

**Everett Louie**

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**From:** pamelawest wclands.com <pamelawest@wclands.com>  
**Sent:** Monday, July 10, 2023 1:56 PM  
**To:** Everett Louie  
**Cc:** robertwest wclands.com  
**Subject:** Re: CDDP21-03031 Environmental Document Initial Study Review and Mitigation Measures

Good afternoon,

Robert West and I have reviewed the documents listed above and agree with all the mitigation measures listed in the Initial Study Review and Mitigation Measures document.

Thank you,

*Pamela West  
West Coast Land and Development, Inc.  
145 John Glenn Drive  
Concord, CA 94520  
(925) 246-2870*

## CEQA ENVIRONMENTAL CHECKLIST FORM

1. **Project Title:** Three-story, 24-unit Windhover Terrace Apartments  
(County File #CDDP21-03031)
2. **Lead Agency Name and Address:** Contra Costa County  
Department of Conservation and Development  
30 Muir Road  
Martinez, CA 94553
3. **Contact Person and Phone Number:** Everett Louie, Project Planner  
(925) 655-2873
4. **Project Location:** North of Windhover Way and Pacheco Blvd. Intersection  
Martinez, CA 94553  
Assessor Parcel No. 380-220-066
5. **Project Sponsor's Name and Address:** West Coast Land and Development, Inc – Pamela West  
145 John Glenn Drive  
Concord, CA 94520
6. **General Plan Designation:** Multiple-Family Residential-High Density (MH)
7. **Zoning:** Multiple-Family Residential (M-29)
8. **Description of Project:** The applicant is requesting approval of a of a Development Plan to construct an approximately 22,247-square-foot in size, 24-unit apartment building on a vacant property. The project includes two units for low-income households and one unit for very low-income households and a request for a Density Bonus of two units for a total of 24 units.

The project consists of the following elements:

- Parking related improvements for 34 parking spaces with two ADA accessible spaces and four electric vehicle charging spaces;
- Asphalt and permeable pavement;
- Landscaping would include 25 trees and numerous shrubs throughout the property for a total of 6,600 square feet of landscaping. A new six-foot fence along the rear property line and a six-foot decorative wall along the side property lines;
- Retaining walls along the rear of the property;
- Fire Hydrant;
- Six long-term bicycle storage lockers and two short-term bicycle storage spaces;
- A 13'-7" tall carport that will cover 16 spaces located on the east side of the parcel;
- A 8'-8", Approx. 261 square foot trash enclosure structure;
- Four downward-oriented LED streetlight-style light to be located near the carport to provide site security;
- Bioretention Facilities;
- Site preparation would include approximately seven cubic yards of cut and 3,803 cubic yards of fill for bioretention treatment facilities and to direct stormwater to off-site drainage infrastructure;

- Curb, gutter, sidewalk improvements and driveway ramp would be constructed along the project frontage on Windover Way;
- The project includes approximately seven cubic yards of cut and 3,803 cubic yards of fill.

The project requests a Tree permit for the following:

- The removal of four code protected trees work within the dripline of three code protected trees.

The project requests the following variances:

- A 38-6" height (where 30' is the maximum allowed);
- A 24.5' driveway aisle width (where 25' is the minimum required);

The project requests the following concessions and reduction in development standards:

- A density bonus concession to reduce the Open Space requirement from 25% to 20.5%;
- A reduction in development standards pursuant to Government Code 65915(p) for parking ratios;
- A reduction in development standards pursuant to Government Code 65915(e) for reduced parking stall size, parking setbacks, and total number of covered parking spaces;

The project requests an exception:

- An exception to Division 914, Collect and Convey requirements.

**9. Surrounding Land Uses and Setting:**

Surrounding Area: This area along Windhover Way is exclusively occupied by residential development. The adjacent parcels to the north and south host single family residences. To the east of the site is a 13-unit townhouse development. The two properties to the west both host duplexes. Approximately 316 feet northeast is a 12-unit apartment complex. Beyond the immediate neighborhood, along Pacheco Boulevard there are a variety of residential, commercial, and retail uses including multi-family housing, restaurants, schools, storage locations, gas stations, auto repair shops, and other retail services. Parcels within the City of Martinez jurisdiction are located approximately 1,100 feet to the east of the subject parcel.

Subject Property: The subject lot is approximately 0.75-acres in size (approximately 32,820 square feet) rectangular shaped parcel (with the addition of a 52' x 70' strip which extends to the west and connects the parcel to Windhover Way as an access.) The parcel is located on the east side of Windhover Way, approximately 125 feet north of the Pacheco Boulevard and Windhover Way intersection in the in the Pacheco/Vine Hill area. The parcel is vacant and is largely covered with grass and dirt and has eight trees located around the perimeter of the parcel. There is existing curb, sidewalk, streetlights, and underground utilities along the frontage of Windhover Way. Public Works has reviewed the submittal and has indicated that the applicant will not be required to perform further widening or frontage improvements. The general topographic slope of the parcel trends downward from west to east. The elevation starts at 40 feet above mean sea level at Windhover Way and slopes down to 31 feet above mean sea level at the rear of the property. The site currently has access off of Windhover Way which will continue to remain as the access point. The site contains eight trees consisting of London Plane, Carolina Cherry Laurel, California Black Walnut, Glossy Privet, Olive and Siberian Elm.

**10. Other public agencies whose approval is required (e.g., permits, financing, approval, or participation agreement):**

- Contra Costa County Public Works Department
- Contra Costa County Building Inspection Division
- Contra Costa Fire Protection District
- Contra Costa County Health Services Department
- Contra Costa Water District
- Mt. View Sanitary District

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

A Notice of Opportunity to Request Consultation was sent on May 24, 2023, in accordance with section 21080.3.1 of the California Resources Code to the Wilton Rancheria and Confederated Villages of Lisjan Nation, the two California Native American tribes that have requested notification of proposed projects. Pursuant to section 21080.3.1(d), there is a 30-day time period for the Confederated Villages of Lisjan and the Wilton Rancheria to either request or decline consultation in writing for this project. Staff did not receive a request for consultation in response. Therefore, consultation with Native American tribes has not occurred in relation to this project.

<b>Environmental Factors Potentially Affected</b>		
Without mitigation, the environmental factors checked below would have been potentially affected by this project. Upon incorporation of the mitigation measures identified in the following pages it has been found that the project will not result in any impacts to the environment.		
<input checked="" type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture and Forestry Resources	<input checked="" type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Cultural Resources	<input type="checkbox"/> Energy
<input checked="" type="checkbox"/> Geology/Soils	<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Hazards & Hazardous Materials
<input type="checkbox"/> Hydrology/Water Quality	<input type="checkbox"/> Land Use/Planning	<input type="checkbox"/> Mineral Resources
<input checked="" type="checkbox"/> Noise	<input type="checkbox"/> Population/Housing	<input type="checkbox"/> Public Services
<input type="checkbox"/> Recreation	<input type="checkbox"/> Transportation	<input checked="" type="checkbox"/> Tribal Cultural Resources
<input type="checkbox"/> Utilities/Services Systems	<input type="checkbox"/> Wildfire	<input checked="" type="checkbox"/> Mandatory Findings of Significance

<b>Environmental Determination</b>
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On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the

project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.

*Everett Louie*

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Everett Louie  
Planner II  
Contra Costa County  
Department of Conservation & Development

7/11/2023  
\_\_\_\_\_  
Date

## ENVIRONMENTAL CHECKLIST

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>1. AESTHETICS – Except as provided in Public Resources Code Section 21099, would the project:</b>				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

- a) **Less Than Significant Impact:** The Open Space Element of the County General Plan identifies major scenic ridges and waterways within the County as shown in Figure 9-1. The project site is located more than 3 miles to the east of the nearest scenic ridgeway. The subject property is not located near a major scenic resource and will therefore have a less than significant adverse effect on a scenic vista.
  
- b) **Less Than Significant Impact:** Figure 5-4 (Scenic Routes Plan) of the Contra Costa County Transportation and Circulation Element identifies the roadways which form the Countywide scenic routes plan. The project site is bounded by Pacheco Blvd to the south and Windhover Way to the west. The nearest scenic highway is Highway 4 which is approximately 1.30 miles to the south of the project site. Highway traffic is not visible from the site. Since the subject property is not visible from a state scenic highway and is void of any structures (the project site is vacant and covered in shrubs), the project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.
  
- c) **Less Than Significant Impact:** The vacant property site is located within the Multiple-Family Residential (M-29) zoning district. Generally speaking, the intent of the M-29 zoning district is to provide for residential infill development at a density which is supportive of the surrounding area. In general, the project has been designed pursuant to the guidelines for development within the M-29 zoning district. The project has been designed to be compatible with the existing residential development in the area, including orienting the main entrance towards the Windhover Way frontage. Surrounding uses include single-family residences to the north and south, a 13-unit townhouse development to the east and a 12-unit apartment complex to the northeast. The project has been reviewed for compliance with the M-29 zoning district

standards, which included the review of the preliminary landscape design that has been submitted with the application. The project proposes to enhance the scenic quality of the site, turning it from a vacant lot with overgrown vegetation to an urban use with landscaping. The final landscape plan must be reviewed by staff upon project approval and prior to applying for building and/or grading permits. Therefore, the project would not conflict with any applicable zoning and/or other regulations governing scenic quality.

- d) Less Than Significant Impact With Mitigation Incorporated: The project site is located in an urbanized area. However, the site itself is vacant and would introduce new lighting as part of the project design. As required by the Off-Street Parking ordinance, the proposed project will include the installation of four downward-oriented LED streetlight-style lights to be located near the carport to illuminate the parking areas and to allow for safe circulation around the subject property during times of low natural light. The applicant has submitted a preliminary lighting plan that details the location and type of proposed exterior lighting. The lighting plan indicates that the location of the lights will be minimally located near residences off-site. Additionally, the potential for light spillover is limited due to the proposed landscaping which includes trees, a new stone masonry fence and an existing wood fence. The following mitigation measure shall ensure that all outdoor lighting is directed downward and positioned away from adjacent properties and streets, reducing such impacts to a less than significant level.

Potential Impact: Project lighting could spill off-site and result in a potentially significant adverse environmental impact due to substantial new light and glare on neighboring properties. Thus, the following mitigation measure would ensure such impacts from project lighting would have a less than significant impact on nighttime views.

*Mitigation Measure Aesthetics 1:* Prior to CDD-stamp approval of plans for the issuance of a building or grading permit, whichever occurs first, a lighting plan shall be submitted to the (CDD) for review and approval. The lighting plan shall provide the specifications of the proposed light post as shown on the approved plans. All outdoor lighting shall be directed down and screened away from adjacent properties and public/private right-of-way to prevent glare or excessive light spillover.

#### Sources of Information

- Contra Costa County General Plan. “Chapter 9: Open Space Element.” 2005-2020.  
<https://www.contracosta.ca.gov/DocumentCenter/View/30919/Ch9-Open-Space-Element?bidId=>
- Contra Costa County General Plan. “Chapter 5: Transportation and Circulation Element,” 2005-2020.  
<http://www.co.contra-costa.ca.us/DocumentCenter/View/30915/Ch5-Transportation-and-Circulation-Element?bidId=>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>2. AGRICULTURAL AND FOREST RESOURCES – Would the project:</b>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment, which due to their location or nature, could result in conversion of farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUMMARY:**

a-e) **No Impact:** The project site is located within the Multiple-Family Residential (M-29) zoning district. The parcel is within an “Urban and Built-Up Land” area as shown on the California Department of Conservation’s Contra Costa County Important Farmland 2018 map. Neither the subject property, nor those in the vicinity are zoned for agricultural use nor does the site contain farmland designated “Prime”, “Unique”, or of “Statewide Importance”. The site is not under a Williamson Act contract with the County. Additionally, the project site is not considered forest land as defined by California Public Resources Code Section 12220(g) or timberland as defined by California Public Resources Code Section 4526. Development of a vacant lot that is not being used for any agricultural use and turning it into a residential project would not involve substantial changes to the existing urban environment. Furthermore, the project site is located in an area of the County that is urbanized and contains uses which include residential, commercial and mixed use. Therefore, the project will have no impact on agricultural or forest resources, will not convert Prime Farmland, unique Farmland or Farmland of Statewide importance to a non-agricultural use, will not result in the conversion or loss of forest resources and will not contribute indirectly to the conversion of adjacent farmland.

**Sources of Information**

- California Department of Conservation, *California Important Farmland Finder*. <https://maps.conservation.ca.gov/dlrp/ciff/>



Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>3. AIR QUALITY – Would the project:</b>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

- a) **Less Than Significant Impact:** Contra Costa County is within the San Francisco Bay air basin, which is regulated by the Bay Area Air Quality Management District (BAAQMD) pursuant to the *Bay Area 2017 Clean Air Plan*. The purpose of the *Clean Air Plan* is to bring the air basin into compliance with the requirements of Federal and State air quality standards and to protect the climate through the reduction of criteria pollutants and greenhouse gases. The CEQA Guidelines support lead agencies in analyzing air quality impacts. If, after analysis, the project’s air quality impacts are found to be below the significant thresholds, then the air quality impacts may be considered less than significant. The potential air quality impacts for this project were evaluated using the BAAQMD 2017 CEQA guidelines screening criteria. Pursuant to these guidelines, if a project does not exceed the screening criteria size it is expected to result in less than significant impacts to air quality.

The operational criteria pollutant screening size for the land use type “Apartment, low-rise” is 240 dwelling units, and the construction-related screening size is 78 dwelling units. The proposed 24 dwelling unit apartment complex is below the residential screening criteria for the low-rise apartment complex for both operational (i.e., occupancy of the residential units) and construction-related pollutants. Furthermore, the screening criteria developed by BAAQMD generally represent new developments on greenfield sites. The proposed project is proximate to regional transit service and is considered an infill project in the otherwise developed, surrounding area of Martinez.

The County’s Climate Action Plan (CAP) is designed to reduce local greenhouse gas (GHG) emissions while improving community health consistency with the BAAQMD’s guidance on preparing a qualified GHG reduction strategy and State assembly Bill (AB) 32 GHG reduction targets. To assist staff and developers with implementation of the GHG reduction strategy, the CAP includes a development checklist (Appendix E) with strategies for project consistency with the CAP. Such strategies include the installation of high-efficiency appliances, insulation,

electric vehicle (EV) charging stations, and locating new development within one half mile of a BART, Amtrak, or bus station. Staff will recommend conditions of approval to require verification by staff of the County Building Inspection (BID) and Community Development Division (CDD) of the project's compliance with Appendix E standards prior to issuance of building permits. Therefore, the potential for the project to conflict with or obstruct implementation of BAAQMD's Clean Air plan or the County's Climate Action Plan is less than significant.

