



Department of Conservation and Development
County Planning Commission

Wednesday, April 28, 2021 – 6:30 P.M.

STAFF REPORT

Agenda Item # _____

Project Title:	Pantages Residential Subdivision Project (277 Lots)
County File(s):	CDGP19-0002, CDRZ19-3252, CDS19-9527, CDDP19-3024
Applicant:	Trevor Smith, Pantages at Discovery Bay LLC
Owners:	C&D Discovery Bay LLC and Waterfront Lots LLC
General Plan/Zoning:	<u>General Plan:</u> Single-Family Residential-High Density (SH), Single-Family Residential-Medium Density (SM), Water (WA), Open Space (OS), Public/Semi-Public (PS) <u>Zoning:</u> Planned Unit District (P-1), Urban Farm Animal Exclusion Overlay (UE)
Site Address/Location:	<p>The approximately 162-acre project site is at the eastern end of Point of Timber Road and bounded on the east and south by the original Discovery Bay community, to the west by Ravenswood and Lakeshore (Village II) in Discovery Bay West and to the north/northeast by waterways and undeveloped land.</p> <p>APNs: 004-010-006; 004-032-005, -006, -007, -062; 011-220-010, -017, -018; 011-230-006, -007</p>
California Environmental Quality Act (CEQA) Status:	An Addendum to the Pantages Bays Residential Development Environmental Impact Report (EIR) has been prepared for the project dated December 2020.
Project Planner:	Jennifer Cruz, Principal Planner (925) 655-2867 Jennifer.Cruz@dcd.cccounty.us
Staff Recommendation:	Certify Addendum and Approve Project (See Section II for Complete Recommendation)

I. PROJECT SUMMARY

The project includes a General Plan Amendment, Rezoning, Subdivision, and Final Development Plan. The project also includes a reconfiguration of the residential land uses to avoid impacts to the northern wetland complex and Kellogg Creek, reduction of residential lots from 292 (previously approved in 2013 and 2015) to 277, trail network, clubhouse area and flexible recreational area, and two internal lakes within the project site, and public roads. Approximately 23 trees will be removed and 41.55 inclusionary units will also be provided.

II. RECOMMENDATION

Staff recommends that the County Planning Commission:

1. OPEN the public hearing on the Pantages Residential Subdivision Project, RECEIVE testimony, and CLOSE the public hearing.
2. FIND that the Addendum to the Pantages Bays Residential Development Project Environmental Impact Report (State Clearinghouse #2007-052130) was completed in compliance with the California Environmental Quality Act (CEQA), was reviewed and considered by the County Planning Commission before Project approval and reflects the County's independent judgment and analysis.
3. CERTIFY the Addendum prepared for the Pantages Residential Subdivision Project.
4. ADOPT the mitigation monitoring and reporting program for the Project.
5. SPECIFY that the Department of Conservation and Development, located at 30 Muir Road, Martinez, CA, is the custodian of the documents and other material which constitute the record of proceedings upon which the decision of the County Planning Commission is based.
6. APPROVE the vesting tentative map for the Project (County File #CDSD19-9527).
7. APPROVE the findings in support of the Project.

8. APPROVE the Project conditions of approval.
9. APPROVE the Pantages Residential Subdivision Project.
10. RECOMMEND that the Board of Supervisors take the following actions:
 - a. CERTIFY the Addendum to the Pantages EIR prepared for the Pantages Bay Residential Subdivision Project and take other related CEQA actions.
 - b. APPROVE the proposed General Plan Amendment (County File #CDGP19-0002) to re-designate the project site to Single-Family Residential-High Density (SH), Open Space (OS), Water (WA), and Parks and Recreation (PR).
 - c. APPROVE the proposed Rezoning (County File #CDRZ19-3252) to Planned Unit District (P-1), Urban Farm Animal Exclusion Overlay (UE).
 - d. APPROVE the Final Development Plan (County File #CDDP19-3024) along with the associated Tree Permit.
 - e. APPROVE the Pantages Bay Residential Subdivision Project.
 - f. APPROVE and AUTHORIZE the Director of Conservation and Development to draft and execute the Pantages Subdivision Inclusionary Housing Developer Agreements pursuant to the Inclusionary Housing Ordinance requirements to form, and conditions of approval.
 - g. DIRECT staff to file a Notice of Determination with the County Clerk.

III. BACKGROUND

On December 3, 2013, the Board of Supervisors approved and certified the Pantages EIR for the Pantages Project, which consisted of the following features; widening of Kellogg Creek with the creation of waterfront lots; 292 single-family homes (116 waterfront lots and 176 non-waterfront lots); construction of a Sheriffs' Marine Patrol Substation on the project site next to the water; creation of two open space areas; public trail from the project entrance through the open space area to the water's edge.

A modification to the 2013 approval was approved by the Board of Supervisors on October 6, 2015. The modifications included the same number of homes and the

same design features. However, the new design provided an improved roadway circulation and waterfront layout, significantly improve the long-term durability of the shoring walls at the rear of the waterfront lots and significantly reduce the public trail development footprint through the Open Space area. The cement shoring wall would be replaced with sheet pile shoring wall. The roadway circulation would be improved through the addition of interior lots and the elimination of one of the bays. Some waterfront lots would be converted to interior lots. Although the total number of residential lots remained, the number of waterfront lots was reduced by 11 to 105 and the number of interior lots was increased by 11 to 187. An Addendum (2015 Addendum) to the Pantages EIR was prepared for the modified project and certified by the Board of Supervisors on October 6, 2015. The applicant has been working on obtaining state and federal regulatory permits but has encountered difficulties to secure the permits. Therefore, the applicant has submitted a project to subdivide the project site into 277 residential lots that is less impactful.

IV. GENERAL INFORMATION

- A. General Plan: The project site has several General Plan land use designations, which includes Single-Family Residential-High Density (SH), Single-Family Residential-Medium Density (SM), Open Space (OS), Water (WA), and Public/Semi-Public (PS).
- B. Zoning: The project site is located in a Planned Unit District (P-1), Urban Farm Animal Exclusion Overlay (UE).
- C. California Environmental Quality Act (CEQA) Compliance: The Department of Conservation and Development, Community Development Division (CDD) prepared an EIR certified on December 3, 2013. A previous Addendum was prepared and certified on October 6, 2015. An Addendum was also prepared for the proposed project.

As stated in the attached Addendum to the Pantages EIR there are no substantial changes proposed by the revised project or in the circumstances in which the project will be undertaken that require major revisions to the existing EIR, or preparation of a new subsequent or supplemental EIR, due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. As illustrated in the Addendum, the project is consistent with the findings of the 2013 EIR and would have similar construction-related and operational effects (Section 15162, subdivision (a), State CEQA Guidelines).

V. PROJECT SITE

The project site is located in unincorporated eastern Contra Costa County approximately 16 miles west of Stockton, 4.5 miles southeast of Brentwood, and 19 miles north of Livermore. A straight, artificial channel of Kellogg Creek runs along the eastern edge of the property between the site and the Discovery Bay development to the east. The East Contra Costa Irrigation District (ECCID) Dredger Cut, which connects to Kellogg Creek Slough runs adjacent to the northern property line.

The approximately 161-acre project site is undeveloped except for a few dilapidated structures. The project site is located west of the original Discovery Bay subdivisions at the eastern terminus of Point of Timber Road. Most of the topography is almost completely flat except for shallow depressions that host seasonal wetlands, a relatively deep depression in the north that contains emergent marsh, and areas of disturbance.

VI. PROJECT DESCRIPTION

The project includes a General Plan Amendment to re-designate the project site to Single-Family Residential-High Density (SH), Open Space (OS), Water (WA), and Parks and Recreation (PR), a rezoning of the property to a modified configuration of a Planned Unit District (P-1) and Urban Farm Animal Exclusion Overlay (UE), a subdivision of the project site into 277 single-family residential lots and 18 Common Area Parcels, and a final development plan for the Pantages Residential Project. Approximately 23 trees will be removed for the project.

The proposed project includes a reconfiguration of the residential land uses to avoid impacts to the northern wetland complex and Kellogg Creek, trail network, clubhouse area, two internal lakes within the project site, and public roads. The project would decrease the total footprint of the project improvements relative to the 2013 project. The total project acreage (161.5 acres) is smaller than the project approved in the 2013 and 2015 project (171.2 acres each). The key components are briefly described in Table 1 and in further detail below.

Table 1 Project Components

Project Feature	2013 Pantages EIR	2015 Pantages Addendum	2019 Modified Project
Bays and Coves	Yes	Yes	No

Project Feature	2013 Pantages EIR	2015 Pantages Addendum	2019 Modified Project
Widening of Kellogg Creek	Yes	Yes	No
Deep Water Access	Yes	Yes	No
Internal Lakes	No	No	Yes
Clubhouse	No	Yes	Yes
Sheriff's Patrol Substation	Yes	Yes	No
Number of Housing Units	292	292	277
Impervious Surface (acres)	17.4	18.4	13.4
Trail Length (linear feet)	3,840	3,200	5,200

Of the 277 units, a total of 41.55 units will be set aside as affordable, 15 percent of the project. Eighty percent of the 41 affordable units (33 total) would be affordable to Moderate income households and twenty percent of the 41 affordable units (8 total) would be affordable to low income households. An in-lieu fee will be paid for the remaining 0.55 units.

Table 2 Net Acreage by Land Use Type

Land Use Designation	General Plan	2013 Pantages EIR	2015 Pantages Addendum	2019 Project Modifications
Single-Family Residential – Medium-Density (SM)	42.3	46.3	42.3	0
Single-Family Residential – High-Density (SH)	45.5	34.0	45.5	58.4
Water (WA)	37.6	46.8	37.6	25.0
Public/Semi-Public (PS)	2.6	0.9	2.6	0
Parks and Recreation (PR)	0	0	0	14.8
Open Space (OS)	43.2	43.2	43.2	63.3
Total Site Acreage	171.2	171.2	171.2	161.5

Residential Elements

The project includes 277 single-family residential housing units. These units would not have deep water or waterfront access to Kellogg Creek, and would now include two lakes within the project site (Lake South and Lake North). The proposed lots range from 6,000 – 12,000 square feet. Lots on the northern portion of the project

site are generally 60' wide by 100' deep lots. Lots on the southern portion of the project site are generally 60' wide by 110' deep lots. Site access would have points of entry on Point of Timber Road and Wilde Drive. Roads and sidewalks within the residential portion of the project would create 13.4 acres of impervious surfaces.

The 2013 and 2015 projects were approved for 292 residential units with deep water access for all waterfront units and would have had only one gated point of entry at Point of Timber Road.

Trail Network

The project includes two public trail systems providing 5,200 linear feet of walkways: an internal pedestrian trail adjacent to Lake South, and a multi-purpose trail around the site perimeter providing views of Kellogg Creek, adjacent wetlands, and Lake North. The internal pedestrian trail around Lake South would connect to Point of Timber Road and passive park areas throughout the project site. This trail would also provide maintenance and emergency access. The outer multi-purpose trail system would provide access to views of Kellogg Creek, viewing areas of Lake North, and of the wetland features on the northern portion of the project site.

The 2013 project included public pedestrian and bicycle access to the open space areas via a 3,840-foot-long public trail/emergency vehicle access road to be constructed through the emergent marsh and proposed wetland mitigation/open space area. The 2015 project included 3,200 linear feet of pedestrian trail and eliminated the emergency vehicle access along the trail.

Clubhouse

The proposed project includes a clubhouse to provide residents with amenities such as exercise facilities, meeting rooms, and a viewing area of the wetlands and Kellogg Creek. The clubhouse would be located at the eastern terminus of Point of Timber Road adjacent to Kellogg Creek. This location would accommodate the clubhouse along with parking, guest parking, and active outdoor spaces to accommodate recreational uses.

The 2015 project included a much smaller clubhouse and the 2013 project did not include a clubhouse project component.

Internal Lakes

The proposed project would include construction of two lakes within the project site, Lake South and Lake North. Lake South, approximately 23 acres in size, would be surrounded by residential units on three sides, along with open space paseos that will provide view corridors; and the northern edge of the lake will be adjacent to the extension of Point of Timber Road, providing views of the entire lake from

the trail and road. Lake South includes five bio-retention areas along its perimeter. Lake North would encompass approximately 7 acres and would be located in an upland area among the seasonal wetlands and emergent marsh in the northern part of the project site.

The 2013 and 2015 projects did not include internal lakes.

Impacts To Wetlands and Kellogg Creek

The proposed project avoids or minimizes aquatic resources including wetland complexes and Kellogg Creek. The project would preserve on-site wetland features, would be set back from Kellogg Creek by approximately 70 feet, and would not increase in boat activity on the Sacramento San Joaquin Delta due to the elimination of bays and coves that would have provided deep water access.

The 2013 project evaluated approximately 5.29 acres of wetland impacts and the 2015 project evaluated approximately 5.55 acres of wetland impacts. These previous projects also required dredging to create bays and coves, that would have resulted in 5,800-6,100 linear feet of impacts or impacts to a 10.75-acre area along Kellogg Creek to facilitate deep water access.

Grading

As shown in 0 below, the cut and fill amounts required with the reconfigured site plan would not exceed the cut and fill amounts analyzed in the 2013 project. Dirt excavated from the internal lakes would be used to raise the overall site elevation to same levels approved with the 2013 project, which raised portions of the project site out of the 100-year floodplain. Cut material would be balanced on-site; however, there is a potential need to import fill material up to 90,000 cubic yards per year of fill material, if necessary. Haul trucks would access the project site from Highway 4, approximately 1.5 miles away from the project site, then proceed onto Bixler Road, and then turn right onto Point of Timber Road to enter the project site.

Table 4 Grading Balance

	2013 Pantages EIR	2015 Pantages Addendum	2019 Modified Project
Cut	1,130,000 cubic yards	1,305,461 cubic yards	775,000 cubic yards
Fill	1,250,000 cubic yards	1,344,237 cubic yards	913,000 cubic yards

The proposed project would no longer require a shoring wall, as the project would be set back from Kellogg Creek. Furthermore, the use of any type of pile driving equipment is not anticipated to be needed.

VII. AGENCY COMMENTS

- A. Conservation and Development, Building Inspection Division: In a memo dated December 5, 2019, the Division provided comments requiring County Geologist to review since the project is in an area within a liquefaction zone.
- B. Conservation and Development, Advance Planning: In a memo dated January 14, 2020, staff indicated that the project must demonstrate public benefits to justify the general plan amendment.
- C. Conservation and Development, Transportation Planning: In a memo dated December 20, 2019, staff provided comments requiring a traffic study, Class II bicycle lanes extension on Point of Timber Road within the project area, and vehicle and bicycle parking spaces should be provided for the clubhouse and the adjacent recreational space consistent with the County's Off-Street Parking Ordinance.
- D. Conservation and Development, Housing Program: In a memo dated April 7, 2021, staff provided their conditions of approval.
- E. Contra Costa Mosquito and Vector Control District: In a memo, dated December 6, 2019, the District provided comments on measures to prevent breeding, harboring, or maintaining vectors or other nuisances.
- F. Town of Discovery Bay Community Services District (TDBCSD): In a memo dated December 6, 2019, the TDBCSD indicated no comments.
- G. Local Agency Formation Commissions (LAFCO): In a memo dated December 11, 2019, LAFCO providing comments indicating that the project site is not within the Town of Discovery Bay Community Services District's sphere of influence (SOI) or service boundary. A SOI amendment and annexation will be needed if the project needs wastewater and/or water services.
- H. California Historical Resources Information System (CHRIS): In a memo dated December 17, 2019, CHRIS provided comments indicating a record four studies

conducted covering approximately 80% of the project area, the project area containing an archaeological site, recommendation to contact Native American tribe, the project area containing a historic site, and the project area containing a building or structure 45 years or older.

- I. Public Works Department, Flood Control and Water Conservation District: In a memo dated February 3, 2020, the District provided comments on the proposed project related to grading, maintenance of interior lake, and including the maintenance of Kellogg Creek with the maintenance plan of the proposed interior lake.
- J. Contra Costa Health Services, Environmental Health Division: In a letter dated October 1, 2018, the Division provided their requirements for the proposed project.
- K. Contra Costa County Fire Protection District: In a letter dated October 10, 2018, the Fire District provided their requirements for the proposed project.
- L. County Geologist: In a letter dated April 20, 2020, the County Geologist reviewed and provided recommendations on the proposed project.
- M. Public Works Department, Engineering Services Division: In a memo dated March 18, 2021, the Department provided their conditions of approval.

No comments were received from the following agencies: Department of Conservation and Development, Grading Section; Public Works Department, Traffic Division, Byron Elementary, Liberty High School, Reclamation District #800, California Fish and Wildlife, Region 5 Water Quality Control Board, Irrigation District, Delta Protection Commission, Delta Stewardship Council, and the United States Army Corp.

VIII. CEQA REVIEW

As stated in the attached Addendum to the Pantages EIR there are no substantial changes proposed by the 277 residential unit subdivision project or in the circumstances in which the project will be undertaken that require major revisions to the existing EIR, or preparation of a new subsequent or supplemental EIR, due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. As illustrated in the Addendum, the project is consistent with the findings of the 2013 EIR and would

have similar construction-related and operational effects (Section 15162, subdivision (a), State CEQA Guidelines).

IX. STAFF ANALYSIS

A. General Plan Consistency: The project site has several General Plan land use designations, which includes Single-Family Residential-High Density (SH), Single-Family Residential-Medium Density (SM), Open Space (OS), Water (WA), and Public/Semi-Public (PS). The project includes a General Plan Amendment to re-designate the project site to Single-Family Residential-High Density (SH), Open Space (OS), Water (WA), and Parks and Recreation (PR). The project is consistent with the following general plan policies.

1. Maintain the 65/35 Land Preservation Plan Standard (Measure C-1990)

General Plan Policy Consideration:

- General Plan policy #3-p, Land Use Element – The proposed General Plan Amendment (GPA) will not violate the 65/35 Land Preservation Standard (the “65/35 Standard”), established by county voters through adoption of Measure C-1990 and reaffirmed through adoption of Measure L-2006. Under the 65/35 Standard, no more than 35 percent of the land in the county may be designated for development with urban uses and at least 65 percent of the land must be designated for non-urban uses such as agriculture, open space, parks, etc. The subject site’s existing land use designations are SH, Single-Family Residential-Medium Density (SM), Public/Semi-Public (PS), OS, and WA. The proposed designations are SH, OS, WA, and PR. SH and SM are urban designations, while the rest are non-urban. The proposed GPA condenses and simplifies the land use plan, reducing the area dedicated to urban uses by 26.2 acres while expanding the OS acreage by 25 acres. The reduced acreage dedicated to urban uses is consistent with, and supports, the 65/35 Standard.

2. Potential Loss of Prime or Productive Agricultural Lands

General Plan Policy Considerations:

- General Plan policy #3-11, Land Use Element: "Urban uses shall be expanded only within the Urban Limit Line where conflicts with the agricultural economy will be minimal."
- General Plan policy #3-14, Land Use Element: "Protect prime productive agricultural land from inappropriate subdivisions."

In the previous approval the County determined that the project site was not useful for viable agricultural production and because of its proximity to existing residential development with Discovery Bay was appropriate for residential use. The proposed project to the General Plan designations does not change that conclusion.

3. Growth Management Standards Consideration

The following growth management standards were met by the previously approved project. The proposed project still complies with these standards.

General Plan Policy Considerations:

- General Plan Policy #3-5, Land Use Element: "New development within unincorporated areas of the County may be approved, provided growth management standards and criteria are met or can be assured of being met prior to the issuance of building permits in accordance with growth management."
- General Plan Policy #4-1, Growth Management Program Element: "New development shall not be approved in unincorporated areas unless the applicant can provide the infrastructure which meets the traffic level of service and performance standards outlined in Policy 4-3, or a funding mechanism has been established which will provide the infrastructure to meet the standards or as is stated in other portions of this Growth Management Element."

Traffic Level of Service

As more fully described in the Transportation/Traffic section of the EIR, implementation of the project would increase traffic and worsen level of service standards at several intersections. However, the project shall pay its fair share of

the improvements necessary to not exceed the County's traffic level of service standards in the General Plan (standards as detailed in the Growth Management Element and Transportation/Circulation Element). Furthermore, the current project would result in slightly reduced transportation and traffic impacts due to the reduced amount of daily vehicle trips introduced by the project.

Other Growth Management Standards

In regard to the other Growth Management standards, the project's impact on public services was evaluated in the EIR. As noted in the EIR, the project would lead to the construction of 277 single-family residences with a projected population increase of approximately 831 people within the Discovery Bay community less than the amount projected for the previous modified project. The anticipated number of residents would have a minor impact on the public services. The analysis in the EIR provides sufficient information to determine that the project as proposed can meet the public services performance standards contained in both the Growth Management and Public Facilities/Service elements to the General Plan. The public entities, which are expected to serve the key public services to the project site, include:

Water – Town of Discovery Bay Community Services District (after annexation)

Sewer – Town of Discovery Bay Community Services District (after annexation)

Schools – Byron Union School District and Liberty Union School District

Regional Recreation – East Bay Regional Park District

Local Parks – Town of Discovery Bay Community Services District

Fire – East Contra Costa Fire Protection District

Police – Contra Costa Sheriff's Department.

The project is also consistent with the following Housing Goal and Policy of the County's Housing Element.

- GOAL 1: Maintain and improve the quality of the existing housing stock and residential neighborhoods in Contra Costa County.

- GOAL 3: Increase the supply of housing with a priority on the development of affordable housing, including housing affordable to extremely-low income households.
- Policy 3.1: Support the development of additional affordable housing by non-profit and for-profit developers through financial assistance and/or regulatory incentives such as density bonus or flexible development standards through planned unit development.
- Policy 3.3: Increase the supply of affordable housing and encourage the development of mixed-income housing through the Inclusionary Housing Ordinance.
- GOAL 6: Provide adequate sites through appropriate land use and zoning designations to accommodate the County's share of regional housing needs.

A 292 residential unit project was previously approved for the project site in 2013 and 2015. However, obtaining state and federal regulatory permits became difficult for the applicant. The current project proposes 277 residential units and now includes 41.55 inclusionary units, which includes 33 moderate income units and eight (8) lower income units. Overall, the project would be consistent with the residential character of the surrounding area and contribute towards the regional housing need for the County and provide needed housing units for the region.

- B. Zoning Compliance: The project site is currently zoned Planned Unit District (P-1) and Urban Farm Animal Exclusion Overlay (UE). The project involves a modified configuration of the Planned Unit District (P-1), Urban Farm Animal Exclusion Overlay (UE) boundaries. The P-1 zoning district allows flexibility with respect to use, building types, lot size, and open space, while ensuring the project complies with the County's General Plan and requirements of the County's Ordinance. The design standards are identified in Condition #73 and requires a variation in design of the new residences subject to the review and approval of the Community Development Division. Furthermore, additional design standards are included in Condition #73 related to the lots that would be adjacent to the Ravenswood subdivision to the west.

The 2013 project and 2015 modified project were approved to allow rezoning of the project sit to P-1. The current project involves less residential units than what was previously approved but will remain consistent with the established neighborhood providing additional housing stock to the area.

- C. Stormwater Management and Discharge Control Ordinance: A Stormwater Control Plan (SWCP) is required for applications that will create and/or redevelop impervious surface area exceeding 10,000 square feet in compliance with the County's Stormwater Management and Discharge Control Ordinance (§1014) and the County's Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit. The applicant has provided a preliminary SWCP and site exhibit. Site drainage will be routed to IMPs situated around Lake South prior to discharging into the lake.

Provision C.10, Trash Load Reduction, of the County's NPDES permits requires control of trash in local waterways. To prevent or remove trash loads from municipal storm drain systems, trash capture devices shall be installed in catch basins (excludes those located within a bioretention/stormwater treatment facility). Devices and location must meet the County's NPDES permits and approved by Public Works Department.

- D. Drainage: Division 914 of the County Ordinance Code requires that all storm water entering and/or originating on this property to be collected and conveyed, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having a definable bed and banks or to an existing adequate public storm drainage system which conveys the storm water to an adequate natural watercourse.

The vesting tentative map includes the proposed drainage infrastructure and layout designed to County standards. The proposed drainage infrastructure includes storm drain lines, inlets/catch basins, pump stations, an interior lake (Lake South), and a secondary lake with an overflow spillway located in a marsh to the north (Lake North). The hydrology and hydraulic report submitted analyzes the 10-year and 100-year storm events for the on-site stormwater collection system and the water surface elevation (WSE) of Lake South. Based on the analysis, the on-site drainage and lake appear adequate.

The vesting tentative map notes storm drain easements (SDE) over parcels B, D, E, F, G, H, W, and S (Lakes and Open Spaces) to County. The County will not take

the maintenance responsibility of these areas as they pertain to the private lakes and pump systems. Either a CSD or the Pantages HOA or other maintenance entity shall, as a condition of approval, maintain the proposed private lakes and pump systems in perpetuity. As the lakes provide no regional drainage benefit and will be constructed for the purpose of fill material for the subdivision, neither Contra Costa County nor the Contra Costa County Flood Control and Water Conservation District will be responsible for the maintenance of the private lakes. The adjacent Lakeshores subdivision formed an HOA and CC&Rs for the maintenance of the interior lakes constructed with that development. In addition, the drainage line connecting Lake North and Lake South shall be privately maintained by a CSD or the Pantages HOA. A private Maintenance or Storm Drain Easement, to be transferred to the maintenance entity upon its formation, with the County to maintain said line within the future County right-of-way should be reserved. The easement, as approved by Public Works, will allow the maintenance entity access to its drainage infrastructure between Lake South and Lake North.

- E. Traffic and Circulation: The project site is located at the terminus of Point of Timber Road, a publicly maintained road, and Wilde Drive, a maintained road stubbed to the property from the adjacent Ravenswood subdivision. Main access will be from Point of Timber with secondary access from Wilde Drive.

All on-site streets shall meet Public Works standards as to width, alignment and pavement structural section for public roadways. Interior trails, if intended to serve as emergency access, should be designed to these same vehicular standards as well. The previous subdivision was granted a reduction to the vertical gradient standards for a minimum curb grade of 0.75%. The applicant has requested the same allowance for a reduced minimum curb grade of 0.75% under this project. Thus, the Public Works Department authorizes the reduction of the minimum uniform grade of 0.75% pursuant to the County's Ordinance Chapter 98-6.004.

- F. Trees: Approximately 23 trees will be removed for the project (previously 80 trees were proposed for removal). A condition of approval (COA) #17 requires replanting of trees as follows: 3:1 in kind replacement or replacement by native trees for non-native trees removed, or 6:1 for other native tree species that are planted to replace the two walnut trees.
- G. Lighting District Annexation: The project site should be annexed into the Community Facilities District (CFD) 2010-1 formed for the Countywide Street

Light Financing.

X. CONCLUSION

The proposed project is consistent with applicable goal and policies of the General Plan and also with the intent of the SH, OS, WA, PR General Plan designations and the P-1 Zoning district and the project has less impacts compared to the previously approved project. Staff recommends that the County Planning Commission approve the Vesting Tentative Map and recommend approval of the proposed General Plan Amendment, rezoning, and final development to the Board of Supervisors, based on the attached findings and conditions of approval.

Attachments:

1. Findings
2. Conditions of Approval
3. Ordinance Map
4. Maps (Parcel Pages, General Plan, Zoning, Aerial Photograph)
5. Addendum
6. Mitigation Monitoring Reporting Program
7. Agency Comments
8. Plans and Design Standards
9. Powerpoint Presentation

PROJECT FINDINGS FOR TREVOR SMITH, PANTAGES AT DISCOVERY BAY LLC (APPLICANT) AND C&D DISCOVERY BAY LLC AND WATERFRONT LOTS LLC (OWNERS): COUNTY FILES: #CDGP19-0002, CDRZ19-3252, CDS19-9527, CDDP19-3024

A. CEQA FINDINGS

1. Section 15164 of the *State CEQA Guidelines* states that an addendum to an earlier EIR shall be prepared if some changes or additions are necessary to the previously certified document, but none of the conditions described in Section 15162 have occurred. Section 15162 of the *State CEQA Guidelines* identifies the conditions that require preparation of a subsequent EIR. A proposed change in a project will require preparation of a subsequent EIR if:

A) The change in the project is substantial.

Substantial changes in the project are those that would require major revisions of the 2013 Pantages EIR due to the involvement of new significant environmental effects, or if a substantial increase in the severity of previously identified significant effects has occurred.

B) The circumstances under which the project is undertaken have substantially changed.

Substantial changes in circumstances are those that would require major revisions of the 2013 Pantages EIR due to the involvement of new significant environmental effects, or any changes that would cause a substantial increase in the severity of the previously identified significant effects.

C) New information of substantial importance, which was not known and could not have been known, with the exercise of reasonable diligence at the time the previous environmental document was approved, shows any of the following.

- The project will have one or more significant effects not discussed in the previous EIR or negative declaration.
- Significant effects previously examined will be substantially more severe than shown in the previous EIR.
- Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.
- Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more

significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Additionally, pursuant to Section 15163 of the *State CEQA Guidelines*, a lead agency may choose to prepare a supplement to an EIR rather than a subsequent EIR if:

- any conditions described in Section 15162 would require the preparation of a subsequent EIR; or
- only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.

PROJECT AND EIR FINDINGS

Certification of Addendum

The Commission finds that the Addendum to the Pantages Bays Residential Development Project Environmental Impact Report (EIR) has been completed in compliance with CEQA; that the Commission reviewed and considered the information contained in the Addendum prior to approving the project; and the Addendum reflects the County's independent judgment and analysis.

Impact Conclusions and Mitigation Measures

There are no substantial changes proposed by the project or in the circumstances in which the project would be undertaken that require major revisions to the existing EIR, or preparation of a new subsequent or supplemental EIR, due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. As illustrated herein, the project is consistent with the findings of the 2013 Pantages EIR and would have similar construction-related and operational effects (Section 15162, subdivision (a), State CEQA Guidelines), but at a reduced scale. Most mitigation measures from the 2013 Pantages EIR would remain in effect and would continue to mitigate the project. The project and changes in best practices 2013 resulted in updated mitigation measures for Biological Resources (Section 2.4) and Transportation and Traffic (Section 2.15). Additionally, the project has reduced or eliminated certain impacts, such that mitigation is no longer required.

The impacts of the proposed project remain within the impacts previously analyzed in the 2013 Pantages EIR (Section 15162, subdivision (b)(3), State CEQA Guidelines). The proposed project does not require major revisions to the Pantages Bays Project EIR. No new significant information or changes in circumstances surrounding the project have

occurred since certification of the EIR. The previous analysis completed for the project remains adequate under CEQA. However, the project Applicant will remain obligated to comply with all applicable mitigation measures and conditions of approval contained within the 2013 Pantages EIR and 2015 Pantages Addendum, unless appropriately added, modified, or removed to reflect the environmental review in this addendum.

The Mitigation, Monitoring Reporting Program [MMRP] is hereby adopted by the Commission, and is incorporated into these findings. The mitigation measures will feasibly reduce or avoid the potentially significant and significant impacts of the project to less-than-significant levels, and will reduce some less-than-significant impacts as well. In adopting these mitigation measures, the Commission intends to adopt each of the mitigation measures identified by the EIR.

The various documents and other materials constitute the record upon which the Commission bases these findings and the approvals contained herein. These findings cite specific pieces of evidence, but none of the Commission's findings are based solely on those pieces of evidence. These findings are adopted based upon the entire record, and the Commission intends to rely upon all supporting evidence in the record for each of its findings. The location and custodian of the documents and materials that comprise the record is Contra Costa County, Department of Conservation and Development, 30 Muir Road, Martinez, CA, 94553, telephone (925) 655-2705.

B. General Plan Amendment

1. **Required Finding:** Adoption of the proposed General Plan Amendment will not violate the County Urban Limit Line.

Project Finding: No change to the County Urban Limit Line (ULL) is proposed. No extension of urban services beyond the ULL is proposed. The subject site is located entirely within the ULL, and therefore may be designated for "urban" or "non-urban" development, as defined in the 2005-2020 Contra Costa County General Plan. The proposed land use designations, Single-Family Residential-High Density (SH), Open Space (OS), Parks and Recreation (PR), and Water (WA) are all allowed.

2. **Required Finding:** Adoption of the proposed General Plan Amendment is consistent with the 65/35 Land Preservation Standard.

Project Finding: Adoption of the proposed General Plan Amendment (GPA) will not violate the 65/35 Land Preservation Standard (the "65/35 Standard"),

established by county voters through adoption of Measure C-1990 and reaffirmed through adoption of Measure L-2006. Under the 65/35 Standard, no more than 35 percent of the land in the county may be designated for development with urban uses and at least 65 percent of the land must be designated for non-urban uses such as agriculture, open space, parks, etc. The subject site's existing land use designations are SH, Single-Family Residential-Medium Density (SM), Public/Semi-Public (PS), OS, and WA. The proposed designations are SH, OS, WA, and PR. SH and SM are urban designations, while the rest are non-urban. The proposed GPA condenses and simplifies the land use plan, reducing the area dedicated to urban uses by 26.2 acres while expanding the OS acreage by 25 acres. The reduced acreage dedicated to urban uses is consistent with, and supports, the 65/35 Standard.

3. **Required Finding:** The proposed General Plan Amendment is consistent with the Contra Costa County Growth Management Program.

Project Finding: The current iteration of the Contra Costa County Growth Management Program was established by county voters through adoption of Measure J-2004. The project complies with the objectives and requirements of the Growth Management Program and related Contra Costa Transportation Authority (CCTA) resolutions.

4. **Required Finding:** Following adoption of the proposed General Plan Amendment, the General Plan will remain internally consistent, as required under Government Code Section 65300.5.

Project Finding: The County General Plan comprises an integrated, internally consistent, and compatible statement of policies governing land use in the unincorporated areas of the county. The proposed GPA affects only the Land Use Element Map and involves reorganizing the land use plan for a previously approved project. The development footprint would shrink, and the unit count would decrease from 292 single-family homes to 277. Open space would increase by 25 acres and there would be less overall disturbance to the natural environment when compared to the previous plan. The proposed change is consistent and compatible with the General Plan's policies for the Discovery Bay area as well as the overarching goals and policies of the General Plan related to land use, growth management, transportation, housing, noise, conservation, open space, and safety. In no way does amending the project's land use plan interfere with the County's ability to otherwise implement the General Plan.

Adoption of the proposed GPA will not result in an internal inconsistency within the General Plan.

5. **Required Finding:** Adoption of the proposed General Plan Amendment is in the public interest, as required under Government Code Section 65358(a).

Project Finding: Adoption of the proposed GPA is in the public interest. The Bay Area suffers from a severe housing shortage. The previous plan for 292 single-family homes was unable to obtain approval from various State and federal agencies because of certain environmental impacts that would occur. The proposed plan for 277 single-family homes avoids many of those impacts and has a higher likelihood of being constructed, thus adding to the housing stock and helping to alleviate the housing shortage.

The project includes the following additional components that also are in the public interest:

- It provides 41.55 inclusionary housing units, which includes construction of 8 Lower Income Housing Units and 33 Moderate Income Housing Units, and payment of an in-lieu fee for the remaining fractional unit (0.55 unit). The previous approval did not include affordable units.
 - It preserves all onsite wetland resources, including 19.77 acres associated with the emergent marsh and seasonal wetlands in the area north of the residential development.
 - It provides public pedestrian access in proximity to the onsite wetlands and Kellogg Creek by way of 5,200 linear feet of new trails meandering through new parks near the wetlands and along the preserved Kellogg Creek. The trails will accommodate pedestrian and bicyclist use on an approximately 10-foot wide, all-weather compacted crushed granite surface that will double as emergency vehicle access. The wetland, park, and trail experiences will be enhanced with educational signage that documents and discusses the types of plant and animal species inhabiting the environmental resource areas.
 - It provides supplemental funding to support park maintenance in the Discovery Bay area.
6. **Required Finding:** Adoption of the proposed General Plan Amendment would not exceed the limit on such amendments specified under Government Code Section 65358(b).

Project Finding: Pursuant to Government Code Section 65358(b), no mandatory element of the General Plan may be amended more than four times per calendar year. The proposed GPA affects the Land Use Element, a mandatory element, and is the first amendment to such element for 2021.

C. Growth Management Findings

1. Traffic: The property site is located at the terminus of Point of Timber Road, a publicly maintained road, and Wilde Drive, a maintained road stubbed to the property from the adjacent Ravenswood subdivision. The main access to the project site will be from Point of Timber with secondary access from Wilde Drive. An Environmental Impact Report (EIR) was prepared in 2013 and identified several streets and intersections in the region that will be directly or cumulatively impacted by this development. The mitigation measures per the EIR include construction or participation in the funding of these improvements either directly or through payment of fees to established regional area of benefit fee accounts or, in the absence thereof, County managed roadway deficiency trust accounts. Below is a summary of the impacts.

- Under the Existing Plus Project conditions, the addition of project traffic is not projected to cause any significant impacts. Under Cumulative conditions, the addition of Project traffic is projected to cause potentially significant impacts at 11 intersections and significant and unavoidable at two roadway sections (Vasco Road and Marsh Creek Road).
- Holoway Drive/Byron Highway – This unsignalized intersection is projected to operate at LOS F during the PM peak hour under Cumulative and Cumulative Plus Project conditions. The addition of project trips would increase intersection delay by more than five seconds, which is considered a potentially significant impact.
- Sellers Avenue/Balfour Road – This unsignalized intersection is projected to operate at LOS F during AM and PM peak hours under Cumulative and Cumulative Plus Project conditions. The addition of project trips would increase intersection delay by more than five seconds, which is considered a potentially significant impact.
- Balfour Road/Byron Highway – This unsignalized intersection is projected to operate at LOS E during the AM peak hour under Cumulative Plus Project

conditions. The addition of project trips would degrade intersection operations from acceptable LOS D to LOS E, which is considered a potentially significant impact.

- Point of Timber Road/Byron Highway – This unsignalized intersection is projected to operate at unacceptable LOS D during the PM peak hour under Cumulative Plus Project conditions. The addition of project trips would degrade intersection operations from LOS B to unacceptable LOS D, which is considered a potentially significant impact.
- Point of Timber Road/Bixler Road – This unsignalized intersection is projected to operate at unacceptable LOS E during the PM peak hour under Cumulative Plus Project conditions. The addition of project trips would degrade intersection operations from LOS C to LOS E, which is considered a potentially significant impact.
- Marsh Creek Road/Sellers Avenue – This unsignalized intersection is projected to operate at LOS F during AM and PM peak hours under Cumulative and Cumulative Plus Project conditions. The addition of project trips would increase intersection delay by more than five seconds, which is considered a potentially significant impact.
- Marsh Creek Road/Bixler Road – This unsignalized intersection is projected to operate at LOS F during AM and PM peak hours under Cumulative and Cumulative Plus Project conditions. The addition of project trips would increase intersection delay by more than five seconds, which is considered a potentially significant impact.
- State Route 4/Byron Highway (south intersection) – Based on the HCM method, this signalized intersection is projected to operate at LOS E during the AM peak hour under Cumulative and Cumulative Plus Project Conditions. Based on the CCTALOS method, this intersection is projected to operate at LOS E during the AM peak hour and unacceptable LOS D during the PM peak hour under Cumulative conditions and LOS F during the AM peak hour and LOS E during the AM peak hour under Cumulative Plus Project conditions. The addition of project trips would increase delay by less than five seconds, but would increase the V/C ratio by more than 0.01, which is considered a potentially significant impact.

- State Route 4/Newport Drive – This unsignalized intersection is projected to operate at LOS F during the PM peak hour under Cumulative and Cumulative Plus Project conditions. The addition of project trips would increase intersection delay by more than five seconds, which is considered a potentially significant impact.
- Camino Diablo Road/Vasco Road – Based on the HCM method, this signalized intersection is projected to operate at LOS E during the PM peak hour under Cumulative and Cumulative Plus Project conditions. Based on the CCTALOS method, this intersection is projected to operate at LOS D during the PM peak hour. The addition of project trips would increase delay by more than five seconds and increase the V/C ratio by more than 0.01, which is considered a potentially significant impact.
- Camino Diablo Road/Byron Highway – This unsignalized intersection is projected to operate at LOS F during AM and PM peak hours under Cumulative and Cumulative Plus Project conditions. The addition of project trips would increase intersection delay by more than five seconds during the PM peak hour, which is considered a potentially significant impact.
- All 11 of these impacts can be reduced to less-than-significant levels with implementation of the proposed mitigations.
- Service along Vasco Road, south of Camino Diablo would not meet the Contra Costa County Transportation Authority's Multimodal Transportation Service Objective (MTSO) target LOS D in either the northbound or southbound direction during the AM and PM peak hour under either cumulative condition. Service along Marsh Creek Road, west of SR4, would not meet the MTSO target LOS D in either the eastbound or westbound direction during the AM or PM peak hour under either cumulative condition. The addition of project traffic would worsen the LOS along both these two roadway segments. And, even though the project will pay its fair share of regional roadway fees, since there is no plan to provide additional capacity on this roadway section, the impacts to these two road segments would remain significant and unavoidable, and required adoption of a Statement of Overriding Conditions, which was previously prepared and adopted for the 2013 EIR.

2. Water:

Water would be supplied to the project by the Town of Discovery Bay Community Services District (TDBCSD). The TDBCSD prepared a Water Master Plan (Water MP) in January of 2012, that identifies projected growth, including the Pantages Bays Project, through 2020, and the water supply and service improvements required to serve them. The improvements and programs in the Water MP would be implemented through a Capital Improvement Plan (CIP) funded by financial mechanisms approved by the TDBCSD. The Pantages Bays Project would be required to pay its fair share towards the improvements identified in the Water MP. To assure that the development does not outpace infrastructure the applicant is required to submit a Can & Will Serve letter from TDBCSD to the County prior to filing of the Final Map (Condition of Approval #49). Also, prior to issuance of the first occupancy permit, the applicant shall provide documentation to CDD that the necessary improvements to serve the project are constructed and operational (Condition of Approval #49).

The Project requires approval from LAFCO for sphere of influence amendments and corresponding annexation into the TDBCSD service for water services.

3. Sanitary Sewer:

Wastewater collection and treatment services would be provided to the project by the TDBCSD. The Discovery Bay Wastewater Treatment Plant is undergoing a phased expansion to provide adequate service and capacity to both existing and proposed developments in the Town of Discovery Bay. The TDBCSD has prepared a Wastewater Master Plan (Wastewater MP) in October, 2011, that identifies projected growth, including the Pantages Bays Project.

Similar to the Water MP, the Wastewater MP includes recommended improvements to meet the District's projected wastewater demands through 2020. The improvements would be implemented through a Capital Improvement Program (CIP) funded by financial mechanisms approved by the TDBCSD. The plan would include new capacity fee to charge new development for its fair share of wastewater treatment upgrades that are necessary to serve both the existing community and new development. The Pantages Bays Project would be required to pay their fair share towards the improvements identified in the Wastewater MP CIP. To assure that the development does not outpace infrastructure the applicant is required to submit a Can & Will Serve letter from TDBCSD to the County prior to filing of the Final Map (Condition of Approval #49). Also, prior

to issuance of the first occupancy permit, the applicant shall provide documentation to CDD that the necessary improvements to serve the project are constructed and operational (Condition of Approval #49).

The Project would require approval from LAFCO for sphere of influence amendments and corresponding annexation into the TDBCSD service boundary for sewer services.

4. Fire Protection:

According to County General Plan, Fire Protection Policies, the Fire Department shall strive to reach a maximum running time of 3 minutes and/or 1.5 miles from the nearest fire station, and new development shall pay its fair share of costs for new fire protection facilities and services. The Project is within 0.5 miles of Fire Station 59 at 1801 Bixler Road and the project will pay its fair share of fire protection services. In addition, all of the proposed homes will be sprinklered.

5. Public Protection:

Police protection services in the project vicinity are provided by the Delta Station of the Contra Costa County Sheriff's Office, located at 220 O'Hara Avenue within the City of Oakley. The Delta Station provides police services to the following three areas (Lt. M. Burton 2010-Pantages Bays DEIR, June 2012):

- Beat 31: Unincorporated areas of Antioch, Brentwood and Oakley
- Beat 32: Discovery Bay
- Beat 33: Bethel Island, Knightsen and Byron

The applicant is conditioned to establish a police services district prior to recording of the Final Map which augments police services by voting to approve a special tax for the parcels created by this subdivision approval. That requirement is typical for new residential development in unincorporated areas of the County.

6. Parks and Recreation:

The County General Plan Growth Management Element requires new development to provide 3 acres of neighborhood parkland per 1000 people. Pursuant to the County's dedication requirements. The project would increase

the amount of land designated for open space, and parks and recreational land uses by 63.3 and 14.8 additional acres, respectively, compared to the project evaluated in the Pantages 2013 Pantages EIR. Additionally, the applicant will be paying a park impact fee of \$ 6,616 per dwelling unit and dedication fee of 3,142 per dwelling unit.

7. Flood Control and Drainage:

The County Floodplain ordinance requires that a Floodplain Permit be obtained for all planned improvements on lands subject to inundation by the 100-year flood. As noted above, the project lies within the 100-year flood boundary as designated on the Federal Emergency Flood Rate Maps and therefore is required to comply with the County Floodplain Ordinance. Flood control design for this Project will be based on the 100-year base flood event assuming State projections for sea level rise by 2100.

D. Rezoning Findings

1. **Required Finding:** The change proposed will substantially comply with the general plan.

Project Finding: The site is currently zoned P-1, Planned Unit Development that was approved by the Board of Supervisors on December 3, 2013 and subsequently on October 6, 2015. The Project modifies the configuration of the previously approved development that reduces the number of residential units from 292 to 277 that necessitates the modification of the boundaries of the P-1 zoning. The new configuration will be consistent with the new General Plan land use designation of Single-Family Residential-High Density (SH), Open Space (OS), Water (WA), and Parks and Recreation (PR).

2. **Required Finding:** The uses authorized or proposed in the land use district are compatible within the district and to uses authorized in adjacent district.

Project Finding: The Project is a residential P-1 Planned Unit Development compatible with and substantially based generally on the standards contained under the R-6 residential zoning district, and it includes open space areas with recreational public trail uses. The Project is consistent with the adjacent residential developments to the west, east and south which are single-family

residential neighborhoods of comparable residential densities and are zoned P-1 as well.

3. **Required Finding:** Community need has been demonstrated for the use proposed, but this does not require demonstration of future financial success.

Project Finding: The Project use will provide new housing that assist in meeting the housing supply needs identified in the Housing Element of the General Plan. Furthermore, the Project will provide 41.55 inclusionary housing units.

E. Tentative Map Findings

1. **Required Finding:** The advisory agency shall not approve a tentative map unless it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the applicable general plan required by law.

Project Finding: The Project will provide 277 residential units, and common and open space areas. The Project is consistent with the new General Plan land use designations of Single-Family Residential-High Density (SH), Open Space (OS), Water (WA), and Parks and Recreation (PR) for the project site. Furthermore, the project is consistent with the respective Goals and Policies of the County's General Plan.

2. **Required Finding:** The advisory agency shall not approve a tentative map unless it shall find that the proposed subdivision fulfills construction requirements.

Project Finding: The Project will comply with the collect and convey regulations, storm drainage facilities, and design standards for private roads. Additionally, compliance with the California Building Code and all applicable County Ordinances is required for grading of the property and construction of residential buildings.

F. Findings of Approval of P-1 Zoning District and Final Development Plan

1. **Required Finding:** The applicant intends to start construction within two and one-half years from the effective date of the zoning change and plan approval.

Project Finding: The applicant has indicated that they intend to commence construction within 2 ½ years off the effective date of the zoning change and plan approval.

2. **Required Finding:** The proposed planned unit development is consistent with the County General Plan.

Project Finding: The project includes a General Plan Amendment to re-designate the project site to Single-Family Residential-High Density (SH), Open Space (OS), Water (WA), and Parks and Recreation (PR). The project provides 277 residential units and common areas, including open space areas with two public trail systems. Overall, the project is consistent with these new land use designations and the respective Goals and Policies of the County's General Plan.

3. **Required Finding:** In the case of residential development, it will constitute a residential environment of sustained desirability and stability and will be in harmony with the character of the surrounding neighborhood and community.

Project Finding: The surrounding area consists of residences and the project to provide 277 residential units is consistent with the area. Residences will consist of one or two-story elements and have setbacks similar to the surrounding properties in the area. The design of the residences will be reviewed by staff prior to issuance of a building permit. Overall, the project is similar to the single-family development established in the surrounding area and the previous residential project approved for the project site.

4. **Required Finding:** The development of a harmonious integrated plan justifies exceptions from the normal application of this code.

Project Finding: The previous 292 residential development approved for the site included a Final Development Plan to establish a P-1. The project was not developed due to regulatory permitting difficulties. The project is to allow 277 residential units that is consistent with the surrounding area.

G. Tree Permit Findings

Required Finding: The County Planning Commission is satisfied that the following factors as provided by County Code Section 816-6.8010 for granting a tree permit have been satisfied:

1. Reasonable development of the property will require the removal of 23 trees will be necessary to construct the project. Replanting of trees is required, including a restitution for the replanted trees. All feasible efforts have been made to retain the maximum number of trees, as well as, to preserve those trees, which are exceptional due to their visual prominence on the site.
2. Development of this project cannot be reasonably accommodated on other parts of the property due to the size of the project site.

CONDITIONS OF APPROVAL FOR TREVOR SMITH, PANTAGES AT DISCOVERY BAY LLC (APPLICANT) AND C&D DISCOVERY BAY LLC AND WATERFRONT LOTS LLC (OWNERS): COUNTY FILES: #CDGP19-0002, CDRZ19-3252, CDSD19-9527, CDDP19-3024

Project Approval

1. This approval is based on the exhibits/reports/letters received by the Department of Conservation and Development, Community Development Division (CDD) and/or referenced in the Pantages Bays Addendum dated December 2020 and November 2014, the Pantages Bays Residential Development Project Final Environmental Impact Report dated July 2013 or the Conditions of Approval below, including the following:
 - A. Vesting Tentative Map received on February 25, 2020 and 2020 Pantages Design Standards received on November 6, 2020.
 - B. Tree Reports: HortScience October 2006 & August 2007.
 - C. Biology: Conceptual Wetland and Emergent Marsh Preservation and Mitigation Plan for Pantages, Gibson & Skordal 2006 / Evaluation of potential California red-legged frog, Miriam Green Associates 2010. / Evaluation of giant garter snake, Miriam Green Associates 2010. / Results of special-status species, Miriam Green Associates 2003. / Response to CDFG Comments, Miriam Green Associates August 31, 2012. / Listed Vernal Pool Branchiopods [fairy shrimp] Wet Season Survey Pantages Property, Gibson & Skordal, LLC May 2003. / Dry Season Fairy Shrimp Survey Pantages Property, EcoAnalysts, Inc. August 4, 2003. / Pantages Bays Aquatic Resources Report, Stillwater Sciences May 2007. / Bank Habitat Plan, Sheet 7 of 11 on Pantages Bays Plans October 2009. / Modified Table 8 Quantity (feet) and quality of dominant bank habitat affected by the project, Stillwater Sciences June 2010. / Modified Table 9 Quantity (feet) and quality of dominant bank habitat affected by the project, Stillwater Sciences June 2010. / Response to CDFG Comments, Stillwater Sciences September 26, 2012. / Zetner Planning and Ecology prepared a Biological Resources Technical Report dated August 2020. / Impacts to federally protected reptiles and amphibians were analyzed in a separate memorandum prepared by Eric C. Hansen dated June 11, 2020.
 - D. Geology: Engeo, updated geotechnical report 2014, Preliminary Geotechnical Exploration, ENGEO 1999. / Geotechnical Exploration

Pantages, ENGEO June 23, 2004. / Geotechnical Exploration Pantages Bays
ENGEO September 22, 2006 (revised October 27, 2006). / Summary of
Potential Settlement, ENGEO 2011. / Phase One Environmental Site
Assessment, ENGEO January 26, 2005. / Updated Engeo Geotechnical
Report dated February 13, 2020.

E. Hydrology: Stormwater Control Plan C.3 Report prepared by MacKay &
Somps dated February 24, 2020. / Hydrologic and Hydraulic Analysis
Memorandum prepared by MacKay & Somps dated February 24, 2020.

F. Wetlands Delineation Plan Sheet 10 of 13 on Pantages Bays Plans
Modified September 2014. / Jurisdictional Delineation Pantages Property,
Gibson & Skordal, LLC December 2002 and verified by Army Corp letter
dated June 4, 2003. / Supplemental Delineation Request-Pantages Project,
Gibson & Skordal, LLC October 11, 2006. / Army Corps letter dated
January 7, 2009, verifying Jurisdictional Delineation Map Pantages
Properties May 2008.

2. This subdivision is approved contingent upon the following Board of Supervisors
actions;

A. Approval of the proposed modified General Plan amendment from
SH, SM, PS, OS and WA to a modified configuration of those same
land use designations with the deletion of PS and SM and the
addition of PR (County File #GP19-0002).

B. Approval of the proposed modified Rezoning from P-1, UE to a
modified configuration of that same zoning designation (County File
#RZ19-3252)

If either, the general plan amendment or the rezoning application is not
approved, then this approval shall be null and void.

3. This approval allows for a maximum of 277 residential lots.

Application Fees

4. The applications submitted were subject to an initial deposit of \$8,500 for the
General Plan Amendment, \$32,635 for the rezoning, \$35,928 for the subdivision,
and \$3,000 for the final development plan. The applications are subject to time

and material costs if the application review expenses exceed the initial deposit. Any additional fee due must be paid prior to an application for a grading or building permit, or 60 days of the effective date of this permit, whichever occurs first. The fees include costs through permit issuance and final file preparation. Pursuant to Contra Costa County Board of Supervisors Resolution Number 2019/553, where a fee payment is over 60 days past due, the Department of Conservation and Development may seek a court judgement against the applicant and will charge interest at a rate of ten percent (10%) from the date of judgement. The applicant may obtain current costs by contacting the project planner. A bill will be mailed to the applicant shortly after permit issuance in the event that additional fees are due.

Indemnification

5. Pursuant to Government Code Section 66474.9, the applicant (including the subdivider or any agent thereof) shall defend, indemnify, and hold harmless the County, agents, officers, and employees from any claim, action, or proceeding against the Agency (the County) or its agents, officers, or employees to attack, set aside, void, or annul, the Agency's approval concerning this subdivision map application, which action is brought within the time period provided in Section 66499.37. The County will promptly notify the subdivider of any such claim, action, or proceeding and cooperate fully in the defense.

Compliance Report

6. **At least 45 days prior to recordation of the Final Map or issuance of a grading or building permit, whichever occurs first**, the applicant shall provide a permit compliance report to the Department of Conservation and Development, Community Development Division (CDD) for review and approval. The report shall identify all conditions of approval that are administered by the CDD. The report shall document the measures taken by the applicant to satisfy all relevant conditions. Copies of the permit conditions may be obtained from the CDD. Unless otherwise indicated, the applicant will be required to demonstrate compliance with the applicable conditions of this report prior to filing the Final Map.

Project Phasing / Filing of Multiple Subdivision Maps

7. The filing of multiple Final Maps or multiple Parcel Maps must conform with Sections 66456.1 & 66463.1 of the Subdivision Map Act and is subject to the review and approval of the Community Development Division and the Public

Works Department. Contra Costa County has the authority to impose reasonable conditions relating to the filing of multiple Final Maps or multiple Parcel Maps, and the conditions of approval for this subdivision permit shall apply to each subdivision phase. If multiple subdivision maps will be filed, the conditions of approval for this permit must be satisfied for each phase prior to recordation of individual maps, and a separate compliance review application will be required for each subdivision phase to determine the status of the conditions of approval for that phase.

Child Care

8. **Prior to the issuance of building permit for a new residence**, the developer shall pay a fee of \$400.00 per lot upon which a residence is being built for childcare facility needs in the area as established by the Board of Supervisors.

Park Impact Fee

9. **Prior to submittal of a building permit for a new residence**, the applicant shall pay the applicable park impact fee as established by the Board of Supervisors.

Park Dedication Fee

10. **Prior to submittal of a building permit for a new residence**, the applicant shall pay the applicable park dedication fee as established by the Board of Supervisors.

Police Services District

11. **Election for Establishment of a Police Services District to Augment Police Services: Prior to the recordation of the Final Map**, the owner of the property shall participate in the provision of funding to maintain and augment police services by voting to approve a special tax for the parcels created by this subdivision approval. The tax shall be per parcel annual amount (with appropriate future CPI adjustment) established at the time of voting by the Board of Supervisors. The election to provide for the tax shall be completed prior to filing the Final Map. The property owner shall be responsible for paying the cost of holding the election, payable at the time the election is requested by the owner. Allow a minimum of three to four months for processing.

Mitigation Measures

The following conditions are the mitigation measures identified in EIR and subsequent Addendum. Some of the mitigation measures are no longer needed because of the project and therefore, have been deleted from the conditions of approval.

Air Quality

12. Wood burning fireplaces or stoves shall not be permitted. Only natural gas fireplaces or stoves shall be permitted. Project plans shall not include wood burning fireplaces or stoves and shall clearly indicate the prohibition against such use. That prohibition includes outdoor wood burning fireplaces, ovens or similar wood burning features. **(Mitigation Measure AQ-1)**

13. To reduce the air quality impacts of PM associated with grading and new construction, the project applicant shall incorporate the following mitigation measures for all phases of construction:
 - All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
 - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

- Post a publicly visible sign with the telephone number and person to contact at the on-site complaint and enforcement manager (COA#44) regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

(Mitigation Measure AQ-2a)

14. To reduce health risks from TACs during project construction, the project applicant shall incorporate the following mitigation measures into the project:

- Minimize the idling time of diesel-powered construction equipment to two minutes;
- Develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction of the project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NO_x reduction and 45 percent PM reduction compared to the most recent ARB fleet average. Acceptable option for reducing emissions includes the use of late model engines, low-emission diesel projects, alternative fuels, engine retrofit technology, after-treatment projects, add-on devices such as particulate filters, and /or other options as such become available;
- Require that all construction equipment, diesel trucks, and generators be equipped with best available technology for emission reductions of NO_x and PM; and
- Require all contractors use equipment that meets CARB's more recent certification standard for off-road heavy duty diesel engines.

(Mitigation Measure AQ-2b)

Biology

Special-Status Plants

15. Prior to site disturbance a pre-construction survey for the Delta button celery (*Eryngium racemosum*) shall be conducted by a qualified biologist during the plant's blooming period (June to October). The survey shall be conducted in the area of the project site south of Point of Timber Road. If Delta button celery is not found, no further mitigation is needed. If Delta button celery is found, a qualified biologist shall implement feasible alternative measures such as plant relocation, seed collection, propagation or other suitable measures, including monitoring

and reporting, that would reasonably reduce the potential impacts on Delta button celery. The qualified biologist shall coordinate implementation of these measures with the California Department of Fish and Game and efforts shall be consistent with related protocols. **(Mitigation Measure BIO-A)**

16. Prior to site disturbance pre-construction special-status plant surveys shall be conducted by a qualified biologist. Pre-construction surveys shall occur during the season that provides an adequate opportunity to identify occurrences of any special-status plants. If no special-status plants are found, no further mitigation is needed. If a special-status plant or plants are found, a qualified biologist shall implement feasible alternative measures such as plant relocation, seed collection, propagation or other suitable measures, including monitoring and reporting, that would reasonably reduce the potential impacts to the identified special-status plant. The qualified biologist shall coordinate implementation of these measures with the California Department of Fish and Game and efforts shall be consistent with related protocols. **(Mitigation Measure BIO-A)**

Landscape Trees

17. To offset impacts resulting from the removal of ~~80~~ 23 trees on the project site, ~~the project includes landscaping with approximately 1,019 trees that would be planted along the project roadways and at the project site entry as part of the proposed landscaping. This is an approximately 9.5:1 mitigation ratio following mitigation ratios shall be followed subject to the approval or modification of the Department of Conservation and Development: a 3:1 in kind replacement or replacement by native trees for non-native trees removed, or 6:1 for other native tree species that are planted to replace the two walnut trees.~~ The Applicant comply with the following landscape/irrigation improvement and initial protection requirements subject to the review and approval of the Department of Conservation and Development, Community Development Division (CDD):
 - Final Landscape Plan: **At least 30 days prior to the issuance of a grading permit**, prepared by a licensed landscape architect shall be submitted to the CDD for review and approval. Proposed trees to be replanted on the residential lots shall be identified on the final landscape plan.
 - Minimum Size Plants: All proposed trees shall be a minimum of 15-gallon size; all shrubs shall be a minimum 5-gallon size.
 - Maintenance Cost: Landscaping shall generally be designed to minimize landscape maintenance cost.

- Compliance with Water Conservation and Sight Obstruction Ordinance Requirements: The plan shall comply with the State's Model Water Efficient Landscape (or with the County Ordinance if one is adopted) and with the Sight Obstruction at Intersections ordinance (Chapter 82-18). The latter ordinance applies to intersections with public roads. The landscape architect shall certify that the plan complies with the ordinance improvement standards and reporting requirements.
- To assure the long-term viability of this landscaping the applicant shall post a bond for the value of the landscaping, installation plus 20%. The term of the bond shall extend 24 months beyond the installation of landscaping. Prior to the acceptance of the bond by the County a qualified landscape designer shall assess the value of the landscape and provide a copy of that assessment to the CDD. Prior to the release of the bond a landscape designer shall submit a letter to CDD that the landscaping is in good health.
(Mitigation Measure BI0-1)

18. The trees identified on the final landscape plan as trees to be planted on a residential lot shall be planted prior to final inspection for each lot.
19. Tree removal shall occur only with an approved grading or building permit.

Western pond turtle

20. ~~The applicant shall install turbidity barriers around construction areas in Kellogg Creek and the buffers protecting the preserved emergent marsh to ensure that western pond turtles do not enter the project construction areas.~~

~~The western pond turtle is not a state listed species; therefore, it is not protected pursuant to the California Endangered Species Act. Thus, the resource agencies (CDEG and USFWS) do not have specific mitigation guidelines that must be followed to offset a project's impact to the western pond turtle. Mitigation for this special-status species is determined on a project by project basis. It is likely that any mitigation implemented for the California red-legged frog and the giant garter snake would also mitigate the proposed project's impact on the western pond turtle. The mitigation measure for impacts to these two listed species would be a 1:1 mitigation ratio (that is, for each 1 acre of impact, 1 acre of mitigation land would be acquired offsite or preserved onsite) for impacts to aquatic habitat and a surrounding upland buffer area, or mitigation would be as worked out by the applicant, the USFWS, and the Corps at the time applications for permits/authorizations from these two agencies are submitted. Replacement~~

~~habitat can be acquired via fee title acquisition of land, contribution into an existing mitigation bank, or, with permission from state and federal regulatory agencies and in agreement with the Conservancy, the applicant may make a financial contribution to the Conservancy.~~

Within 5 days of initiating construction activities, a qualified biologist (knowledgeable and experienced in western pond turtle identification) shall conduct preconstruction surveys of all areas in these locations that will or could be impacted by construction activities. Any western pond turtles or eggs observed within the construction zone shall be allowed to leave the area on their own accord or they shall be relocated by the qualified biologist to a suitable area outside of the construction zone. A survey report detailing the survey results shall be prepared and submitted to the biological permitting agencies prior to the start of construction.

After the preconstruction survey and prior to construction activities, an exclusion fence shall be placed between the development and the bank habitat and the emergent marsh habitat such that a western pond turtle could not move from these habitats into the development area. A qualified biologist shall be present during trenching activities associated with the exclusion fence installation.

The exclusion fencing will be standard silt fencing, approximately 42 inches in height that will be trenched 6 inches into the soil. The soil will then be compacted against both sides of the fence to prevent wildlife from gaining access underneath. The stakes will be placed on the inside of the fence facing the development. No gaps or holes are permitted in the fencing system, except for pedestrian and vehicle entry points.

The entry/exit points may be constructed in the fencing system for equipment and personnel, but the qualified biologist must ensure no wildlife is capable of entering the fenced off site via the gate. The gate structure must be flush to the ground with no holes or gaps (i.e., plywood gates with silt fencing flaps).

The fence will be inspected occasionally by a qualified biologist for holes, gaps, or access points, which shall be repaired upon discovery. The area inside the fence will also be inspected for trapped wildlife prior to the initiation of construction each day. If wildlife is discovered, the fence shall be opened and monitored until the wildlife has left the fenced area on its own accord and no work shall occur

during this period. If the wildlife does not leave on its own accord, CDFW will be contacted before work may continue. (Mitigation Measure BIO-6)

Tree nesting birds/raptors

21. ~~If possible, tree removal shall be completed outside the nesting season (that is, between September 2 and February 28). In an abundance of caution, a preconstruction nesting survey of the tree to be removed shall be conducted within 30 days of the scheduled removal to ensure no birds are nesting.~~

~~If construction or tree removal would commence between March 1 and September 1 during the nesting season, nesting surveys shall be conducted 30 days prior to grading/construction of the project or any proposed tree removal work. The raptor nesting surveys shall include examination of all trees and shrubs within sphere of influence of the proposed project, and not just of those trees slated for removal.~~

~~If nesting raptors are identified during the surveys, the dripline of the nest tree shall be fenced with orange construction fencing (provided the tree is on the project site), and a 300-foot radius around the nest tree shall be staked with bright orange lath or other suitable staking.~~

~~If the tree is adjacent to the project site then the buffer shall be demarcated per above where the buffer occurs on the project site. The size of the buffer may be altered if a qualified raptor biologist conducts behavioral observations and determines the nesting raptors are well acclimated to disturbance. If this occurs, the raptor biologist shall prescribe a modified buffer that allows sufficient room to prevent undue disturbance/ harassment to the nesting raptors. This buffer may be reduced no smaller than 100 feet from the nest tree.~~

~~No construction or earth-moving activity shall occur within the established 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 1. This date may be earlier than August 1 or later, and would have to be determined by a qualified raptor biologist. If construction related work would commence anytime during the nesting/breeding season for raptors or other bird species listed in the Migratory Bird Treaty Act (typically February 1 through September 15), a pre-construction survey of the project vicinity for nesting birds shall be conducted. This survey shall be conducted by a qualified biologist (experienced with the nesting behavior of bird species of the region) within 7 days prior to the commencement of construction activities that would occur during the nesting/breeding season.~~

The intent of the survey shall be to determine if active nests are present within or adjacent to the construction zone within approximately 250 feet. The surveys shall be timed such that the last survey is concluded no more than one week prior to initiation of construction. If ground disturbance activities are delayed following a survey, then an additional pre-construction survey shall be conducted such that no more than one week will have elapsed between the last survey and the commencement of ground disturbance activities.

If active nests are found in areas that could be directly or indirectly affected by the project, a no-disturbance buffer zone shall be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged. The size of the buffer zones (generally 250 for raptors and 50 for passerines) and types of construction activities restricted within them should be determined through consultation with the CDFW depending on the species, taking into account factors such as the following:

- g. Noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity;
- h. Distance and amount of vegetation or other screening between the construction site and the nest; and
- i. Sensitivity of individual nesting species and behaviors of the nesting birds.

The buffer zone around an active nest shall be established in the field with orange construction fencing or another appropriate barrier and construction personnel shall be instructed on the sensitivity of nest areas. The qualified biologist shall serve as a construction monitor during those periods when construction activities would occur near active nest areas of special-status bird species to ensure that no impacts on these nests occur. **(Mitigation Measure BIO-8)**

Swainson's hawk

22. To meet the CDFG's mitigation requirements for impacts to Swainson's hawk foraging habitat the applicant shall implement one of the following scenarios:
- iv. Dedicate and preserve 135 acres of habitat² (this is a 1:1 impact to mitigation ratio), as approved by CDFG, to a conservation organization. An operating endowment shall be provided to the conservation organization to manage any preserved lands in perpetuity.

- v. ~~With permission from state and federal regulatory agencies and in agreement with the Conservancy, the applicant may make a financial contribution to the Conservancy, commensurate with approximately 135 acres of impacts to Swainson's hawk foraging habitat.~~

The loss of potential foraging hawk habitat shall be mitigated in consultation with the CDFW following the recommendations provided below. The CDFW Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California (CDFG 1994) recommends that projects within 1 mile of an active nest provide:

- One acre of Habitat Management (HM) land (at least 10 percent of the HM land requirements shall be met by fee title acquisition or a conservation easement allowing for the active management of the habitat, with the remaining 90 percent of the HM lands protected by a conservation easement [acceptable to the Department] on agricultural lands or other suitable habitats which provide foraging habitat for Swainson's hawk) for each acre of development authorized (1:1 ratio); or
- One-half acre of HM land (all of the HM land requirements shall be met by fee title acquisition or a conservation easement [acceptable to the Department] which allows for the active management of the habitat for prey production on-the HM lands) for each acre of development authorized (0.5:1 ratio).

~~Prior to site disturbance t~~To ensure that no impacts occur to any nesting Swainson's hawk, preconstruction nesting surveys shall be conducted no more than one month prior to construction to establish whether Swainson's hawk nests within 1,000 feet of the project site are occupied in conformance with the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Technical Advisory Committee, 2000).

~~If an active nest is found on or adjacent to within 0.25 miles of the project site "to avoid potential violation of Fish and Game Code 2080 (i.e., killing of listed species), project-related disturbance at active Swainson's hawk nesting sites should be reduced or eliminated during critical phases of the nesting cycle (March 1-September 15 annually)" (CDFG 1994) and/or in consultation with the CDFW.~~

~~If Swainson's hawk are found nesting on the project site, a qualified raptor biologist shall establish a non-disturbance boundary around the nesting site. The~~

size of this nondisturbance boundary shall be determined by the ~~qualified raptor~~ biologist in the field and in consultation with the CDFW. The buffer shall be based upon the location of the nesting tree, the bird's tolerance of noise, and the type of other disturbance (e.g., ground vibrations). Once the young have fledged from the nest, the buffer can be removed, and all project activities can commence.

~~Upon completion of nesting cycle, as determined by a qualified raptor biologist, and in coordination with CDFG, any non-disturbance boundary/nest buffer could be vacated.~~

~~If the nest tree must be removed as part of the project, removal of this tree shall be mitigated in accordance with the mitigation measure prescribed for tree removal impacts in **Mitigation Measure BIO-1**. Tree planting is proposed as mitigation at a 9.5:1 ratio (that is, planting: removal). Replacement nest trees shall be native species (such as oaks or cottonwoods). (**Mitigation Measure BIO-9**)~~

Western burrowing owl

23. Any necessary resource agency permits related to western burrowing owl shall be issued, and evidence thereof provide to CDD, prior to ground disturbance activities. Western burrowing owl surveys conducted according to the methodologies prescribed by CDFG in their *Staff Report on Burrowing Owl Mitigation*, dated March 7, 2012. Below we provide a summary of the survey methodologies contained in the *Staff Report on Burrowing Owl Mitigation* that would be applicable to the project site. These surveys would meet the standards of care required by CEQA for conducting surveys.
 - a. Initiating Survey. An initial take avoidance survey shall be conducted no less than 14 days prior to initiating ground disturbance activities. Burrowing owls may re-colonize a site after only a few days. Time lapses between project activities will trigger subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance.
 - b. Number of visits and timing. Conduct four survey visits: 1) at least one site visit between February 15 and April 15, and 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one Visit after June 15.
 - c. Survey method. Conduct surveys by walking straight-line transects spaced 7 meters (m) to 20 m apart, adjusting for vegetation height and density. At the start of each transect and, at least, every 100 m, scan the entire visible project area for burrowing owls using binoculars. During walking surveys, record all potential burrows used by burrowing owls as determined by the

- presence of one or more burrowing owls, pellets, prey remains, whitewash, or decoration. Some burrowing owls may be detected by their calls, so observers should also listen for burrowing owls while conducting the survey.
- d. Weather conditions. Poor weather may affect the surveyor's ability to detect burrowing owls, therefore, avoid conducting surveys when wind speed is > 20 km/hr, and there is precipitation or dense fog. Surveys have greater detection probability if conducted when ambient temperatures are > 20° C, <12 km/hr winds, and cloud cover is <75%.
 - e. Time of day. Daily timing of surveys varies according to the literature, latitude, and survey method. However, surveys between morning civil twilight and 10:00 AM and two hours before sunset until evening civil twilight provide the highest detection probabilities.
 - f. Avoiding burrowing owls. A primary goal is to design and implement projects to seasonally and spatially avoid negative impacts and disturbances that could result in take of burrowing owls, nests, or eggs. Avoidance measures may include but not be limited to:
 - Avoid disturbing occupied burrows during the nesting period, from February 1 through August 31.
 - Avoid impacting burrows occupied during the non-breeding season by migratory or non-migratory resident burrowing owls.
 - Avoid direct destruction of burrows through chaining (dragging a heavy chain over an area to remove shrubs), disking, cultivation, and urban, industrial, or agricultural development.
 - Develop and implement a worker awareness program to increase the on-site worker's recognition of and commitment to burrowing owl protection.
 - Place visible markers near burrows to ensure that equipment and other machinery do not collapse burrows.
 - Do not fumigate, use treated bait or other means of poisoning nuisance animals in areas where burrowing owls are known or suspected to occur (e.g., sites observed with nesting owls, designated use areas).
 - Restrict the use of treated grain to poison mammals to the months of January and February.
 - g. Minimizing Impacts. If burrowing owls and their habitat can be protected in place on or adjacent to the project site, the use of buffer zones, visual screens or other measures while project activities are occurring can minimize disturbance impacts. A qualified biologist shall conduct site-specific monitoring to inform the project proponent of buffer

requirements. See Staff Report on Burrowing Owl Mitigation (2012) for additional guidance.

- h. Permanent Impacts. Refer to Staff Report on Burrowing Owl Mitigation (2012) for additional guidance regarding mitigation of permanent impacts to burrowing owl habitat loss.
- i. With permission from state and federal regulatory agencies and in agreement with the Conservancy, the applicant may make a financial contribution to the Conservancy to mitigate impacts to burrowing owls and burrowing owl habitat. **(Mitigation Measure BIO-10)**

Impacts to other nesting birds

See revised Mitigation Measure BIO-8

Cultural Resources

24. Pursuant to CEQA Guidelines Section 15064.5, in the event that any prehistoric, historic, archaeological or paleontological resources are discovered during ground-disturbing activities, all work within 100 feet of the resources shall be halted and the applicant shall consult with the County and a qualified professional (historian, archaeologist and/or paleontologist as determined appropriate and approved by the County) to assess the significance of the find.

If any find is determined to be significant, representatives of the County and the consulting professional shall determine the appropriate avoidance measures or other appropriate mitigation.

In considering any suggested mitigation proposed by the consulting professional to mitigate impacts to cultural resources, the County shall determine whether avoidance is feasible in light of factors such as the nature of the find, project design, costs, and other considerations.

If avoidance is infeasible, other appropriate measures, such as data recovery, shall be instituted. Work may proceed on other parts of the project site while mitigation for cultural resources is carried out. All significant cultural materials recovered shall, at the discretion of the consulting professional, be subject to scientific analysis, professional museum curation, and documentation according to current professional standards.

At the County's discretion, all work performed by the consulting professional shall be paid for by the applicant and at the County's discretion, the professional may work under contract with the County. **(Mitigation Measure CUL-1)**

25. In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps shall be taken:
1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
 - The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and
 - If the coroner determines the remains to be Native American:
 - The coroner shall contact the Native American Heritage Commission within 24 hours;
 - The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American;
 - The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98; or
 2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance:
 - The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the Commission;
 - The identified descendant fails to make a recommendation; or
 - The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner. **(Mitigation Measure CUL-4)**

Geology

26. The project applicant shall design structures and foundations to withstand expected seismic sources in accordance with the current version of the California Building Code, as adopted by the County. **(Mitigation Measure GEO-1a)**

27. **At least 60 days prior to filing of the Final Map**, the Applicant shall submit updated improvement plans for the project for review by the County's Peer Review Geologist and review and approval by CDD. For the purposes of geologic review, the plans shall provide detailed information on the bank stabilization wall system being proposed along the waterfront residential lots. **(Mitigation Measure GEO-1b)**

28. **Prior to the issuance of building permits**, the Applicant shall submit an updated geology, soils and foundation report meeting the requirements of the Subdivision Ordinance, Section 94-4.420 for review by the Peer Review Geologist and review and approval of CDD. The report shall address the specific approach to grading and development indicated by the final subdivision map and improvement plans, and shall provide technical data and engineering analysis that addresses the stability of the residential lots. The project geotechnical engineer shall use the following performance criteria:
 - a. Factor of Safety of a minimum of 1.5 for static conditions,
 - b. Factor of Safety of 1.25 for pseudo-static conditions, and which takes into account the potential for a seismic source in the site vicinity (Great Valley seismic zone), and
 - c. Factor of Safety of 13 for rapid draw down. **(Mitigation Measure GEO-1c)**

29. During the construction of subdivision improvements, the project geotechnical engineer shall provide observation and testing services and issue a grading/shoring wall completion report. The report shall provide documentation on the bank stabilization wall depths and appropriate testing of fill compaction to determine the effectiveness of the bank stabilization measures in preventing lateral spreading failures toward the Kellogg Creek channel. **(Mitigation Measure GEO-1d)**

30. **At least 60 days prior to filing of the Final Map**, the Applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) for review and approval by the Building Inspection Division of the Department of Conservation and Development. The SWPPP shall be consistent with the terms of the State Construction Storm Water General Permit, the manual of Standards for Erosion and Sedimentation Control Measures by the Association of Bay Area Governments, policies and recommendations of the County and the RWQCB. The County has SWPPP resources available on its website: <http://www.co.contra-costa.ca.us/depart/pw/design/swppp/>.

With regard to long-term control of sedimentation and protection of water quality, a Storm Water Control Plan (SWCP) C.3 Report (MacKay & Soms 2020) was prepared for the project and submitted to the County's Public Works Department in order to comply with County water quality requirements. Engineered linear bioretention facilities (dry swales) are the selected storm water runoff treatment for this project, which are area-based storm water treatment facilities. **(Mitigation Measure GEO-2)**

31. **At least 30 days prior to filing the Final Map**, the Applicant shall submit a plan for monitoring corrosivity of pads and road beds. The plan shall demonstrate how the results of the study will guide design of concrete and ferrous materials that are in contact with the ground. **(Mitigation Measure GEO-3)**

Deed Requirement for Geology, Soil, and Foundation Report

32. **Concurrent with recordation of the Final Map**, the Applicant shall record a statement to run with the deeds to the property acknowledging the approved geology, soil, and foundation report by title, author (firm), and date, calling attention to approved recommendations, and noting that the report is available from the seller.

