

Draft EIR

# 2023-2031 Housing Element Update

SCH No.: 2021100069

Prepared by



In Consultation with  
**50** YEARS  
EST. 1972  
**DAVID J. POWERS**  
& ASSOCIATES, INC.  
ENVIRONMENTAL CONSULTANTS & PLANNERS

September 2022

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## SUMMARY

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The Town of Danville (“Town”), as the Lead Agency, has prepared this Draft Program Environmental Impact Report (PEIR) for the proposed Housing Element Update (“Project”) in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines.

As the CEQA Lead Agency for this project, the Town is required to consider the information in the PEIR along with any other available information in deciding whether to approve the project. The basic requirements for an EIR include discussions of the environmental setting, significant environmental impacts including growth-inducing impacts, cumulative impacts, mitigation measures, and alternatives. It is not the intent of an EIR to recommend either approval or denial of a project.

### Summary of the Project Location and Description

The Project encompasses all land within the Town of Danville (approximately 11,600 acres) and an additional approximately 325 acres in unincorporated Contra Costa County located within the Danville Sphere of Influence.<sup>1</sup>

State Housing law requires that all cities within the nine Bay Area counties (including each county) complete the 6th Cycle Housing Element Update by the end of January 2023. Therefore, as required by State housing law, the Town of Danville 2023-2031 Housing Element is being prepared to make adequate provision for the existing and projected housing needs of all economic segments of the community. As part of the Housing Element Update, the Town's General Plan and Zoning Ordinance would be amended.

Pursuant to Government Code Section 65583(a)(3), the Town has prepared an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment. In order to meet the 2023-2031 Regional Housing Needs Assessment (RHNA) allocation and provide sufficient capacity for housing development, the Housing Element identifies sites to provide for additional residential development and to increase allowed residential densities on existing residential sites to meet affordability requirements. The proposed candidate housing sites are spread across eight Sub Areas in the Town.

### Summary of Significant Impacts and Mitigation Measures

The following is a summary of the significant impacts and mitigation measures addressed within this Draft EIR. The project description and full discussion of impacts and mitigation measures can be found in Section 2.0 Project Information and Description and Section 3.0 Environmental Setting, Impacts, and Mitigation.

Significant Impacts	Mitigation Measures
<b>Greenhouse Gas Emissions</b>	
<b>Impact GHG-2.2:</b> The Housing Element Update would increase VMT and result in	<b>MM GHG-2.2:</b> The Town proposes to adopt the following development standard to require

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<sup>1</sup> A sphere of influence is a planning boundary outside of an agency’s legal boundary (such as the city limit line) that designates the agency’s probable future boundary and service area.

<p>additional GHG emissions from vehicular travel.</p>	<p>compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2 requirements.</p> <p>Development Standard:</p> <p>New housing developments shall comply with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2 requirements.</p> <p>With implementation of mitigation measure MM GHG-2.2, future development under the Housing Element Update would be consistent with GHG reduction efforts by 2030 and BAAQMD’s fair share design elements for achieving carbon neutrality by 2045.</p> <p><b>(Significant and Unavoidable)</b></p>
<p style="text-align: center;"><b>Transportation</b></p>	
<p><b>Impact TRN-2.1:</b> Residential development in Sub Areas 1, 4, 5, and 6 would exceed the Town-wide threshold of 19.0 VMT per resident resulting in a significant impact.</p>	<p><b>MM TRN-2.1:</b> The Town proposes to adopt the following development standard to require future development on Housing Element Update sites in Sub Areas 1, 4, 5, and 6 incorporate project-scale and community-scale measures to reduce residential VMT to the maximum extent possible.</p> <p>Development Standard:</p> <p>Implement a comprehensive TDM program that includes the following elements:</p> <ul style="list-style-type: none"> <li>• Ride-sharing program</li> <li>• Subsidize or discount transit passes</li> <li>• Price and manage parking</li> </ul> <p>Applicants shall coordinate with the Town and CCTA to implement the following community-scale strategies:</p> <ul style="list-style-type: none"> <li>• Improve the pedestrian network</li> <li>• Increase transit service frequent</li> <li>• Implement neighborhood or community-wide car-sharing programs</li> </ul>

	(Significant and Unavoidable)
<b>Utilities and Service System</b>	
<b>Impact UTL-2.1:</b> The Project water demand would exceed water projections in the adopted 2020 Urban Water Management Plan (UWMP).	<p>Future housing development under the Housing Element Update would be subject to the same drought restrictions that apply to all District customers during multi-year droughts. Furthermore, General Plan Policy 20.02 would ensure that future development approvals are reviewed to ensure adequate water supply is available to serve the proposed development. In addition, there are several General Plan policies that promote efficient water use by encouraging drought tolerant landscaping, use of water efficient plumbing fixtures, use or reclaimed water (Policies 31.01 and 31.02). However, the Project's water demand would still exceed the 2020 UWMP's projections, this constitutes a significant and unavoidable impact.</p> <p>(Significant and Unavoidable)</p>

### Summary of Project Alternatives

CEQA requires that an EIR identify alternatives to the project as proposed. The CEQA Guidelines state that an EIR must identify alternatives that would feasibly attain the most basic objectives of the project (refer to Section 2.5 for the Project Objectives), but avoid or substantially lessen significant environmental effects, or further reduce impacts that are considered less than significant with the incorporation of mitigation. A summary of project alternatives follows. A full analysis of project alternatives is provided in Section 7.0 Alternatives.

- Location Alternative – A Location Alternative was considered but rejected for further analysis, since the primary objective of the Housing Element Update is to ensure the Town's conformance with State law. There would be no way to meet this objective with an alternative that did not focus on the Town itself, and therefore this alternative was not analyzed further.
- Reduced Housing Units Alternative – A Reduced Housing Unit Alternative was considered to reduce the overall number of units but was rejected because it would not meet the Town's RHNA allocation or provide a suitable buffer to accommodate housing during the 2023-2031 cycle.
- No Project Alternative – Under the No Project Alternative, the Town would continue to implement the adopted 2014-2022 Housing Element as adopted in the 2030 General Plan. The Housing Element goals, policies, and programs as well as the Land Use Map and Zoning Code would not be updated to address the Town's housing needs under this alternative. State Housing law requires that all cities within the nine Bay Area counties (including each county) complete the 6th Cycle Housing Element Update by February 2023. Under this alternative,



the Town would continue to develop under the existing General Plan and Housing Element. The Town would be non-compliant with State Housing law and could face penalties for non-compliance. No new significant environmental impacts or an increased severity of environmental impacts identified in the General Plan EIR would occur under this alternative because it would retain the currently General Plan land use designations and policy provisions.

- Reduced VMT Alternative – The Reduced VMT Alternative was considered to avoid the significant and unavoidable VMT impact. Under this Alternative, the Town would adopt a Housing Element Update that only included sites in Sub Areas 2, 3, 7 and 8. All other aspects of the Housing Element Update would remain the same. The Reduced VMT Alternative would avoid a significant and unavoidable VMT impact. The Reduced VMT Alternative would also minimize GHG emissions per capita while meeting the Town’s RHNA target. This Alternative would result in similar significant and unavoidable water supply and construction noise impacts. This Alternative would also meet all the Project objectives.

### **Areas of Known Controversy**

Section 15123 of the CEQA Guidelines requires the summary section of a Draft EIR to identify areas of controversy known to the Lead Agency, including issues raised by agencies and the public. Environmental concerns about the project raised in comment letters received on the Notice of Preparation (refer to Appendix A) and at the public scoping meeting were related to the following:

- Cultural and tribal resources
- Greenhouse gas emissions
- Transportation (including vehicle miles travelled)
- Water supply and service

## **SECTION 1.0 INTRODUCTION**

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### **1.1 PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT**

The Town of Danville (“Town”), as the Lead Agency, has prepared this Draft Program Environmental Impact Report (PEIR) for the proposed Housing Element Update in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines.

As described in CEQA Guidelines Section 15121(a), an EIR is an informational document that assesses potential environmental impacts of a proposed project, as well as identifies mitigation measures and alternatives to the proposed project that could reduce or avoid adverse environmental impacts (CEQA Guidelines 15121(a)). As the CEQA Lead Agency for this project, the Town is required to consider the information in the EIR along with any other available information in deciding whether to approve the project. The basic requirements for an EIR include discussions of the environmental setting, significant environmental impacts including growth-inducing impacts, cumulative impacts, mitigation measures, and alternatives. It is not the intent of an EIR to recommend either approval or denial of a project.

#### **1.1.1 Program EIR**

This PEIR is intended to provide decision-makers and the public with information that enables informed consideration of the potential environmental consequences of the proposed Housing Element Update. As a Program EIR, this CEQA-compliant document is intended to provide a Town-wide assessment of the impacts of the proposed Housing Element Update. Future housing development in the Town would need to be reviewed on a case-by-case basis in the context of this PEIR to determine if additional environmental documentation is required.

### **1.2 EIR PROCESS**

#### **1.2.1 Notice of Preparation and Scoping**

In accordance with Section 15082 of the CEQA Guidelines, the Town prepared a Notice of Preparation (NOP) for this EIR. The NOP was circulated to local, state, and federal agencies on October 12, 2021. The standard 30-day comment period concluded on November 12, 2021. The NOP provided a general description of the proposed project and identified possible environmental impacts that could result from implementation of the project. The Town also held a public scoping meeting on October 26, 2021 to discuss the project and solicit public input as to the scope and contents of this EIR. The meeting was held virtually. Appendix A of this EIR includes the NOP and comments received on the NOP.

#### **1.2.2 Draft EIR Public Review and Comment Period**

Publication of this Draft EIR will mark the beginning of a 45-day public review period. During this period, the Draft EIR will be available to the public and local, state, and federal agencies for review and comment. Notice of the availability and completion of this Draft EIR will be sent directly to every agency, person, and organization that commented on the NOP, as well as the Office of Planning and Research. Written comments concerning the environmental review contained in this Draft EIR during the 45-day public review period should be sent to:

Town of Danville  
Planning Division  
Attn: David Crompton, Chief of Planning  
510 La Gonda Way  
Danville, CA 94526  
Phone: (925) 314-3349, email: [dcrompton@danville.ca.gov](mailto:dcrompton@danville.ca.gov)

### **1.3 FINAL EIR/RESPONSES TO COMMENTS**

Following the conclusion of the 45-day public review period, the Town will prepare a Final EIR in conformance with CEQA Guidelines Section 15132. The Final EIR will consist of:

- Revisions to the Draft EIR text, as necessary;
- List of individuals and agencies commenting on the Draft EIR;
- Responses to comments received on the Draft EIR, in accordance with CEQA Guidelines (Section 15088);
- Copies of letters received on the Draft EIR.

Section 15091(a) of the CEQA Guidelines stipulates that no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings. If the lead agency approves a project despite it resulting in significant adverse environmental impacts that cannot be mitigated to a less than significant level, the agency must state the reasons for its action in writing. This Statement of Overriding Considerations must be included in the record of project approval.

#### **1.3.1 Notice of Determination**

If the project is approved, the Town will file a Notice of Determination (NOD), which will be available for public inspection and posted within 24 hours of receipt at the County Clerk's Office and available for public inspection for 30 days. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15094(g)).

## **SECTION 2.0 PROJECT INFORMATION AND DESCRIPTION**

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### **2.1 BACKGROUND**

Since 1969, the State of California has required all California cities and counties to have a General Plan (California Government Code Section 65300). The General Plan presents a vision for a community's future and the policies necessary to make that vision a reality. In the Town of Danville ("Town" or "Danville"), the General Plan is referred to as the Danville 2030 General Plan ("General Plan").

The Housing Element is one of eight State-mandated General Plan elements. California Government Code Section 65583 details the content and process by which a Housing Element is prepared. Among other requirements, Housing Elements must identify, analyze, and make adequate provision for the existing and projected housing needs of all economic segments of the community. California's housing-element law acknowledges that, in order for the private market to adequately address the housing needs and demand of Californians, local governments must adopt plans and regulatory systems that provide opportunities for housing development.

The Town's current Housing Element (2014-2022 Housing Element) was adopted by the Town Council in April 2015 and certified by the State Department of Housing and Community Development (HCD). The adopted Housing Element covers the planning period from 2014 to 2022. State Housing law requires that all cities within the nine Bay Area counties (including each county) complete the 6th Cycle Housing Element Update by January 2023. Therefore, as required by State housing law, the Town of Danville 2023-2031 Housing Element ("Project") is being prepared to make adequate provision for the existing and projected housing needs of all economic segments of the community.

### **2.2 PROJECT LOCATION**

The Project encompasses all land within the Town of Danville (approximately 11,600 acres) and an additional approximately 325 acres in unincorporated Contra Costa County located within the Danville Sphere of Influence.<sup>2</sup> Danville is a small, residential community located in the San Ramon Valley in Contra Costa County. It is located 30 miles east of San Francisco and comprises 18 square miles. Danville is characterized by its semi-rural ambiance, presence of single and multiple family housing, proximity to employment centers in the Bay Area, and its scenic beauty.

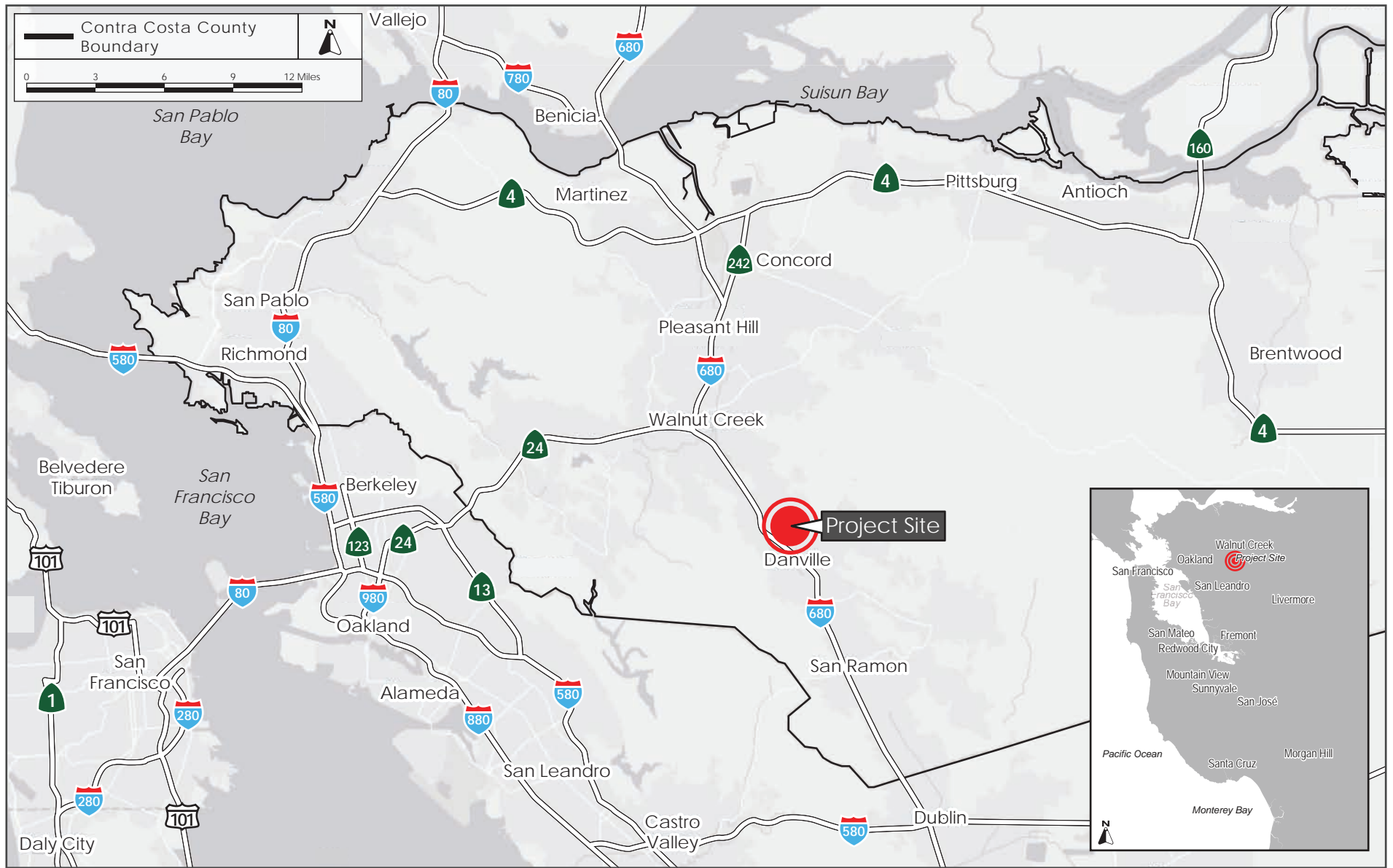
The Town is bordered by the unincorporated area of Alamo and Blackhawk community to the north, the City of San Ramon and unincorporated Contra Costa to the south, Las Trampas Regional Wilderness Park to the west, and the Diablo Range to the east.

A regional map of the Town is shown on Figure 2.2-1, and the Town's limits are shown on Figure 2.2-2.

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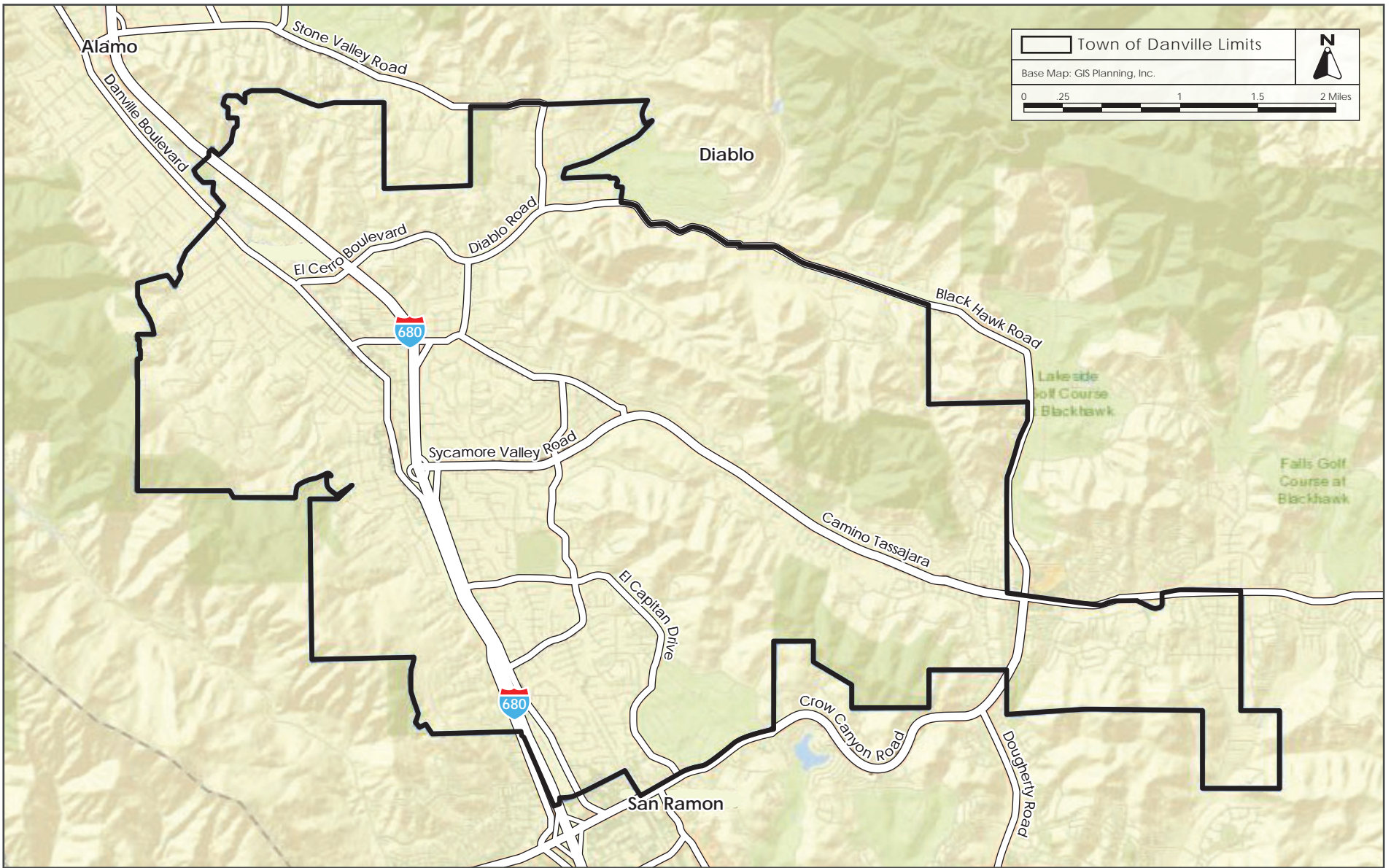
<sup>2</sup> A sphere of influence is a planning boundary outside of an agency's legal boundary (such as the city limit line) that designates the agency's probable future boundary and service area.





REGIONAL MAP

FIGURE 2.2-1



TOWN MAP

FIGURE 2.2-2

## 2.3 PROJECT CHARACTERISTICS

### 2.3.1 Regional Housing Needs Assessment

The foundation for the Housing Element is the Regional Housing Needs Assessment (RHNA), in which the State estimates each region's housing needs for all income groups every five to eight years. For the upcoming planning period, the State has determined that the Bay Area must plan for an additional 441,176 new housing units. In December 2021, the Association of Bay Area Government (ABAG) released their Final RHNA allocation to all the cities and counties in the Bay Area, including the Town of Danville, for the 2023-2031 Housing Element planning period. HCD requires local jurisdictions identify enough housing sites inventory to not only cover the RHNA, but also provide an additional buffer capacity above the RHNA. The buffer capacity is required to accommodate realistic production rates of affordable housing units; plus having the buffer can allow for instances when a smaller residential project may have to be considered for a given property. The "No Net Loss" Law (Government Code Section 65863) requires maintenance of sufficient sites to meet the RHNA for all income levels throughout the planning period. The recommendation from HCD is to adopt a housing site inventory with a buffer of 15 to 30 percent over the allocated RHNA.

The Town has factored in a 15 percent buffer (or 336 units) into the PEIR's candidate housing site analysis. The Town's RHNA allocation for the 2023-2031 planning period and the 15 percent buffer are detailed in Table 2.3-1.

<b>Table 2.3-1: Town of Danville Draft RHNA Allocations by Income Category</b>					
	<b>Very Low (&lt;50% of AMI)</b>	<b>Low (50 to 80% of AMI)</b>	<b>Moderate (80 to 120% of AMI)</b>	<b>Above Moderate (&gt;120% of AMI)</b>	<b>Total Housing Units</b>
<b>RHNA Housing Units</b>	652	376	338	875	2,241
<b>15 Percent Buffer</b>	98	56	51	131	336
Source: ABAG. <i>Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031</i> . December 2021.					

### 2.3.2 Housing Element Update

The 2023-2031 Housing Element Update includes the following five main components, as required by State law:

1. Assessment of Town-wide Housing Needs and Opportunities
2. Drafting Goals, Policies, Programs, and Objectives
3. Preparation of CEQA Environmental Review documents
4. Preparation of the 2023-2031 Housing Element
5. Coordination with HCD to Obtain State Certifications

## 2.3.3 General Plan Amendments and Rezoning

### 2.3.3.1 *General Plan*

The Town's Land Use map identifies five basic land use types: residential, commercial, mixed use, public, and open space. The land use descriptions indicate the range of permitted densities or intensities of use and the consistent zoning districts. Table 2.3-2 summarizes the Town's residential land use designations, including consistent zoning districts and permitted density.

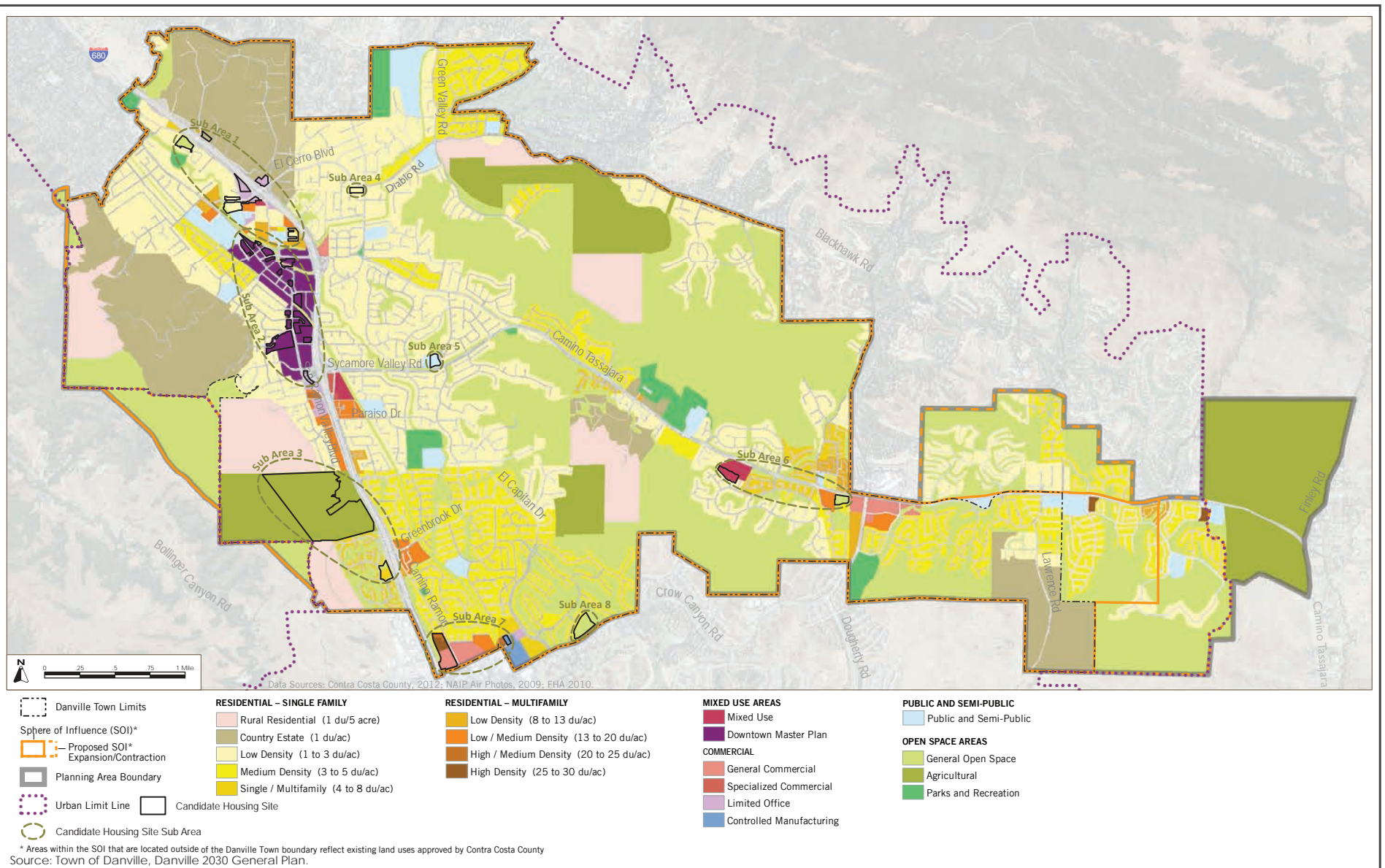
<b>Table 2.3-2: Town of Danville Residential Land Use Designations</b>			
<b>Land Use Category</b>	<b>Description</b>	<b>Zoning</b>	<b>Density</b>
Residential – Single Family – Rural Residential (SF-R)	Rural Residential areas are located in outlying areas of Danville and are intended as transitional areas between lower density single family development and significant agricultural or open space resources.	P-1 and A-2	1 unit per 5 or more acres
Residential – Single Family – Country Estates (R-CE)	Rural residential areas located in topographically difficult areas and/or areas where water, sanitary sewer, and other necessary services are not generally available.	P-1, R-100, R-65, and R-40	1 unit per acre
Residential – Single Family – Low Density (SF-LD)	The allowable range of one to three units per net acre provides flexibility for designing projects to reflect variations in topography, proximity to existing development, and the ability to provide facilities and services.	P-1, R-40, R-20, and R-15	1 to 3 units per acre
Residential – Single Family – Medium Density (SF-MD)	Encourages flexibility for traditional suburban single-family homes with room for gardens and yards.	P-1, R-12, and R-10	3 to 5 units per acre
Residential – Single/Multiple Family (SF-MF)	The Residential – Single/Multifamily designation reflects residential development which may be appropriate as a buffer between single family and multifamily areas and/or to provide a measure of flexibility on constrained sites	P-1, D-1, R-6, and M-8	4 to 8 units per acre
Residential – Multifamily-Low Density (MF-LD)	The Multifamily Low Density designation provides for a moderate density which is still compatible with the suburban lifestyle. Housing in these areas will be townhouse, motor	P-1, M-8, and M-13	8 to 13 units per acre



<b>Table 2.3-2: Town of Danville Residential Land Use Designations</b>			
<b>Land Use Category</b>	<b>Description</b>	<b>Zoning</b>	<b>Density</b>
	court, or similar housing product types developed to address market demand.		
Residential – Multifamily-Low/Medium Density (MF-LMD)	This designation is applied to existing multifamily residential projects built within this density range and to vacant or underutilized land suitable for multifamily residential development at, or below, densities of 20 units per net acre.	P-1, M-20, and M-13	13 to 20 units per acre
Residential – Multifamily – High/Medium Density (MF-HMD)	These areas are typically located near public transportation, shopping, and local employment centers. This designation permits the development of condominiums, apartments, and senior housing combined with varying amounts of open space and landscaping.	P-1, M-30, and M-20	20 to 25 units per acre
Residential – Multifamily – High Density (MF-HD)	Land carrying this designation would typically be in close proximity to shopping and local employment centers. This designation permits the development of condominiums, apartments, and senior housing combined with varying amounts of open space and landscaping.	P-1 and M-30	25 to 30 units per acre

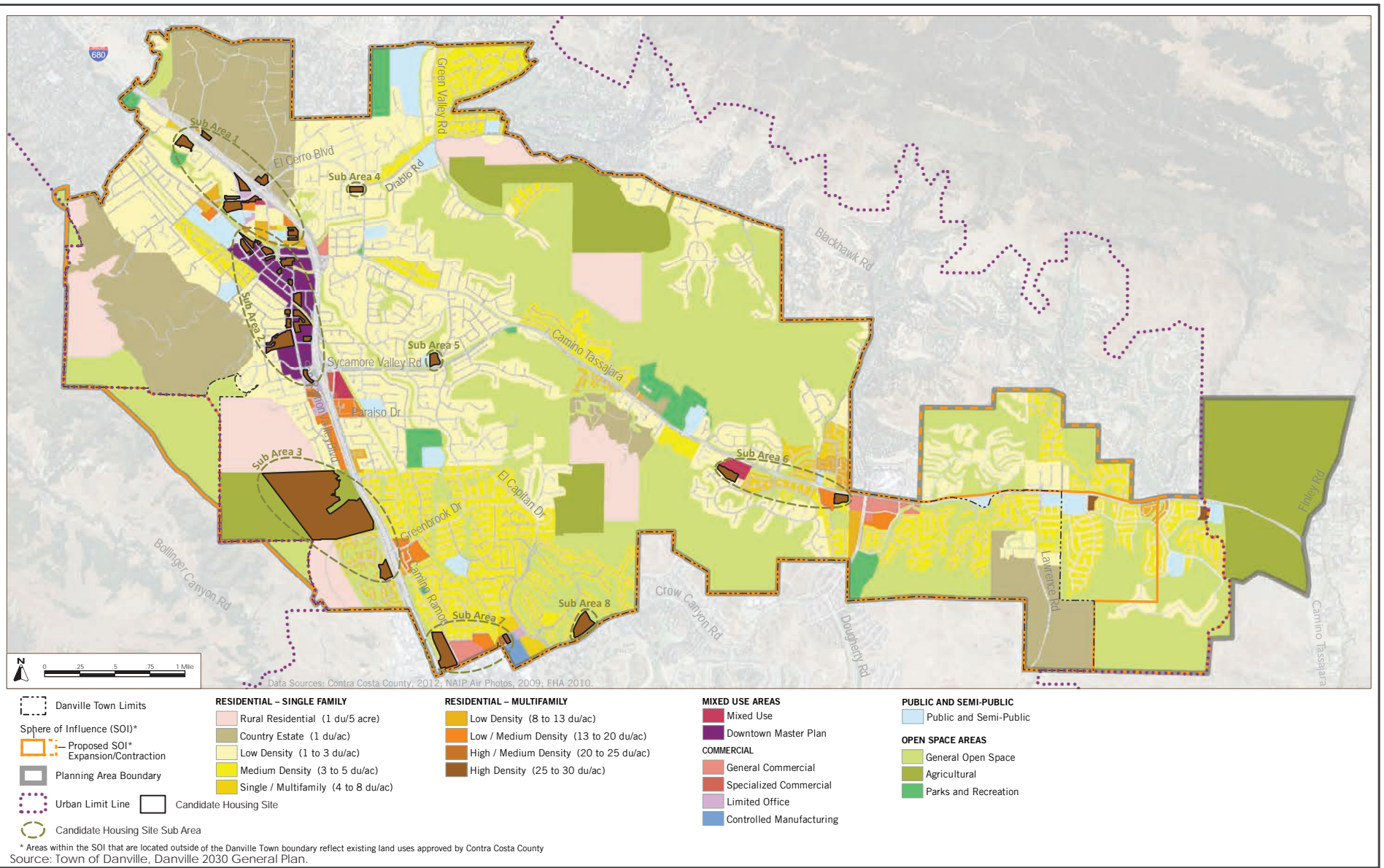
As part of the Housing Element Update, the General Plan would be amended to include the following updates to the Land Use map, as shown on Figures Figure 2.3-1 and Figure 2.3-2.

- The existing Residential Multi-Family High Density designation would be modified from an allowed density of 25 to 30 dwelling units per acre to a maximum 40 dwelling units per acre. To Accomplish this, the Town will amend its General Plan Land Use Map and related text to add a Multifamily 30-35 unit per acre and multifamily 35-40 unit per acre land use designation.



TOWN OF DANVILLE EXISTING GENERAL PLAN LAND USE MAP WITH SUB AREAS

FIGURE 2.3-1



TOWN OF DANVILLE PROPOSED GENERAL PLAN LAND USE MAP WITH SUB AREAS

FIGURE 2.3-2



### 2.3.3.2 Zoning Ordinance

The Danville Zoning Ordinance translates the General Plan Land Use map into precise regulations affecting specific parcels of land. State law requires that the zoning ordinance and map be consistent with the general plan—specifically, with the Land Use map and land use designations. The Town’s residential zoning districts are summarized in Table 2.3-3 below.

As part of the Housing Element update, the Zoning Ordinance would be amended as follows:

- Revise the Zoning Map to reflect changes to the Land Use map described above.
- Create a new zoning district which permits densities up to 40 units per acre (consistent with the Land Use map) and related development standards such as height, floor area ratio, and setbacks.

Table 2.3-3: Town of Danville Residential Land Use Districts			
District	Type	Size (minimum)	Allowed Uses
R-6	Single Family Residential District	6,000-square-foot lot	<ul style="list-style-type: none"><li>• Detached single family dwelling units</li></ul>
R-7	Single Family Residential District	7,000-square-foot lot	
R-10	Single Family Residential District	10,000-square-foot lot	
R-12	Single Family Residential District	12,000-square-foot lot	
R-15	Single Family Residential District	15,000-square-foot lot	
R-20	Single Family Residential District	20,000-square-foot lot	<ul style="list-style-type: none"><li>• All of the uses allowed in R-6 through R-15 districts</li><li>• Raising hens</li><li>• Keeping livestock on lots greater than 40,000 square feet in size</li></ul>
R-40	Single Family Residential District	40,000-square-foot lot	
R-65	Single Family Residential District	65,000-square-foot lot	
R-100	Single Family Residential District	100,000-square-foot lot	
D-1	Two Family Residential District	Duplex per R-6 lot	<ul style="list-style-type: none"><li>• All of the uses allowed in R-6 through R-15 districts</li><li>• Detached two-family dwelling (duplex)</li></ul>



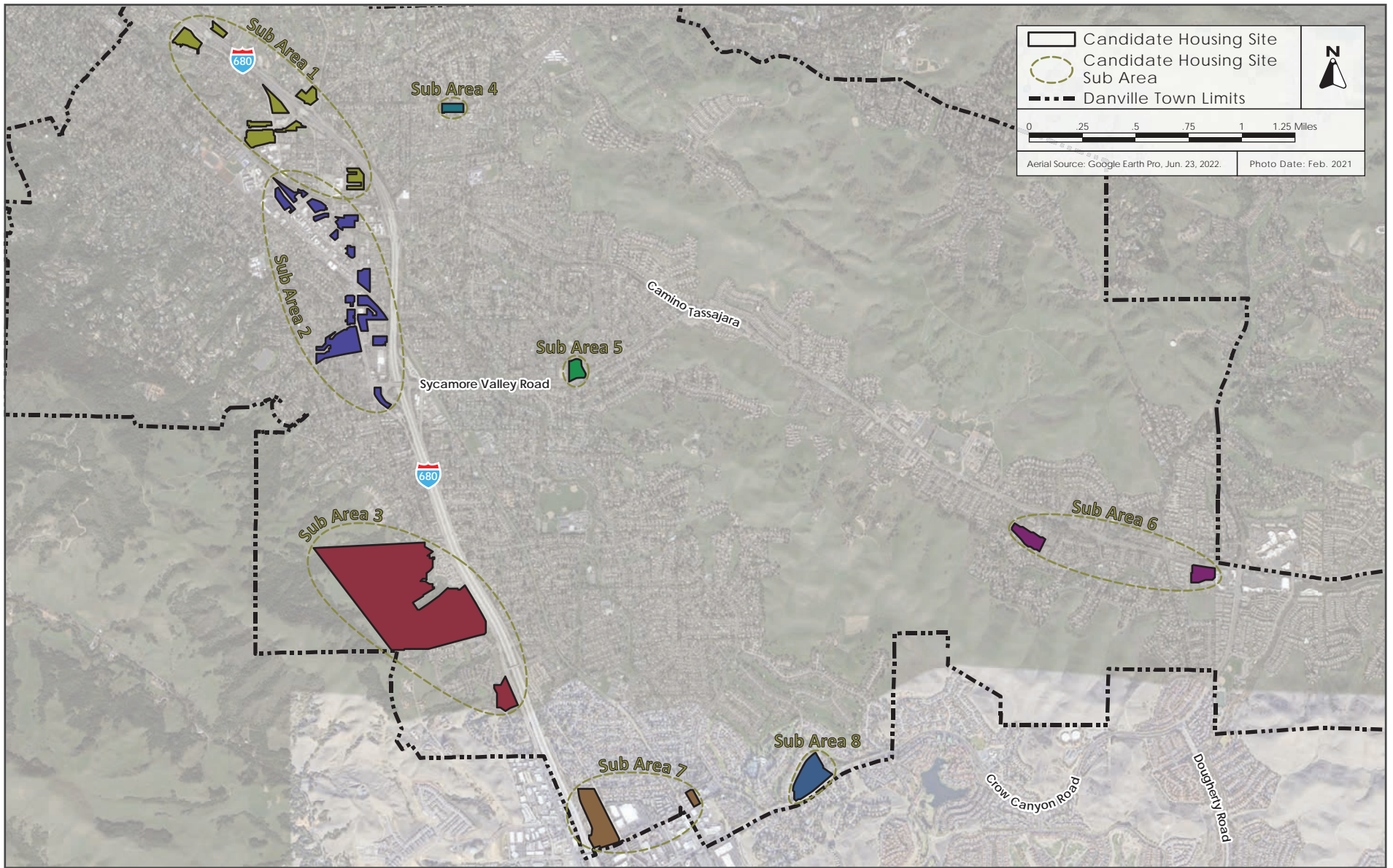
<b>Table 2.3-3: Town of Danville Residential Land Use Districts</b>			
<b>District</b>	<b>Type</b>	<b>Size (minimum)</b>	<b>Allowed Uses</b>
M-30	Multiple Family District (30 DU/AC)	10,000-square-foot lot	<ul style="list-style-type: none"> <li>• Multifamily buildings</li> </ul>
M-25	Multiple Family District (25 DU/AC)	10,000-square-foot lot	<ul style="list-style-type: none"> <li>• High density and high/medium density multifamily residential</li> </ul>
M-20	Multiple Family District (20 DU/AC)	10,000-square-foot lot	<ul style="list-style-type: none"> <li>• High/medium density and low/medium density multifamily</li> <li>• Single family</li> </ul>
M-13	Multiple Family District (13 DU/AC)	8,000-square-foot lot	<ul style="list-style-type: none"> <li>• Low/medium density and low density multifamily</li> <li>• Single family</li> </ul>
M-8	Multiple Family District (8 DU/AC)	6,000-square-foot lot	<ul style="list-style-type: none"> <li>• Low/medium density and low density multifamily</li> <li>• Single family</li> </ul>
P-1	Planned Unit District	No minimum	<ul style="list-style-type: none"> <li>• Any land use consistent with General Plan</li> <li>• Detached single family dwelling units</li> <li>• Accessory dwelling units</li> </ul>
Note: DU/AC – dwelling units per acre			

### 2.3.4 Candidate Housing Sites Inventory

Pursuant to Government Code Section 65583(a)(3), the Town has prepared an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment. In order to meet the 2023-2031 RHNA allocation and provide sufficient capacity for housing development, the Housing Element identifies sites to increase allowed residential densities to meet affordability requirements. The proposed candidate housing sites are spread across eight Sub Areas in the Town, as shown on Figure 2.3-3.<sup>3</sup>

Table 2.3-4 summarizes the proposed candidate housing sites, allowable densities, land use changes, and number of potential units that could be accommodated by the General Plan update at each identified housing site. The Town would amend the General Plan land use designation for the candidate sites to *Multifamily – High Density* (refer to Figure 2.3-2).

<sup>3</sup> Note that the candidate housing sites inventory analyzed in this EIR covers a large inventory of sites that provide capacity for up to 4,681 dwelling units. The Town Council will select sites from the list of candidate sites that will meet the RHNA requirements for Housing Element capacity of 2,577 dwelling units.



AERIAL MAP OF HOUSING ELEMENT UPDATE SUB AREAS

FIGURE 2.3-3

**Table 2.3-4: Candidate Housing Sites**

Location	APN	General Plan Designation		Zoning District		Proposed Density	Acreage	Existing Use	Capacity (DU)
		Existing	Proposed	Existing	Proposed				
Sub Area 1									
510 La Gonda Way	200131005	Commercial Limited Office (C-LO)	MF- HD	L-1	P-1	40	2.27	Office	91
520 La Gonda Way	200052004	C-LO	MF- HD	L-1	P-1	40	0.74	Office	30
530 La Gonda Way	200260002	C-LO	MF- HD	L-1	P-1	40	0.02	Office	1
530 La Gonda Way	200260003	C-LO	MF- HD	L-1	P-1	40	0.02	Office	1
530 La Gonda Way	200260004	C-LO	MF- HD	L-1	P-1	40	0.02	Office	1
530 La Gonda Way	200260010	C-LO	MF- HD	L-1	P-1	40	0.58	Office	23
481 La Gonda Way	200152004	SF-LD	MF-HD	R-20	P-1	40	1.14	SF	46
485 La Gonda Way	200152005	SF-LD	MF-HD	R-20	P-1	40	0.555	SF	22
455 La Gonda Way	200152008	SF-LD	MF-HD	P-1 (O-1)	P-1	40	6.87	St. Isador's Parking/Field	275
425 El Pintado	200040012	C-LO	MF-HD	O-1	P-1	40	3.2	Office	128
108 Charles Ln	196201002	SF-LD	MF-HD	P-1 (R-12)	P-1	40	0.24	SF Residence	10
104 Charles Ln	196201003	SF-LD	MF-HD	P-1 (R-12)	P-1	40	0.24	SF Residence	10
100 Charles Ln	196201004	SF-LD	MF-HD	P-1 (R-12)	P-1	40	0.25	SF Residence	10
417 Ilo Ln	196201005	SF-LD	MF-HD	P-1 (R-12)	P-1	40	0.25	SF Residence	10
441 Ilo Ln	196201006	SF-LD	MF-HD	P-1 (R-12)	P-1	40	0.24	SF Residence	10
457 Ilo Ln	196201007	SF-LD	MF-HD	P-1 (R-12)	P-1	40	0.24	SF Residence	10
465 Ilo Ln	196201008	SF-LD	MF-HD	P-1 (R-12)	P-1	40	0.02	Vacant	1
465 Ilo Ln	196201009	SF-LD	MF-HD	P-1 (R-12)	P-1	40	0.31	SF Residence	12

**Table 2.3-4: Candidate Housing Sites**

Location	APN	General Plan Designation		Zoning District		Proposed Density	Acreage	Existing Use	Capacity (DU)
		Existing	Proposed	Existing	Proposed				
464 Ilo Ln	196201010	SF-LD	MF-HD	P-1 (R-12)	P-1	40	0.3	SF Residence	12
456 Ilo Ln	196201011	SF-LD	MF-HD	P-1 (R-12)	P-1	40	0.28	SF Residence	11
448 Ilo Ln	196201012	SF-LD	MF-HD	P-1 (R-12)	P-1	40	0.23	SF Residence	9
440 Ilo Ln	196201013	SF-LD	MF-HD	P-1 (R-12)	P-1	40	0.23	SF Residence	9
101 Charles Ln	196201030	SF-LD	MF-HD	P-1 (R-12)	P-1	40	0.23	SF Residence	9
105 Charles Ln	196201031	SF-LD	MF-HD	P-1 (R-12)	P-1	40	0.23	SF Residence	9
109 Charles Ln	196201032	SF-LD	MF-HD	P-1 (R-12)	P-1	40	0.36	SF Residence	14
112 Charles Ln	196201033	SF-LD	MF-HD	P-1 (R-12)	P-1	40	0.19	SF Residence	8
120 Charles Ln	196201034	SF-MD	MF-HD	P-1 (R-12)	P-1	40	0.53	SF Residence	21
939 El Pintado	200020010	R-CE	MF-HD	R-65	P-1	40	1.63	Child Care	65
400 El Cerro Blvd	200140016	C-LO	MF-HD	O-1	P-1	40	1.26	Office	50
300 El Cerro	200270006	C-LO	MF-HD	O-1	P-1	40	0.67	Office	27
300 El Cerro	200270001	C-LO	MF-HD	O-1	P-1	40	0.05	Office	2
300 El Cerro	200270002	C-LO	MF-HD	O-1	P-1	40	0.05	Office	2
300 El Cerro	200270003	C-LO	MF-HD	O-1	P-1	40	0.05	Office	2
300 El Cerro	200270007	C-LO	MF-HD	O-1	P-1	40	0.05	Office	2
300 El Cerro	200270001	C-LO	MF-HD	O-1	P-1	40	0.05	Office	2
Common Area - Westbriar Knolls	200070006	OS-GOS	MF-HD	P-1	P-1	40	4.82	Open Space	193
<b>Subtotal</b>									<b>1,138</b>

**Table 2.3-4: Candidate Housing Sites**

Location	APN	General Plan Designation		Zoning District		Proposed Density	Acreage	Existing Use	Capacity (DU)
		Existing	Proposed	Existing	Proposed				
Sub Area 2									
Hartz/Railroad	199330067	Downtown Business District (DBD) 4	MF-HD	DBD4	MF-HD	40	0.28	Parking Lot	11
115 Hartz	199330035	DBD4	MF-HD	DBD4	MF-HD	40	0.34	Commercial	14
127 Hartz	199330064	DBD4	MF-HD	DBD4	MF-HD	40	0.22	Commercial	9
Railroad Ave	199330055	DBD4	MF-HD	DBD4	MF-HD	40	0.13	Commercial	5
70 Railroad Ave	199330056	DBD4	MF-HD	DBD4	MF-HD	40	0.18	Commercial	7
145 Hartz	199330058	DBD4	MF-HD	DBD4	MF-HD	40	0.72	Commercial	29
171 Hartz	199330063	DBD4	MF-HD	DBD4	MF-HD	40	0.28	Commercial	11
179 Hartz	199330065	DBD4	MF-HD	DBD4	MF-HD	40	0.11	Commercial	4
80 Railroad	199330009	DBD4	MF-HD	DBD4	MF-HD	40	0.13	Commercial	5
195 Hartz	199330010	DBD4	MF-HD	DBD4	MF-HD	40	0.32	Commercial	13
112 W. Linda Mesa	199330027	DBD4	MF-HD	DBD4	MF-HD	40	0.06	Commercial	2
100 Hartz	200190024	DBD4	MF-HD	DBD4	MF-HD	40	0.21	Commercial	8
110 Hartz	200190023	DBD4	MF-HD	DBD4	MF-HD	40	0.15	Commercial	6
120 Hartz	200190028	DBD4	MF-HD	DBD4	MF-HD	40	0.3	Commercial	12
130 Hartz	200190018	DBD4	MF-HD	DBD4	MF-HD	40	0.26	Commercial	10
Hartz Ave	200190010	DBD4	MF-HD	DBD4	MF-HD	40	0.33	Commercial	13
150 Hartz	200190017	DBD4	MF-HD	DBD4	MF-HD	40	0.41	Commercial	16
180 Hartz	200190021	DBD4	MF-HD	DBD4	MF-HD	40	0.21	Commercial	8
360 Rose	200200011	DBD4	MF-HD	DBD4	MF-HD	40	0.18	Commercial	7
344 Rose	200200017	DBD4	MF-HD	DBD4	MF-HD	40	0.4	Commercial	16
155 Diablo	208010023	DBD1	MF-HD	DBD1	MF-HD	40	1.01	Bev & More	40
600 Hartz Ave	208022041	DBD1	MF-HD	DBD1	MF-HD	40	1.19	FAZ Restaurant	48
Front St	216120029	DBD6	MF-HD	DBD6	MF-HD	40	0.2	Parking/Creek	8
185 Front St	208022036	DBD6	MF-HD	DBD6	MF-HD	40	0.7	Office Building	28
315 Diablo Rd	216120042	DBD6	MF-HD	DBD6	MF-HD	40	0.45	Parking/Creek	18
319 Diablo Road	216120043	DBD6	MF-HD	DBD6	MF-HD	40	1.0	Office Building	40
268 Front St	200211005	DBD4	MF-HD	DBD4	P-1	40	0.12	Commercial	5

**Table 2.3-4: Candidate Housing Sites**

Location	APN	General Plan Designation		Zoning District		Proposed Density	Acreage	Existing Use	Capacity (DU)
		Existing	Proposed	Existing	Proposed				
199 E. Linda Mesa	200211007	DBD4	MF-HD	DBD4	P-1	40	0.18	Commercial	7
254 Rose Ave	200211016	DBD4	MF-HD	DBD4	P-1	40	0.27	Commercial	11
67 Front St	200211017	DBD4	MF-HD	DBD4	P-1	40	0.07	Commercial	3
77 Front St	200211018	DBD4	MF-HD	DBD4	P-1	40	0.18	Commercial	7
85 Front St	200211027	DBD4	MF-HD	DBD4	P-1	40	0.27	Commercial	11
290 Rose Ave	200211025	DBD4	MF-HD	DBD4	P-1	40	0.11	Commercial	4
156 Diablo Rd	200211028	DBD4	MF-HD	DBD4	P-1	40	0.62	Commercial	25
198 Diablo Rd	200211020	DBD2	MF-HD	DBD4	P-1	40	0.376	Commercial	15
486 SRVB	216101001	DBD4	MF-HD	DBD4	P-1	40	1.78	Commercial	71
480 SRVB	216101002	DBD4	MF-HD	DBD4	P-1	40	1.37	Commercial	55
533 SRVB	208043020	DBD4	MF-HD	DBD4	MF-HD	40	0.16	Auto	6
SRVB	208043021	DBD4	MF-HD	DBD4	MF-HD	40	0.07	Auto	3
509 SRVB	208043022	DBD4	MF-HD	DBD4	MF-HD	40	0.07	Auto	3
511 SRVB	208043024	DBD4	MF-HD	DBD4	MF-HD	40	0.4	Restaurant	16
519 SRVB	208043025	DBD4	MF-HD	DBD4	MF-HD	40	0.26	Commercial	10
20 Oak Ct	216090003	DBD6	MF-HD	DBD6	MF-HD	40	0.55	Office	22
30 Oak Ct	216090004	DBD6	MF-HD	DBD6	MF-HD	40	0.36	Office	14
40 Oak Ct	216090005	DBD6	MF-HD	DBD6	MF-HD	40	0.32	Office	13
50 Oak Ct	216090006	DBD6	MF-HD	DBD6	MF-HD	40	0.95	Office	38
55 Oak Ct	216090007	DBD6	MF-HD	DBD6	MF-HD	40	0.42	Office	17
65 Oak Ct	216090008	DBD6	MF-HD	DBD6	MF-HD	40	0.37	Office	15
75 Oak Ct	216090009	DBD6	MF-HD	DBD6	MF-HD	40	0.32	Office	13
85 Oak Ct	216090010	DBD6	MF-HD	DBD6	MF-HD	40	0.5	Office	20
600 San Ramon Valley Blvd (SRVB)	216090017	DBD6	MF-HD	DBD6	MF-HD	40	0.75	Office	30
554 SRVB	216090019	DBD6	MF-HD	DBD6	MF-HD	40	0.61	Commercial	24
588 SRVB	216090023	DBD6	MF-HD	DBD6	MF-HD	40	0.84	Commercial	34
620 SRVB	216080074	DBD10	MF-HD	DBD10	MF-HD	40	0.83	Commercial	34
571 SRVB	208044015	DBD4	MF-HD	DBD4	MF-HD	40	0.32	Commercial	13
551 SRVB	208044017	DBD4	MF-HD	DBD4	MF-HD	40	0.35	Commercial	14

**Table 2.3-4: Candidate Housing Sites**

Location	APN	General Plan Designation		Zoning District		Proposed Density	Acreage	Existing Use	Capacity (DU)
		Existing	Proposed	Existing	Proposed				
555 SRVB	208044018	DBD4	MF-HD	DBD4	MF-HD	40	0.29	Commercial	12
577 SRVB	208051009	DBD4	MF-HD	DBD4	MF-HD	40	0.29	Commercial	12
10 Town & Country	208051011	DBD4	MF-HD	DBD4	MF-HD	40	0.1	Commercial	4
589 SRVB	208060029	DBD7	MF-HD	DBD7	MF-HD	40	0.69	Wells Fargo Bank	28
609 SRVB	208060055	DBD7	MF-HD	DBD7	MF-HD	40	0.65	Pet Food/Walgreens	26
615 SRVB	208060056	DBD7	MF-HD	DBD7	MF-HD	40	0.21	City Bank/Various	8
607 SRVB	208060057	DBD7	MF-HD	DBD7	MF-HD	40	0.05	Fitness	2
589 SRVB	208060058	DBD7	MF-HD	DBD7	MF-HD	40	0.4	McCaulous	16
SRVB	208060059	DBD7	MF-HD	DBD7	MF-HD	40	3.4	Parking Lot	136
107 Town & Country	208060053	DBD7	MF-HD	DBD7	MF-HD	40	3.89	Commercial Building	156
135 Town and Country Drive	208060054	DBD6	MF-HD	DBD6	P-1	40	1.4	Office	56
Town and Country Drive	208060062	DBD6	MF-HD	DBD6	P-1	40	0.45	Office	18
140 Town and Country Drive	208060063	DBD6	MF-HD	DBD6	P-1	40	0.71	Office	28
Boone Ct	216080004	DBD7	MF-HD	DBD7	MF-HD	40	0.32	Commercial	13
200 Boone Ct	216080072	DBD7	MF-HD	DBD7	MF-HD	40	1.3	Commercial	52
744 SRVB	207012001	C-LO	MF-HD	O-1	MF-HD	40	0.57	Office	23
760 SRVB	207012007	C-LO	MF-HD	O-1	MF-HD	40	0.42	Office	17
770 SRVB	207012008	C-LO	MF-HD	O-1	MF-HD	40	0.37	Office	15
780 SRVB	207012009	C-LO	MF-HD	O-1	MF-HD	40	0.38	Office	15
<b>Subtotal</b>									<b>1,583</b>



**Table 2.3-4: Candidate Housing Sites**

Location	APN	General Plan Designation		Zoning District		Proposed Density	Acreage	Existing Use	Capacity (DU)
		Existing	Proposed	Existing	Proposed				
Sub Area 3									
1435 SRVB	208230047	OS-AG	MF-HD	A-2	P-1	40	1.38	Single Family Residence	55
1453 SRVB	208230011	OS-AG	MF-HD	A-2	P-1	40	0.69	Child Care	28
1895 Ridgeland CL	208612007	MF-LD	MF-HD	M-13	P-1	40	6.31	HOA Facilities	252
Elworthy	208230044	OS-AG	MF-HD	A-2	P-1	40	6	Open Space	240
Subtotal									575
Sub Area 4									
828 Diablo Road	196270029	SF-LD	MF-HD	R-15	P-1	40	2.7	Nursery	108
Subtotal									108
Sub Area 5									
699 Old Orchard	216220008	P-OS	MF-HD	P-1	P-1	40	3.77	Office	151
Subtotal									151
Sub Area 6									
2900 Camino Tassajara	217040021	MU	MF-HD	P-1	P-1	40	8	Woodranch	320
Camino Tassajara/Liverpool	218010047	OS-GOS	MF-HD	P-1	P-1	40	2.3	Open Space	92
Subtotal									412
Sub Area 7									
3020 Fostoria Way	218090031	C-GC	MF-HD	P-1	P-1	40	10	Borel	400
Fostoria Way	218090032	C-GC	MF-HD	P-1	P-1	40	1.11	Town Owned	44
3420 Fostoria Way	218040043	Controlled Manufacturing (CM)	MF-HD	P-1, L-1	P-1	40	1.75	Office	70
Subtotal									514
Sub Area 8									
Crow Canyon Road	218660001	OS-GOS	MF-HD	P-1	P-1	40	5	Open Space	200
Subtotal									200



## 2.4 BUILDOUT PROJECTIONS

The project is comprised of eight subareas of candidate housing sites for future development to meet the Town's 2023-2031 RHNA allocation of 2,241 housing units and the required 15 percent buffer (336 housing units). Future development could occur on these candidate housing sites/parcels, if ultimately included within the Housing Element, as local conditions dictate with timing at the discretion of each individual property owner.

The candidate housing sites could yield 4,681 housing units. Recognizing that not all candidate housing sites will ultimately be included in the Housing Element, this PEIR evaluates the environmental impacts from development on each candidate housing site for up to 2,577<sup>4</sup> housing units.

## 2.5 PROJECT OBJECTIVES

The purpose of the Housing Element Update is to address the housing needs of the Town and to meet the requirements of State law. The Housing Element Update includes the following goals:

- **Goal 1:** Develop infrastructure through funding mechanisms that support the demands of current and future residents, housing, commercial, and retail development.
- **Goal 2:** Promote a vibrant commercial and cultural downtown area that meets the needs of residents and visitors and encourages a mix of retail, commercial, and residential building through zoning.
- **Goal 3:** Promote environmental responsibility, long-term sustainability, and adaptability in residential development and related infrastructure to minimize impacts to global climate change.
- **Goal 4:** Promote housing opportunities for all persons regardless of race, age, gender, sexual orientation, marital status, ability, or national origin.
- **Goal 5:** Affirmatively further fair housing by taking meaningful actions that overcome patterns of segregation and foster inclusive communities.
- **Goal 6:** Promote the expansion of the housing throughout the Town to accommodate a variety of housing types that are attractive and affordable to potential renters and home buyers at a wide range of income levels.
- **Goal 7:** Promote access to affordable housing opportunities for persons with special housing needs such as seniors, developmentally disabled, large households, and very low to moderate income households.
- **Goal 8:** Facilitate a mix of housing types with density and height limitations appropriate for the subject neighborhood.
- **Goal 9:** Promote a wide variety of housing types that balance valued aspects of the existing community character, including quality design, scale, and preservation of natural features.
- **Goal 10:** Adopt and implement a Housing Element that complies with State Law.

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<sup>4</sup> 2,241 RHNA allocation plus the 336-unit 15 percent buffer.

## **2.6 USES OF THE EIR**

This PEIR provides decision makers in the Town of Danville and the general public with relevant environmental information to use in considering the Housing Element update. It is proposed that this PEIR be used for appropriate discretionary approvals necessary to implement the project. These discretionary actions may include, but are not limited to, the following:

- Adoption of the 2023-2031 Housing Element of the 2030 General Plan
- Adoption of the General Plan Land Use Map and associated text changes to the 2030 General Plan
- Adoption of amendments to the Zoning Ordinance

## SECTION 3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION

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This section presents the discussion of impacts related to the following environmental subjects in their respective subsections:

3.1	Aesthetics	3.11	Land Use and Planning
3.2	Agriculture and Forestry Resources	3.12	Mineral Resources
3.3	Air Quality	3.13	Noise
3.4	Biological Resources	3.14	Population and Housing
3.5	Cultural Resources	3.15	Public Services
3.6	Energy	3.16	Recreation
3.7	Geology and Soils	3.17	Transportation
3.8	Greenhouse Gas Emissions	3.18	Tribal Cultural Resources
3.9	Hazards and Hazardous Materials	3.19	Utilities and Service Systems
3.10	Hydrology and Water Quality	3.20	Wildfire

The discussion for each environmental subject includes the following subsections:

**Environmental Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.

**Impact Discussion** – This subsection includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts.

- **Project Impacts** – This subsection discusses the project’s impact on the environmental subject as related to the checklist questions. For significant impacts, feasible mitigation measures are identified. “Mitigation Measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered to correspond to the checklist question being answered. For example, Impact TRN-2 answers the second checklist question in the Biological Resources section. Mitigation measures are also numbered to correspond to the impact they address. For example, MM TRN-2.1 refers to the third mitigation measure for the first impact in the Transportation section.
- **Cumulative Impacts** – This subsection discusses the project’s cumulative impact on the environmental subject. Cumulative impacts, as defined by CEQA, refer to two or more individual effects, which when combined, compound or increase other environmental impacts. Cumulative impacts may result from individually minor, but collectively significant effects taking place over a period of time. CEQA Guideline Section 15130 states that an EIR should discuss cumulative impacts “when the project’s incremental effect is cumulatively considerable.” The discussion does not need to be in as great detail as is necessary for project impacts, but is to be “guided by the standards of practicality and reasonableness.” The purpose of the cumulative analysis is to allow decision makers to better understand the

impacts that might result from approval of past, present, and reasonably foreseeable future projects, in conjunction with the proposed project addressed in this EIR.

The CEQA Guidelines advise that a discussion of cumulative impacts should reflect both their severity and the likelihood of their occurrence (CEQA Guidelines Section 15130(b)). To accomplish these two objectives, the analysis should include either a list of past, present, and probable future projects or a summary of projections from an adopted general plan or similar document (CEQA Guidelines Section 15130(b)(1)). Because the Housing Element Update amends the Town's General Plan, the method used to analyze cumulative impacts combines elements of both the "list" method and the adopted General Plan method.

The analysis must determine whether the project's contribution to any cumulatively significant impact is cumulatively considerable, as defined by CEQA Guideline Section 15065(a)(3). The cumulative impacts discussion for each environmental issue accordingly addresses the following issues: 1) would the effects of all of past, present, and probable future (pending) development result in a significant cumulative impact on the resource in question; and, if that cumulative impact is likely to be significant, 2) would the contribution from the proposed project to that significant cumulative impact be cumulatively considerable?

Table 3.0-1 identifies the approved (but not yet constructed or occupied) and pending projects in the project vicinity that are evaluated in the cumulative analysis.

<b>Table 3.0-1: Cumulative Projects List</b>		
<b>Name and Location</b>	<b>Description</b>	<b>Status</b>
Abigail Place 3743 & 3755 Old Blackhawk Road	Subdivide two existing parcels into 19 single-family homes on a 2.97 acre parcels	Approved and construction complete
Magee Preserve	Develop approximately 29 acres of the 410-acre project site with 69 single family homes, seven attached secondary dwelling units, and associated roadways and infrastructure. Approximately 381 acres of the project site would be retained as permanent open space. The project would rezone the approximately 410-acre property from A-4 (Agricultural Preserve District), A-2 (General Agricultural District), and P-1 (Planned Unit Development District) to a new P-1 (Planned Unit Development District) and would subdivide the property to create 69 single family residential parcels.	Approved. Grading and infrastructure construction underway
The Collection, 2550 Camino Tassajara	Develop the 5.05 acre property located at the southeast corner of Camino Tassajara and Sherburne Hills Road into an 18 lot single family residential project. The subject property is currently occupied by Tassajara Nursery and is identified as 2550 Camino	Approved and construction complete

	Tassajara. The Collection (the “proposed project”) would consist of 18 single family detached residences, with a minimum of eight of these residences containing a small (i.e., <550 square foot) second dwelling unit = or “accessory dwelling unit.”	
359 & 375 West El Pintado	Development of a 57 unit senior condominium project on a 1.8 acre site. Project density is 30 units per acre. The site is currently vacant.	Approved by the Planning Commission. Construction has not commenced.
Borel 3021 Fostoria Way	Proposed development of 163 multifamily Townhomes on a 7 acre site. The site is currently vacant. Proposed density is approximately 23 units per acre.	Application Pending

For each resource area, cumulative impacts may occur over different geographic areas. For example, the project effects on air quality would combine with the effects of projects in the entire air basin, whereas noise impacts would primarily be localized to the surrounding area. The geographic area that could be affected by the proposed project varies depending upon the type of environmental issue being considered. Section 15130(b)(3) of the CEQA Guidelines states that lead agencies should define the geographic scope of the area affected by the cumulative effect. Table 3.0-2 provides a summary of the different geographic areas used to evaluate cumulative impacts.

<b>Table 3.0-2: Geographic Considerations in Cumulative Analysis</b>	
<b>Resource Area</b>	<b>Geographic Area</b>
Aesthetics	Town-wide
Agriculture and Forestry Resources	Contra Costa County
Air Quality	San Francisco Bay Area Air Basin
Biological Resources	Town-wide
Cultural Resources	Town-wide
Energy	Energy provider’s territory
Geology and Soils	Town-wide
GHGs	Planet-wide
Hazards and Hazardous Materials	Town-wide
Hydrology and Water Quality	Town-wide
Land Use and Planning/Population and Housing	Town-wide
Minerals	Town-wide
Noise and Vibration	Town-wide
Public Services and Recreation	Town-wide
Transportation/Traffic	Town-wide

<b>Table 3.0-2: Geographic Considerations in Cumulative Analysis</b>	
<b>Resource Area</b>	<b>Geographic Area</b>
Tribal Cultural Resources	Town-wide
Utilities and Service Systems	Town-wide
Wildfire	Town-wide

### **3.1 AESTHETICS**

#### **3.1.1 Environmental Setting**

##### **3.1.1.1 *Regulatory Framework***

#### **State**

##### **Senate Bill 743**

Senate Bill (SB) 743 was adopted in 2013 and requires lead agencies to use alternatives to level of service (LOS) for evaluating transportation impacts, specifically vehicle miles traveled (VMT). SB 743 also included changes to CEQA that apply to transit-oriented developments, as related to aesthetics and parking impacts. Under SB 743, a project's aesthetic impacts will no longer be considered significant impacts on the environment if:

- The project is a residential, mixed-use residential, or employment center project, and
- The project is located on an infill site within a transit priority area.<sup>5</sup>

SB 743 also clarifies that local governments retain their ability to regulate a project's aesthetics impacts outside of the CEQA process. There are no transit priority areas within the Town of Danville.<sup>6</sup>

##### **Streets and Highway Code Sections 260 through 263**

The California Scenic Highway Program (Streets and Highway Code, Sections 260 through 263) is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. Interstate 680 (I-680) is a State-designated scenic highway within the Town of Danville.<sup>7</sup>

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<sup>5</sup> An "infill site" is defined as "a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses." A "transit priority area" is defined as "an area within 0.5 mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations." A "major transit stop" means "a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods." Source: Public Resources Code Section 21009. Accessed October 26, 2021. <https://codes.findlaw.com/ca/public-resources-code/prc-sect-21099.html>.

<sup>6</sup> Metropolitan Transportation Commission. Transit Priority Areas (2021). Accessed March 30, 2022. <https://www.arcgis.com/apps/mapviewer/index.html?layers=370de9dc4d65402d992a769bf6ac8ef5>

<sup>7</sup> Town of Danville. General Plan 2030 Draft EIR. October 12, 2012. Page 4.2-1.

## Local

### Town of Danville 2030 General Plan

The following policies in the Town's General Plan have been adopted for the purpose of reducing or avoiding aesthetic-related impacts and are applicable to the Housing Element Update.

Policy	Description
2.01	Achieve a high standard of residential design through project review and approval for all new residential developments.
2.02	Preserve Danville's visual qualities and the identity of its neighborhoods by restricting development on visible ridges and hillsides, protecting trees and riparian areas, and maintaining open space in the community.
2.03	Where development is allowed on existing legal lots within Scenic Hillside or Major Ridgeline areas, require the preservation of the undeveloped remainder of the parcel in its natural state through the dedication of scenic easements to the Town of Danville.
2.04	Where hillside development occurs, require that project design be sensitive to visual impacts. Design guidelines for hillside sites should address mass, color, materials, and screening requirements, and should discourage excessive grading and flat pad construction.
2.06	Improve the appearance of the community by abating negative elements such as non-conforming signs and, where feasible and desirable, overhead utility lines.
2.07	Improve the appearance of the community by encouraging aesthetically designed buildings, screening, adequate setbacks, and landscaping.
2.08	Protect the visual qualities of designated scenic routes by reviewing proposed projects with respect to their visual impacts.
5.01	Preserve and enhance existing residential neighborhoods by maintaining public facilities, ensuring that infill development is complementary to existing development, and encouraging home improvements.
5.02	Ensure that residential alterations and additions are sensitive to architectural character, complementary to surrounding properties, and designed to minimize off-site impacts (on privacy, shadows, parking, etc.).
8.01	Ensure that the remodeling and renovation of historic buildings respects the character of the building and its setting.
8.02	Encourage new projects in the Downtown area to be compatible with nearby historic buildings, the historic Downtown street pattern, and the area's historic, pedestrian-oriented character.
8.05	Where appropriate and feasible, retain physical elements of Danville that contribute to the aesthetic and historic character of agricultural areas and former agricultural areas, such as barns, outbuildings, bridges, heritage trees, and fences.
8.06	Recognize heritage trees, landscapes, and other outdoor features as potential contributors to historic character, and afford protection to such features where appropriate.



8.07	Encourage the design of public improvements such as street furniture, streetlights, and signage to be consistent with historic character, particularly in Old Town Danville and nearby areas.
21.05	Maintain development standards and regulations for hillside grading which protect public safety, discourage major changes to natural landforms, ensure that adverse visual and aesthetic impacts are minimized, and require that erosion, sedimentation, and other potentially harmful effects of grading are appropriately mitigated.
21.06	Discourage activities that would harm the health of existing trees. Prevent the unnecessary removal and alteration of such trees, including “protected” trees as defined by the Town’s Tree Preservation Ordinance and other trees that contribute to the scenic beauty of the town. Public and private improvements should be designed to minimize the removal of mature trees, regardless of species. If removal is necessary, trees should be replaced with an appropriate number and species.
21.09	Require the planting and maintenance of trees along Danville streets. Species should be appropriate for their settings, given considerations such as maintenance and pruning requirements, water needs, potential for sidewalk damage, and view impacts.

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### Town of Danville Municipal Code

The Town of Danville Municipal Code is the primary regulatory tool that shapes the form and character of physical development in the Town. Standards and regulations established in the Municipal Code are used to implement the goals and policies of the General Plan. Two sections of the Municipal Code—Zoning Regulations and Subdivision Regulations—contain regulations to maintain the aesthetic quality of the Town’s built environment. Each of these is described below.

- **Zoning Regulations** (Chapter 32 of the Town’s Municipal Code) provide specific requirements for development in the Town to achieve the general arrangement of land uses identified in the General Plan Land Use Element. One of the primary objectives of the zoning standards are the regulation of building form, placement, and density; the provision of sufficient parking; and the inclusion of open spaces in new development.
- The **Subdivision Regulations** (Chapter 31 of the Town’s Code) are established to ensure the orderly development of lands within the Town. The ordinance also provides standards for surveying, design and construction, and installation of relevant infrastructure.

### Scenic Hillside and Major Ridgeline Development Ordinance

The Scenic Hillside and Major Ridgeline Development Ordinance was first adopted by the Town in 1984. It implements planning and development goals by placing strict limits on the development of Town-identified major ridgeline areas. It establishes requirements for special permits for development within scenic hillside areas and mandatory design standards for hillside projects. By placing strict limits on the development of hillsides and ridges, the Ordinance discourages development on steep or unstable slopes, promotes soil conservation, maintains plant and animal habitat in hillside areas, and preserves Danville’s scenic hillsides as permanent open space.

### Historic Preservation Ordinance

The Historic Preservation Ordinance is aimed at preventing loss of the historic buildings in Danville, the majority of which are situated in the Downtown area. Provisions of the Ordinance require consistency with the Town's Design Guidelines for Heritage Resources related to any proposed alteration of designated Heritage Resources and Historic Districts.

### Tree Preservation Ordinance

Section 32-79 of the Municipal Code protects several species of native trees that have a trunk or main stem of more than 10 inches in diameter or, for a multitunked tree, a total of 20 inches in diameter, as measured at 4.5 feet above ground. Heritage trees and Memorial trees, as defined under the Ordinance, are also protected.

### Sign Ordinance

Danville regulates the size, height, number, location, design, aesthetics, construction materials, construction details, illumination, and maintenance of all signs in the Town. This is to ensure that they are attractive, and aesthetically suited to the location in which they are placed, while allowing for functional business identification.

### Downtown Business District Ordinance

The Downtown Business District is aimed at preserving the District's unique history and character. Regulations ensure that new developments and modifications to existing structures maintain the existing character through use of compatible materials, scale, and massing. A zoning map included in the Ordinance outlines thirteen individual areas with specific land use and development standards.

### Design Review Board

The Design Review Board (DRB) assists the Town Council and Planning Commission in reviewing and evaluating proposed site design, architecture, signs, and landscaping. The scope of the DRB's review and approval authority is established by the Town Council. Depending on the type of project, the DRB either reviews and approves projects or forwards its recommendations to the Town Council, Planning Commission, Heritage Resource Commission, or staff for their consideration.

### Streetscapes/Entry Points Danville Guidelines

The Streetscapes/Entry Points Danville Guidelines, prepared in 1984, include design guidelines to convey the community's character through the design and development of streetscapes and gateways into Danville.

#### **3.1.1.2      *Existing Conditions***

#### **Visual Character**

The 2030 General Plan divides the Town into 24 planning subareas, each distinguished by its location, unique characteristics, age, and natural or constructed boundaries. These subareas fall broadly into a few visual landscape types: Downtown Core; Valley Residential with Commercial

Development at Key Nodes; Hillside Residential Subdivisions; Undeveloped Hillsides and Ridges; Commercial and Office; and Agricultural Lands.<sup>8</sup> The proposed candidate housing sites are predominately located in the Valley Residential with Commercial Development at Key Nodes visual landscape type. These visual landscape types are summarized in Table 3.1-1 below.

<b>Table 3.1-1: Visual Character by Sub Area</b>		
<b>Visual Landscape Type</b>	<b>Description</b>	<b>Sub Area</b>
Downtown Core	<p>Downtown Danville is the commercial core of the Town and centered on Hartz Avenue, Railroad Avenue, Diablo Road. Downtown Danville has a small town feel with wide sidewalks, large street trees, benches, and outdoor dining.</p> <p>The streets are notable for their high concentration of older wood buildings painted in earth tones, and there are some brick facades. Ground floors are generally occupied by small local stores, in a few cases with offices or residences above. Streets are well-maintained with irrigated landscaping.</p> <p>There are a limited number of newer-style retail centers, and newer commercial developments, these are generally low-rise (predominantly limited to one or two stories) and surrounded by large parking lots.</p>	Sub Area 2
Valley Residential with Commercial Development at Key Nodes	<p>This visual landscape type is located along Sycamore Valley Road and Camino Tassajara; the east side of the San Ramon Valley along Camino Ramon; and the El Cerro Boulevard-Diablo Road, Green Valley Road corridor. Selective larger intersections support gas stations and/or small corner shopping centers. Residential development is found on side streets, which meander gently through subdivisions of varying age.</p> <p>The area is characterized by single-family residential subdivisions, several schools, childcare centers, and recreational facilities. Larger intersections may support gas stations and/or small corner shopping centers. In some areas San Ramon Creek and Green Valley Creek run alongside the major roadways. Numerous smaller plazas are occupied by a few commercial developments, often medical buildings with large parking lots and some landscaped areas.</p>	Sub Area 1 Sub Area 4 Sub Area 5 Sub Area 6

<sup>8</sup> None of the candidate housing sites are located in Undeveloped Hillsides and Ridges or Agricultural Lands. These visual types are not discussed further.

