

Appendix A

Notice of Preparation with 2017 Initial Study



*"Small Town Atmosphere
Outstanding Quality of Life"*

August 29, 2017

To whom it may concern:

Attached is a revised Notice of Preparation and Initial Study/Environmental Checklist for the Magee Ranches, Davidon Homes development application. A new 30-day public review period has been established and several minor corrections (shown with highlights) and additions have been made to the document. The new 30 day review period is necessary because the Town failed to deliver the first document to the Contra Costa County Clerk for posting.

If you have any questions, feel free to contact me 925-314-3349 or dcrompton@danville.ca.gov.

Sincerely,


David Crompton
Principal Planner

510 LA GONDA WAY, DANVILLE, CALIFORNIA 94526

Administration
(925) 314-3388

Building
(925) 314-3330

Engineering & Planning
(925) 314-3310

Transportation
(925) 314-3310

Maintenance
(925) 314-3450

Police
(925) 314-3700

Parks and Recreation
(925) 314-3400



*"Small Town Atmosphere
Outstanding Quality of Life"*

Date of Mailing: August 29, 2017

Notice of Preparation (Revised 8/29/17)

Town of Danville (Lead Agency)
510 La Gonda Way
Danville, CA 94526
(925) 314-3349

Subject: Notice of Preparation (NOP) for the Revised Draft Environmental Impact Report for the Magee Ranches Project

Project Applicant: Davidon Homes

Public Review Period: NOP response period is from **August 31, 2019 to October 2, 2017**

The Town of Danville will be the Lead Agency and will prepare a Revised Draft Environmental Impact Report (EIR) for the Magee Ranches Project. This Notice of Preparation is provided pursuant to Section 15082 of the California Environmental Quality Act (CEQA) Guidelines to announce the initiation of the EIR process and to solicit comments from responsible and trustee agencies and interested parties concerning the scope of issues to be addressed in the Revised Draft EIR. Refer to the Probable Environmental Effects listed below and the attached Initial Study Checklist to determine whether your concerns have already been identified. Please focus your comments on the project's potential environmental impacts and recommendations for methods of avoiding, reducing or otherwise mitigating those impacts. If you are a governmental agency with discretionary authority over initial or subsequent aspects of this project, please describe that authority and provide comment regarding potential environmental effects that are germane to your agency's area of responsibility.

Due to the time limits mandated by State law, your response must be submitted at the earliest possible date, **but not later than 30 days after receipt of this notice**. Please include in your response the name of a contact person in your agency (if applicable). Please send your written responses to the attention of David Crompton, Principal Planner, at the address identified above.

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Project Location: The Project site is located in the Town of Danville, approximately 20 miles east of San Francisco in Northern California (see Figure 1 within the Initial Study). The site is bounded by Diablo Road and Blackhawk Road to the north and McCauley Road to the west. The property is comprised of 10 legal parcels totaling approximately 410 acres, and is generally characterized by open grass-covered hills with scattered trees (see Figure 2 within the Initial Study).

Project Description: The Project proposes to develop approximately 30 acres of the 410-acre project site with 69 single family homes and seven attached secondary dwelling units. Approximately 380 acres of the project site would be permanent open space used for ongoing cattle grazing operations, habitat preservation and enhancement, storm water treatment, and public trails. 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). In addition, a Vesting Tentative Map is proposed to create the 69 single family lots on the site. The lots would be clustered and located primarily on the flatter portions of the property. The Project plans are on file and available for review at the Town of Danville Planning Division. The Project applicant is Davidon Homes.

Probable Environmental Effects. An Initial Study has been prepared for the Project in accordance with CEQA and the CEQA Guidelines. This Initial Study is posted on the Town of Danville's website at <http://www.ci.danville.ca.us/Services/Planning-Services/Development-Activities/Magee-Ranch-Project/>. CEQA identifies that when a lead agency has determined that it will prepare an Environmental Impact Report ("EIR"), the lead agency may use an initial study to focus the EIR on a project's significant environmental impacts, identify impacts determined to be not significant, and explain why potentially significant impacts were determined to be not significant (CEQA Guidelines Section 15063).

As explained in the Initial Study, the Town approved a slightly larger version of the Project (the same number of lots, but on a larger footprint) in 2013, but the Town's approvals and EIR certification were challenged in litigation. The courts rejected the lawsuit's challenges to the 2013 EIR's adequacy regarding vehicular traffic, pedestrian safety, California red-legged frogs, emergency access, safe evacuation, flooding, erosion, siltation, responses to public comments, project alternatives, recirculation, and land use. The courts determined, however, that the EIR did not adequately address impacts to bicycle safety.

As explained in the Initial Study, the Revised Draft EIR will focus on the following topics:

- **Air Quality:** The EIR will re-quantify criteria air pollutant emissions and quantify human health risk from Project construction activities.
- **Greenhouse Gas (GHG) Emissions:** The EIR will update and analyze the GHG emissions from the Project.
- **Noise:** The EIR will evaluate noise and groundborne noise/vibration impacts on nearby sensitive uses (residences) during Project construction.
- **Transportation:** The will include a traffic analysis that addresses all aspects of transportation and circulation effects of the Project, including bicycle safety.

- Energy: The EIR will re-analyze the energy impacts of the Project.
- Growth Inducement: The EIR will address the potential growth inducement effects of the Project.
- Cumulative Impacts: The EIR will evaluate the potential cumulative impacts of the Project when combined with past, present and reasonably anticipated projects in the region in the areas of air quality, transportation, and construction noise.
- Alternatives: The EIR will consider a range of reasonable alternatives to the proposed Project that have the potential to feasibly obtain most of the basic objectives of the Project.

Date: August 29, 2017

Signature: _____

David Crompton, Principal Planner

Attachment:

Initial Study/CEQA Environmental Checklist for the Magee Ranches Development

Initial Study/CEQA Environmental Checklist for Magee Ranches Development, Town of Danville August 2017

INTRODUCTION

This document is an Initial Study prepared pursuant to the California Environmental Quality Act ("CEQA") for the proposed Magee Ranches Project ("Project").¹ It has been prepared in accordance with CEQA and the CEQA Guidelines. The lead agency is the Town of Danville.

Where, as here, a lead agency has determined that it will prepare an Environmental Impact Report ("EIR"), the lead agency may use an initial study to focus the EIR on the Project's significant environmental impacts, identify impacts determined to be not significant, and explain why potentially significant impacts were determined to be not significant. That is the function of this Initial Study.

This Initial Study concludes that the following topics require further analysis in a Revised Draft EIR:

- Air Quality: criteria air pollutant emissions during construction and health risk from emissions during construction
- Greenhouse Gas Emissions
- Noise: Noise and groundborne noise/vibration during construction
- Energy
- Transportation and Circulation

PROJECT LOCATION AND AREA

The Project site is located in the Town of Danville, approximately 20 miles east of San Francisco in Northern California (see Figure 1). The site is bounded by Diablo Road and Blackhawk Road to the north and McCauley Road to the west. The property is comprised of 11 parcels totaling approximately 410 acres, and is generally characterized by open grass-covered hills with scattered trees (see Figure 2). The elevation of the property ranges from approximately 425 feet along the Project's frontage at Diablo Road near McCauley Road to about 860 feet at its highest point. The site is currently used for beef cattle operations.

¹ Throughout this Initial Study, the current version of the proposed Project is referred to as "Project" and earlier, larger versions analyzed in 2013 are referred to as "project."

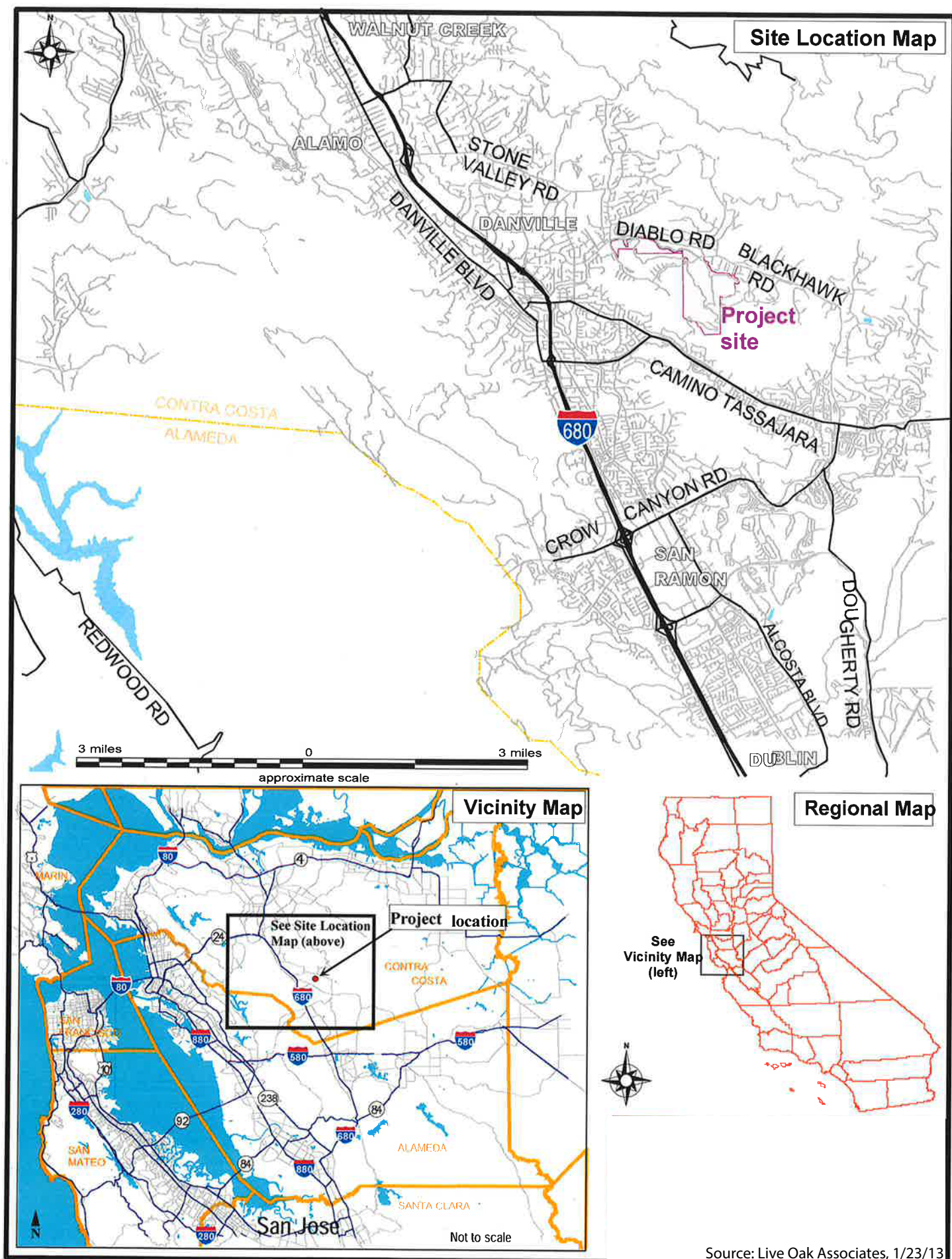
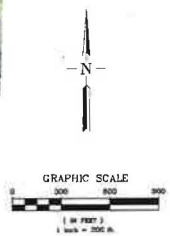


Figure 1



AERIAL PHOTO EXHIBIT - MAGEE RANCHES
DANVILLE, CALIFORNIA



RJA
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Figure 2

The property is surrounded by single-family residential neighborhoods, including the Belgian Drive/Clydesdale Drive/Fairway Drive neighborhoods, the unincorporated community of Diablo, and single family homes located between Green Valley Creek and Diablo Road/Blackhawk Road to the north, the Hidden Valley development to the west, the existing Magee Ranch subdivision to the east, and residential uses located on the south side of Short Ridge to the south. Public and private open space areas are also located in the project vicinity, including Sycamore Valley Regional Open Space Preserve, which adjoins the property to the south, and Mt. Diablo State Park.

PROJECT BACKGROUND

In October 2010, SummerHill Homes submitted an application for a Preliminary Development Plan – Rezoning and Final Development Plan – Vesting Tentative Map/Major Subdivision to allow for development of 85 residential lots on the project site. In March 2011, SummerHill Homes reduced the number of residential lots from 85 to 78. The Town began preparation of an EIR for the project and several technical studies were conducted based on a 78-unit project. These studies generally were not updated when the project was subsequently reduced in size, because the reduced proposals would cause reduced environmental impacts compared to the 78-lot proposal.

SummerHill Homes reduced the project to 70 lots before the Draft EIR was issued; most of the Draft EIR's analysis was based on the 70-lot project description. In February 2013, in response to comments on the Draft EIR, SummerHill Homes reduced the project from 70 to 69 units. This change reduced the proposed developed area by 70 acres and eliminated three custom lots fronting on Diablo Road. The Final EIR issued in April 2013 took this reduction into account, noting that the 69-unit project would reduce some environmental impacts evaluated in the DEIR. (2013 FEIR, p. 2.) The Town of Danville approved the 69-lot proposed project.

A lawsuit was filed to challenge the project approvals, alleging that the project's EIR inadequately addressed impacts to traffic, bicycle safety, pedestrian safety, the California red-legged frog, emergency access, safe evacuation, flooding, erosion, and siltation. The lawsuit further alleged that the EIR failed to adequately respond to public comments, failed to consider project alternatives that would have eliminated traffic impacts, and should have been recirculated for public comment. Finally, the lawsuit alleged that the project was inconsistent with the Town's General Plan and with other land use restrictions. The Superior Court and the Court of Appeal rejected all of these allegations except for the claim that the EIR did not adequately address impacts to bicycle safety. *SOS-Danville Group v. Town of Danville*, Contra Costa County Superior Court Case No. MSN13-1151 (filed 7/25/2013); Order Re: Petition for Writ of Mandate (CEQA) (7/28/2014); Opinion, First District Court of Appeal Case No. A143010 (9/11/2015). As to bicycle safety, further CEQA analysis is required before the Town considers project approval.

In February 2017, Davidon Homes became the project applicant. The current site plan proposes a total of 69 residential lots. It differs from the project described in the 2013 EIR in two primary respects:

1. The Project would place 69 clustered lots on a total of approximately 23 acres. Under the Project, all 69 lots would be placed within the footprint of residential development analyzed and approved in 2013. The Project would reduce developed acreage and correspondingly increase open space by approximately nine acres compared to the project described in the 2013 FEIR.
2. An existing corral on the site, which would be eliminated by the Project, would be replaced by a new 100 by 100-foot corral near Diablo Road, to serve cattle grazing operations that would continue on the majority of the Project site.
3. Each of the 69 single family residences would include an electric vehicle charger.

PROJECT DESCRIPTION

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). In addition, a Vesting Tentative Map is proposed to create 69 single family lots on the site. The lots would be clustered and located primarily on the flatter portions of the property. The Project location maps are provided in Figures 1 and 2. The Project plans are on file and available for review at the Town of Danville Planning Division. The Project applicant is Davidon Homes.

PROJECT OBJECTIVES

The objectives of the Project proponent are listed below:

- Develop a residential project that is consistent with the Town of Danville Agricultural, General Open Space, Rural Residential, and Rural Residential/Single Family-Low Density General Plan Land Use designations for the site as well as the General Plan's Magee Ranch Special Concern Area language.
- Provide 69 residential lots, including 66 home sites at the east end of site south of Blackhawk Road and three home sites near the southeast corner of the Diablo Road/McCauley Road intersection.
- Design the Project to cluster development on the lower portions of the site to minimize visual impacts and limit disturbance on the property.
- Provide for a minimum of 10% of the 69 lots to include a second dwelling unit ("casita") to satisfy the Town's affordable housing requirements.
- Preserve approximately 381 acres of the Project site as permanent open space.
- Preserve significant features of scenic hillsides and major ridgeline areas.

PROJECT CHARACTERISTICS

Site Plan

Davidon Homes is under contract to purchase the 410-acre Project site, with the current landowner retaining several access easements. The Project proposes to subdivide the approximately 410-acre site into 69 single-family lots, road rights-of-way and open space. Magee East, comprising approximately 335 acres, would include 66 lots ranging in size from approximately 10,000 to 22,000 square feet. Magee West, comprising approximately 75 acres, would include three lots ranging in size from approximately 29,000 to 48,000 square feet. See Table 1 below. The Project proposes to locate the 69 lots on approximately 23 acres on the flatter portions of the site, avoiding steeper slopes and ridgelines. A minimum of 10% of the homes would be constructed with attached second dwelling units, referred to as “casitas,” in order to meet the Town’s affordable housing requirements.²

Table 1			
Magee Ranches Lot Summary			
Lot	Area (s.f.)	Lot	Area (s.f.)
1	13,880	36	13,944
2	31,522	37	16,689
3	13,031	38	14,684
4	12,680	39	12,642
5	11,885	40	11,361
6	15,503	41	16,692
7	11,476	42	14,433
8	11,570	43	11,939
9	11,475	44	10,894
10	10,056	45	11,016
11	11,296	46	12,042
12	12,070	47	10,596
13	11,169	48	15,529
14	12,894	49	19,350
15	13,971	50	11,281
16	18,737	51	15,619
17	11,285	52	13,685
18	11,597	53	12,837
19	10,681	54	19,538
20	14,983	55	14,543
21	19,295	56	13,262
22	15,006	57	14,268

² Although seven second dwelling units are required, the Town assumes that future homeowners may add up to ten more second dwelling units. Accordingly, the environmental impact analysis for project operations assumes 69 single-family units and 17 second dwelling units.

