

CEQA ENVIRONMENTAL CHECKLIST FORM

1. **Project Title:** Withers Avenue 3-lot subdivision, County file #CDMS22-00011
2. **Lead Agency Name and Address:** Contra Costa County
Department of Conservation and Development
30 Muir Rd.
Martinez, CA 94553
3. **Contact Person and Phone Number:** Dominique Vogelpohl, Project Planner
(925) 655-2880
4. **Project Location:** 2.56-acre property located on Withers Avenue, Lafayette, CA
(APN: 166-160-034)
5. **Project Sponsor's Name and Address:**
Applicant:
Pallav Chatterjee
43216 Portofino Terrace
Fremont, CA 94539

Owner:
Jeanette Sorensen
1817 Pleasant Hill Road
Pleasant Hill, CA 94523
6. **General Plan Designation:** The subject property is located within the Residential Low-Density (RL) General Plan land use designation.
7. **Zoning:** The subject property is located within a R-20 Single-Family Residential District (R-20).
8. **Description of Project:** The applicant seeks approval of a Vesting Tentative Map to subdivide a 2.56-acre site into 3 new parcels. The project also includes: a request to remove 20 trees, 1,200 cubic yards of grading (600 cubic yards of cut and 600 cubic yards of fill), and 4 exception requests (1. 96-10 – requirement to underground utilities, 2. Division 914 to construct the access road within the creek structure setback, 3. Division 914 to construct the bio retention basin within the creek structure setback, and 4. requirement to construct frontage improvements).
9. **Surrounding Land Uses and Setting:** The subject site is located just west of the Withers Avenue and Pleasant Hill Road intersection, in the unincorporated Lafayette area. The site is bound by single-family residential properties on all sides. The City of Pleasant Hill boundaries are immediately to the east.

The project site is currently vacant and is steeply sloped. The site contains numerous trees of various species and sizes. A lined drainage channel is located along the southeasterly property line, at the base of the southeastern slope.

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

- Contra Costa County Building Inspection Division
- Contra Costa County Public Works Department
- Contra Costa County Health Services Department, Environmental Health Division
- Contra Costa County Fire Protection District
- East Bay Municipal Utility District
- Central Contra Costa Sanitary District

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

In accordance with Section 21080.3.1 of the California Public Resources Code, a Notice of Opportunity to Request Consultation was sent on June 13, 2024, to the Confederated Villages of Lisjan Nation (CVLN) and the Wilton Rancheria, the California Native American tribes that have requested notification of proposed projects within unincorporated Contra Costa County. Pursuant to section 21080.3.1(d), there is a 30-day time period for the Wilton Rancheria and/or the Confederated Villages of Lisjan Nation to either request or decline consultation in writing for this project. To date, no response has been received from the Wilton Rancheria, but the Confederated Villages of Lisjan Nation did request consultation and a project specific cultural resources report be prepared that includes a confidential search that is done through the California Historical Resources Information System and Sacred Lands File request be carried out through the Native American Heritage Commission (NAHC).

A cultural resources report with the requested information was prepared by FirstCarbon Solutions and provided to the Lisjan Nation on April 25, 2025, and a meeting between staff, the project sponsor, the property owner, and representatives of the Lisjan Nation was held on July 23, 2025. At that meeting, the CVLN asked about specifics regarding the proposed grading plan, but the project civil engineer was not present to provide a response with technical expertise that could suitably address their concerns. The project civil engineer has since responded, which resulted in the CVLN recommending specific Tribal cultural resources mitigation measures, which have been included under the Tribal Cultural Resources section of the initial study.

Environmental Factors Potentially Affected

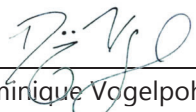
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|--|
| ☒ Aesthetics | ☐ Agriculture and Forestry Resources | ☒ Air Quality |
| ☒ Biological Resources | ☒ Cultural Resources | ☐ Energy |
| ☒ Geology/Soils | ☐ Greenhouse Gas Emissions | ☐ Hazards & Hazardous Materials |
| ☐ Hydrology/Water Quality | ☐ Land Use/Planning | ☐ Mineral Resources |
| ☒ Noise | ☐ Population/Housing | ☐ Public Services |
| ☐ Recreation | ☐ Transportation | ☒ Tribal Cultural Resources |
| ☐ Utilities/Services Systems | ☐ Wildfire | ☒ Mandatory Findings of Significance |

Environmental Determination

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



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

06/12/2026

 Date

ENVIRONMENTAL CHECKLIST

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

SUMMARY:

- a) *Would the project have a substantial adverse effect on a scenic vista? (Less than Significant Impact)*

The General Plan Open Space Element identifies specific resources of Contra Costa County as designated scenic ridges and waterways. The intent of these scenic resource designations is to preserve and protect areas of identified high scenic value, where practical, and in accordance with the Land Use Element. The subject property is located at the northwest corner of Withers Avenue and Pleasant Hill Road in the Lafayette area. This property is located over 7 miles south of the Sacramento River Delta a designated scenic waterway, as outlined in the Contra Costa County 2045 General Plan. The residences directly to the west and north of the subject property are at higher base elevations compared to the subject property. This difference in elevation will essentially camouflage the project from the general area. Furthermore, at a distance of more than 7 miles, views of the Sacramento River from this property and the surrounding residences are negligible. Therefore, there is a less than significant adverse effect on a scenic vista.

- b) *Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway? (Less than Significant Impact)*

The Scenic Routes Map of the County General Plan's Transportation Element identifies scenic routes in the County, including both State Scenic Highways and County designated Scenic Routes.

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The subject property is located at the northwest corner of Withers Avenue and Pleasant Hill Road in the Lafayette area. Neither road is considered a scenic route, nor is the property within the local vicinity of one. Although the project site is not located in the vicinity of a state scenic highway as designed in the County's General Plan, Taylor Boulevard which is approximately 1,000 feet to the northwest of the site is identified as a connecting road. Nevertheless, as described above, the project site and resulting residences will be constructed at a lower elevation than properties to the north. This relationship between properties will effectively screen the project from any conceivable views that might be had from Taylor Boulevard. To add, no rock outcroppings or clusters of significant trees are located on the subject property. Therefore, there is no potential for significant impacts to rock outcroppings, or historic structures on the property within a scenic highway as a result of the proposed project.

- c) *In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? (**Less than Significant Impact**)*

The subject property is located within a Residential-Low Density (RL) General Plan land use designation and within a R-20 Single-Family Residential District (R-20) zoning district. The subject property is located within an urbanized area, surrounded entirely by residential development and is within the Urban Limit Line. The project is to subdivide the subject property into 3 lots, removal of 20 trees, and installation of the required improvements for the subdivision. Thus, the project would not conflict with the applicable zoning and other regulations governing scenic quality and would be less than significant.

- d) *Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (**Less than Significant with Mitigation**)*

Potential sources of light associated with the project would consist of typical sources of lighting associated with a residential development including lighting from the newly constructed residences, and vehicles traveling to and from the project site. Although trees and vegetation are normally associated with new residential development, no landscaping plans have been submitted to date. Nevertheless, construction and occupation of 3 new lots is not expected to increase light or glare to levels above typical single-family residential structures. However, mitigation measure AES-1 would require exterior lighting to be directed downward and away from adjacent properties and public/private right-of-way to prevent excessive light spillover. With the implementation of MM AES-1, lighting impacts would be less than significant.

Impact AES-1: The change in ambient nighttime light levels on the project site, and the extent to which project lighting would spill off the project site and affect adjacent light-sensitive areas, would determine whether the project could adversely affect nighttime views in the area. Project

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lighting could create a potentially significant adverse environmental impact due to substantial new light and glare on neighboring properties.

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

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

2. AGRICULTURAL AND FOREST RESOURCES – Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment, which due to their location or nature, could result in the conversion of farmland to a non-agricultural use or conversion of forest land to a non-forest use?	☐	☐	☐	☒

SUMMARY:

- a) *Would the project 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? (No Impact)*

Pursuant to the 2018 Contra Costa County Important Farmland Map, the subject property has been categorized as “urban and built-up land.” The project is to subdivide the property into 3 lots,

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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construct a house on each lot, and install improvements related to the subdivision. The proposed residences are a use that is consistent with the zoning and general plan. Therefore, the potential for converting Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as categorized by the California Resources Agency, to a non-agricultural use will have no impact.

- b) *Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract? (No Impact)*

The project site is located within a residential related zoning district. The subject property is not currently in a Williamson Act contract. Therefore, there is no potential for the proposed project to conflict with existing zoning for agricultural uses, or with a Williamson Act contract.

- c) *Would the project 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)) or conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (No Impact)*

The project site is not considered forest land as defined by California Public Resources Code Section 12220(g), timberland as defined by California Public Resources Code Section 4526, or zoned Timberland Production as defined by California Government Code section 51104(g). The project site is zoned for residential uses and will include 3 new homes and associated uses. Thus, the project would not conflict with existing zoning for, or cause rezoning of forest land or timberland.

California Public Resources Code Section 12220, under the Forest Legacy Program Act, defines "forest land" as land that can support 10 percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.

Public Resources Code 4526, under the Forest Practice Act, defines "timberland" as land, other than land owned by the federal government and land designated by the State Board of Forestry and Fire Protection as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species are determined by the board on a district basis after consultation with the district committees and others.

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California Government Code 51104, under the Timberland Productivity Act, defines "timberland" as privately owned land, or land acquired for state forest purposes, which is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, and which is capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre. "Timberland production zone" or "TPZ" means an area which has been zoned pursuant to Section 51112 or 51113 of the Government Code and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, as defined in Public Resources Code 4526 or 12220. With respect to the general plans of cities and counties, "timberland preserve zone" means "timberland production zone." As stated in the Contra Costa County General Plan, no land is used for timber harvesting.

- d) *Would the project involve or result in the loss of forest land or conversion of forest land to non-forest use? (No Impact)*

The project site is a 2.56-acre residential property and is in a developed area currently zoned for residential uses. Thus, the project would not result in the loss of forest land or conversion of forest land to non-forest use.

- e) *Would the project involve other changes in the existing environment, which due to their location or nature, could result in the conversion of farmland to a non-agricultural use? (No Impact)*

The project site is surrounded by residential uses. The project is to subdivide the site into 3 residential lots and construct 3 homes and related improvements. Construction of a residence is an allowed use within the R-20 zoning district. Furthermore, the project site is in a developed area and the project site is currently zoned for residential uses. Thus, the proposed project would not result in the conversion of farmland to a non-agricultural use.

Sources of Information

- Government Code section 51104(g)
- California Public Resources Code Section 12220(g)
- California Public Resources Code Section 4526
- Contra Costa County Code, Title 8, Zoning Ordinance.
- Contra Costa County General Plan, 2045. *Land Use Element*.
- California Department of Conservation. *Contra Costa County Important Farmland 2018*.

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3. AIR QUALITY – Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☒	☐	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

SUMMARY:

- a) *Would the project conflict with or obstruct implementation of the applicable air quality plan? (Less than Significant Impact)*

The 2017 Clean Air Plan, prepared by the Bay Area Air Quality Management District (BAAQMD), is the most recent plan prepared to fulfill state and federal air pollution reduction requirements. The 2017 plan provides a regional strategy to protect public health and protect the climate, as well as describing how the air district will continue to progress toward attaining all state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To accomplish this, the 2017 plan describes a multi-pollutant strategy to simultaneously reduce emissions and ambient concentrations of ozone, fine particulate matter, toxic air contaminants, as well as greenhouse gases (GHG) that contribute to climate change. The subdivision of land, or any other aspects of the proposed project, does not conflict with or obstruct implementation of any air quality plans for the region; therefore, the project will have a less than significant impact on this analysis category.

- b) *Would the project 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? (Less than Significant with Mitigation)*

In developing thresholds of significance for criteria air pollutants, the BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively significant. As such, if a project exceeds the identified thresholds of significance, its emissions would be significant in terms of both project- and cumulative-level impacts, resulting in significant adverse air quality impacts to the region's existing air quality conditions. Thus, this impact analysis and discussion is related to the project- and cumulative-level effect of the project's regional criteria air pollutant emissions.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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By its nature, air pollution is largely a cumulative impact resulting from emissions generated over a large geographic region. The non-attainment status of regional pollutants is a result of past and present development within the Air Basin, and this regional impact is a cumulative impact. In other words, new development projects (such as the proposed project) within the Air Basin would contribute to this impact only on a cumulative basis. No single project would be sufficient in size, by itself, to result in non-attainment of regional air quality standards. Instead, a project's emissions may be individually limited, but cumulatively significant when taken in combination with past, present, and future development projects.

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

Construction of the Project would result in emissions of criteria pollutants from the use of heavy-duty construction equipment, haul truck trips, and vehicle trips generated from construction workers traveling to and from the site. In addition, fugitive dust PM₁₀ emissions would result from excavation, trenching, and other construction activities. Construction would occur over approximately two years total (site preparation and construction of homes). Site preparation consists of tree removal and associated grading. Approximately 1,200 cubic yards is proposed for grading (600 cubic yards of cut and 600 cubic yards of fill).

Construction-related effects from fugitive dust from the proposed project would be greatest during the site preparation and grading phases due to the disturbance of soils. If not properly controlled, these activities would temporarily generate particulate emissions in the area of the construction site. Unless properly controlled, vehicles leaving the site would deposit dirt and mud on local streets, which could be an additional source of airborne dust after it dries. PM₁₀ emissions would vary from day to day, depending on the nature and magnitude of construction activity (amount of equipment operating), local weather conditions (such as wind speed), and characteristics such as soil moisture and silt content of the soil. Larger dust particles would settle near the source, while fine particles would be dispersed over greater distances from the construction site. For mitigation of fugitive dust emissions, the BAAQMD recommends

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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implementing best management practices (BMPs), as a pragmatic and effective approach to controlling fugitive dust emissions (BAAQMD, 2017a). The BAAQMD notes that individual measures have been shown to reduce fugitive dust by anywhere from 30 percent to more than 90 percent. The BAAQMD considers any project's construction-related impacts to be less than significant if the required dust-control measures are implemented. Without these measures, the impact is generally considered to be significant, particularly if sensitive land uses are located in the project vicinity. There are a number of residences located at the border of the project site that could be impacted by fugitive dust generated by construction activities. Therefore, implementation of these BMPs would ensure the Project's fugitive dust emissions remain below a level of significance.

Impact AIR-1 and AIR-2: Grading and construction activities could have a potentially significant adverse environmental impact by exposing sensitive receptors to substantial pollutant concentrations. Grading and construction activities using diesel powered vehicles and equipment on the site could have a potentially significant adverse environmental impact by creating localized odors.

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

- a. All exposed non-paved surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and access roads) shall be watered at least two times per day and/or non-toxic soil stabilizers shall be applied to exposed non-paved surfaces.
- b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered and/or shall maintain at least 2 feet of freeboard.
- c. All visible mud or dirt tracked out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping shall be prohibited.
- d. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes, as required by the California Airborne Toxics Control Measure (ACTM) Title 13, Section 2485 of California Code of Regulations. Clear signage regarding idling restrictions shall be provided for construction workers at all access points.
- g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- h. The prime construction contractor shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall take corrective action within 48 hours of receipt of the complaint. The Bay Area Air Quality Management District (BAAQMD) phone number shall also be visible to ensure compliance with applicable regulations.

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

- a. All off-road equipment equal to or greater than 25 horsepower shall meet either United States Environmental Protection Agency (EPA) or California Air Resources Board (ARB) Tier 4 Final off-road emission standards during all construction activities.
- b. Prior to issuance of a grading or building permit, a construction management plan shall be submitted to the CDD for review and approval. The construction management plan shall demonstrate that the off-road equipment used on-site to construct the proposed project would comply with Tier 4 Final off-road emission standards. Off-road equipment descriptions and information included in the construction management plan should include, but is not limited to, equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number47T47T.

- c) *Would the project expose sensitive receptors to substantial pollutant concentrations? (**Less than Significant Impact**)*

The project includes construction of 3 new residences and related improvements. The surrounding properties are purely residential in nature. The closest school is approximately 1,000 feet east of the project site. It is anticipated that sensitive receptors would not be exposed to significant pollutant concentrations due to the scale of the proposed project. Residential uses typically do not generate substantial pollutant concentrations. Furthermore, the construction activities will be restricted to specific days of the week and to a limited number of work hours in order to lessen the amount of time during the week that sensitive receptors would be exposed to construction-related air quality impacts.

- d) *Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? (**Less than Significant Impact**)*

The project includes construction of 3 homes and related improvements. During construction activities, construction equipment exhaust and application of asphalt and architectural coating would temporarily generate odors. Any construction-related odor emissions would be temporary and intermittent. It is anticipated that by the time such emissions reach any sensitive receptor sites, they would be diluted to well below any level of air quality or odor concern. Therefore, construction odors impacts would be less than significant.

The proposed 3 new homes would not likely generate objectionable odors. The types of uses that are considered to have objection odors include wastewater treatment plants, compost facilities, landfills, solid waste transfer station, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), or petroleum refineries. The proposed project is residential in nature, and it is not anticipated to generate objectionable odors which may affect a substantial number of people. Therefore, this impact would be less than significant.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Sources of Information

- Bay Area Air Quality Management District. 2017. *Bay Area 2017 Clean Air Plan*.
- Bay Area Air Quality Management District. 2017. *Air Quality Guidelines*.

4. BIOLOGICAL RESOURCES – Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

SUMMARY:

- a) *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? (Less than Significant with Mitigation)*

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According to the Biological Resources Assessment Report (bio report) dated January 21, 2024, and the Rectification and Addendum to the original bio report dated March 19, 2026, Biologist Daniel Edelstein conducted a biological field survey on December 10, 2024, of the project site to identify the parcel's plant communities and wildlife habitats, and to evaluate the potential for the parcel to host rare, special-status species that status are protected by the California Department of Fish and Wildlife (CDFW) and US Fish and Wildlife Service (USFWS). The presence or absence of wetland resources was also assessed during the Survey. The reports found no presence of rare and/or special-status plant species, and that there is low potential for occurrence at the site based on the habitat quality. The reports also did not observe any special-status wildlife species, and assessed low potential for the following special-species: San Joaquin Kit Fox, Western Burrowing Owl, California Red-Legged Frog, California Tiger Salamander, Foothill Yellow-Legged Frog, Western Pond Turtle, Least Bell's Vireo, Tricolored Blackbird, and Alameda whipsnake, due to the habitat quality, the absence of breeding and dispersal habitat, and the difficulty to ascend uphill from the tributary of Murderer's Creek at the southeast corner of the project site. However, the Survey concluded that the project site provides suitable habitat for passerine birds and raptors, and roosting bats. Implementation of the recommendations detailed in the bio report and demonstrated as the mitigation measures BIO-1 and BIO-2 respectively below, would reduce impacts to special-status species to less than significant.

Impact BIO-1 and BIO-2: Construction activities, including tree removal and site clearance, may impact nesting passerine birds and raptor and bats.

Mitigation Measure BIO-1: If project-related activities that require tree removal take place during the nesting season (February through August), an avian pre-construction survey for nesting passerine birds and raptors (birds of prey) within the project site and the trees within the adjacent riparian area shall be conducted by a qualified Avian Biologist no more than 14 days prior to the commencement of the tree removal or project-related activities. If any bird listed under the Migratory Bird Treaty Act (MBTA) is found to be nesting within the project site or within the area of influence, an adequate protective buffer zone shall be established by a qualified Avian Biologist (with consultation of the California Department of Fish and Wildlife (CDFW)) to protect the nesting site. The distance shall be determined by a qualified Avian Biologist. The nest site(s) shall be monitored by a qualified Avian Biologist periodically to see if the birds are stressed by the construction activities and if the protective buffer needs to be increased. Once the young have fledged and are flying well enough to avoid project construction zones (typically by August), a qualified Avian Biologist shall determine if the project can proceed without further regard to the nest site(s). Prior to issuance of a building or grading permit, the CDD shall determine if project construction-related activities will take place during the nesting season, and if so, the avian pre-construction survey, and any incidental materials, shall be reviewed and approved by the CDD.

Mitigation Measure BIO-2: If project construction-related activities, including tree removal, take place during seasonal periods of bat activity (April 15 through August 31 and October 15 through

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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February 28), a bat habitat assessment shall be conducted by a qualified Biologist that has 1) at least two years of experience conducting bat surveys that resulted in detections for relevant species, such as pallid bat, with verified project names, dates, and references, and 2) experience with relevant equipment used to conduct bat surveys. The habitat assessment shall be conducted no more than 14 days prior to the commencement of site clearing or project-related activities to determine presence of bat roosting or maternal colonies.

For tree removal, the habitat assessment shall include a visual inspection of potential roosting features of trees to be removed (e.g., cavities, crevices in wood and bark, exfoliating bark for colonial species, suitable canopy for foliage roosting species). If suitable habitat trees are found, they shall be flagged or otherwise clearly marked, CDFW shall be notified immediately, and tree trimming or removal shall not proceed without approval in writing from CDFW. If the presence of bats is presumed or documented, trees may be removed only: a) using the two-step removal process detailed below during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15, or b) after a qualified biologist, under prior written approval of the proposed survey methods by CDFW, conducts night emergence surveys or completes visual examination of roost features that establish absence of roosting bats. Two-step tree removal shall be conducted over two consecutive days, as follows: 1) the first day (in the afternoon), under the direct supervision and instruction by a qualified biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices or deep bark fissures shall be avoided, and 2) the second day the entire tree shall be removed.

If no roosting or maternal colonies are observed, a letter report confirming absence shall be prepared by a qualified Bat Biologist, and no further avoidance measures should be required. If bat roosting sites and/or maternal colonies are found, then the bats shall not be disturbed without a pre-approved strategy prepared and implemented by a qualified Bat Biologist (with consultation of the California Department of Fish and Wildlife (CDFW)). Prior to issuance of a building or grading permit, the CDD shall determine if project construction-related activities will take place during seasonal periods of bat activity, and if so, the bat habitat assessment, and any incidental materials, shall be reviewed and approved by the CDD.

- b) *Would the project 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? (**Less than Significant with Mitigation**)*

- c) *Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (**Less than Significant Impact**)*

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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According to the Rectification and Addendum to the original bio report dated March 19, 2026, the CDFW has jurisdiction for Project activities affecting river, lakes or streams and associated riparian habitat according to provisions of section 1601 through 1603 of CDFW. Notification is required for any activity that may substantially divert or obstruct the natural flow, change or use of material from the bed, channel or bank (including associated riparian or wetland resources), or deposit or dispose of material where it may pass into a river, Lake or stream. Work within ephemeral streams, drainage, ditches, washes, watercourse with a subsurface flow, and floodplain is generally subjected to Notification requirements.

Due to the proximity of the project site to a tributary of Murderer's Creek at the southeast corner of the property the proposed project may be subject to CDFW's Lake and Streambed Alteration (LSA) regulatory authority, so prior to project activities, the project proponent is to submit to CDFW to verify whether an LSA will be required.

The Rectification bio report states that project activities must not remove native vegetation and to not stage in the creek structure setback. Keeping to these best practices, minimizing construction activities to only what is shown in the project plans, and adhering to authority of mandatory State regulatory agencies will reduce any adverse effects on federally protected wetlands to less than significant.

- d) *Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites? (**Less than Significant Impact**)*

As discussed above, the bio report identified creek area at the southeast corner of the project site. The proposed project would not disturb any portion of the creek, creek bank or riparian habitat. Construction will take place outside of the riparian area, and a creek structure setback will be maintained post development, ensuring future development will be restricted to take place within the riparian or creek areas. Furthermore, the project site is in an urbanized area and is surrounded by single-family residences which further constrain wildlife movement. For these reasons, the proposed project is not expected to have any significant impact on wildlife corridors or to impede the use of nursery sites, therefore project-related impacts would be less than significant.

- e) *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (**Less than Significant Impact**)*

The Contra Costa County Tree Protection and Preservation Ordinance provides for the protection of certain trees by regulating tree removal and development within their drip lines while allowing for reasonable development of private property. On any property proposed for development approval, the Ordinance requires tree alteration or removal to be considered as part of the project

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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application. The proposed project includes the removal of 20 code-protected trees. The proposed tree removal has been evaluated by CDD staff pursuant to the Tree Protection and Preservation Ordinance as well as the project plans for construction of new homes, driveways, storm water control, and other site improvements. As the project includes the removal of code-protected trees, a tree permit is required in order to remove the trees. The project will require findings for approval or denial, and, if approved, will receive standard conditions of approval for restitution in order to reasonably restore the natural resources on-site. The Tree Permit shall include a Tree Replacement Plan. The Tree Replacement Plan shall designate the approximate location, number, species and sizes of new trees to be planted. To protect the trees to remain, approval of a Tree Permit under the provisions of the County Tree Ordinance shall be required. The Tree Permit shall include tree protection measures that will be implemented during construction through the clearing, grading, and construction phases, and stated on all construction plans. Tree removal will not be permitted until a grading permit is issued. With the Tree Permit's conditions implemented, the project will have a less than significant impact.

- f) *Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (No Impact)*

The County has adopted the East Contra Costa County Habitat Conservation Plan / Natural Community Plan (HCP/NCCP), which provides a framework to protect natural resources in eastern Contra Costa County. This plan covers areas within the cities of Brentwood, Clayton, Oakley, Pittsburg, as well as unincorporated areas of eastern Contra Costa County. The subject property is not within the covered area for the HCP/NCCP. Therefore, the project will have a less than significant impact on the HCP/NCCP.

Sources of Information

- Daniel Edelstein, Consulting Biologist (TE-1017403-5). January 21, 2024. Biological Resources Assessment Report
- Daniel Edelstein, Consulting Biologist (TE-1017403-5). March 19, 2026. Rectification and Addendum of the Biological Resources Assessment Report dated January 21, 2024
- Contra Costa County General Plan, 2045. *Land Use Element, Conservation, Open Space, and Working Lands Element*
- East Contra Costa County Habitat Conservation Plan / Natural Community Plan
- Contra Costa County Code, Title 8, Zoning Ordinance.
- California Department of Fish and Wildlife. Accessed September 13, 2024. <https://apps.wildlife.ca.gov/lands/>.
- California Department of Fish and Wildlife. *Terrestrial Habitat Connectivity*. Accessed November 5, 2024. <https://apps.wildlife.ca.gov/bios6/?bookmark=648>.

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

SUMMARY:

- a) *Would the project cause a substantial adverse change in the significance of a historical resource pursuant to California Environmental Quality Act Guidelines Section 15064.5? (**Less than Significant Impact**)*

The project site contains no buildings or structures, and the site itself is not listed in the California Register of Historical Resources (CRHR), the National Register of Historic Places (NRHP), or the County's Historic Resources Inventory (HRI). Therefore, the project is found to have a less than significant impact to a historical resource.

- b-c) *Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 or disturb any human remains, including those interred outside of formal cemeteries? (**Less than Significant with Mitigation**)*

According to the Cultural Resources report prepared by Taylor Love of FirstCarbon Solutions (FCS), dated April 4, 2025, a 0.5-mile radius beyond the project site boundary was conducted at the Northwest Information Center (NWIC) located at Sonoma State University in Rohnert Park, California.

The results of the record search indicate that seven cultural resources (one pre-contact, six historic) have been recorded within the 0.5-mile search radius surrounding the project site; no resources are located within the project boundaries, however, resource P-07-000035 is located immediately southeast of the project site. Additionally, 18 area-specific survey reports are on file within the 0.5-mile radius of the project site, however, none address the project area. This indicates that the proposed project has not been previously surveyed for cultural resources.

Taylor Love's survey of the project site was conducted on March 31, 2025. While no indications of historic or pre-contact archaeological resources were encountered over the course of either pedestrian survey, the poor native soil visibility does not preclude the possibility of subsurface archaeological features within the project boundary.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Based on the results of the records searches, archival research, the results from the NAHC SLF search for TCRs, Tribal correspondence, and the pedestrian survey, FCS considers the potential for the proposed project to have an adverse effect on historic or pre-contact cultural resources to be moderate. The NAHC SLF search yielded positive results for the presences of TCRs within the project site. Additionally, records search results identified one pre-contact resource adjacent to the project site. However, the pedestrian site survey failed to identify any cultural resources within the project site. Furthermore, buried site potential indicates that the project site is situated on a slope and is entirely situated upon Pleistocene and Paleocene-era deposits, which suggests a low to moderate potential for the discovery of subsurface archaeological deposits.

For this reason, FCS recommends that all construction personnel directly involved with project-related ground disturbance attend a “tailgate” WEAP training for archaeological resources and TCRs. In addition, an Archaeologist who meets the Secretary of the Interior’s Professional Qualification Standards for archaeology, should be present to monitor during the clearing and grubbing phases of ground disturbance to check for the inadvertent exposure of cultural materials. In the event exposed soils indicate cultural materials may be present, this may be followed by regular or periodic monitoring as determined by the Archaeologist, but full-time archaeological monitoring is not recommended at this time. FCS’s recommendations are mitigation measures CUL-1 and CUL-2.