<b>Table 3.1-1: Visual Character by Sub Area</b>		
<b>Visual Landscape Type</b>	<b>Description</b>	<b>Sub Area</b>
Semi-Rural Hillside Development	This area has narrow winding roads with large lots and large residences. Hillsides are covered by oak trees and are steep in places.	Sub Area 3
Hillside Residential Subdivision	This area is characterized by newer residential development clustered on the edges of open space areas, surrounded by agricultural lands. Streets are steeper, and there is less space between the single-family or multi-family buildings. Communities are separated from the rural areas by walls or fences, or have distinct entrance ways.	Sub Area 8
Commercial and Office	The eastern part of the area, adjacent to San Ramon, contains office and commercial developments, both with large parking areas.	Sub Area 7

## **Views of the Project Sites and Surrounding Area**

### Sub Area 1

Candidate housing sites in Sub Area 1 are located within the La Gonda Way/West El Pintado Planning Area, with the exception of two parcels (APN 200040012 and APN 200020010) that are located in the El Pintado Planning Area and El Cerro Planning Area, respectively (refer to Figure 3.1-1).

The La Gonda/West El Pintado Area is a mixed-use area located west of I-680 and east of San Ramon Creek. This area contains a combination of residential, professional, public, and institutional uses. Portions of the West El Pintado area retain a rural character, with remnants of former orchards, large lots, single family homes, and street sections without curb, gutter or sidewalks.

The El Pintado Planning Subarea is situated along Alamo Ridge at the Town's northern limits. The neighborhood is located immediately east of I-680 and is accessed by El Pintado and El Pinto Roads. Characterized by oak studded hillsides, narrow and rural roads, this residential neighborhood is Danville's largest semi-rural area. Many properties in this area have dramatic views of Mt. Diablo and/or Las Trampas Ridge. Refer to Sub Area 4 below for a description of the El Cerro Planning Area.

### Sub Area 2

Candidate housing sites in Sub Area 2 are located within the Downtown Danville Planning Area, except for one site (APNs 207012001, 207012007, 207012008, 207012009) that is located in the San Ramon Valley Boulevard Planning Area. The core of historic Downtown Danville extends along Hartz Avenue from Diablo Road to Sycamore Valley Road. Downtown Danville includes a mix of commercial and office development.

The San Ramon Valley Boulevard corridor lies along the west side of I-680 and south of Town and Country Drive. This mixed-use area consists of medium density residential, office, retail, and institutional uses.

### Sub Area 3

Candidate housing sites in Sub Area 3 are located within the Town and Country Planning Area, except for one parcel (APN 208612007) that is located in the Danville Ranch/California Chateau Planning Area. The Town and Country Planning Area is an established residential area west of the commercial development along San Ramon Valley Boulevard and located southwest of Downtown Danville. Situated at the foothills of Las Trampas Ridge, this area offers a suburban/rural character within walking distance of Downtown.

The Danville Ranch/California Chateau Planning Area is located at the foothills of Las Trampas Ridge, west of I-680. The area's setting on the east facing slopes of Las Trampas Ridge provides dramatic views across the San Ramon Valley to the Sherburne Hills and Mt. Diablo.

### Sub Area 4

All of the candidate housing sites in Sub Area 4 are located within the El Cerro Planning Subarea. This area encompasses the primarily residential neighborhoods located north and south of El Cerro Boulevard, defined by I-680 on the west and Diablo Road on the east. This area is characterized by gently rolling hills.

### Sub Area 5

All of the candidate housing sites in Sub Area 5 are located within the Sycamore North and South Planning Area. This area is bounded by Camino Tassajara on the north, I-680 on the west, and El Capitan Drive on the south. Sycamore Valley Road bisects this area, providing the most direct access into the area's neighborhoods as well as to the large residential areas lying to the east. Much of the area has dramatic views of Las Trampas Ridge.

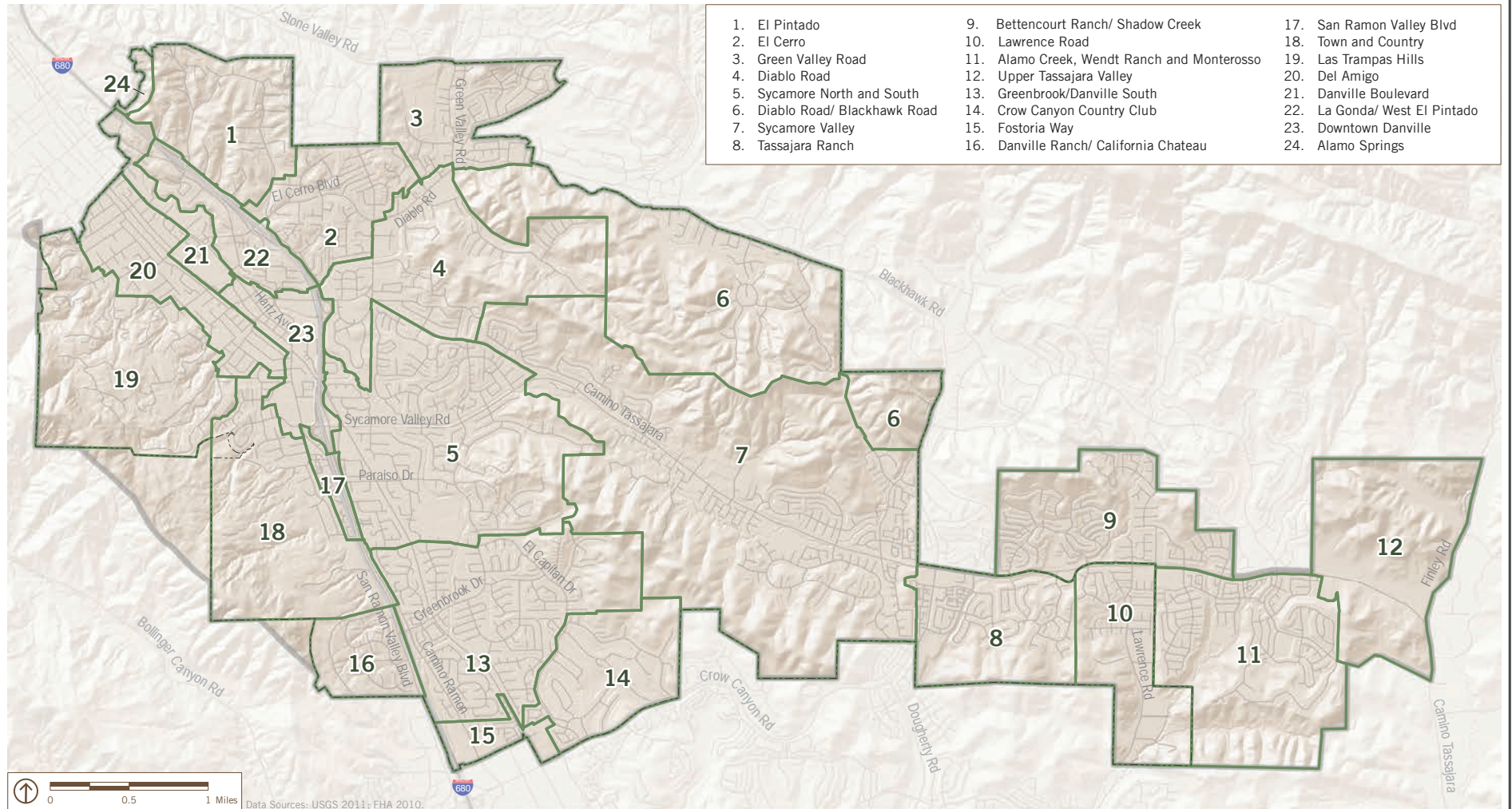
### Sub Area 6

All of the candidate housing sites in Sub Area 6 are located within the Sycamore Valley Planning Area. The area is bounded by Short Ridge on the north, Sherburne Hills on the south, the Sycamore Valley Road/Camino Tassajara intersection on the west and the Tassajara Crossing, Village at Tassajara and Blackhawk Plaza commercial areas on the east. The area is set against the backdrop of rolling hills and distant ridges that are linked together by pedestrian paths and bike lanes along Camino Tassajara and a trail corridor along the meandering Sycamore Creek.

### Sub Area 7

All of the candidate housing sites in Sub Area 7 are located within the Fostoria Way Planning Area. The Fostoria Way area occupies the northeast quadrant of the Crow Canyon Road/I-680 interchange. Residential uses include a mix of single-family homes and duets. The area also includes commercial development (i.e., Costco and Marshalls). This area also includes an inactive walnut orchard





Data Sources: USGS 2011; FHA 2010.  
 Town Limit   
 Planning Area Boundary   
 Danville Planning Subareas

Source: Town of Danville, Danville 2030 General Plan.

## TOWN OF DANVILLE PLANNING SUB AREAS

FIGURE 3.1-1

occupying a large portion of the Borel Site (APNs 218090031 and 218090032), which was one of the very last cultivated agricultural areas in Danville.

### Sub Area 8

Sub Area 8 is located in the Crow Canyon Country Club Planning Area, which consists of mixture of townhomes, patio homes, and single-family residences oriented around the fairways of a private 18-hole golf course. Undeveloped hillside open space areas define the eastern and southern limits of the community. In addition to the golf course, recreational facilities available to members include a swimming pool complex, tennis courts, driving range and a club house. Access to this community comes from two major collector roads: Crow Canyon Road and El Capitan Drive.

### **Scenic Views and Resources**

The General Plan outlines the importance of major ridgelines and scenic hillside areas as key components of views from different locations in Danville. Areas covered by the Scenic Hillside and Major Ridgeline Development Ordinance are identified on Figure 3.1-2 of this PEIR.<sup>9</sup> One candidate housing site (APN 208230044) in Sub Area 3 is subject to the Town's Scenic Hillside Ordinance due to the proximity to Las Trampas Ridge.

### **Scenic Corridors and Highways**

The Town's General Plan identifies Scenic Routes and Scenic Corridor where protection of visual qualities is prioritized. A Scenic Route is a road, street, or freeway which transects an area characterized by high visual character, dramatic vistas, or cultural significance. It is generally understood that scenic routes facilitate visual and physical access to aesthetic features. A Scenic Corridor is the area adjacent to and visible from the Scenic Route.

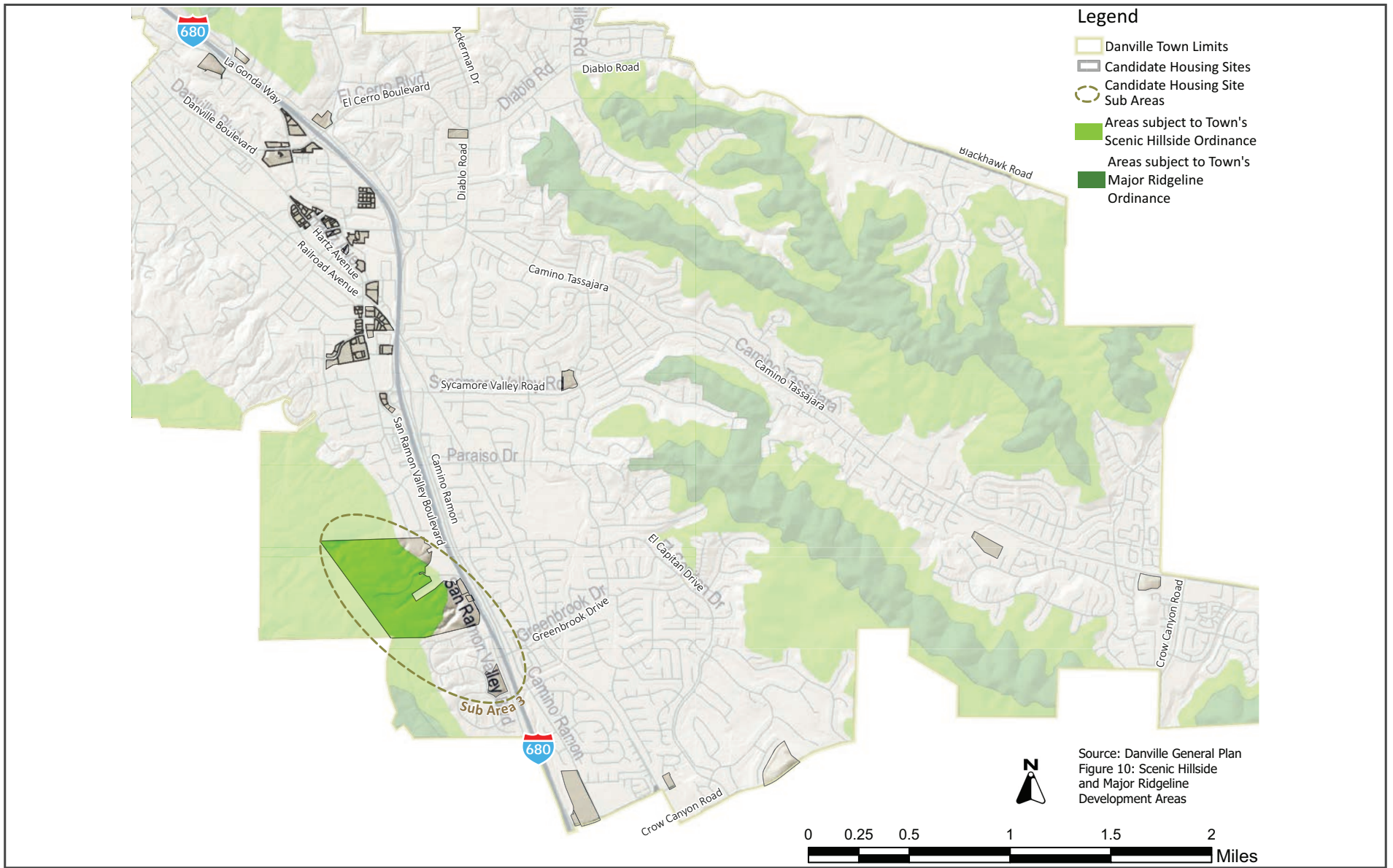
The 2030 General Plan identifies the following nine Scenic Routes:

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

Candidate housing sites may be visible from Danville Boulevard, San Ramon Valley Boulevard, Diablo Road, Sycamore Valley Road, Crow Canyon Road, and I-680.

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<sup>9</sup> Town of Danville. 2030 General Plan. March 19, 2013. Figure 10, Page 3.93.



HILLSIDES AND RIDGELINES

FIGURE 3.1-2



## Light and Glare

Light pollution refers to all forms of unwanted light in the night sky, including glare, light trespass, sky glow, and over-lighting. In most of the Town, light pollution is minimal and is restricted primarily to street lighting and to night-time illumination of commercial buildings in the Downtown and along arterial roads. Light spillage from residential developments, particularly older ones, is generally well screened by trees.

### 3.1.3 Impact Discussion

For the purpose of determining the significance of the project's impact on aesthetics, except as provided in Public Resources Code Section 21099, would the project:

- 1) Have a substantial adverse effect on a scenic vista?
- 2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- 3) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings?<sup>10</sup> If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?
- 4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

#### 3.1.3.1 *Project Impacts*

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<b>Impact AES-1:</b>	The project would not have a substantial adverse effect on a scenic vista. <b>(Less than Significant Impact)</b>
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Implementation of the Housing Element Update would facilitate new residential construction in order to meet the Town's RHNA allocation. Residential development under the Housing Element Update has the potential to affect scenic vistas by bringing new or intensified development to areas which provide or contribute to such vistas. Potential effects could include blocking views of scenic vistas from specific vantage points or the alteration of the overall scenic vista itself.

The Town's General Plan outlines the importance of major ridgelines and scenic hillside areas and has defined certain key routes as scenic routes from which scenic corridors are visible. Future development of the candidate housing sites may be visible from designated scenic routes. General Plan Policy 2.08 requires that the Town review proposed projects with respect to their visual impacts in order to protect scenic routes. There are also several policies in the General Plan that seek to restrict development on scenic hillsides and ridgelines areas, including General Plan Policies 2.02, 2.03, and 2.04. Where development is allowed on scenic hillsides and ridgeline areas, these policies ensure that project design is sensitive to visual impacts.

The Town's Scenic Hillside and Major Ridgeline Development Ordinance also places strict limits on the development of designated hillside and ridgeline areas. One candidate housing site (APN

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<sup>10</sup> Public views are those that are experienced from publicly accessible vantage points.

208230044) in Sub Area 3 is located in a designated scenic hillside area and is subject to the Town's Scenic Hillside Ordinance. Future housing development on this site would be subject to special development standards, that seek to discourages development on steep or unstable slopes and preserves Danville's scenic hillsides as permanent open space. These development standards address mass, color, materials, and screening requirements, and should discourage excessive grading and flat pad construction. Additionally, General Plan Policy 2.05 encourages development to cluster in flatter areas, conserve open space on steeper portions, and protect natural features such as trees, creeks, knolls, ridges, and rock outcroppings.

Implementation of General Plan Policies 2.02, 2.03, 2.04, 2.05, 2.08 and the Town's Scenic Hillside and Major Ridgeline Development Ordinance, which require future housing development be reviewed against applicable policies and regulations, would ensure that visual impacts on a scenic vista are reduced to less than significant. **(Less than Significant Impact)**

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**Impact AES-2:** The project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. **(Less than Significant Impact)**

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Future development of the candidate housing sites in Sub Areas 1, 2, 3, and 7 may be visible from I-680, a State-designated scenic highway. Several stretches along I-680 are enclosed by a 10-foot-high sound wall that effectively block immediate near-field views of Sub Areas 1, 2, and 3. Views from I-680 are also generally screened by mature trees located on both sides of the I-680 corridor. Future development of the Borel Site (3020 Fostoria Way; APN 218090031 and 218090032) is located immediately adjacent to I-680. The appearance of the Borel Site from passing vehicles on I-680 would be largely unchanged due to the implementation of General Plan Policies 2.02, 2.03, 2.04, 2.05, and 2.08. Based on the presence of existing sound walls along I-680 and implementation of General Plan policies, future housing development under the Housing Element Update would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. **(Less than Significant Impact)**

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**Impact AES-3:** The project would not conflict with applicable zoning and other regulations governing scenic quality. **(Less than Significant Impact)**

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Impacts to Danville's major ridgelines and scenic hillside areas have been discussed under Impact AES-1. Other valued visual aspects to the visual character of the Town include the historic buildings in the Downtown, former agricultural areas, and the Town's heritage trees.

Future development of the candidate housing sites in Sub Area 2 would occur within the Downtown area. General Plan Policy 8.02 would ensure that new development in the Downtown area is compatible with nearby historic buildings, the historic Downtown street pattern, and the area's historic, pedestrian-oriented character. Policy 8.07 encourages the design of public improvements such as street furniture, streetlights, and signage, to be consistent with historic character, particularly in Old Town Danville and nearby areas.



Future development of the Borel Site (3020 Fostoria Way; APN 218090031 and 218090032) in Sub Area 7 would occur on an inactive walnut orchard, which was one of the very last cultivated agricultural areas in Danville. While this site was previously used for agricultural, the orchard is no longer in production and a non-renewal notice for the Williamson Act contract has been issued (refer to Section 3.2 Agriculture and Forestry Resources).

Future development of the candidate housing sites would have the potential to require removal of existing trees. General Plan Policy 8.06, 21.06, and the Town's Tree Preservation Ordinance would ensure that large mature, or heritage, trees continue as key features in the Danville visual landscape. Refer to Impact BIO-5 in Section 3.4 Biological Resources for additional discussion on tree removal.

Future development associated with the Housing Element Update would result in the development of high-density residential uses on parcels predominately zoned for single-family residential, commercial/office, and open space uses. Implementation of the Housing Element Update would result in changes to the zoning that would accommodate increased development densities at the proposed candidate housing sites. All of the candidate housing sites would require General Plan amendments and rezoning. Building heights would be limited to 40 feet or lower, depending on the location. Future development proposed on the candidate housing sites would be reviewed for consistency with the General Plan and Municipal Code as part of the development review process to ensure that the proposed buildings would not conflict with the zoning and other regulations governing scenic quality. For these reasons, implementation of the Housing Element Update would result in a less than significant impact to the scenic quality of Danville. **(Less than Significant Impact)**

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

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Light and glare comes mainly from commercial areas, lights kept on at night, traffic on major arterials and the freeway, and from streetlights. Implementation of the Housing Element Update would not change residential designations to commercial. Likewise, changes in land use could reduce light levels as commercial areas are converted to other uses. General Plan Policy 2.01 would require that future development projects be subject to design review and approval to address lighting and glare from new buildings and developments. Adherence to General Plan Policy 2.01 would ensure that future development under the Housing Element Update would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. **(Less than Significant Impact)**

### 3.1.3.2 *Cumulative Impacts*

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**Impact AES-C:** The project would not result in a cumulatively considerable contribution to a cumulatively significant aesthetics impact. **(Less than Significant Cumulative Impact)**

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The Housing Element Update identifies proposed candidate housing sites spread across eight Sub Areas in the Town. Therefore, the geographic area for cumulative aesthetics impacts is defined as the entire Town of Danville.

#### Scenic Vistas

Future cumulative development in the Town has the potential to affect scenic vistas by bringing new or intensified development to areas which provide or contribute to such vistas. Similar to development under the Housing Element Update, potential effects could include blocking views of scenic vistas from specific vantage points or the alteration of the overall scenic vista itself. Future cumulative development would be subject to General Plan Policies 2.02, 2.03, 2.04, and 2.08, which seek to protect scenic routes and scenic hillside and ridgeline areas. In addition, future cumulative development would be subject to the Town's Scenic Hillside and Major Ridgeline Development Ordinance, which places strict limits on development in designated hillside and ridgelines areas. Future cumulative development would be reviewed against applicable policies and regulations to ensure that visual impacts on a scenic vista reduced to less than significant. Therefore, the Project would not contribute to a cumulatively significant impact to scenic vistas.

#### Scenic Resources

Future cumulative development in the Town may be visible from I-680, a State-designated scenic highway. Several stretches along I-680 are enclosed by a 10-foot-high sound wall that effectively blocks immediate near-field views. Implementation of General Plan Policies 2.02, 2.03, 2.04, 2.05, and 2.08 would ensure that development does not substantially damage scenic resources. Future development would be reviewed against applicable policies and regulations to ensure that visual impacts on scenic resources are reduced to less than significant. Therefore, the Project would not contribute to a cumulatively significant impact to scenic resources.

#### Visual Character or Quality of Public Views

Future cumulative development would be subject to the Town's design review process and would adhere to General Plan Policies that aim to protect Danville's visual character (Policies 8.02, 8.06, 8.07, and 21.06). Future development would be reviewed for consistency with the Town's General Plan and Municipal Code as part of the development review process to ensure that the proposed buildings would not conflict with the existing visual landscape. Accordingly, the Project would not contribute to a cumulatively significant visual character impact.

#### Light and Glare

Future cumulative development would be subject to General Plan Policy 2.01, which requires that development projects be subject to design review and approval to address lighting and glare from

new buildings and developments. Therefore, the Project would not contribute to a cumulatively significant light and glare impact.

For the reasons discussed above, the Project would have a less than significant cumulative aesthetics impact. **(Less than Significant Cumulative Impact)**

## **3.2 AGRICULTURE AND FORESTRY RESOURCES**

### **3.2.1 Environmental Setting**

#### **3.2.1.1 *Regulatory Framework***

##### **State**

##### **Farmland Mapping and Monitoring Program**

The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status. The best quality land is identified as Prime Farmland. In CEQA analyses, the FMMP classifications and published county maps are used, in part, to identify whether agricultural resources that could be affected are present on-site or in the project area.<sup>11</sup>

##### **California Land Conservation Act**

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments. In CEQA analyses, identification of properties that are under a Williamson Act contract is used to also identify sites that may contain agricultural resources or are zoned for agricultural uses.<sup>12</sup>

##### **Fire and Resource Assessment Program**

The California Department of Forestry and Fire Protection (CAL FIRE) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.<sup>13</sup> Programs such as CAL FIRE's Fire and Resource Assessment Program are used to identify whether forest land, timberland, or timberland production areas that could be affected are located on or adjacent to a project site.<sup>14</sup>

##### **Local**

##### **Town of Danville 2030 General Plan**

The following policies in the Town's General Plan have been adopted for the purpose of reducing or avoiding agricultural and forestry-related impacts and are applicable to the Housing Element Update.

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<sup>11</sup> California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed October 26, 2021. <http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx>.

<sup>12</sup> California Department of Conservation. "Williamson Act." <http://www.conservation.ca.gov/dlrp/lca>.

<sup>13</sup> Forest Land is land that can support 10 percent native tree cover and allows for management of forest resources (California Public Resources Code Section 12220(g)); Timberland is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing trees to produce lumber and other products, including Christmas trees (California Public Resources Code Section 4526); and Timberland Production is land used for growing and harvesting timber and compatible uses (Government Code Section 51104(g)).

<sup>14</sup> California Department of Forestry and Fire Protection. "Fire and Resource Assessment Program." Accessed October 26, 2021. <http://frap.fire.ca.gov/>.

Policy	Description
7.06	Support and promote actions that improve the long-term economic viability of agriculture in the Tri-Valley region, including the Tassajara Valley. Encourage the use of “right-to- farm” ordinances and/or buffer zones between urban and rural areas in the Tri-Valley area in order to preserve the long-term viability of agriculture.
8.05	Where appropriate and feasible, retain physical elements of Danville that contribute to the aesthetic and historic character of agricultural areas and former agricultural areas, such as barns, outbuildings, bridges, heritage trees, and fences.
21.02	Maintain open space in appropriate areas, including areas of scenic beauty, areas of economically viable agriculture, and areas where natural hazards such as flooding and land instability preclude safe development.
21.04	Require adequate buffering and effective fencing between agricultural and urban land uses.  The urban land use should be responsible for the creation and maintenance of such buffers and the urban property owners should assume the responsibility for potential impacts upon adjacent uses. Where appropriate, disclosure notices should be used to advise homebuyers of nearby agricultural activities as a means of ensuring that such activities may continue when they are properly conducted.

### 3.2.1.2 *Existing Conditions*

#### **Important Farmland**

Important farmland includes prime farmland, unique farmland, and land of statewide or local importance. According to the 2030 General Plan and California Department of Conservation Farmland Map for Contra Costa County, the Town is mostly Built-up Land (70.9 percent), Grazing Land (21.7 percent), with a small amount of Farmland of Local Importance (7.3 percent).<sup>15</sup>

#### Prime Farmland

This land category has the best combination of physical and chemical features for sustaining long-term agricultural production. It has the soil quality, growing season, and moisture supply needed to produce crops with sustained high yields. The land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

The Town does not have any designated Prime Farmland.<sup>16</sup>

#### Farmland of Statewide Importance

This category is similar to Prime Farmland but with minor shortcomings (e.g., greater slopes or less ability to store soil moisture). The land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

<sup>15</sup> Town of Danville. General Plan 2030 Draft EIR. October 12, 2012. Page 4.2-4.

<sup>16</sup> Ibid.

There are no occurrences of Farmland of Statewide Importance within the Town of Danville's Planning Area.<sup>17</sup>

### Unique Farmland

As shown on Figure 3.2-1, there is one candidate housing site designated as Unique Farmland in Sub Area 7.<sup>18</sup> This is the Borel Site (3020 Fostoria Way; APN 218090031 and 218090032) that had been under active agricultural production as a walnut orchard and was previously designated for urban uses. The site has not been actively farmed since at least 2009 and thus, based on both the definition of Unique Farmland as "land must have been cropped at some time during the four years prior to the mapping date", the Borel Property can no longer be recognized as Unique Farmland.<sup>19</sup>

### Farmland of Local Importance

Several areas of Farmland of Local Importance occur within the Town limits, on the lower slopes of the ridges, closer to the creeks (Green Valley Creek and Sycamore Creek, and their respective tributaries).

There are no candidate housing sites designated as Farmland of Local Importance.<sup>20</sup>

### Grazing Land

Grazing Land is that on which the existing vegetation, whether grown naturally or through management, is suitable for livestock grazing. As shown in Figure 3.2-1, there is one candidate housing site in Sub Area 3 (APN 208230044) designated as Grazing Land.<sup>21</sup>

### Agricultural Lands

Three of the candidate housing sites in Sub Area 3 have an existing zoning designation of A-2 (General Agricultural District).

- 1435 San Ramon Valley Boulevard (APN 208230047): this site is currently occupied by a single-family residence and does not have any active agricultural uses
- 1453 San Ramon Valley Boulevard (APN 208230011): this site is currently occupied by a preschool/daycare and does not have any active agricultural uses.
- APN 208230044: this site is currently used for cattle and horse grazing.

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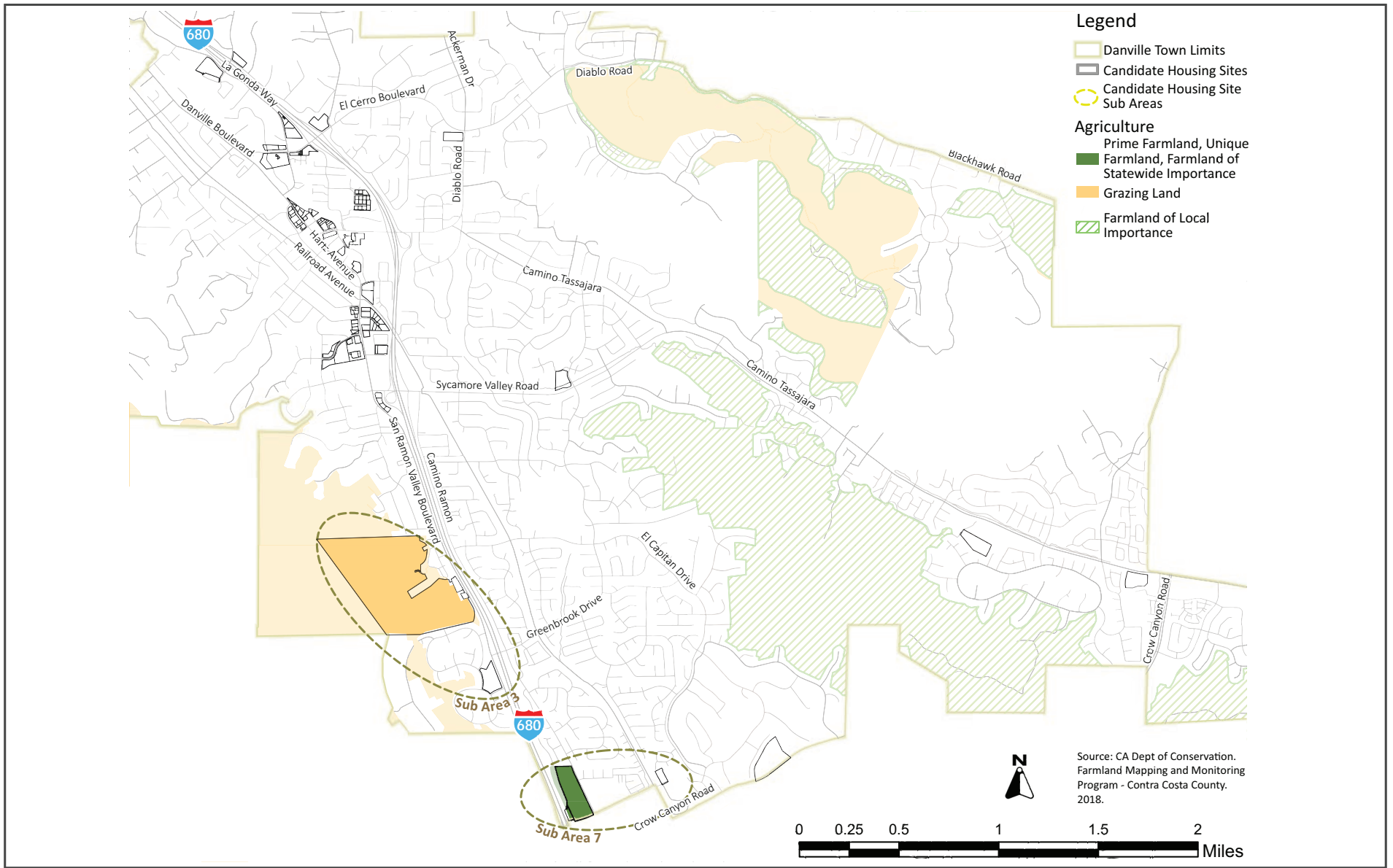
<sup>17</sup> California Department of Conservation. California Important Farmland Finder. <https://maps.conservation.ca.gov/dlrp/ciff/>. Accessed October 26, 2021.

<sup>18</sup> Ibid.

<sup>19</sup> California Department of Conservation. California Important Farmland Finder – Unique Farmland Type Description. 2018. "Lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date."

<sup>20</sup> California Department of Conservation. California Important Farmland Finder. <https://maps.conservation.ca.gov/dlrp/ciff/>. Accessed October 26, 2021.

<sup>21</sup> Ibid.



AGRICULTURAL LANDS

FIGURE 3.2-1



## **Williamson Act Contracts**

Lands covered by active Williamson Act contracts in the Town are limited to one 100-acre property (Purcell Property) located in the northeastern portion of the Town.<sup>22</sup> In 2012, the Borel Property issued a non-renewal notice which includes a 10-year waiting period for its Williamson Act status and the property is not included in the Contra Costa County 2019 Williamson Act inventory.<sup>23,24</sup>

## **Forest Land and Timberland**

According to the General Plan 2030 EIR, isolated woodlands that could fall under California Public Resource Section 12220(g) definition of forest land exist within the Town and occur most frequently along streams or in ravines and canyons. Several candidate housing sites within Sub Area 1, 2, 3, and 6 contain woodland vegetation, as shown on Figure 3.2-2.<sup>25</sup>

There are no lands in Danville currently zoned for or in timber production.<sup>26</sup>

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<sup>22</sup> Contra Costa County. 2016 Agricultural Preserves Map.

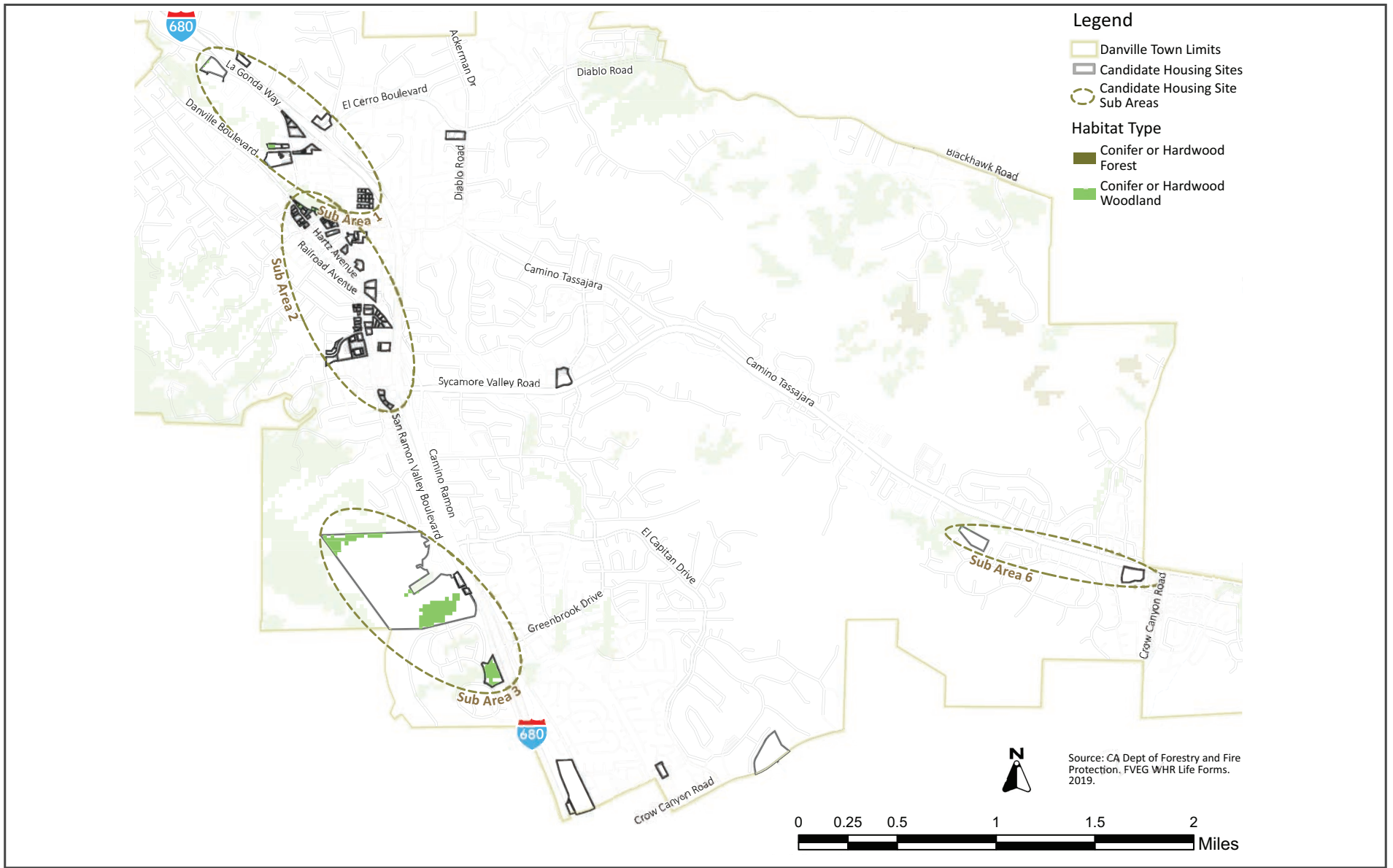
<https://www.contracosta.ca.gov/DocumentCenter/View/882/Map-of-Properties-Under-Contract?bidId=>. Accessed October 26, 2021.

<sup>23</sup> Town of Danville. General Plan 2030 Draft EIR. October 12, 2012. Page 4.2-7.

<sup>24</sup> Contra Costa County Planning Department. Williamson Act Parcels – Contra Costa County (2019). <https://data.bayareametro.gov/Land-Use/Williamson-Act-Parcels-Contra-Costa-County-2019-/6bn7-cq2q>.

<sup>25</sup> California Department of Forestry and Fire Protection. FVEG WHE Life Forms, Forest and Woodland Habitat Types. 2019. Accessed April 21, 2022. <http://cpuc.firemap2.sig-gis.com/>.

<sup>26</sup> Town of Danville. General Plan 2030 Draft EIR. October 12, 2012. Page 4.2-10.



FOREST AND WOODLAND

FIGURE 3.2-2

### 3.2.2 **Impact Discussion**

For the purpose of determining the significance of the project's impact on agriculture and forestry resources, would the project:

- 1) 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?
- 2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- 3) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?
- 4) Result in a loss of forest land or conversion of forest land to non-forest use?
- 5) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

#### 3.2.2.1 ***Project Impacts***

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<b>Impact AG-1:</b>	The project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. <b>(Less than Significant Impact)</b>
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Based on a review of the 2018 Contra Costa County Farmland Map, there are no properties within or near the candidate housing sites designated as Prime Farmland or Farmland of Statewide Importance. Sub Area 7 (Borel Site) is identified as Unique Farmland on the 2018 Contra Costa County Farmland Map; however, the property no longer meets the definition of farmland given the lack of cultivation in more than four years. Consequently, implementation of the Housing Element Update would not impact agricultural resources through conversion to a non-agricultural use. Therefore, no impacts to Prime Farmland, Unique Farmland, or Farmland of Statewide Importance would occur as result of the Project. **(Less than Significant)**

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<b>Impact AG-2:</b>	The project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. <b>(Less than Significant Impact)</b>
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None of the candidate housing sites are under current Williamson Act contracts. A non-renewal notice was filed for the Borel Site in 2012, and the property is no longer included in the Contra Costa County Williamson Act inventory.<sup>27</sup> General Plan Policy 1.11 requires the Town to only accept General Plan Amendment applications for land under Agricultural Preserve Contract after the filing of a notice of non-renewal. With adherence to this policy, there would be no impact.

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<sup>27</sup> Contra Costa County Planning Department. Williamson Act Parcels – Contra Costa County (2019). <https://data.bayareametro.gov/Land-Use/Williamson-Act-Parcels-Contra-Costa-County-2019-/6bn7-cq2q>.

Three of the candidate housing sites (APNs 208230047, 208230011, and 208230044)) are currently zoned for agricultural uses. Implementation of the Housing Element Update would rezone these sites to non-agricultural uses. As previously noted, two of the sites (APNs 208230047 and 208230011) are not currently used for agricultural purposes, and both are surrounded by Urban and Built-up land as shown in the California Important Farmland Finder.<sup>28</sup> As shown in Figure 3.2-1, there is one candidate housing site in Sub Area 3 (APN 208230044) designated as Grazing Land is not defined by the Farmland Mapping and Monitoring Program as Important Farmland; therefore, impacts to Grazing Land would not be considered an impact pursuant to CEQA. Although the Project would conflict with existing zoning for agricultural use, it would not conflict with a Williamson Act contract and would not impact property currently used for agricultural purposes. **(Less than Significant Impact)**

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**Impact AG-3:** The project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. **(Less than Significant Impact)**

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None of the candidate housing sites are zoned for timberland production. Several candidate housing sites within Sub Areas 1, 2, 3, and 6 contain woodland vegetation meeting the definition of forest land under California Public Resource Section 12220(g). Woodland vegetation is most frequently located along streams, including San Ramon Creek and Sycamore Creek. Future development of the candidate housing sites in Sub Areas 1-3 and 6 could result in impacts to forest land. As discussed in Section 3.4 Biological Resources, adherence to General Plan Policies 21.10, 21.01, 21.06, 22.01 and the Town's Tree Preservation Ordinance would serve to mitigate potential adverse impacts to forest land. Therefore, the Project would not result in a significant impact due to conflicts with land zoned for forestland or timber production. **(Less than Significant Impact)**

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**Impact AG-4:** The project would not result in a loss of forest land or conversion of forest land to non-forest use. **(Less than Significant Impact)**

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As discussed in Impact AG-3, several candidate housing sites within Sub Areas 1, 2, 3, and 6 contain woodland vegetation meeting the definition of forest land. General Plan Policy 22.01 calls for the maintenance and enhancement of the natural quality of Danville's creeks, including the riparian vegetation along the banks. Setbacks would be maintained along creeks. As discussed above, adherence to General Plan Policies 21.01, 21.06, 21.10, 22.01 and the Town's Tree Preservation Ordinance would serve to mitigate potential adverse impacts to forest land. For these reasons, development of future housing sites would not impact forest land or lead to the conversion of forest land to non-forest uses. **(Less than Significant Impact)**

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**Impact AG-5:** The project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. **(Less than Significant Impact)**

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<sup>28</sup> California Department of Conservation. California Important Farmland Finder. <https://maps.conservation.ca.gov/dlrp/ciff/>. Accessed October 26, 2021.

There are three candidate housing sites (APNs 208230047, 208230011, and 208230044) with an existing zoning designation of A-2 (General Agricultural District), and woodland vegetation associated with Danville's creeks and tributaries occur on several housing candidate housing sites within Sub Area 1, 2, 3, and 6. As previously noted, two of the sites (APNs 208230047 and 208230011) are not currently used for agricultural purposes. One candidate housing site (APN 208230044) is currently used for cattle and horse grazing. As previously discussed, Grazing Land is not considered Important Farmland; therefore, impacts to Grazing Land would not be considered an impact pursuant to CEQA. Woodland vegetation associated with candidate housing sites in Sub Areas 1, 2, 3, and 6 would be subject to General Plan Policies 21.01, 21.06, 21.10, 22.01 and the Town's Tree Preservation Ordinance would serve to mitigate potential adverse impacts to forest land. For these reasons, development of the future housing sites would not impact farmland or forest land nor lead to the conversion of farmland and forest land to non-agricultural and non-forest uses. **(Less than Significant Impact)**

### 3.2.2.2 *Cumulative Impacts*

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<b>Impact AG-C:</b>	The project would not result in a cumulatively considerable contribution to a cumulatively significant agricultural and forestry resources impact. <b>(Less than Significant Cumulative Impact)</b>
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The geographic area for cumulative agricultural and forestry resource impacts is Contra Costa County, since these resources are mapped and managed at the county level.

#### Conversion of Farmland to Non-Agricultural Use

As described above under Impact AG-1, there is no Prime Farmland or Farmland of Statewide Importance within the Danville Planning Area. Sub Area 7 is identified as Unique Farmland on the 2018 Contra Costa County Farmland Map. Conversion of this property to a non-agricultural use was evaluated in the General Plan 2030 EIR. The General Plan 2030 EIR concluded that very little Unique Farmland of any type remains in the San Ramon Valley and cumulative impacts would be less than significant. Therefore, the Project would not contribute to a cumulatively significant impact from the conversion of farmland to non-agricultural use.

#### Conflict with Agricultural Zoning or Williamson Act Contract

As described above under Impact AG-2, the Project would have no impact on lands currently in agricultural use or a Williamson Act contract. Therefore, the Project would not contribute to a cumulatively significant impact due to conflicts with agricultural zoning or Williamson Act contracts.

#### Conflict or Rezone Forest land or Timberland and Loss of Forestland

As disclosed in the General Plan 2030 EIR, isolated woodlands that could fall under California Public Resource Section 12220(g) definition of forest land exist within the Town. Woodland vegetation is most frequently located along streams, including San Ramon Creek and Sycamore Creek. Future cumulative development could result in impacts to forest land. Adherence to General Plan Policies 21.01, 21.06, 21.10, 22.01 and the Town's Tree Preservation Ordinance would serve to

mitigate potential adverse impacts to forest land. For these reasons, the cumulative projects (including the Project) would not result in a significant cumulative impact to forest land resources.

#### Other Changes to the Environment

Future cumulative development could result in the conversion of Farmland to non-agricultural use. Most of the remaining farmland in the Town of Danville has already been converted to residential uses. Candidate housing sites with agricultural zoning are currently not used for agricultural purposes and, their rezoning for housing, therefore would not contribute to a significant cumulative farmland impact. There is no land producing or zoned for timber in the Danville Planning Area. Forest land would be protected by General Plan Policies 21.01, 21.06, 21.10, 22.01 and the Town's Tree Preservation Ordinance. Therefore, cumulative development (including the Project) would not contribute to a cumulatively significant impact regarding conversion of forest land. **(Less than Significant Cumulative Impact)**

### 3.3 AIR QUALITY

The following discussion is based, in part, on an Air Quality Assessment prepared for this Project by Illingworth & Rodkin, Inc. A copy of this report, dated July 2022, is attached to this EIR as Appendix B.

#### 3.3.1 Environmental Setting

##### 3.3.1.1 *Regulatory Framework*

##### 3.3.1.2 *Background Information*

#### Criteria Pollutants

Air quality in the Bay Area is assessed related to six common air pollutants (referred to as criteria pollutants), including ground-level ozone (O<sub>3</sub>), nitrogen oxides (NO<sub>x</sub>), particulate matter (PM), carbon monoxide (CO), sulfur oxides (SO<sub>x</sub>), and lead.<sup>29</sup> Criteria pollutants are regulated because they result in health effects. An overview of the sources of criteria pollutants and their associated health are summarized in Table 3.3-1. The most commonly regulated criteria pollutants in the Bay Area are discussed further below.

Table 3.3-1: Health Effects of Air Pollutants		
Pollutants	Sources	Primary Effects
Ozone (O <sub>3</sub> )	Atmospheric reaction of organic gases with nitrogen oxides in sunlight	<ul style="list-style-type: none"><li>• Aggravation of respiratory and cardiovascular diseases</li><li>• Irritation of eyes</li><li>• Cardiopulmonary function impairment</li></ul>
Nitrogen Dioxide (NO <sub>2</sub> )	Motor vehicle exhaust, high temperature stationary combustion, atmospheric reactions	<ul style="list-style-type: none"><li>• Aggravation of respiratory illness</li><li>• Reduced visibility</li></ul>
Fine Particulate Matter (PM <sub>2.5</sub> ) and Coarse Particulate Matter (PM <sub>10</sub> )	Stationary combustion of solid fuels, construction activities, industrial processes, atmospheric chemical reactions	<ul style="list-style-type: none"><li>• Reduced lung function, especially in children</li><li>• Aggravation of respiratory and cardiorespiratory diseases</li><li>• Increased cough and chest discomfort</li><li>• Reduced visibility</li></ul>
Toxic Air Contaminants (TACs)	Cars and trucks, especially diesel-fueled; industrial sources, such as chrome platers; dry cleaners and service stations; building materials and products	<ul style="list-style-type: none"><li>• Cancer</li><li>• Chronic eye, lung, or skin irritation</li><li>• Neurological and reproductive disorders</li></ul>

High O<sub>3</sub> levels are caused by the cumulative emissions of reactive organic gases (ROG) and NO<sub>x</sub>. These precursor pollutants react under certain meteorological conditions to form high O<sub>3</sub> levels.

<sup>29</sup> The area has attained both state and federal ambient air quality standards for CO. The project does not include substantial new emissions of sulfur dioxide or lead; therefore, these criteria pollutants are not discussed further.



Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce O<sub>3</sub> levels. The highest O<sub>3</sub> levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources.

PM is a problematic air pollutant in the Bay Area. PM is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM<sub>10</sub>) and fine particulate matter where particles have a diameter of 2.5 micrometers or less (PM<sub>2.5</sub>). Elevated concentrations of PM<sub>10</sub> and PM<sub>2.5</sub> are the result of both region-wide emissions and localized emissions.

### **Toxic Air Contaminants**

TACs are a broad class of compounds known to have health effects. They include but are not limited to criteria pollutants. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, diesel fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter [DPM] near a freeway).

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. Medium- and heavy-duty diesel trucks represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury).<sup>30</sup> Chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the California Air Resources Board (CARB).

### **Sensitive Receptors**

Some groups of people are more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 16, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill, and the chronically ill) are likely to be located. These land uses include residences, school playgrounds, child-care centers, retirement homes, convalescent homes, hospitals, and medical clinics.

#### **3.3.1.3 *Regulatory Framework***

##### **Federal and State**

###### **Clean Air Act**

At the federal level, the United States (U.S.) Environmental Protection Agency (EPA) is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The federal

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<sup>30</sup> California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed October 26, 2021. <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health>.

Clean Air Act requires the EPA to set national ambient air quality standards for the six common criteria pollutants (discussed previously), including PM, O<sub>3</sub>, CO, SO<sub>x</sub>, NO<sub>x</sub>, and lead.

CARB is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act. The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate. Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB.

### Risk Reduction Plan

To address the issue of diesel emissions in the state, CARB developed the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles. In addition to requiring more stringent emission standards for new on-road and off-road mobile sources and stationary diesel-fueled engines to reduce particulate matter emissions by 90 percent, the plan involves application of emission control strategies to existing diesel vehicles and equipment to reduce DPM (in addition to other pollutants). Implementation of this plan, in conjunction with stringent federal and CARB-adopted emission limits for diesel fueled vehicles and equipment (including off-road equipment), will significantly reduce emissions of DPM and NO<sub>x</sub>.

## **Regional**

### 2017 Clean Air Plan

The Bay Area Air Quality Management District (BAAQMD) is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards will be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how BAAQMD will continue its progress toward attaining state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-greenhouse gases (GHGs) that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.<sup>31</sup>

### BAAQMD CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. Jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing air quality impacts developed by BAAQMD within their CEQA Air Quality Guidelines.

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<sup>31</sup> Bay Area Air Quality Management District. *Final 2017 Clean Air Plan*. Accessed October 26, 2021. <http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>.

The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

## Local

### Town of Danville 2030 General Plan

The following policies in the Town’s General Plan have been adopted for the purpose of reducing or avoiding air quality impacts and are applicable to the Housing Element Update.

Policy	Description
33.01	Make land use and transportation decisions which promote walking and bicycling and help to sustain public transportation.
34.01	Support regional, state, and federal efforts to reduce air pollution.
34.02	Consider air pollution impacts during the local development review process. Development should be located and regulated to minimize the emission of direct and indirect air contaminants.
34.03	Implement appropriate controls and “best practice” requirements on construction and grading activities to minimize airborne dust and other particulate matter.
34.04	Consistent with CEQA and the measures necessary to mitigate General Plan impacts, require site-specific air quality studies for future development under the Plan that includes sensitive receptors (such as schools, hospitals, daycare centers, or retirement homes) located within a designated buffer area along Interstate 680.
34.06	Consistent with CEQA and the measures necessary to mitigate General Plan impacts, require indoor air filtration systems to reduce particulate concentrations to acceptable levels for projects where there would be a significant cancer risk exposure as defined by BAAQMD.
34.07	Require new restaurants located in mixed use developments, or adjacent to residential developments to install kitchen exhaust vents with filtration systems, reroute vents away from residential development, and/or to use other accepted methods of odor control, in accordance with local building and fire codes

#### **3.3.1.4      *Existing Conditions***

Ozone and fine particle pollution, or PM<sub>2.5</sub>, are the major regional air pollutants of concern in the San Francisco Bay Area. The Bay Area is considered a nonattainment area for ground-level O<sub>3</sub> and PM<sub>2.5</sub> under both the federal Clean Air Act and state Clean Air Act. The area is also considered in nonattainment for PM<sub>10</sub> under the state act, but not the federal act. The area has attained both state and federal ambient air quality standards for CO. As part of an effort to attain and maintain ambient air quality standards for O<sub>3</sub> and PM<sub>10</sub>, BAAQMD has established thresholds of significance for these air pollutants and their precursors<sup>32</sup> that apply to both construction and operational period emissions. BAAQMD monitors air pollution at various sites within the Bay Area. The closest air monitoring station is in San Ramon, where O<sub>3</sub> and NO<sub>2</sub> are monitored. Another station in Concord monitors O<sub>3</sub>,

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<sup>32</sup> ROG and NO<sub>x</sub> are O<sub>3</sub> precursor pollutants.

NO<sub>2</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. The data shows that from 2017 to 2019, the project area has exceeded the state and/or federal O<sub>3</sub> standards on zero to three days annually.<sup>33</sup> PM<sub>10</sub>, and PM<sub>2.5</sub> ambient air quality standards have been exceeded up to 16 monitoring days, mainly due to wildfire smoke.

### **Sensitive Receptors**

There are groups of people more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 16, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, and elementary schools.

For cancer risk assessments, children are the most sensitive receptors, since they are more susceptible to cancer causing TACs. Residential locations are assumed to include infants and small children.

### **3.3.2      Impact Discussion**

For the purpose of determining the significance of the project's impact on air quality, would the project:

- 1) Conflict with or obstruct implementation of the applicable air quality plan?
- 2) 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?
- 3) Expose sensitive receptors to substantial pollutant concentrations?
- 4) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Note: Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the determinations.

#### **3.3.2.1      *Project Impacts***

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<b>Impact AIR-1:</b>	The project would not conflict with or obstruct implementation of the applicable air quality plan. <b>(Less than Significant Impact)</b>
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BAAQMD is the regional agency responsible for overseeing compliance with state and federal laws, regulations, and programs within the San Francisco Bay Area Air Basin. BAAQMD, with assistance from the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), has prepared and implements specific plans to meet the applicable laws, regulations, and programs. The most recent and comprehensive of which is the 2017 CAP. The BAAQMD has also developed CEQA Guidelines to assist lead agencies in evaluating the significance of air quality impacts. In formulating compliance strategies, BAAQMD relies on

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<sup>33</sup> BAAQMD. Bay Area Air Pollution Summary for years 2017, 2018 and 2019 (note the 2020 summary is not available). See <https://www.baaqmd.gov/about-air-quality/air-quality-summaries>, Accessed May 16, 2022.

planned land uses established by local general plans. Land use planning affects vehicle travel, which in turn affects region-wide emissions of air pollutants and GHGs.

### Clean Air Plan Consistency

#### Clean Air Plan Projections

Table 3.3-2 provides population and traffic projections assuming full build-out under the Housing Element Update and compares said projections with existing estimates. The service population would increase by 7,215 people under the Project, which is an approximately 16 percent increase. Daily vehicle miles traveled (VMT) for buildout of the Housing Element Update were predicted using data provided by the traffic consultant (Hexagon Transportation Consultants, Inc.). VMT attributable to the Project is anticipated to increase 9.5 percent at buildout with the Housing Element Update (2,725,372 miles). The VMT per population is anticipated to decrease from 56.16 miles to 52.87 miles with the Project, since there would be more housing. Note that the Project would increase the number of trips by 16 percent over existing conditions, but those trips would have shorter trip lengths. In summary, the Project increases population and traffic. The rate of increase in traffic, measured as the rate of trips or VMT, would be less than the increase in population.

<b>Table 3.3-2: Danville Housing Element Update Traffic and Population Projections</b>				
<b>Scenario</b>	<b>Population</b>	<b>Daily Trips</b>	<b>Daily VMT</b>	<b>VMT/Population</b>
Existing Conditions (2020)	44,330	246,026	2,489,533	56.16
Year 2031 Plus Housing Element Update	51,545	270,281	2,725,372	52.87
<b>Change 2031 Project – Existing Condition</b>	<b>+7,215 +16.3%</b>	<b>+24,255 +9.9%</b>	<b>+235,839 +9.5%</b>	<b>-5.9%</b>
Source: Illingworth & Rodkin, Inc. <i>Town of Danville 2022-2031 Housing Element Update and Related General Plan Amendments. Air Quality and Greenhouse Gas Assessment. July 2022.</i>				

#### Clean Air Plan Control Measures

The BAAQMD Guidelines set forth criteria for determining consistency with the Clean Air Plan control measures. In general, a plan is considered consistent if a) the plan supports the primary goals of the Clean Air Plan; b) includes control measures; and c) does not interfere with implementation of the Clean Air Plan measures. Growth under the Project is a considered a sustainable development since it is an infill development that would be transit-oriented and located near a mix of uses that include employment and services. As a result, these types of communities reduce the rate of per capita VMT, as reflected in the projections presented in Table 3.3-2. Danville relies on measures in the adopted Climate Action Plan (CAP) to guide new development to meet GHG reduction goals. These goals are also in line with Clean Air Plan control measures. As sustainable housing development occurs in Danville under the Project and the General Plan would generally be consistent

with Clean Air Plan measures intended to reduce automobile and energy use, which are discussed below in Table 3.3-3.

<b>Table 3.3-3: BAAQMD Climate and Air Pollution Control Strategy Measures</b>	
<b>Applicable BAAQMD Control Strategy</b>	<b>Consistency</b>
<b>Transportation Control Measures</b>	
<b>TR1 – Clean Air Teleworking Initiative:</b> Encourage telecommuting.	<b>Consistent:</b> Supported by General Plan Resource and Hazards policies 33.03, 33.04, 33.08, and 33.12
<b>TR2 – Trip Reduction Programs:</b> Encourage local governments to require mitigation of vehicle travel as part of new development approval, to develop innovative ways to encourage rideshare, transit, cycling, and walking for work trips.	<b>Consistent:</b> Supported by General Plan Resource and Hazards policies 33.01, 33.02, 33.03, 33.04, and 33.12 along with Mobility policies 13.04, 13.07, 13.08
<b>TR 5 – Transit Efficiency and Use:</b> Improve transit efficiency and make transit more convenient for riders through continued operation of 511 Transit, full implementation of Clipper® fare payment system and the Transit Hub Signage Program.	<b>Consistent:</b> While this is mostly a regionally implemented control measure, General Plan Resource and Hazards policies 33.01 and 33.03 encourage use of public transit along with Mobility policies 13.01, 13.02, 13.03, 13.09
<b>TR7 – Safe Routes to Schools and Safe Routes to Transit:</b> Provide funds for the regional Safe Routes to School and Safe Routes to Transit Programs.	<b>Consistent:</b> General Plan Resource and Hazards policy 33.07 encourages carpooling, walking, and bicycling to schools along with Mobility policies 11.06, 11.11, 12.01, 12.05, 12.07, 12.10.
<b>TR8 – Ridesharing, Last-Mile Connection:</b> Encourage employers to promote ridesharing and carsharing to their employees.	<b>Consistent:</b> While this measure mostly applies to non-residential uses it is supported by General Plan Resource and Hazards policies 33.01, 33.02, and 33.03 along with Mobility policies 13.05, 13.06, and 13.08.
<b>TR9 – Bicycle and Pedestrian Access and Facilities:</b> Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities.	<b>Consistent:</b> Supported by General Plan Resource and Hazards policies 33.01, 33.02, and 33.03 along with Mobility policies 11.03, 11.06, 12.01, 12.04, 12.07, 12.08, 12.11, 12.12, and 13.05.
<b>TR10 – Land Use Strategies :</b> Support implementation of Plan Bay Area, maintain and disseminate information on current climate action plans and other local best practices.	<b>Consistent:</b> Supported by General Plan Resource and Hazards policies 33.01 and 33.02, Planning and Development policies 4.01, 4.05, and Mobility policies 14.01 and 14.04.
<b>TR13 – Parking Policies:</b> Encourage parking policies and programs in local plans, e.g., reduce minimum parking requirements; limit the supply of off-street parking in transit-oriented areas; unbundle the price of parking spaces; support	<b>Consistent:</b> Supported by General Plan Planning and Development policy 3.07 and Mobility policy 14.07.

Table 3.3-3: BAAQMD Climate and Air Pollution Control Strategy Measures	
Applicable BAAQMD Control Strategy	Consistency
implementation of demand-based pricing in high-traffic areas.	
<b>Building and Energy Measures</b>	
<b>BL1 – Green Buildings:</b> Identify barriers to effective local implementation of CalGreen (Title 24) statewide building energy code; develop solutions to improve implementation/enforcement. Engage with additional partners to target reducing emissions from specific types of buildings.	<b>Consistent:</b> New construction allowed under the Project would meet the latest CalGreen Title 24 standards as well as Town requirements. Supported by Sustainability goals 32.01, 32.02, 32.04, 32.05, and 32.06.
<b>BL2 – Decarbonize Buildings:</b> Explore incentives for property owners to replace their furnace, water heater or natural-gas powered appliances with zero-carbon alternatives. Update Air District guidance documents to recommend that commercial and multi-family developments install ground source heat pumps and solar hot water heaters.	<b>Consistent:</b> New construction allowed under the Project would meet the latest CalGreen Title 24 standards as well as Town requirements. Supported by Sustainability goals 32.05, 33.05, and 33.10.
<b>BL4 – Urban Heat Island Mitigation:</b> Develop and urge adoption of a model ordinance for “cool parking” that promotes the use of cool surface treatments for new parking facilities, as well existing surface lots undergoing resurfacing. Develop and promote adoption of model building code requirements for new construction or reroofing/roofing upgrades for commercial and residential multifamily housing.	<b>Consistent:</b> Supported by General Plan Sustainability policy 32.04 and 32.07.
<b>Natural and Working Lands Control Measures</b>	
<b>NW2 – Urban Tree Planting:</b> Develop or identify an existing model municipal tree planting ordinance and encourage local governments to adopt such an ordinance. Include tree planting recommendations, the Air District’s technical guidance, best management practices for local plans, and CEQA review.	<b>Consistent:</b> Supported by General Plan Sustainability policy 32.04 and 32.07.
<b>Waste Management Control Measures</b>	
<b>WA4 – Recycling and Waste Reduction:</b> Develop or identify and promote model ordinances on community-wide zero waste goals and recycling of construction and demolition materials in commercial and public construction projects.	<b>Consistent:</b> Supported by General Plan Sustainability policy 31.03, 31.04, 31.05, 31.06, and 32.03.



Table 3.3-3: BAAQMD Climate and Air Pollution Control Strategy Measures	
Applicable BAAQMD Control Strategy	Consistency
<b>Water Control Measures</b>	
<b>WR2 – Support Water Conservation:</b> Develop a list of best practices that reduce water consumption and increase on-site water recycling in new and existing buildings; incorporate into local planning guidance.	<b>Consistent:</b> Supported by General Plan Sustainability policy 31.01 and 31.02.

The Housing Element Update is consistent with the CAP projections and control measures. Therefore, implementation of the Housing Element Update would not conflict with or obstruct implementation of the applicable air quality plan. **(Less than Significant Impact)**

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**Impact AIR-2:** The project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. **(Less than Significant Impact)**

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The Bay Area is considered a non-attainment area for ground-level ozone and PM<sub>2.5</sub> under both the Federal Clean Air Act and the California Clean Air Act. The area is also considered non-attainment for PM<sub>10</sub> under the California Clean Air Act, but not the federal act. The area has attained both state and federal ambient air quality standards for carbon monoxide. As part of an effort to attain and maintain ambient air quality standards for ozone and particulate matter (i.e., PM<sub>2.5</sub> and PM<sub>10</sub>), BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for ozone precursor pollutants (ROG and NO<sub>x</sub>), PM<sub>10</sub>, and PM<sub>2.5</sub> and apply to both construction period and operational period impacts for projects.

Past, present, and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. As stated in the BAAQMD CEQA Air Quality Guidelines, air pollution by its nature is largely a cumulative impact. No single project is sufficient in size to by itself, result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant. Implementation of General Plan Policies 33.01, 34.02, and 34.03 would ensure that future development under the Housing Element Update would not exceed the BAAQMD significance thresholds for criteria pollutants. As a result, implementation of the Project would not result in a cumulatively considerable net increase of a criteria pollutant for which the region is nonattainment. **(Less Than Significant Impact)**

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**Impact AIR-3:** The project would not expose sensitive receptors to substantial pollutant concentrations. **(Less than Significant Impact)**

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To address exposure of sensitive receptors to substantial pollutant levels, the BAAQMD CEQA Guidelines developed thresholds that address community health risk. These include increased cancer

risk, non-cancer hazards, and increased annual concentrations of PM<sub>2.5</sub>. Sources of TACs and PM<sub>2.5</sub> led to increased community risk levels. Diesel particulate matter (DPM) is the predominant TAC in the area.

The proposed Housing Element Update would not result in a direct increase in pollutants due to redevelopment within the subarea locations planned for housing. Multi-family residential uses are not stationary sources of TACs, and do not involve the continued use of diesel-powered trucks that generate mobile TAC emissions. Implementation of the Project is not expected to introduce any new substantial sources of TACs with the potential to impact sensitive receptors and, therefore, this impact would be less than significant. **(Less Than Significant Impact)**

### **Construction Health Risk Assessment**

Future residential development under the Housing Element Update could include short-term construction sources of TACs. There are sensitive receptors throughout Danville and there would be future residents in the vicinity of the candidate housing sites that could potentially be exposed to construction TACs during construction activity.

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. The construction exhaust emissions may pose community risks for sensitive receptors such as nearby residents. The primary community risk impact issues associated with construction emissions are cancer risk and exposure to PM<sub>2.5</sub>. Diesel exhaust poses both a potential health and nuisance impact to nearby receptors. A community risk assessment of the project construction activities would have to be conducted at a project level to address these impacts. Since specific construction plans and schedules for construction are not known, it is not possible to quantify the impacts and determine their significance. There are various measures that can be incorporated into construction plans that could minimize these potential impacts. Health risks to nearby off-site and future on-site sensitive receptors associated with temporary construction near Housing Element Update sites is considered potentially significant. General Plan Policy 34.04 and 34.05 requires the Town to use the BAAQMD CEQA Guidelines to evaluate and mitigate potential health risk impacts. For these reasons, community health risks to nearby off-site sensitive receptors associated with temporary construction of the future housing would be less than significant. **(Less Than Significant Impact)**

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

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Residential development is not a typical source of odors that could lead to objectionable odors that generate frequent odor complaints. Odor impacts could occur if residents associated with the Project experienced objectionable odors and made complaints. Due to the subjective nature of odor impacts, the number of variables that can influence the potential for an odor impact, and the variety of odor sources, there are no quantitative methodologies to determine the presence of a significant odor impact. The significance of odor impacts is based on the potential to cause odor complaints.

BAAQMD publishes screening buffer distances for odor sources and sensitive receptors in their CEQA Air Quality Guidelines. There are no identified major sources of odors in Danville that are near the Sub Areas identified for housing. Uses in the plan area may include restaurants or auto repair shops that could have localized odors but are not likely to result in frequent odor complaints. General Plan Policy 34.07 requires that new restaurants located in mixed-use developments, or adjacent to residential developments to install kitchen exhaust vents with filtration systems, re-route vents away from residential development, or to use other accepted methods of odor control.

The Housing Element Update does not identify any new uses that are typical sources of odors that could lead to objectionable odors that generate frequent odor complaints. Therefore, the project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. **(Less than Significant Impact)**

### 3.3.2.2 *Cumulative Impacts*

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**Impact AIR-C:** The project would not result in a cumulatively considerable contribution to a cumulatively significant air quality impact. **(Less than Significant Cumulative Impact)**

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The geographic area for cumulative air quality impacts is the San Francisco Bay Area Air Basin. Past, present, and future development projects contribute to the region's adverse air quality impacts. No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts.

In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. As described previously in this section, with the implementation of General Plan Policies 34.02 and 34.03 the Project would not exceed thresholds for criteria pollutants either during construction or operation and, therefore, would not make a considerable contribution to cumulative regional air quality impacts.

### 3.3.3 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 (*BIA v. BAAQMD*), effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the Town has policies that address existing air quality conditions affecting a proposed project.

#### **Effects on Sensitive Receptors Introduced by the Housing Element**

- The Project would include new sensitive receptors, primarily in the form of residents. Substantial sources of air pollution can adversely affect sensitive receptors proposed as part of new projects. BAAQMD recommends using a 1,000-foot screening radius around a project site for purposes of identifying community health risk from siting a new sensitive receptor or a new source

of TACs. Nearby stationary sources of TACs (e.g., emergency back-up generators and gas stations), traffic on local roadways, and railways could affect the proposed residences. Busy nearby roadways with average daily traffic (ADT) of over 10,000 vehicles include Interstate 680, Danville Boulevard, El Cerro Road, Diablo Road, Sycamore Valley Road, Blackhawk Road, Camino Tassajara Road, and Crow Canyon Road. There are some stationary sources identified within the 1,000-foot influence area using the BAAQMD's stationary source stationary source website map and GIS map tool. Emissions from most of these sources do not cause substantial risk beyond their facility boundaries. Screening risk levels are summarized in Appendix B. Future development near stationary sources identified in Appendix B may require implementation of indoor air filtration systems consistent with General Plan Policy 34.06.

### **Operational TAC Exposure**

The BAAQMD CEQA Guidelines recommend that General Plans identify overlay zones around existing and planned sources of TACs (including adopted Risk Reduction Plan areas) and develop risk reduction measures to avoid exposures. Development under the Project would be residential that is not considered a source of TACs or PM<sub>2.5</sub> emissions. Some stationary sources could be installed as part of these projects that may include diesel generator or natural gas-fueled boilers that would require permitting by BAAQMD. These types of sources of air pollution that operate within accordance of BAAQMD rules and regulations would not cause significant exposure for on- or off-site sensitive receptors. Danville 2030 General Plan Policy 34.06 requires indoor air filtration systems to reduce particulate concentrations to acceptable levels for projects where there would be a significant cancer risk exposure as defined by BAAQMD.

### **3.4 BIOLOGICAL RESOURCES**

The following discussion is based, in part, on a Biological Resources Report and Aquatic Resources Technical Report prepared by Sequoia Ecological Consulting, Inc. The reports, dated June 2022, are attached to this EIR as Appendix C.

#### **3.4.1 Environmental Setting**

##### **3.4.1.1 *Regulatory Framework***

#### **Federal and State**

##### **Endangered Species Act**

Individual plant and animal species listed as rare, threatened, or endangered under state and federal Endangered Species Acts are considered special-status species. Federal and state endangered species legislation has provided the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Permits may be required from both the USFWS and CDFW if activities associated with a proposed project would result in the take of a species listed as threatened or endangered. To “take” a listed species, as defined by the State of California, is “to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill” these species. Take is more broadly defined by the federal Endangered Species Act to include harm of a listed species.

In addition to species listed under state and federal Endangered Species Acts, Sections 15380(b) and (c) of the CEQA Guidelines provide that all potential rare or sensitive species, or habitats capable of supporting rare species, must be considered as part of the environmental review process. These may include plant species listed by the California Native Plant Society and CDFW-listed Species of Special Concern.

##### **Migratory Bird Treaty Act**

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, capture, possession, or trade of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Hunting and poaching are also prohibited. This includes direct and indirect acts, except for harassment and habitat modification, which are not included unless they result in direct loss of birds, nests, or eggs. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

##### **Bald and Golden Eagle Protection Act**

The Bald and Golden Eagle Protection Act (BGEPA) prohibits anyone from taking, possessing, or transporting a bald eagle or golden eagle, or the parts, nests, or eggs of such birds without prior authorization. This includes inactive nests as well as active nests. Take means to pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, or disturb. Activities that directly or indirectly lead to take are prohibited without a permit.

## Sensitive Habitat Regulations

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, state, and local regulations, and are generally subject to regulation by the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and/or the USFWS under provisions of the federal Clean Water Act (CWA) (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act.

## Fish and Game Code Section 1602

Streambeds and banks, as well as associated riparian habitat, are regulated by the CDFW per Section 1602 of the Fish and Game Code. Work within the bed or banks of a stream or the adjacent riparian habitat requires a Streambed Alteration Agreement from the CDFW.

## **Local**

### Town of Danville 2030 General Plan

The following policies in the Town's General Plan have been adopted for the purpose of reducing or avoiding impacts related to biological resources, and are applicable to the Housing Element Update.

Policy	Description
21.01	Preserve and enhance natural habitat areas that support wildlife, including large continuous areas of open space and wetland and riparian habitat.
21.06	Discourage activities that would harm the health of existing trees. Prevent the unnecessary removal and alteration of such trees, including "protected" trees as defined by the Town's Tree Preservation Ordinance and other trees that contribute to the scenic beauty of the town. Public and private improvements should be designed to minimize the removal of mature trees, regardless of species. If removal is necessary, trees should be replaced with an appropriate number and species.
21.07	Ensure that local planning and development decisions do not damage the habitat of rare and endangered plant and animal species, consistent with state and federal law.
21.08	Where appropriate, encourage the retention and reestablishment of native vegetation in private development and public facility projects.
21.10	Require a biological assessment for development proposed on sites that are determined to have the potential to contain special-status species, sensitive natural communities, or wetland resources.  <i>The assessment should be conducted by a qualified professional to determine the presence or absence of any sensitive resources which could be affected by proposed development, should provide an assessment of the potential impacts, and should define measures for protecting the resource and surrounding buffer habitat, in compliance with state and federal laws. Detailed surveys are not necessary in locations where past and existing development have eliminated natural habitat and the potential for presence of sensitive biological resources.</i>

Policy	Description
21.11	Protect the nests of raptors and other birds when in active use, as required by state Fish and Game Code and the federal Migratory Bird Treaty Act.
22.01	Maintain and enhance the natural quality of Danville's creeks, including the riparian vegetation along the banks. Setbacks should be maintained along creeks to maintain their natural appearance, reduce erosion and flood hazards, and protect their ecological functions.
23.07	Recognize the state and federal regulations that serve to protect wetlands and require full compliance with these regulations as part of development review. This would include detailed wetland delineations and assessments where waters under the jurisdiction of the U.S. Army Corps of Engineers may be affected.

### Tree Preservation Ordinance

Section 32-79 of the Municipal Code regulates the removal of certain trees within Danville. It establishes criteria for preserving mature trees and tree stands within the Town, with an emphasis on indigenous species. The ordinance identifies species, size, and location of "protected trees"; procedures for Development Review; and permit requirements for the removal of protected trees. Conditions under which native specimen trees may be removed (such as disease or threats to structures or utilities) are also addressed. Trees qualifying as a protected tree consist of: 1) one of 13 primarily native species with a trunk diameter of 10 inches or greater measured 4.5 feet above natural grade, or for a multiple trunked-tree, a combination of trunks totaling 20 inches or greater in diameter measured 4.5 feet above natural grade; 2) a "heritage tree" which is any single trunked-tree which has a diameter of 36 inches or greater measured 4.5 feet above natural grade; 3) a "memorial tree" planted on public property in memory of or commemoration of an individual or individuals; 4) a tree slated to be preserved on an approved planning entitlement (e.g., a Development Plan) or specifically required to be retained as a condition of approval of a planning entitlement; and 5) a tree required to be planted as mitigation for the removal of a protected tree. Species regulated as protected trees include:

- coast live oak,
- valley oak,
- canyon live oak,
- blue oak,
- California black oak,
- interior live oak,
- white alder,
- California bay,
- California buckeye,
- California sycamore,
- madrone, and
- London plane tree.



### **3.4.1.2      *Existing Conditions***

On February 4, 2022, Sequoia biologists conducted a survey of the candidate housing sites and characterized vegetation present. During the survey, biologists also documented plant and wildlife species observed on the candidate housing sites.

#### **Plant Communities**

##### **Sub Area 1**

Sub Area 1 is largely geographically isolated due to surrounding development and major thoroughfares; however, San Ramon Creek and its tributaries provide wildlife corridors immediately adjacent to parcels within this sub area. Plant communities found within Sub Area 1 include anthropogenic,<sup>34</sup> non-native annual grassland, mixed oak woodland, riparian woodland, and ruderal, as summarized in Table 3.4-1 and shown on Figure 3.4-1.

##### **Sub Area 2**

Sub Area 2 is geographically isolated due to surrounding development; however, San Ramon Creek and its tributaries provide wildlife corridors immediately adjacent to parcels within this sub area. Plant communities found within Sub Area 2 include anthropogenic, riparian woodland, and ruderal, as summarized in Table 3.4-1 and shown on Figure 3.4-2.

##### **Sub Area 3**

Sub Area 3 is comprised of primarily open space with connectivity to the East Bay Hills; in addition, a tributary to San Ramon Creek provides a wildlife corridor along the northern boundary of one of the parcels. Plant communities found within Sub Area 3 include anthropogenic, non-native annual grassland, mixed oak woodland, riparian woodland, and ruderal, as summarized in Table 3.4-1 and shown on Figure 3.4-3.