Table 1			
Magee Ranches Lot Summary			
23	10,929	58	22,137
24	11,168	59	10,297
25	11,746	60	10,051
26	10,066	61	13,921
27	13,068	62	13,931
28	13,295	63	12,346
29	15,569	64	10,775
30	12,816	65	10,657
31	15,194	66	12,150
32	16,889	67	36,647
33	14,748	68	29,327
34	14,503	69	48,427
35	11,548		
Lots 1-66 on Magee East Lots 67-69 on Magee West			

In addition to the 23 acres of residential lots, street rights-of-way would occupy approximately 5.7 acres, comprising both new internal streets (5.25 acres) and right-of-way to be dedicated to the Town along Diablo Road (0.4 acre).

The remaining portion of the Project site (approximately 381 acres) would be preserved as permanent open space. Most of this area would be used for cattle grazing and habitat, but the area would also include two public trails, common area landscaping, biofiltration swales and bioretention/flow control basins, and a relocated corral of approximately 100 by 100 feet to support the ongoing cattle grazing operations. No structures would be constructed to serve the corral. During construction, corrective grading to protect new residences and infrastructure from existing landslides and debris flows would also occur in portions of the open space area.

East Branch Green Valley Creek passes through Magee East. The Project would remove an existing bridge across the creek, construct a new bridge for Project access, improve existing concrete stabilization with natural rock grade control structures, and enhance riparian habitat upstream and downstream of the proposed bridge.

Land Use Entitlements

The applicant is seeking approval of a Preliminary Development Plan – Rezoning and Final Development Plan – Major Subdivision application and a Vesting Tentative Map. In order to cluster development, the site would need to be rezoned. The Project would rezone portions of the project site that are currently zoned A-4 (Agricultural Preserve District) and A-2 (General Agricultural District) to P-1 (Planned Unit Development District). In addition, a portion of the site currently zoned P-1 (Planned Unit Development District) would be rezoned to a new P-1 (Planned Unit Development District). The proposed rezoning would allow for residential uses at densities consistent

with General Plan Land Use Designations. The Project would also require a Tree Removal Permit.

Consistent with the Magee Ranch General Plan Special Concern Area language, the purpose for the P-1 (Planned Unit Development District) rezoning request is to allow clustering of residential units on the flatter portions of the site while maintaining the same overall density allowed under the current General Plan Land Use Designations. This allows the portions of the site that contain steeper slopes and visible ridgelines to be retained as open space. Table 2 below summarizes the existing and proposed zoning by parcel.

Table 2 Existing and Proposed Zoning/General Plan Designations				
APN	General Plan Designations	Existing Zoning	Proposed Zoning	Acres
202-050-071	Public and Open Space -Agricultural	A-4	P-1	36.4
202-050-073	Public and Open Space - General Open Space	P-1	P-1	3.4
202-050-078	Public and Open Space -Agricultural	A-4	P-1	159.1
202-050-079	Residential - Rural Residential	A-2	P-1	17.2
202-050-080	Residential - Rural Residential	A-2	P-1	52.7
	Residential - Single Family - Low Density	A-2	P-1	5.0
202-100-017	Residential - Rural Residential	A-2	P-1	40.8
202-100-019	Residential - Rural Residential	A-2	P-1	38.9
202-100-038	Residential - Rural Residential	A-2	P-1	51.1
202-100-040	Public and Open Space – General Open Space	P-1	P-1	2.5
215-040-002	Public and Open Space -Agricultural	A-4	P-1	3.2
Total Acres				410.3
A-2; General Agricultural District A-4; Agricultural Preserve District P-1; Planned Unit District Sources: Town of Danville 2030 Land Use Map; Town of Danville Zoning Map				

Pedestrian/Bicycle Trail

The Project proposes an eight-foot wide pedestrian/bicycle trail in the Magee East portion of the Project site. This trail provides access from Blackhawk Road through the panhandle and to the proposed residential portion of Magee East along Green Valley Creek. The trail would connect to the emergency vehicle access road (EVA). The trail, including the EVA portion, would be approximately 3,085 feet in length.

Open Space/Hiking Trails

The Project proposes to preserve approximately 381 acres of the 410-acre site as permanent open space, including roughly 367 acres on Magee East and 14 acres on Magee West. As shown in Figure 2, portions of existing fire trails are proposed to be granted to the EBRPD for use as public trails. Other existing fire trails within the open space area could be used as private or public hiking trails. The applicant proposes to form a geologic hazard abatement district (GHAD) to own and manage the open space. These trails can be managed by either the GHAD or another public or private entity (such as a park district or the project's homeowners association), provided the applicable resource agencies (e.g., California Department of Fish & Wildlife) do not prohibit public access into the open space.

Landscaping

Landscaping would be incorporated into the Project design within the residential lots, along proposed streets, adjacent to the proposed trail and EVA, and along the main project entrance road.

INFRASTRUCTURE

The Project would require the construction and installation of infrastructure, including roads, water supply, sanitary sewer, and storm water facilities.

Access

Access to the Project would be provided by new residential roadways, as described below.

- **Magee East Access.** The main access for Magee East would be located on Blackhawk Road in the vacant panhandle property just east of Jillian Way. The entrance would consist of one 28 foot inbound lane, two 14 foot outbound lanes, and a 20 foot landscaped median. The Project proposes to close Jillian Way and provide access to the existing Jillian neighborhood through the new panhandle access. This main access road would consist of a two-lane facility with a bridge crossing East Branch Green Valley Creek into the proposed subdivision. The access road would serve 66 proposed residential lots through a network of streets and cul-de-sacs, as shown in Figure 2. In addition, an emergency vehicle access road (EVA) for the Magee East portion of the site is proposed from the southern portion of the site to Diablo Road.
- **Magee West Access.** The access for Magee West would be provided from a shared driveway on the east side of McCauley Road approximately 300 feet south of the Green Valley Road/Diablo Road intersection.

Water System

East Bay Municipal Utility District (EBMUD) would be responsible for providing water supply to the project. Water lines are proposed within the roadway right-of-ways for the proposed new access roads. Magee East would connect to existing 8-inch and 16-inch water mains in Blackhawk Road. Magee West would connect to existing water mains in McCauley Road. The Project would also require annexation of portions of the project site into EBMUD.

Sanitary Sewer System

Sanitary sewer service would be provided by Central Contra Costa Sanitary District (Central San). Sanitary sewer lines are proposed within the roadway rights-of-way for the proposed new access roads. Magee East would connect to the existing 8-inch sanitary sewer line in Blackhawk Road. The lots along McCauley Road would connect to an existing 8-inch sanitary sewer main in McCauley Road. The Project would also require annexation of portions of the project site into Central San.

Storm Drainage System

The Project would provide a drainage system to accommodate the proposed residential subdivision. The Project would provide structural controls to mitigate downstream increases in storm water flows for the 10-year flood, in accordance with the Contra Costa County Flood Control Standards. In addition, the Project has been designed to mitigate downstream increases in storm water flows for the 100-year flood. The Project proposes to install the following drainage facilities for the project:

- biofiltration swales along the entrance road to Magee East, and
- bioretention/flow control basins for the McCauley development area in Magee West and the northwest portion of Magee East.

CONSTRUCTION AND GRADING

Grading

The Project would require grading on the site to facilitate construction of the proposed subdivision and associated infrastructure. Total grading is estimated at approximately 183,000 cubic yards of cut and 183,000 cubic yards of fill. Grading on the site is proposed to balance with no import or export of soil material.

Remedial Grading

In addition to grading for construction of the subdivision and its infrastructure, the Project includes remedial grading to address existing landslides and debris flows, including debris noted following the winter of 2016-2017. Remedial grading would not require import or export of soil material.

Demolition

Demolition of existing agricultural structures on the project site would be performed consistent with all application statutes, regulations, and rules. These requirements include Bay Area Air Quality Management District Regulation 11, Rule 2, regarding proper removal and disposal of any asbestos-containing building materials, and requirements for removal and disposal of any lead-based paint, as prescribed by the California Division of Occupational Safety and Health (Cal/OSHA) and the regulations under Title 8, Section 1532.1, of the California Code of Regulations.

Building Construction/Design

Davidon Homes is offering various floor plans for homes. Base floor plans range from approximately $\pm$ 3,100 square feet to $\pm$ 4,400 square feet with three-car garages and a variety of elevations, limited to two stories. Ten percent of the units would include attached second dwelling units (“casitas”) in order to comply with the Town’s Inclusionary Housing Ordinance. All structures would be of wood-frame construction.

Sustainable Design Features

The Project would provide the following sustainable design features:

- Solar compatibility, including pre-wiring to accommodate possible future solar installations
- GreenPoint rated design
- Tankless hot water heaters
- High efficiency irrigation systems
- Low emitting insulation at walls and ceilings
- Insulation on all hot water pipes
- Energy Star appliances
- Low VOC paints, caulking and construction adhesives
- Energy Star bath fans
- Low flow toilets
- HVAC filters
- High efficiency air conditioner with environmentally responsible refrigerants
- Electric vehicle chargers

Optional sustainable design features offered would include the following measures:

- Solar upgrades

- Whole house fan
- Blown-in insulation
- Electricity monitor

Project Schedule/Phasing

The tentative schedule for proposed development is summarized below:

Initiate Site Work (grading, roads, utilities):	January 2019
End Initial Site Work:	December 2019
Begin Construction of Homes:	October 2019
End Construction of Homes:	June 2023

Jurisdictional Waters (Wetlands)

A formal wetland delineation was prepared for the project site. Preliminary field verification by the U.S. Army Corps of Engineers determined that East Branch Green Valley Creek, an unnamed seasonal drainage on the south portion of the site, smaller ephemeral drainages, and various impoundments including the borrow pit and stock pond constitute Waters of the United States and are subject to the Corps' regulatory authority. The California Department of Fish and Wildlife also has jurisdiction over the bed and bank of natural drainages. Approximately 0.5 acres of jurisdictional waters would be filled to accommodate the proposed development, with replacement wetland provided as mitigation in accordance with all regulatory agency requirements.

Tree Removal

The project would require the removal of some existing trees on the project site. The 2017 arborist report for the site identified the removal of 49 trees, primarily to provide access to the site. An additional 18 trees may be removed to provide for improvements at the intersection of Diablo Road/Green Valley Road if required by the Town. All trees to be removed would be replaced in accordance with the Town's requirements and mitigation measures identified in the 2013 EIR.

REQUIRED PERMITS AND APPROVALS

A Revised EIR, including this Environmental Checklist, will be an informational document for both agency decision-makers and the public. The Town of Danville is the lead agency responsible for certification of the EIR and approval of potential future Project permits. A summary of the anticipated entitlement and processing actions required to implement the Project are as follows:

- Certification of a Revised EIR
- Preliminary Development Plan - Rezoning (P-1; Planned Unit Development District) (LEG10-0004)

- Final Development Plan – Vesting Tentative Map/Major Subdivision (DEV10-0071 and SD 9291)
- Final Development Plan (DEV10-0072)
- Tree Removal Permit (TR10-0028)
- Grading and Building Permits

The EIR will also be available for the use of responsible, trustee, and other agencies that have jurisdiction or approval authority for the project. These agencies may include:

- U.S. Fish and Wildlife Service
- U.S. Army Corps of Engineers
- California Department of Fish & Wildlife
- San Francisco Bay Regional Water Quality Control Board
- East Bay Municipal Utility District
- Central Contra Costa Sanitary Sewer District
- Contra Costa County Flood Control and Water Conservation District
- Contra Costa County Public Works Department
- Contra Costa Local Agency Formation Commission

INCORPORATION OF 2013 EIR

This Initial Study hereby incorporates the 2013 EIR, comprising the Draft EIR (“2013 DEIR”), Final EIR (“2013 FEIR”) and their appendices, by reference and uses the 2013 EIR for the following:

- Discussion of general background information
- Issues that were evaluated in adequate detail in the 2013 EIR and for which there is no significant new information or change in circumstances that would require new analysis
- Mitigation measures previously identified for potentially significant environmental impacts

Summaries of applicable sections of the 2013 EIR, with page references, are provided throughout this Initial Study. The 2013 EIR, including appendices, is available for inspection at the Town of Danville Planning Division, 510 La Gonda Way, and on the Town’s website at <http://www.danville.ca.gov/Services/Planning-Services/Development-Activities/Magee-Ranch-Project>.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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I. AESTHETICS. Would the project:

a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☒	☐	☐

DISCUSSION:

The lawsuit on the 2013 EIR did not challenge the EIR's adequacy with respect to Aesthetics.

Would the project:

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

The 2013 EIR found that the project would not have a substantial adverse impact on scenic vistas. (2013 DEIR, p. 4.1-27; 2013 FEIR, p. 2.) Development would be clustered within the flatter portions of the site to minimize potential visual effects and changes in topography. Clustering would also achieve consistency with the Town of Danville's requirements related to the preservation of scenic hillsides and major ridgelines. (2013 DEIR, pp. 4.1-23–4.1.25.)

There have been no changes to the Project since the 2013 EIR that would increase its impacts to scenic vistas. All residences would be constructed within previously identified footprints of development. (See 2013 DEIR Figures 4.1-2 through 4.1-11; 2013 FEIR, p. 2, Attachment B.) Accordingly, the Project's effect on scenic vistas would remain less than significant.

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

The 2013 EIR found that the project site would not lie adjacent to or near any designated state scenic highway and would not result in an impact to a state designated scenic corridor. (2013 DEIR, p. 4.1-25.)

Since 2013, the California Department of Transportation has not designated any additional state scenic highways in the project vicinity. Accordingly, the Project would have no impact on scenic resources within a state scenic highway.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

The 2013 EIR determined that the project would not significantly degrade the visual character or quality of the site and its surroundings. Visual simulations showed limited visual intrusion or modification from public viewpoints and that much of the site was obscured from public view by terrain and vegetation. (2013 DEIR, pp. 4.1-23 - 4.1-26; Figures 4.1-2 through 4.1-11; 2013 FEIR, p. 2, Attachment B.)

There have been no changes to the Project since the 2013 EIR that would increase the visual impact of the project. The Project's design remains similar to that approved in 2013, except that the footprint of residential development would be reduced and more open space would be created. The development would remain largely obscured from public viewpoints by vegetation and terrain. Accordingly, the Project's effect on the visual character and quality of the site would remain less than significant.

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

The 2013 EIR found that new sources of light would present a potentially significant impact that would be reduced to a less than significant level through Mitigation Measure 4.1-1. This measure required an exterior lighting plan subject to approval by the Town of Danville that would include directional and indirectly-visible exterior lighting, minimization of reflective surfaces, use of directional and down-lit lighting, and vegetative screening where needed. (2013 DEIR, pp. 4.1-26–4.1-27.) (See Attachment A, Mitigation Monitoring and Reporting Program, April 2013, p. 1.)

There have been no changes to the Project since the 2013 EIR that would increase light or glare impacts. Compared to the project analyzed in the 2013 EIR, the proposed Project would reduce the footprint of residential development, thus reducing the area where new lighting would be introduced. In addition, the Project would be subject to both Mitigation Measure 4.1-1 and Danville Municipal Code section 32-69.7(h). Accordingly, the Project's impacts on light and glare would remain less than significant with mitigation.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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II. AGRICULTURE AND FOREST RESOURCES.

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | ☐ | ☐ | ☐ | ☒ |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | ☐ | ☐ | ☐ | ☒ |

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

DISCUSSION:

Except as noted in subsection b) below, the lawsuit on the 2013 EIR did not challenge the EIR's adequacy with respect to Agricultural Resources and Forest Resources. With respect to subsection b), the lawsuit's challenge to the project's proposed change in agricultural zoning was rejected by the Court of Appeal.

Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

The 2013 EIR found that the project site did not include any Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance. (2013 DEIR, pp. 4.2-1–4.2-3.)

The Project site remains grazing land; it still does not include Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance. Accordingly, the Project would have no impact on such farmland.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

The 2013 EIR found that the project was consistent with the General Plan designation for the project site, that previous Williamson Act contracts had been cancelled in 2010, and that the A-4 zoning that applied to part of the project site was associated with the former Williamson Act contracts. Accordingly, the 2013 EIR found no conflict with existing land use and zoning designations or with any Williamson Act contracts. (2013 DEIR, pp. 4.2-2–4.2-3.) The Court of Appeal upheld the Town's determination that the project was consistent with the General Plan and zoning designations for the property.

Since 2013, the General Plan designations, zoning and Williamson Act status of the project site have not changed. Accordingly, the Project would have no impact with respect to conflict with agricultural zoning or a Williamson Act contract.

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

The 2013 EIR found that the project site did not contain any forest land as defined in Public Resources Code Section 12220(g), timberland as defined by Public Resources Code Section 4526, or property zoned for Timberland Production as defined by Government Code Section 51104(g). (2013 DEIR, p. 4.2-3.)

The Project site still does not contain forest land, timberland or property zoned for Timberland Production. Accordingly, the Project would have no impact on existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production.

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

The 2013 EIR found that the project site did not contain any forest land as defined in Public Resources Code Section 12220(g), timberland as defined by Public Resources Code Section 4526, or property zoned for Timberland Production as defined by Government Code Section 51104(g). (2013 DEIR, p. 4.2-3.)

The Project site still does not contain any such forest land, timberland or property zoned for Timberland Production. Accordingly, the Project would have no impact on the loss of forest land or conversion of forest land to non-forest use.