Impact CUL-1 and CUL-2: The project could cause a substantial adverse change in the significance of a historical resource as defined in California Environmental Quality Act Guidelines Section 15064.5. Subsurface construction activities have the potential to damage or destroy previously undiscovered historic and prehistoric resources. Historic resources can include wood, stone, foundations, and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramics, and other refuse. If during project construction, subsurface construction activities damaged previously undiscovered historic and prehistoric resources, there could be a potentially significant impact.

Mitigation Measure CUL-1: All project-related ground disturbance shall be monitored by an archaeologist who meets the Secretary of the Interior’s professional qualification standards for archaeology. In the event that significant cultural resources are discovered during construction activities, the applicant/project owner or sponsor shall ensure that operations within a 100-foot radius of the find shall cease and the archaeologist will be consulted to determine whether the resource requires further study. The standard inadvertent discovery clause shall be included on the grading plans submitted to the City to inform contractors of this requirement. Potentially significant cultural resources consist of but are not limited to stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. The archaeologist shall make recommendations to the County concerning appropriate measures, which shall be implemented by the applicant/project owner or sponsor to protect the discovered resources,

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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including but not limited to recordation on appropriate California Department of Parks and Recreation (DPR) forms, evaluation, or excavation of the finds in accordance with CEQA Guidelines, Section 15064.5.

Mitigation Measure CUL-2: In the event of accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and 5097.98 shall be followed. If during the course of construction activities there is accidental discovery or recognition of any human remains, the following steps shall be taken:

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

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

Sources of Information

- Taylor Love, FirstCarbon Solutions. April 4, 2025. *Phase I Cultural Resources Assessment*.
- Contra Costa County General Plan 2045. *Conservation, Open Space, and Working Lands Element*.
- National Register of Historic Places (NRHP). 2022. Publications of the National Register of Historic Places. Website: <https://www.nps.gov/subjects/nationalregister/publications.htm>. Accessed June 6, 2023.

6. ENERGY – Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

SUMMARY:

- a) *Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (**Less than Significant Impact**)*

Environmental effects related to energy include the project's energy requirements and its energy use efficiencies by amount and fuel type during construction and operation; the effects of the project on local and regional energy supplies; the effects of the project on peak and base period demands for electricity and other forms of energy; the degree to which the project complies with existing energy standards; the effects of the project on energy resources; and the project's projected transportation energy use requirements and its overall use of efficient transportation alternatives, if applicable. The following factors demonstrate a project's significance in relation to these effects: (1) Why certain measures were incorporated in the project and why other measures were dismissed; (2) The potential of siting, orientation, and design to minimize energy consumption, including transportation energy, increase water conservation and reduce solid-waste; (3) The potential for reducing peak energy demand; (4) Alternate fuels (particularly renewable ones) or energy systems; and (5) Energy conservation which could result from recycling efforts.

Energy consumption includes energy required for the construction of the proposed project and the operational use of the 3 new homes. The proposed project's energy demand would be typical for a development of this scope and nature and would be required to comply with current state and local codes concerning energy consumption, including Title 24 of the California Code of Regulations, enforced by the Building Inspection Division. Therefore, the project would have a less than significant impact due to energy consumption.

- b) *Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency? (**Less than Significant Impact**)*

The Climate Action Plan (CAP) includes a number of greenhouse gas (GHG) emission reduction strategies. The strategies include measures such as implementing standards for green buildings and energy-efficient buildings, reducing parking requirements, and reducing waste disposal. Green building codes and debris recovery programs are among the strategies currently implemented by the County. The proposed project's energy demand would be typical for a development of this scope and nature and would be required to comply with current state and local codes concerning energy consumption, including Title 24 of the California Code of Regulations, enforced by the County's Building Inspection Division. Therefore, the project's

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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potential to conflict with or obstruct a state or local plan for renewable energy or energy efficiency would be less than significant.

Sources of Information

- Contra Costa County, 2015. *Climate Action Plan*.

7. GEOLOGY AND SOILS – Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☒	☐	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

SUMMARY:

- a) *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:*

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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- 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? (**Less than Significant Impact**)*

The California Geological Survey (CGS) has delineated Alquist-Priolo (A-P) zones along the known active faults in California. The nearest fault considered active by CGS is the Concord fault, which is mapped approximately 6.4 kilometers northeast of the project site. No faults are mapped within the subject project.

- ii) *Strong seismic ground shaking? (**Less than Significant Impact**)*

According to the Health and Safety Element the site is in an area rated "lowest damage susceptibility". Nevertheless, conservative design and quality construction could keep ground shaking damage to a minimum, but it cannot be eliminated in the event of an earthquake. The risk of damage from ground shaking is controlled both by use of sound engineering judgement and compliance with the latest provisions of the California Building Code (CBC), as a minimum. The seismic design provisions of the CBC prescribe minimum lateral forces applied statistically to the structure(s), combined with the gravity forces and dead-and-live loads. The code-prescribed lateral forces are generally considered to be substantially smaller than comparable forces that would be associated with a major earthquake. The intent of the code is to enable structures to (i) resist minor earthquakes without damage, (ii) resist moderate earthquakes without structural damage but with some non-structural damage, and (iii) resist major earthquakes without collapse but with some structural as well as non-structural damage. Thus, the potential impact from seismic shaking would be less than significant.

- iii) *Seismic-related ground failure, including liquefaction? (**Less than Significant Impact**)*

According to the Health and Safety Element, the site is rated "generally low" liquefaction potential. This preliminary finding is supported by the subsurface data presented in the Terrasearch report.

- iv) *Landslides? (**Less than Significant Impact**)*

The Health and Safety Element of the General Plan includes policies that pertain to lands considered to be located within an area where liquefaction related hazards are present. These policy indicate that (i) project approvals are contingent on geologic and engineering studies which define and delineate the potential hazard posed by liquefaction, (ii) the geotechnical/ engineering geologic report for the project shall provide recommendations to reduce risks to less-than-significant, and (iii) through monitoring and testing during the

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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construction period, the geotechnical engineer/ engineering geologist that ensure that their recommendations are properly interpreted and implemented by the contractor.

Since there are no landslides indicated on the site by mapping of the USGS, and because the official SHZ map indicates that site is not considered to be at risk of earthquake-triggered landslide displacement, the risks of landslide related ground failure are not substantial for this project.

b) Would the project result in substantial soil erosion or the loss of topsoil? (Less than Significant Impact)

A SWCP and Erosion Control Plan are a routine requirement of projects requiring grading permits. The SWCP identifies the "best management practices" that are most appropriate for the site, and the "Erosion Control Plan," which is required for the grading permit, provides the details of the erosion control measures to be applied on the site and maintained throughout the winter rainy season.

c) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Less than Significant Impact)

The Geologic Peer Review prepared by Darwin Meyers Associates, dated November 17, 2023, stated the project prepared by Wayne Ting & Associates, Inc., dated September 20, 2022, was an adequate evaluation, but still has concerns lateral and vertical displacement of the bioretention basin is a risk, and basin failure would threaten the stability of the new road.

Impact GEO-1, GEO-2 and GEO-3: The project could significantly impact the potential for increased exposure to adverse effects, including the risk of loss, injury or death from seismic-related ground failure, including liquefaction.

Mitigation Measures GEO-1: Prior to submittal of a building or grading permit, the project applicant shall submit a project geotechnical report that evaluates the sites of proposed Parcel B improvements. This report shall provide the following: (i) original geologic map showing the consultant's interpretation of the site conditions, with delineation of any potentially hazardous soil condition; (ii) the scope of the investigation shall include subsurface exploration that is adequate to establish the depth to bedrock within the Parcel B building site conditions and features; generalized logs are not acceptable. (iii) Shall provide laboratory test data to evaluate engineering properties of the native soil, Quaternary deposits and underlying bedrock, (iv) shall provide slope stability analysis for the slope area between the Parcel B building site and flow line of the creek at the toe-of-slope, as well as analysis of slope stability for the C.3 basin. The methodology used in the analysis shall be compliant with standards for project in the official Seismic Hazard Zone (SHZ)

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delineated by the California Geological Survey on the findings of this investigation, recommendations for foundations should be reviewed and updated as may be warranted.

The project geotechnical report shall be subject to peer review of the County Geologist and the review and approval of CDD.

Mitigation Measure GEO-2: Geotechnical observation and testing services shall be required for the construction of improvements in each of the three parcels of CDMS22-00011. These services are (i) to ensure that geotechnical recommendations of 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 Building approval), based on exposed conditions. The monitoring shall commence during clearing, and extend through grading, placement of engineered fill, installation of recommend drainage facilities, and foundation related work.

Prior to final grading inspection, a report from the project geotechnical engineer that documents their observation and testing service to that stage of construction, including monitoring and testing of backfilling required for utility and drainage facilities, shall be submitted and subject to peer review of the County Geologist and the review and approval of CDD.

Prior to final building inspection of a residential dwelling unit or retaining wall, a report from the project geotechnical engineer that documents the monitoring services associated with implementation of final grading, drainage, and foundation related work, and retaining wall pier hole drilling/foundation work, shall be submitted and subject to peer review of the County Geologist and the review and approval of CDD.

Mitigation Measure GEO-3: All grading, excavation and filling shall be conducted during the dry season (April 15 – October 15) only, and all areas of exposed soil shall be revegetated to minimize erosion and subsequent sedimentation. After October 15, only erosion control work shall be allowed by the grading permit. Any modifications to the above schedule shall be subject to peer review of the County Geologist and the review and approval of CDD.

- d) *Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property? (**Less than Significant Impact**)*

Expansive soils shrink and swell as a result of moisture changes that can cause heaving and cracking of slabs-on-grade, pavements and structures founded on shallow foundations. Building damage due to volume changes associated with expansive soils can be reduced by placing slabs on select, granular fill, and by use of rigid mat or port-tensioned slabs. General foundation design

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criteria are provided by the Wayne Ting & Associates, Inc. report. It should be recognized that expansive soils are an engineering issue, and not a land use or feasibility issue. Because the site will be graded resulting in a cut situation, nearly all improvements will be in that cut soil area. Any building on fill must give consideration to expansion potential and corrosivity, and building pads that are astride the cut/fill transition or are astride the contact of expansive claystone/non-expansive sandstone may require special foundation design measures. These are geotechnical design details not environmental impacts.

- e) *Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (No Impact)*

The Central Contra Costa Sanitary District provides sanitary and sewer services to the project site. Given that the project will not generate any demand for septic tanks or alternative wastewater disposal, the project is not expected to have an impact.

- f) *Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Less than Significant with Mitigation)*

There is a possibility that buried fossils and other paleontological resources or hidden geologic features could be present and accidental discovery could occur during grading and other earthwork on the site, resulting in a potentially significant impact on unique paleontological resources and geologic features. Therefore, implementation of mitigation measures CUL-1 and CUL-2 would reduce the impact to undiscovered paleontological resources to a less than significant level.

Sources of Information

- *Geotechnical Investigation on Proposed Single Family Structure Subdivision by Wayne Ting & Associates, Inc. dated September 20, 2022*
- Geologic Peer Review and comments by Darwin Meyers Associates dated November 17, 2023.
- Contra Costa County General Plan, 2045. *Health and Safety Element*.

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

SUMMARY:

- a) *Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Less than Significant Impact)*

Greenhouse gases are gases that trap heat in the atmosphere and contribute to global climate change. Greenhouse gases include gases such as carbon dioxide, methane, nitrous oxide, and various fluorocarbons commonly found in aerosol sprays. Typically, a single residential or commercial construction project in the County would not generate enough greenhouse gas (GHG) emissions to substantially change the global average temperature; however, the accumulation of GHG emissions from all projects both within the County and outside the County has contributed and will contribute to global climate change.

Senate Bill 97 directed the Governor's Office of Planning and Research (OPR) to develop CEQA Guidelines for evaluation of GHG emissions impacts and recommend mitigation strategies. In response, OPR released the Technical Advisory: CEQA and Climate Change, and proposed revisions to the State CEQA guidelines for consideration of GHG emissions. The California Natural Resources Agency adopted the proposed State CEQA Guidelines as discussed below.

The bright-line numeric threshold of 1,100 MT CO₂/yr is a numeric emissions level below which a project's contribution to global climate change would be less than "cumulatively considerable." This emissions rate is equivalent to a project size of an approximately 541,000-square-foot industrial use. Future construction of 3 new homes and related improvements would create some GHG emissions; however, the amount generated would be below the above-noted emission rate and not result in a significant adverse environmental impact. As the project does not exceed the screening criteria, the project would not result in the generation of GHG emissions that exceed the threshold of significance.

- b) *Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Less than Significant Impact)*

At a regional scale, the BAAQMD adopted the Bay Area 2017 Clean Air Plan that addresses GHG emissions as well as various criteria air pollutants. The BAAQMD Plan included a number of

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pollutant reduction strategies for the San Francisco Bay air basin, many of which would be included in the project through Title 24 energy efficiency requirement for the expected new residences.

Within Contra Costa County, the Contra Costa County Board of Supervisors convened a Climate Change Working Group (CCWG) in May 2005, to identify existing County activities and policies that could reduce GHG emissions. In November 2005, the CCWG presented its Climate Protection Report to the Board of Supervisors, which included a list of existing and potential GHG reduction measures. This led to the quantification of relevant County information on GHGs in the December 2008 Municipal Climate Action Plan.

In April 2012, the Board directed the Department of Conservation and Development to prepare a Climate Action Plan (CAP) to address the reduction of GHG emissions in the unincorporated areas of the County. In December 2015, the Climate Action Plan was adopted by the Board of Supervisors. The Climate Action Plan includes a number of GHG emission reduction strategies. The strategies include measures such as implementing standards for green buildings and energy-efficient buildings, reducing parking requirements, and reducing waste disposal. Green building codes and debris recovery programs are among the strategies currently implemented by the County.

The project does not conflict with the policies outlined in the CAP. The project will incorporate Contra Costa County Climate Action Plan (CCC) emission reduction measures (as referenced in Appendix E "Developer Checklist" of the CCC). The checklist will be submitted to the Community Development Division prior to issuance of a building permit for each residence. Implementation of these emission reduction measures is considered a Qualified GHG Reduction Strategy under the CCC and therefore meets the BAAQMD's GHG threshold. The project would not conflict with the CAP and therefore would not be considered to have a significant impact.

Sources of Information

- Bay Area Air Quality Management District. 2017. *Air Quality Guidelines*.
- Contra Costa County. *Title 8: Zoning Ordinance*.
- Contra Costa County. 2008. *Municipal Climate Action Plan*.
- Contra Costa County. 2015. *Climate Action Plan*.
- Contra Costa County. 2023-2024. *Interim Climate Action Plan*.

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9. HAZARDS AND HAZARDOUS MATERIALS – Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐

SUMMARY:

- a) *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (**Less than Significant**)*

The project site is currently vacant so very limited risk of upset (e.g., underground storage tanks, etc.) is expected. However, during construction the proposed project would be expected to involve the transport, use, and disposal of hazardous materials, such as diesel fuels, aerosols, and paints. The proposed project would be subject to the Hazardous Materials Transportation Act, California Public Resources Code, and other State and local regulations that would reduce and limit the

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associated risks. Any handling, transporting, use, or disposal would comply with applicable laws, policies, and programs set forth by various federal, State, and local agencies and regulations.

During project operations, small quantities of hazardous materials may be handled on the project site. Because of the nature of the project, hazardous materials used on-site may vary but would likely be limited to small quantities of fertilizers, herbicides, pesticides, solvents, cleaning agents, and similar materials used for daily residential operations and maintenance activities. These types of materials are common for residential developments such as the project and represent a low risk to people and the environment when used as intended. Further, compliance with applicable plans and regulations, would provide public protection from hazards associated with the use, transport, treatment, and disposal of hazardous substances. Therefore, operational impacts related to public hazard risk as a result of hazardous materials transport, use, or disposal would be less than significant.

- b) *Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment? (Less than Significant Impact)*

Construction activity would be expected to involve the transport, use, and disposal of hazardous materials, such as diesel fuels, aerosols, and paints. The use of these materials would be subject to the Hazardous Materials Transportation Act, California Public Resources Code, and other State and local regulations that would limit the use of hazardous materials and reduce the associated risks of exposure. Any handling, transporting, use, or disposal would comply with applicable laws, policies, and programs set forth by various federal, State, and local agencies and regulations, including the Environmental Protection Agency, Resource Conservation and Recovery Act, Caltrans, the Hazardous Materials Transportation Act, and the Contra Costa County Hazardous Materials Program. Therefore, construction impacts related to hazardous materials upset risk would be less than significant.

The project proposes construction of 3 homes and related subdivision improvements, landscaping, and open space. As such, the proposed project would not be expected to include industrial or retail development that involves hazardous materials such as gas stations, paint stores, or auto parts stores. Unlike industrial or retail facilities, residential development does not involve the type or quantity of hazardous materials that could pose a significant environmental accident.

- c) *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (No Impact)*

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The closest school is approximately 0.20 miles northeast of the project site. Thus, construction and operational impacts related to hazardous emissions proximate to a school would be less than significant.

- d) *Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? **(No Impact)***

Pursuant to the Hazardous Waste and Substances Site List (Cortese) maintained by the California Department of Toxic Substances Control (DTSC), the project site is not categorized as a hazardous materials site.

- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? **(No Impact)***

The project site is located approximately 6 miles southwest of the Buchanan Field Airport. There would be no safety hazard or excessive noise related to a public airport or public use airport.

- f) *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? **(Less than Significant Impact)***

The project site is accessed from Withers Avenue in Lafayette, however, Taylor Boulevard is the main roadway in the general area. There are multiple streets that tie into Taylor Boulevard which would be utilized in an emergency. Nevertheless, no aspect of the project will impede or reduce access to Taylor Boulevard because of its construction or operation. The Contra Costa County Fire Protection District (CCCYPD) has reviewed the project plans and provided routine comments for the site. The project site is designed in accordance with the CCCYPD's and the County's standards to accommodate emergency vehicle access. The Fire Protection District would review the construction drawings for the project at the time of submittal of a building permit application. Thus, project impacts related to emergency response and evacuation would be less than significant.

- g) *Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? **(Less than Significant Impact)***

The project site is located within a "Urban Unzoned" Fire Hazard Severity Zone (FHSZ) in a Local Responsibility Area as indicated in the County's mapping system in Accela. The fire hazard severity zones reflect the degree of severity of fire hazard that is expected to prevail in the area. The construction of 3 new homes would be subject to building standards required for structures within "Urban Unzoned" Fire Hazard Severity Zones. The building standard for the Fire Hazard Severity

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Zones would be enforced as the project goes through the plan checking process with the Building Inspection Division and the Contra Costa County Fire Protection District. As the project will comply with these standards, there would be a less than significant risk of loss, injury or death involving exposure of people or structures to wildland fires.

Sources of Information

- County's Mapping System in Accela.
- Hazardous Waste and Substances Site List – "Cortese List."
- Contra Costa County. 2000. *Contra Costa County Airport Land Use Compatibility Plan*.
- Contra Costa County General Plan. 2045. *Transportation Element*.
- Contra Costa County Fire Protection District, *Agency Comment Letter*.

10. HYDROLOGY AND WATER QUALITY– Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) Result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☒	☐
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐
iv) Impede or redirect flood flows?	☐	☐	☒	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

SUMMARY:

- a) *Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? (**Less than Significant Impact**)*

The proposed project would comply with applicable water quality and discharge requirements. Contra Costa County, the Contra Costa County Flood Control and Water Conservation District, and 16 incorporated cities in the county have formed the Contra Costa Clean Water Program. In October 2009, the Regional Water Quality Control Board for the San Francisco Bay Region (RWQCB) adopted the National Pollutant Discharge Elimination System (NPDES) Municipal Regional Permit for the Program, which regulates discharges from municipal storm drains.

Provision C.3 of the Municipal Regional Permit places requirements on site design to minimize creation of impervious surfaces and control stormwater runoff. The County has the authority to enforce compliance with its Municipal Regional Permit through the County's adopted C.3 requirements. The C.3 requirements stipulate that projects creating and/or redeveloping at least 10,000 square feet of impervious surface shall treat stormwater runoff with permanent stormwater management facilities, along with measures to control runoff rates and volumes. Due to the potential impervious areas that would be created for the residential and access improvements on the site (approximately 27,000 square feet), this project triggers the threshold requiring submittal of a Stormwater Control Plan (SWCP).

The SWCP prepared for the proposed project identifies Low Impact Development (LID) design strategies that optimizes site layout, dispersal of runoff to pervious areas, and bioretention or other Integrated Management Practices. The applicant has provided a Preliminary Stormwater Control Plan that is deemed to be preliminarily complete, however, it remains subject to future revision, as necessary, during preparation of improvement plans to bring it into full compliance with C.3 stormwater requirements. With implementation of the practicable stormwater controls, the project would be compliant with applicable water quality standards or waste discharge requirements, resulting in a less than significant impact.

- b) *Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? (**No Impact**)*

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The project site and the neighboring area receives water service from the East Bay Municipal Utility District (EBMUD). Since water service at the site is provided by EBMUD, no groundwater wells are required. The proposed project would therefore have no effect on groundwater supplies.

- c) *Would the project substantially alter the existing drainage pattern of area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

- i) *Result in substantial erosion or siltation on- or off-site? (**Less than Significant Impact**)*

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. Based on the provided stormwater infrastructure and grading plan, the site drains from north to south. A series of storm drain lines will direct runoff from the site to the stormwater treatment basin, ultimately discharging to a tributary of Murderer's Creek is located along the southeast portion of the property. The drainage analysis shows the treatment basin has sufficient capacity to meter the stormwater runoff and satisfy the drainage requirements cited above. As such, the proposed project would result in a less than significant impact regarding erosion or siltation on- or off-site.

- ii) *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (**Less than Significant Impact**)*

The proposed project would comply with regulations of the National Pollutant Discharge Elimination System (NPDES) Permit consistent with Division 1014 of the Ordinance Code. The County's Public Works Department finds the Preliminary SWCP adequate to accommodate the rainwater runoff generated during storm events. Therefore, the project would not result in substantial on- or off-site flooding.

- iii) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (**Less than Significant Impact**)*

The bioretention basin is proposed to capture and treat the stormwater runoff. The bioretention basin will then discharge into the onsite tributary of Murderer's Creek. No runoff will be directly discharged to the drainage systems outside of the project site. Accordingly, the proposed project would not exceed the capacity of the stormwater system.

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iv) *Impede or redirect flood flows? (Less than Significant Impact)*

The easterly boundary of the property lies within the Special Flood Hazard Area (100-year flood boundary) as designated on the Federal Emergency Management Agency Flood Insurance Rate Map due to the onsite tributary of Murderer's Creek. However, development rights over that portion of the site will be relinquished, apart from the bioretention basin, as required by County Chapter 914-14, "Rights of Way and Setbacks," of the Subdivision Ordinance. Furthermore, the improvements on the site are not expected to create any barrier that would impede or redirect flood flows, should flooding occur. Therefore, impacts would be less than significant.

d) *In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation? (Less than Significant Impact)*

As discussed in Environmental Checklist Section 10.c.iv above, the portion of project site where the tributary of Murderer's Creek is located will be restricted from development, and as such, no future development will take place within 100-year flood hazard area. The project site is also not in an area that would be susceptible to inundation by seiche or tsunami. The California Geological Survey (2009) has projected and mapped the tsunami hazard posed by a tidal wave that passes through the Golden Gate and into San Francisco Bay, San Pablo Bay and Carquinez Strait. As mapped, the tsunami hazard in Contra Costa County is limited to the lowland areas immediately adjacent to these waterways. 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 project vicinity as there are no large lakes or reservoirs in the area. Therefore, impacts related to risk of pollutant release due to inundation would be less than significant.

e) *Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? (Less than Significant Impact)*

As stated above, the proposed project would comply with applicable water quality and discharge requirements. Provision C.3 of the Municipal Regional Permit places requirements on site design to minimize creation of impervious surfaces and control stormwater runoff. The Stormwater Control Plan (SWCP) prepared for the proposed project includes stormwater controls as required by the Contra Costa Clean Water Program and Municipal Regional Permit. Thus, the project would not conflict with or obstruct implementation of a water quality control plan.

Sources of Information

- [FEMA Flood Map Service Center | Search By Address](#), 2024. *FEMA (Federal Emergency Management Agency), Flood Map 06013C0289G, effective 03/21/2017.*

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- California Emergency Management Agency, 2009. *Tsunami Inundation Maps for Emergency Planning: Richmond Quadrangle/San Quentin Quadrangle, Mare Island Quadrangle, Benicia Quadrangle*.
- Contra Costa County Department of Public Works. May 17, 2024. *Staff Report and Conditions of Approval dated*
- Humann Company Inc. October 12, 2023. *Grading and Drainage Plan*.
- Humann Company Inc. October 2023. *Preliminary Hydrology and Hydraulics Analysis*.
- [FEMA Flood Map Service Center | Search By Address](#), 2024. *FEMA (Federal Emergency Management Agency), Flood Map 06013C0289G, effective 03/21/2017*.
- California Emergency Management Agency, 2009. *Tsunami Inundation Maps for Emergency Planning: Richmond Quadrangle/San Quentin Quadrangle, Mare Island Quadrangle, Benicia Quadrangle*.

11. LAND USE AND PLANNING – Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
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?	☐	☐	☐	☒

SUMMARY:

- a) *Would the project physically divide an established community? (No Impact)*

The physical division of an established community typically refers to the construction of a physical feature, such as an interstate highway or railroad tracks, or removal of a means of access, such as a local road or bridge that would impair mobility within an existing community or between a community and outlying area. The proposed project does not propose the construction of such a feature. Therefore, the proposed project would not physically divide an established community.

- b) *Would the project 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? (Less than Significant Impact)*

The project site is zoned R-20 and its land use designation is RL. Primary land uses permitted in the RL designation include detached single-family homes and accessory buildings and structures. Secondary uses generally considered to be compatible with low density homes may be allowed, including home occupations, small residential care and childcare facilities, churches, and other

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similar places of worship, ADUs, and other uses and structures incidental to the primary uses. The R-20 zoning designation allows for a detached single-family dwelling on each lot and the accessory structures and uses normally auxiliary to it.

Sources of Information

- Contra Costa County General Plan. 2045. *Land Use Element*.
- Contra Costa County. *Title 8 – Zoning Ordinance*.

12. MINERAL RESOURCES – Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

SUMMARY:

- a) *Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (No Impact)*

Known mineral resource areas in the County are shown on Figure COS-13 (Mineral Resource Areas) of the County General Plan's Conservation, Open Space, and Working Lands Element. No known mineral resources have been identified in the project vicinity, and therefore the proposed project would not result in the loss of availability of any known mineral resource.

- b) *Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (No Impact)*

The project site is not within an area of known mineral importance according to the County General Plan's Conservation, Open Space, and Working Lands Element, and therefore, the project would not impact any mineral resource recovery site.

Sources of Information

Contra Costa County 2045 General Plan. *Conservation, Open Space, and Working Lands Element*.

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13. NOISE – Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

SUMMARY:

- a) *Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Less than Significant Impact with Mitigation)*

The Health and Safety Element of the County General Plan discusses the County's goal to improve the overall environment in the County by reducing annoying and physically harmful levels of noise for existing and future residents, and for all land uses. According to the Maximum Allowable Noise Exposure by Use (Table HS-3) in the County General Plan, environments with ambient noise levels of up to 60 dB (decibels) are considered "normally acceptable" and noise levels between 55 dB to 70 dB are "conditionally acceptable" in residential areas. The project will result in the types and levels of noise generated from new residential uses that are consistent to noise levels from the existing residential development in the area. Therefore, the impact on ambient noise levels in the vicinity would be less than significant.

During project grading and construction there may be periods of time where there would be loud noise from construction equipment, vehicles, and tools. Although grading and construction activities would be temporary, such activities could have a potentially significant adverse environmental impact during project construction. Consequently, the project proponent is required to implement the noise mitigation measure **NOI-1** to bring potential noise impacts to a less than significant level.

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Impact NOI-1: Construction related noise could impact adjacent sensitive receptors.

