CEQA DETERMINATION

MT

Department of
Conservation &
Development

Community Development Division

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

Phone: (925) 335-1210

Contra
Costa
County

Dennis M. Barry, AICP
Interim Director

Catherine Kutsuris
Interim Deputy Director

DATE: AUGUST 21, 2008

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

County File SD07-9210, RZ07-3194, DP07-3062, GP07-0004 & Amendment to MS04-0008

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

The application relates to the approximately 15.8 acre property and project, located at 1900 Las Trampas Road, in the unincorporated community of Alamo (A-2) (ZA: D-13) (CT: 3440.00) (Parcel 198-220-052, 053 & 054).

PALMER B. MADDEN & SUSAN L. PAULUS (Applicants and Owners); County File #RZ07-3194: The property, containing 15.8 acres, is proposed to be rezoned from the A-2 (General Agricultural) zone to the P-1, Planned Development District.

PALMER B. MADDEN & SUSAN L. PAULUS (Applicants and Owners); County File DP07-3062. The applicant requests approval of a preliminary and final development plan to develop a total of 5 single family residences on 15.8 acres, 5.8 acres are proposed to be dedicated as open space.

PALMER B. MADDEN & SUSAN L. PAULUS (Applicants and Owners); County File #SD07-9210: The applicant proposes to subdivide three parcels containing a total of 15.8 acres into 5 residential lots varying in size from 1.5 acres to 2.4 acres, and a remainder parcel of 5.2 acres. There are proposed to be two internal private road systems with entry gates.

PALMER B. MADDEN & SUSAN L. PAULUS (Applicants and Owners); County File #GP07-0004: The applicants propose to amend the General Plan to re-designate approximately 10.23 acres from the Agricultural Lands (AL) designation to the Single Family Very Low (SV) designation so that the entire project area is within the SV designation.

Additionally, an existing trail easement is proposed to be relocated. This project description also includes an annexation to Landscaping and Lighting District L-100. The project also includes a request to amend the location of an access road within an abutting property containing an approved minor subdivision (MS040008) owned by the subject property owners.

The proposed project has potential significant impacts on the environment in regards to Aesthetics, Geology, and Biological Resources.

Revisions in the project plans and proposals agreed to by the applicant would avoid the effects or mitigate the effects to a less than significant effect on the environment.

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

Public Comment Period - The period for accepting comments on the adequacy of the environmental documents extends to September 22, 2008 at ***5:00 P.M.*** Any comments should be in writing and submitted to the following address:

Michael Henn
Community Development Department
Contra Costa County
651 Pine Street, North Wing, 4th Floor
Martinez, CA 94553

It is anticipated that the proposed Negative Declaration will be considered for adoption at a meeting of the San Ramon Valley Regional Planning Commission to be scheduled at a later date. It is anticipated that the hearing will be held at the San Ramon School Valley School District Board Room, 699 Old Orchard Drive Danville.

Michael Henn

Name: Michael Henn
Title: Project Planner

cc: County Clerk's Office (2 copies)

Attachment: Site Plan with Area Map

Environmental Checklist Form

1.	Project Title:	County File SD07-9210, RZ07-3194, DP07-3062, GP07-0004, & Amendment to MS04-0008
2.	Lead Agency Name and Address:	Contra Costa County Department of Conservation and Development 651 Pine Street, North Wing - 4th Floor Martinez, CA 94553
3.	Contact Person and Phone Number:	Michael Henn, Project Planner (925) 335-1205
4.	Project Location:	Adjacent to 1900 Las Trampas Road, Alamo, CA 94507 APN: 198-220- 052, 053, 054
5.	Project Sponsor's Name and Address:	Palmer Madden & Susan Paulus 1900 Las Trampas Road, Alamo, CA 94507
6.	General Plan Designation:	Single Family Residential Very Low (SV) 0.2-0.9 dwelling units per acre), for eastern half; Agricultural Lands (AL) 0.2 dwelling units per acre), for western half.
7.	Zoning:	A-2, General Agricultural District
8.	Description of Project:	The applicant proposes to subdivide three parcels containing a total of 15.8+/- acres into 5 residential lots varying in size from 1.5 acres to 2.4 acres, each lot to be developed with a detached single family home, and a 5.2 acre remainder parcel containing an existing single family residence. There will be two internal private road systems with entry gates. The property is proposed to be rezoned from the A-2 (General Agricultural) zone to the P-1, Planned Development District. The development would also be subject to approval of a preliminary and final development plan. An exception is proposed to allow a cul-de-sac longer than 700 feet per Section 92-6.002. The project also consists of a General Plan Amendment to re-designate approximately 10.23 acres from the Agricultural Lands (AL) designation to the Single Family Very Low (SV) designation so that the entire project area is within the same SV designation. Approval of the possibility of allowing second units is also part of the application. An existing trail easement is proposed to be relocated. This project description also includes an annexation to Landscaping and Lighting District L-100. The project also includes a request to amend the location of an access road within an abutting property containing an approved minor

subdivision (MS040008) owned by the subject property owners.

9. Surrounding Land Uses and Setting:

The combined site is located on a major Northwest/Southeast trending ridge located east of Las Trampas Road. It is currently served by an unnamed private lane extending easterly and uphill from Las Trampas Road at the north-west end of the property and by the existing driveway serving the existing house at 1900 Las Trampas Road. Las Trampas Road extends westerly from the central part of Alamo along Danville Boulevard. Las Trampas Road is public for the more easterly 0.7+/- miles, after which the road becomes a gated private road. The area is characterized by large, newer homes on parcels ranging from 1.14 acres to 23.94 acres.

An adjacent 5.8 acre parcel to the northeast which is nearly surrounded by the subject property is also owned by the applicant. That adjacent parcel (APN 198-220-051) was approved for a three-lot minor subdivision in 2005 (MS040008) but that approval which remains valid has not been exercised. The access and utilities of that 2005 project are proposed to be shared with the subject project. The three lots that comprise the subject project are located to the south, west and east of the parcel approved for three lots in 2005. Of the three parcels that make up the subject project, the parcel furthest to east and the parcel furthest to the west are vacant and are proposed to be developed along with the property approved in 2005 and served by the same private lane. The third or middle parcel of the three parcels that make up the subject project is located to the south and fronts directly on Las Trampas Road. This parcel contains the owner's existing residence. Vegetation on the site varies from oak woodland, to grassland and native chaparral. Some riparian vegetation extends along the small, unnamed creek that runs along Las Trampas Road.

10. Other public agencies whose approval is required. (e.g., permits, financing approval, or participation agreement),

Contra Costa County Public Works Department, San Ramon Valley Fire Protection District, Central Contra Costa Sanitary District, U.S. Fish and Wildlife Service, California Department of Fish and Game, U.S. Army Corps of Engineers, Regional Water Quality Control Board, Contra Costa County LAFCO.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

_	Land Use and Planning	_	Transportation/ Circulation	_	Public Services
_	Population & Housing	X	Biological Resources	_	Utilities & Service Systems
X	Geological Problems	_	Energy & Mineral Resources	X	Aesthetics
_	Water	_	Hazards	_	Cultural Resources
_	Air Quality	_	Noise	_	Recreation
_	Mandatory Findings of Significance			_	No Significant Impacts Identified

DETERMINATION

On the basis of this initial evaluation:

__ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

X I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.

__ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

__ I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

__ I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.

Signature	Date
Michael Henn	Contra Costa County Department of Conservation and Development

SOURCES

In the process of preparing the Checklist and conducting the evaluation, the following references (which are available for review at the Contra Costa County Department of Conservation and Development, 651 Pine Street 4th Floor-North Wing, Martinez) were consulted:

1) Contra Costa County General Plan, 2005-2020.
2) Title 8, Planning and Zoning Ordinance
3) Title 9, Subdivision Ordinance
4) Department of Conservation and Development Digital Map Library
5) Site visit, March 2008
6) Major Subdivision SD07-9210, RZ07-3194, DP07-3062, & Project Description
7) Bay Area Air Quality Management District CEQA Guidelines, 1999, as updated.
8) Design Guidelines, submitted by applicant, dated March 2008.
9) Referral response from Central Contra Costa Sanitary District, dated March 7, 2008.
10) Memorandum from San Ramon Valley Fire Protection District, dated August 30, 2007.
12) Memorandum from California Historical Resource Information System, dated August 17, 2007.
13) Memorandum from the California Native American Heritage Commission dated November 18, 2003
14) Soils Report by Engeo Inc. dated January 21, 2004 and supplement dated July 10, 2006.
15) Comments on Engeo reports by Darwin Myers and Associates, dated November 28, 2007 & March 11, 2008.
16) State of California, Department of Conservation Important Farmland Map, 2006
17) Contra Costa Water District Interim Service Area Listed Species Occurrences & Potential Habitat Map, 2000.
18) USGS, Las Trampas Ridge, 7.5 minute Quadrangle.
19) 2002 Hazardous Waste and Substance Sites (Cortese C) List – State of California
20) Arborist Report from Atlas Tree Service dated, June 12, 2006, and addendum dated, May 19, 2008.
21) Public Works Department Findings and Conditions of Approval dated March 12, 2008
22) Memorandum from the Contra Costa County Flood Control & Water Conservation District, October 15, 2007.
23) Referral Response from East Bay Municipal Utility District dated August 16, 2007
24) Memorandum from the San Ramon Valley Unified School District dated April 4, 2008.
25) http://www.biologicaldiversity.org
26) Biological Assessment report LSA Associates, July, 6, 2007.
27) Alameda Whipsnake Mitigation Plan, by LSA Associates dated October 14, 2004.
28) Special-Status Plant Survey Results by LSA Associates, September 28, 2005.
29) Report on LSA's biological, mitigation and special-status plants reports by Monk and Associates dated December 5, 2007
30) Letter from the Contra Costa County Redevelopment Department regarding compliance with the County Inclusionary Housing Ordinance, November 28, 2007 & applicant's agreement dated November 27, 2007.
31) Referral Response from Contra Costa County, Health Services, Department, Environmental Health Division dated August 28, 2007.
32) Referral Response from Contra Costa County Sheriff, dated September 11, 2007.
33) Letter from Robert Van Wormer of the California Division of Forestry and Fire Protection dated November 23, 2004, confirmed by telephone conversation April 22, 2008.
34) Discussion with the Alamo Improvement Association May 6, 2008 regarding building heights.
35) FEMA, Flood Insurance Rate Map 0435C

36) Email from Special District R7A dated May 13, 2008 regarding recreation impacts and trail alternatives.