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

The 2013 EIR found that agricultural and forest resources were absent from the project site and the vicinity of the project site. (2013 DEIR, p. 4.2-3.)

The Project site and its vicinity still do not contain such resources, and the project site remains surrounded by residential development. Accordingly, the Project would have no impact with respect to changes in the existing environment that would result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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III. AIR QUALITY.

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

a) Conflict with or obstruct implementation of the applicable air quality plan?	☒	☐	☐	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☒	☐	☐	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☒	☐	☐	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☒	☐	☐	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

DISCUSSION:

The lawsuit on the 2013 EIR did not challenge the EIR's adequacy with respect to Air Quality.

The Town will prepare a Revised Draft EIR that will re-quantify criteria air pollutant impacts, and quantify human health risk, from construction activities. All other Air Quality topics are addressed below.

Would the project:

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

The Town of Danville uses the Bay Area Air Quality Management District's CEQA Guidelines to analyze whether a project would conflict with or obstruct implementation of the applicable air quality plan. (2013 EIR, p. 4.3-12.)

Construction: The 2013 EIR found that project construction emissions, which were quantified for an earlier 78-lot version of the project, would cause a significant air quality impact without mitigation because construction emissions during the first year of construction (anticipated at that time to be the year 2014) would average 56 pounds per day of NO_x, and BAAQMD's significance threshold for NO_x is 54 pounds per day. (2013 DEIR, p. 4.3-14.) The 2013 EIR identified Mitigation Measure 4.3-1 to control diesel exhaust during construction, which would mitigate the impact to less than significant. (See Attachment A, pp. 2-3.)

The Town has decided to recalculate construction emissions in a Revised Draft EIR. Accordingly, this topic is not addressed further in this Initial Study.

Fugitive dust emissions from construction are considered significant if a project does not adhere to BAAQMD-recommended Best Management Practices. The 2013 EIR included these practices in Mitigation Measure 4.3-2. (See Attachment A, pp. 1-2.) The Project would comply with this mitigation measure. Accordingly, the Project's impact from fugitive dust emissions during construction would remain less than significant with mitigation.

Operations: The 2013 EIR found that the project, which was analyzed as a 78-lot project, would not cause a significant operational air quality impact during project operations because operational emissions were calculated to be much lower than the BAAQMD thresholds of 54 pounds per day for ROG, NO_x, and PM_{2.5}, and 82 pounds per day for PM₁₀. (2013 DEIR, p. 4.3-18.)

This conclusion does not need to be reexamined for the Project for two reasons. First, operational emissions from the Project would be lower than those identified in the 2013 EIR because the project comprises 69 rather than 78 lots and because vehicle emissions standards have become more stringent since the 2013 EIR was prepared. Second, the BAAQMD CEQA Guidelines provide that quantification of criteria air pollutant emissions from operation of a residential project with fewer than 325 dwelling units is not required, because such projects are not anticipated to cause significant criteria air pollutant impacts. At 69 lots (assumed to include 69 single-family homes and up to 17 accessory dwelling units), no quantification of criteria pollutant impacts from the Project is necessary. Accordingly, the Project's operational air quality impacts would remain less than significant.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

The Town of Danville uses the Bay Area Air Quality Management District's CEQA Guidelines to analyze whether a project would violate any air quality standard or contribute substantially to an existing or projected air quality violation. (2013 DEIR, p. 4.3-12.) For the reasons described in subsection a) above, the Town will re-quantify construction emissions of criteria air pollutants in a Revised Draft EIR, and the Project is too small to cause a significant air quality impact during operations.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

The Town of Danville uses the Bay Area Air Quality Management District's CEQA Guidelines to analyze whether a project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors). (2013 DEIR p. 4.3-12.) BAAQMD's quantitative thresholds apply to both project-level and cumulative impacts. (BAAQMD CEQA Guidelines (May 2017, p. 2-1.)

For the reasons described in subsection a) above, the Town will re-quantify construction emissions of criteria air pollutants in a Revised Draft EIR, and the Project is too small to make a cumulatively considerable contribution to air quality impacts during operations.

d) Expose sensitive receptors to substantial pollutant concentrations?

The Town of Danville uses the Bay Area Air Quality Management District's May 2011 CEQA Guidelines to analyze whether a project would expose sensitive receptors to substantial pollutant concentrations. Following the decision in *CBIA v. BAAQMD*, 2 Cal. App. 5th 1067 (2016), the BAAQMD Guidelines are limited to the impacts of the project on the environment and do not include the impacts of the environment on the project. Accordingly, any potential effects of existing air quality conditions on future project residents are not within the scope of CEQA.

The 2013 EIR concluded that the project would not expose sensitive receptors to substantial pollutant concentrations during either construction or operations. (2013 DEIR p. 4.3-15.) With respect to construction, the 2013 EIR did not quantify human health risk from construction emissions (toxic air contaminants); the Town has decided to prepare such a quantified analysis in a Revised Draft EIR. Accordingly, this topic is not addressed further in this initial study.

With respect to project operations, because the Project is residential and would not attract substantial diesel truck traffic or include other sources of toxic air contaminant emissions, the Project would not expose off-site sensitive receptors to substantial pollutant concentrations. Accordingly, the Project's impacts to sensitive receptors during project operations would remain less than significant. Please also refer to section a) above.

e) Create objectionable odors affecting a substantial number of people?

The 2013 EIR found that during construction, the various diesel-powered vehicles and equipment in use onsite would create localized odors that would not likely be noticeable for extended periods of time nor extend much beyond the project's site boundaries. The 2013 EIR further found, based on the BAAQMD CEQA Guidelines, that during operations, typical sources of objectionable odors include chemical plants, sewage treatment plants, large composting facilities, rendering plants, and other large industrial facilities that emit odorous compounds. The proposed project was a residential project that did not include such sources, and therefore any odor impacts were considered less than significant. (2013 DEIR, p. 4.3-19.)

The Project remains residential and has not changed so as to increase odor impacts. Accordingly, the Project's odor impacts would remain less than significant.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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IV. BIOLOGICAL RESOURCES.

Would 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?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☒	☐	☐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☒	☐	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☒	☐	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

DISCUSSION:

The lawsuit on the 2013 EIR challenged the adequacy of the EIR with respect to the California red-legged frog. The Superior Court rejected this challenge. The 2013 EIR's adequacy with respect to other biological resources was not challenged.

Would 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?

The 2013 EIR found that the project would cause significant or potentially significant impacts, without mitigation, to northern California black walnut trees (a special-status plant species) and to the California red-legged frog, western pond turtle, nesting raptors and migratory birds, burrowing owl, and American badger (special-status wildlife species). With identified mitigation measures, including a Waters of the U.S. and Riparian Mitigation and Monitoring Plan and Conservation Management Plan (2013 FEIR, Attachment C), the 2013 EIR determined that these impacts would be reduced to less than significant. (See Attachment A, pp. 3-11.) The 2013 EIR also found that project impacts to Congdon's tarplant, California tiger salamander and golden eagle would be less than significant. The 2013 EIR's analyses are summarized below.

Plants

Northern California Black Walnut Trees: The 2013 EIR found that some of the northern California black walnut trees located in the riparian habitat of East Branch Green Valley

Creek and along the project site panhandle fronting Blackhawk Road would be removed as part of the project. (2013 DEIR, pp. 4.4-21, 4.4-33.) The 2013 EIR concluded that the two mitigation measures described below would reduce the impact of their removal to a less than significant level.

Mitigation Measure 4.4-15 required the project proponent to replace all removed trees, regardless of size, at specified ratios, and to replace all native trees with like species to the maximum extent practicable. Mitigation Measure 4.4-16 required development and implementation of a Town-approved monitoring plan for the replacement trees. (See Attachment A, pp. 10-11.)

Since 2013, an updated tree report has been prepared (HortScience 2017) that indicates six black walnut trees, including three that are “effectively dead” and three that are in poor condition, would be removed for the Project. This finding is consistent with the 2013 EIR and indicates that without mitigation, the project would cause a significant impact to a special-status plant species. With implementation of Mitigation Measures 4.4-15 and 4.4-16, the impact would be reduced to less than significant.

Other Plants: The 2013 EIR stated that the only special-status plant detected on the project site other than the black walnut trees were 30 individuals of Congdon’s tarplant. The EIR stated that loss of these individuals due to project construction would represent a less than significant impact because the area where they were located was heavily used by humans and subject to ongoing anthropogenic disturbances, and because there were numerous and far larger populations of Congdon’s tarplant in the region. (2013 DEIR, p. 4.4-21.)

May and June 2017 field surveys (Live Oak Associates, 2017) have verified that the habitats on the Project site are unchanged. The surveys did not find Congdon’s tarplant or any special-status plant species other than the black walnut trees on the project site. There have been no changes to the Project since the 2013 EIR that would increase impacts and the impact to special-status plants other than black walnut trees are anticipated to remain less than significant.

Wildlife

The 2013 EIR found that several special-status wildlife species could be affected by the project and identified mitigation measures to reduce the potential impacts to less than significant.

California Red-Legged Frog: The 2013 EIR found that CRLF had been detected along the East Branch Green Valley Creek, apparently using the creek as a movement corridor. There was no indication of breeding on site, but breeding occurred in an off-site reservoir adjacent to the project site, and the entire project site was considered aestivation habitat for CRLF. The 2013 EIR stated that the project could result in the loss of up to 108 acres of upland habitat. The 2013 EIR identified Mitigation Measures 4.4-1 through 4.4-4, which included retention of a qualified biologist to train construction personnel and conduct pre-construction surveys; restoration of riparian habitat at a

minimum 1:1 replacement-to-loss ratio; replacement of jurisdictional waters at a minimum 1:1 ratio; and preservation of approximately 302 acres of the project site as open space through a conservation easement or deed restriction. (2013 EIR, pp.4.4-23–4.4-25.) (See Attachment A, pp. 3-6.) In addition, the 2013 EIR included a Waters of the U.S. and Riparian Mitigation and Monitoring Plan and Conservation Management Plan (2013 FEIR, Attachment C “MMP/CMP”).

A May 2017 field survey has verified that the habitats on the Project site are unchanged. The reduced footprint of the Project would reduce impacts to CRLF (although not to a level of less than significant) and would increase the land available for CRLF habitat preservation. The Project would be subject to the mitigation measures described in the 2013 EIR, including the MMP/CMP. Accordingly, impacts on the California Red-Legged Frog would remain less than significant with mitigation.

Western Pond Turtle: The 2013 EIR found that although the western pond turtle had not been observed on the project site during any of the field surveys, the project would impact 0.3 acres of riparian habitat that likely supported the western pond turtle. Although the permanent habitat impact was determined to be less than significant, the potential for harm or mortality to individual turtles during construction, particularly construction of the access road creek crossing, was considered a significant impact. Mitigation Measures 4.4-5 through 4.4-8 identified measures to prevent harm to western pond turtles during construction. (See Attachment A, pp. 6-7.) With these mitigation measures, the project’s impact to western pond turtles was found to be less than significant. (2013 DEIR, pp.4.4-26.)

A May 2017 field survey has verified that the habitats on the Project site are unchanged. There have been no changes to the project since the 2013 EIR that would increase impacts, and the Project would be subject to the mitigation measures described in the 2013 EIR. Accordingly, impacts on the western pond turtle would remain less than significant with mitigation.

Nesting Raptors and Migratory Birds: The 2013 EIR found that trees on the project site provided suitable nesting habitat for tree-nesting raptors, migratory birds, and yellow warbler. The loss of some of this habitat, particularly when taken into context with the 302 acres to be preserved and managed as open space for the CRLF and other regional species, was considered a less than significant impact to these birds. On the other hand, construction-related activities that could result in harm, injury or death of individuals, or abandonment of an active nest, were considered to constitute a significant impact. Mitigation Measure 4.4-9 called for the removal of trees during the non-breeding season (September 1 through January 31) and, if tree removal and related activities must be conducted during the rest of the year, a pre-construction survey and, if necessary, use of a construction-free buffer around active nests. (See Attachment A, pp. 7-8.) With these mitigation measures, the project’s impact to nesting birds was found to be less than significant. (2013 DEIR, pp.4.4-26–4.4-27.)

A May 2017 field survey has verified that the habitats on the Project site are unchanged. There have been no changes to the Project since the 2013 EIR that would increase

impacts and the project would be subject to the mitigation measures described in the 2013 EIR. Accordingly, the Project's impacts to nesting birds would remain less than significant with mitigation.

Burrowing Owl: The 2013 EIR found that although no burrowing owls had been observed on-site, the presence of small mammal burrows made it a suitable nesting habitat. Mitigation Measure 4.4-10 called for pre-construction surveys. If burrowing owls were observed during the non-breeding season, they would be removed through passive relocation; if they were observed during the breeding season, a construction-free buffer of 250 feet would be established. (See Attachment A, p. 8.) With these mitigation measures, the project's impact to burrowing owls was found to be less than significant. (2013 DEIR, pp.4.4-27–4.4-28).

A May 2017 field survey has verified that the habitats on the Project site are unchanged. There have been no changes to the project since the 2013 EIR that would increase impacts. The reduced footprint of the revised Project could reduce potential construction impacts to the burrowing owl, but not to a less than significant level. The Project would be subject to the mitigation measures described in the 2013 EIR. The Project's impacts to burrowing owls would remain less than significant with mitigation.

American Badger: The 2013 EIR found that impacts to the American badger would be similar to those for the burrowing owl. Mitigation Measure 4.4-11 included pre-construction surveys and use of buffer zones around badger dens. (2013 EIR, pp.4.4-28–4.4-29.) (See Attachment A, p. 9.)

A May 2017 field survey has verified that the habitats on the Project site are unchanged. There have been no changes to the Project since the 2013 EIR that would increase impacts. The reduced footprint of the revised Project could reduce potential construction impacts to the American badger, but not to a less than significant level. The Project would be subject to the mitigation measures described in the 2013 EIR. Accordingly, the Project's impacts to American badger would remain less than significant with mitigation.

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

The 2013 EIR found that approximately 0.5 acres of jurisdictional waters and 0.3 acres of riparian habitat would be lost for the project, constituting a significant impact. Mitigation Measures 4.4-12 and 4.4-13 included removal and replacement of an existing bridge, creek restoration, restoration of riparian woodland, replacement of wetland and riparian habitat at a 1:1 replacement-to-loss ratio, preparation of an on-site habitat mitigation and monitoring plan, and acquisition and compliance with all applicable permits. (See Attachment A, pp. 9-10.) With these mitigation measures, the project's impact to sensitive natural communities was found to be less than significant. (2013 DEIR, pp. 4.4-29–4.4-30.) In addition, the 2013 EIR included a Waters of the U.S. and

Riparian Mitigation and Monitoring Plan and Conservation Management Plan (2013 FEIR, Attachment C “MMP/CMP”).

A May 2017 field survey has verified that the habitats on the Project site are unchanged. There have been no changes to the Project since the 2013 EIR that would increase these impacts and the Project would be subject to the mitigation measures described in the 2013 EIR. Accordingly, the Project’s impacts to sensitive natural communities would remain less than significant with mitigation.

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

The 2013 EIR found that the project would impact approximately 0.5 acres of wetlands and 0.3 acres of riparian habitat. Mitigation Measures 4.4-12 and 4.4-13 included replacement of wetland and riparian habitat at a 1:1 replacement-to-loss ratio, preparation and implementation of an on-site habitat mitigation and monitoring plan with specified components, and compliance with all state and federal regulations related to construction work that would impact on-site aquatic habitats. (2013 DEIR, pp. 4.4-30–4.4-31.) (See Attachment A, pp. 9-10.) In addition, the 2013 EIR included a Waters of the U.S. and Riparian Mitigation and Monitoring Plan and Conservation Management Plan (2013 FEIR, Attachment C “MMP/CMP”).

There have been no changes to the Project since the 2013 EIR that would increase impacts and the Project would be subject to the mitigation measures described in the 2013 EIR. Accordingly, the Project’s impacts to wetlands would remain less than significant with mitigation.

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?

The 2013 EIR found that wildlife species currently using the site, including the riparian corridor, were expected to continue using it for movement and as part of their home range after project buildout. Therefore, the project was found to cause a less-than-significant impact with respect to loss of habitat for native wildlife and impacts to wildlife movement and nursery sites. (2013 DEIR, p. 4.4-31.) In addition, the 2013 EIR included a Waters of the U.S. and Riparian Mitigation and Monitoring Plan and Conservation Management Plan (2013 FEIR, Attachment C “MMP/CMP”).

A May 2017 field survey has verified that the habitats on the Project site are unchanged. The reduced footprint of the revised Project would reduce potential impacts. Accordingly, Project impacts to native resident or migratory fish or wildlife species, established native resident or migratory wildlife corridors, and the use of native wildlife nursery sites would remain less than significant.

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

The 2013 EIR found that the project would not conflict with the Town of Danville tree ordinance, but would cause a significant impact due to tree removals. The 2013 EIR identified Mitigation Measures 4.4-14 through 4.4-17 to protect trees to be retained from construction damage, to replace all trees removed, at specified ratios, and to implement a monitoring plan for the replacement trees. (See Attachment A, pp. 10-11.) With these mitigation measures, the project's impacts from tree removals were found to be less than significant. (2013 DEIR, pp. 4.4-32 - 4.4-34.)