Mitigation Measure NOI-1: The following noise reduction measures shall be implemented during project construction and shall be included on all construction plans:

- a. The construction contractor shall ensure that all equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment.
- b. The construction contractor shall ensure that unnecessary idling of internal combustion engines (i.e., idling in excess of 5 minutes) is prohibited.
- c. The construction contractor shall utilize "quiet" models of air compressors and other stationary noise sources where such market available technology exists.
- d. At all times during project grading and construction, the construction contractor shall ensure that stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from the nearest residential land uses.
- e. The construction contractor shall designate a noise disturbance coordinator who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (starting too early, bad muffler, etc.) and establish reasonable measures necessary to correct the problem. The construction contractor shall visibly post a telephone number for the disturbance coordinator at the construction site.
- f. Unless specifically approved via prior authorization from the CDD, all construction activities shall be limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on State and Federal holidays on the calendar dates that these holidays are observed by the State or Federal government as listed below:

New Year's Day (State and Federal)

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

Washington's Birthday (Federal)

Lincoln's Birthday (State)

President's Day (State)

Cesar Chavez Day (State)

Memorial Day (State and Federal)

Juneteenth National Independence Holiday (Federal)

Independence Day (State and Federal)

Labor Day (State and Federal)

Columbus Day (Federal)

Veterans Day (State and Federal)

Thanksgiving Day (State and Federal)

Day after Thanksgiving (State)

Christmas Day (State and Federal)

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

Federal Holidays: Federal Holidays (opm.gov)

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

- g. Large trucks and heavy equipment are subject to the same restrictions that are imposed on construction activities, except that the hours shall be limited to weekdays between the hours of 9:00 A.M. and 4:00 P.M.

- b) *Would the project result in generation of excessive groundborne vibration or groundborne noise levels? (Less than Significant Impact)*

Project construction includes grading of approximately 1,200 cubic yards. Grading will occur temporarily at the site during construction, therefore, the amount of ground borne vibration or noise generated by the project will be less than significant.

- c) *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (No Impact)*

The closest airfield to the project site is Buchanan Field Airport located approximately 6 miles southwest. Thus, the project would not expose people residing or working in the project area to excessive noise levels.

Sources of Information

- Contra Costa County General Plan. 2045. *Health and Safety Element*.

14. POPULATION AND HOUSING – Would the project:				
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)?	☐	☐	☒	☐
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐

SUMMARY:

- a) *Would the project 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)? (Less than Significant Impact)*

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The project proposes to generate three residential lots. Given the Census 2020 estimates 2.66 people per household for Lafayette, the population in the project area would be increased by approximately 8 people. As the site is already zoned for residential use, the development of the proposed project would result in growth that was already envisioned and evaluated as part of the General Plan and would represent an increase of less than 1 percent of the County's anticipated total unincorporated population as of 2030. Therefore, the potential to induce a substantial unplanned population growth, either directly or indirectly, would be less than significant.

- b) *Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? (Less than Significant Impact)*

The subject property is currently undeveloped. Therefore, the project has no potential for displacing any existing housing or people.

Sources of Information

- Contra Costa County 2045 General Plan. *Housing Element*.
- California Department of Finance 2023.
- Contra Costa County. *Title 8 – Zoning Ordinance*.

15. PUBLIC SERVICES – Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire Protection?	☐	☐	☒	☐
b) Police Protection?	☐	☐	☒	☐
c) Schools?	☐	☐	☒	☐
d) Parks?	☐	☐	☒	☐
e) Other public facilities?	☐	☐	☒	☐

SUMMARY:

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- a) *Fire Protection? (Less than Significant Impact)*

Fire protection and emergency medical response services for the project vicinity are provided by the Contra Costa County Fire Protection District. In correspondence from the Fire Protection

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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District dated September 16, 2022, the Fire District indicated that upon review of the application submittal, it was found that all applicable requirements have been satisfied. In addition, as detailed in the comment letter for the proposed project from the Fire District, the project is required to comply with the California Building Code, and applicable Contra Costa County Ordinances that pertain to emergency access, fire suppression systems, and fire detection/warning systems. Furthermore, prior to the issuance of building permits, the construction drawings would be reviewed and approved by the Fire District. All new dwelling units will be equipped with an automatic fire suppression sprinkler system. As a result, potential impacts of the proposed project relating to fire protection would be less than significant.

b) *Police Protection? (Less than Significant Impact)*

Police protection services in the project vicinity are provided by the Contra Costa County Sheriff's Office, which provides patrol service to the Unincorporated Lafayette area. The proposed project would increase the population by approximately 8 people, which is less than the facility standard and is a non-substantial increase. The project site is 4 miles from the Lafayette Police Department. This is an approximately 10-minute drive, which does not maintain the General Plan's target response time of 5 minutes. However, the negligible increase in population is not expected to impact Sheriff's current response times, and each new dwelling unit is also subject to Police Services Fees, paid by the Project Sponsor prior to issuance of a building permit. Thus, the addition of three new dwelling units to the project area would not significantly affect the provision of police services to the area.

c) *Schools? (Less than Significant Impact)*

The project site is within the Mount Diablo Unified School District. Per the Census 2020 estimates that 24% of Lafayette's current population is under 18 years old, so the project's approximate 8-person population increase would include 2 people that would require school services. This potential increase of 2 students would not significantly impact the district. Furthermore, the Project Sponsor would be required to pay school impact fees to the School District, which would assist to support facilities to address increased demand.

d) *Parks? (Less than Significant Impact)*

The project proposes to generate three residential lots. Given the Census 2020 estimates 2.66 people per household for Lafayette, the population in the project area would be increased by approximately 8 people. The Public Facilities and Services Element of the General Plan states the County strives to achieve a level of park facilities of 3 acres per 1,000 population. This is equivalent to a level of park facilities of 0.003 acres per person. Per the Census 2020 estimates that Lafayette's current population is estimated at 25,391 people. A population of this size, even with 8 additional people, would require approximately 76 acres of parks to meet the goal specified in the General

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Plan. There are several community parks within a mile radius of the project site, and the Lafayette Community Park alone is 68 acres. Therefore, the County currently meets its goal of 3 acres of park land per 1,000 people. Even though the negligible increase in population is not expected to impact park facilities, each new dwelling unit is also subject to Park Dedication and Impact Fees, paid by the applicant prior to issuance of a building permit. Therefore, the increase in use of the park facilities would be less than significant.

e) *Other public facilities? (Less than Significant Impact)*

Libraries:

The Contra Costa Library operates 28 facilities in Contra Costa County. The Pleasant Hill Library is approximately 2 miles from 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 will contribute to the Contra Costa Library system. Accordingly, the impact of the use of the public libraries by the residents of the 3 lots created would be less than significant.

Health Facilities:

The Contra Costa County Health Services Department (CCCHSD) operates a regional medical center (hospital) and 9 health centers in the County. County health facilities generally serve low income and uninsured patients. CCCHSD is primarily funded by federal and state funding programs, with additional revenue from local taxes, including a portion of the taxes on the project site. Thus, the impact of the use of public health facilities by the residents of the 3 lots created would be less than significant.

Sources of Information

- Contra Costa County 2045 General Plan. *Public Facilities and Services Element*.
- California Department of Finance 2023.
- Contra Costa County Fire Protection District. *Comment Letter dated August 11, 2023*.

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

SUMMARY:

- a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Less than Significant Impact)*

The project proposes to generate three residential lots. Given the Census 2020 estimates 2.66 people per household for Lafayette, the population in the project area would be increased by approximately 8 people. The Public Facilities and Services Element of the General Plan states the County strives to achieve a level of park facilities of 3 acres per 1,000 population. This is equivalent to a level of park facilities of 0.003 acres per person. Per the Census 2020 estimates that Lafayette's current population is estimated at 25,391 people. A population of this size, even with 8 additional people, would require approximately 76 acres of parks to meet the goal specified in the General Plan. There are several community parks within a mile radius of the project site, and the Lafayette Community Park alone is 68 acres. Therefore, the County currently meets its goal of 3 acres of park land per 1,000 people. Even though the negligible increase in population is not expected to impact recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated, each new dwelling unit is also subject to Park Dedication and Impact Fees, paid by the applicant prior to issuance of a building permit. Therefore, the increase in use of the parks and recreational facilities would be less than significant.

- b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? (Less than Significant Impact)*

As described above, use of public recreational facilities by potential new residents would incrementally increase use of existing facilities but would not result in the construction or expansion of recreational facilities.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Sources of Information

- Contra Costa County 2045 General Plan. *Public Facilities and Services Element*.
- California Department of Finance 2023.

17. TRANSPORTATION – Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	☐	☐	☒	☐
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3(b)?	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d) Result in inadequate emergency access?	☐	☐	☒	☐

SUMMARY:

- a) *Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities? (Less than Significant Impact)*

The Contra Costa County Board of Supervisors adopted the Contra Costa County Transportation Analysis Guidelines in June 2020. The Transportation Analysis Guidelines require a transportation impact analysis of any project that is estimated to generate 100 or more new peak-hour trips. Based on the Institute of Transportation Engineers peak period trip generation rate of 0.74 AM peak hour trip and 0.99 PM peak hour trip per dwelling unit for single-family residences, the future development of three single-family residences would generate 5-6 (2.22 AM and 2.97 PM) peak hour trips. Accordingly, a project-specific traffic impact analysis is not required since the project would yield less than 100 AM or PM peak hour trips, and therefore, is not expected to not conflict with traffic circulation.

The Contra Costa Transportation Authority (CCTA) is responsible for ensuring local government conformance with the Congestion Management Program (CMP), a program aimed at reducing regional traffic congestion. The CMP requires that each local jurisdiction identify existing and future transportation facilities that will operate below an acceptable service level and provide mitigation where future growth degrades that service level. The Contra Costa Transportation Authority has review responsibility for proposed development projects that are expected to generate 100 or more additional peak-hours trips. As the project would yield less than 100

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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additional peak hour AM or PM trips, the proposed project would not conflict with the CMP and would result in a less than significant impact.

The goal of the CCTA Countywide Bicycle and Pedestrian Plan (CBPP) is to encourage biking and walking through improvements to the countywide bicycle and pedestrian network. The CBPP identifies the existing and proposed bicycle and pedestrian facilities network throughout Contra Costa County. The project would not conflict with future implementation of any paths or pedestrian facilities.

The County's Transportation Demand Management (TDM) Ordinance requires a residential project with 13 or more units to develop a TDM program. Since the project involves 3 lots, submittal of a TDM Program is not required.

b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3(b)? (Less than Significant Impact)

The Transportation Analysis Guidelines include the following screening criteria. If a proposed project meets the screening criteria, the project would be expected to have a less than significant impact and would not require VMT (Vehicle Miles Traveled) analysis.

- i. Projects that:
 - a. Generate or attract fewer than 110 daily vehicle trips; or,
 - b. Projects of 10,000 square feet or less of non-residential space or 20 residential units or less, or otherwise generating less than 836 VMT per day.
- ii. Residential, retail, office projects, or mixed-use projects proposed within ½ mile of an existing major transit stop or an existing stop along a high-quality transit corridor.
- iii. Residential projects (home-based VMT) at 15% or below the baseline County-wide home-based average VMT per capita, or employment projects (employee VMT) at 15% or below the baseline Bay Area average commute VMT per employee in areas with low VMT that incorporate similar VMT reducing features (i.e., density, mix of uses, transit accessibility).
- iv. Public facilities (e.g. emergency services, passive parks (low-intensity recreation, open space), libraries, community centers, public utilities) and government buildings.

Based on the Institute of Transportation Engineers daily trip generation rate of 9.44 daily trips per dwelling unit for single-family residences, three new single-family residences will generate a total of 29 daily trips. Therefore, a VMT analysis is not required. Accordingly, the proposed project would have a less than significant transportation impact and would be consistent with CEQA Guidelines Section 15064.3(b).

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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- c) *Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Less than Significant Impact)*

The Public Works Department has reviewed the project and will require private driveways to comply with the sight obstruction requirements of Chapter 82-18 of the County Ordinance Code. Accordingly, an increase in traffic-related hazards would be less than significant.

- d) *Would the project result in inadequate emergency access? (Less than Significant Impact)*

The site plan was reviewed by the Contra Costa County Fire Protection District (CCCYPD) and as indicated in their letter dated August 11, 2023, the CCCYPD concluded that site access as shown on the site plan appears to comply with the Fire District's requirement. As such, impacts would be less than significant.

Sources of Information

- Contra Costa County General Plan. 2045. *Transportation Element*.
- Contra Costa County General Plan. 2045. *Growth Management Element*.
- Contra Costa County, 2020. *Contra Costa County Transportation Analysis Guidelines*.
- Institute of Transportation Engineers, 2017. *Trip Generation Manual, 10th Edition*.
- Contra Costa County Department of Public Works. *Staff Report and Conditions of Approval dated July 18, 2023*.
- Contra Costa County Fire Protection District, *Comment Letter dated August 11, 2023*.

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:				
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)?	☐	☐	☒	☐
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?	☐	☒	☐	☐

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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SUMMARY:

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:

- 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)? **(Less than Significant Impact)***

As discussed in the Cultural Resources section of this Initial Study, no historical resources are known to exist on the project site. Therefore, impacts to a historical resource as defined in Public Resources Code section 5020.1(k) is considered less than significant.

- 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? **(Less than Significant Impact with Mitigation)***

According to the Cultural Resources report prepared by Taylor Love of FirstCarbon Solutions (FCS), dated April 4, 2025, seven cultural resources (one pre-contact, six historic) have been recorded within the 0.5-mile search radius surrounding the project site; no resources are located within the project boundaries, however, resource P-07-000035 is located immediately southeast of the project site. Additionally, 18 area-specific survey reports are on file within the 0.5-mile radius of the project site.

Based on the results of the records searches, archival research, the results from the NAHC SLF search for TCRs, Tribal correspondence, and the pedestrian survey, FCS considers the potential for the proposed project to have an adverse effect on historic or pre-contact cultural resources to be moderate. To reduce the potential impact to undiscovered tribal cultural resources to a less than significant level, the project will implement the standard mitigation measures provided by the Confederated Villages of Lisjan Nation (TCR-1, TCR-2, and TCR-3) and mitigation measures CUL-1 and CUL-2.

Impact TCR-1, TCR-2, and TCR-3: The project could cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public

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Resources Code Section 5024.1. The expected construction and grading could cause ground disturbance which may impact heretofore undocumented cultural resources.

Mitigation Measure TCR-1: Native American Monitoring. If there is an inadvertent discovery during ground disturbing activities, a Confederated Villages of Lisjan Nation (CVLN) Tribal monitor(s) shall be retained. Confederated Villages of Lisjan Tribal monitor(s) will have the authority to halt and redirect work should any archeological or tribal cultural resources be identified during monitoring. **If archeological or Tribal cultural resources are encountered during ground disturbing activities, work within 100 feet of the find must halt and the find must be evaluated for listing in the CRHR and NRHP.** Monitoring may be reduced or halted at the discretion of the CVLN monitor, in consultation with the lead agency, as warranted by conditions such as encountering bedrock, sediments being excavated are fill, negative findings during the first 50 percent of the entire area of ground disturbance, etc. If monitoring is reduced to spot checking, spot checking shall occur when ground disturbing activities moves to a new location within the project site and/or when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock).

Mitigation Measure TCR-2: Unanticipated Discovery of Tribal Cultural Resources. **If cultural resources of Native American origin are identified during grading or excavation of the proposed project, all ground disturbing activities within 100 feet shall cease** until an archeologist has evaluated the nature and significance of the find as a cultural resource and a representative from the Confederated Villages of Lisjan Nation is consulted by the government agency. The archeologist will stake the area of discovery, placing stakes no more than 10 feet apart, forming a circle having a radius of no less than 100 feet from the point of discovery. If the entity in consultation with the consulting Tribe(s), determines that the resource is a tribal cultural resource and thus significant under CEQA and/or the Tribe, the entity shall retain a qualified archeologist and a Tribal monitor, at the applicant's expense, to prepare a mitigation plan, which shall be implemented by the entity in accordance with state guidelines and in consultation with the consulting Tribe. The mitigation plan shall include avoidance of the resource or, if avoidance of the resource is not feasible, the plan shall outline appropriate treatment of the resource in coordination with the consulting Tribe and, if applicable, a qualified archeologist. Examples of appropriate mitigation for tribal cultural resources include, but are not limited to, protecting the cultural character and integrity of the resources, protecting traditional use of the resources, protecting the confidentiality of the resources, or heritage recovery.

Mitigation Measure TCR-3: Halt Work/Coroner's Evaluation/Impact to Previously Undiscovered Human Remains. If human remains are encountered during construction and/or other ground disturbing activities, all work within 100 feet of the remains should be redirected and the County Coroner notified immediately. At the same time, an archeologist shall be contacted to assess the situation. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of this identification. The NAHC will

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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identify a Native American Most Likely Descendent (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and any associated funerary objects. **There shall be no pictures taken or testing done on the Native American human remains. All bone, if not identifiable as human or animal, shall be treated as human remains and the appropriate protocols followed.** The archeologist shall record information, as appropriate and in accordance with the recommendations of the MLD and/or Tribal representative. Upon completion of the archeologist's assessment, a report should be prepared documenting methods and results, as well as recommendations regarding the treatment of the human remains and any associated archeological materials. The report should be submitted to the local agency, the project proponent, the NWIC and the consulting Tribe. Tribal representatives will rebury the Native American human remains and associated funerary objects with the appropriate dignity, either; in accordance with the recommendations of the MLD if available or in the project vicinity at a location agreed upon between the Tribe and the consultant, where the reburial would be accessible to Tribal members in perpetuity and would not be subject to further disturbance. The discovery and reburial is to be kept confidential and secure to prevent any further disturbance.

Sources of Information

- Taylor Love, FirstCarbon Solutions. April 4, 2025. *Phase I Cultural Resources Assessment*.
- Contra Costa County General Plan 2045. *Conservation, Open Space, and Working Lands Element*.
- National Register of Historic Places (NRHP). 2022. Publications of the National Register of Historic Places. Website: <https://www.nps.gov/subjects/nationalregister/publications.htm>. Accessed June 6, 2023.
- The Confederated Villages of Lisjan Nation, Standard Tribal Cultural Resources Mitigation Measures received via email on September 25, 2025.

19. UTILITIES AND SERVICE SYSTEMS – Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	☐	☐	☒	☐

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

SUMMARY:

- a) *Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects? (Less than Significant Impact)*

The project is considered an in-fill project surrounded by similar residential uses. All utility providers have been contacted and responded with confirmation that capacity exists within their respective systems to serve the project. Therefore, the project would not require construction of new off-site wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunication facilities.

- b) *Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years? (Less than Significant Impact)*

The project site currently receives water service from the East Bay Municipal Utility District. In a letter dated September 16, 2022, District staff stated service exists for the project site. Accordingly, the impact of providing water service to the proposed project would be less than significant.

- c) *Would the project result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Less than Significant Impact)*

The site currently receives wastewater services from Central Contra Costa Sanitary District. In an email dated September 14, 2022, District staff stated the proposed project would not be expected

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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to produce an unmanageable added capacity demand on the wastewater system, nor interfere with existing, public facilities.

- d) *Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? (Less than Significant Impact)*

The proposed project would generate construction solid waste and post-construction residential solid waste. Construction waste in Contra Costa County is diverted away from landfills and recycled through the three established transfer stations in the County. Construction on the project site would be subject to the CalGreen Construction and Demolition Debris Recovery Program administered by the County Building Inspection Division at the time of application for a building permit. The Debris Recovery Program would eliminate the construction debris headed to the landfill by diverting materials that can be recycled to appropriate recycling facilities.

With respect to residential solid waste, the receiving landfill is the Keller Canyon Landfill, located at 901 Bailey Road in Bay Point. Keller Canyon is estimated to be at 15 percent of capacity. Residential waste from the proposed project would incrementally add to the operational waste headed to the landfill; however, the impact of the project-related residential waste is considered to be less than significant. A portion of the residential waste is expected to be recycled and would thereby reduce the residential waste headed to the landfill.

- e) *Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste? (Less than Significant Impact)*

The proposed project would comply with applicable federal, state, and local laws related to solid waste. The project includes residential land uses that would not result in the generation of unique types of solid waste that conflict with existing regulations applicable to solid waste. Furthermore, compliance with CalGreen's solid waste requirements, such as the Construction and Demolition Debris Recovery Program, would result in compliance with all applicable federal, state, and local laws related to solid waste.

Sources of Information

- Contra Costa County 2045 General Plan. *Public Facilities and Services Element*.
- East Bay Municipal Utility District, *Comment Letter dated September 14, 2022*.
- Central Contra Costa Sanitary District, *Comment Letter dated September 16, 2022*.
- CalRecycle (Webpage) <http://www.calrecycle.ca.gov/Government/default.htm>
- CalRecycle, Facility/Site Summary Details: Keller Canyon Landfill (07-AA-0032) (Webpage) <http://www.calrecycle.ca.gov/SWFacilities/Directory/07-AA-0032/Detail/>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
20. WILDFIRE – <i>If located in or near 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?	☐	☐	☒	☐
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby, expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

SUMMARY:

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- a) *Substantially impair an adopted emergency response plan or emergency evacuation plan? (**Less than Significant Impact**)*

The project site is located within a “Non-Wildland” Fire Hazard Severity Zone (FHSZ) in a Local Responsibility Area map as indicated in the Health and Safety Element of the County General Plan. The fire hazard severity zones reflect the degree of severity of fire hazard that is expected to prevail in the area. The construction of the new dwelling units would be subject to building standards required for structures within “Non-Wildland” Fire Hazard Severity Zones. The building standard for the Fire Hazard Severity Zones would be enforced as the project goes through the plan checking process with the Building Inspection Division and the Contra Costa County Fire Protection District. Thus, the project would have a less than significant impact

- b) *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby, expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? (**Less than Significant Impact**)*

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Please refer to the discussion and response for subsection-a above.

- c) *Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? (Less than Significant Impact)*

As discussed in Environmental Checklist Section 20.b above, construction plans for the proposed project would be reviewed and approved by the CCCFPD, and compliance with all Fire Protection District requirements would ensure that temporary or ongoing impacts to the environment due to wildfires would be less than significant.

- d) *Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? (Less than Significant Impact)*

A SWCP with C.3 compliant storm water controls including pervious areas, bio-retention basins, and storm drains that would collect storm water was prepared for the project. The C.3 measures would decrease the amount of surface runoff discharged from the site by metering the outflow. The County Public Works Department has reviewed the applicant's preliminary SWCP and determined that it is pre-liminary complete. Furthermore, the project site is located within a "Non-Wildland" Fire Hazard Severity Zone (FHSZ) in a Local Responsibility Area. Therefore, any impacts would be less than significant.

Sources of Information

- California Department of Forestry and Fire Protection (Cal Fire). *Very High Fire Hazard Severity Zones in LRA Map*.
- Contra Costa County General Plan, 2045. *Health and Safety Element*.
- Contra Costa County Fire Protection District, *Comment Letter dated August 11, 2023*.
- Contra Costa County Public Works Department. *Staff Report dated May 17, 2024*.

21. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☒	☐
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

SUMMARY:

- a) *Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? (**Less than Significant with Mitigation**)*

The project to subdivide the property into 3 lots and construct a dwelling unit on each lot and associated improvements. The property is located in a developed area of the County and contains primarily residential land uses. Impacts to the quality of the environment related to Aesthetic, Air Quality, Biological Resources, Cultural Resources, Noise, Geology/Soils, and Tribal Cultural Resources are identified, but would be reduced to a less than significant level with the adoption of the mitigation measures that are specified in the respective sections of this initial study. Thus, the measures will be conditions of approval of the proposed project and the applicant will be responsible for implementation of the measures.

- b) *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) (**Less than Significant Impact**)*

The proposed minor subdivision would not create substantial cumulative impacts. The project site is located within the Urban Limit Line in an area that is surrounded primarily by single-family residential development. In addition, there will be no significant increase in the demand for public services such as water, sewage disposal, or solid waste disposal that would require new or significantly expanded infrastructure improvements that could impact the environment. The project is consistent with the Residential Low-Density (RL) General Plan land use designation.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Furthermore, the proposed project would be consistent with the existing residential development at and surrounding the project site.

- c) *Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? (**Less than Significant with Mitigation**)*

This Environmental Checklist has disclosed impacts that would be less than significant with the implementation of mitigation measures. These mitigation measures are required in the conditions of approval for the proposed project, and the Project Sponsor would be responsible for implementation of the mitigation measures. As a result, there would not be any environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly.

Final Mitigated Negative Declaration/Initial Study, SCH 2026060678

In accordance with the state Guidelines for Implementation of the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration/Initial Study (MND) was prepared to determine the potential environmental impacts of the proposed development project. The MND identified potential impacts in the areas of Aesthetics, Air Quality, Biological Resources, Cultural and Resources, Geological Resources, and Tribal Cultural Resources. Upon completion of the MND, it was determined that mitigation measures could be incorporated into the project description that would reduce these project impacts to a less than significant level. These mitigation measures have been incorporated into the project as recommended conditions of approval.

The State and public review period for the draft MND started on July 29, 2025, and ended on August 28, 2025. Comments were received from the California Department of Fish & Wildlife (CDFW), the Confederated Villages of Lisjan Nation (CVLN), the East Bay Municipal Utility District (EBMUD), and the general public. EBMUD comments were to inform that a main extension may be needed to receive water service to the project site, and the requirements of the MND's Geology and Soils mitigation measures will be relevant to this development. In response to comments from the California Department of Fish and Wildlife (CDFW) and consultation with the Confederated Villages of Lisjan Nation (CVLN), additional biological resources analysis was conducted and the Biological Resources and Cultural Resources sections of the draft MND and their associated mitigation measures were revised. The revised draft MND was then recirculated for public review from June 12, 2026, to July 13, 2026, and the State review period was from June 15, 2026, to July 14, 2026. No additional comments were received from CDFW, and CVLN stated no further consultation is needed and their mitigation measure for Tribal monitoring is only if there is an inadvertent discovery during ground disturbance. Mitigation Measure Tribal Cultural Resources 1 has been revised accordingly in the final MND.

Staff reviewed all public comments received during both public review periods and found recurring points of concern; therefore, all public comments are summarized and addressed below:

1. Traffic safety: Under CEQA, the MND is required to evaluate the potential impacts from the proposed three single family home subdivision project. The project's proposed private road/driveway connection to the north side of Withers Avenue is approximately 250 feet west of the intersection at Pleasant Hill Road, with one existing driveway on the south side within this segment.

The proposed private road/driveway connection is not expected to have operational impacts on the Withers Avenue and Pleasant Hill Road intersection due to its separation distance and the anticipated low volume of 5-6 AM/PM new peak period vehicular trips generated from three new homes. The applicant will be required to obtain an encroachment permit to construct its private road/driveway connection which will comply with the sight obstruction requirements of Chapter 82-18 of the County Ordinance Code.

2. Frontage improvements along Withers Avenue: Existing frontage conditions were reviewed by the County Public Works Department and found to be adequate as described in their Staff Report. The Public Works department is also recommending approval of the exception request not to require frontage improvements for the project site's frontage along Withers Avenue. Withers Avenue is a semi-rural street without any sidewalks. Along a portion of the project frontage, a steep embankment exists adjacent to Withers Avenue. The installation of a sidewalk and pavement widening in this area would require a retaining wall approximately 20 feet in height or major regrading of the embankment to achieve a 2.5:1 slope even if the sidewalk was placed directly next to the existing westbound travel lane. The retaining wall would have considerable impacts to the project site and adjoining properties.
3. Flooding and drainage: The project Preliminary Storm Water Control Plan was reviewed by the County Public Works Department and found to be adequate as described in their Staff Report. The project will install two onsite storm drain systems: 1) drainage inlets that collect "clean" open space/hillside runoff and 2) inlets that collect proposed impervious surface runoff from roofs and pavement that is required to be treated prior to be discharge back into the creek.

The clean open space storm drain system will return existing runoff back into the onsite creek. This will help maintain the existing drainage patterns of the area. The northern drainage area will be conveyed to an outfall pipe in the northeast corner of the subject parcel. This outfall will include rock slope protection to prevent erosion within the channel. The southern drainage area will be conveyed within an onsite storm drain pipe system which will eventually connect to an existing storm drain pipe located along the edge of Withers Avenue that outfalls to the creek as it enters the culvert underneath Withers Avenue. The routing of the southern drainage area into an existing storm drain pipe will avoid adding another outfall within the creek which may have potentially led to increased erosion.

The impervious surface storm drain system will be routed to a new bioretention basin which filters the runoff through plant roots and a biologically active soil mix. The treated runoff then trickles into a subsurface gravel layer and into a perforated pipe

underdrain that connects into the same existing storm drain pipe located along the edge of Withers Avenue. This bioretention treatment basin mitigates the impacts on water quality and returns the onsite runoff back into the creek at an existing outfall location to avoid additional channel erosion. The bioretention basin is a drainage structure (with retaining walls/elements that provide slope stability) which is allowed within the creek structure setback area.

