



Department of Conservation and Development
County Zoning Administrator
Monday, June 7, 2021 – 1:30 P.M.

STAFF REPORT

Agenda Item # _____

Project Title:	Pine Creek Two-Lot Minor Subdivision Condition of Approval Modification
County File Number:	CDCV19-00063 (CDMS05-00013)
Applicant:	Brian Bigelow
Owners:	The Gee Family Revocable Trust
General Plan/Zoning:	Single-Family Residential – Very Low Density (SV) / R-40 Single-Family Residential (R-40) District
Project Location:	501 Pine Creek Road, Walnut Creek, CA 94598 (Assessor's Parcel Number: 138-230-002)
California Environmental Quality Act (CEQA) Status:	The project is consistent with and covered by the Mitigated Negative Declaration prepared for the subject project in 2009 and adopted by the County Zoning Administrator on August 23, 2010, and the attached Addendum prepared for the subject modifications.
Project Planner:	Joseph W. Lawlor Jr, AICP, (925) 655-2872
Staff Recommendation:	Approve (See Section II for Full Recommendation)

I. PROJECT SUMMARY

The applicant requests approval of a modification to the conditions of approval for the Vesting Tentative Map approved under County File CDMS05-00013.

II. RECOMMENDATION

Staff recommends that the Zoning Administrator:

- A. DETERMINE that the Mitigated Negative Declaration which was adopted on August 23, 2010; and Addendum which was prepared for the subject modifications, satisfy the review requirements of the California Environmental Quality Act (CEQA) for the current project;
- B. APPROVE the modified conditions of approval for the Vesting Tentative Map approved under County File CDMS05-00013, subject to the attached findings and conditions of approval; and
- C. DIRECT Staff to file a Notice of Determination with the County Clerk.

III. BACKGROUND

On August 23, 2010, the Zoning Administrator approved the subject two-lot vesting tentative map with one remainder lot and adopted the associated Mitigated Negative Declaration that had been prepared for the project. The approved project proposed to convey the runoff from the site to an existing private drainage system to the west of the property that would convey the runoff to an adjoining watershed that drains to Pine Creek. However, the applicant has not been able to secure access to the private drainage system, so the drainage plan must be modified. The applicant has modified the drainage plan, and now proposes to manage the stormwater with an outlet draining to the creek on the property, Arroyo del Cerro.

Directing the runoff to Arroyo del Cerro Creek was considered during the Initial Study for the project, but concerns about mitigation costs associated with this plan resulted in impact-reducing changes to the drainage plan when the project was brought to hearing. Specifically, to avoid substantial costs associated with mitigating possible impacts to the protected California Red Legged Frog, the applicant modified the site plan to eliminate a proposed on-site drainage outlet into the creek. Due to the inability to access the private drainage system, the applicant now proposes to revert to the original plan, and install a modified drainage outlet into the creek. Though the new outfall would drain to the creek as previously considered, the design would be modified so no modifications to the creek bed or channel would be necessary. Previously, the outfall and rip-rap would have been installed in the creek bed.

IV. GENERAL INFORMATION

- A. **General Plan**: The subject property is located within the Single-Family Residential – Very-Low Density (SV) General Plan land use designation.

- B. **Zoning**: The subject property is located within the R-40 Single-Family Residential (R-40) District.
- C. **CEQA Status**: Pursuant to the requirements of CEQA (CEQA Guidelines Section 15071) Contra Costa County prepared a Mitigated Negative Declaration (MND) for this project. On August 23, 2010, the Zoning Administrator approved the subject two-lot vesting tentative map with one remainder lot and adopted the associated Mitigated Negative Declaration that had been prepared for the project.

Due to technical modifications that have since been made to the original drainage proposal, review of the potential environmental impacts was necessary. An Addendum has, thus, been prepared to review the project impacts and align the mitigations with the current proposal. The modification of the outfall structure will not result in any new significant effects not previously discussed in the MND. The proposed minor subdivision will affect generally the same habitat as that of the original project and it will cause less impact on the creek than previously proposed.

V. SITE/AREA DESCRIPTION

The existing site, including Pine Creek Road, has a total area of 5.190 acres. An existing residence, a garage and a tennis court are located on the proposed remainder parcel. The existing vegetation outside of the developed homesite and Arroyo Del Cerro is mostly seasonal grasses, a few shrubs and some trees. Most of the existing trees outside of the creek and house site are English walnut trees, which are remaining from a previous orchard. Other improvements on the existing parcel include an unused shed building and two unused chicken coops along the north and south top of Arroyo del Cerro Creek bank in the northeastern corner and an existing well and unused windmill in the southeastern corner.

Existing single-family homes occur on the adjacent parcels south of the subject property and west of Pine Creek Road. Undeveloped property owned by the Contra Costa County Flood Control District occurs to the north of the subject site, and undeveloped open space lands owned by the East Bay Regional Park District occur to the east.

VI. PROJECT DESCRIPTION

The applicant is requesting approval of modifications to the conditions of approval for the project to allow changes to the drainage plan, which would now manage the stormwater with an outlet draining to the Arroyo del Cerro on the property. The approved project proposed to convey the runoff from the site to an existing private drainage system to the west of the property that would convey the runoff to an adjoining watershed that drains to Arroyo del Cerro. However, the applicant has not been able to secure access to the private drainage system, so the drainage plan must be modified. All approved development would remain the same other than the drainage.

VII. AGENCY COMMENTS

The following agency comments were received for the application:

- A. **Public Works Department, Engineering Services Division (Public Works)**: In an email dated July 25, 2019, the Engineering Services Division Public Works recommended that the advisory note "J" be updated to reflect the most current information for Department of Fish and Wildlife. Additionally, C-3 stormwater requirements may need to be updated to meet the most recent C-3 guidebook and templates. Drainage improvements would still require a 1010 permit from the Flood Control District per condition of approval 43 of MS 050013.
- B. **Central Contra Costa County Sanitary District (Central San)**: In an email received July 22, 2019, Central San staff stated that the district does not have sewer facilities in the area and does not envision having facilities any time soon. This is consistent with the prior approval which indicated that a septic system would be utilized for sanitation. This is consistent with residential development in the area.
- C. **Contra Costa Mosquito & Vector Control District (Vector Control District)**: Vector Control District staff returned an Agency Comment Request form dated July 10, 2019, indicating that necessary measures should be taken to ensure stagnant water does not remain on the site in excess of 72 hours. The development would be required to meet current Public Works requirements related to on-site drainage facilities.

VIII. STAFF ANALYSIS

On July 3, 2019, the applicant submitted a request to amend the approved Vesting Tentative Map. Due to the inability to secure access to the neighboring private drainage system, the applicant must drain runoff to the on-site creek. Drainage to the creek was considered in the adopted 2010 MND; However, during the hearing process, the drainage was modified to direct toward a neighboring private drainage to avoid costly mitigations in the creek. The applicant now must revert back to the original drainage plan, with technical modifications that avoid unnecessary creek impacts.

A supplemental Biological Resources Analysis has been prepared by Monk and Associates, dated October 14, 2020, to evaluate environmental impacts from the changes to the project scope. The report has determined that the project as currently proposed consists of the same parcel subdivision and remainder parcel as discussed in the adopted 2010 MND with a revised outfall structure to minimize impacts. The report states that the outfall structure has been designed so that while it would minimally impact the creek's bank, it would not impact the bed or channel with rip-rap and there would not be the installation of any structure or rip-rap below the creek's ordinary high water mark (i.e., there would be no impacts to "waters of the State") and all surface runoff would be treated within bioretention treatment areas prior to discharging in the creek.

Mitigation measures for potential impacts to the creek were previously included in the project approval as Condition of Approval (COA) #15. In the current revised proposal, this condition would be modified based on the recommendation in the supplemental Biological Resources Analysis. Specifically, the applicant would be required to obtain a Streambed Alteration Agreement from the CDFW prior to commencing construction of the stormwater outfall structure. This would ensure that the applicant is in compliance with Section 1602 of the California Fish and Game Code. Any conditions stipulated in the Streambed Alteration Agreement for the proposed project would become conditions of project approval. Additionally, the applicant would be required to obtain a Notice of Applicability (NOA) from the RWQCB, and follow all conditions stipulated in the RWQCB's NOA.

The supplemental Biological Resources Analysis also made recommendations to address updated standards for the surveying of birds and bats. In the attached conditions of approval, COAs #14, #15, and #16 have been included in response to these recommendations. These conditions replace the previously approved COA #1(H).

Various other conditions of approval have been edited or revised to incorporate current practices. These include updated language for archeological and historic resource accidental discoveries, and minor modification to language to match updated submittal processes (e.g., no paper plans).

IX. CONCLUSION

Staff recommends that the Zoning Administrator:

- A. DETERMINE that the Mitigated Negative Declaration which was adopted on August 23, 2010; and Addendum which was prepared for the subject modifications, satisfy the review requirements of the California Environmental Quality Act (CEQA) for the current project;
- B. APPROVE the modified conditions of approval for the Vesting Tentative Map approved under County File CDMS05-00013, subject to the attached findings and conditions of approval; and
- C. DIRECT Staff to file a Notice of Determination with the County Clerk.

Findings and COAs

FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #CDCV19-00063 (CDMS05-00013, BRIAN BIGELOW (APPLICANT), THE GEE FAMILY REVOCABLE TRUST (OWNER)

FINDINGS

I. Growth Management Performance Standards

1. Traffic: Traffic engineers and planners use the concepts of Level of Service (LOS) and Vehicle Miles Traveled (VMT) to qualitatively describe traffic conditions. Additionally, the Contra Costa Transportation Authority (CCTA) Growth Management Plan, the West Contra Costa Transportation Advisory Committee (WCCTAC) Action Plan, and the County of Contra Costa (County) General Plan establish measures of effectiveness and requirements for the analysis and disclosure of circulation impacts associated with new land developments. Potential circulation impacts may be expected, and traffic impact analyses are required for projects that generate more than 100 net new peak-hour trips. A project generating less than 100 peak-hour trips generally will not create or exacerbate any current traffic patterns. Using standard Institute of Transportation Engineers (ITE) trip generation trip rates, the two additional housing unit project will generate two gross peak-hour trips. At this expected rate, the cumulative effect to local roadways is negligible.
2. Water: The GMP requires new development to demonstrate that adequate water quantity can be provided. The subject property is within the Contra Costa Water District service area. An existing 12-inch water main is located along Pine Creek Road, and the district has indicated the available capacity for the project demand. Thus, adequate water quantity is available to the project.
3. Sanitary Sewer: The GMP requires that new development demonstrate that adequate sanitary sewer service is available. The subject property is within the Central Contra Costa Sanitary District (CCCSD) service area. However, the district does not have facilities in the area and does not expect to extend services to this area due to topographical constraints. Due to these constraints, the development will rely on septic systems for sanitary services. Contra Costa County Environmental Health has stated that on site wastewater disposal must be approved prior to final map recordation. Thus, the project is not expected to create excess demand on sanitary sewer services in the County.
4. Fire Protection: The fire protection standards under the GMP require that a fire station be within one and one-half miles of development in urban, suburban and central business district areas, or requires that automatic fire sprinkler systems be installed to satisfy this standard. The project site is within the Contra Costa County Consolidated Fire Protection District jurisdiction, and the project requires the Fire District's review and approval prior to building permits being issued to ensure compliance with all fire codes and regulations. Compliance with all requirements suggests that the project will satisfy the GMP fire protection standards.

5. Public Protection: As the project will add to the County's population the applicant is required to record a deed disclosure that a \$1000 fee is to be paid to a police services trust account at time of issuance of a residential building permit for each parcel to assist in the delivery of police services to this project. The collected tax money will be used to augment existing police services to accommodate for the incremental increase in population as a result of this minor subdivision project.
6. Parks and Recreation: As the project will add to the County's population, Condition of Approval #5 requires the project proponent to pay applicable Park Impact in-lieu fees for the new residence. These fees, in conjunction with all other Park Dedication fees collected for development within the County, will be used in part to purchase new park land and upgrade existing community parks as determined appropriate by the Board of Supervisors.
7. Flood Control and Drainage: The project is required to meet collect and convey requirements of the County Subdivision Ordinance Title 9, by constructing the necessary drainage improvements, or obtaining necessary exceptions to the code. The applicant must also comply with the County's National Pollutant Discharge Elimination System (NPDES) Permit and Stormwater Management and Discharge Control Ordinance, Title 10, for stormwater treatment. The new drainage improvements will both meet stormwater discharge requirements for stormwater treatment, while also accommodating all rainwater runoff generated by the project, as required by Title 9.

II. Tentative Map Findings

1. Required Finding: *The County Planning Agency shall not approve a tentative map unless it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the applicable general plan required by law.*

Project Finding: The project has been found to be consistent with the General Plan designation of Single-Family Residential – Very-Low Density (SV). The SV designation has a density range of 0.2 to 0.99 dwelling units per net acre. Given this density range, one to five units will be allowable on the 5.18 net acre site. Therefore, given that the project proposes a total of three single-family lots, which is consistent with the SV designation, there is no reason to deny the minor subdivision application with respect to residential density.

Each of the following factors has also been evaluated and found to be consistent: the extent to which the project is consistent with General Plan policies pertaining to compatibility of land uses; compliance with principles of the Urban Limit Line and Measure C-1990, protection of open spaces; and protection of water quality; and found no evidence of inconsistencies. Additionally, the projected related traffic is not anticipated to negatively affect local traffic patterns or significantly diminish the Level of Service of key intersections in the area. The tentative parcel map for this subdivision is consistent with the applicable goals and policies as found in the County 2005-2020 General Plan. Therefore, based on

the entire record and as summarized herein, the tentative map is consistent with the County General Plan.

Moreover, for purposes of consistency with the Specific Plan, the project is also required to provide for protection of the existing creek bed with a creek structure setback and Creek Preservation and Enhancement Plan. It is also required to protect adjacent open space lands with specified on-site buffers. The proposed project and conditions of approval provide for these protection measures. As permitted by the Specific Plan, the requested exception is granted from the Specific Plan requirement to require sanitary sewer connections, however, the subdivider will be required to demonstrate the feasibility of proposed individual septic systems to the satisfaction of Environmental Health prior to recordation of a parcel map.

2. *Required Finding: The County Planning Agency shall not approve a tentative map unless it shall find that the proposed subdivision fulfills construction requirements.*

Project Finding: As required by the conditions of approval, the project does not pose any significant traffic impacts and must comply with the "collect and convey" requirements and design standards for construction of private roads. Prior to issuance of building permits, the applicant is required to contribute fees for parks and recreation, school districts, child care and police services. Payment of these fees along with compliance with the applicable California Building Code will fulfill all obligations related to construction of the project. Therefore, based on the proposal, no physical circumstances would restrict the developer from completing the project.

III. Exception to North Gate Specific Plan Findings

Required Finding: Due to the circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the regulations contained in the North Gate Area Specific Plan deprives the property of privileges enjoyed by other properties in the vicinity and zone in which the subject property is located.

Project Finding: The site is not located within the service area of any community sanitary district, but is located within the Sphere of Influence of the Central Contra Costa Sanitary District. In an email dated July 22, 2019, the District indicates that wastewater utility service is not currently available to the project site and service will not be available for the foreseeable future due to topographic limitations and the distance to the nearest suitable sewer. Moreover, nearby residential development that is also zoned R-40 has been established without connection to a public sewer. Provided that this project is required to satisfy the requirements of Environmental Health as pertain to wastewater disposal prior to recordation of a parcel map, the granting of this requested exception to the Specific Plan policy requiring connection to public sewers is reasonable.

REVISED CONDITIONS OF APPROVAL FOR COUNTY FILE #CDCV19-00063 (CDMS05-00013):

Modifications in Red

Vesting Tentative Map Approval

1. This project is approved for up to two parcels and a remainder as generally depicted on the revised Vesting Tentative Map ~~dated August 13, 2008~~ **received October 26, 2020**, and related supporting exhibits submitted by the applicant.

Tree removal is authorized as indicated on the approved site plan, subject to compliance with below conditions and mitigations.

The approval is also based upon the following reports:

- A. Preliminary Storm Water Control Plan prepared by Gilbert A. Fitch & Associates, Inc. dated ~~March 13, 2007~~ **October 25, 2020**.
- B. Cultural Resources Study prepared by LSA Associates, Inc. dated June 18, 2007.
- C. Creek Preservation and Enhancement Plan prepared by Environmental Collaborative dated February 24, 2007.
- D. Wildlife Habitat Assessment and California Red-Legged Frog Site Assessment prepared by Wildlife Research Associates dated March 26, 2008.
- E. Peer Review of the Wildlife Habitat Assessment and California Red-Legged Frog Site Assessment prepared by EDAW, Inc. dated May 29, 2008.
- F. Revised California Red-Legged Frog Mitigation Measure prepared by EDAW, Inc. dated December 9, 2008.
- G. Biological Resources Analysis prepared by Monk and Associates, Inc. dated October 14, 2020.**
- ~~G. The July 28, 2009 Notice of Public Review and Intent to Adopt a Negative Declaration for County File #MS05-0013 issued by the Contra Costa County Department of Conservation and Development.~~
- H. The Mitigated Negative Declaration (MND) prepared for the project and adopted by the Zoning Administrator on August 23, 2010, and attached Addendum to the MND.**
- ~~H. A letter from the Applicant, Audrey Gee, dated received July 16, 2010, to supplement the vesting tentative map application and proposing to:~~
 - ~~a. Perform preconstruction surveys for the burrowing owl, American badger, and the western pond turtle in the grasslands; and~~
 - ~~b. Prior to removing any trees, to conduct a nesting bird survey for any special status passerine birds and bat habitat assessment for the hoary bat and Yuma myotis of the trees to be removed.~~

Indemnification of County:

2. Pursuant to Government Code Section 66474.9, prior to filing a parcel map, the applicant (including the subdivider or any agent thereof) shall provide a letter to the Department of Conservation and Development, Community Development Division (DCD) indicating that the subdivider shall defend, indemnify, and hold harmless Contra Costa County, its agents, officers, and employees any claim, action, or proceeding against the County or its agents, officers, or employees, to attack, set aside, void, or annul, the County's approval concerning this subdivision map application, which action is brought within the time period provided for in Section 66499.37. The County will promptly notify the subdivider of any claim, action, or proceeding and cooperate fully in the defense.

Compliance Report:

3. At least 45 days prior to filing a parcel map, issuance of grading permit, whichever occurs first, the applicant shall submit a report on compliance with the conditions of approval with this permit and mitigation measures contained in the Mitigation Monitoring Report for the review and approval of the Zoning Administrator. The fee for this application is a deposit of \$500.00 that is subject to time and materials costs. Should staff costs exceed the deposit, additional fees will be required.

Except for those conditions administered by the Public Works Department, the report shall list each condition and mitigation measure followed by a description of what the applicant has provided as evidence of compliance with that condition/ mitigation measure. The report shall also indicate whether the applicant believes that he has done all that is required to comply with the applicable conditions. [Copies of the computer files containing the conditions of approval and the project' s Mitigation Monitoring Reporting Program may be available; to obtain a copy, contact the project planner at ~~(925) 335-1216~~ (925)655-2872].

Exception Granted to Specific Plan Requirement for Connection to Public Sewer:

4. The requested exception to the North Gate Specific Plan policy that requires new residences to connect to a public sewer is granted.

Submission of a Geotechnical Report on the Project:

5. At least 30 days prior to filing a parcel map, or issuance of a grading permit, the applicant shall submit to DCD ~~three (3) copies of~~ a preliminary soil investigation (geotechnical) report on the proposed subdivision meeting the content standards of County Ordinance Code section 94-2.206(2) that has been prepared and signed by a soil engineer. The report shall be subject to review by the County Planning Geologist and review and approval by the Zoning Administrator.

Compliance with Requirements of Environmental Health

6. At least 30 days prior to filing a Parcel Map, the applicant shall provide evidence from Contra Costa County Environmental Health that the proposed subdivision complies with the regulations administered by that agency, including:
 - A. Feasibility of proposed septic systems;
 - B. Destroy all abandoned on-site wells and septic tanks. Appropriate permits and inspections for this work shall be obtained. For further information, obtain the handouts Septic Tank Destruction Requirements and Well Destruction Guidelines; and
 - C. All applicable fees must be paid.

Relinquishment of Development Rights to Provide Buffer for Adjacent Open Space

Property:

7. The Applicant shall relinquish " development rights" over that portion of the site that is adjacent to the eastern boundary of the property to a depth of 60 feet between the southern boundary of the required deed restricted area for the creek structure setback described below, as generally depicted on the Vesting Tentative Map. " Development rights" shall be conveyed to the County by grant deed. At least 30 days prior to filing a parcel map, the applicant shall submit a draft instrument for this purpose to the DCD for the review and approval of the Zoning Administrator.

The approved Grant Deed instrument shall be properly executed and concurrently recorded with the parcel map.

Deed Disclosures to Provide Notice of Design Review Procedures and Standards for Future Development of Parcels A and B Required by the North Gate Specific Plan:

8. At least 30 days prior to filing a parcel map, the applicant shall submit draft deed disclosure instruments for Parcel A and Parcel B to the DCD for the review and approval of the Zoning Administrator. The deed instruments are intended to advise the current and future owners of the North Gate Specific Plan procedures and standards and County Police Services Fees that must be followed for proposed development prior to issuance of any building permits. The approved instrument shall be concurrently recorded with the parcel map. Upon recordation of the two instruments, copies shall be provided to the DCD for its records. Each instrument shall stipulate the following:

North Gate Specific Plan Provisions

The subject property is located within the Planning Area of the North Gate Specific Plan that has been jointly adopted by Contra Costa County and the City of Walnut Creek. The Specific Plan describes procedures and development standards for development within the Planning

Area. All development on this site must comply with the procedures and standards identified in the Specific Plan. A copy of the Specific Plan may be obtained from the County Department of Conservation and Development, Community Development Division.

It should be noted that in some instances the development standards are more restrictive than the standards of the zoning district (e.g., maximum building height). Further, proposed residential development and additions must be reviewed by a member of County staff, and a member of City staff to assure consistency with Specific Plan standards.

The following description summarizes Specific Plan policies that were in effect at the time of approval of the Vesting Tentative map that authorized the creation of the subject parcels.

The Specific Plan requires a design review procedure to assure that:

- *New home designs blend with the semi-rural character of the area;*
- *The height limit for all new residential structures shall be two stories, no higher than 25 feet. All new construction will comply with the City of Walnut Creek's 25-foot height limit as determined by the City. It should be noted that in a letter dated May 9, 1997, City staff has advised that the City's "25-foot building height limit" allows an exception on this height limit to allow a residential building up to 29 feet in height based on certain roof pitch designs. A copy of the letter from the City and the referenced City Municipal Ordinance Code design standards are attached;*
- *Fence designs must comply with the standards contained in the Specific Plan;*
- *Proposals that would remove or work within the driplines of existing mature trees must be reviewed for consistency with the Tree Preservation Ordinance of the City of Walnut Creek (the County also has its own Tree Protection and Preservation Ordinance that may apply to the alteration of mature trees); and*
- *Requires landscape plans for all new residential development. Furthermore, the Specific Plan encourages the use of drought-resistant plant material and discourages large areas of lawn which require frequent watering.*

The Specific Plan also authorizes the granting of exceptions to the standards of the Specific Plan where specified findings can be made by the County.

In this regard, at least 30 days prior to seeking a building or grading Permit, the applicant shall submit ~~three (3) copies of~~ planning-level documents to the County Department of Conservation and Development, Current Planning Section for the review and approval of the Zoning Administrator. The plan submittal shall consist of:

- *A site plan,*

- *Building elevations,*
- *Sample palette of colors to be applied to all exterior surfaces,*
- *Floor plans,*
- *Preliminary landscape plans that minimally covers at least the front yard of the parcel indicating proposed plant species and sizes of trees and shrubs¹, and*
- *To the extent applicable, fence design details.*

Preparation of plans on other construction details (e.g., plumbing, electrical, foundation improvements) should be deferred until the planning-level documents have been approved.

The site plan shall minimally indicate:

- *Existing topography and any proposed grading;*
- *Delineation of any existing encumbrances including any deed-restricted areas (e.g., creek structure setback areas) and labeling of those encumbrances;*
- *Delineation and labeling of any Special Flood Zones on the site (refer to the recorded Parcel Map);*
- *Any mature trees near proposed development, their species, trunk diameter at breast height, driplines and whether they are proposed to be removed.*

Processing of the design review is subject to a County process fee covering staff time and material costs.

One-Time Payment of Polices Services Fee at time of Issuance of Residential Building Permit.

In accordance with the Board of Supervisors policy, prior to issuance of a residential building permit, the applicant shall contribute a one-time fee of \$1000 to the County for police services mitigation, and shall be deposited in a trust account for that purpose. The fee shall be paid to the Contra Costa County Application & Permit Center.

Deed Disclosure on Future Development of Remainder

9. At least 30 days prior to filing a parcel map, the applicant shall submit a draft deed disclosure instrument to the DCD for the review and approval of the Zoning Administrator. The approved instrument shall be concurrently recorded with the parcel map. Upon recordation of the instrument, a copy shall be provided to the DCD for its records. The instrument shall stipulate the following:

¹ Note that prior to issuance of a building permit, the County will require preparation of a final landscape/irrigation plan based on the approved preliminary landscape plan.

Future development of this remainder parcel is subject to the requirements of Government Code section 66424.6 which provides in part that:

- *Fulfillment of construction requirements for improvements shall not be required until a permit or other grant of approval for development of the remainder parcel is issued by the County; and*
- *A designated remainder may subsequently be sold without any further requirement of the filing of a parcel map, but the County may require a certificate of compliance or a conditional certificate of compliance.*

Moreover, paragraph (b) of Government Code section 66499.35 provides that where the County determines a conditional certificate of compliance is to be required, the County may, as a condition to granting a conditional certificate of compliance, impose any conditions that would have been applicable to the division of the property at the time the applicant acquired his or her interest therein, and that had been established at that time by the Map Act or County Subdivision Ordinance.