Global Climate Change

33. The County shall ensure that the project applicant(s) employs green building techniques in the design of proposed structures within the Pantages Bays project. Specifically, structures shall conform at a minimum to the California Green Building Code or equivalent green building standards. **(Mitigation Measure Cum-GCC-1a)**
34. The applicant shall incorporate the following measures within the proposed project:
- Project landscaping shall include water-efficient native and adaptive plants in combination with high-efficiency irrigation equipment;
 - Recycled content shall be included in project building materials, including the use of pre-consumer fly-ash in the concrete for project walkways, driveways, roadways, and non-plant landscape elements;

- To protect regional and indoor air quality, interior paints, carpets, adhesives, sealants, and coatings selected for the project shall have a low concentration of volatile organic chemicals (VOCs);
- The heating, ventilation, and air conditions (HVAC) systems within each single family home shall use environmentally responsible refrigerants (i.e. non CFC-based refrigerants);
- Indoor ventilation systems in each home shall include high-efficiency systems to provide enhanced indoor air quality as potential pollutants would be ventilated through the building at a faster rate;
- The project shall install high efficiency restroom fixtures including low- flow or dual flush toilets to reduce potable water use;
- Wood from sustainably harvested forests (as certified by the Forest Stewardship Council) shall be used in wood materials for the single-family homes, including flooring, cabinets, trim, shelving, doors, and countertops; and
- The project shall install water and energy efficient appliances and lighting fixtures, including EnergyStar dishwashing and refrigeration equipment.
- In each garage an electric outlet shall be installed and dedicated for use in recharging electric vehicles. **(Mitigation Measure CUM GCC-1b)**

Hazardous Materials

35. **Prior to issuance of grading permits**, soil samples shall be collected from the paint disposal area and analyzed for metals, petroleum hydrocarbons, and volatile organic compounds. Soil samples shall be compared to the Environmental Screening Levels (ESLs) as determined by the Central Valley Regional Water Quality Control Board. If soil samples exceed ESLs, the soil shall be investigated and remediated under the oversight of the Contra Costa Environmental Health Division (CCEHD). **(Mitigation Measure HAZ-1a)**

The project site shall be inspected by an environmental professional, appointed by the County, during demolition and preliminary grading activities. In the event that previously unidentified contaminants are discovered, the contamination shall be reported to CCEHD and investigated and remediated under the oversight of CCEHD in accordance with existing regulatory programs. **(Mitigation Measure HAZ-1b)**

36. **Prior to the issuance of a demolition permit**, the Applicant shall submit proof to the County that **all** asbestos-containing materials have been removed at the

existing residence located to the south of Point of Timber Road, in compliance with state regulations. **(Mitigation Measure HAZ-2a)**

37. **Prior to the issuance of a demolition permit**, the Applicant shall submit proof to the County that all lead-based paint (LBP) has been removed at each of the existing former residences on the project site, in compliance with state regulations. **(Mitigation Measure HAZ-2b)**

Hydrology

38. During construction, a qualified SWPPP Practitioner (QSP) on the project team shall perform, at minimum, weekly monitoring of the water quality in Kellogg Creek adjacent to the turbidity barriers to determine whether adjustments to their position or depth are required. Monitoring shall be more frequent, as needed, to accurately assess water quality degradation. **(Mitigation Measure HYD-1a)**
39. **At least 60 days prior to filing of the Final Map**, the Applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) for review and approval by the Building Inspection Division of the Department of Conservation and Development. The SWPPP shall be consistent with the terms of the State Construction Storm Water General Permit, the manual of Standards for Erosion and Sedimentation Control Measures by the Association of Bay Area Governments, policies and recommendations of the County and the RWQCB. The County has SWPPP resources available on its website: www.co.contracosta.ca.us/depart/pw/design/swppp/. Additionally, the Title 10 Ordinance (1010) of the Contra Costa County Code of Ordinances requires the project sponsor to obtain a permit for drainage activities for creek improvements to Kellogg Creek and Old Kellogg Creek. **(Mitigation Measure HYD-1b)**
40. To prevent pollution of receiving waters due to equipment fueling, storage, and maintenance, the contractor shall develop a detailed set of guidelines to follow. Final plan notes, and contractor bid documents shall include the following specifications:
1. Space in the staging area shall be reserved for storage of maintenance materials and refueling purposes.
 2. The staging area shall be graded to prevent any runoff so that any contaminants such as spilled fuel, oil, or grease will not reach the receiving waters.

If heavy-duty construction machinery is left overnight in an area that is not protected from direct runoff to receiving waters, drip pans shall be placed beneath the engine block and hydraulic systems. **(Mitigation Measure HYD-1c)**

41. **Prior to the issuance of grading permits**, the Applicant shall coordinate with Contra Costa Environmental Health Division (CCEHD) to identify and survey the existing and abandoned groundwater wells on the project site.

The identified groundwater wells shall be properly decommissioned and/or retrofitted under permit from CCEHD. CCEHD shall inspect the decommissioned wells for approval. **(Mitigation Measure HYD-2)**

42. Improvement plans, including final grading plans shall include, at minimum, a finished floor elevation of residential units at 14.1 feet. **(Mitigation Measure HYD-3a)**
43. Improvement plans, including final grading plans shall include, at minimum, a finished street level elevation of 12.1 feet including the EVAs. **(Mitigation Measure HYD-3b)**

Noise and Vibration

44. All noise generating construction activities shall be limited to the hours of 7:30 AM to 5:30 PM, Monday through Friday, and shall be prohibited on state and federal holidays on the calendar dates that these holidays are observed by the state or federal government as listed below:
- New Year's Day (State and Federal)
 - Birthday of Martin Luther King, Jr. (State and Federal)
 - Washington's Birthday/Presidents' Day (State and Federal)
 - Lincoln's Birthday (State)
 - Cesar Chavez Day (State)
 - Memorial Day (State and Federal)
 - Independence Day (State and Federal)
 - Labor Day (State and Federal)
 - Columbus Day (State and Federal)
 - Veterans Day (State and Federal)
 - Thanksgiving Day (State and Federal)
 - Day after Thanksgiving (State)

- Christmas Day (State and Federal)

For specific details on the actual day the state and federal holidays occur, please visit the following websites:

Federal Holidays: <http://www.opm.gov/fedhol/>

California Holidays: <http://www.ftb.ca.gov/aboutFTB/holidays.shtml>

At least 10 days prior to the issuance of grading permits, signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a contact number for the on-site complaint and enforcement manager in the event of problems.

An on-site complaint and enforcement manager shall be available to respond to and track complaints. The manager will be responsible for responding to any complaints regarding construction noise and for coordinating with the adjacent land uses. The manager will determine the cause of any complaints and coordinate with the construction team to implement effective measures (considered technically and economically feasible) warranted correcting the problem. The telephone number of the coordinator shall be posted at the construction site and provided to neighbors in a notification letter. The manager will be trained to use a sound level meter and should be available during all construction hours to respond to complaints.

At least one week prior to commencement of grading or construction activities for each major phase of construction, the Applicant shall prepare a notice that grading or construction work will commence. The notice shall be posted at the site and mailed to all the owners and occupants of property within 300 feet of the exterior boundary of the project site as shown on the latest equalized assessment roll. The notice shall include a list of contact persons with name, title, phone number and area of responsibility. The person responsible for maintaining the list shall be included. The list shall be kept current at all times and shall consist of persons with authority to indicate and implement corrective action in their area of responsibility. The names of individuals responsible for noise and litter control, tree protection, construction traffic and vehicles, erosion control, and the 24-hour emergency number, shall be expressly identified in the notice. The notice shall be re-issued with each phase of the project and a copy shall be mailed to CDD. **(Mitigation Measure NOI-1a)**

45. **At least 30 days prior to the issuance of grading permits**, the Applicant shall prepare a detailed construction noise mitigation plan to the CDD for the review and approval. The goal of the plan is to provide a framework for notifying neighbors of the extent of the noise that can be expected during particular phases of the project grading, what mitigation will be applied, and who to call if there are noise-related complaints. Submission of this construction noise mitigation plan shall be required as part the grading permit application.

The construction noise mitigation plan shall use the California Model Community Noise Ordinance limits of 75 dBA for mobile equipment and 60dBA for stationary equipment as the primary noise mitigation goals.

Information in the plan shall include but not be limited to the following:

- Construction schedule showing dates and location of activities.
- List of equipment to be used during each major construction phase and sound level estimates for each phase.
- Height, length, and location of any recommended noise barriers. The barriers can be constructed out of wood or other materials as long as they have a minimum surface weight of approximately 2.5 pounds per square foot. Possible materials include 1-1/8-inch-thick plywood or fully overlapping 1x redwood boards (1 1/2-inch-thick total). The barriers would likely be 6 to 8 feet tall, but this would be refined as part of the construction noise control plan. Issues to consider when determining the ultimate height, length, and location of the barriers are the actual construction practices, including equipment to be used and the location and duration of noisier activities. The topography will also need to be considered in the final determination of barrier heights and effectiveness.
- Truck routing to minimize noise at existing noise sensitive locations. The project applicant shall limit trucks to routes, hours, and days of the week set by Contra Costa County.
- Locate stationary equipment as far from residents as is practicable and/or enclose noise sources.
- The project applicant shall require the contractor to use electric or hydraulically powered rather than diesel or pneumatically powered equipment and construction tools as feasible.
- Provide intake silencers and "resident-type" exhaust mufflers on vehicles and equipment and/or acoustically shroud or shield impact tools as feasible.

- ~~The method for construction of the shoring walls will be sheet pile shoring wall that for installation will use a variable moment driver/hammer, or similar vibratory method approved by CDD.~~
(Mitigation Measure NOI-1b)

46. **At least 14 days prior to the issuance of grading permits**, the Applicant shall construct temporary noise barriers along the western property line neighboring the existing residences at the Ravenswood and Discovery Bay West subdivisions. Noise barriers shall provide noise reductions in the range of 5 to 10 dBA.
(Mitigation Measure NOI-1c)

Parks and Recreation

47. Improvement plans shall include two 90-degree parking stalls located at the end of "A" Court designated for handicap accessibility in order to provide for vehicular access for the disabled adjacent to the public trails within the project open space. Signage at the project entry shall provide notice as to the location of the ADA parking stalls. The CC&Rs for the homeowners association shall confirm the requirements with respect to project signage and for permanent retention of the ADA parking stalls at the "A" Court. The final location of the two parking stalls, and the form and text of the applicable signage, public trail easement and CC&Rs with respect to this condition, shall be approved by CDD **prior to filing of the Final Map**.

Public Utilities (Water & Sewer)

48. **Prior to filing of the Final Map**, the Applicant shall provide documentation to CDD (i.e., Can & Will Serve letter), demonstrating to the satisfaction of CDD that the TDBCSD has identified and secured sufficient financing for the construction of any required improvements outlined in the Water MP to ensure sufficient capacity exists to serve the project.

Prior to the issuance of the first occupancy permit, the Applicant shall provide documentation to the CDD that said improvements needed to serve the project are constructed and operational. **(Mitigation Measure UTIL-1)**

49. **Prior to filing of the Final Map**, the Applicant shall provide documentation to CDD (i.e., Can & Will Serve letter), demonstrating to the satisfaction of CDD that TDBCSD has identified and secured sufficient funding for the construction of any capacity or treatment improvements outlined in the Wastewater MP and

necessary so that serving the project does not exceed the requirements of RWQCB.

Prior to the issuance of the first occupancy permit, the Applicant shall provide documentation to the CDD that said improvements needed to serve the project are constructed and operational, and that any source control measures are being implemented consistent with the requirements of RWQCB. **(Mitigation Measure UTIL-2)**

Transportation

50. Mitigation of the unacceptable traffic conditions at the SR4/Byron Highway (south) can be achieved by adding a second northbound to westbound left-turn lane from Byron Highway onto SR4 and its associated receiving lane. This improvement is included in the 2018 East County Regional Area of Benefit (ECRAOB) Transportation Mitigation Fee Update project list, currently identified in the 2007 Contra Costa County Capital Road Improvement & Preservation Program, although funding has not been identified. If this improvement is not included in a County fee program or other funding program at the time of project approvals, the project applicant shall be responsible for their fair share of the improvement. The project applicant shall pay the required fee prior to the issuance of building permits. (Mitigation Measure TRA-1)
51. The project applicant shall pay regional roadway fees to the East Contra Costa Regional Fee and Financing Authority (ECCRFFA) fee program to upgrade existing roadways. Implementation of Mitigation Measure TRA -2 would require the project applicant to pay regional roadway fees to upgrade existing roadways and/or construct new facilities in the project area upon issuance of building permits. **(Mitigation Measure TRA-2)**
52. Mitigation of the unacceptable traffic conditions at the Byer Road/Byron Highway intersection can be achieved by installing a traffic signal and a southbound left turn lane. This improvement is not identified in any funding program.

As indicated in Table 4.16-15 of the EIR, the project applicant would be required to contribute 12 percent of the total costs to the County's Road Trust account (Fund #8192) for this improvement upon issuance of building permits. This trust fund shall fund improvements to intersections identified as operating unacceptably under cumulative conditions and not identified in an AOB fee program.

In lieu of the nominal cash contribution towards this future improvement, the County finds it preferable to require the applicant to fully fund and install the signal and intersection improvements at Point of Timber/Bixler Road as described in **Mitigation Measure CUM TRA-5**. This alternative construction project would be of greater overall benefit due to its closer proximity to the subdivision and its greater impact thereon. **(Mitigation Measure CUM TRA-1)**

~~If this improvement is not included in a County fee program at the time of project approvals, the project applicant shall pay its fair share towards the cost of this improvement to the County's Road Trust account (Fund #8192) prior to the issuance of building permits. This trust fund shall fund improvements to intersections identified as operating unacceptably under cumulative conditions and not identified in a fee program. As indicated in Table 4.16-15 of the EIR, the project applicant would be required to contribute 12 percent of the total costs for this improvement upon issuance of building permits. To determine the cost of the improvement, the Applicant shall prepare an engineer's estimate of that cost for review and approval of the Public Works Department prior issuance of building permits. **(Mitigation Measure CUM TRA-1)**~~

53. Mitigation of the unacceptable traffic conditions at the Holway Drive/Byron Highway and Camino Diablo Road/Byron Highway intersections can be achieved by installing a traffic signal at the Camino Diablo Road/Byron Highway and providing left-turn pockets on all approaches. Traffic turning left from eastbound Camino Diablo Road to northbound Holway Drive and left again from Holway Drive to Byron Highway would instead turn left at the signalized Camino Diablo Road/Byron Highway intersection. This mitigation would require modifications to the adjacent railroad crossing west of the intersection to provide the required left turn pocket on the eastbound approach.

This improvement is included in the 2018 ECRAOB Draft East County Regional AOB Transportation Mitigation Fee Update project list. The project applicant shall pay the required AOB fee. **(Mitigation Measure CUM TRA-2)**

54. Mitigation of the unacceptable traffic conditions at the Sellers Avenue/Balfour Road intersection can be achieved by installing a traffic signal and providing left turn lanes at all four intersection approaches.

This improvement is included in the 2018 ECRAOB Draft East County AOB Transportation Mitigation Fee Update project list. The project applicant shall pay the required 2018 ECRAOB AOB fee. Implementation of this mitigation measure

would reduce this impact to less-than-significant. **(Mitigation Measure CUM TRA-3)**

55. Mitigation of the unacceptable traffic conditions at the Point of Timber Road/Byron Highway intersection can be achieved by installing a traffic signal.

This improvement is included in the 2018 ECRAOB Draft East County AOB Transportation Mitigation Fee Update project list. The project applicant shall pay the required AOB fee. **(Mitigation Measure CUM TRA-4)**

56. Mitigation of the unacceptable traffic conditions at the Point of Timber Road/Bixler Road intersection can be achieved by installing a traffic signal and adding left turn lanes at all four intersection approaches. This improvement is not identified in any funding program.

As indicated in Table 4.16-15 of the EIR, the project applicant would be required to contribute between 30 and 39 percent of the total costs to the County's Road Trust account (Fund #8192) for this improvement upon issuance of building permits. This trust fund shall fund improvements to intersections identified as operating unacceptably under cumulative conditions and not identified in a fee program.

In lieu of the cash contribution towards this future improvement, the County finds that the best option is to require the applicant to fully fund and install the signal and intersection improvements at Point of Timber/Bixler Road as described:

The Applicant shall install a traffic signal and add left-turn lanes at all four intersection approaches for mitigation of the unacceptable traffic conditions at the Point of Timber Road/Bixler Road for CUM TRA-5 per Condition of Approval # 101 **(Mitigation Measure CUM TRA-5)**

~~If this improvement is not included in a County fee program at the time of project approvals, the project applicant shall pay its fair share towards the cost of this improvement to the County's Road Trust account (Fund #8192) prior to the issuance of building permits. This trust fund shall fund improvements to intersections identified as operating unacceptably under cumulative conditions and not identified in a fee program. As indicated in Table 4.16-15 of the EIR, the project applicant would be required to contribute between 30 and 39 percent of the total costs for this improvement upon issuance of building permits. To~~

~~determine the cost of the improvement, the Applicant shall prepare an engineer's estimate of that cost for review and approval of the Public Works Department prior issuance of building permits. **(Mitigation Measure CUM TRA-5)**~~

57. Mitigation of the unacceptable traffic conditions at the Marsh Creek Road/Sellers Avenue intersection can be achieved by installing a traffic signal.

This improvement is included in the 2018 ECRAOB Draft East County AOB Transportation Mitigation Fee Update project list. The project applicant shall pay the required 2018 ECRAOB AOB fee. **(Mitigation Measure CUM TRA-6)**

58. Mitigation of the unacceptable traffic conditions at the Marsh Creek Road/Bixler Road intersection can be achieved by installing a traffic signal. This improvement is not identified in any funding program.

As indicated in Table 4.16-15 of the EIR, the project applicant would be required to contribute between 10 percent and 11 percent of the total costs to the County's Road Trust account (Fund #8192) for this improvement upon issuance of building permits. This trust fund shall fund improvements to intersections identified as operating unacceptably under cumulative conditions and not identified in an AOB fee program.

In lieu of the nominal cash contribution towards this future improvement, the County finds it preferable to require the applicant to fully fund and install the signal and intersection improvements at Point of Timber/Bixler Road as described in **Mitigation Measure CUM TRA-5**. This alternative construction project would be of greater overall benefit due to its closer proximity to the subdivision and its greater impact thereon. **(Mitigation Measure CUM TRA-7)**

~~If this improvement is not included in a County fee program at the time of project approvals, the project applicant shall pay its fair share towards the cost of this improvement to the County's Road Trust account (Fund #8192) prior to the issuance of building permits. This trust fund shall fund improvements to intersections identified as operating unacceptably under cumulative conditions and not identified in a fee program. As indicated in Table 4.16-15 of the EIR, the project applicant would be required to contribute between 10 and 11 percent of the total costs for this improvement upon issuance of building permits. To determine the cost of the improvement, the Applicant shall prepare an engineer's estimate of that cost for review and approval of the~~

~~Public Works Department prior issuance of building permits. **(Mitigation Measure CUM TRA-7)**~~

59. Mitigation of the unacceptable traffic conditions at the SR4/Byron Highway (south) intersection can be achieved by adding a second left-turn lane on the Byron Highway approach and a second through lane on the southeast-bound SR4 approach.

The second left-turn lane on the Byron Highway approach improvement is included in the 2018 ECRAOB Transportation Mitigation Fee Update project list, currently identified in the ~~2007 Contra Costa County Capital Road Improvement & Preservation Program~~, although funding has not been identified. The second through lane on the southeast-bound SR4 approach is not identified in any funding program.

~~If this improvement is not included in a County fee program at the time of project approvals, the project applicant shall pay its fair share towards the cost of this improvement to the County's Road Trust account (Fund #8192). The project applicant shall pay the required fee prior to the issuance of building permits. This trust fund shall fund improvements to intersections identified as operating unacceptably under cumulative conditions and not identified in a fee program. As indicated in Table 4.16-17, the project applicant would be required to contribute between 9 and 11 percent of the total costs for this improvement. **(Mitigation Measure CUM TRA-8)**~~

60. Mitigation of the unacceptable traffic conditions at the SR4/Newport Drive intersection can be achieved by installing a traffic signal. This improvement is not identified in any funding program.

As indicated in Table 4.16-15 of the EIR, the project applicant would be required to contribute between 4 percent and 6 percent of the total costs to the County's Road Trust account (Fund #8192) for this improvement upon issuance of building permits. This trust fund shall fund improvements to intersections identified as operating unacceptably under cumulative conditions and not identified in an AOB fee program.

In lieu of the nominal cash contribution towards this future improvement, the County finds it preferable to require the applicant to fully fund and install the signal and intersection improvements at Point of Timber/Bixler Road as described in **Mitigation Measure CUM TRA-5**. This alternative construction project would

be of greater overall benefit due to its closer proximity to the subdivision and its greater impact thereon. **(Mitigation Measure CUM TRA-9)**

~~If this improvement is not included in a County fee program at the time of project approvals, the project applicant shall pay its fair share towards the cost of this improvement to the County's Road Trust account (Fund #8192) prior to the issuance of building permits. This trust fund shall fund improvements to intersections identified as operating unacceptably under cumulative conditions and not identified in a fee program. As indicated in Table 4.16-15 of the EIR, the project applicant would be required to contribute between 4 and 6 percent of the total costs for this improvement upon issuance of building permits. To determine the cost of the improvement, the Applicant shall prepare an engineer's estimate of that cost for review and approval of the Public Works Department prior issuance of building permits.~~
(Mitigation Measure CUM TRA-9)

61. Mitigation of the unacceptable traffic conditions at the Camino Diablo Road/Vasco Road intersection can be achieved by adding a northbound right turn lane. This improvement is included as one of several improvements at this intersection in the 2013 ECRAOB Draft East County AOB Transportation Mitigation Fee Update project list. The project applicant shall pay the required 2018 ECRAOB AOB-fee. **(Mitigation Measure CUM TRA-10)**
62. The project applicant shall pay regional roadway fees to the East Contra Costa Regional Fee and Financing Authority (ECCRFFA) fee program to upgrade existing roadways upon issuance of building permits. **(Mitigation Measure CUM TRA-11)**

Visual/Lighting

63. **At least 30 days prior to the issuance of building permits**, the Applicant shall submit a lighting plan for the review and approval by CDD. Exterior lighting shall be low mounted, downward casting, shielded, and shall utilize motion detection systems where applicable. In general, the light footprint of individual units shall not extend beyond the periphery of each property. Implementation of exterior lighting fixtures on all buildings shall also comply with the standard California Building Code (Title 24, Building Energy Efficiency Standards) to reduce the lateral spreading of light to surrounding uses. **(Mitigation Measure VIS-1)**

Street Names

64. **At least 30 days prior to filing the Final Map**, proposed street names (public and private) shall be submitted for review by CDD, Graphics Section (Phone #674-7810). Alternate street names should be submitted. The Final Map cannot be certified by CDD without the approved street names. Street names of historic significance to this part of the Delta and Point of Timber will be used if available, subject to review and approval of CDD.

Architectural Design of Production Model Homes/Fencing Plan

65. **At least 30 days prior to the issuance of building permits**, the Applicant shall submit floor plans and elevations (showing building height) for the models of the production homes for the review and approval of CDD. The models of the production homes shall comply with the design standards indicated in COA #73 below. **At least 30 days prior to issuance of building permits**, the Applicant shall also submit a fencing plan for the whole of the Pantages project for the review and approval of CDD.

Homeowners Association

66. **Prior to filing the Final Map**, a homeowners association shall be formed for the ownership and maintenance (through homeowners assessments) of all common areas including lakes, common landscaping, clubhouse, and clubhouse parcel except as specified in these Conditions of Approval and/or Mitigation Measures. Examples of exceptions to ownership and maintenance by the homeowners association include the public roadway network (Parcel I). See Condition #67 below for details on ownership and maintenance.

Conditions, Covenants and Restrictions (CC&Rs)

67. **At least 60 days prior to filing the Final Map**, the Applicant shall submit the CC&Rs for the Pantages project for the review and approval of CDD. Prior to submitting the CC&Rs to CDD for review and approval, the applicant shall work with the Lakeshore Homeowners Association for review and comment of the CC&Rs. The CC&Rs shall include information for the future property owners that the streets, trails, and northern parks to be constructed from the entrance of the Pantages lots through the Open Space to near the water's edge along Kellogg Creek, as well as the sidewalks and streets within Pantages, and ADA parking

stalls on "A" Court, shall be available to the public. The CC&Rs shall also confirm that rights of access to that effect are included on the recorded Final Map (and/or other suitable recorded instrument reviewed and approved by CDD) and accepted on behalf of the public by the County (and/or other public agency approved by CDD such as the TDBCSD).

The Police, Fire District, emergency medical technicians (EMTs), TDBCSD, and other public agencies (e.g., Mosquito Abatement District) right of ingress, egress and use of all roads within the Pantages project shall be provided for and confirmed in the CC&Rs. The offers of dedication to the public shall so provide, and a note to that effect shall be included on the face page of the Final Map (and/or other suitable recorded instrument reviewed and approved by CDD), as provided for in Condition #72 below.

The CC&Rs shall confirm that maintenance of the lakes, common landscaping, open space, public trails and parks, clubhouse, and the typical police service district assessment shall be paid for by Pantages homeowners through assessments (for example, TDBCSD landscaping and lighting district assessments, police service district tax bill assessment, homeowners association assessments).

The CC&Rs shall confirm that each homeowner is responsible for maintenance and repair of the back retaining wall on the lakes lots, if there is one and the slope between that wall and the lake edge. The CC&Rs shall further confirm that any storm water drainage improvements associated with the slope, retaining wall, and lake shall be the responsibility of the homeowners association.

The CC&Rs shall include the Pantages Design Standards described below in Condition #s 73 through 76. The CC&Rs shall confirm they are enforceable in all respects by CDD, and that CDD must confirm compliance with them prior to issuance of a building permit for the construction of a new home and accessory structures, or subsequent alterations. There is no requirement that the CC&Rs include design review by the homeowners association.

There shall be a recorded deed disclosure for each of the approved lots confirming the foregoing as well, with the form and content reviewed and approved by CDD. The recorded deed disclosure shall include reference to the Design Standards.

Ownership, Maintenance, and Financial Responsibility for Project Parcels

68. The non-residential parcels below shall be recorded on the Final Map. These parcels shall be owned and maintained as provided below. The financial responsibility for that maintenance will likely be provided as described below. Necessary easements related the parcels are described below.

- A. Parcel "A" (approximately 0.87 acres) is the parcel that will include a clubhouse and parking lot. The clubhouse will be available for use by the property owners within the Pantages subdivision. Ownership, maintenance, and maintenance funding responsibility: Pantages homeowners association with funding from homeowners' assessments.
- B. Parcels "B," "D," "E," "F," "G," "J," "M," "Q," and "R" are open space (approximately 12.68 acres), Kellogg Creek setback area and trail (10.78 acres), and paseos adjacent to the south lake. Ownership, maintenance, and maintenance funding responsibility: Pantages homeowners association with funding from homeowners' property tax bill assessments through a landscaping and lighting district formed prior to recordation of Final Map.

Public Access Easements (PAE) over Parcels "B," "D," "J," and "Q" (Open Spaces) shall be maintained by a public maintenance entity (i.e. TDBCSD, East Bay Regional Park District, the County, etc.), subject to the establishment of a maintenance entity (e.g. Mello Roos District) for the maintenance of parks and trails in the project area established prior to filing the Final Map.

The Pantages HOA or other maintenance entity shall be responsible for the maintenance of the proposed retaining wall along the frontage of Parcel B and "B" Street. The retaining wall shall be structurally designed to support the proposed public road.

Sanitary sewer easement over Parcel R will be conveyed to TDBCSD.

- C. Parcel "H" is the south lake and related open space (approximately 23.23 acres). Ownership, maintenance, and maintenance funding responsibility: Pantages homeowners association with funding from homeowners' assessments.

- D. Parcel "I" is the public roadway network and associated right-of-way (approximately 15.94 acres). Ownership, maintenance, and maintenance funding responsibility: Contra Costa County following acceptance of the improvements.
- E. Parcel "K" is flexible recreational space (approximately 1.20 acres) adjacent to Parcel "A" will be available for use by the property owners within the Pantages subdivision. Ownership, maintenance, and maintenance funding responsibility: Pantages homeowners association with funding from homeowners' assessments.
- F. Parcels "L," "N," and "O" are the three public park locations along the residential uses northern edge (approximately 4.06 acres) and Public Access Easements (PAE) will be located over these parcels. Ownership shall be maintained by a public maintenance entity (i.e. TDBCSD, East Bay Regional Park District, the County, etc.), subject to the establishment of a maintenance entity (e.g.. Mello Roos District) prior to recordation of Final Map.
- G. Parcel "P" is the wetland complex and open space (approximately 53.97 acres) located north of Parcels "L," "N," and "O". Ownership (subject to conservation covenants/easements) and maintenance: TDBCSD. Maintenance funding responsibility: Pantages homeowners tax bill assessments likely through a landscaping and lighting district formed prior to recording Final Map. An alternative to TDBCSD ownership and maintenance would be RD 800, with funding by Pantages homeowners through a Proposition 218 assessment, and with the vote completed by RD 800 and owner and the assessments finalized prior to filing the Final Map. Alternatively, though not preferred, would be ownership (with conservation covenants/easements) by the Pantages homeowners association, with maintenance by an approved conservancy organization, and funding through the association and/or an endowment.
- H. Parcel "S" is the north lake (approximately 6.84 acres). Ownership, maintenance, and maintenance funding responsibility: Pantages homeowners association with funding from homeowners' assessments.

Construction and Demolition Debris

69. **At least 30 days prior to the issuance of the building and/or demolition permit(s)**, the developer shall submit a "Debris Recovery Plan" demonstrating how they intend to recycle, reuse or salvage building materials and other debris generating from the demolition of existing building and/or the construction of new buildings.

At least 30 days prior to the final inspection of the first residential unit not including models, the developer shall submit a completed "Debris Recovery Report" documenting actual debris recovery efforts including the quantities of recovered and landfilled materials) that resulted from the project.

LAFCO Boundary Reorganization/RD 800 De-Annexation and TDBCSD Annexation

70. **At least 30 days prior to filing of the Final Map**, the Applicant shall provide evidence to the satisfaction of CDD that the project site is annexed, through a LAFCO boundary reorganization to TDBCSD.

At least 30 days prior to filing of the Final Map, the Applicant shall provide evidence to the satisfaction of CDD that the project site has been de-annexed from RD 800.

Fire District Conditions

71. **Prior to filing of the Final Map**, the Applicant shall provide CDD confirmation from the Fire District that their standards have been met. Refer to the letters from the Contra Costa County Fire Protection District (CCCFFPD) to CDD (May 15, 2014, November 17, 2009; June 22, 2007; August 18, 2005; July 28, 2005; September 15, 2004), and the letter from Pantages to CCCFFPD August 24, 2005 for Fire District's conditions.

Access for Sheriff, Fire District, EMTs, RD 800. TDBCSD and Other Public Agencies for Use of Project Roads

72. Police, Fire District, and EMTs ingress, egress and use of all roads, sidewalks and EVAs within the Pantages Bays project shall be confirmed in the CC&Rs as provided for in Condition #67 above. That right includes but is not limited to routine and other patrols by the Sheriff. The applicant shall on the face page of

the Final Map and deed disclosures for each of the homes (and/or by other recorded instrument reviewed and approved by CDD) offer to dedicate to the County (and other applicable agencies) such rights of full access. The same rights of access shall be provided in the CC&RS and the Final Map note and/or other recorded instrument) to RD 800 (due to its responsibilities for waterways, and related slope and back retaining wall easements), as well as TDBCSD (due to its responsibilities for sewer and water facilities within Pantages Bays and likely ownership and maintenance of Open Space and Park Parcels). Other public agencies as determined necessary by CDD will be provided the same access (for example, the Mosquito Abatement District).

Design Standards, Final Architecture, View Corridors, and Common Area Landscape Plans

73. Compliance with the Pantages Bays Design Standards (See 2020 Pantages Design Standards) shall be required for construction of new homes, or any subsequent building footprint alteration. The Design Standards include minimum setbacks for the lots, as well as height and fencing restrictions. CDD shall review proposed architectural plans for new house construction or subsequent building footprint alteration to confirm compliance prior to issuance of a building permit. The design of the new homes shall vary in architecture, roof and pitch designs, setbacks, and height. Any future amendments to the Design Standards shall require CDD review and approval. The Design Standards shall be included in the CC&Rs. The Design Standards shall be enforceable by CDD.

The architecture elevations and street landscape for the production homes shall provide articulation along the streetscape on straight roads sufficient to avoid a visually linear appearance.

As provided for in the Design Standards, there shall be a single-story home with a maximum height of 25 feet (or at applicant's election a two-story home with the second story (maximum 33 feet) limited to the front half of the home) on lots 127, 128, 131, 132, 135, and 136, subject to review and approval of CDD. The applicant shall record this building height restriction on each of these six lots prior to or concurrent with recordation of the Final Map, in a form and content reviewed and approved by CDD.

In addition, the side yard setback on both sides of these six lots shall be minimum 10 feet, instead of 5 feet on one side and 10 feet on the other side as provided for all other minimum 60-foot-wide lots. The standard 5-foot side yard setback on each other lot that adjoins Ravenswood shall be next to the 10-foot setback on the adjoining lot, so that the combined setback between those homes will always be minimum 15 feet. The maximum height on each other lot adjoining Ravenswood shall be 33 feet.

74. **Prior to filing the Final Map**, the Applicant shall submit to CDD for review and approval a deed disclosure for lots 127, 128, 131, 132, 135, and 136 that states these lots are only permitted to have one story homes (maximum 25 feet in height) or two-story element limited to the front half of the home (maximum 33 feet in height), and that each of these lots shall have a side yard setback of 10 feet. The approved language shall be recorded on each of these lots.
75. **Prior to filing the Final Map**, the Applicant shall submit to CDD for review and approval a deed disclosure for lots 121 through 157 (all the lots adjoining Ravenswood Subdivision) that the maximum height of the house shall not exceed 33 feet. The approved language shall be recorded on each of these lots.
76. **Prior to filing the Final Map**, the Applicant shall submit to CDD for review and approval a deed disclosure that requires the rear lot fences for the lots that back up to the Kellogg Creek and the main lake shall be open view fencing consistent with the applicant's wetland consultant.
77. **Prior to filing the Final Map**, the Applicant shall submit to CDD for review and approval a deed disclosure for each of the homes that informs them that there are public trails in the development and that public pedestrians and bicyclists may use project streets and sidewalks.
78. **Prior to issuance of a building permit for a sign for the subdivision or for the public trails**, the Applicant shall submit to CDD for the review and approval of the proposed design of the sign(s).

Future Clubhouse and Flexible Recreation Area

79. A development plan application including plans for the design of the building and/or structures, parking area, landscaping, and improvements shall be submitted for the future clubhouse on Parcel A and the flexible recreational space

on Parcel K. The submittal shall be accompanied by the appropriate deposit as adopted by the Board of Supervisors.

Grade Elevations and Rear Yard Fencing Design Across from Ravenswood

80. The final design of retaining walls and wood fence/lattice between Pantages and Ravenswood shall be reviewed and approved by CDD at least 30 days prior to issuance of building permits to confirm compliance with the Pantages Design Standards. This rear yard fencing requirement in the Design Standards is enforceable by CDD.

The Applicant has agreed to work in good faith with adjoining homeowners in Ravenswood to replace their existing rear yard fence with a new common fence consistent with the specifications above and in the Design Standards. Subject to the approval of the adjoining Ravenswood homeowner(s), applicant at its cost will remove the existing fence and construct the new common fence. If the necessary homeowner approval is not secured following good efforts as reviewed and accepted by CDD, then applicant shall construct within its rear property line a wood fence (with any necessary retaining wall or kickboard) that meets the design specifications set forth in the Design Standards.

Reduction in Highest Waterfront Pad Elevations

81. For aesthetic purposes relatively high pad elevations on waterfront lots along Kellogg Creek will be reduced at the final grading plan to the extent reasonable, and still address complying with the projected sea level rise, as well as accommodate storm water flows/outlets and gravity sewer to the TDBCSD pump station that will be constructed for the project, subject to review and approval of CDD.

Lakeshore Boundary Grading Alternative and Off-Site Dirt Hauling

82. The Lakeshore Homeowners Association Board of Directors (Lakeshore HOA and Lakeshore Board) has expressed interest in modifying the proposed grading plan between Lakeshore residential lots and the adjoining Pantages residential lots to place engineered fill on the intervening strip owned by the Lakeshore HOA. Such a grading plan change would require cooperation between the applicant and Lakeshore Board, and potentially adjoining Lakeshore homeowners. Grading

easements and/or Jot line adjustments will likely be required. Any grading revision in this location, along with any associated lot line adjustments and common fencing arrangements shall be subject to review and comment by Public Works and CDD review and approval as part of the final grading plan.

The applicant's engineers anticipate the grading operation will be a balanced cut and fill, however there is a potential to import up to 90,000 cubic yards per year. If the final grading plan and the actual grading is not balanced, then applicant shall prepare an off-site dirt hauling plan (which will include the pavement analysis and any necessary road repair as required in Public Works Condition #116) for submittal to CDD for its review and approval.

Inclusionary Housing Ordinance

83. This project is subject to the Inclusionary Housing Ordinance. Pursuant to Section 822-4.402 of the County Ordinance Code, a residential development of 277 for-sale units shall require at least fifteen percent of the for-sale units to be developed and sold as affordable units. The applicant is required to construct 41.55 inclusionary housing units for the project. The Applicant/Owner/Developer (Applicant) has submitted a Preliminary Inclusionary Housing Plan (PIHP) on February 3, 2021, which proposes to construct and sell eight (8) Lower Income Housing Units and thirty-three (33) Moderate Income Housing Units and to pay the in-lieu fee for the remaining fractional unit (0.55 unit) to comply with the County's Inclusionary Ordinance requirements. Any proposed changes to the PIHP are subject to the review and approval of the Assistant Deputy Director, Housing and Community Improvement Division, in the Department of Conservation and Development (DCD).

Special Circumstances and Conditions

84. This development has unique circumstances reflected in its Preliminary Inclusionary Housing Plan. The Developer (Pantages at Discovery Bay LLC) and County explicitly acknowledge these unique circumstances by preparing and accepting a Preliminary Inclusionary Housing Plan as a binding commitment to later submit one or more Final Inclusionary Housing Plans, which is an exception to the Inclusionary Housing Ordinance within the authority of the Director of the Department of Conservation and Development to grant. This should not be considered a precedent for any other development project.

No homebuilder has entered into a contract with the Developer, so there are no specifics regarding the inclusionary units which would typically be included in an Inclusionary Housing Plan at this stage. As a result, the Developer has submitted a Preliminary Inclusionary Housing Plan to memorialize the approach to be taken to finalize the Inclusionary Housing Plan.

Phasing

85. The Applicant has indicated that this is to be a phased subdivision. The inclusionary units will be developed in a proportionate amount to all units developed in each phase of the subdivision.

The Applicant is anticipating that the subdivision will be built out in four (4) phases with up to approximately 70 lots being developed per phase. In this case, up to 10 inclusionary units will be built in each of the four phases, with an additional inclusionary unit built in the first phase to reach the total of 41 inclusionary units.

The Inclusionary Housing Ordinance requires that an Inclusionary Housing Agreement (Agreement) be executed and recorded prior to a building permit (including grading) or Final Map, whichever comes first. Due to the unique circumstances of this project, it is anticipated that a new Agreement with the developer/builder or amendment to the Agreement, whichever deemed appropriate by DCD, shall be executed and recorded for each subsequent phase of the development to include a Final Inclusionary Housing Plan and all information as required by the Inclusionary Housing Ordinance that is not specified in the PIHP.

The Applicant's provision of the details that includes but is not limited to the type, size (including number of bedrooms), number of units in each phase of development, unit mix of market rate and inclusionary units, and lot locations of the inclusionary units will be deferred to prior to the issuance of a building permit for any portion of the phased development (including grading permits and demolition permits). The Applicant will be required to submit a Final Inclusionary Housing Plan for each phase of the development. Phasing and other details regarding the number of market units and affordable units in each phase will be delineated in the Final Inclusionary Housing Plan and subsequently in one or more Inclusionary Housing Agreements (i.e., one Agreement per phase).

For-Sale Inclusionary Housing In-Lieu Fee

86. Prior to recordation of the first phased Final Map or issuance of a building permit (including grading permits and demolition permits) for any portion of the residential development, the For-Sale Inclusionary Housing In-Lieu Fee of \$24,200.22 shall be paid in full for the remaining fraction of required inclusionary units (0.55 of a unit). This in-lieu fee is non-refundable and non-transferrable.

Final Inclusionary Housing Plan

87. **Prior to the issuance of a building permit (including grading permits and demolition permits) for any portion of each phase of the residential development,** the Applicant shall submit a compliance review application for the execution of an Agreement and a Final Inclusionary Housing Plan for the review and approval of the Assistant Deputy Director of the Housing and Community Improvement Division of DCD. The Final Inclusionary Housing Plan shall provide the following information along with any information required by the County's Inclusionary Housing Ordinance for review and approval:
- A. A brief description of the residential development, including the number of market rate units and inclusionary units proposed, and the basis for the calculation of the number of units;
 - B. The unit mix, location, structure type, and size (including number of bedrooms) of the market rate and inclusionary units. A site plan depicting the location of the inclusionary units shall be provided;
 - C. The household income levels of the inclusionary units, which must be proportionate to the overall requirement
 - D. Number of units in the phase of development.
There may be more than one Final Inclusionary Housing Plan based on the development of the homes on the site, and thus ultimately more than one Agreement.
88. **Prior to the issuance of building permits for each phase of development,** or marketing of the inclusionary units, whichever occurs first, the Applicant shall submit with their compliance review application a timeline and schedule for the development and marketing of the inclusionary units for each phase for the

review and approval of the Housing and Community Improvement Division of DCD.

For-Sale Inclusionary Housing (Inclusionary Housing Agreement)

89. **Prior to the recordation of a Final Map or the issuance of a building permit (including grading permits) for any portion of the residential development, whichever occurs first,** the Applicant shall submit a compliance review application and request to begin the process for DCD to prepare and execute an Agreement for the PIHP (form to be provided by the County, substantially based on the approved Conditions) with the County pursuant to Chapter 822-4 to ensure that the proportionate amount of the thirty-three (33) of the approved units are affordable to and occupied by a "Moderate Income Household" and eight (8) of the approved units are affordable to and occupied by a "Lower Income Household" are incorporated and developed in each phase of the development. The Agreement for the PIHP shall include and address all information as required by Section 822-4.416 of the Inclusionary Housing Ordinance.

Pursuant to Chapter 822-4.402(b), the forty-one (41) inclusionary units in this development will be sold and occupied by lower income households and moderate-income households as referenced above. The inclusionary units shall be deed restricted so that if the home is sold within three (3) years, it must be sold at an affordable sales price to a lower income household or moderate-income household, depending on the lot designation upon initial sale. The forty-one (41) inclusionary units shall be deed restricted in order to ensure the continued affordability of this unit for at least three (3) years in accordance with Chapter 822-4 Inclusionary Housing Ordinance. The inclusionary unit shall be developed with the standards and restrictions in accordance with Chapter 822-4 of the County Ordinance Code.

Restrictions

For purposes of this condition, the following definitions apply:

- A. Inclusionary Unit - means a for-sale unit that is required to be sold at an affordable sales price to the households specified in Section 822-4.402 under the terms and conditions of Section 822-4.410(b).

- B. Lower Income Households - Households whose income does not exceed the lower income limits applicable to Contra Costa County, adjusted for household size, as published and periodically updated by the State Department of Housing and Community Development pursuant to Health and Safety Code Section 50079.5.
- C. Moderate Income Households – Households earning up to 120 percent of the area median income for Contra Costa County as adjusted for family size as defined in Section 50093 of the California Health & Safety Code.
- D. Affordable Sales Price - means a sales price at which a lower income household, or a moderate-income households can afford to purchase an inclusionary unit, calculated using the cost formula herein for lower income households and moderate income households, and taking into account reasonable down payment, actual household size, and other ownership housing costs described in California Code of Regulations, Title 25, Section 6920.

The affordable housing cost is calculated by DCD using the following formula: for lower income households, a product of forty (40) percent of seventy (70) percent of area median income adjusted for family size; and for moderate income households, a product of forty (40) percent of one hundred ten (110) percent of area median income adjusted for family size.

Affordable Sales Price shall not exceed the market price, which may be determined by an independent appraisal.

- a. Sale price calculations will take into account unit size and family size.
- b. The sales price calculation shall also take into account Anticipated Financing so that Housing Costs do not exceed the limits.

“Anticipated Financing” means private mortgage financing at current interest rates and terms. Anticipated Financing may include approved public agency down payments or second mortgage grants and loans.

“Housing Costs” include mortgage principal and interest, property insurance, property taxes, homeownership association dues, and expected utility costs.

General

90. The following are general terms for the for-sale inclusionary units.
- A. The Applicant hereby represents, warrants, and covenants that it will cause the Agreements to be recorded in the real property records of Contra Costa County, California, and in such other places as the County may reasonably request. The Applicant shall pay all fees and charges incurred in connection with any such recording. The recording of the Agreements shall occur after the acceptance of the document by the County and prior to the recordation of a Final Map or the issuance a building permit, whichever occurs first, for the PIHP Agreement; and prior to the issuance of a building permit for each subsequent Agreement for each phase of development.
 - B. The County will provide to the Applicant income certification forms to be completed by the potential homebuyers. The income levels of all lower income household and moderate-income household applicants for units in the project shall be certified **prior to sale and initial occupancy**. The owner’s occupancy of the inclusionary units shall be initially certified by the Applicant (or subsequent holder of the Agreement(s)) and annually thereafter by the Homeowner, and **records shall be submitted to the County over the term of the period of affordability**.
 - C. For-Sale Inclusionary Unit Restrictions.
 - a. The initial sale of a for-sale inclusionary unit shall occur only to a household that meets the following criteria:
 - i. The household has not owned a residence within the previous three years; and
 - ii. The household has no more than two hundred fifty thousand dollars in assets. This amount excludes assets reserved for a down payment and closing costs, assets in retirement savings accounts, and assets in medical savings accounts.
 - b. The initial purchaser of a for-sale inclusionary unit must agree to occupy the dwelling unit as the principal residence for at least three years.

- c. A for-sale inclusionary unit may be resold after the initial sale to an above-moderate income purchaser and at a market price, provided that the sale results in a recapture by the county of a financial interest in the unit equal to the sum of:
 - i. The difference between the initial affordable sales price and the appraised market value of the unit at the time of the initial sale; and
 - ii. The county's proportionate share of any appreciation since the time of the initial sale. Appreciation is the difference between the resale price to the above-moderate income purchaser and the appraised market value at the time of the initial sale. The county's proportionate share of appreciation is equal to the percentage by which the initial affordable sales price was less than the appraised market value at the time of the initial sale.

- D. The 41 inclusionary units in the project shall be available for sale to members of the general public who are income eligible. The Applicant shall not give preference to any particular class or group of persons in owning the units, except to the extent that the units are required to be sold to lower income households and moderate-income households. There shall be no discrimination against or segregation of any person or group of persons, on account of race, color, creed, religion, sex, sexual orientation, marital status, national origin, source of income (e.g., SSI), age (except for lawful senior housing), ancestry, or disability, in the sale of any unit in the project nor shall the Applicant or any person claiming under or through the Applicant, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy of owners of any unit or in connection with employment of persons for the construction of the project.

- E. In addition to any other marketing efforts, the lower income units and moderate-income units shall be marketed through local non-profit, social service, faith-based, and other organizations that have potential clients or constituents. The Applicant shall translate marketing materials into Spanish and Chinese. **A copy of the translated marketing materials and marketing plan shall be submitted to DCD for review prior to the marketing of the inclusionary units for each phase of development.**

Marketing may also include publicity through local television and radio stations as well as local newspapers including the East Bay Times, Classified Flea Market, El Mensajero, Thoi Bao Magazine, Berkeley/Richmond/San Francisco Posts (Post News Group), Korea Times, El Mundo, Hankook Ilbo, and the Sing Tao Daily.

- F. Upon violation of any of the provisions of the Agreement by the Applicant, the County may give written notice to the Applicant specifying the nature of the violation. If the violation is not corrected to the satisfaction of the County within a reasonable period of time, not longer than thirty (30) days after the date the notice is deemed received, or within such further time as the County determines is necessary to correct the violation, the County may declare a default under this Agreement. Upon declaration of a default or if the County determines that the Applicant has made any misrepresentation in connection with receiving any benefits under this Agreement, the County may apply to a court of competent jurisdiction for such relief at law or in equity as may be appropriate.

Development Standards

91. The inclusionary units are subject to the standards of Section 822-4.412 of the County Ordinance.
- a. Inclusionary units must be dispersed throughout the residential development and have the same access to all on-site amenities that are available to market rate units.
 - b. The construction quality and exterior design of inclusionary units must be comparable to the market rate units. However, inclusionary units may be smaller in size, developed on smaller lots, and have alternative interior finishes.
 - c. The average number of bedrooms for all inclusionary units must be equivalent to the average number of bedrooms for market rate units within the same residential development.
92. All inclusionary units in each phase of the development must be constructed and occupied prior to or concurrently with the market rate units within the same residential development.

Reporting and Compliance Review

93. **Prior to the initial occupancy of each inclusionary unit**, the Applicant shall submit to the Department of Conservation and Development, for review and approval, a compliance review application and fee accompanied by forms and documentation that demonstrates the owners of the inclusionary units are qualified as a lower income household or a moderate-income household. To comply with the provisions for enforcing the construction and occupancy standards of the Inclusionary Housing Ordinance, a hold shall be placed on the final inspection of the building permits issued for the development until the documentation has been deemed adequate by the Housing and Community Improvement Division of DCD.
94. **Prior to the sale of any portion of the development, recordation of a Final Map or issuance of building permits, whichever occurs first**, the Applicant shall provide to DCD the name of the owner or designee who is responsible for permit compliance with this entitlement and their contact information (i.e., local mailing address, email addresses, and telephone number) until the development has been completed.

Should the contact subsequently change (e.g., new designee or owner), within 30 days of the change, the Applicant shall issue a letter to DCD with the name of the new party who has been assigned permit compliance responsibility and their contact information.

**PUBLIC WORKS CONDITIONS OF APPROVAL FOR
SUBDIVISION SD19-9527/DEVELOPMENT PERMIT DP19-3024**

Applicant shall comply with the requirements of Title 8, Title 9 and Title 10 of the Ordinance Code. Any exception(s) must be stipulated in these Conditions of Approval. Conditions of Approval are based on the site plan/(vesting) tentative map submitted to the Department of Conservation and Development on February 25, 2020.

COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO FILING OF THE FINAL MAP.

General Requirements:

95. In accordance with Section 92-2.006 of the Ordinance Code, this subdivision shall conform to all applicable provisions of the Subdivision Ordinance (Title 9). Any exceptions therefrom must be specifically listed in this conditional approval statement. The drainage, road and utility improvements outlined below shall require the review and approval of the Public Works Department and are based on the Vesting Tentative Map received by the Department of Conservation and Development, Community Development Division, on February 25, 2020.
96. Improvement plans prepared by a registered civil engineer shall be submitted to the Public Works Department, Engineering Services Division, along with review and inspection fees, and security for all improvements required by the Ordinance Code for the conditions of approval of this subdivision. Any necessary traffic signing, and striping shall be included in the improvement plans for review by the Transportation Engineering Division of the Public Works Department.

Roadway Improvements (Bixler Road/Point of Timber Road/Wilde Drive/On-site Public):

97. The Applicant shall construct curb, minimum 5-foot sidewalk, necessary longitudinal and trans-verse drainage, street lighting, border landscaping and irrigation, and pavement transitions at the public portions of Point of Timber Road and Wilde Drive.
98. The Applicant shall construct the on-site road system to County public road standards and convey to the County, by Offer of Dedication, the corresponding

right-of-way. A reduction to the vertical gradient standards shall be allowed to reduce the minimum curb grade to 0.75% in conformance with existing adjacent improvements.

99. The Applicant shall install safety-related improvements on all streets (including traffic signs and striping), as approved by the Public Works Department.
100. The Applicant shall install speed bumps per County standards or incorporate other traffic calming measures along "A" Street, "B" Street, and Point of Timber Road as reviewed and approved by Public Works.
101. The Applicant shall construct the following improvements at the Point of Timber/Bixler Road intersection; pavement transitions for adding left-turn lanes at all four intersection approaches, traffic signing and striping, and traffic signals as reviewed and approved by the Transportation Engineering Division of the Public Works Department. Lane and deceleration transitions shall be based on a design speed of 50 miles per hour.

Access to Adjoining Property:

Proof of Access

102. The Applicant shall furnish proof to Public Works Department of the acquisition of all necessary rights-of-way, rights of entry, permits and/or easements for the construction of off-site, temporary or permanent, public and private road and drainage improvements.
103. The Applicant shall furnish proof to Public Works Department that legal access to the property is available from Point of Timber Road and Wilde Drive.

Encroachment Permit

104. The Applicant shall obtain an encroachment permit from the Application and Permit Center, if necessary, for construction of improvements within the right-of-way of Point of Timber Road, Bixler Road and Wilde Drive.

Sight Distance:

105. The Applicant shall provide sight distance at the intersections of the on-site roadways for a design speed of 35 miles per hour. Any new landscaping, signs,

fencing, retaining walls, or other obstructions proposed at the driveways shall be setback to ensure that the sight lines are clear.

Lot Line Adjustment:

106. The Applicant shall complete and record the proposed Lot Line Adjustment with the East Contra Costa Irrigation District parcel at the northeast corner of the subject property.

AOB Reimbursements:

107. The applicant, prior to constructing any public improvements, shall contact Public Works Department to determine the extent of any eligible credits or reimbursements against the area of benefit fees.

Road Dedications:

108. The Property Owner shall convey to the Public, by Offer of Dedication, the right-of-way encumbering all Emergency Vehicle Access (EVA) roads and bicycle and pedestrian trails. These facilities will NOT be accepted by the County for maintenance.

Street Lights:

109. The Applicant shall annex to the Community Facilities District (CFD) 2010-1 formed for Countywide Street Light Financing. Annexation into a street light service area does not include the transfer of ownership and maintenance of street lighting on private roads.

Landscaping:

110. All landscaping to be maintained by the property owner shall be submitted to the CDD for review and approval.

Pedestrian Facilities:

Pedestrian Access

111. The Applicant shall design all public and private pedestrian facilities in accordance with Title 24 (Handicap Access) and the Americans with Disabilities Act. This shall include all sidewalks, paths, driveway depressions, and curb ramps.
112. All curb ramps shall be designed and constructed in accordance with current County standards. A detectable warning surface (e.g. truncated domes) shall be installed on all curb ramps. Adequate easements shall be established to accommodate a minimum 4-foot landing at the top of any curb ramp proposed.

Emergency Vehicle Access (EVA):

113. All roads, paths and trails intended for use as Emergency Vehicle Access, including bridges appurtenant thereto, shall be designed to accommodate HS-20 vehicle loads. Alignment and surfacing shall meet "all weather" standards per the approval of the Fire District and Public Works Department.

Parking:

114. All roads, paths and trails intended for use as Emergency Vehicle Access, including bridges appurtenant thereto, shall be designed to accommodate HS-20 vehicle loads. Alignment and surfacing shall meet "all weather" standards per the approval of the Fire District and Public Works Department.

Utilities/Undergrounding:

115. All roads, paths and trails intended for use as Emergency Vehicle Access, including bridges appurtenant thereto, shall be designed to accommodate HS-20 vehicle loads. Alignment and surfacing shall meet "all weather" standards per the approval of the Fire District and Public Works Department.

Construction:

116. The Applicant shall provide a pavement analysis for those roads along the proposed haul route or any alternate route(s) that are proposed to be utilized by the hauling operation. This study shall analyze the existing pavement conditions and determine what impact the hauling operation will have over the life of the project. The study shall provide recommendations to mitigate identified impacts.

The applicant shall be responsible for the cost of constructing the recommended repairs. Prior to filing of the Final Map, the applicant shall execute a bonded road improvement agreement to assure the roadway repairs.

Maintenance of Facilities:

117. The maintenance obligation and financing of all common and open space areas, private roadways, private street lights, public and private trails and landscaped areas, EVA's, perimeter walls/fences, and on-site drainage facilities shall be included in the covenants, conditions, and restrictions (CC&Rs), or an alternative financing and maintenance entity approved by the Public Works Department. All agreements between Reclamation District 800, the Town of Discovery Bay Community Services District and the developer, along with the CC&Rs, shall be submitted for the review and approval of the CDD and Public Works Department at least 60 days prior to filing of the Final Map for the first phase. The County will not accept these properties or facilities for ownership or maintenance.
118. The Applicant shall establish a maintenance entity (i.e. Mello Roos District) for the maintenance of parks, public landscaped areas, and trails in the project area and Discovery Bay parks, maintained landscape areas, and recreation facilities.

Drainage Improvements:

Collect and Convey

119. The Applicant shall collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the stormwaters to an adequate natural watercourse, in accordance with Division 914 of the Ordinance Code.

Hold Harmless

120. The property owner shall be aware that the creek banks on the site are potentially unstable. The property owner shall execute a recordable agreement with the County which states that the developer and the property owner and the future property owner(s) will hold harmless Contra Costa County and the Contra Costa County Flood Control and Water Conservation District in the event of damage to the on-site and off-site improvements as a result of creek-bank failure or erosion.

Miscellaneous Drainage Requirements:

121. The Applicant shall design and construct all storm drainage facilities in compliance with the Ordinance Code and Public Works Department design standards.
122. The Applicant shall design and construct all proposed grading, dredging, excavation and improvements are in compliance with all Federal, State and Local regulatory permitting and design requirements. These agencies may include, but not be limited to: US Army Corps of Engineers, US Fish & Wildlife Services, California Department of Fish & Wildlife, California Regional Water Quality Control Boards, Reclamation District #800, and Contra Costa County Flood Control District.
123. The Applicant shall prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.
124. Private storm drain easements, conforming to the width specified in Section 914-14.004 of the County Ordinance Code, shall be dedicated over all proposed storm drains traversing residential lots or other portions of the property outside the "common area."
125. The Applicant shall enter into a License Agreement for Maintenance Purposes or provide a private Storm Drain Easement, to be transferred to the maintenance entity (HOA or CSD) upon its formation, with the County to maintain the proposed drainage line connecting Lake South and Lake North shown on the vesting tentative map within the future County right-of-way reviewed and approved by Public Works.
126. The Applicant shall ensure that Lake South, Lake North, the drainage system connecting the lakes, and the proposed pump systems shown on the vesting tentative map over parcels B, D, E, F, G, H, W, and S are included in the covenants, conditions, and restrictions (CC&Rs), or an alternative financing and maintenance entity approved by the Public Works Department. The County will not accept these properties or facilities for ownership or maintenance.

Floodplain Management:

127. The project is located in a Special Flood Hazard Area as designated on the Federal Emergency Flood Insurance Rate Maps. The applicant should be aware of

the requirements of the Federal Flood Insurance Program and the County Floodplain Management Ordinance (Ordinance No. 2000-33) Co Ord Code 82-28 as they pertain to future construction of any structures on this property.

128. The property lies within the limits of Urban Level of Flood Protection area (i.e. urban/urbanizing Sacramento-San Joaquin Valley), a map certified by the Conservation and Development Director and on file with the Department of Conservation and Development. The applicant needs to furnish documentation whether the project is or is not in the applicable geographical area per Government Code Sections 65865.5, 65962, and 66474.5. Specifically, documentation to evaluate if (1) it is located within an area with a potential flood depth above 3.0 feet from sources of flooding other than localized conditions that may occur anywhere in the community, and (2) within a watershed with a contributing area of more than 10 square miles.

If all the criteria required by the Government Code sections are met, then the applicant must provide urban level of flood protection. Applicant must also submit documentation for this urban level of flood protection, providing 200-year base flood protection. This Urban Level of Flood Protection is a state requirement, separate from and in addition to the National Flood Insurance Program requirements also covered in the County Flood Plain Management Ordinance.

129. **Prior to issuance of the grading permit**, the Applicant shall obtain a Conditional Letter of Map Revision (C-LOMR-F) from FEMA concurring that the proposed grading and site improvements, when completed, will be satisfactory for FEMA to revise the Flood Insurance Rate Map and eliminate the residential lots from the Special Flood Hazard designation.
130. After completion of fill operations and installation of storm drain improvements, the applicant shall submit a LOMR-F application with FEMA to finalize the FIRM revision process. The FEMA LOMR-F must be obtained prior to issuance of building permits on the residential units.

National Pollutant Discharge Elimination System (NPDES):

131. The Applicant shall be required to comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction and industrial activities as promulgated by the California

State Water Resources Control Board, or any of its Regional Water Quality Control Boards (Central Valley - Region IV).

Compliance shall include developing long-term best management practices (BMPs) for the reduction or elimination of storm water pollutants. The project design shall incorporate wherever feasible, the following long-term BMPs in accordance with the Contra Costa Clean Water Program for the site's storm water drainage:

- Minimize the amount of directly connected impervious surface area.
- Install approved full trash capture devices on all catch basins (excluding catch basins within bioretention area) as reviewed and approved by Public Works Department. Trash capture devices shall meet the requirements of the County's NPDES permit.
- Install approved full trash capture devices on all catch basins (excluding catch basins within bioretention basins) as reviewed and approved by Public Works Department. Trash capture devices shall meet the requirements of the County's NPDES Permit.
- Place advisory warnings on all catch basins and storm drains using current storm drain markers.
- Shallow roadside and on-site swales.
- Construct concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
- Distribute public information items regarding the Clean Water Program and lot specific IMPs to buyers.
- Other alternatives comparable to the above as approved by Public Works.

Stormwater Management and Discharge Control Ordinance:

132. The Applicant shall submit a FINAL Storm Water Control Plan (SWCP) and a Stormwater Control Operation and Maintenance Plan (O+M Plan) to the Public Works Department, which shall be reviewed for compliance with the County's National Pollutant Discharge Elimination System (NPDES) Permit and shall be deemed consistent with the County's Stormwater Management and Discharge Control Ordinance (§1014) prior to filing of the final map. To the extent required by the NPDES Permit, the Final Stormwater Control Plan and the O+M Plan will be required to comply with NPDES Permit requirements that have recently

become effective that may not be reflected in the preliminary SWCP and O+M Plan. All time and materials costs for review and preparation of the SWCP and the O+M Plan shall be borne by the applicant.

133. Improvement Plans shall be reviewed to verify consistency with the final SWCP and compliance with Provision C.3 of the County's NPDES Permit and the County's Stormwater Management and Discharge Control Ordinance (§1014).
134. Stormwater management facilities shall be subject to inspection by Public Works Department staff; all time and materials costs for inspection of stormwater management facilities shall be borne by the applicant.
135. **Prior to filing of the final map**, the property owner(s) shall enter into a Stormwater Management Facility Operation and Maintenance Agreement with Contra Costa County, in which the property owner(s) shall accept responsibility for, and related to, operation and maintenance of the stormwater facilities, and grant access to relevant public agencies for inspection of stormwater management facilities.
136. **Prior to filing of the final map**, the property owner(s) shall annex the subject property into Community Facilities District (CFD) No. 2007-1 (Stormwater Management Facilities), which funds responsibilities of Contra Costa County under its NPDES Permit to oversee the ongoing operation and maintenance of stormwater facilities by property owners.
137. Any proposed water quality features that are designed to retain water for longer than 72 hours shall be subject to the review of the Contra Costa Mosquito & Vector Control District.
138. All treatment BMP/IMPs constructed within each phase of the proposed development shall be designed and sized to treat, at a minimum, stormwater generated from each phase constructed.

ADVISORY NOTES

ADVISORY NOTES ARE ATTACHED TO THE CONDITIONS OF APPROVAL, BUT ARE NOT CONDITIONS OF APPROVAL. ADVISORY NOTES ARE PROVIDED IN ORDER TO INFORM THE APPLICANT OF ADDITIONAL REGULATIONS, ORDINANCES, AND REQUIREMENTS THAT MAY BE APPLICABLE TO THE PROPOSED PROJECT.

A. NOTICE OF 90-DAY OPPORTUNITY TO PROTEST FEES, DEDICATIONS, RESERVATIONS, OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

A. This notice is intended to advise the applicant that pursuant to Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations, and/or exactions required as part of this project approval. The opportunity to protest is limited to a 90-day period after the project is approved.

The ninety (90) day period, in which you may protest the amount of any fee or the imposition of any dedication, reservation, or other exaction required by this approved permit, begins on the date this permit was approved. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and delivered to the Department of Conservation and Development within 90 days of the approval date of this permit.

- B. The Applicant shall comply with the requirements of the Town of Discovery Bay Community Services District and Reclamation District 800.
- C. The Applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the East Contra Costa Regional Fee & Finance Authority/ Regional Transportation Development Impact Mitigation (ECCRFFA/RTDIM), East County Regional Areas of Benefit as adopted by the Board of Supervisors, and other mitigation fees required herein to be deposited the County Road Trust account. Payment is required prior to issuance of a building permit.
- D. This project may be subject to the requirements of the Department of Fish and Wildlife. It is the applicant's responsibility to notify the Department of Fish and

Wildlife, Bay Delta Region (Region 3), 2825 Cordelia Road, Suite 100, Fairfield, CA 94534 of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Wildlife Code.

- E. This project may be subject to the requirements of the Army Corps of Engineers. It is the applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.
- F. Although the Stormwater Control Plan has been determined to be preliminarily complete, it remains subject to future revision, as necessary, during preparation of improvement plans in order to bring it into full compliance with C.3 stormwater requirements. Failure to update the SWCP to match any revisions made in the improvement plans may result in a substantial change to the County approval, and the project may be subject to additional public hearings. Revisions to California Environmental Quality Act (CEQA) documents may also be required. This may significantly increase the time and applicant's costs associated with approval of the application.
- G. This project is subject to the development fees in effect under County Ordinance as February 25, 2020, the date the vesting tentative map application was accepted as complete by the Department of Conservation and Development. These fees are in addition to any other development fees, which may specified in the conditions of approval.
- H. Future property owners shall be aware of the pre-annexation agreement between the applicant and the Town of Discovery Bay Community Services District (TODBCSD), which includes payment of several fees to be paid at the time of approval from the TODBCSD for a building permit.
- I. The applicant shall comply with the requirements of the following agencies:
 - Department of Conservation and Development, Building Inspection Division
 - East Contra Costa County Fire Protection District

4/20/21

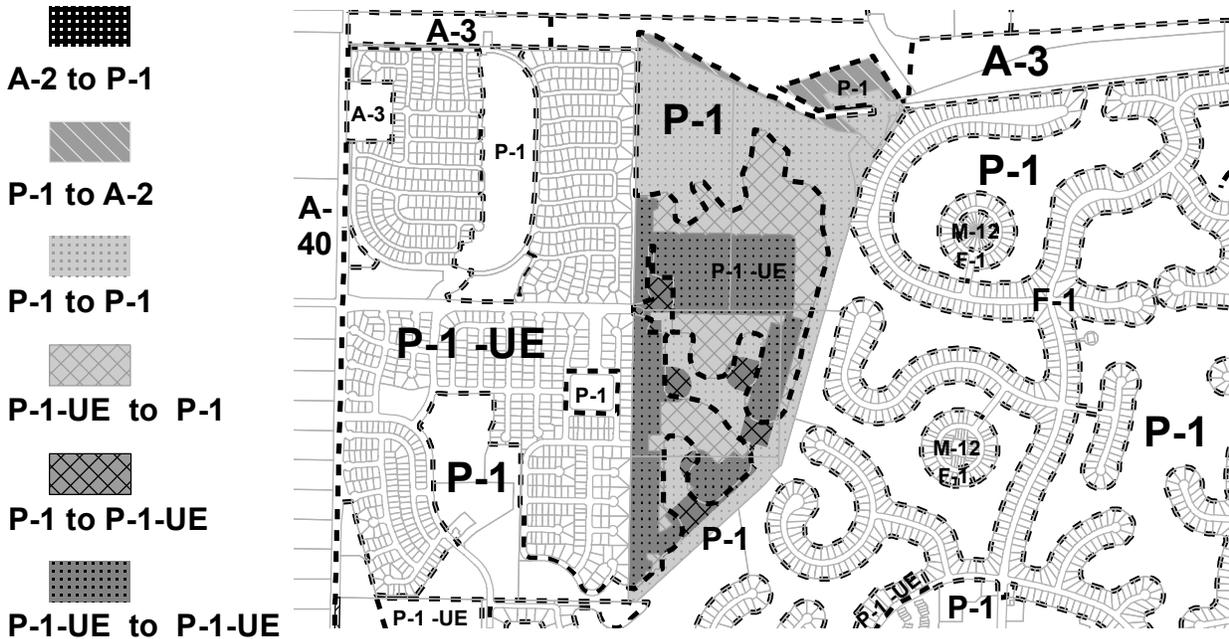
Discovery Bay Area)

The Contra Costa County Board of Supervisors ordains as follows:

SECTION I: Page **M-28 & N-28** of the County's 2005 Zoning Map (Ord. No. 2005-03) is amended by re-zoning the land in the above area shown shaded on the map(s) attached hereto and incorporated herein (see also Department of Conservation and Development File No. **RZ19-3252** .)

A-2 (General Agriculture)
P-1 (Planned Unit)
P-1 (Planned Unit)
 FROM: Land Use District **P-1 -UE** (Planned Unit -Urban Farm Animal Exclusion Combining District)

P-1 (Planned Unit)
A-2 (General Agriculture)
P-1 -UE (Planned Unit -Urban Farm Animal Exclusion Combining District)
P-1 (Planned Unit)
 TO: Land Use District _____)
 and the Department of Conservation and Development Director shall change the Zoning Map accordingly, pursuant to Ordinance Code Sec. 84.2.002.



SECTION II. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days of passage shall be published once with the names of supervisors voting for and against it in the _____, a newspaper published in this County.

PASSED on _____ by the following vote:

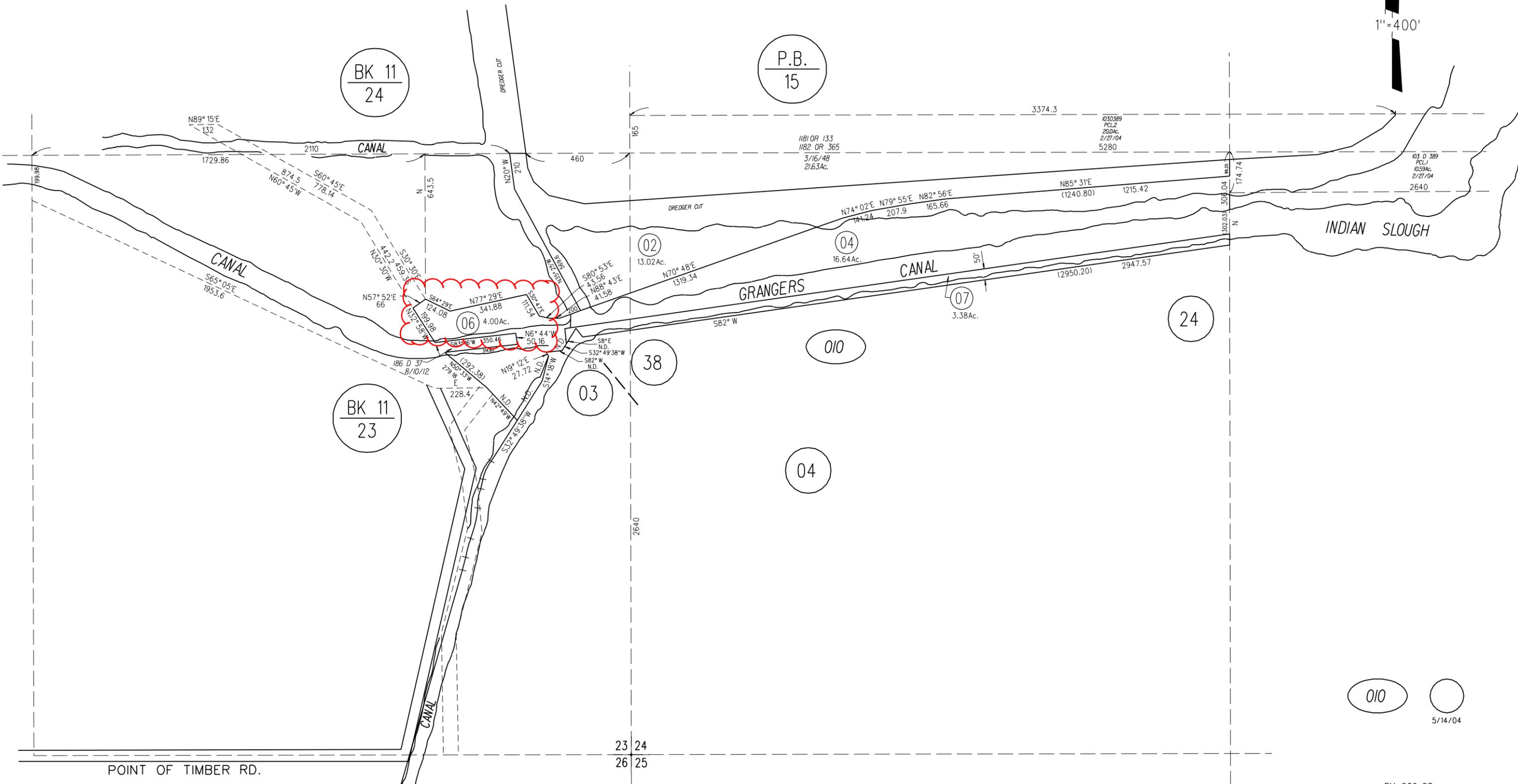
Supervisor	Aye	No	Absent	Abstain
1. J. Gioia	()	()	()	()
2. C. Andersen	()	()	()	()
3. D. Burgis	()	()	()	()
4. K. Mitchoff	()	()	()	()
5. F.D. Glover	()	()	()	()

ATTEST: Monica Nino, County Administrator
 and Clerk of the Board of Supervisors _____

By _____, Dep. Chairman of the Board
 (SEAL)

POR. SEC. 23 & 24 T1N R3E M.D.B.&M.

1" = 400'



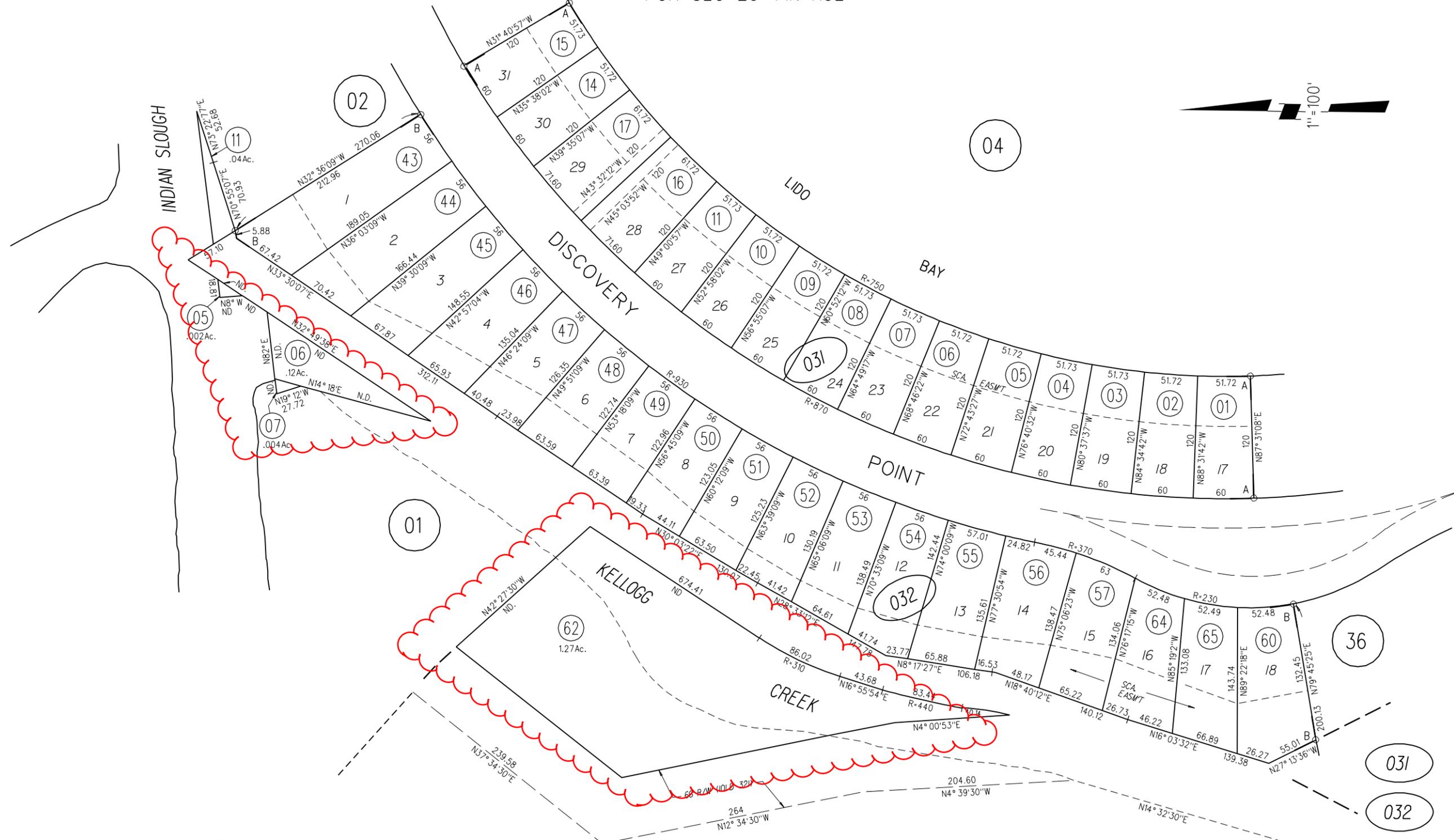
NOTE: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION DELINEATED HEREON. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT SPLIT OR BUILDING SITE ORDINANCES.

010
5/14/04

A-1975 ROLL TRACT 4077 (DISCOVERY BAY NO 3) MB 170-37 AMENDED MAP

B-1981 ROLL TRACT 5811 MB 236-4

POR SEC 23 T1N R3E



NOTE: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION DELINEATED HEREON. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT SPLIT OR BUILDING SITE ORDINANCES.

