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DRAFT
Environmental Impact Report
Martin Hills Ranch Residential Project
Town of Danville, Contra Costa County, California

State Clearinghouse Number 2025010602

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ACRONYMS AND ABBREVIATIONS

°C	degrees Celsius (Centigrade)
°F	degrees Fahrenheit
µg/m^3	micrograms per cubic meter
AAQS	Ambient Air Quality Standards
AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACC II	Advanced Clean Cars II
ACHP	Advisory Council on Historic Preservation
ACM	asbestos-containing material
ACP	Alternative Compliance Plan
ADA	Americans with Disabilities Act
ADT	Average Daily Traffic
ADU	accessory dwelling unit
AFY	acre-feet/year
AIA	Airport Influence Area
AIC	Archaeological Information Center
AICUZ	Air Installation Compatibility Use Zone
AIRFA	American Indian Religious Freedom Act
ALUC	Airport Land Use Commission
ALUCP	Airport Land Use Compatibility Plan
ALS	Advanced Life Support
AMSL	above mean sea level
APCD	Air Pollution Control District
APE	Area of Potential Effect
APN	Assessor's Parcel Number
AQMD	Air Quality Management District
AQP	Air Quality Plan
ARB	California Air Resources Board
ARPA	Archaeological Resources Protection Act
AST	aboveground storage tank
ATCM	Airborne Toxic Control Measures
BACT	Best Available Control Technology
Bay Area Air District	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit
BAU	business-as-usual

BCDC	Bay Area Conservation and Development Commission
BCF	billion cubic feet
BCF/year	billion cubic feet per year
BER	Business Environmental Risk
BERD	California Built Environment Resource Directory
BGG	Baez Geotechnical Group
BMP	Best Management Practice
BRA	Biological Resources Analysis
BVOC	biogenic volatile organic compound
C^2ES	Center for Climate and Energy Solution
CAAQS	California Ambient Air Quality Standards
CAFE	Corporate Average Fuel Economy
CalEEMod	California Emissions Estimator Model
Cal/EPA	California Environmental Protection Agency
CAL FIRE	California Department of Forestry and Fire Protection
CALGreen	California Green Building Standards Code
Cal/OES	California Governor's Office of Emergency Services
Cal/OSHA	California Occupational Health and Safety Administration
CalRecycle	California Department of Resources Recycling and Recovery
Caltrans	California Department of Transportation
CAP	Climate Action Plan
CAPCOA	California Air Pollution Control Officers Association
CBC	California Building Standards Code
CBTP	Community-Based Transportation Plan
CCCC	California Climate Change Center
CCR	California Code of Regulations
CCT	County Connection Transit
CCCTA	Central Contra Costa Transportation Authority
CCTA	Contra Costa Transportation Authority
CCTS	Central California Taxonomic System
Central San	Central Contra Costa Sanitary District
CERT	Community Emergency Response Team
CDF	California Department of Finance
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CESA	California Endangered Species Act

CFAI	Commission of Fire Accreditation International
CFC	chlorofluorocarbon
CFR	Code of Federal Regulations
CH_4	methane
CHL	California Historical Landmarks
CHP	California Highway Patrol
CHRIS	California Historical Resources Information System
CHTS	California Statewide Household Travel Survey
CMA	Congestion Management Agency
CMP	Congestion Management Plan
CNDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNG	Compressed Natural Gas
CNPS	California Native Plant Society
CNRA	California Natural Resources Agency
CO	carbon monoxide
CO_2	carbon dioxide
CO_2e	carbon dioxide equivalent
COA	Condition of Approval
CPHI	California Points of Historical Interest
CPUC	California Public Utilities Code
CRA	Cultural Resources Assessment
CREC	Controlled Recognized Environmental Condition
CRHR	California Register of Historical Resources
CTC	California Transportation Commission
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
dB	decibel
dBA	A-weighted decibel
dBA/DD	dBA per each doubling of distance
DBH	diameter at breast height
DMA	drainage management area
DPD	Danville Police Department
DPM	diesel particulate matter
DPR	California Department of Parks and Recreation
DTSC	California Department of Toxic Substances Control
du	dwelling unit
du/acre	dwelling unit per acre

EBMUD	East Bay Municipal Utility District
EBRPD	East Bay Regional Park District
EDF	Environmental Defense Fund
EFZ	Earthquake Fault Zone
EIA	United States Energy Information Administration
EIR	Environmental Impact Report
EISA	Energy Independence and Security Act of 2007
EMFAC	EMission FACtors mobile source emission model
EO	Executive Order
EOC	Emergency Operations Center
EOP	Emergency Operations Plan
EPA	United States Environmental Protection Agency
EV	electric vehicle
EVSE	electric vehicle supply equipment
FAA	Federal Aviation Administration
FAR	floor area ratio
FC District	Contra Costa County Flood Control and Water Conservation District
FCS	FirstCarbon Solutions
FEIR	Final Environmental Impact Report
FEMA	Federal Emergency Management Agency
FHSZ	Fire Hazard Safety Zone
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map
FMMP	Farmland Mapping and Monitoring Program
FPPA	Farmland Protection and Policy Act
FRAP	Fire and Resource Assessment Program
gal/bhp-hr	gallons per break horsepower-hour
GHAD	Geologic Hazard Abatement district
GHG	greenhouse gas
GMP	Groundwater Management Plan
gpm	gallons per minute
GPS	Global Positioning System
GWh	gigawatt-hours
GWh/y	gigawatt-hours per year
GWP	global warming potential
HAP	Hazardous Air Pollutants
HCM	Highway Capacity Manual
HCP	Habitat Conservation Plan

HDM	Highway Design Manual
HFC	hydrofluorocarbon
HHDT	heavy heavy-duty truck
HMBP	Hazardous Materials Business Plans
HMP	Hazard Mitigation Plan
HOA	Homeowner's Association
HOV/HOT	High Occupancy Vehicle/High Occupancy Toll
HRA	Health Risk Assessment
HREC	Historic Recognized Environmental Conditions
HRI	California Historic Resources Inventory
HVAC	heating, ventilation, and air conditioning
HWCL	Hazardous Waste Control Law
IOU	investor-owned utilities
IPCC	United Nations Intergovernmental Panel on Climate Change
ISTEA	Intermodal Surface Transportation Efficiency Act
ITE	Institute of Transportation Engineers
kW	kilowatts
kW-hr/vehicle-mile	kilowatt hour per vehicle mile
LCFS	Low Carbon Fuel Standard
lbs	pounds
LCI	California Governor's Office of Land Use and Climate Innovation
LDA	light-duty auto
LDT1	light-duty truck type 1
LDT2	light-duty truck type 2
L_{dn}	day/night average sound level
LED	light-emitting diode
L_{eq}	equivalent sound level
LEV	Low Emission Vehicle
LHMP	Local Hazard Mitigation Plan
LOS	Level of Service
LRA	Local Responsibility Area
LSE	load-serving entities
LUST	Leaking Underground Storage Tank
MACT	Maximum Available Control Technology
MBTA	Migratory Bird Treaty Act
MEIR	Maximally Exposed Individual Receptor
MEIW	Maximally Exposed Individual Worker
mgd	million gallons per day

MHDT	medium heavy-duty truck
MLD	Most Likely Descendant
MM	Mitigation Measure
MMRP	Mitigation Monitoring and Reporting Program
MMT	million metric tons
mpg	miles per gallon
mph	miles per hour
MPO	Metropolitan Planning Organization
MRP	Municipal Regional Stormwater Permit
MT	metric ton
MTC	Metropolitan Transportation Commission
MT CO_2e	metric tons of carbon dioxide equivalent
MTS	Metropolitan Transportation System
MVHS	Monte Viste High School
MW	megawatt
MWD	Metropolitan Water District of Southern California
MWELO	Model Water Efficient Landscape Ordinance
MXD	mixed-use development
N_2O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NASA	national Aeronautics and Space Administration
NEHRP	National Earthquake Hazards Reduction Program
NEPA	National Environmental Policy Act
NESHAP	National Emissions Standards for Hazardous Air Pollutants
NF_3	nitrogen trifluoride
NFIP	National Flood Insurance Program
NFPA	National Fire Protection Association
NHM	Natural History Museum of Los Angeles County
NHPA	National Historic Preservation Act
NHTSA	National Highway Traffic Safety Administration
NO_2	nitrogen dioxide
NOAA Fisheries	National Marine Fisheries Service
NOC	Notice of Completion
NOP	Notice of Preparation
NO_x	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service

NRHP	National Register of Historic Places
NWIC	Northwest Information Center
O_3	ozone
OAL	Office of Administrative Law
OEHHA	California Office of Environmental Health Hazard Assessment
OGP	organochlorine pesticide
OHWM	ordinary high water mark
ONAC	Office of Noise Abatement and Control
OSHA	Occupational Safety and Health Administration
PCB	polychlorinated biphenyl
pCi/L	picocuries per liter
PDA	Priority Development Area
PFC	perfluorocarbon
PG&E	Pacific Gas and Electric Company
Phase I ESA	Phase I Environmental Site Assessment
PHEV	Plug-in Hybrid Electric Vehicle
PM_x	particulate matter
PM_{10}	particulate matter, including dust, 10 micrometers or less in diameter
$PM_{2.5}$	particulate matter, including dust, 2.5 micrometers or less in diameter
ppb	parts per billion
ppb	parts per billion
ppm	parts per million
ppt	parts per trillion
PPV	peak particle velocity
PRC	Public Resources Code
PUD	Planned Unit Development
PV	photovoltaic
PVC	polyvinyl chloride
RCRA	Resource Conservation and Recovery Act
REC	Recognized Environmental Condition
Recology	Integrated Resource Recovery Company
RecycleSmart	Central Contra Costa County Solid Waste Authority
REL	Reference Exposure Level
RHNA	Regional Housing Needs Allocation
RMP	Risk Management Plan
rms	root mean square
ROG	reactive organic gases
RPS	Renewables Portfolio Standard

RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SAP	Sustainability Action Plan
SARA	Superfund Amendments and Reauthorization Act
SCS	Sustainable Communities Strategy
SDG&E	San Diego Gas and Electric
SEMS	Standard Emergency Management System
SF_6	sulfur hexafluoride
SFBAAB	San Francisco Bay Area Air Basin
SFPUC	San Francisco Public Utilities Commission
SLF	Sacred Lands File
SO_2	sulfur dioxide
South Coast AQMD	South Coast Air Quality Management District
SPCC	Spill Prevention, Control, and Countermeasure
SR	State Route
SRA	State Responsibility Area
SRVFPD	San Ramon Valley Fire Protection District
SRVUSD	San Ramon Valley Unified School District
State Water Board	California State Water Resources Control Board
SVP	Society of Vertebrate Paleontology
SWITRS	Statewide Integrated Traffic Records System
SWPPP	Storm Water Pollution Prevention Plan
TAC	toxic air contaminants
TAF	Transportation Analysis Framework
TCM	transportation control measures
TCR	Tribal Cultural Resources
TDM	Transportation Demand Management
TDS	total dissolved solids
TDV	Time Dependent Valuation
TEA-21	Transportation Equity Act for the 21st Century
Tg	teragram
therms/y	therms per year
TIA	Traffic Impact Analysis
TIS	Transportation Impact Study
TISG	Transportation Impact Study Guide
TMA	Transportation Management Association
TMDL	Total Maximum Daily Load
TOD	Transit Oriented Development

TPA	Transit Priority Area
UBC	Uniform Building Code
UCMP	University of California Museum of Paleontology
UFC	Uniform Fire Code
USACE	United States Army Corps of Engineers
USC	United States Code
USDA	United States Department of Agriculture
USDOT	United States Department of Transportation
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UST	underground storage tank
UWMP	Urban Water Management Plan
Valley Air District	San Joaquin Valley Air Pollution Control District
V/C	volume to capacity ratio
VDECS	Verified Diesel Emission Control Strategies
VEC	Vapor Encroachment Condition
VHFHSZ	Very High Fire Hazard Severity Zone
VMT	Vehicle Miles Traveled
VOC	volatile organic compounds
WDR	Waste Discharge Requirements
WEAP	Worker Environmental Awareness Program
WQMP	Water Quality Management Plan
WSA	Water Supply Assessment
WWTP	Wastewater Treatment Plant
ZEV	Zero-Emission Vehicle

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EXECUTIVE SUMMARY

Purpose

This Draft Environmental Impact Report (Draft EIR) is prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with the implementation of the Martin Hills Ranch Project (proposed project) (State Clearinghouse No. 2025010602). This document is prepared in conformance with CEQA (Public Resources Code [PRC] § 21000, *et seq*.) and the CEQA Guidelines (California Code of Regulations [CCR], Title 14, § 15000, *et se*q.).

The purpose of this Draft EIR is to inform decision makers, representatives of affected and responsible agencies, the public, and other interested parties of the potential environmental effects that may result from implementation of the proposed project. This Draft EIR describes potential impacts relating to a wide variety of environmental issues and methods by which these impacts can be mitigated or avoided.

Project Summary

Project Location

The project site is located off Borica Drive and Como Way in the Town of Danville (Town), in Contra Costa County, California (Exhibit 1 and 2). The approximately 102-acre project site consists of five Assessor's Parcel Numbers (APNs): 218-010-008, -009, -010, -011, and -012. The project site is located within the *Diablo, California* United States Geological Survey (USGS) 7.5-minute Topographic Quadrangle Map (Latitude 37° 47' 54.15" North; Longitude 121° 57' 30.94" West).

Project Description

Bates Stringer Martin Hills Ranch LLC (project applicant) proposes to construct 22 market-rate, single-family homes with five Accessory Dwelling Units (ADUs), internal roadways, and a driveway off Como Way to facilitate access and circulation within the project site. The 22nd lot (Parcel D), would be located at the end of Borica Drive, and would remain undeveloped at this time.

Project Objectives

The objectives of the proposed project are to:

- Convert a vacant, underutilized property into a residential development consistent with the Town of Danville's General Plan.
- Generate new, additional property tax revenues for the Town of Danville.
- Provide high-end homes to create a large lot community of homes nestled in a secluded environment surrounded by open space and the site's ridgeline.
- Promote land use compatibility with neighboring residential uses and enhance the living experience in adjacent neighborhoods with the development of compatible housing product

and architecture at a density comparable to the density of the nearby existing residential development.

- Provide a circulation system and adequate off-street parking that lessens traffic impacts to existing adjacent neighborhoods.
- Provide an infrastructure system, including sewer, water, and storm drain systems, that will adequately serve full buildout of the proposed project.
- Provide improved drainage and potential slide protection from the project's property for the adjacent neighborhood in a manner consistent with the existing natural site drainage.
- Provide single family clustered housing to meet the objectives of the Town of Danville for new housing opportunities.
- Provide affordable housing consistent with the Town of Danville's affordable housing requirements.
- Create a sense of place and sense of arrival to the proposed community.
- Preserve Town of Danville's protected ridgeline.
- Preserve the site's existing creek and avoid and/or preserve and restore wetlands and waters of the United States/waters of the State

Significant Unavoidable Adverse Impacts

The proposed project would not result in any significant and unavoidable impacts.

Summary of Project Alternatives

Below is a summary of the alternatives to the proposed project considered in Chapter 5, Alternatives to the proposed project.

No Project Alternative

Under the No Project Alternative, the proposed project would not be constructed. The project site would remain closed and vacant, and no development of any kind would occur. No land use activities would occur.

5-Acre Lot Alternative

Under the 5-Acre Lot Alternative, the project site would be developed with uses allowed by-right in the General Agricultural District (A-2) zoning district. Specifically, the A-2 zoning district allows for one unit per five acre minimum lot size and given that the project site is approximately 102 acres, the zoning for the project site would allow up to 20 residential lots.

Areas of Controversy

Pursuant to CEQA Guidelines Section 15123(b), a summary section must address areas of controversy known to the lead agency, including issues raised by agencies and the public, and it must

also address issues to be resolved, including the choice among alternatives and whether or how to mitigate the significant effects.

A Notice of Preparation (NOP) for the proposed project was issued on January 21, 2025. The NOP describing the original concept for the proposed project and issues to be addressed in the EIR was distributed to the State Clearinghouse, responsible agencies, and other interested parties for a 30-day public review period extending from January 21, 2025, through February 20, 2025. The NOP identified the potential for significant impacts on the environment related to the following topical areas:

- Aesthetics, Light, and Glare
- Agricultural and Forestry Resources
- Air Quality
- Biological Resources
- Cultural and Tribal Cultural Resources
- Energy
- Geology, Soils, and Seismicity
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Public Services
- Recreation
- Transportation
- Utilities and Service Systems
- Wildfire

Disagreement Among Experts

This Draft EIR contains substantial evidence to support all the conclusions presented herein. It is possible that there will be disagreement among various parties regarding these conclusions, although the Town of Danville is not aware of any disputed conclusions at the time of this writing. Both the CEQA Guidelines and case law clearly provide the standards for treating disagreement among experts. Where evidence and opinions conflict on an issue concerning the environment, and the lead agency knows of these controversies in advance, the EIR must acknowledge the controversies, summarize the conflicting opinions of the experts, and include sufficient information to allow the public and decision makers to make an informed judgment about the environmental consequences of the proposed project.

Potentially Controversial Issues

Below is a list of potentially controversial issues that may be raised during the public review and hearing process of this Draft EIR:

- Impacts to seasonal wetlands
- Susceptibility for landslide and mudslide events given past occurrences on the project site
- Project site drainage and stormwater runoff capacity
- Responsible party for utility maintenance

It is also possible that evidence will be presented during the 45-day, statutory Draft EIR public review period that may create disagreement. Decision makers would consider this evidence during the public hearing process.

In rendering a decision on a project where there is disagreement among experts, the decision makers are not obligated to select the most environmentally preferable viewpoint. Decision makers are vested with the ability to choose whatever viewpoint is preferable and need not resolve a dispute among experts. In their proceedings, decision makers must consider comments received concerning the adequacy of the Draft EIR and address any objections raised in these comments. However, decision makers are not obligated to follow any directives, recommendations, or suggestions presented in comments on the Draft EIR, and can certify the Final EIR without needing to resolve disagreements among experts.

Public Review of the Draft EIR

Upon completion of the Draft EIR, the Town of Danville filed a Notice of Completion (NOC) with the State Office of Planning and Research to begin the public review period (PRC § 21161). Concurrent with the NOC, this Draft EIR has been distributed to responsible and trustee agencies, other affected agencies, surrounding cities, and interested parties, as well as all parties requesting a copy of the Draft EIR in accordance with Public Resources Code 21092(b)(3). During the public review period, the Draft EIR, including the technical appendices, is available for review at the Town of Danville offices. The address for each location is provided below:

Town of Danville, Planning Division
500 La Gonda Way, Danville, CA 94526
Hours:
Monday–Thursday
8:00 a.m.–Noon, 1:00 p.m.–5:00 p.m.
Friday
8:00 a.m.–1:00 p.m.

Agencies, organizations, and interested parties have the opportunity to comment on the Draft EIR during the 45-day public review period. Written comments on this Draft EIR should be addressed to:

David Crompton, Chief of Planning
Town of Danville, Planning Division
500 La Gonda Way, Danville, CA 94526
Phone: 925.314.3310
Email: dcrompton@danville.ca.gov

Submittal of electronic comments in Microsoft Word or Adobe PDF format is encouraged. Upon completion of the public review period, written responses to all significant environmental issues raised will be prepared and made available for review by the commenting agencies at least 10 days prior to the public hearing before the Town of Danville on the project, at which the certification of the Final EIR will be considered. Comments received and the responses to comments will be included as part of the record for consideration by decision makers for the project.

Executive Summary Matrix

Table ES-1 below summarizes the impacts, mitigation measures, and resulting level of significance after mitigation for the relevant environmental issue areas evaluated for the proposed project. The table is intended to provide an overview; narrative discussions for the issue areas are included in the corresponding section of this EIR. Table ES-1 is included in the EIR as required by CEQA Guidelines Section 15123(b)(1).

Table ES-1: Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
Section 3.1—Aesthetics, Light, and Glare		
Impact AES-1: The proposed project would not have a substantial adverse effect on a scenic vista.	None	Less than significant impact.
Impact AES-2: The proposed project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a State Scenic Highway.	None	Less than significant impact.
Impact AES-3: The project is in an urbanized area, the project would not conflict with applicable zoning and other regulations governing scenic quality.	None	Less than significant impact.
Impact AES-4: The proposed project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.	None	Less than significant impact.
Cumulative Impact	None	Less than significant impact.
Section 3.2—Agriculture and Forestry Resources		
Impact AG-1: The proposed project would not 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 nonagricultural use.	None	No impact.
Impact AG-2: The proposed project would not conflict with existing zoning for agricultural use, or a Williamson Act Contract.	None	Less than significant impact.
Impact AG-3: The proposed project would not 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	None	No impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)).		
Impact AG-4: The proposed project would not result in the loss of forest land or conversion of forest land to non-forest use.	None	No impact.
Impact AG-5: The proposed project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of agricultural land to nonagricultural use or the conversion of forest land to non-forest use?	None	Less than significant impact.
Cumulative Impact	None	Less than significant impact.
Section 3.3—Air Quality		
Impact AIR-1: The proposed project would not conflict with or obstruct implementation of the applicable air quality plan.	None	Less than significant impact.
Impact AIR-2: The proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard.	None	Less than significant impact.
Impact AIR-3: The proposed project would not expose sensitive receptors to substantial pollutant concentrations.	None	Less than significant impact.
Impact AIR-4: The proposed project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.	None	Less than significant impact.
Cumulative Impact	None	Less than significant impact.
Section 3.4—Biological Resources		
Impact BIO-1: The proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a	**MM BIO-1a: Pre-construction Surveys for Crotch's Bumble Bee** Focused Crotch's bumble bee surveys, in accordance with survey guidelines described in the 2023 California Department of Fish and	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.	Wildlife (CDFW) Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species, shall be conducted within 1 year of initiation of ground-disturbing activities (i.e., grubbing, grading, disking, etc.) If the focused surveys are positive for Crotch's bumblebee, the project applicant shall obtain take authorization under CESA in the form of an Incidental Take Permit (ITP) issued by CDFW prior to conducting any ground-disturbing activities. Avoidance and/or minimization measures will be later identified during the ITP consultation process with CDFW, if Crotch's Bumble Bee is present on-site. The measures outlined in the ITP shall be used to offset impacts to this species. **MM BIO-1b: Pre-construction Survey and Avoidance of Burrowing Owl** To determine whether burrowing owl have occupied the project site prior to its development, a qualified Biologist shall perform a pre-construction burrowing owl survey to determine burrow locations within 30 days prior to construction activities using California Department of Fish and Wildlife (CDFW) Guidelines. If construction is delayed or suspended for more than 30 days after the survey, the area shall be resurveyed. Surveys for occupied burrows shall be completed within all construction areas and within 500 feet of the proposed project impact area (where possible). At least 15 days prior to the expected start of any project-related ground disturbance activities, or the restart of activities, the project applicant shall provide a burrowing owl survey report with mapping exhibits to the Town. If no burrowing owl are detected during the pre-construction survey, no further action is necessary. If burrowing owl are detected during the pre-construction survey, the following actions shall be taken to offset impacts during construction (as outlined in the CDFW 2012 Guidelines): • During the nonbreeding season (September 1 through January 31), no disturbance shall occur within an approximately 160-foot radius of an occupied burrow. During the nesting season (February 1 through August 31), occupied burrows shall not be disturbed within a 300-foot radius unless a qualified Biologist approved by the CDFW verifies through non-invasive methods that either (1) the birds have not	

Impacts	Mitigation Measures	Level of Significance After Mitigation
	begun egg-laying and incubation; or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. • If owls must be moved away from the disturbance area, passive relocation techniques (as outlined by the CDFW [i.e., use of one-way doors]) should be used rather than trapping. At least one or more weeks will be necessary to accomplish this and to allow the owls to acclimate to alternate burrows. • If unpaired owls or paired owls are present in or within 300 feet of areas scheduled for disturbance or degradation (e.g., grading) and nesting is not occurring, owls are to be removed per CDFW-approved passive relocation protocols. Passive relocation requires the use of one-way exclusion doors, which must remain in place at least 48 hours prior to site disturbance to ensure owls have left the burrow prior to construction. A CDFW-approved exclusion plan would be required to implement this measure. • If paired owls are nesting in areas scheduled for disturbance or degradation, nest(s) shall be avoided from February 1 through August 31 by a minimum 300-foot buffer or until fledging has occurred. Following fledging, owls may be passively relocated. **MM BIO-1c: Impacts to Nesting Birds** If the proposed project requires vegetation to be removed during the nesting season (February 1 to August 31), a pre-construction surveys shall be conducted no more than 7 days prior to the start of ground or vegetation disturbance to determine whether or not active nests are present. If an active nest is located during pre-construction surveys, a qualified Biologist shall determine an appropriately sized avoidance buffer based on the species and anticipated disturbance level. (The California Department of Fish and Wildlife [CDFW] recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors.) A qualified Biologist will delineate the avoidance buffer using Environmentally Sensitive Area fencing, pin flags, and/or	

Impacts	Mitigation Measures	Level of Significance After Mitigation
	yellow caution tape. The buffer zone will be maintained around the active nest site(s) until the young have fledged and are foraging independently. No construction activities or construction foot traffic is allowed to occur within the avoidance buffer(s). The qualified Biologist shall monitor the active nest during construction activities and modify the protection zone accordingly to prevent project-related nest disturbance until the young have fledged.	
Impact BIO-2: The proposed project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.	Implement MM BIO-3c.	Less than significant impact.
Impact BIO-3: The proposed project would not 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.	**MM BIO-3a: Coordination with Agencies** A Jurisdictional Determination has been made by the United States Army Corps of Engineers (USACE). As such, the applicant shall coordinate, to the extent required under applicable laws and regulations, with the applicable regulatory agencies, Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW) to determine to what extent the wetlands and drainages within the site are protected under Section 401 of the Clean Water Act and Section 1602 of California Fish and Game Code. **MM BIO-3b: Obtain CWA Sections 401 and 404 Permits Prior to Construction (After Agency Coordination)** To the extent resource agency coordination is required pursuant to this measure, after such coordination with the United State Army Corps of Engineers (USACE) and the Regional Water Quality Control Board (RWQCB), the applicant shall comply with applicable laws and regulations, including, if required, obtaining a Section 404 Clean Water Act (CWA) permit for impacts to waters of the United States and a Section 401 Water Quality Certification from the RWQCB. Any such required permit and certification shall be obtained prior to issuance of grading permits for the implementation of the proposed development.	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
	If required pursuant to an approved Section 404 permit and 401 water quality certification, the relevant applicant shall design said proposal to result in no net loss of functions and values of waters of the United States and State by incorporating impact avoidance, impact minimization, and/or compensatory mitigation for the impact, as set forth in the subject Section 404 permit and 401 water quality certification. If required pursuant to an approved Section 404 permit and 401 water quality certification, compensatory mitigation may consist of (1) obtaining credits from a mitigation bank; (2) making a payment to an in lieu fee program that would conduct wetland, stream, or other aquatic resource restoration, creation, enhancement, or preservation activities; and/or (3) providing compensatory mitigation through an aquatic resource restoration, establishment, enhancement, and/or preservation activity. This final type of compensatory mitigation may be provided at or adjacent to the impact site (i.e., on-site mitigation) or at another location, usually within the same watershed as the permitted impact (i.e., off-site mitigation). The project/permit applicant shall retain responsibility for the implementation and success of the mitigation approach in connection with any development proposal. **MM BIO-3c: Obtain Approval of and File Notification of Streambed Alteration Agreement Prior to Construction (After Agency Coordination)** The applicant, after coordination with the California Department of Fish and Wildlife (CDFW), shall obtain and file a notification of a Streambed Alteration Agreement, if and to the extent required by applicable laws and regulations, prior to conducting construction activities within any aquatic resources that may qualify as streams under CDFW jurisdiction (i.e., those having bed and bank and at least periodical flow). If required, the relevant applicant shall implement all mitigation measures imposed by the CDFW related to the subject Streambed Alteration Agreement, which may include, but not be limited to, the implementation of erosion and bank stabilization measures, riparian habitat enhancement, and/or restoration and revegetation of the stream corridor habitat at no less	

Impacts	Mitigation Measures	Level of Significance After Mitigation
	than a 1:1 ratio, as determined by the CDFW, to achieve no net loss of functions and values.	
Impact BIO-4: The proposed project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites.	Implement MM BIO-1b and MM BIO-1c.	Less than significant impact.
Impact BIO-5: The proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	Implement MM BIO-1a, MM BIO-1b, and MM BIO-1c.	Less than significant impact.
Impact BIO-6: The proposed 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.	None	Less than significant impact.
Cumulative Impact	Implement MM BIO-1a, MM BIO-1b, MM BIO-1c, MM BIO-3a, MM BIO-3b, and MM BIO-3c.	Less than significant impact.
Section 3.5—Cultural Resources and Tribal Cultural Resources		
Impact CUL-1: The proposed project would not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.	None	No impact.
Impact CUL-2: The proposed project could cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.	**MM CUL-2a:** An Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology shall conduct a follow-up pedestrian survey following the "clear and grub" of the project APE. Prior to the initiation of construction activities, all construction personnel directly involved with project-related ground disturbance shall attend a "tailgate" Worker Environmental Awareness Program (WEAP) training for archaeological resources. The training should include visual aids, a discussion of applicable laws and statutes relating to archaeological resources, types of resources that may be found within the limit of disturbance areas, and procedures to be followed in the event such resources are encountered. The training	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
	should be conducted by an Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology. In the event exposed soils indicate cultural materials may be present, this may be followed by regular or periodic archaeological monitoring as determined by the Archaeologist. **MM CUL-2b:** In the event that buried cultural resources are discovered during construction, operations shall stop within a 100-foot radius of the find and a qualified Archaeologist shall be consulted to determine whether the resource requires further study. The qualified Archaeologist shall make recommendations to the Lead Agency on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with CEQA Guidelines Section 15064.5. Potentially significant cultural resources consist of, but are not limited to, stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. Any previously undiscovered resources found during construction within the project area should be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA criteria. If the resources are determined to be unique historic resources as defined under Section 15064.5 of the CEQA Guidelines, mitigation measures shall be identified by the Archaeological Monitor and recommended to the Lead Agency. Appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources. Any archaeological artifacts recovered as a result of mitigation shall be donated to a qualified scientific institution approved by the Lead Agency where they would be afforded long-term preservation to allow future scientific study.	

Impacts	Mitigation Measures	Level of Significance After Mitigation
Impact CUL-3: The proposed project could disturb human remains, including those interred outside of formal cemeteries.	**MM CUL-3:** In the event of an accidental discovery or recognition of any human remains, Public Resources Code Section 5097.98 must be followed. In this instance, once project-related earthmoving begins and if there is accidental discovery or recognition of any human remains, the following steps shall be taken: 1. There shall be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent human remains until the County Coroner is contacted to determine whether the remains are Native American and if an investigation of the cause of death is required. If the Coroner determines the remains to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the "most likely descendant" of the deceased Native American. The Most Likely Descendant (MLD) may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods, as provided in Public Resources Code Section 5097.98, or 2. Where the following conditions occur, the landowner or his/her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the MLD or on the project area in a location not subject to further subsurface disturbance: • The NAHC is unable to identify an MLD, or the MLD failed to make a recommendation within 48 hours after being notified by the NAHC; • The descendant identified fails to make a recommendation; or • The landowner or his authorized representative rejects the recommendation of the descendant and mediation by the NAHC fails to provide measures acceptable to the landowner.	Less than significant impact.
Impact CUL-4: The proposed project could cause a substantial adverse change in the significance of a Tribal Cultural Resource, defined in Public Resources Code	Implement MM CUL-2a, MM CUL-2b, and MM CUL-3.	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is 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).		
Impact CUL-5: The proposed project could cause a substantial adverse change in the significance of a Tribal Cultural Resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.	Implement MM CUL-2a, MM CUL-2b, and MM CUL-3.	Less than significant impact.
Cumulative Impact	Implement MM CUL-2a, MM CUL-2b, and MM CUL-3.	Less than significant impact.
Section 3.6—Energy		
Impact ENER-1: The proposed project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.	None	Less than significant impact.
Impact ENER-2: The proposed project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.	None	Less than significant impact.
Cumulative Impact	None	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
Section 3.7—Geology, Soils, and Seismicity		
Impact GEO-1: The proposed project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ii) Strong seismic ground shaking. iii) Seismic-related ground failure, including liquefaction. iv) Landslides.	**MM GEO-1: Implement Recommendations of the Preliminary Evaluation and Geotechnical Exploration** Prior to the issuance of any building or grading permits, the project applicant shall implement the recommendations of the Preliminary Evaluation prepared by BGG, the Geotechnical Exploration prepared by ENGEO Incorporated, and the Peer review Comments Final Letter prepared by Stevens, Ferrone & Bailey Engineering Company. This would include (but not be limited to) construction of a mudflow catchment basin, debris berm, retaining wall, and foundation recommendations. The Geotechnical Exploration also includes general earthwork requirements for site preparation, soil removal, fill material, grading, foundation, design, and all relevant construction permits, as well as requirements related to structural design and pavement design. The applicant would be required to incorporate all recommended design features into project building plans, for review and approval by the Town Engineer. The Preliminary Evaluation and Geotechnical Exploration, included in Appendix E, is incorporated herein by reference as fully set forth in this mitigation measure.	Less than significant impact.
Impact GEO-2: The proposed project would not result in substantial soil erosion or the loss of topsoil.	None	Less than significant impact.
Impact GEO-3: The proposed project would 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.	Implement MM GEO-1.	Less than significant impact.
Impact GEO-4: The proposed project would be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.	Implement MM GEO-1.	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
Impact GEO-5: The proposed project would not 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.	None	No impact.
Impact GEO-6: The proposed project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	**MM GEO-6a: Paleontological Resources Monitoring and Mitigation Plan** Prior to the start of any ground-disturbing activity, a qualified Paleontologist meeting Society of Vertebrate Paleontology (SVP) standards and best practices shall prepare a Paleontological Resources Monitoring and Mitigation Plan. This plan shall incorporate information from the approved development and grading plan. **MM GEO-6b: Worker Environmental Awareness Program** Prior to the start of any ground-disturbing activity, a qualified Paleontologist meeting Society of Vertebrate Paleontology (SVP) standards and best practices shall prepare paleontological resources sensitivity training materials to use during project-wide Worker Environmental Awareness Program (WEAP) training. The sensitivity training shall be conducted by a qualified environmental trainer, under the supervision of a qualified Paleontologist. In the event construction crews are phased in, additional training shall be conducted for new construction personnel. The training session shall focus on the recognition of the types of paleontological resources that could be encountered within the project site and the procedures to be followed if they are found. **MM GEO-6c: Paleontological Monitoring Supervision and Execution** Paleontological monitoring shall be conducted by a qualified paleontological resource monitor meeting SVP standards and best practices, under the supervision of the qualified Paleontologist. Monitoring would be required for excavations into previously undisturbed areas mapped within the Green Valley and Tassajara Formations (Tgvt) and at greater depths in the surficial alluvial deposits. Monitoring would not be required for excavations into colluvium, residual soil, stream channel alluvium, or landslide debris deposits. If excavation into these deposits would extend into the Green Valley and	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
	Tassajara Formations (Tgvt), monitoring would be required for excavation in these areas. Both the qualified paleontological monitor and the qualified Paleontologist shall have the authority to stop earthmoving activities to inspect possible paleontological resources or to take sediment samples. Sediment samples shall be taken and wet screened if appropriate fine-grained sediments are encountered. Discoveries, stratigraphy, and location of all specimens and samples collected shall be documented in daily field notes. All potentially significant fossils collected will be stabilized and prepared to the point of identification. Concentrate from screened sediment samples shall be inspected with a 10x dissecting scope. All significant fossils will be identified to the lowest (most specific) taxonomic level practical. All findings, including identifications and significance, shall be included in a final report. All photographs, field notes, the report, and the significant fossils shall be accessioned and curated in an approved repository. If earth-disturbing construction-related activities uncover any paleontological resources (i.e., bones or teeth) in the absence of the qualified monitor or the qualified Paleontologist, those activities shall be diverted at least 50 feet away from the discovery until the qualified paleontological monitor or qualified Paleontologist is brought on-site to assess the find for possible salvage, consistent with the standards and best practices set by the SVP. Construction workers shall not attempt to remove such finds. The qualified Paleontologist shall document the specimen in daily field notes, prepare the specimen to the point of curation, and shall document the specimen to the lowest taxonomic level possible and determine the significance of the finding, which should be included in a final report. All applicable data, the final report, and the fossils shall be curated in an approved repository. In addition, The results of the assessment shall also be detailed in a final monitoring report and submitted to the Town. The qualified Paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction activities are allowed to resume at the location of the discovery. If the applicant determines that avoidance is not feasible, the qualified Paleontologist shall prepare an excavation plan for mitigating the effect of construction activities on the discovery.	

Impacts	Mitigation Measures	Level of Significance After Mitigation
Cumulative Impact	None	Less than significant impact.
Section 3.8—Greenhouse Gas Emissions		
Impact GHG-1: The proposed project could generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	**MM GHG-1: All-Electric Design** The proposed project shall be designed and constructed as an all-electric development. This means that no natural gas infrastructure would be installed, and all appliances, heating, ventilation, and air conditioning systems and water heating systems would be electric. **MM GHG-2: CALGreen Tier 2 EV Charging Infrastructure** The proposed project shall install electric vehicle (EV) charging infrastructure that meets California Green Building Standards Code (CALGreen) Tier 2 requirements, ensuring that for each dwelling unit, a dedicated 208/240-volt branch circuit (Level 2 electric vehicle supply equipment [EVSE]) shall be installed in the raceway. The branch circuit and associated overcurrent protective device shall be rated at 40 amperes minimum.	Less than significant impact.
Impact GHG-2: The proposed project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.	Implement MM GHG-1, MM GHG-2, and MM TRANS-2.	Less than significant impact.
Cumulative Impact	Implement MM GHG-1 and MM GHG-2.	Less than significant impact.
Section 3.9—Hazards and Hazardous Materials		
Impact HAZ-1: The proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	None	Less than significant impact.
Impact HAZ-2: The proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment.	None	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
Impact HAZ-3: The proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	None	No impact.
Impact HAZ-4: The proposed project would not 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.	None	Less than significant impact.
Impact HAZ-5: 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, the proposed project would not result in a safety hazard or excessive noise for people residing or working the project area.	None	No impact.
Impact HAZ-6: The proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	None	Less than significant impact.
Impact HAZ-7: The proposed project would not expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires.	None	Less than significant impact.
Cumulative Impact	None	Less than significant impact.
Section 3.10—Hydrology and Water Quality		
Impact HYD-1: The proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.	None	Less than significant impact.
Impact HYD-2: The proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the	None	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
project may impede sustainable groundwater management of the basin.		
Impact HYD-3: The proposed project would not 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 which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or IV) impede or redirect flood flows?	None	Less than significant impact.
Impact HYD-4: The proposed project would not be located in a flood hazard zone, tsunami, or seiche zone, or risk release of pollutants due to project inundation.	None	Less than significant impact.
Impact HYD-5: The proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.	None	Less than significant impact.
Cumulative Impact	None	Less than significant impact.
Section 3.11—Land Use and Planning		
Impact LAND-1: The proposed project would not physically divide an established community.	None	No impact
Impact LAND-2: The proposed project would not 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.	Implement MM GEO-1.	Less than significant impact.
Cumulative Impact	None	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
Section 3.12—Noise		
Impact NOI-1: The proposed project would not generate 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.	None	Less than significant impact.
Impact NOI-2: The proposed project would not result in generation of excessive groundborne vibration or groundborne noise levels.	None	Less than significant impact.
Impact NOI-3: The proposed project would not expose people residing or working in the project area to excessive noise levels 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.	None	No impact.
Cumulative Impact	None	Less than significant impact.
Section 3.13—Public Services		
Impact PUB-1: The proposed project would not 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 fire protection.	None	Less than significant impact.
Impact PUB-2: The proposed project would not 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	None	Less than significant impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
service ratios, response times or other performance objectives for police protection.		
Impact PUB-3: The proposed project would not 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 schools.	None	Less than significant impact.
Impact PUB-4: The proposed project would not 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 parks.	None	Less than significant impact.
Impact PUB-5: The proposed project would not 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 other public facilities.	None	Less than significant impact.
Cumulative Impact	None	Less than significant impact
Section 3.14—Recreation		
Impact REC-1: The proposed project would not 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.	None	Less than significant impact

Impacts	Mitigation Measures	Level of Significance After Mitigation
Impact REC-2: The proposed project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.	None	Less than significant impact
Cumulative Impact	None	Less than significant impact
Section 3.15—Transportation and Traffic		
Impact TRANS-1: The proposed project would not conflict with a program plan, ordinance or policy of the circulation system, including transit, roadway, bicycle and pedestrian facilities.	None	Less than significant impact
Impact TRANS-2: The proposed project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).	**MM TRANS-2:** Prior to issuance of the first certificate of occupancy, the project applicant shall develop a Community-Based Transportation Plan (CBTP) for review and approval by the Town of Danville (Town). The CBTP program shall be designed based on the recommendations provided in the California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Has Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (Handbook). After program approval, the proposed project's Homeowner's Association (HOA) shall administer the CBTP program for all residents within the HOA to achieve the maximum feasible Vehicle Miles Traveled (VMT) reduction of 2.3 percent per the CAPCOA Handbook. The HOA shall be required to submit documentation to the Town on an annual basis to demonstrate ongoing program implementation.	Less than significant impact
Impact TRANS-3: The proposed project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	None	Less than significant impact
Impact TRANS-4: The proposed project could result in inadequate emergency access.	None	Less than significant impact
Cumulative Impact	None	Less than significant impact

Impacts	Mitigation Measures	Level of Significance After Mitigation
Section 3.16—Utilities and Service Systems		
Impact UTIL-1: The proposed project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.	None	Less than significant impact
Impact UTIL-2: The proposed project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.	None	Less than significant impact
Impact UTIL-3: The proposed project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	None	Less than significant impact
Impact UTIL-4: The proposed project would not 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.	None	Less than significant impact
Impact UTIL-5: The proposed project would comply with federal, State, and local statutes and regulations related to solid waste.	None	Less than significant impact
Cumulative Impact	None	Less than significant impact
Section 3.17—Wildfire		
Impact WILD-1: The proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan.	None	No impact.
Impact WILD-2: The proposed project would not due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to	None	Less than significant impact

Impacts	Mitigation Measures	Level of Significance After Mitigation
pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.		
Impact WILD-3: The proposed project would not 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.	None	Less than significant impact
Impact WILD-4: The proposed project would not 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.	Implement MM GEO-1.	Less than significant impact
Cumulative Impact	Implement MM GEO-1.	Less than significant impact

CHAPTER 1: INTRODUCTION

1.1 - Overview of the CEQA Process

This Draft Environmental Impact Report (Draft EIR) is prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with the implementation of the Martin Hills Ranch Residential Project (proposed project) (State Clearinghouse No. 2025010602). This document is prepared in conformance with CEQA (California Public Resources Code [PRC], § 21000, *et seq*.) and the CEQA Guidelines (California Code of Regulations [CCR], Title 14, § 15000, *et seq*.). This Draft EIR is intended to serve as an informational document for the public agency decision-makers and the public regarding the proposed project.

1.1.1 - Overview

The proposed project consists of the construction of 21 single-family homes with approximately 25 percent of the homes (five homes) designed with affordable Accessory Dwelling Units (ADUs). In addition, a twenty-second lot (Lot 22) would be located on the project site. While there is currently no development planned on Lot 22, the lot could be developed with a single-family residence in the future. To provide a conservative analysis, this Draft EIR analyzes the potential for future development of an additional single-family housing unit on the twenty-second lot. The proposed project would also include the development of internal roadways and landscape improvements on an approximately 102-acre project site.

The project site is located off Borica Drive and Como Way in the Town of Danville (Town), in Contra Costa County, California. The proposed project would require the Lead Agency's certification of the Draft EIR, the approval of a Rezoning, Vesting Tentative Map, Development Plan, and the approval of grading and Building Permits, as well as additional approvals from Responsible Agencies. Chapter 2, Project Description provides a complete description of the project.

1.1.2 - Purpose and Authority

This Draft EIR provides a project-level analysis of the environmental effects of the Martin Hills Ranch Residential Project. The environmental impacts of the proposed project are analyzed in the Draft EIR to the degree of specificity appropriate, in accordance with CEQA Guidelines Section 15146. This document addresses the potentially significant adverse environmental impacts that may be associated with the planning, construction, or operation of the project. It also identifies appropriate and feasible mitigation measures and alternatives that may be adopted to significantly reduce or avoid these impacts.

CEQA requires that an EIR contain, at a minimum, certain specific elements. These elements are contained in this Draft EIR and include:

- Table of Contents
- Introduction
- Executive Summary

- Project Description
- Environmental Setting, Significant Environmental Impacts, and Mitigation Measures
- Cumulative Impacts
- Significant Unavoidable Adverse Impacts
- Alternatives to the Proposed Project
- Growth-Inducing Impacts
- Effects Found not to be Significant
- Areas of Known Controversy

1.1.3 - Lead Agency Determination

The Town of Danville is designated as the lead agency for the project. CEQA Guidelines Section 15367 defines the lead agency as ". . . the public agency, which has the principal responsibility for carrying out or approving a project." Other public agencies may use this Draft EIR in the decision-making or permit process and consider the information in this Draft EIR along with other information that may be presented during the CEQA process.

This Draft EIR was prepared by FirstCarbon Solutions (FCS), an environmental consultant, under the direction of the Town of Danville. Prior to public review, it was extensively reviewed and evaluated by the Town of Danville. This Draft EIR reflects the independent judgment and analysis of the Town of Danville as required by CEQA. A List of organizations and persons consulted and the report preparation personnel are provided in Chapter 7 of this Draft EIR.

1.2 - Scope of the Draft EIR

This Draft EIR addresses the potential environmental effects of the proposed project. The Town of Danville issued a Notice of Preparation (NOP) for the proposed project on January 21, 2025, which circulated between January 21, 2025, and February 20, 2025, for the statutory 30-day public review period. The scope of this Draft EIR includes the potential environmental impacts identified in the NOP and issues raised by agencies and the public in response to the NOP. Thirteen comment letters were received in response to the NOP. They are listed in Table 1-1 and provided in Appendix A of this Draft EIR.

Table 1-1: NOP Comment Letters

Agency/Organization	Author	Date	Topics Discussed in Comment Letter	Location Comment is Discussed in Draft EIR
Public Agencies				
Department of Toxic Substances Control (DTSC)	Tamara Purvis	01-30-25	• Recommends identifying the amounts of pesticides and organochlorine pesticides (OCPs) historically used on the project site. • Provides recommendations for	Section 3.9, Hazards and Hazardous Materials Section 3.9, Hazards and Hazardous Materials

Agency/Organization	Author	Date	Topics Discussed in Comment Letter	Location Comment is Discussed in Draft EIR
			further analysis of specific OCPs and contaminants.	
			• Recommends that all imported soil and fill material is tested to assess any contaminants of concern based on DTSC [California Department of Toxic Substances Control] screening levels.	Section 3.9, Hazards and Hazardous Materials
			• Recommends documenting the origins of imported soil and fill material.	Section 3.9, Hazards and Hazardous Materials
Native American Heritage Commission (NAHC)	Matthew Lin	02-04-25	• Summarizes CEQA requirements and background information.	Section 3.5, Cultural Resources and Tribal Cultural Resources
			• Summarizes Assembly Bill (AB) 52 and Senate Bill (SB) 18 requirements for cultural and Tribal cultural resources.	Section 3.5, Cultural Resources and Tribal Cultural Resources
			• Provides recommendations for Cultural Resource Assessments (CRAs).	Section 3.5, Cultural Resources and Tribal Cultural Resources
California Department of Transportation (Caltrans)	Llisel Ayon	02-20-25	• Provides background information regarding the Local Development Review Program and the proposed project.	N/A
			• Requests that the Draft EIR analyze travel demand and Vehicle Miles Traveled (VMT).	Section 3.15, Transportation and Traffic
East Bay Municipal Utility District (EBMUD)	David Rehnstrom	02-20-25	• States requirements related to a water main extension needed for the proposed project.	Chapter 2, Project Description; Section 3.16, Utilities and Service Systems
			• Requests that the EIR detail any landslide mitigation measures for the proposed project, so landslides would not impact water pipelines.	Section 3.7, Geology, Soils, and Seismicity

Agency/Organization	Author	Date	Topics Discussed in Comment Letter	Location Comment is Discussed in Draft EIR
			• Requests that compliance with Assembly Bill (AB) 325 is included as a Condition of Approval (COA) for the proposed project.	Chapter 2, Project Description
Individuals				
N/A	William Reeves	01-22-25	• Concern regarding location of the homes and the access point on Como Way. • Concerns regarding landslide issues in the past and how they would be addressed, grading, drainage, etc.	Section 3.15, Transportation and Traffic Section 3.7, Geology, Soils, and Seismicity; Section 3.10, Hydrology and Water Quality
N/A	David Haen	01-28-25	• Questions regarding the proposed open space (how it is guaranteed and what uses would be allowed). • Asks if the proposed project would include homes at the east end of Borica Drive.	Chapter 2, Project Description; Section 3.14, Recreation Chapter 2, Project Description
N/A	Glenn Nelson	01-29-25	• Concern regarding mudslides.	Section 3.7, Geology, Soils, and Seismicity
N/A	Leonard Giacoletto	01-29-25	• Concerns regarding traffic safety on Como Way due to the street's narrowness.	Section 3.15, Transportation and Traffic
N/A	Jerry Abercrombie	01-31-25	• Support for the proposed project. • Request to extend the debris berm and V-ditch in the western boundary to tie into the existing V-ditch or newly constructed V-ditch and debris berms directly behind the Abercrombie, Watson, and Duffec properties, terminated at the existing catch basin behind 385 Borica Drive, to mitigate negative drainage/slide behind these properties.	N/A Section 3.7, Geology, Soils, and Seismicity; Section 3.10, Hydrology and Water Quality

Agency/Organization	Author	Date	Topics Discussed in Comment Letter	Location Comment is Discussed in Draft EIR
N/A	Jim and Michelle Bleasdell	02-03-25	• Concern regarding Como Way being wide enough to accommodate additional traffic, especially during construction.	Section 3.15, Transportation and Traffic
			• Concern regarding safety of turning onto El Capitan from Como Way due to speed and sight distance.	Section 3.15, Transportation and Traffic
			• Questions regarding the scope of the proposed project, including number of homes and how permanent open space would be guaranteed.	Chapter 2, Project Description
			• Statement that the commenters enjoy the sight of cows on the project site.	Section 3.1, Aesthetics, Light, and Glare
N/A	Donald Trask	02-03-25	• Request to ensure the culvert on the commenter's property line is included in the EIR and that any changing of the landscape considers water runoff and their culvert.	Section 3.10, Hydrology and Water Quality
			• Request the owner periodically inspect the irrigation system.	Section 3.10, Hydrology and Water Quality
			• Concern regarding mudslides.	Section 3.7, Geology, Soils, and Seismicity
			• Suggestion to landscape Parcel A with olive trees or grapevines.	Chapter 2, Project Description
			• Suggestion to include new fence along neighboring properties for aesthetic purposes and to prevent livestock from wandering off the project site.	Section 3.1, Aesthetics, Light, and Glare
			• Support for Planned Unit Development (PUD) on Parcel B to increase privacy and aesthetic	Section 3.1, Aesthetics, Light, and Glare

Agency/Organization	Author	Date	Topics Discussed in Comment Letter	Location Comment is Discussed in Draft EIR
			appeal for neighboring properties.	
N/A	Bruce Daseking	02-19-25	• States that the proposed project does not provide a justification for rezoning the project site.	Chapter 2, Project Description; Section 3.11, Land Use and Planning
			• States that the EIR does not analyze or mitigate the traffic and safety impacts along Como Way sufficiently.	Section 3.15, Transportation and Traffic
			• Concerns regarding Como Way and El Capitan intersection with regard to safety.	Section 3.15, Transportation and Traffic
			• Concern regarding lack of street lighting between Como Way and Saint Regis, affecting traffic safety.	Section 3.15, Transportation and Traffic
			• Request to analyze an alternative entrance on Borica Drive.	Chapter 6, Alternatives to the Proposed Project
			• States that the EIR fails to provide adequate turnaround at the transition between the public roadway and the proposed roadway, creating challenges for service vehicles (including fire trucks).	Section 3.15, Transportation and Traffic
			• States that Como Way currently needs improvements to handle increased traffic.	Section 3.15, Transportation and Traffic
			• Asks who would maintain the proposed drainage infrastructure.	Chapter 2, Project Description; Section 3.10, Hydrology and Water Quality; Section 3.16, Utilities and Service Systems
			• Concern regarding stormwater impacts.	Section 3.10, Hydrology and Water Quality; Section 3.16, Utilities and Service Systems

Agency/Organization	Author	Date	Topics Discussed in Comment Letter	Location Comment is Discussed in Draft EIR
			• States EIR does not adequately address mitigation for existing seasonal wetlands.	Section 3.2, Biological Resources
			• Request to include site-wide geotechnical analysis and full mitigation plan for landslides.	Section 3.7, Geology, Soils, and Seismicity
			• Request to include information about how undeveloped land would be maintained for weed abatement, wildfire safety, and stormwater infrastructure.	Chapter 2, Project Description; Section 3.10, Hydrology and Water Quality; Section 3.16, Utilities and Service Systems; Section 3.17, Wildfire
			• Request to include information about the HOA's governance, funding, and obligations.	N/A
			• States that EIR does not consider alternatives, including alternative access routes (e.g., Borica Drive) or alternative development configurations.	Chapter 6, Alternatives to the Proposed Project
N/A	Kyla Ryan	02-20-25	• Concern regarding landslides and drainage on the project site.	Section 3.7, Geology, Soils, and Seismicity; Section 3.10, Hydrology and Water Quality
			• Concern regarding increased traffic on Como Way because Como Way is narrow and has parking on both sides.	Section 3.15, Transportation and Traffic
			• Concern regarding traffic safety at the intersection at El Capitan due to sight distance.	Section 3.15, Transportation and Traffic
			• Recommendation to analyze Borica Drive as an alternative access route.	Chapter 6, Alternatives to the Proposed Project
N/A	Tom and Diane Walsh	02-20-25	• Concerns regarding the width of Como Way affecting traffic safety.	Section 3.15, Transportation and Traffic

Agency/Organization	Author	Date	Topics Discussed in Comment Letter	Location Comment is Discussed in Draft EIR
			• Concern regarding traffic safety at the intersection of El Capitan and Como Way due to sight distance.	Section 3.15, Transportation and Traffic
			• Concern regarding traffic control and speed of vehicles from the proposed project to Como Way.	Section 3.15, Transportation and Traffic
			• Concern regarding drainage, stormwater runoff, and stormwater infrastructure on the project site.	Section 3.10, Hydrology and Water Quality; Section 3.16, Utilities and Service System
			• Request to consider alternatives to the proposed project, including moving the access route from Como Way to Borica Drive.	Chapter 6, Alternatives to the Proposed Project
Source: Compiled by FirstCarbon Solutions (FCS). 2025.				

1.2.1 - Environmental Issues Determined not to be Significant

The NOP identified topical areas that were determined not to be significant. An explanation of why each area is determined not to be significant is provided in Chapter 4, Effects Found not to be Significant. These topical areas are as follows:

- Mineral Resources
- Population and Housing

1.2.2 - Potentially Significant Environmental Issues

The NOP found that the following topical areas may contain potentially significant environmental issues that will require further analysis in the EIR. These sections are as follows:

- Aesthetics, Light, and Glare
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources and Tribal Cultural Resources
- Energy
- Geology, Soils, and Seismicity
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Public Services
- Recreation
- Transportation and Traffic
- Utilities and Service Systems
- Wildfire

1.3 - Organization of the Draft EIR

This Draft EIR is organized into the following main sections:

- **Chapter ES: Executive Summary.** This chapter includes a summary of the proposed project and alternatives to be addressed in the Draft EIR. A brief description of the areas of controversy and issues to be resolved, and overview of the Mitigation Monitoring and Reporting Program (MMRP), in addition to a table that summarizes the impacts, mitigation measures, and level of significance after mitigation, are also included in this section.
- **Chapter 1: Introduction.** This chapter provides an introduction and overview describing the purpose of this Draft EIR, its scope and components, and its review and certification process.
- **Chapter 2: Project Description.** This chapter includes a detailed description of the proposed project, including its location, site, and project characteristics. A discussion of the project objectives, intended uses of the Draft EIR, responsible agencies, and approvals that are needed for the proposed project are also provided.
- **Chapter 3: Environmental Impact Analysis.** This chapter analyzes the environmental impacts of the proposed project. Impacts are organized into major topic areas. Each topic area includes a description of the environmental setting, methodology, significance criteria, impacts, mitigation measures, and significance after mitigation. The specific environmental topics that are addressed within Chapter 3 are as follows:
  - **Section 3.1—Aesthetics, Light, and Glare:** Addresses the potential visual impacts of development intensification and the overall increase in illumination produced by the proposed project.
  - **Section 3.2—Agriculture and Forestry Resources:** Addresses the potential for conversion of Important Farmland to nonagricultural use and forest land to non-forest use.
  - **Section 3.3—Air Quality:** Addresses potential air quality impacts associated with project implementation and emissions of criteria pollutants. In addition, the section also evaluates project emissions of toxic air contaminants.
  - **Section 3.4—Biological Resources:** Addresses potential impacts on habitat, vegetation, and wildlife; the potential degradation or elimination of important habitat; and impacts on listed, proposed, and candidate threatened and endangered species.
  - **Section 3.5—Cultural Resources and Tribal Cultural Resources:** Addresses potential impacts on historical resources, archaeological resources, paleontological resources, and burial sites as well as the potential project impacts related to tribal cultural resources.
  - **Section 3.6—Energy:** Addresses potential project impacts related to energy usage.
  - **Section 3.7—Geology, Soils, and Seismicity:** Addresses the potential impacts the project may have on soils and assesses the effects of project development in relation to geologic and seismic conditions.
  - **Section 3.8—Greenhouse Gas Emissions:** Addresses potential project emissions of greenhouse gases.
  - **Section 3.9—Hazards and Hazardous Materials:** Addresses potential for presence of hazardous materials or conditions on the project site and in the project area that may have the potential to impact human health.

- **Section 3.10—Hydrology and Water Quality:** Addresses the potential impacts of the project on local hydrological conditions, including drainage areas, and changes in the flow rates.
- **Section 3.11—Land Use and Planning:** Addresses the potential land use impacts associated with division of an established community and consistency with the General Plan.
- **Section 3.12—Noise:** Addresses potential noise impacts during construction and at project buildout from mobile and stationary sources. The section also addresses the impact of noise generation on neighboring uses.
- **Section 3.13—Public Services:** Addresses potential impacts upon public services, including fire protection, law enforcement, schools, parks, and recreational facilities.
- **Section 3.14—Recreation:** Addresses potential impacts related to parks and park usage.
- **Section 3.15—Transportation and Traffic:** Addresses potential impacts related to the local and regional roadway system and public transportation, bicycle, and pedestrian access.
- **Section 3.16—Utilities and Services Systems:** Addresses potential impacts related to service providers, including fire protection, law enforcement, water supply, wastewater, solid waste, and energy providers.
- **Section 3-17—Wildfire:** Addresses potential impacts related to wildfire including lands within State Responsibility Areas and lands classified as very high fire hazard severity zones.

- **Chapter 4: Effects Found not to be Significant.** This chapter contains analysis of the topical sections not addressed in Chapter 3.
- **Chapter 5: Other CEQA Considerations.** This chapter provides a summary of significant environmental impacts, including unavoidable and growth-inducing impacts. This chapter discusses the cumulative impacts associated with the proposed project, including the impacts of past, present, and probable future projects. In addition, the proposed project's energy demand is discussed.
- **Chapter 6: Alternatives to the Proposed Project.** This chapter compares the impacts of the proposed project with three land-use project alternatives: the No Project Alternative and the 5-Acre Lot Alternative. An environmentally superior alternative is identified. In addition, alternatives initially considered but rejected from further consideration are discussed.
- **Chapter 7: Persons and Organizations Consulted/List of Preparers.** This chapter also contains a full list of persons and organizations that were consulted during the preparation of this Draft EIR. This chapter also contains a full list of the authors who assisted in the preparation of the Draft EIR, by name and affiliation.
- **Appendices.** The Draft EIR appendices include all notices and other procedural documents pertinent to the Draft EIR, as well as all technical material prepared to support the analysis.

1.4 - Documents Incorporated by Reference

As permitted by CEQA Guidelines Section 15150, this Draft EIR has referenced several technical studies, analyses, and previously certified environmental documentation. Information from the documents, which have been incorporated by reference, has been briefly summarized in the appropriate section(s). The relationship between the incorporated part of the referenced document

and the Draft EIR has also been described. The documents and other sources that have been used in the preparation of this Draft EIR include but are not limited to:

- Town of Danville 2030 General Plan
- Town of Danville 2030 General Plan Environmental Impact Report (General Plan EIR)

In accordance with CEQA Guidelines Section 15150(b), the General Plan, the General Plan EIR, and the referenced documents and other sources used in the preparation of the Draft EIR are available for review at the Town of Danville Planning Division at the address shown in Section 1.6 below.

1.5 - Documents Prepared for the Proposed Project

The following technical studies and analyses were prepared for the proposed project:

- Phase I Cultural Resources Assessment (Phase I CRA).
- Biological Assessment and Biological Resources Assessment (BRA).
- Special-status Plant Survey Report.
- California Red-legged Frog Habitat Assessment for the Elworthy Property East Study Area.
- Biological Feasibility Assessment.
- California Red Legged Frog Survey Report.
- Phase I Environmental Site Assessment (Phase I ESA).
- Geotechnical Exploration.
- Geotechnical Investigation and Slide Repair.
- Transportation Impact Study (TIS).
- Modeling of Stormwater Runoff Flow-duration and Peak Flow Control Performance.
- Preliminary Evaluation of the Recent Corte Dorado Hillside Landslide and Preliminary Mitigation Recommendations.

1.6 - Review of the Draft EIR

Upon completion of the Draft EIR, the Town of Danville filed a Notice of Completion (NOC) with the State Office of Planning and Research to begin the public review period (PRC § 21161). Concurrent with the NOC, this Draft EIR has been distributed to responsible and trustee agencies, other affected agencies, surrounding cities, and interested parties, as well as all parties requesting a copy of the Draft EIR in accordance with Public Resources Code 21092(b)(3). During the public review period, the Draft EIR, including the technical appendices, is available for review at the Town of Danville, Planning Division:

Town of Danville
Planning Division
500 La Gonda Way
Danville, CA 94526

The Draft EIR is also available for review at the following website:
https://www.danville.ca.gov/160/Development-Activity.

Agencies, organizations, and interested parties have the opportunity to comment on the Draft EIR during the 45-day public review period. Written comments on this Draft EIR should be addressed to:

David Crompton, Chief of Planning
Town of Danville
Planning Division
500 La Gonda Way
Danville, CA 94526
925.314.3349
dcrompton@danville.ca.gov

Submittal of electronic comments in Microsoft Word or Adobe PDF format is encouraged. Upon completion of the public review period, written responses to all significant environmental issues raised will be prepared and made available for review by the commenting agencies at least 10 days prior to the public hearing before the Public Commission hearing on the proposed project, at which the certification of the Final EIR will be considered. Comments received and the responses to comments will be included as part of the record for consideration by decision-makers for the proposed project.

CHAPTER 2: PROJECT DESCRIPTION

This Draft Environmental Impact Report (Draft EIR) analyzes the potential environmental effects of the proposed Martin Hills Ranch Residential Project (proposed project) in the Town of Danville (Town) in Contra Costa County, California. This chapter provides a detailed overview of the project site location and setting, project objectives, project details and characteristics, and construction phasing. It also describes the intended use of the Draft EIR by agencies with approval and permitting authority over the proposed project, as well as required approvals and permits.

Bates Stringer Martin Hills Ranch LLC (project applicant) proposes to subdivide the project site to allow for the construction of 22 market-rate, single-family homes with five accessory dwelling units (ADUs), internal roadways, and a driveway off Como Way to facilitate access and circulation within the project site. The 22nd lot (Parcel D) would be accessed via and located at the end of Borica Drive and would be developed via a separate, future development plan application.

2.1 - Project Location and Setting

2.1.1 - Location

Regional

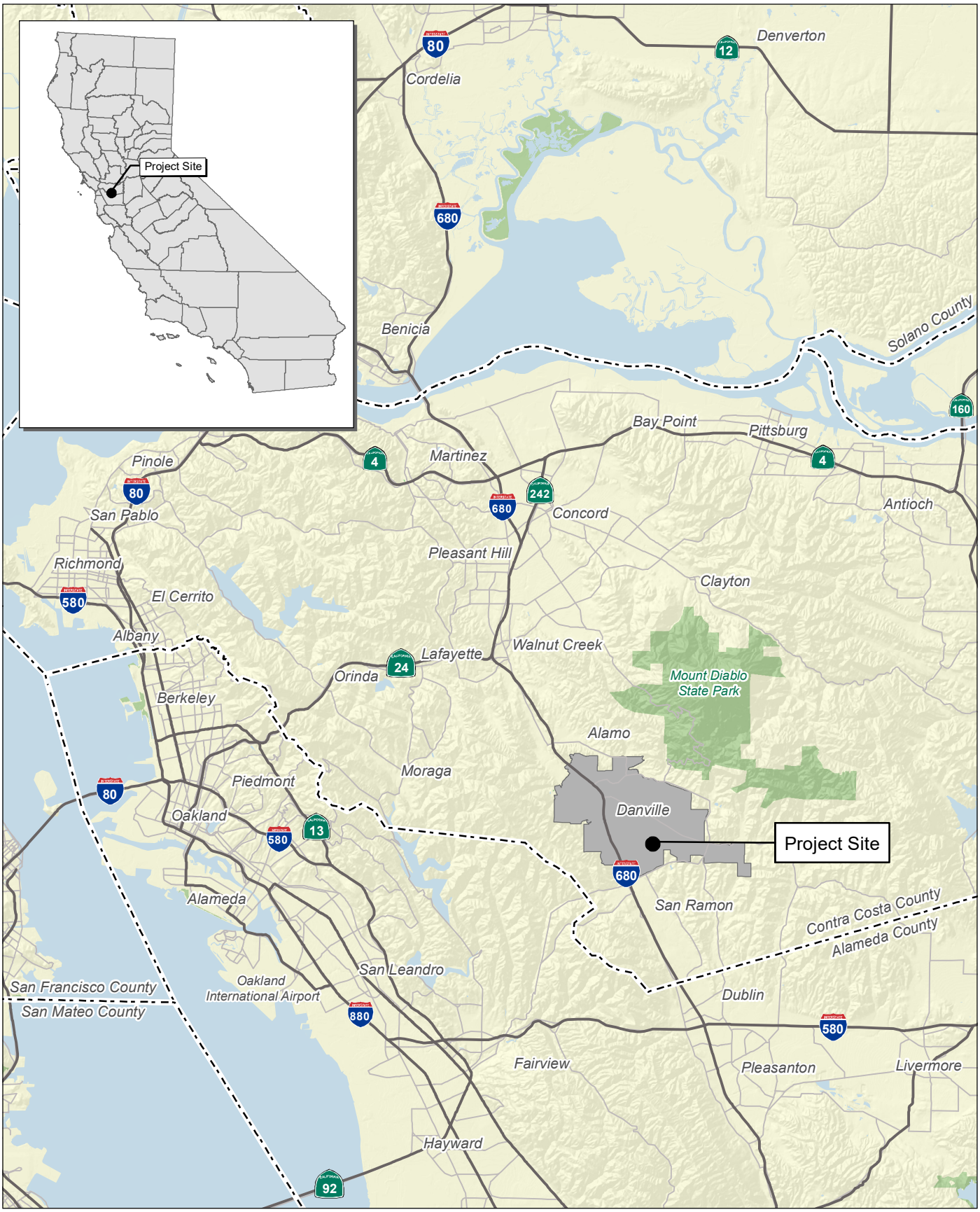
The Town is located in the eastern San Francisco Bay Area of Northern California. The Town is bordered to the north by the unincorporated community of Alamo, to the east by the unincorporated communities of Blackhawk and Diablo, to the south by the City of San Ramon, and to the west by the Las Trampas Regional Wilderness Park and unincorporated Contra Costa County (Exhibit 2-1). Located in southwestern Contra Costa County, the Town covers approximately 18 square miles and has historically been a suburban community serving major employment centers to the west (e.g., the City of San Francisco) and to the south (e.g., the City of San José). Regional access to the Town is provided by Interstate 680 (I-680) and State Route (SR) 24 to the west and I-580 to the south.

Local Setting

The approximately 102-acre project site is located off Borica Drive and Como Way (Exhibit 2-2). The project site does not currently have a street address but can be accessed at the eastern ends of Borica Drive and Como Way. The project site consists of five Assessor's Parcel Numbers (APNs): 218-010-008, 218-010-009, 218-010-010, 218-010-011, and 218-010-012.

Presently, the project site is vacant and varies topographically. The northeastern and western portions of the project site are steep and hilly with a relatively flat plateau at the highest point of the project site. The northern and eastern portions of the project site contain some small ravines and natural drainage features following the natural drainage downward. Overall, the project site has a total elevation gain of approximately 165 feet from the lowest portion of the project site in the southeast, which is approximately 590 feet above mean sea level (AMSL) to the highest point of the project site, approximately 754 feet AMSL.

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Source: Census 2000 Data, The California Spatial Information Library (CaSIL).

FIRSTCARBON SOLUTIONS™

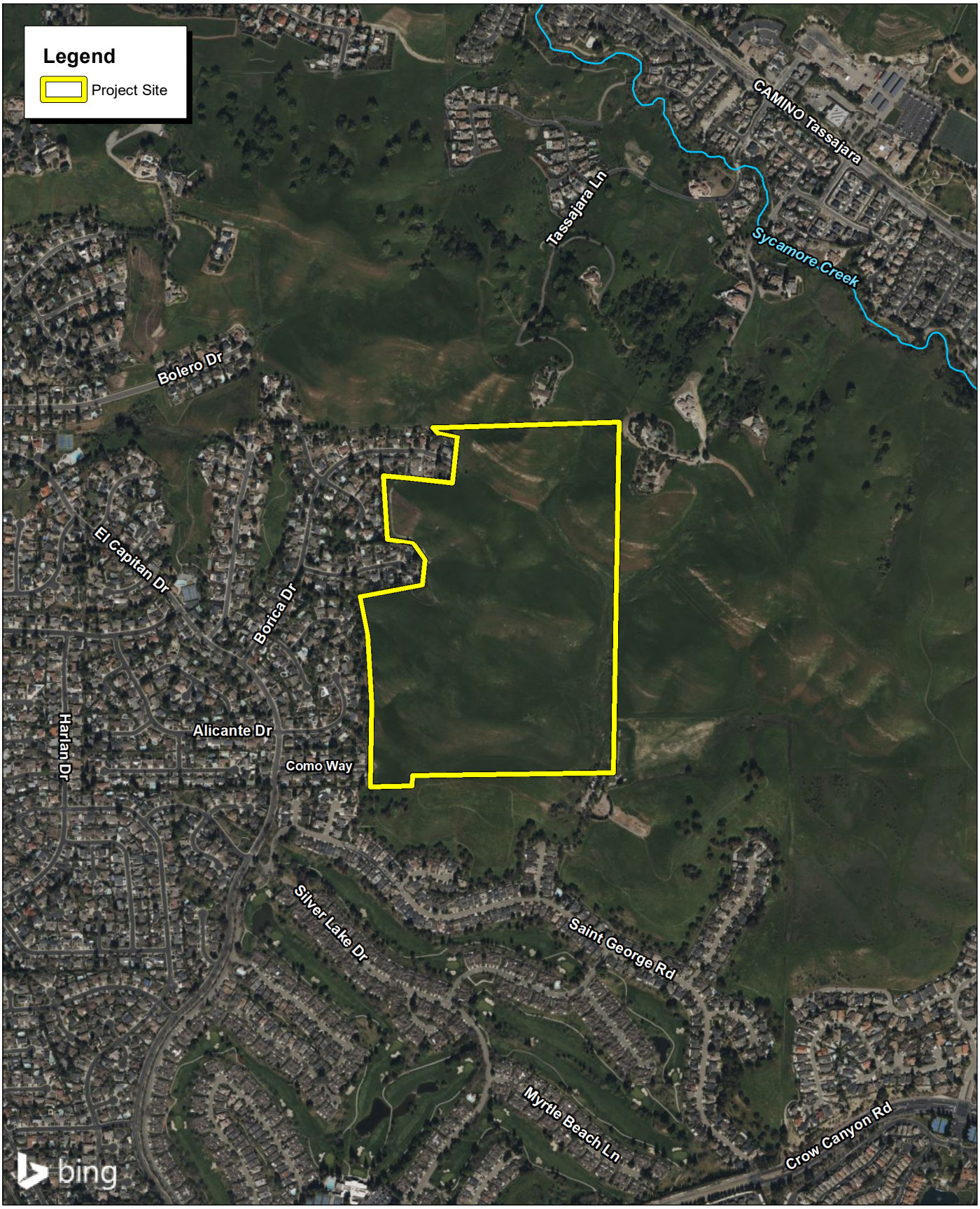
5 2.5 0 5 Miles

Exhibit 2-1
Regional Location Map

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TOWN OF DANVILLE
MARTIN HILLS RANCH RESIDENTIAL PROJECT
ENVIRONMENTAL IMPACT REPORT

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Source: Bing Aerial Imagery. County of Contra Costa. CBG Civil Engineers.

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Exhibit 2-2
Local Vicinity Map

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The project site is located within the *Diablo, California* United States Geological Survey (USGS) 7.5-minute Topographic Quadrangle Map (Latitude 37° 47' 54.15" North; Longitude 121° 57' 30.94" West).

2.1.2 - Existing Land Use Designation and Zoning

The project site is designated Agriculture by the Town of Danville 2030 General Plan (2030 General Plan). In 1997, the Williamson Act Contracts that applied to the project site expired and were not renewed. The Town officially filed the notice of nonrenewal of the Williamson Act Contract on November 17, 1997 and property came out of the contract on Novmber 17, 2007.

The project site is currently zoned A-4; Agricultural Preserve District. However, because of the expiration of the site's Williamson Act Contract, the site is entitled to return to the A-2, General Agricultural Zoning District, which was in effect prior to the recordation of the Willamson Act Contract on the project site. The A-2 district permits all types of agriculture, including farming, horticultural, and livestock production, other agricultural uses, such as sheds, warehouse, and granaries, and a detached single-family dwelling and accessory structures on each parcel. The A-2 district allows residential uses at a density of one unit per 5 acres.

2.1.3 - Surrounding Land Uses

The project site is surrounded by the following land uses:

North

The General Plan designates the vacant land immediately north of the project site as Residential, Single-family–Rural Residential (Rural Residential) as well as General Open Space, and the existing single-family homes north of the project site as Residential, Single-family–Country Estate (Country Estate), Residential, Single-family–Low Density (SFL) and Residential–Multifamily, Low Density (MFL).

South

The General Plan designates the vacant lands south of the project site as General Open Space and the existing single-family homes farther south of the project site as Residential, Single-family–Medium Density (SFM).

East

The General Plan designates the vacant lands east of the project site as Rural Residential and General Open Space.

West

The General Plan designates the existing single-family homes west of the project site as SFL and SFM.

2.2 - Project Characteristics

2.2.1 - Proposed Project

The project applicant proposes to subdivide the project site into 22 lots, with 21 lots located off Como Way to be developed with single-family residential units. Five of these homes would be designed to include ADUs (Exhibit 2-3 and Exhibit 2-4). Development under the proposed project would only occur within the approximately 29 acres in the southeastern portion of the project site. Additionally, an approximately 0.95-acre lot (Lot 22) would be located on the northern portion of the project site off Borica Drive (Parcel D on Exhibit 2-3). The 21 residential lots would be clustered in the southeastern portion of the approximately 102-acre project site. The 21 residential lots would range from approximately 15,705 square feet to 28,091 square feet. The proposed single-family homes would range in size from approximately 4,147 square feet to 5,452 square feet. The proposed project is expected to generate approximately 76 residents.[1,2]

The proposed project would also include four parcels located north and west of the residences which include stormwater facilities, slope maintenance, and open space areas to be owned by the homeowners assocation or a Geologic Hazard Abatement District (GHAD). Access to the proposed project would be provided by the extension of Como Way and construction of internal streets for circulation within the project site. Additionally, a 10-foot-wide access easment for emergency response vehicles would be provided from Borica Drive in the northern portion of the project site (Exhibit 2-5).

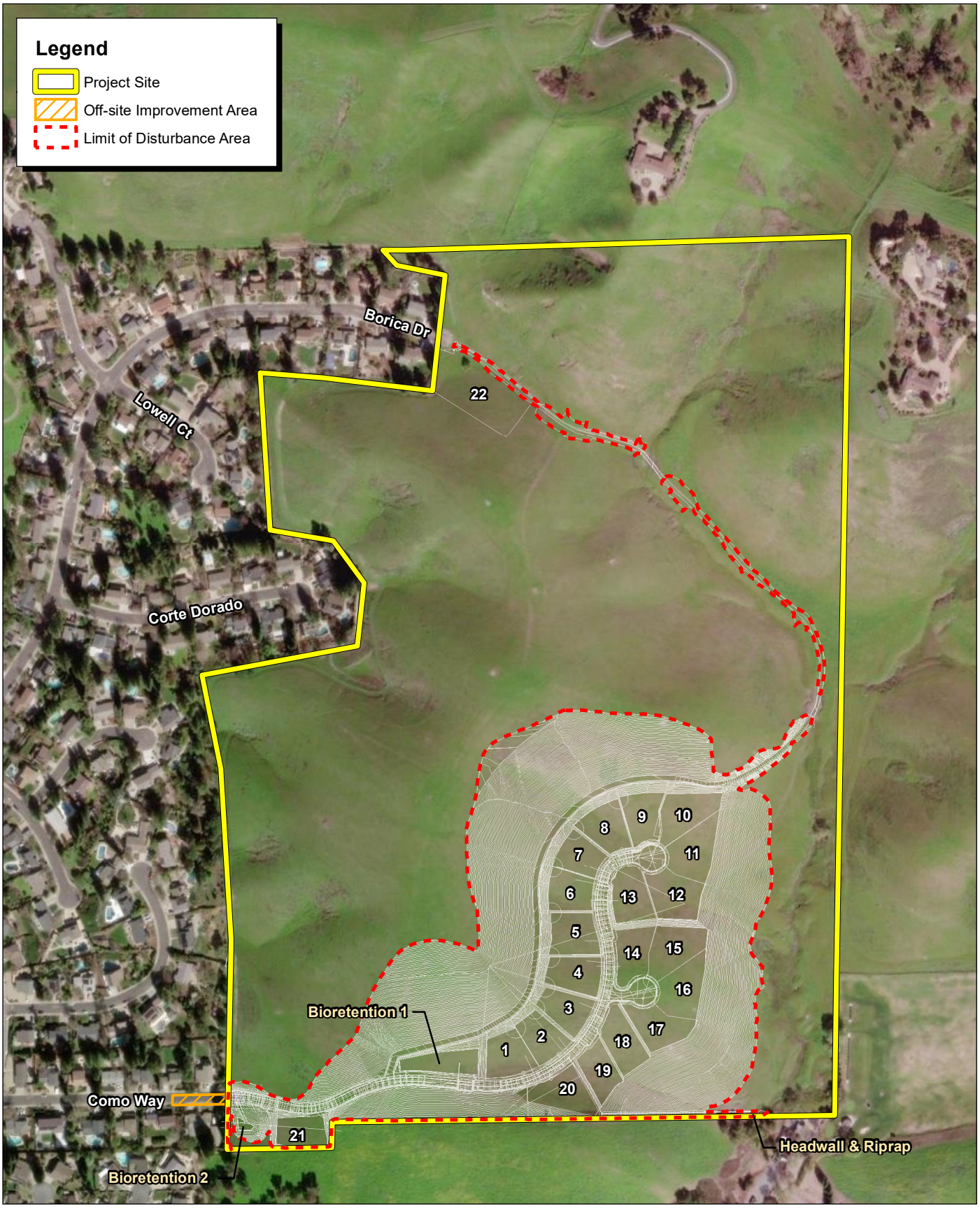
2.2.2 - Proposed General Plan Land Use Designation and Zoning District

The General Plan designates the project site as Open Space–Agricultural. The project site is zoned A-4: Agricultural Preserve District. As previously discussed, the project site's Williamson Act Contract was not renewed; therefore, the appropriate zoning designations for the site are A-2; General Agricultural District, or P-1 (Planned Unit Development District).

The applicable A-2 District permits one dwelling unit per 5 acres. Given that the project site is approximately 102 acres, up to 20 residential lots would be allowed on the site. However, a rezoning to P-1 is proposed to allow the clustering of the lots in the most unintrusive locations of the site.

The Town's 2030 General Plan designates the subject "Elworthy East/Bolero" site as a Special Concern Area and provides additional direction to guide development of the site.[3] Language within the Special Concern Area acknowledges the limited development potential of the site and requires that steeper slopes and ridgeline areas be preseved as permanent open space.

[1] Project population calculated by multiplying the total number of dwelling units (22 single-family homes and five ADUs) by the Town's average household size of 2.78 persons (27 x 2.78 = 76).
[2] United States Census Bureau. 2024. QuickFacts: Danville town, California. Website: https://www.census.gov/quickfacts/fact/table/danvilletowncalifornia/INC110222. Accessed July 11, 2024.
[3] Town of Danville. 2013. Town of Danville 2030 General Plan.



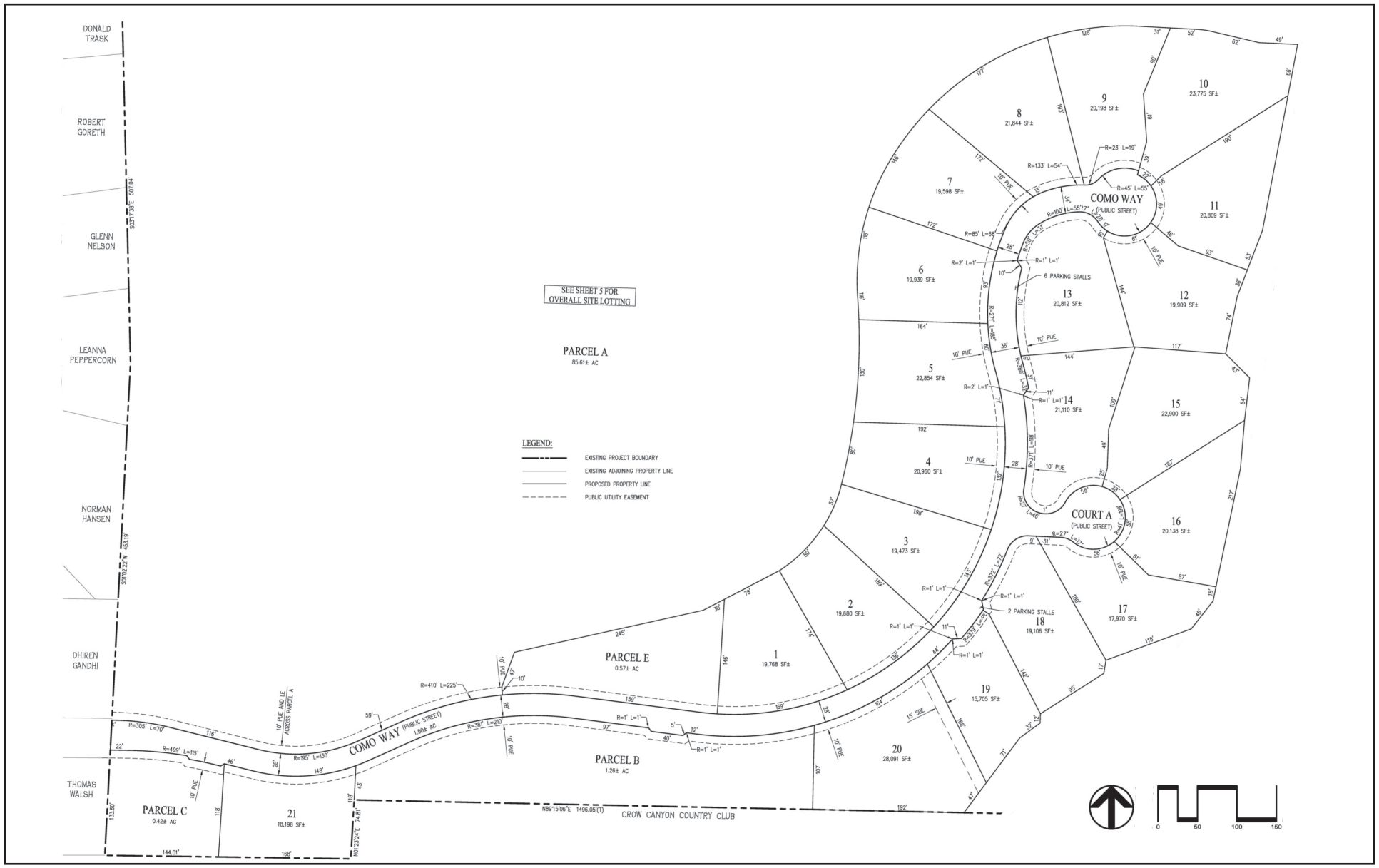
Source: Bing Aerial Imagery. CBG Civil Engineers, January 28, 2025, updated January 09, 2026.

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400 200 0 400 Feet

Exhibit 2-3
Project Site Boundary

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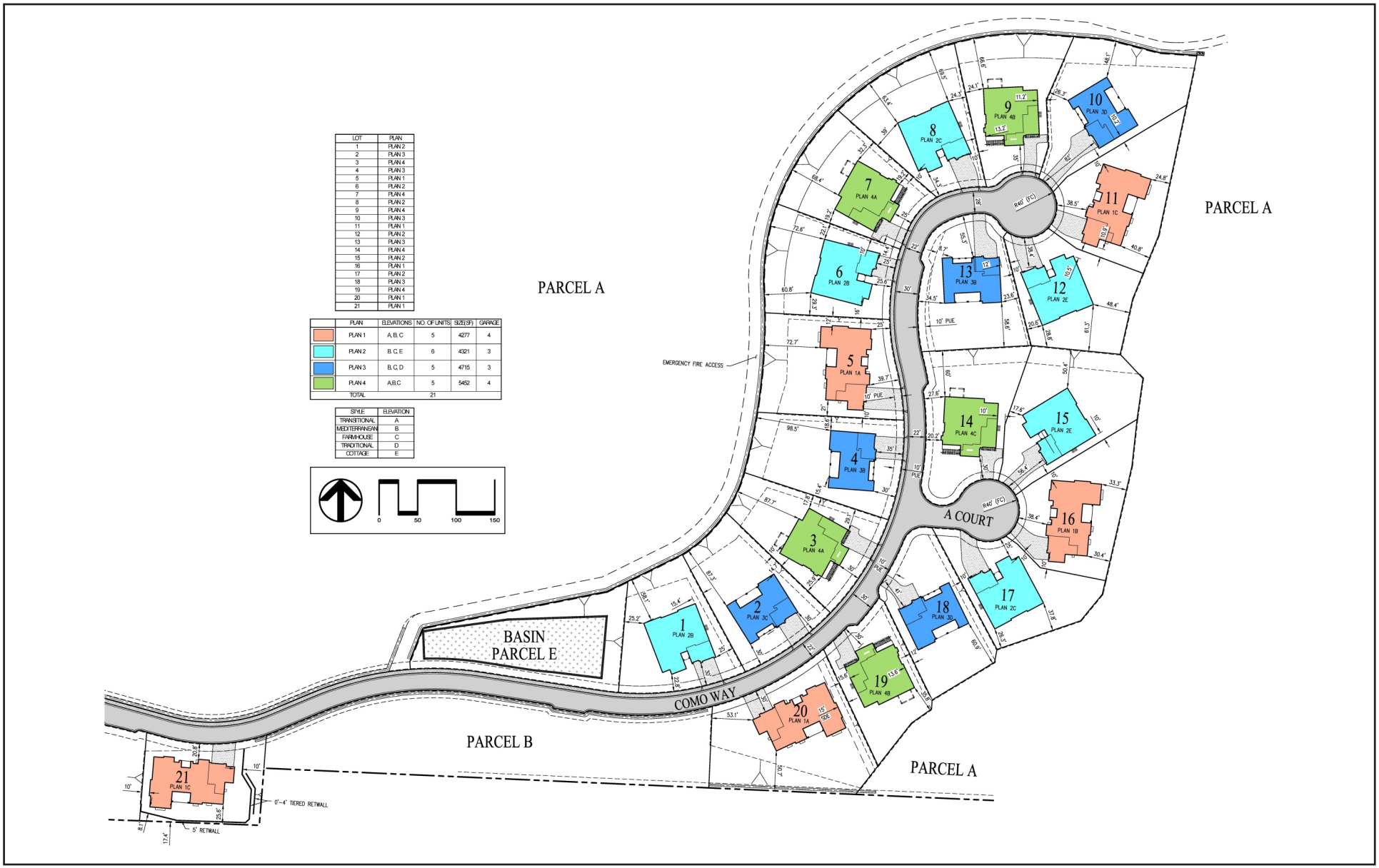


Source: CBG Civil Engineers, January 5, 2026.

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Exhibit 2-4
Proposed Lotting Plan

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LOT	PLAN
1	PLAN 2
2	PLAN 3
3	PLAN 4
4	PLAN 3
5	PLAN 1
6	PLAN 2
7	PLAN 4
8	PLAN 2
9	PLAN 4
10	PLAN 3
11	PLAN 1
12	PLAN 2
13	PLAN 3
14	PLAN 4
15	PLAN 2
16	PLAN 1
17	PLAN 2
18	PLAN 3
19	PLAN 4
20	PLAN 1
21	PLAN 1

	PLAN	ELEVATIONS	NO. OF UNITS	SIZE(SF)	GARAGE
	PLAN 1	A,B,C	5	4277	4
	PLAN 2	B, C, E	6	4321	3
	PLAN 3	B, C, D	5	4715	3
	PLAN 4	A,B,C	5	5452	4
TOTAL			21		

STYLE	ELEVATION
TRANSITIONAL	A
MEDITERRANEAN	B
FARMHOUSE	C
TRADITIONAL	D
COTTAGE	E

Source: CBG Civil Engineers, January 14, 2026.

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Exhibit 2-5
Preliminary Development Plan

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Density Bonus

State Density Bonus Law (Government Code § 65915) allows projects that provide a specified percentage of units available for lower income households to receive a specific density bonus percentage. The proposed project would provide 5 ADUs (25 percent of total base units) as affordable for low-income households. Pursuant to applicable State law, the affordable residential units provided as part of the proposed project would count qualify the proposed project for the benefits of State Density Bonus Law.[4]

The proposed project seeks an increase in the maximum permissible density to increase the number of single-family homes from 20 units to 22 units. The density bonus increase is necessary because the proposed residences need to be clustered in the southern portion of the project site so that the homes are located in a smaller portion of the project site with less steep topography to minimize grading and allow access to the homes.

Under State Density Bonus Law, a jurisdiction cannot apply to an eligible density bonus project any development standard that will have the effect of physically precluding development at the density provided and with the incentives/concessions granted in light of the applicant's project objectives. (Government Code § 65915(e)(1)). Accordingly, the proposed project requests a waiver of development standards in accordance with State Density Bonus Law to allow for 22-foot public roadway widths instead of a 28-foot roadway width required under the Town's Standard Plan for street widths In addition, the applicant states that the density bonus is necessary to allow the provision of a lot at the end of Borica Drive to meet contractual obligations to provide a lot for one of the existing owners.

2.2.3 - Site Access, Circulation, and Parking

Vehicle

Primary access to the project site (including for the 21 single-family homes) would be provided via a proposed private extension of Como Way at the southwestern corner of the project site. There would be one cul-de-sac off the proposed Como Way extension that would serve Lots 14, 15,16, and 17 (Court A). The proposed Como Way extension would terminate at the northeastern corner of the residential development area near Lots 9, 10, 11, and 12. The twenty-second lot (Parcel D) would be accessed by the existing Borica Drive cul-de-sac in the northern portion of the site, as shown in Exhibit 2-3.

In addition to the two- to three-car garages attached to each proposed single-family home and the parking available within the driveway, the proposed project would also provide eight parking spaces on internal streets. Specifically, two on-street parking stalls would be provided in front of Lot 18 and six on-street parking stalls would be provided in front of Lot 13 and Lot 14.

Access for emergency response vehicles would also be provided by a 10-foot-wide fire trail extending from Borica Drive on the northwestern portion of the project site and from a proposed extension of Como Way on the southwestern portion of the project site. Additionally, in accordance with Fire Department requirements, fire apparatus roads with adequate width and turnaround provisions would also be provided on-site.

[4] The specific density bonus requests are detailed more fully in proposed project application materials.

Transit

Bus

Bus transit services in the vicinity of the project site are provided by County Connection. County Connection provides bus service to and from the Dublin/Pleasanton and Walnut Creek Bay Area Rapid Transit (BART) Stations to the Town, including the Sycamore Valley Park and Ride.

Rail

BART is a regional rail transit service that operates within the County and provides connections to Contra Costa, San Francisco, Alameda, and San Mateo counties. The nearest BART stations are the Dublin/Pleasanton BART Station, approximately 7.46 miles south of the project site, and the Walnut Creek BART Station, approximately 9.48 miles northwest of the project site.

Bicycle and Pedestrian

There are no existing bicycle lanes on Como Way adjacent to the project site. The nearest bicycle route to the proposed project is a Class III bicycle route along El Capitan Drive, connecting to Camino Ramon and Crow Canyon Road, approximately 700 feet west of the project site. In addition, the Iron Horse Regional Trail, which connects to the Class III bicycle route on El Capitan Drive, is located approximately 1 mile west of the project site. The Iron Horse Regional Trail provides a multiuse bicycle/pedestrian pathway, running from the City of Pleasanton to the City of Concord. Pedestrian sidewalks currently exist along Como Way and the streets in the project vicinity. No sidewalks would be provided along the proposed extension of Como Way.

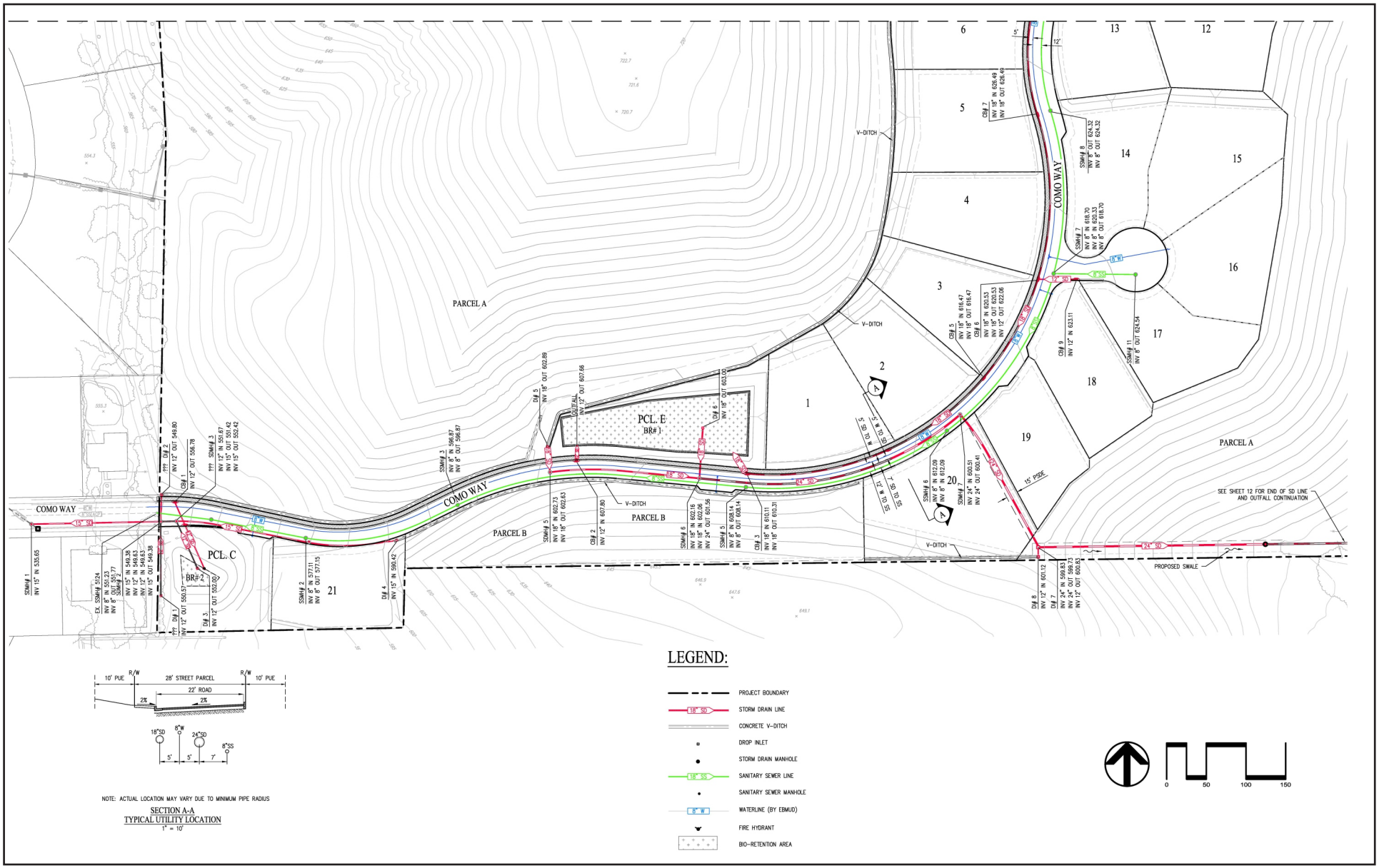
2.2.4 - Landscaping

The proposed project would plant a total of 137 trees, including 16 different tree species. Trees would be planted along the proposed extension of Como Way, including within the median of Court A and the terminus of the proposed extension of Como Way and along the edges of the proposed bioretention areas at the entrance to the proposed development. The proposed project landscape plan would be designed to meet the Town's Model Water Efficient Landscape Ordinance requirements. Landscaping alongside roadways would consist of drought-tolerant trees species requiring minimal irrigation, fertilization, and maintenance. The proposed irrigation system would be designed to include automatic irrigation controllers and pressure regulators, and would be oriented in a manner to reduce runoff or overspray to the maximum extent feasible.

2.2.5 - Utilities

Domestic Water

Water service to the project site would be provided by the East Bay Municipal Utility District (EBMUD). Water service to the project site would be provided by a connection to proposed off-site 8-inch diameter water lines in the southwest corner of the project site. Water service throughout the project site would be provided in 8-inch diameter water lines under the proposed internal streets. Water service for the northernmost lot would be served by existing water line under Borica Drive. The utility plans for the proposed project are included as Exhibit 2-6a and Exhibit 2-6b.

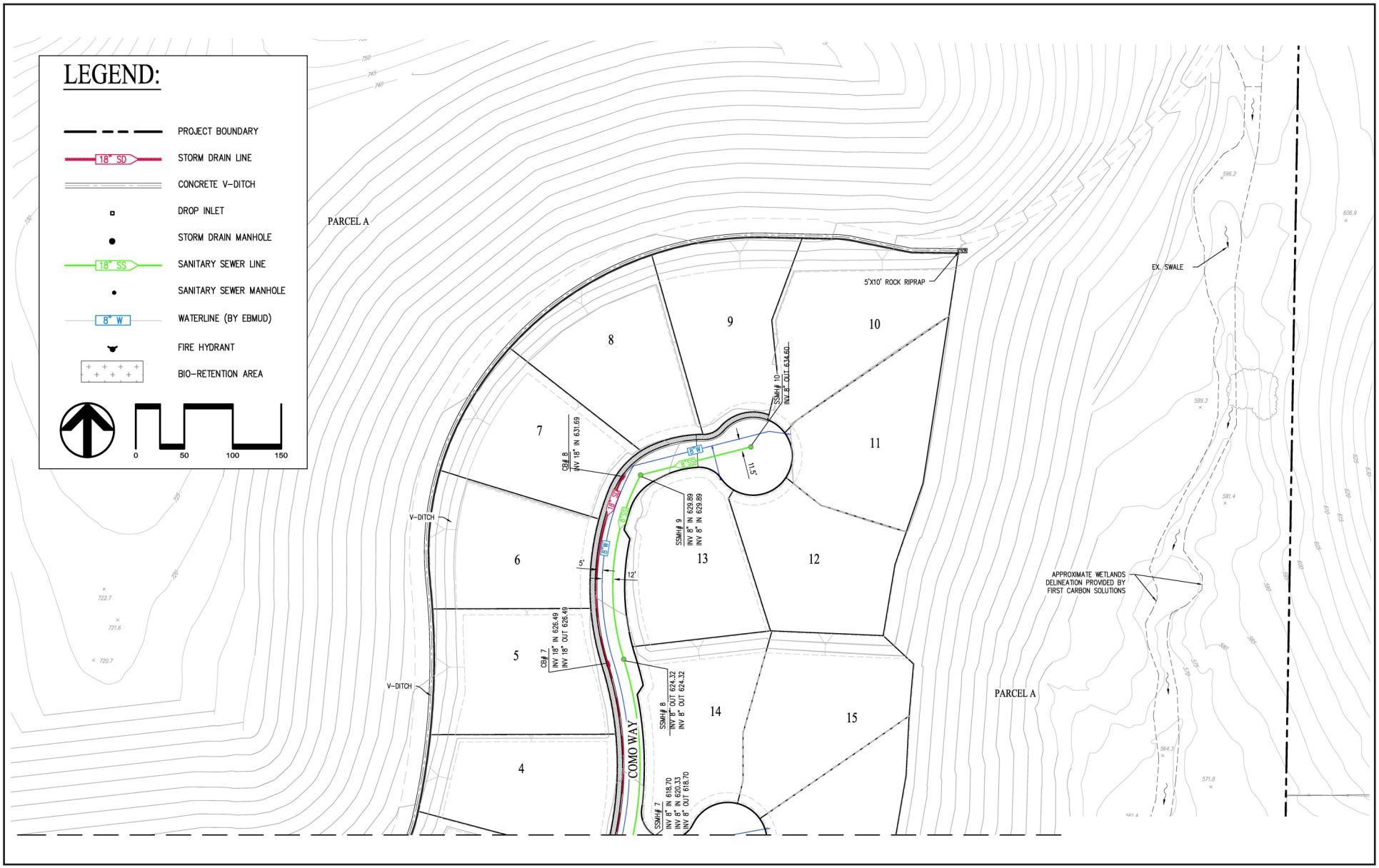


Source: CBG Civil Engineers, January 5, 2026.

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Exhibit 2-6a
Utility Plan - Southern Portion

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Source: CBG Civil Engineers, January 5, 2026.

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Exhibit 2-6b
Utility Plan - Northern Portion

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Stormwater Drainage

The proposed project would include an on-site storm drain system designed to handle hydromodification requirements for the site as well as stormwater treatment requirements set forth by Contra Costa County. Storm drains would range from approximately 12 inches to 24 inches within the project site and the existing drainage patterns for the site would be maintained. The proposed project would include two drainage management areas (DMAs), including two bioretention areas, as stormwater treatment features (Exhibit 2-7):

- **DMA 1:** DMA 1 includes the residential lots and the majority of the internal roadways, totaling approximately 11.18 acres. DMA 1 would include one bioretention area (Bioretention Area 1) located along the north side of the proposed extension of Como Way, directly west of Lot 1, totaling approximately 10,560 square feet. DMA 1 would be routed to a new outfall in the eastern channel of the project site. A headwall and riprap would be constructed at the end of the on-site storm drain pipeline to manage outflow.
- **DMA 2:** DMA 2 includes an approximately 2.81-acre area just west of the existing terminus of Como Way. It would contain one approximately 1,140-square-foot bioretention area (Bioretention Area 2) located just south of the proposed Como Way extension at the entrance of the proposed development. DMA 2 would drain to an existing 15-inch storm drain within Como Way.

Sanitary Sewer

Sanitary sewer service for the proposed project would be provided by Central Contra Costa Sanitary District (Central San). Sanitary sewer service to the project site would be provided by a connection to proposed off-site 8-inch diameter sewer lines in the southwest corner of the project site. Sanitary sewer service throughout the project site would be provided in 8-inch diameter sanitary sewer lines under the proposed internal streets. Sanitary sewer service for the northernmost parcel would connect to the existing sewer lines under Borica Drive.

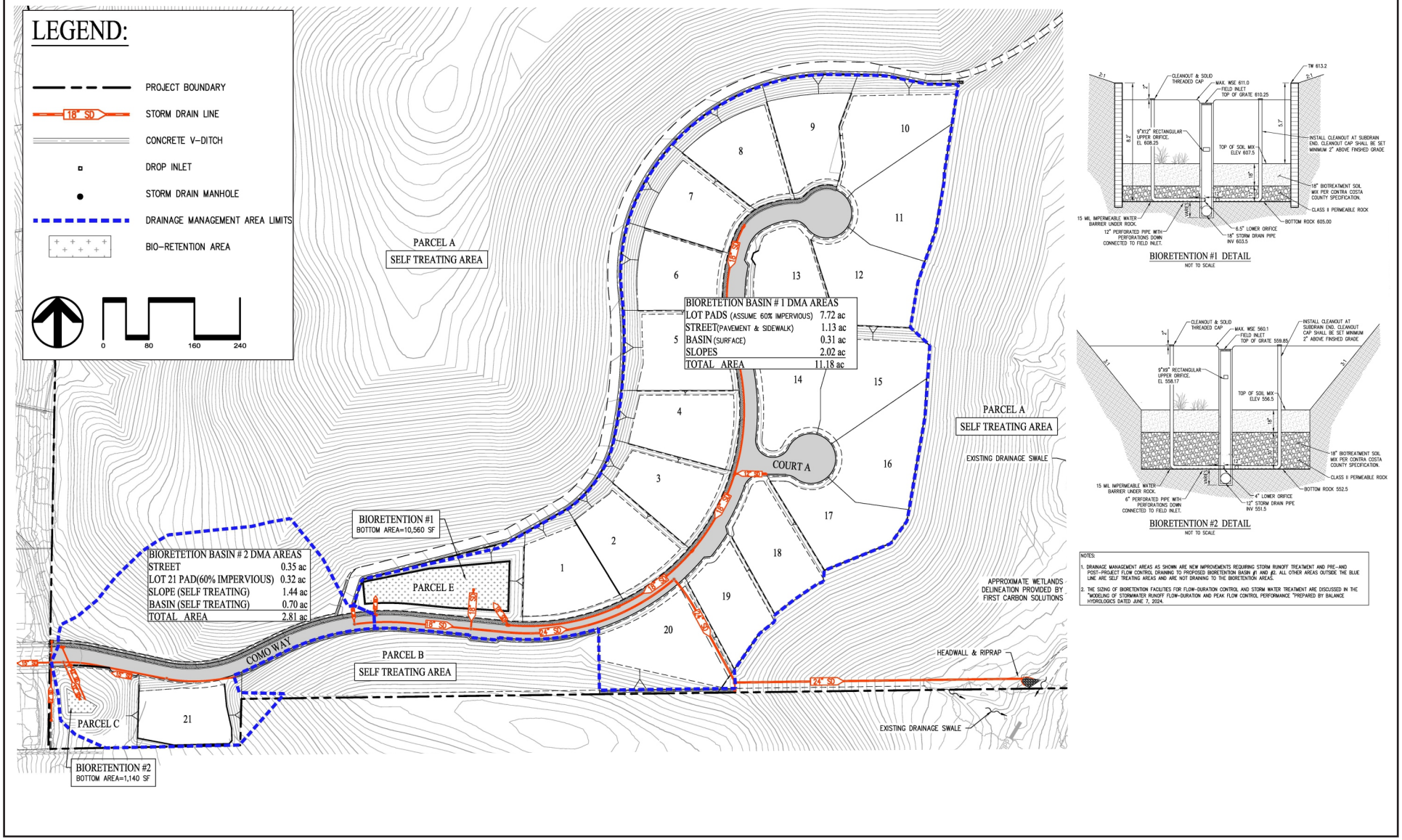
Solid Waste and Recycling Collection

The proposed project would be served by Republic Services, which provides recycling and solid waste collection to the Town through Central Contra Costa County Solid Waste Authority (RecycleSmart). RecycleSmart provides solid waste services for Central Contra Costa County residents and businesses, and RecycleSmart is contracted with Republic Services for the collection, transfer, and disposal of garbage, recycling, and organics.

Power and Telecommunication

Electric and gas services would be provided by Pacific Gas and Electric Company (PG&E). The proposed project would connect to existing utility lines in Como Way and Borica Drive. AT&T would provide phone services, and Comcast would provide phone and high-speed internet services.

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NOTES:
1. DRAINAGE MANAGEMENT AREAS AS SHOWN ARE NEW IMPROVEMENTS REQUIRING STORM RUNOFF TREATMENT AND PRE-AND POST-PROJECT FLOW CONTROL DRAINING TO PROPOSED BIORETENTION BASIN #1 AND #2. ALL OTHER AREAS OUTSIDE THE BLUE LINE ARE SELF TREATING AREAS AND ARE NOT DRAINING TO THE BIORETENTION AREAS.
2. THE SIZING OF BIORETENTION FACILITIES FOR FLOW-DURATION CONTROL AND STORM WATER TREATMENT ARE DISCUSSED IN THE "MODELING OF STORMWATER RUNOFF FLOW-DURATION AND PEAK FLOW CONTROL PERFORMANCE "PREPARED BY BALANCE HYDROLOGICS DATED JUNE 7, 2024.

Source: CBG Civil Engineers, January 5, 2025.

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Exhibit 2-7
Stormwater Control Plan

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2.2.6 - Phasing and Construction

The proposed project would be constructed in one phase beginning in Summer 2026 and would take approximately 12–15 months to complete, dependent on when the sale of proposed dwelling units occurs. Exhibit 2-8 illustrates the grading plan for the proposed project.

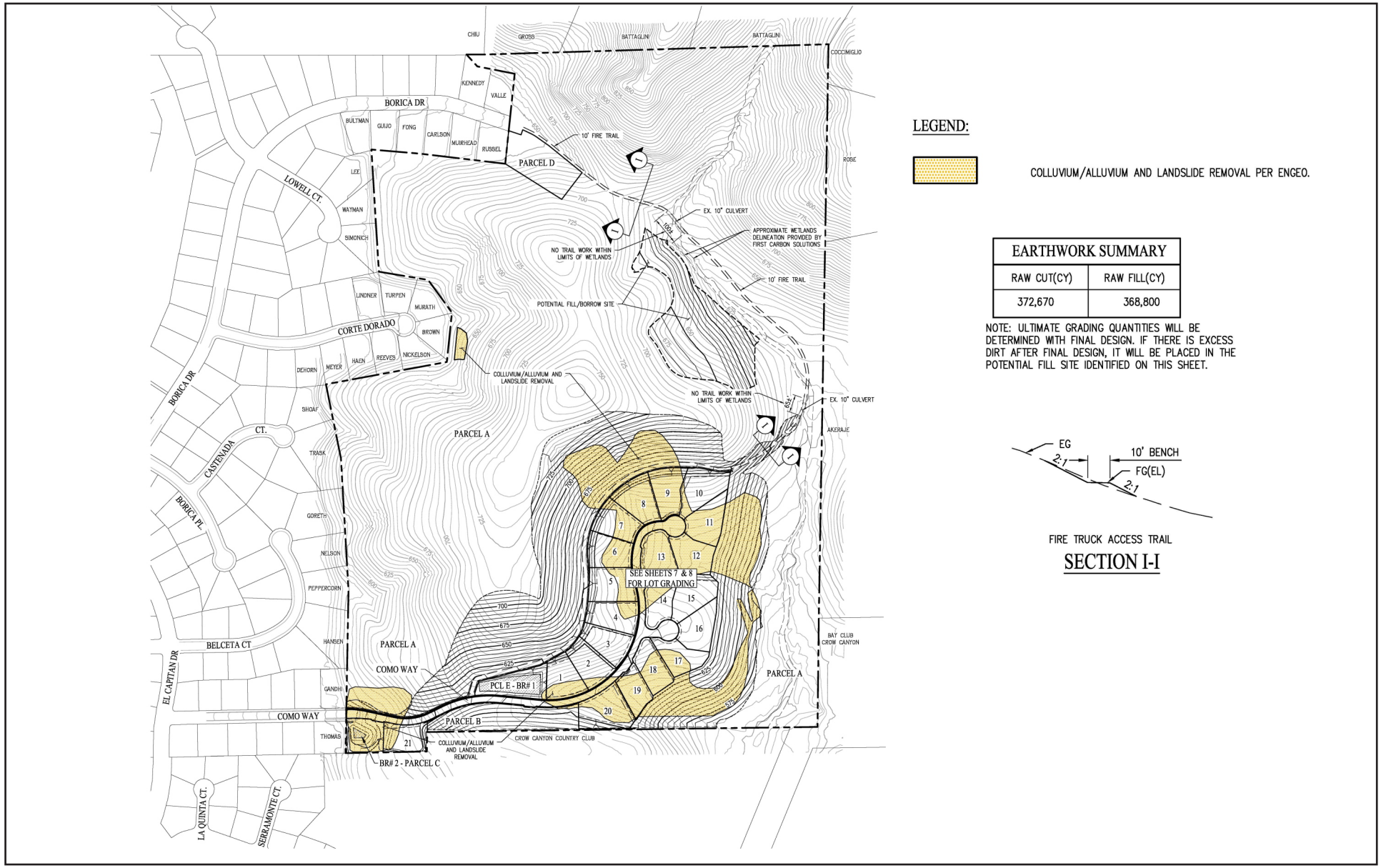
2.3 - Project Objectives

The objectives of the proposed project are to:

- Convert a vacant, underutilized property into a residential development consistent with the Town of Danville's General Plan.
- Generate new, additional property tax revenues for the Town of Danville.
- Provide high-end homes to create a large lot community of homes nestled in a secluded environment surrounded by open space and the site's ridgeline.
- Promote land use compatibility with neighboring residential uses and enhance the living experience in adjacent neighborhoods with the development of compatible housing product and architecture at a density comparable to the density of the nearby existing residential development.
- Provide a circulation system and adequate off-street parking that lessens traffic impacts to existing adjacent neighborhoods.
- Provide an infrastructure system, including sewer, water, and storm drain systems, that will adequately serve full buildout of the proposed project.
- Provide improved drainage and potential slide protection from the project's property for the adjacent neighborhood in a manner consistent with the existing natural site drainage.
- Provide single-family clustered housing to meet the Town of Danville objectives for new housing opportunities.
- Provide affordable housing consistent with the Town of Danville's affordable housing requirements.
- Create a sense of place and sense of arrival to the proposed community.
- Preserve Town of Danville's protected ridgeline.

Preserve the site's existing creek and avoid and/or preserve and restore wetlands and waters of the United States/waters of the State.

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Source: CBG Civil Engineers, January 5, 2026.

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Exhibit 2-8
Overall Grading Plan

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2.4 - Intended Uses of this Draft EIR

This Draft EIR is being prepared by the Town of Danville to assess the potential environmental impacts that may arise in connection with actions related to implementation of the proposed project. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15367, the Town of Danville is the Lead Agency for the proposed project and has discretionary authority over the proposed project and project approvals. The Draft EIR is intended to address all public infrastructure improvements and all future development within the parameters of the proposed project.

2.4.1 - Discretionary and Ministerial Actions

Discretionary approvals and permits are required by the Town of Danville for implementation of the proposed project. The proposed project would require the following discretionary approvals and actions, including:

- Approval of the Draft EIR
- Approval of a Site Development Permit and Building Permits
- Approval of a Vesting Tentative Map
- Approval of Rezoning application, rezoning the site from A-4, Agricultural Preserve District, to P-1, Planned Unit Development District.

Subsequent ministerial actions would be required for the implementation of the proposed project including issuance of grading and building permits.

2.4.2 - Responsible and Trustee Agencies

A number of other agencies in addition to the Town of Danville will serve as Responsible and Trustee Agencies, pursuant to CEQA Guidelines Section 15381 and Section 15386, respectively. This Draft EIR will provide environmental information to these agencies and other public agencies, which may be required to grant approvals or coordinate with other agencies as part of project implementation. These agencies may include, but are not limited to, the following:

- California Department of Fish and Wildlife (CDFW)
- East Bay Municipal Utility District (EBMUD)
- Pacific Gas and Electric Company (PG&E)
- California State Water Resources Control Board (State Water Board)
- Central Contra Costa Sanitary District (Central San)
- San Ramon Fire Protection District (SRFPD)

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CHAPTER 3: ENVIRONMENTAL IMPACT ANALYSIS

Organization of Issue Areas

This Draft Environmental Impact Report (Draft EIR) provides analysis of impacts for those environmental topics where it was determined in the Notice of Preparation, or through subsequent analysis that the proposed project would result in "potentially significant impacts." Sections 3.1 through 3.17 discuss the environmental impacts that may result with approval and implementation of the proposed project.

Issues Addressed in this Draft EIR

The following environmental issues are addressed in Chapter 3:

- Aesthetics, Light, and Glare
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources and Tribal Cultural Resources
- Energy
- Geology, Soils, and Seismicity
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Public Services
- Recreation
- Transportation and Traffic
- Utilities and Service Systems
- Wildfire

Level of Significance

Determining the severity of project impacts is fundamental to achieving the objectives of the California Environmental Quality Act (CEQA). CEQA Guidelines Section 15091 requires that decision-makers mitigate, as completely as is feasible, the significant impacts identified in the Draft EIR. If the EIR identifies any significant unmitigated impacts, CEQA Guidelines Section 15093 requires decision-makers in approving a project to adopt a statement of overriding considerations that explains why the benefits of the project outweigh the adverse environmental consequences identified in the EIR.

The level of significance for each impact examined in this Draft EIR was determined by considering the predicted magnitude of the impact against the applicable threshold. Thresholds were developed using criteria from the CEQA Guidelines and checklist; State, federal, and local regulatory schemes; local/regional plans and ordinances; accepted practice; consultation with recognized experts; and other professional opinions.

Impact Analysis and Mitigation Measure Format

The format adopted in this EIR to present the evaluation of impacts is described and illustrated below.

Summary Heading of Impact

Impact AES-1: **An impact summary heading appears immediately preceding the impact description (Summary Heading of Impact in this example). The impact number identifies the section of the report (AES for Aesthetics, Light, and Glare in this example) and the sequential order of the impact (1 in this example) within that section. To the right of the impact number is the impact statement, which identifies the potential impact.**

Impact Analysis

A narrative analysis follows the impact statement. In some cases, the impact discussion will reference State and federal regulations and agency policies that would fully or partially reduce the impact. In addition, policies and programs from applicable local land use plans that partially or fully address impacts may be cited and the proposed project would be evaluated in the context of these requirements.

Level of Significance Before Mitigation

This section identifies the level of significance of the impact before any mitigation is proposed.

Mitigation Measures

Project-specific mitigation measures, beyond requirements contained in other documents or applicable by law, are set off with a summary heading and described using the format presented below:

MM AES-1 Project-specific mitigation is identified that would reduce the impact to the lowest degree feasible. The mitigation number links the particular mitigation to the impact it is associated with (**AES-1** in this example); mitigation measures are numbered sequentially.

Level of Significance After Mitigation

This section identifies the resulting level of significance of the impact following mitigation.

Abbreviations used in the mitigation measure numbering are:

Code	Environmental Issue
AES	Aesthetics, Light, and Glare
AG	Agriculture and Forestry Resources
AIR	Air Quality
BIO	Biological Resources
CUL	Cultural Resources and Tribal Cultural Resources
ENER	Energy
GEO	Geology, Soils, and Seismicity

Code	Environmental Issue
GHG	Greenhouse Gas Emissions
HAZ	Hazards and Hazardous Materials
HYD	Hydrology and Water Quality
LAND	Land Use and Planning
NOI	Noise
PUB	Public Services
REC	Recreation
TRANS	Transportation and Traffic
UTIL	Utilities and Service Systems
WILD	Wildfire

3.1 - Cumulative Effects

CEQA Guidelines Section 15130 requires the consideration of cumulative impacts within an EIR when a project's incremental effects are cumulatively considerable. According to CEQA, ". . . the incremental effects of an individual 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." In identifying projects that may contribute to cumulative impacts, CEQA allows the use of a list of past, present, and reasonably anticipated future projects, which have the potential to result in related or cumulative impacts, including those which are outside of the control of the lead agency.

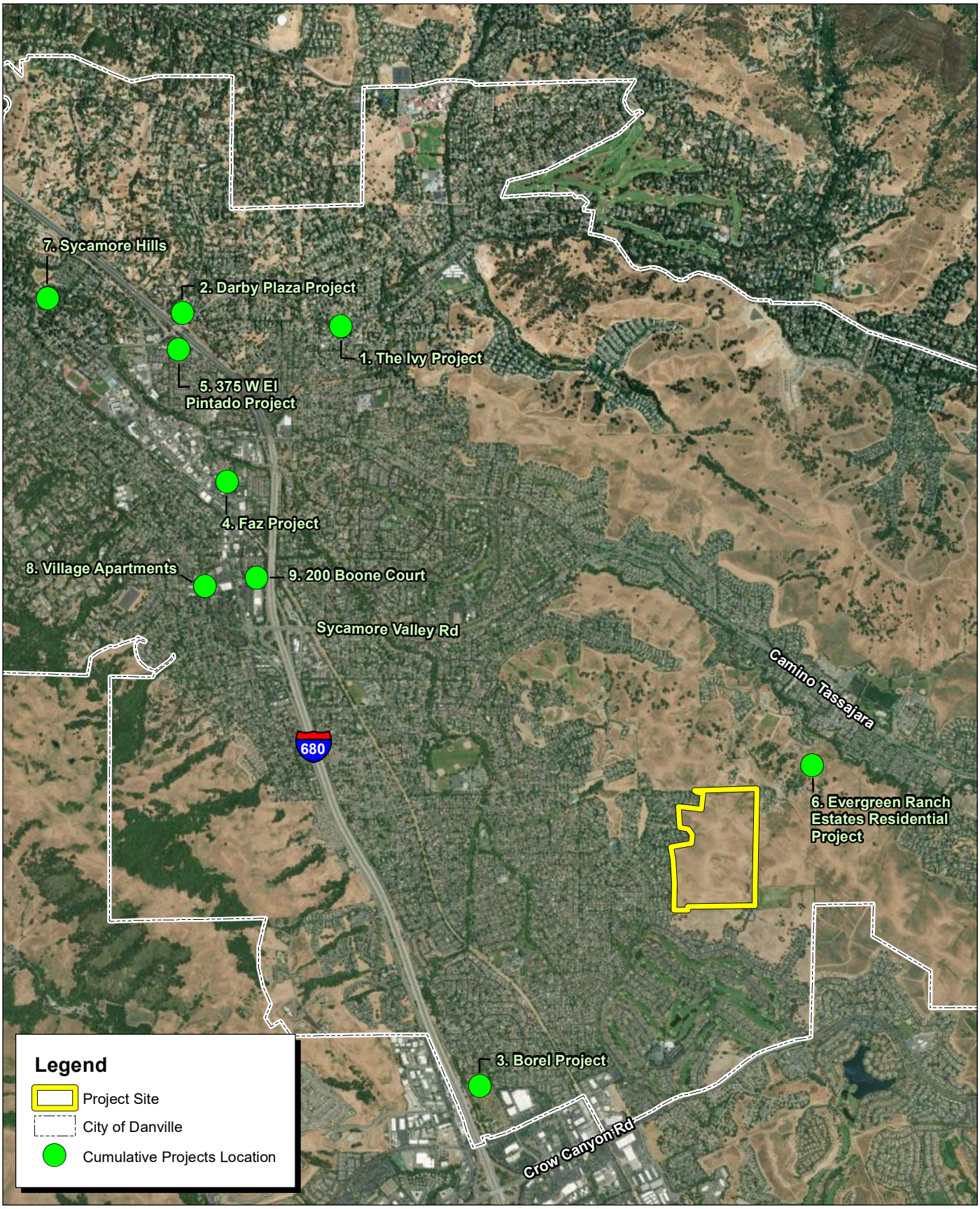
In accordance with CEQA Guidelines Section 15130(b), ". . . the discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, the discussion need not provide as great [a level of] detail as is provided for the effects attributable to the project alone." The discussion should be guided by standards of practicality and reasonableness, and it should focus on the cumulative impact to which the identified other projects contribute rather than on the attributes of other projects that do not contribute to the cumulative impact.

