375 & 359 West El Pintado Road Senior Housing Project

Addendum to the 375 West El Pintado Road Residential Project Environmental Impact Report (SCH #2016012045)

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1.0 INTRODUCTION

As the Lead Agency, the Town of Danville prepared an Environmental Impact Report (EIR) for the 375 & 359 West El Pintado Road Residential Project (referred to herein as the "Approved Project"). In December 2018, the Danville Town Council certified the 375 West El Pintado Road Residential Project EIR (referred to herein as the "2018 EIR") (State Clearinghouse [SCH] No. 2016012045) and approved the 375 & 359 West El Pintado Road Residential Project, which includes the following:

- Certification of the 2018 EIR (SCH No. 2016012045).
- General Plan Amendment (GPA2015-0001) to amend the Town's 2030 General Plan land use designation on the 0.29-acre lot located at 259 West El Pintado from Residential-Single Family-Low Density to a Mixed-Use land use designation.
- Preliminary Development Plan – Rezoning (PUD2015-0001) to rezone the project site to a new P-1, Planned Unit Development District.
- Major Subdivision (SD 9399) to subdivide the site, creating 37 multifamily townhome units.
- Final Development Plan (DP2015-0065) to approve the project architecture, site design, and landscape design.
- Tree Removal Permit (TR2015-0039) to remove nine Town-protected trees.

The proposed changes to the Approved Project are referred to herein as the "Modified Project." This Addendum has been prepared to determine whether and to what extent the 2018 EIR remains sufficient to address the potential impacts of the Modified Project, or whether a supplemental or subsequent EIR is required under the California Environmental Quality Act (CEQA).

2.0 THE APPROVED PROJECT

The Approved Project proposed to demolish the existing on-site residence and construct eight (8) new multifamily townhome buildings containing 37 townhome units. The 37 townhome units included one-, two-, and three-bedroom units in buildings with partially below-grade and at-grade garages. Six (6) of the units (15 percent of the total) were proposed to be affordable housing units in accordance with the Town's inclusionary housing requirements. Proposed site amenities included landscaping, off-street parking, a play structure, as well as a lawn, walking path, and an outdoor seating area on the northeast corner of the site. Six (6) larger two-story buildings were proposed to be constructed on the northern portion of the project site, each with a mix of one- two-, and three-bedroom units. These six (6) buildings ranged from 28 to 35 feet in height (2-2.5 stories) and included partially below-grade garages. Two (2) smaller two-story buildings were proposed to be constructed on the southeastern portion of the project site, each with two three-bedroom, 2.5-bathroom units. These two (2) buildings with at-grade garages were proposed to be approximately 25 feet in height. The development required approval of a General Plan Amendment, Preliminary Development Plan – Rezoning, Major Subdivision, Final Development Plan, and a tree removal permit.

3.0 THE MODIFIED PROJECT

This section describes the Modified Project including project location, site characteristics, project characteristics, construction, and required permits and approvals. This section also identifies the Modified Project's changes to the Approved Project that was previously evaluated in the 2018 EIR.

3.1 Project Location and Site Characteristics

The location and site characteristics of the Modified Project, as stated in the 2018 EIR Section 2.3 Project Location and Section 2.5 Existing Site Characteristics, remain unchanged. The location and site characteristics are summarized below.

The Modified Project is located north of downtown Danville, at the northwest portion of the Town at 375 and 359 West El Pintado Road, approximately 200 feet south of West El Pintado Road's intersection with El Cerro Boulevard and immediately across West El Pintado Road from the southbound onramp to Interstate 680 (I-680) (Figure 1). The site, also referred to as the GMMR LLC Property, is composed of two legal parcels: a larger 1.59-acre parcel (375 West El Pintado Road, APN 200-140-011) and a smaller 0.29-acre parcel (359 West El Pintado Road, APN 200-140-012). Regional access is provided by I-680 with exits from El Cerro Boulevard or Diablo Road. Local access is provided by West El Pintado Road, which borders the site on the east.

The Modified Project is located in a neighborhood characterized by a mix of residential, professional, public, and institutional uses. The site encompasses 1.88 acres and is currently undeveloped with the exception of a single-family residence located in the southeastern portion. The site characteristics are summarized in Table 1.

Table 1. Characteristics of the Project Site and Vicinity

SITE CHARACTERISTICS	
Project Site	
Accessor's Parcel Number (APN)	200-140-011 (1.59 acres) 200-140-012 (0.29 acre)
Total Lot Size	1.88 acres
Existing Use	Undeveloped, single-family residence
Planning Area	La Gonda/West El Pintado Planning Area
Land Use Designation (Town of Danville 2030 General Plan	**APN 200-140-011:** Mixed Use and GMMR LLC Special Concern Area **APN 200-140-012:** Mixed Use[1]
Zoning Designation[2]	**APN 200-140-011:** Planned Unit Development District (P-1) **APN 200-140-012:** P-1
Vicinity	

[1] *The land use designation for APN 200-140-012 has been amended to Mixed Use from Residential-Single Family-Low Density per General Plan Amendment (GPA2015-0001) as included in the 2018 EIR.*

[2] *The site has been rezoned to P-1 per the Preliminary Development Plan – Rezoning (PUD2015-0001) as included in the 2018 EIR.*

SITE CHARACTERISTICS	
Surrounding Land Uses	**North:** A paved parking lot for office use buildings **South:** Single-family residences **East/Across West El Pintado Road:** Assisted housing for seniors **West:** Multifamily residences and professional office use buildings
Surrounding Land Use Designations	**North/Northwest:** Commercial-Limited Office **South:** Residential-Single Family-Low Density (1 to 3 dwelling units per acre) **East/Across West El Pintado Road:** Commercial-Limited Offices, and Residential-Single Family-Low Density (1 to 3 dwelling units per acre) **West:** Residential-Multifamily-Low/Medium Density (13 to 20 dwelling units per acre) and Residential-Single Family-Low Density (1 to 3 dwelling units per acre)

The site has a rolling topography that slopes generally from the east, along West El Pintado Road, to the west. The smaller 0.29-acre parcel is relatively flat compared to the larger parcel. Two (2) open drainage swales traverse the larger parcel conveying stormwater from the northwest corner and the northern end of the parcel to the southwest corner of the parcel where they drain to concrete riprap and an existing storm drain manhole (see Figure 2).



Path: L:\Acad 2000 Files\31000\31137\GIS\ArcMap\CEQA\Fig 1 Location.mxd

Sources: National Geographic, WRA | Prepared By: czumwalt, 9/14/2021

Figure 1. Modified Project Location Map

0 0.25 0.5 Miles

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Sources: DigitalGlobe 2016 Aerial, WRA | Prepared By: czumwalt, 9/14/2021

Figure 2. Aerial of the Modified Project Area

0 50 100 Feet

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3.2 Project Characteristics

The proposed modifications are mostly associated with the project characteristics that are summarized in Table 2 below. The project applicant has filed an application with the Town of Danville Development Services Department for modification to its approved final development plan and vesting tentative map for the project. Site Plan for the Modified Project is shown on Table 2.

Table 2. Project Characteristics of the Approved Project and the Modified Project

FEATURE	DETAILS	
	APPROVED PROJECT	MODIFIED PROJECT
Building Floor Area	Total Floor Area for all buildings: 44,580 square feet (37 units)	Total Floor Area for all buildings: 78,860 square feet (57 units)
Parking	Parking Spaces Required per Danville Municipal Code (10) 3 bed, 2.5 bath x 2.25: 22.5 spaces (14) 2 bed, 2.5 bath x 2.25: 31.25 spaces (11) 2 bed, 2 bath x 2.25: 24.8 spaces (2) 1 bed, 1 bath x 1.75: 3.5 spaces	Parking limit per P-1 negotiations: 1 space per unit and 0.25 space /guest[3]
	Total Parking Spaces Required: 82 Total covered parking (garages): 63 spaces Total uncovered, off-street parking: 19 spaces Total on-street parking: 10 spaces (not included in total)	Total open air parking: 72 spaces
	Total Parking Spaces Provided On-Site: 82	Total Parking Spaces Provided On-Site: 72
Unit Summary	3+ bed, 2.5 bath: 4 units 3 bed, 2.5 bath: 6 units 2 bed, 2.5 bath: 14 units 2 bed, 2 bath: 11 units 1 bed, 1 bath: 2 units **Total Townhomes Units: 37**	3 bed, 2 bath: 7 units 2 bed, 2 bath: 23 units 1 bed, 1 bath: 27 units **Total Senior Housing Units: 57**
Height	25 to 33 feet	34 feet top of parapet 36 feet at west end
Setbacks	**APN 200-140-011 (1.59-acre parcel)** North property line: 12 feet (ft.) West property line: 25 ft. 8 inches (in.) South property line: 40 ft. 2 in. East property line: 7 ft. 8 in and 25 ft. 2 in. **APN 200-140-012 (0.29-acre parcel)** West property line: 12 ft. 8 in. South property line: 20 ft. 8 in. East property line: 11 ft. 2 in.	**APN 200-140-011 (1.59-acre parcel)** North property line: 5 ft. West property line: <1 ft. South property line: 15 ft. East property line: 20 ft. **APN 200-140-012 (0.29-acre parcel)** West property line: 15 ft. South property line: 10 ft. East property line: 20 ft.
Amenities	Landscaping Off-street parking	Landscaping Bicycle parking

[3] *Form4 Architecture, Architect Plans for 395 W El Pintado Planning Meeting. June 3, 2022.*

FEATURE	DETAILS	
	APPROVED PROJECT	MODIFIED PROJECT
	Play structure	Pickleball court
	Lawn	Synthetic turf social pickleball lounge
	Walking path	ADA accessible paseo walking path
	Outdoor seating area	Stormwater treatment planter
		Good neighbor wood fence
Wetlands Mitigation	Off-site mitigation or purchase of mitigation credit	On-site mitigation area creation

3.2.1 Site Access and Parking

Vehicular site access would remain consistent with the Approved Project, which is provided by a single driveway on West El Pintado Road, at the midpoint of the project site's eastern boundary. The entrance driveway would transition to a 373-foot-long and 20-foot-wide internal road that provide access to the parking lots located on the floor level of the central and south buildings. The Modified Project would include a total of 72 on-site parking spaces.

3.3 Project Construction

A description of the project's construction process is provided below.

3.3.1 Construction Schedule

The Modified Project would include the same phasing as the Approved Project, as described in the 2018 EIR in Section 2.7, Grading and Construction (pp. 42). The 2018 EIR estimated that construction would last approximately 20 months with the following estimated construction schedule:

- Excavation and shorting – three (3) months
- Underground utilities and waterproofing – two (2) months
- Retaining walls and lower floor – two (2) months
- Upper-level framing – three (3) months
- Façade and tenant improvements – six (6) months
- Finish and site work – four (4) months

3.3.2 Grading

The cut and fill amounts with the Modified Project vary slightly from cut and fill amounts analyzed in the 2018 EIR. Table 3 summarizes the cut and fill, export, and hauling trip information of the Approved Project and the Modified Project.

Table 3. Grading

	APPROVED PROJECT (CUBIC YARDS)	MODIFIED PROJECT (CUBIC YARDS)	NET CHANGE (CUBIC YARDS)
Cut (cubic yards)	6,340	6,540	200
Fill (cubic yards)	470	870	400
Export (cubic yards)	5,870	5,670	-200
Hauling Trip[a] (round trips)	419 to 650	405 to 630	-20 to -14

	APPROVED PROJECT (CUBIC YARDS)	MODIFIED PROJECT (CUBIC YARDS)	NET CHANGE (CUBIC YARDS)

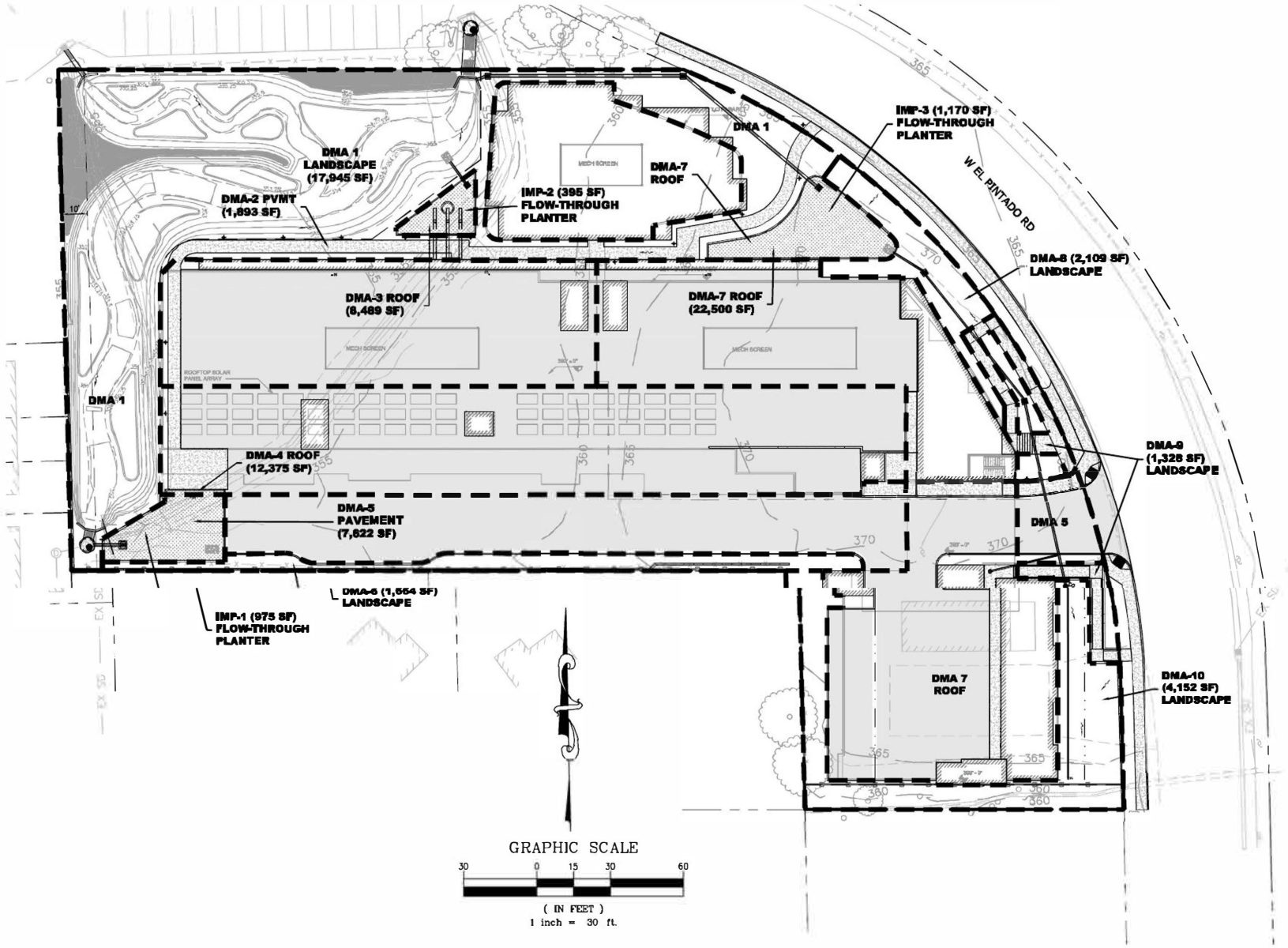
Note:

a. Assuming an average truck load of 9 to 14 cubic yards.

3.4 Project Approvals

Discretionary permits and approvals were obtained for the Approved Project in 2018, as discussed in Chapter 1.0 above. Permits and approvals that are anticipated for the Modified Project includes the followings:

- Town of Danville's approval on modification to the approved final development plan, which includes a density bonus, and vesting tentative map
- U.S. Army Corps of Engineers (USACE) Nationwide Permit 29
- San Francisco Bay Reginal Water Quality Control Board (RWQCB) Section 401 Water Quality Certification
- California Department of Fish and Wildlife (CDFW) Lake and Streambed Alteration Agreement Notification



Source: TALUS Engineering, Planning, Development. June 24, 2022

Figure 3. Project Site Plan

4.0 REQUIRED FINDINGS FOR USE OF AN ADDENDUM

Section 15164 of the State CEQA Guidelines states that an addendum to a previously certified EIR shall be prepared if some changes or additions are necessary to the previously certified document, but none of the conditions described in Section 15162 have occurred. Section 15162 of the State CEQA Guidelines identifies the conditions of a project that would require preparation of a subsequent EIR, such that an Addendum to the prior EIR would not be permitted under CEQA. A proposed change in a project will require preparation of a subsequent EIR if:

A) The change in the project is substantial.

Substantial changes in the project are those that would require major revisions of the certified 2018 EIR (SCH No. 2016012045) due to the involvement of new significant environmental effects, or if a substantial increase in the severity of previously identified significant effects has occurred.

B) The circumstances under which the project is undertaken have substantially changed.

Substantial changes in circumstances are those that would require major revisions of the certified 2018 EIR in order to describe and analyze new significant environmental effects, or any changes that would cause a substantial increase in the severity of the previously identified significant effects.

C) New information of substantial importance, which was not known and could not have been known, with the exercise of reasonable diligence at the time the previous environmental document was approved, shows any of the following.

a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration.

b. Significant effects previously examined will be substantially more severe than shown in the previous EIR.

c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.

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

Additionally, pursuant to Section 15163 of the State CEQA Guidelines, a lead agency may choose to prepare a supplement to an EIR rather than a subsequent EIR if:

- Any of the conditions described in Section 15162 would require the preparation of a subsequent EIR, and
- Only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.

5.0 MODIFIED ENVIRONMENTAL CHECKLIST FORM

The purpose of the checklist is to evaluate the categories in terms of any "changed condition" (e.g., changed circumstances, project changes, or new information of substantial importance) that may result in a changed environmental effect (e.g., a new significant impact or substantial increase in the severity of a previously identified significant effect) that would require further environmental review (CEQA Guidelines Section 15162).

The questions posed in the checklist come from Appendix G of the State CEQA Guidelines. The explanation of the checklist evaluation categories is provided in Section 5.1 below.

5.1 Explanation of Checklist Evaluation Categories

A. Discussion in the 2018 EIR and related documents?

This column provides a cross-reference to the 2018 EIR and related document(s) where information and analysis may be found relative to the environmental issue listed under each topic.

B. Less Impact than Approved Project?

This column indicates that the Modified Project would have a lesser environmental impact that Approved Project under the 2018 EIR.

C. New Less than Significant Impact?

This column indicates the Modified Project would have a new less than significant environmental impact that was not previously disclosed in the 2018 EIR.

D. New Less than Significant Impact with Mitigation Incorporated?

This column indicates that the Modified Project would have a new significant impact on the environment that would require mitigation measures that were not previously disclosed in the 2018 EIR

E. New Potentially Significant Impact?

This column indicates the Modified Project would have a new significant and unavoidable impact on the environment that cannot be reduced to a less-than-significant level with the incorporation of mitigation measures.

F. Same Impact as Approved Project?

This column indicates that the Modified Project would have the same environmental impact as the Approved Project under the 2018 EIR.

5.2 Summary of Analysis and Findings for an Addendum

Based upon the analysis of potential environmental consequences anticipated to occur as a result of the Modified Project's implementation (see Section 6.0 Environmental Analysis), the Town of Danville has determined that:

- There are no substantial changes proposed by the Modified Project that will require major revisions to the 2018 EIR, or preparation of a new subsequent or supplemental EIR, due to the involvement of new significant environmental effects or a substantial increase in the severity of

previously identified significant effects. The Modified Project is consistent with the findings of the 2018 EIR and would have similar construction-related and operational effects (Section 1562, subdivision (a), State CEQA Guideline).

- All mitigation measures from the 2018 EIR would remain in effect and would continue to mitigate impacts resulting from the Modified Project.

5.3 Conclusion

The Town of Danville may approve the Modified Project, as presented, based on this addendum. The impacts of the Modified Project remain within the impacts previously analyzed in the certified 2018 EIR (Section 15162, subdivision (b)(3), State CEQA Guidelines).

The Modified Project does not require major revision to the certified 2018 EIR. No new significant information or changes in circumstances surrounding the project have occurred since certification of the EIR. The previously analysis completed for the Approved Project remains adequate under CEQA. However, the applicant will remain obligated to comply with all applicable mitigation measures and conditions of approval contained with the Certified EIR and further identified in this Addendum.

6.0 ENVIRONMENTAL ANALYSIS

6.1 Aesthetics

Would the project:	*Discussed in the 2018 EIR? (Yes/No)*	*Less Impact than Approved Project?*	*New Less than Significant Impact?*	*New Less than Significant Impact with Mitigation Incorporated?*	*New Potentially Significant Impact?*	*Same Impact as Approved Project?*
a) Have a substantial adverse effect on a scenic vista?	Yes	☐	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	Yes	☐	☐	☐	☐	☒
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the Project is in an urbanized area, would the Project conflict with applicable zoning and other regulations governing scenic quality?	Yes	☐	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Yes	☐	☐	☐	☐	☒

6.1.1 Summary of Impacts Identified in the 2018 EIR

A discussion of the Aesthetics impacts was included in Section 4.1 of the 2018 EIR (pp. 51 to pp. 64). The 2018 EIR found that implementation of the Approved Project would have a less-than-significant impact to

scenic vistas because existing views to Las Trampas Reginal Wilderness area are partial and intermittent, and views of Mt. Diablo would not be altered. The Approved Project would have a less-than-significant impact on state scenic highways because the site is only partially visible to motorists on I-680 for a short period of time. The 2018 EIR also concluded that the Approved Project would have a less-than-significant impact on the existing visual character and quality as the Approved Project would be visually compatible with surrounding developments and would not conflict with adopted visual resource policies of the Town of Danville (Impacts AES-1 to AES-4, pp. 59 to pp. 63).[4] The 2018 EIR concluded no other impacts with respect to aesthetics.

6.1.2 Environmental Setting

Aesthetic resources are generally defined as both the natural and built features of the landscape that contribute to the public's experience and appreciation of the environment. Depending on the extent to which a project's presence would negatively alter the perceived visual character and quality of the environment, aesthetic impacts may occur.

The Modified Project is located in the La Gonda/West El Pintado Planning Area, an area that is characterized by a mix of uses. The visual character within the La Gonda/West El Pintado Planning Area is diverse, and the buildings have varying architectural styles, massing, and heights. This area contains a combination of residential, professional, public, and institutional uses. Portions of the area have undergone a transition from being semi-rural to more suburban in character. Most of the new construction since the mid-1980s has consisted of single-family residences built at medium densities. Some older multifamily housings exist in the area. Assisted senior housing was more recently developed along West El Pintado Road. Portions of the West El Pintado area retain a rural character, with remnants of former orchards, large lots, single-family homes, and street sections without curbs, gutters, or sidewalks.[5]

The Modified Project site is undeveloped, with the exception of one single-family residence located on the southeast portion. I-680 is located directly northeast of the site. A skilled nursing facility is located to the east, across West El Pintado Road. Single-family residences are located south, which are mostly one-story homes. Multifamily residences and office buildings are located to the west and northwest, and a paved parking lot is located to the northwest. The residences and buildings in the site vicinity are primarily two-story structures.

The Modified Project area includes scenic vistas of Mt. Diablo to the east and the Las Trampas Regional Wilderness ridgelines to the west from some public viewpoints. I-680 is located approximately 150 feet northeast of the site. The portion of the I-680 that passes the site has been designated as a Scenic Highway under the California Scenic Highway Program.

6.1.3 Discussion of Impacts

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

Same Impact as Approved Project. The Modified Project would be developed at the same location as the Approved Project. As with the Approved Project, construction and operation of the Modified Project would not impede public views of Mt. Diablo, but would block some views of the ridgelines of the Las

[4] *Town of Danville. 375 West El Pintado Road Residential Project Draft Environmental Report. July 2018.*

[5] *Town of Danville. The 2030 General Plan. Adopted March 19, 2013.*

Trampas Regional Wilderness area from West El Pintado Road. The Modified Project's structures would be three (3) to five (5) feet taller than the structures analyzed in the 2018 EIR. However, the minor increase in height would not result in a more severe impact than what was analyzed in the 2018 EIR. In addition, the existing views to the ridgelines from the area are partial and intermittent due to the topography of the area. Therefore, impacts to public views would be less than significant, consistent with the findings of the 2018 EIR. Preparation of a subsequent EIR is not required.

The 2018 EIR determined that the Approved Project would not interfere with private views of Mt. Diablo and due to the distance, the existing terrain, and the vegetation on-site. As with the Approved Project, the Modified Project would be subject to the same distance, terrain, and vegetation limitations and would not interfere with private views of Mt. Diablo. The ridgelines of the Las Trampas Reginal Wilderness area are located to the west of the Modified Project; there are no residences located to the east of the site. Therefore, the Modified Project would not interfere with private views of the ridgelines. Therefore, Modified Project's impacts to private views would be consistent with the findings of the 2018 EIR. Preparation of a subsequent EIR is not required.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Same Impact as Approved Project. The I-680 Freeway (I-680) is located approximately 150 feet northeast of the Modified Project site. The portion of I-680 that passes the site is designed as a Scenic Highway under the California Scenic Highway Program. The site is partially visible to motorists on I-680. However, the site would be visible to the motorists for fewer than 10 seconds.[6] The Modified Project would be developed consistent with the visual character of the area, which is primarily single-family and multifamily residences. The Modified Project would include removal of trees. Removal of protected trees would require a tree permit from the Town of Danville and compliance with the Town's Tree Ordinance to replace removed trees on-site and/or off-site. The site and context would retain its overall suburban wooded character with the tree protection and replacement requirements set forth in the Town's Tree Ordinance. Due to the fact that the site is only partially visible to motorists on I-680 for a short period of time, impacts would be less than significant and would be consistent with the findings of the 2018 EIR. Preparation of a subsequent EIR is not required.

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?

Same Impact as Approved Project. Consistent with the 2018 EIR, the Modified Project would develop a mostly vacant site with development that is generally compatible in scale and design with the existing development to the west and southwest which are primarily two-story multifamily structures. The Modified Project would incorporate design measures to provide an appropriate transition to the single-family uses to the south, which include limiting development to two stories in height and planting screen trees and understory vegetation by the southern property line. The Town of Danville would review a Final Development Plan including the proposed architecture, site design, and landscape design to ensure that the project would comply with the Town's 2030 General Plan Quality Development Goal 1 regarding future development to be complemented with Danville's existing small town characters and established quality of life, Community Design Goal 2 regarding integrating new development that is compatible with the physical character of the surrounding community, and Housing Design Goal 5 regarding providing

[6] *Town of Danville. 375 West El Pintado Road Residential Project Draft Environmental Report. July 2018.*

opportunities for new housing that meets community needs. Therefore, the proposed project would be visually compatible with the surrounding neighborhood. The Modified Project would include tree removal and would replace removed trees according to the Town's Tree Ordinance. The Modified Project would require removal of 49 trees, including one (1) heritage tree and nine (9) protected trees.[7] The removal of protected trees requires a tree permit from the Town of Danville and compliance with the Town Tree Ordinance. To obtain a tree permit, the applicant must submit a planning application for tree removal that includes a site plan detailing the location and description of trees that would be removed. The Ordinance also requires, when appropriate, planting of on-site and/or off-site replacement trees (location and species to be determined by the Town) of a cumulative diameter necessary to equate to the diameter of the trees to be removed. In addition, even with the proposed tree removal the site and context would retain its overall suburban wooded character. Complying to the tree replacement requirements would minimize the change to visual character and visual quality of the site. Impacts would be less than significant and would be consistent with the findings of the 2018 EIR. Preparation of a subsequent EIR is not required.

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

Same Impact as Approved Project. Consistent with the 2018 EIR, the Modified Project would introduce new sources of light and glare to a largely vacant site. The 57 senior housing units would include building-mounted and outdoor security and accent lighting that could be visible from and spill over to surrounding properties. The building's exterior would be made of non-reflective materials, such as stucco and glazing. Headlights of vehicles entering and exiting the site at night would cast light onto roadways and surrounding properties. However, the Modified Project would not substantially alter lighting conditions in the area due to existing ambient light levels from the existing residential and commercial development in the vicinity of the site. The Modified Project would be required to comply with Danville Municipal Code Section 32-1.14, *Off-Street Parking*, which requires lighting to be designed directing downward and away from residential areas and public streets. This code also requires the lighting intensity to be no greater than reasonably required to light the parking area. The impact related to new source of lighting and glare would be less than significant when complying with Danville Municipal Code Section 32-1.14. There would continue to be a less-than-significant impact with the Modified Project, consistent with the findings of the 2018 EIR. Preparation of a subsequent EIR is not required.

6.1.4 Conclusion

The Modified Project would not substantially increase the severity of the previously identified impacts to visual resources in the 2018 EIR. Accordingly, the Town of Danville finds the following:

- Substantial changes in the project and project circumstances resulting in new significant effects or a substantial increase in the severity of previously identified significant effects would not occur.
- New information of substantial importance with respect to this environmental resource resulting in new significant effects or a substantial increase in the severity of previously identified effects has not been identified.
- None of the proposed modifications would significantly affect this environmental resource.

[7] *WRA, Inc. Biological Resources Technical Report – 375 West El Pintado Road Project. June 2022.*

6.2 Agriculture and Forestry Resources

Would the project:	*Discussed in the 2018 EIR? (Yes/No)*	*Less Impact than Approved Project?*	*New Less than Significant Impact?*	*New Less than Significant Impact with Mitigation Incorporated?*	*New Potentially Significant Impact?*	*Same Impact as Approved 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?	*Yes*	☐	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	*Yes*	☐	☐	☐	☐	☒
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))?	*Yes*	☐	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	*Yes*	☐	☐	☐	☐	☒

Would the project:	*Discussed in the 2018 EIR? (Yes/No)*	*Less Impact than Approved Project?*	*New Less than Significant Impact?*	*New Less than Significant Impact with Mitigation Incorporated?*	*New Potentially Significant Impact?*	*Same Impact as Approved Project?*
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	*Yes*	☐	☐	☐	☐	☒

6.2.1 Summary of Impacts Identified in the 2018 EIR

A discussion of the Agriculture and Forestry Resources impacts was included in Section II of the 2018 EIR Appendix A-Initial Study (pp. 11 to pp. 13). As discussed in Appendix A-Initial Study of the 2018 EIR, the Approved Project would have no impact to agriculture and forestry resources because the Approved Project is not located on or adjacent to agricultural land, forest land, or Williamson Act contract land, and would not involve development that could result in the conversion of farmland to non-agricultural uses.

6.2.2 Environmental Setting

The environmental setting for Agriculture and Forestry Resources is the same as described in the 2018 EIR Appendix A-Initial Study. The Modified Project is classified as Urban and Built-Up Land by the California Department of Conservation's (CDC's) Farmland Mapping and Monitoring Program (FMMP).[8] The nearest grazing land designated by the FMMP is approximately 1.25 miles for the project site.[9] The nearest Williamson Act contract is located approximately 1.5 miles east of the project site.[10]

6.2.3 Discussion of Impacts

a-e) *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? Conflict with existing zoning for agricultural use, or a Williamson Act contract? 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))? Result in a loss of forest land or conversion of forest land to non-forest use? Involve other changes in the existing environment which, due to*

[8] *California Department of Conservation. California Important Farmland Finder. Available at https://maps.conservation.ca.gov/DLRP/CIFF/.* Accessed on August 25, 2021.

[9] *Ibid.*

[10] *Contra Costa County Department of Conservation and Development. 2016 Agricultural Preserves Map. Map Created on February 1, 2017.*

their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

Same Impact as Approved Project. The Modified Project would involve development of 57 age-restricted apartment units as compared to 37 townhome units under the Approved project. The Modified Project would be located in the same location as the Approved Project and would be the same size as the Approved Project. Consistent with the 2018 EIR, the site is not used for agricultural production and does not contain any forestry resources. As a result, the Modified Project would have no impact on agriculture and forestry resources. None of the proposed modifications would significantly affect this environmental resource. Preparation of a subsequent EIR is not required.

6.2.4 Conclusion

The Modified Project would not have an effect on agriculture and forestry resources. Accordingly, the Town of Danville finds the following:

- Substantial changes in the project and project circumstances resulting in new significant effects or a substantial increase in the severity of previously identified significant effects would not occur.
- New information of substantial importance with respect to this environmental resource resulting in new significant effects or a substantial increase in the severity of previously identified effects has not been identified.
- None of the proposed modifications would significantly affect this environmental resource.

6.3 Air Quality

	Discussed in the 2018 EIR? (Yes/No)	*Less Impact than Approved Project?*	*New Less than Significant Impact?*	*New Less than Significant Impact with Mitigation Incorporated?*	*New Potentially Significant Impact?*	*Same Impact as Approved Project?*
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:						
a) Conflict with or obstruct implementation of the applicable air quality plan?	*Yes*	☐	☐	☐	☐	☒
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard?	*Yes*	☐	☐	☐	☐	☒
c) Expose sensitive receptors to substantial pollutant concentrations?	*Yes**	☐	☒	☐	☐	☐
d) Result in other emissions (such as those leading to odors) affecting a substantial number of people?	*Yes*	☐	☐	☐	☐	☒
** The 2018 EIR discussed the impacts to new residents with the implementation of the Approved Project.*						

6.3.1 Summary of Impacts Identified in the 2018 EIR

Air quality impacts were discussed in Section 4.2 of the 2018 EIR (pp. 65 to pp. 79) and in Section III of the 2018 EIR Appendix A – Initial Study (pp. 13 to pp. 14). The 2018 EIR concluded that construction and operational emissions associated with the Approved Project would not exceed Bay Area Air Quality Management District's (BAAQMD's) thresholds (Impact AQ-1, pp. 75). The Approved Project would have a less-than-significant impact related to exposure of new residents to toxic air contaminants (TACs) with implementation of Mitigation Measure AQ-1 (Impact AQ-2, pp. 77). The Appendix A-Initial Study of the 2018 EIR determined that the Approved Project would not conflict or obstruct an applicable air quality plan and would not generate objectionable odors that would affect a substantial number of people; therefore, impacts would be less than significant (Impacts a and e), pp.13 and pp. 14 of Appendix A).

6.3.2 Environmental Setting

The environmental setting for Air Quality is the same as described in the 2018 EIR. As such, the Modified Project would be located in the San Francisco Bay Area Air Basin (SFBAAB) on the same project site as the

Approved Project. The SFBAAB is within the jurisdiction of BAAQMD. The SFBAAB is in nonattainment for the federal standards for ozone and particulate matter ($PM_{2.5}$) and is in nonattainment for the State standard for ozone and particulate matter ($PM_{2.5}$ and PM_{10}).