PB11
P-23

FM 9-37 5-15-89
~~FM 11-29 4-5-71~~
ASSESSOR'S MAP

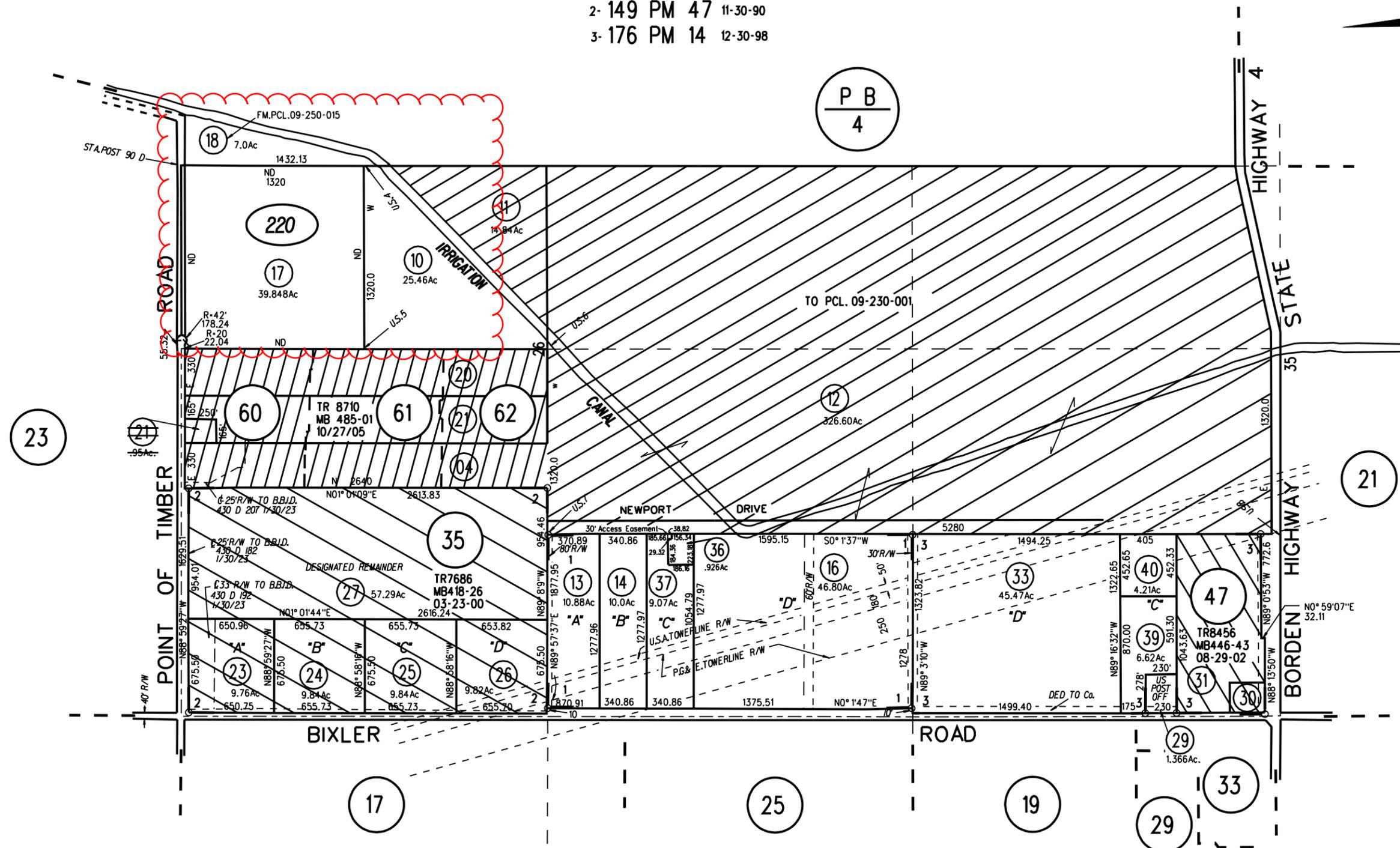
BOOK 4 PAGE 3
CONTRA COSTA COUNTY, CALIF.

AMS 10-21-99

12/09/03

POR SECS 26 & 35 T 1 N R 3 E MD&M

- 1- 24 PM 19 9-20-72
- 2- 149 PM 47 11-30-90
- 3- 176 PM 14 12-30-98

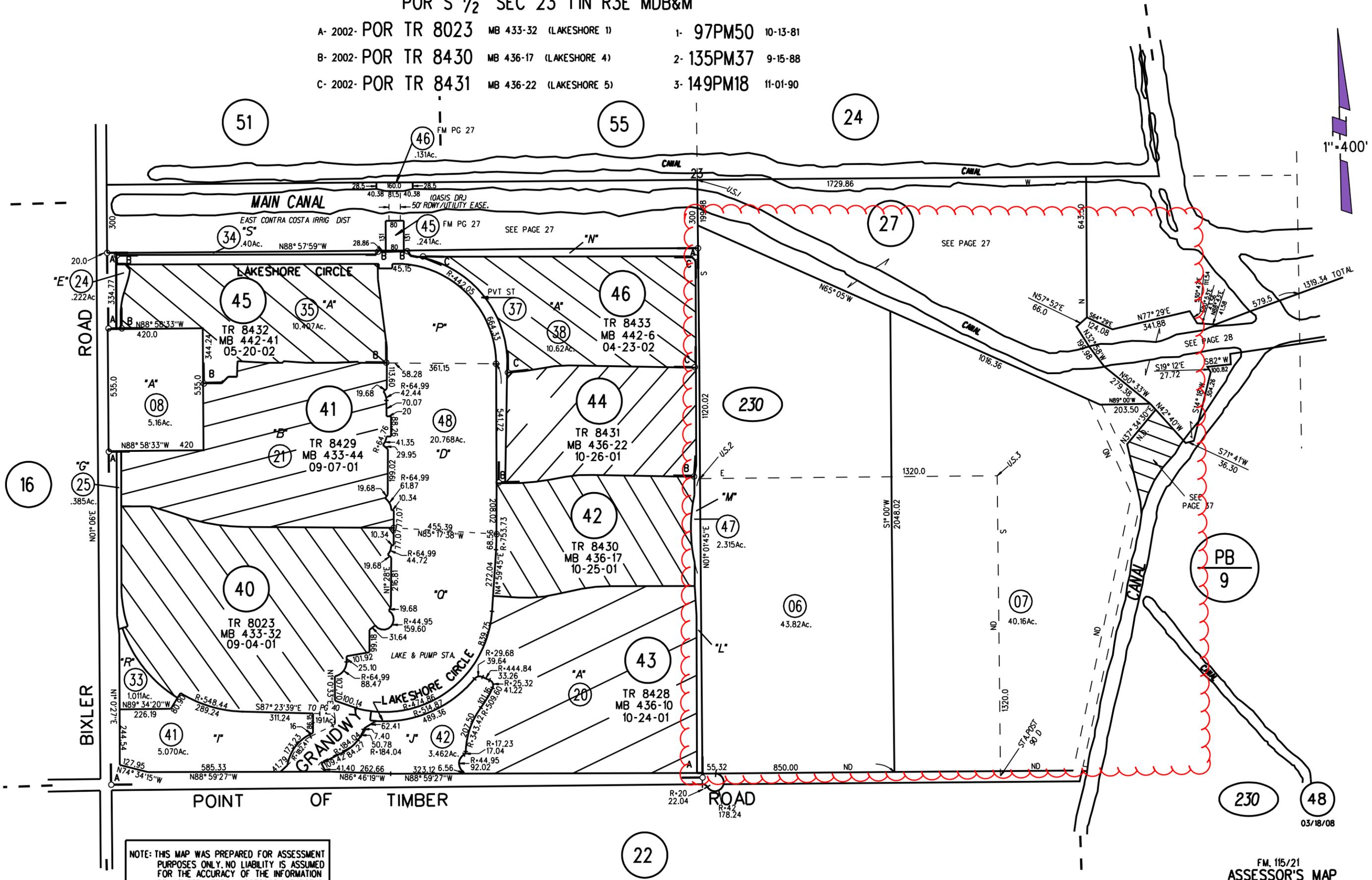


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8/13/12

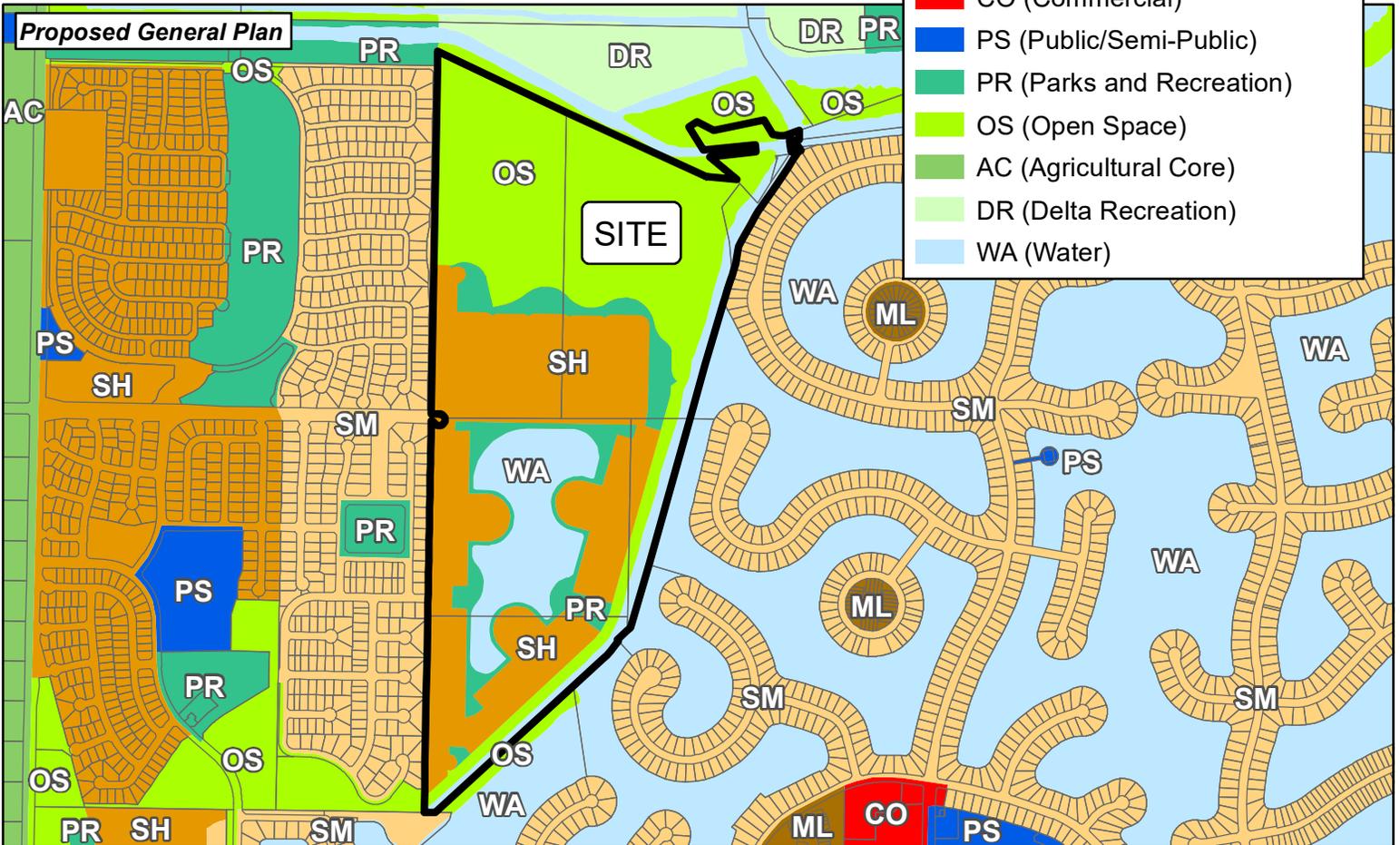
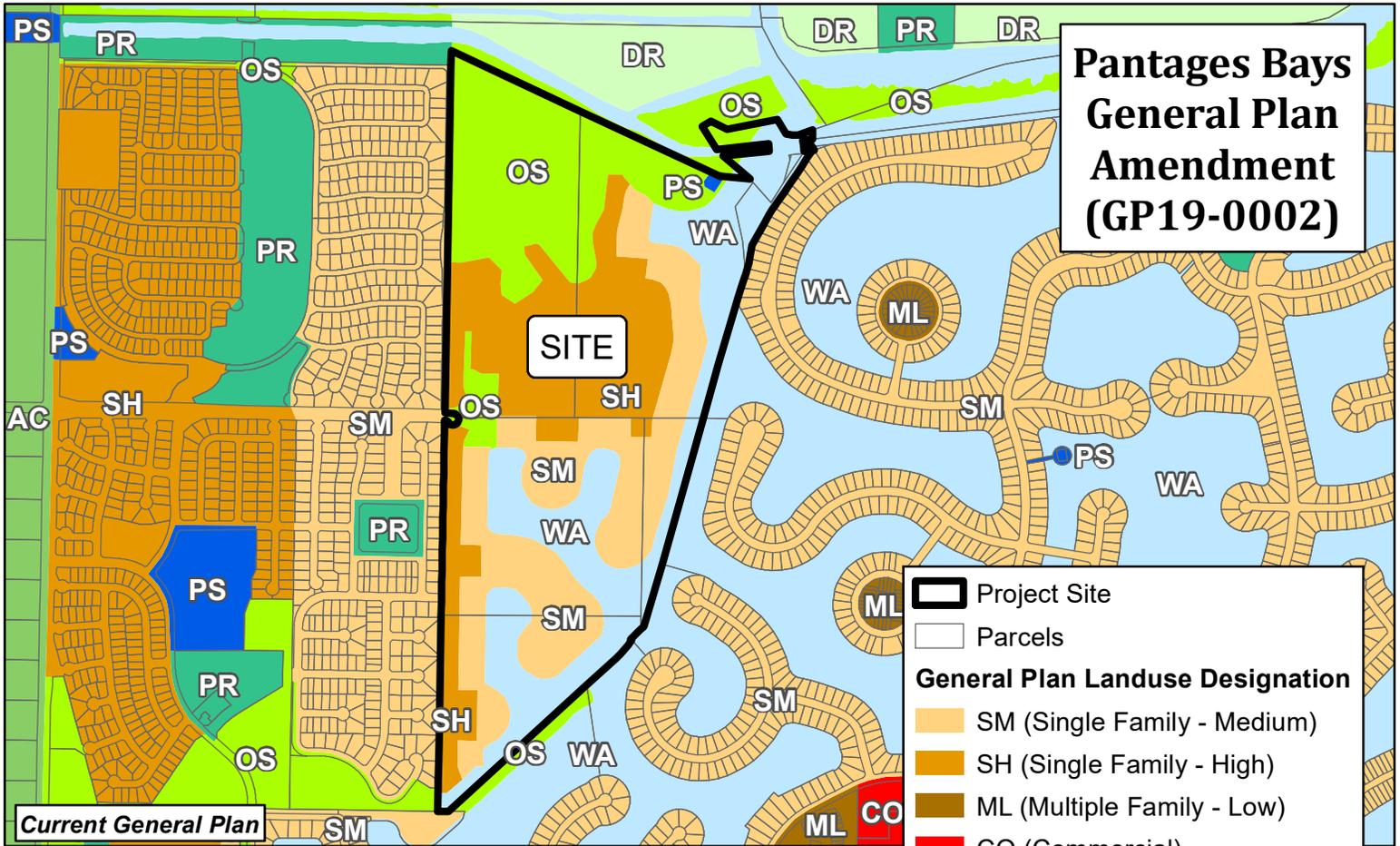
POR S 1/2 SEC 23 T1N R3E MDB&M

A- 2002- POR TR 8023	MB 433-32 (LAKESHORE 1)	1- 97PM50	10-13-81
B- 2002- POR TR 8430	MB 436-17 (LAKESHORE 4)	2- 135PM37	9-15-88
C- 2002- POR TR 8431	MB 436-22 (LAKESHORE 5)	3- 149PM18	11-01-90

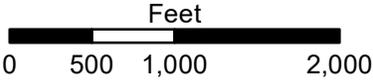


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Pantages Bays General Plan Amendment (GP19-0002)



- Project Site
- Parcels
- General Plan Landuse Designation**
- SM (Single Family - Medium)
- SH (Single Family - High)
- ML (Multiple Family - Low)
- CO (Commercial)
- PS (Public/Semi-Public)
- PR (Parks and Recreation)
- OS (Open Space)
- AC (Agricultural Core)
- DR (Delta Recreation)
- WA (Water)

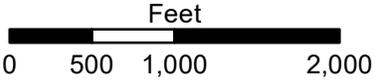
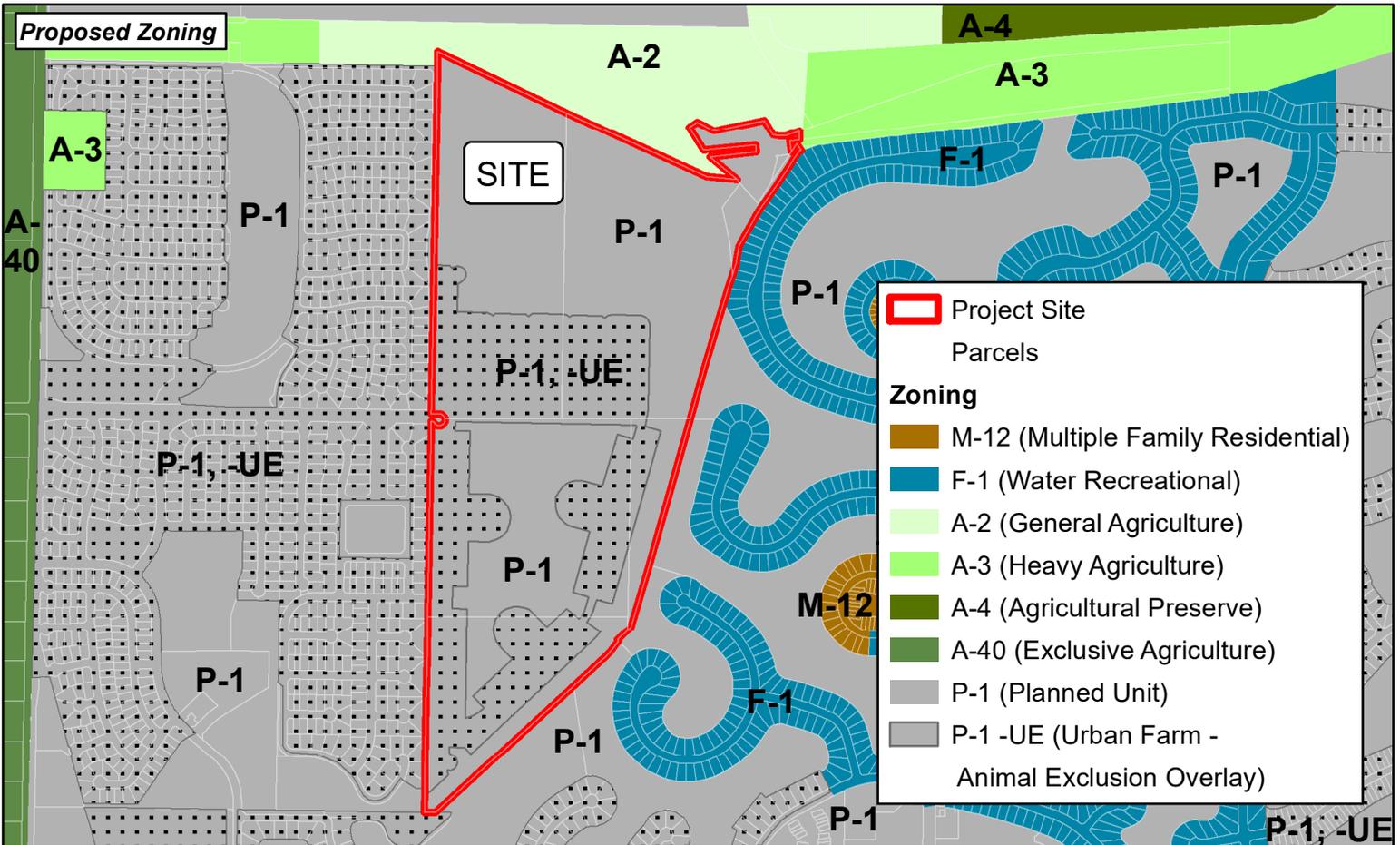
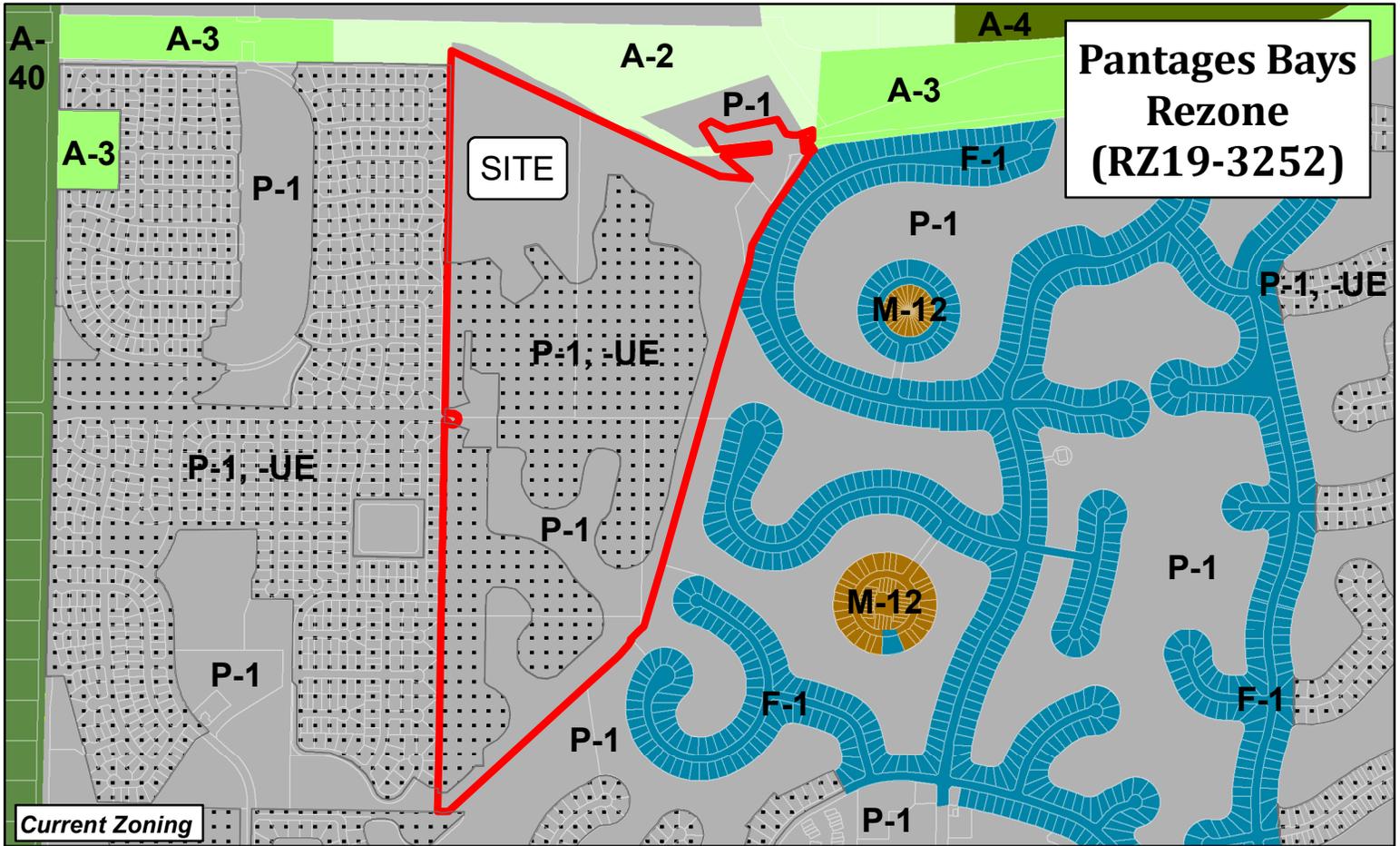


Map Created 03/24/2021
 by Contra Costa County Department of
 Conservation and Development, GIS Group
 30 Muir Road, Martinez, CA 94553
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Pantages Bays Rezone (RZ19-3252)

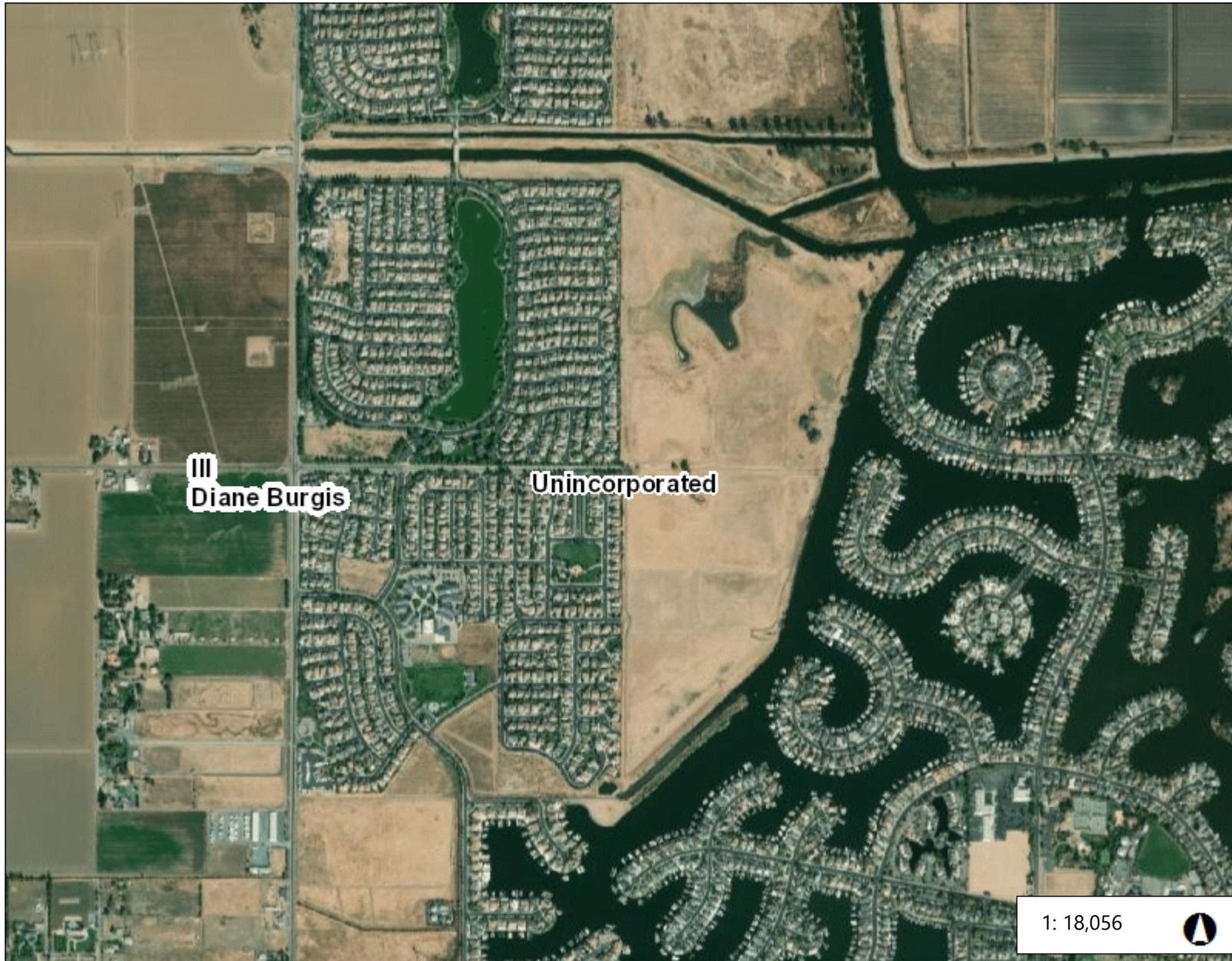


Map Created 03/23/2021
 by Contra Costa County Department of
 Conservation and Development, GIS Group
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Aerial Photograph



Legend

-  Board of Supervisors' Districts
-  City Limits
- Unincorporated
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations

1: 18,056



0.6 0 0.28 0.6 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Contra Costa County -DOIT GIS

**ADDENDUM TO THE
PANTAGES BAYS RESIDENTIAL DEVELOPMENT PROJECT
ENVIRONMENTAL IMPACT REPORT
(State Clearinghouse #2007-052130)**

Prepared By:

**Circlepoint
200 Webster St #200
Oakland, CA 94607**

Prepared For:

**Contra Costa County
Department of Conservation and Development
30 Muir Road
Martinez, CA 94553**

County File Numbers:

GP19-0002, RZ19-3252, SD19-9527, DP19-03024

December 2020

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1.0 Project Description

1.1 PURPOSE

The purpose of this addendum is to evaluate the environmental effects of proposed changes to the Pantages Bays Residential Development Project (project). An Environmental Impact Report (EIR) for the project was certified by Contra Costa County (County) in 2013¹ (2013 Pantages EIR), and an addendum to the EIR was prepared by the County in 2015² (2015 Pantages Addendum). This document addresses project modifications proposed by the project Applicant in 2019 to determine if new significant impacts would occur that would necessitate preparation of a subsequent or supplemental EIR per the California Environmental Quality Act (CEQA).

1.2 2013 PANTAGES ENVIRONMENTAL IMPACT REPORT

The project site is located in unincorporated eastern Contra Costa County approximately 16 miles west of Stockton, 4.5 miles southeast of Brentwood, and 19 miles north of Livermore. The approximately 171-acre project site is undeveloped except for a few dilapidated structures. The project site is located west of the original Discovery Bay subdivisions at the eastern terminus of Point of Timber Road (**Figure 1**).

The project described in the 2013 Pantages EIR consisted of plans to construct 292 detached single-family residential units within the Discovery Bay community. The 2013 Pantages EIR also included a Sheriff Marine Patrol Substation, roadways and pedestrian facilities, and necessary utilities. Of the 292 residential units, 116 waterfront units included docks with deep water access to Kellogg Creek.³ The remaining 176 residential lots were located within the project site with no deep water access.

In addition to residential development, the EIR project description included the widening of Kellogg Creek immediately east of the project site, including a portion of Pantages Island northeast of the residential development, would have preserved emergent marsh in the northern portion of the project site and on Pantages Island, and would have created new seasonal wetlands. Bays and coves would have been excavated along Kellogg Creek to create waterfront lots and provide deep water access to residents.

The 2013 project received approval of a General Plan Amendment, Rezoning, Subdivision, and Final Development Plan.

1.3 2015 PANTAGES ADDENDUM

After certification of the 2013 Pantages EIR, the Applicant filed an application with the County to modify the approved General Plan Amendment, Rezoning, Subdivision, and Final Development Plan. This application proposed reconfiguring the 292 proposed residential units to modify proposed bays along Kellogg Creek. These modifications would have required widening of the west bank of Kellogg Creek and removal of some of the wetlands in the northern part of the project site. Construction of the shoring wall along Kellogg Creek would have impacted waters of the United States as defined by the US Army Corps of Engineers. The following project modifications were also proposed:

- replacement of cement deep soil mixing shoring wall construction with the sheet pile shoring wall construction method
- maximum bay depth of 33 feet and a minimum bay depth of –11 feet for boat keel clearance
- new cut and fill amounts: 1,305,461 cubic yards of excavated soil and 1,344,237 cubic yards of fill
- reconfiguration of streets, bays, and coves of the site plan

1 State Clearinghouse: #2007052130; County file numbers: GP99-0008, RZ04-3146, SD06-9010, DP04-3062

2 County file numbers: CDDP 19-03024

3 Kellogg Creek is a creek that branches off from the Indian Slough tributary and makes up the eastern border of the project site

- reduction of waterfront lots to 105 (from 116); increase of non-waterfront lots to 187 (from 176)

The 2015 Pantages Addendum evaluated this modified version of the project against conditions established in the 2013 Pantages EIR. The 2015 Pantages Addendum concluded that the 2015 modified project changes would not result in impacts previously unevaluated in the 2013 Pantages EIR and would not warrant supplemental environmental review.

1.4 PROJECT CHANGES ADDRESSED IN THIS ADDENDUM

In 2019, the Applicant filed a new application with the County for additional modification to its approved General Plan Amendment, Rezoning, Subdivision, and Final Development Plan. The proposed project modifications include a reconfiguration of the residential land uses to avoid impacts to the northern wetland complex and Kellogg Creek, reduction of residential lots from 292 to 277, expansion of the trail network and clubhouse area, and addition of two internal lakes within the project site (**Figure 2**). These key components are briefly described in **Table 1** and in further detail below in **Section 2.1** through **Section 2.16**.

Table 1 Project Components

Project Feature	2013 Pantages EIR	2015 Pantages Addendum	2019 Modified Project
Bays and Coves	Yes	Yes	No
Widening of Kellogg Creek	Yes	Yes	No
Deep Water Access	Yes	Yes	No
Internal Lakes	No	No	Yes
Clubhouse	No	Yes	Yes
Sheriff's Patrol Substation	Yes	Yes	No
Number of Housing Units	292	292	277
Impervious Surface (acres)	17.4	18.4	13.4
Trail Length (linear feet)	3,840	3,200	5,200

Table 3 summarizes the project site's existing land use designations outlined in the *Contra Cost County General Plan 2005-2020* (General Plan), the land uses proposed in the 2013 Pantages EIR, the land uses proposed in the 2015 Pantages Addendum, and the new land use acreages proposed by the 2019 modified project. As shown in **Figure 3**, the General Plan includes designations for Single-Family Residential – Medium-Density (SM) (3.0-4.9 DU/AC), Single-Family Residential – High-Density (SH) (5.0-7.2 DU/AC), Public/Semi-Public (PS), Open Space (OS), and Water (WA) at the project site. However, consistent with the 2013 Pantages EIR, project modifications would require a General Plan amendment to accommodate proposed land uses.

In 2013, ABAG released the Regional Housing Needs Allocation (RHNA), which projects each community's share of the region's future growth and housing demand based on forecasts from San Francisco Bay Area Housing Needs Plan 2015-2023. **Table 2** identifies the projected housing needs for unincorporated areas of the County by income level through 2023. The total projected RHNA for unincorporated areas of the County is 1,367 units, divided among the defined income groups. The greatest need is in the low income category.

Table 2 Unincorporated Contra Costa County RHNA for 2015-2023

Income Level	RHNA Allocation	Percent of Total Number of Units Needed
Very Low	374	83
Low	218	16
Moderate	243	47
Above Moderate	532	0
Total	1,367	33

Source: ABAG Final Regional Housing Needs Allocation, 2013

As discussed previously, the greatest need is in the very low income category, where 83 percent of the allotted units for the unincorporated County remains. Of the 277 units, a total of 41 units will be set aside as affordable. Based on unit count, and per the County's Inclusionary Housing Ordinance, the 41 affordable units represent 15 percent of the 277 units in the project. Eighty percent of the 41 affordable units (33 total) would be affordable to Moderate income households and twenty percent of the 41 affordable units (8 total) would be affordable to low income households. The unit mix of the affordable units will be determined once a homebuilder determines the market rate unit mix and prior to issuance of a building permit or first Final Map approval, whichever occurs first. The 41 affordable units would satisfy a portion of the County's RHNA.

As discussed in the Construction Methods section below, construction of the modified project would be conducted in two phases. Phase 1 for construction of the southern portion of the project site, and Phase 2 for construction north of Point of Timber Road, where affordable units would be within the northern block of lots and the lots along the projects western boundary. The affordable units would be delivered in a proportionate amount of all units delivered in each phase of construction, for a total of 41 affordable units. The details of the type, size, design, and lot location to be deferred to the recordation of the first Final Map or the issuance of a building permit for the project, whichever comes first. Required terms will include, but will not be limited to, pacing of the construction of affordable units to exceed or equal the pace of constructing market rate units.

The modified project would decrease the total footprint of the project improvements relative to the 2013 Pantages EIR. The most substantial changes include a reduction of medium-density residential units and land designated for water, and an increase of high-density residential units and parks and open spaces. The total project modifications acreage (161.5 acres) is smaller than the project envisioned in the 2013 Pantages EIR and 2015 Pantages Addendum (171.2 acres each).

Table 3 Net Acreage by Land Use Type

Land Use Designation	General Plan	2013 Pantages EIR	2015 Pantages Addendum	2019 Project Modifications
Single-Family Residential – Medium-Density (SM)	42.3	46.3	42.3	0
Single-Family Residential – High-Density (SH)	45.5	34.0	45.5	58.4
Water (WA)	37.6	46.8	37.6	25.0
Public/Semi-Public (PS)	2.6	0.9	2.6	0
Parks and Recreation (PR)	0	0	0	14.8

Land Use Designation	General Plan	2013 Pantages EIR	2015 Pantages Addendum	2019 Project Modifications
Open Space (OS)	43.2	43.2	43.2	63.3
Total Site Acreage	171.2	171.2	171.2	161.5

Residential Elements

As shown in **Figure 1**, the project site is surrounded by residential land uses. The Ravenswood and Village neighborhoods border the west side of the project site, Discovery Bay to the east and south, and undeveloped open space borders the north. As shown in **Figure 2**, the modified project would include 277 single-family residential housing units. These units would no longer have deep water or waterfront access to Kellogg Creek, and would now include two lakes within the project site (Lake South and Lake North – described in **Section 2.9**). Regarding site access, the modified project no longer proposes gated points of entry and would have points of entry on Point of Timber Road and Wilde Drive. Roads and sidewalks within the residential portion of the modified project would create 13.4 acres of impervious surfaces. The 2013 Pantages EIR and 2015 Pantages Addendum proposed 292 residential units with deep water access for all waterfront units and would have had only one gated point of entry at Point of Timber Road. Road and sidewalks for in the 2013 Pantages EIR created 17.4 acres of impervious surfaces, while the 2015 Pantages Addendum proposed 18.4 acres of impervious surfaces.

Trail Network

The modified project would now include two trail systems providing 5,200 linear feet of walkways: an internal pedestrian trail adjacent to Lake South, and a multi-purpose trail around the site perimeter providing views of Kellogg Creek, adjacent wetlands, and Lake North (**Figure 2**). The internal pedestrian trail around Lake South would connect to Point of Timber Road and passive park areas throughout the project site. This trail would also provide maintenance and emergency access. The outer multi-purpose trail system would provide access to views of Kellogg Creek, viewing areas of Lake North, and of the wetland features on the northern portion of the project site. The 2013 Pantages EIR included public pedestrian and bicycle access to the open space areas via a 3,840-foot-long public trail/emergency vehicle access road to be constructed through the emergent marsh and proposed wetland mitigation/open space area. The 2015 Pantages Addendum proposed 3,200 linear feet of pedestrian trail and eliminated the emergency vehicle access along the trail.

Clubhouse

The modified project would include a clubhouse to provide residents with amenities such as exercise facilities, meeting rooms, and a viewing area of the wetlands and Kellogg Creek. The clubhouse would be located at the eastern terminus of Point of Timber Road adjacent to Kellogg Creek. This location would accommodate the clubhouse along with parking, guest parking, and active outdoor spaces to accommodate recreational uses. The 2015 Pantages Addendum included a much smaller clubhouse and the 2013 Pantages EIR did not include a clubhouse project component.

Internal Lakes

The modified project would include construction of two lakes within the project site, Lake South and Lake North. Lake South, approximately 23 acres in size, would be surrounded by residential units on three sides, along with open space paseos that will provide view corridors; and the northern edge of the lake will be adjacent to the extension of Point of Timber Road, providing views of the entire lake from the trail and road. Lake South includes 5 bio-retention areas along its perimeter. Lake North would encompass approximately 7 acres and would be located in an upland area among the seasonal wetlands

and emergent marsh in the northern part of the project site. The 2013 Pantages EIR and 2015 Pantages Addendum projects did not include internal lakes.

IMPACTS TO WETLANDS AND KELLOGG CREEK

The modified project avoids or minimizes aquatic resources including wetland complexes and Kellogg Creek. As modified, the project would preserve on-site wetland features, would be set back from Kellogg Creek by approximately 70 feet, and would not increase in boat activity on the Sacramento San Joaquin Delta due to the elimination of bays and coves that would have provided deep water access. The 2013 Pantages EIR evaluated approximately 5.29 acres of wetland impacts and the 2015 Pantages Addendum evaluated approximately 5.55 acres of wetland impacts. These previous projects also required dredging to create bays and coves, that would have resulted in 5,800-6,100 linear feet of impacts or impacts to a 10.75-acre area along Kellogg Creek to facilitate deep water access.

CONSTRUCTION METHOD

Construction of the modified project would be conducted in two phases; Phase 1 for construction of the southern portion of the project site, which would include construction activities associated with both lakes and the residential units surrounding Lake South, and Phase 2 for construction of the residential units primarily located north of Point of Timber Road. The modified project would no longer require a shoring wall, as the project would be set back from Kellogg Creek. Furthermore, the use of any type of pile driving equipment is not anticipated to be needed.

Grading

As shown in **Table 4**, the cut and fill amounts required with the reconfigured site plan would not exceed the cut and fill amounts analyzed in the 2013 Pantages EIR. Dirt excavated from the internal lakes would be used to raise the overall site elevation to same levels approved with the 2013 project, which raised portions of the project site out of the 100-year floodplain. Cut material would be balanced on-site; however, there is a potential need to import fill material up to 90,000 cubic yards per year of fill material, if necessary. Haul trucks would access the project site from Highway 4, approximately 1.5 miles away from the project site, then proceed onto Bixler Road, and then turn right onto Point of Timber Road to enter the project site. However, as included in the Conditions of Approval number 79, if the final grading plan and the actual grading is not balanced, then the Applicant shall prepare an off-site dirt hauling plan that would include the pavement analysis and any necessary road repair as required in Conditions of Approval number 102 for submittal to the County for its review and approval.

Table 4 Grading Balance

	2013 Pantages EIR	2015 Pantages Addendum	2019 Modified Project
Cut	1,130,000 cubic yards	1,305,461 cubic yards	775,000 cubic yards
Fill	1,250,000 cubic yards	1,344,237 cubic yards	913,000 cubic yards

MODIFICATION APPROVAL

The County Planning Commission must approve the modified project vesting tentative map. A change in the existing General Plan Amendment map to reflect the revised locations for SH residential designation, OS, PR, and the WA designations would require Board of Supervisors approval.

OTHER CHANGES SINCE 2013 PANTAGES EIR APPROVAL

Since the project was approved in 2013, the Central Valley Regional Water Quality Control Board (RWQCB) approved a permit for the Town of Discovery Bay (Town) to increase its wastewater discharge

flows into Old River. The increase is necessary to accommodate anticipated new development and the project. The RWQCB permit would allow wastewater discharge from new development to take place prior to construction of certain wastewater infrastructure improvements required by the discharge permit.

Additionally, the 2013 Pantages EIR identified several traffic mitigation measures that would require the Applicant to financially contribute towards proposed road improvement projects throughout the region. At that time, some of these road improvement projects were being considered within the proposed update of the Bridge/Thoroughfare Fee Ordinance for the East County. Since the EIR certification, the 2013 East County Regional Area of Benefit Transportation Mitigation Fee Update was completed and the new fee ordinance was adopted. The changes to the 2013 Pantages EIR mitigation measures were updated accordingly in this addendum.

PENDING PROJECT APPROVALS

Pending project approvals and permits include:

- Annexation into the Town of Discovery Bay Community Services District
- De-annexation from Reclamation District (RD) 800

1.5 REQUIRED FINDINGS FOR USE OF AN ADDENDUM

Section 15164 of the *State CEQA Guidelines* states that an addendum to an earlier EIR shall be prepared if some changes or additions are necessary to the previously certified document, but none of the conditions described in Section 15162 have occurred. Section 15162 of the *State CEQA Guidelines* identifies the conditions that require preparation of a subsequent EIR. A proposed change in a project will require preparation of a subsequent EIR if:

A) The change in the project is substantial.

Substantial changes in the project are those that would require major revisions of the 2013 Pantages EIR due to the involvement of new significant environmental effects, or if a substantial increase in the severity of previously identified significant effects has occurred.

B) The circumstances under which the project is undertaken have substantially changed.

Substantial changes in circumstances are those that would require major revisions of the 2013 Pantages EIR due to the involvement of new significant environmental effects, or any changes that would cause a substantial increase in the severity of the previously identified significant effects.

C) New information of substantial importance, which was not known and could not have been known, with the exercise of reasonable diligence at the time the previous environmental document was approved, shows any of the following.

- The project will have one or more significant effects not discussed in the previous EIR or negative declaration.
- Significant effects previously examined will be substantially more severe than shown in the previous EIR.
- Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.
- Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Additionally, pursuant to Section 15163 of the *State CEQA Guidelines*, a lead agency may choose to prepare a supplement to an EIR rather than a subsequent EIR if:

- any conditions described in Section 15162 would require the preparation of a subsequent EIR; or,
- only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.

1.6 MODIFIED ENVIRONMENTAL CHECKLIST FORM

The purpose of the checklist is to evaluate the categories in terms of any “changed condition” (e.g., changed circumstances, project changes, or new information of substantial importance) that may result in a changed environmental effect (e.g., a new significant impact or substantial increase in the severity of a previously identified significant effect) that would require further environmental review (CEQA Guidelines Section 15162).

The questions posed in the checklist come from Appendix G of the *State CEQA Guidelines*. Answering a question with a “no” response does not necessarily mean that there are no potential impacts relative to the environmental resource category, but that there is no change in the condition or status of the impact since it was analyzed and addressed with mitigation measures in the Final EIR prepared for this project. Likewise, these environmental resource categories may be answered with a “no” in the checklist since the modified project description does not introduce changes that would result in a modification to the conclusion of the certified 2013 Pantages EIR.

The purpose of this addendum is to evaluate the potential for a “changed condition” that may result in a changed environmental effect that would require further environmental review beyond what was analyzed in the 2013 Pantages EIR using the 2013 CEQA Statute and Guidelines. Because the 2015 Pantages Addendum did not identify new impacts or mitigation measures associated with the project, a comparison of the 2019 modified project against the 2013 Pantages EIR represents a comprehensive evaluation to determine if new significant impacts would occur. As such, the 2015 Pantages Addendum is not discussed further.

1.7 EXPLANATION OF CHECKLIST EVALUATION CATEGORIES

A) Do the proposed changes involve new impacts not previously identified?

Pursuant to Section 15162, subdivision (a)(1), of the *State CEQA Guidelines*, this column indicates whether changes represented by the modified project will result in new significant environmental impacts not previously identified or mitigated by the EIR, or whether the changes will result in a substantial increase in the severity of a previously identified significant impact.

B) New circumstances involving new impacts?

Pursuant to Section 15162, subdivision (a)(2), of the *State CEQA Guidelines*, this column indicates whether there have been substantial changes with respect to the circumstances under which the project is undertaken, which will require major revisions to the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

C) New information requirement requiring new analysis or verification?

Pursuant to Section 15162, subdivision (a)(3)(A-D), of the *State CEQA Guidelines*, this column indicates whether new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the 2013 Pantages EIR was certified as complete, would result in any of the actions described above in Section 4.C.

If the additional analysis completed as part of this environmental review finds that the conclusions of the Final EIR remain the same and no new significant impacts are identified, or identified impacts are not found to be substantially more severe, or additional mitigation is not necessary, then the question would be answered “no” and no additional environmental document (supplemental or subsequent EIR) is required.

D) Final EIR mitigation measures implemented or address impacts

This column indicates whether the mitigation measures in the Final EIR would apply to the proposed changes evaluated in this EIR Addendum in order to minimize and reduce impacts.

1.8 FINDINGS

There are no substantial changes proposed by the modified project or in the circumstances in which the project would be undertaken that require major revisions to the existing EIR, or preparation of a new subsequent or supplemental EIR, due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. As illustrated herein, the project is consistent with the findings of the 2013 Pantages EIR and would have similar construction-related and operational effects (Section 15162, subdivision (a), *State CEQA Guidelines*), but at a reduced scale. Most mitigation measures from the 2013 Pantages EIR would remain in effect and would continue to mitigate proposed project modifications. Project modifications and changes in best practices 2013 resulted in updated mitigation measures for Biological Resources (**Section 2.4**) and Transportation and Traffic (**Section 2.15**). Additionally, project modifications have reduced or eliminated certain impacts, such that mitigation is no longer required.

The impacts of the proposed project remain within the impacts previously analyzed in the 2013 Pantages EIR (Section 15162, subdivision (b)(3), *State CEQA Guidelines*). The proposed project does not require major revisions to the Pantages Bays Project EIR. No new significant information or changes in circumstances surrounding the project have occurred since certification of the EIR. The previous analysis completed for the project remains adequate under CEQA. However, the project Applicant will remain obligated to comply with all applicable mitigation measures and conditions of approval contained within the 2013 Pantages EIR and 2015 Pantages Addendum, unless appropriately added, modified, or removed to reflect the environmental review in this addendum. The County may approve the modified project, as presented, based on this addendum.

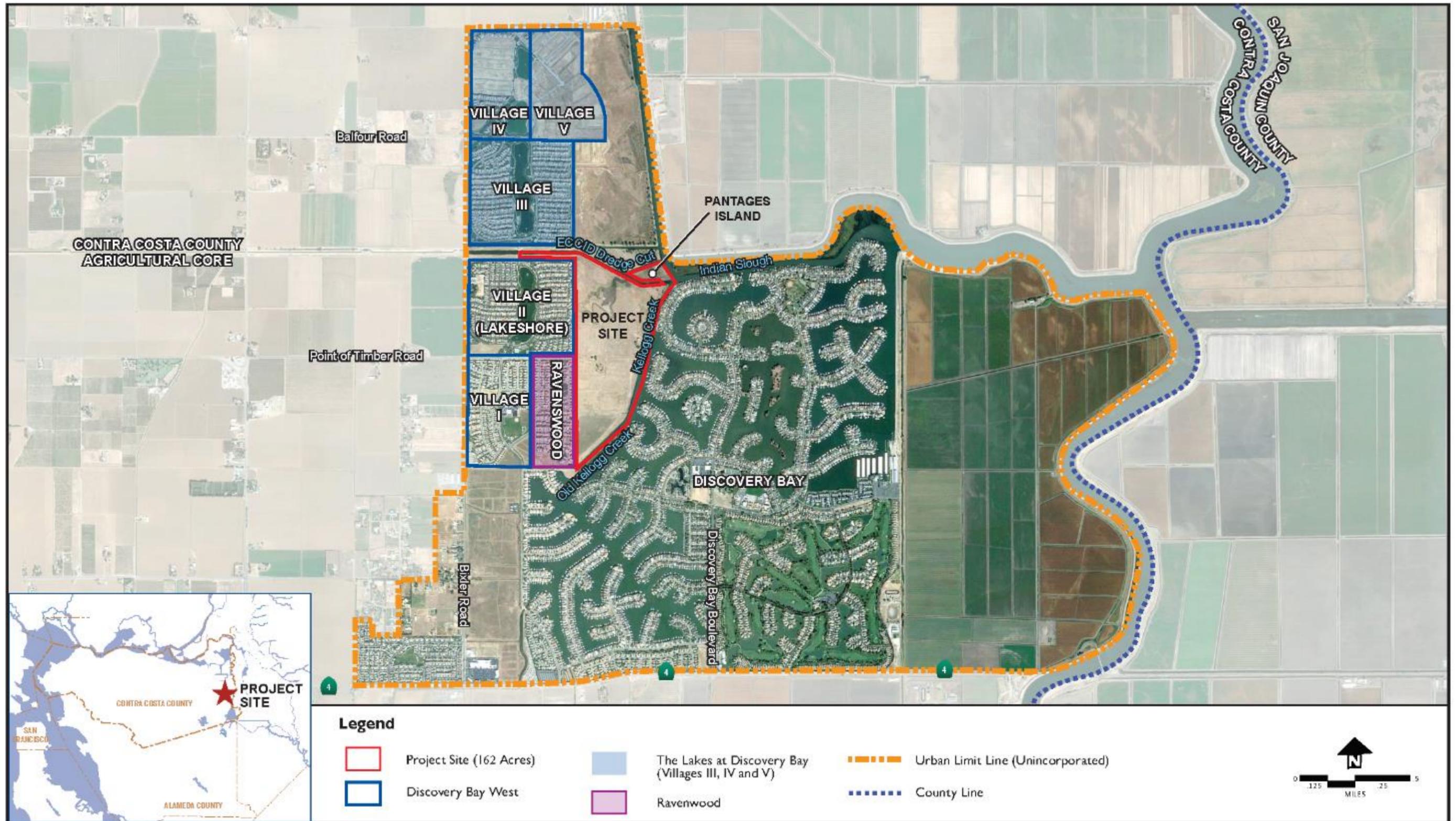


Figure 1 Project Site

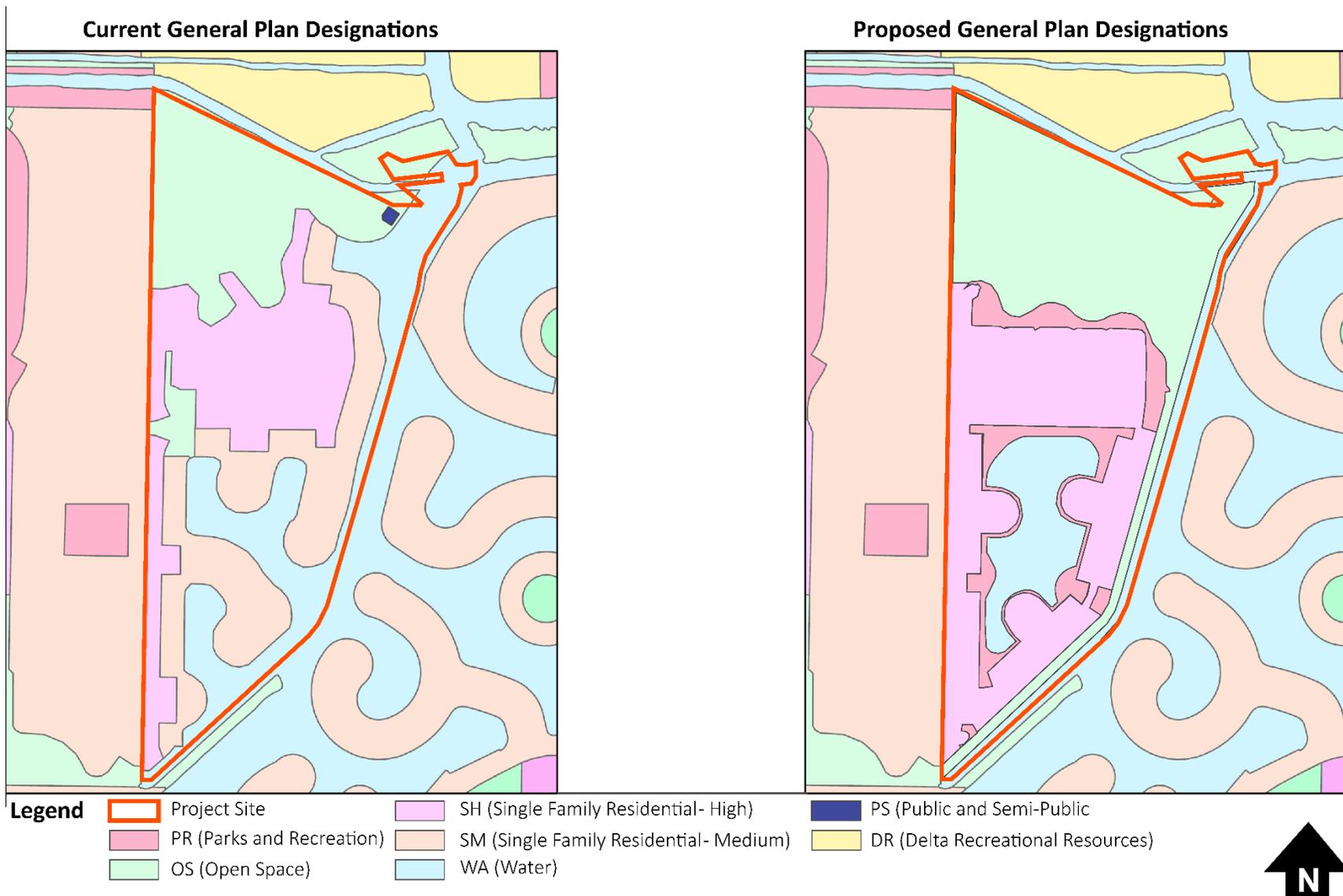


Figure 3 Land Use Designations

2.0 Environmental Analysis

2.1 AESTHETICS

Issues and Supporting Information Sources	New Impacts Not Previously Identified?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented or Address Impacts?
Would the Project:				
a) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	No	No	No	No mitigation required
b) Have a substantial adverse effect on a scenic vista?	No	No	No	No mitigation required
c) Substantially degrade the existing character or quality of public views of the site and its surroundings?	No	No	No	No mitigation required
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	No	No	No	Yes

DISCUSSION

The 2013 Pantages EIR determined that the project would not impact views from a scenic highway as there are no state-designated scenic highways within proximity of the project site.⁴ While the residential development analyzed in the 2013 Pantages EIR may have altered views of scenic vistas, including the Diablo Range, Kellogg Creek, and associated waterways of the Delta estuary systems, such views were already partially obstructed by adjacent development or were not visible in several locations around the project site due to intervening topography.⁵ The proposed project modifications would have a similar effect on scenic resources and vistas as determined in the 2013 project. Furthermore, no new scenic resources or vistas have been identified in the project area since certification of the 2013 Pantages EIR. Therefore, consistent with the project analyzed in the 2013 Pantages EIR, development of the modified project would not significantly impact scenic resources or scenic vistas.

The 2013 Pantages EIR determined that the project would not degrade the existing visual character of the surrounding area. As described in the EIR, the project area consisted of mostly single-family medium and high-density residential land uses. The residential development component proposed as part of the project analyzed in the 2013 Pantages EIR resembled the visual character of the surrounding

4 Caltrans. 2020. Scenic Highways. Available: <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>. Accessed: May 12, 2020.

5 Contra Costa County. 2005. Contra Costa County General Plan Open Space Element. Last Revised: 2010. Available: <https://www.contracosta.ca.gov/DocumentCenter/View/30919/Ch9-Open-Space-Element?bidId=>. Accessed: May 15, 2020.

development. Similar to the conclusions in the 2013 Pantages EIR, the modified project would remain visually compatible with the type and intensity of surrounding development. Therefore, the modified project would not result in new significant impacts pertaining to the visual character or quality.

The 2013 Pantages EIR determined that the project would result in new sources of light and glare from the residential development and associated vehicular traffic. Preparation of a lighting plan for the site, **Mitigation Measure VIS-1**, was required to mitigate these impacts to a less-than-significant level. The modified project would still introduce new sources of light and glare from residential development and vehicular traffic. The lighting plan outlined in **Mitigation Measure VIS-1** in the 2013 Pantages EIR, would also apply to the modified project to reduce potential impacts associated with new sources of residential light and glare.

CUMULATIVE IMPACTS

The cumulative setting for aesthetics includes development projects that would affect scenic resources within the County. The General Plan EIR noted three primary areas where scenic quality could be cumulatively degraded:

- development of vacant areas would reduce natural open space and would change the County's character.
- new development that is obtrusive, inconsistent with surrounding development or which is placed on a location of unique scenic value.
- development of hillsides, ridges, and the Bay and Delta shoreline.

The 2013 project included the development of the shoreline along Kellogg Creek, which resulting in a requirement for the applicant to enhance creek bank habitat on Pantages Island. The 2013 Pantages EIR determined that the project would not have a considerable contribution to a cumulative aesthetics impact with the enhancement of creek bank habitat. The modified project would reduce cumulative impacts on visual quality because it would eliminate the widening of Kellogg Creek and would also retain open space in the northern portion of the project site, as opposed to the 2013 project which would have excavated the northern portion of the project site to create bays and coves. Furthermore, the modified project would remain consistent with the type and intensity of surrounding suburban development. As such, the modified project's contribution to cumulative aesthetic resource impacts would not be considerable.

DETERMINATION

The modified project would not substantially damage existing scenic resources, degrade the existing visual character or quality of the area, or create a new permanent source of light or glare. Overall, the modified project would slightly reduce visual impacts relative to the 2013 project by avoiding Kellogg Creek and retaining open space in the northern portion of the project site. Accordingly, the County finds the following.

- A) Substantial changes in the project and project circumstances resulting in new significant effects or a substantial increase in the severity of previously identified significant effects would not occur.
- B) New information of substantial importance with respect to this environmental resource resulting in new significant effects or a substantial increase in the severity of previously identified effects has not been identified.
- C) None of the proposed project changes would significantly affect this environmental resource.

2.2 AGRICULTURE AND FOREST RESOURCES

Issues and Supporting Information Sources	New Impacts Not Previously Identified?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented or Address Impacts?
Would the Project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	No	No	No	No mitigation required
b) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526) or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	No	No	No	No mitigation required
c) Result in the loss of forest land or conversion of forest land to non-forest use?	No	No	No	No mitigation required
d) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	No	No	No	No mitigation required
e) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	No	No	No	No mitigation required

DISCUSSION

The 2013 Pantages EIR determined that the project site did not contain Prime Farmland, Unique Farmland, Farmland of Statewide Importance, forest land, or land under Williamson Act contract. Although the project site was not actively used for agricultural production or timber harvesting, the site was zoned as General Agricultural District (A-2) and Heavy Agricultural District (A-3), which required that the applicant submit a rezoning request in order to implement the 2013 project.

Subsequent to certification of the 2013 Pantages EIR, the project site was rezoned as a Planned Unit District (P-1) interspersed with the Urban Farm Animal Exclusion Combining District, which is consistent

with residential development.⁶ As such, the proposed uses associated with the modified project are consistent with the County's zoning map. The Urban Farm Animal Exclusion Combining District authorizes all uses designated under P-1 but prohibits farm animals, and as such, the modified project would be consistent with both land use designations. Furthermore, the modified project footprint would remain within the area of effect analyzed in the 2013 Pantages EIR. Therefore, the modified project would not result in new significant impacts to agricultural and forestry resources.

CUMULATIVE IMPACTS

The cumulative setting for agricultural and forest resources is the entire County. None of the land within the County is used for timber harvesting; therefore, the 2013 project, in combination with the other development within the County would not result in cumulative impacts to forest resources. The modified project would not change this conclusion, as land within the County is still not used for timber harvesting.

The General Plan identified a cumulatively significant trend of conversion of agricultural land uses to urban development. The General Plan EIR noted that build-out of the General Plan would result in the loss of agricultural land throughout the County. However, the County adopted overriding considerations as part of the adoption of the General Plan, as the County must designate a certain amount of land for residential uses, as required by State Law, and as the economic welfare of the County and its continued ability to provide for the employment needs of its residents is contingent upon this conversion of land uses.

The 2013 Pantages EIR determined that conversion of the site from agricultural use to non-agricultural use would represent a considerable contribution towards this cumulative impact that is unavoidable. The modified project would eliminate this cumulative impact because the project site is no longer zoned as A-2 and A-3 and would comply with both the P-1 and Urban Farm Animal Exclusion Combining District land use designations.

DETERMINATION

When compared to the 2013 project, the modified project would not substantially change the impacts to agricultural and forest resources within the project site. Overall, the modified project would eliminate the impact to agricultural resources as it would no longer require the rezoning of farmland to urban development. Accordingly, the County finds the following:

- A) Substantial changes in the project and project circumstances resulting in new significant effects or a substantial increase in the severity of previously identified significant effects would not occur.
- B) New information of substantial importance with respect to this environmental resource resulting in new significant effects or a substantial increase in the severity of previously identified effects has not been identified.
- C) None of the proposed project changes would significantly affect this environmental resource.

⁶ Contra Costa County. 2020. CCMAP. Available: <https://ccmap.cccounty.us/Html5/index.html?viewer=CCMAP>. Accessed: May 15, 2020.

2.3 AIR QUALITY

Issues and Supporting Information Sources	New Impacts Not Previously Identified?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented or Address Impacts?
Would the Project:				
a) Would the project result in a community risk due to an increased cancer risk of greater than 10 people in a million, an increased non-cancer risk of greater than 1.0 Hazard Index, or increased PM _{2.5} of greater than 0.3 micrograms per cubic meter (µg/m ³) if the project is within 1,000 feet from a source?	No	No	No	No mitigation required
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	No	No	No	No mitigation required
c) Create objectionable odors affecting a substantial number of people?	No	No	No	No mitigation required
d) Conflict with or obstruct implementation of the applicable air quality plan?	No	No	No	No mitigation required
e) 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)?	No	No	No	Yes
f) Expose sensitive receptors to substantial pollutant concentrations?	No	No	No	Yes

DISCUSSION

The 2013 Pantages EIR determined that project operation would have a less-than-significant impact from increased community cancer/non-cancer risk as there were no sources of toxic air contaminants (TAC) or particulate matter that are 2.5 microns or less in diameter (PM_{2.5}) within 1,000 feet of the project site. The modified project would introduce residents in the same location as the 2013 project

and as such, would not introduce sensitive receptors to an increased risk resulting from a stationary source, consistent with the 2013 Pantages EIR.

The 2013 Pantages EIR determined that the project-related traffic may increase localized carbon monoxide (CO) concentrations. However, the highest estimated CO concentrations over an 8-hour period with project implementation was predicted to be 3.6 parts per million (ppm), well below the California ambient standard of 9.0 ppm. The modified project would include 15 fewer residential lots than the 2013 project, and as such, result in fewer motor vehicle trips and associated mobile emissions. The modified project would contribute to CO concentrations to a lesser extent than the 2013 project, and impacts would remain less than significant.

Odors associated with construction of the 2013 project had the potential to be generated during architectural coating activities; however, the construction activities are required to comply with Bay Area Air Quality Management District (BAAQMD) Regulation 8, Rule 3, which outlines regulations to minimize odor impacts. Furthermore, land uses surrounding the site were found to not constitute a significant odor source. The modified project would be consistent with findings made within the 2013 Pantages EIR and would be required to comply with applicable BAAQMD regulations to minimize odor impacts.

The project as analyzed under the 2013 Pantages EIR was consistent with the Association of Bay Area Governments' regional population forecast and was therefore found to be consistent with applicable air quality plans, which are based upon regional forecasts for growth in population and employment. Furthermore, the 2013 project would have complied with the BAAQMD 2010 Clean Air Plan (CAP) by adhering to transportation control measures (TCM) to improve bicycle and pedestrian access. The CAP was updated in 2017 with new TCM, including TCM TR9, which encourages planning for bicycle and pedestrian access and facilities. The modified project would introduce fewer residents than the 2013 project, well within the Association of Bay Area Governments' current regional growth forecast, and thus would not conflict with any applicable air quality plan. The modified project would also retain project features to improve multi-modal access, including trails for pedestrians and bicyclists providing access to open space areas, consistent with the CAP. Therefore, the modified project would be consistent with findings made in the 2013 Pantages EIR.

The 2013 Pantages EIR determined the project would result in an increase of reactive organic gases (ROG), a criteria pollutant for which the project region is in non-attainment under applicable federal or state ambient air quality standards. **Mitigation Measure AQ-1** would have been applied to the 2013 project to prohibit the installation of wood-burning fireplaces and stoves, reducing ROG emissions during operation of the project below the BAAQMD's applicable threshold. Because the modified project would include fewer residential lots than the 2013 project, operational emissions from energy and water use by residents would be reduced. The modified project would also no longer include deep-water access, resulting in a reduction in emissions from motorboats used by residents of the project site. The impact from increase in criteria air pollutants would be incrementally reduced, but **Mitigation Measure AQ-1** would still be implemented to reduce the impact to a less-than-significant level.

In analyzing TAC emission impacts during construction, the 2013 Pantages EIR found that the use of diesel-powered vehicles and equipment would generate temporary emission of dust and diesel particulate that could adversely affect existing and planned residential sensitive receptors surrounding the project site. However, criteria air pollutant emissions generated during construction of the 2013 project would not have exceeded BAAQMD's applicable thresholds. The 2013 Pantages EIR required implementation of **Mitigation Measures AQ-2a** and **AQ-2b** to further reduce criteria air pollutant emissions, namely nitrogen oxides (NO_x) and PM, and implement BAAQMD-recommended best management practices to reduce TAC emissions from diesel exhaust. The modified project would involve

less intensive construction activity than the 2013 project due to the elimination of bays and coves and the construction of fewer residential units, and thus, lower levels of criteria air pollutant and TAC emissions from diesel-powered equipment. Therefore, the overall scale and duration of construction activity would not exceed what was assumed in the 2013 Pantages EIR. **Mitigation Measure AQ-2a** and **AQ-2b** would be required to reduce criteria air pollutant and TAC emissions to a less-than-significant level.

CUMULATIVE IMPACTS

The cumulative setting for air quality includes development within BAAQMD jurisdiction. The General Plan EIR noted that build-out would contribute to a significant and unavoidable impact on regional air quality. The County adopted overriding considerations, citing, in part, the need to balance competing goals such as the need to provide opportunities for jobs and housing, with the goal of preserving open space and agriculture. In balancing the competing goals, the County found that the benefits of the General Plan outweigh the unavoidable environmental impacts.

The 2013 Pantages EIR determined that a project would have a significant cumulative impact on air quality as the BAAQMD CEQA Guidelines state that any project with a significant individual air quality impact would also have a significant cumulative impact. The 2013 project was found to exceed the BAAQMD-recommended operational threshold of significance for ROG, but implementation of **Mitigation Measure AQ-1** would reduce ROG emissions well below the BAAQMD significant threshold. As previously discussed, the modified project would remain consistent with the findings from the 2013 Pantages EIR and maintain emissions below applicable air quality thresholds. As such, the modified project would not considerably contribute to a cumulative air quality impact.

DETERMINATION

The modified project would not substantially increase the severity of the previously identified impacts to air quality in the 2013 Pantages EIR. The modified project would have a reduced impact on air quality compared to the 2013 project due to the reduction in housing units which would result in fewer residents and motor vehicle trips. The modified project would also eliminate the construction of bays and coves and the widening of Kellogg Creek and as such, would require less construction equipment, resulting in fewer construction emissions. Accordingly, the County finds the following.

- A) Substantial changes in the project and project circumstances resulting in new significant effects or a substantial increase in the severity of previously identified significant effects would not occur.
- B) New information of substantial importance with respect to this environmental resource resulting in new significant effects or a substantial increase in the severity of previously identified effects has not been identified.
- C) None of the proposed project changes would significantly affect this environmental resource.

2.4 BIOLOGICAL RESOURCES

Issues and Supporting Information Sources	New Impacts Not Previously Identified?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented or Address Impacts?
Would the Project:				
a) 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?	No	No	No	No mitigation required
b) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	No	No	No	No mitigation required
c) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	No	No	No	Yes
d) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	No	No	No	Yes
e) Have 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?	No	No	No	Yes

Issues and Supporting Information Sources	New Impacts Not Previously Identified?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented or Address Impacts?
f) 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?	No	No	No	Yes

DISCUSSION

Zentner Planning and Ecology completed a Biological Resources Technical Report (**Appendix B**) to verify the Biological Resources Analysis Report (Monk and Associates 2010) prepared for the 2013 project and assess the project modifications. Zentner Planning and Associates updated several mitigation measures to reflect current practices, which are provided in ~~striketrough~~ and underline in their corresponding sections. Additionally, impacts to federally protected reptiles and amphibians were analyzed in a separate Memorandum prepared by Eric C. Hansen (**Appendix C**).

Wildlife Corridors

The 2013 Pantages EIR concluded the project would not interfere with the pathway or corridor of migratory or resident species because the project site does not overlap a wildlife movement corridor. As the modified project is in the same location as the 2013 project, the conclusion in the 2013 Pantages EIR remains the same, and the modified project would not interfere with the pathway or corridor of migratory or resident species.

Habitat Conservation Plan/Natural Community Conservation Plan

The 2013 Pantages EIR determined that the project site was not located within the East Contra Costa County Habitat Conservation Plan (HCP)/Natural Community Conservation Plan (NCCP) inventory area and would not conflict with any HCP/NCCP. Consistent with the 2013 project, the modified project would not conflict with an HCP/NCCP as the location of the project has not changed from the 2013 Pantages EIR.

Waters of the United States

The 2013 Pantages EIR determined that construction activities associated with the 2013 project, including widening of Kellogg Creek, would significantly impact waters of the United States and waters of the State. Implementation of **Mitigation Measure BIO-12**, which required permits from the USACE and the RWQCB and compensatory mitigation, would reduce this impact to a less-than-significant level. The modified project would remove water access, eliminate proposed bays and coves, and avoid widening Kellogg Creek, which would avoid modifications to waters of the United States and/or State. Furthermore, reconfiguration of the stormwater drainage system to discharge stormwater to the emergent marsh instead of Kellogg Creek would eliminate all fill into waters of the United States and/or State (see **Section 2.9, Hydrology and Water Quality**). The USACE confirmed these findings during an

agency meeting held on November 14, 2019.⁷ As such, the modified project would avoid modifying or filling waters of the United States and/or state and **Mitigation Measure BIO-12** is no longer required.

Special-Status Wildlife Species

Appendix B evaluated special-status species that could be impacted by the project, including those not previously considered in the 2013 Pantages EIR that are now known to occur in the project region.

Vernal Pool Fairy Shrimp

The 2013 Pantages EIR determined that the project would impact the federally threatened vernal pool fairy shrimp and that incorporation of **Mitigation Measure BIO-3** would reduce impacts to this species to a less-than-significant level. The modified project would reconfigure the project layout to preserve wetland features that provide vernal pool fairy shrimp habitat. As such, the modified project would not impact vernal pool fairy shrimp and **Mitigation Measure BIO-3** is no longer required.

Western Pond Turtle

The 2013 Pantages EIR determined the project could significantly impact western pond turtles and included **Mitigation Measure BIO-6** to reduce impacts to this species. The widening and excavation of Kellogg Creek is no longer required as part of the project modifications, and the modified project would therefore avoid potential western pond turtle basking and nesting habitat. However, construction activities could still impact western pond turtle in the unlikely event that individuals travel through the construction area. As identified in the 2013 Pantages EIR, **Mitigation Measure BIO-6** (revised below to reflect current best practices) would apply reduce this impact to a less-than-significant level for the modified project.

Mitigation Measure BIO-6: Western Pond Turtle

~~The applicant shall install turbidity barriers around construction areas in Kellogg Creek and the buffers protecting the preserved emergent marsh to ensure that western pond turtles do not enter the project construction areas.~~

~~The western pond turtle is not a state listed species; therefore, it is not protected pursuant to the California Endangered Species Act. Thus, the resource agencies (CDFG and USFWS) do not have specific mitigation guidelines that must be followed to offset a project's impact to the western pond turtle. Mitigation for this special-status species is determined on a project by project basis. It is likely that any mitigation implemented for the California red-legged frog and the giant garter snake would also mitigate the proposed project's impact on the western pond turtle. The mitigation measure for impacts to these two listed species would be a 1:1 mitigation ratio (that is, for each 1 acre of impact, 1 acre of mitigation land would be acquired offsite or preserved onsite) for impacts to aquatic habitat and a surrounding upland buffer area, or mitigation would be as worked out by the applicant, the USFWS, and the Corps at the time applications for permits/authorizations from these two agencies are submitted. Replacement habitat can be acquired via fee title acquisition of land, contribution into an existing mitigation bank, or, with permission from state and federal regulatory agencies and in agreement with the Conservancy, the applicant may make a financial contribution to the Conservancy.~~

Within 5 days of initiating construction activities, a qualified biologist (knowledgeable and experienced in western pond turtle identification) shall conduct preconstruction surveys of all

⁷ Madrone Ecological Consulting. 2019. Memo: Summary of November 14, 2019 Agency Meeting to Discuss the Pantages Project. Sacramento, CA.

areas in these locations that will or could be impacted by construction activities. Any western pond turtles or eggs observed within the construction zone shall be allowed to leave the area on their own accord or they shall be relocated by the qualified biologist to a suitable area outside of the construction zone. A survey report detailing the survey results shall be prepared and submitted to the biological permitting agencies prior to the start of construction.

After the preconstruction survey and prior to construction activities, an exclusion fence shall be placed between the development and the bank habitat and the emergent marsh habitat such that a western pond turtle could not move from these habitats into the development area. A qualified biologist shall be present during trenching activities associated with the exclusion fence installation.

The exclusion fencing will be standard silt fencing, approximately 42 inches in height that will be trenched 6 inches into the soil. The soil will then be compacted against both sides of the fence to prevent wildlife from gaining access underneath. The stakes will be placed on the inside of the fence facing the development. No gaps or holes are permitted in the fencing system, except for pedestrian and vehicle entry points.

The entry/exit points may be constructed in the fencing system for equipment and personnel, but the qualified biologist must ensure no wildlife is capable of entering the fenced off site via the gate. The gate structure must be flush to the ground with no holes or gaps (i.e., plywood gates with silt fencing flaps).

The fence will be inspected occasionally by a qualified biologist for holes, gaps, or access points, which shall be repaired upon discovery. The area inside the fence will also be inspected for trapped wildlife prior to the initiation of construction each day. If wildlife is discovered, the fence shall be opened and monitored until the wildlife has left the fenced area on its own accord and no work shall occur during this period. If the wildlife does not leave on its own accord, CDFW will be contacted before work may continue.

Giant Garter Snake

As described in the 2013 Pantages EIR, the giant garter snake has not been observed on the project site although emergent marsh and the vegetated edges of Kellogg Creek and East Contra Costa Irrigation District Dredge Cut provides suitable habitat. **Mitigation Measure BIO-5** was included in the 2013 Pantages EIR to reduce impacts to this species to a less-than-significant level. The modified project would avoid widening and excavation of Kellogg Creek and associated bank habitats, thereby avoiding giant garter snake habitat and eliminating potential impacts to this species.⁸ As such, the project would not impact giant garter snake and **Mitigation Measure BIO-5** is no longer required.

Fish

Several special-status fish occur in the project region, including steelhead salmon, Central Valley Chinook salmon, Pacific lamprey, longfin smelt, Delta smelt, green sturgeon, and Sacramento splittail. The 2013 Pantages EIR determined that construction-related turbidity could significantly impact various fish species in the project area, and **Mitigation Measure BIO-7** was implemented to reduce impacts to a less-than-significant level. The modified project would avoid widening and excavation of Kellogg Creek, and would therefore avoid special-status fish habitat. **Mitigation Measure BIO-7** is no longer required.

⁸ Hansen, Eric C. 2020. Memo: Pantages at Discovery Bay: Threatened and Endangered Reptile and Amphibian Reevaluation. Sacramento, CA.

California Red-Legged Frog

The 2013 Pantages EIR determined the project would impact California red-legged frog, a federally-threatened species and a California species of special concern. The project site included suitable California red-legged frog habitat around an emergent marsh that would have been impacted by the 2013 project. The 2013 Pantages EIR included **Mitigation Measure BIO-4** to reduce impacts to this species. The modified project site layout avoids the emergent marsh and includes a buffer between marsh habitat and the planned development, thereby avoiding suitable California red-legged frog habitat and eliminating potential impacts to this species.⁹ **Mitigation Measure BIO-4** is no longer required.

Swainson's Hawk

The 2013 Pantages EIR determined that the project site includes suitable nesting and foraging habitat for Swainson's hawk and **Mitigation Measure BIO-9** was included to reduce impacts to this species. The modified project site still contains suitable nesting and foraging habitat for Swainson's hawk, and **Mitigation Measure BIO-9** (updated below to reflect current best practices) is still required.

