

## **EXHIBIT 16**

# **CEQA Notice of Determination and Initial Study for LP95-2020**

Page 18

# CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF DETERMINATION

**FILED**

CONTRA COSTA COUNTY COMMUNITY DEVELOPMENT DEPARTMENT  
651 PINE STREET 4TH FLOOR NORTH WING MARTINEZ, CALIFORNIA 94553  
Telephone: (510) 646-2091 Contact Person: EDY ZWIERYCKI

S.E. WEIN, COUNTY CLERK  
CONTRA COSTA COUNTY  
BY *[Signature]* DEPUTY

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

**TOM ANDERSON** (Applicant & Owner), County File #LP952020: The applicant requests approval of a land use permit to allow for the continued use of a motorcycle racetrack, with site plan modifications, on a permanent basis. Subject property is an 82.86 acre property fronting approximately 1,350 feet on the south side of Camino Diablo Road, immediately opposite Longwell Road, in the Byron area. Subject property is addressed #50 Camino Diablo. (A-3) (ZA: Q-26) (CT 3040.00) (Parcel #003-020-020)

The project was approved on 2-4-97  
Pursuant to the provisions of the California Environmental Quality Act:

- An Environmental Impact Report was prepared and certified (SCH # \_\_\_\_\_).
- The Project was encompassed by an Environmental Impact Report previously prepared for \_\_\_\_\_ (SCH # \_\_\_\_\_).
- A Negative Declaration was issued indicating that preparation of an Environmental Impact Report was not required.

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

- The Project will not have a significant environmental effect.
- The Project will have a significant environmental effect.
- Mitigation measures were made a condition of approval of the project.
- A statement of overriding considerations was adopted.
- Findings were adopted pursuant to Section 15091 of the State CEQA Guidelines.

Date: 2-5-97 By: *[Signature]*  
Community Development Department Representative

**AFFIDAVIT OF FILING AND POSTING**

I declare that on 3-3-97 I received and posted this notice as required by California Public Resources Code Section 21152(c). Said notice will remain posted for 30 days from the filing date.

K. THAMES DEPUTY COUNTY CLERK  
Signature Title





Project Description/Site Visit

3. Water. Could the proposal result in:

a. Changes in currents, or the course of direction of water movements, in either marine or fresh waters.

\_\_\_\_\_ X

Project Description/Site Visit

b. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?

\_\_\_\_\_ X

Project Description/Site Visit  
Same as 3.a.

c. Alterations to the course or flow of flood waters?

\_\_\_\_\_ X

F.E.M.A. Flood Map - Panel #0250  
Flood Zones A & C

d. Change in the amount of surface water in any water body?

\_\_\_\_\_ X

Project Description/Site Visit  
Same as 3.a.

e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?

X \_\_\_\_\_

Project Description/Site Visit  
Same as 3.a.

f. Alteration of the direction or rate of flow of ground waters?

\_\_\_\_\_ X

Project Description/Site Visit  
Same as 3.a.

g. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?

\_\_\_\_\_ X

Project Description/Site Visit  
Same as 3.a.

h. Substantial reduction in the amount of water otherwise available for public water supply?

\_\_\_\_\_ X

Project Description/Site Visit  
Same as 3.a.

- i. Exposure of people or property to water related hazards such as flooding or tidal waves?

X

F.E.M.A. Flood Map - Panel #0250  
Flood Zones A & C

FLOOD PLAINS

The 100-year flood plain (Flood Zone A) covers only the area immediately surrounding Kellogg Creek within the northwestern corner of the subject property. The remainder of the site, including the area of the motorcycle racetrack, parking, and other facilities associated with the project, are located within Flood Zone C. As a result, the project proposal is not likely to cause people or property to be exposed to water related hazards, such as flooding.

STORM WATER RUNOFF TO ADJACENT CREEK

The project proposal has the potential to significantly increase the amount of contaminants (including, but not limited to motor oil, battery acid) being discharged into Kellogg Creek on the north end of the site via stormwater runoff, due to the erosion activities caused by the movement of motorcycles across the property and within the racetrack.