The proposed project's cumulative impacts were considered in conjunction with other proposed and approved projects in the vicinity of the project site, including the Town of Danville.

3.1.1 - Cumulative Project List

Table 3-1, Cumulative Projects, below, provides a list of the projects considered in the cumulative analysis. Generally, past projects are not included within the list of cumulative projects due to the fact that current environmental conditions are already considered as part of the baseline and existing environmental condition. A map showing the locations of these cumulative projects is included as Exhibit 3-1.

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Source: ESRI World Imagery. County of Contra Costa. CBG Civil Engineers. East Bay Regional Park District.

FCS An ADEC Innovation

3,000 1,500 0 3,000 Feet

Exhibit 3-1
Cumulative Projects Map

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Table 3-1: Cumulative Projects

#	Jurisdiction	Project	Characteristics	Location	Distance from Project	Quantity	Units	Status
1	Town of Danville	The Ivy Project	Assisted living facility	828 Diablo Road	2.5 miles	105	Residential units	Approved
2	Town of Danville	Darby Plaza Project	Senior condominiums	425 El Pintado Road	3 miles	100	Residential units	Approved
3	Town of Danville	Borel Project	For-sale townhomes and for-rent apartments	3020 Fostoria Way	1.3 miles	170 124 46	Total units For-sale townhomes For-rent apartments	Under Construction
4	Town of Danville	Faz Project	Mixed use with condominiums	600 Hartz Avenue	2.4 miles	37	Residential units	Complete
5	Town of Danville	375 W El Pintado Project	Senior Condominiums	359 and 375 West El Pintado Road	3 miles	57	Square feet	Under Construction
6	Town of Danville	Evergreen Ranch Estates Residential Project	Single-family residences	East of Sherburne Hills Road, south of Camino Tassajara (APNs: 217-010-003 and 217-010-018)	0.4 mile	18 18	Residential units Accessory Dwelling Units	Under Review
7	Town of Danville	Sycamore Hills	Single-family residences	Parcel B of SD6196 located on the hillside above and north of the Anderson Ranch neighborhood (APN: 200-100-026)	0.9 mile	30 9	Residential Units Accessory Dwelling Units	Under Review
8	Town of Danville	Village Apartments	Multi-family Apartments	107 Town and Country Drive	2.4 miles	200	For-rent apartments	Under Review
9	Town of Danville	200 Boone Court	For-sale townhomes	200 Boone Court	2.2 miles	49	For-sale townhomes	Approved

Source: Town of Danville. 2024.

3.1.2 - Cumulative Impact Format

The cumulative impact discussions in Sections 3.1 through 3.17 explain the geographic scope of the area affected by each cumulative effect (e.g., immediate project vicinity, Town, planning area, County, watershed, or air basin). The geographic area considered for each cumulative impact depends upon the impact that is being analyzed. For example, in assessing noise impacts, the geographic study area is more local and includes the immediate vicinity of the areas of new development. In assessing air quality impacts, all development within the air basin contributes to regional emissions of criteria pollutants and basin-wide projections of emissions is the best tool for determining cumulative effect. After establishing the relevant geographic scope, this analysis evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, would result in a cumulatively significant impact. This analysis then considers whether incremental contribution to cumulative impacts associated with the implementation of the proposed project would be significant. Both conditions must apply for a project's cumulative effects to rise to the level of significance. Under CEQA Guidelines Section 15130(a)(2), where a project contributes to a cumulative impact but the combined cumulative impact with the project's incremental effect is not significant, the EIR must only "briefly indicate" why the cumulative impact is not significant.

The cumulative impacts discussions in Section 3.1 through 3.17 are located at the end of each section, after the project-specific analysis.

3.1 - Aesthetics, Light, and Glare

3.1.1 - Introduction

This section describes the existing aesthetics, light, and glare conditions in the project area, as well as the relevant regulatory framework. This section also evaluates the possible impacts related to aesthetics that could result from implementation of the proposed project. Descriptions and analysis in this section are based, in part, on review of the Town of Danville General Plan (General Plan), General Plan Final Environmental Impact Report (General Plan FEIR), and Town of Danville Municipal Code (Municipal Code).

The following public comments were received during the Draft Environmental Impact Report (Draft EIR) Notice of Preparation (NOP) scoping period related to aesthetics:

- Statement that the commenters enjoy the sight of cows on the project site.
- Suggestion to include new fence along neighboring properties for aesthetic purposes and to prevent livestock from wandering off the project site.
- Support for Planned Unit Development (PUD) on Parcel B to increase privacy and aesthetic appeal for neighboring properties.

3.1.2 - Environmental Setting

Visual Character

Visual character in the context of the California Environmental Quality Act (CEQA) is an impartial description of the defining physical features, landscape patterns, and distinctive physical qualities within a landscape. Visual character is informed by the composition of land, vegetation, water, and structure and their relationship (or dominance) to one another and by prominent elements of form, line, color, and texture that combine to define the composition of views. Visual character-defining resources and features within a landscape may derive from notable landforms, vegetation, land uses, building design and façade treatments, transportation facilities, overhead utility structures and lighting, historic structures or districts, or panoramic open space.

Town of Danville

The Town of Danville (Town) is located in Contra Costa County (County), in the San Ramon Valley. The Town encompasses approximately 18.1 square miles and is characterized by suburban and rural density residential neighborhoods.[1] Commercial development is located primarily in the Downtown area, with a limited number of additional locations east of Interstate 680 (I-680). The Town is transected by a series of northwest-southeast trending valleys and ridgelines. Major roads running through the area are witness to a series of vistas with steep, mostly vegetated hillsides and deep

[1] Town of Danville. 2013. 2030 General Plan. Website: https://www.danville.ca.gov/DocumentCenter/View/1026/2030-General-Plan-PDF?bidId=. Accessed June 5, 2025.

green valleys. Views of Mount Diablo and Las Trampas Ridge are particularly important to the visual character of the Town.[2]

Project Site

The project site is in southwest Contra Costa County, between Borica Drive and Como Way, south of Camino Tassajara and Sycamore Valley Park, north of St. George Road, and adjacent to the Crow Canyon Country Club. Presently, the project site is vacant and varies topographically. The northeastern and western portions of the project site are steep and hilly with a relatively flat plateau at the highest point of the project site. The northern and eastern portions of the project site contain some small ravines and natural drainage features following the natural drainage downward. The project site sits upon hilly terrain, maintaining its agricultural and open space character. Currently undeveloped, it is bordered to the west by residential areas. To the south and east, the land remains largely undeveloped, comprising open space. Directly east of the project site lies the Sherburne Hills and Sycamore Valley Open Space Regional Preserve.

Views

Views may be generally described as panoramic views of a large geographic area for which the field of view can be wide and extend into the distance. Associated vantage points provide an orientation from publicly accessible locations. Examples of distinctive views include urban skylines, valleys, mountain ranges, or large bodies of water.

Town of Danville

The Town has two major ridges on either side of the Sycamore Valley: The Short Ridge (north) and Sherburne Ridge (south). These ridges reach 800 to 1,000 feet in height and are covered by interspersed oak woodland, chaparral, and grasslands. These areas provide the backdrop for views from most of the surrounding communities. The Las Trampas Ridge area—the east side of which is in the Town boundary—is similar but with elevations that reach 1,800 feet in places and with more outcroppings of rock.[3]

Project Site

The area surrounding the project site is a mix of residential and open space. Residences border the western boundary of the project site. Because of the hilly terrain, views looking south from the project site are of foothills, dominated by hills and grassland. Views toward the north are of residential development. The tall hills of Sycamore Valley Regional Open Space can also be seen looking northward, above the valley floor. Rolling hills of grassland and oaks are visible in all directions surrounding the project site.

[2] Town of Danville. 2013. 2030 General Plan. Website: https://www.danville.ca.gov/DocumentCenter/View/1026/2030-General-Plan-PDF?bidId=. Accessed June 5, 2025.
[3] Ibid.

Scenic Highways

The Town identifies the following roadways as scenic routes: Danville Boulevard, San Ramon Valley Boulevard, Green Valley Road, Diablo Road between I-680 and its transition to Blackhawk Road, Blackhawk Road, Sycamore Valley Road, Camino Tassajara, Crow Canyon Road, and I-680.

Project Site

The California Department of Transportation (Caltrans) identifies the nearest designated State Scenic Highway as I-680, approximately 1.29 miles west of the project site.[4] The project site is not visible from any Town or State Scenic Route. [5]

Scenic Resources

Scenic resources typically involve prominent, unique, and identifiable natural features in the environment (e.g., trees, rock outcroppings, islands, ridgelines, channels of water, and aesthetically appealing open space) and/or cultural features or resources, such as regional or architecturally distinctive buildings or structures that serve as a focal point of interest.

Town of Danville

A major amenity of the San Ramon Valley is its open space resources, including scenic hillsides, agricultural areas, and natural habitat areas. Areas designated as "General Open Space" on the General Plan's Land Use Map are planned as permanent open space with either fee title or development rights belonging to a public agency. These lands are generally inappropriate for development due to hazardous conditions such as steep slopes and/or are important scenic resources for the community. Visual and physical access to the Town's aesthetic features is facilitated by scenic routes. A scenic route is a road, street, or freeway which transects an area characterized by its high visual character, vistas, or cultural significance.[6] A Scenic Corridor consists of the area adjacent to and visible from the Scenic Route. Designated scenic routes in Danville include:

- Danville Boulevard
- San Ramon Valley Boulevard
- Green Valley Road
- Diablo Road between I-680 and its transition to Blackhawk Road
- Blackhawk Road
- Sycamore Valley Road
- Camino Tassajara
- Crow Canyon Road
- I-680 through Danville (also designated as a State Scenic Highway)

The General Plan and General Plan EIR identify scenic resources and scenic routes within the Town. The Town considers open space and visible ridges and hillsides as scenic and includes policies to

[4] California Department of Transportation (Caltrans). 2024. State Scenic Highway Map. Website: https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa. Accessed October 10, 2024.
[5] Ibid.
[6] Town of Danville. 2013. 2030 General Plan. Website: https://www.danville.ca.gov/DocumentCenter/View/1026/2030-General-Plan-PDF?bidId=. Accessed June 5, 2025.

regulate development in these areas. The General Plan identifies designated areas subject to the Town's Scenic Hillside Ordinance and Major Ridgeline Area Ordinance. [7]

Views of Project Site

Northeast of the project site is the Sycamore Valley Open Space Regional Preserve (Preserve). The project site is partially visible from the Preserve hiking/walking paths, although hilly topography obscures some views. Additionally, Camino Tassajara, a Town-designated Scenic Route, is located approximately 1.15 miles north of the project site. However, Camino Tassajara does not have views of the project site due to the hilly topography and residences between Camino Tassajara and the project site. The project site is visible from the northern portion of the Sycamore Valley Open Space, which is located across from Camino Tassajara. No Town-designated Scenic Routes or State Scenic Highways have views of the project site. The nearest State-designated Scenic Highway is I-680, located approximately 1.32 miles south of the project site.

Light and Glare

In the context of CEQA Guidelines, light is nighttime illumination that stimulates sight and makes things visible; glare may be defined as difficulty seeing in the presence of bright light, such as direct or reflected sunlight.

Project Vicinity

Light pollution refers to all forms of unwanted light in the night sky, including glare, light trespass, sky glow, and over-lighting. Views of the night sky are an important part of the natural environment, particularly for a residential hillside community such as Danville. Excessive light and glare can be visually disruptive to humans and nocturnal animal species. Although there is considerable development in the Town, commercial development is concentrated in the Downtown area and intersections along major arterials. Light pollution, in most of the Town, is minimal and is restricted primarily to street lighting and nighttime illumination of commercial buildings in the Downtown area and along arterial roads. Light spillage from residential developments, particularly older ones, is generally well-screened by trees.

Project Site

There are no streetlights on the undeveloped project site. No other features on the project site produce light or glare.

3.1.3 - Regulatory Framework

Federal

No federal plans, policies, regulations, or laws related to aesthetics are applicable to the proposed project.

[7] Town of Danville. 2025. Municipal Code. Website: https:// /codelibrary.amlegal.com/codes/danvilleca/latest/danville_ca/0-0-0-8771. Accessed February 5, 2025.

State

California Scenic Highway Program

California Legislature created the California Scenic Highway Program, maintained by the California Department of Transportation (Caltrans), in 1963. The purpose of the State Scenic Highway Program is to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. The State laws governing the Scenic Highway Program are found in the Streets and Highways Code, Sections 260 through 263. A highway may be designated Scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view. The State Scenic Highway System includes a list of highways that are either eligible for designation as Scenic Highways or have been officially designated. The status of a proposed State Scenic Highway changes from eligible to officially designated when the local governing body applies to Caltrans for Scenic Highway approval, adopts a Corridor Protection Program, and receives notification that the highway has been officially designated a Scenic Highway.

Title 24 of the California Code of Regulations Building Energy Efficiency Standards

California Building Standards Code (CBC) (California Code of Regulations [CCR], Title 24)—including Title 24, Part 6—includes Section 132 of the Building Energy Efficiency Standards, which regulates lighting characteristics such as maximum power and brightness, shielding, and sensor controls to turn lighting on and off. Different lighting standards are set by classifying areas by lighting zone. The classification is based on population figures of the 2000 Census. Areas can be designated as LZ1 (dark), LZ2 (rural), or LZ3 (urban). Lighting requirements for dark and rural areas are stricter in order to protect the areas from new sources of light pollution and light trespass.

Local

Town of Danville 2030 General Plan

The 2030 General Plan establishes the following goals and policies related to aesthetics, light, and glare that are applicable to the proposed project:

Quality Development

Policy 1.02 Require that new development be generally consistent with the scale, appearance, and small-town character of Danville.

Policy 1.07 Balance development with the preservation of land for open space uses in appropriate areas.

Community Design

Goal 2 Integrate new development in a manner that is visually and functionally compatible with the physical character of the surrounding community.

Policy 2.01 Policy 2.01 directs Danville to achieve a high standard of residential design through project review and approval for all new residential developments.

Policy 2.02 Preserve Danville's visual qualities and the identity of its neighborhoods by restricting development on visible ridges and hillsides, protecting trees and riparian areas, and maintaining open space in the community.

Policy 2.04 Where hillside development occurs, require that project design be sensitive to visual impacts. Design guidelines for hillside sites should address mass, color, materials, and screening requirements, and should discourage excessive grading and flat pad construction.

Policy 2.05 On developable properties with steep hillsides, encourage clustering in the flatter parts, conservation of open space on the steeper parts, and the protection of natural features such as trees, creeks, knolls, ridgelines, and rock outcroppings.

Policy 2.07 Improve the appearance of the community by encouraging aesthetically designed buildings, screening, adequate setbacks, and landscaping.

Policy 2.08 Protect the visual qualities of designated scenic routes by reviewing proposed projects with respect to their visual impacts.

Additionally, Chapter 3 of the General Plan describes the Special Concern Area 5, which includes the project site, and the regulations and limitations to development in order to preserve the visual character of the hillsides and ridgelines.

Town of Danville Municipal Code

The proposed project would be within the Towns Scenic Hillside Ordinance Zone.[8] The project site is classified as a scenic hillside. As such, the proposed project would be subject to Municipal Code Article VII Section 32-69 that establishes regulations on land identified as scenic hillside areas.

Chapter 32-69–Scenic Hillside and Major Ridgeline Development

Municipal Code Chapter 32-69 identifies that hills and ridges within the Town, because of their physical dominance, constitute significant natural topographical features and comprise a large part of the natural open space and scenic resources of the community. It is desirable to require in these areas an alternative approach to traditional and conventional flat land practices of residential development, to keep grading and cut and fill operations consistent with the retention of the natural character of the hillside and ridgeline areas, and to preserve the predominant views both from and of the hillside and ridgeline areas. This section of the code aims to preserve significant features of scenic hillsides and major ridgeline areas in essentially their natural state as part of a comprehensive open space system, preserve the predominant views of the scenic hillsides and major ridgelines to retain the sense of identity and image that these areas now impart to the Town and its environs, and require the retention of trees and other vegetation which stabilize slopes,

[8] Town of Danville. 2013. 2030 General Plan. Website: https:// danville.ca.gov/DocumentCenter/View/1026/2030-General-Plan-PDF?bidId=. Accessed February 5, 2025.

retain moisture, minimize erosion, and enhance the natural scenic beauty and safety qualities of the hills.[9]

3.1.4 - Methodology

This analysis provides a discussion of the visual impacts associated with the proposed project and its potential effect upon the area surrounding the project site. Several variables affect the degree of visibility, visual contrast, and ultimately project impacts: (1) scale and size of facilities, (2) viewer types and activities, (3) distance and viewing angle, and (4) influences of adjacent scenery or land uses. Viewer response and sensitivity vary depending on viewer attitudes and expectations. Viewer sensitivity varies among project viewers, particularly within designated scenic corridors and publicly accessible recreational or plaza areas. Recreational areas and scenic corridors are considered to have relatively high sensitivity.

FirstCarbon Solutions (FCS) evaluated potential project impacts on aesthetics, light, and glare through site reconnaissance and review of applicable plans and policies. FCS personnel documented site conditions through notes, aerial photographs, topographical and street maps, and project plans and elevations to identify surrounding land uses and to evaluate potential impacts from project development. The General Plan and Municipal Code were reviewed to determine applicable policies and design requirements for the proposed project, and project plans were reviewed to determine compliance with the requirements of the General Plan and Municipal Code.

Light and Glare

The analysis of light and glare impacts in this section focuses on the nature and magnitude of changes in light and glare conditions of the project site and surrounding area. If light and glare conditions of the proposed project and the existing environment are similar, then the visual compatibility would be high. If light and glare conditions of the proposed project strongly contrast with existing light and glare or applicable General Plan policies and guidelines, then light and glare compatibility would be low and significant impacts may result. Relevant urban design policies and guidelines are used to provide conclusions regarding significance of project- and cumulative-level light and glare impacts.

3.1.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in CEQA Guidelines Appendix G Environmental Checklist to determine whether impacts to aesthetics are significant environmental effects. The project may have a significant impact if it would:

> Except as provided in Public Resources Code Section 21099, would the project:
>
> a) Have a substantial adverse effect on a scenic vista.
>
> b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a State Scenic Highway.

[9] Town of Danville. 2025. Municipal Code, Chapter 32-69 Scenic Hillside and Major Ridgeline Development. Website: https://codelibrary.amlegal.com/codes/danvilleca/latest/danville_ca/0-0-0-8771. Accessed June 13, 2025.

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.

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

3.1.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed project and provides mitigation measures where appropriate.

Scenic Vistas

Impact AES-1:	**The proposed project would not have a substantial adverse effect on a scenic vista.**

Impact Analysis

Construction

The project site is visible from many surrounding residences adjacent to the project site and is within a scenic hillside area. As noted above, the Town considers open space and visible ridges and hillsides as scenic and includes policies to regulate development in these areas. As such, the proposed project would be subject to the regulations and standards outlined in Municipal Code Article VII Section 32-69, the Town's Scenic Hillside and Major Ridgeline Area Ordinance. For the purposes of this analysis, a significant impact would occur if project construction would result in substantial adverse effects on the view of a scenic resource or Scenic Route as defined by the General Plan that was not evaluated in the General Plan EIR.

During construction, construction vehicles and staging would be present on the project site. However, based on adherence with ridgeline and grading requirements, construction equipment would not block any scenic resources or scenic routes in the vicinity and construction would be temporary. The proposed project would also be subject to Municipal Code Article VII Section 32-69. As such, the proposed project would not build within 100 feet below the centerline of a major ridgeline and no grading which results in the movement of 25 or more cubic yards of soils within lands identified as scenic hillside or major ridgeline would be allowed without a hillside grading permit. Adherence to this regulation would ensure that the proposed project would not result in a substantial adverse effect on a scenic vista. As such, impacts would be considered less than significant.

Operation

For the purpose of this analysis, a significant impact would occur if proposed operation would result in substantial adverse effects on the view of a scenic vista as defined by the General Plan or General Plan EIR. Once constructed, the proposed project would introduce 21 new single-family homes and five accessory dwelling units (ADUs), a single lot (Lot 22), and associated roadways and infrastructure

on a currently undeveloped project site. While there is currently no development planned on Lot 22, it could be developed with a single-family residence in the future. As noted above, the proposed project and any future development on Lot 22 would be subject to the regulations and standards outlined in Town's Scenic Hillside and Major Ridgeline Ordinance. As such, the completed residential development would not be within 100 feet below the centerline of a major ridgeline. Because no grading which results in the movement of 25 or more cubic yards of soils within lands identified as scenic hillside or major ridgeline would be allowed without a hillside grading permit, the completed development would not obstruct a scenic vista. Furthermore, completed development would comply with the hillside development standards listed in Municipal Code Chapter 32-69.7. Additionally, completed development on the project site would be clustered to regional lots in a lower topographic portion of the project site to prevent the obstruction of views.

The project site is approximately 1 mile west of the Sycamore Valley Open Space Regional Preserve. However, views of the project site from publicly assessable vantage points within the Preserve after buildout would be consistent with development in the surrounding area. The area around the project site is built out with residential development and the proposed project would match the general aesthetic of surrounding residences. Additionally, intermittent views of the Preserve and nearby ridges and hillsides would not be impeded by the proposed project because the proposed project would be required to adhere to Municipal Code Chapter 32-69, which is meant to preserve significant features of scenic hillsides and major ridgelines areas in essentially their natural state as part of a comprehensive open space system.

As such, because the proposed project would adhere to the Municipal Code and all applicable laws and regulations and development would be located within a lower topographic portion of the project site, the proposed project is not expected to significantly block surrounding scenic resources or ridgelines for adjacent neighbors. Therefore, the proposed project would not have a substantial impact on a scenic vista; impacts would be considered less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

Scenic Highways

Impact AES-2:	**The proposed project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a State Scenic Highway.**

Impact Analysis

Construction and Operation

A significant impact would occur if the proposed construction and operation would substantially damage scenic resources as seen from a designated Scenic Highway. The project site is not visible from a State Scenic Highway. The nearest State-designated Scenic Highway is I-680, located

approximately 1.29 miles west of the project site.[10] Therefore, demolition, grading, and tree removal during construction and during operation would not result in adverse impacts to scenic resources within a State Scenic Highway, and a less than significant would occur.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

Visual Character

Impact AES-3:	**The project is in an urbanized area, the project would not conflict with applicable zoning and other regulations governing scenic quality.**

Impact Analysis

The proposed project would be located within the Town's limits, adjacent to existing residential development and in an urbanized area. Therefore, a significant impact under this threshold would occur if the proposed project conflicted with applicable zoning or other regulations related to scenic quality.

Construction

Construction activities could temporarily affect the existing visual character or quality of the project site and area due to the presence of equipment and vehicles on the project site. Considering the residential character of the project site surroundings, construction activities could temporarily affect existing visual character or quality of the project site and area. However, the construction of the proposed project would only temporarily affect the visual character and quality of the area, and all temporary impacts would cease upon conclusion of construction.

There are no zoning regulations or General Plan policies related to aesthetic impacts during construction. Construction staging and grading plans would be reviewed and approved by the Town prior to construction. Thus, construction impacts would be less than significant.

Operation

The analysis of operational impacts addresses both consistency with zoning and other regulations governing scenic quality, as well as changes to the existing visual character and quality.

The proposed project would change the visual character of the site through the introduction of residential uses on a currently vacant site. As previously mentioned, the 21 residential lots would range between 14,553 square feet and 25,387 square feet, and the proposed project would also include several agricultural lots located north and west of the residences. Existing residential development in the surrounding area consists of Rural Residential, Country Estate, Single-family Low

[10] California Department of Transportation (Caltrans). 2024. State Scenic Highway Map. Website: https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa. Accessed October 10, 2024.

Density, and Low-density Multi-family Residential units. As such, the proposed project would be consistent with the existing character of the surrounding area.

As previously mentioned, the project site is designated Agriculture by the 2030 General Plan. In 1997, the Williamson Act Contracts that applied to the project site expired and were not renewed. As a result, the property came out of the Williamson Act Contract in 2007.

While the property is still zoned A-4, because the project site's Williamson Act Contract has expired, the site is entitled to return to the A-2, General Agricultural Zoning District, which applied prior to the Willamson Act Contract. Under the A-2 District, which permits 1 dwelling unit per 5 acres, and given that the project site is approximately 102 acres, the zoning for the project site would allow up to 20 residential lots. However, because the project applicant proposes to cluster the residential lots in the southeast corner of the project site, the proposed project would require a rezone to Planned Unit District (P-1). The proposed project would be consistent with the P-1 Zoning District. Additionally, the P-1 Zoning District includes the development of Residential Design Guidelines, which provide additional design criteria for the proposed project and would be reviewed by the Town for consistency with the General Plan and Municipal Code and approved prior to construction. The proposed project is within the Towns Scenic Hillside Ordinance Zone.[11] As such, the proposed project would be consistent with the Scenic Hillside and Major Ridgeline Development Ordinance, which establishes regulations on land identified as scenic hillside areas.

Furthermore, consistent with General Plan Policy 1.02, the proposed project would be similar in visual character to the adjacent residences. The architectural design considerations for the proposed project are derived from the surrounding residential developments in the Town. Therefore, impacts related to consistency with applicable scenic quality regulations and visual quality and character would be less than significant.

In addition, while there is currently no development planned on Lot 22, the lot could be developed with a single-family residence in the future. Any future development on Lot 22 would be subject to Municipal Code Article VII Section 32-69 and General Plan Policy 1.02.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

[11] Town of Danville. 2013. 2030 General Plan. Website: https:// danville.ca.gov/DocumentCenter/View/1026/2030-General-Plan-PDF?bidId=. Accessed February 5, 2025.

Light and Glare

Impact AES-4: The proposed project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Impact Analysis

Construction

Construction-related impacts may include light and glare from construction equipment and machinery and nighttime security lighting. Light and glare during the construction phase would be temporary and limited to the duration of construction and would therefore not cause any substantial impacts to daytime or nighttime views in the area. Pursuant to Municipal Code Section 4-2.4, construction activity on the project site, including future development on Lot 22, shall only be permitted adjacent to a residential land use 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. on Saturdays, Sundays, and holidays, which would limit the amount of nighttime construction lighting. Thus, construction-related impacts associated with light and glare would be less than significant.

Operation

The proposed project would have a significant impact if substantial light or glare would adversely affect nighttime or daytime views, respectively, in the area. Sources of daytime glare include direct beam sunlight and reflections from windows, architectural coatings, glass, and other reflective surfaces. Nighttime illumination and associated glare are generally divided into two sources: stationary and mobile. Stationary sources include structure lighting and decorative landscaping, lighted signs, solar panels, and streetlights. Mobile sources are primarily headlights from motor vehicles.

As described in the Environmental Setting, the project site contains no existing light or glare since the project site is currently undeveloped. Exterior lighting would be located around and within the project site. As a result, the proposed project would increase the amount of light and glare on the project site. The light fixtures used for the proposed project would meet all safety standards pursuant to the latest adopted edition of the CBC and would be installed throughout the length of the internal streets pursuant to the Municipal Code. Additionally, windows on residences could result in glare. This glare would be partially obscured by landscaping, depending on the time of day and the location of the reflecting light source. Glare may also occur from on-site vehicles; however, such glare would be transient, depending upon the time of day and location of the vehicle. Because of the project's location adjacent to other residences, the proposed project would not add significant nighttime lighting or glare in an area with no existing lighting impacts.

The Town would review the proposed project for consistency with design guidelines provided in the General Plan and Municipal Code intended to reduce daytime glare and nighttime lighting. Policy 2.01 of the General Plan directs Danville to achieve a high standard of residential design through project review and approval for all new residential developments. Continued design review under the General Plan and the Residential Design Guidelines developed and approved for the proposed project would address lighting and glare for new buildings and developments. Therefore, impacts related to light and glare would be less than significant

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

3.1.7 - Cumulative Impacts

The geographic scope of the cumulative aesthetics analysis is the visual area surrounding the project site. The analysis also considers the foreseeable development projects listed in Table 3-1 (See Chapter 3, Environmental Impact Analysis) in the Town that would be visible from the project site. As shown on Exhibit 3-1, there are no cumulative projects close enough to the project site to be visible in conjunction with the proposed project.

The General Plan EIR found that General Plan buildout would not result in a significant impact to the Town's visual identity, scenic resources, or light and glare after compliance with General Plan policies and the Municipal Code. The General Plan defines areas that are considered scenic resources and does not allow new development in areas that contribute significantly to a scenic vista or resource. Therefore, there is no existing cumulative aesthetic impact.

Scenic Vistas

The cumulative project area is urban but has the charm of a small-town, rural setting. Cumulative projects could result in cumulative impacts related to scenic vistas if they block or significantly obscure scenic vistas. As discussed in Impact AES-1, the General Plan and General Plan EIR identify scenic resources and scenic routes within the Town. The Town considers open space and visible ridges and hillsides as scenic and includes policies to regulate development in these areas. The General Plan identifies designated areas subject to the Town's Scenic Hillside Ordinance and Major Ridgeline Area Ordinance. All future development, including the proposed project and cumulative projects within Chapter 3, Environmental Impact Analysis, Table 3-1, would be required to comply with these requirements. Therefore, cumulative impacts would be less than significant.

Scenic Highways

As discussed in Impact AES-2, the Town identifies the following roadways as scenic routes: Danville Boulevard, San Ramon Valley Boulevard, Green Valley Road, Diablo Road between I-680 and its transition to Blackhawk Road, Blackhawk Road, Sycamore Valley Road, Camino Tassajara, Crow Canyon Road, and I-680. I-680 is also designated as a Scenic Highway by the State of California. The project site is not visible from any Town or State Scenic Route and would have no impact. Therefore, there would be no cumulative aesthetic impacts with respect to eligible scenic highways. Moreover, the proposed project would have no impact and, therefore, would not have any contribution to cumulative impacts.

Visual Character

As described in Impact AES-3, the project site is located adjacent to open space and residential land uses. Existing residential development in the surrounding area consists of Rural Residential, Country

Estate, Single-family Low Density, and Low-density Multi-family Residential units. Additionally, the proposed project would be consistent with the proposed P-1 Zoning District and the Town's Scenic Hillside Ordinance. Therefore, the proposed project would not conflict with applicable zoning and other regulations governing scenic quality and would not result in a cumulative impact.

The project applicant would utilize site-specific Residential Design Guidelines reviewed and approved by the Town. These standards would include design requirements such as limits on setbacks, building coverage, and lot sizes. This would ensure that the buildings would have visual characteristics compatible with adjoining development, in accordance with the General Plan policies identified in Section 3.1.3, Regulatory Framework. In addition, the design of the proposed residences provides for a harmonious composition of mass, scale, color, and textures.

Additionally, cumulative projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1 would be required to adhere to all applicable regulations pertaining to visual character within the Town. Therefore, there is no significant cumulative impact and the proposed project's contribution would not be considerable. As such, the proposed project, in conjunction with other planned and approved projects, would result in a less than significant cumulative impact with respect to visual character.

Light and Glare

The proposed project and cumulative projects could increase light and glare in the geographic area. The proposed project and cumulative development would include streetlights, exterior lighting, safety lighting, lighting from vehicles, and sources of glare from buildings and vehicles. However, cumulative impacts would be less than significant because the majority of cumulative projects would be located in an already urbanized area and all cumulative projects would be subject to applicable regulations related to light and glare.

Additionally, cumulative development projects proposed would be required to adhere to the architectural, design, and lighting measures related to aesthetics and community design outlined in the Town's General Plan. Therefore, cumulative impacts would be less than significant. The proposed project's incremental contribution to light and glare would not be cumulatively considerable because it would not substantially contribute to the less than significant cumulative impact. The proposed project's exterior lighting would be consistent with neighboring developments and would maintain the existing character of the area. The proposed project's lighting would be shielded and directed downward to avoid trespass to the adjacent residential properties and to avoid obtrusive light or glare in the public right-of-way. The exterior materials would be designed to minimize glare and impact, without the use of any highly reflective exterior materials. As such, the proposed project, in conjunction with other planned and approved projects, would result in a less than significant cumulative impact with respect to light and glare.

Level of Cumulative Significance Before Mitigation

Less than significant impact.

Cumulative Mitigation Measures

None.

3.2 - Agriculture and Forestry Resources

3.2.1 - Introduction

This section describes existing agricultural resources and the potential effects of implementation of the proposed project on the project site and its surrounding area. Descriptions and analyses in this section are based, in part, on information contained in the Town of Danville 2030 General Plan (General Plan), Town of Danville 2030 General Plan Environmental Impact Report (General Plan EIR), and California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) maps.

No public comments were received during the Draft Environmental Impact Report (Draft EIR) Notice of Preparation (NOP) scoping period related to Agriculture and Forestry Resources.

3.2.2 - Environmental Setting

Agricultural History

Rich soils have historically been a significant resource of the San Ramon Valley, valuable for its ability to produce food.[1] Urbanization over the past 50 years has displaced virtually all cultivated agriculture. Former agricultural uses have largely been replaced by suburban and urban residential development, shopping centers, and business parks. Grazing operations and some dry farming continue in the Danville Planning Subareas: Sycamore Valley area to the northeast of the project site, Tassajara Valley further east, and hills on the project site. The Town currently contains 721.4 acres of agricultural land within Town limits and 1,388 acres of agricultural land in the Danville Planning Area.

Agricultural Designations and Williamson Act Contract

The project site has a General Plan land use designation of Agriculture (A). In 1997, the Williamson Act Contract that applied to the project site expired and was not renewed. The Town officially filed the notice of nonrenewal of the Williamson Act Contract on November 17, 1997, and property came out of the contract on November 17, 2007.

In the event that Williamson Act Contracts are not renewed, the General Plan encourages continued agricultural use and indicates that the underlying zoning district would apply upon the contract's expiration. The Town allows agricultural uses in the following zoning districts: A-1 (Light Agricultural District), A-2 (General Agricultural District), and A-4 (Agricultural Preserve District).

While the property is still zoned A-4, because the project site's Williamson Act Contract has expired, the site is entitled to return to the A-2, General Agricultural Zoning District. The A-2 district permits all types of agriculture, including farming, horticultural, and livestock production, other agricultural uses, such as sheds, warehouse, and granaries, and detached single-family dwelling units and accessory structures on each parcel. The A-2 district requires a minimum of 5 acres per lot; as such, a maximum of 20 dwelling units would be permitted on the site.

[1] Town of Danville. 2012. Town of Danville 2030 General Plan. Website: https://www.danville.ca.gov/DocumentCenter/View/1026/2030-General-Plan-PDF?bidId=. Accessed June 5, 2025.

There are no agricultural zoning districts adjacent to the project site; indeed, no land within the Town is under a Williamson Act Contract.[2]

Farmland Classifications

The California Department of Conservation FMMP classifies Important Farmland and cultivated agricultural land into several categories, which are described in detail Section 3.2.3, Regulatory Framework. According to the California Important Farmland Finder, the project site consists primarily of Farmland of Local Importance, with a small portion containing Urban and Built Up Land.[3]

Timber Land and Forest Land

Pursuant to California Public Resources Code Section 526, timberland is defined as ". . . land, other than land owned by a federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. . . ." Timberland zoned as Timberland Production, as defined by California Government Code Section 51104(g) is an area ". . . devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses. . . ." As mapped by the California Department of Fish and Wildlife (CDFW), no lands within the Town are within private timberlands or public lands with forests.[4]

Soils

Underlying soil types are relevant because certain types of soil are more suitable to agricultural uses than other soil types, and soil types assist the Natural Resources Conservation Service in its determination of farmland classifications. Soils on-site consist of approximately 81.9 acres of Diablo clay, 15 to 30 percent slopes, Major Land Resource Area (MLRA) 15 (DdE) (approximately 81.8 percent of the project site) and approximately 18.2 acres of Diablo clay, 30 to 50 percent slopes, MLRA 15 (DdF) (approximately 18.2 percent of the project site).[5] The soils present on the project site are conducive to agriculture and are typically used for cultivated crops and orchards.

3.2.3 - Regulatory Framework

Federal

Farmland Protection Policy Act

The Farmland Protection and Policy Act (FPPA) was designed to minimize the impact federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses. This Act assures that, to the extent possible, federal programs are administered to be compatible with State, local units of government, and private programs and policies to protect farmland. Federal agencies are required to develop and review their policies and procedures to implement the FPPA

[2] California Department of Conservation. 2023. California Williamson Act Enrollment 2023. Website: https://maps.conservation.ca.gov/dlrp/WilliamsonAct/. Accessed June 2, 2025.
[3] California Department of Conservation. 2020. California Important Farmland Finder. Website: https://maps.conservation.ca.gov/DLRP/CIFF/. Accessed June 2, 2025.
[4] California Department of Fish and Wildlife (CDFW). Habitat Conservation Planning Branch. 2015. California Forests and Timberlands. Website: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109919. Accessed June 2, 2025.
[5] United States Department of Agriculture (USDA): Natural Resources Conservation Service. Soils Map-Contra Costa County, California. Website: https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx. Accessed June 2, 2025.

every 2 years. This Act does not authorize the federal government to regulate the use of private or nonfederal land, or in any way affect the property rights of owners. For the purposes of the FPPA, "farmland" includes Prime Farmland, Unique Farmland, and Farmland of Statewide or Local Importance. Farmland subject to FPPA requirements does not have to be currently used for cropland. It can be forestland, pastureland, crop land, or other land, but not water or urban/built-up land.

State

Farmland Mapping and Monitoring Program

The California Department of Conservation established the FMMP in 1982. The FMMP is a non-regulatory program that provides a consistent and impartial analysis of agricultural land use and land use changes throughout California. The FMMP produces maps and statistical data used for analyzing impacts on California's agricultural resources. The maps are updated every 2 years with the use of aerial photographs, a computer mapping system, public review, and field reconnaissance. The program rates agricultural lands according to physical characteristics and other factors such as irrigation status. The best-quality farmland, classified as Prime Farmland, is land that contains a combination of physical and chemical features able to sustain long-term agricultural production. Additional classifications include Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance, as described in Table 3.2-1.

The FMMP also inventories and maps a variety of other land use categories. For purposes of determining a project's significance under California Environmental Quality Act (CEQA) Guidelines, only Prime Farmland, Unique Farmland, and Farmland of Statewide Importance are used to determine impacts. Conversion to nonagricultural uses of lands falling under any of these classifications is considered a potentially significant impact under CEQA Guidelines.

Table 3.2-1: Description of Classifications

Farmland Category	Description
Prime (P)	Farmland with the best combination of physical and chemical features able to sustain long-term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the 4 years prior to the mapping date.
Statewide Importance (S)	Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the 4 years prior to the mapping date.
Unique (U)	Farmland of lesser quality soils used to produce the State's leading agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the 4 years prior to the mapping date.
Local (L)	Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee. In some counties, Confined Animal Agriculture facilities are part of Farmland of Local Importance, but they are shown separately.

Farmland Category	Description
Grazing (G)	Land on which the existing vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities.
Urban and Built-Up Land (D)	Land occupied by structures with a building density of at least one unit to 1.5 acres, or approximately six structures to a 10-acre parcel. This land is used for residential, industrial, commercial, construction, institutional, public administration, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.
Other (X)	Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.
Water (W)	Perennial water bodies with an extent of at least 40 acres.
Source: California Department of Conservation. 2025.Important Farmland Categories. Website: https://www.conservation.ca.gov/dlrp/fmmp/Pages/Important-Farmland-Categories.aspx. Accessed June 5, 2025.	

California Land Conservation Act

The California Land Conservation Act of 1965, better known as the Williamson Act, enables local governments to enter contracts with private landowners to restrict specific parcels of land to maintain agricultural or related open space use. As an incentive, landowners receive lower property tax assessments based on agricultural or open space land uses, as opposed to real estate value of the land.

Williamson Act Contracts are entered into between a county or town and a landowner to restrict specific parcels of land to agricultural or related open space use. Private land within locally designated agricultural preserve areas is also eligible for enrollment under a contract. The minimum term for contracts is 10 years; however, since the contract term automatically renews annually, the 10-year term is on a rolling basis.

California Public Resources Code

California Public Resources Code Section 4562 defines Forest Land and Timber Land as follows:

Forest Land

Land that can support 10 percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.

Timber Land

Land, other than land owned by the federal government and land designated by the Board of Forestry and Fire Protection (Board) as experimental forest land, which is available for, and capable

of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the Board on a District basis after consultation with the District committees and others.

Local

Town of Danville 2030 General Plan

The General Plan sets forth the following goals and policies that involve agricultural resources that are relevant to this analysis are listed below:

Intergovernmental Coordination

Policy 7.06 Support and promote actions that improve the long-term economic viability of agriculture in the Tri-Valley region, including the Tassajara Valley. Encourage the use of "right-to-farm" ordinances and/or buffer zones between urban and rural areas in the Tri-Valley area in order to preserve the long-term viability of agriculture.

Environmental Quality

Policy 21.02 Maintain open space in appropriate areas, including areas of scenic beauty, areas of economically viable agriculture, and areas where natural hazards such as flooding and land instability preclude safe development.

Policy 21.04 Require adequate buffering and effective fencing between agricultural and urban land uses.

The urban land use should be responsible for the creation and maintenance of such buffers and the urban property owners should assume the responsibility for potential impacts upon adjacent uses. Where appropriate, disclosure notices should be used to advise homebuyers of nearby agricultural activities as a means of ensuring that such activities may continue when they are properly conducted.

3.2.4 - Methodology

FirstCarbon Solutions (FCS) evaluated potential impacts on agricultural resources through review of the FMMP, Williamson Act maps, and applicable plans and policies.

3.2.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in CEQA Guidelines Appendix G, to determine whether impacts to agriculture and forestry resources are significant environmental effects. The proposed project would have a potential impact if it would:

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 nonagricultural use.

b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)).

d) Result in the loss of forest land or conversion of forest land to non-forest use.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use or conversion of forest land to non-forest use.

3.2.6 - Project Impacts and Mitigation Measures

Convert Farmland to Nonagricultural Use

Impact AG-1:	**The proposed project would not 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 nonagricultural use.**

The project site does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The FMMP classifies the project site as Urban and Built-Up Land and Farmland of Local Importance. Therefore, the proposed project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a nonagricultural use. The site is not currently used for agriculture, nor has it been recently irrigated or used for crops.

Level of Significance Before Mitigation

No impact.

Mitigation Measures

None.

Conflict with Existing Zoning or Williamson Act Contract

Impact AG-2:	**The proposed project would not conflict with existing zoning for agricultural use, or a Williamson Act Contract.**

Agricultural Zoning

As described above in Section 3.2.2 Environmental Setting, the project site is designated Agriculture by the Town's General Plan. In 1997, the Williamson Act Contracts that applied to the project site were not renewed, indicating that the contracts would expire after 10 years (i.e., 2007). However, the County did not record the notice of nonrenewal of the Williamson Act Contracts when the notice was filed. Therefore, when the current General Plan was adopted, the properties were incorrectly identified as still being bound by Williamson Act Contracts. The Town officially recorded the notice of nonrenewal of the Williamson Act Contract on August 21, 2024. As such, the proposed project would not result in any conflicts with a Williamson Act Contract.

As previously discussed, the project site's Williamson Act Contract was not renewed; therefore, its underlying A-2 zoning district would apply to the proposed project. The A-2 district permits all types of agriculture, including farming, horticultural, and livestock production, other agricultural uses, such as sheds, warehouse, and granaries, and a detached single-family dwelling and accessory structures on each parcel. The A-2 district requires a minimum of 5 acres per lot.

Given that the project site is approximately 102 acres, the existing zoning for the project site would allow the development of up to 20 residential lots. However, because the project applicant proposes to cluster the residential lots in the southeast corner of the project site, the proposed project would require a rezone to Planned Unit District (P-1) with single-family R-12 development standards. Because the rezoning would allow for residential uses at the proposed density, the change in zoning from A-2 under the current Zoning Ordinance to Planned Unit Development (P-1) would ensure there is no conflict with existing zoning. In addition, because 25 percent of the proposed residential units would be affordable for low-income families, the proposed project qualifies for benefits under the State Density Bonus Law. Accordingly, as described within Chapter 2.0, the proposed project seeks an increase in the maximum permissible density to increase the number of single-family homes from 20 units to 22 units. Under State Density Bonus Law, a jurisdiction cannot apply to an eligible density bonus project any development standard that will have the effect of physically precluding development at the density provided and with the incentives/concessions granted in light of the applicant's project objectives. Therefore, with approval of the Density Bonus application, the proposed project would not conflict with existing zoning for agricultural use. Impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

Conflict with Existing Forest Land Zoning

Impact AG-3:	**The proposed project would not 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)).**

The project site does not contain any forest land or timberland, as defined by Public Resources Code Section 4526, nor does it contain any timberland zoned Timberland Production, as defined by Government Code Section 51104(g). This condition precludes the possibility of the proposed project conflicting with existing zoning of forest land or timberland. No impact would occur.

Level of Significance Before Mitigation

No impact.

Mitigation Measures

None.

Conversion of Forest Land to Non-Forest Use

Impact AG-4: The proposed project would not result in the loss of forest land or conversion of forest land to non-forest use.

As discussed above, the project site does not contain any forest land, and therefore, the proposed project would not result in the conversion or loss of forest land. Therefore, no impact would occur.

Level of Significance Before Mitigation

No impact.

Mitigation Measures

None.

Other Changes to Convert Farmland to Nonagricultural Use or Forest Land to Non-Forest Use

Impact AG-5: The proposed project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of agricultural land to nonagricultural use or the conversion of forest land to non-forest use?

The California Department of Conservation currently designates the project site as Farmland of Local importance.[6] The General Plan designates the project site Open Space–Agricultural. The Town's A-2; General Agricultural District is listed as consistent with this land use designation. However, as previously discussed, the project site's Williamson Act Contract was not renewed; therefore, its underlying zoning district of A-2 would apply to the proposed project. Further, the proposed project would qualify for benefits under the State Density Bonus Law, allowing for up to two additional residential lots. However, because the project applicant proposes to cluster 21 residential lots in the southeast corner of the project site, the proposed project would require a rezone to Planned Unit Development District (P-1).

The nearest land to the project site designated for agricultural use is located approximately 1.3 miles west of the project site located adjacent to San Ramon Valley Boulevard, and there is intervening land between the project site and that land. The nearest Important Farmland (Unique Farmland) is approximately 1.1 miles southwest of the project site on the northeast corner of Fostoria Way and Camino Ramon. None of the areas surrounding the project site are designated for agricultural uses. Additionally, neither the project site nor land adjacent to the project site is currently utilized for farming. The proposed project would not include any elements that would exacerbate or cause the conversion of agricultural land. There is no forest land within or surrounding the project site. No impact would occur.

Level of Significance Before Mitigation

Less than significant impact.

[6] California Department of Conservation. 2020. California Important Farmland Finder. Website: https://maps.conservation.ca.gov/DLRP/CIFF/. Accessed June 2, 2025.

Mitigation Measures

None.

3.2.7 - Cumulative Impacts

The geographic scope of the cumulative agriculture and forestry impacts analysis is the land within and surrounding the project site. The analysis also considers the reasonably foreseeable development projects listed in Table 3-1 (See Chapter 3, Environmental Impact Analysis) in the Town. This analysis evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, would result in a cumulatively significant impact related to agricultural resources. This analysis then considers whether incremental contribution to cumulative impacts associated with the implementation of the proposed project would be significant. Both conditions must apply for a project's cumulative effects to rise to a level of significance. Where the proposed project has no impact with respect to one of the Town's thresholds, it would also have no contribution to any cumulative effect and therefore would not result in cumulative impacts. Accordingly, this discussion focuses on only those project-level impacts that are less than significant or potentially significant.

Only one of the projects (Number 3: Borel Project) included in Table 3-1 consists of active agricultural land, and none of the cumulative projects included in Table 3-2 contain forest land or timberland, as defined by Public Resource Code Section 452, nor do they contain any timberland zoned Timberland Production, as defined by Government Code Section 51104(g). The Borel Project site contains Unique Farmland, which is considered Important Farmland under CEQA. However, the Borel Project is designated Commercial by the General Plan and zoned Planned Unit District (P-1) by the Town's Zoning Ordinance. None of the other cumulative project sites contain active agricultural land or protected Farmland as classified by the California Department of Conservation. As such, the cumulative projects would not result in the conversion of any land mapped as Important Farmland that is not currently designated for nonagricultural uses. Additionally, if any individual cumulative development project, such as the Borel Project, would require the conversion of land from agricultural land to nonagricultural land in the future, the conversion would take place pursuant to State, regional, and local regulations and would be evaluated on a site-specific basis.

Additionally, the project site does not consist of active agricultural land or protected Farmland according to CEQA; therefore, the proposed project's incremental contribution to the less than significant cumulative impact would not be cumulatively considerable. As described above, the proposed project would not convert active agricultural land or forestry land to nonagricultural uses, and the proposed project would not conflict with existing zoning for agricultural uses or any Williamson Act Contracts. For these reasons, the proposed project's incremental contribution to the less than significant cumulative impacts would be considered less than significant.

Level of Cumulative Significance Before Mitigation

Less than significant cumulative impact.

Mitigation Measures

None.

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3.3 - Air Quality

3.3.1 - Introduction

This section describes existing air quality conditions regionally and locally as well as the relevant regulatory framework. This section also evaluates the possible impacts related to air quality that could result from implementation of the proposed project. Information included in this section is based on project-specific air quality modeling results utilizing California Emissions Estimator Model (CalEEMod) Version 2022.1, the American Meteorological Society/United States Environmental Protection Agency (EPA) AERMOD air dispersion model, and the California Air Resources Board (ARB) Hot Spots Analysis and Reporting Program Version 2 (HARP2). Complete modeling outputs and assumptions are provided in Appendix A.

No public comments were received during the Draft Environmental Impact Report (Draft EIR) Notice of Preparation (NOP) scoping period related to Air Quality.

3.3.2 - Environmental Setting

As described in the Project Description, the proposed project is located in the Town of Danville (Town) which is located in the eastern San Francisco Bay Area of Northern California. The Town is bordered to the north by the unincorporated community of Alamo, to the east by the unincorporated communities of Blackhawk and Diablo, to the south by the City of San Ramon, and to the west by the Las Trampas Regional Wilderness Park and unincorporated Contra Costa County.

The Town is located within the San Francisco Bay Area Air Basin (SFBAAB), which is governed by the Bay Area Air Quality Management District (Bay Area Air District), the regional air quality agency for the SFBAAB which comprises all of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara counties, the southern portion of Sonoma, and the southwestern portion of Solano County. Air quality in this area is determined by such natural factors as meteorology, terrain, and temperature, in addition to the presence of existing air pollution sources and ambient conditions. These factors, along with applicable regulations aimed at reducing air pollution, are discussed below.

3.3.3 - Existing Air Quality Conditions and Air Pollution Formation

The SFBAAB is characterized by complex terrain, consisting of coastal mountain ranges, inland valleys, and bays, which distort normal wind flow patterns and induce significant variations of air flow, mixing, and temperatures among subregions. These natural conditions strongly influence the formation of air pollution. Air quality is a function of both the rate and location of pollutant emissions under the influence of meteorological conditions and topographic features. Atmospheric conditions such as wind speed, wind direction, and air temperature inversions interact with the physical features of the landscape to determine the movement and dispersal of air pollutant emissions and, consequently, their effect on air quality.

Air Pollutant Emissions

Although air pollution potential is strongly influenced by climate and topography, the air pollution that occurs in a location also depends on the amount of air pollutant emissions in the surrounding

area or transported from more distant places. Air pollutant emissions generally are highest in areas that have high population densities, high motor vehicle use, and/or industrialization. These contaminants, created by photochemical processes in the atmosphere, such as ozone, may result in high concentrations many miles downwind from the sources of their precursor chemicals.

Contra Costa County Climatological Subregion

In this area, marine air traveling through the Golden Gate, as well as across San Francisco and through the San Bruno Gap, is a dominant weather factor. Temperatures in this subregion have a narrow range due to the proximity of the moderating marine air. Maximum temperatures during summer average in the mid-70s, with minimums in the mid-50s. Winter highs are in the mid- to high-50's, with lows in the low- to mid-40's. The air pollution potential is lowest for the parts of the subregion that are closest to the bay, due largely to good ventilation and less influx of pollutants from upwind sources. The occurrence of light winds in the evenings and early mornings occasionally causes elevated pollutant levels. This subregion contains a variety of industrial air pollution sources. Some industries are quite close to residential areas. The subregion is also traversed by frequently congested major freeways. Traffic and congestion, and the motor vehicle emissions they generate, are increasing.

3.3.4 - Existing Ambient Air Quality: Criteria Air Pollutants

The ARB and the EPA currently focus on the following air pollutants, known as “criteria air pollutants,” as indicators of ambient air quality: ozone, particulate matter, nitrogen dioxide (NO_2), carbon monoxide (CO), sulfur dioxide (SO_2), and lead. The attainment status of the SFBAAB for criteria air pollutants, and sources and health effects, are summarized in Table 3.3-1.

Ozone

Ozone, or smog, is not emitted directly into the environment, but is formed in the atmosphere by complex chemical reactions between reactive organic gases (ROG) and nitrogen oxides (NO_X) in the presence of sunlight. Ozone formation is greatest on warm, windless, sunny days. The main sources of NO_X and ROG, often referred to as ozone precursors, are combustion processes (including motor vehicle engines) the evaporation of solvents, paints, and fuels, and biogenic sources. Automobiles are the single largest source of ozone precursors in the SFBAAB. Ozone levels usually build up during the day and peak in the afternoon hours.

Particulate Matter

Particulate matter refers to a wide range of solid or liquid particles in the atmosphere, including smoke, dust, aerosols, and metallic oxides. Respirable particulate matter with an aerodynamic diameter of 10 micrometers or less is referred to as PM_{10}. $PM_{2.5}$ includes a subgroup of finer particles that have an aerodynamic diameter of 2.5 micrometers or less. Some particulate matter, such as pollen, is naturally occurring. In the SFBAAB most particulate matter is caused by combustion, factories, construction, grading, demolition, agricultural activities, and motor vehicles. Extended exposure to particulate matter can increase the risk of chronic respiratory disease.

Nitrogen Dioxide

NO_2 is a reddish-brown gas that is a by-product of combustion processes. Automobiles and industrial operations are the main sources of NO_2. Aside from its contribution to ozone formation, nitrogen dioxide can increase the risk of acute and chronic respiratory disease and reduce visibility. NO_2 may be visible as a coloring component of a brown cloud on high pollution days, especially in conjunction with high ozone levels.

Carbon Monoxide

CO is an odorless, colorless gas. It is formed by the incomplete combustion of fuels. The single largest source of CO in the SFBAAB is motor vehicles. Emissions are highest during cold starts, hard acceleration, stop-and-go driving, and when a vehicle is moving at low speeds. New findings indicate that CO emissions per mile are lowest at about 45 mph for the average light-duty motor vehicle and begin to increase again at higher speeds

Sulfur Dioxide

SO_2 is a colorless acid gas with a pungent odor. It has potential to damage materials and it can have health effects at high concentrations. It is produced by the combustion of sulfur containing fuels, such as oil, coal, and diesel. SO_2 can irritate lung tissue and increase the risk of acute and chronic respiratory disease.

Lead

Lead is a metal found naturally in the environment as well as in manufactured products. The major sources of lead emissions have historically been mobile and industrial sources. As a result of the phase-out of leaded gasoline, metal processing is currently the primary source of lead emissions. The highest levels of lead in air are generally found near lead smelters. Other stationary sources are waste incinerators, utilities, and lead-acid battery manufacturers.

Table 3.3-1 shows a summary of ambient air quality standards, their sources and health effects.

Table 3.3-1: Ambient Air Quality Standards, Sources and Health Effects

Air Pollutant	Averaging Time	California Standard[1]	Federal Standard	Most Relevant Effects from Pollutant Exposure	Sources
Ozone	8 Hours	0.070 ppm	0.070 ppm	Irritate respiratory system; reduce lung function; breathing pattern changes; reduction of breathing capacity; inflame and damage cells that line the lungs; make lungs more susceptible to infection; aggravate asthma; aggravate other chronic lung diseases; cause permanent lung damage; some	Ozone is a secondary pollutant; thus, it is not emitted directly into the lower level of the atmosphere. The primary sources of ozone precursors (volatile organic compounds [VOC] and NO_X) are mobile sources (on-road and off-road vehicle exhaust).

Air Pollutant	Averaging Time	California Standard[1]	Federal Standard	Most Relevant Effects from Pollutant Exposure	Sources
				immunological changes; increased mortality risk.	
CO (carbon monoxide)	1 Hour	20 ppm	35 ppm	Ranges depend on exposure: slight headaches; nausea; aggravation of angina pectoris (chest pain) and other aspects of coronary heart disease impairment of central nervous system functions; possible increased risk to fetuses; death.	CO is produced by incomplete combustion of carbon-containing fuels (e.g., gasoline, diesel fuel, and biomass). Sources include motor vehicle exhaust, industrial processes, residential wood-burning, and natural sources.
	8 Hours	9.0 ppm	9 ppm		
NO_2 (nitrogen dioxide)	1 Hour	0.18 ppm	—	Potential to aggravate chronic respiratory disease and respiratory symptoms in sensitive groups; risk to public health implied by pulmonary and extra-pulmonary biochemical and cellular changes and pulmonary structural changes; contribution to atmospheric discoloration; increased visits to hospital for respiratory illnesses.	NO_X is produced in motor vehicle internal combustion engines and fossil fuel-fired electric utility and industrial boilers. NO_2 forms quickly from NO_X emissions. NO_2 concentrations near major roads can be 30 to 100 percent higher than those at monitoring stations.
	Annual	0.030 ppm	0.053 ppm		
SO_2 (sulfur dioxide)	1 Hour	0.25 ppm	0.075 ppm	Bronchoconstriction, accompanied by symptoms which may include wheezing, shortness of breath, and chest tightness, during exercise or physical activity in persons with asthma. Some population-based studies indicate that the mortality and morbidity effects associated with fine particles show a similar association with ambient SO_2 levels. It is not clear whether the two pollutants act synergistically, or one pollutant alone is the predominant factor.	Human caused sources include fossil fuel combustion, mineral ore processing, and chemical manufacturing. Volcanic emissions are a natural source of SO_2. The gas can also be produced in the air by dimethyl sulfide and hydrogen sulfide. SO_2 is removed from the air by dissolution in water, chemical reactions, and transfer to soils and ice caps. The SO_2 levels in the State are well below the maximum standards.
	3 Hours	—	0.5 ppm		
	24 Hours	0.04 ppm	—		
	Annual	—	—		
Particulate matter (PM_{10})	24 hours	50 µg/m^3	150 ug/m^3	Short-term exposure (hours/days): irritation of the eyes, nose, throat; coughing; phlegm; chest tightness; shortness of breath; aggravate existing lung	Stationary sources include fuel or wood combustion for electrical utilities, residential space heating, and industrial processes; construction and
	Mean	20 µg/m^3	—		
Particulate matter ($PM_{2.5}$)	24 Hours	—	35 µg/m^3		
	Annual	12 µg/m^3	9 µg/m^3		

Air Pollutant	Averaging Time	California Standard[1]	Federal Standard	Most Relevant Effects from Pollutant Exposure	Sources
				disease, causing asthma attacks and acute bronchitis; those with heart disease can suffer heart attacks and arrhythmias. Long-term exposure: reduced lung function; chronic bronchitis; changes in lung morphology; death.	demolition; metals, minerals, and petrochemicals; wood products processing; mills and elevators used in agriculture; erosion from tilled lands; waste disposal, and recycling. Mobile or transportation-related sources are from vehicle exhaust and road dust. Secondary particles form from reactions in the atmosphere.
Sulfates	24 Hours	25 µg/m^3	—	Decrease in ventilatory function; aggravation of asthmatic symptoms; aggravation of cardiopulmonary disease; vegetation damage; degradation of visibility; and property damage.	Sulfates are particulates formed through the photochemical oxidation of SO_2. In California, the main source of sulfur compounds is combustion of gasoline and diesel fuel.
Lead	30 days	1.5 µg/m^3	—	Lead accumulates in bones, soft tissue, and blood and can affect the kidneys, liver, and nervous system. It can cause impairment of blood formation and nerve conduction, behavioral and neurological impairment, learning deficiencies, and low IQs.	Lead ore crushing, lead ore smelting, and battery manufacturing are currently the largest sources of lead in the atmosphere in the United States. Other sources include dust from soils contaminated with lead-based paint, solid waste disposal, and crustal physical weathering.
	Rolling 3-month average	—	0.15 µg/m^3		
Vinyl chloride	24 Hours	0.01 ppm	—	Short-term exposure to high levels of vinyl chloride in the air causes central nervous system effects, such as dizziness, drowsiness, and headaches. Epidemiological studies of occupationally exposed workers have linked vinyl chloride exposure to development of a rare cancer, liver angiosarcoma, and have suggested a relationship between exposure and lung and brain cancers.	Most vinyl chloride is used to make polyvinyl chloride plastic and vinyl products, including pipes, wire and cable coatings, and packaging materials. It can be formed when plastics containing these substances are left to decompose in solid waste landfills. Vinyl chloride has been detected near landfills, sewage plants, and hazardous waste sites.

Air Pollutant	Averaging Time	California Standard[1]	Federal Standard	Most Relevant Effects from Pollutant Exposure	Sources

Notes:
ppm = parts per million
$\mu g/m^3$ = micrograms per cubic meter
Sources: United States Environmental Protection Agency (EPA). California Air Resources Board (ARB).

SFBAAB Attainment Status

The EPA and the ARB designate air basins where ambient air quality standards are exceeded as "nonattainment" areas. If standards are met, the area is designated as an "attainment" area. If there is inadequate or inconclusive data to make a definitive attainment designation, they are considered "unclassified." National nonattainment areas are further designated as marginal, moderate, serious, severe, or extreme as a function of deviation from standards.

The current attainment designations for the Air Basin are shown in Table 3.3-2. Currently in the Air Basin, 8-hour average ozone (both State and national), 1-hour average ozone (State), annual arithmetic mean PM_{10} (State), 24-hour average PM_{10} (State), annual arithmetic mean $PM_{2.5}$ (State), and 24-hour average $PM_{2.5}$ (national) are still in nonattainment status.

Table 3.3-2: San Francisco Bay Area Air Basin Attainment Status

Pollutant	State Status	National Status
Ozone	Nonattainment	Nonattainment
CO	Attainment	Attainment
NO_2	Attainment	Attainment
SO_2	Attainment	Attainment
PM_{10}	Nonattainment	Attainment/Unclassified
$PM_{2.5}$	Attainment	Nonattainment
Sulfates	Attainment	N/A
Lead	Attainment	Attainment

Notes:
CO = carbon monoxide
NO_2 = nitrogen dioxide
PM_{10} = particulate matter less than 10 microns in diameter
$PM_{2.5}$ = particulate matter less than 2.5 microns in diameter
SO_2 = sulfur dioxide

Source: Bay Area Air Quality Management District (Bay Area Air District). 2026. Air Quality Standards and Attainment Status. January. Website: https://www.baaqmd.gov/about-air-quality/research-and-data/air-quality-standards-and-attainment-status. Accessed February 6, 2026.

Monitoring Data

The Bay Area Air District operates a regional air quality monitoring network that regularly measures the concentrations of the five major criteria air pollutants to evaluate air pollution levels and attainment status. The local air quality can be evaluated by reviewing relevant air pollution concentrations near the proposed project area.[1]

Emissions Inventory

The Bay Area Air District estimates emissions of criteria air pollutants from approximately 900 source categories. The estimates are based on Bay Area Air District permit information for stationary sources (e.g., manufacturing industries, refineries, dry-cleaning operations), plus more generalized estimates for area sources (e.g., space heating, landscaping activities, use of consumer products), and mobile sources (e.g., trains, ships and planes, as well as on-road and off-road motor vehicles).[2]

3.3.5 - Existing Ambient Air Quality: Toxic Air Contaminants

In addition to criteria air pollutants list above, another group of pollutants commonly referred to as toxic air contaminants (TACs) or hazardous air pollutants (HAPs), are pollutants that result in an increase in mortality, a serious illness, or pose a present or potential hazard to human health. Health effects of TACs may include cancer, birth defects, immune system damage and neurological damage. In addition, many TACs can be toxic at very low concentrations. For some chemicals such as carcinogens, there are no thresholds below which exposure can be considered risk-free. The ARB identifies over 200 compounds as TACs (also termed as HAPs by the EPA).

Toxic Air Contaminants: Sources and Health Effects

Industrial facilities and mobile sources such as cars, trucks, trains, and ships are significant sources of TACs. Other sources of TACs include gasoline stations and backup generators (commonly required in many commercial and residential buildings). More recently, diesel particulate matter (DPM) was identified as a TAC by the ARB. DPM differs from other TACs in that it is not a single substance but rather a complex mixture of hundreds of substances. According to Bay Area Air District, mobile source emissions of DPM, benzene, and 1,3-butadiene represent a substantial portion of the ambient background risk from TACs in the SFBAAB.

Several studies indicate that DPM poses the greatest health risk among the TACs. A 10-year research program demonstrated that DPM from diesel-fueled engines is a human carcinogen and that chronic (long-term) inhalation exposure to DPM poses a chronic health risk. In addition to increasing the risk of lung cancer, exposure to diesel exhaust can have other health effects. Diesel exhaust can irritate the eyes, nose, throat, and lungs, and it can cause coughs, headaches, lightheadedness, and nausea. Diesel exhaust is a major source of fine particulate pollution as well, and studies have linked elevated particle levels in the air to increased hospital admissions, emergency room visits, asthma attacks, and premature deaths among those suffering from respiratory problems.

[1] California Air Resources Board (ARB). Air Quality Data Statistics. Website: https://www.arb.ca.gov/adam/. Accessed February 6, 2026.

[2] Bay Area Air Quality Management District. Emissions Inventory. Website: https://www.baaqmd.gov/about-air-quality/emission-inventory. Accessed February 6, 2026.

3.3.6 - Existing Ambient Air Quality: Odors and Dust

Other air quality issues of concern in the SFBAAB include nuisance impacts of odors and dust. Objectionable odors may be associated with a variety of pollutants. Common sources of odors include wastewater treatment plants, landfills, composting facilities, refineries, and chemical plants. Similarly, nuisance dust may be generated by a variety of sources, including quarries, agriculture, grading, construction, and roads. Odors rarely have direct health effects among the public. Each year the Bay Area Air District receives thousands of citizen complaints about objectionable odors. Dust emissions can contribute to increased ambient concentrations of PM_{10} and can also contribute to reduced visibility and soiling of exposed surfaces.

3.3.7 - Regulatory Setting

Air quality with respect to criteria air pollutants and TACs within the SFBAAB is regulated by such agencies as Bay Area Air District, ARB, and EPA, along with local government agencies. Each of these agencies develops rules, regulations, policies, and/or goals to attain the goals or directives imposed through legislation. Although the EPA regulations may not be superseded, both State and local regulations may be more stringent.

Criteria Air Pollutants

Federal Air Quality Regulations for Criteria Pollutants

The EPA is the governing body responsible for regulating air pollution in the United States and setting nationwide air quality and emissions standards. The EPA's air quality mandates are drawn primarily from the federal Clean Air Act (Clean Air Act), which was enacted in 1963 and amended in 1970, 1977, and 1990.

The Clean Air Act required the EPA to establish primary and secondary National Ambient Air Quality Standards (NAAQS).[3] The Clean Air Act also requires each state to prepare an air quality control plan referred to as a State Implementation Plan (SIP). The Clean Air Act Amendments of 1990 require states with nonattainment areas to revise their SIPs to incorporate additional control measures to reduce air pollution. The SIP is periodically modified to reflect the latest emissions inventories, planning documents, and rules and regulations of the air basins as reported by their jurisdictional agencies. The EPA has responsibility to review all State SIPs to determine conformation to the mandates of the Clean Air Act and determine whether implementation will achieve air quality goals. If the EPA determines a SIP to be inadequate, a Federal Implementation Plan (FIP) may be prepared for the nonattainment area that imposes additional control measures. Failure to submit an approvable SIP or to implement the plan within the mandated timeframe may result in sanctions being applied to transportation funding and stationary air pollution sources in the air basin.

In addition, the EPA issues federal emissions standards for new motor vehicles and nonroad engines, national emissions standards for categories of new industrial equipment (e.g., power plants, industrial boilers, cement manufacturing, secondary lead smelting), and technical and policy guidance for SIPs. In 2014, the EPA issued standards commonly known as Tier 3, which consider the

[3] United States Environmental Protection Agency (EPA). 2024. NAAQS Table. February. Website: https://www.epa.gov/criteria-air-pollutants/naaqs-table. Accessed February 6, 2026

vehicle and its fuel as an integrated system, setting new vehicle emissions standards and a new gasoline sulfur standard beginning in 2017. The vehicle emissions standards will reduce both tailpipe and evaporative emissions from passenger cars, light-duty trucks, medium-duty passenger vehicles, and some heavy-duty vehicles. The gasoline sulfur standard will enable more stringent vehicle emissions standards and will make emissions control systems more effective. The standards will reduce atmospheric levels of ozone, fine particles, nitrogen dioxide, and toxic pollution.[4]

State Air Quality Regulations for Criteria Pollutants

The ARB is the Statewide governing body which focuses on California's unique air quality challenges by setting the State's own, stricter, air pollutant emissions standards for a range of Statewide pollution sources, including vehicles, fuels, on- and off-road equipment, and consumer products. The ARB implements the California Clean Air Act (CCAA), which was adopted in 1988 and developed to address air quality concerns not adequately addressed by the Clean Air Act. The CCAA requires that all air districts in the State endeavor to achieve and maintain the California Ambient Air Quality Standards (CAAQS) by the earliest practicable date. The CCAA specifies that air districts should focus particular attention on reducing the emissions from transportation and area-wide emission sources and provides air districts with authority to regulate indirect sources. The CAAQS set standards for 10 air pollutants; the six federal pollutants listed above as well as visibility-reducing particulates, hydrogen sulfide, sulfates, and vinyl chloride.

The ARB is responsible for Statewide pollution sources and produces a major part of the SIP, including addressing transport of pollutants. Local air districts are still relied upon to provide additional strategies for sources under their jurisdiction. The ARB combines this data and submits the completed SIP to EPA. Other ARB duties include monitoring air quality (in conjunction with air monitoring networks maintained by air pollution control and air quality management districts) and updating area designations and maps.

The ARB is responsible for rulemakings to adopt and amend specific regulations to reduce emissions from mobile sources such as cars, trucks, buses, on- and off-road equipment, fuels, harbor craft, locomotives, ocean-going vessels at berth, and motorcycles, as well as consumer products and select stationary sources, including gas stations. These wide-ranging air quality regulations address all major sources of smog-forming air pollution (and other forms of air pollution). As a result, cars today are 99 percent cleaner than in the 1970s, resulting in less pollution overall, shorter hospital stays, and fewer days missed from school and work due to respiratory and cardiopulmonary diseases.[5]

Regional Air Quality Regulations for Criteria Pollutants

The Bay Area Air District is one of 35 local air pollution control districts created by the California Legislature with authority to regulate air pollutant emissions from businesses and stationary facilities, ranging from oil refineries to auto-body shops and dry cleaners. The Bay Area Air District is the primary agency responsible for ensuring that the Clean Air Act and CAAQS are attained and maintained in the SFBAAB. The air quality strategy employed by Bay Area Air District includes a

[4] United States Environmental Protection Agency. (EPA). May 2024. Website: https://www.epa.gov/regulatory-information-topic/regulatory-and-guidance-information-topic-air. Accessed February 6, 2026.
[5] California Air Resources Board (ARB). 2024. Website: https://ww2.arb.ca.gov/about. Accessed February 6, 2026.

comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues. The Bay Area Air District also inspects stationary sources of air pollution and responds to citizen complaints, monitors ambient air quality and meteorological conditions, and implements program and regulations required by the Clean Air Act and CCAA.

The Bay Area Air District Board of Directors adopted California Environmental Quality Act (CEQA) Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans (Bay Area Air District CEQA Thresholds) in 2022. The Bay Area Air District CEQA Thresholds (and associated guidance) are intended to assist lead agencies in evaluating air quality and climate impacts from proposed land use projects in the SFBAAB during the environmental review process.

Local Air Quality Regulations/Policies for Criteria Pollutants

The following policies in the Town's General Plan have been adopted for the purpose of reducing or avoiding air quality impacts and are applicable to the proposed project:

Policy 34.01 Support regional, State, and federal efforts to reduce air pollution.

Policy 34.03 Implement appropriate controls and "best practice" requirements on construction and grading activities to minimize airborne dust and other particulate matter.

Policy 34.06 Consistent with CEQA and the measures necessary to mitigate General Plan impacts, require indoor air filtration systems to reduce particulate concentrations to acceptable levels for projects where there would be a significant cancer risk exposure as defined by Bay Area Air District.

To implement these policies, the General Plan requires adherence to the following required mitigation measure prior to the issuing of a grading permit:

GP IM AQ-1 Implement Bay Area Air District Best Management Practices to Control Dust During Construction

The following dust control measures, as recommended by the Bay Area Air Quality Management District (Bay Area Air District), shall be included in the design of the proposed project and implemented during construction:

- All exposed non-paved surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and access roads) shall be watered at least two times per day. and/or non-toxic soil stabilizers shall be applied to exposed non-paved surfaces.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered and/or shall maintain at least 2 feet of freeboard.
- 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 5 minutes, as required by the California Airborne Toxic Control Measure (ATCM) Title 13, Section 2485 of California Code of Regulations. Clear signage regarding idling restrictions shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- The prime construction contractor shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The construction contractor shall take corrective action within 48 hours. The Bay Area Air District's and the Town's phone numbers shall also be visible to ensure compliance with applicable regulations.

3.3.8 - Toxic Air Contaminants

TACs can be separated into carcinogens and noncarcinogens based on the nature of the physiological degradation associated with exposure to the pollutant. For regulatory purposes, carcinogens are assumed to have no safe threshold below which health impacts will not occur. Noncarcinogenic TACs differ in that there is a safe level at which it is generally assumed that no negative health impacts would occur. These levels are determined on a pollutant-by-pollutant basis.

It is important to understand that TACs are not considered criteria air pollutants and thus are not specifically addressed through the setting of ambient air quality standards. Instead, the EPA and ARB regulate TACs (known by the EPA as HAPs) through statutes and regulations that generally require the use of Maximum Available Control Technology (MACT) or Best Available Control Technology (BACT) to limit emissions. Those, in conjunction with additional rules set forth by the Bay Area Air District, establish the regulatory framework for TACs.

Federal Air Quality Regulations for TACs

The Clean Air Act requires the EPA to regulate toxic air pollutants, also known as air toxics, from large industrial facilities in two phases. The first phase is "technology-based," where EPA develops standards for controlling the emissions of TACs from sources in an industry group (or "source category.") These MACT standards are based on emissions levels that are already being achieved by the controlled and low-emitting sources in an industry. The second phase is a "risk-based" approach called residual risk. Here, EPA must determine whether more health-protective standards are necessary. Within 8 years of setting the MACT standards, the Clean Air Act requires EPA to assess the remaining health risks from each source category to determine whether the MACT standards protect public health with an ample margin of safety and protect against adverse environmental effects.

Every 8 years after setting the MACT standards, the Clean Air Act also requires EPA to review and revise the standards, if necessary, to account for improvements in air pollution controls and/or prevention. The first 8-year review, when combined with the residual risk review, is called the risk and technology review.

State Air Quality Regulations for TACs

California has a comprehensive and effective air toxics program. Several pieces of legislation form the basis for ARB to identify and control air toxics from a multitude of sources, inform the public of significant toxic exposures, and provide ways to reduce risks from these exposures. The key programs outlined by legislative mandates include the Toxic Air Contaminant Identification and Control Program (Assembly Bill [AB] 1807), the Air Toxics Hot Spots Information and Assessment Act (AB 2588), the Children's Environmental Health Protection Act, and the Community Air Protection Program. The ARB has identified more than 200 toxic air pollutants and has adopted and implemented 25 ATCMs. Some of the air toxics that have been identified and controlled include: benzene in gasoline, hexavalent chromium from chrome platers, perchloroethylene from dry cleaners, and diesel exhaust from cars and trucks. The Community Air Protection Program (AB 617) was signed into law to reduce exposure in communities experiencing high cumulative exposure to air pollution including air toxic chemicals, many of which occur in disadvantaged communities.[6]

The ARB has adopted diesel exhaust control measures and more stringent emission standards for various on-road mobile sources including transit buses and off-road diesel equipment (e.g., tractors, generators). These standards are encompassed in the Airborne Toxic Control Measures (ATCMs) aimed at reducing TACs from mobile sources (including on-road and off-road vehicles) and stationary sources. The ATCMs that are relevant and applicable to the proposed project are listed below:[7]

- DPM Control Measure for On-Road Heavy-Duty Diesel-Fueled Residential and Commercial Solid Waste Collection Vehicles (13 California Code of Regulations [CCR] §§ 2020, 2021)
- ATCM for DPM from Portable Engines Rated at 50 Horsepower and Greater (17 CCR § 93116)
- ATCM to Limit Diesel-Fueled Commercial Motor Vehicle Idling (13 CCR § 2485)
- Asbestos ATCM for Construction, Grading, Quarrying and Surfacing Mining Operations; (17 CCR § 93105)
- ATCM to Reduce Particulate Emissions from Diesel-Fueled Engines – Standards for Nonvehicular Diesel Fuel (17 CCR § 93114)

As a result of these actions, mobile source emissions of TACs (benzene, 1,3-butadiene, DPM) and stationary sources of TACs have been reduced significantly since 1990, leading to a reduction of ambient cancer risk in California of about 80–85 percent.

[6] California Air Resources Board (ARB). 2024. Website: https://ww2.arb.ca.gov/our-work/programs/air-toxics-program. Accessed June 12, 2024.

[7] California Air Resources Board (ARB). 2024. Airborne Toxic control Measures. Website: https://ww2.arb.ca.gov/resources/documents/airborne-toxic-control-measures. Accessed July 15, 2024.

Regional Air Quality Regulations for TACs

The Bay Area Air District has regulated TACs since the 1980s. At the local level, air pollution control or management districts may adopt and enforce ARB's control measures. Under Bay Area Air District Regulation 2-1 (General Permit Requirements), Regulation 2-2 (New Source Review), and Regulation 2-5 (New Source Review), all nonexempt sources that possess the potential to emit TACs are required to obtain permits from Bay Area Air District. Permits may be granted to these operations if they are constructed and operated in accordance with applicable regulations, including new source review standards and air toxic control measures. The Bay Area Air District limits emissions and public exposure to TACs through a number of programs. The Bay Area Air District prioritizes TAC-emitting stationary sources based on the quantity and toxicity of the TAC emissions and the proximity of the facilities to sensitive receptors. In addition, the Bay Area Air District has adopted Regulation 11 Rules 2 and 14, which address asbestos demolition, renovation, manufacturing, and standards for asbestos-containing serpentine.

The Bay Area Air District adopted Regulation 11, Rule 18 (Reduction of Risk from Air Toxic Emissions at Existing Facilities) in 2017, which requires any facility with health risks above risk action thresholds to make reasonable reductions in those health risks.

AB 617 required all air districts around the State to identify and select communities that suffer a high cumulative exposure burden from air pollution. In the Bay Area, these communities include all the Community Air Risk Evaluation (CARE) Areas, as well as areas with large sources of air pollution, areas that have been identified via Statewide screening tools as having pollution and/or health burden vulnerability, and areas that have low life expectancy. The proposed project is not located within a CARE or AB 617-identified community.

Local Air Quality Regulations/Policies for Criteria Pollutants

The following policies in the Town's General Plan have been adopted for the purpose of reducing or avoiding health risk impacts from TAC and/or $PM_{2.5}$ emissions and/or exposure and are applicable to the proposed project:

Policy 34.01 Support regional, State, and federal efforts to reduce air pollution.

Policy 34.03 Implement appropriate controls and "best practice" requirements on construction and grading activities to minimize airborne dust and other particulate matter.

Policy 34.06 Consistent with CEQA and the measures necessary to mitigate General Plan impacts, require indoor air filtration systems to reduce particulate concentrations to acceptable levels for projects where there would be a significant cancer risk exposure as defined by Bay Area Air District.

To implement these policies, the General Plan requires adherence to General Plan Implementing Measure AQ-1 to control dust during construction.

3.3.9 - Thresholds of Significance

The Lead Agency utilizes the criteria in CEQA Guidelines Appendix G Environmental Checklist. Impacts to air quality would be considered significant environmental effects if the proposed project would:

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

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard.

c) Expose sensitive receptors to substantial pollutant concentrations.

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

3.3.10 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed project and provides mitigation measures where appropriate.

Consistency with Air Quality Management Plan

Impact AIR-1:	**The proposed project would not conflict with or obstruct implementation of the applicable air quality plan.**

Impact Analysis

The Bay Area Air District has adopted several air quality policies and plans to address regional air quality standards, the most recent of which is the 2017 Clean Air Plan. The 2017 Clean Air Plan serves as the regional Air Quality Plan (AQP) for the SFBAAB for attaining NAAQS. The primary goals of the 2017 Clean Air Plan are to protect public health and protect the climate.

The Bay Area Air District does not provide a numerical threshold of significance for project-level consistency analysis with AQPs and recommends the following criteria to be used for determining a project's consistency with the AQP.

- **Criterion 1:** Does the project support the primary goals of the AQP?
- **Criterion 2:** Does the project include applicable control measures from the AQP?
- **Criterion 3:** Does the project disrupt or hinder the implementation of any AQP control measures?

Criterion 1

The primary goals of the 2017 Clean Air Plan are to attain air quality standards; reduce population exposure to unhealthy air and protect public health in the Bay Area; and reduce GHG emissions and protect the climate.

A measure for determining whether the proposed project supports the primary goals of the AQP is if the project would not result in an increase in the frequency or severity of existing air quality

violations, cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the AQPs. This measure is determined by comparing project emissions to the significance thresholds identified by the Bay Area Air District for construction- and operation-related pollutants. These significance thresholds are applied in the evaluation of Impact AIR-2, below. As discussed under Impact AIR-2, the proposed project would not exceed Bay Area Air District thresholds for project emissions of construction- and operational-related criteria air pollutants and would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard. In addition, pursuant to Implementing Measure AQ-1, the General Plan requires adherence to control dust measures during construction, and therefore fugitive dust control measures would be required to be implemented during the construction of the proposed project in order to reduce localized dust impacts. Impacts related to fugitive dust from the proposed project's construction would be potentially significant without the inclusion of sufficient dust control measures. Therefore, the proposed project is consistent with the 2017 Clean Air Plan's goal of attaining air quality standards.

Another measure for determining whether the proposed project supports the primary goals of the AQP is if the project would not expose sensitive receptors to substantial pollutant concentrations. This measure is determined by comparing project-generated health risks to the significance thresholds identified by the Bay Area Air District for construction- and operational-related emissions of TACs and/or $PM_{2.5}$. These significance thresholds are applied in the evaluation of Impact AIR-3, below. As discussed under Impact AIR-3, the proposed project would not exceed Bay Area Air District thresholds and would not expose sensitive receptors to substantial pollutant concentrations. Therefore, the proposed project is consistent with reducing population exposure to unhealthy air and protecting public health in the Bay Area.

The proposed project would implement several attributes that will serve to protect the climate, another goal of the 2017 Clean Air Plan. The proposed project would preserve approximately 73 acres of the 102-acre project site as undisturbed open space; in addition, the proposed project would plant a total of 137 trees. Planting trees and protecting open space will serve to act as a carbon sink, and the proposed project is therefore consistent with the 2017 Clean Air Plan goal of protecting the climate.

Accordingly, the proposed project is consistent with the goals of the 2017 Clean Air Plan and is therefore consistent with criteria one as set forth by Bay Area Air District.

Criterion 2

The 2017 Clean Air Plan contains 85 control measures that describe specific actions to reduce air pollutants and GHGs at the local, regional, and global levels. Stationary source control measures are implemented via Bay Area Air District's permitting program and enforcement of the Bay Area Air District Rules and Regulations. Along with the traditional stationary, area, mobile source, and transportation control measures, the 2017 Clean Air Plan contains several control measures designed to protect the climate and promote mixed use and compact development to reduce vehicle emissions and exposure to pollutants from stationary and mobile sources. The 2017 Clean Air Plan

also includes an account of the implementation status of control measures identified in the 2010 Clean Air Plan.

To establish compliance with the Clean Air Plan, the proposed project would be required to comply with applicable Clean Air Plan control measures, listed below:[8]

- **BL1:** Green Buildings;
- **BL4:** Urban Heat Island Mitigation;
- **EN1:** Decarbonize Electricity Generation;
- **EN2:** Decrease Electricity Demand;
- **NW2:** Urban Tree Planting;
- **WA3:** Green Waste Diversion;
- **WA4:** Recycling and Waste Reduction;
- **SS36:** Particulate Matter from Trackout;
- **TR9:** Bicycle and Pedestrian Access and Facilities.

The proposed project would comply with the above control measures as specified below:

- For consistency with Clean Air Plan Measures BL1, EN1, and EN2, the proposed project would comply with the latest energy efficiency standards, including the 2022 California Title 24 Energy Code, including Title 24, Part 6, Subchapter 8, which would require the proposed project to incorporate rooftop solar, and the 2022 Green Building Standards Code (CALGreen). Accordingly, the proposed project would incorporate applicable energy efficiency features designed to reduce project energy consumption, thereby promoting green building construction and decreasing electricity demand.
- For consistency with Clean Air Plan Measures BL4 and NW2, the proposed project would preserve approximately 73 acres of open space and would plant a total of 127 trees, which will help to mitigate the urban heat island effect.
- For consistency with Clean Air Plan Measures WA3 and WA4, the proposed project would utilize a waste service provider compliant with AB 341, SB 939, and SB 1374 requirements.
- For consistency with Clean Air Plan Measure SS36, the proposed project would implement the General Plan measure which would require incorporation of dust control measures during construction.
- For consistency with Clean Air Plan Measure TR9, the proposed project would create a new private drive that would not be accessible to through traffic, so it is easily walkable and bikeable. The Iron Horse Regional Trail provides a multiuse bicycle/pedestrian pathway, and is located approximately 1 mile from the project site. Pedestrian sidewalks currently exist along Como Way and the streets in the project vicinity, which would encourage pedestrian access to the project site.

[8] Bay Area Air Quality Management District (Bay Area Air District). 2017. Final 2017 Clean Air Plan. Website: https://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans#:~:text=The%202017%20Plan%20includes%20a,climate%20pollutants%20in%20the%20near%2D. Accessed March 3, 2025.

Accordingly, the proposed project would comply with all applicable measures under the 2017 Clean Air Plan and is therefore consistent with criteria two as set forth by Bay Area Air District.

Criterion 3

The proposed project would not preclude extension of a transit line or bike path, propose excessive parking beyond parking requirements, or otherwise create an impediment or disruption to implementation of any AQP control measures. As discussed above, the proposed project would incorporate several AQP control measures as project design features, such as complying with energy efficiency standards, protection of open space, tree planting and installation of low water use landscaping across the project site. Considering this information, the proposed project would not disrupt or hinder the implementation of any AQP control measures. The proposed project is therefore consistent with Criterion three as set forth by Bay Area Air District.

Summary

As discussed above, the proposed project would be consistent with all three criteria. Therefore, impacts associated with conflicting with or obstructing the implementation of the applicable AQP would be less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

Cumulative Impact Analysis

Regional air quality effects are inherently cumulative. The nonattainment status of regional pollutants results from multiple sources in the air basin, both past and present. The potential for the proposed project to result in significant criteria air pollutant emissions, and therefore a cumulatively considerable contribution to potential impacts associated with consistency with the air quality management plan, is addressed under Impacts AIR-1, AIR-2, and AIR-3. According to the Bay Area Air District's 2022 CEQA Guidelines, if a project's individual emissions would be less than the thresholds identified above, the project would not be expected to result in a cumulatively considerable incremental contribution to the significant cumulative impact. As discussed, the proposed project is consistent with the adopted AQP, and impacts related to consistency with the AQP would be less than significant. Therefore, the proposed project's incremental contribution would also be less than cumulatively considerable with regard to consistency with the AQP.

Level of Cumulative Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

Cumulative Criteria Pollutant Emissions Impacts

Impact AIR-2: The proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard.

Impact Analysis

Air quality impacts fall into two categories: short-term impacts that would occur during construction of the project and long-term impacts due to project operation. Potential impacts could result in exceedances of State or federal standards for ozone precursors nitrogen oxide (NO_X) and ROG. Ozone at the ground level (tropospheric ozone) is not directly emitted; it is a secondary pollutant formed through complex chemical reactions involving ozone precursors including nitrogen oxides (NO_x) and ROG in the presence of sunlight. Because controlling ozone levels directly is not feasible, regulatory agencies such as the EPA and ARB focus on reducing precursors. Therefore, the (NAAQs and CAAQS include attainment requirements for ozone precursors ROG and NOx. As mentioned previously, the SFBAAB is in nonattainment for these precursor pollutants, and is in nonattainment for PM_{10} and $PM_{2.5}$. In addition, CO emissions are of concern during project operation because operational CO hotspots are related to increases in on-road vehicle congestion, and CO hotspots can have consequential health impacts.

Construction Emissions

Construction emissions from the proposed project would be "short-term" or temporary in nature and duration. Construction of the proposed project would result in the temporary generation of ROG, NO_X, CO, PM_{10}, and $PM_{2.5}$ emissions from construction activities including site preparation, grading, building construction, architectural coating, and asphalt paving.

Construction Fugitive Dust

Construction-related activities, such as soil disturbance, grading, and material hauling result in fugitive dust emissions (e.g., $PM_{2.5}$ and PM_{10}). PM_{10}/$PM_{2.5}$ (fugitive dust) is recognized to impact local communities. The Bay Area Air District does not have a numerical threshold of significance for fugitive dust particulate matter emissions. Instead, the Bay Area Air District bases the determination of significance for fugitive dust on implementing feasible and effective control measures. For a project to have a less than significant impact from construction-related fugitive dust emissions, it must implement all of the Bay Area Air District BMPs.[9] As mentioned previously, the proposed project would implement dust control measures during construction pursuant to the Town's General Plan to reduce construction-related fugitive dust and would therefore demonstrate a less than significant impact related to short-term construction fugitive dust emissions. In addition, the proposed project would comply with all applicable Bay Area Air District rules, including Regulation 6, Rule 1 (General Requirements) and Regulation 6, Rule 6 (Prohibition of Trackout), which require dust-generating operations to limit particulate matter (PM) emissions.

[9] Bay Area Air Quality Management District (Bay Area Air District) CEQA Guidelines. 2022. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-5-project-air-quality-impacts_final-pdf.pdf?rev=de582fe349e545989239cbbc0d62c37a&sc_lang=en. Accessed March 3, 2025.

Construction Exhaust Air Pollutant Emissions: ROG, NOX, PM_{10}, and $PM_{2.5}$

Construction emissions related to exhaust were quantified and estimated using California Emissions Estimator Model (CalEEMod) Version 2022.1 for a typical construction scenario for a land use project of this size. CalEEMod provides a consistent platform for estimating construction and operational emissions from a wide variety of land use projects and is the model recommended by the Bay Area Air District for estimating project emissions. Construction emissions were estimated and compared with the applicable thresholds of significance established by the Bay Area Air District to assess ROG, NO_X, exhaust PM_{10}, and exhaust $PM_{2.5}$ construction emissions to determine significance for this criterion.

The following project characteristics and assumptions were utilized in the analysis:

- Construction activities are anticipated to begin in June 2026 and last approximately 14 months. If implementation of the proposed project results in a modification of the construction schedule, it has no effect on the total emissions that would be generated by the proposed project's construction, nor does it have any effect regarding the calculation of average emissions per day or per year (as determined pursuant to Bay Area Air District methodology). Although it does not form the basis of the evaluation or conclusion in this document, future improvements in technology would be incorporated into regulatory requirements consistent with standard modeling protocols. Accordingly, should the construction schedule move to later years or take longer, construction emissions would be expected to decrease because of mandatory compliance with improvements in technology and more stringent regulatory requirements that would affect future construction equipment and fuels (therefore, the analysis represents a reasonable worst-case, conservative approach).
- The modeling assumed construction of 22 townhomes and five accessory dwelling units (ADUs), an interior fire road, an interior paved road, and off-site improvements (including a connection to Como Way).[10]
- Construction, including site preparation, grading, building construction, paving and coating was assumed to be completed within 335 workdays.
- Based on applicant-provided information, earthwork at the site would be balanced and would not result in import or export of soil.
- The modeling assumed implementation of dust control measures to control fugitive dust.

Additional details on the assumptions and modeling outputs are included in Appendix A.

Table 3.3-3 shows the proposed project's average daily emissions from construction-related exhaust emissions, including site preparation, grading, building construction, paving and architectural coating. As indicated in Table 3.3-3, construction exhaust emissions from all construction activities would be below the Bay Area Air District's recommended thresholds of significance; therefore, the

[10] The project applicant proposes to construct 21 market-rate, single-family homes with five ADUs. The proposed project would also create a 22nd lot that would remain undeveloped at this time. To provide a conservative analysis, this Draft EIR analyzes the potential for future development of an additional single-family housing unit on the 22nd lot.

proposed project's construction would have less than significant impact related to emissions of ROG, NO_X, exhaust PM_{10}, and exhaust $PM_{2.5}$.

Table 3.3-3: Construction Emissions by Construction Year

Construction Year	Criteria Pollutant Emissions (lbs/day)			
	ROG	NO_X	PM_{10} (Exhaust)	$PM_{2.5}$ (Exhaust)
Average Daily Construction Emissions (2026)	1.96	17.75	0.71	0.65
Average Daily Construction Emissions (2027)	11.48	8.33	0.30	0.27
Highest Average Daily Emissions (lbs/day)	**11.48**	**17.75**	**0.30**	**0.65**
Bay Area Air District Significance Thresholds (lbs/day)	**54**	**54**	**82**	**54**
Significant Impact?	**No**	**No**	**No**	**No**

Notes:
Bay Area Air District = Bay Area Air Quality Management District
lbs/day = pounds/day
NO_X = nitrogen oxides
PM_{10} = particulate matter 10 micrometers or less in diameter
$PM_{2.5}$ = particulate matter 2.5 micrometers or less in diameter
ROG = reactive organic gases

This analysis relies on a 14-month construction schedule, consistent with applicant-provided construction schedule and modeling results contained in Appendix A. The analysis includes dust-reduction measures.

The average daily emissions are calculated using 154 construction working days in 2026 and 181 construction working days in 2027 for the proposed project.
Source: Appendix A.

Operational Emissions

Operational emissions from the proposed project include those associated with ongoing operation of the project. Operational emissions would include area, energy, and mobile sources.

- Area sources: would include emissions from architectural coatings, hearths, consumer products and landscape equipment.
- Energy use: would include emissions from natural gas consumption from cooking and natural gas fired appliances.
- Mobile sources: include exhaust and road dust emissions from the vehicles that would travel to and from the project site.

Operational Air Pollutant Emissions: ROG, NOX, PM_{10} and $PM_{2.5}$

The Bay Area Air District developed screening criteria for criteria air pollutants and precursors that are available to provide lead agencies with a conservative indication of whether implementing a proposed project could result in potentially significant criteria air pollutants and precursor impacts. If all screening criteria for criteria air pollutants and precursors are met by a proposed project, then a

more detailed assessment of the project's criteria air pollutant and precursor emissions would not be necessary. The operational screening criteria are as follows:

- The project size is at or below the applicable screening level size shown in Table 4-1 of the Bay Area Air District 2022 CEQA Guidelines.
- Operational activities would not include stationary engines (e.g., backup generators) and industrial sources subject to Air District rules and regulations.
- Operational activities would not overlap with construction-related activities.

Table 4-1 of the 2022 Bay Area Air District CEQA Air Quality Guidelines establishes the Single Land Use Screening Levels for various land use subcategories. The land use subcategory that most closely matches the proposed project is Single-Family Homes and Apartments (for the ADUs). The screening level for the Single-Family Homes land use is 421 dwelling units for operations and 638 dwelling units for the Apartments land use for operations.[11] As previously discussed, the proposed project will include the construction of up to 22 single-family homes and five ADUs, which is significantly below the operational screening criteria set forth for those land use subcategories.[12] The proposed project's operational activities would not include stationary engines such as backup generators, nor would the operational activities overlap with construction-related activities. Therefore, the proposed project is consistent with all screening criteria for operation established by the Bay Area Air District and would result in less than significant impacts from operational-related criteria air pollutants and precursors.

Operational Carbon Monoxide (CO) Hotspot Assessment

A CO hotspot is a localized concentration of CO that is above a CO ambient air quality standard. Localized CO hotspots can occur at areas with high vehicle density, such as intersections with heavy peak-hour traffic. The CO emissions from traffic generated by the proposed project are a concern at the local level because project trip generation could lead to congested intersections that can result in high, localized concentrations of CO.

The Bay Area Air District provides screening criteria to determine whether implementing the proposed project could result in local CO emissions that exceed thresholds of significance. If all the following screening criteria are met, operation of the proposed project would result in a less than significant impact related to CO:

- The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, the regional transportation plan, and local congestion management agency plans.

[11] Bay Area Air Quality Management District. 2022. Screening for Criteria Air Pollutants and Precursors. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-4-screening_final-pdf.pdf?rev=ac551d35a52d479dad475e7d4c57afa6&sc_lang=en. Accessed May 5, 2025.

[12] The project applicant proposes to construct 21 market-rate, single-family homes with five ADUs. The proposed project would also create a 22nd lot that would remain undeveloped at this time. To provide a conservative analysis, this Draft EIR analyzes the potential for future development of an additional single-family housing unit on the 22nd lot.

- Project-generated traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.
- Project-generated traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

The proposed project is consistent with the underlying general plan land use designation which is therefore consistent with the regional transportation plan (the RTP/SCS). Furthermore, according to the Transportation Impact Study (TIS) prepared by W-Trans, the proposed project would not have a significant VMT impact.[13] Therefore, the proposed project is consistent with the first criterion.

According to the TIS, the highest AM peak-hour traffic volumes at intersections near the project site are 1,003 and the highest PM peak-hour traffic volumes are intersections near the project site are 1,238. The proposed project is anticipated to generate 12 AM peak-hour trips, and 9 PM peak-hour trips. As demonstrated, the proposed project would not increase traffic volumes at affected intersections to more than 24,000 or 44,000 vehicles per hour, which satisfies the screening requirements for criterion two and criterion three.[14]

The proposed project would meet all the screening criteria and would not have a significant impact with respect to carbon monoxide.

Summary

In summary, the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or State ambient air quality standard. Impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

Cumulative Impact Analysis

The geographic area of this cumulative analysis is the SFBAAB. The cumulative analysis focuses on whether a specific project would result in cumulatively considerable emissions. According to Section 15064(h)(4) of the CEQA Guidelines, the existence of significant cumulative impacts caused by other projects alone does not constitute substantial evidence that the proposed project's incremental effects would be cumulatively considerable. Rather, the determination of cumulative air quality impacts for construction and operational emissions is based on whether the proposed project would result in emissions that exceed the Bay Area Air District thresholds of significance for construction and operations on a project level. The thresholds of significance represent the allowable emissions

[13] W-Trans. 2026. Transportation Impact Study for the Martin Hills Ranch Project, Draft Report.
[14] Ibid.

each project can generate without resulting in a cumulatively considerable contribution to regional air quality impacts. Therefore, a project that would not exceed the Bay Area Air District thresholds of significance on the project level also would not be considered to result in a cumulatively considerable contribution to these regional air quality impacts. The proposed project does not exceed Bay Area Air District project-level thresholds of significance for construction and operational-related emissions of criteria air pollutants. Additionally, the proposed project would implement dust control measures to address fugitive dust impacts. Therefore, a less than significant cumulative impact would occur.

Level of Cumulative Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

Sensitive Receptors Exposure to Pollutant Concentrations

Impact AIR-3:	**The proposed project would not expose sensitive receptors to substantial pollutant concentrations.**

Impact Analysis

The proposed project is within 1,000 feet of residential and worker receptors and the construction emissions have the potential to result in significant health risks due to TAC and/or $PM_{2.5}$ emissions. Accordingly, a Health Risk Assessment (HRA) was conducted to evaluate potential health risks from TACs and $PM_{2.5}$ during project construction. The HRA followed Bay Area Air District CEQA Guidelines based on California Office of Environmental Health Hazard Assessment (OEHHA) guidance and recommended methodologies. The potential health risks from project construction were compared against applicable Bay Area Air District thresholds of significance and results are shown in the analysis below.

The following project characteristics and assumptions were utilized in the analysis:

- The major TAC that affects health impacts in the air is DPM, which accounts for roughly 85 percent of the cancer risk from air toxics in the Bay Area region and is therefore utilized as the surrogate for TACs in this analysis.
- Sources of $PM_{2.5}$ in construction include the combustion of diesel fuel, re-entrained road dust, and brake and tire wear.
- The modeling included both emissions generated at the project site and those generated along the anticipated haul roads within 1,000 feet of the site boundary. Diesel exhaust and dust from material movement were characterized by an area source with a height of 5 meters to account for the height of the construction exhaust from the off-road equipment. Roadway emissions (including exhaust, brake and tire wear and road dust) were modeled as line-volume sources or adjacent volume sources. The initial dimensions of the adjacent volumes were determined using EPA Haul Road Guidance (2012) and a truck height of 4.0 meters as

recommended by Bay Area Air District. The modeling utilized Urban dispersion coefficients and Bay Area Air District provided meteorological data from Concord station. The modeled site area was approximately 30 acres to be developed and adjoining roadways (along Como Way and El Capitan Drive) within 1,000 feet of the project site.

- Construction was assumed to begin in June 2026 and was modeled for 8 hours per day and 2,560 total working hours.
- The HRA identified a Maximally Exposed Individual Receptor (MEIR) and a Maximally Exposed Individual Worker (MEIW) and estimated health risks and maximum annual $PM_{2.5}$ concentrations at the MEIR and the MEIW. The health risks were compared to Bay Area Air District thresholds and would not result in significant health risks.

Construction–Project Only

Modeled DPM emissions from construction include 162.28 pounds (lbs) from on-site construction equipment exhaust and 0.02 lbs from off-site, on-road construction vehicles, for a total of 162.48 lbs. Modeled $PM_{2.5}$ emissions from construction include 275.90 lbs from on-site construction activity and 0.75 lbs from off-site activity for a total of 276.65 lbs. Calculated $PM_{2.5}$ emissions include $PM_{2.5}$ exhaust (on- and off-road), fugitive dust from site preparation and grading, as well as brake wear, tire wear, and re-entrained road dust.

The American Meteorological Society/EPA Regulatory Model (AERMOD) air dispersion model was used to estimate the DPM concentrations in the area surrounding the site resulting from the estimated DPM construction emissions. Bay Area Air District pre-processed meteorological data from the Concord station was used to perform the dispersion calculations to determine the downwind concentrations of DPM and the location of the MEIR and MEIW.

Annual concentrations of DPM as predicted by the air dispersion model and output in the Hotspots Analysis and Reporting Program (HARP2) were used to estimate chronic non-cancer hazards. The OEHHA has defined a Reference Exposure Level (REL) for DPM of 5.0 micrograms per cubic meter ($\mu g/m^3$).

Cancer risk, expressed as excess cancer cases per 1 million exposed individuals, was calculated at each receptor. As stated, the risk assessment methodology used followed California OEHHA Guidance, as recommended by Bay Area Air District, accounting for the developmental sensitivity of infants and children and workers as appropriate.

Table 3.3-4 presents a summary of the proposed project's construction cancer risk, chronic non-cancer hazard, and predicted annual $PM_{2.5}$ concentration impacts at the MEIR and the MEIW. The MEIR is the receptor that would experience the highest health effects from project construction and would occur at a residence located south of the project site on Oakmont Court. The MEIW was found to be a worker located at the southern border of the project site at the Crow Canyon Country Club. As shown, estimated cancer and non-cancer risks and $PM_{2.5}$ concentrations related to project construction would be below the single source significance thresholds established by Bay Area Air District at the MEIR and the MEIW, and, therefore, the proposed project's construction emissions would not result in significant health impacts to nearby sensitive receptors.

Table 3.3-4: Summary of Health Risks at the Maximally Exposed Residential Receptor

Impact Scenario	Cancer Risk[1] (risk per million)	Chronic Non-Cancer Hazard Index[2]	$PM_{2.5}$ Concentration ($\mu g/m^3$)
Maximally Exposed Individual Resident (MEIR)[3]	1.69	0	0.02
Maximally Exposed Individual Worker (MEIW)[4]	0.23	0	0.03
Thresholds of Significance	**10**	**1**	**0.3**
Exceeds Individual Source Threshold?	**No**	**No**	**No**

Notes:
$PM_{2.5}$ = particulate matter 2.5 micrometers or less in diameter
$\mu g/m^3$ = micrograms per cubic meter
[1] Cancer risk is identified by multiplying the risk sum from HARP2 by 1,000,000.
[2] Chronic non-cancer hazard index was estimated using HARP2.
[3] The MEIR was determined to be the single-family residence south of the site.
[4] The MEIW was determined to be a worker at the southern boundary of the site at the Crow Canyon Country Club.

Source of Thresholds: Bay Area Air Quality Management District (Bay Area Air District). 2022. California Environmental Quality Act Air Quality Guidelines.

Sources of Project-specific Data: Appendix A.

Construction–Cumulative Impacts

The Bay Area Air District recommends assessing the potential cumulative impacts from existing sources of TACs and $PM_{2.5}$ concentrations that are within 1,000 feet of a proposed project in combination with the project's construction-related health risks. As previously discussed, the project site does not currently have a street address but can be accessed at the eastern ends of Borica Drive and Como Way. According to the Bay Area Air District Stationary Source Screening Map,[15] which provides all the stationary sources permitted by the Bay Area Air District with cancer risks, hazard estimates, and $PM_{2.5}$ concentrations, there are no stationary sources within 1,000 feet of the project site. In addition, there are no major roadways or freeways, or rail lines within 1,000 feet of the project site.

There are no additional sources of TACs and/or $PM_{2.5}$ that would pose cumulative impacts in conjunction with the proposed project's construction. Therefore, there would be no cumulatively considerable or significant impact.

Operation

A residential development is not expected to generate substantive DPM or TAC emissions during operational activity. The proposed project would not have stationary sources or on-site sources of TACs during operation. Traffic generated by the proposed project would consist of mostly light-duty gasoline-powered or electric vehicles, which are not a significant source of TAC and air pollutant

[15] Bay Area Air Quality Management District (Bay Area Air District). 2024. Stationary Source Screening Map. Website: https://baaqmd.maps.arcgis.com/apps/webappviewer/index.html?id=845658c19eae4594b9f4b805fb9d89a3. Accessed March 2, 2025.

emissions. Therefore, the proposed project's operational-related emissions would not result in significant health impacts to nearby sensitive receptors.

Summary

The proposed project would not expose sensitive receptors to substantial pollutant concentrations during project construction or operation, and impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

Cumulative Impact Analysis

The geographic area of this cumulative analysis is a 1,000-foot boundary around the proposed project site, as recommended by the Bay Area Air District.[16] The closest sensitive receptors include single-family residences located north, west, and south of the project site, and workers at the Crow Canyon Country Club. An HRA was conducted to assess potential health impacts from the proposed project's construction-related activities. The project's construction health risk impacts to the MEIR and the MEIW are below the Bay Area Air District thresholds of significance. Therefore, the proposed project will not result in project-level significant health risks to nearby sensitive receptors.

The Bay Area Air District cumulative threshold addresses the potential that a project would have a cumulative significant impact with the aggregate total of all past, present, and foreseeable future sources within a 1,000-foot radius. The Bay Area Air District provides data for existing sources of TACs to be evaluated as part of the baseline environmental conditions; as discussed above, there are no permitted stationary sources, freeways, major roadways, rail lines or other known sources of ongoing TACs and/or $PM_{2.5}$ concentrations within 1,000 feet of the proposed project. In addition, the Town has identified a list of cumulative projects shown in Table 3-1 (see Chapter 3, Environmental Impact Analysis), which are six residential project applications totaling 487 units currently being reviewed by the Town. However, none of these cumulative projects are located within 1,000 feet of the MEIR. Health risks decrease when distance is increased between a source of air pollution and sensitive land uses. Beyond 1,000 feet, any potential health risks would be minimal. Therefore, these projects would not contribute to a cumulatively significant health risk impact.

The proposed project was shown to have a less than significant cumulative health risk impact during construction, which considered existing stationery and roadway emissions within 1,000 feet of the site. Therefore, the proposed project, in conjunction with past and present projects, would result in a less than significant cumulative impact.

[16] Bay Area Air Quality Management District (Bay Area Air District). 2022. CEQA Guidelines, Appendix E. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/appendix-e-recommended-methods-for-screening-and-modeling-local-risks-and-hazards_final-pdf.pdf?rev=b8917a27345a4a629fc18fc8650951e4&sc_lang=en. Accessed September 24, 2024.

The proposed project itself will not introduce new sources of TACs to the area from an operational standpoint. Accordingly, the proposed project would not have a cumulatively considerable contribution to impacts that would expose the public within the geographic area to substantial cumulative pollutant concentrations. Similarly, other cumulative projects identified by the Town are residential in nature and would not result in significant TACs during operation. Therefore, no cumulative impact would occur.

Level of Cumulative Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

Objectionable Odors Exposure

Impact AIR-4:	**The proposed project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.**

Impact Analysis

According to Bay Area Air District 2022 CEQA Guidelines, odor impacts could occur if the proposed project introduces a new odor source near existing receptors. The Bay Area Air District provides a list of recommended odor screening distances for specific odor-generating facilities. According to Bay Area Air District, residential land uses are not odor-generating facilities.

Potential sources that may emit odors during construction activities include exhaust from diesel construction equipment. However, because of the temporary nature of these emissions, the intermittent duration of construction activities, and the highly diffusive properties of diesel PM exhaust, nearby receptors would not be affected by diesel exhaust odors associated with project construction. Odors from these sources would be localized and generally confined to the immediate area surrounding the proposed project site. The proposed project would utilize typical construction techniques, and the odors would be typical of most construction sites and temporary in nature. Thus, the proposed project would not introduce a new odor source near existing receptors.

Summary

In conclusion, the proposed project would not result in odors that would adversely affect a substantial number of people, and impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

Cumulative Impact Analysis

Odors are a localized impact. The type of facilities that are considered to result in emissions leading to objectionable odors generally include wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food processing facilities. No such uses are present in the vicinity of the proposed project site and the proposed project is limited to residential uses, which are not odor generators. Therefore, there is no significant cumulative impact related to odor.

Level of Cumulative Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

3.4 - Biological Resources

3.4.1 - Introduction

This section describes the existing biological setting and potential effects from project implementation on the project site and the surrounding area. This section also identifies mitigation measures to reduce these potential effects to less than significant levels. Descriptions and analysis in this section are based on a Biological Assessment (BA)/Biological Resources Assessment (BRA), Breeding Season Burrowing Owl Survey Report, and an Aquatic Resource Delineation Report prepared by FCS; a Special-status Plant Survey Report prepared by Pinecrest Research Corporation; and a Habitat Assessment for California Red-legged Frog and California Red-legged Frog Survey Report prepared by WRA Environmental Consultants. All supporting documents are contained in Appendix C. The purpose of the supporting documentation was to (1) document existing and potentially occurring biological resources on the project site and adjacent areas; (2) analyze potential project-related impacts on regulated biological resources; (3) summarize relevant local, State, and federal regulations; and (4) recommend appropriate measures to mitigate potential impacts on biological resources to less than significant levels.

The following public comment was received during the Draft Environmental Impact Report (Draft EIR) Notice of Preparation (NOP) scoping period related to Biological Resources.

- States that the Draft EIR does not adequately address mitigation for existing seasonal wetlands.

3.4.2 - Environmental Setting

The project site is located in the Town of Danville (Town), in Contra Costa County, California. The Town is located in the eastern San Francisco Bay Area of Northern California and is bordered to the north by the unincorporated community of Alamo, to the east by the unincorporated communities of Blackhawk and Diablo, to the south by the City of San Ramon, and to the west by the Las Trampas Regional Wilderness Park and unincorporated Contra Costa County. Located in southwestern Contra Costa County, the Town covers approximately 18 square miles and has historically been a suburban community serving major employment centers to the west (e.g., the City of San Francisco) and to the south (e.g., the City of San José). Regional access to the Town is provided by Interstate 680 (I-680) and State Route (SR) 24 to the west and I-580 to the south. More specifically, the project site is located in the southern portion of the Town off Borica Drive and Como Way, and is generally bounded to the south and west by residential developments, to the south/southeast by residential developments and Crow Canyon Country Club Driving Range, and to the north/northeast by open space. The 100.23-acre project site consists of five Assessor's Parcel Numbers (APNs): 218-010-008, 218-010-009, 218-010-010, 218-010-011, and 218-010-012.

The project applicant proposes to construct 21 single-family homes clustered in the southeastern portion of the approximately 102-acre project site. The 21 residential lots would range between 14,553 square feet and 25,387 square feet, and the proposed project would include several agricultural lots located north and west of the residences. The proposed project would also create a

twenty-second lot located at the terminus of Borica Drive. Furthermore, the proposed project would construct project access off Como Way and internal streets to provide internal circulation within the project site.

Soils, Topography, and Hydrology

The elevation within the project site varies, ranging from approximately 165 feet above mean sea level (AMSL) in the southeastern corner to 260 feet AMSL in the northeastern corner. Along the western boundary, elevations extend from 170 feet AMSL in the southern section to 210 feet AMSL in the northern section. The main stem intermittent drainage channel traverses the northern portion of the site, flowing southward along the eastern project boundary before continuing off-site. The southeastern section contains intermittent and ephemeral tributaries that funnel direct precipitation into the main stem drainage, which then moves southward and exits the project area. Water leaving the site remains part of main stem drainage as it progresses into the Bay Club Crow Canyon. From there, it is presumed that the flow enters the Contra Costa County stormwater system. All stormwater systems within Contra Costa County transport water directly to the San Francisco Bay without treatment.

The Natural Resources Conservation Service (NRCS) web soil survey identifies the soils on the project site as Diablo clay series at two different slope classes (DdE and DdF). The Diablo series consists of well drained soils with a restrictive paralithic bedrock layer at 40–59 inches. This soil formed from residuum weathered from calcareous shale.

Physical Habitat/Vegetation

Vegetation communities are assemblies of plant species growing in an area of similar biological and environmental factors. The following section describes the vegetation communities and land cover types present within the project site.

Wild Oats and Annual Brome Grassland

Non-native annual grassland is the dominant vegetation community on the project site, covering 97.14 acres. This community generally corresponds to 42.027.00 *Avena* spp.–*Bromus* spp. herbaceous semi-natural alliance, specifically the 42.040.03 *Brachypodium distachyon* association, which is not ranked as sensitive on the California Natural Community List. The dominant species in this community are ripgut brome (*Bromus diandrus*), soft brome (*Bromus hordeaceus*), false brome (*Brachypodium distachyon*), and Italian ryegrass (*Festuca perennis)*, with other non-native grasses also abundant including wild oat (Avena fatua), slender oat (A*vena barbata*), seaside barley (*Hordeum marinum*), and foxtail barley (*Hordeum murinum*). There are many non-native forbs present in this community as well, including black mustard (*Brassica nigra*), yellow star thistle (*Centaurea solstitialis*), artichoke (*Cynara cardunculus* ssp. *cardunculus*), prickly lettuce (*Lactuca serriola*), bur medic (*Medicago polymorpha*), and rose clover (*Trifolium hirtum*). Scattered native forbs are also present in this community, including small-flowered fiddleneck (*Amsinckia menziesii*), Jepson's pea (*Lathyrus jepsonii*), shining peppergrass (*Lepidium nitidum*), and blue-eyed grass (*Sisyrinchium bellum*).

Rock Outcrop Habitat

There are scattered occurrences of rocky outcrops in the northeastern portion of the site, covering a total of 0.75 acres. These outcrops are outside the proposed impact area and host some species not found in the surrounding non-native grassland habitat, including naked-stemmed buckwheat (*Eriogonum nudum*) and poison oak (*Toxicodendron diversilobum*); however, many of the surrounding non-native species are also present.

Intermittent Drainages

There are three intermittent drainages on the project site, covering a total of 1.52 acres. The main stem drainage (Segment 1-1) is a naturally occurring headwater drainage. This drainage enters the project site in the eastern portion of the northern boundary and moves toward the center of the northern half of the site before turning back to eastern boundary and then moving south off-site. This drainage is fed by intermittent flows from the north, adjacent intermittent and ephemeral drainages, and seasonal wetlands on-site. This segment generally drains the project site to the south. Species present within this drainage segment include common spikerush (*Eleocharis macrostachya*), seep monkeyflower (*Erythranthe guttata*), toad rush (*Juncus bufonius*), iris leaved rush (*Juncus xiphioides*), hyssop loosestrife (*Lythrum hyssopifolia*), watercress (*Nasturtium officinale)*, rabbitsfoot grass (*Polypogon monspeliensis*), curly dock (*Rumex crispus)*, and Italian rye grass.

Intermittent Drainage Segment 1-3 is a naturally occurring drainage. This drainage segment conveys flows from Culvert Segment 1-2 in the north portion of the site southeast to In-stream Wetland Segment 1-4. This segment generally drains the project site to the southeast. The channel is characterized by the presence of shallow, densely vegetated banks and a mostly overgrown bed. The ordinary high water mark (OHWM) is characterized by scour and sediment deposits. At the time of the survey, there was no water present in this drainage segment. Species present within the OHWM of this segment include sour clover, rabbitsfoot grass, toad rush, scarlet pimpernel, curly dock, and spiny sowthistle. Along the banks of this segment there are blow wives, slender oat, artichoke thistle, willow herb, red stem stork's-bill, cutleaf geranium, bristly ox-tongue, bulbous canary grass, Italian thistle, and Italian rye grass. Segment 1-3 conveys intermittent flows from Culvert Segment 1-2 through the northeast portion of the site to In-stream Wetland Segment 1-4.

Intermittent Drainage Segment 1-5 is a naturally occurring drainage. This drainage segment conveys flows from In-stream Wetland Segment 1-4 and Excavated Channel Segment 2-1 in the north portion of the site south to Culvert Segment 1-6. The channel is characterized by the presence of shallow, densely vegetated banks and a mostly overgrown bed. The OHWM is characterized by scour and sediment deposits. At the time of the survey, there was no water present in this drainage segment. Species present within the OHWM of this segment include sour clover, rabbitsfoot grass, toad rush, scarlet pimpernel, curly dock, and spiny sowthistle. Along the banks of this segment there are blow wives, slender oat, artichoke thistle, willow herb, red stem stork's-bill, cutleaf geranium, bristly ox-tongue, bulbous canary grass, Italian thistle, and Italian rye grass. Segment 1-5 conveys intermittent flows from In-stream Wetland Segment 1-4 through the northeast portion of the site to Culvert Segment 1-6.

Ephemeral Drainages

There are two ephemeral drainages (that are composed of three segments) on the project site, covering a total of 0.13 acre. Both are naturally occurring and drain precipitation that falls on the western half of the project site. The northern ephemeral drainage starts at the center of the project site and flows to the southeast, emptying flows into the main stem intermittent drainage on-site. The southern ephemeral drainage starts in the southeast portion of the site just north of the project site boundary and flows to the southeast off-site. This drainage likely empties into an off-site portion of the main intermittent drainage that flows through this site. The ephemeral drainages are filled with non-native upland vegetation that dominates the surrounding annual grassland community, including Italian ryegrass, soft brome, and bur medic.

Seasonal Wetlands

There are five seasonal emergent wetlands within the project site, covering a total of 0.49 acre. These occur along and appear to be hydrologically connected to the intermittent drainages on-site. Obligate wetland species are dominant in these areas, including tule (*Schoenoplectus acutus* var. *occidentalis*), common cattail (*Typha latifolia*), American speedwell (*Veronica americana*), seep monkeyflower, and watercress. Facultative wetland species are also abundant in these areas, including wire rush (*Juncus balticus*), toad rush, rabbitsfoot grass. These areas all showed evidence of hydrology and hydric soils, including surface water, high water table, redoximorphic soil features, and evidence of hydrogen sulfide.

In-stream Wetlands

There are four in-stream wetland segments on the project site, covering a total of 0.94 acre. In-Stream Wetland Segment 1-4 is an emergent freshwater wetland within the naturally occurring drainage. This in-stream wetland segment is fed by Intermittent Drainage Segment 1-3 in the northeast portion of the site and conveys flows to Intermittent Drainage Segment 1-5. The channel is characterized by the presence of shallow, densely vegetated banks and a mostly overgrown bed. The OHWM is characterized by sediment deposit and the presence of obligate wetland vegetation. At the time of the survey, this In-stream Wetland Segment was inundated with standing and gently flowing water. Soils exhibited a redox dark surface. Standing surface water was not present in this area during the surveys. Species present within the OHWM of this segment include creeping spike rush, toad rush, scarlet pimpernel, hyssop loosestrife, and rabbitsfoot grass. Along the banks of this segment there are blow wives, slender oat, red stem stork's-bill, cutleaf geranium, bristly ox-tongue, and Italian rye grass. In-stream Wetland Segment 1-4 conveys intermittent flows from Intermittent Drainage Segment 1-3 in the northeast portion of the site to Intermittent Drainage Segment 1-5.

In-stream Wetland Segment 1-7 is an emergent freshwater wetland within the naturally occurring drainage. This in-stream wetland segment is fed by Culvert Segment 1-6 and In-stream Wetland Segment 3-1 and eventually conveys flows south off-site. The channel is characterized by the presence of shallow, densely vegetated banks and a mostly overgrown bed. The OHWM is characterized by sediment deposit and the presence of obligate wetland vegetation. At the time of the survey, this In-stream Wetland Segment was inundated with standing and flowing water. Soils are loamy gleyed with a redox dark surface. Standing and flowing surface water was present in this area during spring season surveys. Species present within the OHWM of this segment include

watercress, creeping spike rush, seep yellow monkeyflower, toad rush, iris leaved rush, bird's foot trefoil, rabbitsfoot grass, sour clover, and curly dock. Along the banks of this segment there are scarlet pimpernel, hyssop loosestrife, spiny sowthistle, fiddle dock, Italian rye grass, blow wives, slender oat, artichoke thistle, willow herb, red stem stork's-bill, cutleaf geranium, bristly ox-tongue, bulbous canary grass, milk thistle, spiny sowthistle, knotted hedge parsley, narrow leaf milkweed, Mediterranean linseed, soft brome, and rose clover.

In-stream Wetland Segment 3-1 is a freshwater emergent wetland within an intermittent drainage that runs northeast to southwest and terminates where it meets In-stream Wetland Segment 1-7. This segment enters the project site in the center of the eastern boundary, where it joins with Segment 1-7. This segment drains the eastern off-site cattle pasture to the west. This channel is characterized by the presence of shallow, densely vegetated banks and a mostly overgrown bed. The OHWM is characterized by sediment deposit and the presence of obligate wetland vegetation. At the time of the survey, this In-stream Wetland Segment was inundated with standing water. Soils were problematic and showed 1 centimeter muck layer. Soils were inundated to 2 inches below the surface. Species present in the OHWM of this in-stream wetland segment include creeping spike rush, seep yellow monkeyflower, toad rush, iris leaved rush, bird's foot trefoil, scarlet pimpernel, hyssop loosestrife, rabbitsfoot grass, curly dock, spiny sowthistle, and Italian rye grass. Along the banks of this segment there are narrow leaf milkweed, Mediterranean linseed, soft brome, cutleaf geranium, bulbous canary grass, and rose clover. Segment 3-1 conveys intermittent flows from east off-site the project site into In-stream Wetland Segment 1-7.