An updated tree report has been prepared (HortScience 2017) to describe currently existing trees on the Project site and the impacts of proposed development. The report states that 49 trees would be removed for the Project, including nine that are newly identified as trees because they have reached six inches in diameter over the past five years. The impact reported in the 2013 EIR would remain significant without mitigation and the mitigation measures identified in the 2013 EIR would apply. Accordingly, the Project's impacts would remain less than significant with mitigation.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The 2013 EIR found no impact from conflict with the provisions of any habitat conservation plan because no habitat conservation plan was in effect for the project site. (2013 DEIR, p. 4.4-32.)

The Project still would not conflict with the provisions of any habitat conservation plan because no habitat conservation plan applies to the project site. Accordingly, no impact would result from conflict with such plans.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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V. CULTURAL RESOURCES.

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?

☐☒☐☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	☐	☒	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐

DISCUSSION:

The lawsuit on the 2013 EIR did not challenge the EIR's adequacy with respect to Cultural Resources.

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?

The 2013 EIR found that no on-site structures were potentially eligible for inclusion in the California Register of Historical Resources or National Register of Historic Places, and that any impacts to any buried historical archaeological resources would be mitigated by Mitigation Measures 4.5-1 and 4.5-2, which are addressed in section b) below. The 2013 EIR found no impact to non-archaeological historical resources. (2013 DEIR, p. 4.5-6.)

On-site structures remain ineligible for federal, state or local historical listing. Accordingly, the Project would continue to cause no impact to non-archaeological historical resources.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

The 2013 EIR found that no evidence of archaeological resources was detected by survey or testing, but that project construction could result in the discovery and disturbance of unknown archaeological resources or human remains. The 2013 EIR identified a potentially significant impact, and identified Mitigation Measures 4.5-1 and 4.5-2. Mitigation Measure 4.5-1 required that if archaeological resources were discovered, work would be halted until they were evaluated by a qualified professional archaeologist, adequate salvage had occurred, and no further resources had been identified within the area of disturbance. Mitigation Measure 4.5-2 required that if human remains were discovered, all steps required by Health and Safety Code section 7050.5 and Public Resources Code section 5097.94 be taken. (2013 EIR, pp. 4.5-5–4.5-6.) (See Attachment A, pp. 11-12.) The 2013 EIR found that with these mitigation measures, the project's potential impacts on unknown archaeological resources and human remains would be reduced to a less than significant level.

There have been no changes to the Project since the 2013 EIR that would increase impacts and the project would be subject to Mitigation Measures 4.5-1 and 4.5-2. Accordingly, the Project's impacts on archaeological resources would remain less than significant with mitigation.

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

The 2013 EIR found that there were no known unique paleontological resources or sites or unique geologic features on the project site but that construction of the project could result in the discovery and disturbance of unknown paleontological resources. The 2013 EIR identified Mitigation Measure 4.5-3, providing that if resources were accidentally discovered during construction, work would be halted within 20 feet of the find until an evaluation was performed by a paleontologist. Work would not recommence until documentation of adequate salvage was delivered to the Town and no further resources identified. (2013 EIR, pp.4.5-6.) (See Attachment A, p. 12.) The 2013 EIR found that with these mitigation measures, the project's impacts on paleontological resources would be reduced to a less than significant level.

There have been no changes to the Project since the 2013 EIR that would increase impacts and the Project would be subject to Mitigation Measure 4.5-3. Accordingly, the Project's impacts on paleontological resources would remain less than significant with mitigation.

d) Disturb any human remains, including those interred outside of formal cemeteries?

See section b) above.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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VI. GEOLOGY AND SOILS.

Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☐	☒
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☒	☐	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

DISCUSSION:

The lawsuit on the 2013 EIR challenged the adequacy of the EIR with respect to erosion. The Superior Court rejected this challenge. The EIR's adequacy with respect to other geology and soils topics was not challenged.

Would the project:

a) Expose people or structures to potential significant adverse effects, including the risk of loss, injury, or death involving:

- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**
- ii) Strong seismic ground shaking?**
- iii) Seismic-related ground failure, including liquefaction?**
- iv) Landslides?**

Seismic Activity: The 2013 EIR found that the project would not expose people or structures to significant impacts from seismic hazards because the project site was not in the Earthquake Fault Zone, there were no active faults passing through the property, and the buildings would be required, at a minimum, to comply with 2010 California Building Code. (2013 DEIR, p. 4.6-13.)

The Project still would not cause a significant seismic impact. The Project would not cause seismic activity and the California Supreme Court ruled in 2015 that the California Environmental Quality Act does not generally apply to impacts of the environment - including seismic activity - on a proposed project. *CBIA v. BAAQMD*, 62 Cal. 4th 369 (2015). It is also noted that the conditions described in the 2013 EIR with respect to potential seismic effects of the existing environment on the Project have not changed.

Landslides: The 2013 EIR found that there were 16 existing landslides on the project site, most of which would be avoided, but seven of which could affect proposed development. The 2013 EIR identified this as a potentially significant impact that would be mitigated to less than significant by implementation of Mitigation Measure 4.6-2, calling for specified corrective measures for each of the seven landslides near proposed project development, including complete landslide removal and replacement as engineered fill for three landslides; partial landslide removal and buttressing with engineered fill for two landslides; and construction of catchment areas between landslides and proposed improvements for the remaining two landslides. The mitigation measure required detailed 40-scale corrective grading plans for the entire project to be submitted to the Town for review and approval prior to issuance of a building permit. (2013 EIR, pp. 4.6-14-4.6-16.) (See Attachment A, pp. 13-14.)

The Project would not cause a significant impact with respect to landslides because the Project would not cause landslides to exist on the project site. The California Supreme Court ruled in 2015 that the California Environmental Quality Act does not generally apply to impacts of the environment on a proposed project. *CBIA v. BAAQMD*, 62 Cal. 4th 369 (2015). It is also noted that the conditions described in the 2013 EIR with respect to potential effects of landslides on the Project have not substantially changed. A 2017 site visit by ENGEO personnel, who prepared the geotechnical analysis for the 2013 EIR, found new erosion and debris flows following the wet winter of 2016-2017, but no new landslides. Although this is not a CEQA impact, implementation of finalized recommendations for corrective grading and catchment areas, following review and approval by the Town, would be a condition of Project approval.

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

The 2013 EIR found that the project would require grading for construction of the proposed subdivision and associated infrastructure, estimated at approximately 150,000 cubic yards of cut and 150,000 cubic yards of fill, and that without an erosion control plan, the impact of grading on temporary soil erosion and loss of topsoil would be potentially significant. The 2013 EIR identified Mitigation Measure 4.6-1, requiring an erosion control plan in accordance with the Town's Erosion Control Ordinance, as well as a Storm Water Pollution Prevention Plan, which would mitigate the potentially

significant impact to less than significant. (2013 DEIR, pp. 4.6-13-4.6-14.) (See Attachment A, pp. 12-13.)

Revised grading estimates for the Project show 183,000 cubic yards of cut and 183,000 cubic yards of fill, in addition to corrective grading for existing landslides and debris flow (see section a) above), raising the same potential for soil erosion impacts that was identified in the 2013 EIR. The Project would be subject to Mitigation Measure 4.6-1 and the Project's soil erosion impact, with mitigation, would remain less than significant.

c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

See section a) above regarding landslides.

Liquefaction, Lateral Spreading, and Ground Lurching: The 2013 EIR found that the potential for minor vertical liquefaction-related settlement was within the typical range of differential soil movement that was expected from seasonal shrink-swell of expansive soils (see section d) below). The 2013 EIR concluded that this could be accommodated by foundation design and did not pose a significant impact to proposed development. The risk of lateral spreading and ground lurching was considered low. (2013 DEIR, pp. 4.6-16.)

The Project would not cause a significant impact with respect to liquefaction, lateral spreading or ground lurching because the project would not cause liquefiable soils to exist on the project site. The California Supreme Court ruled in 2015 that the California Environmental Quality Act does not generally apply to impacts of the environment on a proposed project. *CBIA v. BAAQMD*, 62 Cal. 4th 369 (2015).

It is also noted that the conditions described in the 2013 EIR with respect to potential effects of liquefiable soils on the proposed Project have not changed. Although this is not a CEQA impact, implementation of finalized recommendations for expansive soils, which would also protect structures from potential liquefaction effects, would be a condition of Project approval.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

The 2013 EIR found that highly to critically expansive soils existed on the project site and that successful construction would require special attention. The 2013 EIR identified this as a potentially significant impact that would be mitigated to less than significant with the implementation of Mitigation Measure 4.6-3, incorporating recommendations in the project's preliminary geotechnical report, and requiring that the project's finalized geotechnical recommendations be reviewed and approved by the Town prior to issuance of a building permit. (2013 DEIR, pp. 4.6-16-4.6-17.) (See Attachment A, pp. 14-15.)

The Project would not cause a significant impact with respect to expansive soil because the Project would not cause expansive soil to exist on the project site. The California Supreme Court ruled in 2015 that the California Environmental Quality Act does not generally apply to impacts of the environment on a proposed project. *CBIA v. BAAQMD*, 62 Cal. 4th 369 (2015).

It is also noted that the conditions described in the 2013 EIR with respect to potential effects of expansive soils on the proposed project have not changed. Although this is not a CEQA impact, implementation of finalized geotechnical recommendations, following review and approval by the Town, would be a condition of Project approval.

e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

Sewer service is available (see section XVII e) below) and the Project would not include septic tanks or alternative waste water disposal systems. Accordingly, no impact would occur.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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VII. GREENHOUSE GAS EMISSIONS.

Would the project:

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

DISCUSSION:

The Town will update the 2013 EIR's analysis of greenhouse gas impacts in a Revised Draft EIR.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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**VIII. HAZARDS AND
HAZARDOUS MATERIALS.**

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☒	☐	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☒	☐

DISCUSSION:

The lawsuit on the 2013 EIR did not challenge the EIR's adequacy with respect to Hazards and Hazardous Materials, except concerning emergency access and emergency evacuation. The Superior Court rejected these claims and the petitioners did not pursue them on appeal.

Would the project:

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

The 2013 EIR found that development and operation of the proposed residential subdivision would not entail the routine use or transport of significant amounts of hazardous materials, and that future use of household materials associated with residential uses would be minor in nature and subject to existing regulatory requirements. (2013 DEIR, p. 4.7-8.) The impact was determined to be less than significant.

There have been no changes to the Project since the 2013 EIR that would increase the project's impact from the routine transport, use, or disposal of hazardous materials. Accordingly, the Project's impact remains less than significant.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

The 2013 EIR's analysis of existing environmental project conditions was based on a 2012 Phase I Environmental Site Assessment (ESA) and Limited Phase II Subsurface Investigation Report. (2013 DEIR, pp. 4.7-2–4.7-6.) The 2013 EIR found that with limited exceptions, soil sample analysis of the project site did not reveal hazardous substances at or above current Environmental Screening Level (ESL) values for residential uses. Development of the proposed project, including excavation and other land disturbance, could result in the release of hazardous materials. (2013 EIR, p. 4.7-8.) Several mitigation measures were identified that would reduce potentially significant impacts to less than significant.

Mitigation Measure 4.7-1 required the project proponent to retain a trained professional to prepare a Site Management Plan to maintain the safety of construction workers and assure proper management of any contaminated soils on the site. This plan would be reviewed and approved by Contra Costa County Health Services, and evidence of approval would be provided to the Town of Danville, prior to issuance of any grading permit. At a minimum, the Site Management Plan would include (1) the collection and chemical analysis of soil samples from a former underground storage tank location; (2) excavation and soils characterization to confirm sufficient soils removal has occurred; and (3) proper removal and disposal of all hazardous materials on the site. (2013 EIR, pp. 4.7-8–4.7-9.)

Mitigation Measure 4.7-2 required that a diesel generator enclosure and surrounding area at the western edge of the project site be periodically monitored for any evidence of a diesel release, and that an annual report be submitted to the Town of Danville. (2013 EIR, p. 4.7-9.) (See Attachment A, p. 15.) This mitigation measure would no longer apply because it is now known that Verizon is responsible for maintaining and inspecting this generator as described below.

An updated Phase I Environmental Site Assessment was prepared for the Project in June 2017. (ENGEO, Inc. 2017.) The 2017 ESA found the same environmental conditions that were identified in the 2012 reports, except that a 500-gallon aboveground storage tank had been removed since 2012 and more information was obtained regarding the on-site diesel generator, which is operated by Verizon. The 2017 ESA recommended the following additional actions, which would be incorporated into the Project's Site Management Plan described in Mitigation Measure 4.7-1:

- Characterization of the former fill area within the arena in addition to a supplemental agrichemical assessment based on a former elevated 4,4-DDE sample obtained from the property, adjacent to the fill area.

- Additional soil sampling in the former UST and AST area to confirm prior analytics for the site.
- An environmental professional to be present during demolition activities.
- Given the age of the existing building on the property, it is possible that asbestos-containing materials or lead-based paint materials were used in its construction. If the structure is to be demolished, an environmental professional should be retained to determine if asbestos-containing materials and/or lead-based paint are present.

There have been no changes to the Project since the 2013 EIR that would increase its impacts. The project would remain subject to the mitigation measures described in the 2013 EIR, which would be supplemented by the additional recommendations of the 2017 ESA. Accordingly, the Project's impacts would remain less than significant with mitigation.

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

The boundary of the Athenian School is within one-quarter mile of the Project site. Section a) above addresses Project operations, which would cause a less than significant impact with respect to hazardous materials, substances, or waste. Section b) above addresses Project construction, which could result in the handling of contaminated soils. Mitigation Measure 4.7-1, as supplemented by the recommendations of the 2017 ESA, would reduce this impact to less than significant.

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

The project site is not included on the state's list of hazardous materials site compiled pursuant to Government Code Section 65962.5. Accordingly, the project would cause no impact from construction on such a site.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

The Project site is neither located within an airport land use plan nor located within two miles of any private or public airports or airstrips. It would not create any safety or other hazards associated with airport operations. No environmental impact would result.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

See section e) above.

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

The 2013 EIR found, based on consultation with the San Ramon Valley Fire Protection District, that the project would not adversely affect existing emergency response times. (2013 DEIR, p. 4.11-5, 2013 FEIR, pp. 19-20.) The project site was served by multiple fire stations, including Station No. 33, Station No. 35, and Station No. 36. Response times were within the District's five-minute standard. According to the Fire District, the existing roadway network was sufficient to accommodate emergency vehicles and met minimum roadway standards. If vehicle access were impaired during an emergency, the Fire District would be able to respond to the emergency from a number of different stations. In addition, the Fire District was able to utilize a network of fire access trails in adjacent open space areas for emergency response purposes. (2013 FEIR, pp. 19-20). The project would also provide a ½ mile alternative route within the project boundaries along a portion of Diablo Road that could be used as an emergency route, if needed. (2013 FEIR, p. 3-13). For these reasons, the 2013 EIR found the project would not cause a significant impact to emergency access or evacuation.

There have been no changes to the project since the 2013 EIR that would increase impacts. The Fire District has confirmed that the conclusions of the 2013 EIR regarding fire service remain valid. (Personal Communication, R. Wendel, San Ramon Valley Fire Protection District, July 1, 2017.) Accordingly, the Project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant.

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

As explained in section (g) above, the San Ramon Valley Fire Protection District ("Fire District") was consulted for the 2013 EIR and indicated that the project would not adversely affect existing emergency response times. (2013 DEIR, pp. 4.11-5, 19-20.)

The 2013 EIR further explained that the Fire District implements a number of programs to address potential fire-related hazards, including wildland fire hazards. These programs include the Exterior Hazard Abatement Program, which requires that properties within the urban-wildland interface area implement certain land management practices during the fire season to minimize wildland fire hazards. Requirements of the abatement program include maintaining vegetation within 15 feet of all structures during the fire season (June through October) in order to provide adequate defensible space. Properties are inspected during the fire season to confirm compliance; properties not in compliance with the requirements of the Exterior Hazard Abatement Program are

placed on an abatement list and are assessed fees. The project site is located in the urban wildland interface area and would be subject to the requirements of the Exterior Hazard Abatement Program. (2013 FEIR, p. 416.)

Other requirements reduce potential wildland fire-related risks. New residential structures would be required to comply with the Town's Fire-Safe Roofing Ordinance (see 2030 General Plan Policy 25.01) and all applicable fire and building safety codes (Uniform Building Code and Uniform Fire Code.) The project must also comply with all applicable Fire District conditions of approval related to access, roadway widths, turning radii, fire flow requirements, fire hydrant locations, and other requirements to ensure that the project is able to safely accommodate the Fire District's emergency response apparatus. (2013 FEIR, pp. 19–20, 2013 DEIR 4.11-5.)

Additionally, the Fire District is able to utilize a network of fire access trails in adjacent open space areas for emergency response purposes. Existing fire trails, including trails located in the Sycamore Valley Open Space Preserve and the open space portion of the project site, could be utilized by the Fire District to respond to potential wildland fire hazards. The project would also provide a ½ mile alternative route within the project boundaries along a portion of Diablo Road that could be used as an emergency route, if needed. Fire Station No. 33 is located immediately west of the project site. In addition to Station No. 33, the project site is served by multiple fire stations, including Station No. 35, and Station No. 36. Response times are within the District's five minute standard. (2013 FEIR, pp. 19–20.)

The 2013 EIR concluded that potential impacts would be minimized through adherence with vegetation management practices, applicable building standards, and General Plan policies. (2013 FEIR, pp. 415–18). These standards, practices, and policies would ensure that impacts due to potential fire hazards are minimized or avoided.