EVALUATION OF ENVIRONMENTAL IMPACTS:

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less than Significant Impact	No Impact
I.	AESTHETICS. Would the proposal:				
a.	Have a substantial adverse effect on a scenic vista? (Source #1, 5, 6, 8)	___	X	___	___
b.	Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?(Source #1, 5, 6, 8)	___	___	X	___
c.	Substantially degrade the existing visual character or quality of the site and its surroundings? (Source #5, 6, 8)	___	___	X	___
d.	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Source #6)	___	___	X	___

SUMMARY: *Less Than Significant Impact after mitigations are imposed.*

a) Potentially Significant Impacts: Discussion: A significant scenic vista as seen from central Alamo and Highway I-680 could be affected by any prominent development of the main ridge located along the northeast margin of the subject property. This unnamed ridge is shown on the Contra Costa County General Plan (Figure 9-1) as one that is designated for protection from development that would harm its scenic quality (General Plan Policy 9-D). Two of the proposed home sites (Lots 1 & 5) are located on the ridge top, or slightly off the ridge, to the west, but depending upon house sizes, the future structures would be substantially screened by existing trees from public viewing places to the east in the Alamo/Danville area, provided the houses are not excessively tall and designed to minimize apparent height and in colors which minimize off-site visibility. The majority of the screening trees are deciduous and would have a lesser screening value for approximately 5 months of the year. Construction that might be permitted by unaltered Zoning Ordinance residential standards (e.g. 35' building height, unregulated siting, bright or garish colors and materials) would potentially be in conflict with the General Plan policy regarding protecting designated scenic ridges from development because of the visually sensitive location of the ridgeline houses. The new construction would be also visible at some distance from a few homes situated at similar or higher locations to the south and west within the Alamo Ridge development, as well as from areas within Las Trampas Regional Park, but the development would not be visible to the south or west, from any public roads. Visibility from the west and south is not considered a potentially significant impact.

As a P-1 project the architectural compatibility and style can be regulated so as not to allow a substantial adverse impact. In order to achieve the desired protection from off-site visibility, the preservation of trees is required as well as controlling building heights. Adoption of project-specific Design Review Guidelines specifically designed to regulate building colors, reflectivity of surfaces and lighting have been agreed to by the applicant. These guidelines limit building height to 28 feet as compared to the 35 foot maximum of the residential zones

Mitigation Measures: Building height shall be limited to 28 feet as measured on the high side and in no case more than 35 feet high from any side to prevent tall houses from silhouetting on the ridgeline. Light or bright colors shall not be permitted. The reflectivity of exterior surfaces shall be limited to 50%. Additionally the screening oaks shall be retained and protected during construction. Project-specific Design Guidelines shall be applied which regulate building siting, general design, colors, reflectivity of surfaces and lighting.

b) The removal of a small number of trees (6) with diameters from 8 to 36 inches is proposed to construct the future access road in order to meet private street standards, but because the trees to be removed are distant from house sites, they would not provide significant screening of the future houses on Lots 4 and 5. Their removal would not have significant effect on off-site visibility or expose the homes to greater visibility. As mitigation for the tree loss, planting of new trees and other landscaping shall be required. The replacement trees shall be provided on a minimum 3:1 basis and the trees shall generally be California natives. However, other Oaks with greater value for screening the homes from off site are proposed to have construction or grading occur within their driplines which could cause the loss of these trees.

c) Mitigation Measures: On-site monitoring by an arborist as well as other tree protection measures shall be required to protect against tree loss. The following list represents conditions of approval to be imposed on project on project approval where work is undertaken within the driplines of existing oaks.

The applicant shall provide the County with a security (e.g., bond, cash deposit) to allow for replacement of trees intended to be preserved that are significantly damaged by construction activity. The security shall be based on:

1. Tree Replacement - Replacement native oak trees at a 3:1 ratio, minimum 15-gallons in size, shall be provided in the vicinity of the private roadway on either Lots 1 or5 or the adjacent remainder parcel with the intent of screening future dwellings from off-site particularly to the east and northeast, subject to prior review and approval of the Zoning Administrator;

2. Determination of Security Amount - The security shall provide for all of the following costs:

   - Preparation of a landscape/irrigation plan by a licensed landscape architect or arborist;
   - A labor and materials estimate for planting the potential number of trees and related irrigation improvements that may be required *prepared by a licensed landscape contractor* with the contractor's "wet-stamp"; and
   - An additional 20% of the total of the above amounts to address inflation costs.

3. Acceptance of a Security - The security shall be subject to the review and approval of the Zoning Administrator.

4. Initial Deposit for Processing of Security - The County ordinance requires that the applicant cover all time and material costs of staff for processing a tree protection security (Code S-060B). The Applicant shall pay an initial fee deposit of $300 at time of submittal of a security.

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

   At least 18 months following the completion of work within the dripline of trees, the applicants' arborist shall inspect the trees for any significant damage from construction activity, and submit a report on his/her conclusions on the health of the trees and, if appropriate, any recommendations including further methods required for tree protection to the Department of Conservation and Development.

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

6. Construction Tree Damage - The developments property owner or developer shall notify the Department of Conservation and Development of any damage that occurs to any tree during the construction process. The owner or developer shall repair any damage as determined by an arborist designated by the Director of the Department of Conservation and Development.

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

c) The new residential development would create an appearance for the site that is similar to, and consistent with, the residential character of the adjacent area that has been developed within the 17-lot Alamo Ridge development.
d) The project could create new sources of glare during the day and new sources of light at night. The conditions of approval for the project will require that exterior colors and materials be of low reflectivity, and that all nighttime exterior lighting shall be directed downward and away from neighboring properties.

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

Would the project:

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less than Significant Impact	No Impact
a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Source #16)	____	____	____	X
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Source # 5, 6, 16)	____	____	____	X
c.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use? (Source # 5, 6, 16)	____	____	____	X

SUMMARY: *No impact*

a – c) The site contains no cultivated farmland although it is currently used for horse grazing. The site is located in an area designated "Grazing Land" on the Contra Costa County Important Farmland 2006 Map. However, the map indicates that a 40-acre minimum grazing size unit is assumed. Subject site contains 15.8 acres which is currently divided into three legal lots. The Contra Costa County General Plan designates the area for Single Family Residential-Very Low Density(SV) residential use and 10.23 acres are proposed to have its General Plan designation amended from Agricultural Lands (AL) to SV.

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

Would the project:

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less than Significant Impact	No Impact
a.	Conflict with or obstruct implementation of the applicable air quality plan? (Source 1, 5, 7)	____	____	____	X
b.	Violate any air quality standard or contribute to an existing or projected air quality violation? (Source # 1, 7)	____	____	X	____

c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Source # 1, 3, 5, 7)	___	___	X	___
d.	Expose sensitive receptors to substantial pollutant concentrations?(Source # 5, 7)	___	___	___	X
e.	Create objectionable odors affecting a substantial number of people? (Source #5, 6)	___	___	___	X

Summary: *Less Than Significant Impact*

a) The proposal does not conflict with implementation of an applicable air quality plan.

b–c) The region is currently in non-attainment for ozone and fine particulate matter (PM_{10}). Additional cumulative vehicle trips would be produced that would add to existing air pollution levels. However, because of the small scale of the project, the impact would not be significant. The Bay Area Air Quality Management District (BAAQMD) regulates air quality in the Bay Area and has set thresholds of significance for air emissions. This project would not exceed those thresholds. Potential residential development of this site has been included as part of the Contra Costa County General Plan and therefore has been included in the air quality plan for the region.

The residential use is not an inherent producer of PM_{10} pollution. However, construction activities could cause a temporary increase in ambient levels of PM_{10}. Because grading and excavation would be required, there could be an impact from dust and fine particulates commonly associated with earth movement. The project will be conditioned to require that measures be taken to reduce PM_{10} emissions during construction. These conditions will include, but may not be limited to, watering the site daily, washing tires to prevent tracking of mud and dirt, sweeping and collecting loose particles on-site and requiring that dump trucks be covered when hauling loose materials. The Building Inspection Department's Grading Division will also enforce measures to reduce particulate pollution.

d) No sensitive receptors are located in the vicinity of the project. Although the site is within a lightly built up area, the actual construction will be separated from neighboring dwellings by considerable distance and topographical features.

e) No objectionable odors will be emitted as a result of the project.

IV. BIOLOGICAL RESOURCES.

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less than Significant Impact	No Impact
	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, polices, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source # 17, 25, 26, 27, 28, 29)	____	X	____	____
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?(Source # 5, 6, 21, 26, 29)	____	X	____	____
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?(Source # 5, 6, 21, 22, 26, 29)	____	X	____	____
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? (Source # 17, 25, 26, 27, 28, 29)	____	X	____	____
e.	Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance? (Source # 2, 5, 6, 20)	____	____	X	____
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Source # 1)	____	____	____	X

SUMMARY: *Less than Significant when the indicated Mitigation Measures are imposed*

a-1) The applicant has submitted a biological report that indicates that the site is potential habitat for species listed as Rare, Threatened, or Endangered by the State of California or the US Fish and Wildlife Service, namely the Alameda Whip Snake which is listed as threatened by both State and Federal agencies. There is also concern with the potential for there being special status plants on site. House and road and utility construction, and the removal of a small number of trees (6) or work under the dripline of trees to be removed may disrupt breeding raptors and passerine birds if grading or construction occurs during the breeding season.

a-2) The reports prepared by LSA and Atlas Tree Service for this project provide an assessment of the biological resources present on the project site and the potential biological impacts. Below Monk & Associates, representing Contra Costa County, has provided an analysis of proposed impacts and has provided potential mitigation measure language that can be incorporated into the CEQA document to ensure that the County is preparing a legally defensible CEQA review for this project.

a-3) Special-Status Plants

After searching CDFG's Natural Diversity Database (CNDDB 2007) for special-status plant records within five miles of the project area, Contra Costa County project consultants (Monk & Associates, or M&A) compiled a list of 18 special-status plant species known to occur in the project region. The two *Special-Status Plant Survey Results* reports prepared by proponents' consultant (LSA Associates) state that surveys for special-status plant species were conducted on the entire project site on September 19, 2004, and on March 21, April 25, and June 31, 2005. These surveys were conducted to fulfill the requirement by Contra Costa County that rare-plant surveys be conducted on the site. None of the special-status plant species with a potential to occur on the project site were observed during the appropriately-timed surveys. M&A believes that the surveys for special-status plant species conducted in 2004 and 2005 by LSA were appropriately timed surveys to detect if special-status species known from the area are present on the project site. Thus, LSA demonstrated that the proposed project will not result in impacts to special-status plant species. No further mitigation is required to address potential impacts to special-status plants.

a-4) Alameda Whipsnake -- Potentially Significant Unless Mitigations Incorporated