##### **Sub Area 4**

Sub Area 4 is highly developed and does not provide connectivity to open space and no wildlife corridors are present. Plant communities found within Sub Area 4 include anthropogenic and ruderal, as summarized in Table 3.4-1 and shown on Figure 3.4-4.

##### **Sub Area 5**

Sub Area 5 is highly developed; however, Sycamore Creek which crosses the southern end of the parcel provides a wildlife corridor. Plant communities found within Sub Area 5 include anthropogenic and ruderal, as summarized in Table 3.4-1 and shown on Figure 3.4-5.

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<sup>34</sup> Communities dominated by plants introduced by people and established or maintained by human disturbance are considered to be anthropogenic communities.

## Sub Area 6

Sycamore Creek runs through Sub Area 6 and provides a wildlife corridor. One of the two parcels in this Sub Area have connectivity to open space, although the surrounding area is highly developed. Plant communities found within Sub Area 6 include anthropogenic, non-native annual grassland, mixed oak woodland,<sup>35</sup> riparian woodland,<sup>36</sup> and ruderal, as summarized in Table 3.4-1 and shown on Figure 3.4-6.

## Sub Area 7

Sub Area 7 is geographically isolated due to surrounding development; however, San Ramon Creek provides a wildlife corridor along the western boundary of this sub area. Plant communities found within Sub Area 7 include anthropogenic, orchard, and ruderal, as summarized in Table 3.4-1 and shown on Figure 3.4-7.

## Sub Area 8

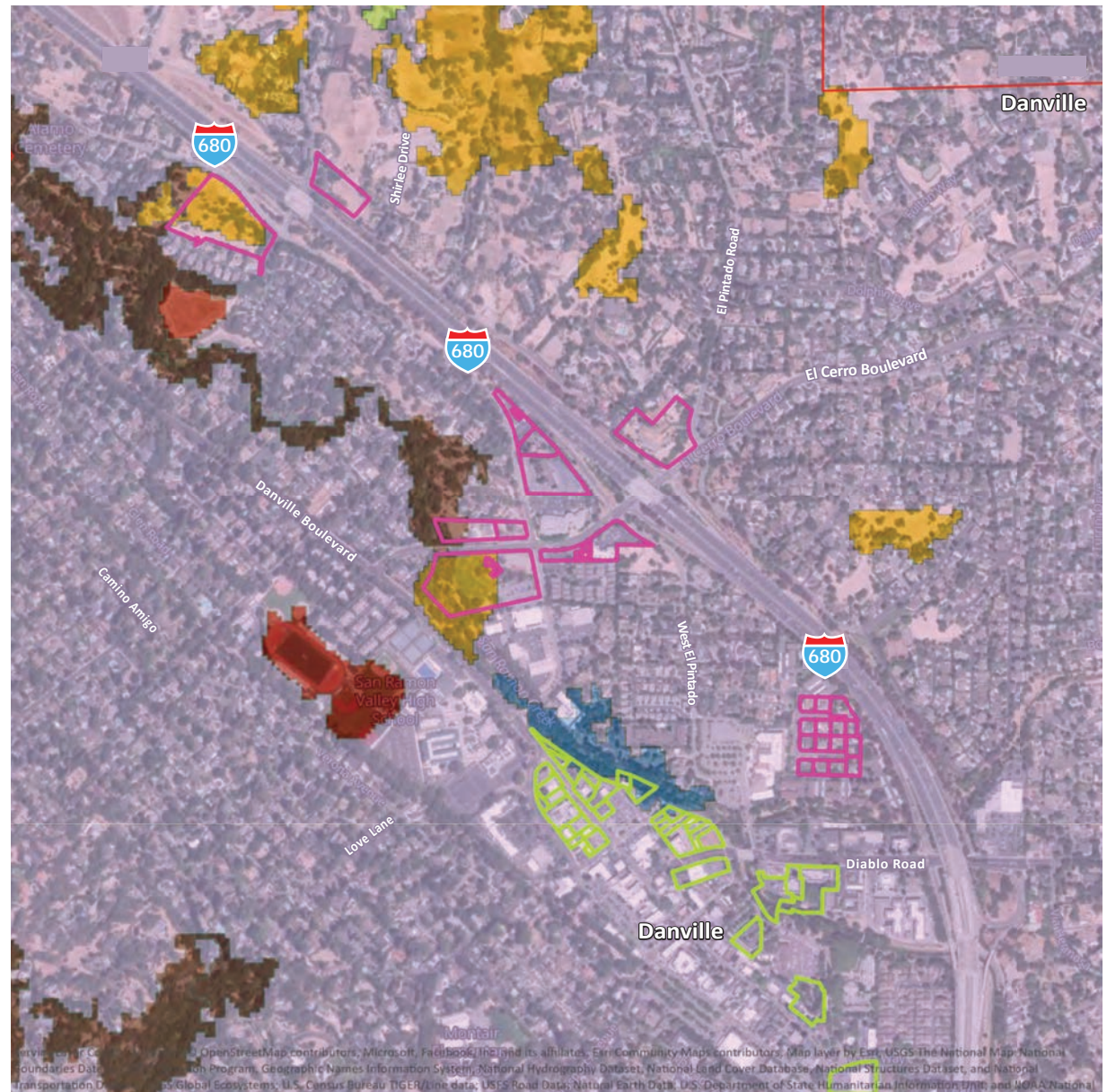
Sub Area 8 is geographically isolated due to surrounding development. Plant communities found within Sub Area 8 include anthropogenic, non-native annual grassland, and ruderal, as summarized in Table 3.4-1 and shown on Figure 3.4-8.

<b>Table 3.4-1: Plant Communities</b>		
<b>Sub Area</b>	<b>Plant Community</b>	<b>Description</b>
All Sub Areas	Anthropogenic	Dominant species observed within anthropogenic communities on the candidate housing sites include glossy privet ( <i>Ligustrum lucidum</i> ), Mexican fan palm ( <i>Washingtonia robusta</i> ), camphortree ( <i>Cinnamomum camphora</i> ), oleander ( <i>Nerium oleander</i> ), cotoneaster ( <i>Cotoneaster</i> sp.), and scarlet fire thorn ( <i>Pyracantha coccinea</i> ).
All Sub Areas	Ruderal	Ruderal vegetation is adapted to high levels of disturbance and endures for long periods of time in areas that have continual disturbance. Dominant grass and forb species observed within ruderal communities on the Project site include wild mustard ( <i>Sinapis arvensis</i> ), California burclover ( <i>Medicago polymorpha</i> ), poison hemlock ( <i>Conium maculatum</i> ), and yellow star thistle ( <i>Centaurea solstitialis</i> ).
Sub Areas 1, 3, 6, and 8	Non-Native Annual Grassland	Non-native annual grassland is comprised primarily of plant species that mature in spring and early summer, before spreading seed and dying in late summer and fall. Non-native annual grassland is found in large patches throughout the candidate housing sites, primarily interspersed with ruderal communities. Dominant grass and forb species observed within non-native annual grassland communities on

<sup>35</sup> Includes Blue Oak and Valley Oak.

<sup>36</sup> Identified as Mixed Riparian Hardwood in Figure 3.4-6, consistent with the U.S. Forest's Classification and Assessment with Landsat of Visible Ecological Groupings (Calveg) classification system.

Table 3.4-1: Plant Communities		
Sub Area	Plant Community	Description
		the candidate housing sites include slender wild oat ( <i>Avena barbata</i> ), cutleaf geranium ( <i>Geranium dissectum</i> ), milk thistle ( <i>Silybum marianum</i> ), common vetch ( <i>Vicia sativa</i> ), and Italian ryegrass ( <i>Festuca perennis</i> ).
Sub Area 7	Orchard	In many areas of California, plantations of trees (i.e., orchards) have been established for various purposes. Many orchards are planted for agricultural purposes while others are planted for use as windbreaks.
Sub Areas 1, 2, 3, and 6	Riparian Woodland	<p>Riparian woodlands are diverse habitats that support numerous plant species that can include grasses, annual and perennial forbs, vines, shrubs, and trees. A variety of plants creates a complex layering of understory and overstory which in turn provides habitat to numerous wildlife species. When found within the bed, channel, or bank of any river, stream, or lake, riparian vegetation is also protected under Section 1602 of the California Fish and Game Code (CFGF); and the CDFW has included riparian communities in the California Natural Diversity Database (CNDDB).</p> <p>Riparian woodland habitat is present within the candidate housing sites adjacent to Green Valley Creek, San Ramon Creek, Sycamore Creek, and Walnut Creek. Dominant plant species observed within the riparian woodland community on the Project site include Italian ryegrass, curly dock (<i>Rumex crispus</i>), cattail (<i>Typha</i> spp.), Himalayan blackberry (<i>Rubus armeniacus</i>), oak (<i>Quercus</i> spp.), willow (<i>Salix exigua</i>, <i>S. laevigata</i>, and <i>S. lasiolepis</i>), and Fremont cottonwood (<i>Populus fremontii</i>).</p>
Sub Areas 1, 3, and 6	Mixed Oak Woodland	Mixed oak woodland is a community found throughout California and is dominated by multiple species of oak. Mixed oak woodland is dominated by a canopy of coast live oak ( <i>Quercus agrifolia</i> ), black oak ( <i>Quercus kelloggii</i> ), valley oak ( <i>Quercus lobata</i> ), blue oak ( <i>Quercus douglasii</i> ), California buckeye ( <i>Aesculus californica</i> ), California bay ( <i>Umbellularia californica</i> ), and Pacific madrone ( <i>Arbutus menziesii</i> ). The understory consists of a mixture of shrubs and herbaceous species, including poison oak ( <i>Toxicodendron diversilobum</i> ), California blackberry ( <i>Rubus ursinus</i> ), wood fern ( <i>Dryopteris arguta</i> ), spicebush ( <i>Calycanthus occidentalis</i> ), toyon ( <i>Heteromeles arbutifolia</i> ), coyote brush ( <i>Baccharis pilularis</i> ), French broom ( <i>Genista monspessulana</i> ), hairy honeysuckle ( <i>Lonicera hispidula</i> ), blue wildrye ( <i>Elymus glaucus</i> ), soap plant ( <i>Chlorogalum pomeridianum</i> ), California wild grape ( <i>Vitis californica</i> ), and nightshade ( <i>Solanum</i> sp.).

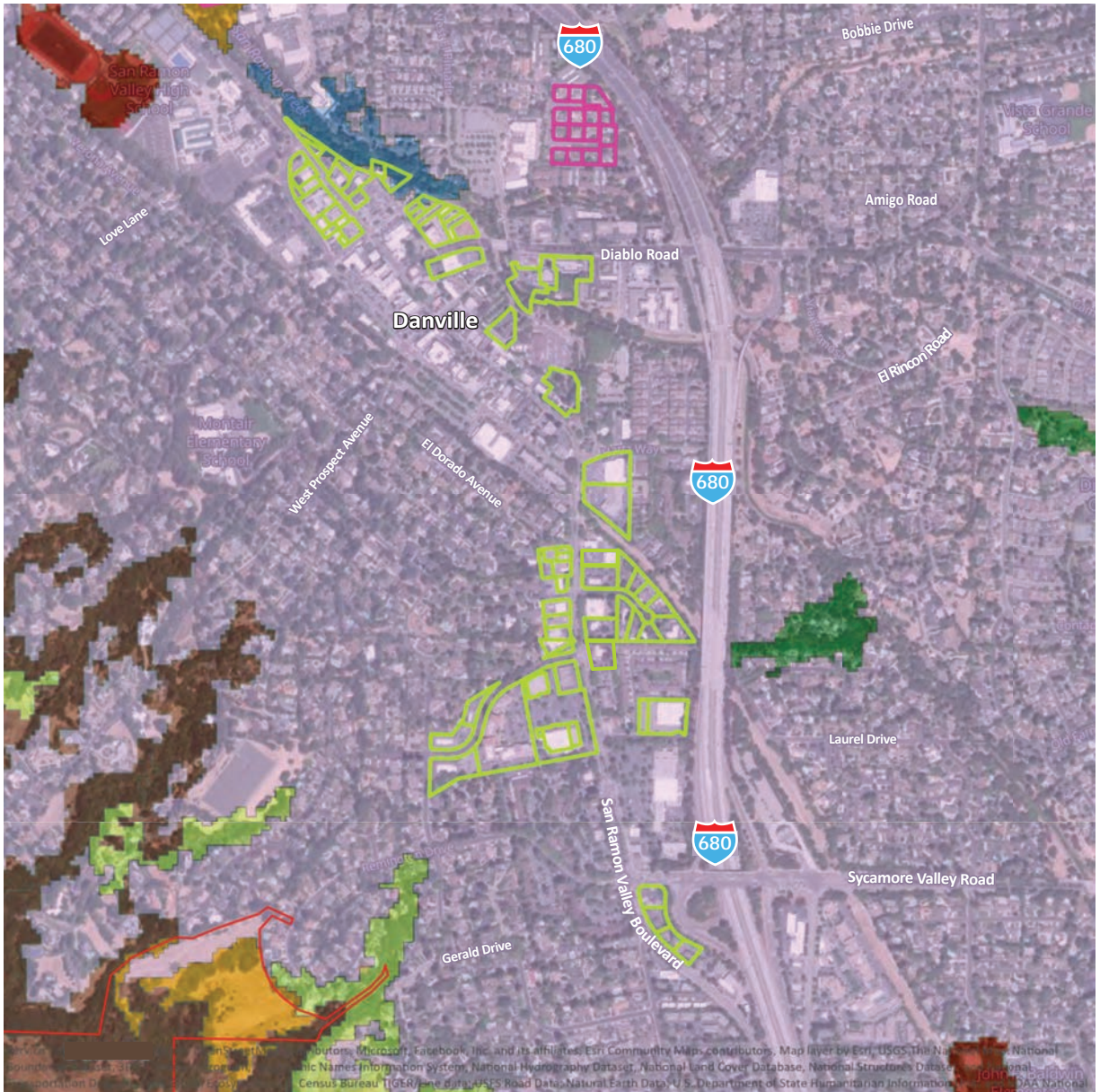


Source: Sequoia Ecological Consulting, Inc., July 2022.

PLANT COMMUNITIES (SUB AREA 1)

FIGURE 3.4-1



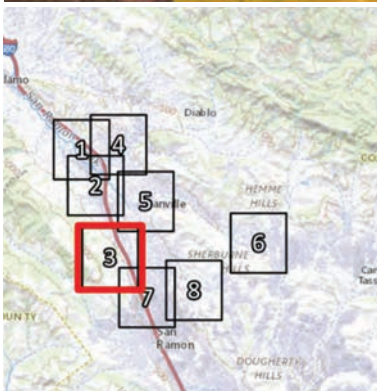


Source: Sequoia Ecological Consulting, Inc., July 2022.

PLANT COMMUNITIES (SUB AREA 2)

FIGURE 3.4-2





Danville City Limits  
**Sub Areas**  
 3

**Calveg Type**

- Chamise
- Annual Grasses/  
Forbs
- Non-native/  
Ornamental Grass
- Non-native/  
Ornamental Con/  
Hwd Mixture
- Mixed Riparian  
Hardwood
- Coast Live Oak
- Blue Oak
- Valley Oak
- Urban

0 250 500 1,000  
Feet

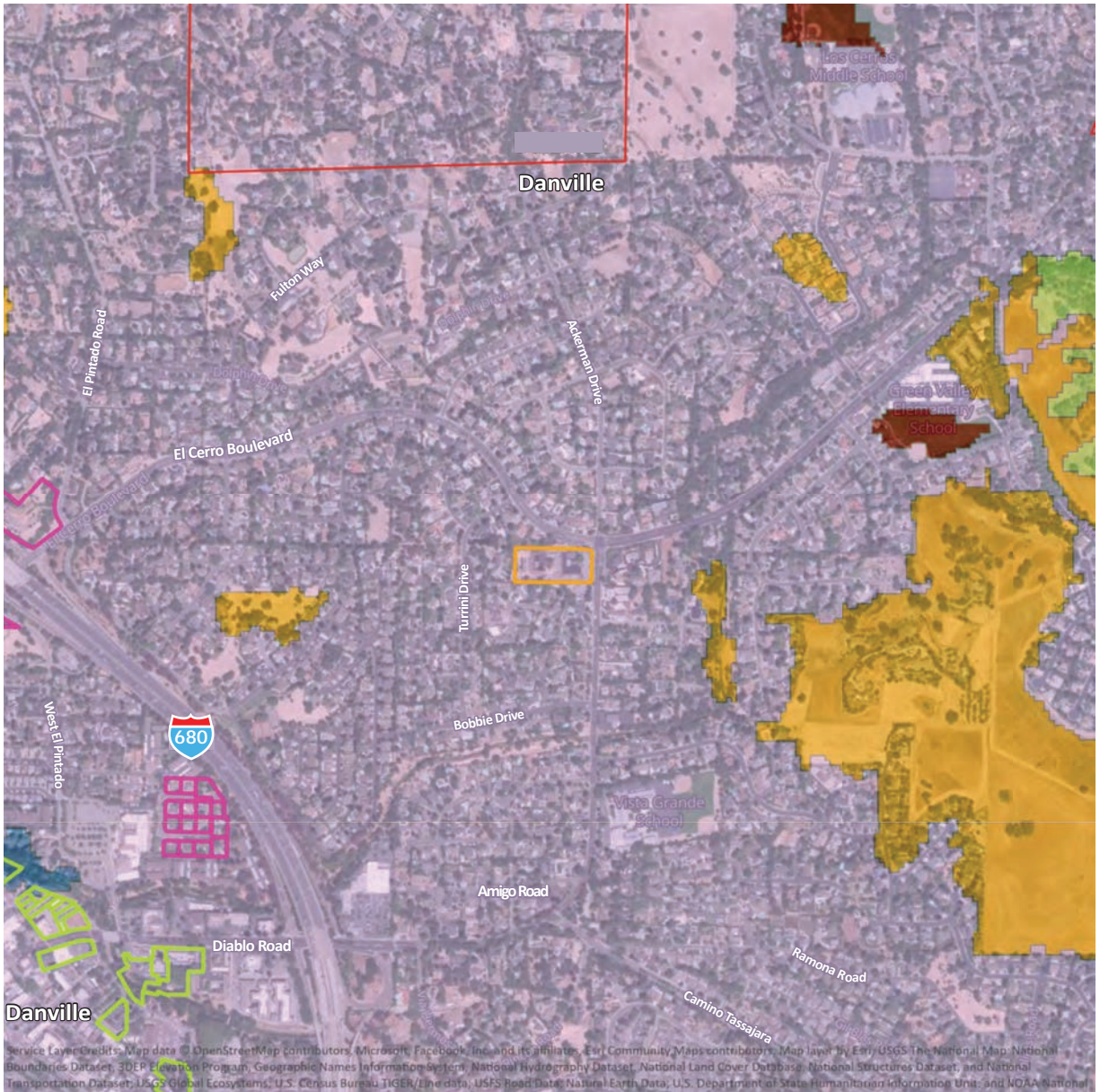


Source: Sequoia Ecological Consulting, Inc., July 2022.

PLANT COMMUNITIES (SUB AREA 3)

FIGURE 3.4-3





Service Layer Credits: Map data © OpenStreetMap contributors, Microsoft, Facebook, Inc. and its affiliates, Esri, Community Maps contributors, Map layer by Esri, USGS The National Map, National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset, USGS Global Ecosystems, U.S. Census Bureau TIGER/Line data, USFS Road Data, Natural Earth Data, U.S. Department of State Humanitarian Information Unit, and NOAA National



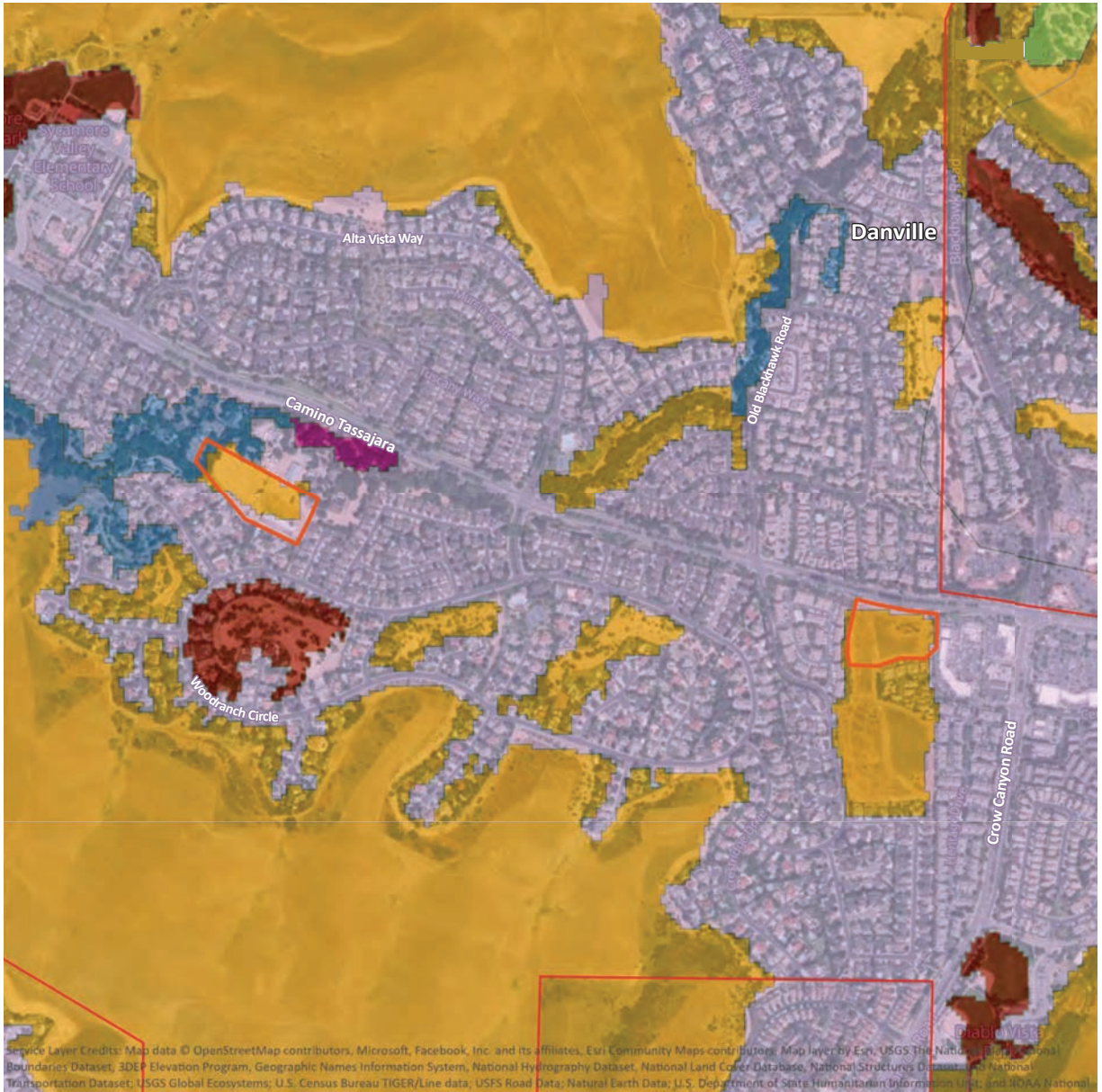
PLANT COMMUNITIES (SUB AREA 4)

FIGURE 3.4-4







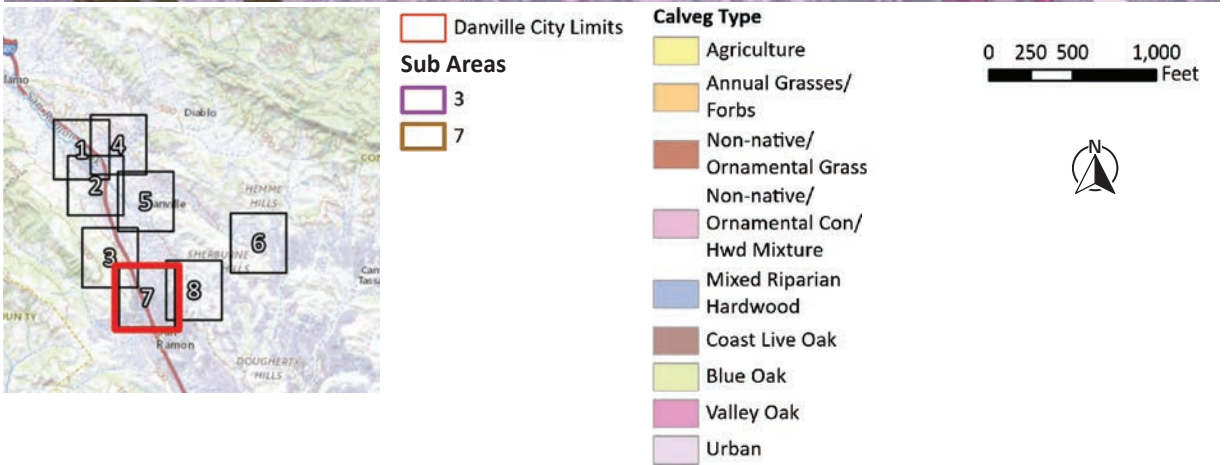


Source: Sequoia Ecological Consulting, Inc., July 2022.

PLANT COMMUNITIES (SUB AREA 6)

FIGURE 3.4-6

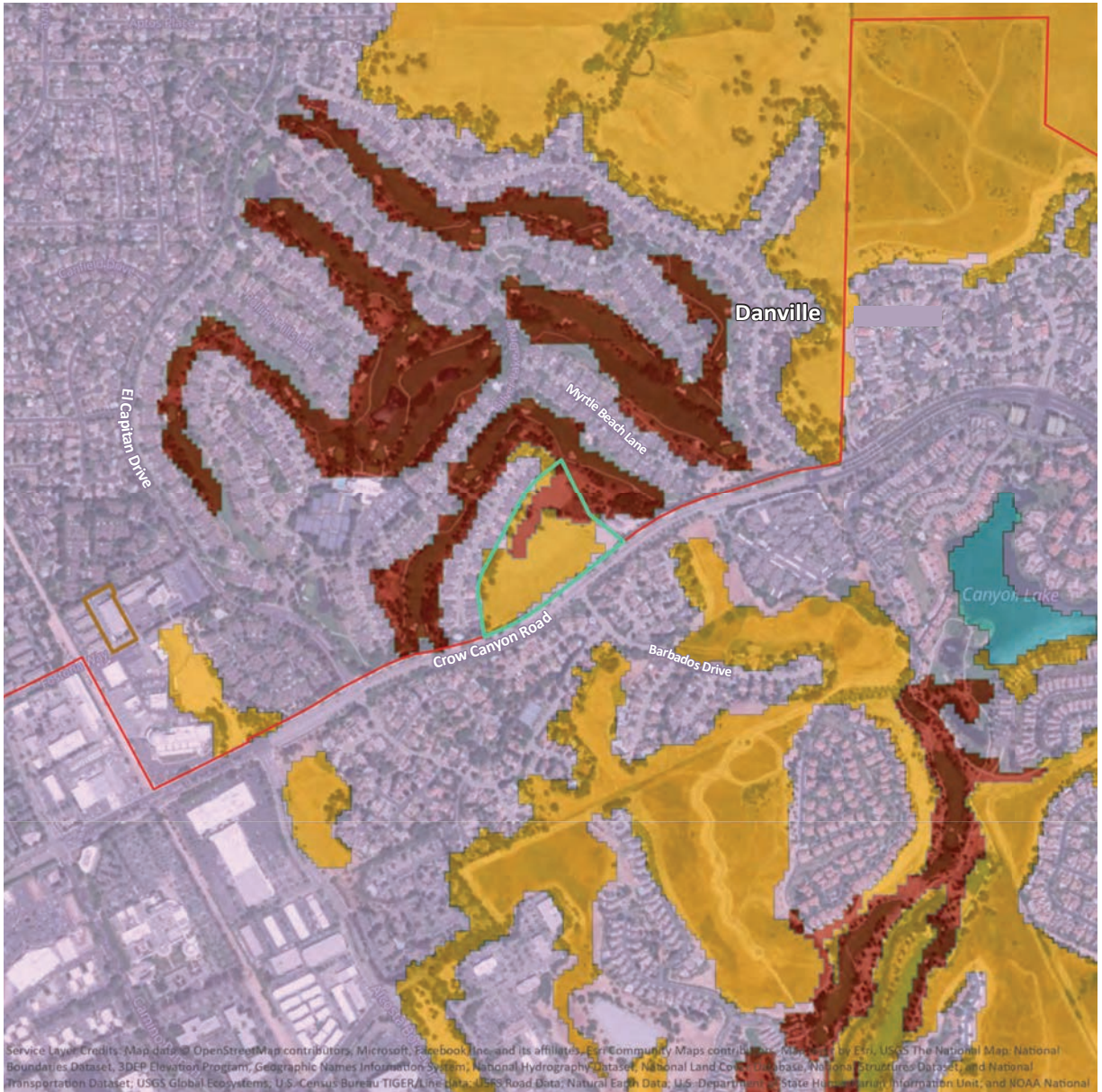




PLANT COMMUNITIES (SUB AREA 7)

FIGURE 3.4-7





Service Layer Credits: Map data © OpenStreetMap contributors, Microsoft, Facebook Inc. and its affiliates, Esri Community Maps contributors, Mapbox by Esri, USGS The National Map, National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems, U.S. Census Bureau TIGER/Line data, OpenStreetMap, Natural Earth Data, U.S. Department of State Humanitarian Information Unit, and NOAA National



Source: Sequoia Ecological Consulting, Inc., July 2022.

PLANT COMMUNITIES (SUB AREA 8)

FIGURE 3.4-8

## Special-Status Plants

Five special-status plant species are known to occur in the Danville area and have the potential to be present on the candidate housing sites based on a review of the CNDDDB RareFind 5 and the California National Plant Society (CNPS) Inventory of Rare and Endangered Plants of California. Table 3.4-2 lists special-status plant species with the potential to be present within the candidate housing Sub Areas. These species are discussed in detail below.

### Big-Scale Balsamroot

Big-scale balsamroot is a CNPS Rank 1B.2 species and has no state or federal status. This species is found in chaparral, cismontane woodland, and valley and foothill grassland habitats. The closest record for big-scale balsamroot is located approximately 8.4 miles east of Sub Area 6. Suitable habitat for this species occurs within Sub Areas 3 and 8.

### Big Tarplant

Big tarplant is a CNPS Rank 1B.1 species and has no state or federal status. This species is found in valley and foothill grassland habitats, often in clay and clay-loam soils. The closest record for big tarplant is located approximately 5.3 miles northeast of Sub Area 1. Suitable habitat for this species occurs within Sub Areas 3 and 8.

### Congdon's Tarplant

Congdon's tarplant is a CNPS Rank 1B.1 species and has no state or federal status. This species is found in alkaline soils in grassland habitats. Congdon's tarplant is present within Sub Area 3; in addition, suitable habitat for this species occurs within Sub Area 8.

### Diablo Helianthella

Diablo helianthella is a CNPS Rank 1B.2 species and has no state or federal status. This species is found in broadleafed upland forest, chaparral, cismontane woodland, coastal scrub, riparian woodland, and valley and foothill grassland habitats. The closest record for Diablo helianthella is located approximately 1.1 miles east of Sub Area 1. Suitable habitat for this species occurs within Sub Areas 3 and 8.

### Showy Golden Madia

Showy golden madia is a CNPS List 1B.1 species and has no state or federal status. This species is found in cismontane woodland and valley and foothill grassland habitats, often on adobe clay soils. The closest record for showy golden madia is located approximately 14 miles northeast of Sub Area 4. Suitable habitat for this species occurs within Sub Areas 3 and 8.

<b>Table 3.4-2: Special-Status Plants Known to Occur on the Candidate Housing Sites</b>			
<b>Scientific Name</b>	<b>Common Name</b>	<b>Listed Status</b>	<b>Sub Area</b>
<i>Balsamorhiza macrolepis</i>	big-scale balsamroot	1B.2	Sub Areas 3 and 8
<i>Blepharizonia plumosa</i>	big tarplant	1B.1	Sub Areas 3 and 8
<i>Centromadia parryi</i> ssp. <i>Congdonii</i>	Congdon's tarplant	1B.1	Sub Areas 3 and 8
<i>Helianthella castanea</i>	Diablo helianthella	1B.2	Sub Areas 3 and 8
<i>Madia radiata</i>	showy golden madia	1B.1	Sub Areas 3 and 8
Notes: CNPS Rare Plant Rank 1A=Plants presumed extirpated in California, and either rare or extinct elsewhere 1B=Plants rare, threatened, or endangered in California, or elsewhere 2A=Plants presumed extirpated in California but common elsewhere 2B=Plants rare, threatened, or endangered in California but more common elsewhere 3=Plants about which more information is needed CNPS ranks below 3 were excluded from this analysis. Source: Sequoia Ecological Consulting, Inc. Biological Resources Report. July 2022.			

### Special-Status Wildlife

Eight special-status wildlife species are known to occur in the Danville area and have the potential to be present on the candidate housing sites. Table 3.4-3 lists special-status animals with the potential to be present on several of the candidate housing sites. These species are discussed further below.

#### Pallid Bat

The pallid bat is designated as a California Species of Special Concern and a Medium Priority species by the Western Bat Working Group. They inhabit foothills and lowlands near water throughout California below 6,560 feet in elevation, but are most abundant in arid deserts and grasslands, particularly in areas with rock outcrops near water. The nearest occurrence of pallid bat is located within Sub Area 1 and Sub Area 2. In addition, trees on the candidate housing sites and structures within all sub areas provide marginally suitable roosting habitat.

#### Townsend's Big-Eared Bat

The Townsend's big-eared bat is designated as a California Species of Special Concern and a High Priority species by the Western Bat Working Group. The Townsend's big-eared bat is an uncommon resident throughout California, inhabiting moist environments. The closest known occurrence of Townsend's big-eared bat is located approximately three miles northeast of Sub Area 4.<sup>37</sup> All trees and structures on and near the candidate housing sites within all sub areas provide marginally suitable roosting habitat.

<sup>37</sup> This observation is historical and occurred in 1926.

### American Badger

The American badger is designated as a California Species of Special Concern. American badgers are small, stocky carnivores of the Mustelidae family (weasels). They are uncommon, permanent residents of California and are found throughout most of the state. Their preferred habitat is characterized by herbaceous, shrub, and open stages of most habitats with dry, friable soils. The closest known record for the American badger is located approximately three miles east of Sub Area 4. No signs of badgers or their burrows were observed during the 2022 survey and only marginally suitable habitat occurs in Sub Areas 1, 3, 6, 7, and 8.

### Western Burrowing Owl

The western burrowing owl is designated a California Species of Special Concern by the CDFW and is federally designated as a Bird of Conservation Concern. Burrowing owls range throughout the Central Valley, the inner and outer coastal regions, portions of the San Francisco Bay Area, the southern California coast from southern California to the Mexican Border, the Imperial Valley, and in portions of the desert and high desert habitats in southeastern and northeastern California. Burrowing owls require habitat with three basic attributes: open, well-drained terrain; short, sparse vegetation; and underground burrows or burrow facsimiles. The closest known record for burrowing owl is located within a vacant lot surrounded by development approximately 1.3 miles south of Sub Area 8. However, few ground squirrel burrows are present on the candidate housing sites and no burrowing owls or signs thereof were observed during biological surveys conducted in 2022. Regardless, this is a mobile species that could move onto the candidate housing sites in Sub Areas 1, 3, 6, 7, and 8 that provide marginally suitable habitat.

### Golden Eagle

The golden eagle is fully protected by the CDFW and is protected under the BGEPA. Golden eagles inhabit grasslands, savannahs, oak and pine woodlands, and agricultural fields. They nest on cliffs and in large trees in open areas. There are no known occurrences of golden eagle within the vicinity of the candidate housing sites; however, the species was included for review and consideration in the USFWS Information for Planning and Consultation (IpaC) species list. No eagles were observed soaring or foraging in the vicinity of the candidate housing sites during the 2022 survey; suitable foraging and nesting habitat is present in Sub Area 3.

### California Red-Legged Frog

The California red-legged frog is listed as a federally threatened species and is designated as a California Species of Special Concern. California red-legged frogs predominantly inhabit permanent water sources such as streams, lakes, marshes, natural and man-made ponds, and ephemeral drainages in valley bottoms and foothills. The closest California red-legged frog occurrence is located 0.42 mile southwest of Sub Area 3 on the south side of Las Trampas Ridge. Suitable non-breeding aquatic habitat and upland/dispersal habitat occurs on the candidate housing sites along Green Valley Creek, San Ramon Creek, Sycamore Creek, and Walnut Creek on and/or abutting Sub Areas 1-3, 5-7, and habitats immediately adjacent to these aquatic features; however, no suitable breeding habitat occurs on the candidate housing sites.

## Western Pond Turtle

The western pond turtle is a California Species of Special Concern. The western pond turtles are habitat generalists and have been observed in slow-moving rivers and streams (e.g., in oxbows), lakes, reservoirs, permanent and ephemeral wetlands, stock ponds, and sewage treatment plants. The closest western pond turtle occurrence is located approximately 2.8 miles south of Sub Area 8. Suitable dispersal habitat occurs on the candidate housing sites along Green Valley Creek, San Ramon Creek, Sycamore Creek, and Walnut Creek and/or its tributaries within Sub Areas 1-3 and 5-7.

## Alameda Whipsnake

The Alameda whipsnake is listed as a federally threatened species and is state listed as threatened. The Alameda whipsnake inhabits the inner Coast Ranges in western and central Contra Costa and Alameda counties. Suitable habitat for this species includes mixed chaparral, coastal scrub, and annual grassland and oak woodlands adjacent to scrub habitats. The closest known record for Alameda whipsnake is located 0.48 mile from Sub Area 3.<sup>38</sup> Additionally, Sub Area 3 is located within USFWS-designated critical habitat<sup>39</sup> for Alameda whipsnake in valley and foothill grassland habitat immediately adjacent and contiguous with Las Trampas Regional Wilderness Park. This habitat which abuts oak and riparian woodland communities is suitable for Alameda whipsnake foraging and dispersal. The remaining seven sub areas do not provide suitable habitat for this species.

<b>Table 3.4-3: Special-Status Wildlife Known to Occur on the Candidate Housing Sites</b>			
<b>Scientific Name</b>	<b>Common Name</b>	<b>Listed Status</b>	<b>Sub Area</b>
<b>Mammals</b>			
<i>Antrozous pallidus</i>	Pallid Bat	SSC	Sub Area 1 and 2
<i>Corynorhinus townsendii</i>	Townsend's Big-Eared Bat	SSC	Sub Area 4
<i>Taxidea taxus</i>	American Badger	SSC	Sub Areas 1, 3, 6, 7, and 8
<b>Birds</b>			
<i>Athene cunicularia hypugaea</i>	Western Burrowing Owl	SSC	Sub Areas 1, 3, 6, 7, and 8
<i>Aquila chrysaetos</i>	Golden Eagle	FP	Sub Area 3
<b>Amphibians/Reptiles</b>			
<i>Rana draytonii</i>	California Red-Legged Frog	FT, SSC	Sub Areas 1-3 and 5-7

<sup>38</sup> This record dates back to 1952 and the exact location of the occurrence is unknown.

<sup>39</sup> Critical habitat is the specific areas within the geographic area, occupied by the species at the time it was listed, that contain the physical or biological features that are essential to the conservation of endangered and threatened species and that may need special management or protection. Critical habitat may also include areas that were not occupied by the species at the time of listing but are essential to its conservation.



<b>Table 3.4-3: Special-Status Wildlife Known to Occur on the Candidate Housing Sites</b>			
<b>Scientific Name</b>	<b>Common Name</b>	<b>Listed Status</b>	<b>Sub Area</b>
<i>Emys marmorata</i>	Western Pond Turtle	SSC	Sub Areas 1-3 and 5-7
<i>Masticophis lateralis euryxanthus</i>	Alameda Whipsnake	FT, CT	Sub Area 3
Notes: Key to status: FE=Federally listed as endangered species FT=Federally listed as threatened species FC=Federally candidate listed species CE=California listed as endangered species CT=California listed as threatened species Source: Sequoia Ecological Consulting, Inc. Biological Resources Report. July 2022.			

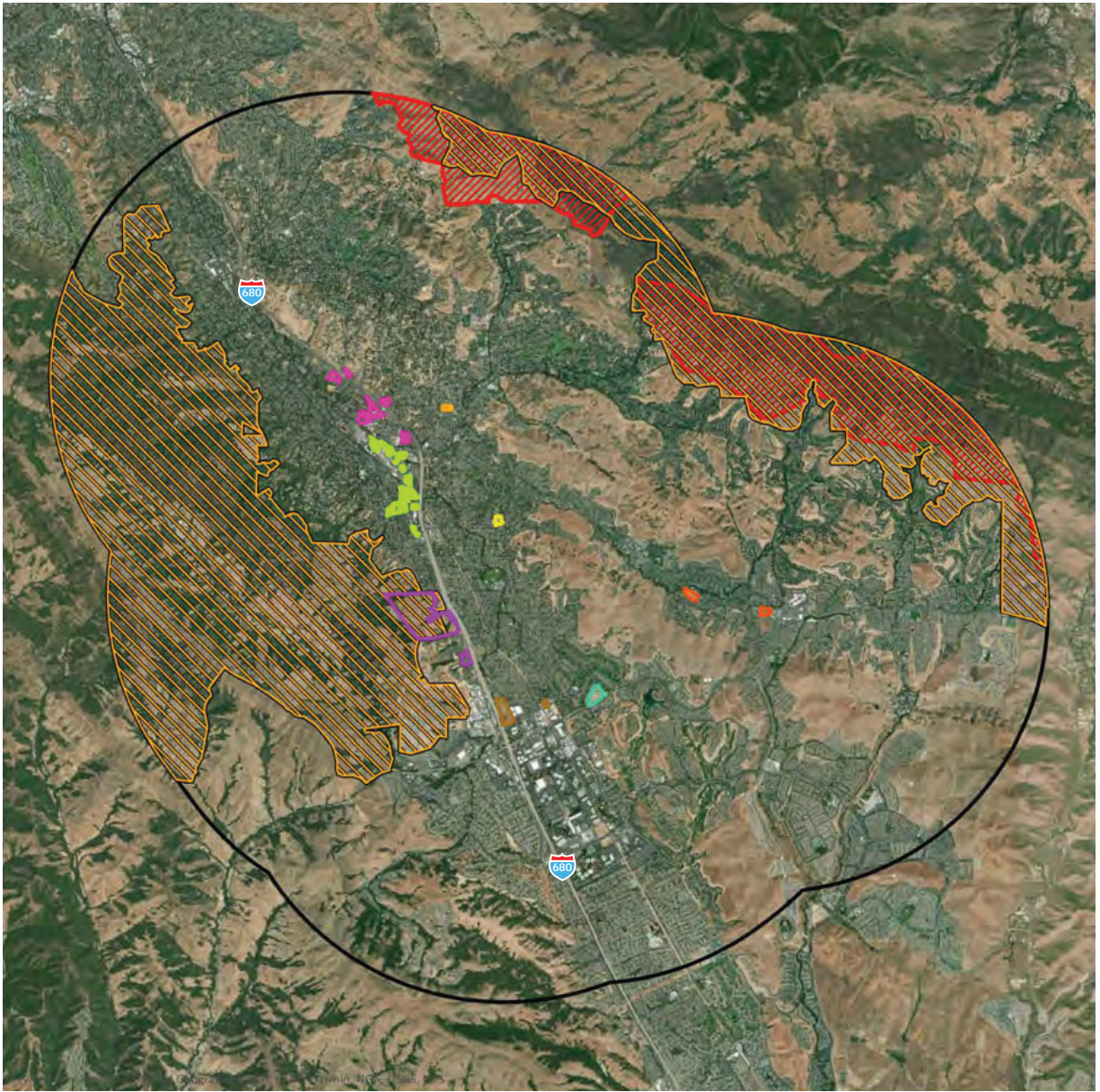
### **Critical Habitat, Essential Fish Habitat, and Wildlife Corridors**

Sub Area 3 is located within USFWS-designated critical habitat for the Alameda whipsnake, as shown on Figure 3.4-9.

Pursuant to the Magnuson-Stevens Act, San Ramon Creek, Walnut Creek, Sycamore Creek, and Green Valley Creek are Essential Fish Habitat (EFH<sup>40</sup>) for coho (*Oncorhynchus kisutch*) and Chinook salmon (*Oncorhynchus tshawytscha*).

Wildlife corridors are habitats that provide connectivity between natural communities otherwise separated by urbanization and other development. Wildlife corridors provide access for animals to travel between these communities for seasonal migration, access to overwintering/summering habitat, and breeding. They also allow animals a route to move away from natural disasters and other forms of habitat loss, as well as to recolonize habitats previously extirpated. Wildlife corridors provide opportunities to breed, forage, migrate/emigrate, disperse, and forage. Green Valley Creek, San Ramon Creek, Sycamore Creek, and Walnut Creek and their tributaries function as wildlife corridors and are located within or adjacent to Sub Areas 1-3 and 5-7.

<sup>40</sup> The term EFH means those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.



**Sub Areas**

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

3 Mile Buffer

Critical Habitat

Alameda  
whipsnake  
(=striped racer)

California red-  
legged frog

0 0.5 1 2 Miles



Source: Sequoia Ecological Consulting, Inc., July 2022.

**USFWS CRITICAL HABITAT**

**FIGURE 3.4-9**

## **Aquatic Resources**

Aquatic resources identified on the candidate housing sites during the February 2022 preliminary hydrology analysis<sup>41</sup> consist of Ephemeral Drainages; Intermittent/Perennial Drainages; and, Seasonal Wetlands, as discussed below in detail.

### Ephemeral Drainages

Ephemeral drainages flow following precipitation events primarily during the wet season. These features convey water resulting from precipitation, and as topographic depressions within valley systems gather water from upland areas via sheet flow. Ephemeral drainages are likely to occur in Sub Areas 1 and 3, as shown on Figure 3.4-10 and Figure 3.4-11.

### Intermittent/Perennial Drainages

Perennial (year-round) streams typically have water flowing in them year-round; whereas intermittent (seasonal) streams flow during certain times of the year when smaller upstream waters are flowing and when groundwater provides enough water for stream flow. Intermittent/Perennial drainages are likely to occur in Sub Areas 1, 2, 5, 6, and 7, as shown on Figure 3.4-10, Figure 3.4-12, Figure 3.4-13, Figure 3.4-14, and Figure 3.4-15.

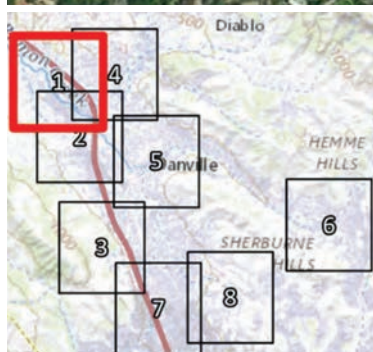
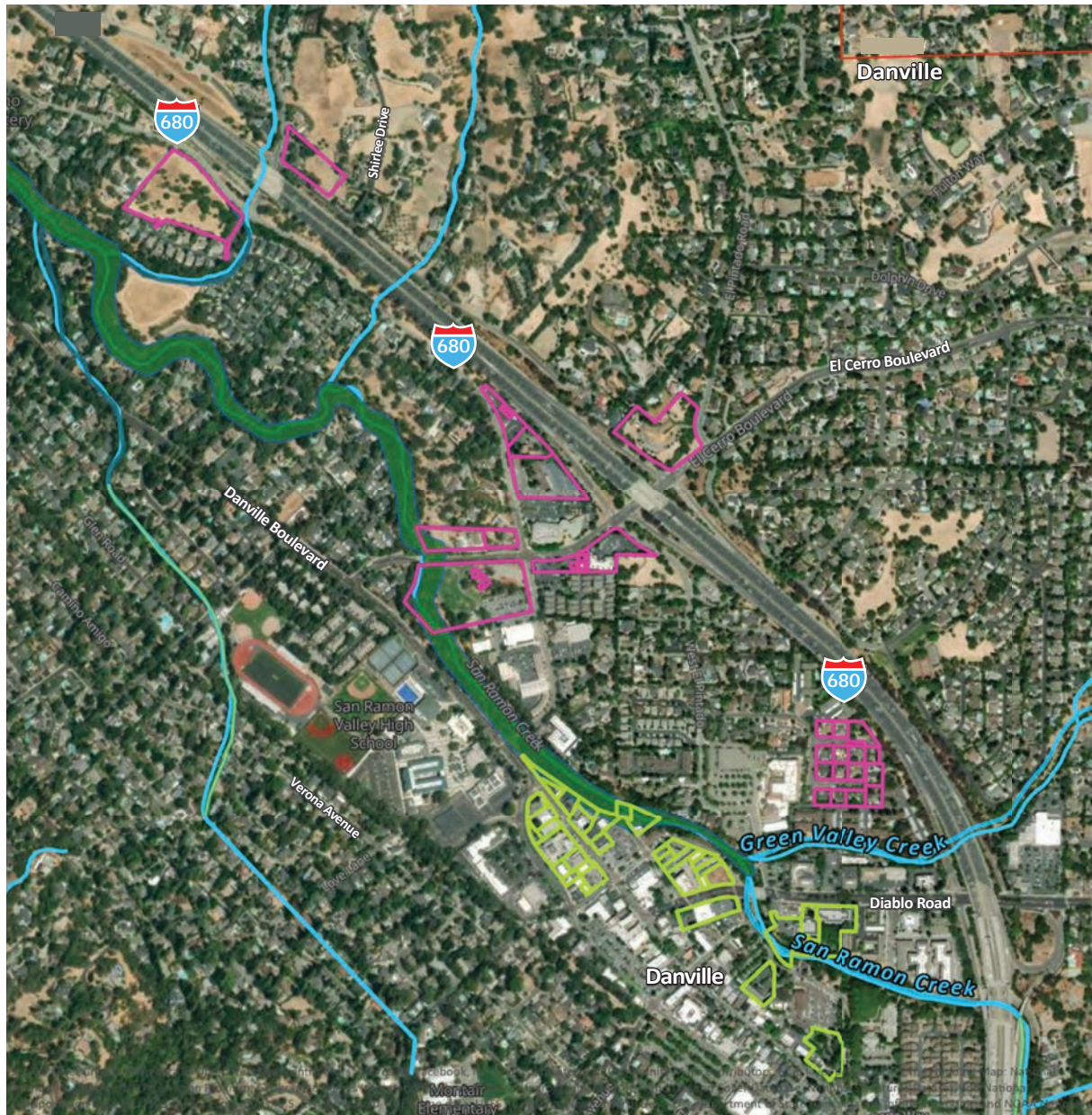
### Seasonal Wetlands

Seasonal wetlands primarily occur on hillside seeps and adjacent swales, channels, and ditches that appear to receive hydrologic input from direct precipitation, groundwater discharge, and/or surface runoff from the adjacent slope or contributing drainages. Season wetlands likely occur within Sub Areas 3, 5, and 6, as shown on Figure 3.4-11, Figure 3.4-13, and Figure 3.4-14.

---

<sup>41</sup> A formal wetland delineation would be required to identify if these features meet the criteria necessary to be considered waters of the United States and/or State.





**Danville City Limits**  
**Sub Areas**  
 1  
 2

**Wetland Type (NWI)**  
 Freshwater  
 Emergent Wetland  
 Freshwater  
 Forested/Shrub  
 Wetland  
 Riverine  
 Cal Streams (NHD)

0 250 500 1,000  
 Feet

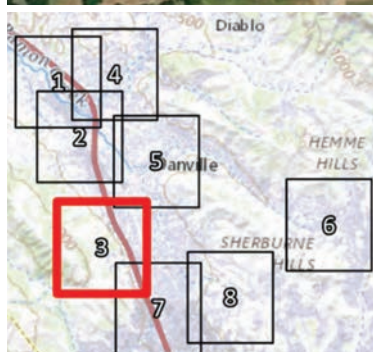
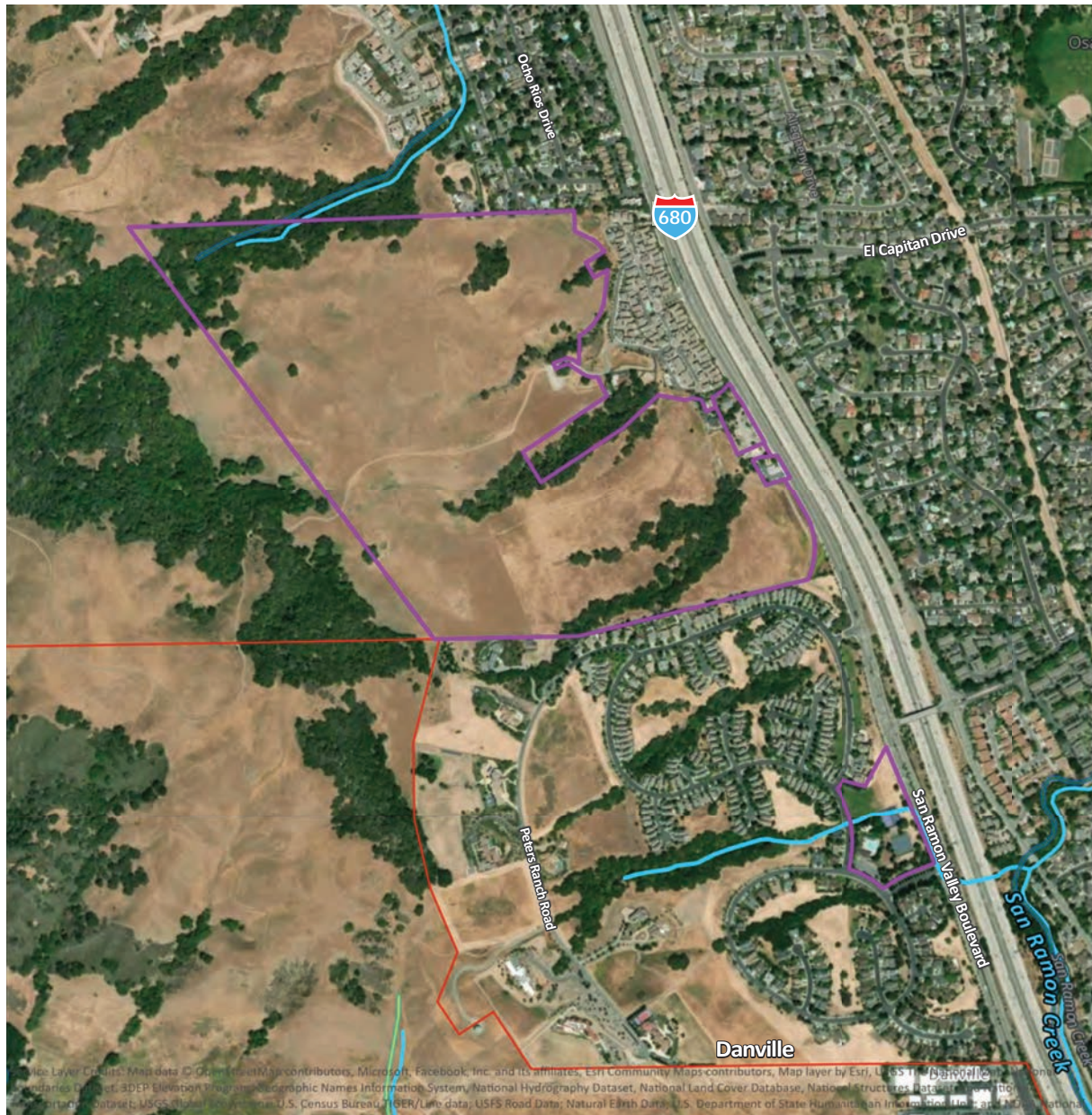


Source: Sequoia Ecological Consulting, Inc., July 2022.

## AQUATIC RESOURCES (SUB AREA 1)

FIGURE 3.4-10





0 250 500 1,000  
Feet

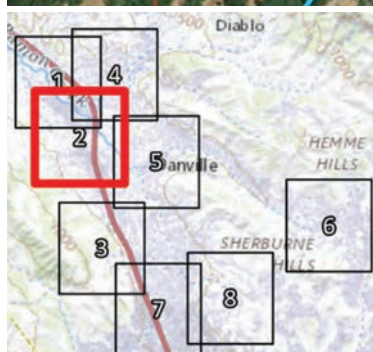
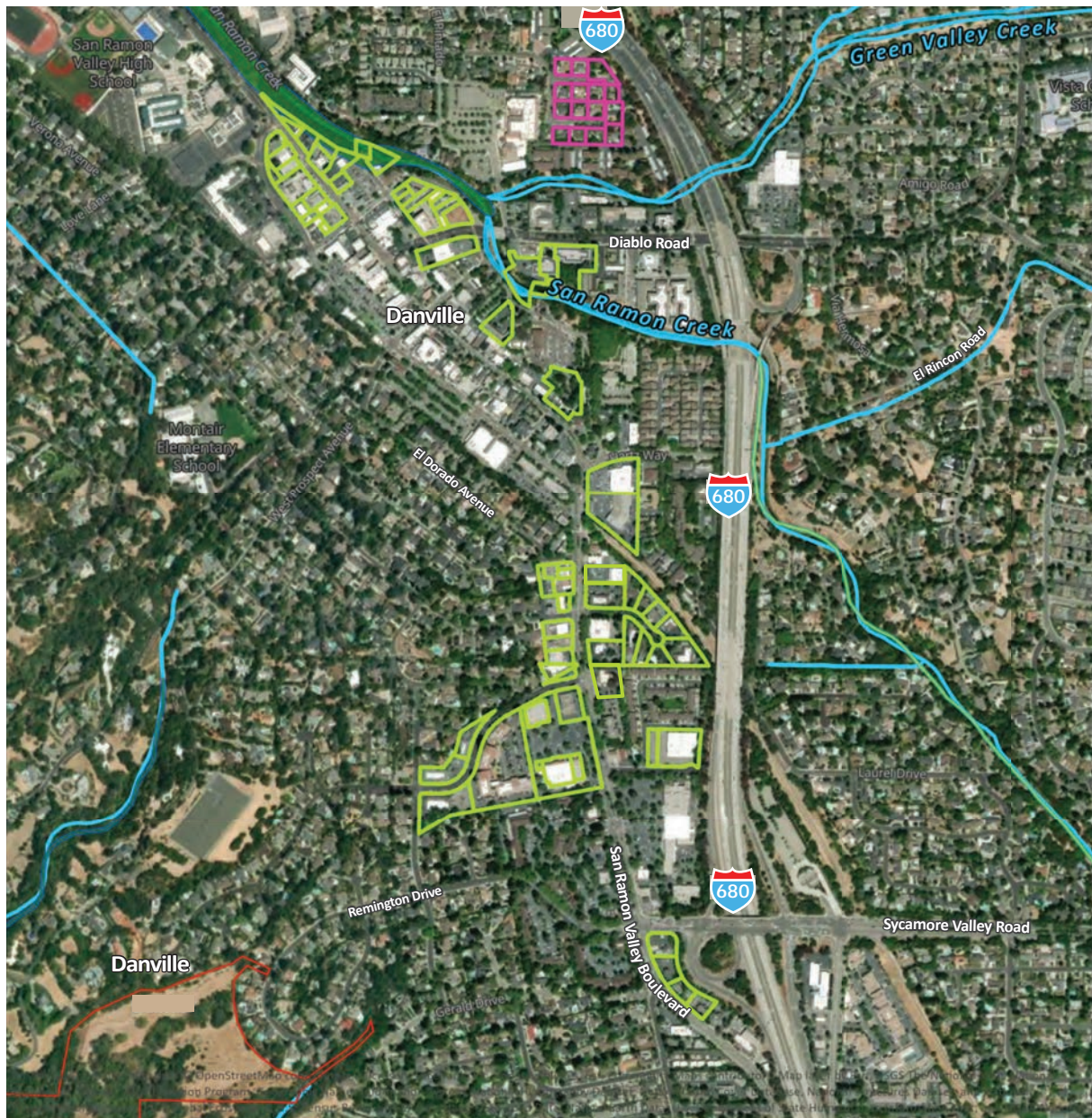


Source: Sequoia Ecological Consulting, Inc., July 2022.

AQUATIC RESOURCES (SUB AREA 3)

FIGURE 3.4-11





- Danville City Limits**
- Sub Areas**
- 1
  - 2

- Wetland Type (NWI)**
- Freshwater Emergent Wetland
  - Freshwater Forested/Shrub Wetland
  - Riverine
  - Cal Streams (NHD)

0 250 500 1,000 Feet

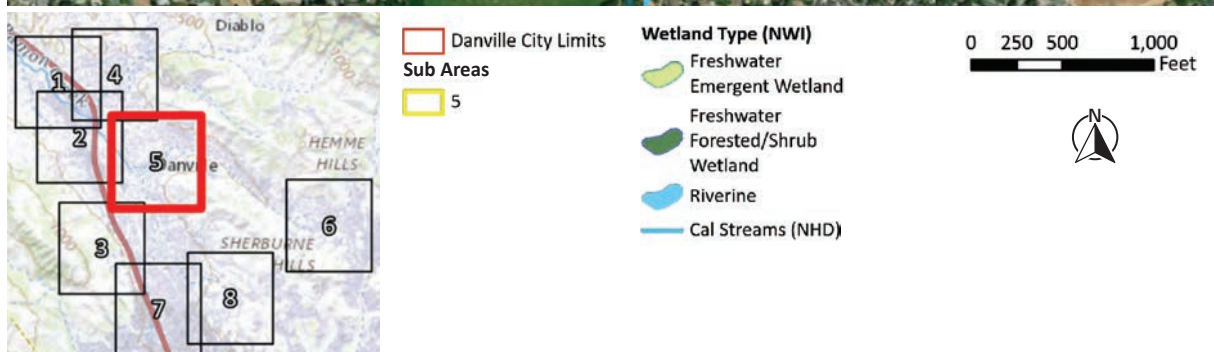
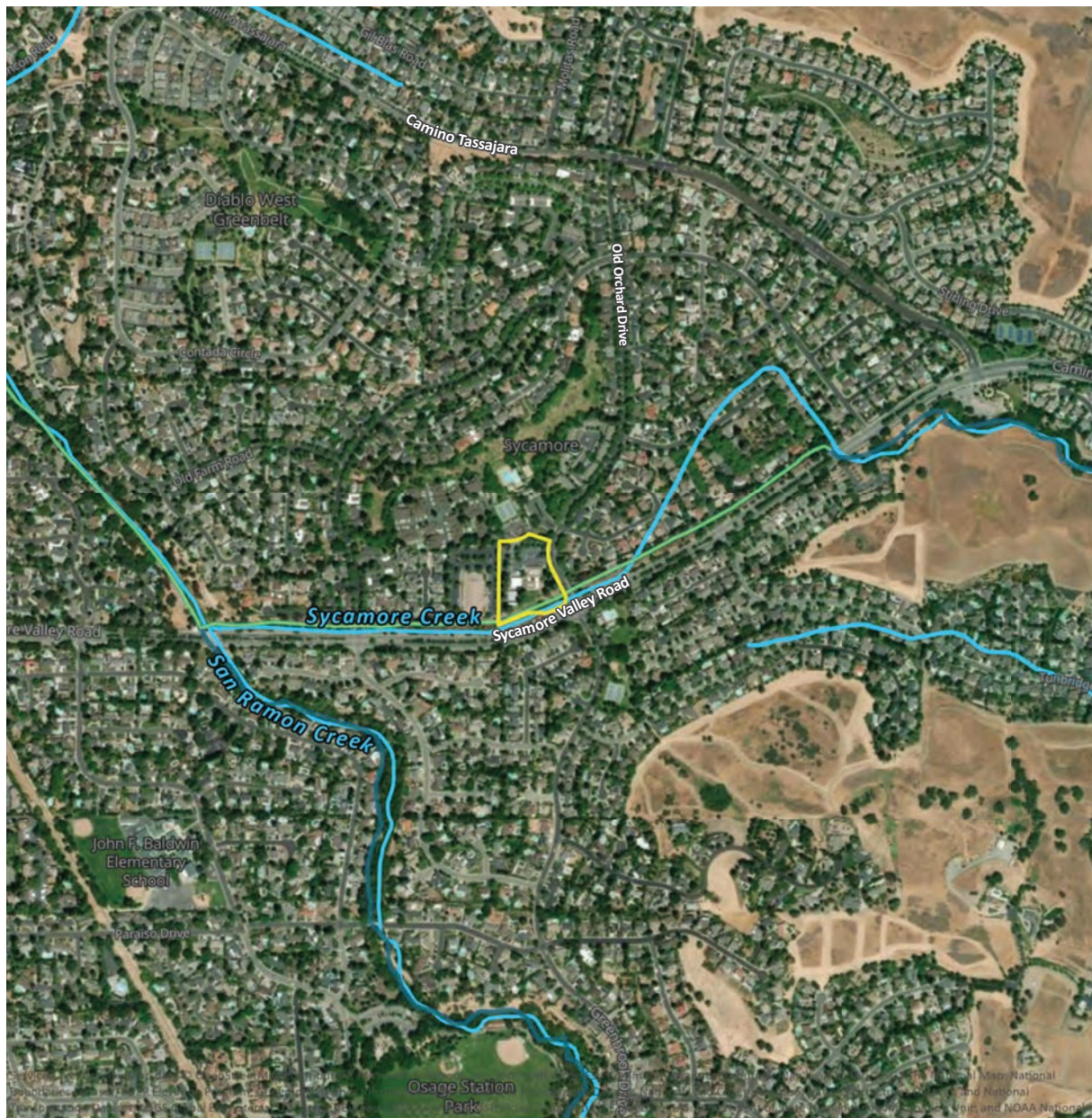


Source: Sequoia Ecological Consulting, Inc., July 2022.

## AQUATIC RESOURCES (SUB AREA 2)

FIGURE 3.4-12



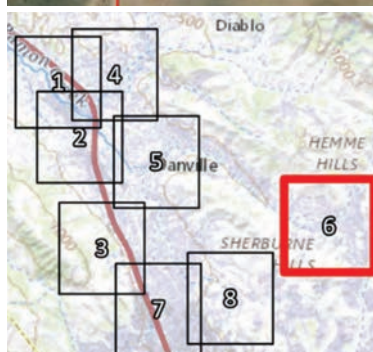
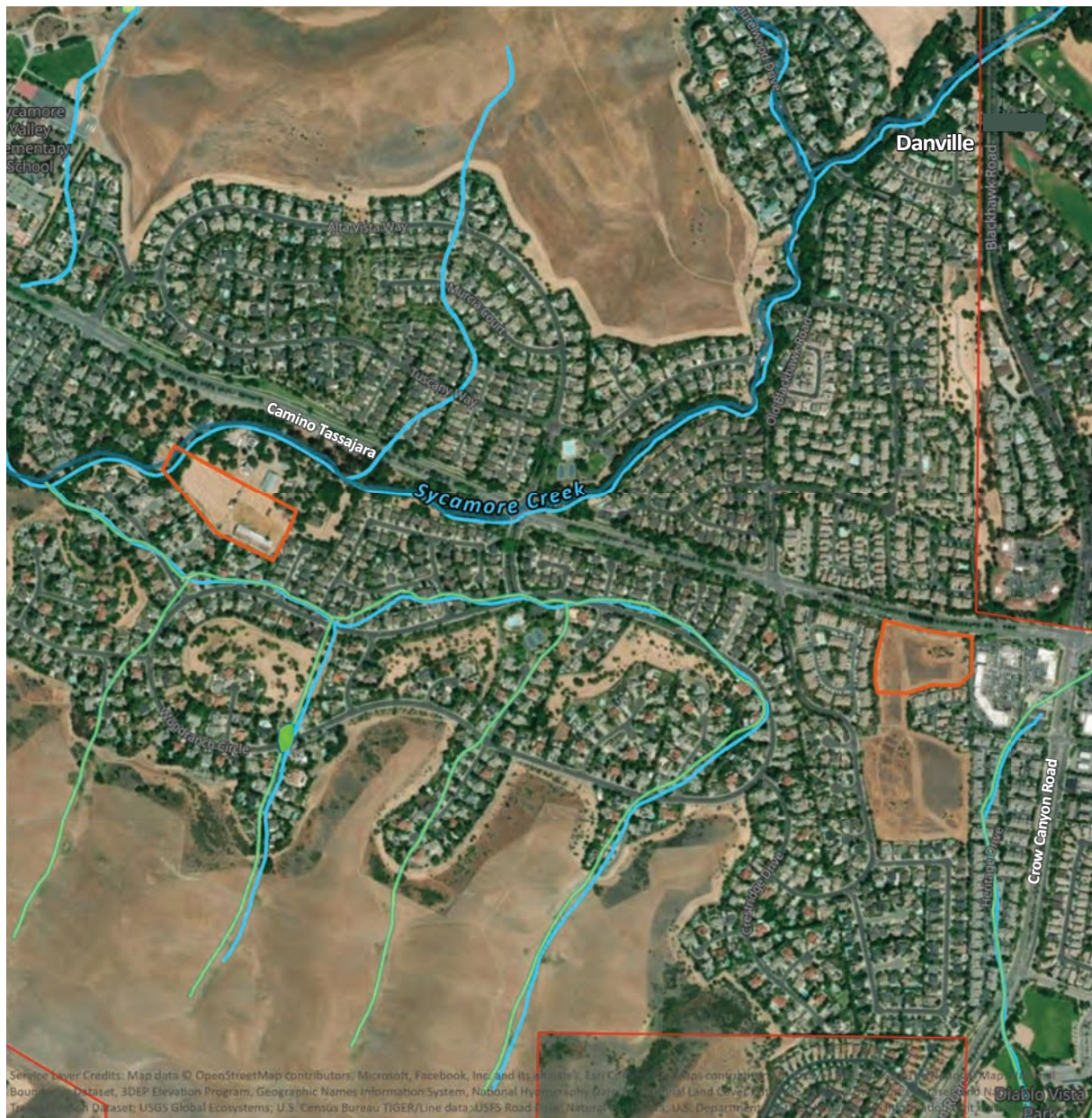


Source: Sequoia Ecological Consulting, Inc., July 2022.

AQUATIC RESOURCES (SUB AREA 5)

FIGURE 3.4-13





Danville City Limits

Sub Areas

6

**Wetland Type (NWI)**

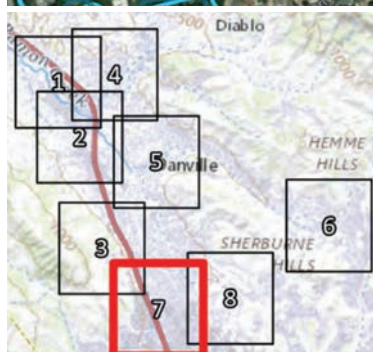
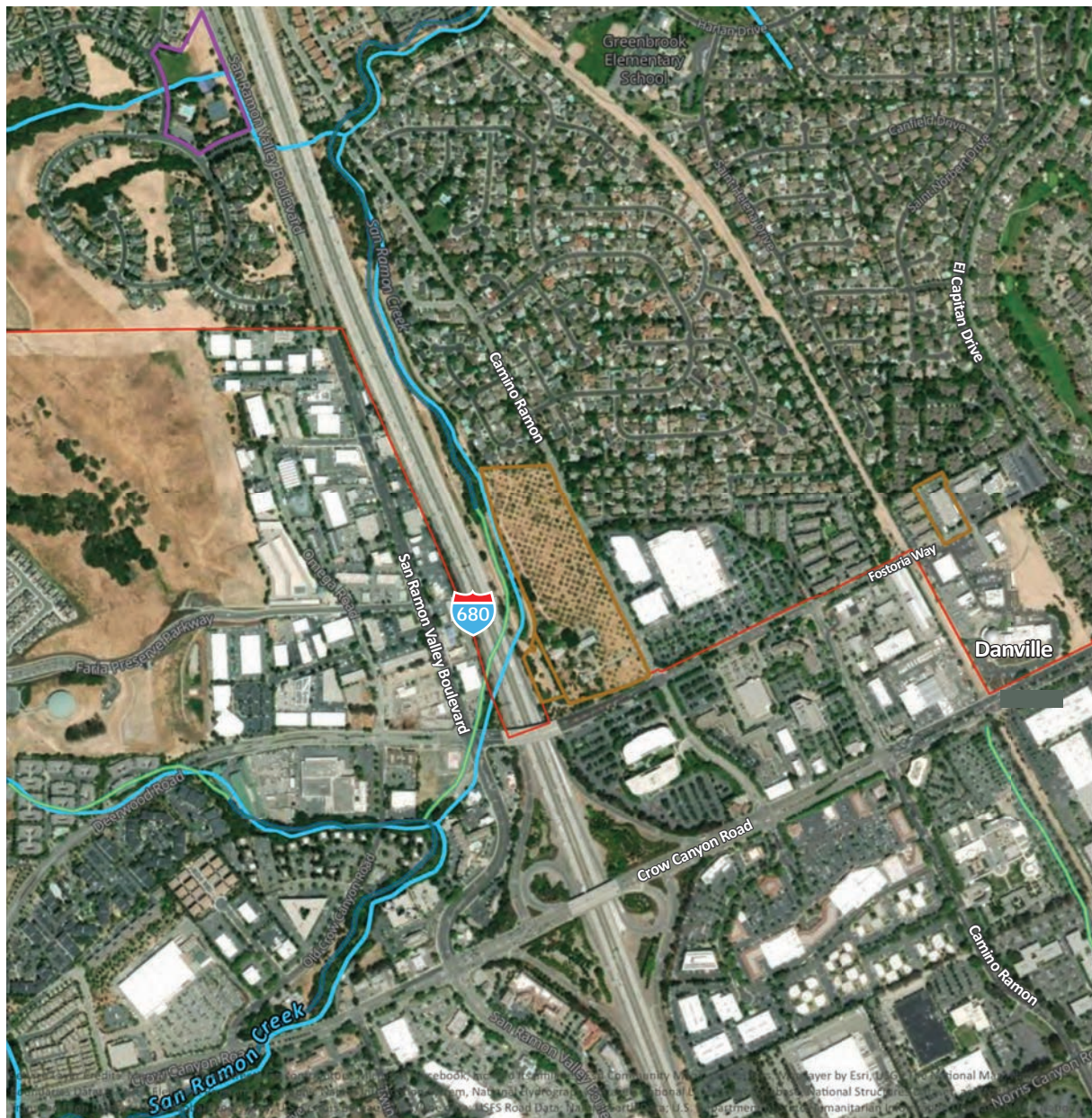
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Riverine
- Cal Streams (NHD)

Source: Sequoia Ecological Consulting, Inc., July 2022.

AQUATIC RESOURCES (SUB AREA 6)

FIGURE 3.4-14





- Danville City Limits**
- Sub Areas**
- 3
  - 7

**Wetland Type (NWI)**

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Riverine
- Cal Streams (NHD)

0 250 500 1,000 Feet



Source: Sequoia Ecological Consulting, Inc., July 2022.

**AQUATIC RESOURCES (SUB AREA 7)**

**FIGURE 3.4-15**

### 3.4.2 Impact Discussion

For the purpose of determining the significance of the project's impact on biological resources, would the project:

- 1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?
- 2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS?
- 3) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- 4) 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?
- 5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- 6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

#### 3.4.2.1 *Project Impacts*

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<b>Impact BIO-1:</b>	The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. <b>(Less than Significant Impact)</b>
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#### **Special-Status Plant Species**

Five special-status plant species are known to occur in the Danville area and have the potential to be present on the candidate housing sites in Sub Areas 3 and 8. These species are all CNPS Rare Plants and have no state or federal status. Congdon's tarplant is known to occur within Sub Area 3. In addition, Sub Areas 3 and 8 provide suitable habitat for four special-status plant species, including big-scale balsamroot, big tarplant, Diablo helianthella, and showy golden madia. It should be noted, suitability does not indicate that these special-status species are present on the candidate housing sites, instead conditions exist that could support special-status plant species.

Future development of the candidate housing sites could result in impacts to special-status plant species if they are present. The 2030 General Plan contains goals and policies that call for the protection of special status plant species. General Plan Policy 21.07 requires that new development does not damage habitat for rare plant species, consistent with state and federal law. General Plan Policy 21.10 requires preparation of a biological assessment for proposed development on sites that are determined to have the potential to contain special-status species. Therefore, future development

of the candidate housing sites in Sub Areas 3 and 8 would be required to prepare a biological assessment by a qualified biologist in order to identify special-status species, potential impacts, and appropriate measures for protecting special-status species in accordance with state and federal laws. The results of the project-level biological assessment(s) may identify the need for project-specific avoidance, minimization, mitigation measures (AMMs), such as special-status plant surveys, appropriate setbacks, and compensatory mitigation measures where special-status plant species are identified and cannot be avoided. Consistent with General Plan Policies 21.07, and 21.10 appropriate project-specific measures (as identified in Table 3.4-4) would be implemented to ensure impacts to special-status plant species would be less than significant. **(Less than Significant Impact)**

<b>Table 3.4-4: Potential Measures to Reduce Adverse Impacts to Special-Status Plants</b>	
<b>Avoidance, Minimization, and Mitigation Measures</b>	<b>Sub Area</b>
<p><b>Special-Status Plants:</b> Appropriately-timed special-status plant surveys shall be conducted in compliance with all CDFW (2018), USFWS (1996), and CNPS (2001) published survey guidelines. Construction shall not be initiated until all special-status plant surveys are completed and subsequent mitigation, if necessary, is implemented. If no special-status plant species are found to inhabit the housing site, no further mitigation measures would be necessary.</p> <p>If special-status plants are detected, individuals shall be clearly marked and avoided to the extent feasible. If special-status plants detected during focused surveys cannot be avoided, consultation with CDFW and/or USFWS (depending on listing status) shall occur. As part of this consultation, a mitigation plan shall be developed and approved by the appropriate agencies to avoid all adverse impacts. The mitigation plan shall include methodology of transplanting and/or on-site replanting at a minimum 1:1 (mitigation to impacts) ratio, 5-year monitoring program, success criteria (i.e., 70 percent survivorship threshold), and annual reporting requirements. In addition, this plan shall include worker education and development of appropriate avoidance and minimization measures.</p>	Sub Areas 3 and 8

### **Special-Status Wildlife**

Eight special-status wildlife species are known to occur in the Danville area and have the potential to be present on the candidate housing sites, including three special-status mammals (pallid bat, Townsend's big-eared bat, and American badger), two special-status birds (western burrowing owl and golden eagle), and three special-status amphibians/reptiles (California Red-Legged frog, western pond turtle, and Alameda whipsnake). Table 3.4-3 identifies which sub areas these species are known to occur, or where suitable habitat is present.

