the voters of Contra Costa County to amend the Land Use Element of the 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (County Ordinance Code Chapter 82-1) to:

1. Extend the term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line through December 31, 2051.
2. Modify the periodic ULL review requirements of the 65/35 Land Preservation Plan Ordinance to align reviews of the ULL with State-mandated Housing Element update cycles.
3. Modify the criteria and factors enumerated in the 65/35 Land Preservation Plan Ordinance for determining whether land should be considered for location outside the ULL, to include:

i. Lands which qualify for rating as Class I or Class II in the Soil Conservation Service Land Use Capability Classification.

ii. Lands designated as High or Very High Fire Hazard Severity Zones on maps published by the California Department of Forestry and Fire Protection.

iii. Lands with slopes of 26 percent or greater.

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viii. Areas with inadequate water, sewer, and roadway infrastructure.

ix. Other areas not appropriate for urban growth because of separation from existing development, unstable geologic conditions, likelihood of substantial environmental damage or substantial injury to fish or wildlife or their habitat, and other similar factors rendering the land physically unsuitable for intense development.

4. Retain, during the extended term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line, the requirement for voter approval to expand the County's Urban Limit Line by more than 30 acres, except as specifically authorized in the 65/35 Land Preservation Plan Ordinance, and approved by the voters in this ballot measure, namely:

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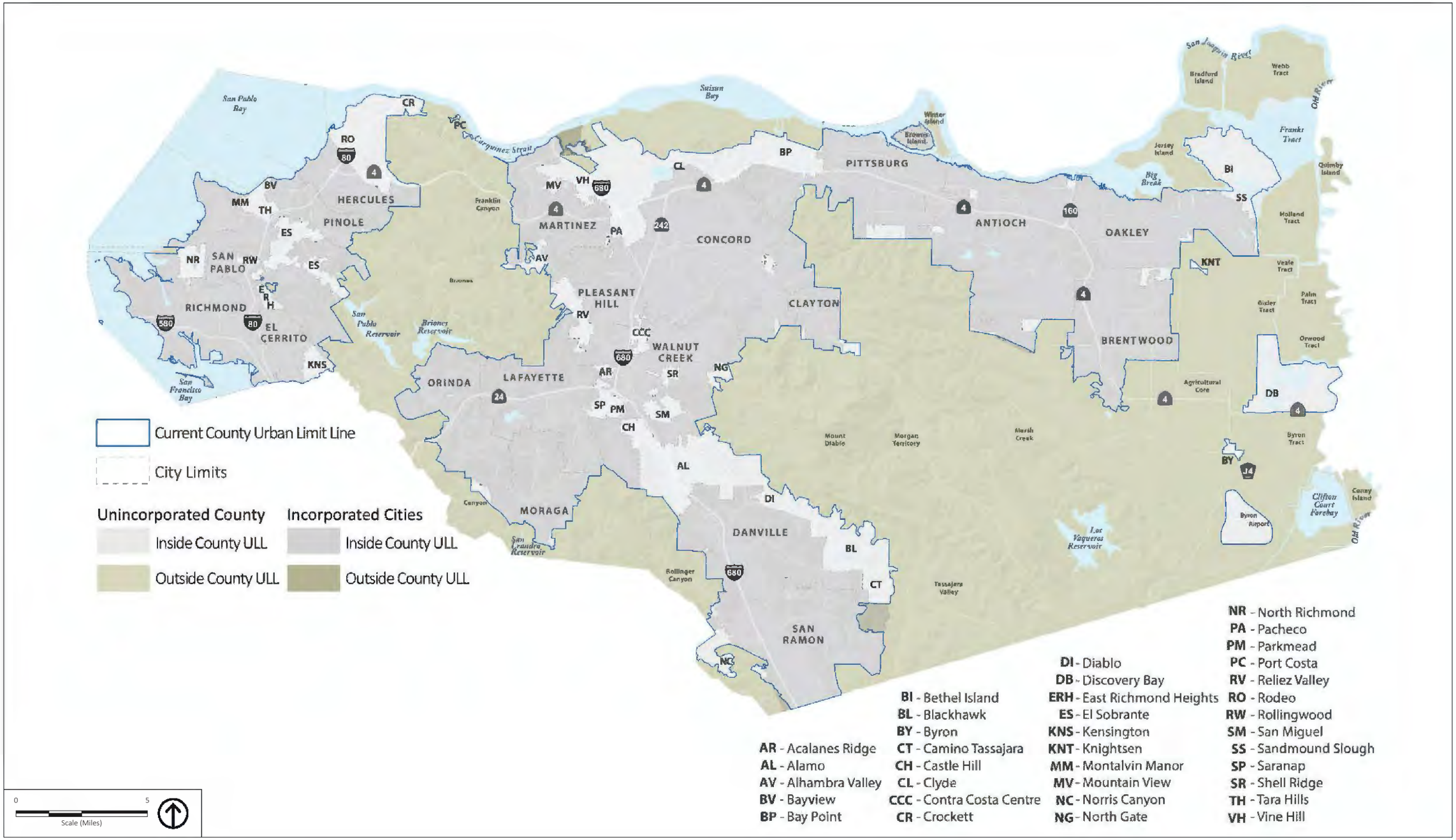

Source: Contra Costa County Department of Conservation and Development 2025.

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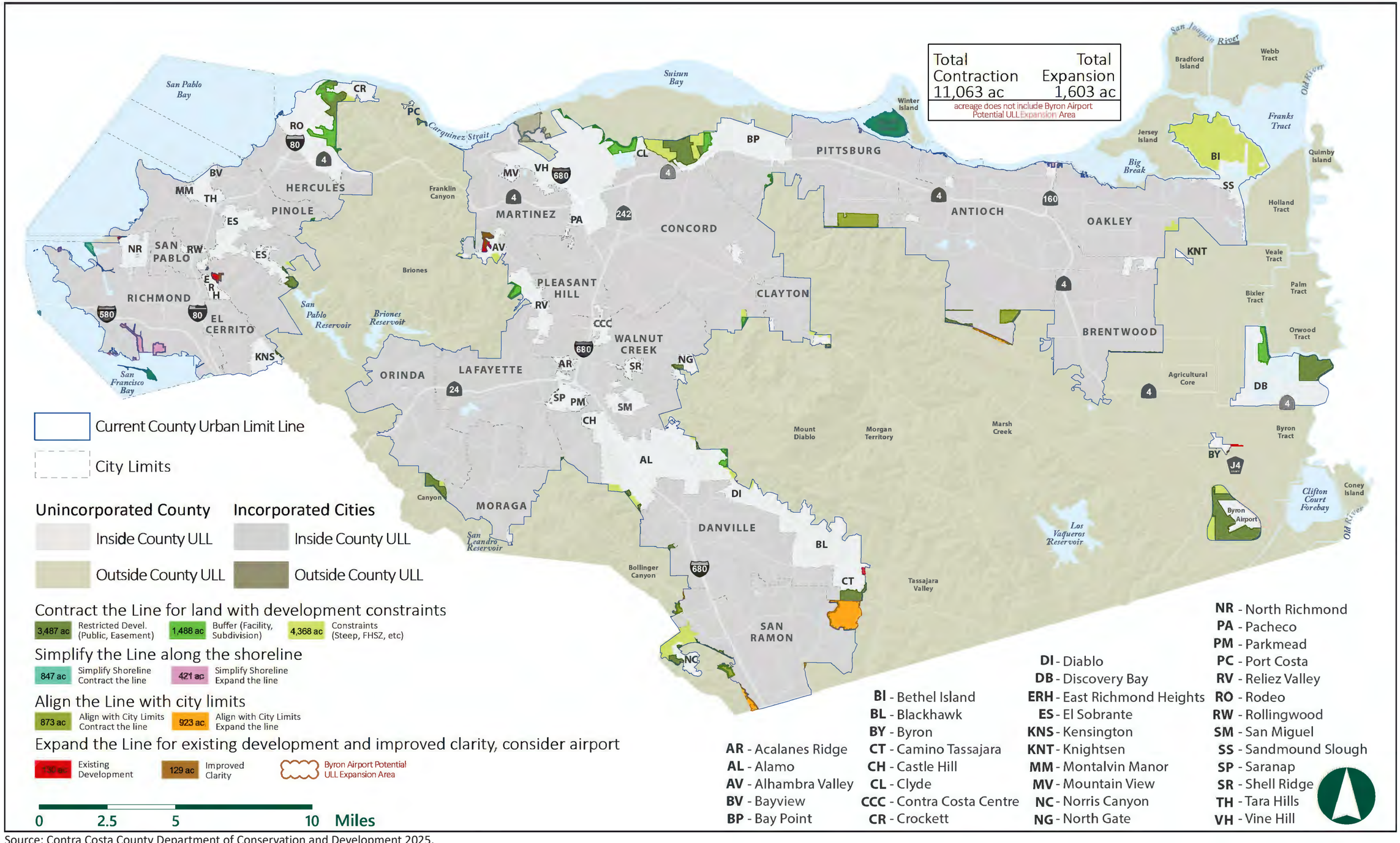

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Figure 2
Proposed Urban Limit Line

Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

September 9, 2025

Steven Hutchason
Tribal Historic Preservation Officer
Wilton Rancheria
9728 Kent Street
Elk Grove, CA 95624

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Steven Hutchason,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies Wilton Rancheria of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

The proposed project is a Board of Supervisors action to place a measure on the 2026 Primary Election or General Election ballot asking the voters of Contra Costa County to amend the Land Use Element of the Contra Costa 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code) to extend the Urban Limit Line (ULL) and 65/35 Plan term, modify the ULL periodic review requirement, make revisions to the adopted ULL map, and make other changes to the text of the Ordinance and findings for the ULL adjustment process. Please see additional details about the proposed project in the pages below.

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The County values your feedback as part of our review process. Thus, in accordance with Government Code 65352.3(a)(2), we request a written response from you indicating your intent to consult on this proposed project. Please contact Will Nelson at (925) 655-2898 or will.nelson@dcd.cccounty.us, or at the follow address:

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Martinez, CA 94553
Attn: Will Nelson

Sincerely,

Will Nelson, Advance Planning Manager
Department of Conservation and Development
Contra Costa County

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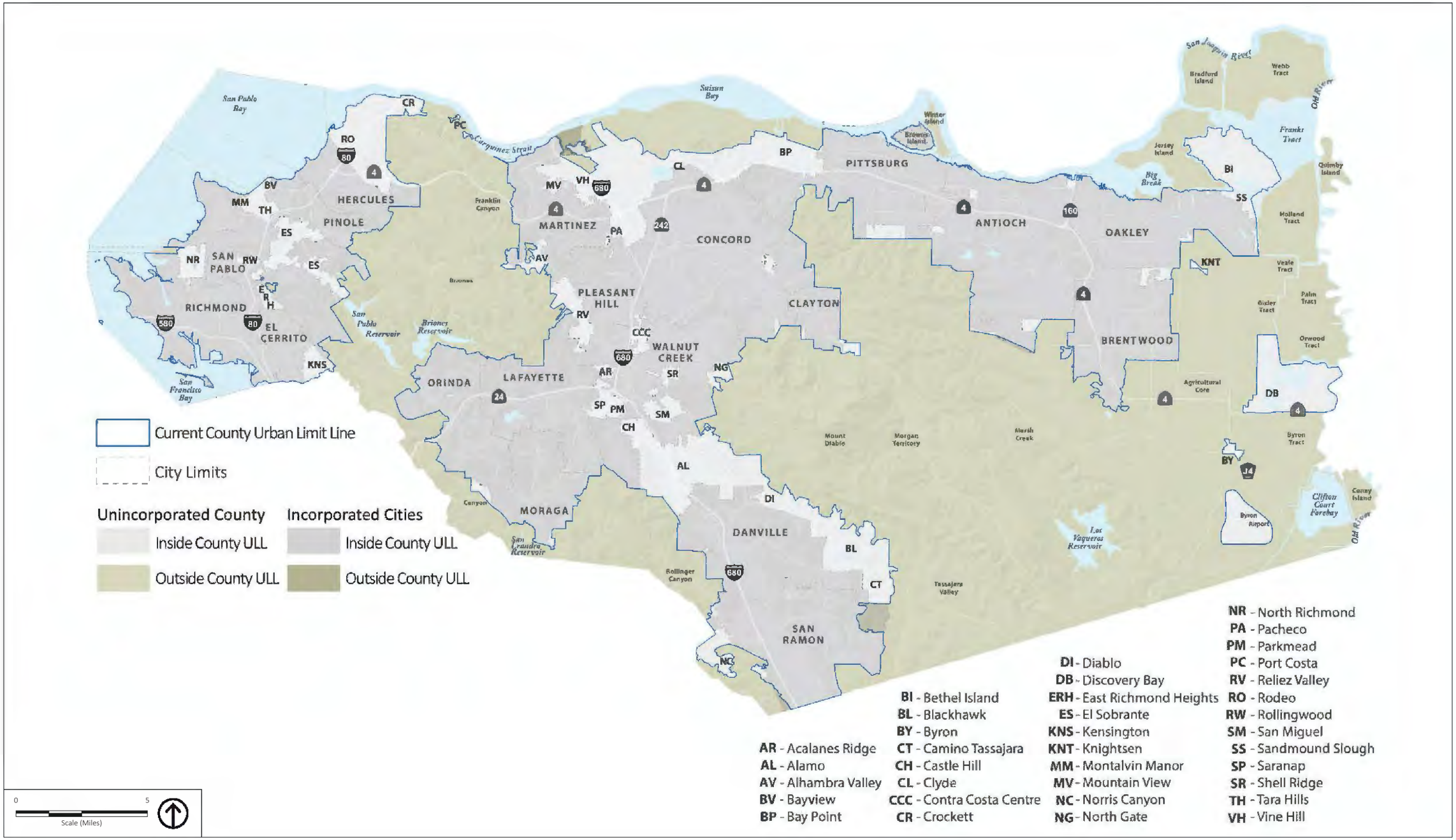

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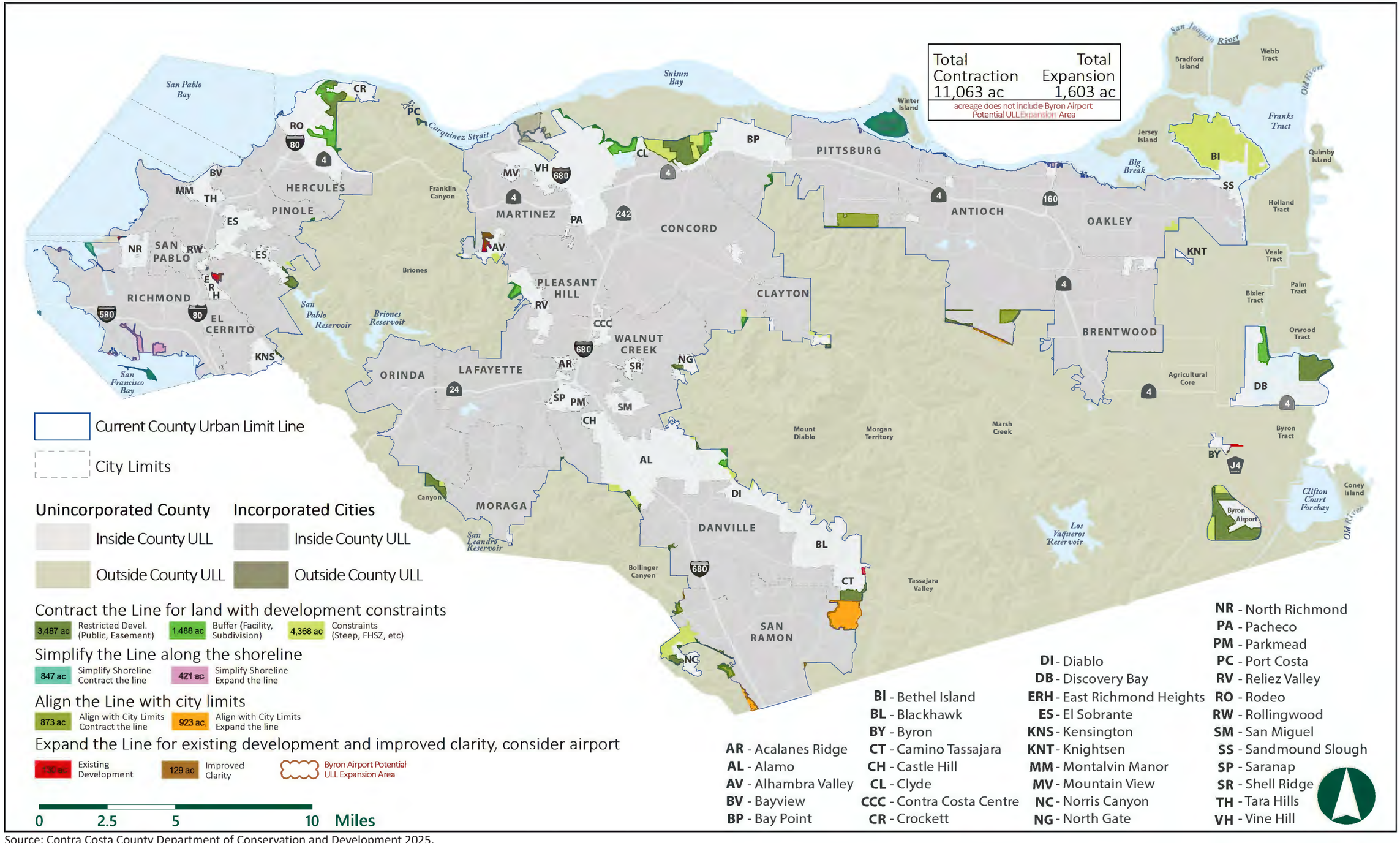

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Figure 2
Proposed Urban Limit Line

Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

September 9, 2025

Alejandra Ramirez
Co-Chair
Pakan'yani Maidu of Strawberry Valley Rancheria
P.O. Box 1382
Marysville, CA 95901

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Alejandra Ramirez,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies Pakan'yani Maidu of Strawberry Valley Rancheria of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

The proposed project is a Board of Supervisors action to place a measure on the 2026 Primary Election or General Election ballot asking the voters of Contra Costa County to amend the Land Use Element of the Contra Costa 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code) to extend the Urban Limit Line (ULL) and 65/35 Plan term, modify the ULL periodic review requirement, make revisions to the adopted ULL map, and make other changes to the text of the Ordinance and findings for the ULL adjustment process. Please see additional details about the proposed project in the pages below.

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Sincerely,

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Contra Costa County

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1. Extend the term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line through December 31, 2051.
2. Modify the periodic ULL review requirements of the 65/35 Land Preservation Plan Ordinance to align reviews of the ULL with State-mandated Housing Element update cycles.
3. Modify the criteria and factors enumerated in the 65/35 Land Preservation Plan Ordinance for determining whether land should be considered for location outside the ULL, to include:

i. Lands which qualify for rating as Class I or Class II in the Soil Conservation Service Land Use Capability Classification.

ii. Lands designated as High or Very High Fire Hazard Severity Zones on maps published by the California Department of Forestry and Fire Protection.

iii. Lands with slopes of 26 percent or greater.

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ix. Other areas not appropriate for urban growth because of separation from existing development, unstable geologic conditions, likelihood of substantial environmental damage or substantial injury to fish or wildlife or their habitat, and other similar factors rendering the land physically unsuitable for intense development.

4. Retain, during the extended term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line, the requirement for voter approval to expand the County's Urban Limit Line by more than 30 acres, except as specifically authorized in the 65/35 Land Preservation Plan Ordinance, and approved by the voters in this ballot measure, namely:

   The Board of Supervisors may, without subsequent voter approval, expand the ULL by any acreage within the boundaries of the Byron Airport Potential ULL Expansion Area illustrated on General Plan Land Use Element Figure LU-2, Urban Limit Line, after holding a public hearing at which the Board adopts the General Plan amendment for the expansion, by a four-fifths vote, after making each of the following findings based on substantial evidence in the record:

   a. The expansion is necessary to further the economic viability of Byron Airport and attain the County's goals related to economic development.

   b. The expanded ULL area will accommodate uses directly linked to aeronautics, such as aviation research and development, aircraft manufacturing/assembly, and aeronautical schools/training facilities.

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7. Modify the enumerated findings proscribed in both the General Plan and County Ordinance Code required for a change to the County's ULL under 30 acres to reflect the modified periodic ULL reviews and to make other non-substantive changes.
8. Retain the 65/35 Standard for land preservation in Contra Costa County, whereby at least 65 percent of the overall County land area will be retained for non-urban uses through the year 2051.
9. Retain protections for the County's prime agricultural land, specifically the area designated in the General Plan as the Agricultural Core, by maintaining the 40-acre minimum parcel size.
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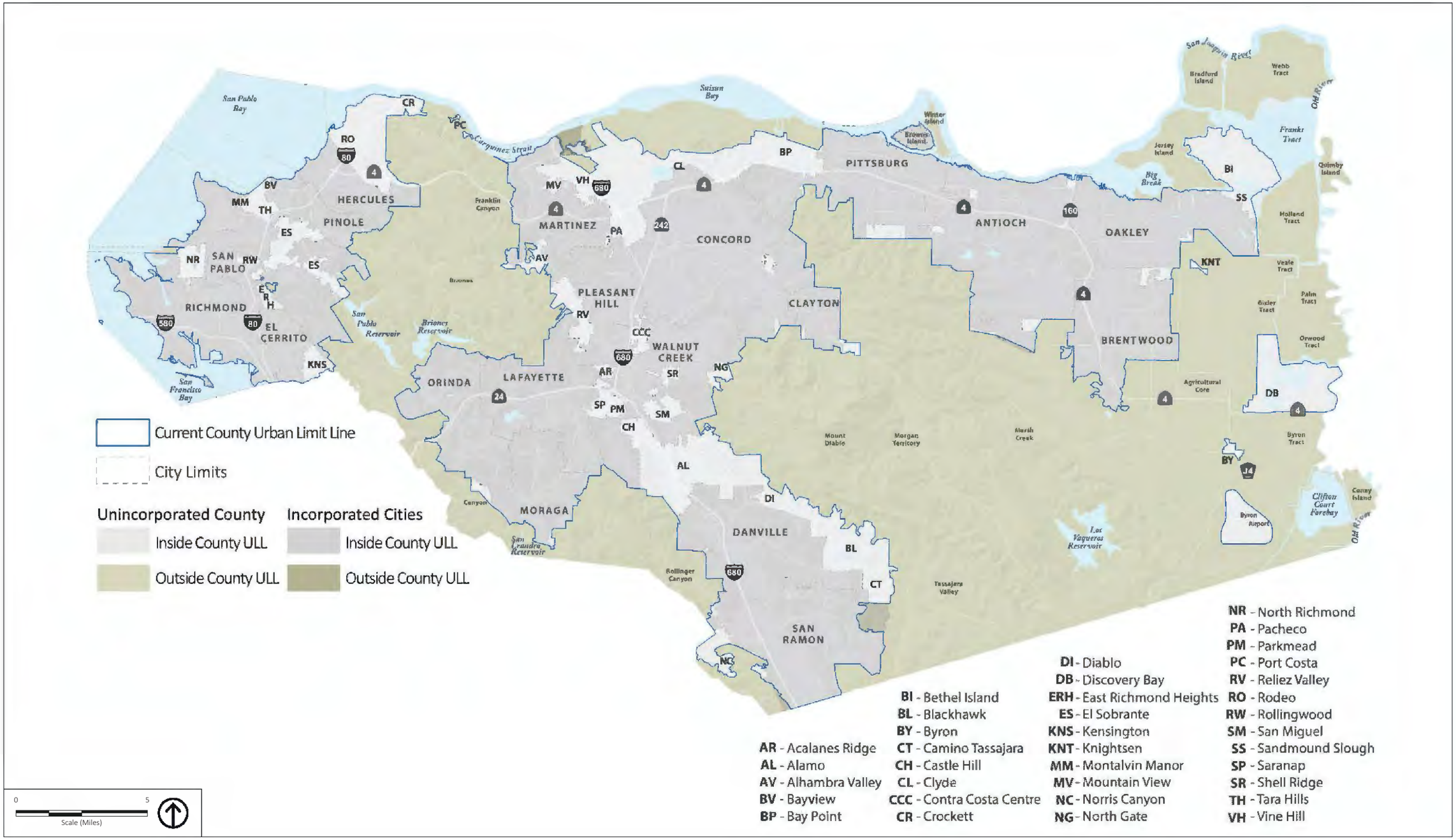
    v. Moves 847 acres outside the ULL and 421 acres inside the ULL to simplify and improve understanding of the ULL along the county's shoreline.
11. Update administrative sections of the 65/35 Land Preservation Ordinance to correct outdated text and achieve consistency with the changes described in items 1-10 above.

The proposed adjustments to the ULL Map are shown in Figure 2, *Proposed Urban Limit Line*. It is important to note that the proposed project does not change the development potential evaluated in the 2045 General Plan as there are no changes to the Land Use Map or land use designations.

Attachments:

Figure 1 – Current Adopted County Urban Limit Line
Figure 2 – Proposed Urban Limit Line



Source: Contra Costa County Department of Conservation and Development 2025.

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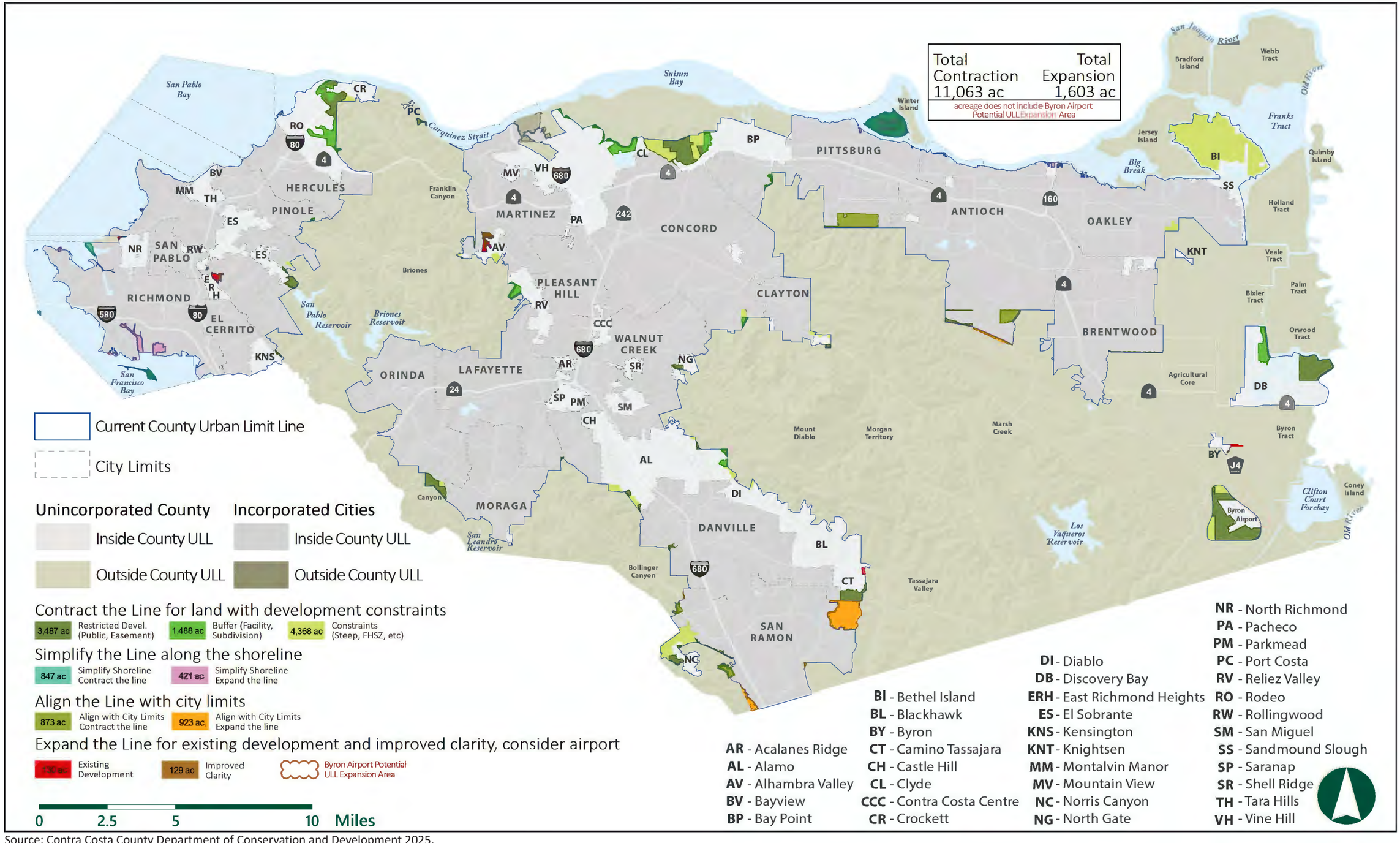

Source: Contra Costa County Department of Conservation and Development 2025.

Figure 2
Proposed Urban Limit Line

Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

August 23, 2025

Tina Goodwin
Chairperson
Pakan'yani Maidu of Strawberry Valley Rancheria
P.O. Box 984
Marysville, CA 95901

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Tina Goodwin,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies Pakan'yani Maidu of Strawberry Valley Rancheria of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

The proposed project is a Board of Supervisors action to place a measure on the 2026 Primary Election or General Election ballot asking the voters of Contra Costa County to amend the Land Use Element of the Contra Costa 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code) to extend the Urban Limit Line (ULL) and 65/35 Plan term, modify the ULL periodic review requirement, make revisions to the adopted ULL map, and make other changes to the text of the Ordinance and findings for the ULL adjustment process. Please see additional details about the proposed project in the pages below.

The County prepared an Initial Study for the proposed project in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15153 which allows a lead agency to use an EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same. The Initial Study for the proposed project concludes that the 2024 Environmental Impact Report for the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update (EIR) adequately evaluates the impacts associated with the proposed project and is sufficient to serve as the environmental

document for the proposed project. The Initial Study also concludes that the proposed project would not result in any additional impacts beyond those evaluated in the EIR.

The County values your feedback as part of our review process. Thus, in accordance with Government Code 65352.3(a)(2), we request a written response from you indicating your intent to consult on this proposed project. Please contact Will Nelson at (925) 655-2898 or will.nelson@dcd.cccounty.us, or at the follow address:

Department of Conservation and Development
30 Muir Road
Martinez, CA 94553
Attn: Will Nelson

Sincerely,

Will Nelson, Advance Planning Manager
Department of Conservation and Development
Contra Costa County

PREVIOUS TRIBAL CONSULTATION. The County adopted the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update and certified an EIR evaluating the impacts of implementing these countywide plans, on November 5, 2024. In accordance with SB 18 requirements, the County sent letters to representatives of the Native American tribes provided by the Native American Heritage Commission (NAHC) on January 15, 2021, formally inviting tribes to consult with the County on the 2045 General Plan. In accordance with AB 52 requirements for the EIR, an invitation for consultation was sent out to the County's NAHC-provided Tribal Consultation List on October 5, 2023. Recommendations, comments, edits, and mitigation measures provided by tribes that participated in the tribal consultation process were incorporated into the 2045 General Plan and EIR.

PROJECT BACKGROUND. On November 6, 1990, Contra Costa County voters approved Measure C (Measure C-1990), the 65/35 Contra Costa County Land Preservation Plan (the 65/35 Plan), which established various mechanisms aimed at containing urban sprawl and protecting resources like agricultural land and scenic ridges. The most significant and impactful of these mechanisms are the 65/35 Land Preservation Standard (the 65/35 Standard) and ULL. Pursuant to the 65/35 Standard, no more than 35 percent of the land within the county may be designated for urban uses (residential, commercial, industrial, etc.) in the General Plans of the County and the 19 cities, and at least 65 percent must be designated for nonurban uses, including agriculture, open space, parks, and other non-urban uses. Meanwhile, the ULL establishes a boundary beyond which no land may be designated for urban land uses. Operating together, the 65/35 Standard and ULL limit the geographic extent of urban development in the county.

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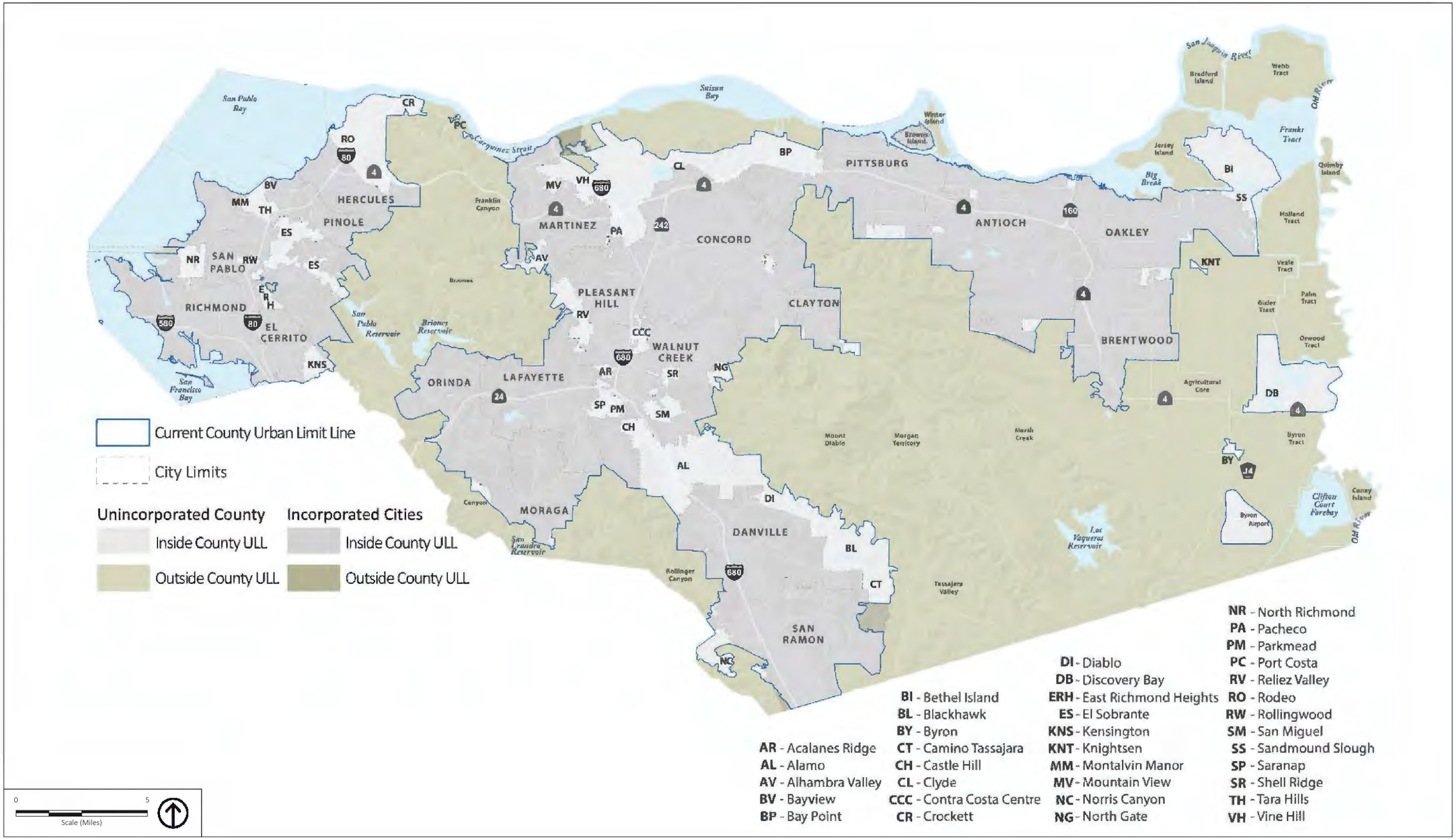

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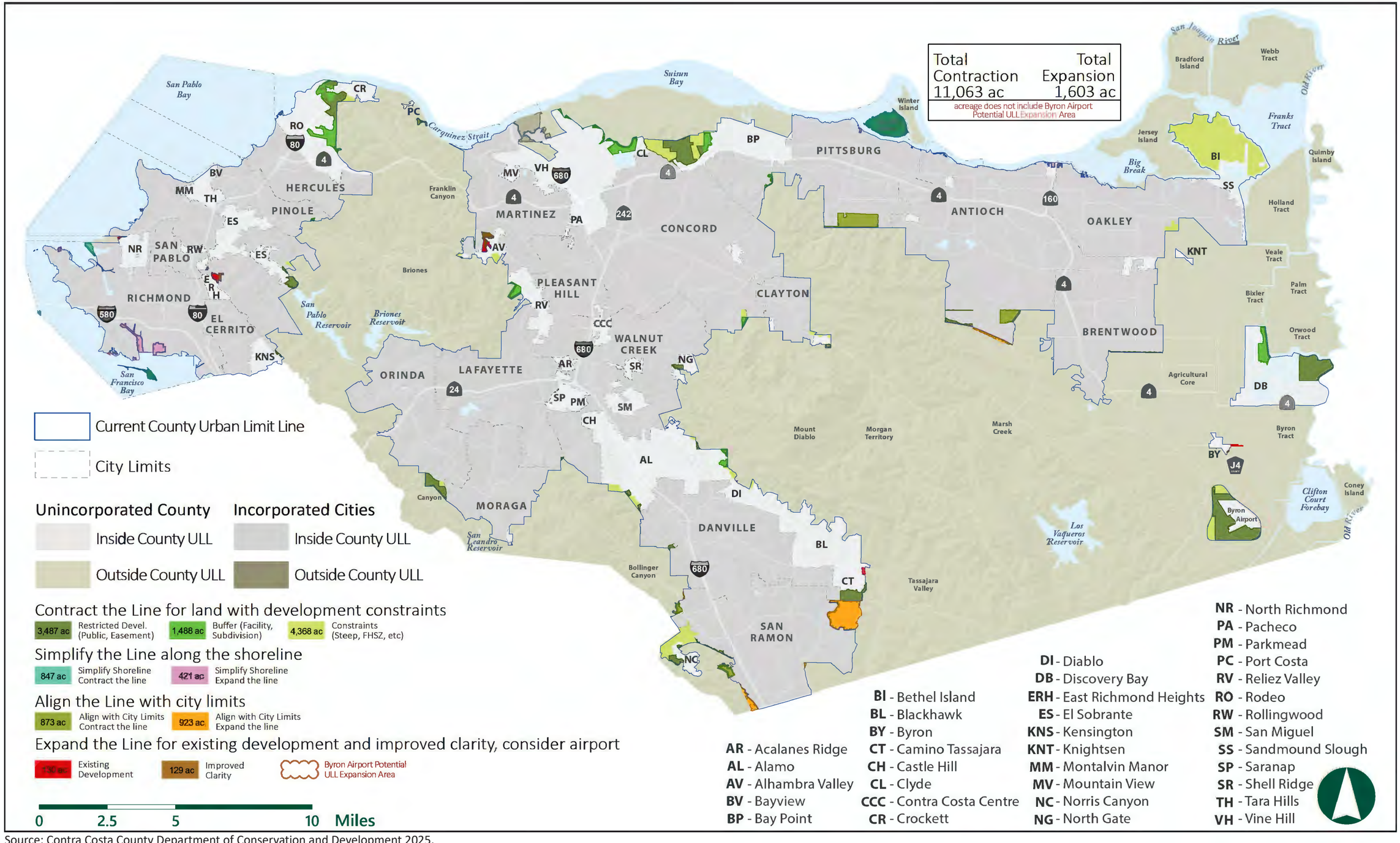

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Proposed Urban Limit Line

Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

September 9, 2025

Scott Dinsmore
Co-Chair
Pakan'yani Maidu of Strawberry Valley Rancheria
P.O. Box 1382
Marysville, CA 95901

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Scott Dinsmore,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies Pakan'yani Maidu of Strawberry Valley Rancheria of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

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Sincerely,

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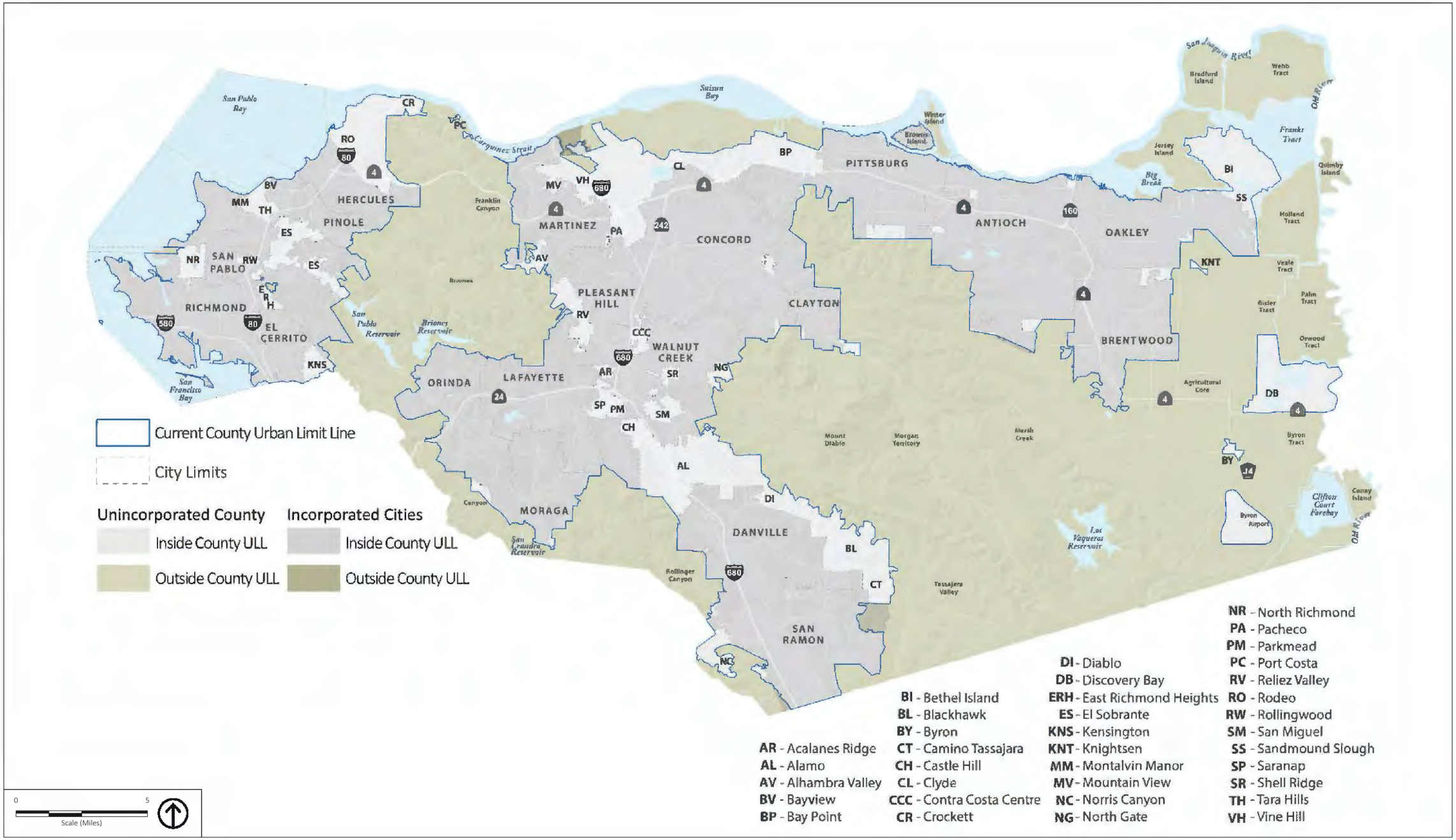

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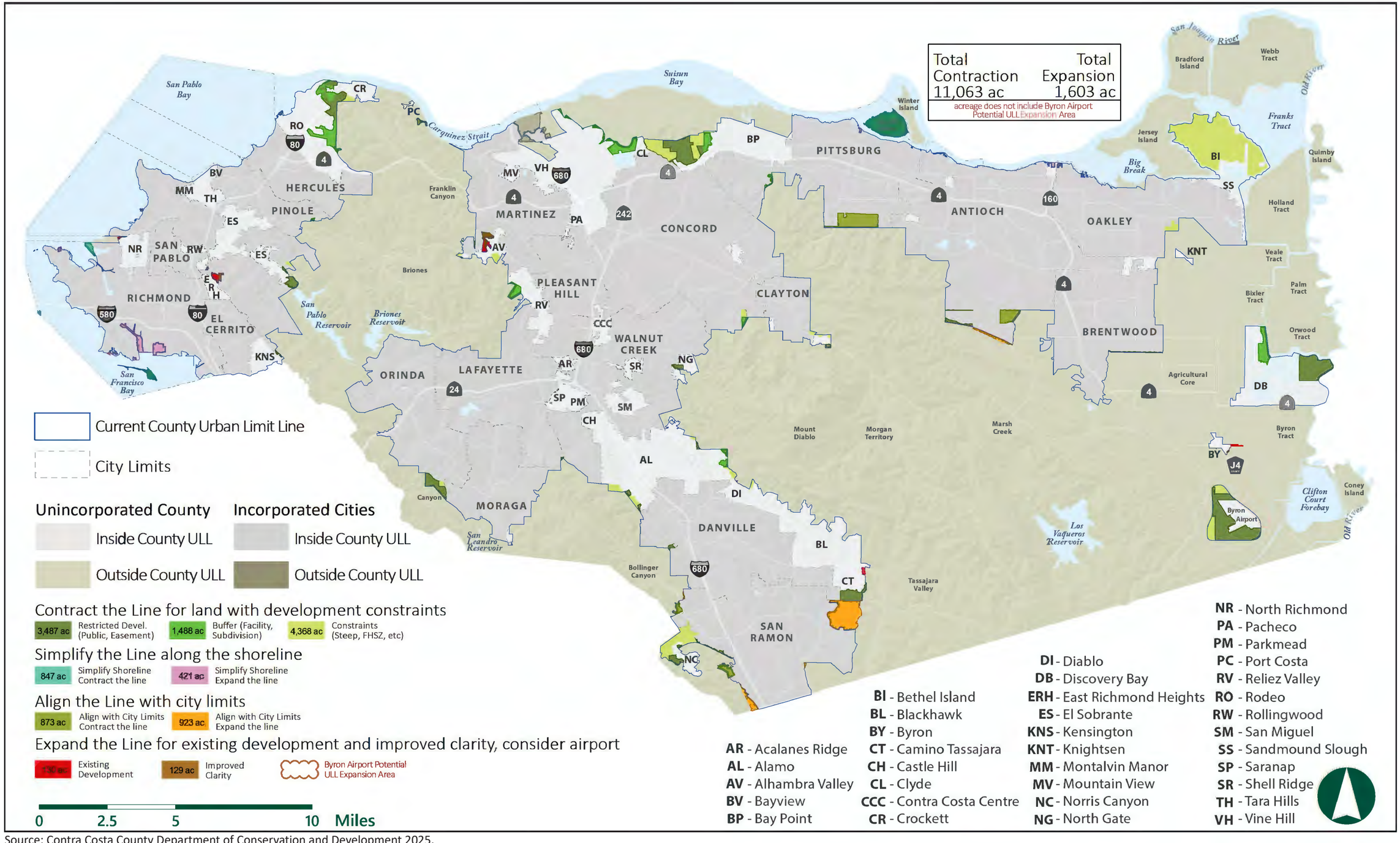

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Contra Costa County

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Director

Jason Crapo
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Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

September 9, 2025

Felix Christman
THPO
Tule River Indian Tribe
340 North Reservation Road
Porterville, CA 93258

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Felix Christman,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies the Tule River Indian Tribe of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

The proposed project is a Board of Supervisors action to place a measure on the 2026 Primary Election or General Election ballot asking the voters of Contra Costa County to amend the Land Use Element of the Contra Costa 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code) to extend the Urban Limit Line (ULL) and 65/35 Plan term, modify the ULL periodic review requirement, make revisions to the adopted ULL map, and make other changes to the text of the Ordinance and findings for the ULL adjustment process. Please see additional details about the proposed project in the pages below.

The County prepared an Initial Study for the proposed project in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15153 which allows a lead agency to use an EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same. The Initial Study for the proposed project concludes that the 2024 Environmental Impact Report for the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update (EIR) adequately evaluates the impacts associated with the proposed project and is sufficient to serve as the environmental document

for the proposed project. The Initial Study also concludes that the proposed project would not result in any additional impacts beyond those evaluated in the EIR.

The County values your feedback as part of our review process. Thus, in accordance with Government Code 65352.3(a)(2), we request a written response from you indicating your intent to consult on this proposed project. Please contact Will Nelson at (925) 655-2898 or will.nelson@dcd.cccounty.us, or at the follow address:

Department of Conservation and Development
30 Muir Road
Martinez, CA 94553
Attn: Will Nelson

Sincerely,

Will Nelson, Advance Planning Manager
Department of Conservation and Development
Contra Costa County

PREVIOUS TRIBAL CONSULTATION. The County adopted the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update and certified an EIR evaluating the impacts of implementing these countywide plans, on November 5, 2024. In accordance with SB 18 requirements, the County sent letters to representatives of the Native American tribes provided by the Native American Heritage Commission (NAHC) on January 15, 2021, formally inviting tribes to consult with the County on the 2045 General Plan. In accordance with AB 52 requirements for the EIR, an invitation for consultation was sent out to the County's NAHC-provided Tribal Consultation List on October 5, 2023. Recommendations, comments, edits, and mitigation measures provided by tribes that participated in the tribal consultation process were incorporated into the 2045 General Plan and EIR.

PROJECT BACKGROUND. On November 6, 1990, Contra Costa County voters approved Measure C (Measure C-1990), the 65/35 Contra Costa County Land Preservation Plan (the 65/35 Plan), which established various mechanisms aimed at containing urban sprawl and protecting resources like agricultural land and scenic ridges. The most significant and impactful of these mechanisms are the 65/35 Land Preservation Standard (the 65/35 Standard) and ULL. Pursuant to the 65/35 Standard, no more than 35 percent of the land within the county may be designated for urban uses (residential, commercial, industrial, etc.) in the General Plans of the County and the 19 cities, and at least 65 percent must be designated for nonurban uses, including agriculture, open space, parks, and other non-urban uses. Meanwhile, the ULL establishes a boundary beyond which no land may be designated for urban land uses. Operating together, the 65/35 Standard and ULL limit the geographic extent of urban development in the county.

On November 7, 2006, county voters approved Measure L (Measure L-2006), which carried forward most of the elements of Measure C-1990 while also extending the term of the 65/35 Ordinance to December 31, 2026; requiring a four-fifths vote of the County Board of Supervisors and voter approval to expand the ULL by more than 30 acres; requiring periodic reviews of the ULL by the Board of Supervisors; and adopting a new ULL Map. The County's current ULL Map is shown in Figure 1, *Current Adopted County Urban Limit Line.*

PROPOSED PROJECT: The proposed project is a 2026 ballot measure asking the voters of Contra Costa County to amend the Land Use Element of the 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (County Ordinance Code Chapter 82-1) to:

1. Extend the term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line through December 31, 2051.
2. Modify the periodic ULL review requirements of the 65/35 Land Preservation Plan Ordinance to align reviews of the ULL with State-mandated Housing Element update cycles.
3. Modify the criteria and factors enumerated in the 65/35 Land Preservation Plan Ordinance for determining whether land should be considered for location outside the ULL, to include:

i. Lands which qualify for rating as Class I or Class II in the Soil Conservation Service Land Use Capability Classification.

ii. Lands designated as High or Very High Fire Hazard Severity Zones on maps published by the California Department of Forestry and Fire Protection.

iii. Lands with slopes of 26 percent or greater.

iv. Lands at risk from substantial inundation due to flooding or anticipated sea level rise.

v. Lands with recorded development restrictions such as agricultural, conservation, or scenic easements or deeded development rights.

vi. Open space, parks, and other recreation areas.

vii. Wetlands and undevelopable islands.

viii. Areas with inadequate water, sewer, and roadway infrastructure.

ix. Other areas not appropriate for urban growth because of separation from existing development, unstable geologic conditions, likelihood of substantial environmental damage or substantial injury to fish or wildlife or their habitat, and other similar factors rendering the land physically unsuitable for intense development.