4. Undergrounding utilities: Frontage improvements and undergrounding utilities were reviewed by the County Public Works Department and found to be adequate as described in their Staff Report. The Public Works department is also recommending approval of the exception request to underground existing utilities. The electrical and communication lines connecting to the new homes within the proposed subdivision development will be placed within underground conduit from the existing joint pole located near the proposed private roadway connection to Withers Avenue.

The project's frontage along Withers Avenue is approximately 215 feet and only has one joint pole that is within its frontage. The undergrounding of this short segment of existing electrical distribution lines along Withers Avenue would not measurably reduce the overall fire hazard risk in the area. In addition, it is not achievable to only underground one joint pole since the undergrounding work would need to extend to the next joint pole in each direction, which would require work outside of this project site's frontage. The undergrounding of the utilities on Withers Avenue would also be difficult since it would need to cross a creek culvert under Withers Avenue near the southeastern corner of the subject parcel.

5. Wildlife: All special-status animal species that have the potential to be onsite were assessed in the Biological Resource Assessment (BRA) Report, dated January 21, 2024, and subsequent Rectification and Addendum to BRA Report, dated March 19 2026, prepared by Daniel Edelstein (#TE-1017403-5). Potential impacts to biological resources were assessed in the MND with the use of the BRA reports, and resulted in Mitigation Measures Biological Resources 1-2, which include requirements for pre-construction avian/raptor and bat surveys. Implementation of these mitigation measures require pre-construction surveys for avian/raptor and bat species to ensure their nests or roosts are not impacted by project construction.

The project site contains potentially sensitive natural communities identified by the California Department of Fish and Wildlife (CDFW) in the form of riparian habitat and an adjacent creek. However, these sensitive habitats would be avoided with sufficient buffer zones between project development and riparian areas, so no direct impacts to sensitive natural communities would result from project construction.

Additionally, CDFW requires a Lake and Streambed Alteration (LSA) Notification, pursuant to Fish and Game Code Section 1600 et seq., for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake, or stream. Due to the proximity of the project site to a tributary of Murderer's Creek at the southeast corner of the property the proposed project may be subject to CDFW's Lake and Streambed Alteration (LSA) regulatory authority, so prior to project activities, the project proponent is to submit to CDFW to verify whether an LSA will be required.

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

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

7. Soil stability: The requirement for Mitigation Measures Geology and Soils 1-3, as mandated by the MND, is designed to enhance slope stability. These measures ensure that the site-specific geotechnical report will provide clear recommendations for the structural design of the bioretention basin, grading, drainage systems, and future residential development.

The geotechnical report will guide the appropriate structural design, while onsite inspections during construction will verify that all activities adhere to the approved structural drawings and the geotechnical engineer's recommendations. This oversight is essential to maintaining soil stability throughout the construction process.

In addition, the required tree replacement and landscaping will help restore any soil stability lost as a result of tree removal. These actions collectively contribute to rebuilding and maintaining a stable soil environment on the site.

8. Development of slopes greater than 26%: On November 5, 2024, the County Board of Supervisors adopted the Contra Costa County 2045 General Plan. County file

#CDMS22-00011 was deemed "complete" for processing on June 13, 2024. Therefore, the County General Plan 2005-2020 applies, and current General Plan policies do not. As such, development of slopes exceeding 26% is not prohibited but rather requires further investigation, which has been achieved as seen in the MND.

Additional consideration of hillside development was investigated through the project slope analysis. The analysis determined that the western half of the property exhibits slopes greater than 26%, necessitating a revision of the project to a three-lot subdivision. The proposed development sites have been strategically relocated as far east as practicable, thereby avoiding encroachment into the mandatory creek structure setback located along the eastern boundary. This adjustment significantly mitigates hillside excavation, decreasing the estimated grading requirements from 1,500 cubic yards of cut to 600 cubic yards, and ensures that the retaining walls will not exceed a height of three feet, as opposed to the original plan which contemplated retaining walls up to six feet tall.

9. Construction noise: During project grading and construction there may be periods of time when there would be loud noise from construction equipment, vehicles, and tools. Although grading and construction activities would be temporary, the MND requires Mitigation Measure Noise 1 to reduce noise during sensitive times, specifically limiting the construction to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, and using large trucks and heavy equipment will be limited to weekdays between the hours of 9:00 A.M. and 4:00 P.M.
10. View Conservation Agreement: This agreement document was provided to staff by 41 Shadow Hill Rd. This type of agreement is considered a civil matter, but staff has forwarded this document to the property owner and applicant as requested.

All comment letters are attached to this final MND.



State of California – Natural Resources Agency
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



August 28, 2025

Dominique Vogelpohl, Project Planner
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Subject: Withers Avenue, Lafayette 3-Lot Subdivision, County File No. CDMS22-00011, Initial Study/Mitigated Negative Declaration, SCH NO. 2025071206, Contra Costa County

Dear Dominique Vogelpohl:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an Initial Study/Mitigated Negative Declaration (IS/MND) from Contra Costa County for the Withers Avenue, Lafayette 3-Lot Subdivision, County File No. CDMS22-00011 (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's Lake and Streambed Alteration (LSA) regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

REGULATORY REQUIREMENTS

California Endangered Species Act and Native Plant Protection Act

A CESA Incidental Take Permit (ITP) must be obtained from CDFW if the Project has the potential to result in "take" of plants or animals listed under CESA or the Native Plant Protection Act (NPPA), either during construction or over the life of the Project. Under CESA, "take" means "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." (Fish & G. Code, § 86). CDFW's issuance of an ITP is subject to CEQA and to facilitate permit issuance, any project modifications and mitigation measures must be incorporated into the CEQA document analysis, discussion, and mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA permit.

CEQA requires a mandatory finding of significance if a project is likely to substantially impact threatened or endangered species. Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064 & 15065.) In addition, pursuant to CEQA, the lead agency cannot approve a project unless all impacts to the environment are avoided or mitigated to less-than-significant levels, or the lead agency makes and supports Findings of Overriding Consideration (FOC) for impacts that remain significant despite the implementation of all feasible mitigation. FOC under CEQA, however, do not eliminate the Project proponent's obligation to comply with the Fish and Game Code.

Fully Protected Species

Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research;
- Efforts to recover a fully protected, endangered, or threatened species;
- Live capture and relocation of a bird species for the protection of livestock; or

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- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

Specified types of infrastructure projects may be eligible for an ITP for unavoidable impacts to fully protected species if certain conditions are met (Fish & G. Code §2081.15). Project proponents should consult with CDFW early in the project planning process.

Migratory Birds and Raptors

CDFW has authority over actions that may result in the disturbance or destruction of active bird nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include section 3503 (regarding unlawful take, possession, or needless destruction of the nests or eggs of any bird), section 3503.5 (regarding the take, possession, or destruction of any birds-of-prey or their nests or eggs), and section 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act (MBTA).

Lake and Streambed Alteration Agreement

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for Project activities affecting river, lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank (including associated riparian or wetland resources); or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, drainage ditches, washes, watercourses with a subsurface flow, and floodplains is generally subject to notification requirements. In addition, infrastructure installed beneath such aquatic features, such as through horizontal directional drilling, is also generally subject to notification requirements. Therefore, any impact to the mainstems, tributaries, or floodplains or associated riparian habitat caused by the proposed Project will likely require an LSA Notification. CDFW may not execute a final LSA Agreement until it has considered the IS/MND and complied with its responsibilities as a responsible agency under CEQA.

PROJECT DESCRIPTION SUMMARY

Proponent: Pallav Chatterjee

Objective: The objective of the Project is to obtain approval for a Vesting Tentative Map to subdivide a 2.56-acre site (APN: 166-160-034) into 3 new parcels. Primary Project activities include the removal of 20 trees, grading totaling 1,200 cubic yards (600 cubic yards of cut and 600 cubic yards of fill), and four exception requests. These exceptions

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include (1) 96-10 – requirement to underground utilities, (2) Division 914 to construct the access road within the creek structure setback, (3) Division 914 to construct the bio retention basin within the creek structure setback, and (4) requirement to construct frontage improvements.

Location: The Project is located in Contra Costa County, California, west of the Withers Avenue and Pleasant Hill Road intersection, in the unincorporated Lafayette area and is bordered by the City of Pleasant Hill to the east. The approximate coordinates of the Project site is Latitude 37.93234, Longitude -122.08787; Assessor's Parcel Number 166-160-034.

Timeframe: No estimate of the Project's commencement or completion has been provided.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Contra Costa County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. Based on Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including those CDFW recommends, CDFW concludes that an IS/MND is appropriate for the Project.

I. Project Description and Related Impact Shortcoming

COMMENT 1: Potential Impact Assessment

CEQA Guidelines require the Lead Agency to consider direct and reasonably foreseeable indirect physical changes caused by the Project in its evaluation (CEQA Guidelines § 15064, subd. (d)). Additionally, CEQA Guidelines require the Lead Agency to consider all phases of project planning, implementation, and operation (14 CCR § 15063, subd. (a)). If any phase of the project may result in physical changes in the environment, then the Project could have a substantial adverse effect, either directly or indirectly through habitat modifications, on candidate, sensitive, or special-status species including, but not limited to, those listed in Table 1 below.

Issue: The IS/MND references removal of 20 trees and 1200 cubic yards of grading will occur but does not provide on-site conditions with existing habitat types and impacts to candidate, sensitive, or special-status species. Tree removal and grading may result in the loss of special-status plant species and the loss of habitat that supports numerous wildlife species. Tree removal and grading may also cause fragmentation and loss of sensitive habitats (Bauer et al. 2015) and may create edge effects that permeate far beyond the Project site (Harris 1988, Murcia 1995). Activities associated with tree

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removal and grading may also disturb associated soil seed banks that sustain local plant populations. Removal of vegetation has also been shown to make communities vulnerable to colonization by invasive plant species and to spread pathogens (Mallery 2010). In addition, bats including pallid bat (*Antrozous pallidus*) may be using trees or structures on-site for roosting. Pallid bat is a California Species of Special Concern (SSC) and documented to occur within five miles of the Project site according to CNDDDB (for more information on SSC see: <https://wildlife.ca.gov/Conservation/SSC>). If impacts to special-status bats such as pallid bat are not identified and mitigated, Project activities could result in substantial adverse effect on special-status bat species through population reduction and habitat removal.

Recommendations: To reduce impacts to special-status bats such as pallid bat to less-than-significant, CDFW recommends the Lead Agency to revise and recirculate the IS/MND to incorporate the arborists report and outline all proposed avoidance, minimization, and compensatory mitigation measures addressing impacts to trees and vegetation for public disclosure.

Prior to trees removal, a qualified biologist shall conduct a habitat assessment for bats. A qualified biologist shall have: 1) at least two years of experience conducting bat surveys that resulted in detections for relevant species, such as pallid bat, with verified project names, dates, and references, and 2) experience with relevant equipment used to conduct bat surveys. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to the beginning of Project activities.

For tree removal, the habitat assessment shall include a visual inspection of potential roosting features of trees to be removed (e.g., cavities, crevices in wood and bark, exfoliating bark for colonial species, suitable canopy for foliage roosting species). If suitable habitat trees are found, they shall be flagged or otherwise clearly marked, CDFW shall be notified immediately, and tree trimming or removal shall not proceed without approval in writing from CDFW. If the presence of bats is presumed or documented, trees may be removed only: a) using the two-step removal process detailed below during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15, or b) after a qualified biologist, under prior written approval of the proposed survey methods by CDFW, conducts night emergence surveys or completes visual examination of roost features that establish absence of roosting bats. Two-step tree removal shall be conducted over two consecutive days, as follows: 1) the first day (in the afternoon), under the direct supervision and instruction by a qualified biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices or deep bark fissures shall be avoided, and 2) the second day the entire tree shall be removed.

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COMMENT 2: Creek Structure Setback

Issue: In the Project Description section (page 1), IS/MND references the creek structure setback due to installation of access road and bio retention which may have the potential to encroach into riparian vegetation (i.e. “riparian zone”), temporarily impact, and/or convert existing riparian habitat into another habitat type from development of the Project. Riparian conversion/encroachment into the riparian zone can adversely impact sensitive riparian and aquatic species through reduction of habitat and decreased water quality.

Specific Impact: Riparian vegetation, and associated floodplains, provide many essential benefits to stream and aquatic species habitat, including thermal protection, cover, and large woody debris (Moyle 2002, CDFW 2007). Development adjacent to, or conversion of, the riparian zone can result in fragmentation of riparian habitat and decreases in native species abundance and biodiversity (Davies et al. 2001, Hansen et al. 2005, CDFW 2007). Riparian buffers help keep pollutants from entering adjacent waters through a combination of processes including dilution, sequestration by plants and microbes, biodegradation, chemical degradation, volatilization, and entrapment within soil particles. Narrow riparian buffers are considerably less effective in minimizing the effects of adjacent development than wider buffers (Castelle et al. 1992, Brososke et al. 1997, Moore et al. 2005).

Recommendations. The Project shall notify CDFW pursuant to Fish and Game Code section 1600 et seq. for Project activities affecting lakes or streams and associated riparian habitat, and shall comply with the LSA Agreement, if issued.

CDFW recommends the Project establish riparian buffer zones to limit development and vegetation clearing to outside of and away from riparian areas. CDFW also recommends limiting any proposed riparian conversion to the minimum necessary and identifying opportunities for riparian enhancement. CDFW staff are available to consult with the Proponent to determine appropriate site-specific riparian buffers, and/or opportunities for riparian enhancement to reduce impacts to sensitive species and riparian habitat to less-than-significant. We also recommend that the Project find on-site areas that can support riparian enhancements to minimize the need for offsite riparian mitigation to compensate for riparian habitat conversions or evaluate a Project design alternative that avoids impacts to riparian forest. Temporarily impacted areas within the riparian zone or other sensitive natural communities should be restored and planted with native trees, shrubs and grasses. CDFW recommends that permanent impacts to riparian habitat or other sensitive natural communities be replaced in-kind when possible, and be assessed on a per-species basis, and mitigation follow species-specific needs. Restoration should occur on-site to the extent feasible. If off-site restoration is necessary, it should be as close to the Project site as possible and within

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the same watershed, unless otherwise approved in writing by CDFW. Restoration should occur in the same year of the impacts.

COMMENT 3: Biological Resources Assessment Report

Issue: The IS/MND references a Biological Resources Assessment Report (bio report, pages 14 and 15), as part of the proposed Project, but the document was not provided as an attachment on CEQAnet or at the California Environmental Quality Act (CEQA) Notifications | Contra Costa County, CA Official Website, <https://www.contracosta.ca.gov/4841/CEQA-Notifications>. Without a clear understanding of the environmental setting and biological baseline conditions, it is not possible to determine potentially significant impacts the Project could have on the environment.

Specific impact: Without a clear understanding of the environmental setting and biological baseline conditions of all aspects of the Project, it is challenging for CDFW to provide sufficient review of the IS/MND, assess all potential impacts of the Project, and provide adequate mitigation measures to offset the impacts.

Recommendations: CDFW recommends that, at minimum, the Biological Resources Assessment Report be provided in a recirculated IS/MND for CDFW's review.

II. Environmental Setting and Related Impact Shortcoming

COMMENT 4: Biological Resources Impacts Assessment

CEQA Guidelines require determination of whether a project may have a significant effect on the environment be based to the extent possible on scientific and factual data (CEQA Guidelines § 15064, subd. (b).) and requires the Lead Agency to consider direct and reasonably foreseeable indirect physical changes caused by the Project in its evaluation (CEQA Guidelines § 15064, subd. (d).).

Issue: In section 4 (page 14), IS/MND indicates that Project will have no impacts to any endangered, rare or threatened species stating, "the bio report determined that zero to low potential to negatively impact rare, special-status plant and wildlife species. However, the Survey concluded that the project site provides suitable habitat for passerine birds and raptors, and roosting bats." The IS/MND does not identify any endangered, rare or threatened species with the potential to occur within the Project area or waterways, though there are California Natural Diversity Database (CNDDDB) records of occurrences for 20 unique CNDDDB-tracked species within a five-mile radius of the Project site (Table 1).

Table 1: Species with California Natural Diversity Database (CNDDDB) records within five miles of Project site.

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Common Name	Scientific Name	Listing Status
Birds		
Burrowing owl	<i>Athene cunicularia</i>	SC
Coopers hawk	<i>Accipiter cooperii</i>	WL
Golden eagle	<i>Aquila chrysaetos</i>	FP
Ferruginous hawk	<i>Buteo regalis</i>	WL
White-tailed kite	<i>Elanus leucurus</i>	FP
Mammals		
American badger	<i>Taxidea taxus</i>	SSC
Pallid bat	<i>Antrozous pallidus</i>	SSC
Townsend's big-eared bat	<i>Corynorhinus townsendii</i>	SSC
Reptiles		
Alameda whipsnake	<i>Masticophis lateralis euryxanthus</i>	FT, ST
Northwestern pond turtle	<i>Actinemys marmorata</i>	FC, SSC
Plants		
Big tarplant	<i>Blepharizonia plumosa</i>	1B.1
Carquinez goldenbush	<i>Isocoma arguta</i>	1B.1
Congdon's tarplant	<i>Centromadia parryi ssp. congdonii</i>	1B.1
Contra Costa goldfields	<i>Lasthenia conjugens</i>	FE
Diablo helianthella	<i>Helianthella castanea</i>	1B.2
Fragrant fritillary	<i>Fritillaria liliacea</i>	1B.2

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Halls bushmallow	<i>Malacothamnus hallii</i>	1B.2
Mt. Diablo fairy-lantern	<i>Calochortus pulchellus</i>	1B.2
San Joaquin spearscale	<i>Extriplex joaquinana</i>	1B.2
Woolly rose-mallow	<i>Hibiscus lasiocarpus</i> var. <i>occidentalis</i>	1B.2

Notes: FC = federal candidate species under ESA; FE = federally endangered under ESA; FT = federally threatened under ESA; SE = state endangered under CESA; SC = state candidate for listing under CESA; SFP = state fully protected; SSC = state species of special concern; ST = state threatened under CESA; SR: state listed as rare under the Native Plant Protection Act; WL = listed on the CDFW Watch List. California Native Plant Society (CNPS) ranking system: 1B = plants rare, threatened, or endangered in California and elsewhere; 2B = plants rare, threatened or endangered in California, but common elsewhere. Threat ranks: 0.1 = seriously threatened in California; 0.2 = moderately threatened in California.

COMMENT 5: Loss of Habitat for Alameda Whipsnake

Issue: The IS/MND does not evaluate the potential impacts of the proposed project on the Alameda whipsnake (*Masticophis lateralis euryxanthus*). There are 14 CNDDDB records of Alameda whipsnake within five miles of the Project site. Grassland habitat, which is known to support Alameda whipsnake, particularly during breeding and egg-laying season—is present in the project vicinity. The proposed project includes grading, installation of underground utilities, and construction of an access road and bioretention basin within the creek structure setback. These activities will result in the permanent loss and fragmentation of potential Alameda whipsnake habitat. In addition to habitat loss, project-related disturbance may deter individuals from using adjacent habitat areas and such indirect effects can potentially jeopardize the continued existence of the species (USFWS 2000). Furthermore, ground disturbance activities, including grading and vegetation removal, increase the risk of direct mortality to Alameda whipsnake individuals. As a state-threatened species, the Alameda whipsnake meets the definition of rare, threatened, or endangered under CEQA Guidelines §15380. Accordingly, both the direct and indirect impacts of the project may be potentially significant and should be fully analyzed in a revised environmental document. Appropriate mitigation measures should also be identified and incorporated to reduce impacts to less-than-significant levels.

Recommendations: CDFW recommends that known Alameda whipsnake habitat types, including annual grassland, riparian, and areas with rock outcrop features, should be mapped on the Project site. Project impacts such as permanent destruction or

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fragmentation of habitat, be identified and evaluated in a revised and recirculated IS/MND. CDFW recommends that the IS/MND require enforceable mitigation for temporary and permanent loss of Alameda whipsnake habitat the applicant shall provide compensatory mitigation either through the purchase of credits from a CDFW-approved mitigation bank or in the form of conserved lands. Impacts shall be mitigated for at a ratio of 5:1 (mitigation to impact) for roadways, 3:1 for other permanent impacts, and 1:1 for temporary impacts. If the applicant opts to conserve lands, then a Conservation Easement shall be recorded on those lands for protection in perpetuity. If a whipsnake is observed during focused preconstruction surveys or at any other time during work on the project then work shall be immediately halted and may not proceed until the appropriate ITP have been acquired and the required conservation measures implemented.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the IS/MND to assist Contra Costa County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Sanjay Das, Senior Environmental Scientist (Specialist), at (707) 815-5059 or Sanjay.Das@wildlife.ca.gov; or Sara Kern, Senior Environmental Scientist (Supervisory), at (916) 531-4465 or Sara.Kern@wildlife.ca.gov.

Dominique Vogelpohl
Contra Costa County
August 28, 2025
Page 11

Sincerely,

DocuSigned by:

Melissa Farinha

0D25EB6A0381473

Erin Chappell
Regional Manager
Bay Delta Region

REFERENCES

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Dominique Vogelpohl
Contra Costa County
August 28, 2025
Page 12

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https://www.fws.gov/sites/default/files/federal_register_document/00-24763.pdf

From: [Lisjan Nation](#)
To: [Dominique Vogelpohl](#)
Subject: Re: Notice of Opportunity to Request Consultation for Contra Costa County File #CDMS25-00003 (2-lot single-family residential subdivision at 2485 Caballo Ranchero, Diablo CA 94528)
Date: Monday, June 22, 2026 1:38:27 PM
Attachments: [image001.png](#)

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Hi Dominique,

Thank you very much for sharing this, we appreciate it and can conclude consultation at this time. However, we wanted to note that you actually included an extra mitigation measure in the document that we did not submit for this specific project. We are not requesting Tribal monitoring for all ground disturbance associated with this project, only if there is an inadvertent discovery.

'Uni (Respectfully),

Lucy Beyhan, Cultural Resource Manager II

Confederated Villages of Lisjan Nation



August 18, 2025

Dominique Vogelpohl, Project Planner
Contra Costa County Department of Conservation & Development
30 Muir Road
Martinez, California 94553

Re: Notice of Public Review and Intent to Adopt a Proposed Mitigated Negative Declaration for the Withers Avenue 3-Lot Subdivision Project, Lafayette (CDMS22-00011)

Dear Dominique Vogelpohl:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Mitigated Negative Declaration (MND) for the Withers Avenue 3-Lot Subdivision Project located in the City of Lafayette in unincorporated Contra Costa County (County). EBMUD has the following comments.

GENERAL

On page 48, under Utilities and Service Systems, Summary Item b, please note that although there are sufficient water supplies available to serve proposed development, a main extension may be needed to serve the proposed development.

WATER SERVICE

EBMUD's Leland Pressure Zone, with a service elevation range between 50 and 250 feet, will serve the proposed development. Once the property is subdivided, separate meters for each lot will be required. A main extension, at the project sponsor's expense, may be required to serve the proposed development depending on EBMUD's metering requirements and fire flow requirements set by the local fire department. Please see the attached EBMUD documents for California (Waterworks Standards) Code of Regulations, Title 22, Section 64572 (Water Main Separation) and EBMUD requirements for placement of water mains. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed development. Engineering and installation of water mains and services require substantial lead time, which should be provided for in the project sponsor's development schedule.

GEOLOGY

On page 28, under Geology and Soils, Summary Item c, it states that there are concerns that lateral and vertical displacement of the bioretention basin is a risk, and basin failure would threaten the stability of the new road. When the project sponsor applies for water service, they will need to provide EBMUD with any proposed landslide mitigation measures for the proposed development so that no landslide impact hazard is posed to proposed water main extensions that will serve the proposed development.

WATER CONSERVATION

The project presents an opportunity to incorporate water conservation measures. EBMUD requests that the County include in its conditions of approval a requirement that the project sponsor comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance," (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

If you have any questions concerning this response, please contact Sandra Mulhauser, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-7032.

Sincerely,



David J. Rehnstrom
Manager of Water Distribution Planning

DJR:RT:kn
wdpd25_138_Withers Avenue Lafayette 3-Lot Subdivision Project.docx

cc: Pallav Chatterjee
43216 Portofino Terrace
Fremont, CA 94593

From: [Dean Sigmundson](#)
To: [Dominique Vogelpohl](#)
Subject: RE: NOTICE OF PUBLIC REVIEW AND INTENT TO ADOPT A PROPOSED MITIGATED NEGATIVE DECLARATION - County File #CDMS22-00011
Date: Tuesday, August 5, 2025 3:40:08 PM
Attachments: [image001.png](#)

Hi Dominique,

Thank you! I will review & respond with comments soon...

There are a couple of things that immediately come to mind and if more details are available that would be good to see.

- Project Grading – What areas will be graded and to what extent will it affect the hillside? Will retaining walls be utilized? If so, how large will they be (how tall & how long).
- Utilities – I see an exception to underground utilities is being considered. Why? I had thought that underground utilities are required for new developments. Our house was built in the 80's and has underground utilities. Above ground utilities are now considered as blight and add fire risk. PG&E is in the progress of putting utilities underground so why would this project have an exception and not be required to put utilities underground?

Dean Sigmundson
3094 Withers Ave.
Lafayette, CA 94549

Jeremy Pray
1771 Pleasant Hill Rd.
Pleasant Hill, CA 94523

August 23, 2025

Contra Costa County, Department of Conservation & Development
Attn: Dominique Vogelpohl
30 Muir Road
Martinez, CA 94553

Subject: Comments Opposing Adoption of Proposed Mitigated Negative Declaration for Withers Avenue 3-Lot subdivision

Dear Ms. Vogelpohl,

I submit these comments in opposition to the proposed Mitigated Negative Declaration (“MND”) for the above-referenced project pursuant to the California Environmental Quality Act (“CEQA”) and the CEQA Guidelines.

As the immediate adjoining landowner to the east side of the creek, I am uniquely and directly impacted by the proposed project. My concerns, combined with those already raised by Mr. Wayne Ting, clearly demonstrate that adoption of an MND is insufficient. I believe Mr. Ting’s concerns have been understated in the record, yet even as presented they constitute substantial evidence supporting a “fair argument” that the project may result in significant environmental impacts. Under well-established CEQA precedent (e.g., *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68; *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307), the existence of any such fair argument mandates preparation of a full Environmental Impact Report (“EIR”).

In addition, the MND fails to adequately address critical issues associated with the placement of the proposed bioretention basin, which is located entirely within the creek setback. This raises at least three independent grounds for finding a significant impact:

1. **Slope Stability and Geotechnical Hazards** – Construction within the setback threatens creek bank stability and adjacent slopes. CEQA requires identification and disclosure of such hazards, and mandates an EIR where potential geotechnical impacts cannot be definitively mitigated (Guidelines §15065(a)(4)).
2. **Loss of Protected Riparian Resources** – The creek setback exists to preserve riparian and sensitive biological resources. Locating the basin within this zone constitutes a direct

encroachment and potential “taking” of resources otherwise required to remain intact (Guidelines §§15065(a)(1), 15380).

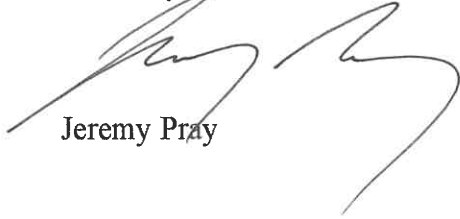
3. **Hydrology and Runoff Concentration** – The basin design would concentrate stormwater flows, thereby increasing erosion and altering hydrologic regimes in ways that may significantly affect water quality and downstream conditions.

Each of these issues independently satisfies CEQA’s low “fair argument” threshold. Together, they compel the conclusion that the MND is inadequate. CEQA does not permit reliance on a mitigated negative declaration where substantial evidence supports a fair argument that a project may cause significant effects.

For these reasons, I respectfully request that Contra Costa County Department of Conservation and Development decline to adopt the proposed Mitigated Negative Declaration and instead require the preparation of a full Environmental Impact Report. Failure to do so would constitute a violation of CEQA and would expose the County to legal challenge.

Thank you for consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeremy Pray', with a long, sweeping horizontal stroke extending to the right.