Future development of the candidate housing sites could result in impacts to special-status wildlife species if they are present. The 2030 General Plan contains goals and policies that call for the protection of special status wildlife species. General Plan Policy 21.07 requires that new development does not damage habitat for endangered wildlife species, consistent with state and federal law. General Plan Policy 21.10 requires preparation of a biological assessment for proposed development on sites that are determined to have the potential to contain special-status species. Therefore, future development of candidate housing sites would be required to prepare a biological assessment by a qualified biologist in order to identify special-status species known to occur,

potential impacts, and appropriate measures for protecting special-status species in accordance with state and federal laws (refer to Table 3.4-3 for a summary of which sub areas special-status wildlife species are known to occur, or where suitable habitat is present). The results of the project-level biological assessment(s) may identify the need for additional biological surveys or AMMs. Consistent with General Plan Policies 21.07 and 21.10, future development of candidate housing sites would be required to prepare a biological assessment by a qualified biologist in order to identify special-status species known to occur, potential impacts, and appropriate measures for protecting special-status species in accordance with state and federal laws. Potential avoidance, minimization, and mitigation measures that could be implemented by future housing development are identified in Table 3.4-5. **(Less than Significant Impact)**

<b>Table 3.4-5: Potential Measures to Reduce Adverse Impacts to Special-Status Wildlife</b>	
<b>Avoidance, Minimization, and Mitigation Measures</b>	<b>Sub Area</b>
<b>Environmental Training:</b> Prior to the commencement of construction activities, a qualified biologist will provide an environmental awareness training program to educate workers on relevant special-status species and their habitats, sensitive/regulated habitats, and applicable environmental laws and permits. The training shall include a description of the species and their habitats, importance of preserving species and habitats, penalties for unauthorized take, and the project limits.	All Sub Areas
<p><b>Migratory Birds and Raptors/Nest Avoidance:</b> Tree and vegetation clearing (removal, pruning, trimming, and mowing) shall be scheduled to occur outside the migratory bird nesting season (February 1 through August 31). However, if clearing and/or construction activities will occur during the migratory bird nesting season, then preconstruction surveys to identify active migratory bird and/or raptor nests shall be conducted by a qualified biologist within 14 days of construction initiation on the housing site and within 300 feet (i.e., zone of influence) of construction-related activities. The zone of influence includes areas outside the housing site where birds could be disturbed by construction-related noise or earth-moving vibrations.</p> <p>If active nest, roost, or burrow sites are identified within the housing site, a no disturbance buffer shall be established for all active nest sites prior to commencement of any proposed construction-related activities to avoid disturbances to migratory bird nesting activities. A no-disturbance buffer constitutes a zone in which proposed construction-related activities (e.g., vegetation removal, earth moving, and construction) cannot occur. A minimum buffer size of 50 feet for passerines and 300 feet for raptors will be implemented; sizes of the buffers shall be determined by a qualified biologist based on the species, activities proposed near the nest, and topographic and other visual barriers. Buffers shall remain in place until the young have departed the area or fledged and/or the nest is inactive, as determined by the qualified biologist. If work is required within a buffer zone of an active bird nest, work may occur under the supervision of a qualified avian biologist. The qualified avian biologist monitoring the construction work will have the authority to stop work and adjust buffers if any disturbance to nesting activity is observed.</p>	All Sub Areas
<b>Western Burrowing Owl:</b> A preconstruction survey for western burrowing owl shall be conducted on the housing site during the nesting season (February 15	Sub Areas 1, 3, 6, 7, and 8



<b>Table 3.4-5: Potential Measures to Reduce Adverse Impacts to Special-Status Wildlife</b>	
<b>Avoidance, Minimization, and Mitigation Measures</b>	<b>Sub Area</b>
<p>through August 31). If any owls and/or their burrows are found during the survey, redesign to avoid individuals and their burrows is recommended.</p> <p>The following avoidance and minimization measures are provided below, as detailed in the CDFW Staff Report on Burrowing Owl Mitigation (CDFG 2012):</p> <ul style="list-style-type: none"> <li>• Avoid disturbing occupied burrows during the nesting season.</li> <li>• Avoid impacting burrows occupied during the nonbreeding season by migratory or nonmigratory resident burrowing owls.</li> <li>• Develop and implement environmental awareness training to educate project personnel on recognition of species and commitment to its protection.</li> <li>• Place visible markers near burrows to ensure project-related activities do not collapse burrows.</li> <li>• Do not use rodenticides.</li> </ul>	
<p><b>Special-Status Amphibians and Reptiles:</b> A qualified biologist shall conduct preconstruction surveys for special-status amphibians and reptiles (California red-legged frog, western pond turtle, and Alameda whipsnake) within two days of project commencement.</p> <p>In the event that California red-legged frog, western pond turtle, or Alameda whipsnake are found on the housing site, the individual(s) shall be allowed to leave the area of their own volition. Prior to resumption of construction-related activities, suitable wildlife exclusion fencing shall be installed along the outside edge of the work limits to ensure that individuals are precluded from entering active work areas. The fencing shall be monitored for routine maintenance and should be permanent enough to ensure that it remains in good condition throughout the duration of the construction period at the housing site. In lieu of exclusion fencing, a qualified biologist shall conduct monitoring for the duration of construction-related activities at the location and in the vicinity of the previous detection.</p> <ul style="list-style-type: none"> <li>• To prevent inadvertent entrapment of amphibian and reptile species, all steep-walled excavations or trenches shall be covered or provided with a wildlife escape ramp at the end of each working day. Before these holes or trenches are filled, they shall be thoroughly inspected for entrapped wildlife by a qualified biologist.</li> <li>• To prevent inadvertent entrapment of amphibian and reptile species, no plastic monofilament netting shall be allowed on the construction site.</li> <li>• All trash items will be removed from the construction site to reduce the potential for attracting predators of the California red-legged frog, western pond turtle and Alameda whipsnake.</li> </ul>	Sub Areas 1-3 and 5-7
<p><b>American Badger:</b> A preconstruction survey for American badger shall be conducted no more than two weeks prior to planned construction commencement. The survey shall be conducted by a qualified biologist with experience identifying badgers and badger burrows. Survey methods shall include walking parallel transects through the housing site looking for suitable badger burrows and other signs of these animals' presence.</p>	Sub Areas 1, 3, 6, 7, and 8

Table 3.4-5: Potential Measures to Reduce Adverse Impacts to Special-Status Wildlife	
Avoidance, Minimization, and Mitigation Measures	Sub Area
<p>If an active badger burrow is identified on the housing site, the burrow shall be avoided while the burrow remains active for breeding purposes. If it is not clear whether a burrow is active, a qualified biologist shall determine if the burrow is being used for breeding. This may require multiple site visits. If young are determined to be present, the burrow shall be avoided until young leave the burrow and are capable of survival outside the burrow. If the burrow is being used for temporary refugium, as approved by a qualified biologist, a one-way eviction door may be installed to passively relocate the badger.</p>	
<p><b>Alameda Whipsnake Critical Habitat:</b> To compensate for impacts to USFWS-designated critical habitat for the Alameda whipsnake, mitigation shall be provided at a level considered acceptable by USFWS. Mitigation could involve dedication of preservation lands at a 2:1 ratio (preserved lands vs. impacted lands), or purchase of credits from an agency approved conservation bank at a minimum ratio of 1:1 (mitigation vs. impacts) for temporary impacts and minimum ratio of 3:1 (mitigation vs. impacts) for permanent impacts, or as otherwise authorized and permitted by the USFWS upon issuance of permits. Proof of purchase of USFWS-approved credits shall be provided to the USFWS in advance of construction commencement.</p> <p>To ensure that dispersing or foraging Alameda whipsnakes do not end up on the housing site while under construction where they could be harmed, wildlife exclusion fencing shall be installed on the habitat-facing site border. S This fencing shall be inspected daily by a qualified biologist or a trained construction manager. In the event that Alameda whipsnake is detected on the housing site, it shall be allowed to leave the site of its own volition or be moved by a qualified 10(a)(1)(A) federally-permitted and state-permitted Alameda whipsnake biologist.</p> <p>In addition, measures will be implemented to avoid and minimize potential adverse effects to Alameda whipsnake within suitable habitat for this species (scrub, grassland, oak woodland, mixed woodland, riparian woodland, and ruderal and agricultural/ornamental habitat). An Alameda whipsnake protection and monitoring plan will be developed and implemented subject to approval by the USFWS during consultation under federal Endangered Species Act. The following protective measures will be included:</p> <ul style="list-style-type: none"> <li>• The names and credentials of a biologist qualified to act as a construction monitor shall be provided to USFWS for approval at least 15 days prior to commencement of work.</li> <li>• The USFWS-approved biologist will survey the site two weeks prior to the onset of work activities and immediately prior to commencing work. If Alameda whipsnakes are found, work in the vicinity will be delayed until the species moves out of the site on its own, or the approved biologist will contact the USFWS to determine whether relocating the species is appropriate.</li> </ul>	Sub Area 3

Table 3.4-5: Potential Measures to Reduce Adverse Impacts to Special-Status Wildlife	
Avoidance, Minimization, and Mitigation Measures	Sub Area
<ul style="list-style-type: none"> <li>Ground disturbing work shall be performed during the period when Alameda whipsnake are active, April 1 to October 31, to minimize potential impacts to hibernating snakes.</li> <li>Exclusion fencing will be placed near the grading limit for the duration of the grading and construction, and removed within 72 hours of completion of work, to prevent Alameda whipsnake from entering the construction site.</li> <li>No monofilament plastic will be used for erosion control.</li> <li>Sites within Alameda whipsnake habitat will be hand-cleared of vegetation, or a qualified biologist will survey the area immediately prior to equipment clearing.</li> <li>Upland habitats used by Alameda whipsnake will be restored as feasible, and the lost habitat will be compensated according to a ratio agreed upon with wildlife agencies.</li> </ul>	

### Nesting Birds

Future development of the candidate housing sites could affect two special-status birds that are known to occur in the Project area, including western burrowing owl (Sub Areas 1, 3, 6, 7, and 8) and golden eagle (Sub Area 3). In addition, a number of non-status birds may nest in trees, shrubbery, emergent aquatic vegetation, and on the ground within the Project area. Most birds have baseline protections under the CFGC and guidelines for protections under the MBTA.

Implementation of General Plan Policy 21.10 would require preparation of a biological assessment for proposed development on sites that are determined to have the potential to contain special-status species. The biological assessment would be prepared by a qualified biologist and would identify special-status species known to occur, potential impacts, and appropriate measures for protecting special-status species in accordance with state and federal laws (refer to Table 3.4-5). In addition, General Plan Policy 21.11 requires the protection of the nests of raptors and other birds when in active use, as required by CFGC and the MBTA. Consistent with the General Plan 2030, implementation of General Plan Policies 21.10 and 21.11 would ensure impacts to nesting birds are less than significant. **(Less than Significant Impact)**

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**Impact BIO-2:** The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS. **(Less than Significant Impact)**

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The bed, bank, and channel and associated riparian vegetation of Green Valley Creek, San Ramon Creek, Sycamore Creek, and Walnut Creek and their tributaries are subject to CDFW jurisdiction under Section 1600 of CFGC. In addition, areas within the riparian corridor and below top-of-bank may be regulated by the RWQCB. Future development of the candidate housing sites in Sub Areas 1-3 and 5-7 could result in impacts to riparian habitat or other sensitive natural communities.

Detailed mapping of sensitive natural communities is not available, and site-specific assessments and possibly detailed mapping would be necessary to determine the extent of any sensitive natural communities on undeveloped lands where development is proposed. Implementation of General Plan Policy 21.10 would require preparation of a biological assessment for proposed development on sites that are determined to have the potential to contain a sensitive natural community. Implementation of General Plan Policy 22.01 would require the maintenance and enhancement of the natural quality of Danville's creeks, including the riparian vegetation along the banks, through the implementation of setbacks to maintain the creek's natural appearance, reduce erosion and flood hazards, and protect ecological function. Furthermore, implementation of General Plan Policy 23.07 would require future development under the Housing Element Update to recognize and fully comply with the state and federal wetland protections and regulations as part of development review. Consistent with General Plan Policies 21.10, 22.01, and 23.07, future development of housing on sites that have a potential to contain sensitive natural communities would be required to prepare a biological assessment and comply with state and federal wetland protections to ensure impacts to riparian habitat and other sensitive natural communities would be less than significant. Potential avoidance, minimization, and mitigation measures that could be implemented by future housing development are identified in Table 3.4 6 below.

<b>Table 3.4-6: Potential Measures to Reduce Adverse Impacts to Sensitive Natural Communities</b>	
<b>Avoidance and Minimization Measure</b>	<b>Sub Area</b>
<p><b>Obtain CDFW Section 1600 Lake or Streambed Alteration Agreement:</b> If construction-related activities encroach on the riparian zone of Green Valley Creek, San Ramon Creek, Sycamore Creek, or Walnut Creek, a Section 1600 Notification of Lake or Streambed Alteration shall be submitted to CDFW. The Notification will include a description of impacts, including quantification of impacts to bed, bank, and channel, as well as individual trees, area and linear footage of riparian vegetation, and proposed mitigation for impacts.</p> <p>It is likely that CDFW will require tree replacement mitigation compensation as a condition of the Lake or Streambed Alteration Agreement. Accordingly, any impacts to native trees greater than 4 inches in diameter at breast height (DBH) would be mitigated via on-site replacement at a 3:1 (replacement to impacts) ratio. This tree mitigation would compensate for the potential encroachment into the riparian canopy and satisfy mitigation requirements stipulated by CDFW. In consideration of site aesthetics, replacement trees should likely be planted near Green Valley Creek, San Ramon Creek, Sycamore Creek, or Walnut Creek to contribute to the existing riparian canopy associated with these waterways.</p> <p>The trees' health shall be monitored annually for five years by a qualified biologist or arborist and documented in annual monitoring reports. At the end of the five-year monitoring period, at least 70 percent of planted trees shall be in good health. If survival is below 70 percent, additional trees shall be planted to bring the total number of planted trees up to 100 percent of the original number of trees planted. Irrigation and follow-up monitoring shall be established over an additional three-year period following any replanting.</p>	Sub Areas 1-3 and 5-7



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**Impact BIO-3:** The project would not have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means. **(Less than Significant Impact)**

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Future development of the candidate housing sites in Sub Areas 1 and 3 and 5-7 could result in impacts to protected wetlands, as shown on Figure 3.4-10 to Figure 3.4-15. Green Valley Creek, San Ramon Creek, Sycamore Creek, and Walnut Creek, their tributaries, and any other aquatic resources including wetlands are subject to federal and/or state regulation pursuant to the Clean Water Act and Porter-Cologne Act. Site-specific wetland delineations would be necessary to determine the extent of possible jurisdictional waters where wetlands may be present and proposed development would affect these features. This would be performed as part of further environmental review for specific development applications, as required by General Policy 21.10.

Implementation of General Plan Policy 22.01 would require the maintenance and enhancement of the natural quality of Danville's creeks, including the riparian vegetation along the banks, through the implementation of setbacks to maintain the creek's natural appearance, reduce erosion and flood hazards, and protect ecological function. Furthermore, implementation of General Plan Policy 23.07 would require future housing development under the Housing Element Update to recognize and fully comply with the state and federal wetland protections and regulations as part of development review. Consistent with General Plan Policies 21.10, 22.01, and 23.07, future development of candidate housing sites would be required to prepare a biological assessment and comply with state and federal wetland protections to ensure impacts to state and federally protected wetlands would be less than significant. Potential avoidance, minimization, and mitigation measures that could be implemented by future housing development are identified in Table 3.4-7. **(Less than Significant Impact)**

**Table 3.4-7: Potential Measures to Reduce Adverse Impacts to Waters of the U.S./State**

Avoidance and Minimization Measure	Sub Area
<p><b>Obtain USACE/RWQCB CWA Section 404/401 and/or Porter-Cologne Authorization:</b> If construction-related activities encroach on areas, including the riparian zone and canopy of Green Valley Creek, San Ramon Creek, Sycamore Creek, or Walnut Creek and/or their tributaries, and below top-of-bank, or other areas potentially regulated by USACE/RWQCB, approval of a CWA Section 404 permit from USACE and Section 401 Water Quality Certification and/or Porter-Cologne Waste Discharge Requirement from the RWQCB shall be obtained prior to the discharge of any dredged or fill material within jurisdictional waters of the United States/State.</p> <p>In addition, a Stormwater Pollution Prevention Plan (SWPPP) shall be developed and submitted to the Town of Danville demonstrating BMPs that shall be installed/implemented prior to the issuance of a grading permit. Stormwater protection and treatment measures shall be implemented to ensure compliance with the Porter-Cologne Act and that discharges of dredged or fill material do not enter waters of the State.</p> <p>Mitigation compensation wetlands shall be enhanced/created for replacement of any permanent impacted wetlands on the candidate housing sites. If feasible, wetlands shall be enhanced/created on-site and shall resemble wetlands impacted by proposed development (i.e., in-kind replacement with no net loss of habitat values and functions). If wetlands cannot be created in-kind and on-site, in lieu of creating compensation wetlands, mitigation credits may be purchased from a USACE/RWQCB-approved mitigation bank—at a minimum 1:1 ratio or a higher ratio as otherwise required by the USACE/RWQCB upon issuance of permits. If wetlands can be created in-kind and on-site, a five-year monitoring program would be established to monitor the wetland(s) progress toward established goals (i.e., hydrological/vegetative conditions) and provide annual monitoring reports to comply with USACE, RWQCB, and other resource agency permits. To meet success criteria, mitigation wetlands would need to at a minimum:</p> <ul style="list-style-type: none"> <li>• Exhibit comparable plant/wildlife habitat characteristics to existing wetlands.</li> <li>• Remain inundated or saturated for a sufficient duration of time to support hydrophytic (i.e., wetland) vegetation.</li> </ul>	<p>Sub Areas 1-3 and 5-7</p>

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

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Future development of the candidate housing sites in existing natural areas could inhibit wildlife movement both by providing physical impediments to movement and by requiring animals to move longer distances around such development. Green Valley Creek, San Ramon Creek, Sycamore Creek, or Walnut Creek and/or their tributaries provide habitat used by native fish during various life phases, such as breeding, rearing, foraging and migrating. These creeks are EFH for coho and

Chinook salmon. Migration and movement of these species could be affected directly by temporary or permanent barriers placed in streams and indirectly by impacts to water quality, including sedimentation. No permanent structures or barriers to movement are anticipated along these waterways as a result of the Housing Element Update.

There are several policies in the General Plan that serve to avoid or minimize impacts to wildlife species and their habitat, including Policy 21.07 which requires that new development does not damage habitat for endangered wildlife species, consistent with state and federal law. In addition, Policy 22.01 requires the maintenance and enhancement of the natural quality of Danville's creeks, including the riparian vegetation along the banks, through the implementation of setbacks to maintain the creek's natural appearance, reduce erosion and flood hazards, and protect ecological function. With adherence to these policies, potential impacts on wildlife movement corridors would be considered less than significant. **(Less than Significant Impact)**

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

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Future development of the candidate housing sites may require tree removal. The Town's Tree Preservation Ordinance requires acquisition of a Tree Removal Permit prior to removal of certain trees. Implementation of General Plan Policy 21.06 would require future development under the Housing Element Update to avoid activities that would harm the health of existing trees, prevent the unnecessary removal and alteration of such trees, including "protected" trees as defined by the Town's Tree Preservation Ordinance and other trees that contribute to the scenic beauty of the town. Furthermore, the Tree Preservation Ordinance requires minimizing the removal of mature trees, and if removal is necessary, trees would be replaced consistent with the ordinance. With adherence to General Plan Policy 21.06 and the Town's Tree Preservation Ordinance, future development under the Housing Element Update would not conflict with any local policies or ordinances protecting biological resources, such as the County Tree Ordinance. **(Less than Significant Impact)**

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**Impact BIO-6:** The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. **(No Impact)**

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The candidate housing sites are not located within an approved local, state, or national habitat conservation plan area. Thus, there would be no impact. **(No Impact)**

### 3.4.2.2 *Cumulative Impacts*

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**Impact BIO-C:** The project would not result in a cumulatively considerable contribution to a cumulatively significant biological resources impact. **(Less than Significant Cumulative Impact)**

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The geographic area for cumulative biological resources impacts includes the Town of Danville because localized development would affect the same group of biological resources.

#### Candidate, Sensitive, or Special Status Species

Future development under the Housing Element Update has the potential to impact special-status plant and wildlife species, including big-scale balsamroot, big tarplant, Diablo helianthella, showy golden madaia, pallid bat, Townsend's big-eared bat, and American badger, western burrowing owl, golden eagle, California Red-Legged frog, western pond turtle, and Alameda whipsnake. Future cumulative development in the Town has the potential to impact the same special-status plant and wildlife species, if present. Future cumulative development would adhere to General Plan Policies 21.07 and 21.10, which requires preparation of a biological assessment by a qualified biologist in order to identify special-status species, potential impacts, and appropriate measures for protecting special-status species in accordance with state and federal laws. For these reasons, the cumulative projects (including the Project) would not result in a significant cumulative impact to special-status species.

#### Riparian Habitats or Sensitive Natural Communities

Future development under the Housing Element Update could result in direct impacts to sensitive habitats, including riparian vegetation of Green Valley Creek, San Ramon Creek, Sycamore Creek, and Walnut Creek. Future cumulative development would have the potential to impact riparian habitat or other sensitive natural communities. Adherence to General Plan Policies 21.10, 21.01, and 23.07, together with oversight by regulatory agencies entrusted with enforcement of State and federal regulations addressing the protection and management of sensitive natural communities would ensure that future cumulative development mitigates potential adverse impacts to less than significant. For these reasons, the cumulative projects (including the Project) would not result in a significant cumulative impact to sensitive habitats.

#### Wetlands

Future development under the Housing Element Update could result in direct impacts to protected streams, open waters, and seasonal wetlands under Section 404 of the CWA, Porter Cologne Act and Section 401 of the CWA, and CFGC Code Sections 1600-1616. Future cumulative development would have the potential to result in similar impacts to protected wetlands, if present. Site-specific wetland delineations would be necessary to determine the extent of possible jurisdictional waters where wetlands may be present and proposed development would affect these features. This would be performed as part of further environmental review for specific development applications, as required by General Policy 21.10. In addition, implementation of General Plan Policy 23.07 would require future cumulative development to recognize and fully comply with State and federal wetland protections and regulations as part of development review, including detailed aquatic resource

jurisdictional delineations and assessments and obtaining permits. For these reasons, the cumulative projects (including the Project) would not result in a significant cumulative impact to wetlands.

#### Movement, Migration, or Use of Native Wildlife Nursery Sites

The Project would not substantially interfere with wildlife movement or migration. Future cumulative development (including the Project) would be required to adhere to General Plan Policies 21.07 and 22.01, which require that new development does not damage habitat for wildlife species and maintain setbacks from Danville's creek. With adherence to these policies, potential cumulative impacts on wildlife movement corridors would be less than significant.

#### Policies or Ordinances Protecting Biological Resources

Future development under the Housing Element Update would comply with policies and ordinances protecting biological resources, specifically those outlined in the Town's General Plan and Municipal Code that protect trees. Future cumulative development would also be required to comply with the Town's General Plan policies and Municipal Code requirements to protect trees. For these reasons, the cumulative projects would not conflict with the Town's policies and regulations for tree protection.

#### Habitat Conservation Plans

Future cumulative development (including the Project) is not located within an approved local, state, or national habitat conservation plan area. Thus, there would be no cumulative conflict with a Habitat Plan. **(Less than Significant Cumulative Impact)**



### 3.5 CULTURAL RESOURCES

The following discussion is based, in part, on a Cultural Resources Sensitivity Report prepared for the Project by Archaeological/Historical Consultants. The report, dated July 2022, is confidential and can be viewed by registered archaeologists on a need-to-know basis, at the Department of Planning in the Danville Town Office.

#### 3.5.1 Environmental Setting

##### 3.5.1.1 *Regulatory Framework*

#### **Federal and State**

##### National Historic Preservation Act

Federal protection is legislated by the National Historic Preservation Act of 1966 (NHPA) and the Archaeological Resource Protection Act of 1979. These laws maintain processes for determination of the effects on historical properties eligible for listing in the National Register of Historic Places (NRHP). Section 106 of the NHPA and related regulations (36 Code of Federal Regulations [CFR] Part 800) constitute the primary federal regulatory framework guiding cultural resources investigations and require consideration of effects on properties that are listed or eligible for listing in the NRHP. Impacts to properties listed in the NRHP must be evaluated under CEQA.

The NRHP is the nation's master inventory of historic resources that are considered significant at the national, state, or local level. The minimum criteria for determining NRHP eligibility include:

- The property is at least 50 years old (properties under 50 years of age that are of exceptional importance or are contributors to a district can also be included in the NRHP);
- It retains integrity of location, design, setting, materials, workmanship, feeling, and associations; and
- It possesses at least one of the following characteristics:
  - Association with events that have made a significant contribution to the broad patterns of history;
  - Association with the lives of persons significant in the past;
  - Distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant, distinguishable entity whose components may lack individual distinction; or
  - Has yielded, or may yield, information important to prehistory or history.

##### California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local

planning purposes and affords protections under CEQA. Under Public Resources Code Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.<sup>42</sup>

Historical resources eligible for listing in the CRHR must meet the significance criteria described previously and retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. A resource that has lost its historic character or appearance may still have sufficient integrity for the CRHR if it maintains the potential to yield significant scientific or historical information or specific data.

The concept of integrity is essential to identifying the important physical characteristics of historical resources and, therefore, in evaluating adverse changes to them. Integrity is defined as “the authenticity of a historical resource’s physical identity evidenced by the survival of characteristics that existed during the resource’s period of significance.” The processes of determining integrity are similar for both the CRHR and NRHP and use the same seven variables or aspects to define integrity that are used to evaluate a resource’s eligibility for listing. These seven characteristics include 1) location, 2) design, 3) setting, 4) materials, 5) workmanship, 6) feeling, and 7) association.

### Senate Bill 18

The intent of SB 18 is to aid in the protection of traditional tribal cultural places through local land use planning by requiring city governments to consult with California Native American tribes on projects which include adoption or amendment of general plans (defined in Government Code Section 65300 et seq.) and specific plans (defined in Government Code Section 65450 et seq.). SB 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process.

### California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act applies to both state and private lands. The act requires that upon discovery of human remains, construction or excavation activity must cease and the county coroner be notified.

### Public Resources Code Sections 5097 and 5097.98

Section 15064.5 of the CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains on non-federal land. These procedures are outlined in Public Resources Code Sections 5097 and 5097.98. These codes protect such remains from disturbance, vandalism, and inadvertent destruction, establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project, and establish the Native American Heritage Commission (NAHC) as the authority to resolve disputes regarding disposition of such remains.

Pursuant to Public Resources Code Section 5097.98, in the event of human remains discovery, no further disturbance is allowed until the county coroner has made the necessary findings regarding the origin and disposition of the remains. If the remains are of a Native American, the county coroner

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<sup>42</sup> California Office of Historic Preservation. “CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6.” Accessed October 26, 2021. [TECH6.PDF \(ca.gov\)](#)

must notify the NAHC. The NAHC then notifies those persons most likely to be related to the Native American remains. The code section also stipulates the procedures that the descendants may follow for treating or disposing of the remains and associated grave goods.

## **Local**

### Town of Danville 2030 General Plan

The following policies in the Town’s General Plan have been adopted for the purpose of reducing or avoiding impacts related to cultural resources and are applicable to the Housing Element Update.

Policy	Description
8.01	Ensure that the remodeling and renovation of historic buildings respects the character of the building and its setting.
8.02	Encourage new projects in the Downtown area to be compatible with nearby historic buildings, the historic Downtown street pattern, and the area’s historic, pedestrian-oriented character.
8.03	Discourage the demolition of historically important buildings. Where it is no longer feasible to continue using an older building for its originally intended use, the reuse of the buildings for contemporary purposes should be encouraged.
8.04	Encourage the use of the State Historic Building Code for historic buildings and other structures that contribute to the Town’s historic character. Use flexibility when applying zoning regulations to historic sites and buildings.
8.05	Where appropriate and feasible, retain physical elements of Danville that contribute to the aesthetic and historic character of agricultural areas and former agricultural areas, such as barns, outbuildings, bridges, heritage trees, and fences.
8.06	Recognize heritage trees, landscapes, and other outdoor features as potential contributors to historic character, and afford protection to such features where appropriate.
8.08	Where feasible and relevant, ensure that the Town’s historic preservation program meets state and federal standards.
8.13	Continue to survey and inventory historic resources in Danville, using criteria that are consistent with the U.S. Secretary of the Interior standards.
8.14	Ensure that development approvals do not result in the loss of significant archaeological resources by requiring full compliance with state and federal laws regarding the assessment and recovery of such resources.

### Danville Heritage Resource Commission

The Heritage Resource Commission (HRC) is a seven-member board responsible for establishing criteria for identifying historic sites, inventorying and protecting these sites, and developing preservation incentives for property owners. The HRC has the authority to recommend the adoption of standards to the Town Council for the alteration, construction, rehabilitation, restoration, or removal of designated improvements and to enforce these standards through the review of building

permit and development applications. The review process provides an opportunity for public comment on proposed changes to historic structures and the design of new buildings in the historic Downtown area.

### Historic Preservation Ordinance

The Town of Danville Historic Preservation Ordinance (Municipal Code 32-72.1) addresses the community's desires for preservation of historical resources. The Ordinance mandates the Town adopt a survey of historical resources that could be protected from demolition or exterior alterations. Property owners can request that their properties be designated as heritage resources, which are eligible for economic and land use incentives.

### Criteria for Designation of a Historic Resource

Section 32-72.4 of the Municipal Code establishes criteria for determining whether a structure, site (or portion of a site), improvement or natural feature may be considered for designation as a heritage resource pursuant to subsection 32-72.6 if it has maintained its historic integrity, is over fifty (50) years of age (less than fifty (50) years if it can be demonstrated that sufficient time has passed to understand the historical significance of the resource), and meets at least one (1) of the following criteria:

- i. Is representative of a particular architectural style or reflects special elements of a distinct historical period, type, style or way of life important to the Town;
- ii. Is a type of building or is associated with a business or use that was once common but is now rare;
- iii. Is representative of the evolution or development or associated with the cultural, religious, educational, political, social or economic growth of the community, region, state or nation;
- iv. Represents the work of a notable builder, engineer, designer, artist or architect;
- v. Is the site of an historical event or is associated with persons or events that have made a meaningful contribution to the community, region, state or nation;
- vi. Has a high potential for yielding information or archaeological interest;
- vii. Embodies elements of outstanding or innovative attention to architectural or engineering design, detail, craftsmanship or use of materials; and familiar visual feature of the neighborhood, community or Town;
- viii. Is a geographically definable area, possessing a significant concentration or continuity of site, improvements, natural features or objects unified by past events or physical development; or
- ix. Is an unusual natural feature.

### Criteria for Designation of a Historic District

Section 32-72.5 of the Municipal Code establishes criteria for determining whether a geographic area may be considered for designation as a historic district. Pursuant to subsection 32-72.6 if a contiguous area that includes a group of parcels that are over fifty years of age (less than fifty years if it can be demonstrated that sufficient time has passed to understand the historical significance of the resource), and at least one of the following criteria apply:

- i. A significant number of the parcels reflect significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes or distinctive examples of park or community planning; or

- ii. A significant number of the parcels convey a sense of historic or architectural cohesiveness through their design, setting, materials, workmanship or association; or
- iii. A significant number of the parcels have historic significance and retain a high degree of integrity; or
- iv. The area in general is associated with a historically significant period in the development of the community or is associated with special historical events; or
- v. A significant number of the parcels embody distinctive characteristics of a style, type, period or method of construction, or are a valuable example of the use of indigenous materials or craftsmanship; or
- vi. A significant number of the parcels represent the works of notable builders, designers or architects.

### **3.5.1.2      *Existing Conditions***

#### **Historic Resources**

Pursuant to Section 15064.5(a) of the CEQA Guidelines, a resource is generally considered by a lead agency to be “historically significant” if the resource is listed in, or determined to be eligible for listing in, the California Register of Historical Resources (California Register); or the resource is included in a local register of historic resources as defined by State law or identified as significant in an historical resource survey meeting the requirements of State law. A historic resource listed in, or formally determined to be eligible for listing in, the National Register of Historic Places (National Register) is, by definition, included in the California Register. The eligibility criteria for listing on the National and California Registers are summarized in Section 3.5.1.1.

There are three properties eligible for listing on the NRHP and/or CRHR within the eight candidate housing site Sub Areas: the Mendenhall House and Eddy Cabin at 2900 Camino Tassajara (Sub Area 6), and the Borel Ranch at 3020 Fostoria Way (Sub Area 7).

#### **Sub Area 1**

No historic resources or properties listed on federal, State, or local inventories were identified in Sub Area 1. A review of aerial photography from 1965 suggests that several buildings in Sub Area 1 are over 50 years old.

#### **Sub Area 2**

Sub Area 2 includes part of historic downtown Danville and includes many properties that are over 50 years of age, including three properties (180 Hartz Avenue 268 Rose Street, and 254 Rose Street) on the “Identified Potential Resources” or “To Be Considered” lists established by the Town of Danville.<sup>43</sup> A review of aerial photography suggests that several buildings in Sub Area 2 are over 50 years old.

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<sup>43</sup> General Plan 2030 Draft EIR. October 12, 2012. Table 4.5-3.



### Sub Area 3

One property in Sub Area 3 includes a building (1435 San Ramon Valley Boulevard) identified on the Town's list of Potential Historic Resources. One other property (1453 San Ramon Valley Boulevard) appears to have a building built prior to 1947 based on a review of aerial photographs.

### Sub Area 4

No historic resources or properties listed on federal, State, or local inventories were identified in Sub Area 4. Review of aerial photography from 1965 suggests that several buildings in Sub Area 4 are over 50 years old.

### Sub Area 5

No historic resources or properties listed on federal, State, or local inventories were identified in Sub Area 5. The buildings in Sub Area 5 appear to be less than 50 years of age.

### Sub Area 6

The Mendenhall House and Eddy Cabin (2900 Camino Tassajara) are both Contra Costa County Structures of Historic Significance and are therefore historical resources under CEQA.

### Sub Area 7

The Borel Ranch complex, located at 3020 Fostoria Way, includes a residence, tank house, two barns, outbuildings, and an orchard. The Borel Ranch complex was found eligible for listing on the NRHP in 1990 by survey evaluation, and is therefore a CEQA historical resource.

### Sub Area 8

No historic resources or properties listed on federal, State, or local inventories were identified in Sub Area 8. The buildings in Sub Area 8 appear to be less than 50 years of age.

## **Archaeological Resources**

Archeological resources are material remains of human life or activities that can provide information about past human behavior. Prehistoric archaeological resources include a variety of artifactual and non-artifactual remains of human activity. Typical prehistoric artifacts include flaked stone tools (arrowheads, scrapers), ground stone tools (mortars, pestles, milling slabs, net weights), bone tools (fishhooks, awls), and decorative or social items (bone flutes, bone gaming sticks, shell beads, shell or stone pendants, obsidian tinklers). Non-artifactual remains may include human remains; architectural remnants such as house pits; evidence of cooking such as fire-affected rock, ash, animal bone or shell; midden soil, which is dark brown to black with a high organic content and typically contains charcoal, animal bone; or shell middens, which are deposits of shell or shell mixed with midden soil and artifacts. Historic-era archaeological resources may include filled hollow features such as privies, trash pits, or wells; architectural features such as foundations, concrete pads, adobe brick, or fence posts; diffuse or concentrated trash scatters containing glass bottles, domestic ceramics, or metal; and trash dumps containing food debris such as animal bone, shellfish, seeds, or pits.

A record search for previously recorded cultural resources was conducted at the Northwest Information Center (NWIC) on March 3, 2022 and a supplemental search was submitted on June 24, 2022. The search covered the eight candidate housing site Sub Areas, including a quarter mile radius. The results of the record search identified eight resources. Two of the resources are Native American archaeological sites, the sites have not been previously evaluated. Of the remaining six resources, three are eligible for the CRHR and/or NRHP (refer to discussion above under Historic Resources).

There are two known Native American sites located in Sub Area 2. Sub Areas 1, 3, 5, 6, and 7 are considered archaeologically sensitive either due to their proximity to known Native American sites or to San Ramon Creek. There are no known Native American archaeological resources or archaeological sensitivity within Sub Areas 4 and 8.

### **3.5.2            Impact Discussion**

For the purpose of determining the significance of the project's impact on cultural resources, would the project:

- 1) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?
- 2) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?
- 3) Disturb any human remains, including those interred outside of dedicated cemeteries?

#### **3.5.2.1            *Project Impacts***

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<b>Impact CUL-1:</b>	The project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5. ( <b>Less than Significant Impact</b> )
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Within the eight candidate housing site Sub Areas, there are three properties eligible for listing on the NRHP and/or CRHR including the Mendenhall House and Eddy Cabin at 2900 Camino Tassajara (Sub Area 6), and the Borel Ranch at 3020 Fostoria Way (Sub Area 7). In addition, Sub Areas 2 and 3 contain buildings identified on the Town's list of Potential Historic Resources. Based on a review of aerial photographs, several buildings in Sub Areas 1, 2, 3, and 4 appear to be over 50 years of age.

Future development of the candidate housing sites in Sub Areas 1-4 and 5-7 could directly or indirectly affect historic resources, including those that are currently listed and those that have yet to be identified and evaluated. Examples of direct impacts include demolition, relocation, or inappropriate or unsympathetic modification (e.g., use of incompatible materials, designs, or construction techniques in a manner that alters character-defining features). Indirect impacts could occur if:

- new construction conflicts with or isolates historic buildings or structures;
- changes to the historic fabric or setting materially impair the resource's ability to convey its significance; and/or

- there is deliberate incremental deterioration due to inaction/neglect, lack of occupancy, or inappropriate uses.

Impacts to historic resources and structures over 50 years in age that are potentially historic, would be avoided through implementation of 2030 General Plan policies. General Plan Policies 8.01, 8.03, 8.04, 8.05, 8.06, and 8.08 require the preservation, protection and identification of historic buildings. With implementation of 2030 General Plan policies, the Town's Historic Preservation Ordinance and existing regulations, future development under the Housing Element Update would not result in a significant impact to historic resources. **(Less than Significant Impact)**

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**Impact CUL-2:** The project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. **(Less than Significant Impact)**

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Based on the results of the records search, Sub Areas 1 to 3 are considered sensitive for buried archaeological resources due to their proximity to known Native American sites. Sub Areas 5 to 7 are sensitive for buried archaeological resources due to their proximity to San Ramon Creek. Sub Areas 4 and 8 are not considered sensitive for buried archaeological resources.

Future development of the candidate housing sites in Sub Areas 1 to 3 and 5 to 7 have the potential to encounter archaeological deposits during ground disturbing construction activities due to their proximity to known Native American sites or to San Ramon Creek. There are two known Native American sites in Sub Area 2. Construction activities such as grading and excavation may result in the accidental destruction or disturbance of archaeological sites, which could convey important information about Danville's history. General Plan Policy 8.14 requires that future development not result in the loss of significant archaeological resources by requiring compliance with State and federal laws regarding assessment and recovery of such resources. With implementation of 2030 General Plan policies and existing regulations, future development under the Housing Element Update would not result in a significant impact to archaeological resources. **(Less than Significant Impact)**

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**Impact CUL-3:** The project would not disturb any human remains, including those interred outside of dedicated cemeteries. **(Less than Significant Impact)**

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Development under the Housing Element Update would involve excavation that could uncover human remains. General Plan Policy 8.14 requires that development approvals not result in the loss of significant archaeological resources by requiring compliance with State and federal laws regarding assessment and recovery of such resources.

In the event that human remains are found, the Project shall comply with the procedures set forth by Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.94 of the State of California, this includes the following:

- In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any

nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains.

- If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

With implementation of 2030 General Plan policies and existing regulations, future development under the Housing Element Update would have a less than significant impact due to potential disturbance of human remains. **(Less than Significant Impact)**

### **3.5.2.2      *Cumulative Impacts***

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**Impact CUL-C:**    The project would not result in a cumulatively considerable contribution to a cumulatively significant cultural resources impact. **(Less than Significant Cumulative Impact)**

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The geographic area for cumulative impacts to cultural resources includes the Town of Danville.

#### Historic Resources

The General Plan 2030 EIR concluded that buildout of the General Plan would result in less than significant cumulative impacts to historic resources, with the implementation of General Plan policies. Future cumulative development, including the Project, would be required to implement General Plan Policies 8.01, 8.03, 8.04, and 8.13. For these reasons, the Project would not contribute to a cumulatively significant historic resource impact.

#### Archaeological Resources

Future cumulative development may require excavation and grading or other activities that may affect archaeological resources. General Plan Policy 8.14 requires that future development not result in the loss of significant archaeological resources by requiring compliance with State and federal laws regarding assessment and recovery of such resources. As a result, cumulative development (including the Project) would not result in significant cumulative impacts to archaeological resources.

## Human Remains

All cumulative projects (including the Project) are required to comply with existing regulations, including California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99 to reduce impacts to human remains (if discovered) to a less than significant level. For these reasons, the cumulative projects (including the Project) would not result in significant cumulative impacts to human remains. **(Less than Significant Cumulative Impact)**



## **3.6 ENERGY**

### **3.6.1 Environmental Setting**

#### **3.6.1.1 *Regulatory Framework***

##### **Federal and State**

##### Energy Star and Fuel Efficiency

At the federal level, energy standards set by the EPA apply to numerous consumer products and appliances (e.g., the EnergyStar™ program). The EPA also sets fuel efficiency standards for automobiles and other modes of transportation.

##### Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. Governor Schwarzenegger issued Executive Order (EO) S-3-05, requiring statewide emissions reductions to 80 percent below 1990 levels by 2050. In 2008, EO S-14-08 was signed into law, requiring retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from renewable sources by 2030. SB 100, passed in 2018, requires 100 percent of electricity in California to be provided by 100 percent renewable and carbon-free sources by 2045.

##### Executive Order B-55-18 To Achieve Carbon Neutrality

In September 2018, Governor Brown issued an executive order, EO-B-55-18 To Achieve Carbon Neutrality, setting a statewide goal “to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter.” The executive order requires CARB to “ensure future Scoping Plans identify and recommend measures to achieve the carbon neutrality goal.” EO-B-55-18 supplements EO S-3-05 by requiring not only emissions reductions, but also that, by no later than 2045, the remaining emissions be offset by equivalent net removals of CO<sub>2</sub> from the atmosphere through sequestration.

##### California Building Standards Code

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6 of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years.<sup>44</sup> Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.<sup>45</sup>

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<sup>44</sup> California Building Standards Commission. “California Building Standards Code.” Accessed October 26, 2021. <https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo>.

<sup>45</sup> California Energy Commission (CEC). “2019 Building Energy Efficiency Standards.” Accessed October 26, 2021. <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency>.

## California Green Building Standards Code

CALGreen establishes mandatory green building standards for buildings in California. CALGreen was developed to reduce GHG emissions from buildings, promote environmentally responsible and healthier places to live and work, reduce energy and water consumption, and respond to state environmental directives. CALGreen covers five categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.

## Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing pollutants and GHG emissions into a single coordinated set of requirements for vehicle model years 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.<sup>46</sup>

## **Local**

## Town of Danville 2030 General Plan

The following policies in the Town's General Plan have been adopted for the purpose of reducing or avoiding impacts related to energy and are applicable to the Housing Element Update.

<b>Policy</b>	<b>Description</b>
31.05	Reduce the amount of construction and demolition (C&D) debris being disposed in landfills through mandatory C&D recycling requirements.
31.07	Advocate for increased energy conservation by Danville residents and businesses, including basic conservation practices (such as shutting off lights and using lower wattage bulbs), weatherization of existing homes and businesses, and the use of more energy efficient appliances.
32.01	Support the use of green building methods in new construction and rehabilitation projects, including both Town of Danville projects and private projects undertaken by homeowners.
32.02	Consider incentives for projects that incorporate green building methods beyond those required by the building code.
32.03	Encourage the use of recycled-content construction materials in major rehabilitation projects and in new construction.
32.04	Encourage site planning and subdivision design methods which reduce heating and cooling costs.
32.07	Promote tree planting as a way to create shade, reduce surface and ambient temperatures, and reduce the energy required for cooling.

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<sup>46</sup> California Air Resources Board. "The Advanced Clean Cars Program." Accessed October 26, 2021. <https://www.arb.ca.gov/msprog/acc/acc.htm>.

### 3.6.1.2 *Existing Conditions*

Total energy usage in California was approximately 6,956.6 trillion British thermal units (Btu) in the year 2020, the most recent year for which this data was available.<sup>47</sup> Out of the 50 states, California is ranked second in total energy consumption and 49<sup>th</sup> in energy consumption per capita. The breakdown by sector was approximately 21.8 percent (1,507.7 trillion Btu) for residential uses, 19.6 percent (1,358.3 trillion Btu) for commercial uses, 24.6 percent (1,701.2 trillion Btu) for industrial uses, and 34 percent (2,355.5 trillion Btu) for transportation.<sup>48</sup> This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

#### **Electricity**

Electricity in Contra Costa County in 2020 was consumed primarily by the commercial sector (63 percent), followed by the residential sector consuming 37 percent. In 2020, a total of approximately 8,633 gigawatt hours (GWh) of electricity was consumed in Contra Costa County.<sup>49</sup>

MCE Clean Energy (MCE) is an alternative electricity source that is currently available to residents of Danville. As of April 1, 2018, residents are enrolled in MCE, which provides energy at a competitive cost, with a greater reliance on green resources. Residents may opt out of using MCE and remain with Pacific Gas & Electric (PG&E). MCE sources the electricity and PG&E delivers it to customers over their existing utility lines. MCE offers customers three rate options MCE Light Green (60 percent renewable), MCE Deep Green (100 percent renewable – California solar and wind), and MCE Local Sol (100 percent renewable – local solar).<sup>50</sup> MCE's standard service option (60 percent renewable) provides twice the amount of clean energy than traditional electricity service and exceeds California's average renewable power mix. PG&E standard service is 31 percent renewable and California's statewide average is 33.6 percent.<sup>51</sup>

#### **Natural Gas**

PG&E provides natural gas services to the Town of Danville. In 2020, approximately two percent of California's natural gas supply came from in-state production, while the remaining supply was imported from other western states and Canada.<sup>52</sup> In 2020, California used 2,144 trillion Btu of natural gas.<sup>53</sup> In 2019, Contra Cost County used approximately 1,062 million therms of natural gas<sup>54</sup>,

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<sup>47</sup> United States Energy Information Administration. "State Profile and Energy Estimates, 2020." Accessed July 5, 2022. <https://www.eia.gov/state/?sid=CA#tabs-2>.

<sup>48</sup> United States Energy Information Administration. "State Profile and Energy Estimates, 2020." Accessed July 2, 2022. <https://www.eia.gov/state/?sid=CA#tabs-2>.

<sup>49</sup> Ibid.

<sup>50</sup> MCE. Accessed October 26, 2021. <https://www.mcecleanenergy.org/>

<sup>51</sup> California Energy Commission. "2021 Total System Electric Generation." Accessed July 31, 2022.

<sup>52</sup> California Gas and Electric Utilities. 2020 *California Gas Report*. Accessed October 26, 2021.

[https://www.socalgas.com/sites/default/files/2020-10/2020\\_California\\_Gas\\_Report\\_Joint\\_Utility\\_Biennial\\_Comprehensive\\_Filing.pdf](https://www.socalgas.com/sites/default/files/2020-10/2020_California_Gas_Report_Joint_Utility_Biennial_Comprehensive_Filing.pdf).

<sup>53</sup> United States Energy Information Administration. "State Profile and Energy Estimates, 2020. Accessed July 5, 2022. <https://www.eia.gov/state/?sid=CA#tabs-2>.

<sup>54</sup> California Energy Commission. "Natural Gas Consumption by County." Accessed July 21, 2022. <http://ecdms.energy.ca.gov/gasbycounty.aspx>.

or approximately 106,175 billion Btu (GBtu)<sup>55</sup>. This equates to approximately five percent of the state's total consumption of natural gas in 2020.<sup>56</sup>

### Fuel for Motor Vehicles

In 2019, 15.4 billion gallons of gasoline were sold in California.<sup>57</sup> The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 24.9 mpg in 2019.<sup>58</sup> Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was updated in April 2022 to require all cars and light duty trucks achieve an overall industry average fuel economy of 49 mpg by model year 2026.<sup>59,60</sup>

#### 3.6.2 Impact Discussion

For the purpose of determining the significance of the project's impact on energy, would the project:

- 1) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?
- 2) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?
- 3) Result in a substantial increase in demand upon energy resources in relation to projected supplies?

##### 3.6.2.1 *Project Impacts*

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<b>Impact EN-1:</b>	The project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. <b>(Less than Significant Impact)</b>
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Energy would be consumed during both the construction and operational phases of residential development under the Housing Element Update. Future development projects would comply with Title 24 and CALGreen standards at the time of construction.

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<sup>55</sup> One therm = 99,976 Btu. 1062 million therms x 99,976 = 106,175 billion Btu

<sup>56</sup> California Energy Commission. "Natural Gas Consumption by County." Accessed July 21, 2022. <http://ecdms.energy.ca.gov/gasbycounty.aspx>.

<sup>57</sup> California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed October 26, 2021. <https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist>.

<sup>58</sup> United States Environmental Protection Agency. "The 2020 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." January 2021. <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P1010U68.pdf>

<sup>59</sup> United States Department of Energy. *Energy Independence & Security Act of 2007*. Accessed October 26, 2021. <http://www.afdc.energy.gov/laws/eisa>.

<sup>60</sup> Public Law 110–140—December 19, 2007. *Energy Independence & Security Act of 2007*. Accessed October 26, 2021. <http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf>.

## Construction

Residential development under the Housing Element Update would require energy for the manufacture and transportation of building materials, preparation of the project site (e.g., grading), fuel use for worker travel and construction equipment, and the actual construction of the buildings and infrastructure. Construction details on each individual project are not currently known and, therefore, cannot be quantified.

As discussed in Section 3.3 Air Quality, future development under the Housing Element Update would be required to comply with General Plan Policies 34.02 and 34.03 would require future development projects to implement appropriate controls and “best practices” requirements to minimize construction emissions at the time of future development. These controls may include minimizing idling times of construction equipment, requiring properly maintained construction equipment, and/or mandating use of electrified or alternatively-fueled construction equipment. As discussed under Impact AIR-3, future residential development would be required to evaluate health risks to nearby off-site and future on-site sensitive receptors associated with temporary construction near Housing Element Update sites, consistent with General Plan Policies 34.02 and 34.03. Implementation of construction emissions controls required to address air quality impacts would ensure future construction on individual project sites within the Town would not use fuel or energy in a wasteful manner. **(Less than Significant Impact)**

## Operation

Residential development under the Housing Element Update would consume energy for multiple purposes including, but not limited to, building heating and cooling, lighting, appliances, and electronics. Operational energy would also be consumed during each vehicle trip generated by future residents, employees, and customers. Future residential development would be subject to current building codes such as Title 24 and CALGreen. As further discussed in Impact EN-2, projects would be designed to be energy efficient and include renewable energy options on-site or through the Town’s electricity service provider. Therefore, the Project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project operation. **(Less than Significant Impact)**

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<b>Impact EN-2:</b>	The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. <b>(Less than Significant Impact)</b>
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Future housing development under the Housing Element Update would be subject to current energy efficiency standard set forth in Title 24 and CALGreen. In addition, all residents in Danville are automatically enrolled in the MCE Light Green program, which provides customers with electricity that is generated from 60 percent renewable sources and 95 percent carbon free sources. Residents and businesses are given the choice to upgrade to Deep Green or Local Sol, which provides electricity that is 100 percent renewably sourced and/or from local power sources within California.<sup>61</sup> Residents and businesses can also opt-out of MCE and choose to have PG&E generate their electricity. For these reasons, the Project would comply with state and local plans for renewable energy and energy efficiency. **(Less than Significant Impact)**

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<sup>61</sup> Local Sol obtains renewable energy from Novato, California.



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**Impact EN-3:** The project would not result in a substantial increase in demand upon energy resources in relation to projected supplies. **(Less than Significant Impact)**

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### Electricity

Due to population increases, it is estimated that future demand in California (for electricity) would increase by approximately 0.7 percent each year through 2035.<sup>62</sup> Efficiency and production capabilities would help meet increased electricity demand in the future, such as improving energy efficiency in existing and future buildings, establishing energy efficiency targets, inclusion of microgrids and zero-net energy buildings, and integrating renewable technologies.<sup>63</sup> Future residential development would be built to the most recent CALGreen requirements and Title 24 energy efficiency standards, which would improve the efficiency of the overall Project.

Electricity supply and demand data and reporting is provided at the state level. It is estimated that residential development under the Housing Element Update would use approximately 9,963,790 kWh of electricity, which would be less than a 0.004 percent increase in the state's annual use.<sup>64</sup>

### Natural Gas

Natural gas supply and demand data and reporting is provided at the state level. Statewide natural gas demand is projected to decline at an average rate of one percent each year through 2035. According to the 2020 California Gas Report, California's existing gas supply portfolio is regionally diverse and ensures long-term supply availability.<sup>65</sup> It is estimated that residential development under the Housing Element Update would use approximately 21,599,600 Btu of natural gas per year.<sup>66</sup> Based on the Project's relatively small increase in natural gas demand, which is less than a 0.001 percent increase in the state's consumption), and compared to the growing trends in natural gas supply and the existing available supply in California, the Project would not result in a substantial increase in natural gas demand relative to projected supply.

### Fuel for Motor Vehicles

Given the Housing Element Update would generate approximately 373,170 daily vehicle miles traveled over existing conditions, it can be estimated that the proposed development under the Housing Element Update would use approximately 5.5 million gallons of gasoline per year (assuming an average fuel economy of 24.9 mpg). This increase is small when compared to the 15.4 billion gallons of gasoline consumed in California in 2019. As discussed in Section 3.17 Transportation, future residential projects in Sub Areas 1, 4, 5, and 6 would be required to implement VMT reduction strategies to reduce VMT.

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<sup>62</sup> California Energy Commission. *2021 Integrated Energy Policy Report*. Accessed July 31, 2022. <https://www.energy.ca.gov/data-reports/reports/integrated-energy-policy-report/2021-integrated-energy-policy-report>

<sup>63</sup> California Energy Commission. *2016 Integrated Energy Policy Report*. Accessed April 2, 2021. [https://ww2.energy.ca.gov/2016\\_energy\\_policy/](https://ww2.energy.ca.gov/2016_energy_policy/)

<sup>64</sup> As of the latest available data (2020), California's total electricity consumption in 2020 was 279,510 GWh. Source: <http://ecdms.energy.ca.gov/elecbycounty.aspx>

<sup>65</sup> California Gas and Utilities. *California Gas Report*. 2020.

<sup>66</sup> Illingworth & Rodkin. *Town of Danville 2022-2031 Housing Element Update and Related General Plan Amendments. Air Quality and Greenhouse Gas Assessment*. July 2022.

Further, new automobiles purchased by future occupants of the Project would be subject to fuel economy and efficiency standards applied throughout California, which means that over time, the fuel efficiency of vehicles associated with the project would improve.

Given the small increase in gasoline use resulting from the Project and potential for fuel economy increases to further limit this projected increased gasoline use, the Housing Element Update would not result in a significant increase in gasoline demand relative to projected supply.

For the reasons stated above, implementation of the Housing Element Update would not result in a substantial increase in demand upon energy resources in relation to projected supplies. **(Less than Significant Impact)**

### **3.6.2.2**            *Cumulative Impacts*

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<b>Impact EN-C:</b>	The project would not result in a cumulatively considerable contribution to a cumulatively significant energy impact. <b>(Less than Significant Cumulative Impact)</b>
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By its nature, energy is a cumulative resource. The geographic area for cumulative energy impacts is the state. Past, present, and future development projects contribute to the state's energy impacts. If the project is determined to have a significant energy impact, it is concluded that the impact is cumulatively considerable. As discussed above, the Project would not result in significant energy impacts and it is concluded that the Project would not result in significant cumulative energy impacts.

### **3.7 GEOLOGY AND SOILS**

#### **3.7.1 Environmental Setting**

##### **3.7.1.1 *Regulatory Framework***

#### **State**

##### **Alquist-Priolo Earthquake Fault Zoning Act**

The Alquist-Priolo Earthquake Fault Zoning Act was passed following the 1971 San Fernando earthquake. The act regulates development in California near known active faults due to hazards associated with surface fault ruptures. Alquist-Priolo maps are distributed to affected cities, counties, and state agencies for their use in planning and controlling new construction. Areas within an Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault.

##### **Seismic Hazards Mapping Act**

The Seismic Hazards Mapping Act (SHMA) was passed in 1990 following the 1989 Loma Prieta earthquake. The SHMA directs the California Geological Survey (CGS) to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. CGS has completed seismic hazard mapping for the portions of California most susceptible to liquefaction, landslides, and ground shaking, including the central San Francisco Bay Area. The SHMA requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the seismic hazard is present and identify measures to reduce earthquake-related hazards.

##### **California Building Standards Code**

The California Building Standards Code (CBC) prescribes standards for constructing safe buildings. The CBC contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. The CBC requires that a site-specific geotechnical investigation report be prepared for most development projects to evaluate seismic and geologic conditions such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is updated every three years.

##### **California Division of Occupational Safety and Health Regulations**

Excavation, shoring, and trenching activities during construction are subject to occupational safety standards for stabilization by the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) under Title 8 of the California Code of Regulations and Excavation Rules. These regulations minimize the potential for instability and collapse that could injure construction workers on the site.

## Public Resources Code Section 5097.5

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These materials are valued for the information they yield about the history of the earth and its past ecological settings. California Public Resources Code Section 5097.5 specifies that unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature.

### **Local**

#### Town of Danville 2030 General Plan

The following policies in the Town's General Plan have been adopted for the purpose of reducing or avoiding impacts related to geology and soils and are applicable to the Housing Element Update.

Policy	Description
24.01	Recognize local seismic risks and incorporate earthquake protection measures in the development review process.
24.02	Prohibit construction of any new facilities serving public safety needs such as fire stations and hospitals in the Alquist-Priolo Earthquake Special Studies Zones.
24.03	Require soils and geologic reports for all projects proposed in scenic hillside development areas, as defined by the Town's Scenic Hillside and Major Ridgeline Development Ordinance, and in other areas where the potential for landslides, liquefaction, subsidence, or severe ground shaking exists. Assure that development in these areas mitigates potential landslide hazards and other geologic hazards.
24.04	Require all development on hillside sites to be designed and constructed to minimize cutting and filling of slopes, avoid high risk landslide areas, and fully address environmental and aesthetic concerns.
24.05	Prohibit the division of land in a manner that would create a new parcel that is entirely 30 percent slope or greater, unless the intended use of the new parcel is open space.
24.06	Require that roads and drainage systems constructed in hillside areas are engineered to standards that prevent excessive maintenance and repair costs.
24.07	Maintain structural design and engineering standards which ensure that buildings and infrastructure are constructed to minimize damage resulting from expansive soils, erosion, subsidence, and other local geologic conditions.
24.09	Ensure that development approvals do not result in the loss of unique paleontological resources or geological features.
24.10	Require submittal of a Geotechnical report by a qualified engineering geologist, that specifies the location of active faults, and recommends appropriate setbacks prior to construction of any structure intended for human occupancy within the Alquist-Priolo Fault Zone.

## Building Code

The Town of Danville has adopted the 2019 California Building Code (CBC) as the Town's building code.

## Scenic Hills and Major Ridgeline Development Ordinance

Section 32-69 of the Danville Municipal Code seeks to conserve the natural character of hillside areas by regulating the: nature and extent of grading, the degree to which existing vegetation may be modified or removed, and development in the Scenic Hillside and Major Ridgeline areas that have been established by the Town. Before development is allowed in these areas, the Applicant must first obtain a discretionary planning entitlement. Except in very specific circumstances, no development is allowed within 100 vertical feet of the centerline of Major Ridgelines. Hillside development standards cover these zones and regulate structure height and mass, and other aesthetic qualities.

## Grading Ordinance

Chapter 19 of the Danville Municipal Code controls earthwork during construction for the sake of aesthetics, good engineering practice, erosion control, water quality protection, and environmental sensitivity. The Ordinance mandates that a permit is required to grade, fill, excavate, store, or dispose of soil and earth materials or perform any other land-disturbing or land-filling activity where more than a certain amount of material is moved. A grading permit is not issued until an erosion control plan has been submitted and approved, unless the Town Engineer determines one is not required.

### **3.7.1.2      *Existing Conditions***

#### **Regional Geology**

Danville is located within the California Coast Ranges geomorphic province and San Ramon Valley. The region is generally defined by northwest-trending ridges and valleys that generally parallel the geologic structures, including the major fault systems. In general, the geologic structure and topography of the San Ramon Valley is characteristic of the San Francisco Bay Area.

The San Ramon Valley is surrounded by the East Bay Hills, formed from rocks uplifting between the Hayward and Calaveras fault zones. The same marine and non-marine sedimentary rocks of Tertiary age (approximately 2 to 65 million years old) that make up the East Bay Hills also underlie Danville. These rocks consist mostly of Neroly and Briones Formation sandstone, claystone, and conglomerate on the western hillsides, and Green Valley and Tassajara Formation sandstone, siltstone and conglomerate underlying the eastern hillsides. Tertiary bedrock also crops out locally on ridge crests and underlies upper hill slopes at shallow depths.

The San Ramon Valley is drained by the San Ramon Creek, Sycamore Creek, and Green Valley Creek, and their respective tributaries, which collectively are actively cutting into the alluvial surface soils. The surface soils consist primarily of interbedded clay, silt sand and gravel. The San Ramon Valley contains deposits of quaternary-aged (2.6 million years ago to present) alluvium up to approximately 100 feet in thickness.



## Soils

Soils within the developed areas of Danville generally consist of clays and loams. Diablo Clay, Botella Clay Loam, Alo Clay, Cropley Clay, Conejo Clay Loam, and Pescadero Clay Loam are among the most common soils found within the Danville area. Properties of the soils vary, with well drained clay soils and the clay loams being moderate or poorly drained. In addition, clay soils often exhibit substantial shrink-swell potential, typical of expansive soils.

## Seismicity and Seismic Hazards

### Fault Rupture

Fault rupture is a geologic hazard that affects structures sited above an active fault. The hazard from fault rupture is the movement of the ground surface along a fault during an earthquake. Typically, this movement takes place during the short time of an earthquake, but can also occur slowly over many years in a process known as creep. Most structures and underground utilities cannot accommodate the surface displacements of several inches to several feet commonly associated with fault rupture or with extended periods of creep.

The Calaveras Fault is the major recognized fault system in the San Ramon Valley and is the dominant geologic feature of central Contra Costa County. Massive earth movement along this fault is largely responsible for the existence of the San Ramon Valley.

The Calaveras Fault has produced at least one major earthquake in historical times, and has been determined to be capable of producing earthquakes in the range of 7.0 on the Richter Scale. The Calaveras Fault Zone has been designated as an Earthquake Hazard Zone (formerly known as a Special Study Zone) by the State Division of Mines and Geology, pursuant to the Alquist- Priolo Earthquake Hazard Zones Act.<sup>67</sup>

The Calaveras Fault is parallel to and associated with the San Andreas Fault. A number of other active faults in and near Danville that are associated with this fault system are the Pleasanton Fault, the Bollinger Fault, and the Mt. Diablo Fault. The San Andreas Fault itself lies approximately 28 miles to the west of Danville. The Hayward Fault is approximately nine miles west of Danville. Faults within the vicinity of Danville are summarized in Table 3.7-1 below.

<b>Table 3.7-1: Active Faults in Danville Vicinity</b>			
<b>Fault Zone</b>	<b>Approximate Distance from Danville (miles)</b>	<b>Relationship to Danville</b>	<b>Maximum Moment Magnitude</b>
Calaveras	< 1	Southwest	6.8
Green Valley-Concord	4	North	6.9
Hayward	9	Southwest	7.1

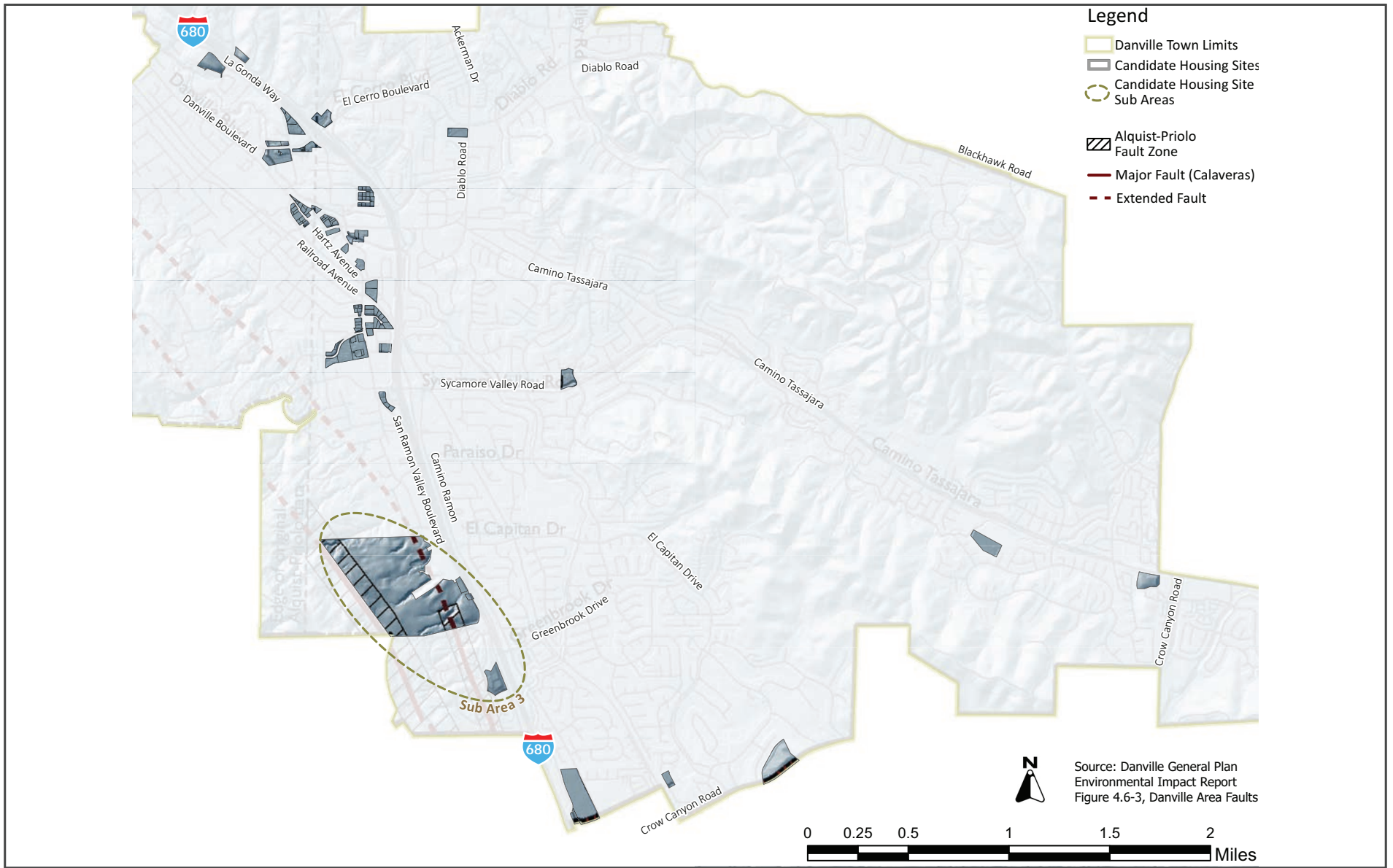
<sup>67</sup> Town of Danville. General Plan 2030 Draft EIR. October 12, 2012. Page 4.6-8.

<b>Table 3.7-1: Active Faults in Danville Vicinity</b>			
<b>Fault Zone</b>	<b>Approximate Distance from Danville (miles)</b>	<b>Relationship to Danville</b>	<b>Maximum Moment Magnitude</b>
Clayton-Marsh-Creek-Greenville	9	Northeast	6.9
Rodgers Creek	26	Northwest	7.0
West Napa	27	Northwest	6.5
San Andreas	28	Southwest	7.9
Monte Vista	30	Southwest	6.5
San Gregorio	33	Southwest	7.3
Source: Town of Danville. General Plan 2030 Draft EIR. October 12, 2012. Page 4.6-10.			

Although damage from ground rupture associated with faults is of concern, damage from ground shaking is a more widespread and potentially damaging phenomenon. Potential damage from ground shaking is related to the location of a building and its construction. In hillside areas, earthquakes may trigger landslides. In flat, valley areas, the deep, alluvial soils may increase the amplitude and duration of earthquakes.

The Alquist-Priolo Fault Zone for the Calaveras Fault Zone extends into the southwest corner of the Town of Danville.<sup>68</sup> As shown below in Figure 3.7-1, two candidate housing sites (APNs 208230044 and 208612007) in Sub Area 3 overlap with the Alquist-Priolo Fault Zone.

<sup>68</sup> California Department of Conservation, California Geological Survey. Earthquake Zones of Required Investigation – Alquist Priolo Fault Zones, Alquist Priolo Fault Traces. Updated September 10, 2021. <https://maps.conservation.ca.gov/cgs/EQZApp/app/>.



DANVILLE AREA FAULTS

FIGURE 3.7-1

## Ground Shaking

The severity of ground shaking depends on several variables such as earthquake magnitude, epicenter distance, local geology, thickness, and seismic wave-propagation properties of unconsolidated materials, groundwater conditions, and topographic setting. Ground shaking hazards are most pronounced in areas near faults or with unconsolidated alluvium.

The most common type of damage from ground shaking is structural damage to buildings, which can range from cosmetic cracks to total collapse. Besides damage to buildings, strong ground shaking can cause severe damage from falling objects or broken utility lines. Fire and explosions are also hazards associated with strong ground shaking.

The San Francisco Bay Area region contains both active and potentially active faults and is considered a region of high seismic activity. The Association of Bay Area Governments' (ABAG) Resilience Program provides a composite shaking intensity measure from all possible faults over any 50-year period. The probabilistic seismic hazard assessment indicates the level of expected ground shaking due to an earthquake. All of the candidate housing sites are within an area expected to experience violent shaking (MMI 9) or severe shaking (MMI 8).<sup>69,70</sup>

## **Ground Failure**

### Liquefaction

Liquefaction is a temporary loss of shear strength as a result of increased pore pressure due to strong ground shaking or cyclic loading. Liquefaction is defined by saturation of soil and loss of cohesion. It is associated with loose, high-plasticity soils and near-surface groundwater levels. According to the General Plan 2030 EIR, most of the Town has a very low to moderate potential for liquefaction.<sup>71</sup> Areas immediately adjacent to existing creeks have a high to very high liquefaction susceptibility.

Most of the candidate housing sites have a medium to very high susceptibility to liquefaction. Candidate housing sites that have a very high susceptibility to liquefaction are located along creeks.

### Lateral Spreading

Lateral spreading typically occurs as a form of horizontal displacement of relatively flat-lying soil toward an open or "free" face such as an open body of water, channel, or excavation. This movement is often associated with liquefaction and commonly occurs on gentle slopes in seismically active regions. Lateral spread presents a significant hazard to the integrity of buildings and other structures.

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<sup>69</sup> United States Geological Survey and California Geological Survey. Probabilistic Seismic Hazard Assessment. Published 2013. Accessed March 7, 2022.

<https://mtc.maps.arcgis.com/home/item.html?id=c3a21989363b484ca6f9c0730e14d9f6>.

<sup>70</sup> The Modified Mercalli Intensity (MMI) Scale is composed of increasing levels of intensity that range from imperceptible shaking to catastrophic destruction based on observed effects. The intensity of an earthquake at a location is a number that characterizes the severity of ground shaking at that location by considering the effects of the shaking on people, on manmade structures, and on the landscape.

<sup>71</sup> Town of Danville. General Plan Draft EIR. October 12, 2012. Figure 4.6-4.

## Landslides

Landslides and other forms of slope failure form in response to the long-term geologic cycle of uplift, mass wasting, and disturbance of slopes. Mass wasting refers to a variety of erosional processes from gradual downhill soil creep due to mudslides, debris flows, landslides, and rock fall. These processes are commonly triggered by intense precipitation. Seismic activity can also trigger landslides and rock falls. Most of the Town is in areas delineated as flat land or few landslides.<sup>72</sup> Areas susceptible to landslides are located in upland areas.

Based upon a historical distribution of landslides, the candidate housing sites within Sub Area 3, Sub Area 8 and portions of candidate housing sites in Sub Area 2 (APNs 208060053, 208060062, and 208060063) are in areas with the most landslides.<sup>73</sup>

Based upon the Scenic Hillside and Major Ridgeline Development Areas, Sub Area 3 is located on a designated hillside and is subject to the Town's Scenic Hillside Ordinance (refer to Figure 3.1-2).

## Expansive Soil

Expansive soils contain types of clay minerals that occupy considerably more volume when they are wet or hydrated than when they are dry or dehydrated. Soil volume changes associated with changes in the moisture content of near-surface expansive soils can cause upward movement of the ground when they become wet or cause settlement when they dry out, exerting forces on structures and potentially causing damage to building foundations.

## **Paleontological Resources**

Paleontological resources are the fossilized remains of organisms from prehistoric environments from in geologic strata. Danville is underlain by sedimentary deposits, that have the potential for excavation to unearth fossils that could be important to science.

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<sup>72</sup> Town of Danville. General Plan Draft EIR. October 12, 2012. Figure 4.6-5.

<sup>73</sup> United States. Geological Survey. Summary Distribution of Slides and Earth Flows in the San Francisco Bay Region, California. 1997. Accessed March 7, 2022.  
<https://mtc.maps.arcgis.com/home/item.html?id=2e9776fa5c0847b4862b8917a5129c87>.



### 3.7.2 Impact Discussion

For the purpose of determining the significance of the project's impact on geology and soils, would the project:

- 1) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?
  - Strong seismic ground shaking?
  - Seismic-related ground failure, including liquefaction?
  - Landslides?
- 2) Result in substantial soil erosion or the loss of topsoil?
- 3) 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?
- 4) Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?
- 5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?
- 6) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?

#### 3.7.2.1 *Project Impacts*

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**Impact GEO-1:** The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides.  
**(Less than Significant Impact)**

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#### **Fault Rupture**

An Alquist-Priolo Fault Zone exists within the western and southwestern areas of Danville, respectively. Within Sub Area 3, there are several candidate housing sites (APNs 208230011, 208230044 and 208612007) that contain known traces of the Calaveras Fault Zone. In addition, two of these candidate housing sites (APNs 208230044 and 208612007) in Sub Area 3 overlap the Alquist-Priolo Fault Zone. General Plan Policy 24.10 requires preparation of a geotechnical study for proposed construction in an earthquake fault zone. With adherence to this General Plan policy, future development of the candidate housing sites in the Alquist-Priolo Earthquake Fault Zone would require site-specific geotechnical studies to confirm the location of active faults and recommend

appropriate setbacks. For these reasons, impacts from fault rupture would be reduced to a less than significant level. **(Less than Significant Impact)**

### **Ground Shaking**

The San Francisco Bay Area is highly prone to earthquakes and contains several faults extending through the region. Earthquakes pose especially high risks to Danville because of the Town's proximity to active faults. The measure of potential ground-shaking is considered based on the proximity to numerous faults in the area. Accordingly, the candidate housing sites are located in areas recognized as susceptible to violent and severe ground shaking during an earthquake.<sup>74</sup>

Construction of future housing under the Housing Element update would be subject to the standard engineering and building practices and techniques specified in the CBC and the applicable Building Codes and Design Criteria adopted by the Town of Danville.<sup>75</sup> Additionally, candidate housing sites susceptible to severe ground shaking and subject to General Plan Policy 24.03 would conform to recommendations of a required site-specific soils and geologic reports. Conformity with CBC seismic design criteria and General Plan Policy 24.03 would ensure less than significant impacts associated with seismically-induced ground shaking. **(Less than Significant Impact)**

### **Ground Failure**

#### Liquefaction and Lateral Spreading

Earthquake-induced liquefaction causes saturated or partially saturated soils to lose strength, potentially resulting in the soil's inability to support structures. Soils most susceptible to liquefaction are loose, non-cohesive soils that are saturated and are layered with poor drainage. Liquefaction-induced lateral spreading can also occur on slopes, such as creeks.