Upon making the determination and establishing the conditions, the County shall cause a conditional certificate of compliance to be filed for record with the County Recorder. The certificate serves as notice to the property owner or vendee who has applied for the certificate pursuant to this section, a grantee of the property owner or any subsequent transferee or assignee of the property that the fulfillment and implementation of these conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property. Compliance with these conditions cannot be required until the time that a permit or other grant of approval for development of the property is issued by the County.

Requirements if Archaeological Deposits or Human Remains are encountered:

~~Prior to issuance of a grading permit, the following statements shall be printed in the " Notes" section on proposed grading plans within this project.~~

~~10. Archaeological Deposits - If archaeological deposits are encountered during the course of the project, they should be avoided by project effects. Project personnel should not collect or move any archaeological materials. Fill soils used for construction purposes should not contain archaeological materials.~~

~~11. If human remains are encountered during the course of the project, the County Coroner and an archaeologist should be contacted immediately to evaluate the situation. Project personnel should not collect or move any human remains or associated materials.~~

~~12. Human Remains - If human remains are encountered, work within 25 feet of the discovery should be redirected and the County Coroner notified immediately. At the same time, an archeologist should be contacted to assess the situation and consult with agencies as appropriate. The project proponent should also be notified. Project personnel should not collect or move any human remains and associated materials. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendent (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. As part of the assessment, immediate consultation should be undertaken with the Department of Conservation and Development, Current Planning Section. Upon completion of the assessment, the archaeologist should prepare a report documenting the methods and results, and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report should be submitted to the project proponent, the Department of Conservation and Development, and the Northwest Information Center.~~

~~13. Accidental Discovery - If deposits of prehistoric or historical archaeological materials are encountered during project activities, all work within 25 feet of the discovery should be redirected and a qualified archaeologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. The project proponent should also be notified. Project personnel should not collect or move any archaeological materials. It is recommended that adverse effects to such deposits be avoided by project activities. If such deposits cannot be avoided, they should be evaluated for their California Register of Historical Resources eligibility. If the deposits are not eligible, avoidance is not necessary. If the deposits are eligible, they will need to be avoided or adverse effects must be mitigated. Upon completion of the assessment, the archaeologist should prepare a report documenting the methods and results, and provide recommendations for the treatment of the archaeological materials discovered. The report should be submitted to the project proponent, the Contra Costa County Department of Conservation and Development, Current Planning Division, and the Northwest Information Center.~~

~~Prehistoric materials can include flaked-stone tools (e.g. projectile points, knives, choppers) or obsidian, chert, basalt, or quartzite toolmaking debris; bone tools; culturally darkened soil (i.e., midden soil often containing heat-affected rock, ash and charcoal, shellfish remains, faunal bones, and cultural materials); and stone milling equipment (e.g., mortars, pestles, hand stones). Prehistoric sites often contain human remains. Historical materials can include wood, stone, concrete, or adobe footings, walls, and other structural remains, debris-filled wells or privies, and deposits of wood, glass, ceramics, metal, and other refuse.~~

10. The following mitigation measures shall be implemented during project-related ground disturbance, and shall be included on all construction plans:

A. If deposits of prehistoric or historical archaeological materials are encountered during ground disturbance activities, all work within 50 feet of the discovery should be redirected

and a qualified archaeologist contacted to evaluate the finds and make recommendations. It is recommended that such deposits be avoided by further ground disturbance activities. If such deposits cannot be avoided, they should be evaluated for their significance in accordance with the California Register of Historical Resources.

If the deposits are not eligible, avoidance is not necessary. If eligible, deposits will need to be avoided or impacts must be mitigated. Upon completion of the archaeological assessment, a report should be prepared documenting the methods, results, and recommendations. The report should be submitted to the Northwest Information Center and appropriate Contra Costa County agencies.

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

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

Child Care Conditions:

- 11. ~~14.~~ At time of issuance of residential building permits, the developer shall contribute a fee of \$400.00 per residential unit to a County trust account in accordance with the Child Care Facilities Ordinance to fund childcare facility needs in the area.

Mitigation Measures to avoid potential " Take" of the California Red -Legged Frog

~~15. To avoid or minimize impacts to the California Red-Legged Frog (RF), the following measures shall be implemented prior to or during construction as provided below. Prior to issuance of a grading permit, these measures shall be printed in the Notes section of grading plans:~~

- ~~A. Construction should occur when Arroyo del Cerro is dry, between June and November, or sooner if the arroyo dries before June or later if it is dry past November.~~
- ~~B. A silt fence, properly installed by a fencing contractor approved by the project biologist, shall be placed outside the riparian canopy cover and run parallel to the arroyo for the~~

~~length of the creek, to deter any CRF from accessing the project site during construction. The east and west ends shall run south towards the project site for approximately 100 feet at each end for further deterring access by CRF onto the project site. Silt fencing shall be inspected and maintained on a daily basis.~~

~~C. Pre-construction surveys for CRF shall be conducted within 14 days prior to ground disturbance. If California red-legged frogs, tadpoles, or eggs are found, the United States Fish and Wildlife Service (the "Service") will be contacted immediately to determine if relocation is appropriate. Animals cannot be moved without Service approval and only a qualified biologist can participate in activities associated with relocation.~~

~~D. Copies of the reports on the pre-construction surveys shall be provided to the DCD and the Service.~~

~~E. If CRF is determined to be present on the project site during project construction, a Service approved biologist shall be present onsite during all grading or other earth-moving activity within 200 feet of the stream channels to ensure that no frogs are impacted during site activities. The biologist must hold a federal 10(a)(1)(A) permit for handling the CRF. This biologist would be authorized by the Service to move the frogs out of harms way (if they are in the upland habitats at the time of site grading) and place them in the closest stream channel.~~

~~F. During project activities, all trash that may attract CRF predators shall be properly contained and removed from the work site regularly. Construction debris will be removed from the work site upon completion of the construction activities.~~

~~G. Fueling and maintenance of vehicles, other equipment, and staging areas shall remain 20 meters (66 feet) from any riparian habitat or water body. The project applicant shall prepare a spill prevention and clean-up plan.~~

12. The applicant shall obtain a Streambed Alteration Agreement (SBAA; a Section 1602 Agreement), from the CDFW prior to issuance of a building permit for construction of the stormwater outfall structure. This will ensure that the applicant is in compliance with Section 1602 of the California Fish and Game Code.

Additional measures that shall also be implemented to protect the creek channel include the installation of a silt fence along the southern creek bank (the project site side) at the top of the bank to prevent silt, rock and debris from entering the creek during project construction. The silt fence would also prevent small wildlife moving along the creek from entering the

project construction zone and protect them from harm.

13. Prior to issuance of a building permit to install the proposed outfall, the applicant shall obtain a "Notice of Applicability (NOA)" from the RWQCB for use of Water Quality Order No. 2004-0004-DWQ.

Measures Intended to Preserve Nesting Birds, Bats, Western Burrowing Owl:

14. To avoid impacts to nesting birds, a nesting survey shall be conducted within 15 days of commencing with construction work or tree removal if this work would commence between February 1st and August 31st. The nesting survey shall include an examination of all buildings onsite and all trees onsite and within 200 feet of the entire project site (i.e., within a "zone of influence" of nesting birds), not just trees slated for removal. The "zone of influence" includes those areas outside the project site where birds could be disturbed by earth-moving vibrations and/or other construction-related noise.

If birds are identified nesting on or within the zone of influence of the construction project, a qualified biologist shall establish a temporary protective nest buffer around the nest(s). The portion of the nest buffer on the project site shall be staked with orange construction fencing. The buffer must be of sufficient size to protect the nesting site from construction-related disturbance and the size of the buffer shall be established by a qualified ornithologist or biologist. Typically, adequate nesting buffers are 50 feet from the nest site or nest tree dripline for small birds and up to 300 feet for sensitive nesting birds that include several raptor species known the region of the project site but that are not expected to occur on the project site (for example, golden eagles).

No construction or earth-moving activity shall occur within any established nest protection buffer prior to September 1 unless it is determined by a qualified ornithologist/biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones, or that the nesting cycle is otherwise completed. In the region of the project site, most species complete nesting by mid-July. This date can be significantly earlier or later, and would have to be determined by the qualified biologist. At the end of the nesting cycle, and fledging from the nest by its occupants, as determined by a qualified biologist, temporary nesting buffers may be removed and construction may commence in established nesting buffers without further regard for the nest site.

15. Preconstruction surveys for burrowing owls shall be conducted 14 days prior or less to initiating ground disturbance. As burrowing owls may recolonize a site after only a few days, time lapses between project activities trigger subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance to ensure absence. If no owls are found during these surveys, no further regard for the burrowing owl would be necessary.

If burrowing owls are detected on the site, the following restricted activity dates and setback

distances shall be implemented.

- From April 1 through October 15, low disturbance activities should have a 200 meter buffer while high disturbance activities should have a 500 meter buffer from occupied nests.
- From April 1 through August 15, however, medium disturbance activities should have a 500 meter buffer from occupied nests. Medium disturbance activities can have a reduced buffer of 200 meters starting August 16 through October 15.
- From October 16 through March 31, low disturbance activities should have a 50 meter buffer, medium disturbance activities should have a 100 meter buffer, and high disturbance activities should have a 500 meter buffer from occupied nests.
- Buffer distance can be adjusted by a qualified biologist who monitors the owls' behavior and determines that the owls are acclimated to disturbance and would not be stressed by a reduced buffer distance.
- No earth-moving activities or other disturbance should occur within the aforementioned buffer zones of occupied burrows. These buffer zones should be fenced as well. If burrowing owls were found in the project area, a qualified biologist would also need to delineate the extent of burrowing owl habitat on the site.
- If western burrowing owls are found occupying the project site they may be passively relocated from the project site between October 1 and February 1. Passive removal shall be conducted by a qualified biologist with demonstrated experience with passive relocation.

If burrowing owls were found nesting onsite, credits would have to be purchased from a mitigation bank to offset the project's habitat loss on the burrowing owl. This would be developed in coordination with the CDFW and Contra Costa County.

16. In order to avoid impacts to roosting pallid bat, Townsend's big-eared bat or other special-status bats, tree and building removal shall only be conducted during seasonal periods of bat activity: between August 31 and October 15, when bats would be able to fly and feed independently, and between March 1 and April 1st to avoid hibernating bats, and prior to the formation of maternity colonies. Then a qualified biologist shall complete preconstruction surveys for roosting bats within 14 days of starting work. If the qualified biologist finds evidence of bat presence during the surveys, then he/she should develop a plan for removal and exclusion, in conjunction with the CDFW. If there is no evidence of bat presence, then no further mitigation measures shall be taken.

If tree or building removal must occur outside of the seasonal activity periods mentioned above (i.e., between October 16 and February 28/29, or between April 2 and August 30), then a qualified biologist shall complete preconstruction surveys within 14 days of starting work to check for maternity roosts or hibernating bats. If roosts are found, a determination should be made whether there are young. If a maternity site is found, impacts to the maternity site will be avoided by establishment of a non-disturbance buffer until the young have reached independence. The size of the buffer zone should be determined by the qualified bat biologist at the time of the surveys. If the qualified biologist finds evidence of bat presence during the

surveys, then he/she shall develop a plan for removal and exclusion, when there are not dependent young present, in conjunction with the CDFW. If there is no evidence of bat presence, then no further mitigation measures shall be taken.

Measures Intended to Preserve Trees that are not approved for Removal:

Posting of Tree Protection Security

17. ~~16.~~ To address the possibility that construction activity nevertheless damages protected trees inconsistent with this approval, the applicant shall provide the County with a security (e.g., surety bond, cash deposit, or cashier's check) to allow for replacement of trees intended to be preserved that are significantly damaged by construction activity. This condition shall be satisfied prior to issuance of a grading permit or prior to filing a parcel map, whichever occurs first. The security shall be based on:

- A. Extent of Possible Restitution Improvements - The planting of up to 4 trees, minimum 15-gallons in size in the vicinity of the affected trees, or equivalent planting contribution, subject to prior review and approval of the Zoning Administrator;
- B. Determination of Security Amount - The security shall provide for all of the following costs:
 - Preparation of a landscape/ irrigation plan by a licensed landscape architect or arborist;
 - A labor and materials estimate for planting the above- specified trees and related irrigation improvements that may be required prepared by a licensed landscape contractor; and
 - An additional 20% of the total of the above amounts to address inflation costs.
- C. Acceptance of a Security - The security shall be subject to the review and approval of the Zoning Administrator.
- D. Initial Deposit for Processing of Security - The County ordinance requires that the applicant cover all time and material costs of staff for processing a tree protection security (Code S -060B). The Applicant shall pay an initial fee deposit of \$100 at time of submittal of a security.

The security shall be retained by the County up to 24 months following the completion of the approved improvements. In the event that the Zoning Administrator determines that trees intended to be protected have been damaged by development activity, and the Zoning Administrator determines that the applicant has not been diligent in providing reasonable restitution of the damaged trees, then the Zoning Administrator may require that all or part of the security be used to provide for mitigation of the damaged trees.

At least 18 months following the completion of work within the dripline of trees, the

applicant' s arborist shall inspect the trees for any significant damage from construction activity, and submit a report on his/ her conclusions on the health of the trees and, if appropriate, any recommendations including further methods required

Construction Period Restrictions

18. ~~17.~~The Tree Survey Information Shown on Proposed Construction Site Plans - All grading, site and development plans shall clearly indicate trees proposed for removal, altered or otherwise affected by development construction, as generally depicted on the approved Vesting Tentative Map dated 8/ 13/ 2008. The tree information on grading and development plans shall indicate the number, size, species, and location of the dripline of potentially affected trees on the property.

The following Construction Period Restrictions shall be printed as general notes on the site plan for all grading permit, building permit and other improvement plans for this project.

19. ~~18.~~ Site Preparation - Prior to the start of any clearing, stockpiling, trenching, grading, compaction, paving or change in ground elevation on site with trees to be preserved, the Applicant shall install fencing at or beyond the dripline of all areas adjacent to or in the area to be altered and remain in place for the duration of construction activity in the vicinity of the trees. Prior to grading or issuance of any permits, the fences may be inspected, and the location thereof approved by appropriate County staff. Construction plans shall stipulate on their face where temporary fencing intended for trees to be protected is to be placed, and that the required fencing shall be installed prior to the commencement of any construction activity.

20. ~~19.~~Construction Period Restrictions - No grading, compaction, stockpiling, trenching, paving or change in ground elevation shall be permitted within the dripline of any existing mature tree other than the trees approved for removal unless indicated on the improvement plans approved by the county and addressed in any required report prepared by an arborist. If grading or construction is approved within the dripline of a tree to be saved, an arborist may be required to be present during grading operations. The arborist shall have the authority to require protective measures to protect the roots. Upon the completion of grading and construction, an involved arborist shall prepare a report outlining further methods required for tree protection if any are required. All arborist expense shall be borne by the developer and applicant.

21. ~~20.~~ Prohibition of Parking - No parking or storing vehicles, equipment, machinery or construction materials, construction trailers and no dumping of oils or chemicals shall be permitted within the drip line of any tree to be saved.

22. ~~21.~~ Construction Tree Damage - The development' s property owner or developer shall notify the Department of Conservation and Development, Community Development Division of any damage that occurs to any tree during the construction process. The owner or developer shall

repair any damage as determined by an arborist designated by the Director of Conservation and Development.

Any tree not approved for destruction or removal that dies or is significantly damaged as a result of construction or grading shall be replaced with a tree or trees of equivalent size and of a species as approved by the Director of Conservation and Development to reasonably appropriate for the particular situation.

General Restrictions on Construction Activity:

The following Construction Period Restrictions shall be printed as general notes on the site plan for all grading permit, building permit and other improvement plans for this project.

23. ~~22.~~ Contractor and/ or developer shall comply with the following construction and noise control requirements.

A. All construction activities shall be limited to the hours of 7: 30 A.M. to 5: 00 P.M., Monday through Friday, and shall be prohibited on State and Federal holidays on the calendar dates that these holidays are observed by the State or Federal government as listed below:

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

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

Federal holidays: <http://www.opm.gov/fedhol>

California holidays: [http://www.edd.ca.gov/payroll taxes/State Holidays.htm](http://www.edd.ca.gov/payroll_taxes/State_Holidays.htm)

B. The project sponsor shall require their contractor and subcontractors to fit all internal combustion engines with mufflers, which are in good condition and shall locate stationary noise-generating equipment, such as air compressors and concrete pumps, as far away from existing residences as possible.

- C. At least one week prior to commencement of grading, the applicant shall post the site and mail to the owners of property within 300 feet of the exterior boundary of the project site, notice that construction work will commence. The notice shall include a list of contact persons with name, title, phone number and areas of responsibility. The person responsible for maintaining the list shall be included. The list shall be kept current at all times and shall consist of persons with authority to indicate and implement corrective action in their area of responsibility. The names of individuals responsible for noise and litter control, tree protection, construction traffic and vehicles, erosion control, and the 24-hour emergency number, shall be expressly identified in the notice. The notice shall be re-issued with each phase of major grading and construction activity.

A copy of the notice shall be concurrently transmitted to the Community Development Division. The notice shall be accompanied by a list of the names and addresses of the property owners noticed, and a map identifying the area noticed.

- D. The applicant shall make a good -faith effort to avoid interference with existing neighborhood traffic flows. Prior to issuance of building permits, the proposed roads serving this development shall be constructed to provide access to each lot. This shall include provision for an on- site area in which to park earth moving equipment.
- E. Transporting of heavy equipment and trucks shall be limited to weekdays between the hours of 9: 00 A.M. and 4: 00 P. M. and prohibited on Federal and State holidays.
- F. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.

Creek Preservation and Enhancement Plan:

24. ~~23.~~ Development Restrictions to the Creek Preservation and Enhancement Plan — To comply with the development restrictions in the Creek Preservation and Enhancement Plan, the Applicant shall submit a draft deed restriction pertaining to the area of the creek structure setback required by the Subdivision Ordinance for this property (with an appropriate legal description), to provide for the following restrictions:

- A. "Development Restrictions - No new structures shall be permitted within the Restricted Development Area shown on Parcel B of the Vesting Tentative Map. No fencing, filling, ornamental landscaping, or other physical improvements shall occur within 10 feet south of the top-of-bank in the general location of the existing fence, and this area shall be reserved for native vegetation and wildlife habitat. The portion of Parcel B on the north side of the creek shall also be reserved for native vegetation and wildlife habitat, with the exception of the existing unused shed building. If this shed is restored in the future, access shall continue to be by informal footpath or the property to the north. Any modification to the creek bank or bed required to provide improved access to this existing unused shed building shall obtain all required authorizations from the California Department of Fish and ~~Game~~ **Wildlife**, U.S. Army Corps of Engineers, and Regional Water Quality Control

Board, if required, and shall minimize removal of any native trees and shrubs, and shall provide for replacement plantings as required by jurisdictional agencies."

- B. "Retain or Replace Existing Fence — The existing wood fence shall be retained or replaced with a similar barrier approximately 10-feet from the south bank on Parcel B to prevent future livestock from entering the creek channel and provide a clear boundary between the natural area along the creek channel to be preserved and the upland portion of the parcel where ornamental landscaping and other improvements would be allowed."

25. 24. Creekbed Alterations with Initial Site Improvements — Proposed grading plans shall provide for the following alterations to the creekbed. The grading plans shall identify the location of the Restricted Development Area covering the creekbed associated with the approved Parcel Map.

- A. Remove Coops Debris and Rubble — All debris and rubble shall be removed from the Restricted Development Area and disposed of properly, and the existing unused chicken coops near the top of the south bank shall be demolished or, provided that there is compliance with applicable requirements of the Single-Family Residential, R-40 zoning district, relocated outside the Restricted Development Area. Any equipment operation necessary to remove debris/rubble shall be carefully controlled to prevent removal or damage to native vegetation, including mature trees, shrubs, and saplings. All trees and shrubs to be preserved shall be flagged in advance of any construction, and flagging shall remain in place until coop/ debris/ rubble removal and re-contouring is completed.
- B. Seeding with Native Groundcovers — Ground surface disturbed during coop/debris rubble removal within the Restricted Development Area on proposed Parcel B shall be heavily seeded with a mix of native grasses. Seeding shall occur in the early fall (after October 15 and before November 1) to ensure seed is in place before the onset of heavy winter rains and to allow for germination of grasses to prevent erosion and sedimentation. Seed shall be applied at a rate specified in Table 1, and shall be lightly raked in order to cover the seed with a quarter inch of soil. Following completion of the broadcast seeding, rice straw should be applied at a rate of 3,000 lbs. per acre over the entire seeded area.

TABLE 1

**Native Groundcover Enhancement Seeding Prescription
Creek Preservation and Enhancement Plan**

Species	Rate/Size	Treatment Details
Grassland Mix:		
Creeping wild rye (<i>Leymus triticoides</i>)	15 lbs. per acre	Seed shall be applied over all denuded and graded surfaces by broadcast seeding before the onset of fall rains (after October 15 and before November 1). Seed source shall be as local as possible, supplied on a basis of Pure Live Seed (PLS), and not contain an excess of one percent (1%) of weed seed. Seed shall be lightly raked following spread in order to cover the seed with a quarter inch of soil. Following completion of the broadcast seeding, rice straw should be applied at a rate of 3,000 lbs. per acre over the entire seeded area.
California brome (<i>Bromus carinatus</i>)	20 lbs. per acre	

- C. Monitor Creek Enhancement Zone — Areas seeded with native groundcovers shall be monitored following seed application and any disturbed slopes that have not established at least 80% cover with native grasses shall be reseeded immediately and recovered with rice straw as specified above. Reseeding shall continue as necessary during the winter rainy season until all disturbed areas are fully vegetated.
- D. Verification of Completion of Improvements — At least two weeks prior to issuance of a final grading permit or issuance of a building permit for Parcel B, whichever occurs first, a report on the completion status of the foregoing improvements shall be submitted to the Department of Conservation and Development, Community Development Division for the review and approval of the Zoning Administrator. The report shall be prepared by a qualified biologist and shall describe the methods used to protect existing native vegetation, debris/ rubble removal, and revegetation with native grassland groundcovers. The report shall also report on whether the improvements were successfully implemented.

Payment of Any Supplemental Application Fees that is due:

26. 25. This application is subject to an initial application fee of ~~\$7,363.00~~ **\$1,000**, which was paid with the application submittal, plus time and material costs if the application review expenses exceed 100% of the initial fee. Any additional fee due must be paid within 60 days of the permit effective date or prior to use of the permit, whichever occurs first. The fees include costs through permit issuance plus five working days for file preparation. The applicant may obtain current costs by contacting the project planner. If additional fees are owed, a bill will be sent to the applicant shortly after permit issuance.

**NO CHANGES PROPOSED TO CONDITIONS OF APPROVAL ADMINISTERED BY THE PUBLIC
WORKS DEPARTMENT FOR SUBDIVISION MS05-00013**

ADVISORY NOTES

THE FOLLOWING INFORMATION DOES NOT CONSTITUTE CONDITIONS OF APPROVAL. IT IS PROVIDED TO ALERT THE APPLICANT TO LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES TO WHICH THIS PROJECT MAY BE SUBJECT.

A. NOTICE OF NINETY (90) DAY OPPORTUNITY TO PROTEST FEES, DEDICATIONS, RESERVATIONS, OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

This notice is intended to advise the applicant pursuant to Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations, and/or exactions required as part of this project approval. The opportunity to protest is limited to a ninety (90) day period after the project is approved.

The ninety (90) day period in which you may protest the amount of any fee or the imposition of any dedication, reservation, or other exaction required by this approved permit, begins on the date this permit was approved. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and delivered to the Community Development Division within ninety (90) days of the approval date of this permit.

- B. Comply with the requirements of the County Building Inspection Division
- C. Comply with the requirements of the Health Services Department — Environmental Health.
- D. Comply with any requirements of the Castle Rock Water District.
- E. Comply with the requirements of the Contra Costa County Fire Protection District. In contrast to the provisions of this County approval of this vesting tentative map, the District indicates that the District requires all homes and accessory structures to be serviced by an automatic sprinkler system meeting the District's design standards.
- F. The applicant shall be required to comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System (NPDES) permit for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board or any of its Regional Water Quality Control Boards (San Francisco Bay — Regional II or Central Valley —Region V).

- G. Vested Rights_ Extending After Parcel Map is Recorded - The project is subject to the development rights (including fees) in effect under the County Ordinance as of February 10, 2008, the date the vesting tentative map application was accepted as complete by the Department of Conservation and Development. These fees are in addition to any other development fees, which may be specified in the conditions of approval.