Mitigation Measure BIO-9: Swainson's Hawk

To meet the CDFG's mitigation requirements for impacts to Swainson's hawk foraging habitat the applicant shall implement one of the following scenarios:

- ~~Dedicate and preserve 135 acres of habitat² (this is a 1:1 impact to mitigation ratio), as approved by CDFG, to a conservation organization. An operating endowment shall be provided to the conservation organization to manage any preserved lands in perpetuity.~~
- ~~With permission from state and federal regulatory agencies and in agreement with the Conservancy, the applicant may make a financial contribution to the Conservancy, commensurate with approximately 135 acres of impacts to Swainson's hawk foraging habitat.~~

The loss of potential foraging hawk habitat shall be mitigated in consultation with the CDFW following the recommendations provided below. The CDFW Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California (CDFG 1994) recommends that projects within 1 mile of an active nest provide:

- One acre of Habitat Management (HM) land (at least 10 percent of the HM land requirements shall be met by fee title acquisition or a conservation easement allowing for the active management of the habitat, with the remaining 90 percent of the HM lands protected by a conservation easement [acceptable to the Department] on agricultural lands or other suitable habitats which provide foraging habitat for Swainson's hawk) for each acre of development authorized (1:1 ratio); or
- One-half acre of HM land (all of the HM land requirements shall be met by fee title acquisition or a conservation easement [acceptable to the Department] which allows for the active management of the habitat for prey production on-the HM lands) for each acre of development authorized (0.5:1 ratio).

Prior to site disturbance tTo ensure that no impacts occur to any nesting Swainson's hawk, preconstruction nesting surveys shall be conducted no more than one month prior to construction to establish whether Swainson's hawk nests within 1,000 feet of the project site

⁹ Hansen, Eric C. 2020. Memo: Pantages at Discovery Bay: Threatened and Endangered Reptile and Amphibian Reevaluation. Sacramento, CA.

~~are occupied in conformance with the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Technical Advisory Committee, 2000).~~

~~If an active nest is found on or adjacent to within 0.25 miles of the project site "to avoid potential violation of Fish and Game Code 2080 (i.e., killing of listed species), project-related disturbance at active Swainson's hawk nesting sites should be reduced or eliminated during critical phases of the nesting cycle (March 1-September 15 annually)" (CDFG 1994) and/or in consultation with the CDFW.~~

~~If Swainson's hawk are found nesting on the project site, a qualified raptor biologist shall establish a non-disturbance boundary around the nesting site. The size of this nondisturbance boundary shall be determined by the qualified raptor biologist in the field and in consultation with the CDFW. The buffer shall be based upon the location of the nesting tree, the bird's tolerance of noise, and the type of other disturbance (e.g., ground vibrations). Once the young have fledged from the nest, the buffer can be removed, and all project activities can commence.~~

~~Upon completion of nesting cycle, as determined by a qualified raptor biologist, and in coordination with CDFG, any non-disturbance boundary/nest buffer could be vacated.~~

~~If the nest tree must be removed as part of the project, removal of this tree shall be mitigated in accordance with the mitigation measure prescribed for tree removal impacts in **Mitigation Measure BIO-1**. Tree planting is proposed as mitigation at a 9.5:1 ratio (that is, planting: removal). Replacement nest trees shall be native species (such as oaks or cottonwoods).~~

Western Burrowing Owl

The 2013 Pantages EIR determined that suitable habitat for the western burrowing owl was found at the project site, and **Mitigation Measure BIO-10** was required to reduce impacts to this species. Given that the modified project would occur on the same project site as the 2013 project, the modified project would result in a potentially significant impact to western burrowing owl and **Mitigation Measure BIO-10** is still required.

Other Nesting Birds and Raptors

The project site provides suitable nesting and foraging habitat for a variety of nesting raptors and birds including white-tailed kites, northern harriers, red shouldered hawk, red-tailed hawk, loggerhead shrike, and tricolored blackbird. **Mitigation Measures BIO-8** and **BIO-11** were implemented to reduce impacts to these species. The modified project would still affect suitable nesting and foraging habitat for nesting raptors and other nesting birds and mitigation would still be required.¹⁰ **Mitigation Measure BIO-11** has been condensed into **Mitigation Measure BIO-8** for the modified project and the revised **Mitigation Measure BIO-8** is provided below.

Mitigation Measure BIO-8: Tree Nesting Birds

~~If possible, tree removal shall be completed outside the nesting season (that is, between September 2 and February 28). In an abundance of caution, a preconstruction nesting survey of the tree to be removed shall be conducted within 30 days of the scheduled removal to ensure no birds are nesting.~~

¹⁰ The existing mitigation measures contained in the Conditions of Approval (COA; Contra Costa County 2013) for all nesting birds except Swainson's hawk, have been consolidated below and updated to reflect current practices.

If construction or tree removal would commence between March 1 and September 1 during the nesting season, nesting surveys shall be conducted 30 days prior to grading/construction of the project or any proposed tree removal work. The raptor nesting surveys shall include examination of all trees and shrubs within sphere of influence of the proposed project, and not just of those trees slated for removal.

If nesting raptors are identified during the surveys, the dripline of the nest tree shall be fenced with orange construction fencing (provided the tree is on the project site), and a 300-foot radius around the nest tree shall be staked with bright orange lath or other suitable staking.

If the tree is adjacent to the project site then the buffer shall be demarcated per above where the buffer occurs on the project site. The size of the buffer may be altered if a qualified raptor biologist conducts behavioral observations and determines the nesting raptors are well acclimated to disturbance. If this occurs, the raptor biologist shall prescribe a modified buffer that allows sufficient room to prevent undue disturbance/harassment to the nesting raptors. This buffer may be reduced no smaller than 100 feet from the nest tree.

No construction or earth-moving activity shall occur within the established 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 1. This date may be earlier than August 1 or later, and would have to be determined by a qualified raptor biologist. If construction related work would commence anytime during the nesting/breeding season for raptors or other bird species listed in the Migratory Bird Treaty Act (typically February 1 through September 15), a pre-construction survey of the project vicinity for nesting birds shall be conducted. This survey shall be conducted by a qualified biologist (experienced with the nesting behavior of bird species of the region) within 7 days prior to the commencement of construction activities that would occur during the nesting/breeding season. The intent of the survey shall be to determine if active nests are present within or adjacent to the construction zone within approximately 250 feet. The surveys shall be timed such that the last survey is concluded no more than one week prior to initiation of construction. If ground disturbance activities are delayed following a survey, then an additional pre-construction survey shall be conducted such that no more than one week will have elapsed between the last survey and the commencement of ground disturbance activities.

If active nests are found in areas that could be directly or indirectly affected by the project, a no-disturbance buffer zone shall be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged. The size of the buffer zones (generally 250 for raptors and 50 for passerines) and types of construction activities restricted within them should be determined through consultation with the CDFW depending on the species, taking into account factors such as the following:

- Noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity;
- Distance and amount of vegetation or other screening between the construction site and the nest; and
- Sensitivity of individual nesting species and behaviors of the nesting birds.

The buffer zone around an active nest shall be established in the field with orange construction fencing or another appropriate barrier and construction personnel shall be instructed on the sensitivity of nest areas. The qualified biologist shall serve as a construction monitor during

those periods when construction activities would occur near active nest areas of special-status bird species to ensure that no impacts on these nests occur.

Mitigation Measure BIO-11

~~A nesting survey shall be conducted prior to commencing with construction work if this work would commence between March 15 and August 31.~~

~~If special-status birds, such as loggerhead shrike or tricolored blackbird, are identified nesting within the area of affect, a 100-foot non-disturbance radius around the nest must be fenced. No construction or earth-moving activity shall occur within this 100-foot staked buffer until it is determined by a qualified ornithologist 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 1. This date may be earlier than August 1, or later, and would have to be determined by a qualified ornithologist. Similarly, the qualified ornithologist could modify the size of the buffer based upon site conditions and the bird's apparent acclimation to human activities.~~

~~If common (that is, not special-status) passerine birds (that is, perching birds such as northern mockingbirds) are identified nesting in the trees proposed for removal, tree removal would have to be postponed until it is determined by a qualified ornithologist that the young have fledged and have attained sufficient flight skills to leave the project site. Typically, most passerine birds can be expected to complete nesting by August 1, with young attaining sufficient flight skills by this date that are sufficient for young to avoid project construction zones. Unless otherwise prescribed for special-status bird species, upon completion of nesting no further protection or mitigation measures would be warranted for nesting birds.~~

Song Sparrow - Modesto Population

The song sparrow (Modesto population) is a California species of special concern that was not previously evaluated in the 2013 Pantages EIR because it was not observed on the project site. However, the site survey conducted for the modified project concluded that emergent marsh and bank habitat on the project site represent potentially suitable habitat for this species. The modified project would not impact emergent marsh and bank habitat and includes a substantial buffer between these habitats and the areas proposed for development. However, if project activities are planned for within 50 feet of the emergent marsh and bank habitat during nesting season, the preconstruction nesting bird survey and buffer zones required by the revised **Mitigation Measure BIO-8** would avoid impacts to this species.

Contra Costa County Tree Ordinance

The 2013 Pantages EIR determined that the project would significantly impact trees protected under the Contra Costa County Tree Ordinance, as many would be removed to widen Kellogg Creek. Implementation of **Mitigation Measure BIO-1**, which would replace native and non-native trees, reduced the impact to a less-than-significant level. The modified project would involve reconfiguration of the layout of the project and would no longer widen Kellogg Creek, which would reduce the number of trees requiring removal.¹¹ However, several trees would still require removal to implement the modified project, and **Mitigation Measure BIO-1** would continue to apply to mitigate tree loss. However, the number of trees to be removed by the modified project has been significantly reduced as compared to the 2013 project.

¹¹ Zentner Planning & Ecology. 2020. Pantages Modified Project: Biological Report for Peer Review by Rincon. August 2020. Oakland, CA.

Natural Communities

Development of the 2013 project would significantly impact bank habitat¹², as it proposed removal of approximately half of the existing bank habitat within the project area along Kellogg Creek, the East Contra Costa Irrigation District (ECCID) Dredge Cut, Old Kellogg Creek, and Pantages Island in order to widen Kellogg Creek, create new bays and coves, and develop waterfront homes. **Mitigation Measure BIO-2** reduced this impact by requiring permits and approved mitigation measures by USACE, the RWQCB, and the Reclamation Board. Proposed modifications to the project would no longer require the widening of Kellogg Creek or removal of low, moderate, or high quality bank habitat. As a result, **Mitigation Measure BIO-2** would no longer be required, and the impact would be less than significant.

The 2013 Pantages EIR determined the project would have the potential to impact the iodine bush scrub, determined by the California Department of Fish and Wildlife to be a sensitive natural community. However, the iodine bush scrub habitats on the property are highly disturbed and contain very few other native plants with an understory dominated by invasive grass species, for both the 2013 project and the modified project. As such, this impact would be less than significant.

CUMULATIVE IMPACTS

The 2013 Pantages EIR determined that the project, in combination with other regional land use development, could result in cumulative vegetation and wildlife impacts. **Mitigation Measures BIO-3** through **BIO-11** would offset the project's impacts to vegetation and wildlife resources such that the project's contribution to this cumulative impact would not be considerable. The modified project would have a smaller area of disturbance, thereby reducing the magnitude of impact on vegetation and wildlife resources. In addition, the revised **Mitigation Measures BIO-3** through **BIO-10** would still be required to reduce project-level impacts to vegetation and wildlife. Thus, the modified project would not considerably contribute to a cumulative vegetation and wildlife impact.

The 2013 Pantages EIR determined that the project, in combination with other regional land use development, could cumulatively impact wetlands, bank habitat, and waters of the United States. The modified project would now avoid wetlands, bank habitat, and waters of the United States, and as such, would not contribute to this cumulative impact.

DETERMINATION

The modified project would not substantially increase the severity of the previously identified impacts to biological resources in the 2013 Pantages EIR. Accordingly, the County finds the following.

- A) Substantial changes in the project and project circumstances resulting in new significant effects or a substantial increase in the severity of previously identified significant effects would not occur.
- B) New information of substantial importance with respect to this environmental resource resulting in new significant effects or a substantial increase in the severity of previously identified effects has not been identified.
- C) None of the proposed project changes would significantly affect this environmental resource.

¹² For the purposes of this Addendum, bank habitat is the habitat located on the banks of Kellogg Creek, the ECCID Dredge Cut, and Old Kellogg Creek. Bank habitat was characterized by the type of vegetation or lack of vegetation covering the banks. These habitat types were then categorized as low, moderate, or high quality based on the extent of cover they provide fish (Stillwater Sciences 2006).

2.5 CULTURAL RESOURCES

Issues and Supporting Information Sources	New Impacts Not Previously Identified?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented or Address Impacts?
Would the Project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the State CEQA Guidelines?	No	No	No	Yes
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the State CEQA Guidelines?	No	No	No	Yes
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	No	No	No	Yes
d) Disturb any human remains, including those interred outside of formal cemeteries?	No	No	No	Yes

DISCUSSION

Site surveys and archival research conducted for the 2013 Pantages EIR did not identify archaeological or paleontological resources within the project site. Additionally, the project site did not contain structures eligible for listing on the National Register of Historic Places (NRHP) or the California Register of Historic Resources (CRHR). After certification of the 2013 Pantages EIR, a cultural resource was identified in the northeast corner of the project site along Kellogg Creek.

The modified project would be within the original limits of disturbance evaluated in the 2013 Pantages EIR and would have a smaller overall construction footprint. Notably, the modified project layout would avoid the cultural resource site identified at the northeast corner of the project site. The original cultural resource surveys, research, and impacts identified in the 2013 Pantages EIR remain valid because the project modifications do not expand the project footprint into previously unevaluated areas. Although cultural surveys and research conducted for the 2013 Pantages EIR did not identify archaeological or paleontological resources within the project site, there remains the possibility that the modified project could encounter unidentified cultural resources during construction. In the event that any prehistoric, historic, archaeological, or paleontological resources are discovered, **Mitigation Measure CUL-1** through **Mitigation Measure CUL-4** would still apply to halt work and consult with a qualified professional if an unrecorded cultural resource is uncovered.

CUMULATIVE IMPACTS

The cumulative setting for cultural resources includes developments within the County that could potentially affect archaeological or historical resources. Development associated with the General Plan

buildout could result in potentially significant impacts to known and unknown historical and archeological resources. As such, development of the project site, in combination with planned projects in the General Plan EIR, would result in a considerable contribution to a cumulative cultural resources impact.

The 2013 Pantages EIR noted that no known historical, archaeological, or paleontological resources were identified on the project site, and therefore the project would not contribute to this cumulative impact. In the event that undiscovered cultural resources were unearthed during construction, **Mitigation Measures CUL-1** through **CUL-4** would ensure proper identification and treatment. The modified project would be in the same location as the 2013 project and **Mitigation Measures CUL-1** through **CUL-4** would be applied in the event an undiscovered cultural resource is encountered. The modified project would not considerably contribute to this cumulative impact.

DETERMINATION

The modified project would not cause a substantial adverse change in the significance of a historical or archaeological resource; directly or indirectly destroy a unique paleontological resource, site, or geologic feature; or disturb any human remains from what was previously analyzed in the 2013 Pantages EIR. The modified project would result in reduced cultural resource impacts due to the smaller footprint and avoidance of a known cultural resource. Accordingly, the County finds the following.

- A) Substantial changes in the project and project circumstances resulting in new significant effects or a substantial increase in the severity of previously identified significant effects would not occur.
- B) New information of substantial importance with respect to this environmental resource resulting in new significant effects or a substantial increase in the severity of previously identified effects has not been identified.
- C) None of the proposed project changes would significantly affect this environmental resource.

2.6 GEOLOGY AND SOILS

Issues and Supporting Information Sources	New Impacts Not Previously Identified?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented or Address Impacts?
Would the Project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	No	No	No	No mitigation required
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	No	No	No	No mitigation required

Issues and Supporting Information Sources	New Impacts Not Previously Identified?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented or Address Impacts?
ii) Strong seismic ground shaking?	No	No	No	Yes
iii) Seismic-related ground failure, including liquefaction?	No	No	No	Yes
iv) Landslides?	No	No	No	No mitigation required
b) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	No	No	No	No mitigation required
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?	No	No	No	Yes
d) Result in substantial soil erosion or the loss of topsoil?	No	No	No	Yes
e) 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?	No	No	No	Yes

DISCUSSION

The 2013 Pantages EIR determined the project site was not within an Alquist-Priolo Earthquake Fault Zone and would not subject people or structures to landslides because the project site is generally flat and there is no history of landslides in the vicinity of the Town. Accordingly, the 2013 Pantages EIR determined no impacts would occur regarding fault rupture and landslides. Consistent with the 2013 Pantages EIR, the project site is not located within an Alquist-Priolo Earthquake Fault Zone, the existing topography of the land has not changed, and no new fault rupture or landslide impacts would occur.

The 2013 project would have connected with municipal wastewater collection and treatment systems and did not require septic tanks or alternative wastewater disposal systems. Therefore, there would be no impact related to soil capability of supporting wastewater systems. The modified project would not alter these plans to connect proposed residences to municipal wastewater and treatment systems.

The 2013 Pantages EIR determined that the project site could experience groundshaking, liquefaction, lateral spreading, or expansive soil effects. Implementation of **Mitigation Measure GEO-1** and **GEO-3** required consistency with building codes and implementation of monitoring plans to reduce this impact

to a less-than-significant level. The project site’s underlying soil would still be prone to liquefaction, lateral spreading, and expansion, and therefore could still potentially expose people and structures to these adverse effects as a result of these conditions. As such, **Mitigation Measures GEO-1** and **GEO-3** would still be required.

Development of the project site could result in soil erosion or loss of topsoil because construction would increase the amount of exposed surfaces and increased sedimentation in receiving water bodies. Implementation of **Mitigation Measures GEO-2** reduced these impacts to a less-than-significant level. Soil erosion and topsoil loss during operation would be reduced for the modified project because the area of disturbance would be slightly smaller and less excavation would be required due to the elimination of bays and coves proposed in the 2013 Pantages EIR. However, **Mitigation Measure GEO-2** would still be applied to the modified project to further reduce construction period and long-term erosion and sedimentation.

CUMULATIVE IMPACTS

The General Plan EIR notes that buildout would increase the potential for new development in areas subject to seismic shaking, liquefaction, ground failure and land sliding, thereby increasing the associated risks to persons and property. However, geologic impacts are site specific and relate to the type of building and building foundation proposed, as well as the soil composition and slope on the site. Therefore, implementation of the modified project, in addition to other planned projects in the County would not considerably contribute to a cumulative impact.

DETERMINATION

The modified project would not substantially increase the severity of the previously identified impacts related to geology in the 2013 Pantages EIR. The modified project would result in slightly reduced geology and soils impacts because the smaller project footprint would encounter fewer hazards. Accordingly, the County finds the following.

- A) Substantial changes in the project and project circumstances resulting in new significant effects or a substantial increase in the severity of previously identified significant effects would not occur.
- B) New information of substantial importance with respect to this environmental resource resulting in new significant effects or a substantial increase in the severity of previously identified effects has not been identified.
- C) None of the proposed project changes would significantly affect this environmental resource.

2.7 GREENHOUSE GAS EMISSIONS

Issues and Supporting Information Sources	New Impacts Not Previously Identified?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented or Address Impacts?
Would the Project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	No	No	No	Yes

Issues and Supporting Information Sources	New Impacts Not Previously Identified?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented or Address Impacts?
b) Conflict with an applicable plan, policy, or regulation adopted for the purposes of reducing the emissions of greenhouse gases?	No	No	No	Yes

DISCUSSION

The 2013 Pantages EIR determined that the project would increase per capita CO₂ emissions beyond BAAQMD thresholds and contribute to regional and global increases in greenhouse gas (GHG) emissions. The 2013 project included **Mitigation Measures CUM GCC-1a** and **1b**, which outline energy efficiency measures to reduce project emissions; however, impacts would remain significant and unavoidable. The modified project includes development of fewer residential units compared to the 2013 project, thereby reducing the amount of GHG emissions from on-site sources and motor vehicle trips. Regulatory changes such as motor vehicle fuel economy standards and energy efficiency standards have improved since certification of the 2013 Pantages EIR, which would further reduce GHG emissions generated by residents. While total GHG emissions would be lower than the 2013 project, the emission intensity would not substantially change, and emissions levels would still exceed BAAQMD’s emissions threshold and the State of California’s adopted GHG emissions reduction targets such that impacts would remain significant and unavoidable after implementation of **Mitigation Measures CUM GCC-1a** and **1b**, consistent with the 2013 project. There are no additional cumulative impacts for GHG emission as GHG emissions are inherently cumulative.

DETERMINATION

The modified project would not substantially increase the severity of the previously identified impacts to greenhouse gas emissions in the 2013 Pantages EIR. The modified project would result in slightly reduced GHG impacts due to the smaller footprint and reduced number of proposed residences. Accordingly, the County finds the following.

- A) Substantial changes in the project and project circumstances resulting in new significant effects or a substantial increase in the severity of previously identified significant effects would not occur.
- B) New information of substantial importance with respect to this environmental resource resulting in new significant effects or a substantial increase in the severity of previously identified effects has not been identified.
- C) None of the proposed project changes would significantly affect this environmental resource.

2.8 HAZARDS AND HAZARDOUS MATERIALS

Issues and Supporting Information Sources	New Impacts Not Previously Identified?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented or Address Impacts?
Would the Project:				
a) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	No	No	No	No mitigation required
b) 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?	No	No	No	No mitigation required
c) 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?	No	No	No	No mitigation required
d) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	No	No	No	No mitigation required
e) 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?	No	No	No	No mitigation required
f) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	No	No	No	No mitigation required

Issues and Supporting Information Sources	New Impacts Not Previously Identified?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented or Address Impacts?
g) 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?	No	No	No	Yes
h) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	No	No	No	Yes

DISCUSSION

The 2013 Pantages EIR determined that the project site (1) does not contain hazardous material sites pursuant to Government Code Section 65962.5, (2) is not located within an airport land use plan, airport, or private airstrip that would impact safety or represent a hazard, and (3) is not a high-risk zone for wildland fires. These conditions have not changed since 2013 and are not analyzed further.^{13,14}

The 2013 Pantages EIR determined that the project would not affect emergency response plans because the project is designed to comply with County standards for emergency vehicle access. The modified project would now allow emergency vehicle access on residential streets rather than through the open space, as originally proposed in the 2013 Pantages EIR. Point of Timber Road and Wilde Drive would serve as the emergency vehicle access roads and would be extended to access residences throughout the project site. As such, the project would provide adequate emergency access to the entire project site.

The 2013 Pantages EIR determined that project construction could mobilize hazardous materials including asbestos and lead. The modified project would continue to require demolition, grading, and construction activities that could potentially cause a release of these hazardous materials such as arsenic, asbestos, and lead based paint. **Mitigation Measures HAZ-1** and **HAZ-2**, as proposed in the 2013 Pantages EIR, would ensure hazardous materials would be removed prior to construction and would mitigate these impacts to a less-than-significant level.

The project analyzed in the 2013 Pantages EIR could involve the release of hazardous materials in proximity to a school; the project site is located within a 0.25 mile from Timber Point Elementary School. **Mitigation Measures HAZ-1** and **HAZ-2** would ensure that potentially hazardous materials would be properly handled to reduce exposure risks to a less-than-significant level. The modified project would

13 Department of Toxic Substances Control. 2020. Hazardous Waste and Substances Site List. Available: https://www.envirostor.dtsc.ca.gov/public/search.asp?cmd=search&reporttype=CORTESE&site_type=CSITES,OPEN,FUDS,CLOSE&status=ACT,BKLG,COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST. Accessed: May 12, 2020.

14 Calfire. 2009. Very High Fire Hazard Severity Zones in LRA. Last Revised: 2009. Available: https://osfm.fire.ca.gov/media/6660/fhszl_map7.pdf. Accessed: May 12, 2020.

not change the location of the project site and would not change the determination in the 2013 Pantages EIR. Therefore, with implementation of **Mitigation Measures HAZ-1** and **HAZ-2**, this impact would remain less than significant.

CUMULATIVE IMPACTS

The General Plan EIR identified a potentially cumulative impact related to risk of accidental release of hazardous materials associated with heavy industry and other land uses requiring the use, transport, and storage of hazardous materials. The General Plan EIR also notes that new residential and commercial development would increase the number of people in proximity to these uses thereby increasing their risk of exposure. Hazardous materials are strictly regulated by local, state, and federal laws specifically to ensure that they do not result in a gradual increase to toxins in the environment. Implementation of these policies occurs as part of the development review and construction permitting process and was found to not result in cumulative hazardous materials impacts.

DETERMINATION

The modified project would not substantially increase the severity of the previously identified impacts related to hazards and hazardous materials in the 2013 Pantages EIR. Accordingly, the County finds the following.

- A) Substantial changes in the project and project circumstances resulting in new significant effects or a substantial increase in the severity of previously identified significant effects would not occur.
- B) New information of substantial importance with respect to this environmental resource resulting in new significant effects or a substantial increase in the severity of previously identified effects has not been identified.
- C) None of the proposed project changes would significantly affect this environmental resource.

2.9 HYDROLOGY AND WATER QUALITY

Issues and Supporting Information Sources	New Impacts Not Previously Identified?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented or Address Impacts?
Would the Project:				
a) Violate any water quality standards or waste discharge requirements?	No	No	No	No mitigation required
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 preexisting nearby wells would drop to a level which would not support existing land uses or planned uses	No	No	No	No mitigation required

Issues and Supporting Information Sources	New Impacts Not Previously Identified?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented or Address Impacts?
for which permits have been granted)?				
c) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	No	No	No	No mitigation required
d) 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?	No	No	No	No mitigation required
e) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	No	No	No	No mitigation required
f) 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?	No	No	No	Yes
g) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	No	No	No	No mitigation required
h) 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?	No	No	No	No mitigation required
i) Inundation by seiche, tsunami, or mudflow?	No	No	No	No mitigation required

Issues and Supporting Information Sources	New Impacts Not Previously Identified?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented or Address Impacts?
j) Otherwise substantially degrade water quality?	No	No	No	Yes

DISCUSSION

Hydrology associated with implementation of the project has changed substantially from the 2013 project. The 2013 project included bays and coves along Kellogg Creek to allow deep water access. The modified project would remove direct access to Kellogg Creek and eliminate the construction of bays and coves but would add two internal lakes. The modified project would also include a stormwater drainage system designed to accommodate typical stormwater generated on the project site, and would have an elevation exceeding the minimum elevation for a 300-year base flood event.

Groundwater

The 2013 Pantages EIR determined that groundwater recharge was not feasible at the project site due to the low permeability of the site’s clay soils, and therefore, the addition of impervious surfaces associated with the project was not expected to significantly affect groundwater recharge. The modified project would similarly avoid depletion or interference with groundwater supplies. The amount of impervious surface introduced at the project site would decrease from 17.4 acres proposed in the 2013 Pantages EIR to 13.4 acres. Therefore, due to the low permeability of the site’s clay soils and the reduction of impervious surfaces, the modified project would not significantly affect groundwater recharge at the project site, consistent with the findings made in the 2013 Pantages EIR.

Stormwater

The 2013 project included a storm water drainage and treatment system and would not require connection to an existing or planned water drainage system, and therefore not contribute to or exceed the existing system’s capacity. The project’s proposed drainage system was designed to comply with National Pollution Discharge Elimination System (NPDES) and the County’s C.3 requirements. Adherence to drainage system plan and applicable regulations would reduce operational impacts associated with the 2013 project to a less-than-significant level. All surface water runoff from the project site under the modified project would continue to drain into the approved storm water drainage and treatment system, which would collect runoff from drainage areas into a series of bioretention facilities designed to accommodate stormwater runoff generated within the project site. Although project modifications would involve reconfiguration of the storm water drainage and treatment system, the modified project would still meet NPDES requirements and would be designed to accommodate local system capacity. Therefore, the modified project would be consistent with findings made in the 2013 Pantages EIR, and potential impacts resulting from stormwater runoff would remain less-than-significant.

Erosion and Water Quality

The 2013 Pantages EIR identified potential erosion and water quality impacts from construction-related activities, such as excavation and widening of Kellogg Creek. The modified project would have a smaller construction footprint and would no longer affect Kellogg Creek, which would reduce erosion associated with construction activities around Kellogg Creek. Implementation of **Mitigation Measures HYD-1a, 1b, and 1c**, which proposes to monitor water quality, prevent pollution from construction, and ensure

compliance with the SWPPP, would still apply to minimize water quality degradation or erosion. In addition, two abandoned groundwater wells on the project site could act as conduits for hazardous waste and pollutants and impact groundwater, as pollutants may seep into groundwater via the well sites. Consistent with the 2013 project, **Mitigation Measure HYD-2** would be applied to the modified project to survey existing groundwater wells to avoid groundwater contamination.

Flooding

The project site is located within a 100-year flood zone that is not protected by an outside levee. However, the 2013 project met the minimum elevation required to protect against a 300-year base flood event with implementation of **Mitigation Measures HYD-3a** and **HYD-3b**, which included grading plans for minimum floor elevations for residential units and street level elevations to minimize flooding impacts. Potential flooding from failure of a levee or dam was also considered less than significant, as the nearest reservoir, Los Vaqueros, was designed to ensure it could withstand a maximum credible earthquake and can reduce the level of inundation in the event of an emergency. Under the modified project, soil excavated from the construction of the lakes would be used to raise the project site. Although the project site would be raised, **Measures HYD-3a** and **HYD-3b** would still be implemented to further reduce flood risks.

Tsunami, Seiches, and Mudflows

The 2013 Pantages EIR determined the project site would not likely be affected by a tsunami, seiches, or mudflow due to the topography and geography of the project site. There is no evidence of tsunami and seiches sources near the project site and the project site is nearly flat and would not be subject to mudflows. The geography and topography of the site have not changed such that it would alter the project's susceptibility to tsunamis, seiches, or mudflow.

CUMULATIVE IMPACTS

The General Plan EIR notes that an increase in urban runoff due to urban development would release pollutants and sediments into the Delta, resulting in a significant cumulative impact to water quality. The 2013 project, with implementation of General Plan policies, was determined to not result in cumulatively considerable impacts related to water quality as point sources of pollutants would be identified and controlled. The modified project will be consistent with determinations made in the 2013 Pantages EIR by complying with applicable developmental review and construction permitting processes.

The 2013 Pantages EIR determined that, with adherence to applicable General Plan policies, the 2013 project would not considerably contribute to a cumulative flooding and sea level rise impact because the project was designed with building pad elevations to account for floods and future sea level rise. The modified project would be consistent with determinations made in the 2013 Pantages EIR and would not considerably contribute to this cumulative impact.

DETERMINATION

The modified project would not substantially increase the severity of the previously identified impacts related to hydrology and water quality in the 2013 Pantages EIR. The modified project would reduce hydrology and water quality impacts due to the smaller construction footprint and elimination of deep water access to Kellogg Creek. Accordingly, the County finds the following.

- A) Substantial changes in the project and project circumstances resulting in new significant effects or a substantial increase in the severity of previously identified significant effects would not occur.

- B) New information of substantial importance with respect to this environmental resource resulting in new significant effects or a substantial increase in the severity of previously identified effects has not been identified.
- C) None of the proposed project changes would significantly affect this environmental resource.

2.10 LAND USE AND PLANNING

Issues and Supporting Information Sources	New Impacts Not Previously Identified?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented or Address Impacts?
Would the Project:				
a) Physically divide an established community?	No	No	No	No mitigation required
b) Conflict with any applicable habitat conservation plan or natural community conservation plan?	No	No	No	No mitigation required
c) 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?	No	No	No	No mitigation required

DISCUSSION

The 2013 Pantages EIR determined that the project would continue the pattern of residential development that exists to the east, west, and south of the vacant project site. The modified project would continue this pattern by developing a residential community consistent with the character and intensity of the surrounding area. Therefore, the modified project would not physically divide an existing community.

The 2013 Pantages EIR proposed a General Plan Amendment from the current land use designation to Single-Family Residential – Medium-Density (SM), Single-Family Residential – High-Density (SH), Water (WA), Public/Semi-Public (PS), and Open Space (OS). The 2013 Pantages EIR determined that the project was within the urban limit line and would not conflict with applicable land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. The modified project would also require a General Plan Amendment and, as outlined in **Table 3**, proposes new acreages of the following land use designations: SH, WA, OS, and PR. Since certification of the 2013 Pantages EIR, the General Plan Land Use Element has not changed. As a result, project modifications would not alter the conclusions of the 2013 Pantages EIR and no new impacts would occur.

As discussed in **Section 2.4 Biological Resources**, the project site is located outside the inventory area of the HCP/NCCP. The modified project would not extend beyond the area of impacts considered in the 2013 Pantages EIR. The project would not conflict with applicable HCP/NCCP.

CUMULATIVE IMPACTS

The General Plan EIR noted that implementation of the County’s urban limit line would result in a change in land use patterns within the County. Namely, its implementation would result in a concentration of growth within areas designated for urban development and a preservation of the agricultural core for purely agricultural uses. The 2013 Pantages EIR determined that the project would not contribute to this cumulative land use impact as the project site is located within an area intended for future development. The modified project would not change this determination because it would remain in the same location.

DETERMINATION

The modified project would not affect land use and planning within the project site. Accordingly, the County finds the following.

- A) Substantial changes in the project and project circumstances resulting in new significant effects or a substantial increase in the severity of previously identified significant effects would not occur.
- B) New information of substantial importance with respect to this environmental resource resulting in new significant effects or a substantial increase in the severity of previously identified effects has not been identified.
- C) None of the proposed project changes would significantly affect this environmental resource.

2.11 MINERAL RESOURCES

Issues and Supporting Information Sources	New Impacts Not Previously Identified?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented or Address Impacts?
Would the Project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	No	No	No	No mitigation required
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?	No	No	No	No mitigation required

DISCUSSION

The 2013 Pantages EIR determined that the project site because it is not classified or designated within a mineral resource zone and does not have a history of mining. The project modifications do not expand into previously unevaluated areas and would not encounter new mineral resources.

CUMULATIVE IMPACTS

Development of the 2013 project in combination with other projects in the area would have no potential to impact state-designated regionally significant mineral resources and there would be no cumulative impact related to mineral resources. The modified project would not change the location of the project, and as such, would have no cumulative impact on mineral resources.

DETERMINATION

The modified project would not affect mineral resources within the project site. Accordingly, the County finds the following.

- A) Substantial changes in the project and project circumstances resulting in new significant effects or a substantial increase in the severity of previously identified significant effects would not occur.
- B) New information of substantial importance with respect to this environmental resource resulting in new significant effects or a substantial increase in the severity of previously identified effects has not been identified.
- C) None of the proposed project changes would significantly affect this environmental resource.

2.12 NOISE AND VIBRATION

Issues and Supporting Information Sources	New Impacts Not Previously Identified?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented or Address Impacts?
Would the Project:				
a) 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?	No	No	No	No mitigation required
b) 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?	No	No	No	No mitigation required
c) 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?	No	No	No	No mitigation required

Issues and Supporting Information Sources	New Impacts Not Previously Identified?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented or Address Impacts?
d) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	No	No	No	No mitigation required
e) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	No	No	No	No mitigation required
f) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	No	No	No	Yes

DISCUSSION

Construction

Construction equipment for the project could generate temporary noise for the duration of construction. The 2013 Pantages EIR assessed potential vibration effects and determined that project construction would not include any components that would generate excessive groundborne vibration. The modified project would not use equipment that would generate excessive groundborne vibration levels, consistent with the 2013 project.

The 2013 Pantages EIR determined that site preparation, foundation work, framing, and interior work on new residences would generate noise, as would extensive excavation and dredging to create bay, coves, and waterways. Noise levels from construction equipment were estimated at distances of 50 feet from residences along the western property line and 300 feet from residences to the east in Discovery Bay. The assessment found a temporary and periodic increase in ambient noise levels due to construction as noise levels would exceed 75 dBA at 50 feet (decreases by 6 dBA per doubling distance). This was considered a significant impact in the 2013 Pantages EIR. The 2013 Pantages EIR identified **Mitigation Measures NOI-1a, NOI-1b, and NOI-1c** to reduce this impact to a less-than-significant level by restricting the timing of construction activity, preparing and implementing a detailed construction noise mitigation plan, and erecting temporary noise barrier on the project site. The modified project would no longer require the construction of bays, coves, and waterways, eliminating several sources of construction noise. However, the modified project would use equipment to excavate lakes similar to those in the 2013 project to excavate bays and coves. It is anticipated excavation of lakes and construction of residences would generate temporary noise levels exceeding 75 dBA at residences next to the project site. The impact of the modified project would be reduced compared to the 2013 project, but **Mitigation Measures NOI-1a through NOI-1c** would still be required to further reduce noise.

Operation

The 2013 Pantages EIR determined the project site is not located within an airport land use plan, within 2 miles of an airport, or within the vicinity of a private airstrip. The modified project would introduce

new residents at the same location as the 2013 project, and therefore potential impacts from aircraft noise would be less-than-significant.

The 2013 Pantages EIR considered noise and vibration effects from operation and construction of the project. Once operational, residential developments associated with the 2013 project were anticipated to increase noise levels as a result of increased traffic and watercrafts but would not exceed 5 dBA and as such, would result in a less-than-significant impact on sensitive receptors. The modified project would introduce fewer residents, resulting in fewer vehicle trips and a slightly reduced impact from traffic noise. The modified project would eliminate deep water access, which would result in a substantial decrease in the noise generated by boat.

As described in the 2013 Pantages EIR, potential boating accidents may require emergency air-lift services from a Medivac helicopter within the project site. This substantial increase in on-site noise was found to be temporary and sporadic and would not result in permanent changes to the ambient noise levels. The modified project would not include water access and therefore would not require emergency helicopter services, resulting in a lower level of ambient noise than the 2013 project.

CUMULATIVE IMPACTS

The General Plan EIR noted that build-out would result in increased ambient noise levels related to roadway traffic and construction, as well as airport activity, industrial activity, and the extension of Bay Area Rapid Transit (BART) services. The project site is not located in the vicinity of an airport, industrial site, or BART extension, and would not contribute noise in these areas.

The 2013 Pantages EIR concluded that the main contribution of noise would be from local roadways. Roadway noise associated with build out of the 2013 project would not exceed the five dBA threshold required to be considerable contribution a cumulative noise impact. The modified project would reduce the number of residential units, thus resulting in reduced noise levels. As such, the modified project is considered consistent with the 2013 Pantages EIR and would not result in a considerable contribution to increases in roadway noise.

DETERMINATION

The modified project would not substantially increase the severity of the previously identified impacts related to noise and vibration in the 2013 Pantages EIR. The modified project would result in reduced noise and vibration impacts because heavy construction equipment required to excavate bays and coves and would no longer be required. Accordingly, the County finds the following.

- A) Substantial changes in the project and project circumstances resulting in new significant effects or a substantial increase in the severity of previously identified significant effects would not occur.
- B) New information of substantial importance with respect to this environmental resource resulting in new significant effects or a substantial increase in the severity of previously identified effects has not been identified.
- C) None of the proposed project changes would significantly affect this environmental resource.

2.13 POPULATION AND HOUSING

Issues and Supporting Information Sources	New Impacts Not Previously Identified?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented or Address Impacts?
Would the Project:				
a) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	No	No	No	No mitigation required
b) Displace substantial numbers of existing housing, necessitating the construction of the replacement housing elsewhere?	No	No	No	No mitigation required
c) 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)?	No	No	No	No mitigation required

DISCUSSION

The 2013 Pantages EIR determined that the project would not displace existing housing or residents because the project site is vacant. The project site remains vacant and no new housing has been built since certification of 2013 Pantages EIR.

The project, as analyzed under the 2013 Pantages EIR, would have directly increased the population through development of 292 residential units. However, the population generated by the project was within population forecasts for the County as a whole, as outlined in the General Plan Land Use and Housing Element.¹⁵ The modified project would reduce the number of total housing units relative to the 2013 project and would remain consistent with growth anticipated in County population forecasts. Of the 277 units proposed for the modified project, a total of 41 units will be set aside as affordable. Thus, the project modifications would not alter the conclusions of the 2013 Pantages EIR and no new impacts would occur.

Development of the 2013 project was determined to have the potential to indirectly increase growth due to extension of municipal services and roads to a previously undeveloped area, which can often induce growth in adjacent areas. However, the project is an infill development and adjacent lands are either developed with residential uses or located outside the urban limit line, which would prohibit further development. The modified project is consistent with determination made for the 2013 project, because the modified project is in the same location as the 2013 project and as such would not trigger growth in adjacent areas.

15 Contra Costa County. 2014. Contra Costa County General Plan. Last Revised: 2010. Available: <https://www.contracosta.ca.gov/4732/General-Plan>. Accessed: May 20, 2020

CUMULATIVE IMPACTS

The General Plan EIR stated that build-out of the General Plan could result in up to 145,206 new residents in the County by the end of the planning period (2020). The General Plan and adoption of the urban limit line identified an intended pattern of residential development that included urban development of the area surrounding the Town. The General Plan EIR also noted that adoption of the General Plan would concentrate population in urban areas and would preclude development and extension of urban services and facilities outside of the urban limit line. As such, the General Plan EIR did not identify a significant impact related to population growth and therefore a considerable contribution to a cumulative population and housing impact.

DETERMINATION

The modified project would not substantially change the impacts on population and housing within the project site. The modified project would result in reduced impacts to population and housing due to the reduction in residential units. Accordingly, the County finds the following.

- A) Substantial changes in the project and project circumstances resulting in new significant effects or a substantial increase in the severity of previously identified significant effects would not occur.
- B) New information of substantial importance with respect to this environmental resource resulting in new significant effects or a substantial increase in the severity of previously identified effects has not been identified.
- C) None of the proposed project changes would significantly affect this environmental resource.

2.14 PUBLIC SERVICES AND RECREATION

Issues and Supporting Information Sources	New Impacts Not Previously Identified?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented or Address Impacts?
Would the Project:				
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:?	No	No	No	No mitigation required
i) Fire protection?	No	No	No	No mitigation required
ii) Police protection?	No	No	No	No mitigation required

Issues and Supporting Information Sources	New Impacts Not Previously Identified?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented or Address Impacts?
iii) Schools?	No	No	No	No mitigation required
iv) Parks?	No	No	No	No mitigation required
v) Other public facilities?	No	No	No	No mitigation required
b) 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?	No	No	No	No mitigation required
c) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	No	No	No	No mitigation required

DISCUSSION

The 2013 Pantages EIR determined that the 2013 project would generate a small increase in demand for fire protection, emergency services, police services, school services, and public facilities.

Fire Services

The East Contra Costa County Fire Protection District (ECCCFPD) serves the project area. The increase in population proposed by the 2013 project did not directly trigger the need for additional ECCCFPD staff, equipment, or facilities. The modified project would introduce fewer residents, and consequently, less demand for fire protection and emergency services than what was anticipated under the 2013 Pantages EIR.

Police Services

The Contra Costa County Sheriff's Office serves the project area. The 2013 project included 116 docks with deep water access that would require additional marine patrol and proposed a marine patrol substation as part of the project to address this need. The modified project would remove the docks and deep water access, eliminating the need for additional marine patrol. In addition, the modified project would decrease the number of housing units and reduce project-related demand for police services concluded in the 2013 Pantages EIR. The 2013 Pantages EIR concluded that the existing police staff, equipment, and facilities would be able to provide adequate police services to the project, but the addition of one part-time sheriff deputy would enhance police services on the project site and in the surrounding area. As a condition of approval, the applicant will be required to form a police services district through the special tax to augment police services. Thus, forming the police services district would reduce potential impacts to police services.

School Facilities

Discovery Bay Elementary School, Timber Point Elementary School, Excelsior Middle School, and Liberty High School serve the project area. The 2013 Pantages EIR determined that these nearby schools would have adequate capacity to serve additional students introduced by the 2013 project, and that the applicant would be required to pay applicable school impact fees per Senate Bill 50. The project modifications would result in fewer residents than proposed in 2013 and would still adhere to the Senate Bill 50 school impact fees. Therefore, the modified project would not result in new impacts related to school facilities.

Community Facilities

The 2013 Pantages EIR determined that the project had the potential to increase demand for library services and health facilities; however, these impacts were considered less than significant. The modified project would reduce the number of residents, reducing demand for community facilities.

Park Resources

The 2013 Pantages EIR determined that sufficient park resources were available for the 2013 project residents. The 2013 project would have provided of 3 acres of parkland per 1,000 people, consistent with the County's parkland requirement, and included **Mitigation Measure PS-1** to provide approximately 2.6 acres of public recreational trail available for use by the new residents and public. The modified project would increase the amount of land designated for open space, and parks and recreational land uses by 63.3 and 14.8 additional acres, respectively, compared to the project evaluated in the Pantages 2013 Pantages EIR. As such, **Mitigation Measure PS-1** would no longer be necessary as project modifications would introduce a new trail network originally prescribed by this measure.

CUMULATIVE IMPACTS

Fire and Police Services

The cumulative impact for emergency services includes any proposed development within the service districts of the County Sheriff's Office Delta Station and the ECCFPD that, in combination with the project, may generate the need for new facilities, equipment, and staffing to maintain acceptable service ratios. Implementation of the 2013 project, in combination with other nearby projects, would increase demands for police and fire services and would result in a considerable contribution to this cumulative impact. The modified project would result in fewer residents, slightly decreasing the demand for police and fire services. As such, the modified project would continue to have a considerable contribution to the cumulative impact identified in the 2013 Pantages EIR.

Parks and Recreation

The cumulative impact to parks and recreation includes any proposed development that could affect parks and recreational facilities within the Town. The 2013 Pantages EIR determined that the project would not have a considerable contribution to a cumulative parks and recreation impacts because it provided public trails and would have contributed applicable park mitigation fees. The modified project would implement a larger trail system while continuing to pay applicable park mitigation fees, thereby reducing the projects contribution to this cumulative impact.

Schools

The cumulative impact to schools includes any proposed development within the Byron Union School District and the Liberty Union High School District. The 2013 project, in combination with other residential projects in the vicinity, would generate new students and would be required to pay development impact fees to both school districts, consistent with the requirements of Senate Bill 50. As

such, the project was determined to not have a considerable contribution to cumulative school impacts. The modified project would decrease the total amount of residential units, thereby reducing the number of students, and would continue to pay applicable school impact fees. Therefore, the project would not considerably contribute to this cumulative impact.

DETERMINATION

Project modifications would not alter the conclusions of the 2013 Pantages EIR and no new impacts would occur. When compared to the 2013 project, the modified project would result in less public service and recreation impacts due to the reduced number of residences. Accordingly, the County finds the following.

- A) Substantial changes in the project and project circumstances resulting in new significant effects or a substantial increase in the severity of previously identified significant effects would not occur.
- B) New information of substantial importance with respect to this environmental resource resulting in new significant effects or a substantial increase in the severity of previously identified effects has not been identified.
- C) None of the proposed project changes would significantly affect this environmental resource.

2.15 TRANSPORTATION AND TRAFFIC

Issues and Supporting Information Sources	New Impacts Not Previously Identified?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented or Address Impacts?
Would the Project:				
a) 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?	No	No	No	No mitigation required
b) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	No	No	No	No mitigation required
c) Result in inadequate emergency access?	No	No	No	No mitigation required
d) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	No	No	No	No mitigation required
e) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance	No	No	No	Yes

Issues and Supporting Information Sources	New Impacts Not Previously Identified?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented or Address Impacts?
of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				
f) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	No	No	No	Yes

DISCUSSION

The 2013 Pantages EIR determined that the project would not involve activities that would affect air traffic patterns. The 2013 Pantages EIR also determined that the project would not include hazardous design features, as designated traveling speeds, pedestrian buffers, and compliance with the Caltrans Highway Design Manual would provide adequate safety measures. The proposed modifications would not affect air traffic patterns or include hazardous design features as the project location has not changed from the 2013 project, and these topics are not discussed further.

The 2013 project included an emergency vehicle access road within the project site as well as a 20-foot-wide pedestrian/emergency vehicle access trail. As such, the project was determined to provide adequate emergency access to the project site. Emergency vehicle access through the proposed open space and emergent marsh is no longer necessary for the modified project due to reconfigured street alignments. Project modifications allow for emergency vehicle access vehicles to access residences along Point of Timber Road as well at Wilde Drive. As such, the modified project would provide adequate emergency access.

The project evaluated in the 2013 Pantages EIR did not include plans for transit services but did support pedestrian and bicycle access. Implementation of bicycle paths associated with design of the modified project would be consistent with the Transportation and Circulation Element of the General Plan. Therefore, the modified project would be consistent with the conclusions in the 2013 Pantages EIR and provide adequate multi-modal access for residents.

The 2013 project included one point of entry at Point of Timber Road. The modified Project includes two points of entry at both Point of Timber Road and Wilde Drive, thereby increasing traffic on Wilde

Drive.¹⁶ However, considering the existing level of traffic on Wilde Drive in addition to traffic generated by the modified project, total traffic volumes on Wilde Drive are expected to remain within an appropriate level for a residential street, and the impact would be less than significant.

The 2013 Pantages EIR determined that the project would increase traffic volumes and worsen level of service (LOS) at SR4/Byron Highway and Vasco Road. Impacts to SR4/Byron Highway were determined to be reduced to a less-than-significant level with implementation of **Mitigation Measure TRA-1**, which would add an additional left-turn lane. The impacts at Vasco Road were determined to be significant and unavoidable for the 2013 project, even with implementation of **Mitigation Measure TRA-2**. Implementation of the modified project would increase traffic volumes on rural roads to a lesser extent than the 2013 project, as the modified project proposes fewer residential lots. Project modifications would not alter the County's projected population such that it would exceed traffic volumes projected under the 2013 Pantages EIR, as fewer residences would generate fewer daily trips. A trip generation assessment was completed in April 2020 (**Table 5**) and found that the modified project would result in 170 fewer daily trips than the 2013 project due to the decrease in residences. **Mitigation Measures TRA-1 through TRA-3** (listed below) would continue to reduce traffic impacts; however, impacts to Vasco Road would remain significant and unavoidable.

Table 5 Trip Generation Summary

Scenario	Quantity (Dwelling Units)	Weekday Daily	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Approved Project	292	2,790	55	164	219	186	109	295
Proposed Project	277	2,620	51	154	205	173	101	274
Net Change in Project Trips		-170	-4	-10	-14	-13	-8	-21

Source: Fehr and Peers, 2020

If import of fill materials is required for the modified project, additional truck trips may occur during construction, which may increase traffic volumes on nearby roadways. Haul trucks would access the project site using Highway 4, approximately 1.5 miles away from the project site. Trucks would proceed onto Bixler Road, and then turn right onto Point of Timber Road to enter the project site. However, additional truck trips would only last the duration of construction.

The 2013 Pantages EIR identified several traffic mitigation measures that would require the applicant to financially contribute towards proposed road improvement projects throughout the region. At that time, some of these road improvement projects were being considered within the proposed update of the Bridge/Thoroughfare Fee Ordinance for the East County. Since the 2013 Pantages EIR certification, the 2018 East County Regional Area of Benefit Transportation Mitigation Fee Update was completed, and the new fee ordinance was adopted. Some mitigation measures in the 2013 Pantages EIR were updated accordingly in this addendum and are listed below; those not listed would still apply in their original format. The changes to the mitigation measures are shown in the following format: additions are underlined; deletions are shown in ~~striketrough~~. While such traffic mitigation measures were clarified

¹⁶ Fehr and Peers. 2020. Final Memorandum: Pantages Trip Generation and Site Plan Assessment Update. Last Revised: April 27, 2020. Walnut Creek, CA.

to account for the new information, no proposed project changes would alter the traffic impact findings from the 2013 Pantages EIR.

Mitigation Measure TRA-1: Mitigation of the unacceptable traffic conditions at the SR4/Byron Highway (south) can be achieved by adding a second northbound to westbound left-turn lane from Byron Highway onto SR4 and its associated receiving lane. This improvement is included in the 2018 East County Regional Area of Benefit (ECRAOB) Transportation Mitigation Fee Update project list, currently identified in the 2007 Contra Costa County Capital Road Improvement & Preservation Program, although funding has not been identified. If this improvement is not included in a County fee program or other funding program at the time of project approvals, the project applicant shall be responsible for their fair share of the improvement. The project applicant shall pay the required fee prior to the issuance of building permits.

Mitigation Measure CUM TRA-2 (Option 1): Mitigation of the unacceptable traffic conditions at the Holway Drive/Byron Highway and Camino Diablo Road/Byron Highway intersections can be achieved by installing a traffic signal at the Camino Diablo Road/Byron Highway and providing left-turn pockets on all approaches. Traffic turning left from eastbound Camino Diablo Road to northbound Holway Drive and left again from Holway Drive to Byron Highway would instead turn left at the signalized Camino Diablo Road/Byron Highway intersection. This mitigation would require modifications to the adjacent railroad crossing west of the intersection to provide the required left turn pocket on the eastbound approach.

This improvement is included in the 2018 ECRAOB Draft East County Regional AOB Transportation Mitigation Fee Update project list. The project applicant shall pay the required AOB fee.

~~**Mitigation Measure CUM TRA-2 (Option 2):** As an alternative to Mitigation Measure CUM TRA-2 (Option 1), mitigation of the unacceptable traffic conditions at the Holway Drive/Byron Highway and Camino Diablo Road/Byron Highway intersections can be achieved by installing traffic signals at both intersections, in addition to adding a northbound left turn lane pocket at the Holway Drive/Byron Highway intersection. Traffic would not be shifted under this mitigation, and a left turn pocket across the railroad crossing at the Camino Diablo Road/Byron Highway intersection would not be needed.~~

~~A signal at the Holway Drive/Byron Highway intersection is not identified in any funding program. Similarly, the installation of a signal at Camino Diablo Road/Byron Highway is not identified in any funding program.~~

~~If these improvements are not included in a County fee program at the time of project approvals, the project applicant shall pay its fair share towards the cost of these improvements to the County's Road Trust account (Fund #8192) prior to the issuance of building permits. This trust fund shall fund improvements to intersections identified as operating unacceptably under cumulative conditions and not identified in a fee program. As indicated in Table 4.16-15, the project applicant would be required to contribute between 2 percent and 14 percent of the total costs for this improvement.~~

Mitigation Measure CUM TRA-3: Mitigation of the unacceptable traffic conditions at the Sellers Avenue/Balfour Road intersection can be achieved by installing a traffic signal and providing left turn lanes at all four intersection approaches.

This improvement is included in the 2018 ECRAOB ~~Draft East County AOB~~ Transportation Mitigation Fee Update project list. The project applicant shall pay the required 2018 ECRAOB~~AOB~~ fee. Implementation of this mitigation measure would reduce this impact to less-than-significant.

Mitigation Measure CUM TRA-4: Mitigation of the unacceptable traffic conditions at the Point of Timber Road/Byron Highway intersection can be achieved by installing a traffic signal. This improvement is included in the 2018 ECRAOB ~~Draft East County AOB~~ Transportation Mitigation Fee Update project list. The project applicant shall pay the required ~~AOB~~ fee.

Mitigation Measure CUM TRA-6: Mitigation of the unacceptable traffic conditions at the Marsh Creek Road/Sellers Avenue intersection can be achieved by installing a traffic signal. This improvement is included in the 2018 ECRAOB ~~Draft East County AOB~~ Transportation Mitigation Fee Update project list. The project applicant shall pay the required 2018 ECRAOB ~~AOB~~-fee.

Mitigation Measure CUM TRA-8: Mitigation of the unacceptable traffic conditions at the SR4/Byron Highway (south) intersection can be achieved by adding a second left-turn lane on the Byron Highway approach and a second through lane on the southeast-bound SR4 approach.

The second left-turn lane on the Byron Highway approach improvement is included in the 2018 ECRAOB Transportation Mitigation Fee Update project list, ~~currently identified in the 2007 Contra Costa County Capital Road Improvement & Preservation Program, although funding has not been identified.~~ The second through lane on the southeast-bound SR4 approach is not identified in any funding program.

~~If this improvement is not included in a County fee program at the time of project approvals, the project applicant shall pay its fair share towards the cost of this improvement to the County's Road Trust account (Fund #8192). The project applicant shall pay the required fee prior to the issuance of building permits. This trust fund shall fund improvements to intersections identified as operating unacceptably under cumulative conditions and not identified in a fee program. As indicated in Table 4.16-17, the project applicant would be required to contribute between 9 and 11 percent of the total costs for this improvement.~~

Mitigation Measure CUM TRA-10: Mitigation of the unacceptable traffic conditions at the Camino Diablo Road/Vasco Road intersection can be achieved by adding a northbound right turn lane. This improvement is included as one of several improvements at this intersection in the 2013 ECRAOB ~~Draft East County AOB~~ Transportation Mitigation Fee Update project list. The project applicant shall pay the required 2018 ECRAOB ~~AOB~~-fee.

CUMULATIVE IMPACTS

The cumulative impact area for traffic and transportation includes the forecasted growth in the County and was modeled using the CCTA Decennial Travel Demand Model, which reflects land use assumptions from the Association of Bay Area Governments, with forecasts out to the year 2035. However, the

General Plan EIR determined that the addition of trips under the cumulative scenario would degrade already deficient operations, and would not considerably contribute to this cumulative impact.

The 2013 Pantages EIR determined that the project would result in significant increases in traffic volumes at various locations near the project. Implementation of **Mitigation Measure CUM TRA-1** through **CUM TRA-11**, which would install traffic signals and turn lanes at the impacted areas, would reduce the impacts at most intersections, but the traffic impact along Vasco Road and Marsh Creek Road would remain significant and unavoidable. The modified project would slightly reduce traffic volumes as a result of fewer residences and **Mitigation Measure CUM TRA-1** through **CUM-TRA-11** would still be implemented to reduce impacts, but the modified project would still result in traffic impacts along Vasco Road and Marsh Creek Road that are significant and unavoidable. As described above, many of the intersections analyzed already operate at unacceptable LOS and implementation of the modified project degrades already deficient operations.

DETERMINATION

The modified project would not substantially increase the severity of the previously identified impacts related to transportation and traffic in the 2013 Pantages EIR. The modified project would result in slightly reduced transportation and traffic impacts due to the reduced amount of daily vehicle trips introduced by the project. Accordingly, the County finds the following.

- A) Substantial changes in the project and project circumstances resulting in new significant effects or a substantial increase in the severity of previously identified significant effects would not occur.
- B) New information of substantial importance with respect to this environmental resource resulting in new significant effects or a substantial increase in the severity of previously identified effects has not been identified.
- C) None of the proposed project changes would significantly affect this environmental resource.

2.16 UTILITIES AND SERVICE SYSTEMS

Issues and Supporting Information Sources	New Impacts Not Previously Identified?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented or Address Impacts?
Would the Project:				
a) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	No	No	No	Yes
b) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?	No	No	No	No mitigation required

Issues and Supporting Information Sources	New Impacts Not Previously Identified?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented or Address Impacts?
c) Not comply with federal, state, and local statutes and regulations related to solid waste?	No	No	No	No mitigation required
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	No	No	No	Yes
e) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	No	No	No	Yes
f) 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?	No	No	No	Yes
g) 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?	No	No	No	No mitigation required

DISCUSSION

The 2013 Pantages EIR determined that stormwater would be detained and treated by on-site bio-swales before release into local waterways in compliance with the County's C.3 requirements. As discussed in **Section 2.9, Hydrology and Water Quality**, project modifications include on-site stormwater treatment in bioretention facilities, and as such, would also comply with the County's C.3 requirements.

The 2013 Pantages EIR identified significant effects associated with the project's water supply demands. **Mitigation Measure UTIL-1** addressed the potential for the project to outpace available water distribution by providing documentation to the County that sufficient capacity exists to serve the project. As part of this measure and as a condition of approval, the County would require the project to incorporate indoor and outdoor water conservation measures to reduce consumption, thereby reducing this impact to a less-than-significant level. The modified project would have a slightly lower water supply demand because of the reduction in housing units, but **Mitigation Measure UTIL-1** and the County water conservation measures would still be required to reduce the impact to a less-than-significant level.

The 2013 Pantages EIR also identified significant wastewater treatment impacts because the existing wastewater treatment facility did not have the capacity to serve the project. The 2013 Pantages EIR referenced the Town's Wastewater Master Plan, which outlined improvements required to accommodate the increase in wastewater capacity due to the Town's projected growth. **Mitigation Measure UTIL-2** was created to demonstrate that sufficient funding for the construction of capacity or treatment improvements outlined in the Wastewater Master Plan have been identified and secured. With adherence to **Mitigation Measure UTIL-2** and implementation of the improvements outlined in the Wastewater Master Plan, the Town would have sufficient capacity to serve the project. The modified project slightly decreases the amount of wastewater generated from the project due to the reduced number of housing units, but would not significantly reduce wastewater generation such that mitigation would be no longer required. **Mitigation Measure UTIL-2** would still be required minimize this impact.

The 2013 Pantages EIR determined that Potrero Hills Landfill had capacity to accommodate solid waste generated by the project. As a condition of approval to the 2013 Pantages EIR, a Debris Recovery Plan would be submitted prior to issuance of the building or demolition permit. Therefore, the project was determined to comply with all applicable regulations related to solid waste. As the modified project proposes a reduced number of residential units and would adhere to the established Debris Recovery Plan, the impact to solid waste would be slightly less than the 2013 project and the Potrero Hills Landfill would have capacity to handle solid waste generated by project.

CUMULATIVE IMPACTS

The cumulative impact for public utilities includes the project area and Town. The General Plan EIR noted that future development would cause an increase in long-term water demand that could not be accommodated by existing water agency plans in high growth areas. The General Plan EIR also noted that future development may not have access to adequate quantities or quality of domestic water supply. The 2013 Pantages EIR determined that implementation of the 2013 project would result in a considerable contribution to cumulative impacts on water supply. **Mitigation Measure UTIL-1** reduced this impact and would continue to apply to the modified project.

The 2013 project, in combination with other projects in the area, could result in a considerable contribution to a cumulative wastewater treatment capacity impact. As determined in the 2013 Pantages EIR, the project would require implementation of **Mitigation Measure UTIL-2** to ensure improvements to the Town's wastewater treatment capacity are applied prior to project construction. The modified project would result in fewer project residents and would generate less wastewater but would still require **Mitigation Measure UTIL-2** to ensure there would not be a considerable contribution to cumulative wastewater impacts.

DETERMINATION

The modified project would not substantially change the impacts to utilities and services within the project site and no new impacts would occur. The modified project would slightly reduce utility and service system impacts due to the reduction in residences. Accordingly, the County finds the following.

- A) Substantial changes in the project and project circumstances resulting in new significant effects or a substantial increase in the severity of previously identified significant effects would not occur.
- B) New information of substantial importance with respect to this environmental resource resulting in new significant effects or a substantial increase in the severity of previously identified effects has not been identified.
- C) None of the proposed project changes would significantly affect this environmental resource

3.0 CEQA – Required Discussion

3.1 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

CHANGES IN LAND USE WHICH WOULD COMMIT FUTURE GENERATIONS

The 2013 Pantages EIR concluded that the project would not affect future uses at the project site and in the project vicinity because the land use designation of A-2 and A-3 only applies to the specific parcels in which the project is located. The modified project is in the same location as the 2013 project and would not affect future specific uses at the project site as it would still only apply to the specific parcels on which the project is located.

IRREVERSIBLE CHANGES FROM ENVIRONMENTAL ACTIONS

The 2013 Pantages EIR concluded that the use of fossil fuels required for construction and operation of the project and change in use from undeveloped agricultural land to urban development would result in irreversible changes. The modified project would still require the development of undeveloped land and the use of fossil fuels during construction and operation and would lead to irreversible changes consistent with the 2013 Pantages EIR determination.

CONSUMPTION OF NONRENEWABLE RESOURCES

The 2013 Pantages EIR determined that the project would result in irreversible commitment to the use of nonrenewable resources as construction and operation would require the use of nonrenewable resources such as electricity, natural gas, and petroleum products. The use of these resources would be typical of the level of investments typically required for a residential development of this size. The modified project would still result in the consumption of nonrenewable resources as it would still require the use of electricity, natural gas, and petroleum products, but would have a slightly smaller impact than the 2013 project as the modified project would have fewer residential units and would no longer require excavating bays and coves.

3.2 GROWTH INDUCEMENT

ECONOMIC, POPULATION, AND HOUSING GROWTH

As discussed in **Section 2.18 Population and Housing**, the 2013 Pantages EIR determined that population growth resulting from the project would be within regional growth projections. The modified project would result in fewer residential units than the 2013 project and thus would still be within County growth projections.

The 2013 project would have resulted in a short-term increase in construction related job growth in the East Contra Costa County area, but would be temporary and was not anticipated to induce indirect growth in the region. The modified project would still induce temporary growth in the area due to construction, but would not relocate construction workers to the project area, as workers are expected to be drawn from the existing construction labor force because construction occurs throughout the County and surrounding cities.

REMOVAL OF OBSTACLES TO GROWTH OR EXCEED CAPACITY OF COMMUNITY FACILITIES

The 2013 Pantages EIR determined that the project would require approval from Contra Costa Local Agency Formation Commission for the Discovery Bay Community Services District to serve the entire site as only a portion of the project site is within the service district. The modified project site is in the same location as the 2013 project, and as such, would still require Contra Costa Local Agency Formation Commission approval.

PRECEDENT SETTING ACTION

As discussed in **Section 2.10 Land Use and Planning**, the 2013 project required both a General Plan amendment and rezoning before implementation of the project. The modified project would still require rezoning of the project site to P-1 and would require a General Plan amendment to change the configuration of the land use designations on the project site.

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4.0 MITIGATION MONITORING AND REPORTING PROGRAM

The Mitigation Monitoring and Reporting Program (MMRP) is a CEQA-required component of the Environmental Impact Report (EIR) process for the project. The results of the environmental analyses, including proposed mitigation measures, are documented in the draft EIR.

CEQA requires that agencies adopting EIRs take affirmative steps to determine that approved mitigation measures are implemented subsequent to project approval.

As part of the CEQA environmental review procedures, Section 21081.6 requires a public agency to adopt a monitoring and reporting program to ensure efficacy and enforceability of any mitigation measures applied to the proposed project. The lead agency must adopt an MMRP for mitigation measures incorporated into the project or proposed as conditions of approval. The MMRP must be designed to ensure compliance during project implementation. As stated in Section 21081.6 (a) (1):

The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required to be incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead agency or a responsible agency, prepare and submit a proposed reporting or monitoring program.

Table 4-1 below is the MMRP. The table lists each of the mitigation measures proposed from the draft EIR and specifies the agency responsible for implementation of the mitigation measure and the time period for the mitigation measure.

Table 4-1 Mitigation Monitoring and Reporting Program

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<i>Air Quality</i>			
<p>Impact AQ-1: Project development that includes wood burning stoves would result in a net increase of Reactive Organic Gases (ROG), a criteria pollutant for which the project region is non-attainment in an applicable federal or state ambient air quality standard.</p>	<p>Mitigation Measure AQ-1: Wood burning fireplaces or stoves shall not be permitted. Only natural gas fireplaces or stoves shall be permitted. Project plans shall not include wood burning fireplaces or stoves and shall clearly indicate the prohibition against such use.</p>	Project Applicant	During project design
<p>Impact AQ-2: The project would not expose sensitive receptors to criteria air pollutants during project construction but could expose sensitive receptors to toxic air contaminants.</p>	<p>Mitigation Measure AQ-2a: To reduce the air quality impacts of PM associated with grading and new construction, the project applicant shall incorporate the following mitigation measures for all phases of construction:</p> <ul style="list-style-type: none"> ■ All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. ■ All haul trucks transporting soil, sand, or other loose material off-site shall be covered. ■ All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. 	Project Applicant	All phases of construction

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p><i>Impact AQ-2 Continued</i></p>	<ul style="list-style-type: none"> ▪ All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph). ▪ All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. ▪ Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. ▪ All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. ▪ Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD’s phone number shall also be visible to ensure compliance with applicable regulations. 		
	<p>Mitigation Measure AQ-2b: To reduce health risks from TACs during project construction, the project applicant shall incorporate the following mitigation measures into the project:</p> <ul style="list-style-type: none"> ▪ Minimize the idling time of diesel powered construction equipment to two minutes; ▪ Develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction of the project 	<p>Project Applicant</p>	<p>During Construction</p>

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p><i>Impact AQ-2 Continued</i></p>	<p>(i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOx reduction and 45 percent PM reduction compacted to the most recent ARB fleet average. Acceptable option for reducing emissions include the use of late model engines, low-emission diesel projects, alternative fuels, engine retrofit technology, after-treatment projects, add-on devices such as particulate filters, and /or other options as such become available;</p> <ul style="list-style-type: none"> ■ Require that all construction equipment, diesel trucks, and generators be equipped with best available technology for emission reductions of NOx and PM; and ■ Require all contractors use equipment that meets CARB’s more recent certification standard for off-road heavy duty diesel engines 		
<p>Impact CUM AQ-1: Development of the project in conjunction with other development in the region would result in a net increase of reactive organic gases (ROG).</p>	<p><i>See Mitigation Measure AQ-1</i></p>	<p>Project Applicant</p>	<p>During project design</p>

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
Biological Resources			
<p>Impact BIO-A: Although multiple surveys confirmed the non-presence of special-status species on the site, due to the presence of suitable habitat, development of the project could have significant impacts on the Delta button celery, a state listed species, and/or other special-status plants if they were to re-establish themselves between the last survey periods and the time of site development.</p>	<p>Mitigation Measure BIO-A: Special-Status Plants</p> <ol style="list-style-type: none"> a. A pre-construction survey for the Delta button celery (<i>Eryngium racemosum</i>) shall be conducted by a qualified biologist during the plant’s blooming period (June to October), prior to site development. The survey shall be conducted in the area of the project site south of Point of Timber Road. If Delta button celery is not found, no further mitigation is needed. If Delta button celery is found, a qualified biologist shall implement feasible alternative measures such as plant relocation, seed collection, propagation or other suitable measures, including monitoring and reporting, that would reasonably reduce the potential impacts on Delta button celery. The qualified biologist shall coordinate implementation of these measures with the California Department of Fish and Game and efforts shall be consistent with related protocols. b. Pre-construction special-status plant surveys shall be conducted by a qualified biologist prior to site development. Pre-construction surveys shall occur during the season that provides an adequate opportunity to identify occurrences of any special-status plants. If no special-status plants are found, no further mitigation is needed. If a special-status plant or plants are found, a qualified biologist shall implement feasible alternative measures such as plant relocation, seed collection, propagation or other suitable measures, including monitoring and reporting, that would reasonably reduce the potential impacts to the identified special-status plant. The qualified biologist shall coordinate implementation of these measures with the California Department of Fish and Game and efforts shall be consistent with related protocols. 		

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p>Impact BIO-1: Development of the project would have a significant impact on trees.</p>	<p>Mitigation Measure BIO-1: Landscape Trees.</p> <p>To offset impacts resulting from the removal of 80 23 trees on the project site, the project includes landscaping with approximately 770 trees that would be planted along the project roadways and at the project site entry as part of the proposed landscaping. This is an approximately 9.5:1 mitigation ratio <u>following mitigation ratios shall be implemented subject to the approval or modification of the Department of Conservation and Development: a 3:1 in kind replacement or replacement by native trees for non-native trees removed, or 6:1 for other native tree species that are planted to replace the two walnut trees.</u> Comply with the following landscape/irrigation improvement and initial protection requirements subject to the review and approval of the Department of Conservation and Development, Community Development Division (CDD):</p> <ol style="list-style-type: none"> a. Final Landscape Plan: At least 30 days prior to the issuance of a grading permit a final landscape/irrigation plan, prepared by a licensed landscape architect shall be submitted for review and approval by CDD. The Final Plan shall be designed in general accord with the preliminary landscape plan, Sheet 10 of 10 of the Project Plans dated October 2009. b. Minimum Size Plants: All proposed trees shall be a minimum of 15-gallon size; all shrubs shall be a minimum 5-gallon size. c. Maintenance Cost: Landscaping shall generally be designed to minimize landscape maintenance cost. 	<p>Department of Conservation and Development</p>	<p>During project design and prior to issuance of grading permits</p>

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p><i>Impact BIO-1 Continued</i></p>	<p>d. Compliance with Water Conservation and Sight Obstruction Ordinance Requirements: The landscape plan shall contain sufficient information to demonstrate compliance with the reporting requirements and standards of the Water Conservation Landscaping in New Developments ordinance (Chapter 82-26) as amended, and the Sight Obstruction at Intersections ordinance (Chapter 82-18). The latter ordinance applies to intersections with public roads. The landscape architect shall certify that the plan complies with the ordinance improvement standards and reporting requirements.</p> <p>e. To assure the long term viability of this landscaping the applicant shall post a bond for the value of the landscaping, installation plus 20%. The term of the bond shall extend 24 months beyond the installation of landscaping. Prior to the acceptance of the bond by the County a qualified landscape designer shall assess the value of the landscape and provide a copy of that assessment to the CDD. Prior to the release of the bond a landscape designer shall submit a letter to the CDD that the landscaping is in good health.</p>		
<p>Impact BIO-2: Development of the project would have a significant impact on bank habitat.</p>	<p>Mitigation Measure BIO-2: Creek Bank Habitat</p> <p>a. Prior to removal or reconstruction of bank habitat along Kellogg Creek or disturbing any creek/channel banks within the project site and at Pantages Island, the applicant shall contact the CDFG, the Corps, the RWQCB, and the Reclamation Board and determine if permits are warranted for the activities pursuant to the regulations that are in effect. Proof of permits (for example, a Section 404 permit, Section 401 permit, Section 1602 permit) or an absence of requirements for such permits from these resource agencies shall be provided to CDD.</p>	<p>Department of Conservation and Development</p>	<p>Prior to, during, and post construction</p>

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p><i>Impact BIO-2 Continued</i></p>	<p>b.— Mitigation for loss of bank habitat shall be completed as prescribed by the CDFG, Corps, RWQCB, and Reclamation Board. The applicant has provided a report to Contra Costa County describing how the applicant will mitigate impacts to bank habitats, and these stated mitigations, described below, shall become a condition of project approval.</p> <p>c.— Specifically, the applicant proposes to mitigate for the loss of 9,720 lineal feet of excavated low and moderate quality bank habitat by: (1) enhancement of 9,157 lineal feet of existing low and moderate low quality bank habitat, both on site and off site, to high quality bank habitat (shaded riverine aquatic habitat and shallow water habitat) on Pantages Island, ECCID Property on the south side of the ECCID Dredge Cut/Channel, Old Kellogg Creek, and Kellogg Creek between Newport Drive and State Route 4; and (2) creation of 1,903 lineal feet of moderate quality bank habitat (shallow sloping or level bench to MHW with riparian trees and grasses, rip rap with willows between MHW and MLW) on the excavated portion of Pantages Island and the North Cove to near the end of Kellogg Creek. Bank habitat mitigation totals approximately 11,060 lineal feet which exceeds removal of lineal footage by 1,340 lineal feet.</p> <p>d.— Enhance existing bank habitat or create new bank habitat on site and off site, approximately 11,060 linear feet in total, including (1) shaded riverine aquatic habitat and shallow water habitat (high quality bank habitat) on the westerly, northerly, and southerly sides of Pantages Island the ECCID portion of the project site; and the creek bank ECCID easement area west of the project site from the Pantages property line to the bridge, and Kellogg Creek between Newport Drive and State Route 4; and (2) moderate quality bank habitat along Kellogg Creek on the easterly side of Pantages Island and the northerly side of the north cove to the northeasterly end of the project site.;</p>		

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p><i>Impact BIO-2 Continued</i></p>	<ul style="list-style-type: none"> e. The creek bank and revegetation design that creates moderate quality habitat following excavation will include the following: <ul style="list-style-type: none"> i. Riprap with willow plantings shall be established between mean low water (MLW) and mean high water (MHW) to provide additional stabilization and some shaded riverine aquatic habitat. ii. A shallow sloping or level bench shall be established at approximately MHW to support larger riparian trees such as Fremont cottonwood. iii. The upper bank shall be sloped at 5:1 and also planted with riparian trees and grasses. iv. Riparian trees planted along the shallow sloping or level bench shall be planted on 15-foot centers to ensure adequate bank coverage. v. Native riparian trees such as valley oaks, California buckeyes, and Fremont cottonwoods and native grasses can be used for revegetation. vi. The planted riparian trees shall be monitored by a biologist or arborist annually for a period of 5 years to ensure that mortality does not exceed 20 percent after 5 years. If there is greater than 20 percent mortality of planted trees after 5 years, the project proponent shall be responsible for replanting and monitoring the trees for an additional 3-year period. vii. During the 5-year monitoring period invasive weed monitoring shall also be conducted. In the event that an increase in the distribution or density of invasive plants is documented (for example, water hyacinth or Brazilian waterweed), an invasive weed management and eradication program shall be developed and implemented. 		

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p><i>Impact BIO-2-Continued</i></p>	<ul style="list-style-type: none"> <li data-bbox="611 383 1283 472">viii. A performance bond, letter of credit, or other financial instrument shall be established to pay for any remedial work that might need to occur. <li data-bbox="611 492 1304 1024">ix. Once vegetation has become established, the upper bank should provide overhanging vegetation cover for fish during most tidal elevations. However, the placement of riprap without natural habitat features (e.g., large woody debris) along most of the lower bank would create minimal in-water habitat for fish. Given incorporation of both high-quality and low-quality habitat features, this design is characterized as being overall of moderate value. To improve the overall habitat value of the bank, installation of tree species along the lower bank may be possible by installing Sonatubes in the riprap and planting the trees within these tubes. The Sonatubes allow trees to grow along riprap banks without harming the integrity of the bank. An alternative bank stabilization method other than riprap, which provides the same or better overall quality of the habitat and provides sufficient protection against wave action, may also be considered. <li data-bbox="562 1044 1304 1252">f. Low and moderate quality habitat along the south side of the ECCID Dredge Cut/Intake Channel, to the Lakeshore/Lake bridge, along the westerly, northerly, and southerly sides of Pantages Island, in the section of Old Kellogg Creek at the southwestern end of the project site and along the east and west sides of Kellogg Creek between Newport Drive and State Route 4, shall be restored to high-quality habitat by creating a slope setback. <li data-bbox="562 1271 1276 1317">g. The setback shall be created by excavating existing bank material from approximately MLW to the top of the bank. 		