- b) Less Than Significant Impact: As discussed above, the proposed 24-unit apartment complex is less than the criteria pollutant screening size determined by the BAAQMD, and thus would not result in significant emissions of criteria air pollutants during the construction period or during project operation. In addition, by implementing the strategies of the County CAP to reduce GHG emissions, the proposed project would not cause a violation of any air quality standard and would not contribute substantially to any existing or projected air quality violation. Although the proposed project would contribute incrementally to the level of criteria air pollutants in the atmosphere, the project would have a less than significant impact on the level of any criteria pollutant.
- c) Less Than Significant Impact With Mitigation Incorporated: The project is not expected to cause any localized emissions that could expose sensitive receptors (e.g., nearby residences, schools) to unhealthy long-term air pollutant levels. Construction activities, however, would result in localized emissions of dust and diesel exhaust that could result in temporary impacts to nearby residences, schools, and businesses.

Construction and grading activities would produce combustion emissions from various sources including heavy equipment engines, paving, and motor vehicles used by the construction workers. Dust would be generated during site clearing, grading, and construction activities, with the most dust occurring during grading activities. The amount of dust generated would be highly variable and would be dependent on the size of the area disturbed, amount of activity, soil conditions, and meteorological conditions. Although grading and construction activities would be temporary, such activities could have a potentially significant adverse environmental impact during project construction. Consequently, the applicant is required to implement the following mitigation measures, which the BAAQMD recommends to reduce construction dust and exhaust impacts to a less than significant impact.

Potential Impact: Future grading and construction activities on the project site would result in localized emissions of dust, diesel exhaust, and combustion emissions that could result in potential, if temporary, air quality impacts to sensitive receptors (e.g., nearby residences, schools) from the project site during project construction.

***Mitigation Measure Air Quality 1:*** The following mitigations shall be included on all construction plans and implemented throughout the construction phase of the project:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
8. The property owner or site contractor shall post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
9. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel.
10. All contractors shall use equipment that meets the California Air Resources Board's (CARB) most recent certification standard for off-road heavy duty diesel engines.

Implementation of these mitigation measures would reduce the impact on the sensitive receptors during project construction to a less than significant level.

- d) Less Than Significant Impact With Mitigation Incorporated: The BAAQMD's 2017 CEQA guidelines indicate that odor impacts can occur from two different situations: 1) siting a new odor source, or 2) siting a new sensitive receptor (e.g., residents). Although not absolute, screening level distances between sources and receptors are utilized by BAAQMD to identify potentially significant impacts from malodors. Depending on the type of land use, the identified screening distance is between one and two miles as shown on Table 3-3 of the CEQA Guidelines. These distances are to be used in conjunction with available complaint history. For example, any odor source with five or more confirmed complaints per year, averaged over three years, is considered to have a significant impact on receptors within the applicable screening distance. Examples of land uses which may potentially generate significant odors include wastewater treatment plants, landfills/composting stations, refineries, chemical plants, etc.

The project is not expected to result in other emissions, such as objectionable odors, that would adversely affect a substantial number of people (objectionable odors are typically associated with agricultural or heavy industrial land uses such as refineries, chemical plants, landfills, sewage-treatment plants, etc.) during project operation. However, during construction and grading, diesel powered vehicles and equipment used on site could create localized odors. These odors would be temporary, but there could be a potentially significant adverse environmental impact during project construction due to the creation of objectionable odors. Consequently, the applicant is required to implement *Mitigation Measure Air Quality 1* above.

Implementation of this mitigation would reduce the impact from the creation of objectionable odors to a less than significant level.

**Sources of Information**

- Bay Area Air Quality Management District *CEQA Air Quality Guidelines*, 2017. [https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa\\_guidelines\\_may2017-pdf.pdf?la=en](https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en)
- Bay Area Air Quality Management District. “Spare the Air, Cool the Climate Final, 2017 Clean Air.” Adopted 19 April 2017. [http://www.baaqmd.gov/~media/files/planning-andresearch/plans/2017-clean-air-plan/attachment-a\\_-proposed-final-cap-vol-1-pdf.pdf?la=en](http://www.baaqmd.gov/~media/files/planning-andresearch/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?la=en).
- Contra Costa County. “Climate Action Plan.” Adopted by the Contra Costa County Board of Supervisors on 15 December 2015. <http://www.co.contracosta.ca.us/DocumentCenter/View/39791/Contra-Costa-County-Climature-Action-Plan?bidId=>.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>4. BIOLOGICAL RESOURCES – Would the project:</b>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUMMARY:**

- a) **Less Than Significant Impact:** The Conservation Element, Figure 8-1 indicates that the project site is not located in a significant ecological area and according to the California Fish and Wildlife Public Access Lands Map, the project site is not indicated to include an area of wildlife or ecological reserve. The location of the project site is surrounded by commercial and residential development and the site currently is vacant with weeds. The site lacks suitable habitat (there are no creeks, wetlands, or riparian habitats located on the subject parcel. Therefore, there will be a less than significant impact on any special status species.
- b) **No Impact:** According to the California Department of Fish and Wildlife (CDFW) Public Access Lands map, the project site is not located in or adjacent to an area identified as a wildlife or ecological reserve by the CDFW. According to the Significant Ecological Areas and Selected Locations of Protected Wildlife and Plant Species Areas map (Figure 8-1) of the County General Plan, the project site is not located in or adjacent to a significant ecological resource area. In addition, the property contains no perennial or intermittent streams, creeks or other riparian habitat – Vine Hill Creek is located approximately 900 feet southeast of the subject property. Therefore, the project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.
- c) **No Impact:** Wetlands are defined and identified under Section 404 of the Clean Water Act as “areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.” According to the U.S. Fish and Wildlife Service National Wetlands Inventory map, no wetlands are located at or adjacent to the project site. Therefore, no substantial adverse effects on federally protected wetlands are expected to occur as a result of this project.
- d) **Less Than Significant Impact:** The project site does not contain any creeks, wetlands, or riparian habitats located on the subject parcel. It is also not identified in Figure 8-1 of the Conservation Element as an area of significant ecological area or locations of protected wildlife and plant species. As previously mentioned, the project site is a vacant lot surrounded by multiple residential properties and commercial properties. The surrounding area has been disturbed and developed. Therefore, the proposed development is expected to have a less than significant impact on the movement of any native resident, or migratory fish, or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of nursery sites, based on existing site conditions and the surrounding land uses.
- e) **Less Than Significant Impact:** The project site has several trees that are located within the parcel boundaries. Because the lot is vacant, the trees are currently protected per Chapter 816-6,

Tree Protection and Preservation Ordinance. The project would remove four code protected trees and work within the dripline of three code protected trees for the construction of the 24-unit apartment building and other various improvements. The applicant is applying for a tree permit which is required prior to any work within the dripline of a code protected tree. The applicant will be required to comply with the conditions of approval which require a tree restitution bond and tree replanting plan. Therefore, as conditioned, the project will have a less than significant impact to tree resources in the County does not conflict with tree preservation policies for Contra Costa County.

- f) No Impact: The East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (ECCC HCP/NCCP) was adopted by the County in October of 2006. The purpose of this plan is to provide a framework to protect natural resources while streamlining the environmental permitting process for impacts to covered special status species within the rapidly expanding region of Eastern Contra Costa. The proposed project site is located outside of the HCP/NCCP urban development area and thus HCP ordinance no. 2007-53 does not apply to the project. Thus, the project would not conflict with any conservation plan.

**Sources of Information**

- Contra Costa County General Plan. “Chapter 8: Conservation Element.” 2005-2020. <https://www.contracosta.ca.gov/DocumentCenter/View/30918/Ch8-Conservation-Element?bidId=>
- California Department of Fish and Wildlife Lands. *Public Access Lands Map*. Accessed May 28,2021. <https://apps.wildlife.ca.gov/lands/>
- Contra Costa County Ordinance Code. Division 816 – Trees. [https://library.municode.com/ca/contra\\_costa\\_county/codes/ordinance\\_code?nodeId=TI8ZO\\_DIV816TR](https://library.municode.com/ca/contra_costa_county/codes/ordinance_code?nodeId=TI8ZO_DIV816TR)

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>5. CULTURAL RESOURCES – Would the project:</b>				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

- a-c) Less Than Significant Impact with Mitigation Incorporated: The Vacant parcel is not a historical resource pursuant to Section 15065.5 of the CEQA Guidelines because:

1. It is not a resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources;
2. It is not a resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in a historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code; and
3. Has not been determined to be historically or culturally significant by a lead agency.

In addition, the California Historical Resource Information System, Northwest Information Center (NWIC) has reviewed the project and determined that there is low possibility for the occurrence of unrecorded archeological resources at the site. Thus, no further study of archeological resources is recommended at this time. Additionally, figure 9-2 of the Open Space Element of the General Plan designates the site as “largely urbanized”, which generally means that there is a low probability for encountering archeological resources. The project site is vacant and as such, there are no existing buildings that would be more than 45 years old. The project consists of the construction of an apartment building. The construction work could include trenching, grading and other subsurface work. The proposed project was reviewed by the NWIC, Wilton Rancheria Cultural Preservation Department and Confederated Villages of Lisjan Nation who did not provide any comments of concern. While the project was reviewed by the NWIC and Tribes in the area, there is nevertheless a potential for previously unknown cultural resources to be uncovered during the construction phase of the project.

Potential Impact: Although there is no evidence that there is any specific cultural resources known in in the project area, there is nevertheless a potential for previously unknown cultural resources to be uncovered during construction activities requiring excavation or earth movement.

The following mitigation measure will ensure that in the event cultural resources are discovered, the proper actions are taken to reduce the adverse environmental impacts to cultural resources to a less than significant level.

***Mitigation Measure Cultural 1:*** The following measures shall be implemented during project-related ground disturbance and shall be included on all construction plans. Prior to CDD-stamp approval of plans for the issuance of a building or grading permit, or tree removal, whichever occurs first, the applicant shall provide evidence that the measures and requirements listed below are included on the construction plans.

- A. All construction personnel, including operators of equipment involved in grading, or trenching activities will be advised of the need to immediately stop work if they observe any indications of the presence of an unanticipated cultural resource discovery (e.g., wood, stone, foundations, and other structural remains; debris-filled wells or privies; deposits of wood, glass, ceramics). If deposits of prehistoric or historical archaeological materials are encountered during ground disturbance activities, all work within 50 feet of the discovery shall be redirected and a qualified archaeologist contacted to evaluate the finds and, if

necessary, develop appropriate treatment measures in consultation with the County and other appropriate agencies. If the deposits are not eligible, avoidance is not necessary.

If eligible, deposits will need to be avoided by impacts or such impacts must be mitigated. Upon completion of the archaeological assessment, a report should be prepared documenting the methods, results, and recommendations. The report should be submitted to the Northwest Information Center and appropriate Contra Costa County agencies.

- B. If human remains are encountered, work within 50 feet of the discovery shall be redirected and the County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation. If the human remains are of a Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the property and provide recommendations for the proper treatment of the remains and associated grave goods.

Upon completion of the assessment by an archaeologist, the archaeologist should prepare a report documenting the methods and results and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report should be submitted to the Northwest Information Center and appropriate Contra Costa agencies.

**Sources of Information**

- Contra Costa County General Plan. “Chapter 9: Open Space Element.” 2005-2020. <https://www.contracosta.ca.gov/DocumentCenter/View/30919/Ch9-Open-Space-Element?bidId=>
- California Department of Conservation. *California Historical Resources*. <https://ohp.parks.ca.gov/ListedResources/?view=county&criteria=7>
- Contra Costa County *Historic Resources Inventory (2019)* - <https://www.contracosta.ca.gov/DocumentCenter/View/1116/Historic-Resources-Inventory-HRI?bidId>
- California Historical Resources Information System Letter Dated November 22, 2021.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>6. ENERGY – Would the project:</b>				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**



- a) Less Than Significant Impact: In December 2015, a Climate Action Plan (CAP) was adopted by the Contra Costa County Board of Supervisors in order to identify and achieve a reduction in greenhouse gas (GHG) emissions by the year 2020 as mandated by the State under AB32. The design and operation strategies set forth in the CAP for reducing GHG emissions include measures such as installing energy efficient appliances that would also reduce the project's consumption of energy resources during operation. The residential project will be required to comply with all California Code Title 24 (CalGreen) building energy efficiency standards for an apartment residential building that are in effect at the time that building permit applications are submitted, including any standards regarding the provision of solar energy. If approved, the project will be reviewed under all current energy standards as part of the plan check process. During the plan check process, the proposed development would be subject to the 2022 California Building Standards Code which would include compliance with the energy conservation standards in the Energy Code Section and CalGreen Code Section of the 2022 California Building Standards Code. In addition, the project must also comply with the County's Water Efficient Landscape Ordinance, which promotes efficient water use. Compliance with all applicable regulations will ensure this development will not have a significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy. During construction, the project may require temporary electrical power. The General Contractor would be required to apply for a temporary power permit from the County and to comply with all applicable building standards for a temporary power connection. Therefore, the impact of construction or operation on electrical energy resources is anticipated to be less than significant.
- b) Less Than Significant Impact: As mentioned in subsection-a above, the residential project will be required to comply with all California Code Title 24 (CalGreen) building energy efficiency standards for an apartment residential building that are in effect at the time that building permit applications are submitted, including any standards regarding the provision of solar energy. In addition, the design and operation strategies set forth in Table E.1 Standards for CAP Consistency – New Development (Appendix E of the County's CAP) include measures such as installing energy efficient appliances that would also reduce the project's consumption of energy resources. Therefore, the project will not conflict with a state or local plan for renewable energy or energy efficiency.

#### Sources of Information

- California Air Resources Board, *Assembly Bill 32 Overview*  
<https://www.arb.ca.gov/cc/ab32/ab32.htm>
- California Energy Commission *2022 Building Energy Efficiency Standards*  
<https://www.energy.ca.gov/title24/2022standards/>
- *Climate Action Plan*, Contra Costa County, 2015

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>7. GEOLOGY AND SOILS – Would the project:</b>				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

a) i) **Less Than Significant Impact:** The California Division of Mines and Geology’s Special Publication 42 indicates that the State Geologist is required to delineate “Earthquake Fault Zones” (EFZs) along known active faults in California. The project site is not mapped within an EFZ, nor within an Alquist-Priolo Special Studies Zone. The nearest fault considered active by the CGS is the Concord fault, which passes more than 10,000 feet east of the site. Because the site is not within an official Earthquake Fault Zone, the risk of fault rupture is generally regarded as very low.

ii) **Less Than Significant Impact:** The U.S. Geological Survey (2016) indicates that there is a 72 percent chance of at least one magnitude 6.7 or greater earthquake striking the San Francisco Bay region between 2014 and 2043. With that, the County General Plan Safety Element

identifies areas that are more or less susceptible to seismic damage as shown in Figure 10-4 Estimated seismic Ground Response. According to Figure 10-4 of the Safety Element, the property is located on Hard Bedrock which has the lowest damage susceptibility. The risk of structural damage from ground shaking is regulated by the building code and the County Grading Ordinance. Codes are intended to keep earthquake risks to an acceptable minimum, and they assume that the ground is stable. Ground failure can result in greater damage. Nevertheless, compliance with the operative provisions of the California Building Code (CBC) along with (i) compliance with the County Grading Ordinance (ii) conservative design and (iii) quality construction are the best means of controlling the life loss and damage potential of earthquakes. Current CBC (2022) requires the use of seismic parameters in the design of all structures requiring building permits. These parameters are based on soil profile types and proximity of faults deemed capable of generating strong/violent earthquake shaking. Design level geotechnical reports routinely provide CBC seismic design parameters, and upon implementation of the mitigations below, adverse effects due to strong seismic ground shaking would be reduced to a less than significant level.

iii) Less Than Significant Impact With Mitigation Incorporated: The Safety Element (Figure 10-5 Estimated Liquefaction Potential) of the County General Plan divides lands within the County into three liquefaction potential categories: generally high, generally moderate to low, and generally low. It is used as a “screening criteria” during the processing of land development applications, on a project-by-project basis. By intent, the map is conservative on the side of safety. The project site is entirely or chiefly in an area classified as generally high liquefaction potential. As a result, the project applicant submitted a Geology study that was peer reviewed by the County geologist, Darwin Myers Associate (DMA). The Geology report prepared by GEC Consultants confirmed that the soils are known to be expansive and corrosive and identified undocumented fill on site as an issue of drainage.