4. Retain, during the extended term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line, the requirement for voter approval to expand the County's Urban Limit Line by more than 30 acres, except as specifically authorized in the 65/35 Land Preservation Plan Ordinance, and approved by the voters in this ballot measure, namely:

   The Board of Supervisors may, without subsequent voter approval, expand the ULL by any acreage within the boundaries of the Byron Airport Potential ULL Expansion Area illustrated on General Plan Land Use Element Figure LU-2, Urban Limit Line, after holding a public hearing at which the Board adopts the General Plan amendment for the expansion, by a four-fifths vote, after making each of the following findings based on substantial evidence in the record:

   a. The expansion is necessary to further the economic viability of Byron Airport and attain the County's goals related to economic development.

   b. The expanded ULL area will accommodate uses directly linked to aeronautics, such as aviation research and development, aircraft manufacturing/assembly, and aeronautical schools/training facilities.

   c. The expanded ULL area will not accommodate residential development, logistics/distributions centers, lodging, or any other use not directly linked to aeronautics except for minor ancillary uses necessary to support the airport workforce.

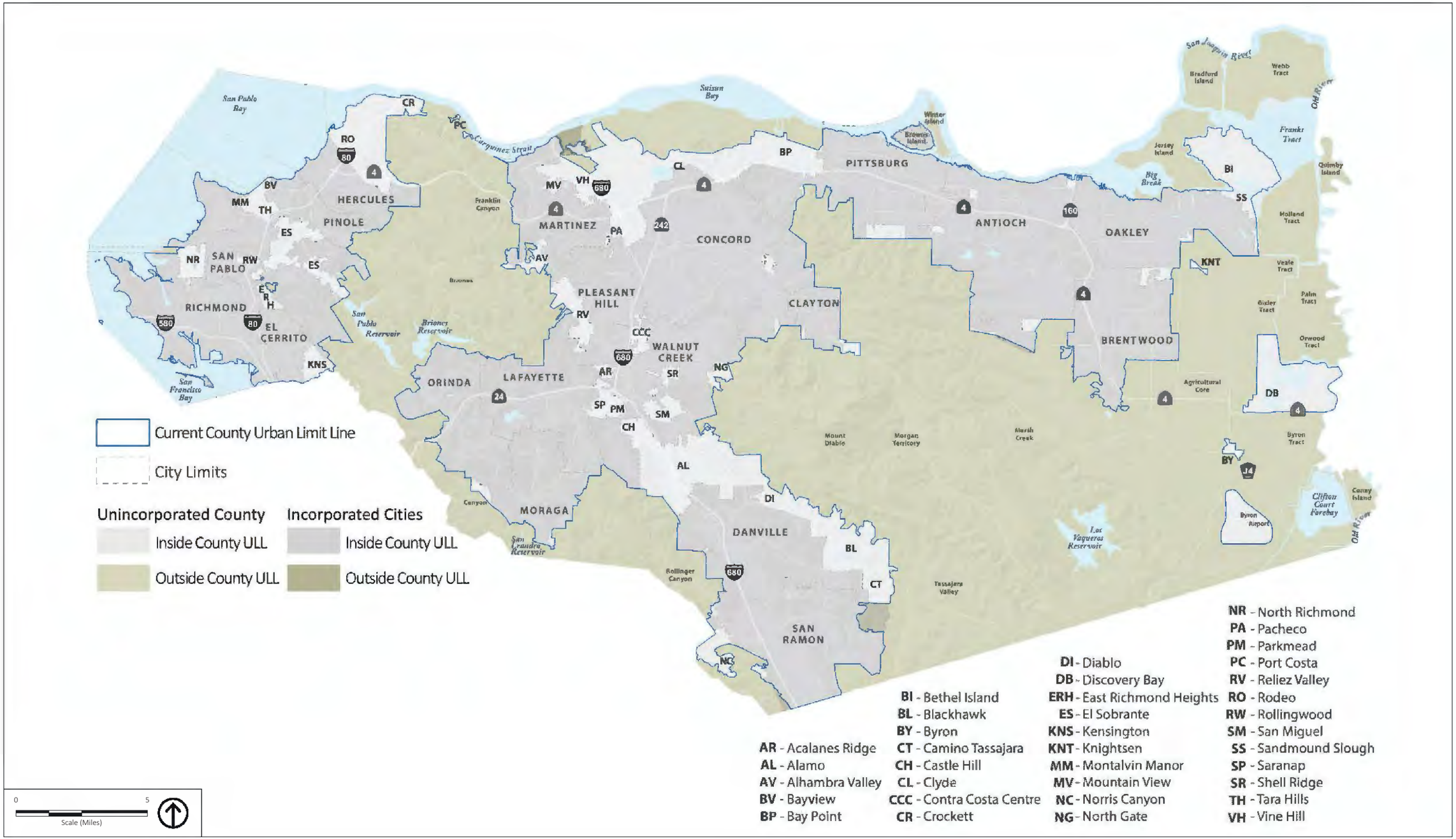
   d. The expansion will not induce sprawl.

5. Retain in both the General Plan and County Ordinance Code the requirement that a four-fifths vote of the Board of Supervisors is necessary to place a measure on the election ballot to expand the ULL boundary by more than 30 acres through the year 2051.
6. Retain in both the General Plan and County Ordinance Code the existing procedure for any change to the County's ULL under 30 acres based on a four-fifths vote of the Board of Supervisors after holding a public hearing and making at least one of seven findings, as proscribed in both the General Plan and County Ordinance Code, based on substantial evidence in the record.
7. Modify the enumerated findings proscribed in both the General Plan and County Ordinance Code required for a change to the County's ULL under 30 acres to reflect the modified periodic ULL reviews and to make other non-substantive changes.
8. Retain the 65/35 Standard for land preservation in Contra Costa County, whereby at least 65 percent of the overall County land area will be retained for non-urban uses through the year 2051.
9. Retain protections for the County's prime agricultural land, specifically the area designated in the General Plan as the Agricultural Core, by maintaining the 40-acre minimum parcel size.
10. Approve a new ULL Map for the General Plan (Figure LU-2 in the 2045 General Plan Land Use Element), which reflects the following changes:
    i. Moves 3,487 acres with significant development restrictions, such as ownership by government agencies or encumbrance with conservation or agricultural easements, outside the ULL.
    ii. Moves 1,488 acres of buffer lands around subdivisions, cemeteries, and industrial facilities, outside the ULL.
    iii. Moves 4,368 acres with significant development constraints, such as high fire hazards, steep slopes, and flood hazards, outside the ULL.
    iv. Moves 873 acres outside the ULL and 923 acres inside the ULL to align the ULL with city limits.
    v. Moves 847 acres outside the ULL and 421 acres inside the ULL to simplify and improve understanding of the ULL along the county's shoreline.
11. Update administrative sections of the 65/35 Land Preservation Ordinance to correct outdated text and achieve consistency with the changes described in items 1-10 above.

The proposed adjustments to the ULL Map are shown in Figure 2, *Proposed Urban Limit Line*. It is important to note that the proposed project does not change the development potential evaluated in the 2045 General Plan as there are no changes to the Land Use Map or land use designations.

Attachments:

Figure 1 – Current Adopted County Urban Limit Line
Figure 2 – Proposed Urban Limit Line



Source: Contra Costa County Department of Conservation and Development 2025.

Figure 1
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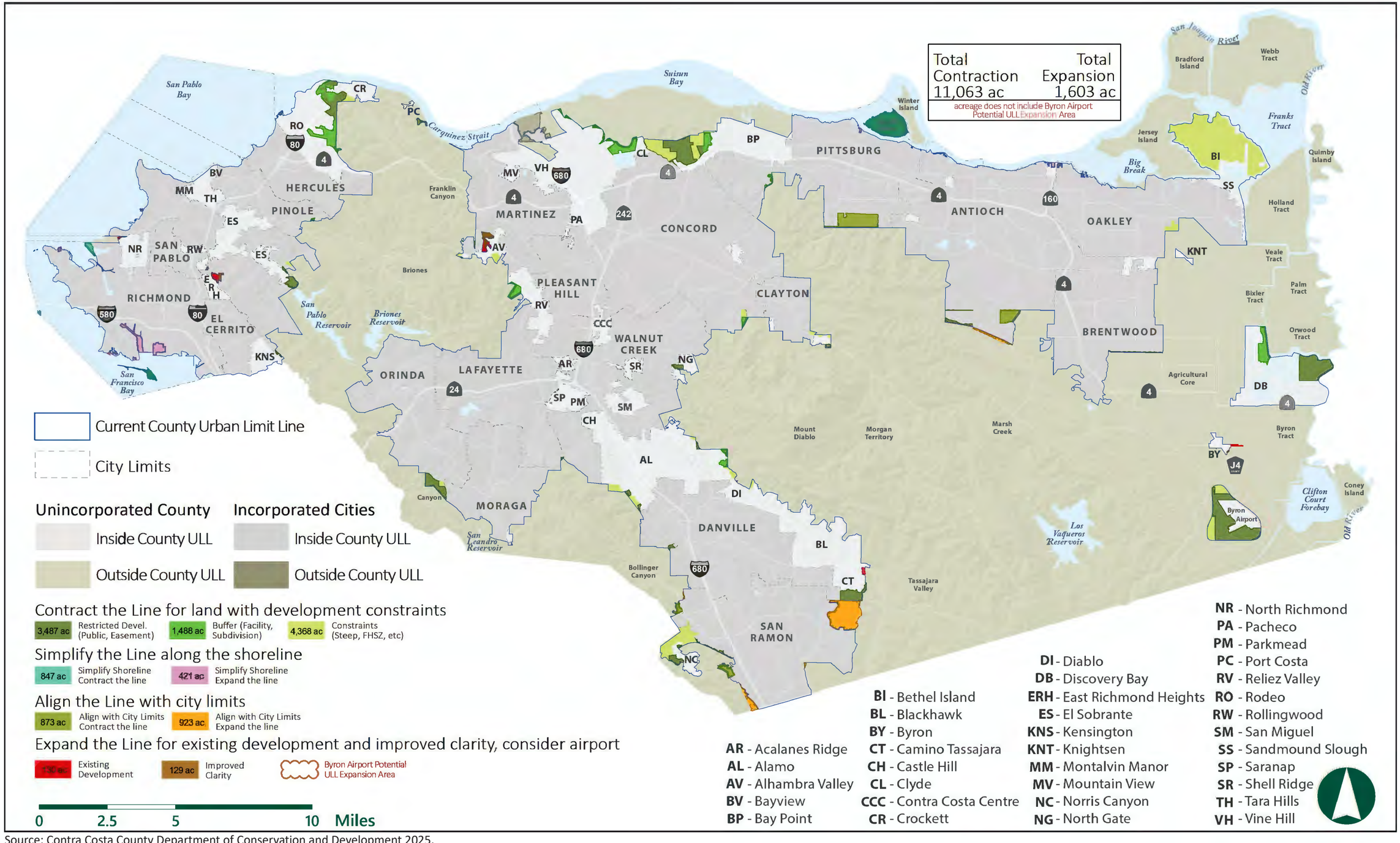

Source: Contra Costa County Department of Conservation and Development 2025.

Figure 2
Proposed Urban Limit Line

Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

August 23, 2025

Carla Munoz
Tribal Council
Costanoan Rumsen Carmel Tribe
crct.crd@gmail.com

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Carla Munoz,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies the Costanoan Rumsen Carmel Tribe of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

The proposed project is a Board of Supervisors action to place a measure on the 2026 Primary Election or General Election ballot asking the voters of Contra Costa County to amend the Land Use Element of the Contra Costa 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code) to extend the Urban Limit Line (ULL) and 65/35 Plan term, modify the ULL periodic review requirement, make revisions to the adopted ULL map, and make other changes to the text of the Ordinance and findings for the ULL adjustment process. Please see additional details about the proposed project in the pages below.

The County prepared an Initial Study for the proposed project in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15153 which allows a lead agency to use an EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same. The Initial Study for the proposed project concludes that the 2024 Environmental Impact Report for the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update (EIR) adequately evaluates the impacts associated with the proposed project and is sufficient to serve as the environmental document

for the proposed project. The Initial Study also concludes that the proposed project would not result in any additional impacts beyond those evaluated in the EIR.

The County values your feedback as part of our review process. Thus, in accordance with Government Code 65352.3(a)(2), we request a written response from you indicating your intent to consult on this proposed project. Please contact Will Nelson at (925) 655-2898 or will.nelson@dcd.cccounty.us, or at the follow address:

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30 Muir Road
Martinez, CA 94553
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Sincerely,

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Department of Conservation and Development
Contra Costa County

PREVIOUS TRIBAL CONSULTATION. The County adopted the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update and certified an EIR evaluating the impacts of implementing these countywide plans, on November 5, 2024. In accordance with SB 18 requirements, the County sent letters to representatives of the Native American tribes provided by the Native American Heritage Commission (NAHC) on January 15, 2021, formally inviting tribes to consult with the County on the 2045 General Plan. In accordance with AB 52 requirements for the EIR, an invitation for consultation was sent out to the County's NAHC-provided Tribal Consultation List on October 5, 2023. Recommendations, comments, edits, and mitigation measures provided by tribes that participated in the tribal consultation process were incorporated into the 2045 General Plan and EIR.

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PROPOSED PROJECT: The proposed project is a 2026 ballot measure asking the voters of Contra Costa County to amend the Land Use Element of the 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (County Ordinance Code Chapter 82-1) to:

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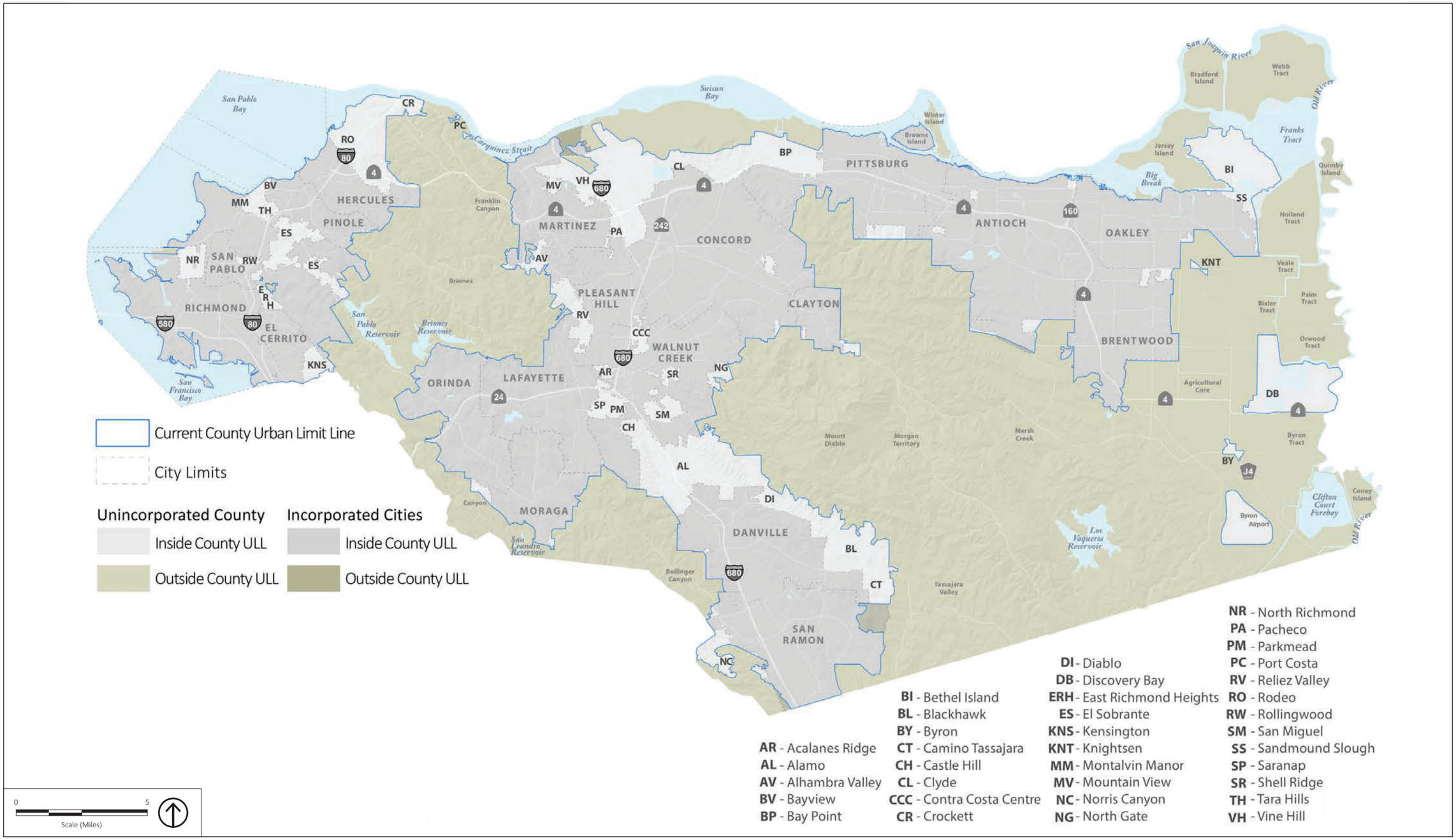

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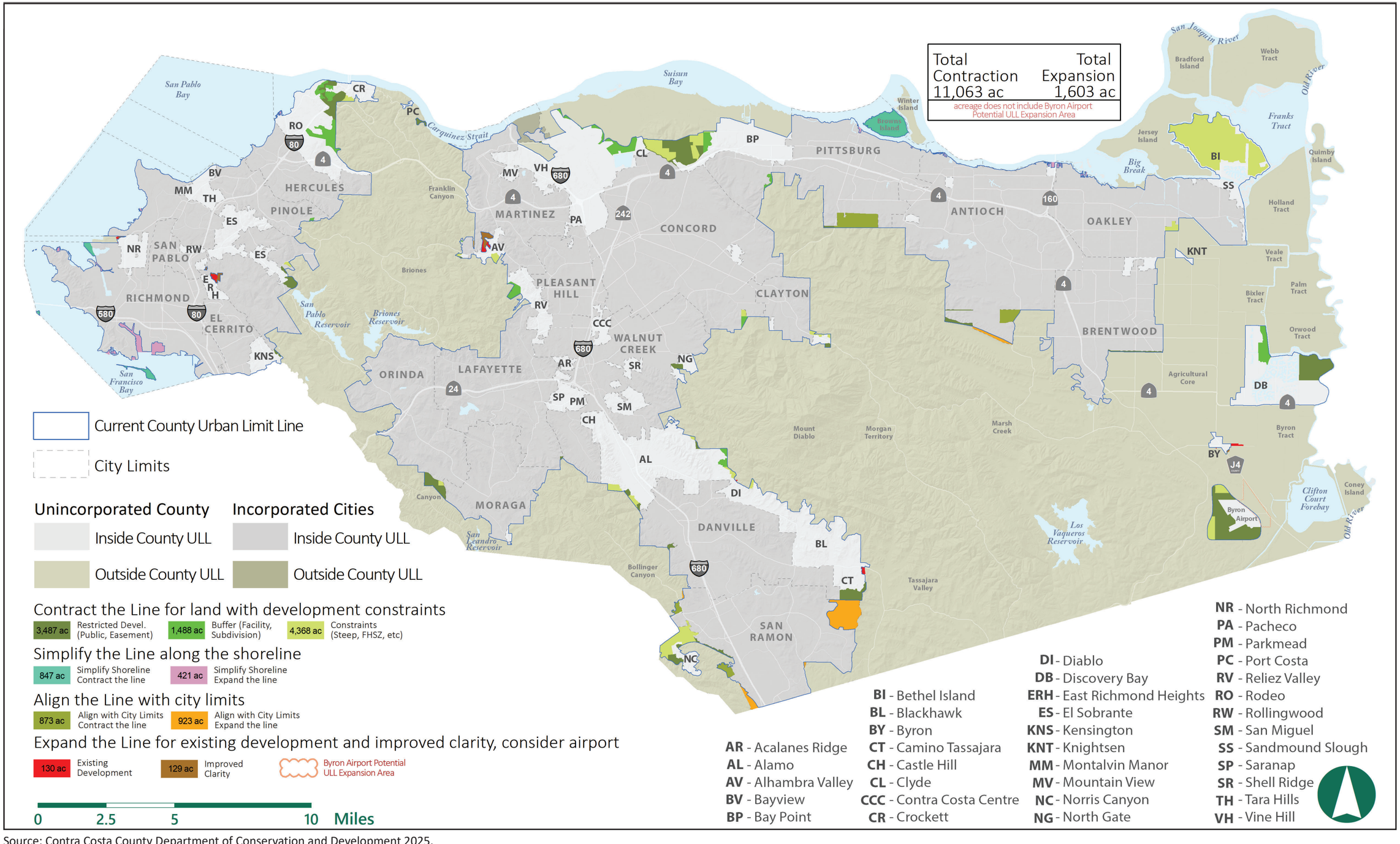

Source: Contra Costa County Department of Conservation and Development 2025.

Figure 2
Proposed Urban Limit Line

Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

August 23, 2025

Kenneth Woodrow
Chairperson
Wuksachi Indian Tribe-Eshom Valley Band
1179 Rock Haven Court
Salinas, CA 93906

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Kenneth Woodrow,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies the Wuksachi Indian Tribe-Eshom Valley Band of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

The proposed project is a Board of Supervisors action to place a measure on the 2026 Primary Election or General Election ballot asking the voters of Contra Costa County to amend the Land Use Element of the Contra Costa 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code) to extend the Urban Limit Line (ULL) and 65/35 Plan term, modify the ULL periodic review requirement, make revisions to the adopted ULL map, and make other changes to the text of the Ordinance and findings for the ULL adjustment process. Please see additional details about the proposed project in the pages below.

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Will Nelson, Advance Planning Manager
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Contra Costa County

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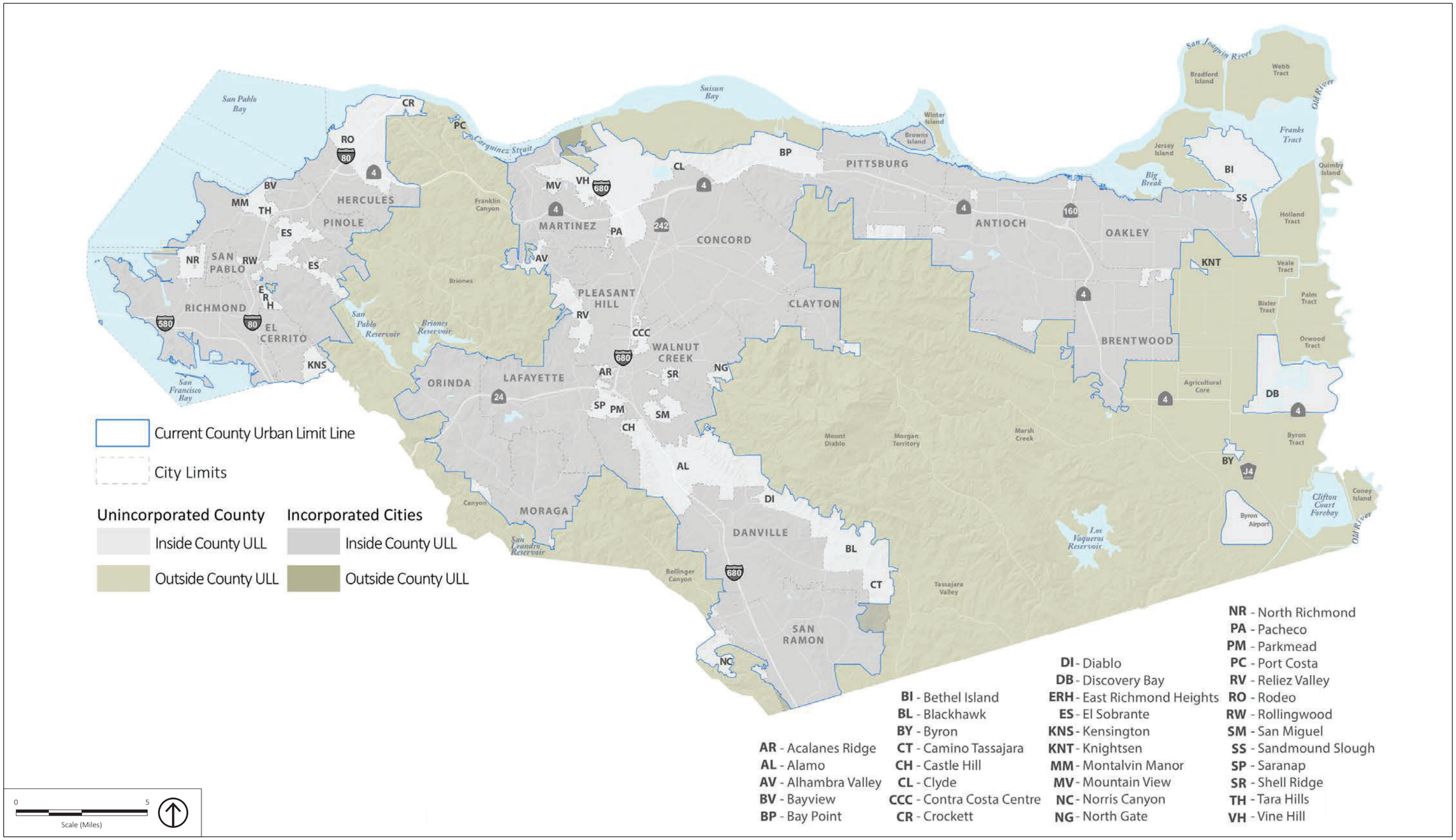
Figure 2 – Proposed Urban Limit Line



Source: Contra Costa County Department of Conservation and Development 2025.