The fees include, but are not limited to, the following:

Park Dedication 57, 238. 00 per residence'

Child Care S 400. 00 per residence

- H. Expiration of Vested Rights — Pursuant to Section 66452. 6(g) of the Subdivision Map Act, the rights conferred by the vesting tentative map as provided by Chapter 4.5 of the Subdivision Map Act shall last for an initial period of two (2) years following the recording date of the parcel map. These rights pertain to development fees and regulations. Upon expiration of the vesting time period, remaining development (e.g., new building permits) within the subdivision shall be subject to development fees and regulations in effect at that time.
- I. The applicant will be required to comply with the Bridge/ Thoroughfare Fee Ordinance requirements for the South County Area of Benefit, as adopted by the Board of Supervisors. This fee must be paid prior to issuance of a building permit.
- J. This project may be subject to the requirements of the Department of Fish and Wildlife. It is the applicant' s responsibility to notify the Department of Fish and Wildlife, P. O. Box 47, Yountville, California 94599, of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Game Code.
- K. This project may be subject to the requirements of the Army Corps of Engineers. It is the applicant' s responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.
- L. A portion of the project site is located in a Special Flood Hazard Area, as designated on the Federal Emergency Flood Insurance Rate Maps. The applicant should be aware of the requirements of the Federal Flood Insurance Program and the County Floodplain Management Ordinance (Ordinance No. 2000- 33), as they pertain to future construction of any structures on this property.
- M. Effect of Recent Changes in Provision of Stormwater Management (C.3) Requirements that May affect this Project — Recent changes to stormwater management requirements may impact this project. Provision C. 3 is a section of the County' s National Pollutant Discharge Elimination System (NPDES) Permit that requires development projects exceeding specified thresholds to implement permanent stormwater management facilities to remove pollutants from runoff and slow rates at which runoff leaves the site. The County' s NPDES Permit was recently superseded by a new permit that regulates most of the San

Francisco Bay area. Under the old NPDES permit, projects that had to implement permanent stormwater management facilities to manage runoff from impervious surfaces were generally able to utilize landscape -based " bioretention facilities." The following significant change to Provision C. 3 under the new NPDES Permit may impact your project:

Low -Impact Development - The new NPDES Permit requires that projects capture runoff on site and manage it through re-use; infiltration, or evapotranspiration. Bioretention facilities will only be allowed. for stormwater management projects where these other methods are determined to be infeasible. Unfortunately, a degree of uncertainty remains regarding these new, requirements, since many of the specifics have yet to be determined. Criteria for infeasibility and design criteria for harvest and re -use, infiltration and evapotranspiration will be determined by reports that will be generated by Bay Area municipalities. These reports will be subject to approval by the California Regional Water Quality Control Boards and the state regulatory agency that issued the NPDES Permit.

Preliminary feasibility and design guidance regarding these new requirements will be presented in the Stormwater C.3 Guidebook - 5th Edition which will be released during summer 2010, and will be available at www.cccleanwater.org

This vesting tentative map application was deemed complete on or before December 1, 2009; therefore, in order for the rules of the old NPDES permit to continue to apply to this project, the Applicant must continue to diligently pursue the project. Diligent pursuit may be demonstrated by submitting supplemental information, materials, plans or other documents that are required for the County to continue processing this application. Additional materials must be (or have been) submitted to the County between December 1, 2009 and December 1, 2011 in order for this project to be " grandfathered " under the rules of the old NPDES Permit. If the Applicant fails to demonstrate that approval of this project is being diligently pursued, then the provisions of the new NPDES Permit shall apply.

CEQA

ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION PREPARED FOR
THE PINE CREEK ROAD MINOR SUBDIVISION PROJECT
BRIAN BIGALOW, APPLICANT
CHRISTINE AND GEE WING BUCK TRE, OWNER
COUNTY FILE #CDCV19-00063 (CDMS05-00013)

A. BACKGROUND INFORMATION

On August 23, 2010, the Zoning Administrator approved the subject two-lot vesting tentative map with one remainder lot and adopted the associated Mitigated Negative Declaration that had been prepared for the project. The approved project proposed to convey the runoff from the site to an existing private drainage system to the west of the property that would convey the runoff to an adjoining watershed that drains to Arroyo del Cerro. However, the applicant has not been able to secure access to the private drainage system, so the drainage plan must be modified. The applicant has modified the drainage plan, and now proposes to manage the stormwater with an outlet draining to the creek on the property, Arroyo del Cerro.

Directing the runoff to Arroyo del Cerro Creek was considered during the Initial Study for the project, but concerns about mitigation costs associated with this plan resulted in changes to the drainage plan when the project was brought to hearing. Specifically, to avoid substantial costs associated with mitigating possible impacts to the protected California Red Legged Frog, the applicant modified the site plan to eliminate a proposed on-site drainage outlet into the creek. Due to the inability to access the private drainage system, the applicant now proposes to revert to the original plan, and install a drainage outlet into the creek.

Pursuant to the requirements of CEQA (CEQA Guidelines Section 15071) Contra Costa County prepared a Mitigated Negative Declaration (MND) for this project. The adopted MND includes a list of mitigations designed specifically for this project and it was determined that the minor subdivision would not cause a significant impact to the environment.

B. AMENDMENT TO THE CDMS05-00013 MND

On July 3, 2019, the applicant submitted a request to amend the approved Vesting Tentative Map. Due to the inability to secure access to the neighboring private drainage system, the applicant must drain runoff to the on-site creek. Drainage to the creek was considered in the adopted MND; However, technical modifications have been made to the original drainage proposal, so review of the potential environmental impacts was necessary.

A supplemental Biological Resources Analysis has been prepared by Monk and Associates, dated October 14, 2020, to evaluate environmental impacts from the changes

to the project scope. The report has determined that the project as currently proposed consists of the same parcel subdivision and remainder parcel as discussed in the adopted 2010 MND with a revised outfall structure to minimize impacts. The report states that the outfall structure has been designed so that while it would minimally impact the creek's bank, it would not impact the bed or channel with rip-rap and there would not be the installation of any structure or rip-rap below the creek's ordinary high water mark (i.e., there would be no impacts to "waters of the State") and all surface runoff would be treated within bioretention treatment areas prior to discharging in the creek.

C. ADDENDUM TO THE CDMS05-00013 APPROVED MITIGATED NEGATIVE DECLARATION – CEQA GUIDELINES

PURSUANT TO CEQA GUIDELINES, SECTION 15162, SUBSEQUENT EIR AND NEGATIVE DECLARATIONS.

(a) When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one of more of the following:

(1) There are substantial changes to the proposed in which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

The proposed outfall will not result in a new significant effect or result in an increase in the severity of effects previously identified because impacts will not be different than previously ones. The proposed outfall will in fact be less impactful than the previous design that was reviewed in the 2010 MND. The modifications remove the installation of any structure or rip-rap below the creek's ordinary high-water mark; thus, reducing previously identified potential impacts. Furthermore, the mitigation measures from the MND have been adapted to apply to the modified project to ensure the proposed project impacts are reduced to the less than significant level as previously determined.

Mitigation measures for potential impacts to the creek were previously included in the project approval as Condition of Approval #15. In the current revised proposal, this condition would be modified based on the recommendation in the supplemental Biological Resources Analysis. Specifically, the applicant would be required to obtain a Streambed Alteration Agreement from the CDFW prior to commencing construction of the stormwater outfall structure. This would ensure that the applicant is in compliance with Section 1602 of the California Fish and Game Code. Any conditions stipulated in the Streambed Alteration Agreement for the proposed project would become conditions of project approval. Additionally, the applicant would be required to obtain a Notice of Applicability

(NOA) from the RWQCB, and follow all conditions stipulated in the RWQCB's NOA.

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

When evaluated in the MND, the previous project planned to make modifications to the creek bed, including the installation of rip-rap and directing discharge into the creek. Now the applicant's intent is to modify the outfall structure to minimally impact the creek. Modifications include locating it outside the creek's high water mark, and installing bioretention treatment areas. Otherwise, the proposed project will not require any revision of previously identified significant effects because the circumstances of the proposed project are the same as the circumstances of the previous project.

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

- (A) *The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*

The modification of the outfall structure will not result in any new significant effects not previously discussed in the MND. The proposed minor subdivision will affect generally the same habitat as that of the original project and it will cause less impact on the creek than previously proposed. The proposed project will not trigger any new permit; however, the conditions of approval for the U.S. Army Corps of Engineers Nationwide Permit, the 1603 Streambed Alteration Agreement from CDFW, and the Regional Water Quality Control Board NOA, would reflect the modified design. The mitigation issued with the approved MND will be modified and included as revised conditions of approval to ensure that the proposed project will not cause any significant impact in its surroundings. Therefore, a subsequent MND does not need to be issued.

- (B) *Significant effects previously examined will be substantially more severe than shown in the previous EIR or negative declaration;*

Because the circumstances of the outfall modification are the same as previously proposed, the effects of the modification will not be more severe

than previously discussed in the adopted MND; therefore, a subsequent MND will not be required.

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

The applicant has proposed the modification because access to the neighboring private drainage system was not granted, and thus modifications to the approved project were required. Though the MND considered an outfall into the on-site creek, the previous proposal was more impactful and required extensive mitigations within the creek. The revised proposal modifies the outfall to reduce impacts to the creek, while also ensuring the previously considered impacts are addressed. Thus, no mitigation measures or alternatives that were previously found not to be feasible, would be feasible; and there are no previously declined mitigation measures or alternatives.

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

The applicant has opted to modify the creek outfall for reasons previously discussed above. The outfall would now avoid the creek bed and channel. Thus, despite the fact that fewer impacts to the creek are expected, all impacts will be similar or less than the previously proposed project. For this reason, a subsequent MND will not be required.

- (b) If changes to a project or its circumstances occur or new information becomes available after the adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if requires under section (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.*

A subsequent MND will not be required because the changes do not require a subsequent MND per section (a) guidelines. The County has decided an Addendum is the appropriate document to prepare for the adopted MND and modification to the conditions of approval for the Vesting Tentative Map will be issued for the project.

- (c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval.*

If after the project is approved, any of the conditioned described in subsection (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation, no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.

The County is the responsible agency in preparing the Addendum to the issued MND. As mentioned before, the County will issue modified conditions of approval for the proposed modified project. Since this project will not require a subsequent MND, responsible agencies may grant approval based on the adopted MND.

- (d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.*

The County has determined that this project will not require a subsequent MND therefore; no notice will take place besides the vesting tentative map hearing notification.

PURSUANT TO CEQA GUIDELINES SECTION 15164, ADDENDUM TO AN EIR OR NEGATIVE DECLARATION:

- (a) The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.*

The County has determined that none of the conditions under Section 15162 of the CEQA guidelines have been met; therefore, the County has determined to prepare an Addendum to the MND.

- (b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 1562 calling for the preparation of a subsequent EIR or negative declaration have occurred.*

None of the conditions under Section 15162 of the CEQA guidelines have been met. Only minor technical changes to the adopted MND have taken place. The changes were determined to be insignificant and therefore, an Addendum is the appropriate document to be issued to the proposed outfall modification.

- (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.*

County Staff will attach the Addendum to the issued MND. The vesting tentative map notification will be circulated to adjacent neighbors, all responsible agencies involved in

the distribution of the issued MND and it will further state that the issued MND and the Addendum is available at the County for their review.

(d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.

The County Zoning Administrator will consider the Addendum with the adopted MND.

(e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in the addendum to an EIR, the lead agency's required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

A summary of explanations provided under the Section 15162 is provided above.

IMPACT ASSESSMENT OF PROPOSED ADDENDUM

The Community Development Department has concluded that the modification of CDMS05-00013 as proposed will not result in new significant environmental effects not previously considered, nor increase the severity of previously identified significant effects. Those impacts include:

Aesthetics: The site is located in a semi-rural area of the County. The associated development would be consistent with the area and conditions of approval are included in the project to require consistency with the North Gate Specific Plan design requirements. Thus, no significant aesthetic impacts are expected to result from the project.

Agricultural and Forest Resources: Based on the Contra Costa County General Plan, the development of the proposed project would not conflict with the existing zoning for agricultural use. No agricultural uses are in the immediate vicinity of the project. Furthermore, the property is not zoned for agricultural use, the property is not included in a Williamson Act contract, and there is no reason to believe the project would conflict with any existing agricultural uses. Therefore, no impact is expected from a conflict with existing agricultural uses.

Air Quality: Contra Costa County is within the San Francisco Bay air basin, which is regulated by the Bay Area Air Quality Management District (BAAQMD) pursuant to the Bay Area 2017 Clean Air Plan. The purpose of the Clean Air Plan is to bring the air basin into compliance with the requirements of Federal and State air quality standards. BAAQMD has prepared CEQA Guidelines to assist lead agencies in air quality analysis, as well as to promote sustainable development in the region. The CEQA Guidelines support lead agencies in analyzing air quality impacts. If, after proper analysis, the project's air quality impacts are found to be below the significance thresholds, then the air quality impacts may be considered less than significant. The Air District developed screening criteria to provide lead agencies and project applicants with a conservative indication of whether the proposed project could result in potentially significant air

quality impacts. If all of the screening criteria are met by a proposed project, then the lead agency or applicant would not need to perform a detailed air quality assessment of their project's air pollutant emissions. The proposed project will be well below the screening threshold, as subsequently detailed.

The proposed project could result in the future construction of two single-family residences and associated development on the project site. This would be well below the BAAQMD screening criteria threshold of 56 dwelling units. Therefore, a detailed air quality analysis is not necessary, and the project would not be in conflict with the Clean Air Plan or obstruct its implementation.

Biological resources: The proposed project is located in a rural residential area with a creek running through the property. An existing residence, garage, tennis court, sheds and landscaping occupy a large portion of the project site. In addition to landscape trees, shrubs, lawn, and flowers around the house, there are several mature native valley oak trees and coast live oak adjacent to the residence. Planted redwood trees serve as a screen between the house's paved parking area and Pine Creek Road. A large blue gum tree also fronts the street. Arroyo del Cerro and its riparian canopy provides a local wildlife corridor for mammals and birds to move unobtrusively from the adjacent, undeveloped East Bay Regional Park District lands to the east, the Contra Costa County Flood Control lands to the north and west, and the project site's developed areas to the south. This local wildlife corridor function will not change under the proposed project. Below is a summary of the impact assessment of specific biological sensitive areas:

Tree Impacts: In the original approval, the applicant proposed to remove a total of 14 trees consisting of 13 previously planted black walnut that grow in a former orchard area, 1 blue gum tree, and 1 coast live oak that is 10 inches in diameter. These actions were previously considered and no additional impacts are expected. As required in the previously issued conditions of approval, the planting of up to 4 trees, minimum 15 -gallons in size in the vicinity of the affected trees, or equivalent planting contribution, subject to prior review and approval of the Zoning Administrator is required.

Sensitive Species: No special-status animal records have ever been mapped on or adjacent to the project site. However, a total of nine special-status animal species are known to occur in the region of the project site. Of these nine special-status species, four have a slight and remote possibility of occurring on the project site according to the Biological Resources Analysis prepared for the project. These species are California red-legged frog, pallid bat, Townsend's big-eared bat, and western burrowing owl. These four species were previously considered prior to adoption of the project MND. In March 2008, Wildlife Research Associates prepared a Wildlife Habitat Assessment and California Red-legged Frog Site Assessment of the project site. These reports prescribed California red-legged frog mitigation measures. EDAW was then contacted to peer review all of the above reports and provided recommendations to the County as to the implementation measures that were necessary for the project to move forward and

successfully mitigate potential project-related impacts to biological resources. As a result of these biological studies, the applicant revised the project's Tentative Map so that an outfall structure was no longer part of the proposed project. Thus, in 2009, the County Community Development Department issued a Mitigated Negative Declaration for the proposed project and a Vesting Tentative Map was granted to the applicants.

The project approval included mitigation measures for California red-legged frog and tree removal were included as Conditions of Approval #15 and #16. Condition of approval #15 would be modified to reflect the modifications to the project. With these technical modifications, no impacts are expected. In fact, the project would be less impactful since the outfall structure would no longer alter the creek bed or banks.

In addition to the mitigations, other conditions of approval will be included in the project to ensure the preservation of the special status species. Though it was previously determined that no mitigations were required for impacts to nesting birds, pallid bats, Townsend's big-eared bats, and western burrowing owls, as a precaution, three additional conditions of approval will be added to the project. These conditions will provide consistency with current County practices and have been agreed to by the applicant.

Cultural Resources: A Cultural Resources Study for the project was prepared by LSA Associates, Inc., dated June 18, 2007. At the time the MND was prepared, no mitigations were determined necessary to protect cultural resources in the area; however, conditions of approval were added to the project approval to ensure potentially undiscovered subsurface resources would be protected (COA #10-13). No additional impacts are expected to occur as a result of the outfall modification. However, the approved COAs have been modified to reflect current best management practices related to discovery of previously undiscovered subsurface resources.

Energy: New energy consumption includes energy required for operation of the expected new residences and transportation system (private and commercial vehicles), as well as energy used for construction and maintenance of the proposed project. Issues related to energy use include the levels of consumption of non-renewable and renewable energy sources for the construction and operation of the proposed project.

The proposed project's energy demand would be typical for a development of this scope and nature, and would comply with current state and local codes concerning energy consumption, including Title 24 of the California Code of Regulations, enforced by the Building Inspection division. Other measures that are included in the project that demonstrate the projects efficiency include the inclusion of vegetated landscaping, which would reduce the contamination and quantity of stormwater discharge from the site. Furthermore, compliance with the State Model Water Efficient Landscape requirements indicates that water related energy use would not be considered wasteful, inefficient, or unnecessary.

Geology and Soils: Figure 10-4 (Estimated Seismic Ground Response) of the County General Plan Safety Element identifies the site in an area rated “Lowest” damage susceptibility. The risk of structural damage from ground shaking is regulated by the building code and the County Grading Ordinance. The building code requires use of seismic parameters which allow structural engineers to design structures based on soil profile types and proximity of faults deemed capable of generating strong violent earthquake shaking. Quality construction, conservative design and compliance with building and grading regulations can be expected to keep risks within generally accepted limits. Thus, the environmental impact from seismic ground shaking would be considered to be less than significant.

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

Senate Bill 97 directed the Governor’s Office of Planning and Research (OPR) to develop CEQA Guidelines for evaluation of GHG emissions impacts and recommend mitigation strategies. In response, OPR released the Technical Advisory: CEQA and Climate Change, and proposed revisions to the State CEQA guidelines (April 14, 2009) for consideration of GHG emissions. The California Natural Resources Agency adopted the proposed State CEQA Guidelines revisions on December 30, 2009 and the revisions were effective beginning March 18, 2010.

The bright-line numeric threshold of 1,100 MT CO₂/yr is a numeric emissions level below which a project’s contribution to global climate change would be less than “cumulatively considerable.” This emissions rate is equivalent to a project size of approximately 60 single-family dwelling units. Future construction and operation of the new residence would generate some GHG emissions; however, the amount generated would not result in a significant adverse environmental impact. As the project does not exceed the screening criteria, the project would not result in the generation of GHG emissions that exceed the threshold of significance.

Hazardous and Hazardous Material: Subsequent to approval of the Tentative Vesting Parcel Map, it is expected that two single-family residence would be constructed. There would be associated use of fuels, lubricants, paints, and other construction materials during the construction period. The use and handling of hazardous materials during construction would occur in accordance with applicable federal, state, and local laws, including California Occupational Health and Safety Administration (Cal/OSHA) requirements. With compliance with existing regulations, the project would have a less than significant impact from construction.

Project operation would involve the routine transport, use, and disposal of hazardous materials in very small quantities as they relate to household use. Contra Costa County regulates household hazard disposal, and the home's occupants would be responsible for proper handling and disposal of household materials. For example, household hazardous substances can be dropped off for free at one of the Contra Costa County Household Hazardous Waste Drop-off Facilities, located throughout the County. Because any hazardous materials used for household operations would be in small quantities, long-term impacts associated with handling, storing, and dispensing of hazardous materials from project operation would be considered less than significant.

The property currently hosts a single-family residence. A review of regulatory databases maintained by County, State, and federal agencies found no documentation of hazardous materials violations or discharge on the subject property. The site is not listed on the State of California Hazardous Waste and Substance Sites (Cortese) List. California Government Code section 65962.5 requires the California Environmental Protection Agency to develop at least annually an updated Cortese List. The Cortese List is a planning document with hazardous material contaminated site information, used by the State, local agencies and developers to comply with the California Environmental Quality Act. Thus, the project is not expected to result in a significant hazard to the public or the environment.

Hydrology and Water Quality: This project is required to be in full compliance with the County's Stormwater Management and Discharge Control Ordinance, the Stormwater "C.3" Guidebook, and the requirements of the Regional Water Quality Control Board. A Stormwater Control Plan dated October 25, 2020, was reviewed and determined to be preliminary complete. Although the Stormwater Control Plan has been determined to be preliminary complete, a final SWCP will be reviewed and approved by the Public Works Department prior to development of the project. Thus, the impact from stormwater runoff is expected to be less than significant.

The project is located in a Special Flood Hazard Area as designated on the Federal Emergency Management Agency's Flood Insurance Rate Maps. All components of the project are expected to comply with the requirements of this hazard area and review would be completed by the Public Works Department to ensure consistency during development.

Land Use and Planning: The proposed modification to the project does not conflict with the County's land use plans for areas designated as SH, Single-Family High Density. The density of the proposed project would remain the same and would not conflict with the allowed density for the designation. Furthermore, the residential project would be consistent with the R-40 Single-Family Residential district, and all development would be required to be reviewed for consistency with the North Gate Specific Plan design guidelines.

Mineral Resources: Known mineral resource areas in the County are shown on Figure 8-4 (Mineral Resource Areas) of the General Plan Conservation Element. No known mineral resources have been identified in the project vicinity, and therefore the proposed project would not result in the loss of availability of any known mineral resource.

Noise: Activities at the future two-lot subdivision are not expected to expose persons to, or generate, noise levels in excess of the Community Noise Exposure Levels shown on Figure 11-6 of the General Plan Noise Element. Figure 11-6 shows that levels of 60 dB or less are normally acceptable and noise levels between 60 dB to 70 dB are conditionally acceptable in residential areas. Types and levels of noise generated from the residential uses associated with the future residence would be similar to noise levels from the existing residential developments in the area. Thus, project noise impacts to the existing surrounding land uses would be less than significant.

Population and Housing: The proposed project would result in the development of two additional single-family residences, which would directly increase the unincorporated area population by an estimated six persons, based on the Census 2010 estimate of 2.77 people per household for Contra Costa County. The project would include one new private driveway and other infrastructure to accommodate the new residence. The development is limited to the project site, and would not be expected to lead to indirect population growth. Further, due to its small scope and size (less than .01% of the estimated annual population growth for the County), the project would have a less than significant impact on population growth in the area.

Public Services: Fire protection and emergency medical response services for the project vicinity are provided by the Contra Costa County Fire Protection District (CCCYPD). The project is required to comply with the applicable provisions of the California Fire Code, the California Building Code, and applicable Contra Costa County Ordinances that pertain to emergency access, fire suppression systems, and fire detection/warning systems. Prior to the issuance of building permits, the construction drawings would be reviewed and approved by the CCCYPD. As a result, potential impacts of the proposed project relating to fire protection would be less than significant.

Police protection services in the project vicinity are provided by the Contra Costa County Sheriff's Office, which provides patrol service to the unincorporated area. The addition of two new single-family residence in the project area would not significantly affect the provision of police services to the area.

The applicant for the future residences would be required to pay the state-mandated school impact fees for the residential dwelling unit. Payment of the fees pursuant to State regulations for school services would reduce school impacts to less than significant levels.

The new residents of the new dwelling unit would be expected to increase use of the parks; however, given the amount of available park space compared to the project's small addition to the County's population, no significant impact on the park facilities would be

expected. Additionally, prior to issuance of a building permit, the applicant for the future residence would be required to pay the County-mandated park impact fees, compensating for impacts on park facilities.

Impacts to other public facilities, such as hospitals and libraries are usually caused by substantial increases in population. Implementation of the proposed project is not anticipated to induce population growth since only one new residence would result from project approval. The project is not anticipated to create substantial additional service demands besides those which have been preliminarily reviewed by various agencies of Contra Costa County, or result in adverse physical impacts associated with the delivery of fire, police, schools, parks, or other public services. Therefore, the impact to hospitals, libraries or other public facilities is less than significant

Recreation: The new residents of the expected new dwelling units would incrementally increase use of parks and recreational facilities in the area. However, the modest increase in population is not expected to impact recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated. Thus, the impact of this increase in use of the parks and recreational facilities would be less than significant.

Given the proximity of nearby parks, the new residents would likely use these nearby facilities. As described above, use of these public recreational facilities by the residents of the new dwelling unit would incrementally increase use of the facilities, but would not be expected to result in the construction or expansion of recreational facilities.

Transportation/Traffic: Policy 4-c of the Growth Management Element of the General Plan requires a traffic impact analysis of any project that is estimated to generate 100 or more AM or PM peak-hour trips. Based on the Institute of Transportation Engineers peak period trip generation rates of 1.0 trip per dwelling unit for single-family residences, the proposed project consisting of the two-lot minor subdivision, and the future construction of one single-family residence would generate an additional one AM and one PM peak period trip, and therefore, is not required to have a project-specific traffic impact analysis. Since the project would yield less than 100 peak-hour AM or PM trips, the proposed project would not conflict with the circulation system in the area.

Tribal Cultural Resources: AS discussed above in the Cultural Resources section, no additional impacts are expected to occur as a result of the outfall modification. However, the approved COAs have been modified to reflect current best management practices related to discovery of previously undiscovered subsurface resources. With the implementation of this conditions, a less than significant impact is expected.

Utilities and Service Systems: The proposed project would generate construction solid waste and post-construction operational solid waste. Construction waste would be hauled to one of the recycling centers and/or transfer stations located in the area. The recycling center and/or transfer station would sort through the material and pull out recyclable materials. Future construction of the proposed project would incrementally add to the construction waste headed to a landfill; however, the impact of the project-related

incremental increase would be considered to be less than significant. Furthermore, construction on the project site would be subject to the CalGreen Construction and Demolition Debris Recovery Program administered by the CDD at the time of application for a building permit. The Debris Recovery Program would reduce the construction debris headed to the landfill by diverting materials that could be recycled to appropriate recycling facilities.