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p><i>Impact BIO-2 Continued</i></p>	<ul style="list-style-type: none"> i. An intertidal berm with a 10:1 or 20:1 slope shall be established to create shallow water habitat and stabilize the bank. ii. The berm shall be planted with tules to provide in water resting and hiding places for fish. iii. The upper bank shall be sloped at 3:1 or 5:1 and planted with native riparian trees and shrubs to create shaded riverine aquatic habitat. iv. Trees and shrubs planted along upper bank shall be monitored by a qualified biologist or arborist for a minimum 5 year period. If there is greater than 20 percent mortality of planted trees and shrubs after 5 years, the applicant shall be responsible for replanting and monitoring the trees for an additional 3 year period. v. During the 5 year monitoring period invasive weed monitoring shall also be conducted. In the event that an increase in the distribution or density of invasive plants is documented (for example, water hyacinth or Brazilian waterweed), an invasive weed management and eradication program shall be developed and implemented. vi. A performance bond, letter of credit, or other financial instrument shall be established to pay for any remedial work that might need to occur. h. Existing low and moderate quality bank habitat around the westerly, northerly, and southerly perimeter of Pantages Island shall be restored to high quality habitat by implementing the setback design as described for the ECCID Dredge Cut/Intake Channel. This design shall be established around most of the island, except for bank habitat adjacent to Kellogg Creek. Bank habitat along Kellogg Creek shall be stabilized with riprap to prevent 		

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<i>Impact BIO-2 Continued</i>	erosion due to wave action from existing and future boater activity. Therefore, this area of Pantages Island will be designed to provide moderate quality bank habitat as prescribed above. Also to address wave action, moderate quality habitat shall be created along the northerly side of the North Cove.		
<p>Impact BIO-3: Development of the project would have a significant impact on vernal pool fairy shrimp. (Significant)</p>	<p>Mitigation Measure BIO-3: Vernal pool fairy shrimp.</p> <p>a. In order to offset the project's impact on vernal pool fairy shrimp the applicant shall implement one of the following measures:</p> <ul style="list-style-type: none"> i. Purchase credits in an existing fairy shrimp mitigation bank at a ratio determined during negotiations with USFWS during Section 7 Consultation between the Corps and the USFWS; ii. Acquire suitable mitigation property via fee title at a ratio determined during negotiations with USFWS during Section 7 Consultation between the Corps and the USFWS; or iii. With permission from state and federal regulatory agencies and in agreement with the Conservancy, the project proponent shall make a financial contribution to the Conservancy, to offset the project's impact to the vernal pool fairy shrimp. The financial contribution to the Conservancy or the amount of mitigation land that shall be purchased via fee title shall be determined during negotiations with USFWS during Section 7 consultation between the Corps and the USFWS. <p>b. Prior to impacting the seasonal wetland where the vernal pool fairy shrimp were found, documentation of the mitigation transaction (e.g., financial contribution to the Conservancy), and/or a copy of the Biological Opinion outlining the mitigation requirements and incidental take statement from USFWS, shall be provided to CDD</p>	Department of Conservation and Development	Prior to issuance of construction

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<i>Impact BIO-3 Continued</i>	<p>e. Prior to grading onsite, and as prescribed in a Biological Opinion issued for the project, topsoils from the wetland containing the fairy shrimp egg bank shall be scalped by a qualified federal 10(a)(1)(A) permitted biologist and redeposited in appropriate seasonal mitigation wetlands that shall be created within the wetland mitigation preserve onsite.</p>		
<p>Impact BIO-4: Development of the project would have a potentially significant impact on the California red-legged frog. (Significant)</p>	<p>Mitigation Measure BIO-4: California red-legged frog.</p> <p>a. Mitigation shall be 1:1 for impacts to aquatic and upland buffer habitat, that is, for each 1 acre of aquatic or upland buffer habitat impacted, 1 acre of compensatory habitat shall be preserved onsite or acquired offsite in a suitable location) or mitigation may be as required by the USFWS during consultation initiated by the Corps with USFWS pursuant to Section 7 of FESA.</p> <p>b. Replacement habitat can be acquired via fee title acquisition of land, contribution into an existing mitigation bank, or, with permission from state and federal regulatory agencies and in agreement with the Conservancy, the applicant may make a financial contribution to the Conservancy.</p> <p>c. Any mitigation and subsequent monitoring requirement stipulated in permits/authorizations issued by the USFWS and the Corps for this project shall be completed as stated in the permits/authorizations. Copies of all survey reports and monitoring reports required by USFWS in the conditions of the Biological Opinion shall be submitted to CDD.</p> <p>d. CCD shall receive copies of all agency agreements/authorizations related to this species, and shall not issue a grading or building permit until all agency agreements/permits relating to the California red-legged frog have been obtained for this project and mitigation has been implemented.</p>	<p>Department of Conservation and Development</p>	<p>Prior to, during, and post construction</p>

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p>Impact BIO-5: Development of the project would have a potentially significant impact on the giant garter snake. (Significant)</p>	<p>Mitigation Measure BIO-5: Giant garter snake.</p> <p>a. Mitigation shall be 1:1 for impacts to suitable aquatic and upland habitat (that is, for each 1 acre of suitable aquatic and upland habitat impacted, 1 acre of compensatory habitat shall be preserved onsite or acquired offsite in a suitable location) or mitigation may be as required by the USFWS during consultation initiated by the Corps with USFWS pursuant to Section 7 of FESA.</p> <p>b. Replacement habitat can be acquired via fee title acquisition of land, contribution into an existing mitigation bank, or, with permission from state and federal regulatory agencies and in agreement with the Conservancy, the project proponent may make a financial contribution to the Conservancy. Any mitigation and subsequent monitoring requirement stipulated in permits/authorizations issued by the USFWS and the Corps for this project shall be completed as stated in the permits/authorizations.</p> <p>c. CDD shall receive copies of all agency agreements/authorizations related to this species, and shall not issue a grading permit or building permit until all agency agreements/permits relating to the giant garter snake have been obtained and mitigation for this species has been implemented.</p>	<p>Department of Conservation and Development</p>	<p>Prior to, during, and post construction</p>
<p>Impact BIO-6: Development of the project would have a potentially significant impact on the western pond turtle.</p>	<p>Mitigation Measure BIO-6: Western pond turtle.</p> <p>The applicant shall install turbidity barriers around construction areas in Kellogg Creek and the buffers protecting the preserved emergent marsh to ensure that western pond turtles do not enter the project construction areas.</p> <p>a. The western pond turtle is not a state listed species; therefore, it is not protected pursuant to the California Endangered Species Act. Thus, the resource agencies (CDFG and USFWS) do not have specific mitigation guidelines that must be followed to offset a project's impact to the western pond turtle. Mitigation for this special status</p>	<p>Department of Conservation and Development</p>	<p>Prior to issuance of building or grading permit</p>

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p><i>Impact BIO-6 Continued</i></p>	<p>species is determined on a project by project basis. It is likely that any mitigation implemented for the California red-legged frog and the giant garter snake would also mitigate the proposed project's impact on the western pond turtle. The mitigation measure for impacts to these two listed species would be a 1:1 mitigation ratio (that is, for each 1 acre of impact, 1 acre of mitigation land would be acquired offsite or preserved onsite) for impacts to aquatic habitat and a surrounding upland buffer area, or mitigation would be as worked out by the applicant, the USFWS, and the Corps at the time applications for permits/authorizations from these two agencies are submitted. Replacement habitat can be acquired via fee title acquisition of land, contribution into an existing mitigation bank, or, with permission from state and federal regulatory agencies and in agreement with the Conservancy, the applicant may make a financial contribution to the Conservancy.</p> <p><u>Within 5 days of initiating construction activities, a qualified biologist (knowledgeable and experienced in western pond turtle identification) shall conduct preconstruction surveys of all areas in these locations that will or could be impacted by construction activities. Any western pond turtles or eggs observed within the construction zone shall be allowed to leave the area on their own accord or they shall be relocated by the qualified biologist to a suitable area outside of the construction zone. A survey report detailing the survey results shall be prepared and submitted to the biological permitting agencies prior to the start of construction.</u></p> <p><u>After the preconstruction survey and prior to construction activities, an exclusion fence shall be placed between the development and the bank habitat and the emergent marsh habitat such that a western pond turtle could not move from these habitats into the development area. A qualified biologist shall be present during trenching activities associated with the exclusion fence installation.</u></p>		

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
	<p><u>The exclusion fencing will be standard silt fencing, approximately 42 inches in height that will be trenched 6 inches into the soil. The soil will then be compacted against both sides of the fence to prevent wildlife from gaining access underneath. The stakes will be placed on the inside of the fence facing the development. No gaps or holes are permitted in the fencing system, except for pedestrian and vehicle entry points.</u></p> <p><u>The entry/exit points may be constructed in the fencing system for equipment and personnel, but the qualified biologist must ensure no wildlife is capable of entering the fenced off site via the gate. The gate structure must be flush to the ground with no holes or gaps (i.e., plywood gates with silt fencing flaps).</u></p> <p><u>The fence will be inspected occasionally by a qualified biologist for holes, gaps, or access points, which shall be repaired upon discovery. The area inside the fence will also be inspected for trapped wildlife prior to the initiation of construction each day. If wildlife is discovered, the fence shall be opened and monitored until the wildlife has left the fenced area on its own accord and no work shall occur during this period. If the wildlife does not leave on its own accord, CDFW will be contacted before work may continue.</u></p>		
<p>Impact BIO-7: Development of the project would have potentially significant impact on federal and/or state listed fish species and fish species designated by the State of California as Species of Special Concern.</p>	<p>Mitigation Measure BIO-7: Federal and/or State listed fish species and California species of special concern fish.</p> <p>a. To minimize potential impacts to federal and/or state listed fish and California “species of special concern” during construction and dredging of the two interior bays, a levee shall be maintained between the area to be excavated and the Kellogg Creek channel.</p> <p>b. A qualified fisheries biologist shall be onsite during all pumping and siphoning activity to ensure that these activities do not result in take of federal and/or state listed fish and California “species of special concern.”</p>	<p>Department of Conservation and Development</p>	<p>Prior to issuance of permits and throughout pre-construction and construction</p>

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p><i>Impact BIO-7 Continued</i></p>	<p>c. Silt curtains or suction dredges shall be used when conducting work in the ECCID Dredge Cut/Intake Channel and Kellogg Creek. Use of this equipment will localize sediment movement and protect fish from entrainment and the effects of increased turbidity.</p> <p>d. All in water work shall be conducted between August 1 and November 30 to minimize the potential for take of threatened and endangered fish species. By conducting work within this time period, the project will avoid most critical spawning, migratory, and dispersal periods for listed fish species.</p> <p>e. Long term impacts to fish are not expected provided the proposed bank habitat mitigation to re-create and replace impacted bank habitat is implemented by the applicant.</p>		
<p>Impact BIO-8: Development of the project would have a potentially significant impact on tree nesting raptors.</p>	<p>Mitigation Measure BIO-8: Tree nesting raptors.</p> <p>a. If possible, tree removal shall be completed outside the nesting season (that is, between September 2 and February 28). In an abundance of caution, a preconstruction nesting survey of the tree to be removed shall be conducted within 30 days of the scheduled removal to ensure no birds are nesting.</p> <p>b. If construction or tree removal would commence between March 1 and September 1 during the nesting season, nesting surveys shall be conducted 30 days prior to grading/construction of the project or any proposed tree removal work. The raptor nesting surveys shall include examination of all trees and shrubs within sphere of influence of the proposed project, and not just of those trees slated for removal.</p> <p>c. If nesting raptors are identified during the surveys, the dripline of the nest tree shall be fenced with orange construction fencing (provided the tree is on the project site), and a 300-foot radius around the nest tree shall be staked with bright orange lath or other suitable staking.</p>	<p>Department of Conservation and Development</p>	<p>Prior to issuance of demolition permits and through pre-construction and construction</p>

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p><i>Impact BIO-8 Continued</i></p>	<p>d. If the tree is adjacent to the project site then the buffer shall be demarcated per above where the buffer occurs on the project site. The size of the buffer may be altered if a qualified raptor biologist conducts behavioral observations and determines the nesting raptors are well acclimated to disturbance. If this occurs, the raptor biologist shall prescribe a modified buffer that allows sufficient room to prevent undue disturbance/ harassment to the nesting raptors. This buffer may be reduced no smaller than 100 feet from the nest tree.</p> <p>e. No construction or earth-moving activity shall occur within the established 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 1. This date may be earlier than August 1 or later, and would have to be determined by a qualified raptor biologist.</p> <p><u>If construction related work would commence anytime during the nesting/breeding season for raptors or other bird species listed in the Migratory Bird Treaty Act (typically February 1 through September 15), a pre-construction survey of the project vicinity for nesting birds shall be conducted. This survey shall be conducted by a qualified biologist (experienced with the nesting behavior of bird species of the region) within 7 days prior to the commencement of construction activities that would occur during the nesting/breeding season. The intent of the survey shall be to determine if active nests are present within or adjacent to the construction zone within approximately 250 feet. The surveys shall be timed such that the last survey is concluded no more than one week prior to initiation of construction. If ground disturbance activities are delayed following a survey, then an additional pre-</u></p>		

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
	<p><u>construction survey shall be conducted such that no more than one week will have elapsed between the last survey and the commencement of ground disturbance activities.</u></p> <p><u>If active nests are found in areas that could be directly or indirectly affected by the project, a no-disturbance buffer zone shall be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged. The size of the buffer zones (generally 250 for raptors and 50 for passerines) and types of construction activities restricted within them should be determined through consultation with the CDFW depending on the species, taking into account factors such as the following:</u></p> <ul style="list-style-type: none"> • <u>Noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity;</u> • <u>Distance and amount of vegetation or other screening between the construction site and the nest; and</u> • <u>Sensitivity of individual nesting species and behaviors of the nesting birds.</u> <p><u>The buffer zone around an active nest shall be established in the field with orange construction fencing or another appropriate barrier and construction personnel shall be instructed on the sensitivity of nest areas. The qualified biologist shall serve as a construction monitor during those periods when construction activities would occur near active nest areas of special-status bird species to ensure that no impacts on these nests occur.</u></p>		

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p>Impact BIO-9: Development of the project would have a potentially significant impact on the Swainson's hawk.</p>	<p>Mitigation Measure BIO-9: Swainson's hawk.</p> <p>a. To meet the CDFG's mitigation requirements for impacts to Swainson's hawk foraging habitat the applicant shall implement one of the following scenarios:</p> <p>i. Dedicate and preserve 135 acres of habitat (this is a 1:1 impact to mitigation ratio), as approved by CDFG, to a conservation organization. An operating endowment shall be provided to the conservation organization to manage any preserved lands in perpetuity.</p> <p>ii. With permission from state and federal regulatory agencies and in agreement with the Conservancy, the applicant may make a financial contribution to the Conservancy, commensurate with approximately 135 acres of impacts to Swainson's hawk foraging habitat.</p> <p>b. <u>Prior to site disturbance t</u>o ensure that no impacts occur to any nesting Swainson's hawk, preconstruction nesting surveys shall be conducted <u>no more than on month prior to construction to establish whether Swainson's hawk nests within 1,000 feet of the project site are occupied in conformance with the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Technical Advisory Committee, 2000).</u></p>	<p>Department of Conservation and Development</p>	<p>Prior to issuance of permits and throughout pre-construction and construction</p>

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p><i>Impact BIO-9 Continued</i></p>	<p>c. If an active nest is found on or adjacent to within 0.25 miles of the project site “to avoid potential violation of Fish and Game Code 2080 (i.e., killing of listed species), project-related disturbance at active Swainson’s hawk nesting sites should be reduced or eliminated during critical phases of the nesting cycle (March 1-September 15 annually)” (CDFG 1994) and/or in consultation with the CDFW.</p> <p>d. If Swainson’s hawk are found nesting on the project site, a qualified raptor biologist shall establish a non-disturbance boundary around the nesting site. The size of this nondisturbance boundary shall be determined by the qualified raptor biologist in the field and in consultation with the CDFW. The buffer shall be based upon the location of the nesting tree, the bird’s tolerance of noise, and the type of other disturbance (e.g., ground vibrations). Once the young have fledged from the nest, the buffer can be removed, and all project activities can commence.</p> <p>e. Upon completion of nesting cycle, as determined by a qualified raptor biologist, and in coordination with CDFG, any non-disturbance boundary/nest buffer could be vacated.</p> <p>f. If the nest tree must be removed as part of the project, removal of this tree shall be mitigated in accordance with the mitigation measure prescribed for tree removal impacts in Mitigation Measure BIO-1. Tree planting is proposed as mitigation at a 9.5:1 ratio (that is, planting: removal). Replacement nest trees shall be native species (such as oaks or cottonwoods).</p>		
<p>Impact BIO-10: Development of the project would have a potentially significant adverse effect on the western burrowing owl.</p>	<p>Mitigation Measure BIO-10: Western burrowing owl.</p> <p>Western burrowing owl surveys conducted according to the methodologies prescribed by CDFG in their <i>Staff Report on Burrowing Owl Mitigation</i>, dated March 7, 2012. Below we provide a summary of the survey methodologies contained in the <i>Staff Report on Burrowing Owl Mitigation</i> that would be applicable to the project site. These</p>	<p>Department of Conservation and Development</p>	<p>Prior to issuance of permits and throughout pre-construction, during and post-construction</p>

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
	surveys would meet the standards of care required by CEQA for conducting surveys.		
<i>Impact BIO-10 Continued</i>	<ul style="list-style-type: none"> a. Initiating Survey. An initial take avoidance survey shall be conducted no less than 14 days prior to initiating ground disturbance activities. Burrowing owls may re-colonize a site after only a few days. Time lapses between project activities will trigger subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance. b. Number of visits and timing. Conduct four survey visits: 1) at least one site visit between February 15 and April 15, and 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15. c. Survey method. Conduct surveys by walking straight-line transects spaced 7 meters (m) to 20 m apart, adjusting for vegetation height and density. At the start of each transect and, at least, every 100 m, scan the entire visible project area for burrowing owls using binoculars. During walking surveys, record all potential burrows used by burrowing owls as determined by the presence of one or more burrowing owls, pellets, prey remains, whitewash, or decoration. Some burrowing owls may be detected by their calls, so observers should also listen for burrowing owls while conducting the survey. 		

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
	<ul style="list-style-type: none">d. Weather conditions. Poor weather may affect the surveyor's ability to detect burrowing owls, therefore, avoid conducting surveys when wind speed is >20 km/hr, and there is precipitation or dense fog. Surveys have greater detection probability if conducted when ambient temperatures are >20° C, <12 km/hr winds, and cloud cover is <75%.e. Time of day. Daily timing of surveys varies according to the literature, latitude, and survey method. However, surveys between morning civil twilight and 10:00 AM and two hours before sunset until evening civil twilight provide the highest detection probabilities.		

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p><i>Impact BIO-10 Continued</i></p>	<p>f. Avoiding burrowing owls. A primary goal is to design and implement projects to seasonally and spatially avoid negative impacts and disturbances that could result in take of burrowing owls, nests, or eggs. Avoidance measures may include but not be limited to:</p> <ul style="list-style-type: none"> ▪ Avoid disturbing occupied burrows during the nesting period, from February 1 through August 31. ▪ Avoid impacting burrows occupied during the non-breeding season by migratory or non-migratory resident burrowing owls. ▪ Avoid direct destruction of burrows through chaining (dragging a heavy chain over an area to remove shrubs), disking, cultivation, and urban, industrial, or agricultural development. ▪ Develop and implement a worker awareness program to increase the on-site worker's recognition of and commitment to burrowing owl protection. ▪ Place visible markers near burrows to ensure that equipment and other machinery does not collapse burrows. ▪ Do not fumigate, use treated bait or other means of poisoning nuisance animals in areas where burrowing owls are known or suspected to occur (e.g., sites observed with nesting owls, designated use areas). ▪ Restrict the use of treated grain to poison mammals to the months of January and February. 		

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p><i>Impact BIO-10 Continued</i></p>	<ul style="list-style-type: none"> g. Minimizing Impacts. If burrowing owls and their habitat can be protected in place on or adjacent to the project site, the use of buffer zones, visual screens or other measures while project activities are occurring can minimize disturbance impacts. A qualified biologist shall conduct site-specific monitoring to inform the project proponent of buffer requirements. See Staff Report on Burrowing Owl Mitigation (2012) for additional guidance. h. Permanent Impacts. Refer to Staff Report on Burrowing Owl Mitigation (2012) for additional guidance regarding mitigation of permanent impacts to burrowing owl habitat loss. 		
<p>Impact BIO-11: Development of the project would have a potentially significant impact on other protected nesting birds.</p>	<p>Mitigation BIO-11: Impacts to other nesting birds.</p> <ul style="list-style-type: none"> a. A nesting survey shall be conducted no more than 14 days prior to tree removal and/or breaking ground (surveys should be conducted a minimum of 3 separate days during the 14 days prior to disturbance) prior to commencing with construction work if this work would commence between February 1 and September 1. If a lapse in project-related work of 15 days or longer occurs, another focused survey consistent with related protocols and if required, consultation with CDFG shall occur before project work can be reinitiated. b. If special status birds, such as loggerhead shrike, tri-colored blackbird, and/or California black rail, are identified nesting within the area of affect, the project sponsor shall contact CDFG regarding appropriate buffer sizes and shall fence off a non-disturbance radius around the nest according to this measure. <p style="text-align: center;">(See BIO-8)</p>	<p>Department of Conservation and Development</p>	<p>Prior to issuance of permits and throughout pre-construction and during construction</p>

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p>Impact BIO 12: Impacts to Waters of the United States and/or State:</p>	<p>Mitigation Measure BIO 12: Impacts to waters of the United States and/or State</p> <p>Authorization from the Army Corps of Engineers (Corps) and the Central Valley Regional Water Quality Control Board (CVRWQCB) (for example, an Individual Permit and a Certification of Water Quality) shall be obtained prior to filling any waters of the U.S./State on the project site.</p> <p>A Conceptual Wetland and Emergent Marsh Preservation and Mitigation Plan for Pantages Bays was prepared by Gibson & Skordal, LLC (dated November 15, 2006). According to this mitigation plan, minimization of indirect impacts would be accomplished by grading home pads to drain toward streets and away from open space areas, landscaping with native plants, construction on bioswales, maintaining natural buffers between the development and the preserved marsh habitat within the open space areas, and using native plantings as landscaping buffers between development and open space preserve areas. An exception is at the Emergency Vehicle Access (EVA) crossing of the marsh where there is no buffer. The location of the EVA was chosen so that the road crossed the marsh at its narrowest point. In most other cases, there is a minimum of 50 feet between the edge of the residential development and the preserved marsh. At some locations, grading would encroach into the 50 foot width; however, the graded area would be planted with native vegetation and maintained naturally (no irrigation) such that it functions as a buffer. The open space preserve area shall be separated from</p>	<p>Project Applicant</p>	<p>Prior to construction</p>

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p><i>Impact BIO-12 Continued</i></p>	<p>adjacent development or recreational areas with permanent fencing that protects the open space preserve from unauthorized use while providing a visual connection to the open space. Residential fences would be tubular steel or some other form of permanent, visually open, fencing where houses back up to the open space preserve. Past mitigation efforts from other development projects have shown that with open fencing, protected areas are kept free from dumping of trash by homeowners as the community has more connection and feels more stewardship of the open space. In addition, along the EVA/trail, kiosks with educational signage will be developed to reduce human-induced impacts.</p> <p>Impacts to waters of the United States/State will also be minimized by implementing the following measures:</p> <ol style="list-style-type: none"> a.— The project proponent shall implement best management practices consistent with the Storm Water Pollution Prevention Plan (SWPPP) prepared for the project to protect the emergent marsh and wetland mitigation area, including installing orange construction fencing, hay or gravel wattles, and other protective measures. b.— During project construction, a biological monitor shall be onsite to monitor the integrity of preserved wetlands and other waters. c.— For those wetland areas that cannot be avoided, compensation wetlands shall be enhanced/created to replace those wetlands permanently affected by project activities. If possible, wetlands shall be created on-site and shall resemble those wetlands affected by the project (known as in-kind replacement). d.— All impacted wetlands shall be replaced at a minimum 1:1 ratio (for each square foot of impact, one square foot of wetland would be enhanced/created) or as otherwise specified in permitting conditions imposed by the Corps and RWQCB. 		

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p><i>Impact BIO-12-Continued</i></p>	<p>e. The specific mitigation for the project consists of the components listed here:</p> <ul style="list-style-type: none"> ■ Creation of approximately 5.29 acres of seasonal wetland on-site; ■ Creation of approximately 0.30 acre of marsh habitat on-site; ■ Creation and enhancement of approximately 11,060 linear feet of bank habitat on-site and off-site, including Shaded Riverine Aquatic habitat and shallow water habitat. The off-site mitigation includes the ECCID Dredge Cut from the Pantages property line to the bridge, linking Lakeshore/Lakes neighborhoods and the RD-800 Kellogg Creek Banks from Newport Drive to State Route 4; ■ Creation of approximately 46 acres of open water habitat on-site; ■ Preservation of all avoided and created aquatic areas; and ■ Implementation of a comprehensive long-term storm-water management plan designed to protect water quality. <p>The compensatory mitigation envisioned for the project will consist of two major efforts. First will be the creation of seasonal wetland habitat in the uplands adjacent to the preserved marsh, and second will be the creation and enhancement of bank habitat within the project area.</p> <p><i>Creation (Compensatory Mitigation)</i></p> <p><i>Seasonal Wetland/Emergent Marsh/Open Water Habitat</i></p> <p>a. A minimum of approximately 5.29 acres of seasonal wetland and 0.30 acre of marsh shall be created within the 44-acre preserve area. Specifically, the creation of the seasonal wetland will occur in the 12.58-acre upland area in the northwest corner of the site. The</p>		

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p><i>Impact BIO-12 Continued</i></p>	<p>expansion of the marsh shall be accomplished either on the eastern side of the existing marsh on the new peninsula created by the opening of the northern bay or along the western side of the existing marsh. This represents a 1:1 mitigation ratio (created wetlands to impacted wetlands).</p> <p>b. Soil borings shall be taken prior to the construction of the seasonal wetlands within the open space preserve to verify the suitability of the proposed wetland soils (e.g. cobbly soils or old alluvium would not be suitable soils).</p> <p>c. Ground water depths shall also be identified within the open space preserve.</p> <p>d. The locations of the created wetlands shall be selected based on the existing topography within the uplands, soil composition, and ground water depths, and the created seasonal wetlands shall be excavated to a depth necessary to accumulate seasonal (winter) groundwater and/or to any clay layer that will perch rainfall.</p> <p>e. The upper 6 inches of top soil shall be scalped from the seasonal wetlands to be impacted and will be placed in the created wetlands for seed source. These topsoils would contain a seed bank of the impacted pool plant species which would germinate with fall/winter hydration of the re-created pools.</p> <p>f. The created wetlands shall be very slightly over-excavated to accommodate the addition of topsoil.</p> <p>g. This mitigation measure may be substituted by implementing another wetland compensation plan that is approved for the project by both the Corps and the RWQCB.</p> <p><i>Creek Bank Habitat</i></p> <p>Overall, the project will result in the loss of approximately 9,720 linear feet of the 10,120 linear feet of existing habitat along the project site. The applicant proposes to mitigate for the loss of excavated low and moderate quality bank habitat by: (1) enhancement of 9,157 lineal feet</p>		

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p><i>Impact BIO-12-Continued</i></p>	<p>of the existing low and moderate low quality bank habitat, both onsite and offsite, to high quality bank habitat (shaded riverine aquatic habitat and shallow water habitat) on Pantages Island;</p> <p>East Contra Costa Irrigation District (ECCID) Property on the south side of the ECCID Dredge Cut/Channel, Old Kellogg Creek, and Kellogg Creek between Newport Drive and State Route 4; and (2) creation of 1,903 lineal feet of moderate quality bank habitat (shallow sloping or level bench to MHW with riparian trees and grasses, rip-rap with willows between MHW and MLW) on the excavated portion of Pantages Island, and the northerly side of the North Cove to the end of Kellogg Creek. Bank habitat mitigation totals approximately 11,060 lineal feet.</p> <p><i>Open Space Preservation</i></p> <p>The preserved and created seasonal wetlands and marsh habitat would be located within a 44-acre permanently preserved area. Open Space Parcel "C" and the marsh habitat on Pantages Island (Open Space Parcel "D") would also be permanently preserved through conservation easements or covenants. It is envisioned that ownership of the open space preserve areas will be transferred to the Town of Discovery Bay Community Services District (TDBCSD) for preservation in perpetuity, or some other public agency deemed approved by CDD. The TDBCSD would also function as the Preserve Manager and conduct the long-term monitoring and maintenance of the preserve areas in perpetuity. On the adjoining Ravenswood project, ownership of an open space parcel with seasonal wetlands controlled by a conservation easement has been conveyed to the TDBCSD for the same purpose pursuant to Corps Permit No. 199400928. TDBCSD will therefore be able to ensure consistent and coordinated management of the two conservation areas.</p> <p>In addition, the approximately 11,060 linear feet of enhanced and created bank habitat would be preserved in perpetuity. The lineal footage within the project site will be included as part of Water Parcel "F", as modified to include that creek bank and shoring walls. It is</p>		

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p><i>Impact BIO-12 Continued</i></p>	<p>envisioned that Parcel “F” as modified and the enhanced bank habitat on ECCID property and Pantages Island will be transferred to Reclamation District 800 (RD800). RD 800 already owns the mitigation Kellogg Creek banks from Newport Drive to State Route 4. RD 800 will own and be responsible by conservation covenants to monitor and maintain these bank habitats in perpetuity. Funding for maintenance of the permanently preserved open space conservation area will be provided through annual assessments of home owners in Pantages Bays that are secured through a TDBCSD landscape and lighting district or a binding, permanent agreement completed prior to filing the Final Map. With respect to the creek bank conservation areas owned by RD 800, the assessment will be created by a Proposition 218 vote undertaken prior to the filing of the Final Map.</p> <p>This funding and monitoring is separate from the compensatory mitigation monitoring for the created wetlands is outlined in the Conceptual Wetland and Emergent Marsh Preservation and Mitigation Plan for Pantages Bays was prepared by Gibson & Skordal, LLC (dated November 15, 2006). Alternative long term mitigation monitoring acceptable to permitting agencies may also be considered.</p> <p>A 5 year monitoring program will be established to monitor the progress of the wetland mitigation toward an established goal. At the end of each monitoring year, an annual report will be submitted to the Corps, RWQCB and Contra Costa County. This report will document the hydrological and vegetative condition of the mitigation wetlands, and will recommend remedial measures as necessary to correct deficiencies.</p> <p>Aside from the minimum replacement ratio and in perpetuity protection, various regulatory agencies may provide additional conditions and stipulations for permits. Permits for impacts to waters of the U.S. will be required by the Corps. Similarly, permits for impacts to waters of the state will be required by both the RWQCB and CDFG prior to the impacts occurring. These agencies will likely impose their own</p>		

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<i>Impact BIO-12 Continued</i>	mitigation requirements. Any other conditions that are stipulated for impacts to waters of the U.S. or state by the Corps, RWQCB, and/or CDFG shall also become conditions of project approval.		
Impact CUM BIO-1: Cumulative Impacts to Vegetation and Wildlife Resources	The mitigation measures prescribed above would offset cumulative impacts to special-status species, wetlands, trees, and plant communities/wildlife habitats to levels regarded as less than significant. Mitigation that includes creation and enhancement of impacted “waters of the U.S.,” stream channels, and bank habitat would offset this cumulative impact to levels regarded as less than significant.	Department of Conservation and Development and Project Applicant	Prior to issuance of building permits, prior to construction, during, and post-construction
Cultural Resources			
Impact CUL-1: Construction of the project could potentially cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5.	<p>Mitigation Measure CUL-1: Pursuant to CEQA Guidelines Section 15064.5, in the event that any prehistoric, historic, archaeological or paleontological resources are discovered during ground-disturbing activities, all work within 100 feet of the resources shall be halted and the applicant shall consult with the County and a qualified professional (historian, archaeologist and/or paleontologist as determined appropriate and approved by the County) to assess the significance of the find.</p> <p>If any find is determined to be significant, representatives of the County and the consulting professional shall determine the appropriate avoidance measures or other appropriate mitigation.</p> <p>In considering any suggested mitigation proposed by the consulting professional to mitigate impacts to cultural resources, the County shall determine whether avoidance is feasible in light of factors such as the nature of the find, project design, costs, and other considerations.</p> <p>If avoidance is infeasible, other appropriate measures, such as data recovery, shall be instituted. Work may proceed on other parts of the project site while mitigation for cultural resources is carried out. All significant cultural materials recovered shall, at the discretion of the</p>	Department of Conservation and Development	When demolition and site clearing activities are complete, and during grading

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<i>Impact CUL-1 Continued</i>	consulting professional, be subject to scientific analysis, professional museum curation, and documentation according to current professional standards. At the County's discretion, all work performed by the consulting professional shall be paid for by the applicant and at the County's discretion, the professional may work under contract with the County.		
<p>Impact CUL-2: Construction of the project could potentially cause a substantial adverse change in the significance of an unknown archaeological resource pursuant to Section 15064.5.</p>	<p>Mitigation Measure CUL-2: Implementation of Mitigation Measure CUL-1 would reduce impacts from changes in the significance of an archaeological resource to a less-than-significant level.</p>	<p>Department of Conservation and Development</p>	<p>When demolition and site clearing activities are complete, and during grading</p>
<p>Impact CUL-3: Construction of the project potentially could directly or indirectly destroy a unique paleontological resource on site or unique geologic feature.</p>	<p>Mitigation Measure CUL-3: Implementation of Mitigation Measure CUL-1 would reduce impacts to paleontological resources or a unique geologic feature to a less-than-significant level.</p>	<p>Department of Conservation and Development</p>	<p>When demolition and site clearing activities are complete, and during grading</p>

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p>Impact CUL-4: Construction of the project could potentially disturb human remains, including those interred outside of formal cemeteries.</p>	<p>Mitigation Measure CUL-4: In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps shall be taken:</p> <ol style="list-style-type: none"> 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: <ul style="list-style-type: none"> ■ The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and ■ If the coroner determines the remains to be Native American: <ul style="list-style-type: none"> • The coroner shall contact the Native American Heritage Commission within 24 hours; • The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American; • The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98; or 	<p>Department of Conservation and Development</p>	<p>During site clearing, grading, or construction activities; if necessary</p>

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p><i>Impact CUL-4 Continued</i></p>	<p>2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance:</p> <ul style="list-style-type: none"> ▪ The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the Commission; ▪ The identified descendant fails to make a recommendation; or ▪ The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner. 		

Energy

There are no significant impacts to energy

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
Geology and Soils			
<p>Impact GEO-1: Implementation of the project could expose people and developments to adverse effects from strong seismic ground shaking and seismic related ground failure including liquefaction and lateral spreading.</p>	<p>Mitigation Measure GEO-1a: The project applicant shall design structures and foundations to withstand expected seismic sources in accordance with the current version of the California Building Code, as adopted by the County.</p>	County Building Official	Prior to issuance of a building permit and during construction
	<p>Mitigation Measure GEO-1b: At least 60 days prior to recording the Final Map the applicant shall submit updated improvement plans for the project for review by the County’s Peer Review Geologist and review and approval by the Zoning Administrator. For the purposes of geologic review, the plans shall provide detailed information on the bank stabilization wall system being proposed along the waterfront residential lots.</p>	Project Applicant	60 days prior to recording the Final Map
	<p>Mitigation Measure GEO-1c: Prior to the issuance of building permits, the applicant shall submit an updated geology, soils and foundation report meeting the requirements of the Subdivision Ordinance, Section 944.420 for review by the Peer Review Geologist and review and approval of the Zoning Administrator. The report shall address the specific approach to grading and development indicated by the Final Subdivision Map and Improvement Plans, and shall provide technical data and engineering analysis that addresses the stability of the residential lots.</p> <ul style="list-style-type: none"> ■ The project geotechnical engineer shall use the following performance criteria: ■ Factor of Safety of a minimum of 1.5 for static conditions, ■ Factor of Safety of 1.25 for pseudo-static conditions, and which takes into account the potential for a seismic source in the site vicinity (Great Valley seismic zone) and ■ Factor of Safety of 1.3 for rapid draw down. 	Project Applicant	Prior to issuance of building permits

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p><i>Impact GEO-1 Continued</i></p>	<p>Mitigation Measure GEO-1d: During the construction of subdivision improvements, the project geotechnical engineer shall provide observation and testing services and issue a grading/shoring wall completion report. The report shall provide documentation on the bank stabilization wall depths and appropriate testing of fill compaction to determine the effectiveness of the bank stabilization measures in preventing lateral spreading failures toward the Kellogg Creek channel.</p>	<p>Project Geotechnical Engineer</p>	<p>During the construction of subdivision improvements</p>
<p>Impact GEO-2: Development of the project site could result in substantial soil erosion or the loss of topsoil.</p>	<p>Mitigation Measure GEO-2: The applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) for review and approval by the Building Inspection Division of the Department of Conservation and Development. The SWPPP shall be consistent with the terms of the State Construction Storm Water General Permit, the manual of Standards for Erosion and Sedimentation Control Measures by the Association of Bay Area Governments, policies and recommendations of the County and the RWQCB. The County has SWPPP resources available on its website: http://www.co.contra-costa.ca.us/depart/pw/design/swppp/.</p> <p>With regard to long-term control of sedimentation and protection of water quality, a Storm Water Control Plan (SWCP) C.3 Report (dk Consulting 2006) was prepared for the project and submitted to the County's Public Works Department in order to comply with County water quality requirements. Engineered linear bioretention facilities (dry swales) are the selected stormwater runoff treatment for this project, which are area based storm water treatment facilities.</p>	<p>Project Applicant</p>	<p>Prior to construction</p>

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p>Impact GEO-3: The project could expose structures to substantial adverse effects related to expansive and corrosive soils on the project site.</p>	<p>Mitigation Measure GEO-3: At least 30 days prior to recordation of the final map, the project applicant shall submit a plan for monitoring corrosivity of pads and road beds. The plan shall demonstrate how the results of the study will guide design of concrete and ferrous materials that are in contact with the ground.</p>	<p>Project Applicant</p>	<p>30 days prior to recordation of the final map</p>
<p>Global Climate Change</p>			
<p>Impact CUM GCC-1: The project would generate GHG emissions in excess of the BAAQMD threshold of 4.6 metric tons of CO₂e per service population per year and would have a considerable contribution on global climate change.</p>	<p>Mitigation Measure CUM GCC-1a: The County shall ensure that the project applicant(s) employs green building techniques in the design of proposed structures within the Pantages Bays project. Specifically, structures shall conform at a minimum to the California Green Building Code or equivalent green building standards.</p> <p>Mitigation Measure CUM-GCC-1b: The applicant has agreed to incorporate the following measures within the proposed project:</p> <ul style="list-style-type: none"> ■ Project landscaping shall include water-efficient native and adaptive plants in combination with high-efficiency irrigation equipment; ■ Recycled content shall be included in project building materials, including the use of pre-consumer fly-ash in the concrete for project walkways, driveways, roadways, and non-plant landscape elements; ■ To protect regional and indoor air quality, interior paints, carpets, adhesives, sealants, and coatings selected for the project shall have a low concentration of volatile organic chemicals (VOCs); 	<p>Contra Costa County</p>	<p>Prior to construction and during project design</p>

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p><i>Impact CUM GCC-1 Continued</i></p>	<ul style="list-style-type: none"> ■ The heating, ventilation, and air conditions (HVAC) systems within each single family home shall use environmentally responsible refrigerants (i.e. non CFC-based refrigerants); ■ Indoor ventilation systems in each home shall include high-efficiency systems to provide enhanced indoor air quality as potential pollutants would be ventilated through the building at a faster rate; ■ The project shall install high efficiency restroom fixtures including low-flow or dual flush toilets to reduce potable water use; ■ Wood from sustainably harvested forests (as certified by the Forest Stewardship Council) shall be used in wood materials for the single family homes, including flooring, cabinets, trim, shelving, doors, and countertops; and ■ The project shall install water and energy efficient appliances and lighting fixtures, including EnergyStar dishwashing and refrigeration equipment. 		

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<i>Hazards and Hazardous Materials</i>			
<p>Impact HAZ-1: The project could potentially cause the release of hazardous materials into the environment during demolition, grading, and construction activities.</p>	<p>Mitigation Measure HAZ-1a: Prior to issuance of grading permits, soil samples shall be collected from the paint disposal area, by a qualified professional, and analyzed for metals, petroleum hydrocarbons, and volatile organic compounds. Soil samples shall be compared to the Environmental Screening Levels (ESLs) as determined by the California Regional Water Quality Control Board San Francisco Bay Region. If soil samples exceed ESLs, the soil shall be investigated and remediated under the oversight of the Contra Costa Environmental Health Division (CCEHD).</p> <p>Mitigation Measure HAZ1b: The project site shall be inspected by an environmental professional who specializes in hazardous materials and contamination, appointed by CDD, and paid for by the applicant, during demolition and preliminary grading activities. In the event that previously unidentified contaminants are discovered, the contamination shall be reported to CCEHD and investigated and remediated under the oversight of CCEHD in accordance with existing regulatory programs.</p>	Project Applicant	Prior to issuance of grading permits, during demolition, and preliminary grading activities
<p>Impact HAZ-2 The project could potentially release hazardous materials during demolition of the existing residence.</p>	<p>Mitigation Measure HAZ-2a: Prior to the issuance of a demolition permit, the applicant shall submit proof to the County that all asbestos-containing materials have been removed at the existing residence located to the south of Point of Timber Road, in compliance with state regulations.</p>	Project Applicant	Prior to issuance of a demolition permit
	<p>Mitigation Measure HAZ-2b: Prior to the issuance of a demolition permit, the applicant shall submit proof to the County that all lead-based paint (LBP) has been removed at each of the existing former residences on the project site, in compliance with state regulations.</p>	Project Applicant	Prior to issuance of a demolition permit

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p>Impact HAZ-3 Project demolition and construction activities could expose individuals at the Timber Point Elementary School to hazardous emissions or materials.</p>	<p><i>See Mitigation Measures HAZ-1, HAZ-2a, and HAZ-2b</i></p>	<p>Project Applicant</p>	<p>Prior to issuance of grading permits, during demolition, and preliminary grading activities</p>
<p>Hydrology and Water Quality</p>			
<p>Impact HYD-1: Construction activities would alter the existing drainage patterns resulting in erosion, sedimentation, and contamination of storm water runoff which could degrade water quality in adjacent water bodies.</p>	<p>Mitigation Measure HYD-1a: A qualified hydrologist on the project team shall perform, at minimum, weekly monitoring of the water quality in Kellogg Creek adjacent to the turbidity barriers to determine whether adjustments to their position or depth are required. Monitoring shall be more frequent, as needed, to accurately assess water quality degradation.</p>	<p>Qualified Hydrologist</p>	<p>Weekly monitoring</p>

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p><i>Impact HYD-1 Continued</i></p>	<p>Mitigation Measure HYD-1b: The applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) for review and approval by the Building Inspection Division of the Department of Conservation and Development. The SWPPP shall be consistent with the terms of the State Construction Storm Water General Permit, the manual of Standards for Erosion and Sedimentation Control Measures by the Association of Bay Area Governments, policies and recommendations of the County and the RWQCB. The County has SWPPP resources available on its website: http://www.co.contra-costa.ca.us/depart/pw/design/swppp/. Additionally, the Title 10 Ordinance (1010) of the Contra Costa County Code of Ordinances requires the project sponsor to obtain a permit for drainage activities for creek improvements to Kellogg Creek and Old Kellogg Creek.</p>	<p>Project Applicant and Department of Conservation and Development</p>	<p>Prior to the issuance of a grading permit</p>
	<p>Mitigation Measure HYD -1c: To prevent pollution of receiving waters due to equipment fueling, storage, and maintenance, the contractor shall develop a detailed set of guidelines to follow. Final plan notes, and contractor bid documents shall include the following specifications:</p> <ol style="list-style-type: none"> 1. Space in the staging area shall be reserved for storage of maintenance materials, and refueling purposes. 2. The staging area shall be graded to prevent any runoff so that any contaminants such as spilled fuel, oil, or grease will not reach the receiving waters. <p>If heavy-duty construction machinery is left overnight in an area that is not protected from direct runoff to receiving waters, drip pans shall be placed beneath the engine block and hydraulic systems.</p>		

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p>Impact HYD-2: Abandoned groundwater wells on the project site could act as direct conduits to groundwater for hazardous waste.</p>	<p>Mitigation Measure HYD-2: Prior to the issuance of grading permits, the project applicant shall coordinate with Contra Costa Environmental Health Division (CCEHD) to identify and survey the existing and abandoned groundwater wells on the project site.</p> <p>The identified groundwater wells shall be properly decommissioned under permit from CCEHD. CCEHD shall inspect the decommissioned wells for approval.</p>	<p>Project Applicant</p>	<p>Prior to issuance of grading permits</p>
<p>Impact HYD-3: The project site is located within areas of projected tidal inundation due to sea level rise, which would place people and structures within a flood hazard associated with long-term sea level rise.</p>	<p>Mitigation Measure HYD-3a: The final map and improvement plans, including grading plans shall include, at minimum, a finished floor elevation of residential units at 14.1 feet.</p>	<p>Project Applicant</p>	<p>During project design</p>
	<p>Mitigation Measure HYD-3b: The final map and improvement plans, including grading plans shall include, at minimum, a finished street level elevation of 12.1 feet.</p>	<p>Project Applicant</p>	<p>During project design</p>
<p>Land Use and Planning</p>			
<p><i>There are no significant impacts to land use planning</i></p>			
<p>Mineral Resources</p>			
<p><i>There are no significant impacts to mineral resources</i></p>			

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
Noise			
<p>Impact NOI-1: Project construction would cause a substantial temporary increase in ambient noise levels.</p>	<p>Mitigation Measure NOI-1a: All noise generating construction activities shall be limited to the hours of 7:30 AM to 5:30 PM, Monday through Friday, and shall be prohibited on state and federal holidays on the calendar dates that these holidays are observed by the state or federal government as listed below:</p> <ul style="list-style-type: none"> ▪ New Year’s Day (State and Federal) ▪ Birthday of Martin Luther King, Jr. (State and Federal) ▪ Washington’s Birthday/Presidents’ Day (State and Federal) ▪ Lincoln’s Birthday (State) ▪ Cesar Chavez Day (State) ▪ Memorial Day (State and Federal) ▪ Independence Day (State and Federal) ▪ Labor Day (State and Federal) ▪ Columbus Day (State and Federal) ▪ Veterans Day (State and Federal) ▪ Thanksgiving Day (State and Federal) ▪ Day after Thanksgiving (State) ▪ Christmas Day (State and Federal) <p>For specific details on the actual day the state and federal holidays occur, please visit the following websites:</p> <ul style="list-style-type: none"> ▪ Federal Holidays: http://www.opm.gov/fedhol/2006.asp ▪ California Holidays: http://www.edd.ca.gov/eddsthoh.htm 	<p>Project Applicant</p>	<p>During construction</p>

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p><i>Impact NOI-1 Continued</i></p>	<p>An on-site complaint and enforcement manager shall be available to respond to and track complaints. The manager will be responsible for responding to any complaints regarding construction noise and for coordinating with the adjacent land uses. The manager will determine the cause of any complaints and coordinate with the construction team to implement effective measures (considered technically and economically feasible) warranted to correct the problem. The telephone number of the coordinator shall be posted at the construction site and provided to neighbors in a notification letter. The manager will be trained to use a sound level meter and should be available during all construction hours to respond to complaints.</p> <p>At least one week prior to commencement of grading or construction activities for each major phase of construction the applicant shall prepare a notice that grading or construction work will commence. The notice shall be posted at the site and mailed to all the owners and occupants of property within 300 feet of the exterior boundary of the project site as shown on the latest equalized assessment roll. The notice shall include a list of contact persons with name, title, phone number and area of responsibility. The person responsible for maintaining the list shall be included. The list shall be kept current at all times and shall consist of persons with authority to indicate and implement corrective action in their area of responsibility. The names of individuals responsible for noise and litter control, tree protection, construction traffic and vehicles, erosion control, and the 24-hour emergency number, shall be expressly identified in the notice. The notice shall be re-issued with each phase of the project and a copy shall be mailed to the Contra Costa County Department of Conservation and Development.</p>		

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p><i>Impact NOI-1 Continued</i></p>	<p>Mitigation Measure NOI-1b: The project applicant shall prepare a detailed construction noise mitigation plan for review and approval by the County. The goal of the plan is to provide a framework for notifying neighbors of the extent of the noise that can be expected during particular phases of the project grading, what mitigation will be applied, and who to call if there are noise-related complaints. Submission of this construction noise mitigation plan shall be required as part the building permit application.</p> <p>The construction noise mitigation plan shall use the California Model Community Noise Ordinance limits of 75 dBA for mobile equipment and 60 dBA for stationary equipment as the primary noise mitigation goals.</p> <p>Information in the plan shall include but not be limited to the following:</p> <ul style="list-style-type: none"> ▪ Construction schedule showing dates and location of activities. ▪ List of equipment to be used during each major construction phase and sound level estimates for each phase. ▪ Height, length, and location of any recommended noise barriers. The barriers can be constructed out of wood or other materials as long as they have a minimum surface weight of approximately 2.5 pounds per square foot. Possible materials include 1-1/8-inch-thick plywood or fully overlapping 1x redwood boards (1-1/2-inch-thick total). The barriers would likely be 6 to 8 feet tall but this would be refined as part of the construction noise control plan. Issues to consider when determining the ultimate height, length, and location of the barriers are the actual construction practices, including equipment to be used and the location and duration of noisier activities. The topography will also need to be considered in the final determination of barrier heights and effectiveness. 	<p>Project Applicant</p>	<p>Prior to construction and during construction</p>

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p><i>Impact NOI-1 Continued</i></p>	<ul style="list-style-type: none"> ■ Truck routing to minimize noise at existing noise sensitive locations. The project applicant shall limit trucks to routes, hours, and days of the week set by Contra Costa County. ■ Location of stationary equipment as far from residents as is practicable and/or enclose noise sources. ■ The project applicant shall require the contractor to use electric or hydraulically powered rather than diesel or pneumatically powered equipment and construction tools as feasible. ■ Provide intake silencers and "resident-type" exhaust mufflers on vehicles and equipment and/or acoustically shroud or shield impact tools as feasible. ■ The method for construction of the shoring walls will be sheet pile shoring wall that for installation will use a variable moment driver/hammer, or similar vibratory method approved by CDD. <hr/> <p>Mitigation Measure NOI-1c: The project applicant shall construct temporary noise barriers along the western property line neighboring the existing residences at the Ravenswood and Discovery Bay West subdivisions. Noise barriers shall provide noise reductions in the range of 5 to 10 dBA.</p>		
<p>Population and Housing</p>			
<p><i>There are no significant impacts to population and housing</i></p>			
<p>Public Services and Recreation</p>			
<p>Impact PS 1: The project would be required to provide 2.6 acres of parkland to meet the</p>	<p>Mitigation Measure PS 1: The project applicant shall, on the face of the Final Map (and/or other recorded instrument approved by CDD), dedicate approximately 2.6 acres of public trails to the public (a 20-foot emergency vehicle access (EVA) with at least eight feet paved in the</p>	<p>Project Applicant</p>	<p>Concurrent with the recording of the map</p>

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p>County's parkland dedication requirement.</p>	<p>middle, an eight-foot sidewalk leading from Point of Timer Road to the public trails through the preserved open space, and a passive recreation location at the end of the trail (beyond the marine patrol substation) for ingress, egress, and use by pedestrians and bicyclists. The right of public access shall confirm that dogs are not permitted on the EVA/trails due to proximity to creek banks, emergent marsh and seasonal wetlands (this provision includes members of the public with dogs and Pantages Bays homeowners). It shall confirm that access is limited from dawn to dusk. The applicant shall provide a water fountain at the end of the trail, beyond the marine patrol substation, for public use with tables and seating next to the open water. At the end of the trail, historical kiosks and signage (related to this part of the Delta and Point of Timber) and educational (related to the environment and its protection; notice the dogs not permitted), and benches along the trails, all in a number, design and content subject to the review and approval of CDD. The public trails through the open space area also serve as an EVA and must comply with Fire Department standards. In combination with the dedication of the public trail the project shall pay a park dedication fee of \$1351 per dwelling unit upon issuance of building permits.</p> <p>Signage shall be provided at the two project entries for public pedestrians and bicyclists (Point of Timber and Wilde Drive) and the trail heads at the end of "A" street and "B" street. The signs confirm public access to the EVA/trails and the sidewalks and roads within Pantages Bays. The signage shall also specify the limitations on such use (e.g. no dogs on EVA/public trails; dogs must be on leash on roads and sidewalks; public pedestrian and bicyclist access permitted only from dawn to dusk). The signs and their content are subject to the review and approval of CDD.</p>		
<p><i>Impact PS-1 Continued</i></p>	<p>As provided in Condition of Approval number 69, it is anticipated the TDBCSD will own and maintain Open Space Parcel "C" which includes the EVA/trails and seating at the end of the trail. Through landscaping and lighting district assessment (or other binding, permanent agreement</p>		

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p>approved by CDD) the future Pantages Bays residents shall pay for the maintenance of the EVA/trail and seating end point for their use and that of the public. The right of public access to roads and sidewalks shall confirm that it does not include public vehicular use (unless by invited guest), and that dogs are permitted with the public and residents of Pantages only if on leash. Access to the EVA/trails, roadways and waterways within Pantages Bays is also granted to public agencies such as TDBCSD, RD 800, Fire District, Sheriff's Office.</p> <p>It is anticipated that these offers of dedication of public access for pedestrian and bicyclists will be accepted on behalf of the public by the County (and/or by another public agency approved by CDD). These rights of public access and the right of enforcement by members of the public and the County (or by another public agency) shall be confirmed in the CC&R's. (Mitigation Measure PS 1)</p>			
<p>Public Utilities</p>			
<p>Impact UTIL-1: Per the requirements of Title 22 of the California Waterworks Standards, the Town of Discovery Bay Community Services District does not currently have sufficient legal water supply capacity to serve the project.</p>	<p>Mitigation Measure UTIL-1: Prior to final map recordation, the applicant shall provide documentation to CDD (i.e., Can & Will Serve letter and verification from other governmental authorities, such as the California Department of Public Health), demonstrating to the satisfaction of CDD that the TDBCSD has identified and secured sufficient financing for the construction of any required improvements outlined in the Water MP to ensure sufficient capacity exists to serve the project.</p> <p>Prior to the issuance of the first occupancy permit, the Applicant shall provide documentation to CDD that said improvements needed to serve the project are constructed and operational. This shall be a deed disclosure on each deed.</p>	<p>Project Applicant</p>	<p>Prior to filing of an application</p>
<p>Impact UTIL-2: Town of Discovery Bay Community Services District does not currently have sufficient</p>	<p>Mitigation Measure UTIL-2: Prior to final map recordation, the applicant shall provide documentation to CDD (i.e., Can & Will Serve letter), demonstrating to the satisfaction of the CDD that the TDBCSD has identified and secured sufficient funding for the construction of any</p>	<p>Project Applicant</p>	<p>Prior to filing of an application</p>

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p>wastewater treatment capacity to serve the project.</p>	<p>capacity or treatment improvements outlined in the Wastewater MP and necessary so that serving the project does not exceed the requirements of the RWQCB.</p> <p>Prior to the issuance of the first occupancy permit, the Applicant shall provide documentation to the CDD that said improvements needed to serve the project are constructed and operational, and that any source control measures are being implemented consistent with the requirements of the RWQCB.</p>		
<p>Impact CUM UTIL-1: The project, in combination with other reasonably foreseeable projects, would have a considerable contribution to long-term water supplies within the project area.</p>	<p>Mitigation Measure CUM UTIL-1: The project applicant shall implement Mitigation Measure UTIL-1.</p>	<p>Project Applicant</p>	<p>Prior to final map recordation</p>
<p>Impact CUM UTIL-2: The project, in combination with other reasonably foreseeable projects, would have a considerable contribution to long-term wastewater treatment within the project area.</p>	<p>Mitigation Measure CUM UTIL-2: The project applicant shall implement Mitigation Measure UTIL-2.</p>	<p>Project Applicant</p>	<p>Prior to final map recordation</p>

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
Transportation and Circulation			
<p>Impact TRA-1: Implementation of the project would increase traffic volumes and worsen LOS conditions at the SR4/Byron Highway (south intersection) signalized intersection.</p>	<p>Mitigation Measure TRA-1: Mitigation of the unacceptable traffic conditions at the SR4/Byron Highway (south) can be achieved by adding a second northbound to westbound left-turn lane from Byron Highway onto SR4 and its associated receiving lane. This improvement is <u>included in the 2018 East County Regional Area of Benefit (ECRAOB) Transportation Mitigation Fee Update project list. currently identified in the 2007 Contra Costa County Capital Road Improvement & Preservation Program, although funding has not been identified. If this improvement is not included in a County fee program or other funding program at the time of project approvals, the project applicant shall be responsible for their fair share of the improvement. The project applicant shall pay the required fee</u> prior to the issuance of building permits.</p>	<p>Project Applicant</p>	<p>Prior to the issuance of building permits</p>
<p>Impact TRA-2: Implementation of the project would increase traffic volumes and worsen LOS conditions on Vasco Road.</p>	<p>Mitigation Measure TRA -2: The project applicant shall pay regional roadway fees to the East Contra Costa Regional Fee and Financing Authority (ECCRFFA) fee program to upgrade existing roadways. Implementation of Mitigation Measure TRA -2 would require the project applicant to pay regional roadway fees to upgrade existing roadways and/or construct new facilities in the project area upon issuance of building permits.</p>	<p>Project Applicant</p>	<p>Prior to construction</p>
<p>Impact TRA-3: Implementation of the project would increase traffic volumes on nearby rural roads, and create conflicts with the farm equipment that share these roads during the peak summer months.</p>	<p>Implementation of Mitigation Measure TRA -2 would require the project applicant to pay regional roadway fees to upgrade existing roadways and/or construct new facilities in the project area.</p>	<p>Project Applicant</p>	<p>Prior to construction</p>

4.0 Mitigation Monitoring and Reporting Program (updated for 2020 Addendum)

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p>Impact CUM TRA-1: Implementation of the project would increase traffic volumes and worsen LOS conditions at the unsignalized intersection of Byer Road/Byron Highway (No. 6).</p>	<p>Mitigation Measure CUM TRA-1: Mitigation of the unacceptable traffic conditions at the Byer Road/Byron Highway intersection can be achieved by installing a traffic signal and a southbound left turn lane. This improvement is not identified in any funding program.</p> <p>If this improvement is not included in a County fee program at the time of project approvals, the project applicant shall pay its fair share towards the cost of this improvement to the County’s Road Trust account (Fund #8192) prior to the issuance of building permits. This trust fund shall fund improvements to intersections identified as operating unacceptably under cumulative conditions and not identified in a fee program. As indicated in Table 4.16-15, the project applicant would be required to contribute 12 percent of the total costs for this improvement.</p>	<p>Project Applicant</p>	
<p>Impact CUM TRA-2: Implementation of the project would increase traffic volumes and worsen LOS conditions at the unsignalized intersections of Holway Drive/Byron Highway (No. 7) and Camino Diablo Road/Byron Highway (No. 23).</p>	<p>Mitigation Measure CUM TRA-2 (Option 1): Mitigation of the unacceptable traffic conditions at the Holway Drive/Byron Highway and Camino Diablo Road/Byron Highway intersections can be achieved by installing a traffic signal at the Camino Diablo Road/Byron Highway and providing left-turn pockets on all approaches. Traffic turning left from eastbound Camino Diablo Road to northbound Holway Drive and left again from Holway Drive to Byron Highway would instead turn left at the signalized Camino Diablo Road/Byron Highway intersection. This mitigation would require modifications to the adjacent railroad crossing west of the intersection to provide the required left turn pocket on the eastbound approach.</p> <p>This improvement is included in the 2018 ECRAOB Draft East County Regional AOB <u>2018 ECRAOB Draft East County Regional AOB</u> Transportation Mitigation Fee Update project list. The project applicant shall pay the required AOB fee.</p>	<p>Project Applicant</p>	<p>During project design and prior to issuance of building permits</p>

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p><i>Impact CUM TRA-2 Continued</i></p>	<p>Mitigation Measure CUM TRA-2 (Option 2): As an alternative to Mitigation Measure CUM TRA-2 (Option 1), mitigation of the unacceptable traffic conditions at the Holway Drive/Byron Highway and Camino Diablo Road/Byron Highway intersections can be achieved by installing traffic signals at both intersections, in addition to adding a northbound left turn lane pocket at the Holway Drive/Byron Highway intersection. Traffic would not be shifted under this mitigation, and a left turn pocket across the railroad crossing at the Camino Diablo Road/Byron Highway intersection would not be needed.</p> <p>A signal at the Holway Drive/Byron Highway intersection is not identified in any funding program. Similarly, the installation of a signal at Camino Diablo Road/Byron Highway is not identified in any funding program.</p> <p>If these improvements are not included in a County fee program at the time of project approvals, the project applicant shall pay its fair share towards the cost of these improvements to the County's Road Trust account (Fund #8192) prior to the issuance of building permits. This trust fund shall fund improvements to intersections identified as operating unacceptably under cumulative conditions and not identified in a fee program. As indicated in Table 4.16-15, the project applicant would be required to contribute between 2 percent and 14 percent of the total costs for this improvement.</p>	<p>Project Applicant</p>	<p>During project design and prior to issuance of building permits</p>
<p>Impact CUM TRA-3: Implementation of the project would increase traffic volumes and worsen LOS conditions at the unsignalized intersection of Sellers Avenue/Balfour Road (No. 9).</p>	<p>Mitigation Measure CUM TRA-3: Mitigation of the unacceptable traffic conditions at the Sellers Avenue/Balfour Road intersection can be achieved by installing a traffic signal and providing left turn lanes at all four intersection approaches.</p> <p>This improvement is included in the <u>2018 ECRAOB Draft East County AOB</u> Transportation Mitigation Fee Update project list. The project applicant shall pay the required 2018 <u>ECRAOBAOB</u> fee. Implementation of this mitigation measure would reduce this impact to less-than-significant.</p>	<p>Project Applicant</p>	<p>During project design and prior to issuance of building permits</p>

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p>Impact CUM TRA-4: Implementation of the project would increase traffic volumes and worsen LOS conditions at the unsignalized intersection of Point of Timber Road/Byron Highway (No. 12).</p>	<p>Mitigation Measure CUM TRA-4: Mitigation of the unacceptable traffic conditions at the Point of Timber Road/Byron Highway intersection can be achieved by installing a traffic signal.</p> <p>This improvement is included in the <u>2018 ECRAOB Draft East County AOB Transportation Mitigation Fee Update</u> project list. The project applicant shall pay the required AOB fee.</p>	<p>Project Applicant</p>	<p>During project design and prior to issuance of building permits</p>
<p>Impact CUM TRA-5: Implementation of the project would increase traffic volumes and worsen LOS conditions at the unsignalized intersection of Point of Timber Road/Bixler Road (No. 13).</p>	<p>Mitigation Measure CUM TRA-5: Mitigation of the unacceptable traffic conditions at the Point of Timber Road/Bixler Road intersection can be achieved by installing a traffic signal and adding left turn lanes at all four intersection approaches. This improvement is not identified in any funding program.</p> <p>If this improvement is not included in a County fee program at the time of project approvals, the project applicant shall pay its fair share towards the cost of this improvement to the County’s Road Trust account (Fund #8192) prior to the issuance of building permits. This trust fund shall fund improvements to intersections identified as operating unacceptably under cumulative conditions and not identified in a fee program. As indicated in Table 4.16-15, the project applicant would be required to contribute between 30 and 39 percent of the total costs for this improvement.</p>	<p>Project Applicant</p>	<p>During project design and prior to issuance of building permits</p>

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p>Impact CUM TRA-6: Implementation of the project would increase traffic volumes and worsen LOS conditions at the unsignalized intersection of Point of Marsh Creek Road/Sellers Avenue (No. 16).</p>	<p>Mitigation Measure CUM TRA-6: Mitigation of the unacceptable traffic conditions at the Marsh Creek Road/Sellers Avenue intersection can be achieved by installing a traffic signal.</p> <p>This improvement is included in the <u>2018 ECRAOB Draft East County AOB Transportation Mitigation Fee Update</u> project list. The project applicant shall pay the required <u>2018 ECRAOB AOB</u> fee.</p>	<p>Project Applicant</p>	<p>During project design and prior to issuance of building permits</p>
<p>Impact CUM TRA-7: Implementation of the project would increase traffic volumes and worsen LOS conditions at the unsignalized intersection of Point of Marsh Creek Road/Bixler Road (No. 18).</p>	<p>Mitigation Measure CUM TRA-7: Mitigation of the unacceptable traffic conditions at the Marsh Creek Road/Bixler Road intersection can be achieved by installing a traffic signal. This improvement is not identified in any funding program.</p> <p>If this improvement is not included in a County fee program at the time of project approvals, the project applicant shall pay its fair share towards the cost of this improvement to the County’s Road Trust account (Fund #8192) prior to the issuance of building permits. This trust fund shall fund improvements to intersections identified as operating unacceptably under cumulative conditions and not identified in a fee program. As indicated in Table 4.16-15, the project applicant would be required to contribute between 10 and 11 percent of the total costs for this improvement.</p>	<p>Project Applicant</p>	<p>During project design and prior to issuance of building permits</p>
<p>Impact CUM TRA-8 Implementation of the project would increase traffic volumes and worsen LOS conditions at the signalized intersection of SR4/Byron Highway (south) (No. 19).</p>	<p>Mitigation Measure CUM TRA-8: Mitigation of the unacceptable traffic conditions at the SR4/Byron Highway (south) intersection can be achieved by adding a second left-turn lane on the Byron Highway approach and a second through lane on the southeast-bound SR4 approach.</p> <p><i>(Cont’d next page)</i></p>	<p>Project Applicant</p>	<p>During project design and prior to issuance of building permits</p>

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p><i>Impact CUM TRA-8 Continued</i></p>	<p>The second left-turn lane on the Byron Highway approach improvement is included in the <u>2018 ECRAOB Transportation Mitigation Fee Update project list</u>, currently identified in the <u>2007 Contra Costa County Capital Road Improvement & Preservation Program</u>, although funding has not been identified. The second through lane on the southeast-bound SR4 approach is not identified in any funding program.</p> <p>If this improvement is not included in a County fee program at the time of project approvals, the project applicant shall pay its fair share towards the cost of this improvement to the County's Road Trust account (Fund #8192). <u>The project applicant shall pay the required fee prior to the issuance of building permits. This trust fund shall fund improvements to intersections identified as operating unacceptably under cumulative conditions and not identified in a fee program. As indicated in Table 4.16-17, the project applicant would be required to contribute between 9 and 11 percent of the total costs for this improvement.</u></p>		
<p>Impact CUM TRA-9: Implementation of the project would increase traffic volumes and worsen LOS conditions at the unsignalized intersection of SR4/Newport Drive (No. 21).</p>	<p>Mitigation Measure CUM TRA-9: Mitigation of the unacceptable traffic conditions at the SR4/Newport Drive intersection can be achieved by installing a traffic signal. This improvement is not identified in any funding program.</p> <p>If this improvement is not included in a County fee program at the time of project approvals, the project applicant shall pay its fair share towards the cost of this improvement to the County's Road Trust account (Fund #8192) prior to the issuance of building permits. This trust fund shall fund improvements to intersections identified as operating unacceptably under cumulative conditions and not identified in a fee program. As indicated in Table 4.16-15, the project applicant would be required to contribute between 4 and 6 percent of the total costs for this improvement.</p>	<p>Project Applicant</p>	<p>During project design and prior to issuance of building permits</p>

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p>Impact CUM TRA-10: Implementation of the project would increase traffic volumes and worsen LOS conditions at the signalized intersection of Camino Diablo Road/Vasco Road (No. 22).</p>	<p>Mitigation Measure CUM TRA-10: Mitigation of the unacceptable traffic conditions at the Camino Diablo Road/Vasco Road intersection can be achieved by adding a northbound right turn lane. This improvement is included as one of several improvements at this intersection in the 2013 ECRAOB Draft East County AOB Transportation Mitigation Fee Update project list. The project applicant shall pay the required <u>2018 ECRAOB AOB</u> fee.</p>	<p>Project Applicant</p>	<p>During project design and prior to issuance of building permits</p>
<p>Impact CUM TRA-11: Implementation of the project would increase traffic volumes and worsen LOS conditions along Vasco Road.</p>	<p>Mitigation Measure CUM TRA-11: The project applicant shall pay regional roadway fees to the East Contra Costa Regional Fee and Financing Authority (ECCRFFA) fee program to upgrade existing roadways.</p>	<p>Project Applicant</p>	<p>During project design and prior to issuance of building permits</p>
<p>Impact CUM TRA-12: Implementation of the project would increase traffic volumes and worsen LOS conditions along Marsh Creek Road.</p>	<p>Implementation of Mitigation Measure TRA -2 would require the project applicant to pay regional roadway fees to upgrade existing roadways and/or construct new facilities in the project area. However, as there are no specific plans to provide additional capacity on this segment of Marsh Creek Road, the impact would remain significant and unavoidable.</p>	<p>Project Applicant</p>	<p>Prior to construction</p>

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
Visual Resources and Aesthetics			
<p>Impact VIS-1: The project would create new sources of light and glare which could adversely affect day or nighttime views in the area.</p>	<p>Mitigation Measure VIS-1: The project applicant shall prepare a lighting plan for the review and approval by the Zoning Administrator. Exterior lighting shall be low mounted, downward casting, shielded, and shall utilize motion detection systems where applicable. In general, the light footprint of individual units shall not extend beyond the periphery of each property. Implementation of exterior lighting fixtures on all buildings shall also comply with the standard California Building Code (Title 24, Building Energy Efficiency Standards) to reduce the lateral spreading of light to surrounding uses.</p>	<p>Project Applicant and Department of Conservation and Development</p>	<p>Prior to issuance of grading or building permits</p>

Source: Circlepoint, 2013.



11/27/19
 29 JWS

AGENCY COMMENT REQUEST

We request your comments regarding the attached application currently under review.

Date 11/21/2019

DISTRIBUTION

INTERNAL

- | | |
|---|--|
| <input checked="" type="checkbox"/> Building Inspection | <input checked="" type="checkbox"/> Grading Inspection |
| <input checked="" type="checkbox"/> Advance Planning | <input checked="" type="checkbox"/> Housing Programs |
| <input checked="" type="checkbox"/> Trans. Planning | <input type="checkbox"/> Telecom Planner |
| <input type="checkbox"/> ALUC Staff | <input type="checkbox"/> HCP/NCCP Staff |
| <input checked="" type="checkbox"/> APC PW Staff | <input checked="" type="checkbox"/> County Geologist |

HEALTH SERVICES DEPARTMENT

- Environmental Health Hazardous Materials

PUBLIC WORKS DEPARTMENT

- Engineering Services (Full-size + email x3)
 Traffic
 Flood Control (Full-size) Special Districts

LOCAL

- Fire District _____
 Consolidated - (email) fire@cccfd.org
 East CCC - (email) brodriguez@cccfd.org

Sanitary District Discovery Bay CSD

Water District Discovery Bay CSD

City of _____

School District(s) Byron Elementary

LAFCO Liberty H.S.

Reclamation District # 800

East Bay Regional Park District

Diablo Discovery Bay Crockett CSD

MAC/TAC _____

Improvement/Community Association _____

CC Mosquito & Vector Control Dist (email)

OTHERS/NON-LOCAL

CHRIS (email only: nwic@sonoma.edu)

CA Fish and Wildlife, Region 3 - Bay Delta

Native American Tribes Region 5 Water Quality

ADDITIONAL RECIPIENTS Control Board East CC

Delta Protection Commissioners Irrigation District

Delta Stewardship Council, Army Corps

Please submit your comments to:

Project Planner Jennifer Cruz

Phone # 925 674-7790

E-mail Jennifer.Cruz @dcd.cccounty.us

County File # R29-3252, SD19-9527, DP19-3024

Prior to December 20, 2019

We have found the following special programs apply to this application:

LF Active Fault Zone (Alquist-Priolo) - liquefaction

Flood Hazard Area, Panel # AE

No 60-dBA Noise Control

No CA EPA Hazardous Waste Site

AGENCIES: Please indicate the applicable code section for any recommendation required by law or ordinance. Please send copies of your response to the Applicant and Owner.

Comments: None Below Attached

1. SINCE THIS AREA IS IN THE LIQUIFICATION ZONE, DARWIN MYERS WILL HAVE TO LOOK AT IT.

Print Name ABED CHOWDHURY

Signature Abed Chowdhury 12-5-19
 DATE

Agency phone # 674-7740

District III



**CONTRA COSTA COUNTY
DEPARTMENT OF CONSERVATION & DEVELOPMENT**

30 Muir Road
Martinez, CA 94553

Telephone: (925) 674-7209 **Fax:** (925) 674-7250

TO: Jennifer Cruz, Project Planner
FROM: Robert Sarmiento, Transportation Planning Section 
DATE: December 20, 2019
SUBJECT: **Pantages Bay Project Subdivision (RZ19-3252, SD19-9527, DP19-3024)**

This memo serves as the Transportation Planning Section's comments on the subject project. Thank you for the opportunity to comment.

1. A transportation impact study (TIS) will be required to analyze the transportation impacts of the subject project. The TIS should follow the applicable policies, regulations, goals, and guidelines of Contra Costa County, the Contra Costa Transportation Authority—specifically, the *Technical Procedures*¹ and the *Measure J Implementation Guide*,² and the TRANSPLAN Committee—specifically, the *East County Action Plan for Routes of Regional Significance*.³ The TIS should include an analysis of the subject project's vehicle miles traveled (VMT) impacts. Prior to development of the TIS, the applicant shall submit a scope-of-work for the TIS, which will be subject to review by County staff.
2. The street that connects to the subject project, Point of Timber Road, has existing Class II bicycle lanes. The Class II bicycle lanes should be extended on Point of Timber Road within the project area.
3. The proposal should provide vehicular and bicycle parking spaces for the clubhouse and the adjacent recreational space, with the design and number of parking spaces consistent with the County's off-street parking ordinance.⁴

If you have any questions, please call me at (925) 674-7822 or e-mail me at Robert.Sarmiento@dcd.cccounty.us.

cc: John Cunningham, DCD
Maureen Toms, DCD

¹ http://ccta.net/wp-content/uploads/2018/12/Final_Technical_Procedures_Full_Jan2013-1.pdf

² <http://ccta.net/wp-content/uploads/2018/10/5297afe9ca9da.pdf>

³ <https://transplan.us/admin/Pages%20from%2010.03.17%20TRANSPLAN%202017%20Action%20Plan.pdf>

⁴ <https://www.contracosta.ca.gov/DocumentCenter/View/8843/off-street-parking-ord---final?bidId=>



155 Mason Circle
Concord, CA 94520
phone (925) 685-9301
fax (925) 685-0266
www.contracostamosquito.com

December 6, 2019

Jennifer Cruz
Contra Costa County
Dept. of Conservation and Development
Community Development Division
30 Muir Road
Martinez, CA 94553-4601

Re: Pantages Bays Residential Development Project; RZ19-3252, SD19-9527, DP19-3024

Dear Ms. Cruz,

Thank you for the opportunity to express the position of the Contra Costa Mosquito & Vector Control District (the District) regarding the proposed development plan located near Point of Timber Road in the unincorporated Discovery Bay area.

As a bit of background, the District is tasked with reducing the risk of diseases spread through vectors in Contra Costa County by controlling them in a responsible, environmentally-conscious manner. A “vector” means any animal capable of transmitting the causative agent of human disease or capable of producing human discomfort or injury, including, but not limited to, mosquitoes, flies, mites, ticks, other arthropods, and rodents and other vertebrates. Under the California Health and Safety Code, property owners retain the responsibility to ensure that the structure(s), device(s), other project elements, and all additional facets of their property do not breed or harbor vectors, or otherwise create a nuisance. Owners are required to take measures to abate any nuisance caused by activities undertaken and/or the structure(s), device(s), or other feature(s) on their property. Failure by the property owner to properly address a nuisance may lead to abatement by the Contra Costa Mosquito & Vector Control District and civil penalties of up to \$1,000 per day pursuant to California Health & Safety Code §2060-2067.

All mosquitoes require water to complete their life cycle. Projects that construct impervious surface, alter water flow or drainage, introduce irrigation, contain water conveyance or treatment elements, etc. have the potential to produce standing water and vector breeding habitat, creating a potential health hazard for area citizens, pets, and wildlife. Vector species that may breed in such locales have the ability to not only affect nearby individuals, but potentially spread disease viruses to persons and other animals several miles away.

The District has observed similar subdivision layouts and features—specifically a central lake to which storm drains flow—become high-volume mosquito production sites in the past. These sites not only tie up significant District resources, but put the health of neighborhood residents at risk. Catch basins and associated drain lines should be designed and constructed in a manner so as to fully drain within 72 hours. Additionally, the District currently performs mosquito surveillance and control efforts within and around the project property. Increased runoff from homes, roads, and other new impermeable surfaces

Protecting Public Health Since 1927

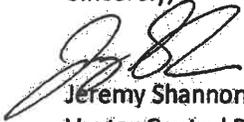
BOARD OF TRUSTEES

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should not contribute to or exacerbate existing mosquito production at the “seasonal wetlands” or “emergent marsh” areas indicated on the plans. Careful considerations for design, construction, operation, and maintenance measures should be employed for all other proposed facets of the project in order to prevent creating suitable vector habitat.

As always, please ensure District staff has safe, ready access for surveillance and control measures throughout the area. Information regarding our services, best management practices, local vectors, and more can be found on our website at www.contracostamosquito.com. If further guidance is needed to prevent creating vector habitat or other vector-related issues arise, please do not hesitate to reach out to the Contra Costa Mosquito & Vector Control District for assistance.

Sincerely,



Jeremy Shannon

Vector Control Planner

925-771-6119

jshannon@contracostamosquito.com

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HISTORICAL
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Northwest Information Center
Sonoma State University
150 Professional Center Drive, Suite E
Rohnert Park, California 94928-3609
Tel: 707.588.8455
nwic@sonoma.edu
<http://www.sonoma.edu/nwic>

December 17, 2019

File No.: 19-0929

Jennifer Cruz, Project Planner
Contra Costa County
Department of Conservation and Development
Community Development Division
30 Muir Road
Martinez, CA 94553-4601

re: RZM-3252, SD19-9527, DP19-3024 / APN 004-010-006, Point of Timber Road / Trevor Smith, Pantages at Discovery Bay LLC

Dear Jennifer Cruz,

Records at this office were reviewed to determine if this project could adversely affect cultural resources. **Please note that use of the term cultural resources includes both archaeological sites and historical buildings and/or structures. The review for possible historic-era building/structures, however, was limited to references currently in our office and should not be considered comprehensive.**

Project Description: Applicant requests approval of a rezone from P-1 to P-1, a major subdivision of 277 Single Family Residential Units (Revision to SD06-9010), and a development Plan Modification to an Existing Final Development Plan DP04-3062

Previous Studies:

XX This office has record of four studies, Study # 15783 (Mears 1994), Study # 29060 (Peak & Associates 2007), Study # 34842 (Baker and Shoup 2007), and Study # 35244 (Baker and Shoup 2008), that in total, cover approximately 80% of the proposed project area, and have identified one or more cultural resources (see *recommendation below*).