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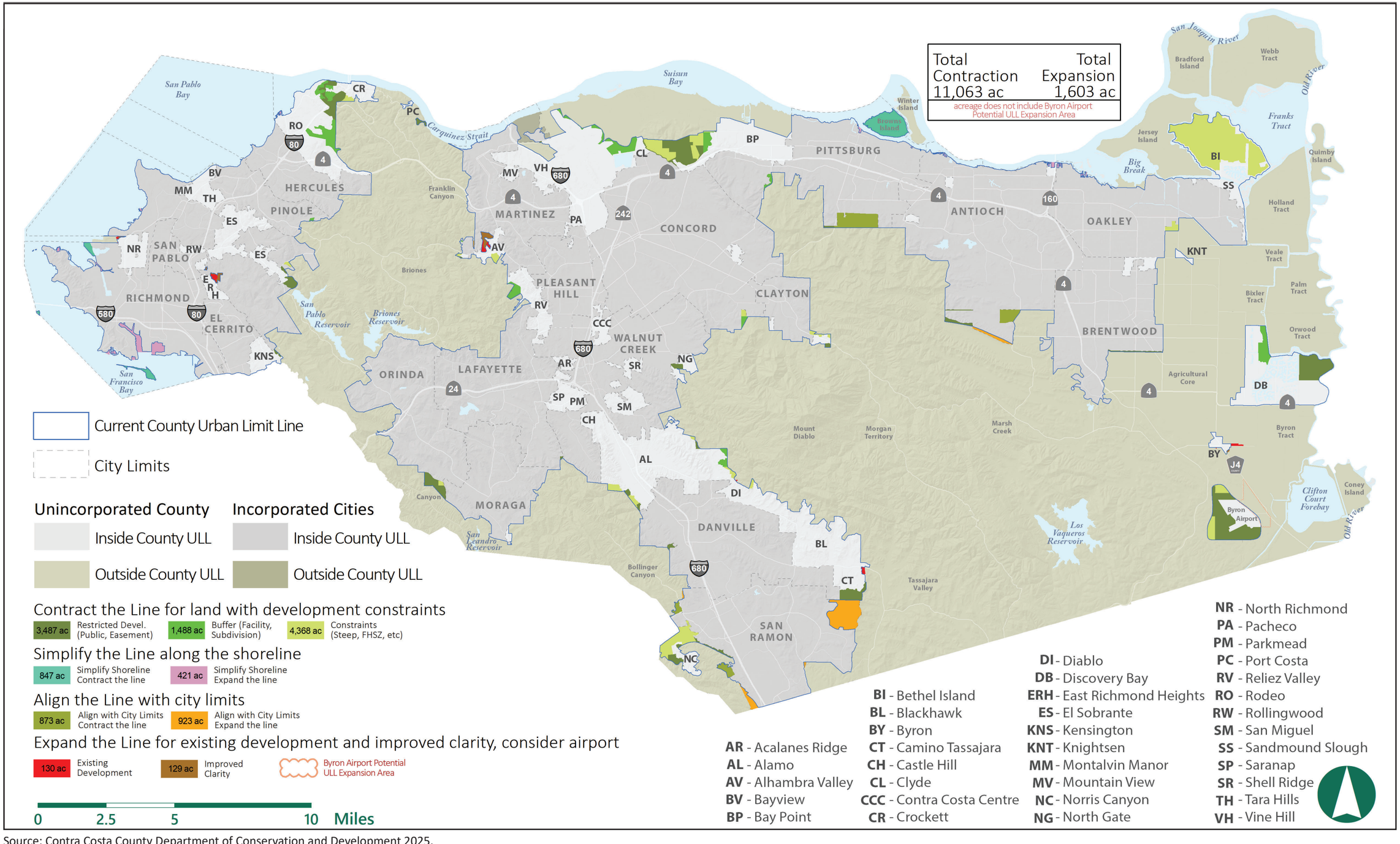


Source: Contra Costa County Department of Conservation and Development 2025.

Figure 2
Proposed Urban Limit Line

Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

August 23, 2025

Desiree Vigil
THPO
The Ohlone Indian Tribe
259 Winwood Avenue
Pacifica, CA 94044

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Desiree Vigil,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies The Ohlone Indian Tribe of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

The proposed project is a Board of Supervisors action to place a measure on the 2026 Primary Election or General Election ballot asking the voters of Contra Costa County to amend the Land Use Element of the Contra Costa 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code) to extend the Urban Limit Line (ULL) and 65/35 Plan term, modify the ULL periodic review requirement, make revisions to the adopted ULL map, and make other changes to the text of the Ordinance and findings for the ULL adjustment process. Please see additional details about the proposed project in the pages below.

The County prepared an Initial Study for the proposed project in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15153 which allows a lead agency to use an EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same. The Initial Study for the proposed project concludes that the 2024 Environmental Impact Report for the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update (EIR) adequately evaluates the impacts associated with the proposed project and is sufficient to serve as the environmental document

for the proposed project. The Initial Study also concludes that the proposed project would not result in any additional impacts beyond those evaluated in the EIR.

The County values your feedback as part of our review process. Thus, in accordance with Government Code 65352.3(a)(2), we request a written response from you indicating your intent to consult on this proposed project. Please contact Will Nelson at (925) 655-2898 or will.nelson@dcd.cccounty.us, or at the follow address:

Department of Conservation and Development
30 Muir Road
Martinez, CA 94553
Attn: Will Nelson

Sincerely,

Will Nelson, Advance Planning Manager
Department of Conservation and Development
Contra Costa County

PREVIOUS TRIBAL CONSULTATION. The County adopted the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update and certified an EIR evaluating the impacts of implementing these countywide plans, on November 5, 2024. In accordance with SB 18 requirements, the County sent letters to representatives of the Native American tribes provided by the Native American Heritage Commission (NAHC) on January 15, 2021, formally inviting tribes to consult with the County on the 2045 General Plan. In accordance with AB 52 requirements for the EIR, an invitation for consultation was sent out to the County's NAHC-provided Tribal Consultation List on October 5, 2023. Recommendations, comments, edits, and mitigation measures provided by tribes that participated in the tribal consultation process were incorporated into the 2045 General Plan and EIR.

PROJECT BACKGROUND. On November 6, 1990, Contra Costa County voters approved Measure C (Measure C-1990), the 65/35 Contra Costa County Land Preservation Plan (the 65/35 Plan), which established various mechanisms aimed at containing urban sprawl and protecting resources like agricultural land and scenic ridges. The most significant and impactful of these mechanisms are the 65/35 Land Preservation Standard (the 65/35 Standard) and ULL. Pursuant to the 65/35 Standard, no more than 35 percent of the land within the county may be designated for urban uses (residential, commercial, industrial, etc.) in the General Plans of the County and the 19 cities, and at least 65 percent must be designated for nonurban uses, including agriculture, open space, parks, and other non-urban uses. Meanwhile, the ULL establishes a boundary beyond which no land may be designated for urban land uses. Operating together, the 65/35 Standard and ULL limit the geographic extent of urban development in the county.

On November 7, 2006, county voters approved Measure L (Measure L-2006), which carried forward most of the elements of Measure C-1990 while also extending the term of the 65/35 Ordinance to December 31, 2026; requiring a four-fifths vote of the County Board of Supervisors and voter approval to expand the ULL by more than 30 acres; requiring periodic reviews of the ULL by the Board of Supervisors; and adopting a new ULL Map. The County's current ULL Map is shown in Figure 1, *Current Adopted County Urban Limit Line.*

PROPOSED PROJECT: The proposed project is a 2026 ballot measure asking the voters of Contra Costa County to amend the Land Use Element of the 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (County Ordinance Code Chapter 82-1) to:

1. Extend the term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line through December 31, 2051.
2. Modify the periodic ULL review requirements of the 65/35 Land Preservation Plan Ordinance to align reviews of the ULL with State-mandated Housing Element update cycles.
3. Modify the criteria and factors enumerated in the 65/35 Land Preservation Plan Ordinance for determining whether land should be considered for location outside the ULL, to include:

i. Lands which qualify for rating as Class I or Class II in the Soil Conservation Service Land Use Capability Classification.

ii. Lands designated as High or Very High Fire Hazard Severity Zones on maps published by the California Department of Forestry and Fire Protection.

iii. Lands with slopes of 26 percent or greater.

iv. Lands at risk from substantial inundation due to flooding or anticipated sea level rise.

v. Lands with recorded development restrictions such as agricultural, conservation, or scenic easements or deeded development rights.

vi. Open space, parks, and other recreation areas.

vii. Wetlands and undevelopable islands.

viii. Areas with inadequate water, sewer, and roadway infrastructure.

ix. Other areas not appropriate for urban growth because of separation from existing development, unstable geologic conditions, likelihood of substantial environmental damage or substantial injury to fish or wildlife or their habitat, and other similar factors rendering the land physically unsuitable for intense development.

4. Retain, during the extended term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line, the requirement for voter approval to expand the County's Urban Limit Line by more than 30 acres, except as specifically authorized in the 65/35 Land Preservation Plan Ordinance, and approved by the voters in this ballot measure, namely:

   The Board of Supervisors may, without subsequent voter approval, expand the ULL by any acreage within the boundaries of the Byron Airport Potential ULL Expansion Area illustrated on General Plan Land Use Element Figure LU-2, Urban Limit Line, after holding a public hearing at which the Board adopts the General Plan amendment for the expansion, by a four-fifths vote, after making each of the following findings based on substantial evidence in the record:

   a. The expansion is necessary to further the economic viability of Byron Airport and attain the County's goals related to economic development.

   b. The expanded ULL area will accommodate uses directly linked to aeronautics, such as aviation research and development, aircraft manufacturing/assembly, and aeronautical schools/training facilities.

   c. The expanded ULL area will not accommodate residential development, logistics/distributions centers, lodging, or any other use not directly linked to aeronautics except for minor ancillary uses necessary to support the airport workforce.

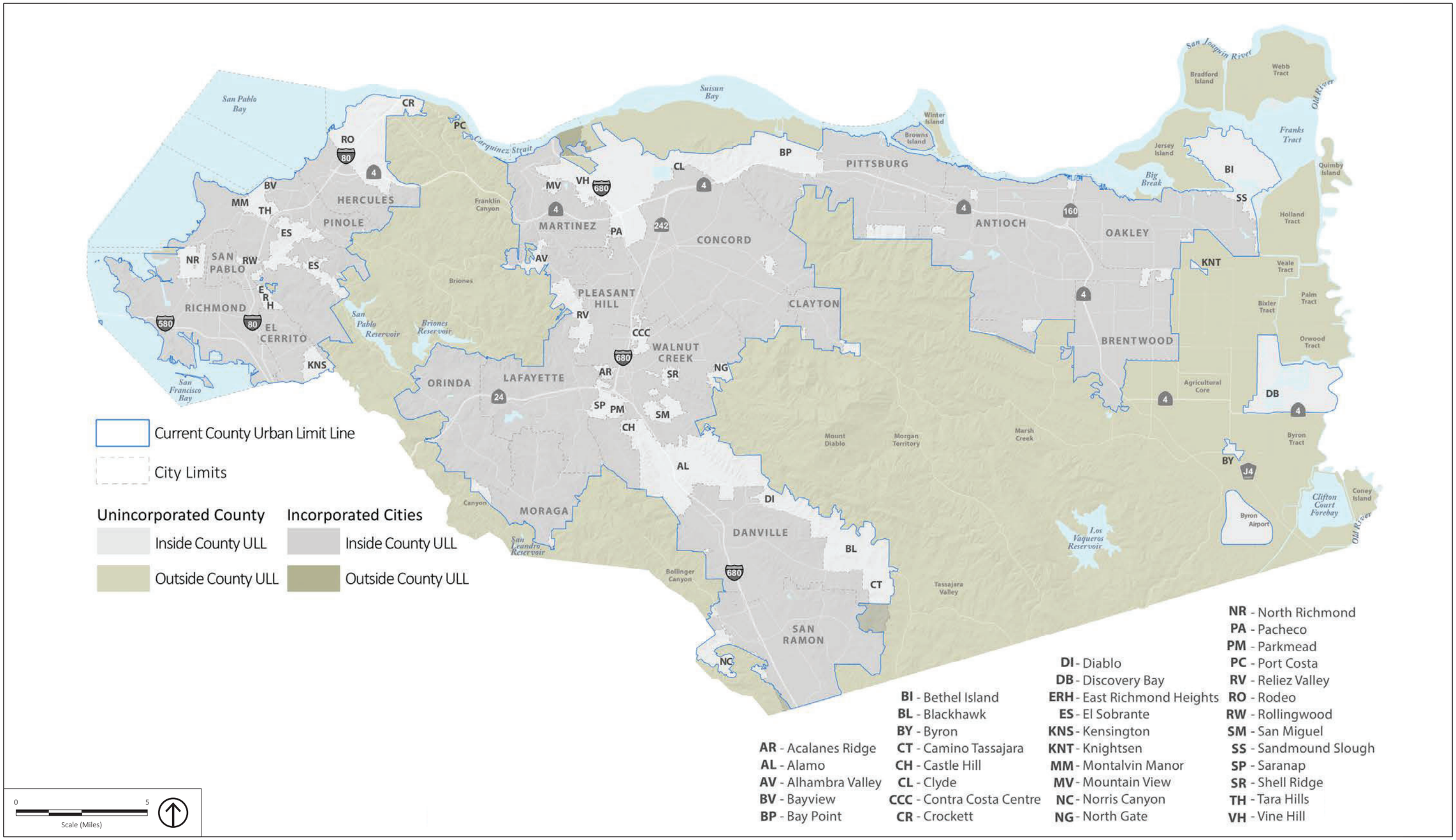
   d. The expansion will not induce sprawl.

5. Retain in both the General Plan and County Ordinance Code the requirement that a four-fifths vote of the Board of Supervisors is necessary to place a measure on the election ballot to expand the ULL boundary by more than 30 acres through the year 2051.
6. Retain in both the General Plan and County Ordinance Code the existing procedure for any change to the County's ULL under 30 acres based on a four-fifths vote of the Board of Supervisors after holding a public hearing and making at least one of seven findings, as proscribed in both the General Plan and County Ordinance Code, based on substantial evidence in the record.
7. Modify the enumerated findings proscribed in both the General Plan and County Ordinance Code required for a change to the County's ULL under 30 acres to reflect the modified periodic ULL reviews and to make other non-substantive changes.
8. Retain the 65/35 Standard for land preservation in Contra Costa County, whereby at least 65 percent of the overall County land area will be retained for non-urban uses through the year 2051.
9. Retain protections for the County's prime agricultural land, specifically the area designated in the General Plan as the Agricultural Core, by maintaining the 40-acre minimum parcel size.
10. Approve a new ULL Map for the General Plan (Figure LU-2 in the 2045 General Plan Land Use Element), which reflects the following changes:
    i. Moves 3,487 acres with significant development restrictions, such as ownership by government agencies or encumbrance with conservation or agricultural easements, outside the ULL.
    ii. Moves 1,488 acres of buffer lands around subdivisions, cemeteries, and industrial facilities, outside the ULL.
    iii. Moves 4,368 acres with significant development constraints, such as high fire hazards, steep slopes, and flood hazards, outside the ULL.
    iv. Moves 873 acres outside the ULL and 923 acres inside the ULL to align the ULL with city limits.
    v. Moves 847 acres outside the ULL and 421 acres inside the ULL to simplify and improve understanding of the ULL along the county's shoreline.
11. Update administrative sections of the 65/35 Land Preservation Ordinance to correct outdated text and achieve consistency with the changes described in items 1-10 above.

The proposed adjustments to the ULL Map are shown in Figure 2, *Proposed Urban Limit Line*. It is important to note that the proposed project does not change the development potential evaluated in the 2045 General Plan as there are no changes to the Land Use Map or land use designations.

Attachments:

Figure 1 – Current Adopted County Urban Limit Line
Figure 2 – Proposed Urban Limit Line



Source: Contra Costa County Department of Conservation and Development 2025.

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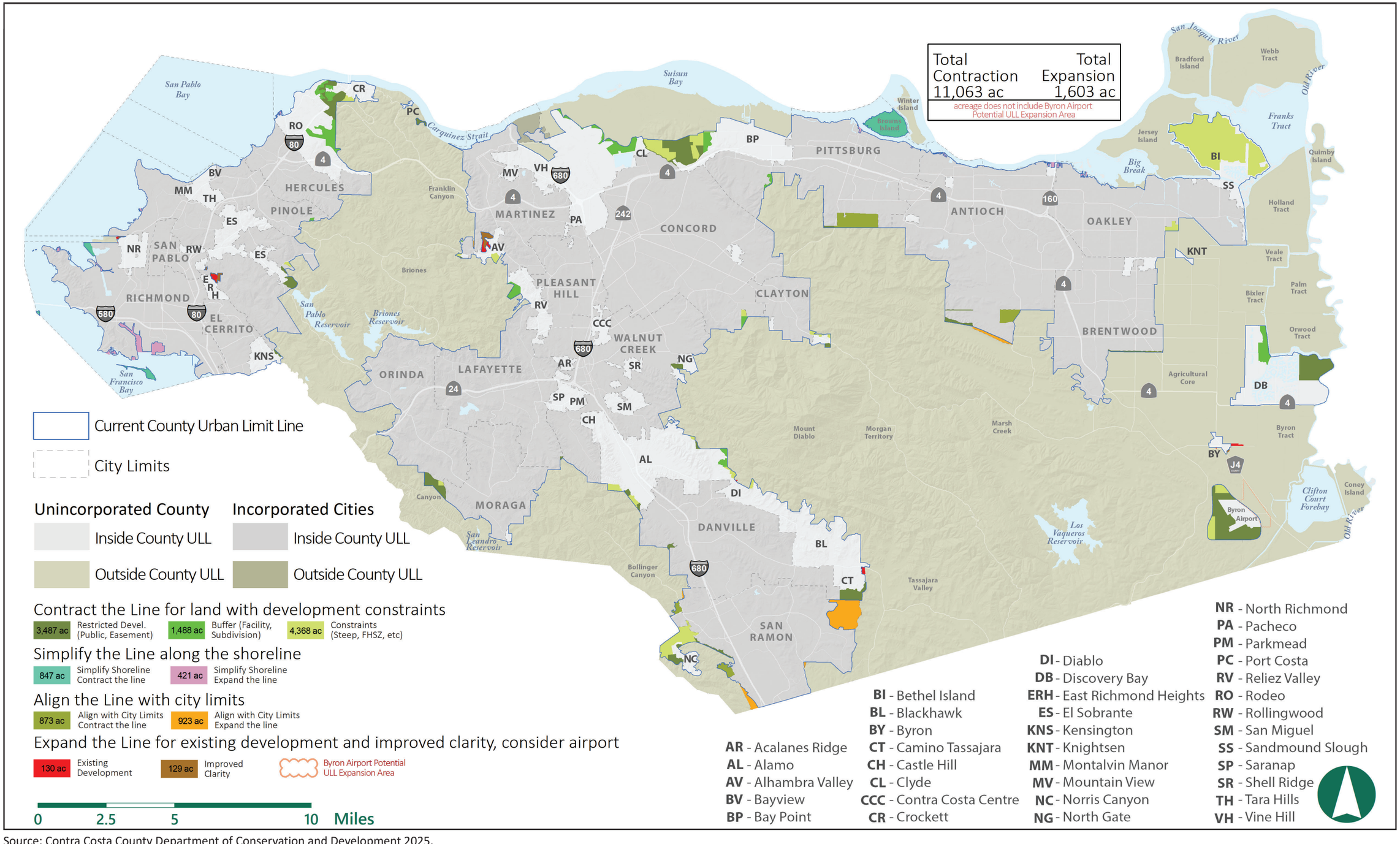

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Figure 2
Proposed Urban Limit Line

Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

August 23, 2025

Vincent Medina
Cultural Leader
The Ohlone Indian Tribe
17365 Via Del Rey
San Lorenzo, CA 94580

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Vincent Medina,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies The Ohlone Indian Tribe of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

The proposed project is a Board of Supervisors action to place a measure on the 2026 Primary Election or General Election ballot asking the voters of Contra Costa County to amend the Land Use Element of the Contra Costa 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code) to extend the Urban Limit Line (ULL) and 65/35 Plan term, modify the ULL periodic review requirement, make revisions to the adopted ULL map, and make other changes to the text of the Ordinance and findings for the ULL adjustment process. Please see additional details about the proposed project in the pages below.

The County prepared an Initial Study for the proposed project in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15153 which allows a lead agency to use an EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same. The Initial Study for the proposed project concludes that the 2024 Environmental Impact Report for the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update (EIR) adequately evaluates the impacts associated with the proposed project and is sufficient to serve as the environmental document

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The County values your feedback as part of our review process. Thus, in accordance with Government Code 65352.3(a)(2), we request a written response from you indicating your intent to consult on this proposed project. Please contact Will Nelson at (925) 655-2898 or will.nelson@dcd.cccounty.us, or at the follow address:

Department of Conservation and Development
30 Muir Road
Martinez, CA 94553
Attn: Will Nelson

Sincerely,

Will Nelson, Advance Planning Manager
Department of Conservation and Development
Contra Costa County

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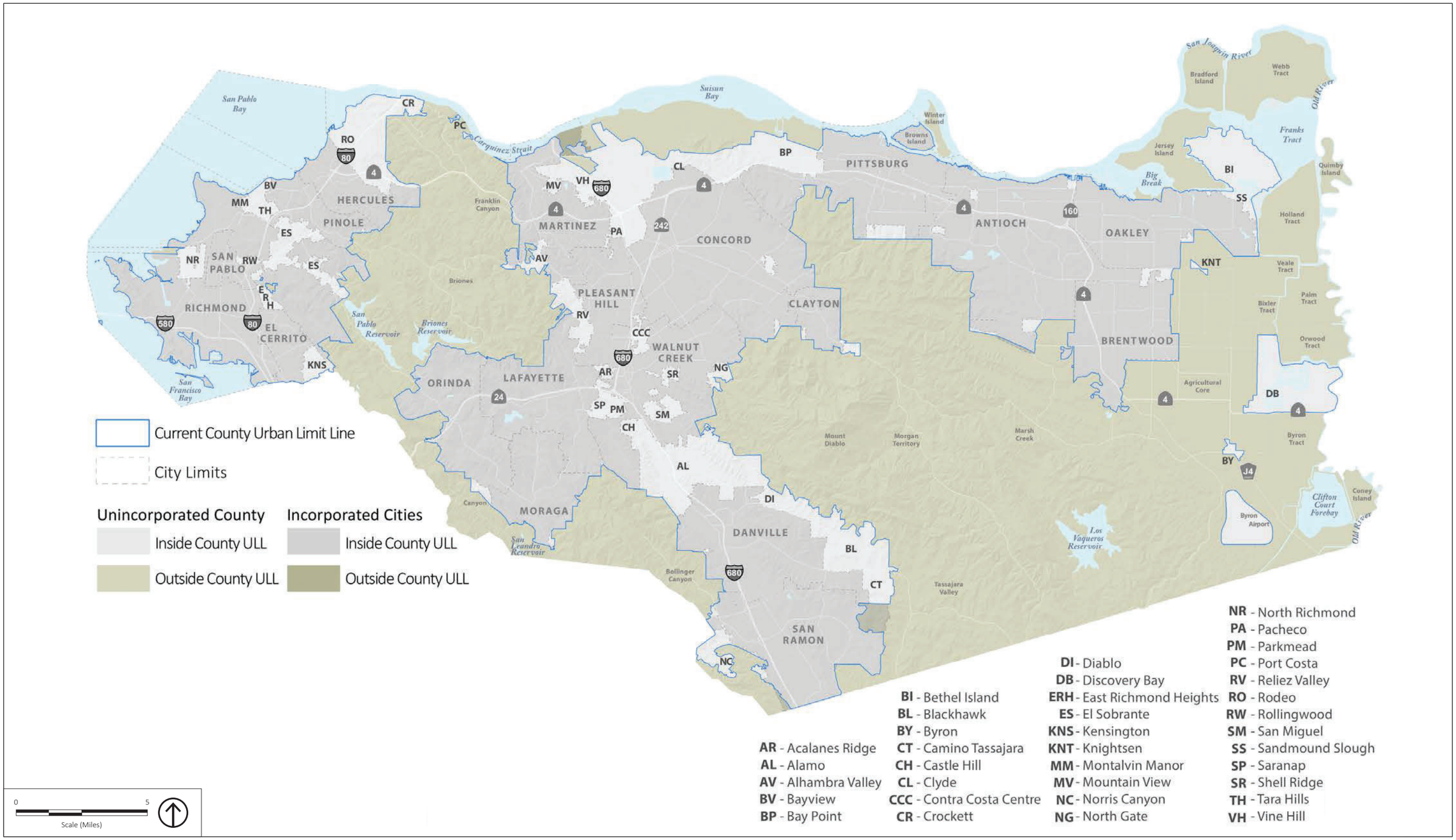