The project will result in the loss of Alameda Whipsnake habitat and could possibly result in take of individual Whipsnakes. This snake is protected pursuant to the State and Federal Endangered Species Act. Habitat losses would include the conversion of 0.4 acre of chaparral, the conversion of 2.9 acres of blue oak savanna, 4.2 acres of coast live oak woodland, and 5.7 acres of grassland to residential uses. Total impacts to Alameda Whipsnake habitat would be 12.08 acres. Impacts would also include the loss of three rock outcrop areas. Impacts to Alameda Whipsnake and its habitat would be regarded as a **significant impact.** Implementation of the following mitigation measures would reduce impacts to a level regarded as less than significant pursuant to the CEQA.

a-5) Alameda Whipsnake

Prior to impacting Alameda Whipsnake habitat, an "incidental take" permit (Section 7 consultation) shall be required from USFWS, and an "incidental take" permit (Section 2081 permit) shall be required from CDFG. In lieu of such a permit, CDFG may process a "consistency determination"

pursuant to Fish and Game Code §2080.1. Such a determination would indicate that the State's interests in protecting State listed species are met by the federal Biological Opinion (i.e., the incidental take permit) issued by USFWS and thus no Section 2081 permit is required. All conditions stipulated in the state and federal permits issued for the project shall be followed and shall become conditions of project approval. A grading permit shall not be issued until appropriate permits are issued by the USFWS and CDFG and are provided to Contra Costa County. In addition to the federal and state permit conditions, the following mitigations shall also be followed:

a-6) The applicant will either 1) contribute to the East Bay Regional Park District (EBRPD) toward the purchase of mitigation land to compensate for impacts to "core habitats" for Alameda Whipsnake, or 2) purchase mitigation credits from the Ohlone Conservation Bank. The final compensation ratio requested by the USFWS for impacts to the Alameda Whipsnake and its habitat will determine the final contribution that will be required (cost for purchasing acreage of habitat or total number of credits required to satisfy this mitigation requirement). A minimum of a 1:1 mitigation ratio shall be required. Documentation of this mitigation transaction shall be provided to Contra Costa County.

a-7) The applicant shall designate approximately 11.4 acres of the project site as an "open space" that will be protected under an open space easement that will be granted to the County. Within this open space easement area, the applicant proposes to designate 7 acres of Open Space that would be located between the building envelopes and the Habitat Protection Area and the Creek Open Space (see the accompanying Habitat/Open Space Exhibit dated July 7, 2008). This designated Open Space will not be used for construction of residences. Uses allowed within the Open Space include vineyards on lot 4 only, underground utilities, roads, landscaping slide repair, retaining walls, and fire control measures. In addition, the applicant shall designate a Habitat Protection Area of 2.5 acres that will include a portion of the riparian area along the unnamed tributary to San Ramon Creek. There will be no construction within the Habitat Protection Area because the storm drains will discharge into the creek outside of the Habitat Protection Area. A Wetland Mitigation Area (0.19 acre) will include the construction of basins on a terrace beside the un-named tributary to San Ramon Creek adjacent to the Habitat Protection Area. Finally, the applicant is proposing a Creek Open Space area of 1.7 acres that will be established where the creek flows outside of the Habitat Protection Area and Wetland Mitigation Area. Uses within the Creek Open Space include: landscaping as allowed by law; fire protection, locating storm drain outfalls (with permit), and any creek or storm drain maintenance (with permit). Such maintenance may include removing debris from the culverts and ensuring that the storm drains are operating properly. Other activities will be restricted within the bed and banks of the creek.

The open space easement deed will create covenants running with the land that impose on the property owner (applicant) the duty to manage and maintain the Open Space Area in perpetuity to ensure that the resource values of the preserved land remain protected forever. The Zoning Administrator shall have review and approval authority over the map and associated deed restrictions. The location and the total acreage of the Open Space Area shall be clearly indicated on the parcel map and associated deed restrictions shall be recorded concurrently with the parcel map. Prior to recordation of the parcel map, the Zoning Administrator's shall review and verify that compliance is achieved with the following specifications.

a) The Open Space Area shall be protected in perpetuity in a permanent grant of easement, granted by the property owner in favor of Contra Costa County. The perpetual grant of easement shall be recorded as a condition of the project. It is intended that the recorded

easement will be a perpetual easement running with the land and all present and future landowners.

a-8) The applicant shall bear the expense of the County's inspections and maintenance required for the Open Space Area. The applicant shall also be responsible for the costs and expense incurred by the County in the exercise of its rights and remedies under a Deed of Easement conveyed to the County for the Open Space Area. The applicant shall provide to the County with a Security Fund from which the County may draw to carry out the maintenance and management obligations if applicant (property owner) fails to do so. The form of the Security Fund may be: (a) cash endowment paid to the County by the applicant and held by the County as the Security Fund, the interest from which will provide a permanent funding source for the monitoring, management, and maintenance of the Biological Protection Area for Alameda Whipsnake; (b) a bond from a surety in a form acceptable to the County, in its sole discretion; (c) a demand letter of credit from a bank in a form acceptable to the County, in its sole discretion; or (d) any other form mutually acceptable to the County and applicant, each in its sole discretion.

a-9) The applicant shall prepare a Management Plan that demonstrates that the Habitat Protection Area will be preserved as a permanent open space that is managed to enhance and otherwise protect the biological resource values of the Alameda Whipsnake habitat. The Management Plan shall become an exhibit of the Open Space Grant Deed of Easement. The Management Plan (Plan) shall be prepared and submitted to the County and shall detail allowable and prohibited activities in the Habitat Protection Area, and other appropriate measures that will be implemented in perpetuity to protect the biological resource values of the Alameda Whipsnake habitat within the Habitat Protection Area. Finally, the Plan will demonstrate that the Habitat Protection Area will remain in its natural condition for continued use by Alameda Whipsnake, and thus would not be subject to brush clearing and vegetation removal and control that is typically required adjacent to residences for fire management/suppression. This Plan shall be submitted to the County Department of Conservation and Development for their review and final approval no later than 30 days prior to any site grading/grubbing activities. Habitat Protection Area will be monitored annually for a period of five years with reports submitted to the County Department of Conservation and Development.

a-10) Additionally, rock outcrops removed as part of the proposed project will be mitigated by the construction of new rock outcrops in the Habitat Protection Area. Boulders exposed during grading activities on the project site will be placed in the Habitat Protection Area. The boulders will be reburied with 1/3 of their volume exposed on the ground surface. Reburying will serve to anchor the boulders and create cavities for use by snakes and other wildlife.

a-11) Federal and State conditions set forth in any permit authorized for the project by the U.S. Army Corps of Engineers, California Regional Water Quality Control Board, California Department of Fish and Game, and/or U.S. Fish and Wildlife Service shall also become conditions of project approval enforceable by Contra Costa County. Any conditions stipulated in the federal (USFWS) and State (CDFG) incidental take permits that are in conflict with Contra Costa County's conditions of project approval shall take precedence (shall supersede) over the County's conditions. Specifically, any requirement for a conservation easement stipulated in the federal incidental take permit shall take precedent over the County's requirement for a grant deed of easement.

a-12) Prior to the initiation of ground disturbing activities, an education program shall be conducted by a qualified biologist for the construction personnel. This education/training program shall include a description of the snake and its habitat, a review of the Federal and State Endangered Species Acts, the general protection measures to be implemented to protect the snake and minimize take, and a delineation of the limits of the work area. In order to avoid injury or mortality of Alameda Whipsnakes in the grassland and chaparral habitats, the vegetation within the work areas shall be removed prior to any grading or other construction activities. Clearing of vegetation shall be confined to the minimal area required. If vegetation clearing is scheduled to begin outside of the months of December through February, a federal permitted 10(a)(1)(A) biologist with experience identifying/handling Alameda Whipsnakes shall be present during the vegetation removal. Any Alameda Whipsnake identified during vegetation removal shall be harassed (simply by walking at the snake) out of the work area. All Alameda Whipsnakes identified during this time shall be recorded on a CNDDB form and the form shall be submitted to CDFG.

a-13) Once the vegetation has been removed, exclusion fencing shall be installed around any work areas located within 500 feet of preserved core habitat areas on the project site. The exclusion fencing will ensure that snakes cannot move into the work area. The "snake proof" (exclusion) fence shall be constructed of solid material (plywood, metal, or ¼-inch mesh hardware cloth) that is four (4) in height, and buried a minimum of one inch deep. Stakes along the fence shall face the work area. Funnel type exits installed along the fence at intervals of 50 feet will allow animals to leave the work areas but prevent re-entry. The integrity of the fence shall be checked daily to ensure that snakes cannot get through the fence. This fencing shall be removed at the completion of all construction activity.

a-14) A biological monitor shall conduct a preconstruction survey prior to ground breaking, and the monitor shall also inspect any open trenches at the start of each work day to ensure that Alameda Whipsnakes are not trapped in the trenches. Trenches shall be filled in as much as possible at the end of each day. The biological monitor shall be present on-site during all grading and construction activities and shall have the authority to halt construction work, if necessary, to prevent take of Alameda Whipsnakes.

a-15) Heavy equipment shall be restricted to the existing road and access routes to minimize impacts to grassland habitat and reduce the potential for Whipsnake injury and mortality. Equipment working in the area shall be restricted to a 20-mile an hour speed limit. All trash that might attract predators to the area shall be properly contained and removed from the work site and disposed of regularly. All construction debris and trash that could be used as cover by Alameda Whipsnakes shall be removed from the site, and any debris or equipment left overnight shall be checked each day prior to use in order to avoid Whipsnake injury and mortality.

a-16) Mitigation requirements shall ultimately be consistent with USFWS and CDFG requirements for this project. When implemented, Mitigation Measure IV a-5 through a-15 would reduce potentially significant impacts to Alameda Whipsnake to a level considered less than significant pursuant to CEQA.

a-16) Nesting Raptors

Impact IV. a-3. – Impacts to Nesting Raptors – Potentially Significant Unless Mitigation Incorporated.

a-17) The trees on the project site provide suitable nesting habitat for raptors, such as Cooper's hawk (*Accipiter cooperi*), red shouldered hawk (*Buteo lineatus*), red-tailed hawk (*Buteo jamaicensis*), American kestrel (*Falco sparverius*), great horned owl (*Bubo virginianus*), and western screech-owl (*Otus kennicottii*). All raptors (that is, birds of prey) are protected under the Migratory Bird Treaty Act (50 CFR 10.13), and their nests, eggs, and young are protected under California Fish and Game Codes Sections 3503, 3503.5. At this time it is unknown if raptors nest on the project site since no specific nesting surveys have been conducted. Impacts to nesting raptors are regarded as **potentially significant.** These impacts could be mitigated to levels considered less than significant.

a-18) Mitigation Measure IV– Nesting Raptors

a-19) Nesting surveys shall be conducted 30 days prior to construction of the project for construction occurring during the breeding season (generally ending on September 1st of the year in question, unless otherwise determined by a qualified raptor biologist). The raptor nesting surveys shall include examination of all trees and shrubs on the project site and within the "area of influence" of the proposed project. The area of influence varies from species to species known from the region, but in all cases would not be greater than 500 feet of the project site.