Sub Areas 1 to 7 include sites susceptible to liquefaction. General Plan Policy 24.03 requires soil and geologic reports for all developments in areas where potential for liquefaction exists. Conformance with the 2019 CBC, the Town's Building Code, and General Plan Policy 24.03 would reduce the risk from seismically-related ground failure from liquefaction.

Several candidate housing sites are located in close proximity to San Ramon Creek, which would increase the potential for lateral spreading at the stream bank. However, future housing development would be subject to General Plan Policy 22.01, which requires appropriate stream setbacks, and General Plan Policy 24.03 requires soil and geologic reports for all developments in areas where potential for geologic hazards exists. The risk of liquefaction and lateral spreading on the future candidate housing sites would be reduced through compliance with Town Building Code requirements, observance of building setbacks from the stream bank, installation of retaining walls, and landscaping improvements. Based on the above analysis, the Project would not cause any substantial adverse effects associated with seismically induced liquefaction or lateral spreading. **(Less than Significant Impact)**

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<sup>74</sup> United States Geological Survey and California Geological Survey. Probabilistic Seismic Hazard Assessment. 2013. <https://mtc.maps.arcgis.com/home/item.html?id=c3a21989363b484ca6f9c0730e14d9f6>.

<sup>75</sup> Town of Danville. Current Building Codes and Design Criteria. Revised July 8, 2020. <https://www.danville.ca.gov/DocumentCenter/View/858/Current-Building-Codes--Design-Criteria-PDF?bidId=>.

## Landslides

Strong ground motions can worsen existing unstable slope conditions, particularly when soil and rock materials are saturated. Seismically induced landslides can overrun structures, people or property, sever utility lines, and block roads, thereby hindering rescue operations after an earthquake. In general, slopes steeper than approximately 15 degrees are most susceptible; however, failures can occur on flatter slopes if unsupported weak rock units are exposed in the slope face. The artificial fill materials in former landfills also are subject to seismically induced slope failures.

Development of future housing under the proposed Housing Element update could be susceptible to damage from earthquake-induced landslides in Sub Areas 2, 3, and 8. In accordance with the Seismic Hazard Mapping Act, all development projects within a State-delineated Seismic Hazard Zone for seismically induced landsliding must be evaluated and reviewed by State licensed engineering geologists and/or civil engineers prior to development. Implementation of General Plan Policies 24.03 and 24.04, the Town's Building Code, and the CBC, would ensure impacts from seismically-induced landslides are less than significant. **(Less than Significant Impact)**

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**Impact GEO-2:** The project would not result in substantial soil erosion or the loss of topsoil. **(Less than Significant Impact)**

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Grading and ground disturbance increases the potential for accelerated erosion by removing protective vegetation or cover and changing natural drainage patterns. Development of future housing under the proposed Housing Element Update could result in substantial soil erosion or the loss of topsoil.

The Danville 2030 General Plan includes policies to reduce potential erosion impacts as a result of future development. General Plan Policy 24.04 requires all hillside development to be designed and constructed to minimize cutting and filling of slopes and avoid high risk landslide areas. In addition, future development under the proposed Housing Element would be subject to the Town's Grading Ordinance, which requires the approval of an erosion control plan to reduce the loss of topsoil prior to the issuance of a grading permit. Additionally, development of any future housing site over one acre in size would also be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) in compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities. Future development on sites less than one acre in size would be subject to the BMP requirements under the Town's Municipal Regional Permit (MRP) NPDES permit. With regulatory programs currently in place, the possible impacts of soil erosion during construction of future development of the candidate housing sites would be less than significant. **(Less than Significant Impact)**

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**Impact GEO-3:** The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. **(Less than Significant Impact)**

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Future development under the Housing Element Update could expose people or structures to potentially substantial adverse effects, including the risk of loss, injury, or death, from unstable geologic or soil units. As previously discussed, several candidate housing sites are located on geologic units that are susceptible to landslide, lateral spreading, or liquefaction. However, construction of future housing would be built in accordance with the CBC, be subject to the Town's Grading Ordinance, and General Plan Policy 24.03 (which requires a soils and geologic report for areas susceptible to landslide and other hazards). The Project would not result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse by employing standard design and engineering practices and adhering to the Town's grading permit requirements. **(Less than Significant Impact)**

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**Impact GEO-4:** The project would not be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property. **(Less than Significant Impact)**

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Future development under the Housing Element Update could expose people or structures to potentially substantial adverse effects, including the risk of loss, injury, or death, from expansive soils. Soils in Danville generally consist of clay soils that are typically expansive. However, construction of future housing would be subject to the CBC requirements, General Plan Policy 24.07 (structural design and engineering standards), and Town Building Code requirements that would ensure risks due to expansive soil would be less than significant. **(Less than Significant Impact)**

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**Impact GEO-5:** The project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. **(Less than Significant Impact)**

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Development in the Town is generally connected to the Contra Costa County Sanitary District (CCCSD) sanitary system. Future housing development under the Housing Element Update would be required to connect to the CCCSD sanitary system. Sanitary sewer infrastructure is available to serve the candidate housing sites, therefore, the Project would have no impact on soils due to the use of septic tanks or alternative wastewater disposal systems. **(Less than Significant Impact)**

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**Impact GEO-6:** The project would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature. **(Less than Significant Impact)**

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The Town of Danville is underlain by sedimentary deposits that have the potential to unearth fossils that could be important to science. California Public Resources Code Section 5097.2 prohibits excavation or removal of any "vertebrate paleontological site ... or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands." General Plan Policy 24.09 requires development projects to consult with a qualified paleontologist or geologist to determine whether fossils or geologic features with high scientific value are present. In the event that vertebrate fossils are uncovered during construction, the Town would require consultation with a qualified paleontologist. With the implementation of General Plan Policy 24.09, future development under the

Housing Element Update would avoid the loss of unique paleontological resources. **(Less than Significant Impact)**

### **3.7.2.2 Cumulative Impacts**

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**Impact GEO-C:** The project would not result in a cumulatively considerable contribution to a cumulatively significant geology and soils impact. **(Less than Significant Cumulative Impact)**

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The geographic area for cumulative geology and soils impacts includes is Town-wide.

#### Fault Rupture, Seismic Ground Shaking and Failure, and Landslides

Future cumulative development (including the Project) would be built in accordance with the CBC, be subject to the Town's Grading Ordinance, and General Plan Policy 24.03 (which requires a soils and geologic report for areas susceptible to geologic hazards). For this reason, the Project would not contribute to a cumulatively significant impact due to seismic or seismic-related hazards.

#### Soil Erosion or Loss of Topsoil

The Danville 2030 General Plan includes policies to reduce potential erosion impacts as a result of future development. General Plan Policy 24.04 requires all hillside development to be designed and constructed to minimize cutting and filling of slopes, and avoid high risk landslide areas. In addition, future development under the proposed Housing Element would be subject to the Town's Grading Ordinance, which requires the approval of an erosion control plan to reduce the loss of topsoil prior to the issuance of a grading permit. Additionally, development of any future housing site over one acre in size would also be required to prepare a SWPPP in compliance with the NPDES General Permit for Construction Activities. Future development on sites less than one acre in size would be subject to the BMP requirements under the Town's MRP NPDES permit. With regulatory programs currently in place, the possible impacts of soil erosion during construction of future cumulative development would be less than significant.

#### On- or Off-Site Landslide, Lateral Spreading, Subsidence, Liquefaction, or Collapse

Future cumulative development could expose people or structures to potentially substantial adverse effects, including the risk of loss, injury, or death, from unstable geologic or soil units. However, future development (including the Project) would be built in accordance with the CBC, be subject to the Town's Grading Ordinance, and General Plan Policy 24.03 (which requires a soils and geologic report for areas susceptible to landslide and other hazards). Compliance with the CBC, the Town's Grading Ordinance and General Plan Policy 23.03 would ensure that the cumulative projects (including the Project) would not contribute to soils-related hazards.

#### Expansive Soil

Future cumulative development (including the Project) could expose people or structures to potentially substantial adverse effects, including the risk of loss, injury, or death, from expansive soils. Soils in Danville generally consist of clay soils that are typically expansive. All cumulative

projects would be subject to the CBC requirements, General Plan policy 24.07 (structural design and engineering standards), and Town Building Code requirements, and thus would not result in a significant cumulative impact from expansive soils.

#### Septic Tanks or Alternative Wastewater Systems

Future cumulative development (including the Project) would be required to connect to the sanitary system. Therefore, cumulative development (including the Project) would not rely on septic tanks or alternative wastewater systems and would not result in associated cumulative impacts.

#### Paleontological Resources

Future cumulative development would be subject to California Public Resources Code Section 5097.2 and General Plan Policy 24.09, which requires development projects to consult with a qualified paleontologist or geologist to determine whether fossils or geologic features with high scientific value are present. With adherence to existing regulations and General Plan policies, future cumulative development (including the Project) would protect any undiscovered subsurface paleontological resources or unique geological features on these sites and ensure that there would not be a cumulatively significant impact to these resources. **(Less than Significant Cumulative Impact)**



### **3.8 GREENHOUSE GAS EMISSIONS**

The following discussion is based, in part, on a Greenhouse Gas (GHG) Assessment prepared by Illingworth & Rodkin in July 2022. A copy of this report is attached to this EIR as Appendix B.

#### **3.8.1 Environmental Setting**

##### **3.8.1.1 *Regulatory Framework***

##### **3.8.1.2 *Background Information***

Gases that trap heat in the atmosphere, GHGs, regulate the earth's temperature. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate. In GHG emission inventories, the weight of each gas is multiplied by its global warming potential (GWP) and is measured in units of CO<sub>2</sub> equivalents (CO<sub>2</sub>e). The most common GHGs are carbon dioxide (CO<sub>2</sub>) and water vapor but there are also several others, most importantly methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>). These are released into the earth's atmosphere through a variety of natural processes and human activities. Sources of GHGs are generally as follows:

- CO<sub>2</sub> and N<sub>2</sub>O are byproducts of fossil fuel combustion.
- N<sub>2</sub>O is associated with agricultural operations such as fertilization of crops.
- CH<sub>4</sub> is commonly created by off-gassing from agricultural practices (e.g., keeping livestock) and landfill operations.
- Chlorofluorocarbons (CFCs) were widely used as refrigerants, propellants, and cleaning solvents, but their production has been stopped by international treaty.
- HFCs are now used as a substitute for CFCs in refrigeration and cooling.
- PFCs and SF<sub>6</sub> emissions are commonly created by industries such as aluminum production and semiconductor manufacturing.

An expanding body of scientific research supports the theory that global climate change is currently causing changes in weather patterns, average sea level, ocean acidification, chemical reaction rates, and precipitation rates, and that it will increasingly do so in the future. The climate and several naturally occurring resources within California are adversely affected by the global warming trend. Increased precipitation and sea level rise will increase coastal flooding, saltwater intrusion, and degradation of wetlands. Mass migration and/or loss of plant and animal species could also occur. Potential effects of global climate change that could adversely affect human health include more extreme heat waves and heat-related stress; an increase in climate-sensitive diseases; more frequent and intense natural disasters such as flooding, hurricanes and drought; and increased levels of air pollution.

### **3.8.1.3      *Regulatory Framework***

#### **State**

##### Assembly Bill 32

Under the California Global Warming Solutions Act, also known as AB 32, CARB established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHGs, and adopted a comprehensive plan, known as the Climate Change Scoping Plan, identifying how emission reductions would be achieved from significant GHG sources.

In 2016, SB 32 was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 to express the 2030 statewide target in terms of million metric tons of CO<sub>2</sub>e (MMTCO<sub>2</sub>e). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 MMTCO<sub>2</sub>e.

##### Senate Bill 375

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035. The per capita GHG emissions reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and the Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area 2040. Plan Bay Area 2040 establishes a course for reducing per capita GHG emissions through the promotion of compact, high-density, mixed-use neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).

#### **Regional and Local**

##### 2017 Clean Air Plan

To protect the climate, the 2017 CAP (prepared by BAAQMD) includes control measures designed to reduce emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

##### CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. The jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing GHG impacts developed by BAAQMD within the CEQA Air Quality Guidelines. The

guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

On April 20, 2022, BAAQMD adopted new thresholds for assessing the impacts that projects and plans would have on climate change. BAAQMD provided a justification report that described these new qualitative thresholds that are recommended for lead agencies to consider when approving projects or plans through the CEQA process.<sup>76</sup> These thresholds are meant to apply to projects that begin the CEQA review process after adoption of the thresholds. The Housing Element Update EIR Notice of Preparation was circulated in 2021 prior to adoption of BAAQMD's new qualitative thresholds. Future development projects proposed following adoption of the Housing Element Update would be analyzed based on BAAQMD's applicable thresholds for GHG analysis.

#### Town of Danville 2030 General Plan

The following policies in the Town's General Plan have been adopted for the purpose of reducing or avoiding greenhouse gas related impacts and are applicable to the Housing Element Update.

Policy	Description
33.01	Make land use and transportation decisions which promote walking and bicycling, and help to sustain public transportation.
33.02	Encourage reductions in the number of residents commuting in and out of Danville by car. This can be achieved in part by providing a better balance between jobs and housing, and providing housing which is responsive to the types of jobs that exist in Danville.
33.03	Support programs by local employers which encourage employees to carpool, use public transportation, telecommute, or pursue other alternatives to driving alone to work.
33.04	During the development review process, impose appropriate mitigation measures on new development to reduce greenhouse gas emissions.
33.05	Ensure compliance with state and federal standards for wood-burning fireplaces and stoves in new or remodeled homes. Consider incentives for homeowners to replace or retrofit existing fireplaces and stoves with low emission alternatives.
33.06	Encourage the use of cleaner burning fuels and low-emission vehicles.
33.09	Encourage local use of renewable energy sources, such as solar power.
33.10	Promote the use of low-emissions equipment and appliances.

#### Town Danville Sustainability Action Plan

The Town of Danville Sustainability Action Plan (SAP) is one of the key implementation measures for the Danville 2030 General Plan. It is a detailed, long-range strategy to reduce GHG emissions and achieve greater sustainability in transportation and land use, energy, water, solid waste, and other areas. The plan addresses the major sources of GHG emissions in Danville and the strategies that the Town and community can encourage to attain and exceed the State GHG emissions reduction target.

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<sup>76</sup> Bay Area Air Quality Management District, 2022. *CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans*. April. See <https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa-thresholds-2022/justification-report-pdf.pdf?la=en>

The SAP includes the following policies intended to reduce GHG emissions that are applicable to the Housing Element Update.

Policy	Description
EG-2	Requires the Town to update to the State Building Code which increases energy efficiency requirements, amend the Danville Building Code to align with the new requirements and use available means to announce and summarize the changes to the public.
EG-2a	Provide incentives for green building projects, such as by offering priority processing and field inspection services.
EG-3	Maintain existing code requirements which require outdoor lighting fixtures to be energy efficient, and expand these requirements as State codes are revised. Consider additional measures to reduce energy consumption from lighting fixtures, such as limitations on all-night outdoor lighting in construction sites, and encouraging the use of variable output lighting fixtures, timers, motion sensors and photocell-controlled fixtures.
EG-5	Encourage the use of GreenPoint Rated Building Guidelines by providing the GreenPoint “checklist” to building permit applicants.
EG-6	Support efforts by Pacific Gas and Electric and other appropriate energy providers to provide incentives for solar water heater installation, pursuant to AB 1470 (Section 902 and Sections 2860-2867.3 of the California Public Utilities Code)
EG-7	Identify and remove regulatory and permit processing barriers that limit the ability to readily incorporate renewable energy generation improvements into mid- to large-size commercial or office projects undergoing rehabilitation and/or remodeling
LT-2	Encourage Employer Commute Trip Reduction Programs, such as ride-share programs, provision of end-of-trip bicycle facilities (e.g., showers, lockers, etc.), guaranteed ride home programs, promotion of telecommuting, and preferential parking permit programs.
LT-3	Continue—and expand as feasible—the TRAFFIX program to reduce peak hour congestion around school campuses. The TRAFFIX program reduces traffic caused by parents driving their children to and from school. TRAFFIX is administered through a joint-powers agreement with other participating jurisdictions, and uses Measure J funds to provide low-cost school bus service as a means of avoiding congestion around school campuses.
LT-5	Work with the Central Contra Costa Transit Authority (CCCTA) to study the feasibility of a fixed-route shuttle system from the Sycamore Valley Park and Ride Lot to Downtown, major employment centers, and/or to major retail centers.
LT-6	Work with regional transit agencies to increase the frequency and coverage of buses connecting Danville to other cities, such as Walnut Creek and San Ramon, as well as to the BART stations in Walnut Creek and Dublin/Pleasanton.
LT-8	Work with established car-share businesses and non-profits to accommodate car-sharing in the Danville area.

Policy	Description
LT-9	Implement General Plan policies to create a safer, more connected, and enhanced bicycle network in Danville, making it more feasible to travel without a motor vehicle.
RW-1	Require submittal of Waste Management Plans for mid- to large-scale construction and renovation projects. Continue to undertake measures which move toward 75 percent diversion of construction waste, consistent with the 2020 goals of AB 341.
RW-2	Consistent with AB 341, require all newly constructed multifamily developments and existing multifamily developments undergoing significant remodels to install or upgrade recycling areas for their residents, and to do so in a manner that meets Town and Central Contra Costa Solid Waste Authority design standards.
RW-4	Continue to work with public and private waste disposal entities to keep food and green waste out of landfills.
WW-1	For new development, require all water use and efficiency measures identified as mandatory in the California Green Building Standards Code, and consider more stringent targets based on the Code's voluntary requirements. As feasible and appropriate, partner with local water conservation entities on the development and implementation of supportive efforts to reduce outdoor use of potable water
WW-2	Continue to require new development to use native plants or other appropriate non-invasive plants that are drought-tolerant.
WW-3	To the extent mandated by law, require new multifamily and mixed-use projects, and other mid- to large-size development projects as deemed appropriate, to install dual piping for reclaimed water use, in anticipation of the eventual availability of a reclaimed water supply for non-potable water use.

#### **3.8.1.4      *Existing Conditions***

According to the General Plan 2030 EIR, Danville's average annual communitywide GHG emissions in 2008 were 351,590 MTCO<sub>2e</sub>. Transportation emissions makeup 45 percent of the total emissions. Residential uses generate 34 percent of the GHG emissions, primarily from electricity and natural gas used for heating and cooking.

The General Plan 2030 EIR and SAP projected the Town's GHG emissions for 2030/2035, with buildout of the General Plan, at 290,970 MTCO<sub>2e</sub>.

#### **3.8.2      Impact Discussion**

For the purpose of determining the significance of the project's impact on greenhouse gas emissions, would the project:

- 1) Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?
- 2) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs?

•

### 3.8.2.1 Significance Criteria

In accordance with CEQA Guidelines Section 15064(b), the BAAQMD CEQA GHG thresholds used in this analysis are summarized below in Table 3.8-1.

Table 3.8-1: BAAQMD Recommended Plan-Level GHG Significance Thresholds		
Pollutant/Contaminant	Construction-Related	Operational
GHGs	None	2.7 metric tons per capita in 2031 that reflects a reduction of 40 percent below 1990 levels by 2030 and with the same rate of reduction applied to 2031.

### 3.8.2.2 Project Impacts

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**Impact GHG-1:** The project would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. **(Significant and Unavoidable Impact)**

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GHG emissions associated with implementation of the Housing Element Update would occur over the short-term from construction activities, consisting primarily of emissions from equipment exhaust and worker and vendor trips. There would also be long-term operational emissions associated with vehicular traffic within the project vicinity, energy and water usage, and solid waste disposal. Emissions for the proposed project are discussed below.

Illingworth & Rodkin used the California Emissions Estimator Model (CalEEMod) to calculate annual GHG emissions in 2031, when the Housing Element would be fully built out. The annual service population emissions were calculated by dividing the net increase in GHG emissions by the net service population. Details about the modeling, data inputs, and assumptions are included in Appendix B.

As shown in Table 3.8-2, unmitigated GHG emissions associated with the Housing Element Update would be 25,697 MT CO<sub>2</sub>e per year. Using the added service population of 7,215 people, the service population emissions would be 3.56 MT CO<sub>2</sub>e/year, which would exceed the threshold of 2.7 metric tons per service population.

**Impact GHG-1.1:** The mitigated service population emissions would be 3.31 MT CO<sub>2</sub>e/year, which would still exceed the threshold of 2.7 metric tons per service population.

Table 3.8-2: Housing Element Update Operational GHG Emissions (MT of CO <sub>2</sub> e)		
Source Category	Unmitigated	Mitigated
Area	136	32
Energy Consumption	2,090	1,497



Table 3.8-2: Housing Element Update Operational GHG Emissions (MT of CO <sub>2</sub> e)		
Source Category	Unmitigated	Mitigated
Mobile	22,653	21,588
Solid Waste Generation	596	596
Water Usage	223	178
Total	25,697	23,891
Added Population	7,215	
Service Population Efficiency Metric (MT CO <sub>2</sub> e)	3.56	3.31
BAAQMD Threshold	2.7	
Source: Illingworth & Rodkin, Inc. Town of Danville 2022-2031 Housing Element Update and Related General Plan Amendments. Air Quality and Greenhouse Gas Assessment. July 2022.		

### **Mitigation Measures:**

As discussed in Section 3.17 Transportation, future residential development in Sub Areas 1, 4, 5, and 6 would be required to implement mitigation measures MM TRN-2.1, which would require project-scale and community-scale measures to reduce residential VMT. These measures are expected to reduce VMT in these Sub Areas by 4.7 to 5.2 percent (refer to Table 3.17-5).

As shown in Table 3.8-2, the mitigated service population emissions would be 3.31 MT CO<sub>2</sub>e/year, which would still exceed the threshold of 2.7 metric tons per service population. Implementation of General Plan Policies 33.04 to 33.06, 33.09, and 33.10 would further reduce GHG emissions from future development under the Housing Element Update. The GHG reduction measures implemented consistent with applicable General Plan policies would be on a case-by-case basis and may not fully reduce increased GHG emissions to a less than significant level. **(Significant and Unavoidable Impact)**

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**Impact GHG-2:** The project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. **(Less than Significant Impact with Mitigation Incorporated)**

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The General Plan 2030 EIR identified a significant and unavoidable impact due to GHG emission not meeting future targets in 2030, 2035 and beyond. No new CAPs or GHG emission reduction strategies have been adopted on the local level; although, there are measures at the State and federal level that will further reduce GHG emissions. In addition, the Town uses measures contained in the SAP to further reduce GHG emissions. The Project's consistency with these GHG reduction strategies is discussed below.

## Buildings

To address current and future State efforts to reduce GHG emissions to 40 percent below 1990 levels by 2030 and carbon neutrality by 2045, BAAQMD adopted new thresholds that pertain to GHG emissions and climate change. For plans, the BAAQMD guidance recommends that consistency with GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b) should be demonstrated.

BAAQMD has determined that projects that do not include natural gas would not result in any wasteful, inefficient, or unnecessary energy usage (refer to Section 3.6 Energy) and would be doing their fair share of implementing the goals of carbon neutrality by 2045. The Town's SAP has several Energy and Green Building measures applicable to the Project that are intended to reduce GHG emissions associated with future residential development including Measure EG-1, EG-2, EG-3, EG-5, EG-6, and EG-7. These measures would encourage residential developments to participate in the CEC's New Solar Homes Partnership, ensure that the Town updates its Municipal Code to align with the State Building Code, require outdoor lighting efficiency, encourage new construction to adopt GreenPoint Rated Building Guidelines and use the GreenPoint "checklist," incentivize solar water heating in new residential development, and make permitting of renewable energy easier for new construction.

### Natural Gas

The Town of Danville does not currently have a building code requirement that prohibits natural gas appliances or plumbing in new residential development. Therefore, future development under the Housing Element Update would not be consistent with this requirement.

**Impact GHG-2.1:** The use of natural gas within new residential development allowed under the Housing Element Update would conflict with the GHG reduction requirements by 2030. **(Significant Impact)**

**MM GHG-2.1:** The Town proposes to adopt the following development standard to prohibit new residential buildings from including infrastructure to provide natural gas.

### **Development Standard:**

New residential development shall not include natural gas infrastructure for use in appliances and building heating.

With implementation of mitigation measure MM-GHG-2.1, future development under the Housing Element Update would be consistent with GHG reduction efforts by 2030 and BAAQMD's fair share design elements for achieving carbon neutrality by 2045.

### Energy

As discussed in Section 3.6 Energy, under Impact EN-2, the Project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy,

or wasteful use of energy resources, during project operation. Future residential development would be subject to current building codes such as Title 24 and CALGreen.

## **Transportation**

Residential projects that achieve a 15 percent reduction below the existing VMT per capita and achieve compliance with off-street vehicle requirements in the most recently adopted version of CALGreen Tier 2 are considered consistent the goals of carbon neutrality by 2045. The Town's SAP has several Land Use and Transportation measures intended to reduce GHG emissions, including Measures LT-2, LT-3, LT-4, LT-5, and LT-9. These measures would encourage employer trip reduction, expand TRAFFIX program to reduce traffic associated with schools, implement pedestrian and bicycle network and safety improvements, and improve and expand transit service.

### **VMT Reduction**

As discussed in Section 3.17 Transportation, the VMT threshold is 15 percent below the existing town-wide residential home-based VMT per capita average. As estimated by the CCTA model, the Year 2020 town-wide average residential VMT is estimated at 22.3 daily VMT per resident. Therefore, the VMT threshold for this Project is 19.0 daily VMT per resident. As shown in Table 3.17-3, Sub Areas 2, 3, 7 and 8 would generate VMT below the Town-wide residential VMT threshold and VMT impacts would be less than significant. Sub Areas 1, 4, 5, and 6 would generate residential VMT at 4 to 18 percent above the Town-wide residential VMT threshold and would need to implement VMT mitigation measures to reduce the impact to less than significant. With the implementation of mitigation measure MM TRN-2.1, Sub Area 1 would be able to reduce VMT by up to 5.2 percent, resulting in a residential VMT of 18.8 per resident, which is below the Town-wide threshold of 19.0 VMT per resident. Sub Areas 4, 5, and 6 would not be able to reduce VMT below the Town-wide threshold.

### **EV Charging**

To achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2, development of projects under the Housing Element Update would have to include electric vehicle charging infrastructure.

**Impact GHG-2.2:** The Housing Element Update would increase VMT and result in additional GHG emissions from vehicular travel. **(Significant Impact)**

**MM GHG-2.2:** The Town proposes to adopt the following development standard to require compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2 requirements.

### **Development Standard:**

New housing developments shall comply with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2 requirements.

With implementation of mitigation measure MM-GHG-2.2, future development under the Housing Element Update would be consistent with GHG reduction efforts by 2030 and BAAQMD's fair share design elements for achieving carbon neutrality by 2045.

### **Solid Waste**

The Town's SAP includes recycling and solid waste measures applicable to the Project that are intended to reduce GHG emissions, including Measure RW-1, RW-2 and RW-4. These measures would require projects to achieve 75 percent diversion of construction waste, design projects consistent with the Town and Central Contra Costa Solid Waste Authority design standards for recycling areas, and comply with state laws requiring food scrap and green waste diversion.

### **Water and Wastewater**

The Town's SAP includes measures to reduce water consumption and wastewater generation, including Measures WW-1, WW-2, WW-3, WW-5, and WW-7. These measures would require that new development be consistent with California Green Building Standards, use native or drought-tolerant plants, and dual piping for recycled water use.

As discussed above, the Housing Element Update would not conflict or otherwise interfere with the statewide GHG reduction measures identified in CARB's Scoping Plan. The Project would comply with requirements of the Green Building Code. Future residential development under the Housing Element Update would be constructed in conformance with CALGreen and the Title 24 Building Code, which requires high-efficiency water fixtures and water-efficient irrigation systems. In addition, future residential development would be required to adhere to the measures contained in the Town's SAP to reduce GHG emissions, as described above. With the implementation of mitigation measures GHG-2.1, GHG-2.2, and TRN-2.1, the Project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs. **(Less than Significant Impact with Mitigation Incorporated)**

#### **3.8.2.3 Cumulative Impacts**

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**Impact GHG-C:** The project would result in a cumulatively considerable contribution to a cumulatively significant GHG emissions impact. **(Significant and Unavoidable)**

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As discussed in Section 3.8.1, GHG emissions have a broader, global impact; therefore, the project's cumulative GHG impacts are discussed above.

## **3.9 HAZARDS AND HAZARDOUS MATERIALS**

### **3.9.1 Environmental Setting**

#### **3.9.1.1 *Regulatory Framework***

##### **Overview**

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and state laws. In California, the EPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). In turn, local agencies have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program.

Worker health and safety and public safety are key issues when dealing with hazardous materials. Proper handling and disposal of hazardous material is vital if it is disturbed during project construction. Cal/OSHA enforces state worker health and safety regulations related to construction activities. Regulations include exposure limits, requirements for protective clothing, and training requirements to prevent exposure to hazardous materials. Cal/OSHA also enforces occupational health and safety regulations specific to lead and asbestos investigations and abatement.

##### **Federal and State**

##### **Federal Aviation Regulations Part 77**

Federal Aviation Regulations, Part 77 Objects Affecting Navigable Airspace (FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above the ground.

##### **Comprehensive Environmental Response, Compensation, and Liability Act**

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Over five years, \$1.6 billion was collected and the tax went to a trust fund for cleaning up abandoned or uncontrolled hazardous waste sites. CERCLA accomplished the following objectives:

- Established prohibitions and requirements concerning closed and abandoned hazardous waste sites;

- Provided for liability of persons responsible for releases of hazardous waste at these sites; and
- Established a trust fund to provide for cleanup when no responsible party could be identified.

The law authorizes two kinds of response actions:

- Short-term removals, where actions may be taken to address releases or threatened releases requiring prompt response; and
- Long-term remedial response actions that permanently and significantly reduce the dangers associated with releases or threats of releases of hazardous substances that are serious, but not immediately life-threatening. These actions can be completed only at sites listed on the EPA's National Priorities List.

CERCLA also enabled the revision of the National Contingency Plan (NCP). The NCP provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also established the National Priorities List. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.<sup>77</sup>

#### Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA), enacted in 1976, is the principal federal law in the United States governing the disposal of solid waste and hazardous waste. RCRA gives the EPA the authority to control hazardous waste from the “cradle to the grave.” This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also sets forth a framework for the management of non-hazardous solid wastes.

The Federal Hazardous and Solid Waste Amendments (HSWA) are the 1984 amendments to RCRA that focused on waste minimization, phasing out land disposal of hazardous waste, and corrective action for releases. Some of the other mandates of this law include increased enforcement authority for the EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.<sup>78</sup>

#### Government Code Section 65962.5

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by state and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous

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<sup>77</sup> United States Environmental Protection Agency. “Superfund: CERCLA Overview.” Accessed October 26, 2021. <https://www.epa.gov/superfund/superfund-cercla-overview>.

<sup>78</sup> United States Environmental Protection Agency. “Summary of the Resource Conservation and Recovery Act.” Accessed October 26, 2021. <https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act>.



substance release sites identified by the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB).<sup>79</sup>

### Toxic Substances Control Act

The Toxic Substances Control Act (TSCA) of 1976 provides the EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics, and pesticides. The TSCA addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon, and lead-based paint.

### California Accidental Release Prevention Program

The California Accidental Release Prevention (CalARP) Program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond the boundaries of a property. Facilities that are required to participate in the CalARP Program use or store specified quantities of toxic and flammable substances (hazardous materials) that can have off-site consequences if accidentally released. The Contra Costa Health Services Hazardous Materials Programs reviews CalARP risk management plans as the CUPA.

### Asbestos-Containing Materials

Friable asbestos is any asbestos-containing material (ACM) that, when dry, can easily be crumbled or pulverized to a powder by hand, allowing the asbestos particles to become airborne. Common examples of products that have been found to contain friable asbestos include acoustical ceilings, plaster, wallboard, and thermal insulation for water heaters and pipes. Common examples of non-friable ACMs are asphalt roofing shingles, vinyl floor tiles, and transite siding made with cement. The EPA phased out use of friable asbestos products between 1973 and 1978. National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines require that potentially friable ACMs be removed prior to building demolition or remodeling that may disturb the ACMs.

### CCR Title 8, Section 1532.1

The United States Consumer Product Safety Commission banned the use of lead-based paint in 1978. Removal of older structures with lead-based paint is subject to requirements outlined by the Cal/OSHA Lead in Construction Standard, CCR Title 8, Section 1532.1 during demolition activities. Requirements include employee training, employee air monitoring, and dust control. If lead-based paint is peeling, flaking, or blistered, it is required to be removed prior to demolition.

## **Regional and Local**

### Municipal Regional Permit Provision C.12.f

Polychlorinated biphenyls (PCBs) were produced in the United States between 1955 and 1978 and used in hundreds of industrial and commercial applications, including building and structure

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<sup>79</sup> California Environmental Protection Agency. "Cortese List Data Resources." Accessed October 26, 2021. <https://calepa.ca.gov/sitecleanup/corteselist/>.

materials such as plasticizers, paints, sealants, caulk, and wood floor finishes. In 1979, the EPA banned the production and use of PCBs due to their potential harmful health effects and persistence in the environment. PCBs can still be released to the environment today during demolition of buildings that contain legacy caulks, sealants, or other PCB-containing materials.

With the adoption of the San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (MRP) by the San Francisco Bay Regional Water Quality Control Board on November 19, 2015, Provision C.12.f requires that permittees develop an assessment methodology for applicable structures planned for demolition to ensure PCBs do not enter municipal storm drain systems.<sup>80</sup> Municipalities throughout the Bay Area are currently modifying demolition permit processes and implementing PCB screening protocols to comply with Provision C.12.f. Buildings constructed between 1950 and 1980 that are proposed for demolition must be screened for the presence of PCBs prior to the issuance of a demolition permit. Single-family homes and wood-frame structures are exempt from these requirements.

#### Contra Costa County Hazardous Materials Program

Contra Costa County's Hazardous Materials Program (HMP) serves area residents by responding to emergencies and monitoring hazardous materials. The Hazardous Materials Business Plan Program for the HMP was established in 1986. Its purpose is to prevent or minimize damage to public health, safety, and the environment, from a release or threatened release of hazardous materials. It also satisfies community right-to-know laws. This is accomplished by requiring businesses that handle hazardous materials in reportable quantities to submit an annual hazardous materials business plan to the local CUPA as well as prepare a site map, develop an emergency response plan, and implement a training program for employees.

#### Town of Danville 2030 General Plan

The following policies in the Town's General Plan have been adopted for the purpose of reducing or avoiding impacts related to hazards and hazardous materials and are applicable to the Housing Element Update.

Policy	Description
25.01	Require safe roofing and other fire prevention standards for development in high fire hazard areas by maintaining a Fire Safe Roofing Ordinance, in coordination with the San Ramon Valley Fire Protection District.
25.02	Cooperate with the San Ramon Valley Fire Protection District in efforts to reduce fire risks through controlled burning and fuel removal.
25.03	Assure provision of adequate access for fire equipment to all developed and open space areas.
25.04	Maintain a response time of less than five minutes for emergency fire calls, to be met a minimum of 90 percent of the time and/or a fire station within 1.5 miles of all residential and nonresidential development. Where this standard cannot be met, and/or

<sup>80</sup> California Regional Water Quality Control Board. *San Francisco Bay Region Municipal Regional Stormwater NPDES Permit*. November 2015.

Policy	Description
	where severe wildland fire hazards exist, require special mitigation measures for fire prevention as necessary.
25.05	Prior to project approval, require written verification from the San Ramon Valley Fire Protection District on the anticipated response time to the project and the distance from existing stations.
25.06	Require the maintenance of “defensible space” (e.g., areas free of highly flammable vegetation) around homes in fire-prone areas. Require the clearing or thinning of fire-prone vegetation within 30 feet of access and evacuation routes, and routes to critical facilities.
28.02	Require a Phase I Environmental Site Assessment (ESA) when development changes an existing use to a more sensitive use (e.g., commercial use to residential use). If potential hazardous materials concerns are identified, ensure that they are investigated and that sites are cleaned up to residential standards under appropriate regulatory agency oversight prior to development.
28.03	Support and implement policies contained in the Contra Costa County Hazardous Waste Business Plan Program that encourage and assist the reduction of hazardous waste from businesses and residences in Danville.
28.04	Support and implement policies contained in the Contra Costa County Hazardous Materials Program that provide procedures for hazardous materials incidents response.
28.05	As appropriate, incorporate hazardous building materials abatement provisions into zoning and subdivision decisions and entitlement permits.
29.01	Participate in cooperative regional efforts to prepare for and reduce damage from natural hazards such as wildfires, earthquakes, landslides, and floods.
29.02	Provide ongoing public education to help Danville residents and businesses be better prepared for disasters. This could include maps of natural hazards and evacuation routes, information on emergency preparedness and procedures, and other related information.
29.03	Provide for emergency traffic control plans in collaboration with other jurisdictions in the San Ramon Valley. These plans should identify evacuation routes and measures for accommodating traffic in the event of a planned or emergency closure of the I-680 freeway or other major circulation route within the community.
29.04	Strive for improved communications and response capabilities in the event of a disaster, including a resilient Emergency Operations Center and expanded radio transmission capacity.

### Danville Emergency Operations Plan

Danville’s Emergency Operations Plan addresses the Town’s responsibilities in managing emergencies associated with all natural disasters and human-caused emergencies; and provides a framework for coordinating response and recovery efforts within the Town in coordination with local, State, and federal agencies.

## San Ramon Valley Fire Protection District

The San Ramon Valley Fire Protection District (SRVFPD) is a special district as defined under the Fire Protection District Law of 1987 and California's Health and Safety Code, Section 13800. The district includes Danville, San Ramon, and adjacent unincorporated areas in Contra Costa County. The SRVFPD oversees emergency operations for fire-related hazards including evacuation plans, public education of emergency preparedness, fire code plan review, and exterior hazard inspection and abatement within the district.

### **3.9.1.2      *Existing Conditions***

#### **Hazardous Material Sources**

Examples of hazardous materials that may be present in urban areas include fuels stored at gasoline service stations, chemicals used at dry cleaning companies, automobile repair shop chemicals and materials, swimming pool chemicals, and household hazardous wastes, among others. The use, storage and disposal of these materials is regulated by local, state and federal agencies to help minimize risk to the general public.

A hazardous waste is any hazardous material that is disposed, discharged or abandoned. Hazardous materials that are slated to be recycled are also considered to be hazardous waste.

If improperly handled, used or disposed, hazardous materials and wastes can present a public health risk if released into the soil or ground water through the airborne releases in vapors, fumes or dust. Soil and ground water with concentrations of hazardous constituents higher than state or Federal hazardous waste levels or that meets the criteria described above also can be classified as hazardous waste and require appropriate management and disposal.

There are a number of small quantity generators in the Town of Danville. The U.S. Environmental Protection Agency's RCRA Info database lists 25 hazardous materials users in the Town of Danville.<sup>81</sup> Examples of hazardous materials users include automobile repair shops, gasoline stations, dry cleaners, high-tech industries, and medical offices. The hazardous materials and waste management practices of these facilities are closely regulated at the local, state and federal level and generally are not a risk to public safety when properly used, stored, transported or disposed of.

#### **Contaminated Sites**

The SWRCB Geotracker database identifies 33 former or active cleanup sites in the Town of Danville and the California DTSC Envirostor database identifies six former or active cleanup sites.<sup>82,83</sup> Six of the candidate housing sites are listed in the Geotracker database and are summarized in Table 3.9-1 below. Five of the listed sites are shown as closed cases and one site is an open case that is currently undergoing site assessment.<sup>84</sup>

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<sup>81</sup> Town of Danville. General Plan 2030 Draft EIR. October 12, 2012.

<sup>82</sup> California State Water Resources Control Board, GeoTracker. Danville. Accessed March 9, 2022. <https://geotracker.waterboards.ca.gov/>.

<sup>83</sup> California Department of Toxic Substances Control, EnviroStor. Danville. Accessed March 9, 2022. <https://www.envirostor.dtsc.ca.gov/public/>.

<sup>84</sup> A closure letter or other formal closure decision document has been issued for the site.

## **Other Potential Sources of Contamination**

### Agricultural Use

Agriculture uses were historically prevalent in Danville. While most of the agriculture uses have been displaced, certain types of agricultural chemicals used in past decades can persist in soils for years. Irrigated pasture, dry-farmed crops, and natural grasses typically require little to no applications of environmentally persistent pesticides, but cultivated irrigated row crops may have been subject to applications of restricted agricultural chemicals, which could be persistent. Orchards and orchard-cultivated soils may have been contaminated through the repeated application of agricultural chemicals to fruit or nut trees. When soil disturbance occurs, these contaminants can become airborne and pose a health hazard to construction workers, nearby sensitive receptors, and the environment.

### Asbestos Containing Materials

Structures constructed prior to the 1970s have a higher potential to contain friable asbestos. Based on the age of many of the existing structures located on the candidate housing sites (50 years older), in some cases the building materials may contain asbestos.

### Lead Based Paint

In 1978, the U.S. Consumer Product Safety Commission lowered the permissible levels of lead contained in paints and prohibited application of lead-based paint to housing constructed or rehabilitated with federal assistance. Based on the age of many of the existing buildings on the candidate housing sites (50 years or older), lead-based paint may be present.

### Polychlorinated Biphenyls

Buildings constructed between 1955 and 1978 are likely to contain PCBs. Based on the age of many of the existing buildings on the candidate housing sites (50 years or older), PCB-containing materials may be present.

**Table 3.9-1: Hazardous Materials Concerns at Candidate Housing Sites**

<b>Address</b>	<b>APN</b>	<b>Current Use</b>	<b>Potential On-Site Hazardous Materials Concerns</b>	<b>Cleanup Status</b>	<b>Other GeoTracker Cases within Approximately ¼ mile</b>
<b>Sub Area 2</b>					
145 Hartz Ave.	199330058	Gas station with car wash and convenience store	Former location of LUST Cleanup Site (contaminants of concerns included waste oil, motor, hydraulic, and lubricating).	Completed – Case closed in 2005	2 Open Cleanup Program Sites 8 Closed LUST cases
195 Hartz Ave.	199330010	Automobile service station	Former location of Shell Gasoline Station and LUST Cleanup Site (contaminants of concern include gasoline).	Completed – Case closed in 2001	2 Open Cleanup Program Sites 11 Closed LUST cases
198 Diablo Rd.	200211020	Vacant	Former location of Tosco Gasoline Station and LUST Cleanup Site (contaminants of concern include waste oil, motor, hydraulic, and lubricating).	Completed – Case closed in 2011	2 Open Cleanup Program Sites 12 Closed LUST cases
514 San Ramon Valley Blvd.	216101001	Strip mall with food and retail services	Residual dry-cleaning solvents (PCE, TCE) remaining in soil.	Open – Site Assessment	1 Open Cleanup Program Site 1 Closed Cleanup Program Site 15 Closed LUST cases
744 San Ramon Valley Blvd.	207012001	Gas station with convenience store	Former location of two LUST cleanup sites: Unocal Service Station and Mobile. Unocal Service Station include unknown contaminants are unknown in soil and groundwater. Mobile	Completed – Case closed for Unocal Service Station in 2011 and Completed – Case closed	1 Open Cleanup Program Site 1 Closed Cleanup Program Site 5 Closed LUST cases



**Table 3.9-1: Hazardous Materials Concerns at Candidate Housing Sites**

<b>Address</b>	<b>APN</b>	<b>Current Use</b>	<b>Potential On-Site Hazardous Materials Concerns</b>	<b>Cleanup Status</b>	<b>Other GeoTracker Cases within Approximately ¼ mile</b>
<b>Sub Area 2</b>					
			contaminants include gasoline concerns in groundwater.	for Mobile in 2005	
<b>Sub Area 6</b>					
2900 Camino Tassajara	207012001	Ranch with large barn and several outbuildings	Former location of LUST Cleanup Site (contaminant of concern includes diesel).	Completed – Case closed in 1997	1 Closed LUST case

## Wildfire Hazards

The Town of Danville faces the greatest fire risk in the northeastern town limit adjacent to the base of Mt. Diablo, as well as the far western corner of the Town limit adjacent to Las Trampas Regional Wilderness.<sup>85</sup> Fire danger is particularly severe during the summer and fall, when vegetation is dry and winds blow from the north and northeast.

The Wildland Urban Interface includes all areas identified by CAL FIRE as a “Fire Hazard Severity Zone.” According to CAL FIRE, risk of fire increases when densely populated areas intersect with high concentrations of fuel sources. Most of the Town (including the candidate housing sites) is located in Moderate to High Fire Hazard Severity zones.<sup>86</sup> CAL FIRE classifies two areas in Danville as a very high fire hazard zone (VHFHSZ), these include areas in the land surrounding Magee Ranch in the northeast area of Town and adjacent to Las Trampas Regional Wilderness on the eastern side of Town.

The majority of Danville is located in areas with a high, very high, or extreme threat to development from wildfire.<sup>87</sup> Wildfires have the potential to burn structures and expose steep slopes to surface erosion. Areas that are subject to both a high susceptibility to landslides and a very high threat to development from wildfire include the sites in Sub Area 3 and portions of Site 32 in Sub Area 2 and Site 30 in Sub Area 8 as shown in Figure 3.9-1.

## Airports

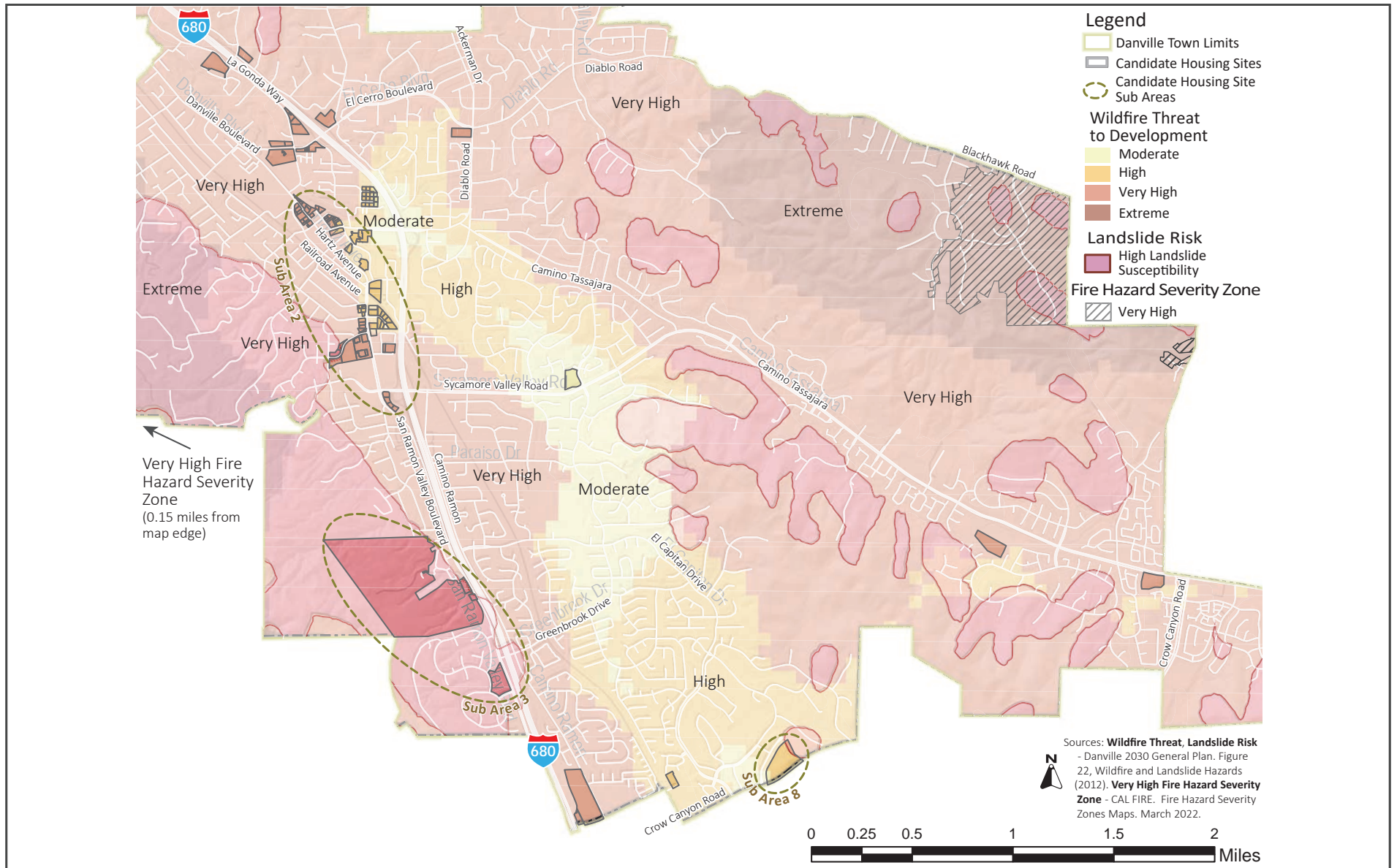
There are no public or private airports within Danville Town limits or within two miles of the Town.

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<sup>85</sup> Town of Danville. General Plan 2030 Final Environmental Impact Report. October 12, 2012.

<sup>86</sup> Contra Costa County. Draft Fire Hazard Severity Zones in Local Responsibility Area. September 19, 2007. [https://osfm.fire.ca.gov/media/6661/fhszl06\\_1\\_map7.pdf](https://osfm.fire.ca.gov/media/6661/fhszl06_1_map7.pdf).

<sup>87</sup> Town of Danville. General Plan 2030 Draft EIR. October 12, 2012. Figure 4.8-1.



WILDFIRE AND LANDSLIDE HAZARDS

FIGURE 3.9-1

### 3.9.2 Impact Discussion

For the purpose of determining the significance of the project's impact on hazards and hazardous materials, would the project:

- 1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- 2) 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?
- 3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- 4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- 5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?
- 6) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- 7) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

#### 3.9.2.1 *Project Impacts*

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**Impact HAZ-1:** The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. **(Less than Significant Impact)**

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Implementation of the Housing Element Update would facilitate new residential construction in order to meet the Town's RHNA allocation. Residential development under the Housing Element Update is not expected to generate significant amounts of new hazardous materials. However, it is possible that future development could result in the use, handling, and storage of hazardous materials. There are several policies in the General Plan that serve to reduce the risk from hazardous materials, including Policy 28.02 which requires a Phase I ESA when development changes an existing use to a more sensitive use (i.e., commercial use to residential use). In the event that hazardous material concerns are identified, the development would be required to appropriately remediate the site in accordance with regulatory standards and oversight.

Future construction activities on the candidate housing sites would involve the use of potentially hazardous materials, including vehicle fuels, oils, and fluids. All hazardous materials would be transported, contained, stored, used, and disposed of in accordance with manufacturers' instructions and would be handled in compliance with all applicable standards and regulations. Construction-related hazardous materials use would be temporary, and does not constitute routine transport, use, or disposal.

Adherence to General Plan Policy 28.02 and compliance with applicable standards and regulations would ensure that development under the Housing Element Update would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. **(Less than Significant Impact)**

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**Impact HAZ-2:** The project would not 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. **(Less than Significant Impact)**

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### **Soil and Groundwater Contamination**

Future construction activities on the candidate housing sites could disturb residual hazardous materials contamination present in the soil or groundwater, which has the potential to impact construction workers and adjacent land uses. Several of the candidate housing sites currently operate businesses which are known to use hazardous materials, including automobile repair facilities, gasoline stations, medical offices, and dry cleaners. There are several policies in the General Plan that serve to reduce the risk from hazardous materials, including Policy 28.02 which requires a Phase I ESA when development changes an existing use to a more sensitive use (i.e., commercial use to residential use). In the event that hazardous material concerns are identified, the development would be required to appropriately remediate the site in accordance with regulatory standards and oversight.

Adherence to General Plan Policy 28.02 would ensure that future housing development under the Housing Element Update would not exacerbate existing unknown hazardous materials contamination that may be present and would ensure impacts related to such contamination would be less than significant. **(Less Than Significant Impact)**

### **Hazardous Building Materials**

Future construction activities on the candidate housing sites would involve the demolition of existing buildings, which could result in the exposure of construction workers or residents to harmful levels of ACMs, lead, and PCBs, if appropriate control measures are not implemented. Appropriate control measures to reduce impacts due to the presence of ACMs, lead-based paint, and/or PCBs include:

- In conformance with State and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site buildings to determine the presence of asbestos-containing materials, lead-based paint, and PCBs.
- All potentially friable ACMs shall be removed in accordance with National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to any building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards contained in Title 8 of CCR, Section 1529, to protect workers from exposure to asbestos. Removal of materials containing more than one percent asbestos shall be completed in accordance with BAAQMD requirements.

- Applicable Cal/OSHA regulations would be followed for any structures identified as containing lead-based paint.
- A PCB Screening Assessment Form would be submitted with any demolition permit applications. If on-site buildings do contain PCBs that exceed threshold limits, development activities shall adhere to applicable federal and state laws, which may include reporting to such agencies as the EPA, RWQCB, and DTSC, who may require additional sampling and abatement of PCBs consistent with state and federal requirements.
- A registered abatement contractor shall be retained to remove and dispose of ACMs, lead-based paint, and PCBs prior to demolition of buildings on-site in accordance with the standards stated above.

With the implementation of the above control measures and General Plan Policy 28.05, any ACMs, lead based paint, or PCBs found to be present in buildings or structures proposed for demolition would be removed in accordance with uniformly applied federal, state, and local regulations to ensure worker safety and avoid release into the environment. **(Less Than Significant Impact)**

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**Impact HAZ-3:** The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. **(Less than Significant)**

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As discussed under Impact HAZ-1, residential development under the Housing Element Update is not expected to generate significant amounts of new hazardous materials. Future construction activities on all of the candidate housing sites in Sub Area 1, 35 sites in Sub Area 2, and 699 Old Orchard (APN 216220008) in Sub Area 5 would be within a quarter mile of nearby schools. There are several policies in the General Plan that serve to reduce the risk from hazardous materials, including Policy 28.02 which requires a Phase I ESA when development changes an existing use to a more sensitive use (i.e., commercial use to residential use). In the event that hazardous material concerns are identified, a proposed development would be required to appropriately remediate the site in accordance with regulatory standards and oversight. With adherence to General Plan Policy 28.02, future development under the Housing Element Update would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. **(Less than Significant Impact)**

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**Impact HAZ-4:** The project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment. **(Less than Significant Impact)**

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Six of the candidate housing sites are included on the Cortese List. Five of the listed sites are shown as closed cases.<sup>88</sup> 514 San Ramon Valley Boulevard (APN 216101001) in Sub Area 2 is identified as an open cleanup site with residual dry-cleaning solvents in the soil. Consistent with General Plan

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<sup>88</sup> A closure letter or other formal closure decision document has been issued for the site.



Policy 28.02, future development of the candidate housing sites would be required to conduct a Phase I ESA when development changes an existing use to a more sensitive use (i.e., commercial use to residential use). In the event that hazardous material concerns are identified, the development would be required to appropriately remediate the site in accordance with regulatory standards and oversight. With implementation of General Plan Policy 28.02, future housing development under the Housing Element Update would not create a significant hazard to the public or environment. **(Less than Significant Impact)**

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**Impact HAZ-5:** The project would not be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport. The project would not result in a safety hazard or excessive noise for people residing or working in the project area. **(No Impact)**

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The Town of Danville is not located within two miles of a public airport or within an airport land use plan. The nearest airports to the Town are Buchanan Field Airport located approximately 11 miles north and the Livermore Municipal Airport located approximately 12 miles to the southeast. Therefore, future housing development under the Housing Element Update would not result in a safety hazard or expose new residents to excessive airport noise. **(No Impact)**

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**Impact HAZ-6:** The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. **(Less than Significant)**

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Increased residential development under the Housing Element Update would increase the number of residents that would rely on the Town's emergency preparedness and emergency response. The General Plan includes several goals and policies for maintaining high levels of emergency preparedness. Policies 29.02, 29.03 and 29.04 address on-going preparation and training for emergency preparedness. Policy 29.03 also provides for emergency traffic control plans in collaboration with other jurisdictions in San Ramon Valley in the event of planned or emergency closure of I-680 or other major circulation routes within the community. The Town of Danville Emergency Operations Plan identifies the Town's responsibilities during natural disasters and human-caused emergencies and provides a response and recovery framework to coordinate the Town's services to address the disaster or emergency. Additionally, the SRVFPD identifies emergency travel routes and temporary refuge areas in the northwest and southeast of Danville. With the implementation of General Plan Policies 29.02 and 29.03, future housing development under the Housing Element Update would not impair or interfere with the Town's Emergency Operations Plan. **(Less than Significant Impact)**

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**Impact HAZ-7:** The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. **(Less than Significant Impact)**

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The majority of the Town is located in areas with a high, very high, or extreme threat to development from wildfire (refer to Figure 3.9-1). Future development under the Housing Element Update would

avoid exacerbating wildfire risks by complying with the standards set forth in the California Public Resources Code Section 4442 through 4431 to reduce the risk of causing wildfire during construction activities. In addition, the General Plan includes several policies aimed at fire prevention, including Policy 25.01, which requires safe roofing and other fire prevention standards for development in high fire hazard areas. General Plan Policy 25.06 requires the maintenance of defensible space around homes in fire prone zones. With adherence to General Plan Policies 25.01 and 25.06, the Project would not expose people or structures to a significant wildfire risk. **(Less than Significant Impact)**

### **3.9.2.2 Cumulative Impacts**

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**Impact HAZ-C:** The project would not result in a cumulatively considerable contribution to a cumulatively significant hazards and hazardous materials impact. **(Less than Significant Cumulative Impact)**

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The geographic area for cumulative hazards and hazardous materials impacts is the Town of Danville.

#### Routine Transport, Use, or Disposal of Hazardous Materials

Future cumulative projects (including the Project) would be required to comply with all applicable standards and regulations put in place to minimize impacts from the transport, use, storage, and disposal of hazardous materials and General Plan Policy 28.02. Therefore, the cumulative projects (including the Project) would not result in a significant cumulative impact due to routine transport, use, or disposal of hazardous materials.

#### Release of Hazardous Materials

Future cumulative projects (including the Project) would not create a significant hazard to the public or the environment through the release of hazardous materials with implementation of appropriate control measures to reduce impacts due to the presence of ACMs and/or lead-based paint (refer to Impact HAZ-1) and General Plan Policy 28.05. Therefore, the cumulative projects would not create a significant cumulative hazard to the public or environment through the release of hazardous materials.

#### Hazardous Emissions, Materials, Substances, or Wastes within One-Quarter Mile of a School

The cumulative projects (including the Project) would be required to comply with existing regulations and policies to reduce hazardous materials impacts to a less than significant level. Therefore, if any of the cumulative projects (such as the Project) is located within one-quarter mile of an existing or proposed school, the impact to the school would be less than significant.

#### Hazardous Materials Sites Under Government Code Section 65962.5

Future cumulative development could be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment. Consistent with General Plan Policy 28.02, future cumulative development (including the Project) would be required to conduct a Phase I ESA when

development changes an existing use to a more sensitive use (i.e., commercial use to residential use). In the event that hazardous material concerns are identified, the development would be required to appropriately remediate the site in accordance with regulatory standards and oversight. Therefore, if any of the cumulative projects (such as the Project) are located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, the impact from hazardous materials would be less than significant.

#### Airport Safety Hazards or Excessive Noise

The Town of Danville is not located within two miles of a public airport or within an airport land use plan. As such, cumulative development (including the Project) would not contribute to a significant cumulative impact pertaining to safety hazards or excessive noise from being proximate to an airport.

#### Emergency Response and Evacuation Plans

Future cumulative development would increase the number of residents that would rely on the Town's emergency preparedness and emergency response. The General Plan 2030 EIR concluded that buildout of the General Plan would have a less-than-significant impact to emergency preparedness and public safety with adherence to General Plan Policies 29.02, 29.03, and 29.04. With implementation of these policies, future cumulative development (including the Project) would not impair or interfere with the Town's Emergency Operations Plan.

#### Wildland Fire Hazards

The majority of the Town is located in areas with a high, very high, or extreme threat to development from wildfire. Future cumulative development (including the Project) would avoid exacerbating wildfire risks by complying with the standards set forth in the California Public Resources Code Section 4442 through 4431 to reduce the risk of causing wildfire during construction activities. With adherence to the existing regulations and General Plan policies, future cumulative development (including the Project) would not expose people or structures to a significant cumulative wildfire risk. **(Less than Significant Cumulative Impact)**

### **3.10 HYDROLOGY AND WATER QUALITY**

The following discussion is based, in part, on a Hydrology Memorandum prepared by Schaaf & Wheeler in July 2022. The report is attached to this EIR as Appendix D.

#### **3.10.1 Environmental Setting**

##### **3.10.1.1 *Regulatory Framework***

###### **Federal and State**

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality in California. Regulations set forth by the Environmental Protection Agency (EPA) and the State Water Resources Control Board (SWRCB) have been developed to fulfill the requirements of this legislation. EPA regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the Regional Water Quality Control Boards (RWQCBs). The Project site is within the jurisdiction of the San Francisco Bay RWQCB.

###### **National Flood Insurance Program**

The Federal Emergency Management Agency (FEMA) established the National Flood Insurance Program (NFIP) to reduce impacts of flooding on private and public properties. The program provides subsidized flood insurance to communities that comply with FEMA regulations protecting development in floodplains. As part of the program, FEMA publishes Flood Insurance Rate Maps (FIRMs) that identify Special Flood Hazard Areas (SFHAs). An SFHA is an area that would be inundated by the one-percent annual chance flood, which is also referred to as the base flood or 100-year flood.

###### **Statewide Construction General Permit**

The SWRCB has implemented an NPDES General Construction Permit for the State of California (Construction General Permit). For projects disturbing one acre or more of soil, a Notice of Intent (NOI) must be filed with the RWQCB by the project sponsor, and a Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction and filed with the RWQCB by the project sponsor. The Construction General Permit includes requirements for training, inspections, record keeping, and, for projects of certain risk levels, monitoring. The general purpose of the requirements is to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

###### **Regional**

###### **San Francisco Bay Basin Plan**

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). The Basin Plan lists the beneficial uses that the San Francisco Bay RWQCB has identified for local aquifers, streams, marshes, rivers, and

the San Francisco Bay, as well as the water quality objectives and criteria that must be met to protect these uses. The San Francisco Bay RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements, including permits for nonpoint sources such as the urban runoff discharged by a City's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

### Municipal Regional Permit Provision C.3

The San Francisco Bay RWQCB re-issued the Municipal Regional Stormwater NPDES Permit (MRP) in 2015 to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the cities of Fairfield, Suisun City, and Vallejo.<sup>89</sup> Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 10,000 square feet or more of impervious surface area are required to implement site design, source control, and Low Impact Development (LID)-based stormwater treatment controls to treat post-construction stormwater runoff. LID-based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g. rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures are properly installed, operated, and maintained.

In addition to water quality controls, the MRP requires new development and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation, or other impacts to local rivers, streams, and creeks. Projects may be deemed exempt from these requirements if they do not meet the minimum size threshold, drain into tidally influenced areas or directly into the Bay, or drain into hardened channels, or if they are infill projects in subwatersheds or catchment areas that are greater than or equal to 65 percent impervious.

### Municipal Regional Permit Provision C.12.f

Provision C.12.f of the MRP requires co-permittee agencies to implement a control program for PCBs that reduces PCB loads by a specified amount during the term of the permit, thereby making substantial progress toward achieving the urban runoff PCBs wasteload allocation in the Basin Plan by March 2030.<sup>90</sup> Programs must include focused implementation of PCB control measures, such as source control, treatment control, and pollution prevention strategies. Municipalities throughout the Bay Area are updating their demolition permit processes to incorporate the management of PCBs in demolition building materials to ensure PCBs are not discharged to storm drains during demolition. Buildings constructed between 1955 and 1978 that are proposed for demolition must be screened for the presence of PCBs prior to the issuance of a demolition permit.

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<sup>89</sup> MRP Number CAS612008

<sup>90</sup> San Francisco Bay Regional Water Quality Control Board. *Municipal Regional Stormwater Permit, Provision C.12*. November 19, 2015.

## Contra Costa Flood Control and Water Conservation District

The Contra Costa County Flood Control and Water Conservation District (FCWCD) collects special assessments to finance drainage improvements in areas with adopted drainage plans. Most of Danville is in Flood Control Zone (FCZ) 3B that includes the entire area from Concord in the north to Lafayette in the west.<sup>91</sup> The eastern part of Danville is in FCZ 14 that includes San Ramon.<sup>92</sup> Property tax is collected from each zone to fund flood control projects and facility maintenance. In addition to the Flood Control Zones, the area is divided into Drainage Districts. These are legal entities covered by a legal boundary map, land use map, hydrology map, drainage area plan, and fee ordinance. These efforts, along with Danville's drainage maintenance efforts, have reduced the potential for serious floods.

## Dam Safety

Since August 14, 1929, the State of California has regulated dams to prevent failure, safeguard life, and protect property. The California Water Code entrusts dam safety regulatory power to California Department of Water Resources, Division of Safety of Dams (DSOD). The DSOD provide oversight to the design, construction, and maintenance of over 1,200 jurisdictional sized dams in California.<sup>93</sup>

As part of its comprehensive dam safety program, Contra Costa Water District (CCWD) routinely monitors and studies the condition of each of its six dams. CCWD maintains plans that outline coordinated response procedures in the unlikely event of a dam emergency. Annual inspections by DSOD and the U.S. Bureau of Reclamation ensure the dams are safe for continued use.<sup>94</sup> These regulatory inspection programs reduce the potential for dam failure.

## Construction Dewatering Waste Discharge Requirements

Each of the RWQCBs regulate construction dewatering discharges to storm drains or surface waters within its Region under the NPDES program and Waste Discharge Requirements.

## **Local**

### Town of Danville 2030 General Plan

The following policies in the Town's General Plan have been adopted for the purpose of reducing or avoiding impacts related to hydrology and water quality and are applicable to the Housing Element Update.

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<sup>91</sup> Town of Danville. General Plan 2030 Draft EIR. October 12, 2012. Page 4.9-6.

<sup>92</sup> Ibid.

<sup>93</sup> California Department of Water Resources, Division of Safety of Dams. [https://water.ca.gov/Programs/All-Programs/Division-of-Safety-of-Dams#:~:text=Since%20August%2014%2C%201929%2C%20the,Safety%20of%20Dams%20\(DSOD\).](https://water.ca.gov/Programs/All-Programs/Division-of-Safety-of-Dams#:~:text=Since%20August%2014%2C%201929%2C%20the,Safety%20of%20Dams%20(DSOD).) Accessed October 26, 2021.

<sup>94</sup> Contra Costa Water District. "Dam Safety Program." <https://www.ccwater.com/1051/Dam-Safety-Program#:~:text=Each%20dam%20has%20a%20unique,and%20safe%20for%20continued%20use.> Accessed June 6, 2022.



Policy	Description
20.01	Maintenance and improvement of the street and storm drainage system shall receive high priority during the annual Capital Improvement Program review.
20.02	Coordinate development approvals with the appropriate agencies to ensure that adequate water quantity, quality, and distribution; adequate sewage collection and wastewater treatment capacity; and other utilities can be provided to serve proposed development projects without adverse community impacts.
20.05	Continue to provide for flood control, protection from erosion and siltation, and improvements to urban runoff as required by federal law. Continue to explore the recreational potential of flood control facilities and waterways, consistent with public safety and security, and stress aesthetic treatment of needed facilities.
20.06	Ensure that the costs of upgrading and constructing public facilities needed to serve new development shall be the responsibility of the developers and not existing residents.
20.07	Discourage private infrastructure improvements such as private roads and private storm drainage systems.
20.08	Protect surface water from pollution by ensuring that stormwater discharges comply with Regional Water Quality Control Board San Francisco Bay Municipal Regional Permit (RWQCB-SF Bay MRP) requirements.
22.01	Maintain and enhance the natural quality of Danville's creeks, including the riparian vegetation along the banks. Setbacks should be maintained along creeks to maintain their natural appearance, reduce erosion and flood hazards, and protect their ecological functions.
22.02	Require qualifying new development projects and redevelopment projects to comply with the Municipal Regional Permit for stormwater control and treatment.
22.03	Conduct education and outreach activities to increase public awareness of water quality issues and the steps Danville residents and businesses can take to reduce water pollution.
22.04	Manage the Town's storm drainage facilities in a manner which minimizes pollution of local streams and waterways. Storm drains and other drainage facilities should be regularly maintained.
24.05	Prohibit the division of land in a manner that would create a new parcel that is entirely 30 percent slope or greater, unless the intended use of the new parcel is open space.
24.06	Require that roads and drainage systems constructed in hillside areas are engineered to standards that prevent excessive maintenance and repair costs.
26.01	Take appropriate steps in the development review process to protect life and property from flooding and erosion along local creeks.
26.02	Restrict new development in floodways and flood plains in accordance with FEMA requirements.
26.03	Require that new development result in runoff rates that are within the 100-year flood capacity of the Town flood control system.

Policy	Description
26.04	Cooperate with the Contra Costa County Flood Control and Water Conservation District in watershed evaluations and projects intended to reduce flood hazards.
26.05	Work in conjunction with the Contra Costa County Flood Control and Water Conservation District to maintain natural creek settings to the extent possible while providing for adequate drainage capacity.
26.06	Encourage, and where appropriate require, the use of detention basins by developers to reduce peak stormwater runoff during significant rainfall events. No net increase in peak flow runoff should be allowed unless adequate drainage capacity exists or other mitigation measures are provided. Where feasible, support the use of common detention facilities serving more than one development.
26.07	Make structural improvements to public storm drains, pipelines, and channels where needed to ensure that these facilities can perform to their design capacity in handling stormwater flows.

### Grading Ordinance

Chapter 19 of the Danville Municipal Code controls earthwork during construction for the sake of aesthetics, good engineering practice, erosion control, water quality protection, and environmental sensitivity. The Ordinance mandates that a permit is required to grade, fill, excavate, store, or dispose of soil and earth materials or perform any other land-disturbing or land-filling activity. The purpose is to minimize the quantity of silty debris on roads or entering the storm water system due to site runoff. A grading permit is not issued until an erosion control plan has been accepted for review by the Town, or the Town Engineer agrees that it is not required.

### Stormwater Management and Discharge Control Ordinance

Chapter 20 of the Danville Municipal Code specifies measures required by projects to control and treat storm water runoff, and to regulate the timing and method that through which stormwater enters stormwater drainage facilities. It incorporates requirements of the Bay Area MRP and specifies the size of projects that are subject to LID standards set forth by the Bay Area MRP. These standards call for larger projects to use storm water control techniques such as infiltration (to groundwater), evapotranspiration (by plants), capture or use, or biotreatment.

#### **3.10.1.2      *Existing Conditions***

#### **Hydrology and Drainage**

Natural Drainage Patterns in Danville are dictated by Mt. Diablo to the northeast and the East Bay Hills to the west. Danville is mostly within the San Ramon Creek Watershed division of the Walnut Creek Watershed.<sup>95</sup> East of Crow Canyon Road, parts of Danville are also in the Upper Alameda Creek Watershed.

<sup>95</sup> Town of Danville. General Plan 2030 Draft EIR. October 12, 2012. Page 4.9-10.

Drainage flows in a predominantly southwesterly direction down the southwestern slopes of Mt. Diablo into major creeks such as Sycamore Creek and Green Valley Creek that empty into San Ramon Creek. San Ramon Creek begins in San Ramon and flows through Danville into Walnut Creek just beyond the confluence with the other two creeks at the north limit of the Town. Walnut Creek flows generally in a northerly direction before emptying into the San Francisco Bay near the Carquinez Strait and Pacheco Creek. Generally running parallel to San Ramon Creek, Bollinger Creek receives its water primarily from the East Bay Hills and from the Las Trampas area and enters San Ramon Creek in San Ramon.

The East and West branches of Alamo Creek, which cross the eastern portion of the Town, drain to the south into the Alamo Creek/Tassajara Creek Watershed, in the City of San Ramon. This drainage area is a division of the Upper Alameda Creek Watershed.

Existing runoff from the candidate housing sites drains towards local ditches, creeks, or storm drain systems along major streets. The existing storm drain network varies from 12-inch to 84-inch in diameter. The captured runoff discharges to the nearest creek, where ultimately runoff enters San Ramon Creek that cuts through the western side of Danville, as shown on Figure 3.10-1.

### **Surface Water Quality**

The water quality of streams, creeks, ponds, and other surface water bodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as “non-point” source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains. Surface runoff from the candidate housing sites is collected by storm drains and discharged to San Ramon Creek, Sycamore Creek, and Green Valley Creek. The runoff often contains contaminants such as oil and grease, plant and animal debris (e.g., leaves, dust, and animal feces), pesticides, litter, and heavy metals. In sufficient concentration, these pollutants have been found to adversely affect the aquatic habitats to which they drain. There are no water bodies in Danville that are classified as “impaired water bodies” by the state as part of the requirements under the Clean Water Act.<sup>96</sup>

### **Groundwater**

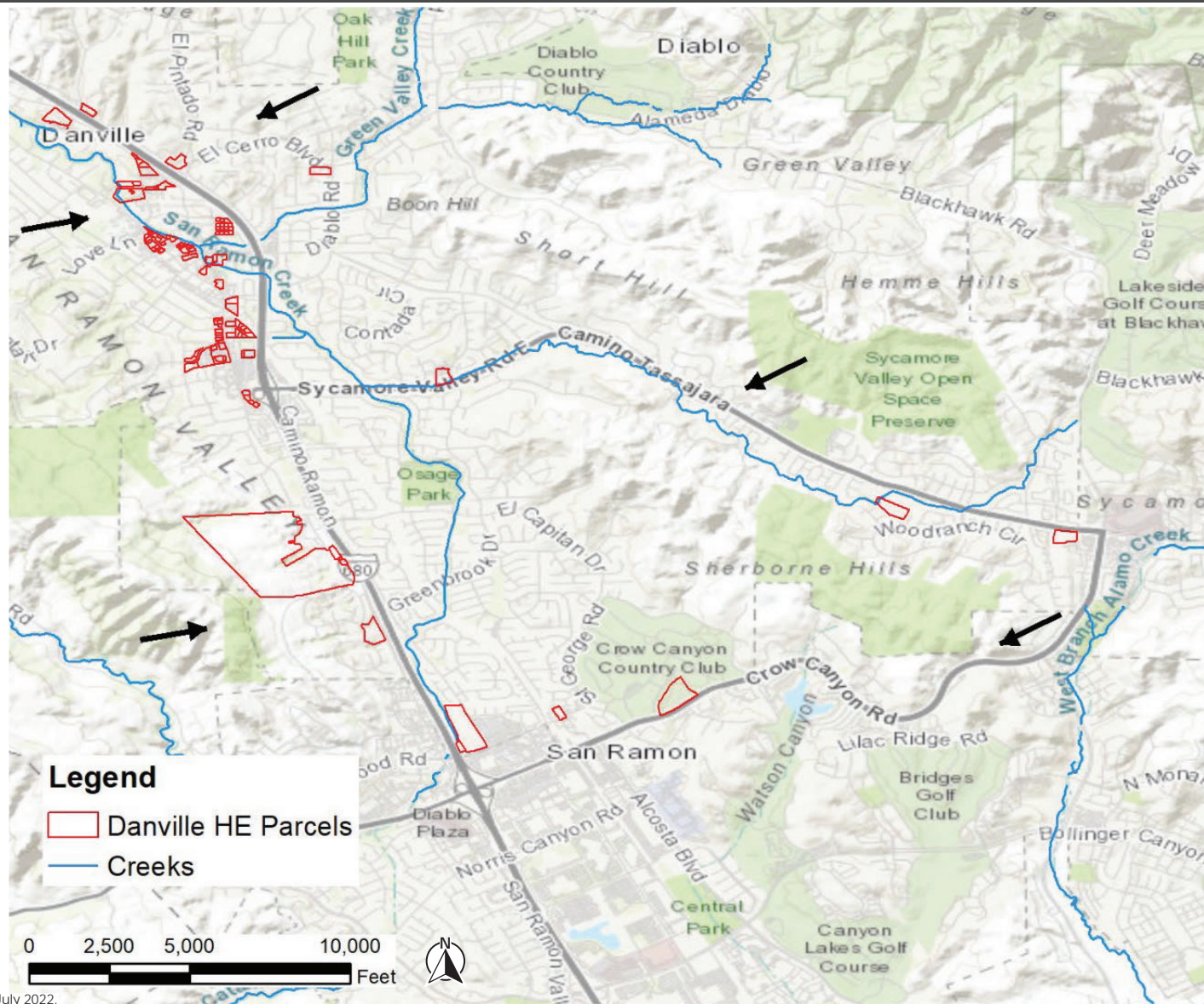
Danville overlies the San Ramon Valley groundwater basin. This basin extends northwards as far as Stone Valley Road in Alamo, westwards to Las Trampas Ridge, eastwards to the Mt. Diablo foothills and south into San Ramon and the Livermore Valley groundwater basin. Although there are some private wells located in the basin, it is not pumped by East Bay Municipal Utility District (EBMUD), which is the utility supplying water service to Danville. Information about groundwater quality and capacity in the groundwater basin is not publicly available.<sup>97</sup>

Private wells in Danville fall under the jurisdictional control of the County Health Department, Environmental Health Division.