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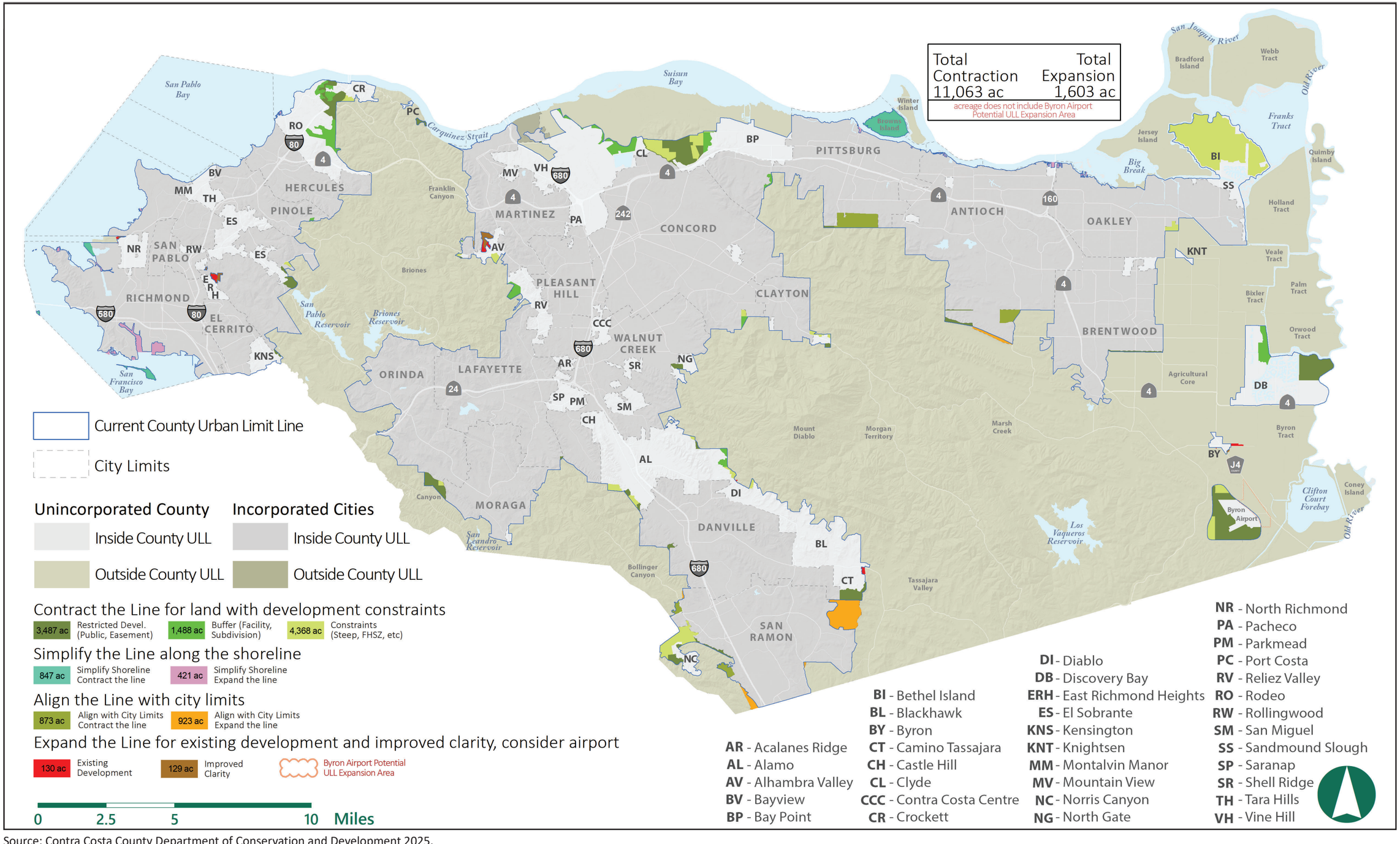

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Proposed Urban Limit Line

Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

August 23, 2025

Samuel Rodriguez
Cultural Resource Officer
Costanoan Rumsen Carmel Tribe
29539 Oakbridge Drive
Menifee, CA 92376

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Samuel Rodriguez,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies the Costanoan Rumsen Carmel Tribe of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

The proposed project is a Board of Supervisors action to place a measure on the 2026 Primary Election or General Election ballot asking the voters of Contra Costa County to amend the Land Use Element of the Contra Costa 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code) to extend the Urban Limit Line (ULL) and 65/35 Plan term, modify the ULL periodic review requirement, make revisions to the adopted ULL map, and make other changes to the text of the Ordinance and findings for the ULL adjustment process. Please see additional details about the proposed project in the pages below.

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30 Muir Road
Martinez, CA 94553
Attn: Will Nelson

Sincerely,

Will Nelson, Advance Planning Manager
Department of Conservation and Development
Contra Costa County

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4. Retain, during the extended term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line, the requirement for voter approval to expand the County's Urban Limit Line by more than 30 acres, except as specifically authorized in the 65/35 Land Preservation Plan Ordinance, and approved by the voters in this ballot measure, namely:

   The Board of Supervisors may, without subsequent voter approval, expand the ULL by any acreage within the boundaries of the Byron Airport Potential ULL Expansion Area illustrated on General Plan Land Use Element Figure LU-2, Urban Limit Line, after holding a public hearing at which the Board adopts the General Plan amendment for the expansion, by a four-fifths vote, after making each of the following findings based on substantial evidence in the record:

   a. The expansion is necessary to further the economic viability of Byron Airport and attain the County's goals related to economic development.

   b. The expanded ULL area will accommodate uses directly linked to aeronautics, such as aviation research and development, aircraft manufacturing/assembly, and aeronautical schools/training facilities.

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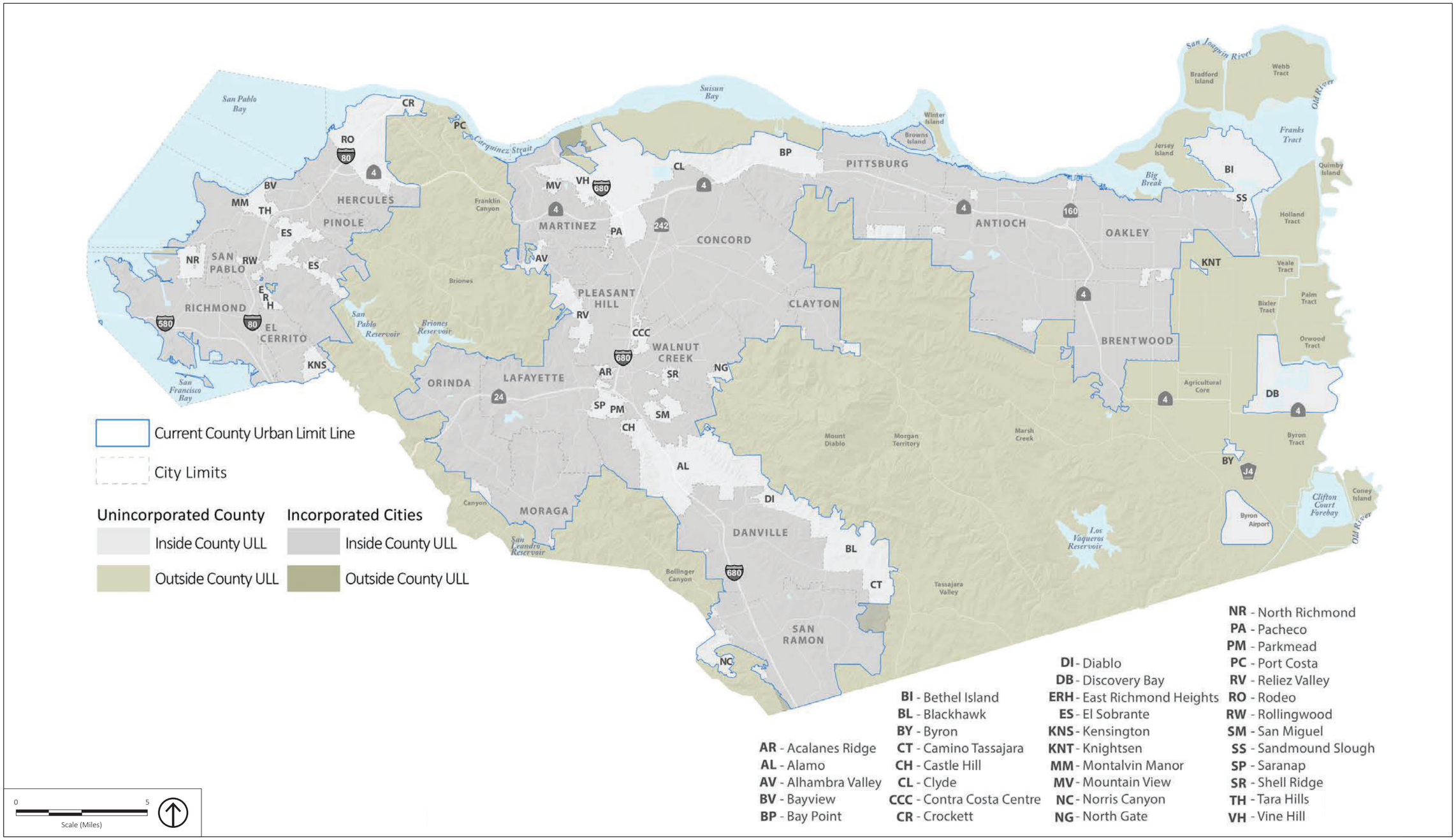
5. Retain in both the General Plan and County Ordinance Code the requirement that a four-fifths vote of the Board of Supervisors is necessary to place a measure on the election ballot to expand the ULL boundary by more than 30 acres through the year 2051.
6. Retain in both the General Plan and County Ordinance Code the existing procedure for any change to the County's ULL under 30 acres based on a four-fifths vote of the Board of Supervisors after holding a public hearing and making at least one of seven findings, as proscribed in both the General Plan and County Ordinance Code, based on substantial evidence in the record.
7. Modify the enumerated findings proscribed in both the General Plan and County Ordinance Code required for a change to the County's ULL under 30 acres to reflect the modified periodic ULL reviews and to make other non-substantive changes.
8. Retain the 65/35 Standard for land preservation in Contra Costa County, whereby at least 65 percent of the overall County land area will be retained for non-urban uses through the year 2051.
9. Retain protections for the County's prime agricultural land, specifically the area designated in the General Plan as the Agricultural Core, by maintaining the 40-acre minimum parcel size.
10. Approve a new ULL Map for the General Plan (Figure LU-2 in the 2045 General Plan Land Use Element), which reflects the following changes:
    i. Moves 3,487 acres with significant development restrictions, such as ownership by government agencies or encumbrance with conservation or agricultural easements, outside the ULL.
    ii. Moves 1,488 acres of buffer lands around subdivisions, cemeteries, and industrial facilities, outside the ULL.
    iii. Moves 4,368 acres with significant development constraints, such as high fire hazards, steep slopes, and flood hazards, outside the ULL.
    iv. Moves 873 acres outside the ULL and 923 acres inside the ULL to align the ULL with city limits.
    v. Moves 847 acres outside the ULL and 421 acres inside the ULL to simplify and improve understanding of the ULL along the county's shoreline.
11. Update administrative sections of the 65/35 Land Preservation Ordinance to correct outdated text and achieve consistency with the changes described in items 1-10 above.

The proposed adjustments to the ULL Map are shown in Figure 2, *Proposed Urban Limit Line*. It is important to note that the proposed project does not change the development potential evaluated in the 2045 General Plan as there are no changes to the Land Use Map or land use designations.

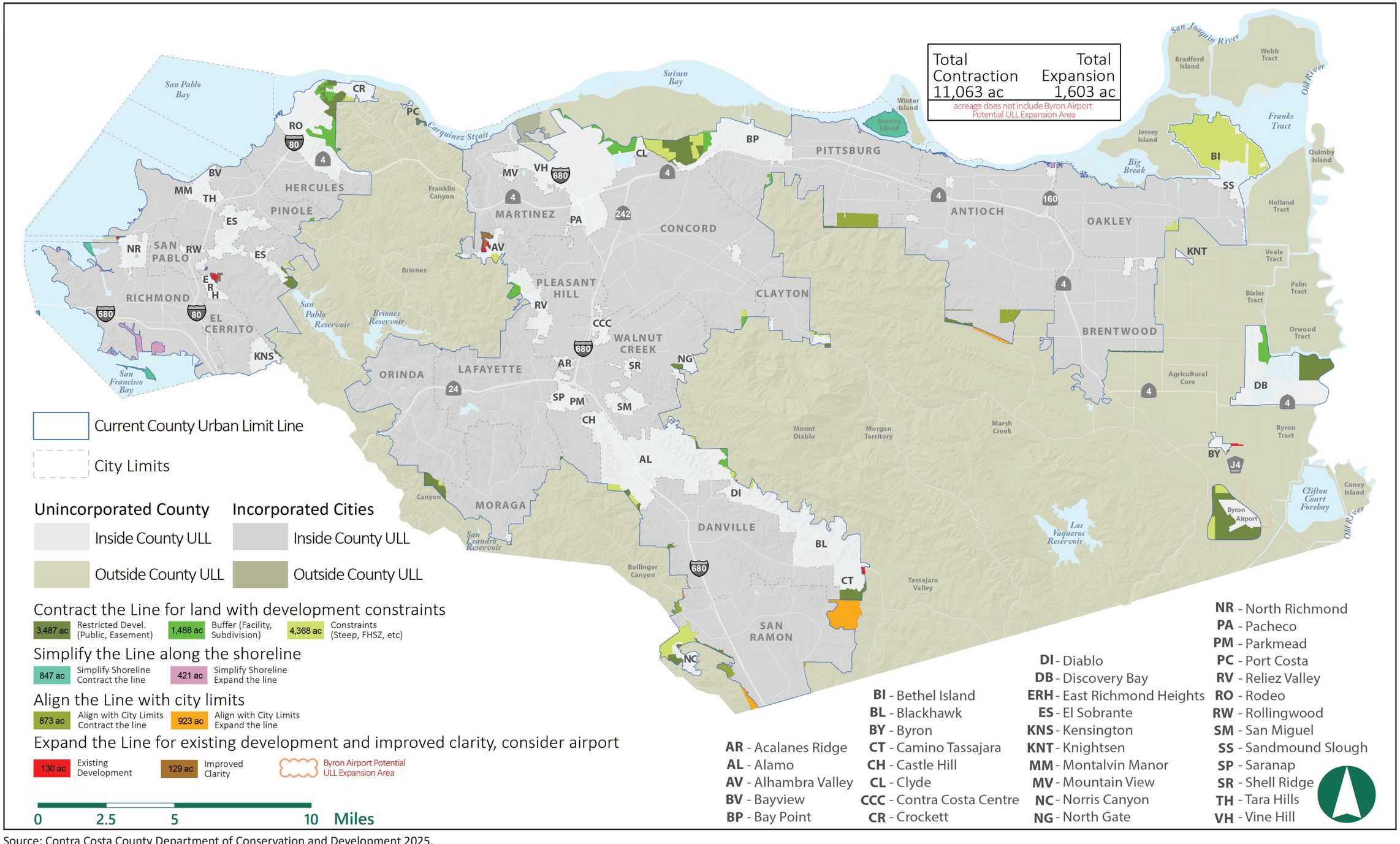
Attachments:

Figure 1 – Current Adopted County Urban Limit Line
Figure 2 – Proposed Urban Limit Line



Source: Contra Costa County Department of Conservation and Development 2025.

Figure 1
Current Adopted County Urban Limit Line



Source: Contra Costa County Department of Conservation and Development 2025.

Figure 2
Proposed Urban Limit Line

Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Jason Crapo
Deputy Director

Deidra Dingman
Deputy Director

Ruben Hernandez
Deputy Director

Gabriel Lemus
Deputy Director

August 23, 2025

Henry Munoz
Cultural Resource Officer
Costanoan Rumsen Carmel Tribe
108 South Acacia Avenue
Rialto, CA 92376

Subject: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Henry Munoz,

In accordance with Assembly Bill 52 (AB 52; per Public Resources Code 21080.3.1, subs. (b), (d), (e) and 21080.3.2), Contra Costa County (County) hereby notifies the Costanoan Rumsen Carmel Tribe of the proposed 2026 Urban Limit Line Renewal Ballot Measure (proposed project). The setting of the proposed project is within the geographic area that the tribe is traditionally and culturally affiliated. In accordance with the provisions of AB 52, this letter serves as official notification to your Tribe of the opportunity for consultation with the County in accordance with State law.

The proposed project is a Board of Supervisors action to place a measure on the 2026 Primary Election or General Election ballot asking the voters of Contra Costa County to amend the Land Use Element of the Contra Costa 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code) to extend the Urban Limit Line (ULL) and 65/35 Plan term, modify the ULL periodic review requirement, make revisions to the adopted ULL map, and make other changes to the text of the Ordinance and findings for the ULL adjustment process. Please see additional details about the proposed project in the pages below.

The County prepared an Initial Study for the proposed project in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15153 which allows a lead agency to use an EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same. The Initial Study for the proposed project concludes that the 2024 Environmental Impact Report for the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update (EIR) adequately evaluates the impacts associated with the proposed project and is sufficient to serve as the environmental document

for the proposed project. The Initial Study also concludes that the proposed project would not result in any additional impacts beyond those evaluated in the EIR.

The County values your feedback as part of our review process. Thus, in accordance with Government Code 65352.3(a)(2), we request a written response from you indicating your intent to consult on this proposed project. Please contact Will Nelson at (925) 655-2898 or will.nelson@dcd.cccounty.us, or at the follow address:

Department of Conservation and Development
30 Muir Road
Martinez, CA 94553
Attn: Will Nelson

Sincerely,

Will Nelson, Advance Planning Manager
Department of Conservation and Development
Contra Costa County

PREVIOUS TRIBAL CONSULTATION. The County adopted the Contra Costa County 2045 General Plan and Climate Action and Adaptation Plan 2024 Update and certified an EIR evaluating the impacts of implementing these countywide plans, on November 5, 2024. In accordance with SB 18 requirements, the County sent letters to representatives of the Native American tribes provided by the Native American Heritage Commission (NAHC) on January 15, 2021, formally inviting tribes to consult with the County on the 2045 General Plan. In accordance with AB 52 requirements for the EIR, an invitation for consultation was sent out to the County's NAHC-provided Tribal Consultation List on October 5, 2023. Recommendations, comments, edits, and mitigation measures provided by tribes that participated in the tribal consultation process were incorporated into the 2045 General Plan and EIR.

PROJECT BACKGROUND. On November 6, 1990, Contra Costa County voters approved Measure C (Measure C-1990), the 65/35 Contra Costa County Land Preservation Plan (the 65/35 Plan), which established various mechanisms aimed at containing urban sprawl and protecting resources like agricultural land and scenic ridges. The most significant and impactful of these mechanisms are the 65/35 Land Preservation Standard (the 65/35 Standard) and ULL. Pursuant to the 65/35 Standard, no more than 35 percent of the land within the county may be designated for urban uses (residential, commercial, industrial, etc.) in the General Plans of the County and the 19 cities, and at least 65 percent must be designated for nonurban uses, including agriculture, open space, parks, and other non-urban uses. Meanwhile, the ULL establishes a boundary beyond which no land may be designated for urban land uses. Operating together, the 65/35 Standard and ULL limit the geographic extent of urban development in the county.

On November 7, 2006, county voters approved Measure L (Measure L-2006), which carried forward most of the elements of Measure C-1990 while also extending the term of the 65/35 Ordinance to December 31, 2026; requiring a four-fifths vote of the County Board of Supervisors and voter approval to expand the ULL by more than 30 acres; requiring periodic reviews of the ULL by the Board of Supervisors; and adopting a new ULL Map. The County's current ULL Map is shown in Figure 1, *Current Adopted County Urban Limit Line.*

PROPOSED PROJECT: The proposed project is a 2026 ballot measure asking the voters of Contra Costa County to amend the Land Use Element of the 2045 General Plan and the 65/35 Contra Costa Land Preservation Plan Ordinance (County Ordinance Code Chapter 82-1) to:

1. Extend the term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line through December 31, 2051.
2. Modify the periodic ULL review requirements of the 65/35 Land Preservation Plan Ordinance to align reviews of the ULL with State-mandated Housing Element update cycles.
3. Modify the criteria and factors enumerated in the 65/35 Land Preservation Plan Ordinance for determining whether land should be considered for location outside the ULL, to include:

i. Lands which qualify for rating as Class I or Class II in the Soil Conservation Service Land Use Capability Classification.

ii. Lands designated as High or Very High Fire Hazard Severity Zones on maps published by the California Department of Forestry and Fire Protection.

iii. Lands with slopes of 26 percent or greater.

iv. Lands at risk from substantial inundation due to flooding or anticipated sea level rise.

v. Lands with recorded development restrictions such as agricultural, conservation, or scenic easements or deeded development rights.

vi. Open space, parks, and other recreation areas.

vii. Wetlands and undevelopable islands.

viii. Areas with inadequate water, sewer, and roadway infrastructure.

ix. Other areas not appropriate for urban growth because of separation from existing development, unstable geologic conditions, likelihood of substantial environmental damage or substantial injury to fish or wildlife or their habitat, and other similar factors rendering the land physically unsuitable for intense development.

4. Retain, during the extended term of the 65/35 Land Preservation Plan Ordinance and the County's Urban Limit Line, the requirement for voter approval to expand the County's Urban Limit Line by more than 30 acres, except as specifically authorized in the 65/35 Land Preservation Plan Ordinance, and approved by the voters in this ballot measure, namely:

   The Board of Supervisors may, without subsequent voter approval, expand the ULL by any acreage within the boundaries of the Byron Airport Potential ULL Expansion Area illustrated on General Plan Land Use Element Figure LU-2, Urban Limit Line, after holding a public hearing at which the Board adopts the General Plan amendment for the expansion, by a four-fifths vote, after making each of the following findings based on substantial evidence in the record:

   a. The expansion is necessary to further the economic viability of Byron Airport and attain the County's goals related to economic development.

   b. The expanded ULL area will accommodate uses directly linked to aeronautics, such as aviation research and development, aircraft manufacturing/assembly, and aeronautical schools/training facilities.

   c. The expanded ULL area will not accommodate residential development, logistics/distributions centers, lodging, or any other use not directly linked to aeronautics except for minor ancillary uses necessary to support the airport workforce.

   d. The expansion will not induce sprawl.

5. Retain in both the General Plan and County Ordinance Code the requirement that a four-fifths vote of the Board of Supervisors is necessary to place a measure on the election ballot to expand the ULL boundary by more than 30 acres through the year 2051.
6. Retain in both the General Plan and County Ordinance Code the existing procedure for any change to the County's ULL under 30 acres based on a four-fifths vote of the Board of Supervisors after holding a public hearing and making at least one of seven findings, as proscribed in both the General Plan and County Ordinance Code, based on substantial evidence in the record.
7. Modify the enumerated findings proscribed in both the General Plan and County Ordinance Code required for a change to the County's ULL under 30 acres to reflect the modified periodic ULL reviews and to make other non-substantive changes.
8. Retain the 65/35 Standard for land preservation in Contra Costa County, whereby at least 65 percent of the overall County land area will be retained for non-urban uses through the year 2051.
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The proposed adjustments to the ULL Map are shown in Figure 2, *Proposed Urban Limit Line*. It is important to note that the proposed project does not change the development potential evaluated in the 2045 General Plan as there are no changes to the Land Use Map or land use designations.