Archaeological and Native American Resources Recommendations:

XX The proposed project area contains the archaeological site P-07-004821, known as PA-16-G20, this multi-component site includes a Native American habitation site, as well as the historic site of a former house and associated landscape. It is recommended that a qualified professional assess the status of the resource and provide project specific recommendations.

XX We recommend the lead agency contact the local Native American tribe(s) regarding traditional, cultural, and religious heritage values. For a complete listing of tribes in the vicinity of the project, please contact the Native American Heritage Commission at 916/373-3710.

Built Environment Recommendations:

XX The proposed project area contains a recorded site P-07-004821, as mentioned above, with a historic component that appears to be a part of the locally listed resource known as Point of Timber Landing (1976 and 2010 Historic Resource Inventory of Contra Costa County). Prior to commencement of project

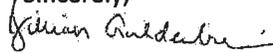
activities, it is recommended that this resource be assessed by a qualified professional familiar with the architecture and history of Contra Costa County.

XX Since the Office of Historic Preservation has determined that any building or structure 45 years or older may be of historical value, if the project area contains such properties, it is recommended that prior to commencement of project activities, a qualified professional familiar with the architecture and history of Contra Costa County conduct a formal CEQA evaluation.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the California Historical Resources Information System (CHRIS) Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

For your reference, a list of qualified professionals in California that meet the Secretary of the Interior's Standards can be found at <http://www.chrisinfo.org>. If archaeological resources are encountered during the project, work in the immediate vicinity of the finds should be halted until a qualified archaeologist has evaluated the situation. If you have any questions please give us a call (707) 588-8455.

Sincerely,

Jillian Guldenbrein
Researcher

cc: Trevor Smith, Pantages at Discovery Bay LLC
tsmith@lazarescompanies.com



Interoffice Memo

DATE: February 3, 2020
TO: Jennifer Cruz, DCD—Community Development Division
Larry Gossett, PWD—Engineering Services
FROM: Aleki Mao, Flood Control *AM*
SUBJECT: Subdivision 9010 — Pantages Bays Residential Development Project at Discovery Bay
FILE: 1002-9010 (APNs 011-220-010,-017 & 011-230-006,-007)

The Contra Costa County Flood Control and Water Conservation District (FC District) received an Agency Comment Request for approval of a rezoning permit for the Subdivision 9010, Pantages Bays Residential Development Project. We understand the revised development plan includes a major subdivision of 277 single-family residential units (revision to SD06-9010) and a development plan modification to an existing final development plan DP04-3062. We have reviewed the tentative map we received on December 3, 2019, and offer the following comments:

1. According to the FEMA Floodplain Maps, the project is within the FEMA Zone AE. Since the project site lies within the Special Flood Hazard Area, the applicant should demonstrate how the project grading will not impact the residential area, adjacent to Kellogg Creek. The scope of work no longer includes improvements in Kellogg Creek, but the designated floodwater for the site might overflow Kellogg Creek. Should a flood event occur, the applicant should demonstrate that Kellogg Creek has adequate capacity to take the designated floodwater from the development site.
2. The preliminary grading sections on the tentative plan show retaining walls and fences at the property line and around the proposed interior lake. Any future submittal should provide details of the proposed structures.
3. The applicant should prepare a preliminary drainage plan for FC District review and Engineering Services approval.
4. As proposed, the interior lake will be constructed with fill material for the subdivision. The applicant will require demonstrating a maintenance plan with a maintenance entity or agreement with a third party entity for funding and maintaining the proposed interior lake. Please note that the FC District will not maintain the lake.

Jennifer Cruz, DCD—Community Development Division
Larry Gossett, PWD—Engineering Services
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5. Since most of the development is adjacent to Kellogg Creek, we recommend that the applicant should include the maintenance of Kellogg Creek in their maintenance plan of the proposed interior lake.

Should you have any questions, please contact me by phone at (925) 313-2263 or via e-mail at Aleki.Mao@pw.cccounty.us.

AM:cw

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c: Tim Jensen, Flood Control
Michelle Cordis, Flood Control
Teri E. Rie, Flood Control
Trevor Smith, Pantages at Discovery Bay LLC
16795 Lark Avenue, Suite 106
Los Gatos, CA 95032

Jennifer Cruz

From: Lou Ann Texeira <LouAnn.Teixeira@lafco.cccounty.us>
Sent: Wednesday, December 11, 2019 11:59 AM
To: Jennifer Cruz
Cc: Kate Sibley
Subject: RE: RM19-3252, SD19-9527, DP19-3024

Thanks for the clarification.

From: Jennifer Cruz <Jennifer.Cruz@dcd.cccounty.us>
Sent: Wednesday, December 11, 2019 11:54 AM
To: Lou Ann Texeira <LouAnn.Teixeira@lafco.cccounty.us>
Cc: Kate Sibley <Kate.Sibley@lafco.cccounty.us>
Subject: RE: RM19-3252, SD19-9527, DP19-3024

Hi Lou Ann,

My apologies, but the application did not include all APNs for the project. The APNs for the project are: 004-010-006, 004-032-005, 006, 007, 062, 011-220-010, 017, 018, and 011-230-006 and 007.

To answer your question below, the project does include APN 004-010-006.

Please let me know if you have additional questions. Thank you.

Jennifer Cruz, Senior Planner
Contra Costa County
Department of Conservation and Development
30 Muir Road | Martinez, CA 94553
☎: (925) 674-7790 | Fax: (925) 674-7258
✉: Jennifer.Cruz@dcd.cccounty.us

From: Lou Ann Texeira <LouAnn.Teixeira@lafco.cccounty.us>
Sent: Wednesday, December 11, 2019 10:50 AM
To: Jennifer Cruz <Jennifer.Cruz@dcd.cccounty.us>
Cc: Kate Sibley <Kate.Sibley@lafco.cccounty.us>
Subject: RM19-3252, SD19-9527, DP19-3024

Hi Jennifer,

Hope all is well.

Thanks for sending LAFCO the *Agency Comment Request* for the above-referenced project. LAFCO previously commented on the Pantages Bay project; however, it appears that this parcel (APN 004-010-006) is not part of that project. Please correct me if I'm wrong.

In response to the *Agency Comment Request*, we offer the following specific and general comments.

Specific Comments

We note that the subject parcel is not within the Town of Discovery Bay Community Services District’s sphere of influence (SOI) or service boundary. Should this project need wastewater and/or water services, an SOI amendment and annexation will be needed.

We also note that small portion of the parcel is outside the Urban Limit Line.

General Comments

LAFCO is an independent, regulatory agency with discretion to approve, wholly, partially or conditionally, or disapprove, changes of organization or reorganizations. In accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, LAFCO is required to consider various factors when evaluating a proposal, including, but not limited to, the provision of municipal services and infrastructure to the project site, timely and available supply of water, fair share of regional housing, consistency with regional plans, and other factors.

The factors relating to boundary and SOI changes are contained in Government Code sections 56668 and 56425, respectively. Including an assessment of these factors in the County’s environmental document will facilitate LAFCO’s review and the LAFCO process. Deficiencies in the environmental document as required by LAFCO may result in the need for additional CEQA compliance work.

As a Responsible Agency pursuant to the CEQA, LAFCO will need to rely on the County’s environmental document in consideration of any local agency boundary changes required for the project. Given that LAFCO’s approvals will be a fundamental part of the entitlements required for this project, the EIR should specifically 1) reference the LAFCO action(s) in the Project Description (e.g., SOI amendments, annexations), 2) list LAFCO as Other Public Agencies Whose Approval is Required, and 3) most importantly, the LAFCO action(s) and relevant factors should be adequately evaluated in the environmental document.

Thank you for inviting our comments. Please contact the LAFCO office if you have any questions.

THE CONTRA COSTA LAFCO OFFICE HAS MOVED!

**Lou Ann Texeira, Executive Officer
Contra Costa LAFCO
40 Muir Road, 1st Floor
Martinez, CA 94553
925-313-7133**



April 20, 2020

Jennifer Cruz, Senior Planner
Contra Costa County
Department of Conservation & Development
Community Development Division
30 Muir Road
Martinez, CA 94553

Subject: Geologic Peer Review / 2nd Letter
SD19-9527, RZ19-3252 & DP19-3024
C&D Discovery Bay LLC and Waterfront Lots LLC (owner)
Trevor Smith, Pantages at Discovery Bay LLC (applicant)
APN 004-010-006 et. al. (10 existing parcels/ 162 ac. site)
Discovery Bay Area, Contra Costa County
DMA Project #3009.20

Dear Jennifer,

The application is a request for approval of a Vesting Tentative Map (VTM) for a 277 single-family residential subdivision on a 162 ac. project site, along with related applications for rezoning of the site to the Planned Unit District, and approval of a preliminary and final development plan. The Planned improvements include a clubhouse, interior lake and private open space areas that include an emergent marsh and seasonal wetland.

History

On December 16, 2019 we issued a peer review letter.¹ The intent of our previous letter was to (i) characterize site geologic conditions, and (ii) provide an opinion of an engineering geologist on the adequacy of available information for full processing of the application. We will not repeat that information here, but we have attached the maps that we provided with that peer review. Our primary conclusion was that an updated geotechnical report was needed. The previous reports of Engeo on the Pantages property were issued in 2004, 2006, 2011 and 2014. Additionally, the nature of the project has evolved, and the regulatory framework has undergone substantial changes (e.g. the site is now in an official Seismic Hazard Zone (SHZ) for liquefaction, and the California Building Code that is operative at this time was adopted by Contra Costa County in 2016. For these reasons we requested submittal of a new geotechnical report that addresses the currently proposed project. In response, the project proponent has submitted a geotechnical report prepared by Engeo, Inc.² Therefore the purpose of the peer review letter presented herein is to provide a peer review comments on the Engeo report and to update our previous evaluation and recommendations.

¹ Darwin Myers Associates, 2019, *Geologic Peer Review/ 30-Day Comments, SD19-9527, RZ19-3252 & DP19-3024, C&D Discovery Bay LLC and Waterfront Lots LLC (owner), Trevor Smith, Pantages at Discovery Bay LLC (applicant), APN 004-010-006 et. al. (10 existing parcels/ 162 ac. site), Discovery Bay Area, Contra Costa County, DMA Project #3055.19.*

² Engeo, Inc., 2020, *Geotechnical Report, Pantages Discovery Bay, California*, Engeo Job #4820.000.001 (dated February 7, 2020; revised date February 13, 2020; date stamped received by Contra Costa County on February 25,, 2020).

The Engeo report was intended to provide the direction to the applicant's design team, and provide an updated assessment of the potential geologic, seismic and geotechnical hazards. It was not intended for the issuance of construction permits.

Engeo Investigation

1. Purpose and Scope

The purpose of the investigation was to update recommendations for the current development plan based on our existing geotechnical data. Engeo was provided with following documents by their client: (i) Vesting Tentative Map – Subdivision 9527, prepared by Mackay and Soms (dated Nov, 2019); (ii) Pantages Typical Section, prepared by Mackay and Soms (dated August 14, 2019: and (iii) Pantages Conceptual Plan 13- Revised, prepared by Mackay and Soms (dated July 29, 2019).

The geotechnical engineer's scope of work was limited to the following: (i) review of previous site investigation reports completed by Engeo, (ii) data analysis/ evaluation , and (iii) preparation of a report presenting the geotechnical engineer's findings and conclusions, along with construction monitoring earthwork, building foundation and retaining wall recommendations.

2. Understanding of the Project

On pages 1 and 2 of their report the site location, acreage and proximity to waterways is provided. Elevations on the site are indicated to range from approximately +2 ft. to +8 ft. Two maps are referenced: a Vicinity Map (Figure 1) and a Site Plan (Figure 2). The site plan shown the layout of the proposed project and also shows the location of subsurface data points, which include previous borings logged on the site that are presented in previous Engeo reports issued in 1999, 2004, 2006 and 2014; cone penetration test (CPT) locations on the project site from Engeo reports issued in 1999 and 2014, Additionally, Rapid Impact Compaction Test areas, along with Double Ring Infiltrometer and Percolation Test sites are identified.³

In describing the proposed grading shown on the VTM, Engeo indicates the development is to be constructed by excavation in the area of the proposed interior lake, and placement of engineered fill to create elevated building pads, As shown on the VTM, fill thickness range up to approximately 10 ft.

3. Engeo Findings

The findings of Engeo can be summarized as follows:

- (i) Previous Studies. Engeo considers the existing subsurface data to be an adequate basis for is evaluation of the revised layout of the subdivision (see Appendix A for the logs of boring and CPTs; the previous laboratory test data in presented in Appendix B; the previous liquefaction potential analysis is presented in Appendix C; and the slope stability analysis is presented in Appendix D.
- (ii) Site History. Engeo delineated discontinuous layers of potentially compressible/ potentially liquefiable soil in 2004. Subsequently, several above ground basins were then excavated and filled with dredged material from Kellogg Creek at the locations of the compressible/

³ Our review of Engeo's Figure 2 indicates that the existing subsurface data on the project site includes 29 borings and 28 CPTs.

liquefiable materials. This acted as a hydraulic fill surcharge for over 12 months and was removed in approximately 2006; subsequently Engeo returned to the site later in 2006 to further evaluate the effect of the hydraulic fill surcharge on the potentially compressible soils.

- (iii) Geology. The Quaternary deposits on the site consist of eolian sands, tidal wetland, lacustrine sediments and alluvium (floodplain, basin and channel deposits). These deposits are irregularly interbedded and consist of clay, silt and sand. The geology of these surficial deposits is strongly influenced by changes in sea level during the Late Pleistocene and Holocene. The highest elevations on the site are on the crest of sand dunes. Figure 3 of the Engeo report presents a Quaternary Geology Map issued by the USGS. This map indicates that the younger deposits on the Pantages site include natural levee deposits, basin deposits and peaty muck. These represent the sediments that accumulated on the property at its lower elevations during the Late Holocene.
- (iv) Seismicity. Engeo acknowledges that the site is within a seismically active area. The report presents a table on page 3 that lists six faults in the East Bay area that are within approximately 30 miles of the project site are considered to be potential seismic sources. Figure 4 of the Engeo report is a regional faulting and earthquake epicenter map the San Francisco Bay Region. The nearest seismic source is represented as a cross-hatched zone that is 4 mi. wide (est.) This is the representation of the Great Valley fault, which is considered to be a *blind thrust fault* by geologists. It is represented by a broad, cross-hatched patten to indicate there is considerable uncertainty on the precise location of the fault in the subsurface. As shown, the Great Valley fault passes through the is vicinity of the site, trending generally north-nothwesterly.
- (v) Subsurface Conditions. Engeo report (page 4) summarizes the results of subsurface exploration. As described, the deposits within 15 to 30 ft. of the ground surface consisted chiefly of fine-grained alluvium. The soft/ compressible soils were typically lightly over-consolidated, and ranged from 1½ to 7 ft. in thickness. The dune sands were encountered in the northern half of the property; they ranged from loose to dense, and were typically encountered within the upper 25 ft. With regard to soils, the soils in the northern half of the property consisted non-plastic sandy material, whereas the southern half of the project site consisted of medium to high plastic alluvial deposits. Laboratory testing indicate these soils are moderately to highly expansive.
- (vi) Groundwater Conditions. The data gathered by Engeo indicates that the water table on the site ranges from 3½ to 9½ ft. below the ground surface. When compared with site elevation data, the water table is typically within 1 ft. of sea level. There are some data points where the water table was reported to be deeper. Those data points are located where very low permeability, clayey, soils were present near sea level. At those locations, the water level did not have time to equilibrate.
- (vii) Laboratory Testing. Selected test data is presented on the borehole logs; other laboratory test data is presented in Appendix B.
- (viii) Slope Stability Analysis. Commencing on page 5, the Engeo presents the approach to analysis of the stability of slopes associated with the proposed lake indicated on the VTM. This section of the report includes the method of analysis, acceptable factors of safety, an explanation of how the idealized cross-sections were prepared, and how the strength values were selected, and the finding of the stability analysis. The computer model run utilized by Engeo yielded adequate safety factors for the *Typical Slope Rebuild Detail* presented in Figure 5. As shown, the lake slope is recommended to be constructed of engineered fill, which will have a basal keyway that is 3 ft. (min.) lower in elevation than the adjacent floor of the lake. The basal keyway is to be 15 ft. wide (min), with continuous benching to tie the engineered fill to the adjacent Quaternary deposits. The maximum gradient of the lake slope

shall be 2:1 (horizontal to vertical). An annotation on Figure 5 states *Engeo to Determine Final Dimensions During Grading.*

- (ix) Liquefaction Analysis. Commencing on page 7, Engeo presents their approach to analysis of liquefaction, including an explanation of the methodology and the parameters used, and justification for the selection of those parameters. The subsurface data utilized in the analysis were from the following CPTs: 2-CPT1 through 2-CPT11; and CPT-1 through CPT-16. These CPTs provided subsurface data that extended from the ground surface to the total depth explored (50 ft.). The results of the liquefaction analyses indicate the sand layers in the subsurface are potentially liquefiable between the depth of the water table and the maximum depth explored. Engeo then evaluated the consequences of liquefaction. Specifically, Engeo identifies the methodology used to calculate the settlement, and concludes *the theoretical maximum total settlement of up to approximately 3 inches in structural areas. Higher total settlements were calculated...in the emergent marsh/ seasonal wetlands area at the north end of the site, which is to remain undeveloped according to the VTM.* Mitigation of the damage potential of differential settlement is addressed by Engeo in their foundation design recommendations.

4. Engeo Conclusions

The primary conclusion of the project geotechnical engineers is that the development of the residential project as proposed is feasible. The primary geotechnical concerns are (i) soft, compressible soil, (ii) liquefiable soils, (iii) expansive soil and (iv) lake slope stability. The following discussion is intended to highlight and summarize (not supersede) Engeo's conclusions and recommendations.

- (i) Compressible Soil. The various soft clay layers within 2 to 10 ft. of the existing ground surface are subject to consolidation settlement under new loading (i.e. load imposed by placement of fill and new improvements). Utilizing the grading indicated on the VTM, Engeo forecasts on the order of 5 inches over a period of 10 years, with 80% of the settlement occurring within 1 year of completion of grading. The analysis necessarily was based on simplifying assumptions. The last paragraph on page 15 of the Engeo report indicates that through additional analyses and exploration, soft soils could be identified more accurately. Also, Engeo indicates they should be provided the opportunity to review grading plans, improvement plans and structural loads. With that information it would allow settlement estimates be more precise. We strongly support that recommendation.
- (ii) Existing Fill. In their previous investigations, Engeo reports that there is undocumented , existing fill on the site. Locations where will was encountered included along the northern and southeastern site boundaries, along with siltation ponds located in the central portion of the project site. It is recommended that all undocumented fill be over-excavated and replaced with engineered fill. Recommendations for placement and compaction of engineered fill commence on page 12 of the Engeo report. At present there is no map which depicts the distribution of fill on the site, which implies that the representative of Engeo will need to closely monitor the earthwork to ensure the recommendations of Engeo are properly implemented by the grading contractor during site preparation work.
- (iii) Expansive Soils. Testing performed for previous Engeo investigations confirms that the soils are moderately to highly expansive. To mitigate the hazard posed by expansive soils, the use of a post-tensioned foundation system bearing on competent native soils or engineered fill. Engeo recommends clays of the site be compacted at a slightly lower relative compaction, and at a moisture content well over optimum. Specific standards and criteria for the foundation recommendations commence on page 14.
- (x) Seismic Hazards. The potential seismic hazards as primary and secondary. The primary hazards include surface fault rupture. The secondary hazards include ground shaking, ground

lurching/ ground failure and liquefaction. Engeo considers the risk of surface fault rupture to be low to negligible. To mitigate the ground shaking effects Engeo indicates that structures be designed using sound engineering judgement and comply with the applicable provisions of the California Building Code (CBC). The report goes on to indicate that compliance with the CBC does not constitute any guarantee that significant structural damage would not occur during a maximum magnitude earthquake. It is reasonable to expect that well-designed and well-constructed structures will not collapse or cause loss of life. In summary code compliance is the key to satisfactory performance of structures during strong earthquake shaking. Page 10 of the Engeo report provides 2019 CBC Seismic Design Parameters. These parameters are used by the structural engineer in the design of structures requiring building permits. To mitigate the hazard of strong earthquake shaking, In summary, to mitigate the ground shaking hazard the following measures have been identified (a) compliance with the provisions of the 2019 CBC, and (b) in lieu of placing full reliance on code compliance, Engeo recommends the project geotechnical engineer collaborate with the structural engineer on a site-specific seismic hazards analysis/ ground motion study. We strongly support this recommendation. With regard to the hazard posed by liquefaction, Engeo states that liquefaction induced settlement of up to 3 inches across the site can be anticipated. The estimated differential settlement associated with liquefaction is addressed on page 15 of their report. To mitigate the damage potential of liquefaction, the following is recommended by Engeo: additional analysis and exploration to identify sensitivity of soft soil layers, to be performed following preparation of detailed grading, site and improvement plans for the project. This more detailed information on the project would enable updating of settlement estimates to capture overlapping load from (a) building footprint spacing and (b) grading load. We strongly support this recommendation.

- (xi) Construction Monitoring. On page 11 of their report, Engeo identifies the importance of plan review and construction monitoring by the project geotechnical engineer. In our experience, the County demands that the geotechnical engineer be retained to provide monitoring services to ensure the geotechnical recommendation are properly interpreted by their client, and implemented by the contractor. In our opinion the “General Notes” should provide a full bibliographic citation to the report(s) issued by Engeo as providing geotechnical standards and criteria for the project. Furthermore General Notes on construction drawings identify the features to be inspected by the representative of the geotechnical engineer. We strongly support the following mitigation measure: During construction, the project geotechnical engineer shall provide on-site observation and testing services which shall commence with clearing, over-excavation of weak, unstable material, and include adequate monitoring of earthwork and drainage related work, including foundation preparation work, and sufficient monitoring services to verify effective implementation of all geotechnical recommendations. (These observations services will allow the project geotechnical engineer to compare exposed conditions in the field with anticipated soil conditions; verify that the contractor’s work conforms to the geotechnical aspects of the plans and specifications; and provide an opportunity for the geotechnical engineer to offer supplemental recommendations in the field if there are significant difference between the actual field conditions and those that were the basis for the geotechnical design recommendations. Any changes to the approved plans will require review and written approval by the County BID staff.)

5. Engeo Recommendations

The geotechnical report provides recommendations that intended for the design of the Pantages project. Consequently, the report is useful for initial land planning and preliminary estimating purposes, but it also provides detailed recommendations for earthwork (e.g. clearing, moisture conditioning, provides criteria for earth material that can be allowed in engineered fill, fill compaction standards, drainage, and

foundations. With regard to foundations, the report indicates that buildings can be supported by post-tensioned mat foundations bearing in competent native soils or engineered fill, in. Also provided are recommendations for exterior flatwork, design of retaining walls, retaining wall drainage, and backfill. No pavement design recommendations are provided. Final recommendations are to be provided in an update report issued prior to recordation of the final map, when detailed grading, drainage and improvement plans have been prepared. Based on that review, supplemental recommendations would be provided, if warranted, to address and aspects of the project that were not fully addressed by the February 7, 2020 Engeo report.

DMA Evaluation and Recommendations

1. General

The purpose of our review was to provide a professional opinion on the adequacy of the geotechnical reports for the purposes of deeming the application complete. The document provided for our review included a geotechnical report prepared by Engeo, Inc. The County requires sufficient data on site conditions to allow: (i) delineation the potential geologic hazards based on adequate subsurface data, and (ii) the data must be sufficient to serve as the primary basis for preparation of the “Geology and Soils” chapter of the CEQA document. Appendix G of the CEQA Guidelines issued by the State of California identifies the potential geologic and seismic hazards that must be evaluated by the CEQA document (see Table 1). **In our opinion the Engeo report is adequate to deem the application complete. A geotechnical update report is recommended prior to recordation of the Final Subdivision Map.**

Table 1

Significance Criteria for Assessment of Potential Geology/Soils Impacts

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?
ii) Strong seismic ground shaking?
iii) Seismic-related ground failure, including liquefaction?
iv) Landslides?
b) Result in substantial soil erosion or the loss of topsoil?
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

2. Seismic Hazard Mapping Act

Our 2019 peer review letter stated that the project is within the official Seismic Hazard Zone (SHZ) for liquefaction. Table 2 provides background information of the provisions of the state law and its implementation by Contra Costa County. With regard to relationship of SHZ’s to the CEQA process, the State of California issued updated Guidelines in 2008 stating that *nothing in these guidelines is intended*

Table 2
Seismic Hazard Mapping Act

Legal Framework

The provisions of the Seismic Hazard Mapping Act can be found in the California Public Resources Code, Chapter 7.8, Sections 2690-2699.6. This law is similar in many respects to the Alquist-Priolo Earthquake Fault Zone Mapping Act, which has been implemented by DCD for the past 40+ years. However, the official Seismic Hazard Zone (SHZ) maps issued by the CGS identify areas that are at risk of earthquake triggered landslides and earthquake triggered liquefaction. Since 1990, the Safety Element of the Contra Costa County General Plan has included hazard maps for liquefaction and landslide potential (see pages 10-15 & 10-24, respectively), along with adopted General Plan goal statements and policies. We consider those policies statements to be comprehensive. They are intended to mitigate hazards posed by liquefaction and landslides, and we do not expect those policies to be invalidated by the SHZ maps. However, as the official SHZ maps are adopted by the State Mining & Geology Board, the County is required to implement the provisions of this state law. In 2018, the official SHZ map of the Woodward Island 7.5-Minute Quadrangle was issued by the CGS (map released January 11, 2018). This map supersedes the landslide and liquefaction-potential maps in the County General Plan.

Scope of the Seismic Hazard Mapping Act.

Comprehensive geotechnical / engineering geologic reports are required to evaluate the potential hazard posed by liquefaction for nearly any land development project that involves construction of structures intended for human occupancy. The SHZ Act requires investigations for broad range of applications, including issuance planning-related applications that would lead to future development of structures for human occupancy of building permits. Even the issuance of building permits for remodels/ expansions of existing buildings, where the proposed improvement would increase the estimated value of the structure by 50% (or more), fall under the authority of the state law. For the purposes of the law, the State Mining and Geology Board has determined that an occupancy factor of 2,000 person hours for year (or more) constitutes human occupancy. For example, one person working 5 days per week, and 8 hours per day over a year's time would yield an occupancy factor for the structure of 2,080 hours. The human occupancy standard (i.e. 2,000 hrs./yr.) applies to any structure that is even partially within the SHZ. Clearly, the Pantages Residential Development is subject to the provisions of the state law requiring a comprehensive investigation of potential liquefaction hazards. For projects that fall under the authority of the SHZ Mapping Act, the required investigations must be prepared by a certified engineering geologist and/or geotechnical engineer registered in the State of California. A copy of each consultant prepared report, along with evidence of peer review by the local jurisdiction, must be forwarded to the CGS within 30 days of County approval of the report. (This requirement provides the CGS with a basis for modifying the boundary of the hazard zone in the future, as detailed studies define locations within the delineated hazard zone that are free of liquefaction hazards.)

Woodward Island Quadrangle

As noted previously, the adopted SHZ map of the Woodward Island Quadrangle indicates that the Pantages property is within a designated *Liquefaction Zone* (see Figure 3). The base map for this figure is an aerial photograph at a scale of 1 in.= 600 ft., which shows (i) boundary of the project site (indicated with a red line), (ii) the local road network, (iii) water bodies and (iv) existing nearby development in the Discovery Bay area. (The site is not within a designated *Earthquake-Induced landslide Zone*.) The State Law requires a rigorous evaluation of liquefaction potential that follows the guidelines presented in CGS Special Publication 117A.⁴ These guidelines have been adopted by the California Mining & Geology Board as representing competent professional practice. The project geotechnical engineers shall also utilize the earthquake-related parameters and technical data provided in the Seismic Hazard Zone Report for the Woodward Island Quadrangle (SHZ Report 121). Where potentially liquefiable sands are confirmed to be present, Safety Element Policy 10-20 requires that structures be sited, designed and constructed to minimize the damage hazard.

⁴ California Geological Survey, 2008, *Guidelines for Evaluating and Mitigating Seismic Hazards in California*, CGS Special Publication 117A.

to negate, supersede or duplicate any requirements of CEQA...At the discretion of the lead agency, some or all of the investigations required by the Seismic Hazard Mapping Act may occur either before, concurrent with, or after the CEQA process. The Guidelines go on to indicate that if the investigation does not precede CEQA, it may be desirable for the CEQA document to describe the full range of mitigation measures that may be required to stabilize the land development project. However if all or part of the investigation is performed prior to completion of the CEQA process, it may be possible to narrow the discussion of mitigation alternatives to only those that would provide reasonable protection of the public safety given site-specific knowledge of field conditions.

In their analysis of liquefaction potential, Engeo does not indicate that the site is within a designated SHZ hazard area for liquefaction potential. For their analysis, Engeo explains how the seismic parameters for the model runs were selected. However, SHZ Report 121 provides the parameters that are required for use. We recommend that in the design level report include re-evaluation of the liquefaction that uses the parameters of provided in SHZ Report 121, and also clearly indicate the computer program utilized is consistent with the standards and methodology specified for use by the California Geological Survey for projects in the SHZ. Additionally, we request that Engeo comment on the consistency of their slope stability analysis with that specified by the CGS for projects in the Landslide Hazard Zone. This update of the liquefaction potential and slope stability analysis shall be incorporated in the design level geotechnical report required prior to recordation of the Final Subdivision Map.

3. CEQA Checklist

Appendix A presents a draft “Geology & Soils” Checklist for your consideration.

Limitations

This review has been performed to provide technical advice to assist the Department of Conservation & Development with discretionary permit decisions. Our services have been limited to review of the documents identified in this peer review letter in combination with a previous field reconnaissance. Our opinions and conclusions are made in accordance with generally accepted principles and practices of the engineering geology profession.

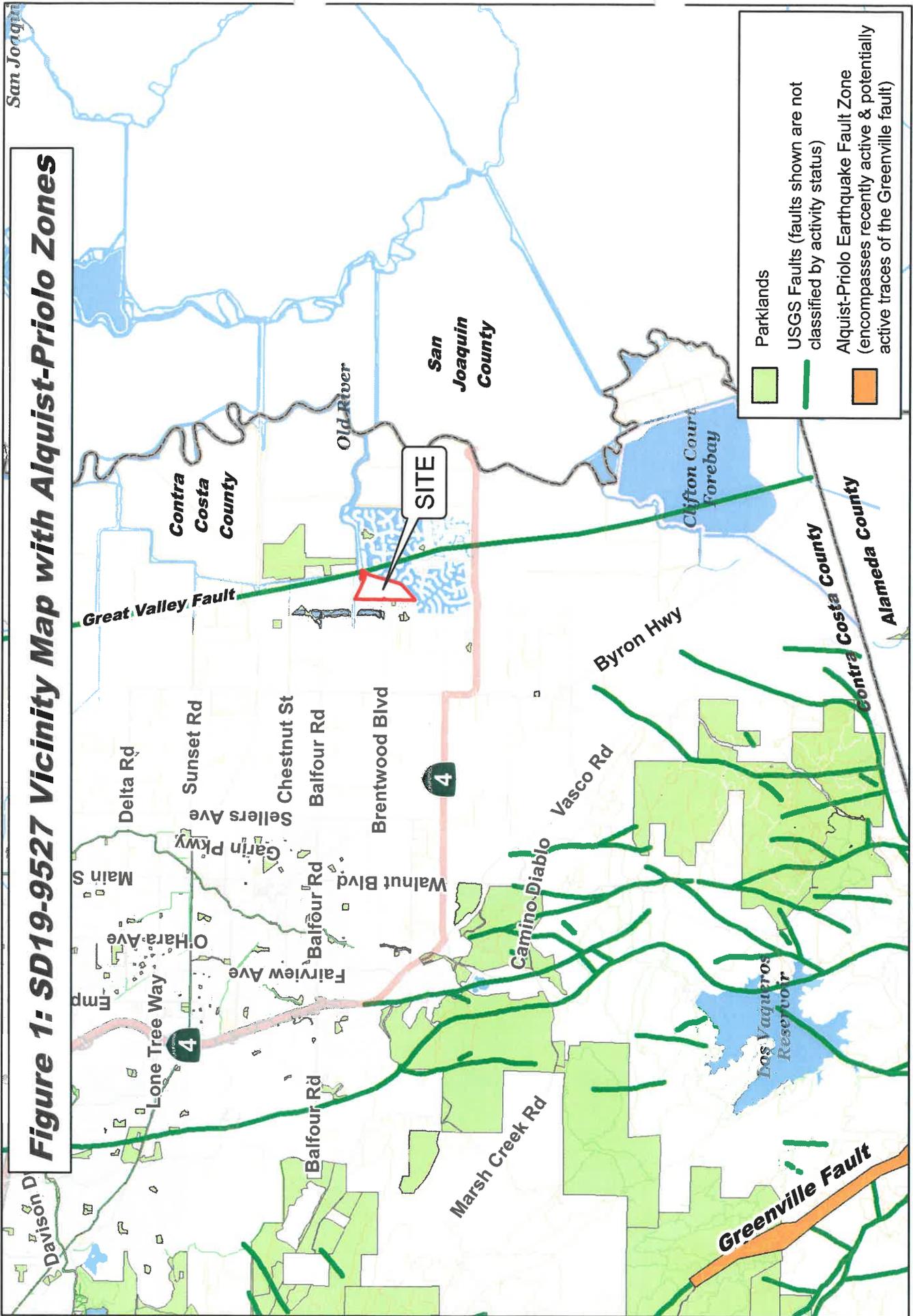
We trust this letter provides the evaluation and comments that you requested. Please call if you have any questions.

Sincerely,
DARWIN MYERS ASSOCIATES



Darwin Myers, CEG 946
Principal

Figure 1: SD19-9527 Vicinity Map with Alquist-Priolo Zones



	Parklands
	USGS Faults (faults shown are not classified by activity status)
	Alquist-Priolo Earthquake Fault Zone (encompasses recently active & potentially active traces of the Greenville fault)



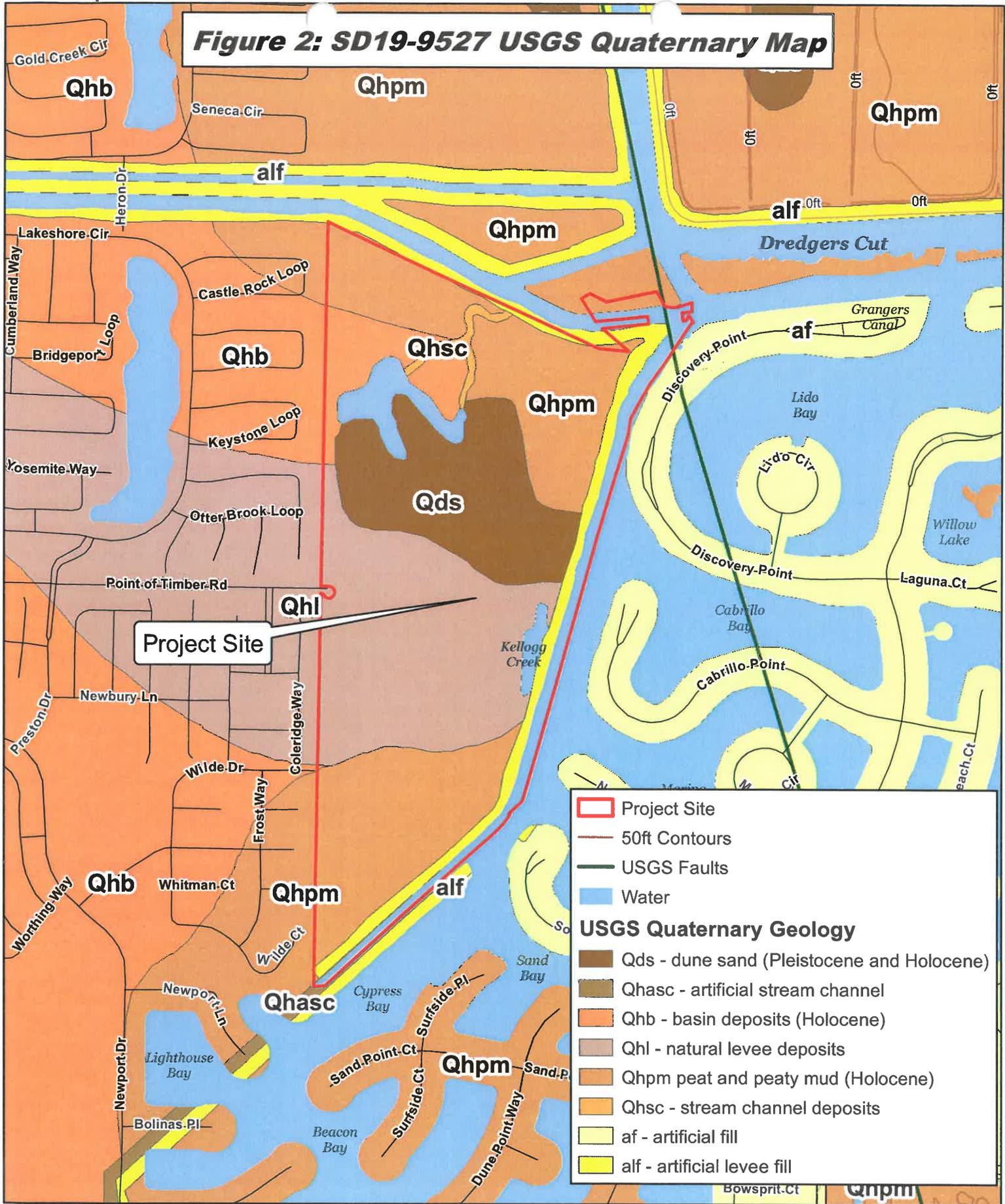
This map was created by the Contra Costa County Department of Conservation and Development with data from the Contra Costa County GIS Project. Source: Special Publication 42 (revised 2018) & USGS Open File Report 94-622

Map Created 11/20/2019
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30 Muir Road, Martinez, CA 94553
37.59.41.791N 122.07.03.756W



Source: California Geologic Survey
Special Publication 42 (revised 2018) &
USGS Open File Report 94-622

Figure 2: SD19-9527 USGS Quaternary Map



Legend

- Project Site
- 50ft Contours
- USGS Faults
- Water

USGS Quaternary Geology

- Qds - dune sand (Pleistocene and Holocene)
- Qhsc - artificial stream channel
- Qhb - basin deposits (Holocene)
- Qhl - natural levee deposits
- Qhpm peat and peaty mud (Holocene)
- Qhsc - stream channel deposits
- af - artificial fill
- alf - artificial levee fill



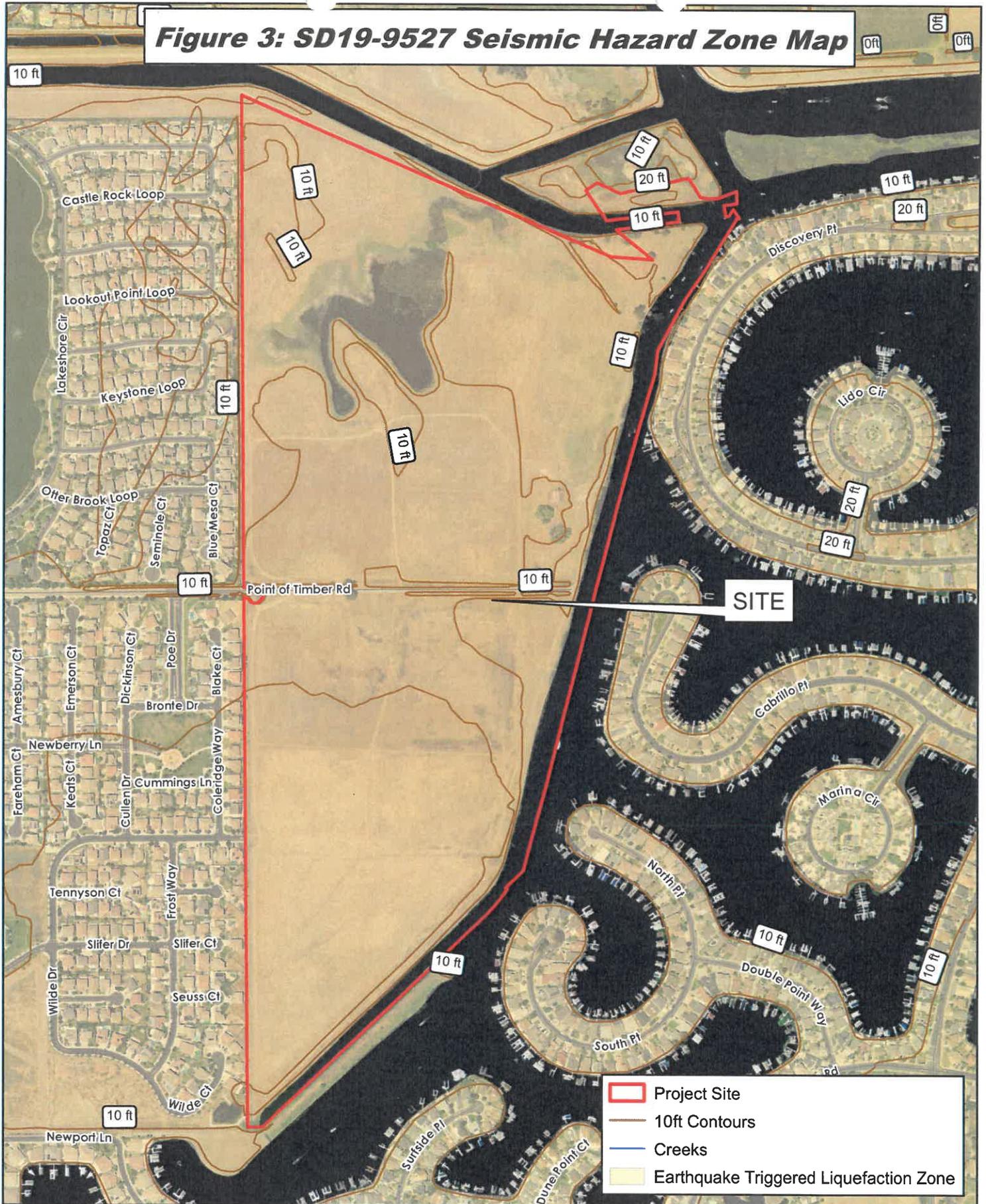
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Figure 3: SD19-9527 Seismic Hazard Zone Map



Source: CGS Woodward Island SHZ Map (2019)

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Appendix A

SD19-9527, RZ19-3252 & DP19-3024

Pantages at Discovery Bay

7. GEOLOGY AND SOILS – Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUMMARY:

- a) *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:*
 - i) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?*

There are no active faults on the site, and the nearest known active fault is the Greenville fault, which passes approximately 11 mi. southwest of the site. Consequently, the risk of surface fault rupture within the project area can be considered “low” to “negligible.” Further evaluation of fault hazards is not warranted.

ii) *Strong seismic ground shaking?*

Due to the location of the site with respect to active San Francisco Bay Region faults, and the proximity of the Great Valley fault, strong to violent ground shaking poses a potential hazard to improvements. The vulnerability of structures to damage from earthquake to ground shaking is dependent on the earthquake magnitude, distance to seismic source and ground conditions of the site. The County has adopted the 2016 California Building Code (CBC), which requires use of seismic parameters in the design of all structures requiring building permits. The seismic parameters are based on soil profile types and proximity of faults deemed capable of generating strong/violent earthquake shaking. If the CBC is updated prior to issuance of construction permits, the design of the project shall be updated to ensure code compliance (i.e. compliance with the adopted CBC standards is required for all structures requiring building permits). It should be recognized that mitigation of ground shaking damage to acceptable limits that is based solely on compliance with the California Building Code assumes that the ground is stable. However ground conditions of the project site are not isotropic and homogeneous. In lieu of placing full reliance on code compliance, the following mitigation measure is recommended.

Mitigation Measure #1

Prior to recordation of the Final Subdivision Map, a design level geotechnical report shall be submitted for review by the peer review geologist, and review/ approval of the Community Development Division of DCD. The scope of this report shall include the results of the collaboration of the project geotechnical engineer with the structural engineer on a site-specific seismic hazards analysis/ ground motion study.

iii) *Seismic-related ground failure, including liquefaction?*

The project geotechnical report evaluated the liquefaction potential of the alluvial deposits, utilizing subsurface data from 27 cone penetration tests. The CPTs provided data that extended from the ground surface to the total depth explored (50 ft.). The analyses provided in the geotechnical report indicate there were sand layers in the subsurface considered to be potentially liquefiable. With regard to the consequences of liquefaction, the project geotechnical report concludes a estimated maximum total settlement of up to approximately 3 inches in structural areas. Higher total settlements were calculated in the emergent marsh/ seasonal wetlands area at the north end of the site, but that portion of the site is to remain undeveloped private open space. Mitigation of the damage posed by differential settlement is addressed by the foundation recommendations. However it should be recognized that the project site is located in the official Seismic Hazard Zone (SHZ) for liquefaction. The Seismic Hazard Zone Mapping Act and implementing policies adopted by the State Mining & Geology Board, along with the SHZ Report 121 issued by the California Geological Survey, prescribe the approach to evaluate liquefaction potential and the consequences of liquefaction (e.g. settlement), and provides Pseudo PGA (g's) to be incorporated into the analysis. The evaluation of liquefaction potential presented in the project geotechnical report did not acknowledge that the site is within a designated SHZ, and did not assert that their analysis was consistent with the methodology and assumptions that is prescribed for use.

Mitigation Measure #2

The design level geotechnical report required by mitigation measure #1 above shall include a re-evaluation of liquefaction potential based on the methodology and parameters required by the CGS for projects located in the Seismic Hazard Zone (SHZ). The assumed peak ground acceleration used in the analysis shall match those provided by SHZ Report 121; the analysis shall reference the methodology selected by the project geotechnical engineer; provide justification the parameters that were inputs into the computer model run(s); and shall clearly demonstrate the analysis is consistent with the standards required for projects in the SHZ .

Mitigation Measure #3

To mitigate the damage potential of differential settlement attributed to liquefaction and soft soil layers, additional analysis and exploration shall be performed to further evaluate this hazard. The analysis shall be performed following preparation of detailed grading, site and improvement plans for the project. This more detailed information on the project would enable updating of settlement estimates to capture overlapping load from (a) building footprint spacing and (b) grading load.

iv) Landslides?

The project site is nearly level, so risk of a landslide appears remote. Moreover, (a) review of published mapping issued by the U.S. Geological Survey (Nilsen, 1975) indicates no evidence of landslides on the site; (b) the official SHZ map of the Woodward Island 7.5- Minute Quadrangle does not identify any landslide hazard areas on or near the site; and previous investigations performed by the project geotechnical engineers found no evidence of landslides on the site.

The project geotechnical engineers did evaluate the stability of embankments on the perimeter of the proposed lake in the project. That analysis resulted in the mitigation aimed at providing long-term stability of the lake embankment. The proposed design is illustrated in Figure 5 of the 2020 Engeo report. This typical section was analyzed for static and seismic loading and was found to meet the safety factors that had been developed for the project.

Mitigation Measure #4

In the design level geotechnical report, provide an updated slope stability analysis that is consistent with the methodology and seismic parameters that are required for use in the official SHZ.

b) Would the project result in substantial soil erosion or the loss of topsoil?

The site is nearly flat so soil erosion is not expected to be an acute problem. With regard to short-term erosion, a routine provision for grading permits in Contra Costa County is a requirement for submittal of an Erosion Control Plan. This plan submitted by the project proponent is subject to technical review by inspectors of the Grading Section. Normally there are refinements to the plan as the winter rainy season approaches. This occurs during the late summer, when it is known what the status of the project will be on October 1st. Additional detail is provided to the Erosion Control Plan at that time, including such items as provisions for (a) storage of extra erosion control materials on site and (b) monitoring of the performance of disturbed areas on the site during/ immediately following significant rain storms. If erosion control facilities are damaged or failing to perform as intended, the erosion control measures being implemented on the site are refined to correct the

deficiency. Implementation of the Erosion Control Plan is expected to keep erosion to less than significant. No further mitigation is deemed to be necessary.

- c) *Would the project 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?*

The primary geotechnical concerns are (i) undocumented fill locally present on the site, (ii) soft, compressible soils, (iii) liquefiable soil, (iv) expansive and corrosive soil (v) stability of lake embankments, (vi) shallow water table, and (vii) earthquake ground shaking. The project geotechnical report does not provide a map showing the distribution of undocumented fill or sufficient information of the location and depth of the lenses of weak, soft soils. Development of the site involves placement of engineered fill on the site which will trigger consolidation, and there is additional potential for differential settlement/ consolidation due to the combined effects of the soft zones and effects of settlement to the liquefaction.

Mitigation Measure #5

Mitigation measures #1-4 and 6 address this impact. Additionally, the following mitigation measure shall be operative during the construction period.

During construction, the project geotechnical engineer shall provide on-site observation and testing services which shall commence with clearing, over-excavation of weak, unstable material, and include adequate monitoring of earthwork and drainage related work, and extending through monitoring of foundation preparation work. Moreover there shall be sufficient monitoring services to verify effective implementation of all geotechnical recommendations (e.g. subgrade preparation for the local road network, over-excavation of any weak, soft zones and remediation of those areas and pavement design recommendations).

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

Laboratory testing confirms that soils on the site are *moderately to highly* expansive. To mitigate the potential problems caused by expansive soils, the geotechnical report recommends a post-tensioned mat foundation. Specific criteria and standard are presented in the geotechnical report to mitigate this potential hazard.

With regard to the potential for corrosive soils, the Survey of Contra Costa County considers the soils to be *highly* corrosive. Excessive sulfate in the soil (or groundwater) has potential to result in a reaction between cement in concrete and the soil. Criteria have been developed for evaluation of sulfate levels, and how they relate to cement reactivity with soils and/or groundwater. Similarly, the Iron/ steel in contact with the ground is potentially subject to corrosion, depending on chloride ion concentrations. To date no testing has been performed to evaluate the potential corrosion hazard.

Mitigation Measures #6

The design level geotechnical report shall include evaluation of the long term corrosion hazard posed by project soils and water. If the preliminary results of corrosion hazard testing indicate a corrosion hazard, the project proponent shall submit a report prepared by a California Licensed

Corrosion Engineer, who shall be tasked with (i) review the preliminary corrosion hazard test data, (ii) determine if additional testing is necessary to complete evaluation of the corrosion potential, (iii) perform any additional testing deemed necessary, (iv) provide any specific long-term corrosion control design recommendations that are recommended, and (v) document the investigation and findings of the Corrosion Engineer in a letter report that is wet signed and stamped.

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

The project site is within the area served by the Discovery Bay Sanitary District. The developer will be required to conform with District construction standards, and pay the required connection fees. Because the project is proposed to be served by sanitary district facilities, use of septic tanks is to be avoided. Therefore, no mitigation measures are warranted.

- f) *Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

The project site is located within an area underlain by Quaternary deposits of inferred Holocene age (i.e. estimated to be the last 11, 700 years). These deposits are inferred to be chiefly floodplain, basin and possibly fluvial deposits. In Contra Costa County there have been relatively few, if any, fossils of significance recovered from these geologically recent sediments. Possible fossils include woody material (e.g. tree limbs) or any of bones of the mammals that were known to historically occurred in Delta Lowlands (e.g. deer or small mammals or possibly leaf fossils in a lacustrine habitat). Such fossils are rare and unlikely to be encountered during earthwork.

Unique geologic features are not ordinary rock outcrops. Examples of unique features might include erosional features in sedimentary rock (i.e. natural arches, spires, and balanced rocks). In volcanic terrain, natural curiosities or wonders might include caldera, lava tubes, or exposures of beautifully colored volcanic tuff, or columnar jointed basalt. In desert terrain features that would warrant protection include desert armor, desert crust, desert varnish, etc. It is the opinion of the County Peer Review Geologist that there are no unique paleontological resources or unique geologic features on the project site that warrant protection. Consequently, no mitigation measures are warranted.



Contra Costa County
Public Works
Department

Brian M. Balbas, Director
Deputy Directors
Stephen Kowalewski, Chief
Allison Knapp
Warren Lai
Carrie Ricci
Joe Yee

Memo

March 18, 2021

TO: Jennifer Cruz, Principal Planner, Department of Conservation and Development

FROM: Randolph Sanders, Associate Civil Engineer, Engineering Services Division 

SUBJECT: **REZONING PERMIT RZ19-3252, DEVELOPMENT PERMIT DP19-3024 (DP14-3017 MODIFICATION) & SUBDIVISION SD19-9527 STAFF REPORT & CONDITIONS OF APPROVAL**
(Pantages/Point of Timber Rd. /Discovery Bay Area/APNs 011-220-010,-017, & 011-230-006,-007)

FILE: SD19-9527 (x-ref SD06-9010)

We have reviewed the revised vesting tentative map for the proposed subdivision dated February 25, 2020 as amended. The attached conditions of approval, based on said vesting tentative map, include road and drainage requirements. The applicant shall comply with the Ordinance Code requirements as they pertain to this development. The following issues should be carefully considered with this project:

Background

The subject application is a request for a rezoning and development plan change to DP14-3017, approved by the Board of Supervisors on October 6, 2015. The revised development plan includes significant deviations from the approved vesting tentative map (SD06-9010) dated September 2014. The changes include reducing the total residential lots from 292 to 277, phasing the development, creating a lake within the subdivision as a source for fill material rather than grading in a similar manner as the Discovery Bay project to the east, and dedicating the roads as public rather than remaining private. The proposed road connections to public streets are similar as previously proposed with a slight change at the Point of Timber Road as a turnaround is no longer required. Wilde Drive will also be open for public access and no longer reserved solely for emergency vehicle access (EVA). The proposed trails have been modified while the EVA access is generally the same. These significant changes necessitated the filing of a new subdivision application as well.

In reviewing the prior conditions of approval for SD06-9010 and DP14-3017 with the subject subdivision and development plan, many of the Public Works Department's requirements are still applicable as written. The recommended changes are relative to the traffic circulation as they are proposed to no longer be private roads and maintenance responsibility of the proposed interior lake.

Traffic and Circulation

The subject property is located at the terminus of Point of Timber Road, a publicly maintained road, and Wilde Drive, a maintained road stubbed to the property from the adjacent Ravenswood subdivision. Main access will be from Point of Timber with secondary access from Wilde Drive.

All on-site streets shall meet Public Works standards as to width, alignment and pavement structural section for public roadways. Interior trails, if intended to serve as emergency access, should be designed to these same vehicular standards as well. The previous subdivision was granted a reduction to the vertical gradient standards for a minimum curb grade of 0.75%. The applicant has requested the same allowance for a reduced minimum curb grade of 0.75% under this application. Public Works, per Chapter 98-6.004, authorizes the reduction of the minimum uniform grade of 0.75%.

Applicant shall install speed bumps per County standards or incorporate other traffic calming measures along "A" Street, "B" Street, and Point of Timber Road as reviewed and approved by Public Works.

The project Environmental Impact Report (EIR) has identified several streets and intersections in the region that will be directly or cumulatively impacted by this development. The mitigation measures per said EIR include construction or participation in the funding of these improvements either directly or through payment of fees to established regional area of benefit fee accounts or, in the absence thereof, County managed roadway deficiency trust accounts. These mitigation measures have been identified and are to be incorporated within the context of DCD's recommended conditions of approval.

The EIR mitigation measures also require the minimum finished floor elevation of residential units to be 14.1 feet (NGVD29), and the minimum finished street elevation to be 12.1 feet (NGVD29). The vesting tentative map elevations are in conformance with the requirements of the Special Flood Hazard Area (100-year flood boundary) as designated on the Federal Emergency Management Agency Flood Insurance Rate Map, however, the applicant shall be aware that the property lies within the limits of Urban Level of Flood Protection area (i.e. urban/urbanizing Sacramento-San Joaquin Valley). This Urban Level of Flood Protection is a state requirement, separate from and in addition to the National Flood Insurance Program requirements also covered in the County Flood Plain Management Ordinance. If all the criteria required by the Government Code Sections 65865.5, 65962, and 66474.5 are met, then the applicant shall provide urban level of flood protection, providing 200-year base flood protection which may result in higher elevation requirements.

Since the site, as shown, is anticipated to have an earthwork balance, either additional excavation of the private lake will be necessary or fill material will need to be imported. Regardless, construction related equipment and materials could potentially damage the existing travel routes to the site. An analysis of the pre-construction pavement condition should be required along the proposed travel routes, and security posted to assure the developer repairs project-related damage to existing roads.

The Pantages HOA or other maintenance entity shall be responsible for the maintenance of the proposed retaining wall along the frontage of Parcel B and "B" Street. The retaining wall shall be structurally designed to support the proposed public road.

Per Appendix 4.16 Transportation and Circulation Impact CUM TRA-5 of the previously approved Environmental Impact Report (EIR) certified by Contra Costa County in 2013, the project would have a significant impact resulting in unacceptable traffic conditions at the Point of Timber/Bixler Road intersection, Byer Road/Byron Highway intersection, Marsh Creek Road/Bixler Road intersection, and SR4/Newport Drive intersection. Improvements at the aforementioned intersections are not identified in any board approved Area of Benefit (AOB) funding programs. The mitigation measures determined from the certified EIR state the applicant shall pay its fair share for the cost of the improvements at each intersection to the County's Road Trust account (fund #8192). Table 4.16-15 of the certified EIR provides the fair share range the applicant is to contribute to each intersection such that the applicant is required to pay:

Point of Timber/Bixler Road intersection	30% to 39%
Byer Road/Byron Highway intersection	12%
Marsh Creek Road/Bixler Road	10% to 11%
SR4/Newport Drive intersection	4% to 6%

The exact cost to construct the intersection improvements by the County has not been determined at this time but it is presumed that the cost for the County to construct the physical improvements at each intersection may range from \$1 - \$6 million dollars.

Public Works is of the opinion that the best option is to require the applicant to install the signal and intersection improvements at Point of Timber/Bixler Road rather than paying fair share contributions for the intersections mentioned above. The improvements would be provided in a timely manner with the project and better coordinated with the adjacent development. This location is one of the less expensive of the four as it has adequate right-of-way and is ready to move forward whereas the other locations would involve more complex coordination with the State, the Discovery Bay Community Services District, and adjoining property owners for right-of-way acquisitions. The construction of necessary improvements at Point of Timber/Bixler Road appears to be the most efficient and equitable option. Therefore, the applicant should, as a condition of approval, construct the physical improvements rather than pay in lieu of construction for mitigation measures CUM TRA-1, CUM TRA-5, CUM TRA-7, and CUM TRA-9.

Note that the signal construction does not qualify for credits against the AOB fees that will be due with each building permit.

Parks and Trails

The vesting tentative map notes proposed public access easements (PAE) over parcels 'B' 'D', 'J', 'L', 'N', 'O', and 'Q' (Open Spaces). The parcels listed above, as shown on the vesting tentative map, are proposed parks and open space. A 10-foot trail traversing the perimeter of the subdivision, routed through the aforementioned parcels, is to be delineated by the PAE in addition to the parks. The applicant is coordinating with the Town of Discovery Bay Community Services District (CSD) for the long-term maintenance of the proposed parks, existing parks, and trails. At this time, it is not clear whether the CSD will take responsibility of the proposed parks and trails. In the event that the another public maintenance entity is unable to take the responsibility of the public parks and public trail, the County might consider taking the maintenance responsibilities provided the applicant establish a maintenance entity (e.g.. Mello Roos District) for the maintenance of parks and trails in the project area.

Drainage

Division 914 of the County Ordinance Code requires that all storm water entering and/or originating on this property to be collected and conveyed, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having a definable bed and banks or to an existing adequate public storm drainage system which conveys the storm water to an adequate natural watercourse.

The vesting tentative map includes the proposed drainage infrastructure and layout designed to County standards. The proposed drainage infrastructure includes storm drain lines, inlets/catch basins, pump stations, an interior lake (Lake South), and a secondary lake with an overflow spillway located in a marsh to the north (Lake North). A hydrology and hydraulic report is included with this submittal. The report analyzes the 10-year and 100-year storm events for the on-site stormwater collection system and the water surface elevation (WSE) of Lake South. Per the analysis, the on-site drainage and lake appear adequate. The hydraulic and hydrology report is preliminarily complete.

The proposed pump system is composed of a CDS unit and low-head pump station. The pumps shall be maintained by a CSD or the Pantages HOA and located on open space parcels. The pumps are sized to drain the upstream storm drain system, with the pipes completely full, in a period of two days. If flows exceed pump capacity, each pump is designed with an overflow drainage line that will discharge via gravity flow.

The vesting tentative map notes storm drain easements (SDE) over parcels B, D, E, F, G, H, W, and S (Lakes and Open Spaces) to County. The County will not take the maintenance responsibility of these areas as they pertain to the private lakes and pump systems. Either a CSD or the Pantages HOA or other maintenance entity shall, as a condition of approval, maintain the proposed private lakes and pump systems in perpetuity. As the lakes provide no regional drainage benefit and will be constructed for the purpose of fill material for the subdivision, neither Contra Costa County nor the Contra Costa County Flood Control and Water Conservation District will be responsible for the maintenance of the private lakes. The adjacent Lakeshores subdivision formed an HOA and CC&Rs for the maintenance of the interior lakes constructed with that development. In addition, the drainage line connecting Lake North and Lake South shall be privately maintained by a CSD or the Pantages HOA. Applicant shall reserve a private Maintenance or Storm Drain Easement, to be transferred to the maintenance entity upon its formation, with the County to maintain said line within the future County right-of-way. The easement, as approved by Public Works, will allow the maintenance entity access to its drainage infrastructure between Lake South and Lake North.

Stormwater Management and Discharge Control

A Stormwater Control Plan (SWCP) is required for applications that will create and/or redevelop impervious surface area exceeding 10,000 square feet in compliance with the County's Stormwater Management and Discharge Control Ordinance (§1014) and the County's Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit. The applicant has provided a preliminary SWCP and site exhibit. Site drainage will be routed to IMPs situated around Lake South prior to discharging into the lake. The SWCP is preliminarily complete.

Provision C.10, Trash Load Reduction, of the County's NPDES permits requires control of trash in local waterways. To prevent or remove trash loads from municipal storm drain systems, trash capture devices shall be installed in catch basins (excludes those located within a bioretention/stormwater treatment facility). Devices must meet the County's NPDES permits and approved by Public Works Department. Location must be approved by Public Works Department.

Floodplain Management

The property lies within the Special Flood Hazard Area (100-year flood boundary) as designated on the Federal Emergency Management Agency Flood Insurance Rate Map. The applicant shall be aware of the requirements of the National Flood Insurance Program and the County Floodplain Management Ordinance as they pertain to development and construction of any structures on this property.

The property lies within the limits of Urban Level of Flood Protection area (i.e. urban/urbanizing Sacramento-San Joaquin Valley), a map certified by the Conservation and Development Director and on file with the Department of Conservation and Development. The applicant needs to furnish documentation whether the project is or is not in the applicable geographical area per Government Code Sections 65865.5, 65962, and 66474.5. Specifically, documentation to evaluate if (1) it is located within an area with a potential flood depth above 3.0 feet from sources of flooding other than localized conditions that may occur anywhere in the community, and (2) within a watershed with a contributing area of more than 10 square miles.

If all the criteria required by the Government Code sections are met, then the applicant must provide urban level of flood protection. Applicant must also submit documentation for this urban level of flood protection, providing 200-year base flood protection. This Urban Level of Flood Protection is a state requirement, separate from and in addition to the National Flood Insurance Program requirements also covered in the County Flood Plain Management Ordinance

Prior to site grading, the applicant shall obtain a Conditional Letter of Map Revision (C-LOMR-F) from FEMA concurring that the proposed grading and site improvements, when completed, will be satisfy FEMA's requirements. After completion of grading and storm drain improvements, the applicant shall submit a LOMR-F application to FEMA to finalize their approval process.

Lighting District Annexation

The subject property is not annexed into the lighting district. The property owner shall, as a condition of approval, annex into the Community Facilities District (CFD) 2010-1 formed for the Countywide Street Light Financing.

Area of Benefit Fee

The applicant will need to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the East Contra Costa Regional Fee & Finance Authority/ Regional Transportation Development Impact Mitigation (ECCRFFA/RTDIM) and East County Regional Areas of Benefit, as adopted by the Board of Supervisors. Areas of Benefit, as adopted by the Board of Supervisors. These fees shall be paid prior to issuance of building permits

Drainage Area Fee and Creek Mitigation

The property is located within unformed Drainage Area 52. There is currently no fee ordinance adopted by Board of Supervisors for this area.

ADDITIONAL CONSIDERATIONS

Considerable areas are proposed open space as lakes, parks, trails, and wetlands. Per the 2013 EIR Mitigation Measure BIO-12, most open space areas were to be dedicated to the Reclamation District 800 and maintained by the Town of Discovery Bay Community Services District (TDBCSD) or the Homeowners Association. Per the 2020 EIR, as there are no modifications to the waters of the U.S./State on the project site, Mitigation Measure BIO-12 is no longer required. Though there are no changes to the waters of the U.S./State, it does not eliminate the need for a maintenance entity in perpetuity for the open space areas. The County has no interest, or the financial resources, in owning or maintaining these properties. If Rec 800 or TDBCSD are not amenable to maintaining these properties, the properties should remain with the developer, or be granted to the homeowners association, or another entity created specifically for conservation monitoring and maintenance in perpetuity.

RS:ss
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cc: W. Lai, Deputy Director
L. Gossett, Engineering Services
M. Sen, Transportation Engineering
Jennifer Cruz, Department of Conservation and Development
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James Templeton Jr., Mackay & Soms (engineer/architect)
51428 Franklin Dr.
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Transportation (For DCD)

- Mitigation of the unacceptable traffic conditions at the SR4/Byron Highway (south) can be achieved by adding a second northbound to westbound left-turn lane from Byron Highway onto SR4 and its associated receiving lane. This improvement is included in the 2018 East County Regional Area of Benefit (ECRAOB) Transportation Mitigation Fee Update project list. The project applicant shall pay the required AOB fee prior to the issuance of building permits. **(Mitigation Measure TRA-1)**
- The project applicant shall pay regional roadway fees to the East Contra Costa Regional Fee and Financing Authority (ECCRFFA) fee program to upgrade existing roadways. Implementation of Mitigation Measure TRA -2 would require the project applicant to pay regional roadway fees to upgrade existing roadways and/or construct new facilities in the project area upon issuance of building permits. **(Mitigation Measure TRA-2)**
- Mitigation of the unacceptable traffic conditions at the Byer Road/Byron Highway intersection can be achieved by installing a traffic signal and a southbound left-turn lane. This improvement is not identified in any funding program.

As indicated in Table 4.16-15, the project applicant would be required to contribute 12 percent of the total costs to the County's Road Trust account (Fund #8192) for this improvement upon issuance of building permits. This trust fund shall fund improvements to intersections identified as operating unacceptably under cumulative conditions and not identified in an AOB fee program.

In lieu of the nominal cash contribution towards this future improvement, the County finds it preferable to require the applicant to fully fund and install the signal and intersection improvements at Point of Timber/Bixler Road as described in **Mitigation Measure CUM TRA-5**. This alternative construction project would be of greater overall benefit due to its closer proximity to the subdivision and its greater impact thereon. **(Mitigation Measure CUM TRA-1)**

~~If this improvement is not included in a County fee program at the time of project approvals, the project applicant shall pay its fair share towards the cost of this improvement to the County's Road Trust account (Fund #8192) prior to the issuance of building permits. This trust fund shall fund improvements to intersections identified as operating unacceptably under cumulative conditions and not identified in a fee program. As indicated in Table 4.16-15, the project applicant would be required to contribute 12 percent of the total costs for this improvement upon issuance of building permits.~~

- Mitigation of the unacceptable traffic conditions at the Holway Drive/Byron Highway and Camino Diablo Road/Byron Highway intersections can be achieved by installing a traffic signal at the Camino Diablo Road/Byron Highway and providing left-turn pockets on all approaches. Traffic turning left from eastbound Camino Diablo Road to northbound Holway Drive and left again from Holway Drive to Byron Highway would instead turn left at the signalized Camino Diablo Road/Byron Highway intersection. This mitigation would require modifications to the adjacent railroad crossing west of the intersection to provide the required left-turn pocket on the eastbound approach.

This improvement is included in the 2018 ECRAOB Transportation Mitigation Fee Update project list. The project applicant shall pay the required AOB fee upon issuance of building permits. **(Mitigation Measure CUM TRA-2)**

- Mitigation of the unacceptable traffic conditions at the Sellers Avenue/Balfour Road intersection can be achieved by installing a traffic signal and providing left-turn lanes at all four intersection approaches.

This improvement is included in the 2018 ECRAOB Transportation Mitigation Fee Update project list. The project applicant shall pay the required AOB fee upon issuance of building permits. Implementation of this mitigation measure would reduce this impact to less-than-significant. **(Mitigation Measure CUM TRA-3)**

- Mitigation of the unacceptable traffic conditions at the Point of Timber Road/Byron Highway intersection can be achieved by installing a traffic signal. This improvement is included in the 2018 ECRAOB Transportation Mitigation Fee Update project list. The project applicant shall pay the required AOB fee upon issuance of building permits. **(Mitigation Measure CUM TRA-4)**
- Mitigation of the unacceptable traffic conditions at the Point of Timber Road/Bixler Road intersection can be achieved by installing a traffic signal and adding left-turn lanes at all four intersection approaches. This improvement is not identified in any funding program.

As indicated in Table 4.16-15, the project applicant would be required to contribute between 30 and 39 percent of the total costs to the County's Road Trust account (Fund #8192) for this improvement upon issuance of building permits. This trust fund shall fund improvements to intersections identified as operating unacceptably under cumulative conditions and not identified in a fee program.

In lieu of the cash contribution towards this future improvement, the County finds that the best option is to require the applicant to fully fund and install the signal and intersection improvements at Point of Timber/Bixler Road as described:

Applicant shall install a traffic signal and add left-turn lanes at all four intersection approaches for mitigation of the unacceptable traffic conditions at the Point of Timber Road/Bixler Road for CUM TRA-5 per Condition of Approval # (insert number from PW COAs) **(Mitigation Measure CUM TRA-5)**

~~If this improvement is not included in a County fee program at the time of project approvals, the project applicant shall pay its fair share towards the cost of this improvement to the County's Road Trust account (Fund #8192) prior to the issuance of building permits. This trust fund shall fund improvements to intersections identified as operating unacceptably under cumulative conditions and not identified in a fee program. As indicated in Table 4.16-15, the project applicant would be required to contribute between 30 and 39 percent of the total costs for this improvement upon issuance of building permits.~~

- Mitigation of the unacceptable traffic conditions at the Marsh Creek Road/Sellers Avenue intersection can be achieved by installing a traffic signal. This improvement is included in the 2018 ECRAOB Transportation Mitigation Fee Update project list. The project applicant shall

pay the required AOB fee upon issuance of building permits. **(Mitigation Measure CUM TRA-6)**

- Mitigation of the unacceptable traffic conditions at the Marsh Creek Road/Bixler Road intersection can be achieved by installing a traffic signal. This improvement is not identified in any funding program.

As indicated in Table 4.16-15, the project applicant would be required to contribute between 10 percent and 11 percent of the total costs to the County's Road Trust account (Fund #8192) for this improvement upon issuance of building permits. This trust fund shall fund improvements to intersections identified as operating unacceptably under cumulative conditions and not identified in an AOB fee program.

In lieu of the nominal cash contribution towards this future improvement, the County finds it preferable to require the applicant to fully fund and install the signal and intersection improvements at Point of Timber/Bixler Road as described in **Mitigation Measure CUM TRA-5**. This alternative construction project would be of greater overall benefit due to its closer proximity to the subdivision and its greater impact thereon.

(Mitigation Measure CUM TRA-7)

~~If this improvement is not included in a County fee program at the time of project approvals, the project applicant shall pay its fair share towards the cost of this improvement to the County's Road Trust account (Fund #8192) prior to the issuance of building permits. This trust fund shall fund improvements to intersections identified as operating unacceptably under cumulative conditions and not identified in a fee program. As indicated in Table 4.16-15, the project applicant would be required to contribute between 10 and 11 percent of the total costs for this improvement upon issuance of building permits.~~

- Mitigation of the unacceptable traffic conditions at the SR4/Byron Highway (south) intersection can be achieved by adding a second left-turn lane on the Byron Highway approach and a second through lane on the southeast-bound SR4 approach.

The second left-turn lane on the Byron Highway approach improvement is included in the 2018 ECRAOB Transportation Mitigation Fee Update project list. The second through lane on the southeast-bound SR4 approach is not identified in any funding program. The project applicant shall pay the required AOB fee upon issuance of building permits. **(Mitigation Measure CUM TRA-8)**

- Mitigation of the unacceptable traffic conditions at the SR4/Newport Drive intersection can be achieved by installing a traffic signal. This improvement is not identified in any funding program.

As indicated in Table 4.16-15, the project applicant would be required to contribute between 4 percent and 6 percent of the total costs to the County's Road Trust account (Fund #8192) for this improvement upon issuance of building permits. This trust fund shall fund improvements to intersections identified as operating unacceptably under cumulative conditions and not identified in an AOB fee program.

In lieu of the nominal cash contribution towards this future improvement, the County finds it preferable to require the applicant to fully fund and install the signal and intersection

improvements at Point of Timber/Bixler Road as described in **Mitigation Measure CUM TRA-5**. This alternative construction project would be of greater overall benefit due to its closer proximity to the subdivision and its greater impact thereon.

(Mitigation Measure CUM TRA-9)

~~If this improvement is not included in a County fee program at the time of project approvals, the project applicant shall pay its fair share towards the cost of this improvement to the County's Road Trust account (Fund #8192) prior to the issuance of building permits. This trust fund shall fund improvements to intersections identified as operating unacceptably under cumulative conditions and not identified in a fee program. As indicated in Table 4.16-15, the project applicant would be required to contribute between 4 and 6 percent of the total costs for this improvement upon issuance of building permits.~~

- Mitigation of the unacceptable traffic conditions at the Camino Diablo Road/Vasco Road intersection can be achieved by adding a northbound right-turn lane. This improvement is included as one of several improvements intersection in the 2018 ECRAOB Transportation Mitigation Fee Update project list. The project applicant shall pay the required AOB fee upon issuance of building permits. **(Mitigation Measure CUM TRA-10)**
- The project applicant shall pay regional roadway fees to the East Contra Costa Regional Fee and Financing Authority (ECCRFFA) fee program to upgrade existing roadways upon issuance of building permits. **(Mitigation Measure CUM TRA-11)**

**PUBLIC WORKS RECOMMENDED
CONDITIONS OF APPROVAL FOR
SUBDIVISION SD19-9527/DEVELOPMENT PERMIT DP19-3024**

Applicant shall comply with the requirements of Title 8, Title 9 and Title 10 of the Ordinance Code. Any exception(s) must be stipulated in these Conditions of Approval. Conditions of Approval are based on the site plan/(vesting) tentative map submitted to the Department of Conservation and Development on February 25, 2020.

COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO FILING OF THE FINAL MAP.

General Requirements:

- In accordance with Section 92-2.006 of the Ordinance Code, this subdivision shall conform to all applicable provisions of the Subdivision Ordinance (Title 9). Any exceptions therefrom must be specifically listed in this conditional approval statement. The drainage, road and utility improvements outlined below shall require the review and approval of the Public Works Department and are based on the Vesting Tentative Map received by the Department of Conservation and Development, Community Development Division, on February 25, 2020.
- Improvement plans prepared by a registered civil engineer shall be submitted to the Public Works Department, Engineering Services Division, along with review and inspection fees, and security for all improvements required by the Ordinance Code for the conditions of approval of this subdivision. Any necessary traffic signing and striping shall be included in the improvement plans for review by the Transportation Engineering Division of the Public Works Department.

Roadway Improvements (Bixler Road/Point of Timber Road/Wilde Drive/On-site Public):

- Applicant shall construct curb, minimum 5-foot sidewalk, necessary longitudinal and transverse drainage, street lighting, border landscaping and irrigation, and pavement transitions at the public portions of Point of Timber Road and Wilde Drive.
- Applicant shall construct the on-site road system to County public road standards and convey to the County, by Offer of Dedication, the corresponding right-of-way. A reduction to the vertical gradient standards shall be allowed to reduce the minimum curb grade to 0.75% in conformance with existing adjacent improvements.
- Applicant shall install safety-related improvements on all streets (including traffic signs and striping), as approved by the Public Works Department.
- Applicant shall install speed bumps per County standards or incorporate other traffic calming measures along "A" Street, "B" Street, and Point of Timber Road as reviewed and approved by Public Works.
- Applicant shall construct necessary improvements at the Point of Timber/Bixler Road intersection such as pavement transitions for adding left-turn lanes at all four intersection approaches, traffic signing and striping, and traffic signals as reviewed and approved by the

Transportation Engineering Division of the Public Works Department. Lane and deceleration transitions shall be based on a design speed of 50 miles per hour.

Access to Adjoining Property:

Proof of Access

- Applicant shall furnish proof to Public Works Department of the acquisition of all necessary rights-of-way, rights of entry, permits and/or easements for the construction of off-site, temporary or permanent, public and private road and drainage improvements.
- Applicant shall furnish proof to Public Works Department that legal access to the property is available from Point of Timber Road and Wilde Drive.

Encroachment Permit

- Applicant shall obtain an encroachment permit from the Application and Permit Center, if necessary, for construction of improvements within the right-of-way of Point of Timber Road, Bixler Road and Wilde Drive.

Sight Distance:

- Applicant shall provide sight distance at the intersections of the on-site roadways for a design speed of 35 miles per hour. Any new landscaping, signs, fencing, retaining walls, or other obstructions proposed at the driveways shall be setback to ensure that the sight lines are clear.

Lot Line Adjustment:

- Applicant shall complete and record the proposed Lot Line Adjustment with the East Contra Costa Irrigation District parcel at the northeast corner of the subject property.

AOB Reimbursements:

- The applicant, prior to constructing any public improvements, shall contact Public Works Department to determine the extent of any eligible credits or reimbursements against the area of benefit fees.

Road Dedications:

- Property Owner shall convey to the Public, by Offer of Dedication, the right-of-way encumbering all Emergency Vehicle Access (EVA) roads and bicycle and pedestrian trails. These facilities will NOT be accepted by the County for maintenance.

Street Lights:

- Applicant shall annex to the Community Facilities District (CFD) 2010-1 formed for Countywide Street Light Financing. Annexation into a street light service area does not include the transfer of ownership and maintenance of street lighting on private roads.

Landscaping:

- All landscaping to be maintained by the property owner shall be submitted to the Zoning Administrator for review and approval.