The County Peer Review Geologist (DMA) reviewed the report by GEC Consultants and concluded that the report of GEC Consultants sufficient to define the geotechnical hazards and to identify mitigation measures. DMA recommends that an updated report be provided prior to issuance of grading or building permits. The focus of the updated report shall be to address the following potential hazards, expansive soils, corrosive soils, siting and design of any required bio-retention facilities and/or other measures that may be recommended to achieve compliance with the clean water requirements of the RWQCB, possible presence of existing undocumented fills and provide seismic parameters based on the California Building Code. Thus, the applicant is required to implement the following mitigation measures:

Potential Impact: The project site is within an area where soils are known to be expansive and may be corrosive. Additionally, the geotechnical report prepared by GEC Consultants identified the presence of undocumented fill on the site. Accordingly, staff recommends that the following mitigation measures be incorporated as part of the project to reduce the potential hazards resulting from corrosive soils and other onsite conditions to a less than significant level.

***Mitigation Measure Geology 1:*** Prior to CDD-stamp approval of plans for the issuance of a building or grading permit, or tree removal, whichever occurs first, the project proponent shall submit a geotechnical report update with the geotechnical review fee in the amount of \$3,000, referencing the proposed grading, drainage and foundation plans and providing specific criteria and standards for site grading, drainage and foundation design based on adequate subsurface data, laboratory testing of samples and engineering analysis. The scope of the geotechnical investigation shall address the following potential hazards: (i) expansive soils, (ii) corrosive soils, (iii) siting and design of any required bio-retention facilities and/or other measures that may be recommended to achieve compliance with the clean water requirements of the RWQCB, (iv) possible presence of existing undocumented fills and effective measures to control/ mitigate the settlement hazard, (v) provide seismic parameters based on the adopted California Building Code at the time that a residential building permit is requested.

***Mitigation Measure Geology 2:*** Prior to CDD-stamp approval of plans for the issuance of a building or grading permit, or tree removal, whichever occurs first, the geotechnical report update required by Geology 1, above, shall be subject to review by the County's peer review geologist, and review/approval of the CDD. Improvement, grading and building plans shall carry out the recommendations of the approved report.

iv) Less Than Significant Impact: In 1975, the USGS issued photo-interpretation maps of landslides and other surficial deposits in Contra Costa County (that mapping is presented on Page 10-6 in the Safety Element of the County's General Plan). According to this map, which was prepared by an experienced USGS geologist, the project site is in an area that is not known to have landslides. The County GIS Accela tool also does not identify the site as an area with the possibility of having a landslide. Therefore, it can be concluded that there is a less than significant impact for potential of landslides for this site.

- b) Less Than Significant Impact: Any areas that are disturbed during construction of the project would be covered by the proposed improvements or landscaping. Since all areas of the property that will be disturbed will be covered by new structures, pervious and impervious surfaces, or landscaping, the potential for soil erosion or loss of topsoil is less than significant. Additionally, a routine provision for grading permits in Contra Costa County is a requirement for submittal of an erosion control plan. This plan is subject to technical review by inspectors of the County Grading Section. Normally there are refinements to erosion control plans as the winter rainy season approaches. Additional details are included in the refined erosion control plan, including such items as provisions for (a) storage of extra erosion control materials on site and (b) monitoring of the performance of disturbed areas on the site during/immediately following significant rainstorms. If erosion control facilities are damaged or failing to perform as intended, the erosion control measures being implemented on the site are refined to correct the deficiency. Implementation of an erosion control plan would further ensure that the project results in less than significant impacts due to erosion or the loss of topsoil.
- c) Less Than Significant Impact With Mitigation Incorporated: The geotechnical report prepared by GEC Consultants confirmed that the project site is within an area where the soils are known to be expansive and may be corrosive. Additionally, the report confirmed the presence of

undocumented fill on the site and they identified drainage as a concern. GEC recommended that the drainage should be carefully controlled in the vicinity of the proposed structures and that the undocumented fill must be over-excavated and either (i) incorporated into engineered fill or (ii) if the existing fill contains materials unsuitable for use in an engineered fill, that fill material shall be removed from the site and taken to a suitable facility for disposal. The County's Peer Review Geologist is concerned that the report was not adequate for the issuance of construction permits without a report update.

Potential Impact: The project contains soils that are known to be expansive and may be corrosive. With the addition of undocumented fill, there is potentially significant impact for the project to be located on unstable soil that is not suitable for supporting the proposed improvements. Accordingly, staff recommends that mitigation measures be incorporated as part of the project to reduce the potential hazards resulting from undocumented fill and to perform corrosion potential testing of the graded building pad.

***Mitigation Measure Geology 3:*** Following rough grading (but prior to commencement of foundation-related work) the project geotechnical engineer shall perform corrosion potential testing of the graded building pad to determine if special precautions shall be required to avoid damage to improvements that are in contact with the ground (concrete or steel).

***Mitigation Measure Geology 4:*** The geotechnical report required by Geology 1 routinely includes recommended geotechnical observation and testing services during construction. These services are essential to the success of the project. They allow the geotechnical engineer to (i) ensure geotechnical recommendations for the project are properly interpreted and implemented by contractors, (ii) allow the geotechnical engineer to view exposed conditions during construction to ensure that field conditions match those that were the basis of the design recommendations in the approved report, and (iii) provide the opportunity for field modifications of geotechnical recommendations (with BID approval), based on exposed conditions. The monitoring shall commence during clearing, and extend through grading, including testing services during placement of engineered fill, installation of recommended drainage facilities, and foundation related work. A hard hold shall be placed on the "final" grading inspection, pending submittal of a report from the project geotechnical engineer that documents their observation and testing services during grading, installation of drainage improvements.

Similarly, a hard hold shall be placed on the final building inspection for the apartment building, pending submittal of a letter-report from the geotechnical engineer documenting the monitoring services associated with implementation of foundation-related geotechnical recommendations. The geotechnical monitoring shall include pier hole drilling/ foundation preparation work/ installation of drainage improvements (e.g. collection of roof gutter runoff in a closed conduit and conveying it to a suitable discharge point; and possibly installation of a subdrain system around the perimeter of the foundation to control moisture beneath the foundation).

- d) Less Than Significant Impact With Mitigation Incorporated: The soil series that occurs at the site is known to be expansive and may be corrosive. Expansive soils expand when water is added and shrink when they dry out. This continuous change in soil volume can cause structures to move unevenly and crack. Corrosive soils tend to damage concrete and/or uncoated steel that is in contact with the ground. Geotechnical design criteria are needed to avoid/ minimize damage from these adverse soil conditions. A first step is to test the soils to confirm / modify the Soil Survey's preliminary assessment. In the case of corrosion potential, the soil testing can determine if the soils are corrosive to either steel; or concrete; or to both steel and concrete. The results of that testing can serve to alert the developer and their development consultants (e.g., underground contractor, foundation contractor) of this hazard. The underground contractors can either consider the testing performed to be adequate and act on the results of testing; or they can perform supplemental testing to provide a more complete assessment of this hazard.

Potential Impact: As discussed in Section 6(a)(iii) above, the available information indicates a significant risk of damage to structures / improvements due to these adverse soil conditions. Consequently, the applicant is required to implement the following mitigation measure.

***Mitigation Measure Geology 5:*** All grading, excavation and filling shall be conducted during the dry season (April 15 through October 15) only, and all areas of exposed soils shall be revegetated to minimize erosion and subsequent sedimentation. After October 15, only erosion control work shall be allowed, unless additional grading is reviewed and specifically approved by the Building Inspection Division.

- e) No Impact: The subject property is within an area served by the Mt. View Sanitary District. The proposed development will be connected to the existing public sewer service. The Sanitary District has reviewed the project and has indicated that they would review the sewer improvement plans. There will be no septic system within the project.
- f) Less Than Significant Impact With Mitigation Incorporated: There are no known paleontological resources located at the project site nor have any unique geological features been identified. Nevertheless, there is always the potential for ground disturbing activity to reveal previously undocumented features. Implementing the mitigation below ensures the project will not significantly impact any such resource that may be uncovered by construction activity at the project site.

Potential Impact: Ground disturbance during the project's construction phase has the potential for disturbing previously unknown unique paleontological resources. In addition to the mitigation measures for Cultural Resources, the following mitigation measures will ensure that in the event unique paleontological resources are discovered, the proper actions are taken to reduce the adverse environmental impacts to unique paleontological resources to a less than significant level.

***Mitigation Measure Geology 6:*** Should unique paleontological materials be uncovered during grading, trenching, or other on-site excavation(s), all earthwork within 30 yards of the materials shall be stopped until the Community Development Division (CDD) has been notified, and a

qualified paleontologist contacted and retained to evaluate the significance of the find, and, if deemed necessary, suggest appropriate mitigation(s).

**Sources of Information**

- California Building Code, 2022.
- California Division of Mines and Geology - *Special Publication 42*.  
[https://www.conservation.ca.gov/cgs/Documents/Publications/Special-Publications/SP\\_042.pdf](https://www.conservation.ca.gov/cgs/Documents/Publications/Special-Publications/SP_042.pdf)
- California Department of Conservation. *California Earthquake Hazards Zone Map*.  
<https://maps.conservation.ca.gov/cgs/EQZApp/app/>
- Contra Costa County General Plan. “Chapter 10: Safety Element.” 2005-2020.  
<https://www.contracosta.ca.gov/DocumentCenter/View/30920/Ch10-Safety-Element?bidId=>
- United States Geologic Survey. *Earthquake Outlook for the San Francisco Bay Region 2014-2043*. August, 2016. <https://pubs.usgs.gov/fs/2016/3020/fs20163020.pdf>
- United States Department of Agriculture, Natural Resources Conservation Service. *Web Soil Survey Map*.  
<https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>
- Darwin Myers Associates. “Geologic Peer Review – CDDP21-0303,” Dated November 19, 2021.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>8. GREENHOUSE GAS EMISSIONS – <i>Would the project:</i></b>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

- a) **Less Than Significant Impact:** As discussed in the Air Quality section of this study, the Bay Area Air Quality Management District (BAAQMD) adopted the *Bay Area 2017 Clean Air Plan* that, in addition to various criteria air pollutants, addresses GHG emissions at a regional scale. The project includes a new 24-unit apartment building. The screening criteria are not thresholds of significance but were developed to provide a conservative indication of whether a proposed project could result in potentially significant air quality impacts. Pursuant to these guidelines, the potential for apartment style buildings would be 78 low-rise apartment dwellings. The project is much lower than the threshold as it proposes 24-units. While the project would generate some GHG emissions, the project’s global climate change is less than “cumulatively considerable’ because the project does not exceed applicable screening criteria, as described

above. Thus, it can be assumed that the project will have a less than significant impact on the environment regarding greenhouse gas emissions.

- b) Less Than Significant Impact: Within the *2017 Clean Air Plan* is an ambitious GHG reduction target to reduce Bay Area GHG emissions to 80% below 1990 levels by the year 2050. The 2017 control strategy includes all feasible measures to reduce emissions of ozone precursors – reactive organic gases (ROG) and nitrogen oxides (NO<sub>x</sub>) – and reduce transport of ozone and its precursors to neighboring air basins. In addition, the plan builds upon and enhances BAAQMD’s efforts to reduce emissions of fine particulate matter and toxic air contaminants. BAAQMD’s approach to developing a threshold of significance for GHG emissions is to identify emissions level for which a project would not be expected to substantially conflict with existing California legislation adopted to reduce statewide GHG emissions. For land use development projects, the threshold is 1,100 metric tons per year (MT/yr) of CO<sub>2</sub>e. If a project would generate GHG levels above the threshold, it would be considered to contribute substantially to a cumulative impact and would be considered significant. The emissions generated as a result of the operational activities of the proposed 24-unit apartment complex will be far less than the significance threshold and will not result in significant levels of GHG that will conflict with any applicable plan, policy, or regulation pertaining to the reduction of GHG. There may be some increase in greenhouse gases as a result of the project, but they would be considered less than significant due to the temporary nature of the construction phase of the project as the project will be required to incorporate energy efficiency measures from the current Title 24 Building Energy Efficiency Standards Code and comply with the CalGreen / Construction & Demolition (C&D) Debris Recovery Program.

#### Sources of Information

- Bay Area Air Quality Management District *CEQA Air Quality Guidelines*, 2017. [https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa\\_guidelines\\_may2017-pdf.pdf?la=en](https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en)
- Contra Costa County. “Climate Action Plan.” Adopted by the Contra Costa County Board of Supervisors on 15 December 2015. <http://www.co.contracosta.ca.us/DocumentCenter/View/39791/Contra-Costa-County-Climate-Action-Plan?bidId=>



Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>9. HAZARDS AND HAZARDOUS MATERIALS – Would the project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

a-b) Less Than Significant Impact: The proposed project consists of constructing a new 24-unit apartment complex. The proposed improvements and overall project site will be utilized for residential-related improvements and activities. Although small quantities of commercially available hazardous materials may be used for household or common-area cleaning or for landscape maintenance, these materials would not be used in sufficient quantities to pose a threat to human or environmental health.

The use of fuels and lubricants, paints, and other construction materials would occur during the construction phase of the project. However, the use and handling of hazardous materials during construction would occur in accordance with applicable federal, state, and local laws, including California Occupational Health and Safety Administration (Cal/OSHA) requirements. With compliance with existing regulations, the project would result in a less than significant impact from construction activities.

Therefore, the potential for impacts associated with handling, storing, and dispensing of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment from project construction or operation would be less than significant.

Staff utilized EnviroStor from the Department of Toxic Substances Control's data system and the tracking system determined that the site is not a site of hazardous waste. No evidence reviewed by staff suggests that the project would be located on a site with hazardous materials pursuant to Government Code Section 65962.5. Therefore, a less than significant impact is expected.