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<sup>96</sup> Town of Danville. General Plan 2030 Draft EIR. October 12, 2012. Page 4.9-13.

<sup>97</sup> California Department of Water Resources. California’s Groundwater Bulletin 118. San Ramon Valley Groundwater Basin. February 27, 2004. Accessed on October 27, 2021. [https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Bulletin-118/Files/2003-Basin-Descriptions/2\\_007\\_SanRamonValley.pdf](https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Bulletin-118/Files/2003-Basin-Descriptions/2_007_SanRamonValley.pdf)



Source: Schaaf & Wheeler, July 2022.

TOWN OF DANVILLE CREEKS

FIGURE 3.10-1

## **Flooding and Other Hazards**

Flooding in Danville can occur along major creeks and near the confluence of creeks. These areas are subject to periodic inundation from flooding resulting from major storm events, such as can be expected every 30 years on average (30-year storm events), or even less frequently. Portions of San Ramon Creek and one of its major tributary streams, Green Valley Creek, are subject to flooding.

Candidate housing sites are located in two FEMA flood hazard designations, as shown on Figure 3.10-2. The Zone X designation is for areas of 0.2 percent chance flood (i.e. 500-year); areas of one percent chance flood (i.e. 100-year) with average depths of less than one foot or with drainage areas less than one square mile. Zone A is defined as areas that have not been assigned base flood elevations as there has been no detailed study conducted by FEMA.

Maps filed with the State Office of Emergency Services show a dam inundation zone in downtown Danville from the potential failure of a hillside reservoir operated by EBMUD.<sup>98</sup>

## **Seiches and Tsunamis**

A seiche is defined as a standing wave generated by rapid displacement of water within an enclosed body of water (such as a reservoir, lake, or bay) due to an earthquake that triggers land movement within the water body or landsliding into or beneath the water body. There are no large bodies of water within the vicinity of the Town; therefore, the candidate housing sites are not subject to seiches.

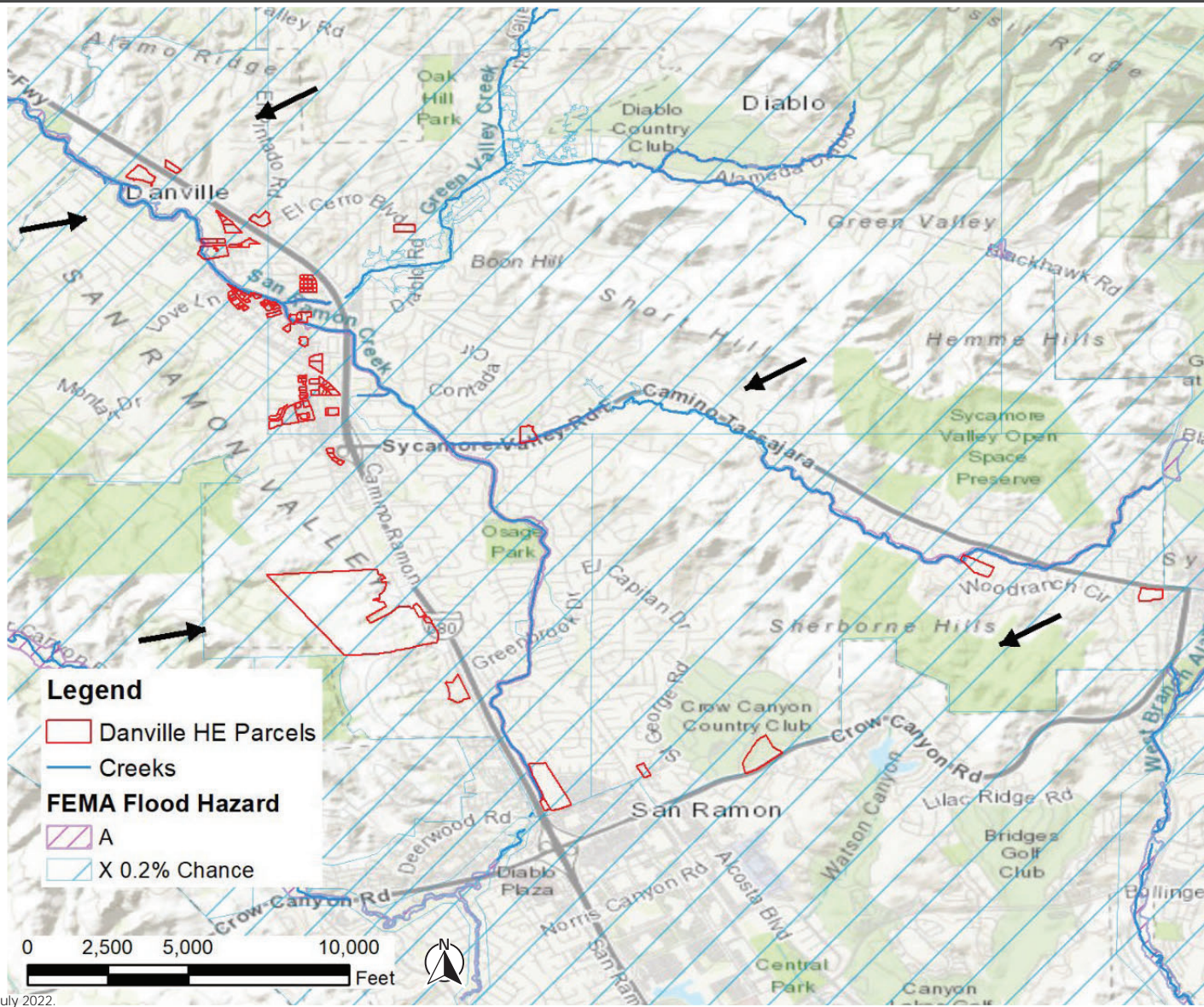
A tsunami is a large tidal wave caused by an underwater earthquake or volcanic eruption. Tsunamis affecting the Bay Area can result from offshore earthquakes within the Bay Area. Tsunami inundation maps for Contra Costa County show that the Town is not within a tsunami inundation area.<sup>99</sup>

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<sup>98</sup> Town of Danville. General Plan 2030 Draft EIR. October 12, 2012. Page 4.9-16.

<sup>99</sup> California Department of Conservation. Contra Costa County Tsunami Hazard Areas. Accessed October 26, 2021. <https://www.conservation.ca.gov/cgs/tsunami/maps/contra-costa>.





FEMA FLOOD AREAS

FIGURE 3.10-2



### 3.10.2 Impact Discussion

For the purpose of determining the significance of the project's impact on hydrology and water quality, would the project:

- 1) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?
- 2) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?
- 3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
  - result in substantial erosion or siltation on- or off-site;
  - substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;
  - create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
  - impede or redirect flood flows?
- 4) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?
- 5) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

#### 3.10.2.1 *Project Impacts*

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**Impact HYD-1:** The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. (**Less than Significant Impact**)

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The water quality of streams, creeks, ponds, and other surface water bodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as non-point source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains. Urban stormwater runoff often contains contaminants such as oil and grease, plant and animal debris (e.g., leaves, dust, animal feces, etc.), pesticides, litter, and heavy metals. In sufficient concentration, these pollutants have been found to adversely affect the aquatic habitats to which they drain.

#### **Construction Impacts**

Future development of the candidate housing sites would be subject to federal, state, and local water quality standards and discharge requirements. Future housing development could require grading and excavation, which may result in temporary impacts to surface water quality in local waterways. When disturbance to underlying soil occurs, surface water that flows across the site may contain sediments may be dislodged and discharged to the storm drainage system. Individual projects that

would disturb one acre or more of soil would be subject to the requirements of the statewide Construction General Permit. The Construction General Permit requires that a Notice of Intent and Stormwater Pollution Prevention Plan be prepared for the project. Consistent with the Town's Stormwater Management and Discharge Control Ordinance, future development would be required to incorporate site-specific BMPs during construction activities in order to reduce pollutants in stormwater.

In addition to the Construction General Permit, development projects in Danville are required to comply with the Town's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while a site is under construction. Prior to issuance of a permit for grading activity occurring during the rainy season (October 15 to April 15), future development would be required to submit an Erosion Control Plan. The Erosion Control Plan would detail the BMPs to be implemented during the construction phase to prevent the discharge of stormwater pollutants and minimize erosion.

Compliance with the requirements of the Construction General Permit, Town's Stormwater Management and Discharge Control Ordinance, Grading Ordinance, and incorporation of site-specific BMPs would ensure that non-significant quantities of soil and construction byproducts enters the storm drain system and local waterways as a result of future development of the candidate housing sites. **(Less than Significant Impact)**

### **Post-Construction Impacts**

Future development on the candidate housing sites that would replace more than 10,000 square feet of impervious surface would be subject to Provision C.3 of the MRP and the Town's Stormwater Management and Discharge Control Ordinance. Consistent with General Policy 20.08, future housing development under the Housing Element Update would be required to prepare a Storm Water Control Plan that meets the criteria in the most recent version of the Contra Costa Clean Water Program Stormwater C.3. Guidebook. Adherence to Provision C.3 requirements would ensure that future development incorporates site design, source control and runoff treatment controls to reduce the rates, volumes and pollutant loads of runoff from the Project.

In addition to the requirements of Provision C.3, the Danville Stormwater Management and Discharge Control Ordinance requires the larger projects to use methods to filter storm water (including use of landscaping) and to capture and reuse it onsite.

Compliance with the requirements of Provisions C.3 and the Danville Stormwater Management and Discharge Control Ordinance would reduce and treat surface runoff from future development under the Housing Element in accordance with state and local standards, thus preventing substantial degradation of surface or ground water quality. **(Less than Significant Impact)**

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<b>Impact HYD-2:</b>	The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. <b>(Less than Significant Impact)</b>
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The Town of Danville is located in the San Ramon Valley groundwater basin. EBMUD does not pump groundwater from the basin; however, there are some private wells in the basin. Groundwater recharge primarily occurs within stream channels. For these reasons, future development of the candidate housing sites would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin. **(Less than Significant Impact)**

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**Impact HYD-3:** The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows. **(Less than Significant Impact)**

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Future development of the candidate housing sites would result in an increase in impervious surfaces due the construction of new housing. Future development in Sub Areas 6, 7, and 8 would convert primarily pervious surfaces to impervious development. This would result in changes to drainage patterns; however, the increased runoff would be captured by existing storm drain system and creeks throughout the Town. Consistent with General Plan Policy 26.03, future development would be required to meet the 100-year flood capacity of the Town's flood control system. Additionally, General Plan Policy 26.06 future development would need to demonstrate no net increase in peak flow runoff, unless adequate drainage capacity exists or other mitigation measures are provided, such as the use of detention basins to reduce peak stormwater runoff.

As discussed under Impact HYD-1, future development of the candidate housing sites would be subject to Provision C.3 of the MRP and Town's Stormwater Management and Discharge Control Ordinance. Consistent with General Policy 20.08, future housing development under the Housing Element Update would be required to prepare a Storm Water Control Plan that meets the criteria in the most recent version of the Contra Costa Clean Water Program Stormwater C.3. Guidebook. This would ensure that future development incorporates site design, source control and runoff treatment controls to reduce the rates, volumes and pollutant loads of runoff from the Project. Additionally, future development of the candidate housing sites would be required to manage erosion and sedimentation during construction in accordance with the Town's Grading Ordinance and the requirements of the statewide Construction General Permit.

Flooding in Danville can occur along major creeks and near the confluence of creeks. Candidate housing sites are located in two FEMA flood hazard designations (Zone X and Zone A), as shown on Figure 3.10-2. Flood Zone A is located within the extent of the creeks associated with parcels in Sub Areas 1, 2, 5, and 6. Zone X is not considered a Special Flood Hazard Area and would not result in impacts to the 100-year flood. General Plan Policy 26.02 would restrict new development in floodways and floodplains in accordance with FEMA requirements. Additionally, General Plan Policy 26.03 would require that new development would not exceed the Town's primary flood control system's ability to carry 100-year flood flows.

For the reasons described above, the Project would not substantially alter the existing drainage pattern of the area in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows. **(Less than Significant Impact)**

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**Impact HYD-4:** The project would not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. **(Less than Significant Impact)**

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As previously discussed, the proposed candidate housing sites are located in two FEMA flood hazard designations (Zone X and Zone A), as shown on Figure 3.10-2. The Project area is not subject to seiches or tsunamis. Future development of the candidate housing sites would comply with the requirements of Provisions C.3, the Danville Stormwater Management and Discharge Control Ordinance, and General Plan Policies 26.02 and 26.03 to reduce the impacts of stormwater runoff and potential flooding. Therefore, the Project would not risk release of pollutants due to inundation from flood hazard, tsunami, or seiche zones. **(Less than Significant Impact)**

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**Impact HYD-5:** The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. **(Less than Significant Impact)**

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As discussed under Impact HYD-1, future development of the candidate housing sites would comply with Provision C.3 of the MRP and would implement the Town's Stormwater Management and Discharge Control Ordinance and Grading Ordinance to reduce pollutants from construction and post-construction. The San Ramon Valley Groundwater Basin does not supply water to the Town of Danville. Thus, the Project would not conflict with or obstruct implementation of the San Francisco Bay Basin Plan or a sustainable groundwater management plan. **(Less than Significant Impact)**

### **3.10.2.2 Cumulative Impacts**

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**Impact HYD-C:** The project would not result in a cumulatively considerable contribution to a cumulatively significant hydrology and water quality impact. **(Less than Significant Cumulative Impact)**

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The geographic area for cumulative hydrology and water quality impacts is the Town of Danville.

#### Water Quality Standards and Discharge Requirements

All cumulative projects (including the Project) are required to adhere to state and local regulations to comply with water quality standards and waste discharge requirements, thereby resulting in less than significant impacts to surface or ground water quality. These regulations are in place to ensure individual projects do not result in a significant cumulative impact. The General Plan 2030 EIR concluded that adherence to these regulations by future projects would ensure associated impacts to water quality are less than significant. For these reasons, the cumulative projects (including the Project) would not result in a significant cumulative impact to water quality.

### Groundwater Supplies and Recharge

As discussed under Impact HYD-2, EBMUD does not pump groundwater from the basin; however, there are some private wells in the basin. Groundwater recharge primarily occurs within stream channels. For these reasons, future cumulative development (including the Project) would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge.

### Alteration of Existing Drainage Patterns

Cumulative projects (including the Project) are required to adhere to General Plan policies and existing regulations (including the Construction General Permit and Provision C.3) to manage stormwater runoff and erosion and reduce impacts to a less than significant level. These regulations are in place to ensure individual projects do not result in a significant cumulative impact. The General Plan 2030 EIR concluded that adherence to these regulations would ensure that future projects do not alter existing drainage patterns in a manner that would result in on- or off-site erosion or flooding. Therefore, the cumulative projects (including the Project) would not result in a significant cumulative impact regarding on- or off-site erosion or flooding.

### Project Inundation

Any risk of project inundation due to floods, dam failure, tsunamis, or seiches resulting in the release of pollutants would be reduced to a less than significant level by compliance with existing regulations regarding the use, storage, transport, and disposal of hazardous materials, as well as Provision C.3 of the RWQCB Municipal Regional NPDES Permit and the Danville Stormwater Management and Discharge Control Ordinance. The Project area is not subject to seiches or tsunamis. Therefore, the cumulative projects (including the Project) would not result in a cumulatively significant risk of pollutant release due to inundation.

### Conflicts with Water Quality Control and Sustainable Groundwater Management Plans

All cumulative projects would be required to adhere to General Plan policies and existing regulations to ensure compliance with water quality control plans. The plans are in place to ensure individual projects do not result in a cumulative impact to water quality or groundwater management. For these reasons, the Project would not contribute to a cumulatively significant impact related to a water quality control plan or sustainable groundwater management plan. **(Less than Significant Cumulative Impact)**

### **3.11 LAND USE AND PLANNING**

#### **3.11.1 Environmental Setting**

##### **3.11.1.1 *Regulatory Framework***

#### **State**

##### **California Government Code Section 65300**

California Government Code Section 65300 requires that each county and city prepare a general plan that serves as the blueprint for how that particular jurisdiction will develop over time. The general plan expresses the community's development goals and embodies public policy relative to the distribution of future land uses, both public and private. Zoning ordinances, specific plans, development projects, capital improvements, and development agreements are required to conform to the general plan. In addition, preparing, adopting, implementing, and maintaining the general plan serves to identify the community's land use, circulation, environmental, economic, and social goals and policies as they relate to future growth and development. A general plan consists of individual sections, or elements, that address a specific area of concern, but collectively, they comprehensively make up an integrated planning approach for the jurisdiction. State law requires that general plans include eight elements: land use, transportation, conservation, noise, open space, safety, environmental justice, and housing. Each county and city may choose to have additional elements as part of their general plan.

##### **Housing Element Law**

State requirements mandating that housing be included as an element of each jurisdiction's general plan is known as housing-element law. The Regional Housing Need Allocation (RHNA) is the state-mandated process to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its housing element. California housing-element law requires cities to: 1) zone adequate lands to accommodate its RHNA; 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and a work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.<sup>100</sup> The Town's current Housing Element (2014-2022 Housing Element) was adopted by the Town Council in April 2015 and certified by the State Department of Housing and Community Development (HCD). The adopted Housing Element covers the planning period from 2014 to 2022.

##### **Assembly Bill 686**

Passed in 2020, AB 686 creates new requirements for all state and local agencies (including, but not limited to, all cities, counties, cities and counties, and housing authorities) to ensure that their laws, programs and activities affirmatively further fair housing, and that they take no action inconsistent with this obligation. AB 686 also creates new requirements specifically in Housing Element Law. Beginning January 1, 2019, all housing elements must now include a program that promotes and

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<sup>100</sup> California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing Elements" Accessed February 7, 2022. <http://hcd.ca.gov/community-development/housing-element/index.shtml>.



affirmatively furthers fair housing opportunities throughout the community for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (FEHA), California Government Code Section 65008, and any other state and Federal fair housing and planning law.

## **Regional**

### **Regional Housing Needs Allocation**

The Association of Bay Area Governments (ABAG) serves as the Council of Governments for the region. As required by state law, ABAG updates the Regional Housing Need Allocation (RHNA) every eight years, allocates specific housing targets to individual cities and counties, and develops the regional forecast of jobs, population and housing. Once a local government has received its final RHNA from ABAG, it must revise the Housing Element of its general plan and update zoning ordinances to accommodate its portion of the region's housing need. For the upcoming planning period, the State has determined that the Bay Area must plan for an additional 441,176 new housing units. In December 2021, ABAG released their final RHNA allocation to all the cities and counties in the Bay Area, including the Town of Danville, for the 2023-2031 Housing Element planning period. The Town's draft RHNA for the 2023-2031 planning period is 2,241 units.<sup>101</sup>

### **Plan Bay Area 2050**

Plan Bay Area 2050 is a long-range plan for the nine-county San Francisco Bay Area that provides strategies that increase the availability of affordable housing, support a more equitable and efficient economy, improve the transportation network, and enhance the region's environmental resilience. Plan Bay Area 2050 promotes the development of a variety of housing types and densities within identified Priority Development Areas (PDAs). PDAs are areas generally near existing job centers or frequent transit that are locally identified for housing and job growth.<sup>102</sup>

ABAG allocates regional housing needs to each city and county within the San Francisco Bay Area, based on statewide goals. These allocations are designed to lay the foundation for Plan Bay Area 2050's long-term envisioned growth pattern for the region. ABAG also develops a series of forecasts and models to project the growth of population, housing units, and jobs in the Bay Area. ABAG, MTC, and local jurisdiction planning staff created the Forecasting and Modeling Report, which is a technical overview of the of the growth forecasts and land use models upon which Plan Bay Area 2050 is based.

## **Local**

### **Town of Danville 2030 General Plan**

The following policies in the Town's General Plan have been adopted for the purpose of reducing or avoiding land use and planning related impacts and are applicable to the Housing Element Update.

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<sup>101</sup> Association of Bay Area Governments. Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031. December 2021.

<sup>102</sup> Association of Bay Area Governments and Metropolitan Transportation Commission. *Plan Bay Area 2050*. October 21, 2021. Page 20.

Policy	Description
1.02	Require that new development be generally consistent with the scale, appearance, and small town character of Danville.
1.03	Recognize the need for suitably located housing, civic facilities, and services for all age groups within the community.
1.04	Generally guide higher density residential development to locations within convenient walking distance of shopping centers and public transportation.
1.06	Consider the cumulative effects of development on community facilities and services, such as transportation and schools, throughout the planning process.
1.07	Balance development with the preservation of land for open space uses in appropriate areas.
1.08	Protect existing residential neighborhoods from intrusion of incompatible land uses and excessive traffic to the extent reasonably possible.
1.09	In areas where different land uses abut one another, mitigate potential negative impacts through buffering techniques such as landscaping, setbacks, and screening. Similar methods also may be used between higher-density residential uses and less dense residential uses nearby.
2.01	Achieve a high standard of residential design through project review and approval for all new residential developments.
2.02	Achieve a high standard of residential design through project review and approval for all new residential developments.
2.05	On developable properties with steep hillsides, encourage clustering in the flatter parts, conservation of open space on the steeper parts, and the protection of natural features such as trees, creeks, knolls, ridgelines, and rock outcroppings.
3.08	Encourage the reuse of vacant and underutilized commercial buildings for more economically productive purposes, including new businesses, housing, and mixed use development.
3.09	Establish design standards and guidelines which ensure the compatibility of uses within mixed use development projects and between mixed use projects and adjacent development.
5.01	Preserve and enhance existing residential neighborhoods by maintaining public facilities, ensuring that infill development is complementary to existing development, and encouraging home improvements.
5.08	Encourage mixed use residential development above ground floor commercial uses as a means of providing affordable housing opportunities within existing commercial areas.
6.02	Give priority to developing vacant or underused land within the Town limits prior to extending development outside, unless the needs for housing and economic vitality require development that is difficult to achieve on an infill basis.
6.03	Allow new development based on the project's demonstration of a plan for full public services (such as road, parks, fire, police, sanitary sewer, water, and flood control

Policy	Description
	facilities) to which all providers are committed and where service can be assured in a timely manner.
7.01	Work closely with the City of San Ramon and Contra Costa County on future planning and development decisions in the Tassajara and Dougherty Valleys. Any land use changes in these areas beyond those reflected in approved General Plans should be linked to a rational growth management plan which establishes acceptable levels of service for infrastructure and public services and provides for the financing and maintenance of these facilities and services.
7.02	Work to ensure maximum control over land use decisions that directly affect the existing community, including the Tassajara Valley. Seek to establish a Sphere of Influence that encompasses all areas the Town may potentially annex through the year 2030.
7.05	Support the Urban Growth Boundaries adopted by other cities in the Tri-Valley area and the maintenance of an Urban Limit Line by Contra Costa County which ensures that at least 65 percent of the County remains in non-urban uses.
7.08	Participate in regional and sub-regional efforts to improve the jobs-housing balance in the San Francisco Bay Area.
7.10	Consistent with the Housing Element of the General Plan, continue to expand housing opportunities for all income groups. As required by County Measure J, the Town will biannually report to the CCTA on its progress in providing housing opportunities, and its efforts to reduce the impacts of such housing on the transportation system.

The Town's Land Use map identifies five basic land use types: residential, commercial, mixed use, public, and open space. The land use descriptions indicate the range of permitted densities or intensities of use in Table 2.3-2 and the consistent zoning districts in Table 2.3-3 in Section 2.0 Project Information and Description which summarizes the Town's residential land use designations, including consistent zoning districts and permitted density.

#### Town of Danville Municipal Code

Chapter 32 of the Danville Municipal Code regulates land use in Danville. It describes zones, contains the Zoning Map, and includes development standards for the zones. The Municipal Code is the mechanism used to implement the goals, objectives, and policies of the General Plan and to regulate all land use within the Town.

The Town's residential land use districts are summarized in Table 2.3-3 in Section 2.0 Project Information and Description.

#### Downtown Master Plan

The Danville Downtown Master Plan, adopted in 1986, was prepared to provide specific development standards to address the needs of the downtown commercial area and specifically to preserve the village-like character and quality of Downtown Danville. The boundaries of the Downtown Master Plan included all commercially zoned lands west of I-680 and, selectively,

residentially zoned lands surrounding and abutting to the downtown. Uses within the Specific Plan boundaries at the time of adoption were varied, including residential, significant office uses, retail uses, and service commercial uses. The Specific Plan divided the downtown area into nine different areas, providing for a mix of retail, office, service commercial, and residential uses while providing more direction on desired development densities and restrictions on ground-floor occupancies. The Specific Plan formalized and expanded the allowable dependency on municipal parking facilities in the downtown core. The Specific Plan has been amended since its adoption, finetuning development standards and creating new land use areas.

### **3.11.1.2      *Existing Conditions***

#### **Surrounding Land Uses**

The Town is bordered by the unincorporated town of Alamo and Blackhawk community to the north, the City of San Ramon and unincorporated Contra Costa to the south, Las Trampas Regional Wilderness Park to the west, and the Diablo Range to the east. Predominant land uses to the north are low-density single-family residential, rural residential, open space, and commercial. Predominant uses to the south include residential development, retail commercial uses, office parks (San Ramon), open space, and single-family residential. Predominant uses to the east are agriculture, open space, and rural residential.

#### **Existing Land Uses**

Table 2.3-2 and Table 2.3-3 in Section 2.0 Project Information and Description identifies the existing General Plan and Zoning designations, respectively, general location, and existing uses of each of the proposed candidate housing sites. All of the candidate housing sites would require General Plan amendments and rezoning.

### **3.11.2      Impact Discussion**

For the purpose of determining the significance of the project's impact on land use and planning, would the project:

- 1) Physically divide an established community?
- 2) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

#### **3.11.2.1      *Project Impacts***

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<b>Impact LU-1:</b>	The project would not physically divide an established community. ( <b>Less than Significant Impact</b> )
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A physical division of an established community typically refers to the construction of a physical feature (such as a wall, roadway, or railroad tracks) or the removal of a means of access (such as a local roadway or bridge) that would impair mobility within an existing community or between communities. Implementation of the Housing Element Update would facilitate new residential construction in order to meet the Town's RHNA allocation. Future residential development under the

Housing Element Update would occur primarily on sites either already developed and underutilized, or in close proximity to existing development. As a result, implementation of the Housing Element Update would not divide an established community. In addition, there are several policies in the General Plan that serve to prevent new development from dividing existing uses, including Policy 1.02 and 1.08 which require that new development be generally consistent with the scale of Danville and compatible with existing residential uses. Policy 1.09 requires that new development utilize buffering techniques and setbacks when different land uses are located adjacent to one another. Further, Policy 1.13 prohibits the development of gated communities unless there are overriding public safety benefits. With adherence to these General Plan policies, implementation of the Housing Element Update would not divide an established community. **(Less than Significant Impact)**

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**Impact LU-2:** The project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. **(Less than Significant Impact)**

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Implementation of the Housing Element Update would facilitate new residential construction in order to meet the Town's RHNA allocation. As set forth by state law, the General Plan serves as the primary planning document for the Town and all subordinate documents and plans are required to be consistent with the General Plan. The Project would update the Housing Element of the General Plan and revise the Zoning Code, as described in Section 2.0 Project Information and Description. All of the candidate housing sites would require General Plan amendments and rezoning. As part of the Housing Element Update, the General Plan Residential Multi-Family High Density designation would be amended to allow a maximum 40 dwelling units per acre. A new zoning district would be created that corresponds with the new General Plan designation. Further, future development proposed on the candidate housing sites would be reviewed for consistency with the Town's General Plan and Municipal Code as part of the development review process. For these reasons, the Housing Element Update would not result in a significant impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. **(Less than Significant Impact)**

### **3.11.2.2 Cumulative Impacts**

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**Impact LU-C:** The project would not result in a cumulatively considerable contribution to a cumulatively significant land use and planning impact. **(Less than Significant Cumulative Impact)**

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The geographic boundary for cumulative land use impacts is the Town. Land uses in the Town are regulated by the General Plan. The General Plan 2030 EIR concluded that buildout of the 2030 General Plan in accordance with its policies and actions would result in less than significant land use impacts. The Project would update the Housing Element of the General Plan and revise the Zoning Code to allow for increased development of the Town. Future development on the candidate housing sites, in combination with cumulative projects, would continue to be subject to the policies and actions of the General Plan. For these reasons, the Housing Element Update would not result in a significant cumulative land use impact. **(Less than Significant Cumulative Impact)**

## 3.12 MINERAL RESOURCES

### 3.12.1 Environmental Setting

#### 3.12.1.1 *Regulatory Framework*

##### State

##### Surface Mining and Reclamation Act

The Surface Mining and Reclamation Act (SMARA) was enacted by the California legislature in 1975 to address the need for a continuing supply of mineral resources, and to prevent or minimize the negative impacts of surface mining to public health, property, and the environment. As mandated under SMARA, the State Geologist has designated mineral land classifications in order to help identify and protect mineral resources in areas within the state subject to urban expansion or other irreversible land uses which would preclude mineral extraction. SMARA also allowed the State Mining and Geology Board (SMGB), after receiving classification information from the State Geologist, to designate lands containing mineral deposits of regional or statewide significance.

#### 3.12.1.2 *Existing Conditions*

No portion of the Town of Danville is designated by the California Department of Conservation as having the potential for being a significant source of composite materials or industrial minerals.<sup>103</sup>

### 3.12.2 Impact Discussion

For the purpose of determining the significance of the project's impact on mineral resources, would the project:

- 1) Result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state?
- 2) 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?

#### 3.12.2.1 *Project Impacts*

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<b>Impact MIN-1:</b>	The project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. <b>(No Impact)</b>
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There are no known mineral resources in in the Town of Danville. As a result, implementation of the Housing Element Update would not result in the loss of availability of a known mineral resource. **(No Impact)**

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<sup>103</sup> Town of Danville. General Plan 2030 Draft EIR. October 12, 2012. Page 4.6-14.



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**Impact MIN-2:** The project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. **(No Impact)**

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The Project is not located in an area with known mineral resources. Therefore, implementation of the Housing Element Update would not result in the loss of availability of a mineral resource recovery site. **(No Impact)**

#### **3.12.2.2**      *Cumulative Impacts*

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**Impact MIN-C:** The project would not result in a cumulatively considerable contribution to a cumulatively significant mineral resources impact. **(No Cumulative Impact)**

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The Project is not located within an area containing known mineral resources. Therefore, the Project would not result in a cumulatively considerable contribution to a significant mineral resources impact. **(No Cumulative Impact)**

### 3.13 NOISE

The following discussion is based, in part, on a Noise and Vibration Assessment prepared for this project by Illingworth & Rodkin, Inc. A copy of this report, dated September 2022, is attached to this EIR as Appendix E.

#### 3.13.1 Environmental Setting

##### 3.13.1.1 *Regulatory Framework*

#### Noise

Factors that influence sound as it is perceived by the human ear, include the actual level of sound, period of exposure, frequencies involved, and fluctuation in the noise level during exposure. Noise is measured on a decibel scale, which serves as an index of loudness. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Each 10 decibel increase in sound level is perceived as approximately a doubling of loudness. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the A-weighted decibel, or dBA.

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are generally expressed using one of several noise averaging methods, including  $L_{eq}$ , DNL, or CNEL.<sup>104</sup> These descriptors are used to measure a location's overall noise exposure, given that there are times when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and times when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night).  $L_{max}$  is the maximum A-weighted noise level during a measurement period.

#### Vibration

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Vibration amplitude can be quantified using Peak Particle Velocity (PPV), which is defined as the maximum instantaneous positive or negative peak of the vibration wave. PPV has been routinely used to measure and assess ground-borne construction vibration. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 inches/second (in/sec) PPV.

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<sup>104</sup>  $L_{eq}$  is a measurement of average energy level intensity of noise over a given period of time. Day-Night Level (DNL) is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 PM and 7:00 AM. Community Noise Equivalent Level (CNEL) includes an additional five dB applied to noise occurring between 7:00 PM and 10:00 PM. Where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour  $L_{eq}$ .

### 3.13.1.1 Regulatory Framework

#### Federal

##### Federal Transit Administration Vibration Limits

The Federal Transit Administration (FTA) has developed vibration impact assessment criteria for evaluating vibration impacts associated with transit projects. The FTA has proposed vibration impact criteria based on maximum overall levels for a single event. The impact criteria for groundborne vibration are shown in Table 3.13-1 below. These criteria can be applied to development projects in jurisdictions that lack vibration impact standards.

<b>Table 3.13-1: Groundborne Vibration Impact Criteria</b>			
<b>Land Use Category</b>	<b>Groundborne Vibration Impact Levels (VdB inch/sec)</b>		
	<b>Frequent Event</b>	<b>Occasional Events</b>	<b>Infrequent Events</b>
<b>Category 1:</b> Buildings where vibration would interfere with interior operations	65	65	65
<b>Category 2:</b> Residences and buildings where people normally sleep	72	75	80
<b>Category 3:</b> Institutional land uses with primarily daytime use	75	78	83
Source: Federal Transit Administration. <i>Transit Noise and Vibration Assessment Manual</i> . September 2018.			

##### Department of Housing and Urban Development

Department of Housing and Urban Development (HUD) environmental criteria and standards are presented in 24 CFR Part 51.<sup>105</sup> New construction proposed in high-noise areas (i.e. areas with noise exposure exceeding 65 dBA Ldn), must incorporate noise attenuation features to maintain acceptable interior noise levels. A goal of 45 dBA Ldn is set forth for interior noise levels, with attenuation requirements designed to achieve that goal. It is assumed that with standard construction any building will provide sufficient attenuation to achieve an interior noise level of 45 dBA Ldn or less, if the exterior level is 65 dBA Ldn or less. Buildings with noise-sensitive uses (e.g. residential buildings), approvals in a “normally unacceptable noise zone” (i.e. areas with noise exposures exceeding 65 dB but not exceeding 75 dB) require that:

- A minimum of 5 dB additional noise attenuation be provided, if the day-night average is greater than 65 dB but does not exceed 70 dB; or
- A minimum of 10 dB additional noise attenuation be provided, if the day-night average is greater than 70 dB but does not exceed 75 dB.

<sup>105</sup> U.S. Department of Housing and Urban Development, Environmental Criteria and Standards, 24 CFR, Part 51, 1979.

## State and Local

### California Building Standards Code

The CBC establishes uniform minimum noise insulation performance standards to protect persons within new buildings housing people, including hotels, motels, dormitories, apartments, and dwellings other than single-family residences. Title 24 mandates that interior noise levels attributable to exterior sources not exceed 45 L<sub>dn</sub>/CNEL in any habitable room. Exterior windows must have a minimum Sound Transmission Class (STC) of 40 or Outdoor-Indoor Transmission Class (OITC) of 30 when the property falls within the 65 dBA DNL noise contour for a freeway or expressway, railroad, or industrial source.

### Town of Danville 2030 General Plan

The following policies in the Town's General Plan have been adopted for the purpose of reducing or avoiding impacts related to noise and are applicable to the Project. The Town's noise and land use compatibility guidelines are shown in Table 3.13-1 below.

Policies	Description
27.01	Ensure that new residential development projects meet acceptable noise level guidelines, as shown in Figure 26 (or Table 3.13-1 in this EIR).
27.02	Require acoustical studies for major residential and other development projects, as appropriate, and impose noise mitigation measures accordingly.
27.03	Protect the noise environment in existing residential areas. Where acceptable noise levels in residential areas (as shown on Figure 5—the Land Use Map) would be exceeded or further impacted as a result of new development or transportation improvements, require the use of noise mitigation measures, such as wall barriers, berms, mufflers, sound traps, and baffles to reduce noise intrusion.
27.04	Encourage the location of noise-sensitive land uses away from noise sources or require appropriate noise screening.
27.08	Require noise monitoring as needed to determine changes in noise levels over time, measure the effectiveness of project conditions of approval, and to ensure that appropriate mitigation programs are developed.
27.09	Generally maintain exterior noise levels below 60 L <sub>dn</sub> in areas where outdoor use is a major consideration, such as in residential backyards. Where the Town determines that this level cannot be achieved after reasonable mitigation has been applied, higher standards may be permitted at the discretion of the Town Council. In such cases, indoor noise levels should not exceed an L <sub>dn</sub> of 45 dB.
27.11	Ensure that the design of new development near major noise sources (such as Interstate 680) reduces the potential for future occupants to be exposed to high levels of noise. Development on such properties should incorporate appropriate noise mitigation measures.

Policies	Description
27.12	Require the preparation of groundborne vibration studies by qualified professionals in accordance with industry-accepted methodology where heavy construction activities involving significant site grading, underground, or foundation work will occur within 50 feet of residential or other vibration sensitive uses.
27.13	Utilize noise reduction measures during all phases of construction activity to minimize the exposure of neighboring properties to excessive noise levels.

### Town of Danville Municipal Code

Chapter IV, Police Regulations, of the Town of Danville Municipal Code contains the Town’s Noise Ordinance. Section 4-2.3 states, “It is unlawful for a person to willfully make a loud, unnecessary, or unusual noise which disturbs the peace or quiet of a neighborhood or which causes discomfort or annoyance to a reasonable person of normal sensitiveness residing in the area.” Specific prohibitions include the operation of machinery, equipment, or a pump, fan, air-conditioner, spa or pool equipment, power tool, lawn mower or leaf blower or engine in a manner which causes excessive noise to nearby residents between the hours of 10:00 p.m. and 8:00 a.m., and performing construction or repair work (which creates noise) within or adjacent to a residential land use district except on Monday through Friday between the hours of 7:30 a.m. and 7:00 p.m., and on Saturdays, Sundays and holidays between the hours of 9:00 a.m. and 7:00 p.m.

<b>Table 3.13-2: Land Use Compatibility Guidelines for Exterior Noise Levels</b>				
<b>Land Use Category</b>	<b>Community Noise Equivalent Level (CNEL)</b>			
	<b>Normally Acceptable</b>	<b>Conditionally Acceptable</b>	<b>Normally Unacceptable</b>	<b>Clearly Unacceptable</b>
Residential-Low Density, Single Family, Duplex, Mobile Homes	50-60	55-70	70-75	75-85
Residential – Multifamily	50-65	60-70	70-75	75-85
Transient Lodging – Motel, Hotels	50-65	60-70	75-80	80-85
Schools, Libraries, Churches, Hospitals, Nursing Homes	50-70	60-70	75-80	80-85
Auditoriums, Concert Halls, Amphitheaters	Not Applicable	50-70	Not Applicable	C
Sports Arenas, Outdoor Spectator Sports	Not Applicable	50-70	Not Applicable	C
Golf Courses, Riding Stables, Water Recreation, Cemeteries	50-70	Not Applicable	75-80	80-85

<b>Table 3.13-2: Land Use Compatibility Guidelines for Exterior Noise Levels</b>				
<b>Land Use Category</b>	<b>Community Noise Equivalent Level (CNEL)</b>			
	<b>Normally Acceptable</b>	<b>Conditionally Acceptable</b>	<b>Normally Unacceptable</b>	<b>Clearly Unacceptable</b>
Office Buildings, Business Commercial and Professional	50-70	67.5-77.5	75-85	Not Applicable
Industrial, Manufacturing, Utilities, Agricultural	50-75	70-80	75-85	Not Applicable
<p>CNEL = Community Noise Equivalent Level in A-weighted decibels (dBA)</p> <p><b>Normally Acceptable:</b> Specified land use is satisfactory, based upon assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.</p> <p><b>Conditionally Acceptable:</b> New construction of development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features have been included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning, will normally suffice.</p> <p><b>Normally Unacceptable:</b> New construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise-insulation features must be included in the design.</p> <p><b>Clearly Unacceptable:</b> New construction or development should generally not be undertaken.</p>				

### 3.13.1.2 *Existing Conditions*

Traffic (from I-680) is the most significant source of noise in Danville. Major arterials, including Sycamore Valley Road, Crow Canyon Road, Camino Tassajara, Diablo Road, El Cerro Boulevard, Danville Boulevard, and others are the most significant noise sources for land uses adjacent to these roadways. There are no stationary sources that make a significant contribution to the noise environment.

The existing noise environment was quantified through nineteen short-term noise measurements and ten long-term measurements. Typical hourly average noise levels ranged from 58 to 72 dBA  $L_{eq}$  during the day and from 44 to 72 dBA  $L_{eq}$  at night. The CNEL ranged from 63 to 76 dBA. Refer to Appendix I of this PEIR for a detailed description of the noise measurement locations.

### 3.13.2 Impact Discussion

For the purpose of determining the significance of the project's impact on noise, would the project result in:

- 1) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- 2) Generation of excessive groundborne vibration or groundborne noise levels?



- 3) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

### 3.13.2.1 *Project Impacts*

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**Impact NOI-1:** The project would result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. **(Less than Significant Impact with Mitigation Incorporated)**

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#### **Operational Noise**

Increases in traffic noise gradually degrade the environment in areas sensitive to noise. According to CEQA, “a substantial increase” is necessary to cause a significant environmental impact. An increase of 3 dBA  $L_{dn}/CNEL$  is considered substantial as it would represent a just-noticeable difference. Vehicular traffic on roadways in the Town would increase as development occurs and the Town’s population increases. These projected increases in traffic would, over time, increase noise levels throughout the community.

As summarized in Table 3.13-3, traffic noise levels would generally increase by 0 to 2 dBA  $L_{dn}/CNEL$  between existing and future (2031) conditions with the Project due to anticipated traffic volume increases along major roadways in Danville. The Housing Element Update would contribute 1 dBA  $L_{dn}/CNEL$  or less to the overall expected traffic noise increases. The exception is the segment of Tassajara Ranch Drive south of Mountain Ridge Drive, where traffic noise increases of up to 4 dBA  $L_{dn}/CNEL$  are expected under the General Plan Buildout and General Plan Buildout plus Housing Element Update conditions. However, implementation of the Housing Element Update does not measurably contribute to the 4 dBA  $L_{dn}/CNEL$  noise increase expected along this roadway segment that is due solely to the General Plan Buildout. Therefore, the traffic noise increases attributable to the implementation of the Project would not result in a substantial permanent increase noise levels in the community.

**Table 3.13-3: ADT Traffic Volumes and Expected Traffic Noise Increases**

#	Roadway	Location	ADT			Noise Increase over Existing Conditions, dBA		Project Noise Increase over General Plan Buildout, dBA
			Existing 2020	2031 General Plan Buildout	2031 + HEU	2031 General Plan Buildout	2031 + HEU	
1	Blackhawk Rd	b/w Still Creek and Magee Ranch	10,071	11,754	12,100	0.7	0.8	0.1
2	Blackhawk Rd	N. of Camino Tassajara	19,038	22,008	22,210	0.6	0.7	0.0
3	Camino Ramon	S. of Sycamore valley Rd	11,272	14,040	14,651	1.0	1.1	0.2
4	Camino Tassajara	E. of Crow Canyon Rd	27,967	32,515	33,561	0.7	0.8	0.1
5	Camino Tassajara	W. of Crow Canyon Rd	28,431	30,726	30,541	0.3	0.3	0.0
6	Camino Tassajara	W. of Glasgow Dr	28,963	31,910	33,179	0.4	0.6	0.2
7	Camino Tassajara	E. of Lomitas Dr	8,281	9,898	10,376	0.8	1.0	0.2
8	Crow Canyon Rd	N. of Center Way	26,462	31,772	32,103	0.8	0.8	0.0
9	Danville Blvd	S. of Hartford Rd	11,705	14,786	15,638	1.0	1.3	0.2
10	Diablo Rd	W. of Fairway Dr	14,180	14,358	14,517	0.1	0.1	0.0
11	Diablo Rd	E. of Matadera Way	18,304	18,262	18,036	0.0	-0.1	-0.1
12	Diablo Rd	W. of Alamosos Dr West	22,856	23,096	23,370	0.0	0.1	0.1
13	Diablo Rd	E. of West El Pintado	21,249	19,934	21,957	-0.3	0.1	0.4
14	El Cerro Blvd	E. of Constitution Dr	10,903	10,318	10,487	-0.2	-0.2	0.1

**Table 3.13-3: ADT Traffic Volumes and Expected Traffic Noise Increases**

#	Roadway	Location	ADT			Noise Increase over Existing Conditions, dBA		Project Noise Increase over General Plan Buildout, dBA
			Existing 2020	2031 General Plan Buildout	2031 + HEU	2031 General Plan Buildout	2031 + HEU	
15	Green Valley Rd	N. of Diablo Rd	13,798	16,409	16,626	0.8	0.8	0.1
16	Hartz Ave	N. of Church St	11,173	13,704	15,191	0.9	1.3	0.4
17	Railroad Ave	N. of Church St	12,468	13,857	14,422	0.5	0.6	0.2
18	San Ramon Valley Blvd	N. of Boone Ct	22,609	27,909	32,356	0.9	1.6	0.6
19	San Ramon Valley Blvd	S. of Sycamore Valley Rd	12,902	14,233	15,573	0.4	0.8	0.4
20	San Ramon Valley Blvd	S. of Greenbrook Dr	12,274	18,156	19,789	1.7	2.1	0.4
21	Sycamore Valley Rd	E. of Brookside Dr	27,286	27,779	29,671	0.1	0.4	0.3
22	Sycamore Valley Rd	W. of I-680 SB Ramps	28,456	29,602	33,164	0.2	0.7	0.5
23	Tassajara Ranch Dr	S. of Mountain Ridge Dr	2,869	7,461	7,751	4.2	4.3	0.2
24	El Cerro Blvd	W. of I-680 SB Ramps	11,586	13,650	16,436	0.7	1.5	0.8
25	Danville Blvd	N. of La Gonda Way	14,212	16,264	16,990	0.6	0.8	0.2
26	Camino Ramon	S. of Greenbrook Dr	6,729	9,279	10,210	1.4	1.8	0.4
27	Stone Valley Rd	W. of Green Valley Rd	10,323	12,654	12,670	0.9	0.9	0.0

**Table 3.13-3: ADT Traffic Volumes and Expected Traffic Noise Increases**

#	Roadway	Location	ADT			Noise Increase over Existing Conditions, dBA		Project Noise Increase over General Plan Buildout, dBA
			Existing 2020	2031 General Plan Buildout	2031 + HEU	2031 General Plan Buildout	2031 + HEU	
28	Camino Tassajara	W. of Hansen Lane	21,536	26,510	26,317	0.9	0.9	0.0
29	Greenbrook Dr	S. of Sycamore Valley Rd	5,027	6,195	7,569	0.9	1.8	0.9
30	El Capitan Dr	S. of Silver Lake Dr	3,802	4,686	6,036	0.9	2.0	1.1
33	Greenbrook Dr	E. of Camion Ramon	8,518	9,987	10,544	0.7	0.9	0.2
34	El Capitan Dr	E. of Camino Ramon	3,770	3,889	3,975	0.1	0.2	0.1
35	Diablo Rd	S. of El Cerro Blvd	16,064	16,883	16,974	0.2	0.2	0.0
36	La Gonda Way	N. of El Cerro Blvd	4,758	5,896	7,791	0.9	2.1	1.2
Source: Illingworth & Rodkin, Inc. <i>Housing Element Update Noise and Vibration Assessment</i> . July 2022.								

## Construction Noise

Noise impacts resulting from construction depend on the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, the distance between construction noise sources and noise-sensitive receptors, any shielding provided by intervening structures or terrain, and ambient noise levels. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (early morning, evening, or nighttime hours), when construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction durations last over extended periods of time.

Each construction phase would include a different mix of equipment operating. The highest noise levels are typically generated when impact tools are used (e.g., jackhammers, hoe rams). Site grading and excavation activities would also generate high noise levels, as these phases often require the simultaneous use of multiple pieces of heavy equipment (e.g., dozers, excavators, scrapers, loaders). Pile driving activities are typically during foundation work and would generate loud noise levels. Lower noise levels result from construction activities when less heavy equipment is required to complete the tasks or construction activities move indoors.

Construction would be conducted within the allowable hours of 7:30 a.m. and 7:00 p.m. Typical commercial developments would generate construction noise levels ranging from 77 to 86 dBA Leq at 50 feet during busy construction periods. Pile driving activities are typically conducted independently from other construction activities, and due to the loud noise levels generated by pile driving, pile driving would dominate the noise environment. Construction noise levels drop off at a rate of about six dBA per doubling of distance between the noise source and the receptor. Land uses in the Project area would be exposed to a substantial temporary increase in ambient noise levels due to project construction activities.

**Impact NOI-1.1:** Future housing development under the Housing Element Update could result in temporary construction noise level increases above ambient conditions.

Implementation of General Plan Policy 27.13, which requires that noise reduction measures be implemented during all phases of construction, would minimize the exposure of neighboring properties to excessive noise levels. The Town's following standard noise reduction measures would be required for all future development under the Housing Element Update.

- Prior to any grading or other construction activities, the applicant shall develop a construction mitigation plan in close coordination with the Town of Danville to minimize noise disturbance. The following conditions shall be incorporated into the building contractor specifications:
  - Muffle and maintain all equipment used on site. All internal combustion engine driven equipment shall be fitted with mufflers, which are in good condition. Good mufflers shall result in non-impact tools generating a maximum noise level of 80 dB when measured at a distance of 50 feet.
  - Utilize “quiet” models of air compressors and other stationary noise sources where technology exists.

- Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
- Prohibit unnecessary idling of internal combustion engines.
- Prohibit audible construction workers' radios on adjoining properties.
- Restrict noise-generating activities at the construction site or in areas adjacent to the construction site to the hours between 8:00 a.m. and 5:00 p.m., Monday through Friday.
- Do not allow machinery to be cleaned or serviced past 6:00 p.m. or prior to 7:00 a.m. Monday through Friday.
- Limit the allowable hours for the delivery of materials or equipment to the site and truck traffic coming to and from the site for any purpose to Monday through Friday between 7:00 a.m. and 6:00 p.m.
- The allowable hours for delivery of materials and equipment to the site and truck traffic coming to and from the site for any purpose shall be further limited to avoid the area's peak morning and afternoon weekday school commute hours of 7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m.
- Do not allow any outdoor construction or construction-related activities at the project site on weekends and holidays. Indoor construction activities may be allowed based on review/approval of the Town.
- Allowable construction hours shall be posted clearly on a sign at each construction site.
- Designate a Disturbance Coordinator for each of the clustered development sites for the duration of the Phase 1 (site work) and for each home site during the Phase 2 (home building) construction. Because each home would be constructed individually and would have its own building permit, a Disturbance Coordinator should be designated during the construction of each home. The requirement for a Disturbance Coordinator for each home site should be incorporated in the CCRs of the development, such that responsibility of the Property Owners' Association and/or home builder to designate this Disturbance Coordinator for each lot for the duration of construction until full site buildout. The Disturbance Coordinator shall conduct the following: receive and act on complaints about construction disturbances during infrastructure installation, landslide repair, road building, residential construction, and other construction activities; determine the cause(s) and implement remedial measures as necessary to alleviate significant problems; clearly post his/her name and phone number(s) on a sign at each clustered development and home building site; and, notify area residents of construction activities, schedules, and impacts.

As shown above, future development under the Housing Element Update would be required to comply with the Town's construction noise limitations. Implementation of General Plan Policy 27.13 would limit construction hours and reduce construction noise levels at noise sensitive locations. The highest noise levels would occur during site grading and during periods where construction is located directly adjacent to noise sensitive locations. With adherence to General Plan Policy 27.13 and the Town's standard construction noise reduction measures, temporary construction noise impacts would be less than significant. **(Less than Significant Impact with Mitigation Incorporated)**



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**Impact NOI-2:** The project would not result in generation of excessive groundborne vibration or groundborne noise levels. **(Less than Significant Impact)**

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### **Construction Vibration**

Construction equipment such as pile drivers are known to generate substantial vibration levels that if used in the vicinity of sensitive land uses may expose persons to excessive vibration levels as well as have the potential to damage buildings. Other construction equipment such as bulldozers and vibratory rollers do not create the vibration levels of pile drivers; however, these types of equipment are more likely to operate continuously and closer to sensitive receptors, and they may expose persons to excessive vibration levels. The severity of the vibration impact is determined by the proximity of the project with respect to buildings and receptors. The sensitivity of buildings is also an important factor in evaluating impacts due to groundborne vibration.

The California Department of Transportation recommends a vibration limit of 0.5 in/sec PPV to avoid damage to buildings that are structurally sound and designed to modern engineering standards, a vibration limit of 0.3 in/sec PPV for buildings that are found to be structurally sound but where structural damage is a major concern, and a vibration limit of 0.25 in/sec PPV for historic and some old buildings. Construction details on each individual project are not currently known and, therefore, cannot be quantified.

General Plan Policy 27.12 requires the preparation of groundborne vibration studies by qualified professionals in accordance with industry-accepted methodology where heavy construction activities involving significant site grading, underground, or foundation work will occur within 50 feet of residential or other vibration sensitive uses. The industry-accepted methodologies include the recommended vibration assessment procedure and thresholds provided by public agencies such as Caltrans or the Federal Highway Administration. The groundborne vibration studies should identify necessary construction vibration controls to reduce both human annoyance and the possibility of cosmetic damage. Controls shall include, but not be limited to, the following measures:

- A list of all heavy construction equipment to be used for this project known to produce high vibration levels (tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.) shall be submitted to the City by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort for reducing vibration levels below the thresholds.
- Place operating equipment on the construction site as far as possible from vibration-sensitive receptors.
- Use smaller equipment to minimize vibration levels below the limits.
- Avoid using vibratory rollers and tampers near sensitive areas.
- Select demolition methods not involving impact tools.
- Modify/design or identify alternative construction methods to reduce vibration levels below the limits.
- Avoid dropping heavy objects or materials.

With implementation of General Plan Policy 27.12, future housing development under the Housing Element Update would be required to prepare a groundborne vibration study where heavy construction activities involving significant site grading, underground, or foundation work would occur within 50 feet of residential or other vibration sensitive uses and implement construction vibration controls. For these reasons, the Project would not result in generation of excessive groundborne vibration or groundborne noise levels. **(Less than Significant Impact)**

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**Impact NOI-3:** The project would not be located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport. The project would not expose people residing or working in the project area to excessive noise levels. **(No Impact)**

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The Project is not located within two miles of a public airport or in the vicinity of a private airstrip and would not expose people residing or working in the project area to excessive aircraft noise levels; therefore, the Project would not expose people residing or working in the project area to excessive noise levels due to airport operations or aircraft. **(No Impact)**

### 3.13.2.2 *Cumulative Impacts*

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**Impact NOI-C:** The project would not result in a cumulatively considerable contribution to a cumulatively significant noise impact. **(Less than Significant Cumulative Impact)**

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A significant cumulative impact would occur if two criteria are met: 1) if the cumulative traffic noise level increase was three dBA  $L_{dn}$  or greater for future levels exceeding 60 dBA  $L_{dn}$  or was five dBA  $L_{dn}$  or greater for future levels at or below 60 dBA  $L_{dn}$ ; and 2) if the project would make a “cumulatively considerable” contribution to the overall traffic noise increase. A “cumulatively considerable” contribution would be defined as an increase of one dBA  $L_{dn}$  or more attributable solely to the proposed project. **(Less than Significant Cumulative Impact)**

### 3.13.3 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 (*BIA v. BAAQMD*), effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the Town of Danville has policies (Policy 27.09 and 27.11) that address existing noise conditions affecting a proposed project, which are summarized below.

**Policy 27.09** Generally maintain exterior noise levels below 60 Ldn in areas where outdoor use is a major consideration, such as in residential backyards. Where the Town determines that this level cannot be achieved after reasonable mitigation has been applied, higher standards may be permitted at the discretion of the Town Council. In such cases, indoor noise levels should not exceed an Ldn of 45 dB.

Development sites exposed to noise levels exceeding 60 Ldn shall be analyzed following protocols in Appendix Chapter 12, Section 1207 Sound Transmission of the 2010 California Building Code (or the latest revision).

**Policy 27.11** Ensure that the design of new development near major noise sources (such as Interstate 680) reduces the potential for future occupants to be exposed to high levels of noise. Development on such properties should incorporate appropriate noise mitigation measures.

### **Future Noise Environment**

Noise and Land Use Compatibility guidelines for new development are summarized in Table 1.4-2 above. Low density residential is considered “Normally Acceptable” up to 60 dBA L<sub>dn</sub>/CNEL and multi-family residential is considered “Normally Acceptable” up to 65 dBA L<sub>dn</sub>/CNEL. The following discussion presents the noise and land use compatibility for each subarea. Noise control measures are discussed including site planning, sound walls, and detailed analysis per the requirements of the State Building Code leading to building sound insulation treatments.

#### Sub Area 1

Sub Area 1 is located along the I-680/La Gonda Way corridor and along El Cerro Boulevard southwest of I-680. Noise exposure at several of the candidate housing sites in Sub Area 1 is 70 – 75 dBA L<sub>dn</sub>/CNEL, which is “Normally Unacceptable” where “new construction or development should be discouraged.” If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise-insulation features must be included in the design.

There are also sites within Sub Area 1 where noise exposure is 65 – 70 dBA L<sub>dn</sub>/CNEL. The noise and land use compatibility designation is “Conditionally Acceptable” where “new construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features have been included in the design.” Conventional construction, but with closed windows and fresh air supply systems or air conditioning, will normally suffice.

#### Sub Area 2

Sub Area 2 is located in the Downtown area. Several of the candidate housing sites are located along local roadways, including Railroad Avenue, Front Street, Diablo Road, Hartz Avenue, San Ramon Valley Boulevard, and Boone Court (where it adjoins the I-680 corridor). The noise exposure along these roadways is 65 – 70 dBA L<sub>dn</sub>/CNEL. As discussed above, 65 – 70 dBA L<sub>dn</sub>/CNEL is “Conditionally Acceptable.” Future residential development would be required to prepare a detailed analysis and implement noise reduction measures. Conventional construction, but with closed windows and fresh air supply systems or air conditioning, will normally suffice.

#### Sub Area 3

Subarea 3 is in the San Ramon Valley Boulevard/I-680 corridor south of El Capitan Drive. The noise exposure at these sites along the I-680/San Ramon Valley Boulevard corridor is 70 – 75 dBA L<sub>dn</sub>/CNEL. The noise and land use compatibility designation is “Normally Unacceptable.” If new

construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise-insulation features must be included in the design.

#### Sub Area 4

Subarea 4 is at the intersection of El Cerro Boulevard and Diablo Road. The noise exposure at these sites is 65 – 70 dBA  $L_{dn}$ /CNEL. The noise and land use compatibility designation is “Conditionally Acceptable.” Future residential development would be required to prepare a detailed analysis and implement noise reduction measures. Conventional construction, but with closed windows and fresh air supply systems or air conditioning, will normally suffice.

#### Sub Area 5

Subarea 5 is located at the intersection of Sycamore Valley Road and Old Orchard Drive. The noise and land use compatibility designation is “Conditionally Acceptable.” Future residential development would be required to prepare a detailed analysis and implement noise reduction measures. Conventional construction, but with closed windows and fresh air supply systems or air conditioning, will normally suffice.

#### Sub Area 6

Subarea 6 is located along the southbound side of Camino Tassajara south of Woodside Drive. Site 23 is set back about 500 feet from Camino Tassajara. Site 31 adjoins the roadway. The noise and land use compatibility designation in Sub Area 6 ranges from “Normally Acceptable” to “Conditionally Acceptable.” Future residential development would be required to prepare a detailed analysis and implement noise reduction measures. Conventional construction, but with closed windows and fresh air supply systems or air conditioning, will normally suffice.

#### Sub Area 7

Subarea 7 is located at the intersection of Camino Ramon and Fostoria Way. The noise exposure along the I-680 corridor is 70 – 75 dBA  $L_{dn}$ /CNEL. The noise and land use compatibility designation in Sub Area 7 ranges from “Normally Unacceptable” to “Conditionally Acceptable.” If new construction or development does proceed in “Normally Unacceptable” areas, a detailed analysis of the noise reduction requirements must be made and needed noise-insulation features must be included in the design. In “Conditionally Acceptable” areas, future residential development would be required to prepare a detailed analysis and implement noise reduction measures. Conventional construction, but with closed windows and fresh air supply systems or air conditioning, will normally suffice.

#### Sub Area 8

Sub Area 8 is on Crow Canyon Road at Crow Canyon Country Club. The noise exposure is 70 -75 dBA  $L_{dn}$ /CNEL. The noise and land use compatibility designation is “Normally Unacceptable.” If new construction or development does proceed in “Normally Unacceptable” areas, a detailed analysis of the noise reduction requirements must be made and needed noise-insulation features must be included in the design.

## General Plan Noise Reduction Requirements

Future housing development under the Housing Element Update would be required to adhere to General Plan Policies 27.01, 27.02, 27.09, and 27.11, which would ensure that new residential development meets acceptable noise levels. Acoustical studies would be required, and appropriate noise reduction measures would be implemented, as needed. Future residential development near major sources of noise (i.e., I-680) would be required to incorporate noise mitigation measures to reduce the potential for future occupants to be exposed to high levels of noise. General Plan policy 27.09 stipulates that indoor noise shall not exceed an  $L_{dn}$  (or CNEL) of 45 dBA in new residences. In addition, multi-family housing is subject to the requirements of Title 24, Part 2, of the State Building Code. Where exterior noise levels would exceed 60 dBA  $L_{dn}$ /CNEL, an analysis detailing the treatments incorporated into the building plans shall be prepared and submitted to the Town's Building Department prior to issuance of a building permit. The report shall demonstrate that the design would achieve an interior level of 45 dBA  $L_{dn}$ /CNEL or less in all habitable residential areas.

Potential recommendations to reduce noise exposure may include:

- Utilize site planning to minimize noise impacts to outdoor activity areas. Consider locating non-noise sensitive uses, such as parking (e.g., carports), adjacent to roadways, and using the residential buildings to provide shielding for common outdoor use areas. Site planning is critical for sites in Subareas 1, 3, 7, and 8 proposed in "Normally Unacceptable" noise environments.

Construct noise barriers where necessary to shield outdoor activity areas from local street traffic noise. Most of the sites are proposed in "Conditionally Acceptable" noise exposures. Barriers six to 10 feet high can provide the five to 10 dBA of the noise reduction necessary to make the "Conditionally Acceptable" noise environment compatible. The final location, heights, and designs of barriers will be determined during development of the site plan.

### **3.14 POPULATION AND HOUSING**

#### **3.14.1 Environmental Setting**

##### **3.14.1.1 *Regulatory Framework***

#### **State**

##### **Housing-Element Law**

State requirements mandating that housing be included as an element of each jurisdiction's general plan is known as housing-element law. The Regional Housing Need Allocation (RHNA) is the state-mandated process to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its housing element. California housing-element law requires cities to: 1) zone adequate lands to accommodate its RHNA; 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and a work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.<sup>106</sup>

#### **Regional and Local**

##### **Plan Bay Area 2050**

Plan Bay Area 2050 is a long-range plan for the nine-county San Francisco Bay Area that provides strategies that increase the availability of affordable housing, support a more equitable and efficient economy, improve the transportation network, and enhance the region's environmental resilience. Plan Bay Area 2050 promotes the development of a variety of housing types and densities within identified Priority Development Areas (PDAs). PDAs are areas generally near existing job centers or frequent transit that are locally identified for housing and job growth.<sup>107</sup>

ABAG allocates regional housing needs to each city and county within the San Francisco Bay Area, based on statewide goals. These allocations are designed to lay the foundation for Plan Bay Area 2050's long-term envisioned growth pattern for the region. ABAG also develops a series of forecasts and models to project the growth of population, housing units, and jobs in the Bay Area. ABAG, MTC, and local jurisdiction planning staff created the Forecasting and Modeling Report, which is a technical overview of the of the growth forecasts and land use models upon which Plan Bay Area 2050 is based.

##### **Town of Danville 2023-2031 Housing Element**

The Town of Danville Housing Element and related land use policies were last updated in April 2015. The Town is preparing an update to its Housing Element for the 2023-2031 planning period, in compliance with state housing law. The update is the focus of this PEIR.

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<sup>106</sup> California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing Elements" Accessed February 7, 2022. <http://hcd.ca.gov/community-development/housing-element/index.shtml>.

<sup>107</sup> Association of Bay Area Governments and Metropolitan Transportation Commission. *Plan Bay Area 2050*. October 21, 2021. Page 20..

### 3.14.1.2 Existing Conditions

#### Population

The Bay Area is the fifth-largest metropolitan area in the nation and has seen a steady increase in population since 1990. Many cities in the region have experienced significant growth in jobs and population. While these trends have led to a corresponding increase in demand for housing across the region, the regional production of housing has largely not kept pace with job and population growth. In 2020, the population of Danville was estimated to be 43,590 and there were 15,972 occupied households.<sup>108, 109</sup> The average household size in the Town is 2.8 persons.<sup>110</sup>

#### Housing

As of 2021, there were approximately 16,310 housing units in the Town.<sup>111</sup> Of the total housing units, 15,286 (93.7 percent) are detached or attached single-family units, 993 (6.1 percent) were multifamily units, and 31 (0.2 percent) mobile homes (refer to Table 3.14-1).<sup>112</sup> Between 2010 and 2020, single-family detached housing experienced the most growth in Danville. In 2021, the Town's housing vacancy rate was 4.5 percent.

Table 3.14-1: Housing Characteristics			
Housing Type	2010	2015	2020
Single-Family Detached	12,067	12,188	12,303
Single-Family Attached	2,900	2,907	2,933
Multifamily	950	963	987
Mobile Homes	17	17	31
Source: California Department of Finance. E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2021 with 2010 Census Benchmark. Site accessed February 7, 2022. <a href="https://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/">E-5 Population and Housing Estimates for Cities, Counties, and the State   Department of Finance (ca.gov)</a>			

The majority of the Town's housing stock was built 1960 to 1979, with 7,201 units constructed during this period.<sup>113</sup> Since 2010, 198 units (1.2 percent of the current housing stock) have been built.

In Danville, 13.1 percent of households spend 50 percent or more of their income on housing, while 18.1 percent spend 30 to 50 percent. HUD defines cost-burdened families as those “who pay more

<sup>108</sup> Town of Danville. Danville 2014-2022 Housing Element. April 7, 2015.

<sup>109</sup> This includes the buildout of the 375 Diablo Road project, which required a General Plan Amendment.

<sup>110</sup> California Department of Finance. E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2021 with 2010 Census Benchmark. Site accessed February 7, 2022. <https://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>

<sup>111</sup> Ibid.

<sup>112</sup> California Department of Finance. E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2021 with 2010 Census Benchmark. Site accessed February 7, 2022. <https://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>

<sup>113</sup> Town of Danville. 2023-2031 Draft Housing Element. July 1, 2022.



than 30 percent of their income for housing” and “may have difficulty affording necessities such as food, clothing, transportation, and medical care.” However, these rates vary across income categories. For Danville residents making more than 100 percent of area median income (AMI), just 2.9 percent are severely cost-burdened, and 80.9 percent of those making more than 100 percent of AMI spend less than 30 percent of their income on housing. Whereas 83.8 percent of Danville households making less than 30 percent of AMI spend the majority of their income on housing.

### **Employment**

There are 21,017 employed residents, and 15,680 jobs in Danville.<sup>114</sup> The ratio of jobs to residents indicates that Danville is a net exporter of workers. As of 2019, education (19.8 percent) was the largest employment sector, followed by accommodation and food services (16.8 percent), retail (14.0 percent), and health care (13.4 percent).<sup>115</sup>

In Danville, 77.6 percent of households make more than 100 percent of the AMI, compared to 5.6 percent making less than 30 percent of AMI, which is considered extremely low income. The 2019 median household income in the Town was \$192,116, higher than the County’s median household income of \$130,013.<sup>116</sup>

#### **3.14.2      Impact Discussion**

For the purpose of determining the significance of the project’s impact on population and housing, would the project:

- 1) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- 2) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

##### **3.14.2.1      *Project Impacts***

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<b>Impact POP-1:</b>	The project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). <b>(Less than Significant Impact)</b>
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A project can induce substantial population growth by: 1) proposing new housing beyond projected or planned development levels, 2) generating demand for housing as a result of new businesses, 3) extending roads or other infrastructure to previously undeveloped areas, or 4) removing obstacles to

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<sup>114</sup> Hexagon Transportation Consultants. Danville Housing Element Transportation Study. March 2022.

<sup>115</sup> U.S. Census Bureau. OnTheMap. “Work Area Profile Analysis.” Site accessed February 7, 2022.  
<https://onthemap.ces.census.gov/>

<sup>116</sup> U.S. Census Bureau. Table DP03. Site accessed February 7, 2022.  
<https://data.census.gov/cedsci/table?q=DP03&g=1600000US0617988>

population growth (i.e., expanding capacity of a wastewater treatment plant beyond that necessary to serve planned growth).

Implementation of the Housing Element Update would facilitate new residential construction in order to meet the Town's RHNA allocation. The Housing Element Update would accommodate 2,577 net new dwelling units, which would add 7,215 people (based on 2.8 persons per household). The 2030 General Plan had projected Danville's population would reach 46,030 in 2030.<sup>117</sup> With implementation of the Housing Element Update, Danville's population would reach 51,545 by 2031 (refer to Table 3.14-2). This increase in population has been accounted for in ABAG projections and is therefore consistent with regional growth assumptions. In addition, the population growth associated with the Housing Element Update has been analyzed as part of this Draft PEIR. Therefore, the Project would not induce substantial unplanned population growth. **(Less than Significant Impact)**

<b>Table 3.14-2: Population Projections</b>			
	<b>Households</b>	<b>Population</b>	<b>Jobs</b>
Year 2020	15,677	44,330	19,399
General Plan Buildout (Year 2030)	16,802	46,030	16,760
Housing Element Update (Year 2031)	18,409	51,545 <sup>118</sup>	19,319
<b>Sources:</b> Town of Danville. 2030 General Plan. March 2013. Town of Danville. Danville 2014-2022 Housing Element. April 7, 2015. Hexagon Transportation Consultants. Danville Housing Element Transportation Study. June 2022.			

<sup>117</sup> The 2030 General Plan included population projections for the Town and unincorporated Danville area. For purposes of this PEIR, the relevant population is within the Town limits. In order to establish a 2030 population for the Town limits, this PEIR extrapolated data from the 2030 General Plan and the 2014-2022 Housing Element Update. The 2014-2022 Housing Element Update projected that the Town's population would reach 43,500 by 2020. The Town of Danville approved a General Plan Amendment for 375 Diablo Road, which allowed for 32 additional units beyond what the General Plan had assumed. Using the Department of Finance persons per household of 2.8 for Danville, this amounts to 90 additional residents, or a total of 43,590. The 2030 General Plan had projected that the Town's population (including the unincorporated areas) would reach 49,650 (49,560 + 90) by 2020. In order to project the 2030 population for the Town limits, the 2020 Town + SOI population (49,650) was subtracted from the 2030 Town + SOI population (52,090) = 2,440 and added to the 2020 Town population (43,590) = 46,030. Source: Figure 4 of the 2030 General Plan (page 3.20) and 2014-2022 Housing Element Update.

<sup>118</sup> The VMT analysis analyzed full buildout of the Housing Element Update (4,620 units), which would result in a 2031 population of 57,266. The Housing Element Update would accommodate 2,577 net new dwelling units and would increase the population of Danville by 7,215. Source: Appendix F.

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**Impact POP-2:** The project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. **(Less than Significant Impact)**

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The purpose of the Housing Element Update is to identify and analyze existing and projected housing needs, as well as establish goals, policies, and actions to address these housing needs, including adequate provisioning of affordable housing. Approximately 19 of the 117 candidate housing sites contain existing single-family residential development. However, implementation of the Housing Element Update would result in a higher number and density of units. The Project would result in a net increase in housing and would not necessitate the construction of replacement housing elsewhere. **(Less than Significant Impact)**

#### **3.14.2.2**      *Cumulative Impacts*

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**Impact POP-C:** The project would not result in a cumulatively considerable contribution to a cumulatively significant population and housing impact. **(Less than Significant Cumulative Impact)**

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The geographic area for cumulative population and housing impacts is the Town of Danville.

#### Unplanned Population Growth

As discussed above under Impact POP-1, the growth anticipated as a result of the Project has been accounted for in ABAG projections and is therefore consistent with regional growth assumptions. In addition, the population growth associated with the Housing Element Update has been analyzed as part of this Draft PEIR. Future cumulative development is expected to be generally consistent with the projected buildout of the General Plan. For these reasons, the Project would not have a cumulatively considerable contribution to significant cumulative unplanned population growth.

#### Displace People or Housing

As discussed above under Impact POP-2, the Project would result in a net increase in housing and would not necessitate the construction of replacement housing. Future cumulative development would be consistent with the projected buildout of the General Plan and would not be expected to displace housing. For this reason, the Project would not contribute to a significant cumulative impact due to displacement of residents necessitating the construction of replacement housing. **(Less than Significant Cumulative Impact)**

### **3.15 PUBLIC SERVICES**

#### **3.15.1 Environmental Setting**

##### **3.15.1.1 *Regulatory Framework***

#### **State**

##### Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

##### Government Code Section 65995 through 65998

California Government Code Section 65996 specifies that an acceptable method of offsetting a project's effect on the adequacy of school facilities is the payment of a school impact fee prior to the issuance of a building permit. Government Code Sections 65995 through 65998 set forth provisions for the payment of school impact fees by new development by "mitigating impacts on school facilities that occur as a result of the planning, use, or development of real property" (Section 65996[a]). The legislation states that the payment of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA (Section 65996[b]).

Developers are required to pay a school impact fee to the school district to offset the increased demands on school facilities caused by a proposed residential development project. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

#### **Regional and Local**

##### Contra Costa County General Plan

The Open Space Element of the Contra Costa County General Plan includes goals and policies that aim to protect, conserve, and enhance open space and park lands in the county.

##### Town of Danville 2030 General Plan

The following policies in the Town's General Plan have been adopted for the purpose of reducing or avoiding impacts related to public services and are applicable to the Housing Element Update.

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Policy	Description
1.06	Consider the cumulative effects of development on community facilities and services, such as transportation and schools, throughout the planning process.

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Policy	Description
6.03	Allow new development based on the project's demonstration of a plan for full public services (such as roads, parks, schools, fire, police, sanitary sewer facilities, water, and flood control) to which all providers are committed and where service can be assured in a timely manner.
6.04	Maintain level of service standards for transportation and parks, and Town policies and programs which ensure that these standards are maintained, within the parameters allowed by state law, as future development occurs.
6.08	Continue to implement a development mitigation program which ensures that development projects pay their share of the costs of local services (such as local streets, parks, fire, police, sanitary, sewer, water, and flood control) associated with that development. New development projects may only be approved where the Town finds that adopted minimum performance standards will be observed.
6.09	Encourage other jurisdictions and special districts in the Tri-Valley area to require that services are committed or in place prior to approving new development.
11.06	Cooperate with the San Ramon Valley Fire Protection District in providing the fire protection facilities needed to maintain or improve existing fire protection standards.
11.07	Encourage superior schools in Danville by coordinating CEQA and the Development Review process with the San Ramon Valley Unified School District. To the extent permitted by law, this review should ensure that new development contributes its fair share to the timely construction of new school and/or administrative facilities.
17.05	Strive to maintain the existing (2010) standard of 6.6 acres of parkland per 1,000 residents.
20.02	Coordinate development approvals with the appropriate agencies to ensure that adequate water quantity, quality, and distribution; adequate sewage collection and wastewater treatment capacity; and other utilities can be provided to serve proposed development projects without adverse community impacts.
20.06	Ensure that the costs of upgrading and constructing public facilities needed to serve new development shall be the responsibility of the developers and not existing residents.
20.07	Discourage private infrastructure improvements such as private roads and private storm drainage systems.
20.08	Protect surface water from pollution by ensuring that stormwater discharges comply with Regional Water Quality Control Board San Francisco Bay Municipal Regional Permit (RWQCB-SF Bay MRP) requirements.
22.03	Assure provision of adequate fire equipment access to all developed and open space areas.
22.04	Maintain a response time of less than five minutes for emergency fire calls to be met a minimum of 90 percent of the time calls and/or a fire station within 1.5 miles of all residential and nonresidential development. Where this standard cannot be met, and/or where severe wildland fire hazards exist, require special mitigation measures for fire prevention as necessary.

Policy	Description
22.05	Prior to project approval, require written verification from the San Ramon Valley Fire Protection District on the anticipated response time to the project and the distance from existing stations.
30.01	Maintain a police response time of no more than 5 minutes for 90 percent of all emergency (priority one) calls, exclusive of dispatch time and excluding 911 hang-ups. For all other police calls, maintain a maximum 20 minute response time for 90 percent of all such calls, again exclusive of dispatch time.

### Town of Danville Municipal Code

Under Chapter 32 Planning and Land Use, Section 32-83 Park Dedication of the Town’s Municipal Code provides for the Quimby Act and the dedication of open space. The general standard requires five acres of park land per 1,000 persons. Developers are responsible for providing park land or the payment of fees at the time of approval of a subdivision or parcel map or as a condition of approval of a building permit. However, projects that require a General Plan Amendment are subject to a standard of 6.5 acres of parkland per 1,000 people based upon the 1994 Dougherty Valley Settlement Agreement.