Mitigation Measures

- 1. Prior to the exercising of an approved land use permit for a motorcycle racetrack, including issuance of any ministerial permits (such as, but not limited to, obtaining a small public water system permit from the Contra Costa County Health Services Department or a building permit for permanent toilet facilities), the applicant shall complete the following:

A. Submit a Final Landscape/ Irrigation Plan

- (1) Submit a landscape/ irrigation plan prepared by a licensed landscape architect, to the Community Development Department for the review and approval of the Zoning Administrator;
- (2) Landscaping shall conform to the County Water Conservation Ordinance 82-26 and the licensed landscape architect shall certify that the plans comply with the ordinance improvement standards and

reporting requirements;

- (3) The plan shall provide a minimum 10 foot strip of grass or vegetation either around the outer rim of the entire racetrack or the northern half of the track; and a minimum 15 foot strip of grass or vegetation along the entire southern and eastern boundary of Kellogg Creek on the subject property. Refer to staff's delineation of these vegetation areas on the attached Staff Study Map dated January 16, 1996.
- (4) The plan shall address the need for delivering soil, including the type and amount, to the subject property, if applicable.

**B. Provide Security in the Event of Landscape Failure**

- (1) The landscape/ irrigation plan shall be accompanied by a cost estimate from the landscape architect to include the materials and labor for the proposed landscape improvements. These landscape improvements shall be designed to minimize landscape maintenance costs; and
- (2) The applicant shall (1) enter into a landscape improvement agreement and (2) either post a cash performance bond or cash deposit with the County. This agreement and security shall ensure the replacement of landscaping/ irrigation in the event that the approved landscaping/ irrigation fails within 24 months following installation.

2. Prior to the exercising of an approved land use permit for a motorcycle racetrack, including issuance of any ministerial permits, the landscape architect shall make an on-site inspection of the landscape/ irrigation improvements and submit a written report to the Zoning Administrator that covers the following:

**A. Acceptance of Landscape Improvements**

- (1) Certifies the completion of the landscape/ irrigation plan including consideration of plant species, size and location; and
- (2) Requests the Zoning Administrator to

accept the landscape/ irrigation improvements.

3. The property owner shall maintain the approved landscaping in good condition at all times.

4. Plant Life. Could the proposal result in:

a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?                      \_\_\_\_\_ X

Project Description/Site Visit

b. Reduction of the numbers of any unique, rare or endangered species of plants?                      \_\_\_\_\_ X

Project Description/Site Visit  
Same as 4.a.

U.S.G.S. Quad Overlay System No. 5

c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?                      \_\_\_\_\_ X

Project Description/Site Visit  
Same as 4.a.

U.S.G.S. Quad Overlay System No. 5

d. Reduction in acreage of any agricultural crop?                      \_\_\_\_\_ X

Project Description/Site Visit  
Same as 4.a.

5. Animal Life. Could the proposal result in:

a. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms or insects)?                      \_\_\_\_\_ X

Project Description/Site Visit

U.S.G.S. Quad Overlay System No. 5



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- b. Reduction of the numbers of any unique, rare or endangered species of animals? \_\_\_\_\_ X

Project Description/Site Visit  
Same as 5.a.

U.S.G.S. Quad Overlay System No. 5

- c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals? \_\_\_\_\_ X

- d. Deterioration to existing fish or wildlife habitat? \_\_\_\_\_ X

Project Description/Site Visit  
Same as 5.a.

6. Noise. Could the proposal result in:

- a. Increases in existing noise levels? \_\_\_\_\_ X

Project Description/Site Visit

- b. Exposure of people to severe noise levels? \_\_\_\_\_ X

U.S.G.S. Quad Overlay No. 16  
Project Description/Site Visit  
Same as 6.a.

7. Light and Glare. Could the proposal produce new light or glare? \_\_\_\_\_ X

Project Description/Site Visit

8. Land Use.

- a. Could the proposal result in substantial alteration of the present or planned land use of an area? \_\_\_\_\_ X

General Plan Land Use Designation:  
Agricultural Lands

- b. Will the proposal be consistent with existing zoning plans and other applicable land use controls? \_\_\_\_\_ X

The proposal lies within the A-3 Zoning District.

9. Natural Resource. Could the proposal result in an increase in the rate of use of any natural resources? \_\_\_\_\_ X

10. Risk of Upset. Could the proposal involve:

- a. A risk of an explosion or the release of hazardous substances (including, but not limited to oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?       X

Project Description/Site Visit

- b. Possible interference with an emergency response plan or an emergency evacuation plan?              X

Project Description/Site Visit  
Same as 10.a.

RELEASE OF HAZARDOUS MATERIALS

There is a significant potential for stormwater flowing over the site to carry oil and gas contaminants to the Kellogg Creek on the northern portion of the subject property. The Mitigation Measures required under Section 3 titled "Water" above, is required to reduce or eliminate the potential for stormwater runoff to carry oil, gas, and other contaminants into this creek.