- c) Less Than Significant Impact: The Las Juntas Elementary School is located approximately 970 feet east while Morello Park Elementary School is located approximately 2684 feet south of the project site. However, due to the proposed use of the building (24-unit apartment), impacts on either school from hazardous substances emitting from the project site, post construction, would be less than significant. No evidence reviewed by staff suggests that the project would include foreseeable conditions involving the likely release of hazardous materials into the environment. The use of construction-related fuels and lubricants, paints, and other construction materials, during the construction period, would occur in accordance with applicable federal, state, and local laws, including California Occupational Health and Safety Administration (Cal/OSHA) requirements. Therefore, the potential impacts from the project to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste, is considered to be less than significant.
- d) No Impact: The California Environmental Protection Agency maintains an updated list of Hazardous Waste and Substance Sites (Cortese List). The subject property is not listed on the Cortese List and is not categorized as a hazardous materials site. Therefore, the project will have no impact in this respect.
- e) No Impact: The project is not located within the vicinity of any public airport or public use airport and will not conflict with an airport land use plan. The nearest airport facility to the project site is the Buchanan Field airport, which is approximately 2 miles southeast of the project site. Thus, the proposed project would not present any safety hazard to airports or excessive noise for people residing or working in the project area.
- f) Less Than Significant Impact: The subject site fronts Windhover Way, which connects to Pacheco Boulevard, both are County maintained roads. Windhover Way along the project frontage is approximately 36-foot-wide street within a 56-foot right-of-way. There are existing curbs, sidewalk, streetlights, and underground utilities along the frontage. No further widening or frontage improvements are necessary with this development. The project will build a driveway that will connect to Windhover Way from the interior parking lot. The proposed project will not impact any existing communication/utility structures such as power poles or telecommunications towers which may be necessary for an existing emergency response or evacuation plan. Although project construction would primarily occur onsite, the required water main extensions may require temporary road closures or reduced lanes. Additionally, in the event that the alternative drainage plan would be necessary, extension of a new storm drain

pipe may require temporary or partial road closures. The nature and duration of those road closures would be subject to review by the County Public Works Department for compliance with applicable transportation regulations and require issuance of an encroachment permit.

It should also be noted that the project was referred to the Contra Costa County Fire Protection District requesting comments. In a returned letter dated November 15, 2021, the Fire Protection District is requiring the applicant submit construction plans for review. All construction plans will be subject to the review of the Contra Costa County Fire Protection District for consistency with applicable Fire Code that is in effect at the time when the application for a building permit is submitted. Therefore, the routing review of construction plans will ensure that final construction plans will not result in a condition with inadequate emergency vehicle access. Accordingly, the project would have a less than significant impact on emergency response and emergency evacuation plans.

- g) Less Than Significant Impact: The project site is characterized as “urban unzoned” on the California Department of Forestry and Fire Protection’s Fire Hazard Severity Zone Map for local responsibility areas and thus, would not be considered to have a high hazard risk due to wildfires. The nearest High Fire Zone in Local Responsibility Area is over 2,000 feet north of the project site while the nearest High Fire Zone in State Responsibility Area is over 2 miles west. The project site is in a developed area within the service area of the Contra Costa County Fire Protection District (CCCFPD). Development projects are generally referred to the Fire District for review and comment to ensure that the proposal does not conflict with applicable fire codes. There was no indication from the CCCFPD review of the project that the proposed development poses a significant fire risk. Based on their review, the project proponent will be required to provide construction plans to the fire district for review and approval. The plans shall meet the 2022 California Building Code, 2022 California Residential Code and the applicable California Fire Code. Therefore, there is a less than significant impact of indirect risk of exposing people to loss, injury, or death involving wildland fire.

### Sources of Information

- California Department of Public Health *FAQs About Asbestos in the Home and Workplace*, 2017. [https://www.cdph.ca.gov/Programs/CCDCPHP/DEODC/EHLB/IAQ/CDPH%20Document%20Library/AsbestosFactSheet\\_201711\\_final-ADA.pdf](https://www.cdph.ca.gov/Programs/CCDCPHP/DEODC/EHLB/IAQ/CDPH%20Document%20Library/AsbestosFactSheet_201711_final-ADA.pdf)
- California Department of Toxic Substances Control EnviroStor. *Hazardous Waste and Substances Site List*. <https://www.envirostor.dtsc.ca.gov/public/search.asp>
- California Department of Forestry & Fire Protection, Fire and Resource Assessment Program. *Contra Costa County Very High Fire Hazard Severity Zones in LRA*, 2009. [https://osfm.fire.ca.gov/media/6660/fhszl\\_map7.pdf](https://osfm.fire.ca.gov/media/6660/fhszl_map7.pdf)
- California Building Standards Commission. “2022 California Fire Code, California Code of Regulations, Title 24, Part 9.” Accessed in 2023. <https://codes.iccsafe.org/content/CAFC2022P1/california-code-of-regulations-title-24>.
- California State Geportal. “California Fire Hazard Severity Zone Viewer.” Accessed in 202. <https://gis.data.ca.gov/datasets/789d5286736248f69c4515c04f58f414>.

- Contra Costa County Fire Protection District. “CCCFPD Project No.:P-2021-05611.” Dated November 15, 2021.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>10. HYDROLOGY AND WATER QUALITY – Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

- a) **Less Than Significant Impact:** The proposed development is residential in nature, and will not consist of any manufacturing, processing, industrial, or other commercial activities which would generate by-products or waste that would pose a significant risk for impacting water quality or waste discharge requirements within the County. The project site is located within the service of the MT. View Sanitary District service area and will have access to public sewage disposal services. A Stormwater Control Plan (SWCP) is required for applications that will create and/or redevelop impervious surface area exceeding 10,000 square feet (5,000 square feet for projects that include parking lots, restaurants, automotive service facilities and gas stations), in compliance with the County’s Stormwater Management and Discharge Control Ordinance (§1014) and the County’s Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System

(NPDES) Permit. The proposed development is residential in nature, and will not consist of any manufacturing, processing, industrial, or other commercial activities which would generate by-products or waste that would pose a significant risk for impacting water quality or waste discharge requirements within the County. The project includes approximately 23,790 square feet of impervious surface (including the building and parking area), which is above the threshold for requiring submittal of a SWCP. The applicant submitted a preliminary Stormwater Control Plan (SWCP) for the proposed stormwater management facilities and controls as required by the County's Stormwater Management and Discharge Control Ordinance. The SWCP submitted by the applicant has been deemed "preliminarily complete" by the County's Public Works Department for the purposes of this phase of project review. Subsequent revisions and a final SWCP will be required as the project proceeds through the design and construction process.

The project is not expected to violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality because the applicant shall be required to comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, or any of its Regional Water Quality Control Boards (San Francisco Bay - Region II). Compliance shall include developing long-term best management practices (BMPs) for the reduction or elimination of stormwater pollutants. The project design shall incorporate, wherever feasible, long-term BMPs in accordance with the Contra Costa Clean Water Program for the site's stormwater drainage.

b) Less Than Significant Impact: The project site is within the Contra Costa Water District (CCWD) service area. Since the project proposes to utilize a public water supply, no groundwater wells would be required. Pursuant to a letter from CCWD, the proposed development will require a fire service, a domestic service and an irrigation service for the landscaping. CCWD recommended that the applicant submit plans to the water district for review and approval. The project also plans to install up to four bioretention areas that would help facilitate groundwater recharge and help offset the increased impervious surface area on the project site. Therefore, there is less than significant potential for the project to substantially decrease groundwater supplies, interfere with groundwater recharge, or impede sustainable groundwater management of the basin.

c)

i, ii, iii

Less Than Significant Impact: Division 914 of the County Ordinance Code requires that all storm water entering and/or originating on this property to be collected and conveyed, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having a definable bed and banks or to an existing adequate public storm drainage system which conveys the storm water to an adequate natural watercourse. A preliminary stormwater control plan was prepared by CALICHI Design Group which indicated that the storm drain improvements for this development would direct drainage to the frontage of Windhover Way. The applicant will construct retaining walls along the east and south property lines to eliminate

the current surface discharge of water to adjacent properties. The Contra Costa County Public Works Department has reviewed the drainage pattern at 98 Windhover Way and found no evidence that the property currently drains onto the vacant parcel at APN 380-220-066. The County elevation data contours imply that stormwater should natural drain southeast from 98 Winhover Way, avoiding the proposed project parcel.

Additionally, the site proposed drainage upgrades to prevent any off-site drainage. The property slopes from the northwest corner to the southeast corner, away and considerably below street grade. The applicant proposes to install a bioretention facility onsite which discharges to an existing 18" storm drain in Windhover Way, effectively diverting the onsite flows. The applicant has requested an exception to Division 914 of the County Ordinance per section 92-6.002 of the County Ordinance Code. Further, analysis of the project by the Contra Costa County Public Works Department determined that the applicant shall be permitted an exception from the collect and convey requirements of the County Ordinance Code and will be allowed to discharge to an existing storm drain provided that the applicant submit a drainage report to verify the adequacy of the downstream drainage system. The applicant will be required to submit a report verifying the adequacy of the stormwater facility or natural watercourse to which the stormwater shall be directed (and to ensure that the system is adequate).

- d) No Impact: Seiche, tsunami, and mudflow events are generally associated with large bodies or large flows of water. The project site is not located within a 100-year or 500-year flood plain as designated on the Federal Emergency Management Agency Flood Insurance Rate Map. According to the Safety Element of the County General Plan, the project site is not located in a hazard zone for mudflows. A seiche is a water wave in a standing body of water such as a large lake or reservoir that is caused by an earthquake, a major landslide, or strong winds. This hazard does not exist within the Martinez area as there are no large lakes or reservoirs in the area. As such, there would be no risk of pollutants being released from the site due to inundation through flooding, tsunamis, mudflows, or seiche, therefore, there would be no impact in this regard.
- e) Less Than Significant Impact: The project is not expected to violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality because the applicant shall be required to comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, or any of its Regional Water Quality Control Boards (San Francisco Bay - Region II). Compliance shall include developing long-term best management practices (BMPs) for the reduction or elimination of stormwater pollutants. The project design shall incorporate, wherever feasible, long term BMPs in accordance with the Contra Costa Clean Water Program for the site's stormwater drainage. Therefore, the project would have a less than significant impact on the implementation of an adopted water quality control plan or sustainable groundwater management plan.

#### Sources of Information

- Contra Costa Clean Water Program, *C3 Guidance: Development*, <https://www.cccleanwater.org/construction-business/development>

- Contra Costa County Public Works *CDP21-03031 Staff Report & Recommended Conditions of Approval* dated December 19, 2022.
- *Contra Costa County Tsunami Hazard Areas*, California Department of Conservation, 2021. <https://www.conservation.ca.gov/cgs/tsunami/maps/contra-costa>
- Contra Costa County General Plan, 2005-2020. *Safety Element*. <https://www.contracosta.ca.gov/DocumentCenter/View/30920/Ch10-Safety-Element?bidId=>
- CALICHI DESIGN GROUP. “Stormwater Control Plan for DP21-3031).” Dated February 15, 2022.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>11. LAND USE AND PLANNING – Would the project:</b>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

- a) **No Impact:** The subject property is currently vacant lot within a developed, urban area of the Martinez area in unincorporated Contra Costa County. Existing land uses in the vicinity primary consists of single-family residential development and related uses such as churches, schools, convenience stores, apartment buildings and townhouses. The project site is approximately 0.75 acres in area and is not large enough to constitute an independent established “community” within its boundaries. Furthermore, the proposed project does not consist of a new roadway, wall structure, or other improvements that would physically divide, or impede or disrupt the manner in which people enter and exit the Martinez area and the Windhover/Pacheco area in general. Due to the mixed-use zoning of the project vicinity, the proposed development would not divide an established community.
- b) **Less Than Significant Impact:** The applicant is requesting approval of a of a Development Plan to construct an approximately 22,247-square-foot in size, 24-unit apartment building, construct a covered carport for 16 parking spaces, and to install of associated improvements (e.g., pavement, utilities, stormwater conveyance) on a vacant property. The project includes a Tree Permit for the removal of four code protected trees within the dripline of three code protected trees. The project includes two units for low-income households and one unit for very low-income households and a request for a Density Bonus of two units for a total of 24 units.

**Land Use Element**

The project site is located within the Multiple-Family Residential High Density (MH) General Plan Land Use designation. Generally speaking, the intent of the MH designation is to allow for

residential uses such as apartments, condominiums, town houses and auxiliary uses such as churches.

The proposed project would construct a 24-unit apartment complex on a parcel intended for High Density residential uses. The proposed apartment development will be residential in nature, and as a result will be compatible with other residential uses that surround the site. Within this designation, the General Plan allows for 22.0 to 29.9 multiple-family units per net acre. Thus, as proposed the multi-family project is consistent with the Contra Costa County General Plan development guidelines for the MH land use designation.

#### General Plan Policies for the Vine Hill/Pacheco Boulevard Area

The project site is located within the Vine Hill/Pacheco Boulevard area. As such, the following general plan policies for this area are applicable to the project and the project is consistent with these policies.

- Policy 3-105: The scenic assets and unstable slopes of the Vine Hill Ridge are to be protected for open space/agricultural use.

The proposed project is not located on or near Vine Hill Ridge. Therefore, the project will not impact the open space/agricultural use of that area.

- Policy 3-106: The residential neighborhood east of I-680 shall be buffered from the industrial/landfill-related uses.

The project parcel is located west of I-680, therefore this policy does not apply to the project.

- Policy 3-107: Approximately 40 acres of land south of the Burlington Northern Santa Fe tracks, between Morello and Pacheco, is designated Agricultural Lands, to encourage the continued operation of the Viano family vineyards and winery.

The project parcel is not located within the land designated in the policy. The project parcel is over 1,500 feet northeast of the Viano family vineyards and winery. Therefore, the project will not conflict with this policy.

#### Housing Element

A component of preparing the County's Housing Element for the General Plan is the identification of vacant and underutilized suits suitable for residential development, and an evaluation of the housing development potential of these sites in fulfilling the County's share of the regional housing needs as determined by the Association of Bay Area Governments (ABAG).

In order to assess whether this residential development application is subject to requirements of California Government Code section 65863, staff reviewed the site inventory for the adopted 2014 Housing Element and determined that Assessor's Parcel Number 380-220-066 is not among the parcels listed in the inventory of residential sites which were relied upon to meet the



County's share of regional housing needs. Nevertheless, the project includes a total of 24 residential units. The project includes one-bedroom and two-bedroom units. These unit types will increase housing opportunities for different size households for different income categories. As previously stated, this project maximizes the housing density and development of the site and includes a density bonus of nine percent above the base unit density for the site. Therefore, the project will contribute towards the regional housing need for the County and provide needed housing units for the region.

### Zoning

The subject property is within the M-29 Multiple Family Residential (M-29) Zoning district. County Code 84-26.402 – Uses – Permitted (3) states that Multiple family buildings, but not including motels or hotels, is permitted use. Therefore, the proposed project is a permitted use within the M-29 Zoning. With the included variances and concessions pursuant to Government Code Section 65915(e), the application is consistent with the districts' development standards and the County Zoning Ordinance. The district's zoning development standards dictate allowable development in the area. The project would require two variances from these standards, building height and reduced driveway aisle width and would utilize the Density Bonus Request to request a concession to reduce the open space requirement and a reduction for parking stall size, parking setback and total number of covered parking spaces.