With respect to residential waste, the receiving landfill for operational waste is Keller Canyon, located at 901 Bailey Road in Bay Point. Keller Canyon is estimated to be at 15 percent of capacity. Residential waste from the expected two new dwelling units would incrementally add to the operational waste headed to the landfill; however, the impact of the project-related residential waste is considered to be less than significant. As is the case with construction debris, a portion of the residential waste is expected to be recycled, and would thereby reduce the residential waste headed to the landfill.

The project site has been previously developed and is currently connected to water, electric, gas, and telecommunication facilities. Agency comment letter received by Central Contra Costa Sanitary District state that the site is outside the service area of the district and that on-site sanitary treatment would be reviewed by the Contra Costa Health Department. Contra Costa Water District and the County Public Works Department have stated that adequate facilities would be available to accommodate the project. Thus, no significant environmental effects are expected from the construction of new facilities that would be required to provide services to the project.

Wildfire: Additionally, the Department of Forestry and Fire Protection's Very High Fire Hazard Severity Zone Map characterizes this area as a Non-Very High Fire Hazard Severity Zone area. Thus, no impact is expected.

**ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION PREPARED
FOR THE PINE CREEK ROAD MINOR SUBDIVISION PROJECT
BRIAN BIGALOW, APPLICANT
CHRISTINE AND GEE WING BUCK TRE, OWNER
COUNTY FILE #CDCV19-00063 (CDMS05-00013)**

Department of
Conservation &
Development

Community Development Division

County Administration Building
651 Pine Street
North Wing, Fourth Floor
Martinez, CA 94553-1229

Phone: 925-335-1210

Contra
Costa
County



Catherine O. Kutsuris
Director

Aruna Bhat
Deputy Director
Community Development Division

FILE COPY

July 28, 2009

NOTICE OF PUBLIC REVIEW AND INTENT TO ADOPT A PROPOSED
MITIGATED NEGATIVE DECLARATION

County File #MS050013

Pursuant to the State of California Public Resources Code and the "Guidelines for Implementation of the California Environmental Quality Act of 1970" as amended to date, this is to advise you that the Department of Conservation & Development of Contra Costa County has prepared an initial study on the following project:

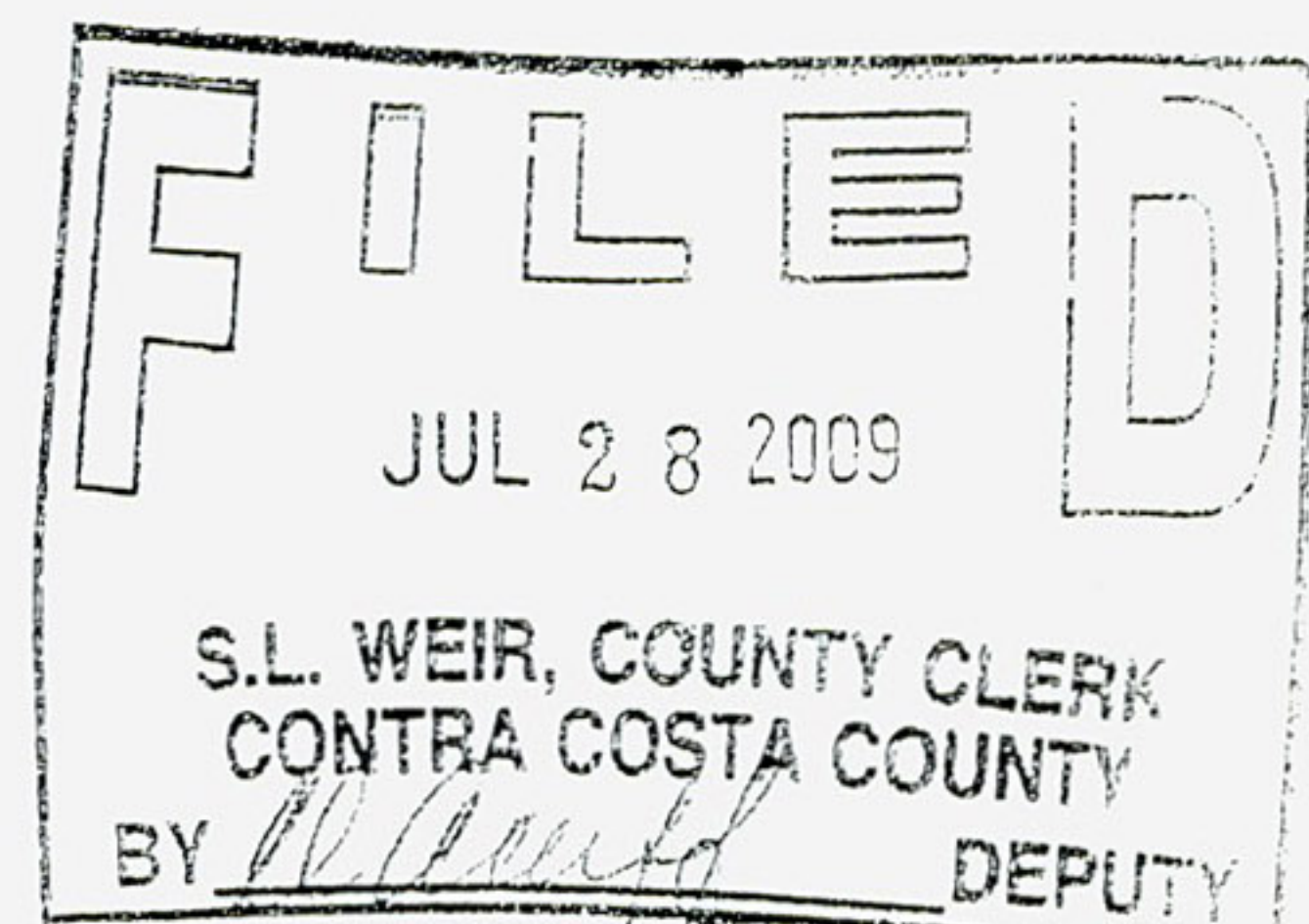
Brian Bigelow/Audrey Gee (Applicant) Gee Wing (Owner). County File #MS050013: The applicant requests approval to subdivide 5.18 net acres into two single-family lots with a 69,700 square-foot gross designated remainder. The applicant is proposing to remove a total of 13 walnut trees and 1 eucalyptus tree. The applicant is requesting an exception from the North Gate Specific Plan requirement that all new development be served by public utilities due to the proximity to the creek. The Central Sanitary District cannot serve this property. Exceptions were granted by the County on two minor subdivisions in the immediate vicinity: County File #MS010005 and MS050045. The subject property's address is 501 Pine Creek Road in the Walnut Creek area. (R-40) (ZA: N-16) (CT:3383.02) (APN: 138-230-002)

The proposed development will not result in any significant impacts.

A copy of the mitigated negative declaration and all documents referenced in the negative declaration may be reviewed in the offices of the Department of Conservation and Development, and Application and Permit Center at the McBrien Administration Building, North Wing, Second Floor, 651 Pine Street, Martinez, during normal business hours.

Public Comment Period - The period for accepting comments on the adequacy of the environmental documents extends to **5:00 P.M., August 27, 2009**. The County File number should be included on all correspondence. Any comments should be in writing and submitted to the following address:

Rose Marie Pietras, Senior Planner
Contra Costa County
Department of Conservation and Development
Community Development Division
651 Pine Street, North Wing, 4th Floor
Martinez, CA 94553



It is *anticipated* that the proposed Mitigated Negative Declaration will be considered for adoption at a meeting of the Zoning Administrator on September 21, 2009 at 1:30 P.M. The hearing is *anticipated* to be held at the McBrien Administration Building, Room 107, Pine and Escobar Streets, Martinez. It is expected that the Zoning Administrator will also conduct a hearing on the application at that same meeting.



Rose Marie Pietras
Senior Planner

cc: County Clerk's Office (2 copies)

Revised Environmental Checklist Form

This revised Environmental Checklist (Initial Study) contains modifications from the earlier initial study dated July 28, 2009, including the listing of additional potentially significant impacts to wildlife resources, and measures intended to mitigate those impacts. The modifications to the previous checklist are identified in marked text.

1. Project Title: MS050013
2. Lead Agency Name and Address: Contra Costa County Department of Conservation and Development, Community Development Division
651 Pine Street, North Wing - 4th Floor
Martinez, CA 94553
3. Contact Person and Phone Number: Rose Marie Pietras, Senior Planner, (925) 335-1216
4. Project Location: 501 Pine Creek Road
Walnut Creek, CA
5. Project Sponsor's Name and Address: Brian Bigelow/Audrey Gee
233 Wiget Lane
Walnut Creek, CA 94598
6. General Plan Designation: Single Family Residential – Very Low
7. Zoning: R-40 – Single Family Residential
8. Description of Project: The applicant requests approval to subdivide 5.18 net acres into two single family lots with a designated remainder. The applicant is proposing to remove a total of 14 trees consisting of 13 Walnut and 1 Eucalyptus.

The applicant is requesting an exception from the North Gate Specific Plan (NGSP) requirement that all new development be served by public utilities. Due to the proximity of the creek, an exception has been requested to the NGSP requirements. Exceptions have been granted to two minor subdivisions in the immediate vicinity: County Files: #MS010005 and MS050045. Findings were made based on the proximity to the creek and the infeasibility of installing a sewer line connection to the Central Sanitary District.

The applicant will be required to annex to the County Service Area L-100, or an alternative street light maintenance district.

9. Surrounding Land Uses and Setting: The existing site, including Pine Creek Road, has a total area of 5.190 acres. An existing residence, a garage and a tennis court are located on the proposed remainder parcel, while proposed Parcel A, front Pine Creek Road, and proposed Parcel B would be located at the eastern side of the subject parcel. The existing vegetation outside of the developed homesite and Arroyo Del Cerro is mostly seasonal grasses, a few shrubs and some trees. Most of the existing trees outside of the creek and house site are English walnut trees, which are remaining from a previous orchard. Other improvements on the existing parcel include an unused shed building and two unused chicken coops along the north and south top of Arroyo del Cerro Creek bank in the northeastern corner and an existing well and unused windmill in the southeastern corner. Existing single family homes occur on the adjacent parcels south of the subject property and west of Pine Creek Road. Undeveloped property owned by the

Contra Costa County Flood Control District occurs to the north of the subject site, and undeveloped open space lands owned by the East Bay Regional Park District occur to the east. As mentioned above, the nearest water source is intermittent Arroyo del Cerro Creek, which runs westerly through the northern portion of the project area. The creek is in a very natural and undisturbed condition and well vegetated with trees, grasses and shrubs as it passes through the property. The existing land on both sides of the creek is relatively flat with a gentle slope towards the creek. The southeast corner of the site has an elevation of 249 feet.

10. Other public agencies whose approval may be required. (e.g., permits, financing approval, or participation agreement): State Department of Fish and Game, Army Corps of Engineers, United States Fish & Wildlife Service and Regional Water Quality and Control Board., ~~(e.g. permits, financial approval, or participation agreement).~~

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

<input type="checkbox"/> Land Use and Planning	<input type="checkbox"/> Transportation/ Circulation	<input type="checkbox"/> Public Services
<input type="checkbox"/> Population & Housing	<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Utilities & Service Systems
<input type="checkbox"/> Geological Problems	<input checked="" type="checkbox"/> Energy & Mineral Resources	<input type="checkbox"/> Aesthetics
<input type="checkbox"/> Water	<input type="checkbox"/> Hazards	<input type="checkbox"/> Cultural Resources
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Recreation
<input type="checkbox"/> Mandatory Findings of Significance		<input type="checkbox"/> No Significant Impacts Identified

DETERMINATION

On the basis of this initial evaluation:

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

Rose Marie Pietras
Signature

Rose Marie Pietras
Project Planner

July 14, 2010
Date

Contra Costa County
Department of Conservation and Development
Community Development Division

SOURCES

In the process of preparing the checklist and conducting the evaluation, the following references (which are available for review at the Contra Costa County Department of Conservation and Development, 651 Pine Street 5th Floor-North Wing, Martinez) were consulted:

1. Contra Costa Resource Mapping System – Clayton Quad Sheet Panels
2. (Reconsolidated) County General Plan (July 1996) and EIR on the General Plan (January 1991).
3. General Plan and Zoning Maps
4. Contra Costa County Code, including zoning and subdivision ordinances and the State Planning and Zoning Law, Subdivision Map Act and California Environmental Quality Act
5. Agency Comments
6. Field Review June 2005 and December 6, 2006
7. Creek Preservation and Enhancement Plan prepared by Environmental Collaborative dated February 28, 2007 received on May 3, 2007.
8. Preliminary Storm Water Control Plan prepared by Gilbert A. Fitch & Associates
9. Peer Review of Creek Preservation and Enhancement Plan prepared by Monk & Associates dated June 12, 2007.
10. Cultural Resources Study at 501 Pine Creek Road, prepared by LSA Associates, Inc. dated June 18, 2007.
11. Review by Monk & Associates, Inc., dated February 12, 2008 of Save Mt. Diablo comment letter dated November 19, 2007.
12. Peer Review of a Wildlife Habitat Assessment and California Red-legged Frog Site Assessment for the Proposed Construction at the 5-Acre property at 501 Pine Creek Road, Walnut Creek prepared by EDAW, Inc. dated received by the Department of Conservation and Development on May 30, 2008.
13. “Wildlife Habitat Assessment and California Red-Legged Frog Assessment”, dated March 26, 2008 prepared by Wildlife Research Associates.
14. “Revised California Red-Legged Frog Mitigation Measures for the Proposed Construction at the 5-acre Property at 501 Pine Creek Road, Walnut Creek”, dated December 9, 2008 prepared by EDAW.

EVALUATION OF ENVIRONMENTAL IMPACTS:

I. AESTHETICS. Would the proposal:

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a.	Have a substantial adverse effect on a scenic vista? Sources 1, 2, 3, 6, 9 & 11			X	
b.	Substantially damage scenic resources, including, but not limited to: <u>trees</u> , rock outcroppings, and historic buildings within a state scenic highway? Sources 1, 2, 3, 6, 7, 9 & 11			X	
c.	Substantially degrade the existing visual character or quality of the site and its surroundings? Sources 1, 2, 3, 6, 7, 9 & 11			X	

SUMMARY: Less than significant.

- a) The site is located in the Walnut Creek area of the County along Pine Creek Road in the North Gate Specific Plan Area. The site has an existing residence, garage, tennis court, a shed building, chicken coops and fences. The Arroyo del Cerro Creek -runs westerly along the northern portion of the site. In accordance with the creek policies of the North Gate Specific Plan, the Revised Vesting Tentative Map stamped dated August 13, 2008 and received on January-8August 15, 2008, proposes a Restricted Development Area, which would provide an approximately 50-foot development setback from the top-of-bank along the creek channel within which all new structures are prohibited. Existing structures within the Restricted Development Area may be grandfathered in as uninhabitable accessory structures.
- b) The site is located in a semi-rural area of the County. The primary residence and accessory structures are within the designated remainder, with the exception of the shed building and chicken coops, located on proposed Parcel B. The fence runs throughout the entirety of the subject site. The Arroyo del Cerro Creek meanders westerly along the northern portion of the property, is a scenic resource with mature trees and shrubs. The proposed Restricted Development Area consisting of a 50-foot development setback from top-of-bank would reduce potentially significant impacts caused by development to a less than significant impact. The applicant is proposing to remove a total of 14 trees consisting of 13 Walnut and 1 Eucalyptus. The existing walnut trees are a part of an old walnut orchard. The eucalyptus tree has a trunk diameter of 18-inches in size and is in the way of development. Staff will condition the subdivision with a tree replacement plan for the loss of trees.
- c) The visual character of the site would change with the eventual development of Parcels A and B
- d) The proposed project would be consistent with the County General Plan and North Gate Specific Plan designation of Single Family Residential –Very Low Density and the surrounding neighborhood consisting of custom homes.
Minimal glare would be introduced in the area. New sources of light would illuminate from eventual development. However, staff considers the new light sources minimal and not a significant impact. However, staff will include a condition of approval requiring the applicant to deflect exterior lighting to shine on applicant's property.

At least 30 days prior to issuance of building permits, an exterior lighting plan for new

construction on Parcels A and B (not the designated remainder) shall be submitted for review and approval of the Zoning Administrator. The plan shall include details of location and design of proposed outside lighting fixtures. Exterior lights shall be deflected so that lights shine onto applicant's property and not toward adjacent properties.

- II. **AGRICULTURAL RESOURCES:** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agricultural and farmland.

Would the project:

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? Sources 1, 2, 3 & 6				X
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract? Sources 1, 2, 3 & 6				X
c.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use? Sources 1, 2, 3 & 6				X

SUMMARY: No impact

a, b & c) The site is located in an area designated urban and built up land on the Contra Costa County Important Farmland 2000 Map. The property is designated Single Family Residential – Very Low. This proposal will provide for two additional houses fulfilling the goals and policies of the County General Plan, Housing Element.

- III. **AIR QUALITY:** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a.	Conflict with or obstruct implementation of the applicable air quality plan? Sources 1, 2, 3, & 6				X
b.	Violate any air quality standard or contribute to an existing or projected air quality violation? Sources 1, 2, 3, & 6				X
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including			X	

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
	releasing emissions which exceed quantitative thresholds for ozone precursors)? Sources 1, 2, 3, & 6				
d.	Expose sensitive receptors to substantial pollutant concentrations? Sources 1, 2, 3, & 6				X
e.	Create objectionable odors affecting a substantial number of people? Sources 1, 2, 3, & 6				X

SUMMARY: No impacts and less than significant.

- a) The proposal does not conflict with implementation of an applicable air quality plan.
- b) The proposal would not violate air quality standards or contribute to existing air quality violations.
- c) The region is currently in non-attainment for ozone and fine particulate matter (PM10). Implementation of the project would lead to a slight increase in ozone and ozone precursors, as they are primarily the result of the automobile emissions and development of the additional residences would lead to increased automobile use.
The residential use is not an inherent producer of PM10 pollution. Construction activities could cause a temporary increase in ambient levels of PM10. There could be an impact from dust and fine particulates commonly associated with earth movement and construction. The project will be conditioned to require that measures be taken to reduce PM10 emissions during earth movement and construction. These conditions will include, but may not be limited to, watering the site multiple times daily, sweeping and collecting loose particles on-site and requiring that dump trucks be covered when hauling loose materials.
The Building Inspection Division, Grading Section, will also enforce measures to reduce particulate pollution.
- d) No sensitive receptors are located near the site.
- e) Construction of new residences would produce no objectionable odors.

IV. BIOLOGICAL RESOURCES: Would the project:

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? Sources 1, 2, 3, 6, 7, 9 & 11, <u>12, 13, 14</u>		X		
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations; or by the California Department of Fish and Game or US Fish and Wildlife Service? Sources 1, 2, 3, 6, 7, 9 & 11, <u>12, 13, 14</u>				X
c.	Have a substantial adverse effect on federally protected wetlands, as defined by Section 404 of the Clean Water Act (including, but not limited to,				X

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
	marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? Sources 1, 2, 3, 5 & 6				
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? Sources 1, 2, 3, 5 & 6			X	
e.	Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance? Sources 1, 2, 3, 5 & 6			X	
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? Sources 1, 2, 3, 5 & 6				X

SUMMARY: Potentially significant impacts unless mitigation incorporated.

Summary: The applicant submitted a Creek Preservation and Enhancement Plan prepared by Environmental Collaborative dated February 28, 2007, and submitted on May 3, 2007, to comply with the policies of the North Gate Specific Plan. The County's Environmental Consultants, Monk & Associates, prepared a peer review dated June 12, 2007. Monk & Associates concluded that the Creek Preservation and Enhancement Plan provides sound and appropriate standards for protecting the creek within the area of the minor subdivision with some minor changes and additions.

Staff requested Monk & Associates respond to a letter received November 19, 2007, from Save Mt. Diablo, which emphasized the need for a Biotic Study because of potential impacts to Arroyo del Cerro Creek that could be caused from a new outfall, which had previously been proposed by applicant. The applicant submitted a revised application for a tentative map (Vesting Tentative Map, dated August 13, 2008) which removed the new outfall into Arroyo del Cerro Creek from the site plan to avoid potential impacts to riparian habitat and eliminates the need for a Corps permit. The creek has the potential presence of suitable habitat for several species of fish, migratory birds, reptiles and amphibians. Among these species is one of special concern, the California red-legged Frog.

California Red-Legged Frog (CRF)

The California red-legged frog (*Rana aurora draytonii*) is a federally-listed threatened species known from the region. If the California red-legged frog is present on a project site, consultation with the U.S. Fish & Wildlife Service is typically required. The closest known record for California red-legged frog is located 1.6 miles southeast of the project site. This 2006 California red-legged frog occurrence is located on Pine Creek (CNDDDB Occurrence No. 849). A second sighting in 2006 of the California red-legged frog is located 2.6 miles southeast of the project site in a large pond located on Pine Creek (CNDDDB Occurrence No. 920). Both of these known records of California red-legged frogs are hydrologically connected to Arroyo del Cerro Creek.

While it is true that these ponds are hydrologically connected with the Arroyo del Cerro Creek, and California red-legged frogs are known to travel great distances when dispersing, given the number of

drainages, springs, and ponds in the area, it seems unlikely that these frogs would travel down the hills, where they are somewhat isolated, all the way to the project site drainage where they would be in proximity to existing homes, dogs and raccoons.

The outfall that was previously proposed in Arroyo del Cerro has been removed per revised Vesting Tentative Map, GAF dated August 13, 2008 to avoid potential impacts to riparian habitat and eliminating the need for a Corps permit.

In March 2008, Wildlife Research Associates (WRA) completed a California red-legged frog site assessment in accordance with the *Revised Guidance on Site Assessments and Field Surveys for the California Red-Legged Frog* (USFWS 2005), which was peer reviewed by EDAW in May 2008. The USFWS guidance document recommends two phases to accurately assess the likelihood of California red-legged frog presence on a project site: (1) an assessment of locality records and potential habitat in and around the project area; and if potential California red-legged frog habitat (i.e., at least one Primary Constituent Habitat Element) is found in the study area, the following is also recommended: (2) focused field surveys of breeding pools and other associated habitat to determine whether the species is likely to be present. WRA completed the habitat assessment and concluded that the site did not contain potential the California red-legged frog breeding habitat (see details, below), and that phase 2, i.e., focused surveys, would not be necessary. However, WRA made recommendations for mitigation of any potential impacts to California red-legged frog in the unlikely case that they would be moving through the site during construction. EDAW concurred with these mitigation measures, which are outlined below, would reduce potential project impacts to the California red-legged frog to a less than significant level.

Habitat assessments for the California red-legged frog also typically include an evaluation of primary constituent elements.

Primary constituent elements for California red-legged frog as defined by the USFWS are (2006):

- Aquatic breeding habitat
- Non-breeding aquatic habitat
- Upland habitat (within 200 feet of aquatic habitat)
- Dispersal habitat (within 0.7 miles of breeding locations)

The Gee property includes a riparian corridor, nonnative annual grassland, and developed areas. Other than the portion of Arroyo del Cerro Creek located on the northern portion of the site, no other aquatic features are present. WRA concluded, and EDAW concurred, that the site is not likely to support breeding California red-legged frogs based on the intermittent nature of the creek; most years it is not likely to contain sufficient water long enough for California red-legged frog eggs to hatch and develop into their adult terrestrial stage (a minimum of 20 weeks is typically required). It is also not likely to support California red-legged frogs during the non-breeding season (June through October) due to the absence of water. Thus, aquatic breeding habitat is absent from the site and the potential non-breeding aquatic habitat within the riparian corridor is of marginal quality.

California red-legged frog dispersal habitat is considered by USFWS (2006) to be any habitat within 0.7 mile of existing breeding habitat that is likely to provide for connectivity between breeding habitats, and between non-breeding aquatic and upland habitats. This habitat can be a variety of upland habitat types, provided that it is free of barriers. However, dispersal movements should be considered highly site-specific, and in the latest proposed critical habitat rule, proposed September 16, 2008, USFWS recommends increasing this general dispersal distance to 1.0 mile (USFWS 2008). California red-legged

frogs have been documented greater than 1 mile away in the open space areas to the east and the site abuts residential development on the west side. Therefore, the site does not likely lie within an important movement corridor for populations in the region and would not be considered dispersal habitat according to USFWS criteria. If California red-legged frogs were to disperse into the area, however, WRA found that the creek provides only marginal habitat, and that potential for dispersal would be more likely in winter when water is present.

See County File#MS050013 for review of all reports described above.

4.a.

I. Impact – California ~~r~~Red-~~l~~egged ~~F~~frog

The outfall that was previously proposed in Arroyo del Cerro Creek has been removed from the current site plan (Vesting Tentative Map, GAF August 13, 2008). Storm water will instead tie into existing storm drains. Thus, there will be no construction within the 50-foot setback from the riparian corridor of Arroyo del Cerro. Therefore, potential impacts to marginally suitable California red-legged frog aquatic habitat will be avoided. These potential impacts were not addressed in the WRA document, but were addressed previously by Monk (February 12, 2008), and in EDAW's previous mitigation measure memo (June 12, 2008).

California red-legged frogs have a low potential to occur in the Arroyo del Cerro Creek during the proposed construction if water is in the stream. Although a 50-foot setback from the centerline of the creek channel is required for development, California red-legged frog traveling along the Arroyo del Cerro Creek when wet, could move into the upland habitat of the project site area during construction. For this reason the following mitigation measures are recommended to decrease the possibility of harming individual California red-legged frogs that may occur in the upland area.

Loss of individual California red-legged frogs would be a potentially significant impact. The following mitigation measures will reduce this impact to a less than significant level.