In-stream Wetland Segment 5-1 is a freshwater emergent wetland that runs east to west in the southeastern corner of the project site. The hydrology is likely influenced given the adjacent driving range where this segment originates. This segment is characterized by the presence of shallow, densely vegetated banks and an inundated bed mostly overgrown with obligate wetland species. The OHWM is characterized by sediment deposit and the presence of obligate wetland vegetation. Soils exhibited a redox dark surface with a moderate hydrogen sulfide odor that was present when the pit was excavated. Standing surface water was present in this area resulting in an inundated soil pit, obscuring portions of the soil horizons. Species present in the OHWM of this segment include tule, seep yellow monkeyflower, watercress, and Italian rye grass. Along the banks of this tributary segment was black mustard, seaside barley, bulbous canary grass, and Italian rye grass. Segment 5-1 conveys flows from the east to the west into In-stream Wetland Segment 1-7.

Excavated Channel

Excavated Channel Segment 2-1 is a manufactured channel recently excavated adjacent to Culvert Segment 1-6 as a flood prevention measure for the dirt access road on-site. This channel begins toward the southern terminus of Intermittent Drainage Segment 1-5 and conveys excess flows southwest before terminating abruptly. This channel is fed by excess seasonal flows from Intermittent Drainage Segment 1-5. The channel is characterized by the presence of shallow, densely vegetated upper banks and a bare, freshly excavated bed and lower banks, with a faint OHWM. At the time of the survey, standing water was present in some portions of this channel. Along the banks of this segment there are slender oat, red stem stork's-bill, cutleaf geranium, bristly ox-tongue, and

Italian rye grass. Excavated Channel Segment 2-1 holds excess flows from Intermittent Drainage Segment 1-5 during high rain events.

Culverted Segments

There are three culvert segments on the project site, covering a total of 0.005 acre. Culvert Segment 1-2 is a corrugated single-wall slotted culvert pipe that transports flows under an on-site access road from Intermittent Drainage Segment 1-1 to Intermittent Drainage Segment 1-3. This segment runs northeast to southwest in the northern portion of the project site.

Culvert Segment 1-6 is a corrugated single-wall slotted culvert pipe that transports flows under an on-site access road from Intermittent Drainage Segment 1-5 to In-stream Wetland Segment 1-7. This segment runs northeast to southwest in the eastern edge of the project site.

Culvert Segment 4-2 is a corrugated single-wall slotted culvert pipe that transports flows under an on-site access road from Ephemeral Drainage Segment 4-1 to Ephemeral Drainage Segment 4-3. This segment runs northwest to southeast in the southeastern quarter of the project site.

Riparian Vegetation

Riparian vegetation is present in three areas of the project site: along the eastern boundary adjacent to Segment 1-7, along the southern boundary where Segment 1-7 moves off-site, and in the southeastern corner, adjacent to Segment 5-1, covering 0.14 acre. Red willow tree (*Salix laevigata*) and pacific willow (*Salix lasiandra)* were observed and constitute the entirety of the woody riparian vegetation. Understory species include seep monkey flower, watercress, curly dock, annual bluegrass (*Poa annua*), Italian ryegrass, iris leaved rush, American speedwell, Italian ryegrass, seaside barley, and tall flatsedge (*Cyperus eragrostis*).

Developed

The project site does not contain any development within the project site boundaries but does contain development within the off-site improvement area (0.11 acre). This area is located outside of the southwest portion of the site and contains a portion of Como Way. Como Way is a concrete paved road that will be extended as the entrance road to the development. No vegetation outside of ornamental vegetation is located along Como Way.

Wildlife

The project site may provide habitat for specialist, generalist, and opportunistic wildlife species that are able to thrive in undisturbed and semi-natural habitat. The non-native annual grassland drainage channels, and seasonal wetlands within the project site could provide suitable habitat for various migratory or resident nesting birds and aquatic species.

Avian species observed on-site during the 2024 site survey consisted of American pipit (*Anthus rubescens*), common raven (*Corvus corax*), red-tailed hawk (*Buteo jamaicensis*), crow (*Corvus brachyrhynchos*), song sparrow (*Melospiza melodia*), house finch (*Haemorhous mexicanus*), white crowned sparrow (*Zonotrichia leucophrys*), lesser goldfinch (*Spinus psaltria*), American kestrel (*Falco sparverius*), American robin (*Turdus migratorius*), Anna's hummingbird (*Calypte anna*), and others.

Other wildlife species observed within the project site include the California ground squirrel (*Otospermophilus beecheyi*), western toad (*Anaxyrus boreas*), Sierran treefrog (*Pseudacris sierra*), yellow-faced bumble bee (*Bombus vosnesenskii*), and others. A comprehensive list of wildlife species observed within the project site can be found in Appendix C.

Movement Corridors and Nursery Sites

A wildlife corridor is an area of habitat connecting wildlife populations separated by human activities or structures (such as roads, development, or logging). This allows an exchange of individuals between populations, which may help prevent the negative effects of inbreeding and reduced genetic diversity (via genetic drift) that often occur within isolated populations. An FCS Biologist evaluated the California Department of Fish and Wildlife (CDFW) BIOS 6 information on wildlife linkages within the project site and concluded that the proposed project does not have the potential to interfere with the movement of native wildlife. The project has no history of associated disturbance and currently contains aquatic features that drain into an off-site municipal stormwater system. The remainder of the site consists of undisturbed non-native annual grassland habitat. The project site is bordered to the south and west by dense, urban development that would limit wildlife movement. Although there are areas of undeveloped grassland to the north and east or the project site, these areas are further bound by residential developments and busy roadways that would constrict the movement of wildlife.

Wildlife nursery sites include nesting birds and maternity bat roosts, aquatic breeding habitats, and special-status and non-special-status wildlife breeding or nesting colonies. No significant breeding/nesting colonies were observed during field surveys. However, individual nesting birds have the potential of being present on-site and within disturbance distance seasonally. For example, songbirds and raptor species may nest on adjacent properties. The project site contains marginal nesting habitat given the lack of large mature trees.

Sensitive Biological Communities

The CDFW maintains a list of natural communities which attempts to classify vegetation types found within the State of California and ranks them based on rarity. Communities ranked S1–S3 are considered sensitive natural communities, and CDFW additionally identifies certain plant communities as “sensitive” but does not assign a State rarity rank. Wetland communities and riparian habitats are also typically considered sensitive natural communities to be addressed in the environmental review process.

Seasonal Wetland Communities

The vegetation communities of the wetland features are dominated by obligate and facultative wetland species. Naturally occurring seasonal wetland plant communities can be considered sensitive natural communities. However, the proposed project would avoid all impacts to the on-site seasonal wetlands.

Riparian Habitat

Riparian habitat occurs within the eastern/southeast portion of the project site. Riparian habitat occurring on-site is within the jurisdiction of CDFW pursuant to California Fish and Game Code

Sections 1600–1607, which regulate activities within or affecting rivers, streams, or lakes. As such, riparian habitat is generally identified as a sensitive natural community. However, work would occur within the understory of the riparian canopy, which is rooted off-site to the south of the project boundary.

Special-status Species

Special-status species, whether plants, wildlife, or fish, are considered sufficiently rare that they require special consideration and/or protection and have been or should be listed as rare, threatened, or endangered by the federal and/or State governments. Special-status species are defined as meeting one or more of the following criteria:

- Listed or proposed for listing under the California Endangered Species Act (CESA) and the federal Endangered Species Act;
- CDFW Fully Protected Species and Species of Special Concern; or
- Plant species on the California Native Plant Society (CNPS) List ranked as 1A, 1B, 2A, 2B, 3, and 4.

All plants appearing on the CNPS List ranked 1 or 2 are considered to meet the California Environmental Quality Act (CEQA) Guidelines Section 15380 criteria. Rank 3 and 4 plants do not automatically meet this definition. Rank 4 plants do not clearly meet CEQA standards and thresholds for impact considerations. Nevertheless, some level of CEQA review is justified for California Rare Plant Rank (CRPR) 4 taxa, and under some circumstances, a full impact analysis is warranted. Taxa that can be shown to meet the criteria for endangered, rare, or threatened status under CEQA Section 15380(d) or that can be shown to be regionally rare or unique as defined in CEQA Section 15125(c) must be fully analyzed in a CEQA document. The following discussion focuses on the potential for occurrence of special-status species on the project site.

Special-status Plants

The California Natural Diversity Database (CNDDB) and CNPS List recorded 73 special-status or sensitive plant species within the *Diablo, California* United States Geological Survey (USGS) Topographic Quadrangle Map and the eight surrounding quadrangles.[1,2,3] The Special-status Plant Species Evaluation Table (Appendix C) includes the species' status, required habitat, and potential to occur within the project site. Special-status plant species that were determined to have no potential to occur on-site are also included in the table, along with the justification for their exclusion from further discussion. Several special-status plant species were determined to have the potential to occur on-site based on suitable habitat, past and current land use, and recent occurrences recorded within the boundaries of the nine-quad search.

[1] United States Geological Survey (USGS). 2024. National Geospatial Program. Website: https://apps.nationalmap.gov/viewer/. Accessed March 6, 2025.

[2] California Department of Fish and Wildlife (CDFW). 2024. CNDDB RareFind 5 California Natural Diversity Database Query for Special-status Species. Website: https://wildlife.ca.gov/Data/BIOS. Accessed March 6, 2025.

[3] California Native Plant Society (CNPS). 2024. California Native Plant Society Rare and Endangered Plant Inventory. Website: http://www.rareplants.cnps.org/. Accessed March 6, 2025.

Three protocol-level special-status plant surveys were conducted by Dr. Christopher DiVittorio, to ascertain whether special-status plants are present within the project site. A Special-status Plant Survey Report was produced on July 30, 2024, summarizing the surveys' findings. This report concluded that a total of 34 native species and 42 non-native species were found on-site, but no special-status plant species were identified within the project site. Therefore, because of the lack of special-status plant species found on-site, implementation of the proposed project would not impact special-status plant species and no further discussion on special-status plants is required.

Special-status Wildlife

CNDDB identifies 33 federal and State-listed threatened and/or endangered wildlife species and State Species of Special Concern (SSC) that have been recorded within the *Diablo, California* USGS Topographic Quadrangle Map and eight surrounding quadrangles.

The Special-status Wildlife Species Evaluation Table (Appendix C) includes the species' status, required habitat types and features, and potential to occur within the project site. The table also includes special-status wildlife species that have been determined to have no potential to occur on-site, primarily based on the absence of suitable habitat and the lack of recorded occurrence in the project vicinity, along with other justification(s) for their exclusion from further discussion. Four special-status wildlife species—Crotch's bumble bee (*Bombus crotchii),* burrowing owl (*Athene cunicularia*), white-tailed kite (*Elanus leucurus*), and northern harrier (*Circus hudsonius)*—have at least a low potential to occur within the project site and are therefore discussed in further detail below. Additionally, California red-legged frog (*Rana draytonii*) and Alameda whipsnake (*Masticophis lateralis*) are discussed in greater detail below.

Crotch's Bumble Bee

Crotch's bumble bee primarily inhabits areas of coastal California east to the Sierra-Cascade crest and south into Mexico. According to CDFW, floral associations for this species include *Antirrhinum, Phacelia, Clarkia, Dendromecon, Eschscholzia*, and *Eriogonum*. Known floral associations (Appendix C), for this species are present on-site. *Eschscholzia californica* and *Eriogonum nudum* were observed during field surveys. While there are no historically significant occurrences of the species within 5 miles of the project site, this species has a low potential to occur given the presence of foraging plants.

Burrowing Owl

The burrowing owl is designated a California SSC and was recently designated a Candidate species under CESA. This species receives additional protection under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code Section 3503. The burrowing owl inhabits open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. It is a subterranean nester and is dependent upon burrowing mammals, most notably the California ground squirrel. CNDDB records show seven occurrences of burrowing owl within 5 miles of the project site. The closest (Occurrence #506) is approximately 4 miles away near Camp Parks in Dublin. The presence of California ground squirrel burrows and suitable grassland habitat on-site leaves open the possibility that burrowing owl may inhabit the project site.

Small burrows of less than 4 inches in diameter were observed on-site which were determined to be unsuitable for occupancy by burrowing owls. Some potential burrows of sufficient size for burrowing owls were observed on-site but were partially occluded with dirt. A total of 200 suitable burrows were recorded on the project site. During the burrow and breeding season surveys, suitable burrows were recorded in the northwestern, western, eastern, and southeastern portion of the project site. No burrowing owls or sign of burrowing owls were detected at any of the suitable burrows on-site or adjacent to the site; however, this species has the potential to colonize the site in the future, such as before start of project construction. As such, burrowing owl cannot be ruled out and therefore has low potential to occur on-site.

California Red-legged Frog

California red-legged frog (CRLF) is designated as a federally threatened species and a State SSC under CDFW. CRLF inhabits lowlands and foothills in or near permanent sources of deep water with dense, shrubby, or emergent riparian vegetation. According to the 2024 California Red-legged Frog Survey Report conducted by WRA for the project site, the intermittent drainage is more adequately described as a vegetated swale that conveys very shallow (up to approximately 6 inches) of intermittent flow during the wet season, presumably during years with above normal rainfall (as in 2024). The report states that while shallow surface water (up to 6 inches in flat areas and none in sloped segments) was still present on April 30, 2024, the two very small and relatively shallow areas of open ponding water present are not typically considered suitable for CRLF breeding, regardless of whether they would pond for 20 weeks or longer. Additionally, no CRLF egg masses, tadpoles, or adult/sub-adult CRLF were observed during the eight surveys conducted by WRA and the report reasons that it is unlikely that any feature within the project site would provide suitable CRLF breeding habitat. The report concludes with WRA's professional opinion that, based on the negative results of the CRLF surveys conducted in 2024, in combination with the absence of CRLF records in the Sherbourne Hills, the likely absence of suitable breeding habitat on-site and nearby, the presence of dispersal barriers between the project site and known breeding locations, and the distance of known breeding locations from the project site, it is reasonable to assume that CRLF are absent from the project site. Therefore, in accordance with WRA's findings and the limited area of disturbance impacted by the proposed project, the proposed project would have no effect on the CRLF.

Alameda Whipsnake

Alameda whipsnake is designated as a federally and State threatened species. The Alameda whipsnake typically is found in chaparral and scrub habitats but will also use adjacent grassland, oak savanna, and woodland habitats. Specifically, mostly south-facing slopes and ravines, with rock outcrops, deep crevices or abundant rodent burrows, where shrubs form a vegetative mosaic with oak trees and grasses. CNDDB lists 14 occurrences of Alameda whipsnake within 5 miles of the project site. The closest occurrence (Occurrence No. 124) from 1994 is located 2.7 miles north while the most recent occurrence (Occurrence No. 171) from 2012 is 4.1 miles west of the project site. Both occurrences have multiple dispersal barriers separating them from the property, such as I-680 and housing developments. There are two critical habitats for Alameda whipsnake located within 5 miles of the project site. The closest critical habitat for Alameda whipsnake is located 1.3 miles west of the property but is separated by I-680. The second critical habitat is located 2.4 miles east and is

separated by several housing developments, multiple rolling hills, and Blackhawk Road. Therefore, it is unlikely Alameda whipsnake would be able to traverse from the critical habitats onto the project site. Because of the lack of dispersal opportunities for this species onto the project site, the proposed project will have no effect on the Alameda whipsnake.

Protected Nesting Birds (Including All Special-status Bird Species)

The project site contains three trees within its project boundary and adjacent trees off-site within disturbance distance which could provide suitable nesting habitat for native resident and migratory bird species, including birds of prey (raptors) protected under federal and State regulations while nesting. Additionally, the grasslands present on-site are suitable for ground nesting species such as northern harrier (observed during field surveys). White-tailed kite is unlikely to nest on-site, as more suitable nesting sites are present within the greater site vicinity. It is more likely that these species may fly over the project site while foraging; however, potential for these species to nest on-site remains low.

Wetlands and Waters of the United States and the State

FCS conducted a jurisdictional delineation of the project site on September 12, 2024, and drafted an Aquatic Resources Delineation Report on June 26, 2025. This report was subsequently verified by the United States Army Corps of Engineers (USACE) on August 5, 2025. The report concluded that the project site contains seven open and vegetated ephemeral and intermittent channels connected by three culvert segments and four in-stream wetland segments. Additionally, there were five wetlands observed within the project site The project site includes waters of the United States and potential waters of the State. Any impacts on drainage channels and associated riparian vegetation are expected to be regulated by the CDFW pursuant to the Streambed Alteration Program, California Fish and Game Code Section 1602, *et seq.*

Protected Trees

The project site contains two willow trees and one blackwood acacia tree, which are not a covered species and therefore not protected under the Town of Danville's Tree Preservation Ordinance. Moreover, these trees are located outside the impact footprint of the proposed project and no direct or indirect impacts to these trees would occur.

3.4.3 - Regulatory Framework

Federal

Endangered Species Act

The United States Fish and Wildlife Service (USFWS) has jurisdiction over species listed as threatened or endangered under the Endangered Species Act. Section 9 of the Endangered Species Act protects listed species from "take," which is broadly defined as actions taken to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct." The Endangered Species Act protects threatened and endangered plants and animals and their critical habitat. Candidate species are those proposed for listing; these species are usually treated by resource agencies as if they were actually listed during the environmental review process.

A proposed project may acquire permission to take listed and candidate species through implementation of sections of the Endangered Species Act. If the proposed project is funded by, authorized by, or otherwise involves a federal agency, Section 7 requires those agencies to consult with the USFWS to ensure that the project does not jeopardize the future existence of any listed species. The consultation results in either a concurrence letter from USFWS stating that the proposed action does not jeopardize the species, or a Biological Opinion issued by USFWS that includes a defined limit of take of listed species that is authorized for the action. When there is no federal nexus to pursue Section 7 permissions, USFWS may authorize take of listed species through Section 10, which allows private landowners, corporations, Native American Tribes, states, cities, and counties to implement projects that could affect listed species. Under this process, the project proponent seeks take permissions through completing and submitting for approval a Habitat Conservation Plan (HCP) approved by the USFWS. The HCP defines the project and potential for take of species and outlines measures to mitigate or compensate for impacts that would occur during implementation of the project. Often a draft Implementing Agreement (IA) is included with the permit application for larger HCPs, such as a regional plan. An IA is a contract that describes the roles and responsibilities of the permit holder, the federal wildlife agency, and any other parties responsible for implementing the HCP.

Migratory Bird Treaty Act

Raptors (birds of prey), migratory birds, and other avian species are protected by several State and federal laws. The MBTA implements international treaties between the United States and other nations devised to protect migratory birds, their parts, eggs, and nests from activities such as hunting, pursuing, capturing, killing, selling, and shipping, unless expressly authorized in the regulations or by permit. The MBTA prohibits the killing, possessing, or trading of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. All migratory birds and their nests are protected from take and other impacts under the MBTA (16 USC § 703, *et seq*.).

Clean Water Act

The agencies are in receipt of the U.S. Supreme Court's May 25, 2023, decision in the case of *Sackett v. Environmental Protection Agency*. In light of this decision, the agencies will interpret the phrase "waters of the United States" consistent with the Supreme Court's decision in the *Sackett* case. In *Sackett*, the Supreme Court adopted the *Rapanos* plurality's test for adjacent wetlands: only those wetlands with a continuous surface connection to other regulated waters, such that the two are indistinguishable.

The USACE administers Section 404 of the federal Clean Water Act (CWA), which regulates the discharge of dredge and fill material into waters of the United States. The term "waters of the United States" is defined in USACE regulations at 33 Code of Federal Regulations Part 328.3(a) as:

1. Waters which are:
    a. Currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
    b. The territorial seas; or
    c. Interstate waters;

2. Impoundments of waters otherwise defined as waters of the United States under this definition, other than impoundments of waters identified under paragraph (a)(5) of this section;
3. Tributaries of waters identified in paragraphs (a)(1) or (2) of this section that are relatively permanent, standing or continuously flowing bodies of water;
4. Wetlands adjacent to the following waters:
    a. Waters identified in paragraph (a)(1) of this section; or
    b. Relatively permanent, standing or continuously flowing bodies of water identified in paragraph (a)(2) or (a)(3) of this section and with a continuous surface connection to those waters;
5. Intrastate lakes and ponds not identified in paragraphs (a)(1) through (4) of this section that are relatively permanent, standing or continuously flowing bodies of water with a continuous surface connection to the waters identified in paragraph (a)(1) or (a)(3) of this section.

The following are not "waters of the United States":

1. Waste treatment systems, including treatment ponds or lagoons, designed to meet the requirements of the Clean Water Act;
2. Prior converted cropland designated by the Secretary of Agriculture. The exclusion would cease upon a change of use, which means that the area is no longer available for the production of agricultural commodities. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with the United States Environmental Protection Agency (EPA);
3. Ditches (including roadside ditches) excavated wholly in and draining only dry land and that do not carry a relatively permanent flow of water;
4. Artificially irrigated areas that would revert to dry land if the irrigation ceased;
5. Artificial lakes or ponds created by excavating or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing;
6. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating or diking dry land to retain water for primarily aesthetic reasons;
7. Waterfilled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States; and
8. Swales and erosional features (e.g., gullies, small washes) characterized by low volume, infrequent, or short duration flow.

Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with the EPA and/or USACE.

"Wetland" refers to areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and seasonal wetlands. Wetlands are considered jurisdictional if they fall under one of the categories of waters of the United States defined above. The USACE jurisdiction typically extends up to the OHWM.

In general, a USACE permit must be obtained before placing fill in wetlands or other waters of the United States. The type of permit depends on the impacted acreage, the purpose of the proposed fill, and other factors.

Section 401

Section 401 of the CWA states that "any applicant for a federal permit for activities that involve a discharge to waters of the State, shall provide the federal permitting agency a certification from the State in which the discharge is proposed that states that the discharge will comply with the applicable provisions under the federal Clean Water Act." Therefore, before the USACE will issue a Section 404 permit, applicants must apply for and receive a Section 401 Water Quality Certification from the Regional Water Quality Control Board (RWQCB).

State

California Endangered Species Act

The State of California enacted CESA in 1984. CESA pertains to State-listed endangered and threatened species. CESA requires State agencies to consult with the CDFW when preparing CEQA documents. The purpose of CESA is to ensure that the lead agency actions do not jeopardize the continued existence of a listed species or result in the destruction or adverse modification of habitat essential to the continued existence of those species, if there are reasonable and prudent alternatives available (Fish and Game Code [FGC] § 2080). CESA directs agencies to consult with CDFW on projects or actions that could affect listed species, directs CDFW to determine whether jeopardy would occur, and allows CDFW to identify "reasonable and prudent alternatives" to the project consistent with conserving the species. CESA allows CDFW to authorize exceptions to the State's prohibition against take of a listed species if the take is incidental to carrying out an otherwise lawful project that has been approved under CEQA (FGC § 2081).

California Fish and Game Code

Under CESA, the CDFW has the responsibility for maintaining a list of endangered and threatened species (FGC § 2070). Fish and Game Code Sections 2050 through 2098 outline the protection provided to California's rare, endangered, and threatened species. Fish and Game Code Section 2080 prohibits the taking of plants and animals listed under the CESA, and Fish and Game Code Section 2081 established an Incidental Take Permit (ITP) program for State-listed species. The CDFW

maintains a list of "candidate species" which it formally notices as being under review for addition to the list of endangered or threatened species.

Fully Protected Species

Fish and Game Code Sections 3500–5500 outline protection for fully protected species of mammals, birds, reptiles, amphibians, and fish. Species that are fully protected by these sections may not be taken or possessed at any time. The CDFW cannot issue permits or licenses that authorize the take of any fully protected species except under certain circumstances such as scientific research and live capture and relocation of such species pursuant to a permit for the protection of livestock.

Species of Special Concern

In addition to formal listing under the Endangered Species Act and CESA, some species receive additional consideration by the CDFW and local lead agencies during the CEQA process. Species that may be considered for review are those listed as a "Species of Special Concern." The CDFW maintains lists of SSC that serve as species "watch lists." Species with this status may have limited distributions or limited populations and/or the extent of their habitats has been reduced substantially, such that their populations may be threatened. Thus, their populations are monitored, and they may receive special attention during environmental review. While SSC are not State-listed and do not receive CESA protection, they can be shown to meet the criteria for State listing and thus protected under CEQA, where they meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines § 15380). In addition to SSC, the CDFW Special Animals List identifies animals that are tracked by the California Natural Diversity Database (CNDDB) and may be potentially vulnerable but warrant no federal interest and no legal protection.

Other Sensitive Species

Sensitive species that would qualify for listing but are not currently listed are afforded protection under CEQA. CEQA Guidelines Section 15065 (Mandatory Findings of Significance) requires that a substantial reduction in numbers of a rare or endangered species be considered a significant effect. CEQA Guidelines Section 15380 (Rare or Endangered Species) provides for the assessment of unlisted species as rare or endangered under CEQA if the species can be shown to meet the criteria for listing. Unlisted plant species on the CNPS List ranked 1A, 1B, and 2 would typically require evaluation under CEQA.

Native Bird Protection

Sections 3503, 3503.5, and 3513 protect native birds. Under Fish and Game Code Section 3503, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any native bird. Under Fish and Game Code Section 3503.5, it is unlawful to take, possess, or destroy any birds in the orders of Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird. Under Fish and Game Code Section 3513, it is unlawful to take or possess any native, migratory bird as designated in the MBTA except as provided by rules and provisions of the MBTA. Mitigation for avoidance of impacts to nesting birds is typically included in CEQA and other permitting documents to ensure project compliance with these Fish and Game Code Sections.

Native Plant Protection Act

The Native Plant Protection Act of 1977 (NPPA) (FGC § 1900, *et seq*.) prohibits the taking, possessing, or sale within the State of any plants with a State designation of rare, threatened, or endangered (as defined by the CDFW). An exception to this prohibition in the NPPA allows landowners to take listed plant species under specified circumstances, provided that the owners first notify CDFW and give the agency at least 10 days to come and retrieve (and presumably replant) the plants before they are plowed under or otherwise destroyed. Fish and Game Code Section 1913 exempts from take prohibition "the removal of endangered or rare native plants from a canal, lateral ditch, building site, or road, or other right-of-way." Project impacts to these species are not considered significant unless the species are known to have a high potential to occur within the area of disturbance associated with construction of the proposed project.

Lake or Streambed Alteration

Fish and Game Code Section 1602 requires any entity to notify the CDFW before beginning any activity that "may substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of any river, stream, or lake" or "deposit debris, waste, or other materials that could pass into any river, stream, or lake." "River, stream, or lake" includes waters that are episodic and perennial and ephemeral streams, desert washes, and watercourses with a subsurface flow. A Lake or Streambed Alteration Agreement will be required if the CDFW determines that project activities may substantially adversely affect fish or wildlife resources through alterations to a covered body of water. CDFW jurisdiction typically extends to the edge or "drip line" of the riparian habitat or top of bank.

Natural Community Conservation Planning Act

Section 2800 of the California Fish and Game Code establishes the Natural Community Conservation Planning Act (NCCP Act), which allows the CDFW to authorize Natural Community Conservation Plans (NCCPs) to allow take of species listed under CESA and other sensitive species and vegetation communities on a regional scale. The primary objective of the NCCP Act is to conserve covered natural communities and species at the ecosystem scale while accommodating compatible land uses or covered activities. NCCPs must provide conservation and management of natural communities and species in perpetuity within the area covered by permits. Each NCCP provides measures necessary to conserve and manage sensitive biological resources, including natural vegetation communities and the plant and wildlife species they support, within a reserve system, while also allowing compatible developments and other projects to take species and habitats under special conditions outside of areas targeted for conservation. NCCPs are different from HCPs because the NCCP Act requires that conservation actions improve the long-term conservation of species, whereas HCPs typically only require avoidance of adverse impacts to species. Additionally, while HCPs can be implemented at a project or regional scale, an NCCP must be applied across regional scales to promote the long-term recovery of species, protection of habitats and natural communities, and maintenance of species diversity at the landscape level.

Porter-Cologne Water Quality Control Act

Section 13260(a) of the Porter-Cologne Water Quality Control Act (contained in the California Water Code) requires any person discharging waste or proposing to discharge waste, other than to a

community sewer system, within any region that could affect the quality of the waters of the State (all surface and subsurface waters) to file a report of waste discharge. The discharge of dredged or fill material may constitute a discharge of waste that could affect the quality of waters of the State.

California State Water Resources Control Board/RWQCB Stormwater Management Permitting

While federal CWA National Pollutant Discharge Elimination System (NPDES) regulations allow two permitting options for construction-related stormwater discharges (individual permits and General Permits), the State Water Board has elected to adopt only one Statewide Construction General Permit at this time that will apply to all stormwater discharges associated with construction activity, except those located on Tribal lands in the Lake Tahoe Hydrologic Unit and those performed by the California Department of Transportation (Caltrans).

The Construction General Permit requires all dischargers where construction activity disturbs greater than 1 acre of land or those sites less than 1 acre that are part of a common plan of development or sale that disturbs more than one acre of land surface to:

1. Develop and implement a Storm Water Pollution Prevention Plan (SWPPP) which specifies Best Management Practices (BMPs) that will prevent all construction pollutants from contacting stormwater with the intent of keeping all products of erosion from moving off-site into receiving waters.
2. Eliminate or reduce non-stormwater discharges to storm sewer systems and other waters of the nation. Achieve quantitatively defined (i.e., numeric) pollutant-specific discharge standards, and conduct much more rigorous monitoring based on the project's projected risk level.
3. Perform inspections of all BMPs.

California Native Plant Society

CDFW, in collaboration with CNPS and other technical experts, maintains a rank of plant species that are native to California and that have low population numbers, limited distribution, or are otherwise threatened with extinction. This information is published in the Inventory of Rare and Endangered Vascular Plants of California. The CRPR system includes six rarity and endangerment ranks that are defined as follows:

- **Rank 1A:** Plants presumed extirpated in California and either rare or extinct elsewhere
- **Rank 1B:** Plants rare, threatened, or endangered in California and elsewhere
- **Rank 2A:** Plants presumed extirpated in California but common elsewhere
- **Rank 2B:** Plants rare, threatened, or endangered in California but more common elsewhere
- **Rank 3:** Plants about which more information is needed
- **Rank 4:** Watch List: Plants of limited distribution

Potential impacts to populations of CRPR ranked plants receive consideration under CEQA review. All plants appearing on the CNPS List ranked 1 or 2 are considered to meet the CEQA Guidelines Section 15380 criteria. Rank 3 and 4 plants do not automatically meet this definition. Impacts to Rank 3 plants may warrant consideration under CEQA if sufficient information is available to assess potential

impacts to such plants. Rank 4 plants do not clearly meet CEQA standards and thresholds for impact considerations but impacts to them may warrant consideration under CEQA if cumulative impacts are significant enough to affect their overall rarity.[4,5]

Local

Town of Danville General Plan

The purpose of the Town of Danville 2030 General Plan (General Plan) is to express the broad goals, policies, and specific implementation measures, which will guide decisions on future growth, development, and the conservation of resources through the year 2030. The following are the applicable General Plan goals and policies that are relevant to this analysis are listed below with regard to protection and preservation of the natural resources in the area.

Chapter 6—Resources and Hazards

Chapter 6 addresses natural resources typically included in a general plan conservation element and the various regulations regarding biological resources.

Goal 21 Protect and enhance Danville's natural features, including its hillsides, ridgelines, creeks, vegetation, and wildlife.

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 21.02 Maintain open space in appropriate areas, including areas of scenic beauty, areas of economically viable agriculture, and areas where natural hazards such as flooding, and land instability preclude safe development.

Policy 21.03 Utilize the development review process to preserve adequate open space for scenic, active, and passive purposes. Require private open space areas where appropriate.

Policy 21.04 Require adequate buffering and effective fencing between agricultural and urban land uses. The urban land use should be responsible for the creation and maintenance of such buffers and the urban property owners should assume the responsibility for potential impacts upon adjacent uses. Where appropriate, disclosure notices should be used to advise homebuyers of nearby agricultural activities as a means of ensuring that such activities may continue when they are properly conducted.

Policy 21.05 Maintain development standards and regulations for hillside grading which protect public safety, discourage major changes to natural landforms, ensure that adverse visual and aesthetic impacts are minimized, and require that erosion, sedimentation, and other potentially harmful effects of grading are appropriately mitigated.

[4] California Native Plant Society (CNPS). 2020. Considerations for Including CRPR 4 Plant Taxa in CEQA Biological Resource Impact Analysis. Sacramento, CA. January 21, 2020.

[5] California Department of Fish and Wildlife (CDFW). 2018. Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities.

Policy 21.06 Discourage activities that would harm the health of existing trees. Prevent the unnecessary removal and alteration of such trees, including "protected" trees as defined by the Town's Tree Preservation Ordinance and other trees that contribute to the scenic beauty of the Town. Public and private improvements should be designed to minimize the removal of mature trees, regardless of species. If removal is necessary, trees should be replaced with an appropriate number and species.

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 21.08 Where appropriate, encourage the retention and re-establishment of native vegetation in private development and public facility projects.

Policy 21.09 Require the planting and maintenance of trees along Danville streets. Species should be appropriate for their settings, given considerations such as maintenance and pruning requirements, water needs, potential for sidewalk damage, and view impacts.

Policy 21.10 Require a biological assessment for development proposed on sites that are determined to have the potential to contain special-status species, sensitive natural communities, or wetland resources.

Goal 22 Improve water quality in Danville and the water bodies which receive runoff from Danville, including San Francisco Bay.

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.

Policy 22.01 Maintain and enhance the natural quality of Danville's creeks, including the riparian vegetation along the banks. Setbacks should be maintained along creeks to maintain their natural appearance, reduce erosion and flood hazards, and protect their ecological functions.

Policy 22.02 Require qualifying new development projects and redevelopment projects to comply with the Municipal Regional Permit for stormwater control and treatment.

Policy 22.03 Conduct education and outreach activities to increase public awareness of water quality issues and the steps Danville residents and businesses can take to reduce water pollution.

Policy 22.04 Manage the Town's storm drainage facilities in a manner which minimizes pollution of local streams and waterways. Storm drains and other drainage facilities should be regularly maintained.

Goal 23 Promote intergovernmental coordination and cooperation to protect environmental quality.

Policy 23.01 Share information about important local biological, productive, and historic resources with other communities and agencies in the region and work with these communities and agencies to protect such resources.

Policy 23.02 Work with other communities and agencies to protect and enhance the significant ecological communities of the Tri-Valley area, including wetlands, riparian areas, and oak woodlands.

Policy 23.03 Promote a regional approach to protecting sustainable habitat in the Danville Planning Area, through mitigation banking and other means.

Policy 23.04 Support efforts to incorporate Danville's scenic ridgelines into a larger, regional open space framework that connects parts of the Tri-Valley area.

Policy 23.05 Continue cooperative planning and implementation efforts at the countywide level to ensure that qualifying new development projects and redevelopment projects comply with the hydro-modification plan/program requirements imposed through the Municipal Regional Permit.

Policy 23.06 Work with other jurisdictions and water providers to ensure a sufficient and sustainable long-term supply of potable water for existing Danville customers and for future development that is consistent with the goals of this General Plan.

Policy 23.07 Recognize the State and federal regulations that serve to protect wetlands and require full compliance with these regulations as part of development review. This would include detailed wetland delineations and assessments where waters under the jurisdiction of the U.S. Army Corps of Engineers may be affected.

Town of Danville Municipal Code

Chapter 32-79.3 Protected Trees

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 Agrfolia*)
    2. Valley Oak (*Quercus Lobata*)
    3. Canyon Live Oak (*Quercus Chrysol*)
    4. Blue Oak (*Quercus Doulgassi*)
    5. California Black Oak (*Quercus Kelloggi*)
    6. Interior Live Oak (*Quercus Wislizenii*)
    7. White Alder (*Alnus Rhombifolia*)
    8. California Bay (*Umbellularia California*)
    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 subsection 32-79.6.d.

Except as provided in paragraph b of this subsection, no person may destroy or remove a protected tree on any property within the Town of Danville without obtaining a Tree Removal Permit from the Planning Division pursuant to subsection 32-79.6.

Chapter 32-22.12.C Creek Structure Setbacks

The Town of Danville Municipal Code (Municipal Code) (Chapter 32-22.12.C Creek Structure Setbacks) names major creeks channels as San Ramon Creek, Sycamore Creek, Green Valley Creek, East Branch of Alamo Creek, and the West Branch of Alamo Creek. For properties that abut major channels, all additions and/or new structures shall meet the creek current structure setback requirements as defined by Contra Costa County Flood Control and Water Conservation District or as determined by the City Engineer. For properties that abut non-major channels, all additions and/or new structures shall meet the structure setback requirements as defined in Municipal Code Chapter 31-29, as determined by the City Engineer. All structures shall observe the minimum creek setback or the property line setback otherwise established under the applicable zoning district, whichever is greater.

Municipal Code Chapter 31-29 states that the width of drainage easements for unimproved channels with side slopes steeper than two horizontals to one vertical (2:1) shall be determined by a line measured from the toe of slope a distance of twice the channel depth plus the appropriate top of bank setback as follows:

Table 3.4-1: Structure Setbacks

Channel Depth (Feet)	Top of Ban Setback
0–6	12 each side if within subdivision
6–12	15 each side if within subdivision
12–18	18 each side if within subdivision
18 and above	21 each side if within subdivision

The width of drainage easements for unimproved channels with side slopes flatter than two horizontals to one vertical (2:1) shall be the channel top width plus the appropriate top of bank setback.

3.4.4 - Methodology

Literature Review

Literature review was conducted to analyze existing documentation regarding biological resources and habitat conditions within the study area and is summarized below.

Existing Documentation

As a part of the literature review, an FCS Biologist compiled and analyzed existing environmental documentation for the project site and relevant areas in its vicinity. This documentation included literature pertaining to the habitat requirements of special-status species with the potential to occur in the project vicinity; and federal register listings, protocols, and species data provided by the USFWS, CDFW and CNPS. Additionally, the following documentation was also reviewed and the provided information and conclusions were integrated into this analysis (Appendix C):

- 2025 BA/BRA prepared by FCS.
- 2025 Breeding Season Burrowing Owl Survey Report prepared by FCS.
- 2025 Aquatic Resource Delineation Report prepared by FCS.
- 2024 Special-status Plant Survey Report prepared by Pinecrest Research Corporation.
- 2024 Habitat Assessment for CRLF and a CRLF Survey Report prepared by WRA Environmental Consultants.

Topographic Maps and Aerial Photographs

An FCS Biologist reviewed current USGS 7.5-minute topographic quadrangle map(s) and aerial photographs as a preliminary analysis of the existing conditions within the project site and immediate vicinity.[6] Information obtained from the topographic maps included elevation, general watershed information, and potential drainage feature locations using Google Earth in conjunction with the EPA Watershed Assessment, Tracking, and Environmental Results System (WATERS).[7] Aerial photographs provided a perspective of the current site conditions relative to on-site and off-site land use, plant community locations, and potential locations of wildlife movement corridors. To assess changes in site conditions over time, FCS Biologists reviewed historical aerial imagery maintained in Google Earth[8] and assessed how these changes affected biological resources on-site.

[6] United States Geological Survey (USGS). 2024. National Geospatial Program. Website: https://apps.nationalmap.gov/viewer/. Accessed July 2, 2024.

[7] United States Environmental Protection Agency (EPA). 2024. Watershed Assessment, Tracking and Environmental Results System (WATERS). Website: https://www.epa.gov/waterdata/waters-watershed-assessment-tracking-environmental-results-system. Accessed July 2, 2024.

[8] Google Earth 7.3.6.9345. 2025. Danville, California lat 37.475241° long -121.572056°, elevation 603 ft. Website: http://www.google.com/earth/index.html. Accessed April 1, 2025.

Soil Surveys

The United States Department of Agriculture (USDA) has published soil surveys that describe the soil series (i.e., group of soils with similar profiles) occurring within a particular area.[9] These profiles include major horizons with similar thickness, arrangement, and other important characteristics. These series are further subdivided into soil mapping units that provide specific information regarding soil characteristics. Many special-status plant species have a limited distribution based exclusively on soil type. Therefore, pertinent USDA soil survey maps were reviewed to determine the existing soil mapping units within the project site and to inform whether the soil conditions on-site are potentially suitable for any special-status plant species. However, NRCS soil maps utilize an approximately 1.4-acre minimum mapping unit, and line placement may not be accurate on a large (i.e., parcel-level) scale.

Trees

An FCS Biologist reviewed applicable Town ordinances pertaining to the tree preservation and protective measures and their tree replacement conditions or permits required.

Special-status Species Database Search

An FCS Biologist compiled a list of threatened, endangered, and otherwise special-status species previously recorded within the project vicinity based on a search of the USFWS Information for Planning and Consultation (IPaC) database,[10] the CNDDB, and the CNPS Inventory of Rare Plants (CNPS Inventory)for the USGS *Diablo, California* 7.5-minute topographic quadrangle, and the eight surrounding quadrangles.[11,12] The CNDDB Biogeographic Information and Observation System (BIOS 6) was used to determine the distance between the known occurrences of special-status species and the project site.[13]

Field Surveys and Focused Studies

Biological Resources Field Survey

FCS Biologists familiar with the biological resources of the region conducted general wildlife, habitat, vegetation community and aquatic resource surveys on July 12, 2024. The objective of the field surveys was to ascertain general site conditions, wildlife use, and identify whether existing vegetation communities provide suitable habitat for special-status plant or wildlife species. Potentially sensitive areas identified during the literature review were ground-truthed during the field survey for mapping accuracy. Special attention was paid to sensitive habitats and areas potentially supporting special-status floral and faunal species.

[9] Natural Resources Conservation Service (NRCS). 2025. Web Soil Survey (WSS). United States Department of Agriculture (USDA). Website: https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx. Accessed May 2, 2025.

[10] United States Fish and Wildlife Service (USFWS). 2025. Information for Planning and Consultation (IPaC). Website: https://ecos.fws.gov/ipac/. Accessed May 2, 2025.

[11] California Department of Fish and Wildlife (CDFW). 2025. California Natural Diversity Database (CNDDB) RareFind 5 California Natural Diversity Database Query for Special-Status Species. Website: https://wildlife.ca.gov/Data/CNDDB/Maps-and-Data. Accessed May 2, 2025.

[12] California Native Plant Society (CNPS). 2025. California Native Plant Society Rare and Endangered Plant Inventory. Website: http://www.rareplants.cnps.org/. Accessed May 2, 2025.

[13] California Department of Fish and Wildlife (CDFW). 2025. Biogeographic Information and Observation System (BIOS 6). Website: https://wildlife.ca.gov/Data/BIOS. Accessed May 2, 2025.

Aquatic Resources Delineation

FCS Senior Biologist Robert Carroll and FCS Botanist Juliet Simpson conducted an Aquatic Resources Delineation survey on September 12, 2024 (Appendix F). The survey boundaries covered the entire project site. The presence/absence of wetlands was determined based on the requirements of the Corps of Engineers Wetlands Delineation Manual and revised procedures in the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region. Drainage channels were characterized through presence/absence of bed, bank, and OHWM. The OHWM was determined and characterized using definitions and guidance of A Field Guide to the Identification of the OHWM in the Arid West Region of the Western United States. Culverted drainage sections were examined for evidence of concentrated flow, including presence of water stains, mineral or sediment deposits, and biofilm. The Aquatic Resources Delineation was verified by the USACE on August 5, 2025.

Breeding Season Burrowing Owl Surveys

Burrowing owl habitat had previously been mapped on the project site, including the adjacent 500-foot buffer, on July 12, 2024. During this effort, FCS Senior Biologist Robert Carroll mapped existing vegetation communities that may provide suitable habitat for special-status plant or wildlife species, including burrowing owl habitat, over the entire project site and surrounding area.

FCS Biologists Hannah Carney and Juliet Simpson and FCS GIS Specialist Sebastian Macias conducted the burrow survey and focused breeding season owl surveys on March 5, 2025, March 6, 2025, and March 10, 2025, within the project site and 500-foot buffer area, as well as during follow-up surveys between April 2025 through June 2025. FCS Biologists Hannah Carney and Kayla Belanger performed additional burrowing owl searches on April 16, 2025; May 14, 2025; and June 18, 2024. Surveys were timed to ensure weather conditions were suitable for observing owls during each site visit.

Special-status Plant Surveys

Pinecrest Consulting Botanist Dr. Christopher T. DiVittorio conducted protocol-level rare plant surveys to determine the presence or absence of special-status plants and/or sensitive plant communities within the project site. Floristic plant surveys were conducted on April 5, May 2, and July 10, 2024. A complete list of all plant species detected during these surveys is presented in the Special-Status Plant Surve Report. All taxonomic terminology follows currently accepted nomenclature as described in The Jepson Manual (2012). Methods for detecting special-status plants followed the Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities.[14]

California Red-legged Frog Surveys

WRA conducted a CRLF Habitat Assessment in May 2024. WRA Senior Biologist Bernhard Warzecha conducted the field component of the habitat assessment on March 21, 2024, to determine the

[14] California Department of Fish and Wildlife (CDFW). 2018. Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities. Website: https://www.cnps.org/wp-content/uploads/2019/10/Bot-Cert_2018-CDFW-Plant-and-Vegetation-Survey-Protocols-LR.pdf#:~:text=The%20conservation%20of%20special%20status%20native%20plants%20and,survey%20for%20the%20presence%20of%20special%20status%20plants3. Accessed March 5, 2025.

extent to which suitable breeding, nonbreeding, and/or upland dispersal and aestivation habitat is present on the site.

WRA prepared a CRLF Survey Report in July 2024 to support a presence/absence determination of this species within the project site. WRA Senior Biologist Bernhard Warzecha and WRA Biologist Bailey McCann conducted eight surveys, both breeding and nonbreeding, between March 21, 2024, and July 2, 2024. Surveys were conducted in accordance with the Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog.[15]

Wildlife Surveys

Wildlife species detected during the field-level survey by sight, calls, tracks, scat, or other signs were recorded. Notations were made regarding suitable habitat for those special-status species determined to have the potential to occur within the project site.[16] Appropriate field guides were used to assist with species identification during surveys, such as Peterson, Reid, and Stebbins.[17,18,19] Online resources such as eBird and California Herps were also consulted, as necessary.[20,21]

Wildlife Movement Corridor

Wildlife movement corridors link areas of suitable wildlife habitat that are otherwise separated by natural and anthropogenic dispersal barriers, including rugged terrain, changes in vegetation, development, or human disturbance. Urbanization and the resulting fragmentation of open space areas create isolated "islands" of wildlife habitat, forming separated populations. Corridors act as an effective link between populations.

The project site was evaluated for evidence of a wildlife movement corridor during the reconnaissance-level survey and review of aerial photographs. The focus of this study was to determine whether a change in land use at the project site could have significant impacts on the regional movement of wildlife. Conclusions are based on the information compiled during the literature review, including the Essential Connectivity Areas geospatial data set, which uses habitat modeling to identify areas of land with value as wildlife corridors.

Sensitive Natural Communities Identification and Mapping

Sensitive natural communities are vegetation communities or special wildlife habitats that are rare or occur in limited distributions or provide specific habitat requirements for special-status plant or wildlife species. The CDFW maintains a list of natural communities which attempts to classify vegetation types found within the State of California and rank them based on rarity. Communities

[15] United States Fish and Wildlife Service (USFWS). 2005. Revised Guidance on Site Assessments and Field Surveys for the California Red-Legged Frog.
[16] California Department of Fish and Wildlife (CDFW). 2025. CNDDB RareFind 5 California Natural Diversity Database Query for Special-Status Species. Website: https://wildlife.ca.gov/Data/CNDDB/Maps-and-Data. Accessed May 2, 2025.
[17] Peterson, T.R. 2010. A Field Guide to Birds of Western North America, 4th Edition. Boston: Houghton Mifflin Harcourt.
[18] Reid, F. 2006. A Field Guide to Mammals of North America, 4th Edition. Boston: Houghton Mifflin Harcourt.
[19] Stebbins, R.C. 2003. A Field Guide to Western Reptiles and Amphibians. Third Edition. Boston: Houghton Mifflin Harcourt.
[20] eBird. 2022. Online bird occurrence database. Website: http://ebird.org/content/ebird/. Accessed January 22, 2022.
[21] California Herps. 2022. A Guide to the Amphibians and Reptiles of California. Website: http://www.californiaherps.com/. Accessed January 22, 2022.

ranked S1–S3 are considered sensitive natural communities.[22] Riparian vegetation and wetland communities are generally considered sensitive, regardless of species composition.

Per the Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018), identification and mapping of plant community types following the Manual of California Vegetation was conducted by qualified Botanists concurrently with the protocol-level rare plant surveys.

3.4.5 - Thresholds of Significance

Significance Criteria

The Lead Agency has elected to derive its significance criteria based on the questions in the CEQA Guidelines Appendix G Environmental Checklist. These questions reflect the input of planning and environmental professionals at the Governor's Office of Land Use and Climate Innovation (LCI) and the California Natural Resources Agency, based on input from stakeholder groups and experts in various other governmental agencies, nonprofits, and leading environmental consulting firms. They also reflect the requirements of laws other than CEQA that protect biological resources (e.g., the federal CWA, the Porter-Cologne Water Quality Control Act, the federal and State endangered species acts, and the NCCP Act). Additional guidance is found in CEQA Guidelines Section 15065, subdivision (a)(1), which provides that a lead agency shall find that a project may have a significant effect on the environment if "[t]he project has the potential to: . . . 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; [or]substantially reduce the number or restrict the range of an endangered, rare or threatened species[.]" The "mandatory findings of significance" also address potential impacts to biological resources. Accordingly, the Town has determined that impacts resulting from the implementation of the proposed project would be considered significant if the project 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 United States Fish and Wildlife Service.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.

c) Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites.

[22] California Department of Fish and Wildlife (CDFW). 2022. Natural Communities List. Website: https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities. Accessed January 22, 2022.

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

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan.

Approach to Analysis

Impacts on biological resources were evaluated based on the likelihood that special-status species, sensitive habitats, wildlife corridors, and protected trees are present on the project site and on the likely effects of project construction or operation on these resources. For the purposes of this EIR, the word "substantial" as used in the significance thresholds above is defined by the following three principal components:

- Magnitude and duration of the impact (e.g., substantial/not substantial),
- Uniqueness of the affected resource (rarity), and
- Susceptibility of the affected resource to disturbance.

For purposes of this analysis, the following factors are considered when evaluating the significance of biological resources impacts resulting from implementation of the proposed project in accordance with the significance criteria listed above. Specifically, whether the proposed project would:

- Result in direct take or habitat removal or alteration for candidate, sensitive, or special-status species;
- Remove vegetation or damage water quality related to riparian habitat or other sensitive natural community;
- Remove, fill, or damage a federally protected wetland;
- Interrupt fish movement in an aquatic channel or impede terrestrial movement via a land corridor; or
- Remove, damage, or replace trees designated by the City's Tree Ordinance.

3.4.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed project and provides mitigation measures where appropriate to avoid and/or mitigate impacts to a less than significant level under CEQA.

Special-status Species

Impact BIO-1: **The proposed project would not 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 United States Fish and Wildlife Service.**

The proposed project would disturb 28.91 acres of the larger 100.23-acre site. Development of the proposed housing on 21 lots would result in 28.76 acre of permanent impacts to the existing wild oat and annual grassland on-site, 0.13 acre of permanent impacts to ephemeral drainages, 0.01 acre of permanent impacts to in-stream wetland, 0.001 acre of permanent impacts to culvert segments, and 0.01 acre of permanent impact to riparian vegetation. An additional 0.11 acre of developed roadway will be impacted as a part of the proposed 0.11 acre off-site improvement area.

The proposed project would also create a twenty-second lot that would be developed separately, subject to a future individual Development Plan application. Therefore, this analysis does not quantify impact acreages to the existing grassland that encompasses the additional lot, as the limits of the development are not currently known. When future development of that lot occurs, potential impacts to special-status species within the additional lot would be mitigated to a less-than-significant level through the implementation of the mitigation measures outlined in detail below (MM BIO-1a, MM BIO-1b, and MM BIO-1c).

Special-status Plant Species

The potential for special-status plant species to occur on the project site was evaluated based on the presence of suitable habitats, soil types, and occurrences recorded by the CNPS and CNDDB listings in the general vicinity of the site. A summary of the Special-status Plant Species Report is provided in Appendix C. Three protocol-level special-status plant surveys were conducted by Pinecrest, which concluded no special-status plant species occur within the project site boundaries. Therefore, no impacts on special-status plant species are expected to occur from the implementation of the proposed project.

Special-status Wildlife Species

Crotch's Bumble Bee

As established in Section 3.3.2, there is a low potential for Crotch's bumble bees to be present on-site due to the observation of known floral associations present within the 97.14-acre grassland habitat on-site, combined with the project site's location within the known range of this species (i.e., coastal California east to the Sierra-Cascade crest and south into Mexico). The project proposes to disturb a total of 28.76 acres of the existing grassland habitat. Though unlikely, this could potentially impact Crotch's bumble bee, if present on-site. To avoid potential project-related impacts on Crotch's bumble bees that may utilize the site, the project applicant shall implement MM BIO-1a, requiring a pre-construction survey and, if found, coordinate with CDFW. With implementation of MM BIO-1a, potential project-related impacts on Crotch's bumble bees, if present within the grassland habitat on-site, would reduce impacts to a less than significant level under CEQA.

Burrowing Owl

As established in Section 3.3.2, there is potential for burrowing owl to be present on-site. The project site contains suitable habitat in the form of ground squirrel burrows dispersed throughout the 97.14-acre grassland habitat on-site. The project proposes to disturb a total of 28.76 acres of the existing grassland habitat, potentially impacting burrowing owls, if present on-site. To avoid potential project-related impacts on burrowing owls that may utilize the site the project applicant shall implement MM BIO-1b, requiring a pre-construction survey and, if found, notification to the CDFW and avoidance of occupied burrows. With implementation of MM BIO-1b, potential project-related impacts on burrowing owls, if present within the grassland habitat on-site, would be reduced to a less than significant level under CEQA.

Protected Nesting Birds (Including Northern Harrier and White-tailed Kite)

All vegetated habitats, including the 97.14-acre grassland habitat and 0.13-acre riparian vegetation within the project site, and adjacent areas provide potential nesting habitat for a variety of species of nesting birds, including special-status bird species such as the white-tailed kite. Undisturbed grassland areas provide potential nesting opportunities for ground nesting birds, such as northern harrier. Construction activities that occur during the avian nesting season (generally February 1 to August 31) could disturb protected nesting sites within the construction footprint and within disturbance distance. Grading and the removal of 28.76 acres of wild oat and annual grassland, as well as 0.01 acre of riparian habitat during the nesting season could result in direct harm to nesting birds, while noise, light, and other construction-related disturbances may cause nesting birds adjacent to the vegetation removal areas to abandon their nests. Loss of protected active bird nests because of direct or indirect project-related activities would be considered a significant impact.

With implementation of MM BIO-1c, which requires pre-construction nesting bird surveys and avoidance of direct and indirect impacts on nests, potential project-related impacts on protected bird nests within all vegetated habitat on-site and adjacent areas, can be reduced to a less than significant level under CEQA.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM BIO-1a Pre-construction Surveys for Crotch's Bumble Bee

Focused Crotch's bumble bee surveys, in accordance with survey guidelines described in the 2023 California Department of Fish and Wildlife (CDFW) Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species, shall be conducted within 1 year of initiation of ground-disturbing activities (i.e., grubbing, grading, disking, etc.) If the focused surveys are positive for Crotch's bumblebee, and bumble bee impacts cannot be avoided, the project applicant shall obtain take authorization under CESA in the form of an Incidental Take Permit (ITP) issued by CDFW prior to conducting any ground-disturbing activities within bumblebee habitat. Avoidance and/or minimization measures will be later identified

during the ITP consultation process with CDFW if Crotch's bumble bee is present on-site. The measures outlined in the ITP shall be used to offset impacts to this species.

MM BIO-1b Pre-construction Survey and Avoidance of Burrowing Owl

To determine whether burrowing owl have occupied the project site prior to its development, a qualified Biologist shall perform a pre-construction burrowing owl survey to determine burrow locations within 30 days prior to construction activities using the methodology outlined in the California Department of Fish and Wildlife (CDFW) *2012 Staff Report on Burrowing Owl Mitigation*. If construction is delayed or suspended for more than 30 days after the survey, the area shall be resurveyed. Surveys for occupied burrows shall be completed within all construction areas and within 500 feet of the proposed project impact area (where possible). At least 15 days prior to the expected start of any project-related ground disturbance activities, or the restart of activities, the project applicant shall provide a burrowing owl survey report with mapping exhibits to the Town. If no burrowing owl are detected during the pre-construction survey, no further action is necessary.

If burrowing owl are detected during the pre-construction survey, the following actions shall be taken to offset impacts during construction:

- During the nonbreeding season (September 1 through January 31), no disturbance shall occur within an approximately 160-foot radius of an occupied burrow. During the nesting season (February 1 through August 31), occupied burrows shall not be disturbed within a 300-foot radius unless a qualified Biologist approved by the CDFW verifies through non-invasive methods that either (1) the birds have not begun egg-laying and incubation; or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.
- If owls must be moved away from the disturbance area, passive relocation techniques (as outlined by the CDFW [i.e., use of one-way doors]) should be used rather than trapping. At least one or more weeks will be necessary to accomplish this and to allow the owls to acclimate to alternate burrows.
- If unpaired owls or paired owls are present in or within 300 feet of areas scheduled for disturbance or degradation (e.g., grading) and nesting is not occurring, owls are to be removed per CDFW-approved passive relocation protocols. Passive relocation requires the use of one-way exclusion doors, which must remain in place at least 48 hours prior to site disturbance to ensure owls have left the burrow prior to construction. A CDFW-approved exclusion plan would be required to implement this measure.
- If paired owls are nesting in areas scheduled for disturbance or degradation, nest(s) shall be avoided from February 1 through August 31 by a minimum 300-foot buffer or until fledging has occurred. Following fledging, owls may be passively relocated.

MM BIO-1c Impacts to Nesting Birds

If the proposed project requires vegetation to be removed during the nesting season (February 1 to August 31), a pre-construction surveys shall be conducted no more than 7 days prior to the start of ground or vegetation disturbance to determine whether or not active nests are present.

If an active nest is located during pre-construction surveys, a qualified Biologist shall determine an appropriately sized avoidance buffer based on the species and anticipated disturbance level. (The California Department of Fish and Wildlife [CDFW] recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors.) A qualified Biologist will delineate the avoidance buffer using Environmentally Sensitive Area fencing, pin flags, and/or yellow caution tape. The buffer zone will be maintained around the active nest site(s) until the young have fledged and are foraging independently. No construction activities or construction foot traffic is allowed to occur within the avoidance buffer(s).

The qualified Biologist shall monitor the active nest during construction activities and modify the protection zone accordingly to prevent project-related nest disturbance until the young have fledged.

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

Sensitive Natural Communities or Riparian Habitat

Impact BIO-2:	**The proposed project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.**

The 100.23 acre project site contains 0.49 acre of seasonal wetland communities and 0.13 acre of riparian habitat, which are typically considered sensitive natural communities. However, the proposed project would avoid all seasonal wetlands on-site; thus, no permanent or temporary impacts would occur. Additionally, no riparian vegetation would be removed as part of the proposed project, and no permanent impacts would occur. However, work would occur within the understory of the riparian canopy, which is rooted off-site to the south of the project boundary. Work within the understory of the riparian canopy could potentially result in 0.01 acre of temporary impacts to this community.[23] Potential impacts to the understory of the off-site riparian canopy are mitigated through the implementation of MM BIO 3c, as discussed in Impact BIO-3c below. Therefore, with implementation of MM BIO-3c, the proposed project would not have a significant impact to sensitive natural communities or riparian habitat.

[23] Final engineering plans were not available at the time of preparing this document, but it is assumed that the 0.01 acre of impacts to on-site riparian habitat is considered a temporary impact due to the lack of tree removal.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement MM BIO-3c.

Level of Significance After Mitigation

Less than significant impact.

Wetlands and Jurisdictional Features

Impact BIO-3: **The proposed project would not 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.**

Based on the preliminary Jurisdictional Determination by the USACE on August 5, 2025, all on-site aquatic features are subject to the USACE jurisdiction under the CWA. Additionally, these features are also expected to be potential waters of the State based on the California State Water Resources Control Board's (State Water Board's) Procedures.[24] CDFW will likely assert regulatory oversight over potential impacts on all drainage channels and associated vegetation pursuant to California Fish and Game Code Section 1602.

The proposed project will result in direct impacts to the site's aquatic features, including impacts to 0.001 acre of intermittent drainage, 0.002 acre of excavated channel, 0.13 acre of ephemeral drainages, 0.002 acre of in-stream wetlands, and 0.002 acre of seasonal wetlands. Impacts to these features are regulated pursuant the CWA, the Porter-Cologne Water Quality Control Act, and Fish and Game Code Section 1602, *et seq*., and would require the project proponent to comply with the avoidance, minimization, and compensatory mitigation measures defined by the USACE, RWQCB, and CDFW.

The agency-defined permitting regimes (including agency-defined enforceable mitigation measures) have the effect to avoid and/or offset any impacts to a level of less than significant under CEQA because they require satisfaction of no-net-loss policies regarding aquatic area and function. Therefore, technically, no mitigation measures in addition to those required by the resource agencies would be necessary to reduce any potential impacts to less than significant under CEQA.

However, for the purpose of this EIR, the proposed project's grading within the site drainage features would constitute a significant impact under CEQA, which would be reduced to less than significant with implementation of MM BIO-3a through MM BIO-3c or with mitigation measures required by the resource agencies as part of the permitting process.

[24] California State Water Resources Control Board (State Water Board). 2019. State Wetland Definition and Procedures for Discharges of Dredged or Fill Materials into Waters of the State. April 2, 2019

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM BIO-3a Coordination with Agencies

A Jurisdictional Determination has been made by the United States Army Corps of Engineers (USACE). As such, the applicant shall coordinate, to the extent required under applicable laws and regulations, with the applicable regulatory agencies, Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW) to determine to what extent the wetlands and drainages within the site are protected under Section 401 of the Clean Water Act and Section 1602 of California Fish and Game Code.

MM BIO-3b Obtain CWA Sections 401 and 404 Permits Prior to Construction (After Agency Coordination)

To the extent resource agency coordination is required pursuant to this measure, after such coordination with the United State Army Corps of Engineers (USACE) and the Regional Water Quality Control Board (RWQCB), the applicant shall comply with applicable laws and regulations, including, if required, obtaining a Section 404 Clean Water Act (CWA) permit for impacts to waters of the United States and a Section 401 Water Quality Certification or order for Waste Discharge Requirements (WDRs) from the RWQCB. Any such required permit and certification shall be obtained prior to issuance of grading permits for work within jurisdictional features associated with the implementation of the proposed development.

If required pursuant to an approved Section 404 permit and 401 water quality certification/order for WDRs, the permittee shall design said proposal to result in no net loss of functions and values of waters of the United States and State by incorporating impact avoidance, impact minimization, and/or compensatory mitigation for the impact, as set forth in the subject Section 404 permit and 401 water quality certification/order for WDRs.

If required pursuant to an approved Section 404 permit and 401 water quality certification, compensatory mitigation may consist of (1) obtaining credits from a mitigation bank; (2) making a payment to an in lieu fee program that would conduct wetland, stream, or other aquatic resource restoration, creation, enhancement, or preservation activities; and/or (3) providing compensatory mitigation through an aquatic resource restoration, establishment, enhancement, and/or preservation activity. This final type of compensatory mitigation may be provided at or adjacent to the impact site (i.e., on-site mitigation) or at another location, usually within the same watershed as the permitted impact (i.e., off-site mitigation). The permittee shall retain responsibility for the implementation and success of the mitigation approach in connection with any development proposal.

MM BIO-3c Obtain Approval of and File Notification of Streambed Alteration Agreement Prior to Construction (After Agency Coordination)

The applicant, after coordination with the California Department of Fish and Wildlife (CDFW), shall obtain and file a notification of a Streambed Alteration Agreement, if and to the extent required by applicable laws and regulations, prior to conducting construction activities within any aquatic resources that may qualify as streams under CDFW jurisdiction (i.e., those having bed and bank and at least periodical flow). If required, the permittee shall implement all applicable mitigation measures imposed by the CDFW related to the subject Streambed Alteration Agreement, which may include, but not be limited to, the implementation of erosion and bank stabilization measures, riparian habitat enhancement, and/or restoration and revegetation of the stream corridor habitat at no less than a 1:1 ratio, as determined by the CDFW, to achieve no net loss of functions and values.

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

Fish and Wildlife Movement Corridors

Impact BIO-4: The proposed project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites.

The project site is not within a designated wildlife corridor based on the Essential Connectivity Areas geospatial data set, which uses habitat modeling to identify areas of land with value as wildlife corridors. [25] Moreover, based on the CNDDB Terrestrial Connectivity, ACE Map, the project site is considered to have limited connectivity opportunity. The project site is directly bound on three sides by residential and commercial development and active roadways which serves as significant barriers to movement of terrestrial species. The project site does not provide corridor functions beyond connecting land parcels in the local surrounding areas. Therefore, project-related impacts on wildlife movement would be considered less than significant.

The project site does not contain native wildlife nursery sites. No significant breeding/nesting colonies were observed during the field survey. However, individual nesting birds have the potential of being present on-site seasonally. Potential impacts to individual nesting birds are addressed through the implementation of MM BIO-1b and BIO-1c. As such, impacts to nursery sites would be less than significant.

Level of Significance Before Mitigation

Potentially significant impact.

[25] California Department of Fish and Wildlife (CDFW) and California Department of Transportation (Caltrans). 2025. California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California. Website: https://www.wildlife.ca.gov/Conservation/Planning/Connectivity/CEHC. Accessed May 2, 2025.

Mitigation Measures

Implement MM BIO-1b and MM BIO-1c.

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

Local Policies or Ordinances

Impact BIO-5:	**The proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.**

Local policies or ordinances applicable to the proposed project include General Plan Chapter 6, Goal 21-23 and Municipal Code Chapters 32-70.3 and 32-22.12.C. The proposed project would ahere to General Plan Chapter 6, Goal 21-23, through the implementation of MM BIO-1a through MM BIO-3c, which would protect and preserve sensitive habitats and special-status species with the potential to occur within the project site.

Additionally, there are three trees within the project site which do not meet the minimum protection thresholds set forth in Municipal Code Chapters 32-70.3 and do not receive protections under the Town of Danville. The proposed project would not impact any of the unprotected trees on-site, including the single unprotected tree within Lot 22, that would remain undeveloped at this time. The preservation of the two unprotected willow (*Salix* sp.) trees within the on-site riparian habitat would adhere to requirements outlined in Municipal Code Chapter 32-22.12.C. However, the future development of Lot 22 may require the removal of the unprotected acacia (*Acacia* sp.) tree. The future removal of the unprotected tree within Lot 22 would not require a tree removal permit, as it does not receive protections from the Town.[26]

Therefore, with adherence to the local policies and ordinances outlined in Municipal Code Chapters 32-70.3 and 32-22.12.C and General Plan Chapter 6, Goal 21-23, and with implementation of MM BIO-1a through MM BIO-3c, the proposed project would not conflict with the Town of Danville local policies and ordinances.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement MM BIO-1a through MM BIO-3c.

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

[26] Final engineering plans were not available at the time of preparing this document, but it is assumed that the development of Lot 22 would require removal of the existing acacia tree.

Local, Regional, or State Habitat Conservation Plan

Impact BIO-6:	**The proposed 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.**

The proposed project is not located within an HCP or NCCP, or other approved local, regional, or State HCP. Therefore, the proposed project would have no impacts on any HCP or NCCP.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

Level of Significance After Mitigation

Less than significant impact.

3.4.7 - Cumulative Impacts

Special-status Species

The general geographical scope of the cumulative biological resources analysis is defined as a 0.5-mile range around the project site where non-developed land meets an urban interface of residential development, effectively limiting the potential for special-status species, their habitats, sensitive natural communities, or jurisdictional features to occur.

Only one project from the Town's cumulative project list, the Evergreen Ranch Estates Residential Project, is located within this geographic scope. The Evergreen Ranch Estates Residential Project proposes a single-family residential development, similar to the proposed project.

The cumulative project within the geographic context would be required to comply with applicable federal, State, and local laws, regulations, and policies and all applicable permitting requirements of the regulatory and oversight agencies intended to address potential impacts on biological resources. Cumulative projects would be required to adhere to standard pre-construction surveys and, if necessary, avoidance procedures would be required for projects with the potential to impact special-status species such as burrowing owls and nesting birds (see, e.g., MM BIO-1b and MM BIO-1c). Given the predominantly urbanized surroundings of the cumulative geographic context, and because cumulative development would be required to comply with applicable General Plan and Municipal Code requirements (as described in Section 3.4.3, Regulatory Framework), cumulative biological impacts related to special-status species would be less than significant.

Additionally, the proposed project's contribution to the less than significant cumulative impacts would not be cumulatively considerable because the proposed project would require pre-construction surveys, monitoring, and buffers that would prevent adverse impacts to nesting birds and burrowing owls. Therefore, the proposed project's contribution would be rendered less than cumulatively considerable.

Sensitive Natural Communities or Riparian Habitat

The cumulative projects within the cumulative geographic context would be required to comply with applicable federal, State, and local laws, regulations, and policies related to riparian habitat or other sensitive natural communities. With implementation of applicable laws, regulations, and policies, cumulative biological impacts related to sensitive natural communities or riparian habitats would be less than significant.

The proposed project contains wetlands and riparian habitat typically considered sensitive natural communities. The proposed project would not impact any wetlands, but work would take place within the understory of the off-site riparian canopy. However, consistent with the Town's standard practice, implementation of MM BIO-3c would ensure that any potentially significant impacts to riparian vegetation would be identified and avoided to the extent feasible, and the proposed project would otherwise be required to comply with the comprehensive regulatory framework to the extent applicable. Therefore, the development of the proposed project would not have a cumulatively considerable contribution to this already less than significant cumulative impact to sensitive natural communities or riparian habits.

Waters of the United States

Within the cumulative project area, development may directly and significantly impact aquatic resources outlined in Impact BIO-3 because the Evergreen Ranch Estates Residential Project is largely located in undeveloped grassland areas prone to wetlands and intermittent drainages. However, cumulative projects with the potential to impact wetlands, other waters, or riparian habitat would be required to adhere to any applicable laws and regulations, including, for example, consultation that may be required with the applicable regulatory agencies, the quantification of their potential impacts in a formal Jurisdictional Determination, and implementation of any required mitigation pursuant to applicable laws and regulations. Through this, there is a less than significant cumulative impact.

Additionally, the proposed project would not have a cumulatively considerable contribution to this already less than significant cumulative impact. The drainages present on-site would likely be considered State or federally protected aquatic resources pursuant CWA Sections 404/401 and/or Fish and Game Code Section 1602. However, consistent with the Town's standard practice, implementation of MM BIO-3a through MM BIO-3c would ensure that any potentially significant impacts to State or federally protected waters and wetlands would be identified and avoided to the extent feasible, and the proposed project would otherwise be required to comply with the comprehensive regulatory framework to the extent applicable. Therefore, the development of the proposed project would not have a cumulatively considerable contribution to this already less than significant cumulative impact on State or federally protected waters and wetlands.

Local Policies or Ordinances

The Evergreen Ranch Estates Residential Project may result in the removal of trees that are governed by the Town's Tree Preservation Ordinance. Additionally, the proposed project could impact special-status species and habitats, though high levels of adjacent development within the cumulative geographic context lower the likelihood of this. Impacts to these biological elements would be in

direct conflict with local and regional policies and ordinances. However, all projects within the cumulative geographic context of 0.5 miles would be required to adhere to applicable local and regional policies and ordinances, such as Municipal Code Chapters 32-70.3 and 32-22.12.C and Town of Danville General Plan Chapter 6: Goal 21-23 which would ensure that cumulative impacts would be less than significant. Additionally, with implementation of MM BIO-1a through MM BIO-3c, and adherence to all applicable local and regional policies and ordinances, the proposed project would not have a cumulatively considerable contribution to the less than significant cumulative impact.

Fish and Wildlife Movement Corridors

The Evergreen Ranch Estates Residential Project falls within grassland that is predominantly surrounded by residential development, limiting the potential for this site to support wildlife corridors or wildlife nursery sites. The Evergreen Ranch Estates Residential Project would be required to comply with applicable General Plan Policies and Municipal Code requirements (as described in Section 3.4.3, Regulatory Framework Section) and implement project-specific mitigations as needed (see, e.g., MM BIO-1b through MM BIO-1c). This would ensure potential cumulative impacts to protected fish and wildlife movement corridors and wildlife nursery sites would be less than significant. No additional mitigation is necessary to address cumulative impacts.

Additionally, the proposed project's incremental contribution to the less than significant cumulative impact would be mitigated through MM BIO-1b through MM BIO-1c and would therefore not be cumulatively considerable.

Habitat and Natural Community Conservation Plan Consistency

Neither the proposed project nor the Evergreen Ranch Estates Residential Project fall within a HCP or NCCP. Where a proposed project is determined to have no impact, it would not have any contribution to a potential cumulative impact. Therefore, the proposed project would have no cumulative impact.

Level of Cumulative Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement MM BIO-1a through MM BIO-3c.

Level of Cumulative Significance After Mitigation

Less than significant impact with mitigation incorporated.

3.5 - Cultural Resources and Tribal Cultural Resources

3.5.1 - Introduction

This section describes the existing cultural and Tribal Cultural Resources (TCRs) setting and potential effects from project implementation on the Area of Potential Effect (APE) and its surrounding area. The descriptions and analysis in this section are based, in part, on information provided by the Native American Heritage Commission (NAHC), a records search conducted at the Northwest Information Center (NWIC), archival research, and a pedestrian survey as presented in the Section 106 Cultural Resources Assessment (Section 106 CRA) prepared for the proposed project, which is included in the confidential Appendix D. The applicable regulatory framework is also discussed below. In addition, recommendations provided in the Section 106 CRA pertaining to feasible mitigation of identified potential significant impacts to cultural and TCRs are also addressed in this section.

The following public comments were received during the Draft Environmental Impact Report (Draft EIR) Notice of Preparation (NOP) scoping period related to cultural resources:

- Summarizes California Environmental Quality Act (CEQA) requirements and background information.
- Summarizes Assembly Bill (AB) 52 and Senate Bill (SB) 18 requirements for cultural and Tribal cultural resources.
- Provides recommendations for Cultural Resource Assessments (CRAs).

3.5.2 - Environmental Setting

Overview

The term “cultural resources” encompasses historic resources, archaeological resources, and TCRs and burial sites, which are generally defined as follows:

- **Historic Resources:** Historic resources are associated with the recent past. In California, historic resources are typically associated with the Spanish, Mexican, and American periods in the State’s history and are generally less than 200 years old. Under CEQA, “historical resources” is a defined legal term of art (CEQA Guidelines § 15064.5(a)). In practice, historic resources often take the form of buildings, structures, and other elements of the built environment.
- **Archaeological Resources:** Archaeology is the study of artifacts and material culture with the aim of understanding human activities and cultures in the past. Archaeological resources may be associated with pre-contact indigenous cultures as well as later historic periods. By statute, CEQA is concerned with “unique archaeological resources,” a defined legal term of art (Public Resources Code [PRC] § 21083.2[g]). The CEQA Guidelines are also concerned with “historical resource(s) of an archaeological nature” (CEQA Guidelines § 15126.4(b)(3)).

- **Tribal Cultural Resources:** TCRs include sites, features, places, or objects that are of cultural value to one or more California Native American Tribes. Under CEQA, "Tribal cultural resources" is also a legal term of art (PRC § 21074).
- **Burial Sites and Cemeteries:** Burial sites are formal or informal locations where human remains, usually associated with indigenous cultures, are interred. Native American burial sites are also considered TCRs of cultural value to one or more California Native American Tribes. Both federal and State law deal with burial sites and cemeteries through a series of statutes and regulations detailed in Section 3.5.3.

More specifically, cultural resources may be understood as resources that have been formally recognized by a lead agency and/or are listed or determined eligible for listing on the California Register of Historical Resources (CRHR) (PRC § 5024.1, Title 14 California Code of Regulations [CCR] § 4852). However, the fact that a resource is not yet identified as a historical resource or found eligible for the CRHR does not preclude a lead agency from determining that said resource is a historical resource pursuant to Public Resources Code Sections 5020.1(j) or 5024.1. Under CEQA, a substantial adverse change in the significance of a historical resource would constitute a significant effect on the environment.

Cultural Setting

Following is a brief overview of the relevant prehistory, ethnography, and historic background, providing context in which to understand the background and relevance of sites found in the general project vicinity. This section is not intended to be a comprehensive review of the current academic resources available; rather, it serves as a general overview. Unless otherwise stated, information contained in this section is drawn directly from the Section 106 CRA prepared by FirstCarbon Solutions (FCS).[1] Further details can be found in ethnographic studies, mission records, and major published sources in the Section 106 CRA.

Pre-contact Background

In general, archaeological research in the greater San Francisco Bay Area has focused on coastal areas, where large shell mounds were relatively easily identified on the landscape. This research and its chronological framework, however, are relevant to and have a bearing on our understanding of prehistory in areas adjacent to the San Francisco Bay, including modern-day Contra Costa County.

The San Francisco Bay Area supported a dense population of hunter-gatherers over thousands of years, leaving a rich and varied archaeological record. The Bay Area was a place of incredible language diversity, with seven languages spoken at the time of Spanish settlement in 1776. The diverse ecosystem of the San Francisco Bay and surrounding lands supported an average of three to five persons per square mile but reached 11 persons per square mile in the North Bay. At the time of Spanish contact, the people of the Bay Area were organized into local Tribelets that defended fixed territories under independent leaders. Typically, individual Bay Area Tribelets included 200 to 400 people distributed among three to five semi-permanent villages, within territories measuring approximately 10 to 12 miles in diameter.

[1] FirstCarbon Solutions (FCS). 2025. Danville Elworthy Project Section 106 Cultural Resources Assessment (Section 106 I CRA). January.

Native American occupation and use of the greater Bay Area, including the regions comprising Walnut Creek, Concord, and Oakley, extended over 5000-7000 years and possibly longer. Early archaeological investigations in Central California were conducted at sites located in the Sacramento-San Joaquin Delta region. The first published account documents investigations in the Lodi and Stockton area. The initial archaeological reports typically contained descriptive narratives, with more systematic approaches sponsored by Sacramento Junior College in the 1930s. At the same time, the University of California at Berkeley excavated several sites in the lower Sacramento Valley and Delta region, which resulted in recognizing archaeological site patterns based on a variation of inter-site assemblages. Research during the 1930s identified temporal periods in Central California prehistory and provided an initial chronological sequence. In 1939, researcher Jeremiah Lillard of Sacramento Junior College noted that each cultural period led directly to the next and that influences spread from the Delta region to regions in Central California. In the late 1940s and early 1950s, researcher Richard Beardsley of the University of California Berkeley documented similarities in artifacts among sites in the San Francisco Bay region and the Delta and refined his findings into a cultural model that ultimately became known as the Central California Taxonomic System (CCTS). This system proposed a uniform, linear sequence of cultural succession.

To address some of the flaws in the CCTS system, D.A. Fredrickson introduced a revision that incorporated a system of spatial and cultural integrative units. Fredrickson separated cultural, temporal, and spatial units from each other and assigned them to six chronological periods: Paleo-Indian (12000 to 8000 years Before Present [BP]); Lower, Middle, and Upper Archaic (8000 to 1500 BP), and Emergent (Upper and Lower, 1500 to 250 BP). The suggested temporal ranges are similar to earlier horizons, which are broad cultural units that can be arranged in a temporal sequence. In addition, Fredrickson defined several patterns—a general way of life shared within a specific geographical region. These patterns include:

- Windmiller Pattern or Early Horizon (4500 to 3500 BP)
- Berkeley Pattern or Middle Horizon (3500 to 1500 BP)
- Augustine Pattern or Late Horizon (1500 to 250 BP)

Brief descriptions of these temporal ranges and their unique characteristics follow.

Windmiller Pattern or Early Horizon (4500 to 3500 BP)

Characterized by the Windmiller Pattern, the Early Horizon was centered in the Cosumnes District of the Delta and emphasized hunting rather than gathering, as evidenced by the abundance of projectile points in relation to plant processing tools. Additionally, atlatl, dart, and spear technologies typically included stemmed projectile points of slate and chert but minimal obsidian. The large variety of projectile point types and faunal remains suggests the exploitation of numerous types of terrestrial and aquatic species. Burials occurred in cemeteries and intra-village graves. These burials typically were ventrally extended, although some dorsal extensions are known with a westerly orientation and a high number of grave goods. Trade networks focused on the acquisition of ornamental and ceremonial objects in finished form rather than on raw material. The presence of artifacts made of exotic materials such as quartz, obsidian, and shell indicate an extensive trade network that may represent the arrival of Utian populations into Central California. Also indicative of

this period are rectangular Haliotis and Olivella shell beads and charmstones that usually were perforated.

Berkeley Pattern or Middle Horizon (3500 to 1500 BP)

The Middle Horizon is characterized by the Berkeley Pattern, which displays considerable changes from the Early Horizon. This period exhibited a strong milling technology represented by minimally shaped cobble mortars and pestles, although metates and manos were still used. Dart and atlatl technologies during this period were characterized by non-stemmed projectile points made primarily of obsidian. Fredrickson suggests that the Berkeley Pattern marked the eastward expansion of Miwok groups from the San Francisco Bay Area. Compared with the Early Horizon, there is a higher proportion of grinding implements at this time, implying an emphasis on plant resources rather than on hunting. Typical burials occurred within the village with flexed positions, variable cardinal orientation, and some cremations. As noted by Lillard, the practice of spreading ground ochre over the burial was common at this time. Grave goods during this period are generally sparse and typically include only utilitarian items and a few ornamental objects. However, objects such as charmstones, quartz crystals, and bone whistles occasionally were present, which suggest the religious or ceremonial significance of the individual. During this period, larger populations are suggested by the number and depth of sites compared with the Windmiller Pattern. According to Fredrickson, the Berkeley Pattern reflects gradual expansion or assimilation of different populations, rather than sudden population replacement, and a gradual shift in economic emphasis.

Augustine Pattern or Late Horizon (1500 to 250 BP)

The Late Horizon is characterized by the Augustine Pattern, which represents a shift in the general subsistence pattern. Changes include the introduction of bow-and-arrow technology; and most importantly, acorns became the predominant food resource. Trade systems expanded to include raw resources as well as finished products. There are more baked clay artifacts and extensive use of Haliotis ornaments of many elaborate shapes and forms. According to Moratto, burial patterns retained the use of flexed burials with variable orientation, but there was a reduction in the use of ochre and widespread evidence of cremation. Judging from the number and types of grave goods associated with the two types of burials, cremation seems to have been reserved for individuals of higher status, whereas other individuals were buried in flexed positions. Johnson suggests that the Augustine Pattern represents expansion of the Wintuan population from the north, which resulted in combining new traits with those established during the Berkeley Pattern.

Central California research has expanded from an emphasis on defining chronological and cultural units to a more comprehensive look at settlement and subsistence systems. This shift is illustrated by the early use of burials to identify mortuary assemblages and more recent research using osteological data to determine the health of prehistoric populations. Although debate continues over a single model or sequence for California, the general framework consisting of three temporal/cultural units is generally accepted, although the identification of regional and local variation is a major goal of current archaeological research.

Native American Background

The Chupcan Bay Miwok

The project APE is in a region that was inhabited by Native Americans known as the Chupcan Bay Miwok of the Eastern Miwok. The Miwok linguistic family consists of five diverse languages. There are two branches known as the Western Miwok that includes Marin, Sonoma, and Lake counties and Eastern Miwok that stretches from Contra Costa County east into the Sierra Nevada. The Bay Miwok branch was initially documented by Arroyo de la Cuesta in 1821.

Bay Miwok territory generally extended from Suisun Bay to just south of Mount Diablo and eastward to the Sacramento-San Joaquin Delta. The Chupcan Bay Miwok are said to have held "the marshlands and oak groves of the Diablo Valley," and the Chupcan village is believed to have been in the present-day Concord area. The Spanish knew this village as Monte del Diablo, but its exact location is unknown.

The Bay Miwok were successful intensive food collectors and hunters who utilized a wide range of resources in a very favorable environment. Those populations living adjacent to the great bays of the region relied heavily on shellfish and aquatic animals for food. In the interior, plant foods were gathered on a seasonal basis. Acorns were the most important vegetal staple because they could be stored in great quantity. Deer, elk, and antelope were the major game hunted, while game birds, waterfowl, and fish were also exploited. Trade routes seem to have been well-developed and the Diablo locality was a manufacturing center for elongated pebble tools and a major distribution center for obsidian trade from the Napa Valley.

The first known Spanish contact with the Bay Miwok was the Fages-Crespí expedition into the interior in 1772, when the expedition passed near the present location of Walnut Creek and "came to three villages with some little grass houses." Cook estimated that the population of these three villages was from 100 to 300 people.

Chupcan Bay Miwok neophytes were baptized at Mission Dolores in 1779 and 1795 and in 1804. However, there was resistance to the missionization process in 1804, resulting in a Spanish military expedition against the main Chupcan village in September of that year. Most Chupcan fled across the Suisun Bay and were harbored by the Suisun Patwin people. After a major Spanish military attack on Suisun villages in 1810, the majority of Chupcan came for baptism in 1810 and 1811, with some converts eventually going to Mission Dolores and others to Mission San Jose.

Absorption into the Spanish mission system was a disaster for natives of the region. Disease, dietary deficiency, declining birth rate, and some military conflict resulted in an almost 80 percent population decline by 1832. This population loss, the mingling of ethnic groups at the missions, and the discouragement of traditional social practices resulted in the almost total disintegration of traditional life ways. After secularization of the missions in the 1830s, some natives went to work on nearby ranchos, perhaps gravitating to homelands, but little information is available about this period. American settlement further infringed on the hunting and gathering areas of the remaining Bay Miwok. In 1913 L.L. Loud reported that Barney Swanson, a rancher who lived 2.5 miles from Lafayette (toward Martinez) had Indians on his ranch in 1852 and 1854. In 1850 there were several hundred Indians within 5 miles of Walnut Creek. Swanson saw them every day gathering acorns. It is

unknown, however, whether these people were Chupcan or from another group. Many of the Bay Area people who today identify themselves as of Miwok descent, including Coast and Bay Miwok, are united in the Federated Indians of Graton Rancheria in Rohnert Park, California.

The Ohlone (Costanoan)

This section includes a background of the Costanoan/Ohlone peoples who are believed to have also inhabited this region before and during Spanish contact (~1770 Current Era). A summary of their language, political and social structure, territory, trade and exchange, and subsistence as understood through historical accounts and information given to Anthropologists by Native Californians is provided.

Costanoan is a family of six known and possibly eight languages or dialect clusters. While there are no known native speakers, the Mutsun, Rumsen, and Chocheño varieties survived long enough to be documented by twentieth century linguists. The Spanish referred to all native people living on the coast as "costeños", meaning "people of the coast." This term was later anglicized to "Costanoan" as a linguistic identifier to native people living in the San Francisco and Monterey Bay regions who were thought to have spoken common languages. Variations of the term have been found in mission records and may have been derived from the village of "Oljon" on the San Mateo coast. The term "Ohlone" was first applied to the Costanoan language family in Malcolm Margolin's book *The Ohlone Way*. Since publishing the book, the label "Ohlone" has replaced "Costanoan" in works by some Indian authors, anthropologists, and most popular writers. However, while "Ohlone" and "Costanoan" are interchangeable in modern use, the term "Ohlone" is not favored by all descendants of Costanoan language speakers.

Costanoan/Ohlone is part of the Penutian language stock; the closest linguistic relatives of the Costanoan/Ohlone were the Miwok languages and are considered part of the Proto-Utian (Miwok-Costanoan) language family of Central California Indian languages. Speakers of both the Costanoan and Miwok languages are thought to have entered the Delta region about 4,500 years ago, displacing Hokan speakers within this area. The San Francisco Peninsula people, and those around the San Francisco Bay except the Karkins of Carquinez Strait, spoke dialects of a single language: San Francisco Bay Costanoan. The Monterey Bay people spoke four other Costanoan languages (i.e., Awaswas, Chalon, Mutsun, and Rumsen). The six confirmed Costanoan languages are distinct, although undocumented intermediate dialects probably existed.

Prior to European contact, the Costanoan/Ohlone practiced a sexual division of labor where women gathered plants and men hunted animals. The Costanoan/Ohlone harvested plant and animal resources from local environments; acorn being the staple. The gathering and hunting of foods consisted of, but was not limited to, various grass seeds, buckeye, berries, geophytes, and young shoots. Protein sources included black-tailed/mule deer, tule elk, pronghorn antelope, grizzly bears, mountain lions, sea lions, and smaller mammals such as raccoon, brush rabbit, ground squirrels, and wood rats. Waterfowl, including Canadian geese, mallards, green-winged teal, and American widgeon, were captured in nets using decoys to attract them. Fish also played an important role in the Ohlone diet and included steelhead, salmon, and sturgeon.

Geographically, and ecologically different landscapes likely influenced the material used in subsistence technologies (e.g., redwood planks versus tule bundles for house construction), as similar variation in technology is well documented among Pomo people north of the Bay Area. The Costanoan/Ohlone constructed watercraft from tule reeds and possessed bow-and-arrow technology. They fashioned blankets from sea otter pelts, fabricated basketry from twined reeds of various types, and assembled a variety of stone and bone tools in their assemblages. Costanoan/Ohlone villages typically consisted of domed dwelling structures, communal sweathouses, dance enclosures, and assembly houses constructed from thatched tule reeds and a combination of wild grasses, wild alfalfa, and ferns.

When the Spanish missionaries and settlers arrived in 1776, the Costanoan/Ohlone occupied territory from San Francisco to south of Monterey Bay and extended eastward to the slopes of the Diablo Range into the Central Valley. The territory of the Costanoan/Ohlone covered around 17,350 square kilometers (6,700 square miles), extending 177 kilometers (110 miles) along the Pacific Coast from south of Monterey Bay to the San Francisco Peninsula and inland some 32–72 kilometers (20–45 miles) into the Coast Ranges, running along the east side of San Francisco Bay to the Carquinez Strait. At the time of Spanish contact, Ohlone villages were located throughout the Bay-Delta Area and Coast Range valleys. Kroeber estimates an Aboriginal population of 7,000, while Cook suggests it may have been as high as 10,000. Based on mission records, the Ohlone population is believed to have been around 16,000 with an average population density of 2.4 per mile. Neighboring groups of the Costanoan/Ohlone included the Coast Miwok to the north, the Miwok and Northern Valley Yokuts to the east, and the Salinan and Esselen to the south.

Regional Historic Background

Spanish and Mexican Exploration and Settlement

The Spanish Period (1769-1821)

The first Spanish expeditions through the area were led by Captain Pedro Fages and Father Juan Crespi in 1772. Juan Bautista de Anza also led an expedition in 1776. Expedition campsites have been mapped in the vicinity of Interstate 680 (I-680), State Route (SR) 242, and Willow Pass Road. Spanish colonial policy from 1769-1821 was directed at the founding of presidios, missions, and secular towns, with the land held by the Crown. The depletion of the coastal populations resulted in Spanish missionaries shifting to conversion of the interior peoples. The Bay Miwok were the first of the Eastern Miwok to be missionized and were generally not willing converts. Mission baptismal records show that Native Americans went to Mission San Francisco de Assisi, founded in 1776, and Mission San Jose, founded in 1797. Their traditional lifeways apparently disappeared by 1810 because of disruption by Euro-American diseases, a declining birth rate, and the impact of the mission system. For the most part, the former hunters-gatherers were transformed into agricultural laborers and worked with former neighboring groups such as the Esselen, Yokuts, and Miwok. After secularization of the missions between 1834 and 1836, some Native Americans returned to traditional religious and subsistence practices while others labored on Mexican ranchos. Thus, multi-ethnic Indian communities grew up in and around the area and provided informant testimony to ethnologists from 1878 to 1993.

The Mexican Period (1821-1848)

The Mexican Period, 1821 to 1848, was marked by secularization and division of mission lands among the Californios as land grants, termed ranchos. During this period, Mariano G. Vallejo assumed authority of Sonoma Mission and established a rapport with the Native Americans who were living there. Vallejo worked closely with Chief Solano, a Patwin who served as Vallejo's spokesperson when problems with Native American Tribes arose. The large rancho lands often were worked by Native Americans who were used as forced labor.

Mission secularization removed the social protection and support on which Native Americans had come to rely. It exposed them to further exploitation by outside interests, often forcing them into a marginal existence as laborers for large ranchos. Following mission secularization, the Mexican population grew as the Native American population continued to decline. Euro-American settlers began to arrive in California during this period and often married into Mexican families, becoming Mexican citizens, which made them eligible to receive land grants. In 1846, on the eve of the U.S.-Mexican War (1846 to 1848), the estimated population of California was 8,000 non-natives and 10,000 Native Americans. However, these estimates have been debated. Cook suggests the Native American population was 100,000 in 1850; the U.S. Census of 1880 reports the Native American population as 20,385.

American Expansion and Gold Rush

In 1848, James W. Marshall discovered gold at Coloma in modern-day El Dorado County, which started the Gold Rush into the region that forever altered the course of California's history. The arrival of thousands of gold seekers in the territory contributed to the exploration and settlement of the entire State. By late 1848, approximately four out of five men in California were gold miners. The Gold Rush originated along the reaches of the American River and other tributaries to the Sacramento River, making Hangtown (present-day Placerville) the closest town offering mining supplies and other necessities for the miners in El Dorado County. Gold subsequently was found in the tributaries to the San Joaquin River, which flowed north to join the Sacramento River in the Great Delta east of San Francisco Bay.

By 1864, California's Gold Rush had essentially ended. The rich surface and river placers were largely exhausted and the miners either returned to their homelands or stayed to start new lives in California. After the Gold Rush, people in towns such as Jackson, Placerville, and Sonora turned to other means of commerce, such as ranching, agriculture, and timber production. With the decline of gold mining, agriculture and ranching came to the forefront in the State's economy. California's natural resources and moderate climate proved well suited for cultivation of a variety of fruits, nuts, vegetables, and grains.

Local History

Contra Costa County

The east side of San Francisco Bay, directly across from the City of San Francisco, became known as the "opposite coast" (or "contra costa") by the Spanish. Contra Costa County was formed in December of 1849 and is one of the original 27 California counties, with the County seat at Martinez (Hoover et.al. 2002). Contra Costa County, like much of California, was seen as a land of economic opportunity, not just for its mining resources but also for its productive land where farmers could

cultivate a variety of crops. Agriculture became important in the California economy in the late 1850s, and through to the 1860s, homesteading became a means by which people could own and operate a family farm. This decidedly agricultural focus also underpins the historical significance of the Spanish colonial and Mexican era of land grants. As early as 1882, special interests advertised the County's virtues as a place to cultivate produce and farm livestock. Early settlers began to speak of beneficial soils that supported a range of crops—pears, prunes, peaches, almonds, walnuts, and grapes flourished with seasonal rainfall and favorable climates. In addition, Contra Costa County is strategically located at the crossing of trade routes with a waterfront location and relative proximity to the San Francisco metropolis. Large-scale commercial operations began to capitalize on mechanical innovations just as irrigation developed in the early 1880s. Consequently, competing economic interests caused land prices to rise and made family farming a less profitable enterprise.

Farming increasingly became less economically lucrative during the early 1900s in Contra Costa County as the population of the Bay Area increased and housing prices rose. With the construction of the Caldecott Tunnel in 1937 and the San Francisco Bay Bridge in 1936, residents in Contra Costa could travel to San Francisco by car or bus in less than an hour. This, along with the post-WWII baby boom, led the area to become a desirable suburban location for those working in San Francisco or the East Bay. Developers quickly purchased large tracts of walnut orchards and cattle ranches to build family housing. The population of Walnut Creek grew from 2,240 to 39,844 from 1950 to 1970, making it the fastest growing community in California. As the population of Contra Costa rapidly increased, downtown areas in Orinda, Walnut Creek, and Pleasant Hill developed to serve the new residents. As of the 2020 census, Contra Costa County is home to over 1.1 million people.

Town of Danville

The Town of Danville was established in 1854, during the California Gold Rush after brothers Daniel and Andrew Inman purchased 400 acres, in what is now Old Town Danville. By 1858, settlers drawn by the gold rush established vital services like a blacksmith, general store, and hotel. Originally part of Mission San Jose and later the Rancho San Ramon land grant, Danville's early landscape was primarily dedicated to grazing and agriculture. Settlers raised cattle and sheep and grew wheat, barley, and onions. Later the farms produced hay, a wide variety of fruit crops (apples, plums, pears), walnuts, and almonds. By 1860, a small community of 20 residents had taken root. In 1862, local hotel owner Henry W. Harris opened the post office and became the Town's first Post-Master General. The arrival of the Southern Pacific Railroad in 1891 ushered in a new era of development, bringing with it a bank, drug store, and even a saloon. Danville's population grew steadily, further enriched by diverse waves of immigrants from China, Portugal, Germany, and Japan. While agriculture remained the backbone of the economy until the mid-twentieth century, the population continued to climb, reaching 2,120 by 1940. The following decades witnessed a dramatic transformation. From 1940 to 1950, the population nearly doubled, and housing developments like Montair and Cameo Acres were constructed. Infrastructure expansions, including water and sewer districts and the I-680 freeway, laid the foundation for further growth. By 1980, Danville's population had surpassed 26,000, with a remarkable 82 percent of residents having arrived after 1970. In 1982 Danville's citizens voted to incorporate the Town.

3.5.3 - Methodology

Records Searches and Pedestrian Survey to Identify Existing Cultural Resources

The information in this section is based, in part, on the Section 106 CRA prepared for the proposed project by FCS in May 2025. The Section 106 CRA used the methods below to analyze the potential impacts of project implementation.

Northwest Information Center

On December 13, 2023, a records search was conducted at the NWIC located at Sonoma State University in Rohnert Park, California, for the project APE and a 0.5-mile radius beyond the project boundaries. The current inventories of the National Register of Historic Places (NRHP), the CRHR, the California Historical Landmarks (CHL) list, the California Points of Historical Interest (CPHI) list, and the California Built Environment Resource Directory (BERD) for Contra Costa County were also reviewed to determine the existence of previously documented local historical resources.

The results of the records search indicate that one historic resource has been recorded within a 0.5-mile extent of the project APE, which is not located within the project boundaries (Table 3.5-1). In addition, 10 area-specific survey reports are on file with the NWIC for the search radius; two reports (S-039729 and S-047664) partially intersect the northeastern boundary of the project APE (Table 3.5-2). This indicates that a segment of the project APE has previously been surveyed for cultural resources. NWIC records search results can be found in Appendix D.

Table 3.5-1: Cultural Resources Within 0.5-mile Extent of the Project APE

Resource No.	Resource Description	Date Recorded
P-07-000275	Anderson Ranch; AH03 Landscaping/orchard; AH04 Privies/dumps/trash scatters; AH06 Water conveyance system; AH15 Standing structures; AH16 Other	1985
Source: Northwest Information Center (NWIC) Records Search. December 13, 2023.		

Table 3.5-2: Previous Investigations Within 0.5-mile Extent of the Project APE

Report No.	Report Title/Project Focus	Author	Date
S-001919	An Archaeological Investigation of M.S. 187-78, a Parcel near Danville, Contra Costa County, California	Cris D. Porter	1980
S-002848	Evaluation of the Archaeological Resources and Potential Impact of Development or other Land Modification at the 258 Acre Parcel of Land Located near the Juncture of Camino Tassajara and Sycamore Valley Road, in Danville, Contra Costa County, California	Allen G. Pastron	1981
S-006264	An Archaeological Reconnaissance of Canyon Lakes, a Proposed Land Development Near San Ramon, Contra Costa County	Cindy Desgrandchamp and Peter Banks	1983

Report No.	Report Title/Project Focus	Author	Date
S-007127	An Archaeological Investigation of Anderson Ranch, Blackhawk Development Company Subdivision 6196, near Danville, Contra Costa County, California	Amy Huberland	1985
S-025118	Archaeological Assessment of a 2.29-Acre Parcel Located at 2430 and 2440 Camino Tassajara, Danville, Contra Costa County, California (letter report)	William Self	2002
S-036036	Results of an Initial Cultural Resources Study for Camino Tassajara/Crow Canyon SAFWTEA-LU Project, Danville, Contra Costa County, California: TIPL-5434 (015), E.A. 04-924718; HPLUL-5434 (016), E.A. 04-924770	Sunshine Psota	2008
S-039729	Cultural Resources Records Search and Site Visit Results for Sprint Nextel Candidate FN03XC134-A (Tassajara), 2498 Tassajara Lane, Danville, Contra Costa County, California	Jessica Tudor	2012
S-047664	Cultural Resources Investigation for AT&T Mobility CCL00037 "Danville 1–Tassajara Lane" 2498 Tassajara Lane, Danville, Contra Costa County, California 94526 (letter report)	Carolyn Losee	2016
S-047664a	FCC Form 620 New Build Submission Packet, Proposed Modifications at an Existing Wireless Facility, AT&T Site Number: CCL00037 AT&T Site Name: Danville 1–Tassajara Lane, 2498 Tassajara Lane, Danville, Contra Costa County, California 94526	Stephen Geist	2016
S-053747	Cultural and Paleontological Resources Inventory for the Tassajara Nursery Project, Town of Danville, Contra Costa County, California	Nancy E. Sikes, Phil Hanes, and Cindy J. Arrington	2019
Source: Northwest Information Center (NWIC) Records Search. December 13, 2023.			

Historic Aerial Photographs

A review of 20 historic aerial photographs from 1946 to 2020 indicates that the project APE has largely remained undeveloped. Between 1974 and 1979, residential developments occurred in the west, and southwest of the project APE. Between 1982 and 1993, planned residential urban development began to take place in the area directly south, and northeast of the project APE. The proposed project APE has remained unchanged and undeveloped.

Native American Heritage Commission Record Search

On November 20, 2023, FCS sent a letter to the NAHC in an effort to determine whether any sacred sites are listed on its Sacred Lands File (SLF) for the project APE. A response was received on December 1, 2023, indicating that the SLF search produced a negative result for Native American cultural resources within the APE. The NAHC included a list of 19 Tribal representatives that may offer additional information regarding the proposed project. To ensure that all Native American knowledge and concerns over potential TCRs that may be affected by project implementation are addressed, a letter containing proposed project information and requesting additional information was sent to each Tribal representative on October 1, 2024. In order to comply with Section 106

standards, additional outreach to the respective Tribes identified by the NAHC was conducted in February 2024. Each Tribal representative received a second follow-up letter and/or email on October 11, 2024, and a phone call on October 18, 2024. On October 1, 2024, a reply was received from the Confederate Villages of Lisjan Nation Tribe, the Northern Valley Yokut Tribe and the Ohlone Indian Tribe. The Confederate Villages of Lisjan Nation Tribe requested to be contacted by the Lead Agency. The Northern Valley Yokut Tribe requested information pertaining to Section 106 of the National Historic Preservation Act. The Ohlone Indian Tribe requested a copy of the SLF report and NAHC Tribal contact list. No additional responses have been received to date. Copies of written communications between the NAHC and the listed Native American Tribal members who may have additional knowledge of the APE can be found in Appendix D.

Table 3.5-3: Tribal Consultation Matrix

Tribal Contact	Correspondence History	Response from Tribal Contact
Amah Mutsun Tribal Band of Mission San Juan Bautista, Irene Zwierlein, Chairperson	Letter Sent Email: October 1, 2024 Second Email: October 11, 2024 Phone Call: October 18, 2024	
Confederated Villages of Lisjan Nation, Cheyenne Gould, Tribal Cultural Resource Manager	Letter Sent Email: October 1, 2024 Second Email: October 11, 2024 Phone Call: October 18, 2024	Lucy Gill, Cultural Resource Manager, requested contact from lead agency on October 1, 2024. No follow-up required.
Confederated Villages of Lisjan Nation, Deja Gould, Language Program Manager	Letter Sent Email: October 1, 2024 Second Email: October 11, 2024 Phone Call: October 18, 2024	See above. No follow-up required.
Confederated Villages of Lisjan Nation, Corrina Gould, Chairperson	Letter Sent Email: October 1, 2024 Second Email: October 11, 2024 Phone Call: October 18, 2024	See above. No follow-up required.
Indian Canyon Mutsun Band of Costanoan, Kanyon Sayers-Roods, Most Likely Descendant (MLD) Contact	Letter Sent Email: October 1, 2024 Second Email: October 11, 2024 Phone Call: October 18, 2024	
Indian Canyon Mutsun Band of Costanoan, Ann Marie Sayers, Chairperson	Letter Sent Email: October 1, 2024 Second Email: October 11, 2024 Phone Call: October 18, 2024	
Muwekma Ohlone Indian Tribe of the San Francisco Bay Area, Monica Arellano, Vice Chairwoman	Letter Sent Email: October 1, 2024 Second Email: October 11, 2024 Phone Call: October 18, 2024	
Muwekma Ohlone Indian Tribe of the San Francisco Bay Area, Charlene Nijmeh, Chairperson	Letter Sent Email: October 1, 2024 Second Email: October 11, 2024 Phone Call: October 18, 2024	
Northern Valley Yokut, Jessica Murga, Tribal Secretary	Letter Sent Email: October 1, 2024 Second Email: October 11, 2024 Phone Call: October 18, 2024	See response from Tribal Administrator Erolinda.

Tribal Contact	Correspondence History	Response from Tribal Contact
Northern Valley Yokut, Erolinda Perez, Tribal Administrator	Letter Sent Email: October 1, 2024 Second Email: October 11, 2024 Phone Call: October 18, 2024	Confirmed receipt on October 1, 2024.
Northern Valley Yokut, John Murga, Tribal Historian	Letter Sent Email: October 1, 2024 Second Email: October 11, 2024 Phone Call: October 18, 2024	See response from Tribal Administrator Erolinda.
Northern Valley Yokut, Timothy Perez, Tribal Compliance Officer	Letter Sent Email: October 1, 2024 Second Email: October 11, 2024 Phone Call: October 18, 2024	See response from Tribal Administrator Erolinda.
The Ohlone Indian Tribe, Andrew Galvan, Chairperson	Letter Sent Email: October 1, 2024 Second Email: October 11, 2024 Phone Call: October 18, 2024	Responded requesting Sacred Lands File (SLF) search and Tribal list October 1, 2024.
The Ohlone Indian Tribe, Desiree Vigil, THPO	Letter Sent Email: October 1, 2024 Second Email: October 11, 2024 Phone Call: October 18, 2024	See response from Chairperson Galvan.
The Ohlone Indian Tribe, Vincent Medina, Cultural Leader	Letter Sent Email: October 1, 2024 Second Email: October 11, 2024 Phone Call: October 18, 2024	See response from Chairperson Galvan.
Wilton Rancheria, Dahlton Brown, Executive Director of Administration	Letter Sent Email: October 1, 2024 Second Email: October 11, 2024 Phone Call: October 18, 2024	
Wilton Rancheria, Cultural Preservation Department	Letter Sent Email: October 1, 2024 Second Email: October 11, 2024 Phone Call: October 18, 2024	
Wilton Rancheria, Herbert Griffin, Executive Director of Cultural Preservation	Letter Sent Email: October 1, 2024 Second Email: October 11, 2024 Phone Call: October 18, 2024	

Cultural Resources Pedestrian Survey

On December 29, 2023, FCS Archaeologists Ryan Hallinan and Ti Ngo conducted a pedestrian survey for unrecorded cultural resources within the project APE. The project APE is rectangular in shape and bounded by residential housing in the northern, western, and southern boundary, and the Crow Canyon Club Driving Range and golf course to the east. The survey began in the central northeast portion of the project APE and moved south and west, using north–south transects spaced at 15-meter intervals. All traversable areas of the project APE were closely inspected for culturally modified soils or other indicators of potential historic or prehistoric resources. Because of the high level of vegetation across the project APE, visibility of native soils was low, averaging between 4 to 5 percent across the project APE. Native soils were most visible in areas where bioturbation occurred as well as a vehicular dirt road that stretched along the western side of the project APE. These areas were closely inspected using a hand trowel. The western portion of the project APE consisted of yellowish-brown silty soil (Munsell 10YR 5/2) and the central portion of the project APE consisted of grey clay (Munsell 7YR 4/1). Both areas were interspersed with quartz, granite, schist, Franciscan chert, and river stones ranging between 2 to 6 centimeters.

On January 4, 2024, the survey team completed the northern section of the project APE. The survey began in the southeast central portion of the project APE and moved north and west, using east to west transects spaced at 15-meter intervals. Visible soils comprised of yellow-greyish silty soil (Munsell 10YR 5/3) with granite, schist, and Franciscan chert stones ranging between 2-5 centimeters.

All documentation on the APE was done using digital photographs and field notes. During the survey, Mr. Hallinan and Mr. Ngo examined all areas of the exposed ground surface for prehistoric artifacts (e.g., fire-affected rock, milling tools, flaked stone tools, toolmaking debris, ceramics), soil discoloration and depressions that might indicate the presence of a cultural midden, faunal and human osteological remains, and features indicative of the former presence of structures or buildings (e.g., postholes, standing exterior walls, foundations) or historic debris (e.g., glass, metal, ceramics).

All areas of the project APE were closely inspected for culturally modified soils or other indicators of potential historic or prehistoric resources. No historic or prehistoric archaeological resources were found over the course of the pedestrian survey. However, because of the proximity to the roadside and pedestrian pathway, several modern refuse scatter artifacts such as glass and pieces of brick were found on the western and southern boundary of the project APE. Pedestrian survey photos can be found in Appendix D.

Buried Site Potential

In addition to the pedestrian survey, the potential for buried archaeological cultural resources in the project vicinity was reviewed against geologic and topographic geographic information system data for the general area and information from other nearby projects. The proposed project was assessed against a set of criteria originally identified by a geoarchaeological overview of the Bay Area that was prepared for the California Department of Transportation (Caltrans) District 4. This study included a map of the "archaeological sensitivity," or potential to support the presence of buried prehistoric archaeological deposits, throughout the San Francisco Bay Area based on geology and environmental parameters, including distance to water and landform slope. The methods used in the study are applicable to other parts of California and generally concluded that sites consisting of flat, Holocene-era deposits near water resources had a moderate to high probability of containing subsurface archaeological deposits when compared to earlier Pleistocene deposits situated on slopes or further away from drainages, lakes, and rivers. This study indicates the project area has a moderate potential for containing buried archaeological deposits.

The project APE is situated on uneven sloping terrain, and according to the geological map of Dibblee and Minch, the entirety of the project APE is situated on the Orinda Formation (Tor), which consist of Pliocene and late Miocene deposits. Applying the criteria set forth in Meyer et al., all Holocene-era deposits have the potential to contain archaeological deposits, which increases with the ease of the slope and proximity to water resources. The project APE uneven and sloping terrain and composition would suggest a low potential for unanticipated buried cultural resources to be impacted by project construction.

3.5.4 - Regulatory Framework

Federal

National Historic Preservation Act

The National Historic Preservation Act of 1966 (NHPA), as amended, established the NRHP, which contains an inventory of the nation's significant prehistoric and historic properties. Under 36 Code of Federal Regulations 60, a property is recommended for possible inclusion on the NRHP if it is at least 50 years old, has integrity, and meets one of the following criteria:

- It is associated with significant events in history, or broad patterns of events.
- It is associated with significant people in the past.
- It embodies the distinctive characteristics of an architectural type, period, or method of construction; or it is the work of a master or possesses high artistic value; or it represents a significant and distinguishable entity whose components may lack individual distinction.
- It has yielded, or may yield, information important in history or prehistory.

Certain types of properties are usually excluded from consideration for listing in the NRHP, but they can be considered if they meet special requirements in addition to meeting the criteria listed above. Such properties include religious sites, relocated properties, graves and cemeteries, reconstructed properties, commemorative properties, and properties that have achieved significance within the past 50 years.

Archaeological Resources Protection Act

The Archaeological Resources Protection Act (ARPA) amended the Antiquities Act of 1906 (16 United States Code [USC] 431–433) and set a broad policy that archaeological resources are important to the nation and should be protected, and required special permits before the excavation or removal of archaeological resources from public or Indian lands. The purpose of ARPA was to secure, for the present and future benefit of the American people, the protection of archaeological resources and sites that are on public lands and Indian lands, and to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals having collections of archaeological resources and data that were obtained before October 31, 1979.

American Indian Religious Freedom Act

The American Indian Religious Freedom Act (AIRFA) established federal policy to protect and preserve the inherent rights of freedom for Native groups to believe, express, and exercise their traditional religions. These rights include but are not limited to access to sites, use and possession of sacred objects, and freedom to worship through ceremonials and traditional rites.

Native American Graves Protection and Repatriation Act

The Native American Graves Protection and Repatriation Act of 1990 sets provisions for the intentional removal and inadvertent discovery of human remains and other cultural items from federal and Tribal lands. It clarifies the ownership of human remains and sets forth a process for

repatriation of human remains and associated funerary objects and sacred religious objects to the Native American groups claiming to be lineal descendants or culturally affiliated with the remains or objects. It requires any federally funded institution housing Native American remains or artifacts to compile an inventory of all cultural items within the museum or with its agency and to provide a summary to any Native American Tribe claiming affiliation.

State

CEQA Guidelines Section 15064.5(a)—CEQA Definition of Historical Resources

CEQA Guidelines Section 15064.5(a), in Title 14 of the California Code of Regulations, defines a "historical resource" as:

(1) A resource listed in or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources.

(2) A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in a historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

(3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered a historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources.

(4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to Section 5020.1(k) of the Public Resources Code), or identified in a historical resources survey (meeting the criteria in Section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be a historical resource as defined in Public Resources Code Sections 5020.1(j) or 5024.1.

Therefore, under CEQA, even if a resource is not included on any local, State, or federal register or identified in a qualifying historical resources survey, a lead agency may still determine that any resource is a historical resource for the purposes of CEQA if there is substantial evidence supporting such a determination. A lead agency must consider a resource to be historically significant if it finds that the resource meets the criteria for listing in the CRHR.

Archaeological and historical sites are protected pursuant to a wide variety of State policies, laws and regulations, as enumerated in Public Resources Code Section 5024.1. Cultural resources are recognized as nonrenewable resources and receive additional protection under the Public Resources Code and CEQA.

Public Resources Code Section 5024.1 and CEQA Guidelines Section15064.5(a)—Definition of a Historic Resource

Public Resources Code Section 5024.1 and CEQA Guidelines Section 15064.5(a), in Title 14 of the California Code of Regulations, define a "historical resource" as a resource that:

(1) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.

(2) Is associated with the lives of persons important in our past.

(3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.

(4) Has yielded, or may be likely to yield, information important in prehistory or history.

CEQA Guidelines Section 15064.5(a)(3)—California Register of Historical Resources Criteria

As defined by CEQA Guidelines, Section 15064.5(a)(3) (A-D), a resource shall be considered historically significant if the resource meets the criteria for listing on the CRHR. The CRHR and many local preservation ordinances have employed the criteria for eligibility to the NRHP as a model (see criteria described above under the description of the NHPA), since the NHPA provides the highest standard for evaluating the significance of historic resources. A resource that meets NRHP criteria is clearly significant. In addition, a resource that does not meet NRHP standards may still be considered historically significant at a local or State level.

CEQA Guidelines 15064.5(c)—Effects on Archaeological Resources

CEQA Guidelines state that a resource need not be listed on any register to be found historically significant. CEQA Guidelines direct lead agencies to evaluate archaeological sites to determine whether they meet the criteria for listing in the CRHR. If an archaeological site is a historical resource, in that it is listed or eligible for listing in the CRHR, potential adverse impacts to it must be considered. If an archaeological site is considered not to be a historical resource but meets the definition of a "unique archaeological resource" as defined in Public Resources Code Section 21083.2, then it would be treated in accordance with the provisions of that section.

CEQA Guidelines Section 15064.5(d)—Effects on Human Remains

- Native American human remains and associated burial items may be significant to descendant communities and/or may be scientifically important for their informational value. They may be significant to descendant communities for patrimonial, cultural, lineage, and religious reasons. Human remains may also be important to the scientific community, such as prehistorians, epidemiologists, and physical anthropologists. The specific stake of some descendant groups in ancestral burials is a matter of law for some groups, such as Native Americans (CEQA Guidelines § 15064.5(d); PRC § 5097.98). CEQA and other State laws and regulations regarding Native American human remains provide the following procedural requirements to assist in avoiding potential adverse effects on human remains within the contexts of their value to both descendant communities and the scientific community. When an initial study identifies the existence or probable likelihood that a project would affect Native American human remains, the lead agency is to contact and work with the appropriate Native American

representatives identified through the NAHC to develop an agreement for the treatment and disposal of the human remains and any associated burial items (CEQA Guidelines § 15064.5(d); PRC § 5097.98).

- If human remains are accidentally discovered, the County Coroner must be contacted. If the County Coroner determines that the human remains are Native American, the Coroner must contact the NAHC within 24 hours. The NAHC must identify the Most Likely Descendant (MLD) to provide for the opportunity to make recommendations for the treatment and disposal of the human remains and associated burial items (CEQA Guidelines § 15064.5(e)).
- If the NAHC is unable to identify a MLD, the MLD fails to make recommendations within 24 hours of notification, or the project applicant rejects the recommendations of the MLD, the Native American human remains and associated burial items must be reburied in a location not subject to future disturbance on the property (CEQA Guidelines § 15064.5(e)).
- If potentially affected human remains or a burial site may have scientific significance, whether or not it has significance to Native Americans or other descendant communities, then under CEQA, the appropriate mitigation of effect may require the recovery of the scientific information of the remains/burial through identification, evaluation, data recovery, analysis, and interpretation (CEQA Guidelines § 15064.5(c)).

Health and Safety Code Section 7050.5

Section 7050.5 of the Health and Safety Code sets forth provisions related to the treatment of human remains. As the code states, “every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor” except under circumstances as provided in Section 5097.99 of the Public Resource Code. The regulations also provide guidelines for the treatment of human remains found in locations other than a dedicated cemetery, including responsibilities of the Coroner.

Public Resources Code Section 5097.98

Section 5097.98 provides protocol for the discovery of human remains. It states that “whenever the commission receives notification of a discovery of Native American human remains from a County Coroner pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, it shall immediately notify persons believed to be most likely descended from the deceased Native American.” It also sets forth provisions for descendants’ preferences for treatment of the human remains and what should be done if the NAHC is unable to identify a descendant.

California Public Resources Code Section 5097.91—Native American Heritage Commission

Section 5097.91 of the Public Resources Code established the NAHC, whose duties include the inventory of places of religious or social significance to Native Americans and the identification of known graves and cemeteries of Native Americans on private lands. Under Section 5097.91 of the Public Resources Code, a State policy of noninterference with the free expression or exercise of Native American religion was articulated along with a prohibition of severe or irreparable damage to Native American sanctified cemeteries, places of worship, religious or ceremonial sites or sacred shrines located on public property. Section 5097.98 of the Public Resources Code specifies a protocol

to be followed when the NAHC receives notification of a discovery of Native American human remains from a County Coroner. Section 5097.5 defines the unauthorized disturbance or removal of archaeological, historic, or paleontological resources located on public lands as a misdemeanor.

California Senate Bill 18—Protection of Tribal Cultural Places

California Senate Bill (SB) 18 (California Government Code § 65352.3) incorporates the protection of California traditional Tribal cultural places into land use planning for cities, counties, and agencies by establishing responsibilities for local governments to contact, refer plans to, and consult with California Native American Tribes as part of the adoption or amendment of any general or specific plan proposed on or after March 1, 2005. SB 18 requires public notice to be sent to Tribes listed on the NAHC SB 18 Tribal Consultation list within the geographical areas affected by the proposed changes. Tribes must respond to a local government notice within 90 days (unless a shorter time frame has been agreed upon by the Tribe), indicating whether or not they want to consult with the local government. Consultations are for the purpose of preserving or mitigating impacts to places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code that may be affected by the proposed adoption or amendment to a general or specific plan.

California Assembly Bill 52—Effects on Tribal Cultural Resources

California AB 52 was signed into law on September 25, 2014, and provides that any public or private "project with an effect that may cause a substantial adverse change in the significance of a Tribal cultural resource is a project that may have a significant effect on the environment." TCRs include "[s]ites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe that are eligible for inclusion in the CRHR or included in a local register of historical resources." Under prior law, TCRs were typically addressed under the umbrella of "cultural resources," as discussed above. AB 52 formally added the category of "Tribal cultural resources" to CEQA and extends the consultation and confidentiality requirements to all projects as provided for under CEQA, rather than just projects subject to SB 18 as previously discussed.

The parties must consult in good faith, and consultation is deemed concluded when either: (1) the parties agree to measures to mitigate or avoid a significant effect on a TCR (if such a significant effect exists); or (2) when a party concludes that mutual agreement cannot be reached. Mitigation measures agreed upon during consultation must be recommended for inclusion in the environmental document. AB 52 also identifies mitigation measures that may be considered to avoid significant impacts if there is no agreement on appropriate mitigation. Recommended measures include:

- Preservation in place.
- Protecting the cultural character and integrity of the resource.
- Protecting the traditional use of the resource.
- Protecting the confidentiality of the resource.
- Permanent conservation easements with culturally appropriate management criteria.

California Public Resources Code Section 21074—Effects on Tribal Cultural Resources

AB 52 amended the CEQA statute to identify an additional category of resource to be considered under CEQA called "tribal cultural resources." It added Public Resources Code Section 21074, which defines "Tribal cultural resources" as follows:

(a) "Tribal cultural resources" are either of the following:
  (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe that are either of the following:
    A) Included or determined to be eligible for inclusion in the CRHR.
    B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
  (2) 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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe.

(b) A cultural landscape that meets the criteria of subdivision (a) is a Tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.

(c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a Tribal cultural resource if it conforms with the criteria of subdivision (a).

Local

Town of Danville General Plan 2030

Historic Preservation

The goals and policies for the Town of Danville Historic Preservation are listed below.

Goal 8 Ensure the preservation and rehabilitation of historic and cultural resources and recognize such resources as an essential part of the Town's heritage.

Policy 8.01 Ensure that the remodeling and renovation of historic buildings respects the character of the building and its setting.

Policy 8.02 Encourage new projects in the Downtown area to be compatible with nearby historic buildings, the historic Downtown street pattern, and the area's historic, pedestrian-oriented character.

Policy 8.03 Discourage the demolition of historically important buildings. Where it is no longer feasible to continue using an older building for its originally intended use, the reuse of the buildings for contemporary purposes should be encouraged.

Policy 8.04 Encourage the use of the State Historic Building Code for historic buildings and other structures that contribute to the Town's historic character. Use flexibility when applying zoning regulations to historic sites and buildings.

Policy 8.05 Where appropriate and feasible, retain physical elements of Danville that contribute to the aesthetic and historic character of agricultural areas and former agricultural areas, such as barns, outbuildings, bridges, heritage trees, and fences.

Policy 8.06 Recognize heritage trees, landscapes, and other outdoor features as potential contributors to historic character, and afford protection to such features where appropriate.

Policy 8.07 Encourage the design of public improvements such as street furniture, streetlights, and signage to be consistent with historic character, particularly in Old Town Danville and nearby areas.

Policy 8.08 Where feasible and relevant, ensure that the Town's historic preservation program meets State and federal standards.

Policy 8.09 Develop, support, and publicize financial incentive and tax relief programs to promote historic preservation.

Goal 8.10 Coordinate Town historic preservation activities with all appropriate community groups and State and federal agencies.

Policy 8.11 Promote public awareness and enjoyment of Town historic resources through tours, special events, historic markers, plaques, and other visitor attractions that showcase the Town's history.

Policy 8.12 Recognize the value of Danville's historic resources as an economic development tool.

Policy 8.13 Continue to survey and inventory historic resources in Danville, using criteria that are consistent with the U.S. Secretary of the Interior standards.

Policy 8.14 Ensure that development approvals do not result in the loss of significant archaeological resources by requiring full compliance with State and federal laws regarding the assessment and recovery of such resources.

3.5.5 - Approach to Analysis

This evaluation focuses on whether implementation of the proposed project would have potentially significant impacts on historic resources, architectural resources, archaeological resources, human remains, or TCRs.