6.3.3 Discussion of Impacts

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

Same Impact as Approved Project. The most recent and applicable adopted air quality plan that is applicable for the Modified Project is the Bay Area Air Quality Management District (BAAQMD) 2017 Clean Air Plan (CAP). The 2017 CAP serves as the regional air quality plan for the San Francisco Bay Area Air Basin for attaining federal ambient air quality standards. The 2017 CAP updates the most recent Bay Area plan, the 2010 CAP, pursuant to air quality planning requirements defined in the California Health and Safety Code. To fulfill State zone planning requirements, the 2017 control strategy includes all feasible measures to reduce emissions of ozone precursors (ROG and NOx) and reduce transport of ozone and its precursors to neighboring air basins. The CAP builds upon and enhances the BAAQMD's efforts to reduce emissions of fine particulate matter and TACs. The 2017 CAP does not include control measures that apply directly to individual development projects. Instead, the control strategy includes control measures related to stationary sources, transportation, energy, buildings, agriculture, natural and working lands, waste management, water, and super-greenhouse gas pollutants. The 2017 CAP focuses on two paramount goals:

- Protect air quality and health at the regional and local scale by attaining all national and state air quality standards and eliminating disparities among Bay Area communities in cancer health risk from TACs
- Protect the climate by reducing Bay Area GHG emissions to 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050

Consistency with the 2017 CAP should demonstrate that a project:

- Supports the primary goals of the 2017 CAP
- Includes applicable control measures from the 2017 CAP
- Does not disrupt or hinder implementation of any control measures from the 2017 CAP

On an individual project basis, consistency with BAAQMD quantitative thresholds is interpreted as demonstrating support for the CAP's goals. As discussed under criterion (b) below, the Modified Project would not exceed BAAQMD significance thresholds related to air quality emissions, the Modified Project would not result in exceedances of BAAQMD thresholds for criteria air pollutants and thus would not conflict with the 2017 CAP's goal to attain air quality standards. The 2017 CAP includes goals and measures to increase the use of electric vehicles, promote the use of on-site renewable energy, and encourage energy efficiency. The Modified Project would include features that are consistent with these goals and measures, including meeting California Green Building Standards and providing 45 spaces of bicycle parking. Therefore, the Modified Project would not conflict with or obstruct the implementation of an applicable air quality plan. Therefore, the impacts would be less than significant and would be consistent with the findings of Appendix A of the 2018 EIR. Preparation of a subsequent EIR is not required

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?

Same Impact as Approved Project. The Modified Project would include development of 57 units, which is 16 units more than what was analyzed in the 2018 EIR. However, the Modified Project would result in 5,670 cubic yards of exported earth material (200 cubic yards less than what was analyzed in the 2018 EIR). As shown on Section 4.2 Table 9 of the 2018 EIR (pp. 75), construction activities would result in emissions of reactive organic gases, nitrogen oxides, and particulate matters, which are below the BAAQMD regional thresholds.[11] Construction activities associated with the demolition of existing uses and construction of the Modified Project would result in similar air quality impacts as the Approved Project because the Modified Project would involve the same construction method, equipment use, and construction activities as the Approved Project. The minor increase of 16 units (compared to the 37 units analyzed in the 2018 EIR) would not result in a new or more severe impacts related to construction emissions beyond what was previously analyzed in the 2018 EIR. Preparation of a subsequent EIR is not required.

Operation of the Modified Project would result in some long-term emissions, including emissions associated with vehicle trips, the use of natural gas and electricity, consumer products, architectural coatings, and landscaping equipment. As discussed below in Section 6.17, Transportation, the Modified Project would result in 75 fewer daily vehicle trips than the Approved Project. Therefore, the Modified Project would result in less long-term emissions associated with vehicle trips compared to the Approved Project. The minor increase of 16 units (compared to the 37 units analyzed in the 2018 EIR) would not result in substantial increases in population that would thereby increase emissions associated with the use of natural gas and electricity, consumer products, architectural coatings, and landscaping. Therefore, the Modified Project would be expected to result in similar operational air quality emissions as the Approved Project, which would be below the BAAQMD daily and annual thresholds as shown on Section 4.2 Table 10 and Table 11 of the 2018 EIR (pp. 76). The Modified Project would not result in a new or more severe impacts related to operational emissions beyond what was previously analyzed in the 2018 EIR. Preparation of a subsequent EIR is not required.

c) Expose sensitive receptors to substantial pollutant concentrations?

New Less than Significant Impact. Sensitive receptors are typically defined as the segment of the population most susceptible to air quality effects including children, the elderly, and the sick, as well as land uses such as schools, hospitals, parks, and residential communities. Sensitive receptors located within 1,000 feet from the site include the multifamily residences to the west and southwest, the St. Isidore School to the southwest, the single-family residences to the south, and the assisted living facility to the southeast. The sensitive receptors closest to the site would be the multifamily and single-family residences that border the site to the west and south. The Modified Project also includes siting of new sensitive receptors. Localized air quality impacts to sensitive receptors typically result from carbon monoxide (CO) hotspots and TACs, which are discussed in the following subsections.

Carbon Monoxide Hotspots

A CO hotspot is a localized concentration of CO that is above a CO ambient air quality standard. Localized CO hotspots can occur at intersections with heavy peak hour traffic. Specifically, hotspots can be created

[11] *Particulate matters include PM_{10} and $PM_{2.5}$. PM_{10} is particulate matter measuring no more than 10 microns in diameter, while $PM_{2.5}$ is fine particulate matter measuring no more than 2.5 microns in diameter.*

at intersections where traffic levels are sufficiently high such that the local CO concentration exceeds the federal one-hour standard of 35.0 parts per million (ppm) or the federal and State eight-hour standard of 9.0 ppm.[12]

BAAQMD recommends comparing project's attributes with the following screening criteria as a first step to evaluating whether a project would result in the generation of CO concentrations that would substantially contribute to an exceedance of the *Thresholds of Significance*. The Modified Project would result in a less-than-significant impact to localized CO concentrations if:

- The Modified Project is consistent with an applicable congestion management program for designated roads or highways, regional transportation plan, and local congestion management agency plans.
- The Modified Project would not increase traffic volumes at affected intersections to more than 44, 000 vehicles per hour.
- The Modified Project traffic would not increase traffic volumes at the affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage).

The Modified Project would generate 196 daily trips (Appendix B). The Modified Project trip generation is far below the screening thresholds listed above. Therefore, the impact of localized CO emissions would not be significant. Preparation of a subsequent EIR is not required.

Toxic Air Contaminants

TACs are defined by California law as air pollutants that may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health.

Construction-related activities would result in temporary project-generated emissions of diesel particulate matter (DPM, a TAC) exhaust emissions, from off-road, heavy-duty diesel equipment for site preparation, grading, building construction, and other construction activities. While sensitive receptors near the site may be exposed to contaminants, exhaust emission would disperse rapidly from the site and would not substantially impact the nearest sensitive receptors. Dust would be generated during site preparation, grading, and construction activities, with the most dust occurring during grading activities. The amount of dust generated would be highly variable and would be dependent on the size of the area disturbed, amount of activity, and soil conditions. The Modified Project applicant would be required to comply with BAAQMD's recommended measures to reduce construction dust and exhaust impacts. Construction impacts on the sensitive receptors would be less than significant with implementation of the following BAAQMD's recommended measures:

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

[12] California Air Resources Board. Carbon Monoxide & Health. Website: https://ww2.arb.ca.gov/resources/carbon-monoxide-and-health. Accessed October 6,2021.

- All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.

- 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.

- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.

- Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

Sources of operational TACs include, but are not limited to, land uses such as freeways and high-volume roadways, truck distribution centers, ports, rail yards, refineries, chrome plating facilities, dry cleaners using perchloroethylene, and gasoline dispensing facilities. The Modified Project does not include construction of new gas stations, dry cleaners, highways, roadways, or other sources that could be considered new permitted or non-permitted source of TAC or $PM_{2.5}$ in proximity to receivers. In addition, the Modified Project would not introduce a new stationary source of emissions and the mobile emissions generated from the Modified Project would be minimal and spread over a broad geographical area. Therefore, the operation of the Modified Project would not expose nearby sensitive receivers to substantial pollutant concentrations. Impacts would be less than significant. Preparation of a subsequent EIR is not required.

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

Same Impact as Approved Project. Odors are typically associated with industrial projects involving the use of chemicals, solvents, petroleum products, and other strong-smelling elements used in manufacturing processes, as well as sewage treatment facilities and landfills. As with the Approved Project, the Modified Project would involve the use of diesel equipment that may generate odors during construction. However, construction activities would be temporary for approximately 20 months, and the odors would dissipate quickly. The Modified Project would not generate objectionable odors that would affect a substantial number of people. Therefore, the impacts related to odors would be less than significant and would be consistent with the findings of Appendix A-Initial Study of the 2018 EIR. Preparation of a subsequent EIR is not required.

6.3.4 Conclusion

The Modified Project would not substantially increase the severity of the previously identified impacts to air quality in the 2018 EIR. Accordingly, the Town of Danville finds the following:

- Substantial changes in the project and project circumstances resulting in new significant effects or a substantial increase in the severity of previously identified significant effects would not occur.
- New information of substantial importance with respect to this environmental resource resulting in new significant effects or a substantial increase in the severity of previously identified effects has not been identified.
- None of the proposed modifications would significantly affect this environmental resource.

6.4 Biological Resources

Would the project:	*Discussed in the 2018 EIR? (Yes/No)*	*Less Impact than Approved Project?*	*New Less than Significant Impact?*	*New Less than Significant Impact with Mitigation Incorporated?*	*New Potentially Significant Impact?*	*Same Impact as Approved 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?	*Yes*	☐	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	*Yes*	☐	☐	☒	☐	☐
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?	*Yes*	☐	☐	☒	☐	☐
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	*Yes*	☒	☐	☐	☐	☐

Would the project:	*Discussed in the 2018 EIR? (Yes/No)*	*Less Impact than Approved Project?*	*New Less than Significant Impact?*	*New Less than Significant Impact with Mitigation Incorporated?*	*New Potentially Significant Impact?*	*Same Impact as Approved Project?*
of native wildlife nursery sites?						
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	*Yes*	☐	☐	☐	☐	☒
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?	*Yes*	☒	☐	☐	☐	☐

6.4.1 Summary of Impacts Identified in the 2018 EIR

Impacts to biological resources were discussed on Section 4.3 of the 2018 EIR (pp. 92 to pp. 101) and on Section IV of Appendix A-Initial Study of the 2018 EIR (pp. 15 and pp. 16). The 2018 EIR determined that construction of the Approved Project could impact special-status species, but the impacts would be mitigated to a less-than-significant level with implementation of Mitigation Measure BIO-1 to conduct pre-construction survey (Impact BIO-1, pp. 95 and pp. 96). The Approved Project would impact wetlands and/or waterways. With implementation of Mitigation Measures BIO-2 to BIO-4, the Approved Project would be required to conduct formal jurisdictional delineation, obtain regulatory permits, and compensate impacted wetlands; therefore, impacts to wetlands and/or waterways would be mitigated to a less-than-significant level (Impact BIO-3, pp. 97 to pp. 99). It was determined that in the 2018 EIR, the Approved Project would have a less-than-significant impact to riparian habitat or migratory wildlife corridors because no riparian habitat or wildlife corridors occur on-site (Impacts BIO-2 and BIO-4, pp. 97 and pp. 99). Implementation of the Approved Project would result in protected tree removal. Impacts to a tree preservation policy or ordinance would be mitigated to a less-than-significant level with implementation of Mitigation Measures BIO-5 and BIO-6 to replace removed trees and protect retained trees (Impact BIO-5, pp. 99 to pp. 101). Appendix A-Initial Study determined that the Approved Project would have no impacts to an approved Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan because no such plan is applicable to the site (Impact f, pp. 16).

6.4.2 Environmental Setting

A Biological Resources Technical Report (BRTR) was prepared for the Modified Project by WRA, Inc. (WRA) in June 2022. On June 29 and October 15, 2021, WRA biologists visited the Modified Project site to map vegetation, aquatic communities, unvegetated land cover types, document plant and wildlife species

present, and evaluate on-site habitat for the potential to support special-status species as defined by CEQA. The following discussion is based on information from the BRTR (Appendix A).

Vegetation and Sensitive Natural Communities and Land Cover Types

Four (4) land cover types were observed on-site, including developed, non-native annual grassland, ephemeral stream, and linear seasonal wetland The developed and non-native annual grassland land covers are considered non-sensitive communities. The sensitive communities on-site include ephemeral streams and linear seasonal wetlands (Figure 4).

Aquatic Resources

There are two ephemeral streams within the Modified Project site. The two ephemeral streams only flow during and immediately following a rain event. One ephemeral stream is located in the southern portion of the site. The other ephemeral stream is located in the western portion of the site.

The linear seasonal wetland occurs in an earthen swale that begins at a concrete apron at the northern end of the site and continues in a southwesterly direction to another concrete apron with a 48-inch stormwater culvert. Indicators of wetland hydrology observed within the linear seasonal wetland include surface water, high water table, saturation, drift deposits, drainage pattern, and oxidized rhizospheres along living roots. The linear seasonal wetland swale supports flows characteristics of an intermittent drainage.

Special-status Plants

Based upon a review of resources databases, including California Native Plant Society (CNPS) and California Natural Diversity Database (CNDDB), 73 special-status plant species have been documented in the vicinity of the Modified Project site. However, due to lack of suitable hydrologic, soil, and topographic conditions, none of the documented special-status plant species have the potential to occur on-site. In addition, the site is geographically isolated (e.g., below elevation) from the documented range of the special-status plant species.

Special-status Wildlife

Thirty-eight (38) special-status wildlife species were documented in the vicinity of the Modified Project site. However, most of the 38 documented special-status wildlife species are excluded from the site due to the lack of suitable habitat features, including vernal pools, perennial aquatic habitat, tidal marsh areas, coastal or montane forest, serpentine or loose-textured sandy soils, chapparal habitat or large rock structures, large mammal burrow, cave, mine shafts, and abandoned buildings.

Two (2) special-status species have a low to moderate potential to occur in the immediate vicinity of or in portions of the site:

- Pallid bat (*Antrozous pallidus*) – California Fish and Wildlife (CDFW Species of Special Concern and Western Bat Working Group High Priority. Pallid bat has low potential to occur on-site. There are several CNDDB occurrences in the vicinity, and the mature trees within the site (primarily oaks) may contain cavities or snags suitable for roosting by this species. The existing residence on-site may also provide marginal roosting habitat.

- White-tailed kite (*Elanus leucurus*) – CDFW Fully Protected Species. White-tailed kite has moderate potential to occur on-site. Several large coast live oaks within the site have the potential to support white-tailed kit nesting and this species has been observed in the vicinity of the site.

Critical Habitat

No critical habitat is present within the Modified Project site.

Wildlife Corridors and Native Wildlife Nursery Sites

No native wildlife nursery sites are present on-site. The Modified Project site is not within a designated wildlife corridor.

6.4.3 Discussion of Impacts

a) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?*

New Less than Significant Impact with Mitigation Incorporated. Several trees within the Modified Project site could support nesting habitats for white-tailed kites. Common song birds (passerine birds) could also nest in the small trees and shrubs within the Modified Project area. All these birds are protected under the Migratory Bird Treaty Act (50 CFR 10.13) and their eggs and young area protected under California Fish and Game Code Section 3503 and 3503.5. Construction of the Modified Project would require removal of 49 trees. Potential impacts to nesting bird species from the Modified Project would include disturbance to nesting birds and possible death of adults and/or young. Impacts to nesting birds during construction of the Modified Project would be potentially significant. Implementation of Mitigation Measure BIO-1 would require pre-construction nesting bird surveys if construction must be conducted during nesting bird season (between March 1 and September 1). Impacts to nesting birds would be reduced to a less-than-significant level with implementation of Mitigation Measure BIO-1.

There are several occurrences of pallid bat and mature trees within the Modified Project site.[13] Mature trees may contain cavities or snags suitable for roosting. In addition, the residence within the Modified Project vicinity may provide marginal roosting habitat. Direct impacts to roosting special-status bat species could occur due to the removal or modification of large trees (diameter-at-breast height >24 inches) or snags, or building demolition associated with the Modified Project. Accordingly, impacts to pallid bat are potentially significant. Implementation of Mitigation Measure BIO-2 would require that tree removal and building demolition occur between October 1 and March 31, outside of maternity roosting season. A bat roost habitat assessment shall be conducted if tree removal or building demolition must occur between April 1 and September 30. Impacts to special-status bat species would be reduced to a less-than-significant level with implementation of Mitigation Measure BIO-2. Impacts would be less than significant with mitigation incorporated. Preparation of a subsequent EIR is not required.

[13] *WRA, Inc. Biological Resources Technical Report – 375 West El Pintado Road Project. June 2022.*

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?

New Less than Significant Impact with Mitigation Incorporated. The Modified Project area includes sensitive natural communities: ephemeral streams, intermittent stream, and associated riparian vegetation. The Modified Project would result in impacts to 435 linear feet of channels, including the intermittent stream, open waters and the western ephemeral stream, totaling 0.04 acre. The total area of impact below the top-of-bank would be approximately 5,255 square feet (0.12 acre). In addition, the Modified Project would result in impacts to approximately 14 trees that would be considered riparian vegetation growing in association with the intermittent stream and western ephemeral stream located on-site. Impacts to sensitive natural communities, aquatic resources, and riparian vegetation would be potentially significant. Mitigation Measures BIO-3 to BIO-5 would require the applicant to obtain applicable permits from regulatory agencies regarding impacts to sensitive natural community and aquatic resources, and the applicant to replant trees at a mitigation ratio of 2:1 to offset the impacts of removing riparian vegetation. The impacts to sensitive natural communities, aquatic resources, and riparian vegetation would be less than significant with implementation of Mitigation Measures BIO-3 to BIO-5. Impacts would be less than significant with mitigation incorporated. Preparation of a subsequent EIR is not required.

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?*

New Less than Significant Impact with Mitigation Incorporated. As discussed above under Impact b), the Modified Project would result in impacts to 435 linear feet of channels. Approximately 5,255 square feet of below the top-of-bank area would be impacted by the Modified Project. The applicant would be required to implement Mitigation Measures BIO-3 to BIO-5 as discussed above to mitigate impacts to aquatic resources to a less-than-significant level. Impacts would be less than significant with mitigation incorporated. Preparation of a subsequent EIR is not required.

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 native wildlife nursery sites?*

Lesser Impact than Approved Project. The Modified Project area does not provide connectivity between areas of suitable habitat. For terrestrial species, all portions of the Modified Project area are within a greater context of urban development; for aquatic species, there is no connectivity between the Modified Project area and upstream freshwater habitat. No impact would occur to migratory corridors for terrestrial and aquatic species. Preparation of a subsequent EIR is not required.

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

Same Impact as Approved Project. Local plans and polices related to biological resources include the following:

Danville 2030 General Plan

- **Policy 21.01.** Preserve and enhance natural habitat areas that support wildlife, including large continuous areas of open space and wetland and riparian habitat.
- **Policy 21.07.** Ensure that local planning and development decisions do not damage the habitat of rare and endangered plant and animal species, consistent with state and federal law.
- **Policy 21.11.** Protect the nests of raptors and other birds when in active use, as required by state Fish and Game Code and the federal Migratory Bird Treaty Act

The Modified Project would comply with Danville 2030 General Plan policies pertaining to wetlands, streams, riparian areas (Policy 21.01), vegetation communities (Policy 21.01), plant species (Policy 21.07), and wildlife species (Policies 21.07 and 21.11).

Town of Danville Municipal Code 32-79 Tree Preservation

The Modified Project will remove 49 trees, including one (1) heritage tree and nine (9) protected trees from the Modified Project area. The Town of Danville requires a permit for the destruction and/or removal of protected trees on any property within the Town of Danville. The applicant would be required to comply with Mitigation Measures BIO-5 and BIO-6 identified in the 2018 EIR regarding tree replacement and protection. With implementation of 2018 EIR mitigation measures, impacts would be less than significant. Preparation of a subsequent EIR is not required.

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?*

Less Impact than Approved Project. The Modified Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan as no applicable plans exist. No impact would occur. Preparation of a subsequent EIR is not required.

6.4.4 Mitigation Measures

Modified Project Mitigation Measures

BIO-1 Nesting Bird Protection Measure

If Modified Project activities must be conducted during the nesting season (March 1 and September 1), a pre-construction nesting bird survey will be conducted by a qualified biologist no more than 7 days prior to vegetation removal or initial ground disturbance. The survey will include the project site and surrounding vicinity to identify the location and status of any nests that could potentially be affected either directly or indirectly by Project activities.

If active nests of native nesting bird species are located during the nesting bird survey, a work exclusion zone will be established around each nest by the qualified biologist. Established exclusion zones will remain in place until all young in the nest have fledged or the nest otherwise becomes inactive (e.g., due to predation). Appropriate exclusion zone sizes will be determined by a qualified biologist and will vary based on species, nest location, existing visual buffers, noise levels, and other factors. An exclusion zone radius may be as small as 50 feet for common, disturbance-adapted species, or as large as 250

feet or more for raptors. Exclusion zone size will be reduced from established levels by a qualified biologist if nest monitoring findings indicate that Project activities do not adversely impact the nest, and if a reduced exclusion zone would not adversely affect the nest.

BIO-2 Roosting Bats Protection Measure

To avoid impacts to roosting bats, tree removal and building demolition should occur between October 1 and March 31, outside of the maternity roosting season (when female bats may have dependent young). If tree removal or building demolition must occur between April 1 and September 30, a bat roost habitat assessment should be conducted by a qualified biologist. The bat roost habitat assessment would determine the likelihood of the Project site supporting roosting bats. If the assessment identifies suitable or potentially occupied roosts within the Project site, a pre-construction bat survey should be performed no more than 14 days prior to tree or building removal using site appropriate survey methods to determine if potential roost structures are occupied.

If special-status bat species are detected during these surveys, appropriate, species and roost-specific mitigation measures will be implemented. Such measures may include postponing the removal of the trees or building until the end of the maternity roosting season, exclusionary work buffers, or consultation with CDFW.

BIO-3 Permitting

The Project will obtain a Section 404 Permit from the Corps and a Section 401 Water Quality Certification from the RWQCB prior to any impacts to waters of the U.S. and State. In addition, the Project will obtain a Lake and Streambed Alteration Agreement from the CDFW prior to impacts to CDFW jurisdictional stream channels or riparian habitats. The Project will prepare a Habitat Mitigation and Monitoring Plan (HMMP) to satisfy the requirements of the Corps, RWQCB and CDFW permits to achieve no net-loss of wetlands and waters of the U.S./State. All compliance measures included in the permits will be adhered to.

BIO-4 Mitigation for Waters of the U.S. and State

To mitigate for impacts to waters of the U.S. and State, the applicant proposes to construct 304 linear feet of main channel and 146 linear feet of meandering tributary channel. Approximately 1,300 square feet of wetlands are expected to develop along the mitigation channels and 2,553 square feet of seasonal wetlands are expected to become established within the floodplain, creating a total of 3,853 square feet (0.088 acre) of mitigation wetlands. The total mitigation area below top-of-bank will be 12,400 square feet (0.28 acre). This will provide 1:1 replacement for the total linear feet impacts and 2:1 replacement for the impacted acreage of in-channel wetlands.

BIO-5 Riparian Vegetation Mitigation

The Project will plant valley oak and willow trees to offset the removal of valley oak and willow trees from the riparian sensitive natural community. A replanting plan and a HMMP will be submitted to the City, Corps, RWQCB and CDFW for approval prior to project implementation.

2018 EIR Mitigation Measures Applicable to the Modified Project

BIO-5 Tree Replacement

The applicant shall comply with Town requirements (DMC Section 32-79), as applicable, to plant on-site or off-site replacement trees for removed protected trees which are of a cumulative diameter necessary to equal the diameter of trees approved for removal as determined by the Town's Planning Division. For the non-Town protected trees that would be removed as part of the project, the applicant shall plant new minimum 15-gallon trees either on-site or off-site, as determined by the Town, at a 1:1 ratio. The exact locations and tree species shall be subject to review and approval by the Town's Planning Division.

BIO-6 Tree Protection

The following measures shall be implemented prior to the start of construction for all trees not designated for removal.

- Trees to be retained on-site shall be temporarily fenced with chain-link or other substantial, highly visible material while all grading and construction activities occur, including landscaping activities that require substantial ground disturbance (more than the use of hand tools). The fencing shall be five feet from the dripline of the canopy, at least six-feet high, staked to prevent collapse, and shall contain signs identifying the protection area.
- When construction activities occur within five feet of the dripline, a certified arborist shall be on site to monitor and make recommendations.
- All roots shall be cut cleanly, if possible, back to a lateral branching root. Cuts should be made at right angles to the roots.
- If canopy trimming is needed it shall be done under the supervision of an International Society of Arboriculture (ISA) Certified Arborist and by an ISA Certified Tree Worker. Trees shall be pruned according to American National Standards Institute (ANSI) 300 standards. ANSI 300 provides guidelines for pruning trees and other woody plants.

6.4.5 Conclusion

The Modified Project would not substantially increase the severity of the previously identified impacts to biological resources in the 2018 EIR. Accordingly, the Town of Danville finds the following:

- Substantial changes in the project and project circumstances resulting in new significant effects or a substantial increase in the severity of previously identified significant effects would not occur.
- New information of substantial importance with respect to this environmental resource resulting in new significant effects or a substantial increase in the severity of previously identified effects has not been identified.
- None of the proposed modifications would significantly affect this environmental resource.



ID	Type	Acres	Linear Feet
Waters of the U.S. and State			
IS-1	Intermittent Stream	0.001353	10
IS-2	Intermittent Stream	0.025188	211
ES-1	Ephemeral Stream	0.029115	135
ES-2	Ephemeral Stream	0.024827	172

Figure 4. Verified and Potential Jurisdictional Features in the Modified Project Area

6.5 Cultural Resources

Would the project:	*Discussed in the 2018 EIR? (Yes/No)*	*Less Impact than Approved Project?*	*New Less than Significant Impact?*	*New Less than Significant Impact with Mitigation Incorporated?*	*New Potentially Significant Impact?*	*Same Impact as Approved Project?*
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	*Yes*	☐	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	*Yes*	☐	☐	☐	☐	☒
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	*Yes*	☐	☐	☐	☐	☒

6.5.1 Summary of Impacts Identified in the 2018 EIR

A discussion of the Cultural Resources impacts was included in Section V of Appendix A-Initial Study of the 2018 EIR (pp. 16 to pp. 18). The Appendix A-Initial Study of the 2018 EIR determined that the Approved Project would have no impact on historical resources (Impact a, pp.16 of Appendix A) and would have a less-than-significant impact on archaeological resources and human remains with implementation of mitigation measures (Impacts b to d, pp. 16 to pp. 18).[14] Two cultural resources studies were conducted within a 0.25-mile of the Approved Project site, and no cultural resources have been identified.[15] Mitigation Measures CR-1 Cultural Resources Awareness Training, CR-2 Unanticipated Discovery of Cultural Remains, and CR-3 Unanticipated Discovery of Human Remains were included in the Appendix A-Initial Study in the event that any archaeological resources, paleontological resources, or human remains were encountered during construction to ensure that impact remained less than significant (pp. 17 to pp. 18 of Appendix A).

6.5.2 Environmental Setting

A cultural resources field survey and a records search was conducted by Tom Origer & Associates for the Approved Project in 2014. The records search indicated that no cultural resources were found in the

[14] *Town of Danville. 375 West El Pintado Road Residential Project Draft Environmental Report. July 2018.*

[15] Tom Origer & Associates. November 5, 2014. *A Cultural Resources Survey for the W. El Pintado Condominium Development Project.*

immediate area of the Modified Project. One single-family residence that was built in 1973 exists on the southeast portion of the site. However, the residence consists of single-story, wood-framed building on a rectangular plan with a gabled roof. As stated in the 2018 EIR, field observations confirmed that the residence is a modern building and would not be considered a historical resource.[16]

6.5.3 Discussion of Impacts

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

Same Impact as Approved Project. As discussed above, there are no historic resources within or adjacent to the Modified Project site. No historical resource would be demolished or materially altered. Therefore, no new significant impacts concerning change in the significance of a historic resource would occur as a result of the Modified Project, consistent with the findings of Appendix A-Initial Study of the 2018 EIR. Preparation of a subsequent EIR is not required.

b) and c) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5? Disturb any human remains, including those interred outside of dedicated cemeteries?

Same Impact as Approved Project. The Modified Project would involve development on the same area, as analyzed in Appendix A of the 2018 EIR, with the addition of 16 residential units. Construction of the Modified Project would also involve similar subsurface ground disturbance as the Approved Project, and therefore would have similar potential for encountering and/or altering unknown archaeological resources or human remains. Accordingly, the Modified Project would be required to implement 2018 EIR Mitigation Measures CR-1 to CR-3 pertaining to worker training and procedures to handle unanticipated discovery of cultural and human remains. Therefore, no new significant impact concerning archaeological resources or human remains would occur, nor would previously identified impacts be made more severe, as a result of the Modified Project. A less-than-significant impact would occur with implementation of 2018 EIR Mitigation Measures CR-1 to CR-3, consistent with the findings of Appendix A-Initial Study of the 2018 EIR. Preparation of a subsequent EIR is not required.

6.5.4 2018 EIR Mitigation Measures Applicable to the Modified Project

CR-1 Cultural Resources Awareness Training. Prior to the commencement of ground disturbance, including site preparation and grading activities, the applicant will ensure that all construction workers are trained to recognize archaeological resources (e.g., obsidian and chert flakes and chipped stone tools; grinding and mashing implements such as slabs and handstones, and mortars and pestles; bedrock outcrops and boulders with mortar cups; and locally darkened midden soils containing some of the previously listed items plus fragments of bone, shellfish, and fire affected stones; fragments of glass, ceramic, and metal objects; milled and split lumber; and structure and feature remains such as building foundations and discrete trash deposits). The cultural resources awareness training shall be conducted by a qualified professional archaeologist with experience in training non-specialists. A record of completion of cultural resources awareness training for all construction workers shall be submitted to the Town of Danville

[16] *Ibid.*

prior to the issuance of a grading permit, and a copy of the training completion record shall be maintained on-site for the duration of construction activities.

CR-2 **Unanticipated Discovery of Cultural Remains.** If previously unidentified cultural resources are encountered during construction or land disturbance activities, work shall stop within 50 feet of the find and the Town of Danville shall be notified at once to assess the nature, extent, and potential significance of any cultural resource find. The applicant shall retain a qualified archaeologist to implement a Phase II subsurface testing program to determine the resource boundaries, assess the integrity of the resource, and evaluate the resource's significance through a study of its features and artifacts.

If the resource is determined significant, the Town of Danville may choose to allow the capping of the area containing the resource using culturally sterile and chemically neutral fill material. If such capping occurs, then a qualified archaeologist shall be retained to monitor the placement of fill upon the resource. If a significant resource will not be capped, the results and recommendations of the Phase II study shall determine the need for a Phase III data recovery program designed to record and remove significant cultural materials that could otherwise be tampered with. If the resource is determined to be not significant, no capping and/ or further archaeological investigation or mitigation shall be required. The results and recommendations of the Phase II study shall determine the need for construction monitoring. If monitoring is warranted, a qualified archaeologist shall be retained by the applicant to be present during all earth moving activities that have the potential to affect archaeological or historical resources. A monitoring report shall be submitted to the Town upon completion of construction.

CR-3 **Unanticipated Discovery of Human Remains.** If previously unidentified human remains are encountered during project construction, State Health and Safety Code Section 7050.5 shall be adhered to, which requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the Coroner has 24 hours to notify the NAHC. The NAHC would then identify the person(s) thought to be the Most Likely Descendent (MLD) of the deceased Native American, who would then help determine what course of action should be taken in dealing with the remains.

6.5.5 Conclusion

The proposed modifications would not cause a substantial adverse change in the significance of a historical or archaeological resource or disturb any human remains from what was previously analyzed in the 2018 EIR. Accordingly, the Town of Danville finds that following.

- Substantial changes in the project and project circumstances resulting in new significant effects or a substantial increase in the severity of previously identified significant effects would not occur.
- New information of substantial importance with respect to this environmental resource resulting in new significant effects or a substantial increase in the severity of previously identified effects has not been identified.
- None of the proposed modifications would significantly affect this environmental resource.

6.6 Energy

Would the project:	*Discussed in the 2018 EIR? (Yes/No)*	*Less Impact than Approved Project?*	*New Less than Significant Impact?*	*New Less than Significant Impact with Mitigation Incorporated?*	*New Potentially Significant Impact?*	*Same Impact as Approved Project?*
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	*Yes*	☐	☐	☐	☐	☒
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	*Yes*	☐	☐	☐	☐	☒

6.6.1 Summary of Impacts Identified in the 2018 EIR

A discussion of impacts on energy resulting from the Approved Project is provided in Section 5.4 Energy Effects of the 2018 EIR (pp. 191 to pp. 192). The 2018 EIR determined that adherence to the Town's green building and energy conservation requirements, energy conservation requirements of the California Energy Code, and the California Green Building Standard Code would ensure that the Approved Project would not use energy in an inefficient or wasteful manner.

6.6.2 Environmental Setting

Electrical service for residents and businesses in the Town of Danville is provided by Pacific Gas and Electric Company (PG&E). PG&E has generated a growing share of the region's electricity from renewable, non-polluting energy sources during the past decade. PG&E continues to pursue alternatives to fossil fuels, such as solar and wind power. The Town of Danville works with PGE&E to encourage substantial reductions in energy usage, and to support energy audits which indicate ways to improve energy efficiency.[17]

6.6.3 Discussion of Impacts

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

Same Impact as Approved Project. The Modified Project would involve the use of energy during construction and operation. During construction, energy use would be in the form of fuel consumption (e.g., gasoline and diesel fuel) to operate heavy equipment, light-duty vehicles, machinery, and a generator for lighting. Temporary grid power may also be used to operate any temporary construction

[17] Town of Danville. *The 2030 General Plan. Adopted March 19, 2013.*

trailers or electric construction equipment. Contractors would be subject to compliance with California Code of Regulations (CCR), Title 13, Chapter 9, Article 4.8 Section 2449, which requires minimizing non-essential idling of construction equipment during construction. Compliance with CCR Section 2449 would limit wasteful and unnecessary energy consumption. Construction vehicles would comply with federal and State standards for on- and off-road vehicles (e.g., emission standards set by the California Air Resources Board), which prevent wasteful, inefficient, or unnecessary consumption of energy resources.

Long-term operation of the Modified Project would require permanent grid connections for electricity and natural gas service provided by PG&E to power interior and exterior building lighting, and heating and cooling systems. The Modified Project would be required to meet all current building standards including the 2019 California Energy Code (Title 24, Part 6 of the CCR) and the 2019 California Green Building Standards Code (CALGreen) (Title 24, Part 11 of the CCR). The California Energy Code provides energy conservation standards for all new and renovated commercial and residential buildings constructed in California. The CALGreen standards include green building thresholds in the areas of site development, water efficiency, energy efficiency, green materials, and indoor air quality.[18] The Modified Project would comply with the California Energy Code and the CALGreen standards and therefore would not result in potentially significant environment impacts due to wasteful, inefficient, or unnecessary consumption of energy resources. The impact would be less than significant and consistent with the findings of the 2018 EIR. Preparation of a subsequent EIR is not required.