- 11. Population. Could the proposal alter the location, distribution, density, or growth rate of the human population of an area?              X

Project Description/Site Visit

- 12. Housing. Could the proposal affect existing housing, or create a demand for additional housing?              X

Project Description/Site Visit

13. Transportation/Circulation: Could the proposal result in:

- a. Generation of substantial additional vehicular movement?              X

Project Description/Site Visit

- b. Effects on existing parking facilities, or demand for new parking?              X

Project Description/Site Visit  
Same as 13.a.

- c. Substantial impact upon existing transportation systems?              X

U.S.G.S. Quad Overlay No.   17

- d. Alterations to present patterns of circulation or movement of people and/or goods?                        X        
U.S.G.S. Quad Overlay No.   17
  
- e. Alterations to waterborne, rail or air traffic?                        X        
  
Project Description/Site Visit  
Same as 13.a.
  
- f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?                        X        
U.S.G.S. Quad Overlay No.   15

14. Public Services. Could the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:

- a. Fire protection?                        X        
Fire District Memo dated   3/7/95    
  
The referenced Fire District Memo provided no comments.
  
- b. Police protection?                        X        
Project Description/Site Visit
  
- c. Schools?                        X        
Project Description/Site Visit  
Same as 14.b.
  
- d. Parks or other recreational facilities?                        X        
Project Description/Site Visit  
Same as 14.b.
  
- e. Maintenance of public facilities, including roads?                        X        
Project Description/Site Visit  
Same as 14.b.
  
- f. Other governmental services?                        X        
Project Description/Site Visit  
Same as 14.b.

15. Energy. Could the proposal result in:
- a. Use of substantial amounts of fuel or energy?                        X

Project Description/Site Visit

- b. Substantial increase in demand upon existing sources or energy, or require the development of new sources of energy? \_\_\_\_\_ X \_\_\_\_\_

Project Description/Site Visit  
Same as 15.a.

- 16. Utilities. Could the proposal result in a need for new systems, or substantial alterations to the following utilities? X

Project Description/Site Visit

- 17. Human Health. Could the proposal result in:

- a. Creation of any health hazard or potential health hazard (excluding mental health)? X \_\_\_\_\_

Project Description/Site Visit

- b. Exposure of people to potential health hazards? X \_\_\_\_\_

Project Description/Site Visit  
Same as 17.a.

Mitigation Measures

Some activities associated with the motor cycle racetrack currently exist on-site which have potentially significant health impacts. The applicant shall comply with the requirements of the Contra Costa County Health Services Department according to the attached letters dated April 4, 1995 and December 21, 1995, to mitigate these health impacts.

- 18. Aesthetics. Could the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view? \_\_\_\_\_ X \_\_\_\_\_

U.S.G.S. Quad Overlay No. 14

- 19. Recreation: Could the proposal result in an impact upon the quality or quantity of existing recreational opportunities? \_\_\_\_\_ X \_\_\_\_\_

Project Description/Site Visit

- 20. Cultural Resources.

- a. Could the proposal result in the alteration of or the

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destruction of a prehistoric or historic archaeological site? \_\_\_\_\_ X

Sonoma State Notification dated: 25 April 1995  
Project Description/Site Visit

According to a letter dated April 25, 1995, The North West Information Center (Sonoma State University) considers the subject property to be archaeologically sensitive and recommends that a field study be conducted.

The motorcycle racetrack project shall not significantly alter the site since the motorcycle racetrack and related facilities have already been built on the subject property. The Community Development Department will be requiring that the applicant comply with a condition of approval to construct a limited number of permanent restroom facilities (for men and women), however, the construction of such facilities are unlikely to cause the destruction of a prehistoric site.

- b. Could the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object? \_\_\_\_\_ X

Project Description/Site Visit  
Same as 20.a.

- c. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values? \_\_\_\_\_ X

Project Description/Site Visit  
Same as 20.a.

- d. Will the proposal restrict existing religious or sacred uses within the potential impact area? \_\_\_\_\_ X

Project Description/Site Visit  
Same as 20.a.

21. 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 or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? \_\_\_\_\_ X

Project Description/Site Visit

- b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.) \_\_\_\_\_ X

Project Description/Site Visit  
Same as 21.a.

- c. Does the project have potential impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of these impacts on the environment is significant.) \_\_\_\_\_ X

Project Description/Site Visit  
Same as 21.a.

- d. Does the project have environmental effects which could cause substantial adverse effects on human beings, either directly or indirectly? \_\_\_\_\_ X

Project Description/Site Visit  
Same as 21.a.

III. Discussion of Environmental Evaluation

Based on the foregoing review, the project will not result in any potentially significant environmental impacts.

IV. Determination

On the basis of this initial evaluation:

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

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

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

1/18/96  
Date

Edy J. Zwierycka  
Signature

*[Handwritten Signature]*

Reviewed By: