



"Small Town Atmosphere  
Outstanding Quality of Life"

## DRAFT MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE

LEAD AGENCY: Town of Danville -- (Fred Korbmacher)

NAME OF PROJECT: SUB22-0003 (SD 9598) - DEV22-0003 & TR22-0031

PROJECT DESCRIPTION: The subdivision of an existing 3.04-acre parcel into nine single family residential lots where there are 37 Town-protected trees on the subject property affected by this proposal

### ENVIRONMENTAL EFFECTS/MITIGATION MEASURES:

1. BIOLOGICAL RESOURCES: Will the Project:
  - a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?  
**Less than Significant with Mitigation Incorporated.** The project would develop an existing 3.01-acre single-family residential property into nine residential lots. The project is not projected to impact special-status species.

All raptors and other nesting migratory birds are protected under the Migratory Bird Treaty Act and their eggs and young are protected under California Fish and Game Codes. A nesting survey would be conducted prior to commencing with construction work if this work would commence between February 1<sup>st</sup> and August 31<sup>st</sup>. If a nest is found, a buffer around the tree with the nest will be installed, which would be identified by a qualified biologist.

**MITIGATION MEASURE 1:** *If tree removal must take place between February 1<sup>st</sup> and August 31<sup>st</sup>, preconstruction nesting surveys shall be conducted by a qualified biologist to ensure no nesting birds would be impacted by the trees' removal. If birds are determined to be nesting in the tree(s) slated for removal or in a nearby tree that could be disturbed by noise, a non-disturbance buffer shall be demarcated around the nest tree and no disturbance shall occur within the buffer zone until the present birds have finished nesting. Once nesting is completed and the young birds*

510 LA GONDA WAY, DANVILLE, CALIFORNIA 94526



*are flying freely, the non-disturbance buffer may be removed.*

- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? **Less than Significant with Mitigation Incorporated.** The project would develop a site with an existing single-family residence and landscaped area. All stormwater/surface runoff should be directed into the Town's storm drain system.

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**MITIGATION MEASURE 2:** *If tree removal must take place between February 1<sup>st</sup> and August 31<sup>st</sup>, preconstruction nesting surveys shall be conducted by a qualified biologist to ensure no nesting birds would be impacted by the trees' removal. If birds are determined to be nesting in the tree(s) slated for removal or in a nearby tree that could be disturbed by noise, a non-disturbance buffer shall be demarcated around the nest tree and no disturbance shall occur within the buffer zone until the present birds have finished nesting. Once nesting is completed and the young birds are flying freely, the non-disturbance buffer may be removed.*

- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? **Less than Significant with Mitigation Incorporated.** Of the 98 trees surveyed on the site, 74 are to be removed. Of the 74 trees, 31 trees are protected under the Town's Tree Preservation Ordinance. 47 new trees will be planted on site and in-lieu fees will be paid.

**MITIGATION MEASURE 3:** *The developer shall be required to mitigate the loss of 31 Town-protected trees. The total diameter of trees to be removed is 725 inches. As a result, the applicant shall be responsible for the planting of either 362 15-gallon trees or 181 24-inch box size trees. It is anticipated that these trees would not be able to be planted on site, given the footprint of the*



*proposed building. Therefore, trees would be planted off-site within Town parks and open space area subject to the applicant's payment of an off-site mitigation fee. The mitigation fee shall be \$250.00 per 15-gallon tree or \$500.00 per 24-inch box size tree.*

4. NOISE: Would the project result in:

- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? **Less than Significant with Mitigation Incorporated.** Noise levels would temporarily be increased due to noise associated with the construction of the project. The noise impact will be less than significant given required standard conditions of approval which define and limit hours of construction.

**MITIGATION MEASURE 4:** *The applicant shall require their contractors and subcontractors to fit all internal combustion engines with mufflers, which are in good condition, and to locate stationary noise-generating equipment as far away from existing residences as feasible.*

**MITIGATION MEASURE 5:** *Construction activity shall be restricted to the period between the weekday hours of 7:30 a.m. to 5:30 p.m. (Mondays through Fridays), unless otherwise approved in writing by the City Engineer for general construction activity and the Chief Building Official for building construction activity. Prior to any construction work on the site, including grading, the applicant shall install a minimum 3' x 3' sign at the project entry which specifies the allowable construction workdays and hours, and lists the name and contact person for the overall project manager and all contractors and sub-contractors working on the job.*

5. UTILITIES AND SERVICE SYSTEMS: Would the project result in:

- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? **Less Than Significant with Mitigation Incorporated.** The project will be required to comply with all stormwater quality requirements. The project proposes self-retaining pervious areas and a bio-retention basin. Calculations were computed on the Contra Costa Clean Water Program's IMP calculator to determine C3 compliance.

**MITIGATION MEASURE 6:** *Stormwater and surface water runoff shall be directed into the property's public storm drain system. The applicant shall be required to pay the Excavation Mitigation Fee to Contra Costa County Flood Control.*



June 16, 2022

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DETERMINATION: Based upon the above identified mitigation measures, no significant environmental impacts are anticipated to be associated with the subject project. A Draft Mitigated Negative Declaration of Environmental Significance has been prepared.

The Initial Study was prepared by the Planning Department, Town of Danville. Copies of the Initial Study may be obtained at the Town offices located at 510 La Gonda Way, Danville, California 94526.

ATTEST:

A handwritten signature in black ink, appearing to read 'Fred Korbmacher', written over a horizontal line.

Fred Korbmacher  
Development Service Coordinator