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

Same Impact as Approved Project. The Modified Project would not conflict with any State or local plans for renewable energy or energy efficiency. The Town of Danville conducts plan checking as part of the building permit process. Plans for new or altered buildings are reviewed to ensure that they comply with State energy efficiency standards and CALGreen standards.[19] Thus, the Modified Project would not obstruct or prevent plans for renewable energy or energy efficiency. The impact would be less than significant and consistent with the findings of the 2018 EIR. Preparation of a subsequent EIR is not required.

6.6.4 Conclusion

The proposed modification would not have an effect on energy. Accordingly, the Town of Danville finds the following:

- Substantial changes in the project and project circumstances resulting in new significant effects or a substantial increase in the severity of previously identified significant effects would not occur.
- New information of substantial importance with respect to this environmental resource resulting in new significant effects or a substantial increase in the severity of previously identified effects has not been identified.
- None of the proposed modifications would significantly affect this environmental resource.

[18] California Building Standards Commission. *2019 California Green Building Standards Code, CCR Title 24, Part 11.* Website: https://calgreenenergyservices.com/wp/wp-content/uploads/2019_california_green_code.pdf. Accessed October 6, 2021.

[19] Town of Danville. *The 2030 General Plan. Adopted March 19, 2013.*

6.7 Geology and Soils

Would the project:	*Discussed in the 2018 EIR? (Yes/No)*	*Less Impact than Approved Project?*	*New Less than Significant Impact?*	*New Less than Significant Impact with Mitigation Incorporated?*	*New Potentially Significant Impact?*	*Same Impact as Approved 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?	*Yes*	☐	☐	☐	☐	☒
ii) Strong seismic ground shaking?	*Yes*	☐	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	*Yes*	☐	☐	☐	☐	☒
iv) Landslides?	*Yes*	☐	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	*Yes*	☐	☐	☐	☐	☒
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?	*Yes*	☐	☐	☐	☐	☒

Would the project:	*Discussed in the 2018 EIR? (Yes/No)*	*Less Impact than Approved Project?*	*New Less than Significant Impact?*	*New Less than Significant Impact with Mitigation Incorporated?*	*New Potentially Significant Impact?*	*Same Impact as Approved Project?*
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial direct or indirect risks to life or property?	*Yes*	☐	☐	☐	☐	☒
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?	*Yes*	☐	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	*Yes*	☐	☐	☐	☐	☒

6.7.1 Summary of Impacts Identified in the 2018 EIR

Impacts to geology and soils were discussed in Section VI of the Appendix A-Initial Study of the 2018 EIR (pp. 19 to pp. 22). The Appendix A-Initial Study concluded that no earthquake faults delineated on Alquist-Priolo Fault Zone maps within the Approved Project area (Impact a.i, pp. 19). The Approved Project would not include construction of a septic system. Thus, no impact related to septic tanks or alternative wastewater disposal systems would occur (Impact e, pp. 22). As with any site in the Bay Area region, the Approved Project site is susceptible to strong seismic ground shaking in the event of a major earthquake. Adherence to the seismic design and standards set forth in the California Building Code would reduce the Approved Project's impacts related to surface fault rupture hazard to a less-than-significant level (Impact a.ii, pp. 19). The Approved Project would be required to comply with erosion control standards administrated by the San Francisco Bay RWQCB through the National Pollutant Discharge Elimination System (NPDES) permit process. A Stormwater Pollution Prevention Plan (SWPPP) with best management practices (BMPs) would be implemented for erosion control. In compliance with the stipulations in the NPDES permit and implementation of BMPs required in the SWPPP, the Approved Project would have a less-than-significant impact related to soil erosion or loss of topsoil (Impact b, pp. 20 to pp. 21).

The Appendix A-Initial Study concluded that the Approved Project would result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse and would create risks to life or property due to site topography and on-site soil characteristics (Impact c and d, pp. 21 to pp. 22). However, with

implementation of Mitigation Measure GEO-1 and adherence to the California Building Code requirements, the risk of structural damage or injury from landslides, lateral spreading, subsidence, liquefaction, expansive soils, or collapse would be less than significant.

6.7.2 Environmental Setting

The Modified Project has the same environmental setting as the Approved Project, including fault rupture, seismic ground shaking, liquefaction, unstable soils, landslides, and expansive soils. As discussed in Section VI, Geology and Soils of the Appendix A-Initial Study, the site is not located within a known earthquake fault that is included in the most recent Alquist-Priolo Earthquake Fault Zoning map. The site is not located within a potential liquefaction zone or landslide hazard area. Geotechnical exploratory test borings performed in [year] identified loose sands, silts, and low plasticity clays on the northwest corner of the site.

6.7.3 Discussion of Impacts

a-i) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: 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?

Same Impact as Approved Project. The Modified Project is located within the same area as the Approved Proejct and would not be located on or near an Alquist-Priolo Earthquake Fault Zone. The Modified Project would not cause potential substantial adverse effects involving rupture of a known earthquake fault. Therefore, no new significant impactswith respect to the risk of loss or death as a result of surface fault rupture would occur as a result of the Modified Project. The Modified Project would result in no new impacts concerning earthquake fault hazards, consistent with the findings of Appendix A-Initial Study of the 2018 EIR. Preparation of a subsequent EIR is not required.

a-ii) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Strong seismic ground shaking?

Same Impact as Approved Project. The Modified Project would be located on the same project site as the Approved Project. As with the Approved Project, the Modified Project site would be susceptible to strong seismic gorund shaking in the event of a major earthquake. The Modified Project would be designed in accordance with the most current California Building Code requirements that address structural seismic safety. The CBC includes design criteria for seismic loading and other geologic hazards, including loading that governs seizing of structural members and other required design criteria. Thus, the Modified Project would result in a less-than-significant impact in compliance to the most current CBC requriements, as stated in the Appendix A-Intial Study of the 2018 EIR. Preparation of a subsequent EIR is not required.

a-iii) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Seismic-related ground failure, including liquefaction?

Same Impact as Approved Project. The Appendix A-Intitial Study of the 2018 EIR concluded that liquefaction is a condition that occurs when unconsolidated, saturated soils change to near-lequid state during strong groundskaking. As discussed in Impact a.iii) of the Intial Study, a geotechnical exploratory test boring located in the northwest corner of the site has encountered loose sands, silts, and low plasticity clays that are potentially liquefiable (pp. 20). The Modified Project would be required to comply with

applicable provisions for construction in a liquefaction zone of the most current CBC. Adherence to Chapter 18 of the CBC , which addresses soil hazards including liquefaction, would ensure that liquefaction impacts would be less than significant. The Modified Project would result in less than signficant impact concerning seismic-related ground failure consistent with the findings of Appendix A-Initial Study of the 2018 EIR. Preparation of a subsequent EIR is not required.

a-iv) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Landslides?

Same Impact as Approved Project. Landslides are typically a hazard on or near slopes or hillside areas and can be triggered by earthquakes. The Modified Project site is not located within a landslide hazard area and has moderately rolling topography as discussed in Section VI. Geology and Soils Impact a.iv) in Appendix A-Inital Study of the 2018 EIR (pp. 20). No slopes on or adjacent to the site are high or steep enough to constitute signficant landslide hazards. In addition, the Modified Project would be required to meet the CBC requirements regarding Project engineering for soil stability. For these reasons, the Modified Project would not result in a change to the less than signficant finding in Appendix A-Intial Study of the 2018 EIR regarding the potential impacts from the threat of landslides on the site. Preparation of a subsequent EIR is not required.

b) Result in substantial soil erosion or the loss of topsoil?

Same Impact as Approved Project. As discussed in Section VI. Geology and Soils Impact b) in Appendix A-Initial Study of the 2018 EIR (pp. 20 and pp. 21.), erosion and loss of topsoil has the highest potential to occur during ground-disturbing activities. Ground-disturbing activities would include grading, building pads, access roads, and utility trenches. Similar to the Approved Project, the Modified Project would be required to comply with Chapter XIX of the Danville Municipal Code to obtain a Grading Permit and an Erosion Control Permit and meet conditions as specified in the permits, including preparing an erosion control plan with BMPs to minimize on-site erosion and off-site sedimentation. In addition, the Modified Project would be required to obtain a NPDES permit, which requires implementation of a project-specific SWPPP with BMPs identified. The Modified Project would have a less-than-significant impact related to erosion and loss of topsoil, consistent with the finding in Appendix A-Initial Study of the 2018 EIR. Preparation of a subsequent EIR is not required.

c) and d) 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?

Be located on expansive soil, as defined in Table 18 1 B of the Uniform Building Code, creating substantial direct or indirect risks to life or property?

Same Impact as Approved Project. As discussed in Section VI. Geology and Soils in Appendix A-Initial Study of the 2018 EIR, portions of the site would be subject to liquefaction, and most of the site is covered with layers of several clayey fill soils that have an expansion potential ranging from moderate to very high (Impact d, pp. 21). The site slopes moderately to the west. The Appendix A-Initial Study concluded that compliance with CBC requirements for foundation design for building constructed on expansive soils would ensure protection of structures and occupants from impacts related to expansive soils. The Appendix A-Initial Study also concluded that the site would be subject to lateral spreading and liquefaction during seismic events due to the site's topography and the presence of liquefiable soils. Site preparation, such as soil, compaction, excavation of liquefiable soils, installation of subsurface drainage, and placement

of structural fill would reduce the potential for liquefaction. In addition, implementation of Mitigation Measure GEO-1 would require preparation of a design-level geotechnical investigation and incorporation of an appropriate foundation design based on the geotechnical recommendations. In accordance with CBC requirements and implementation of Mitigation Measure GEO-1, impacts related to structural damage or injury due from an unstable geologic unit or expansive soils would be less than significant. The Modified Project would be located on the same footprint as the Approved Project and would be required to comply with CBC requirements and implement Mitigation Measure GEO-1. For these reasons, the Modified Project would not result in a change in the finding of a less-than-significant impact with mitigation incorporated as stated in Appendix A-Initial Study of the 2018 EIR. Preparation of a subsequent EIR is not required.

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?

Same Impact as Approved Project. No septic tanks or alternative wastewater disposal systems are proposed for the Modified Project. The Modified Project would be connected to the local wastewater treatment system. There would be no impacts, consistent consistent with the finding in Apendix A-Intial Study of the 2018 EIR. Preparation of a subsequent EIR is not required.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Same Impact as Approved Project. Impacts to unique paleontological resources or site or unique geologic features was discussed in Section V. Cultural Resources in the Appendix A-Initial Study of the 2018 EIR (Impact b-d), pp. 16 to pp.18). The Appendix A-Initial Study concluded that development on the site would have the potential for discovery of previously unidentified unique geologic feature. Mitigation Measures CR-1 through CR-3 would be required to reduce impacts to previously unidentified cultural resources including geologic feature. Preparation of a subsequent EIR is not required.

6.7.4 2018 EIR Mitigation Measures Applicable to the Modified Project

GEO-1 Design-Level Geotechnical Investigation. In accordance with the recommendations of the preliminary geotechnical investigation, the applicant shall conduct a design-level geotechnical investigation. The design-level geotechnical investigation shall include additional field exploration and laboratory testing. Soil borings and/or cone penetration tests (CPT) soundings shall be conducted to evaluate the potential for liquefaction in the area of the preliminary geotechnical investigation Boring 2. The recommendations of the design-level geotechnical investigation shall be incorporated into the proposed project grading and building plans after review and approval by the Town's Building Services Division. These recommendations may include the removal of expansive soils, replacing expansive soils with non-expansive engineered fill, deepening foundations to develop support below the zone of significant seasonal moisture change, designing foundation/slab systems to resist uplift pressures generated by swelling soils, providing drainage and landscaping to minimize seasonal moisture fluctuations in the near-surface soils, compacting soils to the appropriate relative compaction, and designing foundations to resist the adverse effects of liquefaction and corrosive soils.

6.7.5 Conclusion

The Modified Project would not substantially increase the severity of the previously identified impacts related to geology and soils in the 2018 EIR. Accordingly, the Town of Danville finds that following:

- Substantial changes in the project and project circumstances resulting in new significant effects or a substantial increase in the severity of previously identified significant effects would not occur.
- New information of substantial importance with respect to this environmental resource resulting in new significant effects or a substantial increase in the severity of previously identified effects has not been identified.
- None of the proposed modifications would significantly affect this environmental resource.

6.8 Greenhouse Gas Emissions

Would the project:	*Discussed in the 2018 EIR? (Yes/No)*	*Less Impact than Approved Project?*	*New Less than Significant Impact?*	*New Less than Significant Impact with Mitigation Incorporated?*	*New Potentially Significant Impact?*	*Same Impact as Approved Project?*
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	*Yes*	☐	☐	☐	☐	☒
b) Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	*Yes*	☐	☐	☐	☐	☒

6.8.1 Summary of Impacts Identified in the 2018 EIR:

Impacts to greenhouse gas (GHG) emissions were discussed in Section 4.4 of the 2018 EIR (pp. 103 to pp. 114). The 2018 EIR determined that the Approved Project would be consistent with applicable GHG reduction plans and would emit 329 metric tons of CO_2e per year, which is below the BAAQMD threshold of 1,034 metric tons per year for 2020 (adjusted per Senate Bill [SB] 32). [20] Therefore, the Approved Project would have a less-than-significant impact with respect to GHG emissions.

6.8.2 Environmental Setting

Assembly Bill (AB) 32, adopted in 2006, established the Global Warming Solutions Act of 2006 which requires the State to reduce GHG emissions to 1990 levels by 2020. Senate Bill 97, adopted in 2007, required the Governor's Office of Planning and Research to develop CEQA guidelines "for the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions," and the Resources Agency certified and adopted the amendments to the guidelines on December 30, 2009. On September 8, 2016, the governor signed SB 32 into law, extending AB 32 by requiring the State to further reduce GHG emissions to 40 percent below 1990 levels by 2030.

GHGs are recognized by wide consensus among the scientific community to contribute to global warming/climate change and associated environmental impacts. The major GHGs released from human activity are carbon dioxide, methane, and nitrous oxide (Governor's Office of Planning and Research 2008). The primary sources of GHGs are vehicles (including planes and trains), energy plants, and industrial and agricultural activities (such as dairies and hog farms). The primary sources of GHGs from the project site are vehicles and operational emissions associated with a residence.

[20] *CO_2e or carbon dioxide equivalent is the combination of the pollutants that contribute to climate change adjusted using their global warming potential in terms of carbon dioxide.*

6.8.3 Discussion of Impacts

a) and b) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

Same Impact as Approved Project. The Modified Project would result in construction and operation of an additional 16 units compared to the Approved Project. As with the Approved Project, the Modified Project would have the potential to generate GHG emissions during construction and operational activities. Construction and operation of the additional 16 units would incrementally result in an increase in GHG emissions. However, the increase in emission would be negligible and would not exceed the BAAQMD threshold of 1,034 metric tons per year for 2030, in accordance with the GHG reductions required by SB 32. The Town of Danville adopted a Climate Action Plan in May 2009 and a Sustainability Action Plan in 2013. The preliminary actions identified in the Climate Action Plan were explored and built upon in the Town's 2030 General Plan and Sustainability Action Plan (concurrently adopted in 2013). The Sustainability Action Plan serves as a Qualified GHG Reduction Strategy consistent with State CEQA Guidelines and BAAQMD CEQA Guidelines. As with the Approved Project, the Modified Project would be consistent with the applicable goals and measures identified in the Town of Danville Sustainability Action Plan (Table 16 of the 2018 EIR, pp. 111). Consistent with the findings in the 2018 EIR, the Modified Project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment; and would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. Preparation of a subsequent EIR is not required.

6.8.4 Conclusion

The Modified Project would not substantially increase the severity of the previously identified impacts related to GHG emissions in the 2018 EIR. Accordingly, the Town of Danville finds the following:

- Substantial changes in the project and project circumstances resulting in new significant effects or a substantial increase in the severity of previously identified significant effects would not occur.
- New information of substantial importance with respect to this environmental resource resulting in new significant effects or a substantial increase in the severity of previously identified effects has not been identified.
- None of the proposed modifications would significantly affect this environmental resource.

6.9 Hazards and Hazardous Materials

Would the project:	*Discussed in the 2018 EIR? (Yes/No)*	*Less Impact than Approved Project?*	*New Less than Significant Impact?*	*New Less than Significant Impact with Mitigation Incorporated?*	*New Potentially Significant Impact?*	*Same Impact as Approved Project?*
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	*Yes*	☐	☐	☐	☐	☒
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?	***Yes***	☐	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	***Yes***	☐	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	***Yes***	☐	☐	☐	☐	☒
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 for people residing or working in the project area?	***Yes***	☐	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an	***Yes***	☐	☐	☐	☐	☒

Would the project:	*Discussed in the 2018 EIR? (Yes/No)*	*Less Impact than Approved Project?*	*New Less than Significant Impact?*	*New Less than Significant Impact with Mitigation Incorporated?*	*New Potentially Significant Impact?*	*Same Impact as Approved Project?*
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?	*Yes*	☐	☐	☐	☐	☒

6.9.1 Summary of Impacts Identified in the 2018 EIR

Impacts related to hazardous and hazardous materials were discussed in Appendix A-Initial Study of the 2018 EIR (pp. 23 to pp. 26). The Appendix A-Initial Study analyzed the potential impacts to hazards and hazardous materials that could occur as a result of implementing the Approved Project. The Appendix A-Initial Study determined that the Approved Project would have less than significant impacts related to the use, storage, and transport of hazardous materials, the risk of accidental release of hazardous materials, and the use of hazardous materials near schools because the Approved Project would comply with applicable regulations to storage and transport hazardous materials and would implement best management practices to contain and clean up any accidental spills or leaks (Impacts a to c, pp. 24 to pp. 25). The Approved Project would not interfere with an adopted emergency response plan or emergency evacuation plan. The site is located within an area subject to wildland fire (Impact h, pp. 26). The Initial Study also determined that the Approved Project is neither located on a site which is included on a list of hazardous materials sites complied pursuant to Government Code Section 65962.5 or near an airport; thus, no impacts would occur in relationship to hazardous sites or airports (Impact d to f, pp. 25 to pp. 26).

6.9.2 Environmental Setting

The environmental setting for hazards and hazardous materials is the same as described in the 2018 EIR Appendix A-Initial Study. The Modified Project site is neither located on or near a hazardous materials site nor located within an airport land use plan or within two (2) miles of a public airport or public use airport. The nearest school is the St. Isidore School located approximately 0.1 mile west-southwest of the site. The Modified Project is located within a Wildfire Threat area designated as Very High Threat to Development as identified in the Town's 2030 General Plan, but not within a High Fire Hazards Severity Zone or a Very High Fire Hazard Severity Zone as shown on California Department of Forestry and Fire Protection's (CAL FIRE's) Fire Hazard Severity Zones Maps. [21,22]

6.9.3 Discussion of Impacts

a) and b) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? Create a significant hazard to the public or the

[21] *Town of Danville, The 2030 General Plan, Chapter 6 Resources and Hazards – Figure 22.*

[22] *CAL FIRE. FHSZ Viewer. Website: https://egis.fire.ca.gov/FHSZ/. Accessed September 23, 2021.*

environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Same Impact as Approved Project. Consistent with the Appendix A-Initial Study, operation of the Modified Project would only use or store minor amounts of hazardous materials for cleaning, maintenance, and landscaping. Therefore, operation of the Modified Project would not involve the use, storage, transportation, disposal, or spill of hazardous materials that would create a significant impact to the public or environment. Construction of the Modified Project would occur within the area same analyzed in the Appendix A-Initial Study, would involve similar types of construction as what was analyzed in the Initial Study, would use the same hazardous materials, and would be subject to similar conditions with respect to hazards and hazardous materials as what was analyzed in the Initial Study. Therefore, the Modified Project would not introduce any hazardous materials that were not analyzed previously in the Appendix A-Initial Study and would not result in a new or substantially greater significant impact with regard to hazards and hazardous materials. Construction of the Modified Project would be consistent with the findings made in the Appendix A-Initial Study. Preparation of a subsequent EIR is not required.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Same Impact as Approved Project. The closest school to the Modified Project site is the St. Isidore School located approximately 0.1-mile to the west-southwest. The use of hazardous materials associated with construction and operation of the Modified Project would be confined to the site and access routes to the site. Vehicles transporting hazardous materials would not be expected to pass by the school, as access to the site would be provided by I-680 located to the east. In addition, the school is separated by single- and multifamily residences. The probability that school children would be exposed to hazardous materials associated with the Modifed Project would be low. In addition, the Modified Project would be required to develop a project-specific SWPPP, which would include BMPs, to contain and clean up any accidential spills or leaks. The impact would be less than significant and would be consistent with the findings of Appendix A-Initial Study of the 2018 EIR. Preparation of a subsequent EIR is not required.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Same Impact as Approved Project. As identified in the Appendix A-Initial Study, the Modified Project is not located within 0.25-mile of known hazardous materials contamination sites.[23] No impact would occur, consistent with the findings of Appendix A-Initial Study of the 2018 EIR. Preparation of a subsequent EIR is not required.

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 for people residing or working in the project area?

Same Impact as Approved Project. As noted in the Appendix A-Initial Study, the Modified Project is not located within an airport land use plan or within two (2) miles of a public airport or public use airport. No

[23] State Water Resources Control Board. *GeoTracker*. Website: https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=Sacramento. Accessed October 12, 2021.

impact would occur, consistent with the findings of Appendix A-Initial Study of the 2018 EIR. Preparation of a subsequent EIR is not required.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Same Impact as Approved Project. The Modifed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The Modified Project would comply with the California Fire Code requirements for emergency access and would not include changes that could potentially interfere with an emergency plan or an emergency evacuation plan. The impact would be less than significant and would be consistent with the findings of Appendix A-Initial Study of the 2018 EIR. Preparation of a subsequent EIR is not required.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

Same Impact as Approved Project. As discussed in Section 6.9.2, Environmental Setting in Hazardous Materials, the Modified Project site is located within an area designated as Very High Threat to Development as identified in the Town's 2030 General Plan. The majority of the Town is located within the same Wildfire Threat area. The Modified Project site is not located in a High Fire Hazard Severity Zone or in a Very High Fire Hazard Severity Zone as mapped by CAL FIRE. The site is within an urban area and is surrounded by existing development. I-680 is east of the site, and would serve as a fire break in the event of a wildfire. No wildlands are immediately adjacent to the site. The impact related to wildland fire would be less than significant and would be consistent with the findings of Appendix A-Initial Study of the 2018 EIR. Preparation of a subsequent EIR is not required.

6.9.4 Conclusion

The Modified Project would not substantially increase the severity of the previously identified impacts related to hazards and hazardous materials in the 2018 EIR. Accordingly, the Town of Danville finds the following:

- Substantial changes in the project and project circumstances resulting in new significant effects or a substantial increase in the severity of previously identified significant effects would not occur.
- New information of substantial importance with respect to this environmental resource resulting in new significant effects or a substantial increase in the severity of previously identified effects has not been identified.
- None of the proposed modifications would significantly affect this environmental resource.

6.10 Hydrology and Water Quality

Would the project:	*Discussed in the 2018 EIR? (Yes/No)*	*Less Impact than Approved Project?*	*New Less than Significant Impact?*	*New Less than Significant Impact with Mitigation Incorporated?*	*New Potentially Significant Impact?*	*Same Impact as Approved Project?*
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	*Yes*	☐	☐	☐	☐	☒
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	*Yes*	☐	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:						
i) result in substantial erosion or siltation on- or off-site;	*Yes*	☐	☐	☐	☐	☒
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	*Yes*	☐	☐	☐	☐	☒
iii) create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or	*Yes*	☐	☐	☐	☐	☒
iv) impede or redirect flood flows?	*Yes*	☐	☐	☐	☐	☒

Would the project:	*Discussed in the 2018 EIR? (Yes/No)*	*Less Impact than Approved Project?*	*New Less than Significant Impact?*	*New Less than Significant Impact with Mitigation Incorporated?*	*New Potentially Significant Impact?*	*Same Impact as Approved Project?*
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	*Yes*	☐	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	*No*	☐	☒	☐	☐	☐

6.10.1 Summary of Impacts Identified in the 2018 EIR

Impacts to hydrology and water quality were discussed in Section 4.5 of the 2018 EIR (pp. 115 to pp. 128) and in Section IX of Appendix A-Initial Study of the 2018 EIR (pp. 26 and pp. 28). The 2018 EIR determined that construction and operation of the Approved Project would potentially result in an increase in pollutant discharges to waters of the State, but the impact would be reduced to a less-than-significant level with implementation of Mitigation Measures BIO-2 to BIO-4 (Impact HWQ-1, pp. 124 to pp.125). The 2018 EIR also determined that the Approved Project would have less-than-significant impacts related to altering the existing drainage pattern and creating runoff that would exceed the capacity of existing or planned stormwater drainage with implementation of stormwater control and drainage plans (Impact HWQ-2, pp. 126 to pp. 127). Appendix A-Initial Study of the 2018 EIR determined that the Approved Project would have no impacts related to flood hazards and inundation by seiche, tsunami, or mudflow; and would have a less-than-significant impact related to depleting groundwater supplies or interfering with groundwater recharge (Impacts b, g-j, pp. 28).

6.10.2 Environmental Setting

The environmental setting for hydrology and water quality is the same as described in the 2018 EIR. The Modified Project site lies within the San Francisco Bay Hydrologic Region, the Suisun Bay hydrologic unit, and the Concord hydrologic area and the Walnut Creek hydrologic subarea.[24] The Town of Danville is underlain by the San Ramon Valley Groundwater Basin. Most of the Town is not subject to flooding from either a 100-year or 500-year flood event. The Modified Project site is approximately 15 miles away from the San Francisco Bay and would not be inundated by a tsunami.

6.10.3 Discussion of Impacts

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Same Impact as Approved Project. The change proposed by the Modified Project would not result in more intense or extensive construction or operational activities that have the potential to degrade water quality

[24] California Department of Transportation. *Caltrans Water Quality Planning Tool.* Website: http://svctenvims.dot.ca.gov/wqpt/wqpt.aspx. Accessed October 12, 2021.

in downstream water bodies. Accordingly, the Modified Project would not result in changes to the analysis or conclusions in the 2018 EIR. As with the Approved Project, the Modified Project would be subject to the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order No. 2012-0006-DWQ) adopted by the State Water Resources Control Board. The Modified Project would be required to meet the NPDES General Permit conditions, including development of a project-specific SWPPP with BMPs to control sediment and erosion during construction. The Modified Project would also be required to comply with Danville Municipal Code Chapter 19 (Grading Ordinance) and Chapter 20 (Stormwater Management and Discharge Control Ordinance) regarding stormwater discharge and construction site stormwater runoff control. In addition, the Modified Project would implement Mitigation Measures BIO-3 and BIO-4 to obtain necessary permits and mitigation agreements from the appropriate resource agency to ensure that water quality impacts to existing on-site drainage would be less than significant. During operation, rooftop and surface drainage would be collected through underground pipes and directed to stormwater treatment devices including bioretention areas, flow-through planter, and pervious pavers. Illicit discharges to the municipal stormwater system are prohibited by the Danville Municipal Code. The Modified Project comply with the Danville Municipal Code and the Town's 2030 General Plan polices regarding maximizing permeable surface and infiltration on-site, minimizing stormwater runoff, and preventing or remediating illicit discharges of pollutants to the municipal stormwater conveyance system. With implementation of applicable laws and regulations, the Modified Project would not violate water quality standards or contribute additional sources of polluted runoff. Impacts to water quality would be less than significant and would be consistent with the findings of the 2018 EIR. Preparation of a subsequent EIR is not required.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Same Impact as Approved Project. Consistent with the discussion and analysis in the Appendix A-Initial Study, the Modified Proejct would be served by the existing potable water service provided by East Bay Municipal Unitlity District (EBMUD) and would result in an increase impervious surface on-site. The amount of new impervious surface would be less under the Modified Project compared to the Approved Project, would be small compared to the surface area of the watershed and would not substantially alter the regional gorundwater recharge capacity or adversely affect groundwater levels. The Modifed Proejct would not include installation of new groundwater wells or use of groundwater from an existing well. Therefore, the impacts related to groundwater supplies and recharge would be less than signficant and would be consistent with the findings of Appendix A-Initial Study of the 2018 EIR. Preparation of a subsequent EIR is not required.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: (i) result in substantial erosion or siltation on- or off-site; (ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; (iii) create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or (iv) impede or redirect flood flows?

Same Impact as Approved Project. Similar to the Approved Project, development of the Modified Project would alter the site's drainage, such as extending existing culverts beneath the site, changing ground surface permeability from the introduction of impervious surfaces (rooftops), and changing topography from grading and excavation. The Danville Grading Ordinance establishes controls on the earthwork permitted by the Town during construction and requires that an erosion-control permit be obtained prior

to the start of construction activities. The grading permit and erosion control permit together require structural design elements and best management practices to control erosion and maintain proper drainage on- and off-site. Danville's Stormwater Management and Discharge Control Ordinance implements the Town's NPDES permit by requiring appropriate source control and site design measures and stormwater treatment measures for development projects. The San Francisco Bay RWQCB Municipal Regional Stormwater Permit prohibits the discharge of non-stormwater effluent into storm drain systems and watercourses and requires appropriate source control, site design, and stormwater treatment measures in new development and redevelopment projects to address both soluble and insoluble stormwater runoff pollutant discharges and prevent increases in runoff flows from new development and redevelopment projects. The Modified Project would be required to comply with the Danville Municipal Code and the San Francisco Bay RWQCB Municipal Regional Stormwater Permit to ensure that post-development off-site runoff amounts would not exceed pre-development conditions. Complying to exsisting regulations would ensure that the Modified Project would not result in subtantial erosion, siltation, or flooding on- or off-site and would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater systems. The impacts would be less than signficant and would be consistent with the findings of the 2018 EIR. Preparation of a subsequent EIR is not required.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Same Impact as Approved Project. The Modified Project site is not located within a 100-year flood hazard area.[25] Flooding hazards in the Town of Danville are generally limited to areas along major creeks and the confluence of creeks during winter rains. The Modified Project site would not be affected by flooding, and the proposed structures would not obstruct flood flows. The site is located approximately 15 miles from the San Francisco Bay and is not located in a tsunami hazard zone.[26] There are no lakes within the vicinity of the Modified Project, and there is not risk of inundation by seiche. Consistent with the findings of the Approved Project in the Appendix A-Initial Study of the 2018 EIR, the Modified Project would not result in impacts related to flood hazards,tsunamis, or seiches. Preparation of a subsequent EIR is not required.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

New Less than Significant Impact. The Modified Project is located within the San Ramon Valley Groundwater Basin which has a groundwater basin prioritization category of Very Low. [27] No groundwater quality impairments have been documented for the San Ramon Valley Groundwater Basin.[28]

The Modified Project is located within the San Francisco Bay Basin. The San Francisco Bay Basin Water Quality Control Plan (Basin Plan) identifies beneficial water uses and water quality objectives to protect the designated beneficial water uses, identify strategies, and create time schedules to achieve the water quality objectives. Water quality objectives for surface waters encompass features such as bacteria levels,

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[25] *FEMA. FEMA Flood Maps Service Center. Website: https://msc.fema.gov/portal/search?AddressQuery=375%20west%20el%20pintado%2C%20danville#searchresultsanchor. Accessed September 23, 2021.*

[26] California Department of Conservation. Contra Costa County Tsunami Hazard Areas. Website: https://www.conservation.ca.gov/cgs/tsunami/maps/contra-costa. Accessed October 12, 2021.

[27] SGMA Basin Prioritization Dashboard. Website: https://gis.water.ca.gov/app/bp-dashboard/final/. Accessed October 12, 2021.

[28] California Department of Water Resources. California's Groundwater Bulletin 118 – San Ramon Valley Groundwater Basin. February 27, 2004.

sediment, pH, and temperature. Strategies include identifying Total Maximum Daily Loads required by the Clean Water Act for waterbodies where water quality standards are not currently met.

A project could interfere with the Basin Plan by degrading water quality in such a way that water quality objectives or strategies are not met, and beneficial uses are adversely affected or not achieve. Within the Town of Danville, the Basin Plan identifies beneficial uses for San Ramon Creek, including warm freshwater habitat, wildlife habitat, water contact recreation, and non-contact water recreation.[29] Project impacts to surface and groundwater quality are discussed in Impact a) above. Release of sediment and chemicals from the site could conflict with the beneficial uses identified for San Ramon Creek in the Basin Plan. Implementation of the erosion control measures required by the Town of Danville and identified in the required SWPPP would minimize impacts to water quality as discussed in Impact a). The impact from conflict with the Basin Plan would be less than significant. Preparation of a subsequent EIR is not required.

6.10.4 Conclusion

The Modified Project would not substantially increase the severity of the previously identified impacts related to hydrology and water quality in the 2018 EIR. Accordingly, the Town of Danville finds the following:

- Substantial changes in the project and project circumstances resulting in new significant effects or a substantial increase in the severity of previously identified significant effects would not occur.
- New information of substantial importance with respect to this environmental resource resulting in new significant effects or a substantial increase in the severity of previously identified effects has not been identified.
- None of the proposed modifications would significantly affect this environmental resource.

[29] San Francisco Bay RWQCB. Water Quality Plan for the San Francisco Bay Bain. July 14, 2010. Website: https://www.waterboards.ca.gov/sanfranciscobay/basin_planning.html. Accessed October 12, 2021.

6.11 Land Use and Planning

Would the project:	*Discussed in the 2018 EIR? (Yes/No)*	*Less Impact than Approved Project?*	*New Less than Significant Impact?*	*New Less than Significant Impact with Mitigation Incorporated?*	*New Potentially Significant Impact?*	*Same Impact as Approved Project?*
a) Physically divide an established community?	*Yes*	☐	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	*Yes*	☐	☐	☐	☐	☒

6.11.1 Summary of Impacts Identified in the 2018 EIR

Impacts to land use and planning were discussed in Section 4.6 of the 2018 EIR (pp. 129 to pp. 140) and Section X of Appendix A-Initial Study of the 2018 EIR (pp. 29 to pp. 30). The 2018 EIR determined that the Approved Project would have a less-than-significant impact with respect to conflicts with land use plans, policies, and regulations upon approval of the proposed General plan Amendment and Preliminary Development Plan – Rezoning Request (Impact LU-1, pp. 135 to pp.138). Appendix A-Initial Study of the 2018 EIR determined that the Approved Project would have a less-than-significant impact related to dividing an established community because no new roads, linear infrastructure, or other development features are proposed that would divide an established community (Impact a, pp.29).

6.11.2 Environmental Setting

The Modified Project site is designated Mixed Use with approval of the General Plan Amendment (GPA015-0001) and is zoned P-1 with approval of the Preliminary Development Plan – Rezoning Request (PUD2015-0001). The Mixed Use land use designation provides opportunities for residential development within established Special Concern Areas and allows for development of 20 to 25 dwelling units per acre. The P-1 zone is intended for large scale development with a mixture of land uses or types of housing products, or on smaller parcels where special characteristics of the site merit would benefit from flexible zoning considerations.

6.11.3 Discussion of Impacts

a) Physically divide an established community?