There have been no changes to the Project since the 2013 EIR that would increase impacts. The Fire District has confirmed that the conclusions of the 2013 EIR regarding fire service remain valid. (Personal Communication, R. Wendel, San Ramon Valley Fire Protection District, July 1, 2017.)

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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IX. HYDROLOGY AND WATER QUALITY.

Would the project:

a) Violate any water quality standards or waste discharge requirements?	☐	☒	☐	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) 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?	☐	☒	☐	☐
f) Otherwise substantially degrade water quality?	☐	☒	☐	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

DISCUSSION:

The lawsuit on the 2013 EIR challenged the EIR's analysis of flooding and siltation impacts. The superior court rejected these challenges and the petitioners did not appeal that decision. The lawsuit did not challenge other elements of the 2013 EIR's analysis of hydrology and water quality impacts.

Would the project:

a) Violate any water quality standards or waste discharge requirements?

The 2013 EIR found that project construction could cause impacts to local streams and water bodies through disturbance of soil and resulting siltation, as well as through

release of pollutants such as oil, grease, and heavy metals from construction equipment. The 2013 EIR further determined that project operations following construction could generate urban pollutants affecting water quality from sources such as oil, grease and trace metals from vehicles, as well as from fertilizers, pesticides and herbicides used on landscaped areas. The 2013 EIR concluded that these impacts would be significant without mitigation. (2013 DEIR, pp. 4.8-15 - 4.8-16.) The 2013 EIR identified Mitigation Measure 4.8-1, which would avoid water quality impacts through a Storm Water Pollution Prevention Plan (SWPPP) for the project's site preparation, construction, and post-construction periods. The SWPPP would incorporate best management practices consistent with National Pollution Discharge Elimination System Municipal Stormwater Permit No. CAS612008. The mitigation measure also referred to Mitigation Measure 4.6-1 (erosion control plan). (2013 DEIR, p. 4.8-16.) (See Attachment A, pp. 12-13.)

There have been no changes to the Project since the 2013 EIR that would increase impacts to water quality. The Project would be subject to Mitigation Measures 4.8-1 and 4.6-1. Accordingly, the Project's impacts with respect to water quality standards and waste discharge requirements would remain less than significant with mitigation.

b) Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

The 2013 EIR found that the project would not include wells and would not substantially deplete groundwater supplies or interfere with groundwater recharge. The project's impact was determined to be less than significant. (2013 DEIR, p. 4.8-18.)

There have been no changes to the Project since the 2013 EIR that would increase impacts to groundwater supplies and groundwater recharge. Accordingly, the Project's impact would remain less than significant.

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

The 2013 EIR found no substantial erosion or siltation on- or off-site from the project, due to Mitigation Measure 4.8-1 (see section a) above), as well as the on-site detention basins and biofiltration swales included in the project description, which would provide stormwater infiltration for smaller storms, slow runoff in larger storms, and cleanse water entering East Branch Green Valley Creek prior to discharge. (2013 DEIR, pp. 4.8-1 - 4.8-3, 4.8-7 - 4.8-16.)

The 2013 EIR specifically analyzed potential impacts from the project's new crossing of East Branch Green Valley Creek, which would provide access to the Magee East

portion of the site. Based on the design of the bridge, including its anti-scour countermeasures, the 2013 EIR found no impacts to erosion or siltation. (2013 DEIR pp. 4.8-16 - 4.8-17.)

ENGEO, Inc., which prepared the Regional Hydrologic Analysis and Baseline Hydrology & Geomorphic analysis upon which the 2013 EIR analysis was based, has revisited the project site following the winter of 2016-2017 and has evaluated slight changes in the proposed design of the bridge and some stormwater outfalls to the creek. ENGEO has concluded that the analysis provided in its prior reports and in the 2013 EIR remains valid and that the project would not result in substantial erosion or siltation on- or off-site. (ENGEO letter, July 17, 2017.) Accordingly, the project's impact would remain less than significant.

d) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

The 2013 EIR determined that based on the results of hydrologic modeling, the project would not increase peak flows in the East Branch Green Valley Creek watershed or otherwise adversely impact flooding conditions. (2013 DEIR, p. 4.8-15.)

For the reasons described in section c) above, the Project does not include any changes that would cause flooding.

e) Would the project 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?

Please see sections a) - d) above.

f) Would the project otherwise substantially degrade water quality?

Please see sections a) - d) above.

g) Would the project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

The 2013 Draft EIR found that although the project would place three then-proposed lots (those directly accessing Diablo Road) partially within the 100-year flood hazard area, the homes themselves would not be located within that area, and that therefore no impact would occur. (2013 DEIR, p. 4.8-14.) These three lots were removed from the project before the 2013 FEIR was issued, leaving no lots within the 100-year flood hazard area.

There have been no changes to the Project that would place residential lots in a flood hazard area. The Project would continue to cause no impact with respect to placing housing within a flood hazard area.

h) Would the project place within a 100-year flood hazard area structures which would impede or redirect flood flows?

The 2013 EIR determined that no structures that would impede or redirect flood flows would be placed within the 100-year flood hazard area. (2013 DEIR, p. 4.8-14.)

There have been no changes to the Project that would place structures in a flood hazard area. The Project would continue to cause no impact with respect to structures in a flood hazard area that could impede or redirect flood flows.

i) Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

The Project would not cause a significant impact under CEQA with respect to exposure of persons or structures to significant risk from flooding, including flooding as a result of the failure of a levee or dam. As described in sections c) and d) above, the Project would not cause flooding.

With respect to any impacts of off-site conditions on the future Project itself, the California Supreme Court ruled in 2015 that CEQA is not generally concerned with the impacts of the existing environment on a proposed project. *CBIA v. BAAQMD*, 62 Cal. 4th 369 (2015). In addition, it is noted that there are no levees or dams in the vicinity whose failure would expose on-site people or structures to significant risk.

j) Would the project expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?

The 2013 EIR determined that project development would be protected from mudflow by corrective grading and catchment basins to address the seven on-site landslides that would be near project development. (2013 DEIR, pp. 4.6-14 - 4.6-15.) The 2013 EIR found no significant impact.

There have been no changes to the Project since the 2013 EIR that would increase risk from on-site mudflow. Corrective grading and catchment basins would address current conditions on the site related to existing landslides and debris flow. The site is not subject to inundation by seiche, tsunami or mudflow from off-site, and the potential effects of existing off-site conditions on the proposed Project would not constitute CEQA impacts. The Project would continue to cause no impacts with respect to seiche, tsunami or mudflow.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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X. LAND USE AND PLANNING.

Would the project:

a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

DISCUSSION:

The lawsuit on the 2013 EIR did not challenge the EIR's adequacy with respect to physical division of an established community. The lawsuit did allege that the project was inconsistent with the Town's General Plan and zoning designations for the project site. The Court of Appeal rejected these allegations, upheld the Town's interpretation of its General Plan and zoning, and held that "the entire Project site, including the areas designated as agricultural open space, may be cluster developed and zoned" as described in the project description.³

Would the project:

a) Physically divide an established community?

The 2013 EIR found that the project would not physically separate a portion of the area or create a physical barrier that would isolate portions of the neighborhood from previously accessible areas. (2013 DEIR, p. 4.9-9.)

There have been no changes in the project since the 2013 EIR that would physically divide an established community. Accordingly, the project would result in no impact.

³ *SOS-Danville Group v. Town of Danville*, No. A143010, *18 (Sept. 11, 2015).

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

The 2013 EIR found that the project would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The 2013 EIR considered consistency with both the Town's 2010 General Plan and its 2030 General Plan, which was adopted during the CEQA analysis of the project and was the same as or similar to the 2010 General Plan in all respects relevant to the project. (2013 FEIR, p. 1-2.) Although the Town would need to balance competing land use objectives, the project was determined to have a less than significant impact. (2013 DEIR, pp. 4.9-10 - 4.9-24.)

There have been no changes to the Project since the 2013 EIR that would cause inconsistencies with the Town's 2030 General Plan or zoning for the site. Accordingly, the Project would remain consistent with the 2030 General Plan and zoning ordinance. No specific plan or local coastal program applies to the Project site.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

No habitat or natural community conservation plans apply to the Project site. The Project therefore would not conflict with any such plans.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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XI. MINERAL RESOURCES.

Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

DISCUSSION:

Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

The 2013 EIR did not analyze mineral resources impacts. No known mineral resources exist on or near the Project site, and there are no significant mineral deposits in the Town of Danville. (2030 General Plan, p. 6-6.) The Project would have no impact on the availability of valuable mineral resources.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

As indicated by the General Plan, there are no significant mineral deposits in the Town of Danville. (2030 General Plan, p. 6-6). The Project would have no impact on the availability of locally-important mineral resources.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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XII. NOISE.

Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

☐☐☒☐

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

☒☐☐☐

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

☐☐☒☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☒	☐	☐	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

DISCUSSION:

The lawsuit on the 2013 EIR did not challenge the EIR's adequacy with respect to Noise.

Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

The 2013 DEIR found that the noise environment would exceed the Town's noise level goal for normally acceptable exterior noise (55 dBA) L_{dn} at residential building sites for two custom lots fronting directly on Diablo Road, and that this would represent a potentially significant noise impact. (2013 DEIR, pp. 4.10-9–4.10-10). This impact was to be mitigated through site-specific measures. The lots fronting on Diablo Road were eliminated from the project before it was approved. Therefore, the potentially significant impact identified in the 2013 DEIR was also eliminated. (2013 FEIR, p. 2.) In addition, the California Supreme Court ruled in 2015 that CEQA does not normally apply to impacts of the existing environment on future users of the project being analyzed. Accordingly, although the compatibility of the Project's proposed homes with the

existing noise environment is a land use issue the Town will consider, it is not a CEQA issue.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

The 2013 EIR found that construction activities would generally occur at distances of 100 feet or more from the nearest residential units. Activities associated with the project access off Blackhawk Road would occur at distances of approximately 50 feet or more from existing residential units. At these distances, the project was found not to result in significant impacts associated with ground-borne vibration or noise. (2013 DEIR, pp. 4.10-15–4.10-16).

The Town has decided to reexamine ground-borne noise and vibration during construction in a Revised Draft EIR. Accordingly, this topic is not addressed further in this Initial Study.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

The 2013 EIR determined, based on the prior 78-lot version of the project, that the project would not result in a substantial, permanent increase in ambient noise levels in the project vicinity above levels existing without the project. Traffic noise levels due to the proposed project were calculated to increase by 0 to 1 dBA L_{dn} above existing and cumulative conditions along Diablo Road, Blackhawk Road, and other roadways serving the project site. Such a noise increase is well below the Town's significance threshold, which is a noise increase of 3 dBA L_{dn} or more. (2013 DEIR, pp. 4.10-8–4.10-9.)

The Project has been reduced to 69 lots from the 78 lots analyzed in the 2013 DEIR. Accordingly, the less than significant operational noise impact identified in the 2013 DEIR would be reduced because vehicle traffic from the project site would be reduced. The Project's permanent impact on ambient noise levels in the vicinity would remain less than significant.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

The 2013 EIR found that project construction, particularly during the grading phase, would cause significant short-term noise impacts on nearby residential receptors. The 2013 EIR further determined that these impacts would be reduced to a less than significant level through Mitigation Measure 4.10-2. That mitigation measure included development of a construction mitigation plan in close coordination with Town of Danville staff to ensure that construction activities were planned to minimize noise disturbance. (2013 DEIR, pp. 4.10-11–4.10-14.) (See Attachment A, pp. 17-18.) The plan specifically required that outdoor construction hours be limited during the week and prohibited on weekends and holidays, and that particular construction equipment

operational protocols be followed to reduce noise during the allowed construction hours. The construction noise mitigation plan was to be provided to the Diablo Community Service District and Diablo Municipal Advisory Council before the beginning of construction. (2013 FEIR, p. 41.)

The Town has decided to reexamine construction noise levels in a Revised Draft EIR. Accordingly, this topic is not addressed further in this Initial Study.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

The 2013 EIR determined that the project site was not located within two miles of a public airport or within an airport land use plan, and that aircraft noise would not measurably impact people residing or working in the project area. (2013 EIR, p. 4.10-16).

No new airports have been added within two miles of the Project site since 2013 and the site remains outside any airport land use plan. Accordingly, the Project's impacts with respect to noise from airports would remain less than significant.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

The 2013 EIR determined that the project site was not located within the vicinity of a private airstrip, and that aircraft noise would not measurably impact people residing or working in the project area. (2013 DEIR, p. 4.10-16.)

No new private airstrips have been added in the vicinity of the Project site since 2013. Accordingly, the Project's impacts with respect to noise from private airstrips would remain less than significant.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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XIII. POPULATION AND HOUSING.

Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

DISCUSSION:

The lawsuit on the 2013 EIR did not challenge the EIR's adequacy with respect to Population and Housing.

Would the project:

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

The 2013 EIR determined that the project would result in an increase in the Town's population of approximately 191 persons, or 0.45 percent of the Town's population of 42,000 based on 70 lots. This small increase was found not to constitute substantial population growth. (2013 DEIR, pp. 5-1, 4.9-24.)

With the reduction to 69 lots, the Project's impact on population growth would remain less than significant.

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

The 2013 EIR determined that the project site had historically been used for agricultural and ranching purposes and that no houses or persons would be displaced in connection with the project. (2013 DEIR, pp. 4.9-24–4.9-25.)

There is still no housing on the project site. Accordingly, the Project still would not displace housing and would cause no impact.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

See section b) above.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>XIV. PUBLIC SERVICES.</u>				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	☐	☒	☐	☐
Fire protection?	☐	☐	☒	☐
Police protection?	☐	☐	☒	☐
Schools?	☐	☒	☐	☐
Parks?	☐	☐	☒	☐
Other public facilities?	☐	☐	☐	☐

DISCUSSION:

The lawsuit on the 2013 EIR alleged that the EIR's analyses of emergency access and emergency evacuation were inadequate. The Superior Court rejected these claims. This issue is addressed in section VIII, Hazards and Hazardous Materials, above.

a) Fire Protection:

The 2013 EIR found, based on consultation with the San Ramon Valley Fire Protection District, that the need for fire protection for the project would not warrant the construction of new or expanded firefighting facilities such that a significant environmental impact from the construction of such facilities could occur. (2013 DEIR, pp. 4.11-5–4.11-6.) The project site was served by multiple fire stations and response times were within the District's five-minute standard.

The Fire District has confirmed that the conclusions of the 2013 EIR remain valid with respect to fire services. (Personal Communication, R. Wendel, July 1, 2017.) Accordingly, the Project would continue to cause no impact with respect to the need for construction of firefighting facilities and resulting environmental impacts from that construction.

b) Police Protection

The 2013 EIR determined, based on consultation with the Police Department, that the need for police protection for the project would not warrant the construction of new or expanded police stations such that a significant environmental impact from the construction of such facilities could occur. (2013 DEIR, p. 4.11-4.)

The Police Department has confirmed that it still would not need new or expanded police stations in order to serve the Project. (Personal Communication, Chief Allan Shields, August 3, 2017.) Accordingly, the Project would continue to cause no impact with respect to the need for construction of police facilities and resulting environmental impacts from that construction.

c) Schools

The 2013 EIR found that the project would generate 62 school-aged children from development of 70 lots. (2013 DEIR, p. 4.11-6.) The 2013 DEIR found that this enrollment increase could result in a potentially significant impact. Mitigation Measure 4.11-1, which required compliance with the school impact fees imposed by Government Code Section 65995, was determined to mitigate the impact to less than significant. The mitigation measure further explained that Government Code section 65996 provides that payment of such fees constitutes the exclusive means of both considering and mitigating school facilities impacts of projects. (See Attachment A, pp. 18-19.)

San Ramon Valley Unified School District ("SRVUSD") recently reviewed the reduced Project and confirmed that it is within the attendance areas of Green Valley Elementary,

Los Cerros Middle, and Monte Vista High Schools. SRVUSD estimates the project would generate 59 school-aged children. Green Valley Elementary, Los Cerros Middle and Monte Vista High School have sufficient capacity to accommodate the students added by the project. Furthermore, according to SRVUSD, enrollment fluctuations may result in additional capacity by the time the project would be constructed. (Personal communication, Tina Perault, June 29, 2017.)

California law has not changed since 2013 and the fees payable under Government Code section 65995 remain the exclusive means of mitigating impacts on school facilities related to development approvals. (Cal. Gov't Code § 65996(b)). The Project's impacts would remain less than significant.

d) Parks

The 2013 EIR determined that the project, as a condition of approval, would be required to either pay an in-lieu park dedication fee or designate additional on-site recreational amenities, or a combination of the two, so that adequate recreation opportunities would be provided. The 2013 EIR also determined that the project would not significantly impact the Sycamore Valley Regional Open Space Preserve ("SVROSP"). (2013 DEIR, p. 4.11-8). The impacts of on-site recreational facilities, including the trails proposed as part of the project, were analyzed in the 2013 EIR as part of the project's impact analysis.

Given the reduction in lots from 70 to 69, the small number of residents generated by the project, and the payment of an in-lieu park fee, the Project's impacts with respect to the need for construction of parks, would remain less than significant.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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XV. RECREATION.

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

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b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

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DISCUSSION:

The lawsuit on the 2013 EIR did not challenge the EIR's adequacy with respect to Recreation.