I.A. Mitigation Measures for California Red-Legged Frog

At least 30 days prior to filing a Parcel Map or the issuance of a Grading Permit, whichever comes first, the applicant shall submit a deed restriction for the review and approval of the Zoning Administrator for the purpose of a deed restriction on new construction within the creek structure setback. The erection of new structures, including but not limited to buildings, solid fences, swimming pools, tennis courts, and sports courts, will be prohibited in a 50 foot creek structure setback area. Repair or replacement of the existing open rail fencing with non-solid (open rail) fencing will be permitted. In addition, no grading, other development activity or removal or topping of any protected tree may occur in that area without a required tree permit pursuant to the Tree Protection and Preservation Ordinance, Chapter 816-6.

The following measures shall be implemented prior to and during construction:

- ☐ Construction shall occur when Arroyo del Cerro Creek is dry, between August and November, or sooner if the Arroyo dries before June, or later if it is dry past November.
- ☐ A silt fence, properly installed by a fencing contractor approved by the biologist, shall be placed outside the riparian canopy cover and run parallel to the arroyo for the length of the

creek, to deter any California red-legged frog from accessing the project site during construction. The east and west ends shall run south towards the project site for approximately 100 feet at each end to further deter access by California red-legged frogs onto the project site. Silt fencing shall be inspected and maintained on a daily basis.

- Pre-construction surveys for California red-legged frogs shall be conducted within 14 days prior to ground disturbance. If California red-legged frogs, tadpoles, or eggs are found, the Service will be contacted immediately to determine if relocation is appropriate. Animals cannot be moved without Service approval and only a qualified biologist can participate in activities associated with relocation.
- Contractor education shall be conducted by a qualified biologist prior to the start of construction. If California red-legged frogs or other potentially sensitive species are found during construction, the contractor shall stop work and notify the project biologist. If California red-legged frogs are positively identified on site, the USFWS shall be notified and technical assistance as well as appropriate permits, will be obtained before construction resumes. If the California red-legged frog is determined to be present on the project site during project construction, a USFWS approved biologist shall be present onsite during all grading or other earth-moving activity within 200 feet of the stream channels to ensure that no frogs are impacted during site activities. The biologist must hold a federal 10(a)(1)(A) permit for handling the California red-legged frog. This biologist would be authorized by USFWS to move the frogs out of harms way (if they are in the upland habitats at the time of site grading) and place them in the closest stream channel.
- During project activities, all trash that may attract California red-legged frog predators shall be properly contained and removed from the work site regularly. Construction debris will be removed from the work site upon completion of construction activities. Fueling and maintenance of vehicles, other equipment, and staging areas shall remain 20 meters (66 feet) from any riparian habitat or water body. The project applicant shall prepare a spill prevention and clean-up plan prior to the issuance of a grading permit.

II. Potential Impact to Protected Bat Species

A total of 14 trees are proposed for removal with trunk diameter sizes ranging from 10 – 30 inches. Several walnut trees contain cavities approximately 1 – 2 inches in diameter that may provide suitable roosting habitat for individuals of several protected species of bats, for example hoary bat and Yuma myotis. As a result, impacts to roosting bats may occur if tree supporting potential roosting habitat are removed.

II.A. Mitigation Measures for Protected Bat Species

To avoid or minimize impacts to protected bat species that may potentially roost in the trees, the following measures shall be followed:

1. Prior to removal of any trees, a qualified bat biologist possessing a Scientific Collection Permit and Memorandum of Understanding (MOU) with the CDFG for work with bats shall conduct a bat habitat assessment of the trees. Those trees containing suitable potential habitat for cavity or crevice roosting bat species shall be marked for two-stage removal, described

below. All other trees shall be removed first. This method creates a level of disturbance level that should be sufficient to cause abandonment by roosting bats, or cause them not to return after emerging for night feeding.

2. Trees containing no potential bat roosting habitat shall be removed without falling on or otherwise damaging trees containing potential roost habitat.
3. Trees containing suitable potential roost habitat shall only be removed during seasons when bats are active and young are volant (March 1 – April 15, and August 1 – October 15).
4. Trees shall be removed in stages in order to create a suitable level of disturbance, and allow bats sufficient time to abandon the tree prior to complete removal.
5. Under supervision of a qualified bat expert possessing a Scientific Collection Permit and MOU with the CDFG, trees with potential roosts shall be removed in two steps, over two successive days.
6. Branches and limbs identified by the bat expert shall be removed on Day 1 (Disturbance).
7. The remainder of the tree shall be removed on the following day – Day 2 (Removal).
8. No diesel or gas powered equipment shall be stored or operated directly beneath trees with potential roosts, except chainsaws used for removal of that tree.

III. Potential Impact to Other Protected Animal Species

A total of 14 trees are proposed for removal on Parcels A and B; these range in trunk diameter between 10 inches and 30 inches. Bird species not protected under the California Endangered Species Act (CESA) or Federal Endangered Species Act (FESA), such as some passerines (including mourning dove and scrub jays) are protected under the Fish and Game Code 3503 and the Migratory Bird Treaty Act (MBTA). These aforementioned species may potentially be impacted by the removal of potential nesting habitat in the trees within the project area. Disturbance during the nesting season (December 15 - August 31) may result in the potential nest abandonment and mortality of young, which is considered a “take” of an individual.

III.A. Mitigation Measures for Passerine Birds

To avoid potential “take” of passerines (perching birds), the following measures shall be followed:

1. Grading or removal of nesting trees should be conducted outside the nesting season, which occurs between approximately December 15 and August 31.
2. If grading or tree removal between August 31 and December 15 is infeasible and ground disturbance must occur within the breeding season, **prior to removal of any trees**, a pre-construction nesting bird survey of the grasslands and adjacent trees shall be performed by a qualified biologist within 15 days prior to any tree removal or ground disturbing activities occurring between December 15 and August 31. If no nesting birds are observed, no further

action is required and grading shall occur within one week of the survey to prevent “take” of individual birds that could begin nesting after the survey.

3. If bird nests are observed during the pre-construction survey, a disturbance-free buffer zone shall be established around the nest tree(s) until the young have fledged, as determined by a qualified biologist.
4. The radius of the required buffer zone can vary depending on the species, with the dimensions of any required buffer zones to be determined by a qualified biologist in consultation with the California Department of Fish and Game (CDFG).
5. After fencing is in place there will be no restrictions on grading or construction activities outside the prescribed buffer zones.

III.B. Mitigation Measures for Western Pond Turtle, Burrowing Owl and American Badger Species

To avoid a potential “take” of western pond turtle, burrowing owl, or American badger species, the following measures shall be followed:

1. A pre-construction survey of the grasslands shall be performed by a qualified biologist within 15 days prior to ground disturbing activities at any time of the year.
2. If the burrowing owl, western pond turtle or American badger species is found on site, a disturbance-free buffer zone, construction monitoring, and relocation, if deemed appropriate by the project biologist in consultation with CDFG, shall be implemented.

Copies of reports of all pre-construction animal surveys required in the conditions below shall be provided to the County Department of Conservation and Development and the California Department of Fish and Game (CDFG). Non-disturbance buffers, construction monitoring, and relocation if deemed appropriate by the project biologist in consultation with CDFG shall be implemented if these species are found on site.

- b) With the removal of the outfall and the 50 foot creek structure setback, there are no substantial adverse effect on any riparian habitat or other sensitive natural communities.
- c) Arroyo del Cerro Creek would be classified by the Corps as a “water of the United States” subject to regulation pursuant to Section 404 of the Clean Water Act. To avoid impacts to the creek, the applicant revised the tentative map and removed the proposed outfall eliminating potential impacts to the creek.
- d) The site is not known to support native wildlife nursery sites. The section of Arroyo del Cerro present within the study area provides a potential movement corridor for numerous aquatic and semi-aquatic invertebrate species, common frogs and other amphibians, aquatic reptiles such as common garter snakes, and semi-aquatic mammals such as muskrats when water is present. Terrestrial species such as raccoons, deer, skunks, and numerous bird species may use riparian areas along streams for cover while moving between areas of suitable habitat. No permanent impacts to this potential wildlife corridor are anticipated with

implementation of the project, as the subdivision will implement a 50 foot setback from the creek maintaining the corridor's integrity. No construction activities or project features will be implemented within 50 feet of the creek corridor and construction for the subdivision site is not expected to introduce any barriers blocking wildlife movement. The upland portions of the site are disturbed by human use and are partially developed, thus wildlife movement opportunities are already limited in these areas. The portion of the property proposed for subdivision is adjacent to existing residential development avoiding the area, which is contiguous to open space. Overall, project impacts to wildlife corridors would be **less than significant**.

- e) Vegetation on the subject parcel consists of ornamental plantings and turf around the existing residence on the designated remainder, non-native ruderal (*weedy*) grasslands and senescent walnut trees in the undeveloped uplands, and native and non-native tree, scrub, and groundcover species along the creek corridor. The creek channel is relatively intact across the width of the subject parcel, it appears to be an intermittent stream based on width and active low-flow characteristics, and supports a healthy growth of woody vegetation. Mature trees form a near continuous cover along the entire length of the creek and width between the tops-of-banks. The dominant tree cover along the creek banks includes : native coast live oak (*Quercus agrifolia*), valley oak (*Quercus lobata*), California buckeye (*Aesculus californica*), and willow (*Salix lasiolepis*). Other native species along the creek corridor include: elderberry (*Sambucus sp.*), poison oak (*Toxicodendron diversilobum*), honeysuckle (*Lonicera sp.*), and wild cucumber (*marah sp.*). A few non-native Monterey Pine (*Pinus radiata*) and single blue gum eucalyptus (*Eucalyptus globules*) also occur within the riparian zone of the creek.

None of the trees within the creek and a 50 foot creek structure setback are proposed for removal.

- f3. The County does not have an approved Habitat Conservation Plan or Natural Conservation Plan in this area.

V. CULTURAL RESOURCES: Would the project:

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a.	Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? Sources 1, 2, 3, 5, & 10			X	
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? Sources 1, 2, 3, 5, & 10			X	
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? Source 1, 2, 3, 5, & 10			X	
d.	Disturb any human remains, including those interred outside of formal cemeteries? Sources 1, 2, 3, 5, & 10			X	

SUMMARY: Less than significant

- a-d) A copy of this application was forwarded to the California Historical Resources Information System (CHRIS) for comments. The 30 day comments were received on March 23, 2005, and on March 28, 2007, based on the revised map. CHRIS determined the project area has no record of any previous cultural resource studies for the proposed project area. Therefore, a study for archeological resources is recommended. CHRIS recommends that the applicant contact the local Native American tribe(s) regarding traditional, cultural and religious values.

The applicant submitted a Cultural Resources Study prepared by LSA Associates, Inc. dated June 18, 2007.

Summary

Background research identified one building older than fifty years of age within the project area. This building appears to have been the "old barn" that has since been demolished, and was at the location of the current residence which was built in 1986 (Gee 2007). No other possible cultural resources were identified in or adjacent to the project area by the background research or the field survey.

Native American Heritage Commission

On May 23, 2007, LSA sent a letter describing the project with maps depicting the project area to the California Native American Heritage Commission (NAHC) requesting a review of their sacred lands file for any Native American cultural resources that might be affected by the proposed project. Ms. Debbie Pilas-Treadway, NAHC Environmental Specialist III, responded in a faxed letter dated May 31, 2007, that the sacred land file "did not indicate the presence of Native American cultural resources in the immediate project area."

Recommended Conditions of Approval

Further study for cultural resources is not recommended at this time. If archaeological deposits are encountered during the course of the project they should be avoided by project effects. Project personnel should not collect or move any archaeological materials. Fill soils used for construction purposes should not contain archaeological materials.

Human Remains

If human remains are encountered during the course of the project, the County Coroner and an archaeologist should be contacted immediately to evaluate the situation. Project personnel should not collect or move any human remains or associated materials.

If human remains are encountered, work within 25 feet of the discovery should be redirected and the County Coroner notified immediately. At the same time, an archeologist should be contacted to assess the situation and consult with agencies as appropriate. The project proponent should also be notified. Project personnel should not collect or move any human remains and associated materials. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The

Native American Heritage Commission will identify a Most Likely Descendent (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. As part of the assessment, immediate consultation should be undertaken with the Department of Conservation and Development, Community Development Division. Upon completion of the assessment, the archaeologist should prepare a report documenting the methods and results, and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report should be submitted to the project proponent, the Department of Conservation and Development Community Development Division, and the Northwest Information Center.

Accidental Discovery

If deposits of prehistoric or historical archaeological materials are encountered during project activities, all work within 25 feet of the discovery should be redirected and a qualified archaeologist contacted to assess the situation, consult with appropriate agencies, and make recommendations for the treatment of the discovery. The project proponent should also be notified. Project personnel should not collect or move any archaeological materials. It is recommended that adverse effects to such deposits be avoided by project activities. If such deposits can not be avoided, they should be evaluated for their California Register of Historical Resources eligibility. If the deposits are not eligible, avoidance is not necessary. If the deposits are eligible, they will need to be avoided or adverse effects must be mitigated. Upon completion of the assessment, the archaeologist should prepare a report documenting the methods and results, and provide recommendations for the treatment of the archaeological materials discovered. The report should be submitted to the project proponent, the Contra Costa County, Department of Conservation and Development, Community Development Division, and the Northwest Information Center.

Prehistoric materials can include flaked-stone tools (e.g. projectile points, knives, choppers) or obsidian, chert, basalt, or quartzite toolmaking debris; bone tools; culturally darkened soil (i.e., midden soil often containing heat-affected rock, ash and charcoal, shellfish remains, faunal bones, and cultural materials); and stone milling equipment (e.g., mortars, pestles, handstones). Prehistoric sites often contain human remains. Historical materials can include wood, stone, concrete, or adobe footings, walls, and other structural remains, debris-filled wells or privies, and deposits of wood, glass, ceramics, metal, and other refuse.

VI. GEOLOGY AND SOILS: Would the project:

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	1. 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				X

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
	Publication 42. Sources 1, 2, 3 & 7				
	2. Strong seismic ground shaking?				X
	3. Seismic-related ground failure, including liquefaction? Sources 1, 2, 3, 5 & 6				X
	4. Landslides? Sources 1, 2, 3, 5, & 6				X
b.	Result in substantial soil erosion or the loss of topsoil? Sources 1, 2, 3, 5 & 6				X
c.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? Sources 1, 2, 3, 5, & 6				X
d.	Be located on expansive soil, as defined in Table 1 8-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? Sources 1, 2, 3, 5, & 6				X
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative waste disposal systems where sewers are not available for the disposal of waster water? Sources 1, 2, 3, 5, & 6			X	

SUMMARY: No impact and less than significant.

- a.1 The proposed project would not expose people or structures to potential adverse risk from known earthquake faults.
- a.2 The proposed project would not expose people or structures to strong seismic ground shaking.
- a.3 The proposed project would not expose people or structures to seismic-related ground failure, including liquefaction.
- a.4 The proposed project would not expose people or structures to landslides.
- b. An Erosion Control Plan is routinely required for at-risk projects in hillside areas that disturb one acre or more. The subject site is relatively flat with the exception of a slight dip into the creek area, which is in the creek structure setback.
- c. The existing geologic data indicates that the project is feasible.
- d. According to the Soil Survey of Contra Costa County the property consist of Pleistocene alluvial fan deposits.
- e. The applicant is requesting an exception from the North Gate Specific Plan requirement that all new development be served by public utilities due to the proximity to the creek. Exceptions have been granted to minor subdivisions in the immediate vicinity, County File #'s MS010005 and MS050045. In staff's opinion, this request is justified based on the location of the creek and a letter dated November 30, 2007, from Russell B. Leavitt, Engineering Assistant III of the Central Contra Costa Sanitary District, confirming that the property is within the CCCSD's Sphere of Influence, but outside of CCCSD's boundaries. Wastewater utility service is not currently available to the project site and service will not be available for the foreseeable future due to topographic limitations and the distance to the nearest suitable sewer.

VII. HAZARDS AND HAZARDOUS MATERIAL: Would the project:

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? Sources 1, 2, 3, 5, 10 & 11				X
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? Sources 1, 2, 3, 5 & 6				X
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? Sources 1, 2, 3, 5 & 6				X
d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65862.5 and, as a result, would it create a significant hazard to the public or the environment? Sources 1, 2, 3, 5 & 6				X
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area. Sources 1, 2, 3, 5 & 6				X
f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? Sources 1, 2, 3, 5 & 6				X
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? Sources 1, 2, 3 & 5				X
h.	Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands? Sources 1, 2, 3 & 5				X

SUMMARY: No Impact

- a) There will be no routine transport, use, or disposal of hazardous materials by the proposed project.
- b-c) The proposed project will not create or emit hazards to the public, or within a quarter mile of a proposed or existing school or into the environment through upset or accident conditions involving the release of hazardous materials or emitting hazardous emissions.
- d) In compliance with Government Code Section 65962.5, the California Department of Toxic Substances Control issued a list of hazardous waste and substances sites (Cortese List). The 2002 edition of the Cortese List, no hazardous sites within the property or in close proximity.
- e-f) The project site is not within the vicinity of a public use airport or private airstrip.

- g) Implementation of the project would not interfere with an adopted emergency response plan or emergency evacuation plan.
- h) The site is located in a semi-rural area with the following uses in the surrounding area:
- horse stables and pastures;
 - in the immediate vicinity single-family residences;
 - private ranch and grazing lands to the far east along Pine Creek Road; and
 - more horse stables and single-family houses to the south.

If property interfaces with wildlands or open space areas, the Contra Costa County Fire Protection District requires a separate landscape plan for vegetation fuel modification and/or buffer zone(s) featuring fire resistive and drought tolerant varieties of landscaping is required to be submitted and approved by the Fire District prior to the issuance of grading and building permits.

VIII. HYDROLOGY AND WATER QUALITY: Would the project:

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a.	Violate any water quality standards or waste discharge requirements? Sources 1, 2, 3, & 5				X
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? Sources 1, 2, 3, & 5				X
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? Sources 1, 2, 3 & 5			X	
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site? Sources 1, 2, 3, & 5			X	
e.	Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? Sources 1, 2, 3 & 5			X	
f.	Otherwise substantially degrade water quality? Sources 1, 2, 3 & 5				X
g.	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? Sources 1, 2, 3 & 5				X
h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows? Sources 1, 2, 3 & 5				X
i.	Expose people or structures to a significant risk of				X

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
	loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? Sources 1, 2, 3, & 5				
j.	Inundation by seiche, tsunami, or mudflow? Sources 1, 2, 3, & 5				X

SUMMARY: No impact and less than significant

- a) The eventual development of new home sites on the proposed two single family residential lots would produce a minimal amount of polluted runoff due to leaks of automobiles, use of pesticides, etc. This pollution would be negligible.
- b) No water will be extracted from an underground aquifer.
- c&d) Division 914 of the County Ordinance Code requires all stormwater entering and/or originating on this property to be collected and conveyed without diversion and within an adequate storm drainage system, to an adequate natural watercourse having a definable bed and banks, or to an existing adequate public storm drainage system, which conveys the storm waters to an adequate natural watercourse.
- e) This project is required to be in full compliance with the County's Stormwater Management and Discharge Control Ordinance, the Stormwater "C.3" Guidebook (3rd edition), and the requirements of the Regional Water Quality Control Board. A Stormwater Control Plan dated October 18, 2007, was reviewed and determined to be preliminary complete. Although the Stormwater Control Plan has been determined to be preliminary complete, it remains subject to revision based on changes made during the preparation of improvement plans, as necessary, to better address compliance with C.3 stormwater requirements.
- g-h) The site is within Flood Zone A – 100 year flood zone and C – of minimal flooding, Panel # 0315 B. The project is located in a Special Flood Hazard Area as designated on the Federal Emergency Management Agency's Flood Insurance Rate Maps. The applicant should be aware of the requirements of the Federal Flood Insurance Program and the County Floodplain Management Ordinance (2000-33) as they pertain to future construction of any structures on this property.
- i) No levees or dams protect the site.
- j) Seiche and tsunami do not occur in this area.

IX. LAND USE AND PLANNING: Would the project:

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a.	Physically divide an established community? Sources 1, 2, 3, & 4				X
b.	Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? Sources 1, 2, 3, & 4				X
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan? Sources 1, 2, 3, & 4				X

SUMMARY: No Impact

- a) The proposed project would not physically divide an established community.
- b) The property is designated Single Family Residential Very Low. The proposed two lot subdivision with a designated remainder is consistent with the General Plan designation and the R-40 Zoning District.
- c) There is no habitat conservation plan or natural community plan in this area of Contra Costa County.

X. MINERAL RESOURCES: Would the project:

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? Sources 1, 2, & 3				X
b.	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? Sources 1, 2, & 3				X

SUMMARY: No Impact

- a-b) No mineral resources were identified at the site.

XI. NOISE: Would the project result in:

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a.	Exposure of persons to or generation of noise levels in excess of standards established in the local				X

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
	general plan or noise ordinance, or applicable standards of other agencies? Sources 1, 2, & 3				
b.	Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels? Sources 1, 2 & 3				X
c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? Sources 1, 2, & 3				X
d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? Sources 1, 2, & 3			X	
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 expose people residing or working in the project area to excessive noise levels? Sources 1, 2, & 3				X
f.	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? Sources 1, 2 & 3				X

SUMMARY: No impact and less than significant

- a-c) The site is outside a 60dBA noise contour and the area is quiet with the exception of some farm equipment.

The project site is in Contra Costa County and subject to the guidelines contained in the Noise Element of the County General Plan. The General Plan guidelines are that outdoor noise levels in new residential development should not exceed a DNL of 60dB and an indoor noise level should not exceed a DNL of 45 db.

- d) There would be a temporary increase in noise levels if the applicant decides to establish a residence on proposed Parcel A and B. These impacts are considered less than significant due to their short duration. The project would be conditioned to require that steps be taken to reduce construction noise such as fitting engines with mufflers, limiting the hours of construction and transport of materials and machinery and locating noise producing equipment as far from surrounding residences as possible.
- e-f) The site is not in the vicinity of a public use airport or private airstrip and is not contained in an airport land use plan.

XII. POPULATION AND HOUSING: Would the project:

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
	Sources 1, 2 & 3				
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? Sources 1, 2 & 3				X
c.	Displace substantial numbers of people necessitating the construction of replacement housing elsewhere? Sources 1, 2 & 3				X

SUMMARY: No impact.

- a-c) On average, 2.5 people reside in one residence. The proposal is for 2 additional single-family residence totaling 5 persons. The County General Plan has designated this area as Single Family Residential – Very Low. The property is located in a semi- rural area of the County.

XIII. PUBLIC SERVICES:

a.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services. Source 5:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
	1. Fire Protection?			X	
	2. Police Protection?			X	
	3. Schools?			X	
	4. Parks?			X	
	5. Other Public Facilities? Source 6			X	

SUMMARY: Less than significant

1. The Contra Costa County Fire Protection District (CCCFPD) currently serves the site. The CCCFPD forwarded comments on April 12, 2005 and April 4, 2007 based on the revision.
2. The site is currently served by the Contra Costa County Sheriff's Department. The Office of the Sheriff was noticed and responded on March 22, 2005, with no comments. The increase in demand for police services would be mitigated by an increase annual tax assessment per parcel of the property. New facilities would be constructed according to community need.
3. The site is served by the Mt. Diablo Unified District. The District was noticed and no comments were received. The increase in demand for school services would be mitigated by the collection of school district fees at the time building permits were issued for the new residences and by the increased tax assessment of the property. No facilities would be constructed according to community need.
4. No new facilities would be required as a direct result of this subdivision. New facilities would be constructed according to community need (see "Recreation" below).
5. No other facilities would be affected by the proposal.

XIV. RECREATION:

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a.	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? Sources 1, 2 & 3				X
b.	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? Sources 1, 2 & 3				X

SUMMARY: No Impact. The East Bay Regional Park District was not noticed; therefore, no comments were received.

- a) The proposal would not result in an increase in demand for parks and recreational facilities.
- b) There is no proposal to expand existing facilities.

XV. TRANSPORTATION/TRAFFIC: Would the project:

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a.	Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? Sources 1, 2, 3, 4 & 5				X
b.	Exceed, either individually or cumulatively a level of service standard established by the county congestion management agency for designated roads or highways? Sources 1, 2, 3, 4 & 5				X
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? Sources 1, 2, 3, 4 & 5				X
d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? Sources 1, 2, 3, 4 & 5				X
e.	Result in inadequate emergency access? Sources 1, 2, 3, 4 & 5				X
f.	Result in inadequate parking capacity? Sources 1, 2, 3, 4 & 5				X
g.	Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? Sources 1, 2, 3, 4, & 5				X

SUMMARY: No Impact

- a-b) The subject parcel fronts on a privately maintained portion of Pine Creek Road, which also serves neighboring parcels to the south. It appears that Pine Creek Road features an approximately 20 foot wide pavement width, within an adequate private access easement, and no additional improvements will be required.
- The applicant shall also construct an on-site private road that will serve proposed parcel B. The applicant shall be required to construct the on-site roadway in accordance with current County private road standards, with a minimum 16 -foot wide paved roadway. In addition, the applicant shall dedicate, as shown on the Tentative Map, a minimum 25-foot wide private access easement.
- c) Air traffic patterns would not be affected.
- d) No hazardous design features or incompatible uses are proposed.
- e) The Fire District comments were received April 12, 2005 and April 4, 2007.
- f) The property consists of 5.18 acres of land. The proposed development will have ample space for one more residence.
- g) The proposal does not conflict with adopted policies or programs supporting alternative transportation.