### Parks, Recreation and Arts Strategic Plan

The Parks, Recreation, and Arts Strategic Plan, adopted by the Danville Town Council on July 5, 2017, established a long-range vision for parks, recreation, and arts in Danville. The Strategic Plan includes vision principles, strategies, and action steps to improve and enhance parks, open space, trails, and cultural and public art.

#### **3.15.1.2      *Existing Conditions***

#### **Fire Protection**

The San Ramon Valley Fire Protection District (SRVFPD) provides all-risk fire, rescue and emergency medical services to the communities of Alamo, Blackhawk, the Town of Danville, Diablo, the City of San Ramon, the southern area of Morgan Territory and the Tassajara Valley, all located in Contra Costa County. The District’s service area encompasses approximately 155 square miles and serves a population of 192,858.<sup>119</sup>

The SRVFPD operates ten fire stations, a 911 dispatch center, an administrative office building, a tactical training site and various ancillary facilities including an essential services warehouse, a communications annex building and several radio towers. The District employs 188 personnel, in addition to approximately 50 volunteers for two separate volunteer programs.<sup>120</sup>

<sup>119</sup> San Ramon Valley Fire Protection District. Our District. Site accessed on November 9, 2021.

<https://www.firedepartment.org/our-district>

<sup>120</sup> San Ramon Valley Fire Protection District. Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2020. Site accessed on November 9, 2021.

<https://www.firedepartment.org/home/showpublisheddocument/4473/637479695902030000>

SRVFPD currently maintains two stations in Danville, one at Diablo Road near its intersection with McCauley and Green Valley Road (Station 33) and one on San Ramon Valley Boulevard, just south of the intersection with Sycamore Valley Road (Station 31). A third station (Station 36), serving the Sycamore Valley area and the unincorporated Blackhawk area, is located in an unincorporated area on Blackhawk Road, just off Camino Tassajara. A fourth station (Station 35) serves the Lawrence Road area and Danville's abutting Sphere of Influence area and also unincorporated areas comprising the southeastern portion of Blackhawk, the Betterncourt/Shadow Creek/Hansen Lane area, the Alamo Creek area and the Upper Tassajara Valley area.

The SRVFPD's goal is to maintain overall response times consistent with the District's "Standards of Cover" policies, as summarized in Table 3.15-1.

<b>Table 3.15-1: SRVFPD Adopted Response Time Benchmark Goals</b>				
<b>Population Category</b>	<b>First Due Travel Time (Minutes)</b>	<b>First Due Reflex Time (Minutes)</b>	<b>First Alarm Travel Time (Minutes)</b>	<b>First Alarm Reflex Time (Minutes)</b>
Urban	4	7	8	11
Suburban	5	8	9	12
Rural	14	17	18	21
Source: Town of Danville. Town of Danville. General Plan 2030 Draft EIR. October 12, 2012.				

### **Police Protection**

Police protection services are provided to the Town of Danville by the Danville Police Department (PD). The Danville PD has 42 employees who proudly serve the residents of The Town of Danville. This dedicated group consists of 30 Officers, and 12 Civilian Support Personnel. In addition, there are eight Reserve Officers, and 32 Volunteers in Policing that help deliver services to residents.<sup>121</sup> The Danville PD has one police station located within the Town Offices facility at 510 La Gonda Way. The Danville PD has a goal of meeting all emergency calls within five minutes and all non-emergency calls within 15 minutes.<sup>122</sup> The Department strives to maintain a service ratio of at least one officer for every 1,400 residents.<sup>123</sup> Currently, the Danville PD has a service ratio of 0.93 officers for every 1,400 residents.<sup>124</sup>

The Danville PD maintains mutual aid agreements to provide emergency staffing assistance for all agencies within Contra Costa County. Longer term assistance would also be available in the event of a major disaster or other contingency.<sup>125</sup>

<sup>121</sup> Town of Danville. Danville Police Department. Site accessed on November 9, 2021.

<https://www.danville.ca.gov/162/Police-Services>

<sup>122</sup> Town of Danville. Town of Danville. General Plan 2030 Draft EIR. October 12, 2012. Page 4.13.3.

<sup>123</sup> Ibid.

<sup>124</sup> Ingrassia, Jason. Administrative Lieutenant. Danville Police Department. Personal Communication. July 18, 2022.

<sup>125</sup> Town of Danville. Town of Danville. General Plan 2030 Draft EIR. October 12, 2012. Page 4.13.3.



## Schools

Danville is entirely within the jurisdiction of the San Ramon Valley Unified School District (SRVUSD), which also serves the communities of Alamo, Blackhawk, Diablo, and San Ramon (including the new Dougherty Valley communities in east San Ramon) as well as a small portion of the cities of Walnut Creek and Pleasanton. SRVUSD is comprised of 36 schools serving more than 32,000 students in Transitional Kindergarten through Grade 12.<sup>126</sup> SRVUSD employs approximately 4,500 people, hiring 250-300 employees per year.

### Elementary Schools

As of March 2022, enrollment at SRVUSD elementary schools serving Danville for the 2021-2022 school year was 4,840 students, compared to an estimated total capacity of 5,876 students.<sup>127</sup> The SRVUSD elementary schools serving Danville residents are summarized in Table 3.15-2.

<b>Table 3.15-2: SRVUSD School Enrollment</b>			
<b>School</b>	<b>Address</b>	<b>Enrollment 2021-2022</b>	<b>Grades</b>
<b>Elementary Schools</b>			
Creekside Elementary School	6011 Massara Street	541	K-5
Golden View Elementary School	5025 Canyon Crest Drive	632	TK-5
Greenbrook Elementary School	1475 Harlan Drive	644	K-5
Green Valley Elementary School	1001 Diablo Road	488	TK-5
John Baldwin Elementary School	741 Brookside Drive	449	TK-5
Montair Elementary School	300 Quintera Lane	504	TK-5
Sycamore Valley Elementary School	2200 Holbrook	581	K-5
Tassajara Hills Elementary School	4675 Camino Tassajara Road	456	K-5
Vista Grande Elementary School	667 Diablo Road	545	TK-5
<b>Middle Schools</b>			
Charlotte Wood Middle School	600 El Capitan Drive	920	6-8

<sup>126</sup> San Ramon Valley Unified School District. Overview. Site accessed November 9, 2021.

[https://www.srvusd.net/pf4/cms2/view\\_page?d=x&group\\_id=1531973258567&vdid=ri20b1x34v11ao](https://www.srvusd.net/pf4/cms2/view_page?d=x&group_id=1531973258567&vdid=ri20b1x34v11ao)

<sup>127</sup> Perault, Tina. Senior Planning and Development Manager, San Ramon Valley Unified School District. Personal Communication. April 26, 2022.

<b>Table 3.15-2: SRVUSD School Enrollment</b>			
<b>School</b>	<b>Address</b>	<b>Enrollment 2021-2022</b>	<b>Grades</b>
Diablo Vista Middle School	4100 Camino Tassajara	841	6-8
Los Cerros Middle School	968 Blemer Road	504	6-8
Stone Valley Middle School	3001 Miranda Avenue	584	6-8
<b>High Schools</b>			
Monte Vista	3131 Stone Valley Road	2,292	9-12
San Ramon Valley	501 Danville Blvd	1,952	9-12
School enrollment identified by the SRVUSD in March 2022. Source: Perault, Tina. Senior Planning and Development Manager, San Ramon Valley Unified School District. Personal Communication. April 26, 2022.			

### Middle Schools

Three SRVUSD middle schools serve Danville residents, as summarized in Table 3.15-2. Charlotte Wood's attendance boundary is currently wholly within the Town limits. Diablo Vista, which has a school property that is actually bisected by the Town limit (its sports fields and much of its parking area are outside of Danville), serves residents of Blackhawk and Tassajara Valley in addition to residents of Danville. Los Cerros serves residents of Alamo, Blackhawk and Diablo households in addition to residents of Danville. Danville households west of Interstate 680 generally fall into the Stone Valley attendance area, meaning residents of those households are served by an intermediate school located in Alamo.

As of March 2022, enrollment at SRVUSD middle schools serving Danville for the 2021-2022 school year was 2,849 students, compared to an estimated total capacity of 3,777.<sup>128</sup>

### High Schools

Two SRVUSD high schools serve the Town of Danville, as summarized in Table 3.15-2. Also located in Danville, sharing a site with San Ramon Valley High School, is Del Amigo, operated as a continuation high school.

As of March 2022, enrollment at SRVUSD high schools serving Danville for the 2021-2022 school year was 4,244 students, compared to an estimated total capacity of 4,713.<sup>129</sup>

<sup>128</sup>Perault, Tina. Senior Planning and Development Manager, San Ramon Valley Unified School District. Personal Communication. April 26, 2022.

<sup>129</sup> Danville high school capacity and enrollment identified by the SRVUSD through March 2022. Source: Perault, Tina. Senior Planning and Development Manager, San Ramon Valley Unified School District. Personal Communication. April 26, 2022.

## Parks

The Town of Danville contains approximately 215 acres of Town-maintained and operated park facilities and 67 acres of non-Town maintained or owned facilities for a total of approximately 282 acres. Park and recreational facilities are summarized in Table 3.15-3 below.

<b>Table 3.15-3: Parks and Recreation Facility Inventory</b>		
<b>Facility</b>	<b>Acreage</b>	<b>Amenities</b>
<b>Community Parks</b>		
Diablo Vista Park	31.82	Children's play area, sand volleyball court, covered picnic area, lighted sports fields, and two tennis courts
Hap Magee Ranch Park	9.01	Children's play area, water feature, picnic areas, dog park, and walking trails
Oak Hill Park	43.69	Sand volleyball court and picnic areas
Osage Station Park	30.10	Children's play area, tennis courts, baseball diamonds, several soccer fields, plus a path around the park
Sycamore Valley Park	48.88	Children's play area, recreational fountain, reflection pond, jogging path, picnic area, and bocce ball courts
Weber/Davidson dedication	3.66	Addition to Oak Hill Park
<i>Acreage Subtotal</i>	167.2	
<b>Neighborhood Parks</b>		
Danville South Park	1.38	Children's play area, basketball court, picnic tables
Greenbrook School Park	1.01	Children's play area, picnic tables
<i>Acreage Subtotal</i>	2.39	
<b>Mini/Pocket Parks</b>		
Bret Harte Park	0.67	Passive open space, walkway
El Pintado Park	0.18	Benches, creek overlooks
Front Street Park	0.36	Picnic table, benches, drinking fountain, public art
Prospect Corner Park	0.06	Seating areas, kiosk

<b>Table 3.15-3: Parks and Recreation Facility Inventory</b>		
<b>Facility</b>	<b>Acreage</b>	<b>Amenities</b>
Railroad / Linda Mesa Park	0.09	Seating areas, fountain, kiosk
Railroad Hartz Avenue Park	0.07	Seating areas, entry feature
<i>Acreage Subtotal</i>	1.43	
<b>Special Use Facilities</b>		
Danville Library, Community Center and Town Green	3.38	2-building complex, plaza, bandstand, passive open space, and ancillary parking
Town Meeting Hall, Village Theatre and Art Gallery	1.28	2-building complex of Heritage Resource Buildings with multi-purpose utilization and ancillary parking
Veterans Memorial Building	0.32	Multi-purpose activity/meeting facility
Teen Centers	0.27	3 individual buildings on Charlotte Wood, Diablo Vista, and Los Cerros Middle School campuses owned by Town
West Briar Knolls Midden Area	4.91	Open space remainder of the West Briar Knolls development dedicated to the Town to protect archaeological resources—area available to public through Town-issued permit
Southern Pacific Railroad Depot	0.25	National Registry structure serving as home to the Museum of the San Ramon Valley
<i>Acreage Subtotal</i>	10.41	
<b>Town Improved and Maintained Facilities</b>		
School Parks (John Baldwin, Greenbrook, Green Valley, Montair, Charlotte Wood, Vista Grande, San Ramon Valley High School, and Monte Vista High School)	24.09	Children's play areas, basketball courts, baseball/ softball fields, soccer fields, picnic tables, and parking areas
Special Use Trails	2.12	Seating, drinking fountain, information kiosk, bike racks
<i>Acreage Subtotal</i>	33.91	

<b>Table 3.15-3: Parks and Recreation Facility Inventory</b>		
<b>Facility</b>	<b>Acreage</b>	<b>Amenities</b>
<b>SRVUSD Facilities/Non-Town Owned or Maintained Facilities</b>		
Sports Fields and Courts	54.3	
Gymnasiums, Pools, and Multi-Purpose Indoor Facilities	1.4	
Iron Horse Trail	10.88	
<i>Acreage Subtotal</i>	66.58	
<b>Total</b>	<b>281.92</b>	
Source: Town of Danville. Town of Danville. General Plan 2030 Draft EIR. October 12, 2012.		

In addition to numerous community parks, neighborhood parks, and mini/pocket parks, the Town of Danville is surrounded by open space managed by a variety of jurisdictions including the State of California and the East Bay Regional Parks District (EBRPD). Major regional open space areas include Mt. Diablo State Park, Las Trampas Regional Wilderness, and Sycamore Valley Open Space.

Mt. Diablo State Park borders the northeast corner of Danville. The State Park includes a variety of recreational opportunities including hiking, camping, biking, and picnicking within the park's 20,000 acres. Las Trampas Regional Wilderness, within the EBRPD system, is a 2,432-acre regional park northwest and west of the town.<sup>130</sup> Visitors can enjoy a series of hiking and equestrian trails and an established picnic area.

Sycamore Valley Open Space, another EBRPD park, is a 696-acre preserve located southeast of Danville. Hiking trails traverse two major ridges and grassland habitat.

There are four community-wide trail systems in Danville: Iron Horse Trail, Sycamore Creek Trail, Green Valley Creek Trail, and Diablo Road Trail.

### **Libraries and Community Centers**

The Danville Library is operated through a partnership between the Town of Danville and the Contra Costa County Library System. The 17,200 square foot library, located in the same complex as the Danville Community Center, at 400 Front Drive, has a circulation of 78,000 printed materials, 33 public computer stations, and six catalog computers.<sup>131</sup>

Danville residents are also served by the Contra Costa County Library system at large, with the San Ramon and Dougherty Station branches both located in close proximity to portions of Danville. The sizes of the collections at these two locations are 70,000 and 54,000 printed materials,

<sup>130</sup> Town of Danville. Town of Danville. General Plan 2030 Draft EIR. October 12, 2012. Page 4.13-44.

<sup>131</sup> Town of Danville. Town of Danville. General Plan 2030 Draft EIR. October 12, 2012. Page 4.13-29.

respectively.<sup>132</sup> Based on the printed materials available to Danville residents (202,000), local Contra Costa libraries have approximately four printed materials per capita.<sup>133</sup>

The Town also operates a number of special use facilities providing various community services, including, the Danville Community Center, Town Meeting Hall, Village Theatre and Art Gallery, Veterans Memorial Building, and Teen Centers (refer to Table 3.15-3).

### **3.15.2            Impact Discussion**

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

- 1) Fire protection?
- 2) Police protection?
- 3) Schools?
- 4) Parks?
- 5) Other public facilities?

#### **3.15.2.1            *Project Impacts***

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<b>Impact PS-1:</b>	The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection services. <b>(Less than Significant Impact)</b>
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Implementation of the Housing Element Update would facilitate new residential construction in order to meet the Town's RHNA allocation. The 2030 General Plan had projected Danville's population would reach 46,030<sup>134</sup> within the Town limits in 2030. With implementation of the Housing Element

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<sup>132</sup> Ibid. Page 4.13-29.

<sup>133</sup> Ibid. Page 4.13-30.

<sup>134</sup> The 2030 General Plan included population projections for the Town and unincorporated Danville area. For purposes of this PEIR, the relevant population is within the Town limits. In order to establish a 2030 population for the Town limits, this PEIR extrapolated data from the 2030 General Plan and the 2014-2022 Housing Element Update. The 2014-2022 Housing Element Update projected that the Town's population would reach 43,500 by 2020. The Town of Danville approved a General Plan Amendment for 375 Diablo Road, which allowed for 32 additional units beyond what the General Plan had assumed. Using the Department of Finance persons per household of 2.8 for Danville, this amounts to 90 additional residents, or a total of 43,590. The 2030 General Plan had projected that the Town's population (including the unincorporated areas) would reach 49,650 (49,560 + 90) by 2020. In order to project the 2030 population for the Town limits, the 2020 Town + SOI population (49,650) was

Update, Danville's population would reach 51,545 by 2031 (as discussed previously in Section 3.14 Population and Housing). The Housing Element Update would accommodate 2,577 net new dwelling units, which would add 7,215 people (based on 2.8 persons per household). As a result, there would be an increase demand on the SRVFPD. The candidate housing sites are located within the urban limits of Danville and would not result in an expansion of the service area for the SRVFPD.

According to Danville's General Plan 2030 EIR, buildout under the General Plan would increase demand for fire and emergency medical protection services by SRVFPD. To accommodate the additional growth, the SRVFPD would potentially need to construct new facilities and/or add equipment. Development of the candidate housing sites would be subject to project-level environmental review, providing the SRVFPD the opportunity to comment on the projects and to request upgrades of facilities and/or equipment needed to serve the new growth. Additionally, future development under the Housing Element Update would be required to comply with General Plan policies that would reduce the impact of new housing development on fire and emergency services. This includes General Plan Policies 6.03 and 6.08 that would require development to pay development fees to support the SRVFPD, Policy 22.03 that would assure adequate access to developed housing sites, and Policy 22.04 and Policy 22.05 that would require adequate response time to the candidate housing site within the SRVFPD service area.

With the implementation of General Plan Policies 6.03, 6.08, and 22.03 to 22.05, the Housing Element Update would not directly result in any substantial adverse physical impacts on the environment due to the need for new or physically altered fire facilities. **(Less than Significant Impact)**

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<b>Impact PS-2:</b>	The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection services. <b>(Less than Significant Impact)</b>
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As discussed under Impact PS-1, implementation of the Housing Element Update would result in 2,577 net new dwelling units, which would add 7,215 people (based on 2.8 persons per household) to the Town's population. As a result, there would be an increase demand for police protection services.

According to the General Plan 2030 EIR, the Danville PD has a service ratio of one officer for every 1,400 residents. The Danville PD currently employs 30 sworn officers which would set a service ratio of 0.93 officers for every 1,400 residents.<sup>135</sup>

Development of the candidate housing sites would be subject to project-level environmental review to ensure that police response times are maintained pursuant to General Plan Policy 30.01.

Additionally, General Plan Policies 6.03 and 6.08 require development projects ensure adequate

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subtracted from the 2030 Town + SOI population (52,090) = 2,440 and added to the 2020 Town population (43,590) = 46,030. Source: Figure 4 of the 2030 General Plan (page 3.20) and 2014-2022 Housing Element Update.

<sup>135</sup> Ingrassia, Jason. Administrative Lieutenant. Danville Police Department. Personal Communication. July 18, 2022.



response times can be provided and development mitigation fees are paid to support the Danville PD. Future development of the candidate housing sites would not expand the service area for the Danville PD. With the implementation of General Plan Policies 6.03, 6.08, and 30.01, the Housing Element Update would not directly result in any substantial adverse physical impacts on the environment due to the need for new or physically altered police facilities. **(Less than Significant Impact)**

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<b>Impact PS-3:</b>	The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for schools. <b>(Less than Significant Impact)</b>
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Residential development under the Housing Element Update would generate approximately 7,215 new residents or 2,577 new households. Students in Danville attend schools in the SRVUSD. Implementation of the Housing Element Update would generate approximately 1,444 students, including 593 elementary students, 361 middle school students, and 490 high school students (refer to Table 3.15-4).<sup>136</sup> SRVUSD enrollment in Danville's elementary schools, middle schools, and high schools is summarized in Table 3.15-4. The capacity of Danville's elementary schools, middle schools, and high schools is also presented in Table 3.15-4. With the addition of the projected increase in students as a result of the Housing Element Update, the SRVUSD elementary schools and middle schools within Danville would have a remaining capacity of 443 students and 567 students, respectively.<sup>137</sup> However, the projected increase in high school students would exceed the remaining capacity of Danville's SRVUSD high schools by 21 students.<sup>138</sup> The increase in projected high school students could exceed the capacity of Danville's SRVUSD high schools and require the provision of new or physically altered school facilities. The General Plan 2030 EIR concluded that high school capacity would be exceeded with buildout of the General Plan and that planned improvements would increase capacity to meet demand.<sup>139</sup> Any school capacity improvements required to accommodate increased student enrollment would require project-specific environmental review.

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<sup>136</sup> 2,577 units x 0.23 elementary school students/unit = 593 students; 2,577 units x 0.14 middle school students/unit = 361 students; 2,577 units x 0.19 high school students/unit = 490 students. Total increase in students is 593 + 361 + 490 = 1,444 students. Source: Perault, Tina. Senior Planning and Development Manager, San Ramon Valley Unified School District. Personal Communication. March 31, 2022.

<sup>137</sup> Elementary school capacity of 5,876 students minus enrollment of 4,840 students provides a current remaining capacity of 1,036 students. The addition of 593 elementary students generated from the Housing Element Update would leave a projected remaining capacity of 443. Middle school capacity of 3,777 students minus enrollment of 2,849 students provides a current remaining capacity of 928 students. The addition of 361 middle school students generated from the Housing Element Update would leave a projected remaining capacity of 567 students.

<sup>138</sup> High school capacity of 4,713 students minus enrollment of 4,244 students provides a current remaining space for 469 students. The addition of 490 high school students generated from the Housing Element Update would exceed the projected remaining space by 21 students.

<sup>139</sup> Town of Danville. Town of Danville. General Plan 2030 Draft EIR. October 12, 2012. Page 4.13-26.

<b>Table 3.15-4: SRVUSD Enrollment, Capacity, and Student Generation in Danville</b>				
	Enrollment	Capacity	Student Generation	Remaining Space
Elementary Schools	4,840	5,876	593	+443
Middle Schools	2,849	3,777	361	+567
High Schools	4,244	4,713	490	-21
Source: Perault, Tina. Senior Planning and Development Manager, San Ramon Valley Unified School District. Personal Communication. April 26, 2022.				

Consistent with General Plan Policy 11.07, future development under the Housing Element Update would be subject CEQA and the Town's development review process. This would ensure that new development contributes its fair share to the construction of new school facilities, consistent with California Government Code 65996. Pursuant to state law, payment of applicable school fees would ensure the Project would have a less than significant impact on school facilities and services. **(Less than Significant Impact)**

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**Impact PS-4:** The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for parks. **(Less than Significant Impact)**

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The Housing Element Update would accommodate 2,577 net new dwelling units, which would add 7,215 people (based on 2.8 persons per household). As a result, there would be an increased demand for park services. The Town has an adopted parkland standard of 6.6 acres of improved parkland per 1,000 residents.<sup>140</sup> As discussed in Section 3.15.1.2 Existing Conditions, the Town currently contains over 282 acres of parkland and could provide 6.6 acres of parkland for up to 56,400 residents.

With implementation of the Housing Element Update, Danville's population would reach 51,545 by 2031 (refer to Section 3.14 Population and Housing).

In order to maintain the Town's parkland standard, future development under the Housing Element Update would require a combination of strategies outlined in the General Plan. These would include on-site dedication of parks, the use of impact fees to acquire new parkland (Quimby Act), and joint use agreements to use other public open space for recreation purposes. In addition, future development under the Housing Element Update would be required to comply with General Plan Policies 6.03 and 6.08, which establishes of level-of-service standards; allowance of development based upon sufficient provision of public services; and mitigation programs to assure park and recreational facility funding.

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<sup>140</sup> Town of Danville. Town of Danville. General Plan 2030 Draft EIR. October 12, 2012. Page 4.13-43.

As such, it is not expected that the adoption or implementation of the Housing Element Update would directly result in any substantial adverse physical impacts to parks and recreational facilities. Therefore, the impact to parks would be less-than-significant.

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<b>Impact PS-5:</b>	The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for other public facilities. <b>(Less than Significant Impact)</b>
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The Housing Element Update would accommodate 2,577 net new dwelling units, which would add 7,215 people (based on 2.8 persons per household). As a result, there would be an increased demand for library services.

According to the Danville General Plan 2030 EIR, the Contra Costa Public Library system includes three branches serving Danville residents with over four printed materials per capita compared to the statewide average of 1.97.<sup>141</sup> The General Plan 2030 EIR concluded that under maximum population growth under the General Plan, Danville would still far exceed statewide average printed materials per capita. In addition, the General Plan 2030 EIR noted that Contra Costa County Libraries' inventory of print materials would continue to expand and meet the needs of the Town. The addition of approximately 7,215 residents under the Housing Element Update, therefore, would not substantially impact library operations or require construction of additional facilities. Therefore, implementation of the Housing Element Update would have a less than significant impact on libraries.

### **3.15.2.1      *Cumulative Impacts***

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<b>Impact PS-C:</b>	The project would not result in a cumulatively considerable contribution to a cumulatively significant public services impact. <b>(Less than Significant Cumulative Impact)</b>
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The geographic area considered for cumulative public service impacts is the Town of Danville.

#### Fire Protection

As previously discussed under Impact PS-1, the General Plan 2030 EIR concluded that implementation of the General Plan would increase demand for fire and emergency medical protection services by the SRVFPD. To accommodate the additional growth, the SRVFPD would potentially need to construct new facilities and/or add equipment. Consistent with the findings in the General Plan 2030 EIR, future cumulative development (including the Project) would be subject to project-level environmental review, providing the SRVFPD the opportunity to comment on the projects and to press for provision/request upgrades of facilities and/or equipment needed to serve the

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<sup>141</sup> Ibid. Page 4.13-30.

new growth. For these reasons, the cumulative projects would not result in significant cumulative impact to fire protection facilities and services.

#### Police Protection

Future cumulative development (including the Project) would increase demand for police protection services. Consistent with the findings in the General Plan 2030 EIR, future cumulative development (including the Project) would be subject to project-level environmental review to ensure that police response times are maintained pursuant to General Plan Policy 26.01. In addition, the General Plan requires development projects pay development fees to support the Danville PD (Policy 6.03 and 6.08). For these reasons, the cumulative projects would not result in significant cumulative impact to police protection facilities and services.

#### Schools

Future cumulative residential development (including the Project) would increase enrollment in SRVUSD schools. As required by state law (Government Code Section 65996), cumulative projects that include residential development are required to contribute its fair share to the construction of new school facilities to mitigate the increase in demand on schools generated by new development to a less than significant level. Consistent with General Plan Policy 11.07, future development under the Housing Element Update would be subject CEQA and the Town's development review process. Therefore, the cumulative projects (including the Project) would not result in a significant cumulative impact on local schools.

#### Parks

Future cumulative development would increase demand for park and recreational facilities. In order to maintain the Town's parkland standard, future cumulative development (including the Project) would require a combination of strategies outlined in the General Plan. These would include on-site dedication of parkland, the use of impact fees to acquire new parkland (Quimby Act), and joint use agreements to use other public open space for recreation purposes. In addition, future development under the Housing Element Update would be required to comply with General Plan Policies 6.03 and 6.08, which establishes level of service standards; allowance of development based upon sufficient provision of public services; and mitigation programs to assure park and recreational facility funding. Therefore, the cumulative projects (including the Project) would not result in a significant cumulative impact on park facilities.

#### Other Public Facilities

As previously discussed under Impact PS-5, the General Plan 2030 EIR concluded that existing and future library facilities would exceed county and statewide average printed materials per capita under buildout of the General Plan. For this reason, the cumulative projects (including the Project) would not result in a significant cumulative impact to library facilities. **(Less than Significant Cumulative Impact)**

### **3.16 RECREATION**

#### **3.16.1 Environmental Setting**

##### **3.16.1.1 *Regulatory Framework***

###### Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

#### **Regional**

##### East Bay Regional Park District Master Plan

The Master Plan defines the vision and the mission of the EBRPD and sets priorities for the future. It explains the EBRPD's multi-faceted responsibilities and provides policies and guidelines for achieving the highest standards of service in resource conservation, management, interpretation, public access and recreation. The Master Plan is designed to maintain a careful balance between the need to protect and conserve resources and the recreational use of parklands for all to enjoy now and in the future. It was prepared with the active participation of the EBRPD's citizen-based Park Advisory Committee and with extensive review and comment from the community. The EBRPD's first master plan was approved in 1973, and updated in July 2013.

#### **Local**

##### Town of Danville 2030 General Plan

The following policies in the Town's General Plan have been adopted for the purpose of reducing or avoiding recreation-related impacts and are applicable to the Housing Element Update.

Policy	Description
6.03	Allow new development based on the project's demonstration of a plan for full public services (such as roads, parks, schools, fire, police, sanitary sewer facilities, water, and flood control) to which all providers are committed and where service can be assured in a timely manner.
6.04	Maintain level of service standards for transportation and parks, and Town policies and programs which ensure that these standards are maintained, within the parameters allowed by state law, as future development occurs.
6.08	Continue to implement a development mitigation program which ensures that development projects pay their share of the costs of local services (such as local streets, parks, fire, police, sanitary, sewer, water, and flood control) associated with that development. New development projects may only be approved where the Town finds that adopted minimum performance standards will be observed.

Policy	Description
6.09	Encourage other jurisdictions and special districts in the Tri-Valley area to require that services are committed or in place prior to approving new development.
17.05	Strive to maintain the existing (2010) standard of 6.6 acres of parkland per 1,000 residents.

### **3.16.1.2      *Existing Conditions***

The Town of Danville contains approximately 215 acres of Town-maintained and operated park facilities and 67 acres of non-Town maintained or owned facilities for a total of approximately 282 acres. Park and recreational facilities are summarized in Table 3.15-3 (refer to Section 3.15.1.2).

In addition to numerous community parks, neighborhood parks, and mini/pocket parks, the Town of Danville is surrounded by open space managed by a variety of jurisdictions including the State of California and the EBRPD. Major regional open space areas include Mt. Diablo State Park, Las Trampas Regional Wilderness, and Sycamore Valley Open Space.

Mt. Diablo State Park borders the northeast corner of Danville. The State Park includes a variety of recreational opportunities including hiking, camping, biking, and picnicking within the park's 20,000 acres. Las Trampas Regional Wilderness, within the EBRPD system, is a 2,432-acre regional park northwest and west of the town.<sup>142</sup> Visitors can enjoy a series of hiking and equestrian trails and an established picnic area.

Sycamore Valley Open Space, another EBRPD park, is a 696-acre preserve located southeast of Danville. Hiking trails traverse two major ridges and grassland habitat.

There are four community-wide trail systems in Danville: Iron Horse Trail, Sycamore Creek Trail, Green Valley Creek Trail, and Diablo Road Trail.

### **3.16.2      Impact Discussion**

For the purpose of determining the significance of the project's impact on recreation:

- 1) 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?
- 2) 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?

<sup>142</sup> Town of Danville. Town of Danville. General Plan 2030 Draft EIR. October 12, 2012. Page 4.13-44.

### 3.16.2.1 *Project Impacts*

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**Impact REC-1:** The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. **(Less than Significant Impact)**

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The Housing Element Update would accommodate 2,577 net new dwelling units, which would add 7,215 people (based on 2.8 persons per household). As a result, there would be an increased demand for park services. As discussed under Impact PS-5, the General Plan identifies strategies for maintaining the Town's parkland standard, including on-site dedication of parks, the use of impact fees to acquire new parkland (Quimby Act), and joint use agreements to use other public open space for recreation purposes. In addition, future development under the Housing Element Update would be required to comply with General Plan Policies 6.03 and 6.08, which establish level of service standards; allowance of development based upon sufficient provision of public services; and mitigation programs to assure park and recreational facility funding. For these reasons, implementation of the Housing Element Update would not result in a significant impact on recreational facilities. **(Less than Significant Impact)**

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**Impact REC-2:** The project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. **(Less than Significant Impact)**

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Residential development under the Housing Element Update would be required to implement strategies for maintaining the Town's parkland standard (refer to discussion in Impact REC-1). Future residential development would be subject to project-level environmental review, therefore, any future construction of recreational facilities associated with such development would be analyzed in accordance with CEQA to determine whether adverse physical effects on the environment would occur. **(Less than Significant Impact)**

### 3.16.2.2 *Cumulative Impacts*

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**Impact REC-C:** The project would not result in a cumulatively considerable contribution to a cumulatively significant recreation impact. **(Less than Significant Cumulative Impact)**

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The geographic area considered for cumulative recreation impacts is the Town of Danville.

Future cumulative development would increase demand for park and recreational facilities. In order to maintain the Town's parkland standard, future cumulative development (including the Project) would require a combination of strategies outlined in the General Plan. These would include on-site dedication of parkland, the use of impact fees to acquire new parkland (Quimby Act), and joint use agreements to use other public open space for recreation purposes. In addition, future development under the Housing Element Update would be required to comply with General Plan Policies 6.03 and 6.08, which establishes level of service standards; allowance of development based upon sufficient



provision of public services; and mitigation programs to assure park and recreational facility funding. Therefore, the cumulative projects (including the Project) would not result in a significant cumulative impact on park facilities. **(Less than Significant Cumulative Impact)**

### **3.17 TRANSPORTATION**

The following discussion is based, in part, on a VMT Analysis prepared by Hexagon Transportation Consultants, Inc. The report, dated June 2022, is attached to this EIR as Appendix F.

#### **3.17.1 Environmental Setting**

##### **3.17.1.1 *Regulatory Framework***

#### **State**

##### **Regional Transportation Plan**

MTC is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Contra Costa County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2050 in October 2021, which includes a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2050.

##### **Senate Bill 743**

SB 743 establishes criteria for determining the significance of transportation impacts using a vehicle miles traveled (VMT) metric intended to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. Specifically, SB 743 requires analysis of VMT in determining the significance of transportation impacts. Local jurisdictions were required by Governor's Office of Planning and Research (OPR) to implement a VMT policy by July 1, 2020.

SB 743 did not authorize OPR to set specific VMT impact thresholds, but it did direct OPR to develop guidelines for jurisdictions to utilize. CEQA Guidelines Section 15064.3(b)(1) describes factors that might indicate whether a development project's VMT may be significant. Notably, projects located within 0.50 mile of transit should be considered to have a less than significant transportation impact based on OPR guidance.

#### **Regional and Local**

##### **Congestion Management Program**

CCTA oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant state legislation requires that urbanized counties in California prepare a CMP in order to obtain each county's share of gas tax revenues. State legislation requires that each CMP define traffic LOS standards, transit service standards, a trip reduction and transportation demand management plan, a land use impact analysis program, and a capital improvement element. CCTA has review responsibility for proposed development projects that are expected to affect CMP-designated intersections.

## 2030 General Plan

The following policies in the Town's General Plan have been adopted for the purpose of reducing or avoiding transportation-related impacts and are applicable to the Housing Element Update.

Policies	Description
11.01	Support balanced transportation improvements which make all modes of travel more efficient, attractive, convenient, and safe.
11.05	Ensure that new development pays its fair share of transportation improvement costs and includes reasonable and effective measures to mitigate its impacts on transportation.
12.02	Require design measures to accommodate access by pedestrians, bicycles, and transit within new development, and to provide connections to adjacent development.
12.03	Provide a pleasant and safe environment for pedestrian movement.
12.04	Provide additional directional and destination signage for motorists, bicyclists, pedestrians, and transit users.
12.05	Limit the number of curb cuts and other access points along arterial streets to avoid congestion and improve traffic and pedestrian safety.
12.06	Consider allowing narrower streets and private streets when it can be demonstrated that public safety and emergency access concerns can be adequately addressed.
12.07	Close gaps in the Town's bicycle and pedestrian trail network in order to create a more fully connected, logical, comprehensive system of facilities for non-motorized transportation.
12.08	Ensure the provision of adequate bicycle support facilities, such as bicycle parking, at all major bicycle usage locations.
12.09	Seek grant funding for capital improvements which enhance travel choices, improve connectivity, and make it easier to walk or bicycle within Downtown Danville.
12.10	Ensure that parking areas are designed to facilitate safe pedestrian access between parking spaces, sidewalks, and building entrances. In pedestrian-oriented areas such as Downtown Danville, parking for new commercial uses should generally be located behind the building rather than between the building and the front lot line.
12.12	To the extent permitted by law, ensure that the Town's transportation improvement fees may be used to support pedestrian, bicycle, and transit improvements as well as road improvements.
13.01	Support an expanded bus transit system in Danville which is integrated with surrounding communities and coordinated through CCCTA (County Connection) and other transportation agencies in the Tri-Valley area.
13.02	Encourage private and quasi-public transit services which complement the County Connection public transit system, such as shuttle buses, circulators, deviated fixed route services, and corporate vanpools.
13.03	Support the development of passenger amenities which facilitate transit use, such as information on scheduled arrival times and appropriately located bus stops.

Policies	Description
13.04	Encourage ridesharing, car and vanpooling, infrastructure improvements (such as the Sycamore Valley Road Park and Ride Lot) and services which jointly reduce the need to travel by single-occupant automobile.
13.05	Create and maintain a safe, effective system of bikeways, including an integrated network of off-road bicycle trails, dedicated on-road bicycle lanes and signed bicycle routes along Danville streets.
13.06	Review all planned road improvement projects to ensure that the needs of pedestrians, bicyclists, and persons with special needs are considered.
13.07	Support educational programs which promote bicycle and pedestrian safety, and the health benefits of bicycling and walking.
13.08	Support the concepts of car-sharing and bike-sharing as an alternative mode of travel.
13.09	Improve access to Downtown Danville for transit dependent workers, seniors, and persons traveling without an automobile.
14.01	Coordinate development planning with the capacity of the transportation system and coordinate the planning of the transportation system with existing and planned land uses.
14.02	Require site-specific traffic studies for development that is likely to generate significant volumes of traffic. If such studies indicate that the development could cause the Town's transportation standards to be exceeded, require modifications to the project and/or impose transportation improvement requirements which ensure that these standards are maintained.
14.03	Maintain level of service (LOS) standards for Danville streets which balance vehicle speed and travel time objectives with other considerations, such as the safety and comfort of pedestrians, bicyclists, and transit users. Standards may vary according to roadway function and the character of surrounding uses.
14.04	Promote pedestrian-oriented mixed use development in appropriate locations, including residential, commercial, and employment activities that are easily accessible by foot, bicycle, or transit.
14.05	As a means of reducing peak hour trips, encourage owner/resident operated home occupations and telecommuting from home where the business is not perceptible from the exterior of the home.
14.08	Allow reduced parking requirements for projects which are likely to have lower rates of vehicle use (such as senior housing) or which include shared parking facilities or other provisions which reduce off-street parking needs.
15.03	Require the design of streets in new development areas to incorporate traffic calming features.
16.01	Work with other agencies, including neighboring cities, Contra Costa County, TVTC, CCTA, SWAT, County Connection, Caltrans, and MTC on multi-jurisdictional transportation issues affecting Danville.
16.06	Coordinate transportation planning with emergency service providers to ensure the safety of residents and the ability for continued rapid emergency response.

Policies	Description
16.07	Link the local bicycle and pedestrian trail system to the regional system to provide improved access to regional destinations, public transit, and open space.
16.09	Support continued bus access from Danville to BART stations, Amtrak, Altamont Commuter Express, and other rail systems.

### Emergency Operations Plan

The Town of Danville has an Emergency Operations Plan (EOP) which is focused on disaster response and recovery. The EOP identifies the roles of Town staff in the event of an emergency, designates an emergency control center, addresses provisions for shelter and emergency supplies, and provides basic protocol for emergency response. It includes guidelines for coordinating with state and federal agencies, and for deploying emergency response personnel. The EOP meets the State requirements defined by the Standard Emergency Management System and the Federal requirements defined by the National Incident Management System, ensuring eligibility for funding in the event of a disaster.

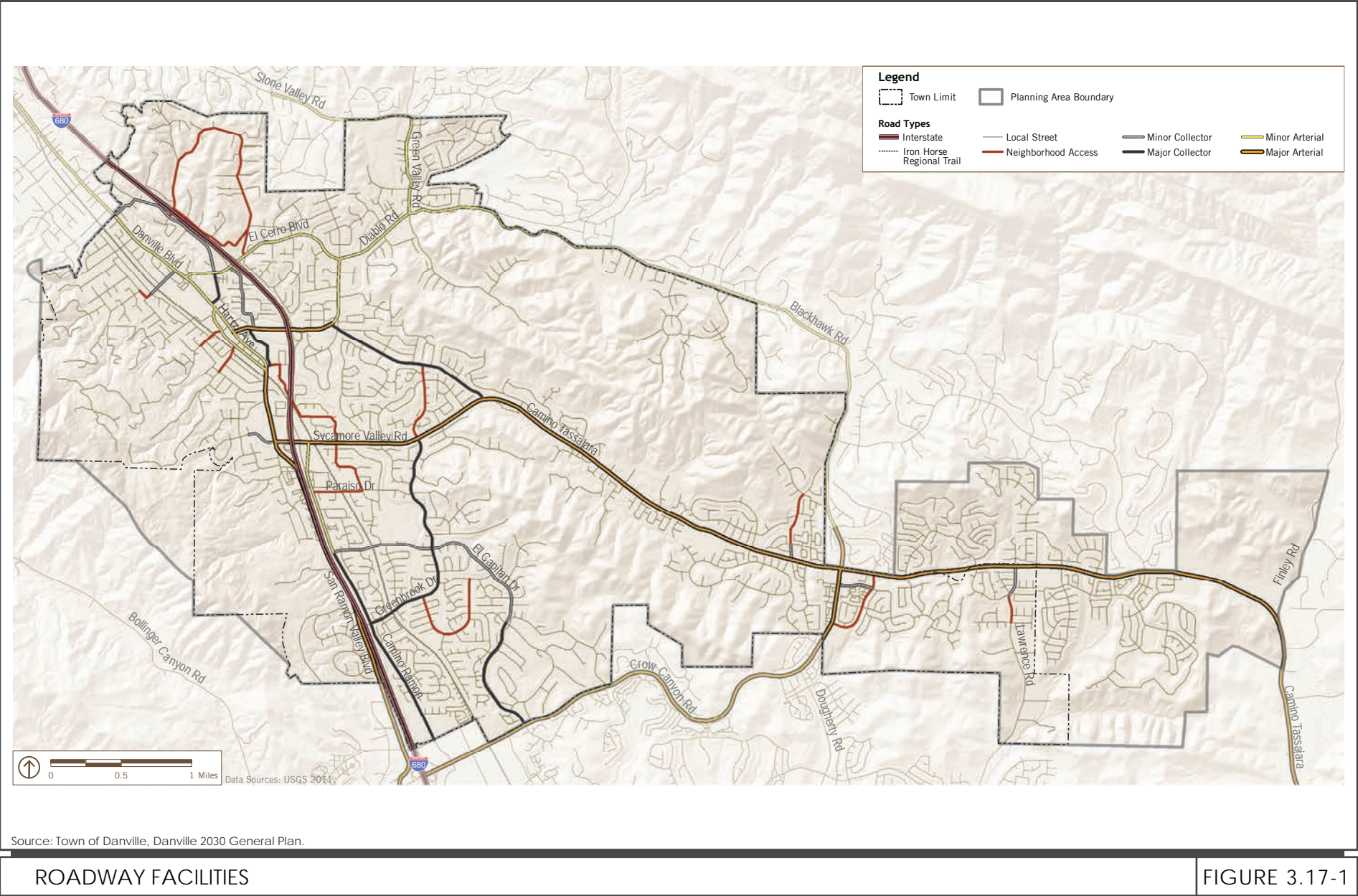
### **3.17.1.2      *Existing Conditions***

#### **Roadway Network**

Regional and local roadways providing access to Danville are summarized in Table 3.17-1 below and shown on Figure 3.17-1.

<b>Table 3.17-1: Roadway Network</b>	
Regional Access	<ul style="list-style-type: none"> <li>I-680 is a north-south freeway that bypasses the Town of Danville. Drivers enter Danville's local road system through four freeway interchanges, including Sycamore Valley Road, Diablo Road, El Cerro Boulevard, and El Pintado Road. Several Danville neighborhoods can also be accessed through the Crow Canyon Road interchange in San Ramon.</li> </ul>
Major Arterial Streets	<ul style="list-style-type: none"> <li>San Ramon Valley Boulevard (southerly Town limits to Sycamore Valley Road)</li> <li>Sycamore Valley Road (San Ramon Valley Boulevard to Camino Tassajara)</li> <li>Camino Tassajara (Sycamore Valley Road to easterly Town limit)</li> <li>Crow Canyon Road (Camino Tassajara to southerly Town limit)</li> <li>Blackhawk Road (Camino Tassajara to Blackhawk Drive)</li> <li>Diablo Road (Hartz Avenue to West Alamos Drive)</li> </ul>
Minor Arterial Streets	<ul style="list-style-type: none"> <li>Danville Boulevard (Railroad Avenue to northerly Town limit)</li> <li>Hartz Avenue (San Ramon Valley Boulevard to Railroad Avenue)</li> <li>San Ramon Valley Boulevard (Sycamore Valley Road to Hartz Avenue)</li> <li>Railroad Avenue (San Ramon Valley Boulevard to Hartz Avenue)</li> <li>Camino Ramon (Greenbrook Drive to Sycamore Valley Road)</li> </ul>

<b>Table 3.17-1: Roadway Network</b>	
	<ul style="list-style-type: none"> <li>• Green Valley Road (Diablo Road to Stone Valley Road)</li> <li>• Diablo Road (West Alamos Drive to easterly Town limit)</li> <li>• El Cerro Boulevard (Danville Boulevard to Diablo Road)</li> <li>• Stone Valley Road (Town limit to Green Valley Road)</li> <li>• Blackhawk Road (Blackhawk Drive to Diablo Road, including those portions within Town limit)</li> </ul>
Major Collectors	<ul style="list-style-type: none"> <li>• Front Street (Diablo Road to Hartz Way)</li> <li>• Camino Ramon (San Ramon City limits to Greenbrook Drive)</li> <li>• Greenbrook Drive (Camino Ramon to Sycamore Valley Road)</li> <li>• El Capitan Drive (Crow Canyon Road to St. Regis Drive)</li> <li>• Camino Tassajara (Diablo Road to Sycamore Valley Road)</li> <li>• La Gonda Way (El Cerro Boulevard to Danville Boulevard)</li> </ul>
Minor Collectors	<ul style="list-style-type: none"> <li>• La Gonda Way (El Cerro Boulevard to El Portal)</li> <li>• El Portal (Danville Boulevard to La Gonda Way)</li> <li>• Del Amigo Road (Danville Boulevard to Verona Avenue)</li> <li>• West El Pintado Road (El Cerro Boulevard to Diablo Road)</li> <li>• Hartz Way (Hartz Avenue to Front Street)</li> <li>• Sycamore Valley Road West (San Ramon Valley Boulevard to Calvary Court)</li> <li>• El Capitan Drive (St. Regis Drive to Camino Ramon)</li> <li>• Old Blackhawk Road (Camino Tassajara to Maison Drive)</li> <li>• Center Way (Crow Canyon Road to Tassajara Ranch Drive)</li> <li>• Lawrence Road (Camino Tassajara to Jasmine Way)</li> </ul>
Neighborhood Access Streets	<ul style="list-style-type: none"> <li>• El Pintado Road (La Gonda Way to El Cerro Boulevard)</li> <li>• Del Amigo Road (Verona Avenue to Calmar Vista Road)</li> <li>• Linda Mesa Avenue (Railroad Avenue to Esther Lane)</li> <li>• West Prospect Avenue (Railroad Avenue to Estates Drive)</li> <li>• Hartz Way (Front Street to Laurel Drive)</li> <li>• Laurel Drive (Hartz Way to Brookside Drive)</li> <li>• Harlan Drive (Greenbrook Drive to St. Helena Drive)</li> <li>• Brookside Drive (Laurel Drive to Sycamore Valley Road)</li> <li>• Old Orchard Drive (Sycamore Valley Road to Camino Tassajara)</li> <li>• Old Blackhawk Road (Maison Drive to Laurelwood Drive)</li> <li>• Tassajara Ranch Drive (Camino Tassajara to Crow Canyon Road)</li> <li>• Lawrence Road (Jasmine Way to Shelterwood Lane)</li> <li>• Paraiso Drive (Camino Ramon to Everett Drive)</li> <li>• El Rio Road (El Pintado Road to El Pintado Road)</li> </ul>



ROADWAY FACILITIES

FIGURE 3.17-1



## **Bicycle Facilities**

Existing bicycle facilities within the Town are shown below on Figure 3.17-2. Existing bicycle facilities within the Town include bike paths (Class I bike path), striped bike lanes (Class II bike path) and bike routes (Class III). These facilities are described below.

### Class I Bicycle Facilities

Class I bicycle facilities (multi-use paths or bike trails) are off-street, two-way bikeways physically separated from motor vehicle traffic. There are approximately 7.7 miles of Class I Bikeway in the Town of Danville, as shown on Figure 3.17-2. This includes the Iron Horse Trail, which runs approximately 4.75 miles through Danville, transecting Downtown Danville as it runs in a north-northwesterly to south-southeasterly direction from unincorporated Alamo to the north, to the City of San Ramon to the south.

### Class II Bicycle Facilities

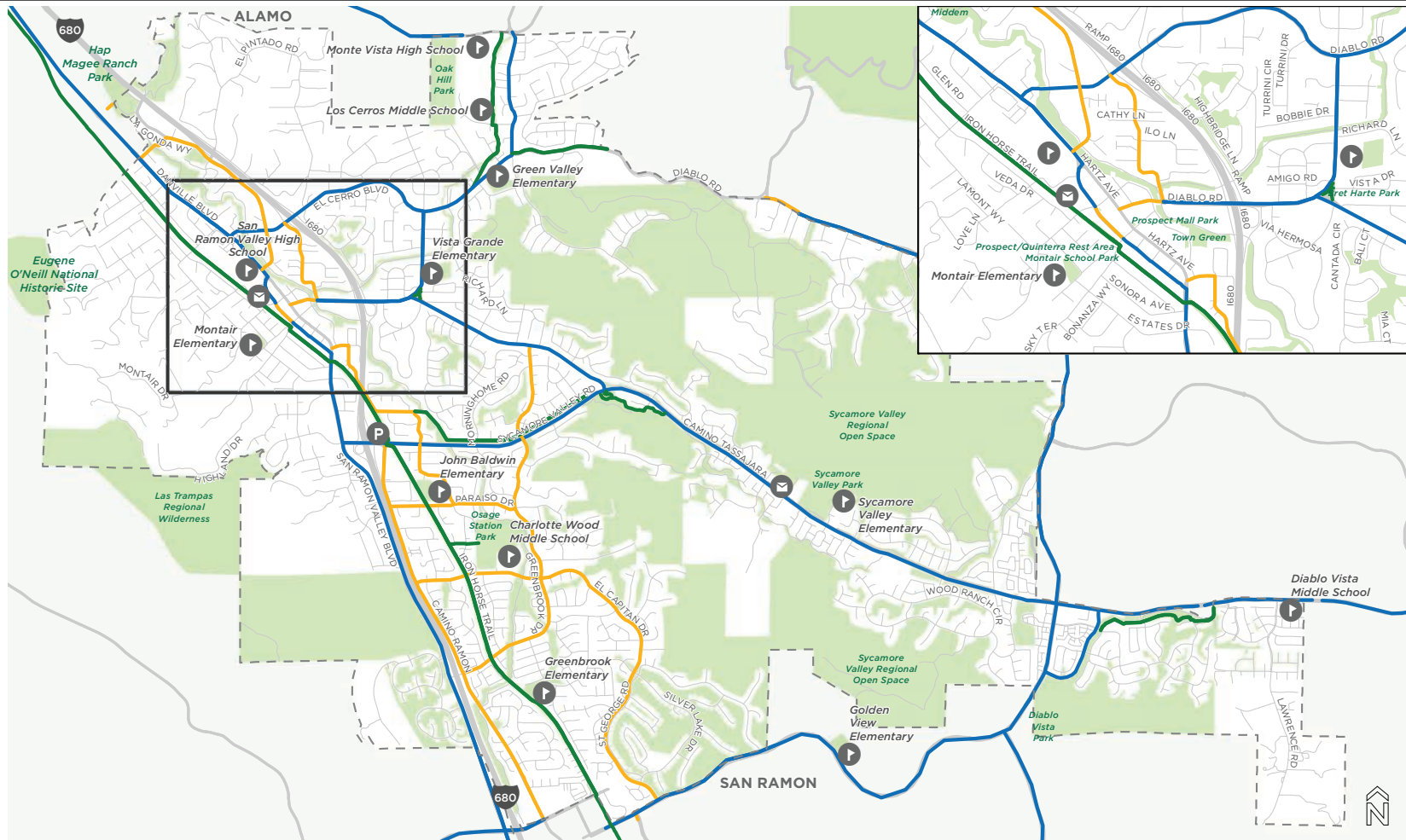
Class II bicycle facilities, or unprotected bike lanes, provide dedicated on-street space for bicyclists in the roadway, delineated with painted pavement stripes and symbols on the roadway surface. There are several existing Class II Bikeways in Danville, including:

- Danville Boulevard/Hartz Avenue (northern Town limit to Railroad Avenue)
- El Cerro Boulevard (Danville Boulevard to Diablo Road)
- Green Valley Road (Stone Valley Road to Diablo Road)
- Stone Valley Road (Green Valley Road to Town limit)
- Sycamore Valley Road (San Ramon Valley Boulevard to Camino Tassajara)
- Camino Tassajara (Diablo Road to eastern Town limits) Railroad Avenue (Danville Boulevard to San Ramon Valley Boulevard)
- San Ramon Valley Boulevard (Railroad Boulevard to the southern Town limit)
- Crow Canyon Road (Camino Tassajara to the southern Town limit)
- Diablo Road (Front Street to Green Valley Road)

### Class III Bicycle Facilities

Class III bikeways, or bike routes, designate a preferred route for bicyclists on streets shared with motor traffic not served by dedicated bikeways to provide continuity to the bikeway network. Bike routes are generally not appropriate for roadways with higher motor traffic speeds or volumes. Bike routes are established by placing bike route signs and optional shared roadway markings along roadways. There are several existing Class III Bikeways in Danville, including:

- Camino Ramon (Fostoria Way to Sycamore Valley Road)
- Greenbrook Drive
- El Capitan Drive
- Paraiso Drive



#### Existing Bikeways

- Class I Shared-Use Path
- Class II Bicycle Lane
- Class III Bicycle Route

#### Features

- ✉ Post Office
- 🏫 School
- P Park & Ride
- Parks and Open Space
- Town Boundary

Source: Town of Danville; Contra Costa County, May 2021.

## BICYCLE FACILITIES

FIGURE 3.17-2

- La Gonda Way
- W. El Pintado
- Diablo Road (Danville Boulevard to Front Street)

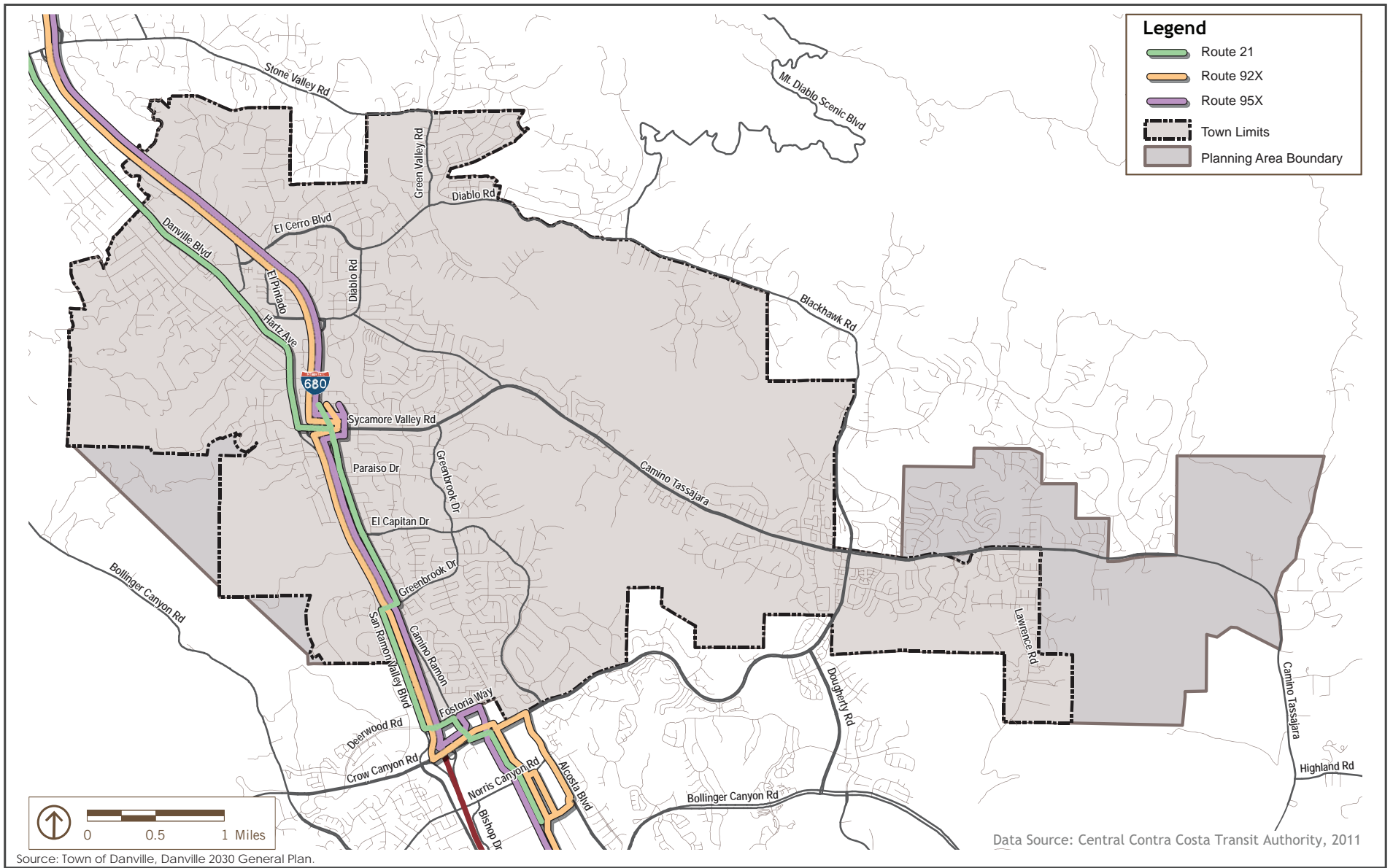
### **Pedestrian Facilities**

The Town of Danville has a generally well-developed and connected system of sidewalks and crosswalks in the downtown and adjacent neighborhoods.

### **Transit Services**

Local bus service is provided to Danville by CCCTA, or “County Connection.” The County Connection operates four types of bus service in Danville, as summarized below in Table 3.17-2 and shown on Figure 3.17-3.

<b>Table 3.17-2: Existing Transit Facilities</b>			
<b>Bus Route</b>	<b>Route Description</b>	<b>Weekday Hours of Operation</b>	<b>Headway (minutes)<sup>1</sup></b>
Route 21	Connects the Walnut Creek BART station with the San Ramon Intermodal Transit Center in Bishop Ranch Business Park	5:30 am to 9:30 pm	30 (peak)
Route 95X	Provides service between the Walnut Creek BART station and the San Ramon Intermodal Transit Facility	6:00 am to 8:45 am and 3:15 pm to 7:15 pm (weekdays only)	30
Route 92X	Provides service from Danville Sycamore Park & Ride Lot and San Ramon Transit Center to the Altamont Commuter Express (A.C.E.) train station in Pleasanton	5:30 am to 7:30 am and 3:30 pm to 7:45 pm (weekdays only)	30 to 60
Route 623	Runs on a limited service basis, providing service primarily to school children. It begins at Alamo Plaza on Danville Boulevard and winds its way eastward and southward to the City of San Ramon.	Varies by school bell times	N/A



TRANSIT FACILITIES

FIGURE 3.17-3

### 3.17.2 Impact Discussion

For the purpose of determining the significance of the project's impact on transportation, would the project:

- 1) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities?
- 2) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?
- 3) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- 4) Result in inadequate emergency access?

#### 3.17.2.1 *Project Impacts*

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<b>Impact TRN-1:</b>	The project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities. <b>(Less than Significant Impact)</b>
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#### **Roadway Facilities**

While a project's effect on automobile delay is no longer considered an impact under CEQA, local jurisdictions have roadway LOS standards. General Plan Policy 14.03 requires that new development maintain level of service standards for Danville streets. LOS standards for designated Routes of Regional Significance are established by the CCTA. On local roads, LOS "D" will remain the threshold, except in locations (to be specifically identified through the CEQA process) where the Town determines that LOS D cannot be maintained due to traffic originating outside of Danville.

Implementation of the Housing Element Update would facilitate new residential construction in order to meet the Town's RHNA allocation. As part of the Town's design review process and consistent with General Plan Policy 14.02, future residential development projects that generate significant volumes of traffic would be required to prepare a traffic study to show that measured against applicable municipal and CCTA LOS standards, all study intersections operate at an acceptable LOS during the AM and PM peak hours and would continue to do so with the addition of traffic from the proposed project. In the event that LOS deficiencies were identified, future development projects would be required to identify improvements to the multi-modal network. However, this deficiency would not be a significant impact under CEQA (pursuant to SB 743).

#### **Bicycle and Pedestrian Facilities**

Future residential development under the Housing Element Update would occur primarily on sites either already developed and underutilized, or in close proximity to existing development. As discussed in Section 3.17.1.2 Existing Conditions, the Town is served by existing bicycle and pedestrian facilities. There are many policies in the General Plan that serve to promote bicycle and pedestrian circulation including Policies 12.02 to 12.08, 12.10, 12.12, 13.05 to 13.09, 16.07, and 16.08. With adherence to these General Plan policies, future development under the Housing

Element Update would result in a less than significant impact to bicycle and pedestrian facilities.  
**(Less than Significant Impact)**

### **Transit Facilities**

As described in Section 3.17.1.2 Existing Conditions, transit access is provided by CCTA Route 21, 95X, 92X, and 623. Future development under the Housing Element Update would generate additional transit users. There are several policies in the General Plan that serve to promote transit use and enhance transit service including Policies 12.02, 13.01, 13.02, 13.03, 13.04, and 16.09. With adherence to these General Plan policies, future development under the Housing Element Update would result in a less than significant impact to transit facilities. **(Less than Significant Impact)**

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**Impact TRN-2:** The project would conflict and be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). **(Significant and Unavoidable Impact)**

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This question pertains specifically to VMT as the means of analyzing the transportation impacts of a project. As described in Section 3.17.1.1 Regulatory Framework, OPR has directed local jurisdictions to implement a VMT policy pursuant to SB 743. While the Town of Danville has not formally adopted a VMT policy, the CCTA's Growth Management Program Implementation Guide states that for residential developments, the VMT analysis should be based on home-based VMT per resident. For residential developments, the VMT threshold would be 15 percent below the existing town-wide residential home-based VMT per capita average.

For the purposes of this PEIR, a significant VMT impact would occur if one of the Housing Element Update Sub Area's residential home-based VMT per resident exceeded the existing (year 2020) town-wide VMT threshold for residential projects. As estimated by the CCTA model, the Year 2020 town-wide average residential VMT is estimated at 22.3 daily VMT per resident. Therefore, the VMT threshold for this Project is 19.0 daily VMT per resident.

### **VMT Evaluation**

The Housing Element Update has a buildout year of 2031, therefore VMT for the candidate housing site Sub Areas are analyzed under year 2031 conditions. For purposes of the VMT analysis, the Year 2031 Plus Housing Element Update scenario evaluates a capacity of 4,620 units above existing conditions, spread across the eight sub areas. It is anticipated that the Town will not ultimately include all candidate housing sites in the Housing Element but will provide housing capacity for an additional 2,577 housing units consistent with RHNA requirements.<sup>143</sup>

The results of the CCTA model run under the Year 2031 Plus Housing Element Update scenario is presented in Table 3.17-3 below.

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<sup>143</sup> Therefore, the residential land use assumptions studied in the model is an overestimate.

<b>Table 3.17-3: Sub Area VMT</b>					
<b>Sub Area</b>	<b>Proposed Households</b>	<b>VMT per resident</b>	<b>Exceed VMT threshold?</b>	<b>Reduction Needed to Reduce VMT Impact (percent)</b>	<b>Significance</b>
1	1,137	19.8	<b>Yes</b>	4	<b>Significant</b>
2	1,523	18.8	No	--	LTS
3	575	16.7	No	--	LTS
4	108	21.8	<b>Yes</b>	13	<b>Significant</b>
5	151	22.3	<b>Yes</b>	15	<b>Significant</b>
6	412	23.2	<b>Yes</b>	18	<b>Significant</b>
7	514	16.7	No	--	LTS
8	200	18.6	No	6	LTS
Notes: LTS = Less than Significant Source: Hexagon Transportation Consultants, Inc. Danville Housing Update Transportation Study. June 2022.					

As shown in Table 3.17-3, Sub Areas 2, 3, 7 and 8 would generate VMT below the Town-wide residential VMT threshold and VMT impacts would be less than significant.

Sub Areas 1, 4, 5, and 6 would generate residential VMT at 4 to 18 percent above the Town-wide residential VMT threshold this would be a significant impact.

**Impact TRN-2.1:** Residential development in Sub Areas 1, 4, 5, and 6 would exceed the Town-wide threshold of 19.0 VMT per resident resulting in a significant impact.  
**(Significant Impact)**

### **Mitigation Measures:**

The CCTA's Growth Management Program Implementation Guide outlined various VMT mitigation measures, as well as their potential effectiveness. Table 3.17-4 summarizes the potential project- and community-scale measures that could be implemented to reduce VMT and the associated VMT reduction.



<b>Table 3.17-4: Potential VMT Mitigation Measures</b>		
<b>Strategy</b>	<b>Type of Trips Affected</b>	<b>Range of Potential VMT Reduction (percent)</b>
<b>Project-Scale Strategies</b>		
1. Increase land use diversity through greater mix of uses on site	All	0 to 12
2. Implement ride-sharing program	Primarily commute trips	2.5 to 8.3
3. Subsidize or discount transit passes	Primarily commute trips	0.1 to 16
4. Incentivize telework and alternative schedules	Commute trips	0.2 to 4.5
5. Price and manage parking	All	2 to 30
<b>Community-Scale Strategies</b>		
6. Improve the pedestrian network	All	0.5 to 5.7
7. Implement traffic calming and low-stress bicycle facilities	All	0 to 1.7
8. Increase transit service frequency	All	0.3 to 6.3
9. Implement neighborhood or community-wide car-sharing programs	All	0.3 to 1.5
10. Coordinate school pools	School	7 to 15
Source: Hexagon Transportation Consultants, Inc. <i>Danville Housing Update Transportation Study</i> . June 2022.		

As shown in Table 3.17-3 above, Sub Areas 2, 3, 7 and 8 would generate VMT below the Town-wide residential VMT threshold and VMT impacts would be less than significant. Therefore, future residential development in these areas would not need to implement VMT mitigation. Sub Areas 1, 4, 5, and 6 would generate residential VMT at 4 to 18 percent above the Town-wide residential VMT threshold and would need to implement VMT mitigation measures to reduce the impact to less than significant. The mitigation measures presented in Table 3.17-4 were applied to Sub Areas 1, 4, 5, and 6 and the range of effectiveness of these VMT reduction strategies is presented in Table 3.17-5 below.

<b>Table 3.17-5: Effectiveness of Potential VMT Mitigation Strategies by Sub Area</b>						
<b>Sub Areas</b>	<b>Residential VMT</b>	<b>Project-Scale Mitigation</b>		<b>Community-Scale Mitigation</b>		<b>Total Potential Reduction (percent)</b>
		<b>Applicable Strategies</b>	<b>Potential Reduction (percent)</b>	<b>Applicable Strategies</b>	<b>Potential Reduction (percent)</b>	
1	19.8	2, 3, 5	3.9	6, 8, 9	1.3	5.2
4	21.8	2, 3, 5	3.9	6, 8, 9	1.3	5.2
5	22.3	2, 3, 5	3.6	6, 8, 9	1.3	4.9
6	23.2	2, 3, 5	3.8	6, 8, 9	1.3	5.1
Source: Hexagon Transportation Consultants, Inc. <i>Danville Housing Update Transportation Study</i> . June 2022.						

As show in in Table 3.17-5, residential development in Sub Areas 1, 4, 5, and 6 could implement project-scale and community-scale mitigation measures that would reduce VMT 4.9 to 5.2 percent.

**MM TRN-2.1:** The Town proposes to adopt the following development standard to require future development on Housing Element Update sites in Sub Areas 1, 4, 5, and 6 incorporate project-scale and community-scale measures to reduce residential VMT to the maximum extent possible.

**Development Standard:**

Implement a comprehensive TDM program that includes the following elements:

- Ride-sharing program
- Subsidize or discount transit passes
- Price and manage parking

Applicants shall coordinate with the Town and CCTA to implement the following community-scale strategies:

- Improve the pedestrian network
- Increase transit service frequent
- Implement neighborhood or community-wide car-sharing programs

As shown in Table 3.17-6, Sub Area 1, with the implementation of MM TRN-2.1, would be able to reduce VMT by up to 5.2 percent, resulting in a residential VMT of 18.8 per resident, which is below the Town-wide threshold of 19.0 VMT per resident. Implementation of the VMT mitigation strategies described above would reduce residential VMT to 20.7 for Sub Areas 4, 21.2 for Sub Area

5, and 22.0 for Sub Area 6, which would still exceed the Town-wide threshold of 19.0 VMT per resident, this constitutes a significant and unavoidable VMT impact. **(Significant and Unavoidable Impact)**

Table 3.17-6: Effectiveness of Potential VMT Mitigation Strategies by Sub Area					
Sub Areas	Residential VMT	Reduction Needed to Mitigate Impact (percent)	Total Potential Reduction (percent)	Potential Net VMT (after mitigation)	Impact Conclusion
1	19.8	4	5.2	18.8	LTS with mitigation
4	21.8	13	5.2	20.7	<b>SU</b>
5	22.3	15	4.9	21.2	<b>SU</b>
6	23.2	18	5.1	22.0	<b>SU</b>
Notes: SU = Significant and Unavoidable					
Source: Hexagon Transportation Consultants, Inc. Danville Housing Update Transportation Study. June 2022.					

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**Impact TRN-3:** The project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). **(Less than Significant Impact)**

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Implementation of the Housing Element Update would facilitate new residential construction in order to meet the Town's RHNA allocation. No significant design hazard impacts were identified in the General Plan 2030 EIR. Future development under the Housing Element Update would be subject to, and constructed in accordance with, applicable roadway design and safety guidelines and General Plan Policies 12.03, 12.04, and 12.09. Therefore, the Housing Element Update would not increase hazards because of a roadway design feature or incompatible uses. **(Less than Significant Impact)**

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**Impact TRN-4:** The project would not result in inadequate emergency access. **(Less than Significant Impact)**

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The General Plan includes policies that support the continued provision of adequate vehicle flows and emergency access, including Policies 12.02, 12.05, 14.01, 14.02, 16.01, and 16.06. Future development under the Housing Element Update would be designed in accordance with Town standards and specifications which address the circulation network. Therefore, the Project would not result in inadequate emergency access. **(Less than Significant Impact)**

### 3.17.2.2 Cumulative Impacts

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**Impact TRN-C:** The project would result in a cumulatively considerable contribution to a cumulatively significant transportation impact. **(Significant and Unavoidable Cumulative Impact)**

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The geographic area for cumulative transportation resource impacts is the Town.

### Program, Plan, Ordinance, or Policy Addressing the Circulation System

Future cumulative projects (including the Project) would be subject to the Town's design review process and General Plan Policy 14.02, which requires preparation of a traffic study for development projects that generate significant volumes of traffic to evaluate whether improvements to the multi-modal network are warranted. For this reason, the cumulative projects would be consistent with applicable LOS standards.

Cumulative projects would be required to comply with General Plan policies (12.02 to 12.08, 12.10, 12.12, 13.05 to 13.09, 16.07, and 16.08) that serve to promote bicycle and pedestrian circulation. With adherence to these General Plan policies, future cumulative development would result in a less than significant cumulative impact to bicycle and pedestrian facilities.

Future cumulative development (including the Project) would generate additional transit users. There are several policies in the General Plan that serve to promote transit use and enhance transit service including Policies 12.02, 13.01 to 13.04, and 16.09. With adherence to these General Plan policies, future cumulative projects would result in a less than significant cumulative transit impact.

### Vehicle Miles Traveled

The discussion of VMT impacts associated with the Project under Impact TRN-2 is inherently a cumulative impact analysis as it compares the Project to the Town-wide VMT threshold. As detailed under Impact TRN-2, the addition of Project-generated VMT within the Town from Sub Areas 1, 4, 5, and 6 would exceed the Town-wide threshold of 19.0 VMT per resident resulting in a significant impact. Implementation of MM TRN-2.1 would reduce VMT generated in Sub Area 1 to below the Town-wide VMT threshold of 19.0 per resident. Implementation of MM TRN-2.1 would reduce VMT in Sub Areas 4, 5, and 6 by a maximum of 5.2 percent. In order to reduce VMT below the Town-wide threshold, Sub Areas 4, 5, and 6 would need 13, 15, and 18 percent VMT reductions, respectively. Therefore, even with implementation of MM TRN-2.1, residential VMT per resident would exceed the Town's significance threshold of 19.0. Therefore, the Project's contribution to substantial effects related to VMT would be cumulatively considerable and significant and unavoidable.

### Hazards from Geometric Design or Incompatible Uses

Future cumulative development (including the Project) would be subject to, and constructed in accordance with, applicable roadway design and safety guidelines and General Plan Policies 12.03, 12.04, and 12.09. Therefore, cumulative projects would not increase hazards because of a roadway design feature or incompatible uses.

### Emergency Access

Future cumulative development (including the Project) would be required to comply with General Plan Policies 12.02, 12.05, 14.01, 14.02, 16.01 and 16.06 and would be designed in accordance with Town standards and specifications which address the circulation network. Therefore, the Project would not result in a cumulative emergency access impact.

As discussed above, the Project's contribution to substantial effects related to VMT would be cumulatively considerable and significant and unavoidable. **(Significant and Unavoidable Cumulative Impact)**

### **3.18 TRIBAL CULTURAL RESOURCES**

#### **3.18.1 Environmental Setting**

##### **3.18.1.1 *Regulatory Framework***

###### **State**

###### **Assembly Bill 52**

AB 52, effective July 2015, established a new category of resources for consideration by public agencies called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or until it is concluded that mutual agreement cannot be reached.

Under AB 52, TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
  - Included or determined to be eligible for inclusion in the California Register of Historic Resources, or
  - Included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).
- A resource determined by the lead agency to be a TCR.

##### **3.18.1.2 *Existing Conditions***

As discussed in Section 3.5 Cultural Resources, the results of the record search identified eight resources. Two of the resources are Native American archaeological sites, the sites have not been previously evaluated. The NAHC returned the results of a search of its Sacred Lands File on March 25, 2022. The result of the search was negative.

On March 29, 2022, SB 18/AB 52 notification letters were sent to 15 individuals and tribes on the NAHC list for Contra Costa County by email and by USPS Certified Mail. Follow-up calls were made on April 29, June 8, and follow-up emails were sent on April 22, 2022. On June 29, 2022, supplemental letters were sent to the 15 individuals and tribes. Replies to the tribal notifications were as follows:

- On April 19, 2022, the Wilton Rancheria (Elk Grove, CA) replied, requesting consultation with the Town of Danville on the Project. An email was mailed to Wilton Rancheria on August 5, 2022 requesting to coordinate a consultation meeting. A phone message was left with Wilton Rancheria on August, 6, 2022. To date, the Town has not received a response.
- On April 26, 2022 Corrina Gould, chairperson of the Confederated Villages of Lisjan, responded stating the tribe would like to consult with the City of Danville on the project. The Town met representatives of the Confederated Villages of Lisjan on September 7, 2022.

- On April 29, 2022, Irene Zwierlein, Chairperson of the Amah Mutsun Tribal Band of Mission San Juan Bautista recommended that anyone doing ground-disturbing work should take a cultural sensitivity class and that a qualified Archaeologist and Native American should be present during work.
- On May 25, 2022, Kanyon Sayers-Roods replied on behalf of the Indian Canyon Mutsun Band of Costanoan Ohlone People. She stated she wanted to consult with the Town of Danville on the project and recommended the presence of Native American monitors and Archaeologists during ground disturbing activities.
- On July 26, 2022, the Wilton Rancheria (Elk Grove, CA) replied by email requesting consultation with the Town of Danville on the Project. As noted above, an email was mailed to Wilton Rancheria on August 5, 2022 requesting to coordinate a consultation meeting. A phone message was left with Wilton Rancheria on August, 6, 2022. To date, the Town has not received a response.

Replies did not identify Tribal Cultural Resources in the Project area. The 90-day request period under SB 18 closed on June 27, 2022.