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

The 2013 EIR found that the project would not significantly impact the Sycamore Valley Regional Open Space Preserve (SVROSP) or other existing parks. The Town's Parkland Dedication Ordinance requires residential projects to either create public or private active recreation areas or to pay an in-lieu park dedication fee, or a combination of the two. The 2013 EIR found that the project would be required as a condition of approval to either pay an in-lieu park dedication fee or designate additional on-site recreational amenities to ensure adequate active recreational uses were provided on-site. The small number of residents generated by the project and the provision of on-site recreational amenities and open space, and/or the payment of a parkland dedication fee, would ensure that population growth would not result in overuse of existing park lands and facilities. (2013 DEIR, pp. 4.11-8–4.11-9.)

There have been no changes to the Project since the 2013 EIR that would increase the Project's effects on the physical deterioration of existing parks and recreational facilities. Impacts would remain less than significant.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

See section XIV d) above.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>XVI. TRANSPORTATION/TRAFFIC.</u>				
Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☒	☐	☐	☐
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☒	☐	☐	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☒	☐	☐	☐
e) Result in inadequate emergency access?	☒	☐	☐	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☒	☐	☐	☐

DISCUSSION:

The lawsuit on the 2013 EIR challenged the EIR's analysis of traffic. The Superior Court rejected these claims. The lawsuit on the 2013 EIR also challenged the EIR's analysis of bicycle safety. The Superior Court and Court of Appeal upheld these claims. The lawsuit did not challenge other aspects of the EIR's Traffic and Circulation analysis.

Because the courts have required a new analysis of bicycle safety, and due to the time that has passed since the 2013 EIR's traffic analysis was prepared, all aspects of the Transportation and Circulation analysis for the Project, other than change in air traffic patterns, will be addressed in a Revised Draft EIR. The Project is not near an airport and would not cause a change in air traffic patterns; accordingly, this topic will not be analyzed further.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVII. 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:

a) 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), or

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b) 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.

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DISCUSSION:

The Town currently believes, based on the analysis in the 2013 EIR, that the Project would cause no impact to tribal cultural resources. Pursuant to Public Resources Code section 21080.3.1, the Town has notified the tribes that have requested notice of projects within the Town of the application for the Project. If a tribe requests

consultation, the results of the consultation process will be addressed in the Revised Draft EIR.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>XVIII. UTILITIES AND SERVICE SYSTEMS.</u>				
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
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?	☐	☒	☐	☐
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒
h) Cause inefficient, wasteful and unnecessary consumption of energy?	☒	☐	☐	☐

DISCUSSION:

The lawsuit on the 2013 EIR did not challenge the EIR's adequacy with respect to Utilities and Service Systems.

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Wastewater from the Project would constitute typical domestic flows that would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. The project would cause no impact with respect to these requirements.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Water:

The 2013 EIR found that development of the project would require the construction of new on-site water infrastructure to serve the project. (2013 DEIR, pp. 4.13-19, 4.13-19, 4.13-25 - 26.) The 2013 EIR identified three mitigation measures that it found would reduce the impact to less than significant. Mitigation Measure 4.13-1 required a Low Pressure Service Agreement for each residential parcel located entirely or partially above the 650-foot elevation contour. Mitigation Measure 4.13-2 required review and approval of detailed design-level infrastructure drawings for water supply infrastructure. Mitigation Measure 4.13-3 required coordination to avoid impacts to EBMUD right-of-way R/W 1581.

There are no Project changes since the 2013 EIR that would increase impacts to water infrastructure. In addition, EBMUD has stated that Mitigation Measure 4.13-1 is no longer required; Low Pressure Service Agreements are no longer needed because the Project would be served from EBMUD's Scenic Pressure Zone, which serves the

elevation range of 650 to 850 feet. EBMUD has also clarified the second sentence of Mitigation Measure 4.13-2, which states that all new water supply infrastructure shall be designed in accordance with EBMUD specifications. EBMUD notes that EBMUD completes its own design of all water pipelines at the applicant's expense. (Personal communication, David Rehnstrom, July 11, 2017.) Impacts would remain less than significant with mitigation.

Wastewater: The 2013 EIR determined that wastewater flows associated with the project would account for less than a tenth of a percent (0.04 % increase) increase of wastewater volumes being treated at the existing Central Contra Costa Sanitary District ("Central San") Wastewater Treatment Plant, and that this increase would be negligible. Accordingly, the project would not require or result in the construction of new off-site wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. (2013 DEIR, p. 4.13-26.)

The Project, which has been reduced from 70 to 69 lots, would not increase impacts from those described in the 2013 EIR. The project site would be annexed into Central San's service area. Central San has concurred that the 69-lot project would cause a less than significant impact to its wastewater treatment facilities. (Personal communication, Russell Leavitt, June 29, 2017.) Central San has also provided the following updated information:

- Central San's Comprehensive Wastewater Master Plan was updated in 2017. Although Central San's current capacity can accommodate project generated demands, future build-out in Central San's service area will necessitate certain improvement projects. The Project would be required to pay impact fees to help fund Central San's Capital Improvement Plan.
- Central San's Wastewater Treatment Plant has an effluent discharge limit of 53.8 million gallons per day (MGD), and its average dry weather treatment is now 30.8 MGD.
- Central San calculates the Project's wastewater generation, based on 69 single-family units and up to 17 second units, as 14,205 gallons per day.
- Central San and the Diablo Country Club (DCC) have proposed a satellite water recycling facility (SWRF) demonstration project that would involve construction of a wastewater diversion pump station and wastewater conveyance pipeline on Diablo Road (between Matadera Way and Calle Arroyo); a satellite water recycling facility and waste return pipeline in the DCC golf course; and expansion of DCC's existing ponds for storage of recycled water. If this project is approved and operational by Spring 2019 as proposed, wastewater flow from the Magee Ranches project would be treated at the SRWF.

The Project still would not require or result in the construction of new water or wastewater treatment facilities or the expansion of existing facilities, the construction of which could cause significant environmental effects.

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?

The 2013 EIR found that the project would provide a storm drainage system designed to mitigate downstream increases in storm water flows for a 100-year flood. Drainage facilities included biofiltration swales, a flow control basin, and a water quality basin. (2013 DEIR, p. 4.8-14). Impacts of construction of this system were analyzed as impacts of construction of the project as a whole.

There have been no changes in the Project since the 2013 EIR that would increase these impacts. The Project's impacts from the construction or expansion of water or wastewater facilities would remain less than significant with mitigation.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

As reported in the 2013 EIR, the project site's new water demand was previously considered as part of the East Bay Municipal Utility District ("EBMUD") 2010 Urban Water Management Plan ("2010 UWMP") and 2040 Demand Study. The 2010 UWMP and 2040 Demand Study assumed build-out of the project site based on its earlier land use designation, which suggested a 78-unit large lot development. (2013 DEIR, pp. 4.13-16–4.13-18 & fn. 12.) The project's forecasted water use was less than under that designation. (2013 DEIR, p. 4.13-16.)

The 2010 UWMP concluded that EBMUD had sufficient water supplies to meet anticipated demand, including the proposed project. The 2010 UWMP also identified supplemental water projects that would enable EBMUD to provide additional supply water during dry and drought periods for the next 20 years. (2013 DEIR, p. 4.13-17.)

EBMUD has since published its 2015 UWMP. The 2015 UWMP, EBMUD identifies supplemental water projects that provide additional sources of water supply in dry years. (2015 EBMUD UWMP, pp. 63, 65.) In addition, the 2015 UWMP, like the 2010 UWMP, contains a Water Shortage Contingency Plan that, depending on the severity of a shortage, imposes additional water restrictions that would further reduce water demand during multiple-dry years. The ability to implement additional water conservation measures and the availability of supplemental sources of water supply identified in the 2015 UWMP ensure that EBMUD can provide adequate water service in all year types, including single-dry and multi-dry years. (2015 EBMUD UWMP, pp. 31, 38–39, 54–57, 61–66.)

Sufficient water supplies would be available to serve the Project. There have been no changes in the Project since 2013 that would increase its water demand or alter the conclusions of the 2013 EIR regarding water supply. (Personal communication, David Rehnstrom, July 11, 2017.) There are no longer any large-lot residential units in the project. EBMUD has updated the projected water demand calculation methodology

used in the 2013 EIR; EBMUD's current calculation is 580 gallons per day for single-family residential units and 200 gallons per day for second units. The resulting water demand would total 43,420 gallons per day (69 single family units plus up to 17 second units), which is less than the 46,530 gallons per day figure used in the 2013 EIR.

Finally, EBMUD clarifies that no water service will be granted until the U.S. Bureau of Reclamation issues its approval to serve the site, and that the project sponsor must enter into an agreement with EBMUD to cover its costs for obtaining USBR approval. Impacts would remain less than significant.

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Please see section b) above. Central San has confirmed that it has adequate wastewater treatment capacity to serve the Project's projected demand in addition to its existing commitments. (Personal communication, Russell Leavitt, June 29, 2017.) Impacts would remain less than significant.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

The 2013 EIR found that Keller Canyon Landfill would dispose of all solid waste generated by the project. Its existing disposal rate was approximately 2,500 tons per day, with a maximum permitted disposal rate of 3,500 tons per day. The 2013 EIR calculated a solid waste generation rate of 315.9 pounds per day, and concluded that the project's impact would be less than significant. (2013 DEIR, pp. 4.13-27–4.13-28.)

There have been no changes in the Project since the 2013 EIR that would increase its solid waste impacts. The Keller Canyon Landfill's permitted disposal rate remains 3,500 tons per day and its existing disposal rate remains 2,500 tons per day.⁴ The Project therefore does not contain any changes that would negatively affect the 2013 EIR's determinations. Impacts would be less than significant.

g) Comply with federal, state, and local statutes and regulations related to solid waste?

The project would be required to comply with all federal, state, and local regulations related to solid waste. The Keller Canyon Landfill is legally permitted to receive solid waste. (2013 DEIR, pp. 4.13-27–4.13-28.) The project would cause no impact with respect to any conflicts with statutes and regulations related to solid waste.

⁴ Facility Information Toolbox: Keller Canyon Landfill, CalRecycle, <http://www.calrecycle.ca.gov/FacIT/Facility/Operations.aspx?FacilityID=18002> (last visited July 13, 2017).

h) Cause inefficient, wasteful and unnecessary consumption of energy?

The 2013 EIR found that the project would cause a less than significant impact to energy consumption with implementation of Mitigation Measure 4.13-4, calling for the following building design features or substitute measures that would achieve comparable energy use reductions:

- a. Final-design that takes advantage of shade, prevailing winds, landscaping and sun screens to reduce energy use. Project shall meet and/or exceed the requirements of Title 20 and Title 24.
- b. Install efficient lighting and lighting control systems. Use daylight as an integral part of lighting systems in buildings.
- c. Install light-colored cool pavements, and strategically placed shade trees.
- d. Install energy efficient heating and cooling systems, appliances and equipment, and control systems. Including:
 - o smart meters and programmable thermostats.
 - o Heating, Ventilation, and Air Condition (HVAC) ducts sealing.
- e. Install light emitting diodes (LEDs) for outdoor lighting.
- f. Provide outdoor electrical outlets.

The City has decided to reevaluate energy impacts in a Revised Draft EIR. Accordingly, this topic is not addressed further in this Initial Study.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>XIX. MANDATORY FINDINGS OF SIGNIFICANCE.</u>				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☒	☐	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☒	☐	☐	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☒	☐	☐	☐

DISCUSSION:

a) As described in this Initial Study, with mitigation, the project does not have the potential to degrade the quality of the environment except as to air quality during construction, greenhouse gases, and transportation/circulation, including bicycle safety. These three topics will be reexamined in detail in a Revised Draft EIR.

b) The lawsuit on the 2013 EIR did not challenge the EIR's cumulative impacts analysis.

With respect to the environmental topics addressed in this Initial Study and not identified for detailed analysis in the Revised Draft EIR, the 2013 EIR found no significant cumulative impacts that would result from the project in combination with cumulative projects. (2013 DEIR, pp. 4.1-27; 4.4-34-4.4-35; 4.4-6-4.4-7; 4.6-17-4.6-18; 4.7-9; 4.8-18; 4.10-16; 4.11-9.) The Project has not changed since the 2013 EIR so as to increase its contributions to cumulative impacts. In addition, the current list of potentially cumulative projects does not indicate that the impacts of the Project would be individually limited but cumulatively considerable.

The Town of Danville has identified the following pending projects within its jurisdiction.

Approved but construction not complete

1	Lee	1240 Culet Ranch Rd.	4 single family residential
2	Hackler	1162 Lawrence Rd.	3 single family residential
3	Mosle	1591 Lawrence Rd.	2 single family residential
4	B&H Ptn.	10 Margaret Ln.	1 single family residential & 1 second unit
5	The Address Co.	155 Willow Rd.	3 single family residential
6	Podva	Terminus of Midland Way	20 single family residential & 2 second units
7	Blackhawk Meadows LLC	2500 Blackhawk Rd.	5 single family residential
8	Bradford	841 Podva Rd.	4 single family residential
9	Archer	740 El Pintado	2 single family residential
10	Elvige	La Gonda Way	5 single family residential
11	DSSI LLC	1609 Lawrence Rd.	3 single family residential
	Total		52 single family residential; 3 second units

Pending

1	Stanley	373 Diablo Rd.	150 multifamily
2	Talmont	375 W. El Pintado Rd.	37 multifamily
3	K&B Group	3473 Old Blackhawk Rd.	19 single family
	Total		56 single family; 150 multifamily

In addition, Contra Costa County has identified two pending projects: Tassajara Parks, proposed for 123 units southeast of the Project site; and Creekside Cemetery, also southeast of the project site. (Personal communication, John Osborne, July 13, 2017.)

Finally, the Central Contra Costa Sanitation District has identified a pending project, its proposed Satellite Water Recycling Facility Project, which, if approved, would include construction of a wastewater pipeline along Diablo Road, adjacent to a portion of the Project site. (Personal communication, Russell Leavitt, July 6, 2017.)

None of the impacts of these projects, when combined with the individually limited Project impacts identified in this Initial Study as less than significant, would cause a significant cumulative impact. All but two of these projects (the 2500 Blackhawk Road project, which is currently under construction, and the Satellite Water Recycling Facility Project along Diablo Road proposed for construction in 2018), are distant from the Project site, and therefore would not combine with the Project's site-specific impacts. If one or both of these projects were to remain under construction in 2019, there would be a potential for cumulative local air quality and noise impacts, which are topics to be addressed in the Revised Draft EIR. Cumulative traffic impacts as well as greenhouse gas emissions will be addressed in the Revised Draft EIR.

c) See section a) above.

* * * *

Attachment A: Mitigation Monitoring and Reporting Program, April 2013

References

Magee Ranches Draft and Final Environmental Impact Report (April 2013)

Magee Ranches Vesting Tentative Map (July 2017)

Live Oak Associates, Inc. Update to the biological evaluation completed for Magee Ranch in Danville, California (July 2017)

HortScience, Inc. Tree Assessment (June 2017)

ENGEO Geotechnical Report Update (July 2017)

ENGEO Phase I Environmental Site Assessment (June 2017)

ENGEO Update to Hydrological Recommendations (July 2017)

Persons Who Prepared or Participated in the Initial Study

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Leianne Humble, Denise Duffy & Associates
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Attachment A
Mitigation Monitoring and Reporting Program – Magee Ranches
April 2013

MITIGATION MONITORING AND REPORTING PROGRAM – MAGEE RANCHES

April 2013

NOTES: Section 21081.6 of the Public Resources Code requires all state and local agencies to establish monitoring or reporting programs whenever approval of a project relies upon an environmental impact report (EIR). The purpose of the monitoring or reporting program is to ensure implementation of the measures being imposed to mitigate or avoid the significant adverse environmental impacts identified in the EIR.