Same Impact as Approved Project. The Modified Project would include development of 57 senior housing units on a mostly vacant lot. No new roads, linear infrastructure, or other development features are proposed that would divide an established commmuntiy or limit movement, travel, or social interactions between established land uses. Implementation of the Modified Project would continue the existing residential development pattern in the neighborhood, and would not cut off connected neighboods or land uses from each other. Impacts would be less than significant and would be consistent with the findings of Appendix A-Initial Study of the 2018 EIR. Preparation of a subsequent EIR is not required.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Same Impact as Approved Project. The Modified Project site has a land use designation of Mixed Use which allows development of 20 to 25 dwelling units per acre. The Modifed Project is pursing a 20 percent density bonus over the maximum allowable gross redisential density pursuant to Government Code section 65915(f)(3)(a). With the 20 percent desnsity bonus, the Modified Project site would allow development of up to 30 dewelling units per acre. The Modified Project would develop 57 senior housing units on 1.88 acres of land, resulting in approximately 28 dwelling units per acre (within the 30 dwelling units per acre development density). The Modified Project would be developed consistent with the land use density requirements of the State's density bonus incentive. The Modified Project is located in the P-1 Planned Unit District which permits any land uses with an approved final development plan that is consistent with the Town's 2030 General Plan. All applications are subject to approval by the Planning Commission and Town Council. With the required approvals, the Modified Project would comply with the land use and zoning requirements. Impacts would be less than significant and would be consistent with the findings of the 2018 EIR. Preparation of a subsequent EIR is not required.

6.11.4 Conclusion

The Modified Project would not substantially increase the severity of the previously identified impacts related to land use and planning in the 2018 EIR. Accordingly, the Town of Danville finds the following:

- Substantial changes in the project and project circumstances resulting in new significant effects or a substantial increase in the severity of previously identified significant effects would not occur.
- New information of substantial importance with respect to this environmental resource resulting in new significant effects or a substantial increase in the severity of previously identified effects has not been identified.
- None of the proposed modifications would significantly affect this environmental resource.

6.12 Mineral Resources

Would the project:	*Discussed in the 2018 EIR? (Yes/No)*	*Less Impact than Approved Project?*	*New Less than Significant Impact?*	*New Less than Significant Impact with Mitigation Incorporated?*	*New Potentially Significant Impact?*	*Same Impact as Approved 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?	*Yes*	☐	☐	☐	☐	☒
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?	*Yes*	☐	☐	☐	☐	☒

6.12.1 Summary of Impacts Identified in the 2018 EIR:

Impacts to mineral resources were discussed on Section XI of Appendix A-Initial Study of the 2018 EIR (pp. 30). Appendix A-Initial Study of the 2018 EIR determined that no impact related to mineral resources would occur because there are no known or State-designated minerals of regional or statewide importance within or near the Town of Danville (Impact a and b, pp. 30).

6.12.2 Environmental Setting

There are no significant mineral deposits or surface mining operations that have been identified in the Town of Danville.[30]

6.12.3 Discussion of Impacts

a) and b) 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? 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?

Same Impact as Approved Project. As stated in the Appendix A-Initial Study, the Town of Danville does not contain a known mineral deposit and the Modified Project site does not currently support mineral extraction operations. The Modified Project site is not designated as an area of significant mineral deposits. The Modified Project would not result in the loss of known mineral resources or deposit sites. No impacts to mineral resources would occur with implementation of the Modified Project and would be consistent with the findings of Appendix A-Initial Study of the 2018 EIR. Preparation of a subsequent EIR is not required.

[30] *Town of Danville, The 2030 General Plan, Chapter 6 Resources and Hazards.*

6.12.4 Conclusion

The Modified Project would not substantially increase the severity of the previously identified impacts related to mineral resources in the 2018 EIR. Accordingly, the Town of Danville finds the following:

- Substantial changes in the project and project circumstances resulting in new significant effects or a substantial increase in the severity of previously identified significant effects would not occur.
- New information of substantial importance with respect to this environmental resource resulting in new significant effects or a substantial increase in the severity of previously identified effects has not been identified.
- None of the proposed modifications would significantly affect this environmental resource.

6.13 Noise

Would the project result in:	*Discussed in the 2018 EIR? (Yes/No)*	*Less Impact than Approved Project?*	*New Less than Significant Impact?*	*New Less than Significant Impact with Mitigation Incorporated?*	*New Potentially Significant Impact?*	*Same Impact as Approved Project?*
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?	*Yes*	☐	☐	☐	☐	☒
b) Generation of excessive groundborne vibration or groundborne noise levels?	*Yes*	☐	☐	☐	☐	☒
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?	*Yes*	☐	☐	☐	☐	☒

6.13.1 Summary of Impacts Identified in the 2018 EIR

Impacts to noise were discussed on Section 4.7 of the 2018 EIR (pp. 141 to pp. 162) and on Section XII of Appendix A-Initial Study of the 2018 EIR (pp. 30 to pp. 32). The 2018 EIR determined that the Approved Project would expose future residents to traffic noise within the Town's "conditionally acceptable" range of exterior noise between 55 and 70 dBA Ldn for low-density residential uses. With implementation of Mitigation Measure N-1, the traffic noise impact was determined to be less than significant (Impact N-1, pp. 154). The 2018 EIR also determined that the Approved Project would not generate groundborne vibration or increase permanent ambient noise levels that would exceed the Federal Transit Administration's thresholds (Impact N-2, pp. 155). Therefore, impacts were found to be less than significant. The 2018 EIR concluded that with implementation of Mitigation Measures N-2, construction of the Approved Project would have a less-than-significant impact associated with creating a substantial temporary or periodic increase in ambient noise levels in the vicinity (Impact N-4, pp.159 to pp. 161). Appendix A-Initial Study of the 2018 EIR determined that no impact related to airport-related noise

exposure would occur because the Approved Project is not located within the vicinity of a private airstrip or an airport land use plan (Impact f, pp. 32).

6.13.2 Environmental Setting

The main noise source on the Modified Project site is traffic noise from adjacent and nearby roadways, including I-680 and West El Pintado Road. The Modified Project is not located within an airport land use plan, nor is it located within two (2) miles of a public airport or public use airport. The nearest private airstrip is the Little Hands Stolport, located approximately 2.25 miles to the west-southwest.

6.13.3 Discussion of Impacts

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?

Same Impact as Approved Project. Development of the site was included in the 2018 EIR noise analysis and the Modified Project represents a minor increase of 16 dwelling units compared to the Approved Project analyzed in the 2018 EIR. The minor increase in the number of units would not change the noise analysis conducted in the 2018 EIR. Constuction of the Modified Project, including demolition, grading, and paving activities, would create temporary or periodic increase in ambient noise. The Modified Proejct would involve similar construciton method (e.g., activities, equipment, and phasing) as the Approved Project. Therefore, the Modified Project would result in similar construction noise impacts as the Approved Project, which was discussed in Impact N-4 of the 2018 EIR (pp. 159 to 161). The Modified Project would be required to comply with Subsection 4-2.4(d) of the Town's Noise Ordinance, which limits construction daytime hours (7:30 A.M. to 7:00 P.M.) to ensure construction noise would not occur during recognized sleep hours for nearby residences. In addition, the Modified Project would be required to implement the 2018 EIR Mitigation Measure N-2 to reduce construction-related noise impacts to nearby sensitive receptors. As with the Approved Project, the Modified Project would have a less-than-significant construction-related noise impact with implementation of the mitigation measure.

During operation, the Modified Project would increase the number of vehicle trips to and from the site, which would incrementally increase traffic noise to nearby sensitive receptors. As discussed in Section 6.17, Transportation, the Modified Preoject would result in 75 fewer daily traffic trips than the Approved Project. Therefore, the Modified Project would result in lesser impacts than the Approved Project.

b) Generation of excessive groundborne vibration or groundborne noise levels?

Same Impact as Approved Project. The nearest sensitive receptors to the Modified Project site are the single-family residences approximately 40 to 100 feet to the west and south and a senior assisted living facility approximately 60 feet to the east. As indicated in Table 27 of the 2018 EIR, vibration levels could reach up to 81 vibration decibles (VdB) at 40 feet at the nearest sensitive receptors (pp. 155). However, the vibration levels would not exceed 100 VdB, which is the general threshold where minor damage can occur to fragile buildings (Table 27 of the 2018 EIR, pp. 155). In addition, the Modified Project would comply with the Town's Noise Ordinance limiting construction between the hours of 7:30 A.M. to 7:00 P.M., Monday through Friday, and 9:00 A.M. to 7:00 P.M. Saturday, Sunday, and holidays to ensure sensitive receptors would not be exposed to project-related groundborne vibration during normal sleep hours. Vibration impacts would be less than significant and would be consistent with the findings of the 2018 EIR. Preparation of a subsequent EIR is not required.

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?

Same Impact as Approved Project. The Modified Project would not be located within two (2) miles of a private airstrip or an airport land use plan. Impacts related to exposing people residing or working in the area to excessive airport-related noise would not occur and would be consistent with the findings of Appendix A-Initial Study of the 2018 EIR. Preparation of a subsequent EIR is not required.

6.13.4 2018 EIR Mitigation Measures Applicable to the Modified Project

N-2 Construction-Related Noise Reduction Measures. The applicant shall apply the following measures during construction of the project:

- **Construction Staging**. The contractor shall provide staging areas on-site to minimize off-site transportation of heavy construction equipment. These areas shall be located to maximize the distance between activity and sensitive receptors. This would reduce noise levels associated with most types of idling construction equipment.
- **Mufflers.** Construction equipment shall be properly maintained and all internal combustion engine driven machinery with intake and exhaust mufflers and engine shrouds, as applicable, shall be in good condition and appropriate for the equipment. During construction, all equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained mufflers, consistent with manufacturers' standards.
- **Electrical Power.** Electrical power, rather than diesel equipment, shall be used to run compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities.
- **Equipment Staging.** All stationary equipment shall be staged as far away from the adjacent multifamily residential development as feasible.
- **Equipment Idling**. Construction vehicles and equipment shall not be left idling for longer than five minutes when not in use.
- **Workers' Radios.** All noise from workers' radios shall be controlled to a point that they are not audible at sensitive receptors near construction activity.
- **Smart Back-up Alarms.** Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction.
- **Disturbance Coordinator.** The applicant shall designate a disturbance coordinator who shall be responsible for responding to any local complaints about construction noise. The noise disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures warranted to correct the problem be implemented. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site.

- **Construction Notice.** Two weeks prior to the commencement of construction and grading at the project site, the applicant shall install a 3-foot by 3-foot sign at the project entry that discloses the allowable construction work days and hours, the planned construction schedule, and the contact name and phone number for residents to call for construction noise related complaints. All reasonable concerns shall be rectified within 24 hours of receipt.

6.13.4 Conclusion

The Modified Project would not substantially increase the severity of the previously identified impacts related to noise in the 2018 EIR. Accordingly, the Town of Danville finds the following:

- Substantial changes in the project and project circumstances resulting in new significant effects or a substantial increase in the severity of previously identified significant effects would not occur.
- New information of substantial importance with respect to this environmental resource resulting in new significant effects or a substantial increase in the severity of previously identified effects has not been identified.
- None of the proposed modifications would significantly affect this environmental resource.

6.14 Population and Housing

Would the project:	*Discussed in the 2018 EIR? (Yes/No)*	*Less Impact than Approved Project?*	*New Less than Significant Impact?*	*New Less than Significant Impact with Mitigation Incorporated?*	*New Potentially Significant Impact?*	*Same Impact as Approved Project?*
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	*Yes*	☐	☐	☐	☐	☒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	*Yes*	☐	☐	☐	☐	☒

6.14.1 Summary of Impacts Identified in the 2018 EIR

Impacts to population and housing were discussed on Section XIII of Appendix A-Initial Study of the 2018 EIR (pp. 32 and pp. 33). Appendix A-Initial Study of the 2018 EIR determined that the Approved Project would induce population and housing growth in the Town of Danville. The population and housing growth would be within the projection accounted for in the Town's 2030 General Plan EIR and Plan Bay Area 2040 (Impact a, pp. 32). Therefore, the Approved Project would not induce population growth beyond the current forecast. The Approved Project would include demolition of one existing single-family residence and construction of new housing units; therefore, a substantial number of existing people or housing would not be displaced.

6.14.2 Environmental Setting

The Town of Danville is preparing an update to its Housing Element for the 2023-2031 planning period. The Housing Element is a State-mandated policy document included in the Town's 2030 General Plan. The foundation for the Housing Element is the Regional Housing Needs Assessment (RHNA), in which the State projects each region's housing needs for all income groups for the upcoming eight (8) years. The Town of Danville is located within the Association of Bay Area Governments (ABAG) region. The RHNA has determined that the Bay Area must plan for an additional 441,176 new units, of which the Town of Danville is currently expected to provide approximately 2,241 new homes.[31]

[31] *Town of Danville. 2023-2031 Housing Element. Website: https://www.danville.ca.gov/886/2023--2031-Housing-Element. Accessed September 27, 2021.*

6.14.3 Discussion of Impacts

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Same Impact as Approved Project. The Modified Project would develop 57 senior housing units. This amount of new senior housing units represents approximately 0.023 percent of the RHNA for housing unit for the 2023-2031 planning period in the Town of Danville. Therefore, the Modified Project would not induce population growth beyond the projected forecast. Impacts would be less than significant and would be consistent with the findings of Appendix A-Initial Study of the 2018 EIR. Preparation of a subsequent EIR is not required.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

Same Impact as Approved Project. The Modified Project would include demolition of an existing single-family residence. Demolition of one single-family residence would not result in the displacement of a substantial number of housing or people necessitating the construction of replacement housing elsewhere. In addition, the Modified Project would result in 16 new senior housing units, which would increase the overall availability of housing in the area. No impact would occur. Preparation of a subsequent EIR is not required.

6.14.4 Conclusion

The Modified Project would not substantially increase the severity of the previously identified impacts related to population and housing in the 2018 EIR. Accordingly, the Town of Danville finds the following:

- Substantial changes in the project and project circumstances resulting in new significant effects or a substantial increase in the severity of previously identified significant effects would not occur.
- New information of substantial importance with respect to this environmental resource resulting in new significant effects or a substantial increase in the severity of previously identified effects has not been identified.
- None of the proposed modifications would significantly affect this environmental resource.

6.15 Public Services

Would the project:	*Discussed in the 2018 EIR? (Yes/No)*	*Less Impact than Approved Project?*	*New Less than Significant Impact?*	*New Less than Significant Impact with Mitigation Incorporated?*	*New Potentially Significant Impact?*	*Same Impact as Approved Project?*
a) 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:						
Fire protection?	*Yes*	☐	☐	☐	☐	☒
Police protection?	*Yes*	☐	☐	☐	☐	☒
Schools?	*Yes*	☒	☐	☐	☐	☐
Parks?	*Yes*	☐	☒	☐	☐	☐
Other public facilities?	*Yes*	☐	☐	☐	☐	☒

6.15.1 Summary of Impacts Identified in the 2018 EIR

Impacts to public services were discussed on Section XIV of Appendix A-Initial Study of the 2018 EIR (pp. 33 and pp. 34). Appendix A-Initial Study of the 2018 EIR determined that the Approved Project would have less than significant impacts to fire protection, police protection, schools, and other public facilities; and would have no impacts to parks (Impacts a(i) to a(v), pp. 33 and pp. 34).

6.15.2 Environmental Setting

Fire protection for the Modified Project would be provided by the San Ramon Valley Fire Protection District (SRVFPD). Fire Stations 31 and 33 of the SRVFPD are located approximately one (1) mile south and east of the site, respectively. Police Protection for the Modified Project would be provided by the Danville Police Department (DPD) through contract services with the Contra Costa County Sheriff's Department. The closest police station is approximately 0.1-mile to the north-northwest. The Modified Project would be located within the San Ramon Valley Unified School District which serves more than 30,000 elementary and high school students. All residential development projects in the Town of Danville are required to pay park land dedication impact fees for purchases or development of parks. The closest library branch is Danville Library located less than one (1) mile south of the Modified Project site.

6.15.3 Discussion of Impacts

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

i) Fire Protection?

Same Impact as Approved Project. As with the Approved Proejct, the Modified Project would be served by the SRVFPD Fire Stations 31 and 33.[32] Implementation of the Modified Project would result in an additional 16 units compared to the Approved Project. The additional 16 units would increase the demand for fire protection service as analyzed in the Appendix A-Initial Study, but the increase would be negligible. As with the Approved Project, no new fire protection facilities or addtional staffing would be required to serve the Modified Project. The Modified Project would comply with the California Fire Code requirements for emergency access, fire detection, and suppression systems. Impacts would be less than significant and would be consistent with the findings of Appendix A-Initial Study of the 2018 EIR. Preparation of a subsequent EIR is not required.

ii) Police Protection?

Same Impact as Approved Project. The Modified Project would be served by the DPD through contract services with the Contra Costa County Sheriff's Department.[33] Implementation of the Modified Project would result in additional 16 units compared to the Approved Project. The addtional 16 units would increase the demand for police protection service as analyzed in the Appendix A-Initial Study, but the increase would be negligible. As with the Approved Project, the Modified Project would not create the need for new or expanded police protection facilites. Impacts would be less than significant and would be consistent with the findings of Appendix A-Initial Study of the 2018 EIR. Preparation of a subsequent EIR is not required.

iii) Schools?

Less Impact than the Approved Project. The Modified Project would construct age-restricted senior housing units and would not be expected to increase the number of school-aged children in the area. The Modified Project would result in lesser impacts to schools than the Approved Project. Preparation of a subsequent EIR is not required.

iv) Parks?

New Less than Significant Impact. As discussed in Section 6.14 of Appendix A-Initial Study, Population and Housing, the Modified Project would not induce population growth in the Town of Danville beyond forecasts in the Danville 2023-2031 Housing Element. The Modified Project, with the additional 16 units, would be expected to marginally increase the use of public parks in the area, but the increase would be within growth forecasts and is not anticipated to required new or physically altered park facilities. The Modified Project would be subject to any applicable development fees to the Town of Danville for purchases or development of parks. With payments of the required impact fees, impacts to parks would be less than significant. Preparation of a subsequent EIR is not required.

v) Other Public Facilities?

Same Impact as Approved Project. The closest library branch to the Modified Project site is the Danville Library located at 400 Front Street, which is less than one (1) mile to the south. As discussed in Section 6.14 of Appendix A-Initial Study, Population and Housing, the Modified Project would not induce population growth in the Town of Danville beyond forecasts in the Danville 2023-2031 Housing Element. The Modified Project would be expected to increase the use of public facilities (such as libraries) in the area, but the increase would be within growth forecasts and is not anticipated to require new or physically altered public facilities. Impacts to other public facilities would be less than significant and would be

[32] Town of Danville. 375 West El Pintado Road Residential Project Initial Study. January 2016.

[33] Contra Costa County Sheriff's Department. Special Operations Division – Danville. Website: https://www.cocosheriff.org/bureaus/field-operations/special-operations-division/danville. Accessed October 12, 2021.

consistent with the findings of Appendix A-Initial Study of the 2018 EIR. Preparation of a subsequent EIR is not required.

6.15.4 Conclusion

The Modified Project would not substantially increase the severity of the previously identified impacts related to public services in the 2018 EIR. Accordingly, the Town of Danville finds the following:

- Substantial changes in the project and project circumstances resulting in new significant effects or a substantial increase in the severity of previously identified significant effects would not occur.
- New information of substantial importance with respect to this environmental resource resulting in new significant effects or a substantial increase in the severity of previously identified effects has not been identified.
- None of the proposed modifications would significantly affect this environmental resource.

6.16 Recreation

Would the project:	*Discussed in the 2018 EIR? (Yes/No)*	*Less Impact than Approved Project?*	*New Less than Significant Impact?*	*New Less than Significant Impact with Mitigation Incorporated?*	*New Potentially Significant Impact?*	*Same Impact as Approved Project?*
a) 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?	*Yes*	☐	☒	☐	☐	☐
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	*Yes*	☐	☒	☐	☐	☐

6.16.1 Summary of Impacts Identified in the 2018 EIR

Impacts to recreation were discussed in Section XV of Appendix A-Initial Study of the 2018 EIR (pp. 35). Appendix A-Initial Study of the 2018 EIR determined that with the payments to required impacts fees, the Approved Project would have no impacts to parks or recreational facilities.

6.16.2 Environmental Setting

There are numerous recreational areas in the vicinity of the site, including the East Bay Regional Park's Las Trampas Regional Wilderness area and La Vista Park 1.15miles and 0.2 mile to the west, respectively; Hap Magee Ranch Dog Park 1.1 miles to the northwest, All Wars Memorial and Mt. Diablo 1 mile and 3 miles to the northeast, respectively; and Osage Station Park and Sycamore Valley Regional Open Space Preserve 2 miles and 3.25 miles to the southeast, respectively. The nearest community park to the site is La Vista Park, located 0.2 mile away.

6.16.3 Discussion of Impacts

a) and b) 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? Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

New Less than Significant Impact. Construction and operation of the Modified Project would result in 16 new multi-family housing units in the Town of Danville. This increase in housing units would not induce population growth beyond forecasts in the Danville 2023-2031 Housing Element (refer to Section 6.14, Population and Housing). The increase in housing would potentially increase the use of existing neighborhood and regional parks, but the magnitude of this increase is not large enough to result in

substantial physical deterioration of recreational facilities. The Danville 2030 General Plan indicated that there are about 6.6 acres of parkland per 1,000 residents in the Town of Danville.[34] The Town would maintain this standard in the future as population is added and needs increasing through a combination of impact fees, land dedication within new development, joint use agreements, public-private partnerships, and similar strategies for expanding the Town's park inventory. The Modified Project would be subject to any applicable development fees to the Town of Danville for purchases or development of parks. With payments of the required impact fees, impacts to recreational facilities would be less than significant. Preparation of a subsequent EIR is not required.

6.16.4 Conclusion

The Modified Project would not substantially increase the severity of the previously identified impacts related to recreation in the 2018 EIR. Accordingly, the Town of Danville finds the following:

- Substantial changes in the project and project circumstances resulting in new significant effects or a substantial increase in the severity of previously identified significant effects would not occur.
- New information of substantial importance with respect to this environmental resource resulting in new significant effects or a substantial increase in the severity of previously identified effects has not been identified.
- None of the proposed modifications would significantly affect this environmental resource.

[34] *Town of Danville. The 2030 General Plan, Chapter 5 Public Facilities.*

6.17 Transportation

Would the project:	*Discussed in the 2018 EIR? (Yes/No)*	*Less Impact than Approved Project?*	*New Less than Significant Impact?*	*New Less than Significant Impact with Mitigation Incorporated?*	*New Potentially Significant Impact?*	*Same Impact as Approved Project?*
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	*Yes*	☐	☐	☐	☐	☒
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	*No*	☐	☒	☐	☐	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	*Yes*	☐	☐	☐	☐	☒
d) Result in inadequate emergency access?	*Yes*	☐	☐	☐	☐	☒

6.17.1 Summary of Impacts Identified in the 2018 EIR

Impacts to transportation were discussed in Section 4.8 of the 2018 EIR (pp. 163 to pp. 188). The 2018 EIR determined that with implementation of Mitigation Measures T-1 (preparation and implementation of a Construction Management and Mitigation Plan) and adherence to the Town's development permit conditions, the Approved Project's construction impact to traffic and circulation would be reduced to a less-than-significant level and would have a less-than-significant impact related to conflict with a program, plan, ordinance or policy addressing the circulation system (Impact T-1, pp. 179 to pp. 181). The 2018 EIR also determined that the Approved Project would have less-than-significant impacts related to increased hazards due to a design feature or incompatible use or inadequate emergency access because the Approved Project would be designed to provide a clear line-of-sight to and from the site and would prohibit on-street parking on the west side of West El Pintado Road (Impact T-5, pp. 187).

6.17.2 Environmental Setting

The environmental setting for transportation is the same as described for the Approved Project in the 2018 EIR. Regional access to the site and vicinity is provided by I-680, Diablo Road, Danville Boulevards, El Cerro Boulevard, and West El Pintado Road. Public transportation within Contra Costa County, including

the Danville area, is proved by the County Connection transit agency. Regularly scheduled bus service in Danville is provided by County Connection bus routes 21/321 along the Danville Boulevard and Railroad Avenue corridors (Figure 18 of the 2018 EIR, pp. 165). County Connection also provides service to the Amtrak stations in Martinez, all Bay Area Rapid Transit stations in Contra Costa County, major employment areas, city centers, and schools; and provides LINK (para-transit) service, an on-demand reservation based ride service for persons with disabilities unable to use fixed route transit. No bicycle facilities are located in the vicinity of the Modified Project. However, bicycle lanes are provided near the site on El Cerro Boulevard, Danville Boulevard (south of El Cerro Boulevard), Railroad Avenue, and La Gonda Way (Figure 19 of the 2018 EIR, pp. 166).

New CEQA Guidelines for analyzing transportation impacts were issued by the Office of Planning and Research in 2018. Effective July 1, 2020, all CEQA lead agencies were required to analyze a project's transportation impacts using vehicle miles traveled (VMT) rather than congestion levels at intersections (level of service or "LOS," graded on a scale of A-F). The Town of Danville conducted both VMT and LOS analyses for the Modified Project (Appendix B). The analysis in this section will focus on VMT. The LOS analysis was conducted to access congestion for non-CEQA planning purposes.

6.17.3 Discussion of Impacts

a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Construction

Same Impact as Approved Project. The Modified Project would involve construction activities similar to those described in the 2018 EIR for the Approved Project. The delivery and export haul routes for the Modified Project would be the similar to the Approved Project. The Modified Project would require approximately 405 to 650 round-trip haul trips over the construction period (three to five months) to export an estimated 5,670 cubic yards of earth material (assuming 9 to 14 cubic yards per truck load). The haul trips anticipated for the Modified Project would be 14 to 20 fewer trips than what was analyzed in 2018 EIR because the additional 200 cubic yards of earth material would be balanced on-site compared to the Approved Project as shown in Table 3 in Section 3.3.2 of the Project Description. The reduction of 14 to 20 trips would not substantially reduce traffic impacts as discussed in the 2018 EIR during construction. The Modified Project would result in similar impacts to the existing circulation system, including transit, roadway, bicycle and pedestrian facilities as the Approved Project. Construction of the Modified Project would be required to comply with the Town of Danville's development permit conditions, which restrict grading and other construction activities to the hours of 7:30 A.M. to 7:00 P.M. Monday through Friday and 9:00 A.M. to 7:00 P.M. on weekends and holidays. The Modified Project would be required to implement 2018 EIR Mitigation Measure T-1 to reduce transportation impacts during peak traffic hours. With implementation of 2018 EIR Mitigation Measure T-1 and adherence to the Town's development permit conditions, impacts would be less than significant and consistent with the findings of the 2018 EIR. Preparation of a subsequent EIR is not required.

Operation

A Traffic Impact Analysis (TIA) for the Modified Project has been prepared by W-Trans in June 2022 (Appendix B). The TIA estimated trip generation resulting from the Modified Project as indicated in Table 4. Compared to the 2018 EIR, the Modified Project would be expected to generate 60 fewer daily trips.

During operation, the Modified Project would be expected to generate fewer peak hour vehicle trips than what was anticipated in the 2018 EIR, which would result in a similar or slightly improved intersection

Level of Service (LOS). Therefore, the Modified Project would be expected to result in similar LOS impacts as the Approved Project. Preparation of a subsequent EIR is not required.

Table 4. Trip Generation Summary[35]

PROJECT	AM PEAK HOUR TRIP	PM PEAK HOUR TRIP	DAILY TRIP
Approved Project	17	21	271
Modified Project	11	15	211
Net Change	**-6**	**-6**	**-60**

b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

New Less than Significant Impact. The 2018 EIR was completed prior to the July 2020 requirements for lead agencies to use VMT as the primary CEQA metric for evaluating transportation impacts (CEQA Guidelines Section 15064.3, subdivision(b)). Therefore, a VMT analysis for the Approved Project was not conducted.

Senate Bill (SB) 743 established a change in the metric to be applied for determining traffic impacts associated with development projects. Rather than the delay-based criteria associated with a LOS analysis, the increase in VMT as a result of a project is now the basis for determining potential environmental impacts. As of the date of this analysis, the Town of Danville has not yet established thresholds of significance related to VMT. Therefore, a VMT analysis for the Modified Project (Appendix B) has been conducted based on guidance provided by the California Governor's Office of Planning and Research (OPR) in the publication *Transportation Impacts (SB 743) CEQA Guidelines Update and Technical Advisory*, 2018. The document indicates that a residential project generating vehicle travel that is 15 or more percent below the existing countywide residential VMT per capita may indicate a less than significant VMT impact.

To provide a thorough evaluation, the VMT for both the Townwide and Countywide averages were reviewed. According to Town Staff, the townwide Home-based VMT average per capital is 22.3 miles.[36] Apply OPR's guidance, a residential project generating a VMT that is 15 percent or more below this value, or 19.0 miles per capita or less, would have a less-than-significant VMT impact. Additionally, based on data form the Contra Costa Transportation Authority (CCTA) 2020 travel demand model, the County of Contra Costa has a baseline average residential VMT of 17.3 miles per capita which, per OPR's guidance, corresponds to a significance threshold of 14.7 miles.

As indicated in the TIA (Appendix B), the average residential trip length within the Modified Project area would be 6.22 miles. The Modified Project would be expected to generate 211 daily trips at an average trip length of 6.22 miles for a total estimated VMT of 1,312. According to the US Census Bureau, households consisting of residents who are age 55 and older have an average of 1.75 persons per unit. Multiplying this occupancy rate (1.75 persons per unit) by the number of units (57 units) and dividing by the total estimated VMT (1,312) results in an estimated project VMT per capita of approximately 13.2. VMT per capita of 13.2 is lower than either the Townwide or Countywide VMT screening thresholds of 19.0 and 14.7, respectively. Therefore, the Modified Project would result in a less-than-significant VMT impact. Preparation of a subsequent EIR is not required.

[35] *W-Trans. June 22, 2022. CEQA Analysis for the 375 EL Pintado Road Project.*

[36] *Andrew Dillard (Town of Danville, Transportation Manager). May 26, 2022. 375 West El Pintado – Transportation Impact Analysis Comments Memorandum.*

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Same Impact as Approved Project. Access to the Modified Project site would be provided by a single internal road on West El Pintado Road. Residents would enter the internal road at roughly the midpoint of the Modified Project site's eastern boundary. The internal road would serve both inbound and outbound traffic. The inbound and outbound traffic lanes would be at least 12-feet-wide which complies with Town's requriements. Outbound movements would be controlled by a stop sign and would allow both right and left turns. . The internal road design would be similar to what was described in the 2018 EIR for the Approved Project. As with the Approved Project, the Modified Project would also include grading to lower the existing on-site berm in order to provide a clear line-of-sight to/from the north to ensure an adequate stopping sight distance within 200 feet of vehicles exiting the internal road onto West El Pintado Road. In addition, on-street parking would be prohibited on the west side of West El Pintado Road, within the public right-or-way, where West El Pintado Road immediately borders the site. This would avoid the potential for cars to interfere with motorist's visibility entering and exiting the site. Therefore, the proposed site access and sight distance provisions would be adequate. The Modified Project would result in less-than-significant impacts to safety, consistent with the findings of the 2018 EIR. Preparation of a subsequent EIR is not required.

d) Result in inadequate emergency access?

Same Impact as Approved Project. Emergency vehicle access to the Modified Project would be provided from I-680, El Cerro Boulevard, and La Gonda Way into the project's internal road on West El Pintado Road. The Modified Project would not include major modifications to the roadway network, circulation patterns, or design features that would alter emergency vehicle access. The Modified Project would be required to comply with all Town access standards as well as requirements in the California California Fire Code regarding access for emergency response vehicles. In compliance with these requirements, the driveway and internal vehicle access lanes would be adequate for emergency response. Adherence to existing local and State regulations would reduce potential impacts. Impacts would be less than significant and would be consistent with the findings of the 2018 EIR. Preparation of a subsequent EIR is not required.

6.17.4 2018 EIR Mitigation Measure Applicable to the Modified Project

T-1 **Construction Mitigation Plan.** The project applicant shall develop and submit for approval to the Town of Danville a Construction Management and Mitigation Plan that includes designated haul routes and staging areas, traffic control procedures, emergency access provisions and construction crew parking, to minimize traffic impacts during construction. The plan shall ensure that haul routes and construction activity timing shall comply with the Town of Danville's requirements. The plan shall also ensure that construction period employees can either park on-site or at an off-site location. In addition, the plan shall require that temporary signage, alternative pedestrian passage, and/or protected walkways be provided should sidewalks be closed during construction.

6.17.5 Conclusion

The Modified Project would not substantially increase the severity of the previously identified impacts related to transportation in the 2018 EIR. Accordingly, the Town of Danville finds the following:

- Substantial changes in the project and project circumstances resulting in new significant effects or a substantial increase in the severity of previously identified significant effects would not occur.
- New information of substantial importance with respect to this environmental resource resulting in new significant effects or a substantial increase in the severity of previously identified effects has not been identified.
- None of the proposed modifications would significantly affect this environmental resource.

6.18 Tribal Cultural Resources

Would the project:	*Discussed in the 2018 EIR? (Yes/No)*	*Less Impact than Approved Project?*	*New Less than Significant Impact?*	*New Less than Significant Impact with Mitigation Incorporated?**	*New Potentially Significant Impact?*	*Same Impact as Approved Project?*
a) 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 size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:						
i) 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)?	*No*	☐	☐	☒	☐	☐
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	*No*	☐	☐	☒	☐	☐
** The potentially significant impacts would be reduced to less than significant with implementation of 2018 EIR mitigation measures.*						

6.18.1 Summary of Impacts Identified in the 2018 EIR

The questions included in this Tribal Cultural Resources Section were not discussed in the 2018 EIR, as this section was added to the CEQA Guidelines Appendix G Checklist in December 2018. No conclusions were made regarding the significance level of impacts related to tribal cultural resources.

6.18.2 Environmental Setting

On October 14, 2014, Tom Origer & Associates sent letters to the State of California's Native American Heritage Commission (NAHC), the Amah Mutsun Tribal Bank of Mission San Juan Bautista, Indian Canyon Mutsun Band of Costanoan, Muwekma Ohlone Tribe of the San Francisco Bay Area, the Ohlone Indian Tribe, Trina Marine Ruano Family, Katherine Erolinda Perez, Jakki Kehl, and Linda Yamane seeking information Native America cultural resources (Appendix A of the Initial Study). On October 17, 2014,

Eileen Barrow from the NAHC responded to the letter and indicated that no record of Native American cultural resources was found in the immediate area. No tribal responses were received.

6.18.3 Discussion of Impacts

a) *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 size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*

i) and ii) 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)? A *resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

New Less than Significant Impact with 2018 EIR Mitigation Measures. Tribal consultation letters were sent out to NAHC and Native American tribes during the preparation of the 2018 EIR as discussed in Section 6.18.2 above. No Native American cultural resources were identified within the immediate Project Area and no tribal contacts have provided comments regarding development on the Modified Project Site. However, there is the possibility that buried Native American cultural resources could be present and accidental discovery could occur. The Modified Project would be required to implement Mitigation Measures CR-1 to CR-3 to provide cultural resources awareness training to all construction workers to recognize cultural resources and provide procedure to handle unanticipated discovery of cultural remains and human remains. With implementation of Mitigation Measures CR-1 to CR-3, impacts to tribal cultural resources would be less than significant. Preparation of a subsequent EIR is not required.