Pedestrian Facilities:

Pedestrian Access

- Applicant shall design all public and private pedestrian facilities in accordance with Title 24 (Handicap Access) and the Americans with Disabilities Act. This shall include all sidewalks, paths, driveway depressions, and curb ramps.
- All curb ramps shall be designed and constructed in accordance with current County standards. A detectable warning surface (e.g. truncated domes) shall be installed on all curb ramps. Adequate easements shall be established to accommodate a minimum 4-foot landing at the top of any curb ramp proposed.

Emergency Vehicle Access (EVA):

- All roads, paths and trails intended for use as Emergency Vehicle Access, including bridges appurtenant thereto, shall be designed to accommodate HS-20 vehicle loads. Alignment and surfacing shall meet "all weather" standards per the approval of the Fire District and Public Works Department.

Parking:

- Parking shall be prohibited in cul-de-sac bulbs, one side of on-site roadways where the curb-to-curb width is less than 36 feet, and on both sides of on-site roadways where the curb-to-curb width is less than 28 feet. "No Parking" signs shall be installed along these portions of the roads subject to the review and approval of Public Works Department.

Utilities/Undergrounding:

- Applicant shall underground all new and existing utility distribution facilities. The developer shall provide joint trench composite plans for the underground electrical, gas, telephone, cable television and communication conduits and cables including the size, location and details of all trenches, locations of building utility service stubs and meters, and placements or arrangements of junction structures as a part of the Improvement Plan submittals for the project. The composite drawings and/or utility improvement plans shall be signed by a licensed civil engineer.

Construction:

- The applicant shall provide a pavement analysis for those roads along the proposed haul route or any alternate route(s) that are proposed to be utilized by the hauling operation. This study shall analyze the existing pavement conditions, and determine what impact the hauling operation will have over the life of the project. The study shall provide recommendations to mitigate identified impacts. The applicant shall be responsible for the cost of constructing the recommended repairs. Prior to filing of the Final Map, the applicant shall execute a bonded road improvement agreement to assure the roadway repairs.

Maintenance of Facilities:

- The maintenance obligation and financing of all common and open space areas, private roadways, private street lights, public and private trails and landscaped areas, EVA's, perimeter walls/fences, and on-site drainage facilities shall be included in the covenants, conditions, and restrictions (CC&Rs), or an alternative financing and maintenance entity approved by the Public Works Department. All agreements between Reclamation District 800, the Town of Discovery Bay Community Services District and the developer, along with the CC&Rs, shall be submitted for the review and approval of the Zoning Administrator and Public Works Department at least 60 days prior to filing of the Final Map for the first phase. The County will not accept these properties or facilities for ownership or maintenance.
- The applicant shall establish a maintenance entity (i.e. Mello Roos District) for the maintenance of parks, public landscaped areas, and trails in the project area and Discovery Bay parks, maintained landscape areas, and recreation facilities.

Drainage Improvements:

Collect and Convey

- The applicant shall collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the stormwaters to an adequate natural watercourse, in accordance with Division 914 of the Ordinance Code.

Hold Harmless

- The property owner shall be aware that the creek banks on the site are potentially unstable. The property owner shall execute a recordable agreement with the County which states that the developer and the property owner and the future property owner(s) will hold harmless Contra Costa County and the Contra Costa County Flood Control and Water Conservation District in the event of damage to the on-site and off-site improvements as a result of creek-bank failure or erosion.

Miscellaneous Drainage Requirements:

- The applicant shall design and construct all storm drainage facilities in compliance with the Ordinance Code and Public Works Department design standards.
- The applicant shall design and construct all proposed grading, dredging, excavation and improvements are in compliance with all Federal, State and Local regulatory permitting and design requirements. These agencies may include, but not be limited to: US Army Corps of Engineers, US Fish & Wildlife Services, California Department of Fish & Wildlife, California Regional Water Quality Control Boards, Reclamation District #800, and Contra Costa County Flood Control District.
- Applicant shall prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.

- Private storm drain easements, conforming to the width specified in Section 914-14.004 of the County Ordinance Code, shall be dedicated over all proposed storm drains traversing residential lots or other portions of the property outside the "common area."
- The applicant shall enter into a License Agreement for Maintenance Purposes or provide a private Storm Drain Easement, to be transferred to the maintenance entity (HOA or CSD) upon its formation, with the County to maintain the proposed drainage line connecting Lake South and Lake North shown on the vesting tentative map within the future County right-of-way reviewed and approved by Public Works.
- The applicant shall ensure that Lake South, Lake North, the drainage system connecting the lakes, and the proposed pump systems shown on the vesting tentative map over parcels B, D, E, F, G, H, W, and S are included in the covenants, conditions, and restrictions (CC&Rs), or an alternative financing and maintenance entity approved by the Public Works Department. The County will not accept these properties or facilities for ownership or maintenance.

Floodplain Management:

- The project is located in a Special Flood Hazard Area as designated on the Federal Emergency Flood Insurance Rate Maps. The applicant should be aware of the requirements of the Federal Flood Insurance Program and the County Floodplain Management Ordinance (Ordinance No. 2000-33) Co Ord Code 82-28 as they pertain to future construction of any structures on this property.
- The property lies within the limits of Urban Level of Flood Protection area (i.e. urban/urbanizing Sacramento-San Joaquin Valley), a map certified by the Conservation and Development Director and on file with the Department of Conservation and Development. The applicant needs to furnish documentation whether the project is or is not in the applicable geographical area per Government Code Sections 65865.5, 65962, and 66474.5. Specifically, documentation to evaluate if (1) it is located within an area with a potential flood depth above 3.0 feet from sources of flooding other than localized conditions that may occur anywhere in the community, and (2) within a watershed with a contributing area of more than 10 square miles.

If all the criteria required by the Government Code sections are met, then the applicant must provide urban level of flood protection. Applicant must also submit documentation for this urban level of flood protection, providing 200-year base flood protection. This Urban Level of Flood Protection is a state requirement, separate from and in addition to the National Flood Insurance Program requirements also covered in the County Flood Plain Management Ordinance

- Prior to issuance of the grading permit, the applicant shall obtain a Conditional Letter of Map Revision (C-LOMR-F) from FEMA concurring that the proposed grading and site improvements, when completed, will be satisfactory for FEMA to revise the Flood Insurance Rate Map and eliminate the residential lots from the Special Flood Hazard designation.
- After completion of fill operations and installation of storm drain improvements, the applicant shall submit a LOMR-F application with FEMA to finalize the FIRM revision process. The FEMA LOMR-F must be obtained prior to issuance of building permits on the residential units.

National Pollutant Discharge Elimination System (NPDES):

The applicant shall be required to comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, or any of its Regional Water Quality Control Boards (Central Valley - Region IV).

Compliance shall include developing long-term best management practices (BMPs) for the reduction or elimination of storm water pollutants. The project design shall incorporate wherever feasible, the following long-term BMPs in accordance with the Contra Costa Clean Water Program for the site's storm water drainage:

- Minimize the amount of directly connected impervious surface area.
- Install approved full trash capture devices on all catch basins (excluding catch basins within bioretention area) as reviewed and approved by Public Works Department. Trash capture devices shall meet the requirements of the County's NPDES permit.
- Install approved full trash capture devices on all catch basins (excluding catch basins within bioretention basins) as reviewed and approved by Public Works Department. Trash capture devices shall meet the requirements of the County's NPDES Permit.
- Place advisory warnings on all catch basins and storm drains using current storm drain markers.
- Shallow roadside and on-site swales.
- Construct concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
- Distribute public information items regarding the Clean Water Program and lot specific IMPs to buyers.
- Other alternatives comparable to the above as approved by Public Works.

Stormwater Management and Discharge Control Ordinance:

- The applicant shall submit a FINAL Storm Water Control Plan (SWCP) and a Stormwater Control Operation and Maintenance Plan (O+M Plan) to the Public Works Department, which shall be reviewed for compliance with the County's National Pollutant Discharge Elimination System (NPDES) Permit and shall be deemed consistent with the County's Stormwater Management and Discharge Control Ordinance (§1014) prior to filing of the final map. To the extent required by the NPDES Permit, the Final Stormwater Control Plan and the O+M Plan will be required to comply with NPDES Permit requirements that have recently become effective that may not be reflected in the preliminary SWCP and O+M Plan. All time and materials costs for review and preparation of the SWCP and the O+M Plan shall be borne by the applicant.
- Improvement Plans shall be reviewed to verify consistency with the final SWCP and compliance with Provision C.3 of the County's NPDES Permit and the County's Stormwater Management and Discharge Control Ordinance (§1014).
- Stormwater management facilities shall be subject to inspection by Public Works Department staff; all time and materials costs for inspection of stormwater management facilities shall be borne by the applicant.

- Prior to filing of the final map, the property owner(s) shall enter into a Stormwater Management Facility Operation and Maintenance Agreement with Contra Costa County, in which the property owner(s) shall accept responsibility for, and related to, operation and maintenance of the stormwater facilities, and grant access to relevant public agencies for inspection of stormwater management facilities.
- Prior to filing of the final map, the property owner(s) shall annex the subject property into Community Facilities District (CFD) No. 2007-1 (Stormwater Management Facilities), which funds responsibilities of Contra Costa County under its NPDES Permit to oversee the ongoing operation and maintenance of stormwater facilities by property owners.
- Any proposed water quality features that are designed to retain water for longer than 72 hours shall be subject to the review of the Contra Costa Mosquito & Vector Control District.
- All treatment BMP/IMPs constructed within each phase of the proposed development shall be designed and sized to treat, at a minimum, stormwater generated from each phase constructed.

Environmental Mitigation Conformance:

- This project shall comply with the mitigation measures set forth in the project Environmental Impact Report (EIR). Conformance with the EIR includes those specific measures noted elsewhere within the project Conditions of Approval. Compliance with TRA-3, being non-specific, shall be subject to the following:

Flexible Mitigation Monitoring Program:

- Prior to issuance of the 200th Building Permit, the applicant shall work with Public Works Department to establish a Flexible Mitigation Monitoring Program.
 - a. The traffic assumption review shall take the form of a letter report summarizing the observed project development trip generation/distribution, recent growth outside the project site, and the most current roadway improvement assumptions in East County. This new information will be compared with the EIR assumptions and a reasonable conclusion made as to whether or not traffic operations have changed which could result in new or additional, significant project impacts to the surrounding road network not already identified in the EIR.
 - b. The Flexible Mitigation Monitoring Program will review the traffic assumptions no sooner than at the 200th unit, and shall be completed by the 250th unit to determine if the traffic assumptions in the Environmental Impact Report are still valid.
 1. If the initial assumptions made are still valid, the mitigation measure will remain unchanged, and the applicant will be required to comply with the conditions of approval as stated.
 2. If the traffic assumptions have significantly changed for the worse and there could be new, or additional, significant project impacts not identified in the EIR, the applicant shall perform a more detailed traffic study to determine traffic impacts and recommend mitigation measures based on the new traffic assumptions. The traffic study and the proposed traffic mitigation measures shall be subject to the review and approval of the Public Works Department. The traffic mitigation measures, if different from those identified in the EIR may be subject to review at a public hearing. Any significant project-related traffic impact which cannot qualify for the ECRAOB of other

fee area will be the responsibility of the project applicant to mitigate on a fair share basis. Newly identified significant traffic impact shall require mitigation only if the level of service does not meet the adopted traffic level of service standard. The project applicant shall arrange for mitigation of such newly identified significant and warranted traffic impacts prior to issuance of the 250th Building Permit, if necessary.

- c. The applicant shall pay for all reasonable and verifiable staff time involved in preparation of the staff study, the Flexible Mitigation Monitoring Program, the proposed traffic mitigation measures, and monitoring of the project and review of these studies, program and monitoring.

ADVISORY NOTES

- Applicant shall comply with the requirements of the Town of Discovery Bay Community Services District and Reclamation District 800.
- The Applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the East Contra Costa Regional Fee & Finance Authority/ Regional Transportation Development Impact Mitigation (ECCRFFA/RTDIM), East County Regional Areas of Benefit as adopted by the Board of Supervisors, and other mitigation fees required herein to be deposited the County Road Trust account. Payment is required prior to issuance of a building permit.
- This project may be subject to the requirements of the Department of Fish and Wildlife. It is the applicant's responsibility to notify the Department of Fish and Wildlife, Bay Delta Region (Region 3), 2825 Cordelia Road, Suite 100, Fairfield, CA 94534 of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Wildlife Code.
- This project may be subject to the requirements of the Army Corps of Engineers. It is the applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.
- Although the Stormwater Control Plan has been determined to be preliminarily complete, it remains subject to future revision, as necessary, during preparation of improvement plans in order to bring it into full compliance with C.3 stormwater requirements. Failure to update the SWCP to match any revisions made in the improvement plans may result in a substantial change to the County approval, and the project may be subject to additional public hearings. Revisions to California Environmental Quality Act (CEQA) documents may also be required. This may significantly increase the time and applicant's costs associated with approval of the application.

4/7/2021

Inclusionary Housing Ordinance

81. This project is subject to the Inclusionary Housing Ordinance. Pursuant to Section 822-4.402 of the County Ordinance Code, a residential development of 277 for-sale units shall require at least fifteen percent of the for-sale units to be developed and sold as affordable units. The applicant is required to construct 41.55 inclusionary housing units for the project. The Applicant/Owner/Developer (Applicant) has submitted a Preliminary Inclusionary Housing Plan (PIHP) on February 3, 2021, which proposes to construct and sell eight (8) Lower Income Housing Units and thirty-three (33) Moderate Income Housing Units and to pay the in-lieu fee for the remaining fractional unit (0.55 unit) to comply with the County's Inclusionary Ordinance requirements. Any proposed changes to the PIHP are subject to the review and approval of the Assistant Deputy Director, Housing and Community Improvement Division, in the Department of Conservation and Development (DCD).

Special Circumstances and Conditions

82. This development has unique circumstances reflected in its Preliminary Inclusionary Housing Plan. The Developer (Pantages at Discovery Bay LLC) and County explicitly acknowledge these unique circumstances by preparing and accepting a Preliminary Inclusionary Housing Plan as a binding commitment to later submit one or more Final Inclusionary Housing Plans, which is an exception to the Inclusionary Housing Ordinance within the authority of the Director of the Department of Conservation and Development to grant. This should not be considered a precedent for any other development project.

No homebuilder has entered into a contract with the Developer, so there are no specifics regarding the inclusionary units which would typically be included in an Inclusionary Housing Plan at this stage. As a result, the Developer has submitted a Preliminary Inclusionary Housing Plan to memorialize the approach to be taken to finalize the Inclusionary Housing Plan.

Phasing

83. The Applicant has indicated that this is to be a phased subdivision. The inclusionary units will be developed in a proportionate amount to all units developed in each phase of the subdivision.

The Applicant is anticipating that the subdivision will be built out in four (4) phases with up to approximately 70 lots being developed per phase. In this case, up to 10

inclusionary units will be built in each of the four phases, with an additional inclusionary unit built in the first phase to reach the total of 41 inclusionary units.

The Inclusionary Housing Ordinance requires that an Inclusionary Housing Agreement (Agreement) be executed and recorded prior to a building permit (including grading) or Final Map, whichever comes first. Due to the unique circumstances of this project, it is anticipated that a new Agreement with the developer/builder or amendment to the Agreement, whichever deemed appropriate by DCD, shall be executed and recorded for each subsequent phase of the development to include a Final Inclusionary Housing Plan and all information as required by the Inclusionary Housing Ordinance that is not specified in the PIHP.

The Applicant's provision of the details that includes but is not limited to the type, size (including number of bedrooms), number of units in each phase of development, unit mix of market rate and inclusionary units, and lot locations of the inclusionary units will be deferred to prior to the issuance of a building permit for any portion of the phased development (including grading permits and demolition permits). The Applicant will be required to submit a Final Inclusionary Housing Plan for each phase of the development. Phasing and other details regarding the number of market units and affordable units in each phase will be delineated in the Final Inclusionary Housing Plan and subsequently in one or more Inclusionary Housing Agreements (i.e., one Agreement per phase).

For-Sale Inclusionary Housing In-Lieu Fee

84. **Prior to recordation of the first phased Final Map or issuance of a building permit (including grading permits and demolition permits) for any portion of the residential development**, the For-Sale Inclusionary Housing In-Lieu Fee of \$24,200.22 shall be paid in full for the remaining fraction of required inclusionary units (0.55 of a unit). This in-lieu fee is non-refundable and non-transferrable.

Final Inclusionary Housing Plan

85. **Prior to the issuance of a building permit (including grading permits and demolition permits) for any portion of each phase of the residential development**, the Applicant shall submit a compliance review application for the execution of an Agreement and a Final Inclusionary Housing Plan for the review and approval of the Assistant Deputy Director of the Housing and Community Improvement Division of DCD. The Final Inclusionary Housing Plan shall provide the following information along with any information required by the County's Inclusionary Housing Ordinance for review and approval:

- A. A brief description of the residential development, including the number of market rate units and inclusionary units proposed, and the basis for the calculation of the number of units;
- B. The unit mix, location, structure type, and size (including number of bedrooms) of the market rate and inclusionary units. A site plan depicting the location of the inclusionary units shall be provided;
- C. The household income levels of the inclusionary units, which must be proportionate to the overall requirement
- D. Number of units in the phase of development.

There may be more than one Final Inclusionary Housing Plan based on the development of the homes on the site, and thus ultimately more than one Agreement.

86. **Prior to the issuance of building permits for each phase of development, or marketing of the inclusionary units, whichever occurs first**, the Applicant shall submit with their compliance review application a timeline and schedule for the development and marketing of the inclusionary units for each phase for the review and approval of the Housing and Community Improvement Division of DCD.

For-Sale Inclusionary Housing (Inclusionary Housing Agreement)

87. **Prior to the recordation of a Final Map or the issuance of a building permit (including grading permits) for any portion of the residential development, whichever occurs first**, the Applicant shall submit a compliance review application and request to begin the process for DCD to prepare and execute an Agreement for the PIHP (form to be provided by the County, substantially based on the approved Conditions) with the County pursuant to Chapter 822-4 to ensure that the proportionate amount of the thirty-three (33) of the approved units are affordable to and occupied by a “Moderate Income Household” and eight (8) of the approved units are affordable to and occupied by a “Lower Income Household” are incorporated and developed in each phase of the development. The Agreement for the PIHP shall include and address all information as required by Section 822-4.416 of the Inclusionary Housing Ordinance.

Pursuant to Chapter 822-4.402(b), the forty-one (41) inclusionary units in this development will be sold and occupied by lower income households and moderate income households as referenced above. The inclusionary units shall be deed restricted so that if the home is sold within three (3) years, it must be sold at an affordable sales price to a lower income household or moderate income household, depending on the lot designation upon initial sale. The forty-one (41) inclusionary units shall be deed restricted in order to ensure the continued affordability of this unit for at least three (3) years in accordance with Chapter 822-4 Inclusionary Housing Ordinance. The

inclusionary unit shall be developed with the standards and restrictions in accordance with Chapter 822-4 of the County Ordinance Code.

Restrictions

For purposes of this condition, the following definitions apply:

- A. Inclusionary Unit - means a for-sale unit that is required to be sold at an affordable sales price to the households specified in Section 822-4.402 under the terms and conditions of Section 822-4.410(b).
- B. Lower Income Households - Households whose income does not exceed the lower income limits applicable to Contra Costa County, adjusted for household size, as published and periodically updated by the State Department of Housing and Community Development pursuant to Health and Safety Code Section 50079.5.
- C. Moderate Income Households – Households earning up to 120 percent of the area median income for Contra Costa County as adjusted for family size as defined in Section 50093 of the California Health & Safety Code.
- D. Affordable Sales Price - means a sales price at which a lower income household, or a moderate income households can afford to purchase an inclusionary unit, calculated using the cost formula herein for lower income households and moderate income households, and taking into account reasonable down payment, actual household size, and other ownership housing costs described in California Code of Regulations, Title 25, Section 6920.

The affordable housing cost is calculated by DCD using the following formula: for lower income households, a product of forty (40) percent of seventy (70) percent of area median income adjusted for family size; and for moderate income households, a product of forty (40) percent of one hundred ten (110) percent of area median income adjusted for family size.

Affordable Sales Price shall not exceed the market price, which may be determined by an independent appraisal.

- a. Sale price calculations will take into account unit size and family size.
- b. The sales price calculation shall also take into account Anticipated Financing so that Housing Costs do not exceed the limits.

“Anticipated Financing” means private mortgage financing at current interest rates and terms. Anticipated Financing may include approved public agency down payments or second mortgage grants and loans.

“Housing Costs” include mortgage principal and interest, property insurance, property taxes, homeownership association dues, and expected utility costs.

General

88. The following are general terms for the for-sale inclusionary units.

- A. The Applicant hereby represents, warrants, and covenants that it will cause the Agreements to be recorded in the real property records of Contra Costa County, California, and in such other places as the County may reasonably request. The Applicant shall pay all fees and charges incurred in connection with any such recording. The recording of the Agreements shall occur after the acceptance of the document by the County and prior to the recordation of a Final Map or the issuance a building permit, whichever occurs first, for the PIHP Agreement; and prior to the issuance of a building permit for each subsequent Agreement for each phase of development.
- B. The County will provide to the Applicant income certification forms to be completed by the potential homebuyers. The income levels of all lower income household and moderate income household applicants for units in the project shall be certified **prior to sale and initial occupancy**. The owner’s occupancy of the inclusionary units shall be initially certified by the Applicant (or subsequent holder of the Agreement(s)) and annually thereafter by the Homeowner, and **records shall be submitted to the County over the term of the period of affordability**.
- C. For-Sale Inclusionary Unit Restrictions.
 - a. The initial sale of a for-sale inclusionary unit shall occur only to a household that meets the following criteria:
 - i. The household has not owned a residence within the previous three years;
and
 - ii. The household has no more than two hundred fifty thousand dollars in assets. This amount excludes assets reserved for a down payment and closing costs, assets in retirement savings accounts, and assets in medical savings accounts.
 - b. The initial purchaser of a for-sale inclusionary unit must agree to occupy the dwelling unit as the principal residence for at least three years.

- c. A for-sale inclusionary unit may be resold after the initial sale to an above-moderate income purchaser and at a market price, provided that the sale results in a recapture by the county of a financial interest in the unit equal to the sum of:
 - i. The difference between the initial affordable sales price and the appraised market value of the unit at the time of the initial sale; and
 - ii. The county's proportionate share of any appreciation since the time of the initial sale. Appreciation is the difference between the resale price to the above-moderate income purchaser and the appraised market value at the time of the initial sale. The county's proportionate share of appreciation is equal to the percentage by which the initial affordable sales price was less than the appraised market value at the time of the initial sale.

- D. The 41 inclusionary units in the project shall be available for sale to members of the general public who are income eligible. The Applicant shall not give preference to any particular class or group of persons in owning the units, except to the extent that the units are required to be sold to lower income households and moderate income households. There shall be no discrimination against or segregation of any person or group of persons, on account of race, color, creed, religion, sex, sexual orientation, marital status, national origin, source of income (e.g., SSI), age (except for lawful senior housing), ancestry, or disability, in the sale of any unit in the project nor shall the Applicant or any person claiming under or through the Applicant, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy of owners of any unit or in connection with employment of persons for the construction of the project.

- E. In addition to any other marketing efforts, the lower income units and moderate income units shall be marketed through local non-profit, social service, faith-based, and other organizations that have potential clients or constituents. The Applicant shall translate marketing materials into Spanish and Chinese. **A copy of the translated marketing materials and marketing plan shall be submitted to DCD for review prior to the marketing of the inclusionary units for each phase of development.**

Marketing may also include publicity through local television and radio stations as well as local newspapers including the East Bay Times, Classified Flea Market, El Mensajero, Thoi Bao Magazine, Berkeley/Richmond/San Francisco Posts (Post News Group), Korea Times, El Mundo, Hankook Ilbo, and the Sing Tao Daily.

- F. Upon violation of any of the provisions of the Agreement by the Applicant, the County may give written notice to the Applicant specifying the nature of the violation. If the violation is not corrected to the satisfaction of the County within a

reasonable period of time, not longer than thirty (30) days after the date the notice is deemed received, or within such further time as the County determines is necessary to correct the violation, the County may declare a default under this Agreement. Upon declaration of a default or if the County determines that the Applicant has made any misrepresentation in connection with receiving any benefits under this Agreement, the County may apply to a court of competent jurisdiction for such relief at law or in equity as may be appropriate.

Development Standards

89. The inclusionary units are subject to the standards of Section 822-4.412 of the County Ordinance.
- a. Inclusionary units must be dispersed throughout the residential development and have the same access to all on-site amenities that are available to market rate units.
 - b. The construction quality and exterior design of inclusionary units must be comparable to the market rate units. However, inclusionary units may be smaller in size, developed on smaller lots, and have alternative interior finishes.
 - c. The average number of bedrooms for all inclusionary units must be equivalent to the average number of bedrooms for market rate units within the same residential development.
90. All inclusionary units in each phase of the development must be constructed and occupied prior to or concurrently with the market rate units within the same residential development.

Reporting and Compliance Review

91. **Prior to the initial occupancy of each inclusionary unit**, the Applicant shall submit to the Department of Conservation and Development, for review and approval, a compliance review application and fee accompanied by forms and documentation that demonstrates the owners of the inclusionary units are qualified as a lower income household or a moderate income household. To comply with the provisions for enforcing the construction and occupancy standards of the Inclusionary Housing Ordinance, **a hold shall be placed on the final inspection of the building permits issued for the development** until the documentation has been deemed adequate by the Housing and Community Improvement Division of DCD.
92. **Prior to the sale of any portion of the development, recordation of a Final Map or issuance of building permits, whichever occurs first**, the Applicant shall provide to DCD the name of the owner or designee who is responsible for permit compliance with this

entitlement and their contact information (i.e., local mailing address, email addresses, and telephone number) until the development has been completed.

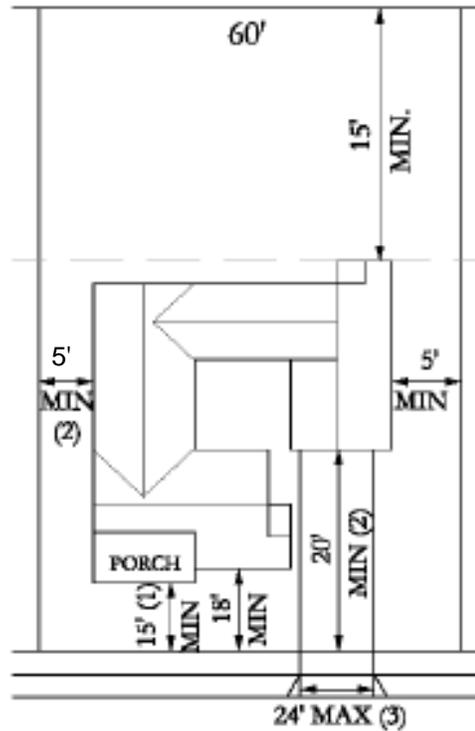
Should the contact subsequently change (e.g., new designee or owner), within 30 days of the change, the Applicant shall issue a letter to DCD with the name of the new party who has been assigned permit compliance responsibility and their contact information.

PANTAGES DESIGN STANDARDS

Setbacks for Pantages Lots

- A. Each lot shall have a minimum front yard setback of 20' from the right-of-way to the garage face. (Note: the sidewalk is within the right-of-way and shall be excluded when calculating front yard setbacks.) All porches shall have a minimum 15' setback from the right-of-way to the porch. All side entry garages shall have a minimum 18' setback from the right-of-way to the garage. For all 60' corner lots, the primary setback (front yard) shall be 20', the secondary setback shall be 10'.
- B. The minimum rear yard setback shall be 15' from the house to the rear property line.
- C. For 60' minimum-wide lots (Figure 1), the minimum side setbacks shall be 5' on both sides, for a 10' aggregate side yard setback.
- D. Contra Costa County Zoning Code R-6 as it may be amended shall apply for additional requirements not specified within standards.

TYPICAL MINIMUMS
60' MIN.-WIDE LOT
100' MIN.-DEEP LOT



- (1) FOR PORCH OR SIDE-ENTRY GARAGE ONLY.
- (2) CORNER LOTS MUST HAVE A MINIMUM PRIMARY SETBACK (FRONT YARD) OF 20' AND A SECONDARY SETBACK OF 10'.
- (3) OR 2 - 16' APRONS FOR CIRCULAR DRIVEWAY.

Figure 1
60' Minimum-Wide Lots

Lots That Back Up to Main (South) Lake and Kellogg Creek

- A. A 6' high (typical) solid wood fence shall be installed along the lot side yards. An open view fence (i.e., rot iron or similar), maximum 6' in height, may be installed along the rear of the lot.

Driveways

- A. The maximum single driveway apron width shall be 24'.
- B. Two 16'-driveway aprons are permitted if a circular driveway is installed in lieu of a single driveway apron.
- C. For all lots, a maximum three-car garage façade is allowed to face the street. The three-car garage layout shall be either one two-car bay and single one-car bay, or three one-car bays. A two-car bay with a tandem parking space to allow 3 cars to park in the two-car bay is allowed.

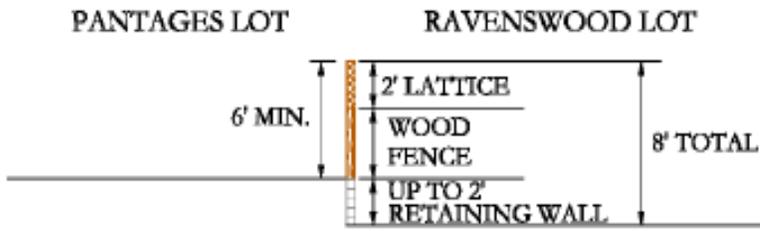
Special Requirements for Lots Adjacent to the Ravenswood Subdivision on the Western Boundary of Pantages

- A. The following numbered lots, as shown on the "Vesting Tentative Map, February 2020," shall have a maximum single-story height of 25': Lots 127, 128, 131, 132, 135 and 136. A home on any of these lots must be either one story or, at the option of the owner, include a two-story element in the front half of the house with a maximum height of 33'.
- B. Lots not listed in Item A that abut Ravenswood shall have a maximum home height of 33' instead of the R-6 zoning standard of 35'.
- C. Lot pad grades shall be a maximum of 2' higher or 2' lower than the adjacent lot within the Ravenswood Subdivision (difference in height will be addressed by a retaining wall at the rear of the lot).
- D. All new fences at the end of the rear yards shall appear uniform at the top in height from yard to yard. Within the top of each new fence there shall be included 2' of lattice. If there is a retaining wall located at the rear of a higher Pantages lot, on which the wood fence is constructed, the wall is considered part of the fence height. (In that example, if there is a 2' retaining wall, the wood element of the fence will be comprised of 4' of solid wood and 2' of lattice on top, so that from the higher Pantages lot side of the retaining wall, the wood fence will appear 6' in height and from the lower Ravenswood lot side it will appear 8' in height).

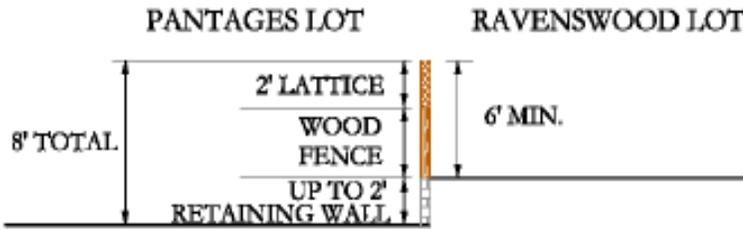
If the Pantages lot is lower than the adjoining Ravenswood lot, then there will be the opposite effect as described above. For example, if there is a 1' retaining wall, the wood fence element will be comprised of 4' of solid wood and 2' of lattice, so that from the lower Pantages lot the retaining wall/fence will appear 7' in height and from the higher Ravenswood lot side, it will appear 6' in height.

See Figure 2 for retaining wall/wood fence with lattice work illustrations.

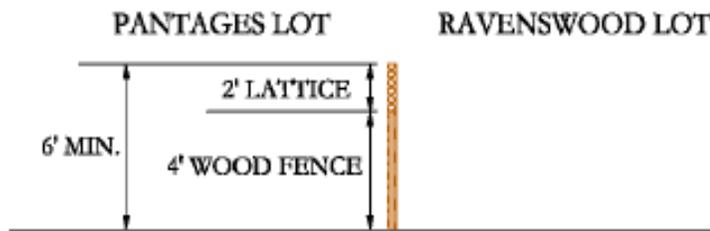
- E. If a new fence does not replace the existing fence at the rear property line of a particular adjoining Ravenswood lot because that owner declines to do so, then the new fence shall be built within the adjoining Pantages lot(s). That fence shall be of same uniform height at the top as the rest of the new fences along or on the rear property lines of those Pantages lots that adjoin Ravenswood lots.



(a) Pantages Lot Higher than Ravenswood Lot



(b) Pantages Lot Lower than Ravenswood Lot



(c) Pantages Lot Even with Ravenswood Lot

Figure 2
Adjoining Pantages & Ravenswood Lots

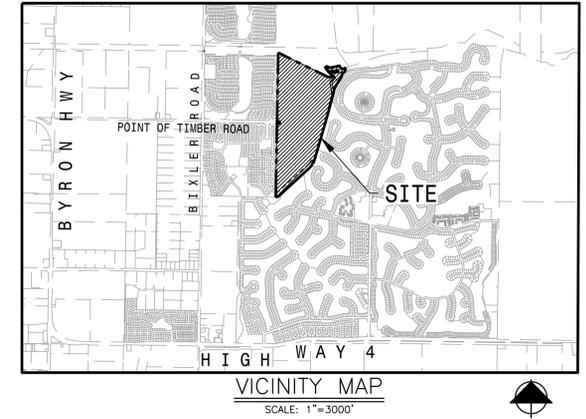
SUBDIVISION 9527

SECOND MODIFICATION TO THE 2013 FINAL DEVELOPMENT PLAN AND VESTING TENTATIVE MAP (SUBDIVISION 9010), APPROVED SUBMITTAL SHEETS FOR THE PANTAGES BAYS RESIDENTIAL DEVELOPMENT PROJECT

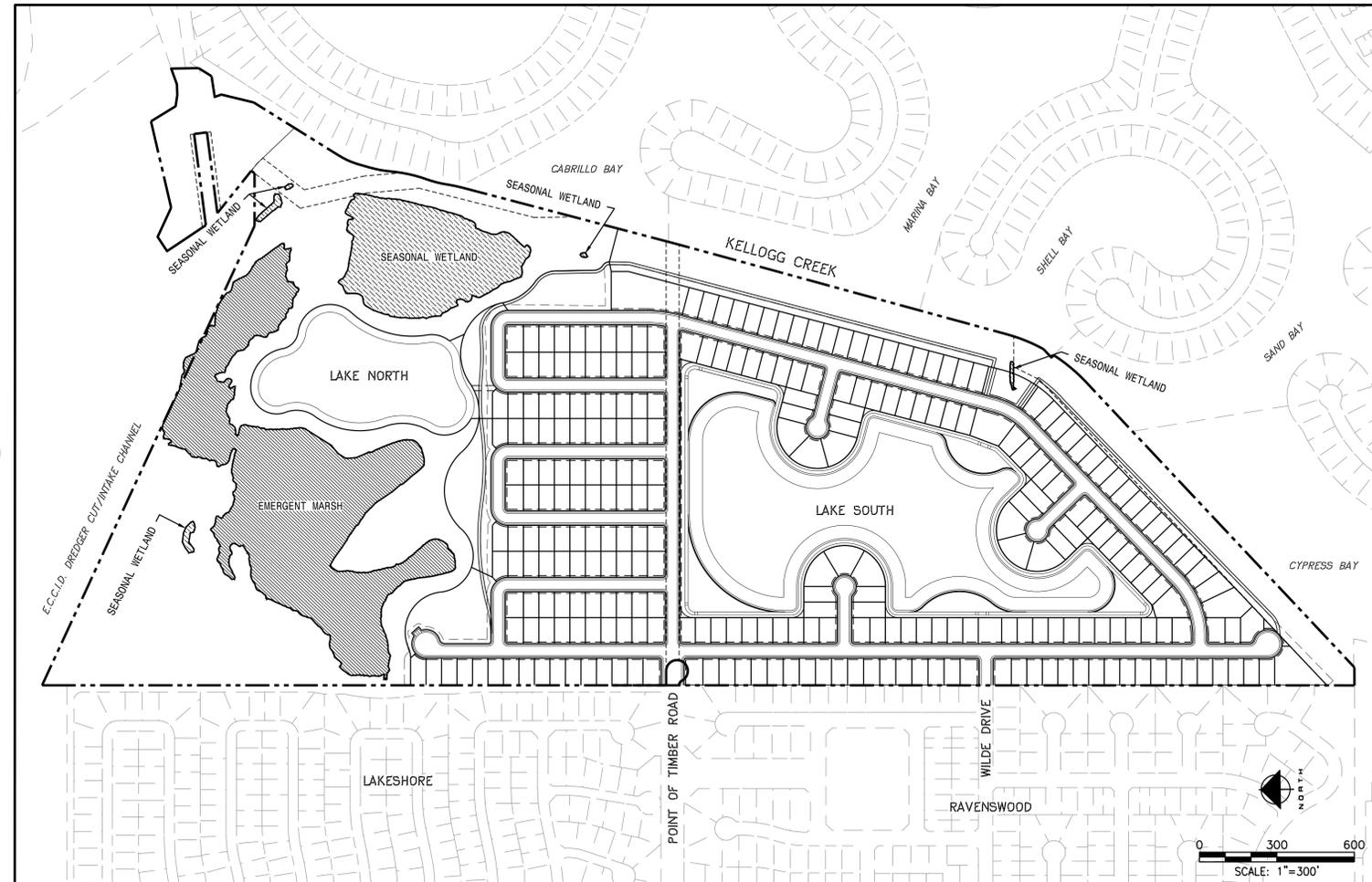
SE 1/4 SECTION 22, T.1 N., R. 3E., &
NE 1/4 SECTION 26, T. 1 N., R. 3E., M.D.B. & M
CONTRA COSTA COUNTY AT
DISCOVERY BAY, CALIFORNIA
FEBRUARY 2020

RECEIVED on 02/25/2020 SD19-9527
By Contra Costa County
Department of Conservation and Development

Revised VTM



EXISTING	PROPOSED	DESCRIPTION
---	---	PROPERTY LINE / BOUNDARY
---	---	RIGHT OF WAY
---	---	CENTERLINE
---	---	FACE OF CURB
---	---	SIDEWALK
---	SS	SANITARY SEWER & MANHOLE
---	SD	STORM DRAIN & INLET
---	---	STORM MANHOLE
---	---	WATER LINE
---	---	JOINT TRENCH (E=ELECTRIC, G=GAS, T=TELEPHONE, C=CABLE)
---	---	FIRE HYDRANT
---	---	EASEMENT LINE SEE CALL OUTS FOR TYPE
---	---	EXISTING CONTOUR
---	---	EXISTING TREE/BRUSH
---	---	EXISTING SPOT ELEVATION
---	---	DRAINAGE ROUTE
---	---	RETAINING WALL PER HEIGHTS/GRADE SHOWN
---	B	SECTION PER LOCATIONS SHOWN
---	---	STORM CDS UNIT
---	---	STORM OR SANITARY SEWER PUMPS
---	SDFM	STORM DRAIN FORCEMAIN
---	---	APPROXIMATE EXISTING EDGE OF WATER
---	---	50' SETBACK FROM EDGE OF EXISTING WETLAND
---	---	TOE OF SLOPE (CONFORM LINE)



BENCHMARK

BRASS DISK STAMPED "PT 49 LS 5672 1990" NGS PID DE8501. FOUND AT THE SOUTHWEST CORNER OF THE INTERSECTION OF POINT OF TIMBER ROAD AND BIXLER ROAD 2.3' SOUTHEAST OF A YELLOW CARSONITE WITNESS POST. NGVD29 ELEV. = 13.14' (VERTCON ADJUSTED FROM NAVD88 ELEV. = 15.5')

BASIS OF BEARINGS:

THE BEARING OF NORTH 88°59'27" WEST BETWEEN FOUND MONUMENTS ON POINT OF TIMBER ROAD, AS SHOWN ON SUBDIVISION 8710, FILED IN BOOK 485, AT PAGES 1 THROUGH 15, CONTRA COSTA COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS SHOWN HEREON.

SHEET INDEX	
SHEET	DESCRIPTION
1	COVER SHEET
2	EXISTING CONDITIONS AND BOUNDARY
3	PARCEL LAYOUT PLAN (NORTH)
4	PARCEL LAYOUT PLAN (SOUTH)
5	UTILITY PLAN (NORTH)
6	UTILITY PLAN (SOUTH)
7	STREET CROSS SECTIONS
8	PRELIMINARY GRADING PLAN (NORTH)
9	PRELIMINARY GRADING PLAN (SOUTH)
10	PRELIMINARY GRADING SECTIONS
11	LAKE PLAN
12	TRAILS, PARKS & OPEN SPACE
13	PRELIMINARY PHASING PLAN
14	STORMWATER QUALITY PLAN

GENERAL NOTES:

- PROPERTY OWNER:
C & D DISCOVERY BAY, LLC
AND WATERFRONT LOTS, LLC
16795 LARK AVE, SUITE 106
LOS GATOS, CA 95032
- APPLICANT/DEVELOPER:
DEVELOPER: PANTAGES AT DISCOVERY BAY, LLC
CONTACT: TREVOR SMITH
16795 LARK AVE, SUITE 106
LOS GATOS, CA 95032
PHONE: (209) 662-5098
E: TSMITH@LAZARESCOMPANIES.COM
- CIVIL ENGINEER: MACKAY & SOMPS CIVIL ENGINEERS, INC.
CONTACT: JACQUELYN BAYS
5142 FRANKLIN DRIVE, SUITE B
PLEASANTON, CA 94588
PHONE: (925) 225-0690
E: JBAYS@MSCE.COM
- SOILS ENGINEER: ENGEQ INCORPORATED
CONTACT: STEVE HARRIS
17278 GOLDEN VALLEY PARKWAY
LATHROP 95330
PHONE: (209) 835-0610
E: SHARRIS@ENGEQ.COM

- WETLAND CONSULTANT: MADRONE ECOLOGICAL CONSULTING
CONTACT: GINGER FODGE
8421 AUBURN BLVD., SUITE 248
CITRUS HEIGHTS, CA 95610
PHONE: (916) 822-3230
- ENVIRONMENTAL CONSULTANT: STILLWATER SCIENCES
CONTACT: SCOTT WILCOX
279 COUSTEAU PLACE, SUITE 400
DAVIS, CA 95618
PHONE: (530) 756-7550
E: SCOTT@STILLWATERSCI.COM
- ASSESSOR'S PARCEL NUMBER:
004-010-006-7, 004-032-005-3, 004-032-006-1,
004-032-007-9, 004-032-062-4, 011-220-010-0,
011-220-017-5, 011-220-018-3, 011-230-006-6,
011-230-007-4,
- EXISTING USE:
VACANT
- PROPOSED USE:
RESIDENTIAL (SINGLE FAMILY DETACHED)
- EXISTING ZONING:
P-1, UE
- PROPOSED ZONING:
P-1

- SITE AREA:
162.0 ACRES ± (GROSS)
- TOTAL NUMBER OF PROPOSED UNITS:
TOTAL NUMBER OF LOTS: 295
TOTAL RESIDENTIAL LOTS: 277
- WATER SUPPLY:
TOWN OF DISCOVERY BAY
- SANITARY SEWER DISPOSAL:
TOWN OF DISCOVERY BAY
- GAS AND ELECTRIC:
PACIFIC GAS & ELECTRIC
- STORM DRAIN:
CONTRA COSTA COUNTY
- TELEPHONE:
AT&T
- CABLE:
COMCAST
- FIRE PROTECTION:
EAST CONTRA COSTA FIRE PROTECTION DISTRICT
- FEMA
FEMA'S FLOOD INSURANCE RATE MAP, CONTRA COSTA
COUNTY, CALIFORNIA - MAP NUMBER 06013C0386F - PANEL

- 386 OF 802 (EFFECTIVE DATE: JUNE 16, 2009) SHOWS:
ZONE AE: BASE FLOOD ELEVATION DETERMINED. ELEVATION
10 (NAVD 88) - ELEV 7.6 (NGVD 29)
- ZONE A: NO BASE FLOOD ELEVATIONS DETERMINED. SEE
AREA AT ENTRYWAY OF POINT OF TIMBER ROAD.
- DEVELOPMENT AREA TO BE REMOVED FROM FLOOD PLAN
BASED ON FILL.
- ALL STREETS TO BE PUBLIC. (CONTRA COSTA COUNTY)
 - STORM WATER QUALITY IMPROVEMENTS SHALL BE DESIGNED
PER BAY AREA MUNICIPAL REGIONAL PERMIT AND CONTRA
COSTA CLEAN WATER PROGRAM STORM WATER C3 GUIDEBOOK FOR
TREATMENT ONLY. HYDROMODIFICATION NOT REQUIRED PER
PANTAGES BAYS EIR CHAPTER 4.9.
 - ALL EXISTING STRUCTURES WITHIN THE DEVELOPMENT
FOOTPRINT TO BE REMOVED.
 - ALL EXISTING SEPTIC SYSTEMS, LEACH FIELDS AND
WATER WELLS TO BE ABANDONED PER COUNTY REQUIREMENTS.
 - ALL EXISTING OVERHEAD UTILITIES TO BE REMOVED OR
UNDERGROUND.
 - THE PROJECT WILL BE PHASED. MULTIPLE FINAL MAPS
MAY BE FILED ON THE LANDS SHOWN ON THIS VESTING
TENTATIVE MAP. IN ACCORDANCE WITH ARTICLE 4, SECTION
66.456.1 OF THE SUBDIVISION MAP ACT.

- UTILITY IMPROVEMENTS SHALL BE OWNED & MAINTAINED BY
THE FOLLOWING.
WATER: TOWN OF DISCOVERY BAY
SEWER: TOWN OF DISCOVERY BAY
STORM DRAIN: CONTRA COSTA COUNTY
- SEA LEVEL RISE MITIGATION PER PANTAGES BAYS EIR:
HYD-3A: THE FINAL MAP AND IMPROVEMENT PLANS,
INCLUDING GRADING PLANS SHALL INCLUDE, AT
MINIMUM, A FINISHED FLOOR ELEVATION OF
RESIDENTIAL UNITS AT 14.1 FEET (NGVD29)
HYD-3B: THE FINAL MAP AND IMPROVEMENT PLANS,
INCLUDING GRADING PLANS SHALL INCLUDE, AT
MINIMUM, A FINISHED STREET LEVEL ELEVATION
OF 12.1 FEET (NGVD29)

COVER SHEET

DATE: FEBRUARY 2020
 SCALE: AS SHOWN
 DRAWN BY: NTS
 DESIGNED BY: JCB
 CHECKED BY: CTR
 NO. _____
 REVISION _____
 DATE _____

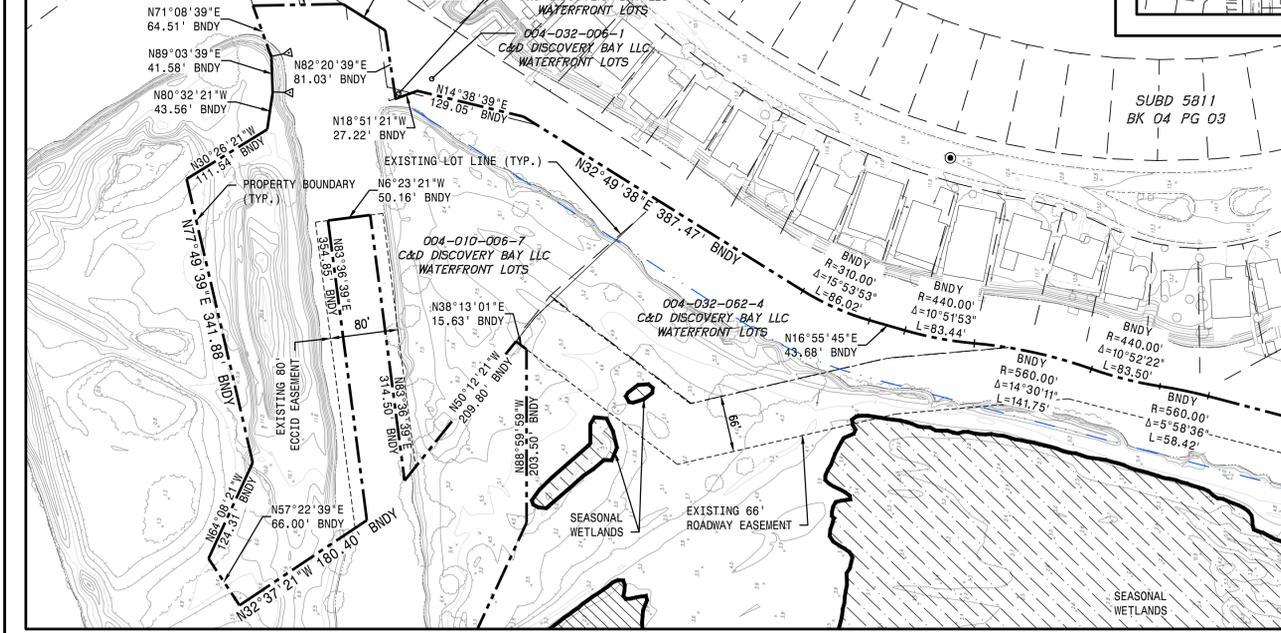
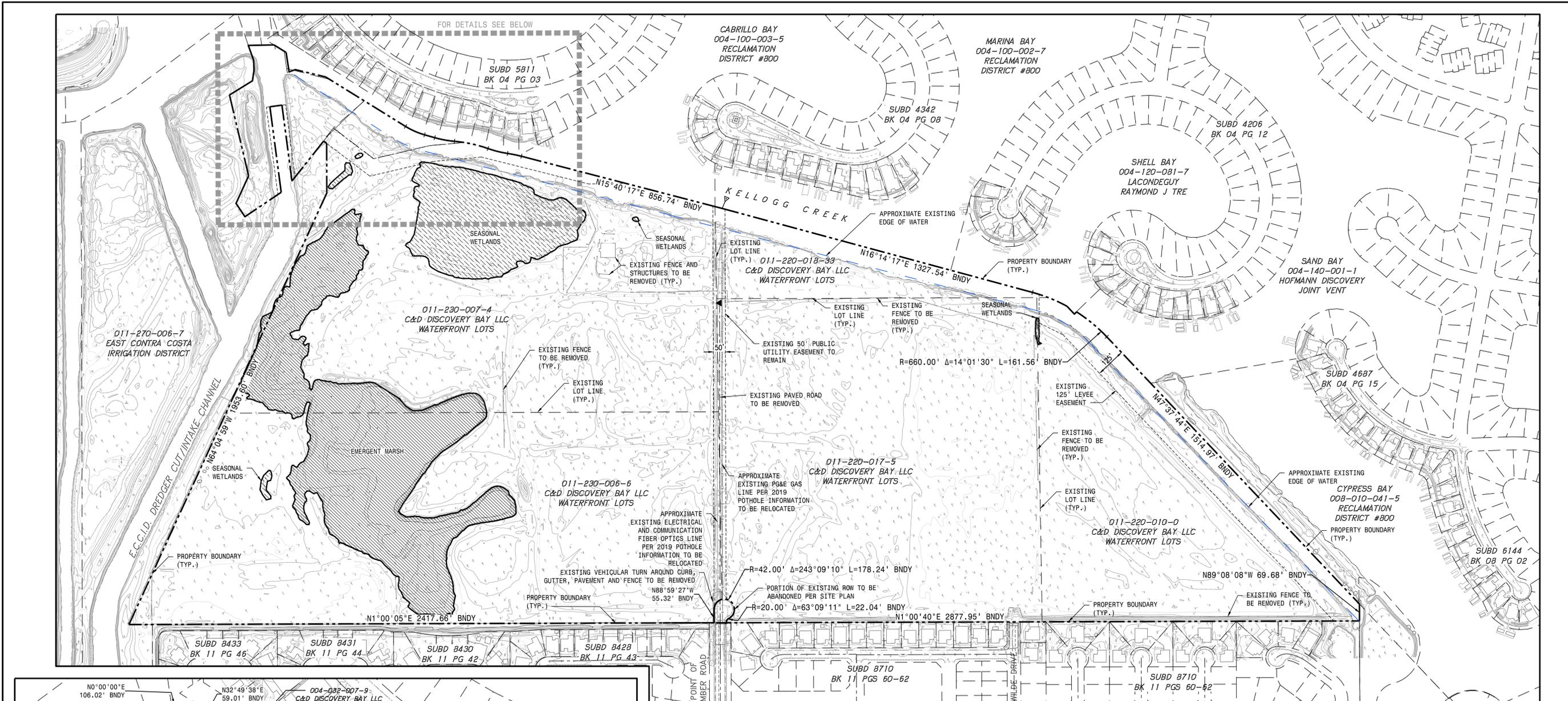
MACKAY & SOMPS
 CIVIL ENGINEERS
 5142 FRANKLIN DR., PLEASANTON, CA 94588
 (925) 225-0690
 WWW.MACKAYANDSOMPS.COM

PLANS PREPARED UNDER THE DIRECTION OF:
 JAMES F. TEMPLETON JR.
 RCE # 43061
 CALIFORNIA

PANTAGES SUBDIVISION PROJECT
 VESTING TENTATIVE MAP
 TOWN OF DISCOVERY BAY

PROJECT NO.
 19977.000

SHT
 OF 14
C1



LEGEND

EXISTING	PROPOSED	DESCRIPTION
---	---	PROJECT BOUNDARY
---	---	RIGHT-OF-WAY
---	---	LOT LINE
---	---	APPRX. EDGE OF WATER
---	---	EASEMENT (SEE PLAN VIEW CALL OUTS FOR TYPE)
---	---	SPOT SHOT
---	---	BUILDING LINE
---	---	CONTOUR
---	---	FENCE
---	---	BRUSH
---	---	CURB
---	---	SIDEWALK OR MULTIUSE PATH
---	---	SEASONAL WETLAND EXTENTS
---	---	EMERGENT MARSH EXTENTS

- NOTES:**
- EXISTING FIBER OPTICS, ELECTRIC AND GAS LINE UTILITIES IN POINT OF TIMBER ROAD SHOWN BASED ON POT HOLE INFORMATION PROVIDED BY GOODFELLOW BROTHERS OCTOBER 2019 AND RECORD DRAWING INFORMATION FROM PG&E AND AT&T. EXISTING LINES ARE UNDERSTOOD TO RUN UNDER KELLOGG CREEK AND SERVE EXISTING AREAS OF DISCOVERY BAY. EXISTING LINES WILL BE RELOCATED AS SHOWN ON PRELIMINARY UTILITY PLAN IN ORDER TO MAINTAIN EXISTING SERVICE.
 - ALL EXISTING STRUCTURES AND/OR FENCES WITHIN THE DEVELOPMENT AREA TO BE REMOVED.
 - SEASONAL WETLANDS AND EMERGENT MARSH INFORMATION PROVIDED BY MADRONE ECOLOGICAL CONSULTING PRELIMINARY UTILITY PLAN IN ORDER TO MAINTAIN EXISTING SERVICE.
 - BOUNDARY AND EASEMENTS PER PRELIMINARY TITLE REPORT BY FIRST AMERICAN TITLE COMPANY DATED OCTOBER 25, 2019. FILE NUMBER 0131-623175ALA
 - ALL TREES TO BE REMOVED WITHIN DEVELOPMENT FOOTPRINT UNLESS OTHERWISE NOTED.
 - AERIAL TOPO FLOWN BY GEOMAPS SEPTEMBER 2019 (NGVD 29). CONTOUR INTERVAL IS 1 FOOT.

PANTAGES SUBDIVISION PROJECT
VESTING TENTATIVE MAP

TOWN OF DISCOVERY BAY CALIFORNIA

PLANS PREPARED UNDER THE DIRECTION OF:
JAMES F. TEMPLETON JR. RCE # 43061

MACKAY & SOMPS
MACKAY & SOMPS, INC. 15101 TOWNLINE DR., RECLAMATION, CA 94588 (925)222-9000
PROFESSIONAL SEAL AND LICENSE NO. 45427

DATE:	FEBRUARY 2020
SCALE:	AS NOTED
DRAWN BY:	NTB
DESIGNED BY:	JOB
CHECKED BY:	CTB
REVISION:	
NO.	
DATE	

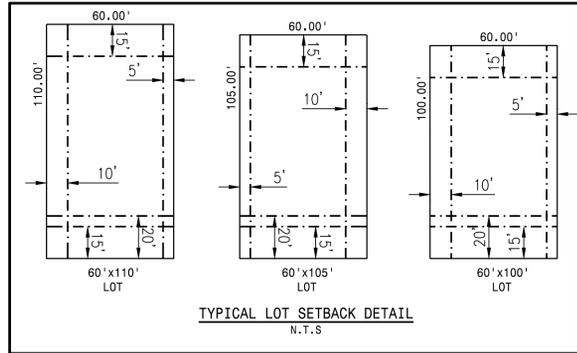
PROJECT NO.
19977.000

SHT
C2
OF 14

EXISTING CONDITIONS AND BOUNDARY

LEGEND

EXISTING	PROPOSED	DESCRIPTION
---	---	PROJECT BOUNDARY
---	---	RIGHT-OF-WAY
---	---	LOT LINE
---	---	APPRX. EDGE OF WATER
---	---	EASEMENT (SEE PLAN VIEW CALL OUTS FOR TYPE)
---	---	SEASONAL WETLAND EXTENTS
---	---	EMERGENT MARSH EXTENTS



- NOTES:
- TYPICAL LOT SETBACKS COMPLY WITH THE SETBACKS DESCRIBED IN THE PREVIOUSLY APPROVES 'PANTAGES BAYS DESIGN STANDARDS FOR PROPOSED MODIFICATION'
 - FRONT YARD SETBACK 20' TO GARAGE 15' TO PORCH

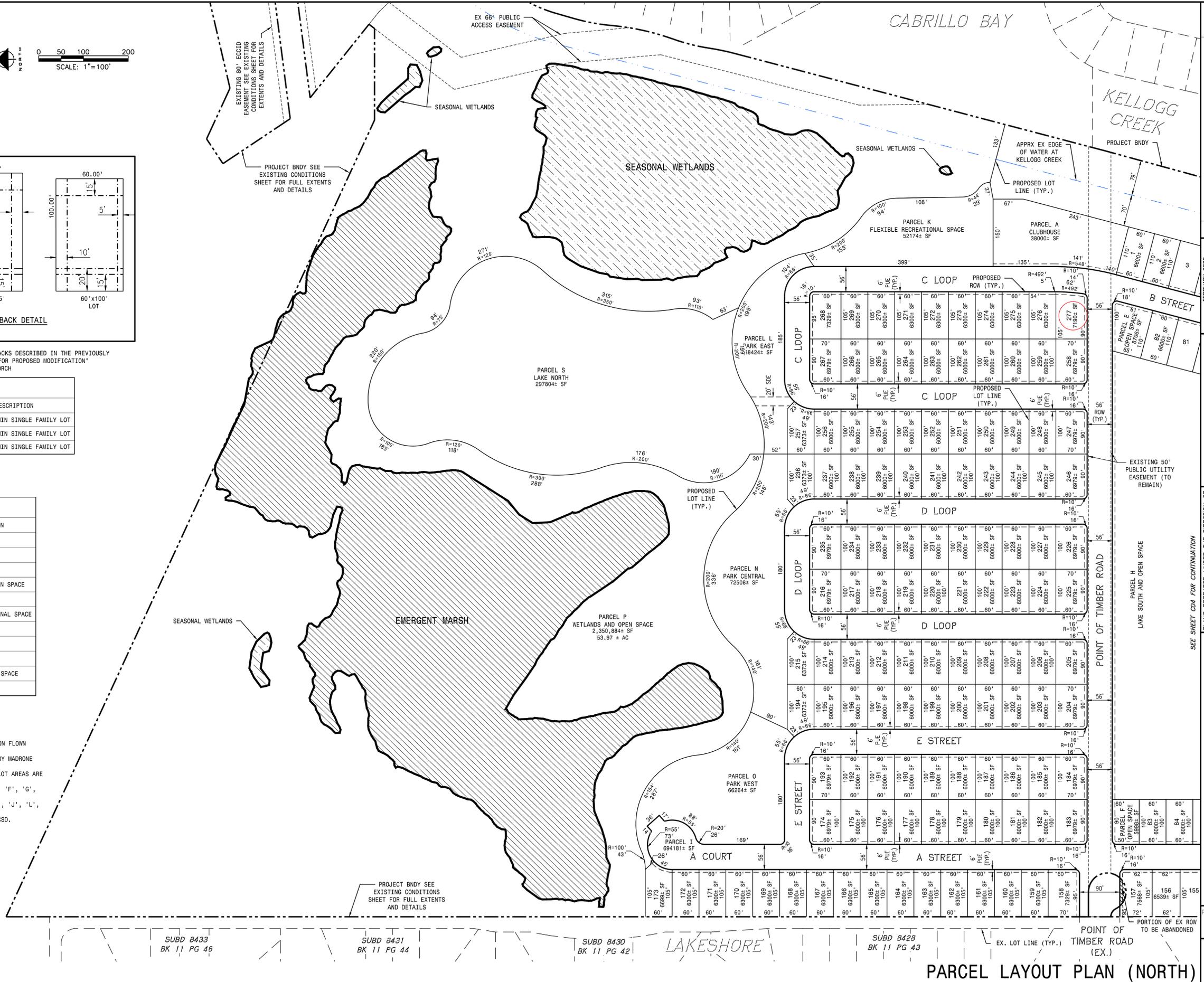
LOT AREA TABLE

LOT #	AREA (AC.)	AREA (SF.)	DESCRIPTION
1-82	0.15 MIN.	6,600 MIN.	60' x 110' MIN SINGLE FAMILY LOT
121-172	0.14 MIN.	6,300 MIN.	60' x 105' MIN SINGLE FAMILY LOT
83-120;173-266;276	0.14 MIN.	6,000 MIN.	60' x 100' MIN SINGLE FAMILY LOT

PARCEL AREA TABLE

PARCEL #	AREA (AC.)	AREA (SF)	DESCRIPTION
PARCEL A	0.87	38,000	CLUBHOUSE
PARCEL E	0.20	8,706	OPEN SPACE
PARCEL F	0.14	5,998	OPEN SPACE
PARCEL H	23.23	1,011,796	LAKE SOUTH AND OPEN SPACE
PARCEL I	15.94	694,181	STREET ROW
PARCEL K	1.20	52,174	FLEXIBLE RECREATIONAL SPACE
PARCEL L	0.88	38,424	PARK EAST
PARCEL N	1.66	72,508	PARK CENTRAL
PARCEL O	1.52	66,264	PARK WEST
PARCEL P	53.97	2,350,884	WETLANDS AND OPEN SPACE
PARCEL S	6.84	297,804	LAKE NORTH

- NOTES:
- APPROXIMATE EXISTING EDGE OF WATER AT KELLOGG CREEK BASED ON FLOWN AERIAL TOPOGRAPHY BY GEOMAPS SEPTEMBER 2019
 - SEASONAL WETLANDS AND EMERGENT MARSH INFORMATION PROVIDED BY MADRONE ECOLOGICAL CONSULTING
 - LOT DIMENSIONS ARE APPROXIMATE AND SHOWN TO NEAREST FOOT. LOT AREAS ARE APPROXIMATE AND SHOWN TO THE NEAREST SQUARE FOOT.
 - PROPOSED STORM DRAIN EASEMENTS (SDE) OVER PARCELS 'D', 'E', 'F', 'G', 'H', 'M' AND 'S' (LAKES & OPEN SPACES) TO COUNTY.
 - PROPOSED PUBLIC ACCESS EASEMENT (PAE) OVER PARCELS 'B', 'D', 'J', 'L', 'N', 'O', AND 'Q' (OPEN SPACES).
 - PROPOSED SANITARY SEWER EASEMENT (SSE) OVER PARCEL 'R' TO CSD.



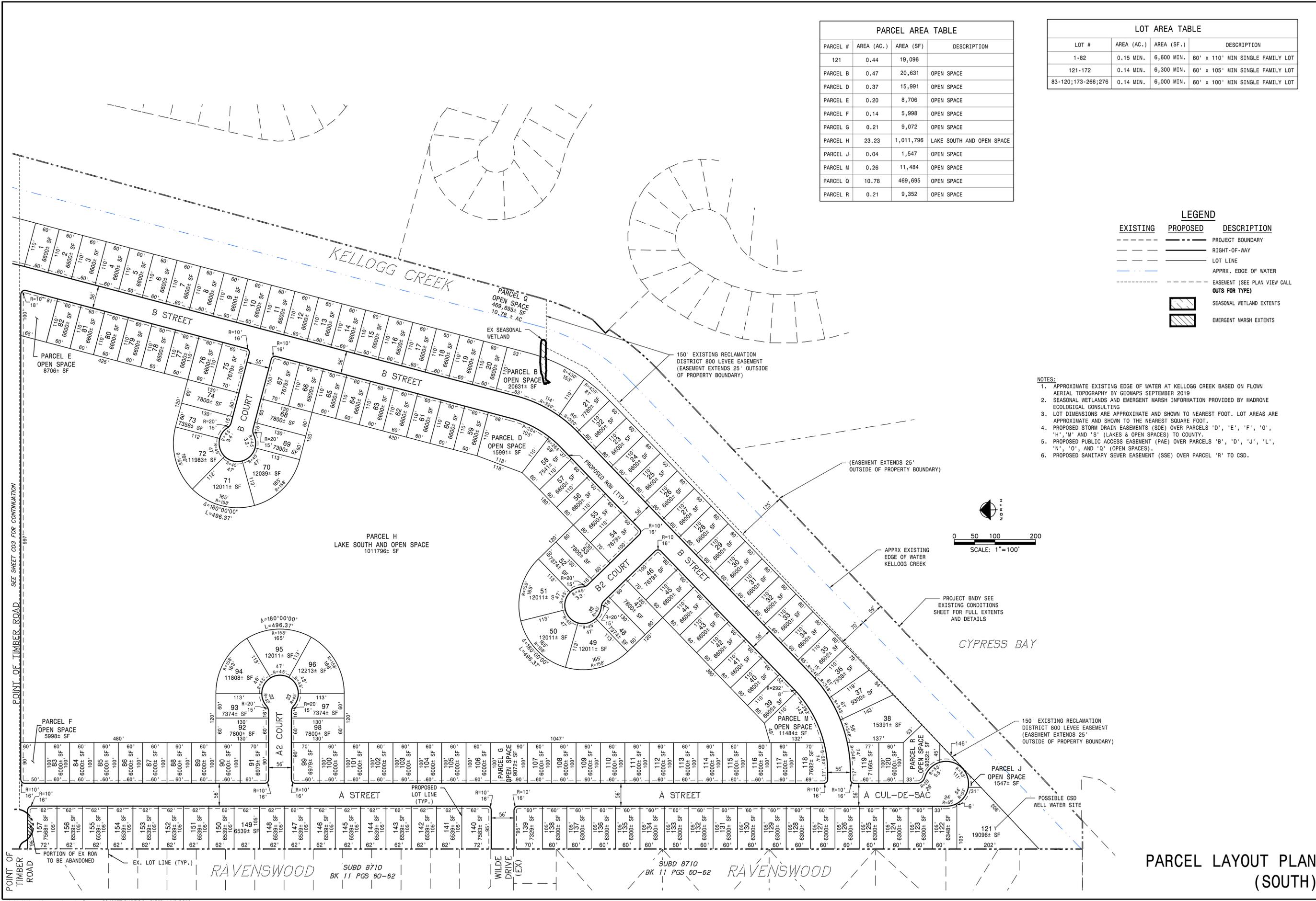
PARCEL LAYOUT PLAN (NORTH)

DATE: FEBRUARY 2020
 SCALE: 1"=100'
 DRAWN BY: [Name]
 DESIGNED BY: [Name]
 CHECKED BY: [Name]

MAGKAY & SOMPS
 5128 FARMER DR. PLEASANTON, CA 94568 (925)222-9999
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PLANS PREPARED UNDER THE DIRECTION OF:
 JAMES F. TEMPLETON JR. RCE # 43061
 CALIFORNIA

TOWN OF DISCOVERY BAY
 PROJECT NO. 19977.000
 SHEET C3 OF 14



PARCEL AREA TABLE			
PARCEL #	AREA (AC.)	AREA (SF)	DESCRIPTION
121	0.44	19,096	
PARCEL B	0.47	20,631	OPEN SPACE
PARCEL D	0.37	15,991	OPEN SPACE
PARCEL E	0.20	8,706	OPEN SPACE
PARCEL F	0.14	5,998	OPEN SPACE
PARCEL G	0.21	9,072	OPEN SPACE
PARCEL H	23.23	1,011,796	LAKE SOUTH AND OPEN SPACE
PARCEL J	0.04	1,547	OPEN SPACE
PARCEL M	0.26	11,484	OPEN SPACE
PARCEL Q	10.78	469,695	OPEN SPACE
PARCEL R	0.21	9,352	OPEN SPACE

LOT AREA TABLE			
LOT #	AREA (AC.)	AREA (SF.)	DESCRIPTION
1-82	0.15 MIN.	6,600 MIN.	60' x 110' MIN SINGLE FAMILY LOT
121-172	0.14 MIN.	6,300 MIN.	60' x 105' MIN SINGLE FAMILY LOT
83-120;173-266;276	0.14 MIN.	6,000 MIN.	60' x 100' MIN SINGLE FAMILY LOT

LEGEND

EXISTING	PROPOSED	DESCRIPTION
---	---	PROJECT BOUNDARY
---	---	RIGHT-OF-WAY
---	---	LOT LINE
---	---	APPRX. EDGE OF WATER
---	---	EASEMENT (SEE PLAN VIEW CALL OUTS FOR TYPE)
---	---	SEASONAL WETLAND EXTENTS
---	---	EMERGENT MARSH EXTENTS

- NOTES:**
- APPROXIMATE EXISTING EDGE OF WATER AT KELLOGG CREEK BASED ON FLOWN AERIAL TOPOGRAPHY BY GEOMAPS SEPTEMBER 2019
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 - PROPOSED PUBLIC ACCESS EASEMENT (PAE) OVER PARCELS 'B', 'D', 'J', 'L', 'N', 'O', AND 'Q' (OPEN SPACES).
 - PROPOSED SANITARY SEWER EASEMENT (SSE) OVER PARCEL 'R' TO CSD.

DATE: FEBRUARY 2020
 SCALE: 1"=100'
 DRAWN BY: NTS
 DESIGNED BY: JTB
 CHECKED BY: CJS

PLANS PREPARED UNDER THE DIRECTION OF:
 JAMES F. TEMPLETON JR. RCE # 43061

PANTAGES SUBDIVISION PROJECT
 VESTING TENTATIVE MAP

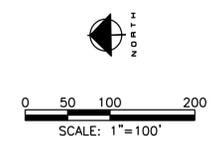
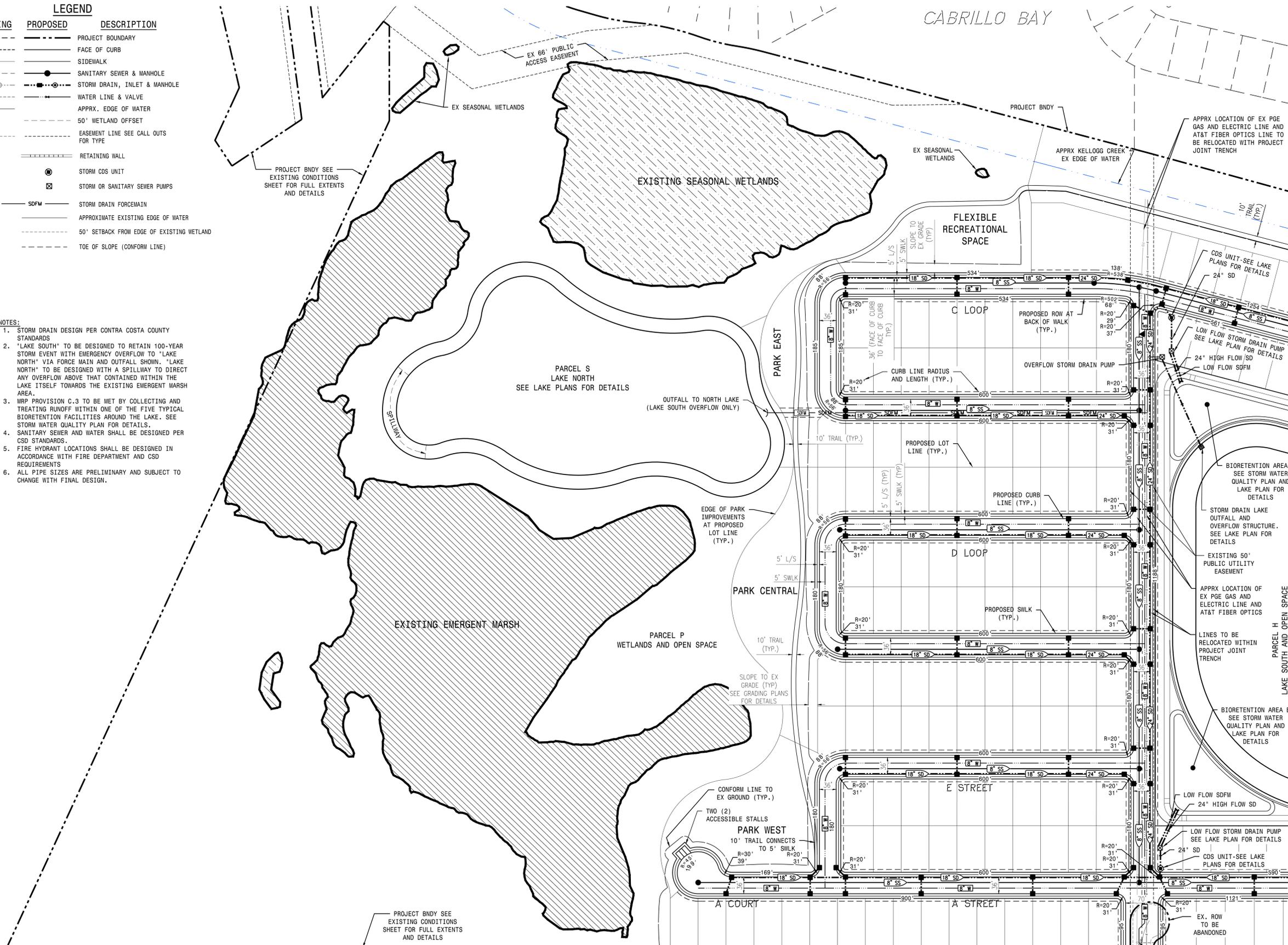
TOWN OF DISCOVERY BAY, CALIFORNIA

PROJECT NO. 19977.000

SHT OF 14
C4

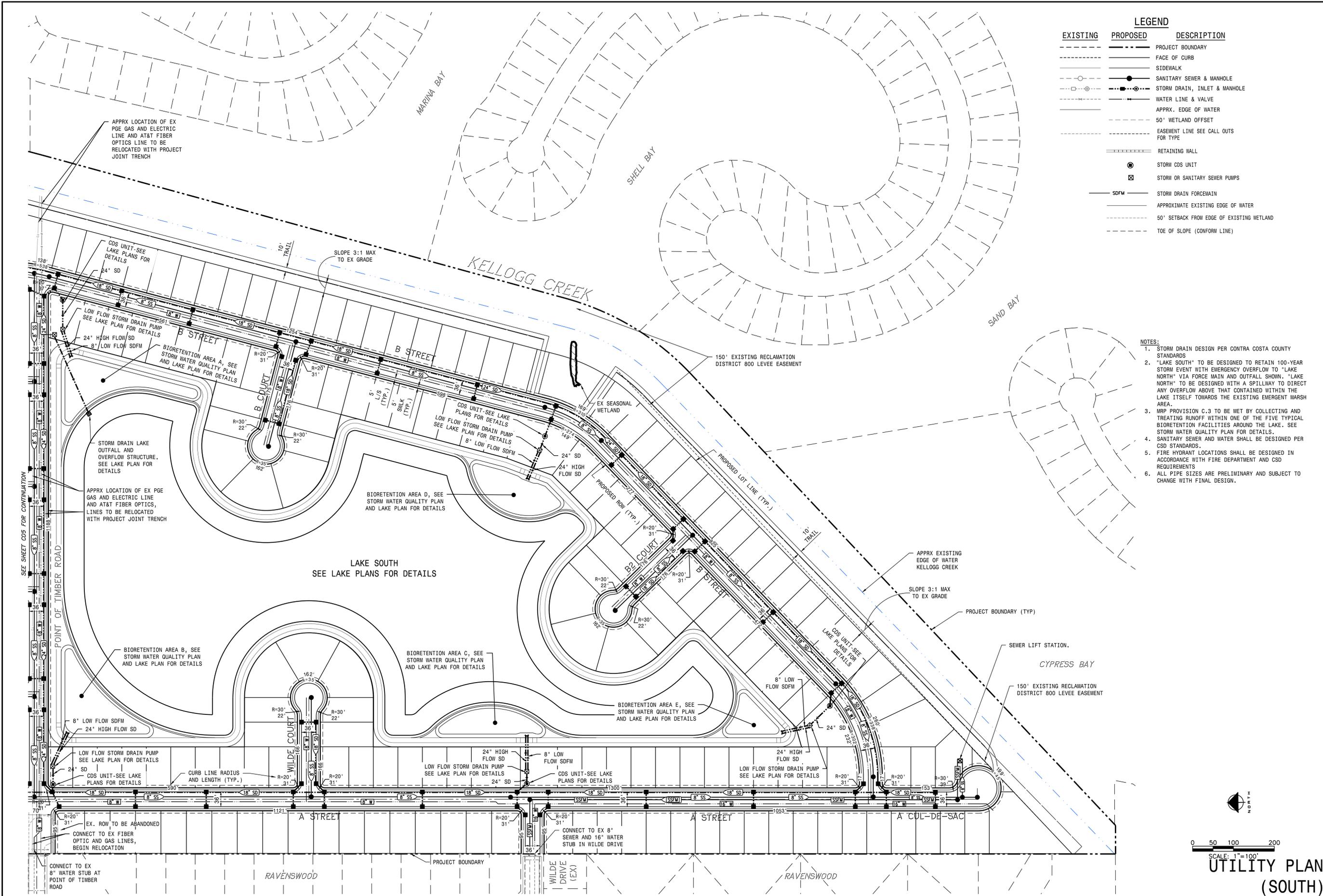
EXISTING	PROPOSED	DESCRIPTION
---	---	PROJECT BOUNDARY
---	---	FACE OF CURB
---	---	SIDEWALK
---	---	SANITARY SEWER & MANHOLE
---	---	STORM DRAIN, INLET & MANHOLE
---	---	WATER LINE & VALVE
---	---	APPRX. EDGE OF WATER
---	---	50' WETLAND OFFSET
---	---	EASEMENT LINE SEE CALL OUTS FOR TYPE
---	---	RETAINING WALL
---	---	STORM CDS UNIT
---	---	STORM OR SANITARY SEWER PUMPS
---	---	STORM DRAIN FORCEMAIN
---	---	APPROXIMATE EXISTING EDGE OF WATER
---	---	50' SETBACK FROM EDGE OF EXISTING WETLAND
---	---	TOE OF SLOPE (CONFORM LINE)

- NOTES:
1. STORM DRAIN DESIGN PER CONTRA COSTA COUNTY STANDARDS
 2. "LAKE SOUTH" TO BE DESIGNED TO RETAIN 100-YEAR STORM EVENT WITH EMERGENCY OVERFLOW TO "LAKE NORTH" VIA FORCE MAIN AND OUTFALL SHOW. "LAKE NORTH" TO BE DESIGNED WITH A SPILLWAY TO DIRECT ANY OVERFLOW ABOVE THAT CONTAINED WITHIN THE LAKE ITSELF TOWARDS THE EXISTING EMERGENT MARSH AREA.
 3. MRP PROVISION C.3 TO BE MET BY COLLECTING AND TREATING RUNOFF WITHIN ONE OF THE FIVE TYPICAL BIORETENTION FACILITIES AROUND THE LAKE. SEE STORM WATER QUALITY PLAN FOR DETAILS.
 4. SANITARY SEWER AND WATER SHALL BE DESIGNED PER CSD STANDARDS.
 5. FIRE HYDRANT LOCATIONS SHALL BE DESIGNED IN ACCORDANCE WITH FIRE DEPARTMENT AND CSD REQUIREMENTS
 6. ALL PIPE SIZES ARE PRELIMINARY AND SUBJECT TO CHANGE WITH FINAL DESIGN.