Impacts	Mitigation Measures	Timing of Implementation	Implementation Responsibility	Verified for Compliance	X
The project would create new sources of light that would adversely affect nighttime views in the area.	4.1-1 All buildings shall be designed so that reflective surfaces are limited and exterior lighting is down-lit and illuminates the intended area only. Building applications for new structures shall include an exterior lighting plan subject to approval by the Town of Danville that includes the following requirements: 1) exterior lighting shall be directional; 2) the source of directional lighting shall not be directly visible; and 3) vegetative screening shall be installed, where appropriate.	Prior to Issuance of Building Permit	Applicant	Town of Danville	☐
Construction activities, including clearing, excavation and grading operations, would generate diesel exhaust emissions (NOx) that exceed BAAQMD thresholds.	4.3-1 The project proponent shall implement following measures to control diesel exhaust emissions associated with grading and new construction. A plan indicating how compliance will be achieved shall be submitted to the Town of Danville prior to construction. a. During the grading phase, the developer or contractor shall provide a plan for approval by the Town or BAAQMD demonstrating that the heavy-duty (>50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average for the year 2010; This plan should address all equipment that will be on site for more than 2 working days, b. During the building construction phase, establish on-site electric power to reduce the use of diesel-powered generators and where feasible, on-site generators with internal combustion engines shall utilize alternative fuels such as bio-diesel blended fuels;	Prior to Building Construction	Applicant	Town of Danville	☐

Impacts	Mitigation Measures	Timing of Implementation	Implementation Responsibility	Verified for Compliance	X
	c. If acceptable to the Town and neighbors, arrange for service to provide on-site meals for construction workers to avoid travel to off-site locations; d. Stage construction equipment at least 200 feet from existing or new habitable residences; e. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes in accordance with the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations. Clear signage shall be provided for truck operators and construction workers at all access points. f. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. g. Encourage use of alternative fuels for construction equipment. h. Recycle construction waste generated on site to the greatest extent feasible that doesn't create new air quality impacts. i. Require an on-site disturbance coordinator to ensure that the construction period mitigation measures are enforced. This coordinator shall respond to complaints regarding construction activities and construction caused nuisances. The phone number of this disturbance coordinator shall be clearly posted at the construction site and provided to nearby residences. A log documenting any complaints and the timely remedy or outcome of such complaints shall be kept.				X
If uncontrolled, dust generated by grading and construction activities represents a significant air quality impact.	4.3-2 Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to less-than-significant. The contractor shall implement the following best management practices: a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be	During Project Construction	Applicant	Town of Danville	☐

Impacts	Mitigation Measures	Timing of Implementation	Implementation Responsibility	Verified for Compliance	X
	watered two times per day. b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. d. All vehicle speeds on unpaved roads shall be limited to 15 mph. e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. f. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.				
Construction of the proposed subdivision could result in potential impacts to California red-legged frog.	4.4-1 The project proponent shall implement the following measures during construction activities in or along East Branch Green Valley Creek to avoid take of individual CRLF: a. Prior to the start of construction, the project proponent shall retain a qualified biologist to train all construction personnel regarding habitat sensitivity, identification of special status species, and required practices. b. Prior to the start of construction, the project proponent shall retain a qualified biologist to conduct pre-construction surveys to ensure that CRLF are absent from the construction area. If CRLF are present, a qualified biologist possessing all necessary permits shall relocate them or they shall be allowed to move out of the construction area on their own. c. Immediately following the pre-construction surveys and a determination that CRLF are not present in the construction	Prior to Project Construction	Applicant & Qualified Biologist	Town of Danville	☐

Impacts	Mitigation Measures	Timing of Implementation	Implementation Responsibility	Verified for Compliance	X
	zone, the construction zone shall be cleared and silt fencing erected and maintained around construction zones to prevent CRLF from moving into these areas. d. The project proponent shall retain a qualified biological monitor to be present onsite during times of construction within the riparian habitat of East Branch Green Valley Creek to ensure no CRLF are harmed, injured, or killed during project buildout.				
See impact for Mitigation Measure 4.4-1	4.4-2 The project would impact approximately 0.3 acres of moderate-quality riparian habitat resulting from construction of the vehicular bridges across East Branch Green Valley Creek. The project shall replace the lost value of this impact by restoring the impacted riparian habitat at a minimum 1:1 replacement-to-loss ratio. (Final mitigation amounts will be based on actual impacts to be determined during the design phase.) This shall be accomplished by restoring riparian habitat at the four following locations: a. The existing wet crossing and asphalt near the panhandle (i.e., where the new bridge is to be constructed) shall be removed. The silt and sediment buildup behind and adjacent to the wet crossing and asphalt shall also be removed and the creek bed shall be lowered to restore the natural flow of this portion of the creek. b. The existing crossing from San Andreas Drive shall be removed and the creek restored in this area. c. The two existing cattle grates on Magee West near the existing culverts shall be removed. One of these is causing sediment build up and adversely impacting the creek. The natural flow of this channel shall be restored back to its original condition prior to the original installation of the grates. d. The riparian corridor along the East Branch of Green Valley Creek will be enhanced with suitable planting and placement of riparian vegetation along the proposed trail on Magee East. Approximately 2 acres along East Branch Green Valley Creek	Prior to Project Construction	Applicant	Town of Danville	☐

Impacts	Mitigation Measures	Timing of Implementation	Implementation Responsibility	Verified for Compliance	X
	between the creek and the trail is available to accommodate the minimum 0.3 acres of riparian enhancement plantings. The enhancement area shall be planted with native species appropriate for the corridor.				
See impact for Mitigation Measure 4.4-1	4.4-3 The project would impact approximately 0.5 acres of jurisdictional waters that are of a degraded quality and marginal value for the CRLF. The project shall replace the lost functions and value of this impact to aquatic habitats at a minimum of 1:1 replacement-to-loss acreage ratio. The final mitigation amounts will be based on actual impacts to be determined during the design phase. Habitat replacement via creation of and/or enhancements to existing waters shall occur onsite. Onsite lands proposed to be preserved as open space are within the same watershed as the offsite detention basin known to support breeding CRLF and are expected to fully accommodate creation of and/or enhancements to aquatic habitats that would be of substantially higher value to CRLF than the impacted waters. Compensation for impacts to jurisdictional waters to benefit the CRLF will include all of the aforementioned components discussed under "Compensation: riparian restoration," along with improving the wetland character of the onsite stock pond and enhancing the associated riparian habitat between the stock pond and the detention basin. (Refer also to mitigation measures 4.4-13 and 4.4-14 below for impacts to jurisdictional waters.)	Prior to Project Construction	Applicant	Town of Danville	☐
See impact for Mitigation Measure 4.4-1	4.4-4 The project proposes to preserve approximately 302 acres of the project site as open space. Areas to be preserved would be placed under a conservation easement or deed restriction to prohibit construction and preserve conservation value. The project proposes to create a geologic hazard abatement district (GHAD) to provide suitable funding for management and long-term maintenance of the site. Upland habitats shall be managed via a long-term management plan to maintain the quality of the habitat for the movement and dispersal of CRLF. Prior to construction, the project proponent shall retain a qualified	Prior to Project Construction	Applicant & Qualified Biologist	Town of Danville	☐

Impacts	Mitigation Measures	Timing of Implementation	Implementation Responsibility	Verified for Compliance	X
	biologist to prepare an open space management plan for the explicit purpose of managing and monitoring the proposed open space area. This plan shall be submitted to the Town of Danville for review and approval prior to issuance of grading permits. At a minimum this plan shall include the following components: a. Identify the location of the restoration efforts for replacing jurisdictional waters and riparian habitats. The replacement ratio for both habitats will be at a minimum of a 1:1 ratio. b. Identify the approaches to be used, including the extent that the onsite stock pond be expanded, reconfiguring of the pond bottom and increase in depth, and providing evidence that sufficient water budget exist for any proposed enhancement. c. Identify a suitable planting regime for restoring wetland and riparian habitats. d. Identify success criteria for monitoring both the wetland and riparian habitats that are consistent with similar habitats regionally. e. Monitor restored wetland habitats for at least five years and restored riparian habitats for 10 years. f. Define and identify the GHAD maintenance and management activities to manage the open space habitats to meet the stated goals of support habitat characteristics suitable for the CRLF. This would include suitable fencing so as to control access, limited cattle grazing or other procedures to manage grass height and forage production at levels that benefit the CRLF, and removal of trash. g. Define the financial mechanism for the GHAD to manage the open space into perpetuity.				X
Construction of the proposed subdivision could result in potential impacts to western pond turtle.	4.4-5 Prior to the start of construction, the project proponent shall retain a qualified biologist to train construction personnel regarding habitat sensitivity, identification of special status species, and required practices.	Prior to Project Construction	Applicant & Qualified Biologist	Town of Danville	☐

Impacts	Mitigation Measures	Timing of Implementation	Implementation Responsibility	Verified for Compliance	X
See impact for Mitigation Measure 4.4-5	4.4-6 Prior to the start of construction within the East Branch Green Valley Creek riparian area, the project proponent shall retain a qualified biologist to conduct pre-construction surveys to ensure that western pond turtles are absent from the construction area. If western pond turtles are present, a qualified biologist possessing all necessary permits shall be retained to relocate them.	Prior to Project Construction	Applicant & Qualified Biologist	Town of Danville	☐
See impact for Mitigation Measure 4.4-5	4.4-7 If western pond turtles are found to be absent from the construction zone, immediately following the pre-construction surveys the project proponent shall clear the construction zone and install/maintain silt fencing around the construction zone to prevent western pond turtles from entering these areas.	Prior to Project Construction	Applicant & Qualified Biologist	Town of Danville	☐
See impact for Mitigation Measure 4.4-5	4.4-8 During construction within the East Branch Green Valley Creek riparian area, the project proponent shall retain a biological monitor to be present onsite during times of construction to ensure that turtles are not harmed, injured, or killed.	During Project Construction	Applicant & Qualified Biologist	Town of Danville	☐
Construction of the proposed subdivision could result in potential impacts to nesting raptors and migratory birds.	4.4-9 To the maximum extent practicable, the project proponent shall remove trees during the non-breeding season (September 1 through January 31). If it is not possible to avoid tree removal and associated disturbances during the breeding season (February 1 through August 31), the project proponent shall retain a qualified biologist to conduct a pre-construction survey for tree-nesting raptors and other tree- or ground-nesting migratory birds in all trees or other areas of potential nesting habitat within the construction footprint and 250 feet of the footprint, if such disturbance would occur during the breeding season. This survey shall be conducted no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). If nesting raptors or migratory birds are detected on the site during the survey, a suitable construction-free buffer shall be established around all active nests. The precise dimension of the buffer (a minimum of	Prior to Project Construction	Applicant & Qualified Biologist	Town of Danville	☐

Impacts		Mitigation Measures	Timing of Implementation	Implementation Responsibility	Verified for Compliance	X
		150 feet up to a maximum of 250 feet) shall be determined at that time and may vary depending on location and species. Buffers shall remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents. Pre-construction surveys during the non-breeding season are not necessary, as the birds are expected to abandon their roosts during construction activities.				
Construction of the proposed subdivision could result in potential impacts to burrowing owls.		4.4-10 In order to avoid impacts to active burrowing owl nests, the project proponent shall retain a qualified biologist to conduct pre-construction surveys for burrowing owls within the construction footprint and within 250 feet of the footprint no more than 30 days prior to the onset of ground disturbance. These surveys shall be conducted in a manner consistent with the CDFG's burrowing owl survey methods (CDFG 2012b). If pre-construction surveys determine that burrowing owls occupy the site during the non-breeding season (September 1 through January 31), then a passive relocation effort (e.g., blocking burrows with one-way doors and leaving them in place for a minimum of three days) may be used to ensure that the owls are not harmed or injured during construction. Once it has been determined that owls have vacated the site, the burrows can be collapsed, and ground disturbance can proceed. If burrowing owls are detected within the construction footprint or immediately adjacent lands (i.e., within 250 feet of the footprint) during the breeding season (February 1 through August 31), a construction-free buffer of 250 feet shall be established around all active owl nests. The buffer area should be enclosed with temporary fencing, and construction equipment and workers may not enter the enclosed setback areas. Buffers must remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents. After the breeding season, passive relocation of any remaining owls may take place as described above.	Prior to Project Construction	Applicant & Qualified Biologist	Town of Danville	☐

Impacts	Mitigation Measures	Timing of Implementation	Implementation Responsibility	Verified for Compliance	X
Construction of the proposed subdivision could result in potential impacts to American badgers.	4.4-11 Pre-construction surveys conducted for burrowing owls shall also be used to determine the presence or absence of badgers in the development footprint. If an active badger den is identified during pre-construction surveys within or immediately adjacent to the construction envelope, the project contractor shall establish a construction-free buffer around the den of up to 300 feet or a distance specified by the resource agencies (i.e., CDFG). Because badgers are known to use multiple burrows in a breeding burrow complex, the project contractor shall retain a biological monitor during construction activities to ensure the buffer is adequate to avoid direct impacts to individuals or nest abandonment. The monitor shall be present onsite until it is determined that young are of an independent age and construction activities would not harm individual badgers. Once it has been determined that badgers have vacated the site, the burrows can be collapsed or excavated, and ground disturbance can proceed.	Prior to Project Construction	Applicant & Qualified Biologist	Town of Danville	☐
Development of the proposed subdivision would impact wetlands (0.5 acres) and riparian habitat (0.3 acres).	4.4-12 The project proponent shall replace wetland and riparian habitat at a 1:1 replacement-to-loss ratio. It is expected that all compensation measures can be accommodated within the 302 acres of the site proposed as open space. Prior to issuance of a grading permit, the project proponent shall retain a qualified biologist to prepare an onsite habitat mitigation and monitoring plan (HMMP) that includes both an aquatic habitat restoration plan and a riparian habitat restoration plan. The HMMP would specifically address the wetland and riparian habitats and is separate from the Open Space Management Plan identified in Mitigation 4.4-4, although there may be some overlap. The HMMP shall include the following components, at a minimum: a. Define the location of all restoration/creation activities; b. Provide evidence of a suitable water budget to support any created wetland and riparian habitats; c. Identify the species, amount, and location of plants to be installed; d. Identify the time of year for planting and method for	Prior to Issuance of Grading Permit	Applicant & Qualified Biologist	Town of Danville	☐

Impacts	Mitigation Measures	Timing of Implementation	Implementation Responsibility	Verified for Compliance	X
	supplemental watering during the establishment period; e. Identify the monitoring period, which should be not less than 5 years for wetland restoration and not less than 10 years for riparian restoration, defines success criteria that will be required for the wetland restoration to be deemed a success; f. Identify adaptive management procedures that include (but are not limited to) measures to address colonization by invasive species, unexpected lack of water, excessive foraging of installed wetland plants by native wildlife, and similar; g. Define management and maintenance activities (weeding of invasives, providing for supplemental water, repair of water delivery systems) of the proposed GHAD; and h. Provide for assurance in funding the monitoring and ensuring that the created wetland and riparian habitats fall within lands to be preserved and managed into perpetuity. Confirm that the proposed GHAD will meet these responsibilities.				
See impact for Mitigation Measure 4.4-12	4.4-13 The project proponent shall comply with all state and federal regulations related to construction work that will impact aquatic habitats occurring on the site. Prior to construction, the project proponent shall obtain a Section 404 Clean Water Act permit from the USACE, Section 401 Water Quality Certification from the RWQCB, and/or Section 1600 Streambed Alteration Agreement from the CDFG, and submit proof of such documentation to the Town of Danville.	Prior to Project Construction	Applicant	Town of Danville	☐
The project would result in the removal of 38 trees on the site, which represents a potentially significant impact.	4.4-14 Prior to issuance of a grading permit, a tree preservation plan shall be prepared for all trees to be retained that identifies all protection and mitigation measures to be taken and includes the tree preservation guidelines by HortScience in their tree report(s). These measures shall remain in place for the duration of construction activities at the project site.	Prior to Issuance of Grading Permit	Applicant	Town of Danville	☐
See impact for Mitigation Measure 4.4-14	4.4-15 Upon completion of construction, the project proponent shall replace all ordinance-size trees to be removed with approved species "of a cumulative number and diameter necessary to equal	Upon Completion of Project	Applicant	Town of Danville	☐

Impacts	Mitigation Measures	Timing of Implementation	Implementation Responsibility	Verified for Compliance	X
	the diameter of the tree(s) which are approved for removal” in accordance with the Town’s tree ordinance. Tree removal shall be conducted in accordance with the Town’s requirements, including planting a mixture of small and large box trees to meet the cumulative diameter number of the removed trees. The project proponent shall replace all non-ordinance-size trees (i.e., trees less than 10 inches in diameter for single-trunk trees or less than 20 inches in diameter for multi-trunk trees) at a replacement-to-removal ratio of 1:1. To the maximum extent practicable, all native trees that are removed shall be replaced with like species. All non-native trees that are removed shall be replaced with species that are known to occur naturally within similar habitats in the region.	Construction			
See impact for Mitigation Measure 4.4-14	4.4-16 Prior to construction, the project proponent retain a qualified arborist to develop a monitoring plan for replacement trees (outside the riparian habitat) and submit it to the Town of Danville during the permit process. The basic components of the monitoring plan shall include final success criteria, specific performance criteria, monitoring methods, data analysis, monitoring schedule, contingency/remedial measures, and reporting requirements.	Prior to Project Construction	Applicant & Qualified Arborist	Town of Danville	☐
The improvements to the Diablo Road/Green Valley Road intersection would require the removal of 18 trees within the Town right-of-way.	4.4-17 If the Town determines that the improvements to the Diablo Road/Green Valley Road intersection are required, the project shall implement Mitigation Measures 4.4-14 through 4.4-16 above, as applicable.	Prior to Project Construction	Applicant & Qualified Arborist	Town of Danville	☐
Construction of the project may result in the discovery and disturbance of unknown archaeological resources and/or human remains.	4.5-1 If during the course of project construction, archaeological resources or human remains are accidentally discovered during construction, work shall be halted within 20 feet of the find until a qualified professional archaeologist can evaluate it. Work shall not recommence until the project archaeologist has submitted documentation to the Town indicating that discovered resources	During Project Construction	Applicant & Qualified Archaeologist	Town of Danville	☐

Impacts	Mitigation Measures	Timing of Implementation	Implementation Responsibility	Verified for Compliance	X
	have been adequately salvaged and no further resources have been identified within the area of disturbance.				
See impact for Mitigation Measure 4.5-1	4.5-2 Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California, in the event of the discovery of human remains during construction, no further excavation or disturbance shall be conducted on the site or any nearby area reasonably suspected to overlie adjacent remains. The Contra Costa County Coroner shall be notified and make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.	Prior to Grading Permit and During Project Construction	Applicant	Town of Danville	☐
Construction of the project may result in the discovery and disturbance of unknown paleontological resources.	4.5-3 If during the course of project construction, paleontological resources are accidentally discovered during construction, work shall be halted within 20 feet of the find until a qualified professional paleontologist can evaluate it. Work shall not recommence until the project paleontologist has submitted documentation to the Town indicating that discovered resources have been adequately salvaged and no further resources have been identified within the area of disturbance.	During Construction	Applicant & Qualified Paleontologist	Town of Danville	☐
Construction of the project could result in temporary soil erosion and loss of topsoil.	4.6-1 In order to reduce wind and water erosion on the project site, an erosion control plan and Storm Water Pollution Prevention Plan (SWPPP) shall be prepared for the site preparation, construction, and post-construction periods (see mitigation measure 4.8-1 in 4.8 Hydrology and Water Quality). The project shall prepare an erosion control plan in accordance	Prior to Issuance of Grading Permit	Applicant	Town of Danville	☐