6.18.4 2018 EIR Mitigation Measures Applicable to the Modified Project

CR-1 Cultural Resources Awareness Training (refer to Section 6.5.4 above)

CR-2 Unanticipated Discovery of Cultural Remains (refer to Section 6.5.4 above)

CR-3 Unanticipated Discovery of Human Remains (refer to Section 6.5.4 above)

6.18.4 Conclusion

The Modified Project would not create a new significant tribal cultural resources impact that was not previously identified in the 2018 EIR. Accordingly, the Town of Danville finds the following:

- Substantial changes in the project and project circumstances resulting in new significant effects or a substantial increase in the severity of previously identified significant effects would not occur.
- New information of substantial importance with respect to this environmental resource resulting in new significant effects or a substantial increase in the severity of previously identified effects has not been identified.
- None of the proposed modifications would significantly affect this environmental resource.

6.19 Utilities and Service Systems

Would the project:	*Discussed in the 2018 EIR? (Yes/No)*	*Less Impact than Approved Project?*	*New Less than Significant Impact?*	*New Less than Significant Impact with Mitigation Incorporated?*	*New Potentially Significant Impact?*	*Same Impact as Approved 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 telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	*Yes**	☐	☒	☐	☐	☒
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	*Yes*	☐	☐	☐	☐	☒
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?	*Yes*	☐	☐	☐	☐	☒
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?	*Yes*	☐	☐	☐	☐	☒

Would the project:	*Discussed in the 2018 EIR? (Yes/No)*	*Less Impact than Approved Project?*	*New Less than Significant Impact?*	*New Less than Significant Impact with Mitigation Incorporated?*	*New Potentially Significant Impact?*	*Same Impact as Approved Project?*
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	*Yes*	☐	☐	☐	☐	☒
** This CEQA question was partially covered in the prior 2018 EIR, with the exception of the electric power, natural gas, and telecommunications component of the question.*						

6.19.1 Summary of Impacts Identified in the 2018 EIR

Impacts to utilities and service systems were discussed on Section XVII of Appendix A-Initial Study of the 2018 EIR (pp. 37 to pp. 40). Appendix A-Initial Study of the 2018 EIR determined that the Central Contra Costa Sanitary District (CCCSD) has sufficient wastewater capacity to serve the Approved Project. No new water or wastewater treatment facilities or expansion of existing facilities would be needed, resulting in less than significant impacts (Impacts a, b, and e, pp. 37 and pp. 38). The Approved Project would involve placing two on-site swales in underground pipe culverts. However, the construction of the culverts would not represent a significant environmental effect and would have a less-than-significant impact to the stormwater drainage system (Impact c, pp. 38). Appendix A-Initial Study also determined that EBMUD and the Central Contra Costa Solid Waste Authority (CCCSWA) would have capacity to provide water and solid waste services to the Approved Project, respectively. Therefore, impacts were identified as less than significant (Impacts d and f, pp. 38 to pp. 40). The Approved Project was determined to be in compliance with all applicable regulations related to solid waste, resulting in no impacts (Impact g, pp. 40).

6.19.2 Environmental Setting

The utilities and service system provides for the Modified Project would include the following:

- Wastewater collection and treatment: CCCSD
- Water: EBMUD
- Electricity: Pacific Gas & Electric Company (PG&E) and Marin Clean Energy (MCE)
- Natural gas: PG&E
- Telecommunications: American Telephone and Telegraph Company (AT&T) and Comcast
- Solid Waste and Recycling: RecyleSmart (CCCSWA)

6.19.3 Discussion of Impacts

a) and c) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? 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?

Same Impact as Approved Project. Implementation of the Modified Project would result in additional 16 housing units compared to the Approved Project. The additional 16 housing units would not result in a

new substantial increase of wastewater generation (compared to the Approved Project) that would result in an increase in the severity of previously identified impacts in the 2018 EIR. Impacts would be the same as Approved Project. Preparation of a subsequent EIR is not required.

New Less than Significant Impact. The Modified Project would connect to existing electricity, natural gas, and telecommunication facilities. No relocation or construction of new or expanded electricity, natural gas, or telecommunication facilities is anticipated as a result of the Modified Project. Impacts would be less than significant. Preparation of a subsequent EIR is not required.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Same Impact as Approved Project. Implementation of the Modified Project would result in additional 16 housing units compared to the Approved Project. The additional 16 housing units would not result in a new substantial increase of water demand. As stated in Section 16.9, Utilities and Service Systems, EBMUD's available supply exceeds the planning level of demand during normal year conditions through the year 2040 (Appendix A-Initial Study, pp. 38). The available supply is normally equal to or greater than the planning level of demand. The average household in EBMUD's service area uses approximately 246 gallons per day. The additional 16 units would result in an additional approximately 3,936 gallons of water per day compared to the analysis included in the Initial Study. The additional 3,936 gallons of water usage per day would not result in a new significant impact on water demand compared to the analysis in the Initial Study. Therefore, impacts on water demand would be less than significant and would be consistent with the findings of Appendix A-Initial Study of the 2018 EIR. Preparation of a subsequent EIR is not required.

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?

Same Impact as Approved Project. As with the Approved Project, the Modified Project would receive solid waste and recycling services form the CCCSWA through RecycleSmart. Solid waste collected from the Modified Project site would be deposited in the Keller Canyon Landfill. The Keller Canyon Landfill currently has a remaining capacity of 63,408,410 cubic yards (approximately 17 million tons) and accepts 3,500 tons per day of solid waste.[37] The Modified Project would consist of 57 housing units and would be expected to generate up to 83.2 tons of solid waste per year (0.23 ton/day) with a waste disposal rate of 3.6 to 8.6 pounds/unit/day for multi-family housing, which is marginally greater than the Approved Project with the additional 16 units.[38] This amount of solid waste disposal represents 0.000007 percent of the current throughput at the Keller Canyon Landfill. Therefore, the Modified Project would be served by a landfill with sufficient permitted capacity to accommodate the solid waste disposal needs. Impacts would be less than significant and consistent with the findings of Appendix A-Initial Study of the 2018 EIR. Preparation of a subsequent EIR is not required.

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

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[37] *CalRecycle. Keller Canyon Landfill (07-AA-0032). Website: https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/4407?siteID=228. Accessed September 27,2021.*

[38] *CalRecycle. Estimated Solid Waste Generation Rates. Website: https://www2.calrecycle.ca.gov/wastecharacterization/general/rates. Accessed September 27, 2021.*

Same Impact as Approved Project. The Town of Danville Municipal Code regulates the disposal of solid waste and hazardous waste. The Modified Project would result in development of additional 16 units. Based on the unit count, the Modified Project could generate more solid waste than the Approved Project. However, the increase in solid waste generation would be negligible and would not create a new significant impact. The Modified Project would be required to comply with all applicable regulations related to solid waste. No impact would occur. Preparation of a subsequent EIR is not required.

6.19.4 Conclusion

The Modified Project would not substantially increase the severity of the previously identified impacts related to utilities and service systems in the 2018 EIR. Accordingly, the Town of Danville finds the following:

- Substantial changes in the project and project circumstances resulting in new significant effects or a substantial increase in the severity of previously identified significant effects would not occur.
- New information of substantial importance with respect to this environmental resource resulting in new significant effects or a substantial increase in the severity of previously identified effects has not been identified.
- None of the proposed modifications would significantly affect this environmental resource.

6.20 Wildfire

	Discussed in the 2018 EIR? (Yes/No)	*Less Impact than Approved Project?*	*New Less than Significant Impact?*	*New Less than Significant Impact with Mitigation Incorporated?*	*New Potentially Significant Impact?*	*Same Impact as Approved Project?*
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?	*No*	☐	☒	☐	☐	☐
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?	*No*	☐	☒	☐	☐	☐
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?	*No*	☐	☒	☐	☐	☐
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?	*No*	☐	☒	☐	☐	☐

6.20.1 Summary of Impacts Identified in the 2018 EIR:

The questions included in this Wildfire Section were not included in the CEQA Guidelines Appendix G when the EIR was prepared in 2018, as these questions were added to the CEQA Guidelines Appendix G in December 2018. Impacts related to wildland fires were discussed in Section VIII, Hazards and Hazardous Materials of Appendix A-Initial Study of the 2018 EIR (pp. 26). Appendix A-Initial Study determined that the Approved Project would have a less-than-significant impact related to exposing people or structures to a significant risk of loss, injury, or death involving wildland fire because the site is located within an urban area and is surrounded by existing development (Impact h, pp.26).

6.20.2 Environmental Setting

As discussed in Section 6.9.2, the Modified Project is located within a Wildfire Threat area designated as Very High Threat to Development as identified in the Danville 2030 General Plan but not within a State Responsibility Area in a High Fire Hazards Severity Zone or a Very High Fire Hazard Severity Zone as shown on CAL FIRE's Fire Hazard Severity Zones Maps. [39, 40]

6.20.3 Discussion of Impacts

a-d) Substantially impair an adopted emergency response plan or emergency evacuation plan? 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? 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? 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?

New Less than Significant Impact. The Modified Project is not located within a State Responsibility Area or land classified as Very High Fire Hazard Severity Zone. The nearest Very High Fire Hazard Severity Zone is located approximately 1.5 miles southwest of the Modified Project site.[41] The Modified Project would comply with the California Fire Code requirements for emergency access and would not include changes that could potentially interfere with an emergency plan or an emergency evacuation plan. The Modified Project site is located within an urban area and is surrounded by existing development. I-680 is east of the site, and would serve as a fire break in the event of a wildfire. The Modified Projectwould not require the installation or maintenance of associated infrastructure that may exacerbate fire risk. The Modified Project site is located onrelatively flat land. No slopes on or adjacent to the site are high or steep enough to constitute signficant landslide hazards. Wildfire impacts would be less than significant. Preparation of a subsequent EIR is not required.

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[39] *Town of Danville, The 2030 General Plan, Chapter 6 Resources and Hazards – Figure 22.*

[40] *CAL FIRE. FHSZ Viewer. Website: https://egis.fire.ca.gov/FHSZ/. Accessed September 23, 2021.*

[41] *Ibid.*

6.20.4 Conclusion

The Modified Project would not create a new significant wildfire impact that was not previously identified in the 2018 EIR. Accordingly, the Town of Danville finds the following:

- Substantial changes in the project and project circumstances resulting in new significant effects or a substantial increase in the severity of previously identified significant effects would not occur.
- New information of substantial importance with respect to this environmental resource resulting in new significant effects or a substantial increase in the severity of previously identified effects has not been identified.
- None of the proposed modifications would significantly affect this environmental resource.

6.21 Mandatory Findings of Significance

	Discussed in the 2018 EIR? (Yes/No)	*Less Impact than Approved Project?*	*New Less than Significant Impact?*	*New Less than Significant Impact with Mitigation Incorporated?*	*New Potentially Significant Impact?*	*Same Impact as Approved Project?*
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?	*Yes*	☐	☐	☐	☐	☒
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)?	*Yes*	☐	☐	☐	☐	☒
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	*Yes*	☐	☐	☐	☐	☒

6.21.1 Summary of Impacts Identified in the 2018 EIR:

The 2018 EIR and Appendix A-Initial Study of the EIR determined that the Approved Project would have significant impacts to biological resources and cultural resources. However, the impacts would be mitigated to a less-than-significant level with implementation of Mitigation Measures BIO-1 BIO-6 and CR-1 to CR-3. The 2018 EIR also determined that the Approved Project would not result in a significant cumulative considerable environmental impact. The Approved Project would have less than significant air quality and noise impacts to human beings with implementation of Mitigation Measures AQ-1, N-1 and N-2.

6.21.2 Discussion of Impacts

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?

Same Impact as Approved Project. As discussed in Section 6.4, Biological Resources, the Modified Project would not have significant impacts beyond what was analyzed in the 2018 EIR. The Modified Project would implementation Mitigation Measures BIO-1 to BIO-5 to mitigate impacts to special-status species, sensitive natural communities, aquatic resources, and riparian vegetation to a less-than-significant level. 2018 EIR Mitigation Measures BIO-5 to BIO-6 would be applicable to the Modified Project and would be implemented to mitigate impacts related to tree removal to a less-than-significant level. The Modified Project would have no significant impacts related to the potential for the degradation of the quality of the environment, a substantial reduction in the habitat of a fish or wildlife species, the drop of a fish or wildlife population below self-sustaining levels, a substantial reduction in the number or restriction on the range of a rare or endangered plant or animal.

Furthermore, as discussed in Sections 6.5 and 6.18, Cultural Resources and Tribal Cultural Resources, the Modified Project would not have significant impacts with respect to major periods of California history or prehistory. Mitigation Measures CR-1 to CR-3 would be implemented prior to construction and in the event prehistoric or historic-period archaeological resources are encountered or in the event of discovery or recognition of any human remains during the Modified Project's ground disturbing activities. The Modified Project would have no significant impacts related to the potential for elimination of important examples of major periods of California history or prehistory.

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

Same Impact as Approved Project. The Modified Project's impacts would be individually limited and not cumulatively considerable. Based on the analysis provided in Section 6.3, Air Quality and Section 6.13, Noise, the Modified Project would not substantially increase cumulative impacts related to these analysis areas. Additionally, as presented throughout this Addendum, the Modified Project's impacts would be consistent with the 2018 EIR or related document.

c) Does the project have environmental effects that will cause substantial adverse effects on human

beings, either directly or indirectly?

Same Impact as Approved Project. The Modified Project has not been found to generate new or substantially more severe environmental effects than those previously analyzed in the 2018 EIR or related document; therefore, there is no likelihood of the Modified Project causing substantial adverse effects on human beings, either directly and indirectly, beyond that which was previously analyzed in the 2018 EIR and related document. Impacts would be consistent with what was analyzed in the 2018 EIR and related document.

6.21.3 Conclusion

The Modified Project would not substantially increase the severity of the previously identified impacts in the 2018 EIR or related document. Accordingly, the Town of Danville finds the following:

- Substantial changes in the project and project circumstances resulting in new significant effects or a substantial increase in the severity of previously identified significant effects would not occur.
- New information of substantial importance with respect to this environmental resource resulting in new significant effects or a substantial increase in the severity of previously identified effects has not been identified.
- None of the proposed modifications would significantly affect this environmental resource.

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Appendix A Biological Resources Technical Report

BIOLOGICAL RESOURCES TECHNICAL REPORT

375 WEST EL PINTADO ROAD PROJECT

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LIST OF ACRONYMS

BIOS	Biogeographic Information and Observation System
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CESA	California Endangered Species Act
CEQA	California Environmental Quality Act
CFGC	California Fish and Game Code
CFR	Code of Federal Regulations
CNDDB	California Natural Diversity Database
CNPS	California Native Plant Society
Corps	U.S. Army Corps of Engineers
CWA	Clean Water Act
ESA	Federal Endangered Species Act
MBTA	Migratory Bird Treaty Act
MMP	Habitat Mitigation and Monitoring Plan
NCCP	Natural Community Conservation Plan
NMFS	National Marine Fisheries Service
NPPA	Native Plant Protection Act
OHWM	Ordinary High Water Mark
Rank	California Rare Plant Ranks
RWQCB	Regional Water Quality Control Board
SWRCB	State Water Resource Control Board
USDA	U.S. Department of Agriculture
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
WBWG	Western Bat Working Group
WRA	WRA, Inc.

1.0 INTRODUCTION

This Biological Resources Technical Report evaluates existing biological resources, potential impacts, and proposed mitigation measures for the 375 West El Pintado Road Project (Project) located in the Town of Danville, Contra Costa County, California (Figures 1 and 2, Appendix A). The Study Area is located south of the intersection of El Cerro Boulevard and West El Pintado Road. The proposed Project involves the construction of a 57-unit condominium complex for senior housing, with associated amenities and infrastructure.

1.1 Overview and Purpose

This report provides an assessment of biological resources within the Study Area and immediate vicinity. The purpose of the assessment was to develop and gather information on sensitive biological communities and special-status plant and wildlife species to support an evaluation of the Project under the California Environmental Quality Act (CEQA). This report describes the results of the site visits, which assessed the Study Area for (1) the presence of sensitive biological communities, special-status plant species, and special-status wildlife species, (2) the potential for the site to support special-status plant and wildlife species. Based on the results of the site assessment, potential impacts to sensitive biological communities and special-status species resulting from the proposed Project were evaluated. If the Project has the potential to result in potentially significant impacts to these biological resources, measures to avoid, minimize, or mitigate for those impacts are described.

A biological resources assessment provides general information on the presence, or potential presence, of sensitive species and habitats. Additional focused studies may be required to support regulatory permit applications or to implement mitigation measures included in this report. This assessment is based on information available at the time of the study and on-site conditions that were observed on the dates the site was visited. Conclusions are based on currently available information used in combination with the professional judgement of the biologists completing this study.

1.2 Project Description

The Project proponent proposes to construct a 57-unit condominium complex and parking for senior housing. Landscaping, bicycle parking, pickleball court and lounge, ADA accessible paseo walking path, stormwater treatment planters, stream mitigation corridor, and good neighbor wood fence are amenities proposed for this Project. Figure 3 in Appendix A provides the Project Site Plan.

2.0 REGULATORY BACKGROUND

The following sections explain the regulatory context of the biological assessment, including applicable laws and regulations that were applied to the field investigations and analysis of potential project impacts.

2.1 Federal and State Regulatory Setting

2.1.1 Vegetation and Aquatic Communities

CEQA provides protections for particular vegetation types defined as sensitive by the California Department of Fish and Wildlife (CDFW), and aquatic communities protected by laws and regulations administered by the U.S Army Corps of Engineers (Corps), State Water Resources Control Board (SWRCB), and Regional Water Quality Control Boards (RWQCB). The laws and regulations that provide protection for these resources are summarized below.

Sensitive Natural Communities: Sensitive natural communities include habitats that fulfill special functions or have special values. Natural communities considered sensitive are those identified in local or regional plans, policies, regulations, or by the CDFW. CDFW ranks sensitive communities as "threatened" or "very threatened" (CDFW 2021a) and keeps records of their occurrences in its California Natural Diversity Database (CNDDB; CDFW 2021b). Vegetation alliances are ranked 1 through 5 in the CNDDB based on NatureServe's Heritage Methodology, with those alliances ranked globally (G) or statewide (S) as 1 through 3 considered sensitive. Impacts to sensitive natural communities identified in local or regional plans, policies, or regulations or those identified by the CDFW or U.S. Fish and Wildlife Service (USFWS) must be considered and evaluated under CEQA (CCR Title 14, Div. 6, Chap. 3, Appendix G). In addition, this general class includes oak woodlands that are protected by local ordinances under the Oak Woodlands Protection Act.

Waters of the United States, Including Wetlands: The Corps regulates “Waters of the United States” under Section 404 of the Clean Water Act (CWA). Waters of the United States are defined in the Code of Federal Regulations (CFR) as including the territorial seas, and waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, such as tributaries, lakes and ponds, impoundments of waters of the U.S., and wetlands that are hydrologically connected with these navigable features (33 CFR 328.3). Potential wetland areas, according to the three criteria used to delineate wetlands as defined in the *U.S. Army Corps of Engineers Wetlands Delineation Manual* (Corps Manual; Environmental Laboratory 1987), are identified by the presence of (1) hydrophytic vegetation, (2) hydric soils, and (3) wetland hydrology. Unvegetated waters including lakes, rivers, and streams may also be subject to Section 404 jurisdiction and are characterized by an ordinary high water mark (OHWM) identified based on field indicators such as the lack of vegetation, sorting of sediments, and other indicators of flowing or standing water. The placement of fill material into Waters of the United States generally requires a permit from the Corps under Section 404 of the CWA.

Waters of the State, Including Wetlands: The term “Waters of the State” is defined by the Porter-Cologne Act as “any surface water or groundwater, including saline waters, within the boundaries of the state.” The SWRCB and nine RWQCB protect waters within this broad regulatory scope through many different regulatory programs. Waters of the State in the context of a CEQA Biological Resources evaluation include wetlands and other surface waters protected by the *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* (SWRCB 2019). The SWRCB and RWQCB issue permits for the discharge of fill material into surface waters through the State Water Quality

Certification Program, which fulfills requirements of Section 401 of the CWA and the Porter-Cologne Water Quality Control Act. Projects that require a Clean Water Act permit are also required to obtain a Water Quality Certification. If a project does not require a federal permit but does involve discharge of dredge or fill material into surface waters of the State, the SWRCB and RWQCB may issue a permit in the form of Waste Discharge Requirements.

Sections 1600-1616 of California Fish and Game Code: Streams and lakes, as habitat for fish and wildlife species, are regulated by CDFW under Sections 1600-1616 of California Fish and Game Code (CFGC). Alterations to or work within or adjacent to streambeds or lakes generally require a 1602 Lake and Streambed Alteration Agreement. The term "stream", which includes creeks and rivers, is defined in the California Code of Regulations (CCR) as "a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life [including] watercourses having a surface or subsurface flow that supports or has supported riparian vegetation" (14 CCR 1.72). The term "stream" can include ephemeral streams, dry washes, watercourses with subsurface flows, canals, aqueducts, irrigation ditches, and other means of water conveyance if they support aquatic life, riparian vegetation, or stream-dependent terrestrial wildlife (CDFG 1994). Riparian vegetation has been defined as "vegetation which occurs in and/or adjacent to a stream and is dependent on, and occurs because of, the stream itself" (CDFG 1994). Removal of riparian vegetation also requires a Section 1602 Lake and Streambed Alteration Agreement from CDFW.

2.1.2 Special-status Species

Endangered and Threatened Plants, Fish, and Wildlife. Specific species of plants, fish, and wildlife species may be designated as threatened or endangered by the federal Endangered Species Act (ESA), or the California Endangered Species Act (CESA). Specific protections and permitting mechanisms for these species differ under each of these acts, and a species' designation under one law does not automatically provide protection under the other.

The ESA (16 USC 1531 et seq.) is implemented by the USFWS and the National Marine Fisheries Service (NMFS). The USFWS and NMFS maintain lists of endangered and threatened plant and animal species (referred to as "listed species"). "Proposed" or "candidate" species are those that are being considered for listing, and are not protected until they are formally listed as threatened or endangered. Under the ESA, authorization must be obtained from the USFWS or NMFS prior to take of any listed species. "Take" under the ESA is defined as "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Take under the ESA includes direct injury or mortality to individuals, disruptions in normal behavioral patterns resulting from factors such as noise and visual disturbance, and impacts to habitat for listed species. Actions that may result in take of an ESA-listed species may obtain a permit under ESA Section 10, or via the interagency consultation described in ESA Section 7. Federally listed plant species are only protected when take occurs on federal land.

The ESA also provides for designation of critical habitat, which are specific geographic areas containing physical or biological features "essential to the conservation of the species". Protections afforded to designated critical habitat apply only to actions that are funded, permitted, or carried out by federal agencies. Critical habitat designations do not affect activities by private landowners if there is no other federal agency involvement.

The CESA (CFGC 2050 et seq.) prohibits a take of any plant and animal species that the CFGC determines to be an endangered or threatened species in California. CESA regulations include take protection for

threatened and endangered plants on private lands, as well as extending this protection to candidate species which are proposed for listing as threatened or endangered under CESA. The definition of a "take" under CESA ("hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") only applies to direct impact to individuals, and does not extend to habitat impacts or harassment. CDFW may issue an Incidental Take Permit under CESA to authorize take if it is incidental to otherwise lawful activity and if specific criteria are met. Take of these species is also authorized if the geographic area is covered by a Natural Community Conservation Plan (NCCP), as long as the NCCP covers that activity.

Fully Protected Species and Designated Rare Plant Species. This category includes specific plant and wildlife species that are designated in the CFGC as protected even if not listed under CESA or ESA. Fully Protected Species includes specific lists of birds, mammals, reptiles, amphibians, and fish designated in CFGC. Fully protected species may not be taken or possessed at any time. No licenses or permits may be issued for take of fully protected species, except for necessary scientific research and conservation purposes. The definition of "take" is the same under the California Fish and Game Code and the CESA. By law, CDFW may not issue an Incidental Take Permit for Fully Protected Species. Under the California Native Plant Protection Act (NPPA), CDFW has listed 64 “rare” or “endangered” plant species, and prevents “take”, with few exceptions, of these species. CDFW may authorize take of species protected by the NPPA through the Incidental Take Permit process, or under a NCCP.

Special Protections for Nesting Birds and Bats. The federal Bald and Golden Eagle Protection Act provides relatively broad protections to both of North America’s eagle species (bald eagle [*Haliaeetus leucocephalus*] and golden eagle [*Aquila chrysaetos*)] that in some regards are similar to those provided by the ESA. In addition to regulations for special-status species, most native birds in the United States, including non-status species, have baseline legal protections under the Migratory Bird Treaty Act of 1918 (MBTA) and CFGC, i.e., sections 3503, 3503.5 and 3513. Under these laws/codes, the intentional harm or collection of adult birds as well as the intentional collection or destruction of active nests, eggs, and young is illegal. For bat species, the Western Bat Working Group (WBWG) designates conservation status for species of bats, and those with a high or medium-high priority are typically given special consideration under CEQA.

Species of Special Concern, Movement Corridors, and Other Special-status Species under CEQA. To address additional species protections afforded under CEQA, CDFW has developed a list of special species as “a general term that refers to all of the taxa the CNDDB is interested in tracking, regardless of their legal or protection status.” This list includes lists developed by other organizations, including for example, the Audubon Watch List Species, the Bureau of Land Management Sensitive Species, and USFWS Birds of Special Concern. Plant species on the California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants with California Rare Plant Ranks (Rank) of 1 and 2, as well as some with a Rank of 3, are also considered special-status plant species and must be considered under CEQA. Some Rank 3 species and all Rank 4 species are typically only afforded protection under CEQA when such species are particularly unique to the locale (e.g., range limit, low abundance/low frequency, limited habitat) or are otherwise considered locally rare. Some species listed in the *Rare, Unusual and Significant Plants of Alameda and Contra Costa Counties (web application)* (Lake 2021) are considered sensitive (see Section 2.2). Additionally, any species listed as sensitive within local plans, policies and ordinances are likewise considered sensitive. Movement and migratory corridors for native wildlife (including aquatic corridors) as well as wildlife nursery sites are given special consideration under CEQA.

2.2 Local Plans and Policies

Danville 2030 General Plan. The Danville 2030 General Plan contains policies pertaining to the following biological resources categories:

- Wetlands, streams, riparian, and aquatic areas (Policy 21.01)
- Vegetation Communities (Policy 21.01)
- Plant Species (Policy 21.07)
- Wildlife Species (Policies 21.07 and 21.11)

Town of Danville Municipal Code 32-79 Tree Preservation. The Town of Danville requires a permit for the destruction and/or removal of protected trees on any property within the Town of Danville pursuant to subsection 32-79-6 of Danville's Municipal Code. A "protected tree" is defined as:

a) Any of the following native trees having a trunk or main stem which measures ten (10) inches or greater in diameter measured four and one-half (4-1/2) feet above natural grade or, for a multiple trunked tree, a combination of trunks totaling twenty (20) inches or greater in diameter measured four and one-half (4-1 /2) feet above natural grade, on any type of lot or property:
    1. Coast Live Oak (*Quercus agrifolia*)
    2. Valley Oak (*Quercus lobata*)
    3. Canyon Live Oak (*Quercus chrysolepis*)
    4. Blue Oak (*Quercus doulgassi*)
    5. California Black Oak (*Quercus kelloggii*)
    6. Interior Live Oak (*Quercus wislizeni*)
    7. White Alder (*Alnus rhombifolia*)
    8. California Bay (*Umbellularia californica*)
    9. California Buckeye (*Aesculus californica*)
    10. California Sycamore (*Platanus racemosa*)
    11. Madrone (*Arbutus menziesii*)
    12. London Plane Tree (*Platanus acerifolia*)
b) Any Heritage Tree.
c) Any Memorial Tree.
d) A tree shown to be preserved on an approved Development Plan or specifically required by the Planning Commission to be retained as a condition of approval of an entitlement. A tree specifically required to be preserved by the Planning Commission shall require a subsequent Planning Commission approval for removal.
e) A tree required to be planted as mitigation for the removal of a protected tree, as established under subsection32-79-6.d.

The Town of Danville may require mitigation for the removal of protected trees as a condition of approval for a tree permit. Where mitigation is determined to be necessary, Danville may require the planting of on-site or off-site replacement trees (location and species to be determined by Danville) which are of a cumulative diameter necessary to equal the diameter of the tree(s) which are approved for removal.

East Bay Rare Plants of Alameda and Contra Costa Counties. The East Bay Chapter of CNPS keeps track of approximately 125 rare and endemic native plants and plant communities that occur within Alameda and Contra Costa Counties. These 125 plant species are considered special-status.

3.0 ASSESSMENT METHODOLOGY

On June 29 and October 15, 2021, WRA, Inc. (WRA) biologists visited the Study Area to map vegetation, aquatic communities, unvegetated land cover types, document plant and wildlife species present, and evaluate on-site habitat for the potential to support special-status species as defined by CEQA. Prior to the site visit, WRA biologists reviewed literature resources and performed database searches to assess the potential for sensitive biological communities (e.g., wetlands) and special-status species (e.g., endangered plants), including:

- Soil Survey of Contra Costa County, California (U.S. Department of Agriculture [USDA] 1977)
- Diablo 7.5-minute U.S. Geological Survey (USGS) quadrangle (USGS 2021a)
- Contemporary aerial photographs (Google Earth 2021)
- National Wetlands Inventory (USFWS 2021a)
- California Aquatic Resources Inventory (SFEI 2021)
- CNDDB (CDFW 2021b)
- CNPS Inventory (CNPS 2021a)
- Consortium of California Herbaria (CCH1 2021, CCH2 2021)
- USFWS List of Federal Endangered and Threatened Species (USFWS 2021b)
- Cornell Lab of Ornithology eBird Online Database (eBird 2021)
- CDFW Publication, California Bird Species of Special Concern in California (Shuford and Gardali 2008)
- CDFW and University of California Press publication California Amphibian and Reptile Species of Special Concern (Thomson et al. 2016)
- A Manual of California Vegetation, Online Edition (CNPS 2021b)
- Preliminary Descriptions of the Terrestrial Natural Communities (Holland 1986)
- California Natural Community List (CDFW 2021a)

Database searches (i.e., CNDDB, CNPS) for special-status species focused on the Antioch South, Clayton, Diablo, Dublin, Hayward, Las Trampas Ridge, Livermore, Tassajara, and Walnut Creek USGS 7.5-minute quadrangles.

Following the remote assessment, WRA biologists completed a field review over the course of 2 days to document: (1) land cover types (e.g., terrestrial communities, aquatic resources), (2) existing conditions and to determine if such provide suitable habitat for any special-status plant or wildlife species, (3) if and what type of aquatic natural communities (e.g., wetlands) are present, and (4) if special-status species are present.[1]

3.1 Vegetation Communities and Other Land Cover Types

During the site visits, WRA evaluated the species composition and area occupied by distinct vegetation communities, aquatic features, and other land cover types. Mapping of these classifications utilized a combination of aerial imagery and ground surveys. In most instances, communities are characterized and mapped based on distinct shifts in plant assemblage (vegetation) and follow the California Natural Community List (CDFW 2021a) and A Manual of California Vegetation, Online Edition (CNPS 2021b). These

[1] Due to the timing of the assessment, it may or may not constitute protocol-level species surveys; see Section 5.2 if the site assessment would constitute a formal or protocol-level species survey.

resources cannot anticipate every component of every potential vegetation assemblage in California, and so in some cases, it is necessary to identify other appropriate vegetative classifications based on best professional judgment of WRA biologists. When undescribed variants are used, it is noted in the description. Vegetation alliances (natural communities) with a CDFW Rank of 1 through 3 (globally critically imperiled [S1/G1], imperiled [S2/G2], or vulnerable [S3/G3]) (CDFW 2021a), were evaluated as sensitive as part of this evaluation.

A formal wetland delineation was conducted during the June 29, 2021 site visit. The site was reviewed for the presence of wetlands and other aquatic resources according to the methods described in the Corps Manual (Environmental Laboratory 1987), the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West* (Corps 2008), and A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States (Lichvar and McColley 2008). Areas meeting these indicators were mapped as aquatic resources and categorized using the vegetation community classification methods described above. The presence of riparian habitat was evaluated based on woody plant species meeting the definition of riparian provided in *A Field Guide to Lake and Streambed Alteration Agreements, Section 1600-1607, California Fish and Game Code* (CDFG 1994) and based on best professional judgement of biologists completing the field surveys.

3.2 Special-status Species

3.2.1 General Assessment

Potential occurrence of special-status species in the Study Area was evaluated by first determining which special-status species occur in the vicinity of the Study Area through a literature and database review as described above. Presence of suitable habitat for special-status species was evaluated during the site visits based on physical and biological conditions of the site as well as the professional expertise of the investigating biologists. The potential for each special-status species to occur in the Study Area was then determined according to the following criteria:

- No Potential. Habitat on and adjacent to the site is clearly unsuitable for the species requirements (foraging, breeding, cover, substrate, elevation, hydrology, plant community, site history, disturbance regime).

- Unlikely. Few of the habitat components meeting the species requirements are present, and/or the majority of habitat on and adjacent to the site is unsuitable or of very poor quality. The species is not likely to be found on the site.

- Moderate Potential. Some of the habitat components meeting the species requirements are present, and/or only some of the habitat on or adjacent to the site is unsuitable. The species has a moderate probability of being found on the site.

- High Potential. All of the habitat components meeting the species requirements are present and/or most of the habitat on or adjacent to the site is highly suitable. The species has a high probability of being found on the site.

- Present. Species is observed on the site or has been recorded (i.e. CNDDB, other reports) on the site in the recent past.

If a more thorough assessment was deemed necessary, a targeted or protocol-level assessment or survey was conducted or recommended as a future study. If a special-status species was observed during the site visit, its presence was recorded and discussed below in Section 5.2. If designated critical habitat is present for a species, the extent of critical habitat present and an evaluation of critical habitat elements is provided as part of the species discussions below.

3.3 Wildlife Corridors and Native Wildlife Nursery Sites

To account for potential impacts to wildlife movement/migratory corridors, biologists reviewed maps from the California Essential Connectivity Project (CalTrans 2010), and habitat connectivity data available through the CDFW Biogeographic Information and Observation System (BIOS; CDFW 2021). Additionally, aerial imagery (Google 2021) for the local area was referenced to assess if local core habitat areas were present within, or connected to the Study Area. This assessment was refined based on observations of on-site physical and/or biological conditions, including topographic and vegetative factors that can facilitate wildlife movement, as well as on-site and off-site barriers to connectivity.