A project could have a significant impact on a historical resource if construction of the project would significantly impair a resource's eligibility for inclusion in the CRHR; thus, this information has been

considered, as appropriate, as part of the methodology used in this evaluation. Analysis is based, in part, on information collected from record searches at the NWIC, additional archival research, pedestrian surveys, and information from the historic architectural assessment of existing properties more than 45 years in age (if any) located within the project APE. If a project would leave an identified cultural resource no longer able to convey its significance, meaning that the resource would no longer be eligible for listing in the CRHR, then the proposed project's impact would be considered a significant adverse change. Pursuant to CEQA Guidelines Section15126.4(b)(1), if a project adheres to the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, then the project's impact "shall generally be considered mitigated below a level of significance and thus is not significant."

A project may have an impact on an archaeological resource or human remains if construction of the project would physically damage or destroy archaeological data or human remains (including those interred outside of formal cemeteries). Analysis is based, in part, on information collected from record searches at the NWIC, the additional archival research, and pedestrian surveys.

Both direct and indirect effects of project implementation were considered for this analysis. Direct impacts are typically associated with construction and/or ground-disturbing activities, and have the potential to immediately alter, diminish, or destroy all or part of the character and quality of archaeological resources and/or historic architecture, human remains, or eligible TCRs. Indirect impacts are typically associated with post-project implementation conditions that have the potential to alter or diminish the historical setting of a cultural resource (generally historic architecture) by introducing visual intrusions on existing historical structures that are considered undesirable.

3.5.6 - Thresholds of Significance

The Lead Agency utilizes the criteria in CEQA Guidelines Appendix G Environmental Checklist to determine whether impacts to cultural resources and Tribal cultural resources are significant environmental effects. The proposed project may have a significant impact if it would:

a) Cause a substantial adverse change in the significance of a historical resource as pursuant to Section 15064.5.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.

c) Disturb any human remains, including those interred outside of formal cemeteries.

d) Cause a substantial adverse change in the significance of a Tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is 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).

e) Cause a substantial adverse change in the significance of a Tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is

geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.

3.5.7 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed project and provides mitigation measures where appropriate.

Historic Resources

Impact CUL-1:	**The proposed project would not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.**

Impact Analysis

Historic resources in this context refer to the built environment, mainly buildings and structures more than 45 years in age that may be eligible for inclusion on the CRHR, NRHP or local designation. Records search results, conducted at the NWIC, identified one historic resource within the 0.5-mile records search radius, which is not located within the project APE or the limit of disturbance areas. Additionally, no historic resources were encountered during the pedestrian field survey. Accordingly, the proposed project would not have an adverse impact on historic era built environment resources.

Level of Significance Before Mitigation

No impact.

Mitigation Measures

None.

Archaeological Resources

Impact CUL-2:	**The proposed project could cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.**

Impact Analysis

Records search results from the NWIC did not identify any archaeological resources within the project APE and limit of disturbance areas or within the 0.5-mile search radius. Additionally, the SLF search conducted by the NAHC was negative for TCRs within the project APE. No archaeological resources were encountered during the pedestrian field survey. Buried site potential indicates that the entirety of the project site rests on Pliocene and Miocene deposits, indicating a low potential for archaeological resources. Nevertheless, there is always the possibility that earthmoving activities associated with project construction could encounter previously undiscovered archaeological resources. Archaeological resources can include but are not limited to stone, bone, wood, or shell artifacts or features, including hearths and structural elements. Damage or destruction of these resources would be a potentially significant impact.

As such, implementation of Mitigation Measure (MM) CUL-2a and MM CUL-2b would reduce potential impacts to archaeological resources that may be discovered during project construction. Thus, impacts would be less than significant with mitigation implemented.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM CUL-2a An Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology shall conduct a follow-up pedestrian survey following the "clear and grub" of the project APE. Prior to the initiation of construction activities, all construction personnel directly involved with project-related ground disturbance shall attend a "tailgate" Worker Environmental Awareness Program (WEAP) training for archaeological resources. The training should include visual aids, a discussion of applicable laws and statutes relating to archaeological resources, types of resources that may be found within the limit of disturbance areas, and procedures to be followed in the event such resources are encountered. The training should be conducted by an Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology. In the event exposed soils indicate cultural materials may be present, this may be followed by regular or periodic archaeological monitoring as determined by the Archaeologist.

MM CUL-2b In the event that buried cultural resources are discovered during construction, operations shall stop within a 100-foot radius of the find and a qualified Archaeologist shall be consulted to determine whether the resource requires further study. The qualified Archaeologist shall make recommendations to the Lead Agency on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with CEQA Guidelines Section 15064.5. Potentially significant cultural resources consist of, but are not limited to, stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. Any previously undiscovered resources found during construction within the project area should be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA criteria.

If the resources are determined to be unique historic resources as defined under Section 15064.5 of the CEQA Guidelines, mitigation measures shall be identified by the Archaeological Monitor and recommended to the Lead Agency. Appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds.

No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources. Any archaeological artifacts recovered as a result of mitigation shall be donated to a qualified scientific

institution approved by the Lead Agency where they would be afforded long-term preservation to allow future scientific study.

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

Human Remains

Impact CUL-3:	**The proposed project could disturb human remains, including those interred outside of formal cemeteries.**

Impact Analysis

While no formal cemeteries or areas containing human remains are known to be in the project vicinity, the possibility always exists that construction-related ground disturbance may uncover previously undiscovered human remains. In the unlikely event such a discovery is made, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and Section 5097.98 must be followed. Implementation of MM CUL-3, which details inadvertent discovery procedures, would reduce impacts to previously undiscovered human remains to a less than significant level.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM CUL-3 In the event of an accidental discovery or recognition of any human remains, Public Resources Code Section 5097.98 must be followed. In this instance, once project-related earthmoving begins and if there is accidental discovery or recognition of any human remains, the following steps shall be taken:

1. There shall be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent human remains until the County Coroner is contacted to determine whether the remains are Native American and if an investigation of the cause of death is required. If the Coroner determines the remains to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the "most likely descendant" of the deceased Native American. The Most Likely Descendant (MLD) may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods, as provided in Public Resources Code Section 5097.98, or
2. Where the following conditions occur, the landowner or his/her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the

recommendations of the MLD or on the project area in a location not subject to further subsurface disturbance:

- The NAHC is unable to identify an MLD, or the MLD failed to make a recommendation within 48 hours after being notified by the NAHC;
- The descendant identified fails to make a recommendation; or
- The landowner or his authorized representative rejects the recommendation of the descendant and mediation by the NAHC fails to provide measures acceptable to the landowner.

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

Listed or Eligible Tribal Cultural Resources

Impact CUL-4:	**The proposed project could cause a substantial adverse change in the significance of a Tribal Cultural Resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is 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).**

Impact Analysis

A review of the CRHR, local registers of historic resources, and the NWIC records search failed to identify any listed or eligible for listing TCRs that may be adversely affected by the proposed project. Additionally, a review of the NAHC SLF search was negative for recorded TCRs within the project site. A letter containing project information requesting any additional information regarding TCRs was sent to each Tribal representative on December 8, 2023. On December 17, 2023, the Ohlone Indian Tribe replied requesting California Historical Resources Information System (CHRIS) results. This was followed by an email on January 6, 2024, asking what FCS's professional recommendations were and requesting a copy of the final Section 106 CRA. On January 9, 2024, the Confederated Villages of Lisjan Nation replied indicating that they have no further information to supply regarding the proposed project. No other responses have been received to date. Should TCRs be discovered during ground disturbance activities, implementation of MM CUL-2a, MM CUL-2b, and MM CUL-3 would reduce potential impacts on TCRs to a less than significant level.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement MM CUL-2a, MM CUL-2b, and MM CUL-3.

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

Lead Agency Determined Tribal Cultural Resources

Impact CUL-5: The proposed project could cause a substantial adverse change in the significance of a Tribal Cultural Resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.

Impact Analysis

Construction

Tribal consultation efforts, conducted by the Town of Danville pursuant to AB 52 to identify additional significant TCRs meeting the criteria set forth in Public Resources Code Section 5024.1 (c), were initiated on January 8, 2025, and consultation letters were provided to each Tribe on the NAHC consultation list. The consultation period lasted 30 days, during which no correspondence or consultation was requested. Nevertheless, TCRs may be encountered and adversely impacted during project construction. As such, implementation of MM CUL-2a, MM CUL-2b, and MM CUL-3 would reduce these potential impacts to a less than significant level.

Operation

Impacts related to a project's potential to cause a substantial adverse change in the significance of a State-listed or eligible TCR are limited to construction impacts. No respective operational impacts would occur.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement MM CUL-2a, MM CUL-2b, and MM CUL-3.

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

3.5.8 - Cumulative Impacts

The cumulative analysis considers the foreseeable development projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1, Cumulative Projects, in the Town of Danville, in addition to the proposed project. The geographic scope for the cumulative analysis is described further below for each type of resource. This analysis evaluates whether the impacts of the proposed project, together with the impacts of other cumulative development, could result in a cumulatively significant impact related to historical, archaeological, and/or TCRs. This analysis then considers whether the incremental contribution of the impacts associated with the implementation of the proposed project would be significant. Both conditions must apply for the proposed project's cumulative effects to rise to the level of significance.

Historic Resources

The relevant geographic scope for potential cumulative impacts to historic, built environment resources is the land within the Town's municipal boundaries. This is because the Town provides the smallest geographic boundary of potential significance when a historic property is evaluated at the local, State, or federal level. No historic resources were identified in the records search, literature review, or pedestrian survey of the project APE, although the NWIC records search identified one historic resource within the 0.5-mile search radius of the project APE. With respect to the cumulative projects, these cumulative projects have the potential to result in impacts to historic resources. However, potential cumulative impacts would be mitigated at an individual project level by adherence to applicable current State and federal laws and regulations, as well as other Town and County laws, regulations, and mitigation, such as adherence to standard conditions of approval that require monitoring of construction sites in proximity to known resources (similar to MM CUL-2a.). The combination of these efforts would reduce potential cumulative impacts related to historical resources to a less than significant level. Moreover, the proposed project would not have a considerably cumulative contribution to this already less than significant impact because there are no known historic resources that would be adversely impacted by the proposed project.

Based on the foregoing, the proposed project would not have a significant cumulative impact on any historic resources.

Archaeological Resources

The geographic scope of the cumulative archaeological resources analysis is the project vicinity. This is because archaeological resource impacts tend to be localized because the integrity of any given resource depends on what occurs in the immediate vicinity around that resource, such as disruption of soils, and the immediate vicinity provides the smallest geographic unit within which significant cumulative impacts spanning multiple projects may occur. Therefore, in addition to the project site itself, the area near the project APE would be the area most affected by project activities (generally within a 0.5-mile radius). For the purposes of this analysis, the geographic scope is defined as the 0.5-mile NWIC records search radius. As discussed above, the only cumulative project located within this radius is the Evergreen Ranch Estates Residential Project, located approximately 0.4-mile northeast of the project APE.

As noted above, there are 10 area-specific survey reports (Table 3.5-2) on file with the NWIC for the project APE and its 0.5-mile search radius. Two reports (S-039729 and S-047664) partially intersect the northeastern boundary of the project APE, indicating that a segment of the project site has been previously surveyed for cultural resources. There are no known unique archaeological resources within this geographic scope; however, there is always the possibility of previously unknown archaeological resources that could be damaged or destroyed during subsurface construction activities associated with cumulative projects. Nevertheless, any such potential cumulative impacts would be mitigated at an individual project level by adherence to applicable local, State and federal laws and regulations, as well as Town and County laws, regulations, and mitigations as discussed in Section 3.5.4, such as adherence to standard conditions of approval that require monitoring of construction sites in proximity to known resources (similar to MM CUL-2a). Accordingly, cumulative impacts would be less than significant.

For the reasons noted above, the proposed project would not have a direct impact on any known archaeological resources, and potentially significant impacts to any previously unknown resources that could be damaged or destroyed during project construction would be mitigated to less than significant by adherence to applicable laws and regulations and compliance with the identified mitigation measures (MM CUL-2a through MM CUL-3), which require WEAP training for construction staff, inadvertent discovery procedures, and an updated site survey following clearing and grubbing. Therefore, the proposed project would not have a cumulatively considerable contribution to this already less than significant cumulative archaeological resources impact.

Based on the foregoing, the proposed project would not have a significant cumulative impact on any archaeological resources.

Tribal Cultural Resources

Significant impacts to TCRs may range from impacts to a resource meeting the CEQA definition of a significant historic resource to impacts to resources identified through consultation between a lead agency and Native American Tribe. As such, the scope and range of potential cumulative impacts to TCRs are highly contingent on the nature of the resource and status of consultation. In the absence of any known TCRs that would be significantly impacted by the proposed project, the appropriate geographic scope for assessing potential cumulative impacts to TCRs is the project vicinity. This is because any undiscovered TCRs would likely be archaeological in nature, and the immediate project vicinity provides the smallest geographic unit within which significant cumulative impacts spanning multiple projects may occur. Thus, for the purposes of this analysis, the immediate vicinity is defined as the 0.5-mile NWIC records search radius. As discussed above, the only cumulative project located within this radius is the Evergreen Ranch Estates Residential Project, located approximately 0.4-mile northeast of the project APE.

As noted above, there are 10 area-specific survey reports (Table 3.5-2) on file with the NWIC for the project site and its 0.5-mile search radius. Two reports (S-039729 and S-047664) partially intersect the northeastern boundary of the project site, indicating that a segment of the project site has been previously surveyed for cultural resources. There are no known TCRs or other archaeological resources within this geographic scope; however, there is always the possibility of previously unknown resources that could be damaged or destroyed during subsurface construction activities associated with cumulative projects. Nevertheless, any such potential cumulative impacts would be required to be mitigated at an individual project level through compliance with applicable federal, State, and local laws and regulations governing cultural resources, such as adherence to standard conditions of approval that require monitoring of construction sites in proximity to known resources (similar to MM CUL-2a). Therefore, cumulative impacts would be less than significant. As explained above, there are no known TCRs that would be impacted by the proposed project. Although subsurface construction activities associated with the proposed project have the potential to encounter undiscovered TCRs and other archaeological resources, the proposed project would be required to mitigate for impacts through compliance with applicable federal, State, and local laws and regulations governing cultural resources. Additionally, the implementation of mitigation measures MM CUL-2a, MM CUL-2b, and MM CUL-3, which require WEAP training for construction staff, inadvertent discovery procedures, and an updated site survey after clearing and grubbing,

would ensure that any undiscovered TCRs are not substantially adversely affected by project-related construction activities. Therefore, the proposed project would not have a cumulatively considerable contribution to this already less than significant cumulative impact.

Level of Cumulative Significance Before Mitigation

Potentially significant impact.

Cumulative Mitigation Measures

Implement MM CUL-2a, MM CUL-2b, and MM CUL-3.

Level of Cumulative Significance After Mitigation

Less than significant impact with mitigation incorporated.

3.6 - Energy

3.6.1 - Introduction

This section describes the existing energy setting in the project area as well as the relevant regulatory framework. This section also evaluates the possible impacts related to energy that could result from implementation of the proposed project. Information in this section is based on project-specific energy calculation outputs included in Appendix B. No public comments were received during the Draft Environmental Impact Report (Draft EIR) scoping period related to energy.

3.6.2 - Environmental Setting

The environmental setting focuses on regional and local energy consumption, and factors related to the use and availability of energy including infrastructure, capacity, and supply.

Energy Basics

Energy is defined as the ability to do work. There are many forms of energy, including heat, light, motion, electrical, chemical and gravitational. Energy is grouped into two general types of energy, including potential (or stored) energy and kinetic (or working) energy. Sources of energy are divided into two categories: renewable (such as solar) and nonrenewable (such as coal), and they are used to produce energy including heat, electricity, or fuels.[1]

Energy Usage

Energy use in an area is generally distributed across five main energy use sectors:

- **Transportation Sector**: includes vehicles that transport people or goods, including cars, trucks, buses, aircraft, boats, and ships.
- **Industrial Sector:** includes facilities and equipment used for manufacturing, agriculture, mining, and construction.
- **Electric Power Sector**: primary business is to generate and sell electricity, and in some cases heat, to the other sectors.
- **Residential and Commercial Sectors**: includes homes and apartments and nonresidential uses (such as schools, retail uses, hotels, warehouses, restaurants, etc.).

Transportation Sector

Energy use associated with the transportation sector includes the fuel required to transport people or goods, including cars, trucks, buses, aircraft, boats, and ships. The proposed project is located in Contra Costa County, where an estimated 390 million gallons of gasoline and 27 million gallons of diesel fuel were sold in 2022.[2]

[1] United States Energy Information Administration (EIA). 2024. Website: https://www.eia.gov/energyexplained/what-is-energy/. Accessed February 6, 2026.

[2] California Energy Commission (CEC). 2023 Annual Retail Fuel Outlet Report Results CEC-A15 Results and Analysis. Website: https://www.energy.ca.gov/media/3874, Accessed February 6, 2026.

Energy use in the transportation sector also includes the electricity that can be used to power electric vehicles (EVs) and Plug-in Hybrid Electric Vehicles (PHEVs) directly from the power grid. Electricity used to power vehicles is generally provided by the electricity grid and stored in the vehicles' batteries. Fuel cells are being explored to use electricity generated onboard the vehicle to power electric motors. As of August 2024, California had a reported 178,549 public and shared private electric vehicle chargers, and Contra Costa County had a reported 2,566 chargers public and shared private electric vehicle chargers. [3] This includes 455 Public DC fast chargers, 2,111 Public Level 2 chargers, and eight Shared Private DC fast chargers.[4]

Industrial Sector

The proposed project is residential and therefore the industrial sector is not relevant. However, the proposed project does involve the construction of buildings and associated hardscape and landscaping, and while estimates of construction fuel are not available as a subcategory of the industrial sector, construction fuel is known to be a significant contributor to industrial fuel consumption. The construction industry is major user of diesel fuel as it is utilized almost exclusively in off-road construction equipment. Diesel is the fuel of choice because it has 12 percent more energy per gallon than gasoline and has fuel properties that prolong engine life making it ideal for heavy-duty vehicle applications. Biodiesel was introduced into California in 2000 and Renewable Diesel was introduced in 2012. Biodiesel is predominantly made from soybean and recycled oils into a unique diesel fuel (it can be blended into transportation fuels but is not a substitute for diesel fuel). Renewable Diesel is predominantly made from animal waste oils and the finished fuel is nearly identical to petroleum-based diesel.[5] Renewable diesel, on the other hand, is a transportation fuel produced from non-petroleum renewable sources—specifically, vegetable oils and animal fats. Its chemical and structural properties of renewable diesel are similar to petroleum-derived (conventional) diesel and can be used as a direct substitute for conventional diesel (up to 100 percent or R100). Blends of renewable diesel and conventional diesel are labeled with an R followed by the percentage (by volume) of the renewable diesel content.[6]

California accounts for nearly all of renewable diesel consumption in the United States, consuming nearly 62.5 million barrels of renewable diesel.[7] This is compared to 1 million barrels in 2011 and 28 million barrels in 2021, largely a result of the California's renewable diesel consumption grew substantially after its Low Carbon Fuel Standard (LCFS) went into effect in 2011.[8] This increase represented a shift away from traditional diesel with clean fuels replacing over 50 percent of the diesel used in the State in the first quarter of 2023.[9]

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[3] California Energy Commission (CEC). Electric Vehicle Chargers in California. Website: https://www.energy.ca.gov/data-reports/energy-almanac/zero-emission-vehicle-and-infrastructure-statistics-collection/electric. Accessed February 6, 2026.

[4] Ibid.

[5] California Energy Commission (CEC), 2024, Diesel Fuel Data, Facts, and Statistics, https://www.energy.ca.gov/data-reports/energy-almanac/transportation-energy/diesel-fuel-data-facts-and-statistics. Accessed February 6, 2026.

[6] California Air Resources Board (ARB), 2024, Fact Sheet: Renewable Diesel Fuel Requirements. Website: https://ww2.arb.ca.gov/resources/fact-sheets/fact-sheet-renewable-diesel-fuel-requirements. Accessed February 6, 2026.

[7] United States Energy Information Administration (EIA). 2022. State Energy Data System 2022: Updates by Energy Source. Website: https://www.eia.gov/state/seds/sep_fuel/html/pdf/fuel_use_rd.pdf. Accessed February 6, 2026.

[8] United States Energy Information Administration. 2023. Today in Energy. Website: https://www.eia.gov/todayinenergy/detail.php?id=57180#. Accessed February 6, 2026.

[9] California Air Resources Board (ARB). 2023 Press Release 23-24, Low Carbon Fuel Standard drives shift away from petroleum. Website: https://ww2.arb.ca.gov/news/first-time-50-california-diesel-fuel-replaced-clean-fuels. August 23.

Residential Sector

Residences require energy to power home devices and equipment, including heating and air conditioning. Electricity and natural gas are the most-used energy sources to power homes. Electricity and natural gas are distributed through the various electric load-serving entities (LSEs) in California. These entities include investor-owned utilities (IOUs), publicly owned LSEs, rural electric cooperatives, community choice aggregators, and electric service providers. These providers are often subject to State-level regulations and standards, including Renewable Portfolio Standards (RPS).

The climate zone in which a building is located can have a significant impact on its energy use. For example, buildings in warmer climates may require more cooling, while buildings in cooler climates may require more heating. Building envelope insulation requirements will change based on climate zone, and by taking into account these climate-related variables and tailoring energy use accordingly, buildings can be constructed to be more energy-efficient and cost-effective while also reducing their impact on the environment. Prescriptive requirements of energy regulations vary according to the climate zone a city or town is in.

Commercial Sector

The proposed project involves the construction of single-family residences and there are no commercial uses involved. Therefore, the commercial sector is not relevant to the proposed project.

Electric Power Sector

Electricity

In 2022, Contra Costa County's commercial and residential sectors utilized a total of 8,338 million kWh (GWh).[10]

Pacific Gas and Electric Company (PG&E) is the electricity provider that offers renewable and carbon-free electricity to businesses and residents in Contra Costa County, California and will serve the proposed project. PG&E offers its customers several different choices with various renewable energy content.

Natural Gas

California's natural gas utilities provide service to over 11 million gas meters (customers). SoCalGas and PG&E provide service to about 5.9 million and 4.3 million customers, respectively, while San Diego Gas and Electric (SDG&E) provides service to over 800,000 customers. In 2018, California gas utilities forecasted that they would deliver about 4740 million cubic feet per day of gas to their customers, on average, under normal weather conditions.

The overwhelming majority of natural gas utility customers in California are residential and small commercials customers, referred to as "core" customers.[11] Larger volume gas customers, such as electric generators and industrial customers, are called "noncore" customers. Although very small in

[10] California Energy Commission (CEC). 2024, Energy Consumption Database, Electricity Consumption by County. Website: https://ecdms.energy.ca.gov/elecbycounty.aspx. Accessed February 6, 2026.

[11] California Public Utilities Commission (CPUC). 2024. Website: https://www.cpuc.ca.gov/industries-and-topics/natural-gas/natural-gas-and-california. Accessed February 6, 2026.

number relative to core customers, noncore customers consume about 65 percent of the natural gas delivered by the State's natural gas utilities, while core customers consume about 35 percent.

In 2022, the County's natural gas usage was 895 total millions of therms (including nonresidential usage and residential).[12]

Community Scale Solar Generation

Solar farms, on a community scale, are more comparable to community gardens. Multiple individuals pool their funds to invest in solar equipment and then share the benefits of the resulting solar energy.

3.6.3 - Regulatory Framework

Federal energy regulations were first introduced in 1975 with the Energy Policy and Conservation Act of 1975 in response to the 1973–1974 Arab Oil Embargo to improve the average fuel economy of cars and light trucks in the US and improve the US energy independence. Other subsequent federal rules included the Energy Policy Act of 2005, which introduced numerous energy efficiency standards for appliances (building off the existing Energy Star Program) and The Energy Independence and Security Act of 2007 (which strengthened the vehicular fuel economy standards). The purpose of the federal regulations related to energy are to improve energy efficiency (thereby reducing energy use), reduce energy use, promote renewable energy production, and improve energy independence of the United States.

These regulations set important groundwork and foundation for subsequently promulgated California regulations.

3.6.4 - State

Because federal regulations generally preempt State and local regulations, they set the foundation for subsequent State regulations to build upon. The following describes the regulatory framework as it pertains to the energy usage sectors relevant to the proposed project. These regulations are also intended to increase energy efficiency—thereby reducing overall energy use—and promote renewable energy production and use.

Transportation Sector

California adheres to the federal Corporate Average Fuel Economy (CAFE) standards but also has several other State programs that influence emissions and fuel efficiency. These regulations include the following:

- Pavley Regulations and Fuel Efficiency Standards (AB 1493)
- Low Emission Vehicle Standards (LEV Program)
- Zero-Emission Vehicle (ZEV Program)

[12] California Energy Commission (CEC). 2024. Energy Consumption Database, Gas Consumption by County. Website: https://ecdms.energy.ca.gov/gasbycounty.aspx. Accessed February 6, 2026.

- California Air Resources Board (ARB) Phase 2 Greenhouse Standards for Medium and Heavy-duty Vehicles
- Heavy-duty I & M Rule

These greenhouse gas (GHG) emissions or air quality regulations aim to reduce emissions of criteria pollutants, air toxics and GHG emissions and at the same time result in decreases in energy and fuel consumption. However, they are not direct energy regulations or policies. Additionally, while these regulations increase energy efficiency and reduce fuel consumption from vehicles, they are typically not directly applicable to land use development projects but apply to either vehicle/engine manufacture or vehicle maintenance and operation.

The proposed project would be subject to these air quality regulations and measures that influence emissions from vehicles. This would include limits on the idling of commercial motor vehicles and construction equipment. The California Code of Regulations Title 13, Section 2485, Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling, prohibits diesel-fueled commercial vehicles from idling for more than five minutes at any given location. The primary goal of this regulation is to reduce public health impacts from diesel emissions, but compliance with the measure also results in energy savings in the form of reduced fuel consumption from unnecessary idling.

Finally, while not specifically an energy regulation, the Sustainable Communities and Climate Protection Act of 2008 (SB 375) requires land use projects to meet target reductions of Vehicle Miles Traveled (VMT) to reduce GHG emissions. Because VMT is directly related to fuel consumption and because consistency with the targets is determined on an individual development/project basis, this regulation also serves to reduce energy consumption related to passenger vehicle travel.

Industrial Sector

As previously discussed, land use development projects consume fuel during construction operations (and construction is a subset of the industrial sector, along with manufacturing, mining, and agriculture). Because of energy efficiency requirements, off-road diesel equipment dominates the industry. Provisions in California's In-use Off-road Diesel Fleets regulation under California Code of Regulations Title 13 not only provide protection from air pollution, but promote the use of newer, well-tuned and maintained equipment, and provide regulatory limits on unnecessary idling. These minimize toxic diesel exhaust but at the same time results in energy efficiency, decreased fuel use and avoids wasteful use of energy.

Electric Power Sector

The RPS is a regulation applicable to the energy /utility provider designed to increase the use of renewable energy sources for electricity generation. California's RPS was established by SB350 and subsequently SB100 and requires 60 percent of electricity to come from renewable sources by 2030 and 100 percent from zero carbon sources by 2045.

The renewable content of the produced electricity is based on the energy mix, or the combination of different energy sources used to meet energy needs in a particular region. It includes both

renewable and nonrenewable sources. For example, a typical energy mix might include coal, natural gas, nuclear, hydroelectric, wind, and solar power.

Under the Power Source Disclosure Program, retail electricity providers are required to annually disclose to their retail consumers the mix of sources used to provide electricity service during the previous calendar year. In those instances where a retail supplier offers consumers more than one electricity portfolio, the retail supplier is to provide information specific to each electricity portfolio offered. This information is provided to consumers in the form of Power Content Labels.[13]

Residential and Commercial Sectors

Energy Efficiency in Buildings

California Code of Regulations Title 24 Part 6 (California's Energy Efficiency Standards for Residential and Nonresidential Buildings) was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy-efficient technologies and methods. Energy-efficient buildings require less electricity; therefore, increased energy efficiency reduces fossil fuel consumption and decreases GHG emissions. The 2022 Building Energy Efficiency Standards went into effect on January 1, 2023.

This update to the building code provides crucial steps in the State's progress toward 100 percent clean carbon neutrality by midcentury. The 2022 Energy Code builds on California's technology innovations, encouraging energy-efficient approaches to encourage building decarbonization, emphasizing heat pumps for space heating and water heating. This set of Energy Codes extends the benefits of photovoltaic and battery storage systems and other demand flexible technology to work in combinations with heat pumps to enable California buildings to be responsive to climate change. Buildings whose permit applications are applied for on or after January 1, 2023, must comply with the 2022 Energy Code. The Energy Code includes measures that will reduce energy use in single-family, multi-family, and nonresidential buildings. These measures will:

- Affect newly constructed buildings by adding new prescriptive and performance standards for electric heat pumps for space conditioning and water heating, as appropriate for the various climate zones in California.
- Require photovoltaic (PV) and battery storage systems for newly constructed multi-family and selected nonresidential buildings.
- Electric-readiness is a new mandatory requirement for dwelling unit gas space heating, water heating, cooking, and laundry. Common use areas are exempt from the electric-ready requirement, with the exception of common use area clothes dryers.
- Update efficiency measures for lighting, building envelope, heating, ventilation, and air conditioning (HVAC); and

[13] California Energy Commission (CEC). Power Content Label. Website: https://www.energy.ca.gov/programs-and-topics/programs/power-source-disclosure-program/power-content-label. Accessed May 12, 2025.

- Make improvements to reduce the energy loads of certain equipment covered by (i.e., subject to the requirements of) the Energy Code that perform a commercial process that is not related to the occupant needs in the building (such as refrigeration equipment in refrigerated warehouses, or air conditioning for computer equipment in data processing centers).

California Code of Regulations Title 24, Part 11 (commonly referred to as the CALGreen Code) provides for voluntary energy efficiency provisions designed to support local jurisdictions and other entities aiming to exceed the mandatory energy efficiency requirements set by the Energy Code. These provisions apply to newly constructed buildings as well as additions and alterations to existing buildings. These voluntary measures focus on enhancing resource efficiency, improving building energy system performance, and aligning with broader environmental and public health goals, such as decarbonizing California's economy. They complement the mandatory provisions by offering additional strategies for energy conservation and efficiency.

Energy Efficiency in Appliances

This part of the California Code of Regulations sets standards for the energy efficiency of appliances sold or offered for sale in California. It covers a wide range of appliances, including refrigerators, air conditioners, and other household and commercial devices. Title 20 ensures that individual appliances for the energy efficiency of appliances sold or offered for sale in California meet specific energy efficiency standards. While Title 24 focuses on the building's overall energy efficiency, Title 20 and federal appliance standards ensures that individual appliances meet specific energy efficiency standards. Title 20 ensures that lighting and appliances being used in new construction meet energy efficiency standards set by the California Energy Commission (CEC).

Contra Costa County

Electricity services for the proposed project would be provided by PG&E. In 2022, 38 percent of PG&E's electricity was powered by renewable resources, 49 percent by nuclear, 8 percent by large hydro, and 5 percent by natural gas.[14]

3.6.5 - Local

The following local regulations are applicable to the proposed project and will increase energy efficiency, decrease fuel use, and promote renewable energy use or production (beyond regional, State and federal requirements).

Local

Town of Danville General Plan Update 2030

The Town's most recently adopted General Plan includes several sustainability goals and policies that pertain to energy resources and are relevant to the proposed project.

[14] Pacific Gas and Electric Company (PG&E). 2022. Website: https://www.pge.com/en/about/corporate-responsibility-and-sustainability/taking-responsibility/clean-energy-solutions.html#:~:text=The%20power%20mix%20delivered%20to%20PG&E%E2%80%99s%20bundled-service%20customers%20in%202022. Accessed May 10, 2025.

Sustainability Goals

Goal 31 Conserve nonrenewable resources through solid waste reduction, water conservation, and energy efficiency programs.

Goal 32 Encourage building and construction practices that minimize environmental impacts and natural resource consumption.

Policies

Policy 31.01 Promote the efficient use of water by encouraging drought-tolerant landscaping, plumbing fixtures, and irrigation systems designed for water efficiency, and other building and landscape systems designed to reduce potable water use and water waste.

Policy 31.07 Advocate for increased energy conservation by Danville residents and businesses, including basic conservation practices (such as shutting off lights and using lower wattage bulbs), weatherization of existing homes and businesses, and the use of more energy-efficient appliances.

Policy 31.09 Ensure that the Town of Danville serves as a conservation role model for residents and businesses in its day-to-day operations. The Town will pursue energy efficiency in its operations, initiate energy retrofitting of its buildings, encourage the use of recycled or reusable goods in its purchasing practices and implement other conservation practices that may be followed by Danville residents.

Policy 31.10 Work with PG&E to replace streetlights and parking lot lights with more energy-efficient alternatives as such alternatives become available and as funding allows.

Policy 32.01 Support the use of green building methods in new construction and rehabilitation projects, including both Town of Danville projects and private projects undertaken by homeowners.

Policy 32.05 Protect solar access rights in a manner that is consistent with State law, and encourage the use of solar energy systems in new construction and major remodeling projects.

Policy 32.07 Promote tree planting as a way to create shade, reduce surface and ambient temperatures, and reduce the energy required for cooling.

Policy 33.09 Encourage local use of renewable energy sources, such as solar power.

Policy 33.11 Work with PG&E to publicize the benefits of residential energy efficiency and to maximize the use of their technical assistance and financial incentive programs.

3.6.6 - Methodology

Construction and operational energy use associated with the proposed project were quantified as described below. The energy calculation sheets are included in Appendix B.

Construction

Fuel consumption for on-site construction equipment and off-site construction vehicles are calculated using inputs and results from the air quality and GHG analysis in the California Emissions Estimator Model (CalEEMod).

Off-road equipment fuel consumption is based on the mix of construction equipment and duration utilizing the CalEEMod inputs for the following:

- Number of pieces of equipment
- Duration of use (days and hours per day)
- Operating load factor
- Fuel type (gasoline, diesel or electric)

Fuel consumption factors in terms of gallons per hour of diesel for off-road equipment were calculated using a factor of 0.054 gallon per break horsepower-hour (gal/bhp-hr).[15]

Fuel consumption for worker, vendor, and haul construction vehicles are also calculated based on CalEEMod inputs. The fuel consumption rates (miles per gallon [mpg]) were obtained using the ARB EMission FACtors mobile source emissions model (EMFAC2021) Web Tool.[16] The rates were based on the county-specific inventory for the initial construction year and calculated for the vehicle categories for each vehicle type in CalEEMod. For workers, the assumed fleet is based on field observations and is 25 percent light-duty auto (LDA), 50 percent light-duty truck type 1 (LDT1), and 25 percent light-duty truck type 2 (LDT2). Haul trucks were assumed to be 100 percent diesel heavy heavy-duty truck (HHDT). Vendor trucks during building construction were assumed to be entirely diesel-fueled and 50 percent medium heavy-duty truck (MHDT) and HHDT, while asphalt vendor trucks were assumed to all be diesel-fueled HHDT.

Operation

Transportation Sector (Mobile Sources)

Fuel consumption factors for operational mobile sources were calculated based on vehicle miles traveled (VMT) and operational fleet for each land use modeled in CalEEMod. The EMFAC2021 WebTool was used to develop fuel consumption rates corresponding to the County fleet for the Operational Year modeled in CalEEMod. These up-to-date inventories include electric and conventional vehicle inventory data as well as Compressed Natural Gas (CNG) bus and truck data.

[15] California Air Resources Board (ARB). 2021. Low Emission Diesel (LED) Study: Biodiesel and Renewable Diesel Emissions in Legacy and New Technology Diesel Engines. November.

[16] California Air Resources Board (ARB). 2024. On-road EMFAC. Website: https://ww2.arb.ca.gov/our-work/programs/msei/on-road-emfac. Accessed May 10, 2025.

Electric usage was characterized as kilowatt hour per vehicle mile (kW-hr/vehicle-mile) and fossil fuel usage by mpg. CNG usage is reported in gallons equivalent.

Residential Sector–Building Energy

Natural gas (if applicable) and electricity estimates are based on CalEEMod energy calculations and include Title 24 and Non-Title 24 energy based on size, land use and Environmental Defense Fund (EDF) climate zone. CalEEMod energy calculations are based on 2019 Title 24, providing somewhat conservative estimates of building energy use.

Electrifying the proposed development substitutes electric end uses in place of natural gas end uses. Thus, it is expected that user's building would electrify the most common natural gas end uses—space heating, water heating, and range (i.e., cooktop plus oven). Additional natural gas end uses include dryer, auxiliary heat, pool heat, spa heat, solar water heater with natural gas backup, and miscellaneous. These increased electricity demands are revised to account for the increases by replaced end-use electricity, following calculational methods outlined in the California Air Pollution Control Officers Association (CAPCOA) Handbook–Measure E-15 (Require All Electric Development). The detailed energy calculation sheets are included in Appendix B).

3.6.7 - Thresholds of Significance

The Lead Agency utilizes the criteria in California Environmental Quality Act (CEQA) Guidelines Appendix G Environmental Checklist to determine whether impacts related to energy are significant environmental effects. To determine whether a project would have a significant impact on energy, the type, level, and impact of emissions generated by the proposed project must be evaluated. A significant impact would occur if the proposed project would:

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

b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

3.6.8 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed project and provides mitigation measures where appropriate.

Energy Use

Impact ENER-1:	**The proposed project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.**

Impact Analysis

Construction Impacts

The proposed project's construction was conservatively assumed to begin in summer 2026 and would take approximately 15 months to complete. Should the construction schedule move to later years or take longer, construction emissions would be expected to decrease due to improvements in

technology and more stringent regulatory requirements that would affect future construction equipment and fuels. Therefore, the analysis represents a reasonable worst-case, conservative approach. The proposed project would require site preparation, grading, building construction, architectural coating, and paving. The construction phase would require energy for the manufacture and transportation of building materials, preparation of the site (e.g., site clearing and grading), and the actual construction of the buildings. Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy for these tasks.

The types of on-site equipment used during construction of the proposed project could include gasoline- and diesel-powered construction and transportation equipment, including trucks, excavators, forklifts, and pavers. Construction equipment use on-site is estimated to consume approximately 45,374 gallons of diesel fuel over the entire construction duration (Appendix B).

Fuel use associated with vehicle trips to the site generated by construction of the proposed project was also estimated; trips include construction worker trips, haul truck trips for material transport, and vendor trips for construction material deliveries. Fuel use from these vehicles traveling to the project site was based on (1) the projected number of trips the proposed project would generate during construction, (2) average trip distances by trip type, and (3) fuel efficiencies estimated in the ARB EMFAC mobile source emission model. The specific parameters used to estimate fuel usage are included in Appendix B. In total, the proposed project is estimated to generate 63,699 VMT and 4,517 gallons of combined gasoline and diesel for vehicle travel during construction.

The overall construction schedule and process is already designed to be efficient in order to avoid excess monetary costs. For example, equipment and fuel are not typically used wastefully due to the added expense associated with renting the equipment, maintaining it, and fueling it. Therefore, the opportunities for future efficiency gains during construction are limited. Thus, it is anticipated that the construction phase of the proposed project would not result in wasteful, inefficient, and unnecessary consumption of energy. Therefore, construction-related energy impacts would be less than significant.

Operational Impacts

As noted in the Air Quality analysis, the proposed project's operational-related air quality emissions would fall well below screening levels due to the small scale of the proposed project. Similarly, although operation of the proposed project would result in energy consumption from building operations (e.g., lighting and appliances, and treatment, supply and distribution of water) and transportation fuel (e.g., fuel usage for passenger vehicles, motorcycles), the overall energy consumed would be minor due to the small scale of the proposed project, which includes the development of up to 22 homes and 5 ADUs. Building operations would rely on electricity and natural gas for operational energy requirements. Electricity operations subject to Title 24 includes space heating, cooling, ventilation, water heating, outdoor lighting, and the majority of indoor lighting, while electricity operations not subject to Title 24 includes all other end uses. Non-Title 24 electric end-uses include cooking appliances, clothes washers, electric dryers, refrigeration, office electronics, electric pool/spa heating, well pumping, fans, miscellaneous plug-in uses, and the remainder of indoor lighting. Natural gas operations subject to Title 24 includes space heating and water heating, while natural gas operations not subject to Title 24 includes all other end uses.

Examples of Non-Title 24 end uses are range/ovens, dryers, pool/spa heating, and other miscellaneous uses. Motor vehicle fuel use would result from the motor vehicles that would travel to and from and within the project site.

- Decreasing overall per capita energy consumption;
- Decreasing reliance on fossil fuels such as coal, natural gas, or oil; and
- Increasing reliance on renewable energy sources.

Decreasing Overall Per Capita Energy Consumption

Buildings associated with the proposed project would be designed and constructed in accordance with CALGreen energy efficiency standards of Title 24. Title 24 standards include a broad set of energy conservation requirements that apply to the structural, mechanical, electrical, and plumbing systems in a building. For example, the Title 24 Lighting Power Density requirements define the maximum wattage of lighting that can be used in a building based on its square footage. Title 24 standards, widely regarded as the most advanced energy efficiency standards, would help to reduce the amount of energy required for lighting, water heating, and heating and air conditioning in buildings and would promote energy conservation. Moreover, the proposed project would use energy-efficient models and systems whenever possible and would incorporate new technologies as they become available. Therefore, the proposed project would be consistent with this criterion. The decreasing reliance on fossil fuels and increasing use of renewable energy discussed below would also reduce per capita energy consumption for the proposed project.

Decreasing Reliance on Fossil Fuels

The proposed project would incorporate elements from CALGreen, which would include water efficient landscaping, heat reflecting roof membranes, and roofing structures to support the installation of solar panels. In addition, Mitigation Measure (MM) GHG-1 would require the proposed project to be all-electric in design, eliminating the use of natural gas and therefore the associated fossil fuel use.

Increasing Reliance on Renewable Energy Sources

MM GHG-2 would require the proposed project to comply with Tier 2 EV charging requirements for electric vehicle infrastructure. EV charging infrastructure would accelerate the proposed project's and region's adoption of EVs and allow the future transportation energy supply necessary for residents and visitors to be substituted with renewable energy sources. As such, the proposed project would facilitate a greater dependence on renewable energy sources for transportation energy demands.

In addition, the proposed project would be served by PG&E, which procures 38 percent of its electricity from renewable resources including biomass & biowaste, geothermal, eligible hydroelectric, solar electric and wind. The additional electricity needs are procured from large hydroelectric (which is zero-emission) and from nuclear (also a zero-emission electricity source) sources.[17] Therefore, the proposed project's energy demand would rely on renewable and zero-emission energy sources and would not result in increased consumption of natural gas, coal, or other non-zero-emission sources. Finally, the

[17] Pacific Gas and Electric Company (PG&E). 2024. PG&E and Peninsula Clean Energy Electric Power Generation Mix. Website: https://www.pge.com/assets/pge/docs/account/alternate-energy-providers/PCE_ElectricPowerGenerationMix.pdf. Accessed March 28, 2025.

proposed project will be required to comply with the 2022 Building Energy Efficiency Standards (Energy Code), which has solar photovoltaic (PV) system requirements for all newly constructed single-family residential buildings. The minimum required solar PV system is intended to offset the electrical consumption of the proposed building.[18] Therefore, the proposed project would produce additional renewable energy to on-site to compensate for the additional electricity it would require; it would install EV chargers in each home to encourage the use of all-electric vehicles; and any additional energy required would be provided by PG&E and procured from zero-emission sources. Therefore, the proposed project would be consistent with this criterion.

Overall

As discussed above, the proposed project's energy consumption would not result in the wasteful, inefficient, or unnecessary consumption of energy resources, consistent with the guidance derived from Appendix F of the CEQA Guidelines and the Appellate Court decision in *League to Save Lake Tahoe Mountain etc. v. County of Placer* (2022) 75 Cal.App.5th 63, 164–168. The construction-related and operation-related impacts related to electricity, natural gas, and fuel consumption would be less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

Energy Efficiency and Renewable Energy Standards Consistency

Impact ENER-2:	**The proposed project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.**

Impact Analysis

Construction

During construction, the proposed project would be required to comply with applicable State regulations such as the anti-idling rule. Furthermore, construction equipment and vehicles would comply with the State's fuel efficiency regulations.

Operation

The proposed project would utilize electricity and natural gas from PG&E, which procures 38 percent of its electricity from renewable resources including biomass & biowaste, geothermal, eligible hydroelectric, solar electric and wind. The additional electricity needs are procured from large hydroelectric (which is zero-emission) and from nuclear (also a zero-emission electricity source) sources.[19] Therefore, the proposed project's electricity provider meets the State's current objective

[18] California Energy Commission (CEC). 2025. 2022 Single-family Solar PV General Information. Website: https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/energy-code-support-center/2022-0. Accessed March 28, 2025.

[19] Pacific Gas and Electric Company (PG&E). 2024. PG&E and Peninsula Clean Energy Electric Power Generation Mix. Website: https://www.pge.com/assets/pge/docs/account/alternate-energy-providers/PCE_ElectricPowerGenerationMix.pdf. Accessed March 28, 2025.

of 33 percent renewable energy. PG&E would also be required to meet the State's future objective of 60 percent of in-State electricity sales being generated from renewable energy sources by 2030.

In addition, as previously stated, the proposed project would implement MM GHG-2, which would require EV charging infrastructure that meets Tier 2 CALGreen standards and would accelerate the proposed project's and region's adoption of EVs and allow the future transportation energy supply necessary for residents and visitors to be substituted with renewable energy sources. As such, the proposed project would facilitate a greater dependence on renewable energy sources for transportation energy demands. The proposed project will also be required to comply with the applicable Building Energy Efficiency Standards (Energy Code), which includes PV system requirements for all newly constructed single-family residential buildings. The minimum required PV system is intended to offset the electrical consumption of the proposed building.[20] Therefore, the proposed project would produce additional renewable energy to on-site to compensate for the additional electricity it would require; it would install EV charging infrastructure to encourage the use of all-electric vehicles; and any additional energy required would be provided by PG&E which is compliant with the State's RPS. These actions are consistent with the State's plans for transitioning to renewable energy and energy efficiency. The proposed project will permanently conserve a large amount of open space, will replace any removed trees, will incorporate stormwater quality features, and will comply with the current energy and water efficiency standards contained in the applicable California Building Standards Code (CBC). These features demonstrate that the proposed project is consistent with the relevant and applicable goals and policies in the Town's General Plan which pertain to energy use. Therefore, the proposed project would be consistent with all applicable energy policies and plans, and this impact would be less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

3.6.9 - Cumulative Impacts

The cumulative analysis considers the foreseeable development projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1, Cumulative Projects (and shown in Exhibit 3-1), in the Town of Danville, in addition to the proposed project. The geographic scope of the cumulative energy analysis is the Town of Danville and includes all of the projects identified on Table 3-1. Past, present, and probable future projects throughout the Town would result in the irreversible use of nonrenewable resources such as gasoline and diesel fuel during construction, as well as the incremental increase in energy consumption from operational building, energy and traffic associated with those projects. However, the use of such resources would be subject to the same regulatory framework relating to energy and fuel efficiency as the proposed project and would be anticipated to become more energy-efficient over time as regulatory requirements change and technological

[20] California Energy Commission (CEC). 2025. 2022 Single-Family Solar PV General Information. Website: https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/energy-code-support-center/2022-0. Accessed March 28, 2025.

advancements are made. Future projects in the area surrounding the project site are expected to result in a similar development pattern to existing conditions; however, while the overall use of electricity on the site and surrounding areas may increase, the energy use per square foot is expected to decrease due to compliance with modern standards and incorporation of modern technologies and design standards. Specifically, regarding petroleum use during construction, the proposed project and other future projects would consume energy associated with the off-road equipment, truck trips, and worker vehicle trips.

Construction of the proposed project and future projects would be temporary, and compliance with increasingly stringent local and State regulations for fleet efficiency and construction best practices limiting vehicle idling would help reduce construction-related fuel usage. During operation of the proposed project and future projects, increased land use intensity would result in additional VMT in the area. However, over the lifetime of the proposed project and past, present, and future projects, the fuel efficiency of vehicles is expected to increase. Similarly, with increasingly stringent local and State regulations for energy efficiency in buildings, such as Title 24 of the California Administrative Code and the Appliance Efficiency Regulations, operational building energy consumption is also expected to decrease. Therefore, the overall cumulative impact relating to energy consumption and consistency with energy plans would be less than significant.

Moreover, as described in the evaluation of Impact ENER-1 and ENER-2, the proposed project was found to have less than significant impacts with regards to energy use, renewable energy, and consistency with the State's plans and objectives related to energy. Like the development associated with the cumulative projects, development associated with the proposed project would be designed in accordance with Title 24, California's Energy Efficiency Standards for Residential Buildings and would comply with the latest CALGreen requirements for residential new construction. These standards include minimum energy efficiency requirements related to the building envelope, mechanical systems (e.g., HVAC and water heating systems), indoor and outdoor lighting, and illuminated signs.

The incorporation of the Title 24 standards into the proposed project and cumulative projects would ensure that implementation of these projects would not result in the inefficient, unnecessary, or wasteful consumption of energy. Therefore, the proposed project, in conjunction with other planned and approved projects, would not have a cumulatively significant impact related to energy consumption.

Level of Cumulative Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

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3.7 - Geology, Soils, and Seismicity

3.7.1 - Introduction

This section describes existing conditions related to geology and soils in the region and project area as well as the relevant regulatory framework. This section also evaluates the possible impacts related to geology and soils that could result from implementation of the proposed project. Information included in this section is based on available data from the United States Geological Survey (USGS) and project-specific technical reports including the Geotechnical Exploration prepared by ENGEO Incorporated, Preliminary Evaluation of the Recent Corte Dorado Hillside Landslide and Preliminary Mitigation Recommendations (Preliminary Evaluation) prepared by Baez Geotechnical Group (BGG), the Response Peer Review Comments prepared by ENGEO, and the Geological and Geotechnical Peer Review #2 (Final Letter) prepared by Stevens, Ferrone & Bailey Engineering Company, which are included in Appendix E.

The following public comments were received during the Draft Environmental Impact Report (Draft EIR) Notice of Preparation (NOP) scoping period related to geology and soils.

- Requests that the EIR details any landslide mitigation measures for the proposed project, so landslides would not impact water pipelines.
- Concerns regarding landslide issues in the past and how they would be addressed, grading, drainage, etc.
- Concern regarding mudslides.
- Request to extend the debris berm and V-ditch in the western boundary to tie into the existing V-ditch or newly constructed V-ditch and debris berms directly behind the Abercrombie, Watson, and Duffec properties, terminated at the existing catch basin behind 385 Borica Drive, to mitigate negative drainage/slide behind these properties.
- Request to include site-wide geotechnical analysis and full mitigation plan for landslides.

3.7.2 - Environmental Setting

Geologic Setting

Town of Danville

The Town of Danville (Town) is located within the California Coast Ranges geomorphic province. The region is generally defined by northwest-trending ridges and valleys that generally parallel the geologic structures, including the major fault systems. The Town is within the San Ramon Valley, which is surrounded by the East Bay Hills, formed from rocks uplifting between the Hayward and Calaveras Fault Zones. The San Ramon Valley is drained by the San Ramon Creek, Sycamore Creek, and Green Valley Creek, and their respective tributaries, which collectively are actively cutting into the alluvial surface soils. The San Ramon Valley contains deposits of Quaternary-aged alluvium up to

approximately 100 feet in thickness.[1] Surface soils consist primarily of interbedded clay, silt sand and gravel.

Project Site

The project site is located within the Coast Ranges geomorphic province of California. The Coast Ranges are typified by a system of northwest-trending, fault-bounded mountain ranges and intervening alluvial valleys. The bedrock in this region has been folded and faulted in a tectonic setting that has experienced both translational and contractional deformation of the earth's crust. More specifically, the site is located in Green Valley, east of the San Ramon Valley and on the southwest flank of Mt. Diablo.

The project site is mapped as underlain by bedrock of the Green Valley and Tassajara Formations. Surficial alluvial deposits are mapped along the drainage at the eastern portion of the site. The bedrock is part of an overall anticline-syncline morphology and bedrock is dipping roughly north-northeast. The degree of the dip is not established near the site, but adjacent areas have dips between 40 and 55 degrees.[2]

Existing Soils

Town of Danville

Soils within the developed areas of Danville generally consist of clays and loams. Diablo Clay, Botella Clay Loam, Alo Clay, Cropley Clay, Conejo Clay Loam, and Pescadero Clay Loam are among the most common soils found within the Danville area. Properties of the soils vary, with well-drained clay soils and the clay loams being moderate or poorly drained. In addition, clay soils often exhibit substantial shrink-swell potential, endemic to expansive soils.[3]

Project Site

Artificial fill within the project site is very limited, existing only in areas where a shallow amount of earth (2 to 3 feet) was cut, placed, and lightly compacted to accommodate an access road across the lower elevation areas of the site. The existing artificial fill consists of surface deposits, mostly reworked colluvium (Qc).

Colluvium deposits are found in swales and lower portions of slopes across the site. Along slopes and in the valley, these colluvium deposits vary widely in depth, ranging from just a few feet to as much as 15 feet in depth. The deepest colluvium tends to be along slopes with a more gradual grade, or in the lower elevation portions of the site. The colluvium is predominantly lean or fat clay, black to dark brownish or olive gray, and is usually of medium to high plasticity. Several polished surfaces were identified on the soil within the deposit, but these have variable orientations and are more likely caused by seasonal expansion and contraction of the fat clay. Some deposits have trace or minor amounts of fine well-rounded gravel. Calcium carbonate nodules are universal in the colluvium

[1] Town of Danville, 2012. Town of Danville General Plan 2030 Draft EIR.
[2] ENGEO Incorporated. 2024. Geotechnical Exploration, Elworthy East Property. February 28.
[3] Town of Danville, 2012. Town of Danville General Plan 2030 Draft EIR.

deposits. There are some narrow sandy silt deposits, usually light olive gray, that are found just above bedrock and most likely represent residual soil.

Alluvial deposits are found along the south trending drainage located at the eastern portion of the site. The alluvium is predominantly stiff, lean clay or fat clay. Along the drainage these alluvial deposits vary from approximately 18 to 40 feet in depth.

The bedrock identified at the site is part of the Miocene and Pliocene Green Valley and Tassajara Formations (Tgvt). Tgvt generally consists of non-marine sandstone, siltstone, and claystone deposits. The bedrock observed in borings and test pits consists mostly of siltstone and sandstone. Both bedrock types are extremely weak to very weak, somewhat weathered, and massive. No obvious signs of bedrock shearing were visible in the dry core sampling, though jointing was observed throughout. The sandstone tended to be medium- to coarse-grained with some fine rounded gravel. The siltstone contained some calcium carbonate. Several feet of residual soil bedrock was observed in test pits before more substantial bedrock was encountered. The residual soil was notable by a lack of plasticity, found in overlying colluvial deposits and a light gray color.[4]

Seismicity

The term seismicity describes the effects of seismic waves that are radiated from an earthquake fault in motion. While most of the energy released during an earthquake results in the permanent displacement of the ground, as much as 10 percent of the energy may dissipate immediately in the form of seismic waves. Seismicity can result in seismic-related hazards such as fault rupture, ground shaking, and liquefaction faults form in rocks when stresses overcome the internal strength of the rock, and fault rupture occurs when movement on a fault breaks through to the surface and can result in damage to infrastructure and persons. Ground movement during an earthquake can vary depending on the overall magnitude, distance to the fault, focus of earthquake energy, and type of geologic material. The composition of underlying soils, even those relatively distant from faults, can intensify ground shaking. Strong ground shaking from an earthquake can result in damage, with buildings shifted off their foundations and underground pipes broken. Liquefaction occurs when an earthquake causes ground shaking that results in saturated soil to lose shear strength, deform, and act like a liquid. When liquefaction occurs, it can result in ground failure that can result in damage to roads, pipelines, and buildings.

Town of Danville

The Town of Danville is located in the San Ramon Valley, which is seismically active. The major fault traces in the Bay Area—the Hayward and San Andreas Faults—lie 12 and 24 miles to the west of the San Ramon Valley, respectively. A number of active faults paralleling and associated with the San Andreas Fault are found in and near the Valley, including the Calaveras Fault, the Pleasanton Fault, the Bollinger Fault, and the Mt. Diablo Fault. As stated in the Town's General Plan, the 2011 Hazard Mitigation Plan for Contra Costa County indicates there is a 75 percent chance of a magnitude 7.0 or greater earthquake in the Bay Area during the next 30 years. In 2002, the USGS estimated an 11

[4] ENGEO Incorporated. 2024. Geotechnical Exploration, Elworthy East Property. February 28.

percent probability for one or more magnitude 6.7 or greater earthquakes by 2032 on the Calaveras Fault alone.

Project Site

The project site is located in a seismically active area that contains numerous faults. Small earthquakes occur every year in the Bay Area region and larger earthquakes have been recorded and can be expected to occur in the future. Faults have been cataloged and mapped by the USGS in the Quaternary Fault and Fold Database of the United States. An active fault is defined by the California Geologic Survey as one that experienced surface displacement within Holocene time (about the last 11,700 years). Table 3.7-1 summarizes the nearest known faults to the project site.

Table 3.7-1: Active Faults Capable of Producing Significant Ground Shaking

Fault Name	Distance from Project Site (Miles)	Maximum Moment Magnitude (Elsworth)
Calaveras	3.32	7.08
Mount Diablo Thrust North	1.62	7.15
Mount Diablo Thrust South	3.93	6.63
Concord	7.32	6.55
Hayward	10.32	7.30
Source: ENGEO Incorporated. 2024. Geotechnical Exploration, Elworthy East Property. February 28.		

Slope Disturbance

Town of Danville

Slope disturbance from long-term geologic cycle of uplift, mass wasting, intense precipitation or wind, and gravity can result in slope failure in the form of mudslides and rock fall. The project area is seismically active with known faults; however, the project area does not contain active faults that could cause geologic uplifting. Mass wasting refers to a variety of erosional processes from gradual downhill soil creep to mudslides, debris flows, landslides, and rock fall—processes that are commonly triggered by intense precipitation or wind, which varies according to climactic shifts. Often, various forms of mass wasting are grouped together as landslides, which are generally used to describe the downhill movement of rock and soil. Soil creep is a long-term, gradual downhill migration of soil under the influence of gravity and is generally on the order of a fraction of an inch per year. These soils can creep away downslope sides of foundations and reduce lateral support.

Liquefaction is another earthquake hazard that can result in slope disturbance. Liquefaction is a transformation of soil from a solid to a liquefied state during which saturated soil temporarily loses strength resulting from the buildup of excess pore water pressure. Soil susceptible to liquefaction includes loose to medium dense sand and gravel, low-plasticity silt, and some low-plasticity clay deposits. Four kinds of ground failure commonly result from liquefaction: lateral spread, flow failure, ground oscillation, and loss of bearing strength. Mapping by the Association of Bay Area Governments (ABAG) indicates that parts of the Town are underlain by Quaternary alluvial deposits

and have a moderate liquefaction susceptibility, and areas immediately adjacent to existing creeks have a high to very high liquefaction susceptibility. Steep topography, fractured and unconsolidated bedrock conditions, expansive soils, and high erosion potential combine to make some of the hillside areas in the San Ramon Valley highly unstable. Landslides resulting from natural conditions or caused by construction activity are common occurrences in the hillsides. Nearly 50 percent of Danville is located on hillsides, including the Las Trampas Ridge area and the hills paralleling the Sycamore Valley. There are numerous traces of landslide activity in these areas and the potential for future landslides is high. While landslides may occur on slopes of 15 percent or less in unstable areas, the risks are usually proportional with steepness of slopes. Areas where old slide deposits are evident are the most subject to failure. Hillside areas are also subject to soil erosion, which can contribute to instability of slopes, loss of vegetation, downstream flooding, sedimentation, and stream bank failure. Soil erosion is generally proportional to the steepness of slope and occurs mainly during peak rainfall, when runoff volumes are high.[5]

Project Site

The project site is situated on high rolling hills with a north–south trending valley and low-lying drainage basins with elevation differences ranging from 100 to 150 feet. Few shallow landslides are located within and around the hills of the project site that trend toward the colluvium deposits that are thickest along slopes with more gradual grade and at lower elevations. The Green Valley and Tassajara Formation (Tgvt) on the project site consists of weak to very weak weathered sandstone and siltstone. In addition, the California Department of Conservation delineated most of the project site to be located within a Landslide Zone of required investigation, particularly along the face of the slopes.

Soil Liquefaction

Soil liquefaction results from the temporary loss of shear strength during cyclic loading, such as imposed by earthquakes. The soil most susceptible to liquefaction is clean, loose, saturated, and uniformly graded fine sand below the groundwater table. Empirical evidence indicates that loose silty sand is also potentially liquefiable. When seismic ground shaking occurs, the saturated sandy soil is subjected to cyclic shear stresses that can cause excess pore water pressure to develop due to volumetric repositioning of soil particles. As excess pore water-pressures approach the effective confining stress from the overlying soil, the sand will experience a reduction in effective shear strength and may undergo deformation. If the pore water pressure exceeds the effective confining stress, the sand particles are free to move within the soil-water matrix without significant resistance, at which point the soil is said to have liquefied. If the sand consolidates or vents to the surface (known as “sand boils”) during and following liquefaction, ground settlement and surface deformation may occur. In some cases, settlements of approximately 2 to 3 percent of the thickness of the liquefiable layer have been measured. In addition to liquefaction of sandy materials, clayey soil can also undergo “cyclic softening” or strength loss as a result of cyclic loading.

[5] Town of Danville. 2012. Town of Danville General Plan 2030 Draft EIR.

Paleontological Resources

Paleontological resources are the fossilized remains of plants and animals, including vertebrates (animals with backbones; fish, amphibians, reptiles, birds, mammals, etc.), invertebrates (animals without backbones; starfish, clams, coral, cephalopods, etc.), microscopic plants and animals (microfossils), and trace fossils/ichnofossils (i.e., footprints, burrows, etc.). Fossils are valuable, nonrenewable, scientific resources used to document the existence of extinct life forms and to reconstruct the environments in which they lived. Fossils are preserved in sedimentary rocks and, despite the abundance of these rocks and the vast numbers of organisms that have lived through time, preservation of plant or animal remains as fossils is a rare occurrence.

The Society of Vertebrate Paleontology (SVP) defines a significant fossil resource as, "identifiable vertebrate fossils, large or small, uncommon invertebrate, plant, and trace fossils, and other data that provide taphonomic, taxonomic, phylogenetic, paleoecologic, stratigraphic, and/or biochronologic information." Paleontological resources are considered older than recorded human history and/or older than middle Holocene (i.e., older than about 5,000 radiocarbon years).[6]

The SVP Assessment of the Paleontological Potential of Rock Units classifies rock units on the potential to contain significant paleontological resources based on yielding abundant or significant vertebrate fossils, or a few large or small, vertebrate, invertebrate, plant, or trace fossils that provide important scientific information. Rock units with high potential of containing significant paleontological resources include those from which vertebrate or significant invertebrate or plant fossils have been recovered in the past (i.e., are represented in institutional collections) and typically consists of sedimentary rock units lithologically suitable for the preservation of fossils such as fine-grained fluvial and marine sandstones, argillaceous paleosols, and cross-bedded point bar sandstones, along with some volcaniclastic formations and low-grade metamorphic rocks which contain significant paleontological resources anywhere within their geographical extent. Rock units with undetermined potential are those with little information on paleontological content, geologic age, and deposition environment, and rock units with low potential are those that are not known to have produced a substantial body of significant paleontological material and preserve fossils in rare circumstances such as basalt flows and recent colluvium deposits. Lastly, rock units with no potential of containing significant paleontological resources are those that were formed in high temperature and pressure environments such as high-grade metamorphic rocks and plutonic igneous rocks. Accordingly, the sensitivity of an area with respect to paleontological resources hinges on its geologic setting and whether significant fossils have been discovered in the area or in similar geologic units.

The University of California Museum of Paleontology (UCMP) locality search online database was utilized to determine the potential paleontological extent within both the Green Valley and Tassajara Formations in Contra Costa County for vertebrates, invertebrates, microfossils, and plant localities. Although the bedrock underlying the project area has been previously mapped as the Olinda Formation, the most recent geologic mapping by Graymer and Langenheim (2021) assigns it to the Tassajara and Green Valley formations undivided, which is consistent with geologic mapping by

[6] Society of Vertebrate Paleontology (SVP). 2010. Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources. Society of Vertebrate Paleontology Impact Mitigation Guidelines Revision Committee.

Graymer et al. (1994) and with the subsurface conditions evaluated as part of the Geotechnical Exploration.

A record search request was submitted to the UCMP on March 13, 2025, to acquire more detailed information on previous fossil localities uncovered in the surrounding geography and to identify the fossiliferous extent of the rock units underlying the project site to determine whether excavation activities associated with construction of the proposed project have the potential to uncover significant paleontological resources. The UCMP completed its record search for the proposed project on March 27, 2025, and concluded the project site to be underlain by rock units referred to as the Tassajara and Green Valley undivided based on most recent geologic mapping of the surrounding area, similar to findings from the Geotechnical Exploration conducted by ENGEO Incorporated. The UCMP records search identified at least nine fossil localities immediately west, and slightly south and east of the project site from both the Green Valley and Tassajara Formations. Fossil localities from the Green Valley Formation are from the Miocene in rock units consisting of basal conglomerate, while the Tassajara Formation contained Pliocene-age fossil localities within poorly sorted sandstone with large caliche and mud clasts, massive siltstone, clay, and fine sandy siltstones with carbonate-coated root casts. The fossil localities yielded a diverse range of vertebrates mostly from the class Mammalia with few Aves (birds) and Osteichthyes (fish), and plant fossils that have been included in many publications.

3.7.3 - Regulatory Framework

Federal

National Earthquake Hazards Reduction Program

The National Earthquake Hazards Reduction Program (NEHRP) was established by the United States Congress when it passed the Earthquake Hazards Reduction Act of 1977, Public Law 95–124. In establishing the NEHRP, Congress recognized that earthquake-related losses could be reduced through improved design and construction methods and practices, land use controls and redevelopment, prediction techniques and early warning systems, coordinated emergency preparedness plans, and public education and involvement programs. The four basic goals remain unchanged:

- Develop effective practices and policies for earthquake loss reduction and accelerate their implementation.
- Improve techniques for reducing earthquake vulnerabilities of facilities and systems.
- Improve earthquake hazards identification and risk assessment methods, and their use.
- Improve the understanding of earthquakes and their effects.

Several key federal agencies contribute to earthquake mitigation efforts. There are four primary NEHRP agencies:

- National Institute of Standards and Technology of the Department of Commerce
- National Science Foundation

- USGS of the Department of the Interior
- Federal Emergency Management Agency (FEMA) of the Department of Homeland Security

Implementation of NEHRP priorities is accomplished primarily through original research, publications, and recommendations to assist and guide State, regional, and local agencies in the development of plans and policies to promote safety and emergency planning.

National Pollutant Discharge Elimination System

The National Pollutant Discharge Elimination System (NPDES) permit program, authorized by Section 402(p) of the federal Clean Water Act, controls water pollution by regulating point sources, such as construction sites and industrial operations that discharge pollutants into waters of the United States. A Storm Water Pollution Prevention Plan (SWPPP) is required to control discharges from a project site, including soil erosion, to protect waterways. A SWPPP describes the measures or practices to control discharges during both the construction and operational phases of the project. A SWPPP identifies project design features and structural and nonstructural Best Management Practices (BMPs) that will be used to control, prevent, remove, or reduce stormwater pollution from the site, including sediment from erosion.

Excavation Rules and Regulations

Title 29 in the Code of Federal Regulations, Part 1926, Subpart P contains rules and regulations for site excavations. Subpart P applies to all open excavations made in the earth's surface. Specific excavation requirements regulate surface encumbrances, underground installations, access and egress, hazardous atmospheres, stability of structures, protection of employees from loose rock or soil, inspections, and walkthroughs.

Paleontological Resources Preservation Act

The Paleontological Resources Preservation Act of 2002 codifies the generally accepted practice of limited vertebrate fossil collection and limited collection of other rare and scientifically significant fossils by qualified researchers. Researchers must obtain a permit from the appropriate State or federal agency and agree to donate any materials recovered to recognized public institutions where they would remain accessible to the public and other researchers.

Society of Vertebrate Paleontology Guidelines

The SVP is a national scientific organization of professional vertebrate Paleontologists that established Standard Guidelines for assessing the potential impacts that projects may have on paleontological resources and provides measures to mitigate those impacts that can be applied to both private and public lands under local, State, and federal agencies. The SVP classifies rock units based on paleontological potential as either having high, undetermined, low, or no potential for uncovering significant or abundant paleontological resources that may provide new scientific information for a variety of disciplines and are provided below:

- **High Potential**–Rock units which may contain vertebrate or significant invertebrate, plant, or trace fossils with datable organic remains, or rock units that may contain new vertebrate deposits, traces, or trackways. Rock units of high potential are dated to be middle Holocene or

older which include sedimentary formations such as fine-grained fluvial sandstones, argillaceous and carbonate-rich paleosols, and fine-grained marine sandstones, some volcaniclastic formations, and some low-grade metamorphic rocks.

- **Undetermined Potential**–Rock units with little information available related to their paleontological content, depositional environment, and geologic age. A field survey by a qualified professional Paleontologist is necessary to determine whether these rock units have high or low potential before a paleontological resource impact mitigation program can be developed.

  Rock units that only preserve fossils in rare circumstances and are poorly represented by fossil specimens in institutional collections such as basalt flows and recent colluvium.

- **No Potential**–Rock units that are not associated with containing fossils such as high-grade metamorphic rocks and plutonic igneous rocks.

The SVP's Standard Guidelines identify that project sites with rock units having high, undetermined, or low potential should perform a paleontological resource impact assessment before ground-disturbing activities begin including performing a literature review, field survey, and consulting with a certified repository institution with localities in the project region. Project sites that contain rock units having high or undetermined potential should prepare a paleontological resource impact mitigation plan including monitoring ground-disturbing activities, and appropriate methods for salvaging, sampling, identifying, preparing, cataloging, curating, and storing significant paleontological resources uncovered during ground-disturbing activities. Most practicing professional Paleontologists in the nation adhere to the SVP's Standard Guidelines.

State Regulations

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act (Public Resources Code [PRC] §§ 2621–2630) was passed in 1972 to provide a statewide mechanism for reducing the hazard of surface fault rupture to structures used for human occupancy. The main purpose of the Act is to prevent the siting of buildings used for human occupancy across the traces of active faults. It should be noted that the Act addresses the potential hazard of surface fault rupture and is not directed toward other earthquake hazards, such as seismically-induced ground shaking or landslides.

The law requires the State Geologist to identify regulatory zones (known as Earthquake Fault Zones or Alquist-Priolo Earthquake Fault Zones) around the surface traces of active faults, and to depict these zones on topographic base maps, typically at a scale of 1 inch to 2,000 feet. Earthquake fault zones vary in width, although they are often 0.75-mile wide. Once published, the maps are distributed to the affected cities, counties, and State agencies for their use in planning and controlling new or renewed construction. With the exception of single-family wood frame and steel-frame dwellings that are not part of a larger development (i.e., four units or more), local agencies are required to regulate development within the mapped zones. In general, construction within 50 feet of an active fault zone is prohibited.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (PRC §§ 2690–2699.6), which was passed in 1990, addresses earthquake hazards other than surface fault rupture. These hazards include strong ground shaking, earthquake-induced landslides, liquefaction, or other ground failures. Much like the Alquist-Priolo Earthquake Fault Zoning Act discussed above, these seismic hazard zones are mapped by the State Geologist to assist local government in the land use planning process. The Act states, "it is necessary to identify and map seismic hazard zones in order for cities and counties to adequately prepare the safety element of their general plans and to encourage land use management policies and regulations to reduce and mitigate those hazards to protect public health and safety." The Act also states, "cities and counties shall require, prior to the approval of a project located in a seismic hazard zone, a geotechnical report defining and delineating any seismic hazard."

California Building Code

The State of California provides minimum standards for building design through the California Building Standards Code (California Code of Regulations [CCR], Title 24). Where no other building codes apply, Chapter 29 regulates excavation, foundations, and retaining walls. The California Building Standards Code (CBC) applies to building design and construction in the State and is based on the federal Uniform Building Code (UBC) used widely throughout the country (generally adopted on a state-by-state or district-by-district basis). The CBC has been modified for California conditions with more detailed and/or more stringent regulations.

The State earthquake protection law (California Health and Safety Code § 19100 *et seq*.) requires that structures be designed to resist stresses produced by lateral forces caused by wind and earthquakes. Specific minimum seismic safety and structural design requirements are set forth in Chapter 16 of the CBC. The CBC identifies seismic factors that must be considered in structural design. Chapter 18 of the CBC regulates the excavation of foundations and retaining walls, and Appendix Chapter A33 regulates grading activities, including drainage and erosion control and construction on unstable soils, such as expansive soils and areas subject to liquefaction.

The CBC is updated every 3 years, and the current 2022 CBC took effect January 1, 2023. The 2022 CBC has been adopted by the County according to Chapter 74-2 of the Contra Costa County Ordinance Code.

Local Regulations

Town of Danville 2030 General Plan

The General Plan includes the following policies related to geology, seismicity, and soils:

Policy 24.01 Recognize local seismic risks and incorporate earthquake protection measures in the development review process.

Policy 24.02 Prohibit construction of any new facilities serving public safety needs such as fire stations and hospitals in the Alquist-Priolo Earthquake Special Studies Zones.

Policy 24.03 Require soils and geologic reports for all projects proposed in scenic hillside development areas, as defined by the Town's Scenic Hillside and Major Ridgeline Development Ordinance, and in other areas where the potential for landslides, liquefaction, subsidence, or severe ground shaking exists. Assure that development in these areas mitigates potential landslide hazards and other geologic hazards.

Policy 24.04 Require all development on hillside sites to be designed and constructed to minimize cutting and filling of slopes, avoid high risk landslide areas, and fully address environmental and aesthetic concerns.

Policy 24.07 Maintain structural design and engineering standards which ensure that buildings and infrastructure are constructed to minimize damage resulting from expansive soils, erosion, subsidence, and other local geologic conditions.

Policy 24.08 Encourage the retrofitting of existing structures to reduce the potential for damage during a major earthquake, particularly residential soft-story structures and critical public facilities.

Policy 24.09 Ensure that development approvals do not result in the loss of unique paleontological resources or geological features.

Policy 24.10 Require submittal of a geotechnical report by a qualified Engineering Geologist that specifies the location of active faults, and recommends appropriate setbacks prior to construction of any structure intended for human occupancy within the Alquist-Priolo Earthquake Fault Zone.

3.7.4 - Methodology

Impacts related to geology and soils were determined by reviewing information contained in the Geotechnical Exploration prepared for the project site, which is provided in Appendix E.

Additional evaluations of potential geologic and soil impacts of the project site were based on review of available documentation, including the General Plan and information available from the Certified General Plan EIR and the USGS.

Impacts related to paleontological resources were evaluated by identifying the fossiliferous extent of rock units identified in the Geotechnical Exploration using definitions established by the SVP, analyzing the UCMP Locality Search Online Database, and record search results provided by the UCMP of fossil localities identified in the surrounding area and associated rock units.

3.7.5 - Thresholds of Significance

The Lead Agency derives its significance criteria based on the questions in the California Environmental Quality Act (CEQA) Guidelines Appendix G Environmental Checklist. Accordingly, impacts to geology and soils would be considered significant environmental effects if the proposed project would:

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:
   i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
   ii. Strong seismic ground shaking.
   iii. Seismic-related ground failure, including liquefaction.
   iv. Landslides.

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

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the proposed project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

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

3.7.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the proposed project and provides mitigation measures where necessary.

Earthquakes

Impact GEO-1:	**The proposed project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:**
i)	**Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**
ii)	**Strong seismic ground shaking.**
iii)	**Seismic-related ground failure, including liquefaction.**
iv)	**Landslides.**

Construction and Operation

i) Fault Rupture

According to the Geotechnical Exploration and the California Earthquake Zones of Required Investigation Map, the project site is not within an established Earthquake Fault Zone (EFZ).[7,8] The Mount Diablo Thrust North fault zone is approximately 1.62 miles west of the project site. As the project site is not within an established EFZ, the risk of surface rupture at the project site is low. Therefore, impacts would be less than significant.

ii) Strong Seismic Ground Shaking

Potential impacts associated with strong seismic shaking at the project site, including the areas proposed for off-site improvements, include the potential to damage structures or improvements or result in the injury or loss of human life, which could represent a potentially significant impact.

However, as noted in Appendix E, the risk of damage from ground shaking is controlled by using sound engineering judgment and compliance with the latest provisions of the CBC, as a minimum. The intent of the CBC provisions is to enable structures to (i) resist minor earthquakes without damage, (ii) resist major earthquakes without structural damage but with some nonstructural damage, and (iii) resist major earthquakes without collapse but with some structural as well as nonstructural damage. In addition, the proposed project would be required to meet the goals, policies, and programs related to strong seismic shaking in the General Plan such as Policy 24.01, which requires soil and geologic reports for all projects proposed in scenic hillside development areas to minimize hazards due to strong seismic shaking. Additionally, Policy 24.10 requires submittal of a geotechnical report that specifies the location of active faults, and recommends appropriate setbacks prior to construction.

Since the proposed project and any future development on Lot 22 would adhere to seismic design provisions by the CBC and other requirements in the General Plan, impacts related to the direct or indirect risk of loss, injury, or death involving strong seismic shaking would be less than significant.

iii) Seismic-related Ground Failure

According to the Geotechnical Exploration, soil materials encountered within the site generally consist of high plastic clayey soil over bedrock. Saturated sandy soil was not encountered within the proposed development area. The only layer of clayey sand was found in Boring B-2, which is located north of the development area and outside of Lot 22 and is not located within the limits of disturbance. Clayey soil of medium stiff to stiff consistency are found in Boring 1-B1 to a depth of 18 feet below grade and with high moisture contents at 3 feet below grade, which is generally located around the low-lying area of the project site. The high plastic clayey soil encountered below groundwater at the low-lying area is not susceptible to cyclic softening. Therefore, based on these conditions, the site soil within the proposed development area is considered not susceptible to liquefaction or cyclic softening. As such, impacts related to seismic-related ground failure would be less than significant.

[7] ENGEO. 2024. Elworthy East Property Geotechnical Investigation. February 28.

[8] California Department of Conservation. 2025. Earthquake Zones of Required Investigation. Website: https://maps.conservation.ca.gov/cgs/informationwarehouse/eqzapp/. Accessed June 25, 2025.

iv) Landslides

According to the California Department of Conservation, the project site is mapped within a Landslide Zone.[9] Additionally, the Geotechnical Exploration concluded that the project site's main geological concern is the presence of landslide hazards and weak soil susceptible to slope instability. A Preliminary Evaluation conducted by BGG, included in Appendix E, identified eight prior landslides, including mudflow events, at the project site. These landslides occurred adjacent to the residences at the terminus of Corte Dorado, on the western side of the project side. Thus, the location of the prior landslide events occurred outside of the proposed development area in the southern portion of the project site and outside of Lot 22 to the north.

While the proposed residential lots would be outside of the historic landslide area on the project site, the proposed project would implement MM GEO-1, which would require the implementation of the recommendations provided in the Preliminary Evaluation, Geotechnical Exploration, and Final Letter, included in Appendix E. These documents make site-specific recommendations which include, but are not limited to, construction of a mudflow catchment basin, debris berm, a retaining wall, cut and fill slopes, and post-tensioned mat foundations,. The Geotechnical Exploration makes site-specific recommendations concerning earthwork, grading, seismic design parameters, and soil stabilization. According to the Geotechnical Exploration, the proposed project would be feasible from a geotechnical standpoint, given the conclusions and recommendations provided are incorporated in the design and construction of the proposed project. Moreover, any development that would occur on Lot 22 would require review of the conclusions and recommendations contained in the Geotechnical Exploration to determine whether modifications are necessary.

Following compliance with standard engineering practice, the CBC, and the site-specific recommendations references in MM GEO-1, potential impacts concerning landslides would be less than significant with mitigation incorporated.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM GEO-1 Implement Recommendations of the Preliminary Evaluation and Geotechnical Exploration

Prior to the issuance of any building or grading permits, the project applicant shall implement the recommendations of the Preliminary Evaluation prepared by BGG, the Geotechnical Exploration prepared by ENGEO Incorporated, and the Peer review Comments Final Letter prepared by Stevens, Ferrone & Bailey Engineering Company. This would include (but not be limited to) construction of a mudflow catchment basin, debris berm, retaining wall, and foundation recommendations.

[9] California Department of Conservation. 2024. Earthquake Zones of Required Investigation. Website: https://maps.conservation.ca.gov/cgs/EQZApp/App/. Accessed February 5, 2025.

The Geotechnical Exploration also includes general earthwork requirements for site preparation, soil removal, fill material, grading, foundation, design, and all relevant construction permits, as well as requirements related to structural design and pavement design. The applicant would be required to incorporate all recommended design features into project building plans, for review and approval by the Town Engineer. The Preliminary Evaluation and Geotechnical Exploration, included in Appendix E, is incorporated herein by reference as fully set forth in this mitigation measure.

Level of Significance After Mitigation

Less than significant impact.

Soil Erosion or Topsoil Loss

Impact GEO-2:	**The proposed project would not result in substantial soil erosion or the loss of topsoil.**

Construction

The proposed project would disturb at least 1 acre of land during construction; as such, it would be required to obtain a Construction General Permit from the California State Water Resources Control Board (State Water Board) consistent with the Contra Costa County's Municipal Regional Permit (MRP) (Order No. R2-2022-0018; NPDES Permit No. CAS612008) and to comply with its conditions and requirements, which are designed to minimize potential erosion issues. Compliance with the County's NPDES permit would ensure that a stormwater control plan is prepared and BMPs are implemented that would prevent sediments and other pollutants from entering the stormwater system. Thus, with adherence to existing regulatory requirements, impacts from project construction on the project site, including the off-site improvements, would not result in substantial soil erosion or loss of topsoil. Additionally, the proposed project would be required to implement MM GEO-1 which would require the proposed project to implement the recommendations made in the Geotechnical Exploration which would include measures for erosion control. Therefore, construction-related impacts related to soil erosion and loss of topsoil would be less than significant with mitigation incorporated.

Operation

The proposed project would introduce new impervious surfaces and would involve the cutting of existing surfaces on the project site for the development of the proposed structures. The introduction of new impervious surfaces and exposure of hillsides could alter the natural drainage patterns on the project site, potentially exacerbating soil erosion during operation of the proposed project. However, the proposed project would be required to comply with the Town's Clean Water Program where new development projects are required to conform to MRP Provision C.3, New and Redevelopment Standards. Under MRP Provision C.3, new development projects that create 10,000 square feet or more of impervious surfaces must implement Low Impact Development (LID) source control, site design, and stormwater treatment on-site or at a joint stormwater treatment facility to minimize runoff and maintain a site's predevelopment hydrology through minimizing disturbed areas and then infiltrating, storing, detaining, or biotreating stormwater runoff close to the source.

In compliance with the Town's Clean Water Program, which conforms to MRP Provision C.3 requirements, the proposed project would include an on-site storm drain system that would collect surface drainage and discharge it to a hydromodification basin located adjacent to Lot 1. The proposed basin is designed to handle hydromodification requirements for the site as well as stormwater treatment requirements set forth by Contra Costa County. Once the stormwater is treated, it would be detained within the basin and flows exiting the basin would be metered to equal the pre-project flows leaving the site. The existing drainage patterns for the site would be maintained and the stormwater runoff from the basin would be conveyed via a new storm drain system to the existing facilities located near the southeast corner of the site. A new rock outfall structure or direct connection to the existing 60" pipe would be required as part of this project. Additionally, the proposed project would also construct a debris berm and V-ditch in the western boundary adjacent to existing homes. The proposed debris berm would slow down and divert the flow of debris away from adjacent development and the V-ditch would collect storm flows on the western portion of the project site. The maintenance of the debris berm would be provided by the Geologic Hazard Abatement District (GHAD). Since the proposed project would comply with the Town's Clean Water Program through the development of on-site hydromodification basins and would maintain existing drainage patterns, operation of the proposed project would not result in substantial soil erosion or the loss of topsoil, and impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

Unstable Geologic Location

Impact GEO-3:	**The proposed project would 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.**

Impact Analysis

Construction

As discussed previously under Impact GEO-1, the soil underlying the project site is considered to have a low susceptibility to liquefaction and lateral spreading. The proposed project does not include the withdrawal of groundwater or petroleum; as such, the activities of the proposed project would not contribute to land subsidence at the project site.

According to the California Department of Conservation, the project site is mapped within a Landslide Zone.[10] Additionally, the Geotechnical Exploration concluded that the project site's main geological concerns are the presence of landslide hazards and weak soil susceptible to slope instability. A Preliminary Evaluation of the project site conducted by BGG identified eight prior

[10] California Department of Conservation. 2024. Earthquake Zones of Required Investigation. Website: https://maps.conservation.ca.gov/cgs/EQZApp/App/. Accessed February 5, 2025.

landslides at the project site. However, the location of the prior landslide events occurred outside of the proposed development area in the southern portion of the project site and Lot 22 to the north.

Mitigation Measure GEO-1 requires the implementation of the recommendations provided in the Preliminary Evaluation which includes constructing a mudflow catchment basin, a retaining wall, and adherence to the other recommendations within the Geotechnical Exploration. The Geotechnical Exploration makes site-specific recommendations concerning earthwork, grading, seismic design parameters, and soil stabilization. According to the Geotechnical Exploration, the proposed project would be feasible from a geotechnical standpoint, given the conclusions and recommendations provided are incorporated in the design and construction of the proposed project. Moreover, any development that would occur on Lot 22 would require review of the conclusions and recommendations contained in the Geotechnical Exploration to determine whether modifications are necessary.

Following compliance with standard engineering practice, the CBC, and the site-specific recommendations references in MM GEO-1, potential impacts concerning landslides would be less than significant with mitigation incorporated.

Operation

Development of residential structures would have the potential to result in on-site landslide from settlement due to building loads. However, as noted in Appendix E, settlement due to the proposed building loads is expected to be minor. Further, building foundations would be designed to reduce soil movements through the utilization of post-tensioned mat foundations per MM GEO-1.

Moreover, the proposed development would be annexed into an existing GHAD, and a Plan of Control and Engineer's Report would be prepared to outline the responsibilities of the GHAD for the proposed project. Long-term open-space monitoring and maintenance would be performed by the GHAD. The Plan of Control from GHAD typically includes protocols for open-space monitoring, maintenance, and repair responsibilities. Therefore, with implementation of MM GEO-1, impacts during the proposed project's operation would be less than significant*.*

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement MM GEO-1.

Level of Significance After Mitigation

Less than significant impact.

Expansive Soil

Impact GEO-4:	**The proposed project would be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.**

Construction

The Geotechnical Exploration concluded the clayey soil at the project site has a plastic index ranging from 43 to 47 and will exhibit high to very high shrink/swell potential with variations in moisture content. Expansive soil changes in volume with changes in moisture. It can shrink or swell and cause heaving and cracking of slabs-on-grade, pavements, and structures founded on shallow foundations.

Although the project site contains expansive soil, the Geotechnical Exploration concluded that there are no indicators of geotechnical hazards that would preclude the development of the project site. The implementation of MM GEO-1 would ensure the proposed project would not create substantial direct or indirect risks to life or property due to expansive soil by requiring the implementation of all recommendations included in the Geotechnical Report, including recommendations related to earthwork, grading, seismic design parameters, and soil stabilization. As such, impacts would be less than significant with mitigation incorporated.

Operation

As noted in the construction discussion above, the project site contains expansive soil that would have the potential to cause heaving and cracking of slabs-on-grade, pavements, and structures founded on shallow foundations. Development of the 21 residential units under the proposed project would utilize post-tensioned mat foundations for the proposed residential structures on the project site per the recommendations of the Geotechnical Exploration referenced in MM GEO-1. Implementation of MM GEO-1 would reduce the moisture content of project site soils, which, in turn, would reduce the potential for expansion of soils. These design recommendations would be implemented during construction and would be addressed prior to operation of the proposed project. Future development on Lot 22 would be required to prepare a project-specific Geotechnical Exploration, and recommendations provided therein would be incorporated into project plans as-needed.

Moreover, the proposed development would be annexed into an existing GHAD, and a Plan of Control and Engineer's Report would be prepared to outline the responsibilities of the GHAD for the proposed project. Long-term open-space monitoring and maintenance would be performed by the GHAD. The Plan of Control from GHAD typically includes protocols for open-space monitoring, maintenance, and repair responsibilities. Therefore, with implementation of MM GEO-1, impacts during operation of the proposed project would be less than significant.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement MM GEO-1.

Level of Significance After Mitigation

Less than significant impact.

Wastewater Disposal Systems

Impact GEO-5: The proposed project would not 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.

The proposed project does not include the installation of septic tanks or alternative wastewater disposal systems. Sanitary waste service for the proposed project would be provided via connection to the existing Contra Costa County Sanitary District (Central San) systems. As such, the proposed project would have no impacts related to septic tanks or alternative wastewater disposal systems.

Level of Significance Before Mitigation

No impact.

Mitigation Measures

None.

Destruction of Paleontological Resource or Unique Geologic Feature

Impact GEO-6: The proposed project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Construction

As discussed above, the UCMP Locality Search Online Database identified 22 fossil localities from the Green Valley Formation and 10 fossil localities from the Tassajara Formation with the Green Valley Formation mostly comprised of vertebrate localities from the Miocene, and the Tassajara Formation largely yielding vertebrates from the Miocene and Pliocene epochs. The relative location of these localities based on locality name indicated uncovering around the Blackhawk neighborhood north of the project site.

The records search conducted by the UCMP on March 27, 2025 identified at least nine fossil localities in the vicinity of the proposed project site uncovered from the Green Valley and Tassajara Formations (Tgvt) consisting of a diverse range of vertebrates including Mammalia remains and Aves (birds) and Osteichthyes (fish), along with plant fossils.

Since the Green Valley and Tassajara Formations (Tgvt) have yielded significant paleontological resources and meets the SVP definition of high potential rock units being sedimentary rock formations older than middle Holocene in age, excavations in previously undisturbed areas with the Green Valley and Tassajara Formations (Tgvt) may contain significant paleontological resources during construction. However, areas of colluvium deposits on the lower slopes and Holocene age surficial alluvium in the eastern drainage of the project site have a low potential as these deposits are typically too young to contain significant paleontological resources. Nevertheless, paleontological potential increases in the deeper, older layers of alluvial deposits. As such, ground-disturbing activities within the Green Valley and Tassajara Formations (Tgvt) and at greater depths within the surficial alluvial deposits during construction may result in a significant impact on paleontological resources.

To ensure that earth-disturbing construction-related activities do not impact significant paleontological resources, implementation of MM GEO-6a through -6c would require paleontological monitoring of excavations in previously undisturbed areas delineated within the Green Valley and Tassajara Formations (Tgvt) and excavations greater in depth that succeed the surficial alluvial deposits during construction. The implementation of MM GEO-6a through -6c would ensure that potential impacts to significant paleontological resources would be less than significant.

Operation

Impacts related to the proposed project's potential to cause a substantial adverse change in the significance of a unique paleontological resource or unique geologic feature are limited to construction. No respective operational impacts would occur.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM GEO-6a Paleontological Resources Monitoring and Mitigation Plan

Prior to the start of any ground-disturbing activity, a qualified Paleontologist meeting Society of Vertebrate Paleontology (SVP) standards and best practices shall prepare a Paleontological Resources Monitoring and Mitigation Plan. This plan shall incorporate information from the approved development and grading plan.

MM GEO-6b Worker Environmental Awareness Program

Prior to the start of any ground-disturbing activity, a qualified Paleontologist meeting Society of Vertebrate Paleontology (SVP) standards and best practices shall prepare paleontological resources sensitivity training materials to use during project-wide Worker Environmental Awareness Program (WEAP) training. The sensitivity training shall be conducted by a qualified environmental trainer, under the supervision of a qualified Paleontologist. In the event construction crews are phased in, additional training shall be conducted for new construction personnel. The training session shall focus on the recognition of the types of paleontological resources that could be encountered within the project site and the procedures to be followed if they are found.

MM GEO-6c Paleontological Monitoring Supervision and Execution

Paleontological monitoring shall be conducted by a qualified paleontological resource monitor meeting SVP standards and best practices, under the supervision of the qualified Paleontologist. Monitoring would be required for excavations into previously undisturbed areas mapped within the Green Valley and Tassajara Formations (Tgvt) and at greater depths in the surficial alluvial deposits. Monitoring would not be required for excavations into colluvium, residual soil, stream channel alluvium, or landslide debris deposits. If excavation into these deposits would extend

into the Green Valley and Tassajara Formations (Tgvt), monitoring would be required for excavation in these areas. Both the qualified paleontological monitor and the qualified Paleontologist shall have the authority to stop earthmoving activities to inspect possible paleontological resources or to take sediment samples. Sediment samples shall be taken and wet screened if appropriate fine-grained sediments are encountered. Discoveries, stratigraphy, and location of all specimens and samples collected shall be documented in daily field notes. All potentially significant fossils collected will be stabilized and prepared to the point of identification. Concentrate from screened sediment samples shall be inspected with a 10x dissecting scope. All significant fossils will be identified to the lowest (most specific) taxonomic level practical. All findings, including identifications and significance, shall be included in a final report. All photographs, field notes, the report, and the significant fossils shall be accessioned and curated in an approved repository.

If earth-disturbing construction-related activities uncover any paleontological resources (i.e., bones or teeth) in the absence of the qualified monitor or the qualified Paleontologist, those activities shall be diverted at least 50 feet away from the discovery until the qualified paleontological monitor or qualified Paleontologist is brought on-site to assess the find for possible salvage, consistent with the standards and best practices set by the SVP. Construction workers shall not attempt to remove such finds. The qualified Paleontologist shall document the specimen in daily field notes, prepare the specimen to the point of curation, and shall document the specimen to the lowest taxonomic level possible and determine the significance of the finding, which should be included in a final report. All applicable data, the final report, and the fossils shall be curated in an approved repository. In addition, The results of the assessment shall also be detailed in a final monitoring report and submitted to the Town. The qualified Paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction activities are allowed to resume at the location of the discovery. If the applicant determines that avoidance is not feasible, the qualified Paleontologist shall prepare an excavation plan for mitigating the effect of construction activities on the discovery.

Level of Significance After Mitigation

Less than significant impact.

3.7.7 - Cumulative Impacts

The geographic scope of the cumulative analysis related to geology and soils is the project site and its vicinity. Adverse effects associated with geology and soils tend to be localized; therefore, an area generally within a 0.25-mile radius would be the area most affected by activities associated with the proposed project. The analysis considers the foreseeable development projects listed in Table 3-1 (See Chapter 3, Environmental Impact Analysis) in the Town, in addition to the proposed project. None of the projects listed in Table 3-1 are located within 0.25 mile of the project site**.**

Seismic-Related Hazards

As indicated above, none of the projects listed in Table 3-1 are located within 0.25 mile of the project site. Cumulative projects, including the proposed project, have the potential to experience moderate to strong ground shaking from earthquakes. Although none of the projects listed in Table 3-1 are located within the relevant geographic scope, all projects in the Town would be exposed to the same ground shaking hazards and subject to the same requirements as the proposed project, including those related to landslides. Cumulative projects would adhere to the provisions of the CBC, policies of the General Plan, and the Ordinance Code to reduce potential hazards associated with seismic ground shaking and ground failure. As such, the proposed project, in conjunction with other projects, would not have a cumulatively significant impact associated with seismic-related hazards, and the proposed project would not have a cumulatively considerable contribution to this less than significant impact.

Moreover, the proposed project's incremental contribution to the less than significant cumulative impact would not be cumulatively considerable because it would be built in accordance with the CBC, be subject to the Town's Grading Ordinance, and General Plan Policy 24.03 (which requires a soils and geologic report for areas susceptible to geologic hazards, such as landslides; General Plan, p. 6-25). Additionally, the proposed project would implement MM GEO-1, which would require the implementation of all recommendations included in the Geotechnical Report, including, but not limited to, remedial grading and soil stabilization, which would further reduce impacts related to landslides and geologic hazards.

Soil-Related Hazards

Soil conditions associated with the project site, such as expansive soils, corrosive soils, and soil settlement are specific to the project site and generally do not contribute to a cumulative effect. Some or all other cumulative projects may have similar conditions, but they would not contribute to cumulative soil-related hazards. The proposed project would be subject to General Plan policies, the Ordinance Code, and MM GEO-1 to reduce soil-related hazards. Furthermore, the proposed development would be annexed into an existing GHAD, and a Plan of Control and Engineer's Report would be prepared to outline the responsibilities of the GHAD for the proposed project. Long-term open-space monitoring and maintenance would be performed by the GHAD. The Plan of Control from GHAD typically includes protocols for open-space monitoring, maintenance, and repair responsibilities. Other current and future development/redevelopment projects in the region would similarly be required to adhere to standards and practices that include stringent geologic and soil-related hazard mitigations. As such, the proposed project, in conjunction with other projects, would not have a cumulatively significant impact associated with soil-related hazards, and the proposed project would not have a cumulatively considerable contribution to this less than significant impact. Moreover, the proposed project's incremental contribution to the less than significant cumulative impact would not be cumulatively considerable because it would be built in accordance with the CBC and be subject to the Town's Grading Ordinance and General Plan Policy 24.03 (which requires a soils and geologic report for areas susceptible to geologic hazards; General Plan, p. 6-25).

Paleontological Resources and Unique Geologic Feature

None of the projects listed in Table 3-1 would occur within 0.25-mile of the project site. Construction activities associated with development of cumulative projects in the project vicinity may have the potential to encounter undiscovered geologic resources or paleontological resources. Future cumulative development would be subject to Public Resources Code Section 5097.2 and General Plan Policy 24.09, which requires development projects to consult with a qualified Paleontologist or geologist to determine whether fossils or geologic features with high scientific value are present (General Plan, p. 6-27). These cumulative projects would be required to mitigate impacts through compliance with applicable federal and State laws governing geologic and paleontological resources.

Although the likelihood that geologic or paleontological resources are present on the cumulative project sites may be relatively high given the fossiliferous extent of rock units in the project area, there is no cumulatively considerable impact of ground-disturbing activities impacting undisturbed significant paleontological resources, as impacts related to the unintentional discovery of significant paleontological resources or unique geologic features are site-specific. Given the site-specific extent of disruption, the implementation of federal, State, and local rules and regulations, and the comprehensiveness of mitigation measures that would apply to the cumulative projects, the project, in conjunction with other planned and approved projects, would result in a less than significant cumulative impact related to paleontological and geologic resources. Moreover, the proposed project's incremental contribution to less than significant cumulative impacts would not be cumulatively considerable with the implementation of standard construction practices, and MM GEO-6 would ensure that undiscovered geologic resources and paleontological resources are not adversely affected by project-related construction activities. Accordingly, cumulative impacts would be less than significant.

Level of Cumulative Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement MM GEO-1.

Level of Significance After Mitigation

Less than significant impact.

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3.8 - Greenhouse Gas Emissions

3.8.1 - Introduction

This section describes existing climate conditions as well as the relevant regulatory framework. The "Environmental Setting" provides a description of greenhouse gas (GHG) emissions and the current state of the climate. The "Regulatory Framework" provides a description of relevant federal, State, and local regulatory policies that serve to reduce GHG emissions and are applicable to the proposed project. The Greenhouse Gas Analysis is included in this Draft Environmental Impact Report (Draft EIR) as Appendix B. No public comments were received during the Draft EIR Notice of Preparation (NOP) scoping period related to GHG emissions.

3.8.2 - Environmental Setting

Greenhouse Effect, Global Warming, and Climate Change

Earth's temperature is rising,[1] and although the global climate has varied over the long-range time scale, there is strong scientific consensus that the rapid heating in recent decades is both unusual and caused by emissions of GHGs from human activities such as the burning of fossil fuels including coal and oil.[2] Gases that trap heat in the atmosphere are referred to as GHGs. The effect is analogous to the way a greenhouse retains heat. Prominent GHGs contributing to the greenhouse effect are carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), chlorofluorocarbons (CFCs), and sulfur hexafluoride (SF_6). Atmospheric concentrations of CO_2, the most prominent GHG, have been increasing rapidly in recent decades, from approximately 280 parts per million (ppm) before the start of the Industrial Revolution in the 1760s to more than 400 ppm as of 2013.[3] According to the United Nations Intergovernmental Panel on Climate Change (IPCC), it is *extremely unlikely* that global climate change of the past 50 years can be explained without the contribution from human activities.

As the concentration of these gases continues to increase in the atmosphere, Earth's temperature has increased by about 1.2 to 1.4°F (degrees Fahrenheit) since 1900.[4] Even if GHG emissions could be reduced to zero overnight, global temperatures would continue to rise in future years due to the build-up of GHGs that have already accumulated in the atmosphere and the oceans. As future emissions increase the atmospheric concentrations of CO_2 and other GHGs, the impacts of the warming greenhouse effect are projected to steadily worsen.

Global climate change is not confined to a particular project area and is generally accepted as the consequence of global industrialization over the last 200 years. A typical project, even a very large one, does not generate enough GHG emissions on its own to influence global climate change

[1] National Centers for Environmental Information (NCEI) National Oceanic and Atmospheric Administration (NOAA). 2024. Website: https://www.ncei.noaa.gov/access/monitoring/climate-at-a-glance/global/time-series. Accessed February 6, 2025.
[2] K. Myers, et al. Consensus Revisited: Quantifying scientific agreement on climate change and climate expertise among Earth scientists 10 years later. Environmental Research Letters Vol.16 No. 10, 104030 (20 October 2021). Website: https://doi.org/10.1088/1748-9326/ac2774.
[3] Global Monitoring Library, National Oceanic and Atmospheric Administration (NOAA). 2024. Trends in CO_2. Website: https://gml.noaa.gov/ccgg/trends/. Accessed February 6, 2025.
[4] National Aeronautics and Space Administration (NASA). 2024. World of Change: Global Temperatures. Website: https://earthobservatory.nasa.gov/world-of-change/global-temperatures. Accessed February 6, 2025.

significantly; hence, the issue of global climate change is, by definition, a cumulative environmental impact. Therefore, this section discusses the proposed project's contribution to the cumulative GHG impact.

Greenhouse Gases and Global Emission Sources

Unlike emissions of criteria and toxic air pollutants, which have local or regional impacts, emissions of GHGs that contribute to global warming or global climate change have a broader, global impact. Global warming is a process whereby GHGs accumulating in the atmosphere contribute to an increase in the temperature of the earth's atmosphere. Prominent GHGs that naturally occur in Earth's atmosphere are water vapor, CO_2, CH_4, oxides of nitrogen (NO_X), and ozone. Anthropogenic (human-caused) GHG emissions include releases of these GHGs plus release of human-made gases with high global warming potential (GWP) (ozone-depleting substances such as CFCs[5] and aerosols, HFCs, perfluorocarbons (PFCs), and SF_6. The GHGs listed by the IPCC (CO_2, CH_4, N_2O, HFCs, PFCs, and SF_6) are discussed below, in order of abundance in the atmosphere.

The GWP is the potential of a gas or aerosol to trap heat in the atmosphere. The GWP of a gas is essentially a measurement of the radiative forcing of a GHG compared with the reference gas, CO_2.

Individual GHG compounds have varying potential for contributing to global warming. For example, CH_4 is 25 times as potent as CO_2, while SF_6 is 22,200 times more potent than CO_2 on a molecule-per-molecule basis. To simplify reporting and analysis, methods have been set forth to describe emissions of GHGs in terms of a single gas. The most commonly accepted method for comparing GHG emissions is the GWP methodology defined in the IPCC reference documents.[6] The IPCC defines the GWP of various GHG emissions on a normalized scale that recasts all GHG emissions in terms of carbon dioxide equivalents (CO_2e), which compares the gas in question to that of the same mass of CO_2 (by definition, CO_2 has a GWP of 1). The GWP of a GHG is a measure of how much a given mass of a GHG is estimated to contribute to global warming. Thus, to describe how much global warming a given type and amount of GHG may cause, the CO_2e is used. A CO_2e is the mass emissions of an individual GHG multiplied by its GWP. As such, a high GWP represents high absorption of infrared radiation and a long atmospheric lifetime compared to CO_2. One must also select a time horizon to convert GHG emissions to equivalent CO_2 emissions to account for chemical reactivity and lifetime differences among various GHG species. The standard time horizon for climate change analysis is 100 years. Generally, GHG emissions are quantified in terms of metric tons (MT) CO_2e emitted per year.

The atmospheric residence time of a gas is equal to the total atmospheric abundance of the gas divided by its rate of removal.[7] The atmospheric residence time of a gas is, in effect, a half-life measurement of the length of time a gas is expected to persist in the atmosphere when accounting for removal mechanisms such as chemical transformation and deposition.

[5] CFCs destroy stratospheric ozone. The Montreal Protocol on Substances that Deplete the Ozone Layer prohibited CFC production in 1987.
[6] United Nations Intergovernmental Panel on Climate Change (IPCC). 2007. Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the IPCC. United Nations.
[7] Seinfeld, J.H., and S.N. Pandis. 2006. Atmospheric Chemistry and Physics: From Air Pollution to Climate Change, Second Edition. John Wiley & Sons.

Table 3.8-1 lists the GWP of each GHG and its lifetime. Units commonly used to describe the concentration of GHGs in the atmosphere are ppm, parts per billion (ppb), and parts per trillion (ppt), referring to the number of molecules of the GHG in a sampling of 1 million, 1 billion, or 1 trillion molecules of air. Collectively, HFCs, PFCs, and SF_6 are referred to as high GWP gases. CO_2 is by far the largest component of worldwide CO_2e emissions, followed by CH_4, nitrous oxide, and high GWP gases, in order of decreasing contribution to CO_2e.

The primary human processes that release GHGs include the burning of fossil fuels for transportation, heating, and electricity generation; agricultural practices that release CH_4, such as livestock grazing and crop residue decomposition; and industrial processes that release smaller amounts of high GWP gases. Deforestation and land cover conversion have also been identified as contributing to global warming by reducing Earth's capacity to remove CO_2 from the air and altering Earth's albedo or surface reflectance, thus allowing more solar radiation to be absorbed. Specifically, CO_2 emissions associated with fossil fuel combustion are the primary contributors to human-induced climate change. CO_2, CH_4, and N_2O emissions associated with human activities are the next largest contributors to climate change.

GHGs of California concern are defined by California Assembly Bill (AB) 32 (see the Regulatory Environment subsection below for a description) and include CO_2, CH_4, NO_X, HFCs, PFCs, and SF_6. A seventh GHG, nitrogen trifluoride (NF_3), was also added under the California Health and Safety Code Section 38505(g)(7) as a GHG of concern. These GHGs are described in terms of their physical description and properties, GWP, atmospheric residence lifetime, sources, and atmospheric concentration in 2005 in Table 3.8-1.

Table 3.8-1: Description of Greenhouse Gases of California Concern

Greenhouse Gas	Physical Description and Properties	Global Warming Potential (100 years)	Atmospheric Residence Lifetime (years)	Sources
Carbon dioxide (CO_2)	odorless, colorless, natural gas	1	50–200	burning coal, oil, natural gas, and wood; decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus; oceanic evaporation; volcanic outgassing; cement production; land use changes
Methane (CH_4)	flammable gas and is the main component of natural gas	25	12	geological deposits (natural gas fields) extraction; landfills; fermentation of manure; and decay of organic matter

Greenhouse Gas	Physical Description and Properties	Global Warming Potential (100 years)	Atmospheric Residence Lifetime (years)	Sources
Nitrous oxide (N_2O)	colorless greenhouse gas (GHG) (laughing gas)	298	114	microbial processes in soil and water; fuel combustion; industrial processes
Chlorofluoro-carbons (CFCs)	nontoxic, nonflammable, insoluble, and chemically unreactive in the troposphere (level of air at Earth's surface); formed synthetically by replacing all hydrogen atoms in CH_4 or ethane with chlorine and/or fluorine atoms	3,800–8,100	45–40	refrigerants aerosol propellants; cleaning solvents
Hydrofluoro-carbons (HFCs)	synthetic human-made chemicals used as a substitute for CFCs and contain carbon, chlorine, and at least one hydrogen atom	140–11,700	1–50,000	automobile air conditioners; refrigerants
Per-fluoro-carbons (PFCs)	stable molecular structures and only break down by ultraviolet rays about 60 kilometers above Earth's surface	6,500–9,200	10,000–50,000	primary aluminum production; semiconductor manufacturing
Sulfur hexafluoride (SF_6)	human-made, inorganic, odorless, colorless, and nontoxic, nonflammable gas	22,800	3,200	electrical power transmission equipment insulation; magnesium industry, semiconductor manufacturing; a tracer gas
Nitrogen trifluoride (NF_3)	Inorganic; used as a replacement for PFCs; a powerful oxidizing agent	17,200	740	electronics manufacture for semiconductors and liquid crystal displays

Sources:
United Nations Intergovernmental Panel on Climate Change (IPCC). 2007. Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change (Solomon, S., D. Qin, M. Manning, Z. Chen, M. Marquis, K.B. Averyt, M. Tignor and H.L. Miller [eds.]). Cambridge University Press. Website: https://www.ipcc.ch /publications_and_data/ar4/wg1/en/contents.html. Accessed February 6, 2025.

United Nations Intergovernmental Panel on Climate Change (IPCC). 2007. Climate Change 2007: Synthesis Report. Contribution of Working Groups I, II and III to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change (Core Writing Team, Pachauri, R.K. and Reisinger, A. [eds.]). IPCC. Website: https://www.ipcc.ch/publications_and_data/ar4/syr/en/contents.html. Accessed February 6, 2025.

Global Climate Change Issue

Climate change is a global problem because GHGs are global pollutants, unlike criteria air pollutants and hazardous air pollutants (also called toxic air contaminants), which are pollutants of regional and local concern. Pollutants with localized air quality effects have relatively short atmospheric lifetimes, approximately 1 day; by contrast, GHGs have long atmospheric lifetimes, several years to several thousand years. GHGs persist in the atmosphere for a long enough time to be dispersed around the globe.

Although the exact lifetime of any particular GHG molecule depends on multiple variables and cannot be pinpointed, more CO_2 is currently emitted into the atmosphere than is sequestered. CO_2 sinks, or reservoirs, include vegetation and the ocean, which absorb CO_2 through photosynthesis and dissolution, respectively. These are two of the most common processes of CO_2 sequestration. Of the total annual human-caused CO_2 emissions, approximately 54 percent is sequestered through ocean uptake, Northern Hemisphere Forest regrowth, and other terrestrial sinks within a year, whereas the remaining 46 percent of human-caused CO_2 emissions is stored in the atmosphere.[8]

Similarly, effects of GHGs are borne globally, as opposed to the localized air quality effects of criteria air pollutants and hazardous air pollutants. The quantity of GHGs that it takes to ultimately result in climate change is not precisely known and cannot be quantified, and no single project would be expected to measurably contribute to a noticeable incremental change in the global average temperature, or to global or local climates or microclimate.

Emissions of GHGs have the potential to adversely affect the environment because such emissions contribute, on a cumulative basis, to global climate change. A cumulative discussion and analysis of project impacts on global climate change is presented in this Draft EIR because, although it is unlikely that a single project will contribute significantly to climate change, cumulative emissions from many projects affect global GHG concentrations and the climate system.

Global climate change has the potential to result in sea level rise (resulting in flooding of low-lying areas), to affect rainfall and snowfall (leading to changes in water supply), to affect temperatures and habitats (affecting biological resources and public health), and to result in many other adverse environmental consequences.

Although the international, national, State, and regional communities are beginning to address GHGs and the potential effects of climate change, worldwide GHG emissions will likely continue to rise over the next decades.

Statewide Climate Impacts

Impacts from increased temperatures are expected to result in more extreme weather, increased wildfire events, and sea level rise. As reported by the California Natural Resources Agency in 2009, despite annual variations in weather patterns, California has seen a trend of increased average temperatures, more extreme hot days, fewer cold nights, longer growing seasons, less winter snow,

[8] Seinfeld, J. H. and S.N. Pandis. 1998. Atmospheric Chemistry and Physics from Air Pollution to Climate Change. New York: NY: John Wiley & Sons.

and earlier snowmelt and rainwater runoff. Statewide average temperatures increased by about 1.7°F from 1895 to 2011, and a larger proportion of total precipitation is falling as rain instead of snow. Sea level rose by as much as 7 inches along the California coast over the last century, leading to increased erosion and adding pressure to the State's infrastructure, water supplies, and natural resources. Within the past decade, California continues to experience extreme climate events including a severe 4-year drought, a dramatic reduction in Sierra Nevada winter snowpack, forest fires, and 2 years back-to-back of the hottest recorded average temperatures.

Local and Regional Climate Impacts

The San Francisco Bay Area, where the proposed project site is located, has experienced similar trends as California. Averaged across the region, mean annual temperature has increased nearly 1°F in the last 30 years over the previous 30-year period.[9]

These observed trends in the San Francisco Bay Area are anticipated to continue in the future:

- **Substantial increases in temperatures and more extreme hot days.** By 2050, Bay Area annual average temperatures are projected to increase by an additional 2.7°F in the absence of actions to reduce GHG emissions. The number of very hot days and severe heat waves are projected to more than double across the region by midcentury.[10]
- **More precipitation extremes, more rain, and less snow.** The Sierra Nevada region has experienced some of the wettest and driest years in more than 100 years of record keeping. The Sierra Nevada is also the source of much of the Bay Area's water supply, which is typically stored as snow melt rather than water, posing challenges to water storage and distribution, particularly during the longer fire seasons.[11]
- **Sea level rise.** Sea level at the Golden Gate Bridge has risen 8 inches over the last 100 years, creating implications on coastal flooding, erosion, and related damages.
- **Increased frequency of wildfires.** Higher temperatures, higher winds, and drought are fueling wildfires across the Bay Area and California while also lengthening the wildfire season. Wildfires can cause dramatic short-term spikes in air pollution levels and emit massive quantities of CO_2 and black carbon (a short-lived GHG), along with other pollutants.[12]
- **Exacerbation of air quality problems and impacts on public health.** The number of days with high ozone levels correlates closely with the years when the Bay Area experiences more extreme-heat days. Higher ozone levels due may increase negative health impacts, such as acute respiratory symptoms, lost school days, and even premature death. In addition, heat-related deaths and illnesses are anticipated to rise, and urban heat island impacts will grow.

[9] Bay Area Air Quality Management District (Bay Area Air District). 2017. Clean Air Plan 2017. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?rev=8c588738a4fb455b9cabb27360409529. Accessed February 6, 2025.

[10] Bay Area Air Quality Management District (Bay Area Air District). 2017. Clean Air Plan 2017. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?rev=8c588738a4fb455b9cabb27360409529. Accessed February 6, 2025.

[11] Ibid.

[12] Ibid.

Higher temperatures will increase vector-borne diseases and produce more plant pollen and lengthen allergy seasons.[13]

- **Higher temperatures exacerbate pollution from cars and industry.** Higher temperatures increase the use of air conditioners in buildings and cars, which in turn requires more combustion of fossil fuels, which results in increased levels of ozone precursors, particulates, toxic air contaminants (TACs), and GHGs.[14]

While the impacts are felt locally, climate change is a global issue because GHGs are global pollutants. Pollutants with localized air quality effects, including criteria air pollutants and TACs, have relatively short atmospheric lifetimes (approximately 1 day) and generally do not travel greatly beyond their point of emission (Refer to Section 3.2, Air Quality, for further discussion). By contrast, GHGs have long atmospheric lifetimes, ranging from several years to several thousand years. GHGs persist in the atmosphere for a long enough time to be dispersed around the globe, cumulatively combining to cause a global climate effect.

Existing GHG Emissions

The GHGs regulated by AB 32, the California Global Warming Solutions Act of 2006, include CO_2, CH_4, N_2O, HFCs, PFCs, and SF_6. Each GHG has its own GWP, which measures how much heat the gas can trap in the atmosphere compared to CO_2 over a specified time period.

GWP measures how much heat a greenhouse gas traps in the atmosphere over a specific time period, usually 100 years, compared to CO_2. This allows for comparing the impacts of different gases on global warming. According to the IPCC's Fourth Assessment Report:

- **CH_4:** GWP of 25
- **N_2O:** GWP of 298
- **HFCs:** GWPs range from hundreds to thousands
- **PFCs:** Very long atmospheric lifetimes, often thousands of years
- **SF_6:** GWP of 23,500, the most potent GHG emission known

As mentioned previously, GWP factors are used to convert emissions into a common unit, CO_2e. CO_2e is calculated by multiplying the emissions of each GHG by its GWP and summing the results. Since CO_2 is the basis, its GWP is 1.

California Greenhouse Gas Emissions Inventory

California contributed GHG emissions of 371.2 million metric tons (MMT) CO_2e into the atmosphere in 2022.[15] Anthropogenic CO_2 is largely the byproduct of fossil fuel combustion and attributable to

[13] Bay Area Air Quality Management District (Bay Area Air District). 2017. Clean Air Plan 2017. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?rev=8c588738a4fb455b9cabb27360409529. Accessed February 6, 2025.

[14] Ibid.

[15] California Air Resources Board (ARB). 2021. Current California GHG Emission Inventory Data. Website: https://ww2.arb.ca.gov/ghg-inventory-data. Accessed February 6, 2025.

transportation, industry/manufacturing, electricity generation, natural gas consumption, and agriculture processes.

As shown, the transportation sector is the largest emitter at approximately 38 percent of GHG emissions, followed by the industrial sector at approximately 20 percent of GHG emissions.

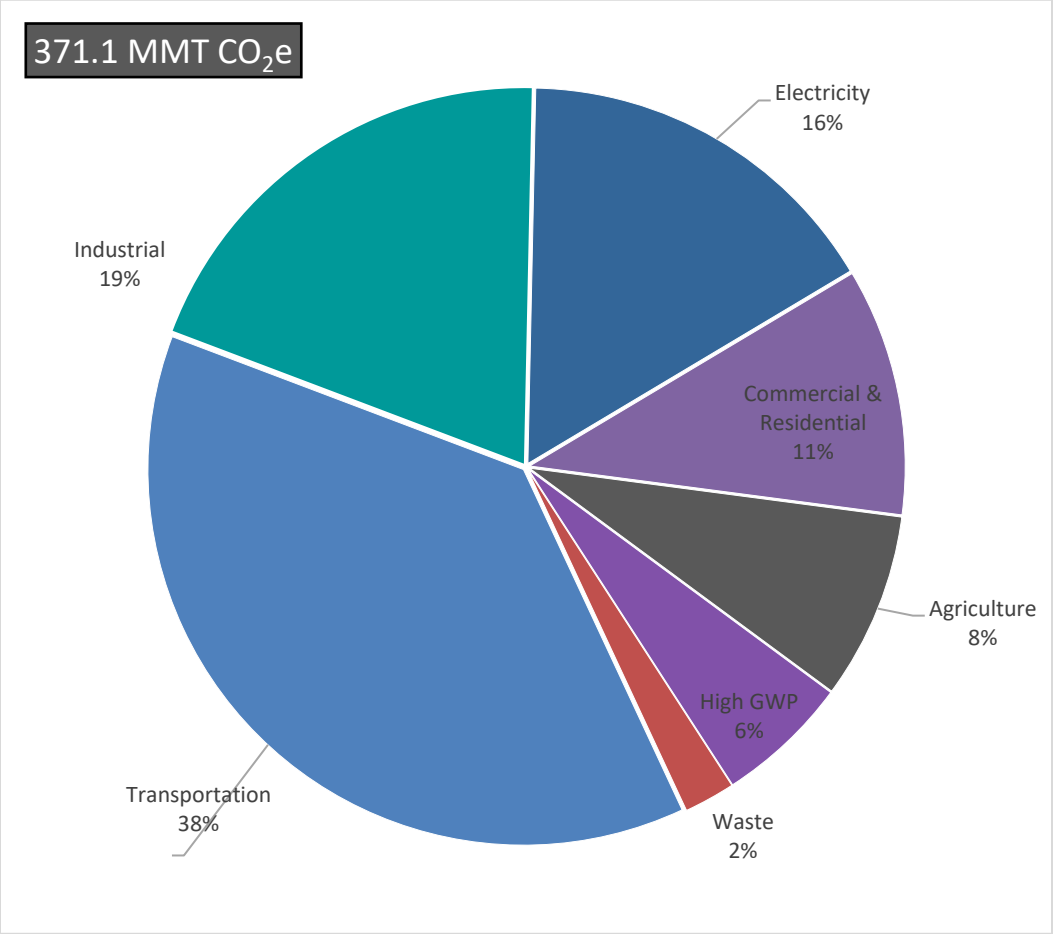


Figure 3.8-1: California GHG Emissions by Scoping Plan Sector (2024 Edition)

Source: California Air Resources Board (ARB). 2024. Current California GHG Emission Inventory Data 2000–2022. Website: : https://ww2.arb.ca.gov/ghg-inventory-data.

Regional Greenhouse Gas Inventory

The most recent Bay Area Air Quality Management District (Bay Area Air District) emissions inventory was published in 2017, based on 2011 projected emissions.

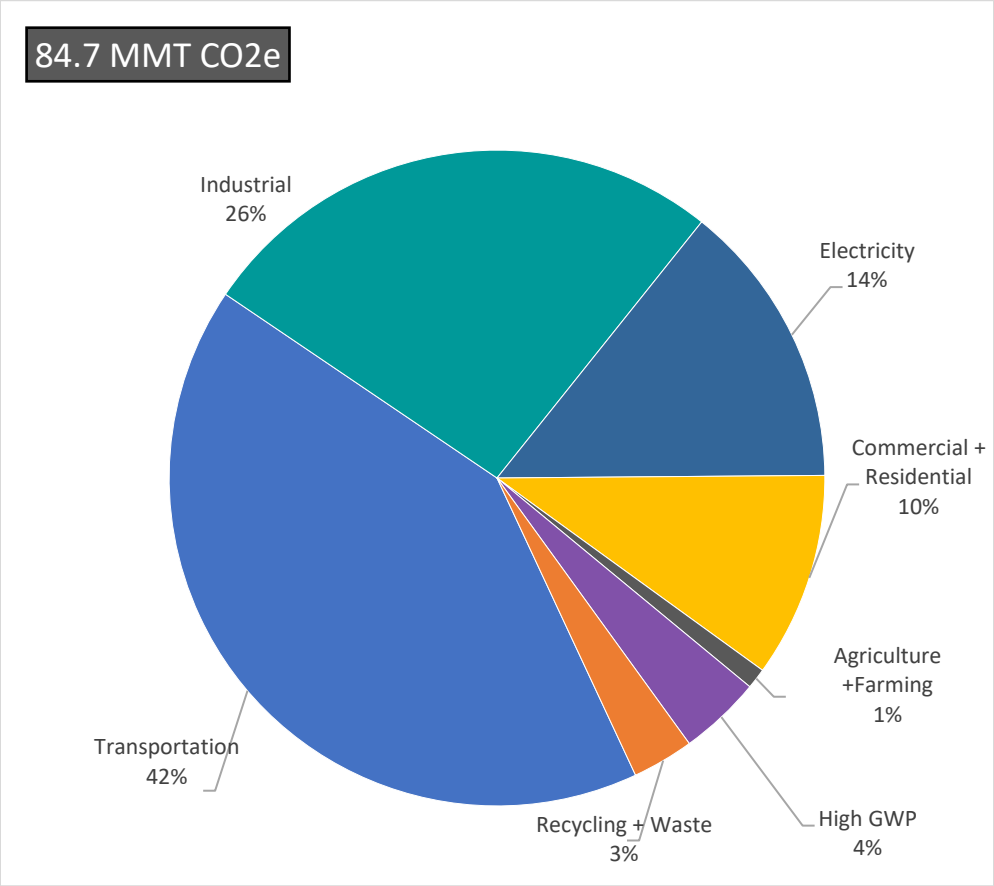


Figure 3.8-2: Bay Area Air District GHG Emissions by Scoping Plan Sector

Source: Bay Area Air Quality Management District (Bay Area Air District). 2017. Bay Area Emissions Inventory: Greenhouse Gas Emissions and Forecasts. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/ghg_emissions_and_forecasts_draft.pdf.

This production-based emissions inventory analyzes GHG emissions that are produced within the Bay Area. The report categorizes GHG emissions from anthropogenic activities into seven major emissions inventory sectors and presents emissions for a base year of 2015. This report describes preliminary work to forecast trends in GHG emissions in the San Francisco Bay Area up to the year 2050. The report describes the Bay Area Air District's efforts to include adopted and expected policies to improve the accuracy of regional GHG forecasts.

Recent studies utilizing facility-scale measurements have found that bottom-up inventorying methods are underestimating CH_4 emissions. The Bay Area Air District is incorporating these measurement-based CH_4 assessments to improve the emissions inventory wherever feasible.

3.8.3 - Regulatory Framework

The following section describes federal, State, regional, and local regulations and policies that are specific to reducing GHG emissions and applicable to the proposed project.

Federal

The United States Environmental Protection Agency (EPA) is the governing body responsible for regulating air pollution in the United States and setting nationwide air quality and emissions standards. The EPA adopts and implements several regulations to reduce GHG emissions as well. These include GHG emission reduction standards for passenger cars and light-duty trucks, heavy-duty trucks (including buses), commercial aircraft and large business jets, heavy equipment (with spark-ignition engines and compression-ignition diesel engines), locomotives, marine vessels, recreational vehicles, and small equipment/tools.

California has implemented more stringent GHG emissions reduction regulations on the same sources listed above (excepting commercial aircraft and large business jets). Therefore, those regulations and their impact are discussed in greater detail below.

State

California has taken several legislative steps to reduce statewide GHG emissions and is internationally known for its leadership on action to address climate change. In 2006, California legislature passed AB 32, which created a comprehensive, multi-year program to reduce GHG emissions in California and required the State (by law) to reduce GHG emissions to 1990 levels by 2020. The legislature built upon this law by passing Senate Bill (SB) 32, which requires the State to reduce GHG emissions 40 percent below 1990 levels by 2030, and later passed AB 1279, which requires the State to achieve net-zero GHG emissions by 2045 and net-negative emissions thereafter. To achieve these State-mandated emissions reduction targets, a document known as the Scoping Plan was required to be created by the California Air Resources Board (ARB) beginning in 2007 and be updated at least once every 5 years to "ensure the GHG emissions reduction activities to be adopted and implemented by the state board are complementary, nonduplicative, and can be implemented in an efficient and cost-effective manner." The Scoping Plan outlines strategies across nearly all levels of California's government and economy and defines—at a granular level—the regulatory actions needed to reduce GHG emissions from all economic sectors to meet the targets.

The ARB is the statewide governing body which focuses on California's unique air quality challenges by setting the State's own, stricter, GHG and air pollutant emissions standards for a range of statewide pollution sources including vehicles, fuels, on- and off-road equipment, and consumer products. ARB also manages the cap-and-trade program to achieve GHG emission reductions from large industrial facilities. ARB has pioneered a range of approaches in California that have set the standard for effective air and climate programs for the nation and the world. ARB regulations, based on extensive research and established science, have driven innovation, leading to significant technological developments such as the production of low- and zero-emission cars and trucks and cleaner fuels. As stated, ARB is tasked by the legislature with updating the Scoping Plan, which was most recently adopted in 2022 (2022 Scoping Plan), to ensure the State carries out actions to meet the 2030 and 2045 GHG emissions reduction targets.

Other State agencies responsible for regulating GHGs include:

- **California Energy Commission (CEC)**: The State's energy policy and planning agency, responsible for climate change related programs including energy efficiency and leading the State to a 100 percent clean energy reality. The CEC mandates building energy efficiency standards (in new and existing buildings) and manages the Renewable Portfolio Standard (RPS).
- **California Department of Resources Recycling and Recovery (CalRecycle)**: California's recycling and waste management agency, responsible for implementation of State climate policies including landfill methane emissions reduction, waste-to-energy production, and composting requirements. CalRecycle implements food and yard waste recycling regulations, including mandates to cut organic waste disposal 75 percent by 2025.
- **California Governor's Office of Land Use and Climate Innovation (LCI):** California's long-range planning agency, responsible for implementing California Environmental Quality Act (CEQA) review and conducting statewide research on all climate change policies and impacts.

As a result of these actions, California reached its 2020 GHG emissions reduction target of reducing GHG emissions back to 1990 levels 4 years early and is on track to meet the 2030 GHG reduction target. Below is a summary of State regulations that are applicable to the proposed project and will serve to reduce GHG emissions now and in the future to ensure California stays on the path to meeting the State-mandated 2030 and 2045 targets:

- **Advanced Clean Cars II (ACC II)**: Designed to reach 100 percent new vehicle Zero-Emission Vehicles (ZEVs) and clean Plug-in Hybrid-Electric Vehicles (PHEVs) in California by the 2035 model year.
- **Advanced Clean Trucks Regulation**: Require fleets to transition to ZEV medium- and heavy-duty vehicles.
- **Small Off-road Engine Regulations**: Transition 100 percent of small off-road spark-ignition engines (at or below 25.5 horsepower and used in non-stationary equipment) to zero-emission by 2035 (where feasible).
- **Low Carbon Fuel Standard**: Increase the availability and use of low carbon fuels, including renewable diesel, biodiesel, renewable and natural gas by mandating that the fuel carbon intensity in California must achieve a 20 percent reduction by 2030.
- **Renewable Portfolio Standard**: Also known as the Clean Energy and Pollution Reduction Act (SB 350), the RPS is one of California's key programs for advancing renewable energy. It sets continuously escalating renewable energy procurement requirements for the State's load-serving entities. All entities must procure 60 percent of their electricity portfolio from renewable energy resources by 2030.
- **Building Energy Efficiency Standards–Title 24, Part 6 (Energy Code**): Contain energy and water efficiency requirements (and indoor air quality requirements) for newly constructed buildings; the requirements have gradually increased in efficiency and technology over the past decades. The current standard, known as the 2022 Energy Code, builds on California's technology innovations, and includes encouraging heat pumps, requiring electric-ready single-

family homes, and solar/battery storage standards for various building types. The 2022 Energy Code also strengthens ventilation standards to improve indoor air quality. The next update to the Energy Code will occur in 2024 (known as the 2025 Energy Code) and will apply to newly constructed buildings effective as of January 1, 2026.

- **California Green Building Standards Code–Title 24, Part 11 (CALGreen)**: Mandatory green building standards code for the State with the goal of reducing GHG emissions from buildings, including reducing energy and water consumption.

Regional

The Bay Area Air District is one of 35 local air pollution control districts in California, tasked with regulating air pollutant emissions from businesses and stationary sources within the Bay Area. The Bay Area Air District's efforts are crucial in supporting California's broader GHG reduction goals and ensuring compliance with State and federal regulations.

The Bay Area Air District's Spare the Air Clean Air Plan is a comprehensive strategy aimed at improving air quality and reducing GHG emissions in the Bay Area. Key components of the plan include promoting clean transportation, reducing industrial emissions, enhancing energy efficiency, and increasing the use of renewable energy.

In addition to the Spare the Air Clean Air Plan, the Bay Area Air District has developed a Regional Climate Protection Strategy that outlines specific actions to reduce GHG emissions across various sectors, including transportation, buildings, energy, and waste management. This strategy complements State-level initiatives and ensures that the Bay Area contributes effectively to California's climate goals.

The Bay Area Air District implements various control measures to achieve these goals, such as:

- **Regulating Industrial Emissions:** Enforcing stricter emissions standards for industrial facilities and promoting the adoption of cleaner technologies. These regulations are codified in the Bay Area Air District's rules and regulations, which set limits on emissions of pollutants and GHGs from various sources.
- **Vehicle Emissions Programs:** Encouraging the use of electric vehicles (EVs) and expanding EV charging infrastructure. This includes regulations that require reductions in emissions from mobile sources, aligning with California's Advanced Clean Cars and Advanced Clean Trucks regulations.
- **Energy Efficiency Programs**: Supporting energy efficiency improvements in residential, commercial, and industrial sectors. These efforts are guided by regulations that mandate energy efficiency standards and promote the use of low-emission technologies.
- **Renewable Energy Initiatives:** Promoting the use of renewable energy sources like solar and wind power. This is supported by regulations that incentivize renewable energy adoption and set targets for renewable energy use.

- **Land Use and Development**: Integrating air quality and GHG reduction measures into land use planning and development processes. This includes promoting smart growth principles, encouraging higher-density development near transit hubs, and implementing green building standards. The Bay Area Air District provides technical assistance and policy guidance to local governments to ensure that land use decisions contribute to regional air quality and climate goals.

The Bay Area Air District works closely with local governments providing technical assistance, funding opportunities, and policy guidance to support the development and implementation of local climate action plans.

The Bay Area Air District's efforts are closely tied to its CEQA thresholds. The Bay Area Air District provides specific CEQA guidelines and thresholds for GHG emissions, helping local agencies assess and mitigate the environmental impacts of proposed projects. By aligning its regulations and control measures with CEQA requirements, the Bay Area Air District ensures that projects within its jurisdiction contribute to regional and State GHG reduction goals while complying with environmental review processes. In 2022, the Bay Area Air District Board of Directors adopted CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans. These thresholds and associated guidance assist lead agencies in evaluating air quality and climate impacts from proposed land use projects in the San Francisco Bay Area Air Basin (SFBAAB) during the environmental review process.

Local

Town of Danville Climate Action Plan

The Town's Climate Action Plan (CAP) was adopted in 2009. The plan was intended as best practices and to provide a combination of actions the Town would take with respect to its own operations, some regulatory actions, and cooperative efforts within the community to provide residents and business owners ways to reduce GHG emissions.

Town of Danville Sustainability Action Plan

The Sustainability Action Plan (SAP) was prepared in 2011 and 2012 through a public process including four study sessions with the Danville Town Council and Planning Commission and was adopted concurrently with the Town of Danville 2030 General Plan (General Plan) and an accompanying EIR in 2013. This SAP is one of the key implementation measures for the General Plan. It is a detailed, long-range strategy to reduce GHG emissions and achieve greater sustainability in transportation and land use, energy, water, solid waste, and other areas. This SAP addresses the major sources of GHG emissions in Danville and the strategies that the Town and community can encourage to attain and exceed the State GHG emissions reduction target identified at the time in AB 32 and Executive Order S-3-06 (2006). The goals identified were reducing emissions to 1990 levels by 2020 and to 80 percent below 1990 levels by 2050. As discussed above, the State's current goals are to reduce emissions to 40 percent below 1990 levels by 2030 and carbon neutrality by 2045. The SAP identified 2008 existing emissions of 351,590 MT CO_2e. Transportation made up 45 percent of emissions followed by residential emissions from natural gas use and electricity that made up 34 percent of the emissions. The other roughly 20 percent emissions were from commercial and

industrial uses and water/wastewater treatment. A GHG emissions forecast was developed for 2020 based on State and federal GHG regulations and programs that were in place in 2012 when the modeling was conducted. Adjusted emissions reflect reductions from measures identified in the SAP. Emissions were forecast to fall by over 63,000 MTs to 288,330 MT CO_2e. The General Plan 2030 EIR identified the SAP as a qualified GHG emissions reduction strategy, per Bay Area Air District CEQA guidelines, as it met the required characteristics and demonstrated that the SAP would meet Bay Area Air District's baseline reduction goal of 15 percent by 2020. As a result, the SAP aligned the Town's GHG reduction goals with the GHG target outlined in ARB's 2008 Scoping Plan that met the AB 32 requirements. Without new future GHG reduction measures, emissions were predicted to increase to 309,290 MT CO_2e. As was proposed, the General Plan and SAP alone were not expected to meet future GHG reduction goals consistent with Executive Order S-03-05's goal to reduce GHG emissions by 80 percent below 1990 levels by 2050. This would include current goals to reduce 2030 emissions to 40 percent below 1990 levels. Projected 2030/35 emissions under the General Plan and SAP were 290,970 MT CO_2e.

3.8.4 - Methodology and Modeling Approach

Construction

GHG emissions from construction can vary substantially from day to day, depending on the level of activity and the specific type of operation. Construction emissions result from on-site and off-site activities. On-site emissions principally consist of exhaust emissions from the activity of light and heavy-duty construction equipment and motor vehicle operation. Off-site emissions are caused by motor vehicle exhaust from delivery vehicles and worker traffic.

Construction activities associated with GHG emissions would consist of demolition, site preparation, grading, building construction, and paving. The modeled construction schedule, worker commute trips, vendor and haul truck trips, and construction equipment, along with hours of operation per day, horsepower, and load factor, are available in Appendix B. Additional details for each phase of construction are provided below.

Construction Equipment Tiers and Emission Factors

The on-site, off-road construction equipment usage assumptions used to estimate emissions rely on CalEEMod default assumptions, including default horsepower and load factors for off-road equipment. Off-road equipment is modeled using the "Average" option, which uses statewide average fleetwide emission factors from ARB's off-road mobile sources (ORION) model for the project construction year.

Demolition

There will be no demolition associated with the proposed project.

Site Preparation and Grading

During site preparation and grading/excavation activities equipment is used to import or export soil/material, and/or grade the site. According to applicant-provided information, the site would be balanced and no material will be imported or exported during construction.

Building Construction

During building construction activities, on-site GHG emissions are primarily from off-road construction equipment and are calculated using the equipment specified along with the ARB Off-road Emission and Load Factors, the number of construction days, and hours of operation per day.

Off-site Construction Vehicles

Off-road emissions for site preparation and grading phases are based on construction worker and haul trips both calculated internally in CalEEMod based on the number of pieces of off-road construction equipment for workers and the amount of demolition materials for hauling, assuming a 16 cubic yard capacity truck. Vendor trips were added to the paving phase to account for delivery of asphalt and any aggregate base material needed for paving.

Vendor and construction worker trips for building construction activities are based on the square footage of the buildings for nonresidential land uses and the number of dwelling units for residential land uses.

Default Data and Assumptions

The Bay Area Air District 2022 CEQA Guidelines Appendix D: Using CalEEMod for Bay Area Projects[16] was used as a reference.

CalEEMod provides default values for estimating construction and operational emissions from Bay Area specific projects. Although users may apply the default values, the Bay Area Air District strongly recommends that default values be modified whenever project-specific information is available to obtain more accurate emissions quantification. When site-specific information is unavailable, the Bay Area Air District recommends that the most conservative estimates be used for the type of construction equipment and number of pieces of equipment to be used, the hours of operation, and the distance to the nearest sensitive receptors.

When changing any default parameters, users must include notes and references in the "Justification for Changes" box, which will facilitate reviews by lead agencies and other stakeholders. These Justification for Changes were documented when site-specific information was used instead of defaults. The CalEEMod Report includes a listing of these changes and the notes include references to additional calculations and documentation which are also included in Appendix B following the CalEEMod Report.

Greenhouse Gases Assessed

This analysis is restricted to greenhouse gases (GHGs) identified by AB 32, which include:

- CO
- CH_4
- N_2O
- HFC

[16] Bay Area Air Quality Management District (Bay Area Air District). 2022. CEQA Air Quality Guidelines, Appendix D: Using CalEEMod for Bay Arae Projects. April 20.

- PFC
- SF_6

3.8.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in CEQA Guidelines Appendix G Environmental Checklist to determine whether GHG emissions impacts are significant environmental effects. Would the proposed project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.

Where available, significance criteria established by the applicable air quality management or air pollution control district may be relied upon as a methodology to reach significance determinations. The analysis below utilizes the Bay Area Air District significance criteria for purposes of this analysis.

Construction-related GHG Emissions

The Bay Area Air District's 2022 CEQA Guidelines state that because construction emissions are temporary and variable, the Bay Area Air District has not developed a quantitative threshold of significance for construction-related GHG emissions. However, lead agencies should quantify and disclose GHG emissions that would occur during construction. Citing LCI's Discussion Draft Climate Change Advisory document, it is recommended that lead agencies quantify a project's construction GHG emissions, using available data and tools, to determine the amount, types, and sources of GHG emissions resulting from the proposed project.

Operational-Related GHG Emissions

The Bay Area Air District's 2022 CEQA Air Quality Guidelines provide recommended significance thresholds for GHGs for land use development projects and plans.

The Bay Area Air District recommends that lead agencies use a "fair share" approach for determining whether an individual project's GHG emissions would be cumulatively considerable. If the project is doing its "fair share" to implement California's plans to address the cumulative problem, its contribution can be treated as less than cumulatively considerable. The California legislature has established climate goals, and State agencies are establishing and refining plans to achieve these goals. These plans include specific measures and initiatives that various sectors of the economy across the State will need to implement to achieve California's climate goals set forth in SB 32, Executive Order (EO) B-55-18, and EO S-03-05.3.

These measures and initiatives, as outlined in California's 2022 Climate Change Scoping Plan, constitute a "fair share" of the solution for each economic sector. If a project would contribute its "fair share" of what will be required to achieve those long-term climate goals, then a reviewing agency can find that the project's contribution would not be cumulatively considerable, because the

proposed project would help to solve the problem of global climate change. This method of analysis, which was approved by the California Supreme Court in *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204, provides an appropriate approach to ensuring that individual land use projects will be part of the solution to the problem of global climate change. As the Supreme Court held on that case, "consistency with meeting [those] statewide goals [is] a permissible significance criterion for project emissions" (Id. at 220), and an agency's "choice to use that criterion does not violate CEQA" (Id. at 223). Some project contributions to the cumulative climate problem are directly under the control of the project developer and design, whereas others are less so. For example, compliance with the Renewables Portfolio Standard is an electricity provider requirement that a land use project is not in control of, whereas the location where a project is sited and the type of appliances and equipment installed in the project are under the direct control of the project developer.

According to Bay Area Air District, for a land use project to do its fair share to address the climate crisis and thus for its contribution to GHG emissions to be less than cumulatively considerable, a project cannot include sources that will "lock in" GHG emissions for decades into the future. A project that locks in GHG sources, without a clear path to reduce the emissions from those sources, prevents the State from achieving the climate goals. For this reason, the climate impact thresholds of significance specify that certain design elements must be incorporated into the project, or the project must be consistent with a local GHG reduction strategy that meets the criteria under CEQA Guidelines Section 15183.5(b) (see Section 6.2.2. below) to have a less than significant impact.

The Bay Area Air District thresholds for new land use projects recommends that projects meet either of two enumerated Criteria, "A" or "B," as shown below in Table 3.8-2. If a land use development project cannot demonstrate consistency with Criterion A or Criterion B, then that project would result in a potentially significant impact related to the generation of direct and indirect GHG emissions.

The Town does not have a qualified GHG reduction strategy; therefore, the analysis below will evaluate the proposed project's consistency with Criteria A.

Table 3.8-2: Bay Area Air District Thresholds of Significance for Greenhouse Gases

Bay Area Air District Thresholds for Land Use Projects (Must Include A or B)
A. Projects must include, at a minimum, the following project design elements: 1. Buildings a. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development). b. The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the CEQA Guidelines. 2. Transportation a. Achieve a reduction in project-generated Vehicle Miles Traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill (SB) 743 VMT target, reflecting the recommendations provided in the California Governor's Office of Land Use and Climate Innovation (LCI) Technical Advisory on Evaluating Transportation Impacts in CEQA: i. Residential projects: 15 percent below the existing VMT per capita ii. Office projects: 15 percent below the existing VMT per employee iii. Retail projects: no net increase in existing VMT b. Achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2. **B. Projects must be consistent with a local GHG reduction strategy that meets the criteria under CEQA Guidelines Section 15183.5(b).**
Source: Bay Area Air Quality Management District (Bay Area Air District). 2022. CEQA Guidelines. April 20.

3.8.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the proposed project and provides mitigation measures where necessary.

Greenhouse Gas Emissions

Impact GHG-1: The proposed project could generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

Both construction and operational activities have the potential to generate GHG emissions. The proposed project would generate GHG emissions during temporary (short-term) construction activities such as site grading, operation of construction equipment, operation of on-site heavy-duty construction vehicles, hauling of materials to and from the project site, asphalt paving, and construction worker vehicle trips. On-site construction activities would vary depending on the level of construction activity.

Long-term, operational GHG emissions would result from project-generated vehicular traffic, operation of any landscaping equipment, off-site generation of electrical power over the life of the proposed project, on-site use and transportation of natural gas for water heating, space heating, and cooking, the energy required to convey water to and wastewater from the project site, the emissions associated with the hauling and disposal of solid waste from the project site, and any fugitive refrigerants from air conditioning or refrigerators.

Global climate change is not confined to a particular project area and is generally accepted as the consequence of global industrialization over the last 200 years. A typical project, even a very large one, does not generate enough GHG emissions on its own to influence global climate change significantly; hence, the issue of global climate change is, by definition, a cumulative environmental impact. Therefore, this section measures the proposed project's incremental contribution to the cumulative environmental impact. The following is a discussion of the proposed project's contribution to GHG emissions during both the construction and operation phases. The proposed project's GHG emissions are quantified for informational purposes only.

Project Emissions–For Informational Purposes Only

Construction

The proposed project's construction emissions are presented in Table 3.8-3. It should be noted that the analysis conservatively assumes that construction would begin mid-2026, although it could begin in a later year. The modification of the construction schedule has no effect on the total emissions that would be generated by the proposed project's construction. Although it does not form the basis of the evaluation or conclusion in this document, the Town notes that it is reasonable to assume that future improvements in technology would be incorporated into regulatory requirements. Accordingly, should the construction schedule move to later years or take longer, construction emissions would be expected to decrease because of mandatory compliance with improvements in technology and more stringent regulatory requirements that would affect future construction equipment and fuels (therefore, the analysis represents a reasonable worst-case, conservative approach). Therefore, the construction-related GHG emissions contained in Table 3.8-3 represent a conservative assessment of project construction emissions.

Table 3.8-3: Proposed Project Construction GHG Emissions

Construction Activity by Year	Total GHG Emissions (MT CO_2e per year)
2026	307
2027	185
Total Construction Emissions	492
Emissions Amortized Over 30 Years[1]	16

Notes:
GHG = greenhouse gas
MT CO_2e = metric tons carbon dioxide equivalent
[1] Construction greenhouse gas (GHG) emissions are amortized over the 30-year lifetime of the project, which reflects the expected life of a project.
Source: Appendix B.

As shown above, the proposed project would generate approximately 492 MT CO_2e during construction. There is no proposed construction-related climate impact threshold at this time, and therefore the estimated GHG emissions from construction are provided for informational purposes only. GHG emissions from construction represent a very small portion of a project's lifetime GHG emissions. The proposed thresholds for land use projects are designed to address operational GHG

emissions, which represent the vast majority of project GHG emissions. Operational GHG impacts are discussed below. As demonstrated, the proposed project (construction and operation) would have less than significant GHG impacts with incorporation of Mitigation Measure (MM) GHG-1 and MM GHG-2.

Project Impact

Construction

Bay Area Air District does not have thresholds of significance for construction-related GHG emissions. GHG emissions from construction activities are one-time, short-term emissions and therefore would not significantly contribute to long-term cumulative GHG emissions impacts of the proposed project. Therefore, construction emissions would be less than significant.

Operation

As previously discussed, the Bay Area Air District's proposed 2022 GHG significance thresholds represent a method for determining whether the proposed project would be cumulatively considerable or whether the proposed project contributes to solving the cumulative problem of climate change, taking into consideration the State's long-term climate goal of carbon neutrality by 2045.

The Town does not have a CAP that meets the criteria set forth in State CEQA Guidelines Section 15183.5(b) and the Bay Area Air District CEQA Air Quality Guidelines. Therefore, the proposed project is evaluated qualitatively against the design elements in Criterion A of Bay Area Air District's 2022 GHG Significance thresholds:

- **All-electric design**: Based on applicant-provided information, the proposed project would include the capability for natural gas hook-ups. The modeling and analysis assumed natural gas use would be associated with the proposed project. Therefore, the proposed project would be inconsistent with this design element prior to the incorporation of mitigation.
- **Energy efficiency**: As noted below, electricity providers supplying electricity to the proposed project are required to comply with both the RPS and SB 350 and will meet these standards. Pacific Gas and Electric Company (PG&E) will provide electricity to the proposed project and is ahead of the SB 350 target with 50 percent of its base energy supply presently coming from renewable sources. Furthermore, the proposed project complies with all relevant Energy Code and CALGreen requirements which would ensure energy efficiency. Therefore, the proposed project is consistent with this design element.
- **Vehicle Miles Traveled (VMT) Impact**: According to the Transportation Impact Study prepared by W-Trans, based on State and County guidance, the proposed project would achieve a per capita VMT rate 15 percent below citywide VMT rates and therefore would have less than significant impacts related to VMT (after incorporation of VMT-related mitigation).[17] Therefore, the proposed project is consistent with this design element.
- **Tier 2 EV Charging Infrastructure**: This design element relates to implementation of CALGreen Tier 2 level of EV charging infrastructure, which is beyond the mandatory CALGreen

[17] W-Trans. 2026. Transportation Impact Study for the Martin Hills Ranch Project. March 5.

requirement of EV charging spaces. Based on applicant-provided information, without mitigation, there is no guarantee that the proposed project would implement EV charging infrastructure that would meet Tier 2 requirements. MM GHG-2 is proposed, which shall require the proposed project to meet Tier 2 CALGreen EV charging infrastructure requirements. Therefore, the proposed project is consistent with this design element after incorporation of mitigation.

The proposed project would be inconsistent with two of the design elements (related to all-electric design and EV charging infrastructure). Therefore, the proposed project's contribution to the significant cumulative GHG emission impact would be potentially significant.

MM GHG-1 and MM GHG-2 are recommended to reduce this potentially significant impact. MM GHG-1 shall require the proposed project to be all-electric in design and not include natural gas infrastructure. All appliances, heating, ventilation, air conditioning systems, and water heating systems shall be electric. MM GHG-2 shall require the proposed project to meet Tier 2 CALGreen EV charging infrastructure requirements.

With implementation of MM GHG-1 and MM GHG-2, the proposed project would demonstrate consistency with all four design criteria and would therefore have less than significant impacts with mitigation.

Level of Significance

Potentially significant impact.

Mitigation Measures

MM GHG-1 All-Electric Design

The proposed project shall be designed and constructed as an all-electric development. This means that no natural gas infrastructure would be installed and all appliances, heating, ventilation, and air conditioning systems and water heating systems would be electric.

MM GHG-2 CALGreen Tier 2 EV Charging Infrastructure

The proposed project shall install electric vehicle (EV) charging infrastructure that meets California Green Building Standards Code (CALGreen) Tier 2 requirements, ensuring that for each dwelling unit, a dedicated 208/240-volt branch circuit (Level 2 electric vehicle supply equipment [EVSE]) shall be installed in the raceway. The branch circuit and associated overcurrent protective device shall be rated at 40 amperes minimum.

Level of Significance with Mitigation

Less than significant impact with mitigation incorporated.

Conflict with Plan, Policy, or Regulation that Reduces Emissions

Impact GHG-2: The proposed project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.

Impact Analysis

The following discusses project consistency with applicable plans adopted for the purpose of reducing GHG emissions, which include ARB's 2022 Scoping Plan and Plan Bay Area 2050.

ARB 2022 Scoping Plan

The ARB 2022 Scoping Plan for Achieving Carbon Neutrality was approved in December 2022 and expands on prior scoping plans and recent legislation, such as AB 1279, by outlining a technologically feasible, cost-effective, and equity-focused path to achieve the State's climate target of reducing anthropogenic GHG emissions to 85 percent below 1990 levels and achieving carbon neutrality by 2045 or sooner. To achieve carbon neutrality by 2045, the 2022 Scoping Plan contains GHG emissions reductions, technology, and clean energy mandated by statutes; reduction of short-lived climate pollutants; and mechanical CO_2 capture and sequestration actions. Appendix D of the Scoping Plan provides guidance on local actions that local governments can take to reduce GHG emissions within their jurisdictions and support the State in achieving long-term climate goals.[18] Appendix D highlights the Scoping Plan's Priority Strategies for achieving emissions reductions, which include (1) transportation electrification; (2) VMT reduction; and (3) building decarbonization. These areas and strategies are designated as "priority" because they are the GHG reduction opportunities over which local governments have the most authority and that have the highest GHG reduction potential. A discussion of the proposed project's consistency with these three priority areas is outlined below:

1. **Transportation Electrification**: With implementation of MM GHG-2, the proposed project would comply with Tier 2 CALGreen EV charging and readiness requirements, which exceeds what is required by the 2022 California Building Code. Therefore, with implementation of MM GHG-2, the proposed project is therefore consistent with this priority area of the 2022 Scoping Plan.
2. **VMT Reduction:** As provided in Section 3.15, Transportation, with implementation of MM TRANS-2, the proposed project would achieve a per capita VMT rate 15 percent below Citywide VMT rates and therefore would have less than significant impacts related to VMT (after incorporation of VMT-related mitigation).[19] Therefore, the proposed project would be consistent with this priority area of the 2022 Scoping Plan.
3. **Building Decarbonization:** With implementation of MM GHG-1, the proposed project would be constructed as all-electric. Therefore, with implementation of MM GHG-1, the proposed project would be consistent with this priority area of the 2022 Scoping Plan.

[18] California Air Resources Board (ARB). 2022. 2022 Scoping Plan Update, Appendix D Local Actions. November.
[19] W-Trans. 2026. Transportation Impact Study for the Martin Hills Ranch Project. March 6.

In summary, with implementation of MM GHG-1, MM GHG-2, and MM TRANS-2, the proposed project would be consistent with three priority areas identified in the 2022 Scoping Plan and is therefore consistent with the 2022 Scoping Plan.

Plan Bay Area 2050

Plan Bay Area 2050 is the Bay Area's regional plan that aims to improve housing, the economy, transportation, and the environment by making the Bay Area more equitable and resilient for all residents. Plan Bay Area 2050 identifies opportunities to reduce regional GHG emissions in housing, economic, and transportation sectors. The proposed project would connect to an already-developed neighborhood. It would provide ample EV parking and improve solid waste removal and recycling services for the community, consistent with the Plan Bay Area's aim of reducing regional GHG emissions. Plan Bay Area 2050 was prepared in coordination with Bay Area cities and the goals, policies, and programs within Plan Bay Area incorporate the existing land uses of those cities. The Plan's core strategy is "focused growth" in existing communities along the existing transportation network to achieve key regional equity, economic, and environmental goals, including reducing VMT and contributing to climate goals. As discussed above, the proposed project would have less than significant VMT impacts. As such, the proposed project is consistent with Plan Bay Area 2050 for VMT and GHG emissions reductions.

Summary

With implementation of MM GHG-1, MM GHG-2, and MM TRANS-2, the proposed project would be consistent with the ARB's 2022 Scoping Plan and Plan Bay Area 2050. In addition, as described under Impact AIR-1, the proposed project would be consistent with the regional air quality plan (the Bay Area Air District 2017 Clean Air Plan). Therefore, the proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases, and impacts would be less than significant.

Level of Significance

Potentially significant impact.

Mitigation Measures

Implement MM GHG-1, MM GHG-2, and MM TRANS-2.

Level of Significance with Mitigation

Less than significant impact with mitigation incorporated.

3.8.7 - Cumulative Impacts

The geographic scope of the cumulative greenhouse gas emissions analysis is the SFBAAB, which covers all or portions of the nine counties that surround San Francisco Bay: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southwestern Solano, and southern Sonoma counties. In a larger sense, however, the relevant geographic area is the entire Earth, as explained by the California Supreme Court in C*enter for Biological Diversity v. Department of Fish & Wildlife* (2015)

62 Cal.4th 204, 219, "because of the global scale of climate change, any one project's contribution is unlikely to be significant by itself."

"With respect to climate change, an individual project's emissions will most likely not have any appreciable impact on the global problem by themselves, but they will contribute to the significant cumulative impact caused by greenhouse gas emissions from other sources around the globe. The question therefore becomes whether the project's incremental addition of GHG emissions is 'cumulatively considerable' in light of the global problem, and thus significant." (Ibid., quoting Crockett, Addressing the Significance of Greenhouse Gas Emissions Under CEQA: California's Search for Regulatory Certainty in an Uncertain World (July 2011) 4 Golden Gate U. Envtl. L.J. 203, 207–208)).

The proposed project would emit new GHG emissions, as would other past, present, and reasonably foreseeable projects within the Air Basin.

The GHG emissions impact analysis above constitutes a cumulative analysis, in that it considers global, Statewide, and regional GHG emissions, as well as the contribution of the proposed project to GHG emission impacts. Therefore, the significance conclusions reached above for the project-level GHG impact GHG-1 and GHG-2 also constitute the significance conclusions in this EIR with respect to cumulative GHG emissions impacts. Thus, because GHG emissions generated by the proposed project, in conjunction with other past, present, and reasonably foreseeable projects in the Basin and around the world, would exceed established thresholds, the proposed project would result in a potentially significant cumulatively considerable impact.

The proposed project would have less than significant impacts with implementation of MM GHG-1 and MM GHG-2 based on inconsistency with the all-electric and EV infrastructure elements of the Bay Area Air District's qualitative thresholds. MM GHG-1 would require the proposed project to be all-electric in design and MM GHG-2 would require the proposed project to provide EV charging infrastructure that meets or exceeds CALGreen Tier 2 requirements. MM GHG-1 and MM GHG-2 would reduce the impacts to a less than significant level. In addition, the proposed project would not conflict with the 2022 Scoping Plan or Plan Bay Area 2050 with implementation of MM GHG-1 and MM GHG-2. Therefore, the proposed project's incremental contribution to GHG emissions would not be cumulatively considerable.

Level of Cumulative Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement MM GHG-1 and MM GHG-2.

Level of Cumulative Significance After Mitigation

Less than significant impact with mitigation incorporated.

3.9 - Hazards and Hazardous Materials

3.9.1 - Introduction

This section describes the existing hazards and hazardous materials setting and potential effects from project implementation on the site and its surrounding area. Descriptions and analysis in this section are based on California Department of Toxic Substances Control (DTSC) and State Water Resources Control Board databases, and a Phase I Environmental Site Assessment (Phase I ESA) prepared for the proposed project by Cameron-Cole on January 4, 2023, included in this Draft Environmental Impact Report (Draft EIR) as Appendix F.

The following public comments were received during the Draft EIR Notice of Preparation (NOP) scoping period related to hazards and hazardous materials:

- Recommends identifying the amounts of Pesticides and Organochlorine Pesticides (OCPs) historically used on the project site.
- Provides recommendations for further analysis of specific OCPs and contaminants.
- Recommends that all imported soil and fill material is tested to assess any contaminants of concern meet DTSC screening levels.
- Recommends documenting the origins of imported soil and fill material.

3.9.2 - Environmental Setting

Hazards

This description of existing conditions focuses on hazards from fire and overhead power lines, as well as hazardous materials and wastes. A hazard is a situation that poses a level of threat to life, health, property, or the environment. Hazards can be dormant or potential, with only a theoretical risk of harm. However, once a hazard becomes active, it can create an emergency. A hazardous situation that has already occurred is called an incident. Emergency response is action taken in response to an unexpected and dangerous occurrence in an attempt to mitigate its impact on people, structures, or the environment. Emergency situations can range from natural disasters to hazardous materials problems and transportation incidents.

Hazards Materials and Wastes

Hazardous materials include but are not limited to hazardous materials, hazardous substances, and hazardous wastes, as defined in Section 25501 and Section 25117, respectively, of the California Health and Safety Code. A hazardous material is any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released; and any material that a handler or an administering regulatory agency under Section 25501 has a reasonable basis for believing would be injurious to the health and safety of persons or harmful to the environment. Various properties may cause a substance to be considered hazardous, including:

- Toxicity—causes human health effects;
- Ignitability—has the ability to burn;
- Corrosivity—causes severe burns or damage to materials; and
- Reactivity—causes explosions or generates toxic gases.

Hazardous waste is any hazardous material that is to be discarded, abandoned, or recycled. The criteria that define a material as hazardous also define a waste as hazardous. Specifically, materials and waste may be considered hazardous if they are poisonous (toxic); can be ignited by open flame (ignitable); corrode other materials (corrosive); or react violently, explode, or generate vapors when mixed with water (reactive). Soil or groundwater contaminated with hazardous materials above specified regulatory State or federal thresholds is considered hazardous waste if it is removed from a site for disposal. If handled, disposed, or otherwise handled improperly, hazardous materials and hazardous waste can result in public health hazards if released into the soil or groundwater or through airborne releases in vapors, fumes, or dust. Soil and groundwater having concentrations of hazardous constituents higher than specific regulatory levels must be handled and disposed of as hazardous waste when excavated or pumped from an aquifer. The California Code of Regulations, Title 22, Sections 66261.20-24 contains technical descriptions of toxic characteristics that could cause soil or groundwater to be classified as hazardous waste.

Hazardous Building Materials

Many older buildings contain building materials that consist of hazardous materials. These materials include lead-based paint, asbestos-containing material, and polychlorinated biphenyls (PCBs).

Prior to the United States Environmental Protection Agency (EPA) ban in 1978, lead-based paint was commonly used on interior and exterior surfaces of buildings. Disturbances such as sanding and scraping activities, renovation work, gradual wear and tear, old peeling paint, and paint dust particulates have been found to contaminate surface soils or cause lead dust to migrate and affect indoor air quality. Exposure to residual lead can cause severe health effects, especially in children.

Asbestos is a naturally occurring fibrous material that was extensively used as a fireproofing and insulating agent in building construction materials before such uses were banned by the EPA in the 1970s. In addition, many types of electrical equipment contained PCBs as an insulator, including transformers and capacitors. After PCBs were determined to be a carcinogen in the mid to late 1970s, the EPA banned PCB use in new equipment and began a program to phase out certain existing PCB-containing equipment. For example, fluorescent lighting ballasts manufactured after January 1, 1978, do not contain PCBs and are required to have a label clearly stating that PCBs are not present in the unit.

Hazardous Substances

A hazardous substance can be any biological, natural, or chemical substance, whether solid, liquid, or gas, that may cause harm to human health. Hazardous substances are classified on the basis of their potential health effects, whether acute (immediate) or chronic (long-term). Dangerous goods are classified on the basis of immediate physical or chemical effects, such as fire, explosion, corrosion, and poisoning. An accident involving dangerous goods could seriously harm human health or

damage property or the environment. Harm to human health may happen suddenly (acute), such as dizziness, nausea, and itchy eyes or skin; or it may happen gradually over years (chronic), such as dermatitis or cancer. Some people can be more susceptible than others. Hazardous substances and dangerous goods can include antiseptic used for a cut, paint for walls, a cleaning product for the bathroom, chlorine in a pool, carbon monoxide from a motor vehicle, fumes from welding, vapors from adhesives, or dust from cement, stone, or rubber operations. Such hazardous substances can make humans very sick if they are not used properly.

Hazardous Wastes

Hazardous waste is any hazardous material that is to be discarded, abandoned, or recycled. The criteria that define a material as hazardous also define a waste as hazardous. Specifically, materials and waste may be considered hazardous if they are poisonous (toxic); can be ignited by open flame (ignitable); corrode other materials (corrosive); or react violently, explode, or generate vapors when mixed with water (reactive). Soil or groundwater contaminated with hazardous materials above specified regulatory State or federal thresholds is considered hazardous waste if it is removed from a site for disposal. If handled, disposed, or otherwise handled improperly, hazardous materials and hazardous waste can result in public health hazards if released into the soil or groundwater or through airborne releases in vapors, fumes, or dust. Soil and groundwater having concentrations of hazardous constituents higher than specific regulatory levels must be handled and disposed of as hazardous waste when excavated or pumped from an aquifer. The California Code of Regulations, Title 22, Sections 66261.20-24 contains technical descriptions of toxic characteristics that could cause soil or groundwater to be classified as hazardous waste.

Hazardous Materials Listing

The Cortese List is a list of known hazardous materials or hazardous waste facilities that meet one or more of the provisions of Government Code Section 65962.5, including:

- The list of hazardous waste and substances sites from the DTSC EnviroStor database.[1]
- The list of Leaking Underground Storage Tank (LUST) sites by county and fiscal year from the State Water Resources Control Board (State Water Board) GeoTracker database.[2]
- The list of solid waste disposal sites identified by the State Water Board with waste constituents exceeding hazardous waste levels outside the waste management unit.[3]
- The list of active cease-and-desist orders and cleanup and abatement orders from the State Water Board.[4]

[1] California Department of Toxic Substances Control (DTSC). "Cortese" list of DTSC's EnviroStor database list of Hazardous Waste and Substances sites. DTSC's Hazardous Waste and Substances Site List—Site Cleanup (Cortese List). Website: http:// www.envirostor.dtsc.ca.gov/public/map/?myaddress=Como+way. Accessed February 5, 2025.

[2] California State Water Resources Control Board (State Water Board). Geotracker of Leaking Underground Storage Tank (LUST) Sites. Website: geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=Como+way+Danville. Accessed February 5, 2025.

[3] California Environmental Protection Agency (Cal/EPA). "Cortese" list of solid waste disposal sites identified with waste constituents above hazardous waste levels outside the waste management unit. Website: https:// calepa.ca.gov/wp-content/uploads/sites/6/2016/10/SiteCleanup-CorteseList-CurrentList.pdf. Accessed February 5, 2025.

[4] California Environmental Protection Agency (Cal/EPA). "Cortese" list of State Water Board sites with active Cease and Desist Orders or Cleanup Abatement Orders. Website: http:// calepa.ca.gov/sitecleanup/corteselist/. Accessed February 5, 2025.

The list of hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code, as identified by the DTSC.[5]

Schools

The nearest schools to the project site are the Greenbrook Elementary School (approximately 0.60 mile of the project site), Sycamore Valley Day School (approximately 0.73 mile northeast of the project site), Charlotte Wood Middle School (approximately 0.83 mile northwest of the project site), and Golden View Elementary School (approximately 0.88 mile southeast of the project site).

Airports

The nearest airport to the project site is the Livermore Municipal Airport, which is approximately 9.7 miles to the southeast. According to the Airport Land Use Compatibility Plan (ALUCP) for the Livermore Municipal Airport, the project site is not within any of the established noise contours or safety hazard zones.[6]

Existing Fire Related Conditions and Presence of Hazardous Materials

Fire hazards present a considerable problem to vegetation and wildlife habitats throughout the County. Grassland fires are easily ignited, particularly in dry seasons. These fires are relatively easily controlled if they can be reached by fire equipment; the burned slopes, however, are highly subject to erosion and gullying. While brushlands are naturally adapted to frequent light fires, fire protection in recent decades has resulted in heavy fuel accumulation on the ground. Wildfire is a serious hazard in undeveloped areas and on large lot home sites with extensive areas of unirrigated vegetation. Wildfire is a serious hazard in undeveloped areas, particularly near areas of natural vegetation and steep slopes, since fires tend to burn more rapidly on steeper terrain. Wildfire is also a serious hazard in areas of high wind, given that fires will travel faster and farther geographically when winds are higher.

The hazards in the Town of Danville (Town) and the project area discussed in this section are related primarily to fire hazards and hazardous materials.[7] Fire hazards and hazards from hazardous materials are typically site-specific, so existing conditions related to fire hazards and the transport, use, and disposal of hazardous materials are discussed in the project site section below.

Town of Danville

Although there are no large sources of hazardous material generators, there are several small hazardous materials uses located in the 94526 and 94506 postal codes in Danville. Land uses that generate hazardous materials and use hazardous substances include, but are not limited to, automobile repair shops, gasoline stations, dry cleaners, high-tech industries, and medical offices.[10] In addition, the Town contains 31 former or active cleanup sites, which could pose public safety risks.

[5] California Environmental Protection Agency (Cal/EPA). "Cortese" list of sites subject to Corrective Action pursuant to Health and Safety Code 25187.5. Website: https:// calepa.ca.gov/sitecleanup/corteselist/section-65962-5a/. Accessed February 5, 2025.

[6] Alameda County Airport Land Use Commission (ALUC). 2012. Livermore Municipal Airport, Airport Land Use Compatibility Plan (ALUCP). August 2012. Website: https:// www.acgov.org/cda/planning/generalplans/documents/Cover_LVK_ALUC2012.pdf. Accessed February 5, 2025.

[7] Town of Danville. 2012. Danville General Plan – Chapter 6, Resources and Hazards. Website: https://www.danville.ca.gov/DocumentCenter/View/1026/2030-General-Plan-PDF?bidId=. Accessed February 5, 2025.

Transportation of hazardous materials along the Interstate 680 (I-680) highway could also pose public safety risks in the Town. The Town is served by the Danville Police Department and the San Ramon Valley Fire Protection District (SRVFPD) for hazards and hazardous materials protection services and emergency response services.

Project Site

At the time of site reconnaissance, the project site was entirely undeveloped and livestock grazing occurred on the project site. No structures occupy the project site.

A Phase I ESA was conducted for the project site by Cameron-Cole on January 4, 2023.[8] The Phase I ESA did not find any known or suspected Recognized Environmental Conditions (RECs), Controlled Recognized Environmental Conditions (CRECs), Historical Recognized Environmental Conditions (HRECs), Vapor Encroachment Conditions (VECs), or Business Environmental Risks (BERs).

3.9.3 - Regulatory Framework

Federal

Occupational Health and Safety Act

The Occupational Safety and Health Administration (OSHA) of the United States Department of Labor is responsible for implementing and enforcing federal laws and regulations that address worker health and safety. OSHA requires specific training for hazardous materials users and handlers, provision of information (procedures for personal safety, hazardous materials storage and handling, and emergency response) to employees who may be exposed to hazardous materials, and acquisition of material safety data sheets from materials manufacturers. Material safety data sheets describe the risks, as well as proper handling and procedures, related to particular hazardous materials. Employee training must include response and remediation procedures for hazardous materials releases and exposures. Construction workers and operational employees at the project site would be subject to these requirements.

Code of Federal Regulations, Titles 29 and 40

Regulations in Code of Federal Regulations Title 29 include requirements to manage and control exposure to lead-based paint and asbestos-containing materials. In California, these requirements are implemented by the California Occupational Safety and Health Administration (Cal/OSHA) under California Code of Regulations Title 8 (see further discussion of California Code of Regulations Title 8 below). The removal and handling of asbestos-containing materials is governed primarily by EPA regulations under Code of Federal Regulations Title 40. The regulations require that the appropriate State agency be notified before any demolition, or before any renovations, of buildings that could contain asbestos or asbestos-containing materials above a specified threshold.

Resource Conservation and Recovery Act and Comprehensive Environmental Response, Compensation, and Liability Act

The EPA is responsible for implementing and enforcing federal laws and regulations pertaining to hazardous materials. The primary legislation includes the Resource Conservation and Recovery Act

[8] Cameron-Cole. 2023. Bates Stringer – Martin Hills Ranch. Phase I Environmental Site Assessment. January 4.

of 1976 (RCRA) and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act (SARA) and the Emergency Planning and Community Right-to-Know Act (known as SARA Title III). RCRA and the 1984 RCRA Amendments regulate the treatment, storage, and disposal of hazardous and nonhazardous wastes and mandate that hazardous wastes be tracked from the point of generation to their ultimate fate in the environment, including detailed tracking of hazardous materials during transport and permitting of hazardous material handling facilities. As permitted by RCRA, in 1992, the EPA approved California's program called the Hazardous Waste Control Law (HWCL), administered by DTSC, to regulate hazardous wastes in California, as discussed further below. The purpose of CERCLA is to identify and clean up chemically contaminated sites that pose a significant environmental health threat, and the Hazard Ranking System is used to determine whether a site should be placed on the National Priorities List for cleanup activities. SARA relates primarily to emergency management of accidental releases and requires annual reporting of continuous emissions and accidental releases of specified compounds that are compiled into a nationwide Toxics Release Inventory. Finally, SARA Title III requires formation of State and local emergency planning committees that are responsible for collecting material handling and transportation data for use as a basis for planning and provision of chemical inventory data to the community at large under the "right-to-know" provision of the law.

Hazardous Materials Transportation Act

Under the Hazardous Materials Transportation Act of 1975, the United States Department of Transportation (USDOT), Office of Hazardous Materials Safety regulates the transportation of hazardous materials on water, rail, highways, through air, or in pipelines, and enforces guidelines created to protect human health and the environment and reduce potential impacts by creating hazardous material packaging and transportation requirements. It also includes provisions for material classification, packaging, marking, labeling, placecarding, and shipping documentation. The USDOT provides hazardous materials safety training programs and supervises activities involving hazardous materials. In addition, the USDOT develops and recommends regulations governing the multimodal transportation of hazardous materials.

Aboveground Petroleum Storage Act, and Spill Prevention, Control, and Countermeasure Rule

The Aboveground Petroleum Storage Act of 1990, and the Spill Prevention, Control, and Countermeasure (SPCC) Rule (amended 2010) of the Oil Pollution Prevention regulation (40 Code of Federal Regulations [CFR] 112) require the owner or operator of a tank facility with an aggregate storage capacity greater than 1,320 gallons to notify the Local Certified Unified Program Agency (CUPA) and prepare an SPCC plan. The SPCC plan must identify appropriate spill containment measures and equipment for diverting spills from sensitive areas, and must discuss facility-specific requirements for the storage system, inspections, recordkeeping, security, and training.

Clean Water Act

The Clean Water Act (CWA) (Title 33 § 1251 *et seq.* of the United States Code [33 USC 1251, *et seq.*]) is the major federal legislation governing water quality. The CWA established the basic structure for regulating discharges of pollutants into waters of the United States (not including groundwater). The objective of the act is "to restore and maintain the chemical, physical, and biological integrity of the

nation's waters." The CWA establishes the basic structure for regulating the discharge of pollutants into waters of the United States. Responsibility for administering the CWA resides with the State Water Board and nine Regional Water Quality Control Boards (RWQCBs); the San Francisco Bay RWQCB administers the CWA for Contra Costa County. Section 404 of the CWA regulates temporary and permanent fill and disturbance of waters of the United States, including wetlands. The United States Army Corps of Engineers (USACE) requires that a permit be obtained if a project proposes to place fill in navigable waters and/or to alter waters of the United States below the ordinary high-water mark in non-tidal waters. Section 401 of the CWA requires compliance with State water quality standards for actions within State waters. Compliance with the water quality standards required under Section 401 is a condition for issuance of a Section 404 permit. Under Section 401 of the CWA, every applicant for a permit or license for any activity that may result in a discharge to a water body must obtain a State water quality certification from the RWQCB to demonstrate that the proposed activity would comply with State water quality standards.

State

California Hazardous Waste Control Law

The HWCL is the primary hazardous waste statute in the State of California, and implements RCRA as a "cradle-to-grave" waste management system for handling hazardous wastes in a manner that protects human health and the environment and would reduce potential resulting impacts. The law specifies that generators have the primary duty to determine whether their waste is hazardous and to ensure proper management. The HWCL also establishes criteria for the reuse and recycling of hazardous waste used or reused as raw materials. The law exceeds federal requirements by mandating source reduction planning, and a much broader requirement for permitting facilities that treat hazardous waste. It also regulates a number of types of waste and waste management activities that are not covered by federal law.

California Health and Safety Code

The California Health and Safety Code (HSC § 25141) defines hazardous waste as a waste or combination of waste that may:

> . . . because of its quantity, concentration, or physical, chemical, or infection characteristics:
>
> (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitation-reversible illness.
>
> (2) Pose a substantial present or potential hazard to human health or the environment, due to factors including, but not limited to, carcinogenicity, acute toxicity, chronic toxicity, bioaccumulative properties, or persistence in the environment, when improperly treated, stored, transported, or disposed of or otherwise managed.

These regulations establish criteria for identifying, packaging, and labeling hazardous wastes; prescribe management practices for hazardous wastes; establish permit requirements for hazardous waste treatment, storage, disposal, and transportation; and identify hazardous waste that commonly would be disposed of in landfills.

Under both the RCRA and the HWCL, hazardous waste manifests must be retained by the generator for a minimum of 3 years. The generator must match copies of the manifests with copies of manifest receipts from the treatment, disposal, or recycling facility.

In accordance with Chapter 6.11 of the California Health and Safety Code (HSC § 25404, *et seq.*), local regulatory agencies enforce many federal and State regulatory programs through the CUPA program, including:

- Hazardous Materials Business Plans (HMBPs) (HSC § 25501, *et seq*.).
- State Uniform Fire Code (UFC) requirements (UFC § 80.103, as adopted by the State Fire Marshal pursuant to HSC § 13143.9).
- Underground storage tanks (USTs) (HSC § 25280, *et seq*.).
- Aboveground storage tanks (HSC § 25270.5(c)).
- Hazardous waste-generator requirements (HSC § 25100, *et seq*.).

Contra Costa Health Services Hazardous Materials Division is the CUPA for the County. As the CUPA, they enforce State statutes and regulations through the Hazardous Materials Unified Program Agency, which oversees aboveground petroleum tanks; generation of hazardous materials; storage and treatment; USTs; generation of medical waste; the accidental release prevention program; and Local Oversight Program. If a facility ever handles any individual hazardous material in an aggregate amount equal to or greater than 55 gallons (liquids), 500 pounds (solids), or 200 cubic feet (gases), an HMBP must be submitted. An HMBP must include:

- Details that include facility floor plans and identify the business conducted at the site.
- An inventory of hazardous materials handled or stored on-site.
- An emergency response plan.
- A training program in safety procedures and emergency response for new employees who may handle hazardous materials, with an annual refresher course in the same topics for those same employees.

California Code of Regulations, Title 8

Cal/OSHA assumes primary responsibility for developing and enforcing workplace safety regulations. These regulations concern the use of hazardous materials in the workplace, including requirements for employee safety training; availability of safety equipment; accident and illness prevention programs; hazardous substance exposure warnings; and preparation of emergency action and fire prevention plans.

Cal/OSHA also enforces hazard communication program regulations, including procedures for identifying and labeling hazardous substances, and requires that safety data sheets (formerly known as material safety data sheets) be available for employee information and training programs. Cal/OSHA standards are generally more stringent than federal regulations. Construction workers and operational employees at the project site would be subject to these requirements.

California Code of Regulations, Title 8, Section 1529 authorizes Cal/OSHA to implement the survey requirements of Code of Federal Regulations Title 29 relating to asbestos. These federal and State regulations require facilities to take all necessary precautions to protect employees and the public from exposure to asbestos. Workers who conduct asbestos abatement must be trained in accordance with federal and State OSHA requirements. The Bay Area Air Quality Management District (Bay Area Air District) oversees the removal of regulated asbestos-containing materials (see "Asbestos Demolition, Renovation, and Manufacturing Rule" below).

California Code of Regulations, Title 8, Section 1532.1 includes requirements to manage and control exposure to lead-based paint. These regulations cover the demolition, removal, cleanup, transportation, storage, and disposal of lead-containing material. The regulations outline the permissible exposure limit, protective measures, monitoring, and compliance to ensure the safety of construction workers exposed to lead-based material. Loose and peeling lead-based paint must be disposed of as a State and/or federal hazardous waste if the concentration of lead equals or exceeds applicable hazardous waste thresholds. Federal and State OSHA regulations require a supervisor who is certified with respect to identifying existing and predictable lead hazards to oversee air monitoring and other protective measures during demolition activities in areas where lead-based paint may be present. Special protective measures and notification of Cal/OSHA are required for highly hazardous construction tasks related to lead, such as manual demolition, abrasive blasting, welding, cutting, or torch burning of structures, where lead-based paint is present.

California Code of Regulations Title 22, Division 4.5

California Code of Regulations, Title 22, Division 4.5, contains the Environmental Health Standards for the Management of Hazardous Waste, which includes California waste identification and classification regulations. California Code of Regulations, Title 22, Chapter 11, Article 3, "Soluble Threshold Limits Concentrations/Total Threshold Limits Concentration Regulatory Limits," identifies the concentrations at which soil is determined to be a California hazardous waste. California's Universal Waste Rule (22 California Code of Regulations [CCR] § 66273) provides an alternative set of management standards in lieu of regulation as hazardous wastes for certain common hazardous wastes, as defined in California Code of Regulations, Title 22, Section 66261.9. Universal wastes include fluorescent lamps, mercury thermostats, and other mercury-containing equipment. Existing structures may contain fluorescent light ballasts that could contain mercury or lead. The Alternative Management Standards for Treated Wood Waste (22 CCR § 67386) were developed by the DTSC to allow for disposal of treated wood as a nonhazardous waste, to simplify and facilitate the safe and economical disposal of such waste. Chemically treated wood can contain elevated levels of hazardous chemicals (e.g., arsenic, chromium, copper, pentachlorophenol, or creosote) that equal or exceed applicable hazardous waste thresholds. The Alternative Management Standards provide for less stringent storage requirements and extended accumulation periods, allow shipments without a hazardous waste manifest and a hazardous waste hauler, and allow disposal at specific nonhazardous waste landfills.

Porter-Cologne Act

The Porter-Cologne Water Quality Control Act of 1969 (Porter-Cologne Act) is California's statutory authority for the protection of water quality. Under the Porter-Cologne Act, the State must adopt water quality policies, plans, and objectives that protect the State's waters for the use and enjoyment of the people. Regional authority for planning, permitting, and enforcement is delegated

to the nine RWQCBs. The RWQCBs are required to formulate and adopt water quality control plans (also known as basin plans) for all areas of the region and establish water quality objectives in the plans. The Porter-Cologne Act sets forth the obligations of State Water Board and RWQCBs to adopt and periodically update water quality control plans that recognize and reflect the differences in existing water quality, the beneficial uses of the region's groundwater and surface water, and local water quality conditions and problems. It also authorizes the State Water Board and RWQCBs to issue and enforce waste discharge requirements and to implement programs for controlling pollution in State waters. Finally, the Porter-Cologne Act also authorizes the State Water Board and RWQCBs to oversee site investigation and cleanup for unauthorized releases of pollutants to soils and groundwater and in some cases to surface waters or sediments.

California Emergency Response Plan

California has developed an emergency response plan to coordinate emergency services provided by federal, State, and local governments and private agencies. Responding to hazardous materials incidents is one part of this plan. The plan is administered by the California Governor's Office of Emergency Services, which coordinates the responses of other agencies. Emergency response team members respond and work with local fire and police agencies, emergency medical providers, the California Highway Patrol (CHP), CAL FIRE, California Department of Fish and Wildlife (CDFW), and California Department of Transportation (Caltrans).

California Department of Forestry and Fire Protection

CAL FIRE has mapped fire threat potential throughout California. CAL FIRE maps fire threat based on the availability of fuel and the likelihood of an area burning (based on topography, fire history, and climate). The threat levels include no fire threat, moderate, high, and very high fire threat. Additionally, CAL FIRE produced a 2010 Strategic Fire Plan for California, which contains goals, objectives, and policies to prepare for and mitigate the effects of fire on California's natural and built environments. CAL FIRE's Office of the State Fire Marshal provides oversight of enforcement of the California Fire Code as well as overseeing hazardous liquid pipeline safety.

California Building Standards Code

The State of California provided a minimum standard for building design through the 2022 California Building Standards Code (CBC), which is located in Part 2 of Title 24 of the California Code of Regulations. The 2022 CBC is based on the 2021 International Building Code, but has been modified for California conditions. It is generally adopted on a jurisdiction by-jurisdiction basis, subject to further modification based on local conditions. Commercial and residential buildings are plan-checked by local City and County building officials for compliance with the CBC. Typical fire safety requirements of the CBC include the installation of sprinklers in all new high-rise buildings and residential buildings; the establishment of fire resistance standards for fire doors, building material; and particular types of construction.

California Public Resources Code

The California Public Resources Code includes fire safety regulations that restrict the use of equipment that may produce a spark, flame, or fire; require the use of spark arrestors[9] on construction equipment that use an internal combustion engine; specify requirements for the safe use of gasoline-powered tools in fire hazard areas; and specify fire suppression equipment that must be provided on-site for various types of work in fire-prone areas.

These regulations include the following:

- Earthmoving and portable equipment with internal combustion engines would be equipped with a spark arrester to reduce the potential for igniting a wildland fire (Public Resources Code [PRC] § 4442);
- Appropriate fire suppression equipment would be maintained during the highest fire danger period—from April 1 to December 1 (PRC § 4428);
- On days when a burning permit is required, flammable materials would be removed to a distance of 10 feet from any equipment that could produce a spark, fire, or flame, and the construction contractor would maintain the appropriate fire suppression equipment (PRC § 4427); and
- On days when a burning permit is required, portable tools powered by gasoline-fueled internal combustion engines would not be used within 25 feet of any flammable materials (PRC § 4431).

Regional

Bay Area Air District Asbestos Demolition, Renovation, and Manufacturing Rule

The removal of building asbestos-containing materials (ACMs) is subject to the limitations of Bay Area Air District Regulation 11, Rule 2, "Hazardous Materials; Asbestos Demolition, Renovation, and Manufacturing." This rule prohibits visible emissions to outside air from any operation involving the demolition of any structure containing asbestos, and sets out requirements for demolition of such structures, including a pre-demolition survey conducted by a certified professional. All friable (i.e., crushable by hand) or non-friable ACMs that may be damaged must be abated before demolition in accordance with applicable requirements. Friable ACMs must be disposed of as asbestos waste at an approved facility. Non-friable ACMs may be disposed of as nonhazardous waste at landfills that accept such waste.

Association of Bay Area Governments Hazard Mitigation Plan

The Association of Bay Area Governments (ABAG) multi-jurisdictional Local Hazard Mitigation Plan for the San Francisco Bay Area was updated in 2010 in partnership with the Bay Conservation and Development Commission. The Adapting to Rising Tides Program was created to support local governments in the regional plan for existing and future hazards of climate change. This detailed 5-year plan identifies potential natural and human-made hazards, assesses their potential risks, and

[9] A spark arrester is a device that prohibits exhaust gases from an internal combustion engine from passing through the impeller blades where they could cause a spark. A carbon trap is commonly used to retain carbon particles from the exhaust.

includes mitigation methods to reduce risks. The potential hazards identified in the plan include earthquakes and liquefaction, wildfires, floods, drought, solar storms, dam or levee failure, disease outbreak, freezes, wind, heat, thunder and lightning storms, siltation, tornadoes, hazardous materials, slope failure and mudflows, and other hazards. Similarly, mitigation measures include hazard event planning, emergency preparedness coordination, education, facility upgrades, and monitoring actions.

Local

Contra Costa County Hazardous Materials Program:

Contra Costa County and a partnership of local governments within the County have developed a Hazard Mitigation Plan (HMP) to reduce future losses resulting from disasters. Hazard mitigation is the use of long- and short-term strategies to reduce the loss of life, personal injury, and property damage that can result from a disaster. It involves planning efforts, policy changes, programs, capital projects, and other activities that can mitigate the impacts of hazards. The HMP contains the following goals aimed at reducing the vulnerability from natural hazards within the County in a cost-effective manner:

- Goal 1–Save or protect lives and reduce injury.
- Goal 2–Increase resilience of infrastructure and critical facilities.
- Goal 3–Avoid, minimize, or reduce damage to property.
- Goal 4–Encourage the development and implementation of long-term, cost-effective, and environmentally sound mitigation projects.
- Goal 5–Build and support capacity to enable local government and the public to prepare, respond, and recover from the impact of natural hazards.

Contra Costa County Local Hazard Mitigation Plan

The Contra Costa County Local Hazard Mitigation Plan (LHMP) serves as a coordinating document to guide over 40 local agencies and special purpose districts to reduce risks from a wide range of potential events, including earthquakes, floods, wildfires, or extreme heat.[10] The updated version of the LHMP was drafted in 2024 and is currently under review. The Town of Danville currently follows guidelines established by the 2018 LHMP.

Town of Danville Emergency Operations Plan

The Town of Danville Emergency Operations Plan (EOP) identifies the Town's emergency planning, organization and response policies and procedures. While the EOP serves the Town area only, the EOP works within the Contra Costa Operational Area for purposes of information transfer and support requests. The EOP is based on the functions and principles of the California Standardized Emergency Management System, the National Incident Management System, and the Incident

[10] County of Contra Costa. 2024. Local Hazard Mitigation Plan. Website: https://www.contracosta.ca.gov/6415/Local-Hazard-Mitigation-Plan. Accessed October 21, 2024.

Command System. It identifies how the County emergency operational system fits into the overall California and national risk-based, all-hazard emergency response and recovery operations plans.

Town of Danville General Plan

The General Plan establishes the following goals, policies, and implementation measures related to hazards and hazardous materials relevant to this analysis:

Resources and Hazards

Goal 25 Prevent catastrophic fires and minimize the loss of property and life due to fire hazards in Danville.

Policy 25.01 Require safe roofing and other fire prevention standards for development in high fire hazard areas by maintaining a Fire Safe Roofing Ordinance, in coordination with the San Ramon Valley Fire Protection District.

Policy 25.03 Assure provision of adequate access for fire equipment to all developed and open space areas.

This should include turnaround areas at the end of dead end public streets, and minimum road widths of 20 feet in high wildfire hazard areas. Consistent with the Local Hazard Mitigation Plan, an additional 10 foot clearance area should be maintained on the shoulders of driveways and road segments more than 50 feet long within high fire hazard areas.

Policy 25.04 Maintain a response time of less than five minutes for emergency fire calls, to be met a minimum of 90 percent of the time and/or a fire station within 1.5 miles of all residential and nonresidential development. Where this standard cannot be met, and/or where severe wildland fire hazards exist, require special mitigation measures for fire prevention as necessary.

Policy 25.05 Prior to project approval, require written verification from the San Ramon Valley Fire Protection District on the anticipated response time to the project and the distance from existing stations.

Goal 28 Minimize the risk of personal injury and property damage resulting from the production, use, storage, disposal and transportation of hazardous materials.

Policy 28.01 Promote the reduction, recycling and safe disposal of household hazardous wastes through public education and awareness of available resources.

Policy 28.02 Require a Phase I Environmental Site Assessment (Phase I ESA) when development changes an existing use to a more sensitive use (e.g., commercial use to residential use). If potential hazardous materials concerns are identified, ensure that they are investigated and that sites are cleaned up to residential standards under appropriate regulatory agency oversight prior to development.

Policy 28.03 Support and implement policies contained in the Contra Costa County Hazardous Waste Business Plan Program that encourage and assist the reduction of hazardous waste from businesses and residences in Danville.

Policy 28.04 Support and implement policies contained in the Contra Costa County Hazardous Materials Program that provide procedures for hazardous materials incidents response.

Policy 28.05 As appropriate, incorporate hazardous building materials abatement provisions into zoning and subdivision decisions and entitlement permits.

Policy 28.06 Maintain and periodically update a Local Hazard Mitigation Plan which guides disaster-related risk reduction activities. Review the plan and amend it regularly to continually explore opportunities for vulnerability reduction.

Goal 29 Maintain a high level of emergency preparedness in Danville to protect public health and safety in the event of a natural or human caused disaster.

Policy 29.01 Participate in cooperative regional efforts to prepare for and reduce damage from natural hazards such as wildfires, earthquakes, landslides, and floods.

Policy 29.02 Provide ongoing public education to help Danville residents and businesses be better prepared for disasters. This could include maps of natural hazards and evacuation routes, information on emergency preparedness and procedures, and other related information.

Community Emergency Response Team (CERT) Training provides an opportunity for residents to learn how to mitigate hazards around their homes, such as using fire-resistant roofing, maintaining defensible space, and completing structural retrofits.

Policy 29.03 Provide for emergency traffic control plans in collaboration with other jurisdictions in the San Ramon Valley. These plans should identify evacuation routes and measures for accommodating traffic in the event of a planned or emergency closure of the I-680 freeway or other major circulation route within the community.

Policy 29.04 Strive for improved communications and response capabilities in the event of a disaster, including a resilient Emergency Operations Center and expanded radio transmission capacity.

Policy 29.05 Reduce hazards associated with dam failure at Prospect Reservoir by ensuring maintenance by EBMUD [East Bay Municipal Utility District] and by including a dam failure component in the Town's Emergency Operations Plan.

Goal 30 Maintain a high level of community safety and security for Danville residents.

Policy 30.01 Maintain a police response time of no more than 5 minutes for 90 percent of all emergency (priority one) calls, exclusive of dispatch time and excluding 911 hang-ups. For all other police calls, maintain a maximum 20-minute response time for 90 percent of all such calls, again exclusive of dispatch time.

Town of Danville Municipal Code

Article XIX, Hazardous Waste Management Plan, of the Municipal Code requires that all land use decisions within the Town be consistent with applicable portions of the Contra Costa County Hazardous Waste Management Plan.

3.9.4 - Methodology

This evaluation focuses on whether the proposed project would result in changes to the physical environment that would cause or exacerbate adverse effects related to the use, transportation, disposal, accidental release, or emission of hazardous materials. The evaluation also includes a determination of whether the proposed project would result in changes to the physical environment, or would impair or interfere with emergency response plans, or would expose people or structures to increased wildfire hazards or dangers from overhead power lines. For the evaluation of potential construction-related and operational impacts from existing hazardous materials in project site soils, sediments, groundwater, surface water, and structures, the results of environmental sampling are compared to identified screening levels. The following analysis is based, in part, on information provided by the General Plan and the Phase I ESA prepared for the proposed project

3.9.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in the California Environmental Quality Act (CEQA) Guidelines Appendix G Environmental Checklist to determine whether hazards and hazardous materials impacts resulting from the implementation of the proposed project would be considered significant if the project would:

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

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

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

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

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working the project area.

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

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

3.9.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the project and provides mitigation measures where appropriate.

Routine Transport, Use, or Disposal of Hazardous Materials

Impact HAZ-1: **The proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.**

Construction

Project implementation would involve the transport, use, and disposal of hazardous materials, such as diesel fuels, aerosols, and paints. These hazardous materials have the potential to create a significant hazard to the environment if handled inappropriately. During construction of the residential development and related infrastructure, small quantities of hazardous materials typical for construction, such as gasoline, diesel fuel, lubricants for machines, and other petroleum-based products would be used on-site. Any handling, transporting, use, or disposal would comply with applicable laws, policies, and programs set forth by various federal, State, and local agencies including the EPA, RCRA, and General Plan (Policies 28.2, 28.3, 28.5 and 28.6) which establish requirements for the proper handling, storage and disposal of hazardous materials, assessment, and cleanup of properties prior to development.

Removal and disposal of hazardous materials from the project site would be conducted by an appropriately licensed contractor. As described in the Phase I ESA, no RECs, CRECs, or HRECs were identified in relation to the project site.

The proposed project would be subject to the Hazardous Materials Transportation Act, California Public Resources Code, and other State and local regulations that would reduce and limit the associated risks associated with construction. Any handling, transporting, use, or disposal would comply with applicable laws, policies, and programs set forth by various federal, State, and local agencies and regulations, including the EPA, RCRA, Caltrans, and HMP. Compliance with State and local regulations and General Plan policies would reduce environmental hazards related to routine transport, use, or disposal of hazardous materials. Impacts would be considered less than significant.

In addition, while there is currently no construction proposed on Lot 22, the lot could be developed with a single-family residence in the future. Construction of any future development on Lot 22 would be subject to applicable federal, State, and local requirements including General Plan policies, policies set forth by the EPA and RCRA, the Hazardous Materials Transportation Act, and the California Public Resources Code. Following compliance with the established regulatory framework, impacts would be less than significant.

Operation

During project operations, hazardous materials may be handled on the project site. Because of the nature of the project, hazardous materials used on-site may vary but would likely be limited to small quantities of fertilizers, herbicides, pesticides, solvents, cleaning agents, and similar materials used for daily residential operations and maintenance activities. These types of materials are common for residential developments such as the project and represent a low risk to people and the environment when used as intended. Further, compliance with applicable plans and regulations, including the General Plan policies, would provide public protection from hazards associated with the use, transport, treatment, and disposal of hazardous substances. Future development on Lot 22 would also be subject to these requirements, and allowable uses would be consistent with development under the proposed project. Therefore, operational impacts related to public hazard risk as a result of hazardous materials transport, use, or disposal would be less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

Risk of Upset

Impact HAZ-2:	**The proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment.**

As described above, a Phase I ESA was conducted for the project site by Cameron-Cole on January 4, 2023. The Phase I ESA found that no RECs, CRECs, HRECS, VECs, or BERs were found on the project site.

Construction

Construction activity, both within the project site and within the areas proposed for the off-site improvements, would be expected to involve the transport, use, and disposal of hazardous materials, such as diesel fuels, aerosols, and paints. The use of these materials would be subject to the Hazardous Materials Transportation Act, California Public Resources Code, and other State and local regulations that would limit the use of hazardous materials and reduce the associated risks of exposure. Any handling, transporting, use, or disposal would comply with applicable laws, policies, and programs set forth by various federal, State, and local agencies and regulations, including the EPA, RCRA, Caltrans, the Hazardous Materials Transportation Act, and the Contra Costa County HMP. Therefore, construction impacts related to hazardous materials upset risk would be less than significant.

In addition, while there is currently no construction proposed on Lot 22,construction of any future improvements would be subject to the same applicable laws, policies, and programs outlined above. Following compliance with the established regulatory framework, impacts would be less than significant.

Operation

The project proposes 21 single-family dwelling units along with five accessory dwelling units (ADUs), a single lot (Lot 22), landscaping, and parking. As such, the proposed project would not include industrial or retail development that involves hazardous materials such as gas stations, paint stores, or auto parts stores. Unlike industrial or retail facilities, residential development does not involve the type or quantity of hazardous materials that could pose a significant environmental accident. Small quantities of hazardous materials would be used on- site during operation of the project, but not in sufficient quantities to create significant hazard in the unlikely event of upset or accident. These types of materials are common in such residential projects and represent a low risk to people and the environment when used as intended and would not be expected to result in the release of hazardous materials into the environment. As such, operational impacts related to hazardous materials upset risk would be less than significant.

In addition, while there is currently no construction proposed on Lot 22, future development would be subject to these requirements, and allowable uses would be consistent with development under the proposed project. Therefore, development on Lot 22 would not have the potential to involve the type or quantity of hazardous materials that could pose a significant environmental accident. Impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

Hazardous Emissions Proximate to a School

Impact HAZ-3:	**The proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.**

Construction

As described above, a Phase I ESA was conducted for the project site by Cameron-Cole on January 4, 2023. The Phase I ESA determined that no RECs, CRECs, HRECS, VECs, or BERs were found on the project site. Furthermore, the project site, including the areas proposed for off-site improvements, are not located within 0.25 mile of an existing or proposed school. The nearest school is Greenbrook Elementary School, approximately 0.60 mile west of the project site.

Construction activity would be expected to involve the transport, use, and disposal of hazardous materials, such as diesel fuels, aerosols, and paints. The handling, transport, use, and disposal of hazardous materials must comply with the Hazardous Materials Transportation Act, California Public Resources Code, and other State and local regulations, which further limits the risk of emissions. As such, the proposed project would not emit hazardous emissions or handle hazardous materials within 0.25 mile of a school. Therefore, no impacts would occur.

Operation

The proposed project would not involve operations that would emit or handle hazardous materials, substances, or wastes within 0.25 mile of a school. As such, no impact would occur.

Level of Significance Before Mitigation

No impact.

Mitigation Measures

None.

Government Code Section 65962.5 Sites

Impact HAZ-4:	**The proposed project would not 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.**

Impact Analysis

Construction

Impacts related to locating a project on a hazardous materials site per Government Code Section 65962.5 are limited to operational impacts. Project construction would not create a significant hazard to the public or the environment. No impacts would occur.

Operation

A review of the GeoTracker and EnviroStor databases indicates that the project site is not located on a site that has been included on a list of hazardous materials compiled pursuant to Government Code Section 65962.5 (Cortese List). [11,12] Further, the Phase I ESA prepared by Cameron-Cole concluded that there are no RECs, CRECs, or HRECs in relation to the project site. Additionally, the project site does not contain any USTs or LUSTs. As such, the location of the project site would not result in a significant hazard to the public or the environment. The impact would be less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

[11] United States Environmental Protection Agency (EPA). 2025. UST Finder. Website: https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=b03763d3f2754461adf86f121345d7bc. Accessed February 5, 2025

[12] California State Water Resources Control Board (State Water Board). 2025. GeoTracker. Website: https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=Sacramento. Accessed February 5, 2025

Proximity to Public Airport Safety Hazard

Impact HAZ-5: **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, the proposed project would not result in a safety hazard or excessive noise for people residing or working the project area.**

Construction and Operation

The nearest airport to the project site is the Livermore Municipal Airport, which is approximately 9.3 miles to the southeast. The project site is not within any of the noise contours or safety hazard zones associated with the Livermore Municipal Airport. As such, the proposed project would not result in a safety hazard or excessive noise for people residing or working in the area. There would be no impact.

Level of Significance Before Mitigation

No impact.

Mitigation Measures

None.

Emergency Response and Evacuation

Impact HAZ-6: **The proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.**

Impact Analysis

The Town has adopted several emergency plans regarding public safety and emergency evacuations, including the General Plan Resources and Hazards Element, EOP, and County LHMP. The General Plan Resources and Hazards Element also provides information, policies, and programs directed toward reducing the potential for human injury and loss of life and to minimize property damage and economic and social disruption due to natural and human-made hazards. The Town's EOP is an extension of the State of California Emergency Plan, and its concepts are used to coordinate localized emergencies as well as catastrophic disasters.

Construction

During construction, heavy equipment and vehicles would access and exit the project site, which in turn could potentially impede evacuation or emergency vehicle access. However, the proposed project would not interfere with the implementation of the Danville EOP and the County's LHMP, which ensure efficient response to emergency incidents associated with emergencies affecting the Town of Danville. Therefore, construction impacts would be considered less than significant.

Operation

During operation, it is expected that vehicles would be accessing and leaving the project site. However, the vehicles would be minimal due to the size and nature of the proposed project. The Danville EOP outlines general procedures in response to emergency crises, such as evacuations. The main arterial roads into and out of the project vicinity are Sherburne Hills Road and Fieldstone Drive,

which would serve as the main emergency response and evacuation routes into and out of the project vicinity. With adherence to the procedures of the Town's EOP and County's LHMP, the project would not conflict with the Danville EOP or General Plan safety policies.

As indicated in Chapter 4, Effects Found not to be Significant, the proposed project would not create a permanent increase in population unaccounted for in the General Plan that could lead to an increased demand for police and fire services. In addition, the project site would be designed in accordance with the County's standards to accommodate emergency vehicle access by providing a point of access that would be available to emergency vehicles. Furthermore, the Town would consult and obtain approval of the site plan from the SRVFPD to ensure that emergency access is sufficient (see Section 3.13, Public Services). The nearest fire station is approximately 1.94 miles northwest of the project site. Additionally, the nearest police station is approximately 3.28 miles northwest of the project site. Access for emergency response vehicles would also be provided by a 10-foot wide fire trail extending from Borica Drive on the northwestern portion of the project site and from a proposed extension of Como Way on the southwestern portion of the project site. The access points at Borica Drive and Como way would also accommodate vehicles. Additionally, in accordance with Fire Department requirements, fire apparatus roads with adequate width and turnaround provisions would also be provided on-site. In addition, while there is currently no construction proposed on Lot 22, future development would also be subject to SRVFPD approvals.

Therefore, the proposed project would not interfere with evacuation along I-680 or otherwise conflict with an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

Wildland Fires

Impact HAZ-7:	**The proposed project would not expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires.**

Impact Analysis

According to CAL FIRE maps, the project site is not within an established Fire Hazard Severity Zone (FHSZ) within a State Responsibility Area.[13] Additionally, the Contra Costa LHMP indicates that there are no critical facilities or infrastructure in Danville that are in wildfire risk areas.

[13] California Department of Forestry and Fire Protection (CAL FIRE). 2025. Fire Hazard Severity Zones in State Responsibility Area. Website: https:// calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=988d431a42b242b29d89597ab693d008. Accessed June 24, 2025.

Construction

The proposed project would comply with all applicable State and local regulations during construction, including the California Public Resources Code Section 4442, which requires that earthmoving and portable equipment with internal combustion engines would be equipped with a spark arrester[14] to reduce the potential for igniting a wildland fire. As such, construction impacts of the proposed project would be less than significant.

Operation

As indicated by the General Plan, fire hazards present a considerable problem throughout the County, primarily within undeveloped areas with natural vegetation and steep slopes. The project site is located within Town boundaries and is surrounded by residential homes and undeveloped land. The project site is also partially surrounded by natural vegetation, and is designated by the Town as an area under Very High Wildfire Threat to Development according to the Town's General Plan. However, the project site is not located in a CAL FIRE Very High FHSZ (VHFHSZ) and is considered non-VHFHSZ. The nearest CAL FIRE designated VHFHSZ to the project site is located approximately 2.65 miles northeast of the project site near Las Trampas Ridge.[15]

Wildlands surround the project site, with the project site set against the backdrop of Sherburne Hills and adjacent to Crow Canyon Country Club with its eastern boundary defined by undeveloped hillsides. Additionally, Las Trampas Wilderness Regional Preserve includes expanses of wildlands and is located approximately 2.5 miles to the east. Mt. Diablo State Park includes lands within a State Responsibility Area (SRA) classified as Very High, High, and Medium FHSZ. Compliance with applicable State and local plans and regulations would decrease the risk of impacts related to wildland fire hazards. Specifically, the General Plan policies incorporate requirements for fire safe construction into the land use planning and approval process and ensure special fire protection for high-risk land uses and structures. This includes General Plan policies such as Policy 25.06, which requires the maintenance of "defensible space" (e.g., areas free of highly flammable vegetation) around homes in fire-prone areas and requires the clearing or thinning of fire-prone vegetation within 30 feet of access and evacuation routes, and routes to critical facilities. The Town also implements the Danville Operational Area EOP, which addresses the response to emergency incidents associated with emergencies affecting the Town. Furthermore, proposed structures would be required to comply with the California Fire Code regarding emergency access and types of building materials. Additionally, as discussed above, the Town would consult and obtain approval of the site plan from the SRVFPD to ensure that emergency access is sufficient (see Section 3.14, Public Services).

In addition, while there is currently no construction proposed on Lot 22, the lot could be developed with a single-family residence in the future. Any future development on Lot 22 would be subject to applicable General Plan policies, the Danville Operational Area EOP, and the California Fire Code, as well as approvals from SRVFPD.

[14] A spark arrester is any device that prevents the emission of flammable debris from a combustion source (i.e., fireplaces, internal combustion engines, and wood-burning stoves).

[15] California Department of Forestry and Fire Protection (CAL FIRE). 2024. Fire Hazard Severity Zones Map. Website: https:// calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=988d431a42b242b29d89597ab693d008. Accessed February 5, 2025.

Therefore, impacts related to wildland fire risk would be less than significant. Further analysis of wildland fire risks to the proposed project can be found in Section 3.19, Wildfire.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

3.9.7 - Cumulative Impacts

The geographic scope of the cumulative analysis related to hazards and hazardous materials is the project site and surrounding land. This analysis evaluates whether the impacts of the proposed project, together with the impacts of cumulative development identified in Table 3-1 of Chapter 3, Environmental Impact Analysis, of this Draft EIR, would result in a cumulatively significant impact related to hazards and hazardous materials. This analysis then considers whether incremental contribution to cumulative impacts associated with the implementation of the proposed project would be significant. Both conditions must apply for a project's cumulative effects to rise to a level of significance.

Impacts from hazards and hazardous materials are generally site-specific and typically do not combine with impacts from cumulative projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1, Cumulative Projects, to result in significant cumulative impacts. New developments in the vicinity of the proposed project site would be subject to the same regulatory requirements as the proposed project. As such, large or unexpected releases of hazardous materials of the type that would contribute to significant cumulative impacts would not be expected. In addition, compliance with existing federal, State, and local regulations regarding the treatment and management of hazardous materials, would ensure that the proposed project would not combine with cumulative projects in the vicinity to result in a significant cumulative impact.

Routine, Transport, Use, or Disposal of Hazardous Materials

The geographic scope of the cumulative impact analysis for the routine, transport, use, and disposal of hazardous materials is the vicinity of the project site. The cumulative projects would implement construction activities such as demolition of existing structures, if necessary; ground-disturbing activities; and the use of construction equipment. Construction activities would involve the transport, use, and disposal of hazardous materials, including diesel fuels, paints, cements, aerosols, and potentially hazardous building materials and contaminated soils that may be situated on each project site. The transport of such materials may lead to a cumulatively considerable increase in creating a significant hazard to the public and environment. However, there are no cumulative projects within the immediate vicinity of the proposed project that could contribute to a potential construction-related cumulative impact. Accordingly, cumulative impacts would be less than significant.

Nevertheless, past, present and reasonably foreseeable projects and the proposed project would be required to abide by the same federal, State, and regional regulations pertaining to implementing

precautionary measures toward the transporting, handling, usage, storage, and disposal of hazardous materials, including those from the Hazardous Materials Transportation Act, California Code of Regulations, and Health and Safety Code. As such, the transportation, handling, and disposal of any contaminated soil or other hazardous building materials on the project site during construction would not have an incremental contribution to the cumulatively considerable impact.

Development of the proposed project would not result in significant increased risks of hazards in the cumulative setting area, nor would it result in any significant off-site or indirect impacts. Development of the proposed project would have a less than significant cumulative impact relative to this environmental topic. As such, impacts related to hazards and hazardous materials would result in a less than cumulatively considerable contribution.

Risk of Upset

The geographic scope of the cumulative impact analysis for the risk of upset of hazardous materials is the vicinity of the project site. Construction activities associated with cumulative projects may result in reasonably foreseeable upset and accident conditions through the demolition of existing structures and ground-disturbing activities. However, all cumulative projects would be required to abide with the same federal, State, and local rules and regulations such as the Hazardous Materials Transportation Act, HSC, California Code of Regulations Title 8 Sections 1529 and 1532.1, and the Bay Area Air District Regulation 11, Rule 2. As such, the cumulatively considerable impact related to upset and accident conditions would have no impact. Furthermore, the project site has no history of RECs, is not listed on hazardous materials sites, and was determined to not pose any subsurface contamination risk to the public or the environment.

Therefore, the proposed project's incremental contribution to generating any upset or accident conditions during construction would have no impact. Lastly, the proposed project and the cumulative projects are mixed-use and residential projects, which only use hazardous materials that generate low risk to creating accident conditions. Since each cumulative project would be required to comply with the same regulations, existing conditions on the project site were determined to not pose a risk to the public or environment, and hazardous materials use would be associated with residential uses, the cumulatively considerable impact related to the release of hazardous materials through accident conditions would have no impact and the proposed project's incremental contribution would have no impact.

Hazardous Emissions Proximate to a School

As previously discussed, the proposed project is not within 0.25 mile of a school. As such, the geographic scope of the cumulatively considerable impact of emitting or handling hazardous materials in proximity to a school would be within 0.25 mile of the surrounding schools. There are no cumulative projects within the geographic scope as the nearest cumulative project. Although the construction of cumulative projects could transport hazardous materials in proximity to the surrounding schools, and future foreseeable development could occur within vacant lots in proximity to the project site and within 0.25 mile of the surrounding schools, cumulative and any future projects would be required to comply with the same federal, State, and local regulations on the transportation and handling of hazardous materials. Therefore, the cumulatively considerable impact

related to emitting or handling hazardous materials within 0.25 mile of a surrounding school would be less than significant.

Government Code Section 65962.5 Sites

The geographic scope of the cumulative impact analysis for being located on a Government Code Section 65962.5 site is the vicinity of the project site. The proposed project would have no impact with respect to hazardous materials site pursuant to Government Code 65962.5 and, therefore, would not contribute to any potential cumulative impact. Moreover, there are no cumulative projects located on a potential site within the relevant geographic scope. Since no cumulative project is in direct proximity to the project site and the proposed project is not listed on any hazardous materials site and has no history of environmental contamination, there would be no cumulatively considerable impact related to hazardous materials sites and the proposed project's incremental contribution would have no impact as it is not located on a hazardous materials site.

Proximity to Public Airport Safety Hazard

As explained in Impact HAZ-5, the nearest airport facility within the vicinity of the project site is the Livermore Municipal Airport, approximately 10.54 miles southeast. The project site does not fall within the Sphere of Influence of the Livermore Municipal Airport or any other airport. Accordingly, there would be no cumulative impact related to the proposed project being located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport. The proposed project would not result in a safety hazard or excessive noise for people residing or working the project area. Moreover, the proposed project would have no impact and, therefore, would not have any contribution to cumulative impacts.

Hazards and Emergency Response

The Danville EOP outlines general procedures in response to emergency crises, such as evacuations. The main arterial streets that would act as the most likely evacuation routes out of the Greenbrook/Danville South and Crow Canyon County Club portion of Danville include Camino Tassajara, Crow Canyon Road, and I-680. All construction would adhere to the regulations included in the California Fire Code that are designed to minimize the potential for the release of hazardous materials or uncontrolled fires. Once development is proposed, the Town of Danville would assess the needs for fire protection services and inform efforts to improve or expand needed facilities.

Cumulative development in the Town of Danville primarily consists of residential and commercial development. New residential developments would contribute to increases in the Town's population. All development would, however, comply with emergency access requirements as part of a development proposal's condition of approval. Accordingly, cumulative impacts would be less than significant.

The proposed project would not have a cumulatively considerable contribution to the less than significant cumulative impacts because it would not significantly increase need for emergency services, including those related to wildfires. Furthermore, cumulative development in Danville, including the proposed project, would not result in permanent road closures, nor impede established emergency access routes or interfere with emergency response requirements. As such,

there would be a less than significant cumulative impact associated with hazards and emergency response. Moreover, as discussed above, the proposed project would fully comply with all applicable regulations and, therefore, its contribution would not be cumulatively considerable.

Wildfires

According to CAL FIRE, the project site is located in a High FHSZ. Project structures would be required to comply with the California Fire Code with regard to emergency access and types of building materials. However, as with the proposed project, cumulative development in the region would be required to comply with all applicable regulations related to the provision of fire water, emergency access, and construction materials that would minimize and/or prevent fire loss and damage. Since the cumulative projects, including the proposed project, would adhere with the California Fire Code and CBC standards, the cumulatively considerable impact associated with direct or indirect exposure to wildland fires would have a less than significant cumulative impact. The proposed project's incremental contribution to direct or indirect exposure to wildland fires would be less than significant.

Level of Cumulative Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

3.10 - Hydrology and Water Quality

3.10.1 - Introduction

This section describes the existing hydrology and water quality setting and potential effects from project implementation on the site and its surrounding area. Descriptions and analysis in this section are based on information provided by the San Francisco Bay Regional Water Quality Control Board (San Francisco Bay RWQCB), Federal Emergency Management Agency (FEMA), and the California Department of Water Resources (DWR). Additionally, this section incorporates the findings of project-specific technical reports including the Stormwater Runoff and Peak Flow Report prepared by Balance Hydrologics, which is included in Appendix G.

The following public comments were received during the Draft Environmental Impact Report (Draft EIR) Notice of Preparation (NOP) scoping period related to hydrology and water quality:

- Concerns regarding landslide issues in the past and how they would be addressed, grading, drainage, etc.
- Request to extent the debris berm and V-ditch in the western boundary to tie into the existing V-ditch or newly constructed V-ditch and debris berms directly behind the Abercrombie, Watson, and Duffec properties, terminated at the existing catch basin behind 385 Borica Drive, to mitigate negative drainage/slide behind these properties.
- Request to ensure the culvert on the commenter's property line is included in the EIR and that any changing of the landscape considers water runoff and their culvert.
- Request that the owner periodically inspect the irrigation system.
- Question regarding maintenance of the proposed drainage infrastructure.
- Concern regarding stormwater impacts.
- Request to include information about how undeveloped land would be maintained for weed abatement, wildfire safety, and stormwater infrastructure.

3.10.2 - Environmental Setting

Regional Hydrology

The Town of Danville (Town) is located within the San Ramon Creek Watershed, which is a division of the Walnut Creek Watershed, and the Upper Alameda Creek Watershed.[1] The San Ramon Creek Watershed encompasses 54 square miles and is within the San Francisco Bay Area Watershed.[2] The dominant water feature in the San Francisco Bay Area Watershed is the San Francisco Bay Estuary. The Estuary is a highly dynamic and complex ecosystem. While the Sacramento and San Joaquin rivers contribute the vast majority of flow into the Bay, many small rivers, creeks, and streams also

[1] Town of Danville. 2012. Town of Danville General Plan 2030 Draft EIR. October 12.
[2] Walnut Creek Watershed Council. The San Ramon Creek Watershed. Website: https://www.wcwatershed.org/friends-of-san-ramon-creek.html. Accessed June 11,2025.

convey fresh water to the Bay system. Major creeks in the Town include San Ramon Creek, Sycamore Creek, Green Valley Creek, and the East and West Branches of Alamo Creek.

San Ramon Creek

The project site lies within the southeasternmost portions of the San Ramon Creek Watershed, which is a major tributary of Walnut Creek, the largest single stream system in Contra Costa County.[3] The main stem intermittent drainage channel, traverses the northern portion of the site, flowing southward along the eastern project boundary before continuing off-site. The southeastern section contains intermittent and ephemeral tributaries that funnel direct precipitation into the main stem drainage, which then moves southward and exits the project area. Water leaving the site remains part of main stem drainage as it progresses into the Bay Club Crow Canyon. From there, it is presumed that the flow enters the Contra Costa County stormwater system. All stormwater systems within Contra Costa County transport water directly to the San Francisco Bay without treatment. Runoff from the western portions of the site flows to several locations at the western edge of existing subdivision where it is collected in existing storm drains. These storm drain systems are part of the larger Alicante Drive trunk drain system that flows west to discharge into the same unnamed tributary.

Surface Water Quality

Contra Costa County

Contra Costa County (County) and the Contra Costa County Flood Control and Water Conservation District (FC District) develops, funds, and operates a countywide Contra Costa Clean Water Program (CCCWP). The program was necessary to comply with federal water quality requirements.[4] To support implementation of local stormwater pollution prevention activities, CCCWP convenes, facilitates, and supports countywide committees, made up of local agency staff, to develop and improve Best Management Practices (BMPs), to provide guidance and training, and to troubleshoot implementation.

Town of Danville

The Town is located within the San Francisco Bay Basin Planning Area under the jurisdiction of the San Francisco Bay RWQCB. Danville implements numerous measures to protect the quality of surface water bodies. These control pollution in runoff from municipal operations, new development and redevelopment, and industrial and commercial sites. Programs are in place to reduce the amount of pesticide used, prevent trash entrainment, and to control leaching of the most hazardous chemicals such as mercury, polychlorinated biphenyls (PCBs), copper, polybrominated diphenylethers (PBDE), legacy pesticides and selenium, into the waterways. The Town adopted a Stormwater Management and Discharge Control Ordinance in 1994 and subsequently replaced that Ordinance with a new Ordinance in January 2005. The updated Ordinance is consistent with the regional permit and provides the regulatory framework needed to implement source control, site design, and treatment measures.

[3] Balance Hydrologics. June 7, 2024. Modeling of Stormwater Runoff Flow-Duration and Peak Flow Control Performance Elworthy Property Project, Town of Danville.

[4] Town of Danville. 2013. The Town of Danville 2030 General Plan. March 19.

Project Site

The project site is located within the San Francisco Bay Hydrologic Basin Planning Area under the jurisdiction of the San Francisco Bay RWQCB. Aquatic features under the jurisdiction of the San Francisco Bay RWQCB and the United States Army Corps of Engineers (USACE) occur on the project site.

Groundwater

Basin Boundaries and Hydrology

The San Ramon Valley Groundwater Basin occupies a structural trough in the central Coast Range east of the San Francisco Bay. The basin is in southern Contra Costa County and is nearly 30 miles east of San Francisco. It is bounded by Stone Valley on the north, on the west by Las Trampas Ridge, on the east by the foothills of Mt Diablo, and on the south by the Livermore Valley Groundwater Basin. Danville and San Ramon overlie the basin, while Sycamore Creek and San Ramon Creek are the principal streams flowing through it.

Hydrogeologic Information

Water-Bearing Formations

Groundwater-bearing, alluvial deposits comprise the entire floor of San Ramon Valley and portions of the upland areas on all sides of the valley.

Restrictive Structures

Within the San Ramon Valley Groundwater Basin, faults are the major structural features known to have marked effect on the movement of groundwater. Several northwest-trending faults divide the San Ramon Valley. Faults in this region tend to act as barriers to the lateral movement of groundwater.

Groundwater Storage

Bulletin 118 states that no published data was found for the San Ramon Valley Groundwater Basin regarding groundwater storage or groundwater level trends.

Town of Danville

According to the DWR, Danville overlies the San Ramon Valley Groundwater Basin.[5] The San Ramon Valley Groundwater Basin encompasses a 11-square-mile area that overlaps with Contra Costa County. This basin extends northward as far as Stone Valley Road in Alamo, westward to Las Trampas Ridge, eastward to the Mt. Diablo foothills and south into San Ramon and the Livermore Valley groundwater basin. Although there are some private wells located in the basin, it is not pumped by East Bay Municipal Service District (EBMUD), which is the utility supplying water service to Danville. Private wells in Danville fall under the jurisdictional control of the County Health Department-Environmental Health Division. Information about groundwater quality and capacity in the groundwater basin is not publicly available.

[5] Department of Water Resources. 2024. Groundwater Basin Boundary Assessment Tool. Website: https://gis.water.ca.gov/app/bbat/. Accessed February 12, 2025.

Stormwater Runoff

The National Pollutant Discharge Elimination System (NPDES) program regulates wastewater discharges to surface waters, like the San Francisco Bay, pursuant to the federal Clean Water Act (CWA) and California's Porter-Cologne Water Quality Control Act. The RWQCB combined all Bay Area NPDES permits into one regional permit called the Municipal Regional Permit (MRP). The MRP lowers the size threshold of projects that will be subject to the program's Low Impact Development (LID) standards. These standards seek to reduce the amount of stormwater that runs off a site, while maximizing the amount of rainwater that can be absorbed on-site. The LID standards specify that qualifying projects must utilize some combination of stormwater infiltration, evapotranspiration, capture, use, or biotreatment. The program also requires hydromodification plans and programs. Such plans are intended to monitor and regulate the amount of stormwater generated by new development and redevelopment.

Flooding and Inundation

Flood Hazard Zones

Flood zones are determined by FEMA and are used to create Flood Insurance Rate Maps (FIRMs) that designate these zones. The most recent FIRMs for the Town were updated on June 16, 2009.[6] Most of the land within the Town limit, including the project site, is included in Zone X, which is the designation for lands outside of the 100-year floodplain. However, areas surrounding the waterways within the Town are classified as special flood hazard areas. Flooding in Danville does not pose a significant hazard to life and property, but some areas along major creeks and near the confluence of creeks are subject to periodic inundation. The flooding that does occur is caused by winter rains. Portions of San Ramon Creek and one of its major tributary streams, Green Valley Creek, are subject to flooding.[7] Flood control in the Town is under the jurisdiction of the FC District. Any potential flooding within the special flood hazard areas exists independent of the future development of the property.

Dam Failure Inundation

Maps filed with the State Office of Emergency Services show a dam inundation zone in downtown Danville from the potential failure of a hillside reservoir located on Highland Drive.[8] This area is approximately 2.7 miles northwest of the project site and is not designated as an area of potential inundation.

Tsunami and Seiche Inundation

Danville is located 15 miles from San Francisco Bay, which is the nearest large water body, and at a significantly higher elevation than the Bay. There is no risk of seiche or tsunami within the Town.

[6] Federal Emergency Management Agency (FEMA). 2024. National Flood Hazard Layer Viewer. Website: https:// hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd&extent=-121.97422655391355,37.78245449665563,-121.94431455897946,37.799411464711326. Accessed February 12, 2025.

[7] Town of Danville. 2013. The Town of Danville 2030 General Plan. March 19

[8] Ibid.

Town of Danville

Flooding in Danville can occur along major creeks and near the confluence of creeks. These areas are subject to periodic inundation from flooding resulting from major storm events, such as can be expected every 30 years on average (30-year storm events), or even less frequently. Portions of San Ramon Creek and one of its major tributary streams, Green Valley Creek, are subject to flooding.[9]

Project Site

The project site is in an area of Minimal Flood Hazard (Zone X) according to the FEMA Special Flood Hazard Area (SFHA) shown on the FEMA FIRM Panel 06013C0462F with an effective date of June 16, 2009.[6]

3.10.3 - Regulatory Framework

Clean Water Act

The CWA (33 United States Code [USC] § 1251, *et seq*.) is the major federal legislation governing the water quality aspects of construction and operation of the project or variant. The CWA established the basic structure for regulating discharges of pollutants into waters of the United States (not including groundwater) and waters of the State. The objective of the CWA is "to restore and maintain the chemical, physical, and biological integrity of the nation's waters." The CWA establishes the basic structure for regulating the discharge of pollutants into waters of the United States.

The CWA authorizes the United States Environmental Protection Agency (EPA) to implement pollution control programs. Under the CWA, it is unlawful for any person to discharge any pollutant from a point source into navigable waters, unless an NPDES permit is obtained. In addition, the CWA requires each state to adopt water quality standards for receiving water bodies and to have those standards approved by the EPA. Water quality standards consist of designated beneficial uses for a particular receiving water body (e.g., wildlife habitat, agricultural supply, fishing), along with water quality objectives necessary to support those uses.

Responsibility for protecting water quality in California resides with the State Water Board and nine RWQCBs. The State Water Board establishes Statewide policies and regulations for the implementation of water quality control programs mandated by federal and State water quality statutes and regulations. The RWQCBs develop and implement water quality control plans (basin plans) that consider regional beneficial uses, water quality characteristics, and water quality problems. Water quality standards applicable to the proposed project are listed in the San Francisco Bay RWQCB Basin Plan.

Section 303—Water Quality Standards and Total Maximum Daily Loads

Section 303(c)(2)(b) of the CWA requires states to adopt water quality standards for all surface waters of the United States based on the water body's designated beneficial use. Where multiple uses exist, water quality standards must protect the most sensitive use. Water quality standards are typically numeric, although narrative criteria based on biomonitoring methods may be employed

[9] Federal Emergency Management Agency (FEMA). 2024. National Flood Hazard Layer Viewer. Website: https:// hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd&extent=-121.97422655391355,37.78245449665563,-121.94431455897946,37.799411464711326. Accessed February 12, 2025.

where numerical standards cannot be established or where they are needed to supplement numerical standards.

CWA Section 303(d) requires states and authorized Native American tribes to develop a list of water quality–impaired segments of waterways. The list includes waters that do not meet water quality standards necessary to support a waterway's beneficial uses even after the minimum required levels of pollution control technology have been installed. Listed water bodies are to be priority ranked for development of a total maximum daily load (TMDL). A TMDL is a calculation of the total maximum daily load (amount) of a pollutant that a water body can receive on a daily basis and still safely meet water quality standards. The TMDLs include waste load allocations for urban stormwater runoff as well as municipal and industrial wastewater discharges, with allocations apportioned for individual Municipal Separate Storm Sewer Systems (MS4s) and wastewater treatment plants. For stormwater, load reductions would be required to meet the TMDL waste load allocations within the 20 years required by the TMDLs.

The State Water Board, RWQCBs, and EPA are responsible for establishing TMDL waste load allocations and incorporating approved TMDLs into water quality control plans, NPDES permits, and waste discharge requirements (WDRs) in accordance with a specified schedule for completion.

Section 401—Water Quality Certification

Section 401 of the CWA requires compliance with State water quality standards for actions within State waters. Under CWA Section 401, an applicant for a Section 404 permit (to discharge dredged or fill material into waters of the United States) must first obtain a certificate from the appropriate agency stating that the fill is consistent with the State's water quality standards and criteria. In California, the State Water Board delegates authority to either grant water quality certification or waive the requirements to the nine RWQCBs. The San Francisco Bay RWQCB is responsible for the project site.

Section 402—National Pollutant Discharge Elimination System Permits

The RWQCBs administer the NPDES stormwater permitting program, under Section 402(d) of the federal CWA, on behalf of EPA. The objective of the NPDES program is to control and reduce levels of pollutants in water bodies from discharges of municipal and industrial wastewater and stormwater runoff. CWA Section 402(d) establishes a framework for regulating nonpoint source stormwater discharges (33 USC 1251). Under the CWA, discharges of pollutants to receiving water are prohibited unless the discharge complies with an NPDES permit. The NPDES permit specifies discharge prohibitions, effluent limitations, and other provisions, such as monitoring deemed necessary to protect water quality based on criteria specified in the National Toxics Rule (NTR), the California Toxics Rule (CTR), and the basin plan.

Discharge prohibitions and limitations in an NPDES permit for wastewater treatment plants are designed to maintain public health and safety, protect receiving water resources, and safeguard the water's designated beneficial uses. Discharge limitations typically define allowable effluent quantities for flow, biochemical oxygen demand, total suspended matter, residual chlorine, settleable matter, total coliform, oil and grease, pH, and toxic pollutants. Limitations also typically encompass narrative requirements regarding mineralization and toxicity to aquatic life. Under the

NPDES permits issued to the City/County to operate the treatment plants, the City/County is required to implement a pretreatment program. This program must comply with the regulations incorporated in the CWA and the General Pretreatment Regulations (Code of Federal Regulations [CFR] Title 40, Part 403 [40 CFR 403]).

Section 404—Individual or Nationwide Permit

Section 404 of the CWA regulates temporary and permanent fill and disturbance of wetlands and waters of the United States. Under Section 404, the discharge (temporary or permanent) of dredged or fill material into waters of the United States, including wetlands, typically must be authorized by the USACE through either the Nationwide Permit (general categories of discharges with minimal effects) or the Individual Permit.

River and Harbors Act Section 10

Section 10 of the Rivers and Harbors Act of 1899 requires that regulated activities conducted below the ordinary high-water elevation of navigable waters of the United States be approved and permitted by the USACE. Regulated activities include the placement or removal of structures, work involving dredging, disposal of dredged material, filling, excavation, or any other disturbance of soils/sediments or modification of a navigable waterway. Navigable waters of the United States are those waters of the United States that are subject to the ebb and flow of the tide shoreward to the mean high-water mark and/or are presently used, or have been used in the past, or may be susceptible to use to transport interstate or foreign commerce. Section 10 also regulates tributaries and backwater areas that are associated with navigable waters of the United States and are located below the ordinary high-water elevation of the adjacent navigable waterway.

A project proponent can apply for a permit/letter of permission for work regulated under Section 404 (CWA) and Section 10 (Rivers and Harbors Act) by completing and submitting one application form. An application for a USACE permit will serve as an application for both Section 404 and Section 10 permits.

Federal Antidegradation Policy

The federal antidegradation policy is designed to protect existing water uses, water quality, and national water resources. The federal policy directs states to adopt a statewide policy that includes the following primary provisions:

- Existing instream uses and the water quality necessary to protect those uses shall be maintained and protected.
- Where existing water quality is better than necessary to support fishing and swimming conditions, that quality shall be maintained and protected unless the State finds that allowing lower water quality is necessary for important local economic or social development.
- Where high-quality waters constitute an outstanding national resource, such as waters of national and State parks, wildlife refuges, and waters of exceptional recreational or ecological significance, that water quality shall be maintained and protected.

National Toxics Rule and California Toxics Rule

In 1992, the EPA promulgated the NTR under the CWA to establish numeric criteria for priority toxic pollutants for 14 states to bring all states into compliance with the requirements of CWA Section 303(c)(2)(B). The NTR established water quality standards for 42 pollutants not covered under California's Statewide water quality regulations at that time. As a result of the court-ordered revocation of California's Statewide basin plans in September 1994, the EPA initiated efforts to promulgate additional federal water quality standards for California. In May 2000, the EPA issued the CTR, which includes all the priority pollutants for which the EPA has issued numeric criteria not included in the NTR.

Executive Order 11988

Executive Order 11988, "Floodplain Management," directs all federal agencies to avoid, to the extent possible, long- and short-term adverse impacts of occupancy and modification of floodplains, and to avoid supporting development in a floodplain either directly or indirectly wherever there is a practicable alternative. Compliance requirements are outlined in 23 Code of Federal Regulations 650, Subpart A, "Location and Hydraulic Design of Encroachment on Floodplains."

If a project involves significant encroachment into the floodplain, the final environmental document must include:

- The reasons why the proposed action must be located in the floodplain,
- Alternatives considered and the reasons they were not practicable, and
- A statement indicating whether the action conforms to applicable State or local floodplain protection standards.

National Toxics Rule and California Toxics Rule

The National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 were enacted to reduce the need for flood protection structures and limit disaster relief costs by restricting development in floodplains. FEMA, established in 1979, is responsible for predicting hazards from flooding events and forecasting the level of inundation under various conditions. As part of its duty to develop standards for delineating fluvial and coastal floodplains, FEMA provides information on FIRMs about the potential for flood hazards and inundation and, where appropriate, designates regions as special flood hazard areas. Special flood hazard areas are defined as areas that have a 1 percent chance of flooding in a given year.

FEMA also administers the NFIP, a federal program that enables property owners in participating communities to purchase insurance as protection against flood losses in exchange for State and community floodplain management regulations that reduce future flood damages.

State

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act of 1969 (Porter-Cologne Act) is California's statutory authority for the protection of water quality. Under the Porter-Cologne Act, the State must adopt water quality policies, plans, and objectives that protect the State's waters for the use and

enjoyment of the people. Regional authority for planning, permitting, and enforcement is delegated to the nine RWQCBs. The RWQCBs are required to formulate and adopt basin plans for all areas in the region and establish water quality objectives in the plans. The Porter-Cologne Act sets forth the obligations of the State Water Board and RWQCBs to adopt and periodically update basin plans. The San Francisco Bay RWQCB is responsible for the project site.

Basin plans are the regional water quality control plans required by both the CWA and the Porter-Cologne Act that establish beneficial uses, water quality objectives, and implementation programs for each of the nine regions in California. The Act also requires waste dischargers to notify the RWQCBs of their activities by filing reports of waste discharge and authorizes the State Water Board and RWQCBs to issue and enforce WDRs, NPDES permits, CWA Section 401 water quality certifications, or other approvals. The RWQCBs are also authorized to issue waivers to reports of waste discharge and WDRs for broad categories of "low threat" discharge activities that have minimal potential to cause adverse water quality effects when implemented according to prescribed terms and conditions.

National Pollutant Discharge Elimination System

The NPDES permits all involve similar processes, which include submitting notices of intent for discharging to water in areas under the San Francisco Bay RWQCB's jurisdiction and implementing BMPs to minimize those discharges. The San Francisco Bay RWQCB may also issue site-specific WDRs, or waivers to WDRs, for certain waste discharges to land or waters of the State.

Construction Activity

The State Water Board stormwater general permit for construction activity (Order 2009-009-DWQ, as amended by Order Nos. 2010-0014-DWQ and 2012-0006-DWQ) applies to all construction activities that would disturb 1 acre of land or more. Construction activities subject to the general construction activity permit include clearing, grading, stockpiling, and excavation. Dischargers are required to eliminate or reduce non-stormwater discharges to storm sewer systems and other waters.

Through the NPDES and WDR processes, the State Water Board seeks to ensure that the conditions at a project site during and after construction do not cause or contribute to direct or indirect impacts on water quality (i.e., pollution and/or hydromodification) upstream and downstream. To comply with the requirements of the Construction General Permit, the project applicant must file an NOI with the State Water Board to obtain coverage under the permit; prepare a Storm Water Pollution Prevention Plan (SWPPP); and implement inspection, monitoring, and reporting requirements appropriate to the proposed project's risk level as specified in the SWPPP. The SWPPP includes a site map, describes construction activities and potential pollutants, and identifies BMPs that will be employed to prevent soil erosion and discharge of other construction-related pollutants that could contaminate nearby water resources, such as petroleum products, solvents, paints, and cement. The permit also requires the discharger to consider using post-construction permanent BMPs that will remain in service to protect water quality throughout the life of the project. All NPDES permits also have inspection, monitoring, and reporting requirements.

Project sites served by the combined sewer system are not required to obtain coverage under the NPDES Construction General Permit.

Industrial General Stormwater Permit

The Statewide stormwater NPDES permit for general industrial activity (Order 2014-0057-DWQ, superseding Order 97-03-DWQ) regulates discharges associated with 10 broad categories of industrial activities, such as operation of wastewater treatment works, and with recycling facilities. The industrial general permit requires the implementation of Best Available Technology Economically Achievable and Best Conventional Pollutant Control Technology to achieve performance standards. The permit also requires development of a SWPPP that identifies the site-specific sources of pollutants and describes the measures at the facility applied to reduce stormwater pollution. A monitoring plan is also required.

Stormwater

In November 1990, the EPA published regulations establishing NPDES permit requirements for municipal and industrial stormwater discharges. Phase I of the permitting program applied to municipal discharges of stormwater in urban areas where the population exceeded 100,000 persons. Phase II of the NPDES stormwater permit regulations, which became effective in March 2003, required that NPDES permits be issued for construction activity for projects disturbing 1–5 acres. Phase II of the municipal permit system (known as the NPDES General Permit for Small MS4s, Order No. 2003-0005-DWQ as amended by 2013-0001-DWQ) required small municipalities of fewer than 100,000 persons to develop stormwater management programs. This permit authorizes discharges of stormwater and some categories of non-stormwater that are not "significant contributors of pollutants."

California Toxics Rule and State Implementation Policy

The CTR, presented in 2000 in response to requirements of EPA's NTR, establishes numeric water quality criteria for approximately 130 priority pollutant trace metals and organic compounds. The CTR criteria are regulatory criteria adopted for inland surface waters, enclosed bays, and estuaries in California that are on the CWA Section 303(c) list for contaminants. The CTR includes criteria for the protection of aquatic life and human health. Human health criteria (water- and organism-based) apply to all waters with a municipal and domestic water supply beneficial use designation as indicated in the basin plans. The Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California, also known as the State Implementation Policy, was adopted by the State Water Board in 2000. It establishes provisions for translating CTR criteria, NTR criteria, and basin plan water quality objectives for toxic pollutants into:

- NPDES permit effluent limits,
- Effluent compliance determinations,
- Monitoring for 2,3,7,8-tcdd (dioxin) and its toxic equivalents,
- Chronic (long-term) toxicity control provisions,
- Site-specific water quality objectives, and
- Granting of effluent compliance exceptions.

The goal of the State Implementation Plan is to establish a standardized approach for permitting discharges of toxic effluent to inland surface waters, enclosed bays, and estuaries throughout the State.

Regional

RWQCB San Francisco Bay Municipal Regional Permit

The MRP is a multi-faceted watershed management program that is implemented at the regional, county, and local levels. The purpose of the program is to meet federal clean water requirements by regulating stormwater runoff and storm drainage systems. Its components include monitoring, illicit discharge elimination, development and construction controls, public education, municipal operations, industrial and commercial site controls, trash load reduction, and control of a variety of specific contaminants. Local implementation activities include enforcement of Danville's Stormwater Management and Discharge Control Ordinance. Street sweeping and storm drain cleaning are particularly important program elements.

Town of Danville

General Plan

The Danville 2030 General Plan includes the following goals and policies relevant to hydrology and water quality.

Goal 20 Ensure that local water supply, storm drainage, sewerage, streets, and similar facilities are well maintained, improvements meet existing and future needs, and land use decisions are contingent on the adequacy and maintenance of such facilities

Policy 20.05 Continue to provide for flood control, protection from erosion and siltation, and improvements to urban runoff as required by federal law. Continue to explore the recreational potential of flood control facilities and waterways, consistent with public safety and security, and stress aesthetic treatment of needed facilities.

Policy 20.08 Protect surface water from pollution by ensuring that stormwater discharges comply with Regional Water Quality Control Board San Francisco Bay Municipal Regional Permit (RWQCB-SF Bay MRP) requirements.

Goal 21 Protect and enhance Danville's natural features, including its hillsides, ridgelines, creeks, vegetation, and wildlife.

Goal 22 Improve water quality in Danville and the water bodies that receive runoff from Danville, including San Francisco Bay.

Policy 22.01 Maintain and enhance the natural quality of Danville's creeks, including the riparian vegetation along the banks. Setbacks should be maintained along creeks to maintain their natural appearance, reduce erosion and flood hazards, and protect their ecological functions.

Policy 22.02 Require qualifying new development projects and redevelopment projects to comply with the Municipal Regional Permit for stormwater control and treatment.

Policy 22.04 Manage the Town's storm drainage facilities in a manner that minimizes pollution of local streams and waterways. Storm drains and other drainage facilities should be regularly maintained.

Goal 26 Reduce the potential for flooding and minimize the risks to life and property resulting from flooding that does occur in Danville.

Policy 26.01 Take appropriate steps in the development review process to protect life and property from flooding and erosion along local creeks.

Policy 26.02 Restrict new development in floodways and flood plains in accordance with FEMA requirements.

Policy 26.03 Require that new development result in runoff rates that are within the 100-year flood capacity of the Town flood control system.

Policy 26.05 Work in conjunction with the Contra Costa County Flood Control and Water Conservation District to maintain natural creek settings to the extent possible while providing for adequate drainage capacity.

Policy 26.06 Encourage, and where appropriate require, the use of detention basins by developers to reduce peak stormwater runoff during significant rainfall events. No net increase in peak flow runoff should be allowed unless adequate drainage capacity exists or other mitigation measures are provided. Where feasible, support the use of common detention facilities serving more than one development.

Policy 32.06 Encourage the use of permeable pavement for parking lots, driveways, walkways and other paved surfaces as a way to absorb stormwater, recharge the aquifer, and reduce urban runoff.

Municipal Code

Chapter 20 of the Town of Danville's Municipal Code is its Stormwater Management and Discharge Control Ordinance. The Ordinance is intended to minimize non-stormwater discharges to streams, minimize increases in nonpoint source pollution caused by urban runoff, control the discharge of stormwater from spills and dumping, and reduce runoff rates and volumes to reduce public safety hazards. All development applications that meet specified thresholds (e.g., for certain types of projects resulting in more than 10,000 square feet of new or replacement impervious surface area) are required to have a stormwater control plan, including an Operations and Maintenance (O&M) Plan. The Ordinance requires stormwater facilities to be designed in accordance with the C.3 Guidebook, thereby minimizing maintenance requirements and reducing the risk of failure. BMPs and standards also are included, with an emphasis on reducing litter, keeping paved surfaces clean, and monitoring construction activities. The Ordinance also includes provisions for inspection and enforcement.

3.10.4 - Methodology

The analysis in this section is based on information from sources including the San Francisco Bay RWQCB, FEMA, and the DWR and the Town and Danville General Plan General Plan EIR.

3.10.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in the California Environmental Quality Act (CEQA) Guidelines Appendix G Environmental Checklist to determine whether hydrology and water quality impacts resulting from the implementation of the proposed project would be considered significant if the project would:

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

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

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

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

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

3.10.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed project and recommended mitigation measures where appropriate.

Surface and Groundwater Quality

Impact HYD-1:	**The proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.**

Impact Analysis

Construction

Construction activity for the proposed project would expose soils on the project site to potential erosion and to potential pollutants related to the use of construction equipment. Under the proposed project, disturbance and grading would only occur in the southwestern corner of the proposed project site where the residential developments would be clustered, and along the access easment for emergency response vehicles extending from Borica Drive to the proposed development area. This area of disturbance associated with the proposed project would comprise approximately 29 acres of the 102 acre project site. While there is currently no development planned for Lot 22, future residential development on this lot would include ground disturbance and grading

Runoff from graded areas could carry eroded soils and pollutants into the storm drainage systems and into Sycamore Creek, increasing sedimentation, degrading downstream water quality, and potentially affecting the groundwater table. However, because the construction would disturb more than one acre of land, the proposed project would be required to comply with the terms of the Construction General Permit, which require the preparation and implementation of a SWPPP that includes BMPs to ensure reduction of pollutants from construction activities that could potentially enter surface waters.

As part of this requirement, the project applicant would be required to draft a Notice of Intent (NOI) and SWPPP pursuant to the applicable Post-Construction Stormwater Standards Manual at the time the grading permit is submitted. After Town approval, the NOI and SWPPP would be sent to the California State Water Resources Control Board (State Water Board) for approval. Approval by the State Water Board is a prerequisite for issuance of a grading or building permit by the Town. The SWPPP would address stormwater management during each phase of construction. BMPs would be integrated into the SWPPP as identified by the Town, which will result in the reduction or elimination of pollutants in stormwater discharges and the stabilization of BMPs to reduce or eliminate pollutants after construction is completed. The SWPPP would be consistent with the applicable RWQCB standards and NPDES permit requirements to protect water quality over the period of construction.

Furthermore, compliance with Chapter 20 of the Municipal Code would ensure implementation of BMPs contained in the SWPPP which would be verified by a Town inspector during the construction period. Although construction activities have the potential to generate increased sedimentation, compliance with applicable policies and regulations would minimize the potential to degrade water quality in downstream water bodies to the maximum extent possible. In addition, while there is currently no construction planned on Lot 22, the lot could be developed with a single-family residence in the future. Construction of any future development on Lot 22 would be subject to the SWPPP, approval by the State Water Board, and compliance with Chapter 20 of the Municipal Code. As a result, construction- related project impacts related to surface and groundwater and respective water quality would be less than significant.

Operation

The project site is currently undeveloped and primarily contains non-native grassland. The proposed project would result in approximately 7.2 acres of new impervious surfaces compared to existing conditions (see Appendix G). New impervious areas would in turn generate stormwater runoff, which may carry pollutants such as pesticides, fertilizers, and deposits of fluids and metals from motor vehicles into the drainage system or allow seepage of such pollutants into the associated groundwater table.

However, the proposed project would be subject to C.3 requirements in the NPDES permit governing discharges, which includes implementation of a Storm Water Management Plan (SWMP) applicable to the proposed project's design and post-project operation and maintenance. Two fundamental components are associated with the SWMP: (1) treatment for pollutants collected in stormwater using LID measures, and (2) no net increase in the erosion potential of the receiving stream over the pre-project (existing) condition. All LID treatment measures would be required to be designed in accordance with engineering criteria in the Post-construction Stormwater Standards Manual. Implementation of the SWMP would require the preparation of a clearly defined O&M Plan to ensure that installed stormwater treatment measure(s) and hydromodification management control(s)[10] are inspected and properly operated and maintained for the life of the proposed project.

Additionally, implementation of the SWPPP described above would also prevent pollutants from entering the San Ramon Valley Groundwater Basin by requiring the inclusions of BMPs, such as the use of biofiltration swales and bioretention basins, that would prevent pollutants from moving off-site through the treatment of stormwater on-site. The intention would be to keep all products of erosion from moving off-site into receiving waters by treatment on-site.

The proposed project would include an on-site storm drain system that would collect surface drainage and discharge it to a hydromodification basin located adjacent to Lot 1. The proposed basin is designed to handle hydromodification requirements for the site as well as stormwater treatment requirements set forth by Contra Costa County[11]. Storm drains would range from approximately 12 inches to 24 inches within the project site and the existing drainage patterns for the site would be maintained. The proposed project would include two drainage management areas (DMAs), including two bioretention areas, as stormwater treatment features. Each bioretention are would be constructed to the standards described in the Stormwater C.3 Guidebook published by the CCCWP. As demonstrated by the stormwater runoff and peak flow control performance analysis prepared for the proposed project (Appendix G), the bioretention facilities have been sized and designed to meet or exceed the requirements for both water quality and flow duration control (hydromodification management).

Once the stormwater is treated, it would be detained within the basin and flows exiting the basin would be metered to equal the pre-project flows leaving the site. The existing drainage patterns for the site would be maintained and the stormwater runoff from the basin would be conveyed via a new storm drain system to the existing facilities located near the southeast corner of the site. A new

[10] Hydromodification controls are required for projects that replace one acre or more of impervious surface.

[11] Balance Hydrologics. 2024. Modeling of Stormwater Runoff Flow-Duration and Peak Flow Control Performance Elworthy Property Project, Town of Danville. June 7.

rock outfall structure or direct connection to the existing 60-inch pipe would be required as part of this project (Exhibit 2-6). Based on the results of the hydrologic analysis (Appendix G), the water quality percent filtered for the project site would meet the performance requirements for the C.3 guidelines with 88 percent treatment at bioretention basin 1 and 80 percent treatment at bioretention basin 2.

Additionally, as shown in Exhibit 2-3, the proposed project would also improve portions of the existing V-ditch in the western boundary adjacent to existing homes. The proposed debris berm would slow down and divert the flow of debris away from adjacent development and the V-ditch would collect storm flows on the western portion of the project site. This system would remain within the proposed project site and would not contribute a net increase in surface runoff for the surrounding areas. Rather, the analysis provided in Appendix G determined that post-project peak flow rates would be reduced from the pre-project condition due to on-site stormwater management features, as well as overall project stormwater improvements at the downstream connection.