Impacts	Mitigation Measures	Timing of Implementation	Implementation Responsibility	Verified for Compliance	X						
	with the Town's Erosion Control Ordinance. The project proponent shall implement the following measures, where appropriate, to control erosion: 1) keep construction machinery off of established vegetation as much as possible, especially the vegetation on the upwind side of the construction site; 2) establish specific access routes at the planning phase of the project, and limits of grading prior to development, which should be strictly observed; 3) utilize mechanical measures (i.e., walls from sand bags and/or wooden slat or fabric fences) to reduce sand movement; 4) immediate re-vegetation (plus the use of temporary stabilizing sprays), to keep sand movement to a minimum; and 5) for larger-scale construction, fabric or wooden slat fences should be placed around the construction location to reduce sand movement. This erosion control plan shall be submitted to the Town of Danville for review and approval prior to issuance of a grading permit.										
The project would be exposed to potential adverse effects from the seven existing landslides on the project site located near the areas of proposed development.	4.6-2 In order to minimize potential impacts from landslides, final project design plans shall incorporate the recommendations in the preliminary geotechnical report (Appendix E), which includes the following corrective measures: a. Landslide avoidance b. Construction of catchment areas between landslides and proposed improvements c. Partial landslide debris removal and buttressing with engineered fill d. Complete landslide debris removal and replacement as engineered fill The table below sets forth the required mitigation measures by landslide area (shown in Figure 4.6-2). <table><tr><th>Landslide</th><th>Mitigation</th></tr><tr><td>1</td><td>Partial landslide removal and buttressing with engineered fill</td></tr><tr><td>2</td><td>Construction of catchment areas between</td></tr></table>	Landslide	Mitigation	1	Partial landslide removal and buttressing with engineered fill	2	Construction of catchment areas between	Prior to Issuance of Building Permit	Applicant	Town of Danville	☐
Landslide	Mitigation										
1	Partial landslide removal and buttressing with engineered fill										
2	Construction of catchment areas between										

Impacts	Mitigation Measures	Timing of Implementation	Implementation Responsibility	Verified for Compliance	X														
	<table><tr><td></td><td>landslides and proposed improvements</td></tr><tr><td>3</td><td>Partial landslide removal and buttressing with engineered fill</td></tr><tr><td>4</td><td>Construction of catchment areas between landslides and proposed improvements</td></tr><tr><td>5</td><td>Complete landslide removal and replacement as engineered fill</td></tr><tr><td>6</td><td>Complete landslide removal and replacement as engineered fill</td></tr><tr><td>7</td><td>Complete landslide removal and replacement as engineered fill</td></tr><tr><td>8-16</td><td>Landslide avoidance</td></tr></table> Corrective grading for custom lot areas outside the proposed grading envelopes shall be evaluated when more detailed plans are available. Detailed 40-scale corrective grading plans for the entire project will be prepared when project grading plans have been finalized. Final plans showing the identified recommendations shall be submitted to the Town of Danville for review and approval prior to issuance of a building permit.		landslides and proposed improvements	3	Partial landslide removal and buttressing with engineered fill	4	Construction of catchment areas between landslides and proposed improvements	5	Complete landslide removal and replacement as engineered fill	6	Complete landslide removal and replacement as engineered fill	7	Complete landslide removal and replacement as engineered fill	8-16	Landslide avoidance				
	landslides and proposed improvements																		
3	Partial landslide removal and buttressing with engineered fill																		
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6	Complete landslide removal and replacement as engineered fill																		
7	Complete landslide removal and replacement as engineered fill																		
8-16	Landslide avoidance																		
The project site contains expansive soils that could damage proposed residential development, infrastructure, and associated structures.	4.6-3 In order to minimize potential impacts from expansive soils, final project design shall incorporate the recommendations in the preliminary geotechnical report (see Appendix E) that include special measures for mitigating adverse impacts from expansive soils, as follows: a. Conditioning the expansive soils to higher moisture content during site preparation and grading. b. Supporting the houses on structural slab foundations designed to withstand potential movements of expansive soils. c. Presoaking the near-surface expansive soils prior to concrete placement for the slab foundations. d. Conditioning the expansive subgrade soils in exterior concrete flatwork area to higher moisture content prior to the placement of baserock or concrete (if the flatwork is supported directly on the subgrade).	Prior to Issuance of a Building Permit	Applicant	Town of Danville	☐														

Impacts	Mitigation Measures	Timing of Implementation	Implementation Responsibility	Verified for Compliance	X
	e. Providing surface drainage away from the house foundations and draining the rainwater collected on the roof through pipes connecting to the adjacent storm drains. The final project plans incorporating all the finalized geotechnical recommendations shall be submitted to the Town of Danville for review and approval prior to issuance of a building permit.				
Development of the proposed project, including excavation and other land disturbance could result in the release of hazardous materials that may be present on portions of the project site, exposing construction personnel and the environment to potential health and safety risks.	4.7-1 In order to minimize potential human health hazards associated with the historical use of hazardous materials on portions of the project site, the project proponent shall retain a trained professional to prepare a Site Management Plan to maintain the safety of construction workers and assure proper management of any contaminated soils on the site in accordance with federal, state and local regulatory requirements. This plan shall be subject to review and approval by Contra Costa County Health Services, and evidence of approval provided to the Town of Danville, prior to the issuance of any grading permit, demonstrating that all necessary remedial actions have been completed pursuant to the approved Site Management Plan. At a minimum, the Site Management Plan shall include 1) the collection and chemical analysis of soil samples from the former UST location and 2) excavation and soils characterization to confirm that sufficient soils removal has occurred for OCPs and elevated 4, 4-DDE at location SB-3, and 3) proper removal and disposal of all hazardous materials on the site, including contaminated soils, chemical containers observed in the storage shed, and herbicides spray bottles at an approved disposal facility.	Prior to Issuance of Grading Permit	Applicant	Town of Danville	☐
See impact for Mitigation Measure 4.7-1	4.7-2 The diesel generator enclosure and surrounding area at the western edge of the Magee West site shall be periodically monitored for evidence of a diesel release. An annual report on the status of the enclosure shall be submitted to the Town of Danville.				☐
Construction and operation of the project	4.8-1 In order to avoid water quality impacts, a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared for the site	Prior to Issuance of	Applicant	Town of Danville	☐

Impacts	Mitigation Measures	Timing of Implementation	Implementation Responsibility	Verified for Compliance	X
could impact surface water quality.	preparation, construction, and post-construction periods. The SWPPP shall incorporate best management practices consistent with the requirements of the National Pollution Discharge Elimination System (NPDES) Municipal Stormwater permit (No. CAS612008). The project proponent shall obtain a NPDES General Construction Permit and prepare the SWPPP in accordance with all legal requirements, prior to the issuance of a grading permit. Additional requirements for erosion control are detailed in mitigation measure 4.6-1 in 4.6 Geotechnical and Geologic Hazards.	Grading Permit			
The noise environment would exceed the City's noise level goal for normally acceptable exterior noise (55 dBA) Ldn at residential building sites for custom lots 69 and 70 near Diablo Road, which represents a potentially significant noise impact.	4.10-1 In order to avoid noise impacts at proposed residential lots located near Diablo Road, the project proponent shall prepare site-specific acoustical analyses where proposed homes are located in noise environments that exceed 55 dBA Ldn (i.e., custom lots 69 and 70). Exterior and interior noise levels at these residences shall be maintained in accordance with the standards presented in the General Plan and Municipal Code. The specific determination of necessary treatments, such as forced-air mechanical ventilation or sound-rated windows shall be conducted on a unit-by-unit basis for affected lots based on the results of the site-specific acoustical studies. Evidence shall be provided to the Town of Danville, prior to the issuance of the building permit for the affected lots, demonstrating that all acoustical recommendations have been incorporated into final design. Site planning may be adequate to minimize noise in outdoor activity areas, i.e., locating the outdoor activity areas behind homes or in courtyards. If site planning cannot bring noise levels to acceptable levels, then solid noise barriers shall be incorporated into final design plans to interrupt the sound transmission path between roadway traffic and private outdoor use areas of lots 69 and 70, which may be exposed to an Ldn greater than 55 dBA. The type and height of such barriers shall be determined through the site-specific acoustical analyses described above to reduce the	Prior to Issuance of Building Permit	Applicant	Town of Danville	☐

Impacts	Mitigation Measures	Timing of Implementation	Implementation Responsibility	Verified for Compliance	X
	Ldn at the primary outdoor areas of these lots to an Ldn of 55 dBA or less. Barriers should be airtight over the surface and at the base, with a minimum surface weight of 3.0 pounds per square foot. Evidence shall be provided to the Town of Danville, prior to the issuance of the building permit for the affected lots, demonstrating that noise barriers have been incorporated into final design.				
Construction of the project would result in significant short-term noise impacts on nearby sensitive receptors.	4.10-2 Prior to any grading or other construction activities, the applicant shall develop a construction mitigation plan in close coordination with the Town of Danville staff, Diablo Community Service District, and Diablo Municipal Advisory Council to assure that construction activities are scheduled to minimize noise disturbance. The following conditions shall be incorporated into the building contractor specifications. a. 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. b. Utilize “quiet” models of air compressors and other stationary noise sources where technology exists. c. Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area. d. Prohibit unnecessary idling of internal combustion engines. e. Prohibit audible construction workers’ radios on adjoining properties. f. 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. g. Do not allow machinery to be cleaned or serviced past 6:00 p.m. or prior to 7:00 a.m. Monday through Friday. h. 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	Prior to Project Construction	Applicant	Town of Danville	☐

Impacts	Mitigation Measures	Timing of Implementation	Implementation Responsibility	Verified for Compliance	X
	a.m. and 6:00 p.m. i. 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. j. Allowable construction hours shall be posted clearly on a sign at each construction site. k. 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.				
The project would result in an incremental increase in the student population in the SRVUSD.	4.11-1 The applicant shall pay a school impact fee pursuant to the criteria set forth within California Government Code Section 65995. Prior to the issuance of building permits, the applicant shall pay required school mitigation fees, subject to the review and approval of the Town of Danville and San Ramon Valley Unified School District. The fees set forth in Government Code Section	Prior to Issuance of Building Permit	Applicant	Town of Danville and San Ramon Valley Unified	☐

Impacts	Mitigation Measures	Timing of Implementation	Implementation Responsibility	Verified for Compliance	X
	65996 constitute the exclusive means of both “considering” and “mitigating” school facilities impacts of projects [Government Code Section 65996(a)]. They are “deemed to provide full and complete school facilities mitigation” [Government Code Section 65996(b)].			School District	
The project trips added to the intersection of Hidden Oaks Drive/Magee Ranch Road and Blackhawk Road during the cumulative plus project AM peak hour would increase the v/c ratio by 0.13, which constitutes a significant impact based on the thresholds of significance.	4.12-1 Per the Town of Danville, signalize the intersection of Hidden Oaks Drive/Magee Ranch Road and Blackhawk Road. Because the impact occurs under cumulative conditions and not under existing plus project conditions, the project is not the sole cause of the impact. For this reason, the project applicant shall make a fair share contribution toward signalization at this intersection. With signalization, the intersection would operate at LOS B or better under all scenarios. Signalization of this intersection is identified as a project within the Town’s Capital Improvement Program, with funds collected for its installation as part of the North East Roadway Improvement Association District.	Prior to Issuance of Building Permit	Applicant	Town of Danville	☐
The project trips added to the intersection of Mt. Diablo Scenic Boulevard and Diablo Road during the cumulative plus project AM and school PM peak hour would increase the v/c ratio by more than 0.05, which constitutes a significant impact based on the thresholds of significance.	4.12-2 The intersection of Mt. Diablo Scenic Boulevard/Diablo Road should be considered for signalization. The project is not the sole cause of the impact. For this reason, the mitigation for this impact shall be the project applicant’s fair share contribution towards the installation of a traffic signal. With signalization, the intersection would operate at LOS C or better under all scenarios.	Prior to Issuance of Building Permit	Applicant	Town of Danville	☐
Access to Driveway D (southbound left) during the AM and school PM peak periods has the	4.12-3 The project proponent shall modify the roadway striping along McCauley Road between the intersection and approximately 350 feet south of the Diablo Road/Green Valley Road. The modified roadway striping shall substantially conform to the	During Project Construction	Applicant	Town of Danville	☐

Impacts	Mitigation Measures	Timing of Implementation	Implementation Responsibility	Verified for Compliance	X
potential to cause unsafe conditions and vehicle queuing.	following: a) reconfigure the existing 17-foot southbound through lane to a 10-foot shoulder and a 12-foot through lane; b) replace the existing 3-foot double-double yellow centerlines with a single double yellow center-line; c) maintain the existing 10-foot northbound left turn lane while shifting it two feet toward the easterly curb line; d) reduce the existing 16-foot northbound through/right turn lane to 13 feet; and e) transition existing downstream (to the south) centerline/left turn lane on McCauley Road accordingly to accommodate the new configuration, as illustrated in the body of the EIR.				X
The project main entrance (Driveway A) has the potential to provide an unsafe condition for pedestrian crossings of Blackhawk Road.	4.12-4 The project proponent shall install a new pedestrian crossing, with in-pavement lighting or other equivalent pedestrian safety improvement, at the project main entrance on Blackhawk Road. The crossing shall physically connect the project's pedestrian traffic to the existing paved pathway located along the north side of Blackhawk Road.	During Project Construction	Applicant	Town of Danville	☐
Development of the proposed project would require the construction of new water infrastructure in order to serve the project. EBMUD has identified that specific improvements may be necessary to serve new uses located above the 650 foot elevation contour. These improvements are necessary to mitigate potential water supply infrastructure impacts.	4.13-1 Prior to final map recordation, the applicant shall enter into a Low Pressure Service Agreement with East Bay Municipal Utility District for each residential parcel located entirely or partially above the 650 elevation contour. All appropriate water supply infrastructure, including pumping and storage facilities, shall be provided in accordance with the Low Pressure Service Agreement. For new residential parcels that are partially located above the 650 foot contour residential building envelopes may be delineated below the 650' contour to avoid the need for additional site-specific infrastructure, subject to approval by the Town of Danville. New building envelopes, if identified, shall be coordinated directly with East Bay Municipal Utility District. These facilities shall be incorporated into the final design-level infrastructure drawing for the project. The applicant shall sign and execute a Low Pressure Service Agreement prior to final map recordation. All infrastructure improvements shall be incorporated into design-level drawings.	Prior to the Recordation of the Final Map	Applicant	Town of Danville	☐

Impacts	Mitigation Measures	Timing of Implementation	Implementation Responsibility	Verified for Compliance	X
See impact for Mitigation Measure 4.13-1	4.13-2 Prior to the recordation of the final map for each phase of development, the applicant shall submit detailed design-level infrastructure drawings to the East Bay Municipal Utility District and the Town of Danville for review and approval. All new water supply infrastructure shall be designed in accordance with all applicable East Bay Municipal Utility District specifications. All water supply infrastructure plans shall be reviewed and approved prior to final map recordation.	Prior to the Recordation of the Final Map	Applicant	Town of Danville	☐
See impact for Mitigation Measure 4.13-1	4.13-3 The East Bay Municipal Utility District maintains a right-of-way (R/W 1581) through the project site, which provides access to the Green Valley Reservoir. In order to avoid potential effects to East Bay Municipal Utility District's existing operations, the final map shall clearly delineate all known easements, including East Bay Municipal Utility District's right-of-way (R/W 1581). Any and all activities proposed within the right-of-way shall be coordinated with East Bay Municipal Utility District. This easement shall be reflected in all final design-level improvement plans and appropriate notes shall also be included, subject to the review and approval of the East Bay Municipal Utility District and the Town of Danville.	Prior to Issuance of Building Permit	Applicant	Town of Danville	☐

Impacts	Mitigation Measures	Timing of Implementation	Implementation Responsibility	Verified for Compliance	X
Development of the proposed project would increase demands for electricity and natural gas consumption.	4.13-4 In order to ensure that energy demand is reduced to avoid the wasteful or inefficient use of energy, the project proponent shall submit detailed design-level plans to the Town of Danville identifying that energy conservation measures have been incorporated into design and operation of the project, prior to the issuance of any building permit. The proponent shall implement the following or comparable energy conservation measures, including, but not limited to: - Final-design that takes advantage of shade, prevailing winds, landscaping and sun screens to reduce energy use. Project shall meet and/or exceed the requirements of Title 20 and Title 24. - Install efficient lighting and lighting control systems. Use daylight as an integral part of lighting systems in buildings. - Install light-colored cool pavements, and strategically placed shade trees. - Install energy efficient heating and cooling systems, appliances and equipment, and control systems. Including: - smart meters and programmable thermostats. - Heating, Ventilation, and Air Condition (HVAC) ducts sealing. - Install light emitting diodes (LEDs) for outdoor lighting. - Provide outdoor electrical outlets. The project applicant may proposed substitute measures provide they achieve comparable energy use reductions as the measures proposed above. If alternative measures are proposed, the applicant shall provide detailed evidence demonstrating the measures efficacy at reducing energy demand.	Prior to Issuance of Building Permit	Applicant	Town of Danville	☐