XVI. UTILITIES AND SERVICE SYSTEMS: Would the project:

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? Sources 1, 2, 3, 4 & 5				X
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction or which could cause significant environmental effects? Sources 1, 2, 3, 4 & 5				X
c.	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Sources 1, 2, 3, 4 & 5			X	
d.	Have sufficient water supplies available to serve the project from existing entitlement and resources, or are new or expanded entitlement needed? Sources 1, 2, 3, 4 & 5				X
e.	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? Sources 1, 2, 3, 4 & 5			X	
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? Sources 1, 2, 3, 4 & 5				X
g.	Comply with federal, state and local statutes and regulations related to solid waste? Sources 1, 2, 3, 4 & 5				X

SUMMARY: No impact and less than significant.

- a) The applicant must comply with the County's Stormwater Management and Discharge Control Ordinance and all rules, regulations and procedures of the National Pollutant Discharge Elimination System.
- b) The subject property is within the Sphere of Influence of the Central Contra Costa Sanitary District. Correspondence received on December 2, 2007, from the District has informed the County that wastewater utility service is not currently available to the project site and service will not be available for the foreseeable future due to topographic limitations and the distance to the nearest suitable sewer.
- c) The proposed project will not require the expansion of an existing storm water drainage facility to accommodate minor on-site drainage.
- d) The property is served by the Contra Costa Water District (CCWD). The CCWD was forwarded an agency comment request; however, no comments were received.
- e) The property is not served by the Central Contra Costa Sanitary District.
- f) The project would be served by a landfill facility within Contra Costa County. County landfills have capacity to serve a project of this size.
- g) Refuse collection from the new residences would be deposited in a landfill that must comply with state and local regulations for disposal of solid waste.
- h) Recently, the Public Works Department has created an alternative street light maintenance entity that will avoid the requirement to have such annexation authorized by the County Local Agency Formation Commission.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE:

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish and wildlife species, cause a fish or wildlife population 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?				X
b.	Does the project have impacts that are individually limited, but cumulatively considerable? (Cumulatively considerable means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
c.	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

SUMMARY: No Impact

- a-c) The proposed project will not have a significant impact on the environment nor will the project have significant cumulative impacts on the environment. This project is in a semi-rural area of the southeast county. The County General Plan has designated this property as Single Family Residential Very Low.

Vicinity Map - Walnut Creek/No. Gate area



CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF DETERMINATION

DEPARTMENT OF CONSERVATION AND DEVELOPMENT
651 PINE STREET 4TH FLOOR NORTH WING MARTINEZ, CALIFORNIA 94553-0095

Telephone: (925) 335-1216

Contact Person: Rose Marie Pietras

Project Description, Common Name (if any) and Location:

BRIAN BIGELOW & AUDREY GEE (Applicants) – WING GEE (Owner), County File #MS050013: The applicants request approval of a vesting tentative map to subdivide 5.18 acres into two parcels and a remainder. The subject property's address is 501 Pine Creek Road in the Walnut Creek/North Gate area. (R-40) (GP: SV) (ZA: N-16) (CT: 3383.02) (Parcel # 138-230-002)

The project was approved on August 23, 2010.

Pursuant to the provisions of the California Environmental Quality Act:

- ☐ An Environmental Impact Report was prepared and certified (SCH #).
- ☐ The project was encompassed by an Environmental Impact Report previously prepared for _____ (SCH #).
- ☒ A Mitigated Negative Declaration was issued indicating that preparation of an Environmental Impact Report was not required.
- ☒ A Mitigation reporting or monitoring plan was adopted for this project.

Copies of the record of project approval and the Mitigated Negative Declaration or the final EIR may be examined at the office of the Contra Costa County Department of Conservation and Development.

- ☒ The project will not have a significant environmental effect.
- ☐ The project will have a significant environmental effect.
- ☐ Mitigation measures were made a condition of approval of the project.
- ☐ A statement of overriding considerations was adopted.
- ☐ Findings were adopted pursuant to Section 15091 of the State CEQA Guidelines.
- ☐ The project requires discretionary approval from a State Agency.
- ☐ Notice of Determination sent to Office of Planning and Research.*

Date: August 25, 2010

By: Rose Marie Pietras
Conservation and Development Representative



AUG 27 2010 AFFIDAVIT OF FILING AND POSTING

I declare that on _____ I received and posted this notice as required by California Public Resources Code Section 21152(c). Said notice will remain posted for 30 days from the filing date.

Signature H. FRANKLIN Title DEPUTY COUNTY CLERK

Applicant's Name: Brian Bigelow & Audrey Gee

Address: 233 Wiget Lane
Walnut Creek, CA 94598

Department of Fish and Game Fees Due:

<input type="checkbox"/>	EIR - \$2792.25
<input checked="" type="checkbox"/>	Neg. Dec. - \$2010.25
<input checked="" type="checkbox"/>	County Clerk - \$50
<input checked="" type="checkbox"/>	DCD - \$25

Total Due: \$
Total Paid: \$
Receipt #

*Notice Of Determination may be sent by fax to (916)323-3018, if followed up with a duplicate mailed copy.

Photographs

Frontage



Existing Residence



Property from NE Corner



Aerial

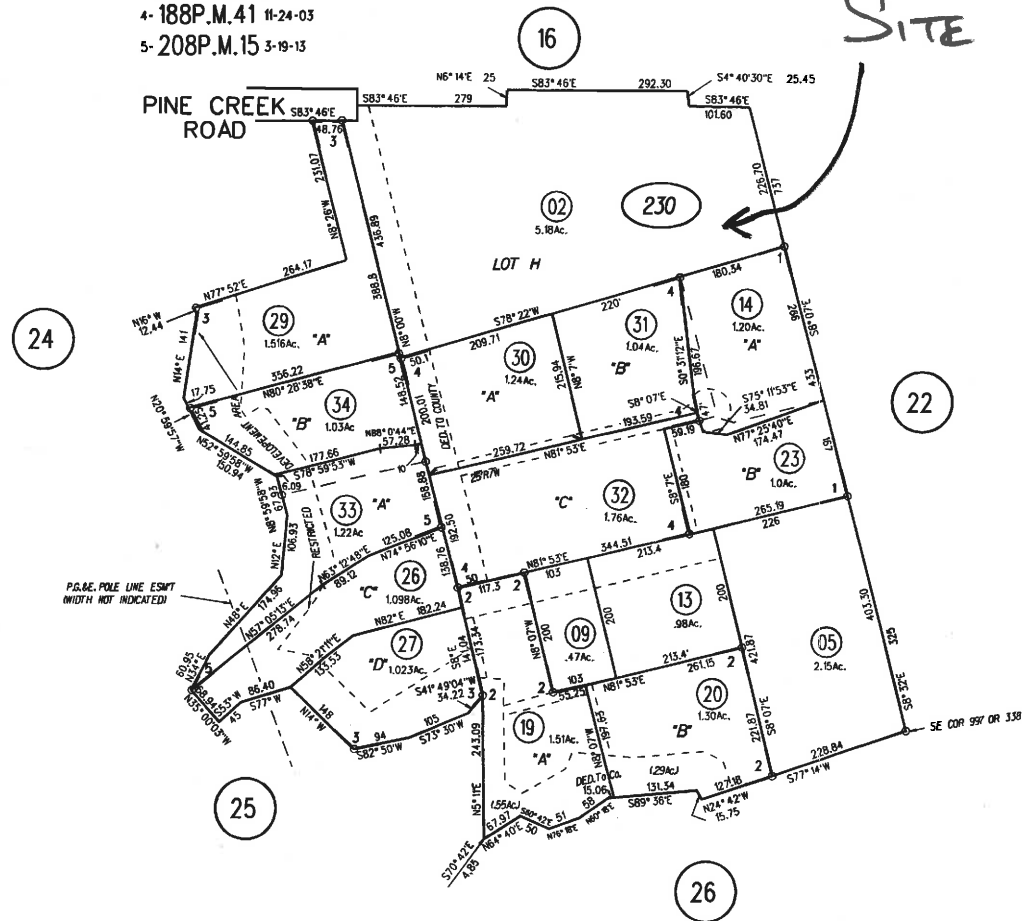




Maps and Plans

MT. DIABLO BLVD. TRACT M.B. 7-153

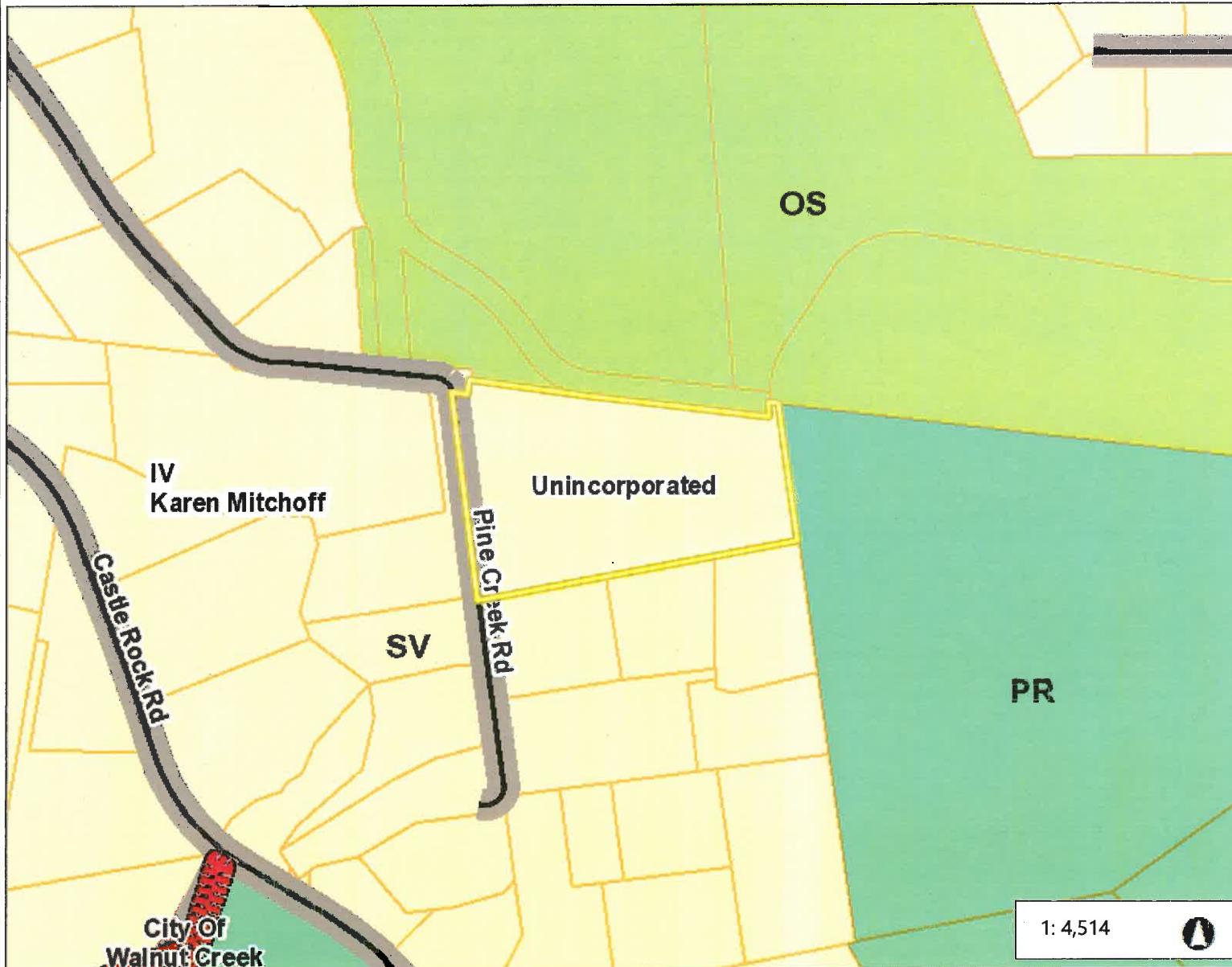
- 1- 27P.M.32 4-24-73
- 2- 49P.M.3 & 4 10-13-76
- 3- 164P.M.21 4-25-94
- 4- 188P.M.41 11-24-03
- 5- 208P.M.15 3-19-13



NOTE: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION DELINEATED HEREON. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT SPLIT OR BUILDING SITE ORDINANCES.

230 208 PM15 11/19/13

General Plan: Single-Family Res., Very Low Density (SV)



Legend

- City Limits
- Unincorporated
- Highways
- Highways Bay Area
- Streets
- General Plan**
 - SV (Single Family Residential - Ver
 - SL (Single Family Residential - Low
 - SM (Single Family Residential - Me
 - SH (Single Family Residential - Hig
 - ML (Multiple Family Residential - Lc
 - MM (Multiple Family Residential - M
 - MH (Multiple Family Residential - H
 - MV (Multiple Family Residential - V
 - MS (Multiple Family Residential - V
 - CC (Congregate Care/Senior Housi
 - MO (Mobile Home)
 - M-1 (Parker Avenue Mixed Use)
 - M-2 (Downtown/Waterfront Rodeo I
 - M-3 (Pleasant Hill BART Mixed Use
 - M-4 (Willow Pass Road Mixed Use)
 - M-5 (Willow Pass Road Commercia
 - M-6 (Bay Point Residential Mixed L
 - M-7 (Pittsburg/Bay Point BART Sta
 - M-8 (Dougherty Valley Village Cent
 - M-9 (Montalvin Manor Mixed Use)

1: 4,514



Notes

Contra Costa County -DOIT GIS

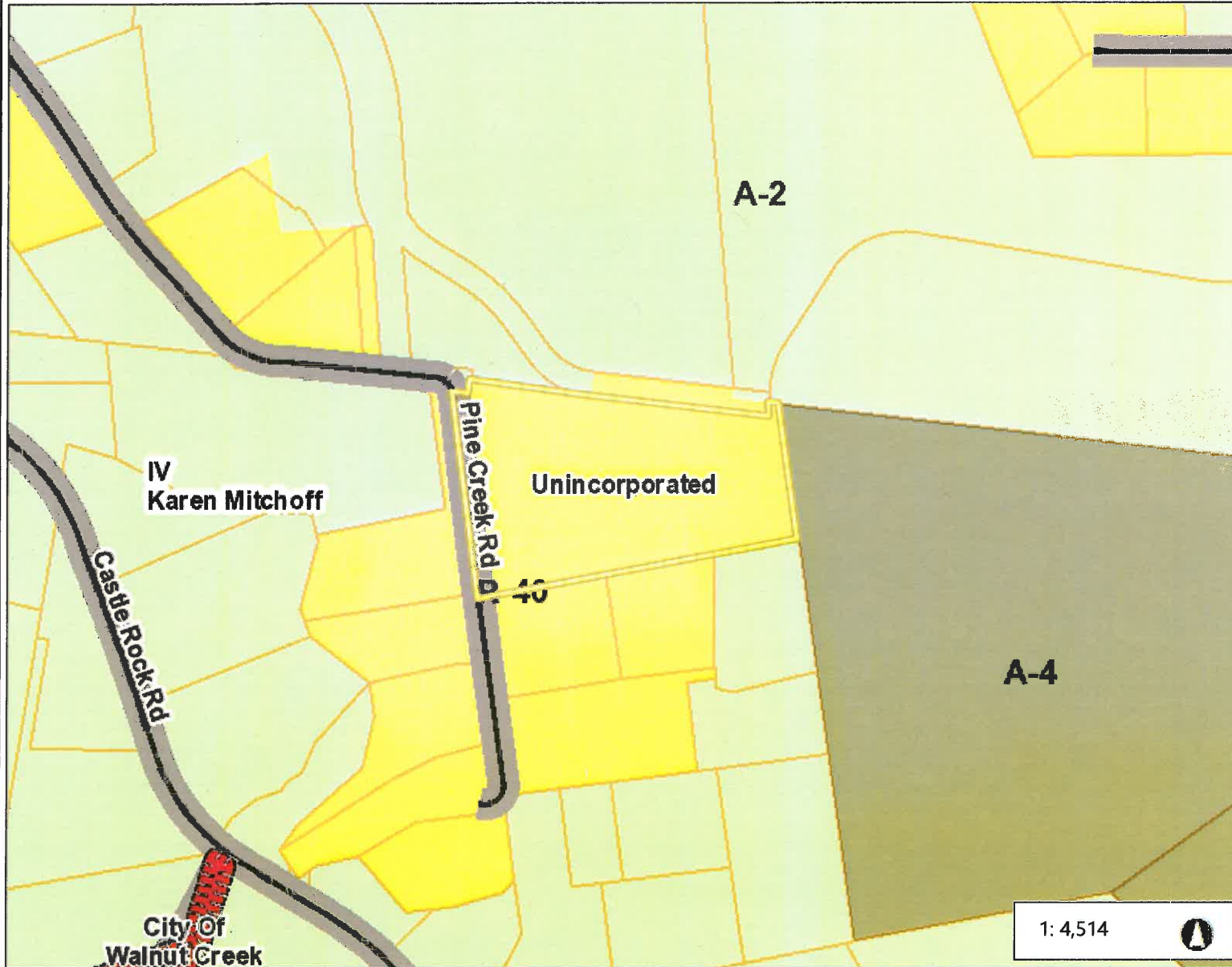
0.1 0 0.07 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Zoning: Single-Family Residential (R-40)



Legend

- City Limits
- Unincorporated
- Highways
- Highways Bay Area
- Streets
- Zoning**
 - R-6 (Single Family Residential)
 - R-6 -FH (Single Family Residential Combining District)
 - R-6, -FH -UE (Single Family Resid Urban Farm Animal Exclusion Com
 - R-6 -SD-1 (Single Family Resident Hillside Development Combining Di
 - R-6 -TOV -K (Single Family Reside View Ordinance and Kensington Cc
 - R-6, -UE (Single Family Residential Exclusion Combining District)
 - R-6 -X (Single Family Residential - Combining District)
 - R-7 (Single Family Residential)
 - R-7 -X (Single Family Residential - Combining District)
 - R-10 (Single Family Residential)
 - R-10, -UE (Single Family Residenti Exclusion Combining District)
 - R-12 (Single Family Residential)
 - R-15 (Single Family Residential)
 - R-20 (Single Family Residential)
 - R-20, -UE (Single Family Residenti Exclusion Combining District)
 - R-40 (Single Family Residential)

1: 4,514



0.1 0 0.07 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Contra Costa County -DOIT GIS

Aerial Photo



0.1 0 0.07 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



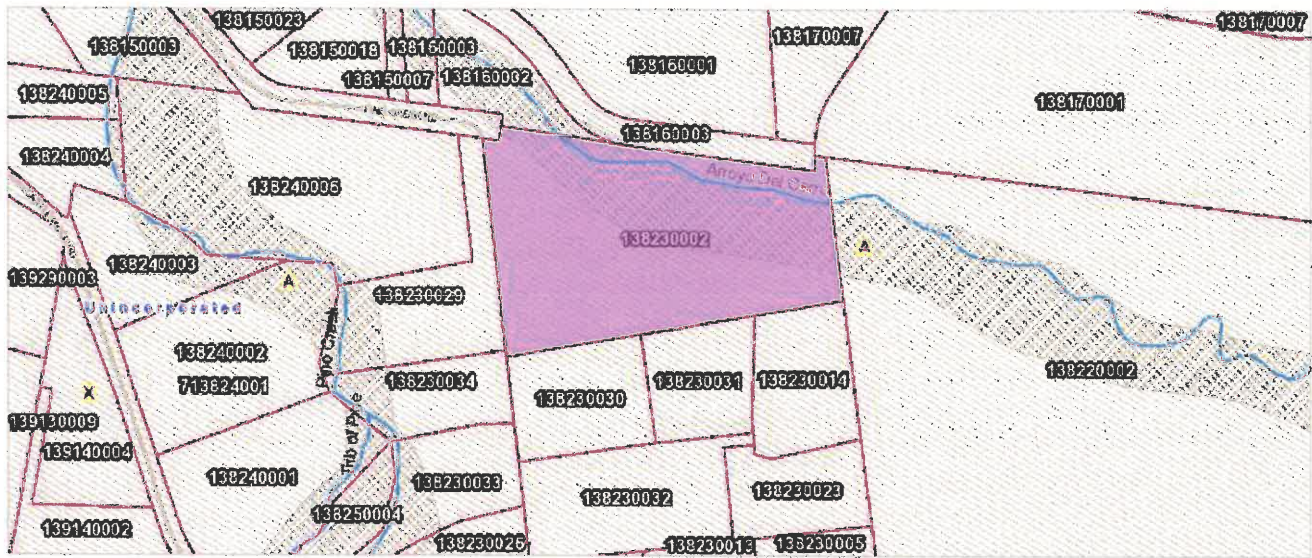
Legend

- City Limits
- Unincorporated
- Highways
- Highways Bay Area
- Streets
- Board of Supervisors' Districts
- County Boundary
- Bay Area Counties
- Assessor Parcels
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations

