

**Las Deltas Public Housing  
Final Mitigated Negative Declaration  
State Clearinghouse # 2019039129  
County File # FM19-0001**

## **I Introduction:**

On March 21, 2019, the Contra Costa County Department of Conservation and Development published a Draft Initial Study/Mitigated Negative Declaration (IS/MND) which analyzed potential impacts for the proposed Las Deltas Public Housing Development Demolition project (County File #FM19-0001). Pursuant to Section 15073 of the California Environmental Quality Act (CEQA) the Draft IS/MND included a 30-day public review period, which ended on Monday, April 22, 2019.

The Initial Study for the proposed project identified potentially significant impacts in the environmental area of Aesthetics, Biology, Noise, Cultural Resources, Air Quality, Hazard and Hazardous Materials, and Tribe Cultural Resources. Environmental analysis determined that measures were available to mitigate potential adverse impacts to insignificant levels.

During the public review period, the Department of Conservation and Development received a letter From EBMUD and an email from NAHC, and another letter from Costa County Environmental Health. A correspondence dated April 23, 2019 from the State Clearinghouse confirms receipt for this CEQA document and also confirm that the State Clearinghouse has not received any comments from any state agency. Each correspondence is attached.

This Final Initial Study includes edits/corrections made in response to comments and other minor technical edits. New text is shown in underline and deleted text is shown in ~~strikeout~~.

This document constitutes the Final IS/MND for the Las Deltas Public Housing Development Demolition project.

## **II. Comments Received and Responses:**

Letter- East Bay Municipal Utility District, dated April 9, 2019

Comment: The District states that the District owns and operates distribution pipelines in all of the streets within the project area. Effective January 1, 2018, water service for new or future multi-unit structures shall be individually metered or sub-metered in compliance with Senate Bill SB-7. The District also informs that future redevelopment presents an opportunity to incorporate water conservation measure.

Response: The Department of Conservation and Development (DCD) appreciates the reminders. This information will be shared with the property owner and any prospective land developer. There are no comments within the District's letter that concerns the adequacy of this Mitigated Negative Declaration document.

Email from Gayle Totton, of the Native American Heritage Commission, dated April 10, 2019.

Comment: Ms. Totton states that the process for naming a Most Likely Descendant is detailed in Health and Safety Code section 7050.5 and Public Resources Code section 5097.98. The process does not include contacting the tribe that has requested consultation.

Response: The NAHC does not agree that a specific Tribe should be contacted. As a response to this matter, staff contacted Ms. Totton of the NAHC and confirmed that County would rectify the language of the mitigation to include exact language per Health and Safety Code. As a result, staff has prepared modified language to mitigation Cultural No. 2 as follows:

~~***Cultural Resources 2:** Should human remains be uncovered during demolition activities within 30 yards of these materials shall be stopped until the County coroner has had an opportunity to evaluate the significance of the human remains and determine the proper treatment and disposition of the human remains. If the coroner determines the remains may those of a Native American, the coroner will contact the Native American Heritage Commission and the Native American tribe that has requested consultation and/or demonstrated interest in the project site.*~~

Should human remains be uncovered during grading, trenching, or other on-site excavation(s), earthwork within 30 yards of these materials shall be stopped until the County coroner has had an opportunity to evaluate the significance of the human remains and determine the proper treatment and disposition of the remains. Pursuant to California Health and Safety Code Section 7050.5, if the coroner determines the remains may those of a Native American, the coroner is responsible for contacting the Native American Heritage Commission (NAHC) by telephone within 24 hours. Pursuant to California Public Resources Code Section 5097.98, the NAHC will then determine a Most Likely Descendant (MLD) tribe and contact them. The MLD tribe has 48 hours from the time they are given access to the site to make recommendations to the land owner for treatment and disposition of the ancestor's remains. The landowner shall follow the requirements of Public Resources Code Section 5097.98 for the remains.

Letter from Contra Costa Environmental Health (CCEH) dated April 26, 2019

CCEH reminds about any abandoned wells and septic tanks must be destroyed and that substantial waste could be generated with the construction and demolition activities. Debris must to go to a recycling facility and comply with solid waste requirements. Also, non-source separated waste materials must not be brought back to the contractor's yard unless the facility has an appropriate solid waste permit.

Response: The project proponent is aware of the requirements of the solid waste regulation and as stated under hazardous materials mitigations measure, any materials that are contaminated must be abated and disposed according to the hazardous materials regulations. In addition, in accordance to the discussion under the Utilities Section of this document, once the debris generated with the project activities are collected, they will be transported to an approved facility and in accordance with CalGreen regulations.

### **III. Edits and Corrections Have Been Made to the Following Sections of the Document:**

#### **A- Section 19. Utilities and Services Systems:**

*Subsection e) Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

Once the debris generated with the project activities are collected, they will be transported to an approved facility and in accordance with ~~the County Debris Recovery Ordinance~~ CalGreen regulations.

Further, any future construction on the subject site would be subject to the CalGreen cConstruction and Ddemolition Ddebris ~~Recovery Program~~ regulations administered by the ~~CDD~~ Department of Conservation and Development at the time of application for a building permit. The ~~Ddebris Rrecovery Program~~ would reduce the construction debris headed to the Landfill by diverting materials that can be recycled to appropriate recycling facilities.

#### **B- The following changes have been made to the following Sections of the MND document: ~~49 duplexes~~ 51 buildings**

- Project Title and Project Description, Page No. 1
- Aesthetics, Summary, subsection f), Page No. 4
- Air Quality, Summary, subsection a), Page No. 8
- Cultural Resources, Summary, subsection a), Page No. 14
- Geology and Soils, Summary, subsection b), Page No. 18
- Hazards and Hazardous Materials, Summary, subsection a), Page No. 20
- Land Use, Summary, subsection a), Page No. 25
- Tribal Cultural Resources, Summary, subsection a), Page No. 32

See attached Revised Final Mitigated Negative Declaration