The potential presence of native wildlife nursery sites is evaluated as part of the site visit and discussion of individual wildlife species below. Examples of native wildlife nursery sites include nesting sites for native bird species (particularly colonial nesting sites), marine mammal pupping sites, and colonial roosting sites for other species (such as for monarch butterfly [*Danaus plexippus*]).

4.0 ECOLOGICAL SETTING

The approximately 2-acre Study Area is located in the Town of Danville, Contra Costa County, California (Figures 1 and 2, Appendix A). The Study Area is bounded by West El Pintado Road to the north and east and development to the west and south. Land uses within the Study Area include vacant land and a single-family residence. Habitat conditions within the Study Area are generally disturbed due to the surrounding land use. Additional details of the local setting are below.

4.1 Soils and Topography

The overall topography of the Study Area slopes to the west, with elevations ranging from approximately 355 to 375 feet above sea level. According to the *Soil Survey of Contra Costa County* (USDA 1977) and Web Soil Survey (USDA 2019), the Study Area is underlain by two soil mapping units: Alo clay, 15 to 30 percent slopes and Clear Lake clay, 0 to 15 percent slopes. Soils within the Study Area are shown in Figure 5 of Appendix A. The soil series of all the Study Area's mapping units are summarized below.

Alo clay, 15 to 30 percent slopes: This soil type underlays the majority of the Study Area. Alo clay consists of clay and occurs on hills at elevations ranging from 0 to 900 feet. The parent material is residuum weathered from sandstone and shale. From 0 to 14 inches the soil is slightly acid to moderately alkaline. Alo clay is well drained with medium runoff and is not considered hydric (USDA 2019).

Clear Lake clay, 0 to 15 percent slopes: This soil type underlays the western portion of the Study Area. Clear Lake clay consists of clay and occurs on basin-floor remnants at elevations ranging from 0 to 1,060 feet. The parent material is clayey alluvium derived from metamorphic and sedimentary rock. Clear Lake clay is poorly drained with high runoff and is not considered hydric (USDA 2019).

4.2 Climate and Hydrology

The Study Area is located in the northern region of the Town of Danville. The average monthly maximum temperature in the area is 70.8 degrees Fahrenheit, while the average monthly minimum temperature is 47.9 degrees Fahrenheit. Predominantly, precipitation falls as rainfall between November and March with an annual average precipitation of 25.1 inches (PRISM 2021).

The regional watershed is the Suisun Bay region, within the 18050001 Hydrologic Unit Code (HUC)-8 watershed (USGS 2021b). The natural hydrology of the site has been altered due to surrounding development and stormwater discharges. The Study Area receives hydrological input from two local watershed areas upstream from the site. The larger watershed area (approximately 183 acres) discharges water onto the site via a large storm drain culvert with a reinforced concrete apron at the northern boundary of the property and drains through an intermittent stream southwesterly towards a concrete apron with 48-inch stormwater culvert in the southwestern corner where flows exit the site. Stormwater is then conveyed via the storm drain system to San Ramon Creek, a mapped blue line stream that occurs approximately 0.25-mile southwest of the Study Area. San Ramon Creek flows to Walnut Creek, which eventually flows to Suisun Bay.

The smaller watershed area (approximately 27 acres) discharges water onto the site via a 24-inch corrugated metal pipe that is located in the northwestern corner of the Study Area where water is conveyed south in a narrow drainage (ephemeral stream) on the western boundary of the Study Area.

This ephemeral stream flows south where it converges with the intermittent stream at the concrete apron with a 48-inch stormwater culvert.

Another ephemeral stream occurs along the southern boundary of the Study Area which flows east to west discharging into a 24-inch corrugated metal pipe located outside the Study Area. Detailed descriptions of aquatic resources are provided in Section 5.1 below.

4.3 Land-use

The majority of the Study Area is non-native annual grassland. Developed areas include a single-family residence and driveway and culverts with concrete aprons. Detailed plant community descriptions are included in Section 5.1 below, and all observed plant species are included in Appendix B. Surrounding land uses include medical and dental offices to the north and west, residential cluster homes to the west, and single-family residential homes to the south. The Study Area was used for agriculture (orchard) in 1939 based on Google Earth imagery. The current land uses have not changed since at least 2002 (Google Earth 2021). Figure 2 in Appendix A provides an aerial photograph of the Study Area to illustrate the current conditions and surrounding land use.

5.0 ASSESSMENT RESULTS

5.1 Vegetation Communities and Other Land Cover

WRA observed five land cover types within the Study Area: developed, non-native annual grassland, ephemeral stream, intermittent stream, and valley oak riparian forest and woodland. Land cover types within the Study Area are illustrated in Figure 4 (Appendix A). The non-sensitive land cover types in the Study Area include developed areas and non-native annual grassland, while the sensitive communities include ephemeral streams, intermittent stream, and valley oak riparian. Table 1, below, provides an overview of land cover types that occur within the Study Area. A list of observed plant species is provided in Appendix B. Appendix D provides representative site photographs.

TABLE 1. VEGETATION COMMUNITY AND LAND COVER TYPES

COMMUNITY/LAND COVERS	SENSITIVE STATUS	RARITY RANKING	ACRES WITHIN STUDY AREA
Terrestrial Community/Land Cover			
Developed	Non-sensitive	N/A	0.19
Non-native Annual Grassland	Non-sensitive	N/A	1.41
Valley Oak Riparian	Sensitive	S3/G3	0.26
Aquatic Resources			
Ephemeral Streams	Sensitive	N/A	0.007
Intermittent Stream	Sensitive	N/A	0.03

5.1.1 Terrestrial Land Cover

Developed Area (no vegetation alliance). CDFW Rank: None. A single-family residence is located in the southeastern portion of the Study Area in APN 200-140-012. The single-family residence and associated driveway constitute the majority of developed area within the Study Area. Vegetation associated with developed land cover consists of landscaped trees and shrubs, scattered native plants, and ruderal vegetation. A few plant species observed in the developed land cover include *Acacia* sp., common pear (*Pyrus communis*), French broom (*Genista monspessulana*), giant reed (*Arundo donax*), glossy privet (*Ligustrum lucidum*), and oleander (*Nerium oleander*). This community is not considered a sensitive natural community by CDFW or any other regulatory entity.

Non-native Annual Grassland (*Avena* spp. – *Bromus* spp. Herbaceous Semi-Natural Alliance). CDFW Rank: None. Non-native annual grassland is the largest natural community within the Study Area. The non-native annual grassland is dominated by oats (*Avena* sp.) and brome (*Bromus* sp). Grass species observed in this community include rescue grass (*Bromus catharticus*), ripgut brome (*Bromus diandrus*), and wild oats (*Avena fatua*). Forbs commonly found in the grassland community include field bindweed (*Convolvulus arvensis*), prickly lettuce (*Lactuca serriola*), and willow lettuce (*Lactuca saligna*). There are several valley oaks (*Quercus lobata*) scattered throughout the Study Area. Many of the other trees bordering the non-native annual grassland community are planted, ornamental species. This community is not considered sensitive by CDFW or any other regulatory entity.

Valley Oak Riparian (*Quercus lobata* Riparian Forest and Woodland Alliance). CDFW Rank: S3. The valley oak riparian vegetation community is dominated by valley oak (*Quercus lobata*) and occurs within the western portion of the Study Area adjacent to the ephemeral stream and the intermittent stream. Scattered willow trees (*Salix* sp.) also occur along the western ephemeral stream and intermittent stream. The herbaceous layer is continuous and consists of non-native annual grassland, as described above.

5.1.2 Aquatic Resources

Ephemeral Streams (no vegetation alliance). CDFW Rank: Sensitive. Ephemeral streams are linear features that have indicators of an OHWM and may convey flows during or immediately after a precipitation event but remain dry otherwise. There are two ephemeral streams within the Study Area (Figures 4 and 6, Appendix A). Both ephemeral streams were dry during the June 29, 2021 site visit. Judy Bendix (Mosaic Associates) conducted a site visit on January 5, 2021 following a rain event (0.38" of rain on 01/04/2021). A small volume of surface flow was observed in the ephemeral streams during the site visit. A subsequent visit was conducted on January 13, 2021. No flow was observed in the ephemeral streams and a couple of isolated pools within the ephemeral streams were observed. This flow monitoring illustrates that the two ephemeral streams only flow during and immediately following a rain event.

One ephemeral stream is located in the southern portion of the Study Area. There is tree canopy associated with this ephemeral stream but it is not consistent with the definition of a riparian vegetation community. The other ephemeral stream is located in the western portion of the Study Area. This ephemeral stream is surrounded by non-native annual grassland with a few hydrophytic plant species scattered within the drainage's banks including annual beard grass (*Polypogon monspeliensis*) and water beard grass (*Polypogon viridis*).

Intermittent Stream with an In-Stream Seasonal Wetland (no vegetation alliance). CDFW Rank: Sensitive. The intermittent stream present within the Study begins at a concrete apron at the northern end of the Study area and continues in a southwesterly direction to another concrete apron with 48-inch stormwater culvert (Figures 4 and 6, Appendix A). Dallis grass (*Paspalum dilatatum*) is the dominant plant species observed within the seasonal wetland that occurs in the intermittent stream, meeting the dominance test indicator for hydrophytic vegetation. Other hydrophytic plant species present within the seasonal wetland includes tall flatsedge (*Cyperus eragrostis*), common cocklebur (*Xanthium strumarium*), and barnyardgrass (*Echinochloa crus-galli*). Indicators of wetland hydrology observed within the seasonal wetland growing along the channel include surface water, high water table, saturation, drift deposits, drainage pattern, and oxidized rhizospheres along living roots.

Judy Bendix (Mosaic Associates) conducted a site visit on January 5, 2021 following a rain event (0.38" of rain on 01/04/2021). A small volume of surface flow was observed in the intermittent stream during the site visit. A subsequent visit was conducted on January 13, 2021 and the intermittent stream supported standing water throughout the entire reach of the Study Area for over a week following the rain event. This flow monitoring illustrates that the intermittent stream supports flow characteristics of an intermittent drainage.

On September 10, 2021, WRA submitted the delineation and map to the Corps requesting a preliminary jurisdictional determination of the extent of navigable waters of the United States and waters of the United States occurring on the project site. On November 22, 2021, the Corps issued a preliminary jurisdictional determination (File No. SPN-2016-00149S)(Appendix E).

5.2 Special-status Species

5.2.1 Special-status Plants

Based upon a review of the resource databases listed in Section 3.0, 73 special-status plant species have been documented in the vicinity of the Study Area (Appendix C). No special-status plant species have the potential to occur in the Study Area. The special-status plant species documented from the greater vicinity are unlikely or have no potential to occur for one or more of the following:

- Hydrologic conditions (e.g., meadows and seeps, playas, vernal pools) necessary to support the special-status plant species are not present in the Study Area;
- Edaphic (soil) conditions (e.g., serpentine) necessary to support the special-status plant species are not present in the Study Area;
- Topographic conditions (e.g., coastal bluff, montane, north-facing slope) necessary to support the special-status plant species are not present in the Study Area;
- Unique pH conditions (e.g., alkaline) necessary to support the special-status plant species are not present in the Study Area;
- Associated natural communities (e.g., chaparral, chenopod scrub, cismontane woodland, coastal bluff scrub, coastal prairie, inland dunes, pinyon and juniper woodland) necessary to support the special-status plant species are not present in the Study Area; and
- The Study Area is geographically isolated (e.g., below elevation) from the documented range of the special-status plant species.

5.2.2 Special-status Wildlife

Of the 38 special-status wildlife species documented in the vicinity of the Study Area, most are excluded from the Study Area based on a lack of suitable habitat features (Appendix C). Features not found within the Study Area that are required to support special-status wildlife species include:

- Vernal pools
- Perennial aquatic habitat (e.g. streams, rivers or ponds)
- Tidal marsh areas
- Coastal or montane forest
- Serpentine or loose-textured sandy soils
- Chaparral habitat or large rock structures
- Large mammal burrows
- Caves, mine shafts or abandoned buildings

The absence of such habitat features eliminates components critical to the survival or movement of most special-status species found in the vicinity. For instance, California red-legged frog (*Rana draytonii*) is known to occur within 2 miles of the Study Area. However, suitable aquatic habitat and movement corridors connecting the Study Area to source populations are absent, precluding this species from existing within the Study Area. Given the Study Area's relative proximity to sensitive habitats on the San Francisco Bay, many species documented nearby are additionally obligates to marine or tidal marsh habitats which are not present on or in the immediate vicinity the Study Area.

Two special status species have a low to moderate potential to occur in the immediate vicinity of or in portions of the Study Area: pallid bat (*Antrozous pallidus*) and white-tailed kite (*Elanus leucurus*). These species are discussed in greater detail below. No critical habitat is present within the Study Area.

Pallid bat (*Antrozous pallidus*). CDFW Species of Special Concern, WBWG High Priority. Low Potential. Pallid bats are distributed from southern British Columbia and Montana to central Mexico, and east to Texas, Oklahoma, and Kansas. This species occurs in a number of habitats ranging from rocky arid deserts to grasslands, and into higher elevation coniferous forests. Roosts are typically in rock crevices, tree hollows, mines, caves, and a variety of man-made structures, including vacant and occupied buildings. Tree roosting has been documented within snags and basal hollows of conifers, and within bole cavities in oak trees. Pallid bats are primarily insectivorous, feeding on large prey that is usually taken on the ground but sometimes in flight. Prey items include arthropods such as scorpions, ground crickets, and cicadas (WBWG 2017). There are several pallid bat CNDDB occurrences in the Project vicinity (CDFW 2021). Mature trees within the Study Area (primarily oaks) may contain cavities or snags suitable for roosting by pallid bat. In addition, the residence within the Study Area may provide marginal roosting habitat. A targeted bat habitat assessment was not performed under this biological assessment.

White-tailed kite (*Elanus leucurus*). CDFW Fully Protected Species. Moderate Potential. The white-tailed kite is resident in open to semi-open habitats throughout the lower elevations of California, including grasslands, savannahs, woodlands, agricultural areas and wetlands. Vegetative structure and prey availability seem to be more important habitat elements than associations with specific plants or vegetative communities (Dunk 1995). Nests are constructed mostly of twigs and placed in trees, often at habitat edges. Nest trees are highly variable in size, structure, and immediate surroundings, ranging from shrubs to trees greater than 150 feet tall (Dunk 1995). This species preys upon a variety of small mammals, as well as other vertebrates and invertebrates. Several large coast live oak trees within the Study Area have the potential to support white-tailed kite nesting and this species has been observed in the vicinity of the Study Area (eBird 2021).

5.3 Wildlife Corridors and Native Wildlife Nursery Sites

No native wildlife nursery sites are present in the Study Area. The Study Area is not within a designated wildlife corridor (CalTrans 2010). The Study Area is bordered by dense residential development to the south and west, with Highway 680 occurring directly northeast. While common wildlife species presumably utilize the site to some degree for movement at a local scale, the Study Area itself does not provide corridor functions beyond connecting similar disturbed or lightly developed parcels in surrounding areas.

6.0 ANALYTICAL METHODOLOGY AND SIGNIFICANCE THRESHOLD CRITERIA

Pursuant to Appendix G, Section IV of the State CEQA Guidelines, a project would have a significant impact on biological resources if it would:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or 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, regulations, or by the California Department of Fish and Wildlife 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 native wildlife nursery sites;

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

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.

These thresholds were utilized in completing the analysis of potential project impacts for CEQA purposes. For the purposes of this analysis, a "substantial adverse effect" is generally interpreted to mean that a potential impact could directly or indirectly affect the resiliency or presence of a local biological community or species population. Potential impacts to natural processes that support biological communities and special-status species populations that can produce similar effects are also considered potentially significant. Impacts to individuals of a species or small areas of existing biological communities may be considered less than significant if those impacts are speculative, beneficial, de minimis, and/or would not affect the resiliency of a local population.

7.0 IMPACTS AND MITIGATION EVALUATION

Using the CEQA analysis methodology outlined in Section 6.2 above, the following section describes potential significant impacts to sensitive resources within the Project Area as well as suggested mitigation measures which are expected to reduce impacts to less than significant.

7.1 Special-Status Species

This section analyzes the Project's potential impacts and mitigation for special-status species in reference to the significance threshold outlined in CEQA Appendix G, Part IV (a):

> *Does the project have the potential to 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?*

Potential impacts and mitigation for potentially significant impacts are discussed below:

White-tailed Kite and Common Nesting Birds

Several trees within the Project Area could support nesting by white-tailed kites. Also, common song birds (passerine birds) could nest in the small trees and shrubs within the Project Area. All of these birds are protected under the MBTA (50 CFR 10.13) and their eggs and young are protected under California Fish and Game Code Sections 3503, 3503.5. Impacts to these and other nesting bird species would be considered a potentially significant impact.

Potential Impact BIO-1: Potential impacts to nesting bird species from the proposed Project include disturbance to nesting birds and possible death of adults and/or young. Impacts to nesting birds from the proposed Project would be potentially significant.

To reduce potential impacts to nesting bird species to a less-than-significant level, the following measures will be implemented:

Mitigation Measure BIO-1: If Project activities must be conducted during the nesting season (March 1 and September 1), a pre-construction nesting bird survey will be conducted by a qualified biologist no more than 7 days prior to vegetation removal or initial ground disturbance. The survey will include the Project Site and surrounding vicinity to identify the location and status of any nests that could potentially be affected either directly or indirectly by Project activities.

If active nests of native nesting bird species are located during the nesting bird survey, a work exclusion zone will be established around each nest by the qualified biologist. Established exclusion zones will remain in place until all young in the nest have fledged or the nest otherwise becomes inactive (e.g., due to predation). Appropriate exclusion zone sizes will be determined by a qualified biologist and will vary based on species, nest location, existing visual buffers, noise levels, and other factors. An exclusion zone radius may be as small as 50 feet for common, disturbance-adapted species, or as large as 250 feet or more for raptors. Exclusion zone size will be reduced from established levels by a qualified biologist if nest monitoring findings indicate that Project activities do not adversely impact the nest, and if a reduced exclusion zone would not adversely affect the nest.

Implementation of these mitigation measures will reduce potential impacts to nesting birds to a level that is **less than significant.**

Pallid bat

There are several CNDDB occurrences of pallid bat within the Project vicinity (CDFW 2021) and mature trees within the Study Area (primarily oaks) may contain cavities or snags suitable for roosting. In addition, the residence within the Study Area may provide marginal roosting habitat.

> **Potential Impact BIO-2:** Direct impacts to roosting special-status bat species could occur due to the removal or modification of large trees (diameter-at-breast height >24 inches) or snags, or building demolition associated with the proposed Project. Accordingly, impacts to pallid bat are regarded as potentially significant.

To reduce potential impacts to special-status bat species to a less-than-significant level, the following measures shall be implemented:

> **Mitigation Measure BIO-2**: To avoid impacts to roosting bats, tree removal and building demolition should occur between October 1 and March 31, outside of the maternity roosting season (when female bats may have dependent young). If tree removal or building demolition must occur between April 1 and September 30, a bat roost habitat assessment should be conducted by a qualified biologist. The bat roost habitat assessment would determine the likelihood of the Project site supporting roosting bats. If the assessment identifies suitable or potentially occupied roosts within the Project site, a pre-construction bat survey should be performed no more than 14 days prior to tree or building removal using site appropriate survey methods to determine if potential roost structures are occupied.
>
> If special-status bat species are detected during these surveys, appropriate, species and roost-specific mitigation measures will be implemented. Such measures may include postponing the removal of the trees or building until the end of the maternity roosting season, exclusionary work buffers, or consultation with CDFW.

Implementation of these mitigation measures will reduce potential impacts to special-status bats to a level that is ***less than significant***.

7.2 Sensitive Natural Communities and Land Cover Types

This section addresses the question:

> *b) Does the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;*

Sensitive natural communities within the Project Area include: ephemeral streams, intermittent stream, and associated riparian vegetation.

> **Impact BIO- 3:** The proposed Project will result in impacts to 435 linear feet of channels, including the intermittent stream, open waters and the western ephemeral stream, totaling 0.04 acre (Figure 7, Appendix A). The total area of impact below the top-of-

bank will be 5,255 square feet (0.12 acre). As such, impacts to these sensitive natural communities and aquatic resources would be considered significant.

Impact BIO-4: The proposed Project will also result in impacts to approximately 10 trees that would be considered riparian vegetation growing in association with the intermittent stream and western ephemeral stream on the Project site. As such, impacts to riparian habitat would be considered significant.

To reduce impacts to the riparian sensitive natural community and jurisdictional stream channels to a less-than-significant level, the following mitigation measures shall be implemented:

Mitigation Measure BIO-3: The Project will obtain a Section 404 Permit from the Corps and a Section 401 Water Quality Certification from the RWQCB prior to any impacts to waters of the U.S. and State. In addition, the Project will obtain a Lake and Streambed Alteration Agreement from the CDFW prior to impacts to CDFW jurisdictional stream channels or riparian habitats. The Project will prepare a Habitat Mitigation and Monitoring Plan (HMMP) to satisfy the requirements of the Corps, RWQCB and CDFW permits to achieve no net-loss of wetlands and waters of the U.S./State. All compliance measures included in the permits will be adhered to.

Mitigation Measure BIO-4: To mitigate for impacts to waters of the U.S. and State, the applicant proposes to construct 304 linear feet of main channel and 146 linear feet of meandering tributary channel. Approximately 1,300 square feet of wetlands are expected to develop along the mitigation channels and 2,553 square feet of seasonal wetlands are expected to become established within the floodplain, creating a total of 3,853 square feet (0.088 acre) of mitigation wetlands. The total mitigation area below top-of-bank will be 12,400 square feet (0.28 acre). This will provide 1:1 replacement for the total linear feet impacts and 2:1 replacement for the impacted acreage of in-channel wetlands.

Mitigation Measure BIO-5: The Project will plant valley oak and willow trees to offset the removal of valley oak and willow trees from the riparian sensitive natural community. A replanting plan and a HMMP will be submitted to the City, Corps, RWQCB and CDFW for approval prior to project implementation.

Implementation of these mitigation measure will reduce impacts to sensitive natural communities and aquatic resources to a level that is ***less than significant***.

7.3 Aquatic Resources

This section analyzes the Project's potential impacts and mitigation for wetlands and other areas presumed or determined to be within the jurisdiction of the Corps or BCDC in reference to the significance threshold outlined in CEQA Appendix G, Part IV (c):

c) Does the Project have the potential to have a substantial adverse effect on state or federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;

See Impact BIO-3 and Mitigation Measures BIO-3 and BIO-4 above.

7.4 Wildlife Corridors and Native Wildlife Nursery Sites

This section analyzes the Project's potential impacts and mitigation for habitat corridors and linkages in reference to the significance threshold outlined in CEQA Appendix G, Part IV (d):

> *d) Does the Project have the potential to 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 native wildlife nursery sites;*

As noted in Section 5.3, no portions of the Project Area provide connectivity between areas of suitable habitat. For terrestrial species, all portions of the Project Area are within a greater context of urban development, and for aquatic species, there is no connectivity between the Project Area and upstream or downstream freshwater habitats. No impact will occur to migratory corridors for terrestrial and aquatic species.

7.5 Local Policies and Ordinances

This section analyzes the Project's potential impacts and mitigation based on conflicts with local policies and ordinances in reference to the significance threshold outlined in CEQA Appendix G, Part IV (e):

> *e) Does the Project have the potential to conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance;*

Local plans and policies related to biological resources examined in this analysis are:

<u>Danville 2030 General Plan</u>
The Danville 2030 General Plan contains policies pertaining to wetlands, streams, riparian, and aquatic areas (Policy 21.01), vegetation communities (Policy 21.01), plant species (Policy 21.07), and wildlife species (Policies 21.07 and 21.11) that may be considered during the CEQA process.

<u>Town of Danville Municipal Code 32-79 Tree Preservation</u>
The proposed Project will remove 49 trees, including 1 heritage tree and 9 protected trees from the Project Area. The Town of Danville requires a permit for the destruction and/or removal of protected trees on any property within the Town of Danville. The arborist report prepared for the Project was submitted with the permit application to the Town of Danville.

The Project will comply with local plans and policies. The Town of Danville may require mitigation for the removal of protected trees as a condition of approval for the tree permit. Where mitigation is determined to be necessary, Danville may require the planting of on-site or off-site replacement trees (location and species to be determined by Danville) which are of a cumulative diameter necessary to equal the diameter of the tree(s) which are approved for removal.

7.6 Habitat Conservation Plans

This section analyzes the Project's potential impacts and mitigation based on conflicts with any adopted local, regional, and state habitat conservation plans in reference to the significance threshold outlined in CEQA Appendix G, Part IV (f):

f) Does the Project have the potential to conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

The proposed Project will not 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 such plan exists applicable to the Project Site. No impact will occur.

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APPENDIX A – FIGURES

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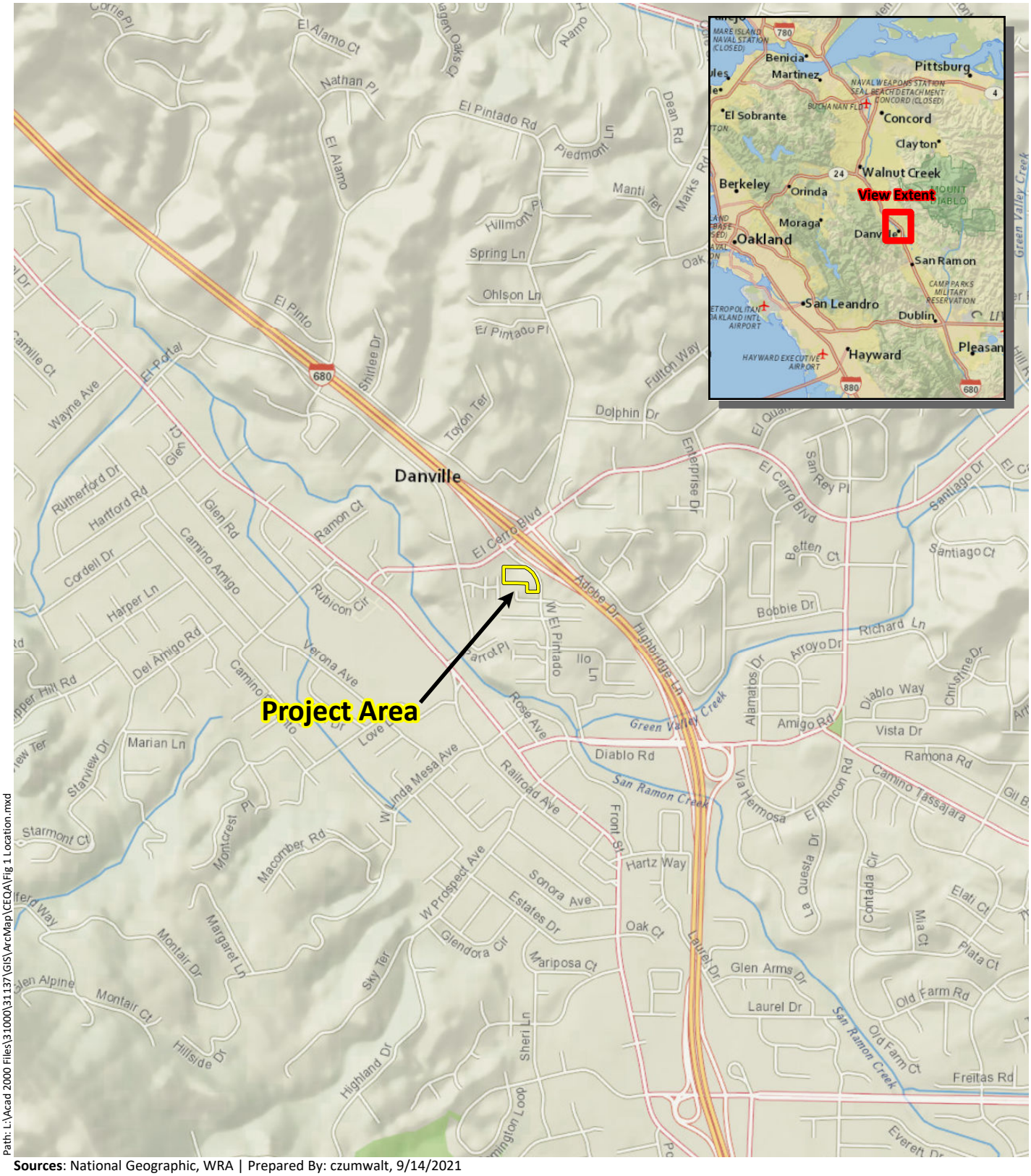

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Sources: National Geographic, WRA | Prepared By: czumwalt, 9/14/2021

Figure 1. Project Location Map

GMMR, LLC Danville Development
Danville, California

0 0.25 0.5 Miles

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Sources: DigitalGlobe 2016 Aerial, WRA | Prepared By: czumwalt, 6/30/2021

Figure 2. Aerial Photograph of Study Area

GMMR, LLC Danville Development
Danville, California

0 40 80 Feet

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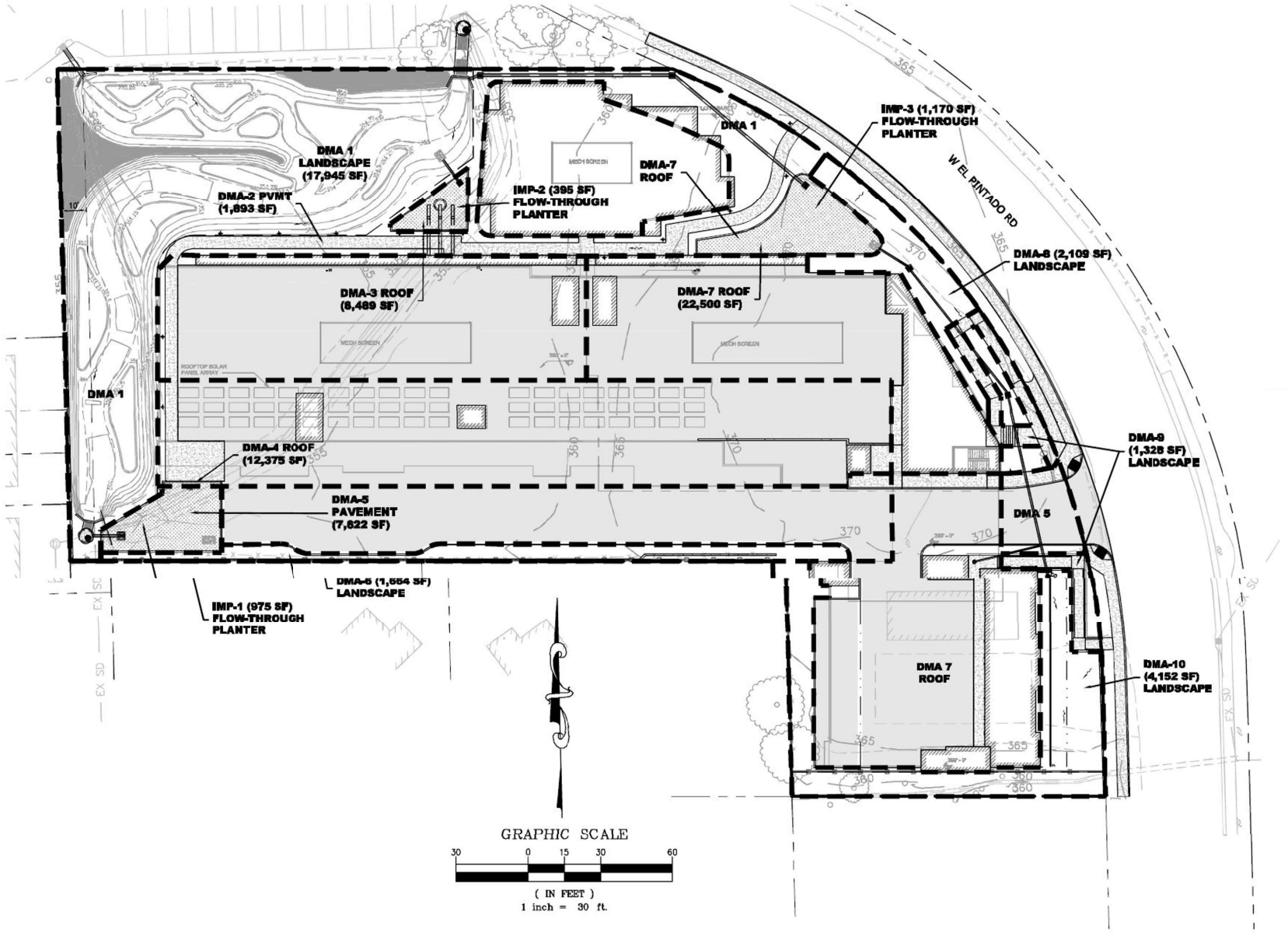

Source: TALUS Engineering, Planning, Development. June 24, 2022

Figure 3. Project Site Plan

GMMR, LLC Danville Development
Danville, California

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Figure 4. Biological Communities in the Study Area

GMMR, LLC Danville Development
Danville, California

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Sources: USDA NAIP Imagery 2020, USDA SURRGO, WRA | Prepared By: njander, 8/11/2021

Figure **5.** **Study Area** Soils

GMMR, LLC Danville Development
Danville, California

0 50 100 Feet

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ID	Type	Acres	Linear Feet
Waters of the U.S. and State			
IS-1	Intermittent Stream	0.001353	10
IS-2	Intermittent Stream	0.025188	211
ES-1	Ephemeral Stream	0.002912	135
ES-2	Ephemeral Stream	0.002483	172



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Sources: ESRI World Imagery, WRA | Prepared By: czumwalt, 2/26/2022

Figure 6. Jurisdictional Features Located within the Study Area

GMMR, LLC Danville Development
Danville, California

0 50 100 Feet

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ENVIRONMENTAL CONSULTANTS



Sources: Maxar 11/4/2019 Aerial, WRA | Prepared By: czumwalt, 3/4/2022

Figure 7. Impacts to Waters of the U.S. and State

GMMR, LLC Danville Development
Danville, California

0 40 80 Feet

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APPENDIX B – SPECIES OBSERVED IN AND AROUND THE STUDY AREA

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Table B1. Plant Species Observed in and around the Study Area

Scientific Name	Common Name	Origin	Wetland Status (AW 2018)
Acacia sp.	-	-	-
Anemopsis californica	Yerba mansa	native	OBL
Arundo donax	Giant reed	non-native (invasive)	FACW
Avena fatua	Wildoats	non-native (invasive)	-
Bromus catharticus	Rescue grass	non-native	-
Bromus diandrus	Ripgut brome	non-native (invasive)	-
Convolvulus arvensis	Field bindweed	non-native	-
Cynodon dactylon	Bermuda grass	non-native (invasive)	FACU
Cyperus eragrostis	Tall cyperus	native	FACW
Echinochloa crus-galli	Barnyard grass	non-native	FACW
Epilobium brachycarpum	Willow herb	native	FAC
Euphorbia sp.	-	-	-
Galium aparine	Cleavers	native	FACU
Genista monspessulana	French broom	non-native (invasive)	-
Geranium sp.	-	-	-
Hedera canariensis	Canary ivy	non-native (invasive)	-
Helminthotheca echioides	Bristly ox-tongue	non-native (invasive)	FAC
Heteromeles arbutifolia	Toyon	native	-
Hordeum marinum ssp. gussoneanum	Mediterranean barley	non-native (invasive)	FAC
Hypericum calycinum	Aaron's beard	non-native	-
Juglans hindsii	Northern California black walnut	native	FAC
Lactuca saligna	Willow lettuce	non-native	UPL
Lactuca serriola	Prickly lettuce	non-native	FACU
Ligustrum lucidum	Glossy privet	non-native (invasive)	-
Malvella leprosa	Alkali mallow	native	FACU

Table B1. Plant Species Observed in and around the Study Area

Scientific Name	Common Name	Origin	Wetland Status (AW 2018)
Medicago polymorpha	Bur clover	non-native (invasive)	FACU
Nerium oleander	Oleander	non-native	-
Oenothera rosea	Pink evening primrose	non-native	FACW
Paspalum dilatatum	Dallis grass	non-native	FAC
Phalaris aquatica	Harding grass	non-native (invasive)	FACU
Platanus sp.	-	-	-
Polypogon monspeliensis	Annual beard grass	non-native (invasive)	FACW
Polypogon viridis	Water beard grass	non-native	FACW
Populus fremontii ssp. fremontii	Cottonwood	native	FAC
Pyracantha coccinea	Scarlet firethorn	non-native (invasive)	-
Pyrus communis	Common pear	non-native	-
Quercus lobata	Valley oak	native	FACU
Rubus armeniacus	Himalayan blackberry	non-native (invasive)	FAC
Rumex crispus	Curly dock	non-native (invasive)	FAC
Salix sp.	-	-	-
Sequoia sempervirens	Coast redwood	native	-
Torilis arvensis	Field hedge parsley	non-native (invasive)	-
Ulmus sp.	-	-	-
Vicia sp.	-	-	-
Washingtonia sp.	-	-	-
Xanthium strumarium	Cocklebur	native	FAC

Table B2. Wildlife Species Observed in and around the Study Area

Scientific name	Common Name	Status
Mammals		
Sciurus niger	Eastern fox squirrel	No status
Birds		
Aphelocoma californica	Western California scrub-jay	No status
Baeolophus inornatus	Oak titmouse	No status
Calypte anna	Anna's hummingbird	No status
Catharus guttatus	Hermit thrush	No status
Corvus brachyrhynchos	American crow	No status
Drybates nuttallii	Nuttall's woodpecker	No status
Haemorhous mexicanus	House finch	No status
Junco hyemalis	Dark-eyed junco	No status
Melozone crissalis	California towhee	No status
Poecile rufescens	Chestnut-backed chickadee	No status
Psaltriparus minimus	Bushtit	No status
Regulus calendula	Ruby-crowned kinglet	No status
Sayornis nigricans	Black phoebe	No status
Setophaga coronta	Yellow-rumped warbler	No status
Sitta carolinensis	White-breasted nuthatch	No status
Spinus psaltria	Lesser goldfinch	No status
Zonotrichia leucophrys	White-crowned sparrow	No status

APPENDIX C – SPECIAL-STATUS SPECIES POTENTIAL TABLE

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Common Name	Scientific Name	Status	Habitat	Potential to Occur
PLANTS				
large-flowered fiddleneck	*Amsinckia grandiflora*	FE, SE, Rank 1B.1	Cismontane woodland and valley and foothill grassland. Elevation ranges from 885 to 1805 feet (270 to 550 meters). Blooms (Mar) Apr-May.	**No Potential.** Suitable elevation does not occur within the Study Area.
bent-flowered fiddleneck	*Amsinckia lunaris*	Rank 1B.2	Cismontane woodland, coastal bluff scrub, valley and foothill grassland. Elevation ranges from 10 to 1640 feet (3 to 500 meters). Blooms Mar-Jun.	**Unlikely.** Suitable cismontane woodland and coastal bluff habitat do not occur within the Study Area.
California androsace	*Androsace elongata ssp. acuta*	Rank 4.2	Chaparral, cismontane woodland, coastal scrub, meadows and seeps, pinyon and juniper woodland, and valley and foothill grassland. Elevation ranges from 490 to 4280 feet (150 to 1305 meters). Blooms Mar-Jun.	**Unlikely.** Suitable chaparral, cismontane woodland, coastal scrub, meadow and seep, and pinyon and juniper woodland habitat and elevation do not occur within the Study Area.
slender silver moss	*Anomobryum julaceum*	Rank 4.2	Broad-leafed upland forest, lower montane coniferous forest, and north coast coniferous forest. Elevation ranges from 330 to 3280 feet (100 to 1000 meters).	**No Potential.** Suitable forest habitat does not occur within the Study Area.
coast rockcress	*Arabis blepharophylla*	Rank 4.3	Broad-leafed upland forest, coastal bluff scrub, coastal prairie, and coastal scrub. Elevation ranges from 10 to 3610 feet (3 to 1100 meters). Blooms Feb-May.	**No Potential.** Suitable habitat does not occur within the Study Area.
Mt. Diablo manzanita	*Arctostaphylos auriculata*	Rank 1B.3	Chaparral and cismontane woodland. Elevation ranges	**No Potential.** Suitable habitat and elevation do not occur within the Study Area.