The variance request for increased building height and parking aisle width would be consistent with the intent of the zoning district and are necessary given the project site's constraints. The variance for building height is a result of the necessary lot padding that is required for drainage to be directed to Windhover Way as the lot is lower by almost 6 feet at the rear of the property. The added fill raises the height of the building from 34' to 38'-6". The reduced parking aisle widths allows for the project allow the project to have more parking spaces and an aisle for vehicles to navigate. The reduction in parking aisle space allows for more maneuverability and to accommodate additional parking spaces. With the project proposing to meet the minimum landscape coverage, the driveway aisle space had to be reduced to accommodate this feature. With just a small reduction in the driveway aisle width, the project can provide more parking spaces and landscape area.

The project requests the following concessions, reduction in development standards, and exception:

- A density bonus concession to reduce the Open Space requirement from 25% to 20.5%;
- A reduction in development standards pursuant to Government Code 65915(p) for parking ratios;
- A reduction in development standards pursuant to Government Code 65915(e) for reduced parking stall size, parking setbacks, and total number of covered parking spaces;
- An exception to Division 914, Collect and Convey requirements.

The project is subject to Chapter 822-4, the Inclusionary Housing Ordinance, and the applicant is required to construct 3.3 inclusionary units. The applicant has submitted an Inclusionary Housing Plan, which proposes to construct and rent three inclusionary units. Two units will be available to “lower-income households,” and one will be available to a “very low-income household.”

Although the project consists of requests for variances to allow for an increased maximum height and driveway aisle width, reduction in development standards to allow for reduced parking stall size, parking setbacks and total number of covered parking spaces, concessions to reduce the Open Space requirement, and an exception to the collect and convey drainage requirements the project substantially conforms to the design guidelines and General Plan Policies for the Martinez area as well as other General Plan policies and goals for unincorporated Contra Costa County. Therefore, the project has a less than significant potential for conflicting with any applicable land use, policy, General Plan, Specific Plan, or zoning ordinance adopted for the purpose of avoiding or mitigating an environmental effect.

**Sources of Information**

- Contra Costa County General Plan, 2005-2020. *Land Use Element*. <https://www.contracosta.ca.gov/DocumentCenter/View/30913/Ch3-Land-Use-Element?bidId=>
- Contra Costa County Municipal Code. *Title 8*. [https://library.municode.com/ca/contracosta\\_county/codes/ordinance\\_code?nodeId=TIT8ZO](https://library.municode.com/ca/contracosta_county/codes/ordinance_code?nodeId=TIT8ZO)

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>12. MINERAL RESOURCES – <i>Would the project:</i></b>				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUMMARY:**

a-b) No Impact: Pursuant to Figure 8-4 (Mineral Resource Areas) of the County General Plan Conservation Element, the project site is not located within any area of the County identified as a significant mineral resource area. No known mineral resources have been identified in the project vicinity, and there is no reason to believe that they exist at the project site. Therefore, the project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state and would not impact any mineral resource recovery site.

**Sources of Information**

- Contra Costa County General Plan, 2005-2020. *Conservation Element*.  
<https://www.contracosta.ca.gov/DocumentCenter/View/30918/Ch8-Conservation-Element?bidId=>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>13. NOISE – <i>Would the project:</i></b>				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUMMARY:**

- a) Less Than Significant Impact With Mitigation Incorporated: The subject property fronts Windhover Way. The project site is within an area of Martinez that is generally used for mixed use including residential, commercial and light industrial. Figure 11-5C of the Noise Element of the Contra Costa County General Plan (2005-2020, identifies that the subject property is within an area of the County where 2005 DNL and CNEL Noise levels range above 60 decibels (dB). Although Contra Costa County’s threshold for residential uses is a DNL of 60dB as shown on Figure 11-6 (Land Use Compatibility for Community Noise Environments) of the County General Plan’s Noise Element, the County requires new multiple-family residential projects to have an interior standard of 45dBA DNL or less. To evaluate the noise levels of the proposed project, a noise study was prepared by Michael Thill of Illingworth & Rodkin, Inc.

A noise monitoring survey was conducted to quantify the existing noise environment at the site between Wednesday, April 27, 2022 and Friday, April 29, 2022. The noise monitoring survey included two long-term noise measurements (LT-1 and LT-2) and three short-term noise measurements (ST-1, ST-2, and ST-3), as showing in Figure 1. All noise measurements were conducted with Larson Davis Laboratories Model LxT1 Sound Level Meters fitted with ½-inch pre-polarized condenser microphones and windscreens. The meters were calibrated with a Larson Davis Model CAL200 precision acoustic calibrator prior to and following the measurement survey. The internal clocks of the sound level meters were synchronized to ensure

both identical sound level response and simultaneous operation. As shown in Figure 1 below, noise level measurements were taken in five areas within the subject property to determine the difference in noise levels. The surveys were conducted at elevated positions (e.g., 12 feet above the existing grade) to simulate noise exposure levels at the ground floor and second floors of the proposed apartment building.

**FIGURE 1 Aerial Image Showing Noise Measurement Locations**



Source: Google Earth 2022.

According to the study, traffic along Pacheco Boulevard was the predominant noise source at these locations. Table 3 summarizes the noise measurement results.

**TABLE 3 Summary of Short-Term Noise Measurement Data, April 27, 2022**

Noise Measurement Location	Time Begin	L <sub>max</sub>	L <sub>(1)</sub>	L <sub>(10)</sub>	L <sub>(50)</sub>	L <sub>(90)</sub>	L <sub>eq</sub>
ST-1: ~90 feet from the center of Willow Pass Road along easternmost site boundary, 5-feet above the ground.	9:40 am	73	68	63	59	50	61
ST-2: Southeast corner of site, 5-feet above the ground.	10:00 am	59	57	53	50	48	51
ST-3: Northeast corner of site, 5-feet above the ground.	10:20 am	56	54	52	49	45	49

The future noise environment at the project site will continue to result primarily from vehicle traffic along Pacheco Boulevard. An increase in traffic volumes along Pacheco Boulevard would correlate to an increase in noise levels at the project site. The Martinez General Plan Update forecasts a traffic noise level increase of 1 dBA L<sub>dn</sub> along the adjacent segment of Pacheco Boulevard by the year 2040, with the future L<sub>dn</sub> projected to reach 71 dBA at 75 feet from the roadway centerline.

Common outdoor use areas are proposed along the south and east boundaries of the site. Existing noise levels measured in these areas ranged from 55 to 59 dBA Ldn. By 2040, the unmitigated noise level would be expected to increase by 1 dBA Ldn and would range from 56 to 60 dBA Ldn. The project also proposes the construction of a 6-foot masonry wall along the south boundary of the site that would provide additional noise reduction. Therefore, future exterior noise levels would be less than 60 dBA Ldn and within the “normally acceptable” noise and land use compatibility range identified for residential land uses.

Potential Impact: As shown on Figure 11-5 O of the Noise Element, the subject property is within an area of the County that is identified as having noise levels range above 60 decibels. The introduction of a new residential apartment building could introduce new noise sources including temporary noise from construction activities. There may be periods of time where there would be loud noise generated from the construction equipment, vehicles, and tools that would impact nearby residences and businesses. Additionally, outdoor-to-indoor noise may also be present due to the location of the project in close proximity to residences and Pacheco boulevard. Thus, the following mitigation measures shall be implemented.

***Mitigation Measure Noise 1:*** All windows and doors shall have the minimum ratings STC 26 and mechanical ventilation installed for the building.

***Mitigation Measure Noise 2:*** The following construction restrictions shall be implemented during project construction and shall be included on all construction plans. Prior to CDD-stamp approval of plans for the issuance of a building or grading permit, whichever occurs first, the applicant shall provide evidence that the construction restrictions and requirements are included on the face of the construction plans.

1. The applicant shall make a good faith effort to minimize project-related disruptions to adjacent properties, and to uses on the site. This shall be communicated to all project-related contractors. The applicant shall notify neighbors within 300 feet of the subject property at least one week in advance of demolition, grading, and construction activities.
2. The project site shall be maintained in an orderly fashion at all times. All random debris and trash shall be disposed of in a timely manner. The project site must maintain and keep dust down by watering the site by use of a water truck, water hose, street sweeping and other dust control and maintenance measures.
3. A publicly visible sign shall be posted on the property with the telephone number and person to contact regarding construction-related complaints. This person shall respond and take corrective action within 24 hours. The CDD phone number to call in complaints shall also be visible to ensure compliance with applicable regulations.
4. The applicant shall require their contractors and subcontractors to fit all internal combustion engines with mufflers which are in good condition and shall locate stationary noise-generating equipment such as air compressors as far away from existing residences as possible.
5. The construction contractor shall ensure that unnecessary idling of internal combustion engines (i.e., idling in excess of 5 minutes) is prohibited.

6. The construction contractor shall utilize “quiet” models of air compressors and other stationary noise sources where technology exists.
7. The construction contractor shall ensure that the construction staging areas shall be located to create the greatest feasible distance between the staging area and noise-sensitive receptors nearest the project site.
8. Large trucks and heavy equipment are subject to the same restrictions that are imposed on construction activities, except the hours are limited to 9:00 am to 4:00 pm. This condition applies to all heavy construction equipment that vibrates.
9. Unless specifically approved otherwise via prior authorization from the Zoning Administrator, all construction activities shall be limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on State and Federal holidays on the calendar dates that these holidays are observed by the State or Federal government as listed below:

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

For specific details on the actual day the State and Federal holidays occur, please visit the following websites:

Federal Holidays:                      Federal Holidays (opm.gov)  
 California Holidays:    <https://www.calhr.ca.gov/employees/pages/state-holidays.aspx>

Complying with Noise 1 and Noise 2 will reduce interior noise levels to a level below the County’s interior standard of 45 dBA DNL and will reduce the amount of construction generated noise during project construction stages. By incorporating mitigation measures Noise 1 and Noise 2, the project shall have a less than significant impact on temporary or permanent increases in ambient noise levels in the vicinity of the project site, and the project will substantially comply with the Noise Element of the County’s General Plan.

- b) Less Than Significant Impact With Mitigation Incorporated: The proposed project for a 24-unit is a type of use that will not consist of any manufacturing, processing, or other activities that would typically result in excessive groundborne vibrations or groundborne noise would be

temporary in nature and would be limited to the restricted construction hours as typically conditioned for development permits approved by the County. These groundborne vibrations would be temporary in duration, however, nearby residences, business, and/or schools may be affected. Nevertheless, implementation of mitigation measure *Noise 2* will reduce potential project impacts (that would result in the generation of groundborne vibration or noise to less than significant levels.

- c) **No Impact:** The project site is not located within two miles of a public airport or private airstrip, nor is it located within an area covered by the County’s Airport Land Use Compatibility Plan. The nearest airport facility is the Buchanan Field, approximately 2.3 miles southeast of the project site. Thus, the proposed project would not expose people to excessive noise levels from either Buchanan Field or a private airstrip and there is no impact.

**Sources of Information**

- Contra Costa County General Plan, 2005-2020. *Noise Element*. <https://www.contracosta.ca.gov/DocumentCenter/View/30921/Ch11-Noise-Element?bidId=>
- Illingworth & Rodkin, Inc, “Windhover Terrace Apartments Noise Assessment.” Prepared by Michael Thill. Received on May 12, 2022.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>14. POPULATION AND HOUSING – <i>Would the project:</i></b>				
a) Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUMMARY:**

- a) **Less Than Significant Impact:** The project includes the construction of a three-story apartment building that proposes 24-units of residential (apartments) living spaces. Based on the United States Census Bureau’s estimate of 2.48 persons per household (between 2017-2021) for Martinez, the project would potentially increase the population by an estimated 60 people. Since this project would result in a relatively small change in the population (per the United States Census Bureau date July 1, 2022, Martinez has an estimated population of 36,447), which means that the project would result in an approximately 0.16% percent increase in population for the area. This population increase would not require the extension of roads or other infrastructure. Therefore, the project would be less than significant.

- b) No Impact: The proposed residential development will be constructed on a vacant lot that has been previously zoned for multi-family residential development. There is no need to alter or remove any of the surrounding residential units in order to establish the proposed development. Thus, the construction and establishment of the proposed 24-unit apartment complex would not displace any person, nor necessitate the construction of replacement housing elsewhere.

**Sources of Information**

- United States Census Bureau. “[U.S. Census Bureau QuickFacts: Martinez city, California](#)” accessed in 2022.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>15. PUBLIC SERVICES – <i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i></b>				
a) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

- a) Less Than Significant Impact: Fire protection and emergency medical response services for the project vicinity are provided by the Contra Costa County Fire Protection District. The project site is located within a 2.3 mile drive from Contra Costa County Fire Station 14, 2.7 mile drive from Contra Costa County Fire Station 9 and 3.3 mile drive from Contra Costa County Fire Station 13. The project is required to comply with the applicable provisions of the California Fire Code, the California Residential Code, and the Contra Costa County Ordinances that pertain to emergency access, fire suppression systems, and fire detection/warning systems. The proposed project has been reviewed by the Contra Costa County Fire Protection District. In a comment letter dated November 15, 2021, the fire district reviewed the project and did not indicate that a new fire protection facility would be needed as a result of the project. When it comes time to submit for building permits for the proposed project, the construction drawings would have to be reviewed and approved by the Contra Costa County Fire Protection District. As a result, the project’s potential impacts on fire protection would be less than significant.
- b) Less Than Significant Impact: Police protection and patrol services in the unincorporated Martinez area and the project vicinity are provided by the Contra Costa County Sheriff’s office. The Public Facilities/Services Element of the County General Plan requires 155 square feet of station area per 1,000 population in unincorporated Contra Costa County. As discussed earlier



in this study, the proposed project will create 24 residential (apartment units) which could potentially increase the population by an estimated 60 people (as discussed in the Population and Housing Section above.) This minimal population increase would not impact the County's ability to maintain a Sheriff facility standard of 155 square feet of station area and support facilities per 1,000 members of the population. Thus, the project would not result in the need for new or expanded police protection facilities or services in the County.

- c) Less Than Significant Impact: The project site is located within the jurisdiction of the Martinez Unified School District and would induce a student increase to their classroom numbers. The project was referred to the Martinez Unified School District for comments. At the time of the completion of this study, no indication was received from the school district that expansion of existing school facilities would be necessary. However, to address student growth in school districts as a result of residential developments in the County, a per-square-foot school fee amount is determined by the school district. Prior to issuing building permits, the County Building Inspection Division collects the school fees on behalf of the respective school district as part of the overall building permit fees or requires a receipt showing payment of the applicable fee to the school district. Payment of the development fees pursuant to State regulations for school services would reduce impacts to neighborhood schools to less than significant levels.
- d) Less Than Significant Impact: The policy for Parks and Recreation in the Growth Management element of the County General Plan indicates that a standard of 3 acres of neighborhood parks per 1,000 persons should be maintained within the County. As stated previously, the project would not cause a significant population increase in the Martinez community. The applicant has proposed to landscape 20% of the project site as an outdoor area for use of future residents. While the project as proposed will not result in a significant increase in the County population, all residential projects are required to pay a Park Dedication and Park Impact fees which are adopted by the County Board of Supervisors to the County, which will be used to acquire park land and develop parks and recreation facilities to serve new residential development in the unincorporated County. Therefore, as the applicant has elected to pay an in-lieu fee instead of constructing new park areas in order to comply with the County Park Dedication Ordinance, there is no potential for the proposed project resulting in a substantial adverse environmental impact as a result of the construction of new or expanded parks.
- e) Less Than Significant Impact: During staff's initial review of the proposed development and prior to deeming the project complete, project-specific comments were solicited from various local agencies and other interested parties in order to alert County staff and the applicant to any additional permitting, improvements, etc., that may be required as part of the project. Among the groups solicited for this project were the Contra Costa County Water District and MT. View Sanitary District. No indication of a need for new or expanded facilities was provided in the comments.