All proposed outfalls would be constructed in compliance with current FC District requirements. Additionally, the project applicant would prepare a clearly defined O&M Plan to ensure that installed stormwater treatment measures and hydromodification management controls are inspected and properly operated and maintained for the life of the proposed project. Therefore, operational project impacts related to surface and groundwater and respective water quality would be less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

Groundwater Supply/Recharge

Impact HYD-2:	**The proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.**

Impact Analysis

Groundwater Supplies

The proposed project would connect to the Town's municipal water system, which does not source water from groundwater. Therefore, the proposed project would not substantially decrease groundwater supplies. No impact would occur.

Groundwater Recharge

The proposed project would introduce impervious surfaces on a portion of the project site to facilitate residential development. The proposed project would include an on-site storm drain system that would collect surface drainage from the residential development area and discharge it to two bioretention basins: a 10,560-square-foot bioretention basin located adjacent to Lot 1 and a 1,140-square-foot basin located southeast of the project site entrance on Como Way. The proposed

bioretention basins would be underlain by gravel with regulated outflow. Stormwater runoff would be collected and treated on-site within the basins to reduce outflows from the project site and promote groundwater infiltration.

Approximately 29 acres of the larger 102-acre project site would be disturbed as part of the proposed project. The remainder of the project site, outside of the residential development area, would remain unimproved and no impervious surfaces would be introduced. This would allow for groundwater recharge to continue as under existing conditions for a majority of the project site. The proposed project's storm drainage system includes bioretention basins and sized to accommodate project stormwater flows and promote infiltration of runoff into the soil. In addition, while there is currently no development planned on Lot 22, the lot could be developed with a single-family residence in the future. Any future development on Lot 22 would be required to be designed in conjunction with the proposed project's existing water systems, and to demonstrate compliance with applicable design criteria. Additionally, the proposed project would not introduce impervious surfaces on a majority of the project site, allowing for groundwater recharge. Impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

Drainage Leading to Erosion/Siltation, Flooding, Additional Sources of Polluted Runoff, or Impedance of Flood Flows

Impact HYD-3: **The proposed project would not 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 which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or**
- **(iv) impede or redirect flood flows?**

Impact Analysis

i) Erosion and Siltation

Construction

The proposed project would have a significant impact if it were to substantially alter the existing drainage pattern of the site in a manner that would result in substantial erosion or siltation on- or off-site. Such drainage effects could occur from grade changes at the site, exposure of soils for

periods of time during precipitation events, or alterations to creek beds. These types of changes could have a potentially significant impact on project site drainage patterns.

Construction activity could result in substantial erosion or siltation due to drainage pattern alteration resulting from grading for lots and roadways and could therefore result in polluted runoff entering the Town's stormwater drainage system and nearby creeks. Ground disturbance would occur on approximately 29 acres of the greater 102-acre project site and would occur within the development area and emergency vehicle access lane. However, the proposed project would be required to implement a SWPPP as part of its Construction General Permit. The SWPPP would be designed to ensure that erosion and siltation are prevented or minimized to the maximum extent feasible during construction through the implementation of standard BMPs (including implementing sediment and erosion control plans, slope stabilization [to minimize exposed soil], managing construction material and waste on-site by keeping storm drain systems clear). Consistent with Chapter 20 of the Municipal Code, the applicant would implement the BMPs contained in the SWPPP verified by a Town inspector during the construction period. Additionally, the proposed project would adhere to MM GEO-1 which would require the implementation of the recommendations made in the Geotechnical Exploration, which includes measures for erosion control.

In addition, while there is currently no development planned on Lot 22, the lot could be developed with a single-family residence in the future. Construction of any future development on Lot 22 would be subject to implementation of a SWPPP, BMPs, consistency with Chapter 20 of the Municipal Code, and adherence to MM GEO-1.

Therefore, although construction activities have the potential to generate increased sedimentation at the project site, compliance with applicable policies and regulations would minimize the potential to increase sedimentation or siltation to the maximum extent practicable. With the implementation of these requirements and the implementation of MM GEO-1, construction impacts related to alteration of drainage pattern resulting in erosion or siltation would be less than significant.

Operation

As discussed above under Impact HYD-1, development of the project site would increase impervious surfaces compared to existing conditions by approximately 7.2 acres. Thus, project operation could result in increased amounts of stormwater runoff that could carry pollutants into nearby San Ramon Creek. However, the proposed project would be required to comply with the Town's NPDES program, SWMP, and all relevant provisions of the Municipal Code related to stormwater pollution, including the provision of appropriately sized bioretention areas for pretreatment of stormwaters in accordance with C.3 guidelines.

The proposed project would include an on-site storm drain system that would collect surface drainage and discharge it to two bioretention basins. The basins would be located on the northeastern and southwestern ends of the residential cluster, and would be 0.31 acre and 0.7 acres, respectively. Stormwater flows would be treated on-site and basins have been sized to accommodate stormwater flows from the proposed development. As provided in the stormwater drainage analysis (Appendix G), the water quality percent filtered for the project site meets the

performance requirements for the C.3 guidelines with 88 percent treatment at bioretention basin 1 and 80 percent treatment at bioretention basin 2.

Additionally, a new rock outfall structure would be constructed on the southern portion of the project site, east of Lot 19 (Exhibit 2-6). The proposed rock outfall would provide erosion protection and stabilization to manage stormwater flows from the project site through ground stabilization. In addition, while there is currently no construction proposed Lot 22, the lot could be developed with a single-family residence in the future. Any future development on Lot 22 would be subject to compliance with the Town's NPDES, as well as preparation of a SWPPP and SWMP. Through adherence to the applicable policies and requirements identified above, the proposed project would not substantially increase erosion or siltation. Therefore, impacts would be less than significant.

ii) Surface Runoff

Construction

Impacts related to the potential for the proposed project to increase the rate or amount of surface runoff resulting in flooding are limited to operational impacts. As such, no construction impacts would occur.

Operation

The proposed project would increase the amount of impervious surfaces on the project site, which could increase the rate or amount of surface runoff in a manner which would result in flooding and represents a potentially significant impact. However, the proposed project's increase in impervious surfaces is accounted for in the design of the proposed stormwater treatment facilities, and, through use of the on-site stormwater treatment facilities, operation of the proposed project would not result in any increase in flooding on or off-site.

To demonstrate compliance with the Town and NPDES (MRP) requirements, a "Modeling of Stormwater Runoff Flow-Duration and Peak Flow Control Performance" was conducted by Balance Hydrologics (Appendix G). This analysis aimed to determine the need to mitigate potential impacts due to changes in the magnitude and duration of runoff flow rate at the site. Section C.3.g of the MRP3 (RWQCB Order R2-2022-0018) strictly limits changes in the duration of runoff flow rates in the range from one-tenth of the 2-year event flow to the 10-year event flow. To determine compliance with the pertinent requirements, hydrologic modeling was completed using version 2023 of the Bay Area Hydrologic Model (BAHM). Use of this modeling platform allows for simulation of runoff for pre- and post-project conditions over a 49-year period.

Additionally, the modeling aimed to determine whether the proposed project would have adverse downstream impacts related to peak flow rates from large design storm events, specifically those larger than the upper-bound 10-year event threshold that applies for hydromodification management. The complete results of the hydrologic analysis are provided in Appendix G. Table 3.10-1 below showcases the pre- and post-project peak flow levels, exhibiting the anticipated decrease in peak flow rates upon project completion and operation. Based on the results of the analysis, the proposed project's on-site stormwater management and treatment facilities have been sized to accommodate stormwater flows from the proposed development, and post-project peak

flow rates would be reduced as compared to existing conditions. Therefore, impacts would be less than significant.

Table 3.10-1: Peak Flood Flows Pre- and Post-Project

Peak Flow	Pre-project 10-Year Storm Event	Pre-project 100-Year Storm Event	Post-project 10-Year Storm Event	Post-project 100-Year Storm Event
DMA 1	39.8	65.2	32.5	62.3
DMA 2	5.4	8.6	3.8	8.0
Alicante Drive	41.3	65.2	38.9	63.5

Notes:
DMA = drainage management area
Source: Appendix G

The proposed stormwater water quality treatment facilities within each residential parcel and serving the private road network, along with the proposed storm drains and outfalls, would be designed to reduce runoff volume and pollutants from entering the Town's stormwater drainage system or waterways, in accordance with Provision C.3 in the MRP as implemented by the San Francisco Bay RWQCB. Therefore, impacts related to surface runoff resulting in flooding on or off-site would be less than significant.

iii) Exceedance of Storm Drain Capacity

Construction

During construction, the proposed project could increase stormwater runoff generation, which could potentially lead to pollutant runoff on or off-site. However, the proposed project would be required to implement a SWPPP as part of its Construction General Permit. The SWPPP is designed to ensure that stormwater generation and pollutants are prevented or minimized to the maximum extent feasible during construction through the implementation of standard BMPs. Consistent with Chapter 20 of the Municipal Code, the applicant would implement the BMPs contained in the SWPPP verified by a Town inspector during the construction period. In addition, while there is currently no construction planned on Lot 22, the lot could be developed with a single-family residence in the future. Any future development on Lot 22 would be subject to as preparation of a SWPPP, implementation of BMPs, and adherence to Chapter 20 of the Municipal Code. Therefore, the construction impact related to exceedance of storm drain capacity and stormwater pollution would be less than significant with mitigation incorporated.

Operation

The proposed project would result in increased impervious surface area and increased runoff, which could potentially exceed existing storm drainage capacity and increase pollutant loads. However, the proposed project, as discussed above, the proposed project would include an on-site storm drain system designed to reduce runoff volume entering the Town's stormwater drainage system or waterways, in accordance with Provision C.3 in the MRP as implemented by the San Francisco Bay

RWQCB. In addition, the proposed project would be required to comply with the Town's NPDES program, SWMP, and all relevant provisions of the Municipal Code related to stormwater pollution, including the provision of appropriately sized hydromodification areas for pretreatment of stormwaters in accordance with C.3 guidelines.

Furthermore, the SWPPP stormwaters are collected and conveyed in accordance with Chapter 20 of the Municipal Code. The SWMP would also ensure that the proposed project complies with regulations of the NPDES permit. In addition, while there is currently no development planned on Lot 22, the lot could be developed with a single-family residence in the future. Any future development on Lot 22 would be subject to Provision C.3 of the MRP, compliance with the Town's NPDES program, SWMP, and all relevant provisions of the Municipal Code.

Therefore, operation of the proposed project would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Therefore, the operational impact related to additional sources of polluted runoff would be less than significant.

iv) Flood Flows

Construction

Impacts related to impedance of flood flows would only occur during the operational phase of the proposed project. As such, no construction impedance of flood flow impacts would occur.

Operation

Grading associated with the proposed project would change drainage patterns on the southern portion of the project site. The proposed project has been designed to cluster development on a portion of the project site to minimize grading on existing hillsides that dominate the project site.

Stormwater drainage and grading plans are designed to reduce potential impacts related to flooding by treating and conveying stormwater to appropriately sized drainages on the project site. As detailed in Table 3.10-1 above, the post-project peak flows would be reduced as compared to existing conditions through the introduction of new storm drainage infrastructure. Therefore, project implementation would not result in significant changes in drainage or include elements that would impede or redirect flood flows. The project site is in an area of Minimal Flood Hazard (Zone X) as defined by FEMA. The proposed project would not include any alteration to a stream, creek bed, or river that would impede or redirect flood flows. As such, impacts related to impedance of flood flows would be less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

Risk of Pollutant Release Due to Inundation

Impact HYD-4: The proposed project would not be located in a flood hazard zone, tsunami, or seiche zone, or risk release of pollutants due to project inundation.

Impact Analysis

Construction

Potential pollutants stored on-site during construction would be stored in a manner consistent with the proposed project's NPDES-mandated SWPPP, as well as applicable regulations by Occupational Safety and Health Administration (OSHA), Department of Hazardous Substances and Materials, which prevent pollutant release. As described in detail below, the project site is not located in a tsunami or seiche zone. The project site is in an area of Minimal Flood Hazard (Zone X) as defined by FEMA. The proposed project would comply with all applicable requirements and regulations, such as NPDES and OSHA. Therefore, no construction-related impacts would occur.

Operation

The project site is in an area of Minimal Flood Hazard (Zone X) according to FEMA.[12] Zone X is defined as an area of minimal flood hazard. Furthermore, the proposed project stormwater drainage system, as described above, would have sufficient capacity to serve the proposed project. The stormwater system would be designed in accordance with all applicable standards with adequate capacity to accommodate the project site during storm events and ensure no net increase in off-site flow of stormwaters. Therefore, impacts related to release of pollutants within a flood hazard zone would be less than significant.

A tsunami is a sea wave generated by an earthquake, landslide, volcanic eruption, or even by a large meteor hitting the ocean. An event such as an earthquake creates a large displacement of water resulting in a rising or mounding at the ocean surface that moves away from this center as a sea wave. Tsunamis generally affect coastal communities and low-lying (low-elevation) river valleys in the vicinity of the coast. The project site is approximately 17 miles east of the San Francisco Bay and 30 miles east of the Pacific Ocean. The California Geological Survey (CGS) Tsunami Hazard Area Map does not show the project site as being located in a Tsunami Hazard Area.[13] Because the site is not identified as within a tsunami inundation area or low-lying flood-prone area and due to its elevation, the proposed project is not likely to experience impacts from a tsunami.

Seiches are changes or oscillations of water levels within a confined water body. Seiches are caused by fluctuation in the atmosphere, tidal currents, or earthquakes. The effect of this phenomenon is a standing wave that would occur when influenced by external causes. The project site is not near a confined water body and thus would not be susceptible to inundation from a seiche. Therefore, impacts would be less than significant.

[12] Federal Emergency Management Agency (FEMA). 2024. National Flood Hazard Layer Viewer. Website: https:// hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd&extent=-121.97422655391355,37.78245449665563,-121.94431455897946,37.799411464711326. Accessed February 12, 2025.

[13] California Department of Conservation). CGS Information Warehouse: Tsunami Hazard Area Map. Website: https://maps.conservation.ca.gov/cgs/informationwarehouse/ts_evacuation/. Accessed February 12, 2025.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

Water Quality Control or Sustainable Groundwater Management Plans Consistency

Impact HYD-5: The proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Impact Analysis

Construction

The San Francisco Bay RWQCB has established regulatory standards and objectives for water quality in San Francisco Bay in the Basin Plan.[14] The proposed project would not conflict with the Basin Plan or the MRP. Given that proposed construction would disturb more than one acre of land, the proposed project would be required to comply with the terms of the Construction General Permit, which mandates the preparation and implementation of a project-specific SWPPP that includes BMPs to ensure reduction of pollutants from construction activities potentially entering surface waters. In addition, Bulletin 74-81 from the DWR provides measures and recommendations for groundwater well destruction which requires notifying the enforcing agency of any pollutants or contaminants in the well prior to destruction, requiring approval from the enforcing agency to proceed with well destruction, along with providing material, sealing, and filling requirements.

In addition, while there is currently no development planned on Lot 22, the lot could be developed with a single-family residence in the future. Construction of any future development on Lot 22 would be subject to implementation of a SWPPP and adherence to Bulletin 74-81 from the DWR. Therefore, construction impacts related to a water quality control plan or Groundwater Management Plan (GMP) consistency would be less than significant.

Operation

The project site is located within the San Francisco Bay Basin Planning Area under the jurisdiction of the San Francisco Bay RWQCB. The proposed project would comply with goals and policies as set forth by the San Francisco Bay RWQCB. There is no specific GMP governing the San Ramon Valley Groundwater Basin or the Town.

Given that the proposed project would not use groundwater supplies to serve the project and would follow BMPs outlined in a SWPPP, the proposed project would not obstruct a water quality control plan or GMP. Therefore, operation of the proposed project would have a less than significant impact related to a water quality control plan or GMP consistency.

[14] California State Water Resources Control Board (State Water Board). 2024. Basin Planning: Water Quality Control Plan (Basin Plan) for the San Francisco Bay Basin. Website: https://www.waterboards.ca.gov/sanfranciscobay/basin_planning.html. Accessed December 2, 2024.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

3.10.7 - Cumulative Impacts

Cumulative impacts related to hydrology and water quality typically occur within a defined watershed or basin. All properties on the cumulative projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1, Cumulative Projects, are located within the San Ramon Creek Watershed and the Upper Alameda Creek Watershed. All cumulative projects would be required to comply with the San Francisco Bay RWQCB and General Plan and applicable codes, ordinances, and policies, which prevent a project from increasing off-site surface water flow from existing conditions and further ensures that projects adhere to BMPs during construction to prevent pollutants from being carried off-site. Additionally, regional development would be required to comply with regional, State and federal regulations regarding flooding. These regulations, in combination with implementation of the General Plan, would ensure a less than significant cumulative impact related to hydrology and flooding.

The proposed project's incremental contribution to the less than significant cumulative impacts would not be cumulatively considerable. Similar to other development, the proposed project would also be required to comply with the San Francisco Bay RWQCB and required to demonstrate consistency with the General Plan and applicable codes, ordinances, and policies related to preventing pollutants from being conveyed off-site, including the implementation of the SWPPP and the SWMP. The combination of these policies and BMPs would ensure that the proposed project's contribution to the less than significant cumulative impact would not be cumulatively considerable.

Water Quality

The geographic context for consideration of cumulative impacts related to surface water quality is the San Francisco Bay Basin Planning Area. All cumulative projects, including the proposed project, would involve short-term construction and long-term operational activities that would have the potential to degrade water quality in downstream water bodies, including the San Francisco Bay Estuary. All cumulative project construction would be required to obtain a Construction General Permit from the State Water Board, which would require preparation of a SWPPP that would control potential discharges of contaminants into waterways. These cumulative projects would be required to prepare a SWMP and comply with the General Plan policies and Municipal Code during operation. Accordingly cumulative impacts would be less than significant. Moreover, the proposed project's incremental contribution to the less than significant cumulative impacts would not be cumulatively considerable. The proposed project would also be required to obtain a Construction General Permit from the State Water Board and prepare a SWPPP as well as a SWMP. The proposed project would also be required to comply with General Plan policies and the Municipal Code during operation. Thus, there would be a less than significant cumulative impact related to surface water quality and the proposed project's contribution to the less than significant cumulative impact would not be cumulatively considerable.

The geographic context for consideration of cumulative impacts related to groundwater quality and management is the San Ramon Valley Groundwater Basin. All cumulative projects, including the proposed project, would involve short-term construction and long-term operational activities that would have the potential to impact groundwater quality and management. Construction related to cumulative projects and the proposed project would be required to obtain a Construction General Permit from the State Water Board, which would require preparation of a SWPPP that would control pollutants that could seep into groundwater. Operations of these cumulative projects and the proposed project would be required to comply with the San Francisco Bay RWQCB, thereby ensuring that stormwater is pre-treated via bioretention to ensure that percolation to the groundwater table would not result in degradation of groundwater quality. Thus, there would be a less than significant cumulative impact related to groundwater quality. Moreover, for the reasons discussed above in Impact HYD-2, the proposed project's incremental contribution to the less than significant cumulative impact would not be cumulatively considerable.

Flooding

The geographic context for consideration of cumulative impacts related to flooding is the Town of Danville. Most of the land within the Town limit is included in Zone X, which is the FEMA designation for lands outside of the 100-year floodplain. However, areas surrounding the creeks within the Town are classified as special flood hazard areas. Future development projects in flood hazard areas would be required to install stormwater facilities to ensure projects would not be susceptible to flooding. Accordingly, cumulative impacts would be less than significant. Moreover, the proposed project's incremental contribution to less than significant impacts would not be cumulatively considerable because all project stormwater runoff would be retained on-site so the proposed project would not cause a net increase in surface runoff to off-site properties. The proposed project would also be required to install stormwater facilities and prepare a SWPPP and SWMP for review and approval by the Town. The Town would review cumulative development proposals as well as the proposed project to ensure they are in accordance with applicable guidelines, ordinances, and permitting requirements. Thus, there would be a less than significant cumulative impact related to flooding and the proposed project's contribution to the less than significant cumulative impact would not be cumulatively considerable.

Level of Cumulative Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

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3.11 - Land Use and Planning

3.11.1 - Introduction

This section describes the existing land use and potential effects from project implementation on the site and its surrounding area. Descriptions and analysis in this section are based on the Town of Danville Zoning Map and the Town of Danville 2030 General Plan (General Plan).

The following public comments were received during the Draft Environmental Impact Report (Draft EIR) Notice of Preparation (NOP) scoping period related to land use and planning:

- States that the proposed project does not provide a justification for rezoning the project site.

3.11.2 - Environmental Setting

Land Use

Project Site

The project site is vacant with no structures or existing development. The site can be accessed via the eastern end of Borica Drive and Como Way through an existing single-family home residential community.

Surrounding Area

To the North

Single-family homes are located north of the project site along Tassajara Lane and Tamarind Lane. Camino Tassajara is a major roadway north of the project site, and Sycamore Regional Open Space Preserve is located on the northern side of Camino Tassajara.

To the East

Open space associated with Sherburne Hills and Sycamore Valley Open Space Regional Preserve is located to the east of the project site. In addition, a vacant 45-acre parcel, accessed from Sherburne Hills Road, with development potential of 1 unit per 5 acres, adjoins the site to the east.

To the South

Single-family homes are located south of the project site at the Crow Canyon Country Club Estates. The Crow Canyon Country Club is located south of Sherburne Hills.

To the West

Single-family homes are directly adjacent to the western side of the project site in the neighborhood known as Shadow Hills.

Land Use Designation and Zoning

Project Site

The General Plan land use designation for the site is Agriculture. The site is zoned A-4; Agicultural Preserve District. The A-4 zoning district is used to designate properties which are under a

Williamson Act Contract and remain in agricultural use. As such, the General Plan does not establish a density range for the Agriculture land use designation. The A-2; General Agricultural District is listed as a consistent zoning district when agricultural land is not under Williamson Act Contract. Uses permitted-by-right include the allowance of a minimum lot size of 5 acres, and "a detached single-family dwelling on each parcel and the accessory structures and uses normally auxiliary to it."

As previously discussed in Chapter 2, Project Description, the project site's Williamson Act Contract was not renewed and is no longer in effect. Therefore, given the A-2; General Agricultural District's 1 unit per 5 acre minimum lot size, and that the project site is approximately 102 acres, the zoning for the project site would allow up to 20 residential lots.

The site is also included as a Special Concern Area within the General Plan. The Special Concern Area language states that "if a limited amount of development is proposed in the future, mitigation of drainage, access, and urban service impacts will be required. Such proposals should only be considered if substantial portions of the site, including steeper slopes and ridgeline, are designated as permanent open space."

The Special Concern Area laguage also states that "The visual sensitivity of these lands should be a paramount consideration in review of any future plan. Future development of the site should be as unintrusive as possible and should preserve the unique qualities of these sites. Opportunities for trail linkages to the Sycamore Valley area are strongly encouraged and should be incorporated in any proposals for future development."

In order to preserve the majority of the site as permanent open space and to design the develpment to be as unintrusive as possible, the site is proposed to be rezoned to P-1; Planned Unit Development District. Consistent with Special Concern Area language, the P-1 district will allow for the clustering of the allowable lots into a mostly hidden area in a valley behind a ridgeline and the preservation of hillsides and ridgelines.

To the North

The General Plan designates the existing single-family homes and vacant lands north of the project site as Rural Residential. Lands north of the project site are zoned Planned Unit District P-1 and P-1 (R-100).

To the East

The General Plan designates the vacant lands east of the project site as Rural Residential. Lands north of the project site are zoned Planned Unit District P-1 and P-1 (R-100).

The General Plan designates the vacant lands immediately south of the project site as General Open Space. Farther south of the project site, past the General Open Space designated area, are existing single-family homes designated Residential–Single-Family–Medium Density. Lands north of the project site are zoned Planned Unit District P-1.

To the West

The General Plan designates the existing single-family homes west of the project site as Residential–Single-Family–Low Density. Lands north of the project site are zoned Single-Family Residence R-15.

3.11.3 - Regulatory Framework

State

Housing Accountability Act

The Housing Accountability Act (Government Code § 65589.5) establishes substantial limitations on a local government's ability to deny, reduce the density of, or make infeasible housing development projects that are consistent with applicable, objective local development standards and contribute to meeting the regional housing need. The Housing Accountability Act acknowledges that the lack of housing is a critical problem that threatens the economic, environmental, and social quality of life in the State.

The Housing Accountability Act provides that when a proposed housing development complies with the applicable, objective general plan and zoning standards, but a local agency proposes to deny the project or approve it only if the density is reduced, the agency must base its decision on written findings supported by substantial evidence that:

1. The development would have a specific adverse impact on public health or safety unless disapproved, or approved at a lower density; and
2. There is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval, or approval at a lower density. "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

The Housing Accountability Act also provides that a housing development project shall be deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision if there is substantial evidence that would allow a reasonable person to conclude that the housing development project is consistent, compliant, or in conformity.

California Senate Bill 1818

California Senate Bill (SB) 1818, Chapter 928, provides developers with a density bonus and other incentives for constructing lower-income housing units within a development, provided the developer meets certain requirements as enumerated in Section 65915(b) of the Government Code:

> 65915 (b) A city, county, or city and county shall grant a density bonus and incentives or concessions described in subdivision (d) when the applicant for the housing development seeks and agrees to construct at least any one of the following:
> (1) Ten percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code.

(2) Five percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code.
(3) A senior citizen housing development as defined in Sections 51.3 and 51.12 of the Civil Code.
(4) Ten percent of the total dwelling units in a condominium project as defined in subdivision (f) of, or in a planned development as defined in subdivision (k) of, Section 1351 of the Civil Code, for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code.

With respect to parking requirements, Section 65915.p(1) states:

> Upon the request of the developer no city, county, or city and county shall require a vehicular ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of subdivision (b) that exceeds the following ratios:
>
> (A) Zero to one bedrooms: one on-site parking space
> (B) Two to three bedrooms: two on-site parking spaces

The Town of Danville Standard Plan Street Section requires a minimum 28-foot-wide street for a public street with two lanes and no parking. Pursuant to Section 65915(e) of the California Government Code, the proposed project is requesting a waiver of this development standard to allow a two-lane public street with no parking width of 22 feet.

Local

Town of Danville

General Plan

The Town of Danville 2030 General Plan includes the following goals and policies related to land use:

Goal 1 Assure that future development complements Danville's existing small town character and established quality of life.

Policy 1.02 Require that new development be generally consistent with the scale, appearance, and small town character of Danville.

Policy 1.07 Balance development with the preservation of land for open space uses in appropriate areas.

This policy is intended to protect Danville's hillsides, ridgelines, creeks, and other important scenic or natural resources. Consistent with the policies under Goal 2, development on visulaly or environmentally sensitive sites should set aside substantial areas as open space.

Policy 1.08 Protect existing residential neighborhoods from intrusion of incompatible land uses and excessive traffic to the extent reasonably possible.

Policy 1.09 In areas where different land uses abut one another, mitigate potential negative impacts through buffering techniques such as landscaping, setbacks, and screening. Similar methods also may be used between higher-density residential uses and less dense residential uses nearby.

Policy 1.11 Accept General Plan amendment applications or development applications for lands under Agricultural Preserve Contract only after a Notice of Nonrenewal has been filed.

Goal 5 Protect the quality and character of Danville's residential neighborhoods while providing opportunities for new housing that meets community needs.

Policy 5.03 Through the development and implementation of various housing programs, enable the development of affordable housing at a wide range of densities in a variety of locations.

3.11.4 - Methodology

Analysis in this section focuses on whether project implementation would physically divide an established community and whether the proposed project would conflict with land use plans, policies, or regulations adopted to avoid or mitigate an environmental effect. The potential for land use impacts was assessed through review of applicable land use policy documents. Environmental impacts that would result from the proposed project in other environmental topic areas are discussed throughout Chapter 3 of this Draft EIR.

Conflicts and inconsistencies with a policy, in and of themselves, do not constitute significant environmental impacts for purposes of the California Environmental Quality Act (CEQA). Rather, it is only where (1) there is a conflict or inconsistency that (2) involves a policy that was adopted for the purpose of avoiding or mitigating an environmental effect and (3) therefore a conflict with such a policy would result in a significant environmental impact.

3.11.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in the CEQA Guidelines Appendix G Environmental Checklist to determine whether land use and planning impacts are significant environmental effects. Would the project:

a) Physically divide an established community.
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.

3.11.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the proposed project and provides mitigation measures where necessary.

Divide an Established Community

Impact LAND-1: The proposed project would not physically divide an established community.

Impact Analysis

Construction

Impacts related to physical division of an established community are limited to operational impacts. No respective construction impacts would occur.

Operation

The physical division of an already established community typically refers to construction of a linear feature, such as an interstate highway, railroad tracks, or the removal of a means of access that would impact mobility within an existing community and an outlying area. The proposed project would include the development of 21 single-family homes and five accessory dwelling units (ADUs).

In addition, while there is currently no development planned on Lot 22, the lot could be developed with a single-family residence in the future. However, future development of this lot would be developed adjacent to an existing road and this development would not involve the removal of a means of access that would impact mobility within an existing community and an outlying area.

The project site is currently vacant, with no structures or existing development. The development of the proposed project would not involve construction of any type of linear feature that would impair mobility within an existing community, nor would it remove a means of access in a manner that would impede travel or otherwise constitute division of an established community. Rather, the proposed project would be designed in accordance with relevant General Plan policies, which would help ensure a cohesive, integrated site and circulation plan. Therefore, the proposed project would have no impact related to dividing an established community.

Level of Significance Before Mitigation

No impact.

Mitigation Measures

None.

Conflict with Applicable Plans, Policies, or Regulations

Impact LAND-2: The proposed project would not 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.

Impact Analysis

Construction

Impacts related to consistency with applicable land use plans and policies are limited to operational impacts. No respective construction impacts would occur.

Operation

Consistency with Airport Land Use Compatibility Plan

The proposed project is not within the Airport Land Use Compatibility Zone. The proposed project does not reach the standard height and distance from an airport that would require Airport Land Use Commission (ALUC) review and Federal Aviation Administration (FAA) notification.

Consistency with Land Use Designation and Zoning

The project site is designated Agriculture by the General Plan. However, as the project site's Williamson Act Contract terminated, its underlying zoning district would apply to the proposed project. The applicable A-2 District permits 1 dwelling unit per 5 acres.

Given that the project site is approximately 102 acres, the existing land use designation for the project site would allow approximately 20 residential lots. The proposed project would include 22 residential lots with development of 21 homes and five ADUs designated as affordable for low-income households. Therefore, the proposed project would not be consistent with the applicable Agriculture designation. However, since the proposed project includes 25 percent of the total base units available for lower income households, the proposed project would qualify for benefits of the State Density Bonus Law. The proposed project would utilize a density bonus to increase the maximum permissible density to increase the number of single-family homes from 20 units to 22 units and to allow for clustering of development on the project site. With utilization of the Density Bonus Law, the proposed project would be consistent with the land use designation for the project site. Thus, impacts related to consistency with the General Plan land use designation would be less than significant.

Moreover, because the proposed project would cluster the residential lots in the southeast corner of the project site, the proposed project would require a rezone to Planned Unit District (P-1) with single-family R-12 development standards. R-12 zoning districts have a minimum lot size of 12,000 square feet, with a minimum lot width and depth of 100 feet. Lot sizes for the proposed project would be above the minimum lot size requirements, ranging in size from 15,705 square feet to 28,091 square feet. Development of the proposed project would be required to adhere to all applicable development standards and design guidelines set forth in the General Plan and the Municipal Code. Therefore, impacts would be less than significant related to consistency with the Town's Zoning Ordinance.

Consistency with General Plan Land Use Goals and Policies

Table 3.11-1 summarizes the proposed project's consistency with relevant goals and policies of the General Plan.

Table 3.11-1: General Plan Consistency Analysis

Element	Goal/Policy		Consistency Determination
	No.	Text	
Planning and Development	1	Assure that future development complements Danville's existing small town character and established quality of life.	**Consistent:** The proposed project would be consistent with the style and character of the adjacent neighborhoods within the Town.

Element	Goal/Policy		Consistency Determination
	No.	Text	
	1.01	Recognize Danville's predominantly single-family residential character and distinctive, historic Downtown retail core in planning and development decisions.	**Consistent:** The proposed project would create 22 lots, as well as develop 21 single-family homes and five deed-restricted ADUs, consistent with the residential character of the Town.
	1.02	Require that new development be generally consistent with the scale, appearance, and small town character of Danville.	**Consistent:** The proposed project would be consistent in scale and appearance of the surrounding uses and Town as a whole. Refer to Section 3.01, Aesthetics, Light, and Glare, for further discussion.
	1.06	Consider the cumulative effects of development on community facilities and services, such as transportation and schools, throughout the planning process.	**Consistent:** As discussed in various sections of this Draft EIR (e.g., Section 3.13, Public Services, and Section 3.15, Transportation), the proposed project has considered its potential cumulative impacts on community facilities and services.
	1.07	Balance development with the preservation of land for open space uses in appropriate areas. *This policy is intended to protect Danville's hillsides, ridgelines, creeks, and other important scenic or natural resources. Consistent with the policies under Goal 2, development on visually or environmentally sensitive sites should set aside substantial areas as open space.*	**Consistent:** The project site would cluster development in the southeastern portion of the project site in order to protect the project site's hillsides and ridgelines by maintaining it as open space. Additionally, the proposed site layout would maintain the existing natural contours of the project site. The proposed project would not impair views from neighboring properties or off-site viewing locations.
	1.08	Protect existing residential neighborhoods from intrusion of incompatible land uses and excessive traffic to the extent reasonably possible.	**Consistent:** The proposed project would not have a significant and unavoidable impact related to traffic on the adjacent neighborhoods, as described in Section 3.16, Transportation, of this Draft EIR. Additionally, the residential land uses of the proposed project would be consistent with the single-family homes located south and west of the project site.
	1.09	In areas where different land uses abut one another, mitigate potential negative impacts through buffering techniques such as landscaping, setbacks, and screening. Similar	**Consistent:** The proposed project site and surrounding areas support residential uses. As such, the proposed project would be consistent with surrounding development.

Element	Goal/Policy		Consistency Determination
	No.	Text	
		methods also may be used between higher-density residential uses and less dense residential uses nearby.	Additionally, to minimize potential impacts to adjacent open space areas, the proposed project would provide appropriate setbacks, landscaping, and buffers to mitigate potential negative impacts.
	2	Integrate new development in a manner that is visually and functionally compatible with the physical character of the surrounding community.	**Consistent:** As discussed in Section 3.1, Aesthetics, Light, and Glare, of this Draft EIR, the proposed project would be consistent in scale, style, and character with the surrounding land uses.
	2.01	Achieve a high standard of residential design through project review and approval for all new residential developments.	**Consistent:** The proposed project would undergo design review and approval to ensure design standards are met.
	2.02	Preserve Danville's visual qualities and the identity of its neighborhoods by restricting development on visible ridges and hillsides, protecting trees and riparian areas, and maintaining open space in the community.	**Consistent:** The proposed project would cluster development in southeastern portion of the project site to avoid development on prominent ridges and hillsides. Additionally, the proposed project would include appropriate setbacks and buffers from potential riparian areas on the project site, as discussed in Section 3.4, Biological Resources.
	2.05	On developable properties with steep hillsides, encourage clustering in the flatter parts, conservation of open space on the steeper parts, and the protection of natural features such as trees, creeks, knolls, ridgelines, and rock outcroppings.	**Consistent:** The proposed project would cluster development in the southeastern portion of the project site to avoid development on steep hillsides.
	2.07	Improve the appearance of the community by encouraging aesthetically designed buildings, screening, adequate setbacks, and landscaping.	**Consistent:** As discussed in Section 3.1, Aesthetics, Light, and Glare, of this Draft EIR, the proposed project would be consistent in scale, style, and character with the surrounding land uses. Furthermore, the proposed project would be consistent with all applicable design standards included in the General Plan and Municipal Code.
	5	Protect the quality and character of Danville's residential neighborhoods	**Consistent:** As discussed in Section 3.1, Aesthetics, Light, and Glare, of this Draft EIR, the proposed project

Element	Goal/Policy		Consistency Determination
	No.	Text	
		while providing opportunities for new housing that meets community needs.	would be consistent in scale, style, and character with the surrounding residential land uses. The proposed project would include residential units to help the Town meet its community housing needs.
	5.03	Through the development and implementation of various housing programs, enable the development of affordable housing at a wide range of densities in a variety of locations.	**Consistent:** The proposed project would include five ADUs available for low-income households.
	6.02	Give priority to developing vacant or underused land within the Town limits prior to extending development outside, unless the needs for housing and economic vitality require development that is difficult to achieve on an infill basis.	**Consistent:** The proposed project would be located on vacant land within the Town limits.
	6.03	Allow new development based on the project's demonstration of a plan for full public services (such as road, parks, fire, police, sanitary sewer, water, and flood control facilities) to which all providers are committed and where service can be assured in a timely manner.	**Consistent:** The proposed project would have less than significant impacts related to public services and utilities and service systems as discussed in Section 3.13, Public Services, and Section 3.16, Utilities and Service Systems.
	6.04	Maintain level of service standards for transportation and parks, and Town policies and programs which ensure that these standards are maintained, within the parameters allowed by state law, as future development occurs.	**Consistent:** The proposed project would maintain existing level of service standards for transportation and parks as discussed in Sections 3.13, Public Services; 3.14, Recreation; and 3.15, Transportation, of this Draft EIR.
	6.07	Pursuant to County Measure J-2004, continue to implement a development mitigation program which ensures that development projects pay the costs necessary to mitigate impacts on the regional transportation system. The Town shall require traffic impact analysis, mitigation, and findings of consistency as appropriate for new development projects in accordance with this program.	**Consistent:** The proposed project would be required to pay all applicable traffic mitigation fees required under County Measure J-2004 associated with the regional transportation system. As discussed in Section 3.15, Transportation, of this Draft EIR, the proposed project completed a traffic impact analysis, which includes mitigation and consistency findings, as necessary.
	6.08	Continue to implement a development mitigation program which ensures that	**Consistent:** As discussed in Section 3.13, Public Services, and Section

Element	Goal/Policy		Consistency Determination
	No.	Text	
		development projects pay their share of the costs of local services (such as roads, parks, fire, police, sanitary sewer, water, and flood control facilities) associated with that development. New development projects may only be approved where the Town finds that adopted minimum performance standards will be observed.	3.16, Utilities and Service Systems, of this Draft EIR, the proposed project would be required to pay all applicable fees and fair-share costs associated with parks, fire, police, sewer, water, and stormwater facilities. Additionally, the chapters listed above include analysis on whether the proposed project would meet minimum performance standards.
Mobility	11	Provide a safe, efficient multimodal circulation system.	**Consistent:** The proposed project would construct internal roadways within the project site to access the single-family homes. Bicycle routes are located approximately 700 feet west of the project site, accessible to the proposed project.
	11.05	Ensure that new development pays its fair share of transportation improvement costs and includes reasonable and effective measures to mitigate its impacts on transportation.	**Consistent:** The proposed project would be required to pay applicable fees to offset the proposed project's fair-share costs of associated transportation improvements.
	12	Create walkable neighborhoods and shopping areas, with streets that safely and comfortably accommodate pedestrians, bicyclists, and transit users as well as motor vehicles.	**Consistent:** The proposed project would include approximately 22-foot-wide internal roadways, which would be able to accommodate pedestrians, bicyclists, and motor vehicles.
	12.02	Require design measures to accommodate access by pedestrians, bicycles, and transit within new development, and to provide connections to adjacent development.	**Consistent:** The proposed project would include adequate pedestrian, bicycle, and vehicle access within its internal network of roads, as well as road connections to Como Way.
	14	Integrate land use and transportation planning to increase the viability of alternative transportation modes, minimize vehicle trips, reduce trip lengths, and make more efficient use of the transportation system.	**Consistent:** The proposed project would include internal sidewalks, allowing for adequate bicycle access, which would increase viability of alternative transportation.
	14.02	Require site-specific traffic studies for development that is likely to generate significant volumes of traffic. If such studies indicate that the development could cause the Town's transportation standards to be exceeded, require modifications to the project and/or	**Consistent:** As discussed in Section 3.15, Transportation, the proposed project has prepared a project-specific Transportation Impact Analysis, which discusses potential impacts to the circulation system and

Element	Goal/Policy		Consistency Determination
	No.	Text	
		impose transportation improvement requirements which ensure that these standards are maintained.	provides mitigation measures, as necessary.
	15	Reduce the adverse effects of vehicle traffic on Danville's neighborhoods and natural environment.	**Consistent:** As discussed in Section 3.15, Transportation, the proposed project would reduce adverse effects of traffic to the greatest extent feasible with the incorporation of mitigation.
	15.02	Implement neighborhood traffic management measures, including physical changes and traffic control devices which increase neighborhood livability and street ambiance, discourage through traffic on residential streets, discourage speeding, and/or ensure vehicle, pedestrian, and bicycle safety.	**Consistent:** As discussed in Section 3.15, Transportation, the proposed project would implement applicable traffic measures to ensure vehicle, pedestrian, and bicycle safety.
	15.03	Require the design of streets in new development areas to incorporate traffic calming features.	**Consistent:** The proposed project would implement required traffic calming features.
	15.06	Maintain and enforce regulations on construction traffic which ensure vehicle safety, limit the potential for nuisance conditions, and reduce conflicts with adjacent uses and traffic patterns.	**Consistent:** The proposed project would enforce applicable construction traffic regulations in accordance with the General Plan and the Municipal Code.
Public Facilities	19.01	Require new development to pay its fair share of the cost of civic and community facilities, based on the impacts attributed to that development.	**Consistent:** The proposed project would be required to pay all applicable fair-share costs associated with civic and community facilities.
	20	Ensure that local water supply, storm drainage, sewerage, streets, and similar facilities are well maintained; improvements meet existing and future needs; and land use decisions are contingent on the adequacy and maintenance of such facilities.	**Consistent:** The proposed project would have less than significant impacts related to stormwater, sewer service, and other utilities as discussed in Section 3.16, Utilities and Service Systems.
	20.02	Coordinate development approvals with the appropriate agencies to ensure that adequate water quantity, quality, and distribution; adequate sewage collection and wastewater treatment capacity; and other utilities can be provided to serve proposed	**Consistent:** The proposed project would ensure that there would be adequate water, sewer, and wastewater treatment capacity and supply in accordance with this requirement prior to project approval. Utilities are discussed further in

Element	Goal/Policy		Consistency Determination
	No.	Text	
		development projects without adverse community impacts.	Section 3.16, Utilities and Service Systems.
	20.03	Ensure that all water and sewer infrastructure is designed to meet the respective standards established by the East Bay Municipal Utility District [EBMUD]and the Central Contra Costa Sanitary District [Central San].	**Consistent:** The proposed project would meet the standards established by the EBMUD and Central San. Utilities are discussed further in Section 3.16, Utilities and Service Systems.
	20.06	Ensure that the costs of upgrading and constructing public facilities needed to serve new development shall be the responsibility of the developers and not existing residents.	**Consistent:** The proposed project would pay the required costs of upgrading and constructing public facilities needed to serve the proposed project.
	20.07	Discourage private infrastructure improvements such as private roads and private storm drainage systems.	**Consistent:** The proposed project would connect to the Town's existing storm drainage system and roads.
	20.08	Protect surface water from pollution by ensuring that stormwater discharges comply with San Francisco Bay Regional Water Quality Control Board (San Francisco Bay RWQCB) requirements.	**Consistent:** The proposed project would comply with the RWQCB's Municipal Regional Stormwater Permit.
Verify Resources and Hazards	21	Protect and enhance Danville's natural features, including its hillsides, ridgelines, creeks, vegetation, and wildlife.	**Consistent:** The proposed project would not include any development on the hillsides of the project site. Additionally, the proposed project would implement appropriate buffers and mitigation measures to avoid impacts to creeks, vegetation, and wildlife as detailed in Section 3.4, Biological Resources.
	21.01	Preserve and enhance natural habitat areas that support wildlife, including large continuous areas of open space and wetland and riparian habitat.	**Consistent:** The proposed project would cluster development in the southeastern portion of the project site in order to provide a large area of open space on the remainder of the project site.
	21.02	Maintain open space in appropriate areas, including areas of scenic beauty, areas of economically viable agriculture, and areas where natural hazards such as flooding and land instability preclude safe development.	**Consistent:** The proposed project would provide open space on the majority of the project site since development would be clustered in the southeastern portion of the project site.
	21.05	Maintain development standards and regulations for hillside grading which	**Consistent:** The proposed project would cluster development in the

Element	Goal/Policy		Consistency Determination
	No.	Text	
		protect public safety, discourage major changes to natural landforms, ensure that adverse visual and aesthetic impacts are minimized, and require that erosion, sedimentation, and other potentially harmful effects of grading are appropriately mitigated.	southeastern portion of the project site, which is more flat than the steep hillside portions of the project site. Additionally, refer to Section 3.7, Geology, Soils, and Seismicity, for a discussion on erosion, sedimentation, and other geological hazards associated with the proposed project.
	21.06	Discourage activities that would harm the health of existing trees. Prevent the unnecessary removal and alteration of such trees, including "protected" trees as defined by the Town's Tree Preservation Ordinance and other trees that contribute to the scenic beauty of the Town. Public and private improvements should be designed to minimize the removal of mature trees, regardless of species. If removal is necessary, trees should be replaced with an appropriate number and species.	**Consistent:** As discussed in Section 3.4, Biological Resources, the proposed project would minimize impacts to existing trees on the project site and would comply with the applicable requirements established in federal, State, and local law.
	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.	**Consistent:** As discussed in Section 3.4, Biological Resources, the proposed project would have a less than significant impact on special-status plant and animal species with the implementation of MM BIO-1a through MM BIO-1n.
	21.08	Where appropriate, encourage the retention and reestablishment of native vegetation in private development and public facility projects.	**Consistent:** The proposed project would include native vegetation in the landscaping for the single-family homes.
	21.09	Require the planting and maintenance of trees along Danville streets. Species should be appropriate for their settings, given considerations such as maintenance and pruning requirements, water needs, potential for sidewalk damage, and view impacts.	**Consistent:** The proposed project would include the installation of street trees along the internal streets of the project site.
	21.10	Require a biological assessment for development proposed on sites that are determined to have the potential to contain special-status species,	**Consistent:** As discussed in Section 3.4, Biological Resources, a project-specific Biological Resources Assessment has been prepared for the proposed project.

Element	Goal/Policy		Consistency Determination
	No.	Text	
		sensitive natural communities, or wetland resources.	
	22.01	Maintain and enhance the natural quality of Danville's creeks, including the riparian vegetation along the banks. Setbacks should be maintained along creeks to maintain their natural appearance, reduce erosion and flood hazards, and protect their ecological functions.	**Consistent:** The proposed project would maintain setbacks from the ephemeral drainages running along the eastern portion of the project site.
	22.02	Require qualifying new development projects and redevelopment projects to comply with the Municipal Regional Permit for stormwater control and treatment.	**Consistent:** The proposed project would comply with the Municipal Regional Permit for stormwater control and treatment.
	24	Minimize the risks to lives and property due to earthquakes, landslides, and other geologic activity.	**Consistent:** The proposed project would reduce risks related to geological hazards. Refer to Section 3.7, Geology, Soils, and Seismicity, for more discussion of the potential geological hazards.
	24.01	Recognize local seismic risks and incorporate earthquake protection measures in the development review process.	**Consistent:** The proposed project would incorporate earthquake design measures as discussed further in Section 3.7, Geology, Soils, and Seismicity.
	24.03	Require soils and geologic reports for all projects proposed in scenic hillside development areas, as defined by the Town's Scenic Hillside and Major Ridgeline Development Ordinance, and in other areas where the potential for landslides, liquefaction, subsidence, or severe ground shaking exists. Assure that development in these areas mitigates potential landslide hazards and other geologic hazards.	**Consistent:** As discussed in Section 3.7, Geology, Soils, and Seismicity, the proposed project has prepared geotechnical reports for the project site and impacts would be reduced to less than significant through the implementation of MM GEO-1.
	24.04	Require all development on hillside sites to be designed and constructed to minimize cutting and filling of slopes, avoid high risk landslide areas, and fully address environmental and aesthetic concerns.	**Consistent:** The proposed project would cluster development in the southeastern portion of the site and would have minimal grading of slopes. The proposed project would reduce environmental and aesthetic impacts to the greatest extent feasible.
	24.05	Prohibit the division of land in a manner that would create a new parcel	**Consistent:** The proposed project would cluster development in the

Element	Goal/Policy		Consistency Determination
	No.	Text	
		that is entirely 30 percent slope or greater, unless the intended use of the new parcel is open space.	southeastern portion of the project site, which is flatter than the other portions of the project site. As such, no parcels would be located entirely within the 30 percent slope or greater.
	24.06	Require that roads and drainage systems constructed in hillside areas are engineered to standards that prevent excessive maintenance and repair costs.	**Consistent:** The proposed project would engineer and construct roads and drainage systems to standards that would prevent excessive maintenance costs. The majority of the construction and roadways would be located in a relatively flat portion of the project site.
	24.07	Maintain structural design and engineering standards which ensure that buildings and infrastructure are constructed to minimize damage resulting from expansive soils, erosion, subsidence, and other local geologic conditions.	**Consistent:** As discussed in Section 3.7, Geology, Soils, and Seismicity, the proposed project would be designed and constructed in accordance with all applicable engineering standards that would minimize damage related to geologic hazards.
	24.09	Ensure that development approvals do not result in the loss of unique paleontological resources or geological features.	**Consistent:** As discussed in Section 3.7, Geology, Soils, and Seismicity, the proposed project would not result in the loss of unique paleontological resources or geological features.
	24.10	Require submittal of a Geotechnical report by a qualified engineering geologist, that specifies the location of active faults, and recommends appropriate setbacks prior to construction of any structure intended for human occupancy within the Alquist-Priolo Earthquake Fault Zone.	**Consistent:** As discussed in Section 3.7, Geology, Soils, and Seismicity, the proposed project has prepared a site-specific geotechnical report that provides an analysis and recommendations related to earthquakes and earthquake fault zones.
	25	Prevent catastrophic fires and minimize the loss of property and life due to fire hazards in Danville.	**Consistent:** The proposed project would be required to apply with all applicable regulations related to fire safety.
	25.01	Require safe roofing and other fire prevention standards for development in high fire hazard areas by maintaining a Fire Safe Roofing Ordinance, in coordination with the San Ramon Valley Fire Protection District.	**Consistent:** The proposed project would include safe roofing and other fire prevention standards, as required.
	25.06	Require the maintenance of “defensible space” (e.g., areas free of	**Consistent:** The proposed project would include the maintenance of

Element	Goal/Policy		Consistency Determination
	No.	Text	
		highly flammable vegetation) around homes in fire prone areas. Require the clearing or thinning of fire prone vegetation within 30 feet of access and evacuation routes, and routes to critical facilities.	defensible space to reduce fire hazards.
	26	Reduce the potential for flooding and minimize the risks to life and property resulting from flooding that does occur in Danville.	**Consistent:** The proposed project would include stormwater drainage features that would minimize flood risks.
	26.01	Take appropriate steps in the development review process to protect life and property from flooding and erosion along local creeks.	**Consistent:** The proposed project would include appropriate setbacks and best management practices (BMPs) to reduce impacts related to flooding and erosion.
	26.03	Require that new development result in runoff rates that are within the 100-year flood capacity of the Town flood control system.	**Consistent:** As discussed in Section 3.10, Hydrology, of this Draft EIR, the proposed project would result in runoff rates that are within the 100-year flood capacity of the Town's flood control system.
	26.06	Encourage, and where appropriate require, the use of detention basins by developers to reduce peak stormwater runoff during significant rainfall events. No net increase in peak flow runoff should be allowed unless adequate drainage capacity exists or other mitigation measures are provided. Where feasible, support the use of common detention facilities serving more than one development.	**Consistent:** The proposed project would include two stormwater detention basins, as described in Chapter 2, Project Description, to ensure that the proposed project would not cause a net increase in peak flow runoff.
	27	Protect existing and future residents of Danville from hazards and nuisance associated with excessive levels of noise by maintaining or reducing noise intrusion levels in all areas of the Town to acceptable levels.	**Consistent:** The proposed project would maintain acceptable noise levels as detailed in Section 3.12, Noise, of this Draft EIR.
	27.01	Ensure that new residential development projects meet acceptable noise level guidelines, as shown in Figure 26 [of the General Plan].	**Consistent:** The proposed project would meet acceptable noise level guidelines as described in the Section 3.12, Noise, of this Draft EIR.
	27.02	Require acoustical studies for major residential and other development projects, as appropriate, and impose noise mitigation measures accordingly.	**Consistent:** As discussed in Section 3.12, Noise, of this Draft EIR, the proposed project has prepared a noise impact analysis, which provides

Element	Goal/Policy		Consistency Determination
	No.	Text	
			mitigation measures, as necessary, to reduce impacts to less than significant.
	27.03	Protect the noise environment in existing residential areas. Where acceptable noise levels in residential areas (as shown on Figure 5—the Land Use Map) would be exceeded or further impacted as a result of new development or transportation improvements, require the use of noise mitigation measures, such as wall barriers, berms, mufflers, sound traps, and baffles to reduce noise intrusion.	**Consistent:** The proposed project would have less than significant impacts related to noise as detailed in Section 3.12, Noise, of this Draft EIR. As such, the noise environment of the existing residential areas would be protected.
	27.04	Encourage the location of noise-sensitive land uses away from noise sources or require appropriate noise screening.	**Consistent:** The proposed project would not locate noise-sensitive land uses near noise sources as detailed in Section 3.12, Noise, of this Draft EIR.
	27.05	Open space should be used, wherever practical, to provide an adequate spatial separator between noise sources and sensitive land uses.	**Consistent:** The proposed project would cluster development in the southeastern portion of the project site, and open space would separate the proposed project's homes from the neighborhood adjacent to the western portion of the project site.
	27.09	Generally maintain exterior noise levels below 60 L_{dn} in areas where outdoor use is a major consideration, such as in residential backyards. Where the Town determines that this level cannot be achieved after reasonable mitigation has been applied, higher standards may be permitted at the discretion of the Town Council. In such cases, indoor noise levels should not exceed an L_{dn} of 45 dB.	**Consistent:** The proposed project would maintain the exterior noise levels below 60 L_{dn} as described in Section 3.12, Noise, of this Draft EIR.
	33	Reduce greenhouse gas (GHG) emissions in the Town of Danville in a manner that is consistent with state law and regional initiatives.	**Consistent:** The proposed project would implement all feasible mitigation measures to reduce greenhouse gas (GHG) emissions in accordance with State and regional regulations, as detailed in Section 3.8, Greenhouse Gas Emissions.
	33.01	Make land use and transportation decisions which promote walking and	**Consistent:** The proposed project would include a network of internal sidewalks, allowing for adequate

Element	Goal/Policy		Consistency Determination
	No.	Text	
		bicycling, and help to sustain public transportation.	bicycle access, which would increase viability of public transportation.
	33.04	During the development review process, impose appropriate mitigation measures on new development to reduce greenhouse gas emissions.	**Consistent:** The proposed project would implement all feasible mitigation measures to reduce greenhouse gas (GHG) emissions as detailed in Section 3.8, Greenhouse Gas Emissions.
	33.05	Ensure compliance with state and federal standards for wood-burning fireplaces and stoves in new or remodeled homes. Consider incentives for homeowners to replace or retrofit existing fireplaces and stoves with low emission alternatives.	**Consistent:** The proposed project would comply with all applicable requirements for wood-burning fireplaces and stoves.
	34.02	Consider air pollution impacts during the local development review process. Development should be located and regulated to minimize the emission of direct and indirect air contaminants.	**Consistent:** The proposed project would be located, regulated, and mitigated to reduce toxic air contaminant (TAC) emissions as detailed in Section 3.3, Air Quality, of this Draft EIR.
	34.03	Implement appropriate controls and "best practice" requirements on construction and grading activities to minimize airborne dust and other particulate matter.	**Consistent:** The proposed project would implement BMPs during construction and grading as discussed in Section 3.3, Air Quality, of this Draft EIR.
	34.06	Consistent with CEQA and the measures necessary to mitigate General Plan impacts, require indoor air filtration systems to reduce particulate concentrations to acceptable levels for projects where there would be a significant cancer risk exposure as defined by the Bay Area Air Quality Management District (Bay Area Air District).	**Consistent:** The proposed project would include indoor air filtration systems as discussed in Section 3.3, Air Quality, of this Draft EIR.
Source: Town of Danville 2030 General Plan (General Plan). 2013.			

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement MM GEO-1.

Level of Significance After Mitigation

Less than significant impact.

3.11.7 - Cumulative Impacts

The geographic context for analysis of cumulative impacts related to land use and planning generally encompasses Contra Costa County, including the Town. Land use decisions for both the proposed project and for cumulative projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1, as well as other relevant cumulative projects as required by CEQA, are made by the Town. Development projects in the Town are required to demonstrate consistency with the Town's General Plan and applicable codes and ordinances. This would ensure that these cumulative projects comply with applicable planning policies and regulations. The proposed project has been determined to be consistent with the General Plan's land use designations, as described above. It also has been determined that the proposed project would not divide an established community. Given the above information, the proposed project, in conjunction with other existing, planned, and probable future projects, would result in a less than significant cumulative impact related to land use and planning, and the proposed project would not have a cumulatively considerable impact on this less than significant cumulative impact.

Level of Cumulative Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

3.12 - Noise

3.12.1 - Introduction

This section describes the existing noise setting and potential effects from project implementation on the site and its surrounding area. Descriptions and analysis in this section are based on noise modeling performed by FirstCarbon Solutions (FCS). The noise modeling output is included in this Draft Environmental Impact Report (Draft EIR) as Appendix H.

No public comments were received during the Draft EIR Notice of Preparation (NOP) scoping period related to noise.

3.12.2 - Environmental Setting

Characteristics of Noise

Noise is generally defined as unwanted or objectionable sound. Sound becomes unwanted when it interferes with normal activities, when it causes actual physical harm, or when it has adverse effects on health. The effects of noise on people can include general annoyance, interference with speech communication, sleep disturbance, and, in the extreme, hearing impairment. Noise effects can be caused by pitch or loudness. *Pitch* is the number of complete vibrations or cycles per second of a wave that result in the range of tone from high to low; higher-pitched sounds are louder to humans than lower-pitched sounds. *Loudness* is the intensity or amplitude of sound.

Sound is produced by the vibration of sound pressure waves in the air. Sound pressure levels are used to measure the intensity of sound and are described in terms of decibels. The decibel (dB) is a logarithmic unit, which expresses the ratio of the sound pressure level being measured to a standard reference level. The 0 point on the dB scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Changes of 3 dB or less are only perceptible in laboratory environments. Audible increases in noise levels generally refer to a change of 3 dB or more, as this level has been found to be barely perceptible to the human ear in outdoor environments. Only audible changes in existing ambient or background noise levels are considered potentially significant.

The human ear is not equally sensitive to all frequencies within the audible sound spectrum, so sound pressure level measurements can be weighted to better represent frequency-based sensitivity of average healthy human hearing. One such specific filtering of sound is called “A-weighting.” A-weighted decibels (dBA) approximate the subjective response of the human ear to a broad frequency noise source by discriminating against very low and very high frequencies of the audible spectrum. They are adjusted to reflect only those frequencies that are audible to the human ear. Because decibels are logarithmic units, they cannot be added or subtracted by ordinary arithmetic means. For example, if one noise source produces a noise level of 70 dB, the addition of another noise source with the same noise level would not produce 140 dB; rather, they would combine to produce a noise level of 73 dB.

Noise Descriptors

There are many ways to rate noise for various intervals, but an appropriate rating of ambient noise affecting humans also accounts for the annoying effects of sound. Equivalent continuous sound level (L_{eq}) is the total sound energy of time-varying noise over a sample period. However, the predominant rating scales for human communities in the State of California are the L_{eq} and Community Noise Equivalent Level (CNEL) or the day-night average level (L_{dn}) based on dBA. CNEL is the time-varying noise over a 24-hour period, with a 5 dBA weighting factor applied to the hourly L_{eq} for noises occurring from 7:00 p.m. to 10:00 p.m. (defined as relaxation hours) and a 10 dBA weighting factor applied to noise occurring from 10:00 p.m. to 7:00 a.m. (defined as sleeping hours). L_{dn} is similar to the CNEL scale but without the adjustment for events occurring during the evening hours. CNEL and L_{dn} are within one dBA of each other and are normally exchangeable. The noise adjustments are added to the noise events occurring during the more sensitive hours.

Other noise rating scales of importance when assessing the annoyance factor include the maximum noise level (L_{max}), which is the highest exponential time-averaged sound level that occurs during a stated time period. The noise environments discussed in this analysis are specified in terms of maximum levels denoted by L_{max} for short-term noise impacts. L_{max} reflects peak operating conditions and addresses the annoying aspects of intermittent noise.

Noise Propagation

From the noise source to the receiver, noise changes both in level and frequency spectrum. The most obvious is the decrease in noise as the distance from the source increases. The manner in which noise reduces with distance depends on whether the source is a point or line source, as well as ground absorption, atmospheric conditions (wind, temperature gradients, and humidity) and refraction, and shielding by natural and manmade features. Sound from point sources, such as an air conditioning condenser, a piece of construction equipment, or an idling truck, radiates uniformly outward as it travels away from the source in a spherical pattern.

The attenuation or sound drop-off rate is dependent on the conditions of the land between the noise source and receiver. To account for this ground-effect attenuation (absorption), two types of site conditions are commonly used in noise models: soft-site and hard-site conditions. Soft-site conditions account for the sound propagation loss over natural surfaces such as normal earth and ground vegetation. For point sources, a drop-off rate of 7.5 dBA per each doubling of the distance (dBA/DD) is typically observed over soft ground with landscaping, as compared with a 6 dBA/DD drop-off rate over hard ground such as asphalt, concrete, stone and very hard packed earth. For line sources, such as traffic noise on a roadway, a 4.5 dBA/DD is typically observed for soft-site conditions compared to the 3 dBA/DD drop-off rate for hard-site conditions. Table 3.12-1 briefly defines these measurement descriptors and other sound terminology used in this section.

Table 3.12-1: Sound Terminology

Term	Definition
Sound	A vibratory disturbance created by a vibrating object which, when transmitted by pressure waves through a medium such as air, can be detected by a receiving mechanism such as the human ear or a microphone.
Noise	Sound that is loud, unpleasant, unexpected, or otherwise undesirable.
Ambient Noise	The composite of noise from all sources near and far in a given environment.
Decibel (dB)	A unitless measure of sound on a logarithmic scale, which represents the squared ratio of sound pressure amplitude to a reference sound pressure. The reference pressure is 20 micropascals, representing the threshold of human hearing (0 dB).
A-Weighted Decibel (dBA)	An overall frequency-weighted sound level that approximates the frequency response of the human ear.
Equivalent Noise Level (L_{eq})	The average sound energy occurring over a specified time period. In effect, L_{eq} is the steady-state sound level that in a stated period would contain the same acoustical energy as the time-varying sound that actually occurs during the same period.
Maximum and Minimum Noise Levels (L_{max} and L_{min})	The maximum or minimum instantaneous sound level measured during a measurement period.
Day-Night Level (DNL or L_{dn})	The energy average of the A-weighted sound levels occurring during a 24-hour period, with 10 dB added to the A-weighted sound levels occurring between 10 p.m. and 7 a.m. (nighttime).
Community Noise Equivalent Level (CNEL)	The energy average of the A-weighted sound levels occurring during a 24-hour period, with 5 dB added to the A-weighted sound levels occurring between 7 p.m. and 10 p.m. and 10 dB added to the A-weighted sound levels occurring between 10 p.m. and 7 a.m.
Source: Data compiled by FirstCarbon Solutions (FCS). 2024.	

Traffic Noise

The level of traffic noise depends on the three primary factors: (1) the volume of the traffic, (2) the speed of the traffic, and (3) the number of trucks in the flow of traffic. Generally, the loudness of traffic noise is increased by heavier traffic volumes, higher speeds, and greater number of trucks. Vehicle noise is a combination of the noise produced by the engine, exhaust, and tires. Because of the logarithmic nature of noise levels, a doubling of the traffic volume (assuming that the speed and truck mix do not change) results in a noise level increase of 3 dBA. Based on the Federal Highway Administration (FHWA)

community noise assessment criteria, this change is “barely perceptible”; for reference, a doubling of perceived noise levels would require an increase of approximately 10 dBA. The truck mix on a given roadway also has an effect on community noise levels. As the number of heavy trucks increases and becomes a larger percentage of the vehicle mix, adjacent noise levels increase.

Stationary Noise

A stationary noise producer is any entity in a fixed location that emits noise. Examples of stationary noise sources include machinery, engines, energy production, and other mechanical or powered equipment and activities such as loading and unloading or public assembly that may occur at commercial, industrial, manufacturing, or institutional facilities. Furthermore, while noise generated by the use of motor vehicles over public roads is preempted from local regulation, although the use of these vehicles is considered a stationary noise source when operated on private property such as at a construction site, a truck terminal, or warehousing facility. The emitted noise from the producer can be mitigated to acceptable levels either at the source or on the adjacent property through the use of proper planning, setbacks, block walls, acoustic-rated windows, dense landscaping, or by changing the location of the noise producer.

The effects of stationary noise depend on factors such as characteristics of the equipment and operations, distance and pathway between the generator and receptor, and weather. Stationary noise sources may be regulated at the point of manufacture (e.g., equipment or engines), with limitations on the hours of operation, or with provision of intervening structures, barriers or topography.

Construction activities are a common source of stationary noise. Construction-period noise levels are higher than background ambient noise levels but eventually cease once construction is complete. Construction is performed in discrete steps, each of which has its own mix of equipment and, consequently, its own noise characteristics. These various sequential phases would change the character of the noise generated on each construction site and, therefore, would change the noise levels as construction progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction-related noise ranges to be categorized by work phase. Table 3.12-2 shows typical noise levels of construction equipment as measured at a distance of 50 feet from the operating equipment.

Table 3.12-2: Typical Construction Equipment Maximum Noise Levels

Type of Equipment	Impact Device? (Yes/No)	Specification Maximum Sound Levels for Analysis (dBA at 50 feet)
Impact Pile Driver	Yes	95
Auger Drill Rig	No	85
Vibratory Pile Driver	No	95
Jackhammers	Yes	85
Pneumatic Tools	No	85
Pumps	No	77
Scrapers	No	85
Cranes	No	85

Type of Equipment	Impact Device? (Yes/No)	Specification Maximum Sound Levels for Analysis (dBA at 50 feet)
Portable Generators	No	82
Rollers	No	85
Bulldozers	No	85
Tractors	No	84
Front-End Loaders	No	80
Backhoe	No	80
Excavators	No	85
Graders	No	85
Air Compressors	No	80
Dump Truck	No	84
Concrete Mixer Truck	No	85
Pickup Truck	No	55

Notes:
dBA = A-weighted decibel
Source: Federal Highway Administration (FHWA) 2006. Highway Construction Noise Handbook, August.

Noise from Multiple Sources

Because sound pressure levels in decibels are based on a logarithmic scale, they cannot be added or subtracted in the usual arithmetical way. Therefore, sound pressure levels in decibels are logarithmically added on an energy summation basis. In other words, adding a new noise source to an existing noise source, both producing noise at the same level, will not double the noise level. Instead, if the difference between two noise sources is 10 dBA or more, the louder noise source will dominate, and the resultant noise level will be equal to the noise level of the louder source. In general, if the difference between two noise sources is 0–1 dBA, the resultant noise level will be 3 dBA higher than the louder noise source, or both sources if they are equal. If the difference between two noise sources is 2–3 dBA, the resultant noise level will be 2 dBA above the louder noise source. If the difference between two noise sources is 4–10 dBA, the resultant noise level will be 1 dBA higher than the louder noise source.

Characteristics of Vibration

Groundborne vibration consists of rapidly fluctuating motion through a solid medium, specifically the ground, which has an average motion of zero and in which the motion's amplitude can be described in terms of displacement, velocity, or acceleration. The effects of groundborne vibration typically only causes a nuisance to people, but in extreme cases, excessive groundborne vibration has the potential to cause structural damage to buildings. Although groundborne vibration can be felt outdoors, it is typically only an annoyance to people indoors where the associated effects of the shaking of a building can be notable. Groundborne noise is an effect of groundborne vibration and only exists indoors, since it is produced from noise radiated from the motion of the walls and floors of a room, and may also consist of the rattling of windows or dishes on shelves.

Several different methods are used to quantify vibration amplitude such as the maximum instantaneous peak in the vibrations velocity, which is known as the peak particle velocity (PPV) or the root mean square (rms) amplitude of the vibration velocity. Because of the typically small amplitudes of vibrations, vibration velocity is often expressed in decibels—denoted as LV—and is based on the reference quantity of 1 microinch per second. To distinguish vibration levels from noise levels, the unit is written as "VdB."

Although groundborne vibration can be felt outdoors, it is typically only an annoyance to people indoors where the associated effects of the shaking of a building can be notable. When assessing annoyance from groundborne vibration, vibration is typically expressed as rms velocity in units of decibels of 1 microinch per second, with the unit written in VdB. Typically, developed areas are continuously affected by vibration velocities of 50 VdB or lower. Human perception to vibration starts at levels as low as 67 VdB. Annoyance due to vibration in residential settings starts at approximately 70 VdB.

Off-site sources that may produce perceptible vibrations are usually caused by construction equipment, steel-wheeled trains, and traffic on rough roads, while smooth roads rarely produce perceptible groundborne noise or vibration. Construction activities, such as blasting, pile driving, and operating heavy earthmoving equipment, are common sources of groundborne vibration. Construction vibration impacts on building structures are generally assessed in terms of PPV. Typical vibration source levels from construction equipment are shown in Table 3.12-3.[1]

Table 3.12-3: Vibration Levels of Construction Equipment

Construction Equipment	PPV at 25 Feet (inches/second)	rms Velocity in Decibels (VdB) at 25 Feet
Water Trucks	0.001	57
Scraper	0.002	58
Bulldozer—small	0.003	58
Jackhammer	0.035	79
Concrete Mixer	0.046	81
Concrete Pump	0.046	81
Paver	0.046	81
Pickup Truck	0.046	81
Auger Drill Rig	0.051	82
Backhoe	0.051	82
Crane (Mobile)	0.051	82
Excavator	0.051	82
Grader	0.051	82
Loader	0.051	82

[1] Federal Highway Administration (FHWA). 2006. Highway Construction Noise Handbook. August.

Construction Equipment	PPV at 25 Feet (inches/second)	rms Velocity in Decibels (VdB) at 25 Feet
Loaded Trucks	0.076	86
Bulldozer—large	0.089	87
Caisson drilling	0.089	87
Vibratory Roller (small)	0.101	88
Compactor	0.138	90
Clam shovel drop	0.202	94
Vibratory Roller (large)	0.210	94
Pile Driver (impact-typical)	0.644	104
Pile Driver (impact-upper range)	1.518	112

Notes:
PPV = peak particle velocity
rms = root mean square
VdB = velocity in decibels
Sources: Federal Transit Administration (FTA). 2018. Transit Noise and Vibration Impact Assessment Manual, September.
Federal Highway Administration (FHWA). 2006. Highway Construction Noise Handbook. August.

The propagation of groundborne vibration is not as simple to model as airborne noise. This is because noise in the air travels through a relatively uniform medium while groundborne vibrations travel through the earth, which may contain significant geological differences. Factors that influence groundborne vibration include:

- **Vibration source:** Type of activity or equipment, such as impact or mobile, and depth of vibration source;
- **Vibration path:** Soil type, rock layers, soil layering, depth to water table, and frost depth; and
- **Vibration receiver:** Foundation type, building construction, and acoustical absorption.

Among these factors that influence groundborne vibration, there are significant differences in the vibration characteristics when the source is underground compared to at the ground surface. In addition, soil conditions are known to have a strong influence on the levels of groundborne vibration. Among the most important factors are the stiffness and internal damping of the soil and the depth to bedrock. Vibration propagation is more efficient in stiff clay soils than in loose sandy soils, and shallow rock seems to concentrate the vibration energy close to the surface, and can result in groundborne vibration problems at large distance from the source. Factors such as layering of the soil and depth to the water table can have significant effects on the propagation of groundborne vibration. Soft, loose, sandy soils tend to attenuate more vibration energy than hard, rocky materials. Vibration propagation through groundwater is more efficient than through sandy soils. There are three main types of vibration propagation: surface, compression, and shear waves. Surface waves, or Rayleigh waves, travel along the ground's surface. These waves carry most of their energy along an expanding circular wave front, similar to ripples produced by throwing a rock into a pool of water. P-waves, or compression waves, are body waves that carry their energy along an expanding spherical wave front. The particle motion in these waves is longitudinal (i.e., in a "push-pull" fashion). P-waves

are analogous to airborne sound waves. S-waves, or shear waves, are also body waves that carry energy along an expanding spherical wave front. However, unlike P-waves, the particle motion is transverse, or side-to-side and perpendicular to the direction of propagation.

As vibration waves propagate from a source, the vibration energy decreases in a logarithmic nature and the vibration levels typically decrease by 6 VdB per doubling of the distance from the vibration source. As stated above, this drop-off rate can vary greatly depending on the soil type, but it has been shown to be effective enough for screening purposes, in order to identify potential vibration impacts that may need to be studied through actual field tests. The vibration level (calculated below as "PPV") at a distance from a point source can generally be calculated using the vibration reference equation:

$$PPV = PPV_{ref} * (25/D)^n \text{ (in/sec)}$$

Where:

PPV_{ref} = reference measurement at 25 feet from vibration source
D = distance from equipment to the receptor
n = vibration attenuation rate through ground

According to Section 7 of the Federal Transit Administration (FTA) Transit Noise and Vibration Impact Assessment Manual, an "n" value of 1.5 is recommended to calculate vibration propagation through typical soil conditions.[2]

Existing Noise Levels

Ambient Noise

The project site is located within the Town of Danville in Contra Costa County, California. Surrounding the project site are low-density residential uses to the west, Crow Canyon Country Club Driving Range to the east, and open space to the north and immediate south. The project site is located in a relatively quiet area, and the primary noise sources audible on the project site are vehicles on local roadways and suburban residential land use stationary noise sources, such as mechanical ventilation equipment or pool pump operations and standard yard maintenance equipment operations.

3.12.3 - Regulatory Framework

Federal

Noise Control Act

The adverse impact of noise was officially recognized by the federal government in the Noise Control Act of 1972, which serves three purposes:

- Promulgating noise emission standards for interstate commerce
- Assisting state and local abatement efforts
- Promoting noise education and research

[2] Federal Transit Administration (FTA). 2018. Transit Noise and Vibration Impact Assessment Manual. September.

The federal Office of Noise Abatement and Control (ONAC) was initially tasked with implementing the Noise Control Act. However, the ONAC has since been eliminated, leaving the development of federal noise policies and programs to other federal agencies and interagency committees.

Among the agencies now regulating noise are the Occupational Safety and Health Administration (OSHA), which limits noise exposure of workers to 90 dB L_{eq} or less for 8 continuous hours or 105 dB L_{eq} or less for 1 continuous hour; the United States Department of Transportation (USDOT), which assumed a significant role in noise control through its various operating agencies; and the Federal Aviation Administration (FAA), which regulates noise of aircraft and airports. Surface transportation system noise is regulated by a host of agencies, including the FTA. Transit noise is regulated by the federal Urban Mass Transit Administration, while freeways that are part of the interstate highway system are regulated by the FHWA. Finally, the federal government actively advocates that local jurisdictions use their land use regulatory authority to arrange new development in such a way that "noise-sensitive" uses are either prohibited from being sited adjacent to a highway, or alternatively, that developments are planned and constructed in such a manner that minimize potential noise impacts.

Since the federal government has preempted the setting of standards for noise levels that can be emitted by transportation sources, local jurisdictions are limited to regulating the noise generated by the transportation system through nuisance abatement ordinances and land use planning.

Federal Transit Administration Standards and Guidelines

FTA has established industry-accepted standards for vibration impact criteria and impact assessment. These guidelines are published in its Transit Noise and Vibration Impact Assessment Manual. The FTA guidelines include thresholds for construction vibration impacts for various structural categories as shown in Table 3.12-4.

Table 3.12-4: Federal Transit Administration Construction Vibration Impact Criteria

Building Category	PPV (in/sec)	Approximate VdB
I. Reinforced Concrete, Steel, or Timber (no plaster)	0.5	102
II. Engineered Concrete and Masonry (no plaster)	0.3	98
III. Nonengineered Timber and Masonry Buildings	0.2	94
IV. Buildings Extremely Susceptible to Vibration Damage	0.12	90

Notes:
PPV = peak particle velocity
VdB = velocity in decibels
Source: Federal Transit Administration (FTA). 2018. Transit Noise and Vibration Impact Assessment Manual. September.

The FTA has also established criteria for the assessment of construction noise impacts. The FTA's daytime and nighttime criteria are shown in Table 3.12-5. According to the FTA, exceedances of these criteria may result in adverse community reaction.

Table 3.12-5: Federal Transit Administration Construction Noise Impact Criteria

Land Use	$L_{eq\ equipment\ (8hr)}$	
	Day	Night
Residential	80	70
Commercial	85	85
Industrial	90	90

Notes:
$L_{eq\ equipment\ (8hr)}$ = equipment noise level in L_{eq} (equivalent noise/sound level) over an 8-hour time period. The analysis assumes that the L_{eq} over this time period would be approximately equal to the L_{eq} over a single construction workday, from start to finish of that day's activities.

Source: Federal Transit Administration (FTA). 2018. Transit Noise and Vibration Impact Assessment Manual. September.

State

California General Plan Guidelines

Established in 1973, the California Department of Health Services Office of Noise Control was instrumental in developing regularity tools to control and abate noise for use by local agencies. One significant model is the Land Use Compatibility for Community Noise Environments Matrix, which allows the local jurisdiction to delineate compatibility of sensitive uses with various incremental levels of noise.[3]

Government Code Section 65302 mandates that the legislative body of each county and city in California adopt a noise element as part of its comprehensive general plan. The local noise element must recognize the land use compatibility guidelines published by the State Department of Health Services. The guidelines rank noise/land use compatibility in terms of normally acceptable, conditionally acceptable, normally unacceptable, and clearly unacceptable. The project is also subject to review under the California Environmental Quality Act (CEQA). Appendix G of the CEQA Guidelines provides impact thresholds for potential noise and vibration impacts. The Town of Danville had developed its own CEQA thresholds, which are listed in the Thresholds of Significance section below.

California Building Standards Code

California has established noise insulation standards for new hotels, motels, apartment houses, and dwellings (other than single-family detached housing). These requirements are provided in the California Building Standards Code (CBC) (California Code of Regulations [CCR] Title 24).[4] The 2022 CBC was published on July 1, 2022, with an effective date of January 1, 2023. As provided in the CBC, the noise insulation standards set forth an interior standard of 45 dBA CNEL as measured from within a structure's interior. When such structures are located within a 65-dBA CNEL (or greater) exterior noise contour associated with a traffic noise along a roadway, an acoustical analysis is

[3] California Department of Health Services Office of Noise Control, "Land Use Compatibility for Community Noise Environments Matrix," 1976.
[4] California Building Standards Commission. 2019. California Building Standards Code (CCR Title 24), January 1.

required to ensure that interior levels do not exceed the 45-dBA CNEL threshold. Title 24 standards are typically enforced by local jurisdictions through the building permit application process.

Assembly Bill No. 1307

Assembly Bill No. 1307 went into effect January 1, 2024. This bill clarifies that "for residential projects, the effects of noise generated by project occupants and their guests on human beings is not a significant effect on the environment."[5] Therefore, this analysis does not address potential noise impacts from future occupants and their guests on sensitive receptors in the project vicinity.

Local

Town of Danville 2030 General Plan

The Town of Danville addresses noise in the Noise Element of the General Plan. Relevant goals and policies that are applicable to the project are listed below.

Goal 27 Protect existing and future residents of Danville from hazards and nuisance associated with excessive levels of noise by maintaining or reducing noise intrusion levels in all areas of the Town to acceptable levels.

27.02 Require acoustical studies for major residential and other development projects, as appropriate, and impose noise mitigation measures accordingly.

27.03 Protect the noise environment in existing residential areas. Where acceptable noise levels in residential areas would be exceeded or further impacted as a result of new development or transportation improvements, require the use of noise mitigation measures, such as wall barriers, berms, mufflers, sound traps, and baffles to reduce noise intrusion.

27.04 Encourage the location of noise-sensitive land uses away from noise sources or require appropriate noise screening.

27.05 Open space should be used, wherever practical, to provide an adequate spatial separator between noise sources and sensitive land uses.

27.08 Require noise monitoring as needed to determine changes in noise levels over time, measure the effectiveness of project conditions of approval, and to ensure that appropriate mitigation programs are developed.

27.09 Generally maintain exterior noise levels below 60 Ldn in areas where outdoor use is a major consideration, such as in residential backyards. Where the Town determines that this level cannot be achieved after reasonable mitigation has been applied, higher standards may be permitted at the discretion of the Town Council. In such cases, indoor noise levels should not exceed an Ldn of 45 dB. Development sites exposed to noise levels exceeding 60 Ldn shall be analyzed following protocols in

[5] California Legislative Information. Assembly Bill No. 1307. Accessed on: December 26, 2023. Website: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1307

Appendix Chapter 12, Section 1207 Sound Transmission of the 2010 California Building Code (or the latest revision).

27.12 Require the preparation of groundborne vibration studies by qualified professionals in accordance with industry-accepted methodology where heavy construction activities involving significant site grading, underground, or foundation work will occur within 50 feet of residential or other vibration sensitive uses. Vibration studies may also be required for projects involving significant increases in the operation of heavy vehicles such as trucks and buses. Applicable and feasible vibration reduction measures shall be incorporated into project plans.

27.13 Utilize noise reduction measures during all phases of construction activity to minimize the exposure of neighboring properties to excessive noise levels. Construction activities are required to comply with the Town's Noise Ordinance limitations on hours and days of operations.

Town of Danville Municipal Code

The Town has adopted a Noise Ordinance that establishes noise standards limiting permissible hours of construction in Municipal Code Section 4-2.4. This ordinance prohibits a person from performing construction or repair work (which creates noise) within or adjacent to a residential land use district except Monday through Friday, 7:30 a.m. to 7:00 p.m., and on Saturdays, Sundays, and holidays from 9:00 a.m. to 7:00 p.m.

3.12.4 - Methodology

Construction Noise Analysis Methodology

A worst-case scenario was analyzed assuming each piece of modeled equipment would operate simultaneously at the nearest reasonable locations to the closest noise-sensitive receptor for the loudest phase of construction. Noise emission levels recommended by FHWA's Highway Construction Noise Handbook were used to ascertain the noise generated by specific types of construction equipment. The calculation spreadsheet with the detailed modeling assumptions is included in Appendix H.

Traffic Noise Modeling Methodology

Traffic noise levels along selected roadway segments in the project vicinity were modeled using the FHWA Traffic Noise Prediction Model (FHWA-RD-77-108). Site-specific information is entered, such as roadway traffic volumes, roadway active width, source-to-receiver distances, travel speed, noise source and receiver heights, and the percentages of automobiles, medium trucks, and heavy trucks that the traffic is made up of throughout the day, among other variables. The average daily traffic volumes were obtained from the traffic analysis prepared for the proposed project by W-Trans.[6] The traffic volumes described herein correspond to the traffic scenarios analyzed in the traffic study. The calculation spreadsheet with detailed modeling assumptions is included in Appendix H.

[6] W-Trans. 2024. Transportation Impact Study for the Martin Hills Ranch Project. September 19.

Stationary Noise Source Analysis Methodology

The proposed project would generate noise from new mechanical equipment sources. To provide a conservative analysis, the highest end of the range of reference noise levels for these stationary noise sources, the usage factors of these activities and the distance to the nearest sensitive receptor land uses was used to calculate the conservative worst-case hourly average noise levels from each noise source as measured at the nearest sensitive receptor land uses. The calculation spreadsheet with the detailed modeling assumptions is included in Appendix H.

Vibration Impact Analysis Methodology

Conservative worst-case construction vibration levels are identified based on reference vibration levels for construction equipment identified in Table 3.12-3. The Town of Danville has not adopted criteria for groundborne vibration impacts. Therefore, for purposes of this analysis, the FTA's vibration impact criteria summarized in Table 3.12-4 are utilized. The potential for permanent operational groundborne vibration impacts from the proposed project, including from trucks traveling on local roadways are also calculated as measured at the nearest adjoining structures to such activities.

3.12.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in CEQA Guidelines Appendix G Environmental Checklist to determine whether noise impacts resulting from the implementation of the proposed project would be considered significant if the project would cause:

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

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

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

3.12.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the project and provides mitigation measures where appropriate.

Substantial Noise Increase in Excess of Standards

Impact NOI-1:	**The proposed project would not generate 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.**

Impact Analysis

Construction

For the purposes of this analysis, a significant impact would occur if construction activities would result in a substantial temporary increase in ambient noise levels in excess of the Town's applicable noise standards. A significant impact would occur if construction activities do not comply with Section 4-2.4 of the Municipal Code, limiting general construction activities to 7:30 a.m. to 7:00 p.m., Monday through Friday; and 9:00 a.m. to 7:00 p.m. on Saturdays, Sundays and holidays.

While the Town does not establish noise level thresholds for construction activities, this analysis uses the noise limits established by the FTA to identify the potential for impacts due to substantial temporary construction noise. The Federal Transit Administration (FTA) identifies construction noise limits in the Transit Noise and Vibration Impact Assessment Manual.[7] During daytime hours, an exterior threshold of 80 dBA L_{eq} shall be enforced at residential land uses, 85 dBA L_{eq} at commercial land uses, and 90 dBA L_{eq} at industrial land uses.

Construction-related Traffic Noise

Noise impacts from construction activities associated with the project would be a function of the noise generated by construction equipment, equipment location, sensitivity of nearby land uses, and the timing and duration of the construction activities. One type of short-term noise impact that could occur during project construction would result from the increase in traffic flow on local streets associated with the transport of workers, equipment, and materials to and from the project site. The transport of workers and construction equipment and materials to the project site would incrementally increase noise levels on access roads leading to the site. Because workers and construction equipment would use existing routes, noise from passing trucks would be similar to existing vehicle-generated noise on these local roadways. Typically, a doubling of the Average Daily Traffic (ADT) hourly volumes on a roadway segment is required in order to result in an increase of 3 dBA in traffic noise levels; which, as discussed in the characteristics of noise discussion above, is the lowest change that can be perceptible to the human ear in outdoor environments. The proposed project's construction trucks would represent a small fraction of daily traffic that would below the numbers necessary to generate barely noticeable noise increases. As such, the proposed project's haul trucks would not result in noticeable (much less substantial) noise increases along surrounding roadways, and this impact would be less than significant. Therefore, short-term construction-related noise impacts associated with the transportation of workers and equipment to the project site would be less than significant.

Construction Equipment Operational Noise

Construction of the proposed project would generate noise during the approximate 12-month schedule of demolition, site preparation, grading, building construction, paving, and architectural coatings activities.

Noise from grading activities is typically the foremost concern when evaluating a project's construction noise impact as grading activities often require extensive use of heavy-duty, diesel-powered earthmoving equipment. For the proposed project, grading would have the greatest—and

[7] Federal Transit Administration, 2018, Transit Noise and Vibration Impact Assessment Manual, September.

noisiest—construction vehicle requirements, as a fleet of grading vehicles would be required to grade the project site and off-site areas. Other construction phases would have reduced vehicle requirements. For example, building construction could at times require a crane truck, several construction forklifts, and skid steer loaders. These vehicles are much less powerful than the types of heavy-duty excavators, graders, and bulldozers that would be required to grade the project site. Given this consideration, the following analysis assesses noise impacts that may result from the proposed project's grading activities.

Grading and site preparation for the proposed project is estimated to last approximately 13 days. The bulk of grading activities would be characterized by extensive use of a grader, which would be utilized across the project site to level the site and establish proper slopes and drainages.

The nearest off-site noise-sensitive receptors to the proposed residential lots on the project site is a single-family residential home located on Como Way, approximately 200 feet of the site's nearest residential lot boundary. At this distance, conservative worst-case construction noise levels would attenuate to 67 dBA L_{eq} when site preparation and grading of the residential lots is performed.

The proposed project will also include the construction of the access roadway, which will be a continuation of Como Way. The roadway construction activities would occur within approximately 65 feet of the nearest existing residential receptors. At this distance, conservative worst-case construction noise levels would attenuate to 78 dBA L_{eq}. The noise calculation spreadsheet with detailed modeling assumptions is provided in Appendix H.

However, conservative worst-case construction noise levels would occur only periodically throughout the day as construction equipment operates across the project site. Furthermore, the proposed project would comply with the Town's restrictions on hours of construction activity; therefore, it would not result in any temporary increase in nighttime noise levels that could result in annoyance or sleep disturbance of nearby receptor. These noise levels would not exceed the FTA's daytime noise performance standard of 80 dBA L_{eq} at residential land uses. Therefore, project construction noise impacts would be less than significant.

Operation

Mobile Source Operational Noise Impacts

A significant impact would occur if project-generated traffic would result in a substantial increase in ambient noise levels compared with those that would exist without the proposed project. Typically, a doubling of the hourly or daily average traffic volumes on a roadway segment is required in order to result in an increase of 3 dBA in traffic noise levels, which, as discussed in the Characteristics of Noise section above, is the lowest change that can be perceptible to the human ear in outdoor environments. Therefore, for purposes of this analysis, the Town, at its discretion, has chosen to define a substantial noise increase as occurring if the proposed project would cause the L_{dn} at noise-sensitive receptors to increase by 3 dBA L_{dn} or more compared to conditions that would exist without the proposed project, as measured at a receiving noise-sensitive land use.

The FHWA highway traffic noise prediction model (FHWA-RD-77-108) was used to evaluate existing and existing plus project-related traffic noise conditions along modeled roadway segments in the vicinity of

the project site. Traffic modeling was performed using the data obtained from the project-specific traffic impact study conducted by W-Trans.[8] The resultant noise levels were weighed and summed over a 24-hour period to determine the L_{dn} values. The traffic noise modeling input and output files—including the 60 dBA, 65 dBA, and 70 dBA L_{dn} noise contour distances—are included in Appendix H.

Table 3.12-6 provides a summary of the traffic noise levels under existing and existing plus project conditions. The modeling data shows that project-related traffic would result in an increase in overall traffic noise levels of 1.4 dBA as measured at the nearest residences to the proposed project site (the residences located at the east end of Como Way, nearest to the project entrance). This increase is below a 3 dBA increase that would be considered a significant increase. Therefore, the proposed project would not result in a substantial permanent increase in ambient noise levels from project-generated traffic trips and mobile source operational noise impacts would be **less than significant.**

Table 3.12-6: Traffic Noise Modeling Results Summary

Roadway Segment	L_{dn} (dBA) 50 feet from Centerline of Outermost Lane					
	Existing	Existing Plus Project (dBA)	Combined Existing Traffic Noise Levels at Nearest Off-site Residence (dBA)	Combined Existing Plus Project Traffic Noise Levels at Nearest Off-site Residence (dBA)	Increase from Existing Conditions (dBA)	Exceed Significance Criteria of 3 dBA Increase? of 3 dBA Increase? (Yes/No)
El Capitan Drive–north of Como Way	58.4	58.4	48.8	50.2	1.4	No
El Capitan Drive–south of Como Way	58.4	58.7				
Como Way–east of El Capitan Drive	38.1	44.9				

Notes:
L_{dn} = Day/Night Noise Level
dBA = A-weighted decibel
Modeling results do not take into account mitigating features such as topography, vegetative screening, fencing, building design, or structure screening. Rather, they assume a worst-case scenario of having a direct line of site on flat terrain.
Source: FirstCarbon Solutions. 2026.

Operational Stationary Source Noise Impacts

A significant impact would occur if operational noise levels generated by stationary noise sources at the project site would result in a substantial permanent increase in ambient noise levels in excess the Town's normally acceptable exterior noise limit of 60 dBA L_{dn} in areas where outdoor use is a major consideration, such as in residential backyards.

Implementation of the proposed project would include operation of new mechanical ventilation equipment. Current operational noise specifications for new residential-grade mechanical ventilation equipment systems range from 50 dBA to 70 dBA L_{eq} at a distance of 3 feet.

[8] W-Trans. 2024. Transportation Impact Study for the Martin Hills Ranch Project. September 19.

The proposed project would have residential-grade mechanical ventilation equipment for each proposed residential unit. The nearest off-site noise-sensitive receptor to the proposed residential lots on the project site is a single-family residential home located on Como Way. Proposed mechanical ventilation equipment could be located as close as 150 feet from this nearest off-site receptor. At this distance, resulting noise levels would attenuate to 18 dBA L_{eq}. The noise calculation spreadsheet with detailed modeling assumptions is provided in Appendix H.

These noise levels would not exceed the Town's noise performance standard of 60 dBA L_{dn} for receiving residential land uses. In addition, these noise levels would not be audible above existing ambient noise levels at the nearest residential receptors as they would also have similar existing operating mechanical ventilation equipment systems. Therefore, mechanical ventilation equipment operational noise levels would not result in a substantial permanent increase in ambient noise levels in excess of any of the Town's noise performance thresholds and would represent a less than significant impact.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

Groundborne Vibration/Noise Levels

Impact NOI-2:	**The proposed project would not result in generation of excessive groundborne vibration or groundborne noise levels.**

Impact Analysis

This section analyzes both construction and operational groundborne vibration impacts. The Town has not adopted criteria for groundborne vibration impacts. Therefore, for purposes of this analysis, the Town, at its discretion, has chosen to apply the Federal Transit Administration's (FTA's) vibration impact criteria outlined in the Transit Noise and Vibration Impact Assessment Manual.[9] These criteria provide guidance for assessing the potential for construction- and operation-related groundborne vibration to result in adverse effects at nearby sensitive receptors.

Short-term Construction Vibration Impacts to Off-site Receptors

A significant impact would occur if existing structures at the project site or in the project vicinity would be exposed to excessive groundborne vibration levels.

Of the variety of equipment used during construction, the large vibratory rollers that are anticipated to be used in the construction of internal roadways for the proposed project would produce the greatest groundborne vibration levels. Large vibratory rollers produce groundborne vibration levels ranging up to 0.201 in/sec PPV at 25 feet from the operating equipment.

[9] Federal Transit Administration, 2018, Transit Noise and Vibration Impact Assessment Manual, September.

The nearest off-site receptor to the project construction footprint are the residential structures located west of the project site on Como Way near where the construction activity for the access roadway would occur. The façade of the nearest residence would be located approximately 65 feet from the nearest construction footprint where the large vibratory rollers would potentially operate. At this distance, groundborne vibration levels would range up to 0.04 PPV from operation of the types of equipment that would produce the highest vibration levels. This is well below the FTA's construction vibration damage criteria of 0.2 PPV for a structure made of nonengineered timber and masonry. Therefore, the impact to off-site receptors from short-term groundborne vibration associated with construction would be less than significant.

Operational Vibration Impacts

Implementation of the proposed project would not include any operational sources that would expose persons in the project vicinity to excessive groundborne vibration levels that could be perceptible without instruments at any existing sensitive land use in the project vicinity. In addition, there are no existing significant operational sources of groundborne vibration in the project vicinity to which the proposed project would be exposed. Therefore, project operational groundborne vibration level impacts would be considered less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

Excessive Noise Levels from Airport Activity

Impact NOI-3:	**The proposed project would not expose people residing or working in the project area to excessive noise levels 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.**

Impact Analysis

A significant impact would occur if the project would expose people residing or working in the project area to excessive noise levels 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 2 miles of a public airport or public use airport.

The project site is not located within the vicinity of a private airstrip. The nearest public airport to the project site is Livermore Municipal Airport, located approximately 9.82 miles northeast of the project site. Because of the distance to the airport and the orientation of the runways, the project site lies outside of the 60 dBA CNEL noise contours of the airport. Therefore, implementation of the project would not expose persons residing or working in the project vicinity to noise levels from airport activity that would be in excess of normally acceptable standards for the proposed land use development and no impact would occur.

Level of Significance Before Mitigation

No impact.

Mitigation Measures

None.

3.12.7 - Cumulative Impacts

Impact Analysis

Construction Noise

The geographic scope of the cumulative noise analysis is limited by the range of potential noise impacts. Noise impacts tend to be localized; therefore, noise impacts for traffic and stationary noise sources are limited to approximately 500 feet from the source. No cumulative long-term construction projects are located within 0.25 miles of the project site that would contribute to a cumulative construction noise impact. Therefore, cumulative construction noise impacts would be less than significant. In addition, as shown in the construction noise impact analysis above, project-related construction noise impacts would not result in a substantial temporary increase in ambient noise levels as measured at the nearest sensitive receptors in the project vicinity. Therefore, the proposed project would not result in a potentially significant cumulatively considerable contribution to temporary construction noise levels in the project vicinity. This impact would be less than significant.

Operational Traffic Noise

The significance threshold for a cumulative traffic noise impact would be a substantial permanent increase in traffic noise levels in the vicinity of the project along any roadway segment that already experiences noise levels in excess of normally acceptable standards for adjacent land uses.

As summarized in Table 3.12-6 above, existing combined traffic noise levels at the nearest off-site receptors to the project site are 48.8 dBA Ldn. These noise levels are considered normally acceptable for residential land uses and do not constitute an existing cumulative noise impact. Therefore, since there is not an existing cumulative traffic noise impact in the project vicinity, implementation of the proposed project would result in a less than significant cumulative impact related to traffic noise. In addition, as shown in the mobile source operational noise impact discussion above, the proposed project's new trips would result in even a 3 dBA increase in traffic noise levels in the project vicinity. Therefore, project-related traffic noise increases in the project vicinity would be below a level that would be considered a substantial, or even perceptible, increase in traffic noise levels. Therefore, implementation of the proposed project would not result in a potentially significant cumulatively considerable contribution to traffic noise impacts in the project vicinity. This impact would be less than significant.

Operational Stationary Noise Impacts

The geographic scope of the cumulative noise analysis is limited by the range of potential noise impacts. Noise impacts tend to be localized; therefore, noise impacts for stationary noise sources are limited to 500 feet from the source.

The project site is located in a relatively quiet area, and the primary noise sources audible on the project site are vehicles on local roadways and suburban residential land use stationary noise sources, such as mechanical ventilation equipment or pool pump operations and standard yard maintenance equipment operations. These existing stationary noise sources would not constitute an existing cumulative stationary noise impact. Therefore, since there is not a cumulative stationary source noise impact in the project vicinity, implementation of the proposed project would result in a less than significant cumulative impact related to stationary source noise. In addition, as shown in the analysis above, combined noise levels from stationary noise source operations would attenuate to below 35 dBA L_{max} at the nearest off-site residential receptors. These noise levels would not be audible above existing ambient noise levels as measured at the nearest sensitive receptors. Therefore, implementation of the proposed project would not result in a potentially significant cumulatively considerable contribution to stationary source noise impacts in the project vicinity. This impact would be less than significant.

Construction Vibration Impacts

Construction-related groundborne vibration impacts are very localized; therefore, only areas within approximately 50 feet of a construction site could potentially be affected by groundborne vibration resulting from construction activities. There are no major long-term development projects undergoing construction in the project vicinity that would constitute an existing cumulative groundborne vibration impact. Therefore, since there is not an existing cumulative groundborne vibration impact in the project vicinity, implementation of the proposed project would result in a less than significant cumulative impact related to construction groundborne vibration. Therefore, implementation of the proposed project would not result in a potentially significant cumulatively considerable contribution to construction vibration impacts in the project vicinity. This impact would be less than significant.

Operational Groundborne Vibration Impacts

The only cumulatively considerable contribution to groundborne vibration conditions in the project vicinity would result from introduction of new permanent sources of groundborne vibration to an existing impacted environment. Implementation of the proposed project would not include any permanent sources that would expose persons in the project vicinity to groundborne vibration levels that could be perceptible without instruments at any existing sensitive land use in the project vicinity. In addition, there are no existing significant permanent sources of groundborne vibration in the project vicinity to which the proposed project would be exposed. Therefore, implementation of the proposed project would not result in a potentially significant cumulatively considerable contribution to groundborne vibration conditions in the project vicinity. This impact would be less than significant.

Level of Cumulative Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

3.13 - Public Services

3.13.1 - Introduction

This section describes the existing conditions related to public services in the Town of Danville (Town) and project area, as well as the relevant regulatory framework. This section also evaluates the possible impacts related to public services that could result from project implementation of the proposed project. Descriptions and analysis in this section are based, in part, on information from San Ramon Valley Fire Protection District (SRVFPD), Danville Police Department (DPD), San Ramon Valley Unified School District (SRVUSD), Central Contra Costa Sanitary District (Central San), Town of Danville Recreation, Arts, and Community Services Department, and the Danville Public Library. FirstCarbon Solutions (FCS) sent Public Service Questionnaires to the SRVFPD, the DPD, the Town of Danville Recreation, Arts, and Community Services Department, the Danville Public Library, and the SRVUSD.

No public comments were received during the Draft Environmental Impact Report (Draft EIR) Notice of Preparation (NOP) scoping period related to public services.

3.13.2 - Environmental Setting

Fire Protection and Emergency Medical Services

Town of Danville

Fire Services for the Town are provided by the SRVFPD, located at 1500 Bollinger Canyon Road. The SRVFPD is an autonomous special district responsible for providing emergency and non-emergency services to the community. The SRVFPD's service area encompasses approximately 155 square miles, covering the communities of Alamo, Blackhawk, Diablo, the Town, the City of San Ramon, the southern boundary of Morgan Territory, and the Tassajara Valley, all located in Contra Costa County.[1] The SRVFPD has mutual aid agreements with Contra Costa Fire Protection District and the Alameda County Fire Department.[2]

The SRVFPD operates out of 10 fire stations, two annex buildings, one training site, and one Administrative Office building. The nearest fire station to the project site is Station 34, located at 12599 Alcosta Boulevard in the Town, approximately 1.83 miles south of the project site.[3]

The SRVFPD employs 188 personnel, in addition to approximately 50 volunteers within two separate volunteer programs, and staffs 11 companies, including structure and wildland engines; ladder trucks; five Advanced Life Support (ALS) ambulances and specialized Hazardous Materials; Rescue; Communications; and other support units. The SRVFPD operates its own Communications Center, staffed daily with four dispatchers, and all other Administrative personnel reside at the Administrative Office. There are 11 paid emergency response companies and five ALS ambulances that can be deployed for an emergency within the boundaries of the SRVFPD. On average, there are

[1] Town of Danville. 2025. Fire Services. Website: https:// www.danville.ca.gov/304/Fire-Services. Accessed February 12, 2025.
[2] Wendel, Roy. Plans Examiner | Fire Investigator, San Ramon Valley Fire Protection District: Community Risk Reduction Division. Personal communication: email. April 6, 2023
[3] Ibid.

47 personnel working per day, which includes: two Battalion Chiefs, two Single Role Paramedics, 11 Captains, 11 Engineers, and 21 Firefighter Paramedics.[4] The SRVFPD serves as the primary Emergency Operations Center (EOC) location for the Town of Danville.[5]

The Town partners with the City of San Ramon, the SRVFPD, and the SRVUSD to coordinate disaster response and educate residents on preparedness measures.

Code enforcement is important to reducing the risk of catastrophic wildfires. The SRVFPD has adopted standards for Exterior Hazard Abatement. Residents are annually informed of these standards, which are intended to address overgrowth of grasses, weeds, shrubbery, or trees. SRVFPD has a field inspection program and may assess fees or place liens on non-compliant properties.

Consistent with State law, in 2008 the Town declared certain areas as Very High Fire Hazard Severity Zones. The project site is located in a combination of Very High Wildfire Threat to Development and an Area of High Landslide Susceptibility. Buildings on properties in the Very High Fire Hazard Severity Zone must comply with specified building requirements that increase their ability to resist the intrusion of flames or burning embers by a vegetation fire.[6]

Apparatus

The fleet consists of 10 Type 1 engines, three Type 1 Tractor Driven Aerial Ladder Trucks (100's), one reserve ladder truck, 12 Wildland units (10 Type 3 engines and two Type 6 engines). For responses to incidents in rural communities, the SRVFPD is equipped with one 1,500-gallon all-wheel water tender (with 60 gallons of Aqueous Film Forming Foam), one 2,800-gallon water tender with a 3,000-gallon porta-tank, and one 2,500-gallon all-wheel-drive water tender with a 2,100-gallon portable tank. In addition, the SRVFPD maintains eight Type 1 Engines and one type 1 Aerial Ladder Truck as reserves to be employed as needed. [7]

Service Ratio

The SRVFPD serves a population of approximately 196,000, which grows by approximately 30,000 during business days with the influx of personnel employed in the Bishop Ranch Business Park.[8] Therefore, the SRVFPD has a current service ratio of approximately slightly less than one full-time firefighter and emergency medical personnel per 1,000 residents. This does not include volunteers.

Reflex Time

On December 17, 2009, the SRVFPD's Board of Directors adopted fire deployment measures for different service areas dependent on population density per square mile, consistent with national best practices from the Commission of Fire Accreditation International (CFAI) Standards of Response

[4] Wendel, Roy. Plans Examiner | Fire Investigator, San Ramon Valley Fire Protection District: Community Risk Reduction Division. Personal communication: email. April 6, 2023

[5] San Ramon Valley Fire Protection District (District). 2023. Annual Comprehensive Financial Report for Fiscal Year Ended June 30, 2023. Website: https:// www.firedepartment.org/home/showpublisheddocument/5343/638562886238370000. Accessed February 12, 2025.

[6] Town of Danville. 2013. The Town of Danville 2030 General Plan – Resources and Hazards. March 19

[7] San Ramon Valley Fire Protection District (District). 2023. Annual Comprehensive Financial Report for Fiscal Year Ended June 30, 2023. Website: https:// www.firedepartment.org/home/showpublisheddocument/5343/638562886238370000. Accessed February 12, 2025.

[8] Ibid.

Cover, 5th Edition; National Fire Protection Association (NFPA) 1710; NFPA 1720; and desired District service delivery outcomes. These goals are as provided in Table 3.13-1.

Table 3.13-1: Reflex Time Goals

Population Category	First Unit Due Travel Time (Minutes)	First Unit Due Reflex Time (Minutes)	First Alarm Travel Time (Minutes)	First Alarm Reflex Time (Minutes)
Urban (Greater than 2,000 People per Square Mile)	4:00	7:00	8:00	11:00
Suburban (1,000 to 2,000 People per Square Mile)	5:00	8:00	9:00	12:00
Rural (Less than 1,000 People per Square Mile)	14:00	15:00	18:00	21:00
Source: San Ramon Valley Fire Protection District (SRVFPD). 2010. Standards of Cover. August. Website: https://www.firedepartment.org/our-district/district-overview/key-district-documents. Accessed: February 12, 2025.				

In 2023, SRVFPD responded to 11,020 incidents (calls), including 147 for fire and explosion; seven overpressure rupture and explosion; 7,657 for rescue and emergency medical call; 281 for hazardous conditions; 1,057 for service (e.g., animal rescue, lock-out, and smoke/odor removal); 1,063 good intent (nothing found); 726 false calls; 51 natural disasters; and 31 other. This represented an increase of approximately 11.29 percent from 2022 at 9,902 incidents.[9]

The SRVFPD's first unit due reflex time for 2019–2023 (the five most recently available years) are as provided in Table 3.13-2:

Table 3.13-2: First Unit Due Reflex Time 2019–2023

Population Category	Goal	2019	2020	2021	2022	2023
Urban (Greater than 2,000 People per Square Mile)	7:00	7:27	7:18	7:32	7:34	7:35
Suburban (1,000 to 2,000 People per Square Mile)	8:00	8:18	7:57	8:07	8:29	8:18
Rural (Less than 1,000 People per Square Mile)	15:00	13:14	13:08	13:30	12:13	12:26
Source: San Ramon Valley Fire Protection District (SRVFPD). 2019. Annual Comprehensive Financial Report for Fiscal Year Ended June 30, 2019. Website: https://www.firedepartment.org/our-district/district-overview/key-district-documents. Accessed June 11, 2025. San Ramon Valley Fire Protection District (SRVFPD). 2020. Annual Comprehensive Financial Report for Fiscal Year Ended June 30, 2020. Website: https://www.firedepartment.org/our-district/district-overview/key-district-documents. Accessed June 11, 2025.						

[9] San Ramon Valley Fire Protection District (SRVFPD). 2024. Annual Comprehensive Financial Report for Fiscal Year Ended June 30, 2023. Website: https://www.firedepartment.org/our-district/district-overview/key-district-documents. Accessed June 11, 2025.

Population Category	Goal	2019	2020	2021	2022	2023
San Ramon Valley Fire Protection District (SRVFPD). 2021. Annual Comprehensive Financial Report for Fiscal Year Ended June 30, 2021. Website: https://www.firedepartment.org/our-district/district-overview/key-district-documents. Accessed June 11, 2025. San Ramon Valley Fire Protection District (SRVFPD). 2022. Annual Comprehensive Financial Report for Fiscal Year Ended June 30, 2022. Website: https://www.firedepartment.org/our-district/district-overview/key-district-documents. Accessed June 11, 2025. San Ramon Valley Fire Protection District (SRVFPD). 2023. Annual Comprehensive Financial Report for Fiscal Year Ended June 30, 2023. Website: https://www.firedepartment.org/our-district/district-overview/key-district-documents. Accessed June 11, 2025.						

Police Protection

The Town contracts with the Contra Costa County Sheriff's Department for police services. While under contract, the contracted personell are considered to be the DPD. The DPD provides professional law enforcement services to the community and is located at 500 La Gonda Way in the Town. The DPD has 30 sworn staff, two full-time professional staff, and 10–12 part-time staff. In addition, there are eight Reserve Officers and 32 Volunteers in Policing to deliver services to the residents of the Town. The DPD is organized into the following specialized units, staffed by both sworn and civilian personnel: Administration, Investigations, Patrol, Traffic, and School Resources.[10,11]

Police Activity

Table 3.13-3 provides a summary of police activities for the last 5 years, from 2018–2022. The calls for service rose in 2022, largely related to a significant jump in self- initiated (initiated by an officer) traffic enforcement stops.

Table 3.13-3: Danville Police Department Activity Summary (2018–2022)

2018	2019	2020	2021	2022	2023
25,252	23,269	16,670	15,191	19,337	22,658
Source: Danville Police Department (DPD). 2023. Annual Report. Website: https://www.danville.ca.gov/168/Chiefs-Message. Accessed February 12, 2025.					

Target Service Ratios and Response Times

The DPD does not have a specific target civilian-to-officer ratio. The current staffing ratio is 0.67 sworn officers per 1,000 residents.[12] The DPD has a response time goal of less than 5 minutes for Priority 1 calls (calls involving a threat to life and safety, emergency medical calls, and in-progress thefts). Priority 2 calls are considered urgent but non-life-threatening, and Priority 3 calls involve incidents where there are no suspects or urgent need for an officer, and many of these types of calls

[10] Town of Danville. 2022. Danville Police Department (DPD). Website: https://www.danville.ca.gov/162/Police-Services. Accessed February 12, 2025.
[11] Shields, Allan. Chief of Police. Danville Police Department (DPD). Personal communication: email. December 2, 2022, and August 14, 2024
[12] Ibid.

are handled vie telephone without the need for an officer to physically response. Pursuant to General Plan Policy 30.01, the response time goal for calls other than Priority 1 calls is 20 minutes. Table 3.13-4 provides available response times for the DPD from 2019 to 2023.

Table 3.13-4: Danville Police Department Response Times Summary (2020-2022)

Type of Call	Year				
	2019	2020	2021	2022	2023
Priority 1	4 minutes and 39 seconds	5 minutes and 23 seconds	5 minutes and 9 seconds	5 minutes and 23 seconds	5 minutes and 15 seconds
Priority 2	6 minutes and 53 seconds	4 minutes and 46 seconds	5 minutes and 13 seconds	6 minutes and 36 seconds	6 minutes and 44 seconds

Source:
Danville Police Department (DPD). 2023. Annual Report. Website: https://www.danville.ca.gov/168/Chiefs-Message. Accessed February 12, 2025.
Danville Police Department (DPD). 2022. Annual Report. Website: https://www.danville.ca.gov/168/Chiefs-Message. Accessed February 12, 2025.
Danville Police Department (DPD). 2021. Annual Report. Website: https://www.danville.ca.gov/168/Chiefs-Message. Accessed February 12, 2025.
Danville Police Department (DPD). 2020. Annual Report. Website: https://www.danville.ca.gov/168/Chiefs-Message. Accessed February 12, 2025.
Danville Police Department (DPD). 2019. Annual Report. Website: https://www.danville.ca.gov/168/Chiefs-Message. Accessed September 10, 2024.

San Ramon Valley Unified School District

The SRVUSD serves the Town and other local communities. SRVUSD has approximately 29,811 students enrolled in the 36 school sites with a total capacity of 32,800 students. The SRVUSD includes 22 elementary schools, eight middle schools, five high schools, and one alternate education site. SRVUSD has 3,500 Certificated and Classified employees. Table 3.13-5 summarizes the schools within SRVUSD, student enrollment for the 2023–2024 school year, and the range of grades they serve.

Table 3.13-5: San Ramon Valley Unified School District Schools

School	Grades	Enrollment (23-24 School Year)	Address
Venture Independent Study School	K–12	83	10540 Albion Road, San Ramon
California High School	9–2	2,869	9870 Broadmoor Drive, San Ramon
Del Amigo High School	10–12	25	189 Del Amigo Road, Danville
Dougherty Valley High School	9–12	3,118	10550 Albion Road, San Ramon
Monte Vista High School	9–12	2,168	3131 Stone Valley Road, Danville
San Ramon Valley High School	9–12	2,024	501 Danville Boulevard, Danville
Charlotte Wood Middle School	6–8	886	600 El Capitan Drive, Danville

School	Grades	Enrollment (23-24 School Year)	Address
Diablo Vista Middle School	6–8	872	4100 Camino Tassajara, Danville
Gale Ranch Middle School	6–8	1,047	6400 Main Branch Road
Iron Horse Middle School	6–8	1,007	12601 Alcosta Boulevard, San Ramon
Los Cerros Middle School	6–8	483	968 Blemer Road, Danville
Pine Valley Middle School	6–8	990	3000 Pine Valley Road, San Ramon
Stone Valley Middle School	6–8	581	3001 Miranda Avenue, Alamo
Windmere Ranch Middle School	6–8	1,074	11611 E Branch Parkway, San Ramon
Alamo Elementary	K–5	350	100 Wilson Road, Alamo
Bella Vista Elementary	K–5	496	1050 Trumpet Vine Lane, San Ramon
Bollinger Canyon Elementary	K–5	479	2300 Talavera Drive, San Ramon
Country Club Elementary	K–5	514	7534 Blue Fox Way, San Ramon
Coyote Creek Elementary	K–5	661	8700 N Gale Ridge Road, San Ramon
Creekside Elementary	K–5	550	6011 Massara Street, Danville
Golden View Elementary	K–5	672	5025 Canyon Crest Drive, San Ramon
Green Valley Elementary	K–5	503	1001 Diablo Road, Danville
Greenbrook Elementary	K–5	679	1475 Harlan Drive, Danville
Hidden Hills Elementary	K–5	488	12995 Harcourt Way, San Ramon
John Baldwin Elementary	K–5	447	741 Brookside Drive, Danville
Live Oak Elementary	K–5	505	5151 Sherwood Way, San Ramon
Montclair Elementary	K–5	594	1757 Mountain Boulevard, Oakland
Montevideo Elementary	K–5	612	13000 Broadmoor Drive, San Ramon
Neil Armstrong Elementary	K–5	463	2849 Calais Drive, San Ramon
Quail Run Elementary	K–5	803	4000 Goldenbay Avenue, San Ramon
Rancho Romero Elementary	K–5	445	180 Hemme Avenue, Alamo
Sycamore Valley Elementary	K–5	568	2200 Holbrook Drive, Danville
Tassajara Hills Elementary	K–5	512	4675 Camino Tassajara, Danville
Twin Creeks Elementary	K–5	633	2785 Marsh Drive, San Ramon
Vista Grande Elementary	K–5	545	667 Diablo Road, Danville
Walt Disney Elementary	K–5	537	3250 Pine Valley Road, San Ramon

Sources:
Town of Danville. 2013. Town of Danville 2030 General Plan. Website: https://www.danville.ca.gov/DocumentCenter/View/1044/Chapter-5-Public-Facilities-PDF?bidId=. Accessed October 11, 2024.
Ed-data. 2023. 2023-2024 Student Enrollment and Demographics. Website: https://www.ed-data.org/. Accessed October 11, 2024.

Library Services

The proposed project would be served by the Danville, Dougherty Station, and San Ramon Libraries.

Danville Library

The Danville Library is located at 400 Front Street in the Town, approximately 5 miles northwest of the project site. It has a collection of over 72,000 items for all ages.[13] Among the many resources available are six catalog computers and 33 public internet terminals, including an Assistive Technology computer workstation, and Wi-Fi access throughout the building and outside on the Town Green. Library staff regularly offer educational programs for all ages, including author presentations, story times, children's performances, computer workshops, a book discussion group, and teen programming. The Danville Library also provides services such as Books for the Homebound, the Stories-to-Go preschool program, one-on-one genealogy research assistance (in partnership with San Ramon Valley Genealogical Society), and one of the largest Teen Advisory Boards in Contra Costa County.[14] During the 2023–2024 Fiscal Year, Danville Library's annual circulation was 199,312.[15]

San Ramon Library

The San Ramon Library is located at 100 Montgomery Street in the City of San Ramon, approximately 5 miles south of the project site. The library includes a large children's area with separate story room, teen area, public access computers and free Wi-Fi. There are programs for children, teens, and adults.[16] During the 2023–2024 Fiscal Year, San Ramon Library's annual circulation was 271,196.[17]

Dougherty Station Library

The Dougherty Station Library is located at 17017 Bollinger Canyon Road in the City of San Ramon, approximately 6 miles southeast of the project site. The library includes seating areas, a community room for library programs, study rooms, a computer lab, free wireless interact access, and 44 computers for public use.[18] During the 2023–2024 Fiscal Year, Danville Library's annual circulation was 106,641.[19]

Parks

The Town owns, operates, and maintains over 167 acres of parkland. The current park to resident ratio is approximately 4.5 park acres per 1,000 residents.[20] Pursuant to Policy 17.05 of the General Plan, the Town strives to maintain the existing (2010) standard of 6.6 acres of parkland per 1,000 residents.

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[13] Contra Costa County Library. 2025. About Danville Library. Website: https://ccclib.org/about-danville-library/. Accessed February 12, 2025.
[14] Contra Costa County Library. 2024. About Danville Library. Website: https://ccclib.org/about-danville-library/. Accessed February 12, 2025.
[15] Lovan, Seng. Senior Community Library Manager. Contra Costa County Library. Personal communication: email. August 22, 2024.
[16] Contra Costa County Public Library. 2024. About San Ramon Library. Website: https://ccclib.org/about-san-ramon-library/. Accessed February 12, 2025.
[17] Lovan, Seng. Senior Community Library Manager. Contra Costa County Library. Personal communication: email. August 22, 2024.
[18] Contra Costa County Public Library. 2024. About Dougherty Station Library. Website: https://ccclib.org/about-dougherty-station-library/. Accessed February 12, 2025.
[19] Lovan, Seng. Senior Community Library Manager. Contra Costa County Library. Personal communication: email. August 22, 2024.
[20] Casteel, Dave. Maintenance Services Director. Town of Danville. Personal communication: email. November 1, 2022.

Preventive Maintenance programs are in place to ensure that park facilities, infrastructure and grounds are properly monitored, maintained, and operational.

The Town is responsible for maintaining much of the landscaping and trail systems along major corridors, such as Sycamore Valley Road and Camino Tassajara. This includes irrigation repairs, plant and grass maintenance, trail maintenance, and tree maintenance.

3.13.3 - Regulatory Framework

State

California Building Standards Code

The 2022 California Building Standards Code (CBC), contained in Part 2 of Title 24 of the California Code of Regulations, identifies building design standards, including those for fire safety. The CBC is based on the 2021 International Building Code but has been modified for California conditions. It is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. Commercial and residential buildings are plan-checked by local city and county building officials for compliance with the CBC. Typical fire safety requirements of the CBC include the installation of sprinklers in multi-family buildings; the establishment of fire resistance standards for fire doors, building materials, and particular types of construction; and clearance of debris and vegetation within a prescribed distance from occupied structures in wildfire hazard areas.

California Fire Code

The California Fire Code, contained in Part 9 of California Code of Regulations, Title 24, incorporates by adoption the International Fire Code of the International Code Council with California amendments. The California Fire Code regulates building standards set forth in the CBC, fire department access, fire protection systems and devices, fire and explosion hazards safety, hazardous materials storage and use, and standards for building inspection. The California Fire Code is updated and published every 3 years by the California Building Standards Commission.

California Health and Safety Code

California Health and Safety Code, Sections 13100–13135, establish the following policies related to fire protection:

Section 13100.1 The functions of the office of the State Fire Marshall, including the California Department of Forestry and Fire Protection (CAL FIRE), shall be to foster, promote, and develop strategies to protect life and property against fire and panic.

Section 13104.6 The Fire Marshall has the authority to require fire hazards to be removed in accordance with the law relating to removal or public nuisances on tax-deeded property.

California Senate Bill 50

California Senate Bill 50 (SB 50) (funded by Proposition 1A, approved in 1998) limits the power of cities and counties to require mitigation of school facilities impacts as a condition of approving new

development, and provides instead for a standardized developer fee. SB 50 generally provides for a 50/50 State and local school facilities funding match. SB 50 also provides for three levels of statutory impact fees. The application level depends on whether State funding is available, whether the school district is eligible for State funding, and whether the school district meets certain additional criteria involving bonding capacity, year-round school, and the percentage of movable classrooms in use.

SB 50 added the following language to Government Code Section 65996:

(b) The provisions of this chapter are hereby deemed to provide full and complete school facilities mitigation and, notwithstanding Section 65858, or Division 13 (commencing with Section 21000) of the Public Resources Code, or any other provision of State or local law, a State or local agency may not deny or refuse to approve a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property or any change in governmental organization or reorganization, as defined in Section 56021 or 56073, on the basis that school facilities are inadequate.

(c) For purposes of this section, "school facilities" means any school-related consideration relating to a school district's ability to accommodate enrollment.

(d) Nothing in this chapter shall be interpreted to limit or prohibit the ability of a local agency to utilize other methods to provide school facilities if these methods are not levied or imposed in connection with, or made a condition of, a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property or a change in governmental organization or reorganization, as defined in Section 56021 or 56073. Nothing in this chapter shall be interpreted to limit or prohibit the assessment or reassessment of property in conjunction with ad valorum taxes, or the placement of a parcel on the secured roll in conjunction with qualified special taxes as that term is used in Section 50079.

California Government Code, Section 65995(b) and Education Code, Section 17620

SB 50 amended Section 65995 of the California Government Code, which contains limitations on Section 17620 of the Education Code, the statute that authorizes school districts to assess development fees within school district boundaries. Section 65995(b)(3) of the Government Code requires the maximum square footage assessment for development to be increased every 2 years, according to inflation adjustments. On January 22, 2014, the State approved increasing the allowable amount of statutory school facilities fees (Level I School Fees) from $3.20 to $3.36 per square foot of assessable space for residential development of 500 square feet or more and from $0.51 to $0.54 per square foot of chargeable covered and enclosed space for commercial/industrial development. School districts may levy higher fees if they apply to the State and meet certain conditions.

Mitigation Fee Act

The Mitigation Fee Act requires any local agency establishing, increasing, or imposing an impact fee as a condition of development to identify the purpose of the fee and the use to which the fee is to be put. The agency must also demonstrate a reasonable relationship between the fee and the

purpose for which it is charged and between the fee and the type of development project on which it is to be levied.

Quimby Act

The Quimby Act of 1975 authorizes cities and counties to pass ordinances requiring developers to set aside land, donate conservation easements, or pay fees for park improvements. The Quimby Act sets a standard park space to population ratio of up to 3 acres of park space per 1,000 persons. Cities with a ratio of higher than 3 acres per 1,000 persons can set a standard of up to 5 acres per 1,000 persons for new development. The calculation of a city's park space to population ratio is based on a comparison of the population count of the last federal census to the amount of city-owned parkland.