COMMON NAME	SCIENTIFIC NAME	STATUS	HABITAT	POTENTIAL TO OCCUR
			from 445 to 2135 feet (135 to 650 meters). Blooms Jan-Mar.	
Contra Costa manzanita	*Arctostaphylos manzanita ssp. laevigata*	Rank 1B.2	Chaparral. Elevation ranges from 1410 to 3610 feet (430 to 1100 meters). Blooms Jan-Mar (Apr).	**No Potential.** Suitable chaparral habitat and elevation do not occur within the Study Area.
alkali milk-vetch	*Astragalus tener var. tener*	Rank 1B.2	Playas, valley and foothill grassland, and vernal pools. Elevation ranges from 5 to 195 feet (1 to 60 meters). Blooms Mar-Jun.	**Unlikely.** Suitable playa and vernal pool habitat do not occur within the Study Area.
crownscale	*Atriplex coronata var. coronata*	Rank 4.2	Chenopod scrub, valley and foothill grassland, and vernal pools. Elevation ranges from 5 to 1935 feet (1 to 590 meters). Blooms Mar-Oct.	**Unlikely.** Suitable chenopod scrub and vernal pool habitat do not occur within the Study Area.
brittlescale	*Atriplex depressa*	Rank 1B.2	Chenopod scrub, meadows and seeps, playas, valley and foothill grassland, and vernal pools. Elevation ranges from 5 to 1050 feet (1 to 320 meters). Blooms Apr-Oct.	**Unlikely.** Suitable chenopod scrub, meadow and seep, playa, and vernal pool habitat do not occur within the Study Area.
lesser saltscale	*Atriplex minuscula*	Rank 1B.1	Chenopod scrub, playas, and valley and foothill grassland. Elevation ranges from 50 to 655 feet (15 to 200 meters). Blooms May-Oct.	**Unlikely.** Suitable chenopod scrub and playa habitat do not occur within the Study Area.
big-scale balsamroot	*Balsamorhiza macrolepis*	Rank 1B.2	Chaparral, cismontane woodland, and valley and foothill grassland. Elevation ranges from 150 to 5100 feet (45 to 1555 meters). Blooms Mar-Jun.	**Unlikely.** Suitable chaparral and cismontane woodland habitat do not occur within the Study Area.
big tarplant	*Blepharizonia plumosa*	Rank 1B.1	Dry slopes in valley and foothill grassland. Elevation ranges from 100 to 1655 feet	**Unlikely**. Grassland habitat within the Study Area is marginal and there are no

COMMON NAME	SCIENTIFIC NAME	STATUS	HABITAT	POTENTIAL TO OCCUR
			(30 to 505 meters). Blooms Jul-Oct.	CNDDB occurrences within 7 miles of the Study Area.
Brewer's calandrinia	*Calandrinia breweri*	Rank 4.2	Chaparral and coastal scrub. Elevation ranges from 35 to 4005 feet (10 to 1220 meters). Blooms (Jan)Mar-Jun.	**No Potential.** Suitable habitat does not occur within the Study Area.
Mt. Diablo fairy-lantern	*Calochortus pulchellus*	Rank 1B.2	Chaparral, cismontane woodland, riparian woodland, and valley and foothill grassland. Elevation ranges from 100 to 2755 feet (30 to 840 meters). Blooms Apr-Jun.	**Unlikely**. Suitable chaparral and woodland habitat do not occur within the Study Area.
Oakland star-tulip	*Calochortus umbellatus*	Rank 4.2	Broad-leafed upland forest, chaparral, cismontane woodland, lower montane coniferous forest, and valley and foothill grassland. Elevation ranges from 330 to 2295 feet (100 to 700 meters). Blooms Mar-May.	**Unlikely**. Suitable forest, chaparral, and woodland habitat do not occur within the Study Area.
chaparral harebell	*Campanula exigua*	Rank 1B.2	Chaparral. Elevation ranges from 900 to 4100 feet (275 to 1250 meters). Blooms May-Jun.	**No Potential**. Suitable chaparral habitat and elevation do not occur within the Study Area.
johnny-nip	*Castilleja ambigua var. ambigua*	Rank 4.2	Coastal bluff scrub, coastal prairie, coastal scrub, marshes and swamps, valley and foothill grassland, and vernal pools. Elevation ranges from 0 to 1425 feet (0 to 435 meters). Blooms Mar-Aug.	**Unlikely**. Suitable coastal, marsh and swamp, and vernal pool habitat do not occur within the Study Area.
Congdon's tarplant	*Centromadia parryi ssp. congdonii*	Rank 1B.1	Alkaline valley and foothill grassland. Elevation ranges from 0 to 755 feet (0 to 230 meters). Blooms May-Oct(Nov).	**Unlikely**. Suitable alkaline habitat does not occur within the Study Area.

COMMON NAME	SCIENTIFIC NAME	STATUS	HABITAT	POTENTIAL TO OCCUR
palmate-bracted bird's-beak	*Chloropyron palmatum*	FE, SE, Rank 1B.1	Alkaline flats in chenopod scrub and valley and foothill grassland. Elevation ranges from 15 to 510 feet (5 to 155 meters). Blooms May-Oct.	**Unlikely**. Suitable alkaline habitat does not occur within the Study Area.
Santa Clara red ribbons	*Clarkia concinna ssp. automixa*	Rank 4.3	Chaparral and cismontane woodland. Elevation ranges from 295 to 4920 feet (90 to 1500 meters). Blooms (Apr) May-Jun (Jul).	**No Potential**. Suitable habitat does not occur within the Study Area.
serpentine collomia	*Collomia diversifolia*	Rank 4.3	Chaparral and cismontane woodland. Elevation ranges from 655 to 1970 feet (200 to 600 meters). Blooms May-Jun.	**No Potential**. Suitable habitat and elevation do not occur within the Study Area.
small-flowered morning-glory	*Convolvulus simulans*	Rank 4.2	Chaparral, coastal scrub, and valley and foothill grassland. Elevation ranges from 100 to 2430 feet (30 to 740 meters). Blooms Mar-Jul.	**Unlikely**. Suitable chaparral and coastal scrub habitat do not occur within the Study Area.
Mt. Diablo bird's-beak	*Cordylanthus nidularius*	SR, Rank 1B.1	Chaparral. Elevation ranges from 1970 to 2625 feet (600 to 800 meters). Blooms Jun-Aug.	**No Potential**. Suitable habitat and elevation do not occur within the Study Area.
Hoover's cryptantha	*Cryptantha hooveri*	Rank 1A	Inland dunes and valley and foothill grassland. Elevation ranges from 30 to 490 feet (9 to 150 meters). Blooms Apr-May.	**Unlikely**. Suitable inland dune habitat does not occur within the Study Area.
Hospital Canyon larkspur	*Delphinium californicum ssp. interius*	Rank 1B.2	Chaparral, cismontane woodland, and coastal scrub. Elevation ranges from 640 to 3595 feet (195 to 1095 meters). Blooms Apr-Jun.	**No Potential**. Suitable habitat and elevation do not occur within the Study Area.

COMMON NAME	SCIENTIFIC NAME	STATUS	HABITAT	POTENTIAL TO OCCUR
Lime Ridge eriastrum	*Eriastrum ertterae*	Rank 1B.1	Chaparral. Elevation ranges from 655 to 950 feet (200 to 290 meters). Blooms Jun-Jul.	**No Potential**. Suitable habitat and elevation do not occur within the Study Area.
Mt. Diablo buckwheat	*Eriogonum truncatum*	Rank 1B.1	Chaparral, coastal scrub, and valley and foothill grassland. Elevation ranges from 10 to 1150 feet (3 to 350 meters). Blooms Apr-Sep (Nov-Dec).	**Unlikely**. Suitable chaparral and coastal scrub habitat do not occur within the Study Area.
bay buckwheat	*Eriogonum umbellatum var. bahiiforme*	Rank 4.2	Cismontane woodland and lower montane coniferous forest. Elevation ranges from 2295 to 7220 feet (700 to 2200 meters). Blooms Jul-Sep.	**No Potential**. Suitable habitat and elevation do not occur within the Study Area.
Jepson's woolly sunflower	*Eriophyllum jepsonii*	Rank 4.3	Chaparral, cismontane woodland, and coastal scrub. Elevation ranges from 655 to 3365 feet (200 to 1025 meters). Blooms Apr-Jun.	**No Potential**. Suitable habitat and elevation do not occur within the Study Area.
Jepson's coyote-thistle	*Eryngium jepsonii*	Rank 1B.2	Valley and foothill grassland and vernal pools. Elevation ranges from 10 to 985 feet (3 to 300 meters). Blooms Apr-Aug.	**Unlikely**. Suitable vernal pool habitat does not occur within the Study Area.
San Joaquin spearscale	*Extriplex joaquinana*	Rank 1B.2	Chenopod scrub, meadows and seeps, playas, and valley and foothill grassland. Elevation ranges from 5 to 2740 feet (1 to 835 meters). Blooms Apr-Oct.	**Unlikely**. Suitable chenopod scrub, meadow and seep, and playa habitat do not occur within the Study Area.
stinkbells	*Fritillaria agrestis*	Rank 4.2	Chaparral, cismontane woodland, pinyon and juniper woodland, and valley and foothill grassland. Elevation ranges from 35 to 5100 feet	**Unlikely**. Suitable chaparral and woodland habitat do not occur within the Study Area.

COMMON NAME	SCIENTIFIC NAME	STATUS	HABITAT	POTENTIAL TO OCCUR
			(10 to 1555 meters). Blooms Mar-Jun.	
fragrant fritillary	*Fritillaria liliacea*	Rank 1B.2	Cismontane woodland, coastal prairie, coastal scrub, and valley and foothill grassland. Elevation ranges from 10 to 1345 feet (3 to 410 meters). Blooms Feb-Apr.	**Unlikely**. Suitable woodland and coastal habitat do not occur within the Study Area.
phlox-leaf serpentine bedstraw	*Galium andrewsii ssp. gatense*	Rank 4.2	Chaparral, cismontane woodland, and lower montane coniferous forest. Elevation ranges from 490 to 4755 feet (150 to 1450 meters). Blooms Apr-Jul.	**No Potential**. Suitable habitat and elevation do not occur within the Study Area.
Toren's grimmia	*Grimmia torenii*	Rank 1B.3	Chaparral, cismontane woodland, and lower montane coniferous forest. Elevation ranges from 1065 to 3805 feet (325 to 1160 meters).	**No Potential**. Suitable habitat and elevation do not occur within the Study Area.
Diablo helianthella	*Helianthella castanea*	Rank 1B.2	Broad-leafed upland forest, chaparral, cismontane woodland, coastal scrub, riparian woodland, and valley and foothill grassland. Elevation ranges from 195 to 4265 feet (60 to 1300 meters). Blooms Mar-Jun.	**Unlikely**. Suitable forest, chaparral, woodland, and coastal scrub habitat do not occur within the Study Area.
hogwallow starfish	*Hesperevax caulescens*	Rank 4.2	Valley and foothill grassland and vernal pools. Elevation ranges from 0 to 1655 feet (0 to 505 meters). Blooms Mar-Jun.	**Unlikely**. Suitable vernal pool habitat does not occur within the Study Area.
Brewer's western flax	*Hesperolinon breweri*	Rank 1B.2	Chaparral, cismontane woodland, and valley and foothill grassland. Elevation	**Unlikely**. Suitable chaparral and cismontane woodland

COMMON NAME	SCIENTIFIC NAME	STATUS	HABITAT	POTENTIAL TO OCCUR
			ranges from 100 to 3100 feet (30 to 945 meters). Blooms May-Jul.	habitat do not occur within the Study Area.
Loma Prieta hoita	*Hoita strobilina*	Rank 1B.1	Chaparral, cismontane woodland, and riparian woodland. Elevation ranges from 100 to 2820 feet (30 to 860 meters). Blooms May-Jul (Aug-Oct).	**No Potential**. Suitable habitat does not occur within the Study Area.
Santa Cruz tarplant	*Holocarpha macradenia*	FT, SE, Rank 1B.1	Coastal prairie, coastal scrub, and valley and foothill grassland. Elevation ranges from 35 to 720 feet (10 to 220 meters). Blooms Jun-Oct.	**Unlikely**. Suitable coastal habitat does not occur within the Study Area.
Carquinez goldenbush	*Isocoma arguta*	Rank 1B.1	Alkaline soils, flats, low hills, and valley and foothill grassland. Elevation ranges from 5 to 65 feet (1 to 20 meters). Blooms Aug-Dec.	**Unlikely**. Suitable alkaline habitat does not occur within the Study Area.
Southern California black walnut	*Juglans californica*	Rank 4.2	Chaparral, cismontane woodland, coastal scrub, and riparian woodland. Elevation ranges from 165 to 2955 feet (50 to 900 meters). Blooms Mar-Aug.	**No Potential**. Suitable habitat does not occur within the Study Area.
Contra Costa goldfields	*Lasthenia conjugens*	FE, Rank 1B.1	Cismontane woodland, playas, valley and foothill grassland, and vernal pools. Elevation ranges from 0 to 1540 feet (0 to 470 meters). Blooms Mar-Jun.	**Unlikely**. Suitable woodland, playa, and vernal pool habitat do not occur within the Study Area.
Ferris' goldfields	*Lasthenia ferrisiae*	Rank 4.2	Vernal pools. Elevation ranges from 65 to 2295 feet (20 to 700 meters). Blooms Feb-May.	**No Potential**. Suitable habitat does not occur within the Study Area.

Common Name	Scientific Name	Status	Habitat	Potential to Occur
bristly leptosiphon	*Leptosiphon acicularis*	Rank 4.2	Chaparral, cismontane woodland, coastal prairie, and valley and foothill grassland. Elevation ranges from 180 to 4920 feet (55 to 1500 meters). Blooms Apr-Jul.	**Unlikely**. Suitable chaparral, woodland, and coastal prairie habitat do not occur within the Study Area.
serpentine leptosiphon	*Leptosiphon ambiguus*	Rank 4.2	Cismontane woodland, coastal scrub, and valley and foothill grassland. Elevation ranges from 395 to 3710 feet (120 to 1130 meters). Blooms Mar-Jun.	**Unlikely**. Suitable woodland, and coastal scrub habitat and elevation do not occur within the Study Area.
large-flowered leptosiphon	*Leptosiphon grandiflorus*	Rank 4.2	Cismontane woodland, closed-cone coniferous forest, coastal bluff scrub, coastal dunes, coastal prairie, coastal scrub, and valley and foothill grassland. Elevation ranges from 15 to 4005 feet (5 to 1220 meters). Blooms Apr-Aug.	**Unlikely**. Suitable woodland, forest, and coastal habitat do not occur within the Study Area.
showy golden madia	*Madia radiata*	Rank 1B.1	Cismontane woodland and valley and foothill grassland. Elevation ranges from 80 to 3985 feet (25 to 1215 meters). Blooms Mar-May.	**Unlikely**. Suitable woodland habitat does not occur within the Study Area.
Hall's bush-mallow	*Malacothamnus hallii*	Rank 1B.2	Chaparral and coastal scrub. Elevation ranges from 35 to 2495 feet (10 to 760 meters). Blooms (Apr) May-Sep (Oct).	**No Potential**. Suitable habitat does not occur within the Study Area.
sylvan microseris	*Microseris sylvatica*	Rank 4.2	Chaparral, cismontane woodland, great basin scrub, pinyon and juniper woodland, and valley and foothill grassland. Elevation ranges from 150 to 4920 feet (45 to	**Unlikely**. Suitable chaparral, woodland, and great basin scrub habitat do not occur within the Study Area.

COMMON NAME	SCIENTIFIC NAME	STATUS	HABITAT	POTENTIAL TO OCCUR
			1500 meters). Blooms Mar-Jun.	
woodland woollythreads	*Monolopia gracilens*	Rank 1B.2	Broad-leafed upland forest, chaparral, cismontane woodland, north coast coniferous forest, and valley and foothill grassland. Elevation ranges from 330 to 3935 feet (100 to 1200 meters). Blooms (Feb) Mar-Jul.	**Unlikely**. Suitable forest, chaparral, and woodland habitat do not occur within the Study Area.
Lime Ridge navarretia	*Navarretia gowenii*	Rank 1B.1	Chaparral. Elevation ranges from 590 to 1000 feet (180 to 305 meters). Blooms May-Jun.	**No Potential**. Suitable habitat and elevation do not occur within the Study Area.
Tehama navarretia	*Navarretia heterandra*	Rank 4.3	Valley and foothill grassland and vernal pools. Elevation ranges from 100 to 3315 feet (30 to 1010 meters). Blooms Apr-Jun.	**Unlikely**. Suitable vernal pool habitat does not occur within the Study Area.
shining navarretia	*Navarretia nigelliformis ssp. radians*	Rank 1B.2	Cismontane woodland, valley and foothill grassland, and vernal pools. Elevation ranges from 215 to 3280 feet (65 to 1000 meters). Blooms (Mar) Apr-Jul.	**Unlikely**. Suitable cismontane woodland and vernal pool habitat do not occur within the Study Area.
prostrate vernal pool navarretia	*Navarretia prostrata*	Rank 1B.2	Coastal scrub, meadows and seeps, valley and foothill grassland, and vernal pools. Elevation ranges from 10 to 3970 feet (3 to 1210 meters). Blooms Apr-Jul.	**Unlikely**. Suitable coastal scrub, meadow and seep, and vernal pool habitat do not occur within the Study Area.
Antioch Dunes evening-primrose	*Oenothera deltoides ssp. howellii*	FE, SE, Rank 1B.1	Inland dunes. Elevation ranges from 0 to 100 feet (0 to 30 meters). Blooms Mar-Sep.	**No Potential**. Suitable inland dune habitat does not occur within the Study Area.

COMMON NAME	SCIENTIFIC NAME	STATUS	HABITAT	POTENTIAL TO OCCUR
Mt. Diablo phacelia	*Phacelia phacelioides*	Rank 1B.2	Chaparral and cismontane woodland. Elevation ranges from 1640 to 4495 feet (500 to 1370 meters). Blooms Apr-May.	**No Potential**. Suitable habitat and elevation do not occur within the Study Area.
Michael's rein orchid	*Piperia michaelii*	Rank 4.2	Chaparral, cismontane woodland, closed-cone coniferous forest, coastal bluff scrub, coastal scrub, and lower montane coniferous forest. Elevation ranges from 10 to 3000 feet (3 to 915 meters). Blooms Apr-Aug.	**No Potential**. Suitable habitat does not occur within the Study Area.
hairless popcornflower	*Plagiobothrys glaber*	Rank 1A	Marshes and swamps and meadows and seeps. Elevation ranges from 50 to 590 feet (15 to 180 meters). Blooms Mar-May.	**No Potential**. Suitable habitat does not occur within the Study Area.
Oregon polemonium	*Polemonium carneum*	Rank 2B.2	Coastal prairie, coastal scrub, and lower montane coniferous forest. Elevation ranges from 0 to 6005 feet (0 to 1830 meters). Blooms Apr-Sep.	**No Potential**. Suitable habitat does not occur within the Study Area.
California alkali grass	*Puccinellia simplex*	Rank 1B.2	Chenopod scrub, meadows and seeps, valley and foothill grassland, and vernal pools. Elevation ranges from 5 to 3050 feet (2 to 930 meters). Blooms Mar-May.	**Unlikely**. Suitable chenopod scrub, meadow and seep, and vernal pool habitat do not occur within the Study Area.
Lobb's aquatic buttercup	*Ranunculus lobbii*	Rank 4.2	Cismontane woodland, north coast coniferous forest, valley and foothill grassland, and vernal pools. Elevation ranges from 50 to 1540 feet (15 to 470 meters). Blooms Feb-May.	**Unlikely**. Suitable woodland, forest, and vernal pool habitat do not occur within the Study Area.

COMMON NAME	SCIENTIFIC NAME	STATUS	HABITAT	POTENTIAL TO OCCUR
rock sanicle	*Sanicula saxatilis*	SR, Rank 1B.2	Broad-leafed upland forest, chaparral, and valley and foothill grassland. Elevation ranges from 2035 to 3855 feet (620 to 1175 meters). Blooms Apr-May.	**Unlikely**. Suitable forest and chaparral habitat and elevation do not occur within the Study Area.
chaparral ragwort	*Senecio aphanactis*	Rank 2B.2	Chaparral, cismontane woodland, and coastal scrub. Elevation ranges from 50 to 2625 feet (15 to 800 meters). Blooms Jan-Apr (May).	**No Potential**. Suitable habitat does not occur within the Study Area.
long-styled sand-spurrey	*Spergularia macrotheca var. longistyla*	Rank 1B.2	Marshes and swamps and meadows and seeps. Elevation ranges from 0 to 835 feet (0 to 255 meters). Blooms Feb-May.	**No Potential**. Suitable habitat does not occur within the Study Area.
most beautiful jewelflower	*Streptanthus albidus ssp. peramoenus*	Rank 1B.2	Chaparral, cismontane woodland, and valley and foothill grassland. Elevation ranges from 310 to 3280 feet (95 to 1000 meters). Blooms (Mar) Apr-Sep (Oct).	**Unlikely**. Suitable chaparral and cismontane woodland habitat do not occur within the Study Area.
Mt. Diablo jewelflower	*Streptanthus hispidus*	Rank 1B.3	Chaparral and valley and foothill grassland. Elevation ranges from 1200 to 3935 feet (365 to 1200 meters). Blooms Mar-Jun.	**Unlikely**. Suitable chaparral habitat and elevation do not occur within the Study Area.
northern slender pondweed	*Stuckenia filiformis ssp. alpina*	Rank 2B.2	Marshes and swamps. Elevation ranges from 985 to 7055 feet (300 to 2150 meters). Blooms May-Jul.	**No Potential**. Suitable habitat and elevation do not occur within the Study Area.
saline clover	*Trifolium hydrophilum*	Rank 1B.2	Marshes and swamps, valley and foothill grassland, and vernal pools. Elevation ranges from 0 to 985 feet (0 to 300 meters). Blooms Apr-Jun.	**Unlikely**. Suitable marsh and swamp and vernal pool habitat do not occur within the Study Area

Common Name	Scientific Name	Status	Habitat	Potential to Occur
coastal triquetrella	*Triquetrella californica*	Rank 1B.2	Coastal bluff scrub and coastal scrub. Elevation ranges from 35 to 330 feet (10 to 100 meters).	**No Potential**. Suitable coastal habitat does not occur within the Study Area.
caper-fruited tropidocarpum	*Tropidocarpum capparideum*	Rank 1B.1	Alkaline soils in valley and foothill grassland. Elevation ranges from 5 to 1495 feet (1 to 455 meters). Blooms Mar-Apr.	**Unlikely**. Suitable alkaline habitat does not occur within the Study Area.
oval-leaved viburnum	*Viburnum ellipticum*	Rank 2B.3	Chaparral, cismontane woodland, and lower montane coniferous forest. Elevation ranges from 705 to 4595 feet (215 to 1400 meters). Blooms May-Jun.	**No Potential**. Suitable habitat and elevation do not occur within the Study Area.
Mammals				
Pallid bat	*Antrozous pallidus*	CDFW Species of Special Concern, WBWG High Priority	Found in a variety of habitats ranging from grasslands to mixed forests, favoring open and dry, rocky areas. Roost sites include crevices in rock outcrops and cliffs, caves, mines, and also hollow trees and various manmade structures such as bridges, barns, and buildings (including occupied buildings). Roosts must protect bats from high temperatures. Very sensitive to disturbance of roosting sites.	**Moderate Potential.** Suitable large trees and manmade structures for roosting occur within the Study Area. This species has been documented 0.3 miles south of the Study Area (CNDDB, 2021).

COMMON NAME	SCIENTIFIC NAME	STATUS	HABITAT	POTENTIAL TO OCCUR
Townsend's big-eared bat	*Corynorhinus townsendii*	CDFW Species of Special Concern, WBWG High Priority	Associated with a wide variety of habitats from deserts to higher-elevation mixed and coniferous forests. Females form maternity colonies in buildings, caves and mines, and males roost singly or in small groups. Foraging typically occurs at edge habitats near wooded areas, e.g. along streams.	**Unlikely.** The Study Area does not provide sites that could support maternity roosting. The nearest occurrence is approximately 3.5 miles northeast of the Study Area and is from 1917.
Western mastiff bat	*Eumops perotis californicus*	CDFW Species of Special Concern, WBWG High Priority	Found in a wide variety of open, arid and semi-arid habitats. Distribution appears to be tied to large rock structures which provide suitable roosting sites, including cliff crevices and cracks in boulders.	**No Potential.** The Study Area does not contain suitable rock structures for roosting.
Silver-haired bat	*Lasionycteris noctivagans*	WBWG Medium Priority	Primarily a forest dweller, feeding over streams, ponds, and open brushy areas. Summer habitats include a variety of forest and woodland types, both coastal and montane. Roosts in hollow trees, snags, buildings, rock crevices, caves, and under bark.	**Unlikely.** The Study Area does not contain suitable forest habitat for roosting.
Hoary bat	*Lasiurus cinereus*	WBWG Medium Priority	Prefers open forested habitats or habitat mosaics, with access to trees for cover and open areas or habitat edges for feeding. Roosts in dense foliage of medium to large trees. Feeds primarily on moths.	**Unlikely.** The Study Area does not contain suitable forest habitat for roosting.

COMMON NAME	SCIENTIFIC NAME	STATUS	HABITAT	POTENTIAL TO OCCUR
Big free-tailed bat	*Nyctinomops macrotis*	CDFW Species of Special Concern, WBWG Medium-High Priority	Occurs rarely in low-lying arid areas. Requires high cliffs or rocky outcrops for roosting sites.	**No Potential.** The Study Area does not contain high cliffs or rocky outcrops for roosting.
San Francisco dusky-footed woodrat	*Neotoma fuscipes annectens*	CDFW Species of Special Concern	Forest habitats of moderate canopy and moderate to dense understory. Also in chaparral habitats. Constructs nests of shredded grass, leaves, and other material. May be limited by availability of nest-building materials.	**Unlikely**. The Study Area consists of mowed grasses and does not provide sufficient understory to support this species.
Salt-marsh harvest mouse	*Reithrodontomys raviventris*	Federally Endangered, CDFW Fully Protected	Endemic to emergent salt and brackish wetlands of the San Francisco Bay Estuary. Pickleweed marshes are primary habitat; also occurs in various other wetland communities with dense vegetation. Does not burrow, builds loosely organized nests. Requires higher areas for flood escape.	**No potential.** Suitable habitat does not occur within the Study Area.
Alameda Island mole	*Scapanus latimanus parvus*	CDFW Species of Special Concern	Known only from Alameda Island. Found in a variety of habitats, especially annual and perennial grasslands. Prefers moist, friable soils. Avoids flooded soils.	**No potential**. The Study Area occurs outside of the range for this species.
Salt-marsh wandering shrew	*Sorex vagrans halicoetes*	CDFW Species of Special Concern	Salt marshes of the south arm of San Francisco Bay. Medium high marsh 6 to 8 feet above sea level where abundant driftwood is scattered among Salicornia.	**No potential**. The Study Area occurs outside of the range for this species.

COMMON NAME	SCIENTIFIC NAME	STATUS	HABITAT	POTENTIAL TO OCCUR
American badger	*Taxidea taxus*	CDFW Species of Special Concern	Most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils. Requires friable soils and open, uncultivated ground. Preys on burrowing rodents.	**No Potential.** No suitably sized mammal burrows were observed within the Study Area. The Study Area is also subject to a high level of anthropogenic disturbance, and no connectivity to large areas of open space.
San Joaquin kit fox	*Vulpes macrotis mutica*	Federally Endangered	Annual grasslands or grassy open stages with scattered shrubby vegetation. Need loose-textured sandy soils for burrowing, and suitable prey base.	**No potential.** The Study Area does not contain suitable habitat.
BIRDS				
Golden eagle	*Aquila chrysaetos*	CDFW Fully Protected	Occurs year-round in rolling foothills, mountain areas, sage-juniper flats, and deserts. Cliff-walled canyons provide nesting habitat in most parts of range; also nests in large trees, usually within otherwise open areas.	**Unlikely.** Suitable nesting habitat does not occur within the Study Area.
Bald eagle	*Haliaeetus leucocephalus*	Federally Delisted, CDFW Fully Protected	Occurs year-round in California, but primarily a winter visitor; breeding population is growing. Nests in large trees in the vicinity of larger lakes, reservoirs and rivers. Wintering habitat somewhat more variable but usually features large concentrations of waterfowl or fish.	**Unlikely.** Suitable nesting habitat does not occur within the Study Area.

COMMON NAME	SCIENTIFIC NAME	STATUS	HABITAT	POTENTIAL TO OCCUR
Burrowing owl	*Athene cunicularia*	CDFW Species of Special Concern	Year-round resident and winter visitor. Occurs in open, dry grasslands and scrub habitats with low-growing vegetation, perches and abundant mammal burrows. Preys upon insects and small vertebrates. Nests and roosts in old mammal burrows, most commonly those of ground squirrels.	**Unlikely.** No ground squirrel burrows or surrogate burrows are present within the Study Area.
Northern harrier	*Circus hudsonius*	CDFW Species of Special Concern	Year-round resident and winter visitor. Found in open habitats including grasslands, prairies, marshes and agricultural areas. Nests on the ground in dense vegetation, typically near water or otherwise moist areas. Preys on small vertebrates.	**Unlikely**. The Study Area does not contain dense ground vegetation suitable for nesting. This species may occasionally fly over the Study Area.
Tricolored blackbird	*Agelaius tricolor*	CDFW Species of Special Concern	Nearly endemic to California, where it is most numerous in the Central Valley and vicinity. Highly colonial, nesting in dense aggregations over or near freshwater in emergent growth or riparian thickets. Also uses flooded agricultural fields. Abundant insect prey near breeding areas essential.	**No potential.** No emergent vegetation or riparian thickets for nesting are present within the Study Area.