The Contra Costa Library operates 28 facilities in Contra Costa County, including the Martine – Contra Costa County Library, located approximately 2.3 miles west of the project site. The Contra Costa Library system is primarily funded by local property taxes, with additional revenue from intergovernmental sources. A portion of the property taxes on the project site

would go to the Contra Costa Library system. Accordingly, the impact of the use of the public libraries by people living in the 60 residential (apartment) units would be less than significant.

Contra Costa County Health Services District (CCCHSD) operates a regional medical center (hospital) and 10 health centers and clinics in the County. CCCHSD is primarily funded by federal and state funding programs, with additional revenue from local taxes. Since significant impacts to public facilities, such as hospitals are usually caused by substantial increases in population, the potential impact of the use of public health facilities by people living in the 60 residential (apartment) units would be less than significant.

**Sources of Information**

- Contra Costa County General Plan, 2005-2020. *Public Facilities/Services Element*. [https://www.contracosta.ca.gov/DocumentCenter/View/30917/Ch7-Public-Facilities\\_Services-Element?bidId=](https://www.contracosta.ca.gov/DocumentCenter/View/30917/Ch7-Public-Facilities_Services-Element?bidId=)
- Contra Costa County General Plan, 2005-2020. *Growth Management Element*. <https://www.contracosta.ca.gov/DocumentCenter/View/30914/Ch4-Growth-Management-Element?bidId=>
- Contra Costa County Fire Protection District “File #CDDP21-03031.” Dated November 15, 2021.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>16. RECREATION</b>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

- a) Less Than Significant Impact: The proposed development will induce a small population increase in the area, and as a result, it is anticipated that the use of neighborhood and regional parks in the area will also increase. Pursuant to the Growth Management Element of the County General Plan, the standard is to have a minimum of 3 acres of neighborhood parks for every 1,000 members of the population. The project includes the construction of a new 24-unit apartment complex that will increase the population by approximately 60 persons. This potential increase in population would not be significant enough to warrant the need for a new park, or substantially accelerate the deterioration of any existing parks or other recreational facilities. Additionally, the applicant will be required to pay Park dedication in-lieu fees as part of the project. Therefore, the proposed project would not substantially deteriorate existing park facilities.

- b) Less Than Significant Impact: As previously stated, the potential increase in population would not be significant enough to warrant the need to construct or expand recreational facilities. Additionally, the applicant will be required to pay the County mandated park impact fee for each apartment unit. Park fees are collected to fund the acquisition and development of parks in Contra Costa County to serve unincorporated County residents.

**Sources of Information**

- Contra Costa County Department of Conservation and Development. “Park Dedication and Park Impact Fees.” Accessed in 2022.  
<https://www.contracosta.ca.gov/DocumentCenter/View/42080/Park-Fees-Overview?bidId=>.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>17. TRANSPORTATION – Would the project:</b>				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3(b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

- a) Less Than Significant Impact: The subject property fronts Windhover Way. Windhover Way is 35 feet wide with two 10.5-foot travel lanes and parallel parking permitted on both sides. It has a prima facie speed limit of 25 mph. Windhover Way intersects with Pacheco Boulevard approximately 160 feet south of the proposed location for the project driveway. Pacheco Boulevard is classified as a Route of Significance and is oriented in the east-west direction. It has one travel lane and a bike lane in each direction together with a two-way left-turn lane. The posted speed limit is 45 mph. Parking is permitted on both sides where there is sufficient width.

Policy 4-c of the Growth Management Element of the General Plan, and Chapter 82-32 (Transportation Demand Management) require a traffic impact analysis of any project that is estimated to generate 100 or more AM or PM peak-hour trips. In order to evaluate the project, a “Transportation Impact Analysis for the Apartments Residential Development Project,” study was prepared by W-Trans and received by the County on September 7, 2022. The anticipated trip generation for the proposed project was estimated using standard rates published by the Institute of Transportation Engineers (ITE) in Trip Generation Manual, 11th Edition, 2021 for “Multifamily Housing (Low-Rise)” (ITE LU #220). The site is currently undeveloped and therefore not generating any trips. For a conservative analysis, trip reductions resulting from

nearby transportation options were not applied. Further reductions attributable to internal capture, pass-by or any other trip reductions are not applicable and therefore have also not been applied. The expected trip generation potential for the proposed project is indicated in Table 1 below. The proposed project is expected to generate an average of 162 trips per day, including 10 trips during the a.m. peak hour and 12 during the p.m. peak hour; these new trips represent the increase in traffic associated with the project.

Land Use	Units	Daily		AM Peak Hour				PM Peak Hour			
		Rate	Trips	Rate	Trips	In	Out	Rate	Trips	In	Out
Multifamily Housing (Low-Rise)	24 du	6.74	162	0.40	10	2	8	0.51	12	8	4

Note: du = dwelling unit

Chapter 82-32 of the County Code requires the preparation of a “Transportation Demand Management” (TDM) program, for all residential projects with 13 or more dwelling units. The TDM Ordinance Guide encourages the use of creative and effective ways to reduce motor vehicle trips and their associated impacts created by new development projects. To minimize parking demand and reduce vehicle trips, the applicant may consider, but should not be limited to, reducing the number of parking spaces, providing bicycle and pedestrian infrastructure, providing transit passes, unbundling the price of parking from rent, providing emerging mobility options (e.g., electric scooters, bike share, etc.), and other strategies commonly used to minimize parking demand and automobile trips. Thus, W-Trans prepared a draft TDM program dated September 13, 2022 and received by the County on September 22, 2022 for the Apartment complex which recommends similar TDM measures. The draft TDM program concluded that the proposed pedestrian bicycle and transit facilities would be adequate to serve the project as proposed; the number of short and long term bicycle parking spaces proposed would be greater than the County’s requirement and that the implementation of the TDM program would reduce vehicle trips. Staff of the County’s Transportation Planning division further recommends that a final TDM Program and a TDM Coordinator be required as conditions of approval.

Since the proposed project would generate less than 100 peak hour trips, a traffic impact analysis is not required in accordance with General Plan Policy 4-c. In addition, as recommended by County Transportation Planning staff, compliance with the County’s Electric Vehicle (EV) Ordinance and requiring a final TDM program and a TDM Coordinator as conditions of approval would ensure that the project results in a less than significant impact on programs, plans, ordinances or policies regarding transit, roadway, bicycle, and pedestrian facilities.

- b) Less Than Significant Impact: CEQA provides guidelines for analyzing transportation impacts relating to vehicle miles travelled (VMT) resulting from the project. The Governor’s Office of Planning and Research (OPR) established recommendations for identifying and mitigating transportation impacts within CEQA and published a final Technical Advisory in December of 2018 that advises lead agencies to conduct a screening process to “quickly identify when a project should be expected to cause a less-than-significant impact without conducting a detailed study.” As mentioned above, W-Trans prepared a “Vehicle Miles Traveled (VMT) Evaluation”

on behalf of the project applicant to identify whether the project would be expected to cause a significant impact and, thus, require a detailed VMT study. W-Trans identified the following project screening criteria as part of their assessment.

Consideration was given to the project’s potential generation of Vehicle Miles Traveled (VMT). As a result of SB 743, the Board of Supervisors adopted a VMT policy on June 23, 2020, in their document Transportation Analysis Guidelines. Guidance provided in this document recommends the use of screening thresholds to identify when a proposed project is presumed to result in a less-than-significant impact without conducting a detailed study. According to the Contra Costa County Travel Demand Model estimates, the Countywide home-based average VMT per resident is 19.4 miles. Concurring with guidance provided by this document, a project located anywhere in the County which generates a VMT that is 15-percent or more below this value, or 16.5 miles per resident, should be expected to cause a less-than-significant VMT impact and would not require further VMT analysis.

The project would be located within Traffic Analysis Zone (TAZ) 20034 of the Contra Costa Travel Demand Model which has a home-based VMT of 16.0 miles per resident. Because this per capita VMT rate of 16.0 is lower than the significance threshold of 16.5 miles, the project is presumed to have a less-than-significant VMT impact and does not require further VMT analysis. Further, adjacent TAZs west of I-680, including 20033 and 20038, also have a per capita VMT rate that is less than the significance threshold so are consistent with TAZ 20034. A summary of the VMT findings is provided in Table 4 below.

<b>VMT Metric</b>	<b>Baseline VMT Rate</b>	<b>Significance Threshold</b>	<b>Project VMT Rate</b>	<b>Resulting Significance</b>
Residential VMT per Capita (Countywide Baseline)	19.4	16.5	16.0	Less-Than-Significant

Note: VMT Rate is measured in VMT per Capita, or the number of daily miles driven per resident

**Finding** – The project would be expected to have a VMT per capita less than 15-percent below the countywide VMT per resident. Therefore, the project is presumed to have a less-than-significant VMT impact.

As shown in the table above, the project will a lower VMT rate than the significance threshold. Per CEQA section 15064.3(b) – Determining the Significant of Transportation Impacts, a transportation project that does not exceed the significant threshold is considered to have a less than significant transportation impact. Therefore is determined to not be inconsistent with CEQA Guidelines Section 15064.2(b).

- c) Less Than Significant Impact: The subject property fronts Windhover Way, which is 35 feet wide with two 10.5-foot travel lanes and parallel parking permitted on both sides. It has a prima facie speed limit of 25 mph. As shown on Figure 5-2 (Roadway Network Plan) of the General Plan Transportation and Circulation Element, Windhover Way is not considered to be an existing or proposed arterial, expressway, or freeway. According to the project plans, the site will have access from a private driveway located on Windhover Way, approximately 160 feet north of Pacheco Boulevard. This will be the only access point to and from the proposed

project. The proposed apartment building will be setback approximately 100 feet from the roadway entrance, therefore, not creating any site obstructions or hazards in relation to the Windhover Way circulation. As part of the review process, the County referred the project out to the Contra Costa County Public Works Department for review. In a Staff Report dated December 19, 2022, the Public Works Department stated that there is no need to “further widening or frontage improvements are necessary with this development,” and provided a standard condition of approval that requires the applicant to adhere to Chapter 82-18, “Applicant shall provide sight distance at the intersection of the private driveway with Windover Way in accordance with Chapter 82-18 “Sight Obstructions at Intersections” of the County Ordinance Code. The applicant shall trim vegetation, as necessary, to provide sight distance at this intersection, and any new signage, landscaping, fencing, retaining walls, or other obstructions proposed at this intersection shall be setback to ensure that the sight line is clear of any obstructions.” No substantial changes to the existing transportation system are proposed with this application. Compliance with the Public Works conditions of approval will result in the project having a less than significant impact on the Windhover Way right-of-way and is not expected to substantially increase hazards due to geometric design features or incompatible uses.

- d) Less Than Significant Impact: The project was referred to the Contra Costa County Fire Protection District for agency comments. In a comment letter dated November 15, 2021, the Fire Protection District stated that the project shall comply with the applicable California Fire Code, the California Building Code, the California Residential Code and Local and County Ordinances and adopted standards. All construction plans will be subject to the applicable Fire Code that is in effect at the time when the application for a building permit is submitted. Additionally, the applicant will work with the Fire Protection District to submit construction plans for review and approval prior to building permit issuance. Therefore, the routine review of construction plans will ensure that the proposed project has no potential for adversely impacting existing emergency access to the subject property or other properties within the County.

#### Sources of Information

- Contra Costa County General Plan, 2005-2020. *Growth Management Element*. <https://www.contracosta.ca.gov/DocumentCenter/View/30914/Ch4-Growth-Management-Element?bidId=>
- Contra Costa County General Plan. “Chapter 5: Transportation and Circulation Element.” 2005-2020. <http://www.co.contra-costa.ca.us/DocumentCenter/View/30915/Ch5-Transportation-and-Circulation-Element?bidId=>.
- Contra Costa County Fire Protection District. “0 Pacheco Blvd, Martinez.” Agency Comment Response Letter. Dated November 15, 2021.
- Contra Costa County Public Works. “Development Permit DP21-3031 Staff Report and Recommended Conditions of Approval’ Dated December 19, 2022.
- W-Trans “Transportation Impact Analysis for the Gulway Apartments Residential Development Project.” Dated September 6, 2022 and received on September 7, 2022.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>18. TRIBAL CULTURAL RESOURCES – Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</b>				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

a-b) Less than Significant Impact With Mitigation: As discussed in the Cultural Resources section 5 of this study, there are no known existing structures located at the project site that are listed on the Contra Costa County’s Historic Resource Inventory, or the California’s Register of Historical Resources, or the National Register of Historic places, nor is there any building or structure that qualifies to be listed. The project site is vacant. In addition, the project was referred out to the California Historical Resources Information System (CHRIS) to which they responded in a letter dated November 22, 2021, stating that “the proposed project area has a low possibility of containing unrecorded archaeological sites.” Additionally, there is no evidence in the record at the time of completion of this study that indicates the presence of human remains at the project site. On May 23 and May 24, 2021, a Notice of Opportunity to Request Consultation for the proposed Apartment Building was sent to the Wilton Rancheria and the Confederated Villages of Lisjan Nation, two California Native American tribes that are traditionally and culturally affiliated with the geographic area. No requests for consultation or responses regarding tribal cultural resources have been received from California Native American tribes at the time of completion of this study.

Potential Impact: As discussed previously in Section 5, subsurface construction activities have the potential to damage or destroy previously undiscovered historic and prehistoric resources. Therefore, the implementation of **Mitigation Measure Cultural 1 and Mitigation Measure Geology 6** will ensure that project-related impacts to previously undiscovered and unknown cultural resources will be less than significant.

**Sources of Information**

- California Historical Resources Information System. “CDDP21-03031 / APN 380-220-066 on Pacheco Blvd, Martinez / Calichi Design Group.” Dated November 22, 2021

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>19. UTILITIES AND SERVICE SYSTEMS – Would the project:</b>				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

- a) **Less Than Significant Impact:** The project site is located in a developed, urbanized area of Unincorporated Martinez, which is served by existing water, sewer, storm drain, electric power, natural gas and telecommunications services. There is no indication from any utility service provider that the proposed residential complex would result in a need to relocate, expand, or construct new facilities in such a way as to cause significant environmental effects.

Water: The new development is located within the service area of the Contra Costa Water District. Project plans have been sent to the Water District as part of the initial review process. In a letter dated November 18, 2021, the Water District provided comments stating that the new development will require a fire service, a domestic service and an irrigation service. The letter also requested that the applicant work with the Water District engineering services to request water service for the site. The Contra Costa Water District staff has reviewed the project application documents regarding the provision of new water service pursuant to their water service regulations and there has been no indication from the water company that the proposed project would exceed the capacity of the existing public water infrastructure.