Local

Town of Danville 2030 General Plan

The General Plan carries forward the long-term vision of reinforcing the Town's unique, small-town character, preserving its history and scenic beauty, and protecting the community's outstanding quality of life.

The following General Plan goals, policies, and actions relevant to public services are applicable to the proposed project:

Growth Management

Goal 6 Ensure that new development occurs in a logical, orderly manner linked to the provision of needed services, mobility improvements, natural resources protection, and minimization of public infrastructure costs.

Policy 6.03 Allow new development based on the project's demonstration of a plan for full public services (such as road, parks, fire, police, sanitary sewer, water, and flood control facilities) to which all providers are committed and where service can be assured in a timely manner.

Policy 6.08 Continue to implement a development mitigation program which ensures that development projects pay their share of the costs of local services (such as roads, parks, fire, police, sanitary sewer, water, and flood control facilities) associated with that development. New development projects may only be approved where the Town finds that adopted minimum performance standards will be observed.

Parks, Recreation, and Open Space

Goal 17 Provide a comprehensive network of high quality park and recreation facilities that are attractive, efficient, convenient to users, appropriately distributed throughout the community, and that reinforce community identify, cultural, history, and visual character.

Policy 17.05 Strive to maintain the existing (2010) standard of 6.6 acres of parkland per 1,000 residents.

Policy 17.10 Decisions to acquire and develop park and recreation facilities shall include a commitment to continuing high quality maintenance.

Policy 17.11 To the extent practical and within fiscal constraints, develop new neighborhood parks and pocket-parks in new development areas and in other areas where access to parks by Danville residents would be improved.

Policy 17.16 Pursue revenue generating opportunities in developing and managing park, open space, and recreation facilities, including differential user fees for non-residents.

Goal 18 Provide a diverse range of recreational and cultural arts programs that meet the leisure-time needs of Danville residents, while promoting fitness, health, knowledge, and personal growth.

Policy 18.02 Periodically adjust park programs and leisure services in response to changing demographics, recreational trends and preferences, and user surveys.

Civic and Community Facilities

Goal 19 Give high priority to development of quality civic, public, and community facilities which serve a broad range of needs within the community.

Policy 19.01 Require new development to pay its fair share of the cost of civic and community facilities, based on the impacts attributed to that development.

Policy 19.04 Ensure that high quality library services are maintained for the residents of Danville.

Policy 19.06 Cooperate with the San Ramon Valley Fire Protection District in providing the fire protection facilities needed to maintain or improve existing fire protection standards.

Fire Hazards

Goal 25 Prevent catastrophic fires and minimize the loss of property and life due to fire hazards in Danville.

Policy 25.01 Require safe roofing and other fire prevention standards for development in high fire hazard areas by maintaining a Fire Safe Roofing Ordinance, in coordination with the San Ramon Valley Fire Protection District.

Policy 25.02 Cooperate with the San Ramon Valley Fire Protection District in efforts to reduce fire risks through controlled burning and fuel removal.

Policy 25.03 Assure provision of adequate access for fire equipment to all developed and open space areas.

This should include turn-around areas at the end of dead-end public streets, and minimum road widths of 20 feet in high wildfire hazard areas. Consistent with the

Local Hazard Mitigation Plan, an additional 10-foot clearance area should be maintained on the shoulders of driveways and road segments more than 50 feet long within high fire hazard areas.

Policy 25.04 Maintain a response time of less than five minutes for emergency fire calls, to be met a minimum of 90 percent of the time and/or a fire station within 1.5 miles of all residential and nonresidential development. Where this standard cannot be met, and/or where severe wildland fire hazards exist, require special mitigation measures for fire prevention as necessary.

Policy 25.05 Prior to project approval, require written verification from the San Ramon Valley Fire Protection District on the anticipated response time to the project and the distance from existing stations.

Policy 25.06 Require the maintenance of "defensible space" (e.g., areas free of highly flammable vegetation) around homes in fire prone areas. Require the clearing or thinning of fire prone vegetation within 30 feet of access and evacuation routes, and routes to critical facilities.

Goal 30 Maintain a high level of community safety and security for Danville residents.

Policy 30.01 Maintain a police response time of no more than 5-minutes for 90 percent of all emergency (priority one) calls, exclusive of dispatch time and excluding 911 hang-ups. For all other police calls, maintain a maximum 20-minute response time for 90 percent of all such calls, again exclusive of dispatch time.

Policy 30.02 Participate with other police departments to develop effective cooperative response agreements.

Danville Municipal Code

Danville Municipal Code Park Dedication

Chapter 32-83 of the Municipal Code outlines Park Dedication requirements. Section 32-83.2 requires that residential developers pay a fee for public park or recreational purposes as a condition of approval. Section 32-83.3 requires that 5 acres of property for each 1,000 persons residing within the Town be devoted to park and recreational purposes. Sections 32-83.4, 32-83.11, and 32-83.12 outline the formula for dedication of land for new development and fee payment.

3.13.4 - Methodology

This analysis identifies potential impacts to fire protection, police protection, schools, libraries, other public facilities, and parks based on development anticipated from the proposed project. Impacts to public services and parks were assessed using the significance criteria established by the California Environmental Quality Act (CEQA) Guidelines, as well as State, and local plans, regulations, and ordinances.

3.13.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in CEQA Guidelines Appendix G Environmental Checklist to determine whether impacts to public services and utilities resulting from the implementation of the proposed project would be considered significant if the project would:

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

3.13.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed project and provides mitigation measures where appropriate.

Fire Protection

Impact PUB-1:	**The proposed project would not 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 fire protection.**

Impact Analysis

Development of the proposed project would result in an increase in population and building space, which would result in an increased demand for fire services. As provided in the 2023 Annual Comprehensive Financial Report for Fiscal Year Ended June 30, 2023, the most recent report available, SRVFPD averaged reflex times for urban, suburban, and rural populations of 7 minutes and 35 seconds, 8 minutes and 18 seconds, and 12 minutes and 26 seconds, respectively. The average reflex times slightly exceed the stated goals of 7 minutes, 8 minutes, and 15 minutes for urban, suburban, and rural populations, respectively. Though the proposed project would likely increase calls for service to a certain extent given the increase in residential population, given the size of the proposed project and that the neighboring residential communities are currently served by existing facilities, implementation of the proposed project would not result in the need to construct new facilities or expand existing ones to serve the proposed project and fire protection needs of the surrounding community.

Furthermore, the proposed project would be required to comply with all applicable laws, regulations, plans, and policies including, among others, Policies 6.03 and 6.08 in Chapter 3, Growth Management of the General Plan, which require new development to demonstrate a plan for the provision of fire services and payment of applicable development impact fees to ensure a proportionate fair share contribution toward any future fire protection facilities needed to serve the SRVFPD service area. The proposed project would also comply with Policies 25.01, 25.03, 25.05, and 25.06 in Chapter 5, Public Services, of the General Plan. Policy 25.01 requires safe roofing and other fire prevention standards for development in high fire hazard areas by maintaining a Fire Safe Roofing Ordinance, in coordination with SRVFPD. Policy 25.03 assures provision of adequate access for fire equipment to all developed and open space areas. Policy 25.05 requires coordination with SRVFPD with respect to response times. Policy 25.06 requires the maintenance of "defensible space" (e.g., areas free of highly flammable vegetation) around homes in fire prone areas and requires the clearing or thinning of fire prone vegetation within 30 feet of access and evacuation routes, and routes to critical facilities. Policy 25.04 of Chapter 5, Public Services, includes a requirement of a response time of less than five minutes for emergency fire calls, to be met a minimum of 90 percent of the time and/or a fire station within 1.5 miles of all residential and nonresidential development. Where this standard cannot be met, and/or where severe wildland fire hazards exist, this policy requires the provision of special mitigation measures for fire prevention, as necessary. As stated above, SRVFPD is not currently meeting the less than 5 minutes response time goal and the site is approximately 2 miles north of Fire Station 34, which is further away than the 1.5-mile goal.

Figure 22 of the General Plan designates the project site as a "Very High Threat to Development," and, therefore, the project site is within an area where the Town considers severe wildland fire hazard to exist. Therefore, in compliance with this policy, the proposed project would undergo review by SRVFPD and incorporate measures for fire prevention as deemed necessary. This SRVFPD review would also ensure conformance with applicable provisions of the CBC and California Fire Code (included in the CBC). In addition, while there is currently no development planned on Lot 22, the lot could be developed with a single-family residence in the future. This has been accounted for in the projected project resident total. Any future development on Lot 22 would be subject to compliance with the applicable Municipal Code and General Plan policies, including payment of applicable development impact fees.

By adhering to applicable laws and regulations, including applicable provisions in the CBC, General Plan, and Municipal Code, the proposed project would not create the need for new or altered fire protection facilities, and impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

Police Protection

Impact PUB-2:	**The proposed project would not 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 police protection.**

Impact Analysis

Development of the proposed project would result in an increase in population and building space, which would result in an increased demand for police services. Policy 30.01 in Chapter 5, Public Services, in the General Plan sets forth a response time goal of less than 5 minutes for 90 percent of all emergency (priority one) calls and a maximum 20-minute response time for 90 percent of all other police calls. Based on the most recent information available as of this writing provided in the Danville Police Department 2023 Annual Report, DPD maintained average response times to Priority 1 (emergency) calls of 5 minutes and 15 seconds and an average response time for Priority 2 (urgent, but not an emergency) calls of 6 minutes and 44 seconds, as shown in Table 3.15-4. Therefore, DPD is slightly over the 5-minute response time goal for Priority 1 calls and is meeting the response time goal for Priority 2 calls.

Though the proposed project would likely increase calls for service to a certain degree, because residential properties generate very few calls relative to the total volume of calls within the Town, it is not anticipated that it would require the need for new or expanded facilities.[21] Furthermore, the proposed project would be required to comply with all applicable laws, regulations, plans, and policies including, among others, Policies 6.03 and 6.08 in Chapter 3, Growth Management of the General Plan, which require new development to demonstrate a plan for the provision of police services. In addition, while there is currently no development planned on Lot 22, the lot could be developed with a single-family residence in the future and this increase in population has been considered within the population estimates and service projections considered throughout this Draft EIR. Any future development on Lot 22 would also be subject to compliance with the applicable Municipal Code and General Plan policies.

As such, it is not expected that the proposed project would substantially impair the ability to maintain the above-referenced response time goals or increase the use of existing police protection facilities such that substantial physical deterioration, alteration, or expansion of these facilities would be required, thereby triggering environmental impacts. Impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

[21] Shields, Allan. Chief of Police. Danville Police Department (DPD). Personal communication: email. December 2, 2022

Schools

Impact PUB-3: **The proposed project would not 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 schools.**

Impact Analysis

The project site is located within the SRVUSD and development of the proposed project could result in an increase in students attending schools within the SRVUSD. Applying a generation rate of 0.25 for elementary school students (K–5), 0.17 for middle school students (6–8), and 0.32 for high school students (9–12), respectively, for every residential unit (including the ADUs), the proposed project would be expected to generate approximately seven elementary school, five middle school students, and nine high school students.[22] The anticipated schools these students would attend are Greenbrook Elementary, Charlotte Wood Middle, and San Ramon Valley High School. Because of grade configurations, program changes, and enrollment shifts, students associated with the proposed project may be diverted to other schools. However, the SRVUSD has the capacity to accommodate these students within the existing facilities.

As such, it is expected there would be sufficient school capacity to accommodate the proposed project and no new or expanded school facilities would be triggered thereby. As noted below, pursuant to State law, payment of the applicable school fees by the applicant constitutes full and complete mitigation under the law. Pursuant to Government Code Section 65995, payment of adopted applicable school fees is considered "full and complete mitigation" for impacts to school facilities, and local governments are prohibited from assessing additional fees or exactions for school impacts.[23] In addition, while there is currently no development planned on Lot 22, the lot could be developed with a single-family residence in the future and this increase in population has been considered within the population estimates and service projections considered throughout this Draft EIR. Any future development on Lot 22 would be subject to compliance with the applicable Municipal Code and General Plan policies, including payment of applicable school fees.

With the payment of applicable school fees pursuant to State law, the proposed project would not create a need to construct new or expand existing school facilities and impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant impact.

[22] Perault, Tina. Senior Planning & Development Manager. San Ramon Valley Unified School District (SRUSD). Personal communication: email. November 16, 2022

[23] California Legislative Information. 2016. Chapter 4.9. Payment of Fees, Charges, Dedications, or Other Requirements Against a Development Project [65995-65998). Website: https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=65995. Accessed February 12, 2025.

Mitigation Measures

None.

Parks

Impact PUB-4:	**The proposed project would not 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 parks.**

Impact Analysis

The proposed project does not include the construction of new parks or other public recreational facilities, and the project applicant would be required to pay the applicable in lieu fee for park and recreational purposes to the Town pursuant to Chapter 32 Section 32-83 Park Dedication of the Municipal Code and the State Quimby Act. Any new or expanded park facilities built by the Town as part of its broader capital improvement program would be required to obtain the necessary approvals and complete any required environmental review pursuant to CEQA. For the foregoing reasons, with the payment of applicable in lieu fees, the proposed project would not create a need to construct new or expand existing park facilities in order to meet performance objectives and impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

Other Public Facilities

Impact PUB-5:	**The proposed project would not 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 other public facilities.**

Impact Analysis

The project site is located within the Contra Costa County Library System, which provides public library services to the unincorporated and incorporated areas of the County. The General Plan does not include a specific standard or goal for the provision of library services. The Contra Costa County Library Strategic Plan Update provides a review of goals and objectives the Contra Costa County Library System has set for itself. The report did not indicate the need for new library facilities.[24]

[24] Contra Costa County Library. 2024. Contra Costa County Library Strategic Plan Update. Website: https://ccclib.org/wp-content/uploads/sites/72/2024/05/Contra-Costa-Strategic-Plan-Update-FINAL1.pdf. Accessed February 12, 2025.

Residents associated with the proposed project would represent a nominal increase compared with the existing County population of approximately 1.1 million residents served by the Contra Costa County Library System. The proposed project's estimated increase in persons would represent an increase of less than 0.01 percent relative to the existing residents served by the Contra Costa County Library System. With adequate relevant library system capacity, the proposed project would not create a need to construct new or expand existing library facilities. Therefore, impacts related to the need for new or altered public library facilities would be less than significant.

With respect to other public facilities, such as community centers, the proposed project represents a nominal increase compared to the existing population within the Town (see Section 3.13, for additional information) and would not require the construction of new or expanded public facilities. Furthermore, in compliance with Policy 19.01, the applicant would pay the applicable development impact fees to ensure a proportionate fair share contribution toward any future public facilities needed to serve the Town. Additionally, Policy 19.04 of the General Plan aims to continue providing high quality library services to the residents of the Town. In addition, while there is currently no development planned on Lot 22, the lot could be developed with a single-family residence in the future and this increase in population has been considered within the population estimates and service projections considered throughout this Draft EIR. Any future development on Lot 22 would be subject to compliance with the applicable Municipal Code and General Plan policies, including payment of applicable development impact fees. Therefore, impacts related to the need for new or altered public facilities would be less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

3.13.7 - Cumulative Impacts

The geographic scope of the cumulative public services analysis for this analysis includes the service areas of each of the providers serving the proposed project, including SRVFPD, DPD, SRVUSD, the Danville Recreation, Arts, and Community Services Department, and the Contra Costa County Library System. Because of the differences in the nature of the public service topical areas, they are discussed separately below.

Fire Protection Facilities

The geographic scope of cumulative fire protection and emergency medical services analysis is the SRVFPD service area. A significant cumulative environmental impact would result if cumulative growth exceeded the ability of SRVFPD to adequately serve their service areas, thereby requiring construction of new facilities or modification of existing facilities. Development projects within the SRVFPD service area would be required to comply with Town and County requirements that address fire protection and emergency medical services, including the payment of impact fees designed to ensure adequate facilities. SRVFPD slightly exceeds its response time goals for urban, suburban, and rural populations. The proposed project would likely increase calls for service due to the increase in

residential population. Given the size of the proposed project and that the neighboring residential communities are currently served by existing facilities, impacts from the proposed project would be less than significant.

The proposed project's incremental contribution to the less than significant cumulative impacts would not be significant. As discussed under Impact PUB-1, implementation of the proposed project would not create a need for new or physically altered facilities. The proposed project would contribute to an increased number of emergency and public service calls due to the increased presence of structures, traffic, and population. These impacts would be mitigated by mandatory development impact fees. Therefore, the proposed project's incremental contribution to fire protection and emergency medical services would not be cumulatively considerable. The proposed project would not have a cumulatively significant impact related to fire and medical services.

Police Protection Facilities

The geographic scope of the cumulative police protection analysis is the service area of DPD. A significant cumulative impact would occur if cumulative growth exceeded the ability of DPD to adequately serve its service area, thereby requiring construction of new facilities or modification of existing facilities. The General Plan sets forth response time goals of less than 5 minutes for 90 percent of all priority one calls and a maximum 20-minute response time for 90 percent of all other police calls, including priority two calls. As discussed in PUB-2, DPD is slightly over the response time goal for priority one calls but is slightly under the response time goal for priority two calls. Because the proposed project would be subject to all laws, codes, policies, and regulations relating to growth management, such as those outlined in the General Plan, and because residential areas generate very few calls relative to the total volume of calls within the Town, the expected population growth of the area would not result in a significant cumulative impact.

The proposed project's incremental contribution to the potentially significant cumulative impact would not be significant. The proposed project would result in an increased number if priority one and priority two calls in the area due to an increase in population. These impacts would be mitigated by development impact fees. As such, the proposed project, in conjunction with other proposed projects, would not have a cumulatively significant impact related to police services.

School Facilities

Planned projects detailed in Chapter 3, Environmental Impact Analysis of this Draft EIR would result in residential development, though none include educational facilities.

Potential new students coming from the proposed project would be serviced by SRVUSD. The anticipated schools these students would attend are Greenbrook Elementary, Charlotte Wood Middle, and San Ramon Valley High School. The SRVUSD anticipates that the students associated with the proposed project would be accommodated given the current capacity at these schools. However, because of grade configurations, program changes, and enrollment shifts, students associated with the proposed project and other planned projects may be diverted to other schools. However, the SRVUSD has the capacity to accommodate these students within the existing facilities. As such, impacts would be less than significant.

The proposed project would result in the development of 20 new single-family homes and 5 ADUs. The proposed project would be required to pay applicable school impact fees and, therefore, would not contribute significantly to cumulative impacts associated with schools

Park Facilities

The geographic scope of the cumulative park facilities analysis is the Danville Recreation, Arts, and Community Services Department service area. An increase in population from the proposed project and cumulative development projects would result in an increased demand for park facilities. To help offset this increase, cumulative residential projects would be required to provide parkland or pay applicable development fees. With payment of applicable park impact fees and/or otherwise satisfying Park Dedication obligations by cumulative projects, there would be a less than significant cumulative impact related to additional increased use and physical deterioration of existing parks and recreational facilities not already analyzed within the General Plan. Accordingly, cumulative impacts are less than significant.

Additionally, the proposed project would be required to dedicate parkland and/or pay applicable development fees. Therefore, the proposed project's incremental contribution would not be cumulatively considerable and cumulative impacts would be less than significant with respect to parks.

Library Facilities

The geographic scope of the cumulative library and other public facilities analysis is the Contra Costa County Library System. An increase in population from the proposed project and cumulative development projects would result in an increased demand for library facilities. To help offset this increase, cumulative developments would be required to pay development impact fees. Accordingly, there would be a less than significant cumulative impact regarding the additional need for new or altered library facilities.

Although the proposed project would develop 20 new single-family homes and 5 ADUs, the proposed project would be required to pay applicable development impact fees. Therefore, the proposed project would not contribute significantly to cumulative impacts associated with libraries.

Level of Cumulative Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

3.14 - Recreation

3.14.1 - Introduction

This section describes existing parks and recreational facilities in the region and project area as well as the relevant regulatory framework. This section also evaluates the possible impacts related to parks and recreational facilities that could result from the implementation of the proposed project. Information in this section is based on information obtained from the Town of Danville 2030 General Plan (General Plan) and information provided by the Town of Danville (Town).

The following public comment was received during the Draft Environmental Impact Report (Draft EIR) Notice of Preparation (NOP) scoping period related to recreation:

- Questions regarding the proposed open space (how it is guaranteed and what uses would be allowed).

3.14.2 - Environmental Setting

Existing Parks and Recreational Facilities

The California Department of Parks and Recreation offers State parklands and trails throughout California. In 2023, the most recently available data, the California Department of Parks and Recreation managed and preserved approximately 1,650,336 acres within 280 parks and approximately 4,636 miles of non-motorized trails and 1,184 miles of motorized trails.[1]

State Parks

Mount Diablo State Park

The nearest State Park is Mount Diablo State Park, located approximately 3.8 miles northeast of the project site. The approximately 20,000-acre park contains open land for camping, hiking, picnicking, horseback riding, mountain biking, and other recreational opportunities. At the summit of Mount Diablo, park visitors can visit the Summit Building and Museum and have views of the surrounding area. [2] Park gates are open year-round from 8:00 a.m. to sunset.[3] There are no other State Parks within 10 miles of the project site.

Regional Parks

The East Bay Regional Park District (EBRPD) offers regional parklands and trails in Contra Costa County. The EBRPD manages and preserves 126,809 acres within 73 parks and 1,330 miles of trails and 55 miles of shoreline.[4] Two regional parks are located within 3 miles of the project site:

- Sycamore Valley Open Space Regional Preserve and
- Las Trampas Wilderness Regional Preserve.

[1] California State Parks. 2022. Statistical Report 2022.2023 Fiscal Year. Website: https:// https://www.parks.ca.gov/pages/795/files/Official%202022-23%20STAT%20REPORT.pdf. Accessed June 6, 2025.
[2] California State Parks. 2018. Mount Diablo State Park. Website: https://www.parks.ca.gov/pages/517/files/MountDiabloFinalWebLayout2018.pdf. Accessed March 31, 2025.
[3] California State Parks. 2025. Mount Diablo State Park. Website: https://www.parks.ca.gov/?page_id=517. Accessed June 6, 2025.
[4] East Bay Regional Parks District. 2025. About Us. Website: https://www.ebparks.org/about-us. Accessed March 31, 2025.

Sycamore Valley Open Space Regional Preserve

The Sycamore Valley Open Space Regional Preserve is approximately 1.3 miles northwest of the project site in the Town. The 696-acre park contains open land for horseback riding, hiking, and bicycling. Sycamore Valley Open Space Regional Preserve occupies two major ridges located within a region of rolling hills and valleys south of Mt. Diablo. Elevations range from about 600 to 1,000 feet. The park is open year-round.[5]

Las Trampas Wilderness Regional Preserve

The Las Trampas Wilderness Regional Preserve is located approximately 2 miles west of the project site, in the City of San Ramon and Town of Danville. The 5,778-acre park contains wilderness, an expanded trail system, horseback riding, hiking, picnic areas, stables, and camping. The park is open year-round.[6]

Local Community Parks

The project site is surrounded by residential development and open space. The Town is surrounded by the unincorporated community of Alamo to the northwest, the community of Diablo to the northeast, the unincorporated community of Blackhawk, and the City of San Ramon to the south. These surrounding cities and communities offer community parks and recreational facilities. These city and county park departments manage and preserve their respective community parks and recreational facilities.

There are 12 community parks and recreational facilities located within 3 miles of the project site. The closest community parks to the project site are Sycamore Valley Park, located approximately 0.87 mile northeast of the project site, and Danville South Park, located approximately 1.27 miles southwest of the project site. Table 3.14-1 provides a brief description of the 12 community parks within a 3-mile search radius of the project site and the recreational amenities that they feature. These parks are maintained by the Town of Danville Recreation, Arts, & Community Services and by the City of San Ramon Parks and Community Services Department, which are denoted by an asterisk in the table. Greenbrook School Park is maintained jointly by the Town of Danville Recreation, Arts, & Community Services and the San Ramon Valley Unified School District (SRVUSD), as noted in the table.

Table 3.14-1: Community Parks within 3 Miles of Project Site

Name	Area within 3 miles of the project site (acres)[1]	Total Acreage (acres)	Distance from Project Site (miles)[2]	Amenities
Community Parks				
Danville South Park	1.38	1.38	1.27	• Benches and a table • Portable bathrooms

[5] East Bay Regional Park District (EBRPD). 2025. Sycamore Valley Open Space Regional Preserve. Website: https://www.ebparks.org/parks/sycamore-valley. Accessed March 31, 2025.

[6] East Bay Regional Park District (EBRPD). 2025. Las Trampas Wilderness Regional Preserve. Website: https://www.ebparks.org/parks/las-trampas. Accessed March 31, 2025.

Name	Area within 3 miles of the project site (acres)[1]	Total Acreage (acres)	Distance from Project Site (miles)[2]	Amenities
				• Playground • Basketball court • Lawn
Sycamore Valley Park	48.88	48.88	0.87	• Recreational fountain • Reflection pond with waterfall • Jogging path • Baseball diamonds • 28 picnic tables • Barbecue pits • Play area • Six baseball diamonds • Five soccer fields • Eight bocce ball courts
Diablo Vista Park	31.82	31.82	2.04	• Playground • Picnic tables • Barbecue • Two tennis courts • Two baseball/softball fields • Two soccer fields • Snack shack
Osage Station Park	34.22	34.22	1.09	• Rose garden • Children's play area with train station • Four tennis courts • Four baseball diamonds • Several soccer fields • 20 picnic tables • Five barbecue pits
Red Willow Park*	4.94	4.94	2.07	• Soccer field • Baseball/softball field • Restroom • Trail access • Playground • Picnic area
Coyote Crossing*	11.73	11.73	1.72	• Playground • Picnic area with barbeques • Baseball/softball field • Soccer field • Tennis court • Parking • Restroom
Memorial Park*	17.07	17.07	2.78	• Baseball/softball field • Bocce ball court

Name	Area within 3 miles of the project site (acres)[1]	Total Acreage (acres)	Distance from Project Site (miles)[2]	Amenities
				• Designated parking • Decomposed granite surface • Dog park enclosure • Excrement scoopers • Picnic area • Playground • Restroom • Shade structure • Water stations
Hidden Crest Park*	2.34	2.34	2.39	• Picnic area • Playground
Bret Harte Park	0.67	0.67	2.36	• Passive open space • Walkway
Windy Hills Park*	1.36	1.36	2.16	• Playground • Picnic area
Central Park*	40.8	40.8	2.12	• Playground • Participatory fountain • Restroom • Picnic area • Soccer field • Tennis courts • Basketball court • Volleyball court • Baseball/softball field • Trail access
Creekside Park*	5.97	5.97	2.7	• Restroom • Picnic area • Soccer field • Basketball court
Iverness Park*	5.83	5.83	2.93	• Open space • Parking • Trail access
Valley View Park*	10.02	10.02	2.60	• Soccer field • Baseball/softball field • Tennis court • Restroom • Playground • Picnic area
Creekside Park*	6.00	6.00	2.73	• Restroom • Picnic area • Soccer field • Basketball court

Name	Area within 3 miles of the project site (acres)[1]	Total Acreage (acres)	Distance from Project Site (miles)[2]	Amenities
Crow Canyon Gardens	7.46	7.46	2.41	• Restrooms • Gardens
Bark and Ride*	6.88	6.88	2.80	• Decomposed granite surface • Natural grass • Designated parking • Dog park enclosures • Excrement Scoopers • Shade Structures • Trail Access • Water Stations
Mill Creek Hollow Park	3.51	3.51	2.24	• Restrooms • Rustic Site • Playground • Picnic Table
School District Park				
Greenbrook School Park (maintained by the Town of Danville and the SRVUSD)	1.01	1.01	0.98	• Picnic tables/benches • Playground • Baseball/soccer fields
Bollinger Canyon Elementary School Park*	10.65	10.65	2.68	• Restrooms • Picnic Area • Baseball/softball fields • Soccer/other field • Playground
Twin Creeks Elementary School Park*	3.66	3.66	2.53	• Baseball/softball field • Basketball court • Soccer field • Playground
Coyote Creek School Park*	5.25	5.25	2.26	• Baseball/softball field • Soccer field • Restroom • Trail access • Playground • Picnic tables
Iron Horse Middle School Park*	10.02	10.02	1.98	• Volleyball court • Baseball/softball field • Soccer field • Basketball court • Restroom • Trail access
Golden View School Park*	4.00	4.00	1.06	• Baseball/softball field • Soccer field • Basketball court

Name	Area within 3 miles of the project site (acres)[1]	Total Acreage (acres)	Distance from Project Site (miles)[2]	Amenities
				• Playground

Notes:
1. Rounded to the nearest hundredth.
2. All distances are approximate
* Managed by the City of San Ramon Parks and Community Services Department
Sources: Town of Danville. 2025. Community Parks. Website: https://www.danville.ca.gov/259/Community-Parks. Accessed March 31, 2025.
Town of Danville. 2013. 2030 General Plan.
City of San Ramon. 2025. City of San Ramon Parks. Website: https://www.sanramon.ca.gov/cms/One.aspx?portalId=10826130&pageId=11692961. Accessed March 31, 2025.

3.14.3 - Regulatory Framework

State

Quimby Act

The Quimby Act (California Government Code § 66477) was established by the California Legislature in 1965 to preserve open space and parkland in rapidly urbanizing areas of the State. The Quimby Act allows cities and counties to establish requirements for new development to dedicate land for parks, pay an in lieu fee, or provide a combination of the two.

The Quimby Act provides two standards for the dedication of land for use as parkland. If the existing area of parkland in a community is greater than 3 acres per 1,000 residents, then the community may require dedication based on a standard of up to 5 acres per 1,000 persons residing in the subdivision based on the current ratio of parkland per 1,000 residents. If the existing amount of parkland in a community is less than 3 acres per 1,000 residents, then the community may require dedication based on a standard of only 3 acres per 1,000 persons residing in the subdivision.

The Quimby Act requires a city or county to adopt standards for recreational facilities in its general plan to adopt a parkland dedication or fee ordinance.

It should be noted that the Quimby Act applies only to the acquisition of new parkland; it does not apply to the physical development of new park facilities or associated operations and maintenance costs. Therefore, the Quimby Act effectively preserves open space needed to develop park and recreation facilities, but it does not ensure the development of the land or the provision of park and recreation services to residents. In addition, the Quimby Act applies only to residential subdivisions. Nonresidential projects could contribute to the demand for park and recreation facilities without providing land or funding for such facilities. Quimby Act fees are collected by the local agency (park district, city, or county) in which the new residential development is located.

Local

Danville Parks, Recreation and Arts Strategic Plan Update

The Danville Parks and Recreation and Arts Strategic Plan Update establishes a long-range vision and course of action for creating and sustaining a high quality, interconnected system of parks, recreation and arts facilities, services, and programs.[7]

Town of Danville General Plan

Planning and Development Element

Goals and policies as set forth in the Planning and Development Element that are relevant to this analysis are listed below:

Policy 6.03 Allow new development based on the project's demonstration of a plan for public services (such as road, parks, fire, police, sanitary sewer, water, and flood control facilities) to which all providers are committed and where service can be assured in a timely manner.

Policy 6.08 Continue to implement a development mitigation program which ensures that development projects pay their share of the costs of local services (such as roads, parks, fire, police, sanitary sewer, water, and flood control facilities) associated with that development. New development projects may only be approved where the Town finds that adopted minimum performance standards will be observed.

Public Facilities Element

Goals and policies as set forth in the Public Facilities Element that relevant to this analysis are listed below:

Policy 17.01 Maintain and periodically update a strategic plan for parks, recreation, and the arts in Danville. The Plan should guide future acquisition and development of parks and recreation facilities.

Policy 17.04 Enhance the role of Danville's parks as places for recreation, community gatherings, learning, discovery, and sociability. The design, landscaping, programming, and maintenance of the Town's parks should create places that are comfortable, attractive, and inviting.

Policy 17.05 Strive to maintain the existing (2010) standard of 6.6 acres of parkland per 1,000 residents.

Policy 17.06 Plan for acquisition and development of new park and recreation facilities that maintain the parkland performance standard and achieve other park and recreation objectives. The Town shall seek a balance between active and passive recreation facilities in its acquisition and park improvement programs.

[7] Town of Danville. 2017. Danville Parks, Recreation & Arts Strategic Plan Update. Website: https://issuu.com/townofdanville/docs/2017_danville_pra_plan_update_reduc. Accessed March 31, 2025.

Policy 17.11 To the extent practical and within fiscal constraints, develop new neighborhood parks and pocket-parks in new development areas and in other areas where access to parks by Danville residents would be improved.

Policy 17.13 Assemble open space areas from contiguous parcels to the extent possible to minimize management problems and increase public access.

Policy 17.14 Enhance Danville's trail system by closing gaps in the existing system, providing adequate access points, and extending trails to achieve better connectivity to all areas of the Town. The trail system should be logical, comprehensive and user friendly and should provide a variety of trail experiences, including opportunities for exercise, encounters with nature, and social walking.

Policy 17.15 Public access easements shall be provided to designated public open space areas and along creeks and streams, where appropriate. Where appropriate and consistent with adopted trail plans, conditions of approval for new development should include requirements for land dedications and public access easements for trails.

Policy 17.21 Recognize the benefits of trails as an alternative transportation mode and integral part of the Town's strategy for reducing greenhouse gas emissions, as well as their role as a recreational amenity.

Town of Danville Municipal Code

Municipal Code Park Dedication

The Town of Danville Municipal Code (Municipal Code) Chapter 32-83 outlines Park Dedication requirements. Section 32-83.2 requires that residential developers pay a fee for public park or recreational purposes as a condition of approval. Sections 32-83.4, 32-83.11, and 32-83.12 outline the formula for dedication of land for new development.

3.14.4 - Thresholds of Significance

Recreation

The Lead Agency utilizes the criteria in the California Environmental Quality Act (CEQA) Guidelines Appendix G Environmental Checklist to determine whether impacts to recreation are significant environmental effects. The project may have a significant impact if it would:

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.

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

3.14.5 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the project and provides mitigation measures where appropriate.

Increase Use of Parks

Impact REC-1:	**The proposed project would not 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.**

Impact Analysis

The proposed project would add approximately 76 residents through the construction of 21 single-family homes, five deed-restricted Accessory Dwelling Units (ADUs), and a single lot (Lot 22) that may be considered for a single-family residential development in the future.[8]

Municipal Code Section 32-83.3 requires that 5 acres of property for each one thousand persons residing within the Town be devoted to park and recreational purposes. According to the California Department of Finance, Danville has a population of 43,667.[9] The Town maintains aproximately 198 acres of parkland.[10] According to these statistics there is currently 4.54 acres of land per 1,000 residents. With the addition of the 76 new residents, this ratio would remain at approximately 4.54 acres per 1,000 residents. This ratio does not reach the required 5 acres of land per 1000 residents; however, developers may pay a fee in lieu of meeting the requirement as a condition of approval according to Municipal Code 32-83.2. Following compliance with Municipal Code requirements, impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

Recreational Facilities Physical Effect on Environment

Impact REC-2:	**The proposed project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.**

Impact Analysis

The proposed project does not include construction of new recreational facilities or expansion of existing recreational facilities. As discussed in REC-1, Municipal Code Section 32-83.3 states that 5

[8] California Department of Finance (CDF) estimates 2.78 persons per household. 2.78 multiplied by 27 units (inclusive of 22 single-family homes and ADUs) = 75.06 (rounded up to 76) persons.

[9] California Department of Finance (CDF). 2025. E-5 Population and Housing Estimates for Cities, Counties, and the State, 2020-2025. Website: https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2025/ Accessed June 6, 2025.

[10] Town of Danville. 2025. Park Maintenance. Website: https://www.danville.ca.gov/192/Park-Maintenance#:~:text=The%20Town%20of%20Danville%20maintains%20approximately%204.6%20miles,operates%20and%20maintains%20over%20167%20acres%20of%20parkland. Accessed March 31, 2025.

acres of land per 1,000 residents must be dedicated to parkland. The proposed project would leave Danville with a ratio of 4.54 acres of parkland per 1,000 residents, but according to Municipal Code Section 32-83.2, developers may pay a fee in lieu of meeting this requirement as a condition of approval. Therefore construction of new parkland is not necessary. Therefore, impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

3.14.6 - Cumulative Impacts

The relevant cumulative setting, or geographic area for potential cumulative impacts related to recreation consists of local public parks, indoor and outdoor recreational facilities, and open space areas within the Town of Danville.

Increased Park Use

The proposed project would result in an increase of approximately 76 residents. There are nine residential applications at various stages of approval and construction, as of January 2026, for the Town. The combined increase of residential units associated with these developments would be approximately 766. Applying the 2025 resident per household rate for the Town results in a possible increase of approximately 2,130 people.[11]

Municipal Code Section 32-83.3 requires that 5 acres of property for each one thousand persons residing within the Town be devoted to park and recreational purposes. As noted in Impact REC-1 above, the Town has an existing ratio of 4.54 acres of parkland per 1,000 residents. The cumulative effect of population growth of 2,130 people would require approximately 10.65 acres of parkland to meet the standard of 5 acres per 1,000 residents. However, the existing ratio of parkland to residents is below the required 5 acres per 1,000 residents mandated by Municipal Code Section 32-83.3. Further, this does not take into account any private or business recreational facilities in the Town that would absorb some of the impact nor any possible recreational facilities proposed in the cumulative projects above. Developers are able to pay a fee in lieu of maintaining the required acreage ratio, as stated in Municipal Code Section 32-83.2. Each project would be required to pay a developer fee equivalent to the required acreage ratio or include parkland as part of its development. As a result, the cumulative impact would be less than significant.

Provision of Recreational Facilities

The proposed project would not develop new recreational facilities. As discussed above, the Town currently does not meet its goal for recreational facilities. However, developers would be able to pay a fee in lieu of maintaining the required acreage ratio, as stated in Municipal Code Section 32-83.2.

[11] California Department of Finance (CDF) estimates 2.78 persons per household. 2.78 multiplied by 766 units = 2,129.5 (rounded up to 2,130).

Additionally, all development projects in the Town would be required to adhere to standard construction best management practices. Accordingly, cumulative impacts associated with the development of recreational facilities would be less than significant.

The proposed project would pay developer fees to address increased usage of the Town's recreational facilities. As such, the proposed project would not have a cumulatively considerable contribution to the less than significant impacts. Further, the parkland acreage per resident ratio does not take into account any private or business recreational facilities in the Town that would absorb some of the impact nor any possible recreational facilities proposed in the cumulative projects above. When combined with the available park and open space above, this would spread the concentration of residents to limit the impact on individual recreational facilities. The cumulative impact would be less than significant.

Level of Cumulative Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

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3.15 - Transportation and Traffic

3.15.1 - Introduction

This section describes existing conditions related to transportation in the project area, as well as the relevant regulatory framework. This section also evaluates the possible impacts related to transportation that could result from the implementation of the proposed project. Information in this section is based in part on the project-specific Transportation Impact Study (TIS) (included as Appendix I) and on a review of applicable transportation policies and regulations, including the Town of Danville 2030 General Plan (General Plan).

The following public comments were received during the Draft Environmental Impact Report (Draft EIR) Notice of Preparation (NOP) scoping period related to transportation:

- Request that the Draft EIR analyze travel demand and Vehicle Miles Traveled (VMT).
- Concern regarding the location of the homes and the access point on Como Way.
- Concern regarding traffic safety on Como Way due to the street's narrowness.
- Concern regarding Como Way being wide enough to accommodate additional traffic, especially during construction.
- Concern regarding safety of turning onto El Capitan Drive from Como Way due to speed and sight distance.
- States that the EIR does not analyze or mitigate the traffic and safety impacts along Como Way sufficiently.
- Concern regarding lack of street lighting between Como Way and Saint Regis, affecting traffic safety.
- States that the EIR fails to provide adequate turnaround at the transition between the public roadway and the proposed roadway, creating challenges for service vehicles (including fire trucks).
- Concern regarding traffic control and speed of vehicles from the proposed project to Como Way.

3.15.2 - Environmental Setting

Study Area

The study area varies depending on the mode of transportation, mainly vehicular and non-vehicular (pedestrian and bicycle). For pedestrian trips, the study area consists of all streets within 0.5-mile of the project site that would lie along primary routes of pedestrian travel or those leading to nearby pedestrian trip generators or attractions. For bicycle trips, the study area consists of all streets within 1 mile of the project site that would lie along primary routes of bicycle travel.

For the safety and non-California Environmental Quality Act (CEQA)-related operational analyses, W-Trans evaluated traffic conditions along the project's frontage and at three study intersections during

the weekday morning (AM) and weekday afternoon (PM) peak-hours for a typical weekday. The 7:00 a.m. to 9:00 a.m. peak period corresponds with peak morning commute and school drop-off traffic, and the 4:00 p.m. to 6:00 p.m. peak period corresponds with peak afternoon commute traffic and typically reflects the highest level of congestion during the homeward-bound commute. The study intersections are as follows:

1. El Capitan Drive/Camino Ramon
2. El Capitan Drive/Como Way
3. El Capitan Drive/Crow Canyon Road

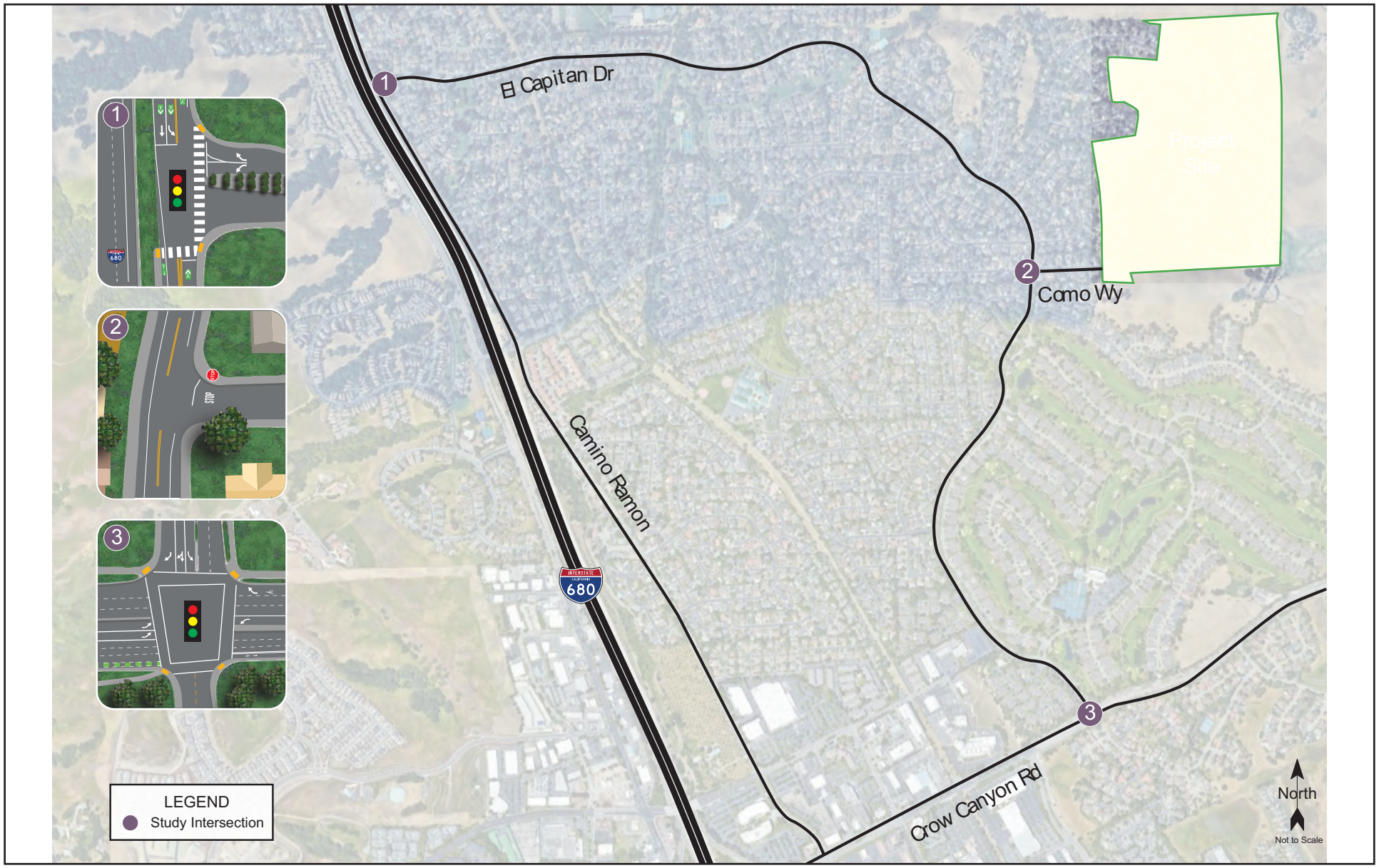
Study Intersections

El Capitan Drive/Camino Ramon is a signalized three-legged intersection with protected left-turn phasing on the southbound Camino Ramon approach. Marked crosswalks with pedestrian phasing are present on the south and east legs. There are bicycle facilities on Camino Ramon, with shared-lane markings ("sharrows") on the north leg and bicycle lanes on the south leg.

El Capitan Drive/Como Way is a three-legged intersection with stop control on the terminating Como Way approach.

El Capitan Drive/Crow Canyon Road is a signalized intersection with four legs which includes protected left-turn phasing on the eastbound and westbound Crow Canyon Road approaches. The northbound and southbound approaches of El Capitan Drive have permissive left-turn phasing, and a right-turn overlap phase is present on the southbound approach. There are marked crosswalks with pedestrian phasing present on all legs and bicycle lanes in both directions on the east leg and in the eastbound direction on the west leg.

The locations of the study intersections and the existing lane configurations and controls are shown in Exhibit 3.15-1.



Source: W-Trans, 2024.

FCS
An ADEC Innovation

Exhibit 3.15-1
Study Area and Existing Lane Configurations

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Pedestrian Facilities

Existing and Planned Pedestrian Facilities

Pedestrian facilities include sidewalks, crosswalks, pedestrian signal phases, curb ramps, curb extensions, and various streetscape amenities, such as lighting, benches, etc. In general, there is a network of sidewalks, crosswalks, curb ramps, and street lighting as part of the single-family housing neighborhoods adjacent to the project site, including on El Capitan Drive and Como Way. There are no planned pedestrian construction projects in the site area according to the Contra Costa Countywide Bicycle and Pedestrian Plan.

Pedestrian Safety

The collision history for the study area was reviewed to determine any trends or patterns that may indicate a safety issue for pedestrians. Collision records were reviewed for the most current 10-year period available, which at the time of the analysis was July 1, 2013, through June 30, 2023. During the 10-year study period there were two reported collisions involving pedestrians along El Capitan Drive, one involving a driver under the influence colliding with a pedestrian just north of Crow Canyon Road, and another from a pedestrian right-of-way violation at Greenbrook Drive. Neither collision resulted in reported injury or death.

Bicycle Facilities

Existing and Planned Bicycle Facilities

The Town of Danville Bicycle Master Plan classifies bikeways into five categories:

- **Class I Shared Use Path**–a completely separated right-of-way for the exclusive use of bicycles and pedestrians with cross flows of motorized traffic minimized.
- **Class II Bike Lane**–a striped and signed lane for one-way bike travel on a street or highway.
- **Class III Bike Route**–signing only for shared use with motor vehicles within the same travel lane on a street or highway.
- **Class IIB Bike Route**–low-traffic, local streets where people biking have priority but share roadway space with motor vehicles.
- **Class IV Bikeway**–also known as a separated bikeway, a Class IV Bikeway is for the exclusive use of bicycles and includes a separation between the bikeway and the motor vehicle traffic lane. The separation may include, but is not limited to, grade separation, flexible posts, inflexible physical barriers, or on-street parking.

In the project area, Class I bike paths exist on Iron Horse Regional Trail through the Town. Bicyclists ride in the roadway and/or on sidewalks along all other streets within the project study area. Table 3.15-1 summarizes the existing and planned bicycle facilities in the project vicinity as contained in the Bicycle Master Plan.

Table 3.15-1: Bicycle Facility Summary

Location	Class	Length (miles)	Begin Point	End Point
Existing				
Iron Horse Regional Trail	I	4.52	Town Limits	Town Limits
El Capitan Drive	III	2.50	Camino Ramon	Crow Canyon Road
Greenbrook Drive	III	2.20	Camino Tassajara	Camino Ramon
Planned				
St. Christopher Drive	III	0.40	El Capitan Drive	Greenbrook Drive
Harlan Drive	III	0.83	Greenbrook Drive	St. Christopher Drive
Greenbrook Drive	IIIB	1.70	Sycamore Valley Road	Camino Ramon
Sources: W-Trans. 2026. Transportation Impact Study (TIS). Town of Danville. 2021. Bicycle Master Plan. Google Maps. 2024.				

Bicyclist Safety

Collision records for the study area were reviewed to determine whether there had been any bicyclist-involved crashes. During the 10-year study period between July 1, 2013, through June 30, 2023, there was one reported collision involving a bicyclist; it occurred on El Capitan Drive. This involved a driver failing to yield to a bicyclist crossing the street at the Iron Horse Regional Trail crossing.

Transit Facilities

Existing Transit Facilities

The transit stop nearest the project site is located 1.3 miles from the project site at Crow Canyon Road/Alcosta Boulevard and is served by County Connection Transit (CCT) Route 623. The next nearest stop is located at Crow Canyon Road/Camino Ramon, approximately 1.5 miles from the project site, served by CCT Routes 21 and 321.

Route 623 provides school service from Monte Vista High School (MVHS) along Camino Tassajara and Crow Canyon Road. It operates 1 PM trip per weekday, based on the MVHS bell schedule.

Route 21 provides service between the Walnut Creek Bay Area Rapid Transit (BART) station and the San Ramon Transit Center. This route operates Monday through Friday with 30-minute headways between 5:45 a.m. and 9:30 p.m. no service is provided on weekends.

Route 321 provides weekend service between the Walnut Creek BART station, the San Ramon Transit Center, and John Muir Medical Center. This route operates exclusively on Saturdays and Sundays with one-hour headways between 6:30 a.m. and 9:15 p.m.

Two bicycles can be carried on most CCT buses. Bike rack space is on a first come, first served basis.

Dial-a-ride, also known as paratransit, or door-to-door service, is available for those who are unable to independently use the transit system due to a physical or mental disability. CCT LINK is designed to serve the needs of individuals with disabilities within 1.5 miles of a County Connection fixed route bus or within 0.75 mile of a BART station when County Connection fixed route buses are not in operation.

Roadway Facilities

There are currently no roadways on the project site. Como Way is a local public street that has a 32-foot roadway surface with gutters, curbs, and 5-foot sidewalks on each side that terminate at the project site frontage. Como Way has streetlighting and a 50-foot right-of-way.

Vehicle Miles Traveled

In approving Senate Bill (SB) 743 in 2018, the California State Legislature directed the California Governor's Office of Land Use and Climate Innovation (LCI; formerly known as the California Governor's Office of Planning and Research [OPR]) to develop guidelines for assessing transportation impacts based on VMT. In response to SB 743, CEQA and its implementing guidelines (CEQA Guidelines) were significantly amended regarding the methods by which lead agencies are to evaluate a project's transportation impacts for purposes of CEQA review. As described in CEQA Guidelines Section 15064.3(a):

> Generally, vehicle miles traveled is the most appropriate measure of transportation impacts. For the purposes of this section, "vehicle miles traveled" refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit and non-motorized travel. Except as provided in subdivision (b)(2) below (regarding roadway capacity), a project's effect on automobile delay shall not constitute a significant environmental impact.

This section of the CEQA Guidelines continues to set forth the criteria for analyzing transportation impacts. The Town has not adopted VMT procedures or standards, therefore Contra Costa Transportation Authority (CCTA) standards, elucidated in CCTA's Growth Management Program Implementation Guide,[1] were used as directed by Town staff.

LCI's Technical Advisory on Evaluating Transportation Impacts in CEQA[2] (Technical Advisory) provides guidance to analysts and local jurisdictions for implementing VMT as a metric for determining the transportation impact for land use projects. The LCI guidelines state that for analysis purposes, "VMT" refers to automobile VMT, specifically passenger vehicles and light trucks. Heavy truck traffic is typically excluded.

[1] Contra Costa Transportation Authority (CCTA). 2021. Growth Management Program Implementation Documents: Implementation Guide. February. Website: https://ccta.net/wp-content/uploads/2021/08/GMP_Implementation_Guide_FINAL_02172021.pdf. Accessed October 1, 2024.

[2] California Governor's Office of Land Use and Climate Innovation (LCI). 2018. Technical Advisory: On Evaluating Transportation Impacts in CEQA. December.

The CCTA guidelines include a screening process that describes five scenarios for which a project would be exempted from a VMT analysis requirement:

- **Projects exempt from CEQA analysis:** Any project that is exempt from CEQA is not required to conduct a VMT analysis.
- **Small projects:** Small projects can be presumed to cause a less than significant VMT impact. Small projects are defined as having 10,000 square feet or less of nonresidential space, or 20 residential units or less, or otherwise generating less than 836 VMT per day.[3]
- **Local serving projects:** Projects that consist of Local Serving Uses can generally be presumed to have a less than significant impact absent substantial evidence to the contrary, since these types of projects will primarily draw users and customers from a relatively small geographic area that will lead to short-distance trips and trips that are linked to other destinations.
- **Projects in Transit Priority Areas:** Projects located within a Transit Priority Area (TPA) can be presumed to have a less than significant impact absent substantial evidence to the contrary. This exemption would not apply if the project:
  - Has a floor area ratio (FAR) of less than 0.75;
  - Includes more parking for use by residents, customers, or employees than required by the lead agency (if the agency allows but does not require the project to supply a certain amount of parking);
  - Is inconsistent with the applicable Sustainable Communities Strategy (SCS) (as determined by the lead agency, with input from the Metropolitan Transportation Commission [MTC]); or
  - Results in a net reduction in multi-family housing units.
- **Projects in low VMT areas:** residential and employment-generating projects located within a low VMT-generating area can be presumed to have a less than significant impact absent substantial evidence to the contrary.

Even if a project satisfies one or more of the screening criteria, lead agencies may still require a VMT analysis if there is evidence that the project has characteristics that might lead to a significant amount of VMT. For residential projects that do not meet screening criteria, VMT thresholds apply. Under CCTA guidelines, a residential project would have a significant impact on VMT if it would generate residential VMT per capita higher than 85 percent of the Town of Danville or countywide average, whichever is higher.

Level of Service

State law has changed with respect to how transportation-related impacts may be addressed under CEQA. Traditionally, lead agencies used Level of Service (LOS) to assess the significance of

[3] This threshold ties directly to the California Governor's Office of Land Use and Climate Innovation (LCI) Technical Advisory which notes that CEQA provides a categorical exemption for existing facilities, including additions to existing structures of up to 10,000 square feet, so long as the project is in an area where public infrastructure is available to allow for maximum planned development and the project is not in an environmentally sensitive area (CEQA Guidelines § 15301, subd. (e)(2)). Using Statewide average data from the California Statewide Household Travel Survey (CHTS), the amount of daily Vehicle Miles Traveled (VMT) associated with 10,000 square feet of nonresidential space is 836 VMT. Also using statewide average CHTS data, this level of VMT is associated with 20 housing units. Therefore, absent substantial evidence otherwise, it is reasonable to conclude that the addition of 20 housing units or 10,000 square feet of nonresidential space could be considered not to lead to a significant impact.

development impacts, with greater levels of congestion considered to be more significant than lesser levels. Mitigation measures typically took the form of capacity-increasing improvements, which often had their own environmental impacts (e.g., to biological and cultural resources). Depending on circumstances, and an agency's tolerance for congestion (e.g., as reflected in its general plan), projects being evaluated that would result in intersections being at LOS D, E, or F often represented significant environmental effects under CEQA. In 2013, however, the Legislature passed legislation with the intent of ultimately doing away with LOS as a basis for environmental analysis under CEQA.

Enacted as part of SB 743, Public Resources Code Section 21099(b)(1), directed LCI to prepare, develop, and transmit to the Secretary of the Natural Resources Agency for certification and adoption proposed CEQA Guidelines addressing "criteria for determining the significance of transportation impacts of projects within transit priority areas. Those criteria shall promote the reduction of greenhouse gas (GHG) emissions, the development of multimodal transportation networks, and a diversity of land uses. In developing the criteria, [LCI] shall recommend potential metrics to measure transportation impacts that may include, but are not limited to, VMT, VMT per capita, automobile trip generation rates, or automobile trips generated. The office may also establish criteria for models used to analyze transportation impacts to ensure the models are accurate, reliable, and consistent with the intent of this section."

Understanding how the local roadway network functions from an engineering standpoint is still useful to local land use agencies to monitor traffic flow, identify safety issues, establish fees, plan circulation infrastructure, and manage congestion in terms of implementing their respective general plans. However, for the purposes of evaluating environmental impacts under CEQA, the new regulations have removed congestion (i.e., LOS analysis) from the range of required subjects analyzed within CEQA documents.

While not required by CEQA and not included as part of this Draft EIR, a LOS operational evaluation is required by General Plan; the TIS includes a LOS operational analysis to aid the Town in its consideration of the proposed project.

3.15.3 - Regulatory Framework

Federal

No federal plans, policies, regulations, or laws related to transportation are applicable to the proposed project.

State

California Department of Transportation LOS Goals

The California Department of Transportation (Caltrans) builds, operates, and maintains the State Highway System, including the interstate highway system. Caltrans's mission is to improve mobility Statewide. The department operates under strategic goals to provide a safe transportation system, optimize throughput and ensure reliable travel times, improve the delivery of State highway projects, provide transportation choices, and improve and enhance the State's investments and resources. Caltrans controls the planning of the State Highway System and accessibility to the system. Caltrans

establishes LOS goals for highways and works with local and regional agencies to assess impacts and develop funding sources for improvements to the State Highway System. Caltrans requires encroachment permits from agencies or new development before any construction work may be undertaken within the State's right-of-way. For projects that would impact traffic flow and levels of services on State highways, Caltrans would review measures to mitigate the traffic impacts. However, Caltrans has adopted the 2019 CCTA Congestion Management Plan (CMP) standards, which are the criteria used to identify impacts in the project-specific TIS and this Draft EIR.

Senate Bill 743

In November 2017, LCI released a technical advisory containing recommendations regarding the assessment of VMT, proposed thresholds of significance, and potential mitigation measures for lead agencies to use while implementing the required changes contained in SB 743. Also in November 2017, LCI released the proposed text for Section 15064.3, "Determining the Significance of Transportation Impacts," which summarized the criteria for analyzing transportation impacts for land use projects and transportation projects and directs lead agencies to "choose the most appropriate methodology to evaluate a project's vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure." LCI recommends that for most instances a per service population threshold should be adopted and that a 15 percent reduction below that of existing development would be a reasonable threshold.

As noted in the LCI guidelines, agencies are directed to choose metrics that are appropriate for their jurisdiction to evaluate the potential impacts of a project in terms of VMT. The updated guidelines eliminate the use of automobile delay metrics, such as LOS, from determining significant environmental impacts from vehicle travel. VMT has been identified as the most appropriate metric to evaluate a project's transportation impacts, as projects that result in lower than average VMT support goals of reducing GHG emissions, while projects that result in higher than average levels of vehicle travel contribute to an increasing rate of GHG emissions.

Projects that are within 0.5-mile of an existing major transit stop, which is defined as a rail transit station, ferry terminal served by bus or rail transit, or the intersection of two or more major bus routes with service frequencies of 15 minutes or less during the morning and afternoon peak commute periods, are presumed to be less than significant if the project has the following characteristics:

- Has a FAR greater than 0.75.
- Does not include more parking for use by residents, customers, or employees of the project than required by the jurisdiction (if the jurisdiction requires the project to supply parking).
- Is consistent with the applicable SCS (as determined by the lead agency, with input from the Metropolitan Planning Organization [MPO]).
- Does not replace affordable residential units with a smaller number of moderate or high-income residential units.

If a project meets the screening requirements, it is presumed to have a less than significant impact related to VMT.

Assembly Bill 1358

Assembly Bill (AB) 1358, also known as the California Complete Streets Act of 2008, requires cities and counties to include "Complete Streets" policies in their general plans. These policies address the safe accommodation of all users, including bicyclists, pedestrians, motorists, public transit vehicles and riders, children, the elderly, and the disabled. These policies can apply to new streets as well as the redesign of corridors.

Senate Bill 375

SB 375 provides guidance regarding reducing emissions from cars and light trucks. There are four major components to SB 375. First, SB 375 requires regional GHG emission targets. These targets must be updated every 8 years in conjunction with the revision schedule of the housing and transportation elements of local general plans. Second, MPOs are required to create an SCS that provides a plan for helping to achieve regional targets. Third, SB 375 requires housing elements and transportation plans to be synchronized on 8-year schedules. Finally, MPOs must use transportation and air emissions modeling techniques that are consistent with the guidelines prepared by the California Transportation Commission. The applicable SCS for the nine-county Bay Area Region is Plan Bay Area 2050, which was adopted in 2021 by the Association of Bay Area Governments (ABAG)/MTC.

Caltrans Construction and Safety Requirements

Caltrans issued the VMT-focused Transportation Impact Study Guide (TISG) in May 2020,[4] providing the process by which Caltrans will review and assess VMT impacts of land development projects that are within Caltrans' jurisdiction. The TISG generally aligns with the guidance in the LCI Technical Advisory.

Caltrans also issued the Transportation Analysis Framework (TAF) in September 2020,[5] which details the methodology for calculating induced travel demand for capacity-increasing transportation projects on the State Highway System. In addition, Caltrans issued the Transportation Analysis Under CEQA[6] guidance in September 2020, which describes significance determinations for capacity-increasing projects on the State Highway System.

Caltrans also issued Traffic Safety Bulletin 20-02-R1: Interim Local Development Intergovernmental Review Safety Review Practitioner Guidance in December 2020,[7] describing the methods with which Caltrans will assess the safety impacts of projects on the Caltrans-owned and operated network. This guidance states that Caltrans will provide its safety assessment to lead agencies for inclusion in environmental documents to the extent required under CEQA.

[4] California Department of Transportation (Caltrans). 2020. Vehicle Miles Traveled-focused Transportation Impact Study Guide. May 20.

[5] California Department of Transportation (Caltrans). 2020. Transportation Analysis Framework: Evaluating Transportation Impacts of State Highway System Project, First Edition. September.

[6] California Department of Transportation (Caltrans). 2020. Transportation Analysis Under CEQA, First Edition. September.

[7] California Department of Transportation (Caltrans). 2020. Traffic Safety Bulletin 20-02-R1: Interim Local Development Intergovernmental Review Safety Review Practitioners Guidance. December 18.

Finally, Caltrans has adopted procedures to oversee construction activities on and around its facilities. The Caltrans Construction Manual[8] describes best practices for construction activities, including personnel and equipment safety requirements, temporary traffic control, signage, and other requirements aimed at reducing construction-related hazards and constructing projects safely and efficiently. Any work proposed on Caltrans facilities would be required to abide by these requirements.

Regional Regulations

Contra Costa Transportation Authority Congestion Management Program and Tri-Valley County Action Plan (2017)

CCTA serves as the Congestion Management Agency (CMA) for Contra Costa County. As required by State law, CCTA must prepare a CMP that outlines strategies for managing the transportation network. The CCTA is responsible for updating the CMP every two years; it is also responsible for adopting and updating a Priority Development Area (PDA) strategy, and the CCTA helps develop regional plans and allocates regional funding. The CMP includes the following policies that are relevant to this analysis:

- Support "complete streets" policies of local jurisdictions.
- Prioritize effective transit service within the plan area to reduce congestion on roadways.

Contra Costa Countywide Bicycle and Pedestrian Plan (2018)

The Contra Costa Countywide Bicycle and Pedestrian Plan sets goals for increasing walking and bicycling and identifies actions the CCTA and partner organizations should take to achieve those goals. Contra Costa Countywide Bicycle and Pedestrian Plan includes the following goals that are relevant to this analysis:

- Encourage more people to walk and bicycle.
- Increase safety and security for pedestrians and bicyclists.
- Create a safe, connected, and comfortable network of bikeways and walkways for all ages and abilities.

Metropolitan Transportation Commission

The regional transportation planning agency and MPO for the nine-county Bay Area is the MTC. MTC is the authorized clearinghouse for State and federal transportation improvement funds. Each county's CMA sends a capital improvement project list to MTC. MTC reviews the list submitted by all nine Bay Area counties and submits a regional priority list to the California Transportation Commission (CTC) and/or Federal Highway Administration (FHWA) for selection of projects to receive funding. Funded projects are then included in the Regional Transportation Plan (RTP) prepared by MTC.

[8] California Department of Transportation (Caltrans). 2022. Construction Manual, 2021 Edition.

Plan Bay Area 2050: A Vision for the Future

Plan Bay Area 2050: A Vision for the Future (Plan Bay Area) is the Bay Area's RTP/SCS. Plan Bay Area, adopted jointly by ABAG and MTC on October 21, 2021, is the current version of the plan. Defined by 35 strategies for housing, transportation, economic vitality, and the environment, Plan Bay Area lays out a $1.4 trillion vision for policies and investments to make the nine-county region more affordable, connected, diverse, healthy, and economically vibrant for all its residents through 2050 and beyond. The transportation strategies in Plan Bay Area fall into three categories:

1. Maintain and optimize the existing system.
2. Create healthy and safe streets.
3. Build a next-generation transit system.

Local Regulations

Town of Danville

As described above, while not required by CEQA and not included as part of this Draft EIR, some of the policies listed below would support a non-CEQA LOS operational evaluation; therefore, the TIS prepared for the proposed project includes an LOS analysis identifying applicable improvements for the Town's consideration prior to approval of the proposed project.

Town of Danville 2030 General Plan

The General Plan contains the following policies related to transportation:

Growth Management

Policy 6.04 Maintain Level of Service standards for transportation and parks, and Town policies and programs which ensure that these standards are maintained, within the parameters allowed by State law, as future development occurs.

Policy 6.07 Pursuant to County Measure J-2004, continue to implement a development mitigation program which ensures that development projects pay the costs necessary to mitigate impacts on the regional transportation system. The Town shall require traffic impact analysis, mitigation, and findings of consistency as appropriate for new development projects in accordance with this program.

Multimodal Circulation

Policy 11.05 Ensure that new development pays its fair share of transportation improvement costs and includes reasonable and effective measures to mitigate its impacts on transportation.

Policy 11.07 Reduce traffic hazards on Danville's roadways through design, signage, enforcement of traffic laws, and traffic safety education. Accident data (including data for pedestrian and bicycle accidents) should be monitored to identify problem locations and to allow prioritization of safety improvements.

Policy 12.02 Require design measures to accommodate access by pedestrians, bicycles, and transit within new development, and to provide connections to adjacent development.

Policy 12.03 Provide a pleasant and safe environment for pedestrians.

Policy 12.07 Close gaps in the Town's bicycle and pedestrian trail system in order to create a more fully connected, logical, comprehensive system of facilities for non-motorized transportation.

Policy 12.12 To the extent permitted by law, ensure that the Town's transportation improvement fees may be used to support pedestrian, bicycle, and transit improvements as well as road improvements.

Transportation Choice

Policy 13.05 Create and maintain a safe, effective system of bikeways, including an integrated network of off-road bicycle trails, dedicated on-road bicycle lanes and signed bicycle routes along Danville streets.

Integrating Land Use and Transportation

Policy 14.02 Require site-specific traffic studies for development that is likely to generate significant volumes of traffic. If such studies indicate that the development could cause the Town's transportation standards to be exceeded, require modifications to the project and/or impose transportation improvement requirements which ensure that these standards are maintained.

Policy 14.03 Maintain Level of Service (LOS) standards for Danville streets which balance vehicle speed and travel time objectives with other considerations, such as the safety and comfort of pedestrians, bicyclists, and transit users. Standards may vary according to roadway function and the character of surrounding uses.

Mobility and Neighborhood Quality

Policy 15.03 Require the design of streets in new development areas to incorporate traffic calming features.

Policy 15.06 Maintain and enforce regulations on construction traffic which ensure vehicle safety, limit the potential for nuisance conditions, and reduce conflicts with adjacent uses and traffic patterns.

Infrastructure

Policy 20.07 Discourage private infrastructure improvements such as private roads and private storm drainage systems.

Public Safety

Policy 29.03 Provide for emergency traffic control plans in collaboration with other jurisdictions in the San Ramon Valley. These plans should identify evacuation routes and measures for accommodating traffic in the event of a planned or emergency closure of the I-680 freeway or other major circulation route within the community.

Greenhouse Gas Reduction/Air Quality

Policy 33.01 Make land use and transportation decisions which promote walking and bicycling, and help to sustain public transportation.

Town of Danville Bicycle Plan (2021)

The Town's Bicycle Master Plan provides a blueprint for the planning and implementation of projects and programs for the Town to strengthen its existing network by providing safe and comfortable bicycle facilities for bicyclists of all ages and abilities. It includes the following goals that are relevant to this analysis:

- **Connectivity:** Provide comfortable, safe, and connected facilities for all types of users.
- **Safety:** Enhance bicycle safety with projects, policies, and programs.
- **Collaboration and Transparency:** Develop a network of bicycle facilities through a collaborative process that builds and maintains community trust.

Town of Danville Municipal Code, Chapter 31-22 Streets

Chapter 31-22 of the Town of Danville Municipal Code (Municipal Code) provides general provisions related to streets, including, but not limited to, regulations related to conformance with the General Plan, intersection angles, distance between streets, and traffic safety devices.

Fire Safety Ordinances

Chapter 10-6.1 of the Municipal Code adopts the California Fire Code, with jurisdiction amendments.

3.15.4 - Methodology

The proposed project's potential impacts to transportation have been evaluated using the analysis includes in the TIS attached as Appendix I of this Draft EIR and a variety of published resources publicly available online.

Trip Generation

The anticipated trip generation for the proposed single-family houses was estimated using standard rates published by the Institute of Transportation Engineers (ITE) in the Trip Generation Manual, 11th Edition, for "Single-Family Detached Housing" (ITE LU No. 210). For the affordable accessory dwelling units (ADUs), rates for the "Affordable Housing – Income Limits" (ITE LU No. 223) use were selected, as this description most closely matches the proposed use. Based on the application of these rates, the proposed project would be expected to generate an average of 231 trips per day, including 17 AM peak-hour trips and 23 trips during the PM peak-hour. These results are summarized in Table 3.15-2.

Table 3.15-2: Trip Generation Summary

Land Use	Units	Daily		AM Peak-hour				PM Peak-hour			
		Rate	Trips	Rate	Trips	In	Out	Rate	Trips	In	Out
Single-family Houses	22 du	9.43	207	0.70	15	4	11	0.94	21	13	8
ADUs	5 du	4.81	24	0.36	2	1	1	0.46	2	1	1
Total			**231**		**17**	**5**	**12**		**23**	**14**	**9**

Notes:
ADU = accessory dwelling unit
Source: W-Trans. 2026. Transportation Impact Study (TIS).

Trip Distribution

The pattern used to allocate new project trips to the street network was determined by reviewing area traffic flows and distribution of likely destinations for residents of the proposed project. Table 3.15-3 shows the distribution assumptions.

Table 3.15-3: Trip Distribution Assumptions

Route	Percent
Camino Ramon North of El Capitan Drive	20
Crow Canyon Rd West of El Capitan Drive	70
Crow Canyon Rd East of El Capitan Drive	10
Total	**100**
Source: W-Trans. 2025. Transportation Impact Study (TIS).	

Affects to Circulation System

The collision history for the study area was revised to determine any trends or patterns that may indicate a safety issue. Collision rates were calculated based on records available from the California Highway Patrol (CHP) as published in their Statewide Integrated Traffic Records System (SWITRS) reports. The most current 5-year period available is July 1, 2018, through June 30, 2023. The collision rate calculations are provided in Appendix I.

As presented in Table 3.15-4, the calculated collision rates for the study intersections were compared to average collision rates for similar facilities Statewide, as indicated in 2021 Crash Data on California State Highways.[9] These average rates Statewide are for intersections in the same environment (urban, suburban, or rural), with the same number of approaches (three or four), and the same

[9] California Department of Transportation (Caltrans). 2021. 2021 Crash Data on California State Highways. Website: https://dot.ca.gov/-/media/dot-media/programs/research-innovation-system-information/documents/annual-collision-data/2021crashdataoncshwybook1a11y.pdf. Accessed July 28, 2025.

controls (all-way stop, two-way stop, or traffic signal). For all three study intersections, the calculated collision rate is below the Statewide average for similar facilities.

Table 3.15-4: Collision Rates for Study Intersections

Study Intersection	Number of Collisions (2018–2023)	Calculated Collision Rate (c/mve)	Statewide Average Collision Rate (c/mve)
1. El Capitan Drive/Camino Ramon	0	0.00	0.28
2. El Capitan Drive/Como Way	0	0.00	0.13
3. El Capitan Drive/Crow Canyon Road	10	0.19	0.33

Notes:
c/mve = collisions per million vehicles entering
Source: W-Trans. 2026. Transportation Impact Study (TIS).

Vehicle Miles Traveled

SB 743, which was signed into law by former Governor Brown in 2013 and was codified in Public Resources Code Section 21099, tasked LCI with establishing new criteria for determining the significance of transportation impacts under CEQA. SB 743 requires the new criteria to "promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses." SB 743 changes the way that public agencies evaluate the transportation impacts of projects under CEQA, recognizing that roadway congestion, while an inconvenience to drivers, is not itself an environmental impact (see Public Resources Code [PRC] § 21099(b)(2)). In December 2018, LCI circulated its most recent Technical Advisory on Evaluating Transportation Impacts in CEQA, which provides recommendations and describes various options for assessing VMT for transportation analysis purposes. VMT refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the proposed project on transit or non-motorized travel. The VMT analysis options described by LCI are primarily tailored toward single-use development residential or office projects, not mixed-use projects, and not athletic facility projects. The TIS utilized guidance from CCTA and LCI to evaluate impacts related to VMT.

Design Feature Hazards

Sight Distance

Sight distances at the project access points were evaluated based on sight distance criteria contained in the Highway Design Manual (HDM) published by Caltrans.[10] The recommended sight distance for the intersection of public streets is based on corner sight distances, with more sight distance needed for a left turn versus a right turn. Additionally, the stopping sight distance needed for a following driver to stop if there is a vehicle waiting to turn into a side street or driveway is evaluated based on stopping sight distance criterion and the approach speed on the major street.

[10] California Department of Transportation (Caltrans). 2020. Highway Design Manual (HDM). Chapter 1000: Bicycle Transportation Design. Website: https://dot.ca.gov/-/media/dot-media/programs/design/documents/chp1000-a11y.pdf. Accessed July 28, 2025.

Queueing

The Town does not prescribe thresholds of significance regarding queue lengths. However, an increase in queue length due to project traffic was considered a potentially significant impact if the increase would cause the queue to extend out of a dedicated turn lane into a through traffic lane, or the back of queue into a visually restricted area, such as a blind corner. If queues would already be expected to extend past a dedicated turn lane or into a visually restricted area without project traffic, the addition of project traffic was considered to constitute a potentially adverse effect only if it would cause a new unacceptable conditions; in other words, if the queue were already beyond the turn lane and the proposed project would cause it to stack into an adjacent intersection or a visually restricted area, and that would not occur without the proposed project, that would be considered an impact.

Under each scenario, the projected maximum queues in turn pockets at the study intersections were determined using the SIMTRAFFIC application of Synchro and averaging the maximum projected queue for each of 10 runs.

Emergency Access

The TIS evaluated traffic conditions at five study intersections during the AM and PM peak-hours and daily conditions for a typical weekday. Additionally, collision history for the study area was reviewed to determine any trends or patterns that may indicate a safety issue. Collision rates were calculated based on records available from the CHP as published in their SWITRS reports.

3.15.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in the CEQA Guidelines Appendix G Environmental Checklist to determine whether transportation and traffic impacts resulting from the implementation of the proposed project would be considered significant environmental effects if the proposed project would:

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

b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).

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

d) Result in inadequate emergency access.

3.15.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the proposed project and provides mitigation measures where necessary.

Affect to Circulation System

Impact TRANS-1: The proposed project would not conflict with a program plan, ordinance or policy of the circulation system, including transit, roadway, bicycle and pedestrian facilities.

Impact Analysis

This analysis addresses the potential for the proposed project to conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, pedestrian, and bicycle facilities.

Pedestrian Facilities

The existing pedestrian facilities are described in Section 3.15.2, Environmental Setting. As described, the proposed project's study area includes an existing network of sidewalks, crosswalks, pedestrian signals, and curb ramps that generally provide access for pedestrians in the vicinity of existing residential development.

In addition to the existing sidewalks on both sides of Como Way up to the project site frontage, the preliminary site plan indicates that the proposed Como Way extension would include extending the 5-foot sidewalk on one side of the street into the site. While the project site is currently zoned as an A-2 General Agricultural District per the General Plan, it is understood that to permit the proposed residential density and location, rezoning is being pursued to classify the site as a P-1 Planned Unit District with R-12 development standards. The Town's Municipal Code Sections 12-8.18, Sidewalks and Pedestrian Paths, and 31-17, Sidewalks and Paths, both require that sidewalks be provided in areas zoned R-12 or denser, and that these sidewalks shall be 4 feet wide exclusive of curb width. Therefore, to comply with Municipal Code requirements and avoid a significant impact, sidewalks on both sides of the new street segments with a width of at least 4 feet (exclusive of curbs) should be incorporated into the site plan.

Bicycle Facilities

There are no existing or planned bicycle facilities on Como Way, nor would such facilities be required on the proposed project's extension of the road. Additionally, there are no planned bicycle facilities for Como Way or on the project site per the Bicycle Master Plan. The Municipal Code does not require bike parking spaces for residential projects. As such, the proposed project would not conflict with adopted policies regarding bicycle facilities and impacts related to bicycle facilities would be less than significant.

Public Transit Facilities

The nearest transit stop to the project site is located approximately 1.3 miles from the project site at Crow Canyon Road Road/Alcosta Boulevard and is served by CCT Route 623. As such, transit service is not present along the streets near the project site. The 2023–2028 Short Range Transit Plan,[11] indicates potential adjustments to service frequencies and consolidation of express routes but does not outline additional service near the project site. Therefore, the proposed project would not

[11] Central Contra Costa Transportation Authority (CCCTA), County Connection. 2022. 2023-2028 Short Range Transit Plan. December 15. Website: https://countyconnection.com/wp-content/uploads/2022/12/FINAL_County-Connection_SRTP-FY23-28.pdf. Accessed July 28, 2025.

conflict with adopted plans and policies regarding transit and impacts would be less than significant. In summary, the proposed project would not conflict with any plans or policies for pedestrian, transit, or public transit facilities. Therefore, impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

Conflict with CEQA Guidelines Section 15064.3, Subdivision (b)

Impact TRANS-2: The proposed project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).

Impact Analysis

As noted above, the Town applies the CCTA standards in accordance with the Town's commitment to comply with CCTA guidance in accordance with the requirements of Measure J. The potential for the proposed project to conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b) was evaluated based the proposed project's anticipated VMT. As the proposed project would include more than 20 residential lots, a VMT analysis is required pursuant to the CCTA guidelines. The CCTA's Growth Management Program Implementation Guide[12] and Final Technical Procedures[13] outline the process and requirements for conducting a VMT analysis in accordance with SB 743. The Growth Management Program established a cooperative process requiring participation from all cities and towns in Contra Costa County to manage impacts of growth in the area. As a condition of that participation, the Town and other member jurisdictions are required to comply with and implement the Technical Procedures.

The Technical Procedures prescribe that a residential project generating vehicle travel that is 15 percent or more below the existing townwide residential VMT per capita may indicate a less than significant transportation impact. Per the CCTA's travel demand model, the 2022 townwide VMT per resident for the Town of Danville is 22.10 miles. The significance threshold (85 percent) is therefore 18.79 miles. The CCTA's model consists of thousands of Traffic Analysis Zones (TAZs). The proposed project would be located in TAZ 40049, which has a VMT per resident of 20.33 miles. As this is greater than the significance threshold of 18.79 miles, the proposed project would have a potentially significant impact on VMT based on CCTA's guidance. A VMT reduction of 7.6 percent would be required to reduce this impact below the threshold. Table 3.15-5 below displays a summary of the VMT rates associated with the proposed project.

[12] Contra Costa Transportation Authority (CCTA). 2021. Growth Management Program Implementation Documents: Implementation Guide. February 17. Website: https://ccta.net/wp-content/uploads/2021/08/GMP_Implementation_Guide_FINAL_02172021.pdf. Accessed July 28, 2025.

[13] Contra Costa Transportation Authority (CCTA). 2022. Technical Procedures. November. Website: https://ccta.net/wp-content/uploads/2023/01/CCTA_Technical_Procedures_Nov2022.pdf. Accessed July 28, 2025.

Table 3.15-5: Vehicle Miles Traveled Summary

VMT Metric	Danville Townwide VMT Rate	Significance Threshold	TAZ 40049 VMT Rate	Resulting Significance	Percent Reduction Required
VMT per Capita	22.10	18.79	20.33	Potentially Significant	7.6%

Notes:
Vehicle Miles Traveled (VMT) Rate is measured in VMT per capita, which is the number of daily miles driven per resident.
Source: W-Trans. 2026. Transportation Impact Study (TIS).

The Final Technical Procedures state that if a project has the potential to significantly impact VMT, then mitigation measures shall be identified along with a specific percent level of VMT reduction.

Per the California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (Handbook), affordable housing generates fewer VMT than market-rate housing. Incorporating below market-rate housing reduces VMT by 28.6 percent times the proportion of affordable units, according to the Handbook. The proposed project would develop five ADUs for 22 market-rate lots, which would result in an affordable housing ratio of approximately 18.5 percent. For a VMT reduction, this translates to a 5.3 percent project-wide reduction in VMT. However, an additional 2.3 percent VMT reduction would still be required to achieve the identified 7.6 percent reduction shown in Table 3.15-5 to minimize an exceedance of the VMT significance threshold.

Thus, the TIS recommends that the proposed project include a Community-Based Transportation Plan (CBTP) to mitigate potential impacts related to the proposed project's VMT. The CBTP is an outreach-based approach where information, incentives, and support for using transportation alternatives, carpooling, or reducing trips is shared with residents. The proposed project would implement Mitigation Measure (MM) TRANS-2, which directs that the Homeowner's Association (HOA) for the proposed project shall implement a CBTP program.

According to the Handbook, implementation of MM TRANS-2 would result in a 2.3 percent VMT reduction. This reduction would be sufficient to reduce the proposed project's VMT to below the threshold of significance. Therefore, with implementation of MM TRANS-2, impacts would be less than significant.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM TRANS-2 Prior to issuance of the first certificate of occupancy, the project applicant shall develop a Community-Based Transportation Plan (CBTP) for review and approval by the Town of Danville (Town). The CBTP program shall be designed based on the recommendations provided in the California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Has Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (Handbook).

After program approval, the proposed project's Homeowner's Association (HOA) shall administer the CBTP program for all residents within the HOA to achieve the maximum feasible Vehicle Miles Traveled (VMT) reduction of 2.3 percent per the CAPCOA Handbook. The HOA shall be required to submit documentation to the Town on an annual basis to demonstrate ongoing program implementation.

Level of Significance After Mitigation

Less than significant impact.

Hazards

Impact TRANS-3: The proposed project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Impact Analysis

The potential for the proposed project to impact safety was evaluated in terms of the adequacy of sight distance at the project access point as well as the adequacy of stacking space in dedicated turn lanes at the study intersections to accommodate additional queueing due to adding project-generated trips and the need for additional right-of-way controls.

Site Access

The project site would be accessed via an extension of Como Way from its current terminus, which is located approximately 700 feet east of El Capitan Drive. The proposed housing units would front the extension of Como Way, which would terminate as a cul-de-sac. A cul-de-sac side street from the east side of the proposed Como Way extension would also be constructed, providing access to four of the proposed lots, as shown in Chapter 2, Project Description, Exhibit 2-5. A single residential lot located at the terminus of Borica Drive would take access from the existing Borica Drive cul-de-sac, as shown in Chapter 2, Project Description, Exhibit 2-8.

Sight Distance

At unsignalized intersections, a substantially clear line of sight should be maintained between the driver of a vehicle waiting at the crossroad and the driver of an approaching vehicle. Adequate time should be provided for the waiting vehicle to either cross, turn left, or turn right, without requiring through traffic to radically alter their speed.

Sight distance along El Capitan Drive at Como Way was evaluated based on sight distance criteria contained in the HDM published by Caltrans. The recommended sight distance at intersections of public streets is based on corner sight distances with the approach travel speeds used as the basis for determining the recommended sight distance. Additionally, the stopping sight distance needed for a following driver to stop if there is a vehicle waiting to turn into a side street or driveway is evaluated based on stopping sight distance criterion and the approach speed on the major street.

A brief speed survey was conducted to sample traffic speeds at El Capitan Drive in the vicinity of Como Way. The 85th-percentile speed was determined to be 33 and 32 miles per hour (mph) in the northbound and southbound directions, respectively. For right turns (into northbound traffic), 415 feet is required for 33-mph travel. The available corner sight distance was determined to be over 500 feet for westbound right-turn movements, which is adequate for the measured critical speed.

For left turns from Como Way onto El Capitan Drive (into southbound traffic), 32 mph translates to a requirement for 450 feet of sight distance. While only 350 feet of sight distance was observed, the all-way stop-controlled intersection of El Capitan Drive/Alicante Drive-Balceta Court is located 260 feet north of and visible from El Capitan Drive/Como Way. Because of the presence of stop controls at this intersection, the additional time required for traffic to stop then accelerate at the intersection presents sufficient reaction time for westbound drivers turning left from Como Way onto El Capitan Drive. It is noted that the corner sight distance required for the posted speed limit of 25 mph is 350 feet, matching the distance observed.

A driver turning left onto Como Way (from southbound El Capitan Drive) requires 250 feet of stopping sight distance at 35 mph. This distance was determined to be available during the field visit. As all drivers at El Capitan Drive/Alicante Drive-Balceta Court have to stop before proceeding southbound toward Como Way, this provides additional reaction time for following drivers to avoid colliding with drivers slowing or stopping to turn left onto Como Way.

Therefore, there is adequate sight distance at El Capitan Drive/Como Way for all movements into or out of Como Way.

Roadways

The proposed project would include construction of sidewalks adjacent to the proposed Como Way road extension. The sidewalks would comply with the zoning district requirements of the Town's Municipal Code through the implementation of sidewalks along all streets, increasing the overall safety of the project site.

The Como Way extension and court both would terminate in turnarounds with 40-foot radii, pursuant to the Municipal Code, which requires turnarounds for cul-de-sac streets with a radius of at least 35 feet. The maximum allowable slope for minor roads is 20 percent, which is greater than the highest slope of 11.82 percent as delineated on the preliminary site plan. Municipal Code Section 31.22, Streets, requires that minor streets include a 32-foot-wide pavement width with a 52-foot-wide right-of-way. Excluding the transition at the project entrance, the proposed Como Way extension would range between 22 and 30 feet of pavement width, with a public right-of-way width of 28 to 36 feet. As discussed in Chapter 2, Project Description, the proposed project would provide

five ADUs as affordable for low-income households and would qualify for the benefits of State Density Bonus Law (Gov. Code § 65915). The proposed project is requesting a waiver of development standards in accordance with State Density Bonus Law to allow for 22-foot roadway widths instead of the minimum 24-foot roadway width required under the Municipal Code Section 31.22.

Further, street lighting is anticipated to be included in the proposed project site design as required by Section 31-16 of the Town's Municipal Code. With adherence to the applicable Municipal Code requirements and with approval of the requested State Density Bonus Law waiver, the proposed project would not substantially increase hazards related to roadways and impacts would be a less than significant.

Queueing

The Town does not prescribe thresholds of significance regarding queue lengths. However, an increase in queue length due to project traffic was considered a potentially significant impact if the increase would cause the queue to extend out of a dedicated turn lane into a through traffic lane or if the back of queue into a visually restricted area, such as a blind corner. If queues would already be expected to extend past a dedicated turn lane or into a visually restricted area without project traffic, the addition of project traffic was considered to constitute a potentially adverse effect only if it would cause a new unacceptable conditions; in other words, if the queue were already beyond the turn lane and the proposed project would cause it to stack into an adjacent intersection or a visually restricted area, and that would not occur without the proposed project, that would be considered an impact.

Under each scenario, the projected maximum queues in turn pockets at the study intersections were determined using the SIMTRAFFIC application of Synchro and averaging the maximum projected queue for each of 10 runs. Summarized in Table 3.15-6 are the predicted queue lengths and available storage capacities for each turn pocket at a study intersection. Copies of the SIMTRAFFIC projections are contained in Appendix I.

Table 3.15-6: Maximum Turn Queues and Available Storage

Study Intersection *Approach*	Available Storage	Maximum Queues			
		AM Peak-hour		PM Peak-hour	
		E	E+P	E	E+P
1. El Capitan Drive/Camino Ramon					
westbound right turn	80	**98**	**97**	62	61
southbound left turn	90	72	77	63	66
3. El Capitan Drive/Crow Canyon Road					
eastbound left turn	300	78	83	112	123
eastbound right turn	200	11	10	15	11
westbound left turn	125	12	18	16	34
westbound right turn	200	40	53	47	45
southbound left turn	135	56	55	64	68

Study Intersection *Approach*	Available Storage	Maximum Queues			
		AM Peak-hour		PM Peak-hour	
		E	E+P	E	E+P
Notes: Maximum Queue based on the average of the maximum value from 10 SIMTRAFFIC runs. All distances are measured in feet. E = existing conditions E+P = existing plus project conditions **Bold** text = queue length exceeds available storage Source: W-Trans. 2026.					

The queues on several movements are predicted to decrease slightly with project traffic added compared to without-project conditions. This is attributed to the nature of the modeling, wherein traffic is randomly seeded and the average of 10 runs is reported, occasionally resulting in shorter queues with project traffic than without it. However, as these reductions are fewer than 5 feet, the practical effect of the proposed project is negligible.

The proposed project would not be expected to cause any queues to exceed available storage that would not do so without the proposed project, so the proposed project's impact on queueing would be less than significant.

Traffic Calming

The Como Way extension would be built on an incline, increasing in elevation as it extends east from its current terminus. This includes a relatively steep slope in the first 710 feet, where the elevation would increase 57 feet, for an average grade of 8 percent and a maximum grade of 11.82 percent. The resulting slope presents a concern regarding the prevailing speed of downhill (westbound) vehicles heading toward the existing Como Way alignment, particularly as all but one of the proposed residential lots would be located east of this 710-foot section, reducing the friction factor that driving through a neighborhood may present as compared to a roadway with open space on both sides. The opportunity for downhill speeding would be a potentially significant safety-related impact of the proposed project.

As described in the TIS, one possible solution to reduce speeds as westbound drivers transition from the project site to the existing Como Way alignment would be to install a traffic circle at the project site entry. By installing a horizontal deflection, drivers would need to reduce their speed as they depart the site. A design that results in a "fastest path" of 15 mph would result in vehicle activity substantially similar to existing traffic on Como Way. As no collisions were reported on Como Way or at the El Capitan Drive/Como Way intersection during the 5-year collision study period, through installation of a traffic circle, the proposed project would maintain the current condition and result in a less than significant impact with regards to safety.

In addition, the design of the traffic circle would include consideration for trucks through the inclusion of mountable truck aprons as appropriate, as well as the installation of deterrence features for westbound (downhill) traffic to use the eastbound (uphill) side of the traffic circle to achieve a

faster path of travel. The traffic circle would also include appropriate signage and striping to warn oncoming drivers of the traffic-calming device and enable them to slow accordingly. While the final design of the traffic circle may not occur until submitting the construction plans for permits, inclusion of the device in the plans for the proposed project would result in an impact on safety that is less than significant.

With implementation of the proposed roundabout as a traffic-calming measure to reduce the speeds of westbound (downhill) drivers to be substantially similar to existing traffic on Como Way, the proposed project would not create any new hazards or introduce incompatible uses to the roadway system. Thus, impacts would be less than significant.

Overall, the proposed project would not create any new hazards or introduce incompatible uses to the roadway system and impacts on safety would be less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

Emergency Access

Impact TRANS-4: The proposed project could result in inadequate emergency access.

Impact Analysis

Site Access

The Municipal Code Section 10-6 adopts the 2022 California Fire Code as the standard for the Town along with amendments from the San Ramon Valley Fire Protection District (SRVFPD) through Ordinance No. 2022-37. Between Section D103.3 of Ordinance No. 2022-37 and the California Fire Code Section 503.1.1 Buildings and Facilities, fire access roads are required to be provided within 150 feet of all exterior building walls (unless an exemption is granted), which needs to have a minimum unobstructed width of 20 feet, a minimum inside turn radius of 25 feet, and a minimum outside turn radius of 45 feet. Any fire access road longer than 150 feet requires a turnaround, and Section D103.3 of Ordinance No. 2022-37 requires a diameter of 90 feet for a cul-de-sac. Appendix D of the California Fire Code requires roadways adjacent to fire hydrants to be at least 26 feet wide.

As discussed in the TIS, the proposed project would meet the adopted horizontal roadway requirements by providing a 22- to 30-foot-wide roadway with turning radius greater than 25 feet for inside corners and 45 feet for outside corners, as well as road widening to 26 feet at instances adjacent to fire hydrants.

Como Way would end in a cul-de-sac turnaround with an outer radius of 40 feet. There would be another turnaround extending from Como Way that would also have an outer radius of 40 feet. While this is adequate per the Municipal Code's requirement for a 35-foot radius, the California Fire

Code requires a 45-foot radius, as stated above. The project applicant is anticipated to secure from the fire code officials an exemption to the 45-foot radii requirement to permit 40-foot radii.

Appendix D Section D107.1 of the California Fire Code requires residential developments with more than 30 dwelling units to have two separate fire access roads. Como Way currently has 14 houses, and implementation of the proposed project would increase the total number of residential units to 40 (35 houses and 5 ADUs). Accordingly, the proposed project would construct a new fire access road extending from Borica Drive and connecting to the proposed residential units on the southern portion of the project site. With construction of this fire access road, the proposed project would have access to two fire access points and would comply with the California Fire Code fire access road count requirement.

The extension of Como Way would bring the 700-foot road to a total length of around 2,500 feet. Per the project site plan, there is a proposed fire access road that would connect the Como Way extension to Borica Drive. The fire access road would provide secondary emergency access to the existing and proposed houses. However, Municipal Code 31-22.1.g, Block Length, specifies that the maximum block length (distance between intersections or an intersection and road terminus) permissible is 1,000 feet. While the fire access road would reduce the block length on Como Way by providing a secondary connection partway into the project site, there would still be approximately 1,400 feet between the access road connection to Como Way and the eastern terminus of the road. As such, the project applicant is anticipated to secure exemptions to this code from Town staff and receive any required approvals.

In regard to grading, Ordinance No. 2022-37 permits a maximum longitudinal slope of 20 percent with high-traction design for slopes 16 percent or greater and a maximum permissible cross slope of 8 percent. The site plan indicates a maximum longitudinal slope of 11.82 percent and a cross slope of 2 percent, meeting these requirements.

Emergency Response Times

The addition of project traffic to the surrounding roadway network would increase the average control delay at each intersection by less than 0.5 second, as detailed in the Capacity Analysis chapter of the TIS. Further, as all roadway users must yield the right-of-way to emergency vehicles when using their sirens and lights, the added project-generated traffic would be expected to have a less than significant impact on emergency response.

Overall, the proposed project would be designed to accommodate emergency response vehicles and would not impede emergency responders, resulting in a less than significant impact on emergency response.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

3.15.7 - Cumulative Impacts

Impacts of the proposed project would be considered cumulatively considerable if they would have the potential to combine with other past, present, or reasonably foreseeable projects to become significant. The potential for cumulative construction impacts exists where there are multiple projects proposed in an area that have overlapping construction schedules that could affect similar resources. Cumulative operational impacts exist where multiple projects result in significant and unavoidable impacts to the same surrounding intersections and roadways.

The geographic context for the cumulative analysis is the nine Bay Area counties (Marin, Sonoma, Napa, Solano, San Mateo, San Francisco, Santa Clara, Alameda, and Contra Costa) that fall under the purview of the MPO, the Bay Area MTC. The analysis also considers the foreseeable development projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1, Cumulative Projects in the Town, in addition to the proposed project. The nearest cumulative project from the project site is approximately 0.4 mile northeast of the project site (Cumulative Project No. 6).

Transit, Bicycle, and Pedestrian Circulation and Facilities

Cumulative projects in the nine-county MTC and, more specifically, the Town, would generate alternative transportation users but would be required to provide adequate bicycle and pedestrian facilities and to comply with the programs and policies supporting alternative transportation in planning-level documents. Policy 12.07 in the Town's General Plan aims to close gaps in the Town's bicycle and pedestrian trail system to create a more fully connected, logical, and comprehensive system of facilities for non-motorized transportation. Accordingly, there would be a less than significant cumulative impact to the bicycle, pedestrian, and transit system. As described in Impact TRANS-1, the proposed project would generate bicycle, pedestrian, and transit trips. In addition to the existing sidewalks on both sides of Como Way up to the project site frontage, the preliminary site plan indicates that the Como Way extension would include extending the 5-foot sidewalk on one side of the street into the site. It is understood that, to permit the proposed residential density and location, rezoning is being pursued to classify the site as a P-1 Planned Unit District with R-12 development standards. The Town of Danville Municipal Code Sections 12-8.18, Sidewalks and Pedestrian Paths, and 31-17, Sidewalks and Paths, both require that sidewalks be provided in areas zoned R-12 or denser and that these sidewalks be 4-feet wide, exclusive of curb width. Therefore, the proposed project's contribution to alternative transportation impacts would not be cumulatively considerable. As such, the proposed project, in conjunction with other planned and approved projects, would result in a less than significant cumulative impact with respect to transit, bicycle, and pedestrian circulation and facilities.

Vehicle Miles Traveled

Cumulative projects in the nine-county MTC may generate new VMT, which would be added to the roadway network within the geographic context. All cumulative projects would be required to comply with County and local ordinances and General Plan policies that address VMT, as well as mitigate their fair share of impacts related to VMT. Nonetheless, cumulative projects would have a potentially significant impact related to VMT.

As discussed above, VMT, by definition, is cumulative. The proposed project would have a less than significant impact with the incorporation of MM TRANS-2. Therefore, the proposed project would not have a cumulatively considerable contribution to VMT. As such, the proposed project, in conjunction with other planned and approved projects, would result in a less than significant cumulative impact with respect to VMT.

Roadway Hazards

Impacts related to roadway safety and traffic hazards due to design features are generally site-specific. For example, the potential roadway safety issues or traffic hazards related to the design of an intersection are specific to that particular intersection. Cumulative projects would be required to mitigate their impacts, as well as ensure that roadway safety is maintained, and comply with applicable policies in local and regional planning documents. The nearest cumulative project to the project site is Cumulative Project No. 6, which is located approximately 0.4 mile northeast of the project site, but Cumulative Project No. 6 would not be accessed via any of the roadways or intersections within the proposed project's vicinity. As such, cumulative impacts related to geometric design features would be less than significant.

As discussed under Impact TRANS-3, the proposed project would have sufficient available sight distance and no hazardous geometric roadway design features. Furthermore, the proposed project would have less than significant impacts related to vehicle queue space and would implement traffic-calming measures. Therefore, the proposed project's contribution to roadway hazard-related impacts would not be cumulative considerable. As such, the proposed project, in conjunction with other planned and approved projects, would result in a less than significant cumulative impact with respect to roadway hazards.

Emergency Access

Cumulative projects would be required to ensure that sufficient emergency access is provided and/or maintained in accordance with applicable federal, State, and local regulations. Accordingly, there is a less than significant cumulative impact. Site plans must be reviewed and approved by fire code officials before project approval.

As described in Impact TRANS-4, the proposed project would not result in inadequate emergency access, as it would include two points of access meeting Fire Department standards for emergency response vehicles. Therefore, the proposed project's contribution to related impacts would not be cumulatively considerable. As such, the proposed project, in conjunction with other planned and approved projects, would result in a less than significant cumulative impact with respect to emergency access.

Level of Cumulative Significance Before Mitigation

Less than significant cumulative impact.

Mitigation Measures

None.

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3.16 - Utilities and Service Systems

3.16.1 - Introduction

This section describes the existing conditions related to utilities and service systems (water, wastewater, stormwater, and solid waste) in the Town of Danville (Town) and project area as well as the relevant regulatory framework. This section also evaluates the possible impacts related to such utilities and service systems that could result from implementation of the project. Information in this section is based on information provided by the East Bay Municipal Utility District (EBMUD) Urban Water Management Plan (2020 UWMP), the Central Contra Costa Sanitary District (Central San), the California Department of Resources Recycling and Recovery (CalRecycle), and the Town of Danville 2030 General Plan General Plan) and Town of Danville General Plan 2030 Environmental Impact Report (General Plan EIR).

The following public comments were received during the Draft EIR Notice of Preparation (NOP) scoping period regarding utilities and service systems:

- States requirements related to a water main extension needed for the proposed project.
- Asks who would maintain the proposed drainage infrastructure.
- Concern regarding stormwater impacts.
- Request to include information about how undeveloped land would be maintained for weed abatement, wildfire safety, and stormwater infrastructure.

3.16.2 - Environmental Setting

Water

The project site is in the existing service area of EBMUD, which is an independent public utility agency governed by an elected seven-member board of directors. The EBMUD provides potable water supply and distribution to a 332-square-mile service area in Alameda and Contra Costa Counties with a population of 1.4 million. The service area stretches from Crockett to the north, southward to San Lorenzo and portions of Hayward (encompassing the major cities of Oakland and Berkeley), eastward from San Francisco Bay to Walnut Creek, and south through the San Ramon Valley (including Alamo, Danville, and San Ramon).

According to the 2020 UWMP, EBMUD delivered between 150 and 170 million gallons of water per day (mgd) to customers in the region between 2015 and 2020.[1,2]

[1] East Bay Municipal Utility District (EBMUD) prepared and adopted a 2020 Urban Water Management (2020 UWMP) that projects water supply and demand within its service area through 2050.
[2] East Bay Municipal Utility District (EBMUD). 2021. Urban Water Management Plan, Figure 3-1: EBMUD Water Accounts and Total Demand. June.

Water Source and Supply

The Town obtains its water supply from EBMUD. The EBMUD has a variety of water supply sources that are generated outside of the Town limits. Table 3.16-1 summarizes EBMUD's current sources of water, and the following sections detail the water supply.

Table 3.16-1: East Bay Municipal Utility District Current Sources of Water Supply

Source	Contracted Volume/Capacity (mgd)	Contracted Volume/Capacity (afy)
Mokelumne River[1]	325	364,047
East Bay Watershed Runoff[2]	23	25,763
Emergency Standby[3]	135	151,670
USBR Central Valley Project Supply[4]	119	133,000
EBMUD Recycled Water[5]	13	364,047

Notes:
afy = acre-feet per year
EBMUD = East Bay Municipal Utility District
mgd = million gallons per day
USBR = United States Bureau of Reclamation
UWMP = Urban Water Management Plan
Adopted from the 2020 UWMP

1 EBMUD water rights allow for up to a maximum 325 mgd per year.
2 Local watershed runoff is stored in terminal reservoirs and vary depending on hydrological conditions. 23 mgd is the average supply during a normal hydrologic year.
3 Terminal reservoir storage provides approximately 6 months of emergency standby reserve. 151,670 acre-feet reflects the reservoir system's total capacity.
4 The United States Bureau of Reclamation (USBR) contract provides up to 133,000 acre-feet in a qualifying drought year, not to exceed 165,000 acre-feet over three consecutive drought years.
5 EBMUD's 2019 Recycled Water Master Plan includes a goal of generating 20 mgd of recycled water by 2040. However, the 2020 UWMP projects 13 mgd of recycled water for forecasting through 2050. While recycled water is part of EBMUD's total supply, it is not available in the vicinity of the proposed project and would not be used as water supply for the proposed project.

Source: East Bay Municipal Utility District (EBMUD). 2021. Urban Water Management Plan. June.

Mokelumne River

EBMUD-owned Pardee and Camanche Dams on the Mokelumne River are operated together to provide flow releases for several different water uses including agriculture, fisheries, hydropower, recreation, and municipal and industrial uses. Pardee Dam is primarily used for EBMUD municipal water and power generation. Municipal water is transported from Pardee Dam to EBMUD's service area through the Mokelumne Aqueduct, which terminates in the City of Walnut Creek. Municipal water is then transported throughout EBMUD's service area through water treatment plants, terminal reservoirs, and the Lafayette Aqueduct.

Camanche Dam provides water releases for fisheries, recreation, and other water uses. The 1998 Joint Settlement Agreement among EBMUD, United States Fish and Wildlife Service, and California Department of Fish and Wildlife provides in-stream flow releases below Camanche Dam to sustain

and enhance spawning and rearing fisheries habitat. The EBMUD has water rights for up to a maximum of 325 mgd. Actual water available in any given year depends on Mokelumne River runoff and other water rights.

East Bay Watershed Runoff and Emergency Standby

The EBMUD has five terminal reservoirs: Briones, Chabot, Lafayette, San Pablo, and Upper San Leandro Reservoirs. These five terminal reservoirs store runoff from local East Bay area watersheds and supplement the Mokelumne River water supply. The terminal reservoirs provide a total capacity of 151,670 acre-feet of storage, a portion of which is retained as emergency reserve storage (6-month supply) in the case of outages or failure of the Mokelumne supply aqueduct system. On average in a normal water year, local East Bay runoff provides EBMUD with 23 mgd.

United State Bureau of Reclamation Central Valley Project

During drought years, local watershed runoff and Mokelumne River flows are supplemented with water from the United States Bureau of Reclamation's (USBR) Central Valley Project. The EBMUD's 1970 contract with USBR allowed for water delivery from the American River. This contract was amended in 2000 to create a joint water supply intake from the Sacramento River (in lieu of water from the American River) through the construction of the Freeport Project. In 2006, the Long-Term Renewal contract provided for 133,000 acre-feet of water for a single qualifying drought year, not to exceed a total of 165,000 acre-feet in three consecutive drought years. Qualifying years are determined by EBMUD monthly water supply forecasting starting March 1 through May 1. When forecasts project Mokelumne water supply to be below 500,000 acre-feet on September 30, EBMUD qualifies to activate its USBR contract. In 2020, EBMUD updated its contract with USBR, replacing the Long-Term Renewal contract (set to expire in 2046) with a permanent repayment contract via the 2016 Water Infrastructure Improvements for the Nation Act.

Surface Water

Based on the historical average, approximately 90 percent of the raw water entering EBMUD's system originates from the Mokelumne River watershed. The EBMUD holds a contract with USBR that allows taking Central Valley Project (CVP) water from the Sacramento River during dry years: up to 133,000 acre-feet in any year, subject to supply, and up to 165,000 acre-feet over three consecutive dry years. The remaining 10 percent is provided by local runoff collected in its five terminal reservoirs: Briones, Chabot, Lafayette, San Pablo, and Upper San Leandro.[3]

Groundwater

The primary groundwater basin within the EBMUD service area is the South East Bay Plain Basin (SEBPB), which is considered a portion of the East Bay Plain Groundwater Subbasin. The EBMUD completed construction of the Bayside Groundwater Project facility in 2010 for groundwater banking of injected potable water during wet years. Because of drought in years following, this facility was not fully operational until October 2018 when EBMUD successfully injected drinking water into the SEBPB. No injection or extraction events occurred in 2020 or 2021. Additional phases may be constructed in the future.

[3] East Bay Municipal Utility District (EBMUD). 2021. Urban Water Management Plan 2020. June.

Recycled Water

The EBMUD has agreements with the West County Wastewater District (WCWD), Dublin San Ramon Services District, and the City of San Leandro regarding specific projects that provide recycled water supplies for various uses. The EBMUD provided approximately 8.3 mgd of recycled water to its customers in 2020.[4]

Water Demand and Use

The EBMUD's terminal reservoir storage generally provides, among other uses, a 180-day (6-month) emergency standby reserve in the event of outages or failure of one or more of the Mokelumne Aqueducts. The local terminal reservoir system has a total capacity of 151,670 acre-feet. Because of EBMUD's policy to maintain a standby water supply reserve, there is limited amount of storage available to capture and store local runoff.[5] Table 3.16-2 summarizes the projected demand and supply forecast by the EBMUD 2020 UWMP between 2020 and 2050. Water supply and demand projections were derived from EBMUD's baseline hydrologic model. Customer demand values are based on plan-level demands account projected savings from water recycling and conservation programs.

Table 3.16-2: Demand and Supply Projections (2020-2050)

Scenario	Category	Year						
		2020	2025	2030	2035	2040	2045	2050
Normal Year	Planning Level of Demand (mgd)	181	186	190	194	201	209	218
Normal Water Year	Available Supply (mgd)	>181	>186	>190	>194	>201	>209	>218
Single Dry Year (Year 1)	Available Supply (mgd)	181	186	189	192	198	204	211
	Voluntary Rationing (percent)	0	0	1	1	2	2	3
	Need for Water (thousand acre-feet [TAF])	0	0	0	0	0	0	0
Multiple Dry Years (Year 2)	Available Supply (mgd)	156	161	164	167	172	178	185
	Mandatory Rationing (percent)	13	13	13	14	14	14	15
	Need for Water (TAF)	0	0	0	0	0	0	0
Multiple Dry Years (Year 3)	Available Supply (mgd)	153	157	158	157	144	130	117
	Mandatory Rationing (percent)	15	15	15	15	15	15	15
	Need for Water–Base Condition (TAF)	0	0	0	0	28	52	75

Source: East Bay Municipal Utility District (EBMUD). 2021. Urban Water Management Plan 2020. Table W-3 Average Annual Demand Projections by Customer Use Category. June

[4] East Bay Municipal Utility District (EBMUD). 2022. Bayside Groundwater Project 2021 Annual Report. February.
[5] East Bay Municipal Utility District (EBMUD). 2021. Urban Water Management Plan 2020. June.

As shown in the above table, under base condition assumptions, EBMUD can meet customer demand out to 2050 during normal years, single-dry years, and two consecutive dry years; however, during the consecutive dry years, even with customer demand reduction measures in place, EBMUD will need to obtain supplemental supplies to meet customer demands.[6]

Water Infrastructure and Distribution

The EBMUD's primary conveyance for its untreated water supply are the Mokelumne Aqueducts, which carry water from the Mokelumne River for deliveries throughout EBMUD's service area. Camanche Reservoir operates in conjunction with Pardee Reservoir. Untreated water from Pardee Reservoir is transported approximately 90 miles to EBMUD Water Treatment Plants (WTPs) and terminal reservoirs through the Pardee Tunnel, the Mokelumne Aqueducts, and the Lafayette Aqueducts. The Mokelumne Aqueducts have a total design capacity of 202 mgd by gravity flow and up to 325 mgd with pumping at the three Walnut Creek Raw Water Pumping Plants. Water is treated at one of six WTPs. After treatment, distribution facilities include 4,200 miles of pipeline, 131 pumping plants, and 167 water distribution reservoirs.[7]

Wastewater

The Central San provides wastewater treatment services to approximately 147 square miles and includes the cities of Danville, Lafayette, Moraga, Orinda, Pleasant Hill, Walnut Creek, unincorporated areas in central Contra Costa County; portions of Martinez and San Ramon, and several unincorporated communities in Alamo and Pacheco. The Central San also receives and treats wastewater from the City of Concord and City of Clayton collection systems. The Central San collects and treats an average of approximately 34 million gallons of wastewater per day and up to 230 million gallons per day during extreme storm events.[8] The Central San uses over 1,500 miles of piping with over 35,000 manholes and 19 pump stations to convey wastewater to the treatment plant in Martinez.

Long-Term Treatment Capacity Plans

Central San published a Comprehensive Waste Master Plan in June 2017. The Central San owns and operates the Central San Treatment Plant, located in Martinez, California. The Central San Treatment Plant has a treatment capacity of approximately 54 million gallons per day (mgd) and approximately 270 mgd of wet-weather flow.[9] The Central San Treatment Plant currently treats an average daily dry-weather flow of 34 mgd and estimates to treat 41 average daily dry-weather flow by 2035. The majority of waste is treated to a secondary level, disinfected by ultraviolet light, and then discharged into Suisun Bay. Approximately 600 million gallons per year are treated to a tertiary level through additional filtration and disinfection before being distributed as recycled water for landscape irrigation, industrial processes, and plant operations.[10]

[6] East Bay Municipal Utility District (EBMUD). 2021. Urban Water Management Plan 2020. June.
[7] Ibid.
[8] Central Contra Costa Sanitary District (Central San). 2017. Comprehensive Wastewater Master Plan.
[9] Central Contra Costa Sanitary District (Central San). 2017. Comprehensive Wastewater Master Plan.
[10] Ibid.

Wastewater Generation

Wastewater generated by land uses within central Contra Costa County is conveyed via existing infrastructure to the Central San Treatment Plant for treatment and then disposed or reused as recycled water.

Stormwater

The Town is one of 76 local government entities subject to the requirements of the California State Water Resources Control Board (State Water Board) for the San Francisco Bay Regional Water Quality Control Board (San Francisco Bay RWQCB's) Municipal Regional Stormwater Permit (MRP). The Danville Stormwater Management and Discharge Control Ordinance is consistent with the Bay Area MRP and sets the framework to implement source control, site design, and treatment measures.

Generation and Collection

Town of Danville

The Town has natural and man-made drainages. Creeks flow down the side of Mt. Diablo and the Las Trampas Range into San Ramon Creek and its tributaries and then southwest out of the Town. On most large sites, stormwater retention basins are required, reducing the need for more disruptive improvements to the creek itself.

Solid Waste

Town of Danville

Central Contra Costa County Solid Waste Authority (RecycleSmart) provides solid waste and residential recycling services for areas within the Town. RecycleSmart is a Joint Powers Authority (JPA) with six Member Agencies including Danville, Walnut Creek, Orinda, Lafayette, Moraga and portions of unincorporated Contra Costa County including Alamo, Blackhawk and Diablo. RecycleSmart holds the Franchise Agreement with Republic Services for collection, transfer and disposal of residential and commercial landfill materials, recycling and organics, and with Mt. Diablo Resource Recovery for the processing of all recyclable materials and Reuse Day services.

Landfills

Contra Costa County's waste is taken to two landfills: Acme Landfill and Keller Canyon Landfill.[11]

Project Site

Table 3.16-3 summarizes the closest landfills near the project site.

[11] Town of Danville. 2012. General Plan 2030 EIR. Utilities and Infrastructure.

Table 3.16-3: Landfills Proximate to Project Site Summary

Landfill	Location	Tons (approx.)	Cubic Feet (approx.)	
		Maximum Permitted Daily Throughput	Maximum Permitted Capacity	Remaining Capacity
Keller Canyon Landfill	901 Bailey Road Pittsburg, CA 94565	3,500 tons per day	75,018,280 cubic yards	63,408,410 cubic yards
Acme Landfill	950 Waterbird Way Martinez, CA 94553	1,500 tons per day	6,195,000 cubic yards	506,590 cubic yards

Notes:
Source: California Department of Resources Recycling and Recovery (CalRecycle). 2019. SWIS Facility/Site Activity Details.

3.16.3 - Regulatory Framework

Federal

Safe Drinking Water Act

The Safe Drinking Water Act authorizes the United States Environmental Protection Agency (EPA) to establish national standards for drinking water, called the National Primary Drinking Water Regulations, to protect against both naturally occurring and man-made contaminants. These standards set enforceable maximum contaminant levels in drinking water and require all water providers in the United States to treat water to remove contaminants, except for private wells serving fewer than 25 people. In California, the State Department of Health Services conducts most enforcement activities.

Clean Water Act (National Pollutant Discharge Elimination System)

The Water Pollution Control Act of 1972, more commonly known as the Clean Water Act (CWA), regulates the discharge of pollutants into watersheds throughout the nation. Under the CWA, the EPA implements pollution control programs and sets wastewater standards.

The National Pollutant Discharge Elimination System (NPDES) permit program was established within the CWA to regulate municipal and industrial discharges to surface waters of the United States. Federal NPDES permit regulations have been established for broad categories of discharges, including point-source municipal waste discharges and nonpoint-source stormwater runoff. NPDES permits generally identify effluent and receiving water limits on allowable concentrations and/or mass emissions of pollutants contained in the discharge; prohibitions on discharges not specifically allowed under the permit; and provisions that describe required actions by the discharger, including industrial pretreatment, pollution prevention, self-monitoring, and other activities. Wastewater discharge is regulated under the NPDES permit program for direct discharges into receiving waters and by the National Pretreatment Program for indirect discharges to a sewage treatment plant.

State

California Porter-Cologne Water Quality Control Act

Under the Porter-Cologne Water Quality Control Act (Porter-Cologne), which was passed in California in 1969, the State Water Board has the ultimate authority over State water rights and water quality policy. Porter-Cologne also establishes nine Regional Water Quality Control Boards (RWQCBs) to oversee water quality on a day to-day basis at the local and regional level. The RWQCBs engage in a number of water quality functions in their respective regions, and regulate all pollutant or nuisance discharges that may affect either surface water or groundwater.

California Urban Water Management Planning Act

The Urban Water Management Planning Act (California Water Code Sections 10610–10656) requires that all urban water suppliers with at least 3,000 customers prepare UWMPs and update them every 5 years. The act requires that UWMPs include a description of water management tools and options used by that entity that will maximize resources and minimize the need to import water from other regions. Specifically, UWMPs must:

- Provide current and projected population, climate, and other demographic factors affecting the supplier's water management planning;
- Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier;
- Describe the reliability of the water supply and vulnerability to seasonal or climatic shortage;
- Describe plans to supplement or replace that source with alternative sources or water demand management measures;
- Describe the opportunities for exchanges or transfers of water on a short-term or long-term basis (associated with systems that use surface water);
- Quantify past and current water use;
- Provide a description of the supplier's water demand management measures, including schedule of implementation, program to measure effectiveness of measures, and anticipated water demand reductions associated with the measures; and
- Assess the water supply reliability.

California Health and Safety Code

Section 64562 of the California Health and Safety Code establishes water supply requirements for service connections to public water systems. Before additional service connections can be permitted, enough water must be available to the public water system from its water sources and distribution reservoirs to adequately, dependably, and safely meet the total requirements of all water users under maximum-demand conditions.

California Senate Bills 610 and 221

Senate Bill (SB) 610 and SB 221 (Water Code § 10910(c)(2)) amended State law, effective January 1, 2002, to improve the link between information on water supply availability and certain land use

decisions made by cities and counties. SB 610 and SB 221 seek to promote more collaborative planning between local water suppliers and cities and counties by requiring that detailed information regarding water availability be provided to decision-makers prior to approval of specified large development projects. SB 610 requires that detailed information be included in a Water Supply Assessment (WSA), which is then included in the administrative record that serves as the evidentiary basis for an approval action by a city or county. SB 221 requires that the detailed information be included in a verification of water supply. Under SB 610, WSAs must be furnished to local governments for inclusion in any environmental documentation for certain projects (as defined in Water Code Section 10912(a)) subject to the California Environmental Quality Act (CEQA).

California Water Conservation Act

The California Water Conservation Act (SB X7-7) was enacted in November 2009 and requires each urban water supplier to select one of four water conservation targets contained in California Water Code Section 10608.20 with the Statewide goal of achieving a 20 percent reduction in urban per capita water use by 2020. Under SBX7-7, urban retail water suppliers are required to develop water use targets and submit a water management plan to the California Department of Water Resources (DWR) by July 2011. The plan must include the baseline daily per capita water use, water use target, interim water use target, and compliance daily per capita water use.

California Model Water Efficient Landscape Ordinance

The California Model Water Efficient Landscape Ordinance (MWELO) was adopted by the California Office of Administrative Law in September 2009, and requires local agencies to implement water efficiency measures as part of its review of landscaping plans. Local agencies can either adopt the MWELO or incorporate provisions of the ordinance into its own code requirements for landscaping. The Town has not adopted a local ordinance.

California Integrated Waste Management Act

To minimize the amount of solid waste that must be disposed of by transformation and land disposal, the State Legislature passed Assembly Bill (AB) 939, the California Integrated Waste Management Act of 1989 (AB 939), effective January 1990. The legislation required each local jurisdiction in the State to set diversion requirements of 25 percent in 1995 and 50 percent in 2000; established a comprehensive Statewide system of permitting, inspections, enforcement, and maintenance for solid waste facilities; and authorized local jurisdictions to impose fees based on the types or amounts of solid waste generated. In 2007, amendments to the California Integrated Waste Management Act introduced a new per capita disposal and goal measurement system that moves the emphasis from an estimated diversion measurement number to using an actual disposal measurement number as a per capita disposal rate factor. As such, the new disposal-based indicator (pounds per person per year) uses only two factors: a jurisdiction's population (or in some cases employment) and its disposal as reported by disposal facilities.

Local

Town of Danville 2030 General Plan

Policy 20.02 Coordinate development approvals with the appropriate agencies to ensure that adequate water quantity, quality, and distribution; adequate sewage collection and wastewater treatment capacity; and other utilities can be provided to serve proposed development projects without adverse community impacts.

Policy 20.06 Ensure that the costs of upgrading and constructing public facilities needed to serve new development shall be the responsibility of the developers and not existing residents.

Policy 23.06 Work with other jurisdictions and water providers to ensure a sufficient and sustainable long-term supply of potable water for existing Danville customers and for future development that is consistent with the goals of this General Plan.

Policy 31.03 Promote composting, recycling, and other programs that reduce the amount of household solid waste requiring disposal in landfills.

Policy 31.06 Require new and rehabilitated multifamily developments to provide on-site shared collection bins for recyclable and compostable waste

Town of Danville Municipal Code

Section 31-31 of the Town of Danville Municipal Code (Municipal Code) requires adequate water supply and sewer services. An adequate approved water supply system shall be provided to serve all of the proposed subdivision. Sewerage shall be provided to the subdivision by a public sanitation district or utility having adequate plant and facilities.

3.16.4 - Methodology

Wastewater production was calculated and compared with Central San treatment capacity to determine whether wastewater treatment requirements would be exceeded. In addition, the demand for potable water (both with and without use of recycled water) was calculated to assist in determining whether sufficient water supply would be available. The Town's wastewater discharge permitting and stormwater requirements were also reviewed.

The following evaluation discusses whether the project would result in direct impacts on utilities and service systems such as existing wastewater and stormwater drainage facilities, water supply, or water treatment facilities. The evaluation also discusses whether the proposed project would result in indirect impacts on utilities and services systems, such as construction impacts from new stormwater drainage systems. The analysis involved reviewing published data and material provided by EBMUD, Central San, CalRecycle, and the Town. Impacts related to electric power, natural gas, and telecommunications facilities are addressed in Section 3.6, Energy.

3.16.5 - Thresholds of Significance

The lead agency utilizes the criteria in the CEQA Guidelines Appendix G Environmental Checklist to determine whether impacts to utilities and service systems are significant environmental effects. Would the project:

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

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

c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

e) Comply with federal, State, and local statutes and regulations related to solid waste.

3.16.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the project and provides mitigation measures where appropriate.

Water or Wastewater Treatment Facilities

Impact UTIL-1:	**The proposed project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.**

Impact Analysis

Construction

Impacts related to the relocation or construction of new or expanded water, wastewater treatment, or stormwater drainage, electric power, natural gas, or telecommunications facilities are limited to operation.

Water Supply

The proposed project would connect to a proposed off-site 8-inch water line in the southwest corner of the project site. Water service throughout the project site would be provided via 8-inch water lines under the proposed internal streets.

Water supply would be provided to the proposed project by EBMUD. Because the project site is currently served by the EBMUD and proposed uses would be consistent with the underlying General Plan land use and zoning, its water consumption is factored into the UWMP's planning projections.

Thus, adequate water supplies are available to serve the proposed project and no new or expanded water treatment or conveyance facilities would be required. Furthermore, as discussed under Impact UTIL-2 below, the proposed project would not create the need for new water facilities or result in inefficient water supply. Impacts with regard to water supply would be less than significant.