Attachments:

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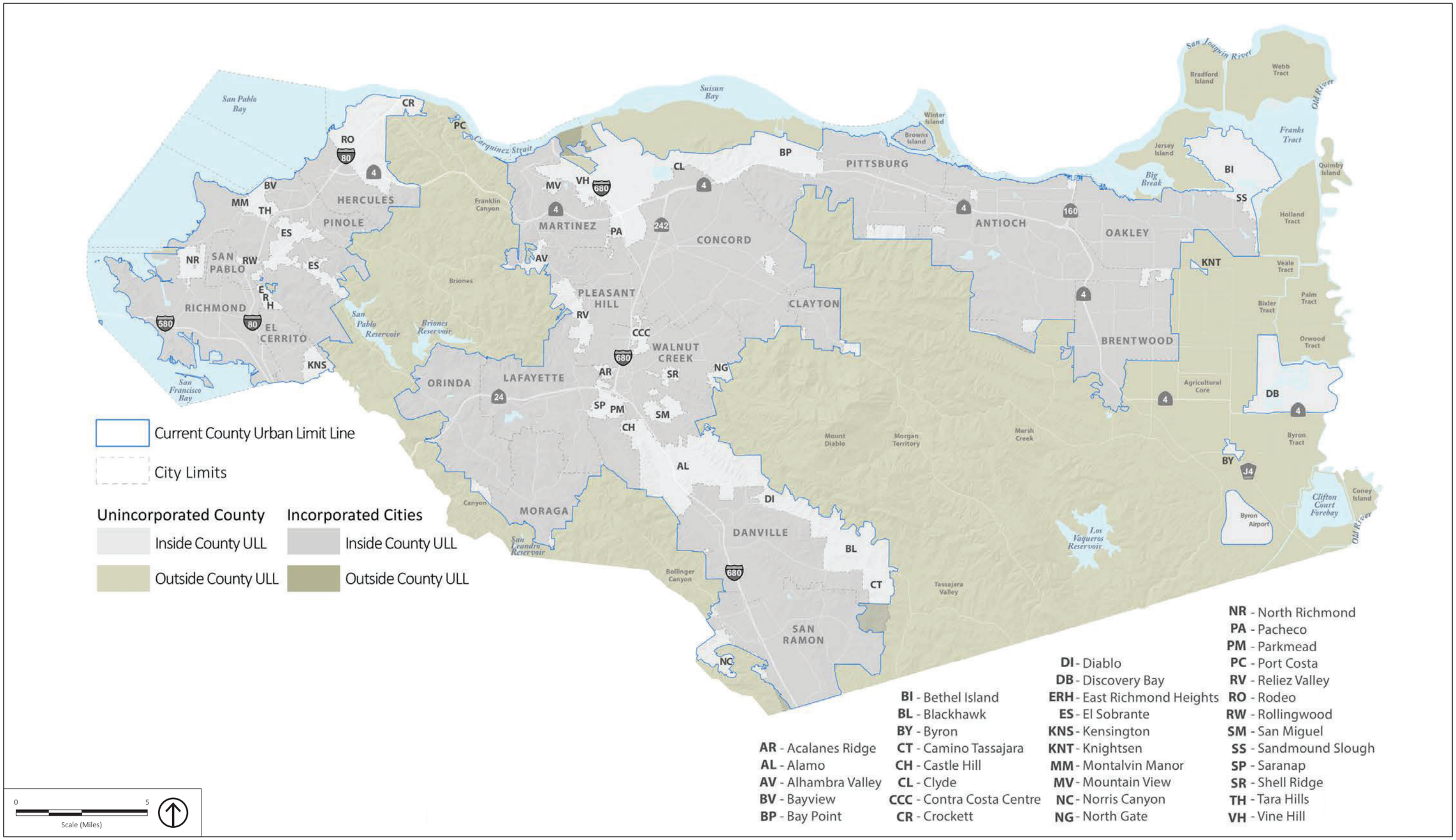
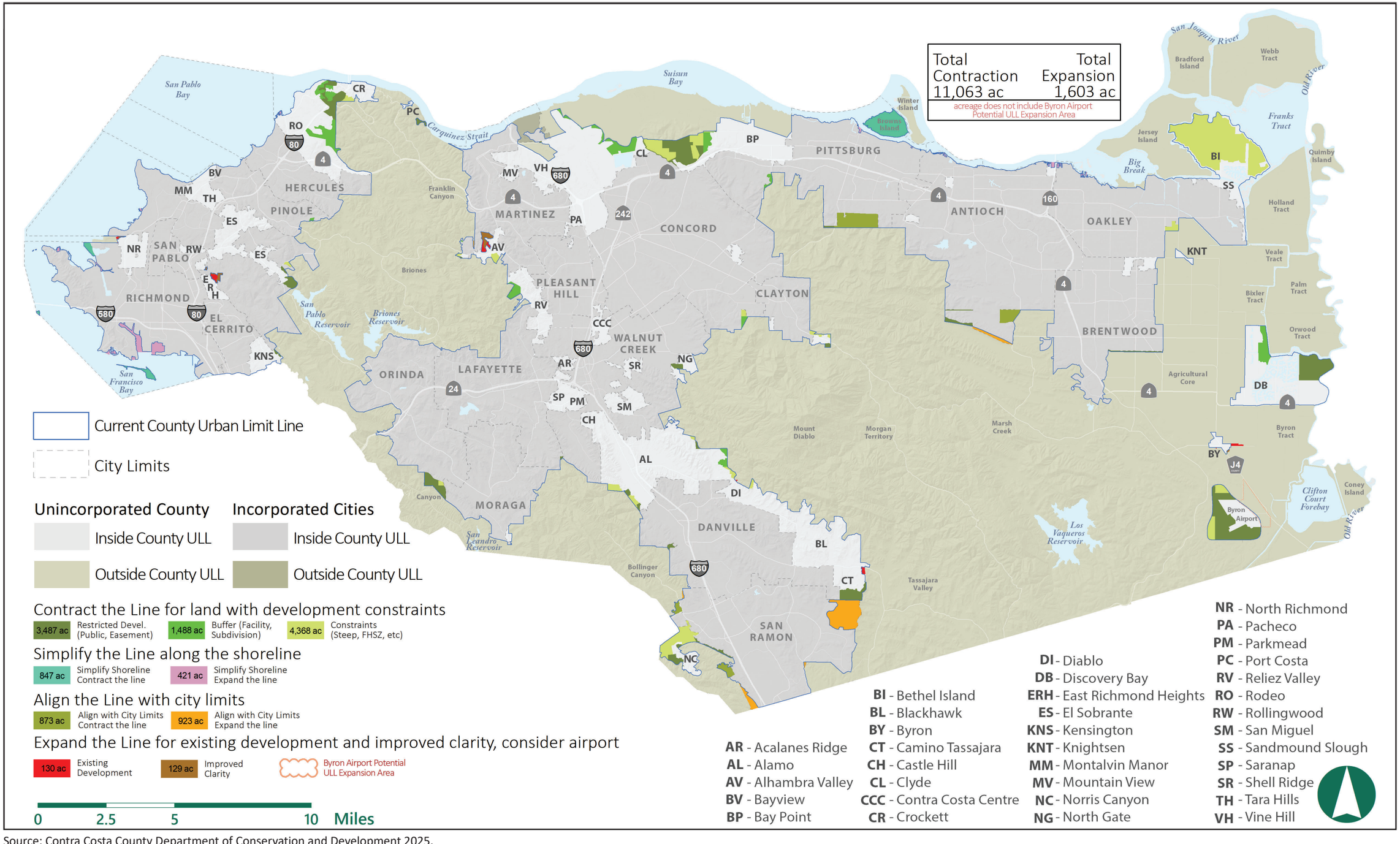
Figure 2 – Proposed Urban Limit Line



Source: Contra Costa County Department of Conservation and Development 2025.

Figure 1
Current Adopted County Urban Limit Line



Source: Contra Costa County Department of Conservation and Development 2025.

Figure 2
Proposed Urban Limit Line

Costanoan Rumsen Carmel Tribe

Outlook

AB 52 Consultation Request for the Contra Costa County 2026 Urban Limit Line Ballot Measure

From Will Nelson <Will.Nelson@dcd.cccounty.us>
Date Mon 11/24/2025 8:27 PM
To crct.crd@gmail.com <crct.crd@gmail.com>

1 attachment (24 KB)
Crosswalk Between Cultural Resources Topics and 2045 General Plan.docx;

Hello Mr. Munoz,

I hope this message finds you well.

I last wrote to you on October 16. Having not heard from your Tribe since August 25, I'm writing to inform you that Contra Costa County is concluding consultation on this project. We anticipate the County Board of Supervisors will take action on this project on December 9. Please do not hesitate to contact me if you have questions.

Best,
Will Nelson

William R. Nelson
Assistant Deputy Director
Contra Costa County
Department of Conservation and Development
30 Muir Road, Martinez, CA 94553
Phone (925) 655-2898
Web www.contracosta.ca.gov

This message was sent from a public e-mail system and may be subject to disclosure under the California Public Records Act.

From: Will Nelson
Sent: Thursday, October 16, 2025 12:09 PM
To: 'crct.crd@gmail.com' <crct.crd@gmail.com>
Subject: FW: AB 52 Consultation Request for the Contra Costa County 2026 Urban Limit Line Ballot Measure

Hello Mr. Munoz,

I hope you're well. I'm writing to follow up on my email below. Please let me know whether you've had a chance to review the materials I sent and whether your Tribe still wishes to engage in consultation with Contra Costa County.

Best,
Will Nelson

William R. Nelson
Assistant Deputy Director
Contra Costa County
Department of Conservation and Development
30 Muir Road, Martinez, CA 94553
Phone (925) 655-2898
Web www.contracosta.ca.gov

This message was sent from a public e-mail system and may be subject to disclosure under the California Public Records Act.

From: Will Nelson
Sent: Tuesday, September 16, 2025 5:07 PM
To: crct.crd@gmail.com
Subject: FW: AB 52 Consultation Request for the Contra Costa County 2026 Urban Limit Line Ballot Measure

Hello again, Mr. Munoz. I inadvertently attached the wrong table to my last email. Please use the attached table.

Best,
Will Nelson

William R. Nelson
Assistant Deputy Director
Contra Costa County
Department of Conservation and Development
30 Muir Road, Martinez, CA 94553
Phone (925) 655-2898
Web www.contracosta.ca.gov

This message was sent from a public e-mail system and may be subject to disclosure under the California Public Records Act.

From: Will Nelson
Sent: Tuesday, September 16, 2025 4:57 PM
To: Costanoan Rumsen Carmel Tribe CRD <crct.crd@gmail.com>
Subject: RE: AB 52 Consultation Request for the Contra Costa County 2026 Urban Limit Line Ballot Measure

Good afternoon Mr. Munoz,

Thank you for your response.

As summarized in the information we sent previously, the Urban Limit Line (ULL) ballot measure is tangential to a larger project, adoption of the County's 2045 General Plan, which was completed in November 2024. The ULL is a regulation, not a development project. It does not involve ground-disturbing activities or impacts to cultural resources. Through the ballot measure the County will be asking voters to extend the ULL regulation through the year 2051.

The County engaged in SB 18/AB 52 consultation during the process to update the General Plan. Three cultural resource-related mitigation measures (CUL-1, TCR-1, and TCR-2) were

incorporated into the environmental impact report for the 2045 General Plan (the “GPEIR”). TCR-1 and TCR-2 resulted from specific recommendations made to the County during tribal consultation. Several policies under Goals COS-10 and COS-11 in the General Plan’s Conservation, Open Space, and Working Lands Element (COS Element) also are the direct result of tribal consultation (the section containing these policies begins on page 7-32 of the COS Element). As such, the 2045 General Plan and GPEIR provide a strong framework for ensuring proper protection of tribal cultural resources.

The attached table is a crosswalk between common topics related to cultural and tribal cultural resources and corresponding General Plan policies and GPEIR mitigation measures that address these topics. The County would like to initiate consultation with your Tribe to determine whether your Tribe agrees that the existing policies and mitigation measures adequately protect and preserve your cultural resources, and how to proceed if your Tribe does not agree.

I am generally available for Zoom meetings. My best availability is between 11:00 and 2:00 most days.

I look forward to working with you.

Kind regards,
Will Nelson

William R. Nelson
Assistant Deputy Director
Contra Costa County
Department of Conservation and Development
30 Muir Road, Martinez, CA 94553
Phone (925) 655-2898
Web www.contracosta.ca.gov

This message was sent from a public e-mail system and may be subject to disclosure under the California Public Records Act.

From: Costanoan Rumsen Carmel Tribe CRD <crct.crd@gmail.com>
Sent: Monday, August 25, 2025 2:25 PM
To: Will Nelson <Will.Nelson@dcd.cccounty.us>
Subject: Re: AB 52 Consultation Request for the Contra Costa County 2026 Urban Limit Line Ballot Measure

Missix Tuxx Ka Uko,

Thank you so much for reaching out to our tribe, having ancestors from Concord, the village of Chupan. We would like to set up a consultation and see how we can get involved in this beautiful project. We look forward to working hand in hand to protect and preserve our cultural resources. Please let us know some dates and times that work best for you, and we will let you know if they line up with our schedule.

May your ancestors continue to guide you, while the Creator watches over you. Ahooo to all my relations.

Henry Munoz
Costanoan Rumsen Carmel Tribe

Cultural Resource Officer/MLD/Traditional Builder/Environmental Activist
909 254 1610

On Sat, Aug 23, 2025 at 7:15 PM Will Nelson <Will.Nelson@dcd.cccounty.us> wrote:

> Good Evening:
>
> Attached please find official notification to your Tribe of the opportunity to consult with Contra Costa County pursuant to Assembly Bill 52.
>
> If you would like to request consultation or have any questions, please do not hesitate to contact me.
>
> Sincerely,
>
> **William R. Nelson**
> Assistant Deputy Director
> Contra Costa County
> Department of Conservation and Development
> 30 Muir Road, Martinez, CA 94553
> **Phone** (925) 655-2898
> **Web** www.contracosta.ca.gov
>
> *This message was sent from a public e-mail system and may be subject to disclosure under the California Public Records Act.*

Amah Mutsun Tribe Response

Outlook

FW: AB 52 Consultation Request for the Contra Costa County 2026 Urban Limit Line Ballot Measure

From Will Nelson <Will.Nelson@dcd.cccounty.us>
Date Mon 11/24/2025 8:27 PM
To amahmutsuntribal@gmail.com <amahmutsuntribal@gmail.com>

1 attachment (23 KB)
Crosswalk Between AMTB Measures and 2045 General Plan.docx;

Hello Lorelei,

I hope this message finds you well.

I last wrote to you on October 16. Having not heard from your Tribe since August 26, I'm writing to inform you that Contra Costa County is concluding consultation on this project. We anticipate the County Board of Supervisors will take action on this project on December 9. Please do not hesitate to contact me if you have questions.

Best,
Will Nelson

William R. Nelson
Assistant Deputy Director
Contra Costa County
Department of Conservation and Development
30 Muir Road, Martinez, CA 94553
Phone (925) 655-2898
Web www.contracosta.ca.gov

This message was sent from a public e-mail system and may be subject to disclosure under the California Public Records Act.

From: Will Nelson
Sent: Thursday, October 16, 2025 12:15 PM
To: amahmutsuntribal@gmail.com
Subject: FW: AB 52 Consultation Request for the Contra Costa County 2026 Urban Limit Line Ballot Measure

Hello Lorelei,

I hope you're well. I'm writing to follow up on my email below. Please let me know whether you've had a chance to review the materials I sent and whether your Tribe still wishes to engage in consultation with Contra Costa County.

Best,

Will Nelson

William R. Nelson
Assistant Deputy Director
Contra Costa County
Department of Conservation and Development
30 Muir Road, Martinez, CA 94553
Phone (925) 655-2898
Web www.contracosta.ca.gov

This message was sent from a public e-mail system and may be subject to disclosure under the California Public Records Act.

From: Will Nelson
Sent: Tuesday, September 16, 2025 12:52 PM
To: Amah Mutsun <amahmutsuntribal@gmail.com>
Cc: amtbinc21@gmail.com
Subject: RE: AB 52 Consultation Request for the Contra Costa County 2026 Urban Limit Line Ballot Measure

Hello Lorelei,

Thank you for reaching out to us.

As summarized in the information we sent previously, the Urban Limit Line (ULL) ballot measure is tangential to a larger project, adoption of the County's 2045 General Plan, which was completed in November 2024. The ULL is a regulation, not a development project. It does not involve ground-disturbing activities or impacts to cultural resources. Through the ballot measure the County will be asking voters to extend the ULL regulation through the year 2051.

The County engaged in SB 18/AB 52 consultation during the process to update the General Plan. Three cultural resource-related mitigation measures (CUL-1, TCR-1, and TCR-2) were incorporated into the environmental impact report for the 2045 General Plan (the "GPEIR"). TCR-1 and TCR-2 resulted from specific recommendations made to the County during tribal consultation. Several policies under Goals COS-10 and COS-11 in the General Plan's Conservation, Open Space, and Working Lands Element (COS Element) also are the direct result of tribal consultation (Tribal Communities, the section containing these policies, begins on page 7-35 of the COS Element). As such, the 2045 General Plan and GPEIR provide a strong framework for ensuring proper protection of tribal cultural resources. We believe these existing policies and measures address many specific requests of your Tribe and otherwise provide an avenue for implementing your Tribe's recommended measures through future consultation for qualifying projects.

The attached table is a crosswalk between each measure recommended by your Tribe and the corresponding General Plan policy and/or GPEIR mitigation measure we believe addresses the recommended measure. We acknowledge that each of your Tribe's requests is not explicitly delineated in the existing General Plan policies and GPEIR mitigation measures. However, we believe the environmental review for the ULL ballot measure can rely upon the framework and process outlined in the existing polices and mitigation measures to implement your Tribe's requests.

The County would like to initiate consultation with your Tribe to determine whether your Tribe agrees that the recommended measures are covered by existing policies and measures, and

how to proceed if your Tribe does not agree.

I looking forward to working with you.

Kind regards,
Will Nelson

William R. Nelson
Assistant Deputy Director
Contra Costa County
Department of Conservation and Development
30 Muir Road, Martinez, CA 94553
Phone (925) 655-2898
Web www.contracosta.ca.gov

This message was sent from a public e-mail system and may be subject to disclosure under the California Public Records Act.

From: Amah Mutsun <amahmutsuntribal@gmail.com>
Sent: Tuesday, August 26, 2025 11:50 AM
To: Will Nelson <Will.Nelson@dcd.cccounty.us>
Subject: Re: AB 52 Consultation Request for the Contra Costa County 2026 Urban Limit Line Ballot Measure

Hello Will,

Thank you for the information on the proposed project, and please see the attached documents with our recommendations. If you have any questions about the attached documents, or would like to set up a meeting to discuss consultation, please give us a call at 650-851-7489 or email us at amtbinc21@gmail.com.

Thank you,

Lorelei Alli

On Sat, Aug 23, 2025 at 7:00 PM Will Nelson <Will.Nelson@dcd.cccounty.us> wrote:

> Good Evening:
>
> Attached please find official notification to your Tribe of the opportunity to consult with Contra Costa County pursuant to Assembly Bill 52.
>
> If you would like to request consultation or have any questions, please do not hesitate to contact me.
>
> Sincerely,

William R. Nelson
Assistant Deputy Director
Contra Costa County
Department of Conservation and Development
30 Muir Road, Martinez, CA 94553
Phone (925) 655-2898
Web www.contracosta.ca.gov

This message was sent from a public e-mail system and may be subject to disclosure under the California Public Records Act.

The Amah Mutsun Tribal Band of San Juan Bautista & AMTB

Letter of Response

To whom it may concern:

It is our pride and privilege to be of service for any Native American Cultural Resource Monitoring, Consulting and/ or Sensitivity Training you may need or require. We take our Heritage and History seriously and are diligent about preserving as much of it as we can. Construction is a constant in the Bay Area and with that new discoveries are bound to happen. If you choose our services, we will gladly guide all personnel through proper procedures to safely protect and preserve: Culture, Heritage, and History.

It is highly recommended, if not previously done, to search through Sacred Lands Files (SLF) and California Historical Resource Information Systems (CHRIS) as well as reaching out to the Native American Heritage Commission (NAHC) In order to determine whether you are working in a Cultural and/ or Historic sensitivity.

If you have received any positive cultural or historic sensitivity within 1 mile of the project area here are A.M.T.B Inc's and Amah Mutsun Tribal Band of San Juan Bautista's recommendations:

- All Crews, Individuals and Personnel who will be moving any earth be Cultural Sensitivity Trained.
- A Qualified California Trained Archaeological Monitor is present during any earth movement.
- A Qualified Native American Monitor is present during any earth movement.

If further Consultation, Monitoring or Sensitivity Training is needed please feel free to contact A.M.T.B. Inc. or Myself Directly. A.M.T.B. Inc. 650-851-7747

Irenne Zwierlein

Irenne Zwierlein

2451 Tyrolean Way, Sacramento CA
95821
amtbinc21@gmail.com
(650)851-7747

Amah Mutsun Tribal Band of San Juan Bautista
&
AMTB

2451 Tyrolean Way, Sacramento CA 95821

Our rates for 2025 are

$200.00 per hour.

4 hours minimum

Cancellations not 48 hours (about 2 days) prior will be charged as a 4-hour minimum. There is a round trip mileage charge if canceled after they have traveled to site.

Anything over 8 hours a day is charged as time and a half.

Weekends are charged at time and a half.

Holidays are charged at double the time.

For fiscal year (FY) 2025, standard per diem rate of $425. ($333. lodging, $92 M&IE).

M&IE Breakdown FY 2025

M&IE Total	Continental Breakfast/ Breakfast	Lunch	Dinner	Incidental Expenses	First & Last Day of Travel
$92.00	$23.00	$26.00	$38.00	$5.00	$69.00

Beginning 2025, the standard mileage rates for the use of a car round trip (also vans, pickups or panel trucks) will be: $.70 cents per mile driven for business use or what the current federal standard is at the time.

Our Payment terms are 5 days from date on invoice.

Our Monitors are Members of the Amah Mutsun Tribal Band of Mission San Juan Bautista.

If you have any questions, please feel free to contact the A.M.T.B. Inc. at the below contact information.

Sincerely,

Irenne Zwierlein

Irenne Zwierlein

2451 Tyrolean Way, Sacramento CA
95821
amtbinc21@gmail.com

(650)851-7747

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 01/14/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATIONIS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER ALLIED BROKERS INSURANCE AGCY INC 57101434 591 LYTTON AVENUE PALO ALTO CA 94301	**CONTACT NAME:** **PHONE (A/C, No, Ext):** (866) 467-8730 **FAX (A/C, No):** (888) 443-6112 E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE		**NAIC#**
INSURED AMTB LLC 2451 TYROLEAN WAY SACRAMENTO CA 95821-4809	**INSURER A :** Hartford Underwriters Insurance Company	30104
	INSURER B :	
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED.NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/Y YY)	LIMITS	
A	COMMERCIAL GENERAL LIABILITY CLAIMS-MADE [X] OCCUR [X] General Liability GEN'L AGGREGATE LIMIT APPLIES PER: [X] POLICY [ ] PRO-JECT [ ] LOC OTHER:			57 SBM BM9HAR	01/14/2025	01/14/2026	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$1,000,000 $1,000,000 $10,000 $1,000,000 $2,000,000 $2,000,000
A	**AUTOMOBILE LIABILITY** ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS [X] HIRED AUTOS [X] NON-OWNED AUTOS			57 SBM BM9HAR	01/14/2025	01/14/2026	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$1,000,000
	UMBRELLA LIAB **EXCESS LIAB** OCCUR CLAIMS-MADE DED RETENTION $						EACH OCCURRENCE AGGREGATE	
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? **(Mandatory in NH)** If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/ A					PER STATUTE / OTH-ER E.L. EACH ACCIDENT E.L. DISEASE -EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES **(ACORD 101, Additional Remarks Schedule, may be attached if more space is required)**

The Business Liability Coverage Part includes a Blanket Additional Insured By Contract Endorsement, Form SL 30 32.

CERTIFICATE HOLDER

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Susan L. Castaneda

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Provisions to Address Discovery of a Tribal Cultural Resource During Construction

Tribal Cultural Resources Sensitivity Training. The project sponsor, in consultation with any Cultural Resources Team if one is available, shall retain the services of an Ohlone Native American representative and/or archeological consultant from the Qualified List of Archaeological Consultants to provide cultural sensitivity and archeological awareness training to all work crews who will be involved in ground disturbing activities at the project site. The training shall inform all project contractors, subcontractors and work crew members to be on the alert for evidence of the presence of potential tribal cultural resource(s), of how to identify the evidence of such a resource(s), and of stop work, resource protection, and notification requirements in the event of suspected discovery of a tribal cultural resource by construction crew members.

Stop Work and Notification Upon Discovery. Should any indication of a tribal cultural resource be encountered during any soils-disturbing activity of the project, the project Head Foreperson and/or project sponsor shall immediately notify tribe and shall immediately suspend any soils-disturbing activities in the vicinity of the discovery until the Cultural Monitor and a qualified archeological consultant from the Qualified Archeological Consultants List have assessed the find and the respective parties have determined whether and what additional measures should be undertaken.

Preservation in Place. In the event of the discovery of a tribal cultural resource, the cultural resource team (if one is present on job), the project sponsor, the archeological consultant, and the Ohlone representative shall consult to determine whether preservation in place would be feasible and effective in preserving the values represented by the resource. The archeological consultant, in consultation with the Ohlone representative, shall document the find to current professional standards. The tribe may also require that the project sponsor immediately implement a site security program if the resource is at risk from vandalism, looting, or other damaging actions.

If it is determined that preservation-in-place of the tribal cultural resource would be both feasible and effective, the archeological consultant shall prepare a Resource Preservation Plan (RPP) in consultation with the Ohlone representative, for review, which shall be implemented by the project sponsor during construction.

If it is determined that preservation in place would not be feasible or effective, then archeological assessment and treatment shall be implemented and in consultation with the Ohlone representative, as detailed below.

Archeological Treatment. If it is determined, in consultation with the Ohlone representative and the project sponsor, determines that preservation-in-place of the tribal cultural resources is not a sufficient or feasible option to preserve the values represented by the resource, then the archeological consultant, in consultation with the Ohlone representative, shall conduct archeological assessment to determine

the significance of the find and determine whether it retains sufficient integrity to warrant additional treatment. If the tribal cultural resource is determined to be a significant archeological resource, the archeological consultant, in consultation with the Ohlone representative, shall recommend appropriate archeological treatment to preserve the data and values of the tribal cultural resource, which may include archeological data recovery. Data recovery shall be implemented in consultation with the Ohlone representative and shall include appropriate analyses and reporting. If an archeological interpretive, monitoring, and/or testing program is required, it shall be consistent with Standard guidelines for such programs and shall be implemented immediately.

Human Remains and Funerary Objects. The treatment of any human remains, and funerary objects discovered during any soils disturbing activity shall comply with applicable State laws, including Section 7050.5 of the Health and Safety Code and Public Resources Code 5097.98. If human remains or suspected human remains are encountered during construction, the contractor and project sponsor shall ensure that ground-disturbing work within 50 feet of the remains is halted immediately and shall arrange for the protection in place of the remains until appropriate treatment and disposition have been agreed upon and implemented in accordance with this section. The project sponsor shall immediately notify the Medical Examiner of the County in which the job resides and the Tribe of the find. In the event of the Medical Examiner's determination that the human remains are Native American in origin, the Medical Examiner will notify the California State Native American Heritage Commission (NAHC) within 24 hours and all provisions of Public Resources Code 5097.98 will be followed.

Interpretive Program. If it is determined, in consultation with Ohlone representative and the project sponsor, determines that preservation-in-place of the tribal cultural resource is not a sufficient or feasible option, the project sponsor, in consultation with local Native American representatives, shall prepare a Cultural Resources Public Interpretation Plan (CRPIP) to guide the interpretive program. The CRPIP shall be submitted for review and approval prior to implementation of the program. The interpretive program may but is not limited to artist installations, preferably by local Native American artists, oral histories with local Native Americans, cultural displays, educational panels, or other interpretive elements agreed upon by the sponsor, and Ohlone Native American representatives, and shall include an on-site acknowledgement that the project is built on traditional Ohlone land. The plan shall identify, as appropriate, proposed locations for installations or displays, the proposed content and materials of those displays or installation, the producers or artists of the displays or installation, and a long-term maintenance program. Upon approval of the CRPIP and prior to project occupancy, the interpretive program shall be implemented by the project sponsor. The project sponsor shall work with the tribal representative to identify the scope of work by the tribal representative to fulfill the requirements of this mitigation measure, which may include participation in preparation and review of deliverables (e.g., plans, interpretive materials, artwork). Tribal representatives shall be compensated for their work as identified in the agreed upon scope of work.