### 3.18.2 **Impact Discussion**

For the purpose of determining the significance of the project's impact on tribal cultural resources, would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- 1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?
- 2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

#### 3.18.2.1 ***Project Impacts***

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<b>Impact TCR-1:</b>	The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). <b>(Less than Significant Impact)</b>
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There are no known tribal cultural resources in the Project area. The Town received written notice from the Wilton Rancheria, Confederated Villages of Lisjan and Indian Canyon Mutsun Band of Costanoan Ohlone People Tribal Representatives on April 19, April 26, May 25, 2022, and July 26, 2022, respectively, requesting consultation. The Town met with representatives from the



Confederated Villages of Lisjan on September 7, 2022. The Confederated Villages of Lisjan requested presence/absence exploration testing prior to any future entitlements of residential development under the Housing Element Update.

As discussed under Impact CUL-2, Sub Areas 1 to 3 and 5 to 7 are considered sensitive for buried archaeological resources either due to their proximity to known Native American sites or proximity to San Ramon Creek. Sub Areas 4 and 8 are not considered sensitive for buried archaeological resources. Future development under the Housing Element Update would be required to adhere to General Plan Policy 8.14, which requires that future development not result in the loss of significant archaeological resources by requiring compliance with State and federal laws regarding assessment and recovery of such resources. Consistent with General Plan Policy 8.14, the Town would require that future residential development located along Diablo Road and adjacent to San Ramon Creek implement the following condition of approval.

- Any proposed improvements that would require excavation into native soils would require presence/absence exploration prior to approval of the entitlement; the plan for such shall be prepared in consultation with culturally affiliated Tribe(s).

With implementation of 2030 General Plan policies and existing regulations, future development under the Housing Element Update would not result in a significant impact to cultural resources (including tribal cultural resources). **(Less than Significant Impact)**

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**Impact TCR-2:** The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. **(Less than Significant Impact)**

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There are no known tribal cultural resources in the Project area. Refer to the discussion under Impact TCR-1. With adherence to General Plan Policy 8.14, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource. **(Less than Significant Impact)**

### **3.18.2.2**      *Cumulative Impacts*

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**Impact TCR-C:** The project would not result in a cumulatively considerable contribution to a cumulatively significant tribal cultural resources impact. **(Less than Significant Cumulative Impact)**

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The geographic area for cumulative impacts to tribal cultural resources includes the Town of Danville. Future cumulative development may require excavation and grading or other activities that may affect tribal cultural resources. General Plan Policy 8.14 requires that future development not result in the loss of significant archaeological resources (including tribal cultural resources) by requiring compliance with State and federal laws regarding assessment and recovery of such resources. These projects would also be subject to the federal, state, and county laws regulating archaeological resources and human remains. Therefore, the Project in combination with other cumulative projects would not result in a significant cumulative tribal cultural resources impact. **(Less than Significant Cumulative Impact)**

### **3.19 UTILITIES AND SERVICE SYSTEMS**

#### **3.19.1 Environmental Setting**

##### **3.19.1.1 *Regulatory Framework***

#### **State**

##### State Water Code

Pursuant to the State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. East Bay Municipal Utilities District (EBMUD) adopted its most recent UWMP in June 2021.

##### Assembly Bill 939

The California Integrated Waste Management Act of 1989, or AB 939, established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels), beginning January 1, 2000, and divert at least 75 percent by 2010. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

##### Assembly Bill 341

AB 341 sets forth the requirements of the statewide mandatory commercial recycling program. Businesses that generate four or more cubic yards of garbage per week and multi-family dwellings with five or more units in California are required to recycle. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

##### Senate Bill 1383

SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025.

##### California Green Building Standards Code

In January 2010, the State of California adopted the California Green Building Standards Code, establishing mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and indoor environmental quality. These standards include the

following mandatory set of measures, as well as more rigorous voluntary guidelines, for new construction projects to achieve specific green building performance levels:

- Reducing indoor water use by 20 percent;
- Reducing wastewater by 20 percent;
- Recycling and/or salvaging 50 percent of nonhazardous construction and demolition debris; and
- Providing readily accessible areas for recycling by occupants.

## **Regional**

### Contra Costa County Flood Control and Water Conservation District

The Contra Costa County Flood Control and Water Conservation District (CCCFCWCD), with assistance from the Soil Conservation Service, has reshaped and widened segments of San Ramon, Sycamore, and Green Valley Creeks and constructed various flood protection structures. These efforts, along with Danville's drainage maintenance efforts, have reduced the potential for serious floods. The CCCFCWCD is a contributor to regional flood protection efforts.

### Central Contra Costa Solid Waste Authority Ordinance 97-01

Central Contra Costa Solid Waste Authority (CCCSWA), of which Danville is a participating member, has established an Ordinance that supersedes ordinances of its member agencies regulating solid waste, green waste, and recyclable material collection, processing, disposal and litter. The purpose of the ordinance is to enable the CCCSWA to meet the California Integrated Waste Management Board (CIWMB) requirements for minimizing disposal to landfills and therefore lengthening the landfill life.

## **Local**

### Town of Danville 2030 General Plan

The following policies in the Town's General Plan have been adopted for the purpose of reducing or avoiding impacts related to utilities and service systems and are applicable to the Project.

Policy	Description
20.02	Coordinate development approvals with the appropriate agencies to ensure that adequate water quantity, quality, and distribution; adequate sewage collection and wastewater treatment capacity; and other utilities can be provided to serve proposed development projects without adverse community impacts
20.03	Ensure that all water and sewer infrastructure is designed to meet the respective standards established by the East Bay Municipal Utility District and the Central Contra Costa Sanitary District.

Policy	Description
20.08	Protect surface water from pollution by ensuring that stormwater discharges comply with Regional Water Quality Control Board San Francisco Bay Municipal Regional Permit (RWQCB-SF Bay MRP) requirements.
31.01	Promote the efficient use of water by encouraging drought tolerant landscaping, plumbing fixtures and irrigation systems designed for water efficiency, and other building and landscape systems designed to reduce potable water use and water waste.
31.02	Support the use of reclaimed water (“gray water”) for landscape irrigation on medians, in parks, and in other landscaped areas.
31.05	Reduce the amount of construction and demolition (C&D) debris being disposed in landfills through mandatory C&D recycling requirements.
31.06	Require new and rehabilitated multifamily developments to provide on-site shared collection bins for recyclable and compostable waste.
31.10	Work with PG&E to replace streetlights and parking lot lights with more energy efficient alternatives as such alternatives become available and as funding allows.
32.01	Support the use of green building methods in new construction and rehabilitation projects, including both Town of Danville projects and private projects undertaken by homeowners.
32.02	Consider incentives for projects that incorporate green building methods beyond those required by the building code.
32.03	Encourage the use of recycled-content construction materials in major rehabilitation projects and in new construction.
32.04	Encourage site planning and subdivision design methods which reduce heating and cooling costs.
32.05	Protect solar access rights in a manner that is consistent with state law, and encourage the use of solar energy systems in new construction and major remodeling projects.
32.06	Encourage the use of permeable pavement for parking lots, driveways, walkways and other paved surfaces as a way to absorb stormwater, recharge the aquifer, and reduce urban runoff.
32.07	Promote tree planting as a way to create shade, reduce surface and ambient temperatures, and reduce the energy required for cooling.

### Town of Danville Municipal Code

Danville’s public sewer system is regulated by Chapter 15 of the Municipal Code. Chapter 15 establishes the procedures for sewer connection permits. It also prohibits the collection, discharge or deposit of sewage that would create a public nuisance in the Town.

Stormwater management is regulated by Chapters 20, 31 and 32 of the Danville Municipal Code. The intent of Chapter 20 is to protect and enhance the water quality in the Town of Danville’s watercourses pursuant to, and consistent with the Porter-Cologne Water Quality Control Act (Water

Code Section 13000 et seq.) and the Federal Clean Water Act (33 U.S.C. Section 1251 et seq.). It also carries out the conditions in the Town's NPDES permit. Minimum Drainage Capacities for subdivisions in Danville's Municipal Code Chapter 31-25 identifies the stormwater flow capacity for major, secondary, and minor drainage facilities to be carried by minor storm drain system. In an effort to reduce stormwater runoff and discharge into San Francisco Bay, Chapter 32 establishes a fee structure for new development to provide funding towards the NPDES.

Danville's construction and demolition recycling is regulated by Chapter 10-10 of the Danville Municipal Code. Solid waste disposal and recycling is regulated by Chapter 7-4, Refuse and Chapter 7-5 Refuse Disposal Sites.

#### Construction and Demolition Recycling Ordinance

To encourage construction and demolition recycling, the Town of Danville has adopted a construction and demolition recycling ordinance. The ordinance requires certain projects (including residential) within the Town to divert 65 percent of their job debris from the landfill. In order to be counted toward the project's 65% diversion requirement, all construction and demolition waste must be taken to a Certified Construction and Demolition Recovery Facility.

#### Sewer System Master Plan

The Central Contra Costa Sanitary District (CCCSD) has prepared a Sewer System Management Plan (SSMP) in accordance with the requirements of the State Water Resources Control Board (SWRCB) Order No. 2006-0003-DWQ, Statewide General Waste Discharge Requirements for Sanitary Sewer Systems.

#### Master Storm Drainage/Facilities Maintenance Plan

The Master Storm Drainage Plan is a component of the Facilities Master Plan and contains schedules for the overall maintenance and protection of all drainage facilities, including natural creeks and constructed channels and culverts.

#### Stormwater Control Program

Danville's Stormwater Control Program links the Stormwater Management and Discharge Control Ordinance, the MRP and the most recent version of the CCCWP Stormwater C.3 Guidebook, the manual that explains how to implement the C.3 regulations from the MRP.

### **3.19.1.2      *Existing Conditions***

#### **Water Service and Supply**

Water service to the Town of Danville is provided by East Bay Municipal Water District (EBMUD). The service area of EBMUD is 332 square miles spanning the western areas of Alameda and Contra Costa Counties, extending to Crocket in the north, San Lorenzo and Hayward in the south, from the

San Francisco Bay in the west, and east to San Ramon.<sup>144</sup> Potable water provided to the service area is primarily sourced from imported treated water from the Mokelumne River and secondary water sources derived from local runoff in the East Bay Hills within the EBMUD service area. EBMUD estimates that the total system demand was 238 million gallons per day (mgd) in 2020 and is projected to increase to 297 mgd by 2050.<sup>145</sup>

EBMUD provides recycled water in compliance with State regulations for recycled water quality and use. EBMUD's recycled water system produces recycled water from the effluent of four wastewater treatment plants within its service area. Recycled water is used to irrigate large landscape areas and other non-potable applications. Recycled water is provided in a limited area in the Town of Danville through the San Ramon Valley Recycled Water Program (SRVRWP). The SRVRWP is a partnership between EBMUD and the Dublin San Ramon Services District (DSRSD) to produce and distribute recycled water from DSRSD's wastewater treatment plant to both agencies' customers.<sup>146</sup>

### **Sanitary Sewer/Wastewater Treatment**

Wastewater from the Town of Danville is collected, transported, and treated by the Central Contra Costa Sanitary District (Central San) at their wastewater treatment plant in Martinez. The treatment plant is a conventional air-activated sludge facility that provides secondary treatment. Final treated effluent is disinfected and then conveyed by a 3.5-mile underground outfall pipeline to the Suisun Bay shoreline. At the shoreline, the pipeline transitions to a submerged outfall that extends 1,600 feet into the Bay. The Central San service area includes 13 cities and towns in Central Contra Costa County covering 147 square miles. The collection system has 1,500 miles of gravity sewer pipes, over 22 miles of force mains, 18 pumping stations, and roughly 35,000 manholes. The Danville Sewer Renovation Project, Phase 4 will replace approximately 1.75 miles of sewers primarily in the Greenbrook, Del Amigo, Creeks of Alamo, and Camille neighborhoods of Danville.<sup>147</sup> The Central San has the capacity to treat 53.8 mgd of wastewater.<sup>148</sup>

### **Storm Drainage**

The Town of Danville is located primarily in an urbanized area served by an existing storm drain system. Surface runoff from the candidate housing sites would be conveyed to the Town's sewer system and discharged into the nearest creek, which include Green Valley Creek, Sycamore Creek, and San Ramon Creek (refer Figure 3.10-1). San Ramon Creek collects stormwater from the Town which flows generally northeast and northwest to Walnut Creek and Pacheco Creek which are ultimately conveyed to the Suisun Bay.<sup>149</sup>

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<sup>144</sup> EBMUD serves unincorporated urban places in Alameda County and Contra Costa County and the entire or partial following cities: Alameda, Albany, Berkeley, Emeryville, Hayward, Oakland, Piedmont, San Leandro, Danville, El Cerrito, Hercules, Lafayette, Moraga, Orinda, Pinole, Pleasant Hill, San Pablo, San Ramon, and Walnut Creek.

<sup>145</sup> East Bay Municipal Utility District. Urban Water Management Plan 2020. June 2021.

[https://wuedata.water.ca.gov/public/uwmp\\_attachments/2257352530/UWMP-2020-FINAL-bookmarks.pdf](https://wuedata.water.ca.gov/public/uwmp_attachments/2257352530/UWMP-2020-FINAL-bookmarks.pdf).

<sup>146</sup> Ibid.

<sup>147</sup> Central Contra Costa Sanitary District. "Central San Renovation Projects." Accessed July 13, 2022.

<https://centralsan.maps.arcgis.com/apps/MapSeries/index.html?appid=3bf68b11a3854d199f1fa0792146d399>.

<sup>148</sup> Leavitt, Russ. Engineering Assistant III. Central Contra Costa Sanitary District. Personal Communication. July 13, 2022.

<sup>149</sup> Town of Danville. General Plan 2030 Final Environmental Impact Report. February 8, 2013.



## **Solid Waste**

The Town has a contract with the Central Contra Costa Solid Waste Authority (CCSWA) to dispose most of the solid waste produced in the Town of Danville. CCSWA contracts with Republic Services (formerly Allied Waste Services) into the Keller Canyon Landfill in Pittsburg. Keller Canyon Landfill has a daily maximum capacity of 3,500 tons per day and a total permitted capacity of 75,018,280 tons of which 15 percent has been used. It is expected to remain open until December 2050.<sup>150</sup>

Residential land uses in the Town of Danville are estimated to generate approximately 10,869 tons of solid waste annually.<sup>151</sup>

## **Electric Power, Natural Gas, and Telecommunications**

Residents of Danville have the option of two electricity providers: Pacific Gas and Electric Company (PG&E) and MCE Clean Energy (MCE). MCE provides electricity to 34 cities, including Danville, and unincorporated areas of Contra Costa County, Marin County, Napa County, and Solano County.<sup>152</sup> PG&E has a service area that extends from Bakersfield and northern Santa Barbara County in the south up to the Oregon and Nevada state lines in the north. PG&E is also the natural gas service provider to the Town of Danville. Residential telecommunications are provided to Danville by the following service providers: AT&T, Comcast, DIRECTTV, and Dish Network.<sup>153</sup>

### **3.19.2      Impact Discussion**

For the purpose of determining the significance of the project's impact on utilities and service systems, would the project:

- 1) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?
- 2) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?
- 3) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
- 4) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?
- 5) Be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste?

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<sup>150</sup> California Department of Resources Recycling and Recovery. Solid Waste Information System, Keller Canyon Landfill (07-AA-0032) Activities. Accessed April 22, 2022.

<https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/4407?siteID=228>.

<sup>151</sup> CalRecycle. "Residential Waste Stream by Material Type." 2019. Accessed: August 1, 2022.

<https://www2.calrecycle.ca.gov/WasteCharacterization/ResidentialStreams?lg=164&cy=7>.

<sup>152</sup> MCE. About Us. Accessed October 6, 2022. <https://www.mcecleanenergy.org/about-us/>

<sup>153</sup> Town of Danville. Utilities. Accessed April 25, 2022. <https://www.danville.ca.gov/306/Utilities>

### 3.19.2.1 *Project Impacts*

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<b>Impact UTL-1:</b>	The project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. <b>(Less than Significant Impact)</b>
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#### **Water Facilities**

Water service is supplied to the Town by EBMUD. Future development under the Housing Element Update would connect to existing water mains. In some instances, the existing utilities may not be sized appropriately for the type and intensity of development that is envisioned under the Housing Element Update. Several policies in the General Plan would facilitate these future upgrades, including Policy 20.02 that requires the Town coordinate development approvals with the appropriate agencies to ensure that adequate water quantity, quality, and distribution can be provided without adverse impacts. Policy 20.03 would ensure that all water infrastructure would meet EBMUD standards. With adherence to these General Plan policies, and as part of future environmental review and development review, future development under the Housing Element Update would determine whether new or expanded water facilities would be required. Any water infrastructure improvements required to serve specific development sites would be completed consistent with General Plan policies that would minimize impacts from ground disturbance. Therefore, significant environmental effects associated with new or expanded water facilities would be less than significant. **(Less than Significant Impact)**

#### **Sanitary Sewer/Wastewater Treatment**

Wastewater from the Town of Danville is collected, transported, and treated by the Central San at their wastewater treatment plant in Martinez. Central San's collection system consists of 1,500 miles of gravity sewer pipes, over 22 miles of force mains, 18 pumping stations, and roughly 35,000 manholes.

Future housing development under the Housing Element Update would connect to the existing sewer system. Danville's public sewer system is regulated by Chapter 15 of the Municipal Code and establishes the procedures for sewer connection permits. Furthermore, several policies in the General Plan aim to provide adequate capacity within the sanitary sewer system. Policy 20.02 would ensure that the Town coordinates development approvals with the appropriate agencies to ensure adequate sewage collection and wastewater treatment capacity can be provided without adverse impacts. Policy 20.03 would ensure that all sewer infrastructure would meet Central San's standards. Any sewer infrastructure improvements required to serve specific development sites would be completed consistent with General Plan policies that would minimize impacts from ground disturbance. Refer to Impact UTL-3 for a discussion of the availability of treatment capacity for the Project. **(Less than Significant Impact)**

## Storm Drainage

As discussed in Section 3.10 Hydrology and Water Quality, future development on the candidate housing sites would be subject to Provision C.3 of the MRP and the Town's Stormwater Management and Discharge Control Ordinance. Consistent with General Policy 20.08, future housing development under the Housing Element update would be required to prepare a Storm Water Control Plan that meets the criteria in the most recent version of the Contra Costa Clean Water Program Stormwater C.3. Guidebook. In addition, the General Plan includes policies (Policies 20.02, 20.06, 20.07, and 20.08) to ensure that the stormwater drainage system is upgraded in response to new development. Future development of the candidate housing sites would be subject to the Town's design review process to ensure there are adequate storm drain facilities. With implementation of these policies and compliance with existing regulations, physical impacts on the environment would be reduced to a less than significant level.

## Electric Power, Natural Gas, and Telecommunications

The Town is served by existing utility lines for electric power, natural gas, and telecommunications services. Future development on the candidate housing sites may require the construction of new extensions from existing lines to serve the development. The extension of utilities or relocation of existing utilities would be reviewed as part of the Town's design review process and project-level environmental review. Any utility infrastructure improvements required to serve specific development sites would be completed consistent with General Plan policies that would minimize impacts from ground disturbance. Therefore, the Project would not result in significant impacts from construction or relocation of new or expanded electric power, natural gas, or telecommunications utilities.

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<b>Impact UTL-2:</b>	The project would have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. <b>(Significant and Unavoidable)</b>
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Demand for water in the EBMUD's service area is primarily for municipal and industrial uses which includes residential, commercial, institutional, industrial and irrigation. Different customer categories exhibit different water use trends. The single-family residential category has the largest consumption, followed by multi-family residential, commercial, industrial, irrigation, and institutional uses. Implementation of the Housing Element Update would facilitate new residential construction in order to meet the Town's RHNA allocation. The Housing Element Update would accommodate 2,577 net new dwelling units, which would have a total projected water demand of 309,240 gallons per day.<sup>154</sup>

According to the 2020 UWMP, EBMUD's water demand forecast of 297 mgd (by 2050) can be reduced to 218 mgd with the successful implementation of water recycling and conservation programs. EBMUD's 2020 UWMP concludes that the District has, and will have, adequate water supplies to serve existing and projected demands within the Ultimate Service Boundary during normal and wet years but that deficits are projected for drought years. During multi-year droughts, the District may require significant customer water use reductions and may also need to acquire

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<sup>154</sup> Assumes water use of 120 gallons per day per multifamily unit. Source: EBMUD. Water System Capacity Charge Study. July 2021.

supplemental supplies to meet customer demand. The UWMP 2020 includes Drought Management Program (DMP) Guidelines that establish the level of water use restrictions the District may implement under varying conditions. Under the DMP Guidelines, water use restrictions may be determined based upon projected end-of-September Total System Storage (TSS). When state-mandated water use restrictions exceed the reductions that would otherwise be called for based upon the end-of-September TSS, the District's water use reduction requirements may be guided by the applicable state mandates. Under either scenario, while the District strives to keep water use reductions at or below 15 percent if the drought is severe, mandatory water use reductions could exceed 15 percent.

The 2020 UWMP relied on population projections published in ABAG's Plan Bay Area Projections 2040. The ABAG projections for Danville are summarized in Table 3.19-1 below.

<b>Table 3.19-1: Population Projections for the Town Danville</b>		
	<b>Households</b>	<b>Population</b>
Plan Bay Area 2040	16,020	47,350
Housing Element Update (2031)	18,409	51,545 <sup>1</sup>
<b>Notes:</b> <sup>1</sup> The VMT analysis analyzed full buildout of the Housing Element Update (4,497 units), which would result in a 2031 population of 57,266. The Housing Element Update would accommodate 2,577 net new dwelling units and would increase the population of Danville by 7,215. Source: Appendix F.		

As shown in Table 3.19-1, the projected population growth associated with the Housing Element Update would exceed ABAG's 2040 growth projections by 2,389 households. Based on a multi-family water use demand of 120 gallons per day, the additional households would generate approximately 286,680 gallons per day beyond what was accounted for in the 2020 UWMP. The Project's projected water demand would exceed water projections in the adopted 2020 UWMP. This impact would be significant.

**Impact UTL-2.1:** The Project water demand would exceed water projections in the adopted 2020 UWMP.

Future housing development under the Housing Element Update would be subject to the same drought restrictions that apply to all District customers during multi-year droughts. Furthermore, General Plan Policy 20.02 would ensure that future development approvals are reviewed to ensure adequate water supply is available to serve the proposed development. In addition, there are several General Plan policies that promote efficient water use by encouraging drought tolerant landscaping, use of water efficient plumbing fixtures, use or reclaimed water (Policies 31.01 and 31.02). However, the Project's water demand would still exceed the 2020 UWMP's projections, this constitutes a significant and unavoidable impact. **(Significant and Unavoidable)**

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**Impact UTL-3:** The project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. **(Less than Significant Impact)**

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The Central San has capacity to treat 53.8 mgd of wastewater per day.<sup>155</sup> On average, Central San's Treatment Plant cleans an average of 34 mgd of wastewater per day.<sup>156</sup> According to Central San's Comprehensive Wastewater Plan (CWMP), population growth within the service area will increase wastewater flows and loadings; however, no capacity projects are included in the Capital Improvement Program to address or facilitate population growth.<sup>157</sup> The CWMP assumes flows would steadily increase at an average rate less than one percent per year for the next 20 years.

The Housing Element Update would accommodate 2,577 net new dwelling units, which would generate approximately 270,585 gallons of wastewater per day.<sup>158</sup> The Central San Treatment Facility can accommodate an additional 24.3 mgd.<sup>159</sup> The Project's wastewater demand of 270,585 gpd represents about 1.1 percent of the available discharge capacity. In addition, Central San determined that under a future scenario 10-year design storm event, the capacity model does not predict any new or worsening surcharging in Central San's trunk sewers.<sup>160</sup> For these reasons, it is anticipated that the Project would not result in an exceedance of wastewater treatment capacity at the treatment facility.<sup>161</sup> Further, several policies in the General Plan aim to ensure adequate capacity within the sanitary sewer system. Policy 20.02 would ensure that the Town coordinates development approvals with the appropriate agencies to ensure adequate sewage collection and wastewater treatment capacity can be provided without adverse impacts. Policy 20.03 would ensure that all sewer infrastructure would meet Central San's standards. Therefore, implementation of the Housing Element Update would not result in an unanticipated increase in wastewater treatment requirements at the Central San Treatment Facility. **(Less than Significant Impact)**

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**Impact UTL-4:** The project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. **(Less than Significant Impact)**

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<sup>155</sup> Leavitt, Russ. Engineering Assistant III. Central Contra Costa Sanitary District. Personal Communication. July 13, 2022.

<sup>156</sup> Central Contra Costa Sanitary District. Treatment Plant. Accessed on July 13, 2022.

<https://www.centalsan.org/treatment-plant#:~:text=Opened%20in%201948%20and%20upgraded,mgd%20of%20wet%20weather%20flow.>

<sup>157</sup> Central Contra Costa Sanitary District. Technical Executive Summary, Comprehensive Wastewater Master Plan. June 2017. [https://www.centalsan.org/sites/main/files/file-attachments/cwmp\\_technical\\_executive\\_summary.pdf](https://www.centalsan.org/sites/main/files/file-attachments/cwmp_technical_executive_summary.pdf).

<sup>158</sup> Model flow factor for multi-family housing is 105 gallons per day (2,577 x 105 = 270,585). Source: Leavitt, Russ. Engineering Assistant III. Central Contra Costa Sanitary District. Personal Communication. July 13, 2022.

<sup>159</sup> Leavitt, Russ. Engineering Assistant III. Central Contra Costa Sanitary District. Personal Communication. July 13, 2022.

<sup>160</sup> Leavitt, Russ. Engineering Assistant III Central Contra Costa Sanitary District. Personal Communication. July 27, 2022.

<sup>161</sup> Ibid.

Residential development under the Housing Element Update would create new sources of solid waste. The Project is estimated to generate a net increase of up to 1,185 tons of solid waste per year.<sup>162</sup> Solid waste generated by the Town is disposed into Keller Landfill. The landfill has a remaining capacity of 63,408,410 cubic yards.<sup>163</sup>

Future residential development under the Housing Element Update would be required to conform to Town plans and policies to reduce solid waste from the construction and operation of the candidate housing sites including the Central Contra Costa Solid Waste Authority Ordinance 97-01 that regulates the amount of waste disposed in landfills, and General Plan Policy 31.03 that promotes the reduction of household solid waste requiring disposal in a landfill, Policy 31.05 and Policy 32.03 that would reduce construction waste and encourage recycled content in construction materials, respectively, and Policy 31.06 that would require new multi-family developments to provide on-site recycling and composting waste collection bins. In addition, future residential development would be required to comply with the Town's Construction and Demolition Recycling Ordinance, which requires that 65 percent of construction debris be diverted from landfills. Future development would be required to implement a Waste Management Plan.

With implementation of these policies, development of the candidate housing sites would not result in an exceedance of capacity at existing landfills or otherwise impair the attainment of solid waste reduction goals.

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**Impact UTL-5:** The project would not be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste.  
**(Less than Significant Impact)**

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As described in Impact UTL-4, the Project would conform to General Plan Policies, the Central Contra Costa Solid Waste Authority Ordinance 97-01, and the Town's Construction and Demolition Recycling Ordinance. By adhering to these requirements, the Project would not conflict with applicable statutes and regulations related to solid waste, including CALGreen, AB 939, AB 341, and local waste diversion requirements.

### **3.19.2.2 Cumulative Impacts**

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**Impact UTL-C:** The project would result in a cumulatively considerable contribution to a cumulatively significant utilities and service systems impact. **(Significant and Unavoidable Cumulative Impact)**

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The geographic study area for cumulative impacts to utilities and service systems is Town-wide or within the applicable utility's service area.

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<sup>162</sup> CalEEMod. Appendix D Default Tables. Solid Waste Rates. September 2016.

<sup>163</sup> California Department of Resources Recycling and Recovery. Solid Waste Information System, Keller Canyon Landfill (07-AA-0032) Activities. Accessed April 22, 2022.  
<https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/4407?siteID=228>.

## Relocation or Construction of New or Expanded Facilities

### *Water Facilities*

The geographic area for cumulative water system impacts is the area serviced by the same water lines as the Housing Element Update sites. The Town's General Plan includes several policies that would facilitate future water system upgrades. Cumulative development (including the Project) would be required to demonstrate that adequate water quantity, quality and distribution could be provided consistent with Policy 20.02. Policy 20.02 would ensure that prior to approving new developments, the Town has verified there is sufficient water collection, distribution and treatment capacity to service that development. With adherence to these General Plan policies, and as part of future environmental review and development review, future development (including the Project) would be reviewed to determine whether new or expanded water facilities would be required. Any water infrastructure improvements required to serve specific development sites would be completed consistent with General Plan policies that would minimize impacts from ground disturbance. For this reason, the Project would not contribute to a significant cumulative impact on water facilities.

### *Sanitary Sewer System*

The geographic area for cumulative sanitary sewer impacts is the area serviced by the same downstream sewer lines as the Housing Element Update sites. Danville's public sewer system is regulated by Chapter 15 of the Municipal Code and establishes the procedures for sewer connection permits. Furthermore, several policies in the General Plan aim to provide adequate capacity within the sanitary sewer system. Policy 20.02 would ensure that the Town coordinates development approvals with the appropriate agencies to ensure adequate sewage collection and wastewater treatment capacity can be provided without adverse impacts. Policy 20.03 would ensure that all sewer infrastructure would meet Central San's standards. Any sewer infrastructure improvements required to serve specific development sites would be completed consistent with General Plan policies that would minimize impacts from ground disturbance. For this reason, the Project would not contribute to a significant cumulative impact to the sanitary sewer system.

### *Storm Drainage*

The geographic area for cumulative storm drain system impacts are the areas upstream and downstream of the Housing Element Update sites. As discussed in Section 3.10 Hydrology and Water Quality, future cumulative development (including the Project) would be subject to Provision C.3 of the MRP and the Town's Stormwater Management and Discharge Control Ordinance. Future cumulative development (including the Project) would be required to prepare a Storm Water Control Plan that meets the criteria in the most recent version of the Contra Costa Clean Water Program Stormwater C.3. Guidebook. In addition, future cumulative development (including the Project) would be subject to the Town's design review process and General Plan Policies 20.02, 20.06, 20.07, and 20.08, which would ensure there are adequate storm drain facilities. With implementation of these policies and compliance with existing regulations, physical impacts on the environment would be reduced to a less than significant level. Therefore, the Project would not contribute to a significant cumulative impact to storm drainage facilities.



### *Electric Power, Natural Gas, and Telecommunications*

As described above, the Town is served by existing utility lines for electric power, natural gas, and telecommunications services. Future cumulative development (including the Project) may require the construction of new extensions from existing lines to serve the development. The extension of utilities or relocation of existing utilities would be reviewed as part of the Town's design review process and project-level environmental review. Any utility infrastructure improvements required to serve specific development sites would be completed consistent with General Plan policies that would minimize impacts from ground disturbance. As such, the Project would not contribute to a cumulatively considerable impact to electric power, natural gas, or telecommunications utilities.

### Water Supply

The geographic area for cumulative water supply is the service area of EBMUD. Future cumulative development (including the Project) would be subject to the same drought restrictions that apply to all District customers during multi-year droughts. Furthermore, General Plan Policy 20.02 would ensure that future development approvals are reviewed to ensure adequate water supply is available to serve the proposed development. In addition, there are several General Plan policies that promote efficient water use by encouraging drought tolerant landscaping, use of water efficient plumbing fixtures, use or reclaimed water (Policies 31.01 and 31.02). However, as described above, the Project's projected water demand would exceed water projections in the adopted 2020 UWMP. This would be a cumulatively considerable impact.

### Wastewater Treatment Capacity

The geographic area for cumulative wastewater treatment is the service area of the Central San. As discussed under Impact UTL-3, Central San can accommodate an additional 24.3 mgd of wastewater per day.<sup>164</sup> According to Central San's CWMP, population growth within the service area will increase wastewater flows and loadings; however, no capacity projects are included in the Capital Improvement Program to address or facilitate population growth.<sup>165</sup> The CWMP assumes flows would steadily increase at an average rate less than one percent per year for the next 20 years. Future cumulative development (including the Project) would be subject to General Plan Policies that aim to ensure adequate capacity within the sanitary sewer system. Policy 20.02 would ensure that the Town coordinates development approvals with the appropriate agencies to ensure adequate sewage collection and wastewater treatment capacity can be provided without adverse impacts. Policy 20.03 would ensure that all sewer infrastructure would meet Central San's standards. With adherence to these General Plan policies, the Project would not contribute to a significant cumulative wastewater treatment capacity impact.

### Solid Waste

The geographic area for cumulative landfill capacity is the County. As discussed under Impact UTL-4, Keller Landfill has a remaining capacity of 63,408,410 cubic yards. Future cumulative development (including the Project) would be required to conform to Town plans and policies

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<sup>164</sup> Leavitt, Russ. Engineering Assistant III. Central Contra Costa Sanitary District. Personal Communication. July 13, 2022.

<sup>165</sup> Central Contra Costa Sanitary District. Technical Executive Summary, Comprehensive Wastewater Master Plan. June 2017. [https://www.centrahsan.org/sites/main/files/file-attachments/cwmp\\_technical\\_executive\\_summary.pdf](https://www.centrahsan.org/sites/main/files/file-attachments/cwmp_technical_executive_summary.pdf).

(General Plan Policy 31.03, 31.05, and 32.03) to reduce solid waste from the construction and operation of the candidate housing sites including the Central Contra Costa Solid Waste Authority Ordinance 97-01 that regulates the amount of waste disposed in landfills. In addition, future cumulative development would be required to comply with the Town's Construction and Demolition Recycling Ordinance, which requires that 65 percent of construction debris be diverted from landfills. Future development would be required to implement a Waste Management Plan. Given the existing capacity of Keller Landfill and the limited increase in solid waste generation from the Housing Element Update, the Project would not result in a significant cumulative solid waste impact.

#### Solid Waste Reduction Regulations

All cumulative projects (including the Project) are required to adhere to General Plan Policies, the Central Contra Costa Solid Waste Authority Ordinance 97-01, and the Town's Construction and Demolition Recycling Ordinance, thereby complying with applicable statutes and regulations related to solid waste, including CALGreen, AB 939, AB 341, and local waste diversion requirements. Therefore, the cumulative projects (including the Project) would not contribute to a significant cumulative impact due to noncompliance with federal, state, or local management and reduction statutes and regulations related to solid waste.

Given the population increase resulting from implementation of the Project would exceed the assumptions of the 2020 UWMP would exceed water projections in the adopted 2020 UWMP. This would be a cumulatively considerable impact. **(Significant Cumulative Impact)**

## **3.20 WILDFIRE**

### **3.20.1 Environmental Setting**

#### **3.20.1.1 *Regulatory Framework***

##### **State**

##### Fire Hazard Severity Zones

CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. Referred to as Fire Hazard Severity Zones (FHSZs), these maps influence how people construct buildings and protect property to reduce risk associated with wildland fires. FHSZs are divided into areas where the state has financial responsibility for wildland fire protection, known as state responsibility areas (SRAs), and areas where local governments have financial responsibility for wildland fire protection, known as local responsibility areas (LRAs). Homeowners living in an SRA are responsible for ensuring that their property is in compliance with California's building and fire codes. Only lands designated as VHFHSZ are identified within LRAs.

##### California Fire Code Chapter 47

Chapter 47 of the California Fire Code sets requirements for wildland-urban interface fire areas that increase the ability of buildings to resist the intrusion of flame or burning embers being projected by a vegetation fire, in addition to systematically reducing conflagration losses through the use of performance and prescriptive requirements.

##### California Public Resources Code Section 4442 through 4431

The California Public Resources Code includes fire safety regulations that restrict the use of equipment that may produce a spark, flame, or fire; require the use of spark arrestors on construction equipment that uses an internal combustion engine; specify requirements for the safe use of gasoline-powered tools on forest-covered land, brush-covered land, or grass-covered land; and specify fire suppression equipment that must be provided onsite for various types of work in fire-prone areas. These regulations include the following:

- Earthmoving and portable equipment with internal combustion engines would be equipped with a spark arrestor to reduce the potential for igniting a wildland fire (Public Resources Code Section 4442);
- Appropriate fire suppression equipment would be maintained during the highest fire danger period, from April 1 to December 1 (Public Resources Code Section 4428);
- On days when a burning permit is required, flammable materials would be removed to a distance of 10 feet from any equipment that could produce a spark, fire, or flame, and the construction contractor would maintain appropriate fire suppression equipment (Public Resources Code Section 4427); and
- On days when a burning permit is required, portable tools powered by gasoline-fueled internal combustion engines would not be used within 25 feet of any flammable materials (Public Resources Code Section 4431).

## California Code of Regulations Title 14

The California Board of Forestry and Fire Protection has adopted regulations, known as SRA Fire Safe Regulations, which apply basic wildland fire protection standards for building, construction, and development occurring in a SRA. The future design and construction of structures, subdivisions and developments in SRAs are required to provide for the basic emergency access and perimeter wildfire protection measures discussed in Title 14.

### Fire Management Plans

CAL FIRE has developed an individual Unit Fire Management Plan for each of its 21 units and six contract counties. CAL FIRE has developed a strategic fire management plan for the Santa Clara Unit, which includes the Town of Danville and addresses citizen and firefighter safety, watersheds and water, timber, wildlife and habitat (including rare and endangered species), unique areas (scenic, cultural, and historic), recreation, range, structures, and air quality. The plan includes stakeholder contributions and priorities and identifies strategic areas for pre-fire planning and fuel treatment as defined by the people who live and work with the local fire issues.

## **Regional and Local**

### San Ramon Valley Fire Protection District

The SRVFPD is a special district as defined under the Fire Protection District Law of 1987 and California's Health and Safety Code, Section 13800. The district includes Danville, San Ramon, and adjacent unincorporated areas in Contra Costa County. The SRVFPD oversees emergency operations for fire-related hazards including evacuation plans, public education of emergency preparedness, fire code plan review, and exterior hazard inspection and abatement within the district.

### Town of Danville 2030 General Plan

The following policies in the Town's General Plan have been adopted for the purpose of reducing or avoiding impacts related to wildfires and are applicable to the Housing Element Update.

Policy	Description
24.03	Require soils and geologic reports for all projects proposed in scenic hillside development areas, as defined by the Town's Scenic Hillside and Major Ridgeline Development Ordinance, and in other areas where the potential for landslides, liquefaction, subsidence, or severe ground shaking exists. Assure that development in these areas mitigates potential landslide hazards and other geologic hazards.
24.04	Require all development on hillside sites to be designed and constructed to minimize cutting and filling of slopes, avoid high risk landslide areas, and fully address environmental and aesthetic concerns.
24.05	Prohibit the division of land in a manner that would create a new parcel that is entirely 30 percent slope or greater, unless the intended use of the new parcel is open space.
24.06	Require that roads and drainage systems constructed in hillside areas are engineered to standards that prevent excessive maintenance and repair costs.

Policy	Description
25.01	Require safe roofing and other fire prevention standards for development in high fire hazard areas by maintaining a Fire Safe Roofing Ordinance, in coordination with the San Ramon Valley Fire Protection District.
25.02	Cooperate with the San Ramon Valley Fire Protection District in efforts to reduce fire risks through controlled burning and fuel removal.
25.03	Assure provision of adequate access for fire equipment to all developed and open space areas.
25.04	Maintain a response time of less than five minutes for emergency fire calls, to be met a minimum of 90 percent of the time and/or a fire station within 1.5 miles of all residential and nonresidential development. Where this standard cannot be met, and/or where severe wildland fire hazards exist, require special mitigation measures for fire prevention as necessary.
25.05	Prior to project approval, require written verification from the San Ramon Valley Fire Protection District on the anticipated response time to the project and the distance from existing stations.
25.06	Require the maintenance of “defensible space” (e.g., areas free of highly flammable vegetation) around homes in fire prone areas. Require the clearing or thinning of fire-prone vegetation within 30 feet of access and evacuation routes, and routes to critical facilities.

### Town of Danville Municipal Code

Development within Danville’s very high fire hazard severity zone (VHFHSZ) is regulated by Chapter 10-8. The Town’s Municipal Code requires new buildings in this zone to comply with California Building Code Chapter 7a and be constructed with ignition resistant building materials.

#### **3.20.1.2      *Existing Conditions***

As previously discussion in Section 3.9.1.2 Existing Conditions, most the Town (including the candidate housing sites) is located in Moderate to High Fire Hazard Severity zones.<sup>166</sup> CAL FIRE classifies two areas in Danville as a VHFHSZ, these include areas in the land surrounding Magee Ranch in the northeast area of Town and adjacent to Las Trampas Regional Wilderness on the west side of Town. None of the candidate housing sites are located in a VHFHSZ. Sub Area 3 is approximately 1.25 mile east of the Las Trampas VHFHSZ and Sub Area 2 is approximately 1.14 miles to the south of Magee Ranch VHFHSZ.

The candidate housing sites are located in areas with moderate, high, and very high threat to development from wildfire based on the wildlife urban interface.<sup>167</sup> Wildfires have the potential to burn structures and expose steep slopes to surface erosion. As shown in Figure 3.9-1, there are areas

<sup>166</sup> Contra Costa County. Draft Fire Hazard Severity Zones in Local Responsibility Area. September 19, 2007. [https://osfm.fire.ca.gov/media/6661/fhszl06\\_1\\_map7.pdf](https://osfm.fire.ca.gov/media/6661/fhszl06_1_map7.pdf).

<sup>167</sup> Town of Danville. General Plan 2030 Draft Environmental Impact Report. Figure 4.8-1. October 12, 2012.

with the combined threats to development of wildfire and susceptibility to landslides, including three sites in Sub Area 2, all the sites in Sub Area 3 and Sub Area 8.<sup>168</sup>

### 3.20.2 Impact Discussion

For the purpose of determining the significance of the project's impact on wildfire, if located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- 1) Substantially impair an adopted emergency response plan or emergency evacuation plan?
- 2) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
- 3) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- 4) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

#### 3.20.2.1 *Project Impacts*

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<b>Impact WF-1:</b>	The project would not substantially impair an adopted emergency response plan or emergency evacuation plan. <b>(Less than Significant)</b>
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As discussed in Section 3.20.1.2 Existing Conditions, none of the candidate housing sites are located in a CAL FIRE designated VHFHSZ. The candidate housing sites are located in Moderate to High Fire Hazard Severity zones.<sup>169</sup> According to the 2030 General Plan, most of the Town is at moderate to very high risk of wildfire threat.<sup>170</sup> As discussed under Impact HAZ-6, implementation of the Housing Element Update would increase the number of residents that would rely on the Town's emergency preparedness and emergency response. The General Plan includes several goals and policies for maintaining high levels of emergency preparedness. Policies 29.02, 29.03 and 29.04 address ongoing preparation and training for emergency preparedness. The Town of Danville Emergency Operations Plan identifies the Town's responsibilities during natural disasters and human-caused emergencies and provides a response and recovery framework to coordinate the Town's services to address the disaster or emergency. With implementation of General Plan Policies 29.02, 29.03 and 29.04, which address ongoing emergency preparation and training, the Housing Element Update would not impair or interfere with the Town's Emergency Operations Plan. **(Less than Significant Impact)**

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<sup>168</sup> Sites susceptible to wildfire and landslides in Sub Area 2 include 135 Town and Country Drive (APN 208060054), Town and Country Drive (APN 208060062), and 140 Town and Country Drive (APN 208060063).

<sup>169</sup> Contra Costa County. Draft Fire Hazard Severity Zones in Local Responsibility Area. September 19, 2007. [https://osfm.fire.ca.gov/media/6661/fhszl06\\_1\\_map7.pdf](https://osfm.fire.ca.gov/media/6661/fhszl06_1_map7.pdf).

<sup>170</sup> Town of Danville. General Plan 2030 Draft EIR. October 12, 2012. Figure 4.8-1.

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**Impact WF-2:** The project would not, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. **(Less than Significant Impact)**

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As previously stated, none of the candidate housing sites are located in a VHFHSZ. However, according to the 2030 General Plan, most of the Town is at moderate to very high risk of wildfire threat.<sup>171</sup> Most of the Town is developed in areas where slopes are less than 20 percent.<sup>172</sup> Several Sub Areas include candidate sites with slopes that exceed 20 percent due to their proximity to the creek bank or hillside topography including:

- Sub Area 1 (APNs 200152004, 200152008, 200070006, and 200020010),
- Sub Area 2 (APNs 200190028, 200190018, 200200011, and 2002000177),
- Sub Area 3 (APNs 208230044 and 208612007),
- Sub Area 6 (APN 206010047), and
- Sub Area 8.

Additionally, wind is a contributing factor to wildfire risk as well as the long dry summers and highly flammable fuel. Fire danger is particularly severe during the summer and fall, when vegetation is dry and winds blow from the north and northeast.

Residential housing development under the Housing Element Update would result in more building developments, parking lots, and landscaped areas. This increase in developed land cover would reduce the amount of unmaintained vegetation within the Town and would thereby reduce the amount of land cover that is more susceptible to becoming wildfire fuel. In addition, future development under the Housing Element Update would be required to comply with the standards set forth in the California Public Resources Code Section 4442 through 4431 to reduce the risk of causing wildfire during construction activities. The General Plan also includes several policies aimed at fire prevention, including Policy 25.01, which requires safe roofing and other fire prevention standards for development in high fire hazard areas. Additionally, Policy 25.06 requires the maintenance of defensible space around homes in fire prone zones. With adherence to these General Plan policies, the Project would not, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to increased risk from pollutant concentrations due to a wildfire or the uncontrolled spread of a wildfire. **(Less than Significant Impact)**

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**Impact WF-3:** The project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. **(Less than Significant Impact)**

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<sup>171</sup> Town of Danville. General Plan 2030 Draft EIR. October 12, 2012. Figure 4.8-1.

<sup>172</sup> Ibid. Figure 4.9-1.



Residential development under the Housing Element Update is not expected to require the installation of any major new infrastructure that may exacerbate fire risk. As discussed in Section 3.19 Utilities and Service System, future housing development would be served by existing utilities. For these reasons, development under the Housing Element Update would not exacerbate fire risk or result in temporary or ongoing impacts to the environment. **(Less than Significant Impact)**

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**Impact WF-4:** The project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. **(Less than Significant Impact)**

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As previously stated, none of the candidate housing sites are located in a VHFHSZ. However, according to the 2030 General Plan, most of the Town is at moderate to very high risk of wildfire threat.<sup>173</sup> As shown on Figure 3.9-1, candidate housing sites in Sub Area 2 (APNs 208060054, 208060062, and 208060063), all the sites in Sub Area 3, and Sub Area 8 are within these areas of combined threats of wildfire and landslide susceptibility. As discussed under Impact GEO-2, General Plan Policy 24.04 requires all hillside development to be designed and constructed to minimize cutting and filling of slopes and avoid high risk landslide areas. The Town's Grading Ordinance and General Plan Policy 24.03 would require that future housing development in areas of landslide susceptibility prepare a soils and geologic report and design the site in a manner that reduces the risk of landslides and post-fire slope instability. Through adherence to these requirements, the Project would have less than significant wildfire and landslide impacts due to runoff, post-fire slope instability, or drainage changes. **(Less than Significant Impact)**

### 3.20.2.2 *Cumulative Impacts*

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**Impact WF-C:** The project would not result in a cumulatively considerable contribution to a cumulatively significant wildfire impact. **(Less than Significant Cumulative Impact)**

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The geographic area for cumulative wildfire impacts is the Town. Most of the Town (including the candidate housing sites) is located in Moderate to High Fire Hazard Severity zones.<sup>174</sup> As discussed above, CAL FIRE classifies two areas in Danville as a VHFHSZ, these include areas in the land surrounding Magee Ranch in the northeast area of Town and adjacent to Las Trampas Regional Wilderness on the west side of Town. The majority of Danville is located in areas with a high, very high, or extreme threat to development from wildfire.<sup>175</sup>

### Emergency Response

Future cumulative development (such as the Project) would have the potential increase the number of residents that would rely on the Town's emergency preparedness and emergency response. With

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<sup>173</sup> Town of Danville. General Plan 2030 Draft EIR. October 12, 2012. Figure 4.8-1.

<sup>174</sup> Contra Costa County. Draft Fire Hazard Severity Zones in Local Responsibility Area. September 19, 2007. [https://osfm.fire.ca.gov/media/6661/fhszl06\\_1\\_map7.pdf](https://osfm.fire.ca.gov/media/6661/fhszl06_1_map7.pdf).

<sup>175</sup> Town of Danville. General Plan 2030 Draft EIR. October 12, 2012. Figure 4.8-1.

adherence to General Plan policies (29.02, 29.03 and 29.04), future cumulative development would not impact or interfere with the Town's Emergency Operations Plan.

#### Exacerbate Wildfire Risk Due to Slope, Prevailing Winds, and Other Factors

Future cumulative development (including the Project) could exacerbate wildfire risks due to slope, prevailing winds, and other factors. As discussed under Impact WF-2, most of the Town is developed in areas where slopes are less than 20 percent. However, future cumulative development (including the Project) could occur in areas where slopes exceed 20 percent. While wind is a contributing factor to wildfire risk, as well as the long dry summers and highly flammable fuel, cumulative development (including the Project) would likely reduce the amount of unmaintained vegetation within the Town and would thereby reduce the amount of land cover that is more susceptible to becoming wildfire fuel. Through compliance with the standards set forth in the California Public Resources Code Section 4442 through 4431 and General Plan policies, future cumulative development would avoid exacerbating wildfire risk and would not contribute to a cumulatively significant cumulative wildfire risk.

#### Require Infrastructure

As discussed under Impact WF-3, residential development under the Housing Element Update is not expected to require the installation of any major new infrastructure; therefore, the Project would not contribute to a significant cumulative wildfire impact.

#### Expose People or Structures to Significant Risks

Future cumulative development (including the Project) could occur in areas of combined threats of wildfire and landslide susceptibility. Consistent with Town's Grading Ordinance and General Plan Policy 24.03, future development in areas of landslide susceptibility would be required to prepare a soils and geologic report and design the site in a manner that reduces the risk of landslides and post-fire slope instability. In addition, General Plan Policy 24.04 requires all hillside development to be designed and constructed to minimize cutting and filling of slopes and avoid high risk landslide areas. For these reasons, cumulative development (including the Project) would not result in a cumulative impact related to runoff, post-fire slope instability, or drainage changes. **(Less than Significant Cumulative Impact)**

## SECTION 4.0 GROWTH-INDUCING IMPACTS

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**Impact GRO-1:** The project would not foster or stimulate significant economic or population growth in the surrounding environment. **(Less than Significant Impact)**

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The CEQA Guidelines require that an EIR identify the likelihood that a proposed project could “foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment” (Section 15126.2[d]). This section of the EIR is intended to evaluate the impacts of such growth in the surrounding environment. Examples of projects likely to have significant growth-inducing impacts include removing obstacles to population growth, for example by extending or expanding infrastructure beyond what is needed to serve the project. Other examples of growth inducement include increases in population that may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects.

Implementation of the Housing Element Update would facilitate new residential construction in order to meet the Town’s RHNA allocation. The Housing Element Update would accommodate 2,577 net new dwelling units, which would add 7,215 people (based on 2.8 persons per household). With implementation of the Housing Element Update, Danville’s population would reach 51,545 by 2031 (refer to Table 3.14-2). This increase in population has been accounted for in ABAG projections and is therefore consistent with regional growth assumptions. In addition, the population growth associated with the Housing Element Update has been analyzed as part of this Draft EIR. As discussed in Section 3.11 Land Use and Planning, the General Plan serves as the primary planning document for the Town and all subordinate documents and plans are required to be consistent with the General Plan. The Project would update the Housing Element of the General Plan and revise the Zoning Code, as described in Section 2.0 Project Information and Description. As previously discussed in Section 3.11.1.2, all of the candidate housing sites would require General Plan amendments and rezoning. As part of the Housing Element Update, the General Plan would be amended to include a new Residential Multi-Family High Density designation that would allow a maximum 40 dwelling units per acre. A new zoning district would be created that corresponds with the new General Plan designation. Further, future development proposed on the candidate housing sites would be reviewed for consistency with the Town’s General Plan and Municipal Code as part of the development review process. As discussed in Section 3.15 Public Services and Section 3.19 Utilities and Service Systems, the existing fire and police protection services, schools, park and recreational facilities, libraries, and utility service system have sufficient capacity to serve the Project while continuing to serve existing and planned development. As discussed under Impact UTL-2, the Project’s water demand would still exceed the 2020 UWMP’s projections. Future housing development under the Housing Element Update would be subject to the same drought restrictions that apply to all District customers during multi-year droughts. Furthermore, General Plan Policy 20.02 would ensure that future development approvals are reviewed to ensure adequate water supply is available to serve the proposed development.

Based on the above discussion, the Housing Element Update would not result in unplanned growth. **(Less than Significant Impact)**

## **SECTION 5.0    SIGNIFICANT AND IRREVERSIBLE ENVIRONMENTAL CHANGES**

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Pursuant to CEQA Guidelines Section 15126.2(d), an EIR must identify significant irreversible environmental changes that would be caused by the proposed project being analyzed. Significant irreversible changes include the 1) irreversible use of nonrenewable resources, 2) commitment of future generations to similar use, and 3) irreversible damage resulting from environmental accidents associated with the Project.

### **5.1                IRREVERSIBLE USE OF NONRENEWABLE RESOURCES**

Implementation of the Housing Element Update would facilitate new residential construction in order to meet the Town's RHNA allocation. Future construction activities on the candidate housing sites would require the use of nonrenewable construction materials, such as concrete, metals, plastics, and glass. Nonrenewable resources and energy would also be consumed during the manufacturing and transportation of building materials, site preparation, and construction of the buildings. Construction details on each individual project are not currently known and, therefore, cannot be quantified. As discussed in Section 3.3 Air Quality, future development under the Housing Element Update would be required to comply with General Plan Policies 34.02 and 34.03 would require future development projects to implement appropriate controls and "best practices" requirements to minimize construction emissions at the time of future development. These controls may include minimizing idling times of construction equipment, requiring properly maintaining construction equipment, and/or mandating use of electrified or alternatively-fueled construction equipment. As discussed under Impact AIR-3, future residential development would be required to evaluate health risks to nearby off-site and future on-site sensitive receptors associated with temporary construction near Housing Element Update sites, consistent with General Plan Policies 34.02 and 34.03. For these reasons, future construction on individual project sites within the Town would not use fuel or energy in a wasteful manner.

Future development under the Housing Element Update would consume energy for multiple purposes including building heating and cooling, lighting, appliances, and electronics. Operational energy would also be consumed during each vehicle trip generated by future residents, employees, and customers. Future residential development would be subject to current building codes such as Title 24 and CALGreen. As further discussed in Impact EN-2, projects would be designed to be energy efficient and renewable energy options would be used within the Plan Area. Therefore, the Project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project operation.

### **5.2                COMMITMENT OF FUTURE GENERATIONS TO SIMILAR USE**

Future development on the candidate housing sites would commit resources to prepare the sites, construct the buildings, and operate the buildings.

The purpose of the Housing Element Update is to identify and analyze existing and projected housing needs, as well as establish goals, policies, and actions to address these housing needs, including adequate provisioning of affordable housing. Future residential development under the Housing

Element Update would occur primarily on sites either already developed and underutilized, or in close proximity to existing development. Development of the Project is not anticipated to result in other land use changes in the surrounding area. As discussed in Section 3.11 Land Use and Planning, the General Plan serves as the primary planning document for the Town and all subordinate documents and plans are required to be consistent with the General Plan. The Project would update the Housing Element of the General Plan and revise the Zoning Code, as described in Section 2.0 Project Information and Description. As previously discussed in Section 3.11.1.2, all of the candidate housing sites would require General Plan amendments and rezoning. As part of the Housing Element Update, the General Plan would be amended to include a new Residential Multi-Family High Density designation that would allow a maximum 40 dwelling units per acre. A new zoning district would be created that corresponds with the new General Plan designation. For these reasons, the Project would not commit future generations to changes in land use.

### **5.3                    IRREVERSIBLE DAMAGE RESULTING FROM ENVIRONMENTAL ACCIDENTS ASSOCIATED WITH THE PROJECT**

The purpose of the Housing Element Update is to identify and analyze existing and projected housing needs, as well as establish goals, policies, and actions to address these housing needs, including adequate provisioning of affordable housing and does not propose any new or uniquely hazardous uses, and its operation would not be expected to cause environmental accidents that would impact other areas. As discussed in Section 3.9 Hazards and Hazardous Materials, several of the candidate housing sites currently operate business which are known to use hazardous materials, including automobile repairs and gasoline stations. Existing hazardous materials contamination in soils and groundwater on the site has the potential to impact construction workers and adjacent land uses if disturbed during demolition or construction of new buildings and structures on the site. There are several policies in the General Plan that serve to reduce the risk from hazardous materials, including Policy 28.02 which requires a Phase I ESA when development changes an existing use to a more sensitive use (i.e., commercial use to residential use). In the event that hazardous material concerns are identified, the development would be Adherence to General Plan Policy 28.02 would ensure that future housing development under the Housing Element Update would not exacerbate existing unknown hazardous materials contamination that may be present.

## SECTION 6.0 SIGNIFICANT AND UNAVOIDABLE IMPACTS

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A significant unavoidable impact is an impact that cannot be mitigated to a less than significant level if the Project is implemented as it is proposed. The following significant and unavoidable impacts have been identified as resulting from the Project:

- **Impact GHG-1.1 and Impact GHG-C:** The mitigated service population emissions would be 3.31 MT CO<sub>2</sub>e/year, which would still exceed the threshold of 2.7 metric tons per service population.
- **Impact TRN-2.1:** Residential VMT in Sub Areas 4, 5, and 6 VMT would exceed the Town's significance threshold of 19.0 VMT per resident, resulting in a significant VMT impact.
- **Impact TRN-C:** The Project would have a significant and unavoidable VMT impact, and therefore would result in a Cumulatively Significant Impact.
- **Impact UTL-2.1:** The Project water demand would exceed water projections in the adopted 2020 UWMP.

## SECTION 7.0 ALTERNATIVES

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CEQA requires that an EIR identify alternatives to a project as it is proposed. The CEQA Guidelines specify that the EIR should identify alternatives which “would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project.” The purpose of the alternatives discussion is to determine whether there are alternatives of design, scope, or location which would substantially lessen the significant impacts, even if those alternatives “impede to some degree the attainment of the project objectives” or are more expensive (CEQA Guidelines Section 15126.6).

In order to comply with the purposes of CEQA, it is important to identify alternatives that reduce the significant impacts anticipated to occur if the project is implemented and try to meet as many of the project’s objectives as possible. The CEQA Guidelines emphasize a commonsense approach – the alternatives should be reasonable, “foster informed decision making and public participation,” and focus on alternatives that avoid or substantially lessen the significant impacts. The range of alternatives selected for analysis is governed by the “rule of reason” which requires the EIR to discuss only those alternatives necessary to permit a reasoned choice. An EIR is not required to consider alternatives which are infeasible.

The three critical factors to consider in selecting and evaluating alternatives are, therefore: (1) the significant impacts from the proposed project which could be reduced or avoided by an alternative, (2) the project objectives, and (3) the feasibility of the alternatives available. These factors are discussed below.

### 7.1 FACTORS IN SELECTING AND EVALUATING ALTERNATIVES

#### 7.1.1 Significant Impacts of the Project

As explained above, the CEQA Guidelines Section 15126.6 states that the alternatives analysis in an EIR should be limited to alternatives that are feasible and would avoid or substantially lessen any of the significant effects of the project and achieve most of the basic project objectives. Potentially significant environmental impacts that would result from the proposed Project are evaluated in Chapter 3.0, Environmental Setting, Impacts, and Mitigation Measures, of this EIR. As discussed throughout this PEIR, with implementation of existing General Plan policies and standard requirements, many of the potentially significant impacts resulting from the Project would be reduced to a less-than-significant level. The following impacts listed below and summarized in Section 6.0 Significant and Unavoidable Impacts would remain significant and unavoidable, and the alternatives evaluated in this PEIR have been selected because they are anticipated to reduce and/or eliminate one or more of the significant impacts associated with the Project.

- **Impact GHG-1.1 and Impact GHG-C:** The mitigated service population emissions would be 3.31 MT CO<sub>2</sub>e/year, which would still exceed the threshold of 2.7 metric tons per service population.
- **TRN-2.1:** Residential VMT in Sub Areas 4, 5, and 6 VMT would exceed the Town’s significance threshold of 19.0 VMT per resident, resulting in a significant VMT impact.
- **Impact TRN-C:** The Project would have a significant and unavoidable VMT impact, and therefore would result in a Cumulatively Significant Impact.



- **Impact UTL-2.1:** The Project projected water demand would exceed water projections in the adopted 2020 UWMP.

### 7.1.2 Project Objectives

While CEQA does not require that alternatives must be capable of meeting all of the project objectives, their ability to meet most of the basic objectives is considered relevant to their consideration. As identified in Section 2.5 Project Objectives, the objectives for the Project are as follows:

- **Goal 1:** Develop infrastructure through funding mechanisms that support the demands of current and future residents, housing, commercial, and retail development.
- **Goal 2:** Promote a vibrant commercial and cultural downtown area that meets the needs of residents and visitors and encourages a mix of retail, commercial, and residential building through zoning.
- **Goal 3:** Promote environmental responsibility, long-term sustainability, and adaptability in residential development and related infrastructure to minimize impacts to global climate change.
- **Goal 4:** Promote housing opportunities for all persons regardless of race, age, gender, sexual orientation, marital status, ability, or national origin.
- **Goal 5:** Affirmatively further fair housing by taking meaningful actions that overcome patterns of segregation and foster inclusive communities.
- **Goal 6:** Promote the expansion of the housing throughout the Town to accommodate a variety of housing types that are attractive and affordable to potential renters and home buyers at a wide range of income levels.
- **Goal 7:** Promote access to affordable housing opportunities for persons with special housing needs such as seniors, developmentally disabled, large households, and very low to moderate income households.
- **Goal 8:** Facilitate a mix of housing types with density and height limitations appropriate for the subject neighborhood.
- **Goal 9:** Promote a wide variety of housing types that balance valued aspects of the existing community character, including quality design, scale, and preservation of natural features.
- **Goal 10:** Adopt and implement a Housing Element that complies with State Law.

### 7.1.3 Feasibility of Alternatives

CEQA, the CEQA Guidelines, and case law interpreting CEQA and the CEQA Guidelines have found that feasibility can be based on a wide range of factors and influences. The CEQA Guidelines state that such factors can include (but are not necessarily limited to) the suitability of an alternate site, economic viability, availability of infrastructure, consistency with a general plan or with other plans or regulatory limitations, jurisdictional boundaries, and whether the project proponent can “reasonably acquire, control or otherwise have access to the alternative site (Section 15126.6[f][1]).”

## **7.2 PROJECT ALTERNATIVES**

### **7.2.1 Project Alternatives Considered But Rejected for Further Analysis**

#### **7.2.1.1 *Location Alternative***

The primary objective of the Housing Element Update is to ensure the Town's conformance with State law. There would be no way to meet this objective with an alternative that did not focus on the Town itself, and therefore this alternative was not analyzed further.

#### **7.2.1.2 *Reduced Housing Units Alternative***

Under the Reduced Housing Units Alternative, the Town would propose to develop either fewer housing units than required by the RHNA or incorporate a substantially reduced buffer. The Town's RHNA allocation, as presented in Table 2.3-1 of Chapter 2.0 of this PEIR, allocates 2,241 residential units to the Town, distributed among four income categories. Of the 2,241 residential units, 1,028 are allocated to the Very Low- and Low-income categories. Housing for these income categories can typically be accommodate only through higher density development.

In addition to the 2,241 units allocated to the Town, the Town must all plan for a buffer to ensure adequate supply of housing units remains available in the event housing sites are developed with non-residential uses or at lower densities than prescribed by the Housing Element Update. While the requirement for a specific buffer is not codified in State law, a buffer of at least 15 percent is recommended by HCD, especially for the lower income allocations.

The Reduced Housing Units Alternative would not meet the Town's allocation or provide a suitable buffer to accommodate housing during the 2023-2031 cycle; therefore, this alternative was rejected from further consideration and was not carried forward for detailed analysis.

### **7.2.2 Selected Alternatives**

The selected alternatives for analysis are the No Project Alternative and Reduced VMT Alternative.

#### **7.2.2.1 *No Project Alternative***

Under the No Project Alternative, the Town would continue to implement the adopted 2014-2022 Housing Element as adopted in the 2030 General Plan. The Housing Element goals, policies, and programs as well as the Land Use Map and Zoning Code would not be updated to address the Town's housing needs under this alternative. State Housing law requires that all cities within the nine Bay Area counties (including each county) complete the 6th Cycle Housing Element Update by January 2023. ABAG has identified a RHNA allocation of 2,241 units for the Town.

Under this alternative, the Town would continue to develop under the existing General Plan and Housing Element. The Town would be non-compliant with State Housing law and could face penalties for non-compliance. No new significant environmental impacts or an increased severity of environmental impacts identified in the General Plan EIR would occur under this alternative because it would retain the currently General Plan land use designations and policy provisions.

## **Comparison of Environmental Impacts**

Under this alternative, the Town would continue to develop under the existing General Plan and Housing Element. Residential development in the Town would continue to have significant VMT impacts, if located in a high VMT area. GHG emissions would be reduced overall given the amount of development allowed under the current General Plan but may exceed 2030 emissions thresholds on a per capita basis depending on the location of the development sites. Under this alternative, the proposed 2,577 residential units would not be constructed, and projected water demand would not exceed projections in the adopted 2020 UWMP. Future development under the existing General Plan, with adherence to General Plan Policy 27.13, may result in substantial noise increases above ambient conditions when located directly adjacent to noise sensitive locations. Therefore, this alternative would have similar significant and unavoidable construction noise impacts.

## **Relationship to Project Objectives**

The No Project Alternative would achieve some of the objectives identified in Section 7.1.2 above, as shown in Table 7.2-1. Under this alternative, the Town would continue to develop under the existing General Plan and Housing Element. The Town would not expand housing opportunities (Goal 6) to the same extent as the Project. In addition, this Alternative would only partially satisfy Goals 7 through 9. The Town would be non-compliant with state housing law (Goal 10) and could face penalties for non-compliance.

## **Conclusion**

The No Project Alternative would still have the potential to result in significant residential VMT impacts, GHG emissions impacts, and temporary construction noise impacts, depending on where future development occurs in the Town. All other impacts would be avoided, but the Alternative would result in the Town not fulfilling its RHNA target, as required by state housing law.

### **7.2.2.2      *Reduced VMT Alternative***

As discussed in Section 3.17 Transportation, residential development in Sub Areas 1, 4, 5, and 6 would exceed the Town-wide threshold of 19.0 VMT per resident. Under this Alternative, the Town would adopt a Housing Element Update that only included sites in Sub Areas 2, 3, 7 and 8. All other aspects of the Housing Element Update would remain the same.

## **Comparison of Environmental Impacts**

As discussed in Section 3.17 Transportation, residential development in Sub Areas 2, 3, 7 and 8 would generate VMT below the Town-wide residential VMT threshold and VMT impacts would be less than significant. Therefore, the Reduced VMT Alternative would avoid a significant and unavoidable VMT impact. Given the reduction in VMT per capita under this alternative, GHG emissions per capita would also be reduced. Under this alternative, the proposed 2,577 residential units would still be constructed in Sub Areas 2, 3, 7 and 8, and projected water demand would exceed projections in the adopted 2020 UWMP. This alternative would result in the same significant and avoidable water supply impact. Future development under the existing General Plan, with adherence to General Plan Policy 27.13, may also result in substantial noise increases above ambient conditions

when located directly adjacent to noise sensitive locations. Therefore, this alternative would have similar significant and unavoidable construction noise impacts.

### **Relationship to Project Objectives**

The Reduced VMT alternative would meet all the stated Project objectives. Under this Alternative, the Town would accommodate 2,577 residential units consistent with the RHNA target set by ABAG.

### **Conclusion**

The Reduced VMT Alternative would avoid a significant and unavoidable VMT impact. The Reduced VMT Alternative would also minimize GHG emissions per capita while meeting the Town's RHNA target. This Alternative would result in similar significant and unavoidable water supply and construction noise impacts. This Alternative would also meet all the Project objectives.

#### **7.2.2.3 Environmentally Superior Alternative**

The CEQA Guidelines state that an EIR shall identify an environmentally superior alternative. Based on the discussion of project alternatives, the environmentally superior alternative to the project is the Reduced VMT Alternative because it would avoid a significant and unavoidable VMT impact. CEQA Guidelines Section 15126.6(e)(2) states that "if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." In addition to the No Project, No New Development Alternative, the Reduced Development Alternative would be the environmentally superior alternative to the project.

<b>Table 7.2-1: Comparison of Impacts from Alternatives to the Project</b>			
<b>Impacts</b>	<b>Housing Element Update</b>	<b>No Project Alternative</b>	<b>Reduced VMT Alternative</b>
<b>Impact GHG-1</b>	SU	SU	SU
<b>Impact TRN-2</b>	SU	SU	<b>LTS</b>
<b>Impact UTL-2</b>	SU	<b>LTS</b>	SU
<b>Meets Project Objectives?</b>	Yes	No	Yes
Goal 1	Yes	Yes	Yes
Goal 2	Yes	Yes	Yes
Goal 3	Yes	Yes	Yes
Goal 4	Yes	Yes	Yes
Goal 5	Yes	Yes	Yes
Goal 6	Yes	No	Yes
Goal 7	Yes	Partially	Yes

Table 7.2-1: Comparison of Impacts from Alternatives to the Project			
Impacts	Housing Element Update	No Project Alternative	Reduced VMT Alternative
Goal 8	Yes	Partially	Yes
Goal 9	Yes	Partially	Yes
Goal 10	Yes	No	Yes
Notes: LTS = less than significant impact; SU = significant and unavoidable impact <b>Bold</b> text indicate being environmentally superior to the Project.			

## SECTION 8.0 REFERENCES

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The analysis in this Environmental Impact Report is based on the professional judgement and expertise of the environmental specialists preparing this document, based upon review of the site, surrounding conditions, site plans, and the following references:

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## SECTION 9.0 LEAD AGENCY AND CONSULTANTS

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### 9.1 LEAD AGENCY

#### **Town of Danville**

Planning Division

David Crompton, *Chief of Planning*

### 9.2 CONSULTANTS

#### **David J. Powers & Associates, Inc.**

Environmental Consultants and Planners

Will Burns, *Principal Project Manager*

Natalie Noyes, *Senior Project Manager*

Adam Garcia, *Assistant Project Manager*

Ryan Osako, *Graphic Artist*

#### **Archaeological/Historical Consultant**

Cultural Resources Consultant

Daniel Shoup, *Archaeologist and Historian*

Molly Fierer-Donaldson, *Staff Archaeologist*

#### **Hexagon Transportation Consultants, Inc.**

Transportation Consultants

Gary Black, *President*

Ollie Zhou, *VP & Principal Associate*

#### **Illingworth & Rodkin, Inc.**

Acoustical and Air Quality Consultant

James Reyff, *Principal*

Casey Divine, *Consultant*

Michael Thill, *Principal*

Heather Bruce, *Senior Consultant*

#### **Schaaf & Wheeler**

Hydrology Consultant

Robin J. Lee, PE, *Senior Project Manager*

#### **Sequoia Ecological Consulting, Inc.**

Biological Consultant

Tashi MacMillen, *Principal Biologist*

Jesse Reeb, *Senior Biologist and Project Manager*

Aurelie Muckenhirn, *Assistant Project Manager/Biologist*

## **SECTION 10.0 ACRONYMS AND ABBREVIATIONS**

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2017 CAP	Bay Area 2017 Clean Air Plan
AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACE	Altamont Commuter Express
ACM	Asbestos-Containing Material
AFY	Acre-Feet per Year
AMI	Area Median Income
AMM	Avoidance and Minimization Measure
APN	Assessor Parcel Number
BAAQMD	Bay Area Air Quality Management District
BMP	Best Management Practice
BGEPA	Bald and Golden Eagle Protection Act
Btu	British Thermal Unit
C&D	Construction and Demolition
CAL FIRE	California Department of Forestry and Fire Protection
Cal/OSHA	California Division of Occupational Safety and Health
CalARP	California Accidental Release Prevention
CalEPA	California Environmental Protection Agency
CalGreen	California Green Building Standards Code
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CBC	California Building Standards Code
CCCFCWCD	Contra Costa County Flood Control and Water Conservation District
CCCSD	Contra Costa County Sanitary District
CCCSWA	Central Contra Costa Solid Waste Authority
CCCTA	Central Contra Costa Transit Authority
CCR	California Code of Regulations
CCWD	Contra Costa Water District
CDFW	California Department of Fish and Wildlife
CE	California Listed as Endangered Species
CEC	California Energy Commission

Central San	Central Contra Costa Sanitary District
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFC	Chlorofluorocarbons
CFGF	California Fish and Game Code
CFR	Code of Federal Regulations
CGS	California Geological Survey
CH <sub>4</sub>	Methane
CIWMB	California Integrated Waste Management Board
CMP	Congestion Management Program
CNDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CO	Carbon Monoxide
CO <sub>2</sub>	Carbon Dioxide
CO <sub>2e</sub>	Carbon Dioxide Equivalents
CRHR	California Register of Historical Resources
CT	California Listed as Threatened Species
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
dBA	A-Weighted Decibel
dbh	Diameter at Breast Height
DEIR	Draft Environmental Impact Report
DNL	Day-Night Level
DPM	Diesel Particulate Matter
DRB	Design Review Board
DSOD	Division of Safety of Dams
DSRSD	Dublin San Ramon Services District
DTSC	Department of Toxic Substances Control
EBMUD	East Bay Municipal Service District
EBRPD	East Bay Regional Parks District
EIR	Environmental Impact Report
EFH	Essential Fish Habitat

EO	Executive Order
EOP	Emergency Operations Plan
EPA	United States Environmental Protection Agency
ESA	Environmental Site Assessment
FAA	Federal Aviation Administration
FAR	Federal Aviation Regulations
FC	Federally Candidate Listed Species
FCWCD	Contra Costa County Flood Control and Water Conservation District
FCZ	Flood Control Zone
FE	Federally Listed as Endangered Species
FEMA	Federal Emergency Management Agency
FEHA	California Fair Employment and Housing Act
FIRM	Flood Insurance Rate Map
FEIR	Final Environmental Impact Report
FHSZ	Fire Hazard Severity Zone
FMMP	Farmland Mapping and Monitoring Program
FT	Federally Listed as Threatened Species
FTA	Federal Transit Administration
GBtu	Billion Btu
GHGs	Greenhouse Gases
GWh	Gigawatt Hour
GWP	Global Warming Potential
HCD	California Department of Housing and Community Development
HFCs	Hydrofluorocarbons
HMP	Contra Costa County's Hazardous Materials Program
HRC	Heritage Resource Commission
HSWA	Federal Hazardous and Solid Waste Amendments
IpaC	Information for Planning and Consultation
LBP	Lead-Based Paint
Ldn	Average Equivalent Sound Level Over a 24 Hour Period
Leq	Average Energy Level Intensity of Noise Over a Given Period of Time
LID	Low Impact Development
L <sub>max</sub>	Maximum A-weighted noise level during a measurement period



LOS	Level of Service
LRA	Local Responsibility Area
LUST	Leaky Underground Storage Tank
MBTA	Migratory Bird Treaty Act
MCE	MCE Clean Energy
MMI	Modified Mercalli Intensity
MMTCO <sub>2e</sub>	Million Metric Tons of Carbon Dioxide Equivalent
MRP	Municipal Regional Permit
MTC	Metropolitan Transportation Committee
NAHC	Native American Heritage Commission
NCP	National Contingency Plan
NESHAP	National Emission Standards for Hazardous Air Pollutants
NHPA	National Historic Preservation Act
NOD	Notice of Determination
NOI	Notic of Intent
NOP	Notice of Preparation
NO <sub>x</sub>	Nitrogen Oxides
N <sub>2</sub> O	Nitrous Oxide
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
NWIC	Northwest Information Center
O <sub>3</sub>	Ozone
OITC	Outdoor-Indoor Transmission Class
OPR	Office of Planning and Research
PCB	Polychlorinated biphenyls
PCE	Perchloroethylene
PD	Police Department
PDA	Priority Development Area
PFCs	Perfluorocarbons
PG&E	Pacific Gas and Electric Company
PM	Particulate Matter
PM <sub>2.5</sub>	Fine Particulate Matter
PM <sub>10</sub>	Coarse Particulate Matter

PPV	Peak Particle Velocity
RCRA	Resource Conservation and Recovery Act
RHNA	Regional Housing Needs Assessment
ROG	Reactive Organic Gases
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SF <sub>6</sub>	Sulfur Hexafluoride
SFHA	Special Flood Hazard Area
SHMA	Seismic Hazards Mapping Act
SMARA	Surface Mining and Reclamation Act
SMGB	State Mining and Geology Board
SO <sub>x</sub>	Sulfur Oxides
SRA	State Responsibility Areas
SRVFPD	San Ramon Valley Fire Protection District
SRVUSD	San Ramon Valley Unified School District
SRVRWP	San Ramon Valley Recycled Water Program
SSMP	Sewer System Management Plan
STC	Sound Transmission Class
SWAT	Southwest Area Transportation Committee
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resource Control Board
TAC	Toxic Air Contaminant
TCE	Trichloroethane
TCR	Tribal Cultural Resource
TVTC	Tri-Valley Transportation Council
US	United States
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
USPS	United States Postal Service
UWMP	Urban Water Management Plan
VdB	Vibration Decibels
VHFHSZ	Very High Fire Hazard Severity Zone
VMT	Vehicle Miles Traveled