COMMON NAME	SCIENTIFIC NAME	STATUS	HABITAT	POTENTIAL TO OCCUR
Yellow rail	*Coturnicops noveboracensis*	CDFW Species of Special Concern	Summer resident in eastern Sierra Nevada in Mono County, breeding in shallow freshwater marshes and wet meadows with dense vegetation. Also a rare winter visitor along the coast and other portions of the state. Extremely cryptic.	**No potential**. The Study Area is outside of this species known breeding range and does contain suitable nesting habitat.
White-tailed kite	*Elanus leucurus*	CDFW Fully Protected	Year-round resident in coastal and valley lowlands with scattered trees and large shrubs, including grasslands, marshes and agricultural areas. Nests in trees, of which the type and setting are highly variable. Preys on small mammals and other vertebrates.	**Moderate potential.** The Study Area contains suitable nesting trees for this species. Two sightings have been documented within 1 mile of the Study Area (eBird 2021).
American peregrine falcon	*Falco peregrinus anatum*	Federally Delisted, CDFW Fully Protected	Year-round resident and winter visitor. Occurs in a wide variety of habitats, though often associated with coasts, bays, marshes and other bodies of water. Nests on protected cliffs and also on man-made structures including buildings and bridges. Preys on birds, especially waterbirds. Forages widely.	**Unlikely**. Coastal, bay, and marsh habitat are not present within the study area. The Study Area does not have cliffs or other tall structures to support nesting. This species may occasionally fly over the Study Area.

COMMON NAME	SCIENTIFIC NAME	STATUS	HABITAT	POTENTIAL TO OCCUR
Saltmarsh common yellowthroat	*Geothlypis trichas sinuosa*	CDFW Species of Special Concern	Resident of the San Francisco Bay region, in fresh and salt water marshes. Requires thick, continuous cover down to water surface for foraging; tall grasses, tule patches, willows for nesting.	**No potential.** Suitable nesting habitat does not occur within the Study Area.
California black rail	*Laterallus jamaicensis coturniculus*	CDFW Fully Protected	Year-round resident in marshes (saline to freshwater) with dense vegetation within four inches of the ground. Prefers larger, undisturbed marshes that have an extensive upper zone and are close to a major water source. Extremely secretive and cryptic.	**No Potential.** Suitable nesting habitat does not occur within the Study Area.
Suisun song sparrow	*Melospiza melodia maxillaris*	CDFW Species of Special Concern	Year-round resident of brackish-water marshes along Suisun Bay. Inhabits cattails, tules, bulrushes and other emergent vegetation, including pickleweed. Nests typically placed in shrubs.	**No Potential**. No brackish-water marshes are present within the Study Area.
Alameda song sparrow	*Melospiza melodia pusillula*	CDFW Species of Special Concern	Year-round resident of salt marshes bordering the south arm of San Francisco Bay. Inhabits primarily pickleweed marshes; nests placed in marsh vegetation, typically shrubs such as gumplant.	**No Potential.** No salt-water marshes are present within the Study Area.

COMMON NAME	SCIENTIFIC NAME	STATUS	HABITAT	POTENTIAL TO OCCUR
California Ridgway's rail	*Rallus obsoletus obsoletus*	Federally Endangered, CDFW Fully Protected	Year-round resident in tidal marshes of the San Francisco Bay estuary. Requires tidal sloughs and intertidal mud flats for foraging, and dense marsh vegetation for nesting and cover. Typical habitat features abundant growth of cordgrass and pickleweed. Feeds primarily on mollusks and crustaceans.	**No Potential.** No tidal marshes or dense marsh vegetation for nesting occur within the Study Area.
Yellow warbler	*Setophaga petechia*	CDFW Species of Special Concern	Summer resident throughout much of California. Breeds in riparian vegetation close to water, including streams and wet meadows. Microhabitat used for nesting variable, but dense willow growth is typical. Occurs widely on migration.	**Unlikely.** There is no dense willow riparian on the site required for suitable nesting habitat for this species.
California least tern	*Sternula antillarum browni*	Federally Endangered, CDFW Fully Protected	Summer resident along the coast from San Francisco Bay south to northern Baja California; inland breeding also very rarely occurs. Nests colonially on barren or sparsely vegetated areas with sandy or gravelly substrates near water, including beaches, islands, and gravel bars. In San Francisco Bay, has also nested on salt pond margins.	**No potential.** No sandy or gravelly substrates for nesting are present within the Study Area.

COMMON NAME	SCIENTIFIC NAME	STATUS	HABITAT	POTENTIAL TO OCCUR
Black skimmer	*Rynchops niger*	CDFW Species of Special Concern	Found primarily in southern California; South San Francisco Bay has a small resident population. Nests colonially on gravel bars, low islets, and sandy beaches	**No potential**. The Study Area is outside of this species known range and does contain suitable nesting habitat.
REPTILES AND AMPHIBIANS				
Western pond turtle	*Emys marmorata*	CDFW Species of Special Concern	A thoroughly aquatic turtle of ponds, marshes, rivers, streams and irrigation ditches with aquatic vegetation. Require basking sites such as partially submerged logs, vegetation mats, or open mud banks, and suitable upland habitat (sandy banks or grassy open fields) for egg-laying.	**Unlikely.** Aquatic habitat within the Study Area lacks features that would support this species, such as suitable basking sites and aquatic vegetation. Upland habitat is mowed and highly disturbed. This species was documented in a cattle pond 3.5 miles northeast of the Study Area, but there are no pond features present within the study area or in the near vicinity (CNDDB 2021).
Alameda whipsnake	*Masticophis lateralis euryxanthus*	Federally Threatened	Inhabits chaparral and foothill-hardwood habitats in the eastern Bay Area. Prefers south-facing slopes and ravines with rock outcroppings where shrubs form a vegetative mosaic with oak trees and grasses and small mammal burrows provide basking and refuge.	**No potential.** No suitable chaparral or scrub habitat is present within the Study Area

COMMON NAME	SCIENTIFIC NAME	STATUS	HABITAT	POTENTIAL TO OCCUR
Coast horned lizard	*Phrynosoma blainvillii*	CDFW Species of Special Concern	Frequents a wide variety of habitats, most common in lowlands along sandy washes with scattered low bushes. Prefers friable, rocky, or shallow sandy soils for burial; open areas for sunning; bushes for cover; and an abundant supply of ants and other insects.	**No Potential.** No friable, rocky, or shallow sandy soils are present within the Study Area.
California tiger salamander - central California DPS	*Ambystoma californiense pop. 1*	Federally Threatened	Populations in Santa Barbara and Sonoma counties currently listed as endangered; threatened in remainder of range. Inhabits grassland, oak woodland, ruderal and seasonal pool habitats. Adults are fossorial and utilize mammal burrows and other subterranean refugia. Breeding occurs primarily in vernal pools and other seasonal water features.	**Unlikely.** One adult was observed in a seasonal breeding pond 1.6 miles northwest of the Study Area in 2018 (CNDDB 2021). However, several roads, large commercial and residential developments separate the Study Area from the nearest documented breeding population. Therefore, given the disturbed state of the site and barriers to dispersal, movement into the Study Area is unlikely.
Foothill yellow-legged frog	*Rana boylii*	CDFW Species of Special Concern	Found in or adjacent to rocky streams in a variety of habitats. Prefers partly-shaded, shallow streams and riffles with a rocky substrate; requires at least some cobble-sized substrate for egg-laying. Needs at least 15 weeks to attain metamorphosis. Feeds on both aquatic and terrestrial invertebrates.	**Unlikely.** Streams that occur within the Study Area do not provide rocky substrate suitable for egg-laying.

COMMON NAME	SCIENTIFIC NAME	STATUS	HABITAT	POTENTIAL TO OCCUR
California red-legged frog	*Rana draytonii*	Federally Threatened, CDFW Species of Special Concern	Lowlands and foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation. Requires 11 to 20 weeks of permanent water for larval development. Associated with quiet perennial to intermittent ponds, stream pools and wetlands. Prefers shorelines with extensive vegetation. Disperses through upland habitats after rains.	**Unlikely**. No suitable aquatic breeding habitat is present within the Study Area. A breeding site has been documented approximately 2 miles east of the Study Area in an ephemeral stream (CNDDB, 2021). However, Highway 680 and several residential and commercial developments separate the Study Area and this occurrence. Therefore, given the lack of suitable aquatic habitat in the Study Area and the barrier to dispersal, dispersal into the Study Area is unlikely.
FISH				
Sacramento perch	*Archoplites interruptus*	CDFW Species of Special Concern	(Only within native range) Historically found in the sloughs, slow-moving rivers, and lakes of the Central Valley. Prefer warm water. Aquatic vegetation is essential for young. Tolerate wide range of physio-chemical water conditions.	**No Potential.** The Study Area does not contain suitable aquatic habitat for this species.
Tidewater goby	*Eucyclogobius newberryi*	Federally Endangered	Brackish water habitats along the California coast from Agua Hedionda Lagoon, San Diego County to the mouth of the Smith River. Found in shallow lagoons and lower stream reaches; requires fairly still but not stagnant water and high oxygen levels.	**No Potential.** The Study Area does not contain suitable aquatic habitat for this species.

COMMON NAME	SCIENTIFIC NAME	STATUS	HABITAT	POTENTIAL TO OCCUR
Longfin smelt	*Spirinchus thaleichthys*	Federal Candidate	Euryhaline, nektonic and anadromous. Found in open waters of estuaries, mostly in middle or bottom of water column. Prefer salinities of 15 to 30 ppt, but can be found in completely freshwater to almost pure seawater.	**No Potential.** The Study Area does not contain any open water habitat.
INVERTEBRATES				
Bay checkerspot butterfly	*Euphydryas editha bayensis*	Federally Threatened	Restricted to native grasslands on outcrops of serpentine soil in the vicinity of San Francisco Bay. Plantago erecta is the primary host plant; Orthocarpus densiflorus and O. purpurscens are the secondary host plants.	**No Potential.** The Study Area does not contain serpentine soils to support this species.

APPENDIX D – SITE PHOTOGRAPHS

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Concrete apron/open water at northern end of intermittent drainage



Seasonal wetland in intermittent drainage



Southern ephemeral stream (E).



Western ephemeral stream (N).



Concrete apron/Open water at southwestern corner of the northern parcel (W).



Ephemeral Stream and intermittent drainage (NE).



Non-native annual grassland and valley oak riparian forest and woodland within the Study Area (S).



Non-native annual grassland within the Study Area (W).

APPENDIX E – PRELIMINARY JURISDICTIONAL DETERMINATION (FILE NO. SPN-2016-00149S)

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DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
450 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIFORNIA 94102

November 22, 2021

Regulatory Division

Subject: File No. SPN-2016-00149S

Mr. Jeff Stone
GMMR, LLC
230 Piedmont Lane
Danville, California 94526
jbstone@diamondconstructioninc.com

Dear Mr. Stone:

This correspondence is in reference to your submittal of September 10, 2021, requesting a preliminary jurisdictional determination of the extent of navigable waters of the United States and waters of the United States occurring on an approximately 1.9-acre site located at 375 West El Pintado Road (APNs 200-140-011 and 200-140-012), in the City of Danville, Contra Costa County, California (Latitude: 37.828347º, Longitude: -122.000906°).

All proposed discharges of dredged or fill material occurring below the plane of ordinary high water in non-tidal waters of the United States; or below the high tide line in tidal waters of the United States; and within the lateral extent of wetlands adjacent to these waters, typically require Department of the Army authorization and the issuance of a permit under Section 404 of the Clean Water Act of 1972, as amended, 33 U.S.C. § 1344 *et seq*. Waters of the United States generally include the territorial seas; all traditional navigable waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including waters subject to the ebb and flow of the tide; wetlands adjacent to traditional navigable waters; non-navigable tributaries of traditional navigable waters that are relatively permanent, where the tributaries typically flow year-round or have continuous flow at least seasonally; and wetlands directly abutting such tributaries. Where a case-specific analysis determines the existence of a "significant nexus" effect with a traditional navigable water, waters of the United States may also include non-navigable tributaries that are not relatively permanent; wetlands adjacent to non-navigable tributaries that are not relatively permanent; wetlands adjacent to but not directly abutting a relatively permanent non-navigable tributary; and certain ephemeral streams in the arid West.

The enclosed delineation map titled “SPN-2016-00149S, El Pintado Residential Development,” in one (1) sheet and date certified November 22, 2021 (Enclosure 1), depicts the extent and location of wetlands, and other waters of the United States, within the boundary area of the site that **may be** subject to U.S. Army Corps of Engineers' regulatory authority under Section 404 of the Clean Water Act. This preliminary jurisdictional determination is based on the current conditions of the site, as verified during a field investigation of November 2, 2021, a

review of available digital photographic imagery, and a review of other data included in your submittal. While this preliminary jurisdictional determination was conducted pursuant to Regulatory Guidance Letter No. 16-01, *Jurisdictional Determinations*, it may be subject to future revision if new information or a change in field conditions becomes subsequently apparent. The basis for this preliminary jurisdictional determination is fully explained in the enclosed *Preliminary Jurisdictional Determination Form* (Enclosure 2). You are requested to sign and date this form and return it to this office within two weeks of receipt.

You are advised that the preliminary jurisdictional determination may **not** be appealed through the U.S. Army Corps of Engineers' *Administrative Appeal Process*, as described in 33 C.F.R. pt. 331 (65 Fed. Reg. 16,486; Mar. 28, 2000). Under the provisions of 33 C.F.R Section 331.5(b)(9), non-appealable actions include preliminary jurisdictional determinations since they are considered to be only advisory in nature and make no definitive conclusions on the jurisdictional status of the water bodies in question. However, you may request this office to provide an approved jurisdictional determination that precisely identifies the scope of jurisdictional waters on the site; an approved jurisdictional determination may be appealed through the *Administrative Appeal Process*. If you anticipate requesting an approved jurisdictional determination at some future date, you are advised not to engage in any on-site grading or other construction activity in the interim to avoid potential violations and penalties under Section 404 of the Clean Water Act. Finally, you may provide this office new information for further consideration and request a reevaluation of this preliminary jurisdictional determination.

You may refer any questions on this matter to Jenna Rais of the Regulatory staff by telephone at 415-503-6808 or by e-mail at Jenna.S.Rais@usace.army.mil. All correspondence should be addressed to the Regulatory Division, South Branch, referencing the file number at the head of this letter.

The San Francisco District is committed to improving service to our customers. The Regulatory staff seeks to achieve the goals of the Regulatory Program in an efficient and cooperative manner while preserving and protecting our nation's aquatic resources. If you would like to provide comments on our Regulatory Program, please complete the Customer Service Survey Form available on our website: http://www.spn.usace.army.mil/Missions/Regulatory.aspx.

Sincerely,

Frances Malamud-Roam

Frances Malamud-Roam
Acting South Branch Chief
Regulatory Division

Enclosures

Electronic Copies Furnished (w/ encls):

WRA, Inc., San Rafael, CA (Attn: Amy May, Amy.May@wra-ca.com; Attn: Hope Kingma, Hope.Kingma@wra-ca.com)

SF Bay RWQCB, Oakland, CA (Attn: rb2-401Application@waterboards.ca.gov; Attn: Katie Hart, Kathryn.Hart@waterboards.ca.gov)



ID	Type	Acres	Linear Feet
Waters of the U.S. and State			
IS-1	Intermittent Stream	0.001353	10
IS-2	Intermittent Stream	0.025188	211
ES-1	Ephemeral Stream	0.029115	135
ES-2	Ephemeral Stream	0.024827	172

Path: I:\Acad 2000 Files\31000\31137\GIS\ArcMap\Delin20210811\Delin20210811.aprx

Sources: ESRI World Imagery, WRA | Prepared By: czumwalt, 11/9/2021

Figure 3. Jurisdictional Features Located within the Study Area

GMMR, LLC Danville Development
Danville, California

0 50 100 Feet

N

wra ENVIRONMENTAL CONSULTANTS

Appendix B Traffic Impact Analysis

June 22, 2022

Mr. Geoff Reilly
WRA
5341 Old Redwood Highway, Ste. 310
Petaluma, California 94954

CEQA Analysis for the 375 El Pintado Road Project

Dear Mr. Reilly;

As requested, W-Trans has prepared a traffic analysis associated with the residential project proposed to be developed at 375 El Pintado Road in Danville. We understand that an Environmental Impact Report (EIR) was certified in 2018 for a project comprised of 37 multi-family residential units. The currently proposed project includes 57 age-restricted senior attached dwelling units. The purpose of this document is to assess any potential transportation changes to the CEQA checklist and compliance with Town parking requirements associated with the change in the project description from multi-family residential to age-restricted attached senior dwelling units.

Trip Generation

The anticipated trip generation for the proposed project was estimated using standard rates published by the Institute of Transportation Engineers (ITE) in *Trip Generation Manual*, 10th Edition, 2017 for the "Multifamily Housing (Low-Rise)" (Land Use #220) and "Senior Adult Housing – Attached" (Land Use #252). To provide a conservative analysis, trip reductions associated with the existing on-site residence were not included. The expected trip generation potential for the proposed project is indicated in Table 1. Compared to the certified EIR, the currently proposed project is expected to generate 60 fewer daily trips, including six fewer trips during both the a.m. and p.m. peak hours, respectively.

Table 1 – Trip Generation Summary

Land Use	Units	Daily		AM Peak Hour				PM Peak Hour			
		Rate	Trips	Rate	Trips	In	Out	Rate	Trips	In	Out
Prior Certified EIR											
Multi-family (Low-Rise)	-37 du	7.32	-271	0.46	-17	-4	-13	0.56	-21	-13	-8
Proposed											
Senior Adult Housing -- Attached	57 du	3.70	211	0.20	11	4	7	0.26	15	8	7
Net New Trips			**-60**		**-6**	**0**	**-6**		**-6**	**-5**	**-1**

Note: du = dwelling units

CEQA Checklist

Following is a discussion and analysis of transportation-related CEQA checklist items. The results are summarized in Table 2 and a discussion of each criterion follows.

Table 2 – XVII. TRANSPORTATION/TRAFFIC				
Would the Project:	**Potentially Significant Impact**	**Less than Significant Impact with Mitigation**	**Less than Significant Impact**	**No Impact**
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?			X	
b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
d) Result in inadequate emergency access?			X	

Discussion of CEQA Checklist Items

a. Would the Project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

Since the currently proposed project is expected to generate fewer peak hour vehicle trips than what was used for the analysis presented in the EIR, the anticipated change in intersection Level of Service (LOS) results would be expected to be similar or slightly improved compared to the results presented in the EIR analysis. For informational purposes only, the intersection Level of Service results for Existing plus Project conditions and Cumulative plus Project conditions, as presented in the 2018 EIR and based on the methodologies published by the Transportation Research Board in the *Highway Capacity Manual* as well as the one adopted by the Contra Costa Transportation Authority, are shown in Tables 3 through 6. For each of the six study intersections the proposed project would not result in any adverse operational effects or significant changes to the operation of the circulation system. Based on the proposed land use, number of units and projected vehicle trip generation, no changes to the roadway, bicycle, pedestrian, or transit facilities are anticipated as a result of the currently proposed project. Copies of the intersection level of service worksheets are provided in the 2018 EIR document.

Table 3 – Existing plus Project Peak Hour Intersection Levels of Service (HCM)						
Study Intersection	**AM Peak**		**School PM Peak**		**PM Peak**	
	Delay	**LOS**	**Delay**	**LOS**	**Delay**	**LOS**
1. El Cerro Blvd/W. El Pintado-I-680 S Ramps	34.0	C	37.2	D	28.4	C
2. W. El Pintado Rd/Project Driveway	10.9	B	10.3	B	9.6	A
3. El Cerro Blvd/I-680 N Ramps	30.5	C	28.7	C	22.6	C
4. El Cerro Blvd/La Gonda Way	28.6	C	29.8	C	12.8	B
5. El Cerro Blvd/Danville Blvd	14.2	B	17.1	B	13.5	B
6. Diablo Blvd/W. El Pintado Rd	17.6	B	16.2	B	9.2	A

Notes: Delay is measured in average seconds per vehicle; LOS = Level of Service; HCM = Highway Capacity Manual Analysis 2010 Methodology

Table 4 – Existing plus Project Peak Hour Intersection Levels of Service (CCTALOS)

Study Intersection	AM Peak		School PM Peak		PM Peak	
	V/C	LOS	V/C	LOS	V/C	LOS
1. El Cerro Blvd/W. El PintadoI-680 S Ramps	0.676	B	0.777	C	0.545	B
2. W. El Pintado Rd/Project Driveway	0.080	B	0.030	B	0.030	A
3. El Cerro Blvd/I-680 N Ramps	0.588	A	0.580	A	0.545	A
4. El Cerro Blvd/La Gonda Way	0.585	A	0.633	B	0.428	A
5. El Cerro Blvd/Danville Blvd	0.445	A	0.507	A	0.466	A
6. Diablo Blvd/W. El Pintado Rd	0.507	A	0.505	A	0.386	A

Notes: V/C = Volume to Capacity Ratio; LOS = Level of Service; CCTALOS = Contra Costa County Transportation Authority Level of Service Analysis Methodology

Table 5 – Cumulative (2035) plus Project Peak Hour Intersection Levels of Service (HCM)

Study Intersection	AM Peak		School PM Peak		PM Peak	
	Delay	LOS	Delay	LOS	Delay	LOS
1. El Cerro Blvd/W. El Pintado-I-680 S Ramps	35.6	D	51.7	D	27.4	D
2. W. El Pintado Rd/Project Driveway	11.4	B	10.9	B	9.9	A
3. El Cerro Blvd/I-680 N Ramps	36.5	D	32.0	C	26.2	C
4. El Cerro Blvd/La Gonda Way	33.1	C	37.6	D	16.6	B
5. El Cerro Blvd/Danville Blvd	16.2	B	18.9	B	18.5	B
6. Diablo Blvd/W. El Pintado Rd	23.6	C	22.1	C	11.9	B

Notes: Delay is measured in average seconds per vehicle; LOS = Level of Service; HCM = Highway Capacity Manual Analysis 2010 Methodology

Table 6 – Cumulative (2035) plus Project Peak Hour Intersection Levels of Service (CCTALOS)

Study Intersection	AM Peak		School PM Peak		PM Peak	
	V/C	LOS	V/C	LOS	V/C	LOS
1. El Cerro Blvd/W. El PintadoI-680 S Ramps	0.780	C	0.891	D	0.777	C
2. W. El Pintado Rd/Project Driveway	0.050	B	0.040	B	0.030	A
3. El Cerro Blvd/I-680 N Ramps	0.754	C	0.745	C	0.700	C
4. El Cerro Blvd/La Gonda Way	0.753	D	0.813	D	0.549	A
5. El Cerro Blvd/Danville Blvd	0.572	A	0.651	B	0.599	A
6. Diablo Blvd/W. El Pintado Rd	0.651	B	0.648	B	0.496	A

Notes: V/C = Volume to Capacity Ratio; LOS = Level of Service; CCTALOS = Contra Costa County Transportation Authority Level of Service Analysis Methodology

b. Would the Project conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?

The 2018 EIR was completed prior to the July 2020 formal requirement to use Vehicles Miles Traveled (VMT) as the primary CEQA metric for evaluating transportation impacts. As such, a VMT per capita evaluation for the previously proposed townhome project at 375 West El Pintado Road was not conducted.

Senate Bill (SB) 743 established a change in the metric to be applied for determining traffic impacts associated with development projects. Rather than the delay-based criteria associated with a Level of Service analysis, the increase in VMT as a result of a project is now the basis for determining potential environmental impacts. As of the date of this analysis, the Town of Danville has not yet established thresholds of significance related to VMT. As a result, the project-related VMT impacts were assessed based on guidance provided by the California Governor's Office of Planning and Research (OPR) in the publication *Transportation Impacts (SB 743) CEQA Guidelines Update and Technical Advisory*, 2018. The document indicates that a residential project generating vehicle travel that is 15 or more percent below the existing countywide residential VMT per capita may indicate a less than significant VMT impact.

To provide a thorough evaluation, the VMT for both the Townwide and Countywide averages were reviewed. According to Town Staff, the Townwide Home-based VMT average per capita is 22.3 miles. Applying OPR's guidance, a residential project generating a VMT that is 15 percent or more below this value, or 19.0 miles per capita or less, would have a less-than-significant VMT impact. Additionally, based on data from the Contra Costa Transportation Authority (CCTA) 2020 travel demand model, the County of Contra Costa has a baseline average residential VMT of 17.3 miles per capita which, per OPR's guidance, corresponds to a significance threshold of 14.7 miles.

Residential VMT per capita represents the VMT associated with home-based trips divided by the number of residents. The CCTA model includes traffic analysis zones (TAZ) covering geographic areas throughout Contra Costa County. The project site is located within TAZ 40008, which has a total VMT of 11,913 and is estimated to produce 1,915 daily trips (assuming standard ITE rates for 161 single family dwelling units and 54 multifamily dwelling units). Based on these estimates, the average residential trip length for this area would be 6.22 miles (total VMT divided by total number of daily trips). Therefore, the current project would be expected to produce 211 daily trips at an average trip length of 6.22 miles for a total estimated VMT of 1,312. According to the US Census Bureau, households consisting of residents who are age 55 and older have an average of 1.75 residents per housing unit. Multiplying this occupancy rate by the number of units and dividing by the total estimated VMT results in an estimated project VMT per capita of 13.2. This is lower than either the Townwide or Countywide VMT screening thresholds of 19.0 and 14.7, respectively. Therefore, the proposed project would be expected to result in a less-than-significant VMT impact. A summary of the VMT findings is provided in Table 7.

Table 7 – Vehicle Miles Traveled Analysis Summary

VMT Metric	Townwide Baseline VMT/Capita Rate (Significance Threshold)	Countywide Baseline VMT/Capita Rate (Significance Threshold)	Project VMT/Capita Rate	Resulting Significance
Residential VMT per Capita	22.3 (19.0)	17.3 (14.7)	13.2	Less than significant

Note: Residential VMT is measured in home-based VMT per Capita, or the number of daily miles driven per resident;

Finding – The proposed project would result in a VMT per capita that exceeds the significance threshold of 15 percent below the Countywide average, therefore would result in a less-than-significant VMT impact.

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)?*

The collision history for the study area was reviewed to determine any trends or patterns that may indicate a safety issue. Collision data was obtained from the California Highway Patrol as published in their *Statewide Integrated Traffic Records System* (SWITRS) reports, with a five-year study period used to ensure that pedestrian safety is fully considered given the limited number of pedestrian collisions that typically occur annually. The most current five-year period available at the time of the analysis was April 1, 2016 through March 31, 2021 where zero crashes were documented along El Pintado Road between El Cerro Boulevard and La Tierra Buena. Since there are zero crashes during this five-year period, a safety concern within the study area is not demonstrated.

Sole vehicular access to the project site is provided via a 24-foot-wide driveway as shown in the enclosure. This driveway consists of two (one inbound and one outbound) 12-foot-wide lanes which complies with Town requirements.

The currently proposed project is presumed to be designed and constructed to meet applicable codes and requirements, so would not be expected to result in any increased hazards. To maintain adequate sight lines at the project driveway the existing on-site berm should be removed or lowered and on-street parking along the west side of West El Pintado Road prohibited for a distance of 200 feet north of the driveway. With the previously described provisions, the project is expected to have a less-than-significant impact regarding geometric design features or incompatible uses.

d. Would the Project result in inadequate emergency access?

All driveways and internal roadways are presumed to be designed and constructed to current Town standards to accommodate heavy vehicles, and therefore would be expected to accommodate the access requirements for both emergency and passenger vehicles. The proposed project site would have adequate emergency access and would therefore result in a less-than-significant impact.

Parking Evaluation

The project was analyzed to determine whether the proposed parking supply would be sufficient to satisfy the Town Code requirements. The project as currently proposed would provide a total of 72 off-street parking spaces which satisfies the town requirements as shown on plan sheet A-101 provided in the enclosure.

Thank you for giving W-Trans the opportunity to provide these services. Please call if you have any questions.

Sincerely,

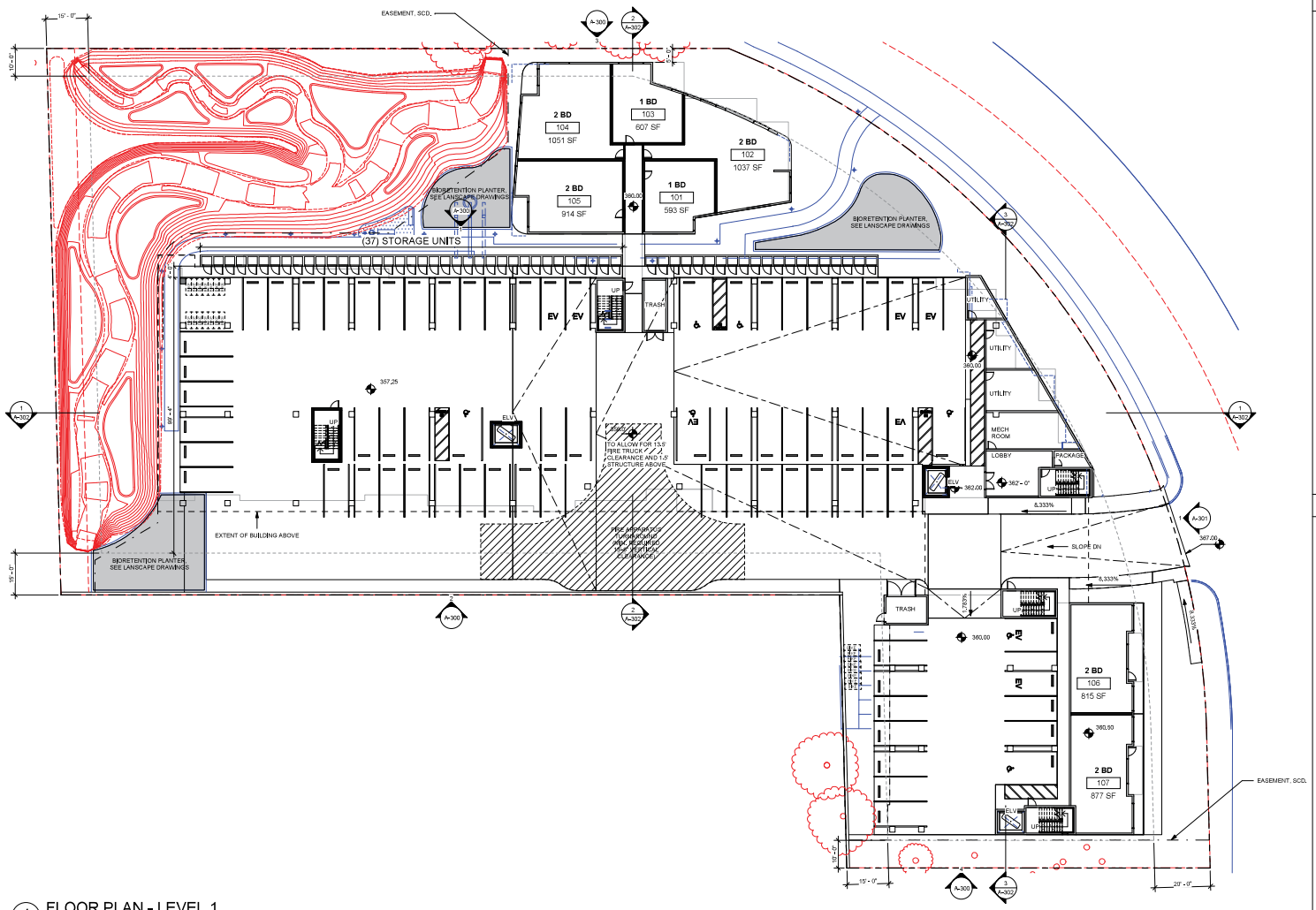
Kenneth Jeong, PE
Senior Engineer

Mark Spencer, PE
Senior Principal



MES/kbj/DAN010.L1

Enclosure: Sheet A-101



1 FLOOR PLAN - LEVEL 1
1/16" = 1'-0"

PARKING COUNT	
STALL TYPE	QUANTITY
STANDARD (8'x 19')	59
STANDARD – ADA (8'x19')	1
STANDARD – ADA – VAN (12'x19')	4
EV – STANDARD (8'x19')	6
EV – VAN ADA (12'x19')	2
	72

UNIT COUNT - L1	
Number of Beds	Unit Quantity
1	2
2	5

UNIT SIZES - L1			
Unit Number	Number of Beds	Number of Baths	Net Area
101	1	1	593 SF
102	2	2	1037 SF
103	1	1	607 SF
104	2	2	1051 SF
105	2	2	914 SF
106	2	2	815 SF
107	2	2	877 SF
Total			5894 SF

PARKING CALCULATION:

REQUIRED RESIDENT PARKING STALLS:
1 STALL PER UNIT x 57 UNITS = 57 PARKING STALLS
REQUIRED GUEST PARKING STALLS:
0.25 STALLS PER UNIT x 57 UNITS = 14.25 STALLS = 15 STALLS

TOTAL REQUIRED PARKING = 57 + 15 = 72 PARKING STALLS
TOTAL PROVIDED PARKING = 72 PARKING STALLS

ACCESSIBLE PARKING REQUIREMENTS:
RESIDENT ADA PARKING (CBC 11A208.4 - ASSIGNED PARKING):
57 STALLS x 2% ADA = 1.14 = 2 STALLS (MIN. 1 VAN ADA)
GUEST ADA PARKING (CBC 11A208.5 -UNASSIGNED/VISITOR PARKING):
15 STALLS x 5% ADA = 0.75 = 1 STALL (MIN. 1 VAN ADA)
MANNED LOBBY ADA PARKING (CBC 11B-208.2) - CONFIRM IF WE CAN OMIT
1 REQUIRED STALL (MIN/ 1 VAN ADA)

TOTAL REQUIRED ADA STALLS:
3 STALLS MIN. – 2 OF WHICH TO BE VAN ACCESSIBLE
OR
4 STALLS – 3 TO BE VAN ADA IF REQUIRED TO PROVIDE FOR MANNED LOBBY
TOTAL PROVIDED ADA = 5 STALLS = 4 VAN ADA

EV PARKING REQUIREMENTS:
REQUIRED EV PARKING (CALGREEN A4.106.4.2):
72 STALLS x 10% = 7.2 = 8 EV STALLS (1 VAN ACCESSIBLE EA. FOR RESIDENTS AND GUESTS)

TOTAL PROVIDED EV STALLS: 8 (INC. 2 VAN ACCESSIBLE)

SHEET NOTES:

LEGEND

KEYNOTES

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CLIENT:
GMMR, LLC
150 PIN STREET
SAN ANSELMO, CA 94960

ISSUANCE	DATE

REVISIONS	Δ DELTA	DATE

KEY PLAN:

STAMP:

LICENSED ARCHITECT JOSE ERIC LOPEZ No. C-32923 Rev. 12-30-23 STATE OF CALIFORNIA

PROJECT NO: 22.019.00

SHEET NAME:
FLOOR PLAN - LEVEL 1

PHASE:

SHEET NO:
A-101

0' 8' 16' 32'

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