Wastewater treatment: The project is within the MT. View Sanitary District service area, which is the agency responsible for ensuring that applicable wastewater treatment requirements of the Regional Water Quality Control Board are met and maintained. The wastewater generated by 24 new apartment dwelling units would incrementally increase wastewater flows in the MT. View Sanitary District system. Project plans have been sent to MT. View Sanitary District as



part of the initial review process, and there is no indication that the proposed project would exceed their ability to provide sewer services with the currently available facilities. In a returned comment letter dated November 17, 2021, MT. View Sanitary District requested that the applicant submit sewer improvement plans to the District and that a sewer permit application shall be required to be obtained from the District. Therefore, there is no indication that the project would require expansion of the wastewater treatment system.

Storm water drainage: As discussed in the Hydrology and Water Quality section above, the applicant has submitted a preliminary Storm Water Control Plan (SWCP) designed with project storm water controls including permeable AC pavements to be used in the parking stalls, landscaping and bioretention facilities. The project proposes to capture stormwater runoff from the site into a bioretention facility onsite which will discharge to an existing 18” storm drain in Windhover Way. The applicant also is requesting an exception to Division 914 of the County Ordinance. The storm water and drainage facilities were reviewed by the Contra Costa County Public Works department and in a Staff Report and Recommended Conditions of Approval dated December 19, 2022, Public Works stated that they are not averse to granting the exception. Additionally, they deemed the applicant submitted Preliminary Stormwater Control Plan dated February 22, preliminary complete. Conditions of approval from Public Works is required a final Stormwater Control Plan which will be submitted prior to the applicant obtaining a building permit. The Final Storm Water Control Plan (SWCP) will be accompanied by a Stormwater Control operation and Maintenance Plan and will be required to be in compliance with the County’s National Pollutant Discharge Elimination System and shall be consistent with the County’s Stormwater Management and Discharge Control Ordinance. Based on the incorporation of a SWCP to control the increased runoff, the review by the County agency responsible for enforcing drainage standards, and upon implementation of the conditions of approval from the Contra Costa County Public Works Department, the proposed project would have a less than significant adverse environmental impact on stormwater or wastewater treatment facilities.

Electric/Natural Gas: The project is within the service territory of PG&E for electric and natural gas service. It is anticipated that the project will connect to underground electric and/or natural gas connections. There is no indication that the construction of new or expanded electric or natural gas services is required for the ongoing operation of the project. Temporary power for construction activities would also be provided by PG&E. The applicant will be required to apply for temporary power and follow the permitting process for connecting to the electrical grid.

Telecommunication Services: Existing telephone, cellular, internet, and cable television are available within the project site’s vicinity. The project site would connect to these services provided by several different providers, and there is no indication that the 24 new residential units would result in the need for expanded services such as new or larger wireless facilities.

By following the processes required to connect to existing water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities, the impacts of the project concerning these utilities and services would be less than significant.

- b) Less Than Significant Impact: The project site is presently served by municipal water supplies from the Contra Costa Water District. According to County records, the project parcel is not located in an area with a Groundwater Act. As discussed in subsection-a above, the new development will be required to work with the Contra Costa Water District. The Water District staff has reviewed the project application documents regarding the provision of new water service pursuant to their water service regulations and there has been no indication from the water company that the existing public water infrastructure would have insufficient water supplies to serve the project, or that the project would have a significant impact on the public water infrastructure during dry, and multiple dry years.
- c) Less Than Significant Impact: As discussed in subsection-a above, the new development is within the MT. View Sanitary District, which is the agency responsible for ensuring that applicable wastewater treatment requirements of the Regional Water Quality Control Board are met and maintained. Project plans were sent to the MT. View Sanitary District as part of the initial review process, and there has been no indication from them that the proposed project would exceed their ability to provide sewer services with the currently available facilities. Nor is there any indication that the project would require expansion of the wastewater treatment system. In a comment letter dated November 17, 2021, the District is requiring the applicant to submit sewer improvement plans for review and approval and to submit a sewer permit for the final District approval. The Sanitary District would connect the dwelling units to its facilities after processing the residential sewer service application and collecting the applicable connection fees, completing a building plan review, and issuing a permit for sewer work. By following this process, the impacts related to the wastewater treatment requirements of the Regional Water Quality Control Board for the San Francisco Bay Region or the Mt. View Sanitary facilities would be less than significant.
- d) Less Than Significant Impact: The proposed project would generate construction solid waste and post-construction residential solid waste. Construction on the project site would be subject to the CalGreen Construction and Demolition Debris Recovery Program administered by the Department of Conservation and Development at the time of application for a building permit. The Debris Recovery Program requires that at least 65% of construction job site debris (by weight) for all new residential buildings requiring permits that would otherwise be sent to landfills be recycled, reused, or otherwise diverted to appropriate recycling facilities. Thus, although future construction of the apartment buildings would incrementally add to the construction waste, the impact of the project-related increase would be considered to be less than significant.

The proposed project would be comprised of residential apartment units, which would generate the type of solid waste similar to that of other medium density residential uses in the vicinity. The apartment building will be required to comply with the County Ordinance which requires solid waste collection for all three waste streams (garbage, recycling and organics.) The project plans indicate that there will be a proposed trash enclosure located behind the frontage, near the front of the building. Regular solid waste removal for households in the Martinez area is provided by Republic Services, which also provides recycling and green waste removal services. Household waste is ultimately destined for the Keller Canyon Landfill, which has enough approximate capacity to continue accepting waste for the next 50 years. Household

waste from the 24-unit apartment project would incrementally add to the household waste headed to the landfill. However, the potential for the proposed project to exceed the capacity of the currently utilized landfill is minimal, and the impact of the project-related waste would be considered to be less than significant.

- e) Less Than Significant Impact: As mentioned above, construction at the project site would be subject to the CalGreen Construction and Demolition Debris Recovery Program administered by the Department of Conservation and Development. The Debris Recovery Program requires that at least 65% of construction job site debris (by weight) for most construction types, that would otherwise be sent to landfills, be recycled, reused, or otherwise diverted to appropriate recycling facilities. The proposed project is not expected to produce significant amounts of waste that would present a greater conflict with laws and regulations regarding solid waste than similar multiple and single-family residences in the vicinity. Furthermore, the owner, construction contractor, and future tenants would be subject to applicable federal, state, and local laws related to solid waste. Therefore, the potential for conflict with Federal, State, and local management and reduction statutes and regulations related to solid waste is less than significant.

#### Sources of Information

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<http://www.cccounty.us/4746/CalGreen-Construction-Demolition-Debris->
- Contra Costa County Public Works Department. “Development Permit DP21-03031 Staff Report & Findings and Conditions of Approval.” Dated December 19, 2022.
- Contra Costa Water District. “CCWD Comments on the Windhover Project (County File Number: CDD21-03031).” Dated November 18, 2021.
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<https://www.republicservices.com/municipality/unincorporated-ccc-ca>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>20. WILDFIRE</b> – <i>If located in or near the state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</i>				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby, expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

- a) **Less Than Significant Impact:** The site is not located in an area of State Responsibility Area according to the Contra Costa County’s State Responsibility Area Fire Hazard Severity Zones on the California Department of Forestry and Fire Protection’s Fire Hazard Severity Map. The project site is not located near any state responsibility lands classified as a Very High Fire Hazard Severity Zone. The nearest State Responsibility Area High or Very High Fire zone is located more than 2.5 miles to the west. The project is located in a Local Responsibility Area classified as Urban Unzoned. The project site is in a developed area within the service area of the Contra Costa County Fire Protection District (CCCFPD). The project was routed to the CCCFPD, who did not indicate any concerns with an elevated risk of wildfires for the site. The project will be required to comply with current fire codes, including those pertaining to fire sprinklers in new buildings, and driveway and roadway access for firefighting apparatus, and would not require the installation or maintenance of additional infrastructure such as roads or fuel breaks that may exacerbate fire risk. Additionally, the applicant will be required to submit construction plans to the fire department for review and approval before any building permits will be issued to ensure compliance with the applicable fire and building codes. Therefore, the routine review of construction plans will ensure that final construction plans will not result in a condition with inadequate emergency vehicle access.
- b) **Less Than Significant Impact:** The project site is not located in or near a state responsibility areas or lands classified as very high fire hazard severity zones. Therefore, the risk of exposing project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire is less than significant. The project is located on a lot with a slight slope, however, surrounding parcels are relatively flat and within an urbanized area and, thus, would not expose people or structures to significant risks as a result of post-fire slope instability or runoff. Development will be subject to review and approval by the Contra Costa County Fire

Protection District. It is expected that compliance with the California Fire Code, California Building Code, California Residential Code and Local and County Ordinances, will keep the project-related risks associated with wildfires at less than significant levels.

- c) Less Than Significant Impact: The project site is not located in or near a state responsibility areas or lands classified as very high fire hazard severity zones. The project does not require any road widening or frontage improvements. The project was reviewed by the CCCFPD and does not require the installation of emergency roads, fuel breaks, emergency water sources that may exacerbate fire risk. Additionally, Chapter 96-10 of the County Ordinance Code requires all new utility distribution services to be installed underground, thereby reducing fire risk in the area. Thus, project-related risks (regarding installation or maintenance of associated infrastructure associated with fire risks) shall have a less than significant impact on the environment.
- d) Less Than Significant Impact: The project site is not located in or near a state responsibility areas or lands classified as very high fire hazard severity zones. The project site contains a slight slope but does not contain any hills or steep topography. Moreover, the surrounding area is relatively flat and is not near a major body of water that would be susceptible to flooding. Therefore, the risk of exposing people or structures to significant risks, including downslope or downstream landslides, as a result of runoff, post-fire slope instability, or drainage changes is less than significant.

#### **Sources of Information**

- California Department of Forestry and Fire Protection. *Contra Costa County Very High Fire Hazard Severity Zones in LRA*.  
<https://www.contracosta.ca.gov/DocumentCenter/View/30913/Ch3-Land-Use-Element?bidId=>
- Contra Costa County Fire Protection District. "0 Pacheco Blvd, Martinez." Dated November 15, 2021.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>21. MANDATORY FINDINGS OF SIGNIFICANCE</b>				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

- a) **Less Than Significant Impact With Mitigation:** Although the development of the proposed multi-family residential complex would be contained within the 32,820 square foot project site, due to the undeveloped nature of the project site, it has the potential for impacting the environment. As stated in this Initial Study, the project is located in an area that is vacant and surrounding by urbanized uses. There is no evidence in the record that the site or surrounding area contains substantial habitat for fish or a wildlife species or will reduce a rare or endangered plant or eliminate an important period in California history. The project was referred to numerous agencies who provided comments on the project stating that impacts would be minimal. However, due to the undeveloped nature of the project, there is a potential for impacting the environment in relation to undiscovered resources. The project would not substantially degrade the quality of the natural environment because the potentially significant impacts regarding aesthetics, cultural/tribal resources, air quality, noise, geology/soils as identified throughout this initial study, can be mitigated to less than significant levels. Where mitigation measures are enforced as proposed in this Initial Study, the measures will be conditions of approval of the proposed project and the applicant will be responsible for implementation of the measures. Therefore, the potential for substantial impacts to the environment or other resources related to the environment as a result of the proposed project is reduced to a less than significant level.
- b) **Less Than Significant Impact With Mitigation Incorporated:** The project site is located within the Urban Limit Line in an area that has been designated for multiple-family high-density residential development. The number of housing units in the Martinez area would increase by

24-units with the proposed project. The project site is the only vacant parcel located on Windhover Way and is one of a few vacant parcels within a two-mile radius. Staff is aware of one substantial development project in the immediate vicinity within the Martinez area that is under review. Staff is unaware of any substantial development projects in the nearby Martinez area that have recently been approved. The project under review is as follows:

1. (County File #CDDP22-03036) The project includes a Development Plan modification to allow for a 33-unit multi-family residential project in four buildings on two lots with 78 on-site parking spaces. The application also includes a Vesting Tentative Map to allow a 33-unit multi-family residential subdivision. The development would be located on APN 380-220-044, 3845 Pacheco Blvd, Martinez, CA 94553. The project is currently deemed incomplete during the 30-day application review.

This area of the County is readily serviced by the public services and utilities such as water, power, sanitary, and fire protection. The Community Development Division (CDD) generally solicits project specific comments from these agencies as part of the application review process, and design modifications are made based on the advice of each respective agency. The consulted agencies are the governing bodies with proficient knowledge of the needs of their existing infrastructure, and no indication of potential impacts or the need for new or expanded services was noted for the project proposal. Therefore, County CDD staff's consultation with outside agencies for each project and with implementation of the proposed mitigation measures for this proposed project reduces the potential for significant cumulative environmental impacts related to new or expanded utilities to a less than significant level.

The proposed project will have temporary impacts that would occur as a result of construction activities that would be mitigated at the project level. No long-term adverse impacts are anticipated to occur, and as such, the incremental effects of the project would not be considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. With the implementation of the mitigations described in the sections above, the proposed project would not result in cumulatively considerable impacts on the environment.

- c) Less Than Significant Impact With Mitigation Incorporated: This Initial Study has disclosed potential impacts on human beings that would be less than significant with the implementation of mitigation measures. All identified mitigation measures will be included as conditions of approval for the proposed project, and the applicant will be responsible for implementation of the measures. As a result, there would not be any environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

## REFERENCES

In the process of preparing the Initial Study Checklist and conduction of the evaluation, the cited references were consulted. Reference materials are available for review by contacting Everett Louie, Contra Costa County Department of Conservation and Development, by email at [everett.louie@dcd.cccounty.us](mailto:everett.louie@dcd.cccounty.us) or by phone at (925) 655-2873

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**Mitigation Monitoring and Reporting Program  
County File #CDDP21-03031  
24-Unit Windhover Terrace Apartments**

**North of Windhover Way and Pacheco Blvd Intersection  
Martinez, CA 94553**

**July 11, 2023**

## SECTION 1: AESTHETICS

**Potentially Significant Impacts:** *Project lighting could spill off-site and result in a potentially significant adverse environmental impact due to substantial new light and glare on neighboring properties. (Introduction of new light sources).*

### Mitigation Measures(s):

**Aesthetics 1: Prior to CDD-stamp approval of plans for the issuance of a building or grading permit, whichever occurs first,** a lighting plan shall be submitted to the (CDD) for review and approval. The lighting plan shall provide the specifications of the proposed light post as shown on the approved plans. All outdoor lighting shall be directed down and screened away from adjacent properties and public/private right-of-way to prevent glare or excessive light spillover.