Muwekma Tribe

Outlook

AB 52 Consultation Request for the Contra Costa County 2026 Urban Limit Line Ballot Measure

From Will Nelson <Will.Nelson@dcd.cccounty.us>
Date Mon 11/24/2025 8:27 PM
To Richard Massiatt <rmassiatt@muwekma.org>; Charlene Nijmeh <cnijmeh@muwekma.org>

1 attachment (24 KB)
Crosswalk Between Cultural Resources Topics and 2045 General Plan.docx;

Hello Mr. Massiatt and Ms. Nijmeh,

I hope this message finds you well.

I last wrote to you on October 16. Having not heard from your Tribe since August 27, I'm writing to inform you that Contra Costa County is concluding consultation on this project. We anticipate the County Board of Supervisors will take action on this project on December 9. Please do not hesitate to contact me if you have questions.

Best,
Will Nelson

William R. Nelson
Assistant Deputy Director
Contra Costa County
Department of Conservation and Development
30 Muir Road, Martinez, CA 94553
Phone (925) 655-2898
Web www.contracosta.ca.gov

This message was sent from a public e-mail system and may be subject to disclosure under the California Public Records Act.

From: Will Nelson
Sent: Thursday, October 16, 2025 12:18 PM
To: rmassiatt@muwekma.org; cnijmeh@muwekma.org
Subject: FW: AB 52 Consultation Request for the Contra Costa County 2026 Urban Limit Line Ballot Measure

Hello Mr. Massiatt and Ms. Nijmeh,

I hope you're well. I'm writing to follow up on my email below. Please let me know whether you've had a chance to review the materials I sent and whether your Tribe still wishes to engage in consultation with Contra Costa County.

Best,

Will Nelson

William R. Nelson
Assistant Deputy Director
Contra Costa County
Department of Conservation and Development
30 Muir Road, Martinez, CA 94553
Phone (925) 655-2898
Web www.contracosta.ca.gov

This message was sent from a public e-mail system and may be subject to disclosure under the California Public Records Act.

From: Will Nelson
Sent: Tuesday, September 16, 2025 5:05 PM
To: Richard Massiatt <rmassiatt@muwekma.org>; Charlene Nijmeh <cnijmeh@muwekma.org>
Subject: RE: AB 52 Consultation Request for the Contra Costa County 2026 Urban Limit Line Ballot Measure

Hello Mr. Massiatt and Ms. Nijmeh,

Thank you for your response.

As summarized in the information we sent previously, the Urban Limit Line (ULL) ballot measure is tangential to a larger project, adoption of the County's 2045 General Plan, which was completed in November 2024. The ULL is a regulation, not a development project. It does not involve ground-disturbing activities or impacts to cultural resources. Through the ballot measure the County will be asking voters to extend the ULL regulation through the year 2051.

The County engaged in SB 18/AB 52 consultation during the process to update the General Plan. Three cultural resource-related mitigation measures (CUL-1, TCR-1, and TCR-2) were incorporated into the environmental impact report for the 2045 General Plan (the "GPEIR"). TCR-1 and TCR-2 resulted from specific recommendations made to the County during tribal consultation. Several policies under Goals COS-10 and COS-11 in the General Plan's Conservation, Open Space, and Working Lands Element (COS Element) also are the direct result of tribal consultation (the section containing these policies begins on page 7-32 of the COS Element). As such, the 2045 General Plan and GPEIR provide a strong framework for ensuring proper protection of tribal cultural resources.

The attached table is a crosswalk between common topics related to cultural and tribal cultural resources and corresponding General Plan policies and GPEIR mitigation measures that address these topics. The County would like to initiate consultation with your Tribe to determine whether your Tribe agrees that the existing policies and mitigation measures adequately protect and preserve your cultural resources, and how to proceed if your Tribe does not agree.

I am generally available for Zoom meetings. My best availability is between 11:00 and 2:00 most days.

I look forward to working with you.

Kind regards,
Will Nelson

William R. Nelson
Assistant Deputy Director
Contra Costa County
Department of Conservation and Development
30 Muir Road, Martinez, CA 94553
Phone (925) 655-2898
Web www.contracosta.ca.gov

This message was sent from a public e-mail system and may be subject to disclosure under the California Public Records Act.

From: Richard Massiatt <rmassiatt@muwekma.org>
Sent: Wednesday, August 27, 2025 1:57 PM
To: Will Nelson <Will.Nelson@dcd.cccounty.us>; Charlene Nijmeh <cnijmeh@muwekma.org>
Subject: Re: AB 52 Consultation Request for the Contra Costa County 2026 Urban Limit Line Ballot Measure

Horše Túuxi Will Nelson,

Thank you for contacting Muwekma Ohlone Tribe, Inc. We acknowledge your project inquiry and are available to discuss how our services may support your needs. Our offerings include Tribal Consultations pursuant to Section 106, CEQA, Assembly Bill (AB) 52, Senate Bill (SB) 18 Consultation, and California Public Resources Code § 21080.3.1.

We also provide monitoring and burial recovery services (MLD). If your agency chooses to collaborate with the Muwekma Ohlone Tribe, Alan Leventhal (Senior Tribal Archaeologist and Ethnohistorian) and Marni McManus (Senior Tribal Archaeologist and Bioarcheologist) will review the project documents and communicate subsequent steps.

Upon request, we can send our list of services and the current Muwekma rate sheet for your evaluation. For any future inquiries, please contact us. Kindly update our mailing address to 1169 S. Main St. Ste. 336, Manteca, CA 95337.

Best regards,

Richard Massiatt,
Executive Director (MLD Tribal Representative)
Juanita Massiatt (Coordinator)
Muwekma Ohlone Tribe of the San Francisco Bay Area
(209) 321-0372
(209) 321- 0370
rmassiatt@muwekma.org

From: Will Nelson <Will.Nelson@dcd.cccounty.us>
Sent: Saturday, August 23, 2025 7:28 PM

To: Charlene Nijmeh <cnijmeh@muwekma.org>; Richard Massiatt <rmassiatt@muwekma.org>
Subject: AB 52 Consultation Request for the Contra Costa County 2026 Urban Limit Line Ballot Measure

Good Evening:

Attached please find official notification to your Tribe of the opportunity to consult with Contra Costa County pursuant to Assembly Bill 52.

If you would like to request consultation or have any questions, please do not hesitate to contact me.

Sincerely,

William R. Nelson
Assistant Deputy Director
Contra Costa County
Department of Conservation and Development
30 Muir Road, Martinez, CA 94553
Phone (925) 655-2898
Web www.contracosta.ca.gov

This message was sent from a public e-mail system and may be subject to disclosure under the California Public Records Act.

Lisjan Nation Tribe

Outlook

RE: AB 52 Consultation Request for the Contra Costa County 2026 Urban Limit Line Ballot Measure

From Will Nelson <Will.Nelson@dcd.cccounty.us>
Date Mon 11/24/2025 8:29 PM
To Lisjan Nation <cvltribe@gmail.com>

Hello Lucy,

I hope this message finds you well and that things have improved with your family.

When you wrote on November 11 you indicated you would follow up with any comments or questions within the next week, which would be the week ending November 21. As we have not heard from you, I am writing to inform you that Contra Costa County is concluding consultation on this project. We anticipate the County Board of Supervisors will take action on this project on December 9. Please do not hesitate to contact me if you have questions.

Best,
Will

William R. Nelson
Assistant Deputy Director
Contra Costa County
Department of Conservation and Development
30 Muir Road, Martinez, CA 94553
Phone (925) 655-2898
Web www.contracosta.ca.gov

This message was sent from a public e-mail system and may be subject to disclosure under the California Public Records Act.

From: Will Nelson
Sent: Thursday, November 13, 2025 1:30 PM
To: 'Lisjan Nation' <cvltribe@gmail.com>
Subject: RE: AB 52 Consultation Request for the Contra Costa County 2026 Urban Limit Line Ballot Measure

Hi Lucy,

I'm sorry to hear about your family emergency. No worries about the meeting. My family coincidentally had an emergency yesterday as well and I wouldn't have been able to make it.

I'm glad the materials I sent were helpful. Looking forward to your comments next week. So you're aware, we are targeting the December 9 Board of Supervisors meeting for them to vote to place the measure on the 2026 Primary Election ballot.

Best,
Will

William R. Nelson
Assistant Deputy Director
Contra Costa County
Department of Conservation and Development
30 Muir Road, Martinez, CA 94553
Phone (925) 655-2898
Web www.contracosta.ca.gov

This message was sent from a public e-mail system and may be subject to disclosure under the California Public Records Act.

From: Lisjan Nation <cvltribe@gmail.com>
Sent: Tuesday, November 11, 2025 6:15 PM
To: Will Nelson <Will.Nelson@dcd.cccounty.us>
Subject: Re: AB 52 Consultation Request for the Contra Costa County 2026 Urban Limit Line Ballot Measure

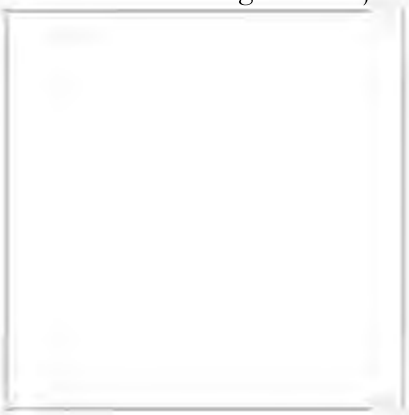
Hi Will,

Thank you for confirming. Unfortunately, we have to cancel this meeting due to a family emergency, we apologize for the late notice.

Thanks to the helpful information you shared, we do not believe that we need to reschedule the meeting at this time and will follow up with any comments/questions within the next week, if that works for you.

'Uni (Respectfully),

Lucy Beyhan, Cultural Resource Manager II
Confederated Villages of Lisjan Nation



On Mon, Nov 10, 2025 at 12:46 PM Will Nelson <Will.Nelson@dcd.cccounty.us> wrote:

> Hello Lucy,
>
> I'm writing to confirm our meeting scheduled for 3:00 on Wednesday. In previous emails I sent various materials related to the County's current Urban Limit Line project and our 2045 General Plan update, which your Tribe consulted on. Ahead of our meeting I wanted to ask whether there was anything in particular we should be prepared to discuss?
>
> Thank you.

Will Nelson

William R. Nelson
Assistant Deputy Director
Contra Costa County
Department of Conservation and Development
30 Muir Road, Martinez, CA 94553
Phone (925) 655-2898
Web www.contracosta.ca.gov

This message was sent from a public e-mail system and may be subject to disclosure under the California Public Records Act.

From: Lisjan Nation <cvltribe@gmail.com>
Sent: Thursday, September 25, 2025 12:33 PM
To: Will Nelson <Will.Nelson@dcd.cccounty.us>
Subject: Re: AB 52 Consultation Request for the Contra Costa County 2026 Urban Limit Line Ballot Measure

Hi William,

Thank you for your email. The Tribe would like to request consultation on this project.

Can you please share the results of the SLF request from the NAHC, results of the CHRIS records request search, and any cultural resource reports and other EIR documents prepared for this project (draft form is fine)?

Please click our Calendly link below to schedule a consultation at your convenience. Please make sure to include the project name in the notes section when scheduling the consultation to help us prepare for our meeting.

Access our Calendly here:
https://calendly.com/cvltribe/consultation

'Uni (Respectfully),

Lucy Beyhan, Cultural Resources Manager II
Confederated Villages of Lisjan Nation

On Sat, Aug 23, 2025 at 7:12 PM Will Nelson <Will.Nelson@dcd.cccounty.us> wrote:

Good Evening:

Attached please find official notification to your Tribe of the opportunity to consult with Contra Costa County pursuant to Assembly Bill 52.

If you would like to request consultation or have any questions, please do not hesitate to contact me.

Sincerely,

William R. Nelson
Assistant Deputy Director
Contra Costa County
Department of Conservation and Development
30 Muir Road, Martinez, CA 94553
Phone (925) 655-2898
Web www.contracosta.ca.gov

This message was sent from a public e-mail system and may be subject to disclosure under the California Public Records Act.

Wilton Rancheria Tribe

From: Abigail Bennett <abennett@wiltonrancheria-nsn.gov>
Sent: Monday, November 10, 2025 10:22 AM
To: Will Nelson <Will.Nelson@dcd.cccounty.us>; Cultural Preservation Department Inbox <cpd@wiltonranchensn.gov>
Subject: Re: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Ur Limit Line Renewal Ballot Measure

Good morning,

We appreciate the responses and would like to follow up in 2026 when the county does the General Plan clean up. Please keep us updated.

At this time though, we do not have further comments. If anything changes with this project, please let us know. We may have more comments at that time.

Sincerely,

Abigail Bennett MA, RPA ● Cultural Heritage Specialist
Wilton Rancheria | 9728 Kent St, Elk Grove, CA 95624
M: 814.706.7690 | E: abennett@wiltonrancheria-nsn.gov
W: http://wiltonrancheria-nsn.gov

From: Will Nelson <Will.Nelson@dcd.cccounty.us>
Sent: Wednesday, November 5, 2025 12:57 PM
To: Abigail Bennett <abennett@wiltonrancheria-nsn.gov>; Cultural Preservation Department Inbox <cpd@wiltonrancheria-nsn.gov>
Subject: RE: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Hi Abigail,

Thank you for your Tribe's comments. We've reviewed them and offer the following responses:

1. We acknowledge your Tribe's comment stating that Tribal Cultural Resources includes natural resources. As part of this project we are not amending the narrative or explanatory text of the 2045 General Plan Environmental Impact Report (GPEIR), which was certified in November 2024. However, I can relay to our planners that natural resources should be included when discussing Native American tribes' culturally significant areas.
2. Your Tribe suggested conducting a new records search through the Northwest Information Center. We feel this is not necessary for the proposed project because it is not a development project with the potential to impact archaeological sites. The proposed project is adoption of a regulation covering all of unincorporated Contra Costa County, so a new search would identify every site in unincorporated Contra Costa County. That's exceptionally broad and the project wouldn't change based on the search results.
3. We acknowledge your Tribe's concern with the word "prehistoric." As indicated above, we are not amending the narrative or explanatory text of the GPEIR.
4. The scope of the proposed project does not include changes to the policies in the 2045 General Plan, so at this time the County cannot amend Policy COS-P10.6 to address the "stop work" radius around archaeological finds. However, in 2026 the County plans to do a General Plan clean up to address various issues that have arisen since the General Plan was adopted in November 2024. We will evaluate your Tribe's suggestion to increase the radius from 50 to 100 feet during that process. Your Tribe will receive notice of an opportunity for consultation pursuant to SB 18/AB 52.
5. We acknowledge your Tribe's concern regarding removal of archaeological resources. General Plan policy COS-P10.7 recognizes the possibility of onsite preservation. As part of the 2026 General Plan clean up we can evaluate whether it would be more appropriate for this policy to state that onsite preservation is the preferred option.
6. You asked whether management plans could include conservation easements or deed restrictions? The short answer is yes. Management plans could include various mechanisms determined appropriate for the situation. Conservation easements are voluntary, so that is not something the County could require as part of a management plan, but the County could help facilitate creation of a conservation easement. Deed restrictions are more flexible. The County has required deed restrictions as part of project approvals, usually for the purpose of protecting sensitive habitats or preventing development from occurring in hazardous areas, such as on unstable slopes.
7. Regarding changes to General Plan policy COS-P11.11, our response is the same as for policy COS-P10.6. As part of the 2026 General Plan clean up we can evaluate amending this policy to address preservation in place. We will engage in consultation with your Tribe during that process if desired.

We look forward to hearing your thoughts on these responses and would be happy to schedule a meeting if necessary.

Best,
Will

William R. Nelson
Assistant Deputy Director
Contra Costa County
Department of Conservation and Development
30 Muir Road, Martinez, CA 94553
Phone (925) 655-2898
Web www.contracosta.ca.gov

This message was sent from a public e-mail system and may be subject to disclosure under the California Public Records Act.

From: Abigail Bennett <abennett@wiltonrancheria-nsn.gov>
Sent: Friday, October 24, 2025 12:27 PM
To: Will Nelson <Will.Nelson@dcd.cccounty.us>; Cultural Preservation Department Inbox <cpd@wiltonrancheria-nsn.gov>
Subject: Re: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Will,

Please see the attached for our comments. If you have any questions let us know. We would be happy to schedule a meeting to discuss.

Thank you,

Abigail Bennett MA, RPA ● Cultural Heritage Specialist
Wilton Rancheria | 9728 Kent St, Elk Grove, CA 95624
M: 814.706.7690 | E: abennett@wiltonrancheria-nsn.gov
W: http://wiltonrancheria-nsn.gov

From: Will Nelson <Will.Nelson@dcd.cccounty.us>
Sent: Tuesday, October 21, 2025 12:46 PM
To: Cultural Preservation Department Inbox <cpd@wiltonrancheria-nsn.gov>; Abigail Bennett <abennett@wiltonrancheria-nsn.gov>; Steven Hutchason <shutchason@wiltonrancheria-nsn.gov>; Michelle St. Clair <MStClair@wiltonrancheria-nsn.gov>
Subject: RE: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Abigail,

The trimmed down General Plan EIR is attached. I deleted all the individual environmental topic areas except Cultural and Tribal Cultural Resources. While the PDF is still 152 pages, you'll see that much of it still is not applicable.

Best,

Will

William R. Nelson
Assistant Deputy Director
Contra Costa County
Department of Conservation and Development
30 Muir Road, Martinez, CA 94553
Phone (925) 655-2898
Web www.contracosta.ca.gov

This message was sent from a public e-mail system and may be subject to disclosure under the California Public Records Act.

From: Cultural Preservation Department Inbox <cpd@wiltonrancheria-nsn.gov>
Sent: Tuesday, October 21, 2025 12:08 PM
To: Will Nelson <Will.Nelson@dcd.cccounty.us>; Abigail Bennett <abennett@wiltonrancheria-nsn.gov>; Steven Hutchason <shutchason@wiltonrancheria-nsn.gov>; Michelle St. Clair <MStClair@wiltonrancheria-nsn.gov>
Subject: Re: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Will,

That works for me, thank you.

Abigail Bennett

Wilton Rancheria
Department of Cultural Preservation
Front Desk: 916-313-4493
cpd@wiltonrancheria-nsn.gov

From: Will Nelson <Will.Nelson@dcd.cccounty.us>
Sent: Tuesday, October 21, 2025 12:06 PM
To: Abigail Bennett <abennett@wiltonrancheria-nsn.gov>; Cultural Preservation Department Inbox <cpd@wiltonrancheria-nsn.gov>; Steven Hutchason <shutchason@wiltonrancheria-nsn.gov>; Michelle St. Clair <MStClair@wiltonrancheria-nsn.gov>
Subject: RE: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Some people who received this message don't often get email from will.nelson@dcd.cccounty.us. Learn why this is important

Hi Abigail,

The link is working for me. I can send a PDF, but it's large (75 MB). Do you mind if I delete sections that aren't relevant to our consultation, like analysis of traffic, utilities, etc. to reduce the size?

Thanks,
Will

William R. Nelson
Assistant Deputy Director
Contra Costa County
Department of Conservation and Development
30 Muir Road, Martinez, CA 94553
Phone (925) 655-2898
Web www.contracosta.ca.gov

This message was sent from a public e-mail system and may be subject to disclosure under the California Public Records Act.

From: Abigail Bennett <abennett@wiltonrancheria-nsn.gov>
Sent: Tuesday, October 21, 2025 10:23 AM
To: Will Nelson <Will.Nelson@dcd.cccounty.us>; Cultural Preservation Department Inbox <cpd@wiltonrancheria-nsn.gov>; Steven Hutchason <shutchason@wiltonrancheria-nsn.gov>; Michelle St. Clair <MStClair@wiltonrancheria-nsn.gov>
Subject: Re: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Good morning,

Are you able to send the General Plan EIR as an attachment? I am having issues getting it from the link you sent.

Thank you!

Abigail Bennett MA, RPA ● Cultural Heritage Specialist
Wilton Rancheria | 9728 Kent St, Elk Grove, CA 95624
M: 814.706.7690 | E: abennett@wiltonrancheria-nsn.gov
W: http://wiltonrancheria-nsn.gov

From: Will Nelson <Will.Nelson@dcd.cccounty.us>
Sent: Friday, October 17, 2025 11:39 AM
To: Cultural Preservation Department Inbox <cpd@wiltonrancheria-nsn.gov>; Steven Hutchason <shutchason@wiltonrancheria-nsn.gov>; Michelle St. Clair <MStClair@wiltonrancheria-nsn.gov>; Abigail Bennett <abennett@wiltonrancheria-nsn.gov>
Subject: RE: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Some people who received this message don't often get email from will.nelson@dcd.cccounty.us. Learn why this is important

Good morning,

Thank you for your quick response. We look forward to hearing r m y .

Best,
Will Nelson

William R. Nelson
Assistant Deputy Director
Contra Costa County
Department of Conservation and Development
30 Muir Road, Martinez, CA 94553
Phone (925) 655-2898
Web www.contracosta.ca.gov

This message was sent from a public e-mail system and may be subject to disclosure under the California Public Records Act.

From: Cultural Preservation Department Inbox <cpd@wiltonrancheria-nsn.gov>
Sent: Thursday, October 16, 2025 12:47 PM
To: Will Nelson <Will.Nelson@dcd.cccounty.us>; Steven Hutchason <shutchason@wiltonrancheria-nsn.gov>; Michelle St. Clair <MStClair@wiltonrancheria-nsn.gov>; Abigail Bennett <abennett@wiltonrancheria-nsn.gov>
Subject: Re: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Good afternoon,

We have not had a chance to review this information yet, and we do wish to continue consultation. I will look at them next week and hopefully get back to you by the 24th.

Thank you for your patience!

Wilton Rancheria
Department of Cultural Preservation
Front Desk: 916-313-4493
cpd@wiltonrancheria-nsn.gov

From: Will Nelson <Will.Nelson@dcd.cccounty.us>
Sent: Thursday, October 16, 2025 12:27 PM
To: Steven Hutchason <shutchason@wiltonrancheria-nsn.gov>; Michelle St. Clair <MStClair@wiltonrancheria-nsn.gov>; Abigail Bennett <abennett@wiltonrancheria-nsn.gov>; Cultural Preservation Department Inbox <cpd@wiltonrancheria-nsn.gov>
Subject: FW: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Good afternoon,

Some people who received this message don't often get email from will.nelson@dcd.cccounty.us. Learn why this is important

I'm writing to follow up on my email below. Please let me know whether you've had a chance to review the materials I sent and whether your Tribe still wishes to engage in consultation with Contra Costa County.

Best,
Will Nelson

William R. Nelson
Assistant Deputy Director
Contra Costa County
Department of Conservation and Development
30 Muir Road, Martinez, CA 94553
Phone (925) 655-2898
Web www.contracosta.ca.gov

This message was sent from a public e-mail system and may be subject to disclosure under the California Public Records Act.

From: Will Nelson
Sent: Tuesday, September 23, 2025 7:07 AM
To: 'Cultural Preservation Department Inbox' <cpd@wiltonrancheria-nsn.gov>
Cc: Steven Hutchason <shutchason@wiltonrancheria-nsn.gov>; Michelle St. Clair <MStClair@wiltonrancheria-nsn.gov>; Abigail Bennett <abennett@wiltonrancheria-nsn.gov>
Subject: RE: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Good morning,

Thank you for your response.

As summarized in the information we sent previously, the Urban Limit Line (ULL) ballot measure is tangential to a larger project, adoption of the County's 2045 General Plan, which was completed in November 2024. The ULL is a land use regulation, not a development project. Renewing the ULL does not involve ground-disturbing activities or impacts to cultural resources. Through the ballot measure the County will be asking voters to extend the ULL regulation through the year 2051.

The County engaged in SB 18/AB 52 consultation during the process to update the General Plan. Three cultural resource-related mitigation measures (CUL-1, TCR-1, and TCR-2) were incorporated into the environmental impact report for the 2045 General Plan (the "GPEIR"). TCR-1 and TCR-2 resulted from specific recommendations made to the County during tribal consultation. Several policies under Goals COS-10 and COS-11 in the General Plan's Conservation, Open Space, and Working Lands Element (COS Element) also are the direct result of tribal consultation (the section containing these policies begins on page 7-32 of the COS Element). As such, the 2045 General Plan and GPEIR provide a strong framework for ensuring proper protection of tribal cultural resources.

The attached table is a crosswalk between common topics related to cultural and tribal cultural resources, including those listed in your letter received September 15, and corresponding

General Plan policies and GPEIR mitigation measures that address these topics. The County would like to initiate consultation with your Tribe to determine whether your Tribe agrees that these existing policies and mitigation measures adequately protect and preserve your cultural resources, and how to proceed if your Tribe does not agree.

I am generally available for Zoom meetings or calls. For now my best availability is between 11:00 and 2:00 most days.

I look forward to working with you.

Kind regards,
Will Nelson

William R. Nelson
Assistant Deputy Director
Contra Costa County
Department of Conservation and Development
30 Muir Road, Martinez, CA 94553
Phone (925) 655-2898
Web www.contracosta.ca.gov

This message was sent from a public e-mail system and may be subject to disclosure under the California Public Records Act.