a-20) If nesting raptors are identified during the surveys on the project site, the dripline of the nest tree or shrub must be fenced with orange construction fencing and a buffer around the nest tree or shrub must be fenced with bright orange construction fencing. The size of the buffer area shall be determined by a qualified raptor biologist appointed by the County. If the raptor biologist determines through monitoring that the nesting raptors are acclimated to people and disturbance, and otherwise would not be adversely affected by construction activities, the buffer can be fairly small, for example, 150 feet from the nest tree. At a minimum, however, the non-disturbance buffer shall be a radius of 100 feet around the nest tree or shrub. If the nest site is on an adjacent property, the portion of the buffer that occurs on the project site shall be fenced with orange construction fencing. When construction buffers are reduced in size, the raptor biologist shall monitor distress levels of the nesting birds while the birds nest and construction persists. If at any time the nesting raptors show levels of distress that could cause nest failure or abandonment, the raptor biologist shall have the increase the size of the buffer. Instances when the buffer could be reduced in size would be if the raptors were well acclimated to disturbance and/or if there were physical barriers between the nest site and the construction project that would reduce disturbance to the nesting raptors.

a-21) No construction or earth-moving activity shall occur within the non-disturbance buffer until it is determined by a qualified raptor biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones. This typically occurs by August 1st. Regardless, the resource agencies consider September 1st the end of the nesting period unless otherwise determined by a qualified raptor biologist. Once the raptors have completed the nesting cycle, that is the young have reached independence of the nest, no further regard for the nest site shall be required. No other compensatory mitigation is required. When implemented, Mitigation Measure IV a-19 & a-20 would reduce potentially significant impacts to nesting raptors to a level considered less than significant pursuant to CEQA.

a-22) Nesting Passerine Birds
Impacts to Nesting Birds – Potentially Significant Unless Mitigation Incorporated.

The trees on the project site provide suitable nesting habitat for passerine birds (that is, perching birds), and special-status birds such as loggerhead shrike (*Lanius ludovicianus*). Birds and their nests, eggs, and young are protected under California Fish and Game Code (Sections 3503, 3503.5), and the Migratory Bird Treaty Act. Impacts to nesting passerine birds and special-status birds, their eggs, and/or young resulting from the proposed project would be **potentially significant** unless mitigation is incorporated. These impacts could be mitigated to levels considered less than significant.

a-23) Mitigation Measure – Nesting Passerine Birds

If project construction-related activities would take place during the nesting season (February 15 through August), preconstruction surveys for nesting passerine birds and special-status birds within the project site, and the surrounding area of influence of the project site, shall be conducted by a competent biologist prior to the commencement of the tree removal or site grading activities. If any bird listed under the Migratory Bird Treaty Act is found to be nesting within the project site or within the area of influence, an adequate protective buffer zone shall be established by a qualified biologist to protect the nesting site until such time the young reach independence. This buffer shall be a minimum of 75 feet from the project activities for passerine birds. If special-status birds are identified nesting within the area of influence, a 100-foot non-disturbance radius around the nest shall be fenced (this fencing requirement shall not replace or be constructed in lieu of fencing discussed above for impacts to nesting raptors). The distance shall be determined by a competent biologist based on the site conditions (topography, if the nest is in a line of sight of the construction and the sensitivity of the birds nesting). If the buffers are reduced in size, the nest site(s) shall be monitored daily by a competent biologist to see if the birds are stressed by the construction activities and if the protective buffer needs to be increased. Once the young have fledged and are flying well enough to avoid project construction zones, the project can proceed without further regard to the nest site(s). When implemented, Mitigation Measure IV a-23 would reduce potentially significant impacts to nesting passerine birds to a level considered less than significant pursuant to CEQA.

IV. (Biological Impact Analysis, continued)

b) A limited amount of riparian habitats or other sensitive natural communities occur on the site. The small unnamed creek along Las Trampas Road is to be crossed by the new westerly access road to Lots 3, 4 and 5.

Riparian and sensitive habitats

Impact IV. b. – Impacts to Riparian Habitat – Potentially Significant Unless Mitigation Incorporated.

According to the *Delineation of Waters of the United States on the Madden-Paulus Property, Contra Costa County, California*, report prepared by LSA, vegetation growing along the watercourses on the project site is "dominated by coast live oak (*Quercus agrifolia*) and California bay (*Umbellularia californica*). Other trees present include red leaf maple (*Acer macrophyllum*), blue elderberry (*Sambucus mexicana*), and interior live oak (*Quercus wislizeni*)." Installation of seven outfall structures in the un-named tributaries on the project site could result in impacts to riparian vegetation growing on the banks. Riparian vegetation is protected under California Fish and Game Code (Section 1602). Impacts to native

riparian vegetation growing on the banks of the unnamed watercourses on the project site would be regarded as **a potentially significant impact.** Impacts to riparian vegetation could be mitigated to a level considered less than significant.

b-1). – Riparian Habitat

Prior to impacting riparian vegetation on the project site, the applicant shall enter into a Section 1602 Agreement (that is, a Streambed Alteration Agreement) with CDFG. Any conditions stipulated in the Streambed Alteration Agreement shall become conditions of project approval. Additionally, impacts to riparian vegetation shall be avoided and minimized to the greatest extent possible. Excavation equipment shall work from an upland site (e.g., from the top of bank, the road bed of the bridge or a culverted road crossing) for work in the creek to the extent possible. If it is not practicable to work from an upland site, or if working from the upland site would cause more environmental damage than working in the stream channel, the excavation equipment shall operate within the dry stream channel (or adequately dewatered work area), as permitted in the terms and conditions of the Streambed Alteration Agreement. The reasons to operate within the stream channel would be to avoid damage to large trees growing on the bank, or if the banks are too steep to operate heavy equipment.

Any riparian vegetation impacted on the proposed project site shall be mitigated by enhancing the riparian corridors within the Open Space Area on the property, or other suitable off-site location. The applicant shall prepare a *Riparian Enhancement Plan* that will provide mitigation for any riparian trees that are impacted along the un-named tributaries on the project site. Any native riparian tree impacted by the proposed project shall be replaced at a minimum 3:1 ratio. If a higher tree planting ratio is stipulated by CDFG in the Streambed Alteration Agreement issued for the project, this higher tree planting ratio shall be adhered to. The *Riparian Enhancement Plan* shall provide detailed specifications regarding the installation of replacement plants, success criteria, and a five year maintenance and monitoring prescription. There shall also be provisions in the Plan for installation of an automatic watering system set on a timer to ensure that all planted trees receive adequate irrigation for a minimum three year period. The *Riparian Enhancement Plan* shall be submitted to Contra Costa County Department of Conservation and Development at least 30 days prior to breaking ground so it can be reviewed. When implemented, Mitigation Measure IV b would reduce potentially significant impacts to riparian vegetation to a level considered less than significant pursuant to CEQA.

c) Development is proposed within or adjacent to the creek channel and within the Contra Costa County Creek Structural Setback Line.

Waters of the United States and State
Impact IV. c. –Waters of the United States/State – Potentially Significant Unless Mitigation Incorporated

The *Delineation of Waters of the United States on the Madden-Paulus Property, Contra Costa County, California* report prepared by LSA identified several seeps and unnamed drainages. The drainages exiting the property flow to San Ramon Creek. This creek flows into Walnut Creek, which flows into Pacheco Creek which flows into Suisun Bay (a navigable water). The seeps would likely be considered to be "adjacent" to the tributaries on the project site. Hence, these drainages and seeps identified on the project site would likely be classified as "waters of the United States" pursuant to Section 404 of the Clean Water Act and "waters of the State" pursuant to Section 401 of the Clean Water Act.

The proposed project will result in the fill of 2 seeps (wetlands)(2,756 square feet or 0.06 acre). In addition, the installation of the proposed storm drain outfalls will impact un-named tributaries on the site ("other waters"). Thus, the proposed project will impact a total of approximately 0.07 acre of potential jurisdictional area. Unauthorized impacts to waters of the United States and waters of the State are regarded as **a potentially significant impact.** Impacts to waters of the United States and State could be mitigated to a level considered less than significant pursuant to CEQA.

Mitigation Measure IV. c. –Waters of the United States/State

The applicant shall demonstrate that any proposed impacts to "waters of the United States" as regulated by the U.S. Army Corps of Engineers (Corps), and "waters of the State," as regulated by the Regional Water Quality Control Board (RWQCB), are in compliance with the Clean Water Act. The County shall not issue a grading permit until all Corps and RWQCB approvals are obtained and submitted to the County. Any conditions in a Corps Section 404 permit and/or a RWQCB Section 401 water quality certification (permit) for this project shall be incorporated into the County conditions of project approval.

Since the proposed project will result in impacts to waters of the U.S. and/or State, the applicant shall be required to compensate for these impacts to Corps and/or RWQCB regulated waters by implementing the following measures. Any impacted wetlands (seeps) shall be replaced at a minimum 2:1 ratio (compensation to impact area). Impacts to "other waters" shall be mitigated by the re-creation of the feature at a 1:1 ratio. Or, as approved by Corps and/or RWQCB, the mitigation may be "out of kind. The applicant is proposing a 0.19 acre Wetland Mitigation Area within the designated open space on the project site. In all cases, mitigation shall be implemented as required in the Corps' Section 404 permit and in the RWQCB's Section 401 (or as presented in any Waste Discharge Requirements imposed by the RWQCB). If the Corps and RWQCB do not require mitigation compensation, then the County also waives its requirement to require mitigation compensation. Finally, in lieu of the above compensation measures, as approved by the Corps and the RWQCB in their permits (if issued for the project), the applicant may mitigate impacts to waters of the State and U.S. through the purchase of mitigation credits from a Corps and RWQCB approved wetland mitigation bank with a service area that covers the project site. When implemented, Mitigation Measure IV c would reduce potentially significant impacts to waters of the State and U.S. to a level considered less than significant pursuant to CEQA.

IV-d Wildlife corridors

The proposed project could result in impacts to a significant wildlife corridor. The main proposed paved access road and associated retaining walls will be constructed along the ridge and five new homes will be constructed in areas that currently support open space used by local wildlife. To mitigate potential impacts to a local wildlife movement corridor, the applicant will designate 2.52 acres of the project site as the Habitat Protection Area that will remain in its natural condition for the continued use by Alameda Whipsnake. This Habitat Protection Area will be somewhat isolated since it will be surrounded by development (eight residential lots) and paved roads, yet the Habitat Protection Area will allow movement of local wildlife across the site into adjacent open space areas.