Implementing Action:

COA

Timing of Verification:

Prior to CDD approval of construction documents; during grading/construction activities

Party Responsible for Verification:

Project proponent, CDD staff

Compliance Verification:

Review of construction drawings

## SECTION 3: AIR QUALITY

**Potentially Significant Impacts:** *Future grading and construction activities on the project site would result in localized emissions of dust, diesel exhaust, and combustion emissions that could result in potential, if temporary, air quality impacts to sensitive receptors (e.g., nearby residences, schools) from the project site during project construction.*

### Mitigation Measure(s):

**Air Quality 1:** The following mitigations shall be included on all construction plans and implemented throughout the construction phase of the project:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

#### Abbreviations:

Condition of Approval (COA)

Community Development Division (CDD)

Building Inspection Division (BID)

Mitigation Monitoring Program

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5. All vehicle speeds on unpaved roads shall be limited to 15 mph.
6. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
8. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
9. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
10. The property owner or site contractor shall post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
11. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel.
12. All contractors shall use equipment that meets the California Air Resources Board's (CARB) most recent certification standard for off-road heavy duty diesel engines.

Implementing Action:	COA
Timing of Verification:	Prior to CDD approval of construction documents, and throughout construction-related activity.
Party Responsible for Verification:	Project proponent, CDD staff.
Compliance Verification:	Review of Construction Drawings. Photographic evidence of posted sign. Onsite inspection and monitoring of construction vehicles, equipment, and project site.

**SECTION 5: CULTURAL RESOURCES**

**Potentially Significant Impacts:** *Although there is no evidence that there is any specific cultural resources known in in the project area, there is nevertheless a potential for previously unknown*

Abbreviations:

Condition of Approval (COA)  
 Community Development Division (CDD)  
 Building Inspection Division (BID)

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*cultural resources to be uncovered during construction activities requiring excavation or earth movement.*

**Mitigation Measure(s):**

**CULTURAL-1:** The following measures shall be implemented during project-related ground disturbance and shall be included on all construction plans. Prior to CDD-stamp approval of plans for the issuance of a building or grading permit, or tree removal, whichever occurs first, the applicant shall provide evidence that the measures and requirements listed below are included on the construction plans. If deposits of prehistoric or historical archaeological materials are encountered during ground disturbance activities, all work within 50 feet of the discovery shall be redirected. A qualified archaeologist certified by the Society for California Archaeology (SCA) and/or the Society of Professional Archaeology (SOPA), and the Native American Tribe that has requested consultation and/or demonstrated interest in the project shall be contacted to evaluate the significance of the finds and suggest appropriate mitigation(s) if deemed necessary.

A. All construction personnel, including operators of equipment involved in grading, or trenching activities will be advised of the need to immediately stop work if they observe any indications of the presence of an unanticipated cultural resource discovery (e.g., wood, stone, foundations, and other structural remains; debris-filled wells or privies; deposits of wood, glass, ceramics). If deposits of prehistoric or historical archaeological materials are encountered during ground disturbance activities, all work within 50 feet of the discovery shall be redirected and a qualified archaeologist contacted to evaluate the finds and, if necessary, develop appropriate treatment measures in consultation with the County and other appropriate agencies. If the deposits are not eligible, avoidance is not necessary.

If eligible, deposits will need to be avoided by impacts or such impacts must be mitigated. Upon completion of the archaeological assessment, a report should be prepared documenting the methods, results, and recommendations. The report should be submitted to the Northwest Information Center and appropriate Contra Costa County agencies.

B. If human remains are encountered, work within 50 feet of the discovery shall be redirected and the County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation. If the human remains are of a Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the property and provide recommendations for the proper treatment of the remains and associated grave goods.

Abbreviations:

Condition of Approval (COA)  
Community Development Division (CDD)  
Building Inspection Division (BID)

Mitigation Monitoring Program  
CDDP21-03031  
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Upon completion of the assessment by an archaeologist, the archaeologist should prepare a report documenting the methods and results and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report should be submitted to the Northwest Information Center and appropriate Contra Costa agencies.

Implementing Action:	COA
Timing of Verification:	Upon discovery of archaeological materials or human remains
Party Responsible for Verification:	Project proponent, CDD staff, consulting Archaeologist
Compliance Verification:	Review of archaeologist's report or other verification provided to CDD staff

### SECTION 7: GEOLOGY AND SOILS

**Potentially Significant Impacts:** *The consulting geotechnical engineer indicates potentially expansive and corrosive soils existing on the subject property which can be detrimental to concrete and buried metal such as those used for utilities or reinforcing steel. In addition, conditions in the field may vary from those expected based on field investigation, laboratory tests, and engineering analysis performed by the consulting engineer. Thus, it is critically important that adequate geotechnical review be provided. Additionally, ground disturbance during the project's construction phase has the potential for disturbing previously unknown unique paleontological resources. In addition to the mitigation measures for Cultural Resources, the following mitigation measures will ensure that in the event unique paleontological resources are discovered, the proper actions are taken to reduce the adverse environmental impacts to unique paleontological resources to a less than significant level.*

#### Mitigation Measure(s):

**GEOLOGY-1: Prior to CDD-stamp approval of plans for the issuance of a building or grading permit, or tree removal, whichever occurs first,** the project proponent shall submit a geotechnical report update with the geotechnical review fee in the amount of \$3,000, referencing the proposed grading, drainage and foundation plans and providing specific criteria and standards for site grading, drainage and foundation design based on adequate subsurface data, laboratory testing of samples and engineering analysis. The scope of the geotechnical investigation shall address the following potential hazards: (i) expansive soils, (ii) corrosive soils, (iii) siting and design of any required bio-retention facilities and/or other measures that may be recommended to achieve compliance with the clean water requirements of the RWQCB, (iv) possible presence of existing undocumented fills and effective measures

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to control/ mitigate the settlement hazard, (v) provide seismic parameters based on the adopted California Building Code at the time that a residential building permit is requested.

**GEOLOGY 2: Prior to CDD-stamp approval of plans for the issuance of a building or grading permit, or tree removal, whichever occurs first,** the geotechnical report update required by Geology 1, above, shall be subject to review by the County’s peer review geologist, and review/approval of the CDD. Improvement, grading and building plans shall carry out the recommendations of the approved report.

**GEOLOGY 3:** Following rough grading (but prior to commencement of foundation-related work) the project geotechnical engineer shall perform corrosion potential testing of the graded building pad to determine if special precautions shall be required to avoid damage to improvements that are in contact with the ground (concrete or steel).

**GEOLOGY 4:** The geotechnical report required by Geology 1 routinely includes recommended geotechnical observation and testing services during construction. These services are essential to the success of the project. They allow the geotechnical engineer to (i) ensure geotechnical recommendations for the project are properly interpreted and implemented by contractors, (ii) allow the geotechnical engineer to view exposed conditions during construction to ensure that field conditions match those that were the basis of the design recommendations in the approved report, and (iii) provide the opportunity for field modifications of geotechnical recommendations (with BID approval), based on exposed conditions. The monitoring shall commence during clearing, and extend through grading, including testing services during placement of engineered fill, installation of recommended drainage facilities, and foundation related work. A hard hold shall be placed on the “final” grading inspection, pending submittal of a report from the project geotechnical engineer that documents their observation and testing services during grading, installation of drainage improvements.

Similarly, a hard hold shall be placed on the final building inspection for the apartment building, pending submittal of a letter-report from the geotechnical engineer documenting the monitoring services associated with implementation of foundation-related geotechnical recommendations. The geotechnical monitoring shall include pier hole drilling/ foundation preparation work/ installation of drainage improvements (e.g. collection of roof gutter runoff in a closed conduit and conveying it to a suitable discharge point; and possibly installation of a subdrain system around the perimeter of the foundation to control moisture beneath the foundation).

**GEOLOGY 5:** All grading, excavation and filling shall be conducted during the dry season (April 15 through October 15) only, and all areas of exposed soils shall be revegetated to minimize erosion and subsequent sedimentation. After October 15, only erosion control work shall be allowed, unless additional grading is reviewed and specifically approved by the Building Inspection Division.

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<p><b>GEOLOGY 6:</b> Should unique paleontological materials be uncovered during grading, trenching, or other on-site excavation(s), all earthwork within 30 yards of the materials shall be stopped until the Community Development Division (CDD) has been notified, and a qualified paleontologist contacted and retained to evaluate the significance of the find, and, if deemed necessary, suggest appropriate mitigation(s).</p>	
Implementing Action:	COA
Timing of Verification:	Prior to CDD approval of construction documents (GEOLOGY 1, 2, 4); throughout construction-related activity, and prior to final inspections (GEOLOGY 3). In the event of paleontological materials being discovered (GEOLOGY 6)
Party Responsible for Verification:	Project proponent, CDD staff, Consulting Geotechnical Engineer, County Geologist
Compliance Verification:	Review of Geotechnical Engineer's report; review of construction drawings; or other verification provided to CDD staff

**SECTION 13: NOISE**

**Potentially Significant Impacts:** *As shown on Figure 11-5 O of the Noise Element, the subject property is within an area of the County that is identified as having noise levels range above 60 decibels. The introduction of a new residential apartment building could introduce new noise sources including temporary noise from construction activities. There may be periods of time where there would be loud noise generated from the construction equipment, vehicles, and tools that would impact nearby residences and businesses. Additionally, outdoor-to-indoor noise may also be present due to the location of the project in close proximity to residences and Pacheco boulevard.*

**Mitigation Measure(s):**

- NOISE-1:** All windows and doors shall have the minimum ratings STC 26 and mechanical ventilation installed for the building.
- NOISE 2:** The following construction restrictions shall be implemented during project construction and shall be included on all construction plans. Prior to CDD-stamp approval of plans for the issuance of a building or grading permit, whichever occurs first, the applicant shall provide evidence that the construction restrictions and requirements are included on the face of the construction plans.

1. The applicant shall make a good faith effort to minimize project-related disruptions to adjacent properties, and to uses on the site. This shall be communicated to all project-related contractors. The applicant shall notify neighbors within 300 feet of the subject property at least one week in advance of demolition, grading, and construction activities.
2. The project site shall be maintained in an orderly fashion at all times. All random debris and trash shall be disposed of in a timely manner. The project site must maintain and keep dust down by watering the site by use of a water truck, water hose, street sweeping and other dust control and maintenance measures.
3. A publicly visible sign shall be posted on the property with the telephone number and person to contact regarding construction-related complaints. This person shall respond and take corrective action within 24 hours. The CDD phone number to call in complaints shall also be visible to ensure compliance with applicable regulations.
4. The applicant shall require their contractors and subcontractors to fit all internal combustion engines with mufflers which are in good condition and shall locate stationary noise-generating equipment such as air compressors as far away from existing residences as possible.
5. The construction contractor shall ensure that unnecessary idling of internal combustion engines (i.e., idling in excess of 5 minutes) is prohibited.
6. The construction contractor shall utilize “quiet” models of air compressors and other stationary noise sources where technology exists.
7. The construction contractor shall ensure that the construction staging areas shall be located to create the greatest feasible distance between the staging area and noise-sensitive receptors nearest the project site.
8. Large trucks and heavy equipment are subject to the same restrictions that are imposed on construction activities, except the hours are limited to 9:00 am to 4:00 pm. This condition applies to all heavy construction equipment that vibrates.
9. Unless specifically approved otherwise via prior authorization from the Zoning Administrator, all construction activities shall be limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on State and Federal holidays on the calendar dates that these holidays are observed by the State or Federal government as listed below:

New Year’s Day (State and Federal)

Birthday of Martin Luther King, Jr. (State and Federal)

Washington’s Birthday (Federal)

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Lincoln’s Birthday (State)  
 President’s Day (State)  
 Cesar Chavez Day (State)  
 Memorial Day (State and Federal)  
 Juneteenth National Independence Holiday (Federal)  
 Independence Day (State and Federal)  
 Labor Day (State and Federal)  
 Columbus Day (Federal)  
 Veterans Day (State and Federal)  
 Thanksgiving Day (State and Federal)  
 Day after Thanksgiving (State)  
 Christmas Day (State and Federal)

For specific details on the actual day the State and Federal holidays occur, please visit the following websites:

Federal Holidays: Federal Holidays (opm.gov)  
 California Holidays: <https://www.calhr.ca.gov/employees/pages/state-holidays.aspx>

Implementing Action:	COA
Timing of Verification:	Prior to CDD approval of construction documents and throughout construction-related activity and prior to final inspections; upon receipt of noise complaint(s)
Party Responsible for Verification:	Project proponent, CDD staff
Compliance Verification:	Review of Construction Drawings; submittal of pre-construction meeting date to CDD staff; submittal of a copy of notice and distribution list to the CDD; field investigation (in the event of a noise complaint).

**SECTION 18: TRIBAL CULTURAL RESOURCES**

**Potentially Significant Impacts:** *There is always a potential to damage or destroy previously undiscovered historic and prehistoric resources during construction related activities. Subsurface construction activities have the potential to damage or destroy undiscovered historic and prehistoric resources.*

**Mitigation Measure(s):**

**CULTURAL 1:** The following measures shall be implemented during project-related ground disturbance and shall be included on all construction plans. Prior to CDD-stamp approval of plans for the issuance of a building or grading permit, or tree removal, whichever occurs first, the applicant shall provide evidence that the measures and requirements listed below are included on the construction plans. If deposits of prehistoric or historical archaeological materials are encountered during ground disturbance activities, all work within 50 feet of the discovery shall be redirected. A qualified archaeologist certified by the Society for California Archaeology (SCA) and/or the Society of Professional Archaeology (SOPA), and the Native American Tribe that has requested consultation and/or demonstrated interest in the project shall be contacted to evaluate the significance of the finds and suggest appropriate mitigation(s) if deemed necessary.

- A. All construction personnel, including operators of equipment involved in grading, or trenching activities will be advised of the need to immediately stop work if they observe any indications of the presence of an unanticipated cultural resource discovery (e.g., wood, stone, foundations, and other structural remains; debris-filled wells or privies; deposits of wood, glass, ceramics). If deposits of prehistoric or historical archaeological materials are encountered during ground disturbance activities, all work within 50 feet of the discovery shall be redirected and a qualified archaeologist contacted to evaluate the finds and, if necessary, develop appropriate treatment measures in consultation with the County and other appropriate agencies. If the deposits are not eligible, avoidance is not necessary.

If eligible, deposits will need to be avoided by impacts or such impacts must be mitigated. Upon completion of the archaeological assessment, a report should be prepared documenting the methods, results, and recommendations. The report should be submitted to the Northwest Information Center and appropriate Contra Costa County agencies.

If human remains are encountered, work within 50 feet of the discovery shall be redirected and the County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation. If the human remains are of a Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the property and provide recommendations for the proper treatment of the remains and associated grave goods. Upon completion of the assessment by an archaeologist, the archaeologist should prepare a report documenting the methods and results and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report should be submitted to the Northwest Information Center and appropriate Contra Costa agencies.

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**GEOLOGY 6:** Should unique paleontological materials be uncovered during grading, trenching, or other on-site excavation(s), all earthwork within 30 yards of the materials shall be stopped until the Community Development Division (CDD) has been notified, and a qualified paleontologist contacted and retained to evaluate the significance of the find, and, if deemed necessary, suggest appropriate mitigation(s).

Implementing Action:	COA
Timing of Verification:	Upon discovery of archaeological materials, human remains or undiscovered historic and prehistoric resources.
Party Responsible for Verification:	Project proponent, CDD staff, consulting Archaeologist.
Compliance Verification:	Submittal of archaeologist's report to CDD.

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