Notes

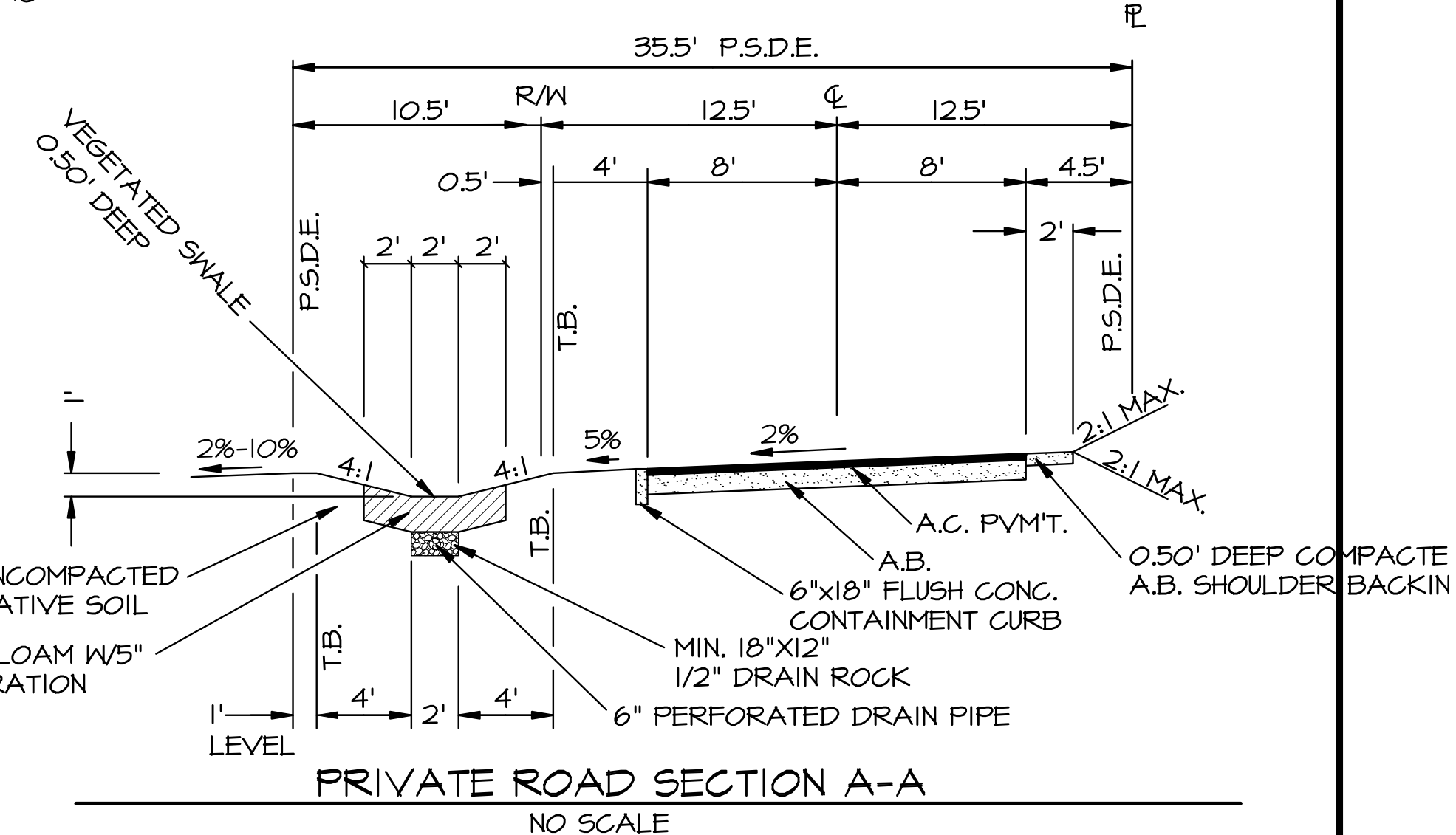
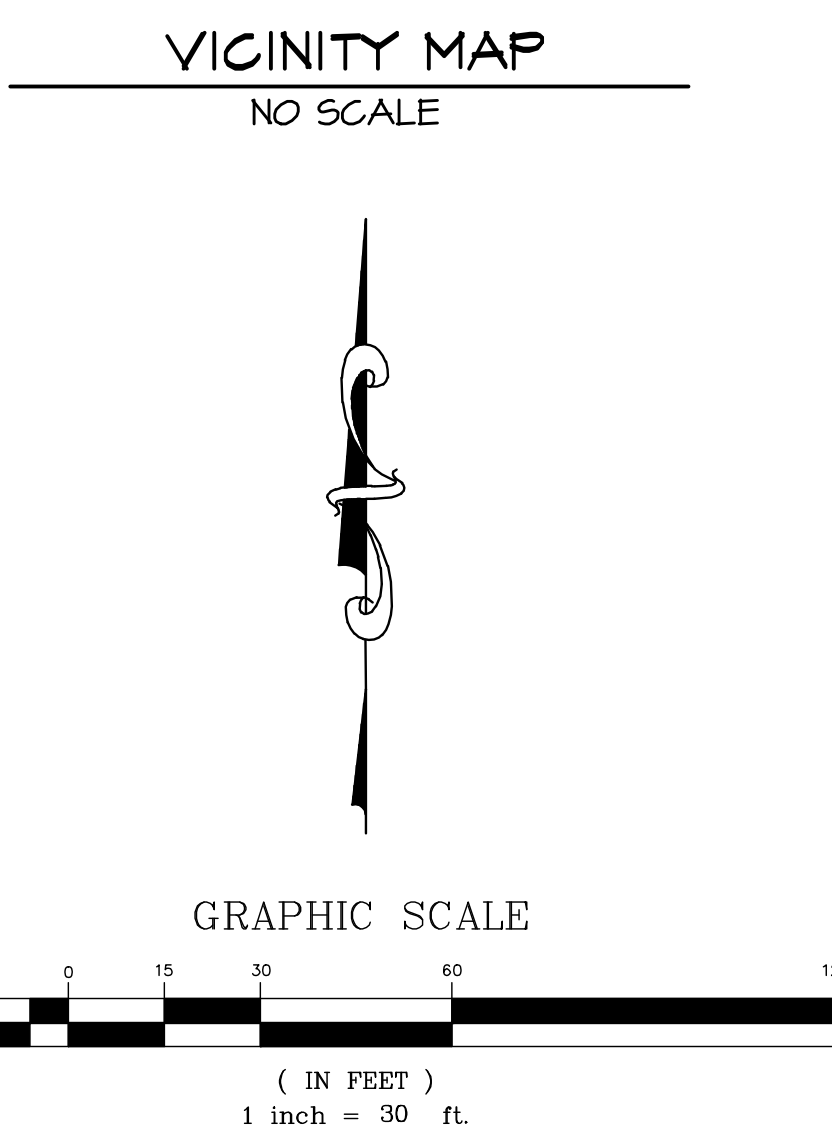
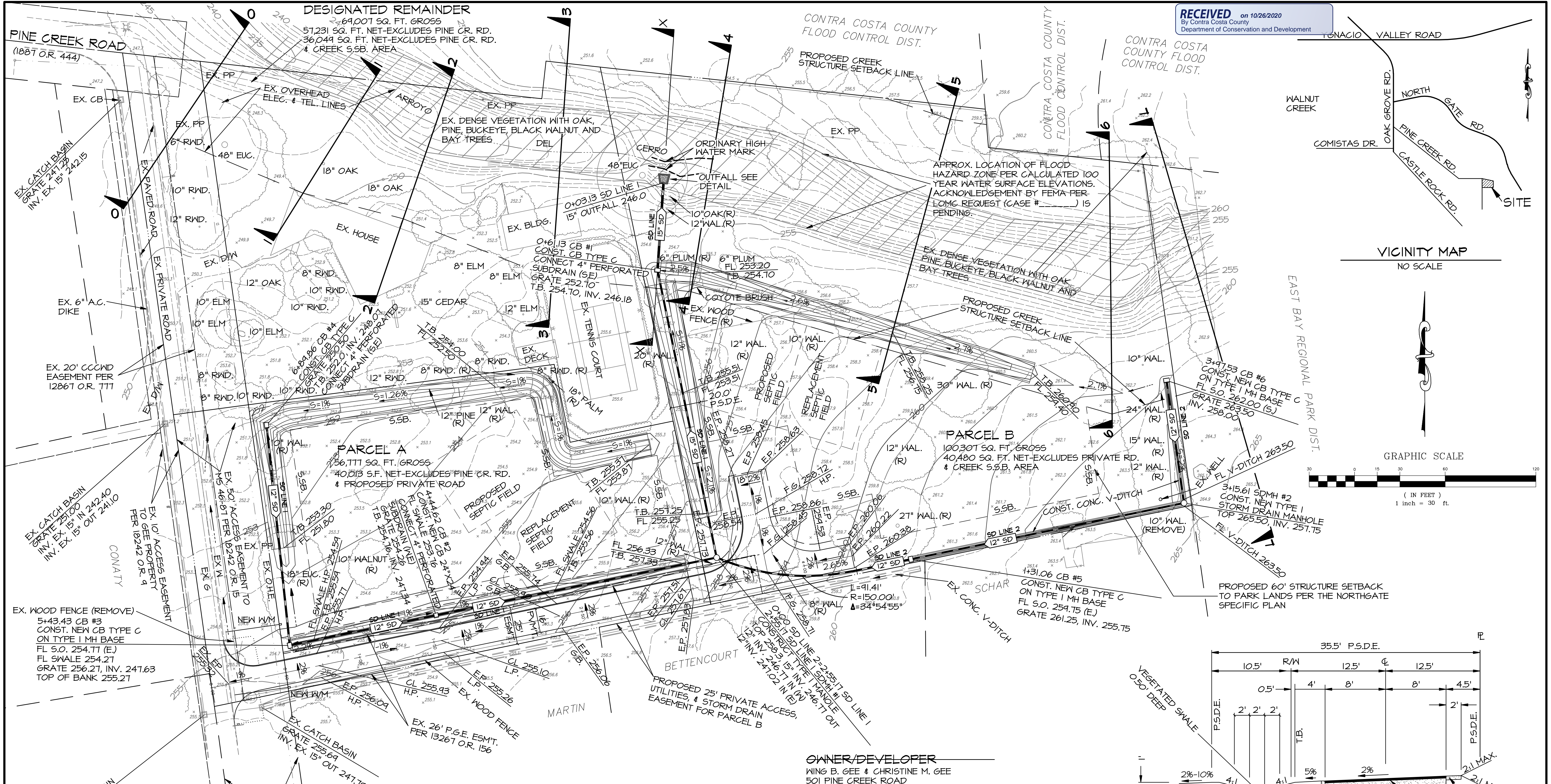
Contra Costa County -DOIT GIS

FEMA Flood Zone



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RECEIVED on 10/26/2020
By Contra Costa County
Department of Conservation and Development



TRASH CAPTURE NOTE
INSTALL FLEXSTORM FULL TRASH CAPTURE INSERT OR EQUAL IN CATCH BASINS.

- LEGEND**
- PL - PROPERTY LINE
 - EX - EXISTING
 - T/C - TOP OF CURB
 - T/B - TOP OF A.C. BERM
 - FS - FINISH SLAB
 - D/W - DRIVEWAY
 - R/W - RIGHT OF WAY
 - E.P. - EDGE OF PAVEMENT
 - SS - SANITARY SEWER
 - CO - CLEANOUT
 - SD - STORM DRAIN
 - CB - CATCH BASIN
 - MH - MANHOLE
 - J.P. - JOINT USE POLE
 - P.P. - POWER POLE
 - FL - FLOWLINE
 - F.G. - FINISH GRADE
 - CL - CENTERLINE
 - W - WATER
 - G - GAS
 - P.S.D.E. - PRIVATE STORM DRAIN EASEMENT
 - W - WATER VALVE
 - + 100.00 - DENOTES PROPOSED FINISH GRADE ELEVATION
 - - INDICATES PROPOSED SWALE
 - - INDICATES PROPOSED SWALE
 - S.S.B. - STRUCTURE SETBACK
 - T.B. - TOP OF BANK
 - MOD. - MODEL
 - INV. - INVERT
 - MIN. - MINIMUM
 - SRCP - SANTA ROSA CAST PRODUCTS
 - A.C. - ASPHALT CEMENT PAVEMENT
 - A.B. - AGGREGATE BASE

OWNER/DEVELOPER
WING B. GEE & CHRISTINE M. GEE
501 PINE CREEK ROAD
WALNUT CREEK, CA 94598

WATER
CONTRA COSTA WATER DISTRICT

SANITARY SEWER
SEPTIC SYSTEM

STORM DRAIN
AS REQUIRED BY CONTRA COSTA COUNTY

PARCEL NUMBER
138-230-002

ZONING
R-40 RESIDENTIAL

REVISIONS	
APPROVAL	DESCRIPTIONS
BY	DATE

GAF GILBERT A. FITCH & ASSOCIATES, INC.

CONSULTING ENGINEERS
PO BOX 21542
CONCORD, CA 94521

SCALE: 1"=30'

DATE: 10/25/2020

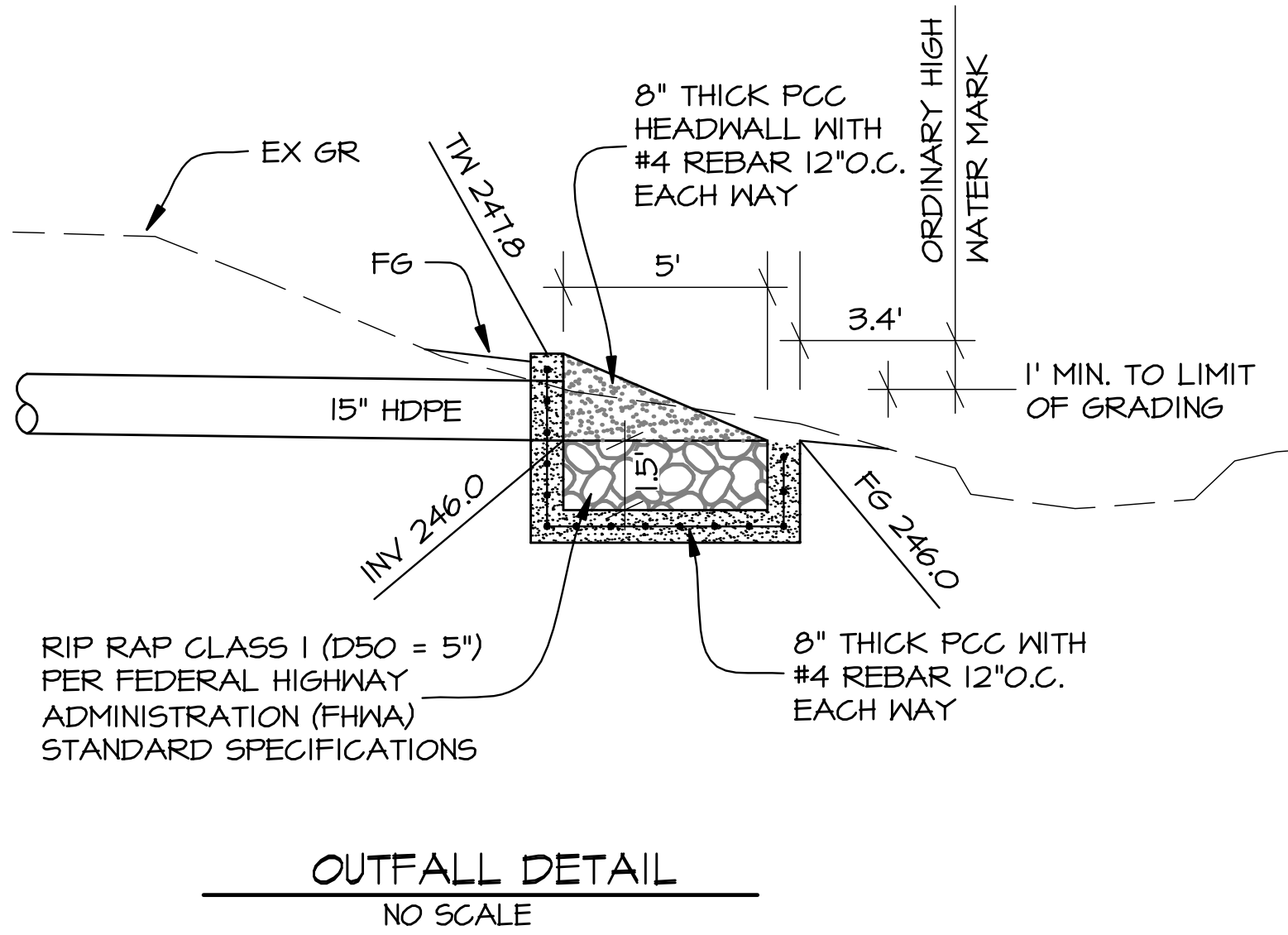
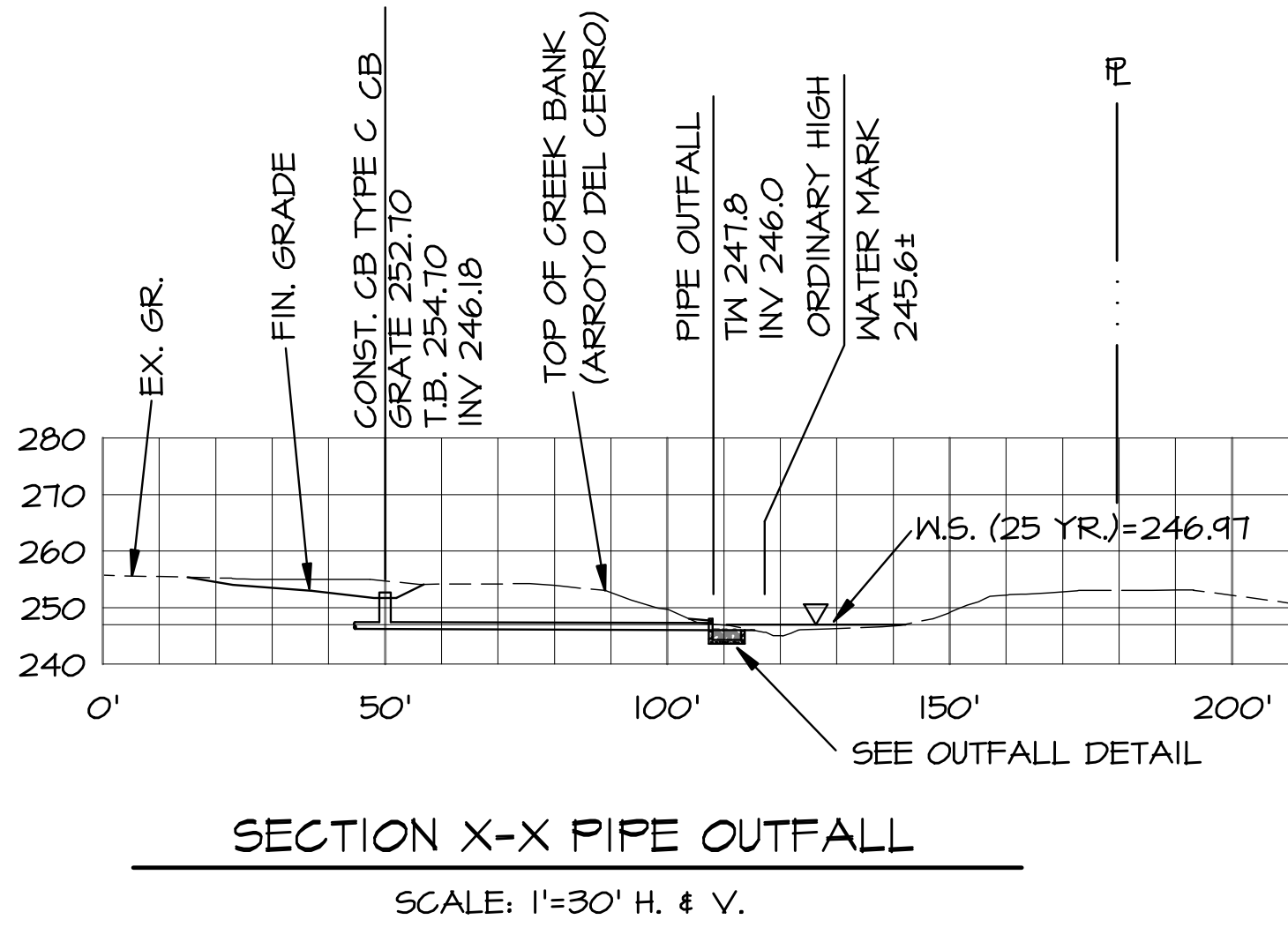
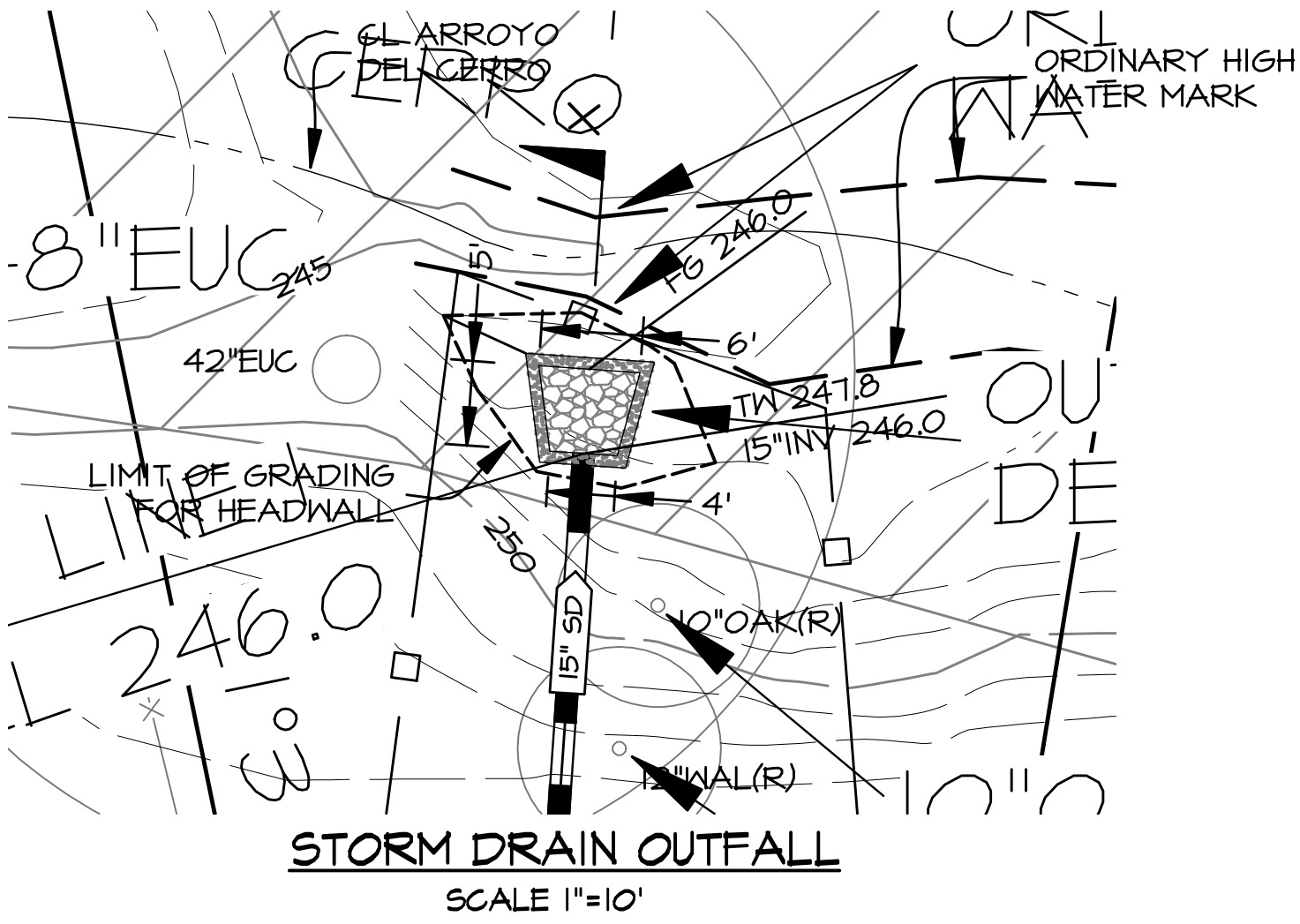
R.C.E. NO. 48427

DRAWN BY: K.K.RDF
CHECKED BY:
APPROVED BY:

MS 05-0013
GRADING AND DRAINAGE PLAN

VESTING TENTATIVE MAP
WING B. GEE & CHRISTINE M. GEE
501 PINE CREEK ROAD
WALNUT CREEK, CALIFORNIA

SHEET NO. 1 OF 3
JOB NO. 11351



MS 05-0013
CREEK OUTFALL



APPROVAL		REVISIONS	
BY	DATE	DESCRIPTIONS	



GILBERT A. FITCH & ASSOCIATES, INC.