Impact IV. d. – Migratory Wildlife Corridors – Potentially Significant Unless Mitigation Incorporated.

Implementation of the proposed project may result in impacts to a significant wildlife corridor due to the construction of the proposed paved access road and associated retaining walls along the ridge and

construction of five new homes in areas that currently support open space used by local wildlife. Impacts to a wildlife corridor would be regarded as **a potentially significant impact.** Impacts to a wildlife corridor could be mitigated to a level considered less than significant.

Mitigation Measure IV. d. – Migratory Wildlife Corridors

To mitigate potential impacts to a local wildlife movement corridor, the applicant will designate 2.52 acres of the project site as the Habitat Protection Area that will remain in its natural condition for the continued use by Alameda Whipsnake. This Habitat Protection Area will be somewhat isolated since it will be surrounded by development (eight residential lots) and paved roads, yet the Habitat Protection Area will allow movement of local wildlife across the site into adjacent open space areas. Once off the site wildlife will be able to navigate its way into adjacent open space areas.

The applicant shall prepare a Management Plan that demonstrates that the Habitat Protection Area will be preserved as a permanent open space that is managed to enhance and otherwise protect the biological resource values of the Alameda Whipsnake habitat. When implemented, Mitigation Measure IV d would reduce potentially significant impacts to wildlife corridors to a level considered less than significant pursuant to CEQA.

IV-e) Six trees are proposed for removal which are subject to the Tree Protection and Preservation Ordinance. The ordinance provides for review of tree removal when part of another discretionary development application, such as a subdivision. Therefore, the proposal does not conflict with any such policies or ordinances in that the trees to be removed or have construction activity under the driplines are addressed in the tree removal request which is part of this project application. The trees to be removed are not native oaks and they would be replaced with oaks. For trees to be retained but have construction activity under their driplines, an arborist shall be provided during the construction or grading phases, and tree protection measures shall be provided as delineated in Section I.

IV-f) There is no Habitat Conservation Plan or Natural Community Conservation Plan for this area.

V. CULTURAL RESOURCES. Would the project:

		Potentially Significant Impact	Significant Unless Mitigation Incorporation	Less than Significant Impact	No Impact
a.	Cause a substantial adverse change in the significance of a historical resource as defined in Guidelines Section 15064.5? (Source # 1, 6, 12, 13)	____	____	____	_X_
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? (Source # 5, 6, 12, 13)	____	____	____	_X_
c.	Directly or indirectly destroy a unique	____	____	____	X_

paleontological resource or site or unique geologic feature? (Source # 5, 6, 12)

d. Disturb any human remains, including those interred outside of formal cemeteries? (Source # 6,12, 13) ____ ____ ____ X

Summary: *No Impact*

a – b) A copy of this application was forwarded to the California Historic Resources Information System (CHRIS) for comments. CHRIS stated that the site has a low possibility of containing historic resources and recommend no further study. The applicant has provided a response from the Native American Heritage Commission which notes that there are no recorded Native American sites in or adjacent to the subject area.

c) No unique geological features are apparent on-site. Should paleontological resources be uncovered during grading or other on-site excavation(s), earthwork within (30) yards of these materials shall be stopped until a certified professional archaeologist/paleontologist has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s) if deemed necessary.

d) No human remains are apparent on-site. Should remains be discovered, construction work shall be stopped and the coroner shall be contacted immediately, per Public Resources Code Section 15064.5(e).

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:				
1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	____	____	____	X
2. Strong seismic ground shaking?	____	____	X	____
3. Seismic-related ground failure, including liquefaction?	____	____	X	____
4. Landslides?	____	X	____	____
B. Result in substantial soil erosion or the loss of topsoil?	____	X	____	____
C. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	____	X	____	____
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?	___	X	___	___
E. Have soils incapable of adequately supporting the use of septic tanks or alternative waste disposal systems where sewers are not available for the disposal of wastewater?	___	___	___	X

Discussion

A1. The nearest fault considered active by the California Geological Survey (formerly California Division of Mines & Geology) is the Calaveras fault, which is mapped approximately 3 miles southeast of the site. No faults are mapped through the site and the risk of fault rupture is nil.

A2. According to the Safety Element (p. 10-13) the site is in an area rated "moderately low" damage susceptibility. The risk of structural damage from ground shaking is regulated by the building codes and County Grading Ordinance. The UBC requires use of seismic parameters which allow the structural engineering analysis for buildings to be based on soil profile types. Quality construction, conservative design and compliance with building and grading regulations can be expected to keep risks within generally accepted limits.

A3. According to the Safety Element (p. 10-17), the site is rated "generally low" liquefaction potential. Because risks are relatively low, quantitative geotechnical evaluation of this hazard is not required. The previous geotechnical investigations of the site by Engeo, Inc. support the conclusion that the risk of liquefaction in bedrock areas of the site is nil.

A4. A. With regard to landslides, the site has been mapped by the U.S. Geological Survey (Nilsen, 1975) and the California Geological Survey (Majmundar, 1996). This published mapping indicates suspected slides within the area planned for development or general vicinity. However, a relative landslide susceptibility map issued by the California Geological Survey classifies most of the site "highest landslide susceptibility." Engeo Inc. is the geotechnical engineer for the project. Their 2006 investigation summarized ten previous geotechnical studies of the site.1 In 2007 Engeo Inc. issued three more reports that address corrective grading-related issues.[2] Briefly summarized, there is a significant landslide on proposed Lots #4 and #5, and other lots in the project have shallow slip-outs. Additionally, there is an oversteepened creek bank on proposed Lots #2 and #3. According to Engeo Inc., the development of residences and driveways is feasible on each proposed lot, and recommendations are provided for corrective grading of the landslide on Lots #4 and #5. However,

---

1 Engeo, Inc., 2006. *Summary of Geotechnical Feasibility Studies, Madden/Paulus Property, 1900 Las Trampas Road, Alamo, California.* Engeo Job #2557.1.052.02 (dated July 10,2006).

2 Engeo, Inc., 2007a. *Slope Buttress Construction, Madden/Paulus Property, APN 198-220-009 and 198-220-010, 1900 Las Trampas Road, Alamo, California.* Engeo Job #2557.1.052.01 (dated October 1, 2007); and

Engeo, Inc., 2007b. *Preliminary Grading Recommendations, Lots 1 through 5 and Residual Parcel 1900 Las Trampas Road, Alamo, California.* Engeo Job #2557.1.052.02 (dated October 23, 2007); and

Engeo, Inc., 2007c. *Slope Buttress Condition of Approval, Subdivision 9210, 1900 Las Trampas Road, Alamo, California.* Engeo Job #2557.1.052.02 (dated November 7, 2007).

the intent of the applicant is to sell lots, and buyers would submit plans for custom-designed homes. Consequently, the alignment of driveways and location of building sites shown on the Vesting Tentative Map are conceptual. For that reason, a geotechnical report will be needed to provide specific recommendations and criteria for site improvements on a lot-by-lot basis.

B. A storm water control plan is required for projects that yield 10,000 square feet or more of impervious surface. A Storm Water Pollution Prevention Plan (SWPPP) is required for hillside grading projects. They identify specific BMP's that are proposed to control both short-term (construction period) and long-term storm water pollution. Similarly, an Erosion Control Plan is routinely required for at-risk projects in hillside areas that disturb 10,000 square feet or more. According to the Soil Survey of Contra Costa County, the risk of erosion is high.

C. Review of the existing geologic data by the County Peer Review Geologist indicates that the project is feasible. However, the slopes exceed 26 percent over most of the site, and in areas of steep slopes General Plan Policy 10-29 discourages extensive grading. The details of the specific standards and criteria for site grading, drainage and foundation design are to be provided in the Final Geotechnical Report, to be submitted prior to issuance of building permits.

D. According to the Soil Survey of Contra Costa County (page 90, Table 6), the site soils can be expected to exhibit a low to moderate expansion potential. Expansive soils shrink and swell as a result of moisture changes that can cause heaving and cracking of slabs-on-grade, pavements and structures founded on shallow foundations. Building damage due to volume changes associated with expansive soils can be reduced by deepening the foundations to below the zone of moisture fluctuation, i.e., by using drilled piers for dwellings and by placing slabs on select, granular fill. Detailed foundation design criteria are not provided by the Engeo, Inc. reports. It should be recognized that expansive soils are an engineering issue, and not a land use or feasibility issue.

E. Each residence is to be served by a public sewer system.

Environmental Analysis

Impact. There is a mapped landslide on proposed Lots #4 and #5. Additionally, the site is classified as *highest landslide susceptibility* in a report issued by the California Geological Survery (formerly the California Division of Mines & Geology). Based on subsurface data and engineering analysis, Engeo, Inc. concludes that the project is feasible. The geotechnical reports submitted by the applicant do not address any specific approach to development of individual lots. They do provide recommendations for corrective grading of the Lots# 4 and 5 landslide, and provide general recommendations for drainage and foundation design. Clearly, they are not intended to be adequate for the issuance of construction permits.

The County Peer Review Geologist considers the Engeo, Inc reports to be adequate for the identification of potential geologic and seismic hazards, and considers them to be adequate for the processing of the pending applications. Further geotechnical analysis will be required prior to the issuance of construction permits. It should also be recognized that if the landslide on Lots# 4 and 5 is not corrected by mass grading prior to the sale of those two lots, the ability of the future owners to create stable building sites on Lots# 4 and 5 will be greatly complicated.

Mitigation Measures

1. Corrective Grading of Lots #4 and #5

   A. The applicant shall bond for corrective grading of Lots #4 and #5. A deed restriction (or other acceptable mechanism) shall ensure that Lots #4 and #5 will not be sold by the developer until the corrective grading has been completed and the grading permit for that work "finaled" by the Building Inspection Division (i.e. the corrective grading requires issuance of a grading permit, and a grading completion report is required to provide documentation that the earthwork performed in the field was consistent with the recommendations in the approved geotechnical report. The grading completion report must be satisfactory to the Building Inspection Department).

   B. Prior to issuance of the grading permit for corrective grading of Lots #4 and #5, submit the Grading and Drainage Plan for review by the Peer Review Geologist, and review and approval of the Zoning Administrator. The grading plan shall provide an engineered/ permanent retaining wall with a lined drainage ditch at the Lot #4/Lot #5 boundary. Engineered slopes shall have gradients of 2½:1 (horizontal to vertical) or flatter, and those engineered slopes shall transition into existing topography on the perimeter of the slide repair.