UTILITY PLAN (NORTH)

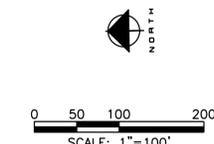
DATE: FEBRUARY 2020	SCALE: 1"=100'	DESIGNED BY: NTE	CHECKED BY: NTE	NO.	DATE
DRAWN BY: NTE		DESIGNED BY: JTB	CHECKED BY: JTB	NO.	DATE
MACKAY & SOMPS					
<small> MACKAY & SOMPS IS NOT RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF ANY INFORMATION, DATA, OR OTHER MATERIALS REFERENCED HEREIN, UNLESS SPECIFICALLY STATED OTHERWISE. </small>					
PLANS PREPARED UNDER THE DIRECTION OF:					
JAMES F. TEMPLETON JR. RCE # 43061					
CALIFORNIA					
PANTAGES SUBDIVISION PROJECT					
VESTING TENTATIVE MAP					
TOWN OF DISCOVERY BAY					
PROJECT NO. 19977.000					
SHT C5					
OF 14					



LEGEND

EXISTING	PROPOSED	DESCRIPTION
- - - - -	- - - - -	PROJECT BOUNDARY
- - - - -	- - - - -	FACE OF CURB
- - - - -	- - - - -	SIDEWALK
- - - - -	- - - - -	SANITARY SEWER & MANHOLE
- - - - -	- - - - -	STORM DRAIN, INLET & MANHOLE
- - - - -	- - - - -	WATER LINE & VALVE
- - - - -	- - - - -	APPRX. EDGE OF WATER
- - - - -	- - - - -	50' WETLAND OFFSET
- - - - -	- - - - -	EASEMENT LINE SEE CALL OUTS FOR TYPE
- - - - -	- - - - -	RETAINING WALL
- - - - -	- - - - -	STORM CDS UNIT
- - - - -	- - - - -	STORM OR SANITARY SEWER PUMPS
- - - - -	- - - - -	STORM DRAIN FOREMAIN
- - - - -	- - - - -	APPROXIMATE EXISTING EDGE OF WATER
- - - - -	- - - - -	50' SETBACK FROM EDGE OF EXISTING WETLAND
- - - - -	- - - - -	TOE OF SLOPE (CONFORM LINE)

- NOTES:**
1. STORM DRAIN DESIGN PER CONTRA COSTA COUNTY STANDARDS
 2. "LAKE SOUTH" TO BE DESIGNED TO RETAIN 100-YEAR STORM EVENT WITH EMERGENCY OVERTFLOW TO "LAKE NORTH" VIA FORCE MAIN AND OUTFALL SHOWN. "LAKE NORTH" TO BE DESIGNED WITH A SPILLWAY TO DIRECT ANY OVERTFLOW ABOVE THAT CONTAINED WITHIN THE LAKE ITSELF TOWARDS THE EXISTING EMERGENT MARSH AREA.
 3. MRP PROVISION C.3 TO BE MET BY COLLECTING AND TREATING RUNOFF WITHIN ONE OF THE FIVE TYPICAL BIORETENTION FACILITIES AROUND THE LAKE. SEE STORM WATER QUALITY PLAN FOR DETAILS.
 4. SANITARY SEWER AND WATER SHALL BE DESIGNED PER CSD STANDARDS.
 5. FIRE HYDRANT LOCATIONS SHALL BE DESIGNED IN ACCORDANCE WITH FIRE DEPARTMENT AND CSD REQUIREMENTS
 6. ALL PIPE SIZES ARE PRELIMINARY AND SUBJECT TO CHANGE WITH FINAL DESIGN.



UTILITY PLAN (SOUTH)

DATE: FEBRUARY 2020
 SCALE: 1"=100'
 DRAWN BY: NTS
 DESIGNED BY: JTB
 CHECKED BY: NIS

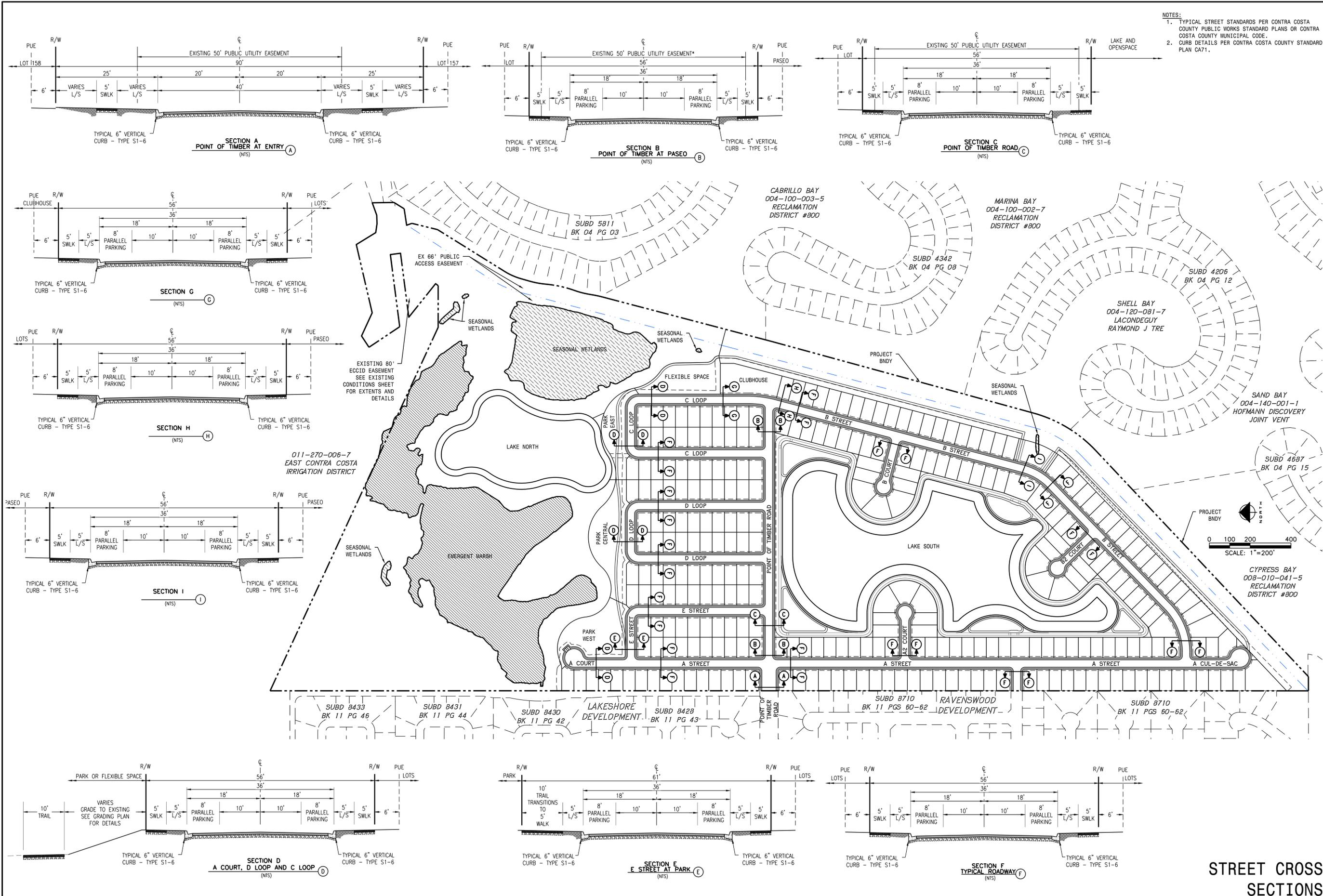
MACKAY & SOMPS
 5145 TOWNLINE DR., PLEASANTON, CA 94568 (925)222-9990
 WWW.MACKAYANDSOMPS.COM
 ENGINEERS OF RECORD FOR THIS PROJECT

PLANS PREPARED UNDER THE DIRECTION OF:
 JAMES F. TEMPLETON JR. RCE # 43061
 CALIFORNIA

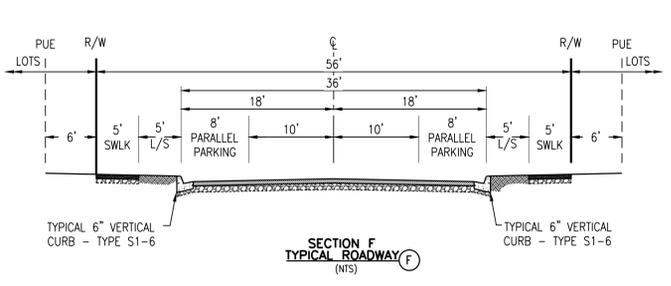
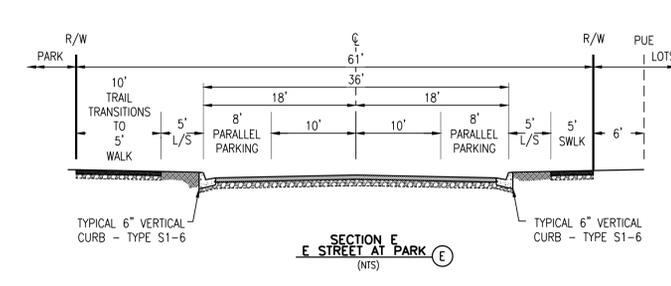
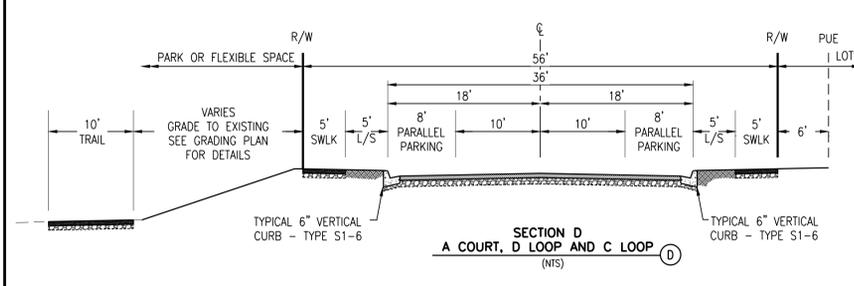
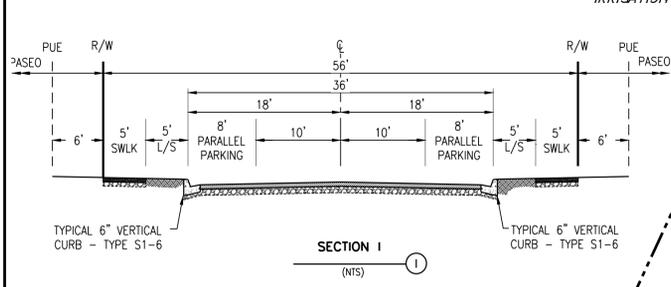
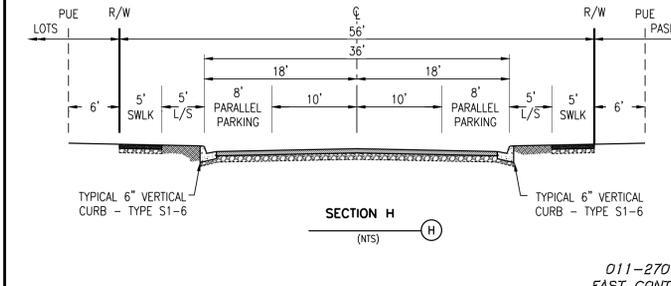
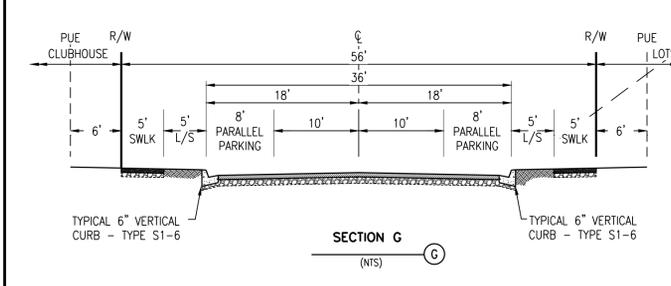
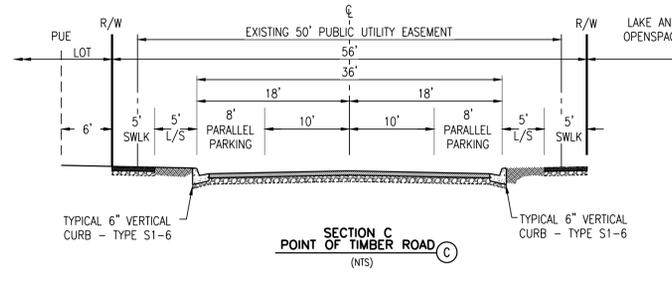
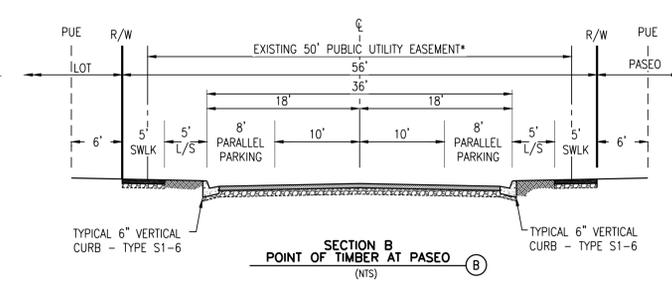
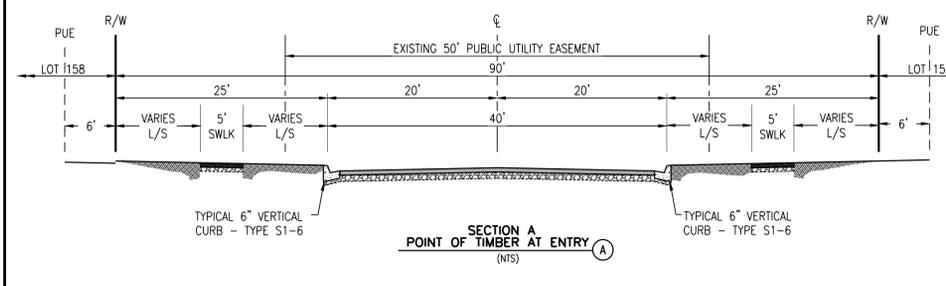
PANTAGES SUBDIVISION PROJECT
 VESTING TENTATIVE MAP

TOWN OF DISCOVERY BAY

PROJECT NO. 19977.000
 SHEET C6 OF 14



NOTES:
 1. TYPICAL STREET STANDARDS PER CONTRA COSTA COUNTY PUBLIC WORKS STANDARD PLANS OR CONTRA COSTA COUNTY MUNICIPAL CODE.
 2. CURB DETAILS PER CONTRA COSTA COUNTY STANDARD PLAN CA71.



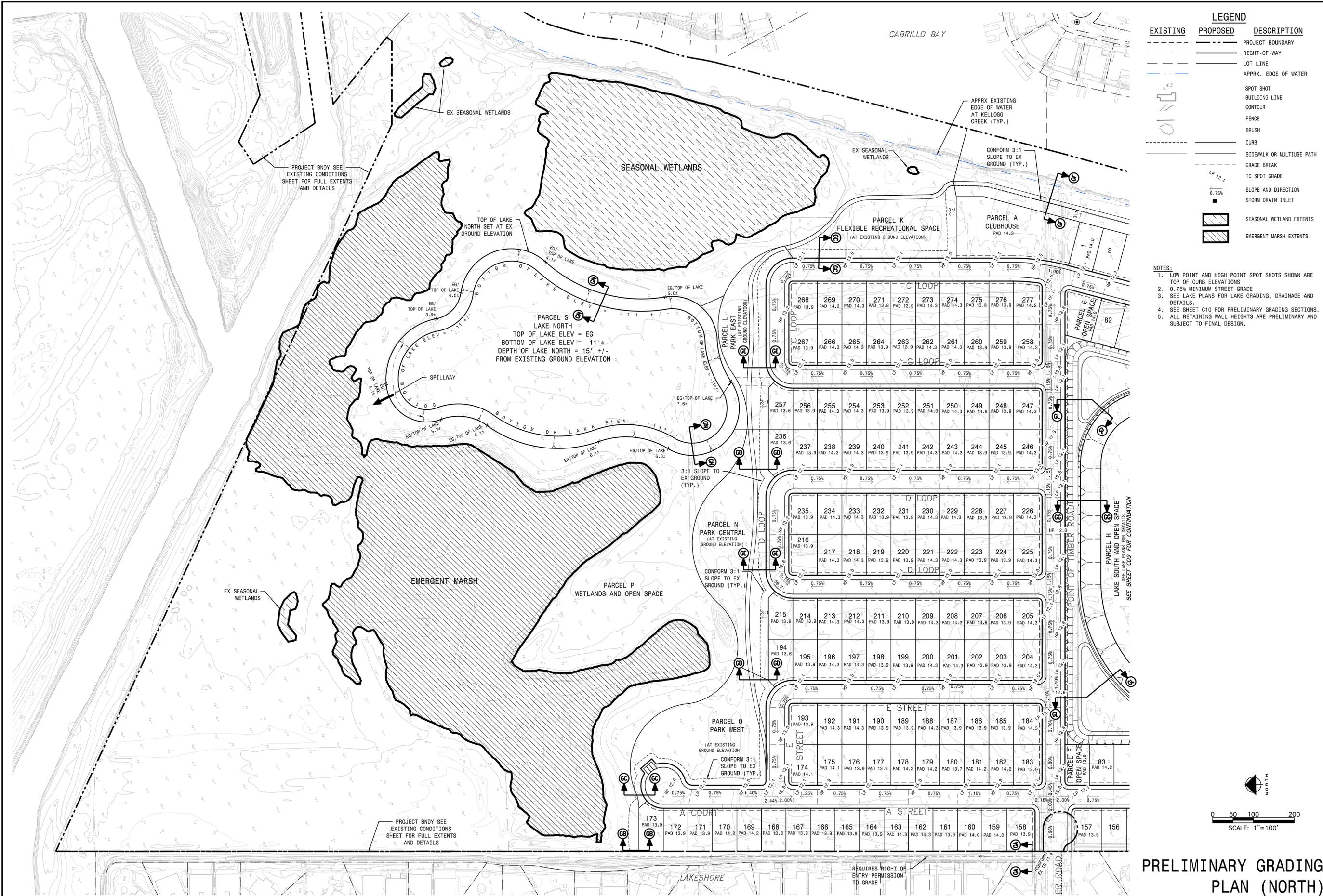
STREET CROSS SECTIONS

DATE: FEBRUARY 2020
 SCALE: AS SHOWN
 DRAWN BY: NTS
 DESIGNED BY: JTB
 CHECKED BY: NTS

PLANS PREPARED UNDER THE DIRECTION OF:
 JAMES F. TEMPLETON JR. RCE # 43061
 CALIFORNIA

PANTAGES SUBDIVISION PROJECT
 VESTING TENTATIVE MAP

PROJECT NO. 19977.000
 SHEET C7 OF 14



LEGEND

EXISTING	PROPOSED	DESCRIPTION
- - - - -	- - - - -	PROJECT BOUNDARY
- - - - -	- - - - -	RIGHT-OF-WAY
- - - - -	- - - - -	LOT LINE
- - - - -	- - - - -	APPRX. EDGE OF WATER
○	○	SPOT SHOT
—	—	BUILDING LINE
—	—	CONTOUR
—	—	FENCE
—	—	BRUSH
—	—	CURB
—	—	SIDEWALK OR MULTIUSE PATH
—	—	GRADE BREAK
—	—	TC SPOT GRADE
—	—	SLOPE AND DIRECTION
—	—	STORM DRAIN INLET
▨	▨	SEASONAL WETLAND EXTENTS
▨	▨	EMERGENT MARSH EXTENTS

- NOTES:**
1. LOW POINT AND HIGH POINT SPOT SHOTS SHOWN ARE TOP OF CURB ELEVATIONS
 2. 0.75% MINIMUM STREET GRADE
 3. SEE LAKE PLANS FOR LAKE GRADING, DRAINAGE AND DETAILS.
 4. SEE SHEET C10 FOR PRELIMINARY GRADING SECTIONS.
 5. ALL RETAINING WALL HEIGHTS ARE PRELIMINARY AND SUBJECT TO FINAL DESIGN.

DATE: FEBRUARY 2020
 SCALE: 1"=100'
 DRAWN BY: NTE
 DESIGNED BY: JTB
 CHECKED BY: CJS

PLANS PREPARED UNDER THE DIRECTION OF:
 JAMES F. TEMPLETON JR.
 RCE # 43061

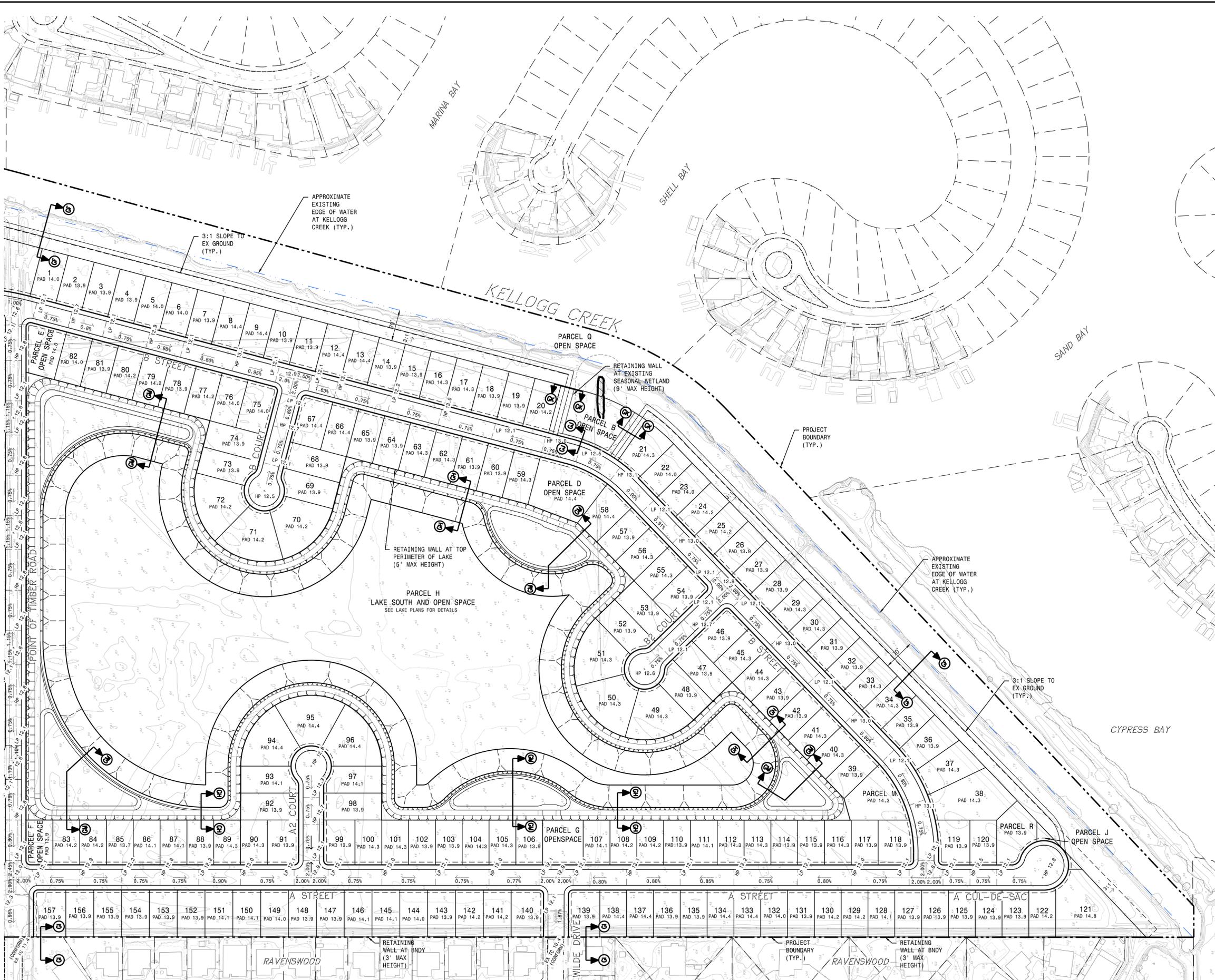
PANTAGES SUBDIVISION PROJECT
 VESTING TENTATIVE MAP

TOWN OF DISCOVERY BAY, CALIFORNIA

PROJECT NO. 19977.000

SHT **C8**
 OF 14

PRELIMINARY GRADING PLAN (NORTH)



LEGEND

EXISTING	PROPOSED	DESCRIPTION
---	---	PROJECT BOUNDARY
---	---	RIGHT-OF-WAY
---	---	LOT LINE
---	---	APPRX. EDGE OF WATER
○	○	SPOT SHOT
---	---	BUILDING LINE
---	---	CONTOUR
---	---	FENCE
---	---	BRUSH
---	---	CURB
---	---	SIDEWALK OR MULTIUSE PATH
---	---	GRADE BREAK
---	---	TO SPOT GRADE
---	---	SLOPE AND DIRECTION
---	---	STORM DRAIN INLET

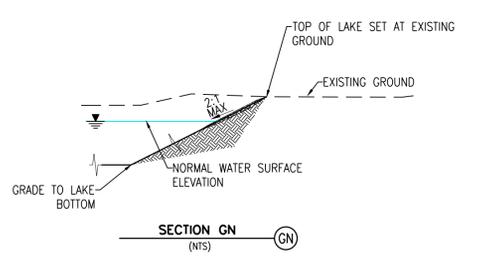
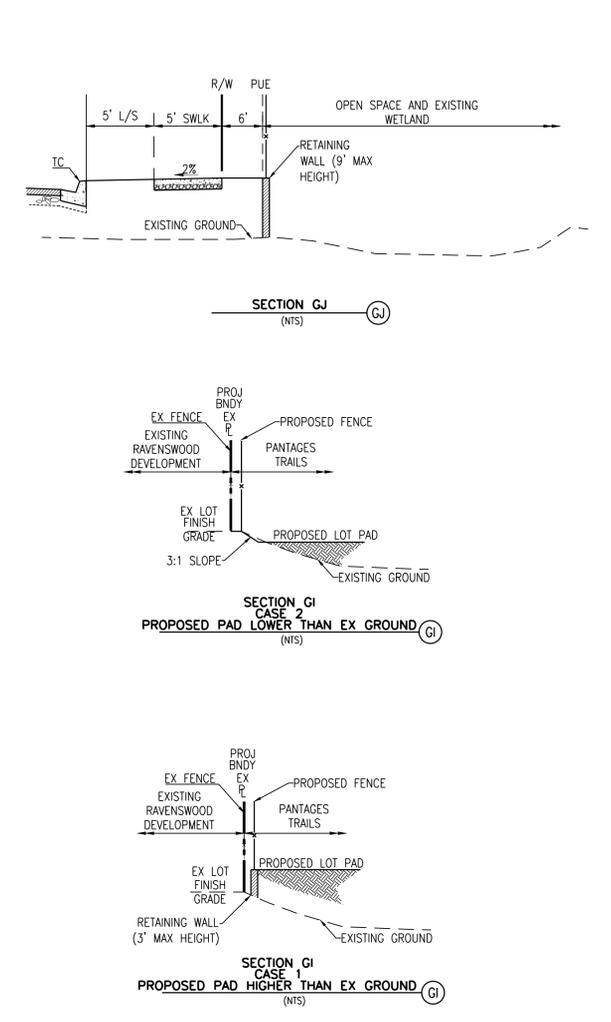
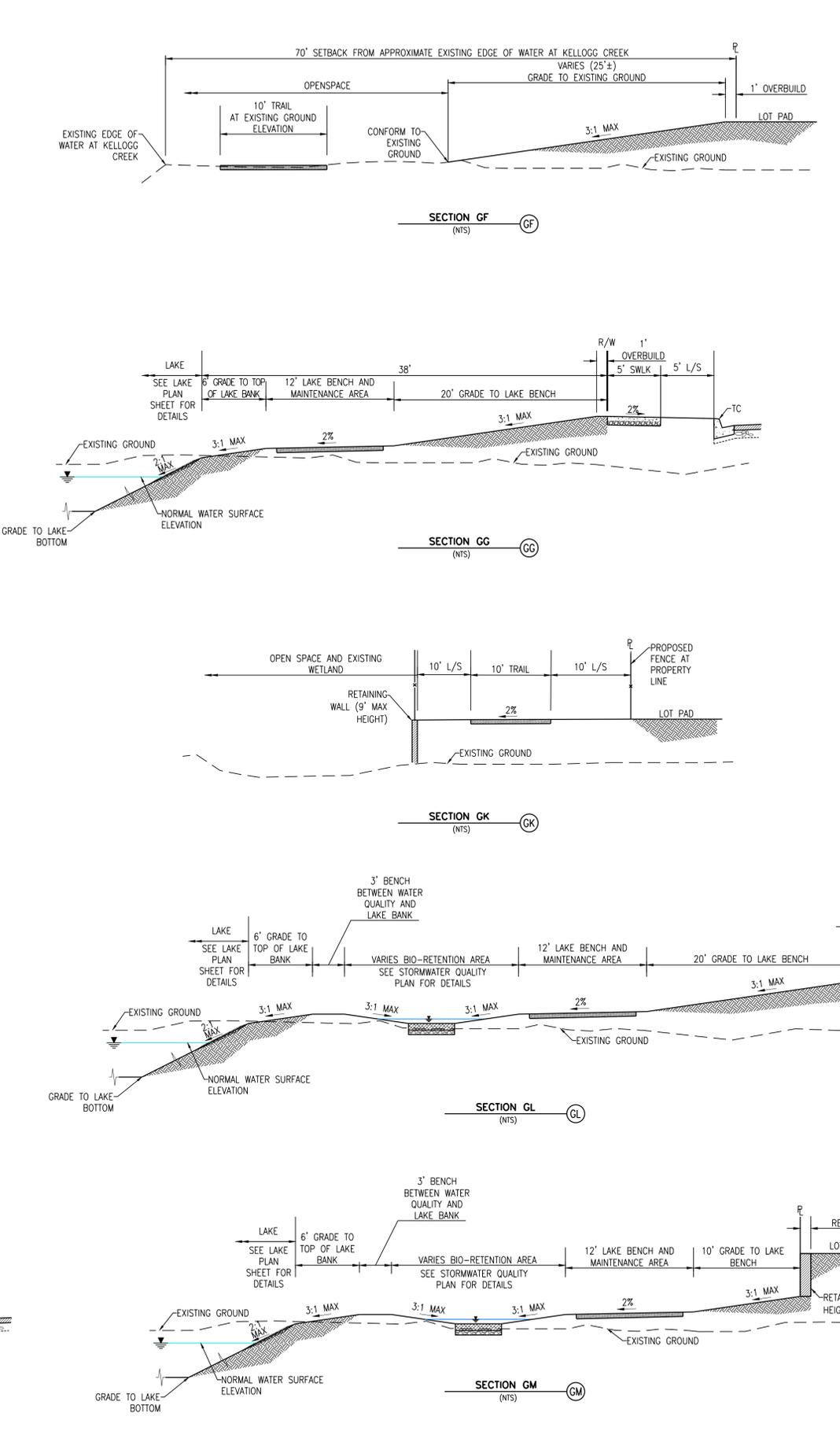
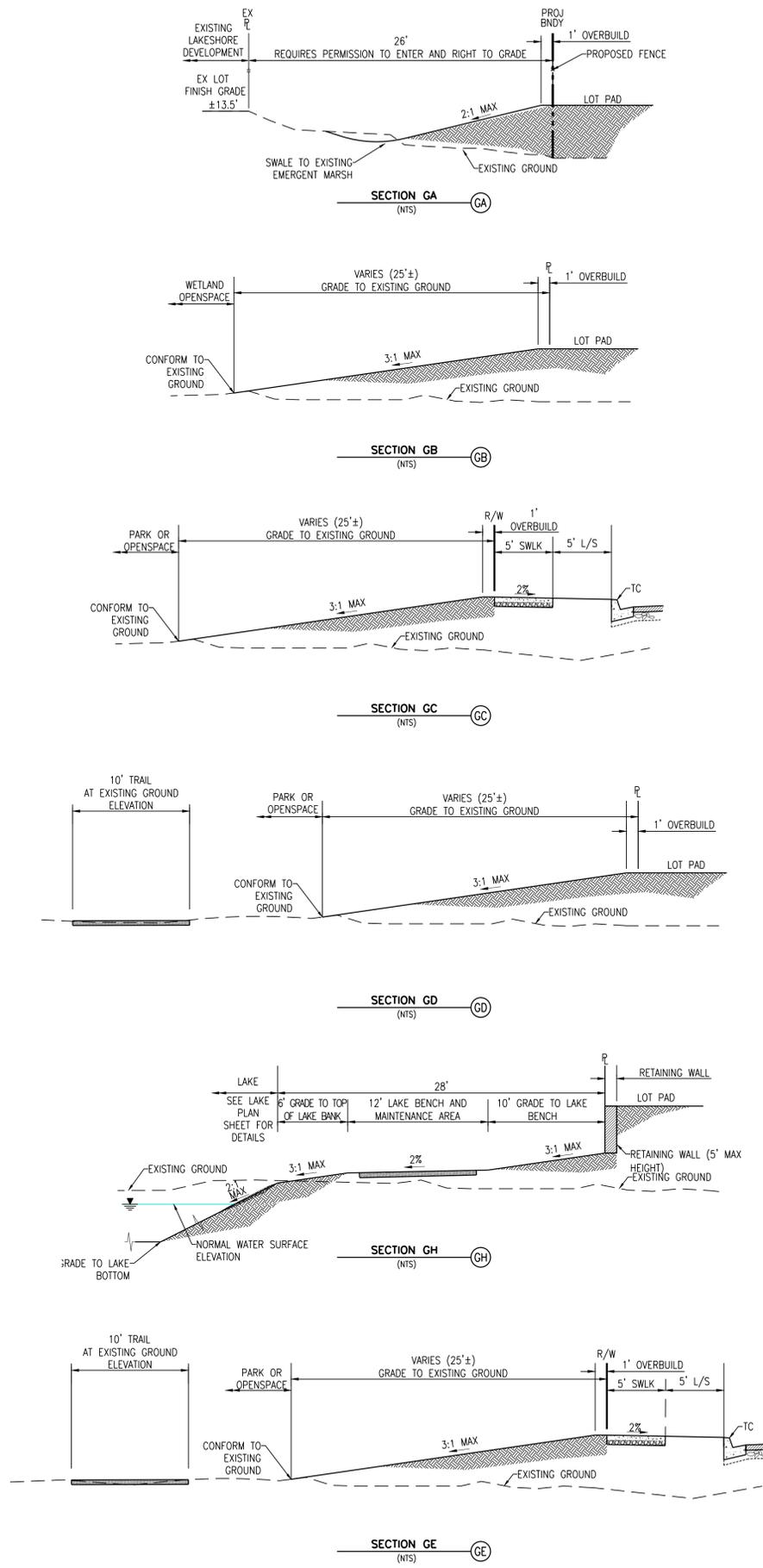
- NOTES:**
1. LOW POINT AND HIGH POINT SPOT SHOTS SHOWN ARE TOP OF CURB ELEVATIONS
 2. 0.75% MINIMUM STREET GRADE
 3. SEE LAKE PLANS FOR LAKE GRADING, DRAINAGE AND DETAILS.
 4. SEE SHEET C10 FOR PRELIMINARY GRADING SECTIONS.
 5. ALL RETAINING WALL HEIGHTS ARE PRELIMINARY AND SUBJECT TO FINAL DESIGN.

DATE: FEBRUARY 2020
 SCALE: 1"=100'
 DRAWN BY: NTS
 DESIGNED BY: JTB
 CHECKED BY: CJS

PLANS PREPARED UNDER THE DIRECTION OF:
MACKAY & SOMPS
 5145 FARMER DR., PLEASANTON, CA 94568 (925)222-9999
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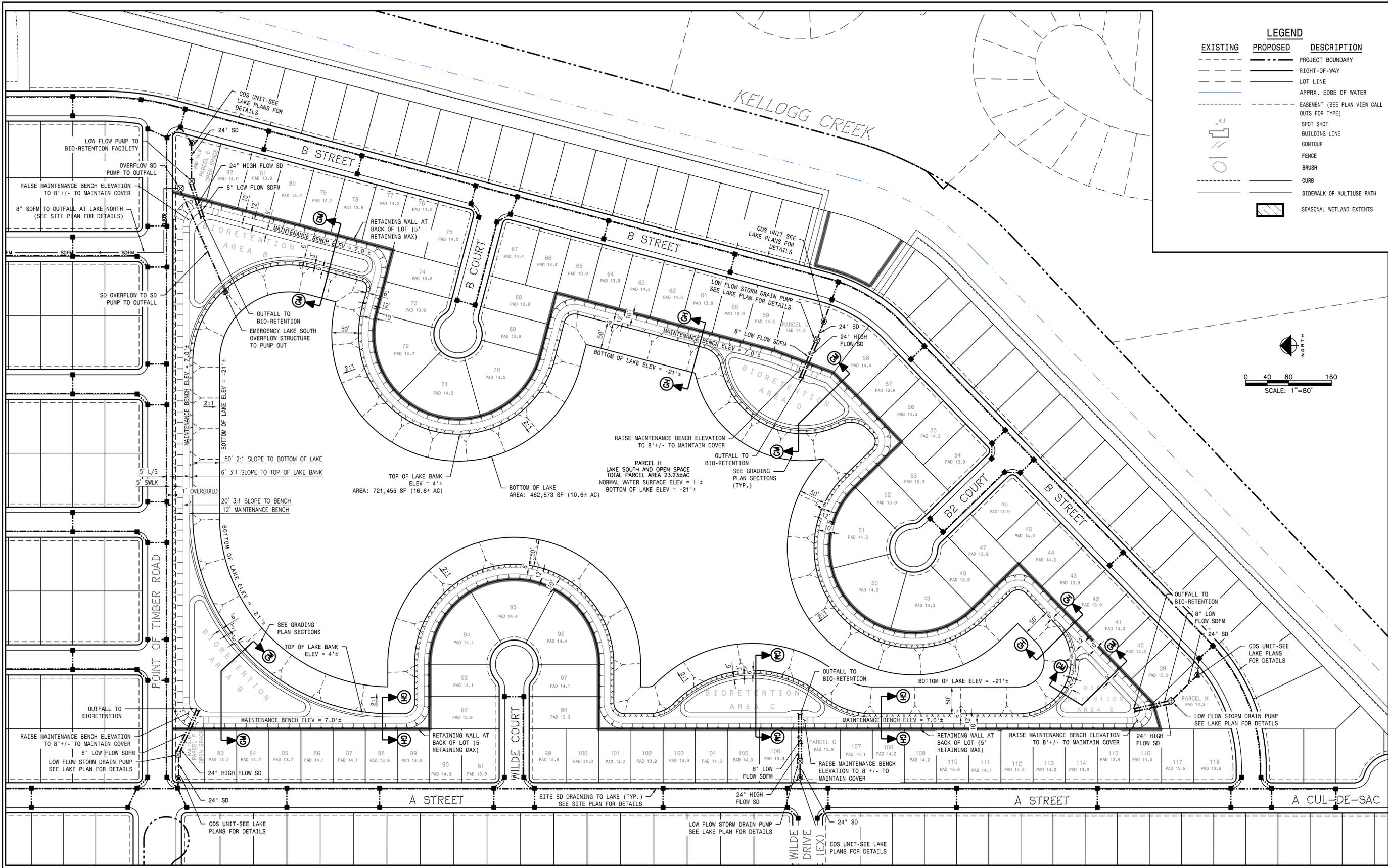
TOWN OF DISCOVERY BAY, CALIFORNIA
PANTAGES SUBDIVISION PROJECT
 VESTING TENTATIVE MAP
 RCE # 43061
 JAMES F. TEMPLETON JR.

PROJECT NO. 19977.000
 SHEET **C9**
 OF 14



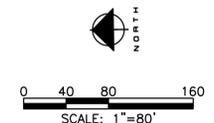
PRELIMINARY
GRADING SECTIONS

DATE: FEBRUARY 2020	SCALE: N.T.S.	DRAWN BY: NTS	DESIGNED BY: NTS	CHECKED BY: NTS	NO.	REVISION	DATE
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PLANS PREPARED UNDER THE DIRECTION OF: JAMES F. TEMPLETON JR. RCE # 43061 CALIFORNIA							
PANTAGES SUBDIVISION PROJECT VESTING TENTATIVE MAP TOWN OF DISCOVERY BAY							
PROJECT NO. 19977.000							
SHEET C10 OF 14							



LEGEND

EXISTING	PROPOSED	DESCRIPTION
---	---	PROJECT BOUNDARY
---	---	RIGHT-OF-WAY
---	---	LOT LINE
---	---	APPRX. EDGE OF WATER
---	---	EASEMENT (SEE PLAN VIEW CALL OUTS FOR TYPE)
---	---	SPOT SHOT
---	---	BUILDING LINE
---	---	CONTOUR
---	---	FENCE
---	---	BRUSH
---	---	CURB
---	---	SIDEWALK OR MULTIUSE PATH
---	---	SEASONAL WETLAND EXTENTS



DATE: FEBRUARY 2020
 SCALE: 1"=100'
 DRAWN BY: NTS
 DESIGNED BY: JTB
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 RCE # 43061
 CALIFORNIA

PANTAGES SUBDIVISION PROJECT
 VESTING TENTATIVE MAP

TOWN OF DISCOVERY BAY

PROJECT NO. 19977.000

SHT **C11** OF 14

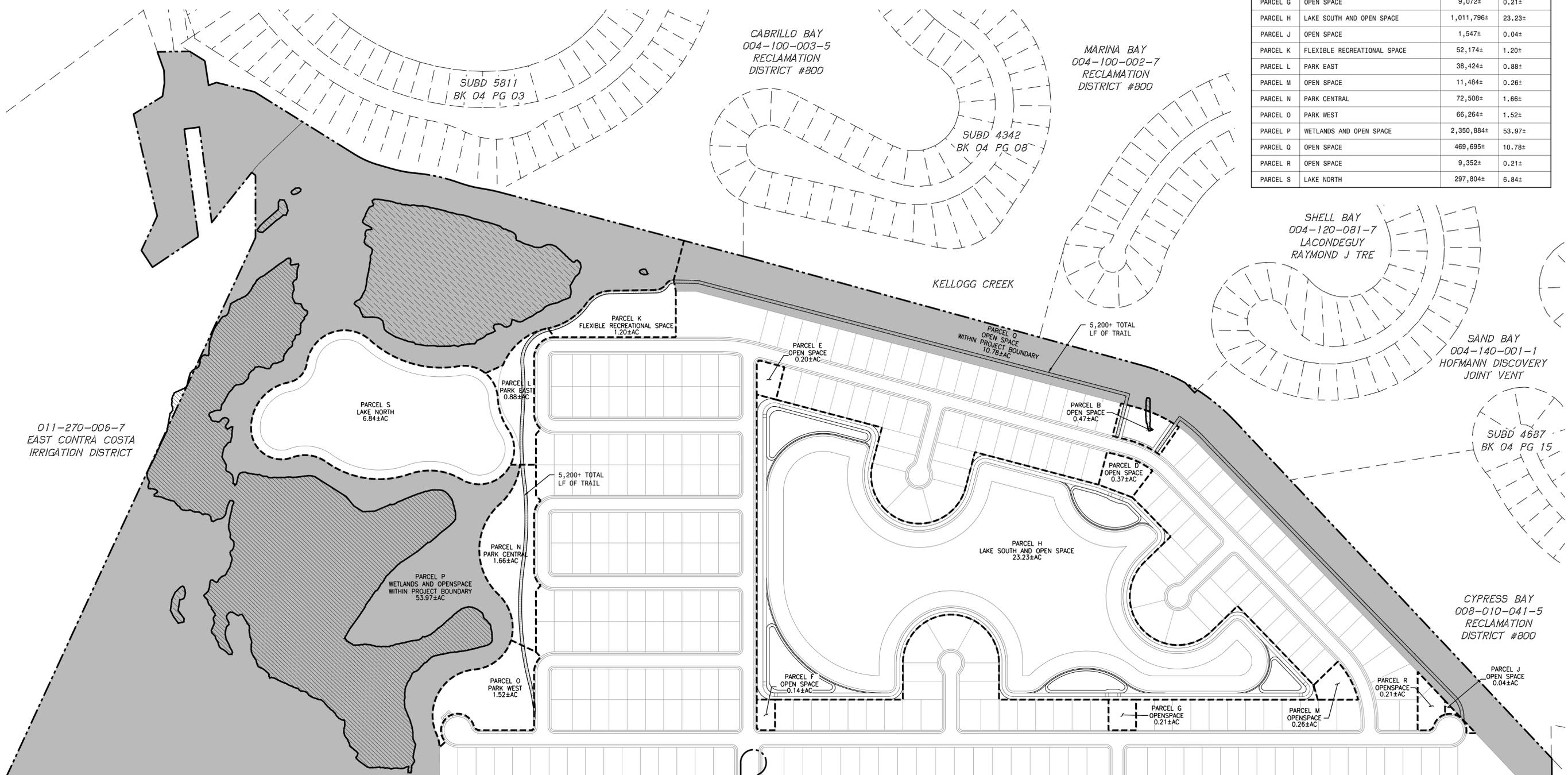
LAKE PLAN

LEGEND:

-  OPEN SPACE TO REMAIN IN IT'S NATURAL CONDITION
-  PARK TRAIL

OPENSACE OUTSIDE OF DEVELOPMENT AREA AREA TABLE		
AREA DESCRIPTION	AREA (AC.)	AREA (SF.)
NORTHERN WETLAND OPENSACE AREA TO REMAIN	54.0±	2,351,000±
OPENSACE AREA ALONG KELLOGG CREEK TO REMAIN	10.8±	470,000±
TOTAL OPENSACE AREA TO REMAIN	64.8±	2,821,000±

DEVELOPMENT AREA OPENSACE AND PARK AREA TABLE			
PARCEL	DESCRIPTION	AREA (SF)	AREA (AC)
PARCEL B	OPEN SPACE	20,631±	0.47±
PARCEL D	OPEN SPACE	15,991±	0.37±
PARCEL E	OPEN SPACE	8,706±	0.20±
PARCEL F	OPEN SPACE	5,998±	0.14±
PARCEL G	OPEN SPACE	9,072±	0.21±
PARCEL H	LAKE SOUTH AND OPEN SPACE	1,011,796±	23.23±
PARCEL J	OPEN SPACE	1,547±	0.04±
PARCEL K	FLEXIBLE RECREATIONAL SPACE	52,174±	1.20±
PARCEL L	PARK EAST	38,424±	0.88±
PARCEL M	OPEN SPACE	11,484±	0.26±
PARCEL N	PARK CENTRAL	72,508±	1.66±
PARCEL O	PARK WEST	66,264±	1.52±
PARCEL P	WETLANDS AND OPEN SPACE	2,350,884±	53.97±
PARCEL Q	OPEN SPACE	469,695±	10.78±
PARCEL R	OPEN SPACE	9,352±	0.21±
PARCEL S	LAKE NORTH	297,804±	6.84±



PANTAGES SUBDIVISION PROJECT
VESTING TENTATIVE MAP

TOWN OF DISCOVERY BAY CALIFORNIA

PLANS PREPARED UNDER THE DIRECTION OF:
JAMES F. TEMPLETON JR. RCE # 43061

DATE: FEBRUARY 2020 SCALE: 1"=100'
DRAWN BY: DESIGNED BY: CHECKED BY:

PROJECT NO. 19977.000
SHT OF 14
C12



TRAILS, PARKS & OPEN SPACE

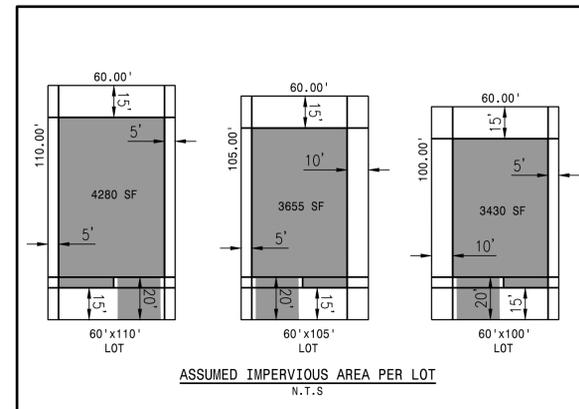
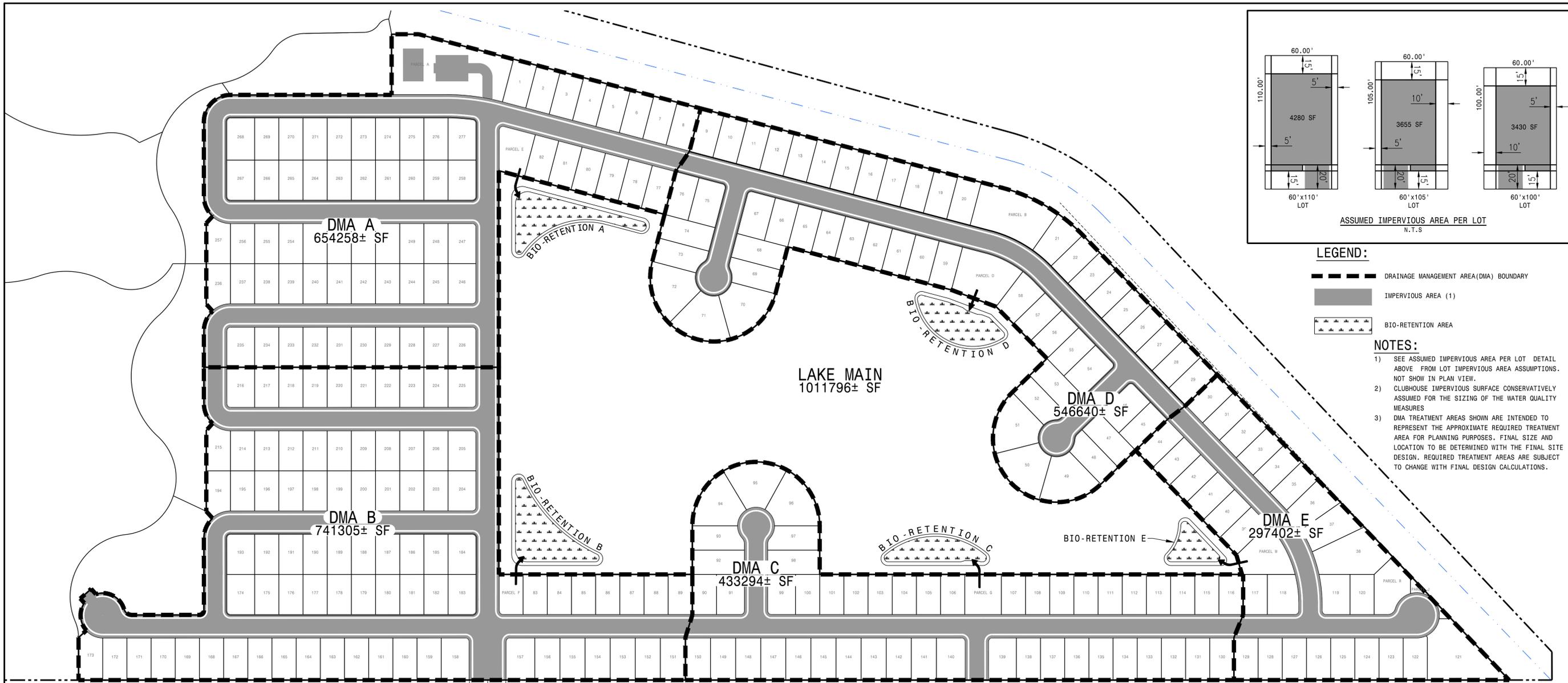
NOTE:
1. PHASING SHOWN IS PRELIMINARY AND SUBJECT TO CHANGE. DEVELOPER RESERVES RIGHT TO MODIFY PHASING.



DATE: FEBRUARY 2020	SCALE: N.T.S.	DESIGNED BY: RCE	CHECKED BY: JTB	NO.	REVISION	DATE
MACKAY & SOMPS						
PLANS PREPARED UNDER THE DIRECTION OF: JAMES F. TEMPLETON JR. RCE # 43061 TOWN OF DISCOVERY BAY, CALIFORNIA						
PANTAGES SUBDIVISION PROJECT VESTING TENTATIVE MAP						
PROJECT NO. 19977.000						
SHT C13 OF 14						

PRELIMINARY PHASING PLAN





LEGEND:

- DRAINAGE MANAGEMENT AREA(DMA) BOUNDARY
- IMPERVIOUS AREA (1)
- ▨ BIO-RETENTION AREA

NOTES:

- SEE ASSUMED IMPERVIOUS AREA PER LOT DETAIL ABOVE FROM LOT IMPERVIOUS AREA ASSUMPTIONS. NOT SHOW IN PLAN VIEW.
- CLUBHOUSE IMPERVIOUS SURFACE CONSERVATIVELY ASSUMED FOR THE SIZING OF THE WATER QUALITY MEASURES
- DMA TREATMENT AREAS SHOWN ARE INTENDED TO REPRESENT THE APPROXIMATE REQUIRED TREATMENT AREA FOR PLANNING PURPOSES. FINAL SIZE AND LOCATION TO BE DETERMINED WITH THE FINAL SITE DESIGN. REQUIRED TREATMENT AREAS ARE SUBJECT TO CHANGE WITH FINAL DESIGN CALCULATIONS.

DATE:	FEBRUARY 2020
SCALE:	1"=120'
DRAWN BY:	NTB
DESIGNED BY:	JTB
CHECKED BY:	CTB
REVISION:	
NO.	
DATE	

PLANS PREPARED UNDER THE DIRECTION OF:
MACKAY & SOMPS
 5100 TOWNLINE DR., PLEASANTON, CA 94568 (925)222-9999
 MACKAY & SOMPS IS NOT RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF INFORMATION OR FOR OMISSIONS IF ANY SHOWN ON THIS DRAWING UNLESS SPECIFICALLY NOTED OTHERWISE.

JAMES F. TEMPLETON JR. RCE # 43061
 CALIFORNIA

IMP Name: BIO RET A (Soil Type: C)
 IMP Type: Bioretention Facility
 Soil Type: C

DMA Name	DMA Area (sq ft)	Post-Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor	IMP Sizing
DMA A - ROAD/SWLK	166,026	Concrete or Asphalt	1	166,026	IMP
DMA A - PERVIOUS	238,102	Landscape	0.1	23,810	Sizing
DMA A - LOT IMPERVIOUS	250,130	Conventional Roof	1	250,130	Factor
Total	439,966			439,966	Factor
Area					0.04
IMP					Rain
Minimum					1
Proposed					17,599
Area or Volume					17,600

IMP Name: BIO RET C (Soil Type: C)
 IMP Type: Bioretention Facility
 Soil Type: C

DMA Name	DMA Area (sq ft)	Post-Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor	IMP Sizing
DMA C - ROAD/SWLK	81,597	Concrete or Asphalt	1	81,597	IMP
DMA C - LOT IMPERVIOUS	178,115	Conventional Roof	1	178,115	Sizing
DMA C - PERVIOUS	173,582	Landscape	0.1	17,358	Factor
Total	277,070			277,070	Factor
Area					0.04
IMP					Rain
Minimum					1
Proposed					11,083
Area or Volume					11,100

IMP Name: BIO RET E (Soil Type: C)
 IMP Type: Bioretention Facility
 Soil Type: C

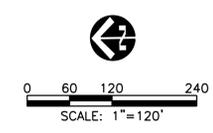
DMA Name	DMA Area (sq ft)	Post-Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor	IMP Sizing
DMA E - ROAD/SWLK	55,402	Concrete or Asphalt	1	55,402	IMP
DMA E - LOT IMPERVIOUS	113,160	Conventional Roof	1	113,160	Sizing
DMA E - PERVIOUS	128,840	Landscape	0.1	12,884	Factor
Total	181,446			181,446	Factor
Area					0.04
IMP					Rain
Minimum					1
Proposed					7,258
Area or Volume					7,300

IMP Name: BIO RET B (Soil Type: C)
 IMP Type: Bioretention Facility
 Soil Type: C

DMA Name	DMA Area (sq ft)	Post-Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor	IMP Sizing
DMA B - ROAD/SWLK	186,259	Concrete or Asphalt	1	186,259	IMP
DMA B - LOT IMPERVIOUS	286,435	Conventional Roof	1	286,435	Sizing
DMA B - PERVIOUS	268,611	Landscape	0.1	26,861	Factor
Total	499,555			499,555	Factor
Area					0.04
IMP					Rain
Minimum					1
Proposed					19,982
Area or Volume					20,000

IMP Name: BIO RET D (Soil Type: C)
 IMP Type: Bioretention Facility
 Soil Type: C

DMA Name	DMA Area (sq ft)	Post-Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor	IMP Sizing
DMA D - ROAD/SWLK	93,769	Concrete or Asphalt	1	93,769	IMP
DMA D - LOT IMPERVIOUS	257,400	Conventional Roof	1	257,400	Sizing
DMA D - PERVIOUS	195,470	Landscape	0.1	19,547	Factor
Total	370,716			370,716	Factor
Area					0.04
IMP					Rain
Minimum					1
Proposed					14,829
Area or Volume					14,900



STORMWATER QUALITY PLAN

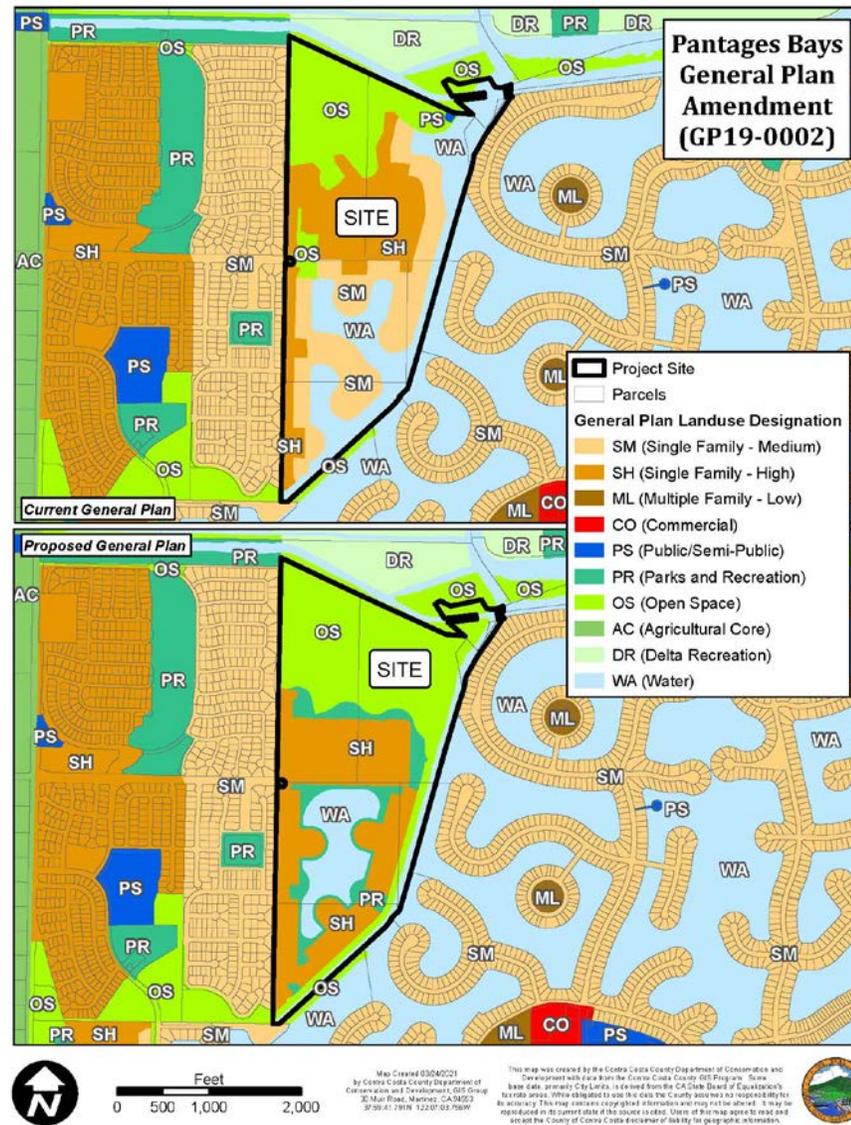
PANTAGES SUBDIVISION PROJECT
 VESTING TENTATIVE MAP
 TOWN OF DISCOVERY BAY
 PROJECT NO. 19977.000
 SHT **C14**
 OF 14

Pantages Subdivision

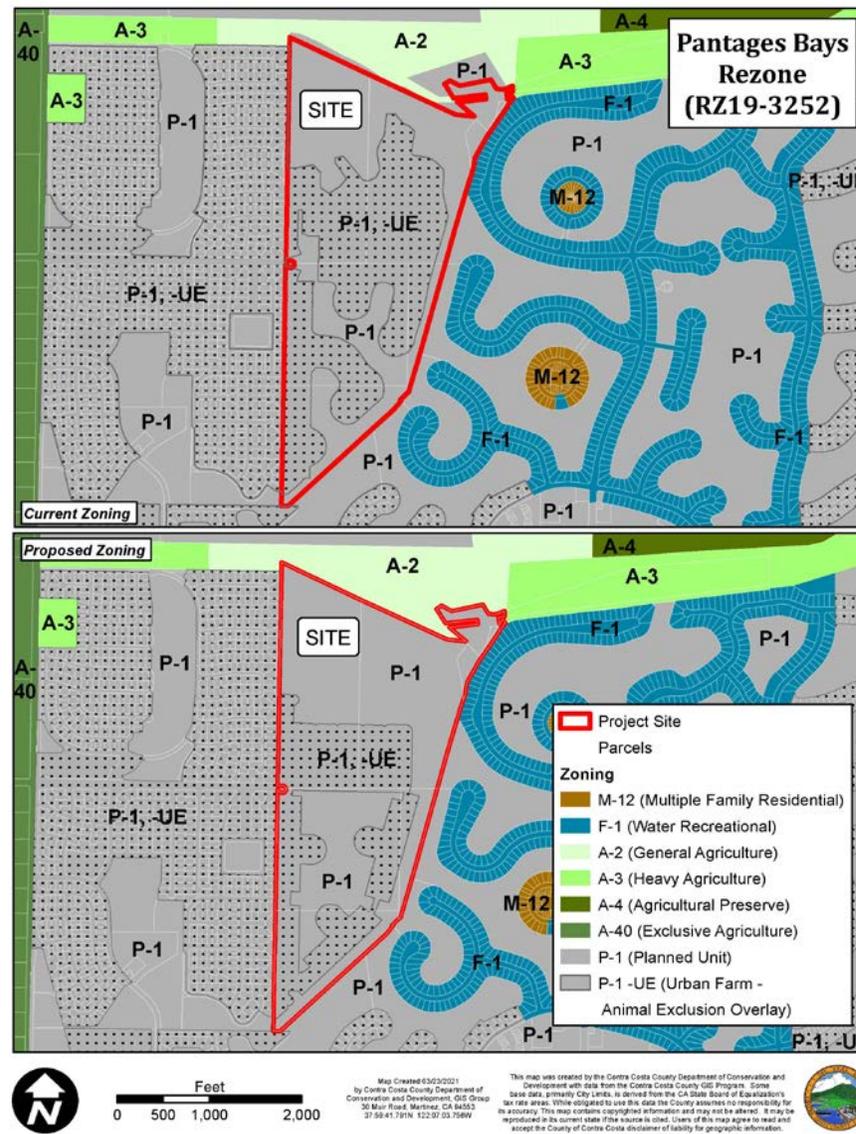
CDGP19-0002, CDRZ19-3252, CDS19-9527,
CDDP19-3024



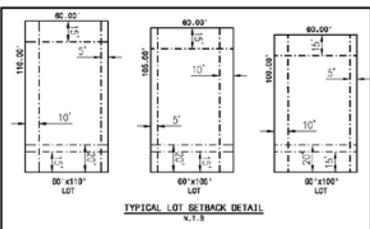
General Plan



Zoning



LEGEND		
EXISTING	PROPOSED	DESCRIPTION
---	---	PROJECT BOUNDARY
---	---	RIGHT-OF-WAY
---	---	LOT LINE
---	---	APPROX. EDGE OF WATER
---	---	EASEMENT (SEE PLAN VIEW CALL OUTS FOR TYPE)
---	---	SEASONAL WETLAND EXTENTS
---	---	EMERGENT MARSH EXTENTS

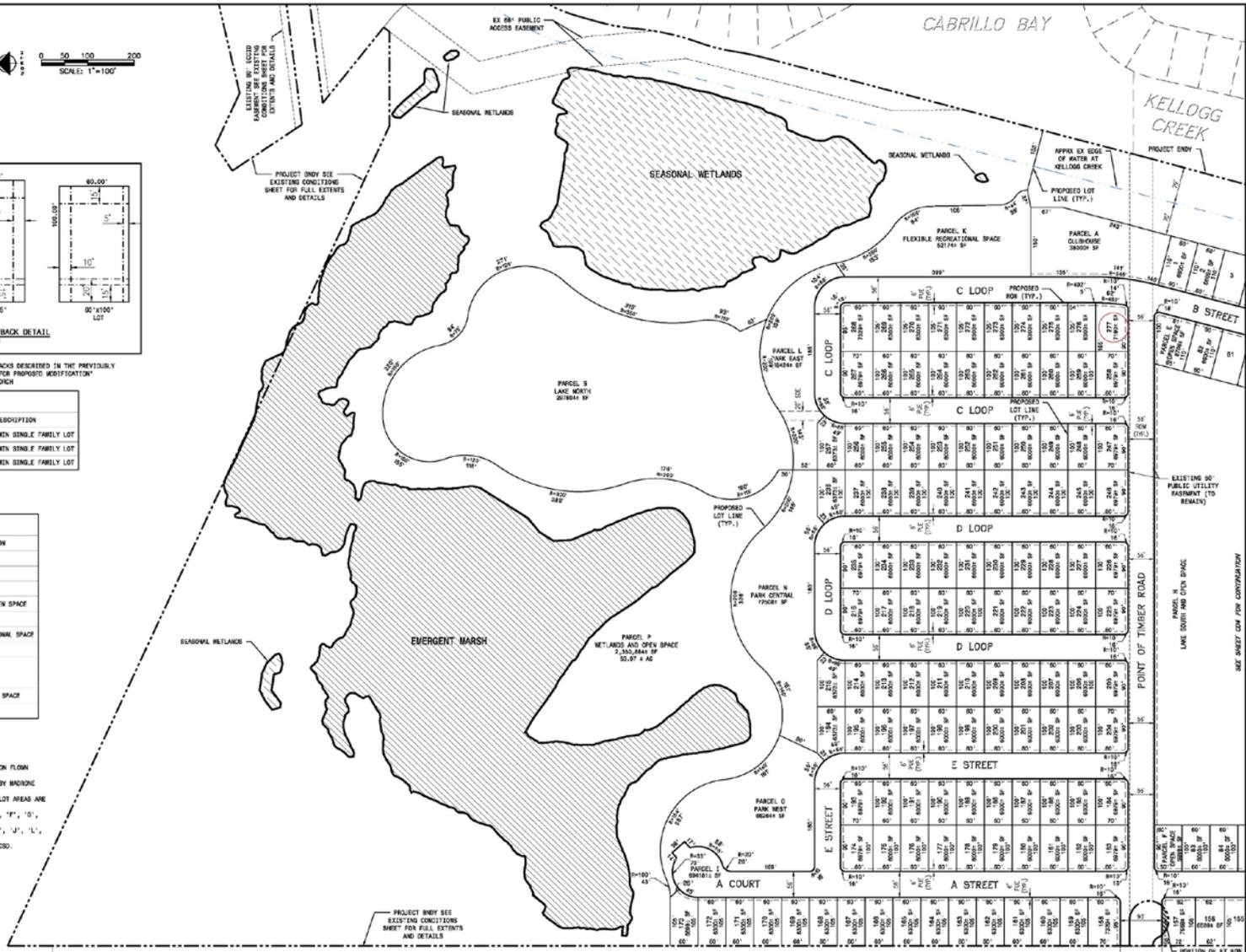


- NOTES:
1. TYPICAL LOT SETBACKS COMPLY WITH THE SETBACKS DESCRIBED IN THE PREVIOUSLY APPROVED "PANTAGES SUBDIVISION STANDARDS FOR PROPOSED MODIFICATION"
 2. FRONT YARD SETBACK 20' TO GARAGE 15' TO PORCH

LOT AREA TABLE			
LOT #	AREA (AC.)	AREA (SF.)	DESCRIPTION
1-82	0.15 MIN.	6,000 MIN.	60' x 110' NET SINGLE FAMILY LOT
121-172	0.14 MIN.	6,300 MIN.	60' x 105' NET SINGLE FAMILY LOT
83-120/173-289/278	0.14 MIN.	6,000 MIN.	60' x 100' NET SINGLE FAMILY LOT

PARCEL AREA TABLE			
PARCEL #	AREA (AC.)	AREA (SF)	DESCRIPTION
PARCEL A	0.87	38,000	CLUBHOUSE
PARCEL E	0.20	8,736	OPEN SPACE
PARCEL F	0.14	5,960	OPEN SPACE
PARCEL H	23.23	1,011,796	LAKE SOUTH AND OPEN SPACE
PARCEL I	15.94	694,181	STREET ROW
PARCEL K	1.20	52,174	FLEXIBLE RECREATIONAL SPACE
PARCEL L	0.88	38,424	PARK EAST
PARCEL N	1.06	72,000	PARK CENTRAL
PARCEL O	1.52	66,284	PARK WEST
PARCEL P	53.97	2,305,044	WETLANDS AND OPEN SPACE
PARCEL S	6.94	297,804	LAKE NORTH

- NOTES:
1. APPROXIMATE EXISTING EDGE OF WATER AT KELLOGG CREEK BASED ON FLORA AERIAL TOPOGRAPHY BY GEORGINA SEPTEMBER 2019
 2. SEASONAL WETLANDS AND EMERGENT MARSH INFORMATION PROVIDED BY MARICOPA ECOLOGICAL CONSULTING
 3. LOT DIMENSIONS ARE APPROXIMATE AND SHOWN TO NEAREST FOOT. LOT AREAS ARE APPROXIMATE AND SHOWN TO THE NEAREST SQUARE FOOT.
 4. PROPOSED STORM WATER EASEMENTS (SWE) OVER PARCELS 'D', 'E', 'F', 'G', 'H', 'I', 'M' AND 'N' (LAKE & OPEN SPACES) TO COUNTY.
 5. PROPOSED PUBLIC ACCESS EASEMENT (PAE) OVER PARCELS 'B', 'D', 'J', 'L', 'N', 'O', 'P' AND 'S' (OPEN SPACES).
 6. PROPOSED SANITARY SEWER EASEMENT (SSE) OVER PARCEL 'A' TO CSD.



SUBD 8433 BK 11 PG 49

SUBD 8431 BK 11 PG 44

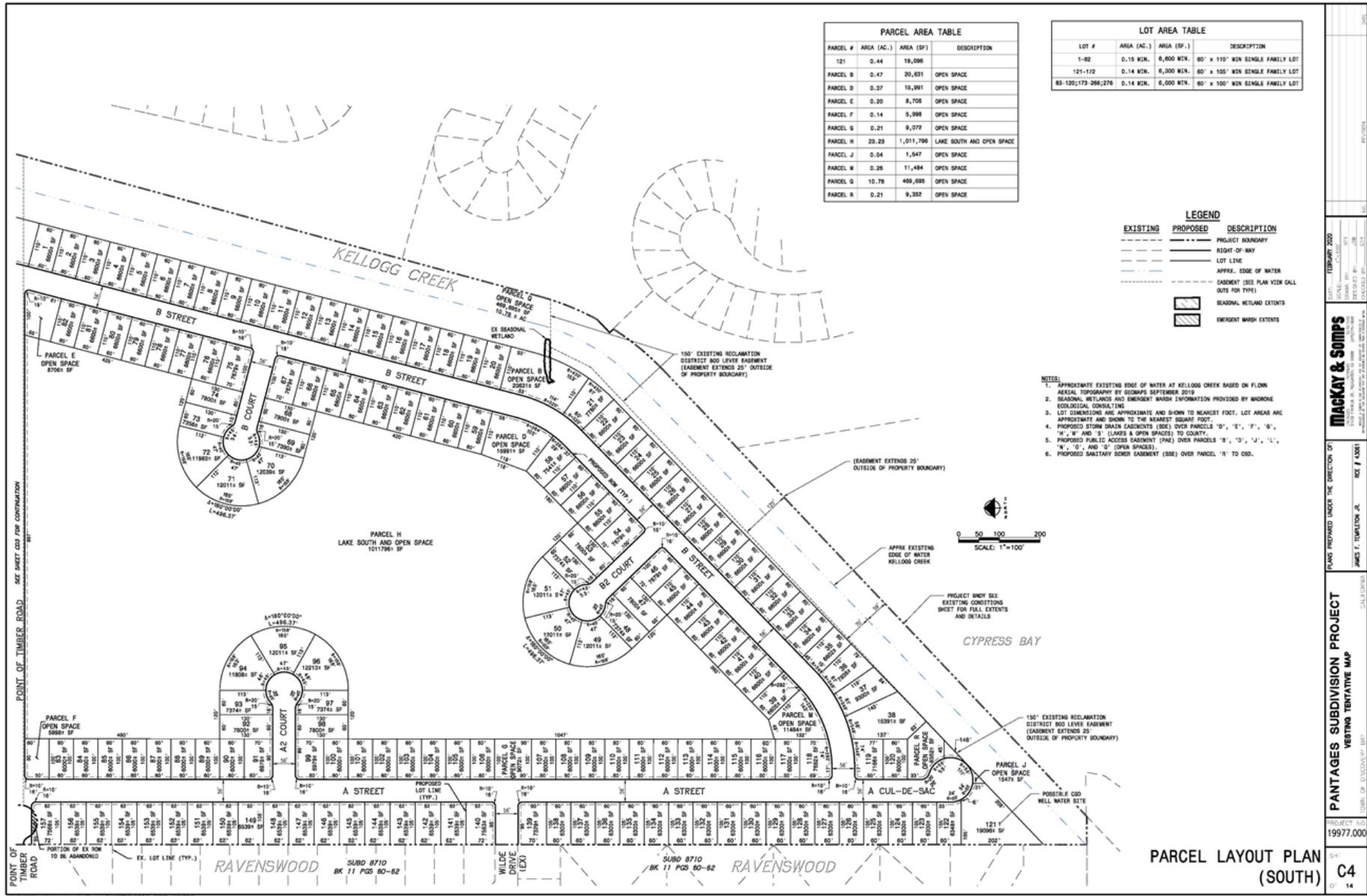
SUBD 8430 BK 11 PG 42

SUBD 8428 BK 11 PG 43

PARCEL LAYOUT PLAN (NORTH)

PLANS PREPARED UNDER THE DIRECTION OF
MACKAY & SONPS
 REGISTERED PROFESSIONAL LAND SURVEYORS
 1000 N. GARDEN AVENUE, SUITE 100, GARDEN GROVE, CA 92640
 TEL: 949.440.1111 FAX: 949.440.1112
 WWW.MACKAYANDSONPS.COM
 DATE: 11/15/2024
 SHEET NO. 03 OF 04
 PROJECT NO. 19977.000
 SUBDIVISION: PANTAGES SUBDIVISION PROJECT
 VESTING TENTATIVE MAP
 COUNTY OF BISHOP, CALIFORNIA
 SHEET: C3
 14





DATE: FEBRUARY 2020
 DRAWN BY: JAMES F. TEMPLATION, J.A.
 CHECKED BY: JAMES F. TEMPLATION, J.A.
 PROJECT NO: 19977.000
 SHEET: C4
 SHEETS: 14

MACKAY & SOMPS
 CIVIL ENGINEERS AND ARCHITECTS
 1000 PLYMOUTH AVENUE, SUITE 100, RAVENSWOOD, CALIFORNIA 94568
 TEL: (925) 835-1100 FAX: (925) 835-1101
 WWW.MACKAYANDSOMPS.COM

PLANS PREPARED UNDER THE DIRECTION OF
PANTAGES SUBDIVISION PROJECT
 VESTING TENTATIVE MAP
 COUNTY OF CONTRA COSTA, CALIFORNIA



Project Components

- ❖ General Plan Amendment, Rezoning, Subdivision, Final Development Plan
- ❖ 277 residential lots, 18 common area parcels
- ❖ 23 trees to be removed
- ❖ Avoids impacts to the norther wetland complex and Kellogg Creek
- ❖ Clubhouse and flexible recreational area
- ❖ Two Internal Lakes (Lake North and South)
- ❖ Two trail systems providing 5,200 linear feet of walkways
- ❖ Grading (cut – 775,00 cu yd, fill – 913,00 cu yd)
- ❖ Provides 41.55 inclusionary housing units



Staff Recommendations

- ❖ Find the Addendum to the Pantages Bays Residential Development Project Environmental Impact Report was completed in compliance with the California Environmental Quality Act
- ❖ Certify the Addendum prepared for the project
- ❖ Adopt the mitigation monitoring and reporting program
- ❖ Approve the vesting tentative map, findings, conditions of approval for project