Jeremy Pray

From: [Barry Bourbon](#)
To: [Dominique Vogelpohl](#)
Subject: Fwd: CDMS22-00011, Withers Ave 3-lot subdivision
Date: Wednesday, August 27, 2025 9:18:23 PM
Attachments: [Erosion on Withers.heic](#)
[Crosswalk to no sidewalk.heic](#)
[No stop sign on PH Rd..heic](#)
[view conservation agreement.pdf](#)
[PW email.pdf](#)

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Hi Dominique, please verify receipt of the following email with my comments. Thank you,
Barry

----- Forwarded message -----

From: **Barry Bourbon** <bbghia72@gmail.com>
Date: Fri, Aug 15, 2025 at 02:15
Subject: CDMS22-00011, Withers Ave 3-lot subdivision
To: Dominique Vogelpohl <dominique.vogelpohl@dcd.cccounty.us>
CC: Dean And Irena Sigmundson <Dean@isumassie.com>, sejlawoffice@cs.com
<sejlawoffice@cs.com>, <kellen.oconnor@pw.cccounty.us>

Hi Dominique,

Thank you for the notice of public review and intent to adopt a proposed Mitigated Negative Declaration for a 3-lot subdivision on Withers Ave. I appreciate the thorough report, our meeting to review my questions, and the additional reports and memos you supplied. My property at 41 Shadow Hill Rd. Lafayette borders the existing parcel to the west. As an architect, concerned neighbor, and member of the community please consider my comments below on the initial study evaluating the potential environmental impacts of the project. I have also copied you on my email to Kellen O'Connor at Public Works, dated Aug. 14, 2025, with additional comments and concerns that I request you include in your review.

Aesthetics:

1a. Please consider revising to 'Less than Significant with Mitigation Incorporated'. Our residence is directly west of the proposed development and we fear our scenic view of Mt. Diablo may be impacted. We currently have a recorded 'View Conservation Agreement' in place between our property and the existing parcel proposed for subdivision. We would request this agreement be included for record purposes and that future development will abide by the nature of this agreement. See attached.

1c. Please consider revising to 'Less than Significant with Mitigation Incorporated'. I would request that mitigation measures to preserve code protected trees and the undergrounding of all utilities be required. The Project Sponsor has requested the removal of 20 trees. The Project Sponsor has also requested an exemption from undergrounding utilities. Any additional power lines would degrade the existing visual character of the site. Also, please clarify that all onsite

utilities including power lines would be required to be underground. Please see my email to Public Works dated August 14, 2025 for further comments and photos.

Biological Resources:

4a and b. We have lived adjacent to the existing undeveloped hillside parcel for 14 years and witness wildlife daily in this area including red tailed hawks, turkey vultures, turkeys, quail and occasionally deer. I believe habitat modification through grading, multiple tree removals and future lot fencing may have a substantial adverse effect on wildlife.

4e. Although a tree removal plan has not been included in the report, as we discussed they are represented by 'X's on the Grading and Drainage Plan. The removal of 20 trees is substantial and significant. I believe the largest is a 38" valley oak. The arborist's update you provided, prepared by Tony Wayne Wolcott Consulting on Oct. 4, 2023, does not state the date of the original tree survey. This would be helpful in understanding the health of trees based upon possible drought conditions at the time of the original survey. Please consider 'Less than Significant with Mitigation Incorporated' and in conflict with local policies and ordinances regarding tree preservation. Perhaps mitigation measures to preserve older, significant trees in good condition may be considered.

Geology and Soils:

7a.) iv and 7c. Please consider revising to 'Potentially Significant Impact'. The steep slope conditions of this site are potentially unwise for development. Major grading for infrastructure and future home foundations could adversely affect the environment in multiple ways. As our residence is uphill from the grading we would like to request that you please consider a mitigation measure to study the potential impact from the grading and future possible movement and/or erosion on our home's foundation. Additionally, erosion is already occurring on Withers Ave. and I see no plan to control further landslides and protect the roadway. See attached photo. I would also request that a mitigation measure for permitting of future homes and ADUs be required to undergo environmental review given the steep nature of the site and potential development impacts.

Hazardous Material:

9g. As the Project Sponsor has requested an exemption from undergrounding power lines, please consider 'Potentially Significant Impact'. Many deadly fires have been attributed to power lines in California. In fact, since we have lived in our home a power pole transformer caught fire at the intersection of Withers Ave. and Gloria Terrace, very near the proposed site, endangering this neighborhood. At the very least a required mitigation measure should be included to underground all utilities on site and within the right of way at Withers Ave. Please see my email to Public Works dated Aug. 14, 2025 for further comments and photos.

Public Services:

15a. Please consider revising to 'Potentially Significant Impact'. See comments from 9g. Please consider requiring undergrounding of all power lines due to fire hazard. Please see my email to Public Works dated Aug. 14, 2025 for further comments and photos.

Transportation:

17c. Please consider revising to "Potentially Significant Impact' due to the new access road to the property being on Withers Ave. near the intersection of Pleasant Hill Rd. This intersection is already very dangerous for pedestrians and cyclists. As pointed out in the report the site is located within an urbanized area. We should be striving to build walkable communities. With additional residents walking and biking to the nearby Pleasant Hill Elementary and Palos

Verdes Shopping Center sidewalks to the intersection crosswalk should be provided by this new development. See attached photo. A stop sign does not exist on Pleasant Hill Rd. See attached photo. Also, Withers Ave. is narrow and with cars it is quite dangerous to walk alongside, particularly at the existing small bridge over the creek. This area should be studied as it may substantially increase hazards due to the geometric design feature of the new access road. Please see my email to Public Works dated Aug. 14, 2025 for further comments and photos.

Thank you for reviewing my comments. I hope that these comments and concerns will be seriously considered and incorporated into the final environmental review recommendations. Please feel free to contact me with any questions.

Best Regards, Barry Bourbon



Barry Bourbon <bbghia72@gmail.com>

MS22-0011

1 message

Barry Bourbon <bbghia72@gmail.com>

Thu, Aug 14, 2025 at 11:16 AM

To: kellen.oconnor@pw.cccounty.us

Cc: Dominique Vogelpohl <dominique.vogelpohl@dcd.cccounty.us>, Dean And Irena Sigmundson <Dean@isumassie.com>, "sejlawoffice@cs.com" <sejlawoffice@cs.com>

Hi Kellen, I'm Barry Bourbon and I live at 41 Shadow Hill Rd. Lafayette, CA. I'm a neighbor of the proposed Minor Subdivision MS22-0011 on Withers Ave. The Project Planner, Dominique Vogelpohl, shared the attached memo you prepared dated May 17, 2024. I understand the project engineer, on behalf of the applicant, is requesting exemptions from Code Ordinances. I ask that you reconsider approval of the exemptions for Traffic and Circulation/Street Improvements and Undergrounding Utilities.

Traffic and Circulation:

- The conditions of Withers Ave. near the intersection of Pleasant Hill Rd. are already dangerous for motorists and extremely dangerous for pedestrians and cyclists.
- The roadway is narrow with no curbs or sidewalks.
- There is no stop sign along Pleasant Hill Rd. Vehicles frequently speed and do not slow when making a right onto Withers Ave. endangering pedestrians without a sidewalk.
- There is no gutter and drainage is poorly controlled during storms.
- There is a small and very narrow bridge crossing the creek between the property and the intersection. Please consider the safety of the bridge with heavy construction equipment.
- There is erosion along the embankment with large rocks sliding alongside the roadway on Withers Ave.

I believe the code required street improvements are necessary and a matter of public safety. This is the time to add these community enhancement features. My neighbors and I find it dangerous to walk near this proposed development and question why we would allow new homes to be built without considering the traffic safety of the families who will drive, walk and bike to local schools and shopping centers nearby.

Undergrounding Utilities:

- As a matter of safety new power lines should be required to be underground. Overhead power in this area is dangerous. There are numerous trees and wind conditions that present fire hazards. In fact, a few years ago the transformer near the corner of Withers Ave. and Gloria Terrace caught fire and created a very frightening experience for local residents.
- Also, I would note that the only access to and egress from the new homes will be under the power lines if the exemption is allowed.

I believe the code required undergrounding requirements are necessary.

Thank you for considering my comments in your upcoming review of this proposed subdivision development. I've attached a few existing conditions photos. Please feel free to call me.

Best Regards, Barry Bourbon

4 attachments



Existing condition.heic
2950K



Crosswalk to no sidewalk.heic
817K



No stop sign on PH Rd..heic
1138K



Erosion on Withers.heic
1188K

WHEN RECORDED RETURN TO:

John R. Mullen, Esq.
540 Lennon Lane
Walnut Creek, CA 94598

NOV 17 1989

AT 12 O'CLOCK
CONTRA COSTA COUNTY RECORDS
STEPHEN L. WEIR
COUNTY RECORDER

FEE \$

2300

154866 243

VIEW CONSERVATION AGREEMENT**PARTIES**

This Agreement is entered into and executed by and between Dr. Eugene B. Whitney and Ingrid S. Whitney (hereinafter "Whitney"), the owners of that certain parcel of real property commonly known as 41 Shadow Hill Road, Lafayette, California and more particularly described on Exhibit "A" attached hereto ("Whitney Property"); and Roberta S. McCoy, Successor Trustee of the McCoy Family Revocable Trust dated, December 20, 1982 (Trust A) as to an undivided half interest and Roberta S. McCoy, Successor Trustee of the Richard Nash McCoy Irrevocable Trust, dated January 26, 1989. (Trust B) as to an undivided half interest (hereinafter "McCoy") the owners of that certain parcel of real property identified as AP# 166-160-015-3 in Pleasant Hill, California, more particularly described on Exhibit "B" attached hereto ("McCoy Property").

RECITALS

WHEREAS, the McCoy's have located on the McCoy Property adjacent to the common boundary line between the parties certain eucalyptus trees (hereafter the "Trees") for the purpose of providing privacy from the Whitney Property to the McCoy Property.

WHEREAS, the existing height of the trees has substantially obstructed the view from the Whitney Property;

WHEREAS, the parties have entered into certain negotiations pursuant to Contra Costa County Ordinance No. 84-3 relating to tree obstruction of views; and

WHEREAS, the parties now wish to settle their differences and agree on a settlement of their respective rights and claims to allow for the conservation of views as follows.

AGREEMENT

1. Following seven days' prior written notice to McCoy of the topping date, Whitney shall be allowed to prune, trim cut and/or top (hereafter cumulatively described as "Topping") any and all Trees along the common boundary between the parties properties to a height no less than 13 feet measured from ground level below each tree. To the extent that leveled Topping of all trees is carried out, the 13 foot cutting height shall be measured by using the most southerly tree along said common boundary. Whitney shall employ a qualified tree service or arborist to carry out any Topping of Trees at the full cost and expense of Whitney. Said Tree Topping is to be conducted in a manner that will not endanger the health of the subject Trees and tree climbing spikes are not to be used. All debris shall be removed at the time of topping, at Whitney's sole cost and expense.

2. Should any Trees fail to survive, the dead Trees shall not be removed but the Whitneys shall be responsible for planting and maintaining replacement Trees acceptable to McCoy and providing irrigation to said replacement Trees until established at the sole cost and expense of the Whitneys. The removal of the dead tree shall be completed after the establishment of the replacement Trees and the Replacement Trees have reached a height of at least 13 feet.

3. After the initial Topping of the Trees Whitney shall be allowed to complete any subsequent re-Topping of the Trees only after the height of any tree has reached 15 feet or more. At that time, the same minimum height level of 13 feet shall apply to any re-Topping of the Trees.

4. McCoy shall be allowed to place height markers on the Trees (which markers shall not be removed or relocated at any time including during the Topping of the Trees). McCoy shall be authorized to enter the Whitney Property in order to verify and photograph, as appropriate, the Topping and re-Topping procedures.

5. Whitney shall notify McCoy in writing no less than seven (7) days prior to any re-Topping of their intention to re-top the Trees and shall be given necessary access to the McCoy Property to complete the re-Topping.

6. All parties herein agree that they will execute and provide, at the request of any other party, any and all such other documents or other written agreements as may be reasonably necessary to effectuate the purposes of this Agreement.

7. This Agreement may be amended at any time and from time to time, but any amendment must be in writing and signed by each person who is then a party.

8. This Agreement shall be binding on and shall inure to the benefit of the respective successors, assignees and personal representatives of each of the parties, except to the extent of any contrary provision in this Agreement.

9. If any term, provision, covenant or condition of this Agreement is held by a Court of competent jurisdiction to be invalid, void or unenforceable, the rest of this Agreement shall remain in full force and effect and shall in no way be effected, impaired or invalidated.

10. In any action between the parties to enforce any of the terms of this Agreement or any contract relating hereto, or in any action in any other way pertaining to the affairs of the parties and this Agreement, the prevailing party shall be entitled to recover all expenses including collection costs and reasonable attorneys' fees. Each party agrees to bear their respective attorney's fees and costs incurred through the date of execution of this agreement.

11. This Agreement contains the entire agreement of the parties relating to the rights granted and obligations assumed in this Agreement. Any oral representations or modifications concerning this Agreement shall be of no force or effect unless contained in a subsequent written modification signed by all parties.

Dated: ^{November} ~~October~~ 10, 1989


ROBERTA MCCOY as Successor
Trustee of the McCoy Family
Revocable Trust Dated
December 20, 1982
(Trust A)


ROBERTA MCCOY as Successor
Trustee of the Richard Nash
McCoy Irrevocable Trust
Dated January 26, 1989
(Trust B)

154866 245

Dated: October 11, 1989

Eugene B. Whitney
EUGENE B. WHITNEY

Ingrid S. Whitney
INGRID S. WHITNEY

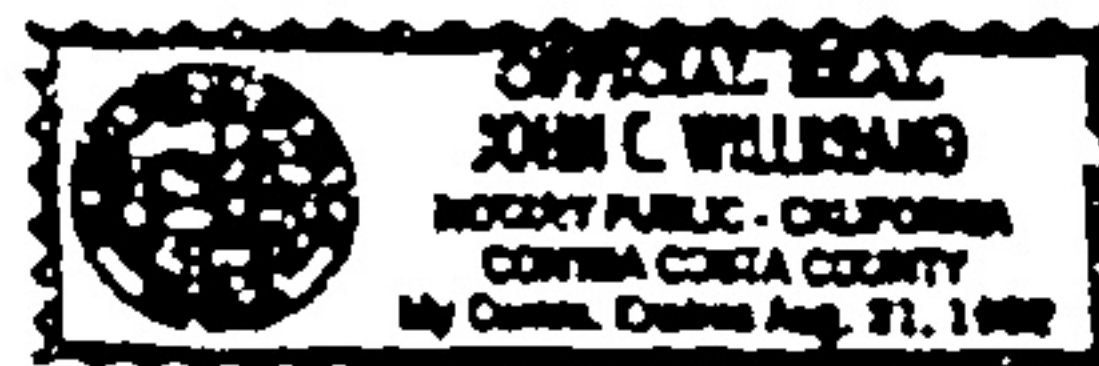
NOTARY

STATE OF CALIFORNIA)
COUNTY OF CONTRA COSTA) ss

On this 10 day of ~~October~~ ^{NOVEMBER}, 1989, before me, the undersigned Notary Public, personally appeared ROBERTA MCCOY, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged that she executed it.

(Seal)

John C. Williams
Notary Public



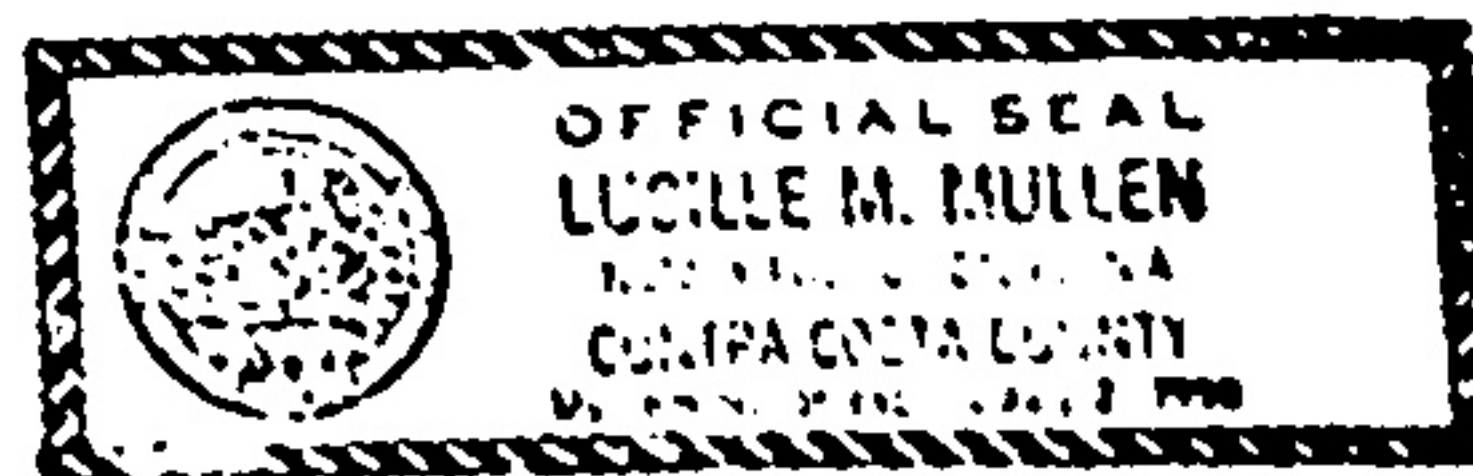
NOTARY

STATE OF CALIFORNIA)
COUNTY OF CONTRA COSTA) ss

On this 31st day of October, 1989, before me, the undersigned Notary Public, personally appeared EUGENE B. WHITNEY and INGRID S. WHITNEY, personally known to me or proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged that they executed it.

(Seal)

Lucille M. Mullen
Notary Public





Moita & Moita LLP

Attorneys at Law

Vincent A. Moita
(925) 783-9688
Vince@moitalaw.com

PO Box 40
Danville, CA 94526
www.MoitaLaw.com

Joseph D. Moita
(925) 783-6260
Joe@moitalaw.com

August 28, 2025

Contra Costa County
Department of Conservation and Development
30 Muir Road,
Martinez, CA 94553

Ms. Dominique Vogelpohl
Phone: 925-655-2880
Email: Dominique.Vogelpohl@dcd.cccounty.us

Re: County File #CDMS22-00011 Proposed Mitigated Negative Declaration

Dear Ms. Vogelpohl:

I represent Scott and Jennifer Jenny at 1 Whitfield Court, Pleasant Hill, CA 94523, Ben Shragal at 1817 Pleasant Hill Road, Pleasant Hill, CA 94523, Sri and Angelica Reddy at 10 Whitfield Court, Pleasant Hill, CA 94523, John Kelly and Mary Schmidt at 25 Whitfield Court, Pleasant Hill, CA 94523, Victoria and John H. Werhan at 3079 Withers Ave, Lafayette, CA 94549, Warren Crane and Stephanie Parks at 17 Whitfield Court, Pleasant Hill, CA 94523, and John and Char Randolph at 9 Whitfield Court, Pleasant Hill, CA 94523 collectively as the “Property Owners” regarding their opposition to proposed Mitigated Negative Declaration (MND) for the proposed subdivision located at 0 Withers Avenue, Lafayette, CA 94549.

The MND fails to satisfy the requirements of the California Environmental Quality Act (CEQA), Pub. Res. Code §21000 et seq. Substantial evidence demonstrates that the project may have significant environmental effects, triggering CEQA’s “fair argument” standard. Under established law, an agency may not adopt a negative declaration, and must instead prepare an EIR, if it can be fairly argued on the basis of substantial evidence that the project may have a significant environmental impact. See *No Oil, Inc. v. City of Los Angeles*, 13 Cal. 3d 68, 74-75 (1974); Guidelines §15064(f)(1).

Further, the MND is based upon insufficient evidentiary documentation and fails to evaluate all land use plans, policies, and regulations relevant to the aesthetic impacts and avoiding or mitigating an environmental effect specifically regarding the proposed project’s extreme hillside slopes in addition to scant review of traffic impacts caused by the geometric design of the project’s driveway. If adopted, the MND risks the County proceeding on legally deficient environmental documentation.



1. The Fair Argument Standard Mandates an EIR

CEQA requires preparation of an EIR whenever there is “substantial evidence” that a project may cause significant environmental effect. (Pub. Res. Code §21080(d); CEQA Guidelines §15064(f)(1)). Courts have consistently held that “substantial evidence” includes facts, reasonable assumptions, and expert opinion. (*Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 928). Importantly, close calls must be resolved in favor of requiring an EIR.

Here, the record contains substantial evidence of potential impacts in the areas of aesthetics and land use planning. Thus, an EIR is legally required.

2. Project Files are Insufficient for Adequate Study

The project applicant submits a rudimentary slope analysis, attached as **Exhibit A**, that fails to delineate the total project’s average slope or comply with Title 8, Division 814- Slope and Hillside Development requirements. While the project is not in a SD-1 combining district, as discussed more fully below, the Contra Costa County 2045 General Plan seeks to incorporate Division 814 as development standards for any lot. As such, the general plan demands a higher level of analysis, even at this MND phase, which the provided documentation objectively fails to meet.

Based on rudimentary use of the County’s GIS system and the slope analysis provided, approximately 1.3 acres of the subject site (roughly 50%) exceeds 26% slope. The remaining acreage of approximately 1.2 acres is between 15-26%. This falls squarely within the intent of the general plan’s framework requiring a more detailed slope analysis to be able to make substantive findings sufficient for the MND.

The MND cannot support factual findings relevant to the hillside and slope development without proper evidentiary documentation to sufficiently analyze potential impacts and thus should require the project applicant to resubmit with a code compliant slope analysis.

3. Section 1’s Aesthetic Impacts have not been Fully Analyzed

Section 1 of the MND covers aesthetic environmental impacts of the project. Specifically, Subsection c.) of the aesthetic section provides:

“c) In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? (*Less than Significant Impact*)

The subject property is located within a Residential-Low Density (RL) General Plan land use designation and within a R-20 Single-Family Residential District (R-20) zoning district. The subject property is located within an urbanized area, surrounded entirely by residential development and is within the Urban Limit Line. The project is to subdivide the subject property into 3 lots, removal of 20 trees, and installation of



the required improvements for the subdivision. Thus, the project would not conflict with the applicable zoning and other regulations governing scenic quality and would be less than significant.” Pg. 5, MND.

The MND fails to analyze significant zoning and other regulations relevant to the subject property, including several Contra Costa County General Plan goals and policies specifically tailored to governing scenic quality and hillside development and the aesthetic impact on removal of mature trees.

In June 2024, the Department of Conservation and Development published the Envision Contra Costa 2040, Contra Costa County Zoning Update Report in collaboration with PlaceWorks. That report, on page 46 made the specific recommendation to:

“Eliminate the Slope Density and Hillside Development (SD-1) Combining District and consider incorporating requirements as design and development standards for hillside properties” pg. 46, Zoning Update Report.

This recommendation manifested itself into the Contra Costa County 2045 General Plan, but the ratification of an updated zoning code has not yet been fully integrated into the County’s zoning code. However, the relevant General Plan goals and policies are outlined in **Table 1** below:

Table 1

General Plan Section	MND Analysis
Goal LU-7 A variety of residential neighborhood types that provide housing opportunities and desirable living environments for all residents.	Not analyzed.
LU-P7.6 In hazard-prone areas, such as slopes exceeding 15 percent, mapped floodplains, High and Very High Fire Hazard Severity Zones, and Alquist-Priolo Earthquake Fault Zones, allow for decreased residential density, including below the minimum density requirement for the applicable land use designation, as the severity of risk increases.*	Not analyzed.
Goal COS-12: Protected natural features with high scenic value, such as visual landmarks, major ridges, prominent hillsides, and stands of mature trees	Not analyzed.
COS-P12.2: Require redesign of project components that negatively impact viewsheds or the visual quality of the area.*	Not analyzed



COS-P12.4: Preserve the scenic qualities of hillsides by encouraging designs that are sensitive to a site's topography and prohibiting unnecessary grading and vegetation removal.	Not analyzed
COS-P12.5: Require restoration of natural contours and vegetation after grading and other land disturbances.*	Not analyzed
COS-A12.1: Amend County Ordinance Code Division 814, Slope and Hillside Development, to convert the requirements from being a combining district to design and development standards related to building envelopes, building massing, colors, materials, grading, draining, and erosion control.	Not analyzed.
Goal 8-A: To preserve and protect the ecological resources of the County	Not analyzed.
Policy 8-14: Development on hillsides shall be limited to maintain valuable natural vegetation, especially forests and open grasslands, and to control erosion. Development on open hillsides and significant ridgelines throughout the County shall be restricted, and hillsides with a grade of 26 percent or greater shall be protected through implementing zoning measures and other appropriate actions.	Not analyzed.
Goal HS-11: Communities and infrastructure that are protected from seismic and geologic hazards, including severe ground shaking, fault rupture, liquefaction, landslides, and unstable slopes.	Not analyzed.
HS-P11.5 Discourage development on slopes exceeding 15 percent, and prohibit development on slopes of 26% or greater, to avoid slope instability, unnecessary grading, and extensive land disturbance, and facilitate long-term control of erosion and sedimentation. Exceptions may be made considered for infrastructure projects and development on existing legal lots where no other feasible building sites exist.	Not analyzed.

Table 1 (continued)

Despite these documented goals, policies, and regulations governing aesthetic impacts and conservation, open space, and working lands, including the removal of groves of mature trees and those of hillside development, the draft MND fails to provide any analysis or mitigation measures conflicting with established case law. See *Protect Niles v. City of Fremont* (2018) 25 Cal.App.5th 1129, 1149. Therefore, the provided MND is legally insufficient. Moreover, upon review of the General Plan goals and policies outlined above, there is sufficient basis given the steep hillside topography and direct conflict with the General Plan that the proposed project will result in a significant unmitigable impact requiring an EIR.



4. Conflict with Land Use and Planning MND Section 11.

Similarly, the MND section 11 Land Use and Planning seeks to analyze County level plan, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect. Here, subsection b.)'s table states that no impact results from the project, whereas the written subsection states impacts are less than significant creating internal inconsistencies within the MND itself:

“b) Would the project 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?

(Less than Significant Impact)

The project site is zoned R-20 and its land use designation is RL. Primary land uses permitted in the RL designation include detached single-family homes and accessory buildings and structures. Secondary uses generally considered to be compatible with low density homes may be allowed, including home occupations, small residential care and childcare facilities, churches, and other similar places of worship, ADUs, and other uses and structures incidental to the primary uses. The R-20 zoning designation allows for a detached single-family dwelling on each lot and the accessory structures and uses normally auxiliary to it.” Pg. 35, MND.

Similar to the section 1 aesthetic discussion, the R-20 zoning designation is not the only land use plan, policy, or regulation relevant to avoiding or mitigating an environmental effect. **Table 1** above summarizes the Contra Costa County 2045 General Plan's applicable regulations relevant to this site, with particular emphasis on the project's hillside development.

The action items, goals, and policies outlined in the **Table 1** provide substantial guidance on these objective planning standards to avoid or mitigate possible environmental effects when considering hillside development with substantial slopes. Those plans, goals, and policies have failed to be analyzed under the provided MND.

Without additional analysis, discussion, and findings on these relevant planning goals and policies under the Contra Costa County 2045 General Plan's Health and Safety Element, Conservation and Open Space Element, and review of the additional relevant provisions under the Land Use Element and proposed zoning code updates, the provided MND fails to uphold legal sufficiency.

5. Failure to Adequately Analyze Section 17 Transportation Impacts

The MND's section 17 subsection c) states:

“c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? ***(Less than Significant Impact)***



The Public Works Department has reviewed the project and will require private driveways to comply with the sight obstruction requirements of Chapter 82-18 of the County Ordinance Code.” Pg 45, MND.

However, the limited discussion of the MND’s analysis to code conformance with Chapter 82-18 is inadequate given:

- The existing conditions on Withers Ave near the intersection of Pleasant Hill Road are already dangerous for motorists and extremely dangerous for pedestrians and cyclists.
- The roadway is narrow with no curb or sidewalks
- There is no stop sign along Pleasant Hill Rd. and vehicles frequently speed and do not slow when making rights onto Wither’s Avene endangering pedestrians without a sidewalk.

The Contra Costa County Transportation Analysis Guidelines provide a mechanism for the County to require LOS operational analysis if the project creates safety or operational concerns. See pg. 17, Contra Costa County Transportation Analysis Guidelines. Further, the Contra Costa Transportation Analysis Guidelines cite to OPR, SB 743 Safety Technical Advisory where detriments to safety are highlighted, including placement of driveways in locations which will lead to highly elevated collision risk.

Such is the case here. The limited analysis of the driveway impacts on safety only provides for deferred compliance with Chapter 82-18 of the County Ordinance, which CEQA does not permit. It fails to provide substantive mitigation measures required for a legally compliant environmental review.

CONCLUSION

The project demands additional evidentiary documentation and further analysis addressing the complete regulatory record, including the relevant General Plan provisions. As presented, the provided MND is legally insufficient and risks legal liability to the County as lead agency.

We therefore respectfully request that the MND be re-analyzed to focus on these legitimate material facial deficiencies to better comprehend the scale and significance of the proposed impacts of the project.