2. Building Permits for Residences

   A. At least 30 days prior to the issuance of building permit(s) for a residence, submit a final geology, soil, and foundation report meeting the requirements of Subdivision Ordinance Section 94-4.420 for review of the Peer Review Geologist, and review and approval by the Zoning Administrator. Improvement, grading, and building plans shall carry out the recommendations of the approved report. This report shall include evaluation of seismic settlement and other types of seismically-induced ground failure by recognized methods appropriate to soil conditions discovered during subsurface investigation. It shall also evaluate the hazard posed by mass wasting and provide appropriate recommendations for remediation of geotechnical/geologic hazards. It shall also provide recommendation for grading, foundation and drainage that are sensitive to geologic constraints.

   B. Grading shall be kept to a practical minimum. Where needed, retaining walls or reinforced earth can be utilized with proper design.

   C. All graded slopes shall be contour-rounded to mimic natural terrain features.

   D. During grading, the geotechnical engineer shall observe and approve all keyway excavations, removal of fill and landslide materials down to stable bedrock or in-place material, and installation of all subdrains including their connections. All fill slope construction shall be observed and tested by the project geotechnical engineer, and the density test results and reports submitted to the County to be kept on file. Cut slopes and keyways shall be periodically observed and mapped by the project geotechnical and civil engineers who will provide any required slope modification recommendations based on the actual geologic conditions encountered during grading. Written approval from the Contra Costa County Building Inspection Division shall be obtained prior to any modification.

VII. 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? (Source # 6, 19)	___	___	___	X
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Source # 6, 19)	___	___	___	X
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Source # 5, 6)	___	___	___	X
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65862.5 and, as a result, would it create a significant hazard to the public or the environment? (Source # 19)	___	___	___	X
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area. (Source # 1, 5)	___	___	___	X
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Source # 5)	___	___	___	X
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Source # 1, 6, 10, 31, 32)	___	___	___	X
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? (Source # 6, 10, 33)	___	___	X	___

SUMMARY: *Less Than Significant Impact*

a) The proposed subdivision will not transport or dispose of hazardous materials.
b) The proposed subdivision will not release hazardous materials into the environment.

c) The site is not within one-quarter mile of an existing or proposed school.
d) The site is not listed on the State of California 2002 Hazardous Waste and Substance Sites (Cortese C) List.
e–f)The site is not within proximity of an airport.
g) The project would not interfere with implementation of an emergency response plan or evacuation plan.
h) The project is located within the wildlands interface and is subject to wildland fires. The California Department of Forestry and Fire Protection has reviewed the project and visited the site to determine compliance with the Open Space Fire Safe Regulations (Title 14: Division 1.5, Chapter 7, subchapter 1. Article 1-5). That agency reports that the project meets the intent of those regulations as well as Public Resources Code 4290. In addition a variety of fire protection measures including the provision of residential sprinkler systems are proposed and/or being required by the Fire Protection District so as to minimize the impact to less than significant.

VIII. HYDROLOGY AND WATER QUALITY - Would the project:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements? (Source # 6, 9, 21, 22)	____	____	____	X
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Source #6, 23)	____	____	____	X
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (Source # 6, 21, 22)	____	____	____	X
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or	____	____	X	____

	river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (Source # 6, 21, 22)				
e.	Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? (Source # 21, 22)	___	___	X	___
f.	Otherwise substantially degrade water quality? (Source # 21, 22)	___	___	X	___
g.	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source # 22, 35)	___	___	___	X
h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Source # 21, 22, 35)	___	___	___	X
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? (Source # 22)	___	___	___	X
j.	Inundation by seiche, tsunami, or mudflow? (Source # 6, 21)	___	___	___	X

Summary: *Less Than Significant Impact*

a) The residential use would not discharge wastewater. The new residences can be expected to produce a minimal amount of polluted runoff due to leaks from automobiles, use of backyard pesticides, etc. This pollution would be negligible and is considered insignificant.

b) Water would not be drawn from an underground aquifer. The project would be served by a public water system (EBMUD).

c–d)Drainage

It appears from the submitted tentative map that the applicant proposes to connect the proposed on-site drainage system to storm drainage facilities that will discharge to the creek located just north of Las Trampas Road. The nearest adequate man-made drainage facility in Drainage Area 13 appears to be Line A at the intersection of Las Trampas Road with Lark Lane. The applicant will be required to prove the adequacy of the in-tract drainage system and the downstream drainage system to Line A. The applicant shall contact the Department of Fish and Game, Army Corps of Engineers, and the County Flood Control District regarding any permitting required and potential restrictions for any proposed improvements to the creek.

The applicant shall relinquish "development rights" over that portion of the site that is within the structure setback area of the creek based on the criteria outlined in Chapter 914-14, "Rights of Way and Setbacks," of the Subdivision Ordinance. An exception to this ordinance requirement may be granted allowing a modified structure setback based on mechanical stabilization of the creek bank. The applicant has proposed construction of soldier pile retaining walls to protect any future residences, driveways or other permanent structures. The design and construction of any pier wall systems proposed to modify the setback area shall be reviewed and approved by the Building Inspection Department.

This development is located in the San Ramon Creek watershed, and will be required to mitigate the impact of additional stormwater runoff from this development.

Drainage patterns would not be altered. The site currently drains towards its southwesterly boundary and that would continue. The project includes a drainage system that would exit onto properties to the south and west in a manner acceptable to the Public Works Department. The increase in impervious surface and the piped system will increase and accelerate the peak storm flows. The applicant will be required to submit an outfall facility with erosion control measures acceptable to the Flood Control District.

e) The Ordinance Code requires that storm water runoff be collected and conveyed to an adequate natural watercourse or an adequate man-made system that empties into a natural watercourse. The project contains a piped drainage system. The project sponsor shall be required to verify the adequacy of the down-stream system to the satisfaction of the Flood Control District prior to filing the parcel map and construct new facilities as determined to be necessary.

f) Stormwater Management
This project is required to be in full compliance with the County's Stormwater Management and Discharge Control Ordinance, the Stormwater "C.3" Guidebook (*third edition*), and the requirements of the Regional Water Quality Control Board. A revised Stormwater Control Plan received on November 27, 2007 was reviewed and determined to be *preliminarily* complete. Although the Stormwater Control Plan has been determined to be preliminarily complete, it remains subject to revision based on changes made during the preparation of improvement plans, as necessary, to better address compliance with C.3 stormwater requirements.

g–i) No portion of the site that is within a 100-year flood hazard area. No development areas are threatened by flood hazards.

j) Such events would not occur in the project area.

IX. LAND USE AND PLANNING – Would the project:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less than Significant Impact	No Impact
a. Physically divide an established community? (Source # 5)	____	____	____	X
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including , but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Source # 1, 6)	____	____	X	____
c. Conflict with any applicable habitat conservation plan or natural community conservation plan? (Source # 1)	____	____	____	X

Summary: *Less Than Significant Impact*

a) The proposal would not divide an established community.

b) The project site is located on the boundary of two General Plan Land Use designations. The proposed total number of units would exceed that allowed in the A-2 portion and the portion planned for Agricultural Lands (.2 units per acre). The proposal includes a request to amend the County General Plan to include all the property into the Single Family Residential Very Low (0.2 to .99 units per net acre) designation. As proposed 10.23 acres would be re-designated from the AL to the SV designation. The conflict with the current General Plan designation would be eliminated if the General Plan is changed as proposed. Therefore, approval of the project and density would not be in conflict with plans, regulations or policies adopted for the purpose of avoiding or mitigating environmental impacts.

c) No such plans exist for the area.

X. MINERAL RESOURCES - Would the project:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less than Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	____	____	____	X

(Source # 1, 5)

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? (Source # 1)	____	____	____	X

SUMMARY: *No Impact*

a – b) No mineral resources are located in the area.

XI. 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? (Source # 1, 5)	____	____	____	X
b.	Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels? (Source # 5)	____	____	____	X
c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Source # 1, 5)	____	____	____	X
d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Source # 5, 6)	____	____	X	____
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Source # 1)	____	____	____	X
f.	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Source #1, 5)	____	____	____	X

SUMMARY: *Less Than Significant Impact*

a) The project site is not within or near exceeding the 60 dBA CNEL noise standards from I-680, or Danville Blvd.

b) The residential use would not produce substantial amounts of ground-borne noise or vibrations. The existing conditions in the area would not expose future residents to substantial ground-borne noise or vibrations.

c) The residential use is not inherently noisy and would not lead to a substantial permanent increase in ambient noise levels in the area.

d) Noise from construction activities (grading, foundation work, framing, roofing, etc.) would temporarily increase the ambient noise level in the immediate area. Construction would be limited to daytime hours during weekdays and would be prohibited on weekends and holidays, which would lessen the impact on nearby residents as staff assumes that most people will be away from home during the day on weekdays. In this case construction noise impacts are considered to be less than significant because of their short duration and low intensity. The project would also be subject to standard conditions of approval that relate to reduction of construction noise.

e – f) The site is not near an airport or private airstrip.

XII. POPULATION AND HOUSING -
Would the project:

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less than Significant Impact	No Impact
a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Source #1, 5, 6)	___	___	X	___
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Source # 5, 6)	___	___	___	X
c.	Displace substantial numbers of people necessitating the construction of replacement housing elsewhere? (Source # 5, 6)	___	___	___	X

Summary: *Less than Significant Impact*

a) The development of 5 residences consistent with the General Plan would induce population growth. However, in the context of this development filling in a gap in an otherwise residential area, the impact is less than significant.

b) The site contains no housing.

c) No persons would be displaced as a result of the project.

XIII. PUBLIC SERVICES

a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered

	governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services (Source # 10, 23, 24, 31, 32, 33):				
1.	Fire Protection?	___	___	X	___
2.	Police Protection?	___	___	___	X
3.	Schools?	___	___	___	X
4.	Parks?	___	___	___	X
5.	Other Public facilities?	___	___	___	X

Summary: *Less than Significant Impact*

a. 1 – 2. The San Ramon Valley Fire Protection District and the Contra Costa County Sheriff serve the site. This development is not anticipated to cause a substantial increase in demand for either service. The property is already taxed to support fire protection and that tax base would increase with the higher tax assessment for the property upon development. The California Department of Forestry and Fire Protection has reviewed the project and visited the site to determine compliance with the Open Space Fire Safe Regulations (Title 14: Division 1.5, Chapter 7, subchapter 1. Article 1-5). That agency reports that the project meets the intent of those regulations as well as Public Resources Code 4290. Development would be subject to Sheriff's Department fees. New facilities would be built according to community need.

3. School district fees for residential development would be assessed prior to issuance of building permits. The San Ramon Valley Unified School District has commented on this proposal.
4. A park dedication fee in the amount of $7238 per unit would be assessed prior to issuance of building permits for the purpose of mitigating impacts to park facilities.
5. The project is not anticipated to cause significant impacts to other public facilities.