CONSULTING ENGINEERS
PO BOX 21542
PHONE (925) 643-5122
CONCORD, CA 94521

SCALE: AS SHOWN

DATE: 10/25/2020

R.C.E. NO. 48427

DRAWN BY: K.K.
CHECKED BY: _____
APPROVED BY: _____

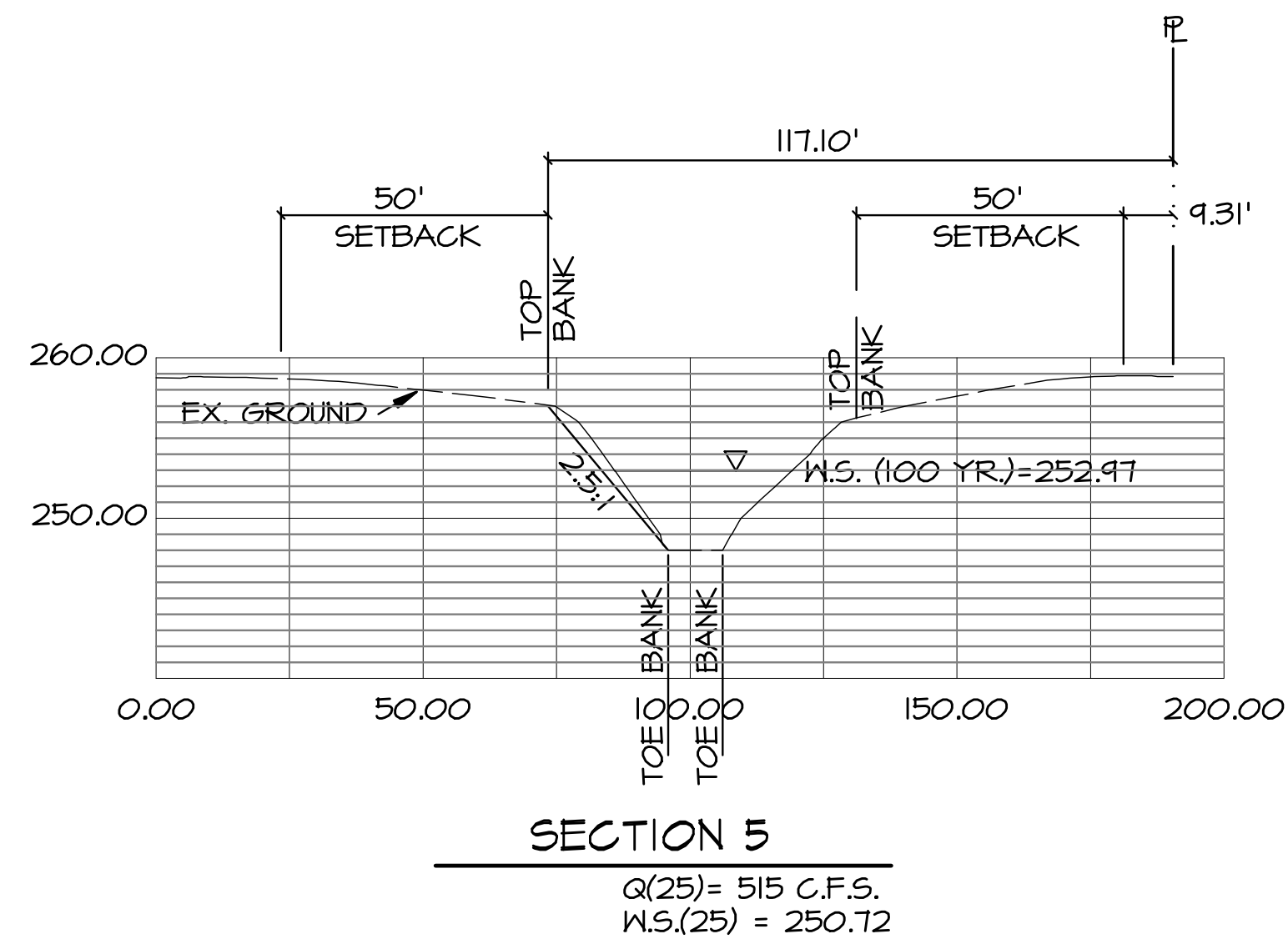
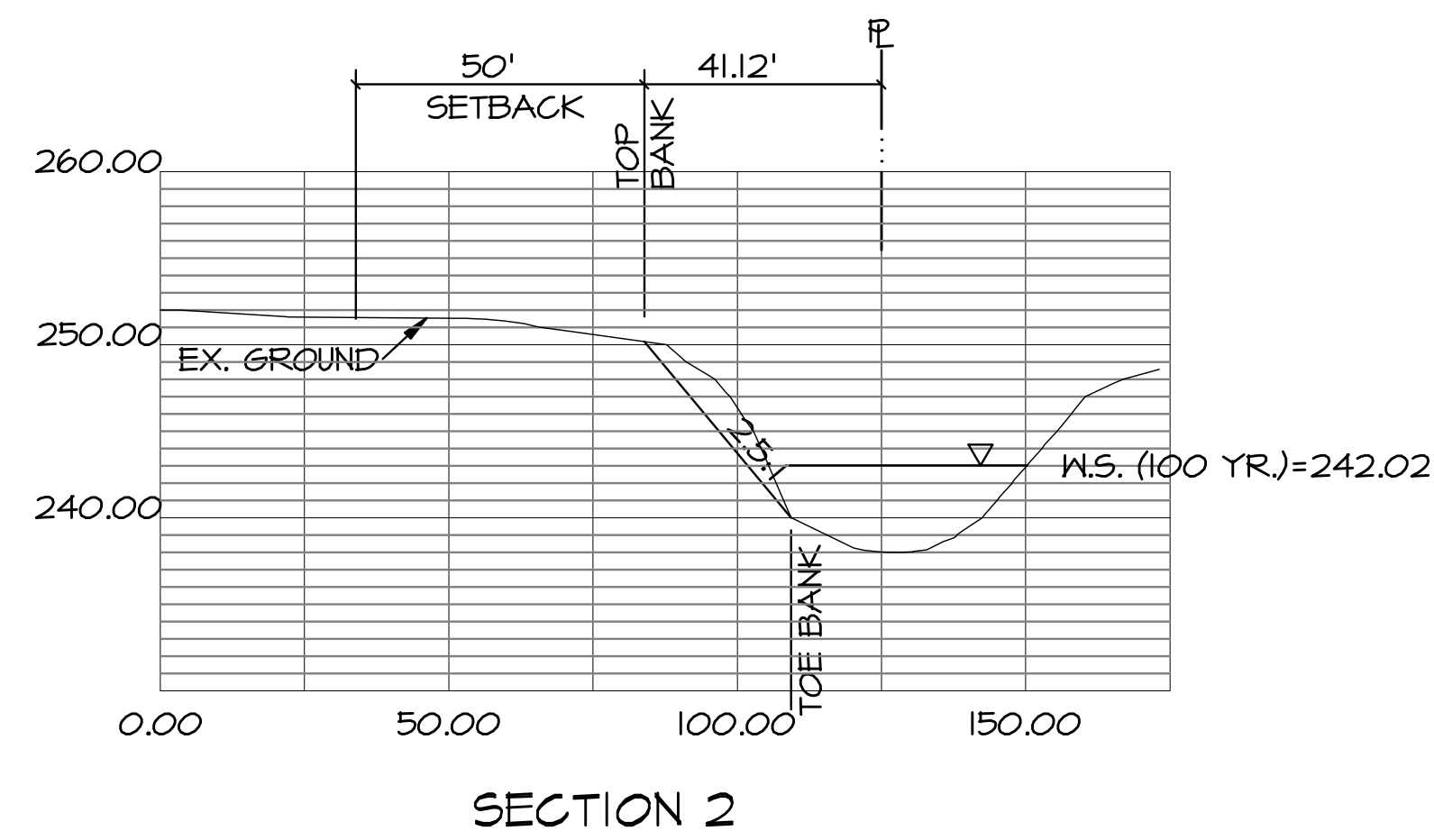
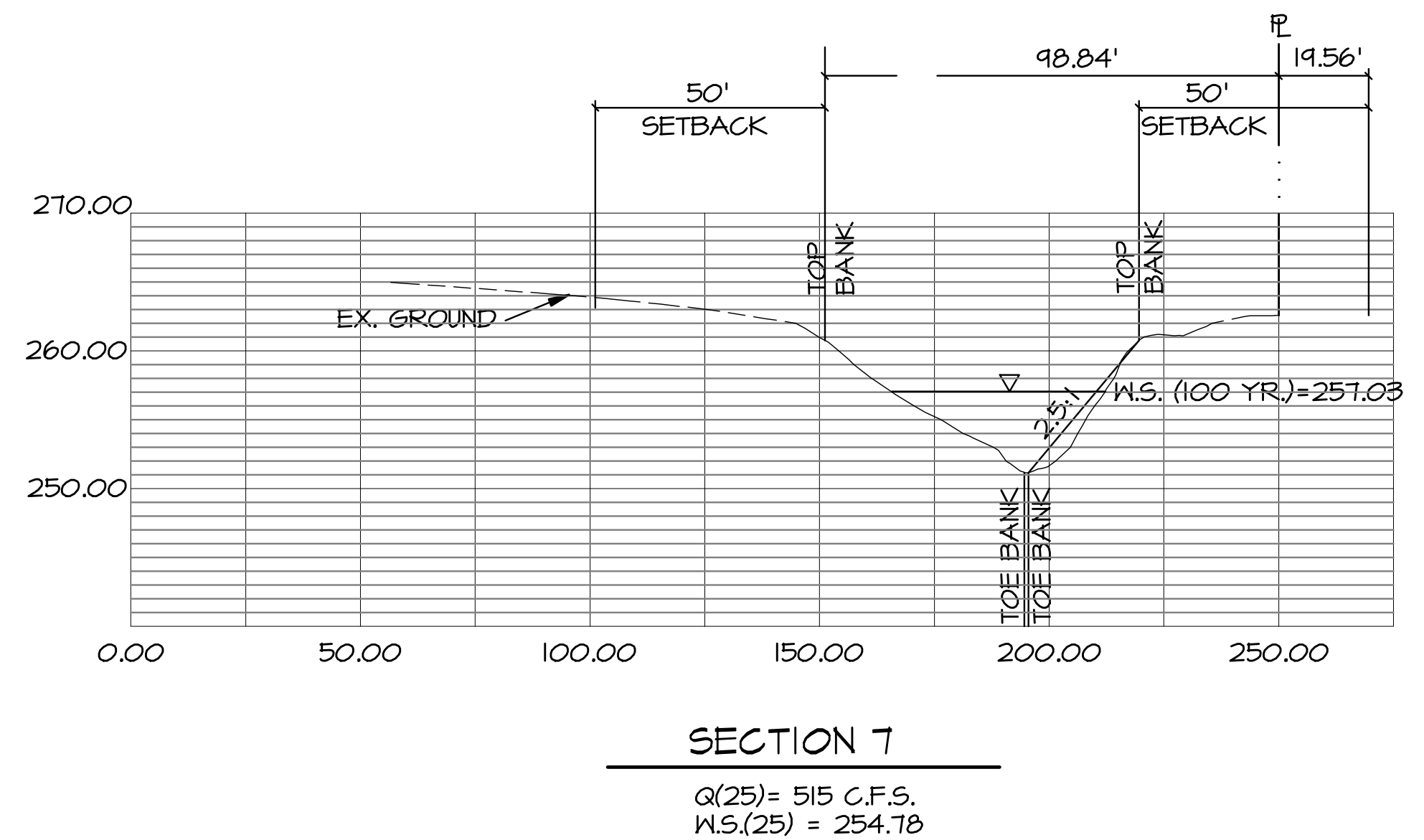
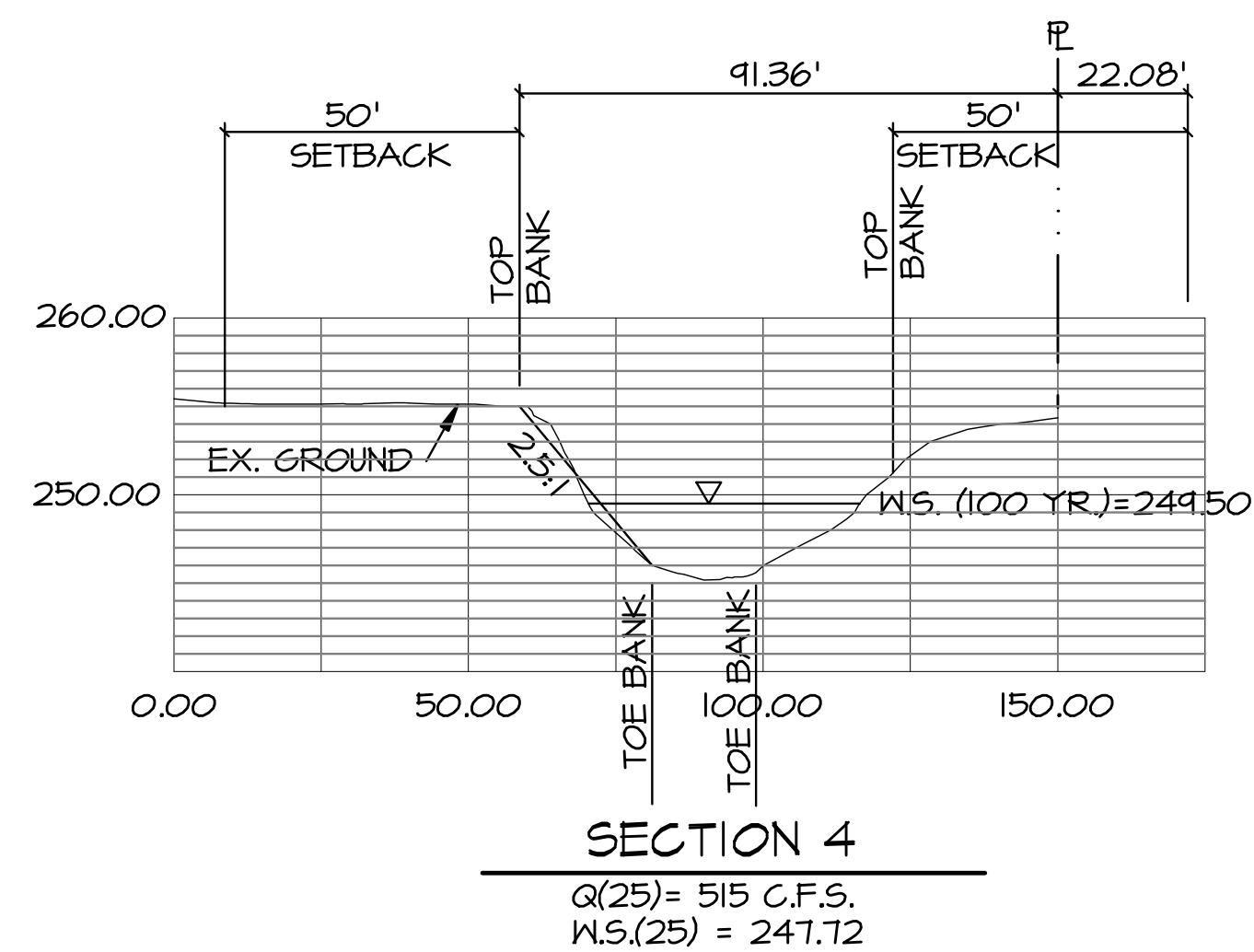
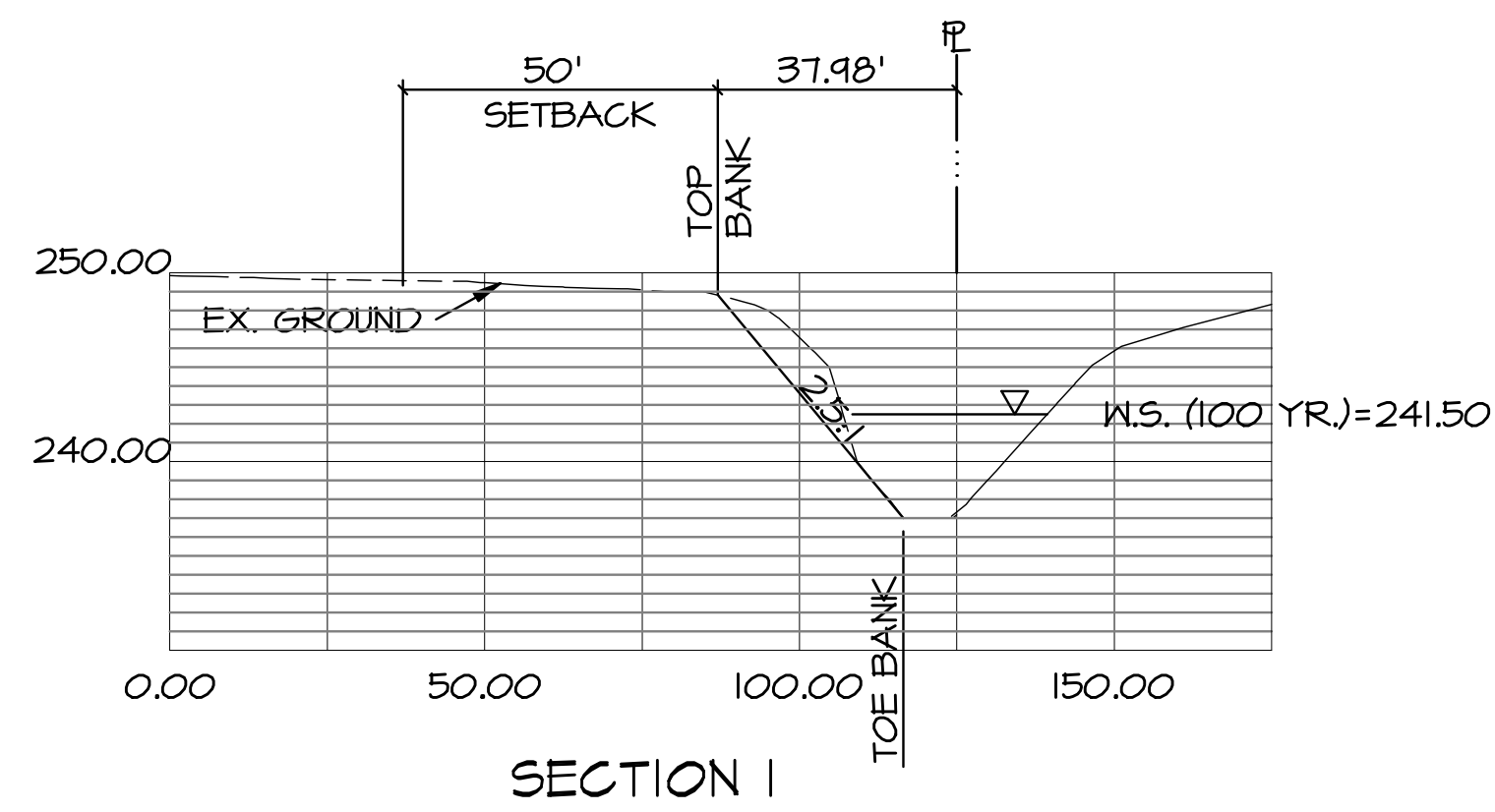
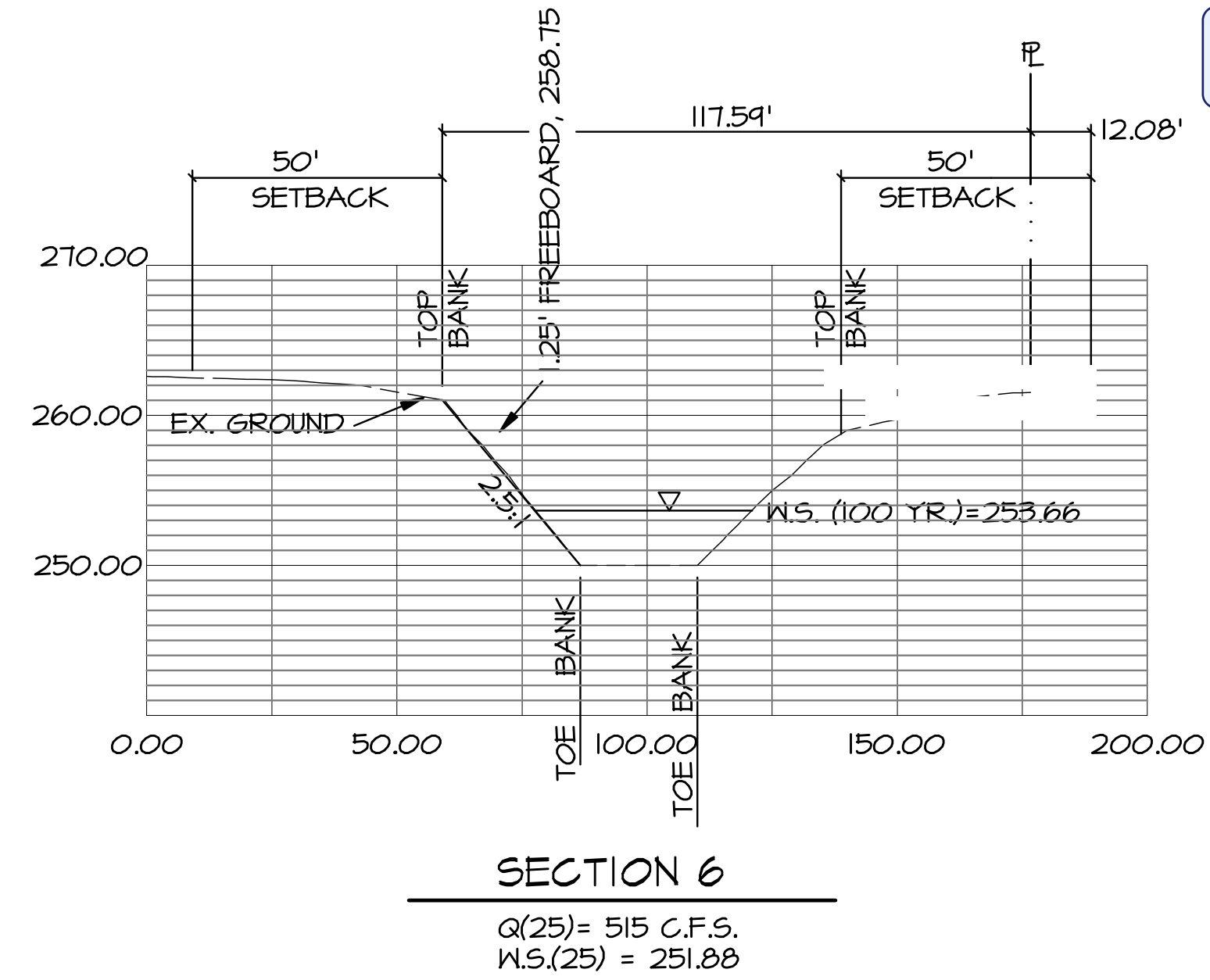
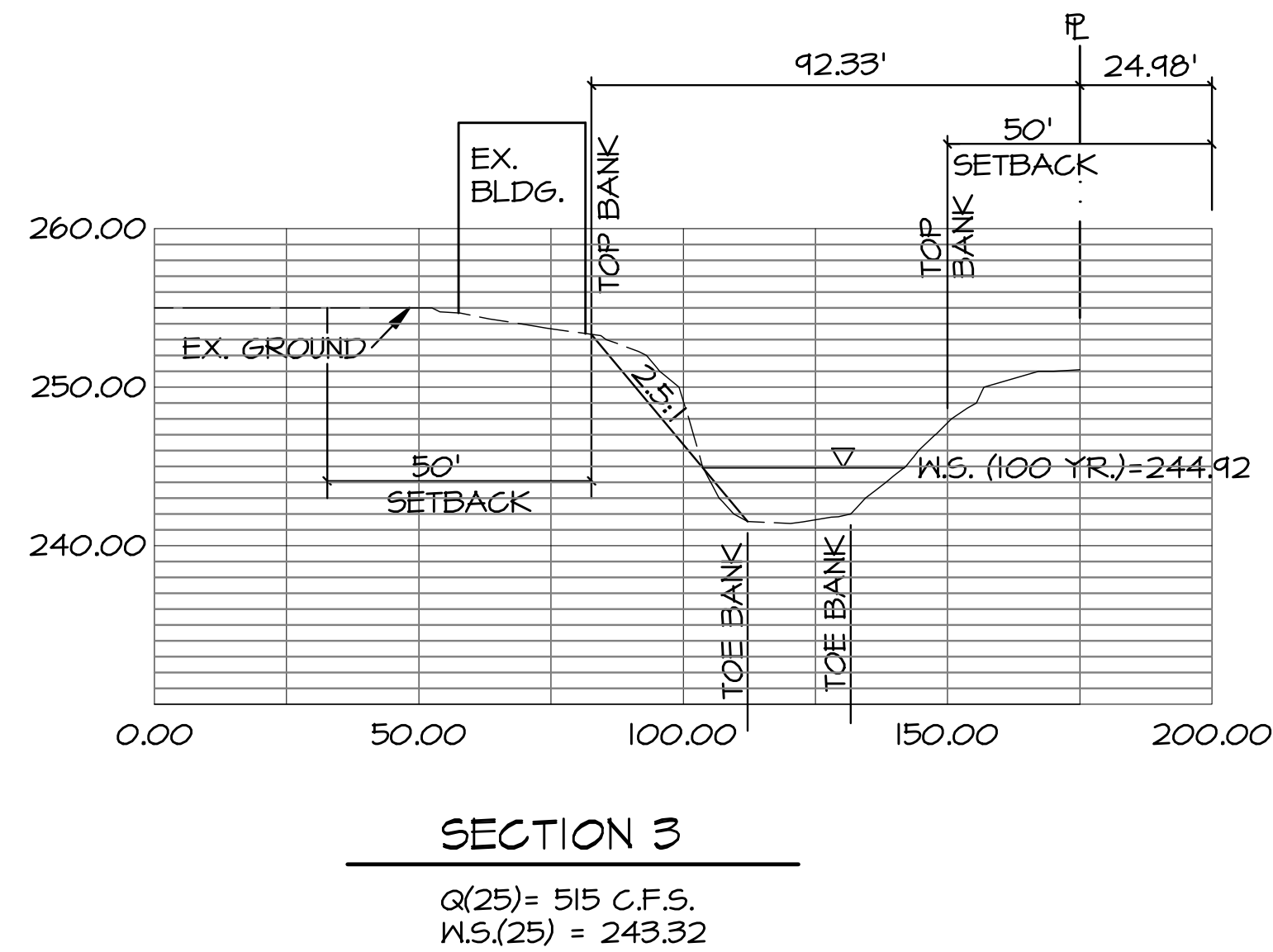
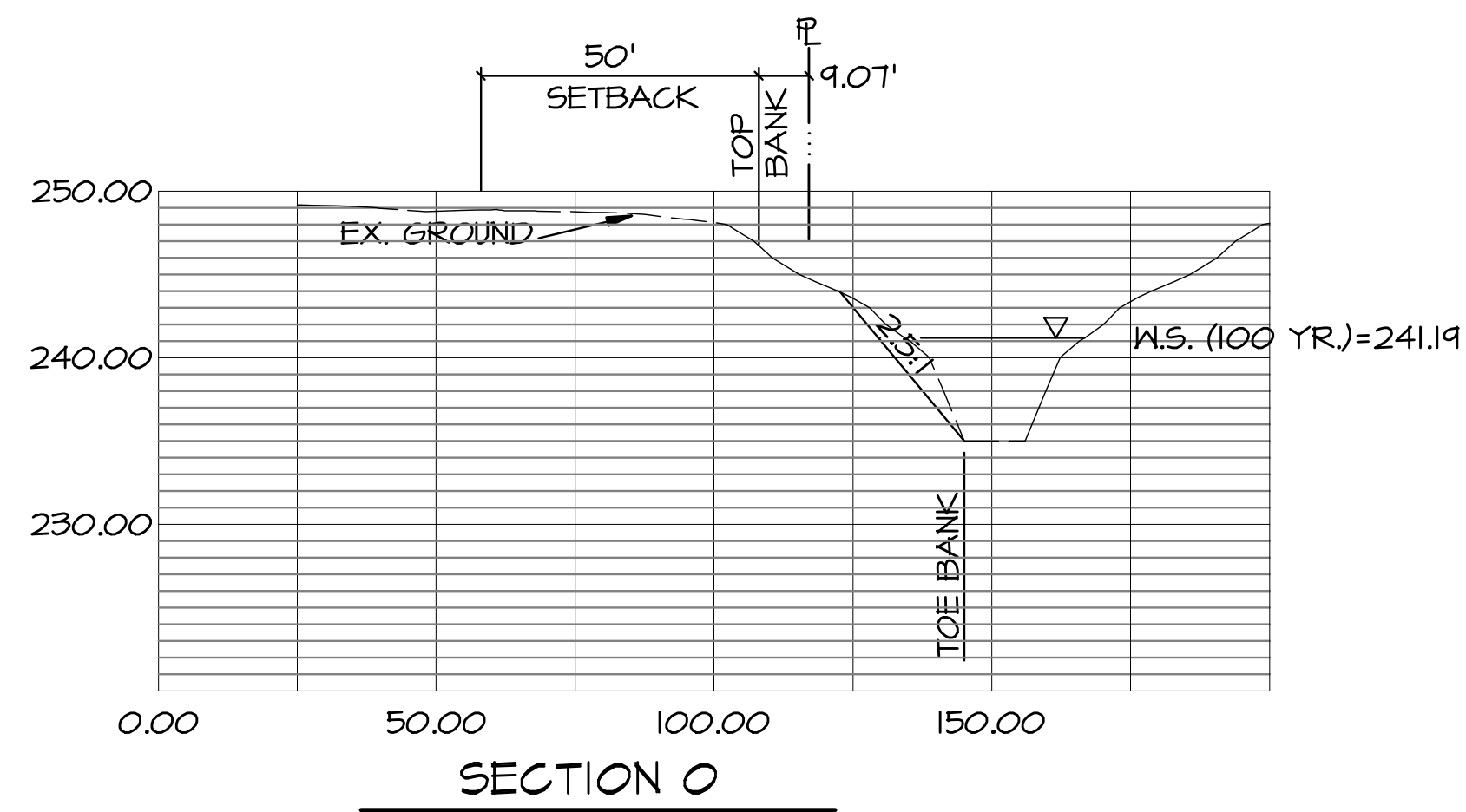
VESTING TENTATIVE MAP

WING B. GEE & CHRISTINE M. GEE
501 PINE CREEK ROAD
WALNUT CREEK, CALIFORNIA

SHEET NO. 2 OF 3

JOB NO. 11351

RECEIVED on 10/26/2020
By Contra Costa County
Department of Conservation and Development



CREEK SECTIONS
SCALE: 1"=30' H.
1"=10' V.



APPROVAL		REVISIONS
BY	DATE	
		DESCRIPTIONS

GAF GILBERT A. FITCH & ASSOCIATES, INC.
CONSULTING ENGINEERS
PO BOX 21542
CONCORD, CA 94521
PHONE (925) 643-5122
FAX (925) 643-5122
SCALE: AS SHOWN
DATE: 10/12/2020
DRAWN BY: J.K.
CHECKED BY: J.K.
APPROVED BY: J.K.
R.C.E. NO. 48427

VESTING TENTATIVE MAP
WING B. GEE & CHRISTINE M. GEE
501 PINE CREEK ROAD
WALNUT CREEK, CALIFORNIA
SHEET NO. 3 OF 3
JOB NO. 11351

MS 05-0013
CREEK PROFILES