Respectfully Submitted,

Vincent A. Moita
Attorney for Property Owners



EXHIBIT A
Slope Analysis

GENERAL NOTES

THE SCOPE AND LIMIT OF THIS SURVEY WAS DEFINED IN XXXXXXXX BY XXXX(USUALLY THE ARCHITECT/PA). USE OF THIS SURVEY IS LIMITED TO THE PROPERTY OWNER AS REFERENCED IN THE TITLE BLOCK AND CONSULTANTS FOR THE SPECIFIC PROJECT. OTHERS MAY NOT USE THIS MAP WITHOUT THE PERMISSION OF THE CLIENT AND HUMAN COMPANY. BOUNDARY AND BASIS OF BEARINGS ARE PER THE UNDERLYING RECORD MAP AS REFERENCED IN THE TITLE BLOCK HEREON.

TITLE REPORT WAS NOT SUPPLIED AND/OR AVAILABLE FOR THIS SURVEY. ACCORDINGLY, EASEMENTS, IF ANY, MAY EXIST AND ARE NOT NECESSARILY SHOWN HEREON.

THE ELECTRONIC FILE IF SUPPLIED, IS BEING DONE SO AS A COURTESY AND CONVENIENCE, AND IS SUBORDINATE TO THE PROVIDED SIGNED HARD COPY MAP WITH RESPECT TO CONTENT, ACCURACY AND QUALITY. HUMAN COMPANY MAKES NO WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED FOR ANY COPIES OF THE DRAWINGS OR WORK ASSOCIATED WITH THE ELECTRONIC FILE BY OTHERS.

BUILDING(S) SHOWN HEREON CONTAINS DECORATIVE ARCHITECTURAL ELEMENTS ALONG ITS WALLS AND CORNERS WHICH ARE NOT NECESSARILY ACCOUNTED FOR IN THE BUILDING FOOTPRINT AS SURVEYED AND MAPPED. PRIOR TO THE PREPARATION OF WORKING DRAWINGS, THE ARCHITECT/DESIGNER SHOULD FIELD INSPECT ANY AREAS ON THE BUILDING WHERE AN ADDITION OR OTHER IMPROVEMENT IS EXPECTED TO OCCUR (IF SETBACKS OR OTHER CONSTRAINTS ARE AN ISSUE), AND CONSULT WITH THE SURVEYOR OR ENGINEER AS NEEDED.

TREES AND DRIP LINES AS SHOWN ARE LOCATED SUFFICIENTLY FOR GENERAL ARCHITECTURAL SITE PLANNING. ANY CONSTRUCTION ACTIVITY PLANNED IMMEDIATELY ADJACENT TO THE TREES OR DRIP LINES SHOULD BE REVIEWED WITH THE APPROPRIATE CONSULTANT. IF IT IS DETERMINED THAT DETAILED TREE AND/OR BRANCH MEASUREMENTS ARE NEEDED, FURTHER SURVEYING MAY BE NECESSARY AND SHOULD BE ARRANGED BY THE OWNER AND/OR CONSULTANT. SPECIES AS REFERENCED ON THE SURVEY SHOULD BE CONFIRMED BY A LICENSED ARBORIST OR LANDSCAPE ARCHITECT IF THE SPECIFIC TREE(S) IS SUSPECTED OF BEING A PROTECTED OR CRITICAL ONE(S).

THIS PROPERTY IS IN THE VICINITY OF A CREEK, SWALE, OR DRAINAGE COURSE AND THE SURVEY MAY OR MAY NOT SHOW OR DEFINE THIS FEATURE AND ITS ASSOCIATED SETBACKS OR RESTRICTIONS AS MANOVED BY LOCAL ORDINANCE. IF SITE IMPROVEMENTS ARE PLANNED, THE OWNER OR ARCHITECT SHOULD CONTACT THE APPLICABLE JURISDICTION, LOCAL OR OTHERWISE TO CONFIRM AND DETERMINE WHAT, IF ANY REQUIREMENTS AND RESTRICTIONS APPLY WITH RESPECT TO THE CREEK FEATURE AND THE POTENTIAL IMPACT DEVELOPMENT MAY HAVE ON IT.

DATUM: ELEVATIONS SHOWN HEREON ARE BASED UPON NAVD83 OPUS SOLUTION FROM GPS OBSERVATION.

CONTOUR INTERVAL: 2 FEET

BASIS OF BEARINGS

BEARING SHOWN HEREON ARE BASED UPON THE FOUND STANDARD STREET MONUMENTS ON WHITEHILL COURT AS SHOWN UPON THE MAP ENTITLED "RECORD OF SURVEY" FILED FOR RECORD IN BOOK 45 OF LSM AT PAGE 23, CONTRA COSTA COUNTY RECORDS, BEARING TAKEN AS S88°36'56"E.

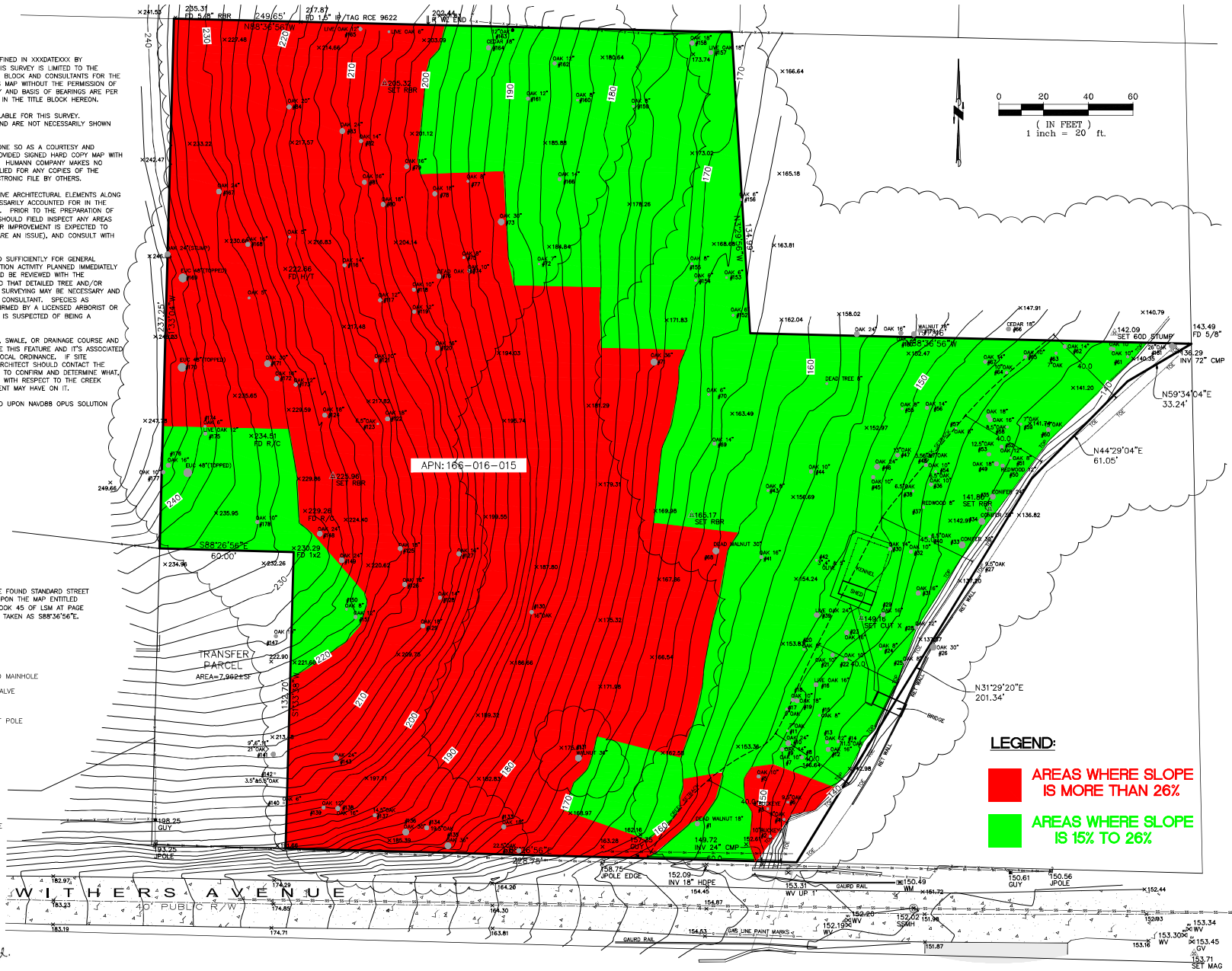
LEGEND

- SS SANITARY SEWER LINE AND MAINHOLE
- W WATER LINE AND WATER VALVE
- G GAS LINE AND VALVE
- OH OVERHEAD LINE AND JOINT POLE
- F FENCE
- GUY WIRE
- C CATCH BASIN IN CURB
- E EXISTING GRADE
- CONTROL
- SIGN
- SANITARY SEWER MAINHOLE
- WATER VALVE
- GAS VALVE
- JOINT POLE
- AREA DRAIN
- WATER METER



T. S. NASHASHI

ICZAT S. NASHASHI R.C.E. 29628



LEGEND:

- AREAS WHERE SLOPE IS MORE THAN 26%
- AREAS WHERE SLOPE IS 15% TO 26%

REVISIONS	
SCALE	1" = 20'
DATE	06/17/2022
DRAWN	HM
CHECKED	IN
JOB NO.	21-1197

TOPOGRAPHIC SURVEY WITH SLOPE ANALYSIS
PARCEL A (38LM96)
APN: 166-016-015 -- WITHERS AVENUE
PLEASANT HILL CALIFORNIA

HUMAN COMPANY INC.	SHEET 1
2221 BRIDGEMAN AVENUE, SUITE 200, PLEASANT HILL, CA 94566	OF 1 SHEETS
TEL: (925) 786-1000 FAX: (925) 786-1001 WWW.HUMANCO.COM	JOB NO. 21-1197

Contra Costa County Department of Conservation & Development

Attn: Dominique Vogelpohl

30 Muir Road Martinez, CA 94553

email: Dominique.Vogelpohl@dcd.cccounty.us

RENOTICE OF PUBLIC REVIEW AND INTENT TO ADOPT A REVISED MITIGATED NEGATIVE
DECLARATION - County File #CDMS22-00011

2.56 acres located on Withers Avenue, Lafayette (APN: 166-160- 034)

Dear Ms. Vogelphol:

My wife, Dr. Bambi Lynn Ware and I bought our home a year ago in this neighborhood. We live at 3113 Withers Ave. We became aware of the property development/subdivision project from a neighbor. This project was not disclosed to us prior to our property purchase.

While we appreciate the opportunity to create more available housing, this project has several elements of concern that we would like to raise as due to our home's proximity to the development. Because we live nearby, we will be affected directly and indirectly with the consequences of the county's decision about this buildout.

Our concerns are listed below:

1. Impact to the environment

The location includes very steep terrain and water drainage on Withers which has already had direct impact for us. The steep slope and Lafayette soil creates problems that we are presently working with the county to resolve. With this buildout, the creek and drainage at this location will be at significant risk for additional water runoff, topsoil erosion and flooding of the creek bed. The removal of a significant number of trees and considerable grading of building sites and new roadways will further loosen the soil and increase runoff during the winter rainy season.

Steep terrain will require many retaining walls and put existing structures at risk for settlement due to disturbed ground. Adobe clay and sandstone soils are likely to shift after construction.

The northside of Withers Ave. shows extensive erosion and during the rainy season and sloughs off material and dirt into the drainage and road shoulder. We suggest a retaining wall (or series of walls) that would protect the road and allow for a sidewalk be included in the plan.

Wildlife, including wild turkeys, deer, quail, coyotes and a wide variety of bird species, which abound here, due to the proximity to a water source (creek) these animals, will lose habitat and the project will alter/restrict the existing corridor to the creek.

There will also be increased risk of wildfires due to additional overhead electrical utility lines, etc. Utilities should be brought underground for safety.

2. Traffic safety

The number of vehicles using Withers has gradually increased over the years since it was a wagon road, but the roadway has not. Cars typically go 20-30 miles above the posted speed limit and there is little or no enforcement. This project could be the first step in addressing the width of the roadway (too narrow), to make it safer for cars, bicycles and pedestrians.

This development adds additional issues of traffic and access in/out from Withers. The planned egress near Pleasant Hill Rd. has poor sight lines. We would expect the developer and county to install retaining walls on the north side of Withers to make entrance and exiting safe.

The crosswalk at Withers/Pleasant Hill Rd. has no traffic light or stop sign. Pedestrian use of Withers is currently unsafe without a shoulder easement or sidewalks. This should be included in the developers plans and supported by the county.

3. Protection of trees

Protection of heritage trees is unaddressed in the plan. The plan calls for the removal of 20 trees. Some of these are old and dead or dying, but others qualify for heritage oak status and should be preserved. The inspection regarding the trees was apparently done during a drought year, so the validity of the data regarding tree health that is included in the report is questionable.

We encourage the county to take this opportunity to improve the area directly adjoining the development for upgrades and improvements that have been underfunded or lacked attention. We are concerned about who will pay for any of the above potential consequences of the development, particularly: water runoff, shifting soil, debris (rocks, soil, branches) falling onto the road , as well as, pedestrian safety.

Thank you for adding our comments and suggestions to the review of the development plans. We look forward to seeing them addressed as a part of the review process.

Sincerely,

Eben Kermit and Bambi Lynn Ware
3113 Withers Avenue
Lafayette, CA 94549

From: [Mary Schmidt](#)
To: [Dominique Vogelpohl](#)
Subject: Administrative Record additions - deadline today
Date: Monday, July 13, 2026 9:08:27 AM
Attachments: [Hawks.docx](#)
[Turkey.docx](#)

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

[Report Suspicious](#)

Good morning Dominique,

I am forwarding information I would like added to the administrative record. I have attached 11 short 15 second videos, captured by my outdoor camera and four photos from my yard. My hope is to address my concerns at the public hearing on July 20 and I will be including wildlife among those concerns.

Thank you so much for your help with this issue.

All my best,

Mary



EC745249EF50_20251229024927_700_o.mp4



EC745249EF50_20260101233912_702_o.mp4



EC745249EF50_20260213223347_712_o.MP4



EC745249EF50_20260420063448_722_o.MP4

4 pictures of various animal along with



BlueHeron.docx



Deer.docx



EC745249EF50_20240503025516_12_o.mp4



EC745249EF50_20250102050306_274_o.mp4



EC745249EF50_20251111013938_671_o.mp4



EC745249EF50_20251111025558_675_o.mp4



EC745249EF50_20251127042216_679_o.MP4



EC745249EF50_20251206234309_681_o (3).mp4



EC745249EF50_20251209013222_682_o (1).mp4





JENNY & JENNY, LLP
Attorneys

Scott E. Jenny, Esq.
Richard K. Jenny, Esq.

736 Ferry Street
Martinez, California 94553
Telephone: (925) 228-1265
Facsimile: (925) 228-2841
JennyandJenny.com

Eminent Domain
Inverse Condemnation
Real Estate Law

July 13, 2026

Dominique Vogelpohl, Project Planner
Department of Conservation and Development
Community Development Division
30 Muir Road Martinez, CA 94553

**Re: PUBLIC REVIEW AND INTENT TO ADOPT A PROPOSED MITIGATED
NEGATIVE DECLARATION**
Project Title: Withers Ave 3 Lot Subdivision
County File No.: CDMS22-00011

Dear Ms. Vogelpohl,

In addition to the letter of my attorneys Moita & Moita LLP, I present the following in opposition to the adoption of the mitigated negative declaration on this project. The application should be denied. At a bare minimum, further environmental review is necessary including but not limited to a full Environmental Impact Report.

A full EIR is required given the significant environmental impacts provided to you on many occasions. It is critical that these be addressed now and not in the future. This is particularly true given the developer's apparent comments that once subdivided, he intends to build 2 homes per site and then add an additional ADU per site. The intent is to fully develop this hillside to a beyond-recognition status.

The MND fails to satisfy the requirements of the California Environmental Quality Act (CEQA), Pub. Res. Code 21000 *et seq.* The letters and emails provided you by Vince Moita and concerned citizens and neighbors demonstrate that the project has significant environmental impacts and trigger CEQA's "fair argument" standard. It is without question that the public comments fairly argue, with substantial evidence, that the project will have a significant environmental impact. (*No Oil, Inc. v City of Los Angeles*, (1974) 13 Cal 3d 68, 74-75.) Thus, this agency must instead prepare an EIR.

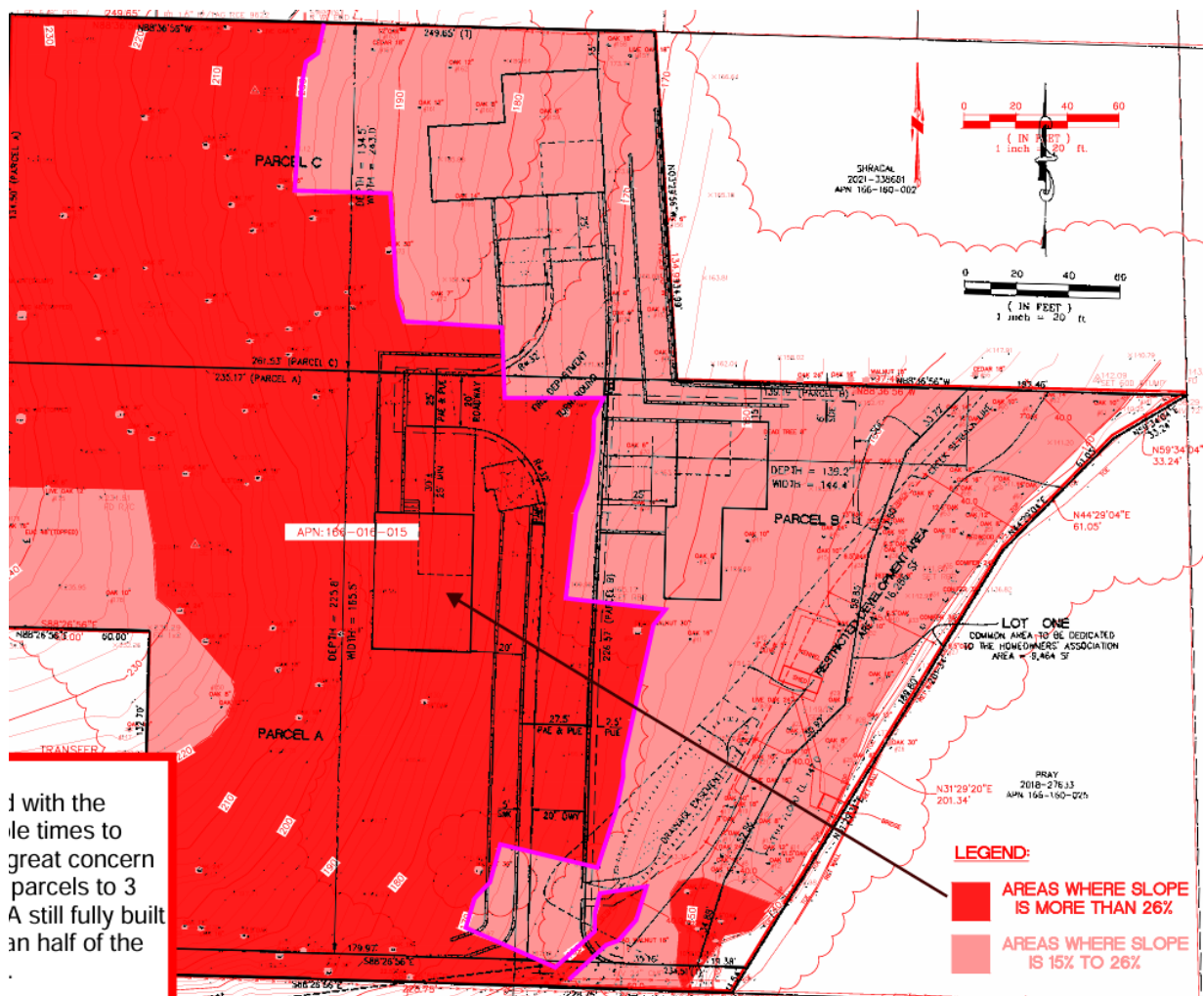
I full incorporate Mr. Moita's August 28, 2025 letter herewith, and request that his letter, this letter, and all received emails and correspondence be made a part of the administrative record.

SLOPE ANALYSIS

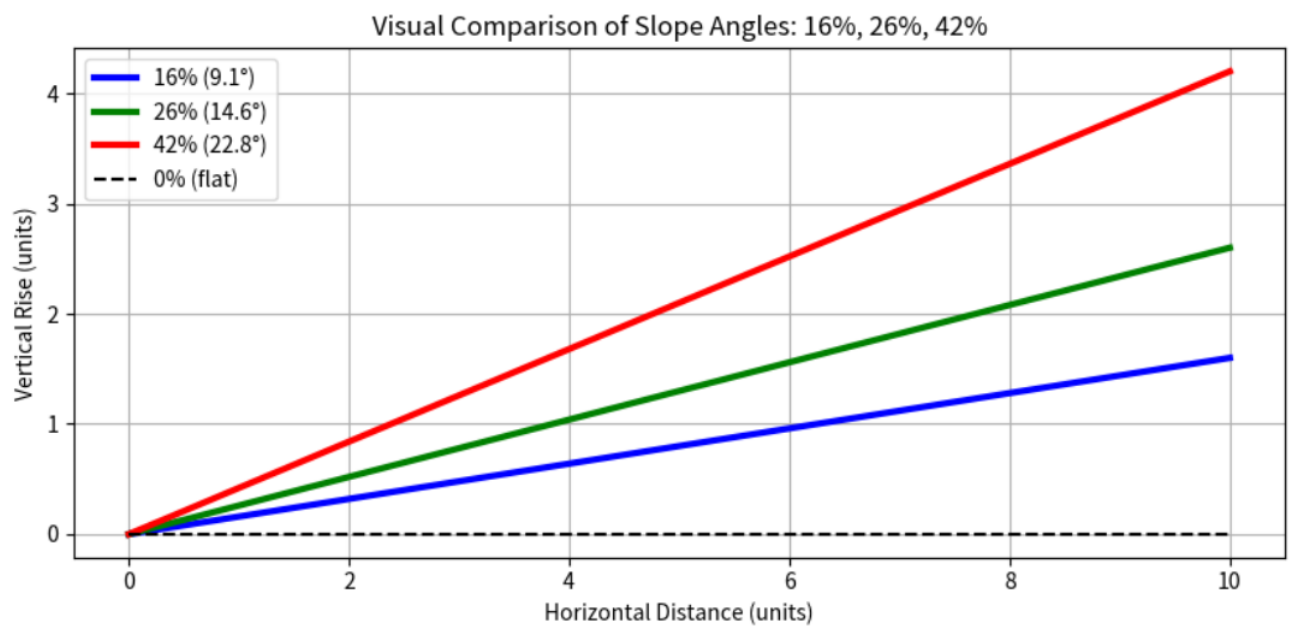
One of the most glaring deficiencies in this project and the MND is the slope analysis. The project fails to delineate the total project's average slope or comply with Title 8, Division 814-Slope and Hillside Development requirements. Goal HS-P11.5 of the CCC General Plan, Health and Safety Element states:

Discourage development on slopes exceeding 15 percent, and prohibit development on slopes of 26% or greater, to avoid slope instability, unnecessary grading, and extensive land disturbance, and facilitate long-term control of erosion and sedimentation. Exceptions may be made considered for infrastructure projects and development on existing legal lots where no other feasible building sites exist.

Approximately 1.3 acres of the subject site (approximately 50%) exceeds a 26% slope. The remaining acreage is between 15-26%. As evidenced by neighbor Ben Shragal's comments to you, shown in Exhibit A attached hereto, while the plans noted compliance, the actual grade calculations clearly exceed related to the grading plan show that Parcel A shows the hillside descending approximately 42% into the house. This alone should require rejection of the application, and certainly triggers an EIR and some sort of mitigation if permitted.



The differences between 16%, 26% and 42% is extraordinary. In the chart below, the County may allow development on the blue line but not on the green or red lines:



A simple site inspection shows the massive slope issues in play:











As neighbors and concerned citizens, we are left at a complete loss as to why the County would ignore these slope issues and even consider a development on such a steep slope. At a minimum a full slope analysis is required to ensure that the County slope requirements are not violated.

I also note that by a review of these pictures, there has been a significant amount of cutting and grading already on the site which make the appearance of the slope less visible. I assume all of this grading was performed with full County oversight and permits, and that the slope analysis is conducting without any consideration of this grading and cutting.

Finally, the amount of grading and construction that would be required on this type of steep terrain will certainly create a sufficient amount of slope weakening and construction vibrations to endanger the homes above (i.e. Barry Bourbon's home).

ACCESS

This project will certainly substantially increase hazards due to geometric design features, including a dangerous ingress and egress. The limited ingress and egress will turn an already-dangerous stretch of Withers Avenue into an extremely dangerous situation. Vehicles routinely speed easterly on Withers. Access to the site will require a hard brake, a sharp left turn, all with vehicles bearing down from behind. Westerly on Withers will require a hard brake and a 90-degree

right turn into the private road, with vehicles backing up to Pleasant Hill Road. The situation as shown below is unworkable without designated in-and-out lanes for safety purposes.

AT THE DRIVEWAY LOOKING WEST ON WITHERS:



LOOKING WESTERLY AT THE ACCESS OPENING:



LOOKING EAST ON WITHERS TOWARDS PLEASANT HILL ROAD FROM THE ACCESS OPENING:



It is obvious that any pedestrians on this already-dangerous road will risk their lives walking along this stretch of Withers with this new access point, particularly during construction where large tractors and trucks will not be able to enter or exit the driveway without crossing into the opposite lane.

WILDLIFE

Mary Schmidt recently sent you pictures of some of the wildlife on this hillside. We all see these birds flying in and out of the hillside trees all the time:



In conclusion, the project demands additional evidentiary documentation and further analysis addressing the complete regulatory record, including the relevant General Plan provisions. As it stands now, the MND is legally insufficient and will be challenged legally should this process proceed via MND. We request that the MND be re-analyzed to focus on all of the legitimate material facial deficiencies so that the community can better understand the scale and significance of the impacts of the proposed project.

Thank you.

Sincerely,

SCOTT E. JENNY

Scott E. Jenny

EXHIBIT A

GENERAL NOTES

THE SCOPE AND LIMIT OF THIS SURVEY WAS DEFINED IN XXXXDATEXXX BY XXXX(USUALLY THE ARCHITECT)XXX. USE OF THIS SURVEY IS LIMITED TO THE PROPERTY OWNER AS REFERENCED IN THE TITLE BLOCK AND CONSULTANTS FOR THE SPECIFIC PROJECT. OTHERS MAY NOT USE THIS MAP WITHOUT THE PERMISSION OF THE CLIENT AND HUMANN COMPANY. BOUNDARY AND BASIS OF BEARINGS ARE PER THE UNDERLYING RECORD MAP AS REFERENCED IN THE TITLE BLOCK HEREON.

TITLE REPORT WAS NOT SUPPLIED AND/OR AVAILABLE FOR THIS SURVEY. ACCORDINGLY, EASEMENTS, IF ANY, MAY EXIST AND ARE NOT NECESSARILY SHOWN HEREON.

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BUILDING(S) SHOWN HEREON CONTAINS DECORATIVE ARCHITECTURAL ELEMENTS ALONG ITS WALLS AND CORNERS WHICH ARE NOT NECESSARILY ACCOUNTED FOR IN THE BUILDING FOOTPRINT AS SURVEYED AND MAPPED. PRIOR TO THE PREPARATION OF WORKING DRAWINGS, THE ARCHITECT/DESIGNER SHOULD FIELD INSPECT ANY AREAS ON THE BUILDING WHERE AN ADDITION OR OTHER IMPROVEMENT IS EXISTING OR OCCUR (IF SETBACKS OR OTHER CONSTRAINTS ARE AN ISSUE), AND ZONING/229291 THE SURVEYOR OR ENGINEER AS NEEDED.

TREES AND DRIP LINES AS SHOWN ARE LOCATED SUFFICIENTLY FOR GENERAL ARCHITECTURAL SITE PLANNING. ANY CONSTRUCTION ACTIVITY PLANNED IMMEDIATELY ADJACENT TO THE TREES OR DRIP LINES SHOULD BE REVIEWED WITH THE APPROPRIATE CONSULTANT. IF IT IS DETERMINED THAT DETAILED TREE AND/OR BRANCH MEASUREMENTS ARE NEEDED, FURTHER SURVEYING MAY BE NECESSARY AND SHOULD BE ARRANGED BY THE OWNER AND/OR CONSULTANT. SPECIES AS REFERENCED ON THE SURVEY SHOULD BE CONFIRMED BY A LICENSED ARBORIST OR LANDSCAPE ARCHITECT IF THE SPECIFIC TREE(S) IS SUSPECTED OF BEING A PROTECTED OR CRITICAL ONE(S).