XIV. 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? (Source # 5, 6)	___	___	___	X
b.	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Source # 1, 6)	___	___	___	X

Summary: *No Impact*

a) The County Code requires that park dedication fees be paid to mitigate impacts to park facilities. Currently, $36,190, ($7238 per d.u) would be collected for the 5 lots in the subject project prior to issuance of building permits.

b) No common recreation facilities are proposed. The elimination of a short stretch of trail easement will have no effect because the easement, dedicated in an earlier subject proposal, does not connect to, nor have any foreseeable probability of connecting to, a public trail system.

XV. TRANSPORTATION/TRAFFIC –
Would the project:

a.	Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? (Source # 6, 21)	___	___	X	___
b.	Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? (Source # 21)	___	___	___	X
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (Source # 1)	___	___	___	X
d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous inter-sections) or incompatible uses (e.g., farm equipment)? (Source # 6, 21)	___	___	X	___
e.	Result in inadequate emergency access? (Source # 10)	___	___	X	___
f.	Result in inadequate parking capacity? (Source #2, 6)	___	___	X	___
g.	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (Source # 1, 5, 6)	___	___	___	X

Summary: *Less Than Significant Impact*

a – b) The subject parcels front on Las Trampas Road, a private road, with a current easement width of 60 feet. The existing pavement width of Las Trampas Road along the entire frontage of the site varies, but is approximately 16 feet. There is an approximately 4 foot wide AC V-Ditch located along the south side of the road. The County Ordinance Code requires construction of frontage improvements

with subdivision applications. However, concrete curb, gutter and sidewalk do not appear to be characteristic with the surrounding area, thus the applicant will not be required to construct frontage improvements along Las Trampas Road.

The access to all proposed lots and the Remainder Parcel shall be constructed in accordance with the County's Policy on Private Rural Road and Driveway Design Standards with appropriate turnarounds. All proposed gates shall meet the requirements of the Public Works Department and the Fire District. The current proposal will cause a modification to the access to an abutting property to the east (APN 198-220-051) containing an approved 3-lot minor subdivision (MS040008). This change will be beneficial in that it will prevent project traffic from passing through an adjacent developed parcel.

The traffic from the 5-lot project will not result in significant traffic impacts.

c) The proposed buildings are not tall enough to affect air traffic patterns.

d) No hazardous design features or incompatible uses are proposed. There is a potential that queuing cars at entry gates could obstruct traffic along Las Trampas Road or along entry roads. The applicant shall provide at least 40 feet of space behind the Las Trampas Road gate to allow at least two cars to line up without blocking traffic and at least 20 feet behind the gate for minor private driveways. The sight distance at the intersection with Las Trampas Road will require approval of the Public Works Department.

e) The Fire District is satisfied that widening the access road to 20 feet of paved width would provide adequate emergency vehicle access.

f) While the project would comply with the normal single family residence 2:1 parking requirement, since the private access lane would not allow on-street parking a condition of approval shall be required to provide at least six spaces on each lot including tandem spaces.

g) The development would not conflict with County policies, plans or programs regarding alternative transportation systems.

XVI. UTILITIES AND SERVICE SYSTEMS -
Would the project:

a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Source # 9)	____	____	____	X
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction or which could cause significant environmental effects? (Source # 9, 23)	____	____	____	X
c.	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	____	____	X	____

	(Source # 21, 22)				
d.	Have sufficient water supplies available to serve the project from existing entitlement and resources, or are new or expanded entitlement needed? (Source # 23)	____	____	____	X
e.	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Source # 9)	____	____	____	X
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Source # 1)	____	____	____	X
g.	Comply with federal, state and local statutes and regulations related to solid waste? (Source # 1)	____	____	____	X

Summary: *Less Than Significant Impact*

a) The operation would not discharge untreated wastewater.

b, d, e) The East Bay Municipal Utility District and the Central Contra Costa Sanitary District were notified of this project and submitted comments. Adequate capacity exists in both districts and that no new facilities are required.

c) The Contra Costa County Flood Control District has responded that a contribution should be made to fund downstream improvements needed to mitigate the impacts on the San Ramon Creek drainage system.

f – g) The development would produce normal household trash that would be dumped in an approved landfill.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE -

a.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish and wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	____	X	____	____
b.	Does the project have impacts that are indiv idually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of	____	____	____	X

	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?	____	____	X	____
d.	Does the project have the potential to degrade the quality of the environment, curtail the range of the environment, or to achieve short-term to the disadvantage of long-term environmental goals?	____	____	X	____

SUMMARY: *Less Than Significant Impact*

a. Based on the evaluation of this Initial Study, the proposed project with the mitigations imposed would not have the potential to significantly degrade the quality of the natural environment. While the proposed 5-lot subdivision is located on a site that is environmentally significant because of biological resources, landslides that will require repair, and the aesthetic impacts which could be significant because the site is located on a scenic ridge, the mitigations imposed would reduce impacts to a less than significant level. During the construction phase of the project there is a potential for minor short-term effects, however, these possible impacts are considered less than significant and an expected part of construction and would be addressed by the conditions of approval to lessen the effects to the extent possible. With the mitigations provided regarding aesthetics, biological resources and geology, there would be no significant environmental impacts from the 5-lot subdivision.

b. In relation to existing development and projects that have already been approve, the applicant proposes an infill project and the development of that proposed project would not have the potential to cause significant cumulative impacts. Relatively minor impacts such as air emissions and noise may occur from construction activities, but these effects would be of short duration and not cumulatively considerable.

c. Following the completion of the engineered landslide repair on Lots 4 and 5, there would be no substantial adverse impacts on humans.

d. With the mitigations agreed to and imposed and subject to the standard conditions of approval, the project would not have the potential to degrade the quality of the environment, curtail the range of the environment, or to achieve short-term to the disadvantage of long-term environmental goals

ATTACHMENT 1
MITIGATION MONITORING PROGRAM, MADDEN PAULUS RESIDENTIAL PROJECT
COUNTY FILE #GP07-0004, RZ07-3194, DP07-3062, SD07-9210
#1900 LAS TRAMPAS ROAD, ALAMO AREA
DEBOLT ENGINEERING (Applicant), MADDEN&PAULUS (Owners)

Potentially Significant Impact	Mitigation Measure	Implementing Action	Timing of Verification	Responsible Department/Agency	Compliance Verification
1. AESTHETICS: The site is located at the top of a ridge indicated by the General Plan as a ridge of significance where visibility impacts are to be kept to the minimum feasible. Tall and light-colored houses located at the ridgeline without significant landscaping would be in conflict with the General Plan policy.	**MITIGATION REQUIRED FOR AESTHETICS:** A. he aesthetics impact can be mitigated by the planting of replacement oak trees, 15 gallon minimum, at a 3:1 ratio planted by the developer as part of the design review required by the County. B. The impact of the houses on the ridgeline can be mitigated by requiring conditions of approval for each future house requiring that additional review be applied by the Zoning Administrator in a design review, and that building height be limited to 28 feet when viewed from the northeast to prevent tall houses from silhouetting on the ridgeline. The reflectivity of exterior surfaces shall be limited to 50%. Additionally the screening oaks shall be retained and protected during construction.	Condition of project approval	Prior to issuance of building permit.	Department of Conservation and Development (DCD)	
2. **BIOLOGY:** The environmental assessment determined that the site is potential habitat for the Alameda Whip Snake, a species which has been listed as threatened by the U. S. Fish and Wildlife Service and the California Department of Fish and Game. Furthermore, the disturbance caused by grading and road	**1. MITIGATION MEASURES FOR THE ALAMEDA WHIP SNAKE:** This mitigation plan for the Alameda whipsnake includes preservation of lands as permanent open space and implementation of measures that will reduce or prevent take. Preservation will insure that open space areas within the range of the Alameda whipsnake will remain in their natural condition for continued use by the snakes. Measures to reduce or prevent take will ensure that	Condition of project approval	Prior to issuance of grading or building permit.	Department of Conservation and Development (DCD)	

Potentially Significant Impact	Mitigation Measure	Implementing Action	Timing of Verification	Responsible Department/Agency	Compliance Verification
construction during the breeding season of several raptor species listed of special concern could be disruptive to their success. Encroachments into riparian habitats and waters of the United States are proposed.	individual animals within the local Alameda whipsnake population will not be killed during construction or after project development. Preservation Strategy A. The preservation component of this mitigation plan requires the purchase of off-site mitigation lands in an approved mitigation bank and the protection of undeveloped portions of the property with an open space easement and habitat preservation area. Off-site Land Purchase B. The project proponent, Palmer Madden will contribute toward the acquisition of offsite property in an approved Alameda whipsnake mitigation bank for the protection of whipsnake habitat as designated by the California Department of Fish and Game. Open Space Easement Lands C. Prior to clearing land, issuance of a building permit, or a grading permit, or recording of a Final Map, the applicant shall convey an open space easement to Contra Costa County for the open space area identified on the Tentative Subdivision Map using the open space easement instrument approved by the Board of Supervisors. The easement instrument shall provide that no grading, other development activity or removal of trees may occur in that area without the prior written approval of the Zoning Administrator. The project will protect the 7.36 acres of the site which is not within the development envelopes of the lots as permanent open space. This open space easement will be held by Contra Costa County. Measures to Prevent Take				

ATTACHMENT 1
MITIGATION MONITORING PROGRAM, MADDEN PAULUS RESIDENTIAL PROJECT
COUNTY FILE #GP07-0004, RZ07-3194, DP07-3062, SD07-9210
#1900 LAS TRAMPAS ROAD, ALAMO AREA
DEBOLT ENGINEERING (Applicant), MADDEN&PAULUS (Owners

Potentially Significant Impact	Mitigation Measure	Implementing Action	Timing of Verification	Responsible Department/Agency	Compliance Verification
	D. Specific protective measures will be implemented as part of the project for all area that will be cleared during grading or construction. The project will incorporate the following measures into its development plans to reduce and/or prevent take of individual Alameda whipsnakes. E. Exclusion Fencing. Prior to any construction a fence will be placed around the construction area to prevent the entry of Alameda whipsnakes into the construction area. The fence will extend at least three feet above the ground with at least 6-inches buried underground. Funnel type exits that will allow animals to leave the construction area but prevent their re-entry will be placed along the fence at intervals of 50-feet. This fence will be erected prior to development activities and remain in place until all construction is completed. The fence may be temporarily removed during extended breaks in construction activity, but must be replaced prior to resumption of any construction activity. A biologist will be on site during all fence construction activities. This biologist will have the authority to halt fence construction, if necessary, to prevent take of Alameda whipsnakes and to relocate any snakes that may be in harms way during fence construction. After completion, the fence will be inspected weekly by a biologist to ensure its integrity. F. Trapping and Relocation. The area inside the exclusion fence, (the construction area) will be trapped using drift fences and funnel traps and all Alameda whipsnakes captured will be relocated outside of the construction area. Trapping shall be conducted pursuant to USFWS/DFG approved trapping protocols and details of the trapping protocol will be finalized in coordination with the Service and the Department. Trapping will be done by a USFWS approved biologist. G. Biological Monitor. A biological monitor, approved by the				