Wastewater Treatment

The proposed project would connect to a proposed off-site 8-inch sewer line in the southwest corner of the project site. Sanitary sewer services throughout the project site would be provided via 8-inch diameter sanitary sewer lines under the proposed internal streets. The Central San provides wastewater treatment services to approximately 147 square miles. Central San collects and treats an average of approximately 34 million gallons of wastewater per day and up to 230 million gallons per day during extreme storm events. The Central San uses over 1,500 miles of piping with over 35,000 manholes and 19 pump stations to convey wastewater to the treatment plant in Martinez.

As mentioned above, the Central San Treatment Plant has a treatment capacity of approximately 54 million gallons per day (mgd) and approximately 270 mgd of wet-weather flow. The Central San Treatment Plant currently treats an average daily dry-weather flow of 34 mgd and estimates to treat 41 average daily dry-weather flow by 2035. The majority of waste is treated to a secondary level, disinfected by ultraviolet light, and then discharged into Suisun Bay. Approximately 600 million gallons per year are treated to a tertiary level through additional filtration and disinfection before being distributed as recycled water for landscape irrigation, industrial processes, and plant operations. Central San has sufficient capacity to serve the proposed project, and the proposed project would not require construction of new or expanded wastewater treatment facility. Therefore, impacts would be less than significant.

Stormwater Drainage

As described in Chapter 2, Project Description, the proposed project would include an on-site storm drain system designed to handle hydromodification requirements for the site as well as stormwater treatment requirements set forth by Contra Costa County. Once the stormwater is treated, it would be detained within the basin and flows exiting the basin would be metered to equal the pre-project flows leaving the site. Storm drains would range from approximately 12 inches to 24 inches within the project site (Exhibit 2-7). The proposed project would include two drainage management areas (DMAs), including two bioretention areas, as stormwater treatment features:

- **DMA 1:** DMA 1 includes the residential lots and the majority of the internal roadways, totaling approximately 10.56 acres. DMA 1 would include one bioretention area (Bioretention Area 1) located along the north side of the proposed extension of Como Way, directly west of Lot 1,totaling approximately 10,560 square feet. DMA 1 would be routed to a new outfall in the eastern channel of the project site.
- **DMA 2:** DMA 2 includes an approximately 2.80-acre area just west of the existing terminus of Como Way. It would contain one approximately 1,140-square-foot bioretention area (Bioretention Area 2) located just south of the proposed Como Way extension at the entrance of the proposed development. DMA 2 would drain to an existing storm drain within Como Way.

The proposed project would not require the construction of new or expanded stormwater drainage facilities off-site. Therefore, impacts related to stormwater facilities would be less than significant.

Electric and Telecommunications

Electric and gas services for the proposed project would be provided by Pacific Gas and Electric Company (PG&E). The proposed project would connect to existing utility lines in Como Way. AT&T would provide phone services, and Comcast would provide phone and high-speed internet services. Therefore, impacts related to the need for relocation or construction of new or expanded electric or telecommunication facilities would be less than significant.

While there is currently no development planned on Lot 22, utility demand associated with future development of a single-family residence has been considered herein. Any future development on Lot 22 would be designed in conjunction with the existing utility service systems for the proposed project and associated demand has been considered herein. Therefore, impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

Water Supplies

Impact UTIL-2:	**The proposed project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.**

Impact Analysis

Construction

Impacts related to sufficient water supplies are limited to operational impact. No respective construction impacts would occur.

Operation

Table 3.16-4 summarizes the proposed project's estimated water consumption. As shown in the table, the proposed project would demand a net increase of 12,309.8 gallons of water per day, which equates to approximately 0.04 acre-feet per year. This amount of water represents less than 1 percent of both EBMUD's 2025 average water year supply value of 242,441.8 acre-feet and EBMUD's 2025 single-dry year value of 242,441.8 acre-feet shown in Table 3.16-2.

Table 3.16-4: Proposed Project Estimated Water Consumption

Dwelling Units (incl. ADUs)	Persons per Household[1]	EBMUD Baseline per Capita Consumption	Proposed Project Daily Water Consumption	Net Increase in Annual Water Consumption[2]
27	2.78	164 gallons per capita per day	12,309.8	0.04 acre-feet

Notes:
ADU = accessory dwelling unit
EBMUD = East Bay Municipal Utility District
[1] Persons per household obtained from California Department of Finance for Danville (2025) EBMUD Baseline Per Capita Consumption obtained from 2020 Urban Water Management Plan.
[2] 1 acre-foot = 325,851 gallons

While there is currently no development planned on Lot 22, water demand associated with future development of a single-family residence has been considered herein. Any future development on Lot 22 would be designed in conjunction with the existing utility service systems for the proposed project and could be accommodated by EBMUD.

Accordingly, adequate water supplies would be available to serve the project from existing and planned supplies. Therefore, impacts related to sufficient water supply availability would be less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

Wastewater Treatment Capacity

Impact UTIL-3: **The proposed project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.**

Impact Analysis

Construction

Impacts related to wastewater treatment capacity are limited to operational impacts. No construction-related impacts would occur.

Operation

Table 3.16-5 summarizes the proposed project's estimated wastewater generation. As shown in the table, the proposed project would generate an estimated 4,431.5 gallons per day (0.004 mgd). This amount of wastewater represents less than 1 percent of the Central San's treatment plant daily

discharge limit of 54 mgd.[12] Thus, no new or expanded wastewater treatment or conveyance facilities would be required.

Table 3.16-5: Wastewater Generation Estimate

Daily Water Consumption	Domestic Consumption (40% of Daily Consumption)	Daily Wastewater Generation (90% of Domestic Consumption)
12,309.8	4,923.9 gallons	4,431.5 gallons
Notes: 1 acre-foot = 325,851 gallons EBMUD Baseline Per Capita Consumption obtained from 2020 Urban Water Management Plan		

While there is currently no development planned on Lot 22, wastewater generation associated with future development of a single-family residence has been considered herein. Any future development on Lot 22 would be designed in conjunction with the existing utility service systems for the proposed project and could be accommodated by Central San. Therefore, impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

Attainment of Solid Waste Reduction Goals

Impact UTIL-4: **The proposed project would not 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.**

Impact Analysis

Construction

Construction waste generation is summarized in Table 3.16-6. As shown in the table, the proposed project would generate approximately 774.8 cubic yards of construction and demolition waste. The two regional landfills have 64.9 million cubic yards of remaining capacity and thus would be able to accommodate the construction solid waste generated by the proposed project.

[12] Central Contra Costa Sanitary District. 2024. Treatment Plant. Website: https:// www.centralsan.org/treatment-plant. Accessed February 12, 2025.

Table 3.16-6: Construction and Demolition Solid Waste Generation Estimate

Activity	Waste Generation Rate	Square Feet	Solid Waste Generation	
			Tons	Cubic Yards
Demolition	155 pounds/square foot	0	0	0
Construction	3.89 pounds/square foot	313,632	553.4	774.8
Source: United States Environmental Protection Agency (EPA). 1998.				

Construction and Demolition Debris Recycling practices would divert most, if not all, construction solid waste from landfills. Waste haulers dumping construction debris at transfer stations or landfills are given the option of construction and demolition debris recycling, which typically costs less than dumping in the municipal solid waste stream. Construction and demolition debris recycling involves diverting recoverable materials for reuse or reprocessing, while non-recoverable materials are ground up into Alternative Daily Cover for use at landfills.

While there is currently no development planned on Lot 22, construction waste generation associated with future development of a single-family residence has been considered herein. Construction of any future development on Lot 22 would be required to comply with Construction and Demolition Debris Recycling practices. Therefore, impacts would be less than significant.

Operation

Operational waste generation is summarized in Table 3.16-7. As shown in the table, the proposed project would generate 0.21 cubic yards of solid waste daily. The two regional landfills have 64.9 million cubic yards of remaining capacity, and thus can accommodate the solid waste generated by the proposed project at operation.

Table 3.16-7: Operational Solid Waste Generation Estimate

Activity	Waste Generation Rate (daily)	Count (incl. ADUs)	Solid Waste Generation (daily)	
			Tons	Cubic Yards
Residential	12.23 lb/household	27	0.15	0.21
Notes: ADU = accessory dwelling unit 1 ton = 2,000 pounds 1 ton = 1.4 cubic yards Source: California Department of Resources Recycling and Recovery (CalRecycle). 2006				

Recycle Smart provides recycling and green waste collection to customers. Aluminum, glass, plastic, paper, carboard, and organic waste are collected and diverted from the waste stream. As such, the values discussed in the table above likely overstate the solid waste generation that would be expected to occur from the proposed project.

While there is currently no development planned on Lot 22, solid waste generation associated with future development of a single-family residence has been considered herein. Any solid waste generated by future development on Lot 22 would be accommodated by existing landfill capacity. Therefore, impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

Solid Waste Regulations

Impact UTIL-5: The proposed project would comply with federal, State, and local statutes and regulations related to solid waste.

Impact Analysis

Construction

During construction, the proposed project would be required to comply with Municipal Code Chapter 7-4.1, which adopts the measures of Central Contra Costa Solid Waste Authority's ordinance regulating solid waste, green waste and recyclable material collection, processing, and disposal and litter (Ordinance No. 97-01 of the Central Contra Costa Solid Waste Authority). These measures would ensure compliance with the Integrated Waste Management Act by ensuring project construction waste is transferred to facilities that can adequately recycle solid waste. Thus, with compliance with the existing Municipal Code requirements and the Integrated Waste Management Act, the proposed project, including potential future development on Lot 22, would comply with applicable solid waste regulations and statutes during construction, and construction-related impacts would be less than significant.

Operation

During project operation, the proposed project and potential future development on Lot 22, would be required to comply with applicable State and local regulations related to solid waste such as the California Integrated Waste Management Act and Municipal Code Chapter 7-4.1. Adherence to the Town Municipal Code would ensure sufficient solid waste collection and transportation is available to the project and would also ensure that disposal sites contain sufficient capacity through permit review and inspections, and recycling programs are implemented in order to divert waste. As such, project operation would not impede the ability of the Town to meet waste diversion requirements or cause the Town to violate State and local statutes and regulations related to solid waste. Therefore, upon compliance with existing State and local regulations, operational impacts related to solid waste regulations consistency would be less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

3.16.7 - Cumulative Impacts

Water

The geographic scope of the cumulative potable water analysis is the service area of the EBMUD, which provides potable water to residents and businesses within the East Bay region. The EBMUD considered the existing capacity and future demand for capacity to determine needed updates to water facilities. In the course of preparing the UWMP, the EBMUD estimated water demand of future development in the service area and forecast the needed facility upgrades. The forecast included supply facility upgrades needed to accommodate growth in the region.

Cumulative projects listed in Table 3-1 (refer to Chapter 3, Environmental Impacts Analysis, Table 3-1, Cumulative Projects) are located within the EBMUD service area and would create water supply demand. The EBMUD 2020 UWMP determined that EBMUD would be able to provide adequate water supplies to the region and cumulative projects in the area.[13] The EBMUD would have adequate water supplies to serve the cumulative projects during normal and dry years.[14] In addition, cumulative projects listed in Table 3-1, would be required to comply with provisions of the Municipal Code and California Green Building Code related to water conservation. Therefore, the proposed project, in conjunction with identified cumulative projects in the Town, would result in a less than significant cumulative impact related to water supply and water supply facilities.

Wastewater

The geographic scope of the cumulative wastewater analysis is the service area of Central San, which provides wastewater collection and treatment services for contracted cities and residents and business in the Town. Central San considered the existing capacity and future demand for capacity to determine needed updates to wastewater and recycled water facilities. In the course of preparing the Comprehensive Wastewater Master Plan, Central San estimated wastewater generated from future development in the service area and forecast the needed facility upgrades. The forecast included treatment facility upgrades needed to accommodate growth in the County and maintain compliance with applicable regulatory standards for wastewater treatment and discharge.

Cumulative projects listed in Table 3-1 are located in the Central San service area and would generate volumes of wastewater. The Comprehensive Wastewater Master Plan determined that capacity exists to service the County and cumulative projects area demand with respect to wastewater treatment facilities. Therefore, the proposed project, in conjunction with identified cumulative projects in the Town of Danville would result in a less than significant cumulative impact related to wastewater generation and wastewater treatment facilities.

[13] East Bay Municipal Utility District (EBMUD). 2020. Urban Water Management Plan.
[14] Ibid.

Storm Drainage

The geographic scope for cumulative storm drainage is the areas that drain to Sycamore Creek, which is the watershed the project site lies within. Cumulative projects listed in Table 3-1 predominantly consist of residential uses located in the Town that generate volumes of stormwater. The proposed project may be required to construct improvements such that the storm drain line is adequate, which may include an expansion of this stormwater facility to ensure that adequate capacity is maintained. Therefore, the proposed project, in conjunction with the construction of other projects and Table 3-1, would not result in a significant cumulative impact related to stormwater generation and stormwater drainage facilities.

Solid Waste

RecycleSmart, a JPA, oversees regional waste diversion programs and contracts for the solid waste recycling collection services provided within the Town. Cumulative projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1 consist predominantly of residential uses and would generate solid waste that would increase demand on solid waste facilities to receive, process, and dispose solid waste. The two regional landfills that serve the County have a combined remaining capacity of 64.9 million cubic yards. The anticipated waste volume of cumulative project development would be 803.5 cubic yards per year, which represents less than 1 percent of the available capacity. Existing solid waste facilities provide sufficient capacity to serve cumulative development anticipated in the Town. Therefore, the proposed project, in conjunction with identified cumulative projects, would result in a less than significant cumulative impact related to solid waste generation and landfill capacity.

Level of Cumulative Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

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3.17 - Wildfire

3.17.1 - Introduction

This section describes the existing wildfire conditions in the project area as well as the relevant regulatory framework. This section also evaluates the possible impacts related to wildfire that could result from implementation of the proposed project. Analysis in this section is based on information provided by the Town of Danville 2030 General Plan (General Plan) and the California Department of Fire and Forestry Protection (CAL FIRE).

The following public comments were received during the Draft Environmental Impact Report (Draft EIR) Notice of Preparation (NOP) scoping period related to wildfire:

- Request to include information about how undeveloped land would be maintained for weed abatement, wildfire safety, and stormwater infrastructure.

3.17.2 - Environmental Setting

Wildfire Hazard Area Designations

According to the CAL FIRE Fire and Resource Assessment Program (FRAP), the project site is not located within a State Responsibility Area (SRA) or lands classified as Very High Fire Hazard Severity Zone (VHFHSZ) within a Local Responsibility Area (LRA). The nearest VHFHSZ to the project site is located approximately 2.95 miles northeast of the project site, north of Sycamore Valley Regional Open Space Preserve.[1] Wildlands surround the project site, with the Sycamore Valley Regional Open Space Preserve bordering the eastern boundary of the project site. Additionally, Mount Diablo State Park includes expanses of wildlands and is located approximately 3.8 miles northeast of the project site. Mount Diablo State Park includes lands within an SRA classified as Very High, High, and Medium Fire Hazard Severity Zone (FHSZ).[2]

The Town's General Plan identifies areas of the Town that have a high wildfire threat. Areas in very high threat zones are in the vicinity of Magee Ranch, off Diablo Road, where single-family homes are in immediate proximity to fire-prone hillsides. Existing developed areas located in proximity to the Las Trampas Ridge and the hillside areas of the Sycamore Valley are particularly subject to wildfire risks. Buildings on properties in the very high threat zones must comply with specified building requirements which increase their ability to resist the intrusion of flames or burning embers by a vegetation fire. The General Plan designates the project site as a "Very High Threat to Development" (see Figure 22 of the General Plan).

Wildfire-conducive Conditions

The project site is undeveloped and is located on hilly terrain within the San Ramon Valley. The project site is surrounded by undeveloped open lands to the north and east and residential

[1] California Department of Forestry and Fire Protection (CAL FIRE). 2025. Fire Hazard Severity Zones in a State Responsibility Area. Website: https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=988d431a42b242b29d89597ab693d008. Accessed June 6, 2025.
[2] Ibid.

subdivsisions to the west and south. The Sycamore Valley Regional Open Space Preserve is located east of the project site. Residential developments exist immediately south of the project site and rural residential development mixed with open lands lay north. Although the project site is not classified as a high FHSZ, much of the surrounding land is susceptible to wildfire due to the hilly terrain and amount of open space. Furthermore, the Town designates the project site as a Very High Wildfire Threat to Development in Figure 22 of the General Plan. The probability of occurrence for a wildfire in the County is moderate because a significant hazard event is likely to occur every 25 years. However, isolated and lower-impact events occur annually. From 2010 to 2022, there were 24 wildfires in Contra Costa County most burning over 100 acres each.[3] Because the natural vegetation and dry-farmed grain areas of the County are extremely flammable during late summer and fall, wildfire is a serious hazard in undeveloped areas and on large lot home sites with extensive areas of unirrigated vegetation.[4]

The Town's woodlands, grasslands, and chaparral areas create a fire hazard, especially when development is located in or adjacent to these areas. Wildfires in these areas can become a hazard to life and property during the summer and fall dry seasons, especially during periods of low humidity and high winds. Existing developed areas located in proximity to the Las Trampas Ridge and the hillside areas of the Sycamore Valley are particularly subject to wildfire risks. Buildings on properties in the VHFHSZ must comply with specified building requirements which increase their ability to resist the intrusion of flames or burning embers by a vegetation fire.[5]

Emergency and Evacuation Routes/Access

Both the Town and County implement programs to facilitate emergency preparedness for other types of incidents within the project site, such as fires. Specifically, the Town has an Emergency Operations Plan (EOP) that identifies the Town's emergency planning, organization, and response policies and procedures.[6] The EOP is periodically reviewed and updated to incorporate the most current procedures, protocols, and standards. The Town's emergency management operation functions under the Standardized Emergency Management System (SEMS) and the National Incident Management System. The Town Manager directs the emergency management organization, serving as the Director of Emergency Services. The Director of Emergency Services is responsible for implementing the EOP through the efforts of the Town's Emergency Operations Center (EOC). Every department within the Town provides support to the operation of the Town's EOC, with support from the San Ramon Valley Fire Protection District (SRVFPD) and the San Ramon Valley Unified School District (SRVUSD).

[3] Contra Costa County. 2024. 2024 Hazard Mitigation Plan. Website: https://www.contracosta.ca.gov/DocumentCenter/View/82620/2024-Contra-Costa-County-HMP-Volume-1---Approved?bidId=. Accessed June 6, 2025.
[4] Ibid.
[5] Town of Danville. 2013. Town of Danville General Plan. Website: https://www.danville.ca.gov/DocumentCenter/View/1026/2030-General-Plan-PDF?bidId=. Accessed June 6, 2025.
[6] Town of Danville. 2017. Emergency Operations Plan. Website: https://www.danville.ca.gov/DocumentCenter/View/7077/Town-Of-Danville-Emergency-Operations-Plan-EOP-. Accessed June 6, 2025.

The County has developed a Hazard Mitigation Plan, which serves as a coordinating document to help multiple local agencies and special purpose districts reduce their risks from a wild range of potential events, including wildfires.[7]

3.17.3 - Regulatory Framework

Federal

United States Department of Interior

Review and Update of the 1995 Federal Wildland Fire Management Policy

1. **Safety—**Firefighter and public safety is the first priority. All Fire Management Plans and activities must reflect this commitment
2. **Fire Management and Ecosystem Sustainability—**The full range of fire management activities will be used to help achieve ecosystem sustainability, including its interrelated ecological, economic, and social components
3. **Response to Wildland Fire—**Fire, as a critical natural process, will be integrated into land and resource management plans and activities on a landscape scale, and across agency boundaries. Response to wildland fire is based on ecological, social, and legal consequences of the fire. The circumstances under which a fire occurs, and the likely consequences on firefighter and public safety and welfare, natural and cultural resources, and values to be protected dictate the appropriate management response to the fire.
4. **Use of Wildland Fire—**Wildland fire will be used to protect, maintain, and enhance resources and, as nearly as possible, be allowed to function in its natural ecological role. Use of fire will be based on approved Fire Management Plans and will follow specific prescriptions contained in operational plans.
5. **Rehabilitation and Restoration—**Rehabilitation and restoration efforts will be undertaken to protect and sustain ecosystems, public health, and safety, and to help communities protect infrastructure.
6. **Protection Priorities—**The protection of human life is the single, overriding priority. Setting priorities among protecting human communities and community infrastructure, other property and improvements, and natural and cultural resources will be based on the values to be protected, human health and safety, and the costs of protection. Once people have been committed to an incident, these human resources become the highest value to be protected.
7. **Wildland Urban Interface—**The operational roles of federal agencies as partners in the Wildland Urban Interface are wildland firefighting, hazardous fuels reduction, cooperative prevention and education, and technical assistance. Structural fire suppression is the responsibility of tribal, State, or local governments. Federal agencies may assist with exterior structural protection activities under formal Fire Protection Agreements that specify the mutual responsibilities of the partners, including funding. (Some federal

[7] Contra Costa County. 2024. 2024 Hazard Mitigation Plan. Website: https://www.contracosta.ca.gov/DocumentCenter/View/82620/2024-Contra-Costa-County-HMP-Volume-1---Approved?bidId=. Accessed June 6, 2025.

agencies have full structural protection authority for their facilities on lands they administer, and may also enter into formal agreements to assist State and local governments with full structural protection.)

8. **Planning—**Every area with burnable vegetation must have an approved Fire Management Plan. Fire Management Plans are strategic plans that define a program to manage wildland and prescribed fires based on the area's approved land management plan. Fire Management Plans must provide for firefighter and public safety; include fire management strategies, tactics, and alternatives; address values to be protected and public health issues; and be consistent with resource management objectives, activities of the area, and environmental laws and regulations.

9. **Science—**Fire Management Plans and programs will be based on a foundation of sound science. Research will support ongoing efforts to increase our scientific knowledge of biological, physical, and sociological factors. Information needed to support fire management will be developed through an integrated interagency fire science program. Scientific results must be made available to managers in a timely manner and must be used in the development of land management plans, Fire Management Plans, and implementation plans.

10. **Preparedness—**Agencies will ensure their capability to provide safe, cost-effective fire management programs in support of land and resource management plans through appropriate planning, staffing, training, equipment, and management oversight.

11. **Suppression—**Fires are suppressed at minimum cost, considering firefighter and public safety, benefits, and values to be protected, consistent with resource objectives.

12. **Prevention—**Agencies will work together and with their partners and other affected groups and individuals to prevent unauthorized ignition of wildland fires.

13. **Standardization—**Agencies will use compatible planning processes, funding mechanisms, training and qualification requirements, operational procedures, values to be protected methodologies, and public education programs for all fire management activities.

14. **Interagency Cooperation and Coordination—**Fire management planning, preparedness, prevention, suppression, fire use, restoration and rehabilitation, monitoring, research, and education will be conducted on an interagency basis with the involvement of cooperators and partners.

15. **Communication and Education—**Agencies will enhance knowledge and understanding of wildland fire management policies and practices through internal and external communication and education programs. These programs will be continuously improved through the timely and effective exchange of information among all affected agencies and organizations.

16. **Agency Administrator and Employee Roles—**Agency administrators will ensure that their employees are trained, certified, and made available to participate in the wildland fire program locally, regionally, and nationally as the situation demands. Employees with operational, administrative, or other skills will support the wildland fire program as

necessary. Agency administrators are responsible and will be held accountable for making employees available.

17. **Evaluation—**Agencies will develop and implement a systematic method of evaluation to determine effectiveness of projects through implementation of the 2001 Federal Fire Policy. The evaluation will assure accountability, facilitate resolution of areas of conflict, and identify resource shortages and agency priorities.

State

California Emergency Response Plan

California has developed an emergency response plan to coordinate emergency services provided by federal, State, and local governments and private agencies. Responding to wildfire incidents is one part of this plan. The plan is administered by the California Governor's Office of Emergency Services (Cal/OES), which coordinates the responses of other agencies. When Contra Costa County experiences an emergency, an EO) may be opened. In the event an EOC is opened, emergency response team members coordinate efforts and work with local fire and police agencies, emergency medical providers, the California Highway Patrol (CHP), CAL FIRE, California Department of Fish and Wildlife (CDFW), and California Department of Transportation (Caltrans).

California Department of Forestry and Fire Protection Threat Potential Mapping

CAL FIRE has mapped fire threat potential throughout California based on the availability of fuel and the likelihood of an area burning (based on topography, fire history, and climate). The threat levels include no fire threat, moderate, high, and very high fire threat. CAL FIRE Fire Hazard Severity Zone Maps were updated and published in 2025. The maps designate the Town of Danville, County of Contra Costa, as the LRA of the project site. Additionally, CAL FIRE produced a 2010 Strategic Fire Plan for California, which contains goals, objectives, and policies to prepare for and mitigate the effects of fire on California's natural and built environments. The CAL FIRE Office of the State Fire Marshal provides oversight of enforcement of the California Fire Code as well as oversight of hazardous liquid pipeline safety.

California Building Standards Code

The State of California provided a minimum standard for building design through the 2022 California Building Standards Code (CBC), which is located in Part 2 of Title 24 of the California Code of Regulations. The 2022 CBC is based on the 2021 International Building Code but has been modified for California conditions. It is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. Commercial and residential buildings are plan-checked by local City and County building officials for compliance with the CBC. Typical fire safety requirements of the CBC include the installation of sprinklers in all new high-rise buildings and residential buildings; establishment of fire resistance standards for fire doors and building materials; and use of particular types of construction.

California Fire Code

The California Fire Code, Chapter 9 of Title 24 of the California Code of Regulations, was created by the California Building Standards Commission based on the International Fire Code and is updated

every 3 years. The California Fire Code establishes the minimum requirements to safeguard the public health, safety, and general welfare from the hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises and to provide safety and assistance to firefighters and emergency responders during emergency operations. Chapter 49 of the California Fire Code contains minimum standards for development in the wildland urban interface and fire hazard areas. The California Fire Code also provides regulations and guidance for local agencies in the development and enforcement of fire safety standards.

California Public Resources Code

The California Public Resources Code includes fire safety regulations that restrict the use of equipment that may produce a spark, flame, or fire; require the use of spark arrestors[8] on construction equipment that use an internal combustion engine; specify requirements for the safe use of gasoline-powered tools in fire hazard areas; and specify fire suppression equipment that must be provided on-site for various types of work in fire-prone areas.

These regulations include the following:

- Earthmoving and portable equipment with internal combustion engines would be equipped with a spark arrester to reduce the potential for igniting a wildland fire (Public Resources Code [PRC] § 4442);
- Appropriate fire suppression equipment would be maintained during the highest fire danger period—from April 1 to December 1 (PRC § 4428);
- On days when a burning permit is required, flammable materials would be removed to a distance of 10 feet from any equipment that could produce a spark, fire, or flame and the construction contractor would maintain the appropriate fire suppression equipment (PRC § 4427); and
- On days when a burning permit is required, portable tools powered by gasoline-fueled internal combustion engines would not be used within 25 feet of any flammable materials (PRC § 4431).

Regional

Association of Bay Area Governments Hazard Mitigation Plan

The Association of Bay Area Governments (ABAG) multi-jurisdictional Local Hazard Mitigation Plan (LHMP) for the San Francisco Bay Area was updated in 2010 in partnership with the Bay Conservation and Development Commission's (BCDC) Adapting to Rising Tides Program to support local governments in the regional plan for existing and future hazards of climate change. This detailed 5-year plan identifies potential natural and human-made hazards, assesses their potential risks, and includes mitigation methods to reduce risks. The potential hazards identified in the plan include earthquakes and liquefaction, wildfires, floods, drought, solar storms, dam or levee failure, disease outbreak, freezes, wind, heat, thunder and lightning storms, siltation, tornadoes, hazardous materials, slope failure and mudflows, and other hazards. Similarly, mitigation measures include

[8] A spark arrester is any device that prevents the emission of flammable debris from a combustion source (i.e., fireplaces, internal combustion engines, and wood-burning stoves).

hazard event planning, emergency preparedness coordination, education, facility upgrades, and monitoring actions.

Contra Costa County *Local Hazard Mitigation Plan*

The County has developed an LHMP, which serves as a coordinating document to help more than three dozen local agencies and special purpose districts reduce their risks from a wild range of potential events, including wildfires.[7] The LHMP includes strategies to mitigate wildfire hazards, including clearing of fuels, maintaining defensible space, using fire-resistant plantings, and increasing public outreach.

Local

Town of Danville Emergency Operations Plan

The EOP identifies the Town's emergency planning, organization, and response policies and procedures. The EOP addresses the Town's responsibilities in emergencies associated with an "all hazards" approach in managing natural disasters and human-caused emergencies and provides a framework for coordination of response and recovery efforts within the Town in coordination with local, State, and federal agencies while maintaining the flexibility needed to adapt to various situations that arise.

Town of Danville General Plan

Policy 24.03 Require soils and geologic reports for all projects proposed in scenic hillside development areas, as defined by the Town's Scenic Hillside and Major Ridgeline Development Ordinance, and in other areas where the potential for landslides,liquefaction, subsidence, or severe ground shaking exists. Assure that development in these areas mitigates potential landslide hazards and other geologic hazards.

Policy 25.01 Require safe roofing and other fire prevention standards for development in high fire hazard areas by maintaining a Fire Safe Roofing Ordinance, in coordination with the San Ramon Valley Fire Protection District.

Policy 25.03 Assure provision of adequate access for fire equipment to all developed and open space areas.

Policy 25.05 Prior to project approval, require written verification from the San Ramon Valley Fire Protection District on the anticipated response time to the project and the distance from existing stations.

Policy 25.06 Require the maintenance of "defensible space" (e.g., areas free of highly flammable vegetation) around homes in fire-prone areas. Require the clearing or thinning of fire-prone vegetation within 30 feet of access and evacuation routes, and routes to critical facilities.

3.17.4 - Methodology

This evaluation focuses on whether the proposed project would result in changes to the physical environment that would cause or exacerbate adverse effects related to wildfires or whether the proposed project would be placed in a location susceptible to wildfire or post-wildfire conditions. The evaluation also includes a determination of whether changes to the physical environment caused by the proposed project would impair or interfere with emergency response plans, expose people to pollutant concentrations from a wildfire or uncontrolled spread of a wildfire, expose people/structures to downslope flooding or landslides, or include installation or maintenance of infrastructure that may exacerbate fire risk. The following analysis is based, in part, on information provided by the General Plan and the CAL FIRE website.

3.17.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in the California Environmental Quality Act (CEQA) Guidelines Appendix G Environmental Checklist to determine whether wildfire impacts would be significant environmental effects. If located in or near an SRA or land classified as a VHFHSZ, the project may have a significant impact if it would:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

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

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

3.17.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed project and provides mitigation measures where appropriate.

Emergency Response/Evacuation Plan Consistency

Impact WILD-1: The proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan.

Impact Analysis

A significant impact would occur if future development associated with the proposed project would impair an adopted emergency response plan or emergency evacuation plan. As provided above, the project site is not located within a SRA or lands classified as VHFHSZ within a LRA. The nearest

VHFHSZ to the project site is located approximately 2.95 miles northeast of the project site, north of Sycamore Valley Regional Open Space Preserve.[9]

As described above, the project site is subject to the Town's EOP and the County's LHMP, which are updated periodically. In the event of an evacuation, major freeways including Interstate 680 (I-680) could be used by residents of the proposed project. Major roadway access corridors such as Sycamore Valley Road could also be used for emergency access.

Project implementation would develop residential land uses, creating a higher development intensity within the project site. Residential land uses are not expected to impair implementation of or physically interfere with adopted emergency response plans or emergency evacuation plans in the Town or County. Further, the proposed project would provide a fire access road that would span from Borica Drive to Como Way, as shown in Chapter 2, Project Description, Exhibit 2-8. This fire access trail would increase accessibility of emergency response vehicles throughout the project site. Additionally, as discussed in Appendix I, the proposed project would not impede emergency responders as horizontal roadway dimensions would meet adopted requirements and be adequately designed for emergency vehicle access.

The Town would be required to work with police and fire departments during buildout of the project site to ensure the proposed project meets evacuation planning goals, services are responsive to community needs, and proposed roadway systems would allow for evacuation and firetruck access in the event of a wildfire emergency. In addition, according to Policy 25.05, prior to approval of the proposed project by the Town, the San Ramon Valley Fire Protection District (SRVFPD) would also be required to provide written verification of the SRVFPD's anticipated response time and the proposed project's distance to existing stations. Therefore, the proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan and no impact would occur.

In addition, while there is currently no development planned on Lot 22, the lot could be developed with a single-family residence in the future. Any future development on Lot 22 would be subject to General Plan Policy 25.05 and coordination with SRVFPD.

Level of Significance Before Mitigation

No impact.

Mitigation Measures

None.

Expose Project Occupants to Pollutant Concentrations from Wildfire

Impact WILD-2:	**The proposed project would not 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.**

[9] California Department of Forestry and Fire Protection (CAL FIRE). 2025. Fire Hazard Severity Zones in a State Responsibility Area. Website: https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=988d431a42b242b29d89597ab693d008. Accessed June 6, 2025.

Impact Analysis

A significant impact would occur if future development associated with the proposed project would exacerbate wildfire risk, exposing project occupants to pollutants. The project site is approximately 2.95 miles southwest of a CAL FIRE designated VHFHSZ, is surrounded by wildlands and unirrigated vegetation, and is located within hilly topography.[10] Furthermore, General Plan Figure 22 designates the project site as High and Very High Fire Threat to Development. Therefore, the project site is in an area susceptible to wildfire.

However, development under the proposed project would be consistent with the County and Town plans and policies in place to reduce the risks associated with wildland fires. This includes General Plan Policy 25.01, which requires safe roofing and other fire prevention standards for development in high fire hazard areas by maintaining a Fire Safe Roofing Ordinance, in coordination with the SRVFPD. In addition, Policy 25.03 assures the provision of adequate access for fire equipment to all developed and open space areas. Policy 25.06 further requires the maintenance of "defensible space" (e.g., areas free of highly flammable vegetation) around homes in fire-prone areas and requires the clearing or thinning of fire-prone vegetation within 30 feet of access and evacuation routes, and routes to critical facilities. Furthermore, the proposed project would not alter the topography in such a way that wildfire risks are exacerbated compared to existing conditions.

Pursuant to Policy 25.05, prior to approval of the proposed project by the Town, the SRVFPD would also be required to provide written verification of the SRVFPD's anticipated response time and the proposed project's distance to existing stations. Because the proposed project would undergo review by SRVFPD, the proposed project would be evaluated to ensure that wildfire risk or spread would not be exacerbated. Therefore, impacts would be less than significant.

In addition, while there is currently no development planned on Lot 22, the lot could be developed with a single-family residence in the future. Any future development on Lot 22 would be subject to compliance with the applicable General Plan policies and response time verification from SRVFPD.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

Infrastructure That Exacerbates Fire Risk

Impact WILD-3:	**The proposed project would not 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.**

[10] California Department of Forestry and Fire Protection (CAL FIRE). 2025. Fire Hazard Severity Zones in a State Responsibility Area. Website: https:// calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=988d431a42b242b29d89597ab693d008. Accessed June 6, 2025.

Impact Analysis

A significant impact would occur if future development associated with the proposed project involving the installation of maintenance or associated infrastructure would exacerbate fire risk or result in impacts to the environment. The proposed project involves the installation and maintenance of infrastructure within the project site boundaries, such as roadways and utilities. However, development under the proposed project would be consistent with the County and Town plans and policies in place to reduce the risks associated with wildland fires, including Town General Plan Policy 25.03 which relates to providing adequate access for fire equipment to all developed and open space areas. The proposed project would provide internal roadways in addition to a secondary fire access road throughout the project site. Moreover, the proposed buildings would be required to comply with all fire safety requirements established in the CBC. Consistency with these policies and regulations would ensure that development of the proposed project would be designed to address fire risk on the project site.

The proposed project would be reviewed by the Danville Police Department (DPD) and SRVFPD; therefore, the proposed project would be evaluated to ensure that the installation or maintenance of infrastructure associated with the proposed project would not exacerbate fire risk or result in temporary or ongoing impacts to the environment. This review would ensure that project-specific measures to reduce any potential impacts are implemented and that impacts remain less than significant.

In addition, while there is currently no development planned on Lot 22, the lot could be developed with a single-family residence in the future. Any future development on Lot 22 would be subject to consistency with the County and Town plans and policies, the CBC, and reviews by DPD and SRVFPD.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

Flooding and Landslide Hazards Due To Post-fire Slope Instability/Drainage Changes

Impact WILD-4:	**The proposed project would not 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.**

Impact Analysis

A significant impact would occur if future development associated with the proposed project would expose people or structures to significant risks related to flooding, landslides, instability, and drainage changes. Figure 22 of the General Plan does not designate the project site as an Area of High Landslide Susceptibility. However, the project site contains hilly terrain that could potentially be susceptible to landslides or post-fire slope instability.

The Geotechnical Exploration prepared for the proposed project (Appendix E) provides recommendations for site stability and design. Accordingly, the proposed project would be required to implement MM GEO-1, which requires the implementation of all recommendations related to soil removal, fill, etc., from the Geotechnical Exploration. MM GEO-1 would provide high levels of strength and stiffness to the soil and would reduce the future possibility of a landslide. With adherence to design measures outlined in the Geotechnical Exploration, the proposed project would not create a more significant risk due to landslides or slope stability compared to existing conditions. The proposed project would be subject to General Plan policies and actions, as well as other local regulations that reduce flood and landslide risks. Furthermore, approved grading plans and/or geotechnical reports would be required prior to approval of any new development within the project site. As such, impacts would be less than significant.

In addition, while there is currently no development planned on Lot 22, the lot could be developed with a single-family residence in the future. Any future development on Lot 22 would be subject to implementation of MM GEO-1, as well as compliance with applicable General Plan policies and actions, and local regulations that reduce flood and landslide risks.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement MM GEO-1.

Level of Significance After Mitigation

Less than significant impact.

3.17.7 - Cumulative Impacts

The geographic scope of the cumulative impact analysis for wildfire impacts is the project site, the Town, and the portions of the County located outside the project site that could contribute to wildfire risks. The project site is surrounded by and within the vicinity of high fire hazard areas and expanses of wildland.

The Town is largely urbanized, generally outside the SRA and VHFHSZs, and includes roads and other fuel breaks, emergency water sources, emergency utilities, and performs maintenance of other infrastructure that would reduce impacts from wildfire. All cumulative projects, including the installation and/or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities), would be subject to fire protection development standards and be required to comply with County and Town ordinances, General Plan policies, and plan review by the local fire departments to assist in protecting life and property in the event of a wildfire. Additionally, development projects, including the installation and maintenance of associated infrastructure, would be required to comply with all policies in the California Fire Code. Lastly, all cumulative projects, including the installation and maintenance of associated infrastructure, would be covered under existing emergency response plans. For these reasons,

cumulative projects would not exacerbate wildfire risk or have any significant cumulative impacts with respect to wildfire hazards. Therefore, cumulative impacts would be less than significant.

The proposed project would convert primarily undeveloped land to residential uses, creating a higher intensity of development within the project site. Development of the proposed project would increase the development of residential uses. These types of land uses are not expected to impair implementation of or physically interfere with adopted emergency response plans or emergency evacuation plans in the Town. In the event of an evacuation, major freeways, including I-680, would continue to be used. Additionally, the proposed project and all new development be required to comply with the fire protection measures identified in the General Plan, California Fire Code, and the California Public Resources Code. As such, the proposed project's incremental contribution to the less than significant cumulative wildfire hazards impact would not be cumulatively considerable.

In addition, while there is currently no development planned on Lot 22, the lot could be developed with a single-family residence in the future. Any future development on Lot 22 would be subject to implementation of MM GEO-1 as well as compliance with General Plan objectives and policies.

As discussed in Impact Discussion WILD-1 through WILD-4, the continued implementation of the above objectives and policies from the approved General Plan and the implementation of MM GEO-1 would ensure potential impacts from wildfire remain less than significant and the proposed project would not have a cumulatively considerable contribution to this cumulative impact.

Level of Cumulative Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement MM GEO-1.

Level of Cumulative Significance After Mitigation

Less than significant impact.

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CHAPTER 4: EFFECTS FOUND NOT TO BE SIGNIFICANT

4.1 - Introduction

This chapter is based on the Draft Environmental Impact Report (Draft EIR) Notice of Preparation (NOP), dated January 21, 2025, and contained in Appendix A of this EIR. The NOP was prepared to identify the potentially significant effects of the Martin Hills Ranch Residential Project (proposed project) and was circulated for public review between January 21, 2025, and February 20, 2025. In the course of the NOP evaluation, certain impacts were found to be less than significant because construction and operation of the proposed project would not result in such impacts. This chapter provides a brief description of effects found not to be significant or less than significant, based on the NOP, NOP public comments received, or more detailed analysis conducted as part of the EIR preparation process. No NOP public comments were received related to Mineral Resources or Population and Housing. Note that a number of impacts that are found to be less than significant are addressed in the various EIR topical sections (Sections 3.1 through 3.17) to provide more comprehensive discussion of why impacts are less than significant in order to better inform decision-makers and the general public.

4.2 - Environmental Effects Found not to be Significant

4.2.1 - Mineral Resources

The Town of Danville 2030 General Plan Final Environmental Impact Report (General Plan FEIR) determined that no portion of the Town is designated by the California Department of Conservation (DOC) as having the potential to be a significant source of composite materials or industrial minerals. Additionally, there are no known locally important mineral resources within the Town. As such, the proposed project would have no impact related to mineral resources.

4.2.2 - Population and Housing

Growth Inducement

The proposed project's potential growth-inducing impacts are discussed in Section 5, Other CEQA Considerations. As detailed more fully therein, growth-inducing impacts consider whether a project could foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment. The proposed project would include 21 single-family homes, five deed-restricted Accessory Dwelling Units (ADUs), and a single lot (Lot 22) that would be developed separately. As such, the proposed project would be expected to generate approximately 76 persons.[1,2]

[1] California Department of Finance (CDF). 2025. E-5 Population and Housing Estimates for Cities, Counties, and the State, 2020–2025. Website: https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2025/. Accessed June 6, 2025.

[2] California Department of Finance (CDF) estimates 2.78 persons per household. 2.78 * 27 units (inclusive of 22 single-family homes and 5 ADUs) = 75.06 (rounded up to 76) persons.

The current population of the Town is approximately 43,667 persons.[3] The General Plan EIR projected that the Town's population would increase to approximately 50,760 persons by the year 2030.[4] As such, the increase of approximately 75 persons estimated under the proposed project would be within the projected population increase of the General Plan EIR.

While the proposed project would require additional water, sanitary sewer, and stormwater drainage lines, the utility infrastructure installed as part of the proposed project would be sized and located expressly to serve the proposed project and would not, therefore, induce unplanned population growth in the project vicinity.

As the proposed project would not result in unplanned population growth, directly or indirectly, impacts would be less than significant.

Displacement of Persons or Housing

The project site is currently vacant, containing no residential structures. Therefore, the proposed project would not displace existing persons or housing and there would be no impacts related to displacement of persons or housing.

[3] California Department of Finance (CDF). 2025. E-5 Population and Housing Estimates for Cities, Counties, and the State, 2020–2025. Website: https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2025/. Accessed June 6, 2025.

[4] Town of Danville. 2012. General Plan 2030 Draft Environmental Impact Report. October 12.

CHAPTER 5: OTHER CEQA CONSIDERATIONS

5.1 - Significant Unavoidable Impacts

California Environmental Quality Act (CEQA) Guidelines Section 15126.2(a)(c) requires an Environmental Impact Report (EIR) to identify and focus on the significant environmental effects of the proposed project, including effects that cannot be avoided if the proposed project were implemented.

Based on the analyses contained in this Draft EIR, the Town has determined that the proposed project, in conjunction with other cumulative development, would result in no project-level or cumulative-level significant and unavoidable impacts.

5.2 - Growth-inducing Impacts

There are two types of growth-inducing impacts that a project may have: direct and indirect. To assess the potential for growth-inducing impacts, the project's characteristics that may encourage and facilitate activities that individually or cumulatively may affect the environment must be evaluated (CEQA Guidelines § 15126.2(e)). The CEQA Guidelines, as interpreted by the Town, state that a significant growth-inducing impact may result if the project would:

- Induce substantial population growth in an area (for example, by proposing new homes and commercial or industrial businesses beyond the land use density/intensity envisioned in the general plan);
- Substantially alter the planned location, distribution, density, or growth rate of the population of an area; or
- Include extensions of roads or other infrastructure not assumed in the general plan or adopted capital improvements project list when such infrastructure exceeds the needs of the project and could accommodate future developments.

Direct growth-inducing impacts occur when the development of a project imposes new burdens on a community by directly inducing unplanned population growth, or by leading to the construction of additional developments in the same area. Also included in this category are projects that remove physical obstacles to population growth (such as a new road into an undeveloped area or a wastewater treatment plant with excess capacity that could allow additional development in the service area). Construction of these types of infrastructure projects cannot be considered isolated from the development they facilitate and serve. Projects that physically remove obstacles to growth, or projects that indirectly induce growth may provide a catalyst for future unrelated development in an area such as a new residential community that requires additional commercial uses to support residents.

5.2.1 - Direct Population Growth

As discussed in Chapter 2, Project Description, the proposed project consists of the development of 21 single-family homes, five accessory dwelling units (ADUs), and an additional lot (Lot 22) that could be developed with a single-family residential unit in the future. As such, the proposed project would include direct population growth through the development of new housing.

While no development is currently proposed on Lot 22, the population projections considered within this Draft EIR assumed the development of an additional single-family residence to conservatively estimate population growth. Additionally, because ADUs are generally smaller than single-family homes, it is expected they house fewer people than a single-family home. However, as a conservative estimate, a persons per household rate of 2.78 was applied to all units included in the proposed project. Accordingly, as provided in Chapter 4, Effects Found not to be Significant, the proposed project would result in an increase of approximately 76 persons. This would represent an approximately 0.17 percent as compared to the Town's January 2025 population of approximately 42,960 persons.[1] This increase would be within the population growth estimates accounted for in the Town's General Plan EIR and is considered to be part of planned growth for the Town.

Plan Bay Area 2050 aggregates forecast growth into a series of 34 "superdistricts" and the Town is part of Superdistrict 23, South Contra Costa County, which includes Danville, San Ramon, and portion of Walnut Creek and Alameda County. This Superdistrict is projected to grow by 15,000 households for a total of 70,000 households by 2050 (interim year forecasts are not provided).[2] The proposed project's increase of 22 units and 5 ADUs would be well within the forecast total.

5.2.2 - Indirect Population Growth

The proposed project would not significantly or adversely affect the permanent jobs/housing balance. The proposed project would create residential development but would not create a housing demand above what would otherwise occur. The proposed project would include up to 27 new residential units and up to 76 new residents. Some new residents would be expected to have existing jobs in the area. In addition, the proposed project is expected to generate no new employees. Housing included as part of the proposed project would help the Town achieve a more even jobs/housing balance by providing much-needed housing.

The project site currently consists of primarily vacant, undeveloped land. Furthermore, the proposed project would generally be compatible with the surrounding residential uses and not pressure adjacent properties to redevelop with new or different land uses. As a result, it is not anticipated that nearby residents would relocate. Therefore, the proposed project would not remove a barrier to growth or create an indirect population increase.

[1] California Department of Finance. 2025. E-5 Population and Housing Estimates for Cities, Counties, and the State, 2020-2025. Website: https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2025/. Accessed June 30, 2025.

[2] Association of Bay Area Governments (ABAG). 2021. Forecasting and Modeling Report. Website: https://planbayarea.org/sites/default/files/documents/Plan_Bay_Area_2050_Forecasting_Modeling_Report_October_2021.pdf. Accessed June 30, 2025.

Since the proposed project would not result in indirect growth, negatively alter the existing jobs/housing balance, or be inconsistent with the direct growth projections for the Town, implementation of the proposed project would have a less than significant growth-inducing impact. No mitigation measures are necessary.

5.3 - Mandatory Findings of Significance

Public Resources Code Section 21083 requires lead agencies to make a finding of a "significant effect on the environment" if one or more of the following conditions exist:

1) A proposed project has the potential to degrade the quality of environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife species to drop below self-sustaining levels, threaten to eliminate a plant or animal community, 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.
2) The possible effects of a project are individually limited but cumulatively considerable.
3) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

Finding No. 1:	**The proposed project would not degrade the quality of environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife species to drop below self-sustaining levels, threaten to eliminate a plant or animal community, 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.**

Based on the analysis provided in Section 3.4, Biological Resources, the proposed project's impacts related to special-status species and special-status natural communities and habitat would be less than significant with mitigation incorporated. Additionally, the proposed project's impacts on riparian habitat, a special-status species associated with riparian or wetlands habitats, as well as wildlife corridors, would be less than significant with mitigation incorporated. Implementation of Mitigation Measure (MM) BIO-1a through MM BIO-1c would reduce impacts on special-status species. MM BIO-3a through MM BIO-3c would reduce impacts to wetlands and jurisdictional features.

With implementation of MM BIO-1a through MM BIO-1c and MM BIO-3a through MM BIO-3c, the proposed project would not substantially degrade the quality of the environment, reduce fish or wildlife habitat, reduce fish or wildlife populations below self-sustaining levels, eliminate a plant or animal community, or reduce the number or range of a rare or endangered plant or animal.

Based on the analysis provided in Section 3.5, Cultural Resources and Tribal Cultural Resources, the proposed project's impacts related to California history or prehistory would be less than significant with mitigation incorporated. Implementation of MM CUL-2a and MM CUL-2b would reduce impacts to prehistoric, historic, cultural, or Tribal Cultural Resources (TCRs) encountered during ground-

breaking activities. Implementation of MM CUL-3 would reduce impacts to human remains that could be unearthed during excavation or grading activities.

With implementation of MM CUL-2a, MM CUL-2b, and MM CUL-3, the proposed project would not substantially degrade the quality of the environment or eliminate important examples of the major periods of California history or prehistory.

Based on the discussion provided above, upon compliance with required guidelines and statutes and implementation of the mitigation measures, the proposed project would not 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. Therefore, impacts would be less than significant with the incorporation of MM BIO-1a through MM BIO-1c, MM BIO-3a through MM BIO-3c, MM CUL-2a, MM CUL-2b, and MM CUL-3.

Finding No. 2: The possible effects of the proposed project are individually limited but cumulatively considerable.

The proposed project would help realize the Town's long-term housing goals. Additionally, as the analysis presented in this Draft EIR shows in Section 3-11, Land Use and Planning Table 3.11-1, the proposed project would be consistent with the General Plan's goals and policies. The Draft EIR further includes a review of the Town's long-term planning goals for each environmental topic. Accordingly, the proposed project would not advance short-term goals to the disadvantage of long-term goals.

The analysis presented in this Draft EIR includes a review of the proposed project's potential impacts related to air quality, biological resources, cultural resources, noise, and transportation, among other environmental issue areas. As presented throughout this Draft EIR, the proposed project's cumulative impacts would either be less than significant with mitigation incorporated, less than significant, or there would be no impacts.

There would be no cumulative impacts with regard to mineral resources.

There would be less than significant cumulative impacts with regard to aesthetics, light, and glare, agriculture and forestry resources, air quality, energy, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, recreation, and transportation.

Potentially significant cumulative impacts related to biological resources, cultural resources and TCRs, geology and soils, greenhouse gas (GHG) emissions, and wildfire would be mitigated to less than significant levels with the implementation of MM BIO-1a through MM BIO-1c, MM BIO-3a through MM BIO-3c, MM CUL-2a, MM CUL-2b, MM CUL-3, MM GHG-1, MM GHG-2, MM GEO-1, and MM GEO-6a through MM GEO-6c.

Overall, with implementation of the mitigation measures outlined above, impacts associated with the proposed project would be less than significant with mitigation incorporated. The implementation of other projects in the Town would be required to demonstrate regulatory compliance and implement similar mitigation measures, as applicable. Therefore, the proposed project would not have any impacts that are individually limited but cumulatively considerable.

Finding No. 3: The environmental effects of the proposed project would not cause substantial adverse effects on human beings, either directly or indirectly.

Compliance with and implementation of the proposed project's mitigation measures, existing regulations, and the Town's standard permit conditions would ensure that the proposed project would not result in substantial adverse effects on human beings, including effects related to air pollution, seismic and geologic hazards, hazardous materials, flooding and natural disasters, or noise and vibration. Therefore, impacts associated with the proposed project would be less than significant.

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CHAPTER 6: ALTERNATIVES TO THE PROPOSED PROJECT

6.1 - Introduction

In accordance with California Environmental Quality Act (CEQA) Guidelines Section 15126.6, this Draft Environmental Impact Report (Draft EIR) contains a comparative impact assessment of alternatives to the proposed project. The primary purpose of this section is to provide decision-makers and the general public with a reasonable number of feasible project alternatives that could attain most of the basic project objectives, while avoiding or reducing any of the project's significant adverse environmental effects. Important considerations for these alternatives analyses are noted below (as stated in CEQA Guidelines § 15126.6).

- An EIR need not consider every conceivable alternative to a project;
- An EIR should identify alternatives that were considered by the lead agency, but rejected as infeasible during the scoping process;
- Reasons for rejecting an alternative include:
  - Failure to meet most of the basic project objectives;
  - Infeasibility; or
  - Inability to avoid significant environmental effects.

6.1.1 - Significant Unavoidable Impacts

- As discussed in Chapter 3, Environmental Impact Analysis, of this EIR, the proposed project would not result in any significant and unavoidable impacts.

6.1.2 - Alternatives to the Proposed Project

The two alternatives to the proposed project analyzed in this section are as follows:

- **Alternative 1: No Project Alternative**. Under the No Project Alternative (Alternative 1), the proposed project would not be constructed. Instead, it is assumed that existing operations on the project site would continue under this alternative. At present, the approximately 102-acre project site is vacant and undeveloped, with no active agricultural, residential, or commercial uses occurring on the property. Existing activities are limited to basic site maintenance, such as periodic weed abatement for fire prevention and general property management. While the site could theoretically return to agricultural uses, CEQA requires the No Project Alternative to assume no new development unless such development is reasonably foreseeable. In this case, because no development applications (including farming applications) other than the proposed project are pending and no alternative projects have been proposed, the No Project Alternative reflects a continuation of existing conditions without new agricultural uses. Accordingly, no new development would occur.
- **Alternative 2: 5-Acre Lot Alternative**. Under the 5-Acre Lot Alternative (Alternative 2), the project site would be developed with uses allowed by-right in the General Agricultural District

(A-2) zoning district. Specifically, the A-2 zoning district allows for one unit per 5 acre minimum lot size. Given that the project site is approximately 102 acres, the zoning for the project site would allow up to 20 residential lots.

The two alternatives to the proposed project are analyzed below. These analyses compare the proposed project and each individual project alternative. In several cases, the description of the impact may be the same under each alternative when compared with the CEQA thresholds of significance (i.e., both the project and the alternative would result in a less than significant impact). The actual degree of impact may be slightly different between the proposed project and each alternative, and this relative difference is the basis for a conclusion of greater or lesser impacts.

6.2 - Project Objectives

As stated in Chapter 2, Project Description, the objectives of the proposed project are to:

- Convert a vacant, underutilized property into a residential development consistent with the Town of Danville's General Plan.
- Generate new, additional property tax revenues for the Town of Danville.
- Provide high-end homes to create a large lot community of homes nestled in a secluded environment surrounded by open space and the site's ridgeline.
- Promote land use compatibility with neighboring residential uses and enhance the living experience in adjacent neighborhoods with the development of compatible housing product and architecture at a density comparable to the density of the nearby existing residential development.
- Provide a circulation system and adequate off-street parking that lessens traffic impacts to existing adjacent neighborhoods.
- Provide an infrastructure system, including sewer, water, and storm drain systems, that will adequately serve full buildout of the proposed project.
- Provide improved drainage and potential slide protection from the project's property for the adjacent neighborhood in a manner consistent with the existing natural site drainage.
- Provide single-family clustered housing to meet the objectives of the Town of Danville for new housing opportunities.
- Provide affordable housing consistent with the Town of Danville's affordable housing requirements.
- Create a sense of place and sense of arrival to the proposed community.
- Preserve Town of Danville's protected ridgeline.
- Preserve the site's existing creek and avoid and/or preserve and restore wetlands and waters of the United States/waters of the State.

6.3 - Alternative 1—No Project Alternative

CEQA Guidelines Section 15126.6(e) requires EIRs to evaluate a "No Project" Alternative which is defined as the "circumstances under which the project does not proceed." The purpose of the No Project Alternative is to allow decision-makers and the public to compare the potential environmental impacts generated from the proposed project with the existing environmental impacts associated with not approving the proposed project. Under the No Project Alternative (Alternative 1), the proposed project would not be developed, and the project site would remain in an as-is condition. No new roadway connections or infrastructure would be developed, nor would rezoning of the project site occur. Under Alternative 1, no vegetation would be removed or impacted, and no construction or ground-disturbing activities would occur beyond basic site maintenance. The project site would remain vacant and undeveloped.

6.3.1 - Impact Analysis

Aesthetics, Light, and Glare

As noted in Section 3.1; Aesthetics, Light, and Glare, the proposed project's impacts related to scenic vistas, scenic resources, existing visual character, and quality of public views of the site and its surroundings, and new sources of light and glare would be less than significant without mitigation. Cumulative impacts related to aesthetics, light and glare would also be less than significant.

Under Alternative 1, because no construction, grading, roadway extensions, or structural development would occur, scenic views from locally designated panoramic viewpoints and scenic corridors would not be temporarily altered. No scenic resources on the project site (such as existing trees) would be removed and other natural features would remain and continue to be incorporated into locally designated scenic views. The project site would maintain its existing zoning, and existing sources of stationary and mobile lighting and glare in the project area would remain, but no new sources would be introduced on the project site. Therefore, no impact would occur. As such, this alternative's impact conclusions would be reduced compared to the conclusion reached in Section 3.1, Aesthetics, Light, and Glare.

Agriculture Resources

As noted in Section 3.2, Agriculture and Forestry Resources, the proposed project would have no impact related to the conversion of farmland, the rezoning of forest land, and the loss of forest land. The proposed project would have a less than significant impact related to conflicts with a Williamson Act Contract or existing zoning for agriculture, as well as other changes in the existing environment. Cumulative impacts related to agricultural and forestry resources would be less than significant.

The project site's General Plan land use and zoning allow agricultural uses. According to the California Department of Conservation Important Farmland Finder, the project site consists primarily of Farmland of Local Importance, with a small portion containing Urban and Built Up Land.[1] At the time the General Plan was adopted, the properties under this land use designation were bound by a

[1] California Department of Conservation). 2020. California Important Farmland Finder. Website: https://maps.conservation.ca.gov/DLRP/CIFF/. Accessed Jan 16, 2026.

Williamson Act Contract to remain in agricultural use. While the property is still zoned A-4, because the project site's Williamson Act Contract was subject to a notice of nonrenewal, the property came out of the contract in November 2007 and the Town officially filed the expiration of the Williamson Act Contract on August 21, 2024. Currently, no land within the Town is under a Williamson Act Contract. This alternative would not result in any changes to the project site. As such, Alternative 1 would have no impact on agriculture and forestry resources. Therefore, this alternative's impact conclusions would be reduced compared to the conclusion reached for the proposed project in Section 3.2, Agriculture and Forestry Resources.

Furthermore, no forest land, timberland, or timberland production zones are located on the project site or in the surrounding area.[2] Therefore, development of the project site under this alternative would not result in any conversion or loss of forestry resources and there would be no impact. As such, this alternative's impact to forestry resources would be similar to the conclusion reached for the proposed project in Section 3.2, Agriculture and Forestry Resources.

Air Quality

As noted in Section 3.3, Air Quality, the proposed project's impacts related to consistency with an air quality management plan, cumulative criteria pollutant emissions impacts, sensitive receptors exposure to pollutant concentrations, and objectionable odors exposure would be less than significant and do not require any mitigation. Cumulative air quality impacts would also be less than significant without mitigation.

Construction

Under Alternative 1, no construction or ground-disturbing activities would occur; accordingly, impacts related to air quality from construction activities would be reduced compared to the proposed project. Construction-related air quality impacts from the proposed project were determined to be less than significant. There would be no impact on air quality under Alternative 1, as no construction would occur, meaning no emissions of criteria pollutants, toxic air contaminants, or dust from activities such as grading or building, and all thresholds related to construction air quality would be met. As such, both regional air quality impacts and localized air quality impacts from construction would be reduced under Alternative 1 compared to the conclusion reached in Section 3.3, Air Quality.

Operation

Under Alternative 1, the project site would remain undeveloped and would not produce operational emissions. As such, there would be no operational air quality impacts under Alternative 1. This alternative would result in a reduced impact to operational air quality emissions compared to the conclusion reached in Section 3.3, Air Quality.

[2] California Department of Forestry and Fire Protection (CAL FIRE). Forest Practice GIS Map. Website: https://forest-practice-calfire-forestry.hub.arcgis.com/apps/9d589c3af194465a8556b0305730b0c7/explore. Accessed Jan 16, 2026.

Biological Resources

As noted in Section 3.4, Biological Resources, with the implementation of mitigation, the proposed project would have a less than significant impact on special-status species, sensitive natural communities or riparian habitat, wetlands and jurisdictional features, fish and wildlife movement corridors, and local policies or ordinances. The proposed project would have a less than significant impact on local, regional, or State Habitat Conservation Plans (HCPs), with no mitigation required. Cumulative biological resources impacts would also be less than significant with mitigation incorporated.

Under Alternative 1, no construction would occur, and existing habitats would remain preserved. As such, the existing California annual grassland habitat would continue to provide suitable habitat for various migratory or resident nesting birds and aquatic species. The seasonal wetlands and sensitive natural communities on the project site would not be disturbed, which in turn would not disturb the existing special-status species identified on the project site. Further, the project site is not located within the jurisdiction of an existing HCP or other approved local regulations. Therefore, there would be no impacts related to biological resources under Alternative 1. As such, this alternative's impact conclusions would be reduced compared to the conclusion reached for the proposed project in Section 3.4, Biological Resources.

Cultural Resources and Tribal Cultural Resources

As noted in Section 3.5, Cultural Resources and Tribal Cultural Resources, the proposed project would not have a significant impact on historic resources. The proposed project would have a less than significant impact related to archaeological resources, human remains, listed or eligible Tribal Cultural Resources (TCRs), and Lead Agency determined TCRs with mitigation incorporated. Cumulative cultural resource and TCR impacts would also be less than significant with mitigation incorporated.

Since there are no existing historic structures on the project site, no removal or alteration of a historic structure or resource would occur under Alternative 1. Thus, similar to the proposed project, no impacts related to historic resources would occur under Alternative 1.

Under Alternative 1, no construction or ground-disturbing activities would occur, leaving any potential archaeological resources, human remains, and potential TCRs in the ground and undisturbed. Accordingly, no impact to cultural resources or TCRs would occur. Therefore, this alternative's impact conclusions would be similar to the conclusion reached for the proposed project in Section 3.5, Cultural Resources and Tribal Cultural Resources.

Energy

As noted in Section 3.6, Energy, the proposed project's impacts related to energy would be less than significant.

Under Alternative 1, no temporary on- or off-site energy usage from construction activities or unnecessary consumption of energy resources would occur. Since the project site is vacant, there

would be no impact to energy. Thus, this alternative's impact conclusions would be reduced compared to the conclusion reached for the proposed project in Section 3.6, Energy.

Geology, Soils, and Seismicity

As noted in Section 3.7; Geology, Soils, and Seismicity, the proposed project would have no impact related to alternative wastewater disposal systems and would have a less than significant impact on soil erosion or loss of topsoil. With the incorporation of mitigation, the proposed project would have a less than significant impact related to seismic hazards, unstable subsurface conditions, expansive soil, and paleontological resources or unique geologic features. Cumulative geology, soils and seismicity impacts would also be less than significant with mitigation incorporated.

Since Alternative 1 does not involve the construction of new structures, septic tanks, or any ground-disturbing activities, it would have no impact related to alternative wastewater disposal systems, paleontological resources, and soil erosion or loss of topsoil. Therefore, this alternative's impact conclusions would be reduced compared to the conclusion reached for the proposed project in Section 3.7, Geology, Soils, and Seismicity.

Furthermore, the project site contains hilly terrain that could potentially be susceptible to landslides. As noted in Section 3.7; Geology, Soils, and Seismicity; approximately eight landslides have previously occurred on the project site. Under the proposed project, site-specific geotechnical recommendations—such as constructing retaining walls, debris benches, or other earthwork improvements—would be implemented to reduce landslide hazards. Under the No Project Alternative, none of these recommendations would be implemented. As a result, the site would continue to exhibit existing landslide susceptibility without any of the stabilizing measures identified for the proposed project. Therefore, this alternative could have the potential to impact adjacent off-site structures and people due to landslide susceptibility. Because no entitlements or permits would be pursued under this alternative, none of the mitigation measures identified for the proposed project would be implemented. Therefore, while the No Project Alternative would eliminate certain construction-related impacts, it would also forgo all mitigation identified to reduce existing on-site geologic hazards, resulting in impacts that could be slightly greater than under the proposed project with mitigation incorporated.

Greenhouse Gas Emissions

As noted in Section 3.8, Greenhouse Gas Emissions, the proposed project would have a less than significant impact, with mitigation incorporated, related to generation of greenhouse gas (GHG) emissions, conflicting with an adopted GHG emission-reducing plan, and cumulative GHG impacts.

Alternative 1 would not involve any on- or off-site construction activities. Therefore, construction-related GHG emissions would not be released, and no construction-related impacts would occur. Furthermore, due to the vacant nature of the project site, no operational-related GHG emissions would be released. Therefore, Alternative 1 would not result in any impact with respect to operational GHG emissions. As such, this alternative's impact conclusions would be reduced compared to the conclusions reached for the proposed project in Section 3.8, Greenhouse Gas Emissions.

Hazards and Hazardous Material

As discussed in Section 3.9, Hazards and Hazardous Materials, the proposed project would have no impact related to hazardous emissions and material handling within 0.25 mile of a school, or safety hazards in proximity to a public airport. The proposed project would have a less than significant impact related to routine transport, use, or disposal hazardous materials; risk of upset and accident conditions; being located on a site on a list of hazardous materials sites; interference with emergency response and evacuation; and risk involving wildland fires. Cumulative hazards and hazardous materials impacts would also be less than significant.

Under Alternative 1, no construction activities would occur, and the project site would remain undeveloped. Alternative 1 would not require the use, transport, or disposal of potentially hazardous materials typically associated with construction activities. The proposed project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. As such, there would be no impact related to construction or operational hazards. Overall, this alternative's impact conclusions would be reduced compared to the conclusion reached for the proposed project in Section 3.9, Hazards and Hazardous Materials.

Hydrology and Water Quality

As noted in Section 3.10, Hydrology and Water Quality, the proposed project's impacts would all be less than significant and no mitigation would be required. Potential impacts found to be less than significant include those related to surface and groundwater quality; groundwater supply and recharge; drainage leading to erosion, siltation, flooding, additional sources of polluted runoff, or impedance of flood flows; risk of pollutant release due to project site inundation; consistency with water quality control or sustainable groundwater management plans; and cumulative hydrology and water quality impacts.

Since Alternative 1 would not require construction or ground-disturbing activities, there would be no impact with respect to hydrology and water quality during construction. Given that the project site is mostly undeveloped, and all naturally existing drainage patterns and pre-existing stormwater infrastructure would remain the same, operation of the project site under this alternative would not result in impacts to hydrology and water quality. No inundation would occur under this alternative, as the project site is not located in any Special Flood Hazard Zones or in proximity to any large bodies of water.

However, under the proposed project, the proposed project's on-site stormwater management and treatment facilities have been sized to accommodate stormwater flows from the proposed development, and post-project peak flow rates would be reduced as compared to existing conditions. Because no entitlements or permits would be pursued under this alternative, the proposed stormwater management features would not be implemented. Therefore, while this alternative would eliminate certain construction-related impacts, the operational improvements in stormwater management would not occur, and impacts associated with stormwater drainage and flooding could be slightly greater as compared to the proposed project.

Land Use

As noted in Section 3.11, Land Use and Planning, the proposed project would have no impact related to physically dividing an established community. The proposed project would have a less than significant impact related to conflicting with applicable plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect, with mitigation incorporated. Cumulative land use impacts would be less than significant without mitigation.

Under Alternative 1, no construction activities would occur, and no linear features would be developed that would physically divide an established community. As such, no impacts related to physically dividing a community would occur.

In addition, Alternative 1 would not alter the existing land use designation in the General Plan, along with the associated land use regulations. Since Alternative 1 would not include construction activities or land use changes, there would be no impacts related to land use. As existing uses consistent with the project site's General Plan land use and zoning would remain in place, no impact would occur related to conflicting with a land use plan, policy, or regulation adopted to mitigate an environmental effect. Overall, this alternative's impact conclusions related to physically dividing an established community would be similar to the proposed project and this alternative's impact conclusions related to conflicts with land use policies would be reduced compared to the conclusion reached for the proposed project in Section 3.11, Land Use and Planning.

Mineral Resources

As noted in Chapter 4, Effects Found not to be Significant, Section 4.2.1, Mineral Resources, the proposed project would have no impacts related to mineral resources, and there would be no cumulative mineral resources impacts.

No mineral resource zones of regional or statewide importance are located in the Town of Danville or are delineated in any local land use plans.[3] A Mineral Land Classification map prepared by the California Department of Conservation indicates that the project site is located in an area of inadequate information to warrant placement in any other mineral resource zone. Furthermore, the project site does not contain land designated for mineral resource recovery or similar uses. As such, Alternative 1 would not result in loss of availability of a known mineral resource of value to the region and residents of the State during construction and would have no impacts. Therefore, this alternative's impact conclusions would be similar to the conclusion reached for the proposed project in Section 4.2.1, Mineral Resources.

Noise

As noted in Section 3.12, Noise, the proposed project would have a less than significant impact without mitigation related to substantial noise increase in excess of standards and excessive groundborne vibration and noise levels. The proposed project would have no impact related to

[3] California Department of Conservation. CGS Information Warehouse: Mineral Land Classification Maps. Website: https://maps-cadoc.opendata.arcgis.com/maps/58f2971975cd4fcd98300c7c233d4f99/about. Accessed Jan 20, 2026.

excessive noise levels from airport activity. The proposed project's cumulative noise impact would be less than significant.

Since Alternative 1 would not require construction or ground disturbance, no construction-related noise or vibration impacts would occur. There would be no potential to exceed temporary or permanent noise standards, generate construction vibration, or introduce airport-related noise exposure. As such, this alternative's construction-related impact conclusions would be reduced compared to the conclusion reached for the proposed project in Section 3.12, Noise.

At operation, Alternative 1 would maintain existing noise conditions, as no new traffic, mechanical equipment, or stationary noise sources would be introduced. Traffic noise would not increase and no permanent vibration sources exist on or near the undeveloped project site. Because operational noise and vibration levels would remain at baseline conditions, and the site is not within the vicinity of an airport land use plan, Alternative 1 would result in no operational noise impacts. Thus, this alternative's impact conclusions related to airport activity would be similar to the proposed project and the impact conclusions related to operational noise would be reduced compared to the conclusion reached for the proposed project in Section 3.12, Noise.

Population and Housing

As noted in Section 4.2.2, Population and Housing, with respect to population growth, housing displacement and cumulative impacts, the proposed project would have a less than significant impact without mitigation.

Under this alternative, no residential uses would be developed, and no direct increase in population on the project site would occur. No existing housing is present on the project site and, as such, no housing would be displaced under this alternative. Further, no extension of roadways or infrastructure would be constructed that could indirectly induce unplanned population growth. Therefore, this alternative would have no impact related to population and housing. Thus, this alternative's impact conclusions would be similar to the conclusion reached for the proposed project in Section 4.2.2, Population and Housing.

However, Alternative 1 would not contribute to the Town's housing supply and would not assist the Town in achieving its Regional Housing Needs Allocation (RHNA) goals through the provision of below market-rate ADUs. Accordingly, under this alternative, project benefits with regard to population and housing would be unrealized.

Public Services

As noted in Section 3.13, Public Services, the proposed project would have a less than significant impact in regard to fire protection facilities, police protection facilities, school facilities, other public facilities facilities, and cumulative public services impacts.

Under this alternative, no temporary construction or ground disturbance activities would occur that could interfere with emergency response times or performance objectives. Regular maintence would continue on-site, including weed abatement. Alternative 1 would operate under the same land use

regulations as existing conditions and would not include new residential units or an increase in population that would increase demand for existing public services or necessitate the construction of new or expanded facilities. Thus, no impact to public services would occur. Therefore, this alternative's impact conclusions would be reduced compared to the conclusion reached for the proposed project in Section 3.13, Public Services.

Recreation

As noted in Section 3.14, Recreation, the proposed project would have a less than significant impact without mitigation regarding increased usage of existing parks and recreational facilities, the construction or expansion of recreational facilities, and cumulative recreation impacts.

Under Alternative 1, no residential development or recreational facilities would be constructed on the project site. The project site itself does not contain any existing State, regional, or Town parks, recreational facilities, or designated open spaces, but the surrounding area is well-served by a variety of recreational resources, including 12 community parks within a 3-mile radius of the project site. Existing facilities would continue to serve the current population. Because this alternative would not result in population growth, increased demand for parks and recreational facilities, nor the construction of new recreational facilities, there would be no impact to recreation resources. Therefore, this alternative's impact conclusions would be reduced compared to the conclusion reached for the proposed project in Section 3.14, Recreation.

Transportation

As noted in Section 3.15, Transportation and Traffic, the proposed project would have a less than significant impact related to an effect to the circulation system, geometric hazards, emergency access, and cumulative transportation impacts. Impacts related to conflicts with CEQA Guidelines Section 15064.3 subdivision (b) would be less than significant with mitigation incorporated.

No construction activities would occur and no new on-site roadways, bicycle, or pedestrian facilities, or off-site pedestrian facilities would be constructed, and no hazardous geometric design features, incompatible uses, or features exacerbating inadequate emergency access would be implemented. The project site is undeveloped and would not generate any operational traffic or vehicle miles traveled (VMT). Therefore, Alternative 1 would have no impact related to roadway safety hazards, emergency access, VMT, and bicycle, pedestrian, and transit facilities. Therefore, this alternative's impact conclusions would be reduced compared to the conclusion reached for the proposed project in Section 3.15, Transportation and Traffic.

Utilities and Service Systems

As noted in Section 3.16, Utilities and Service Systems, the proposed project's impacts related to water supply or conveyance facilities, wastewater treatment or conveyance facilities, stormwater drainage facilities, natural gas, electric power, telecommunications facilities, landfill capacity, consistency with solid waste regulations, and cumulative utilities and service system impacts would be less than significant without mitigation.

Under Alternative 1, no new development would occur. The project site is currently undeveloped and does not include connections to existing utility providers. Thus, Alternative 1 would have no impact on utilities and service systems. As such, this alternative's impact conclusions would be reduced compared to the conclusion reached for the proposed project in Section 3.16, Utilities and Service Systems.

Wildfire

As noted in Section 3.17, Wildfire, the proposed project would have no impact related to consistency with an emergency response or evacuation plan. The proposed project would have a less than significant impact, without mitigation, related to exposing project occupants to pollutant concentrations from wildfire and installation or maintenance of infrastructure that would exacerbate fire risk. With the incorporation of mitigation, the proposed project would have a less than significant impact related to flooding and landslide hazards due to post-fire slope instability or drainage changes, as well as cumulative wildfire impacts.

Under Alternative 1, no construction would occur on the project site and therefore, no new infrastructure would be constructed that could exacerbate wildfire risk or expose project occupants to wildfire pollutant concentrations. This alternative would not interfere with an adopted emergency response or evacuation plan. Thus, there would be no impacts related to infrastructure that could exacerbate wildfire risk, exposure of project occupants to pollutant concentrations, and consistency with an emergency response or evacuation plan. As such, this alternative's impact conclusions would be reduced compared to the conclusion reached for the proposed project in Section 3.17, Wildfire.

Furthermore, the project site contains hilly terrain that could potentially be susceptible to landslides or post-fire slope instability. Approximately eight landslides have previously occurred on the project site. This alternative would not include any earthwork to reduce landslide susceptibility on the project site, such as retaining walls or debris benches. Therefore, this alternative would have increased potential to expose adjacent structures and people to post-fire slope instability. Therefore, this alternative's impact conclusions would be potentially greater than the conclusion reached for the proposed project in Section 3.17, Wildfire.

6.3.2 - Conclusion

Under Alternative 1, no construction or ground-disturbing activities would occur, and no physical changes would be made to the project site. Existing land uses and conditions would be preserved, with no new residential development or infrastructure. As a result, Alternative 1 would avoid or reduce impacts associated with aesthetics, light and glare; agriculture and forestry resources; air quality; biological resources; cultural resources and TCRs; energy; GHG emissions; hazards and hazardous materials; hydrology and water quality; land use and planning; noise; population and housing; public services; recreation; transportation; and utilities and service systems, when compared to the proposed project. The site would remain largely undeveloped, preserving biological resources and the current zoning district, and would not contribute to increased air emissions, noise, traffic, utility demand, or wildfire risk. However, this alternative would not decrease impacts related to landslides for geology, soils and seismicity, and wildfire, due to the project site's susceptibility to landslides.

Moreover, Alternative 1 would not accomplish any of the proposed project's objectives discussed in Section 6.2 above. Alternative 1 would not develop any market rate or affordable residential units and, in turn would not provide a well-designed neighborhood or residential community and would not further the General Plan goals related to residential development. New utility infrastructure would not be developed. No project site drainage improvements or slide repair would be implemented. Accordingly, this alternative would not satisfy any of the project objectives.

6.4 - Alternative 2–5-Acre Lot Alternative

As noted in Chapter 2, Project Description, of the Draft EIR, the existing zoning for the project site is A-4 due to the Willimson Act Contract previously associated with the project site. However, because the project site's Williamson Act Contract lapsed with the notice of nonrenewal, the site is entitled to return to the A-2 zoning district, which applied prior to the Willamson Act Contract.

The A-2 district permits all types of agriculture, including farming, horticultural, and livestock production, other agricultural uses, such as sheds, warehouse, and granaries, as well as one detached single-family dwelling on each parcel, along with accessory structures. The A-2 district allows residential uses at a density of one unit per 5 acres. The project site is approximately 102 acres; therefore, the A-2 zoning would allow for the development of up to 20 residential lots, with a detached single-family residential unit on each parcel. This alternative would require the subdivision of the existing five parcels on the project site into 20 parcels to accommodate the allowed residential lots.

To support the development of 20 market-rate single-family residential lots, this alternative would also include the construction of new roadways throughout the project site. One road (Road A) would connect to Como Way and extend in an east–west direction in the southern portion of the project site, ending in a cul-de-sac. The other road (Road B) would run in a north–south direction throughout the length of the project site, connecting to Borica Drive to the north and Road A to the south. New utility lines would also be constructed to serve the new residential lots and the lines would be expected to connect to existing utility infrastructure within the Town. Vegetation removal on the project site would still occur. For the purposes of this analysis, it is assumed that no Accessory Dwelling Units (ADUs) would be developed under this alternative.

6.4.1 - Impact Analysis

Aesthetics, Light, and Glare

As noted in Section 3.1; Aesthetics, Light, and Glare, the proposed project's impacts related to scenic vistas, scenic resources, existing visual character, and quality of public views of the site and its surroundings, and new sources of light and glare would be less than significant without mitigation. Cumulative impacts related to aesthetics, light and glare would also be less than significant.

Alternative 2 would be constructed on the same project site as the proposed project, but would develop fewer residential units, resulting in reduced construction activities as compared to the proposed project. Construction activities, including site preparation and grading, may temporarily affect scenic views from distant panoramic viewpoints and scenic corridors. However, the project site

is not visible from any designated State Scenic Highway, and views would remain consistent with the existing setting due to the similarity between the proposed development and the surrounding residential uses. Therefore, impacts on scenic vistas and scenic resources would be less than significant.

Once constructed, Alternative 2 would introduce 20 new single-family dwelling units with associated roadways and infrastructure on the project site. New sources of light and glare would also be introduced under Alternative 2. However, as with the proposed project, Alternative 2 would be subject to design review by the Town to ensure consistency with design guidelines provided in the General Plan and Municipal Code, which are intended to reduce daytime glare and nighttime lighting and ensure conformity with surrounding uses. Thus, this alternative would have a less than significant impact on visual character and new sources of light or glare.

However, since the proposed residential units would be developed on larger lots across the entirety of the project site, the potential visual impacts could be increased as compared to clustered development under the proposed project. The proposed project has been designed for consistency with the Town's Scenic Hillside and Major Ridgeline Ordinance, which aims to protect and preserve the natural topographic features of the Town. Alternative 2 would result in construction of residential units within hillsides and ridges on the project site and would therefore result in an increased potential for impacts to scenic vistas that could require implementation of mitigation. As such, this alternative's impact conclusions would be greater than the conclusion reached for the proposed project in Section 3.1, Aesthetics, Light, and Glare.

Agriculture Resources

As noted in Section 3.2, Agriculture and Forestry Resources, the proposed project would have no impact related to the conversion of farmland, the rezoning of forest land, and the loss of forest land. The proposed project would have a less than significant impact related to conflicts with a Williamson Act Contract or existing zoning for agriculture, as well as other changes in the existing environment. Cumulative impacts related to agricultural and forestry resources would be less than significant.

The project site is surrounded by suburban and rural development and has a current land use designation and zoning district allowing for agriculture uses. According to the California Department of Conservation Important Farmland Finder, the project site consists primarily of Farmland of Local Importance, with a small portion containing Urban and Built Up Land. Furthermore, no forested land, timberland, or timberland production zones are located on the project site or in the surrounding area. Redevelopment under Alternative 2 would occur under existing zoning and, in turn, would not result in the loss of Prime, Statewide Important, or Unique Farmland. No forest or timber resources would be affected. Agricultural uses would remain permitted under the existing zoning, and the limited residential development allowed would not substantially affect agriculture and forestry resources. Therefore, Alternative 2 would have no impact on Agriculture and Forestry Resources, and impacts would be similar to the conclusion reached for the proposed project in Section 3.2, Agriculture and Forestry Resources.

Air Quality

As noted in Section 3.3, Air Quality, the proposed project's impacts related to consistency with an air quality management plan, cumulative criteria pollutant emissions impacts, sensitive receptors exposure to pollutant concentrations, and objectionable odors exposure would be less than significant and do not require mitigation. Cumulative air quality impacts would also be less than significant without mitigation.

Construction

Construction of Alternative 2 would involve grading, ground disturbance, and off-site transport of materials, potentially generating objectionable odors, criteria air pollutants, fugitive dust, and diesel particulate matter (DPM). Odors from exhaust and construction emissions would be temporary and highly diffusive. Further, given its reduced development density, Alternative 2 would involve a lower intensity and shorter construction period than the proposed project, resulting in a proportionate reduction in air quality emissions. Therefore, Alternative 2 construction-related air quality impacts would be less than significant and would be reduced compared to the conclusion reached for the proposed project in Section 3.3, Air Quality.

Operation

Alternative 2 would generate similar types of criteria pollutants as the proposed project due to its residential use. However, due to the reduced residential unit count, the overall operational emissions would be slightly lower. Like the proposed project, Alternative 2 would not exceed Bay Area Air District significance thresholds or conflict with the 2017 Clean Air Plan. Therefore, operational air quality impacts would be less than significant without mitigation.

Although emissions would be reduced, Alternative 2 would still contribute to regional nonattainment pollutants. These contributions, however, would remain less than significant without mitigation, consistent with the proposed project. Since residential uses primarily involve gasoline-fueled vehicles and Alternative 2 would operate at a lower density, TAC-related impacts would be less than significant similar to the proposed project, but incrementally less.

Objectionable odors are typically associated with industrial or waste-related uses. As Alternative 2 would involve residential development, it would not introduce new odor sources. Thus, odor impacts would be less than significant without mitigation.

Overall, under Alternative 2, operational air quality impacts would be reduced compared to the conclusion reached for the proposed project in Section 3.3, Air Quality.

Biological Resources

As noted in Section 3.4, Biological Resources, with the incorporation of mitigation, the proposed project would have less than significant impact on special-status species, sensitive natural communities or riparian habitat, wetlands and jurisdictional features, fish and wildlife movement corridors, and local policies or ordinances. The proposed project would have a less than significant impact with no mitigation required on local, regional, or State HCPs. Cumulative biological resources impacts would also be less than significant with mitigation incorporated.

Under Alternative 2, construction would involve grading, ground disturbance, and removal of vegetation, similar to the proposed project. The project site does contain special-status species, sensitive natural communities, and jurisdictional features. As such, MM BIO-1a through MM BIO-1c, as well as MM BIO-3a through MM BIO-3c would still be required to reduce impacts to a less than significant level. Additionally, similar to the proposed project, no known HCPs are known to be in effect for the project site and, as such, no conflicts with HCPs would occur.

Tree removals associated with new residential development would be subject to the County's tree protection ordinance, which requires permits for removal of larger or protected trees. Following compliance with the established ordinance, impacts on biological resources would be less than significant without mitigation. However, removal of trees and landscaping could affect marginal nesting habitat for migratory birds and special-status species. As with the proposed project, these impacts would be potentially significant during construction and would require mitigation, such as pre-construction surveys and avoidance measures for nesting birds and special-status wildlife.

Because Alternative 2 would reduce the overall scale of development on the project site, it is assumed that fewer trees would be impacted during construction or require removal compared to the proposed project. As a result, while the same types of impacts could occur, the magnitude of those impacts would be slightly reduced. With implementation of the aforementioned mitigation measures, overall biological resource impacts would be less than significant. Because Alternative 2 would reduce the scale of development on the project site, this alternative's impact conclusions would be similar, but slightly reduced, when compared to the conclusion reached for the proposed project in Section 3.4, Biological Resources.

Cultural Resources and Tribal Cultural Resources

As noted in Section 3.5, Cultural Resources and Tribal Cultural Resources, the proposed project would have no significant impact on historic resources. With the incorporation of mitigation, the proposed project would have a less than significant impact related to archaeological resources, human remains, listed or eligible TCRs, and Lead Agency determined TCRs. Cumulative impacts to cultural resources and TCRs would also be less than significant with mitigation incorporated.

There are no existing structures or historic resources on the project site. Thus, this alternative would not include any alterations to a historic resource and would have no impact related to historic resources. Compared to the proposed project, Alternative 2 would involve slightly less ground disturbance due to the reduction in the proposed number of residential units. However, these units would be dispersed throughout the entirety of project site and, as such, would involve a greater variety of disturbance areas. Ground disturbance could still uncover previously unknown resources. Therefore, mitigation measures would still be required to be implemented to achieve a less than significant impact related to archaeological resources, human remains, and TCRs. Overall, this alternative's impact conclusions would be similar to the conclusion reached for the proposed project in Section 3.5, Cultural Resources and Tribal Cultural Resources.

Energy

As noted in Section 3.6, Energy, the proposed project's impacts related to energy would be less than significant.

Construction

Construction activities under Alternative 2 include grading and equipment transport, which would rely primarily on petroleum-based fuels. However, due to the reduced scale of Alternative 2, construction would likely require fewer resources, less equipment, and a shorter duration than the proposed project, resulting in lower energy consumption. This alternative's construction-related impacts would be less than significant, although slightly reduced compared to the conclusion reached for the proposed project in Section 3.6, Energy.

Operation

During operation, energy use would also be lower due to fewer residential units and occupants. Like the proposed project, Alternative 2 would be subject to all applicable State and local energy-efficient standards for operation. Thus, impacts would be less than significant and would be slightly reduced compared to the conclusion reached for the proposed project in Section 3.6, Energy.

Geology, Soils, and Seismicity

As noted in Section 3.7; Geology, Soils, and Seismicity, the proposed project would have no impact related to alternative wastewater disposal systems. The proposed project would have a less than significant impact on soil erosion or loss of topsoil. With the incorporation of mitigation, the proposed project would have a less than significant impact related to seismic hazards, unstable subsurface conditions, expansive soil, and paleontological resources or unique geologic features. Cumulative impacts to geology, soils and seismicity would also be less than significant with mitigation incorporated.

Like the proposed project, construction of new residential structures would involve ground-disturbing activities that could increase soil erosion. However, compliance with the Construction General Permit and implementation of BMPs would reduce erosion and topsoil loss to less than significant levels. Alternative 2 would connect to already available wastewater and stormwater systems; therefore, no septic tanks or alternative wastewater disposal systems would be installed and no impact related to soil capability of supporting the use of septic tanks or alternative wastewater disposal would occur. Additionally, Alternative 2 could directly or indirectly disrupt a unique paleontological resource during construction activities associated with the project site, including ground-disturbing activities such as grading and trenching. Similar to the proposed project, Alternative 2 would be required to incorporate MM GEO-6a through MM GEO-6c to reduce impacts to a less than significant level. As such, this alternative's impact conclusions related to soil erosion, alternative wastewater disposal systems, and paleontological resources would be similar to the conclusions reached for the proposed project in Section 3.7, Geology, Soils, and Seismicity.

The project site contains hilly terrain, expansive soil, and unstable subsurface conditions that could contribute to seismic hazards. As noted in Section 3.7; Geology, Soils, and Seismicity, approximately eight landslides, including mudflow events, have previously occurred on the project site adjacent to

the terminus of Corte Dorado. Alternative 2 would develop residential structures throughout the project site every five acres, as allowed by the zoning district. Because of this configuration, residences would be located within the vicinity of the prior landslide locations instead of being sited to avoid this area. Thus, further geotechnical studies would likely be required to identify additional earthwork and building recommendations to avoid an increased risk to structures and occupants for houses located in landslide-susceptible areas within the project site, as well as exacerbating landslide risks to adjacent properties. With incorporation of this additional mitigation, it is anticipated that Alternative 2 would have a less than significant impact related to seismic hazards, unstable subsurface conditions, and expansive soil. Given the siting of new residences in a portion of the project site that has historically experienced landslide events, this alternative's impact conclusion would be increased compared to the conclusion reached for the proposed project in Section 3.7, Geology, Soils, and Seismicity.

Greenhouse Gas Emissions

As noted in Section 3.8, Greenhouse Gas Emissions, the proposed project would have a less than significant impact, with mitigation incorporated, related to generation of GHG emissions, conflicting with an adopted GHG emission-reducing plan, and cumulative GHG impacts.

The GHG emissions from an individual project do not contribute enough GHG emissions on their own to influence global climate change; thus, the past, present, and future release of GHG emissions is considered a cumulative environmental impact.

Under Alternative 2, construction activities, such as grading, equipment use, material transport, and worker commutes, would generate both direct and indirect GHG emissions. However, due to the reduced number of units, construction would likely require fewer resources and a shorter timeline than the proposed project. Under Alternative 2, the project would result in the construction of 20 residences, which would generate ongoing operational GHG emissions, primarily from mobile sources such as vehicle trips. Although these emissions would be lower than those associated with the proposed project, they would not be eliminated. Alternative 2 would need to meet Criterion A of Bay Area Air District's 2022 GHG significance thresholds to indicate project consistency with applicable GHG plans. As such, MM GHG-1 and MM GHG-2 would still be required under Alternative 2 to ensure plan consistency. With implementation of the applicable mitigation measures, Alternative 2 would have a less than significant impact related to GHG. Overall, this alternative's impact conclusions would be similar, but slightly reduced, compared to the conclusion reached for the proposed project in Section 3.8, Greenhouse Gas Emissions.

Hazards and Hazardous Material

As discussed in Section 3.9, Hazards and Hazardous Materials, the proposed project would have no impact related to hazardous emissions and material handling within 0.25 mile of a school, as well as safety hazards in proximity to a public airport. The proposed project would have a less than significant impact related to routine transport, use, or disposal of hazardous materials; risk of upset and accident conditions; being located on a site on a list of hazardous materials sites; interference with emergency response and evacuation; and risk involving wildland fires. Cumulative hazards and hazardous materials impacts would also be less than significant.

The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; is not located within a quarter of a mile away from a school, nor is it located in proximity to an airport. As such, this alternative would have no impact related to hazardous emissions in proximity to a school, or aviation safety. Currently, the project site is undeveloped and would not require any demolition of existing structures. Operationally, the proposed residential uses are not anticipated to involve the routine use, storage, or disposal of hazardous materials. As such, this alternative would have a less than significant impact on operational hazards. Overall, this alternative's impact conclusions would be similar, but slightly reduced, when compared to the conclusion reached for the proposed project in Section 3.9, Hazards and Hazardous Materials.

Hydrology and Water Quality

As noted in Section 3.10, Hydrology and Water Quality, the proposed project's impacts related to surface and groundwater quality; groundwater supply and recharge; drainage leading to erosion, siltation, flooding, additional sources of polluted runoff, or impedance of flood flows; risk of pollutant release due to project site inundation; consistency with water quality control or sustainable groundwater management plans; and cumulative hydrology and water quality impacts would be less than significant without mitigation.

Alternative 2 would result in new building and roadway pavement coverage, which would require implementation of site-specific BMPs. These include preparing a Storm Water Pollution Prevention Plan (SWPPP) under the Construction General Permit and complying with the County's Phase II National Pollutant Discharge Elimination System (NPDES) Municipal Regional Stormwater Permit (MRP) during operation. These measures would ensure less than significant impacts related to erosion, runoff, drainage alterations, and water quality.

The project site has no history of hazardous waste; it is not in a Federal Emergency Management Agency (FEMA)-designated special flood hazard zone and is not near a large body of water. Residential uses associated with this alternative would involve minimal hazardous materials that could affect water quality, and groundwater would not be directly accessed. Thus, impacts would be less than significant related to flood hazard and groundwater management. Overall, this alternative's impact conclusion related to hydrology and water quality would be similar to the conclusion reached in Section 3.10, Hydrology and Water Quality.

Land Use

As noted in Section 3.11, Land Use and Planning, the proposed project would have no impact related to physically dividing an established community. The proposed project would have a less than significant impact, with mitigation incorporated, related to conflicts with applicable plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. Cumulative land use impacts would be less than significant without mitigation.

The project site does not currently provide access to an existing community. Therefore, this alternative would not divide an established community. This alternative would largely include the same type of development as the proposed project, but with fewer single-family residences. The

proposed project would include the subdivision of existing parcels to allow for one residential lot per 5 acres, as allowed by the existing zoning and land use designation. Associated roadways and infrastructure on the project site would also be developed. As such, development under this alternative would still occur and would rely on the same mitigation measures as the proposed project for consistency with applicable land use regulations. Thus, this alternative would have a less than significant impact, with mitigation incorporated, related to consistency with applicable plans, policies, and regulations. Overall, this alternative's impact conclusions would be similar, but slightly reduced, compared to the conclusion reached for consistency with plans and similar to the conclusion reached for dividing an established community, compared to the proposed project in Section 3.11, Land Use and Planning.

Mineral Resources

As noted in Chapter 4, Effects Found not to be Significant, Section 4.2.1, Mineral Resources, the proposed project would have no impacts related to mineral resources; there would be no cumulative mineral resources impacts.

No mineral resource zones of regional or statewide importance are located in the Town of Danville or are delineated in any local land use plans. A Mineral Land Classification map prepared by the California Department of Conservation indicates that the project site is located in an area of inadequate information to warrant placement in any other mineral resource zone. Furthermore, the project site does not contain land designated for mineral resource recovery or similar uses. As such, Alternative 2 would not result in loss of availability of a known mineral resource of value to the region and residents of the State during construction and would have no impact. Therefore, this alternative's impact conclusions would be similar to the conclusion reached for the proposed project in Section 4.2.1, Mineral Resources.

Noise

As noted in Section 3.12, Noise, the proposed project would have a less than significant impact without mitigation related to substantial noise increase in excess of standards and excessive groundborne vibration and noise levels. The proposed project would have no impact related to excessive noise levels from airport activity. The proposed project's cumulative noise impact would be less than significant.

Construction

Like the proposed project, Alternative 2 would include construction activities, such as grading, equipment uses, material transport, and worker commutes, which would generate both direct and indirect noise impacts. However, due to the reduced number of residential units, construction would likely require fewer resources and a shorter timeline, resulting in an overall reduced construction noise duration compared to the proposed project. Therefore, construction-related noise impacts would be less than significant. This alternative's construction-related impact conclusions would be similar, but slightly reduced, when compared to the conclusion reached for the proposed project in Section 3.12, Noise.

Operation

The increase in ambient noise levels from residential activities for Alternative 2 would be minimal and well below thresholds considered significant for single-family residential development. Furthermore, traffic noise levels would not occur in excess of the Town's noise acceptability standards for adjacent land uses, and traffic noise would be slightly reduced compared to the proposed project. Alternative 2 would generate fewer daily vehicle trips than the proposed project, due to the reduced number of residential units. This would result in lower mobile source noise. Stationary sources, such as heating, ventilation, and air conditioning (HVAC) systems, would also be similar or slightly reduced and remain below noise thresholds. Operational noise from the proposed residential uses would be typical for suburban single-family dwellings and would not exceed Town standards. The project site is not within two miles of a public or private airport, so no airport-related noise impacts would occur. Overall, Alternative 2 would have a less than significant impact related to operational noise. This alternative's operational impact conclusions would be similar, but slightly reduced, when compared to the conclusion reached for the proposed project in Section 3.12, Noise.

Population and Housing

As noted in Chapter 4, Effects Found not to be Significant, Section 4.2.2, Population and Housing, with respect to population growth, housing displacement and cumulative impacts, the proposed project would have a less than significant impact without mitigation.

No existing residences are located within the project site and, as such, this alternative would not involve displacement of housing. Alternative 2 would result in the development of 20 residential lots, 20 residences, and associated roadways and infrastructure. Development under this alternative is anticipated to generate approximately 56 new residents (approximately 20 fewer residents than the proposed project).[4] While this alternative would result in increased population, development on the project site is allowed by-right and would be compliant with the existing zoning district and land use designations. Therefore, development and associated population growth under this alternative was accounted for within the Town's General Plan. Additionally, the project site is in an area with rural and suburban development with existing utilities and roadways to provide connections to the project site, so no new infrastructure would be needed, avoiding indirect population growth. Thus, Alternative 2 would have a less than significant impact related to population and housing. As such, this alternative's impact conclusions would be similar when compared to the conclusion reached for the proposed project in Section 4.2.2, Population and Housing.

However, Alternative 2 would not assist the Town in achieving its RHNA goals through the provision of below market-rate ADUs. Accordingly, under this alternative, project benefits with regards to population and housing would be unrealized.

Public Services

As noted in Section 3.13, Public Services, the proposed project would have a less than significant impact in regard to fire protection facilities, police protection facilities, school facilities, other public facilities, and cumulative public services impacts.

[4] Project population calculated by multiplying the total number of dwelling units (20 single-family homes) by the Town's average household size of 2.78 persons (20 x 2.78 = 56).

Under this alternative, development on and off the project site would be the same as the proposed project, except for the reduction of approximately two single-family residences and five ADUs. Because of the lower number of residential dwelling units, and the associated reduction in on-site population, this alternative would slightly decrease the demand for fire protection facilities, police protection facilities, school facilities, library facilities, and park and recreation facilities, as compared to the proposed project. Therefore, Alternative 2 would have a less than significant impact related to public services and impacts would be slightly reduced when compared to the conclusion reached for the proposed project in Section 3.13, Public Services.

Recreation

As noted in Section 3.14, Recreation, the proposed project would have a less than significant impact without the need for mitigation in regard to increased usage of existing parks and recreational facilities, the construction or expansion of recreational facilities, and cumulative recreation impacts.

Alternative 2 would result in the development of 20 new single-family residential units; no recreational facilities would be constructed. The project site itself does not contain any existing State, regional, or Town parks, recreational facilities, or designated open spaces, but the surrounding area is well-served by a variety of recreational resources, including 12 community parks within a 3-mile radius. Alternative 2 would result in fewer on-site residents as compared to the proposed project and would not result in substantial increased demand for parks and recreational facilities. Existing recreational facilities would serve proposed residents on the project site, and no substantial physical deterioration or adverse environmental effects related to recreation would occur, due to the limited number of new units. Thus, this alternative would have a less than significant impact related to recreation. As such, this alternative's impact conclusions would be similar, but slightly reduced, when compared to the conclusion reached for the proposed project in Section 3.14, Recreation.

Transportation

As noted in Section 3.15, Transportation and Traffic, the proposed project would have a less than significant impact related to an effect to the circulation system, geometric hazards, emergency access, and cumulative transportation impacts. Impacts related to conflicts with CEQA Guidelines Section 15064.3 subdivision (b) would be less than significant with mitigation incorporated.

Under Alternative 2, new roadways would be constructed connecting the proposed development to Como Way and Borica Drive. New roadway infrastructure would be subject to the California Fire Code and Town review to ensure appropriate emergency access and minimization of geometric hazards. Although Alternative 2 involves the development of new residences, the incremental increase in population is unlikely to have an effect on transportation. Specifically, since this alternative would develop 20 residences, it would be considered a "small project" by the Contra Costa Transportation Authority's Growth Management Program Implementation Guide and Final Technical Procedures.[5,6] For such projects, a less than significant impact relative to VMT can be

[5] Contra Costa Transportation Authority (CCTA). 2021. Growth Management Program Implementation Documents: Implementation Guide. February 17. Website: https://ccta.net/wp-content/uploads/2021/08/GMP_Implementation_Guide_FINAL_02172021.pdf. Accessed July 28, 2025.

[6] Contra Costa Transportation Authority (CCTA). 2022. Technical Procedures. November. Website: https://ccta.net/wp-content/uploads/2023/01/CCTA_Technical_Procedures_Nov2022.pdf. Accessed July 28, 2025.

presumed. Therefore, this alternative would have a less than significant impact related to circulation systems, conflicts with CEQA Guidelines Section 15064.3 subdivision (b), geometric hazards, and emergency access. As such, this alternative's impact conclusions would be similar, but slightly reduced, when compared to the conclusion reached for the proposed project in Section 3.15, Transportation and Traffic.

Utilities and Service Systems

As noted in Section 3.16, Utilities and Service Systems, the proposed project's impacts related to water supply or conveyance facilities, wastewater treatment or conveyance facilities, stormwater drainage facilities, natural gas, electric power, telecommunications facilities, landfill capacity, consistency with solid waste regulations, and cumulative utilities and service systems impacts would be less than significant without mitigation.

Under Alternative 2, development of the project would still occur and would require the construction of new connections to existing utility lines within Como Way, Borica Drive, and Corte Dorado. The increase in population associated with Alternative 2 would be consistent with the development intensity and population growth assumptions of the Town's General Plan. Thus, the nominal increase in population for this alternative would not require development of new utility facilities, as the utility providers are anticipated to have adequate capacity to serve the project. Therefore, Alternative 2 would have a less than significant impact related to utilities and service systems. Because of the nominal decrease in demand compared to the proposed project, impacts would be slightly reduced under Alternative 2, but still less than significant, as compared to the proposed project in Section 3.16, Utilities and Service Systems.

Wildfire

As noted in Section 3.17, Wildfire, the proposed project would have no impact related to consistency with an emergency response or evacuation plan. The proposed project would have a less than significant impact, without mitigation, related to exposing project occupants to pollutant concentrations from wildfire and installation or maintenance of infrastructure that exacerbates fire risk. With the incorporation of mitigation, the proposed project would have a less than significant impact related to flooding and landslide hazards due to post-fire slope instability or drainage changes, as well as cumulative wildfire impacts.

Similar to the proposed project, Alternative 2 would be surrounded by existing residential neighborhoods, as well as wildlands and unirrigated vegetation. The Town's General Plan designates the project site as High and Very High Fire Threat to Development. As such, development under this alternative would still be required to adhere to Town policies regarding fire safety, such as General Plan Policy 25.01, which requires safe roofing and other fire prevention standards for development within fire hazard areas. This alternative would also be reviewed by the San Ramon Valley Fire Protection District for consistency with applicable regulations and emergency response plans. Accordingly, this alternative would have a less than significant impact related to consistency with emergency response plans, exposing occupants to wildfire pollutants, and exacerbating wildfire risk. This alternative's impact conclusions would be similar, but slightly reduced, when compared to the proposed project in Section 3.17, Wildfire.

Moreover, Alternative 2 would develop residential structures throughout the project site, on 5-acre lots, as allowed by the zoning district. As a result of this configuration, residences would be located adjacent to Corte Dorado where, as described in Section 3.7; Geology, Soils, and Seismicity, approximately eight prior landslides have occurred in that vicinity. Thus, this alternative would require additional geotechnical recommendations, in the form of mitigation measures, to reduce landslide hazards for residential structures developed on landslide-susceptible soil. In the event of a wildfire, these mitigation measures would serve to indirectly reduce impacts associated with post-fire slope stability. As such, this alternative's impact conclusions would be similar, but slightly increased, when compared to the proposed project in Section 3.17, Wildfire.

6.4.2 - Conclusion

Under Alternative 2, the project site would be developed with up to 20 single-family residential dwelling units, as permitted by the Town's existing Agricultural zoning district. No project site rezoning would occur, and development would be limited to what is allowed by-right under Town regulations. As a result, Alternative 2 would reduce the intensity and scale of development compared to the proposed project. Thus, this alternative would avoid, reduce, or have similar impacts across a wide range of environmental resource areas, including air quality, biological resources, cultural resources and TCRs, energy, GHG emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, utilities and service systems, transportation, and wildfire, when compared to the proposed project. This alternative would not eliminate the need for mitigation to reduce impacts related to biological resources, cultural resources and TCRs, and GHG emissions.

Moreover, given the dispersed siting of proposed residential units within and around landslide-susceptible areas on the project site, this alternative would potentially result in a slightly increased impact related to geology, soils, and seismicity, as well as landslide hazards. This alternative would also have the potential to increase aesthetic impacts related to scenic vistas as development would occur within scenic hillsides and ridges on the project site.

Alternative 2 would also not fully meet all of the proposed project's objectives discussed in Section 6.2 above. This alternative would include residential development on the project site and construction of utility improvements and off-street parking. However, this alternative would not provide affordable housing, nor would it preserve open space on the project site. Accordingly, this alternative would not fully satisfy all of the project objectives.

6.5 - Environmentally Superior Alternative

CEQA Guidelines Section 15126(e)(2) requires identification of an environmentally superior alternative. If the No Project Alternative is environmentally superior, CEQA requires selection of the "environmentally superior alternative other than the No Project Alternative" from among the project and the alternatives evaluated.

The qualitative environmental effects of each alternative in relation to the proposed project are summarized in Table 6-1.

Table 6-1: Summary of Alternatives

Environmental Topic Area	Proposed Project	Alternative 1: No Project Alternative	Alternative 2: Entitled Zoning Alternative
Aesthetics, Light, and Glare			
Impact AES-1: Scenic vistas	LTS	NI <	LTSM >
Impact AES-2: Scenic resources	LTS	NI <	LTS =
Impact AES-3: Visual character or quality of public views	LTS	NI <	LTSM >
Impact AES-4: New source of light or glare	LTS	NI <	LTS =
Cumulative Impacts	LTS	NI <	LTS =
Agriculture Resources and Forestry Resources			
Impact AG-1: Conversion of Farmland	NI	NI <	NI =
Impact AG-2: Williamson Act Contract	LTS	NI <	LTS =
Impact AG-3: Conflict/Cause rezoning of forest land	NI	NI =	NI =
Impact AG-4: Loss of forest land	NI	NI =	NI =
Impact AG-5: Other existing environmental changes resulting in conversion of farmland or forest land	LTS	NI <	LTS =
Cumulative Impacts	LTS	NI <	LTS =
Air Quality			
Impact AIR-1: Consistency with Air Quality Management Plan	LTS	NI <	LTS <
Impact AIR-2: Cumulative criteria pollutant emissions impacts	LTS	NI <	LTS <
Impact AIR-3: Sensitive receptors exposure to pollutant concentrations	LTS	NI <	LTS <
Impact AIR-4: Objectionable Odors and other emissions	LTS	NI <	LTS <
Cumulative Impacts	LTS	NI <	LTS <
Biological Resources			
Impact BIO-1: Special-status plant and wildlife species	LTSM	NI <	LTSM ≤
Impact BIO-2: Sensitive natural communities or riparian habitat	LTSM	NI <	LTSM ≤
Impact BIO-3: Wetlands and jurisdictional features	LTSM	NI <	LTSM ≤
Impact BIO-4: Fish and wildlife movement corridors and nursery sites	LTSM	NI <	LTSM ≤
Impact BIO-5: Local policies or ordinances	LTSM	NI <	LTSM ≤
Impact BIO-6: Local, regional, or State Habitat Conservation Plan	LTS	NI <	LTS ≤
Cumulative Impacts	LTSM	NI <	LTSM ≤

Environmental Topic Area	Proposed Project	Alternative 1: No Project Alternative	Alternative 2: Entitled Zoning Alternative
Cultural Resources and Tribal Cultural Resources			
Impact CUL-1: Historical resources	NI	NI =	NI =
Impact CUL-2: Archaeological resources	LTSM	NI <	LTSM =
Impact CUL-3: Human remains	LTSM	NI <	LTSM =
Impact CUL-4: Listed or eligible Tribal Cultural Resources	LTSM	NI <	LTSM =
Impact CUL-5: Lead Agency determined Tribal Cultural Resources	LTSM	NI <	LTSM =
Cumulative Impacts	LTSM	NI <	LTSM =
Energy			
Impact ENER-1: Wasteful, inefficient, or unnecessary consumption of energy resources	LTS	NI <	LTS ≤
Impact ENER-2: Conflict with or obstruct a State/local plan for renewable energy or energy efficiency.	LTS	NI <	LTS ≤
Cumulative impacts	LTS	NI <	LTS ≤
Geology, Soils, and Seismicity			
Impact GEO-1: Seismic hazards	LTSM	SU >	LTSM >
Impact GEO-2: Soil erosion or loss of topsoil	LTS	NI <	LTS =
Impact GEO-3: Unstable subsurface conditions	LTSM	SU >	LTSM >
Impact GEO-4: Expansive soil	LTSM	SU >	LTSM >
Impact GEO-5: Septic tanks or alternative wastewater disposal system	NI	NI =	NI =
Impact GEO-6: Paleontological resources or unique geologic feature	LTSM	NI <	LTSM >
Cumulative Impacts	LTSM	NI <	LTSM >
Greenhouse Gas Emissions			
Impact GHG-1: Generation of GHG emissions	LTSM	NI <	LTSM ≤
Impact GHG-2: Conflict with plan, policy, or regulation that reduces GHG emissions	LTSM	NI <	LTSM ≤
Cumulative impacts	LTSM	NI <	LTSM ≤
Hazards and Hazardous Materials			
Impact HAZ-1: Routine transport, use, or disposal of hazardous materials	LTS	NI <	LTS ≤
Impact HAZ-2: Upset and accident conditions involving release of hazardous materials	LTS	NI <	LTS ≤

Environmental Topic Area	Proposed Project	Alternative 1: No Project Alternative	Alternative 2: Entitled Zoning Alternative
Impact HAZ-3: Emit hazardous emissions or handle hazardous materials within 0.25 mile of a school	NI	NI =	NI =
Impact HAZ-4: Site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5	LTS	NI <	LTS =
Impact HAZ-5: Airport/aviation Safety	NI	NI =	NI =
Impact HAZ-6: Interfere with an adopted emergency response or evacuation plan	LTS	NI <	LTS ≤
Impact HAZ-7: Expose people or structures to a significant risk of loss, injury, or death involving wildland fires.	LTS	NI <	LTS ≤
Cumulative impacts	LTS	NI <	LTS ≤
Hydrology and Water Quality			
Impact HYD-1: Surface and groundwater quality	LTS	NI <	LTS =
Impact HYD-2: Groundwater supply/recharge	LTS	NI <	LTS =
Impact HYD-3: Drainage leading to erosion/siltation, flooding, additional sources of polluted runoff, or impedance of flood flows	LTS	NI >	LTS =
Impact HYD-4: Risk of pollutant release due to inundation	LTS	NI <	LTS =
Impact HYD-5: Water quality control or sustainable groundwater management plans consistency	LTS	NI <	LTS =
Cumulative impacts	LTS	NI <	LTS =
Land Use			
Impact LAND-1: Divide an established community	NI	NI =	NI =
Impact LAND-2: Conflict with applicable plans, policies, or regulations	LTSM	NI <	LTSM ≤
Cumulative impacts	LTS	NI <	LTS ≤
Minerals			
Impact MIN-1: Loss of known valuable mineral resources	NI	NI =	NI =
Impact MIN-2: Loss of important mineral resource recovery sites	NI	NI =	NI =
Cumulative impacts	NI	NI =	NI =
Noise			
Impact NOI-1: Substantial noise increase in excess of standards	LTS	NI <	LTS ≤

Environmental Topic Area	Proposed Project	Alternative 1: No Project Alternative	Alternative 2: Entitled Zoning Alternative
Impact NOI-2: Groundborne vibration/noise levels	LTS	NI <	LTS ≤
Impact NOI-3: Excessive noise levels from airport activity	NI	NI =	NI =
Cumulative impacts	LTS	NI <	LTS ≤
Population and Housing			
Impact POP-1: Unplanned population growth	LTS	NI ≤	LTS =
Impact POP-2: Housing displacement/replacement housing	NI	NI =	NI =
Cumulative impacts	LTS	NI <	LTS =
Public Services			
Impact PUB-1: Fire protection	LTS	NI <	LTS ≤
Impact PUB-2: Police protection	LTS	NI <	LTS ≤
Impact PUB-3: Schools	LTS	NI <	LTS ≤
Impact PUB-4: Parks	LTS	NI <	LTS ≤
Impact PUB-5: Other Public Facilities	LTS	NI <	LTS ≤
Cumulative impacts	LTS	NI <	LTS ≤
Recreation			
Impact REC-1: Substantial facility deterioration from increased use	LTS	NI <	LTS ≤
Impact REC-2: Physical effect of recreational facilities	LTS	NI <	LTS ≤
Cumulative impacts	LTS	NI <	LTS ≤
Transportation			
Impact TRANS-1: Affect to circulation system	LTS	NI <	LTS ≤
Impact TRANS-2: Conflict with CEQA Guidelines Section 15064.3 Subdivision (b)	LTSM	NI <	LTS ≤
Impact TRANS-3: Hazards	LTS	NI <	LTS ≤
Impact TRANS-4: Emergency access	LTS	NI <	LTS ≤
Cumulative impacts	LTS	NI <	LTS ≤
Utilities and Service Systems			
Impact UTIL-1: New or expanded utility treatment facilities	LTS	NI <	LTS ≤
Impact UTIL-2: Water supplies	LTS	NI <	LTS ≤
Impact UTIL-3: Wastewater treatment capacity	LTS	LTS ≤	LTS ≤
Impact UTIL-4: Attainment of solid waste reduction goals	LTS	NI <	LTS ≤

Environmental Topic Area	Proposed Project	Alternative 1: No Project Alternative	Alternative 2: Entitled Zoning Alternative
Impact UTIL-5: Solid waste regulations	LTS	NI <	LTS ≤
Cumulative impacts	LTS	NI <	LTS ≤
Wildfire			
Impact WILD-1: Emergency response/evacuation plan consistency	NI	NI =	LTS ≤
Impact WILD-2: Expose project occupants to pollutant concentrations from wildfire	LTS	NI <	LTS ≤
Impact WILD-3: Infrastructure that exacerbates wildfire risk	LTS	NI <	LTS ≤
Impact WILD-4: Flooding and landslide hazards due to post-fire slope instability/drainage changes	LTSM	SU >	LTSM ≥
Cumulative impacts	LTSM	NI <	LTSM ≥

Notes:
NI = No impact
LTS = Less than significant impact
LTSM = Less than significant with mitigation incorporated
SU = significant and unavoidable impact
< Impacts would be reduced compared to the proposed project.
≤ Impacts would be similar to, but slightly reduced, compared to the proposed project.
> Impacts would be greater than the proposed project.
≥ Impacts would be similar to, but slightly increased, compared to the proposed project.
= Impacts would be the same as the proposed project.
Source: FirstCarbon Solutions (FCS). 2026.

CEQA Guidelines Section 15126(e)(2) requires an EIR to identify an environmentally superior alternative. If the No Project Alternative is the environmentally superior alternative, the EIR must also identify an environmentally superior alternative from among the other alternatives. The No Project Alternative would have reduced impacts for a majority of categories. Thus, the No Project Alternative would be the environmentally superior alternative. Since the No Project Alternative is identified as the environmentally superior alternative, the EIR must also identify another environmentally superior alternative.

The 5-Acre Lot Alternative (Alternative 2) would be the second environmentally superior alternative because it would reduce impacts related to a majority of environmental resources, including agriculture and forestry resources, air quality, biological resources, energy, GHG emissions, hazards and hazardous materials, land use and planning, noise, public services, recreation, transportation, and utilities and service systems due to the development intensity. This alternative would not eliminate the need for mitigation to reduce impacts related to biological resources, cultural resources and TCRs, and GHG emissions. Moreover, given the dispersed siting of proposed residential units within and around landslide-susceptible areas on the project site, this alternative would potentially result in a slightly increased impact related to geology, soils, and seismicity, as well as landslide hazards due to post-fire slope instability. This alternative would also have the potential

to increase aesthetic impacts related to scenic vistas, as development would occur within scenic hillsides and ridges on the project site.

Additionally, Alternative 2 would also meet some of the proposed project objectives to a certain degree by providing 20 market-rate residential units and associated roadway infrastructure and utilities on the project site. However, due to the decreased number of residences, this alternative would not fully utilize the project site development potential with the use of a density bonus. Further, Alternative 2 would not preserve open space on the project site, nor would it provide affordable housing for the Town. Accordingly, this alternative would not fully satisfy all of the project objectives.

6.6 - Alternatives Rejected From Further Consideration

CEQA Guidelines Section 15126.6(c) requires an EIR to identify any alternatives that were considered but rejected as infeasible during the scoping process and explain the reasons for rejection of those alternatives. Factors that may be used to eliminate alternatives from detailed consideration include (i) failure to meet most of the basic project objectives, (ii) infeasibility taking into account economic, environmental, social, technological, and legal factors, or (iii) inability to substantially lessen or avoid significant environmental impacts of the proposed project. The following alternative was initially considered but rejected from further consideration for reasons described below.

6.6.1 - Borica Drive Connection Alternative

During the Notice of Preparation (NOP) comment period, comments were received requesting that an alternative access point for the project site be provided by Borica Drive instead of Como Way. Thus, an alternative related to establishing a roadway connection along Borica Drive was considered for the proposed project. The proposed project would cluster residential development in the southern portion of the project site due to the presence of hilly terrain and biological resources, in addition to preserving existing open space.

In accordance with the roadway sizing regulations established by the Town's Municipal Code, developing an access road from the terminus of Borica Drive to the proposed development area in the south of the project site would have a greater area of disturbance than the proposed project's design. Development of this road would require additional ground-disturbing activities which would not reduce or avoid impacts related to air quality, biological resources, cultural resources and TCRs, hydrology and water quality, paleontological resources, and noise. Further, according to the Geotechnical Evaluation in Appendix E, soils that would be conducive to liquefaction were found in samples north of the proposed development area on the project site. While outside of the development area, this would have the potential to impact development on the northern portion of the project site, such as the extension of Borica Drive, and would have the potential to increase impacts related to liquefaction. Therefore, the Borica Drive Alternative was deemed infeasible.

6.6.2 - Alternative Site Alternative

An alternative that would implement development of the proposed project on an alternative project site was considered. When evaluating an alternative location, the "key question" is whether any of

the significant effects of the project would be avoided or lessened at a different location. Furthermore, CEQA Guidelines Section 15126.6(f)(1) identifies other factors that may be taken into account when addressing the feasibility of alternatives, including an alternative location:

1. Site suitability
2. Economic
3. Availability of infrastructure
4. General Plan consistency
5. Other plans or regulatory limitations
6. Jurisdictional boundaries
7. Whether the project proponent can reasonably acquire, control, or otherwise have access to the alternative site.

In this instance, the project applicant does not have control or ownership over an alternative site. Further, alternate opportunity sites for residential development were identified and studied in the Town's 2023-2031 Housing Element.[7] However, these opportunity sites have been designated for multi-family uses and cannot be down-zoned to single-family uses to be consistent with the proposed project. Additionally, development on an alternative site would not meet project objectives related to siting development around geographic ridges and protecting the Town's ridgeline. Because the project applicant cannot acquire or access alternative sites, and available sites do not have a similar land use designation, this alternative would have increased concerns related to economic viability and inconsistent with planning requirements and would not meet the project objectives. Therefore, an Alternative Site Alternative was deemed infeasible.

6.6.3 - Reduced Density Alternative

A Reduced Density Alternative was considered for the proposed project. While this would lessen construction and operational impacts due to a smaller project footprint, it would also reduce the number of total residential dwelling units such that the percentage of affordable units provided as part of the proposed project would be less than the existing 25 percent. As a result, the proposed project would not be able to receive the necessary Density Bonus Law concessions/waivers. Additionally, a Reduced-Density Alternative would rely on similar infrastructure, grading, geotechnical stabilization, and mitigation commitments required for the proposed project. Because these improvements constitute a significant portion of development costs and are largely fixed regardless of unit count, reducing the number of residential units would substantially increase the cost per unit, rendering the alternative financially infeasible. For these reasons and without the necessary Density Bonus Law concessions and waivers, the proposed project would be economically infeasible, would not deliver the full proposed amount of affordable housing units, and would fail to meet key project objectives. Therefore, this alternative was rejected from further consideration.

[7] Town of Danville. 2024. 2023-2031 Housing Element. Website: https://www.danville.ca.gov/886/2023-2031-Housing-Element. Accessed January 26, 2026.

CHAPTER 7: PERSONS AND ORGANIZATIONS CONSULTED/LIST OF PREPARERS

7.1 - Persons and Organizations Consulted

7.1.1 - Town of Danville

Fire Department

Fire Chief..... Paige Meyer

Police Department

Police Chief .....Allen Shields

7.1.2 - Local Agencies

Danville Library

Senior Library Manager ..... Seng Lovan

Town of Danville Recreation, Arts, and Community Services

Director..... Henry Perezalonso

San Ramon Valley Unified School District

Superintendent..... CJ Cammack

7.2 - List of Preparers

7.2.1 - Lead Agency

Town of Danville

Chief of Planning..... David Crompton

7.2.2 - Lead Consultant

FirstCarbon Solutions

Project Director .....Mary Bean
Project Manager .....Prathna Maharaj, AICP
Assistant Project Manager..... Daniel Vermeulen
Legal Counsel..... Megan Starr, JD
Director of Cultural Resources..... Dana DePietro, PhD, RPA
Archaeological Field Manager ..... Natalie Adame
Archaeological Monitor ..... Ryan Hallinan
Archaeological Monitor ..... Taylor Love
Historian and Cultural Resources Analyst..... Ti Ngo, MA
Director of Noise and Air Quality ..... Phil Ault, LEED® AP
Senior Air Quality Scientist .....Jackie Winkel

Senior Air Quality Scientist..... Marianne Aydil
Senior Biologist ..... Robert Carroll
Biological Manager..... Hannah Carney
Environmental Services Analyst ..... Laura Campion
Environmental Services Analyst ..... Alex Ortiz
Senior Managing Editor..... Susie Harris
Publications Manager ..... Alec Harris
Technical Document Manager ..... Melissa Ramirez
Technical Editor..... Sarah Vine
GIS/Graphics ..... Karlee McCracken
GIS/Graphics ..... Sebastian Macias

7.2.3 - Technical Subconsultants

Cameron-Cole, LLC

Principal Scientist ..... Michael Stephenson
Environmental Scientist I..... Ryan Barry

ENGEO Incorporated

Preparer ..... Fernanda Corvillon
Certified Engineering Geologist ..... J. Brooks Ramsdell, CEG
Registered Professional Engineer..... Macy Tong, GE

Pinecrest Research Corp., Inc

President ..... Dr. Christopher T. DiVittorio

BALANCE HYDROLOGICS, Inc.

Principal Engineer ..... Edward D. Ballman
Hydrologist ..... Denise Tu

WRA, Inc.

Principal Regulatory Permitting Specialist ..... Leslie Allen
Senior Biologist ..... Bernhard Warzecha

Olberding Environmental, Inc.

Regulatory Scientist..... Jeff Oldberding

CBG Civil Engineers

Principal Civil Engineer..... Gordon Zanin, PE

Baez Geotechnical Group

Project Engineer ..... Stefanie Parman-Ribeiro
Principal Engineer ..... William R. Stevens