THIS PROPERTY IS IN THE VICINITY OF A CREEK, SWALE, OR DRAINAGE COURSE AND THE SURVEY MAY OR MAY NOT SHOW OR DEFINE THIS FEATURE AND IT'S ASSOCIATED SETBACKS OR RESTRICTIONS AS MANDATED BY LOCAL ORDINANCE. IF SITE IMPROVEMENTS ARE PLANNED, THE OWNER OR ARCHITECT SHOULD CONTACT THE APPLICABLE JURISDICTION, LOCAL OR OTHERWISE, TO CONFIRM AND DETERMINE WHAT, IF ANY REQUIREMENTS AND RESTRICTIONS APPLY WITH RESPECT TO THE CREEK FEATURE AND THE POTENTIAL IMPACT DEVELOPMENT MAY HAVE ON IT.

DATUM: ELEVATIONS SHOWN HEREON ARE BASED UPON NAVD88 OPUS SOLUTION FROM GPS OBSERVATION.

CONTOUR INTERVAL: 2 FEET

BASIS OF BEARINGS

BEARING SHOWN HEREON ARE BASED UPON THE FOUND STANDARD STREET MONUMENTS ON WHITFIELD COURT AS SHOWN UPON THE MAP ENTITLED "RECORD OF SURVEY" FILED FOR RECORD IN BOOK 45 OF LSM AT PAGE 23, CONTRA COSTA COUNTY RECORDS, BEARING TAKEN AS S88°36'56"E.

LEGEND

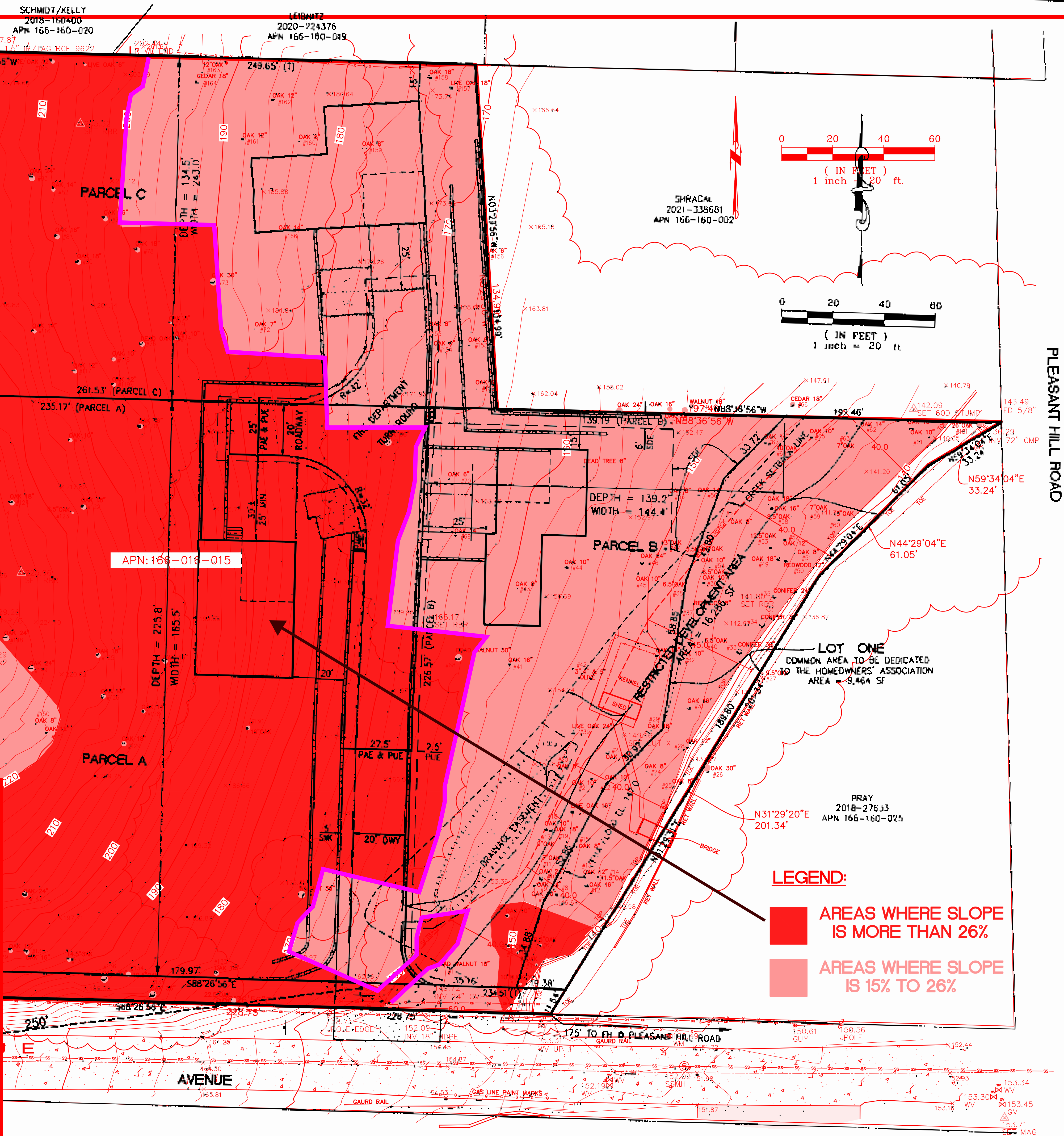
LEGEND:

- AREAS WHERE SLOPE IS MORE THAN 26%
- AREAS WHERE SLOPE IS 15% TO 26%

Comments:

This is the revised proposed plan overlaid with the slope analysis. Its been addressed multiple times to applicant that the severity of the site is a great concern by planning. While it was reduced from 4 parcels to 3 parcels, there is still concern with Parcel A still fully built on greater than 26% slope. With more than half of the EVA Rd being included in this 26% slope.

The applicant has still not addressed the slope analysis concerns as well as not shown clearly on his grading plans how he mitigates the drastic elevation changes. Why does CCC believe this cant be enforced due to the timing of when he submitted the application?



TOPOGRAPHIC SURVEY WITH SLOPE ANALYSIS

PARCEL A (39LMS36)

APN: 166-016-015 -- WITHERS AVENUE

PLEASANT HILL

CALIFORNIA

HUMANN COMPANY INC.

ENGINEERING - SURVEYING
1021 BROWN AVE. LAFAYETTE, CA 94549
PH (925) 263-3333 FAX (925) 263-3578
www.humannco.com

SHEET 1
OF 1 SHEETS
JOB NO. 21197

Section D102.1 is amended to read:

Exception: Driveways serving one or two single-family dwellings may be constructed of an alternate surface material, providing the imposed weight load design minimums are met and the grade does not exceed 10 percent.

D103.2 Grade. Fire department access roadways having a grade of between 16 percent and 20 percent shall be designed to have a finished surface of grooved concrete sufficient to hold a 44,000 pound (19 958 kg) traction load. The grooves in the concrete surface shall be ½ inch (13 mm) wide by ½ inch (13 mm) deep and 1 ½ inch (38 mm) on center and set at a 30 to 45-degree angle across the width of the roadway surface. No grade shall exceed 20 percent, nor shall the cross slope exceed 8%, unless authorized in writing by the fire code official.

D103.2.1 Angles of approach and departure. The angles of approach and departure for any means of access shall not exceed 10 percent at 10 feet of the grade break.

D103.3 Turning radius. Based on a minimum unobstructed width of 20 feet, a fire apparatus access roadway shall be capable of providing a minimum standard turning radius of 25 feet (7620 mm) inside and 45 feet (13 716 mm) outside.

24

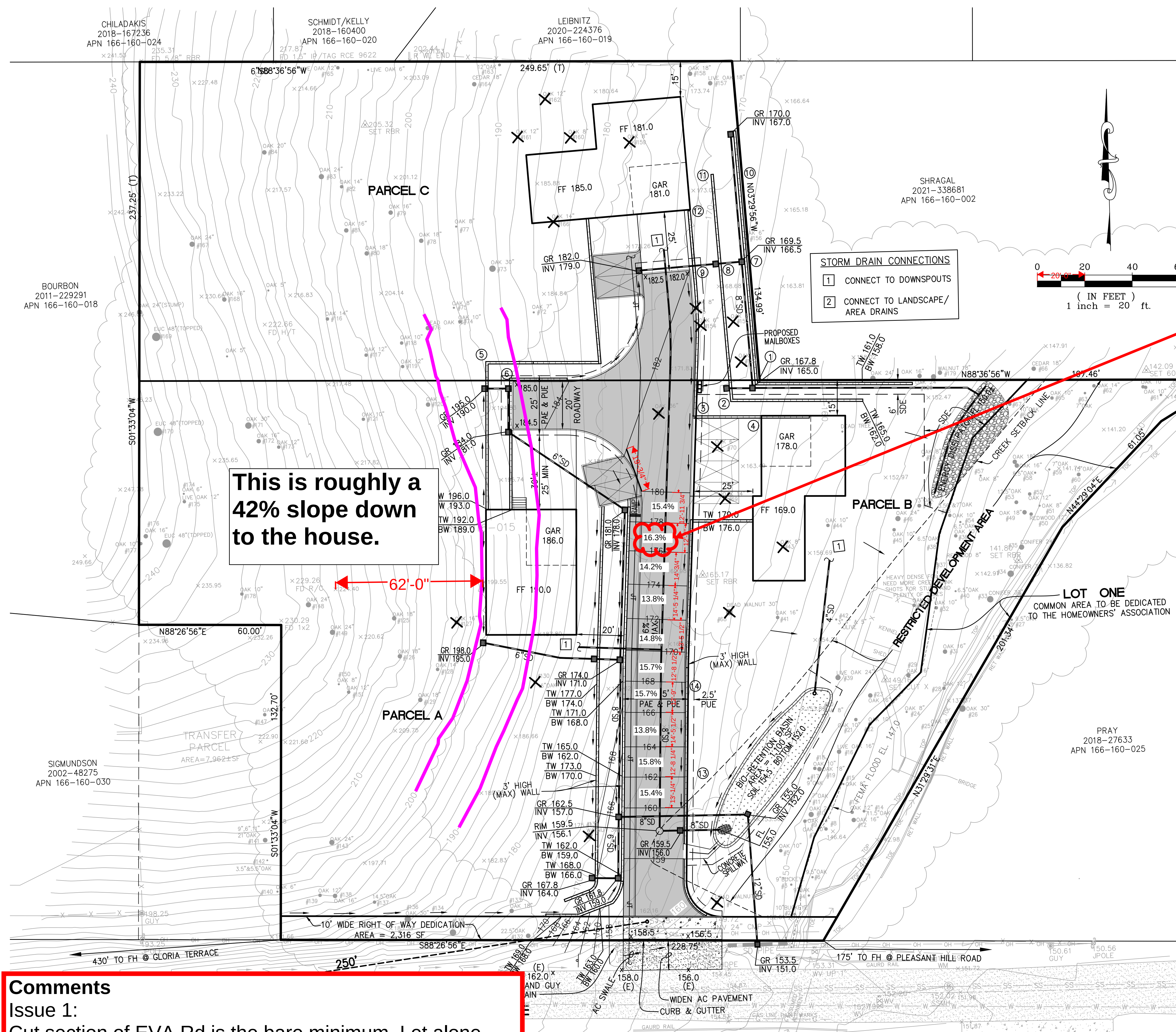
WALL NUMBER	TOP WALL	BOTTOM OF WALL	HEIGHT (FT)
1	168.0	165.0	3.0
2	173.0	170.0	3.0
3	181.0	178.0	3.0
4	178.0	175.0	3.0
5	193.0	190.0	3.0
6	188.0	185.0	3.0
7	170.0	167.0	3.0
8	176.0	173.0	3.0
9	182.0	179.0	3.0
10	171.0	169.0	2.0
11	175.0	174.0	1.0
12	181.0	178.0	3.0
13	162.5	159.5	3.0
14	168.5	165.5	3.0

**VESTING TENTATIVE PARCEL
GRADING AND DRAIN/
PARCEL A (39 LS
WITHERS AVENUE (APN 1
CONTRA COSTA COUNTY**



HUMANN COMPANY INC.
ENGINEERING - SURVEYING
1021 BROWN AVE. LAFAYETTE, CA 94549
PH (510)283-5000 FAX (510)283-3578

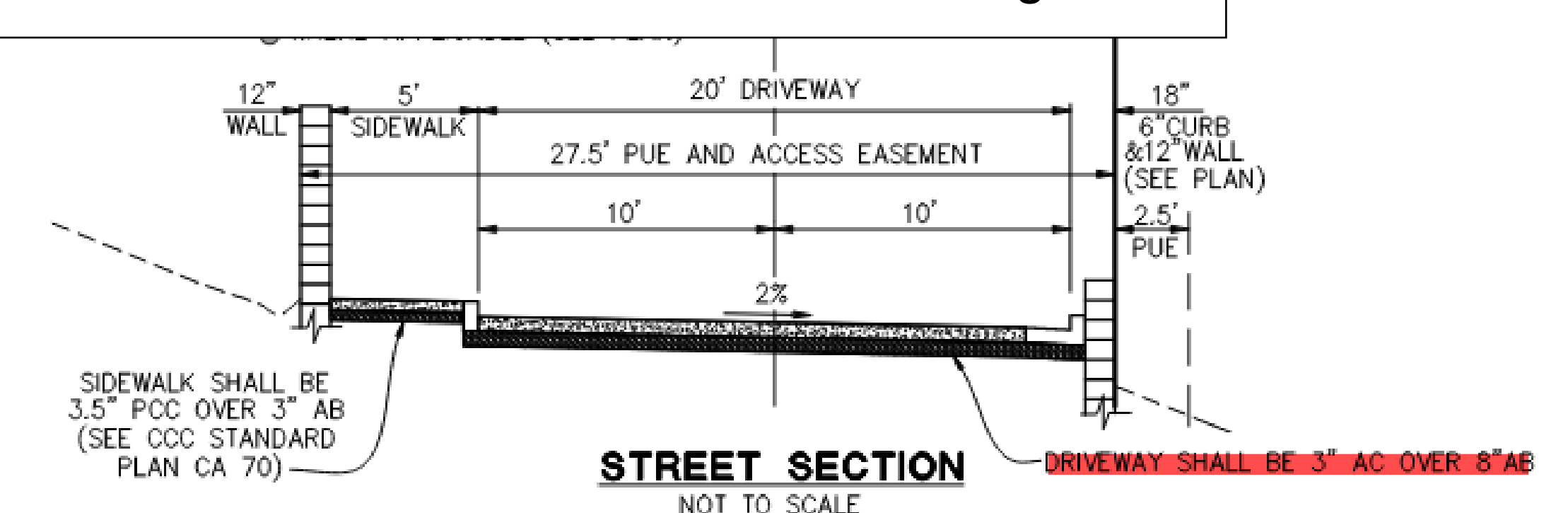
SHEET	C-2
OF 3	SHEETS
JOB NO. 21-197	



Cut section of EVA Rd is the bare minimum. Let alone adhering to the load implemented by an apparatus. Serious concern on the structural integrity with this, in all conditions I've encountered, a typical 5-8" AC with 6" min base has been required.

Issue 2: Under D103.2, if the grade is between 16-20%, it shall be grooved concrete. Thy are showing 16%. Either revise grading plans to meet the <16% or update

Current EVA Rd cut section shown on Page 1



CUT 600± CU. YDS.
FILL 600± CU. YDS.

NOTE: EARTH QUANTITIES SHOWN ARE APPROXIMATE. CONTRACTOR SHALL COMPUTE QUANTITIES INDEPENDENTLY TO VERIFY.
ENGINEER IS NOT RESPONSIBLE FOR DISCREPANCIES.



by of Wash. St.

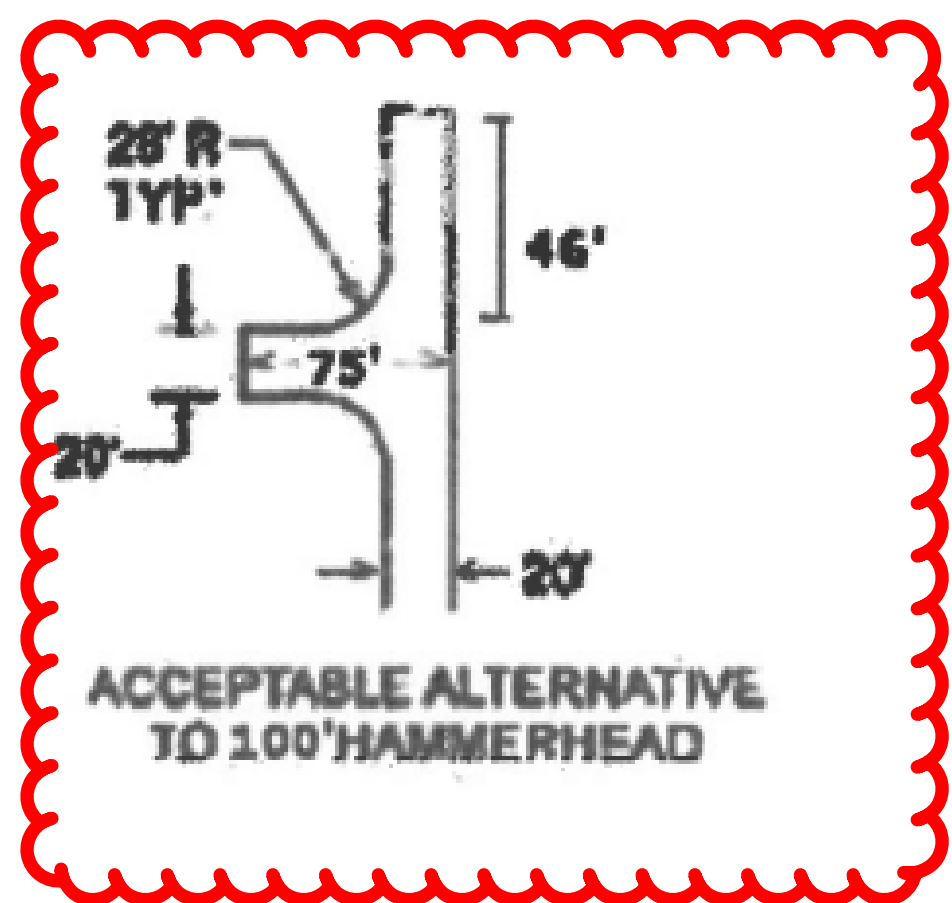
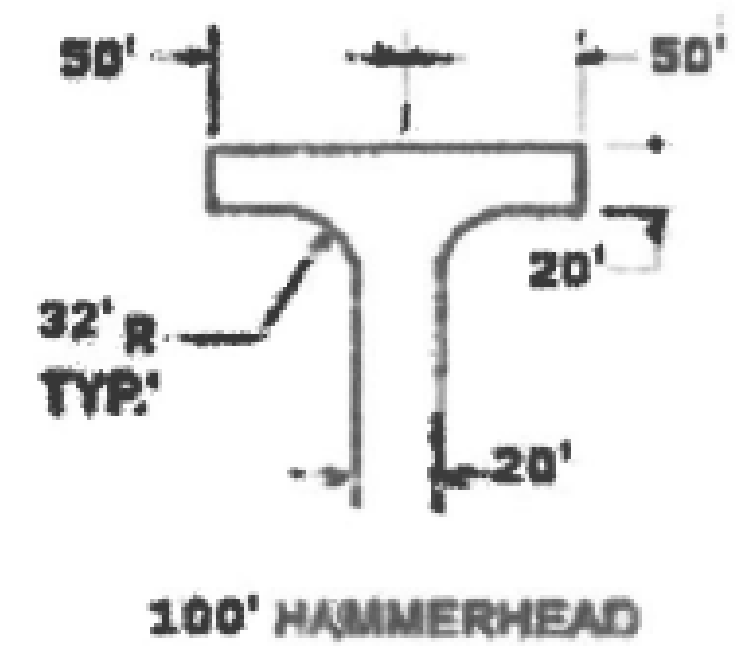
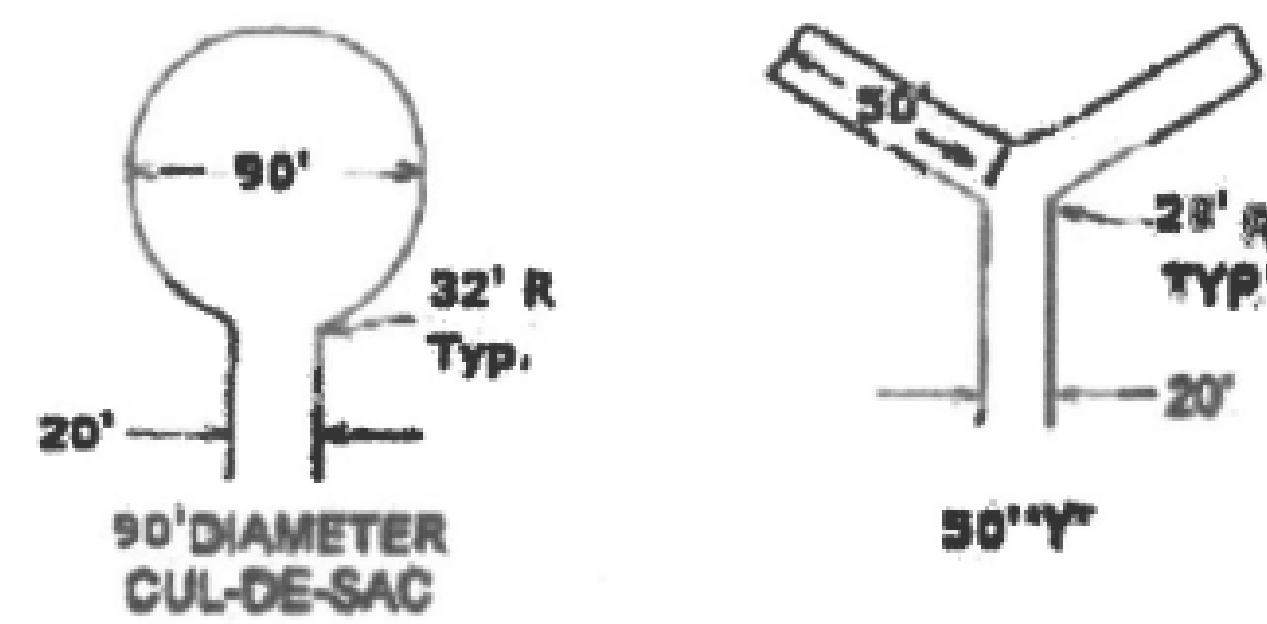


Table D103.4 REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS

LENGTH (feet)	MINIMUM WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20 ^a	None required
151 - 750	20 ^a	100-foot Hammerhead, 50-foot "Y", 75-foot Shunt or 90-foot-diameter cul-de-sac in accordance with figure D103.1
Over 750		Special approval required ^b

- a. A driveway with a minimum width of 16 feet is acceptable for access to no more than two single-family dwellings.

ORDINANCE NO. 2022-34
25

PARCEL A	45,153	37,381
PARCEL B	20,101	20,101
PARCEL C	34,378	32,683
LOT ONE	9,464	
(RESTRICTED DEVELOPMENT AREA)	16,286	
R/W DEDICATION	2,315	

NOTES

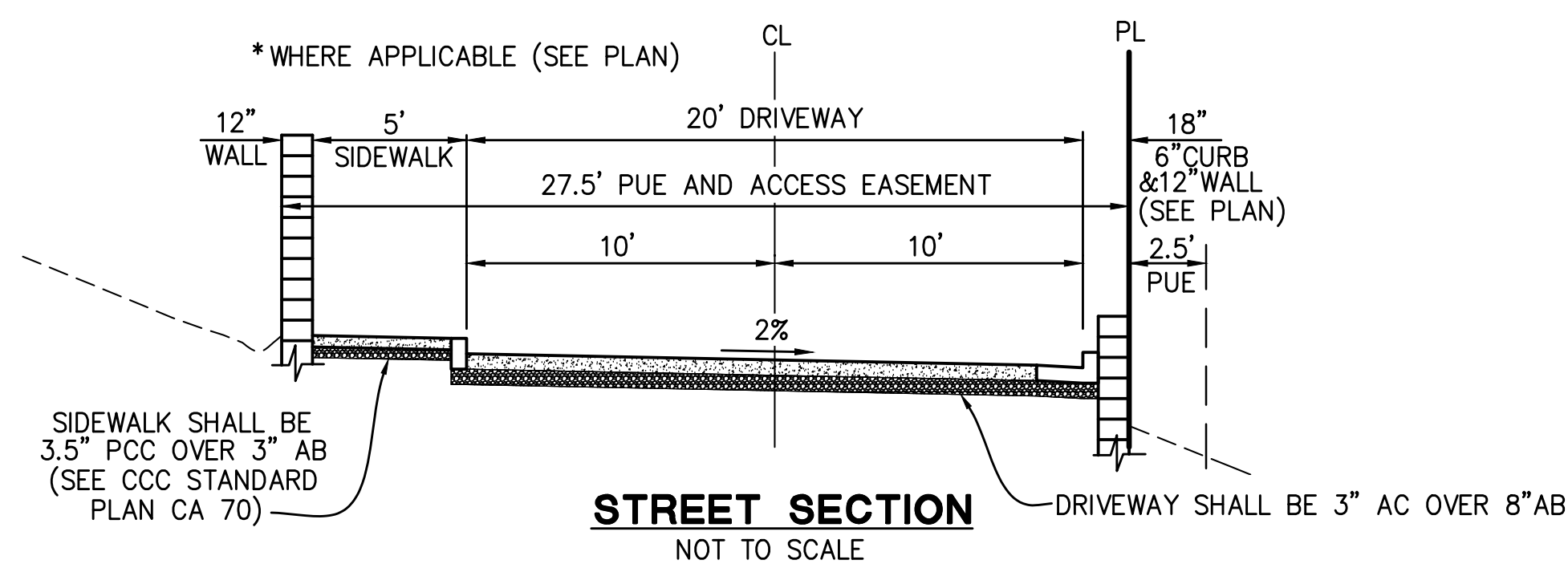
1. ASSESSOR'S PARCEL NUMBER: 166-160-015
2. TOTAL AREA: 111,411+ SQUARE FEET
3. TOTAL PARCELS: 3
4. SERVICES:
 - WATER: EAST BAY MUNICIPAL UTILITIES DISTRICT
 - SEWER: CENTRAL CONTRA COSTA SANITARY DISTRICT
 - STORM DRAIN: CONTRA COSTA COUNTY
 - ELECTRIC: PACIFIC GAS & ELECTRIC
5. ZONING: R20
 - EXISTING: R20
 - PROPOSED: R20

Comments:

Per ordinance No 2019-37-22, Appendix C footnote J, a fire hydrant shall be provided within 250 of a fire trail access point off a public or private street. In this case Withers.

I see no call out to a hydrant or any means to adequately protect this development. I simply see a water line coming off Withers continuing under the road and tying into Parcel C.

Made no changes to driveway apron in and out of Withers Ave. Concern with FD access coming from both ways. What is the fire protection for the hillside and homes?