From: Cultural Preservation Department Inbox <cpd@wiltonrancheria-nsn.gov>
Sent: Monday, September 15, 2025 2:15 PM
To: Will Nelson <Will.Nelson@dcd.cccounty.us>
Cc: Steven Hutchason <shutchason@wiltonrancheria-nsn.gov>; Michelle St. Clair <MStClair@wiltonrancheria-nsn.gov>; Abigail Bennett <abennett@wiltonrancheria-nsn.gov>
Subject: RE: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Good afternoon,

Thank you for your letter dated August 23, 2025, regarding the proposed project. Wilton Rancheria (“Tribe”) is a federally recognized Tribe as listed in the Federal Register, Vol. 74, No. 132, p. 33468-33469, as “Wilton Rancheria of Wilton, California”. The Tribe’s Service Delivery Area (“SDA”) as listed in the Federal Register, Vol. 78, No. 176, p. 55731, is Sacramento County. The Tribe’s Trust Lands are in Sacramento County however, the Tribe’s ancestral territory spans from Sacramento County to portions of the surrounding Counties.

Wilton Rancheria has reviewed this project, and we would like to open formal consultation. Please see the attached for more information and let us know if you have any questions.

Thank you,

Wilton Rancheria
Department of Cultural Preservation
Front Desk: 916-313-4493
cpd@wiltonrancheria-nsn.gov

Wilton Rancheria

9728 Kent Street, Elk Grove, CA 95624

To: Will Nelson
Advance Planning Manager Department of Conservation and Development
Contra Costa County

RE: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Will,

This letter constitutes a formal request for tribal consultation under the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21080.3.1 subdivisions (b), (d) and (e)) for the mitigation of potential project impacts to tribal cultural resource for the above referenced project. Wilton Rancheria (Tribe) requested formal notice and information for all projects within your agency's geographical jurisdiction on July 1, 2015, and received notification on August 23, 2025, regarding the above-referenced project.

The Tribe requests consultation on the following topics checked below, which shall be included in consultation if requested (Public Resources Code section 21080.3.2, subd. (a):
__X__ Alternatives to the project
__X__ Define the Applicant (Lead Agency)
_____ Project funding
__X__ Recommended mitigation measures
__X__ Significant effects of the project
__X__ Native American Inspector present during ground disturbance

The Tribe also requests consultation on the following discretionary topics checked below (Public Resources Code section 21080.3.2, subd. (a):
__X__ Type of environmental review necessary
__X__ Significance of tribal cultural resources, including any regulations, policies or standards used by your agency to determine significance of tribal cultural resources.
__X__ Significance of the project's impacts on tribal cultural resources
__X__ Project alternatives and/or appropriate measures for preservation or mitigation that we may recommend, including, but not limited to

1. Avoidance and preservation of the resources in place, pursuant to Public Resources Code section 21084.3, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

2. Treating the resources with culturally appropriate dignity considering the tribal cultural values and meaning of the resources, including but not limited to the following:
a. Protecting the cultural character and integrity of the resource.
b. Protection the traditional use of the resource; and
c. Protecting the confidentiality of the resource.
3. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
4. Protecting the resource.

Additionally, the Tribe would like to receive any cultural resources assessments or other assessments that have been completed on all or part of the project's area of potential effect (APE), and area surrounding the APE including, but not limited to:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:
- A listing of all known cultural resources that have already been recorded on or adjacent to the APE;
- Copies of all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response.
- If the probability is low, moderate, or high that cultural resources are in the APE or surrounding the APE.
- Whether the records search indicates a low, moderate, or high probability that unrecorded cultural resources are located in the potential APE or surrounding the APE; and
- If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.
1. The Tribe requests to be present at any survey conducted on the Applicants behalf.
2. The results of any archaeological inventory survey that was conducted, including:
- Any reports that may contain site forms, site significance, and suggested mitigation measures.
- Any reports or inventories found under the Native American Graves Protection and Repatriation Act.
1. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure in accordance with Government Code Section 6254.10. All Wilton Rancheria correspondence shall be kept under this confidential section and only shared between the Tribe and lead agency.
3. The results of any Sacred Lands File (SFL) check conducted through Native American Heritage Commission. The request form can be found at http://www.nahc.ca.gov/slf_request.html. USGS 7.5-minute quadrangle name, township, range, and section required for the search.
4. Any ethnographic studies conducted for any area including all or part of the potential APE or areas surrounding the APE; and
5. Any geotechnical reports regarding all or part of the potential APE or areas surrounding the APE.

- The Tribe shall be notified before any geotechnical testing is planned. Geotechnical testing has potential to impact Tribal Cultural Resources and should be part of this consultation.

6. Aerial Map of the APE that depicts infrastructure, utility and/or trenching routes, enter and exit routes for equipment, staging areas, and any other proposed ground disturbance.
7. A diagram of known soil types with depths of each type i.e., borrowed soils, fill, or Native soils.

The information gathered will provide us with a better understanding of the project and will allow the Tribe to compare your records with our database.
We would like to remind your agency that CEQA Guidelines section 15126.4, subdivision (b)(3) states that preservation in place is the preferred manner of mitigating impacts to archaeological sites. Section 15126.4, subd. (b)(3) of the CEQA Guidelines has been interpreted by the California Court of Appeal to mean that "feasible preservation in place must be adopted to mitigate impacts to historical resources of an archaeological nature unless the lead agency determines that another form of mitigation is available and provides superior mitigation of impacts." *Madera Oversight Coalition v. County of Madera* (2011) 199 Cal.App.4th 48, disapproved on other grounds, *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439.

Please contact the Cultural Preservation Department, via email at cpd@wiltonrancheria-nsn.gov to set up a meeting.

Sincerely,

Michelle C. St. Clair

Michelle St. Clair, MA, RPA
Executive Director of Cultural Preservation

Wilton Rancheria

9728 Kent Street, Elk Grove, CA 95624

To: Will Nelson
Advance Planning Manager Department of Conservation and Development
Contra Costa County

RE: Native American Consultation (AB 52 Consultation Request) for the Contra Costa County 2026 Urban Limit Line Renewal Ballot Measure

Dear Will,

This letter constitutes a formal request for tribal consultation under the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21080.3.1 subdivisions (b), (d) and (e)) for the mitigation of potential project impacts to tribal cultural resource for the above referenced project. Wilton Rancheria (Tribe) requested formal notice and information for all projects within your agency's geographical jurisdiction on July 1, 2015, and received notification on August 23, 2025, regarding the above-referenced project.

The Tribe requests consultation on the following topics checked below, which shall be included in consultation if requested (Public Resources Code section 21080.3.2, subd. (a):
__X__ Alternatives to the project
__X__ Define the Applicant (Lead Agency)
_____ Project funding
__X__ Recommended mitigation measures
__X__ Significant effects of the project
__X__ Native American Inspector present during ground disturbance

The Tribe also requests consultation on the following discretionary topics checked below (Public Resources Code section 21080.3.2, subd. (a):
__X__ Type of environmental review necessary
__X__ Significance of tribal cultural resources, including any regulations, policies or standards used by your agency to determine significance of tribal cultural resources.
__X__ Significance of the project's impacts on tribal cultural resources
__X__ Project alternatives and/or appropriate measures for preservation or mitigation that we may recommend, including, but not limited to

1. Avoidance and preservation of the resources in place, pursuant to Public Resources Code section 21084.3, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

2. Treating the resources with culturally appropriate dignity considering the tribal cultural values and meaning of the resources, including but not limited to the following:
a. Protecting the cultural character and integrity of the resource.
b. Protection the traditional use of the resource; and
c. Protecting the confidentiality of the resource.
3. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
4. Protecting the resource.

Additionally, the Tribe would like to receive any cultural resources assessments or other assessments that have been completed on all or part of the project's area of potential effect (APE), and area surrounding the APE including, but not limited to:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:
- A listing of all known cultural resources that have already been recorded on or adjacent to the APE;
- Copies of all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response.
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1. The Tribe requests to be present at any survey conducted on the Applicants behalf.
2. The results of any archaeological inventory survey that was conducted, including:
- Any reports that may contain site forms, site significance, and suggested mitigation measures.
- Any reports or inventories found under the Native American Graves Protection and Repatriation Act.
1. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure in accordance with Government Code Section 6254.10. All Wilton Rancheria correspondence shall be kept under this confidential section and only shared between the Tribe and lead agency.
3. The results of any Sacred Lands File (SFL) check conducted through Native American Heritage Commission. The request form can be found at http://www.nahc.ca.gov/slf_request.html. USGS 7.5-minute quadrangle name, township, range, and section required for the search.
4. Any ethnographic studies conducted for any area including all or part of the potential APE or areas surrounding the APE; and
5. Any geotechnical reports regarding all or part of the potential APE or areas surrounding the APE.

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7. A diagram of known soil types with depths of each type i.e., borrowed soils, fill, or Native soils.

The information gathered will provide us with a better understanding of the project and will allow the Tribe to compare your records with our database.
We would like to remind your agency that CEQA Guidelines section 15126.4, subdivision (b)(3) states that preservation in place is the preferred manner of mitigating impacts to archaeological sites. Section 15126.4, subd. (b)(3) of the CEQA Guidelines has been interpreted by the California Court of Appeal to mean that "feasible preservation in place must be adopted to mitigate impacts to historical resources of an archaeological nature unless the lead agency determines that another form of mitigation is available and provides superior mitigation of impacts." *Madera Oversight Coalition v. County of Madera* (2011) 199 Cal.App.4th 48, disapproved on other grounds, *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439.

Please contact the Cultural Preservation Department, via email at cpd@wiltonrancheria-nsn.gov to set up a meeting.

Sincerely,

Michelle C. St. Clair

Michelle St. Clair, MA, RPA
Executive Director of Cultural Preservation

- **Hazards and Hazardous Materials:** The cumulative analysis for hazardous materials impacts is countywide. Cumulative impacts related to airports consider cumulative development within the airport influence areas of each airport.
- **Hydrology and Water Quality:** Cumulative water quality impacts are based on the boundaries of the San Francisco RWQCB (Region 2) and Central Valley RWQCB (Region 5).
- **Land Use and Planning:** Cumulative impacts are based on applicable jurisdictional boundaries and related plans, including the general plans of incorporated cities within the county and regional land use plans (e.g., the RTP/SCS).
- **Mineral Resources:** The geographic scope of cumulative impacts to mineral resources is all regionally significant mineral resource areas and recovery sites countywide.
- **Noise:** Cumulative construction impacts are considered in the context of countywide development that could result in construction noise levels higher than those of development under the proposed project alone at some receptor locations. Long-term stationary noise sources associated with the development and activities under the proposed project, combined with other cumulative projects, make up cumulative stationary impacts. Cumulative operational noise impacts consider whether future countywide development would significantly affect the roadway noise and, if so, whether the proposed project's contribution to the cumulative impact would be considerable.
- **Population and Housing:** Cumulative impacts are based on regional demographic patterns identified in regional plans (e.g., the RTP/SCS).
- **Public Services:** Cumulative impacts are based on cumulative development within each service provider's boundaries.
- **Recreation:** Cumulative impacts are assessed relative to potential park and open space demand countywide.
- **Transportation:** The VMT analysis considers the projected development under the proposed project to determine its cumulative contribution to VMT in the region. The analysis is based on the Contra Costa Transportation Authority's Countywide Travel Demand Model and regional growth projections identified by ABAG.
- **Tribal Cultural Resources:** Cumulative impacts related to tribal cultural resources are based on the local Native American tribes' culturally significant areas, which include, but are not limited to, cultural landscapes and regions to specific heritage sites and other tribal cultural places.
- **Utilities and Service Systems:** Cumulative impacts related to utilities and service systems are based on cumulative development within each service provider's boundaries.
- **Wildfire:** Cumulative impacts related to wildfire are based on the potential development in and near fire hazard severity zones.

5.5.1.2 EXISTING CONDITIONS[1]

The Existing Conditions Report (Appendix 5.5-1) includes a detailed description of the built historic resources, archaeological resources, and tribal communities in the county.

Archaeological Resources

As of the date of preparation of this document, the county has not been subject to a large, comprehensive survey for archaeological resources. The potential remains for as-yet undocumented resources to be present within the county. The existing General Plan identified approximately 600 archaeological sites within the county. An additional 155 archaeological sites were identified as a result of a records search conducted in December 2018 at the Northwest Information Center (NWIC). The 2018 records search was limited to sites documented in the county since 2005 to capture those that were formally documented since publication of the existing General Plan. A total of 755 archaeological sites were identified in the county, including 274 historic-era sites; 418 prehistoric sites; 54 multi-component sites, which have both historic-era and prehistoric components; and nine sites of unknown age. The results of the 2018 records search for archaeological sites are included in Appendix 5.5-1 (see Appendix B to that appendix).

Built Historic Resources

The existing General Plan references a Historic Resources Inventory (HRI), the result of a 1976 collaboration between Contra Costa County local historical societies. The HRI is the official approved list of historical resources within the unincorporated areas of the county. The most recent update to the HRI was approved and published by the Contra Costa County Historic Landmarks Advisory Committee (HLAC) in 2016. The 2016 Draft HRI identifies a total of 376 built historic resources in the unincorporated areas of the county. In total, there are 380 built historical resources in the unincorporated areas of the county, including the 376 built historic resources identified in the 2016 Draft HRI, three built historic resources added to the HRI by the Contra Costa Board of Supervisors, and one built historic resource identified in a 2018 updated records search. Buildings, structures, sites, objects, districts, and landscapes associated with important historical themes that are found to meet the criteria for listing in the California Register or that are listed in the County's HRI would qualify as CEQA historical resources.

The proposed General Plan Conservation, Open Space, and Working Lands Element provides the following overview of the important historical trends in the county:

> Although the Spanish explored Contra Costa County as early as 1772, significant European settlements were not established until the nineteenth century. In 1822, the newly independent Mexican government began issuing land grants, called ranchos, to its citizens in California. Sixteen ranchos were located in what is now Contra Costa County, and most of the land was used for grazing or growing wheat. One rancho

[1] This section is based on the Existing Conditions Report (Appendix 5.5-1), which describes and maps cultural resources conditions in the county. However, as discussed in Chapter 3, *Project Description*, this EIR focuses on the analysis of potential impacts on lands only in unincorporated Contra Costa County, including land within and outside the ULL and inside each municipality's sphere of influence (SOI), but not inside municipality limits. This area is referred to as the "EIR Study Area" in this document and is shown in Figure 3-2, *EIR Study Area Boundaries*.

Even with implementation of the proposed General Plan goals, policies, and actions, the regulations would not fully reduce potential impacts on historic resources at the programmatic level. Therefore, this is considered a potentially significant impact.

Proposed CAP

The proposed CAP is a policy document that does not include specific projects. However, projects that would implement the proposed CAP strategies and actions could result in the construction of physical improvements and infrastructure in the county that is designed to help meet the emissions targets in the CAP, which could adversely impact historic resources in the EIR Study Area through changes to accommodate adaptive use, removal, or reconstruction. Projects that would implement the proposed CAP strategies and actions would be required to be consistent with the proposed General Plan as well as federal and State regulations in place to protect historic resources within the EIR Study Area. However, even with implementation of the proposed General Plan goals, policies, and actions, the regulations would not fully reduce potential impacts of the proposed CAP on historic resources. Therefore, this is considered a potentially significant impact.

Level of Significance Before Mitigation: Impact 5.5-1 would be potentially significant.

Mitigation Measures

There are no mitigation measures available to reduce impacts to less than significant. Policies and actions in the proposed General Plan, in addition to State regulations, would reduce impacts to the extent possible and additional project-specific mitigation measures would be incorporated pursuant to future project-specific review.

Level of Significance After Mitigation: Impact 5.5-1 would remain significant and unavoidable.

Impact 5.5-2: Implementation of the proposed project could cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines, Section 15064.5. [Threshold C-2]

Proposed General Plan

Archaeological resources are known to be present in the EIR Study Area. Implementation of the proposed General Plan could potentially result in direct or indirect impacts on both prehistoric and historic archaeological resources in the EIR Study Area. If archaeological resources are present in the areas where development is planned, they could be damaged by earth-disturbing construction activities, such as those associated with excavating foundations, placing fill, trenching for utility systems, or grading the site for roads and staging areas. In particular, construction activities may disturb resources by exposing them to potential vandalism or causing them to be displaced from the original context. This could result in a significant impact on archaeological resources.

As detailed in Section 5.5.1.1, there are a number of federal and State regulations in place to protect archaeological resources within the EIR Study Area. Compliance with the State and federal regulations is intended to ensure that development would not result in adverse impacts to identified archaeological resources.

In addition, the proposed General Plan policies take a comprehensive approach to the protection of archaeological resources. The proposed Conservation, Open Space, and Working Lands Element includes policies and actions that would mitigate potential impacts on archaeological resources, including through the policies and actions under Goal COS-10, which aims to identify and preserve archaeological resources. For example, Policy COS-P10.1 encourages the preservation of sites and areas having identifiable archaeological significance. Policy COS-P10.5 requires applicants to engage a qualified consultant to prepare an evaluation of archaeological resources that may be present on a project site when warranted through the CEQA process. Policy COS-P10.6 requires that upon discovery of a significant archaeological artifact during construction, ground disturbing activities must halt within a 50-foot radius of the find until its significance can be determined by a qualified archeologist and appropriate protection and preservation measures developed. Policy COS-P10.7 requires significant archaeological resources to be either preserved onsite or adequately documented as a condition of removal, COS-A10.1 through COS-A10.4 support these policies, ensuring that surveys of existing and as-yet unknown resources are performed and updated regularly, and that planning tools, such as ordinances, design guidelines, context statements, and management plans are put in place to support implementation of the policies.

The proposed General Plan would not substantially alter any policies regarding the significance of impacts on archaeological resources. In addition, the proposed General Plan would not alter the significance of impacts on archaeological resources compared to the existing General Plan. Furthermore, the proposed General Plan would not modify the procedures or policies regarding how archaeological resources are identified or evaluated for historical significance, nor would it change how impacts on archaeological resources are assessed or mitigated under the General Plan.

As noted previously, the proposed General Plan includes multiple policies that attempt to mitigate impacts on archaeological resources through preservation and evaluation. The proposed General Plan also includes policies and actions that attempt to provide better documentation and improve the review of archaeological resources to protect known and as-yet unknown historic resources. Overall, the goals, policies, and actions in the proposed General Plan, in combination with existing federal and State regulations in place to protect archaeological resources within the EIR Study Area, would help to avoid adverse impacts to archaeological resources; however, they do not prevent ground-disturbing activities from occurring that could potentially impact archaeological resources. Therefore, this is considered a potentially significant impact.

Proposed CAP

The proposed CAP is a policy document that does not include specific projects. However, projects that would implement the proposed CAP strategies and actions could result in the construction of physical improvements and infrastructure in the county that is designed to help meet the emissions targets in the CAP, which could potentially impact archaeological resources in the EIR Study Area. Projects that would implement the proposed CAP strategies and actions would be required to be consistent with the proposed General Plan as well as federal and State regulations in place to protect archaeological resources within the EIR Study Area. However, even with implementation of the proposed General Plan goals, policies, and actions, the regulations would not fully reduce potential impacts of the proposed CAP on archaeological resources. Therefore, this is considered a potentially significant impact.

Level of Significance Before Mitigation: Impact 5.5-2 would be potentially significant.

Mitigation Measures

CUL-1 Prior to initiation of construction activities for discretionary projects that are not exempt from CEQA and would involve ground-disturbing activities on previously undisturbed sites, or as otherwise directed by the County, the project applicant shall be required to retain an archaeologist that meets the Secretary of the Interior's Professionally Qualified Standards to conduct a cultural records search. If the records search identifies sensitivity for archaeological resources, the archaeologist shall be retained on an on-call basis. The project applicant shall defer to the recommendations of the consulting archaeologist, in consultation with culturally affiliated tribes and their designated monitors, regarding the evaluation and treatment of any cultural resources discovered on the project site.

Level of Significance After Mitigation: Impact 5.5-2 would be less than significant.

Impact 5.5-3: Implementation of the proposed project would not disturb any human remains, including those interred outside of dedicated cemeteries. [Threshold C-3]

Proposed General Plan

The EIR Study Area has been long inhabited by Native Americans. Therefore, Native American burials may be found in the future on sites where no record of such burials exists. Buried human remains that were not identified during previous research and field studies could be inadvertently unearthed during ground-disturbing activities, possibly resulting in damage to the remains. Accordingly, implementation of the proposed General Plan could potentially damage or destroy human remains in the EIR Study Area.

In the event that human remains are discovered during grading or construction activities, compliance with California Health and Safety Code Section 7050.5, which includes specific provisions for the protection of human remains in the event of discovery, would be required. The treatment of Native American human remains is regulated by Public Resources Code Section 5097.98, as amended by AB 2641, which addresses the disposition of Native American burials, protects remains, and appoints the NAHC to resolve disputes. In addition, California Health and Safety Code Section 7052 makes the willful mutilation, disinterment, or removal of human remains a felony. The Health and Safety Code is applicable to any project where ground disturbance would occur. The proposed Conservation, Open Space, and Working Lands Element of the General Plan includes policies and actions that would mitigate potential impacts on human remains. Specifically, in the event of the discovery of a burial, human remains, or suspected human remains, Policy POS-P11.11 requires excavation and grading activities to halt immediately, protection of the area surrounding the find, notification of the County Coroner, and compliance with California Health and Safety Code Section 7050.5.

The proposed General Plan policy guidance, in combination with existing federal and State regulations in place to protect human remains within the EIR Study Area, would ensure that the potential impacts of the proposed General Plan on human remains would be less than significant.

APPENDIX B:
DEPARTMENT OF TOXIC SUBSTANCES CONTROL CORRESPONDENCE RELATED TO THE PROPOSED PROJECT

Department of Toxic Substances Control

Meredith Williams, Ph.D., Director
8800 Cal Center Drive
Sacramento, California 95826-3200

Yana Garcia
Secretary for
Environmental Protection

Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

March 22, 2024

Will Nelson
Principal Planner
Contra Costa County, Department of Conservation and Development
30 Muir Road
Martinez, CA 94553
will.nelson@dcd.cccounty.us

RE: DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE CONTRA COSTA COUNTY 2045 GENERAL PLAN AND CONTRA COSTA COUNTY CLIMATE ACTION PLAN 2024 UPDATES (AKA ENVISION CONTRA COSTA) DATED FEBRUARY 9, 2024 STATE CLEARINGHOUSE # 2023090467

Dear Will Nelson,

The Department of Toxic Substances Control (DTSC) received a DEIR for the Contra Costa County 2045 General Plan and Contra Costa County Climate Action Plan 2024 Updates (aka Envision Contra Costa). Contra Costa County is one of the nine San Francisco Bay Area counties. The County has prepared comprehensive updates to its existing General Plan and Climate Action Plan (CAP), which are applicable to the county's unincorporated areas. The DEIR study area coincides with the unincorporated areas covered by the General Plan and CAP. Based on our project review; we request consideration of the following comments:

1. The proposed Project encompasses multiple active and nonactive mitigation and clean-up sites where DTSC has conducted oversight that may be impacted as a result of this Project. This may restrict what construction

activities are permissible in the proposed Project areas in order to avoid any impacts to human health and the environment.

2. Due to the broad scope of the Project, DTSC is unable to determine the locations of the proposed sites, whether they are listed as having documented contamination, land use restrictions, or whether there is the potential for the sites to be included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, DTSC recommends providing further information on the proposed project and areas that may fall under DTSC's oversight within future environmental documents. Once received, DTSC may provide additional comments on the future environmental documents as further information becomes available. Please review the project area in EnviroStor; DTSC's public-facing database.

DTSC believes Contra Costa County must address these comments to determine if any significant impacts under the California Environmental Quality Act (CEQA) will occur and, if necessary, avoid significant impacts under CEQA. DTSC recommends the department connect with our unit if any hazardous waste projects managed or overseen by DTSC are discovered. Please refer to the Contra Costa County EnviroStor Map for additional information about the areas of potential contamination

DTSC appreciates the opportunity to comment on the DEIR for the Contra Costa County 2045 General Plan and Contra Costa County Climate Action Plan 2024 Updates (aka Envision Contra Costa. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like any clarification on DTSC's comments, please respond to this letter or via email for additional guidance.

Sincerely,

Tamara Purvis

Tamara Purvis
Associate Environmental Planner
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Tamara.Purvis@dtsc.ca.gov

cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

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From: Purvis, Tamara@DTSC <Tamara.Purvis@dtsc.ca.gov>
Sent: Monday, September 8, 2025 2:12 PM
To: Will Nelson <Will.Nelson@dcd.cccounty.us>
Cc: CEQAReview <ceqareview@dtsc.ca.gov>
Subject: RE: DTSC Comments on Contra Costa County Urban Limit Line Renewal, State Clearinghouse Number 2023090467

Good afternoon Will,

Thank you for reaching out with your concerns. DTSC understands that the EIR for the General Plan update and Urban Limit Line renewal is a program-level document and is currently not at project-level CEQA document. However, when plan reaches project level, we ask that DTSC's recommendations, guidance and inclusion is taken into consideration.

Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances.

Thank you,

Tamara Purvis
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CEQA Unit-Permitting/HWMP
916-255-3857
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Department of Toxic Substances Control
California Environmental Protection Agency

DTSC Department of Toxic Substances Control
CalEPA California Environmental Protection Agency

From: Will Nelson <Will.Nelson@dcd.cccounty.us>
Sent: Monday, September 8, 2025 12:40 PM
To: Purvis, Tamara@DTSC <Tamara.Purvis@dtsc.ca.gov>
Subject: DTSC Comments on Contra Costa County Urban Limit Line Renewal, State Clearinghouse Number 2023090467

Hello Tamara,

We recently received a letter from DTSC on Contra Costa County's proposed Urban Limit Line renewal. I'm writing because DTSC's request is unclear to me. DTSC's 9/3/25 letter indicates that recommendations from its 3/22/24 letter on the draft EIR for Contra Costa County's General Plan update were not addressed. However, the recommendations appear to be aimed at project-level CEQA documents whereas the EIR for the General Plan update and Urban Limit Line renewal is a program-level document. I'm seeking clarification on whether there is anything DTSC is asking for at the program level.

Thank you in advance for your help.

Best,
Will Nelson

William R. Nelson
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