Potentially Significant Impact	Mitigation Measure	Implementing Action	Timing of Verification	Responsible Department/Agency	Compliance Verification
	Zoning Administrator but paid for by the applicant, shall be present in areas where clearing and grubbing of the project site is occurring and whenever grading activities area being conducted in areas adjacent to scrub habitat. The biological monitor shall have the authority and ability to halt grading and other construction activities as necessary to move to a safe location any Alameda whipsnakes encountered. H. A biological monitor shall brief the construction crew on the potential presence of Alameda whipsnakes in the Project area, and educate on-site workers in the identification and habitat requirements of Alameda whipsnakes, measures implemented to avoid and minimize take of Alameda whipsnakes, including the biological monitor's authority to halt grading and construction activities, and the ramifications of take of listed species. FUNDING MECHANISM I. The Project proponent will fund all of the mitigation work described in this Plan, including creation and monitoring of the mitigation areas and implementation of the construction protection measures. J. The plan will be submitted for review and approval of the California Department of Fish and Game, and U.S Fish and Wildlife Service. 1. Prior to impacting the Alameda whipsnake or its habitat, incidental take authorization (Section 7 consultation or Section 10 permit) or a "not likely to effect" letter would be required from USFWS. Prior to the issuance of a grading or building permit, the applicant shall submit to the Community Development Department a copy of incidental				

Potentially Significant Impact	Mitigation Measure	Implementing Action	Timing of Verification	Responsible Department/Agency	Compliance Verification
	take authorization or a "not likely to effect" letter from the USFWS for the Alameda whipsnake. All measures required by USFWS to reduce, offset, or avoid impacts to the Alameda whipsnake shall be implemented prior to issuance of a grading permit. 2. Prior to impacting the Alameda whipsnake or its habitat, an "incidental take" permit (Section 2081 permit) or a letter of "no effect" regarding the Alameda whipsnake would be required from CDFG. In lieu of such a permit, CDFG may process a "consistency determination" pursuant to Fish and Game Code §2080.1. Such a determination would indicate that the State's interests in protecting State listed species are met by the federal biological opinion (i.e., the incidental take statement) issued by USFWS and thus no Section 2081 permit is required. Prior to issuance of a grading permit, the applicant shall submit to the Community Development Department a copy of an incidental take statement or consistency determination, or a letter of no effect from CDFG for the Alameda whipsnake. If CDFG issues a Section 2081 permit for the project, or processes a consistency determination, all mitigation measures required by CDFG to reduce, offset, or avoid impacts to the Alameda whipsnake shall be implemented prior to the issuance of a grading or building permit. 2. **MITIGATION MEASURES FOR RAPTORS** : 1 If construction activity (grading, road construction, home construction) occurs within the raptor nesting season (February 1 to July 31), a pre-construction survey of the property for nesting				

Potentially Significant Impact	Mitigation Measure	Implementing Action	Timing of Verification	Responsible Department/Agency	Compliance Verification
	raptors will be conducted within 15 days prior to the beginning of construction. 2. If raptors are nesting on the project site, a minimum 250-foot non-disturbance buffer shall be established around the nest tree. This buffer shall be fenced with orange construction fencing. A qualified raptor biologist will periodically monitor the nest site(s) (a minimum of once a week) to determine if grading activities occurring outside the buffer zone disturbs the birds, and if the buffer zone should be increased to prevent nest abandonment. Once the raptor biologist determines that the eggs have hatched and the chicks are old enough to thermo-regulate on their own (typically at two to three weeks of age), the fenced buffer zone may be reduced to 100 feet, provided the adults can tolerate the reduced buffer area. A qualified raptor biologist would need to monitor for signs of distress in the adults. No disturbance shall occur within the buffer zone until a qualified raptor biologist has determined that the young have fledged (left the nest), and are flying well enough to avoid project construction zones, typically by August 1st.				
3. GEOLOGY: There are landslides mapped on the site, and the hillside area is classified as *highest landslide susceptibility*. Although, the building sites are not in the slide areas, they may be threatened by slide activity, either upslope or downslope. The access roadway is similarly affected by slides.	**1.MITIGATION MEASURES FOR LANDSLIDES AND SOIL STABILITY** A. At least 30 days prior to recordation of the Final Map, submit a final geology, soil, and foundation report meeting the requirements of Subdivision Ordinance Section 94-4.420 for review and approval of the Planning Geologist. Improvement, grading, and building plans shall carry out the recommendations of the approved report. This report shall include evaluation of seismic settlement and other types of seismically-induced ground failure by recognized methods appropriate to soil conditions discovered during subsurface investigation. It shall also evaluate the hazard posed by debris flows and undocumented fills and provide appropriate recommendations for remediation of	Condition of project approval	Prior to recording the Parcel Map or prior to the issuance of grading or building permit, whichever occurs first.	Grading Inspection Section of the Building Inspection Department	

ATTACHMENT 1
MITIGATION MONITORING PROGRAM, MADDEN PAULUS RESIDENTIAL PROJECT
COUNTY FILE #GP07-0004, RZ07-3194, DP07-3062, SD07-9210
#1900 LAS TRAMPAS ROAD, ALAMO AREA
DEBOLT ENGINEERING (Applicant), MADDEN&PAULUS (Owners

Potentially Significant Impact	Mitigation Measure	Implementing Action	Timing of Verification	Responsible Department/Agency	Compliance Verification
The potential building sites and roadways are underlain by moderately expansive soils that are subject to soil creep. Further evaluation of foundations is warranted to address differential fill thickness, total and differential settlement within building pads, and measures to control moisture around foundations, and other foundation-related issues. Additionally, the Soil Survey of Contra Costa County classifies the soils as having a high corrosion potential to uncoated steel and concrete.	geotechnical/geologic hazards. It shall also provide recommendation for grading, foundation and drainage that are sensitive to geologic constraints. B. In conjunction with the geotechnical engineer, provide improvement plans for the private road and utility corridor that is needed to comply with the private road standards of Contra Costa County. C. Applicant shall record a statement to run with deeds to property acknowledging the approved report by title, author (firm), and date, calling attention to approved recommendations, and noting that the report is available from the seller. D. Grading shall be kept to a practical minimum. Where needed, retaining walls or reinforced earth can be utilized with proper design. E. All graded slopes shall be contour-rounded to mimic natural terrain features. F. Prior to issuance of the grading permit, provide a grading remediation plan and report for the approval of the Building Inspection Department (BID). The report shall evaluate all major graded slopes and open space hillsides whose performance could affect planned improvements. The slope stability analysis shall be performed for both static and dynamic conditions using an appropriate pseudo-static horizontal ground acceleration coefficient for earthquakes on the Calaveras fault in accordance with standard practice as outlined in DMG Special Pub. 117, 1997 or equivalent.				

ATTACHMENT 1
MITIGATION MONITORING PROGRAM, MADDEN PAULUS RESIDENTIAL PROJECT
COUNTY FILE #GP07-0004, RZ07-3194, DP07-3062, SD07-9210
#1900 LAS TRAMPAS ROAD, ALAMO AREA
DEBOLT ENGINEERING (Applicant), MADDEN&PAULUS (Owners

Potentially Significant Impact	Mitigation Measure	Implementing Action	Timing of Verification	Responsible Department/Agency	Compliance Verification
	G. During grading, the geotechnical engineer shall observe and approve all keyway excavations, removal of fill and landslide materials down to stable bedrock or in-place material, and installation of all subdrains including their connections. All fill slope construction shall be observed and tested by the project geotechnical engineer, and the density test results and reports submitted to the County to be kept on file. Cut slopes and keyways shall be periodically observed and mapped by the project geotechnical and civil engineers who will provide any required slope modification recommendations based on the actual geologic conditions encountered during grading. Written approval from the Contra Costa County BID shall be obtained prior to any modification. H. Regular progress reports and a grading completion report shall be submitted to BID by the project geotechnical engineers. These reports shall include the results and locations of all compaction tests, as-built plans of all landslide repairs and fill removal including geologic mapping of the exposed geology of all excavations showing cut cross-sections and sub-drain depths and locations. The lists of excavations approved by the engineering geologist shall also be submitted. Building permits shall not be issued without documentation that the grading and other pertinent work has been performed in accordance with the geotechnical report criteria and applicable Grading Ordinance provisions. I. During grading, unstable colluvial soils and landslide deposits within developed portions of the properties shall be re-graded to effectively remove the potential for seismically induced landslides in these materials, as recommended in the approved geotechnical reports. J. All measures identified in the approved geotechnical reports to				

Potentially Significant Impact	Mitigation Measure	Implementing Action	Timing of Verification	Responsible Department/Agency	Compliance Verification
	provide for slope stability shall be incorporated into the final grading plans. Prior to issuance of the grading permit, the County Geologist shall review the plans to verify that these measures are incorporated and that there is no unacceptable hazard from unstable slopes or post-development grading. K. Prior to issuance of building permits on parcels of this subdivision, submit an as-graded report of the engineering geologist and the geotechnical engineer with a map prepared by a civil engineer showing engineering geology/lithology details, final plans and grades for any buttress fill with its keyway, subsurface drainage, subdrain cleanouts, disposal and pickup points, and any other soil improvements installed during grading, as surveyed by the project survey or civil engineer, and in accordance with requirements of the geotechnical engineer. **2.MITIGATION MEASURES FOR EXPANSIVE SOILS** A. Consistent with the final geotechnical report, specific criteria and standards for foundations shall be provided based on the results of the subsurface exploration and laboratory testing. These measures shall be implemented during design and construction where appropriate to minimize expansive soil effects on structures. Potential foundation systems include pier and grade beam; use of appropriate engineering design measures to control vertical and horizontal movement of slabs; pad overcutting to provide uniform swell potential; and soil subgrade moisture treatment. B. Prior to issuance of building permits or installation of utilities, chemical testing of representative building pad soils shall be submitted to determine the level of corrosion protection required				

ATTACHMENT 1
MITIGATION MONITORING PROGRAM, MADDEN PAULUS RESIDENTIAL PROJECT
COUNTY FILE #GP07-0004, RZ07-3194, DP07-3062, SD07-9210
#1900 LAS TRAMPAS ROAD, ALAMO AREA
DEBOLT ENGINEERING (Applicant), MADDEN&PAULUS (Owners

Potentially Significant Impact	Mitigation Measure	Implementing Action	Timing of Verification	Responsible Department/Agency	Compliance Verification
	for steel and concrete materials used for construction. The following measures shall be implemented where appropriate to protect against corrosion: use of sulfate-resistant concrete and use of protective linings to encase steel piping buried in native soils.				