LOT DEPTH AND WIDTH SUMMARY

LOT	NET AREA (SQUARE FEET)	DEPTH (FEET)	WIDTH (FEET)
PARCEL A	37,381	225.8	165.5
PARCEL B	20,101	139.2	144.4
PARCEL C	32,683	134.5	243.0

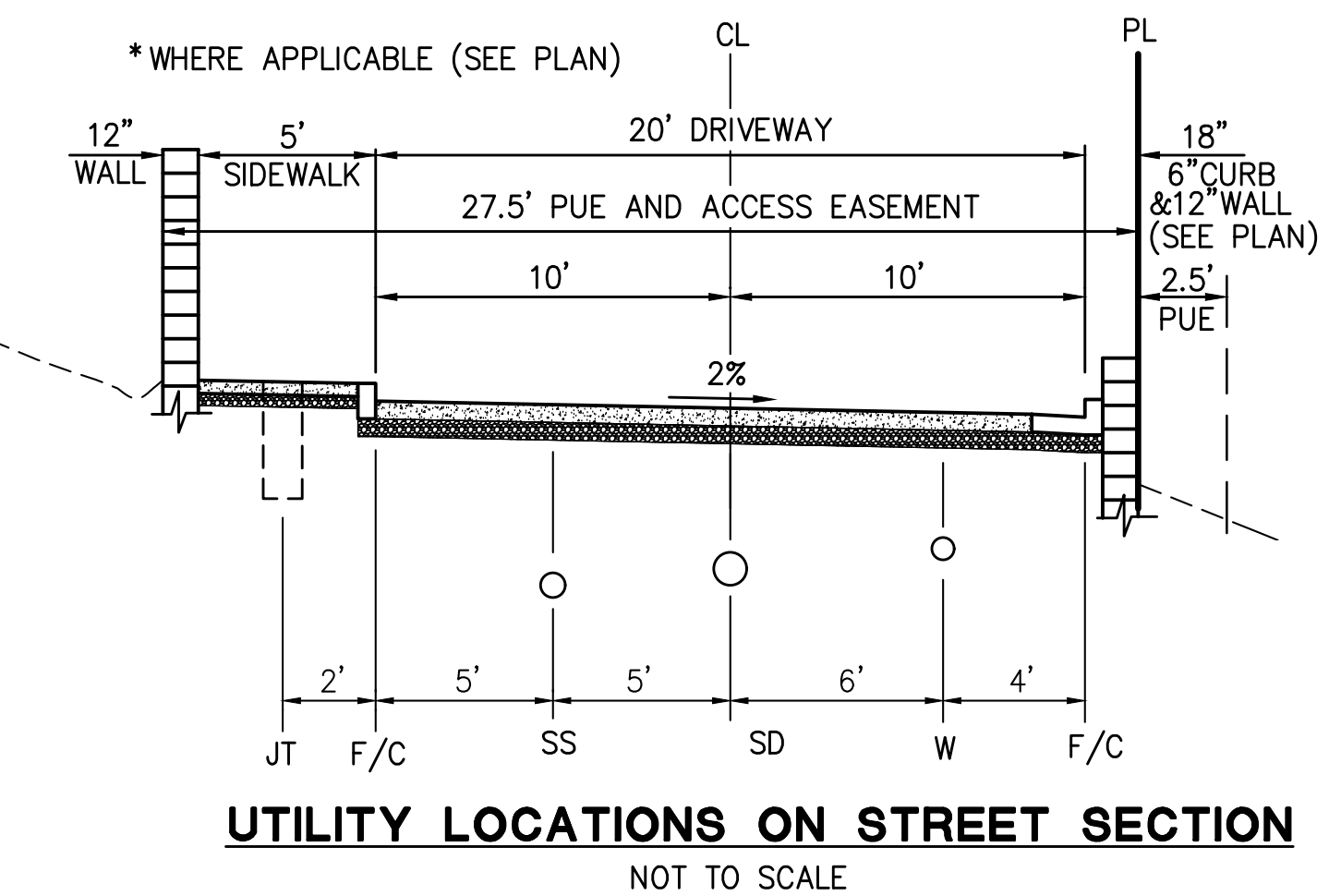


Myt Washed

IZZAT S. NASHASHIBI R.C.E. 2952

3 | Page

Date: October 4, 2023



byet Noshel.

IZZAT S. NASHASHIBI R.C.E. 29528

From: [GLENA VALLEY](#)
To: [Dominique Vogelpohl](#)
Subject: Public Comment on Revised MND/Initial study -Withers Avenue 3-Lot Subdivision, County File CDMS22-00011
Date: Monday, July 13, 2026 3:15:05 PM

Hello Dominique,

Please make these concerns a part of the administrative record. We live on Withers Avenue near the proposed development. We are very concerned about a project of this magnitude on the steeply sloped lot on our very narrow road. These are some of our concerns:

- 1 Any loss of significant native trees - especially very old Oak trees
- 2 Land/Mud slide danger with massive grading and moving of so many truckloads of dirt from such a steep slope.
- 3 Safety of children walking to Pleasant Hill Elementary school during the many months of heavy construction, both for basic infrastructure to subdivide into 3 lots plus the actual building of 3 new homes. Withers Avenue is narrow with no sidewalks and steep hillsides adjacent to the road.
- 4 The blocking of the many wild animals that traverse this steep hillside
- 5 Extra noise for months on end in our quiet neighborhood
- 6 We question the use of a 2020 census for the entire city of Lafayette to come up with only 2.66 people per household. These new homes will likely be quite large which will attract full families, not older couples with grown children out of the house
- 7 Because of the lack of a crossover from Taylor Blvd. to Geary Road, Withers Avenue gets backed up during commute hours with multiple cars stacked up waiting at the stop sign of Withers Avenue and Pleasant Hill road already

With these being only some of the concerns related to this questionable project, we feel that it should be denied or at least requires more study in the way of a full Environmental Impact Report.

Thank you for your consideration of these concerns and entering them into the administrative record.

Jon Valley

From: [Barry Bourbon](#)
To: [Dominique Vogelpohl](#)
Cc: [Barry Bourbon](#); [Malique Amenhotep](#)
Subject: Re: CDMS22-00011, Withers Ave 3-lot subdivision
Date: Monday, July 13, 2026 3:41:29 PM
Attachments: [image001.png](#)

Re: County File No. : CDMS22-00011, Withers 3 lot subdivision

Dominique,

In addition to the comments contained in my previous email below from last year, I'd like to add my concerns with the Public Works Memo from May 17, 2024 which states four requested exemptions:

Traffic and Circulation- Code requires a 10 ft right of way dedication and street improvements. As is evident from observation, there is an erosion issue and steep hillside to the west of where the road will be constructed. Citing aesthetics as a reason for not constructing the necessary retaining wall is unfounded. Decorative solutions such as materials with textures and plantings can easily eliminate this concern. The need for a retaining wall is very obvious and this exemption should be denied.

Undergrounding Utilities- Code requires all new and existing utilities to be undergrounded. Citing the steepness of the bank and existing lines as reasons for eliminating this requirement are unfounded. Fire danger is present with overhead power lines. A transformer fire has occurred on Withers Ave at the corner of Gloria Terrace very near this site. Undergrounding of all utilities needs to be required for the community's safety. This exemption should be denied.

Drainage- Code requires the maintenance of creek setbacks for future construction on the property. The allowance of the requested exceptions for the access road and bioretention basin within the setback should not be permitted. This creek rises dramatically during heavy storms and with additional runoff from the new roadway and development it seems very unwise and perhaps a liability to grant exemptions due to a desire to reduce retaining wall heights and the inability to find other locations for the bioretention basin. These exemptions should be denied. For safety reasons alone these code exemptions should not be granted by Public Works.

Lastly, I'd like to again point out the abundant wildlife on this site including deer, owls, hawks, quail and turkeys which will be cut off from the creek access if new lot owners are allowed to build fences surrounding their properties. Attached are photos which depict examples at the site. Please consider a wildlife corridor requirement to ensure access in the future.

Please confirm that this email along with last year's email comments which included an email to Public Works and my View Conservation Agreement, are reviewed by the Zoning Administrator and are in the administrative record for this proposed project.

I plan on attending and speaking at the

Public Hearing on July 20, 2026.

Thank you,
Barry Bourbon



July 13, 2026

Victoria and Haden Werhan
3079 Withers Ave
Lafayette, CA 94549

SUBJECT: Response to your request to review documents provided regarding the proposed *Withers Avenue 3-lot Subdivision*. The purpose of my response is to provide an opinion whether the conclusions stated in the proposed Mitigated Negative Declaration of June 12, 2026 regarding trees impacted by the proposed subdivision are supported by provided evidence to validate those conclusions. My opinion is that the conclusions reached are not supported by sufficient evidence.

Contra Costa Ordinance 816-6.1004(b) requires, “*All trees proposed to be removed, altered or otherwise affected by development construction shall be clearly indicated on all grading, site and development plans. Except where the director otherwise provides, a tree survey shall be submitted as a part of the project application indicating the number, size, species and location of the dripline of all trees on the property. This survey shall [my emphasis] be overlaid on the proposed grading and development plans. The plan shall include a tabulation of all trees proposed for removal.*”

These requirements are typically carried out by the project arborist, sometimes with the assistance of the civil engineer. No such report has been provided¹. In fact, there is no grading plan provided. Sheet C2 purports to be one, but shows no proposed grading. Any new grading contours, typically part of a grading plan, are absent. No new grading contours for building pads, the driveway, the C3 basin, the energy dissipator or the retaining walls are provided.

Trees now shown to be retained will be significantly affected and some may have to be removed. If trees adjacent to the dissipator can be preserved through the required grading, now undocumented, they will experience additional water deposited on their root systems from redirected upslope runoff, with impacts unaccounted for. Such impacts, or their absence, should be addressed by the arborist's report.

Article 816-6.12 of the CC Ordinance requires all preserved trees near site alterations to be protected by exclusionary fencing. This is one of the responsibilities of the project arborist. No fencing plan has been provided.

Article 816-6.1202(2) provides that the project arborist shall prepare a report describing tree protection other than fencing. This would include instruction for cutting roots, or protecting exposed soil cuts across root zones until those areas can be backfilled. It may also specify supplemental irrigation. This has not been provided.

Immediately north of the north property boundary of proposed Parcel B five trees are shown to be preserved. Three, an 18 inch trunk diameter cedar, an 18 inch walnut and a 24 inch oak are numbered on sheets C2 and C3 of the Vesting Tentative Parcel Map, but are not otherwise mentioned. Two oaks

¹ A 2023 letter from Tony Wayne Wolcott is not a tree report, as required. It is simply an incomplete list of trees to be removed, with no mention of protection of trees to be preserved.

of 16 and 24 inch diameter are shown on the map but otherwise never mentioned. This is important because each of these trees, all potentially affected are required to be documented by Article 816-6.12.

These five trees belong to the neighbor to the north. A retaining wall is proposed close to both 24 inch oaks, the 16 inch oak and the 18 inch walnut. The wall footing is undescribed and could cause significant and tree-destabilizing damage. . Proposed grading is not provided by existing contours and "bottom of wall" callouts suggest the footing will be perhaps 18 inches deep.

A storm drain to the dissipator is adjacent to the three oaks and the walnut. Invert callouts suggest the trench for this SD could be three feet deep, severing adjacent critical roots on the neighbor's trees.

It is critical to avoid endangering trees owned by others. The proposed alterations may potentially sever roots critical to supporting the tree upright. Removed roots would be on the south side, those roots that most protect the trees from windthrow toward the north. Winter storm winds are commonly from the south or southwest exacerbating the issue.

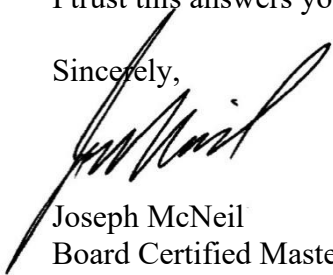
The developer can be held responsible for the value of any lost trees owned by others, plus damages resulting from property damage or personal injury or death. I have been witness to litigations of this nature over the decades. See Booska v. Patel, (1994)

Finally, the current draft of the Mitigated Negative Declaration, Biological Resources (e) asks: "...[Would the project] Conflict with any local policies or ordinances protecting biological resources, such as a tree presesrvation policy or ordinance?" and answers, "Less than Significant" This is mistaken. As shown above, Contra Costa (Ord. 88-83), Chapter 816-6 - TREE PROTECTION AND PRESERVATION requires that, on a project such as proposed, a report must be provided by a qualified arborist. That report must accurately account for each protected tree that may be affected by the project, on or off site, removed or preserved. It requires a Tree Replacement Plan. It requires a mitigation security deposit for each preserved tree, along with protective mitigation measures, such as exclusion fencing or supplemental irrigation. It requires documentation be shown on appropriate plan sets.

It is currently unknown how many trees shown to be preserved will have to be removed. A grading plan with proposed grading contours must be provided. When that is available the project arborist will usually work with the civil engineer to massage the contours in a manner to preserve any trees worth the effort. At that time there will be a reasonably reliable count of trees to be removed, protective measures to be employed around preserved trees, replacement plans, and security deposit amounts. Currently a statement of "Less than Significant Impact" or "Less than Significant with Mitigation" is not supported by evidence.

I trust this answers your concerns. Please let me know if you have any questions.

Sincerely,



Joseph McNeil
Board Certified Master Arborist #WC-0102B
Registered Consulting Arborist #299, ASCA
ISA Qualified Tree Risk Assessor

From: [Victoria Wehner](#)
To: [Dominique Vogelpohl](#)
Subject: Public comment on revised capital MND/initial study – Withers Avenue three – lot subdivision, county file CDMS 22-00011
Date: Monday, July 13, 2026 4:52:15 PM
Attachments: [Imag01.png](#)
[Imag02.png](#)

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[Report Suspicious...](#)

July 13, 2026

Via Email: Dominique.Vogelpohl@dcd.cccounty.us

Dominique Vogelpohl
Project Planner
Contra Costa County Department of Conservation and Development
30 Muir Road
Martinez, CA 94553

**Re: Public Comments on Revised Initial Study and Proposed Mitigated Negative Declaration
Withers Avenue Three-Lot Subdivision — County File CDMS22-00011
APN 166-160-034**

Dear Ms. Vogelpohl:

I live on Withers Avenue directly across from the proposed development site. Please accept this letter and the accompanying photographs as public comments on the revised Initial Study and proposed Mitigated Negative Declaration. I request that they be included in the administrative record for County File CDMS22-00011.

My concerns relate principally to the existing public culvert and headwall beneath Withers Avenue, stormwater runoff and erosion, development within the creek setback and flood-hazard area, slope and road stability, construction traffic and roadway safety, protected-tree removal, and wildlife movement.

These issues are closely interconnected and should be fully evaluated before the County adopts the Mitigated Negative Declaration or approves the subdivision.

1. Existing public culvert and headwall beneath Withers Avenue

The tributary passes beneath Withers Avenue through an existing concrete box culvert and headwall immediately adjacent to the project site. The attached photographs show the culvert interior, the project-side opening, the steep channel and banks near the outlet, and the roadway above the structure.

I understand that this crossing was reconstructed around 2001 after the prior structure had deteriorated and concerns were raised regarding its adequacy for the level of traffic using Withers Avenue. The County should review the original plans, construction records, design assumptions, load criteria and subsequent inspection or maintenance history.

I do not find a structure-specific analysis in the Initial Study addressing:

- the present condition and remaining service life of the culvert and headwalls;
- the crossing's load-bearing capacity;
- repeated passage of heavy construction trucks and equipment;
- vibration from grading, excavation, road construction and utility work;
- potential settlement, cracking, scour or undermining;
- the proximity of the proposed access road and bioretention basin to the culvert and creek banks; or
- the effect of construction frontage work on the roadway directly above or immediately adjacent to the crossing.

The photographs include visible joints or seams within the culvert. I am not asserting that these constitute structural failure, but they warrant inspection by a qualified County engineer.

The project involves approximately 1,200 cubic yards of grading, extensive construction activity, heavy equipment, utility work and road improvements. The County should not assume that this existing public structure can absorb those impacts without a current engineering assessment.

I request:

1. Review of the 2001 reconstruction and design records.
2. A documented preconstruction structural and condition inspection of the culvert, headwalls, roadway, embankments and drainage facilities.
3. Evaluation of anticipated construction loads and vibration.
4. Post-construction inspection.
5. Enforceable applicant responsibility for repairing any construction-related damage.

2. Preliminary stormwater analysis and actual high-flow conditions

The Initial Study states that approximately 27,000 square feet of impervious surface would be created and acknowledges that the Stormwater Control Plan is only "preliminarily complete" and remains subject to revision during preparation of the improvement plans. Nevertheless, the document concludes that runoff, erosion, flooding and water-quality impacts would be less than significant.

That conclusion appears premature while the final stormwater design and supporting calculations remain incomplete.

The attached photographs show the marked difference between ordinary creek flow and conditions during heavy rainfall. During major winter storms, the creek overtops its defined banks and spreads across low areas of downstream property. High-volume water moves through the culvert beneath Withers Avenue with substantial force.

The final analysis should disclose and evaluate:

- the rainfall events and design storms used;
- existing and post-project peak and sustained discharge rates;
- the basin's storage and metering capacity;
- performance during prolonged or atmospheric-river storm conditions;
- the emergency overflow route;
- the consequences of clogging, sediment accumulation, inundation or system failure;
- outlet scour and erosion;
- debris or sediment movement toward and through the culvert;
- whether the project could increase the duration of downstream high flows;
- impacts on downstream banks and neighboring properties; and
- permanent responsibility for inspection, maintenance, repair and replacement of the basin and outlet facilities.

The analysis should reflect actual observed seasonal conditions, not merely average or dry-season conditions.

3. Downstream effects cannot be limited to the project parcel

The Initial Study states that the proposed bioretention basin will discharge into the onsite tributary and that runoff will not be directly discharged to a drainage system outside the project site.

That statement does not address what occurs after the water enters the tributary. The water does not remain on the project parcel. It travels toward and through the public culvert beneath Withers Avenue and continues through downstream residential properties.

The County should evaluate the complete connected drainage path, including:

- the basin outlet;
- the steep channel between the basin and the culvert;

- the culvert entrance and exit;
- the downstream creek channel;
- existing areas of erosion and overbank flooding; and
- the effects of concentrated or prolonged discharge on neighboring property.

Characterizing the initial discharge point as onsite does not resolve the potential downstream effects.

4. Road and bioretention basin within the creek setback

The project requests exceptions under Division 914 to construct both the access road and the bioretention basin within the creek-structure setback.

The Biological Resources discussion nevertheless states that the project will not disturb the creek or creek bank, that construction will occur outside the riparian area, and that a creek-structure setback will be maintained. These statements require clarification.

The County should require a surveyed plan clearly identifying:

- the top of the creek bank;
- the channel and riparian boundaries;
- the normally required setback;
- the precise limits of each requested exception;
- the road, basin, retaining structures and outlet facilities;
- all grading and excavation limits;
- construction-access and staging limits; and
- verified distances to the creek bank, culvert and headwall.

The County should also explain why the road and basin cannot be located outside the protected setback and what less damaging alternatives were evaluated.

5. Basin location within the flood-hazard area

The Initial Study acknowledges that the easterly portion of the property lies within the 100-year Special Flood Hazard Area and states that development rights in that area will be relinquished, apart from the bioretention basin.

The drainage facility intended to control project runoff is therefore the improvement specifically proposed within the creek-adjacent flood-hazard area.

The County should evaluate how the basin would function if exposed to flooding, sediment, debris or erosion, including whether such conditions could:

- clog or fill the basin;
- undermine its embankments;
- impair its outlet;
- cause an uncontrolled release;
- destabilize the access road; or
- redirect water toward the public culvert or neighboring property.

6. Unresolved geotechnical concerns involving the basin, slope and road

The Initial Study states that the County's geologic peer reviewer identified concerns regarding lateral and vertical displacement of the proposed bioretention basin and noted that basin failure could threaten the stability of the new road.

The document then defers essential investigation until the grading or building-permit stage. Mitigation GEO-1 requires future site-specific subsurface exploration, depth-to-bedrock investigation, laboratory testing and slope-stability analyses for the creek-side slope and bioretention basin.

These are not minor construction details. They concern whether the proposed basin, slope and access road will remain stable.

The necessary site-specific investigation should be completed, independently reviewed and made available for public evaluation before the County approves the subdivision or adopts a finding that the impact will be less than significant.

The analysis should also address saturated winter soils, outlet erosion, the nearby culvert and the roadway above it.

7. Roadway alignment, grade and construction safety

Withers Avenue is a narrow two-lane roadway with no meaningful shoulder or pedestrian refuge area. The proposed access road would enter near the existing unpaved driveway, close to the creek crossing and on a segment affected by roadway curvature, grade and limited space for maneuvering.

The Transportation section primarily evaluates trips from the three completed residences. It does not adequately address the very different effects of construction-period traffic, including:

- haul trucks;
- heavy equipment deliveries;
- construction-worker vehicles;
- trucks entering and exiting at an angle;
- turning movements across traffic;
- queuing and staging;
- temporary lane obstruction;
- sight-distance limitations;
- the slope and alignment of the proposed road;
- construction above or adjacent to the culvert; and
- the ability of large vehicles to enter and leave without encroaching into opposing traffic or neighboring driveways.

Withers Avenue is heavily used during school commute hours. Children living along the road walk past the project site despite the absence of sidewalks or shoulders. The road is also important for emergency-vehicle access and evacuation.

The County should require a Construction Traffic and Pedestrian Safety Plan reviewed by Public Works and the Fire Protection District. At minimum, it should address:

- engineering review of sight distance and road-entry geometry;
- truck-turning templates for the largest anticipated vehicles;
- designated haul routes;
- truck staging and unloading;
- worker parking;
- restrictions during school commute periods;
- pedestrian protection;
- maintenance of continuous emergency access;
- prohibition on using neighboring private driveways for turnaround, staging or parking; and
- responsibility for damage to the roadway, guardrails, culvert, headwall and surrounding property.

8. Protected trees and incomplete arborist analysis

The Initial Study acknowledges that the project proposes removal of approximately 20 code-protected trees, including mature oaks and an oak approximately 38 inches in diameter.

The applicant's arborist submission appears inadequate for a project involving extensive grading on a steep, creek-adjacent hillside. An adequate analysis should do more than identify trees and recommend removal or replacement.

It should evaluate:

- the condition and significance of each protected tree;
- whether removal of the largest mature oaks can be avoided;
- impacts on slope and soil retention;
- runoff and erosion;
- drainage and creek function;
- root-zone impacts from grading, trenching, road work and utilities;
- effects on trees proposed to remain;
- nesting, roosting and wildlife habitat;
- loss of mature canopy; and
- feasible project alternatives or redesigns that would preserve additional protected trees.

Removal of a mature oak of this size appears inconsistent with the County’s stated preference for preservation of protected native trees unless avoidance or redesign is shown to be infeasible through a complete professional analysis.

The County should require an independent arborist review before relying on the applicant’s report to support project approval.

9. Wildlife corridor and nesting habitat

The Initial Study concludes that wildlife movement is constrained because the property is in an urbanized area surrounded by residences. That conclusion does not reflect the movement regularly observed by residents.

My next-door neighbor and I intentionally maintain an opening in our fencing along Withers Avenue to preserve an established wildlife route between our properties and the hillside proposed for development. Wildlife regularly follows a visible trail through this area and crosses Withers Avenue to reach the project site.

Species observed include foxes, bobcats, coyotes, turkeys and other wildlife. Great horned owls and pygmy owls use the hillside trees. A family of hawks, including a juvenile, is presently using or nesting on the hillside.

The biological survey cited in the Initial Study was conducted on a single date in December 2024. A single survey does not necessarily document seasonal wildlife movement or fall and spring nesting activity.

The County should require additional evaluation of:

- the existing cross-road wildlife corridor;
- seasonal raptor and owl use;
- effects of tree removal;
- nighttime lighting;
- fencing;
- grading and noise; and
- whether a functional wildlife passage can be preserved.

Requested action

I respectfully request that the County refrain from adopting the Mitigated Negative Declaration or approving the subdivision until the following have been completed and made available for review:

1. A current engineering assessment of the public culvert, headwalls and roadway crossing.
2. Review of the 2001 reconstruction records and design criteria.
3. A completed Stormwater Control Plan and final hydrology and hydraulics analysis.
4. The site-specific geotechnical and slope-stability analyses required by GEO-1.
5. Analysis of basin flooding, failure, overflow, outlet scour and downstream effects.
6. A surveyed creek-setback and flood-hazard plan showing all encroachments and distances.
7. A determination regarding California Department of Fish and Wildlife streambed jurisdiction.
8. A Construction Traffic and Pedestrian Safety Plan addressing road angle, grade, sight distance, truck movements, school traffic and emergency access.
9. A complete independent arborist and biological review.
10. Pre- and post-construction documentation and enforceable responsibility for damage to the roadway, culvert, creek banks, drainage systems and neighboring properties.

Please also provide the supporting materials relied upon by the County, including the Preliminary Hydrology and Hydraulics Analysis, Preliminary Stormwater Control Plan, Grading and Drainage Plan, geotechnical report and County peer review, Biological Resources Assessment and Addendum, Public Works comments and conditions, and the applicant’s complete arborist report and tree inventory.

I don’t believe, based on this report, that the the present design and intensity can be accommodated safely on this steep, creek-adjacent property without creating inadequately studied risks to public infrastructure, neighboring properties, pedestrians, trees and wildlife. I request that you deny this application in the alternative, at a minimum, the county should require additional environmental review including a full EIR.

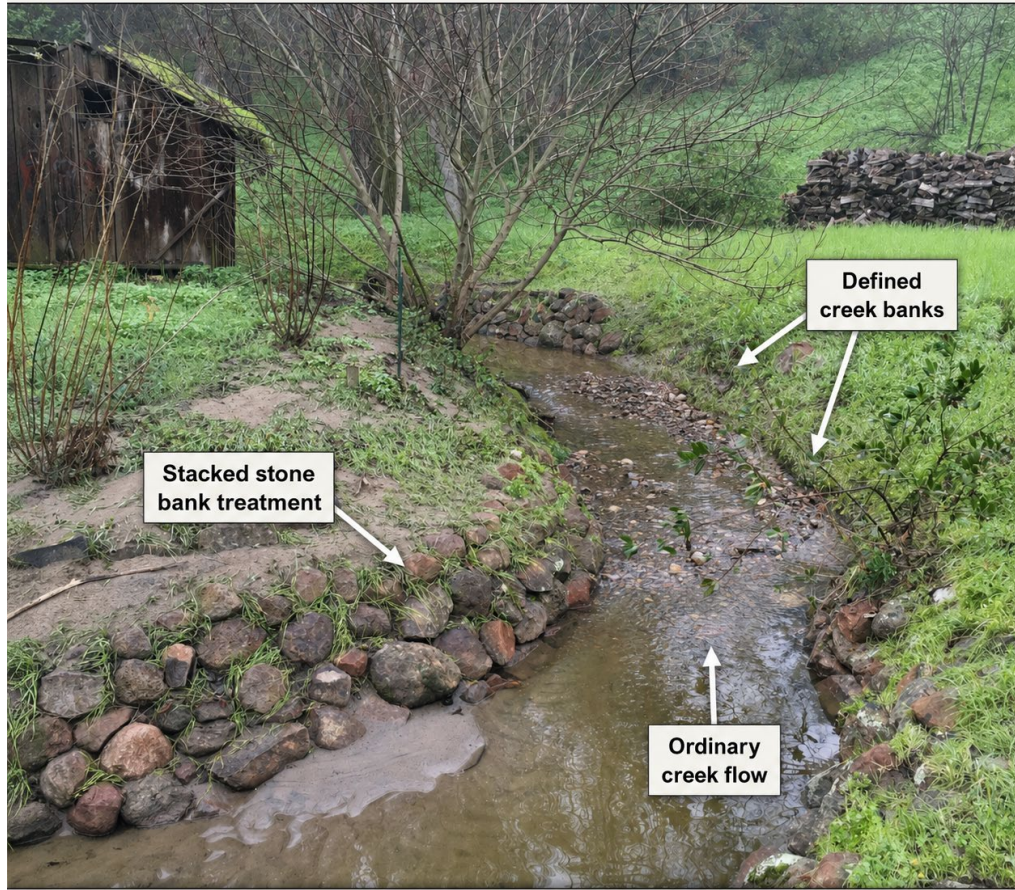
Please confirm receipt and inclusion of this letter and its attachments in the administrative record.

Sincerely,

Victoria A. Werhan
3079 Withers Ave.
Lafayette, California

Attachments: Photographs documenting the public culvert and headwall, road and access conditions, ordinary creek flow, storm flow, overbank flooding, steep slopes and wildlife corridor.

Normal Creek Flow on Subject Reach



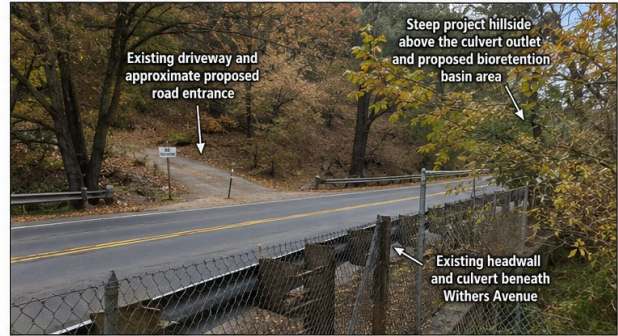
The subject reach of the creek under normal (ordinary) flow conditions, showing defined banks and existing stacked stone bank treatment.

1. Withers Avenue – Street View (Looking East)



Withers Avenue at the project frontage. The proposed access road would enter near the existing unpaved driveway, close to the public creek crossing.

2. From My Property – Looking North/East Across Withers Avenue



View showing the close relationship among the existing public culvert, Withers Avenue, the proposed access-road entrance, and the steep project hillside.

3. Creek at Normal Flow



Typical conditions during dry-weather periods.

4. Overbank Flooding During Heavy Rain



Water overflows banks and spreads across low areas of the floodplain during heavy rainfall.

5. Water Rushing Through Headwall During Storm



High-volume flow moving south to north through the culvert beneath Withers Avenue during heavy rain.